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May 1, 2020

Via Electronic Filing

Rosemary Chiavetta, Secretary
PA Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Petition of PECO Energy Company for Approval of its Default Service Program for the Period from June 1, 2020 Through May 31, 2025 – Docket No. P-2020-3019290

Dear Secretary Chiavetta:

On behalf of NRG Energy, Inc., Direct Energy Services LLC, Interstate Gas Supply Inc., d/b/a IGS Energy, Vistra Energy Corp., Shipley Choice LLC, ENGIE Resources LLC and WGL Energy Services, Inc. (collectively, the “Electric Supplier Coalition”), enclosed for electronic filing please find a 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
Karen O. Moury

KOM/lww
Enclosure

cc: Cert. of Service w/enc.

CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of the Electric Supplier Coalition'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

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Dated: May 1, 2020

Karen O. Moury

Karen O. Moury

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**ELECTRIC SUPPLIER COALITION'S
PETITION TO INTERVENE**

Pursuant to 52 Pa. Code §§ 5.72-5.75 and the public notice published in the Pennsylvania Bulletin on April 18, 2020, NRG Energy, Inc., Direct Energy Services LLC, Interstate Gas Supply, Inc. d/b/a IGS Energy, Vistra Energy Corp., Shipley Choice LLC, ENGIE Resources LLC and WGL Energy Services, Inc. (collectively, the “Electric Supplier Coalition” or “Coalition”) petitions to intervene in the Petition of PECO Energy Company (“PECO”) for Approval of Its Default Service Program for the Period From June 1, 2021 Through May 31, 2025 (“DSP V Petition”). In support of its intervention, the Coalition states as follows:

1. On March 13, 2020, PECO filed the DSP V Petition proposing to establish the terms and conditions under which it will procure default service supply, provide default service to non-shopping customers, satisfy requirements imposed by the Alternative Energy Portfolio Standards Act (“AEPS Act”)¹ and recover all associated costs on a full and current basis for the period from June 1, 2021 through May 31, 2025.

2. By public notice published in the Pennsylvania Bulletin on April 18, 2020, the Commission established a deadline of May 1, 2020 for formal protests, petitions to intervene and answers. The notice also advised of the scheduling of a telephonic prehearing conference on

¹ 73 P. S. §§ 1648.1 - 1648.8 and related provisions of 66 Pa. C. S § § 2813-2814.

May 5, 2020 before Administrative Law Judge (“ALJ”) Eranda Vero. Per the Prehearing Order of ALJ Vero dated April 21, 2020, prehearing conference memoranda are due on May 4, 2020.

3. Coalition members, affiliates and subsidiaries are licensed to sell electric energy in the markets of Pennsylvania’s major electric distribution companies, including the service territory of PECO.

4. The Coalition’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. 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)).

7. The Electric Supplier Coalition meets the standards for intervention set forth in 52 Pa. Code § 5.72(a). As a Coalition whose members, affiliates and subsidiaries include competitive electric generation suppliers (“EGSs”) who are licensed to do business in PECO’s service territory, it has interests that will be directly affected by this proceeding. The ability of the Coalition’s members to provide electric supply to retail customers in PECO’s service territory will be specifically and substantially affected by the outcome of this proceeding, which will establish the terms and conditions under which PECO will acquire electric supply to serve its Default Service load from June 1, 2021 through May 31, 2025 and, thus, the rates against which ESC members must compete to sell electricity to retail customers in the PECO’s service territory.

8. In addition, the petitions address various issues directly related to the ability of EGSs to provide competitive service to retail customers. These include the proposal to solicit new ten-year contracts for Solar Alternative Energy Credits, a proposed default service rate design, the proposed time-of-use (“TOU”) rate option, the proposed continuation of the existing Standard Offer Program (“SOP”), and the proposed plan for shopping by low income customers. The resolution of these matters will directly affect the ability of the Coalition’s members to offer competitive service to customers in PECO’s service territory.

9. The Coalition’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 PECO’s service territories in particular. This is because each member of the Electric Supplier Coalition has its own business model and priorities for the development of the competitive market that will inform the positions that are taken. As EGSs actively participating in Pennsylvania’s retail

electric market, the Coalition's members are well aware of the barriers to competition and the need to rectify them so that the market is truly competitive with customers having a wide array of products and services from which to choose.

10. The Coalition's members will be bound by the action of the Commission in this proceeding, which will determine PECO's default service rates, terms and conditions for beginning June 2021, as well as the terms and conditions for the various retail market enhancement programs proposed by PECO. Since these decisions will affect the continued development of Pennsylvania's retail electric market, it is necessary for the Electric Supplier Coalition to have an opportunity to raise issues arising from its review of PECO's filing.

11. The Coalition's intervention is in the public interest. Participation by the Electric Supplier Coalition will enable its members to contribute their unique perspectives and insights and offer a complete presentation of the issues to be addressed in this proceeding. Through exploration of the issues that have been preliminarily identified by the Coalition 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.

12. Although the Electric Supplier Coalition is in the early stages of reviewing and analyzing PECO's filing, it has identified specific issues, including whether: (a) the proposed default service rate design is unreasonable; (b) the formula used for the default service rate fails to recover all costs related to the provision of default service; (c) the proposed parameters for the SOP are inappropriate; (d) the proposed restrictions on shopping by low-income customers are unreasonable; (e) the proposal to solicit new ten-year contracts for Solar Alternative Energy Credits is inconsistent with the development of a competitive market; (f) the proposal to continue collecting Network Integration Transmission Service costs only from default service customers

is unreasonable; and (g) additional retail market enhancements are warranted. The Coalition reserves the right to raise and address issues identified through its continued review and analysis of PECO's filing (and related information), or other issues raised by other parties.

WHEREFORE, the Electric Supplier Coalition respectfully requests that the Commission grant its Petition to Intervene.

Respectfully submitted,

Karen O. Moury

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Date: May 1, 2020

Attorneys for Electric Supplier Coalition

Verification

I, Karen O. Moury, state that I am an Attorney of Record for the Electric Supplier Coalition and that as such I am authorized to make this verification on its behalf. I hereby state that the facts contained in the foregoing Petition are true and correct (or 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.

May 1, 2020

Karen O. Moury

Karen O. Moury, Esquire