

Karen O. Moury  
717.237.6036  
kmoury@eckertseamans.com

March 4, 2024

**Via Electronic Filing**

Rosemary Chiavetta, Secretary  
PA Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Re: Petition for Declaratory Order of the Retail Energy Supply Association and NRG Energy, Inc. – Docket No. P-2022-3036985

---

Dear Secretary Chiavetta:

On behalf of the Retail Energy Supply Association ("RESA"), enclosed for electronic filing is RESA's Motion to Hold Proceeding in Abeyance.

Copies to be served in accordance with the attached Certificate of Service.

Sincerely,

*Karen O. Moury*  
Karen O. Moury

KMO/lww  
Enclosure

cc: Hon. Christopher P. Pell w/enc.  
Hon. Chad Allensworth w/enc.  
Cert. of Service w/enc.

## **CERTIFICATE OF SERVICE**

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

### **Via Email Only**

Darryl A. Lawrence, Esq.  
Pa. Office of Consumer Advocate  
555 Walnut Street,  
5th Floor Forum Place  
Harrisburg, PA 17101  
[DLawrence@paoca.org](mailto:DLawrence@paoca.org)

Devin T. Ryan, Esq.  
David McGregor, Esq.  
Post & Schell, P.C.  
17 North Second Street, 12th Floor  
Harrisburg, PA 17101  
[dryan@postschell.com](mailto:dryan@postschell.com)  
[dmacgregor@postschell.com](mailto:dmacgregor@postschell.com)

Kimberly A. Klock, Esq.  
Michael J. Shafer, Esq.  
PPL Services Corporation  
Two North Ninth Street  
Allentown, PA 18101  
[kklock@pplweb.com](mailto:kklock@pplweb.com)  
[mjshafer@pplweb.com](mailto:mjshafer@pplweb.com)

Jack R. Garfinkle, Esq.  
Brandon J. Pierce, Esq.  
PECO Energy Company  
2301 Market St., 23<sup>rd</sup> Fl.  
Philadelphia, PA 19103  
[Brandon.pierce@exeloncorp.com](mailto:Brandon.pierce@exeloncorp.com)  
[Jack.Garfinkle@exeloncorp.com](mailto:Jack.Garfinkle@exeloncorp.com)

Elizabeth R. Marx, Esq.  
Ria Pereira, Esq.  
Lauren Berman, Esq.  
John Sweet, Esq.  
PA Utility Law Project  
118 Locust Street  
Harrisburg, PA 17101  
[pulp@pautilitylawproject.org](mailto:pulp@pautilitylawproject.org)

Anthony D. Kanagy, Esq.  
Michael W. Gang, Esq.  
Post & Schell, P.C.  
17 North Second Street, 12th Floor  
Harrisburg, PA 17101  
[akanagy@postschell.com](mailto:akanagy@postschell.com)  
[mgang@postschell.com](mailto:mgang@postschell.com)

Tishekia Williams, Esq.  
Duquesne Light Company  
411 Seventh Avenue  
Pittsburgh, PA 15219  
[twilliams@duqlight.com](mailto:twilliams@duqlight.com)

March 4, 2024

*Karen O. Moury*  
Karen O. Moury, Esq.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition for Declaratory Order of the                   :  
Retail Energy Supply Association                   :           Docket No. P-2022-3036985

---

**NOTICE TO PLEAD**

---

You are hereby notified that an Answer to a Motion to Hold in Abeyance is due within 20 days of service under 52 Pa. Code § 103(b), or within such time as may be directed by the presiding officers. All pleadings must be filed with the Secretary of the Pennsylvania Public Utility Commission with a copy served to counsel for the Retail Energy Supply Association and the Administrative Law Judges presiding over this matter.

