

Morgan, Lewis & Bockius LLP
1701 Market Street
Philadelphia, PA 19103-2921
Tel. +1.215.963.5000
Fax: +1.215.963.5001
www.morganlewis.com

Anthony C. DeCusatis
Of Counsel
+1.215.963.5034
adecusatis@morganlewis.com

July 27, 2015

VIA eFILING

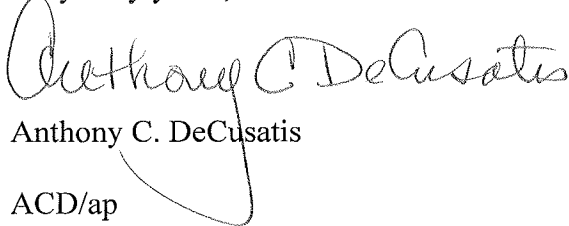
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17105-3265

**Re: Pennsylvania Public Utility Commission v.
PECO Energy Company – Electric Division
Docket No. R-2015-2468981**

Dear Secretary Chiavetta:

On July 24, 2015, PECO Energy Company filed its Motion to Strike All or Portions of the Direct Testimony of the Environmental Defense Fund and the Keystone Energy Efficiency Alliance Energy Education Fund, et al. (“Motion”). Enclosed for filing is a copy of the **Sixth Prehearing Order in *Pa. P.U.C. v. PPL Electric Utilities Corporation*, Docket No. R-2015-2469275, issued July 14, 2015 (“PPL Order”)**, which is referenced on page 2 of the Motion. As evidenced by the enclosed Certificate of Service, copies of the PPL Order are being served on all of the same persons on whom PECO served its Motion.

Very truly yours,


Anthony C. DeCusatis
ACD/ap
Enclosures

c: Per the Certificate of Service (w/encls.)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PENNSYLVANIA PUBLIC UTILITY :
COMMISSION :
v. : **DOCKET NO. R-2015-2468981**
PECO ENERGY COMPANY - :
ELECTRIC DIVISION :

CERTIFICATE OF SERVICE

I hereby certify and affirm that I have this day served a copy of the **Sixth Prehearing Order in *Pa. P.U.C. v. PPL Electric Utilities Corporation*, Docket No. R-2015-2469275**, that was referenced on page 2 of the Motion of PECO Energy Company to Strike All or Portions of the Direct Testimony of the Environmental Defense Fund and the Keystone Energy Efficiency Alliance Energy Education Fund, et al., filed on July 24, 2015 in the above-captioned matter, on the following persons in the matter specified in accordance with the requirements of 52 Pa. Code § 1.54:

VIA ELECTRONIC MAIL AND FIRST CLASS MAIL

The Honorable Angela T. Jones
Administrative Law Judge
Pennsylvania Public Utility Commission
801 Market Street, Suite 4063
Philadelphia, PA 19107
angeljones@pa.gov

Jennedy S. Johnson
Colin Scott
Phillip Kirchner
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
jennejohns@pa.gov
colinScott@pa.gov
phikirchne@pa.gov

Daniel G. Asmus
Elizabeth Rose Triscari
Office of Small Business Advocate
Commerce Tower, Suite 202
300 North Second Street
Harrisburg, PA 17101
dasmus@pa.gov
etriscari@pa.gov

Aron J. Beatty
Christy M. Appleby
Brandon J. Pierce
Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
abeatty@paoca.org
cappleby@paoca.org
bpierce@paoca.org

Charis Mincavage
Adeolu Bakare
Elizabeth Trinkle
McNees Wallace & Nurick LLC
P.O. Box 1166
100 Pine Street
Harrisburg, PA 17108-1166
cmincavage@mwn.com
abakare@mwn.com
etrinkle@mwn.com
Counsel for PAIEUG

Josie Pickens
Community Legal Services, Inc.
1410 West Erie Avenue
Philadelphia, PA 19140
jpickens@clsphila.org
Counsel for TURN, et al.

Thu B. Tran
Robert W. Ballenger
Community Legal Services, Inc.
1424 Chestnut Street
Philadelphia, PA 19102
ttran@clsphila.org
rballenger@clsphila.org
Counsel for TURN, et al.

