

April 16, 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 the Joint Solar Parties' Motion for Leave to File a Sur-Reply.

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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Attachments

cc: The Honorable John M. Coogan (via e-mail; w/attachments)  
Service List

## 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 16<sup>th</sup> day of April, 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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**MOTION FOR LEAVE TO FILE SURREPLY BY JOINT SOLAR PARTIES**

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The Joint Solar Parties (“JSP”) respectfully request leave to respond to two groundless requests made by PPL Electric Utilities Corporation (“PPL”) in its Reply Brief (“Reply”).

In PPL’s so-called Reply Brief, under the guise of not burdening Your Honor with a Motion to Strike, PPL argues that the ALJ and the Commission should not rely on certain items present in the JSPs’ Main Brief to make any findings. In reality, what PPL is doing is attempting to preclude the JSPs from being able to respond to the meritless arguments made in its Reply Brief.

First, on pages 56 – 58, PPL asks the ALJ and the Commission to disregard what PPL calls “extra-record evidence.” As we shall explain, the materials were either already in the record, including materials that came from PPL, and/or are not evidence.

Second, on pages 53 – 56, PPL asks that the Commission refrain from exercising its authority to require remedial action. Such narrowing of its authority would undermine the Commission’s supervisory role over utilities.

Both requests should be disregarded.

As to PPL’s first request:

- PPL’s Item 1 addresses an OSHA FAQ page. The JSPs cited it in their Main Brief at p. 9 in conjunction with their reference to 52 Pa. Code § 75.22, which is essentially the same. Both define a Nationally Recognized Testing Lab. The FAQ, an official OSHA publication, summarizes the regulatory requirements set forth in 29 CFR 1910.7 that qualify an entity as a NRTL. Although entitled “Definition and requirements for a

[NRTL], 29 CFR 1910.7, does not actually contain a “definition.” Thus, the FAQ page provides a definition, and is authority, not evidence.

Pennsylvania authorities such as Pennsylvania Rule of Appellate Procedure 126, state that provision of an authority is not required, but when “[a] party cit[es an] authority that is not readily available[, the party] shall attach the authority as an appendix to its filing”). This is what the JSPs did.

- PPL’s Item 2 (“Smart PV inverter overview: IEEE 1547-2018 and UL 1741 explained) is a publicly available article. The JSPs cited it in their Main Brief at p. 9 to explain a technical term, “control adjustable functions,” used throughout the proceeding. *See, e.g.,* Hrg. Tr., p. 184. It is not evidence, as it is not “an item or piece of information offered to make the existence of a fact more or less probable,” per Pa.R.E. 103.
- PPL’s Item 3 is an article by PPL’s own expert witness, Jay Johnson. Mr. Johnson cited this article in his testimony (at PPL St. No. 5, n. 3) and included it in his curriculum vitae, which is PPL Electric Exhibit JJ-1, Exhibit p. 3. In other words, the article came from PPL, and is in the record. The JSPs cited the article on pp. 12 – 14 of their Main Brief in response to counter Mr. Johnson’s and other PPL witnesses’ oral testimony during the hearing.

To the extent the JSPs did not provide citations to Mr. Johnson’s testimony or the exhibit referring to this article, that is harmless error.

- PPL’s Item 4, what PPL calls a “purported copy” of Mr. Johnson’s article, was appended to the JSPs’ Main Brief for the Commission’s convenience.
- PPL’s Item 5 addresses PPL’s Smart Inverters and DER Pilot Management Requirements” and “FAQ” pages from PPL’s own website. JSP Expert Witness Brian Lydic provided a screenshot of PPL’s webpage as his Exhibit JSP-BL-2SR, which also links to PPL’s FAQ pages. Mr. Lydic discussed PPL’s requirements and cited PPL’s webpage in his Surrebuttal Testimony. (JSP St. No. 9-SR, p. 3).

Thus, the material is not new as it was either provided by the JSP witness, or it came directly from PPL. Again, to the extent the JSPs did not cite the exhibit, that should be harmless error.

- PPL’s Item 6 addresses a Narang (or “NREL”) article. The article was cited by PPL Expert Witness Cody Davis in his testimony, at PPL St. No. 3, n. 4. The JSPs’ citation to it on page 18 of their Main Brief, also cites to its origin in Mr. Davis’ testimony. Thus, the material is not new and came from PPL. PPL references the article in its Reply Brief at p. 43.
- PPL’s Item 7 addresses a hard copy of the Narang article which the JSPs’ appended for the Commission’s convenience.

