**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Pike County Light & Power for :

Approval of Its Default Service Plan and : P-2020-3022988

Waiver of Commission Regulations and :

*Nunc Pro Tunc* Treatment for the Period :

June 1, 2021 through May 31, 2024 :

**ORDER GRANTING JOINT STIPULATION**

**FOR ADMISSION OF EVIDENCE**

On February 19, 2021, Pike County Light & Power Company (“Pike” or “Company”); the Office of Consumer Advocate (“OCA”); and the Office of Small Business Advocate (“OSBA”) (hereinafter collectively referred to as the “Stipulating Parties”), filed a Joint Stipulation for Admission of Evidence in the above captioned proceeding. Each of the Stipulating Parties stipulated to the authenticity of the filings and exhibits listed in the Stipulation and requested that they be admitted into the record of this proceeding on the terms and conditions set forth in the Stipulation. The Stipulating Parties indicated that certain filings contain information marked as “Highly Confidential” and will be filed under separate cover by each party sponsoring such materials. The Stipulation is attached to this Order.

As this request is reasonable, it will be granted.

THEREFORE,

IT IS ORDERED:

1. That the February 19, 2021 Stipulation and the filings and exhibits listed therein are admitted into the record of this proceeding on the terms and conditions set forth in the Stipulation.
2. That copies of each filing and exhibit listed in the Stipulation be filed with the Secretary’s Bureau of the Commission, unless previously filed.
3. That all filings designated as “Highly Confidential” be placed in non-public folders by the Secretary’s Bureau of the Commission.

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Date: March 9, 2021 \_\_\_\_\_\_\_\_\_\_\_\_\_\_/s/\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Eranda Vero

Administrative Law Judge

**ATTACHMENT**

**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Pike County Light & Power for :

Approval of Its Default Service Plan and : P-2020-3022988

Waiver of Commission Regulations and :

*Nunc Pro Tunc* Treatment for the Period :

June 1, 2021 through May 31, 2024 :

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**JOINT STIPULATION FOR ADMISSION**

**OF TESTIMONY AND EXHIBITS INTO THE EVIDENTIARY RECORD**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**TO THE HONORABLE ERANDA VERO:**

This Joint Stipulation for Admission of Testimony and Exhibits into the Evidentiary Record ("Joint Stipulation") is entered into by Pike County Light & Power Company (“Pike” or “Company”); the Office of Consumer Advocate ("OCA"); and the Office of Small Business Advocate (“OSBA”) (hereinafter collectively referred to as the "Joint Petitioners"), by their respective counsel, in connection with the above-captioned matter. The Joint Petitioners respectfully request that Administrative Law Judge Eranda Vero admit into the evidentiary record of this proceeding the previously distributed written testimony and exhibits prepared by Pike, OCA, and OSBA’s witnesses as identified below. In support of this request, the Joint Petitioners aver and state as follows:

1. On November 23, 2020, Pike County Light & Power filed a Petition for Approval of its Default Service Plan at Docket No. P-2020-3022988. The Petition was filed pursuant to Section 2807(e) of the Public Utility Code and 52 Pa. Code 54.181-54.190.
2. The Petition was published in the *Pennsylvania Bulletin* on December 12, 2020, with an Answer/Protest date of December 29, 2020.
3. In its Petition, Pike admits that it should have filed this Petition by June 1, 2020, and that the nine-month time frame for Commission decision in this proceeding would run after the date of expiration of Pike’s current DSP Plan. Consequently, Pike is requesting *nunc pro tunc* treatment of its filing as well as an expedited proceeding to allow the Commission to decide this matter at its May 20, 2021 public meeting.
4. The proceeding was assigned to Administrative Law Judge Eranda Vero ("ALJ Vero") for hearings and issuance of a Recommended Decision.
5. On December 15, 2020, ALJ Vero issued an Order at the above referenced docket requiring Pike to file a written explanation of the reasons that led to the late filing, as well as the grounds on which the filing should be granted *nunc pro tunc* and expedited treatment with the Secretary’s Bureau by no later than December 21, 2020. In compliance with this order, Pike filed the required written explanation of the late filing on December 21, 2020.
6. ALJ Vero’s December 15, 2020 Order also required Pike to file its pre-filed written Direct Testimony by no later than December 24, 2020, at 11:00 am.
7. On December 24, 2020, Pike served PCLP Statement No. 1, the direct testimony of Russell Miller in both Highly Confidential and Public format with the following exhibits: RM-1 (Public); RM-2 (Highly Confidential); RM-3 (Highly Confidential); and RM-4 (Highly Confidential). Also, on December 24, 2020, Pike served PCLP Statement No. 2, the direct testimony of Noel Chesser in Public format with the following exhibits: NPC-1 (Public) and NPC-2 (Highly Confidential).
8. On January 5, 2021, an Initial Prehearing Conference was held, establishing the litigation schedule for this proceeding. All parties were in attendance.
9. On January 25, 2021, the OCA served OCA Statement 1, the direct testimony of Serhan Ogur in Public format containing an Appendix A (Public). Also, on January 25, 2021, the OSBA served OSBA Statement No. 1, the direct testimony of Robert Knecht in both Highly Confidential and Public format with the following exhibits: IEc-1 (public) and IEC-2 (Highly Confidential).
10. On February 1, 2021, Pike served PCLP Statement No. 1R, the Rebuttal Testimony of Russel Miller in public format.
11. Following the service of Pike’s Rebuttal testimony, negotiations took place among the parties seeking to achieve a full settlement of the proceeding.
12. As a result of the afore-mentioned negotiations, the parties were able to agree to resolve all issues in the case, resulting in a comprehensive settlement (“Settlement”).
13. On February 5, 2021, Pike informed Judge Vero that the parties had reached a settlement in full and requested that the parties submit the joint petition for settlement with statements in support by February 19, 2021. As a result of the settlement, Judge Vero further suspended the litigation schedule and canceled the evidentiary hearing scheduled for February 10, 2021 by the cancellation notice issued on February 9, 2021.
14. In support of the Settlement, each Joint Petitioner will submit, as an appendix to the Joint Petition, individual Statements in Support of the Settlement. If Administrative Law Judge Vero and the Commission approve the terms and conditions set forth in the Joint Petition without modification, this matter will be deemed to be fully resolved and no hearings will be held in connection with the Pike’s Default Service Plan.
15. In order to further support the Settlement, the Joint Petitioners hereby stipulate to the admission of the following into the evidentiary record:
16. PCLP Statement No. 1, the Direct Testimony of Russell Miller in both Highly Confidential and Public format with Exhibits RM-1 (Public), RM-2 (Highly Confidential), RM-3 (Highly Confidential), and RM-4 (Highly Confidential);
17. PCLP Statement No. 2, the Direct Testimony of Noel Chesser Pike in Public format with Exhibits NPC-1 (Public) and NPC-2 (Highly Confidential);
18. OCA Statement No. 1, the Direct Testimony of Serhan Ogur in Public format containing Appendix A;
19. OSBA Statement No. 1, the Direct Testimony of Robert Knecht in both Highly Confidential and Public format with Exhibits IEc-1 (Public) and IEc-2 (Highly Confidential);
20. PCLP Statement No. 1R, The Rebuttal Testimony of Russell Miller in public format.
21. OCA Statement No. 1-R, the Rebuttal Testimony of Serhan Ogurn in Public format.
22. Copies of the public versions of Testimonies and Exhibits, along with witness verifications, are attached hereto for filing with the Commission. Copies of highly confidential materials will be filed under separate cover by each party sponsoring such materials.

NOW, THEREFORE, desiring to enter into this Joint Stipulation and intending to be bound hereby, the Joint Petitioners agree and stipulate to the following with respect to this proceeding:

1. That, upon the issuance of a separate Order or the inclusion of a provision in the Recommended Decision to be issued by Administrative Law Judge Eranda Vero in the above-captioned matter approving the Settlement, PCLP Statement No. 1, the Direct Testimony of Russell Miller in both Highly Confidential and Public format with Exhibits RM-1 (Public), RM-2 (Highly Confidential), RM-3 (Highly Confidential), and RM-4 (Highly Confidential); PCLP Statement No. 2, the Direct Testimony of Noel Chesser in Public format with Exhibits NPC-1 (Public) and NPC-2 (Highly Confidential); OCA Statement No. 1, the Direct Testimony of Serhan Ogur in Public format containing Appendix A; OSBA Statement No. 1, the Direct Testimony of Robert Knecht in both Highly Confidential and Public format with Exhibits IEc-1 (public) and IEc-2 (Highly Confidential); PCLP Statement No. 1R, the Rebuttal Testimony of Russell Miller in Public format; and OCA Statement No. 1-R the Rebuttal Testimony of Serhan Ogur in Public format, shall be deemed to be made a part of the official evidentiary record of this proceeding and may be used for all proper and legal purposes in support of the Settlement and Joint Petition as if hearings had been conducted in this matter; and
2. By entering into this Joint Stipulation, no Joint Petitioner makes any precedential concession or admission as to the correctness or sufficiency of the law, facts, positions or assumptions upon which the other Joint Petitioners' testimony statements, exhibits or positions in this matter may be based. In addition, the Joint Petitioners agree that this Joint Stipulation may not be cited as precedent in any future proceeding, except to the extent required to implement and enforce the Joint Stipulation.

By their signatures below, the Joint Petitioners agree to the terms of this Joint Stipulation and represent that they are authorized to execute this Joint Stipulation on behalf of their respective clients/offices.

Respectfully submitted,

\_*\_\_/s/ Whitney E. Snyder*\_\_\_\_\_\_\_\_\_\_\_ (Dated) \_February 19, 2021\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Sharon Webb, Esquire  Office of Small Business Advocate  555 Walnut Street  1st Floor Forum Place  Harrisburg, PA 17101  [swebb@pa.gov](mailto:swebb@pa.gov) | (Dated) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
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**P-2020-3022988 - PETITION OF PIKE COUNTY POWER AND LIGHT FOR APPROVAL OF DEFAULT SERVICE PLAN AND WAIVER OF COMMISSION REGULATIONS AND NUNC PRO TUNC TREATMENT**

***Updated 1/8/21.***

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