

July 8, 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 Approval of its Second Distributed
Energy Resources Management Plan
Docket No. P-2024-3049223
Answer

Dear Secretary Chiavetta:

Attached for electronic filing, please find the Answer of American Home Contractors, Inc., Enphase Energy, Inc., the Solar Energy Industries Association, SolarEdge Technologies, Inc., Sun Directed, Sunnova, Inc., Tesla, Inc. and Trinity Solar, LLC (collectively, the “Joint Solar Parties”) to PPL Electric Utilities’ Petition in this matter.

Copies have been served as shown on the attached Certificate of Service.

Respectfully submitted,



Bernice I. Corman, PA BAR #332915
BICKY CORMAN LAW, PLLC
Phone: (202) 213-1672
Email: bcorman@bickycormanlaw.com
Counsel to Joint Solar Parties

Attachments

cc: Service List
Office of Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties listed below via electronic mail, in accordance with the requirements of 52 Pa. Code § 154 (relating to service by a party):

NazAarah Sabree
Small Business Advocate
Office of Small Business Advocate
555 Walnut Street
Forum Place, 1st Floor
Harrisburg, PA 17101
Ra-SBA@pa.gov

Adam E. Gersh, Esquire
Flaster Greenberg, P.C.
1717 Arch Street, Suite 3300
Philadelphia, PA 19103
Adam.gersh@flastergreenberg.com
Sunrun, Inc.

Kimberly A. Klock, Esquire
Michael Shafer
Assistant General Counsel
PPL Services Corporation
Two North Ninth Street
Allentown, PA 18101-1179
Kklock@pplweb.com
mjshafer@pplweb.com

Devin T. Ryan, Esquire
David B. MacGregor, Esquire
Post and Schell, P.C.
17 N. 2nd Street, 12th Floor
Harrisburg, PA 17101-1601
dryan@postschell.com
dmacgregor@postschell.com
PPL Electric Utilities

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

Andrew J. Karas, Esquire
Emily A. Collins, Esquire
Fair Shake Environmental Legal Services
647 E. Market Street
Akron, OH 44302
akaras@fairshake-els.org
ecollins@fairshake-els.org

Beren Argetsinger, Esquire
Keyes & Fox LLP
P.O. Box 166
Burdett, NY 14818
bargetsinger@keyesfox.com
Sunrun, Inc.

Judith D. Cassel, Esquire
Micah R. Bucy, Esquire
Hawke, McKeon & Sniscak LLP
100 North Tenth Street
Harrisburg, PA 17101
Harrisburg, PA 17101
jdcassel@hmslegal.com
mrbcucy@hmslegal.com
Sustainable Energy Fund

Allison Kaster, Esquire
Director and Chief Prosecutor
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor West
P.O. Box 3265
Harrisburg, PA 17105-3265
akaster@pa.gov

Rebecca Lyttle, Esq.
Assistant Small Business Advocate
Office of Small Business Advocate
Forum Place
555 Walnut Street, 1st Floor
Harrisburg, PA 17101
relyttle@pa.gov

Patrick Cicero, Esquire
Consumer Advocate
Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101
pcicero@paoca.org

Harrison W. Breitman, Assistant Consumer Advocate
Christy M. Appleby, Sr. Assisnant Consumer Advocate
HBreitman@paoca.org
CAappleby@paoca.org

The Honorable Charles E. Rainey, Jr.
Chief Administrative Law Judge
Pennsylvania Public Utility Commission
400 North Street
Commonwealth Keystone Building
Harrisburg, PA. 17120
crainey@pa.gov

Dated this 8th day of July, 2024

/s/ Bernice I. Corman

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PPL Electric Utilities Corporation for :
Approval of its : Docket No. P-2024-3049223
Second Distributed Energy :
Resources Management Plan :

**ANSWER BY
AMERICAN HOME CONTRACTORS, INC., ENPHASE ENERGY, INC.,
THE SOLAR ENERGY INDUSTRIES ASSOCIATION,
SOLAREEDGE TECHNOLOGIES, INC., SUN DIRECTED, SUNNOVA, INC.,
TESLA, INC., and TRINITY SOLAR, LLC (“JOINT SOLAR PARTIES”)
TO
TO PETITION OF PPL ELECTRIC UTILITIES CORPORATION
FOR APPROVAL OF ITS
SECOND DISTRIBUTED ENERGY RESOURCES MANAGEMENT PLAN**

