

January 27, 2025

**Via E-Filing**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

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

Dear Secretary Chiavetta:

Please find attached for filing is the public version of the Joint Solar Parties' Answer to the Motion in Limine and/or to Strike by PPL, and Exhibits.

The **HIGHLY CONFIDENTIAL** version of the Answer 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.

If you have any questions, please contact me at (202) 213-1672.

Respectfully submitted,



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Attachment

cc: Service List  
Hon. John Coogan

## CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing upon the parties listed below via electronic mail and/or hand-delivery, in accordance with the requirements of 52 Pa. Code § 154 (relating to service by a party):

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Dated this 27<sup>th</sup> day of January, 2025

/s/ Bernice I. Corman

**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 :

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**THE JOINT SOLAR PARTIES’ ANSWER TO 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**

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The Joint Solar Parties (“JSPs”) have introduced evidence and expert opinion testimony that PPL’s method of powering its DER Management Device (“Device”) by installing it in customers’ inverters:

- Poses a fire hazard;
- Is not consistent with the inverter manufacturer’s instructions, so is in violation of the National Electric Code;<sup>1</sup>
- Has damaged customers’ inverters at least 9 times that we know about, and has caused or could cause damage to at least 3000 more inverters;<sup>2</sup> and
- Has voided these 3000+ customers’ product warranties, as PPL’s method of powering its device is a use of equipment not permitted by SolarEdge installation manuals or in violation of local codes and standards.<sup>3</sup>

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<sup>1</sup> NEC Section 110.3(B) states: “Installation and Use. Listed or Labeled equipment shall be installed and used in accordance with any instructions included in the listing or labeling.” (emphasis added.)

<sup>2</sup> Half of the inverters installed in PPL territory are SolarEdge, as per PPL’s Answer to JSP-III-4 Attachment 4 (**HIGHLY CONFIDENTIAL**), a screenshot of a page of the attachment is attached hereto, for brevity as JSP Answer Exhibit A.

<sup>3</sup> See Exhibit JSP JB-2 (REDACTED) to the Initial Testimony of Jason Bobruk, Slide 2, citing SolarEdge warranty language.

Rather than confronting this troubling evidence and opinion testimony, PPL is asking Your Honor to suppress it. Indeed, the JSPs have learned over the course of this proceeding that PPL has not only made a serious engineering error that puts life and property at risk, but has seriously misunderstood that its actions on the customer side of the meter, as opposed to on its own side of the meter, are subject to National Electric Code (“NEC”) requirements. But PPL wants to ensure these serious errors never see the light of day.

The Commission must be able to entertain the JSPs’ information. If the Commission does not, it may (again) be “approving” PPL’s dangerous and non-NEC-compliant method under the guise of approving PPL’s Petition. Indeed, in his Rebuttal Testimony (PPL Statement No. 12-R), newly-identified PPL expert witness Landis Floyd states:

I am advised by counsel that PPL Electric is installing its DER Management devices as required by its Commission-approved tariff and the Commission-approved Settlement in the First DER Management Plan proceeding . . . In that respect, the Company’s installations are “approved.”

Mr. Floyd’s statement -- that PPL’s s method of installation to power its Device has been “Commission-approved” -- is startling. When pressed, PPL Vice-President Sal Salet stated that PPL had neither provided its DER Management Device instructions to the Commission for approval in the proceeding concerning PPL’s First DER Management Plan (Docket No. P-2019-3010128); nor explained to the Commission that it would power its DER Management Device by connecting it to the customer’s inverter. *See* PPL’s Answer to JSP-IX-3 (attached hereto as JSP Answer Exhibit B).

The JSPs must be able to counter PPL’s rebuttal evidence and opinion testimony that its installation method is safe, comports with manufacturers’ instructions, and is NEC-compliant.

As its basis for its Motion to Strike, PPL grossly misrepresents the case chronology, grossly misreads the regulations, and seeks to capitalize on a tortured and inaccurate reading

of the discovery rules, despite the fact that PPL has suffered no prejudice as a result of the timeline with which the JSPs supplemented their responses to PPL’s discovery requests seeking preliminary information about the JSPs’ fact and expert witnesses.<sup>4</sup> There has not yet been an evidentiary hearing, no decision has been rendered, the JSPs have in fact supplemented their Answers to PPL’s Discovery Requests numbered PPL to JSP I-38 and I-39,<sup>5</sup> and with their timely delivery of Surrebuttal Testimony by the four witnesses at issue, and referral to same in their supplemental discovery responses, along with other correspondence, have certainly apprised PPL of the subject matters on which the four witnesses will testify at the hearing. Further, the timing for all these developments has been within PPL’s control. The JSPs’ four new witnesses were solely brought in at this Surrebuttal stage to respond to information presented for the first time in PPL’s Rebuttal testimony, and/or to respond to PPL’s own new Rebuttal expert witness.

As PPL has suffered no harm by the JSPs’ actions, as the Commission’s rules do not specify a deadline for updating discovery responses, nor do the rules condition submission of rebuttal or surrebuttal testimony on a party’s updating discovery responses, Your Honor should decline PPL’s Motion.

**I. The Joint Solar Parties’ statement on the case’s procedural history and major milestones**

1. PPL has been implementing a Commission-approved Pilot Program since 2021 that requires that the first 3,000 Distributed Energy Resources (“DER”) customers a year seeking permission to interconnect to PPL’s grid: a) install only PPL-approved

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<sup>4</sup> PPL’s Requests numbered PPL to JSP-I-38 and I-39, and the JSPs’ Answers, are attached to PPL’s Motion as PPL Electric Motion Exhibit A.

<sup>5</sup> The JSPs’ Supplemental Answers to PPL to JSP-I-38 and I-39 are attached as JSP Answer Exhibit C.

inverters, and b) allow PPL to install its Device in said inverters so PPL can monitor and control the customers inverters.

2. In the earliest stages of this case, *i.e.*, when they filed their Pre-Hearing Memorandum (August 2, 2024), the JSPs identified their concerns as mainly “economic.” Thus, the “harms” they identified as caused by PPL’s Pilot included: the increased costs and delays customers have faced in getting their DER’s installed, serviced, and interconnected; the days and months customers lost communications with their DERs because of interference from PPL’s Device; the increased costs ratepayers will face as a result of PPL’s monopolizing the provision of grid services, which could be provided by third-parties; and the increased costs to manufacturers seeking to have their inverters tested to meet PPL’s bespoke Program requirements.<sup>6</sup>
3. To speak to these types of harms, in their September 27, 2024 Answer to PPL’s Discovery Request PPL to JSP-I-38, the JSPs identified persons they planned to call as fact witnesses as including SolarEdge’s Jason Bobruk and Alex Dinh. They represented that Mr. Bobruk would testify on “the impacts of PPL’s Pilot and proposed 2<sup>nd</sup> DER Management Plan on third party performance of grid services in PPL territory.” Mr. Dinh was to 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.” Mr. Dinh is a communications software specialist who has worked with PPL for years exclusively on the ways PPL connects its Device to SolarEdge’s inverter to allow PPL’s Device to communicate (*i.e.*, exchange data) with SolarEdge inverters.

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<sup>6</sup> See Pre-Hearing Memo, p. 5. The Memo is attached hereto as JSP Answer Exhibit D.

