

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PPL Electric Utilities Corporation	:	
for a Waiver of the Distribution System	:	
Improvement Charge Cap of 5% of Billed	:	P-2024-3048732
Revenues	:	

PREHEARING ORDER #2

On April 26, 2024, PPL Electric filed a Petition requesting that the Pennsylvania Public Utility Commission (“Commission”) waive the Company’s Distribution System Improvement Charge (“DSIC”) cap of 5% of billed revenues and increase the maximum allowable DSIC to 9% for bills rendered on or after January 1, 2025, because a higher DSIC cap is necessary to ensure and maintain adequate, efficient, safe, reliable, and reasonable service for the benefit of PPL Electric’s customers and as required by Section 1501 of the Public Utility Code, 66 Pa. C.S. § 1501.

On May 16, 2024, the Office of Small Business Advocate (“OSBA”) filed a Notice of Intervention, Public Statement, and Verification at the above-captioned docket.

Also on May 16, 2024, the Commission’s Bureau of Investigation and Enforcement (“I&E”) and the Office of Consumer Advocate (“OCA”) filed Answers to the Petition.

On May 28, 2024, an Initial Telephonic Prehearing Conference Notice was issued, scheduling a telephonic prehearing conference for June 3, 2024, at 10:00 before Administrative Law Judge Arlene Ashton (the “ALJ”).

On May 29, 2024, I issued a Prehearing Order, which, among other things, directed the parties to file Prehearing Conference Memoranda on or before 10:00 AM on May 31, 2024. PPL, I&E, OCA and OSBA all filed Prehearing Conference Memoranda.

The prehearing conference was held as scheduled. The following matters were discussed, *inter alia*, at the prehearing conference: (1) the form, content, timing and means of publication or distribution of notice of this proceeding to the public and to PPL's customers; (2) identification of issues to be resolved; (3) the procedural and litigation schedule; (4) discovery modifications; (5) the need for public input hearings; and (6) the timing and duration of evidentiary hearings.

At the Prehearing Conference, counsel to OCA indicated that OCA had not received any expression of public interest in the proceeding. Tr. 25. However, OCA indicated that it wished to reserve the ability to release a request for public input hearings if OCA became aware of public interest in Such hearings. Tr. 26. OCA agreed to promptly notify the presiding officer and the other parties if it received an expression of interest for public input hearings. Tr. 26.

With the exception of the understanding reached concerning the lack of any expression of interest in public input hearings prior to the date of the Prehearing Conference, the parties were unable to reach agreement on any of the issues. As a result, the parties were directed to continue their discussions and to report the outcome of their discussions to the presiding officer no later than June 7, 2024 on three specific issues: the form and content of notices of this proceeding to the public and PPL's customers.

On June 7, 2024, counsel to PPL and OCA each informed me via email that although the parties had narrowed their differences, the parties had been unable to reach full agreement on any the above-referenced issues.

On June 10, 2024, via email I directed the parties to renew their efforts to resolve the three issues noted above and to report back to me in writing no later than the end of the next day, June 11, 2024.

On June 11, 2024, counsel to PPL, OCA and OSBA each informed me that the parties had reached full agreement on the procedural and litigation schedule, discovery modifications and the form and content of notices of this proceeding to the public and PPL's customers. The parties requested that the notice be published in the June 22, 2024, edition of the in the Pennsylvania Bulletin.

On June 12, 2024, the Secretary's Bureau advised me that: (1) due to publication limitations, the notice to the public prepared by the parties for publication in the Pennsylvania Bulletin could not be published as drafted; and (2) due to the Juneteenth holiday, publication of the truncated notice in in the Pennsylvania Bulletin would be delayed until June 29, 2024. The Secretary's Bureau provided a truncated version of the notice that would be published in the Pennsylvania Bulletin, which I supplied to the parties together with suggested revisions to the response date for intervention. PPL expressed its approval of the changes to the notice. None of the other parties expressed any opposition to the proposed changes. On June 13, 2024, I conveyed the agreement and/or non-opposition to the notice to the Secretary's Bureau.

After reviewing the procedural and litigation schedule proposed by the parties, on June 14, 2024, I sent the parties a schedule revised to reflect the publication and response dates reflected above and a few other changes that did not impact the dates for delivery of main briefs, reply briefs or the date of the Public Meeting at which the Recommended Decision would be reviewed by the Commission. None of the parties expressed an opposition to the proposed changes to the procedural and litigation schedule.

This order memorializes the procedural matters addressed at the prehearing conference and in subsequent exchanges with the parties.