- PPL's Item 8 refers to a HECO document. As PPL itself notes, the JSPs cited this document already, in JSP St. No. 1-SR, p. 17. It was also discussed in OCA's Main Brief at p. 15. Thus, it is not new.
- PPL's Item 9 concerns the "Sunspec protocol," which was discussed extensively in the Hearing, *see, e.g.*, Hrg. Tr., p. 342, in testimony, *see, e.g.*, PPL St. No. 5-RJ, p.5, and its Reply. The protocol is akin to "an authority." It is not readily available, and the JSPs provided a link t readily available, the JSPs provided a link for the ease of the Commission.

Second, PPL asks this body to deny the JSPs' request for an order requiring PPL to replace SolarEdge inverters in which it installed its Device, or to order PPL to pay \$2 million into a fund to replace SolarEdge inverters with thermal damage, and in which PPL installed its Device.<sup>1</sup>

PPL would seek to cabin the Commission's authority in such a way that the Commission would be barred from ordering the relief it deems appropriate in order for it to fulfill its duty to ensure the adequacy, efficiency, safety and reasonableness of public utility services, facilities and/or rates, per 66 Pa. C.S. § 1501.

It is clear that under 66 Pa. C.S. § 1505:

Whenever the commission, after reasonable notice and hearing, upon its own motion or upon complaint, finds that the service or facilities of any public utility are unreasonable, unsafe, inadequate, insufficient or unreasonably discriminatory or otherwise in violation of this part, the commission shall determine and prescribe, by regulation or order, the reasonable, safe, adequate, sufficient, service or facilities to be observed, furnished, enforced, or employed, including all such repairs, changes, alterations, extensions, substitutions, or improvements in facilities as shall be reasonably necessary and proper for the safety, accommodation and convenience of the public.

(emphasis added.)

Here, PPL has had more than reasonable notice, and has clearly been heard, on the JSPs' allegations concerning PPL's method of connecting its DER Management Device ("Device") to SolarEdge inverters, devoting 9 pages in its Main Brief, and 5 sets of testimony (rebuttal,

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<sup>1</sup> PPL MB, pp. 53 – 55.

rejoinder and supplemental rejoinder testimony) by fact and expert witnesses on these allegations. PPL cross-examined one JSP Witness, Jason Bobruk, on its method. *See* Hearing Transcript, pp. 390 – 425. PPL had the opportunity to cross-examine additional witnesses, including SolarEdge’s Failure Analysis Engineer, on the factual bases for his opinions that PPL’s method is unsafe, as well as the JSPs’ expert witness, Bill Brooks, on his opinions as to why PPL’s method constitutes a violation of the National Electric Code, but elected not to cross-examine either.

Regardless, it is indisputable that Section 1505(a) “expressly grants the PUC the power to identify and direct remediation of utility facilities that it finds to be “reasonable, unsafe, inadequate, insufficient, ... or otherwise in violation of the Code.” *PPL Elec. Utils. Corp. v. City of Lancaster*, 654 Pa. 203, 214 (Pa. 2019). *See, e.g., United Transportation Union v. Consolidated Rail Corporation*, 1992 Pa. PUC LEXIS 62, Pa. PUC Docket No. C-833601 (Opinion and Order issued June 4, 1992) (holding that the Commission “do[es] indeed have the legal ability to remedy [a] safety matter by addressing the issue of whether [a] practice ... is unsafe, based on the record before us.”). Indeed, PPL’s request – that asks the Commission to approve PPL’s method of installation (PPL Proposed Ordering Paragraph ¶ 3) is in essence the flip side of the JSPs’ request. PPL is impliedly asking this Commission to find its method is safe and to approve it. The JSPs are implicitly asking this Commission to find PPL’s method unsafe, and to order remedial action.

Further, the JSPs’ alternate request (that the Commission order PPL to replace SolarEdge inverters *or* establish a fund with which to finance replacements of inverters that have sustained thermal damage and have PPL’s Devices in the) was not a request for money damages, it was a recommendation as to a mechanism that could achieve the remedial objective of having PPL

absorb the cost associated with replacing inverters it may have damaged. To that end, *see A. Edward Schwartz v. Canadian Pacific Railroad and Pennsylvania Department of Transportation*, 2011 Pa. PUC LEXIS 1845, Pa. PUC Docket No. C-2011-2237486, in which the Commission ordered that the Department of Transportation provide inspections and analysis to ensure the safety of a bridge at its own cost. In other words, the order involved a requirement that the Department pay for something, but did not transform the case into a damages action that the Commission could not adjudicate.

Based on the foregoing, PPL's requests should be denied.

Counsel for the undersigned sought the consent of the other parties. At the time of this filing, only the Office of Small Business Advocate and PPL responded, to state they did not consent.

Respectfully submitted,



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