

**PENNSYLVANIA PUBLIC UTILITY COMMISSION  
HARRISBURG, PENNSYLVANIA 17120**

**PETITION OF TOTALENERGIES  
DISTRIBUTED GENERATION USA, LLC  
FOR INTERIM EMERGENCY ORDER**

**PUBLIC MEETING OF NOVEMBER 7, 2024  
3051440-OSA  
DOCKET NO. P-2024-3051440**

**PETITION FOR INTERIM EMERGENCY  
ORDER UNDER 52 Pa. CODE § 3.6**

**MOTION OF CHAIRMAN STEPHEN M. DeFRANK**

On September 30, 2024, TotalEnergies Distributed Generation USA, LLC (TotalEnergies) filed both a Petition for Interim Emergency Relief pursuant to Section 3.6 of the Commission’s regulations and a formal complaint pertaining to the same matter regarding a PPL Electric Utilities, Inc. (PPL) customer-generator interconnection approval process. TotalEnergies is a developer of renewable energy projects and has made several customer generator applications for net metered solar generating facilities in the PPL service area. TotalEnergies objects to PPL adopting a deposit requirement for customer-generator developers of net metered renewable energy for alternative energy projects. The deposit would require the customer-generator to pay PPL for complex engineering, interconnection equipment and other elements. The deposit is 25% of the total costs and non-refundable.

TotalEnergies’ Petition for Interim Emergency Relief sought to enjoin PPL from imposing this nonrefundable deposit requirement pending final disposition of the corresponding complaint.

On October 15, 2024, following a hearing, the Office of Administrative Law Judge issued an Order granting the petition for interim emergency relief filed by TotalEnergies and certifying a material question to the Commission, as required by Commission regulations.<sup>1</sup>

On October 22, 2024, however, TotalEnergies and PPL filed a joint letter in which the parties asserted their agreement that PPL would not require non-refundable deposits from TotalEnergies while the formal complaint was pending. The letter specifically stated: “To save the time and effort involved in briefing the issue and the Commission’s time and effort in reviewing this matter, PPL Electric and TotalEnergies have reached an agreement that will eliminate the need for Commission review of the Interim Emergency Order.”<sup>2</sup> The letter further stated that “such deposits will remain refundable unless the Commission in its ruling on the complaint case declares that such deposits shall be non-refundable.”<sup>3</sup> The parties requested that the Commission take whatever action may be required to effectuate the agreement.<sup>4</sup> As a result, neither TotalEnergy nor PPL filed a brief regarding the material question certified by the ALJs on October 15, 2024.

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<sup>1</sup> 52 Pa.Code § 3.10.

<sup>2</sup> Joint Letter Addressing Ratification, at 1 (October 22, 2024).

<sup>3</sup> Id. at 1-2.

<sup>4</sup> Id. at 2.

Based on the assertions in the October 22, 2024 letter, the petition for emergency relief and ensuing material question should be deemed moot. Although section 5.305 of the Commission's regulations regarding interlocutory review of material questions does not specifically allow the Commission to deem a material question moot, under the circumstances present in the current matter, we exercise our discretion to liberally construe this provision of our regulations since no substantive rights of the parties are affected.<sup>5</sup> That is, since neither party wishes that we answer the material question, we will refrain from doing so. The parties' agreement that such deposits will remain refundable unless the Commission rules otherwise in response to the complaint is reasonable and will be adopted.

**THEREFORE, I MOVE:**

1. That the material question certified by the Office of Administrative Law Judge on October 15, 2024 will be deemed moot to secure the just, speedy and inexpensive determination of the matter.
2. That the Petition of TotalEnergies Distributed Generation USA, LLC for Interim Emergency Order is marked closed.
3. That any questions regarding the legality of deposit requirements in furtherance of interconnection applications on the PPL Electric system are referred to the matter at docket number C-2024-3051475.
4. That the Office of Special Assistants prepare an Opinion and Order consistent with this motion.

**November 7, 2024**

**Date**



**Stephen M. DeFrank**  
**Chairman**

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<sup>5</sup> 52 Pa.Code § 1.2(a) (“this subpart shall be liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding to which it is applicable. The Commission or presiding officer at any stage of an action or proceeding may disregard an error or defect of procedure which does not affect the substantive rights of the parties.”).