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May 4, 2018

Via Electronic Filing

Rosemary Chiavetta, Secretary
PA Public Utility Commission
PO Box 3265
Harrisburg, PA 17105-3265

Re: Pennsylvania Public Utility Commission v. PECO Energy Company,
Office of Consumer Advocate v. PECO Energy Company
Office of Small Business Advocate v. PECO Energy Company
Docket Nos. R-2018-3000164; C-2018-3001112; C-2018-3001043

Dear Secretary Chiavetta:

Enclosed for electronic filing please find NRG Energy, Inc. ("NRG") Petition to Intervene with regard to the above-referenced matter. Copies to be served in accordance with the attached Certificate of Service.

Sincerely,



Karen O. Moury

KOM/lww
Enclosure

cc: Hon. Christopher P. Pell w/enc.
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 NRG Energy'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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Karen O. Moury, Esq.

Dated: May 4, 2018

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	R-2018-3000164
Office of Consumer Advocate	:	C-2018-3001112
Office of Small Business Advocate	:	C-2018-3001043
v.	:	
	:	
PECO Energy Company	:	

**PETITION TO INTERVENE
OF NRG ENERGY, INC.**

Pursuant to 52 Pa. Code §§ 5.72-5.75 of the regulations of the Pennsylvania Public Utility Commission’s (“Commission”), NRG Energy, Inc. (“NRG”) petitions to intervene in above-captioned base rate proceeding initiated by PECO Energy Company (“PECO” or “Company”) by the filing of Tariff Electric – Pa. PUC No. 6 on March 29, 2018. PECO is requesting an increase in base rates of approximately \$82 million and its filing includes a number of proposals that are of interest to NRG. In support of its intervention, NRG states as follows:

I. BACKGROUND

1. The name and business address for NRG is:

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2. The name and address of NRG's attorney is:

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NRG's attorney is authorized to accept service on its behalf in this proceeding.

3. NRG has four affiliate companies that are licensed by the Commission as electric generation suppliers ("EGSs") and are providing electricity or electric generation supply services to retail customers in PECO's service territory.¹

4. On March 29, 2018, PECO filed a request for a base rate increase of approximately \$82 million.

5. By Order entered on April 19, 2018, the Commission suspended the base rate filing for investigation until December 28, 2018.

6. By Prehearing Conference Notice dated April 20, 2018, the Commission scheduled a prehearing conference for May 8, 2018 at 9:30 a.m.

7. By Prehearing Order dated April 20, 2018, Deputy Chief Administrative Law Judge Christopher P. Pell and Administrative Law Judge F. Joseph Brady directed the filing of prehearing memoranda no later than 12:00 p.m. on May 4, 2018.

¹ *Reliant Energy Northeast LLC d/b/a NRG Home and NRG Business*, Docket No. A-2010-2192350 (December 2, 2010); *Green Mountain Energy Company*, Docket No. A-2011-2229050 (February 16, 2012); *Energy Plus Holdings LLC*, Docket No. A-2009-2139745 (January 15, 2010); *Independence Energy Group d/b/a/ Cirro Energy*, Docket No. A-2011-2262337 (October 31, 2011).

II. STANDARDS FOR INTERVENTION

8. 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 participants, and as to which the petitioner may be bound by the action of the Commission." 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.

9. The eligibility requirements for an interested party to intervene in an action before the Commission are less strict and easier to satisfy than the common law standard for intervention. *See Application of Metropolitan Edison Co. for Approval to Construct an Electric Generating Unit Fueled by Natural Gas*, Docket No. A-110300, 1994 Pa. PUC LEXIS 52 (Order entered February 25, 1994) (citing *William Penn Parking Garage, Inc. v. City of Pittsburgh*, 464 Pa. 168, 346 A.2d 269 (1975)).

III. GROUNDS FOR INTERVENTION

10. NRG has a substantial and direct interest in participating in this proceeding. Through its four affiliates identified above, NRG is supplying electric generation services to retail customers in PECO's service territory. Based upon a preliminary review of the filing, NRG has identified issues that it wishes to further pursue through the review of discovery responses, including: 1) PECO's proposed Electric Vehicle Direct Current Fast Charger Pilot Rider; 2) several initiatives that PECO has implemented to improve the direct billing relationship it has with its distribution customers; 3) proposed modifications to net metering eligibility; 4) PECO's proposed allocation of costs to distribution functions that are related to

the provision of default service and should be removed from distribution charges; and 5) proposals to streamline the interconnection process for distributed generation technologies.

11. NRG submits that no other party can or will adequately protect its interests in this proceeding. As its retail companies are actively participating as EGSs in PECO's service territory, NRG is well aware of the barriers to competition that are presented when PECO takes measures to strengthen its role as the customer's "energy company" and offers ratepayer-subsidized value-added services to its distribution customers that are more appropriately delivered by private competitive markets. Also, to the extent that PECO is allocating costs to distribution functions that are related to the provision of default service, its price to compare does not reflect such costs and is artificially low, making it more difficult for NRG's affiliate EGSs to present competitive offers to consumers.

12. NRG further submits that its participation in this proceeding is in the public interest. Through exploration of the issues that have been preliminarily identified by NRG and others that it addresses as additional information is reviewed in this proceeding, the Commission can best serve the public interest through the development of a more complete record.

13. NRG will be bound and directly affected by the Commission's order in this proceeding. Since the outcome of this proceeding will be binding on NRG and its affiliates serving retail customers in the PECO service territory, it is necessary for NRG to have an opportunity to raise issues arising from its review of PECO's proposals contained in the base rate filing.

14. Accordingly, pursuant to Section 5.72 of the Commission's regulations, 52 Pa. Code § 5.72, NRG should be permitted to intervene in this proceeding.

IV. CONCLUSION

WHEREFORE, NRG Energy, Inc. respectfully requests that the Pennsylvania Public Utility Commission grant this Petition to Intervene.

Respectfully submitted,



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Date: May 4, 2018

Attorneys for NRG Energy, Inc.