



May 1, 2015

Rosemary Chiavetta, Secretary
Pennsylvania Public Utilities Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

**RE: Pennsylvania Public Utility Commission v. PPL Electric Utilities
Corporation Docket R-2015-2469275**

Attention Filing Center,

Please find enclosed for filing the *Motion for Leave to Appear Pro Hac Vice, Notice of Appearance, Petition to Intervene of The Alliance for Solar Choice* and the *Prehearing Memorandum on Behalf of The Alliance for Solar Choice*. Copies will be provided as indicated on the Certificate of Service.

Please contact me if you have any questions regarding this filing.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Kooles".

Kimberly L. Kooles
Research Analyst
Keyes, Fox & Wiedman LLP
401 Harrison Oaks Blvd., Suite 100
Cary, NC 27513
919-825-3344
kkooles@kfwlaw.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
	:	
v.	:	R-2015-2469275
	:	
Petition of PPL Electric Utilities Corporation	:	

MOTION FOR ADMISSION *PRO HAC VICE*

Pursuant to Rule 5.103 of the rules of Administrative Practice and Procedure of the Pennsylvania Public Utility Commission and Rule 301(b) of the Pennsylvania Bar Admission Rules, Counsel of Record for The Alliance for Solar Choice (TASC), Joseph Minott respectfully requests the Presiding Administrative Law Judge to enter an Order granting admission *pro hac vice* to David R. Wooley and Jacob J. Schlesinger as counsel for TASC for all purposes in relations to these proceedings. In support of this Motion, the Movant, Joseph Minott, avers as follows:

1. Pursuant to PUC Rule 1.24, the Movant has entered his appearance as counsel of record for The Alliance for Solar Choice in this proceeding, is an active member of the Bar of the Commonwealth of Pennsylvania (Attorney Registration No. 36463).
2. David Wooley serves as of counsel to the firm of Keyes, Fox & Wiedman LLP at its offices located at 436 14th Street, Suite 1305, Oakland, California 94612.
3. Mr. Wooley is a 1975 graduate of the Rutgers University School of law. He was admitted to practice law in the Commonwealth of Pennsylvania in 1975 and is currently on inactive status (Attorney # 22378). Mr. Wooley is a member in good standing and admitted to practice law in the states of New York (Attorney # 1828862) and New Jersey (Attorney # Bar # 009881975). He was admitted to practice law in New Jersey in 1975, and to practice in

NY in 1982. Mr. Wooley was admitted to practice law in West Virginia in 1977, and is currently on inactive status (Attorney # 4135). Mr. Wooley has been admitted to and is a member in good standing to practice before the U.S. Supreme Court, and several United States Courts of Appeals, including the Third Circuit. Mr. Wooley has been admitted to practice before numerous federal courts including the Eastern District of Pennsylvania.

4. Mr. Wooley has many years experience with rate cases and electric power rulemaking proceedings before state utility commissions in New York, New Jersey, North Carolina (via motion to appear *pro hac vice*) and California. He formerly served as an Assistant Attorney General in the New York State Department of Law, and as Professor for Energy and Environmental Law at Pace University School of Law in New York.

5. Mr. Wooley has never been suspended, disbarred or been the subject of disciplinary proceedings in Pennsylvania or any other state.

6. Mr. Wooley is also, by separate motion, seeking permission to appear *pro hac vice* in the PECO general rate case (Docket No R-2015-2468981) currently pending before this Commission. Otherwise, he has not sought permission to appear *pro hac vice* in any other judicial or administrative proceeding in the state of Pennsylvania.

7. Mr. Wooley agrees to be bound by and comply with applicable statutes, case law and procedural rules of the Commonwealth of Pennsylvania, the Pennsylvania Rules of Professional Conduct and the Rules of this Commission. Mr. Wooley agrees to submit to the jurisdiction of the Pennsylvania Courts and Pennsylvania Disciplinary Board with respect to acts and omissions occurring during his appearance in this matter.