4. In their Answer to PPL’s Request PPL to JSP-I-39, the JSPs identified as experts witnesses who would testify, *inter alia*, that gaps in current standards (IEEE 1547-2018 and UL 1741 SB certification) rendered PPL’s plan premature from both a technical and policy perspective; and that its Program’s blocking third parties from performing the same (or additional) grid services more effectively and efficiently rendered the program anticompetitive.
5. At the same time, in the earliest days of this proceeding, the JSPs also identified as one of the many “harms” resulting from the Pilot “Harms to equipment manufacturers . . . whose products have been damaged by PPL’s device.”<sup>7</sup>
6. As evidence of this type of economic harm, in his September 24, 2024 Initial Testimony, SolarEdge’s Jason Bobruk stated that “SolarEdge inverters experience thermal events due to how PPL connected their DER Management Device to our inverters,”<sup>8</sup> and that SolarEdge was voluntarily absorbing the full costs of replacing customers’ whose inverters were damaged (and warranties voided) as a result of PPL’s interventions.<sup>9</sup> In support, Mr. Bobruk produced as his [REDACTED] Exhibit JSP-JB-2, a document entitled “PPL Case Review,” completed only days before (on September 19, 2024), that identified 8 instances of thermal damage to inverters that had or had PPL’s Devices connected to them. SolarEdge’s PPL Case Review arose upon SolarEdge’s learning, on August 22, 2024, that a customer’s inverter – which had a PPL Device installed in it -- was smoking.<sup>10</sup> Thus, the JSPs did not come to

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<sup>7</sup> See Prehearing Memo, p. 5 (JSP Answer Exhibit D).

<sup>8</sup> JSP Statement No. 7, p. 3.

<sup>9</sup> *Id.*, p. 11.

<sup>10</sup> Exhibit JSP-JB-2, Slide 2; (HIGHLY CONFIDENTIAL) Ex. PPL to JSP-II-22 Att. JB-4.

possess evidence that PPL's Device was causing thermal damage to their inverters until after they filed their Pre-Hearing Memorandum, but immediately disclosed the information to PPL upon their coming into possession of same.

7. In his December 3, 2024 Answer to PPL's Discovery Request PPL to JSP XVII-3(a) (HIGHLY CONFIDENTIAL), Mr. Bobruk referenced that a SolarEdge Failure Analysis Engineer had "concluded that the root cause of the [smoking inverter] incident was PPL's alteration of the UL-listed assembly." In his December 5, 2024 Answer to PPL's Request PPL to JSP-XVIII-1(a), Mr. Bobruk identified the Failure Analysis Engineer as Jacob Geller.<sup>11</sup> However, contrary to PPL's suggestions on pages 18 – 19 of their Motion that the JSPs' failed to produce analyses by Mr. Geller on the alleged incidents involving the inverters listed in [the "PPL Case Review"], the JSPs accurately answered that Mr. Geller had performed no "analyses pertaining to the 'root cause' of the alleged incidents involving the 8 inverters listed in [the "PPL Case Review"]".<sup>12</sup> As is clear from Mr. Geller's August 23, 2024 e-mail, attached as Exhibit JSP-JIG-5SR to Mr. Geller's Rebuttal Testimony, Mr. Geller concluded that the photographic evidence was so clear that PPL's tampering with the inverter was the cause of the smoking, there simply was "No need for a failure analysis." Thus, the JSPs' answer to the discovery request was complete.<sup>13</sup>

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<sup>11</sup> JSP Answer to PPL to JSP-XVIII-1(a).

<sup>12</sup> The JSPs' Answer to PPL to JSP-VIII-1 is attached hereto as JSP Answer Exhibit E.

<sup>13</sup> In response to PPL's PPL to JSP-XIX-1 request for information relied upon by Mr. Geller, the JSPs produced a December 4<sup>th</sup> e-mail from Mr. Geller to Mr. Bobruk reviewing Mr. Geller's conclusions regarding the 8 locations that were the subject of SolarEdge's "PPL Case Review." The JSPs produced this as "reliance" material, because in preparing his Surrebuttal Testimony, Mr. Geller relied upon the larger versions of the photographs shown in the e-mail, and an additional image. They do not show any new or separate analysis by Mr. Geller.

8. It was not until December 5<sup>th</sup>, when PPL filed the Rebuttal Testimony of PPL employee Aliessa Dombrowski-Diamond (PPL Electric Statement No. 2-R) and PPL’s newly-introduced Rebuttal expert, Landis Floyd (PPL Electric Statement No. 12-R), that PPL’s position as to the method it was using to power its Device started to crystallize.

Thus, in Ms. Dombrowski-Diamond’s testimony, Ms. Dombrowski-Diamond testified that:

PPL Electric also had several conversations with SolarEdge personnel about the Company’s DER Management device installations, including the connection to the AC terminals to power the devices, and was told there were no issues.

(emphasis added.) As alleged support, Ms. Dombrowski-Diamond attached to her Rebuttal Testimony as Exhibit – AD-4R, e-mail correspondence with SolarEdge employee Alex Dinh that not only contains no discussion of methods to connect the Device to power it, it certainly contains no statement from Mr. Dinh that he “told [PPL] there were no issues” with its method.

9. Indeed, it was not until PPL’s December 13, 2024, Answer to a JSP Discovery Request (JSP-VIII-2(a)) (attached hereto as JSP Answer Exhibit F), that PPL finally clarified that it was not contending that SolarEdge’s installation instructions authorize PPL’s connection of its Device to SolarEdge’s residential inverters to power its Device. Rather, it is that:

PPL contends that in conversations with SolarEdge personnel about the Company’s DER Management Device installations, including the connection to the AC terminals to power the devices, PPL Electric was told there were no issues.

*See also* PPL’s Answer to JSP’s Discovery Request JSP-VIII-1 (same).

10. Thus, the Joint Solar Parties filed Surrebuttal Testimony by Alex Dinh to allow Mr. Dinh to provide non-hearsay evidence that he provided no such authorization, and further, that he would not have done so, as he has only ever discussed with PPL methods to connect its device for communications purposes, not for purposes of powering PPL's device.

11. Further, it was not until Ms. Dombrowski-Diamond's and Mr. Floyd's December 5, 2024 Rebuttal Testimony that PPL also finally revealed its contention that **[BEGIN**

**CONFIDENTIAL INFORMATION]** [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] **END CONFIDENTIAL**

**INFORMATION.**

12. However, PPL did not produce said e-mail chain until December 16, 2024, after several rounds of discovery requests propounded by the JSPs, with their late-produced Exhibit AD-35R. *See* JSP Answer Exhibit G. This e-mail chain contains conversations with SolarEdge employee Dan Ferguson, but PPL has grossly contorted them. Accordingly, the JSPs provided surrebuttal testimony from Mr. Ferguson, to allow him to provide non-hearsay evidence that **[BEGIN CONFIDENTIAL**

**COMMUNICATIONS]** [REDACTED]

[REDACTED]

[REDACTED] **[END**

**CONFIDENTIAL COMMUNICATIONS.]**

13. Finally, in his December 5<sup>th</sup> Rebuttal Testimony, among other things, Mr. Landis provided his expert opinion: that the JSP had provided no credible evidence that PPL's Device installation was causing thermal damage;<sup>14</sup> and, that PPL's method of connecting its Device to SolarEdge inverters complies with the NEC.<sup>15</sup>
14. While the JSPs disagree it is their burden to prove the safety or NEC compliance status of PPL's method of connecting its Device, they have provided Surrebuttal Testimony from SolarEdge's Failure Analyst Jacob Geller to address Mr. Landis' testimony on causation; and from NEC expert William Brooks to counter Mr. Landis' opinion that PPL's method does not violate NEC requirements.<sup>16</sup>
15. On January 9, 2025, as shown in PPL's Motion Exhibit D, the JSPs stated that they would "shortly" amend their answers to PPL's Discovery Requests I-38 - 39 pertaining to Mr. Brooks.
16. On January 16, 2025, as shown in PPL's Motion Exhibit F, in an e-mail to Your Honor and the parties, the JSPs confirmed that they would be calling Mr. Brooks as an expert, as well as three additional fact witnesses who were either "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[.]" The e-mail also identifies Mr. Brooks as an expert.

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<sup>14</sup> PPL Electric Statement No. 12-R, p. 6.

<sup>15</sup> *Id.*, p. 4.

