

COMMONWEALTH OF PENNSYLVANIA



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May 6, 2025

Via Electronic Mail

Administrative Law Judge John M. Coogan (Via Email: jcoogan@pa.gov)
Office of Administrative Law Judge
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

Re: Petition of PPL Electric Utilities Corporation
for Approval of its Second Distributed Energy
Resources Management Plan
Docket Nos. P-2024-3049223

Dear Judge Coogan:

Please find enclosed a copy of the Answer to the Motion for Leave to File Surreply by Joint Solar Parties 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.

Respectively,

/s/Christy Appleby
Christy Appleby
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Enclosures

cc: Secretary Matthew L. Homsher (Cover Letter and Certificate of Service Only)
Certificate of Service

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

CERTIFICATE OF SERVICE

I hereby certify that I have this day filed electronically on the Commission's electronic filing system and served a true copy of the following document, the Office of Consumer Advocate's Answer to Motion for Leave to File Surreply of the Joint Solar Parties, 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 6th day of May 2025.

SERVICE BY E-MAIL ONLY

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Dated: May 6, 2025

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 :

ANSWER OF THE
OFFICE OF CONSUMER ADVCOATE
IN RESPONSE TO THE JOINT SOLAR PARTIES
MOTION FOR LEAVE TO
FILE SURREPLY

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Dated: May 6, 2025

I. INTRODUCTION

The Office of Consumer Advocate (OCA) submits this Answer in response to the Joint Solar Parties' (JSPs) Motion for Leave to File Surreply in the above-referenced docket. Pursuant to Section 5.103 of the Public Utility Commission's regulations, on April 16, 2025, the JSPs filed a Motion for Leave to File Surreply (Motion). 52 Pa. C.S. § 5.103. The JSPs request that it be permitted leave to respond to PPL's Reply Brief. Motion at 1. The OCA opposes the JSPs' Motion on procedural grounds.

II. ANSWER

In its Motion, the JSPs state that PPL made two "groundless" requests in its Reply Brief that necessitate a Surreply by the JSPs. Motion at 1-3. For non-rate proceedings such as the instant proceeding, the Commission's regulations only permit an initial brief and response brief as follows:

(c) *Filing of briefs in nonrate proceedings.*

(1) *Initial brief.* An initial brief shall be filed by the party with the burden of proof except as provided by agreement or by direction of the presiding officer.

(2) *Response brief.* A party may file a response brief to the initial brief.

52 Pa. C.S. § 5.502(c)(1-2).

For rate proceedings, only Main Briefs or Reply Briefs are discussed in the Commission's regulations as follows:

(d) *Filing of briefs in rate proceedings.*

(1) *Main brief.* A main brief may be filed by a party except as provided by agreement or by direction of the presiding officer.

(2) *Reply brief.* A party may file a reply brief to a main brief regardless of whether the party filed a main brief.

52 Pa. C.S. § 5.502(d)(1-2).

In the Commission's regulations, there is no discussion regarding the filing of Surreply Briefs. Moreover, the Commission's regulation notes that briefs not served or filed by their respective deadlines will not be accepted except for when they relate to extensions of time and discontinuances as follows:

(g) *Late-filed briefs*. Briefs not filed and served on or before the dates fixed therefore will not be accepted, except by special permission of the Commission or the presiding officer as permitted under § 1.15 (referring to extensions of time and continuances).

52 Pa. C.S. § 5.502(d)(1-2). No such request for an extension of time or continuance has been made in this proceeding.

Additionally, on February 13, 2025, Administrative Law Judge (ALJ) John M. Coogan issued a Briefing Order in the above-referenced proceeding. The Briefing Order discussed deadlines for Main Briefs and Reply Briefs, page limits, and additional briefing instructions. The Briefing Order does not discuss the possibility of a Surreply.

As such, both the Commission's regulations and the ALJ's Briefing Order do not discuss the filing of a Surreply. Moreover, the JSPs do not cite to any Commission regulation that would permit the JSPs to file a Surreply.

Granting the Motion would set a new precedent under which a party before the Commission can file a Surreply after Reply Briefs are filed and the litigation schedule deadlines for briefing have already passed. This new precedent could disadvantage parties, Administrative Law Judges, and the Commission both in the instant proceeding, and in future proceedings.

In accordance with the Commission's regulations and the ALJ's Briefing Order, on procedural grounds, the OCA opposes the JSPs' Motion and requests that the Commission deny the Motion.

III. CONCLUSION

For the reasons set forth above, the Office of Consumer Advocate respectfully requests that the JSPs' Motion be denied on procedural grounds.

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Dated: May 6, 2025

Respectfully submitted,

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