

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF DELAWARE**

**PETITION OF** )  
 )  
**THE RETAIL ENERGY SUPPLY** )  
**ASSOCIATION** ) **PSC Docket No.** \_\_\_\_\_ )  
 )  
**FOR IMPLEMENTATION OF A** )  
**PURCHASE OF RECEIVABLES** )  
**PROGRAM** )

---

**PETITION OF THE RETAIL ENERGY SUPPLY ASSOCIATION FOR  
IMPLEMENTATION OF A PURCHASE OF RECEIVABLES PROGRAM**

The Retail Energy Supply Association (“RESA”),<sup>1</sup> by counsel, respectfully submits this petition (“Petition”) requesting that the Delaware Public Service Commission (“Commission”) order Delmarva Power and Light Company (“Delmarva” or the “Company”) to implement a Purchase of Receivables (“POR”) program to enhance opportunities for customer choice in Delaware and encourage more competitive suppliers to offer energy supply products and value-added services to Delaware customers.

---

<sup>1</sup> The comments expressed in this filing represent the position of the Retail Energy Supply Association (RESA) as an organization but may not represent the views of any particular member of the Association. Founded in 1990, RESA is a broad and diverse group of more than twenty retail energy suppliers dedicated to promoting efficient, sustainable and customer-oriented competitive retail energy markets. RESA members operate throughout the United States delivering value-added electricity and natural gas service at retail to residential, commercial and industrial energy customers. More information on RESA can be found at [www.resausa.org](http://www.resausa.org).

## I. Introduction and Background

Implementation of POR is the next logical step in the development of a competitive market for retail electricity supply in Delaware. The Electric Utility Restructuring Act of 1999 laid the foundation for retail electric choice in Delaware, affording consumers the right to purchase electric supply from competitive suppliers.<sup>2</sup> The Delaware Code was subsequently amended by the Electric Utility Retail Customer Supply Act of 2006 to further clarify the structure of retail choice in Delaware.<sup>3</sup> As discussed below, POR programs have been widely adopted in jurisdictions with retail choice and these programs have helped bolster development of competitive markets, resulting in increased and varied offerings for choice customers.

In a recent Petition filed with the Commission in Docket No. 15-1458, the Electricity Affordability Committee recommended that Delmarva be required to implement nine programs to enhance customer choice.<sup>4</sup> The first of the nine recommendations was adoption of a POR program. Rather than consider the retail market enhancements in Docket No. 15-1458, the Commission opened Docket No. 15-1693. RESA appreciates the Commission's action in establishing a new proceeding to address the proposed market enhancements, and is of the view that Delaware should move forward with all nine. Implementation of a POR program, however, would have a significant positive effect on retail suppliers' ability to compete in Delaware and

---

<sup>2</sup> 26 Del. C. § 1001 *et seq.*

<sup>3</sup> 26 Del. C. § 1003 *et seq.*

<sup>4</sup> *Petition of the Electricity Affordability Committee Seeking Review and Implementation of Recommendations to Enhance Customer Choice Opportunity in Delaware*, In the Matter of the Review of Customer Choice in the State of Delaware, PSC Docket No. 15-1458 (Dec. 14, 2015).

can be implemented expeditiously.<sup>5</sup> Therefore, RESA recommends that the Commission establish a new docket to facilitate prompt consideration and implementation of a POR program separately from the other eight issues in Docket No. 15-1693.

## **II. Purchase of Receivables is a necessary market enhancement in Delaware.**

POR programs are widely recognized as integral components of competitive electricity markets, and jurisdictions that have implemented POR programs have experienced increased shopping to the benefit of customers. POR programs exist or are being developed in virtually every jurisdiction that allows retail choice, including in the service territories of Delmarva's affiliated electric distribution companies ("EDCs") in Maryland<sup>6</sup> and the District of Columbia.<sup>7</sup>

---

<sup>5</sup> As an example, Order No. 8845, issued on January 19, 2016, establishes an intervention date of March 20, 2016, and a comment date of March 30, 2016 for interested persons to comment on all nine of the Electricity Affordability Committee's recommendations. A stand-alone POR docket could move more expeditiously than a docket that considers all nine recommendations at once.

