

COMMONWEALTH OF PENNSYLVANIA



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April 7, 2025

Via Electronic Mail

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Administrative Law Judge Alphonso Arnold III (alphonarno@pa.gov)
Office of Administrative Law Judge
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
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Re: Pennsylvania Public Utility Commission
v.
Pike County Light & Power Company
Docket Nos. R-2024-3052357
R-2024-3052359

Dear Honorable Judges Guhl and Arnold:

Please find enclosed a copy of the OCA Brief in Opposition to Certification of Interlocutory Review being submitted on behalf of the Office of Consumer Advocate in this proceeding.

Copies have been served on the parties as indicated on the enclosed Certificate of Service.

Respectfully submitted,

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Enclosures

cc: Secretary Rosemary Chiavetta (Cover Letter and Certificate of Service Only)
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Certificate of Service

CERTIFICATE OF SERVICE

Pennsylvania Public Utility Commission :
v. : Docket No. R-2024-3052357
Pike County Light & Power Company :
Gas :

Pennsylvania Public Utility Commission :
v. : Docket No. R-2024-3052359
Pike County Light & Power Company :
Electric :

I hereby certify that I have this day served a true copy of the following document, OCA Brief in Opposition to Certification of Interlocutory Review, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 7th day of April, 2025.

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Pursuant to 52 Pa. Code Section 5.304(d), the Office of Consumer Advocate (OCA) submits the following Brief in opposition to certification of the Petition for Interlocutory Review of Discovery Matters (Petition)¹ submitted by the Pennsylvania Public Utility Commission's (Commission's) Bureau of Technical Utility Services (TUS) on March 31, 2025.

I. BACKGROUND

On March 18, 2025, the OCA filed Applications for Issuance of Subpoena (Applications) in the gas and electric rate increase requests of Pike County Light & Power Company (Pike or Company) at the above-listed dockets, pursuant to 52 Pa. Code Section 5.421. In the Applications, the OCA requested that Administrative Law Judges (ALJs) Marta Guhl and Alphonso Arnold III order the issuance of a subpoena for TUS to produce the workpapers² which support Attachments F and G of the Report on the Quarterly Earnings of Jurisdictional Utilities for the Year Ended June 30, 2024 (June 2024 QER) and the Report on the Quarterly Earnings of Jurisdictional Utilities for the Year Ended September 30, 2024 (Sept. 2024 QER)³. The OCA further requested that the Applications receive expedited treatment, with the period for objections being shortened from 10 to five days and, therefore, the OCA included in its Notice to Plead a notice that responsive objections should be filed and served within five days of the filing date of the Applications. Applications at ¶¶ 27-31. In the Applications, the OCA stated that the procedural schedule established in these dockets required the OCA to submit its Direct Testimony on April 3, 2025, which required a timely response from TUS in order to include the subpoenaed documents in its

¹ In the Petition, TUS treats the OCA's Applications as identical. Petition at n. 3. The OCA, therefore, submits the instant Brief as a consolidated responsive filing to the Petition.

² In TUS's Objections to the OCA's Applications (Objections), TUS states that the terms used by the OCA in its Applications regarding "worksheets" is left undefined. Objections at 8. In the Application, the OCA defined "workpapers" as "including the Excel files, in native format with links and formulae intact, and all linked Excel files, supporting the DCF and CAPM results which are provided in" Attachments F and G of the Reports on the Quarterly Earnings of Jurisdictional Utilities for the years ending June and September 2024 and did not use the term "worksheets." Applications at 7, 11-12.

³ Such reports are frequently referred to as the "Quarterly Earnings Reports" or "QERs."

case-in-chief. No objections or responses were filed with the Commission in response to the OCA's Applications by March 23, 2025, or the close of the noticed five-day pleading period.

On March 26, 2025, the ALJs issued Orders granting the OCA's Applications (*March 26 Orders*), including granting the OCA's request for expedited treatment as well as the OCA's request for issuance of subpoenas. On March 27, 2025, the OCA provided TUS with the *March 26 Orders* and issued subpoenas via electronic mail and perfected service of the subpoenas on March 28, 2025, with in-person delivery. Also on March 28, 2025, TUS filed its belated Objections, objecting to both the *March 26 Orders* granting the OCA's request for expedited treatment as well as the issuance of subpoenas. On March 31, 2025, the OCA filed an Affidavit of Service, indicating that it served the subpoenas on TUS on March 28, 2025.