J. Barry Davis
Scott J. Schwarz
Jocelyn G. Hill
Sandra Doyle McManus
City of Philadelphia Law Department
1515 Arch Street, 16th Floor
Philadelphia, PA 19102
j.barry.davis@phila.gov
scott.schwarz@phila.gov
jocelyn.g.hill@phila.gov
sandra.doyle.mcmanus@phila.gov
Counsel for City of Philadelphia

Elizabeth R. Marx
Patrick Cicero
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101
pulp@palegalaid.net
Counsel for CAUSE-PA

Kathleen Barksdale
Julie Holvik
Assistant Regional Counsel
General Services Administration
The Strawbridge Building, Suite 9088
20 North Eighth Street
Philadelphia, PA 19107
kathleen.barksdale@gsa.gov
Counsel for GSA

Leonard E. Lucas, III,
Senior Assistant General Counsel
General Service Administration
801 Broadway, Suite 113
Nashville, TN 37203
leonard.lucas@gsa.gov
Counsel for GSA

Joseph Otis Minott
Ernest Logan Welde
Benjamin Z. Hartung
Clean Air Council
135 South 19th Street, Suite 300
Philadelphia, PA 19103
joe_minott@cleanair.org
lwelde@cleanair.org
bhartung@cleanair.org
Counsel for CAC

Joseph Otis Minott
The Alliance for Solar Choice
135 South 19th Street, Suite 300
Philadelphia, PA 19103
joe_minott@cleanair.org
Counsel for TASC

Jacob J. Schlesinger
Keys, Fox & Wiedman LLP
1400 16th Street
16 Market Square, Suite 400
Denver, CO 80202
jschlesinger@kfwlaw.com
Counsel for TASC

David R. Wooley
Keys, Fox & Wiedman LLP
436 14th Street, Suite 1305
Oakland, CA 94612
dwooley@kfwlaw.com
Counsel for TASC

Mark C. Szybist
Natural Resources Defense Council
1152 15th Street, N.W., Suite 300
Washington, DC 20006
mszybist@nrdc.org
Counsel for Natural Resources Defense Council

Daniel Clearfield
Deanne M. O'Dell
Sarah Stoner
Eckert Seamans
213 Market Street, 8th Floor
Harrisburg, PA 17101
dclearfield@eckertseajmans.com
dodell@eckertseajmans.com
sstoner@eckertseajmans.com
Counsel for KEEA Energy Education Fund

Michael Panfil
EDF
1875 Connecticut Avenue, N.W.
Washington, DC 20009
mpanfil@edf.org
Counsel for EDF

John Finnigan
128 Winding Brook Lane
Terrace Park, OH 45174
jfinnigan@edf.org
Counsel for EDF

Heather M. Langeland
200 First Avenue, Suite 200
Pittsburgh, PA 15222
langeland@pennfuture.org
Counsel for EDF

Dennis W. Goins
Potomac Management Group
5801 Westchester Street
Alexandria, VA 22310
dgoinspmg@verizon.net
Consultant for GSA

Roger D. Colton
Fisher, Sheehan & Colton
34 Warwick Road
Belmont, MA 02478
roger@fsconline.com
Consultant for OCA

Glenn Watkins
Technical Associates, Inc.
9030 Stony Point Parkway
Suite 580
Richmond, VA 23235
watkinsg@tai-econ.com
Consultant for OCA

David J. Effron
Berkshire Consulting Services
12 Pond Path
North Hampton, NH 03862
djeffron@aol.com
Consultant for OCA

David C. Parcell
Technical Associates, Inc.
9030 Story Point Parkway, Suite 580
Richmond, VA 23235
david.parcell@tai-econ.com
Consultant for OCA

Brian Kalcic
Excel Consulting
225 South Meramec Avenue, Suite 720
St. Louis, MO 631105
excel.consulting@sbcglobal.net
Consultant for OSBA

William Kazimer
3121 West Germantown Pike
Eagleville, PA 19403



Romulo L. Diaz, Jr. (Pa. No. 88795)
Jack R. Garfinkle (Pa. No. 81892)
W. Craig Williams (Pa. No. 306405)
PECO Energy Company
2301 Market Street
Philadelphia, PA 19103
Phone: 215.841.5974
Fax: 215.568.3389
romulo.diaz@exeloncorp.com
jack.garfinkle@exeloncorp.com
craig.williams@exeloncorp.com

