



515 West Hamilton Street
Suite 502
Allentown, PA 18101
T: 610-391-1800
F: 610-391-1805

jlushis@norris-law.com

April 14, 2020

E-FILE

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

**RE: Petition of PECO Energy Company for Approval of Its Default Service
Program for the Period From June 1, 2021 Through May 31, 2025; Docket
No. P-2020-3019290**

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission ("Commission") is the Petition to Intervene of Calpine Retail Holdings, LLC in the above-referenced proceeding.

As evidenced by the attached Certificate of Service, all parties to the proceeding are being served with a copy of this document. Thank you.

Sincerely,

NORRIS McLAUGHLIN, P.A.

/s/ *John F. Lushis, Jr.*

John F. Lushis, Jr.

c: Chief Administrative Law Judge Charles E. Rainey, Jr. (via e-mail)
Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company	:	
for Approval of Its Default Service Program	:	Docket No. P-2020-3019290
for the Period From June 1, 2021 Through	:	
May 31, 2025	:	

**PETITION TO INTERVENE
OF CALPINE RETAIL HOLDINGS, LLC**

Pursuant to Sections 5.71 through 5.74 of the Pennsylvania Public Utility Commission’s (“PUC” or “Commission”) Regulations, 52 Pa. Code §§ 5.71 - 5.74, Calpine Retail Holdings, LLC (together with its operating subsidiaries, “Calpine”) hereby files this Petition to Intervene in the above-captioned proceeding.¹

PECO Energy Company (“PECO” or the Company”) has petitioned the Commission for approval of the Company’s fifth Default Service Program (“DSP V”). PECO’s Petition for Approval of DSP V (“Petition”) outlines the Company’s proposed procurement plan, implementation plan, and contingency plan for acquiring default service energy supply for all PECO customers who, upon expiration of DSP IV on May 31, 2021, do not take generation service from an alternative electric generation supplier (“EGS”) or who contract for energy with an EGS, which is not delivered. *Petition of PECO Energy Co. for Approval of its Default Serv. Program for the Period from June 1, 2021 through May 31, 2025*, Docket No. P-2020-3019290, at 1.

In support of its Petition to Intervene, Calpine asserts the following:

¹ As used herein, “Calpine” refers collectively to Calpine Retail Holdings and its retail subsidiaries. Calpine Retail has overall responsibility for the business activities of its retail subsidiaries, which serve residential, commercial, institutional and industrial customers in Pennsylvania’s retail electric and gas markets.

1. The proposed DSP V would apply to all retail customers in PECO's service territory, including customers of Calpine.

2. Calpine is an independent, national provider of retail electric service across 20 states. It operates as a licensed Electric Generation Supplier (EGS) in Pennsylvania. Calpine is also a Load Serving Entity (LSE) and member of PJM Interconnection LLC. Calpine is actively serving and soliciting customers throughout Pennsylvania. Calpine currently offers a wide variety of efficiency and energy-related products and services beyond simple energy procurement, including load and risk management and green energy solutions – all designed to meet the individualized needs and demands of Calpine's customers and capture the benefits of the existing competitive wholesale energy environment to bring those benefits forward into to Pennsylvania's competitive retail electric market.

3. The name and address of Calpine's attorney is:

John F. Lushis, Jr. (I.D. No. 32400)
NORRIS McLAUGHLIN, P.A.
515 W. Hamilton Street, Suite 502
Allentown, PA 1810
Phone: (484) 765-2211
Fax: (484) 765-2270
jlushis@norris-law.com

4. Calpine is concerned with issues that affect competitive markets in Pennsylvania, including the structure of the default service, utility affiliate participation, long term contracting of renewables and programs that could potentially harm or become a disincentive to create customized and innovative competitive retail electric products and services for its current and prospective customers.

5. Calpine intends to participate in this proceeding to the extent necessary to protect its interests and those of its customers. These interests cannot be adequately represented or protected by any other party.

6. As one of the nation's largest retail electric providers, Calpine's intervention is also in the public interest. Calpine possesses significant and unique knowledge, experience and resources with respect to the marketing of retail energy services, which will be helpful in developing a record on the reasonableness of the programs as presented. Moreover, without the opportunity to intervene, Calpine will be unable to participate in this proceeding but will nevertheless be bound by the actions taken by the Commission. Such actions may have a material impact on Calpine's operations, business and systems as well as its continued involvement in PECO's service territory as a retail Electric Generation Supplier.

