
Devin Ryan

dryan@postschell.com
717-612-6052 Direct
717-731-1985 Direct Fax
File #: 205510

January 24, 2025

VIA ELECTRONIC FILING

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

**Re: Petition of PPL Electric Utilities Corporation for Approval of its Second Distributed Energy Resources Management Plan
Docket No. P-2024-3049223**

Dear Secretary Chiavetta:

Attached for filing is the public version of PPL Electric Utilities Corporation's Motion in Limine and/or to Strike Certain of the Joint Solar Parties' Testimony and Exhibits and Motion for Sanctions ("Motion").

The **HIGHLY CONFIDENTIAL** version of the Motion will be filed with the Commission using its Confidential ShareFile site and will only be served upon Administrative Law Judge John M. Coogan and counsel who have executed and returned appropriate Non-Disclosure Certificates pursuant to an appropriate Stipulated Protective Agreement or the Protective Order entered in this proceeding.

Copies will be provided as indicated on the Certificate of Service.

Rosemary Chiavetta, Secretary
January 24, 2025
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Respectfully submitted,



Devin Ryan

DTR/dmc
Enclosures

cc: The Honorable John M. Coogan (*via email; w/ attachments*)
Certificate of Service

CERTIFICATE OF SERVICE

(Docket No. P-2024-3049223)

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).

VIA E-MAIL

Harrison W. Breitman, Esquire
Christy Appleby, Esquire
Office of Consumer Advocate
Forum Place
555 Walnut Street, 5th Floor
Harrisburg, PA 17101-1923
E-mail: hbreitman@paoca.org
cappleby@paoca.org

Steven C. Gray, Esquire
Rebecca Lyttle, Esquire
Office of Small Business Advocate
Forum Place
555 Walnut Street, 1st Floor
Harrisburg, PA 17101
E-mail: sgray@pa.gov
relyttle@pa.gov

Bernice I. Corman, Esquire
BICKY CORMAN LAW PLLC
1250 Connecticut Avenue, NW, Suite 700
Washington, DC 20036
E-mail: bcorman@bickycormanlaw.com

*Counsel for American Home Contractors,
Inc., Enphase Energy, Inc., the Solar Energy
Industries Association, SolarEdge
Technologies, Inc., Sun Directed, Tesla,
Inc., and Trinity Solar, LLC*

Judith D. Cassel, Esquire
Micah Bucy, Esquire
Hawke, McKeon & Sniscak LLP
100 North Tenth Street
Harrisburg, PA 17101
E-mail: jdcassel@hmslegal.com
mrbucy@hmslegal.com

Counsel for SEF

Adeolu A. Bakare, Esquire
Rebecca Kimmel, Esquire
McNees Wallace and Nurick LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108
E-mail: abakare@mcneeslaw.com
rkimmel@mcneeslaw.com

Counsel for PPLICA

Date: January 24, 2025



Devin T. Ryan

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PPL Electric Utilities Corporation :
for Approval of its Second Distributed : Docket No. P-2024-3049223
Energy Resources Management Plan :

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.342(g)(1) AND THE SCHEDULING ORDER ISSUED IN THIS PROCEEDING, YOU MAY FILE AN ANSWER TO THE ENCLOSED MOTION IN LIMINE AND/OR TO STRIKE AND MOTION FOR SANCTIONS WITHIN THREE (3) DAYS AFTER THE DATE OF SERVICE. YOUR ANSWER SHOULD BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY OF YOUR REPLY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL.



Kimberly A. Klock (ID # 89716)
Michael J. Shafer (ID # 205681)
PPL Services Corporation
645 Hamilton Street, Suite 700
Allentown, PA 18104
Phone: 610-774-2599
Fax: 610-774-4102
E-mail: kklock@pplweb.com
mjshafer@pplweb.com

David B. MacGregor (ID # 28804)
Megan E. Rulli (ID # 331981)
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601
Phone: 717-731-1970
717-612-6012
Fax: 717-731-1985
E-mail: dmacgregor@postschell.com
mrulli@postschell.com

Devin T. Ryan (ID # 316602)
Post & Schell, P.C.
One Oxford Centre
301 Grant Street, Suite 3010
Pittsburgh, PA 15219
Phone: 717-612-6052
E-mail: dryan@postschell.com

Dated: January 24, 2025

Attorneys for PPL Electric Utilities Corp.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PPL Electric Utilities Corporation :
for Approval of its Second Distributed : Docket No. P-2024-3049223
Energy Resources Management Plan :

**PPL ELECTRIC UTILITIES CORPORATION’S MOTION IN LIMINE
AND/OR TO STRIKE CERTAIN OF THE JOINT SOLAR PARTIES’ TESTIMONY
AND EXHIBITS AND MOTION FOR SANCTIONS**

TO ADMINISTRATIVE LAW JUDGE JOHN M. COOGAN:

Pursuant to 52 Pa. Code §§ 5.103 and 5.371, PPL Electric Utilities Corporation (“PPL Electric” or “Company”) hereby files this Motion in Limine and/or to Strike Certain of the Joint Solar Parties’ Testimony and Exhibits and Motion for Sanctions. As set forth in this Motion, American Home Contractors, Inc., Enphase Energy, Inc., the Solar Energy Industries Association, SolarEdge Technologies, Inc., Sun Directed, Tesla, Inc., and Trinity Solar, LLC (collectively, the “Joint Solar Parties”) failed to comply with the Commission’s rules and regulations governing discovery, presentation of evidence, and identification of witnesses and failed to live up to their commitments to Administrative Law Judge John M. Coogan’s (“ALJ”) and the Company to address their deficient discovery responses, all to the detriment and prejudice of PPL Electric. The only remedy is to strike the Joint Solar Parties’ surrebuttal testimony and exhibits on electric safety, National Electrical Code (“NEC”), and PPL Electric’s Distributed Energy Resource (“DER”) Management device installations on SolarEdge inverters, including any references to such testimony in any other witness’s testimony, and prohibit them from introducing further evidence on those subjects.

Specifically, nearly five months ago on August 27, 2024, PPL Electric propounded discovery requests about the Joint Solar Parties’ fact and expert witnesses, claims, and evidence,

including requests that they identify their fact and expert witnesses and provide information about the subject matter of their witnesses' testimony. (See **PPL Electric Motion Exhibit A** [JSPs' Answers to PPL to JSP-I-38 and 39].) In response, the Joint Solar Parties did not identify Dan Ferguson, Jacob Geller, or William Brooks as witnesses, and while they identified Alex Dinh as a fact witness, they represented that he would "testify on the burden on the manufacturer of obtaining PPL's approval on use of the manufacturer's inverter in PPL territory, and of ensuring the operability of said manufacturer." (See *id.*)

The Joint Solar Parties did not submit any direct testimony from Mssrs. Ferguson, Geller, Brooks, or Dinh. They did, however, submit direct testimony from Jason Bobruk (JSP St. No. 7) and William Stahlman (JSP St. No. 10), totaling 96 pages of testimony and exhibits, in which those witnesses claimed that PPL Electric's installation of DER Management devices on SolarEdge inverters was unsafe, caused or contributed to alleged thermal events, violated the NEC, violated the Underwriters Laboratories ("UL") listings of the inverters, and voided the inverters' warranties.

PPL Electric propounded several discovery requests about these allegations and presented rebuttal testimony and exhibits, including from Aliesha Dombrowski-Diamond (PPL Electric St. No. 2-R) and H. Landis Floyd, PE (PPL Electric St. No. 12-R), which completely refuted Mssrs. Bobruk and Stahlman's claims. More importantly, **[BEGIN HIGHLY CONFIDENTIAL]** [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] **[END HIGHLY CONFIDENTIAL]**

Now, at this late stage of the proceeding, the Joint Solar Parties have submitted surrebuttal testimony from two additional expert witnesses (Mssrs. Geller and Brooks) and two additional fact witnesses (Mssrs. Ferguson and Dinh), **totaling 611 pages**, to bolster their claims regarding PPL Electric’s installation of DER Management devices on SolarEdge inverters. In fact, Mr. Geller provides extensive expert testimony about the root causes of the alleged thermal events **[BEGIN HIGHLY CONFIDENTIAL]** [REDACTED]

[REDACTED]

[END HIGHLY CONFIDENTIAL] (See JSP St. No. 13-SR.) Likewise, Mr. Brooks presents expert testimony contending that PPL Electric’s DER Management device installations fail to comply with the NEC and the UL listings for the SolarEdge inverters and that the Company’s installations, based on the testimony of Mssrs. Bobruk, Stahlman, and Geller, are unsafe. (See JSP St. No. 14-SR.) Relatedly, Mssrs. Ferguson and Dinh present additional factual information about the Company’s installation of DER Management devices and SolarEdge’s interactions with PPL Electric related to such installations.¹

PPL Electric respectfully requests that the ALJ strike all the Joint Solar Parties’ surrebuttal testimony and exhibits related to electric safety, NEC, and PPL Electric’s Distributed Energy Resource (“DER”) Management device installations on SolarEdge inverters, including any references to such testimony in any other witness’s testimony, and bar them from

¹ Also, many of the Joint Solar Parties’ surrebuttal testimony and exhibits, including those sponsored by Mssrs. Ferguson, Dinh, Bobruk, Geller, and Brooks were submitted **well after the 4:30 PM service deadline** set forth in the ALJ’s Scheduling Order.

introducing further evidence on those subjects. As explained in this Motion, such relief is warranted because:

1. The Joint Solar Parties' surrebuttal testimony and exhibits on electric safety, NEC, and PPL Electric's DER Management device installations is repetitive and should have been included in their case-in-chief (see 52 Pa. Code § 5.243(e)).
2. The Joint Solar Parties have introduced a total of six witnesses (two expert witnesses and four fact witnesses) on these subjects, and the ALJ should "limit appropriately the number of witnesses who may be heard upon an issue" (see 52 Pa. Code § 5.243(d)).
3. The Joint Solar Parties should be sanctioned for their failure to supplement their discovery responses about the fact and expert witnesses who would be presenting testimony on their behalf and the subject matters of their testimony, as required by the Commission's regulations in a timely fashion, despite multiple written requests by PPL Electric's counsel for them to do so and despite the Joint Solar Parties' counsel's written attestation to the ALJ and other parties that they would do so (see 52 Pa. Code §§ 5.324(c)-(d), 5.332, 5.372(c)).
4. The Joint Solar Parties failed to disclose the identities of expert witnesses who would be testifying on their behalf in their discovery responses, so those witnesses "will not be permitted to testify on behalf of the defaulting party at hearing" (see 52 Pa. Code §§ 5.324(a)(1), (b), 5.372(c)).

For these reasons, and as explained in more detail herein, PPL Electric's Motion in Limine and/or to Strike Certain of the Joint Solar Parties' Testimony and Exhibits and Motion for Sanctions should be granted.

In support of this Motion, PPL Electric states as follows:

I. INTRODUCTION

1. The following procedural history provides the major milestones in the case to date as well as the procedural events relevant to this Motion.

2. On May 20, 2024, PPL Electric filed a Petition requesting the Pennsylvania Public Utility Commission's ("Commission") approval of tariff modifications and other authorizations that are needed to implement PPL Electric's Second DER Management Plan

(“Second DER Management Plan” or the “Plan”), pursuant to Paragraph 62 of the Joint Petition for Settlement of All Issues approved by the Commission at Docket No. P-2019-3010128.

3. On June 7, 2024, the Office of Small Business Advocate (“OSBA”) filed a Notice of Intervention, Public Statement, and Verification at the above-captioned docket.

4. On July 1, 2024, the Office of Consumer Advocate (“OCA”) filed an Answer to the Petition.

5. On July 8, 2024, the Joint Solar Parties filed an Answer, Petition to Intervene, and Protest at the above-captioned docket.²

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

7. On July 12, 2024, the Sustainable Energy Fund of Central Eastern Pennsylvania (“SEF”) filed a Petition to Intervene.

8. 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 the ALJ.

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

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

11. The prehearing conference was held as scheduled on August 6, 2024. At the prehearing conference, a procedural schedule was set and certain modifications to the Commission’s discovery rules were established.

12. On August 7, 2024, the ALJ issued a Scheduling Order.

² Sunnova, Inc. was originally a member of the Joint Solar Parties. On September 13, 2024, the Joint Solar Parties filed a Letter notifying the Commission that Sunnova, Inc., was no longer a member of the Joint Solar Parties and would not be participating further in the proceeding.

13. On August 27, 2024, PPL Electric served Interrogatories and Requests for Production of Documents on the Joint Solar Parties – Set I (“PPL to JSP Set I”) by email. A true and correct copy of PPL to JSP Set I is attached hereto and marked as **PPL Electric Motion Exhibit C**.

14. On September 13, 2024, PPL Electric filed a Motion to Dismiss Objections and Compel Responses to PPL to JSP Set I.

15. On September 16, 2024, the Joint Solar Parties filed an Answer to the Company’s Motion to Compel.

16. On September 23, 2024, the Joint Solar Parties served answers to PPL to JSP Set I, Nos. 38 and 39, among other interrogatories.

17. On September 24, 2024, the ALJ granted PPL Electric’s Motion to Compel.

18. Also on September 24, 2024, the Joint Solar Parties, SEF, OCA, and OSBA submitted their direct testimony. No other party submitted direct testimony.

19. On September 26, 2024, the Joint Solar Parties filed a Petition for Certification of Petition for Interlocutory Review and Stay of Order, seeking a stay and Commission review of the Motion to Compel Order.

20. On September 27, 2024, the Joint Solar Parties filed a Petition for Leave to Withdraw the Petition for Interlocutory Review.

21. Also, beginning September 27, 2024, and the weeks following, the Joint Solar Parties produced the responses and documents that were the subject of the ALJ’s Order granting PPL Electric’s Motion to Compel.

22. On October 9, 2024, the ALJ issued an Order granting the Joint Solar Parties’ Petition to Withdraw.

23. On October 17, 2024, counsel for PPL Electric emailed the ALJ stating that the parties had developed a proposed mutually agreeable revised litigation schedule for the proceeding.

24. On October 21, 2024, the ALJ issued an Order Modifying Scheduling Order adopting the parties' proposed revised litigation schedule.

25. On December 5, 2024, PPL Electric, the Joint Solar Parties, and SEF submitted rebuttal testimony. No other party submitted rebuttal testimony.

26. On January 9, 2025, at 9:49 AM, the Joint Solar Parties sent the other parties an email containing signed non-disclosure certificates for Mr. Brooks. Counsel for PPL Electric responded by email at 11:15 AM and: (a) asked whether Mr. Brooks would be submitting testimony on behalf of the Joint Solar Parties; and (b) if so, asked the Joint Solar Parties to advise when they would be supplementing their responses to PPL to JSP-I-38 and 39. At 11:16 AM, the Joint Solar Parties' counsel responded, "**We shall do that shortly.**" A copy of the January 9, 2025 email chain is attached as **PPL Electric Motion Exhibit D** (emphasis added).

27. On January 16, 2025, at 8:47 AM, the Joint Solar Parties served signed non-disclosure certificates for Frank Lacey of Electric Advisors Consulting, LLC and Ronald Carrier of Big Lake Consulting Group, LLC. At 9:00 AM, counsel for PPL Electric responded by email and (a) asked whether Mssrs. Lacey and Carrier would be submitting testimony on behalf of the Joint Solar Parties; and (b) if so, asked the Joint Solar Parties to advise when they would be supplementing their responses to PPL to JSP-I-38 and 39. Counsel for PPL Electric also asked for an update on the supplemental responses to PPL to JSP-I-38 and 39 for Mr. Brooks. A copy of this email chain is attached as **PPL Electric Motion Exhibit E**.

