

**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	:	

ORDER

This Order is issued pursuant to the authority conveyed to presiding officers under the Commission's regulation at 52 Pa. Code §5.483. The Order denies the Motion to Strike the Reply Brief of the PP&L Industrial Customer Alliance (PPLICA) filed by PPL Electric Utilities Corporation (PPL or the Company) on October 18, 2024.

DISCUSSION

On July 25, 2024, I issued an Order granting a petition filed by PPLICA's intervene in this matter. *See* Order Granting Petition to Intervene and Consolidating Dockets at 4. The Order contained no limitation on PPLICA's participation in this matter.

On October 18, 2024, PPL filed a Motion to Strike the Reply Brief filed by PPLICA in this proceeding. The Motion was accompanied by a Notice to Plead informing PPLICA that an answer to the Motion was due within 20 days after service i.e., November 7, 2024. Commission records do not reflect the filing of an answer to the Motion.

Under the Commission's Regulations, 52 Pa. Code § 5.502(c) governs the filing and service of briefs in nonrate proceedings:

(c) *Filing of briefs in nonrate proceedings.*

- (1) *Initial brief.* An initial brief shall be filed by the party with the burden of proof except as provided by agreement or by direction of the presiding officer.
- (2) *Response brief.* A party may file a response brief to the initial brief.

52 Pa. Code § 5.502(c).

PPL bears the burden of proof in this matter. 66 Pa. C.S. § 332(a). In support of its Petition in this matter, PPL filed a Main Brief in this proceeding with the Secretary's Bureau on October 1, 2024. PPLICA filed its Reply Brief on October 15, 2024.

In the Motion, the Company argues that PPLICA's Reply Brief should not be considered because "PPLICA waived its right to assert any of the issues and arguments set forth in its Reply Brief because it failed to raise them in testimony or a Main Brief." Motion ¶ 30. PPL asserts that after intervening in the case, PPLICA did not serve any discovery, submit testimony, or file a Main Brief in this proceeding. Motion ¶ 31. The Company argues that any arguments presented by PPLICA in its Reply Brief "could have and should have raised all of these issues and arguments in testimony or a Main Brief." Motion ¶ 32.

The only prerequisite to the filing of a Reply Brief found in Regulation 5.502 is the filing of an "initial" brief by the party with the burden of proof. In this proceeding, PPL has the burden of proof and filed a Main Brief.

Although PPLICA failed to respond to the Motion, as noted above, no limitations were imposed on PPLICA's participation in this matter. Whether PPLICA engaged in discovery, provided testimony or filed a Main Brief does not impact its ability to file a Reply Brief in this proceeding or its rights as an intervenor.

The Company's Motions to Strike is denied. See 52 Pa. Code § 5.502(c).

THEREFORE,

IT IS ORDERED:

1. That the Motion to Strike the Reply Brief filed by PPLICA in this proceeding filed on October 18, 2024 by PPL Electric Utilities Corporation is denied.

Date: November 14, 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: September 5, 2024

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