

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120**

Public Meeting held September 12, 2024

Commissioners Present:

Stephen M. DeFrank, Chairman
Kimberly Barrow, Vice Chair
Ralph V. Yanora
Kathryn L. Zerfuss
John F. Coleman, Jr.

Petition of PPL Electric Utilities Corporation
for Approval of Tariff Modifications and Waivers
of Regulations Necessary to Implement its Distributed
Energy Resources Management Plan

P-2019-3010128

OPINION AND ORDER

BY THE COMMISSION:

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is the Joint Petition for Extension of PPL Electric Utilities Corporation's Distributed Energy Resources Management Pilot Program Period (Petition) filed by PPL Electric Utilities Corporation (PPL or 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), filed on

August 12, 2024, relative to an extension of the Company's currently effective Distributed Energy Resources (DER) Management pilot program period until thirty (30) days after the Commission's Final Order is entered in the Company's ongoing Second DER Management Plan (Second DER Plan) proceeding.¹

On consideration of the Petition, it shall be granted, consistent with the discussion in this Opinion and Order,

Background

At the outset we note that there have been two proceedings regarding PPL's DER Management Plans.

The first proceeding was initiated in 2019. On May 24, 2019, PPL filed its DER Management Petition, which initiated the above-captioned proceeding. Subsequently, on July 29, 2019, Trinity Solar filed Comments on the Company's Petition. Then 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. Additional 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.

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

¹ The Company's Second DER Management Plan proceeding commenced on May 20, 2024, at Docket No. P-2024-3049223.

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

On October 5, 2020, PPL, the OCA, NRDC, and SEF filed a Joint Petition for Settlement of All Issues (Settlement). 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.

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

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

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

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

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

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

On April 20, 2023, PPL 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.

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).

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

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

On February 16, 2024, the JSPs filed a Reply to PPL's Answer.

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

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

On April 22, 2024, PPL filed its Annual Report for Program Year 2 (March 22, 2023 to March 21, 2024) of the Pilot Program.

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.

History of the Proceeding

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

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

On July 1, 2024, the OCA filed an Answer to the Petition. On July 8, 2024, the Joint Solar Parties filed an Answer, Petition to Intervene, and Protest at the above-captioned docket.

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

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

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, the ALJ 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.

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

As noted above the Joint Petition was filed on August 12, 2024. On August 14, 2024, PPLICA filed a Statement in Support. To date no answers to the Petition have been filed.

Discussion

A. Legal Standards

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).

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.*

B. The Parties’ Petition

At the outset we note that all the Parties to the proceeding have filed this Petition. Further we note that Paragraph 62 of the Settlement specifically reserved the right of PPL 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.” Petition ¶ 51.

The Parties filed the Petition under Paragraph 62 of the Settlement due to the constrained time frame to litigate the Second DER Management Plan before the Pilot Program sunsets on March 21, 2025. The Parties noted that without the extension of the Pilot Program, the Commission would have to approve the Second DER Plan by the February 20, 2025 Public Meeting to allow adequate time for the Company to implement that Plan before the current pilot ends on March 21, 2025. Thus, in order to provide sufficient time for the litigation process the Parties are requesting an extension of the current Pilot Program period until thirty (30) days after the Commission's Final Order is entered in the Second DER proceeding. Petition at 8-9.

First, the Parties note that the Petition is supported by all the Parties to the Second DER Plan. Specifically, all the Parties have either signed on to Petition or would be submitting letters in support of the requested extension. Petition at 9. Second, the Parties state that extending the Pilot Program is in the public interest because it will facilitate the development of a more clear and thorough evidentiary record in the Second DER Plan proceeding. *Id.*

C. Disposition

On consideration of the Petition, and finding no answer or reply in opposition, we shall grant the Petition, consistent with the discussion herein. As there is a pending litigated proceeding involving PPL's Petition requesting approval of tariff modifications and other authorizations needed to implement its Second DER Plan which was filed pursuant to the Joint Petition approved by the Commission on December 17, 2020, granting the requested extension and waiver are appropriate and in the public interest to allow for the development of an evidentiary record in the current proceeding. Therefore, we shall grant the Petition.

Conclusion

On consideration of the Petition and concurrence of all the Parties and that the extension is in the public interest the Petition is granted and relief afforded.;

THEREFORE,

IT IS ORDERED:

1. That the Joint Petition for An Extension of PPL Electric Utilities Corporation's Distributed Energy Resources Management Pilot Program Period, filed August 12, 2024, in the matter of Petition of PPL Electric Utilities Corporation for Approval of Tariff Modifications and Waiver of Regulations Necessary to Implement its Distributed Energy Resources Management Plan at Docket No. P-2019-3010128 is granted, consistent with the discussion in this Opinion and Order.

2. That the request for any waiver(s) of the company's Commission-approved tariff(s) or any other approvals, to the extent necessary, in accordance with and consistent with this Opinion and Order is granted.

BY THE COMMISSION,



Rosemary Chiavetta
Secretary

(SEAL)

ORDER ADOPTED: September 12, 2024

ORDER ENTERED: September 12, 2024