<sup>16</sup> Mr. Geller's job as a Failure Analysis Engineer is to opine on causes of equipment failure. Thus, although the JSPs identified him as a fact witness (albeit an in-house expert), they are not averse to treating him as an expert witness, as PPL seemingly requests in its n. 4.

17. On Wednesday, January 22<sup>nd</sup>, the JSPs served fourteen sets of Surrebuttal Testimony, including from Mr. Dinh, Mr. Ferguson, Mr. Geller and Mr. Brooks.<sup>17</sup>
18. On Friday, June 24<sup>th</sup>, the JSPs served their Answers to PPL's Set XIX Discovery Requests and supplemental answers to PPL's Requests to JSPs I-38 and I-39 which largely referred to content provided in the JSPs' Surrebuttal Testimony. *See* JSP Answer Exhibit C.
19. In toto, the JSPs have provided PPL with more than adequate notice as to the identities of their four new witnesses, their backgrounds and qualifications, the subject matters on which each will testify at hearing, and the sources of information they relied upon or referenced,<sup>18</sup> all prior to the commencement of the hearing in this case.
20. The JSPs offer the following, to correct further misstatements by PPL as to milestones.
  - a. PPL asserts that the JSPs "emailed the ALJ and other parties that [their] responses [to PPL's Discovery Requests I-38 and I-39] would be supplemented by the end of the week of January 13-17, 2025." PPL Motion, n. 5, and ¶ 75. In fact, as may be seen in PPL's Motion Exhibit 5, the JSPs e-mail confirmed that the most that the JSPs Counsel was committing to doing because of the uncertainty as to her schedule owing to a family medical

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<sup>17</sup> In a January 22<sup>nd</sup> e-mail sent at 4:01 PM, the JSPs documented service of six JSP witnesses; and informed the parties and Your Honor that due to technical challenges, would continue to serve copies on a rolling basis. The JSPs completed delivery of all Surrebuttal Testimony by the end of the day on the 22<sup>nd</sup>. Their failure to meet the 4:30 PM service deadline set forth in the ALJ's Scheduling Order and noted by PPL in its n. 1, is harmless error.

<sup>18</sup> The JSPs note that PPL's Discovery Request XIX-1 was redundant of its requests I-38 and -39, but the JSPs responded to both.

emergency, was that she would be ““seeking to’ amend the discovery responses” during the week of January 13-17.

- b. PPL asserts that the JSPs should be sanctioned for alleged procedural missteps, namely their alleged failure to rapidly update their responses to discovery requests I-38 and I-39, discussed in more detail, below. The JSPs respectfully submit that PPL has done worse, by disregarding Your Honor’s January 16, 2024 “encourage[ment that the parties] informally resolve disputes regarding witnesses,” and that “if that is not possible, to then file motions.” PPL failed to seek to informally resolve this dispute.

On January 23<sup>rd</sup> at 4:26, PPL e-mailed to ask “when [the parties] would be available for a party-wide conference call on Tuesday, January 21<sup>st</sup> to discuss whether we can find an informal resolution to this dispute.” Counsel for the JSPs responded at 4:53 to state: “[A]s I have already explained, we are not available on the 21<sup>st</sup>. We will be pleased to speak on the 23<sup>rd</sup> at any time except between 11:00 – Noon EST.”<sup>19</sup> Counsel for PPL never responded, so did not seek to informally resolve the parties’ dispute, despite Your Honor’s encouraging the parties to do so.<sup>20</sup>

- c. Confusing things as well – late on Friday, January 17, 2025, PPL proposed adjustments to the litigation schedule, “given the anticipated amount of surrebuttal testimony that is being served on January 22, 2025, as well as the

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<sup>19</sup> The JSPs’ January 27, 2023 correspondence is attached hereto as JSP Answer Exhibit H.

<sup>20</sup>For example, PPL has yet to file a single verification for its discovery responses, despite the requirement stated in § 5.342 that all responses be verified.

issues PPL Electric outlined in its emails to Judge Coogan yesterday[, and that] the adjusted schedule would provide additional time for the parties to explore settlement.” PPL proposed to move all deadlines back by a month, and to expand the hearing from three days to at least four. The JSPs responded that they would join PPL in such a request. However, despite hours spent by JSPs’ counsel trying to figure out new hearing dates, PPL apparently chose not to pursue an extension, and instead, to pursue its strategy of striking testimony, all, though, without informing any of the other parties.

## II. Legal Standards

All the regulations PPL cites support the JSPs’ actions in this matter, and fail to support PPL.

1. In Paragraph 38 of its Motion, PPL cites 52 Pa. Code § 5.243(e) that states that a “party will not be permitted to introduce evidence during a rebuttal phase which . . . [s]hould have been included in the party’s case-in-chief,” or “substantially varies from the party’s case-in chief.”

This regulation provides PPL no refuge. Parties opposing a petition are not the parties putting on a case-in-chief. The case-in-chief is put on by the petitioner who initiates the proceeding in order to obtain relief from the Commission. *See e.g., Pennsylvania Public Utility Commission, Office of Consumer Advocate v. City of Lancaster – Sewer Fund*, 2007 Pa. PUC LEXIS 783 (Jan. 31 2007, R-00049862; R-00049862C0001), Order Entered January 31, 2007, striking the applicant’s proffer of rebuttal testimony that amounted to a new claim not contained in the applicant’s case-in-chief. *See also* 1989 Pa. PUC LEXIS 44, May 16, 1989, explaining the Commission’s election to maintain its

case-in-chief approach that requires supporting data to be submitted at the time an application is filed.

2. In Paragraph 39, PPL cites to Section 5.243(d), which provides that “[t]he Commission or the presiding officer may limit appropriately the number of witnesses who may be heard upon an issue.”

The JSPs new witnesses are not repetitive, so this regulation also provides PPL no refuge. Mr. Dinh’s and Mr. Ferguson’s Surrebuttal Testimony counter claims made by PPL employees as to what they purportedly “told” PPL. Mr. Geller’s testimony counters claims made by Mr. Floyd in his Rebuttal Testimony that the JSPs lack “credible evidence” that PPL’s method of powering its Device causes thermal damage. Mr. Brooks’ counters claims made by Mr. Floyd in his Rebuttal Testimony that PPL’s method of powering its Device comports with the NEC.

3. In Paragraphs 40, 42 and 43, PPL cites to 52 Pa. Code §§ 5.324(a) and (b) pertaining to discovery of expert testimony. These state 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.” (emphasis added.)

Again, this regulation does not aid PPL. The JSPs complied with subsection (a)(1)(i) by identifying Mr. Brooks in their January 25<sup>th</sup> supplemental interrogatory answer, with subsection (a)(1)(ii), by answering the interrogatory by

provision of written direct testimony of the expert.<sup>21</sup> Further, Section 5.324(a) and (b) provide PPL no refuge, since they bar an undisclosed expert from testifying at a hearing, but say nothing about whether the expert may provide his expert opinion in Surrebuttal Testimony.

4. In Paragraph 41, PPL cites to 52 Pa. Code § 5.332 of the Commission's regulations, which state that a "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." While § 5.332 states that the party or 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), the regulations provide no deadline by which a party or expert must provide such supplement said responses. Nor was a date for supplementation ordered by Your Honor or agreed to by the Parties, nor have the JSPs failed to supplement their responses to new requests "at a time prior to hearing," as contemplated by 52 Pa. Code § 6.332(3).<sup>22</sup> (emphasis added.)
5. Section 5.372(c), cited by PPL in Paragraph 45, which bars a witness whose identity has not been revealed as provided in this chapter from testifying "at

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<sup>21</sup> Section 5.324(a)(1)(ii) provides that "a party answering the interrogatories [inquiring about the identity of the expert and the subject matter on which the expert is expected to testify] 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."