28. After receiving no response, counsel for PPL Electric emailed the ALJ and other parties at 11:36 AM requesting a prehearing conference to discuss the Joint Solar Parties' addition of Mr. Brooks as an expert witness, their apparent addition of two additional expert witnesses, the Joint Solar Parties' failure to supplement their discovery responses as required by the Commission's regulations, and the Joint Solar Parties' failure to comply with Sections 5.243(d)-(e) of the Commission's regulations. At 2:06 PM, counsel for the Joint Solar Parties responded by, among other things, (a) admitting that the Joint Solar Parties "did not yet amend their discovery responses"; (b) stating that they "will be seeking to amend the discovery responses this week"; (c) clarifying that Messrs. Lacey and Carrier would not be submitting testimony; and (d) indicating that "several additional fact witnesses," who they neither quantified nor identified, would be "submitting their Surrebuttal Testimony." (emphasis added). At 3:19 PM, counsel for PPL Electric replied by email and reiterated that the Joint Solar Parties had an ongoing duty to supplement their discovery responses, noting how the Joint Solar Parties stated in their latest email that they intended to present "several additional fact witnesses" who they neither quantified nor identified, and questioning at what point the Joint Solar Parties engaged Mr. Brooks and knew that these other unidentified and unquantified "several additional fact witnesses" would be presenting surrebuttal testimony and why now, six days before the surrebuttal testimony was due, their responses to JSP-I-38 and 39 still had not been supplemented. At 4:08 PM, the ALJ responded by encouraging the parties to try to resolve disputes regarding witnesses informally, but if that is not possible, the issues should be presented in a written motion. A copy of the January 16, 2025 email chain is attached as **PPL Electric Motion Exhibit F**.

29. On January 17, 2025, PPL Electric served PPL to JSP Set XIX of discovery requests on the Joint Solar Parties. Nos. 2 through 4 of that set sought the disclosure of information relevant to this Motion. Later that day, the Joint Solar Parties requested an extension for their responses to PPL to JSP Set XIX until January 24, 2025. PPL Electric stated that if the Joint Solar Parties answered Nos. 1 through 4 by January 22, 2025, the Company could agree to an extension for the remainder until January 24, 2025. The Joint Solar Parties agreed to that proposal.

30. No objections to PPL to JSP Set XIX were served.

31. On January 22, 2025, PPL Electric, the Joint Solar Parties, OCA, and OSBA submitted surrebuttal testimony. No other party submitted surrebuttal testimony. The Joint Solar Parties also emailed PPL Electric's counsel to state that the responses to Nos. 1 through 4 of PPL to JSP Set XIX would be provided by January 23, 2025, not January 22, 2025.

32. On January 24, 2025, at 9:53 AM, well after the submission of their surrebuttal testimony and exhibits, the Joint Solar Parties supplemented their responses to JSP-I-38 and 39 to identify Mssrs. Ferguson, Geller, Brooks, and Mr. Dinh. As for the subject matters of their testimony, the Joint Solar Parties directed the party to see their surrebuttal testimony. A copy of their supplemental responses to JSP-I-38 and 39 is attached as **PPL Electric Motion Exhibit G**.

33. Also, on January 24, 2025, at 10:54 AM, the Joint Solar Parties served responses to Nos. 2 through 4 of PPL to JSP Set XIX, in which the Joint Solar Parties refused to answer the requests and raised untimely and improper objections to the requests. A copy of their answers to PPL to JSP Set XIX, Nos. 2 through 4 is attached as **PPL Electric Motion Exhibit H**.³

³ PPL Electric plans to submit a separate Motion to Compel and Dismiss Objections to address the Joint Solar Parties' refusal to answer these requests. Nevertheless, the Joint Solar Parties' actions, by delaying the provision of responses and then ultimately serving responses that refuse to answer the requests and raise untimely

34. For the reasons explained below, the ALJ should grant PPL Electric's Motion in Limine and/or to Strike Certain of the Joint Solar Parties' Testimony and Exhibits and Motion for Sanctions.

II. LEGAL STANDARDS

35. Section 5.103 of the Commission's regulations provides that "[a] request may be made by motion for relief desired, except as may be otherwise expressly provided in this chapter and Chapters 1 and 3 (relating to rules of administrative practice and procedure; and special provisions)," that "[a] motion must set forth the ruling or relief sought, and state the grounds therefor and the statutory or other authority upon which it relies," and that "[a] motion may be made in writing at any time." 52 Pa. Code § 5.103(a)-(b).

36. Answers to motions are due within 20 days from the date of service, "unless the period of time is otherwise fixed by the Commission or the presiding officer." 52 Pa. Code § 5.103(c).

37. Paragraph 7 of the ALJ's Scheduling Order states that "any motions with respect to, or objections to, written testimony must be presented in writing no later than three days prior to the day that the witness sponsoring that testimony is scheduled to testify" and that "[a]nswers to such motions or objections may be filed within three days or sooner if circumstances warrant."

38. Section 5.243(e) of the Commission's regulations states that a "party will not be permitted to introduce evidence during a rebuttal phase which: (a) "[i]s repetitive"; (b) "[s]hould have been included in the party's case-in-chief"; or (c) "[s]ubstantially varies from the party's case-in-chief." 52 Pa. Code § 5.243(e).

objections, have further deprived the Company of its ability to present relevant information in support of this Motion and further warrant the relief requested herein.

39. Section 5.243(d) of the Commission's regulations provides that "[t]he Commission or the presiding officer may limit appropriately the number of witnesses who may be heard upon an issue." 52 Pa. Code § 5.243(d).

40. Section 5.324(d) of the Commission's regulations states that the "answering party may supplement answers only to the extent that facts, or opinions based on those facts, can reasonably be shown to have changed after preparation of the answer or when additional facts or information have become known to the answering party or when the interest of justice otherwise requires." 52 Pa. Code § 5.324(d).

41. Section 5.332 of the Commission's regulations provides that "[a] party or an expert witness who has responded to a request for discovery with a response that was complete when made is under a duty to supplement a response to include information thereafter acquired," that "[a] party is under a continuing duty to supplement responses with respect to a question directly addressed to the identity and location of persons having knowledge of discoverable matters and the identity of each person expected to be called as an expert witness at hearing, the subject matter on which the expert is expected to testify and the substance of the testimony as provided in § 5.324(a)(1) (relating to discovery of expert testimony)" and that "[a] party or an expert witness is under a continuing duty to amend a prior response upon discovering that the response is incorrect or incomplete." 52 Pa. Code § 5.332(1)-(2).

42. Section 5.324(a)(1) of the Commission's regulations sets forth the following:

Consistent with Pa.R.C.P. 4003.5 (relating to discovery of expert testimony trial preparation material), discovery of facts known and opinions held by an expert, otherwise discoverable under § 5.321 (relating to scope), including that acquired or developed in anticipation of litigation or for hearing, may be obtained as follows:

(1) A party may through interrogatories require both of the following:

(i) That the other party identify each person whom the party expects to call as an expert witness at hearing and to state the subject matter on which the expert is expected to testify.

(ii) That the other party have each expert so identified state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion. The party answering the interrogatories may file as the answer a report of the expert, have the interrogatories answered by the expert or provide written direct testimony of the expert. The answer, separate report or testimony shall be signed by the expert and shall be deemed to be provided under oath in accordance with section 333(d) of the act (relating to prehearing procedures).

43. Section 5.324(b) of the Commission's regulations states, in pertinent part, that "[a]n expert witness whose identity is not disclosed in compliance with subsection (a)(1) will not be permitted to testify on behalf of the defaulting party at hearing." 52 Pa. Code § 5.324(b).

44. Section 5.324(c) of the Commission's regulations provides that "[t]o the extent that the facts known or opinions held by an expert have been developed in discovery proceedings under subsection (a), the expert's direct testimony at hearing may not be inconsistent with or go beyond the fair scope of his testimony in the discovery proceedings as set forth in his deposition, answer to an interrogatory, separate report, written direct testimony or supplement thereto." 52 Pa. Code § 5.324(c).

45. Section 5.372(c) of the Commission's regulations states that "[a] witness whose identity whose identity has not been revealed as provided in this chapter will not be permitted to testify on behalf of the defaulting party at hearing on the action." 52 Pa. Code § 5.372(c).

46. The "Commission or the presiding officer may, on motion, make an appropriate order if one of the following occurs: (a) "[a] party fails to appear, answer, file sufficient answers, file objections, make a designation or otherwise respond to discovery requests, as required under this subchapter; or (b) "[a] party deponent or an officer or managing agent of a party refuses to

obey or induces another to refuse to obey an order of a presiding officer respecting discovery, or induces another not to appear.” 52 Pa. Code § 5.371(a)(1)-(2).

47. When acting under Section 5.371, the presiding officer may make one of the following: (a) “[a]n order that the matters regarding which the questions were asked, the character or description of the thing or land, the contents of the paper, or other designated fact shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order”; (b) “[a]n order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting the party from introducing in evidence designated documents, things or testimony”; (c) “order striking out pleadings or parts thereof, staying further proceedings until the order is obeyed, or entering a judgment against the disobedient party or individual advising the disobedience”; (d) “order with regard to the failure to make discovery as is just.” 52 Pa. Code § 5.372(a)(1)-(4).

III. MOTION IN LIMINE AND/OR TO STRIKE AND MOTION FOR SANCTIONS

48. PPL Electric respectfully requests that the ALJ grant the instant Motion in Limine and/or to Strike and strike the surrebuttal testimony and exhibits on electric safety, NEC, and PPL Electric’s DER Management device installations on SolarEdge inverters, including any references to such testimony in any other witness’s testimony, and prohibit them from introducing further evidence on those subjects.

A. JOINT SOLAR PARTIES’ SURREBUTTAL TESTIMONY AND EXHIBITS ON ELECTRIC SAFETY, NEC, AND PPL ELECTRIC’S DER MANAGEMENT DEVICE INSTALLATIONS ON SOLAREEDGE INVERTERS IS REPETITIVE AND SHOULD HAVE BEEN INCLUDED IN THEIR CASE-IN-CHIEF (SEE 52 PA. CODE § 5.243(E))

49. The ALJ should strike the Joint Solar Parties’ surrebuttal testimony and exhibits on electric safety, NEC, and PPL Electric’s DER Management device installations on SolarEdge inverters is repetitive and should have been included in their case-in-chief.

50. Section 5.243(e) of the Commission’s regulations prohibits the introduction of evidence during a rebuttal phase which: (1) “[i]s repetitive”; (2) “[s]hould have been included in the party’s case-in-chief”; or (3) “[s]ubstantially varies from the party’s case-in-chief.” *See* 52 Pa. Code § 5.243(e).

51. Under the Commission’s regulations, the presiding officer has “the power to exclude irrelevant, immaterial or unduly repetitive evidence . . . and to otherwise regulate the course of the proceeding.” 52 Pa. Code § 5.483.

52. The Commission has explained that the “clear purpose” of Section 5.243(e) “is to avoid trial by ambush” and that “the prevention of surprise can only be achieved if the parties are confined to the scope of their direct case.” *See Pa. PUC, et al. v. UGI Utilities, Inc. – Electric Division*, Docket Nos. R-00932862, et al., 1994 Pa. PUC LEXIS 137, at *133 (Order dated July 27, 1994).

53. Further, due process requires notice and a meaningful opportunity to be heard, which, in a proceeding involved disputed issues of fact, requires a full and fair opportunity to investigate a party’s claims, cross-examine witnesses, and present evidence. *See, e.g.*, 66 Pa. C.S. § 332(c); *Popowsky v. Pa. PUC*, 805 A.2d 637, 643 (Pa. Cmwlth. 2002), *appeals denied*, 2003 Pa. LEXIS 469 (Pa. 2003), 2004 Pa. LEXIS 419 (Pa. 2004).

54. Here, the Joint Solar Parties have waited until the surrebuttal stage of this proceeding to present two new fact witnesses, two new expert witnesses,⁴ and **611 pages** of testimony and exhibits in support of their claims related to electric safety, NEC, and PPL

⁴ The Joint Solar Parties’ supplemental response to JSP-I-38 claims that Mr. Geller is a fact witness. (*See* PPL Electric Motion Exhibit G, p. 1.) However, his testimony is replete with expert “opinions” and analyses about electric safety, NEC, and PPL Electric’s DER Management device installations on SolarEdge inverters. (*See* JSP St. No. 13-SR, pp. 1-15.) Further, Mr. Brooks even calls Mr. Geller an expert in his surrebuttal testimony, stating, in pertinent part, that “according to the Joint Solar Parties’ experts,” the Company’s method for installing DER Management devices have “likely already caused or contributed to thermal damage.” (JSP St. No. 14-SR, p. 4.)

Electric's DER Management device installations on SolarEdge inverters. (See JSP St. Nos. 11-SR through 14-SR.)

55. Despite having ample time and opportunity to present their case-in-chief, the Joint Solar Parties are now attempting to present repetitive direct testimony in the surrebuttal phase of this proceeding in violation of 52 Pa. Code § 5.243(e)(1)-(2) and, in doing so, have deprived PPL Electric of a full and fair opportunity to respond to these new claims.

56. Specifically, Mr. Geller, who is a "Failure Analysis Engineer" employed by SolarEdge, provides extensive expert testimony setting forth his analyses and evidence purporting showing that PPL Electric's DER Management device caused or contributed to alleged thermal events in inverters at eight service locations. (JSP St. No. 13-SR, pp. 1-15.)

57. Mr. Brooks, the Principal of Brooks Engineering, submits extensive expert testimony alleging that PPL Electric's method of installing its DER Management devices on SolarEdge inverters violate the NEC, "poses the risk of thermal damage," and "according to the Joint Solar Parties' experts, has likely already caused or contributed to thermal damage." (JSP St. No. 14-SR, pp. 1-16.)

58. Additionally, Mr. Ferguson provides surrebuttal testimony claiming that the hardware issues with the SolarEdge inverters would not cause the thermal damage or an inverter failure in the area where PPL Electric is connecting its DER Management devices to SolarEdge's inverters, and details about SolarEdge's field inspections and preparation of the "PPL Case Management Review" that was presented as part of the Joint Solar Parties' direct case as JSP Exhibit JSP-JB-2 (REDACTED). (JSP St. No. 12-SR, pp. 1-9.)

59. Moreover, Mr. Dinh offers surrebuttal testimony about his interactions with PPL Electric on behalf of SolarEdge and the Company’s method of connecting its DER Management devices to the SolarEdge inverters. (JSP St. No. 11-SR, pp. 1-9.)

60. None of these witnesses presented direct testimony and exhibits on behalf of the Joint Solar Parties.

61. Instead, the Joint Solar Parties submitted direct testimony from Jason Bobruk (JSP St. No. 7) and William Stahlman (JSP St. No. 10), totaling 96 pages of testimony and exhibits, in which those witnesses claimed that PPL Electric’s installation of DER Management devices on SolarEdge inverters was unsafe, caused or contributed to alleged thermal events, violated the NEC, violated the UL listings of the inverters, and voided the inverters’ warranties.