8. Mr. Wooley has consented to the appointment of Joseph Minott as his sponsor, who will serve as counsel of record for The Alliance For Solar Choice in this matter.
9. Jacob J. Schlesinger serves as an associate to the firm of Keyes, Fox & Wiedman LLP at its offices 1400 16th St. 16 Market Square, Suite 400 Denver, CO 80202.
10. Mr. Schlesinger graduated From the University of Denver, Sturm College of Law in 2009. He was admitted to practice law in the State of Colorado in 2009 and is currently on active status and is a member in good standing (Colorado Attorney # 41455).
11. Mr. Schlesinger has over five years experience with rate cases and electric power rulemaking proceedings before state utility commissions. He formerly served as an Assistant Attorney General in the State of Colorado working primarily on utility regulatory law issues.
13. Mr. Schlesinger has never been suspended, disbarred or been the subject of disciplinary proceedings in Colorado or any other state.
14. Mr. Schlesinger is also, by separate motion, seeking permission to appear *pro hac vice* in the PECO general rate case (Docket No R-2015-2468981) currently pending before this Commission. Otherwise, he has not sought permission to appear *pro hac vice* in any other judicial or administrative proceeding in the State of Pennsylvania.
15. Mr. Schlesinger agrees to be bound by and comply with applicable statutes, case law and procedural rules of the Commonwealth of Pennsylvania, the Pennsylvania Rules of Professional Conduct and the Rules of this Commission. Mr. Schlesinger agrees to submit to the jurisdiction of the Pennsylvania Courts and Pennsylvania Disciplinary Board with respect to acts and omissions occurring during his appearance in this matter.

16. Mr. Schlesinger has consented to the appointment of Joseph Minott as his sponsor, who will serve as counsel of record for The Alliance For Solar Choice in this matter.

WHEREFORE, Joseph Minott, Movant and Counsel of Record for The Alliance for Solar Choice respectfully moves for the admission of David Wooley and Jacob J. Schlesinger to appear in this matter *pro hac vice* for The Alliance for Solar Choice for all permissible purposes in relation to these proceedings.

Date: May 1, 2015



Joseph Otis Minott, Esq.
Counsel of Record for
The Alliance for Solar Choice
135 South 19th Street, Suite 300
Philadelphia, PA 19103
215-567-4004 Ext. 116
joe_minott@cleanair.org
Pa Bar Registration No. 36463

VERIFICATION

I, Joseph Minot, on behalf of The Alliance for Solar Choice, hereby state that the facts contained in the foregoing pleading are true and correct to the best of my knowledge, information and belief, that I am duly authorized to make this Verification, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to penalties of 10 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Date: May 1, 2015



Joseph Otis Minott, Esq.
Counsel of Record for
The Alliance for Solar Choice
135 South 19th Street, Suite 300
Philadelphia, PA 19103
215-567-4004 ext. 116
joe_minott@cleanair.org
Pa Bar Registration No. 36463

David R. Wooley

David R. Wooley, Esq.
Of Counsel
Keyes, Fox & Weidman LLP
436 14th Street, Suite 1305
Oakland, CA 94612
Tel: (510) 314-8207
Pa Bar Registration No. 22378
E-Mail: dwooley@kfwlaw.com



Jacob Schlesinger
Associate
Keyes, Fox & Wiedman LLP
1400 16th St.
16 Market Square, Suite 400
Denver, CO 80202
(970) 531-2525 |
jschlesinger@kfwlaw.com

May 1, 2015

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
	:	
v.	:	R-2015-2469275
	:	
Petition of PPL Electric Utilities Corporation	:	

PETITION TO INTERVENE OF THE ALLIANCE FOR SOLAR CHOICE

The Alliance for Solar Choice (TASC), through the undersigned local counsel hereby petitions the Pennsylvania Public Utility Commission (“PUC” “Commission”) to intervene in the above-captioned proceeding pursuant to the Rules of Practice and Procedure of the Pennsylvania PUC, 52 Pa. Code §§ 5.61-5.76, and in support, states as follows:

1. The Petitioner is an organization founded by the largest solar rooftop companies in the nation. TASC members provide services to the vast majority of the rooftop solar market. Its members include: Demeter Power, SolarCity, Solar Universe, Sungevity, Sunrun, and Verengo. They are responsible for many thousands of solar installations serving businesses, residents, schools, churches, and government facilities in Pennsylvania TASC’s member companies have brought hundreds of jobs and many tens of millions of investment dollars to Pennsylvania’s cities and towns.

2. Petitioners are represented by:

David R. Wooley, Esq.
Of Counsel
Keyes, Fox & Weidman LLP
436 14th Street, Suite 1305
Oakland, CA 94612
Tel: (510) 314-8207
E-Mail: dwooley@kfwlaw.com

David Wooley is a member of the Pennsylvania Bar, (Attorney ID Number 22378) on inactive status, is a member in good standing of the New York and New Jersey bars, and has, through local counsel, filed a motion for leave to appear *pro hac vice* in this proceeding.