Thomas P. Gadsden (Pa. No. 28478)
Anthony C. DeCusatis (Pa. No. 25700)
Catherine G. Vasudevan (Pa. No. 210254)
Brooke E. McGlinn (Pa. No. 204918)
Morgan, Lewis & Bockius LLP
1701 Market Street
Philadelphia, PA 19103-2921
Phone: 215.963.5234
Fax: 215.963.5001
tgadsden@morganlewis.com
adecusatis@morganlewis.com
cvasudevan@morganlewis.com
bmcglinn@morganlewis.com

Counsel for PECO Energy Company

Date: July 27, 2015

APPENDIX A

SIXTH PREHEARING ORDER

**PA. P.U.C. V. PPL ELECTRIC UTILITIES CORPORATION
DOCKET NO. R-2015-2469275**

ISSUED JULY 14, 2015

AS REFERENCED ON PAGE 2 OF THE
MOTION OF PECO ENERGY COMPANY TO STRIKE
ALL OR PORTIONS OF THE DIRECT TESTIMONY OF
THE ENVIRONMENTAL DEFENSE FUND AND
THE KEYSTONE ENERGY EFFICIENCY ALLIANCE
ENERGY EDUCATION FUND ET AL.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	R-2015-2469275
Office of Consumer Advocate,	:	C-2015-2475448
Office of Small Business Advocate	:	C-2015-2478277
PP&L Industrial Customer Alliance	:	C-2015-2480265
C. Wintermeyer	:	C-2015-2485827
Cathleen A. Woomert	:	C-2015-2484588
Michael B. Young	:	C-2015-2485860
Joseph E. McAndrew	:	C-2015-2489524
	:	
v.	:	
	:	
PPL Electric Utilities Corporation	:	
	:	
PPL Electric Utilities Corporation	:	
Petition for a Waiver of the Distribution	:	P-2015-2474714
System Improvement Charge Cap of 5%	:	
of Billed Revenues	:	

**ORDER GRANTING THE PETITION TO INTERVENE OF THE ENVIRONMENTAL
DEFENSE FUND, GRANTING THE MOTION FOR ADMISSION PRO HAC VICE OF
MICHAEL PANFIL AND JOHN FINNEGAN, AND GRANTING THE MOTION IN
LIMINE OF PPL ELECTRIC UTILITIES CORPORATION TO STRIKE THE DIRECT
TESTIMONY OF DICK MUNSON AND TO EXCLUDE THE ISSUES RAISED
THEREIN**

Sixth Prehearing Order

HISTORY OF THE PROCEEDING

On March 31, 2015, PPL Electric Utilities Corporation (PPL Electric or Company) filed Supplement No. 179 to Tariff Electric – Pa. PUC No. 201, containing proposed changes in rates, rules, and regulations calculated to produce approximately \$167.5 million in additional annual revenues based upon data for a fully projected future test year ending December 31, 2016. This proposed rate change represents an average increase in the Company's

distribution rates of approximately 18.5%, which equates to an average increase in total rates (distribution, transmission, and generation charges) of approximately 3.9%. Supplement No. 179 was proposed to take effect on June 1, 2015. The filing was suspended by Commission Order entered April 23, 2015.

Formal complaints against this proposed tariff have been filed by: the Office of Consumer Advocate (OCA), the Office of Small Business Advocate (OSBA), PP&L Industrial Customer Alliance (PPLICA), D. Wintermeyer, Cathleen A. Woomert, Thomas B. Young, and Joseph McAndrew.

Prior to the prehearing conference, petitions to intervene were filed by the Commission on Economic Opportunity (CEO), the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA), the Clean Air Council, Sustainable Energy Fund (SEF), the Alliance for Solar Choice (TASC), and Eric Joseph Epstein. The Commission's Bureau of Investigation and Enforcement (I&E) filed a Notice of Appearance.

Motion for admission pro hac vice was filed by Joseph Minnott, attorney for the Alliance for Solar Choice, seeking admission for David R. Wooley and Jacob J. Schlesinger.

