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June 18, 2012

**Via Electronic Filing**

Rosemary Chiavetta, Secretary  
PA Public Utility Commission  
PO Box 3265  
Harrisburg, PA 17105-3265

Re: Petition of PECO Energy Company for Approval of  
Its Default Service Program; Docket No. P-2012-2283641

Dear Secretary Chiavetta:

On behalf of Green Mountain Energy Company (“GMEC”) enclosed please find the original of its Main Brief, with the electronic filing confirmation page, with regard to the above-referenced matter. Copies to be served in accordance with the attached Certificate of Service.

Very truly yours,



Jeffrey J. Norton

JJN/jls  
Enclosure

cc: Hon. Dennis J. Buckley w/enc.  
Certificate of Service w/enc.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company for : Docket No. P-2012-2283641  
Approval of Its Default Service Program :  
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**MAIN BRIEF OF  
GREEN MOUNTAIN ENERGY COMPANY**

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## TABLE OF CONTENTS

Table of Authorities .....	iv
<b>I. INTRODUCTION AND PROCEDURAL HISTORY .....</b>	<b>1</b>
<b>A. Introduction.....</b>	<b>1</b>
<b>B. Procedural History.....</b>	<b>2</b>
<b>II. DEFAULT SERVICE PROCUREMENT AND IMPLEMENTATION PLANS .....</b>	<b>4</b>
<b>A. Summary of Briefing Party’s Position .....</b>	<b>4</b>
<b>III. RATE DESIGN AND COST RECOVERY.....</b>	<b>4</b>
<b>A. Summary of Briefing Party’s Position .....</b>	<b>4</b>
<b>IV. RETAIL MARKET ENHANCEMENTS .....</b>	<b>4</b>
<b>A. Summary of Briefing Party’s Position .....</b>	<b>4</b>
<b>B. EGS Opt-In Competitive Offer Program .....</b>	<b>4</b>
<b>C. EGS Standard Offer Program.....</b>	<b>5</b>
<b>D. Participation By Low-Income Customers In Proposed Retail Market Enhancements .....</b>	<b>5</b>
<b>E. Additional Proposed Retail Market Enhancements .....</b>	<b>5</b>
1. Time-of-Use Offering .....	5
2. New/Moving Customer Referral Program.....	5
3. Referral of PECO Wind Customers.....	5
4. Seamless Moves.....	11
<b>F. Recovery of Program Costs for Proposed Retail Market Enhancements .....</b>	<b>11</b>
<b>V. OTHER ISSUES .....</b>	<b>11</b>
<b>VI. CONCLUSION .....</b>	<b>12</b>

**TABLE OF AUTHORITIES**

**Administrative Cases**

*Final Interim Guidelines Regarding Notification by an Electric Generation Supplier of Operational Changes Affecting Customer Service and Contracts,*  
Docket No. M-00960890F0013 (Order entered August 14, 1998)..... 9

*Interim Guidelines Regarding Advance Notification by an Electric Generation Supplier of Impending Changes Affecting Customer Service; Amendment re: Supplier Contract Renewal/Change Notices,*  
Docket No. M-2010-2195286 (Order entered September 23, 2010)..... 9

*Investigation of Pennsylvania’s Retail Electricity Market: Intermediate Work Plan,*  
Docket No. I-2011-2237952, (Tentative Order entered March 2, 2012)..... 10

*Petition of PECO Energy for Approval of its Default Service Program and Rate Mitigation Plan,* Docket No. P-2008-2062739 (Order entered June 2, 2009)..... 2

**Statute**

66 Pa. C.S. § 332..... 2

**Regulation**

52 Pa. Code § 54.6 ..... 7

## **I. INTRODUCTION AND PROCEDURAL HISTORY**

### **A. Introduction**

Green Mountain Energy Company (“GMEC”) is the nation’s longest serving retail provider of clean energy products and a pioneer of the “green power” market in the United States.<sup>1</sup> GMEC has a unique business model, and extensive experience in providing environmentally attractive energy services to large commercial and industrial (“C&I”) customers, and government entities.<sup>2</sup> GMEC offers customers more than just another choice in energy providers, it offers customers the opportunity to make a difference for the environment by supporting cleaner, renewable sources of energy instead of polluting fossil fuels.<sup>3</sup>

GMEC’s individual participation in this proceeding<sup>4</sup> is focused on one issue: the proposal of PECO Energy Company’s (“PECO”) – which GMEC supports – to eliminate PECO’s Wind Energy Service Rider. In GMEC’s view, default service should always be a “plain vanilla” service.<sup>5</sup> “Value added” products and services, such as electric power with environmental attributes, should come from the competitive market, and not from the default service provider (“DSP”).<sup>6</sup> As part of the elimination of the PECO’s Wind Energy Service Rider, PECO has proposed a program<sup>7</sup> to refer its customers receiving service under the Wind

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<sup>1</sup> GMEC St. No. 1 at 1.

