

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PPL Electric Utilities Corporation for a	:	
Waiver of the Distribution System Improvement	:	P-2024-3048732
Charge Cap of 5% of Billed Revenues	:	
	:	
	:	
Michael L. Sperazza	:	
v.	:	C-2024-3049979
PPL Electric Utilities Corporation	:	
	:	
Paula Mercuri	:	
v.	:	C-2024-3050027
PPL Electric Utilities Corporation	:	
	:	
Angela Pesola	:	
v.	:	C-2024-3050205
PPL Electric Utilities Corporation	:	

**ORDER GRANTING PETITION TO INTERVENE
AND CONSOLIDATING DOCKETS**

On April 26, 2024, PPL Electric Utilities Corporation, Inc. ("PPL" or "Company") 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 (PPL Petition). The PPL Petition was docketed at P-2024-3048732.

On May 28, 2024, a prehearing conference notice was issued establishing a prehearing conference for the PPL Petition proceeding for June 3, 2024, at 10:00 a.m. and assigning me as the presiding officer. In anticipation of that hearing, a prehearing order was also issued on May 29, 2024, setting forth hearing information and the rules that would govern that proceeding.

On June 18, 2024, a Prehearing Order was issued in the PPL Petition proceeding memorializing the procedural matters addressed at the prehearing conference and in subsequent exchanges with the parties

On June 29, 2024, a Notice of the PPL Petition was published in the Pennsylvania Bulletin advising that protests, petitions to intervene and answers must be filed in accordance with Title 52 of the Pennsylvania Code, on or before July 8, 2024.

On July 10, 2024, the PP&L Industrial Customer Alliance ("PPLICA") filed a Petition to Intervene in the PPL Petition proceeding.

In addition, three individuals each filed a Formal Complaint in response to the PPL Petition. Two of the Formal Complaints were filed on July 5, 2024; one by Michael L. Sperazza (Mr. Sperazza), docketed at C-2024-3049979¹ and another by Paula Mercuri (Ms. Mercuri), docketed at C-2024-3050027.² The third Formal Complaint was filed by Angela Pesola (Ms. Pesola) on July 10, 2024 and was docketed at C-2024-3050205³ (Mr. Sperazza, Ms. Mercuri and Ms. Pesola collectively, Complainants).

On July 23, 2024, via email, I contacted counsel to the parties in the PPL Petition proceeding and each of the Complainants to, *inter alia*, inform them of PPLIC's Petition to Intervene and the Formal Complaints filed by the Complainants.⁴ In my email, I directed counsel to express their position on: (a) the grant or denial of PPLICA's Petition to Intervene in the PPL Petition proceeding; and (b) consolidation of the Formal Complaints filed by the Complainants with the PPL Petition proceeding.

Also on July 23, 2024, OALJ sent the following documents previously issued in the PPL Petition proceeding to each of the Complainants (a) Notice of the Settlement Conference

¹ The Formal Complaint filed by Mr. Sperazza was served on July 9, 2024.

² The Formal Complaint filed by Ms. Mercuri was served on July 11, 2024.

³ The Formal Complaint filed by Ms. Pesola was served on July 22, 2024.

⁴ Consistent with the preference expressed by Ms. Pesola in her Formal Complaint, a copy of the email was sent to her via US Mail. In addition, my legal assistant contacted her by telephone to inform her that a copy of the email had been sent to her via US Mail, to provide a summary of the contents of the email and to advise her that a Settlement Conference was scheduled in the PPL Petition proceeding for July 30, 2024, including call-in instructions. .

scheduled for July 30, 2024; (b) Notice of the Evidentiary Hearing Scheduled for September 5, 2024; and (c) the Prehearing Conference Order (revised) issued June 18, 2024.

On July 23, 2024, counsel to OCA confirmed via email that OCA did not object to the PPLIC's Petition to Intervene or consolidation of the dockets for PPL Petition and those of the Formal Complaints filed by the Complainants. On July 24, 2024, counsel to BI&E and counsel to OSBA each confirmed via email that OCA did not object to the PPLIC's Petition to Intervene or consolidation of the dockets for PPL Petition and those of the Formal Complaints filed by the Complainants. On July 25, 2024, counsel to PPL indicated that PPL did not object to PPLIC's Petition to Intervene or the consolidation of the dockets for PPL Petition and those of the Formal Complaints filed by the Complainants prior to the time and date established for a response.

