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January 4, 2016

Via Electronic Filing

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

Re: Joint Petition for Consolidation of Proceedings and Approval Of Energy Efficiency and Conservation Plans Phase III of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company;
Docket Nos. M-2015-2514767, M-2015-2514768, M-2015-2514769 and M-2015-2514772

Dear Secretary Chiavetta:

Enclosed please find the Petition to Intervene and Prehearing Memorandum of the Retail Energy Supply Association in the above-referenced proceeding. All parties have been served in accordance with the attached Certificate of Service.

Sincerely,



Sarah C. Stoner

SCS/dsc

cc: Cert. of Service w/enc.

CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of the foregoing filing upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

Via Email and/or First Class Mail

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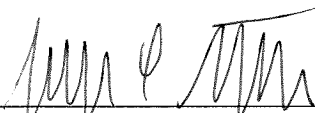
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Honorable Elizabeth Barnes
Administrative Law Judge
PA Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265
ebarnes@pa.gov

Date: January 4, 2016



Sarah C. Stoner, Esq.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joint Petition for Consolidation of	:	Docket No. M-2015-2514767
Proceedings and Approval Of Energy	:	Docket No. M-2015-2514768
Efficiency and Conservation Plans Phase	:	Docket No. M-2015-2514769
III of Metropolitan Edison Company,	:	Docket No. M-2015-2514772
Pennsylvania Electric Company,	:	
Pennsylvania Power Company and West	:	
Penn Power Company	:	

**THE RETAIL ENERGY SUPPLY ASSOCIATION'S
PETITION TO INTERVENE**

Pursuant to 52 Pa. Code §§ 5.72-5.75, the public notices published in the Pennsylvania Bulletin on December 12, 2015 and the Prehearing Conference Order dated December 18, 2015, the Retail Energy Supply Association (“RESA”)¹ petitions to intervene in the Joint Petition of Proceedings and Approval of Energy Efficiency and Conservation Plans Phase III of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company (“the Companies”). Even though RESA is filing this petition to intervene, RESA does not anticipate being actively involved in the litigation process due to resource constraints. However, given the importance of these issues, RESA is filing comments and recommendations for the Commission’s consideration as it issues a decision regarding the Companies’ Joint Petition and, more broadly, continues to implement energy efficiency and demand response programs in Pennsylvania. In support of its intervention, RESA states as follows:

¹ The comments expressed in this filing represent the position of the Retail Energy Supply Association (RESA) as an organization but may not represent the views of any particular member of the Association. Founded in 1990, RESA is a broad and diverse group of more than twenty retail energy suppliers dedicated to promoting efficient, sustainable and customer-oriented competitive retail energy markets. RESA members operate throughout the United States delivering value-added electricity and natural gas service at retail to residential, commercial and industrial energy customers. More information on RESA can be found at www.resausa.org.

1. On November 23, 2015, the Companies filed a petition proposing to establish their respective Phase III Energy Efficiency and Conservation Plans and related cost recovery mechanisms.

2. By public notices published in the Pennsylvania Bulletin on December 12, 2015, the Commission established a deadline of January 4, 2015 for responsive pleadings, along with comments and recommendations. By Prehearing Conference Order dated December 18, 2015, Administrative Law Judges Elizabeth H. Barnes and Steven K. Haas² scheduled an Initial Prehearing Conference for January 5, 2015 and directed parties and those intending to become parties to serve copies of their Prehearing Conference Memorandum on or before Wednesday, December 30, 2015. RESA is simultaneously filing its Prehearing Conference Memorandum.

3. 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 EDCs, including the service territories of the Companies.

4. RESA's attorneys in this matter are:

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² The Prehearing Conference Order indicates that ALJ Haas is no longer assigned to this matter.

5. The Commission's regulations allow intervention where a person has an interest in the proceeding which may be directly affected and which is not adequately represented by existing parties, and as to which the person may be bound by the action of the Commission in the proceeding. 52 Pa. Code § 5.72(a)(2). Intervention is also permitted where participation of the person may be in the public interest. 52 Pa. Code § 5.72(a)(3). A "person" includes a corporation and an association. 52 Pa. Code § 1.8.

6. RESA meets the standards for intervention set forth in 52 Pa. Code § 5.72(a). As an organization whose members include competitive electric generation suppliers ("EGSs") licensed to do business in the Companies' service territories, RESA has interests that will be directly affected by this proceeding. The Competition Act requires the Commission to develop a functioning competitive retail energy market that enables consumers to receive supply from EGSs.³ While the EDCs are required to provide energy efficiency and demand response programs, the Commission has specifically encouraged EGSs to provide energy efficiency offerings to increase the diversity of products and services and to aid in the reduction of energy consumption across the state.⁴ If a result of the proposed EE&C Plan is to leave consumers with the misimpression (whether through marketing or the fact that the EE&C plan has operated for so long) that only the EDC offers these types of programs, then EDCs have an unfair competitive advantage. Likewise, failing to offer the benefits of the EE&C program on a competitively neutral basis can result in a competitive disadvantage for the EGSs. For these reasons, the ability of RESA's members to offer energy efficiency and demand response programs to retail

³ 66 Pa.C.S. §§ 2802(13), 2804(2).

⁴ *RMI End State Order* at 82.

customers in the Companies' service territories will be specifically and directly affected by the outcome of this proceeding.