62. Both Mssrs. Bobruk and Stahlman submitted surrebuttal testimony and exhibits on behalf of the Joint Solar Parties on the same subjects, bringing the total number of Joint Solar Party witnesses testifying about these issues to six. (*See* JSP St. Nos. 7-SR and 10-SR.)

63. The Joint Solar Parties had over four months to develop their case-in-chief, between the May 20, 2024 filing date of PPL Electric’s Second DER Management Plan Petition and the September 24, 2024 deadline for other parties’ direct testimony and exhibits.

64. The Joint Solar Parties’ late attempt to present significant, additional testimony and exhibits that should have been included as part of their direct case has prejudiced the Company and violated its due process rights by depriving PPL Electric of the time to fully analyze their claims, prepare testimony and exhibits in response, or engage in meaningful discovery to determine the basis of the Joint Solar Parties’ new evidence.

65. “[I]t is not equitable to permit [a party] to take a second bite at direct testimony,” and the Joint Solar Parties’ unjustified attempts to “shore up inadequate direct” at a late stage of

the proceeding should be rejected. *Pa. PUC v. Total Environmental Solutions, Inc.*, Docket Nos. R-00072493, et al. 2008 Pa. PUC LEXIS 42 (Recommended Decision dated May 23, 2008).

66. Particularly troublesome is the fact that PPL Electric conducted extensive discovery in preparation for hearings, and the Joint Solar Parties failed to inform PPL Electric of their intent to produce new evidence directly responsive to those requests or even to provide notice of the identity or quantity of the additional witnesses they planned to call.⁵

67. The Joint Solar Parties offered no reason why this information could not have been provided in their direct testimony or why, despite multiple requests, they failed to identify their new witnesses and the subject matters of their surrebuttal testimony prior to its submission.

68. It is imperative that PPL Electric be provided a meaningful opportunity to be heard and present evidence refuting the Joint Solar Parties' claims.

69. In fact, the Joint Solar Parties' actions are particularly egregious considering

[BEGIN HIGHLY CONFIDENTIAL] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

⁵ As explained more fully in Section III.C, *infra*, the Joint Solar Parties had an ongoing obligation to supplement their discovery responses to PPL to JSP I-38 and I-39, related to their witnesses and testimony. They only recently supplemented those discovery responses on January 24, 2025, well after their January 9, 2025 email stating that the responses would be supplemented "shortly," well after they emailed the ALJ and other parties that those responses would be supplemented by the end of the week of January 13-17, 2025, and well after serving their surrebuttal testimony on January 22, 2025.

HIGHLY CONFIDENTIAL]

70. Now, for the first time in their surrebuttal testimony, the Joint Solar Parties' present Mr. Geller as an expert witness and set forth his detailed analyses and expert "opinions" about the alleged thermal events, which, as he claims, were known to him and in his and SolarEdge's possession since August 2024. (See JSP St. No. 13-SR, p. 5; JSP Exhibit JSP-JIG-5SR.)

71. Thus, to prevent undue prejudice, the Joint Solar Parties' surrebuttal testimony and exhibits on electric safety, NEC, and PPL Electric's DER Management device installations on SolarEdge inverters be stricken because they are repetitive and should have been included in the Joint Solar Parties' case-in-chief.

B. THE JOINT SOLAR PARTIES HAVE INTRODUCED A TOTAL OF SIX WITNESSES (TWO EXPERT WITNESSES AND FOUR FACT WITNESSES) ON THESE SUBJECTS, AND THE ALJ SHOULD "LIMIT APPROPRIATELY THE NUMBER OF WITNESSES WHO MAY BE HEARD UPON AN ISSUE" (SEE 52 PA. CODE § 5.243(D))

72. As noted previously, the Joint Solar Parties have introduced a total of two expert witnesses (Mssrs. Geller and Brooks) and four fact witnesses (Mssrs. Bobruk, Stahlman, Dinh, and Ferguson) to testify about electric safety, NEC, and PPL Electric's DER Management device installations on SolarEdge inverters.

73. Under Section 5.243(d) of the Commission's regulations, the ALJ may "limit appropriately the number of witnesses who may be heard upon an issue." 52 Pa. Code § 5.243(d).

74. In this case, the ALJ should exercise that authority by excluding the testimony of Mssrs. Dinh, Ferguson, Geller, and Brooks, given: (a) their significantly late introduction as witnesses; (b) the repetitive nature of their testimony and overlap with the direct and surrebuttal

testimony offered by Mssrs. Bobruk and Stahlman; (c) the fact that their testimony and exhibits should have been presented as part of the Joint Solar Parties' case-in-chief; (d) the Joint Solar Parties' failure to comply with Commission's rules and regulations governing discovery, presentation of evidence, and identification of witnesses; and (e) the Joint Solar Parties' failure to live up to their commitments to the ALJ and the Company to address their deficient discovery by the dates indicated.

C. THE JOINT SOLAR PARTIES SHOULD BE SANCTIONED FOR THEIR FAILURE TO SUPPLEMENT THEIR DISCOVERY RESPONSES ABOUT THE FACT AND EXPERT WITNESSES WHO WOULD BE PRESENTING TESTIMONY ON THEIR BEHALF AND THE SUBJECT MATTERS OF THEIR TESTIMONY IN A TIMELY FASHION, AS REQUIRED BY THE COMMISSION'S REGULATIONS, DESPITE MULTIPLE WRITTEN REQUESTS BY PPL ELECTRIC'S COUNSEL FOR THEM TO DO SO AND DESPITE THE JOINT SOLAR PARTIES' COUNSEL'S WRITTEN ATTESTATION TO THE ALJ AND OTHER PARTIES THAT THEY WOULD DO SO (SEE 52 PA. CODE §§ 5.324(C)-(D), 5.332, 5.372(c))

75. The ALJ should impose sanctions upon the Joint Solar Parties for their failure to supplement their discovery responses about their fact and expert witnesses and the subject matters of their testimony in a timely fashion, as required by the Commission's regulations, despite PPL Electric's counsel making multiple requests for them to do so and despite the Joint Solar Parties' counsel emailing the ALJ and other parties that they would do so. *See* 52 Pa. Code §§ 5.324(c)-(d), 5.332, 5.372(c).

76. The sanctions imposed should be to strike the Joint Solar Parties' surrebuttal testimony and exhibits on electric safety, NEC, and PPL Electric's DER Management device installations, including any other witness's reference thereto, and to bar the Joint Solar Parties from presenting further evidence in this proceeding on those subjects.

77. Upon the motion of a party, the presiding officer may make an appropriate order for sanctions if a party fails to answer or otherwise respond to a discovery request or refuses to obey an order of the presiding officer respecting discovery. *See* 52 Pa. Code § 5.371(a).

78. In ruling upon a motion for sanctions, the presiding officer may, among other things, issue: (1) “[a]n order that the matters regarding which the questions were asked, the character or description of the thing or land, the contents of the paper, or other designated fact shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order”; (2) [a]n order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting the party from introducing in evidence designated documents, things or testimony”; and (3) “[a]n order striking out pleadings or parts thereof, staying further proceedings until the order is obeyed, or entering a judgment against the disobedient party or individual advising the disobedience.” *Id.* § 5.372(a)(1)-(3) (emphasis added).

79. In fact, the Commission has found that sanctions prohibiting the introduction of testimony from witnesses that are unidentified prior to a hearing are appropriate when a party fails to respond to specific discovery requesting that information. *See, e.g., Application of Frank A. Stumpo, t/a Franks Moving Service*, Docket No. A-2011-2229831, 2011 Pa. PUC LEXIS 23, at *5 (Initial Decision issued Jan. 1, 2011) *made final without further Commission action by* (Order entered Oct. 19, 2011); *Application of Nagi Transportation, Inc.*, Docket No. A-2009-2098896, 2009 Pa. PUC LEXIS 186 (Initial Decision issued Aug. 4, 2009) *made final without further Commission action by* (Order entered Sept. 16, 2009).

80. Here, the Joint Solar Parties had an ongoing duty to supplement their discovery responses asking for the identities of their fact and expert witnesses and to provide the subject

matters of their testimony, were reminded multiple times about that duty, and failed to comply with that duty. *See* 52 Pa. Code §§ 5.324(c)-(d), 5.332.

81. Striking the testimony and exhibits of the Joint Solar Parties' previously unidentified witnesses is the appropriate sanction, considering the Joint Solar Parties' prolonged failure to supplement their responses to PPL to JSP I-38 and I-39 until January 24, 2025, which was well after their January 9, 2025 email to PPL Electric's counsel stating that the responses would be supplemented "shortly," well after they emailed the ALJ and other parties that those responses would be supplemented by the end of the week of January 13-17, 2025, and well after serving their surrebuttal testimony on January 22, 2025. (*See* PPL Electric Motion Exhibits D through G.)

82. Further, the Joint Solar Parties have not provided any explanation for their failure to identify their additional witnesses in their discovery responses and provide the subject matters of their testimony before submitting that surrebuttal testimony, and so cannot now claim that this failure was "the result of extenuating circumstances beyond the[ir] control." *See* 52 Pa. Code § 5.372(c).

83. The prejudice caused by the Joint Solar Parties' unfair attempts to ambush the Company with the introduction of new evidence and witnesses, days before the hearings, has been compounded by their failure to comply with basic discovery requirements and their own representations.

84. Accordingly, the Company respectfully requests that, pursuant to Section 5.372(a)(2), the Joint Solar Parties' surrebuttal testimony on electric safety, NEC, and PPL Electric's DER Management device installations on SolarEdge inverters be stricken and that the

Joint Solar Parties be prohibited from presenting further evidence on those subjects in this proceeding.

D. THE JOINT SOLAR PARTIES FAILED TO DISCLOSE THE IDENTITIES OF EXPERT WITNESSES WHO WOULD BE TESTIFYING ON THEIR BEHALF IN THEIR DISCOVERY RESPONSES, SO THOSE WITNESSES “WILL NOT BE PERMITTED TO TESTIFY ON BEHALF OF THE DEFAULTING PARTY AT HEARING” (SEE 52 PA. CODE §§ 5.324(A)(1), (B), 5.372(C))

85. The ALJ should strike the surrebuttal testimony and exhibits submitted by Msrs. Geller and Brooks and prevent them from testifying at the hearing due to the Joint Solar Parties’ failure to identify them in their discovery responses. *See* 52 Pa. Code § 5.324(a)(1), (b).

86. Nearly five months ago on August 27, 2024, PPL Electric propounded discovery requests about the Joint Solar Parties’ fact and expert witnesses, claims, and evidence, including requests that they identify their fact and expert witnesses and provide information about the subject matter of their witnesses’ testimony. (*See PPL Electric Motion Exhibit A* [JSPs’ Answers to PPL to JSP-I-38 and 39].)

87. In response, the Joint Solar Parties did not identify Jacob Geller or William Brooks as expert witnesses. They only identified Brian Lydic, Joan White, and Kevin Joyce. (*See id.*)

88. The Joint Solar Parties failed to supplement their discovery responses and identify their new expert witnesses, Msrs. Geller and Brooks, until January 24, 2025, which was well after their January 9, 2025 email to PPL Electric’s counsel stating that the responses would be supplemented “shortly,” well after they emailed the ALJ and other parties that those responses would be supplemented by the end of the week of January 13-17, 2025, and well after serving their surrebuttal testimony on January 22, 2025. (*See PPL Electric Motion Exhibits D through G.*)

89. Accordingly, the ALJ should strike the surrebuttal testimony and exhibits submitted by Mssrs. Geller and Brooks and prevent them from testifying at the hearing due to the Joint Solar Parties' failure to identify them in their discovery responses. *See* 52 Pa. Code § 5.324(a)(1), (b).

III. CONCLUSION

For the reasons set forth above, PPL Electric Utilities Corporation respectfully requests that Administrative Law Judge John M. Coogan grant the Company's Motion in Limine and/or to Strike Certain of the Joint Solar Parties' Testimony and Exhibits and Motion for Sanctions.

Respectfully submitted,



Kimberly A. Klock (ID # 89716)
Michael J. Shafer (ID # 205681)
PPL Services Corporation
645 Hamilton Street, Suite 700
Allentown, PA 18104
Phone: 610-774-2599
Fax: 610-774-4102
E-mail: kklock@pplweb.com
mjshafer@pplweb.com

David B. MacGregor (ID # 28804)
Megan E. Rulli (ID # 331981)
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601
Phone: 717-731-1970
717-612-6012
Fax: 717-731-1985
E-mail: dmacgregor@postschell.com
mrulli@postschell.com

Devin T. Ryan (ID # 316602)
Post & Schell, P.C.
One Oxford Centre
301 Grant Street, Suite 3010
Pittsburgh, PA 15219
Phone: 717-612-6052
E-mail: dryan@postschell.com

Dated: January 24, 2025

Attorneys for PPL Electric Utilities Corp.

PPL Electric Motion Exhibit A

WITNESSES: Nicolas Zavala, American Home Contractors, Inc.
Marc Monbouquette, Enphase Energy, Inc.
Joan White, Solar Energy Industries Association
Jason Bobruk, SolarEdge Technologies, Inc.
Michael Shadow, Sun Directed
Jordan Graham, Tesla, Inc.
Russell Pierson, Trinity Solar, LLC

**Joint Solar Parties
Response to the Set 1 Data Request of
PPL Electric Utilities Corporation
Dated August 27, 2024
Docket No. P-2024-3049223**

QUESTION: PPL to JSP-I-38

Re: Joint Solar Parties' Prehearing Memorandum, p. 7. Please identify each person you plan to call as a fact witness in this proceeding. For each person, please:

- (a) Provide the person's name, business address, background, and qualifications;
- (b) Explain in detail the subject matter(s) on which the witness is expected to testify; and
- (c) Provide the source(s) of information relied upon or referenced by the witness.

ANSWER: PPL to JSP-I-38:

The JSPs will, and reserve the right to, supplement these responses in their Direct Testimony, to be submitted September 24, 2024. Additionally, the JSPs reserve the right to call any of the below as expert witnesses.

For AHC

- (a) Nicolas Zavala
- (b) Mr. Zavala will testify on the impacts of the Pilot on AHC's solar business in PPL territory.
- (c) Source(s) of information relied upon or referenced by the witness have been produced in conjunction with these discovery requests, and/or will be supplemented and identified in conjunction with the witness' testimony.

For Enphase

- (a) Marc Monbouquette
Senior Manager, Policy and Governmental Affairs – Electrification
Enphase Energy, Inc.
47281 Bayside Parkway
Fremont, CA 94538
- (b) Mr. Monbouquette will testify on the burden on the manufacturer of obtaining PPL's approval on use of the manufacturer's inverter in PPL territory, and of ensuring the operability of said manufacturer.
- (c) Source(s) of information relied upon or referenced by the witness have been produced in conjunction with these discovery requests, and/or will be supplemented and identified in conjunction with the witness' testimony.

For SEIA

- (a) Joan White, Director of Interconnection and Storage
Director of Storage and Interconnection Policy
Solar Energy Industry Association
1425 K Street NW, #1000
Washington, DC 20005
- (b) The JSPs will provide this information in testimony.
- (c) Source(s) of information relied upon or referenced by the witnesses have been produced in conjunction with these discovery requests, and/or will be supplemented and identified in conjunction with the witnesses' testimony.