<sup>2</sup> GMEC St. No. 1 at 2.

<sup>3</sup> GMEC St. No. 1 at 2.

<sup>4</sup> GMEC is a member of the Retail Energy Suppliers Association and is joining in its Brief that will be filed in this proceeding.

<sup>5</sup> GMEC St. No. 1 at 3.

<sup>6</sup> GMEC St. No. 1 at 3.

<sup>7</sup> PECO has the ultimate burden of proof in the proceeding and the initial burden of going forward with evidence showing that its proposals are lawful and reasonable. Section 332(a) of the Public Utility Code

Energy Service Rider (i.e., the “Wind Customers”) to interested electric generation suppliers (“EGSs”) who can offer these customers a “green energy” product.

GMEC recommends that various modifications be implemented regarding PECO’s proposed referral program for the Wind Customers. Specifically, GMEC proposes that:

- (a) GMEC and other eligible (or qualified) EGSs be permitted to provide materials for insertion in all of the referral mailings or postings by PECO. The insert materials will give the customers more information on the supplier and available products – so that they can make an informed decision in the limited time being provided by PECO;
- (b) a second (and final) mailing and posting be made by PECO in early December – as a reminder to those customers that the Wind Energy Service Rider is ceasing at the end of the year, and that if they wish to continue to receive green energy products, that they will need to make arrangements with an EGS offering green energy products; and,
- (c) PECO should share any referral materials in advance with the renewable energy suppliers along with providing a webinar or other workshop to explain what PECO intends to do to comply with the final PUC Order with respect to the termination of the Wind Energy Service Rider.

Adopting GMEC’s proposed modifications will lead to a referral program for PECO’s Wind Customers that: (1) is reasonable; (2) is consistent with the Commission’s present practice of requiring two notices of changes affecting customers; and, (3) will effectively promote the retail market of green energy products to the benefit of the customers using PECO’s soon-to-be-terminated Wind energy product.

## **B. Procedural History**

PECO is an electric distribution company (“EDC”) and is currently the DSP in its respective service area.<sup>8</sup> PECO filed a Petition for Approval of its Default Service Program for

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(“Code”) provides that the party seeking a rule or order from the Commission has the burden of proof in that proceeding. 66 Pa. C.S. § 332(a).

<sup>8</sup> PECO currently provides default service pursuant to Commission-approved default service plans that will expire on May 31, 2013. See *Petition of PECO Energy for Approval of its Default Service Program and Rate Mitigation Plan*, Docket No. P-2008-2062739 (Order entered June 2, 2009) (“DSP I Order”).

the period beginning June 1, 2013 through May 31, 2015 (“Petition”). As part of the Petition, PECO has proposed the elimination of its Wind Energy Service Rider.<sup>9</sup>

As part of the elimination of the PECO Wind Energy Service Rider, PECO will refer current its Wind Customers to interested EGSs who can offer these customers a green energy product.<sup>10</sup> Under its proposal, PECO will begin announcements concerning the end of its Wind Energy Service Rider in August 2012.<sup>11</sup> PECO expects to stop accepting new enrollments for that Rider on September 1, 2012 and to stop serving customers under the program on December 31, 2012.<sup>12</sup> Prior to the cessation of service, PECO will make a one-time referral mailing to PECO’s Wind Customers in October 2012.<sup>13</sup> Suppliers that wish to be included in this mailing must respond to a Request for Information that will be issued by PECO.<sup>14</sup>

On March 13, 2012, a prehearing conference was held by Administrative Law Judge (“ALJ”) Dennis J. Buckley. At that time, *inter alia*, GMEC’s timely Petition for Intervention was granted.<sup>15</sup>

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<sup>9</sup> PECO St. No. 5 at 14; at Petition, at ¶ 37.

<sup>10</sup> PECO St. No. 2 at 30; Petition, at ¶ 58.

<sup>11</sup> PECO Response to GMEC-I-2(b).

<sup>12</sup> PECO Response to GMEC-I-2(a).

<sup>13</sup> PECO Response to GMEC-I-4(a), (b).

<sup>14</sup> PECO Response to GMEC-I-3(a).

