



COMMONWEALTH OF PENNSYLVANIA

September 12, 2024

**E-FILED**

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 a Default Service Program And Procurement Plan for the Period June 1, 2025 Through May 31, 2029 / Docket No. P-2024-3047290**

Dear Secretary Chiavetta:

Enclosed please find the Admitted Evidence, pursuant to the Interim Order Granting Joint Stipulation for Admission of Testimony and Exhibits into the Evidentiary Record, dated September 3, 2024, which is enclosed as Appendix A, on behalf of the Office of Small Business Advocate (“OSBA”), in the above-captioned proceeding.

Admitted evidence enclosed, on behalf of the Office of Small Business Advocate:

- OSBA Statement No. 1 – Direct Testimony of Mark D. Ewen and Exhibit IEC-1.

Copies will be served on all known parties in this proceeding, as indicated on the attached Certificate of Service.

If you have any questions, please do not hesitate to contact me.

Sincerely,

*/s/ Rebecca Lyttle*

Rebecca Lyttle  
Assistant Small Business Advocate  
Attorney ID No. 201399

*Enclosures*

cc: Mark Ewen  
Parties of Record



COMMONWEALTH OF PENNSYLVANIA

June 3, 2024

**E-FILED**

The Honorable F. Joseph Brady  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
801 Market Street, Suite 4063  
Philadelphia, PA 19107

**Re: Petition of PPL Electric Utilities Corporation For Approval of a Default Service Program And Procurement Plan for the Period June 1, 2025 Through May 31, 2029 / Docket No. P-2024-3047290**

Dear Judge Brady:

Enclosed please find the Direct Testimony of Mark D. Ewen, labelled **OSBA Statement No. 1, and associated Exhibit IEC-1**, on behalf of the Office of Small Business Advocate (“OSBA”), in the above-captioned proceedings.

Copies will be served on all known parties in these proceedings, as indicated on the attached Certificate of Service.

If you have any questions, please do not hesitate to contact me.

Sincerely,

*/s/ Rebecca Lyttle*

Rebecca Lyttle  
Assistant Small Business Advocate  
Attorney ID No. 201399

*Enclosures*

cc: PA PUC Secretary Rosemary Chiavetta (Cover Letter & Certificate of Service only)  
Mark D. Ewen  
Parties of Record

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**PETITION OF PPL ELECTRIC :  
UTILITIES CORPORATION FOR : Docket No. P-2024-3047290  
APPROVAL OF ITS DEFAULT :  
SERVICE PROGRAM AND :  
PROCUREMENT PLAN FOR THE :  
PERIOD FROM JUNE 1, 2025 :  
THROUGH MAY 31, 2029 :**

**Direct Testimony of**

**MARK D. EWEN**

**On Behalf of the**

**Pennsylvania Office of Small Business Advocate (“OSBA”)**

**Date Served: June 3, 2024**

**Date Submitted for the Record: \_\_\_\_\_**

## DIRECT TESTIMONY OF MARK D. EWEN

- 1 **Q. Mr. Ewen, please state your name and briefly describe your qualifications.**
- 2 A. My name is Mark D. Ewen. I am a Principal and President of Industrial Economics,  
3 Incorporated (“IEc”), a consultancy of 165 professionals headquartered at 2067  
4 Massachusetts Avenue, Cambridge, MA 02140. My consulting practice focuses on  
5 regulatory and environmental economics, expert case management and economic damages  
6 estimation in a variety of litigation contexts, and financial analysis. I obtained a B.A degree  
7 in Economics and Political Science from the University of North Dakota, and a Master of  
8 Public Policy degree from the University of Michigan. I have participated and provided  
9 testimony in a variety of proceedings before the Pennsylvania Public Utilities Commission  
10 (“the Commission”), including electric and gas base rates cases, 1307(f) purchased gas cost  
11 filings; energy efficiency and conservation cases, merger and acquisition cases, and default  
12 service plan (“DSP”) petitions. My résumé and a listing of the expert testimony that I have  
13 filed in various litigation and utility regulatory proceedings are attached in Exhibit IEc-1.
- 14 **Q. Please describe your assignment in this matter.**
- 15 A. OSBA requested that I review the petition of PPL Electric Utilities Corporation (“PPL  
16 Electric” or “the Company”) for approval of its DSP for the period from June 1, 2025  
17 through May 31, 2029 (“DSP VI Petition”), to determine whether the proposal is consistent  
18 with sound economics and regulatory policy, and fairly treats small business customers.
- 19 **Q. Please provide an overview of the salient features of the Company’s proposed DSP VI.**
- 20 A. In its petition and accompanying testimony, PPL Electric seeks to generally maintain the  
21 structure and features of the current DSP V. The Small Commercial and Industrial (“Small  
22 C&I”) rate class group consists of non-residential customers with a maximum peak demand  
23 of 100 kW, who are eligible for default service under Schedule Generation Supply Charge-  
24 1 (“GSC-1”). PPL Electric procures GSC-1 default service supplies separately for  
25 Residential and Small C&I customers and recovers the respective costs from each group.  
26 Default supplies are purchased through fixed-price full requirements (“FPFR”) contracts, in  
27 which the wholesale supplier is obligated to meet a specific percentage of the default service  
28 load in all hours for a fixed price per kWh. Medium and large commercial and industrial

1 (“Large C&I”) customers with maximum demand in excess of 100 kW can only obtain  
2 hourly-priced default service under Schedule GSC-2. Transmission costs for default service  
3 customers are incurred directly by PPL Electric and are recovered in the Company’s  
4 reconcilable transmission service charge (“TSC”).

5 The Company proposes the following material modifications to the default service program  
6 and related products that can affect small business customers:

- 7 • Currently, under DSP V the Small C&I customer group utilizes staggered 12-month  
8 products (55 percent of load requirements) and six-month contracts reflecting 45 percent  
9 of load requirements. PPL Electric proposes to adopt 12-month and 24-month terms for  
10 the FPF, consistent with the terms of other Pennsylvania electric distribution  
11 companies’ (“EDCs”) DSPs;
- 12 • PPL Electric proposes to require wholesale suppliers to provide most of the required  
13 Alternative Energy Credits (“AECs”) as part of the FPF products, which represents a  
14 return to the Company’s procurement process prior to DSP V. This change would  
15 substantially end the DSP V pilot procurement of Default AECs separately through  
16 biannual competitive auctions;
- 17 • The Company proposes to procure new, 10-year long-term block contracts totaling 150  
18 MWs to replace expiring five-year block products for the Residential customer class;
- 19 • PPL Electric proposes to enter into one or more long-term (20-year) contracts to acquire  
20 up to 30,000 PA Solar AECs delivered annually, to be used in serving the Residential  
21 customer class;
- 22 • The Company proposes to hold procurement solicitations in February and July of each  
23 year, as compared to the April and October solicitation periods in DSP V;
- 24 • The Company plans to change the annual effective date of the Transmission Service  
25 Charge from June 1 in DSP V to December 1 in DSP VI. Similarly, the Company  
26 proposes to change the twelve-month effective period of the TSC to December 1 through  
27 November 30 and the twelve-month TSC reconciliation period to October 1 through

