



January 18, 2022

VIA ELECTRONIC FILING

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

Re: Joint Petition of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company for Approval of Default Service Programs

**Docket Nos. P-2021-3030012– Metropolitan Edison Company;
P-2021-3030013– Pennsylvania Electric Company
P-2021-3030014 – Pennsylvania Power Company
P-2021-3030021– West Penn Power Company**

Dear Secretary Chiavetta:

On behalf of Exelon Generation Company, LLC and Constellation NewEnergy, Inc., please find enclosed for filing a Petition to Intervene and a Prehearing Conference Memorandum in this proceeding. The certificate of service is attached to this transmittal letter.

Please contact the undersigned should you have questions. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Colleen P. Kartychak".

cc: The Honorable Jeffrey A. Watson (email only: jeffwatson@pa.gov)
Nick Miskanic (email only: nmiskanic@pa.gov)

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing documents upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54.

Dated this 18th day of January 2022.

VIA ELECTRONIC AND/OR FIRST-CLASS MAIL

The Honorable Jeffrey A. Watson Administrative Law Judge Nick Miskanic Legal Assistant Piatt Place, Suite 220 201 Fifth Avenue Pittsburgh, PA 15222 jeffwatson@pa.gov nmiskanic@pa.gov	Kenneth M. Kulak, Esq. Catherine G. Vasudevan, Esq. Brooke E. McGlinn, Esq. Morgan, Lewis & Bockius LLP 1701 Market Street Philadelphia, PA 19103-2921 ken.kulak@morganlewis.com catherine.vasudevan@morganlewis.com Brooke.mcglinn@morganlewis.com
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Elizabeth R. Marx, Esq. Lauren N. Berman, Esq. Ria M. Pereira, Esq. John W. Sweet, Esq. Pennsylvania Utility Law Project 118 Locust Street Harrisburg, PA 17101 emarx@pautilitylawproject.org lberman@pautilitylawproject.org rpereira@pautilitylawproject.org jsweet@pautilitylawproject.org	Richard A. Kanaskie, Esq. Bureau of Investigation & Enforcement Pennsylvania Public Utility Commission Commonwealth Keystone Building 400 North Street, 2 nd Floor Harrisburg, PA 17120 rkanaskie@pa.gov
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Colleen Kartychak

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joint Petition of Metropolitan Edison Company,	:	P-2021-3030012
Pennsylvania Electric Company,	:	P-2021-3030013
Pennsylvania Power Company, and	:	P-2021-3030014
West Penn Power Company	:	P-2021-3030021
for approval of their Default Service Programs	:	

**PETITION TO INTERVENE OF EXELON GENERATION COMPANY, LLC AND
CONSTELLATION NEWENERGY, INC.**

Before the Pennsylvania Public Utility Commission (the “Commission”), pursuant to 52 Pa. Code §§ 5.71-5.76, Exelon Generation Company, LLC (“ExGen) and Constellation NewEnergy, Inc. (“Constellation”), by their undersigned counsel, hereby file this Petition to Intervene in the above-captioned proceedings. In support of this Petition to Intervene, ExGen and Constellation state the following:

1. The principal place of business of ExGen is:

300 Exelon Way
Kennett Square, PA 19348

The principal place of business of Constellation is:

1310 Point Street, Eighth Floor
Baltimore, MD 21231

2. The name and address of counsel to ExGen and Constellation in this matter are:

Colleen Kartychak, Esq.
Exelon Corporation
PA Attorney ID # 91091
1310 Point Street
Baltimore, MD 21231
Tel.: (412) 506-2158
colleen.kartychak@exeloncorp.com

ExGen and Constellation respectfully request that service be made to its counsel of record, Colleen Kartychak.

3. On December 14, 2021, Metropolitan Edison Company (“Met-Ed”), Pennsylvania Electric Company (“Penelec”), Pennsylvania Power Company (“Penn Power”), and West Penn Power Company (“West Penn”) (collectively, the “Joint Applicants”) filed a Joint Petition for Approval of Their Default Service Implementation Plans (“Plans”). The Joint Applicants filed the Plans pursuant to Section 2807(e) of the Public Utility Code.

4. ExGen is a direct, wholly-owned subsidiary of Exelon Corporation (“Exelon”), and Constellation is an indirect, wholly-owned subsidiary of Exelon. Exelon is a publicly-traded holding company headquartered in Chicago, Illinois, with operations and business activities in 48 states, the District of Columbia, Canada, and the United Kingdom. In addition to ExGen and Constellation, Exelon owns regulated utility subsidiaries in Pennsylvania (PECO Energy Company), Illinois (Commonwealth Edison Company), the District of Columbia (Pepco), Maryland (Baltimore Gas and Electric Company, Delmarva, and Pepco), Delaware (Delmarva), and New Jersey (Atlantic City Electric). On or about February 1, 2022, Exelon will cease to be the parent corporation of ExGen and Constellation, as the competitive businesses are spun off from Exelon. ExGen will be renamed Constellation Energy Generation, LLC, and the new ultimate parent company of ExGen and Constellation will be Constellation Energy Corporation.

5. ExGen has been granted market-based rate authority by the Federal Energy Regulatory Commission and is a buyer and seller of wholesale electricity and capacity. ExGen provides wholesale power and risk management services to wholesale customers, including through participation in wholesale load procurements, in both regulated and restructured energy

markets. Constellation is a retail marketing subsidiary of ExGen and is a licensed electric generation supplier in the Commonwealth of Pennsylvania. Both ExGen and Constellation are active participants in PJM Interconnection, L.L.C.