For SolarEdge

- (a) Jason Bobruk
Director, Code Compliance

Alex Dinh
Manager, Saas & Digital

SolarEdge Technologies, Inc.
700 E. Tasman Drive
Milpitas, CA 95035
- (b) Mr. Bobruk will testify on the impacts of PPL's Pilot and proposed 2nd DER Management Plan on third party performance of grid services in PPL territory.

Mr. Dinh will testify on the burden on the manufacturer of obtaining PPL's approval on use of the manufacturer's inverter in PPL territory, and of ensuring the operability of said manufacturer.

- (c) Source(s) of information relied upon or referenced by the witnesses have been produced in conjunction with these discovery requests, and/or will be supplemented and identified in conjunction with the witnesses' testimony.

For Sun Directed

- (a) Michael Shadow, Chief Executive Officer
Sun Directed Solar Energy Systems
2820 E. College Ave., Suite K
State College, PA 16801
- (b) Mr. Shadow will testify on the impacts of the Pilot on Sun Directed's solar business in PPL territory.
- (c) Source(s) of information relied upon or referenced by the witness have been produced in conjunction with these discovery requests, and/or will be supplemented and identified in conjunction with the witness' testimony.

For Tesla

- (a) Jordan Graham, Kevin Joyce
3500 Deer Creek
Palo Alto, CA 94304
- (b) Mr. Graham will testify on the impacts of the Pilot on Tesla's solar business in PPL territory. Mr. Joyce will testify on PPL's program as a blocker for aggregated third party grid services.
- (c) Source(s) of information relied upon or referenced by the witnesses have been produced in conjunction with these discovery requests, and/or will be supplemented and identified in conjunction with the witness' testimony.

For Trinity Solar

- (a) Russell Pierson
Regional Vice-President of Operations
Trinity Solar, LLC
2211 Allenwood Road, Wall, NJ

Mr. Pierson's background and qualifications are identified in his CV, a copy of which is being produced as Ex. PPL to JSP-I-38 Att. RP-1.

- (b) Mr. Pierson will testify on the impacts of the Pilot on Trinity's solar business in PPL territory.

- (c) Source(s) of information relied upon or referenced by the witnesses have been produced in conjunction with these discovery requests, and/or will be supplemented and identified in conjunction with the witnesses' testimony.

For the JSPs

- (a) William Stahlman, Founder
Green Way Solar
43 Doe Run Road
Manheim, PA 17545
- (b) Mr. Stahlman will testify on the harms suffered by installers under the Pilot.
- (c) Source(s) of information relied upon or referenced by the witness have been produced in conjunction with these discovery requests, and/or will be supplemented and identified in conjunction with the witness' testimony.

WITNESSES: Nicolas Zavala, American Home Contractors, Inc.
Marc Monbouquette, Enphase Energy, Inc.
Joan White, Solar Energy Industries Association
Jason Bobruk, SolarEdge Technologies, Inc.
Michael Shadow, Sun Directed
Jordan Graham, Tesla, Inc.
Russell Pierson, Trinity Solar, LLC

Joint Solar Parties
Response to the Set 1 Data Request of
PPL Electric Utilities Corporation
Dated August 27, 2024
Docket No. P-2024-3049223

QUESTION: PPL to JSP-I-39

Re: Joint Solar Parties' Prehearing Memorandum, p. 7. Please identify each person you plan to call as an expert witness in this proceeding. For each person, please:

- (a) Provide the person's name, business address, background, and qualifications;
- (b) Explain in detail the subject matter(s) on which the witness is expected to testify;
- (c) Provide the source(s) of information relied upon or referenced by the witness; and
- (d) Provide a copy of the expert witness's current curriculum vitae.

ANSWER: PPL to JSP-I-39

For the JSPs:

- (a) Brian Lydic
Chief Regulatory Engineer, Interstate Renewable Energy Council ("IREC")
125 Wolf Road, Suite 100
Albany, NY 12205
- (b) IEEE 1547-2018
- (c) IEEE 1547-2018
- (d) A copy of Mr. Lydic's CV will be included in his testimony, to be filed in four days.

For SEIA:

- (a) Joan White
Director of Storage and Interconnection Policy
Solar Energy Industry Association
1425 K Street NW, #1000
Washington, DC 20005
- (b) The JSPs will provide this information in testimony.
- (c) The JSPs will provide this information in testimony.
- (d) A copy of Ms. White's CV will be included in her testimony, to be filed in four days.

For Tesla:

- (a) Kevin Joyce, Global Lead for Virtual Power Plants, Grid Services and Electricity Retail Programs
Tesla, Inc.
3500 Deer Creek Road
Palo Alto, CA 94304
- (b) Mr. Joyce will testify on aggregation programs.
- (c) The JSPs will provide this information in testimony.
- (d) A copy of Mr. Joyce's CV will be included in his testimony, to be filed in four days.

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PPL Electric Motion Exhibit B

PPL Electric Motion Exhibit C

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PPL Electric Utilities Corporation :
for Approval of its Second Distribution : Docket No. P-2024-3049223
Energy Resources Management Plan :

**INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS PROPOUNDED BY
PPL ELECTRIC UTILITIES CORPORATION ON
THE JOINT SOLAR PARTIES – SET I**

Pursuant to 66 Pa. C.S. § 333 and 52 Pa. Code §§ 5.341 *et seq.*, PPL Electric Utilities Corporation (“PPL Electric”) propounds the following Interrogatories and Requests for Production of Documents (hereinafter, “discovery requests”) on American Home Contractors, Inc. (“AHC”), Enphase Energy, Inc. (“Enphase”), the Solar Energy Industries Association (“SEIA”), SolarEdge Technologies, Inc. (“SolarEdge”), Sun Directed, Sunnova, Inc. (“Sunnova”), Tesla, Inc. (“Tesla”), and Trinity Solar, LLC (“Trinity Solar”) (collectively, the “Joint Solar Parties”) – Set I.

INSTRUCTIONS AND DEFINITIONS

1. The “Responding Party,” “you,” or “your” means the party to which these discovery requests are propounded and/or all attorneys, agents, affiliates, subsidiaries, employees, consultants, members, constituents, and representatives acting on behalf of the Responding Party.
2. “Commission” means the Pennsylvania Public Utility Commission.
3. To “identify” a natural person means to state that person’s full name, title or position, employer, last known address, and last known telephone number.

4. To “identify” a business entity means to state the full name of such business, the form of the business, and its location or address.

5. To “identify” a “document” means to provide all of the following information irrespective of whether the document is deemed privileged or subject to any claim of privilege:

- a. The title or other means of identification of each such document;
- b. The date of each such document;
- c. The author, preparer or signer of each such document; and
- d. A description of the subject matter of such document sufficient to permit an understanding of its contents and importance to the testimony or position being examined and the present or last known location of the document. The specific nature of the document should also be stated (*e.g.*, letter, business record, memorandum, computer print-out, etc.).

In lieu of “identifying” any document, it shall be deemed a sufficient compliance with these discovery requests to attach a copy of each such document to the answers hereto and reference said document in the particular interrogatory to which the document is responsive.

6. “Document” means the original and all drafts of all written and graphic matter, however produced or reproduced, of any kind or description, whether or not sent or received, and all copies thereof which are different in any way from the original (whether by interlineation, date-stamp, notarization, indication of copies sent or received, or otherwise), including without limitation, any paper, book, account, photograph, blueprint, drawing, sketch, schematic, agreement, contract, memorandum, press release, circular, advertising material, correspondence, letter, telegram, telex, object, report, opinion, investigation, record, transcript, hearing, meeting, study, notation, working paper, summary, intra-office communication, diary, chart, minutes, index sheet, computer software, computer-generated records or files, however stored, check, check stub, delivery ticket, bill of lading, invoice, record or recording or summary of any telephone or other conversation, or of any interview or of any conference, or

any other written, recorded, transcribed, punched, taped, filmed, or graphic matter of which the Responding Party has or has had possession, custody or control, or of which the Responding Party has knowledge.

7. “Communication” means any manner or form of information or message transmission, however produced or reproduced, whether as a document as herein defined, or orally or otherwise, which is made, distributed, or circulated between or among persons, or data storage or processing units.

8. “Date” means the exact day, month, and year, if ascertainable, or if not, the best approximation thereof.

9. Items referred to in the singular include those in the plural, and items referred to in the plural include those in the singular.

10. Items referred to in the masculine include those in the feminine, and items referred to in the feminine include those in the masculine.

11. The answers provided to these discovery requests should first restate the question asked and identify the person(s) supplying the information.

12. In answering these discovery requests, the Responding Party is requested to furnish all information that is available to the Responding Party, including information in the possession of the Responding Party’s attorneys, agents, consultants, or investigators, and not merely such information of the Responding Party’s own knowledge. If any of the discovery requests cannot be answered in full after exercising due diligence to secure the requested information, please so state and answer to the extent possible, specifying the Responding Party’s inability to answer the remainder, and stating whatever information the Responding

Party has concerning the unanswered portions. If the Responding Party's answer is qualified in any particular, please set forth the details of such qualification.

13. If the Responding Party objects to providing any document requested on any ground, identify such document by describing it as set forth in Instruction 5 and state the basis of the objection.

14. If the Responding Party objects to part of a discovery request and refuses to answer that part, state the Responding Party's objection and answer the remaining portion of that discovery request. If the Responding Party objects to the scope or time period of a discovery request and refuses to answer for that scope or time period, state the Responding Party's objection and answer the discovery request for the scope or time period that the Responding Party believes is appropriate.

15. If, in connection with a discovery request, the Responding Party contends that any information, otherwise subject to discovery, is covered by either the attorney-client privilege, the so-called "attorneys' work product doctrine," or any other privilege or doctrine, then specify the general subject matter of the information and the basis to support each such objection.

16. If any information is withheld on grounds of privilege or other protection from disclosure, provide the following information: (a) every person to whom such information has been communicated and from whom such information was learned; (b) the nature and subject matter of the information; and (c) the basis on which the privilege or other protection from disclosure is claimed.

17. As set forth in 52 Pa. Code § 5.342(g), these discovery requests are continuing and the Responding Party is obliged to change, supplement, and correct all answers given to conform to new or changing information.

18. “DER” and “DERs” mean “distributed energy resource” and “distributed energy resources,” respectively.

19. “Pilot Program” means the Company’s the First DER Management Plan’s Pilot Program, which was approved at Docket No. P-2019-3010128 and currently governs the interconnection and operation of new DERs deployed in the Company’s service territory.

20. “Second DER Management Plan” means the Company’s Second Distributed Energy Resources Management Plan filed in this proceeding.

21. “Petition to Intervene” means the Petition to Intervene filed by the Joint Solar Parties in this proceeding on July 8, 2024.

22. “Answer” means the Answer filed by the Joint Solar Parties in this proceeding on July 8, 2024.

23. “Protest” means the Protest filed by the Joint Solar Parties in this proceeding on July 8, 2024.

24. “IEEE” means Institute of Electrical and Electronics Engineers.

25. “IEEE 1547-2018” means the 2018 revision to IEEE Standard 1547, “Standard for Interconnecting Distributed Resources with Electric Power Systems.”

26. “UL” means Underwriters Laboratories.

27. “UL 1741 SB” means UL Standard 1741 Supplement B.

28. “Approved Inverter List” means the Approved List of Smart Inverters that meet the Company’s applicable requirements.

**INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS ON
THE JOINT SOLAR PARTIES – SET I**

PPL to JSP-I-1

Re: Petition to Intervene, pp. 3-5. For each solar installer Joint Solar Party (*i.e.*, AHC, Sun Directed, Sunnova, Tesla, and Trinity Solar), please provide a detailed inventory of each inverter used by each solar installer in Pennsylvania.

- (a) For each inverter, please:
 - (1) Identify the inverter model;
 - (2) Identify the inverter manufacturer;
 - (3) State the purchase price of the inverter;
 - (4) Provide the quantity in the solar installer's current inventory;
 - (5) Identify whether the inverter is certified to the IEEE 1547-2018 standard;
 - (6) Identify whether the inverter is certified to the UL 1741 SB standard;
 - (7) Identify whether the inverter is on the Approved Inverter List; and
 - (8) If the inverter is not the Approved Inverter List, identify whether the installer has submitted the inverter to PPL Electric for approval, the date of submission, and the status of that submission.
- (b) Please produce all Documents relied upon in responding to this interrogatory.

PPL to JSP-I-2

Re: Petition to Intervene, pp. 6-9. For each solar installer Joint Solar Party (*i.e.*, AHC, Sun Directed, Sunnova, Tesla, and Trinity Solar), please identify each potential sale the installer alleges did not go forward because of the Pilot Program.

- (a) For each potential sale, please provide:
 - (1) The project type (*i.e.*, solar panel, battery, battery plus storage);
 - (2) The manufacturer and model of the planned inverter;
 - (3) The planned size of the installation in projected kW production or storage capacity;

- (4) The address of the planned installation;
 - (5) The dates the potential sale was identified and terminated;
 - (6) The projected loss in sales to the entity; and
 - (7) Each reason the sale did not move forward.
- (b) Please produce all Documents relied upon in responding to this interrogatory.

PPL to JSP-I-3

Re: Petition to Intervene, pp. 3-4. For each inverter manufacturer Joint Solar Party (*i.e.*, Enphase and Solar Edge), please provide a detailed inventory of each inverter manufactured by the inverter manufacturer and sold in Pennsylvania.

- (a) For each inverter, please:
- (1) Identify the inverter model;
 - (2) Provide the quantity in the manufacturer's current inventory;
 - (3) Identify whether the inverter is certified to the IEEE 1547-2018 standard;
 - (4) Identify whether the inverter is certified to the UL 1741 SB standard;
 - (5) Identify whether the inverter is on the Approved Inverter List; and
 - (6) If the inverter is not the Approved Inverter List, identify whether the manufacturer has submitted the inverter to PPL Electric for approval, the date of submission, and the status of that submission.
- (b) Please produce all Documents relied upon in responding to this interrogatory.

PPL to JSP-I-4

Re: Petition to Intervene, pp. 6-7. For each inverter manufacturer Joint Solar Party (*i.e.*, Enphase and Solar Edge), please identify every instance in which the manufacturer alleges PPL Electric's DER Management devices have interfered with communications to their inverters and/or devices, including to the cloud, apps, and/or customer dashboards.

- (a) For each instance identified, please provide:
- (1) The date the incident was discovered;

- (2) The date the incident was resolved;
 - (3) The inverter model and manufacturer;
 - (4) The grid code that was set on the inverter at the time of installation;
 - (5) The grid code that was set on the inverter at the time of the communications issues;
 - (6) The precise reason the communication was interrupted;
 - (7) The total time spent resolving the incident;
 - (8) The total costs related with resolving the incident;
 - (9) The date the incident was reported to PPL Electric;
 - (10) The identity of the individual who reported the incident to PPL Electric;
 - (11) The identity of the individual at PPL Electric to whom it was reported; and
 - (12) The resolution of the incident, if any.
- (b) Please produce all Documents relied upon in responding to this interrogatory.

PPL to JSP-I-5

Re: Petition to Intervene, p. 6. AHC claims that it has “ceased installing any battery storage solutions for customers, and largely reduced solar deployments, in PPL territory.”