1 September 30, from June 1 through May 31 and April 1 through March 31, respectively.  
2 To manage the transition period, PPL Electric will set a new price to be effective for the  
3 6-month period of June 1 2025 through November 30, 2026. The subsequent price  
4 period will be December 1, 2025 through November 30, 2026. The Company will file a  
5 six-month reconciliation for costs incurred April 1, 2025 through September 30, 2025  
6 to be recovered over the twelve-month rate period to transition to the December 1, 2025  
7 – November 30, 2026 rate period. Reconciliations will then move to twelve-month  
8 periods with the next reconciliation period covering October 1, 2025 through September  
9 30, 2026 (PPL Electric St. No. 4, pg. 6);

- 10 • PPL Electric provides a time of use (“TOU”) “default” service rate option for Small  
11 C&I customers. Under DSP V the rate option has two seasons (summer and winter),  
12 each with its own continuous four-hour on-peak period. The Company proposes to  
13 change on-peak hours for the TOU to 3 PM to 7 PM annually;
- 14 • PPL Electric wishes to add provisions and clarifications to the Company’s Default  
15 Service Supplier Master Agreement (“SMA”) to include supplier’s AEC obligations,  
16 establishing a Capacity Proxy Price, incorporating the International Swaps and  
17 Derivatives Association (“ISDA”) 2018 U.S. Resolution Stay Protocol as a supplement,  
18 and other provisions related to security;
- 19 • PPL Electric proposes changes to its Standard Offer Program (“SOP”), discussed in  
20 detail below; and
- 21 • PPL Electric proposes to change how shopping customers enroll in the Company’s  
22 OnTrack Customer Assistance Program (“CAP”).

23 **Q. Please generally describe your approach to reviewing PPL Electric’s DSP petition.**

24 **A.** My primary considerations in the review of a DSP plan include the following:

- 25 • *Shopping history and stability of shopping rates.* I review trends in default service usage  
26 among customer classes and movement between the default provider and electric  
27 generation suppliers (“EGSs”). In particular, when shopping rates vary over time, more  
28 risk is associated with longer-term procurements of electricity supply. As of January

1 31, 2024, approximately 50 percent of Small C&I customers, representing 80 percent of  
2 small C&I load, is shopping (PPL Electric St. No. 1, p. 20); approximately 43 percent  
3 of Residential customers are shopping (Exhibit JC-6).

4 As part of the partial settlement of DSP V, the Company agreed that in the event the  
5 GSC-1 E-factor exceeds 10 percent of the price-to-compare for Small C&I GSC-1  
6 customers, OSBA would be consulted regarding the causes for the variance and efforts  
7 to mitigate this variance. The Company represents that the relevant E-factors have been  
8 below 10 percent for Small C&I customers (PPL Electric St. No. 4, p. 8)

- 9 • *Alternative approaches to electricity supply procurement.* Except in unusual  
10 circumstances, EDC DSPs in Pennsylvania rely on FPFR contracts for residential and  
11 small commercial customers. For Small C&I customers, PPL proposes to continue with  
12 the approach employed in DSP V, namely procuring 100 percent of supply for these  
13 customers using FPFR vehicles. PPL Electric offers two reasons why it did not include  
14 Long-Term Block contracts as a component of the Small C&I product mix: (1) the  
15 Company has had prior success under previous DSPs without block energy contracts  
16 and (2) the Company has concerns that, relative to residential classes, Small C&I  
17 customers tend to shop more for electricity, thus reducing the Small C&I Default Service  
18 Load.
- 19 • *Timing and laddering of procurements.* Temporal diversity and more frequent  
20 procurements, along with aligning procurements close to when supply begins to flow,  
21 tempers the risk of default prices varying significantly relative to market prices.  
22 Purchasing strategies should endeavor to optimize price stability. With longer-term  
23 purchasing strategies, overlapping (“laddered”) contract periods generally reduce the  
24 magnitude of rate changes when individual contracts turn over and avoid situations  
25 where all contracts expire at the same time. The trade-off with respect to higher  
26 procurement frequency is higher administrative costs.

27 For DSP VI, the Company is modifying its procurement approach relative to DSP V.  
28 For the Residential and Small Commercial procurement classes, the Company proposes  
29 to substitute a mix of laddered 12-month and 24-month FPFR products for DSP V’s 6-

1 month and 12-month products. Procurements would occur on a semi-annual basis  
2 (February and July, rather than April and October under DSP V). To account for existing  
3 DSP V product mixes, the Company proposes a 2025 transition period. The semiannual  
4 solicitations envisioned under DSP VI will procure the 12- and 24-month products  
5 approximately four to five months prior to delivery. While this modification extends the  
6 lead time between RFP completion and energy supply delivery commencement (under  
7 DSP V, procurements auctions are conducted less than two months before power begins  
8 to flow under each contract), the company represents that the proposed lead times fall  
9 into the middle of the range used by other Pennsylvania EDC DSPs (PPL Electric St.  
10 No. 2, ps. 14-15).

- 11 • *Frequency of rate changes.* PPL Electric proposes to continue its practice of adjusting  
12 GSC-1 rates twice per year, amortizing the rate variance over six months.
- 13 • *Time of use (TOU) rates.* Under DSP V, and proposed to continue under DSP VI, the  
14 Company's optional TOU rate is available to all Default Service Residential and Small  
15 C&I customers. Default service energy prices for TOU customers vary by summer and  
16 winter terms and by two periods each day (peak and off-peak). Prices for each period  
17 vary by each procurement class. The summer term is June 1 through November 30,  
18 where on-peak summer hours are 2:00 PM through 6:00 PM, Monday through Friday,  
19 excluding holidays. The winter term runs from December 1 through May 31 with on-  
20 peak hours between 4:00 PM and 8:00 PM Monday through Friday (excluding  
21 holidays). Off-peak hours are all other hours not deemed on-peak and include weekends  
22 and holidays. Under DSP VI, however, PPL Electric proposes to change the TOU on-  
23 peak hours to 3:00 PM to 7:00 PM annually. In all other respects, the Company proposes  
24 to continue the TOU as established under DSP V.

25 Participation in PPL Electric's TOU program has been low; approximately 0.06 percent  
26 of PPL Electric's customers billed are on the TOU rate (PPL St. No. 1, p. 51). As part  
27 of the DSP V partial settlement, the Company conducted analyses of its Residual  
28 Aggregation Point Locational Margin Prices ("LMP"), and residential and small  
29 commercial and industrial load for the past two years. The Company's analysis indicates  
30 that shifting on-peak hours to 3:00 PM to 7:00 PM for both summer and winter terms

1 produces some cost savings relative to the current TOU program structure. The  
2 Company also suggests that eliminating separate seasonal terms, thus simplifying the  
3 program's structure, may increase participation in the TOU program (PPL St. No. 1, p.  
4 52).