<sup>22</sup> See, e.g., 2014 Pa. PUC LEXIS 416 ("Because prior to this Motion for Sanctions no such duty was imposed on the Respondent by order of the presiding officer, agreement of the parties or through a new request to supplement prior responses to ensure that they are up-to-date, no sanctions can be imposed on PGW at this time for not providing information regarding any liens that were filed after the filing of the Complaints.")

hearing” on the action, also affords PPL no refuge. As we have stated now repeatedly, the JSPs’ new witnesses’ identities have been revealed, whether in their Surrebuttal Testimony, the JSPs’ supplemental discovery answers, or elsewhere. And, as was the case with Section 5.324, 5.372(c) bars the witness from testifying “at hearing.” It does not bar the witness from providing Surrebuttal Testimony.

6. Section 5.371 cited by PPL in Paragraph 46 also affords PPL no refuge.

Paragraph (a) allows for sanctions when a party . . . fails to respond to discovery requests, but the JSPs have done so. Paragraph (b) allows for sections when a party refuses to obey an order of a presiding officer respecting discovery. Your Honor has issued no such order.

### **III. The JSPs’ Responses to PPL’s Arguments**

In PPL’s Section III. A. and B, PPL argues that the JSPs’ 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.

First, as the JSPs are not the parties putting forth a case-in-chief, 52 Pa. Code § 5.243(e) is inapplicable. Regardless, as we showed above, the JSP’s surrebuttal testimony and exhibits on these topics could not have been provided sooner, as the JSPs introduced the foregoing in response to arguments raised and evidence and opinion introduced only for the first time in PPL’s Rebuttal Testimony. *See supra*, ¶¶ 8 - 10, citing the exact dates Ms. Diamond-Dombrowski claimed that PPL’s manner of powering its device is safe, and that SolarEdge employee Alex Dinh “told [PPL] he saw no issues with their method;” ¶¶ 11 - 12, that Ms. Diamond-Dombrowski claimed that SolarEdge employee Dan Ferguson [BEGIN

CONFIDENTIAL INFORMATION] [REDACTED]

[REDACTED] [END

CONFIDENTIAL INFORMATION]; ¶ 13, that PPL's Rebuttal Expert Mr. Floyd charged that the JSPs have put forth no credible evidence that PPL's method of powering its Device is the cause of thermal damage observed in SolarEdge inverters; and ¶ 13, that PPL's Rebuttal Expert Mr. Floyd claimed PPL is complying with the NEC.

Mr. Dinh and Mr. Ferguson are the only persons who can testify as to what they told PPL.

In his Rebuttal Testimony, Mr. Floyd converted the discussion of thermal damage from one concerning whether the damage imposed economic harms on inverter manufacturers, discussed by Mr. Bobruk in his initial testimony, to one of causation – whether PPL's method of installing its device in SolarEdge inverters to power PPL Device is causing thermal damage. Mr. Geller is best suited to testify on the cause of thermal damage.

Mr. Floyd's Rebuttal Testimony offered expert opinion that PPL's method of installation is NEC-compliant. As a national expert on NEC compliance, Mr. Brook's testimony is not repetitive.

PPL cites two cases as support, but they are inapposite -- *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), because it pertains to a utility's failure to insert into rebuttal testimony in its rate case, new claims for expenses the utility failed to identify in its case-in-chief; and *Popowsky v. Pa. PUC*, 805 A.2d 637, 643 (Pa. Cmwlth. 2002), because PPL has not been deprived of due process by the JSPs' filing the Surrebuttal Testimony of four new witnesses. Indeed, the opposite would be true, were the JSPs' witnesses not allowed to present their responses to PPL's rebuttal claims and opinions. Additionally, while the JSPs agree that

the purpose of Section 5.243(e) “is to avoid trial by ambush,” as argued by PPL in its Motion, ¶ 53, PPL is not “ambushed” by the JSPs’ offering of surrebuttal testimony to rebut PPL’s rebuttal testimony.

In Paragraph 67 of its Motion, PPL complains that the JSPs have offered no reason why they could not have provided the information contained in the JSPs’ Surrebuttal Testimony in their direct testimony, or why they failed to identify their new witnesses and the subject matters of their surrebuttal testimony prior to its submission.

The JSPs could not have anticipated PPL’s Rebuttal arguments, so could not have provided this information in their direct testimony. With regard to the JSPs’ alleged failure to identify their new witnesses and the subject matters of their surrebuttal testimony prior to its submission, the JSPs again state that no such requirement exists. Further, the precise date the JSPs “knew” the subjects on which all 4 witnesses would testify, or indeed, whether they would testify at all, until the testimony was complete. The witness’ identities and the subject matter of their testimony has been timely disclosed by the JSPs through their submission of Surrebuttal Testimony, their supplementation of their Discovery Answers, and their e-mail correspondence regarding Mr. Brooks.

In PPL’s Section III.C., the cases PPL cites in ¶ 79 make the JSPs’ argument for them. *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), as quoted by PPL, held: “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.” In *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), sanctions were ordered after a respondent defied an Order to produce documents.

Here, the JSPs' witnesses have been identified "prior to [the] hearing" in this matter, again, whether by e-mail correspondence, the filing of Surrebuttal Testimony, or the actual Supplementation of Answers to Discovery Requests I-38 and -39. PPL has not been prejudiced by the timing with which the JSPs identified their new witnesses, as they were identified prior to the hearing. Indeed, PPL has already issued two new sets of discovery requests (Sets XIX and XX) on learning that the JSPs would submit testimony from 4 new witnesses.

In its Section III.D., PPL again complains that the JSPs failed to identify its new experts in its in its Answers to PPL to JSP numbers I-38 and I-39. Again, Bill Brooks was introduced to counter PPL's Rebuttal Expert Mr. Floyd's opinion on NEC compliance. Mr. Geller, SolarEdge's employee and in-house analyst, was introduced to counter Mr. Floyd's statements on causation.

#### **IV. Remedies**

The JSPs urge Your Honor to deny PPL's Motion in its entirety, as the Commission's rules do not specify a deadline for updating discovery responses, nor do the rules condition submission of rebuttal or surrebuttal testimony on a party's updating discovery responses. Further, PPL has suffered no prejudice by the JSPs' actions.

In the alternative, the JSPs respectfully submit that rather than strike the JSPs' evidence and opinion testimony, Your Honor could extend the schedule, if Your Honor concluded that PPL needed more time to digest the JSPs' new fact witness and opinion testimony.

If, however, Your Honor is inclined to grant PPL's Motion, we urge you to hear the testimony in any event, so it is preserved for appeal.

Dated: January 27, 2025

Respectfully submitted,

America Home Contractors, Inc.  
Enphase Energy, Inc.  
The Solar Energy Industries Association  
SolarEdge Technologies, Inc.  
Sun Directed  
Tesla, Inc. and  
Trinity Solar, LLC



By their Attorney:

---

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**JSP ANSWER EXHIBIT A**  
**HIGHLY CONFIDENTIAL**

# JSP ANSWER EXHIBIT B

**PPL Electric Utilities Corporation  
Response to the Set IX Data Request of the  
Joint Solar Parties  
Dated December 17, 2024  
Docket No. P-2024-3049223**

Q. JSP-IX-3

Refer to St. No. 12-R, p. 6: "I am advised by counsel that PPL Electric is installing its DER Management devices as required by its Commission-approved tariff and the Commission-approved Settlement in the First DER Management Plan proceeding (Docket No. P-2019-3010128). In that respect, the Company's installations are 'approved'"

- a. Did PPL provide its DER Management Device instructions to the Commission for approval?
- b. Did PPL explain to the Commission that it would power its DER Management Device by connecting it to the customer's inverter?
- c. Provide and identify where the Commission specified its requirements for PPL's installing its DER Management devices.

