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March 17, 2026

**Via Electronic Filing**

Matthew Homsher, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Re: Petition of FirstEnergy Pennsylvania Electric Company for Approval of Its Default  
Service Program for the Period from June 1, 2027 to May 31, 2031  
Docket No. P-2026-3060298

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Dear Secretary Homsher:

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

Sincerely,



Deanne M. O'Dell.

DMO/dmc

Enclosure

cc: Hon. Mark A. Hoyer w/enc.  
Hon. Erin L. Gannon 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.

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Date: March 17, 2026



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Deanne A, O'Dell

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of FirstEnergy Pennsylvania :  
Electric Company for Approval of Its : Docket No. P-2026-3060298  
Default Service Program for the Period :  
from June 1, 2027 to May 31, 2031 :

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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 public notice published in the *Pennsylvania Bulletin* on February 21, 2026, the Retail Energy Supply Association (“RESA”)<sup>1</sup> petitions to intervene in the Petition of FirstEnergy Pennsylvania Electric Company (“FirstEnergy” or the “Company”) for Approval of its Default Service Program for the Period from June 1, 2027 to May 31, 2031 (“DSP Petition”). In support of its intervention, RESA states as follows:

1. On February 3, 2026, 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”)<sup>2</sup> and recover all associated costs on a full and current basis for the period from June 1, 2027 through May 31, 2031.

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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 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).

<sup>2</sup> 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 February 21, 2026, the Commission established a deadline of March 17, 2026 for formal protests, petitions to intervene and answers. A telephonic prehearing conference has been scheduled for March 19, 2026 before Deputy Chief Administrative Law Judge Mark A. Hoyer and Administrative Law Judge Erin L. Gannon.

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 FirstEnergy's service territory.

4. RESA's attorneys in this matter are:

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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.<sup>3</sup> 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, 2027 through May 31, 2031 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: (1) FirstEnergy’s proposal that EGSs entering into new residential contracts after June 1, 2026 be required to return those customers to default service at the conclusion of the fixed duration contract term absent affirmative choice by the customer; (2) the Company’s proposal that, effective June 1, 2027, EGSs be required to provide attestation of affirmative customer consent on a quarterly basis for all residential customers on variable-priced month-to-month products; and (3) regarding the Purchase of Receivables (“POR”) program, FirstEnergy’s proposal that for all contracts entered into after June 1, 2027, EGSs on utility consolidated billing must use rate-ready billing and charge a rate that is at or below the Price to Compare (“PTC”) at the time of customer enrollment, otherwise the Company will not purchase the receivables of EGSs whose

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

rates are not in compliance. FirstEnergy is also proposing to discontinue the current POR clawback mechanism and the Company's standard offer customer referral program. FirstEnergy also makes proposals regarding the wholesale default service supply process, such as shifting the responsibility for cost recovery of Network Integration Transmission Service ("NITS") from wholesale default service suppliers to FirstEnergy only on behalf of default service customers. Further, FirstEnergy requests waivers of Commission regulations that would allow FirstEnergy to deviate significantly from a number of regulatory standards that directly affect EGSs' ability to provide service to retail customers. Other FirstEnergy proposals regarding the rules and requirements for the procurement of wholesale default service supply may have impacts of concern to EGSs and need to be carefully considered. All of these issues have an impact on the resulting default service rate which informs the pricing and structure of competitive products that EGSs can offer to consumers in FirstEnergy's service territory.

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.

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 2027 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 FirstEnergy'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,



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Date: March 17, 2026

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