<sup>6</sup> See COMAR 20.53.05.06 ("Utility Purchased Receivables or Prorated Payments"); Maryland Public Service Commission, Letter Order, *In re: COMAR 20.53 Compliance Filing* (June 10, 2010) (directing Pepco/MD to file its proposed tariff implementing POR by July 1, 2010); Letter Order, *In re: COMAR 20.53 Compliance Filing*, ML#s 116829 and 117665 (Oct. 7, 2009) (approving Delmarva/MD's POR implementation date of December 7, 2009); Letter Order, *In re: Administrative Docket Rulemaking No. 17 Compliance Plan of Baltimore Gas and Electric Company (BGE) – Supplement 414 to P.S.C. Md. E-6*, ML# 116827 (Oct. 7, 2009) (approving BGE's POR implementation date of April 1, 2010); Letter Order, *In re: the Potomac Edison Company d/b/a Allegheny Power's Compliance Plan to Implement COMAR 20.53.05.03, 20.53.05.05, 20.53.05.06, 20.53.06.06, and 20.53.07.10*, ML#s 116824 and 117609 (Oct. 5, 2009).

<sup>7</sup> D.C. Public Service Commission, Final Order, *In the Matter of the Investigation of a Purchase of Receivables Program in the District of Columbia*, Formal Case No. 1085 (Mar. 14, 2014). (approving Potomac Edison Company d/b/a Allegheny Power's POR implementation date of December 15, 2009). Similar POR programs have been implemented in Massachusetts, New York, Connecticut, Pennsylvania, and Illinois.

**a. POR Programs are Widely Accepted.**

Other jurisdictions have recognized the important role that POR programs play in developing competitive retail electricity and natural gas markets. For example:

- In New York, where POR exists in each of the EDC service territories, the New York Public Service Commission identified POR as a “best practice” leading to “major success” in the residential market.<sup>8</sup>
- The Pennsylvania Commission has recognized that, “a viable POR program is an essential element to the creation of a competitive market for generation in Pennsylvania.”<sup>9</sup> In a separate proceeding, the Pennsylvania Commission endorsed POR programs for natural gas utilities and stated, among other things, that POR programs “promote efficiencies, reduce costs to consumers and reduce barriers to market entry.... If this barrier to competition is reduced, the net result, for the benefit of consumers, is greater access to alternative supplier offers and competitive prices.”<sup>10</sup>
- The D.C. Public Service Commission directed Pepco/DC to implement a POR program and stated that the purpose of the program is “to encourage electricity competition in the District by encouraging Suppliers to participate in the electricity market.”<sup>11</sup> The Commission further stated that, “In general, the primary purpose of

---

<sup>8</sup> NY Public Service Commission Case 00-M-0504, Retail Policy Statement at 15 (Aug. 25, 2004).

<sup>9</sup> Pennsylvania PUC Docket No. M-2009-2104271, Opinion and Order at 27 (Aug. 6, 2009).

<sup>10</sup> Pennsylvania PUC Docket No. I-00040103F0002, Final Order and Action Plan at 11-12.

<sup>11</sup> See D.C. Public Service Commission, *In the Matter of the Investigation of a Purchase of Receivables Program in the District of Columbia*, Formal Case No. 1085, Order No. 17052 at ¶

the District POR program is to promote customer choice, thereby increasing competition and reducing the commodity price of electricity.”<sup>12</sup>

There is no reason why Delaware should not follow the lead of so many other jurisdictions and implement a POR program. RESA recommends that the Commission require Delmarva to implement a POR identical to the programs of its affiliate EDCs in Maryland and the District of Columbia, both of which are structured so as to encourage competition, not place an economic burden on ratepayers, and provide full cost recovery for the EDC.