7. Calpine continues to review the Petition and the accompanying direct testimony and exhibits and has not yet definitively established its position on the matters presented therein. Calpine reserves the right to take positions and/or seek relief based on its review of the various filings, discovery responses, or the positions taken by other parties in this proceeding,

8. The Commission's regulations permit intervention by a party that demonstrates an "interest 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 in the proceeding." 52 Pa. Code § 5.72 Calpine has a substantial and direct interest in this proceeding and satisfies the standards for intervention under these regulations.

WHEREFORE, Calpine Retail Holdings, LLC respectfully requests that the Pennsylvania Public Utility Commission grant this Petition to Intervene, providing Calpine with full-party status in this proceeding, as well as any other relief as it deems necessary.

Respectfully submitted,
NORRIS McLAUGHLIN, P.A.

By /s/ John F. Lushis, Jr.
John F. Lushis, Jr. (I.D. No. 32400)
NORRIS McLAUGHLIN, P.A.
515 W. Hamilton Street, Suite 502
Allentown, PA 1810
Phone: (484) 765-2211
Fax: (484) 765-2270
jlushis@norris-law.com

Counsel to Calpine Retail Holdings, LLC

Dated: April 14, 2020

VERIFICATION

I, Becky Merola, Director of Government & Regulatory Affairs, hereby state that the facts set forth in the foregoing Petition to Intervene by Calpine Retail Holdings, LLC (Docket # P-2020-3019290) are true and correct to the best of my knowledge, information and belief. I understand that false statements made herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsifications to authorities.



Becky Merola

DATED: April 13, 2020

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a true copy of the foregoing document upon the participants listed below in accordance with the requirements of Section 1.54 (relating to service by a participant).

VIA E-MAIL

Honorable Charles E. Rainey, Jr.
Chief Administrative Law Judge
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120
CRANEY@pa.gov

Kenneth M. Kulak, Esq.
Anthony C. DeCusatis, Esq.
Catherin G. Vasudevan, Esq.
Brooke E. McGlinn, Esq.
Morgan, Lewis and Bockius LLP
1701 Market Street
Philadelphia, PA 19103
ken.kulak@morganlewis.com
anthony.decusatis@morganlewis.com
catherine.vasudevan@morganlewis.com
brooke.mcglinn@morganlewis.com

Erin Fure
Office of Small Business Advocate
300 North Second Street, Suite 202
Harrisburg, Pennsylvania 1710
efure@pa.gov

W. Craig Williams, Esquire
Anthony Gay, Esquire
Jack Garfinkle, Esquire
Exelon Business Services Company
2301 Market Street, S23-1
Philadelphia, PA 19101-8699
craig.williams@exeloncorp.com
anthony.gay@exeloncorp.com
jack.garfinkle@exeloncorp.com

Aron J. Beatty, Esq.
David T. Evrard, Esq.
Office of Consumer Advocate
555 Walnut Street
5th floor, Forum Place
Harrisburg, PA 17101-1923
abeatty@paoca.org
devrard@paoca.org

Richard Kanaskie, Esq.
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
P.O. Box 3265
Harrisburg, PA 17105-3265
rkanaskie@pa.gov

Deanne M. O'Dell, Esq.
Eckert Seamans Cherin & Mellott, LLC
213 Market Street, 8th Floor
Harrisburg, PA 17101
dodell@eckertseamans.com

Elizabeth R. Marx, Esq.
PA Utility Law Project
118 Locust Street
Harrisburg, PA 17101
emarxpulp@palegalaid.net

Charis Mincavage, Esq.
Adeolu A Bakare, Esq.
Jo-Anne S. Thompson
McNees Wallace & Nurick LLC
100 Pine Street
P.O. Box 1166
Harrisburg, Pennsylvania 17108
cmincavage@mcneeslaw.com
abakare@mcneeslaw.com
jthompson@mcneeslaw.com

Dated this 14th day of April, 2020, in Allentown, Pennsylvania.

Robert W. Ballenger, Esquire
Josie B. H. Pickens, Esquire
Joline R. Price, Esquire
Community Legal Services, Inc.
1424 Chestnut Street
Philadelphia, PA 19102
rballenger@clsphila.org
jpickens@clsphila.org
jprice@clsphila.org

/s/ John F. Lushis, Jr.

John F. Lushis, Jr.
Counsel to Calpine Energy Solutions, LLC

Dated this 14th day of April, 2020, in Allentown, Pennsylvania.