

Eckert Seamans Cherin & Mellott, LLC 213 Market Street 8<sup>th</sup> Floor Harrisburg, PA 17101 TEL 717 237 6000 FAX 717 237 6019 www.eckertseamans.com

Deanne M. O'Dell 717.255.3744 dodell@eckertseamans.com

July 17, 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-2018-300164; C-2018-3001112; C-2018-3001043

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Retail Energy Supply Association's ("RESA") Petition for Leave to Withdraw Intervention 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/jls Enclosure

cc:

Hon. Christopher P. Pell w/enc.

Hon. F. Joseph Brady w/enc.

Jane M. O'Vell

Cert. of Service w/enc.

## 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 – Electric Division

# PETITION OF RETAIL ENERGY SUPPLY ASSOCIATION FOR LEAVE TO WITHDRAW INTERVENTION

Pursuant to 52 Pa. Code § 5.94, the Retail Energy Supply Association ("RESA")<sup>1</sup>, respectfully requests that Honorable Deputy Chief Administrative Law Judge Pell and the Honorable Administrative Law Judge Brady grant this Petition for Leave to Withdraw RESA's Petition to Intervene. In support thereof, RESA states as follows:

- 1. On March 29, 2018, PECO Energy Company ("PECO") initiated this base rate proceeding by the filing of Tariff Electric Pa. PUC No. 6. By Order entered on April 19, 2018, the Commission suspended the base rate filling for investigation until December 28, 2018.
- 2. On May 4, 2018, RESA filed both a Petition to Intervene and a Prehearing Memorandum.
- 3. A prehearing conference was held on May 8, 2018 at 9:30 a.m. The procedural schedule was developed and, during the Prehearing Conference, PECO indicated that it intended

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 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 <a href="https://www.resausa.org">www.resausa.org</a>.

to file an answer to the Petition to Intervene filed by RESA. Accordingly on May 16, 2018, PECO filed an Answer to RESA's Petition to Intervene seeking, in part, to limit the scope of RESA's participation in the proceeding.

- 4. RESA filed a Reply to PECO's Answer to RESA's Petition to Intervene on May 24, 2018 opposing PECO's effort to limit the scope of RESA's participation in the proceeding.
- 5. Prehearing Order #2 dated June 1, 2018 granted RESA's Petition to Intervene without limitation.
- 6. Since that time, RESA has continued to review PECO's proposals, discovery responses and the direct testimony from other parties that was served on June 26, 2018.
- 7. Based on this review, RESA believes that the issues which would be of interest to RESA to pursue are being adequately addressed by other parties to the proceeding. As such, RESA no longer wishes to incur the time and expense involved with being an active party to this case.
- 8. No party will be harmed by RESA's withdrawal from these proceedings as RESA has not served direct testimony nor has it actively participated in the informal settlement negotiations among the parties.
- 9. Permitting a party to withdraw from a proceeding when it no longer wishes to pursue its claims is in the public interest because it promotes judicial economy and streamlines the processing of the case.

2

WHEREFORE, the Retail Energy Supply Association respectfully requests that the Honorable Deputy Chief Administrative Law Judge Pell and the Honorable Administrative Law Judge Brady grant this Petition for Leave to Withdraw the RESA's Petition to Intervene and permit RESA to withdraw its participation as an active party in this proceeding.

Respectfully submitted,

Deanne M. O'Dell, Esquire

Attorney ID 81064 Sarah Stoner, Esquire Attorney ID 313793

Eckert Seamans Cherin & Mellott, LLC

213 Market St., 8th Floor Harrisburg, PA 17101 717.237.6000

Fax 717.237.6019

Date: July 17, 2018 Attorneys for Retail Energy Supply Association

### **VERIFICATION**

I, Anthony Cusati, III, hereby state that I am the Pennsylvania State Chairperson for the Retail Energy Supply Association ("RESA") and am authorized to make this verification on its behalf, and that the facts set forth in the attached Petition are true and correct to the best of my knowledge, information and belief. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

7/16/18

Anthony Cusati, III, Pennsylvania State Chairperson Retail Energy Supply Association

Dated

### CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of RESA's Petition for Leave to Withdraw Intervention upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