THEREFORE,

IT IS ORDERED:

1. That the following procedural and litigation schedule is adopted:

Matter	Date
PPL's Petition and Direct Testimony	Friday, April 26, 2024
Notice Published in PA Bulletin	Saturday, June 29, 2024
Deadline for Intervention	Monday, July 8, 2024
Other Parties' Direct Testimony	Thursday, July 18, 2024
Settlement Conference	Tuesday, July 30, 2024
Rebuttal Testimony	Tuesday, August 13, 2024
Surrebuttal Testimony	Tuesday, August 27, 2024
Hearing/Oral Rejoinder Testimony	Wednesday, September 4, 2024, and Thursday, September 5, 2024
Main Briefs	Tuesday, October 1, 2024
Reply Briefs	Monday, October 14, 2024
Recommended Decision	Monday, November 25, 2024
Exceptions	Tuesday, December 10, 2024
Replies to Exceptions	Tuesday, December 17, 2024
Public Meeting / Final Order	Thursday, January 23, 2025

The above schedule is subject to the parties' commitment that they will not file a complaint against an interim DSIC tariff filing in the first quarter of 2025 to incorporate any increase in the DSIC cap awarded in this proceeding on the grounds that any increase in the DSIC cap should be updated only in a quarterly DSIC filing. The parties retain their right to file a complaint against the interim DSIC tariff filing on other grounds (*e.g.*, challenging whether the costs were tied to DSIC-eligible investments).

2. That no later than July 10, 2024, OCA and OSBA shall each confirm their request for one or more public input hearings in connection with this proceedings or the waiver thereof. Any request for one or more public input hearings shall be accompanied by a statement as to the requested format (in-person or telephonic), timing and location of such hearing(s), and

an explanation of the law and facts underpinning the request, including confirmation of the number expressions of opposition filed by consumer sit has received relating to this proceeding.

3. That the parties shall engage in informal discovery whenever and wherever possible in an attempt to resolve any discovery disputes amicably. 52 Pa.Code § 5.322. If this process fails, the parties have recourse to the Commission's procedures for formal discovery, as stated at 52 Pa.Code §§ 5.321-5.373.

4. 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. **After PPL Electric's rebuttal testimony is served, answers to written interrogatories and requests for document production, entry for inspection, or other purposes shall be served in-hand within seven (7) 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. **After PPL Electric's rebuttal testimony is served, answers to requests for admission will be deemed admitted unless answers within seven (7) 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.

5. That the due date for the Reply Briefs is firm and nonnegotiable.

6. That any provision of this prehearing order may be modified upon motion and good cause shown by any party in interest in accordance with 52 Pa. Code § 5.223(a).

Dated: June 18, 2024

/s/
Arlene Ashton
Administrative Law Judge

**P-2024-3048732 - PETITION OF PPL ELECTRIC UTILITIES CORPORATION FOR A
WAIVER OF THE DISTRIBUTION SYSTEM IMPROVEMENT CHARGE CAP OF 5% OF
BILLED REVENUES**

DEVIN T RYAN ESQUIRE
POST AND SCHELL PC
ONE OXFORD CENTRE
301 GRANT STREET SUITE 3010
PITTSBURGH PA 15219
717.612.6052
717.731.1970
dryan@postschell.com
Accept eService
(Counsel for PPL Electric Utilities Corp.)

DAVID B MACGREGOR ESQUIRE
POST & SCHELL PC
17TH NORTH 2ND ST 12TH FLOOR
HARRISBURG PA 17101-1601
215.587.1197
215.320.4879
dmacgregor@postschell.com
Served via email
(Counsel for PPL Electric Utilities Corp.)

KIMBERLY A KLOCK ESQUIRE
MICHAEL J SHAFER ESQUIRE
PPL SERVICES CORP
2 NORTH 9TH ST
ALLENTOWN PA 18101
610.774.5696
kklock@pplweb.com
mjshafer@pplweb.com
Accepts eService
(Counsel for PPL Electric Utilities Corp.)

SHARON E WEBB ESQUIRE
OFFICE OF SMALL BUSINESS ADVOCATE
FORUM PLACE
555 WALNUT STREET 1ST FLOOR
HARRISBURG PA 17101
717.783.2525
swebb@pa.gov
Served via email

ALLISON C KASTER ESQUIRE
PA PUC BIE LEGAL TECHNICAL
SECOND FLOOR WEST
400 NORTH STREET
HARRISBURG PA 17120
717.783.7998
akaster@pa.gov
Accepts eService

EMILY A FARREN ESQUIRE
OFFICE OF CONSUMER ADVOCATE
555 WALNUT STREET
5TH FLOOR FORUM PLACE
HARRISBURG PA 17101
717.783.5048
efarren@paoca.org
Accepts eService