PPLICA Petition to Intervene

The Commission's Rules of Practice and Procedure permit petitions to intervene. 52 Pa. Code §§ 5.71-5.76 The provision at 52 Pa. Code § 5.72 governs which persons or entities are eligible to intervene in a proceeding and states as follows:

§ 5.72. Eligibility to intervene.

(a) *Persons*. A petition to intervene may be filed by a person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought. The right or interest may be one of the following:

(1) A right conferred by statute of the United States or of the Commonwealth.

(2) An interest which may be directly affected, and which is not adequately represented by existing participants, and as to which the petitioner may be bound by the action of the Commission in the proceeding.

(3) Another interest of such nature that participation of the petitioner may be in the public interest.

(b) *Commonwealth*. The Commonwealth or an officer or agency thereof may intervene as of right in a proceeding subject to subsection (a) (1)-(3).

52 Pa. Code § 5.72.

Allowance of intervention is a matter within the discretion of the Commission. *City of Pittsburgh v. Pa. Pub. Util. Comm'n*, 33 A.2d 641 (Pa. Super. 1943); *N.A.A.C.P., Inc. v. Pa. Pub. Util. Comm'n*, 290 A.2d 704 (Pa. Cmwlth. 1972).

PPLICA acknowledged in the Petition to Intervene, that it did not file the Petition to Intervene prior to the July 8 deadline.⁵ However, PPLICA also indicated that it is not requesting any modifications or accommodations to the procedural schedule to account for PPLICA's late filed intervention. Further, PPLICA contends that it has "a significant interest in this proceeding that is not represented by any other party of record."⁶ Finally, PPLICA contends that no party "should be unfairly prejudiced or assume any additional burden as a result of the Commission's granting of this Petition, particularly at this early stage of the proceeding."⁷

Upon review of the PPLICA Petition to Intervene and in light of the absence of any opposition to it, PPLICA's Petition to Intervene will be granted.

Consolidation of Dockets

Section 5.81 of the Commission's rules governs consolidation of proceedings. This Section provides:

§ 5.81. Consolidation.

(a) The Commission or presiding officer, with or without motion, may order proceedings involving a common question of law or fact to be consolidated. The Commission or presiding officer may make orders concerning the conduct of the proceeding as may avoid unnecessary costs or delay.

⁵ PPLICA Petition to Intervene at 2.

⁶ *Id.*

⁷ *Id.*

52 Pa. Code § 5.81. The Formal Complaints filed by the Complainants contain common questions of law and fact relating to the PPL Petition, and consolidation will avoid unnecessary delay or cost. Further, no party to the PPL Petition has expressed any objection to the consolidation of the dockets for the PPL Petition and those of the Complainants. Accordingly, the above-referenced dockets will be consolidated.

In light of the above, PPLICA and the Complainants shall be bound by all Notices and Orders issued in the PPL Petition proceeding prior to the date of this Order.

The parties are reminded that Commission policy strongly encourages settlement. 52 Pa. Code §5.231(a). The parties are encouraged to discuss among themselves the potential resolution of any issues relating to PPL's Petition to alleviate the need for a hearing to resolve any such issues. To the extent that the parties are successful in resolving any such issues, I ask the parties to keep me apprised.

A Settlement Conference on the consolidated proceedings will be held on Tuesday, July 30, 2021, at 1:00 p.m. All parties are expected to participate in the conference. Failure of any party to attend the Settlement Conference without good cause shall constitute a waiver of all objections to the agreements reached and matters decided at the Settlement Conference.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Petition to Intervene filed by the PP&L Industrial Customer Alliance July 10,2024, is hereby granted.

2. That the following dockets are hereby consolidated: *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; *Michael L. Sperazza v. PPL Electric Utilities Corporation*, Docket No. C-2024-3049979; *Paula Mercuri v. PPL Electric Utilities Corporation*, Docket No. C-2024-3050027; and *Angela Pesola v. PPL Electric Utilities Corporation*, Docket No. C-2024-3050205.

3. That PPLICA and the Complainants shall be bound by all Notices and Orders issued in the PPL Petition proceeding prior to the date of this Order.

4. That the parties are strongly encouraged to engage in settlement discussions to resolve all issues arising among or between them.

5. That the parties are requested to promptly provide an update of any progress made in their settlement discussions.

6. That to participate in the Settlement Conference scheduled for July 30, 2024, the parties must call the following toll-free number and enter the following PIN:

Toll-free Bridge Telephone Number: **877.989.3761**

PIN: **25585319**

Date: July 25, 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**

Revised: July 22, 2024

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