A. JSP-IX-3

- a. No.
- b. No.
- c. The Commission specified the requirement that PPL Electric install DER Management devices. The Commission did not specify the exact manner of installation. However, I am advised by counsel that the Company's installation of distribution facilities must conform with applicable regulations, codes, and standards. For example, Section 57.82(a) of the Commission's regulations states, in pertinent part:

Distribution and service lines installed under an application for electric service within a development shall be installed underground, shall conform to the utility's construction standards, § 57.26 (relating to construction and maintenance of facilities), the specifications set forth in the *National Electric Safety Code* (NESC), and shall be owned and maintained by the utility. Pad-mounted transformers may be installed as a utility construction standard. Excavating and backfilling shall be performed by the developer of the project or by another agent the developer may authorize. Installation of service-related utility facilities shall be performed by the utility or by another agent the utility may authorize. Street-lighting lines installed then or thereafter within the same development shall also be installed underground, upon terms and conditions prescribed elsewhere in each utility's tariff.

52 Pa. Code § 57.82(a).

Moreover, the Company's standards department verified that the installation of the DER Management device met the requirements of the NEC, as explained in the response to JSP-V-11. Also, PPL Electric witness Floyd has testified that "PPL Electric's installation of its DER Management devices does not violate any provisions of the NEC" and that "there is no issue with PPL Electric's installation of its DER Management device from a UL perspective." (PPL Electric St. No. 12-R, pp. 6-9.)

Finally, I am advised by counsel that PPL Electric must provide adequate, efficient, safe, and reasonable service, which necessarily includes installing, maintaining, and operating its DER Management devices in a safe manner.

# JSP ANSWER 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 :

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

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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 :

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

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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.

# JSP ANSWER EXHIBIT D

August 2, 2024

**Via Electronic Filing**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

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

Dear Secretary Chiavetta:

Attached for electronic filing, please find the Prehearing Memorandum by American Home Contractors, Inc., Enphase Energy, Inc., the Solar Energy Industries Association, SolarEdge Technologies, Inc., Sun Directed, Sunnova, Inc., Tesla, Inc. and Trinity Solar, LLC (collectively, the “Joint Solar Parties”) in the above-captioned matter.

Copies have been served as shown on the attached Certificate of Service.

Respectfully submitted,



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*Counsel to Joint Solar Parties*

Attachments

cc: Service List  
Administrative Law Judge John M. Coogan

## CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties listed below via electronic mail, in accordance with the requirements of 52 Pa. Code § 154 (relating to service by a party):

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The Honorable Charles E. Rainey, Jr.  
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Dated this 2nd day of August, 2024

/s/ Bernice I. Corman

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

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**PREHEARING MEMORANDUM BY  
AMERICAN HOME CONTRACTORS, INC., ENPHASE ENERGY, INC.,  
THE SOLAR ENERGY INDUSTRIES ASSOCIATION,  
SOLAREEDGE TECHNOLOGIES, INC., SUN DIRECTED, SUNNOVA, INC.,  
TESLA, INC., and TRINITY SOLAR, LLC  
("JOINT SOLAR PARTIES")**

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**TO ADMINISTRATIVE LAW JUDGE COOGAN:**

American Home Contractors, Inc. ("AHC"), Enphase Energy, Inc. ("Enphase"), the Solar Energy Industries Association ("SEIA"), SolarEdge Technologies, Inc. ("SolarEdge"), Sun Directed ("Sun Directed"), Sunnova, Inc. ("Sunnova"), Tesla, Inc. ("Tesla") and Trinity Solar, LLC ("Trinity Solar") (collectively, the "Joint Solar Parties" or "JSPs") hereby file this Prehearing Conference Memorandum in the above-captioned matter in accordance with Your Honor's July 25, 2025 Prehearing Conference Order and 52 Pa. Code § 5.222, and state as follows:

**I. Introduction**

On May 20, 2024, PPL Electric Utilities Corporation ("PPL" or the "Company") filed a Petition for Approval of its Second Distributed Energy Resources ("DER") Management Plan ("Petition"). Pursuant to said Petition and PPL's testimony and exhibits, PPL proposes that Pennsylvania's Public Utility Commission ("Commission") approve its actively monitoring and managing the smart inverter settings in all customer-owned and third party-owned, inverter-based DER systems in PPL territory.

Petition ¶ 12. PPL’s ability to actively monitor and manage customer- and third party -owned DERs requires that the owners: (1) install only PPL-approved smart inverters that PPL has determined are compliant with evolving IEEE 1547 and UL 1741 standards and compatible with PPL’s DER Management Devices; and (2) permit PPL to install a DER Management Device in their inverters that allows PPL to monitor and actively manage the customer- and third party- owned DERs using PPL’s Distribution Energy Resources Management System (“DERMS”). Direct Testimony of Salim Salet, PPL Electric St. No. 1 (“St. 1”), p. 8, lines 15 – 16; p. 14, lines 13 – 15.

On July 8, 2024, pursuant to 52 Pa. Code §§ 5.71-5.75 and the May 23, 2024 Secretarial Letter, the JSPs filed a Petition to Intervene, Protest and Answer. The JSPs are DER installers, manufacturers, grid services providers, and an association that represents entities such as the JSPs, as well as construction firms, investment firms, and other entities comprising the solar industry.

On July 25, 2024, Administrative Law Judge John M. Coogan issued a Prehearing Conference Order (“Order”) that, among other things: set August 6, 2024 at 10:00 A.M. for a Prehearing Conference; and directed the attendees to be prepared to discuss the procedural matters pertaining to the disposition of the proceeding enumerated in 52 Pa. Code § 5.222(c), and fully prepared for a useful discussion of all problems involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto, including by submitting this Prehearing Memorandum.

## **II. Proposed Schedule and Discovery Rules**

- A. The JSPs are willing to participate in discussions with the other Parties to amicably resolve the issues in this proceeding via settlement, subject to Commission approval.
- B. The JSPs agree with PPL that two days of hearing time should suffice, but as described more fully below in Paragraph II.G., the Parties do not agree on a schedule for the hearing dates.

- C. The JSPs do not object to the submission of direct testimony of witnesses in writing and in advance of the hearing or written requests for information which a party contemplates asking another party to present at hearing.
- D. As means of simplifying issues, the JSPs propose anonymizing certain data or testimony, as PPL does with regard to customer-specific data it proffers. Numerous entities have experienced significant harms under PPL's program, but are concerned that if they testify against PPL, that PPL will not readily approve their interconnection requests. Additionally, the JSPs are willing to honor the terms of protective orders required to examine Company data.
- E. The JSPs do not object to electronically exchanging and accepting service of exhibits proposed to be offered in evidence, provided that the Parties agree to produce original files in Microsoft Excel used to create spreadsheets with all formulas and links intact, including all files linked thereto that are necessary for the proper functioning of the file; and that if any links are to a mainframe database or application, that the Parties will provide the version of the output from such database or application that was used to produce the spreadsheets.
- F. The JSPs will obtain admissions as to, or stipulations of, facts not in dispute or the authenticity of documents which might properly shorten the hearing, as appropriate.
- G. The JSPs may call a total number of witnesses that is commensurate to the number already proffered by PPL, and/or that may be identified by the other parties, as appropriate to support the JSPs' positions.
- H. Although the Parties began discussing a proposed plan and schedule of discovery, as of the date and time of submission of this Memorandum, they have not reached agreement. PPL proposed a schedule which is based on its request that the Commission approve its Second

DER Management Plan in the Commission's February 20, 2025 public meeting, to give PPL a month to prepare to launch the Plan immediately upon expiration of its Pilot Program (March 21, 2025). To achieve that goal, PPL proposed a date for initial testimony that would occur roughly three weeks after the Prehearing Conference, or August 27, 2024. PPL's proposal would limit parties who will not even know if they have been admitted into this proceeding until August 6, 2024, to a discovery period of less than three weeks. The JSPs object to PPL's proposed schedule, and believe that PPL should bear the burden of anticipating which way the Commission may rule on its Petition, and preparing itself accordingly. The JSPs proposed a schedule to the Parties that would have the Commission issuing a ruling in its March 13, 2020 public meeting, eight days before the Pilot Program is set to expire. The JSPs also indicated that they would not object to a brief extension of the Pilot Program to allow PPL additional time to prepare to launch following the Commission's action.

