

April 17, 2022

**Via Electronic Filing**

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

Re: Joint Application of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, West Penn Power Company, Keystone Appalachian Transmission Company, Mid-Atlantic Interstate Transmission, LLC, and FirstEnergy Pennsylvania Electric Company for All of the Necessary Approvals and Certificates of Public Convenience – Docket Nos. A-2023-3038771, A-2023-3038792, A-2023-3038793, A-2023-3038794, A-2023-3038795, A-2023-3038807, A-2023-3038808, G-2023-3038818, G-2023-3038821, G-00020956

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Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Retail Energy Supply Association's ("RESA") Petition to Intervene with regard to the above-referenced matter. Copies to be served in accordance with the attached Certificate of Service.

Sincerely,



Deanne M. O'Dell

DMO/lww

Enclosure

cc: Hon. Conrad A. Johnson w/enc. (via email only)  
Hon. Emily I. DeVoe w/enc. (via email only)  
Cert. of Service w/enc.

## CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of RESA's Petition to Intervene upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

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*/s/ Deanne M. O'Dell*  
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Deanne M. O'Dell, Esq.

Date: April 17, 2023

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joint Application of Metropolitan Edison Company, Pennsylvania Electric Company,	:	Docket Nos.	A-2023-3038771
Pennsylvania Power Company, West Penn	:		A-2023-3038792
Power Company, Keystone Appalachian Transmission Company, Mid-Atlantic Interstate Transmission, LLC, and FirstEnergy Pennsylvania Electric Company for All of the Necessary Authority, Approvals, and Certificates of Public Convenience for (1) the Agreements and Plans of Merger	:		A-2023-3038793
	:		A-2023-3038794
	:		A-2023-3038795
	:		A-2023-3038807
	:		A-2023-3038808
	:		G-2023-3038818
	:		G-2023-3038819
	:		G-2023-3038820
	:		G-2023-3038821
	:		G-00020956

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

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Pursuant to 52 Pa. Code §§ 5.72-5.75 and the March 18, 2023 Notice in the Pennsylvania Bulletin,<sup>1</sup> the Retail Energy Supply Association (“RESA”)<sup>2</sup> petitions to intervene in the above-captioned proceeding wherein the Metropolitan Edison Company (“Met-Ed”), Pennsylvania Electric Company (“Penn Power”) Pennsylvania Power Company (“Penn Power”), West Penn PowerCompany (“West Penn”), Keystone Appalachian Transmission Company (“KATCo”), MidAtlantic Interstate Transmission, LLC (“MAIT”), and FirstEnergy Pennsylvania Electric (“FE PA”)\filed a Joint Application (“Application”) with the Commission for approval of several

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<sup>1</sup> 52 Pa.B 1615.

<sup>2</sup> 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](http://www.resausa.org).

transactions that would, among other things, merge Met-Ed, Penelec, Penn Power, and West Penn (collectively, “FirstEnergy Companies”) into FE PA. RESA is a trade organization of competitive retail energy providers, many of which are licensed as electric generation suppliers (“EGSs”) in Pennsylvania and operate within the current service territories of the FirstEnergy Companies. Approval of the Joint Application will likely result in changes regarding current operational procedures and interactions between the FirstEnergy Companies and EGS. RESA seeks to intervene in this proceeding for the purpose of evaluating the proposed changes and any associated impacts to their ability to continue to operate in the FirstEnergy Companies’ service territories to offer retail end user customers competitive supply options.

In support of its intervention, RESA states as follows:

1. 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 FirstEnergy Companies.

2. RESA’s attorneys in this matter are:

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3. 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.

4. 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 FirstEnergy service territories, RESA has interests that will be directly affected by this proceeding. The ability of RESA’s members to provide electric supply to retail customers in the Company’s service territory will be specifically and substantially affected by the outcome of this proceeding, which may alter the terms and conditions under which RESA members provide service to retail end users. As an example, Joint Applicants are proposing a consolidation of the Supplier Coordination Tariffs with revisions that may have a substantive impact on current operations. *See* Joint Applicants Exhibit JHM-12. The Supplier Coordination Tariffs govern many operating procedures between the FirstEnergy Companies and EGSs in order to ensure retail end user customers have access to the competitive products offered by the EGSs. Each of the four current Supplier Coordination Tariffs have been developed over a number of years and, for the most part, during the default service proceedings of the FirstEnergy Companies (both before and after each company became a part of the FirstEnergy family) taking into consideration the specific nature and historical operations of each company. Any revisions to existing terms in the Supplier Coordination Tariff for the sake of consolidation could have a substantial impact on the operations of RESA members and, therefore, intervention in this proceeding is important to safeguard these interests.

5. In addition, Joint Applicants posit that the proposed transaction will have the benefit of permitting FE PA “to focus exclusively on distribution projects” and provide “greater certainty that there is no misallocation between transmission and distribution functions.” *Petition* at ¶¶8.c and e. Joint Applicants also aver that the proposed transaction will “provide an additional level of assurance that customers and suppliers have nondiscriminatory access to the transmission system.” *Petition* at ¶ 8.f. These issues are of particular importance to EGSs because they have an impact on the ability of EGSs to provide competitive service to retail customers. For example, a number of factors considered by EGSs when developing competitive products and services to be offered to retail customers are directly impacted by their access and costs related to the transmission system and the level of availability and costs to the FirstEnergy companies to those same systems needed to provide end user supply service. To the extent changes to the current structure, as a result of the proposed transaction, create higher costs for EGSs or less access to needed systems, then the proposed transaction could negatively impact the ability of retail end users to have access to the competitive market.

6. 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 Company’s service territory 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.

7. RESA’s members will be bound by the action of the Commission in this proceeding, which will set forth the new framework within which RESA members will need to

operate to be able to provide competitive products and services to retail end users in the FirstEnergy service territories.

8. 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, to the extent deemed warranted, offer a more complete presentation of the relevant issues that may be impacted by proposals developed here.

9. Due to the early s

10. tage of this proceeding, RESA reserves the right to raise and address issues identified through its continued review and analysis of the filing of the Joint Applicants (and related information), or other issues raised by other parties.

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

Respectfully submitted,

*Deanne M. O'Dell*

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Date: April 17, 2023

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