<sup>15</sup> Second Prehearing Order (entered March 19, 2012) at 2. GMEC is an electric generation supplier (“EGS”) licensed by the Commission to provide electricity and related services to large commercial (over 25 kW), industrial and governmental customers throughout Pennsylvania, including PECO’s service territory. GMEC St. No. 1 at 1. In addition, on February 16, 2012, the request of GMEC to amend its electric generation supplier license to serve residential and small commercial (25 kW and under) customers as a supplier, in addition to large commercial (over 25 kW), industrial and governmental customers, in all electric distribution company service territories throughout the Commonwealth of Pennsylvania was approved by the Commission. *Id.*

The parties took discovery and served written direct, rebuttal and surrebuttal testimony. A hearing was held on May 22, 2012, at which time pre-filed written testimony and exhibits were admitted into the record, and party witnesses were made available for cross examination.

**II. DEFAULT SERVICE PROCUREMENT AND IMPLEMENTATION PLANS**

**A. Summary of Briefing Party's Position**

GMEC takes no position on the issues in Section II.

**III. RATE DESIGN AND COST RECOVERY**

**A. Summary of Briefing Party's Position**

GMEC takes no separate position on the issues in Section III.

**IV. RETAIL MARKET ENHANCEMENTS**

**A. Summary of Briefing Party's Position**

PECO's proposal program to refer its Wind Customers to interested EGSs is flawed because it will not adequately enable PECO's Wind Customers to compare the green products being offered by those EGSs. The simple modifications proposed by GMEC will make this referral program (1) reasonable; (2) consistent with the goals articulated by the Commission; and, (3) and beneficial to the customers using PECO's soon-to-be-terminated Wind energy product.

**B. EGS Opt-In Competitive Offer Program**

GMEC takes no separate position on the issues in Section IV(B).

**C. EGS Standard Offer Program**

GMEC takes no separate position on the issues in Section IV(C).

**D. Participation By Low-Income Customers In Proposed Retail Market Enhancements**

GMEC takes no separate position on the issues in Section IV(D).

**E. Additional Proposed Retail Market Enhancements**

1. Time-of-Use Offering

GMEC takes no separate position on the issues in Section IV(E)(1).

2. New/Moving Customer Referral Program

GMEC takes no separate position on the issues in Section IV(E)(2).

3. Referral of PECO Wind Customers

PECO has proposed the elimination of its Wind Energy Service Rider.<sup>16</sup> Providing electric service with environmental attributes is (and always was) a value-added program,<sup>17</sup> which should come from the competitive market, and not from the DSP.<sup>18</sup> In GMEC's view,

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<sup>16</sup> PECO St. No. 5 at 14.

<sup>17</sup> GMEC St. No. 1-SR at 4; GMEC Exhibit JH-1 at PECO Response to GMEC-I-5 and I-6.

<sup>18</sup> GMEC St. No. 1 at 3.

default service should always be a “plain vanilla” service.<sup>19</sup> Accordingly, GMEC supports PECO’s proposal to eliminate PECO’s Wind Energy Service Rider.

As part of the elimination of the Wind Energy Service Rider, PECO has proposed a one-time referral mailing to the customers using PECO’s soon-to-be-terminated Wind energy product.<sup>20</sup> That mailing is proposed to include a listing of eligible EGSs that respond to a request for information issued by PECO. This referral program is intended to help PECO’s Wind Customers find green suppliers in the competitive market. But, as discussed in greater detail below, it will not actually achieve its intended purpose – unless GMEC’s modifications to this referral program are adopted.<sup>21</sup>

**Use of insert materials supplied by the EGSs**

PECO’s initial planned referral mailing will provide the Wind Customers with the contact information for eligible EGSs offering green energy products.<sup>22</sup> But, that contact information by itself<sup>23</sup> will not give the customers any details on the green energy product being offered. PECO’s referral program is open to many different green energy products. The referral program

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<sup>19</sup> GMEC St. No. 1 at 3.

<sup>20</sup> PECO St. No. 2-R at 23.

<sup>21</sup> GMEC Exhibit JH-1 at PECO Response to GMEC-I-4(c).

<sup>22</sup> GMEC Exhibit JH-1 at PECO Response to GMEC-I-4(c).