An effective POR program allows retail suppliers to avoid some or all of the large, upfront costs associated with collections and entering new markets, and allows suppliers to offer their products and services to customers to whom they might not have made offers without a POR program. With non-recourse POR, as exists in Maryland and D.C., a retail supplier generally does not need to perform credit checks or accept pre-payments because the retail supplier will receive payment from the EDC. Thus, not only are retail suppliers encouraged to enter new markets that have POR and to expand current offerings in a particular service territory, but in the process they bring additional products and services, often including lower pricing, to more customers than they otherwise would have without POR. An effective POR program can be implemented without adding costs to the EDC because the supplier, through the discount rate, will be paying for the implementation and ongoing costs of the program. Generally speaking, the EDC’s uncollectible rate should not increase, because the EDC would maintain the responsibility

---

38 (Jan. 18, 2013) (directing Pepco/DC to implement a POR program and stating that the program should be designed to allow Pepco/DC to recover all program-related costs from suppliers with no subsidy from distribution or SOS customers).

<sup>12</sup> DC PSC Formal Case No. 1085, Order No. 16916 at ¶ 25 (Sept. 20, 2013)

for collecting revenues from virtually the same subset of customers – 90% of Delmarva’s total residential customers who are on SOS – which it does today.

Furthermore, an important feature of POR programs is that they create efficiencies by leveraging the existing EDCs’ billing platforms, for which all customers paid, and EDCs’ collections practices. A POR program also helps keep retail suppliers on equal footing with the EDCs in terms of uncollectible costs. The EDC has the ultimate stick, in its ability to terminate customers for non-payment, which mitigates an EDC’s collection risk. At the same time, retail suppliers, without an effective POR program, do not enjoy priority or even equality under Delmarva’s current payment posting system. POR programs address these inequities while at the same time allow retail suppliers to reach customers that they otherwise would not have reached, and allowing EDCs to continue to terminate service to a retail supplier’s customer for non-payment of the customer’s supply charges.

**b. Delmarva’s current payment posting system is inadequate and unfair to retail suppliers.**

The importance of a POR program to the development of a competitive retail market cannot be understated. Put simply, POR programs provide retail suppliers with a better opportunity to be paid than when customers make partial payments through utility consolidated billing. Most residential and small commercial customers, and many C&I customers, that currently take electricity from a retail supplier receive one consolidated bill from their EDC that includes both EDC and retail supplier charges. When the EDC receives payment, it forwards the amount paid for the commodity portion of the bill to the retail supplier.

Under the current system in Delaware, when a customer makes a partial payment, suppliers are for all practical purposes the last entities to be paid and are at risk of receiving no

payment for their portion of the bill charges.<sup>13</sup> Moreover, the delinquent customer continues to receive “free” energy because the EDC will not disconnect if the partial payment satisfies the EDC’s outstanding debt. Unlike the regulated utilities, retail suppliers do not have the regulatory authority to terminate customer service for partial or non-payment. As a result, retail suppliers are in the position of not getting paid and their ability to serve the widest cross-section of customers is limited. Further, the current system discourages and is a significant impediment to retail suppliers that desire to enter the Delaware market.

A POR program is an initial step towards leveling the playing field. It requires the Company to purchase the supplier’s receivables and provides a more equitable and stable treatment of partial payments than the current payment hierarchy.

**c. Positive POR program results in Maryland and elsewhere support implementation of a POR program in Delaware.**

POR programs, standing alone, are not the sole driver of shopping statistics, and the success of a POR program cannot be viewed in a vacuum. That said, it cannot go unnoticed that EDCs that have implemented POR programs have experienced increased shopping.

The jurisdiction that hits closest to home is Maryland. Retail choice in Maryland “has enjoyed tremendous success after the establishment of the POR program,” with “residential and small commercial accounts” enjoying “the majority of the benefits.”<sup>14</sup> Indeed, Maryland saw

---

<sup>13</sup> See Delmarva Power & Light Company, Electric Supplier Agreement 41-42 (2003), available at <http://www.pepcoholdings.com/res/documents/detpsagrsep03.pdf>. If a customer makes a partial payment, it will be applied first to Delmarva’s arrearages, then to supplier arrearages, then to Delmarva’s current charges, then to the supplier’s current charges, and finally to charges for the supplier’s value-added services.

