

Deanne M. O'Dell, Esq.
717-255-3744
dodell@eckertseamans.com

April 18, 2024

Via Electronic Filing

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

Re: Petition of PPL Electric Utilities Corporation for Approval of a Default Service Program
and Procurement Plan from June 1, 2025 Through May 31, 2029 –
Docket No. P-2024-3047290

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. F. Joseph Brady w/enc.
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.

Via Email Only

Kimberly A. Klock, Esquire
Michael J. Shafer, Esquire
PPL Services Corporation
Two North Ninth Street
Allentown, PA 18101
kklock@pplweb.com
mjshafer@pplweb.com

David B. MacGregor, Esq.
Michael W. Hassell, Esq.
Megan Rulli, Esq.
Post & Schell P.C.
17 North Second Street, 12th Fl.
Harrisburg, PA 17101
dmacgregor@postschell.com
mhassell@postschell.com
mrulli@postschell.com

Christy Appleby, Esquire
Office of Consumer Advocate
555 Walnut Street, 5th Floor
Harrisburg, PA 17101-1923
cappleby@paoca.org

Allison Kaster, Prosecutor
PA Public Utility Commission
Bureau of Investigation & Enforcement
400 North Street, 2nd Floor West
P.O. Box 3265
Harrisburg, PA 17105-3265
akaster@pa.gov

Sharon Webb, Esquire
Rebecca Lyttle, Esquire
Office of Small Business Advocate
555 Walnut Street, 1st Floor
Harrisburg, PA 17101
swebb@pa.gov
relyttle@pa.gov

Adeolu A. Bakare, Esquire
Harrison Ryan Block, Esquire
McNees, Wallace & Nurick
P.O. Box 1166
100 Pine Street
Harrisburg, PA 17108-1166
abakare@mcneeslaw.com
rblock@mcneeslaw.com

Elizabeth R. Marx, Esquire
John W. Sweet, Esquire
Ria M. Pereira, Esquire
Lauren N. Berman, Esquire
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101
pulp@pautilitylawproject.org

John F. Lushis, Jr., Esquire
Norris McLaughlin P.A.
515 West Hamilton Street, Suite 502
Allentown, PA 18101
jlushis@norris-law.com

Todd S. Stewart, Esquire
Hawke McKeon & Sniscak LLP
100 N. 10th Street
Harrisburg, PA 17101
tsstewart@hmslegal.com

John Costlow, Esquire
4250 Independence Drive, Suite 100
Schnecksville, PA 18078
jcostlow@thesef.org

April 18, 2024

A handwritten signature in cursive script that reads "Deanne M. O'Dell".

Deanne M. O'Dell, Esq.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PPL Electric Utilities :
Corporation for Approval of a Default : Docket No. P-2024-3047290
Service Program and Procurement Plan :
from June 1, 2025 Through May 31, 2029 :

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

Pursuant to 52 Pa. Code §§ 5.72-5.75 and the public notice published in the *Pennsylvania Bulletin* on March 30, 2024, the Retail Energy Supply Association (“RESA”)¹ petitions to intervene in the Petition of PPL Electric Utilities Corporation (“PPL” or the “Company”) for Approval of its Default Service Program (“DSP Petition”). In support of its intervention, RESA states as follows:

1. On March 12, 2024, the Company filed a petition with the Pennsylvania Public Utility Commission (“Commission” or “PUC”) proposing to establish the terms and conditions under which it will procure default service supplies, provide default service to non-shopping customers, satisfy 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, 2025 through May 31, 2029.

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.

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

2. By public notice published in the *Pennsylvania Bulletin* on March 30, 2024, the Commission established a deadline of April 19, 2024 for formal protests, petitions to intervene and answers. A telephonic prehearing conference has been scheduled for April 26, 2024 before Administrative Law Judge F. Joseph Brady.

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 electric distribution companies ("EDCs"), including in PPL's service territory.

4. RESA's attorneys in this matter are:

Karen O. Moury, Esquire
Deanne M. O'Dell, Esquire
Eckert Seamans Cherin & Mellott, LLC
213 Market St., 8th Floor
Harrisburg, PA 17101
717.237.6000
Fax 717.237.6019
kmoury@eckertseamans.com
dodell@eckertseamans.com

Lauren M. Burge, Esquire
Eckert Seamans Cherin & Mellott, LLC
600 Grant Street, 44th Floor
Pittsburgh, PA 15219
412.566.2146
Fax 412.566.6099
lburge@eckertseamans.com

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 Company’s service territory, RESA has interests that will be directly affected by this proceeding.³ 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 will establish the terms and conditions under which the Company will acquire electric supply to serve its Default Service load from June 1, 2025 through May 31, 2029 and, thus, the rates against which RESA members must compete to sell electricity to retail customers in the Company’s service territory.

7. In addition, the Petition addresses various issues that will directly affect the EGSs’ provision of competitive alternative service to retail customers. For example, PPL proposes to PPL proposes to make several changes to its Standard Offer Customer Referral Program including: (1) requiring SOP suppliers to auto transfer their SOP customers to default service at end of SOP contract unless customer affirmatively elects to stay; (2) requiring SOP suppliers to lock-in participation status 20 days before start of the period rather than current 5 day period; and, (3) requiring PPL Customer Service representatives to offer SOP to customer only once per month rather than at every interaction. These changes may have a significant impact on the ability of competitive suppliers to offer competitive products to consumers in PPL’s service territory including those suppliers who provide service to customers through the SOP.

³ See *Respond Power, LLC v. Pa. Public Utility Commission*, 250 A.3d 547 (Pa. Cmwlth. 2021).

8. PPL proposals also include granting it the right to automatically cancel supplier contracts for participants in its low income customer assistance program (OnTrack) rather than the current requirement that customers take that action. PPL also proposes to prohibit suppliers from assessing early termination fee if a supply contract terminated because of enrollment in OnTrack. Given the flow of customers in and out of PPL's low income customer assistance programs and their shopping status, proposals such as these will likely have a significant overall impact on the ability of any competitive supplier to offer competitive products and services to customers in PPL's service territory.

9. 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.

10. RESA's members will be bound by the action of the Commission in this proceeding, which will determine the Company's default service rates, terms and conditions beginning June 2025 as well as the terms and conditions for the various retail market enhancement programs proposed by the Company.

11. 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. It should be noted that RESA actively participated in the most recent default service proceeding that

developed PPL's current default service plan as well as prior default service proceedings involving the Company.

12. RESA is reviewing the Company's filing and will be identifying issues to be addressed in this proceeding. Due to the early stage of this proceeding, RESA reserves the right to raise and address issues identified through its continued review and analysis of the Company's filing (and related information), or other issues raised by other parties.

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

Respectfully submitted,



Karen O. Moury, Esquire (PA I.D. No. 36879)
Deanne M. O'Dell, Esquire (PA I.D. No. 81064)
Eckert Seamans Cherin & Mellott, LLC
213 Market St., 8th Floor
Harrisburg, PA 17101
717.237.6000
Fax 717.237.6019

Lauren M. Burge, Esquire (PA I.D. No. 311570)
Eckert Seamans Cherin & Mellott, LLC
600 Grant Street, 44th Floor
Pittsburgh, PA 15219
412.566.2146
Fax 412.566.6099

Date: April 18, 2024

Attorneys for Retail Energy Supply Association