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August 26, 2010

BY HAND

Rosemary Chiavetta  
Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor North  
P.O. Box 3265  
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SECRETARY'S BUREAU

**RE: Pennsylvania Public Utility Commission v. PPL Electric Utilities Corporation**  
**Docket No. R-2010-2161694**

Dear Secretary Chiavetta:

Enclosed please find the original and three (3) copies of the Joint Petition for Partial Settlement of Rate Investigation in the above-referenced proceeding.

Copies have been provided to the persons in the manner indicated by the certificate of service.

Respectfully Submitted,

John H. Isom

JHI/jl

Enclosures

cc: Honorable Susan D. Colwell  
Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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SECRETARY'S BUREAU

Pennsylvania Public Utility Commission, *et al.* :  
 :  
 :  
 : Docket Nos. R-2010-2161694, *etc.*  
 :  
 v. :  
 :  
 PPL Electric Utilities Corporation :

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**JOINT PETITION FOR PARTIAL  
SETTLEMENT OF RATE INVESTIGATION**

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**TO THE HONORABLE SUSAN D. COLWELL, ADMINISTRATIVE LAW JUDGE:**

**I. INTRODUCTION**

The Office of Trial Staff (“OTS”) of the Pennsylvania Public Utility Commission (“Commission”), Office of Consumer Advocate (“OCA”), Richards Energy Group, Inc. (“REG”), and PPL Electric Utilities Corporation (“PPL Electric”), being certain of the active parties to the above-captioned proceeding<sup>1</sup> (hereinafter collectively referred to as “Joint Petitioners”), hereby join in this “Joint Petition for Partial Settlement of Rate Investigation” (“Settlement”) and respectfully request that the Administrative Law Judge recommend approval of, and that the Commission approve the Settlement as set forth below.<sup>2</sup>

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<sup>1</sup> The remainder of the active parties have indicated that they do not oppose the Settlement. They are PP&L Industrial Customer Alliance (“PPLICA”), Dominion Retail, Inc. (“Dominion”), Commission on Economic Opportunity (“CEO”), Office of Small Business Advocate (“OSBA”), Sustainable Energy Fund of Central Eastern Pennsylvania (“SEF”), Eric Joseph Epstein, *Pro Se* and the Retail Energy Supply Association (“RESA”),

<sup>2</sup> Inactive parties for the purposes of this Settlement include those entities who did not participate in the formal evidentiary hearings and were not active in settlement discussions.

*In support of Settlement, Joint Petitioners state the following:*

## **II. BACKGROUND**

1. PPL Electric provides electric distribution, transmission and provider of last resort services to approximately 1.4 million customers in a certificated service territory that spans approximately 10,000 square miles in all or portions of 29 counties in eastern and central Pennsylvania. PPL Electric Exhibit Regs. § 53.53, I-B-1. PPL Electric is a “public utility” and an “electric distribution company” as those terms are defined under the Public Utility Code, 66 Pa. C.S. §§ 102 and 2803.

2. On March 31, 2010, PPL Electric filed with the Commission Supplement No. 83 to its Tariff-Electric Pa. P.U.C. No. 201 (“Supplement No. 83”), to become effective on June 1, 2010, together with supporting data, written testimony and exhibits.

3. In Supplement No. 83, PPL Electric proposed a general increase in distribution base rates designed to produce approximately \$114.7 million in additional annual base rate operating revenues based upon a future test year ending December 31, 2010, as adjusted for ratemaking purposes.

4. The supporting data, written testimony and exhibits submitted by PPL Electric meet all of the Commission’s filing requirements applicable to a general rate increase for an electric distribution company.

5. Supplement No. 83 was suspended by operation of Section 1308(d) of the Public Utility Code, 66 Pa.C.S. § 1308(d), for up to seven months, or until January 1, 2011, unless permitted by Commission Order to become effective at an earlier date.

6. By Order entered May 20, 2010, the Commission initiated an investigation of PPL Electric’s proposed general rate increase. In the Order, the Commission also noted issues of

concern and asked the parties to address those concerns. The matter was assigned to the Office of Administrative Law Judge, and the Honorable Susan D. Colwell (the “ALJ”) was assigned to preside over the proceeding.