<sup>14</sup> Comments of the Staff of the Maryland Public Service Commission Electricity Division, *In re: 2013 POR Discount Rates*, ML#s 145613, 145725, 146045, 146082, at Page No. 2 (May 1, 2013).

retail choice participation by residential accounts increase “roughly 220%” after implementation of POR.<sup>15</sup> As demonstrated in Table 1, below, Maryland’s electric and natural gas utilities, including Delmarva’s EDC affiliates Delmarva/MD and Pepco/MD, have experienced significant increases in both the number of customers taking advantage of the increase in options available to them and the number of retail suppliers serving customers since the inception of POR.<sup>16</sup>

*[Remainder of Page is Intentionally Blank]*

---

<sup>15</sup> *Id.* at Page Nos. 2, 14-15.

<sup>16</sup> The electricity and natural gas shopping statistics were taken from the Maryland Commission website and can be found at: <http://www.psc.state.md.us/electricity/electric-choice-monthly-enrollment-reports/> (electricity) and <http://www.psc.state.md.us/gas/gas-choice-enrollment-report/> (natural gas). The D.C. Public Service Commission has opined that, “Commission review of the Maryland POR program suggests that it has resulted in increases in supplier participation in the electricity retail market.” DC PSC Formal Case No. 1085, Order No. 16916 at ¶ 25 (Sept. 20, 2012).

TABLE 1 – MARYLAND													
RESIDENTIAL SHOPPING STATISTICS SINCE THE INCEPTION OF POR PROGRAMS													
	% of Shopping Customers						# of Retail Suppliers Serving Enrolled Customers						
	End of June 2010	End of Oct. 2011	End of July 2012	End of July 2013	End of July 2014	End of July 2015	End of June 2010	End of Oct. 2011	End of July 2012	End of July 2013	End of July 2014	End of July 2015	
<b>Delmarva Power/MD</b>	1.6	10.1	13.7	17.1	19.3	15.6	9	21	25	30	36	38	
<b>Pepco/MD<sup>17</sup></b>	8.9	20.4	23.2	26.4	26.2	22.4	13	29	35	39	47	47	
<b>Potomac Edison</b>	1.7	7.2	10.1	14.7	15.5	12.7	7	11	15	20	24	26	
<b>BGE - Electricity</b>	8.2	22.9	25.3	29.7	30.1	25.9	14	37	39	49	54	55	
<b>BGE – Gas</b>	9.8	16.2 (thru Sept. 2011)	19.8 (thru Sept. 2012)	26 (thru Sept. 2013)	24.9 (thru June 2014)	23.5 (thru June 2015)	8	13 (thru Sept. 2011)	19 (thru Sept. 2012)	25 (thru Sept. 2013)	26 (thru June 2014)	29 (thru June 2015)	
<b>WGL/MD<sup>18</sup></b>	17	18 (thru Sept. 2011)	20 (thru June 2012)	21 (thru Sept. 2013)	21.5 (thru June 2014)	22.1 (thru June 2015)	5	5 (thru Sept. 2011)	5 (thru June 2012)	19 (thru June 2013)	18 (thru June 2014)	18 (thru June 2015)	

As can be seen in Table 1, residential shopping in Delmarva/MD increased from 1.6% to 15.6% since the inception of POR. The number of suppliers serving those customers has increased from nine to 38. The other Maryland EDCs have experienced similar increases. Residential customers in Maryland now have more offers from which to choose. The implementation of POR programs played a large role in these increases, and there is no reason to believe that Delmarva could not implement a similar program, with similar successes, in Delaware.

<sup>17</sup> Pepco/MD's POR program commenced in October 2010. As of the month ending September 2010, 10.6% of Pepco/MD's residential customers were shopping, served by 14 licensed suppliers. See Electric Choice Enrollment Monthly Report for the Month Ending September 2010. As can be seen in Table 1, these numbers have increased since the inception of POR in Pepco's service territory.

