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April 21, 2023

**Via Electronic Filing** April 14, 2023

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-2023-3038819, G-2023-3038820, 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") Prehearing Conference Memorandum with regard to the above-referenced matter. Copies to be served in accordance with the attached Certificate of Service.

Sincerely,

*Karen O. Moury*  
Karen O. Moury

KOM/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 Prehearing Memorandum 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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Date: April 21, 2023

*/s/ Karen O. Moury*  
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Karen O. Moury, Esq.

**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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**PREHEARING MEMORANDUM  
OF RETAIL ENERGY SUPPLY ASSOCIATION**

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Pursuant to 52 Pa. Code §§ 5.72-5.75, the Prehearing Conference Order dated April 13, 2023, and subject to the granting of its Petition to Intervene filed on April 17, 2023, the Retail Energy Supply Association (“RESA”)<sup>1</sup> submits this Prehearing Memorandum.

**I. BACKGROUND**

On March 6, 2023, in the above-captioned proceeding, Metropolitan Edison Company (“Met-Ed”), Pennsylvania Electric Company (“Penn Power”) Pennsylvania Power Company (“Penn Power”), West Penn Power Company (“West Penn”), Keystone Appalachian Transmission Company (“KATCo”), MidAtlantic Interstate Transmission, LLC (“MAIT”), and FirstEnergy

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<sup>1</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 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).

Pennsylvania Electric (“FE PA”) filed a Joint Application (“Application”) with the Commission for approval of several transactions that would, among other things, merge Met-Ed, Penelec, Penn Power, and West Penn (collectively, “FirstEnergy Companies”) into FE PA.

On April 17, 2023, in accordance with the March 18, 2023 Notice in the *Pennsylvania Bulletin*,<sup>2</sup> RESA filed a Petition to Intervene. 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 EGSs. RESA seeks to intervene in this proceeding for the purpose of evaluating the proposed changes and any associated impacts on the ability of EGSs to continue to operate in the FirstEnergy Companies’ service territories by offering competitive supply options to retail end user customers.

## **II. ISSUES**

As explained in its Petition to Intervene, many RESA members are licensed to provide electric supply to retail customers in the FirstEnergy service territories and will be specifically and substantially affected by the outcome of this proceeding, which may alter the terms and conditions under which EGSs provide service to retail end users. RESA members are continuing to evaluate the proposed transaction and the positions of other parties in relation to their interests and will determine to what extent, if necessary, it identifies issues necessary to bring to the Commission’s attention. As such, RESA reserves the right to raise other issues identified through its continued review and analysis in this case.

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<sup>2</sup> 52 Pa.B 1615.

### **III. PROCEDURAL SCHEDULE**

RESA will cooperate with the parties and presiding officer to develop a reasonable procedural schedule. To that end, RESA has indicated its acceptance of a proposed procedural schedule circulated by the FirstEnergy Companies.

### **IV. HEARINGS**

At this time, RESA continues to evaluate the issues in this proceeding and is unable to estimate the amount of hearing time (if any) that may be needed.

### **V. WITNESSES**

At this time, RESA is still considering 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. If RESA decides to present testimony, RESA will provide reasonable notice to Administrative Law Judges (“ALJs”) Johnson and DeVoe, as well as the parties. RESA also reserves its right to add or change the identity of its witnesses at any time, upon appropriate notice the ALJs and the parties.

### **VI. POSSIBILITY OF SETTLEMENT**

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

### **VII. SERVICE OF DOCUMENTS**

RESA’s attorneys in this matter are:

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RESA prefers that documents be served electronically to the above email addresses and agrees to receive service of documents electronically in this proceeding. To the extent that materials are not available electronically, RESA requests that only one hard copy of documents, if any, be served upon Deanne O'Dell at the above mailing address.

Respectfully submitted,



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April 21, 2023

Attorneys for Retail Energy Supply Association