5 With respect to the Small C&I customer class, I do not object to the Company's  
6 proposed TOU rates. It is my understanding that TOU rates for Small C&I customers  
7 have a long and challenging history, and thus it is unsurprising that small business  
8 customers are reluctant to participate in the program. Moreover, many small businesses  
9 have a limited ability to shift load to off-peak periods, as they are understandably  
10 constrained to operate during normal business hours. In addition, as I noted above, a  
11 significant portion of Small C&I load is shopping, and thus has the ability to contract  
12 for TOU rates from competitive electric generation suppliers ("EGSs") as they choose.  
13 Thus, I am not currently concerned with the apparent low TOU participation rates within  
14 the Small C&I default service customer group, and I conclude that PPL Electric's  
15 proposal for that rate class group is a sensible "do no harm" approach.

- 16 • *Performance of electric generation suppliers ("EGSs")*. It is important to consider how  
17 the DSP structures its standard offer referral program to EGSs, treatment of customers  
18 when a plan term with an EGS ends, and CAP customer participation in the standard  
19 offer program. The Company proposes significant changes to its SOP, which I discuss  
20 in detail below.
  
- 21 • *Procurement of alternative energy credits (AECs)*. To comply with the Alternative  
22 Energy Portfolio Standards Act ("AEPS Act"), DSPs must procure a certain proportion  
23 of supply from alternative energy sources. The structure and implementation of the DSP  
24 must comply with alternative energy targets and ensure that the EDC is not benefiting  
25 from any competitive advantage relative to EGSs. In PPL Electric's case, under DSP V  
26 the Company procures necessary AECs to meet its obligation under the AEPS Act  
27 through AEC-only contracts. This was a pilot program established pursuant to the terms  
28 of the partial settlement of the DSP V proceeding. However, the Company concluded  
29 that this pilot program did not result in material cost savings in the total cost of supply  
30 for 12-month Full Requirements contracts, relative to incorporating AECs into supplier

1 obligations for its standard FPRF contracts. PPL Electric proposes to return AEC  
2 procurement to the approach used by PPL Electric prior to DSP V, which is also  
3 consistent with the approach used by peer electric utilities in Pennsylvania (PPL Electric  
4 St. No. 1, p. 30-31).

5 Therefore, under the DSP VI Program, PPL Electric proposes to reincorporate AECs as  
6 part of the Full Requirements contracts for all customer classes. The costs incurred to  
7 procure the AECs will be recovered through the GSC-1 and GSC-2, based upon the  
8 AECs required to meet the AEPS obligations per customer group. With respect to  
9 separately-procured AECs, costs will be divided among the three Customer Classes –  
10 Residential, Small C&I, and Large C&I – based upon the percentage of load supplied  
11 during the compliance period (PPL Electric St. No. 1, p. 35).

- 12 • *Treatment of transmission costs.* Through the TSC, PPL Electric recovers the demand-  
13 related (kW) portion of the charges and non-kW based charges incurred to provide  
14 transmission service on behalf of default service customers. Under DSP V, the TSC is  
15 computed annually, for the twelve-month period June 1 through May 31. The TSC is  
16 also reconciled on an annual basis, effective June 1, for the twelve-month period ended  
17 March 31 of each year. For DSP VI, the Company proposes to change the twelve-month  
18 effective period of the TSC to December 1 through November 30. The reconciliation  
19 period will also change from the twelve-month period ending March 31 to the twelve-  
20 month period ending September. The Company is proposing this change “because PPL  
21 Electric’s FERC-approved transmission formula rate, as recognized in the PJM Open  
22 Access Transmission Tariff, has changed and has been approved to be effective January  
23 1 of each year. Revising the TSC rate effective date to December 1 will allow the  
24 Company to more accurately project TSC costs for the computation period, because the  
25 Company will know, prior to filing the new TSC charges, what the new transmission  
26 rates will be effective January 1.” (PPL Electric Petition, para. 70). Because the FERC  
27 transmission rates are now changed seven months into the TSC computation year,  
28 projections made for the TSC approximately eight months prior may be inaccurate,  
29 requiring an interim rate change. The Company also claims that these proposed changes

1 will allow for a more accurate PTC for shopping customers (PPL Electric St. No. 4, p.  
2 5).

3 **Q. Do you agree with the Company’s proposed methodology and timing of Small C&I**  
4 **customer procurements?**

5 **A.** I continue to evaluate this issue. The proposal to move to 12- and 24-month FPFR products  
6 appears to be reasonable, but I need to confirm that shopping rates for Small C&I customers  
7 have remained reasonably stable. Regarding the proposal to shift back the timing of the  
8 procurements, finance theory implies that this will increase risk to the supplier. I therefore  
9 await evidence from the Company as to whether a longer lag between the procurement date  
10 and the effective date actually increases the risk premium.

11 **Q. Do you agree with the Company’s AEC procurement proposals?**

12 **A.** I am not currently opposed to returning to the procurement approach used prior to DSP V,  
13 particularly given that the only AEC procurement that affects Small C&I customers is  
14 occurring through the FPFR contracts.

15 **Q. Please address the Company’s proposals regarding the SOP.**

16 **A.** The Company’s SOP is a Commission-approved program in which PPL Electric will refer  
17 certain customers to a competitive rate option from an electric generation supplier (“EGS”)  
18 in which the customers can purchase power at a fixed per-kWh rate for twelve months at 7  
19 percent below the price to compare (“PTC”) in effect at the time of enrollment. Eligible  
20 customers include non-CAP Residential Customers, and Small C&I customers with  
21 maximum demand up to 25 kW. Customers can either affirmatively select a participating  
22 EGS, or have one randomly assigned by the utility. Customers can opt out of the program  
23 at any time without penalty. At the end of the twelve months, if a participating customer  
24 does not affirmatively choose a different option, the customer will generally continue to  
25 take service from the EGS that provided the SOP service. From 2020-2023, 50,006  
26 customers were per year, on average, were enrolled in the SOP (PPL Electric St. No. 3, p.  
27 4).

28 The Company has identified several issues with the current SOP, namely lack of EGS  
29 participation in the SOP, “brand confusion” for SOP customers, and the issue that customers

1 who enroll in the SOP pay more for Default Service Rates if they fail to act after their SOP  
2 contract expires. In DSP VI, PPL Electric therefore proposes the following changes to the  
3 SOP:

- 4 • At the end of the SOP period, unless a participating customer affirmatively chooses to  
5 shop or to remain with the SOP EGS, it will automatically be returned to EDC default  
6 service;
- 7 • PPL Electric will require suppliers to lock in their participation status in the SOP 20  
8 days before the start of the period rather than five days before;
- 9 • PPL Electric will provide educational materials to customers nearing the end of their  
10 SOP period. This partially address “brand confusion” in the sense that customers often  
11 view the SOP as a third competitive supply option offered by PPL Electric.
- 12 • PPL Electric will utilize vendor(s) to facilitate the SOP and increase the referral fee for  
13 EGSs to \$33 per customer;
- 14 • PPL will require customer service representatives to limit SOP offers to customers to  
15 once per month;
- 16 • PPL Electric will modify the call center scripts for both in-house and outside  
17 administrator representatives, to clarify the nature of the program.

