

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PPL Electric Utilities Corporation for Approval of a Default Service Program and Procurement Plan for the Period from June 1, 2025 through May 31, 2029 (DSP VI Program)	:	
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	:	P-2024-3047290
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PREHEARING ORDER NO. 2

On March 12, 2024, PPL Electric Utilities Corporation (PPL or Petitioner) filed a Petition for Approval of its Default Service Program and Procurement Plan for the period from June 1, 2025 through May 31, 2029 (DSP VI Program). The Petition was filed pursuant to Section 2807 of the Public Utility Code, 66 Pa.C.S. § 2807, and 52 Pa. Code §§ 54.181-54.189.

On March 14, 2024, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA), through its counsel, filed a Petition to Intervene.

On March 20, 2024, the Office of Consumer Advocate (OCA), through its counsel, filed an Answer to the Petition.

On March 28, 2024, the PP&L Industrial Customer Alliance (PPLICA), through its counsel, filed a Petition to Intervene.

On March 30, 2024, notice of PPL's Petition and Prehearing Conference was published in the *Pennsylvania Bulletin*. 54 Pa.B. 1802. A deadline of April 19, 2024, was established for the filing of formal protests, petitions to intervene and answers. The prehearing conference was set for April 26, 2024.

On April 4, 2024, Calpine Retail Holdings, LLC (Calpine), through its counsel, filed a Petition to Intervene.

A Prehearing Conference Order was issued on April 16, 2024, advising the parties of the date and time of the Prehearing Conference and informing them of the procedures applicable to this proceeding.

On April 18, 2024, NRG Energy, Inc. (NRG) and the Retail Energy Supply Association (RESA), through their counsel, each filed a Petition to Intervene.

On April 19, 2024, the Office of Small Business Advocate (OSBA), through its counsel, filed a Notice of Intervention, Public Statement, and Verification.

Also on April 19, 2024, Shell Energy North America (Shell), through its counsel, filed a Petition to Intervene.

In accordance with the Prehearing Conference Order dated April 16, 2024, PPL, the OCA, the OSBA, CAUSE-PA, RESA, PPLICA, Shell, NRG, and Calpine submitted prehearing memoranda.

A prehearing conference was held as scheduled on April 26, 2024. Counsel for PPL, the OCA, the OSBA, CAUSE-PA, RESA, PPLICA, Shell, NRG, and Calpine participated. This order memorializes certain procedural matters addressed at the prehearing conference.

THEREFORE,

IT IS ORDERED:

1. That the Petitions to Intervene of CAUSE-PA, RESA, PPLICA, Shell, NRG, and Calpine, being unopposed, are granted;

2. That the parties of record as of this date are PPL, the OCA, the OSBA, CAUSE-PA, RESA, PPLICA, Shell, NRG, and Calpine.

3. That the parties may arrange service amongst themselves as they agree.

4. That parties may serve documents electronically by 4:30 p.m. to meet any required due date, with the provision that large documents not able to be transmitted electronically may be hand-delivered to the parties located in Harrisburg on the due date and received the next business day by parties located outside Harrisburg.

5. That discovery shall be conducted according to the Commission's rules and regulations at 52 Pa. Code § 5.321 *et seq*, subject to the following modifications:

- A. Answers to written interrogatories and requests for document production, entry for inspection, or other purposes shall be served in-hand within ten (10) calendar days of service.
- B. Objections to interrogatories and/or requests for production shall be communicated orally to the propounding party within three (3) calendar days of service of the interrogatories; unresolved objections shall be served in writing to the propounding party within five (5) calendar days of service of the interrogatories and/or requests for production.
- C. Motions to dismiss objections and/or direct the answering of interrogatories and/or requests for production shall be filed within three (3) calendar days of service of written objections.
- D. Answers to motions to dismiss objections and/or answering of interrogatories and/or requests for production shall be filed within three (3) calendar days of service of such motions.
- E. Requests for admissions will be deemed admitted unless answered within ten (10) calendar days or objected to within five (5) calendar days of service.
- F. Answers to on-the-record data requests shall be served in-hand within five (5) calendar days of the requests.
- G. Any discovery or discovery-related pleadings (such as objections, motions, and answers to same) served after served after 4:30 p.m. Monday through Thursday or after 1:30 p.m. on a Friday or the day before a holiday will be

deemed to have been served on the next business day for purposes of calculating the due date for any responsive filing.