7. RESA's interests in this proceeding are unique from and not adequately represented by other parties that may seek to intervene, including individual EGSs or other organizations interested in electric competition in Pennsylvania in general and in the Companies' service territories in particular. This is because RESA represents the interests of a diverse and broad group of electric generation suppliers in general, and not the interests of any individual member.

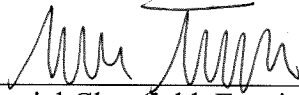
8. RESA's members will be bound by the action of the Commission in this proceeding, which will determine the Companies' Phase III Energy Efficiency and Conservation Plans.

9. RESA's intervention is in the public interest. RESA's participation will enable it to contribute the unique perspectives and insights of a trade association representing multiple EGSs and complete presentation of the issues to be addressed in this proceeding. Even though RESA is filing this petition to intervene, RESA does not anticipate being actively involved in the litigation process due to resource constraints. However, given the importance of these issues, RESA is filing comments and recommendations for the Commission's consideration as it issues a decision regarding the Companies' Joint Petition and, more broadly, continues to implement energy efficiency and demand response programs in Pennsylvania. Additionally, it should be noted that RESA provided comments in response to the Commission's request for comments on the energy efficiency and conservation program requirements of Act 129, in the Phase I

proceeding that led to the development of the Companies' Phase I Energy Efficiency and Conservation Plans.⁵

WHEREFORE, RESA respectfully requests that the Commission grant RESA's Petition to Intervene.

Respectfully submitted,



Daniel Clearfield, Esquire
Attorney ID 26183
Deanne M. O'Dell, Esquire
Attorney ID 81064
Sarah C. Stoner, Esquire
Attorney ID 313793
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Date: January 4, 2016

Attorneys for Retail Energy Supply Association

⁵ *Extension of Comment Period for Energy Efficiency and Conservation Program and EDC Plans, Docket No. M-2008-2069887 (Comments filed November 3, 2008).*

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joint Petition for Consolidation of	:	Docket No. M-2015-2514767
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III of Metropolitan Edison Company,	:	Docket No. M-2015-2514772
Pennsylvania Electric Company,	:	
Pennsylvania Power Company and West	:	
Penn Power Company	:	

**PREHEARING MEMORANDUM
OF RETAIL ENERGY SUPPLY ASSOCIATION**

Pursuant to 52 Pa. Code §§ 5.72-5.75, the public notice published in the Pennsylvania Bulletin on December 12, 2015, the Prehearing Conference Order dated December 18, 2015, and subject to the granting of Petition to Intervene being filed on this same date, the Retail Energy Supply Association (“RESA”)¹ submits this Prehearing Memorandum. At this time, RESA does not anticipate being actively involved in the litigation process due to resource constraints. However, RESA is filing comments and recommendations for the Commission’s consideration as it issues a decision regarding the Company’s petition and, more broadly, continues to implement energy efficiency and demand response programs in Pennsylvania.

¹ The comments expressed in this filing represent the position of the Retail Energy Supply Association (RESA) as an organization but may not represent the views of any particular member of the Association. Founded in 1990, RESA is a broad and diverse group of more than twenty retail energy suppliers dedicated to promoting efficient, sustainable and customer-oriented competitive retail energy markets. RESA members operate throughout the United States delivering value-added electricity and natural gas service at retail to residential, commercial and industrial energy customers. More information on RESA can be found at www.resausa.org.

I. PROPOSED CONSOLIDATION OF THE PROCEEDINGS & RECORD CERTIFIED BY FEBRUARY 12, 2015

RESA supports consolidation of the above-captioned docket numbers and has no objection to coordination of the hearings such that records may be certified to the Commission on or before February 12, 2015.

II. COORDINATION OF THE HEARING DATES WITH PHASE III EE&C HEARING DATES FOR OTHER COMPANIES

RESA does not object.

III. POSSIBILITY OF SETTLEMENT

RESA is willing to participate in settlement discussions.

IV. PROCEDURAL SCHEDULE AND AMOUNT OF HEARING TIME NEEDED

RESA is amenable to working with the other parties in this matter to adopt a reasonable procedural schedule. At this time, RESA is not in a position to estimate the amount of hearing time that may be needed.

V. SUBMISSION OF DIRECT TESTIMONY AND WRITTEN REQUESTS FOR INFORMATION IN ADVANCE OF THE HEARING

At this time, RESA does not plan on presenting testimony or submitting written requests for information in this matter.

VI. OTHER MATTERS

A. Exchange and Acceptance of Exhibits Proposed to be Offered Into Evidence

RESA does not have any proposals regarding the exchange and acceptance of exhibits proposed to be offered into evidence.

B. Admissions as to, or Stipulations of, Facts Not Remaining in Dispute or the Authenticity of Documents

RESA will cooperate with the other parties and the ALJ in addressing these matters.

C. Number of Witnesses

RESA is willing to discuss limiting the number of witnesses with the other parties.

D. Discovery Rules Modifications

RESA does not have any proposals regarding discovery modifications.

E. Briefing Outline

RESA is amenable to working with the other parties in this matter to adopt a briefing outline.

VII. SERVICE OF DOCUMENTS

RESA agrees to electronic service of all documents to the email addresses below with one (1) hard copy mailing of all documents sent to Eckert Seamans.

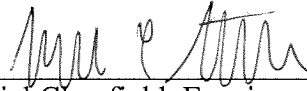
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Sarah Stoner – sstoner@eckertseamans.com

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Respectfully submitted,



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Date: January 4, 2016

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