Also on March 31, 2025, TUS filed the instant Petition, seeking interlocutory review of the *March 26 Orders* pursuant to 52 Pa. Code Section 5.304, pertaining to interlocutory review of discovery matters, which identified reasons for interlocutory review.⁴ Petition at 1-2. On April 1, 2025, ALJs Guhl and Arnold convened a status conference to hear oral argument on the Applications, Objections, and Petition. Counsel for the OCA and TUS participated in the argument.

On April 2, 2025, ALJs Guhl and Arnold issued Orders which denied certification of TUS's Petition (*April 2 Orders*). ALJs Guhl and Arnold ruled that the Petition was procedurally deficient because (1) it sought interlocutory review of an order granting an application for issuance of a subpoena, which is not itself a discovery ruling and should be brought under 52 Pa. Code Section 5.302 instead of under Section 5.304; and (2) if, assuming *arguendo* that the *March 26 Orders* had

⁴ "A petition for interlocutory review of a presiding officer's ruling on discovery must" "[s]tate the question to be certified." 52 Pa. Code § 5.304(c)(3). Similarly, if interlocutory relief is sought under Pa. Code Section 5.302, the "petition must...state, in not more than three pages, the question to be answered." 52 Pa. Code § 5.302(a). Because the Petition did not state a question to be answered by the Commission or to be certified by the ALJs, the Petition is deficient under the Commission's regulations.

been rulings on a discovery matter, the Petition did **not** (a) meet the condition of Section 5.304(a)(1) because the Commission did not order interlocutory review of the *March 26 Orders*; (b) meet the condition of Section 5.304(a)(2) because TUS failed to request the ALJs to certify a question to the Commission, as is required; **or** (c) meet the condition of Section 5.304(a)(3) because deposition of a Commissioner or Commission employee is **not** at issue in the OCA's Applications or *March 26 Orders*. *April 2 Orders* at 3-5 (*citing* 52 Pa. Code §§ 5.302(a), 5.304(a); *citing also Application of First Class Transportation, Inc.*, Docket Nos. P-2015-2501758 *et al* (Order entered Feb. 25, 2016)⁵ (*First Class*) at 5).

Notwithstanding the ALJs' denial of the instant Petition in the *April 2 Orders*, the OCA timely files, pursuant to 52 Pa. Code Section 5.304(d), this consolidated Brief in response to the Petition and in opposition to the Petition's request for certification of interlocutory review of discovery matters.⁶

⁵ Available at: <https://www.puc.pa.gov/pcdocs/1418244.docx>.

⁶ The OCA recognizes that despite the *April 2 Orders* the Commission could still decide to order interlocutory review of the *March 26 Orders* pursuant to Section 5.304(a)(1); therefore, the OCA files this responsive Brief to preserve its rights.

II. ARGUMENT

A. **The Commission should not *sua sponte* consider the Petition to have been filed under 52 Pa. Code Section 5.302.**

As stated in the *April 2 Orders*, a petition for interlocutory review of a presiding officer's grant of an application for issuance of a subpoena is not properly treated as a discovery matter. *April 2 Orders* at 3 (citing *First Class* at 5). Rather, the Petition should have been brought under 52 Pa. Code Section 5.302(a), which provides for petitions for interlocutory Commission review of a material question. *Id.* TUS's failure to bring its Petition under the correct section of the Commission's regulations should constitute waiver of the relief requested in the Petition. The OCA would be substantially prejudiced should the Commission determine to consider TUS's requested relief despite the fact that the Petition is procedurally deficient and was brought under the incorrect regulatory provision. Therefore, the OCA requests that the Commission permit the decisions of ALJs Guhl and Arnold to stand in both denying certification in the *April 2 Orders* and issuing the subpoenas pursuant to the *March 26 Orders*.