INTRODUCTION

Pursuant to Section 5.61(e) of the Pennsylvania Public Utility Commission’s (“Commission’s”) regulations, 52 Pa. Code § 5.61(e), American Home Contractors, Inc. (“AHC”), Enphase Energy, Inc. (“Enphase”), the Solar Energy Industries Association (“SEIA”), SolarEdge Technologies, Inc. (“SolarEdge”), Sunnova, Inc. (“Sunnova”), Tesla, Inc. (“Tesla”), and Trinity Solar, LLC (“Trinity Solar”) (collectively, the “Joint Solar Parties” or “JSPs”) hereby file this Answer to the Petition of PPL Electric Utilities Corporation (“PPL” or “the Company”) for approval of tariff modifications and other authorizations needed to implement its Second Distributed Energy Resources (“DER”) Management Plan (“Second DER Management Plan” or the “Plan”), filed in this docket (“Petition”).

PPL’s Petition seeks tariff modifications to allow it to monitor and directly control customers’ DERs by requiring that customers [1] use only PPL-approved “smart inverters,” and [2] that they allow a PPL device to be installed in their inverter(s), as the price of interconnecting to PPL’s grid.

If granted, PPL's Plan would make permanent the program now in effect as a Pilot in PPL territory, and would expand the program's reach to cover "all customer-owned and third party-owned inverter-based DER system installations in [PPL] territory." Petition, ¶ 12 (emphasis added).

The JSPs, all of whom installed and/or are continuing to service customers under the Pilot program, manufacture and/or service inverters approved by PPL for use with its program, and/or represent the foregoing, respectfully request that the Commission deny the Petition on grounds that PPL fails to show it is reasonable and in the public interest.

Specifically, the JSPs have experienced significantly increased project and service visit costs caused by the need to coordinate with PPL, and by the limits on types of equipment able to be used under PPL's program, all of which the JSPs bear themselves or pass on to customers. The JSPs have witnessed disruptions to customers' communications systems, resulting in customers receiving "false alarms," and interfering with their ability to collect SREC credits or to aggregate DERs. The manufacturer JSPs have been challenged to have their products tested to meet the program's bespoke requirements, and seen their inverters damaged upon installing PPL's management devices therein.

Generally, the JSPs are concerned PPL has not shown that its exerting direct control over customers' DERs provides more grid support than would, for example, use of inverters than can do the job autonomously; that approval of PPL's bespoke requirements will produce an inconsistent patchwork of interconnection requirements within Pennsylvania and nationally; and that program constraints stifle innovation, suppress competition, and frustrate rather than advance state and federal clean energy measures.

Overwhelmingly, the JSPs have witnessed that all of the above has increased costs to customers, deprived customers of the value of their DERs without compensation, deprived customers of their ability to choose the types of DERs in which they would invest, harmed customers' experience with

DERs, with their solar system providers, and with PPL, and generally, deterred customers from adopting DERs in PPL territory.

STANDING

The JSPs are all solar and solar-plus-storage system installers and sellers, inverter manufacturers, and/or grid services providers, and/or representatives of same, all of whom (or their members) have been deleteriously impacted by PPL's Pilot program, and all of whom anticipate they will be more impacted if PPL's proposed permanent and more far-reaching Second DER Management Program is approved as proposed.

STANDARD

PPL's Petition cites as the legal standards governing this proceeding 52 Pa. Code §§ 5.41(a) - (c),¹ 52 Pa. Code § 53.31,² and 52 Pa. Code § 75.13(c) and (k),³ Petition, ¶¶ 6 – 10, and claims its proposed tariff modifications and commission authorizations meet the standards enunciated therein as they are reasonable and in the public interest.

ANSWER

A. PPL has failed to show its Proposed Plan is reasonable and in the public interest, as it fails to account for the costs imposed by its program on the solar industry and its customers

It is the JSPs' position that PPL has failed to fully account for the costs imposed by its program on the solar industry and its customers. As such, PPL has failed to show its proposed Plan is reasonable and in the public interest.

¹ 52 Pa. Code § 5.41 prescribes the procedural requirements for filing petitions.