On April 22, 2015, a Notice was issued which scheduled the prehearing conference for Thursday, May 7, 2015. A prehearing conference order (First Prehearing Order) was also issued on April 22, 2015, which directed the litigating parties to file and serve their prehearing memos on or before Friday, May 1, 2015 on or before noon. Prehearing memos were filed by the following: PPL Electric, OCA, OSBA, I&E, PPLICA, CEO, SEF, Clean Air Council, TASC, CAUSE-PA, and Mr. Epstein.

The prehearing conference was held as scheduled on May 7, 2015. The following attended: David B. MacGregor, Esq., Paul E. Russell, Esq., and Christopher T. Wright, Esq., for PPL Electric; Darryl Lawrence, Esq., Hobart Webster, Esq., and Lauren Birge, Esq., for OCA; Richard Kanaskie, Esq., Gina L. Lauffer, Esq., and Kenneth R. Stark, Esq., for I&E; Steven C. Gray, Esq., for OSBA; Joseph Vullo, Esq., for CEO; Adeolu Bakare, Esq., for PPLICA; Kenneth

L. Mickens, Esq., for SEF, Logan Welde, Esq., and Joseph O. Minott, Esq., for the Clean Air Council; Mr. Minott also appeared on behalf of the Alliance for Solar Choice, along with David R. Wooley, Esq.; Elizabeth Marx appeared on behalf of CAUSE-PA, and Mr. Epstein appeared pro se.

The petitions to intervene filed by CAUSE-PA, CEO, SEF, and Mr. Epstein were unopposed and were granted in the ordering paragraphs of the Scheduling Order.

Two petitions to intervene were opposed by the Company for lack of standing. The petition to intervene filed by the Clean Air Council faced the objections of the Company for failure to aver by name their members who are PPL Electric customers, and the petition to intervene filed by TASC faced the objections of the Company for failure to identify which members provide service within PPL Electric's service territory. Both TASC and the Clean Air Council were given five business days from the date of issuance of this Order to file and serve amended petitions with the requested information. The Company was given five business days from the date of the filing of the amended petitions to respond.

On May 12, 2015, Natural Resources Defense Council (NRDC) filed a Notice of Intervention. As notices of intervention can only be filed by statutory advocates, and all others must file either a petition or a complaint, the NRDC filing was treated as a petition.

On May 13, 2015, the Clean Air Council filed its Amended Petition to Intervene, and on May 14, 2015, TASC filed its Amended Petition to Intervene. No response was filed. Counsel for PPL Electric indicated by email that no opposition would be filed to any of the three outstanding petitions to intervene. Therefore, the three petitions were granted by Order issued May 28, 2015.

On June 1, 2015, the Keystone Energy Efficiency Alliance (KEEA) Energy Education Fund filed a Petition to Intervene, and no party filed opposition to the Petition. The Petition was granted by Order dated June 22, 2015 (Fifth Prehearing Order).

On June 19, 2015, the Motion for Admission Pro hac Vice, Notice of Appearance, Petition to Intervene of Environmental Defense fund and the Prehearing Memorandum on Behalf of Environmental Defense Fund (EDF or Petitioner) was filed and served. As there was no indication that the Petitioner had obtained the agreement of other parties to its Petition to Intervene, the full time for response was required to run prior to my addressing the Petition. 52 Pa.Code § 5.61(a). On June 23, 2015, EDF served the Direct Testimony of Dick Munson.

On July 10, 2015, PPL Electric filed its Answer in Objections to the Petition to Intervene of Environmental Defense Fund and Motion in Limine to Exclude Environmental Defense Fund's Testimony and to Limit the Scope of the Evidentiary Hearing.

On July 10, 2015, EDF filed its Response.

There being no provision in the rules for further filings on this issue, the EDF's Petition to Intervene with its Motion for Admissions Pro Hac Vice, and PPL Electric's Motion in Limine are ripe for disposition.

DISCUSSION

Petition to Intervene

The EDF avers that it "engages in policy development, public education, litigation and other actions to achieve its goals, including the promotion of clean energy resources and technologies," Petition ¶2. It identifies four individuals with addresses in PPL Electric's service territory and avers that the four individuals are customers of PPL Electric. Petition ¶1. Petitioner claims that it has a right and interest in assuring that safe, reliable, clean and affordable public utility service, and participation in these Proceedings is an appropriate way to protect these rights and interest. Petition ¶6.

