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File #: 175564

August 12, 2024

***VIA ELECTRONIC FILING***

Rosemary Chiavetta  
Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**Re: Petition of PPL Electric Utilities Corporation for Approval of Tariff Modifications and Waivers of Regulations Necessary to Implement its Distributed Energy Resources Management Plan  
Docket No. P-2019-3010128**

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Dear Secretary Chiavetta:

Pursuant to 52 Pa. Code § 5.41 and Paragraph 62 of the Joint Petition for Settlement of All Issues approved at the above-captioned docket (“Settlement”), please find enclosed the Joint Petition for an Extension of PPL Electric Utilities Corporation’s (“PPL Electric” or the “Company”) Distributed Energy Resources (“DER”) Management Pilot Program (“Pilot Program”), which requests an extension of the Pilot Program period until 30 days after the Commission’s Final Order is entered in the Company’s ongoing Second DER Management Plan proceeding.<sup>1</sup> An extension of the Pilot Program period is necessary because additional time is needed to litigate the Second DER Management Plan before the Pilot Program is set to sunset on March 21, 2025. In addition, PPL Electric specifically reserved its right to petition for an extension of the Pilot Program period under Paragraph 62 of the Settlement.

To the extent that any waivers of the Company’s Commission-approved tariff or any other Commission approvals are required to grant the requested extension, the Joint Petitioners<sup>2</sup> also request that the Commission grant such waiver(s) in conjunction with instant Petition.

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<sup>1</sup> The Company’s Second DER Management Plan proceeding commenced on May 20, 2024, at Docket No. P-2024-3049223.

<sup>2</sup> The “Joint Petitioners” are PPL Electric, the Office of Consumer Advocate, the Office of Small Business Advocate, The Sustainable Energy Fund of Central Eastern Pennsylvania, and “The Joint Solar Parties,” which consist

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Lastly, as set forth in the Petition, the Joint Petitioners respectfully request that the Commission render its Final Order on the instant Petition **by the public meeting scheduled for August 22, 2024**, so that a final procedural schedule reflecting the extension can be timely adopted in the ongoing Second DER Management Plan proceeding.

Copies are being provided as indicated on the Certificate of Service.

Respectfully submitted,



Devin Ryan

DTR/dmc  
Enclosures

cc: The Honorable Emily I. DeVoe (*via email*)  
The Honorable John M. Coogan (*via email*)  
Certificate of Service

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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. The PP&L Industrial Customer Alliance is filing a letter in support of the instant Petition.

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this filing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

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Date: August 12, 2024

A handwritten signature in blue ink, consisting of several overlapping, stylized strokes, positioned above a horizontal line.

Devin T. Ryan

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PPL Electric Utilities :  
Corporation for Approval of Tariff :  
Modifications and Waivers of Regulations : Docket No. P-2019-3010128  
Necessary to Implement its Distributed :  
Energy Resources Management Plan :

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**JOINT PETITION FOR AN EXTENSION OF  
PPL ELECTRIC UTILITIES CORPORATION’S DISTRIBUTED ENERGY  
RESOURCES MANAGEMENT PILOT PROGRAM PERIOD**

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**TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:**

Pursuant to 52 Pa. Code § 5.41 and Paragraph 62 of the Joint Petition for Settlement of All Issues approved at the above-captioned docket (“Settlement”), PPL Electric Utilities Corporation (“PPL Electric” or the “Company”), the Office of Consumer Advocate (“OCA”), the Office of Small Business Advocate (“OSBA”), The Sustainable Energy Fund of Central Eastern Pennsylvania (“SEF”), and “The Joint Solar Parties,” which consist 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 Petitioners”), hereby petition the Pennsylvania Public Utility Commission (“Commission”) for an extension of the Company’s currently effective Distributed Energy Resources (“DER”) Management pilot program (“Pilot Program”) period until 30 days after the Commission’s Final Order is entered in the Company’s ongoing Second DER Management Plan proceeding.<sup>1</sup> To the extent that any waivers of the Company’s Commission-approved tariff or any

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<sup>1</sup> The Company’s Second DER Management Plan proceeding commenced on May 20, 2024, at Docket No. P-2024-3049223.

other Commission approvals are required to grant the requested extension, the Joint Petitioners would also request that the Commission grant such waiver(s) in conjunction with instant Petition. The Second DER Management Plan expands on the Company's Pilot Program, First DER Management Plan, and Rule 12 of its tariff, which were approved at this docket and govern the interconnection and operation of new DERs deployed in the Company's service territory.

