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May 4, 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 is the Prehearing Conference Memorandum on behalf 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: Administrative Law Judge Eranda Vero (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 :

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**PREHEARING CONFERENCE MEMORANDUM  
OF CALPINE RETAIL HOLDINGS, LLC**

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**TO THE HONORABLE ERANDA VERO**

Pursuant to the Prehearing Conference Order dated April 21, 2020, in the above-captioned proceeding and Sections 5.221 of the Pennsylvania Public Utility Commission’s (“PUC” or “Commission”) Regulations, 52 Pa. Code § 5.221, Calpine Retail Holdings, LLC (together with its operating subsidiaries, “Calpine”) hereby files this Prehearing Conference Memorandum.

**I. PROCEDURAL HISTORY**

1. On March 13, 2020, PECO Energy Company (“PECO”) petitioned the Commission for approval of the Company’s fifth Default Service Program (“DSP V”).
2. On April 14, 2020, Calpine petitioned to intervene in this proceeding.
3. Calpine is a provider of competitive electric services and as such is directly affected by the default service programs maintained by PECO and other electric utilities.

**II. COUNSEL**

4. 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  
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[jlushis@norris-law.com](mailto:jlushis@norris-law.com)

5. Calpine has also sought the admission pro hac vice of the following attorney:

James Laskey (NJ Id. No 016311978)  
Norris McLaughlin, P.A.  
400 Crossing Blvd, 8<sup>th</sup> Floor  
Bridgewater, NJ 08807  
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[jlasky@norris-law.com](mailto:jlasky@norris-law.com)

All parties are requested to hereafter serve said counsel electronically with all documents served in this proceeding.

### **III. EXPECTED ISSUES**

6. 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.

### **IV. PROPOSED WITNESSES**

7. Calpine does not expect to file direct testimony. Depending on the issues raised in direct testimony by other parties, Calpine reserves the right to call Becky Merola, a Calpine Director of Government & Regulatory Affairs, as a rebuttal witness. Calpine reserves the right to offer additional witnesses as necessitated by the issues.

### **V. LITIGATION SCHEDULE**

8. Calpine has agreed to the schedule proposed by PECO.

### **VI. DISCOVERY**

9. Calpine has not submitted discovery as of the date of this Prehearing Conference Memorandum. Should it conclude that such discovery is necessary, it will submit its requests

consistent with the schedule proposed by PECO. Calpine has agreed to the discovery procedures proposed by PECO.

## **VII. SETTLEMENT**

10. Calpine is willing to engage in settlement discussions with any and all parties at any time during this proceeding.

**WHEREFORE**, Calpine Retail Holdings, LLC respectfully submits this Prehearing Conference Memorandum in anticipation of the Prehearing Conference currently scheduled to be held telephonically on Tuesday, May 5, 2020 at 10:00 am.

Respectfully submitted,  
NORRIS McLAUGHLIN, P.A.

By /s/ John F. Lushis, Jr.  
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Counsel to Calpine Retail Holdings, LLC

Dated: May 4, 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 Eranda Vero  
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*/s/ John F. Lushis, Jr.*

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

Dated this 4th day of May, 2020, in Allentown, Pennsylvania.