18 **Q. Do you agree with the Company’s SOP proposals?**

19 **A.** It is unsurprising that the SOP would result in some customers receiving prices below the  
20 PTC for the first twelve months, but then facing above-market prices when that period  
21 expired to allow the EGS to recoup losses. It is well-known that some EGSs offer below-  
22 market prices to attract customers and recoup losses over the long-term. Unless the  
23 participating customers affirmatively choose to shop at the end of the SOP period, they are  
24 at risk of paying above-market prices. Saving money through EGSs requires constant  
25 vigilance, particularly for smaller customers. If the Commission does not approve the  
26 Company’s proposal to return customers to default service who take no action, the Company

1 suggests that requiring SOP suppliers to communicate with customers after the expiration  
2 of a SOP contract would be a reasonable alternative. (PPL Electric St. No. 3, p. 21).

3 I agree generally with the concept of more aggressive interaction with customers to ensure  
4 they pursue and experience competitive supply pricing. Both alternatives noted above  
5 appear reasonable.

6 **Q. Do have any other concerns regarding the proposed DSP VI?**

7 A. At this time, I have no additional concerns based upon my review of the aforementioned list  
8 of general considerations and review of proposed changes to the plan. However, I reserve  
9 the right to address additional specific issues should they arise through my review of  
10 forthcoming intervening party testimony, Company testimony, and related discovery.

11 **Q. Does this conclude your direct testimony?**

12 A. Yes, it does.  
13  
14

**EXHIBIT IEc-1**

**RÉSUMÉ AND EXPERT TESTIMONY LIST**

**FOR**

**MARK D. EWEN**

## Overview

Mr. Ewen has a strong background in applied economics, empirical methodologies, and financial analysis. As a Principal at Industrial Economics, Incorporated (IEc), he focuses on expert case management and economic damages estimation in a variety of litigation contexts, regulatory and environmental economics, and financial analysis. Within his areas of expertise, Mr. Ewen has been qualified as an expert witness before judicial and regulatory bodies (see schedule of testimony and appearances). He has also served as a Managing Director of the firm.

## Education

Master of Public Policy, University of Michigan

Bachelor of Arts, summa cum laude in Economics and Political Science, University of North Dakota

## Project Experience

Examples of his project work include the following:

Mr. Ewen has participated in various proceedings concerning energy markets and regulated utilities. These efforts, which focus on issues related to cost allocation and rate design, include working on behalf of industry and consumer intervenor groups in rate-making cases before the public utility commissions in Pennsylvania and Alberta, Canada, and the U.S. Postal Rate Commission. For example, for the **PENNSYLVANIA OFFICE OF SMALL BUSINESS ADVOCATE**, he has provided consulting and analytic support relating to electricity and natural gas tariff design, revenue requirements, and other regulatory initiatives concerning electrical and natural gas distribution utilities. For the **RHODE ISLAND ATTORNEY GENERAL**, Mr. Ewen conducted a due diligence review of PPL's proposed acquisition of Narragansett Electric Company and its potential impacts on the state's ratepayers.

For the **NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY (NYSERDA) AND DEPARTMENT OF PUBLIC SERVICE (DPS)**, Mr. Ewen provided expert services assessing the economic impacts to municipal governments of extended electricity outages related to Tropical Storm Isaias. As part of this work, he constructed a model to estimate various costs of incremental staffing requirements for over 500 localities, including excess overtime, surge time (i.e., bringing on extra staff for outage response coordination and logistics), and idle time (e.g., crews waiting extended periods for downed lines to be de-energized). The review also included consideration of other direct costs, including, among others: effects to water systems; delivery of bottled water; operation of generators; and other constraints on the provision of essential governmental services. The litigation was settled to the satisfaction of the involved parties.

For the **NYSERDA AND NEW YORK DPS**, Mr. Ewen directed the development of a Generic Environmental Impact Statement (GEIS), pursuant to the requirement of the State Environmental Quality Review Act (SEQRA) that assessed the environmental and economic impacts of the "Reforming the Energy Vision" and "Clean Energy

Fund” initiatives within the state. He also directed the preparation of a Supplemental EIS to assess the environmental and economic impacts of the newly proposed Clean Energy Standard (CES). The CES is being developed to support the state’s goal of supplying 50 percent of electricity demand with renewable generation resources by the year 2030. More recently, he directed the development of a model to assess the financial viability of various waste-to-energy technologies, and related social welfare benefits. This model uses detailed capital budgeting scenarios for specific facilities to generate forecast scenarios.

For the **U.S. DEPARTMENT OF THE INTERIOR, BUREAU OF OCEAN ENERGY MANAGEMENT (BOEM)**, directing an assessment of the Bureau’s approach to calculating and presenting the operating fee included in offshore wind leases under BOEM’s jurisdiction. As part of this engagement, IEC provided a number of recommendations for simplifying the implementation of the operating fee formula and identified available data sources and approaches to estimating individual components of the fee formula. The review also addressed the structure and levels of fees associated with operations of renewable wind energy projects in the U.S. and worldwide. More recently, IEC has been supporting the development of Standard Operating Procedures for the fee calculation and lease management process. The overall goal is to provide information resources and a methodological approach that will allow lessees to derive accurate data for fee equation variables efficiently and consistently, and for BOEM to present the fee calculation clearly in the lease.

For **NYSERDA**, conducting a market analysis examining the potential economic development opportunities that could accrue in New York from hydrogen playing a role in achieving components of its Climate Leadership and Community Protection Act.

For the **U.S. DEPARTMENT OF THE INTERIOR, BUREAU OF OCEAN ENERGY MANAGEMENT**, managed the development of a model to assess the economic and fiscal impacts of offshore oil and gas activity in the Gulf of Mexico and other BOEM OCS regions. This model, the Lifecycle Impacts Model (LCIM), assesses the economic and fiscal impacts associated with a specific lease or group of leases, over the time horizon of the lease(s). IEC’s framework for the model was to build a capital budgeting forecasting tool for lease development, yielding estimates of industry expenditures, OCS revenues, industry profits, and employment impacts for a single lease or a set of leases. A key component of model development was to dynamically simulate the complex and unique timing parameters of lease development, incorporating the influence of critical exogenous factors like market prices and lease geology.