As explained herein, the Joint Petitioners respectfully request an extension of the Pilot Program period because: (1) additional time is needed in order to litigate the Second DER Management Plan before the Pilot Program is set to sunset on March 21, 2025; and (2) PPL Electric specifically reserved its right to petition for an extension of the Pilot Program period under Paragraph 62 of the Settlement. The Joint Petitioners respectfully request that the Commission render its Final Order on the instant Petition **by the public meeting scheduled for August 22, 2024**, so that a final procedural schedule reflecting the extension can be timely adopted in the ongoing Second DER Management Plan proceeding.

In support of the instant Petition, the Joint Petitioners state as follows:

## **I. INTRODUCTION AND BACKGROUND**

### **A. FIRST PROCEEDING**

1. On May 24, 2019, PPL Electric filed its DER Management Petition, which initiated the above-captioned proceeding.

2. On July 29, 2019, Trinity Solar filed Comments on the Company's Petition.

3. On July 30, 2019, the OCA, Natural Resources Defense Council ("NRDC"), and Sunrun, Inc. ("Sunrun") filed Answers to the Petition. NRDC and Sunrun also filed Petitions to Intervene. Further, Comments were filed by SEF, GridLab, the Solar Unified Network of Western Pennsylvania ("SUNWPA"), Energy Independent Solutions, LLC ("EIS"), the Interstate

Renewable Energy Council, Inc. (“IREC”), the Pennsylvania Solar Energy Industries Association (“PASEIA”), and Exact Solar.

4. On August 28, 2019, Administrative Law Judge Emily I. DeVoe (“ALJ DeVoe”) issued a Prehearing Conference Order. A Notice also was issued scheduling the prehearing conference for September 11, 2019.

5. On September 3, 2019, SEF filed a Petition to Intervene.

6. On September 11, 2019, the prehearing conference was held as scheduled.

7. On November 18, 2019, a Prehearing Order was issued setting forth the litigation schedule and other procedural rules and requirements for the proceeding. Also, a Judge Change Notice was issued, officially assigning both ALJ Long and ALJ DeVoe to the case.

8. On December 11, 2019, PPL Electric served its written direct testimony and exhibits.

9. On February 5, 2020, OCA, NRDC, and SEF served their written direct testimony and exhibits.

10. On March 4, 2020, PPL Electric served its written rebuttal testimony and exhibits.

11. On March 16, 2020, the ALJs notified the parties that the April 8-9, 2020 in-person hearings would be canceled because the Commission’s offices were being closed pursuant to the State of Emergency declared by Governor Wolf regarding COVID-19. The ALJs also instructed the parties to inform them by March 30, 2020, on how the parties would like to proceed. On March 17, 2020, a Notice was issued canceling the in-person evidentiary hearings scheduled for April 8-9, 2020.

12. On March 19, 2020, OCA, NRDC, and SEF served their written surrebuttal testimony and exhibits.

13. On March 25, 2020, after consulting with the other parties on a scheduling proposal, PPL Electric sent an email to the ALJs proposing that the Company file a status report 30 days after March 30, 2020 (*i.e.*, by April 29, 2020), to advise the ALJs on the status of: (1) settlement; and (2) developing new dates for the evidentiary hearings. The ALJs subsequently agreed with this proposal.

14. On March 30, 2020, PPL Electric served its oral rejoinder testimony outlines. Subsequently, the parties engaged in settlement discussions and submitted periodic status reports to the ALJ to keep them apprised of the status of the settlement negotiations.

15. On July 23, 2020, the ALJs issued an Interim Order directing the service of oral rejoinder outlines by August 26, 2020, directing the submittal of a witness matrix by September 1, 2020, and rescheduling the evidentiary hearings for September 2-3, 2020.

16. On August 26, 2020, PPL Electric served its written rejoinder testimony and exhibits.

17. On August 27, 2020, PPL Electric sent an email to the ALJs informing them that the Company, OCA, NRDC, and SEF had reached a settlement in principle of all issues and that Sunrun had represented to the parties that it would not file an objection to the Joint Petition for Settlement. The Company also requested that the September 2-3, 2020 hearings be canceled and that the testimony and exhibits be admitted into the record through stipulation.