² 52 Pa. Code § 53.31 prescribes the notice requirements with which a public utility must comply when seeking to change an existing and duly established tariff.

³ 52 Pa. Code §§ 75.11 – 17 set forth the procedural and technical requirements of the Commonwealth's Net Metering program.

It has been the JSPs' experience that PPL's Pilot has driven certain installers to close shop in PPL territory; and driven other installers to curtail the numbers and types of projects installed in PPL territory, including but not limited to commercial leads with single phase service, the Tesla Solar Roof, DC-coupled residential solar-plus-storage systems such as the Tesla Powerwall 3, certain multi-inverter solar systems and large-scale installs. It has been their further experience that the Pilot has thwarted sales of inverters in PPL territory; delayed projects and increased project costs and service visits in PPL territory; deprived customer- and third-party owners of the full value of the DERs in which they invested, without compensation; and generally, caused consumers to be frustrated by their experience with solar, with their solar system providers, and with PPL.

The JSPs intend to offer evidence of these and additional costs borne by and likely in the future to be borne by them or their customers based upon their observations and their first-hand experience with seeking to comply with Pilot requirements.

B. PPL has failed to show its Proposed Plan is reasonable and in the public interest, as it has failed to show that utility control of customers' inverters produces more grid benefits than alternative methods

It is the JSPs' position that PPL has failed to evaluate the costs of its program as compared with other means of achieving the same grid support objectives.

The JSPs will show that PPL's proposed Plan of utility-owned monitoring and control of customers' inverters remains unique within the Commonwealth, and indeed within the U.S.; that no jurisdiction has elected to require such method as a condition for interconnection and a mandatory means of grid support; that such changes to interconnection rules should take place in a rulemaking proceeding; and that approval of PPL's proposed Plan will result in an inconsistent patchwork of interconnection requirements within and beyond Pennsylvania, contravening the intent of the

Alternative Energy Portfolio Standards Act,⁴ and increasing the costs of solar for manufacturers, installers and customers. Further, the JSPs will show that PPL has failed to demonstrate that some claimed cost-savings and other benefits are unique to its program; has failed to evaluate alternative, potentially less costly, methods for achieving its program objectives (such as flexible interconnection processes that allow more DERs to interconnect without the need for grid upgrades; or Virtual Power Plants that compensate customers for having their DERs provide grid services when they are needed); and has failed to explain how its proposed program will not interfere with state and national clean energy objectives (for example, whether PPL’s management of customer generation will make it difficult for customers to participate in DER aggregation programs, as envisioned by FERC Order No. 2222,⁵ and being explored by this Commission, in its February 22, 2024 Advance Notice of Proposed Rulemaking Order (L-2023-3044115), or with PURPA’s mandate that utilities allow customers to self-generate electricity and be compensated for it).⁶

The JSPs intend to analyze PPL’s claimed program benefits, and to proffer their own experience in utility territories outside of PPL’s, including those territories in which DER penetration is much higher than it is in Pennsylvania.

⁴ See Pennsylvania’s Alternative Energy Portfolio Standards Act, 73 P.S. §§ 1648.1 – 1648.8, § 1648.5 (“Interconnection standards for customer-generator facilities”), stating:

Excess generation from net-metered customer-generators shall receive full retail value for all energy produced on an annual basis. The commission shall develop technical and net metering interconnection rules for customer-generators intending to operate renewable onsite generators in parallel with the electric utility grid, consistent with rules defined in other states within the service region of the regional transmission organization that manages the transmission system in any part of the Commonwealth. The commission shall convene a stakeholder process to develop Statewide technical and net metering rules for customer-generators.

⁵ *Participation of Distributed Energy Res. Aggregation in Mkts. Operated by Reg’k Transmission Orgs. & Indep. Sys. Operators*, Order No. 2222, 172 FERC P 61,247 (2020), order on reh’g, Order No. 2222-A, 174 FERC P 61,197, order on reh’g, Order No. 2222-B, 175 FERC P 61,227 (2021).

⁶ Public Utility Regulatory Policies Act of 1978 (“PURPA”) Section 210(m), 16 U.S.C. § 824a-3(a).