7. OTS filed its Notice of Appearance, and OCA, OSBA, PPLICA, Eric Epstein, and 11 customers filed complaints against the proposed general rate increase. In addition, REG, SEF, CEO, Dominion, Washington Gas Energy Services, Inc., Citizens for Pennsylvania’s Future (“CPF”) and International Brotherhood of electric Workers, Local 1600 (“IBEW”) filed Petitions to Intervene.

8. In the Prehearing Conference Order dated May 17, 2010, the ALJ established procedures and requirements for participating in the prehearing conference and, thereafter, in this proceeding.

9. An initial prehearing conference was held on May 26, 2010. At the prehearing conference, the parties proposed a procedural schedule. Parties participating in the prehearing conference filed prehearing memoranda identifying potential issues and their expected witnesses.

10. At the prehearing conference, the ALJ adopted the schedule proposed by the parties. In addition, the parties agreed to, and the ALJ approved, modified discovery rules for the above-captioned proceeding, which included shorter response times than those provided for in the Commission’s regulations at 52 Pa. Code §§ 5.321 *et seq.*

11. In the Second Prehearing Order, which is dated May 27, 2010, the ALJ set forth the litigation schedule for the proceeding and the revised periods for responding to discovery requests. In addition, the ALJ listed the parties who had filed notices of intervention, petitions to intervene and complaints. The ALJ also granted Petitions to Intervene of REG, IBEW, CEO,

Dominion, SEF and CPF. Further, the ALJ indicated that the parties had agreed that there should be five public input hearings.

12. Public input hearings were held on June 14, 2010 in Scranton and Wilkes-Barre, on June 21, 2010 in Bethlehem and Allentown, and on June 23, 2010 in Harrisburg.

13. The parties to the proceeding undertook substantial formal and informal discovery in this proceeding. PPL Electric responded to more than 630 discovery requests, many of which had multiple subparts. In addition, substantial discovery requests were propounded to other parties.

14. On June 29, 2010, parties other than PPL Electric served their direct evidence, including testimony and exhibits. In addition, PPL Electric served supplemental testimony addressing the issues in which the Commission had expressed concern in its Order entered on May 20, 2010.

15. PPL Electric, OTS, OCA, OSBA and PPLICA served rebuttal testimony and exhibits on July 27, 2010.

16. OTS, OCA, OSBA, PPLICA, SEF and RESA served surrebuttal testimony and exhibits on August 5, 2010.

17. PPL Electric served rejoinder testimony and exhibits on August 9, 2010.

18. The parties held multiple settlement conferences to attempt to resolve amicably the issues in the case. These conferences have resulted in a settlement of certain but not all of the issues in this proceeding.

19. An evidentiary hearing was held on August 11, 2010. At this hearing, testimony and exhibits submitted by the Joint Petitioners were admitted into the evidentiary record to

provide context and support for the Settlement and to provide an evidentiary basis for the ALJ and the Commission to decide the issues reserved for litigation.

20. In addition, at the hearing on August 11, 2010, a residential customer-complainant gave oral testimony in this proceeding.

The Joint Petitioners are in full agreement that the Settlement is in the public interest as a reasonable resolution of their respective interests and should be approved. The terms and conditions of the Settlement are set forth below.

### **III. SETTLEMENT PROVISIONS**

The Joint Petitioners, as to their respective interests, agree that, except as follows, PPL Electric's filing is approved:

#### **A. REVENUE REQUIREMENT**

21. PPL Electric will be permitted to submit a revised supplement to PPL Electric's Tariff – Electric Pa. P.U.C. No. 201 designed to produce an annual distribution rate revenue increase of approximately \$77.5 million, to become effective for service rendered on and after January 1, 2011. This increase in annual operating revenue is in lieu of the requested increase of approximately \$114.7 million. As explained below, certain issues raised in this proceeding are reserved for litigation. It is the understanding of the Parties that the resolutions of the issues reserved for litigation will not result in any change to the increase in annual distribution operating revenues of \$77.5 million agreed to above.