PPL Electric argues that the Petition should be denied or, in the alternative, participation should be limited to exclude EDF's proposals and its direct testimony stricken as beyond the proper scope of the proceeding.

Commission regulations provide:

§ 5.72. Eligibility to intervene.

(a) *Persons.* A petition to intervene may be filed by a person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought. The right or interest may be one of the following:

(1) A right conferred by statute of the United States or of the Commonwealth.

(2) An interest which may be directly affected and which is not adequately represented by existing participants, and as to which the petitioner may be bound by the action of the Commission in the proceeding.

(3) Another interest of such nature that participation of the petitioner may be in the public interest.

(b) *Commonwealth.* The Commonwealth or an officer or agency thereof may intervene as of right in a proceeding subject to subsection (a)(1)—(3).

(c) *Supersession.* Subsections (a) and (b) supersede 1 Pa. Code § 35.28 (relating to eligibility to intervene).

52 Pa.Code § 5.72.

"The interest of a petitioner seeking intervention must be direct and immediate."
Re Pennsylvania Power & Light Company, 50 Pa. PUC 38, 40 (1976).

To possess standing, a party must have an interest in the controversy that is distinguishable from the interest shared by other citizens. *Sierra Club v. Hartman*, 529 Pa. 454, 605 A.2d 309 (1992). A party possesses standing if he has a "substantial, direct, and immediate

interest" in the subject matter of the litigation. *Wm. Penn Parking Garage, Inc. v. City of Pittsburgh*, 464 Pa. 168, 346 A.2d 269 (1975). PPL Electric avers that EDF has failed to identify an interest which surpasses the common interest of all citizens, and that it has failed to state an interest which is not already represented adequately by other parties, as the NRDC, CAC, TASC and KEEA all state similar interests. Therefore, the interests of EDF are not unique and not a sound basis for the grant of intervention. PPL Electric Answer at pp. 5-6.

EDF responds that it has established that it has members in the PPL Electric service territory and that they have an interest in clean energy issues. Further, intervention had already been granted in other Commission electric distribution company base rate cases, as well as PECO's, now pending. Response of EDF at 1-2. In addition, EDF claims, different environmental groups emphasize different issues.

An association, as a representative of its members, may have standing to bring a cause of action even in the absence of injury to itself; the association must allege that at least one of its members is suffering immediate or threatened injury as a result of the challenged action." *Malt Beverages Distribs. Ass'n v. Pa. Liquor [*123] Control Bd.*, 881 A.2d 37, 41 (Pa.Cmwlth. 2005), petition for allowance of appeal denied, 586 Pa. 775, 895 A.2d 1264 (2006); *The Unified Sportsmen of Pennsylvania v. The Pennsylvania Game Commission et al.*, 903 A.2d 117 Pa.Cmwlth. 2006), 2006 Pa. Commw. LEXIS 397; *see also Pennsylvania Academy of Chiropractic Physicians v. Commonwealth of Pennsylvania, Department of State, Bureau of Professional & Occupational Affairs*, 564 A.2d 551 (Pa.Cmwlth. 1989) 1989 Pa. Commw. LEXIS 648.

Even in the absence of injury to itself, [however], an association may have standing solely as the representative of its members. The possibility of such representational standing, however, does not eliminate or attenuate the constitutional requirement of a case or controversy. The association must allege that its members, or any one of them, are suffering immediate or threatened injury as a result of the challenged action of the sort that would make out a justiciable case had the members themselves brought suit. So long as this can be established, and so long as the nature of the claim and of the relief sought does not make the individual participation of each injured party indispensable to

proper resolution of the cause, the association may be an appropriate representative of its members, entitled to invoke the court's jurisdiction.

Warth v. Seldin, 422 U.S. 490, 511, 95 S.Ct. 2197, 2211, 45 L.Ed.2d 343, 362 (1975) (citations omitted). See also *Boston Stock Exchange v. State Tax Commission*, 429 U.S. 318, 97 S.Ct. 599, 50 L.Ed.2d 514 (1977); *Tripps Park Civic Association v. Pa. Pub. Util. Comm'n*, 415 A.2d 967 (Pa.Cmwlth. 1980); *Concerned Taxpayers v. Commonwealth of Pennsylvania*, 382 A.2d 490 (Pa.Cmwlth.1978).

