

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

IN THE MATTER OF THE APPLICATION OF *
DELMARVA POWER & LIGHT COMPANY *
FOR APPROVAL OF QUALIFIED FUEL * PSC Docket No. 11-362
CELL PROVIDER PROJECT TARIFFS *
(FILED AUGUST 19, 2011)

* * * * *

**PETITION TO INTERVENE OUT OF TIME OF
THE RETAIL ENERGY SUPPLY ASSOCIATION**

Petitioner, Retail Energy Supply Association (“RESA”),¹ by counsel, petitions the Commission to intervene out-of-time in the above-captioned proceeding and, as grounds therefore, states as follows:

1. RESA is a non-profit trade association of independent corporations that are involved in the competitive supply of electricity and natural gas. RESA and its members are actively involved in the development of retail and wholesale competition in electricity and natural gas markets in various states throughout the region, including Maryland, Pennsylvania, New Jersey, New York, Delaware, and the District of Columbia.

2. The Commission established this proceeding for the review and consideration of Delmarva Power & Light Company's (“Delmarva’s”) application requesting, in part, approval of a proposed electric tariff for a new Qualified Fuel Cell Provider Project - Renewable Capable (“QFCP-RC”) service classification, by which

¹ RESA’s members include: Champion Energy Services, LLC; ConEdison *Solutions*; Constellation NewEnergy, Inc.; Direct Energy Services, LLC; Energetix, Inc.; Energy Plus Holdings, LLC; Exelon Energy Company; GDF SUEZ Energy Resources NA, Inc.; Green Mountain Energy Company; Hess Corporation; Integrys Energy Services, Inc.; Just Energy; Liberty Power; MC Squared Energy Services, LLC; Mint Energy, LLC; MXenergy; NextEra Energy Services; Noble Americas Energy Solutions LLC; PPL EnergyPlus, LLC; Reliant and TriEagle Energy, L.P. The comments expressed in this filing represent the position of RESA as an organization but may not represent the views of any particular member of RESA.

Delmarva will collect charges to be applied to all customer classes on a monthly basis for qualified fuel cell projects.

3. RESA and its members are interested in and concerned about the implementation of Delmarva's proposed new electric tariff to the extent that it could impact Delaware's evolving competitive retail electricity market, including RESA's members' ability to participate in the Delaware electricity market and their ability to comply with Delaware's regulations related to renewable energy.

4. RESA's collective experience in the development of competitive energy markets, and the collective experience and knowledge of its member companies, enable it to bring a unique perspective on the electric restructuring process and markets in general, and to the issue of rate design, the structure of standard offer service, energy delivery service, and renewable portfolio standards in particular.

5. All correspondence to RESA should be addressed to RESA's counsel at the following address:

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6. Any decision by this Commission with respect to Delmarva's application could impact RESA's interests and the interests of RESA's members. RESA's interests are not now, nor will they be, adequately represented by any other party.

7. In submitting this petition to intervene out-of-time, RESA agrees to accept and be subject to the currently approved procedural schedule in this proceeding.

WHEREFORE, RESA requests that this Commission allow it to intervene in this proceeding as a party, with all rights attendant thereto.

Respectfully submitted,

**ECKERT SEAMANS CHERIN
& MELLOTT, LLC**



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Dated: October 4, 2011

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* * * * *

CERTIFICATE OF SERVICE

I, Ronald S. Gellert, Esquire, hereby certify that on October 4, 2011, I caused a true and correct copy of the foregoing *Petition to Intervene Out of Time of the Retail Energy Supply Association* to be served via U.S. Mail, postage prepaid and e-mail as per the attached service list.

**ECKERT SEAMANS CHERIN
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Date: October 4, 2011

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SERVICE LIST
Delmarva Power & Light Company
(Bloom Energy)
PSC Docket No. 11-362
Effective 09/28/11

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