22. The settlement as to revenue requirement shall be a "black box" settlement, except for the following items: (a) the settlement rates include PPL Electric's proposed storm insurance premiums; (b) the settlement rates include the Company's claim for Company Use generation supply; (c) the settlement rates reflect the adoption of the tax accounting method

provided for in Regulation Section 1.162-4 of the Internal Revenue Service regarding repair allowance as explained in Mr. Kleha's testimonies; and (d) the settlement rates include \$5.09 million of customer education costs discussed in Mr. Krall's rebuttal testimony and do not reflect the \$39,000 of education and marketing for the Company's time-of-use rates identified in SEF's testimony.<sup>3</sup>

23. In order to meet the Commission's smart meter surcharge requirements in *Petition of PPL Electric Utilities Corporation for Approval of Smart Meter Technology Procurement and Installation Plan*, Order entered on June 24, 2010 at Docket No. M-2009-2123945, and for that purpose only, PPL Electric will use a 10.0% common equity cost rate and the capital structure proposed by PPL Electric in this proceeding. The designated return on common equity and capital structure ratios are established solely for purposes of establishing the smart meter surcharge. It is understood and agreed that this Settlement is the result of compromises and does not necessarily reflect any Party's position with respect to the current cost of common equity or capital structure for PPL Electric. The Parties agree that the common equity cost rate and capital structure set forth in this agreement shall not be cited as precedent by any Party in this or any other proceeding except to establish a smart meter surcharge for PPL Electric. This agreement is made without any admission against, or prejudice to, any position which any Party to this Settlement may adopt during litigation of any other proceeding other than proceedings to establish a smart meter surcharge for PPL Electric. The Commission's approval of this Settlement shall not be construed to represent approval of any Party's position on these issues.

24. PPL Electric agrees that, if it adopts the tax accounting treatment regarding repair allowances that may be authorized by Regulation Section 1.263 of the regulations of the Internal

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<sup>3</sup> All education and marketing expenses for PPL Electric's time-of-use rates will be recovered through PPL Electric's Generation Service Charge ("GSC") pursuant to the Commission's Order in PPL Electric Time-of-Use proceeding at Docket No. R-2009-2122718 entered March 9, 2010.

Revenue Code, PPL Electric will implement for Regulation Section 1.263 the same ratemaking procedures that it has implemented for Regulation Section 1.162-4 of the regulations of the Internal Revenue Code under which additional tax benefits are recorded as deferred income taxes, the unamortized balances of which will be deducted from rate base in future base rate proceedings, unless the Commission directs otherwise.

**B. REVENUE ALLOCATION**

25. The proposal of the Office of Consumer Advocate regarding Rate Schedule RTS is accepted. The present customer charge will remain in effect, and the revenue increase to Rate Schedule RTS will be limited to 150 percent of the percentage increase to the entire Residential class. Any revenue shortfall resulting from application of this provision will be recovered from customers served under Rate Schedule RS.

**C. RATE DESIGN**

26. The RS customer charge will be \$8.75 per month. The Universal Service Rider charge will be removed from the customer charge and recovered through energy charges. There will be a flat energy rate.

**D. TARIFF LANGUAGE**

27. In response to the testimony of REG, PPL Electric will modify its proposal regarding Tariff Rule 4 as set forth in Supplement No. 83. The word “overhead” will be removed from the first sentence and the following new sentence will be added to Tariff Rule 4: “Standard service includes overhead service and underground service at new residential developments, locations where the Company in its discretion has elected to install underground facilities and at locations where the customer has paid for the incremental cost of installing facilities underground.”

**E. UNIVERSAL SERVICE**

28. PPL Electric will agree to a credit of \$50 per customer for incremental OnTrack customers above 32,500, with an annual true-up for the number of customers.

29. PPL Electric plans to continue to use community based organizations to assist in the implementation of its universal service programs and will continue to do so as long as use of those organizations remains an efficient and cost-effective practice.

30. PPL Electric agrees to adopt OCA's CAP Plus methodology and will implement the proposal no later than the 2011-2012 heating season, unless the Department of Public Welfare changes its current policy and allows PPL Electric to apply Low Income Home Energy Assistance Program grants to Customer Assistance Program credits.