- (a) Please identify the date that AHC stopped installing battery storage solutions for customers in PPL Electric’s service territory.
- (b) Please provide a list of all battery storage solutions installed by AHC in PPL Electric’s service territory since the date identified in subpart (a).
- (c) Please provide a list of all battery storage solutions installed by AHC in PPL Electric’s service territory prior to the date identified in subpart (a).
- (d) Please provide all Documents in AHC’s possession concerning its decision to stop installing battery storage solutions for customers in PPL Electric’s service territory.
- (e) Please explain in detail what “largely reduced solar deployments” means.

- (f) Please provide all Documents in AHC's possession about "largely reduc[ing] solar deployments" in PPL Electric's service territory.

PPL to JSP-I-6

Re: Petition to Intervene, p. 6. AHC claims that "AHC had seen a 1200% increase nationally, and nearly \$3,000,000.00 in sales from 2022 to 2023 in the rest of Pennsylvania, just for Tesla's Solar Roof." Please provide all Documents in AHC's possession related to this reported increase in sales of Tesla's Solar Roof in Pennsylvania.

PPL to JSP-I-7

Re: Petition to Intervene, p. 7. Please identify every member of SEIA and state whether the member currently operates in PPL Electric's service territory. Please produce all Documents relied upon in responding to this interrogatory.

PPL to JSP-I-8

Re: Petition to Intervene, p. 7.

- (a) Please explain in detail the "impacts" that SEIA's members and the "solar community have observed to date with PPL's Pilot."
- (b) Please produce all Documents relied upon in reaching that conclusion and in responding to subpart (a).

PPL to JSP-I-9

Re: Petition to Intervene, p. 7.

- (a) Please explain in detail the ways in which SEIA alleges the impacts identified in response to JSP Set I, No. 8 will "worsen" if the Company's Second DER Management Plan is approved.
- (b) Please produce all Documents relied upon in reaching that conclusion and in responding to subpart (a).

PPL to JSP-I-10

Re: Petition to Intervene, p. 7. SolarEdge alleges that it "has expended an enormous amount of resources ensuring its equipment could be integrated with PPL's systems, and continues to provide support to this day."

- (a) Please identify and quantify all such resources expended.
- (b) Please provide all Documents relied upon by SolarEdge in making that statement and in responding to this interrogatory.

PPL to JSP-I-11

Re: Petition to Intervene, p. 7; Protest ¶ 19. Please identify every instance in which SolarEdge alleges one of its inverters was damaged following the installation of PPL Electric's DER Management device.

- (a) For each instance, please:
 - (1) Identify the make and model of the inverter;
 - (2) Describe in detail the alleged damage to the inverter;
 - (3) Describe in detail how the alleged damage was caused;
 - (4) Identify the date the alleged damage was discovered;
 - (5) Identify the address where the inverter was installed;
 - (6) Identify the date the DER management device was installed;
 - (7) Provide the date the incident was reported to PPL Electric;
 - (8) Identify the individual who reported the incident to PPL Electric;
 - (9) Identify the individual at PPL Electric to whom it was reported;
and
 - (10) Explain the resolution of the incident, if any.
- (b) Please provide all Documents relied upon in reaching that conclusion and in responding to this interrogatory.

PPL to JSP-I-12

Re: Petition to Intervene, p. 7; Protest ¶ 19. SolarEdge alleges that "SolarEdge has observed that PPL's selection of direct communications to the inverter prevents fair market competition with third party grid services providers."

- (a) Has SolarEdge performed any study or analysis on the impact of PPL Electric's Pilot Program on "fair market competition with third party grid services providers"? If so, please provide any such study or analysis.
- (b) Is SolarEdge aware of any actual instances in which the Pilot Program "prevent[ed] fair market competition with third party grid services providers"? If so, please identify every alleged instance observed.
- (c) Please produce all Documents relied upon in making that statement and in responding to this interrogatory.

PPL to JSP-I-13

Re: Petition to Intervene, p. 7. Sun Directed alleges that “[s]ince 2020, Sun Directed has had to deny providing solutions to commercial leads with single phase service, having found that PPL’s Program requirements provide no viable cost-effective options for it to source single-phase inverters for projects for commercial customers.”

- (a) Please identify the precise date that Sun Directed stopped “providing solutions to commercial leads with single phase service.”
- (b) Please provide a list of all solutions for commercial leads with single phase service installed by Sun Directed in PPL Electric’s service territory since the date identified in subpart (a).
- (c) Please provide a list of all solutions for commercial leads with single phase service installed by Sun Directed in PPL Electric’s service territory prior to the date identified in subpart (a).
- (d) Please provide all Documents in Sun Directed’s possession about its decision stop “providing solutions to commercial leads with single phase service.”
- (e) Has Sun Directed performed any studies, analyses, or calculations related to the cost-effectiveness of “providing solutions to commercial leads with single phase service” under the Pilot Program? If so, please provide all such studies, analyses, and calculations and supporting workpapers.

PPL to JSP-I-14

Re: Petition to Intervene, p. 8. Sunnova alleges that “the Pilot Program has demonstrated that PPL monitoring and control devices consistently interfere with necessary device communication.” Please identify every instance that Sunnova maintains PPL Electric’s DER Management devices “interfere[d] with necessary device communication.”

- (a) For each instance, please provide:
 - (1) The date the incident was discovered;
 - (2) The date the incident was resolved;
 - (3) The inverter model and manufacturer;
 - (4) The grid code that was set on the inverter at the time of installation;
 - (5) The grid code that was set on the inverter at the time of the communications issues;

- (6) The communications modules installed;
 - (7) Whether communication modules were installed by the manufacturer or by Tesla;
 - (8) The precise reason the communication was interrupted;
 - (9) The total time spent by Tesla resolving the incident;
 - (10) The total costs related with resolving the incident;
 - (11) The dates of any site visits performed;
 - (12) The date the incident was reported to PPL Electric;
 - (13) The identity of the individual who reported the incident to PPL Electric;
 - (14) The identity of the individual at PPL Electric to whom it was reported; and
 - (15) The resolution of the incident, if any.
- (b) Please produce all Documents relied upon in making that statement and in responding to this interrogatory.

PPL to JSP-I-15

Re: Petition to Intervene, p. 8. Sunnova alleges that it “has observed that PPL’s limits on eligible inverters has constrained and will further constrain its ability to provide its customers with solar + storage solutions.”

- (a) Please identify the “limits on eligible inverters” that are referenced in this statement.
- (b) Please explain in detail how the Company’s “limits on eligible inverters ha[ve] constrained” Sunnova’s “ability to provide its customers with solar + storage solutions.”
- (c) Please explain in detail how the Company’s “limits on eligible inverters . . . will further constrain” Sunnova’s “ability to provide its customers with solar + storage solutions.”
- (d) Please produce all Documents relied upon in making that statement and in responding to this interrogatory.

Re: Petition to Intervene, p. 8. Please identify every instance that “multi-inverter Tesla solar systems installed in PPL territory, customers’ communications have been fully or partially knocked offline due to the presence of PPL’s DER Management Device.”

- (a) For each instance, please provide:
 - (1) The date the incident was discovered;
 - (2) The date the incident was resolved;
 - (3) The inverter model and manufacturer;
 - (4) The grid code that was set on the inverter at the time of installation;
 - (5) The grid code that was set on the inverter at the time of the communications issues;
 - (6) The communications modules installed;
 - (7) Whether communication modules were installed by the manufacturer or by Tesla;
 - (8) The precise reason the communication was interrupted;
 - (9) The total time spent by Tesla resolving the incident;
 - (10) The total costs related with resolving the incident;
 - (11) The dates of any site visits performed;
 - (12) The date the incident was reported to PPL Electric;
 - (13) The identity of the individual who reported the incident to PPL Electric;
 - (14) The identity of the individual at PPL Electric to whom it was reported; and
 - (15) The resolution of the incident, if any.
- (b) Please produce all Documents relied upon in making that statement and in responding to this interrogatory.

Re: Petition to Intervene, p. 8. Please identify every instance in which Tesla alleges that “[c]ommunications problems caused by PPL’s Management Device with certain inverter and system combinations resulted in Tesla and its customers receiving numerous ‘false alarms’ that indicated the customer’s solar system had stopped producing power, which in turn required numerous site visits and additional labor from Tesla.”

- (a) For each instance, please provide:
 - (1) The date the incident was discovered;
 - (2) The date the incident was resolved;
 - (3) The inverter model and manufacturer;
 - (4) The grid code that was set on the inverter at the time of installation;
 - (5) The grid code that was set on the inverter at the time of the communications issues;
 - (6) The communications modules installed;
 - (7) Whether communication modules were installed by the manufacturer or by Tesla;
 - (8) The precise reason the communication was interrupted;
 - (9) The total time spent by Tesla resolving the incident;
 - (10) The total costs related with resolving the incident;
 - (11) The dates of any site visits performed;
 - (12) The date the incident was reported to PPL Electric;
 - (13) The identity of the individual who reported the incident to PPL Electric;
 - (14) The identity of the individual at PPL Electric to whom it was reported; and
 - (15) The resolution of the incident, if any.
- (b) Please provide all Documents relied upon in making that statement and in responding to this interrogatory.

PPL to JSP-I-18

Re: Petition to Intervene, p. 8; Protest ¶ 22. Tesla avers that, “[d]ue to the significant difficulties Tesla encountered with PPL’s Program, in the summer of 2023, Tesla ceased new direct installations of residential solar and battery storage equipment.”

- (a) Identify the precise date that Tesla ceased new direct installs in PPL Electric’s service territory.
- (b) Has Tesla performed any studies, analyses, or calculations related to its decision to cease operations in PPL Electric’s service territory? If so, please provide all such studies, analyses, and calculations and supporting workpapers.
- (c) Please explain in detail whether the existence of PPL Electric’s Pilot Program was the sole reason for Tesla’s decision to cease “new direct installations of residential solar and battery storage equipment.” If not, please identify all other reasons why Tesla made that decision.

PPL to JSP-I-19

Re: Petition to Intervene, p. 8; Protest ¶ 22. Please identify every instance that Tesla alleges that “as a result of failed communications hindering Tesla’s ability to calculate solar system exports on some system inverters, and after an additional expenditure of staff time, Tesla has forfeited collecting SREC credits, the rights to which it purchased from customers, amounting to thousands if not hundreds of thousands of dollars potentially lost if the hindrances persist over the life of the systems.”

- (a) For each instance, please identify:
 - (1) The date the communications issue was discovered;
 - (2) The date the communications issue was resolved;
 - (3) The inverter model and manufacturer;
 - (4) The grid code that was set on the inverter at the time of installation;
 - (5) The grid code that was set on the inverter at the time of the communications issues;
 - (6) The communications modules installed;
 - (7) Whether any communication modules were installed by the manufacturer or by Tesla;
 - (8) The precise reason the communication was interrupted;

- (9) The number and value of SREC credits “forfeited”;
 - (10) The reason the SREC credits were “forfeited”;
 - (11) The total time spent by Tesla resolving the incident;
 - (12) The total costs related with resolving the incident;
 - (13) The dates of any site visits performed;
 - (14) The date the incident was reported to PPL Electric;
 - (15) The identity of the individual who reported the incident to PPL Electric;
 - (16) The identity of the individual at PPL Electric to whom it was reported; and
 - (17) The resolution of the incident, if any.
- (b) Please provide all Documents relied upon in making that statement and in responding to this interrogatory.

PPL to JSP-I-20

Re: Petition to Intervene, p. 9; Protest ¶ 23. Please identify every instance in which a Trinity Solar project was delayed as a result of the Pilot Program.

- (a) For each instance, please provide:
- (1) The precise amount of time the project was delayed;
 - (2) A detailed description of why the project was delayed;
 - (3) The service address at which the project was installed;
 - (4) The dates of any site visits performed;
 - (5) The date the project’s delay was reported to PPL Electric;
 - (6) The identity of the individual who reported the project’s delay to PPL Electric;
 - (7) The identity of the individual at PPL Electric to whom it was reported; and
 - (8) The resolution of the project’s delay, if any.

- (b) Please provide all Documents relied upon in responding to this interrogatory.

PPL to JSP-I-21

Re: Petition to Intervene, p. 9; Protest ¶ 23. Please identify every instance that Trinity Solar alleges the Pilot Program has caused “additional spending on labor including unnecessary site visits.”

- (a) For every instance identified, please provide:
 - (1) The service address where the system was installed;
 - (2) The number of site visits performed;
 - (3) The reason why the site visit was “unnecessary”;
 - (4) The dates of any site visits performed;
 - (5) The date the additional spending was reported to PPL Electric;
 - (6) The identity of the individual who reported the additional spending to PPL Electric;
 - (7) The identity of the individual at PPL Electric to whom it was reported; and
 - (8) The resolution of the additional spending, if any.
- (b) Please provide all Documents relied upon in responding to this interrogatory.

PPL to JSP-I-22

Re: Petition to Intervene, p. 9; Protest ¶ 23. Trinity Solar avers that the Company’s Pilot Program has caused it to incur “expenses for additional project management and increased coordination efforts between PPL and [the installers’] team.”

- (a) Please explain in detail the additional “expenses” that Trinity Solar alleges it has incurred related to the Pilot Program.
- (b) Please provide any calculations Trinity Solar has performed related to the alleged additional expenses incurred.
- (c) Please provide all Documents upon which Trinity Solar relied in making this statement and in responding to this interrogatory.

PPL to JSP-I-23

Re: Petition to Intervene, p. 9; Protest ¶ 23. Trinity Solar alleges that “PPL's limits on eligible smart inverters inflates the prices of inverters, causes delays in supply deliveries, delays on installations due to equipment availability, and increased costs associated with connecting the particular inverters, all of which costs are passed on to customers.”

- (a) Please explain in detail how the Approved Inverter List “inflates the prices of inverters.”
- (b) Please explain in detail how the Approved Inverter List “causes delays in supply deliveries.”
- (c) Please explain in detail how the Approved Inverter List “increased costs associated with connecting the particular inverters.”
- (d) Please provide all Documents upon which Trinity Solar relied in making these statements and in responding to this interrogatory.

PPL to JSP-I-24

Re: Petition to Intervene, p. 9; Protest ¶ 23. The Petition states that “all the JSPs are concerned that the proposed Plan will tacitly amend the interconnection rules without benefit of a state-wide proceeding; and will chill innovation, and revenue-generating opportunities, as PPL’s approved list of inverters inclines towards limiting eligible projects to only single inverter installs.”

- (a) Please explain in detail how the Second DER Management Plan “will tacitly amend the interconnection rules without benefit of a state-wide proceeding.”
- (b) Please explain in detail how the Second DER Management Plan “will chill innovation.”
- (c) Please explain in detail how the Second DER Management Plan will affect “will chill . . . revenue-generating opportunities.”
- (d) Please provide all Documents that AHC relied upon in reaching this conclusion and in responding to this interrogatory.
- (e) Please provide all Documents that Enphase relied upon in reaching this conclusion and in responding to this interrogatory.
- (f) Please provide all Documents that SEIA relied upon in reaching this conclusion and in responding to this interrogatory.
- (g) Please provide all Documents that SolarEdge relied upon in reaching this conclusion and in responding to this interrogatory.

- (h) Please provide all Documents that Sun Direct relied upon in reaching this conclusion and in responding to this interrogatory.
- (i) Please provide all Documents that Sunnova relied upon in reaching this conclusion and in responding to this interrogatory.
- (j) Please provide all Documents that Tesla relied upon in reaching this conclusion and in responding to this interrogatory.
- (k) Please provide all Documents that Trinity Solar relied upon in reaching this conclusion and in responding to this interrogatory.

