

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

TotalEnergies Distributed Generation USA, LLC	:	
	:	
v.	:	C-2024-3051475
	:	
PPL Electric Utilities Corporation	:	

SCHEDULING ORDER

This order memorializes the agreements, rulings, and results of the discussion of the litigation schedule and discovery modifications discussed at the prehearing conference held on January 30, 2025 and, additionally, provides directives for testimony, evidentiary hearings, briefs and settlement.

Procedural Background

On September 30, 2024, TotalEnergies Distributed Generation USA, LLC (TotalEnergies) filed a Formal Complaint (Complaint) against PPL Electric Utilities Corporation (PPL) which was docketed at C-2024-3051475. In the Complaint, TotalEnergies alleges that PPL’s adoption of a new customer-generator interconnection approval process, particularly the non-refundable deposit, is unreasonable and in violation of 66 Pa. C.S. §§ 1301 and 1501, and Pennsylvania Public Utility Commission (Commission) regulations. As relief, TotalEnergies asks the Commission to permanently bar PPL “from demanding or imposing non-refundable deposit requirements on customer generators seeking to develop renewable energy projects in its service territory, unless and until it has filed such requirements with the Commission and the Commission has approved them.” Complaint, p. 7.

Also on September 30, 2024, TotalEnergies filed a petition for interim emergency relief with the Commission pursuant to 52 Pa. Code § 3.6. This filing was docketed at P-2024-

3051440. In the Petition, TotalEnergies asked that the Commission restrict PPL from making any deposit non-refundable, at least until the Commission's final disposition of the Complaint. Petition, p. 10.

On October 21, 2024, PPL filed an Answer to the Complaint. PPL maintains that its deposit requirement is lawful and that TotalEnergies' Complaint should be denied because, pursuant to Commission regulations, PPL Electric is authorized to charge interconnection applicants for the costs to study, engineer, design, and construct the distribution system upgrades necessary to facilitate the alternative energy systems' interconnection. Answer, pp. 4-5 (citing 52 Pa. Code §§ 75.39(d)(2), (e)(1), (e)(4)). PPL denies the remaining material allegations of the Complaint. For relief, PPL requests dismissal of the Complaint with prejudice.

On October 15, 2024, in the Petition proceeding, Administrative Law Judges Steven K. Haas and F. Joseph Brady issued an Order granting TotalEnergies' petition for interim emergency relief and certified a material question to the Commission under 52 Pa. Code § 5.305. On October 22, 2024, however, TotalEnergies and PPL filed a joint letter in which the parties asserted their agreement that PPL would not require non-refundable deposits from TotalEnergies while the instant Complaint is pending (Joint Letter). The Joint Letter specifically set for the agreement as follows:

PPL Electric has agreed that all deposit payments made by TotalEnergies or its subsidiaries, in furtherance of interconnection applications on the PPL Electric system, will be expressly refundable pending the outcome of the underlying Complaint case and that such deposits will remain refundable unless the Commission in its ruling on the Complaint case declares that such deposits shall be non-refundable.

Petition of TotalEnergies Distributed Generation USA, LLC for Interim Emergency Order under 52 Pa. Code § 3.6, Docket No. P-2024-3051440 (Opinion and Order), pp. 9-10.

On November 14, 2024, the Commission entered an Opinion and Order in the Petition proceeding, in which it adopted the parties' agreement, declined to answer the material question,

deemed the Petition and ensuing material question moot, and closed the Petition proceeding. Further, the Commission referred to the instant Complaint proceeding any questions regarding the legality of deposit requirements in furtherance of interconnection applications on the PPL system.

In the instant matter, on January 13, 2025, a Call-In Telephone Prehearing Conference Notice was issued scheduling a prehearing conference for January 30, 2025 at 1:30 p.m., before Administrative Law Judges Haas and Brady. The same notice was re-served by eService on January 28, 2025 after parties alerted the Presiding Officers that it was not received.

The prehearing convened on January 30, 2025, as scheduled. Administrative Law Judge Brady presided.

TotalEnergies was represented by Todd S. Stewart, Esquire. PPL was represented by Devin T. Ryan, Esquire.

The parties agreed to a proposed schedule for litigation and modifications to the Commission's discovery rules and deadlines, which are adopted in this order.

Litigation Schedule

We approve the litigation schedule jointly proposed by the parties, as follows:

TotalEnergies' Direct Testimony	Tuesday, February 25, 2025
PPL Electric's Direct Testimony	Thursday, March 27, 2025
TotalEnergies' Rebuttal Testimony	Thursday, April 17, 2025
Hearings	Tuesday, April 29, 2025, and Wednesday, April 30, 2025
Main Briefs	Thursday, May 29, 2025
Reply Briefs	Wednesday, June 11, 2025

Pre-served testimony and exhibits

The parties are reminded of the Commission's requirements for the preparation, service, and filing of written testimony. 52 Pa. Code § 5.412. Written testimony must be accompanied by all exhibits to which it relates.

Worksheets and calculations that are used as exhibits must be provided in Excel format by email to the Administrative Law Judges and other parties within two business days of the testimony being served.

No written testimony will be admitted into evidence unless accompanied by a verification or affidavit of the witness.

All parties are directed to comply with the provisions of 52 Pa. Code § 5.243(e) which prohibits the introduction of evidence during rebuttal or surrebuttal which should have been included in the case-in-chief or which substantially varies from the case-in-chief, unless the evidence is introduced in support of a proposed settlement.

Confidential Security Information (CSI) as defined by 35 P.S. § 2141 *et seq.* should not be transmitted by email or other electronic means. The parties are to avoid introducing CSI into the record and should develop alternative means, such as joint stipulations or redaction when proposing testimony or exhibits. If there is no other alternative to establish a material fact other than by CSI, the parties are to contact the Administrative Law Judges immediately and in advance of the evidentiary hearing.