31. This settlement does not abridge or expand Mr. Epstein's rights regarding PPL Electric's Universal Service and Energy Conservation Plan, 2011-2013, Docket No. M-2010-2179796. PPL Electric agrees to meet with Mr. Epstein and other interested parties to develop a proposed schedule for resolution of this proceeding, consistent with all Commission adopted procedures.

**F. ISSUES RESERVED FOR LITIGATION**

32. Revenue Requirement Allocation. The allocation of the revenue requirement among rate classes is reserved for litigation.

33. Richards Energy Group Issues. Issues raised by Richards Energy Group, other than the tariff language issue addressed in Paragraph No. 27, above, are reserved for litigation. These issues include the allocation of additional revenue requirement to customers under Rate Schedule GS-3, the determination of billing demand under Rate Schedules GS-1 and GS-3, the

definition of billing demand and the availability of certain data to customers and Electric Generation Suppliers.

34. SEF Issues. Issues raised by SEF, except those related to Rate Schedule RTS, are reserved for litigation. The remaining issue is Net Metering tariff language, compensation for customer-generators who generate and deliver to PPL Electric in any month or year more kilowatt hours than PPL Electric delivers to the customer-generator.

35. CEO Issues. Issues raised by CEO regarding the level of funding for PPL Electric's WRAP and HELP programs are reserved for litigation.

36. RESA Issues. Issues raised by RESA related to PPL Electric's purchase of receivables program including the recovery of generation-related uncollectible accounts expense through a non-bypassable Merchant Function Charge, the discount in the price paid by PPL Electric to Electric Generation Suppliers to purchase receivables and expansion of the purchase of receivables program to large commercial and industrial customers are reserved for litigation.

37. PPLICA Issues. PPLICA's rate design proposal to modify Rate Schedule LP-4 is reserved for litigation.

#### **IV. THE PUBLIC INTEREST**

38. This Settlement was achieved by the Joint Petitioners after an extensive investigation of PPL Electric's filing, including extensive informal and formal discovery and the filing of direct, rebuttal, surrebuttal and rejoinder testimony.

39. Acceptance of the Settlement will reduce the necessity of further administrative and potential appellate proceedings, which could impose a substantial cost on the Joint Petitioners and PPL Electric's customers.

40. Joint Petitioners are submitting their respective Statements in Support of this Settlement under separate cover. In their respective Statements in Support, each Joint Petitioner explains why, in its view, the Settlement is fair, just and reasonable and reflects a reasonable compromise of the disputed issues in this proceeding. It is noted that, because certain Joint Petitioners only participated with regard to certain issues in this proceeding, some of the Statements in Support may be limited in the scope of issues addressed.

#### V. SETTLEMENT CONDITIONS

41. This Settlement is conditioned upon Commission approval of all terms and conditions contained herein without modification. If the Commission rejects or modifies the Settlement, then any Joint Petitioner may elect to withdraw from this Settlement and may proceed with litigation and, in such event, this Settlement shall be void and of no effect. Such election to withdraw from the Settlement must be made in writing, filed with the Secretary of the Commission and served upon all Joint Petitioners within five (5) business days after the entry of an order rejecting or modifying the Settlement.

42. This Settlement is proposed by the Joint Petitioners to settle the issues identified above in the instant proceeding. If the Commission does not approve the Settlement and the proceeding continues to further hearings, the Joint Petitioners reserve all of their respective rights, including their rights to present additional testimony and to conduct full cross-examination, briefing and argument.

43. The Settlement is made without any admission against, or prejudice to, any position which any Joint Petitioner may adopt in the event of any subsequent litigation of this proceeding or any other proceeding.

44. This Settlement may not be cited as precedent in any future proceeding, except to the extent that it is required to implement this Settlement.

45. The Commission's approval of the Settlement shall not be construed as approval of any party's position on any issue, except to the extent that it is required to effectuate the terms and agreements of the Settlement in this and future proceedings involving PPL Electric.

