

COMMONWEALTH OF PENNSYLVANIA



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May 31, 2024

Via Electronic Filing

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

Re: Petition of PPL Electric Utilities
Corporation for a Waiver of the
Distribution System Improvement Charge
Cap of 5% of Billed Revenues
Docket No. P-2024-3048732

Dear Secretary Chiavetta:

Attached for electronic filing please find the Office of Consumer Advocate's Prehearing Memorandum in the above-referenced proceeding.

Copies have been served on the parties as indicated on the enclosed Certificate of Service.

Respectfully submitted,

/s/ Emily A. Farren

Emily A. Farren
Assistant Consumer Advocate
PA Attorney I.D. # 322910
EFarren@paoca.org

Enclosures

cc: The Honorable Arlene Ashton (email only)
Certificate of Service

CERTIFICATE OF SERVICE

Petition of PPL Electric Utilities :
Corporation for a Waiver of the Distribution : Docket No. P-2024-3048732
System Improvement Charge Cap of 5% of :
Billed Revenues :

I hereby certify that I have this day filed electronically on the Commission's electronic filing system and served a true copy of the following document, the Office of Consumer Advocate's Prehearing Memorandum, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below.

Dated this 31st day of May 2024.

SERVICE BY E-MAIL ONLY

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Date: May 31, 2024

Counsel for:
Patrick M. Cicero
Consumer Advocate

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of PPL Electric Utilities Corporation :
for a Waiver of the Distribution System : Docket No. P-2024-3048732
Improvement Charge Cap of 5% of Billed Revenues :

PREHEARING MEMORANDUM
OF THE OFFICE OF CONSUMER ADVOCATE

Before the Pennsylvania Public Utility Commission (Commission), pursuant to Section 333 of the Public Utility Code, 66 Pa. C.S. § 333, and in response to the May 29, 2024 Prehearing Conference Order issued by the Honorable Administrative Law Judge (ALJ) Arlene Ashton in the above-captioned matter, the Office of Consumer Advocate (OCA) hereby submits this Prehearing Conference Memorandum.

I. PROCEDURAL HISTORY

On April 26, 2024, PPL Electric Utilities Corporation (PPL or Corporation) filed a Petition for a Waiver of the Distribution System Improvement Charge Cap of 5% of Billed Revenues proposing to increase PPL's existing Distribution System Improvement Charge (DSIC) cap from 5% to 9% for bills rendered on or after January 1, 2025. On May 16, 2024, the OCA and the Bureau of Investigation and Enforcement (I&E) each filed their Answers in opposition to the Petition. Additionally on May 16, 2024, the Office of Small Business Advocate (OSBA) filed a Notice of Intervention. On May 22, 2024, the Commission assigned the Company's Petition to the Office of Administrative Law Judge (OALJ). On May 28, 2024, the OALJ issued a Notice scheduling a Call-In Telephonic Prehearing Conference for June 3, 2024. Additionally, on May 29, 2024, ALJ Ashton issued a Prehearing Conference Order setting forth the parties' obligations with respect to

the Prehearing Conference and directing the parties to prepare and distribute prehearing memorandums by May 31, 2024.

II. ISSUES

The OCA seeks to ensure that any rate considered during this proceeding is just and reasonable, as well as consistent with Pennsylvania statutes and case law, the Commission's regulations, and Commission orders. Upon a preliminary analysis of the Company's Petition, the OCA identified several significant issues that require further review. These issues include the following:

A. PPL's requested permanent waiver must be carefully considered to determine that it is legal, absolutely necessary, and needed to the degree proposed. The Commission may waive the statutory 5% DSIC cap only if a higher DSIC rate is necessary for the Company "to ensure and maintain adequate, efficient, safe, reliable and reasonable service" for purposes of Section 1358(a)(1). 66 Pa. C.S. § 1358(a)(1).

B. PPL must show that its proposal to charge a DSIC rate of up to 9% is just and reasonable for the purposes of Section 1301. 66 Pa. C.S. § 1301.