<sup>23</sup> PECO’s referral mailing will encourage Wind Customers seeking more information to visit the Pennsylvania Public Utility Commission’s shopping website, PA PowerSwitch ([www.papowerswitch.com](http://www.papowerswitch.com)). GMEC Exhibit JH-1 at PECO Response to GMEC-I-4(c). But, targeted information on renewable energy products is not easy to locate on PA PowerSwitch. *See* ChoosePA Wind St. 1-SR at 3. So, the reference to PA PowerSwitch will not enable PECO’s Wind Customers to easily compare the green products being offered by the EGSs.

is open to any EGS offering Tier I resources<sup>24</sup> under Pennsylvania's Alternative Energy Portfolio Standard (“AEPS”) Act as part of any bundled alternative energy supply that would be eligible to participate in PECO’s referral program.<sup>25</sup> The referral program is not limited to those EGSs offering products consisting of only eligible wind-generated renewable energy credits (“RECs”).<sup>26</sup> This means that the referral materials from PECO will not adequately enable the Wind Customers to make an “apples-to-apples” comparison between their current wind product and the green energy products being offered by EGSs. Nor will the referral materials adequately enable PECO’s Wind Customers to compare the green products being offered by the EGSs.

To assist PECO’s Wind Customers in finding a suitable product that best meets their needs, GMEC recommends that GMEC and other eligible or qualified EGSs be permitted to provide materials for insertion in the referral mailing by PECO.<sup>27</sup> The use of such insert materials by an eligible EGS would be optional for the EGS. Under this scenario, EGSs could choose to be included on the list, but not be included in mailing insert materials or postings.

The inclusion materials are intended to provide beneficial information to PECO’s Wind Customers. All customers are entitled to receive information on the composition of the green energy product.<sup>28</sup> Such materials will enable the EGSs to explain the types of products being offered, such as 100% wind or 100% solar, and will give PECO’s Wind Customers the ability to

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<sup>24</sup> Tier I resources include solar photovoltaic and solar thermal energy, wind power, low-impact hydropower, geothermal energy, biologically derived methane gas, fuel cells, biomass energy (including generation located inside Pennsylvania from by-products of the pulping process and wood manufacturing process including bark, wood chips, sawdust and lignin in spent pulping liquors) and coal mine methane. 73 P.S. § 1648.2 (definitions).

<sup>25</sup> GMEC Exhibit JH-1 at PECO Response to GMEC-I-3(c).

<sup>26</sup> GMEC Exhibit JH-1 at PECO Response to GMEC-I-3(c).

<sup>27</sup> GMEC St. No. 1 at 6.

<sup>28</sup> See 52 Pa. Code § 54.6 (request for information about generation supply).

begin their selection process upon receipt of the referral mailing by PECO.<sup>29</sup> The information on generation energy sources is critical because PECO's Wind Customers will have a limited time to act to select an EGS if they wish to continue their support for clean and green energy without interruption.<sup>30</sup> Since the GMEC proposed inclusion materials provide essential information, the insert mailing and posting materials are reasonable and in the public interest.

Under these circumstances, the use of mailing inserts is not unreasonably burdensome or expensive. PECO certainly is capable of including one page inserts or postcards in this targeted referral mailing.<sup>31</sup> This referral mailing will not be sent to all of PECO's customers, but to only PECO Wind Customers. There are less than 19,500 customers,<sup>32</sup> so the extent of the burden and the costs of the inserts is limited. The potential burden is further reduced by the fact that the universe of "green" suppliers is smaller than the universe of all suppliers.<sup>33</sup> Not every green supplier may choose to participate in this referral program, and even if they do choose to participate – they may not choose to use an insert.<sup>34</sup> The burden and cost upon PECO is further reduced by GMEC's proposal, which would have those EGSs who opt to use insert mailing materials bear the printing and additional postage costs for the inserts.<sup>35</sup>

Simply put, the use of insert mailing materials is reasonable and worthwhile. The benefits of the insert materials to PECO's Wind Customers, who must act within a limited

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<sup>29</sup> GMEC St. No. 1 at 6.

<sup>30</sup> GMEC St. No. 1 at 6.

<sup>31</sup> GMEC St. No. 1-SR at 2.

<sup>32</sup> GMEC Exhibit JH-1 at PECO Response to GMEC-I-1.

<sup>33</sup> GMEC St No. 1-SR at 2.

<sup>34</sup> GMEC St No. 1-SR at 2.

<sup>35</sup> GMEC St No. 1-SR at 2.

timeframe to find a new EGS, clearly outweigh the minor inconvenience or burdens imposed on PECO by the insert mailing materials.