**III. Presently Identified Issues; Names and Addresses of Witnesses; and Proposed Area of Testimony of Each Witness**

Based upon its initial review of PPL's filing, the JSPs have identified the following list of issues and sub-issues upon which they may testify in this proceeding:

A. In response to PPL's claim that it has seen cost-effective benefits from monitoring and actively managing DERs, the JSPs may offer testimony on costs not accounted for by PPL, which may address:

- i. Delays and cost increases experienced by the JSPs and their customers, as well as PPL (and therefore ratepayers), in the installation, operation, servicing, and interconnection of DERs in PPL territory; the curtailment of lines of business the JSPs otherwise pursue outside of PPL territory; the constraints on project size and

type imposed by PPL's program; the days or months of losses of communications between the DER and the DER owner; and the losses in revenues from DERs as a result of PPL's program (due to PPL's curtailing DER output, and its interference with customers' ability to collect SREC credits, or to aggregate DERs).

- ii. Increased costs to ratepayers (and increased cyber-insecurity) as a result of PPL's essentially monopolizing the provision of control and monitoring services that have been and could be provided by third party aggregators.
- iii. Costs to manufacturers who have been challenged to have their products tested to meet PPL's bespoke Program requirements, and whose products have been damaged by PPL's Monitoring Devices.
- iv. Dis-benefits to the public interest, including: the impacts on innovation, of constraining equipment use to that allowed by PPL; the impacts on solar generation, of constraining the types of systems able to be installed in PPL territory; the impacts on competition, of constraining the provision of services to only those provided by PPL; the impacts of PPL's control of DERs on the Commonwealth's and this Commission's ability to effectively implement FERC's Order No. 2222<sup>1, 2</sup> requirement that regional transmission organizations allow aggregations of DERs to participate in PJM wholesale markets so that the DERs may provide all the services they are technically capable of providing; the impacts

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<sup>1</sup> *Participation of Distributed Energy Res. Aggregation in Mkts. Operated by Reg'l Transmission Orgs. & Indep. Sys. Operators*, Order No. 2222, 172 FERC P 61,247 (2020), *order on reh'g*, Order No. 2222-A, 174 FERC P 61,197, *order on reh'g*, Order No. 2222-B, 175 FERC P 61,227 (2021).

<sup>2</sup> See the Commission's February 22, 2024 Advance Notice of Proposed Rulemaking Order, issued in L-2023-3044115.

of PPL’s control of customer DERs on PURPA’s mandate that utilities allow customers to self-generate electricity and to be compensated for it;<sup>3</sup> the impacts of PPL’s imposing a bespoke set of interconnection requirements on the Commonwealth’s interest in interconnection rules being consistent within and outside of the Commonwealth;<sup>4</sup> the impacts on DER owners’ due process rights of approving a program administratively that would result in the owners’ property rights being taken without compensation; and the impacts on the public’s interest in democratizing energy generation, of granting to a utility, for the first time ever, sole control over customer- and third party-owned DER operations. In addition to the foregoing, the JSPs may also offer testimony on how other jurisdictions have resolved questions of utility control or operation of customer- or third-party-owned smart inverters.

B. In response to PPL’s claim that program benefits outweigh costs, representatives of the JSPs may testify:

- i. That approval of the proposed program would be premature, given PPL’s admissions that Pilot implementation has not yet shown that Pilot goals are being met. For example, PPL concedes that PPL’s active management of DER Power Factor setpoints has “not yet” resulted in avoided system investments in voltage

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<sup>3</sup> Public Utility Regulatory Policies Act of 1978 (“PURPA”) Section 210(m), 16 U.S.C. § 824a-3(a).

<sup>4</sup> *See* Pennsylvania’s Alternative Energy Portfolio Standards Act, 73 P.S. §§ 1648.1 – 1648.8, § 1648.5 (“Interconnection standards for customer-generator facilities”), stating:

Excess generation from net-metered customer-generators shall receive full retail value for all energy produced on an annual basis. The commission shall develop technical and net metering interconnection rules for customer-generators intending to operate renewable onsite generators in parallel with the electric utility grid, consistent with rules defined in other states within the service region of the regional transmission organization that manages the transmission system in any part of the Commonwealth. The commission shall convene a stakeholder process to develop Statewide technical and net metering rules for customer-generators.

support equipment (Direct Testimony of Cody Davis, PPL Electric Statement No. 3 (“St. No. 3”), p. 49, line 4);

- ii. That approval would be premature of capabilities “in addition to capabilities established by the Pilot Program,” such as the two noted by PPL witnesses Cody Davis and Salim Salet (PPL’s request for approval to directly set reactive power value on inverters, and to manage the maximum real power output value on the inverter) (*see Id.*, pp. 56, lines 13 - 20);
- iii. That approval of the proposed program would be at best premature, to the extent that PPL has failed to show that the same benefits it claims have resulted from its program could not have been achieved through less intrusive and costly means; and
- iv. That whether or not PPL’s Pilot Program has yielded benefits, approval would be at best premature if PPL has not yet shown it can implement its Program without causing the harms discussed in Paragraph A, above.

C. The JSPs reserve the right to raise and address other issues of concern upon further examination of the Company’s filing and to respond to issues raised by other parties during the course of this proceeding, and to offer positions at variance and/or in addition to those stated herein.

D. The JSPs are in the process of selecting one or more witnesses to sponsor testimony in this proceeding. If the JSPs file testimony regarding the aforementioned or other issues, the JSPs will provide notification of the names and addresses of the specific witnesses it will call.

Dated: August 2, 2024

Respectfully submitted,

America Home Contractors, Inc.  
Enphase Energy, Inc.  
The Solar Energy Industries Association  
SolarEdge Technologies, Inc.  
Sun Directed  
Sunnova, Inc.  
Tesla, Inc. and  
Trinity Solar, LLC



By their Attorney:

\_\_\_\_\_  
Bernice I. Corman, PA Bar # 332915  
Bicky Corman Law, PLLC  
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**JSP ANSWER EXHIBIT E**  
**HIGHLY CONFIDENTIAL**

# JSP ANSWER EXHIBIT F

WITNESS: Aliasha Dombrowski-Diamond

**PPL Electric Utilities Corporation  
Response to the Set VIII Data Request of the  
Joint Solar Parties  
Dated December 13, 2024  
Docket No. P-2024-3049223**

Q. JSP-VIII-2

Refer to St. No. 2-R, p. 53: “SolarEdge’s inverters are able and designed to power connected communications devices using their terminals. As seen in SolarEdge’s ‘Commercial Gateway with Cellular Support’ manual, SolarEdge provides instructions for ‘Connecting the Commercial Gateway to AC,’ stating:

For connecting to power, use the supplied power supply:

1. Connect the power supply cable connector to the connector labeled DC on the Commercial Gateway (see Figure 3).
2. Connect the power supply to the AC mains. The LEDs are lit momentarily to indicate power connection (see Figure 3).

PPL Electric Exhibit AD-5R, p. 20.”

- a. Does PPL contend that the above-cited instructions authorize PPL’s connection of its Device to SolarEdge’s residential inverters to power its Device?
- b. Does PPL contend that these instructions authorize PPL’s connection of its Device to SolarEdge’s inverters’ internal circuit boards?
- c. Is PPL connecting its Device to the model inverter depicted in the above-cited manual, in implementing its DER Management Program?