<sup>18</sup> Historical percentages for WGL/MD can be found on the D.C. Commission website: <http://www.dcpsec.org/customerchoice/whatis/gas/t3.shtm> and <http://www.dcpsec.org/customerchoice/whatis/gas/t2.shtm>.

**d. The POR program will benefit, and certainly not negatively impact, Delmarva's customers.**

As explained above, successful POR programs play a vital role in bringing more retail suppliers into a market, leading to additional products and services being offered to the benefit of all customers. At the same time, a properly structured POR program allows the LDC to recover its costs of the POR program from participating retail suppliers who utilize the LDC's consolidated billing. RESA recommends that Delmarva be required to model its POR program after its affiliated EDCs' programs in Maryland and the District of Columbia. Such a POR program would not negatively impact customers.

In that regard, in April 2012, the District of Columbia Public Service Commission directed Pepco/DC to report on the impact of Pepco/MD's POR program on its Maryland customers.<sup>19</sup> In response, Pepco/DC reported that the Maryland POR program is structured in a manner that does not impact retail customers:

[The Maryland POR] program is funded by the third-party retail suppliers through the discount paid on receivables. . . . Neither Standard Offer Service customers nor distribution customers are directly impacted by this program.<sup>20</sup>

Pepco/DC also concluded that, under its proposed POR program in D.C., were the program to be funded through the use of a discount rate, "neither SOS nor distribution customers would be

---

<sup>19</sup> *In the Matter of the Investigation of a Purchase of Receivables Program in the District of Columbia*, Formal Case No. 1085, Order No. 16767 (April 26, 2012).

<sup>20</sup> *In the Matter of the Investigation of a Purchase of Receivables Program in the District of Columbia*, Formal Case No. 1085, *Response of Pepco to Commission Order No. 16767 and Proposed District-Specific POR Program Plan* at 11 (June 25, 2012); *see also* DC PSC Order No. 16916 at ¶ 21 (noting that, with respect to its Maryland POR program, "Pepco states that neither Standard Offer Service customers nor distribution customers are directly impacted by this Program.").

impacted by the program.”<sup>21</sup> A POR program in Delaware modeled after the D.C. and Maryland programs, as RESA recommends, would likewise have no negative cost impact on Delaware customers.

### **III. Requested Relief**

RESA requests that the Commission direct Delmarva to implement a POR program identical to the programs currently used in D.C. and Maryland, including the key components discussed below.<sup>22</sup>

#### **a. Transition Plan**

Delmarva would purchase the current billed accounts receivable balance on each consolidated billed account at the appropriate discount rate. Suppliers then receive payment for the entire balance approximately 30 days after the implementation date. All non-current balances as of the approved effective date would be billed by Delmarva for 90 days. Any payment(s) collected as a result of these billings would then be remitted by the Company to the supplier at the end of the 90-day period. Delmarva would also implement an auto-cancel process as part of the implementation process. After conversion, if Delmarva cancels a customer’s usage (and subsequent Delmarva charges) for a given billing period, the Company would also cancel the corresponding supplier charges. If payment to the supplier was previously made, Delmarva would recover the amount originally remitted.

---

<sup>21</sup> *In the Matter of the Investigation of a Purchase of Receivables Program in the District of Columbia*, Formal Case No. 1085, *Response of Pepco to Commission Order No. 16767 and Proposed District-Specific POR Program Plan* at 12.

<sup>22</sup> See Letter from Pepco/DC to Brinda Westbrook-Sedgwick, Commission Secretary, D.C. Public Service Commission (Sept. 20, 2013); see also D.C. Public Service Commission, *In the Matter of the Investigation of a Purchase of Receivables Program in the District of Columbia*, Formal Case No. 1085, Order No. 16916 (Sept. 20, 2012). For more information on the Maryland POR program, refer to Delmarva/MD Supplier Coordination Tariff 23a, Schedule 3, attached as **Exhibit 3**.