For the **U.S. COAST GUARD, NATIONAL POLLUTION FUNDS CENTER**, Mr. Ewen provides ongoing support to the NPFC in adjudicating damages claims resulting from oil spills. These claims include damages for business interruption, lost profits, property damage or value diminution, increased costs, and lost wages or employment, among other categories. Cases have also included damages for contract delays to construction projects and shipping demurrage. Industry sectors that Mr. Ewen has evaluated include: *electricity generation (nuclear and coal); railroads; cruise ships; oil ship transport; lodging and tourism; food and beverage; gambling; fisheries; marinas; real estate development, oil and gas development; and oil refining.*

Mr. Ewen’s analytic work includes expert financial analysis and economic damages estimation in the context of general litigation and environmental enforcement actions. These efforts include assessing damages in breach of contract, nuisance, and cost recovery actions, and assessing the financial capabilities and economic benefit of noncompliance of firms accused of environmental violations. Clients in this area of his practice include the **U.S. DEPARTMENT OF JUSTICE, U.S. COAST GUARD, U.S. ENVIRONMENTAL PROTECTION AGENCY, STATES,** and private parties.

## Testimony and Appearances

Mr. Ewen has provided testimony or appeared in the following cases and regulatory proceedings.

On behalf of Pennsylvania's Office of Small Business Advocate, submitting testimony before the Pennsylvania Public Utility Commission, concerning the Default Service Plan for PECO Energy Company (Docket No. P-2024-3046008, April/May 2024).

On behalf of Pennsylvania's Office of Small Business Advocate, submitting testimony before the Pennsylvania Public Utility Commission, concerning recovery of purchased gas costs and revenue sharing for National Fuel Gas Distribution Corporation (Docket No R-2024-3045177, March 2024).

On behalf of Pennsylvania's Office of Small Business Advocate, submitting testimony before the Pennsylvania Public Utility Commission, concerning the Default Service Plan for Pike County Light and Power Company (Docket No. P-2023-3039927, July 2023).

On behalf of Pennsylvania's Office of Small Business Advocate, submitting testimony before the Pennsylvania Public Utility Commission, concerning cost allocation, revenue allocation, and rate design in the base rates case for Columbia Gas of Pennsylvania (Docket No. R-2022-3031211, June 2022).

On behalf of Attorney General of the State of Rhode Island, submitted testimony before the Rhode Island Division of Public Utilities and Carriers concerning due diligence and related reviews of PPL Corporation's proposed acquisition of Narragansett Electric Company from National Grid USA (Docket No. D-21-09, November 2021).

Expert report and deposition testimony concerning economic damages and related financial matters, *Seaplane Adventures, LLC, vs. County of Marin, California*; expert report filed September 2021, deposition testimony given September 2021.

Expert reports and deposition testimony on bankruptcy reorganization plan feasibility and related financial matters, *in re: First Energy Solutions Corp., et al., Debtors, Case No. 18-50757*; expert reports filed July 2019, deposition testimony given August 9, 2019.

Expert declaration concerning economic damages and related financial matters, *in re: Outer Banks Power Outage Litigation, all actions, No. 4:17-CV-141-D*, March 2018.

Expert report and deposition testimony on Economic Damages in *State of Alaska v. Williams Alaska Petroleum, Inc., et al., Case No. 4FA-14-01544 CI*; expert report filed December 2016, deposition testimony given February 15, 2017.

Expert reports and deposition testimony on Economic Benefit in *Sierra Club v. Energy Future Holdings Corp. et al., Case No. 5:10-cv-156 (E.D. Tex.)* and *Sierra Club v. Energy Future Holdings Corp. et al., Case No. 6:12-cv-108 (W.D. Tex.)*; expert reports filed in June and July 2013, deposition testimony given August 2013. Trial testimony given in Case No. *6:12-cv-108 (W.D. Tex.)* in March 2014.

Expert testimony on ability-to-pay provided, in the matter of Mercury Vapor Processing Technologies, Inc., et al. (No. RCRA-05-2010-0015), July 2011.

Expert Declaration in a patent case concerning economic and financial matters in the context of environmental credits valuation -- In re Patent Application of: Jeff Andrienas et al., Application No.: 12/328,219, For: VALUING ENVIRONMENTAL CREDITS, submitted June 2011.

Expert report and deposition testimony on financial matters in Evansville Greenway and Remediation Trust v. Southern Indiana Gas and Electric Company, Inc., et al. (03:07-cv-0066-SEB-WGH); expert report filed July 2009, deposition testimony given January 2010.

Expert testimony on ability-to-pay provided, in the matter of Robert J. Heser, Andrew J. Heser, and Heser Farms (No. CWA-05-2006-0002), May 2007.

On behalf of Pennsylvania's Office of Small Business Advocate, submitting testimony before the Pennsylvania Public Utility Commission, concerning tariff design issues for Columbia Gas of Pennsylvania (Docket No. R-00049783, May 2005).

On behalf of Pennsylvania's Office of Small Business Advocate, submitting testimony before the Pennsylvania Public Utility Commission, concerning cost allocation, revenue assignment, and rate design for Pennsylvania Power and Light (Docket No. R-00049255, August 2004).

Expert report on economic damages in United States v. Southern California Edison No. CIV. F-01-5167 OWW DLB (E.D. Cal.), July 2004; deposition testimony provided September 2004.

Expert testimony on ability-to-pay provided in U.S. v. Peter Thorson, Managed Investments, Inc., Construction Management, Inc., and Gerke Excavating, Inc. (No. 03-C-0074), May 2004.

Expert testimony on ability-to-pay provided in U.S. v. Paul A. Heinrich and Charles Vogel Enterprises, Inc. (No. 03-C-0075-S), October 2003.

Expert testimony on ability-to-pay provided in the matter of Dearborn Refining Company (No. RCRA-05-2001-0019), February 2003.

On behalf of Pennsylvania's Office of Small Business Advocate, submitting testimony before the Pennsylvania Public Utility Commission, concerning recovery of purchased gas costs and revenue sharing for PFG Gas and Northern Penn Gas (Docket No. R-00027389, July 2002).

Expert report and testimony on economic damages in Carol Marmo et al. v. IBP, Inc.; expert report filed March 2002, deposition testimony given June 2002, September 2004, and testimony at trial given February 2005.

On behalf of Pennsylvania's Office of Small Business Advocate, submitting testimony before the Pennsylvania Public Utility Commission, concerning recovery of purchased gas costs and revenue sharing for National Fuel Gas Distribution Corporation (Docket No. R-00016789, March 2002).

On behalf of the Office of the Consumer Advocate, providing testimony before the United States Postal Rate Commission regarding cost allocation of city carrier street time costs. Docket No. R2000-1, July 11, 2000.

Expert report and declaration on ability-to-pay in re Indspec Chemical Corporation and Associated Thermal Services, Inc., and related testimony in U.S. EPA administrative court on February 24, 1998 (No. CAA-III-086).

Expert report on ability-to-pay in re Harrisburg Hospital and First Capital Insulation, Inc. and related testimony in U.S. EPA administrative court on October 8, 1997 (No. CAA-III-076).

