

January 30, 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:

Attached for filing is the public version of the Joint Solar Parties' [Protective] Motion for Leave to Amend Surrebuttal Testimony (JSP St. No. 13-SR) ("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.

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

Respectfully submitted,



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Attachment

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 30th 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 :

**[PROTECTIVE] MOTION FOR LEAVE TO
AMEND SURREBUTTAL TESTIMONY
(JSP St. No. 13-SR)**

TO ADMINISTRATIVE LAW JUDGE JOHN M. COOGAN:

Pursuant to 52 Pa. Code § 5.103, the Joint Solar Parties (“JSPs”) respectfully request, as a protective matter, leave to amend the Surrebuttal Testimony of SolarEdge employee Jacob Geller, Joint Solar Parties Statement No. 13-SR. They request as well that Your Honor accelerate the time for PPL’s response (§ 5.103(c) allows for 20 days, “unless the period of time is otherwise fixed by the Commission or the presiding officer”), and rule before, or during the forthcoming hearing.

On Friday, January 24, 2025, PPL Electric Company (“PPL”) propounded a discovery request on the JSPs asking that Mr. Geller produce, *inter alia*, the “lab experiments in other circumstances” he referenced in his Surrebuttal Testimony, p. 6, line 22 – page 7, line 1. As stated in the JSPs’ January 29, 2025 Answer to the discovery request, Mr. Geller was unable to provide the requested information because the SolarEdge employee with access to it left SolarEdge. However, on January 28, Mr. Geller supervised the performance of a lab experiment to determine whether a loose screw that was hand-tightened would cause the type of thermal damage seen in inverters in which PPL has installed its DER Management Device.

The JSPs produced the information pertaining to the January 28th lab experiment in their January 29th Answer to PPL’s discovery request.

The JSPs respectfully seek leave – as a protective matter – to amend Mr. Geller’s January 22nd testimony to attach the same information as an exhibit thereto, and are formulating this request as a protective ask because the Commission’s rules do not expressly require leave.

52 Pa. Code § 5.91 requires leave to amend pleadings in some circumstances, but testimony is not a pleading. By contrast, § 1.81(a) allows for “[a]n amendment to a submittal or pleading . . . at any time and will be deemed filed in accordance with § 1.11 (relating to date of filing) unless the Commission orders otherwise.”

The JSPs assume it was § 1.11 upon which PPL relied when it filed “corrected” rebuttal testimony on December 16, 2025 that added a sentence and exhibit PPL stated was “inadvertently omitted” from its December 5, 2025 submittal. The JSPs have done likewise, amending surrebuttal testimony to add similar sentences and exhibits inadvertently omitted from their January 22, 2025 submittal.

However, as the amendment the JSPs now seek to make concerns later generated information relevant to a fact in dispute, i.e., is not a clerical error, the JSPs, as a protective matter, are seeking leave to make this change, while they are simultaneously amending the testimony in the manner described above. The information the JSPs would add supports the credibility of their showing that PPL is installing its Distributed Energy Resources Management and Control Device in at least SolarEdge inverters in a way that is unreasonable, unsafe, and non-compliant with applicable Codes; voids customers’ warranties; and harms SolarEdge, as SolarEdge has been replacing the damaged inverters anyway, without being under a legal obligation to do so, so its customers do not have to foot the bill.

The language the JSPs would add to Mr. Geller's surrebuttal testimony would state:

A. . . . inevitably lead to thermal damage. We know this because we have seen it in other investigative cases where other people have intervened, and have done lab experiments in other circumstances to show this. Essentially, what is happening here is the same as if you stuck a fork in an outlet in your house. It would cause a fire.

Q. Have you recently done a lab experiment concerning a circumstance like that seen with PPL installations?

A. Yes. I was a witness to a response to a PPL January 24, 2025 discovery question inquiring into the "lab experiments in other circumstances" I referenced (on p. 6, line 22). As stated in the JSP's January 29, 2025 Answer to PPL to JSP-XX-4, the SolarEdge employee with access to the lab experiments left SolarEdge and we have been unable to obtain that information from his computer. On January 28, 2025, I supervised an experiment in the SolarEdge laboratory on whether a loose screw that was hand-tightened would cause the type of damage seen in the PPL Case Review. In that experiment, it took only 20 minutes to yield the same type of thermal damage we saw in the PPL cases. Information on the experiment was provided in the JSP's [HIGHLY CONFIDENTIAL] Answer to PPL to JSP-XX-4 Attachment 4, and is produced hereto as [HIGHLY CONFIDENTIAL] Exhibit JSP-JIG-13SR.

The exhibit to the testimony ([HIGHLY CONFIDENTIAL] Exhibit JSP-JIG-13SR) is attached herewith as Attachment A.

By e-mail dated January 29, 2025, the JSPs invited the parties' consent on their filing this [Protective] Motion. PPL opposed. No other party responded.

Dated: January 30, 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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ATTACHMENT A