**b. Each SOS class would have its own discount rate.**

As in D.C and Maryland, Delaware should require that Delmarva calculate a discount rate for each standard offer service customer class. In other words, there would be different discount rates for residential, small commercial, MGS-S, LGS-S, and GS-T.<sup>23</sup>

**c. Computation of Discount Rate**

The discount rate applied to receivables purchased under the new program should be set at a level ensuring the POR program is revenue neutral for the Company and minimizes the cost to suppliers. The rate should be derived by adding (i) uncollectible costs associated with shopping customers' accounts; (ii) a program development cost component; and (iii) a late payment revenue component. These three components should be calculated, and included in the discount rate, as discussed below:

**Uncollectible Expenses:** Inevitably, some revenue billed by the utility will be left unpaid by customers. The amount of uncollectible revenue will then be written off and should be accounted for in the discount rate. The uncollectible expense component should be a percentage calculated by dividing the estimated electric supplier uncollectible expenses associated with each rate schedule by the electricity revenues billed for all suppliers for that rate schedule.

**Program Development Costs:** Program development costs reflect the costs of the POR program above what the utility would normally expend in the course of business during the period in which POR is implemented. It is RESA's understanding that, following the implementation of Delmarva's new billing system, there will be no implementation costs. If the Company proves that it will incur implementation costs, the Commission will need to determine the appropriate amortization duration for purposes of the Company's recovery of those costs.

---

<sup>23</sup> These appear to be the SOS customer groupings as established in the Settlement approved by the Commission in PSC Docket No. 04-391 in 2005, and still in use today.

**Late Payment Revenues:** Late payment revenues (“LPRs”) should be included in the discount rate as an offset, just as they are in the Maryland and D.C. POR programs. As in the Maryland<sup>24</sup> and D.C.<sup>25</sup> programs, the LPR percentage used in the discount rate for each rate schedule should be calculated by dividing the estimated electric supplier LPRs billed for all electricity suppliers for that rate schedule. It is RESA’s understanding that Delmarva, with its new billing system, can now track LPRs received from shopping customers for inclusion in the discount rate. Thus, the Company’s ability to track LPRs, and to include them in the discount rate, should not be an issue in Delaware.

**d. Timing for Implementation**

---

<sup>24</sup> On numerous occasions, the Maryland Commission has rejected the EDCs’ arguments to exclude LPRs from the POR discount rate. *See* ML# 146044, Letter Order (May 15, 2013); ML# 145725, Letter Order (May 15, 2013); ML# 146082, Letter Order (May 15, 2013); *In re: 2013 Electric Purchase of Receivables (“POR”) Discount Rates, Comments of the Electricity Division*, ML#s 145613, 145725, 146045, 146082 (May 1, 2013); ML#s 142282, 143580, and 143820, Letter Order (Nov. 28, 2012); ML#s 119760, 121041, 121846, 122369, 122663 & 122860, Letter Order (June 10, 2010); ML#s 119980 and 120370, Letter Order (June 10, 2010); ML#s 119763, 120017, 120905 & 122880, Letter Order (June 10, 2010); *In re: COMAR 20.53 Compliance Filing*, ML# 116830, Letter Order (June 10, 2010); *In re: Administrative Docket Rulemaking No. 17 Compliance Plan of Baltimore Gas and Electric Company (BGE) – Supplement 414 to P.S.C. Md. E-6*, ML# 116827, Letter Order (Oct. 7, 2009); *In re: COMAR 20.53 Compliance Filing*, ML#s 116829 and 117655, Letter Order (Oct. 7, 2009); *In re: The Potomac Edison Company d/b/a Allegheny Power’s Compliance Plan to Implement COMAR 20.53.05.03, 20.53.05.05, 20.53.05.06, 20.53.06.06, and 20.53.07.10*, ML#s 116824 and 117609, Letter Order (Oct. 5, 2009).