PPL to JSP-I-25

Re: Petition to Intervene, p. 9, n.3. The Petition states that “Tesla’s Powerwall 3 will not be able to be sold in PPL territory, as it includes an integrated inverter model that is presently not included on, and in the future is unlikely to be included on, PPL’s approved inverter list.”

- (a) Please state whether the integrated inverter model used for Tesla’s Powerwall 3 has been submitted to PPL Electric for approval and inclusion on the Approved Inverter List. If not, please describe whether any Joint Solar Party intends to submit the integrated inverter model used for Tesla’s Powerwall 3 to PPL Electric for approval and inclusion on the Approved Inverter List.
- (b) Please state whether the integrated inverter model for Tesla’s Powerwall 3 complies with the IEEE 1547-2018 standard.
- (c) Please state whether the integrated inverter model for Tesla’s Powerwall 3 complies with the UL 1741 SB standard.
- (d) Please provide all Documents that AHC relied upon in reaching this conclusion and in responding to this interrogatory.
- (e) Please provide all Documents that Enphase relied upon in reaching this conclusion and in responding to this interrogatory.
- (f) Please provide all Documents that SEIA relied upon in reaching this conclusion and in responding to this interrogatory.
- (g) Please provide all Documents that SolarEdge relied upon in reaching this conclusion and in responding to this interrogatory.
- (h) Please provide all Documents that Sun Direct relied upon in reaching this conclusion and in responding to this interrogatory.

- (i) Please provide all Documents that Sunnova relied upon in reaching this conclusion and in responding to this interrogatory.
- (j) Please provide all Documents that Tesla relied upon in reaching this conclusion and in responding to this interrogatory.
- (k) Please provide all Documents that Trinity Solar relied upon in reaching this conclusion and in responding to this interrogatory.

PPL to JSP-I-26

Re: Petition to Intervene, p. 9, n.3. The Petition states that “[t]oday, Tesla’s Powerwall 3 comprises the majority of the residential battery energy storage system market.”

- (a) Please provide all Documents that AHC relied upon in reaching this conclusion and in responding to this interrogatory.
- (b) Please provide all Documents that Enphase relied upon in reaching this conclusion and in responding to this interrogatory.
- (c) Please provide all Documents that SEIA relied upon in reaching this conclusion and in responding to this interrogatory.
- (d) Please provide all Documents that SolarEdge relied upon in reaching this conclusion and in responding to this interrogatory.
- (e) Please provide all Documents that Sun Direct relied upon in reaching this conclusion and in responding to this interrogatory.
- (f) Please provide all Documents that Sunnova relied upon in reaching this conclusion and in responding to this interrogatory.
- (g) Please provide all Documents that Tesla relied upon in reaching this conclusion and in responding to this interrogatory.
- (h) Please provide all Documents that Trinity Solar relied upon in reaching this conclusion and in responding to this interrogatory.

PPL to JSP-I-27

Re: Petition to Intervene, pp. 9-10. The Petition states that “[a]ll the JSPs also share the concern that PPL’s controlling customers’ exports could bar customers from participating in aggregation programs, an outcome that could be particularly short-sighted, given FERC Order No. 2222’s direction to Regional Transmission Organizations to allow DERs to participate in wholesale markets through aggregations.”

- (a) Please identify each Joint Solar Party that is participating in aggregation programs in Pennsylvania and explain in detail its participation in such aggregation programs.
- (b) Please identify each Joint Solar Party that is participating in aggregation programs in PPL Electric's service territory and explain in detail its participation in such aggregation programs.
- (c) Please explain in detail how the Joint Solar Parties allege the Second DER Management Plan "could bar customers from participating in aggregation programs."
- (d) Please provide all Documents that AHC relied upon in reaching this conclusion and in responding to this interrogatory.
- (e) Please provide all Documents that Enphase relied upon in reaching this conclusion and in responding to this interrogatory.
- (f) Please provide all Documents that SEIA relied upon in reaching this conclusion and in responding to this interrogatory.
- (g) Please provide all Documents that SolarEdge relied upon in reaching this conclusion and in responding to this interrogatory.
- (h) Please provide all Documents that Sun Direct relied upon in reaching this conclusion and in responding to this interrogatory.
- (i) Please provide all Documents that Sunnova relied upon in reaching this conclusion and in responding to this interrogatory.
- (j) Please provide all Documents that Tesla relied upon in reaching this conclusion and in responding to this interrogatory.
- (k) Please provide all Documents that Trinity Solar relied upon in reaching this conclusion and in responding to this interrogatory.

PPL to JSP-I-28

Re: Answer, p. 2. The Answer claims that "the JSPs have experienced significantly increased project and service visit costs caused by the need to coordinate with PPL, and by the limits on types of equipment able to be used under PPL's program, all of which the JSPs bear themselves or pass on to customers."

- (a) Please explain in detail the "significantly increased project and service visit costs caused by the need to coordinate with PPL" experienced by the Joint Solar Parties.

- (b) Please explain in detail the “limits on types of equipment able to be used under PPL’s program” experienced by the Joint Solar Parties.
- (c) Please identify all inverters that the Joint Solar Parties use in Pennsylvania or manufacture for use in Pennsylvania that are certified to IEEE 1547-2018 and UL 1741 SB but are not on the Approved Inverter List.
- (d) Please provide all Documents that AHC relied upon in reaching this conclusion and in responding to this interrogatory.
- (e) Please provide all Documents that Enphase relied upon in reaching this conclusion and in responding to this interrogatory.
- (f) Please provide all Documents that SEIA relied upon in reaching this conclusion and in responding to this interrogatory.
- (g) Please provide all Documents that SolarEdge relied upon in reaching this conclusion and in responding to this interrogatory.
- (h) Please provide all Documents that Sun Direct relied upon in reaching this conclusion and in responding to this interrogatory.
- (i) Please provide all Documents that Sunnova relied upon in reaching this conclusion and in responding to this interrogatory.
- (j) Please provide all Documents that Tesla relied upon in reaching this conclusion and in responding to this interrogatory.
- (k) Please provide all Documents that Trinity Solar relied upon in reaching this conclusion and in responding to this interrogatory.

PPL to JSP-I-29

Re: Answer, pp. 2-3. The Answer claims that “the JSPs have witnessed that all of the above has increased costs to customers, deprived customers of the value of their DERs without compensation, deprived customers of their ability to choose the types of DERs in which they would invest, harmed customers' experience with D[E]Rs, with their solar system providers, and with PPL, and generally, deterred customers from adopting DERs in PPL territory.”

- (a) Please explain in detail how the Pilot Program has “increased costs to customers.”
- (b) Please explain in detail how the Pilot Program has “deprived customers of the value of their DERs without compensation.”
- (c) Please explain in detail how the Pilot Program has “harmed customers' experience with D[E]Rs.”

- (d) Please explain in detail how the Pilot Program has “harmed customers’ experience with . . . their solar system providers.”
- (e) Please explain in detail how the Pilot Program has “harmed customers’ experience with . . . PPL.”
- (f) Please explain in detail how the Pilot Program has “deterred customers from adopting DERs in PPL territory.”
- (g) Please provide all Documents that AHC relied upon in reaching this conclusion and in responding to this interrogatory.
- (h) Please provide all Documents that Enphase relied upon in reaching this conclusion and in responding to this interrogatory.
- (i) Please provide all Documents that SEIA relied upon in reaching this conclusion and in responding to this interrogatory.
- (j) Please provide all Documents that SolarEdge relied upon in reaching this conclusion and in responding to this interrogatory.
- (k) Please provide all Documents that Sun Direct relied upon in reaching this conclusion and in responding to this interrogatory.
- (l) Please provide all Documents that Sunnova relied upon in reaching this conclusion and in responding to this interrogatory.
- (m) Please provide all Documents that Tesla relied upon in reaching this conclusion and in responding to this interrogatory.
- (n) Please provide all Documents that Trinity Solar relied upon in reaching this conclusion and in responding to this interrogatory.

PPL to JSP-I-30

Re: Answer, p. 4. The Answer claims that the Pilot Program has “deprived customer- and third-party owners of the full value of the DERs in which they invested, without compensation.”

- (a) Please explain in detail how the Pilot Program has “deprived customer- and third-party owners of the full value of the DERs in which they invested, without compensation.”
- (b) Have the Joint Solar Parties performed any calculations, studies, or analyses quantifying the alleged value deprived to customer- and third-party owners by the Pilot Program? If so, please provide any such calculation, study, or analysis.

- (c) Please provide all Documents that AHC relied upon in reaching this conclusion and in responding to this interrogatory.
- (d) Please provide all Documents that Enphase relied upon in reaching this conclusion and in responding to this interrogatory.
- (e) Please provide all Documents that SEIA relied upon in reaching this conclusion and in responding to this interrogatory.
- (f) Please provide all Documents that SolarEdge relied upon in reaching this conclusion and in responding to this interrogatory.
- (g) Please provide all Documents that Sun Direct relied upon in reaching this conclusion and in responding to this interrogatory.
- (h) Please provide all Documents that Sunnova relied upon in reaching this conclusion and in responding to this interrogatory.
- (i) Please provide all Documents that Tesla relied upon in reaching this conclusion and in responding to this interrogatory.
- (j) Please provide all Documents that Trinity Solar relied upon in reaching this conclusion and in responding to this interrogatory.

PPL to JSP-I-31

Re: Answer, p. 5. The Joint Solar Parties claim that PPL Electric “has failed to evaluate alternative, potentially less costly, methods for achieving its program objectives (such as flexible interconnection processes that allow more DERs to interconnect without the need for grid upgrades; or Virtual Power Plants that compensate customers for having their DERs provide grid services when they are needed).”

- (a) Do the Joint Solar Parties assert that the Second DER Management Plan would prevent “flexible interconnection processes that allow more DERs to interconnect without the need for grid upgrades”?
- (b) Do the Joint Solar Parties assert that the Second DER Management Plan would prevent “Virtual Power Plants that compensate customers for having their DERs provide grid services when they are needed”?
- (c) Have any of the Joint Solar Parties performed any study, analysis, or cost benefit analysis related to flexible interconnections or Virtual Power Plants? If so, please provide any such study, analysis, or cost benefit analysis.

PPL to JSP-I-32

Re: Answer, p. 5. The Joint Solar Parties claim that PPL Electric “has failed to explain how its proposed program will not interfere with state and national clean energy objectives (for example, whether PPL’s management of customer generation will make it difficult for customers to participate in DER aggregation programs, as envisioned by FERC Order No. 2222, and being explored by this Commission, in its February 22, 2024 Advance Notice of Proposed Rulemaking Order (L-2023-3044115), or with PURPA’s mandate that utilities allow customers to self-generate electricity and be compensated for it).”

- (a) Please explain the detail how the Second DER Management Plan would “interfere with state and national clean energy objectives.”
- (b) Please explain in detail how the Second DER Management Plan would “make it difficult for customers to participate in DER aggregation programs.”
- (c) Please explain in detail how the Second DER Management Plan conflicts with FERC Order No. 2222.
- (d) Please explain in detail how the Second DER Management Plan conflicts with “PURPA’s mandate that utilities allow customers to self-generate electricity and be compensated for it.”

PPL to JSP-I-33

Re: Protest, pp. 13-15.

- (a) Please produce any studies sponsored, in whole or in part, by any of the Joint Solar Parties that evaluated the effectiveness and/or costs of any DER interconnection requirements or DER function implementations intended to reduce the impact of DERs, improve distribution system voltage management, or facilitate greater DER penetration.
- (b) Please produce any studies performed, in whole or in part, by any of the Joint Solar Parties that evaluated the effectiveness and/or costs of any DER interconnection requirements or DER function implementations intended to reduce the impact of DERs, improve distribution system voltage management, or facilitate greater DER penetration.

PPL to JSP-I-34

Re: Protest, p. 14. Has Tesla submitted any of its inverters or equipment for PPL Electric to test and evaluate for inclusion on the Company’s Approved Inverter List? If so, please identify all such inverters or equipment and when Tesla submitted each of them for approval. If not, please explain in detail why not.

PPL to JSP-I-35

Re: Protest, p. 15. The Joint Solar Parties allege that the “[h]arms to the public interest” include “the impacts in Pennsylvania and beyond of creating an inconsistent patchwork of interconnection requirements.”

- (a) Is it the Joint Solar Parties’ position that the interconnection requirements for all other electric utilities, besides PPL Electric, are the same? If not, please explain in detail the differences among those utilities’ interconnection requirements.
- (b) Is it the Joint Solar Parties’ position that the interconnection requirements for all other states, besides Pennsylvania, are the same? If not, please explain in detail the differences among those utilities’ interconnection requirements.
- (c) Are the Joint Solar Parties aware of any electric utility or state requirements that reference or implement the data interoperability functionality specified in Clause 10 of IEEE 1547-2018? If so, please identify all such electric utility or state requirements and provide copies of all Documents relied upon in reaching that conclusion and in responding to this interrogatory.

PPL to JSP-I-36

Re: Petition to Intervene, p. 1. Have any of the Joint Solar Parties received anything of financial value in exchange for participating in this proceeding? If so, for each item received please identify:

- (a) What was received;
- (b) The entity that received it;
- (c) The entity that provided it;
- (d) When it was offered; and
- (e) When it was accepted.

PPL to JSP-I-37

Re: Petition to Intervene, p. 1. Have any of the Joint Solar Parties offered anything of financial value to another entity in exchange for participating in this proceeding? If so, please identify:

- (a) What was offered;
- (b) The entity(s) that were offered it;

- (c) The entity(s) that offered it;
- (d) When it was offered;
- (e) Whether it was accepted or rejected; and
- (f) When it was accepted or rejected.

PPL to JSP-I-38

Re: Joint Solar Parties' Prehearing Memorandum, p. 7. Please identify each person you plan to call as a fact witness in this proceeding. For each person, please:

- (a) Provide the person's name, business address, background, and qualifications;
- (b) Explain in detail the subject matter(s) on which the witness is expected to testify; and
- (c) Provide the source(s) of information relied upon or referenced by the witness.

PPL to JSP-I-39

Re: Joint Solar Parties' Prehearing Memorandum, p. 7. Please identify each person you plan to call as an expert witness in this proceeding. For each person, please:

- (a) Provide the person's name, business address, background, and qualifications;
- (b) Explain in detail the subject matter(s) on which the witness is expected to testify;
- (c) Provide the source(s) of information relied upon or referenced by the witness; and
- (d) Provide a copy of the expert witness's current curriculum vitae.

PPL Electric Motion Exhibit D

Rulli, Megan

From: Bicky Corman <bcorman@bickycormanlaw.com>
Sent: Thursday, January 9, 2025 11:16 AM
To: Ryan, Devin; Rulli, Megan; Bakare, Adeolu; Christy Appleby; Harrison W. Breitman; Judith D. Cassel; Micah R. Bucy; rkimmel; Gray, Steven; Lyttle, Rebecca
Cc: Klock, Kimberly A
Subject: Re: PPL - DER Mgmt 2 - Non-Disclosure Certificates For Michelle Bartolomei

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We shall do so shortly. Is Matt Wallace submitting testimony for PPL?



