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January 20, 2022

Via Electronic Filing

Rosemary Chiavetta, Secretary
PA Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Joint Petition of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company for Approval of their Default Service Programs for the Period From June 1, 2023 through May 31, 2027; Docket Nos. P-2021-3030012, P-2021-3030013; P-2021-3030014; P-2021-3030021

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Retail Energy Supply Association (“RESA”) and NRG Energy, Inc.’s (“NRG”) Prehearing Memorandum in the above-referenced matter. Copies to be served in accordance with the attached Certificate of Service.

Sincerely,

/s/ Karen O. Moury
Karen O. Moury

KOM/lww

Enclosure

cc: Hon. Jeffrey A. Watson w/enc. (via email only)
Cert. of Service w/enc. (via email only)

CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of RESA and NRG Energy's Prehearing Memorandum upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

Via Email Only

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Dated: January 20, 2022

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/s/ Karen O. Moury

Karen O. Moury, Esq.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Metropolitan Edison Company,	:	
Pennsylvania Electric Company,	:	Docket Nos. P-2021-3030012
Pennsylvania Power Company and West	:	P-2021-3030013
Penn Power Company for Approval of	:	P-2021-3030014
Their Default Service Programs for the	:	P-2021-3030021
Period From June 1, 2023 Through May	:	
31, 2027	:	

**PREHEARING MEMORANDUM OF THE RETAIL ENERGY
SUPPLY ASSOCIATION AND NRG ENERGY, INC.**

Pursuant to 52 Pa. Code §§ 5.221-5.224 and Prehearing Conference Order issued by Administrative Law Judge Jeffrey Watson on January 3, 2022, the Retail Energy Supply Association (“RESA”)¹ and NRG Energy, Inc. (“NRG”) submit this Prehearing Memorandum.

I. PROCEDURAL HISTORY

On December 14, 2021, Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company (collectively, the “Companies”) filed a Joint Petition for Approval of Their Default Service Programs “DSP VI Petition”). By the DSP VI Petition, the Companies proposed the terms and conditions under which they will procure default service supplies, provide default service to non-shopping customers, satisfy

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 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 at retail to residential, commercial and industrial energy customers. More information on RESA can be found at www.resausa.org.

requirements imposed by the Alternative Energy Portfolio Standards Act ("AEPS Act")² and recover all associated costs on a full and current basis for the period from June 1, 2023 through May 31, 2027.

On December 17, 2021, the Office of Administrative Law Judge issued a Call-In Telephone Prehearing Conference Notice, scheduling a prehearing conference for January 21, 2022 at 10:00 a.m. Notice of the DSP VI Petition was published in the *Pennsylvania Bulletin* on January 1, 2022, establishing a deadline of January 18, 2022 for the filing formal protests, petitions to intervene and answers. Per the Prehearing Order of ALJ Watson dated January 3, 2022, prehearing conference memoranda are due on January 20, 2022 by Noon. RESA and NRG filed a Petition to Intervene on January 18, 2022.

II. REPRESENTATION

Attorneys for RESA and NRG in this matter are:

Deanne O'Dell, Esquire
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Counsel for RESA and NRG intend to call into the prehearing conference. RESA and NRG prefer that documents be served electronically to the above email addresses and agree to receive service of documents electronically in this proceeding. To the extent that materials are not available electronically, RESA and NRG request that only one hard copy of documents, if any, be served upon Deanne O'Dell at the above mailing address.

² 73 P. S. §§ 1648.1 - 1648.8 and related provisions of 66 Pa. C. S. §§ 2813-2814.

III. PRESENTLY IDENTIFIED ISSUES

As licensed electric generation suppliers (“EGSs”), RESA members and NRG subsidiaries provide electric generation service in Pennsylvania, including in the Companies’ distribution service territories. RESA and NRG have identified the following issues that should be examined in this proceeding:

- Whether the Companies’ default service supply plan, including the overall structure and the pricing of default service, is consistent with the Public Utility Code and Commission regulations.
- The appropriateness of the Companies’ proposals to shift from quarterly to semi-annual changes in the price to compare.
- Whether the Companies’ proposed time-of-use rate option should be implemented.
- Whether it is appropriate for the Companies to continue their existing Customer Referral Programs.
- The adequacy of the Companies’ proposed plan to continue the current rules and procedures for shopping by low income customers.
- Whether the Companies’ proposal to conduct long-term solar procurement is reasonable.

At this time, RESA and NRG continue to evaluate their position and will refine their position based upon further study of the proposals, review of discovery and additional input from other parties. RESA and NRG reserve their right to address other issues identified through their continued review and analysis of the filing or raised by other parties.

IV. WITNESSES

RESA and NRG identify the following witness:

Travis Kavulla, Vice President for Regulatory Affairs
NRG Energy, Inc.
804 Carnegie Center
Princeton, NJ 08540

In addition, RESA and NRG reserve their right to identify additional witnesses or change the identity of its witnesses at any time upon appropriate notice to the Presiding Officer and the parties.

V. DISCOVERY

RESA and NRG are amenable to working with the other parties in this matter to adopt a reasonable proposed plan and schedule for discovery, including modifications to the Commission's regulations.

VI. PROCEDURAL SCHEDULE

The proposed procedural schedule circulated by the Companies and other parties in advance of the prehearing conference are acceptable to RESA and NRG. To the extent necessary, RESA and NRG will cooperate with the other parties and the ALJ to facilitate a workable litigation schedule.

VII. SETTLEMENT

RESA and NRG are willing to participate in settlement discussions with any party to narrow or fully resolve the issues in this matter.

Respectfully submitted,

/s/ Karen O. Moury

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Date: January 20, 2022

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