### Via Email and First Class Mail

Romulo L. Diaz, Jr., Esq.
Jack R. Garfinkle, Esq.
W. Craig Williams, Esq.
Michael S. Swerling, Esq.
PECO Energy Company
2301 Market St.
P.O. Box 8699
Philadelphia, PA 19101
Romulo.diaz@exeloncorp.com
Jack.garfinkle@exeloncorp.com
Craig.williams@exeloncorp.com
Michael.swerling@exeloncorp.com

### Via Email Only

Kenneth M. Kulak, Esq.
Anthony C. DeCusatis, Esq.
Morgan Lewis & Bockius LLP
1701 Market St.
Philadelphia, PA 19103
Ken.kulak@morganlewis.com
Anthony.decusatis@morganlewis.com

Carrie B. Wright, Esq.
Bureau of Investigation & Enforcement
PA Public Utility Commission
PO Box 3265
Harrisburg, PA 17105-3265
carwright@pa.gov

Patrick M. Cicero, Esq. Elizabeth R. Marx, Esq. Kadeem G. Morris, Esq. 118 Locust St. Harrisburg, PA 17101 pulp@palegalaid.net

#### Via Email Only

Christy M. Appleby, Esq.
Hayley Dunn, Esq.
Aron J. Beatty, Esq.
Office of Consumer Advocate
555 Walnut St., 5<sup>th</sup> Fl., Forum Place
Harrisburg, PA 17101-1923
cappleby@paoca.org
hdunn@paoca.org
abeatty@paoca.org

Elizabeth Rose Triscari, Esq.
Office of Small Business Advocate
300 North Second St., Suite 202
Harrisburg, PA 17101
etriscari@pa.gov

Scott J. Rubin, Esq. 333 Oak Lane Bloomsburg, PA 17815 Scott.j.rubin@gmail.com

Charles T. Joyce, Esq.
Spear Wilderman, P.C.
230 South Broad St., Suite 140
Philadelphia, PA 19102
<a href="mailto:ctjoyce@spearwilderman.com">ctjoyce@spearwilderman.com</a>

Charis Mincavage, Esquire
Adeolu A. Bakare, Esquire
Alessandra L. Hylander, Esquire
McNees, Wallace & Nurick LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
cmincavage@mwn.com
abakare@mwn.com
ahylander@mwn.com

Roman Petyk, Esq.
The University of Pennsylvania
2929 Walnut Street
FMC Tower, Suite 400
Office of General Counsel
Philadelphia, PA 19104-5099
roman.petyk@ogc.upenn.edu

Joline Price, Esq.
Robert W. Ballenger, Esq.
Community Legal Services
1424 Chestnut Street
Philadelphia, PA 19102
jprice@clsphila.org
rballenger@clsphila.org

Mark C. Hammond, Esq. Land Air Water Legal Solutions LLC 1000 Westlakes Drive, Suite 150 Berwyn, PA 19312 mhammond@landairwater.com

Donald R. Wagner, Esq. Linda R. Evers, Esq. Michael A. Gruin, Esq. Stevens & Lee 111 N. Sixth Street Reading, PA 19601 drw@stevenslee.com lre@stevenslee.com mag@stevenslee.com

Roger E. Clark
The Reinvestment Fund
718 Arch Street, Suite 300 North
Philadelphia, PA 19106-1591
roger.clark@trfund.com

Mark Belland, Esq.
O'Brien, Belland & Bushinsky, LLC
500-506 North 6th Street
Philadelphia, PA 19123
mbelland@obbblaw.com

Dated: July 17, 2018

Derrick Price Williamson, Esq.
Barry A. Naum, Esq.
Spilman Thomas & Battle, PLLC
1100 Bent Creek Boulevard, Suite 101
Mechanicsburg, PA 17050
dwilliamson@spilmanlaw.com
bnaum@spilmanlaw.com

Karen O. Moury, Esq. Eckert Seamans Cherin & Mellott, LLC 213 Market St., 8<sup>th</sup> Fl. Harrisburg, PA 17101 kmoury@eckertseamans.com

Reizdan B. Moore, Esq. 3544 N. Progress Ave., Suite 108 Harrisburg, PA 17110 Reizdan.moorelaw@comcast.net sdunbar@keyesfox.com

Charles E. Thomas, III, Esq.
Thomas, Niesen & Thomas, LLC
212 Locust Street, Suite 302
Harrisburg, PA 17101
Cet@tntlawfirm.com

Deanne M. O'Dell, Esq.