
Lindsay A. Berkstresser
Associate

lberkstresser@postschell.com
717-612-6021 Direct
717-731-1977 Direct Fax
File #: 167910

May 14, 2021

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: Application of PPL Electric Utilities Corporation for Approval of Intercompany
Restructuring
Docket No. A-2017-2629534**

Dear Secretary Chiavetta:

Attached for filing is the Joint Stipulation for Admission of Evidence on behalf of PPL Electric Utilities Corporation in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Lindsay A. Berkstresser

LAB/jl
Attachments

cc: Honorable Joel H. Cheskis
Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing 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).

VIA E-MAIL ONLY

Steven C. Gray, Esquire
Office of Small Business Advocate
555 Walnut Street
Forum Place, 1st Floor
Harrisburg, PA 17101
sgray@pa.gov

Gina L. Miller, Esquire
Bureau of Investigation & Enforcement
Commonwealth Keystone Building
400 North Street, 2nd Floor West
Harrisburg, PA 17120
ginmiller@pa.gov

Christy M. Appleby, Esquire
Darryl A. Lawrence, Esquire
Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1923
cappleby@paoca.org
dlawrence@paoca.org

Date: May 14, 2021



Lindsay A. Berkstresser

4. A prehearing conference was held on January 22, 2018, during which a procedural schedule was established for the submission of testimony, hearing and briefs.

5. The OSBA and PPL Electric are the only parties who submitted testimony.

6. The parties agreed to waive cross examination and submit their respective evidence for the record through stipulation, which was submitted on June 13, 2018.¹

7. PPL Electric and OSBA submitted Main Briefs on June 29, 2018.

8. PPL Electric and OSBA submitted Reply Briefs on July 13, 2018.

9. The ALJs issued a Recommended Decision on September 11, 2018 recommending that the Commission deny the Application.

10. On October 1, 2018, PPL Electric filed Exceptions to the Recommended Decision.

11. On October 11, 2018, OSBA filed Reply Exceptions.

12. On April 25, 2019, the Commission issued an Order. In the April 25, 2019 Order, the Commission determined that 66 Pa. C.S. § 1102(a)(3) requires a certificate of public convenience for the Proposed Restructuring. *April 25, 2019 Order*, p. 36. The Commission also held that in order to approve the Application, PPL Electric must show that the Proposed Restructuring would produce affirmative public benefit. *April 25, 2019 Order*, p. 41. The Commission concluded that the Proposed Restructuring did not meet the affirmative public benefit standard. Therefore, the Commission denied the Application. *April 25, 2019 Order*, p. 46. Vice Chairman David W. Sweet and Commissioner Andrew G. Place submitted Statements. Commissioners Norman J. Kennard and John F. Coleman submitted Dissenting Statements.

¹ The following evidence was admitted to the record through the June 13, 2018 Stipulation: (1) PPL EU Statement No. 1, the Direct Testimony of Alexander J. Torok; (2) PPL Electric Exhibit No. 1, the Application of PPL Electric Utilities Corporation for Approval of Intercompany Restructuring; (3) OSBA Statement No. 1, the Confidential Direct Testimony of Robert D. Knecht; (4) OSBA Exhibit IEc-1; (5) OSBA Exhibit IEc-2; (6) PPL EU Statement No. 1-R the Highly Confidential Rebuttal Testimony of Alexander J. Torok; and (7) PPL Electric Exhibit No. 1-A, the interrogatory responses of PPL Electric to OSBA Set II.

13. On May 24, 2019, PPL Electric filed a Petition for Review with the Commonwealth Court. The case was docketed at 624 C.D. 2019.
14. On June 24, 2019, OSBA intervened.
15. Petitioner PPL Electric filed its brief on September 11, 2019.
16. The Commission filed its Respondent's brief on October 11, 2019.
17. Intervenor OSBA filed its brief on November 14, 2019.
18. Petitioner PPL Electric filed its Reply Brief on December 2, 2019.
19. Oral argument was held on May 13, 2020.
20. On October 27, 2020, the Commonwealth Court issued an Order concluding that the necessary or proper for service of the public standard under Section 1103 of the Public Utility Code was to be applied in this case, affirming in part and reversing in part the Commission's *April 25, 2019 Order*, and remanding the case to the Commission to apply that standard.
21. On January 12, 2021, the Commission issued a Further Prehearing Conference Notice scheduling a further telephonic prehearing conference for February 24, 2021.
22. Also on January 12, 2021, ALJ Cheskis issued a Further Prehearing Order directing the parties to file prehearing memoranda by February 17, 2021.
23. A procedural schedule for the proceeding on remand was set at the February 24, 2021 prehearing conference.
24. On February 24, 2021, ALJ Cheskis issued a Second Scheduling Order setting forth the procedural schedule agreed to at the Further Prehearing Conference.
25. Pursuant to the Second Scheduling Order, PPL Electric submitted its Supplemental Direct Testimony on March 30, 2021.

