

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

May 30, 2024

Via Electronic Filing

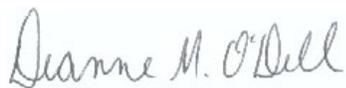
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Re: Petition of Duquesne Light Company for Approval of its Default Service Plan for the Period From June 1, 2025, through May 31, 2029 – Docket No. P-2024-3048592

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. Mary D. Long w/enc.
Hon. John Coogan 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

Allison Kaster, Director
Bureau of Investigation & Enforcement
400 North Street, 2nd Floor West
Harrisburg, PA 17105-3265
akaster@pa.gov
Counsel for I&E

Naz Aarah Sabree, Small Business Advocate
Office of Small Business Advocate
555 Walnut Street, 1st Floor
Harrisburg, PA 17101
Ra-sba@pa.gov
OSBA

Elizabeth Marx, Esquire
John Sweet, Esquire
Ria Pereira, Esquire
118 Locust Street
Harrisburg, PA 17101
pulp@palegalaid.net
Counsel for CAUSE-PA

PJM Interconnection
Christopher O'Hara, Esquire
2750 Monroe Boulevard
Audubon, PA 19403-2497
Christopher.ohara@pjm.com
Counsel for PJM Interconnection

Todd S. Stewart, Esquire
Hawke, McKeon & Sniscak, LLP 100
North Tenth Street Harrisburg, PA 17101
tsstewart@hmslegal.com
Counsel for EGS Parties

Lisa Grimenstein
Tishekia E. Williams
Duquesne Light Company
411 Seventh Ave.,
Mail Drop 16-1
Pittsburgh, PA 15219
lgrimenstein@duqlight.com
twilliams@duqlight.com

Anthony D. Kanagy, Esquire
Nicholas Stobbe, Esquire
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601
akanagy@postschell.com
nstobbe@postschell.com
Counsel for DLC

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

James H. Laskey, Esquire
Norris McLaughlin P.A.
400 Crossing Boulevard, 8th Floor
Bridgewater Township, NJ 08807
jaskey@norris-law.com
Counsel for Calpine Retail

Kevin C. Blake, Esq.
Phillips Lytle LLP
125 Main Street
Buffalo, NY 14203
kblake@phillipslytle.com
Counsel for Statewise

James M. Van Nostrand, Esquire
Keyes & Fox LLP
275 Orchard Drive
Pittsburgh, PA 15228
jvannostrand@keyesfox.com
Counsel for ChargePoint, Inc.

Andrew J. Karas, Esquire
Emily A. Collins, Esquire
Fair Shake Environmental Legal Services
647 East Market Street
Akron, OH 44304
akaras@fairshake-els.org
ecollins@fairshake-els.org
Counsel for NRDC

Mark Szybist, Esquire
Natural Resources Defense Council
1152 15th Street, NW, Suite 300
Washington, D.C. 20005
mszybist@nrdc.org
Counsel for NRDC

Emily A. Farren,
Assistant Consumer Advocate
Office of Consumer Advocate
555 Walnut St. 5th Fl. Forum Pl.
Harrisburg, PA 17101
efarren@paoca.org

Gregory L. Peterson, Esq.
Phillips Lytle LLP
201 West Third Street, Suite 205
Jamestown, NY 14701-4907
gpeterson@phillipslytle.com
Counsel for Statewise

Bruce Burcat, Esq.
P.O. Box 385
Camden, DE 19934
Marec.org@gmail.com
Counsel for MAREC



Deanne M. O'Dell, Esq.

Dated: May 30, 2024

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Duquesne Light Company for :
Approval of Its Default Service Plan for : Docket No. P-2024-3048592
the Period 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 May 11, 2024, the Retail Energy Supply Association (“RESA”)¹ petitions to intervene in the Petition of Duquesne Light Company (“Duquesne Light” or the “Company”) for Approval of its Default Service Plan (“DSP Petition”). In support of its intervention, RESA states as follows:

1. On April 19, 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 May 11, 2024, the Commission established a deadline of May 31, 2024 for formal protests, petitions to intervene and answers. A telephonic prehearing conference has been scheduled for June 7, 2024 before Administrative Law Judges Mary D. Long and John M. Coogan.

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 Duquesne Light'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. This includes Duquesne Light’s proposal to implement a Green Tariff Pilot, which the Company states would allow customers on default service to receive green services from EGSs and/or third-party suppliers.

8. 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.

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

9. 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.

10. 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 Duquesne Light's current default service plan as well as prior default service proceedings involving the Company.

11. 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: May 30, 2024

Attorneys for Retail Energy Supply Association