Bicky Corman Law PLLC

1250 Connecticut Avenue, NW

Suite 700 - PMB #5027

Washington, DC 20036

[202.213.1672](tel:202.213.1672)

bcorman@bickycormanlaw.com

bickycormanlaw.com

--

From: Ryan, Devin <DRyan@PostSchell.com>
Date: Thursday, January 9, 2025 at 11:15 AM
To: Bicky Corman <bcorman@bickycormanlaw.com>, Rulli, Megan <MRulli@PostSchell.com>, Bakare, Adeolu <abakare@mcneeslaw.com>, Christy Appleby <cappleby@paoca.org>, Harrison W. Breitman <hbreitman@paoca.org>, Judith D. Cassel <jdcassel@hmslegal.com>, Micah R. Bucy <mrbcucy@hmslegal.com>, rkimmel <rkimmel@mcneeslaw.com>, Gray, Steven <sgray@pa.gov>, Lyttle, Rebecca <relyttle@pa.gov>
Cc: Klock, Kimberly A <KKlock@pplweb.com>
Subject: RE: PPL - DER Mgmt 2 - Non-Disclosure Certificates For Michelle Bartolomei

Good morning, Bicky,

Do the JSPs intend for Mr. Brooks to submit testimony on behalf of them? If so, please advise when the JSPs plan to supplement their responses to PPL to JSP-I-38 and/or PPL to JSP-I-39.

Thank you.

Devin T. Ryan
Principal
Post & Schell, P.C.
One Oxford Centre
301 Grant Street, Suite 3010
Pittsburgh, PA 15219
Phone: (717) 612-6052
Email: dryan@postschell.com

From: Bicky Corman <bcorman@bickycormanlaw.com>
Sent: Thursday, January 9, 2025 9:49 AM
To: Rulli, Megan <MRulli@PostSchell.com>; Bakare, Adeolu <abakare@mcneeslaw.com>; Christy Appleby <cappleby@paoca.org>; Harrison W. Breitman <hbreitman@paoca.org>; Judith D. Cassel <jdcassel@hmslegal.com>; Micah R. Bucy <mrbucy@hmslegal.com>; rkimmel <rkimmel@mcneeslaw.com>; Gray, Steven <sgray@pa.gov>; Lyttle, Rebecca <relyttle@pa.gov>
Cc: Klock, Kimberly A <KKlock@pplweb.com>; Ryan, Devin <DRyan@PostSchell.com>
Subject: Re: PPL - DER Mgmt 2 - Non-Disclosure Certificates For Michelle Bartolomei

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Good morning. Please find executed NDA appendices for Bill Brooks.



Bicky Corman Law PLLC

1250 Connecticut Avenue, NW

Suite 700 - PMB #5027

Washington, DC 20036

[202.213.1672](tel:202.213.1672)

bcorman@bickycormanlaw.com

bickycormanlaw.com

--

From: Rulli, Megan <MRulli@PostSchell.com>
Date: Tuesday, December 10, 2024 at 3:13 PM
To: Bakare, Adeolu <abakare@mcneeslaw.com>, Bicky Corman <bcorman@bickycormanlaw.com>, Christy Appleby <cappleby@paoca.org>, Harrison W. Breitman <hbreitman@paoca.org>, Judith D. Cassel <jdcassel@hmslegal.com>, Micah R. Bucy <mrbucy@hmslegal.com>, rkimmel <rkimmel@mcneeslaw.com>, Gray, Steven <sgray@pa.gov>, Lyttle, Rebecca <relyttle@pa.gov>

Cc: Klock, Kimberly A <KKlock@pplweb.com>, Ryan, Devin <DRyan@PostSchell.com>
Subject: PPL - DER Mgmt 2 - Non-Disclosure Certificates For Michelle Bartolomei

Good afternoon,

Attached, please find the executed Non-Disclosure Certificates for Michelle Bartolomei of PPL Electric.

If you have any questions, please let us know.

Thank you,

Megan E. Rulli
Associate
Post & Schell, P.C.
17 North Second Street
12th Floor
Harrisburg, PA 17101

717-612-6012 (Phone)
717-472-0466 (Cell)
717-731-1985 (Fax)
MRulli@PostSchell.com

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PPL Electric Motion Exhibit E

Rulli, Megan

From: Ryan, Devin
Sent: Thursday, January 16, 2025 9:00 AM
To: Bicky Corman; Bakare, Adeolu; Christy Appleby; Harrison W. Breitman; Judith D. Cassel; Micah R. Bucy; rkimmel; Gray, Steven; Lyttle, Rebecca
Cc: Klock, Kimberly A; Lindsey Wyatt; Rulli, Megan
Subject: RE: Frank Lacey and Ronald Carrier NDAs

Good morning,

Could the JSPs please clarify whether Mr. Lacey and Mr. Carrier will each be submitting surrebuttal testimony on behalf of the JSPs? If so, please advise when the JSPs will be supplementing the responses to JSP-I-38 and/or 39.

Also, please provide us with an update on when the JSPs will be supplementing those responses for Mr. Brooks.

Thank you.

Devin T. Ryan
Principal
Post & Schell, P.C.
One Oxford Centre
301 Grant Street, Suite 3010
Pittsburgh, PA 15219
Phone: (717) 612-6052
Email: dryan@postschell.com

From: Bicky Corman <bcorman@bickycormanlaw.com>
Sent: Thursday, January 16, 2025 8:47 AM
To: Rulli, Megan <MRulli@PostSchell.com>; Bakare, Adeolu <abakare@mcneeslaw.com>; Christy Appleby <cappleby@paoca.org>; Harrison W. Breitman <hbreitman@paoca.org>; Judith D. Cassel <jdcassel@hmslegal.com>; Micah R. Bucy <mrbucy@hmslegal.com>; rkimmel <rkimmel@mcneeslaw.com>; Gray, Steven <sgray@pa.gov>; Lyttle, Rebecca <relyttle@pa.gov>
Cc: Klock, Kimberly A <KKlock@pplweb.com>; Ryan, Devin <DRyan@PostSchell.com>; Lindsey Wyatt <lindseyhwyatt@gmail.com>
Subject: Frank Lacey and Ronald Carrier NDAs

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Good morning. Please find additional NDAs. Thank you.

From: Bicky Corman <bcorman@bickycormanlaw.com>
Date: Thursday, January 9, 2025 at 11:22 AM
To: Rulli, Megan <MRulli@PostSchell.com>, Bakare, Adeolu <abakare@mcneeslaw.com>, Christy Appleby <cappleby@paoca.org>, Harrison W. Breitman <hbreitman@paoca.org>, Judith D. Cassel <jdcassel@hmslegal.com>, Micah R. Bucy <mrbucy@hmslegal.com>, rkimmel <rkimmel@mcneeslaw.com>, Gray, Steven <sgray@pa.gov>, Lyttle, Rebecca <relyttle@pa.gov>
Cc: Klock, Kimberly A <KKlock@pplweb.com>, Ryan, Devin <DRyan@PostSchell.com>, Lindsey Wyatt

<lindseyhwyatt@gmail.com>

Subject: Wyatt NDAs and request for access

Good morning. Here also are NDAs for Lindsey Wyatt, my paralegal.

Ms. Rulli, could you kindly add her name to your system or do whatever it is that allows one to access your public, confidential, and highly confidential discovery collections, as soon as you are able?

Thank you.



Bicky Corman Law PLLC

1250 Connecticut Avenue, NW

Suite 700 - PMB #5027

Washington, DC 20036

[202.213.1672](tel:202.213.1672)

bcorman@bickycormanlaw.com

bickycormanlaw.com

PPL Electric Motion Exhibit F

Rulli, Megan

From: Coogan, John <jcoogan@pa.gov>
Sent: Thursday, January 16, 2025 4:08 PM
To: Ryan, Devin
Cc: Bakare, Adeolu; Christy M. Appleby (cappleby@paoca.org); Debbie A. Schreffler; HBreitman@paoca.org; Judith D. Cassel Esquire (jdcassel@hmslegal.com); kklock; MacGregor, David; Micah R. Bucy; Bartolomei, Michelle Lynne; Lyttle, Rebecca; Kimmel, Rebecca; Rulli, Megan; Gray, Steven; Lindsey Wyatt; Bicky Corman
Subject: RE: [External] RE: Petition of PPL Electric Utilities Corp. for Approval of its Second Distribution Energy Resources Management Plan, Docket No. P-2024-3049223

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Mr. Ryan, Ms. Corman, and all,

Parties are encouraged to informally resolve disputes regarding witnesses. But, if that is not possible, as is stated in the August 7, 2024 Scheduling Order, motions with respect to, or objections to, written testimony must be presented in writing no later than three days prior to the day that the witness sponsoring that testimony is scheduled to testify. To that end, instead of addressing these issues at a prehearing conference, parties should file a written motion if they seek my action in a dispute regarding witness testimony.

John M. Coogan
Administrative Law Judge
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

From: Ryan, Devin <DRyan@PostSchell.com>
Sent: Thursday, January 16, 2025 3:19 PM
To: Coogan, John <jcoogan@pa.gov>
Cc: Bakare, Adeolu <abakare@mcneeslaw.com>; Christy M. Appleby (cappleby@paoca.org) <cappleby@paoca.org>; Debbie A. Schreffler <daschreffler@hmslegal.com>; HBreitman@paoca.org; Judith D. Cassel Esquire (jdcassel@hmslegal.com) <jdcassel@hmslegal.com>; kklock <kklock@pplweb.com>; MacGregor, David <dmacgregor@postschell.com>; Micah R. Bucy <mr Bucy@hmslegal.com>; Bartolomei, Michelle Lynne <mlbartolomei@pplweb.com>; Lyttle, Rebecca <relyttle@pa.gov>; Kimmel, Rebecca <rkimmel@mcneeslaw.com>; Rulli, Megan <mrulli@postschell.com>; Gray, Steven <sgray@pa.gov>; Lindsey Wyatt <lindseyhwyatt@gmail.com>; Bicky Corman <bcorman@bickycormanlaw.com>
Subject: [External] RE: Petition of PPL Electric Utilities Corp. for Approval of its Second Distribution Energy Resources Management Plan, Docket No. P-2024-3049223
Importance: High

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Your Honor,

In light of counsel for the Joint Solar Parties helping her mother recover from surgery, the Company would obviously be willing to schedule the prehearing conference for next Tuesday, January 21st, instead of tomorrow, January 17th. We also wish her a quick recovery.

However, the Joint Solar Parties' recent email only compounds the issues identified in PPL Electric's email and reinforces the need for a prehearing conference.

While the Company appreciates the Joint Solar Parties clarifying that Mr. Lacey and Mr. Carrier will not be submitting testimony, the Joint Solar Parties confirm that they intend to submit surrebuttal testimony by Mr. Brooks and, of more concern, "several additional fact witnesses" who have yet to be quantified or identified. As noted in PPL Electric's prior email, PPL to JSP-I-38 and 39 required the Joint Solar Parties to, among other things, identify their fact and expert witnesses and describe the subject matter of their testimony. The Joint Solar Parties had an ongoing duty to supplement those discovery responses. Given that the Company's rebuttal testimony was served over a month ago on December 5, 2024, PPL Electric questions at what point the Joint Solar Parties engaged Mr. Brooks and knew that these other unidentified and unquantified fact witnesses would be testifying and why now, six days before surrebuttal testimony is due, those responses still have not been supplemented.

In addition, the Joint Solar Parties incorrectly aver that the Joint Solar Parties "only became aware" of Mr. Floyd "when PPL submitted Mr. Floyd's Rebuttal Testimony" on December 5, 2024. On November 8, 2024, PPL Electric sent an email to all parties at 9:52 AM stating that the Company "has engaged H. Landis Floyd II from Electrical Safety Group, Inc. as an outside expert for this proceeding" and provided his signed non-disclosure certificates. A copy of that email is attached for reference.

Lastly, the Joint Solar Parties inaccurately claim that "Mr. Ryan purports to have placed a call to [Ms. Corman] at 9:00 AM, and that on not hearing back from [her], reached out to [Your Honor] two and a half hours later to request that Your Honor and the Parties participate in a conference." As stated in my prior email, counsel for PPL Electric replied all to the Joint Solar Parties' 8:47 AM email 13 minutes after receiving it today. The Company did not place a phone call to the Joint Solar Parties' counsel. Moreover, the Company did not receive any automated out of office response.

Sincerely,

Devin T. Ryan
Principal
Post & Schell, P.C.
One Oxford Centre
301 Grant Street, Suite 3010
Pittsburgh, PA 15219
Phone: (717) 612-6052
Email: dryan@postschell.com

From: Bicky Corman <bcorman@bickycormanlaw.com>

Sent: Thursday, January 16, 2025 2:06 PM

To: Ryan, Devin <DRyan@PostSchell.com>; Coogan, John (<jcoogan@pa.gov>) <jcoogan@pa.gov>

Cc: Bakare, Adeolu <abakare@mcneeslaw.com>; Christy M. Appleby (<cappleby@paoca.org>) <cappleby@paoca.org>;

Debbie Schreffler <daschreffler@hmslegal.com>; HBreitman@paoca.org; Judith D. Cassel Esquire

(<jdcassel@hmslegal.com>) <jdcassel@hmslegal.com>; Kimberly Klock (<kklock@pplweb.com>) <kklock@pplweb.com>;

MacGregor, David <dmacgregor@postschell.com>; Micah R. Bucy (<mrbcuy@hmslegal.com>) <mrbcuy@hmslegal.com>;

Michelle Bartolomei (<mlbartolomei@pplweb.com>) <mlbartolomei@pplweb.com>; Lyttle, Rebecca <relyttle@pa.gov>;

<rkimmel@mcneeslaw.com>; Rulli, Megan <MRulli@PostSchell.com>; Gray, Steven <sgray@pa.gov>; Lindsey Wyatt

<lindseyhwatt@gmail.com>

Subject: Re: Petition of PPL Electric Utilities Corp. for Approval of its Second Distribution Energy Resources Management Plan, Docket No. P-2024-3049223

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Your Honor:

The Joint Solar Parties respectfully submit that a prehearing conference is not required, but will participate in one if Your Honor deems it appropriate.

Mr. Ryan is correct that the Joint Solar Parties did not yet amend their discovery responses to confirm, as indicated in their January 9, 2025 e-mail, that they will be calling Mr. William Brooks to testify. The Joint Solar Parties will do so promptly, but note that PPL will have suffered no prejudice as a result of the Joint Solar Parties having not yet amended their discovery responses, as PPL is aware of Mr. Brooks' identity, and that he will be called as an expert. Further, Mr. Brooks' Surrebuttal testimony will be submitted in accordance with Your Honor's schedule for the Joint Solar Parties to file all their Surrebuttal Testimony, so Mr. Brooks' is not being filed late.

Mr. Ryan is also correct that the Joint Solar Parties filed two NDAs this morning to allow two consultants to have access to confidential materials. However, Mr. Ryan is incorrect in his supposition that the JSPs expect to call these two consultants as two more testifying experts. The two consultants are individuals who are supporting a Joint Solar Party witness in her development of her surrebuttal testimony.