Evidentiary hearings

We adopt the parties' proposed dates for evidentiary hearings and direct that evidentiary hearings will be held telephonically and will begin promptly at 10:00 a.m. each date. The parties must confer before commencement of the hearing to schedule their witnesses to avoid "dead time."

No later than 12:00 p.m. on April 28, 2025, the Joint Applicants shall email a completed daily witness listing and cross-examination grid to the Presiding Officers. Parties shall complete the daily witness listing and cross-examination grid as developed by the Joint Applicants.

If a partial settlement is achieved, the parties should be prepared to proceed on the first scheduled day of hearing to present evidence on the non-resolved issues. In the event a full settlement is achieved, the parties should notify the Presiding ALJs as soon as possible prior to the scheduled hearings. The parties must still plan on convening as scheduled on April 29, 2025.

Friendly cross-examination or cumulative cross-examination during hearings will not be permitted. 52 Pa. Code §§ 5.76; 5.243.

After the hearing, it is the responsibility of the parties to, in a timely manner, provide their admitted testimony and exhibits to the court reporter for addition to the record. Questions regarding how to submit public versions of your testimony and exhibits should be directed to the court reporter. All materials must be clearly marked as public or confidential. All written testimony provided to the court reporter must be accompanied by a verification from the sponsoring witness(es).

Failure to timely submit admitted testimony, exhibits and verifications to the court reporter may result in those testimonies and exhibits being excluded from the record. Exclusion from the record will preclude the presiding officers from relying on the testimony and exhibits as part of their determination on the merits.

Briefs and reply briefs

The parties must comply with 52 Pa. Code §§ 5.501 and 5.502, regarding the preparation and filing of briefs, except as otherwise directed by the Presiding Officers. Briefs must include proposed findings of fact, conclusions of law and ordering paragraphs. Page limitations on briefs will be discussed on or before the last day of hearing.

Discovery Modifications

We approve the modified discovery deadlines jointly proposed by the parties. Specifically, the following modifications to the Commission's regulations regarding discovery schedule are adopted, effective Thursday, January 30, 2025:

1. Answers to written interrogatories and requests for document production, entry for inspection, or other purposes shall be served in-hand within ten (10) calendar days of service.
2. Objections to interrogatories and/or requests for production shall be communicated orally to the propounding party within three (3) calendar days of service of the interrogatories; unresolved objections shall be served in writing to the propounding party within five (5) calendar days of service of the interrogatories and/or requests for production.
3. Motions to dismiss objections and/or direct the answering of interrogatories and/or requests for production shall be filed within three (3) calendar days of service of written objections.
4. Answers to motions to dismiss objections and/or answering of interrogatories and/or requests for production shall be filed within three (3) calendar days of service of such motions.
5. Requests for admissions will be deemed admitted unless answered within ten (10) calendar days or objected to within five (5) calendar days of service.
6. Answers to on-the-record data requests shall be served in-hand within five (5) calendar days of the requests.
7. Any discovery or discovery-related pleadings (such as objections, motions, and answers to same) served after 4:30 p.m. Monday through Thursday or after 1:30 p.m. on a Friday or the day before a holiday will be deemed to have been served on the next business day for purposes of calculating the due date for any responsive filing.

Discovery disputes may be resolved via telephone conference with the Presiding Officers without need of a motion to compel, although the propounding party may choose to file a formal

motion to compel. **All motions to compel must contain a certification of counsel of the informal discovery undertaken and their efforts to resolve their discovery disputes informally.** If a motion to compel fails to contain such certification, the Administrative Law Judges will contact the parties and direct them to pursue informal discovery.

Service and Service List

Service by email, sent by 4:30 p.m., will satisfy the in-hand requirement and no follow-up hard copy is required.

Settlement and Stipulations

The parties are reminded it is the Commission's policy to encourage settlements. 52 Pa. Code § 5.231(a). The parties are strongly urged to seriously explore this possibility. If a settlement is reached, a joint settlement petition executed by representatives of all parties to be bound thereby, together with statements in support of settlement by all signatory parties, must be filed with the Secretary for the Commission and emailed to the Administrative Law Judges no later than **3:00 p.m. on June 11, 2025.**

The parties must agree on a common outline for statements in support, including headings and subheadings. Each party need not address every issue, but the same headings and subheadings must be presented in the same order. Statements in support should be specific and explain the benefit of the settlement terms to your client beyond the savings of litigation time and expense.

As discussed above, if a partial or full settlement is achieved prior to the evidentiary hearings, the parties must still plan on convening for hearings on April 29, 2025.

If settlement is not feasible, the parties are encouraged to stipulate to any matters they reasonably can to expedite this proceeding, lessen the burden of time and expenses in litigation on all parties and conserve administrative hearing resources. 52 Pa. Code §§ 5.232 and 5.234.

All stipulations entered into by the parties must be reduced to writing, signed by the parties to be bound thereby, and moved into the record during the hearing in this case. An exception to this requirement may occur when circumstances of time and expediency warrant. If so, an oral presentation of a stipulation is permissible, if it is followed by a reduction to writing.

Modification

Any of the provisions of this Scheduling Order may be modified upon motion and good cause shown by any party in interest.

Date: February 3, 2025

/s/
Steven K. Haas
Administrative Law Judge

/s/
F. Joseph Brady
Administrative Law Judge

**C-2024-3051475 - TOTALENERGIES DISTRIBUTED GENERATION USA LLC v. PPL
ELECTRIC UTILITIES CORP**

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