*2024*



**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of PPL Electric Utilities** : **Docket No. P-2024-3047290**  
**Corporation For Approval of a Default** :  
**Service Program And Procurement** :  
**Plan for the Period June 1, 2025** :  
**Through May 31, 2029** :

**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of the foregoing have been served via email (*unless otherwise noted below*) upon the following persons, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

The Honorable F. Joseph Brady  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
801 Market Street, Suite 4063  
Philadelphia, PA 19107  
[fbrady@pa.gov](mailto:fbrady@pa.gov)

Christy M. Appleby, Esquire  
Emily A. Farre, Esquire  
Office of Consumer Advocate  
555 Walnut Street, 5th Floor  
Harrisburg, PA 17101  
[OCAPPLDSP2024@paoca.org](mailto:OCAPPLDSP2024@paoca.org)

Allison Kaster, Esquire  
Director  
Bureau of Investigation & Enforcement  
400 North Street  
Commonwealth Keystone Building  
Harrisburg, PA 17120  
[akaster@pa.gov](mailto:akaster@pa.gov)

Adeolu A. Bakare, Esquire  
Jo-Anne S. Thompson, Esquire  
McNees, Wallace & Nurick  
P.O. Box 1166  
100 Pine Street  
Harrisburg, PA 17108-1166  
[abakare@mcneeslaw.com](mailto:abakare@mcneeslaw.com)  
[jthompson@mcneeslaw.com](mailto:jthompson@mcneeslaw.com)

Kimberly A. Klock, Esquire  
Michael J. Shafer, Esquire  
PPL Services Corporation  
Two North Ninth Street  
Allentown, PA 18101  
[kklock@pplweb.com](mailto:kklock@pplweb.com)  
[mjshafer@pplweb.com](mailto:mjshafer@pplweb.com)

Elizabeth R. Marx, Esquire  
John W. Sweet, Esquire  
Ria Pereira, Esquire  
Pennsylvania Utility Law Project  
118 Locust Street  
Harrisburg, PA 17101  
[emarxpulp@palegalaid.net](mailto:emarxpulp@palegalaid.net)

Todd S. Stewart, Esquire  
Hawke McKeon & Sniscak, LLP  
100 N. 10th Street  
Harrisburg, PA 17101  
[tsstewart@hmslegal.com](mailto:tsstewart@hmslegal.com)

Karen O. Moury, Esquire  
Deanne M. O'Dell, Esquire  
Eckert Seamans Cherin & Mellott, LLC  
213 Market Street, 8th floor  
Harrisburg, PA 17101  
[kmoury@eckertseamans.com](mailto:kmoury@eckertseamans.com)  
[dodell@eckertseamans.com](mailto:dodell@eckertseamans.com)

Lauren M. Burge, Esquire  
Eckert Seamans Cherin & Mellott, LLC  
600 Grant Street, 44th Floor  
Pittsburgh, PA 15219  
[lburge@eckertseamans.com](mailto:lburge@eckertseamans.com)

John Costlow, Esquire  
4250 Independence Drive, Suite 100  
Schnecksville, PA 18078  
[jcostlow@thesef.org](mailto:jcostlow@thesef.org)

David B. MacGregor, Esquire  
Michael W. Hassell, Esquire  
Megan Rulli, Esquire  
Post & Schell, P.C.  
17 North Second Street, 12th Floor  
Harrisburg, PA 17101-1601  
[dmacgregor@postschell.com](mailto:dmacgregor@postschell.com)  
[mhassell@postschell.com](mailto:mhassell@postschell.com)  
[mrulli@postschell.com](mailto:mrulli@postschell.com)

David C. Berger, Esquire  
John F. Lushis, Jr., Esquire  
Norris McLaughlin, P.A.  
515 West Hamilton Street  
Suite 502  
Allentown, PA 18101  
[dberger@norris-law.com](mailto:dberger@norris-law.com)  
[jlushis@noriss-law.com](mailto:jlushis@noriss-law.com)

Clifford Levine, Esquire  
Dentons Cohen & Grigsby  
625 Liberty Ave  
Pittsburgh PA 15222-3152  
[Clifford.levine@dentons.com](mailto:Clifford.levine@dentons.com)

Rebecca E. Kennedy, Esquire  
Dentons US LLP  
1900 K Street, NW  
Washington, DC 20006  
[Rebecca.Kennedy@dentons.com](mailto:Rebecca.Kennedy@dentons.com)

DATE: June 3, 2024

*/s/ Rebecca Lyttle*

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Rebecca Lyttle  
Assistant Small Business Advocate  
Attorney I.D. No. 201399

# **APPENDIX A**

**Interim Order Granting Joint Stipulation for Admission of Testimony and Exhibits into the Evidentiary Record dated September 3, 2024**

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PPL Electric Utilities Corporation for Approval of a Default Service Program and Procurement Plan for the Period from June 1, 2025 through May 31, 2029 (DSP VI Program)	:	
	:	
	:	P-2024-3047290
	:	
	:	

**INTERIM ORDER  
GRANTING JOINT STIPULATION FOR ADMISSION  
OF TESTIMONY AND EXHIBITS INTO THE EVIDENTIARY RECORD**

On March 12, 2024, PPL Electric Utilities Corporation (PPL or Petitioner) filed a Petition for Approval of its Default Service Program and Procurement Plan for the period from June 1, 2025 through May 31, 2029 (DSP VI Program). The Petition was filed pursuant to Section 2807 of the Public Utility Code, 66 Pa.C.S. § 2807, and 52 Pa. Code §§ 54.181-54.189.

On August 27, 2024, PPL, the Office of Consumer Advocate (OCA), the Office of Small Business Advocate (OSBA), the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA), and the Retail Energy Supply Association (RESA)(collectively the “Joint Petitioners”), filed a Joint Petition for Approval of Settlement (Joint Petition or Settlement). The Settlement is not contested by any party<sup>1</sup> and represents a full settlement to resolve all issues raised in the instant proceeding.

On August 27, 2024, the Joint Petitioners filed a Joint Stipulation for Admission of Testimony and Exhibits into the Evidentiary Record in the above-captioned proceeding. Each of the Stipulating Parties stipulated to the authenticity of the testimony and exhibits listed in the Joint Stipulation and requested that they be admitted into the record of this proceeding on the terms and conditions set forth in the Stipulation. The Stipulating Parties indicated that certain filings contain information marked as

---

<sup>1</sup> The PP&L Industrial Customer Alliance (PPLICA) and Calpine Retail Holdings, LLC (Calpine) did not oppose the Settlement. NRG Energy, Inc. (NRG), an inactive party, took no position on the Settlement. Shell Energy North America (Shell), an inactive party, did not respond to inquiries regarding the Settlement.

“Confidential” and/or “Highly Confidential” be placed in non-public folders by the Secretary’s Bureau of the Commission.