18. On August 28, 2020, the ALJs issued an Interim Order canceling the September 2-3, 2020 hearings and directing the parties to file a Joint Stipulation for Admission of Evidence by September 3, 2020, and a Joint Petition for Settlement, including statements in support, by October 5, 2020.

19. On September 3, 2020, PPL Electric, OCA, NRDC, and SEF filed a Joint Stipulation for Admission of Evidence.

20. On September 8, 2020, the ALJs issued an Interim Order granting the Joint Stipulation for Admission of Evidence.

21. On October 5, 2020, PPL Electric, OCA, NRDC, and SEF filed a Joint Petition for Settlement of All Issues. As stated in footnote 1 of that Joint Petition, Sunrun was not a party to the Settlement but would not be filing an objection to the Settlement.

22. On November 17, 2020, the Commission served the ALJs' Recommended Decision, which recommended approval of the Settlement without modification.

23. On December 17, 2020, the Commission rendered its unanimous Order adopting the Recommended Decision and approving the Settlement without modification.

24. On January 19, 2021, PPL Electric filed its DER Management Pilot Implementation Plan pursuant to Paragraph 61 of the Commission-approved Settlement.

25. On February 8, 2021, the OCA, NRDC, SEF, and Sunrun filed Comments on the DER Management Pilot Implementation Plan.

26. On March 1, 2021, PPL Electric filed its Revised DER Management Pilot Implementation Plan.

27. On February 28, 2023, PPL Electric filed a Second Revised DER Management Pilot Implementation Plan.

28. On April 20, 2023, PPL Electric filed its 2023 DER Management Report, capturing Program Year Zero (January 1, 2021, to March 21, 2022) and Program Year 1 (March 22, 2022, to March 21, 2023) of the DER Management pilot program.

29. On January 18, 2024, Tesla, Inc., Sun Directed, American Home Contractors, Sunrun, Inc., and the Solar Energy Industries Association (collectively, the “JSPs”) filed a Petition for Rescission or Amendment of the Commission’s Order (“Petition to Rescind”).

30. On January 29, 2024, PPL Electric filed an Answer to the Petition to Rescind.

31. On January 31, 2024, OCA filed a Notice of Intervention and Public Statement.

32. On February 16, 2024, the JSPs filed a Reply to PPL Electric’s Answer.

33. On March 7, 2024, PPL Electric filed a Motion to Strike the JSPs’ Reply to PPL Electric’s Answer.

34. On March 27, 2024, the JSPs filed an Answer to PPL Electric’s Motion to Strike.

35. On April 22, 2024, PPL Electric filed its Annual Report for Program 2 of the Pilot Program.

36. On May 23, 2024, the Commission issued an Opinion and Order denying the JSPs’ Petition to Rescind and granting PPL Electric’s Motion to Strike the Joint Solar Parties’ Reply to PPL Electric’s Answer to the Petition.

## **B. SECOND PROCEEDING**

37. On May 20, 2024, PPL Electric filed a Petition requesting the Commission’s approval of tariff modifications and other authorizations that are needed to implement PPL Electric’s Second DER Management Plan, pursuant to Paragraph 62 of the Joint Petition for Settlement of All Issues approved by the Commission.

38. On June 7, 2024, OSBA filed a Notice of Intervention, Public Statement, and Verification at the above-captioned docket.

39. On July 1, 2024, OCA filed an Answer to the Petition.

40. On July 8, 2024, 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”) filed an Answer, Petition to Intervene, and Protest at the above-captioned docket.

41. On July 10, 2024, the PP&L Industrial Customer Alliance (“PPLICA”) filed a Petition to Intervene.

42. On July 12, 2024, SEF filed a Petition to Intervene.

43. On July 24, 2024, a Call-In Telephone Prehearing Conference Notice was issued, scheduling a telephonic prehearing conference for August 6, 2024, at 10:00 AM before Administrative Law Judge John M. Coogan (“ALJ Coogan”).

44. On July 25, 2024, ALJ Coogan issued a Prehearing Order, which, among other things, directed the parties to file Prehearing Conference Memoranda on or before August 2, 2024.

45. On August 2, 2024, PPL Electric, the Joint Solar Parties, PPLICA, OCA, and OSBA filed Prehearing Conference Memoranda.