The OCA anticipates that other issues may arise as its investigation into this matter continues. Therefore, the OCA specifically reserves the right to raise additional issues as this matter proceeds.

III. SERVICE ON THE OCA

The OCA will be represented in this matter by Senior Assistant Consumer Advocate Erin L. Gannon and Assistant Consumer Advocate Emily A. Farren. For the purposes of the Prehearing Conference, the OCA will be represented by Erin L. Gannon. Copies of all documents should be served on the OCA as follows:

Erin L. Gannon
Senior Assistant Consumer Advocate
E-Mail: EGannon@paoca.org

Emily A. Farren
Assistant Consumer Advocate
E-Mail: EFarren@paoca.org

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555 Walnut Street
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Phone: (717) 783-5048

The OCA requests that service by email by 4:30 p.m. on the due date will satisfy the in-hand service requirement, without the need for follow-up hard copies to the parties.

IV. WITNESSES

The OCA intends to present the direct, rebuttal, and surrebuttal testimony, as may be necessary, of its witnesses. The OCA's witnesses will present testimony in written form and will attach various exhibits, documents, and explanatory information to assist in the preparation of the OCA's case. The OCA is in the process of determining who will serve as the OCA's witness in this proceeding and will update the parties when we identify the person. Further, the OCA specifically reserves the right to call additional witnesses, as necessary, and will promptly notify ALJ Ashton and all parties of record.

V. DISCOVERY

In conjunction with its proposed schedule, the OCA proposes modifications to the Commission's procedural rules regarding discovery, which are attached as Appendix A. The OCA believes that these modifications will assist the parties in clarifying and narrowing issues and developing a complete record for the Commission. Additionally, the OCA respectfully requests that, if adopted, the proposed modifications take effect on the date of the Prehearing Conference.

VI. PUBLIC INPUT HEARINGS

The OCA has received no requests for public input hearings at this time. Should such a request be received, the OCA will promptly advise ALJ Ashton and the parties of the same.

VII. LITIGATION SCHEDULE

The OCA continues to work with the Company and the parties on a procedural schedule that is a reasonable compromise. The OCA proposes the following schedule:

Other Parties' Direct Testimony	July 31, 2024
Rebuttal Testimony	August 28, 2024
Surrebuttal Testimony	September 18, 2024
Rejoinder	October 1, 2024
Hearings	October 8-10, 2024
Main Briefs	October 29, 2024
Reply Briefs	November 12, 2024

The OCA requests that the dates included in any litigation schedule in this matter be considered “in-hand” dates and that electronic service on the due date will satisfy the “in-hand” requirement.

VIII. SETTLEMENT

The OCA will fully participate in settlement discussions with the parties at the appropriate time during this proceeding.

Respectfully Submitted,

/s/ Erin L. Gannon

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Emily A. Farren
Assistant Consumer Advocate
PA Attorney I.D. # 322910
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DATE: May 31, 2024

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of PPL Electric Utilities Corporation :
for a Waiver of the Distribution System : Docket No. P-2024-3048732
Improvement Charge Cap of 5% of Billed Revenues :

OCA PROPOSED DISCOVERY
RULE MODIFICATIONS

In conjunction with its proposed schedule, the OCA proposes the following modifications to the Commission's procedural rules regarding discovery. This proceeding is not under a statutory timeline, and as a result the OCA's requested modifications are as follows:

1. Answers to interrogatories and responses to requests for document production, entry for inspection, or other purposes shall be served within fifteen (15) calendar days of service of the interrogatories or requests for production.
2. Objections to interrogatories and/or requests for production shall be communicated orally to the propounding party within five (5) calendar days of service; unresolved objections shall be served in writing on the propounding party within eight (8) calendar days of service of the interrogatories and/or requests for production.
3. Motions to dismiss objections and/or direct the answering of interrogatories and/or requests for production shall be filed within seven (7) calendar days of service of written objections.
4. Answers to 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 such motions.
5. Requests for admission be deemed admitted unless answered within fifteen (15) days or objected to within five (5) days of service.
6. 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.
7. Answers to on-the-record data requests will be served within five (5) calendar days.