A. JSP-VIII-2

- a. No, PPL Electric contends that in conversations with SolarEdge personnel about the Company's DER

Management Device installations, including the connection to the AC terminals to power the devices, PPL Electric was told there were no issues. See answer to JSP-VIII-1 (HIGHLY CONFIDENTIAL). Further, PPL Electric cited the SolarEdge document "Connecting the Commercial Gateway to AC" to show that SolarEdge's inverters are able and designed to power connected communications devices using their terminals. In fact, PPL Electric's method of connecting its DER Management device to the SolarEdge inverter's AC terminals is effectively the same method set forth in the "Connecting the Commercial Gateway to AC" document.

- b. Yes. See answer to subpart(a).
- c. Yes. The Company is connecting the DER Management device to all the SolarEdge models listed on PPL Electric's "Approved Inverter List."

**JSP ANSWER EXHIBIT G**  
**HIGHLY CONFIDENTIAL**

# JSP ANSWER EXHIBIT H

Monday, January 27, 2025 at 11:09:38 Eastern Standard Time

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

**Date:** Tuesday, January 21, 2025 at 10:51:11 AM Eastern Standard Time

**From:** Bicky Corman

**To:** Bakare, Adeolu, Ryan, Devin, Christy M. Appleby (cappleby@paoca.org), Debbie A. Schreffler, HBreitman@paoca.org, Judith D. Cassel Esquire (jdcassel@hmslegal.com), Micah R. Bucy, Lyttle, Rebecca, Kimmel, Rebecca, Gray, Steven, Lindsey Wyatt

**CC:** Rulli, Megan, Bartolomei, Michelle Lynne, MacGregor, David, Kimberly Klock (kklock@pplweb.com)

**Attachments:** image003.jpg, image001[38].png, image002[70].gif

All – for the settlement discussion, I would prefer Thursday, ideally at or after 12 through the end of the day, except for 3:00 – 3:30.

As for proposed hearing dates, our strong preference is for the week of 3/3, starting the week of the 3<sup>rd</sup> (i.e., around the 5<sup>th</sup>) and going into the next week, or from 3/10 – 3/13, with us likely requesting that some of our witnesses go earlier in the week. (I am assuming based on other proceedings that PPL witnesses will go first, government witnesses second, and non-government intervenors last?)

3/5 – 3/12 is optimal for us.



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**From:** Bakare, Adeolu <[ABakare@mcneeslaw.com](mailto:ABakare@mcneeslaw.com)>

**Date:** Tuesday, January 21, 2025 at 9:19 AM

**To:** Ryan, Devin <[DRyan@PostSchell.com](mailto:DRyan@PostSchell.com)>, Christy M. Appleby ([cappleby@paoca.org](mailto:cappleby@paoca.org)) <[cappleby@paoca.org](mailto:cappleby@paoca.org)>, Debbie A. Schreffler <[daschreffler@hmslegal.com](mailto:daschreffler@hmslegal.com)>, [HBreitman@paoca.org](mailto:HBreitman@paoca.org) <[HBreitman@paoca.org](mailto:HBreitman@paoca.org)>, Judith D. Cassel Esquire ([jdcassel@hmslegal.com](mailto:jdcassel@hmslegal.com)) <[jdcassel@hmslegal.com](mailto:jdcassel@hmslegal.com)>, Micah R. Bucy <[mr Bucy@hmslegal.com](mailto:mr Bucy@hmslegal.com)>, Lyttle, Rebecca <[relyttle@pa.gov](mailto:relyttle@pa.gov)>, Kimmel, Rebecca <[RKimmel@mcneeslaw.com](mailto:RKimmel@mcneeslaw.com)>, Gray, Steven <[sgray@pa.gov](mailto:sgray@pa.gov)>, Lindsey Wyatt

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Kimberly Klock ([kklock@pplweb.com](mailto:kklock@pplweb.com)) <[KKlock@pplweb.com](mailto:KKlock@pplweb.com)>

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

Devin,

I can be available any time this afternoon. However, as PPLICA did not submit testimony in this proceeding, we will defer to the other intervenors on the schedule question.

Thank you,  
Ade

**Adeolu A. Bakare**



**McNees Wallace & Nurick LLC**

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**From:** Ryan, Devin <[DRyan@PostSchell.com](mailto:DRyan@PostSchell.com)>

**Sent:** Thursday, January 16, 2025 4:26 PM

**To:** Bakare, Adeolu <[ABakare@mcneeslaw.com](mailto:ABakare@mcneeslaw.com)>; Christy M. Appleby ([cappleby@paoca.org](mailto:cappleby@paoca.org)) <[cappleby@paoca.org](mailto:cappleby@paoca.org)>; Debbie A. Schreffler <[daschreffler@hmslegal.com](mailto:daschreffler@hmslegal.com)>; [HBreitman@paoca.org](mailto:HBreitman@paoca.org); Judith D. Cassel Esquire ([jdcassel@hmslegal.com](mailto:jdcassel@hmslegal.com)) <[jdcassel@hmslegal.com](mailto:jdcassel@hmslegal.com)>; Micah R. Bucy <[mrbcy@hmslegal.com](mailto:mrbcy@hmslegal.com)>; Lyttle, Rebecca <[relyttle@pa.gov](mailto:relyttle@pa.gov)>; Kimmel, Rebecca <[RKimmel@mcneeslaw.com](mailto:RKimmel@mcneeslaw.com)>; Gray, Steven <[sgray@pa.gov](mailto:sgray@pa.gov)>; Lindsey Wyatt <[lindseyhwyatt@gmail.com](mailto:lindseyhwyatt@gmail.com)>; Bicky Corman <[bcorman@bickycormanlaw.com](mailto:bcorman@bickycormanlaw.com)>

**Cc:** Rulli, Megan <[MRulli@PostSchell.com](mailto:MRulli@PostSchell.com)>; Bartolomei, Michelle Lynne <[mlbartolomei@pplweb.com](mailto:mlbartolomei@pplweb.com)>; MacGregor, David <[dmacgregor@postschell.com](mailto:dmacgregor@postschell.com)>; Kimberly Klock ([kklock@pplweb.com](mailto:kklock@pplweb.com)) <[KKlock@pplweb.com](mailto:KKlock@pplweb.com)>

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

[EXTERNAL]

Counsel,

Please advise when you would be available for a party-wide conference call on Tuesday, January 21<sup>st</sup> to discuss whether we can find an informal resolution to this dispute.

Sincerely,

**Devin T. Ryan**  
**Principal**  
**Post & Schell, P.C.**

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301 Grant Street, Suite 3010  
Pittsburgh, PA 15219  
Phone: (717) 612-6052  
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---

**From:** Coogan, John <[jcoogan@pa.gov](mailto:jcoogan@pa.gov)>  
**Sent:** Thursday, January 16, 2025 4:08 PM  
**To:** Ryan, Devin <[DRyan@PostSchell.com](mailto:DRyan@PostSchell.com)>  
**Cc:** Bakare, Adeolu <[abakare@mcneeslaw.com](mailto:abakare@mcneeslaw.com)>; Christy M. Appleby (<[cappleby@paoca.org](mailto:cappleby@paoca.org)>)  
<[cappleby@paoca.org](mailto:cappleby@paoca.org)>; Debbie A. Schreffler <[daschreffler@hmslegal.com](mailto:daschreffler@hmslegal.com)>; [HBreitman@paoca.org](mailto:HBreitman@paoca.org);  
Judith D. Cassel Esquire (<[jdcassel@hmslegal.com](mailto:jdcassel@hmslegal.com)> <[jdcassel@hmslegal.com](mailto:jdcassel@hmslegal.com)>); kclock  
<[kklock@pplweb.com](mailto:kklock@pplweb.com)>; MacGregor, David <[dmacgregor@postschell.com](mailto:dmacgregor@postschell.com)>; Micah R. Bucy  
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Bicky Corman <[bcorman@bickycormanlaw.com](mailto:bcorman@bickycormanlaw.com)>  
**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](mailto:DRyan@PostSchell.com)>  
**Sent:** Thursday, January 16, 2025 3:19 PM  
**To:** Coogan, John <[jcoogan@pa.gov](mailto:jcoogan@pa.gov)>  
**Cc:** Bakare, Adeolu <[abakare@mcneeslaw.com](mailto:abakare@mcneeslaw.com)>; Christy M. Appleby (<[cappleby@paoca.org](mailto:cappleby@paoca.org)>)  
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Judith D. Cassel Esquire (<[jdcassel@hmslegal.com](mailto:jdcassel@hmslegal.com)> <[jdcassel@hmslegal.com](mailto:jdcassel@hmslegal.com)>); kclock  
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# JSP ANSWER EXHIBIT I