B. **Certification by the ALJs is required under the Commission's regulations for interlocutory review of the *March 26 Orders*.**

In the Petition, TUS correctly references 52 Pa. Code Section 5.304(a) regarding whether certification by the ALJs is required for interlocutory review to be granted. Petition at n. 1. Namely, certification by the ALJs is not required if interlocutory review of a discovery matter is ordered by the Commission or if the reviewed order pertains to the deposition of a Commissioner or Commission employee. 52 Pa. Code § 5.304(a). Otherwise, certification by the ALJs is required for a material question to be presented to the Commission for interlocutory review. *Id.*

In the Petition, TUS did not plead that either (1) the Commission had ordered interlocutory review of the *March 26 Orders*, or (2) that the *March 26 Orders* authorized the deposition of a Commissioner or Commission employee. Rather, the *March 26 Orders* granted the OCA's

Applications. *March 26 Orders* at 4. These subpoenas were for the production of documents (i.e., subpoena *duces tecum*), not to procure testimony either through oral or written examination (i.e., subpoena *ad testificandum*). TUS's fallacious argument that merely because the OCA made a targeted request for relevant documents – a request fully supported in the Applications – means that the OCA will seek further discovery on TUS or seek depositions is belied by the Applications themselves, as demonstrated at the oral argument. Indeed, at the April 1 status conference, counsel for TUS insisted that the OCA was seeking a deposition of Paul Diskin, director of TUS. Tr. 240. The OCA stated at the hearing that the OCA was not seeking a deposition of Mr. Diskin. *Id.* at 240-41. Given that the OCA has not requested a deposition of a Commissioner or Commission employee, TUS should not be requesting a ruling on an issue which is not before the Commission and the Commission should avoid issuing an advisory opinion on a phantom issue.

Therefore, the request for interlocutory order fails under 52 Pa. Code Section 5.304(a)(1) and 5.304(a)(3), because there is neither a Commission order requiring interlocutory review or a request to depose a Commissioner or Commission employee. The Petition also fails under 52 Pa. Code Section 5.304(a)(2) given that ALJs Guhl and Arnold denied certification of interlocutory review in the *April 2 Orders*. Therefore, the Petition has correctly been denied.

C. TUS's Objections to expedited treatment were not timely, and TUS was not prejudiced by the OCA's request for, or the ALJs' grant of, expedited treatment.

With the OCA's Application, the OCA included a Notice to Plead, as required by the Commission's regulations pertaining to subpoenas. 52 Pa. Code §5.421(b)(3). The Notice to Plead stated that responses should be provided to the ALJs within five days of the filing and service of the Applications, which were duly served on TUS and counsel for TUS. *March 26 Orders* at 2. TUS and counsel for TUS, therefore, had adequate notice that the ALJs may issue an order on an expedited basis, pursuant to the OCA's request for expedited treatment. TUS did not timely file its

Objections within the five-day time frame established in the Notice to Plead, nor did TUS otherwise timely indicate that it objected to the expedited treatment requested in the Applications. Had TUS provided the ALJs and parties with an email, letter, or written objections within the five-day time period objecting in some form to the request for expedited treatment, the parties and ALJs would have had adequate notice that TUS sought to object to the OCA's Applications. 52 Pa. Code § 5.421(f) (providing the subject of a subpoena *may* object but includes no *requirement* to do so). TUS failed to timely object and, thereby, failed to preserve its objections to the request for expedited treatment before the request was ruled on in the *March 26 Orders*.

Furthermore, at the April 1, 2025, status conference, TUS argued that the OCA could have filed an application for a subpoena as early as January 17, 2025. Tr. 238. TUS's argument should be rejected because the statement is unsupported by law, unsupported by fact, is ad hominem criticism that serves merely to distract, and because TUS was not prejudiced by the OCA's request for expedited treatment.

First, TUS's argument is unsupported by law. An element of an application for issuance of a subpoena requesting documents is necessity. 52 Pa. Code § 5.421(b)(2). Had the OCA not first engaged in discovery with Pike to determine whether documentary evidence supported Pike's requested return on equity, the OCA would not have been able to meet the necessity element for the issuance of a subpoena. The OCA did not have confirmation regarding the necessity of the Applications until March 3, 2025, as indicated in the Applications, when it received the indicated discovery responses from Pike. Applications at ¶¶ 12-16.

Second, TUS's assertion that the OCA knew or should have known about its need to file the Applications as early as January 17, 2025, has no basis in fact. TUS's assertion is based on Pike's responses to interrogatories served by the Bureau of Investigation and Enforcement (I&E).

