

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
	:	
v.	:	R-2010-2161694
	:	
Petition of PPL Electric Utilities Corporation	:	

**CITIZENS FOR PENNSYLVANIA’S FUTURE’S
MOTION TO DIRECT THE ANSWERING OF INTERROGATORIES**

TO ADMINISTRATIVE LAW JUDGE SUSAN D. COLWELL:

By and through its undersigned counsel, Citizens for Pennsylvania’s Future (“PennFuture”) hereby files this Motion to Direct the Answering of Interrogatories pursuant to the Rules of Practice and Procedure of the Pennsylvania Public Utility Commission (the “Commission”), and paragraph 7(c) of Administrative Law Judge Susan Colwell’s May 27, 2010 Scheduling/Second Prehearing Order. By this Motion, PennFuture requests that PPL Electric Utilities Corporation (“PPL”) be directed to answer PennFuture’s First Set of Interrogatories Addressed to PPL Electric Utilities Corporation (the “Interrogatories”).

In support of its Motion, PennFuture states:

1. PennFuture served the Interrogatories on PPL by e-mail and U.S. Mail on June 15, 2010.
2. On June 18, 2010, by voice mail message, counsel for PPL informed counsel for PennFuture that PPL was objecting to the Interrogatories on grounds of relevancy.

3. On June 21, 2010, PPL served written objections to the Interrogatories. The Interrogatories (excluding a preamble and instructions) are substantially reproduced in PPL's objections.

4. The Commission's Rules of Administrative Practice and Procedure provide that a party "may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action." 52 Pa. Code § 5.321(c). "It is not ground for objection that the information sought will be inadmissible at hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence." *Id.*

5. In this proceeding, the Commission must determine whether a rate increase requested by PPL is "just and reasonable." 66 Pa. C.S. § 1301. Every element of a proposed rate request must be shown to be "just and reasonable." *Pennsylvania Pub. Util. Comm'n v. PPL Electric Util. Corp.*, Docket No. R-00049255, *et al.*, 2004 Pa. PUC LEXIS 40, *9 (Dec. 22, 2004). Accordingly, if an element of a rate request is approved by the Commission, that element is "just and reasonable."

6. The Commission has approved rate requests that funded renewable energy programs and energy efficiency programs. *See Lloyd v. Pennsylvania Pub. Util. Comm'n*, 904 A.2d 1010, 1026 (Pa. Commw. Ct. 2006) (determining that utility rates that funded renewable energy programs and alternative energy programs provided "demonstrable benefits" to ratepayers and were therefore "just and reasonable"), *appeal denied*, 916 A.2d 1104 (Pa. 2007). Accordingly, funding for renewable energy programs and energy conservation programs may be a "just and reasonable" element of a utility's rates.

7. By its intervention in this Proceeding, PennFuture seeks to ensure that PPL's rates will provide funding for renewable energy programs and energy efficiency programs. The Interrogatories seek information regarding customers' participation in such programs and PPL's current funding of such programs. PennFuture will use the information requested by the Interrogatories to demonstrate that increased funding for such programs is "just and reasonable" because the funding will lead to increased participation in the programs.¹

8. Accordingly, the Interrogatories seek the discovery of evidence that is either admissible in the Proceeding or is reasonably calculated to lead to the discovery of admissible evidence.

WHEREFORE, PennFuture respectfully requests that the Presiding Office enter an order requiring PPL to answer the Interrogatories, and permitting PennFuture to supplement its Direct Testimony within a reasonable time after receiving the answers to Interrogatories, as may be made necessary in light of the information included in PPL's answers.

¹ And that, ultimately, increased participation will reduce PPL's customers' demand for electricity, and, thus reduce expenses for those customers, as well as producing other benefits.

Respectfully submitted,

/s/

John K. Baillie, Esq.

Pa. ID # 66903

Citizens for Pennsylvania's Future

425 Sixth Avenue, Suite 2770

Pittsburgh, Pennsylvania 15219

Phone: 412-258-6684

Fax: 412-258-6685

baillie@pennfuture.org

DATE: June 24, 2010

CERTIFICATE OF SERVICE

I certify that I served the foregoing document on all known parties of record in conformity with 52 Pa. Code § 1.54, by email and first class U.S. Mail, addressed as follows:

Paul Russell, Esq.
PPL Electric Utilities Corp.
Two North Ninth Street
Allentown, PA 18101-1179
perussell@pplweb.com

David B MacGregor, Esq.
Post & Schell PC
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, PA 19103
dmacgregor@postschell.com
(PPL)

Jennedy S. Johnson, Esq.
Office of Consumer Advocate
555 Walnut Street
5th Floor Forum Place
Harrisburg, PA 17101-1923
jjohnson@paoca.org

Richard Kanaskie, Esq.
Lawrence Barth, Esq.
Office of Trial Staff
PO Box 3265
Harrisburg, PA 17105-3265
rkanaskie@state.pa.us
lbarth@state.pa.us

Steven Gray, Esq.
Office of Small Business Advocate
Suite 1102 Commerce Building
300 North Second Street
Harrisburg, PA 17101
sgray@state.pa.us

Todd S. Stewart, Esq.
Hawke McKeon & Sniscak LLP
100 North Tenth Street
Harrisburg, PA 17101
tsstewart@hmslegal.com
(Dominion Retail, Inc.)

Kenneth L. Mickens, Esq.
316 Yorkshire Drive
Harrisburg, PA 17111
kmickens11@verizon.net
(SEF)

Scott J. Rubin, Esq.
333 Oak Lane
Bloomsburg, PA 17815
scott.j.rubin@gmail.com
(IBEW local 1600)

Joseph L. Vullo, Esq.
1460 Wyoming Avenue
Forty Fort, PA 18704
jlvullo@bvrrlaw.com
(Comm'n On Economic Opportunity)

Eric Joseph Epstein
4100 Hillside Road
Harrisburg, PA 17112
lechambon@comcast.net

Donald L. Foreman
305 Hillside Road
Elizabethtown, PA 17022-1206

Pamela C. Polacek, Esq.
Shelby Linton-Keddie, Esq.
McNees, Wallace & Nurick LLC
100 Pine Street
PO Box 1166
Harrisburg, PA 17108-1166
ppolacek@mwn.com
skeddie@mwn.com
(PPLICA)

Dr. Elaine F. Wasilewski
Lancaster Chiropractic & Massage
Therapy Assocs.
2215 Dutch Gold Drive
Lancaster, PA 17601
boatingdoc@aol.com

Elaine B. Santarelli
521 Second Avenue
Jessup, PA 18434

Elaine & Clayton Andrews, Jr.
2014 Evergreen Drive
Tamaqua, PA 18252

Gary A. Jeffries, Esq.
Dominion Retail, Inc.
501 Martindale Street - #400
Pittsburgh, PA 15212-5817
gary.a.jeffries@dom.com

Craig A. Doll, Esq.
25 West Second Street
P.O. Box 403
Hummelstown, PA 17036-0403
cdoll76342@aol.com

Ashley A. Buck
156 Johnson Drive
South Williamsport, PA 17702
abuck156@comcast.net

/s/

John K. Baillie, Esq.

DATED: June 24, 2010