As this request is reasonable, the Joint Stipulation for the Admission of Testimony and Exhibits into the Evidentiary Record will be granted.

THEREFORE,

IT IS ORDERED:

1. That the August 27, 2024, Joint Stipulation for the Admission of Testimony and Exhibits into the Evidentiary Record executed by PPL Electric Utilities Corporation, the Office of Consumer Advocate, the Office of Small Business Advocate, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania, and the Retail Energy Supply Association, is granted.

2. That the following written testimony statements, accompanying exhibits and appendices, and respective executed verifications are hereby admitted into the record of this proceeding on the terms and conditions set forth in the Joint Stipulation:

**I. Testimony and Exhibits of PPL Electric**

(1) PPL Electric Statement No. 1 – Direct Testimony of Andrew Castanaro, and PPL Electric Exhibit 1 (Petition and Attachments)<sup>2</sup> and PPL Electric Exhibits AC-1, AC-2, AC-3, AC-4, and AC-5.

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<sup>2</sup>. Attachment K to the Petition is sponsored by PPL Electric witness Johnson.

- (2) PPL Electric Statement No. 2 – Direct Testimony of A. Joseph Cavicchi, Appendix A to PPL Electric Statement No. 2, and PPL Electric Exhibits JC-1, JC-2, JC-3, JC-4, JC-5, JC-6, and JC-7.
- (3) PPL Electric Statement No. 3 – Direct Testimony of Melinda Stumpf and PPL Electric Exhibits MS-1, MS-2, and MS-3.
- (4) PPL Electric Statement No. 4 – Direct Testimony of Bethany Johnson, PPL Electric Exhibit BLJ-1, and Attachment K to the Petition (Pro Forma Tariff provisions for the Generation Supply Charge-1, the Generation Supply Charge-2, and the Transmission Service Charge).
- (5) PPL Electric Statement No. 1-R – Rebuttal Testimony of Andrew Castanaro and PPL Electric Exhibits AC1-R and AC2-R.
- (6) PPL Electric Statement No. 2-R – Rebuttal Testimony of A. Joseph Cavicchi.
- (7) PPL Electric Statement No. 3-R – Rebuttal Testimony of Melinda Stumpf (PUBLIC AND CONFIDENTIAL versions) and PPL Electric Exhibits MS1-R, MS2-R, MS3-R, MS4-R, MS5-R, MS6-R, MS7-R, MS8-R, and MS9-R.

## **II. Testimony and Exhibits of the OCA**

- (8) OCA Statement 1 – Direct Testimony of Serhan Ogur and Appendix A to OCA Statement 1.
- (9) OCA Statement 2 – Direct Testimony of Barbara Alexander (PUBLIC and CONFIDENTIAL versions) and Exhibits BA-1, BA-2, BA-3, and BA-4.

(10) OCA Statement 1R – Rebuttal Testimony of Serhan Ogur.

(11) OCA Statement 2R – Rebuttal Testimony of Barbara Alexander and Exhibit BA-5.

(12) OCA Statement 1SR – Surrebuttal Testimony of Serhan Ogur (PUBLIC and CONFIDENTIAL versions).

(13) OCA Statement 2SR – Surrebuttal Testimony of Barbara Alexander and Exhibit BA-1SR.

### **III. Testimony and Exhibits of the OSBA**

(14) OSBA Statement No. 1 – Direct Testimony of Mark D. Ewen and Exhibit IEC-1.

### **IV. Testimony and Exhibits of CAUSE-PA**

(15) CAUSE-PA Statement 1 – Direct Testimony of Harry Geller, Appendix A and B to CAUSE-PA Statement 1, CAUSE-PA Exhibit 1, and CAUSE-PA Exhibit 2.

(16) CAUSE-PA Statement 1-R – Rebuttal Testimony of Harry S. Geller.

### **V. Testimony and Exhibits of RESA**

(17) RESA Statement No. 1 – Direct Testimony of Joseph Olikier and RESA Exhibits JO-1, JO-2, JO-3, JO-4, JO-5, JO-6, JO-7, and JO-8.



**P-2024-3047290 - PETITION OF PPL ELECTRIC UTILITIES CORPORATION FOR APPROVAL OF A DEFAULT SERVICE PROGRAM FOR THE PERIOD OF JUNE 1, 2025, THROUGH MAY 31, 2029**

*Revised: August 15, 2024*

KIMBERLY A KLOCK ESQUIRE  
MICHAEL J SHAFER ESQUIRE  
PPL SERVICES CORPORATION  
2 NORTH 9TH ST  
ALLENTOWN PA 18101  
**610.774.5696**  
**610.774.2599**  
[kklock@pplweb.com](mailto:kklock@pplweb.com)  
[mjshafer@pplweb.com](mailto:mjshafer@pplweb.com)  
Accepts eService  
*Represents PPL Electric Utilities Corporation*

MICHAEL W HASSELL ESQUIRE  
DAVID B MACGREGOR ESQUIRE  
MEGAN E RULLI ESQUIRE  
POST & SCHELL PC  
17 NORTH SECOND STREET 12TH FL  
HARRISBURG PA 17101-1601  
**717.612.6029**  
**717.612.6012**  
[mhassell@postschell.com](mailto:mhassell@postschell.com)  
[dmacgregor@postschell.com](mailto:dmacgregor@postschell.com)  
[mrulli@postschell.com](mailto:mrulli@postschell.com)  
Accepts eService  
*Represents PPL Electric Utilities Corporation*

DEVIN T RYAN ESQUIRE  
POST AND SCHELL PC  
ONE OXFORD CENTRE  
301 GRANT STREET SUITE 3010  
PITTSBURGH PA 15219  
**717.612.6052**  
[dryan@postschell.com](mailto:dryan@postschell.com)  
Accepts eService  
*Represents PPL Electric Utilities Corporation*

CHRISTY APPLEBY ESQUIRE  
EMILY A FARREN ESQUIRE  
OFFICE OF CONSUMER ADVOCATE  
555 WALNUT STREET 5TH FLOOR  
FORUM PLACE  
HARRISBURG PA 17101  
**717.783.5048**  
[cappleby@paoca.org](mailto:cappleby@paoca.org)  
Accepts eService

ELIZABETH R MARX ESQUIRE  
RIA PEREIRA ESQUIRE  
LAUREN BERMAN ESQUIRE  
PA UTILITY LAW PROJECT  
118 LOCUST STREET  
HARRISBURG PA 17101  
**717.236.9486**  
**717.710.3825**  
[emarx@pautilitylawproject.org](mailto:emarx@pautilitylawproject.org)  
[rpereira@pautilitylawproject.org](mailto:rpereira@pautilitylawproject.org)  
[lberman@pautilitylawproject.org](mailto:lberman@pautilitylawproject.org)  
Accepts eService