The EDF, having identified members who are ratepayers of the utility, have established standing to intervene in a base rate case, and intervention will be granted.

Motion in Limine to Exclude EDF Testimony and to Limit the Scope of the Evidentiary Hearing

PPL Electric states that the EDF advances three proposals: (1) that PPL Electric be required to undertake a cost-benefit analysis of providing usage data to customers and third parties and be required to submit a proposal to provide detailed energy usage data to customers and third parties; (2) that PPL Electric be required to use 21 environmental and performance metrics to ensure that its distribution facilities are performing as expected and customers are receiving the full benefits of grid modernization investments; and (3) that PPL Electric be required to report on the performance of its Integrated Volt/VAR Control projects and its future plans for full deployment. These, PPL Electric argues, are not properly within the scope of this base rate case but should be addressed in a statewide proceeding that affords all relevant parties the opportunity to participate.

These are three proposals which, PPL Electric argues, are not related to anything in PPL Electric's proposed or existing tariff rules, rates, or services. Rather, the determination of what usage data should be provided to customers and third parties is a statewide issue as the requirements must be uniform among EDCs. To this end, the Commission has adopted regulations and guidelines regarding access to customer data and the protection of customer information. *Re Standards for Electronic Data Transfer and Exchange*, Docket No.

M-00960890F0015 (June 18, 1998); *Smart Meter Procurement and Installation*, Docket No. M-2009-2092655 (Order entered June 24, 2009); *Smart Meter Procurement and Installation Plan*, Docket No. M-2009-2092655 (July 8, 2011); *Interim Guidelines for Eligible Customer Lists*, Docket No. M-2010-2183412 (November 15, 2011); *Submission of the Electronic Data Exchange Working Group's Web Portal Working Group's Solution Framework for Historical Interval Usage and Billing Quality Interval Usage*, Docket No. M-2009-2092655 (April 23, 2015); 52 Pa.Code §§ 54.8-54.122. PPL Electric states that this is essentially a request to amend the Commission's existing regulations, orders and guidelines, which should not be permitted outside a statewide process. PPL Electric Answer at 7-8.

Similarly, PPL Electric charges, the proposed environmental and performance metrics and Integrated Volt/VAR Control project reporting requirements would, in effect, be an amendment to the Commission's Electric Reliability Standards. PPL Electric Answer at 8-9. Any determination of additional performance metrics would be across the state, not just in one EDC's service territory.

EDF responds that it is raising issues which are quite different from those raised by the other parties, which supports its intervention, and asks that it be permitted full participation. The data access, environmental and performance metrics, and Volt/VAR are all service issues, which are properly raised in a base rate case. EDF states that, while they may be the subject of other proceedings, those simply establish minimum standards. Nothing prohibits PPL from offering service to its customers in excess of the minimum standards. Response at 4.

A review of Mr. Munson's Direct Testimony reveals that he presents three numbered issues. His first issue is "Access to Energy Usage Data," in which he advocates for the increased access of actual usage to the customer in shorter intervals, in order to motivate customers to amend their usage more effectively. He advocates the use of in-home displays, web portals, and prepaid metering programs, as well as an Open Access Data Framework as the basis for sharing that information with authorized third parties. Munson Direct, pp. 2-6.

A similar issue was raised as part of the Company's recent Smart Meter Plan, and my Initial Decision in that case included the following language:

. . . the Company will be bound by a Commission initiative presently underway. The electronic data exchange working group (EDEWG) convened a web portal working group (WPWG) to develop standardized solutions for the acquisition of both the historical interval usage (HIU) and billing quality interval use (IU) data via a secure web portal, under Commission Order entered December 6, 2012, in this docket. On February 17, 2015, a final version of the document titled "Pennsylvania Web Portal Working Group Solutions Framework" was filed, which purportedly outlines the portal solution that would permit third parties such as EGSs and Conservation Service Providers (CSPs) to acquire data within 48 hours of daily meter reads. Commission review of this document will occur at a public meeting. The outcome of this proceeding will likely determine the direction of this issue.