26. The parties engaged in settlement negotiations. On April 27, 2021, counsel for PPL Electric informed ALJ Cheskis that the parties had reached a comprehensive settlement of this proceeding.

27. On April 29, 2021, ALJ Cheskis issued an Order suspending the litigation schedule and directing the parties to submit a comprehensive settlement and related documents, including statements in support from each party, as well as joint proposed findings of fact, conclusions of law and ordering paragraphs, by May 14, 2021.

28. The Stipulating Parties have entered into this Stipulation with regard to the authenticity and admission of the following testimony into the record:

PPL EU Statement No. 1 SUPPLEMENTAL – the Supplemental Direct Testimony of Andrew W. Elmore dated March 30, 2021

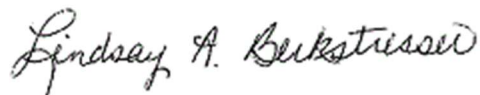
29. The above-listed testimony, along with a verification from the sponsoring witness, will be filed with the Commission’s Secretary for inclusion in the official case record upon approval of this Stipulation.

30. Attached hereto as Appendix A is a proposed “Order Granting Joint Stipulation for Admission of Evidence” for consideration by the Presiding Officer.

31. Concurrently herewith, the Stipulating Parties are filing an unopposed Joint Petition for Settlement, which resolves all issues in this proceeding.

WHEREFORE, the Stipulating Parties, by their respective counsel, respectfully request that the ALJ admit the foregoing testimony into the record in this proceeding.

Respectfully submitted,



Kimberly A. Klock
PPL Services Corporation
Two North Ninth Street
Allentown, PA 18101
kklock@pplweb.com

David B. MacGregor
Michael W. Gang
Lindsay A. Berkstresser
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601
dmacgregor@postschell.com
mgang@postschell.com
lberkstresser@postschell.com

Date: May 14, 2021

Attorneys for PPL Electric Utilities Corporation



Gina Miller
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
ginmiller@pa.gov

Date: May 14, 2021

Attorney for the Bureau of Investigation & Enforcement

/s/Steven C. Gray

Steven Gray
555 Walnut Street
Forum Place, 1st Floor
Harrisburg, PA 17101
sgray@pa.gov

Date: May 14, 2021

Attorney for the Office of Small Business Advocate

APPENDIX A
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of PPL Electric Utilities :
Corporation for Approval of Intercompany : Docket No. A-2017-2629534
Restructuring :

ORDER GRANTING JOINT STIPULATION
FOR ADMISSION OF EVIDENCE

On May 14, 2021, PPL Electric Utilities Corporation, the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission, and the Office of Small Business Advocate (hereinafter, collectively referred to as the “Stipulating Parties”), filed a Joint Stipulation for Admission of Evidence (“Stipulation”) in the above-captioned proceeding. Each of the Stipulating Parties stipulated to the authenticity of the pre-served testimony listed in the Stipulation and requested that the testimony be admitted into the record of this proceeding on the terms and conditions set forth in the Stipulation. The Stipulation is attached to this Order.

As this request is reasonable, it will be granted.

THEREFORE,

IT IS ORDERED:

1. That the Stipulation, filed on May 14, 2021, is granted;
2. That the testimony listed therein is admitted into the record of this proceeding on the terms and conditions set forth in the Stipulation; and

3. The testimony listed in the Stipulation, together with a verification from the appropriate sponsoring witness, be filed with the Secretary's Bureau of the Pennsylvania Public Utility Commission.

Date: _____

Joel H. Cheskis
Deputy Chief Administrative Law Judge