Tr. 238. Preliminarily, TUS does not or should not have access to the responses provided to I&E’s interrogatories, as neither the interrogatories nor the responses were filed with the Commission, including whether the contents of such responses would require the OCA to apply for the issuance of a subpoena for the workpapers requested in the Applications. *See* 52 Pa. Code § 5.341(b) (interrogatories may not be filed with the Commission). Based on information available through the publicly available Commission docket, responses to I&E’s interrogatories were not served on the parties until January 27, 2025,^{7,8} which means these responses were not served on the OCA and other parties until January 27, 2025, and then only in the gas rate case, with parallel interrogatories and responses having been served later on February 4, 2025, in the electric rate case.

It is unclear if the OCA could have met the **necessity** requirement under Section 5.421(b)(2) based solely on the discovery requests of another party, which did not ask questions sufficient for the OCA to conclude that filing the Applications was necessary. The OCA did not have sufficient responses to conclude that filing the Applications was necessary until March 3, 2025, as stated in the Applications. Applications at ¶¶ 12-16.

If assuming *arguendo* that the OCA was not required to conduct further discovery to show necessity, considering TUS’s counsel’s statement that “we will not subject [TUS] to discovery until the Commission orders it,” it would have required *no fewer than 70 days*⁹ to receive the

⁷ *See Pa. PUC v. Pike Cty. Light & Power Co.*, Docket No. R-2024-3052357 (Cert. of Service of Pike Gas Responses to I&E Set RR Nos. 1-D to 6-D) available at: <https://www.puc.pa.gov/pcdocs/1863692.pdf>.

⁸ The only way TUS would mention the January 17, 2025, date is if it had obtained access to the responses, as the dates listed on the responses to I&E’s interrogatories were January 16-17, 2025. *Cf. Lyness v. Commonwealth*, 605 A.2d 1204, 1208 (Pa. 1992); *see also* 66 Pa. C.S. § 308.2(b) (prohibition on the commingling of Commission functions).

⁹ This calculation presumes that an earlier-filed application would have followed a similar procedural path to the instant matter. 70 days = 10 days for objections to an application for issuance of a subpoena + 10 days for ruling on such objections + 3 days for petitioning for interlocutory relief + 7 days for a responsive brief to such a request + 5 days for the ALJs’ ruling on the petition + 5 days for the ALJs to certify the question to the Commission + 30 days for a Commission decision on interlocutory relief. This time does not account for (1) additional calendar days due to

subpoenaed documents, which would have required the OCA to seek expedited treatment regardless. Tr. 240. Seventy days from January 28, 2025, is April 8, 2025, or five days **after** the OCA's direct testimony was due in these proceedings. As such, the OCA would have needed to request expedited treatment *operating on TUS's own time frame*, without consideration for the OCA's necessary due diligence preceding the filing of the Applications.

Third, TUS's baseless criticism of the OCA's attorney-client privileged decision-making processes and implications that the OCA somehow sat on its rights merely serve to distract from TUS's refusal to be heard during the requested expedited period. Stating that the OCA "knew way back in mid-January that they would need this information" is an irrelevant and incorrect comment by TUS seeking to undermine the OCA's legitimate and well-supported request for highly targeted, relevant, and material discovery. Tr. 238. TUS's counsel further made an ad hominem remark about the OCA in its Objections, stating that the OCA's representations in the Applications were "disingenuous at best." Objections at 10. All these comments are inaccurate criticism of the OCA that serve to distract from TUS's failure to timely respond to the request for expedited treatment. However, the OCA did its due diligence in this proceeding, moved forward in earnest and with full speed, and gave the required notice to TUS and its counsel. Moreover, the OCA treated TUS's counsel with respect. This included the OCA's contacting TUS's counsel by phone on March 10, 2025, to notify them of the OCA's need for the subpoenaed documents and to discuss a procedural path forward. Application at ¶ 30. Counsel for TUS orally requested that the OCA proceed to file an application for subpoena, which is exactly what the OCA subsequently did. *Id.* At the April 1, 2025, status conference, TUS's counsel stated on the record that the OCA's approach in contacting

deadlines falling on weekends or holidays or (2) for the time required of the subpoenaed party to provide the documents. 52 Pa. Code §§ 5.421(f), 5.304.

counsel was proper but nevertheless continued its criticism of the OCA for seeking expedited treatment. Tr. 247.