Jacob J. Schlesinger, Esq.
Associate
Keyes, Fox & Wiedman LLP
1400 16th St.
16 Market Square, Suite 400
Denver, CO 80202
Tel: (970) 531-2525|
Email: jschlesinger@kfwlaw.com

Jacob Schlesinger is a member in good standing of the Bar of the State of Colorado and has, through local counsel filed a motion for leave to appear *pro hac vice* in this proceeding.

Joseph Otis Minott, Esq.
Local Counsel & Counsel of Record for TASC
135 South 19th Street, Suite 300
Philadelphia PA, 19103
joe_minott@cleanair.org
215-567-4004 Ext. 116

Joseph Minott is a member in good standing of the Bar of the Commonwealth of Pennsylvania (Attorney ID Number 36463).

3. On March 31, 2015, PPL Electric Utilities submitted a general base rate filing for electric operations. In its filing PPL proposed to substantially increase fixed charges for residential and commercial customers as well as make other changes to its tariff design.

4. TASC is an industry association of businesses whose members provide a variety of services to residential and commercial electric customers in Pennsylvania,

including behind the meter rooftop photovoltaic systems and power storage systems. TASC's office is located at 595 Market Street, 29th Floor, San Francisco, California 94105.

5. TASC and its members have a direct, immediate, substantial and distinct interest in the PPL general base rate filing for electric operations. PPL has proposed to increase fixed charges for residential and general service customers, which are the principal customer base for TASC members' solar energy services. Increases in fixed charges reduce the economic benefit of investment in customer-sited solar generation and battery storage, and will tend to reduce the market for such systems. TASC has participated in numerous public utility commission proceedings on the subject of fixed charges in other states, including proceedings in Arizona, California, Washington, Hawaii, Wisconsin, Nevada, New Mexico, Utah and Virginia.

5. TASC has preliminarily reviewed the PPL rate filing and intends to examine in this proceeding whether the request to increase fixed charges to residential and commercial customers will result in unjust and unreasonable rates for residential and commercial customers. TASC plans to challenge aspects of the cost basis for the increased fixed charges and its impact on on-site renewable energy development and associated storage technologies.

6. TASC is also concerned that increases in fixed charges could undermine the market for customer-sited storage and renewable generation investment. Solar PV, storage, energy efficiency and other forms of distributed energy resources provide a wide range of benefits both to individual customers (e.g. harm the payback levels and financial returns for on-site generation) and to the system as a whole (e.g. higher distribution,

generation and transmission costs). Increases in fixed costs will tend to suppress investment in these technologies leading in the long term to higher costs for all customers. This impact could run counter to a wide range of clean energy policies of this Commission and of the Commonwealth of Pennsylvania.

7. Furthermore, TASC has a general interest in this rate proceeding because PPL's retail rate schedule determines both the value of the kWh that a residential or commercial solar customer avoids purchasing and the value of the kWh bill credit that the same customer receives for any excess generation. Thus, any change to the volumetric component of a rate could impact the cost savings that can be achieved through onsite generation. This could substantially impact the market for TASC's members and could devalue substantial investments already made by self-generating customers.

8. TASC is also concerned about proposed language changes to the Net Metering Tariff, particularly language which eliminates references to retail rates as the basis for net metering credits. Currently we are uncertain about the intent behind and the meaning of the proposed change and may wish to address this matter in briefs or by witness testimony.

WHEREFORE, The Alliance For Solar Choice respectfully request that the Commission enter an order granting it full status as an intervener in this proceeding with active party status.

Respectfully submitted,



Joseph Otis Minott, Esq.
Counsel of Record for
The Alliance for Solar Choice
135 South 19th Street, Suite 300
Philadelphia, PA 19103
215-567-4004 Ext 116
joe_minott@cleanair.org
Pa Bar Registration No. 36463



David R. Wooley, Esq.
Of Counsel
Keyes, Fox & Weidman LLP
436 14th Street, Suite 1305
Oakland, CA 94612
Tel: (510) 314-8207
E-Mail: dwooley@kfwlaw.com



Jacob J. Schlesinger, Esq.
Associate
Keyes, Fox & Wiedman LLP
1400 16th St.
16 Market Square, Suite 400
Denver, CO 80202
Tel: (970) 531-2525|
Email: jschlesinger@kfwlaw.com

May 1, 2015

VERIFICATION

I, Joseph Minot, on behalf of The Alliance for Solar Choice, hereby state that the facts contained in the foregoing pleading are true and correct to the best of my knowledge, information and belief, that I am duly authorized to make this Verification, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to penalties of 10 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Date: May 1, 2015



