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File #: 2507/142658

March 4, 2010

BY HAND

James J. McNulty  
Secretary  
PA Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor North  
PO Box 3265  
Harrisburg, PA 17105-3265

**RE: Petition of PPL Electric Utilities Corporation for Approval of a Smart Meter  
Technology Procurement and Installation Plan  
Docket No. M-2009-2123945**

Dear Secretary McNulty:

PPL Electric Utilities Corporation ("PPL Electric") files this letter in response to the Reply Exceptions of the Pennsylvania Association of Community Organizations for Reform Now ("ACORN") filed on March 1, 2010 in the above-referenced proceeding. Therein, ACORN advances certain arguments in support of the Exceptions filed by the Office of Consumer Advocate ("OCA") on February 17, 2010. As explained below, ACORN's "Reply Exceptions" are an improper attempt to advance arguments that it should have made in Exceptions. For the reasons explained herein, the Pennsylvania Public Utility Commission ("Commission") should not consider ACORN's Reply Exceptions.

The Initial Decision of Administrative Law Judge Wayne L. Weismandel ("ALJ") was issued by Secretarial Letter on January 28, 2010. In the Initial Decision, the ALJ granted PPL Electric's request to conduct voluntary service limiting and pre-pay metering pilot programs under its Smart Meter Plan. The OCA filed Exceptions to the Initial Decision, in part, opposing the service limiting and pre-pay metering pilot programs. ACORN did not file Exceptions to the Initial Decision. Notwithstanding, ACORN filed Reply Exceptions asserting that the Commission should not approve PPL Electric's service limiting and pre-pay metering pilot programs. ACORN couches its "Reply Exceptions" in terms of supporting OCA's Exceptions. However, ACORN's "Reply Exceptions" are, in effect, exceptions to the ALJ's Initial Decision.

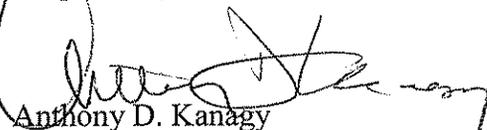
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Pursuant to the Commission's regulations, a party has the right to file a reply to an exception; however, a reply must be limited to responding to arguments or issues raised in exceptions. 52 Pa. Code § 5.535(a). ACORN's Reply Exceptions are simply statements in support of OCA's position and do not rebut any argument asserted by a party in Exceptions.

It is inappropriate to initiate claims of error in an initial, tentative, or recommended decision by way of Reply Exceptions. See *Petition of Core Communications, Inc.*, Docket No. A-310922F7000, 2003 Pa. PUC LEXIS 21 at \*10-11 (May 27, 2003) (granting motion to strike reply exceptions). If ACORN wished to call the Commission's attention to perceived errors in the Initial Decision, the appropriate way to accomplish that would have been to file Exceptions to those parts of the Initial Decision with which it disagreed. 52 Pa. Code § 5.533(a). This would have given PPL Electric and other parties the opportunity to respond. ACORN's use of Reply Exceptions to advance its argument that the Initial Decision was in error deprives PPL Electric of due process because the Company does not have a meaningful opportunity to respond to ACORN's arguments. See *Application of Judge Couriers, Inc.*, Docket No. A-00100592; F002 Am-A, 1994 Pa. PUC LEXIS 4 at \*17 (January 3, 1994). For these reasons, the Reply Exceptions of ACORN are improper, and the Commission should not consider them.

Notwithstanding and without waiver of objection thereto, ACORN's Reply Exceptions support OCA's Exception No. 2. PPL Electric responded to the OCA's arguments regarding the service limiting and pre-pay metering pilot programs on pages 17-19 of the Company's Replies to Exceptions. For the reasons set forth therein and as further explained by the Company in this proceeding, ACORN's Reply Exceptions should be rejected, and the Commission should allow PPL Electric to conduct its voluntary service limiting and pre-pay metering programs.

Respectfully Submitted,



Anthony D. Kanagy

ADK/ctw

cc: Certificate of Service  
Honorable Wayne L. Weismandel

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of § 1.54 (relating to service by a participant).

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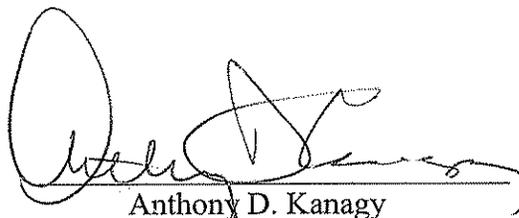
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