



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF SMALL BUSINESS ADVOCATE

July 26, 2012

E-filed, E-mail, and/or Hand Delivery

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

**Re: Pennsylvania Public Utility Commission v. PPL Electric Utilities Corporation
Docket No. M-2011-2258733**

**Office of Small Business Advocate v. PPL Electric Utilities Corporation
Docket No. C-2011-2260010**

Dear Secretary Chiavetta:

I am delivering for filing today the original copy of the Petition for Leave to Withdraw Complaint at Docket No. C-2011-2260010, on behalf of the Office of Small Business Advocate, in the above-captioned proceedings.

Two copies have been served today on all known parties in this proceeding. A Certificate of Service to that effect is enclosed.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Elizabeth Rose Triscari".

Elizabeth Rose Triscari
Assistant Small Business Advocate
Attorney ID No. 306921

Enclosures

cc: Parties of Record
Robert D. Knecht

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

OFFICE OF SMALL BUSINESS :
ADVOCATE :
v. : **DOCKET NO. C-2011-2260010**
PPL ELECTRIC UTILITIES :
CORPORATION :

PPL ELECTRIC UTILITIES :
CORPORATION CALCULATION OF : **DOCKET NO. M-2011-2258733**
GENERATION SUPPLY CHARGE-1 :

**PETITION OF THE
OFFICE OF SMALL BUSINESS ADVOCATE
FOR LEAVE TO WITHDRAW COMPLAINT
AT DOCKET NO. C-2011-2260010**

Pursuant to Section 5.94(a) of the regulations of the Pennsylvania Public Utility Commission (“Commission”), 52 Pa. Code §5.94(a), the Office of Small Business Advocate (“OSBA”) hereby petitions for leave to withdraw its complaint against PPL Electric Utilities Corporation (“PPL Electric” or the “Company”) at the above-captioned docket.

On August 22, 2011, PPL Electric filed the Calculation of Generation Supply Charge-1 for the period September 1, 2011, through November 30, 2011 (the “Application Period”) which was assigned to Docket No. M-2011-2258733 (“GSC-1 Filing”). For the Application Period, the calculated GSC-1 for small commercial and industrial (“Small C&I”) fixed price customers was \$0.09319/kWh and for residential fixed price customers was \$0.07683/kWh. The filing also indicated a large increase in Time of Use (“TOU”) rates for residential and Small C&I TOU customers.

The OSBA filed a Complaint against the rates, terms and other provisions contained in the GSC-1 Filing on August 25, 2012, which was docketed at C-2011-2260010. The OSBA had previously filed a complaint against the Company's GSC-1 for the prior Application Period, June 1, 2011 through August 31, 2011 (Docket No. M-2011-2243137), which was docketed at C-2011-2245906. Both complaints raise issues about the reconciliation accounting method used by PPL Electric and the resultant reconciliation charges/credits to ratepayers through the GSC-1.¹

In addition, a complaint was filed against the GSC-1 Filing by the Office of Consumer Advocate ("OCA") on August 25, 2011, which was docketed at C-2011-2259375. The OCA's complaint primarily pertained to the increase in TOU rates for residential customers. By Order entered August 25, 2011, the Commission suspended the operation of the Company's GSC-1 Filing with regard to TOU rates and ordered the Company to maintain its existing TOU rates. The Commission also ordered PPL Electric to file a modified TOU program to address the TOU issues identified in the GSC-1 Filing. On September 26, 2011, PPL Electric filed a new TOU program at Docket No. R-2011-2264771 ("TOU Proceeding").

The instant proceeding was assigned to Administrative Law Judge ("ALJ") Susan D. Colwell and an initial hearing was scheduled for October 20, 2011.

Given the similarity of the issues raised in the OCA and OSBA complaints against the GSC-1 Filing and issues in other proceedings, PPL Electric, OCA, OSBA, and the Commission's Bureau of Investigation and Enforcement ("I&E") held a

¹ The OSBA has raised these same issues in complaints filed against all of PPL Electric's subsequent quarterly GSC-1 filings and intends to also petition for leave to withdraw those complaints.

telephone conference on October 11, 2011 to discuss how to recommend proceeding with litigation of the complaints against the GSC-1 Filing.

On that call, the OCA agreed to withdraw its complaint at Docket No. C-2011-2259375 and address its concerns regarding TOU rates in the TOU Proceeding. The OCA filed a Petition to Withdraw Complaint on October 18, 2011. Also on October 18, 2011, the OSBA and OCA filed complaints in the TOU Proceeding.

In addition, the OSBA, PPL Electric, and I&E agreed that the OSBA's complaint at Docket No. C-2011-2260010, pertaining to the GSC-1 for fixed price Small C&I customers, should be held in abeyance pending the outcome of the OSBA's complaint at Docket No. C-2011-2245906, because both proceedings involve similar issues. By letter dated October 19, 2011, PPL Electric advised ALJ Colwell of the parties' agreement and requested that the OSBA's complaint be held in abeyance accordingly.

The OSBA's first complaint at Docket No. C-2011-2245906 has now been fully litigated. The parties participated in an evidentiary hearing and submitted briefs. ALJ Colwell issued a Recommended Decision on April 2, 2012. PPL Electric submitted Exceptions and the OSBA submitted Reply Exceptions. The Commission issued an Opinion and Order on July 19, 2012. In that Order, the Commission largely rejected the ALJ's Recommended Decision and granted the Exceptions filed by PPL Electric. The Commission did, however, indicate that it intended to institute a generic proceeding dealing with the reconciliation issues raised by the OSBA in the litigated proceeding on a prospective statewide basis, Order at 26.

The OSBA submits that the specific reconciliation issues raised by the OSBA in the above-captioned complaint have been addressed by the Commission's Order at

Docket No. C-2011-2245906 and will be more generally addressed in a statewide generic proceeding.

Further, counsel for PPL Electric has indicated that the Company has no objection to the withdrawal of the OSBA's complaint.

WHEREFORE, the Office of Small Business Advocate respectfully requests the Commission grant it leave to withdraw the Complaint at Docket No. C-2011-2245906 pursuant to 52 Pa. Code § 5.94(a).

Respectfully submitted,



Elizabeth Rose Triscari
Assistant Small Business Advocate
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For:

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Dated: July 27, 2012

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PPL Electric Utilities Corporation	:	
Calculation of Generation Supply Charge-1	:	Docket No. M-2011-2258733
for the Application Period September 1,	:	
2011 through November 30, 2011	:	
Office of Small Business Advocate	:	
v.	:	Docket No. C-2011-2260010
PPL Electric Utilities Corporation	:	

CERTIFICATE OF SERVICE

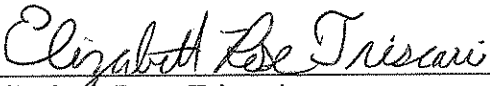
I certify that I am serving two copies of the Petition for Leave to Withdraw Complaint, on behalf of the Office of Small Business Advocate, by e-filing, e-mail, and/or first-class mail (unless otherwise noted) upon the persons addressed below:

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Date: July 26, 2012