Joseph Otis Minott, Esq.
Counsel of Record for
The Alliance for Solar Choice
135 South 19th Street, Suite 300
Philadelphia, PA 19103
215-567-4004 ext. 116
joe_minott@cleanair.org
Pa Bar Registration No. 36463

VERIFICATION

I, Chris Ercoli, on behalf of The Alliance for Solar Choice, hereby state that the facts contained in the foregoing pleading are true and correct to the best of my knowledge, information and belief, that I am duly authorized to make this Verification, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to penalties of 10 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Date: May 1, 2015



Chris Ercoli
The Alliance for Solar Choice
101 Constitution Ave., Suite 525 East
Washington, DC 20001
585-451-6103
cercoli@solarcity.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
	:	
v.	:	R-2015-2469275
	:	
Petition of PPL Electric Utilities Corporation	:	

**PREHEARING MEMORANDUM OF
THE ALLIANCE FOR SOLAR CHOICE**

The Alliance for Solar Choice (TASC), through the undersigned local counsel, in response to the Prehearing Conference Order (Prehearing Order) issued on April 22, 2015 in Docket No. R-2015-2469275, states as follows:

I. Background

On May 1, 2015 the Alliance for Solar Choice (TASC) filed a motion to intervene in this proceeding. The Prehearing Memorandum is being filed simultaneously to respond to the Prehearing Order, in hopes that the Motion to Intervene will be granted.

II. Issues and Sub-Issues TASC Intends to Address

- Increase in Fix Charges: TASC has preliminarily reviewed the PPL rate filing and intends to examine in this proceeding whether the request to increase fixed charges to residential and commercial customers will result in unjust and unreasonable rates for residential and commercial customers.
 - TASC’s witness will address the PPL cost of service study with respect to the cost basis of the fixed charge and its impact on on-site renewable energy development and associated storage technologies. We plan to review the

classification of costs in the cost-of-service study with respect to whether it reasonably assigns cost to the energy, demand and customer elements of the cost study.

- PPL is proposing to move away from energy based distribution charges and toward demand and customer based recovery for commercial and industrial customers. TASC plans to contest the: 1) basis of this proposal; 2) its impact on the market for on-site renewable energy development and associated storage technologies; 3) the reasonableness of the cost basis of this proposal (coincident or non-coincident demand); 4) whether any of the investment is energy related; and, 5) the basis for applicable demand ratchets. Additionally, the contribution of solar energy to meeting system peak will be evaluated to assure that these benefits are reflected in the PPL tariff design.
- In order to demonstrate the benefits that will be lost if customer sited solar energy is thwarted and to explain the impact of the PPL tariff proposals on PPL customers, the following net benefits will be analyzed and quantified, including but not limited to:
 - Peak value of solar energy (and its impact of non coincident and coincident peak allocators used in the cost of service model);
 - Merit order effect of solar energy in reducing energy costs to all customers;
 - Environmental benefits;
 - The regional economic benefits of solar energy development.

- Distribution System Costs: The primary rationale for the rate increase is to enhance performance and reliability of its distribution system. PPL is planning to invest \$5.7 billion over the next five years in distribution system infrastructure improvements. TASC is concerned that this tremendous investment may not be proactively and transparently planned and developed in a way that can encourage and optimize the potential benefits of distributed energy resources (DERs) such as solar, storage, demand response and energy efficiency. TASC believes that the rate designs proposed in this case could, by suppressing customer investment in distributed energy resources (DER), lead to higher distribution costs and less reliability. Some states, including New York are moving to adopt policies to increase investment in DERs and proactively identify opportunities for DERs to avoid or defer large conventional investments that ratepayers ultimately must pay for. The fixed charge rate increase proposed by PPL moves in the opposite direction and could result in both increased distribution costs and less reliability compared to a future in which DER resources are expanded. PPL should instead take actions that allow for the fuller development of on-site solar energy and other DER resources in the PPL system. Additionally PPL's substantial investment should be undertaken in a manner that allows more renewable energy systems and battery storage to be installed.
- Changes to Net Metering Tariff: TASC is also concerned about proposed language changes to the Net Metering Tariff. Currently we are uncertain about the intent behind and the meaning of the proposed change and may wish to address this matter in briefs or by witness testimony. More particularly TASC may oppose PPL proposal to eliminate language in the tariff that currently states that customer-generators will receive a credit

“at the full retail rate consistent with Commission regulations.” We are also concerned about language that appears to restrict eligibility for net metering for customers what have generating system requirements.