ADEOLU A BAKARE ESQUIRE  
HARRISON RYAN BLOCK ESQUIRE  
MCNEES WALLACE & NURICK LLC  
100 PINE STREET  
PO BOX 1166  
HARRISBURG PA 17108-1166  
**717.232.8000**  
**717.260.1744**  
[abakare@mcneeslaw.com](mailto:abakare@mcneeslaw.com)  
[rblock@mcneeslaw.com](mailto:rblock@mcneeslaw.com)  
Accepts eService  
*Represents PP&L Industrial Customer Alliance*

SHARON WEBB ESQUIRE  
REBECCA LYTTLE ESQUIRE  
PA OFFICE OF SMALL BUSINESS ADVOCATE  
555 WALNUT STREET 1<sup>ST</sup> FLR  
FORUM PLACE  
HARRISBURGH PA 17101  
717.783.2525  
[swebb@pa.gov](mailto:swebb@pa.gov)  
[relyttle@pa.gov](mailto:relyttle@pa.gov)  
Accepts eService

KAREN O MOURY ESQUIRE  
ECKERT SEAMANS CHERIN & MELLOTT LLC  
213 MARKET STREET 8<sup>TH</sup> FLOOR  
HARRISBURG PA 17101  
**717.237.6036**  
[kmoury@eckertseamans.com](mailto:kmoury@eckertseamans.com)  
*Represents NRG Energy Inc*

DEANNE ODELL ESQUIRE  
ECKERT SEAMANS CHERIN & MELLOTT LLC  
600 GRANT STREET  
44<sup>TH</sup> FLOOR  
PITTSBURGH PA 15219  
**412.566.2146**  
[dodell@eckertseamans.com](mailto:dodell@eckertseamans.com)  
*Represents Retail Energy Supply Association*

CLIFFORD LEVINE ESQUIRE  
DENTONS COHENS & GRIGSBY  
625 LIBERTY AVENUE  
PITTSBURGH PA 15222  
*Represents Shell Energy North America Us LP*

REBBECA E KENNEDY ESQUIRE  
DENTONS US LLP  
1900 K ST NW  
WASHINGTON DC 20006  
**610.564.1314**  
[rebecca.kennedy@dentons.com](mailto:rebecca.kennedy@dentons.com)  
*(Shell Energy North America Us LP)*

JOHN F LUSHIS ESQUIRE  
DAVID C BERGER ESQUIRE  
NORRIS MCLAUGHLIN PA  
515 WEST HAMILTON STREET  
SUITE 502  
ALLENTOWN PA 18101  
**484.765.2253**  
**610.391.1800**  
[jlushis@norris-law.com](mailto:jlushis@norris-law.com)  
[dberger@norris-law.com](mailto:dberger@norris-law.com)  
Accepts eService  
*Represents Calpine Retail Holdings*

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of PPL Electric Utilities** : **Docket No. P-2024-3047290**  
**Corporation For Approval of a Default** :  
**Service Program And Procurement** :  
**Plan for the Period June 1, 2025** :  
**Through May 31, 2029** :

**CERTIFICATE OF SERVICE**

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The Honorable F. Joseph Brady  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
801 Market Street, Suite 4063  
Philadelphia, PA 19107  
[fbrady@pa.gov](mailto:fbrady@pa.gov)

Christy M. Appleby, Esquire  
Emily A. Farren, Esquire  
Office of Consumer Advocate  
555 Walnut Street, 5th Floor  
Harrisburg, PA 17101  
[OCAPPLDSP2024@paoca.org](mailto:OCAPPLDSP2024@paoca.org)

Allison Kaster, Esquire  
Director  
Bureau of Investigation & Enforcement  
400 North Street  
Commonwealth Keystone Building  
Harrisburg, PA 17120  
[akaster@pa.gov](mailto:akaster@pa.gov)

Kimberly A. Klock, Esquire  
Michael J. Shafer, Esquire  
PPL Services Corporation  
Two North Ninth Street  
Allentown, PA 18101  
[kklock@pplweb.com](mailto:kklock@pplweb.com)  
[mjshafer@pplweb.com](mailto:mjshafer@pplweb.com)

Adeolu A. Bakare, Esquire  
Harrison Ryan Block, Esquire  
McNees, Wallace & Nurick  
100 Pine Street  
Harrisburg, PA 17108-1166  
[abakare@mcneeslaw.com](mailto:abakare@mcneeslaw.com)  
[rblock@mcneeslaw.com](mailto:rblock@mcneeslaw.com)

Elizabeth R. Marx, Esquire  
John Sweet, Esquire  
Ria Pereira, Esquire  
Lauren N. Berman, Esquire  
Pennsylvania Utility Law Project  
118 Locust Street  
Harrisburg, PA 17101  
[pulp@pautilitylawproject.org](mailto:pulp@pautilitylawproject.org)

Deanne M. O'Dell, Esquire  
Karen O. Moury, Esquire  
Eckert Seamans Cherin & Mellott, LLC  
213 Market Street, 8th floor  
Harrisburg, PA 17101  
[dodell@eckertseamans.com](mailto:dodell@eckertseamans.com)  
[kmoury@eckertseamans.com](mailto:kmoury@eckertseamans.com)

Lauren M. Burge, Esquire  
Eckert Seamans Cherin & Mellott, LLC  
600 Grant Street, 44th Floor  
Pittsburgh, PA 15219  
[lburge@eckertseamans.com](mailto:lburge@eckertseamans.com)

David C. Berger, Esquire  
Norris McLaughlin, P.A.  
515 W Hamilton Street, Suite 502  
Allentown, PA 18101  
[dberger@norris-law.com](mailto:dberger@norris-law.com)

David B. MacGregor, Esquire  
Michael W. Hassell, Esquire  
Megan Rulli, Esquire  
Post & Schell, P.C.  
17 North Second Street, 12th Floor  
Harrisburg, PA 17101-1601  
[dmacgregor@postschell.com](mailto:dmacgregor@postschell.com)  
[mhassell@postschell.com](mailto:mhassell@postschell.com)  
[mrulli@postschell.com](mailto:mrulli@postschell.com)

Devin T. Ryan, Esquire  
Post & Schell, P.C.  
One Oxford Centre 310 Grant Street, Suite  
3010  
Pittsburgh, PA 15219  
[dryan@postschell.com](mailto:dryan@postschell.com)

Clifford B. Levine, Esquire  
Dentons Cohen & Grigsby  
625 Liberty Ave  
Pittsburgh, PA 15222-3152  
[Clifford.levine@dentons.com](mailto:Clifford.levine@dentons.com)

Rebecca E. Kennedy, Esquire  
Dentons US LLP  
1900 K Street, NW  
Washington, DC 20006  
[Rebecca.kennedy@dentons.com](mailto:Rebecca.kennedy@dentons.com)

DATE: September 12, 2024

/s/ Rebecca Lyttle  
Rebecca Lyttle  
Assistant Small Business Advocate  
Attorney I.D. No. 201399