Ideally, the Commission's scrutiny will result in regulations, which are the appropriate way to implement a statute. The parties' failure to mention the ongoing Commission initiative is understood because a search of the Commission's regulations would not result in finding them. Rather, the process is one that the Commission uses when the directions in a new statute require Commission guidance before regulations can be promulgated, and where the Commission institutes a regulatory process afterwards to ensure the due process rights of all involved.

In the meantime, the Company will be expected to comply with whatever outcome that the EDEWG recommends and the Commission approves at Docket No. M-2009-2092655, and there appears to be a recommendation pending at this time. The Commission's Final Order in that matter may be available to provide guidance for the disposition of this issue by the time the Commission issues its Final Order in the present case, but it is not available at this time. Accordingly, the parties who seek to be involved in the development of that process should look to that docket, and that the Company develop its Plan in accordance with Commission guidelines.

Petition of PPL Electric Utilities Corporation for Approval of its Smart Meter Technology Procurement and Installation Plan, Docket No. M-2014-2430781 (Initial Decision issued

April 30, 2015, case pending before the Commission on exceptions).

There is an ongoing proceeding before this Commission which addresses the functions of PPL Electric's proposed metering system. That proceeding was public and included other parties who fully litigated the case. The present base rate case is to set rates, and all intervenors are permitted and even encouraged to pursue all issues regarding the rates of this Company. However, I will not permit the re-litigation of issues which are presently pending before this Commission in another proceeding.

Similarly, each EDC in this Commonwealth is subject to performance metrics which were set according to regulations. Any challenge to these metrics must be done by formal complaint in a separate proceeding where it could be given sufficient time to develop a full and complete record, not rushed into the last few weeks before the formal hearings set for a base rate investigation. The Company and other parties will not be required to address the issue of performance metrics in the last few weeks before the hearing.

The third stated issue – that PPL Electric be required to report on its Integrated Volt/VAR control projects – has not been developed or supported sufficiently for even a superficial introduction of it, let alone a meaningful evaluation. There is not so much as an explanation of what a Volt/VAR control project is, let alone whether it could possibly be relevant to this proceeding. The abbreviated direct testimony¹ fails to establish this recommendation as a legitimate issue for further scrutiny in this case.

Consequently, the Direct Testimony of Dick Munson is stricken.

¹ Q: Do you have any recommendation regarding integrated Volt/VAR controls?

A: Yes. I recommend that the Company report on the performance of its Integrated Volt/Var Control projects and its future plans for full deployment." The complete Direct of Munson at 7-8 on this topic.

Motion for admission pro hac vice

Counsel Heather Langeland moves for the admission pro hac vice of Michael Panfil and John Finnegan. Having set forth the necessary information to support her Motion, and no party having objected to the motion, it is granted as unopposed.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Petition to Intervene of the Environmental Defense Fund is granted.
2. That the Motion of Heather Langeland for the admissions pro hac vice of Michael Panfil and John Finnegan is granted.
3. That the service list be amended to include Michael Panfil and John Finnegan.
4. That the Motion In Limine of PPL Electric Utilities Corporation to exclude the testimony of Dick Munson is granted.
5. That the Direct Testimony of Dick Munson is stricken.

6. That the issues raised by the Environmental Defense Fund in the Direct Testimony of Dick Munson are excluded from the scope of the evidentiary hearings in this case.

Dated: July 14, 2015

Susan D. Colwell
Administrative Law Judge

R-2015-2469275 - PA PUBLIC UTILITY COMMISSION v.PPL ELECTRIC UTILITIES CORPORATION

Revised 7/14/2015

DAVID B MACGREGOR ESQUIRE
POST & SCHELL PC
FOUR PENN CENTER
1600 JOHN F KENNEDY BOULEVARD
PHILADELPHIA PA 19103-2808
215.587.1197

MICHAEL W. GANG ESQUIRE
CHRISTOPHER T WRIGHT ESQUIRE*
POST & SCHELL PC
17 NORTH SECOND STREET 12TH FLOOR
HARRISBURG PA 17101-1601
717.731.1970
*Accepts E-service**

PAUL E RUSSELL ESQUIRE*
KIMBERLY A KLOCK ESQUIRE
PPL ELECTRIC UTILITIES CORPORATION
TWO NORTH NINTH STREET
ALLEN TOWN PA 18101
610.774.4254
*Accepts E-service**