**Use of a second referral mailing and posting by PECO**

GMEC further recommends a second referral mailing and website posting at year-end to all PECO Wind Customers. As proposed, PECO would make only a single referral mailing to the Wind Customers. GMEC recommends that PECO make more than one mailing and posting of the referral materials to the impacted customers in October 2012.<sup>36</sup> The single mailing could be lost or misplaced by customers. GMEC proposes that a second (and final) mailing be made by PECO in early December – as a reminder to those customers that the Wind Energy Service Rider is ceasing at the end of this year, and that if they wish to continue to receive green energy products, that they will need to make arrangements with an EGS offering green energy products.<sup>37</sup>

Under these circumstances, a second mailing and posting is reasonable and in the public interest. In general, the Commission’s present practice is to require two notices of any change affecting customers. For example, the Commission’s guidelines,<sup>38</sup> provide that EGS customers should receive two notices at the end of a term contract, explaining the customer’s options and

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<sup>36</sup> GMEC St. No. 1 at 6; GMEC Exhibit JH-1 at PECO Response to GMEC-I-2(b).

<sup>37</sup> GMEC St. No. 1 at 6.

<sup>38</sup> *Interim Guidelines Regarding Advance Notification by an Electric Generation Supplier of Impending Changes Affecting Customer Service; Amendment re: Supplier Contract Renewal/Change Notices*, Docket No. M-2010-2195286 (order entered September 23, 2010); *Final Interim Guidelines Regarding Notification by an Electric Generation Supplier of Operational Changes Affecting Customer Service and Contracts*, Docket. No. M-00960890F0013 (Order entered August 14, 1998).

what will happen if the customer takes no action.<sup>39</sup> An EDC/DSP terminating a value-added program<sup>40</sup> should be held to the same standard as an EGS.

Additionally, it should be noted that PECO's costs or administration of the second mailing will not be significant. PECO has estimated that the total of all of the costs associated with the referral of PECO Wind Customers to "green" suppliers is approximately \$200,000.<sup>41</sup> But, it should be noted that the actual cost of a mailing (i.e., postage) is only a small part of this total cost. Given that number of recipients is limited, if the second mailing costs one dollar (\$1) per customer,<sup>42</sup> the total cost would be less than \$20,000. So, the second mailing is reasonable and can be easily implemented by PECO.

#### **Review of PECO's referral materials**

PECO should share draft referral materials with EGSs for comment prior to their mailing to the PECO Wind Customers.<sup>43</sup> GMEC submits PECO will be able to fine tune its process and mailings – if PECO agrees (or is required) to share all proposed mailings, postings and correspondence with the Wind Customers with interested participants in this proceeding prior to

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<sup>39</sup> *Investigation of Pennsylvania's Retail Electricity Market: Intermediate Work Plan Final Order, Docket No. I-2011-2237952, Tentative Order entered March 2, 2012 at 73.*

<sup>40</sup> See PECO Response to GMEC-I-5 and I-6.

<sup>41</sup> See GMEC Exhibit JH-1 at PECO's Attachment to OCA-II-35-a.

<sup>42</sup> PECO estimates that the cost of three mailings to all residential customers (as part of PECO's 2012 consumer education plan) would be \$1.4 million. See GMEC Exhibit JH-1 at PECO Response to OCA-II-33. Roughly speaking, this would equal a cost of \$470,000 for each mailing. But, the price of the mailing to each residential customer would be less than one dollar (i.e., \$470,000 divided by 1,000,000). See GMEC Exhibit JH-1 at PECO St. No. 6-R at 12 (PECO provides residential service to over 1 million residential customers).

<sup>43</sup> GMEC St. No. 1-SR at 4; RESA St. No. 1 at 30.

their finalization so that EGSs can provide input.<sup>44</sup> GMEC further submits that this cooperative process would be further advanced by PECO agreeing (or being required) to provide a webinar or other workshop to explain how PECO intends to comply with the Final Order in this proceeding concerning the termination of PECO's Wind Energy Service Rider.<sup>45</sup>

4. Seamless Moves

GMEC takes no position on the issues in Section IV(E)(4).

**F. Recovery of Program Costs for Proposed Retail Market Enhancements**

GMEC takes no position on the issues in Section IV(F).

**V. OTHER ISSUES**

Not applicable.

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<sup>44</sup> GMEC St. No. 1-SR at 4.

<sup>45</sup> GMEC St. No. 1-SR at 4.

**VI. CONCLUSION**

GMEC respectfully requests that the Administrative Law Judge issue a Recommended Decision that adopts GMEC's modifications to the PECO's proposal that will refer PECO's Wind Customers to interested EGSs who can then offer these customers a green energy product.

Respectfully submitted,



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Date: June 18, 2012

Attorneys for Green Mountain Energy Company

## CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of Green Mountain Energy Company's Main Brief upon the participants listed below in accordance with the requirements of § 1.54 (relating to service by a participant).

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