

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Duquesne Light Company
for approval of Default Service Plan for
the Period June 1, 2013 through May
31, 2015

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P-2012-2301664

**PREHEARING MEMORANDUM
OF RETAIL ENERGY SUPPLY ASSOCIATION**

Pursuant to 52 Pa. Code §§ 5.72-5.75 and the Prehearing Conference Order dated March 6, 2012, and subject to the granting of the Petition to Intervene filed by the Retail Energy Supply Association ("RESA")¹ in the above captioned proceeding, RESA submits this Prehearing Memorandum.

I. REPRESENTATION

RESA's attorneys in this matter are:

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RESA agrees to accept electronic service to all attorneys listed above to be followed up with one hard copy of the documents served.

¹ RESA's members include: Champion Energy Services, LLC; ConEdison *Solutions*; Constellation NewEnergy, Inc.; Direct Energy Services, LLC; Energetix, Inc.; Energy Plus Holdings LLC; Exelon Energy Company; GDF SUEZ Energy Resources NA, Inc.; Green Mountain Energy Company; Hess Corporation; Integrys Energy Services, Inc.; Just Energy; Liberty Power; MC Squared Energy Services, LLC; Mint Energy, LLC; NextEra Energy Services; Noble Americas Energy Solutions LLC; PPL EnergyPlus, LLC; Reliant; Stream Energy; TransCanada Power Marketing Ltd. and TriEagle Energy, L.P. The comments expressed in this filing represent the position of RESA as an organization but may not represent the views of any particular member of RESA.

II. PRESENTLY IDENTIFIED ISSUES

RESA is a trade association of power marketers, independent power producers, and a broad range of companies within the Mid-Atlantic marketplace, each of whom support the electric services industry and seek to develop a more competitive power industry. RESA members are licensed to sell electric energy in the markets of Pennsylvania's major electric distribution companies ("EDCs"), including the service territories of Duquesne Light Company ("Duquesne").

At this time, RESA has identified the following issues that should be examined in this proceeding:

- Whether Duquesne's overall default service supply plan is consistent with the Commission's regulations and the Public Utility Code, and whether the plan effectively promotes retail market development for the benefit of consumers in the Duquesne service territories. Analysis with respect to these issues is likely to include, but will not be limited to, an assessment of whether the plan will result in sufficiently market reflective default service prices so as to promote a level playing field for EGSs. This includes the length and/or laddering of Duquesne's wholesale contracts to procure default service supply for Residential as well as Small and Medium C&I customers.
- The design, purpose, and potential effectiveness of Duquesne's proposed Opt-In Auction program, standard offer customer referral program, new/moving customer referral program, purchase of receivables program, and additional proposed market enhancements promote retail market development for the benefit of consumers in the service territory.

RESA continues to evaluate its position on the proposed default service plan and will refine its position based on further study of the proposals, review of discovery and additional input from other parties. RESA reserves the right to address other issues identified through its continued review and analysis of the filing or raised by other parties.

III. WITNESSES

At this time, RESA is still evaluating whether or not to present testimony in this matter. RESA reserves the right to present a witness as may be necessary depending on the course of the proceeding and will provide the Presiding Officer as well as the other parties in this matter reasonable notice if necessary. In all likelihood, RESA will present at least one witness. RESA also reserves its right to add additional witnesses or change the identity of its witnesses at any time upon appropriate notice to the Presiding Officer and the parties.

IV. LITIGATION SCHEDULE AND DISCOVERY RULES

The proposed litigation schedule presented in the May 16, 2012 Prehearing Conference Order (“PHC Order”) is acceptable to RESA. That said, RESA is also amenable to hearings on September 13-14. A proposed procedural schedule for discussion purposes is presented below for the parties’ and Presiding ALJ’s consideration:

	May 16 PHC Order	RESA’s Proposal
Direct Testimony (Intervenors)		Friday, July 27, 2012
Rebuttal Testimony		Friday, August 24, 2012
Surrebuttal Testimony		Friday, September 7, 2012 (noon)
Hearings	Week of Sept. 2, 2012	September 13-14, 2012
Main Briefs	October 5, 2012	October 12, 2012
Reply Briefs	October 19, 2012	October 26, 2012
Recommended Decision	November 16, 2012	Same
Exceptions	December 6, 2012	Same
Reply Exceptions	December 17, 2012	Same
Commission Order	January 2013	Same

RESA requests that the procedural schedule avoid convening hearings on September 17-19 or on September 25-27, 2012 because of Rosh Hashanah and Yom Kippur. Rosh Hashanah is September 17-18, and Yom Kippur begins on the evening of September 25 and ends on the evening of September 26, 2012.

RESA is amenable to working with the other parties in this matter to adopt a different reasonable litigation schedule and/or necessary modifications to the Commission's discovery rules.

V. SETTLEMENT

RESA is willing to participate in settlement discussions with any party to narrow the issues in this matter.

Respectfully submitted,



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Counsel to Retail Energy Supply Association

Dated: June 4, 2012

CERTIFICATE OF SERVICE

I do hereby certify that on June 4, 2012, a true and correct copy of the foregoing document was served upon the following via United States First Class Mail:

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