The OCA perfected notice of the Applications **and** its request for expedited treatment when the OCA served TUS and TUS's counsel with the Applications including a Notice to Plead which provided that a response was due in five days from the date of filing and an explicit request for expedited treatment in the Applications. TUS cannot and does not contest the fact that this notice was provided and was sufficient: TUS simply refused to be heard during the expedited response period by timely objecting to the request for expedited treatment.

Finally, and importantly, TUS was not prejudiced by the OCA's request for expedited treatment. TUS's Objections were heard by the ALJs at the status conference on April 1, 2025. TUS expeditiously and timely filed the instant Petition. TUS has not provided the subpoenaed documents even though, under the *March 26 Orders*, the workpapers should have been provided to the OCA on March 31, 2025.¹⁰ Therefore, TUS has suffered no procedural or substantive injury as a result of the grant of the OCA's request for expedited treatment.

In summary, in the *April 2 Orders*, the ALJs correctly denied certification of TUS's concerns and properly dismissed TUS's arguments on the matter.

D. The *March 26 Orders* should be upheld given that the documents required in the OCA's Applications for Subpoena are relevant and public.

1. The requested documents are relevant and material to the Pike rate cases.

As stated in the Applications, Pike did not submit an independent analysis to support its requested return on equity in its requests for rate relief. Applications at ¶¶ 7-16. Rather, Pike selected the Commission-authorized return on equity for purposes of the Distribution System

¹⁰ As noted herein, and as demonstrated in proof of service filed by the OCA on March 31, 2025, the OCA perfected in-person service on March 28, 2025. Three calendar days after such date would be March 31, 2025.

Improvement Charge (DSIC) for electric and natural gas distribution utilities and “rounded” that value to produce its recommended return on equity for ratemaking purposes. *March 26 Orders* at 2.

While, similar to TUS, the OCA can aver “that Pike County is attempting to use the DSIC ROE in lieu of presenting its own rate case, which is not consistent with the purpose of the QERs or the DSIC ROE,” such an averment does not present a quantitative basis as to why Pike’s proposals are inaccurate or improper. Petition at n. 4. Rather, such averments merely qualitatively engage with the proposed returns on equity. The OCA seeks to address Pike’s proposal as in-depth as possible.

The OCA owes an obligation to the Commission and the ALJs as a steward of the evidentiary record, which requires ensuring that sufficient evidence is presented for the Commission to reach an order based in substantial evidence. 2 Pa. C.S. § 704. A quantitative analysis regarding why the June 2024 QER presents an inadequate basis for the selection of an appropriate return on equity for Pike is material to the OCA’s case-in-chief and in satisfying its obligations to the ALJs and Commission to provide relevant, competent evidence sufficient to reach a conclusion regarding an appropriate return on equity. Absent such a basis, the OCA’s witness must support their argument without the support of a financial analysis.

The OCA seeks to ensure that its experts have access to all of the evidence required to fully support their positions so that it can satisfy its obligations to provide the Commission with a full and complete evidentiary record; the OCA’s expert on rate of return issues informed the OCA that the requested workpapers would assist her analysis and review of Pike’s as-filed position. For these reasons, the documents sought by the OCA’s Applications are relevant and material to its analysis of Pike’s requested return on equity for ratemaking purposes.

2. The requested documents are not privileged.

The OCA requested typical workpapers for rate of return analyses in its Applications, not draft reports, communications regarding such drafts, other such documents, or a deposition of a Commission employee, as TUS asserted despite the clear and narrow request provided in the Applications. Tr. 240-41, 246, 249. The exchange of workpapers supporting a position on rate of return is a typical part of practice before the Commission in litigation Section 1308(d) proceedings, including in the instant proceedings, wherein Pike requested the OCA's workpapers in the Company's Set 1 to the OCA. These spreadsheets often contain the type of data that the OCA anticipates are contained in the documents requested in the Applications, such as data regarding stock prices, dividends, growth rates, betas, 10-year Treasury bond yields, and total market return on equity that are components of the calculation of the discount cash flow (DCF) and capital asset pricing model (CAPM) return on equity analyses.¹¹ Such spreadsheets are not marked as confidential or privileged when exchanged during discovery; rather, they are provided ubiquitously upon request. Accordingly, the OCA has no basis to conclude that the requested spreadsheets would contain any material which could be considered to be a confidential expression of opinion, recommendation, or advice.