DARRYL A. LAWRENCE ESQUIRE
LAUREN M ESQUIRE
HOBART J WEBSTER ESQUIRE
OFFICE OF CONSUMER ADVOCATE
5TH FLOOR FORUM PLACE
555 WALNUT STREET
HARRISBURG PA 17101-1923
717.783.5048
Accepts E-service
C-2015-2475448

PATRICK M. CICERO ESQUIRE
ELIZABETH R MARX ESQUIRE
118 LOCUST STREET
HARRISBURG PA 17101
Accepts E-service
717.232.2719
Accepts E-service
Representing CAUSE-PA

JOSEPH L VULLO ESQUIRE
1460 WYOMING AVENUE
FORTY FORT PA 18704
570.288.6441
Accepts E-service
Representing Commission on Economic Opportunity

STEVEN C GRAY ESQUIRE
OFFICE OF SMALL BUSINESS ADVOCATE
300 NORTH SECOND STREET SUITE 202
HARRISBURG PA 17101
717.783.2525
C-2015-2478277

RICHARD A KANASKIE ESQUIRE
GINA L LAUFFER ESQUIRE
KENNETH R STARK ESQUIRE
BUREAU OF INVESTIGATION &
ENFORCEMENT
PUBLIC UTILITY COMMISSION
SECOND FLOOR WEST
400 NORTH STREET
HARRISBURG PA 17120
717.783.6184
Accepts E-service

ADEOLU A BAKARE ESQUIRE
PAMELA C POLACEK ESQUIRE
MCNEES WALLACE & NURICK LLC
100 PINE STREET
PO BOX 1166
HARRISBURG PA 17108-1166
717.237.5290
717.237.5368
Accepts E-service
Representing PPLICA
C-2015-2480265

KENNETH L. MICKENS ESQUIRE
316 YORKSHIRE DRIVE
HARRISBURG PA, 17111
717.343.3338
Accepts E-service
Representing Sustainable Energy Fund

510.314.8207

Accepts e-Service

Representing Alliance for Solar Choice

JOSEPH OTIS MINOTT ESQUIRE
BENJAMIN Z HARTUNG
LOGAN WELDE ESQUIRE
CLEAN AIR COUNCIL
135 S 19TH STREET SUITE 300
PHILADELPHIA PA 19103
215.567.4004

Accepts e-Service

ERIC EPSTEIN
4100 HILLSDALE RD
HARRISBURG PA 17112
717.635.8615

Accepts E-service

SARAH C STONER ESQUIRE
DANIEL CLEARFIELD ESQUIRE
DEANNE M O'DELL ESQUIRE
ECKERT SEAMANS
213 MARKET STREET
8TH FLOOR
HARRISBURG PA 17101
717.237.7175

Accepts E-service

MARK SZYBIST ATTORNEY
NATURAL RESOURCES DEFENSE
COUNCIL
1152 15TH ST NW
SUITE 300
WASHINGTON DC 20005
202.289.2422

Accepts E-service

Representing Natural Resources Defense
Council

CATHLEEN A WOUMERT
81 MAPLE RIDGE RD
MILLVILLE PA 17846
570.458.6326

Accepts E-service

C-2015-2484588

DAVID WOOLEY ESQUIRE
KEYES, FOX, & WEIDMAN LLP
436 14TH STREET. SUITE 1305
OAKLAND CA 94612

JACOB SCHLESINGER ESQUIRE
KEYES, FOX, & WEIDMAN LLP
16 MARKET SQUARE, SUITE 400
DENVER CO 80202

910.531.2525

Accepts E-service

Representing Alliance for Solar Choice

MICHAEL B YOUNG
185 CONSTITUTION AVE
WILKES BARRE PA 18706-4152
570.606.8361

C-2015-2485860

MR D WINTERMEYER
1406 CARLISLE ROAD
CAMP HILL PA 17011
C-2015-2485827

JOSEPH MCANDREW
85 WEST CHESTNUT STREET
MACUNGIE PA 18062
C-2015-2489524

JOHN FINNEGAN ESQUIRE
128 WINDING BROOK LANE
TERRACE PARK OHIO 45174
513 226 9558

MICHAEL PANFIL ESQUIRE
175 CONNECTICUT AVE NW SUITE 600
WASHINGTON DC 20009