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January 20, 2022

**E-FILE**

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:

Enclosed for filing with the Pennsylvania Public Utility Commission ("Commission") please find the Petition to Intervene and Prehearing Memorandum of Calpine Retail Holdings, LLC in the above-referenced proceedings.

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 Jeffrey A. Watson (via e-mail)  
Nick Miskanic (via e-mail)  
Certificate of Service

## CERTIFICATE OF SERVICE

**P-2021-3030012**

**P-2021-3030013**

**P-2021-3030014**

**P-2021-3030021**

I hereby certify that I have this day served a copy of the foregoing Petition to Intervene via email upon the following participants in accordance with the requirements of 52 Pa. Code Section 1.54, et. seq. (*relating to service by a participant*):

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

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

January 20, 2022

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Joint Petition of Metropolitan Edison :  
Company, Pennsylvania Electric :  
Company, Pennsylvania Power : Docket Nos: P-2021-3030012  
Company, and West Penn Power : P-2021-3030013  
Company for Approval of Default : P-2021-3030014  
Service Programs for the Period June : P-2021-3030021  
1, 2023 through May 31, 2027**

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

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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.<sup>1</sup>

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

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<sup>1</sup> 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.

Implementation Plans (“Plans”). The Joint Applicants filed the Plans pursuant to Section 2807(e) of the Public Utility Code.

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

1. The proposed Plans would apply to all retail customers in the Joint Applicants’ service territories, 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 attorneys are:

John F. Lushis, Jr. (I.D. No. 32400)  
David Berger (I.D. No. 311258)  
NORRIS McLAUGHLIN, P.A.  
515 W. Hamilton Street,| Suite 502  
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[jlushis@norris-law.com](mailto:jlushis@norris-law.com)  
[dberger@norris-law.com](mailto:dberger@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 the Joint Applicants' service territories as a retail Electric Generation Supplier.

7. Calpine continues to review the Joint 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.

9. Calpine is aware that the deadline for filing a Petition to Intervene was January 18, 2022. However, Calpine's becoming aware of the proceeding was delayed because the Joint Applications were mailed to Calpine offices in San Diego and Houston, and there was a delay in their being forwarded to Calpine's regulatory advocate who is based in Ohio. In addition, the notice published in the Pennsylvania

Bulletin over the holiday weekend was initially overlooked. Upon becoming aware of the proceeding, Calpine proceeded expeditiously to engage counsel and arrange for these papers to be filed.

10. Intervention by Calpine is particularly warranted because in other similar proceedings it has taken positions that differ from those taken by its competitors. See, e.g., *Petition of Duquesne Light Company for Approval of its Default Service Plan for the Period from June 1, 2021 through May 31, 2025*, Docket No. P-2020-3019522, Opinion and Order (January 14, 2021), at 39-40. Intervention by Calpine will help ensure a full and complete record on the important issues raised by the Joint Applicants and by other intervenors such as RESA, NRG Energy Inc., Exelon Generation Company and Constellation NewEnergy, Inc. Calpine therefore seeks relaxation of the initial deadline so that it may protect its interests in this proceeding.



**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.

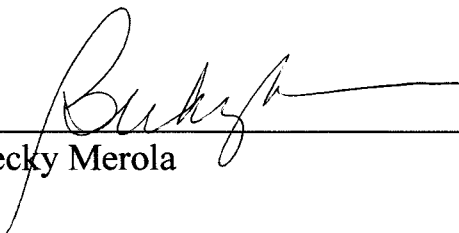
By /s/ John F. Lushis, Jr.  
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Counsel to Calpine Retail Holdings, LLC

Dated: January 20, 2022

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-2021-3030012) 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.

  
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Becky Merola

DATED: January 19, 2022

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Joint Petition of Metropolitan Edison :  
Company, Pennsylvania Electric :  
Company, Pennsylvania Power :  
Company, and West Penn Power : Docket Nos: P-2021-3030012  
Company for Approval of Default : P-2021-3030013  
Service Programs for the Period June P-2021-3030014  
1, 2023 through May 31, 2027 P-2021-3030021**

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

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**TO THE HONORABLE JEFFREY A. WATSON**

Pursuant to the Prehearing Conference Order dated January 3, 2022, 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 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”).

2. On January 20, 2022, 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 the Joint Applicants and other electric utilities.

**II. COUNSEL**

4. The name and address of Calpine’s attorneys are:

John F. Lushis, Jr. (I.D. No. 32400)  
David Berger (I.D. No. 311258)  
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5. Calpine will also seek the admission pro hac vice of the following attorney:

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Norris McLaughlin, P.A.  
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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 is not currently planning 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 is willing to agree to any reasonable schedule that will permit the proceeding to be completed within nine (9) months.

**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 established for the proceedings. Calpine proposes that exchange of documents be conducted electronically to the greatest extent feasible.

**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 Friday, January 21, 2022 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: January 20, 2022