

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jay Larry Moyer, Complainant

V.

RE: Docket No. C-2017-2629683

PPL Electric Utilities Corporation, Respondent

Reply to Answer of PPL Electric to Fourth Petition

April 16, 2021

This Reply to PPL's Answer to the Fourth Petition to Re-open the above case is submitted pursuant to 52 Pa. Code § 5.63.

In its Answer to the Fourth Petition dated April 5, 2021, PPL Electric disregards the most salient, relevant, and irrefutable facts. First among them is the fact that, with the *Hommrich* decision, the PA Supreme Court overturned the central premise on which PPL attempts to rely.

It is PPL's claim, once again, that the so-called "exemption" ("waiver", "exception") is the defining and operative reality. That exemption no longer has any weight, as it was based on a failed premise. That exemption or "waiver" was based on PPL's premise that my PV system "does not qualify". It is indisputable now that my PV system does qualify. The legal status of my PV generating system is altered dramatically by the decision in *Hommrich*. That is a material change of fact and of law.

PPL, in its Answer, contends that "the Commonwealth Court's decision in *Hommrich* has no bearing to the Complainant's situation, nor does it present a material change in fact or law". (PPL Answer at 2)

PPL's contention is patently incorrect. My PV system is qualified, and an

exemption has no influence, bearing, or relevance. That is the “material change” of fact and of law which PPL chooses to disregard.

PPL attempts to dismiss the petition because “the Commission granted him an exemption to the independent load requirement.” (PPL answer at 7) PPL’s claim must be seen for the fiction that it is. The sole purpose and function of the so-called “exemption” was to “waive” the purported “independent load” requirement. Any relevance of that exemption existed only, if at all, when an “independent load” requirement was in force.

Moreover, the exemption (“waiver”) was a tactic first conceived by PPL, dictated by PPL in 2012, and enforced against me long before it was adopted by the Commission. The exemption was never more than a corollary to the supposed, and now discredited, requirement of “independent load” (i.e. “non-generational load” in PPL’s parlance in 2012).

The *Hommrich* case has removed that requirement, and with that removal, the exemption or “waiver” has no force or meaning. PPL cannot extend the life or utility of that exemption or “waiver” which the company itself created.

PPL's claims are contrary to the facts and ignore the significance of the Court's decision in Hommrich. I respectfully request, therefore, that the Commission grant this Fourth Petition to Re-open, along with The First, The Second, and the Third Petitions to Re-open, which were submitted previously. All of the Petitions to Re-open seek redress for PPL's failure to implement "fair business practice" in its procedures for virtual meter aggregation.

Respectfully Submitted,

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April 16, 2021

Certificate of Service

Reply to PPL Answer to Fourth Petition to Re-Open

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I hereby certify that I have served a true copy of the attached "Reply to PPL's Answer to the Fourth Petition To Re-Open" upon the parties listed below, in accordance with the requirements of § 1.54 (relating to service by a party).

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April 16, 2021

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