- Other Issues: TASC is still reviewing the testimony and revised tariff sheets proposed in this case and may identify additional issues of concern that we may address in discovery and in testimony.

III. Witnesses

Steve Gabel
Gabel Associates
417 Denison Street
Highland Park, NJ 08904
Phone: 732.296.0770
Fax: 732.296.0799

Mr. Gabel’s testimony will address the issues described above with the possible exception of the net metering tariff language changes. At this time we do not know enough about those language changes to decide if we need a witness on this topic.

IV. Service of Documents

TASC requests that all parties serve copies of discovery requests and responses to discovery requests electronically on counsel listed below.

V. Procedural Schedule

The procedural schedule submitted by the Company with the ALJ’s additions as proposed in the Prehearing Order is acceptable to TASC.

VI. Settlement

TASC is open and available for settlement discussions with other parties in order to resolve or narrow the issues in this proceeding.

Respectfully submitted,



Joseph Otis Minott, Esq.
Counsel of Record for
The Alliance for Solar Choice
135 South 19th Street, Suite 300
Philadelphia, PA 19103
215-567-4004 Ext 116
joe_minott@cleanair.org
Pa Bar Registration No. 36463



David R. Wooley, Esq.
Of Counsel
Keyes, Fox & Weidman LLP
436 14th Street, Suite 1305
Oakland, CA 94612
Tel: (510) 314-8207
E-Mail: dwooley@kfwlaw.com



Jacob Schlesinger
Associate
Keyes, Fox & Wiedman LLP
1400 16th St.
16 Market Square, Suite 400
Denver, CO 80202
(970) 531-2525|
jschlesinger@kfwlaw.com

May 1, 2015

VERIFICATION

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Date: May 1, 2015



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Counsel of Record for
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Philadelphia, PA 19103
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joe_minott@cleanair.org
Pa Bar Registration No. 36463

VERIFICATION

I, Chris Ercoli, on behalf of The Alliance for Solar Choice, hereby state that the facts contained in the foregoing pleading are true and correct to the best of my knowledge, information and belief, that I am duly authorized to make this Verification, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to penalties of 10 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Date: May 1, 2015



Chris Ercoli
The Alliance for Solar Choice
101 Constitution Ave., Suite 525 East
Washington, DC 20001
585-451-6103
cercoli@solarcity.com

CERTIFICATE OF SERVICE

RE: Pennsylvania Public Utility Commission v. PPL Electric Utilities Corporation
Docket R-2015-2469275

I hereby certify that I have this day served a true copy of the foregoing document upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 1st day of May 2015.

SERVICE BY ELECTRONIC MAIL & FIRST CLASS U.S. MAIL, POSTAGE PREPAID

Hon. Susan D. Colwell
Administrative Law Judge
PA Public Utilities Commission
PO Box 3265
Harrisburg, PA 17105-3265

Darryl A. Lawrence, Esquire
Lauren M. Burge, Esquire
Hobart J. Webster, Esquire
Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1923

Richard A. Kanaskie, Esquire
Deputy Chief Prosecutor
Bureau of Investigation & Enforcement
PO Box 3265
Commonwealth Keystone Building
400 North Street, 2nd Floor West
Harrisburg, PA 17105-3265

Steven C. Gray, Esquire
Office of Small Business Advocate
300 North Second Street, Suite 202
Harrisburg, PA 17101

Joseph L. Vullo, Esquire
Burke Vullo Reilly Roberts
1460 Wyoming Avenue
Forty Fort, PA 18704
Commission on Economic Opportunity

Richard Koda
Koda Consulting
409 Main Street
Ridgefield, CT 06877
Office of Consumer Advocate

Elizabeth R. Marx, Esquire
Harry S. Geller, Esquire
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101
CAUSE-PA

Glenn A. Watkins
Technical Associates, Inc.
9030 Stony Point Parkway, Suite 580
Richmond, VA 23235
Office of Consumer Advocate

Joseph Otis Minott, Esquire
Ernest Logan Welde, Esquire
Clean Air Council
135 S. 19th Street, Suite 300
Philadelphia, PA 19103
Clean Air Council

Robert D. Knecht
Industrial Economics Incorporated
2067 Massachusetts Avenue
Cambridge, MA 02140
Office of Small Business Advocate



Kimberly Kooles
Research Analyst
Keyes, Fox & Wiedman, LLP
401 Harrison Oaks Blvd., Suite 100
Cary, NC 27513