*Karen O. Moury*

---

Karen O. Moury, Esquire

Date: March 4, 2024

Counsel for Retail Energy Supply Association

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition for Declaratory Order of the                   :  
Retail Energy Supply Association                   :         Docket No. P-2022-3036985

---

**MOTION OF RETAIL ENERGY SUPPLY ASSOCIATION  
TO HOLD PROCEEDING IN ABEYANCE**

---

TO THE HONORABLE CHRISTOPHER P. PELL AND THE HONORABLE CHAD ALLENSWORTH:

Pursuant to Section 5.101 of the Commission’s regulations, 52 Pa. Code § 5.101, the Retail Energy Supply Association (“RESA”) files this Motion to Hold in Abeyance the Petition for Declaratory Order proceeding filed by RESA and NRG Energy, Inc. (“NRG”) on November 30, 2022. In support hereof, RESA avers as follows:

1. On November 30, 2022, RESA and NRG filed a Petition for Declaratory Order (“Petition”) pursuant to Section 331(f) of the Public Utility Code and Section 5.42 of the Commission’s regulations, requesting that the Commission issue a declaratory order to terminate a controversy. The controversy sought to be terminated relates to communications independently sent by PPL Electric Utilities Corporation (“PPL”) to customers of electric generation suppliers (“EGSs”) about their supply contracts and prices. Questions raised by the Petition concern whether the PPL communications violate prior Commission orders, improperly promote default service and constitute anticompetitive conduct.

2. On December 8, 2022, the Office of Consumer Advocate (“OCA”) filed a Notice of Intervention and Public Statement. On December 15, 2022, OCA filed an Answer to the Petition.

3. On December 20, 2022, PPL filed an Answer to the Petition.
4. On December 20, 2022, the Coalition for Affordable Utility Service and Energy Efficiency in Pennsylvania (“CAUSE-PA”) filed an Answer to the Petition and a Petition to Intervene.
5. A Prehearing Conference convened on May 11, 2023, at which time the parties proposed a litigation schedule, and CAUSE-PA’s unopposed intervention was granted.
6. On May 19, 2023, Deputy Chief Administrative Law Judge Christopher P. Pell and Administrative Law Judge Chad Allensworth issued Prehearing Order #1 establishing the litigation schedule for this proceeding. Consistent with that schedule, RESA and NRG submitted the Direct Testimony of Joseph Oliker on July 25, 2023, pre-marked as RESA/NRG Statement No. 1, along with three exhibits pre-marked as RESA/NRG Exhibits 1 through 3.
7. Direct Testimony of Other Parties was due on September 26, 2023.
8. On August 28, 2023, NRG filed a Petition for Leave to Withdraw from the proceeding.
9. By Interim Order dated September 12, 2023, ALJs Pell and Allensworth granted the request of PPL, OCA and CAUSE-PA, to which RESA did not object, to suspend the litigation schedule pending final disposition of NRG’s Petition for Leave to Withdraw.
10. On November 15, 2023, the ALJs issued an Initial Decision granting NRG’s Petition for Leave to Withdraw. No parties filed Exceptions to the Initial Decision.
11. On January 9, 2024, the ALJs reached out to the parties via electronic mail for the purpose of establishing a revised litigation schedule.
12. The parties have consulted regarding a revised litigation schedule and are aware that PPL will soon be filing its next Default Service Plan (“DSP”) proceeding, as the last one was

filed in March 2020 at Docket No. P-2020-3019356, where issues may be addressed that duplicate those raised here regarding PPL communications with customers of EGSs.

13. As a result, RESA has determined that its resources may be better spent by intervening in PPL's next DSP proceeding, which must be adjudicated within nine months under the Public Utility Code.<sup>1</sup>

14. RESA has consulted with the other parties about holding this matter in abeyance. PPL, OCA and CAUSE-PA concur with this proposal, and no party has expressed an objection.

15. However, RESA expressly reserves the right to request that this proceeding be resumed during PPL's upcoming DSP proceeding and acknowledges the rights of other parties to object to such a request.

WHEREFORE, the Retail Energy Supply Association respectfully requests that the Pennsylvania Public Utility Commission grant this Motion to Hold Proceeding in Abeyance in the above-captioned matter.

---

<sup>1</sup> 66 Pa. C.S. §2807(e).

Respectfully submitted,

*Karen O. Moury*

---

Karen O. Moury, Esquire

Attorney ID 36879

Deanne M. O'Dell, Esquire

Attorney ID 81064

Eckert Seamans Cherin & Mellott, LLC

213 Market St., 8th Floor

Harrisburg, PA 17101

Telephone 717.237.6000

Fax 717.237.6019

Date: March 4, 2024

Attorneys for Retail Energy Supply Association