The JSPs are disturbed that Mr. Ryan purports to have placed a call to me at 9:00 AM, and that on not hearing back from me, reached out to you two and a half hours later to request that Your Honor and the Parties participate in a conference. First, Mr. Ryan's call has still not yet appeared in my phone log, so I cannot confirm I received it. Second, I am in Boston (I live in DC) because my mother was in surgery this morning, and I have been here assisting her. Thus, I was not aware of Mr. Ryan's concern with the Joint Solar Parties' intent with regard to these two consultants until I saw his 11:36 A.M. e-mail to you. It is my uncertainty with regard to my schedule that also led me to explain that I will be seeking to amend the discovery responses this week.

The Joint Solar Parties expect that in addition to calling Mr. Brooks as an expert, that they will be calling several additional fact witnesses to testify, and will be submitting their Surrebuttal Testimony. These are either individuals who were called out expressly by name in PPL's Rebuttal Testimony, or who are necessary in providing some of the factual predicates to Mr. Brooks' testimony on the issue on which Mr. Brooks will be testifying.

Specifically, Mr. Brooks and the new fact witnesses will be responding to the testimony of Mr. Floyd, about whom the Joint Solar Parties only became aware when PPL submitted Mr. Floyd's Rebuttal Testimony, as well as testimony of PPL employees on the same topic as that which was the subject of Mr. Floyd's.

As to Mr. Ryan's statements regarding the timing with which we introduced the topic on which Mr. Brooks and the new fact witnesses will testify -- our allegation that PPL's installation of its DER Management and Control Device in our customers' inverters is causing thermal damage -- we did not identify that in our August 2, 2024 pre-hearing statement because we did not know this was a problem until after we filed the statement. We identified our concern about this issue to PPL in a September 30, 2024 discovery response, upon our completion of an investigation into the issue on September 19, 2024. PPL's attention to this issue since then has been fulsome, although PPL did not elevate this to the level of an expert dispute until PPL's December 6, 2024 filing of Mr. Landis' rebuttal testimony.

The Joint Solar Parties have only three and a half business days to provide our Surrebuttal Testimony (due January 22) in response to PPL's twelve rebuttal witnesses, two of whom were new to the case. Accordingly, we are concerned with spending time in a conference tomorrow (Friday) or Tuesday, but, again, will be pleased to do so if Your Honor desires.

Respectfully submitted,



Bicky Corman Law PLLC

1250 Connecticut Avenue, NW, Suite 700 (PMB # 5027)

Washington, DC 20036

[202.213.1672](tel:202.213.1672)

bcorman@bickycormanlaw.com

bickycormanlaw.com

From: Ryan, Devin <DRyan@PostSchell.com>

Date: Thursday, January 16, 2025 at 11:36 AM

To: Coogan, John (jcoogan@pa.gov) <jcoogan@pa.gov>

Cc: Bakare, Adeolu <abakare@mcneeslaw.com>, Bicky Corman <bcorman@bickycormanlaw.com>, Christy M. Appleby (cappleby@paoca.org) <cappleby@paoca.org>, Debbie Schreffler <daschreffler@hmslegal.com>, HBreitman@paoca.org <HBreitman@paoca.org>, Judith D. Cassel Esquire (jdcassel@hmslegal.com) <jdcassel@hmslegal.com>, Kimberly Klock (kklock@pplweb.com) <kklock@pplweb.com>, MacGregor, David <dmacgregor@postschell.com>, Micah R. Bucy (mrbcucy@hmslegal.com) <mrbcucy@hmslegal.com>, Michelle Bartolomei (mlbartolomei@pplweb.com) <mlbartolomei@pplweb.com>, Lyttle, Rebecca <relyttle@pa.gov>, rkimmel@mcneeslaw.com <rkimmel@mcneeslaw.com>, Rulli, Megan <MRulli@PostSchell.com>, Gray, Steven <sgray@pa.gov>, Lindsey Wyatt <lindseyhyatt@gmail.com>

Subject: Petition of PPL Electric Utilities Corp. for Approval of its Second Distribution Energy Resources Management Plan, Docket No. P-2024-3049223

Your Honor,

PPL Electric respectfully requests that a prehearing conference be held tomorrow, January 17th, or Tuesday, January 21st to discuss: (1) the Joint Solar Parties' apparent plan to submit surrebuttal testimony from three new expert witnesses; (2) the Joint Solar Parties' failure to, at the very least, comply with their "continuing duty" under Section 5.332(1) of the PUC's regulations, 52 Pa. Code § 5.332(1) to "supplement responses with respect to a question directly addressed to the identity and location of persons having knowledge of discoverable matters and the identity of each person expected to be called as an expert witness at hearing, the subject matter on which the expert is expected to testify and the substance of the testimony as provided in § 5.324(a)(1)"; and (3) any adjustments to the litigation schedule that are needed to accommodate any motions in limine or motions to strike, answers thereto, and rulings by Your Honor and, if any testimony or exhibits are not stricken, for the parties to engage in sufficient discovery and prepare written rejoinder testimony and exhibits.

By way of background, on Thursday, January 9, 2025, at 9:49 AM, counsel for the Joint Solar Parties emailed the parties signed non-disclosure certificates for William F. Brooks, P.E. of Brooks Engineering. At 11:15 AM, counsel for PPL Electric replied all and asked whether the Joint Solar Parties intend for Mr. Brooks to submit testimony on their behalf. If so,

counsel for PPL Electric asked when the Joint Solar Parties would be supplementing their responses to PPL to JSP-I-38 and 39, where the Company asked the Joint Solar Parties to, among other things, identify their fact and expert witnesses and explain in detail the subject matters of their testimony (copies of the Joint Solar Parties' responses to PPL to JSP-I-38 and 39 are attached to this email). At 11:16 AM, counsel for the Joint Solar Parties responded and said "[w]e shall do that shortly." A week later, the Joint Solar Parties still have not supplemented their responses to JSP-I-38 and 39.

In addition, at 8:47 AM this morning, counsel for the Joint Solar Parties emailed signed non-disclosure certificates for Frank Lacey of Electric Advisors Consulting, LLC and Ronald Carrier of Big Lake Consulting Group, LLC. At 9:00 AM, counsel for PPL Electric replied all and asked whether Mr. Lacey and Mr. Carrier would be submitting testimony on behalf of the Joint Solar Parties. If so, counsel for PPL Electric asked when the Joint Solar Parties would be supplementing their responses to PPL to JSP-I-38 and 39. The Company also asked for another update regarding the supplemented responses to JSP-I-38 and 39 for Mr. Brooks. The Joint Solar Parties have not responded to that email.

Under Section 5.243(e) of the PUC's regulations, a party cannot "introduce evidence during a rebuttal phase which": (1) "[i]s repetitive"; (2) "[s]hould have been included in the party's case-in-chief"; or (3) "[s]ubstantially varies from the party's case-in-chief." 52 Pa. Code § 5.243(e)(1)-(3). Moreover, the "Commission or the presiding officer may limit appropriately the number of witnesses who may be heard upon an issue." *Id.* § 5.243(d). Further, due process requires notice and a meaningful opportunity to be heard, which, in a proceeding involved disputed issues of fact, requires a full and fair opportunity to investigate a party's claims, cross-examine witnesses, and present evidence. *See, e.g.*, 66 Pa. C.S. § 332(c); *Popowsky v. Pa. PUC*, 805 A.2d 637, 643 (Pa. Cmwlth. 2002), *appeals denied*, 2003 Pa. LEXIS 469 (Pa. 2003), 2004 Pa. LEXIS 419 (Pa. 2004).

Here, the Joint Solar Parties apparently plan to present three new expert witnesses at this late stage of the proceeding, by submitting their surrebuttal testimony on January 22, 2025. That would leave only 13 days for: (1) the parties to review the Joint Solar Parties' surrebuttal testimony and, if necessary, file any motion to strike or motion in limine in response; (2) the Joint Solar Parties to file any answers in response; (3) Your Honor to rule on any such motion; and (4) the parties to engage in discovery and prepare written rejoinder testimony in response to the surrebuttal. Also, the parties would only have 20 days to prepare any cross-examination for the Joint Solar Parties' new witnesses before the hearings commence on February 11, 2025. Those limited number of days are woefully insufficient for counsel to accomplish those tasks, even if the Joint Solar Parties were to now supplement their discovery responses as required by the PUC's regulations.

To the extent that the Joint Solar Parties reference PPL Electric's introduction of expert testimony from Mr. Steven Wishart and Mr. Lanny Floyd at the rebuttal stage, such an argument is meritless. First, Mr. Wishart's rebuttal testimony presents a cost-benefit analysis that was directly responsive to the criticisms other parties made in their direct testimony about the Company's costs and benefits data, and the parties will have had 44 days under the litigation schedule to propound discovery about Mr. Wishart's testimony and exhibits and prepare their surrebuttal testimony in response. Second, Mr. Floyd's rebuttal testimony directly responded to electric safety and compliance allegations that were raised for the first time in the Joint Solar Parties' direct testimony. In fact, the Joint Solar Parties' pleadings, prehearing memo, and responses to JSP-I-38 and 39 never mentioned those allegations as a topic that would be raised in their direct case.

For these reasons, PPL Electric respectfully requests that a prehearing conference held tomorrow, January 17th, or Tuesday, January 21st to discuss the issues and matters previously identified.

Sincerely,

Devin T. Ryan
Principal
Post & Schell, P.C.
One Oxford Centre

301 Grant Street, Suite 3010
Pittsburgh, PA 15219
Phone: (717) 612-6052
Email: dryan@postschell.com

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PPL Electric Motion Exhibit G

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PPL Electric Utilities Corporation :
for Approval of its Second Distribution : Docket No. P-2024-3049223
Energy Resources Management Plan :

**JOINT SOLAR PARTIES' SUPPLEMENTAL RESPONSES TO
INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS I-38**

SUPPLEMENTAL ANSWER TO PPL to JSP-I-38:

Re: Joint Solar Parties' Prehearing Memorandum, p. 7. Please identify each person you plan to call as a fact witness in this proceeding. For each person, please:

- (a) Provide the person's name, business address, background, and qualifications;
 - (i) Alex Dinh. Information responsive to this request concerning Mr. Dinh was in the JSPs' original Answer to this Request. See also Exhibit JSP-AD-1SR to Mr. Dinh's Surrebuttal Testimony (JSP Statement No. 11-SR);
 - (ii) Daniel Ferguson. Please see Mr. Ferguson's Surrebuttal Testimony, Joint Solar Parties' Statement No. 12-SR, page 2, line 16 – page 3, line 2.
 - (iii) Jacob Geller. Please see Mr. Geller's Surrebuttal Testimony, Joint Solar Parties' Statement No. 13-SR, pp. 1 – 2, and Exhibit JSP-JIG-1SR.

Mr. Bobruk changed jobs this week, He is now the Director of Codes and Standards at Enphase Energy, Inc. His new business address is 47281 Bayside Parkway, Fremont, CA 94538.

- (b) Explain in detail the subject matter(s) on which the witness is expected to testify; and

Please see the witnesses' Surrebuttal Testimony

- (c) Provide the source(s) of information relied upon or referenced by the witness.

Please see the witnesses' Surrebuttal Testimony. For Mr. Geller, please see also the JSPs' Answer to PPL to JSP-XIX-1.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PPL Electric Utilities Corporation :
for Approval of its Second Distributed : Docket No. P-2024-3049223
Energy Resources Management Plan :

**JOINT SOLAR PARTIES' SUPPLEMENTAL RESPONSES TO
INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS NUMBER I-39**

SUPPLEMENTAL ANSWER TO PPL TO JSP-I-39 WITNESS BILL BROOKS

Re: Joint Solar Parties' Prehearing Memorandum, p. 7. Please identify each person you plan to call as an expert witness in this proceeding. For each person, please:

- (a) Provide the person's name, business address, background, and qualifications;

William Brooks. Mr. Brooks' business address is provided in his Surrebuttal Testimony (JSP Statement No. 14-SR), p. 1.

- (b) Explain in detail the subject matter(s) on which the witness is expected to testify;

Please see Mr. Brooks' Surrebuttal Testimony.

- (c) Provide the source(s) of information relied upon or referenced by the witness; and

The National Electrical Code ("NEC") and UL 1741.

- (d) Provide a copy of the expert witness's current curriculum vitae.

Please see Mr. Brooks' Surrebuttal Testimony, Exhibits JSP-WB-1SR and 2SR.

PPL Electric Motion Exhibit H

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PPL Electric Utilities Corporation :
for Approval of its Second Distributed : Docket No. P-2024-3049223
Energy Resources Management Plan :

**JOINT SOLAR PARTIES' RESPONSES TO
INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS PROPOUNDED BY
PPL ELECTRIC UTILITIES CORPORATION ON
THE JOINT SOLAR PARTIES – XIX-2**

QUESTION: PPL to JSP-XIX-2

For each witness who is submitting surrebuttal testimony on behalf of the Joint Solar Parties and did not previously submit testimony in this proceeding, please provide the date that each such witness was first contacted about submitting surrebuttal testimony.

ANSWER: PPL to JSP-XIX-2

The information sought is not permitted by 52 Pa. Code § 5.361(a)(3), which “[r]elates to matter which is privileged,” as it goes to the attorneys’ litigation strategy, which is protected under the attorney work product doctrine, or privileged attorney-client information, or both.

As we represented in our e-mail to Judge Coogan, the witnesses who submitted surrebuttal testimony were specifically named by PPL in its rebuttal testimony, including in PPL’s December 16, 2024 amendment to its testimony and provision of PPL Electric Exhibit AD-35, containing e-mails with two of the witnesses; and/or, along with the JSPs’ new expert Bill Brooks, responded to PPL’s new expert witness on rebuttal, Landis Floyd.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PPL Electric Utilities Corporation :
for Approval of its Second Distributed : Docket No. P-2024-3049223
Energy Resources Management Plan :

**JOINT SOLAR PARTIES' RESPONSES TO
INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS PROPOUNDED BY
PPL ELECTRIC UTILITIES CORPORATION ON
THE JOINT SOLAR PARTIES – XIX-3**

QUESTION: PPL to JSP-XIX-3

For each witness who is submitting surrebuttal testimony on behalf of the Joint Solar Parties and did not previously submit testimony in this proceeding, please provide the date that each such witness first started drafting their surrebuttal testimony.

ANSWER: PPL to JSP-XIX-3

The information sought is not permitted by 52 Pa. Code § 5.361(a)(3), which “[r]elates to matter which is privileged,” as it goes to the attorneys’ litigation strategy, which is protected under the attorney work product doctrine, or privileged attorney-client information, or both.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PPL Electric Utilities Corporation :
for Approval of its Second Distributed : Docket No. P-2024-3049223
Energy Resources Management Plan :

**JOINT SOLAR PARTIES' RESPONSES TO
INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS PROPOUNDED BY
PPL ELECTRIC UTILITIES CORPORATION ON
THE JOINT SOLAR PARTIES – XIX-4**

QUESTION: PPL to JSP-XIX-4

Please provide a copy of the fully executed engagement letter for the retention of Mr. William Brooks to submit testimony in this proceeding.

ANSWER: PPL to JSP-XIX-4

The information sought is not permitted by 52 Pa. Code § 5.361(a)(3), as it seeks information protected under the attorney work product doctrine. For additional information, see the Joint Solar Parties' response to PPL to JSP-XIX-2.

VERIFICATION

I, BETHANY L. JOHNSON, being the Sr. Director - Regulatory at PPL Services Corporation, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect PPL Electric Utilities Corporation to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: January 24, 2025


Bethany L. Johnson