CONCLUSION

For the reasons set forth above, the Joint Solar Parties respectfully submit that PPL's Petition should not be granted. The JSPs reserve the right to identify additional concerns as the matter proceeds.

Respectfully submitted,

America Home Contractors, Inc.
Enphase Energy, Inc.
The Solar Energy Industries Association
SolarEdge Technologies, Inc.
Sun Directed
Sunnova, Inc.
Tesla, Inc. and
Trinity Solar, LLC

By their Attorney:



Bernice I. Corman, PA Bar # 332915
Bicky Corman Law, PLLC
1250 Connecticut Ave., NW, Suite 700
Washington, D.C. 20036
(202) 213-1672
bcorman@bickycormanlaw.com

Dated: July 8, 2024

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PPL Electric Utilities Corporation for :
Approval of its : Docket No. P-2024-3049223
Second Distributed Energy :
Resources Management Plan :

VERIFICATION

I, NICOLAS ZAVALA, being the Director of Operations at American Home Contractors (“AHC”), hereby state that the facts set forth in the Joint Solar Parties’ Answer pertaining to AHC are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: July 8, 2024


Nicolas Zavala

Verification on behalf of Enphase Energy, Inc.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PPL Electric Utilities Corporation for :
Approval of its : Docket No. P-2024-3049223
Second Distributed Energy :
Resources Management Plan :

VERIFICATION

I, Marc Monbouquette, being Senior Manager of Policy and Government Affairs for Enphase Energy, Inc., hereby state that the facts set forth in the Joint Solar Parties' Answer pertaining to Enphase Energy, Inc. are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).



DATED: July 8, 2024

Enphase Energy, Inc.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PPL Electric Utilities Corporation for :
Approval of its :
Second Distributed Energy :
Resources Management Plan :

Docket No. P-2024-3049223

VERIFICATION

I, Gizelle Wray, being the Vice President and General Counsel of the Solar Energy Industries Association, hereby state that the facts set forth in the Joint Solar Parties' Answer pertaining to the Solar Energy Industries Association on its own behalf and on behalf of its members, are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

DATED: July 8, 2024



Gizelle Wray
Vice President and General Counsel
Solar Energy Industries Association

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | | |
|--|-----|---|---------------------------|
| Petition of PPL Electric Utilities Corporation | for | : | |
| Approval of its | : | : | Docket No. P-2024-3049223 |
| Second Distributed Energy | : | : | |
| Resources Management Plan | : | : | |

VERIFICATION

I, MICHAEL J. SHADOW, being the Chief Executive Officer at Sun Directed, hereby state that the facts set forth in the Joint Solar Parties' Answer pertaining to Sun Directed are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

DATED: July 8, 2024



Sun Directed

Verification on behalf of Solar Energy Industries Association

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of PPL Electric Utilities Corporation for :
Approval of its :
Second Distributed Energy :
Resources Management Plan :

Docket No. P-2024-3049223

VERIFICATION

I,

being the

hereby state that the facts set forth in the Joint Solar Parties' Answer pertaining to Sunnova, Inc. are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

DATED: July 8, 2024


Sunnova, Inc.

Verification of Tesla, Inc.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
|--|---|---------------------------|
| Petition of PPL Electric Utilities Corporation for | : | |
| Approval of its | : | Docket No. P-2024-3049223 |
| Second Distributed Energy | : | |
| Resources Management Plan | : | |

VERIFICATION

I, JORDAN GRAHAM, being a Senior Energy Policy Advisor at Tesla, Inc. (“Tesla, Inc.”), hereby state that the facts set forth in the Joint Solar Parties’ Answer pertaining to Tesla Directed are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).



Date: July 8, 2024

Jordan Graham
Tesla, Inc.

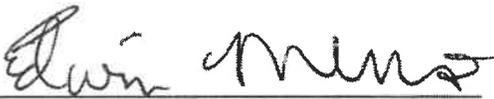
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PPL Electric Utilities Corporation for :
Approval of its : Docket No. P-2024-3049223
Second Distributed Energy :
Resources Management Plan :

VERIFICATION

I, Edwin Merrick being the Corporate Vice President, hereby state that the facts set forth in the Joint Solar Parties' Answer pertaining to Trinity Solar, LLC. are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

DATED: July 8, 2024


Trinity Solar, LLC.