46. It is understood and agreed among the Joint Petitioners that the Settlement is the result of compromise and does not necessarily represent the position(s) that would be advanced by any party in this proceeding, if it were fully litigated.

47. This Settlement is being presented only in the context of this proceeding in an effort to resolve the proceeding in a manner which is fair and reasonable. The Settlement is the product of compromise. This Settlement is presented without prejudice to any position which any of the parties may have advanced and without prejudice to the position any of the parties may advance in the future on the merits of the issues in future proceedings, except to the extent necessary to effectuate the terms and conditions of this Settlement. This Settlement does not preclude the parties from taking other positions in proceedings of other public utilities under Section 1308 of the Public Utility Code, 66 Pa.C.S. § 1308, or any other proceeding.

## **VI. PROCEDURES**

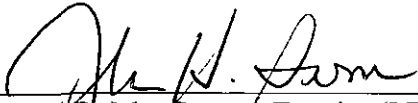
48. If the ALJ adopts the Settlement without modification, the Joint Petitioners waive their rights to file Exceptions on any issues resolved by this Settlement.

49. This Settlement may be signed in counterparts.


**VII. CONCLUSION**

**WHEREFORE**, the Joint Petitioners, by their respective counsel, respectfully request that Administrative Law Judge Susan D. Colwell recommend approval of and the Commission approve this "Joint Stipulation in Partial Settlement of Rate Investigation."

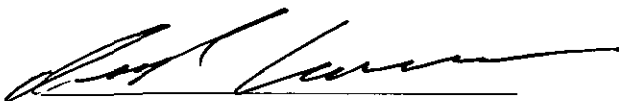
Respectfully submitted,

  
David B. MacGregor, Esquire (I.D. No. 28804)  
Michael W. Gang, Esquire (I.D. No. 25670)  
John H. Isom, Esquire (I.D. No. 16569)  
Christopher Wright, Esquire (I.D. No. 203412)  
Paul E. Russell, Esquire (I.D. No. 21643)  
For: *PPL Electric Utilities Corporation*

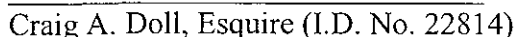
Date: 8/26/2010

  
Richard A. Kanaskie, Esquire (I.D. No. 80409)  
Lawrence Barth, Esquire (I.D. No. 52446)  
For: *Office of Trial Staff*

Date: 8/26/10

  
Darryl Lawrence, Esquire (I.D. No. 93682)  
Aron J. Beatty, Esquire (I.D. No. 86625)  
For: *Office of Consumer Advocate*

Date: 8-26-2010

  
Craig A. Doll, Esquire (I.D. No. 22814)  
For: *Richards Energy Group, Inc.*

Date: \_\_\_\_\_

**VII. CONCLUSION**

**WHEREFORE**, the Joint Petitioners, by their respective counsel, respectfully request that Administrative Law Judge Susan D. Colwell recommend approval of and the Commission approve this "Joint Stipulation in Partial Settlement of Rate Investigation."

Respectfully submitted,

Date: \_\_\_\_\_

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John H. Isom, Esquire (I.D. No. 16569)  
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For: *PPL Electric Utilities Corporation*

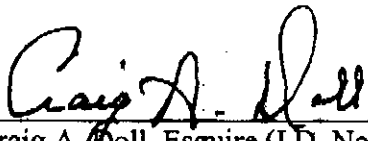
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Richard A. Kanaskie, Esquire (I.D. No. 80409)  
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Aron J. Beatty, Esquire (I.D. No. 86625)  
For: *Office of Consumer Advocate*

Date: 8/25/10

  
\_\_\_\_\_  
Craig A. Doll, Esquire (I.D. No. 22814)  
For: *Richards Energy Group, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the **Joint Petition for Partial Settlement of Rate Investigation** has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

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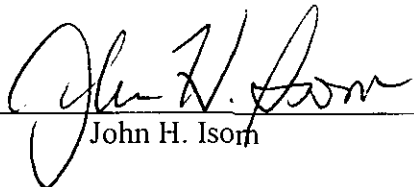
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Date: August 26, 2010

  
John H. Isom