6. As suppliers of wholesale and retail energy and related products in the Joint Applicants' service territories, ExGen and Constellation fall squarely within the test articulated for intervention in this proceeding. That is, ExGen and Constellation each possess "[a]n 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." Pa. Code § 5.72(a)(1). The Plans present fundamental issues that affect the ability of ExGen and Constellation to compete in the Commonwealth's electricity markets. The public interest demands that ExGen and Constellation be afforded the opportunity to be heard in this proceeding. *See* Pa. Code § 5.72(a)(3).

7. Due to the early stage of this proceeding, ExGen and Constellation are still formulating a position on the proposed Plans and will finalize their positions after an opportunity to further study and evaluate the filings, conduct discovery, and obtain additional information, as necessary.

WHEREFORE, for all the foregoing reasons, ExGen and Constellation respectfully request that their Petition to Intervene be granted and that the Commission grant such other relief as is just and reasonable under the circumstances.

Respectfully submitted,

A handwritten signature in blue ink that reads "Colleen Kartychak". The signature is written in a cursive style and is positioned above a horizontal line.

Colleen Kartychak
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PA Attorney ID # 91091
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Baltimore, MD 21231
Tel.: (412) 506-2158
colleen.kartychak@exeloncorp.com

*Counsel to Exelon Generation Company, LLC and
Constellation NewEnergy, Inc.*

Dated: January 18, 2022

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joint Petition of Metropolitan Edison Company,	:	P-2021-3030012
Pennsylvania Electric Company,	:	P-2021-3030013
Pennsylvania Power Company, and	:	P-2021-3030014
West Penn Power Company	:	P-2021-3030021
for approval of their Default Service Programs	:	

**PREHEARING CONFERENCE MEMORANDUM OF EXELON GENERATION
COMPANY, LLC AND CONSTELLATION NEWENERGY, INC.**

Before the Pennsylvania Public Utility Commission (the “Commission”), pursuant to 52 Pa. Code §§ 5.222 and the Prehearing Conference Order issued in this proceeding on January 3, 2022, Exelon Generation Company, LLC (“ExGen) and Constellation NewEnergy, Inc. (“Constellation”), by their undersigned counsel, hereby respectfully submit this Prehearing Conference Memorandum.

I. INTRODUCTION

On December 14, 2021, Metropolitan Edison Company (“Met-Ed”), Pennsylvania Electric Company (“Penelec”), Pennsylvania Power Company (“Penn Power”), and West Penn Power Company (“West Penn”) (collectively, the “Joint Applicants”) filed a Joint Petition for Approval of Their Default Service Implementation Plans (“Plans”) pursuant to Section 2807(e) of the Public Utility Code. In a petition to intervene submitted concurrently with this memorandum, ExGen and Constellation seek to become parties to this proceeding to ensure that their interests as wholesale and retail suppliers of electricity are adequately represented.

II. SERVICE

ExGen and Constellation consent to accept electronic delivery of documents and respectfully request that service be made to the following individual:

Colleen Kartychak, Esq.
Exelon Corporation
PA Attorney ID # 91091
1310 Point Street
Baltimore, MD 21231
Tel.: (412) 506-2158
colleen.kartychak@exeloncorp.com

III. DISCUSSION

ExGen and Constellation are at this time still formulating their positions on the issues presented by the Plans. Based on a preliminary review, ExGen and Constellation expect that potential issues in this proceeding will include, among other things: (i) the manner in which the Joint Applicants are proposing to conduct default service procurements for various customer classes under the Plans, including but not limited to credit requirements, proposed restrictions on the amount of load a supplier may serve, and implementation of Pennsylvania's requirement to source supply from solar resources; and (ii) the manner in which the Plans hinder or support the development of competition in the Joint Applicant's service territories. ExGen and Constellation reserve the right to address other issues as they deem appropriate.

ExGen and Constellation are willing to participate in settlement discussions should they occur in this proceeding. Settlements often represent expeditious and less costly means of resolving issues raised in petitions before this Commission. At the time of this filing, ExGen and Constellation are amenable to forthcoming schedules that may be proposed by the applicants and other parties. If settlement is unsuccessful, ExGen and Constellation take no position at this time on whether a hearing is necessary or whether the matter should instead be decided on legal briefs.

ExGen and Constellation reserve the right to present in this proceeding direct, rebuttal, and surrebuttal fact and expert testimony. At this time, ExGen and Constellation expect to present expert testimony by the following individual:

Lael E. Campbell
V.P., State Governmental Affairs, East
Exelon Corporation
101 Constitution Ave., NW, Suite 400E
Washington, DC 20001
Phone: 202-637-0350
lael.campbell@constellation.com

In the event Constellation and ExGen choose a different expert witness, or intend to present testimony from additional witnesses, they will notify the Administrative Law Judge and all parties as soon as practicable.

ExGen and Constellation intend to call into the initial prehearing conference scheduled for Friday, January 21, 2022.

IV. CONCLUSION

WHEREFORE, for all the foregoing reasons, ExGen and Constellation request that their Prehearing Memorandum be entered into the record of this proceeding.

Respectfully submitted,

Colleen Kartychak

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*Counsel to Exelon Generation Company,
LLC and Constellation NewEnergy, Inc..*

Dated: January 18, 2022

VERIFICATION

I, Colleen Kartychak, counsel for Exelon Generation Company, LLC and Constellation NewEnergy, Inc., hereby state that the facts contained in the foregoing pleading are true and correct to the best of my knowledge, information and belief, that I am duly authorized to make this Verification, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 10 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).



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*Counsel to Exelon Generation Company, LLC and
Constellation NewEnergy, Inc.*

Date: January 18, 2022