After rebuttal is served, the deadlines should be reduced as follows:

- A. Answers to interrogatories and responses to requests for document production, entry for inspection, or other purposes shall be served within five (5) calendar days of service of the interrogatories or requests for production.
- B. Objections to interrogatories and/or requests for production shall be communicated orally to the propounding party within two (2) calendar days of service; unresolved objections shall be served on the propounding party in writing within three (3) calendar days of service of the interrogatories and/or requests for production.
- C. Motions to dismiss objections and/or direct the answering of interrogatories and/or requests for production shall be filed within two (2) calendar days of service of written objections.
- D. Answers to motions to dismiss objections and/or direct the answering of interrogatories and/or requests for production shall be filed within two (2) calendar days of service of such motions.
- E. Requests for admission shall be deemed admitted unless answered or objected to within three (3) calendar days of service.
- F. Discovery requests and discovery related pleadings (such as objections, motions, and answers to same) served after 4:30 p.m. Monday through Thursday or after 1:30 p.m. on a Friday or the day preceding a holiday shall be deemed to have been served on the next business day.

6. That the parties are required to attempt to resolve discovery disputes among themselves prior to seeking a resolution from the Administrative Law Judge.

7. That discovery disputes may be resolved via telephone conference with the Administrative Law Judge without the need for filing a motion to compel, although the propounding party may choose to file a formal motion to compel.

8. That the following schedule is adopted:

<u>Subject</u>	<u>Date</u>
Prehearing Conference	April 26, 2024
Other Parties' Direct Testimony	June 3, 2024
Rebuttal Testimony	July 1, 2024
Surrebuttal Testimony	July 15, 2024 at noon
Rejoinder or Rejoinder Outlines	July 17, 2024 at noon
Hearings	July 18-19, 2024
Main Briefs	August 13, 2024
Reply Briefs	August 27, 2024
Public Meeting Date	December 20, 2024

9. That the July 18-19, 2024 hearings will be held telephonically and commence at 10:00 a.m. Parties will complete the daily witness listing and cross-examination grid as directed.

10. That any motions with respect to, or objections to, written testimony must be presented in writing no later than three days prior to the day that the witness sponsoring that testimony is scheduled to testify. Answers to such motions or objections may be filed within three days or sooner if circumstances warrant. Oral motions, other than for good cause, shall not be accepted.

11. In accordance with the schedule set forth above, main briefs must be filed with the Secretary of the Commission and received by all parties no later than 4:30 p.m. on the date listed; reply briefs must be filed with the Secretary and received by all parties no later than 12:00 p.m. on the date listed.

12. That an original copy of all briefs must be filed with the Secretary, in accordance with 52 Pa. Code § 5.502(b), and one copy served on the presiding officer and the other parties no later than 4:30 p.m. on the dates listed. Service can be made electronically.¹

13. That all briefs shall comply with the requirements of 52 Pa. Code §§ 5.501 and 5.502, and in addition to the mandatory contents set forth in 52 Pa. Code § 5.501(a), all main briefs, regardless of length, must contain:

- A. A table of contents;
- B. A history of the proceeding;
- C. A discussion;
- D. Proposed findings of fact (with record citations to transcript pages or exhibits where supporting evidence appears);
- E. Proposed conclusions of law (with citations to supporting statutes, regulations or relevant case law); and
- F. Proposed ordering paragraphs specifically identifying the relief sought.

Please note 52 Pa. Code § 5.501(e) requires that “[b]riefs shall be as concise as possible.”

14. That the parties are to confer amongst themselves to resolve all, or as many as possible, of the issues associated with this proceeding. The parties are reminded it is the Commission’s policy to encourage settlements. 52 Pa. Code §5.231(a). The parties are strongly urged to seriously explore this possibility. If a settlement is reached, a joint settlement petition executed by representatives of all parties to be bound thereby, together with statements in support of settlement by all signatory parties, must be filed with the Secretary for the Commission and served on the presiding officer.

¹ Parties are directed to e-mail me a copy of their as-filed briefs in a WORD-formatted document in addition to ADOBE or other compatible PDF format. The format of the briefs served electronically on the parties may be as requested by the parties.

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Revised: May 13, 2024

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