<sup>25</sup> The D.C. Commission has twice directed Pepco/DC to include LPRs in its POR program discount rate. *See* D.C. Public Service Commission, *In the Matter of the Investigation of a Purchase of Receivables Program in the District of Columbia*, Formal Case No. 1085, Order No. 16916 (Sept. 20, 2012). Pepco filed an Application for Reconsideration on the issue of including LPRs in the POR discount rate, which the Commission denied. Formal Case No. 1085, Order No. 17052 (Jan. 18, 2013)(“This Order also denies Pepco's Application for Reconsideration requesting that late payment revenues be excluded from the calculation of the Discount Rate and its alterative request that the Commission rule that the Discount Rate should never be less than zero.”).

RESA recommends that the Commission direct Delmarva to implement its POR program on or before June 1, 2016 at the latest, and to present the proposed POR discount rates for the Commission's consideration at the May 3, 2016 Commission Meeting. This timeline should provide Delmarva with sufficient time to perform necessary programming and to develop and file the appropriate compliance documents with the Commission regarding the program's rules. June 1, 2016 is the next change in Delmarva's SOS rates, so a June 1 implementation date should provide operational and regulatory efficiencies for Delmarva, the Commission, and retail suppliers to comply with the new program.

#### **IV. Conclusion**

Implementation of a POR program is essential for the continued development of retail competition, and the resulting growth of consumer choice, in Delaware. Such a program will benefit customers. Further, comparable programs have already been approved in D.C., Maryland, and many other jurisdictions that support retail competition. Now is the time for Delaware to implement POR in a manner similar, if not identical, to the POR programs in place in Maryland and the District.<sup>26</sup>

**(SIGNATURE PAGE FOLLOWS)**

---

<sup>26</sup> Pertinent provisions of the PEPCO/DC, PEPCO/Maryland, and Delmarva/MD Supplier Coordination Tariffs addressing each EDC's POR program are attached as **Exhibits 1, 2, and 3**, respectively.

WHEREFORE, RESA respectfully requests that the Commission direct Delmarva to implement a POR program to enhance customer choice in Delaware.

Dated: January 21, 2016

Respectfully submitted,

RETAIL ENERGY SUPPLY  
ASSOCIATION

Dated: Wilmington, Delaware

---

GELLERT SCALI BUSENKELL &  
BROWN, LLC

/s/ Ronald S. Gellert

Ronald S. Gellert (No. 4259)  
Brya M. Keilson (No. 4643)  
913 N. Market Street, 10th Floor  
Wilmington, Delaware 19801  
Tel: (302) 425-5800  
[rgellert@gsbblaw.com](mailto:rgellert@gsbblaw.com)

-and-

Brian R. Greene  
GreeneHurlocker, PLC  
1807 Libbie Avenue, Suite 102  
Richmond, VA 23226  
804-672-4542  
[bgreene@greenehurlocker.com](mailto:bgreene@greenehurlocker.com)  
(Motion for Admission *Pro Hac Vice*  
pending)

Counsel for the Retail Energy Supply  
Association

**VERIFICATION**

STATE OF DELAWARE )  
CITY/COUNTY OF NEW CASTLE ) To-Wit:

I, Ronald Gellert, being duly sworn, says that she/he is the Attorney of the RETAIL ENERGY SUPPLY ASSOCIATION, that she/he has read the foregoing Petition, and that the contents are true to the best of her/his personal knowledge, information and belief.

  
\_\_\_\_\_  
Ronald S. Gellert (DE No. 4259)

Taken, sworn to and subscribed before me, a Notary Public of and for the County and State aforesaid, this 21<sup>st</sup> day of January, 2016.

  
\_\_\_\_\_  
Notary Public

My commission expires: 3/4/2016



**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing Petition was sent via email and first class mail, postage pre-paid, on January 21, 2016, to:

David L. Bonar  
Delaware Public Advocate  
820 N. French Street  
Suite 438  
Wilmington, DE 19801  
Public.advocate@state.de.us.

*/s/ Ronald S. Gellert*  
Ronald S. Gellert (DE Bar Id# 4259)