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*Via Electronic Filing*

March 6, 2024

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

**Re: Docket No. P-2024-3046008: Petition of PECO Energy Company for Approval of its  
Default Service Plan for the Period from June 1, 2025 through May 31, 2029**

Dear Secretary Chiavetta:

Enclosed please find the Petition to Intervene of Constellation NewEnergy, Inc. and Constellation Energy Generation LLC in the above captioned proceeding.

The parties shown on the attached Certificate of Service are being duly served by email or regular mail with a copy of the enclosed Petition to Intervene.

Please do not hesitate to contact me if you have any questions or require additional information. Thank you.

Very truly yours,



Elizabeth J. Sher

Enclosure

cc: Administrative Law Judge Eranda Vero (via email [pmcneal@pa.gov](mailto:pmcneal@pa.gov))  
Administrative Law Judge Arlene Ashton (via email [pmcneal@pa.gov](mailto:pmcneal@pa.gov))  
Service List

## CERTIFICATE OF SERVICE

I hereby certify that I am this day serving via email or regular mail 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).

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Elizabeth J. Sher  
Counsel to Constellation NewEnergy, Inc.  
and Constellation Energy Generation LLC

Dated this 6<sup>th</sup> day of March 2024

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company  
for Approval of Its Default Service Program  
for the Period From June 1, 2025 Through  
May 31, 2029

Docket No. P-2024-3046008

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

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Pursuant to Sections 5.71 through 5.75 of the Pennsylvania Public Utility Commission's ("PUC" or "Commission") Regulations, 52 Pa. Code §§ 5.71 - 5.75, Constellation NewEnergy, Inc. ("CNE") and Constellation Energy Generation, LLC ("CEG") (together, "Constellation") hereby file this Petition to Intervene in the above-captioned proceeding. Constellation hereby states the following in support of its petition to intervene:

1. On February 2, 2024, PECO Energy Company ("PECO" or the "Company") petitioned the Commission for approval of the Company's sixth Default Service Program ("DSP VI"), proposing to establish the terms and conditions under which it will procure default service supplies, provide default service to non-shopping customers, satisfy requirements imposed by the Alternative Energy Portfolio Standards Act ("AEPS Act")<sup>1</sup>, and recover all associated costs on a full and current basis for the period from June 1, 2025 through May 31, 2029.
2. By public notice published in the *Pennsylvania Bulletin* on February 17, 2024, the Commission established a deadline of March 4, 2024 for formal protests, petitions to

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



intervene and answers. According to 52 Pa. Code Section 5.74, a Petition to Intervene may be filed after the established date if good cause is shown.

3. Constellation submits this petition only two days after the established deadline. No additional events have taken place in the proceeding and no party will be prejudiced by Constellation's late intervention. Instead, as demonstrated below, Constellation's participation in the proceeding will benefit the Commission and the public interest, and Constellation has a significant interest in the outcome of the proceeding that cannot be adequately represented by another party.
4. Constellation's attorney in the matter is:  
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5. CNE is a leading competitive retail supplier in Pennsylvania, with thousands of retail customers in PECO's territory. CEG has actively participated in default service auctions for many years and will continue to do so and has served PECO default service load.
6. Constellation meets the standards for intervention set forth in 52 Pa. Code § 5.72(a) as Constellation has interests that will be specifically and substantially affected by this proceeding. Constellation has an interest in issues that affect competitive markets in Pennsylvania, including the structure of default service, the procurement and implementation of default service supply, and the product mix under the default service program.
7. The proposed DSP VI would apply to all retail customers in PECO's service territory, including customers of Constellation. This proceeding will establish the terms and conditions under which the Company will acquire electric supply to serve its Default Service load from

June 1, 2025 through May 31, 2029. The outcome of this proceeding will impact the rates against which Constellation must compete to sell electricity to retail customers in the Company's service territory and therefore Constellation's ability to provide electric supply to retail customers in the Company's service territory. Constellation will be bound by the action of the Commission in this proceeding, which will determine the Company's default service rates, terms and conditions beginning June 2025 as well as the terms and conditions for the various retail market enhancement programs proposed by the Company.

8. Constellation's interests in this proceeding are unique from and may not adequately represented by other parties in this proceeding, including individual electric suppliers or other organizations interested in electric competition in Pennsylvania in general and in the Company's service territory in particular. Constellation intends to participate in the proceeding to the extent necessary to protect its interests and those of its customers.
9. Further, as one of the nation's largest retail electric providers, with a significant number of retail customers in the Company's territory, Constellation's intervention is in the public interest. Constellation possesses significant and unique knowledge, experience, and resources that will aid the Commission in this inquiry.
10. Constellation is reviewing the Company's filing and will be identifying issues to be addressed in this proceeding. Due to the early stage of this proceeding, Constellation reserves the right to raise and address issues identified through its continued review and analysis of the Company's filing (and related information), or other issues raised by other parties.
11. Constellation understands that this proceeding is already underway, and will accept the procedural schedule as set by the Commission. Constellation is not requesting any

modifications or accommodations to the procedural schedule. As such, no party should be unfairly prejudiced or assume any additional burden as a result of the Commission's granting of this Petition.

12. For these reasons, Constellation asserts that good cause has been shown, as required under 52 Pa. Code Section 5.74(a), and the Commission should grant this Petition to Intervene.

**WHEREFORE**, Constellation respectfully requests that the Commission grant its Petition to Intervene, granting it full party status in this proceeding.

Respectfully submitted,

/s/ Elizabeth J. Sher

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Dated: March 6, 2024