**From:** Ryan, Devin <[DRyan@PostSchell.com](mailto:DRyan@PostSchell.com)>  
**Date:** Wednesday, October 9, 2024 at 10:11 AM  
**To:** Bicky Corman <[bcorman@bickycormanlaw.com](mailto:bcorman@bickycormanlaw.com)>, Bakare, Adeolu <[abakare@mcneeslaw.com](mailto:abakare@mcneeslaw.com)>, Christy M. Appleby (<[cappleby@paoca.org](mailto:cappleby@paoca.org)>), <[cappleby@paoca.org](mailto:cappleby@paoca.org)>, Debbie A. Schreffler <[daschreffler@hmslegal.com](mailto:daschreffler@hmslegal.com)>, <[HBreitman@paoca.org](mailto:HBreitman@paoca.org)>, <[HBreitman@paoca.org](mailto:HBreitman@paoca.org)>, Gray, Steven <[sgray@pa.gov](mailto:sgray@pa.gov)>, Judith D. Cassel Esquire (<[jdcassel@hmslegal.com](mailto:jdcassel@hmslegal.com)>) <[jdcassel@hmslegal.com](mailto:jdcassel@hmslegal.com)>, Micah R. Bucy <[mrbucy@hmslegal.com](mailto:mrbucy@hmslegal.com)>, Bartolomei, Michelle Lynne <[mlbartolomei@pplweb.com](mailto:mlbartolomei@pplweb.com)>, Lyttle, Rebecca <[relyttle@pa.gov](mailto:relyttle@pa.gov)>, rkimmel <[rkimmel@mcneeslaw.com](mailto:rkimmel@mcneeslaw.com)>  
**Cc:** MacGregor, David <[dmacgregor@postschell.com](mailto:dmacgregor@postschell.com)>, Rulli, Megan <[MRulli@PostSchell.com](mailto:MRulli@PostSchell.com)>, kklock <[kklock@pplweb.com](mailto:kklock@pplweb.com)>  
**Subject:** RE: [External] PPL - DER Mgmt 2 - Revised Litigation Schedule

Good morning,

PPL has put together the following proposed Revised Litigation Schedule for the parties' consideration. These dates were based on PPL's witnesses' availability and the impact of the many holidays in November, December, and January on the potential due dates. I note that we are still waiting to hear from one of our witnesses, who is currently out of the country and not reachable by cellphone.

Bicky, thank you for the information about your team's availability in January and early February. This schedule is not intended to be dismissing that input. It is simply the schedule that we developed with our witnesses prior to receipt of your message. We would be willing to adjust the dates further to work through issues with the other parties' availability.

	Current Schedule	PPL's Proposed Revised Schedule
Service of Other Parties' Direct Testimony	September 24, 2024	September 24, 2024
Service of Rebuttal Testimony	October 31, 2024	December 5, 2024
Service of Surrebuttal Testimony	November 19, 2024	January 9, 2025
Rejoinder Testimony or Outlines	November 26, 2024	January 23, 2025
Hearing/Oral Rejoinder Testimony (Telephonic)	December 4-5, 2024	February 4-6, 2025
Main Briefs	January 17, 2025	March 25, 2025
Reply Briefs	January 31, 2025	April 15, 2025

Please let us know your thoughts.

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](mailto:dryan@postschell.com)

---

**From:** Bicky Corman <[bcorman@bickycormanlaw.com](mailto:bcorman@bickycormanlaw.com)>  
**Sent:** Wednesday, October 9, 2024 9:57 AM  
**To:** Ryan, Devin <[DRyan@PostSchell.com](mailto:DRyan@PostSchell.com)>  
**Cc:** Bakare, Adeolu <[abakare@mcneeslaw.com](mailto:abakare@mcneeslaw.com)>; Christy M. Appleby (<[cappleby@paoca.org](mailto:cappleby@paoca.org)> <[cappleby@paoca.org](mailto:cappleby@paoca.org)>); Debbie A. Schreffler (<[daschreffler@hmslegal.com](mailto:daschreffler@hmslegal.com)>); HBreitman@paoca.org; Gray, Steven <[sgray@pa.gov](mailto:sgray@pa.gov)>; Judith D. Cassel Esquire (<[jdcassel@hmslegal.com](mailto:jdcassel@hmslegal.com)> <[jdcassel@hmslegal.com](mailto:jdcassel@hmslegal.com)>); Micah R. Bucy <[mrbcy@hmslegal.com](mailto:mrbcy@hmslegal.com)>; Bartolomei, Michelle Lynne (<[mlbartolomei@pplweb.com](mailto:mlbartolomei@pplweb.com)>); Lyttle, Rebecca <[relyttle@pa.gov](mailto:relyttle@pa.gov)>; rkimmel <[rkimmel@mcneeslaw.com](mailto:rkimmel@mcneeslaw.com)>; MacGregor, David <[dmacgregor@postschell.com](mailto:dmacgregor@postschell.com)>; Rulli, Megan <[MRulli@PostSchell.com](mailto:MRulli@PostSchell.com)>; kklock <[kklock@pplweb.com](mailto:kklock@pplweb.com)>  
**Subject:** Re: [External] PPL - DER Mgmt 2 - Revised Litigation Schedule

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Good morning.

Checking in. Not sure what your thinking is, but we lose several key folk the weeks of 1/20 and 1/27, so something due or requiring their attendance during and/or immediately following will be difficult for us. I have not polled all yet.

Thanks!

---

**From:** Ryan, Devin <[DRyan@PostSchell.com](mailto:DRyan@PostSchell.com)>  
**Date:** Tuesday, October 8, 2024 at 10:41 AM  
**To:** Bicky Corman <[bcorman@bickycormanlaw.com](mailto:bcorman@bickycormanlaw.com)>  
**Cc:** Bakare, Adeolu <[abakare@mcneeslaw.com](mailto:abakare@mcneeslaw.com)>, Christy M. Appleby (<[cappleby@paoca.org](mailto:cappleby@paoca.org)> <[cappleby@paoca.org](mailto:cappleby@paoca.org)>), Debbie A. Schreffler (<[daschreffler@hmslegal.com](mailto:daschreffler@hmslegal.com)>), HBreitman@paoca.org (<[HBreitman@paoca.org](mailto:HBreitman@paoca.org)>), Gray, Steven <[sgray@pa.gov](mailto:sgray@pa.gov)>, Judith D. Cassel Esquire (<[jdcassel@hmslegal.com](mailto:jdcassel@hmslegal.com)> <[jdcassel@hmslegal.com](mailto:jdcassel@hmslegal.com)>), Micah R. Bucy (<[mrbcy@hmslegal.com](mailto:mrbcy@hmslegal.com)>), Bartolomei, Michelle Lynne (<[mlbartolomei@pplweb.com](mailto:mlbartolomei@pplweb.com)>), Lyttle, Rebecca <[relyttle@pa.gov](mailto:relyttle@pa.gov)>, rkimmel <[rkimmel@mcneeslaw.com](mailto:rkimmel@mcneeslaw.com)>, MacGregor, David <[dmacgregor@postschell.com](mailto:dmacgregor@postschell.com)>, Rulli, Megan <[MRulli@PostSchell.com](mailto:MRulli@PostSchell.com)>, kklock <[kklock@pplweb.com](mailto:kklock@pplweb.com)>