46. On August 5, 2024, SEF filed its Prehearing Conference Memorandum.

47. On August 6, 2024, the prehearing conference was held as scheduled. At the prehearing conference, the Petitions to Intervene of the Joint Solar Parties, PPLICA, and SEF were granted and discovery rule modifications were adopted. In addition, ALJ Coogan established two alternative procedural schedules for the proceeding: one based on the Pilot Program’s current end date and a second that was the procedural schedule proposed by the parties, which would require Commission approval of the instant Petition.

48. Thus, the final procedural schedule in the Second DER Management Plan proceeding will depend on the Commission’s ruling on this Petition.

## **II. LEGAL STANDARDS**

49. Section 5.41 of the Commission’s regulations states, in pertinent part, that “[p]etitions for relief under the act or other statute that the Commission administers, must be in writing, state clearly and concisely the interest of the petitioner in the subject matter, the facts and law relied upon, and the relief sought.” 52 Pa. Code § 5.41(a).

50. Similarly, Section 5.43 of the Commission’s regulations provides that a petition for waiver of a regulation “must set forth clearly and concisely the interest of the petitioner in the subject matter, the specific . . . waiver . . . requested, and cite by appropriate reference the statutory provision or other authority involved.” 52 Pa. Code § 5.43(a). Such petition also “must set forth the purpose of, and the facts claimed to constitute the grounds requiring the . . . waiver.” *Id.*

## **III. THE DER MANAGEMENT PILOT PROGRAM SHOULD BE EXTENDED**

51. Paragraph 62 of the Settlement specifically reserved the right of PPL Electric to request an extension of the Pilot Program period, providing: “PPL Electric reserves the right to request that the Commission continue the existing remote active management program until litigation over a petition filed pursuant to Paragraph 62 concludes.”

52. Due to the constrained time frame to litigate the Second DER Management Plan before the Pilot Program is set to sunset on March 21, 2025, PPL Electric is invoking its right to petition for an extension of the Pilot Program period under Paragraph 62 of the Settlement.

53. Without an extension of the Pilot Program period, Commission approval by the February 20, 2025 public meeting would be necessary to ensure that the Company has sufficient time to implement the Second DER Management Plan before the current pilot program ends on March 21, 2025.

54. Therefore, to provide the parties, the ALJ, and the Commission sufficient time to litigate the Company's Second DER Management Plan, the Joint Petitioners are respectfully requesting an extension of the current Pilot Program period until 30 days after the Commission's Final Order is entered in the Second DER Management Plan proceeding.

55. Extending the Pilot Program period is in the public interest because it will facilitate the development of a more clear and thorough evidentiary record in the Second DER Management Plan proceeding.

56. Further, neither the parties to the above-captioned proceeding nor the parties to the Second DER Management Plan proceeding would be prejudiced by the extension, because an extended procedural schedule would afford all parties additional time to prepare and present evidence in support of their respective positions.

57. Moreover, the instant Petition is supported by all parties to the Second DER Management Plan proceeding (*i.e.*, OCA, OSBA, the Joint Solar Parties, PPLICA, and SEF), as all parties have either signed on to the instant Petition or will be submitting letters in support of the requested extension.

58. The instant Petition is also being served on all parties at the First DER Management Docket, most of whom are parties in the Second DER Management Plan proceeding.

59. Based on the foregoing, the Joint Petitioners respectfully request that the Pilot Program period be extended until 30 days after the Commission's Final Order is entered in the Second DER Management Plan proceeding.

#### **IV. REQUEST FOR EXPEDITED RELIEF**

60. The Joint Petitioners respectfully request that the Commission render its Final Order on the instant Petition **by the public meeting scheduled for August 22, 2024.**

61. Such an expedited ruling is needed, so that a final procedural schedule can be timely adopted in the ongoing Second DER Management Plan proceeding.

62. Indeed, without an expedited ruling by the Commission, the parties would be forced to litigate under a very constrained litigation schedule, as described in this Petition.

V. **CONCLUSION**

WHEREFORE, for all the foregoing reasons, PPL Electric Utilities Corporation, the Office of Consumer Advocate, the Office of Small Business Advocate, The Sustainable Energy Fund of Central Eastern Pennsylvania, 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 respectfully request that the Pennsylvania Public Utility Commission grant the instant Petition and extend the Company's currently effective Distributed Energy Resources Management pilot program period until 30 days after the Commission's Final Order is entered in the Company's ongoing Second Distributed Energy Resources Management Plan proceeding at Docket No. P-2024-3049223.

Respectfully submitted,



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Dated: August 12, 2024

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