Rather, TUS pleaded that the only information contained in the QERs which is not available from publicly available sources, subscription sources, or the reports of jurisdictional utilities are the mathematical functions that underlie TUS's DCF and CAPM analyses. Objections at 9. However, some of these functions are already discernable because TUS provides its DCF and

¹¹ The OCA mentions these specific data because they are identified by TUS as the components of the DCF and CAPM analyses that underlie each QER. *See, e.g.*, Sept. 2024 QER at 16-17. Further, the Commission has published the parameters for the QER's calculations in a series of Secretarial Letters at Docket Nos. M-2012-2293611 and M-2012-2317272. *See, e.g.*, *ROE Working Group*, Docket No. M-2012-2293611 (Sec. Letter dated April 17, 2013), available at: <https://www.puc.pa.gov/pcdocs/1225184.docx>. The publication of these criteria constitutes a waiver in whole or in part of the privilege which TUS asserts applies in this proceeding.

CAPM equations in the QERs. Additionally, where, as here, the data contained in a requested document is purely factual, even if it was relied upon in deliberations, that data does not fall within the deliberative process privilege. *McGowan v. Pa. DEP*, 103 A.3d 374, 386-87 (Pa. Cmwlth. 2014).

Furthermore, TUS has neither pleaded nor argued any basis which supports the inference that the mathematical functions somehow contain an expression of opinion, advice, or recommendation for the Commission. Objections at 8-9; Tr. 246-47. The deliberative process privilege only prevents disclosure of information which contains ““confidential deliberations of law or policymaking, reflecting opinions, recommendations or advice,”” and the party claiming the privilege must submit evidence of specific facts demonstrating how the information relates to deliberations. *Pa. PUC v. Nase*, 302 A.3d 264, 272-73 (Pa. Cmwlth. 2023) (*quoting Smith v. Pa. DEP*, 161 A.3d 1049, 1067 (Pa. Cmwlth. 2017)). TUS has failed to demonstrate that the deliberative process privilege is applicable to the documents requested by the OCA in the Applications.

To the extent that TUS argued at the April 1, 2025, status conference that the OCA was requesting drafts of the June and Sept. 2024 QERs to examine the development of the June and Sept. 2024 QERs, that argument is belied by the contents of the OCA’s Applications and the *March 26 Orders*. *See also* Tr. 249. As stated previously, the OCA requested specific documents, none of which were identified in the Applications as drafts that would reflect the development of the figures ultimately included in the June and Sept. 2024 QERs over time. Drafts of the June and Sept. 2024 QERs would not be relevant to the instant proceeding because Pike did not request a return on equity contained in a draft of the June and Sept. 2024 QERs. Attachments F and G, pages 18, 20-23, 25-26 clearly contain printouts from Excel spreadsheets. The OCA is merely requesting access

to the spreadsheets in native format with links and formulae intact, and all linked Excel files, from which the printouts were made for the publicly available versions of the June and Sept. 2024 QERs, not prior versions of those spreadsheets or other drafts of the June and Sept. 2024 QERs. Applications at ¶¶ 18, 20-21, 24.

In sum, despite asserting the position that the deliberative process privilege protects from disclosure of the workpapers underlying the June and Sept. 2024 QERs, TUS pleaded no evidence or information sufficient to meet that burden. *Nase, supra*. Rather, TUS's arguments are merely that the requested workpapers contain mathematical formulae without indicating how or why such formulae contain confidential recommendations, advice, or opinions for use in a deliberative decision by the Commission. Objections at 8-9. Therefore, TUS's claim that the documents requested by the OCA in the Applications are immune from discovery under the deliberative process privilege is unsupported and belied by the processes resulting in the publication of QERs. Because the deliberative process privilege does not prevent disclosure of the documents requested by the OCA in its Applications and TUS did not plead that another privilege applies, ALJs Guhl and Arnold's decision in the *March 26 Orders* that the requested documents be provided to the OCA is in accordance with law and fact and should be upheld.

III. CONCLUSION

Therefore, the OCA respectfully submits that ALJs Guhl and Arnold's denial of certification of TUS's Petition for Interlocutory Review of Discovery Matters in the *April 2 Orders* was correct and respectfully requests that the decision of ALJs Arnold and Guhl in the *March 26 Orders* to require TUS to tender the requested documents to the OCA be upheld.

Respectfully submitted,

/s/Jacob Guthrie

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Dated: April 7, 2025