

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**ORDER
DENYING MOTION FOR LEAVE TO FILE SURREPLY BRIEF AND
ON CLOSE OF RECORD**

On May 20, 2024, PPL Electric Utilities Corporation (PPL or Company) filed a Petition requesting that the Pennsylvania Public Utility Commission (Commission) approve tariff modifications and other authorizations that are needed to implement PPL’s Second Distributed Energy Resources (DER) Management Plan, pursuant to Paragraph 62 of the Joint Petition for Settlement of All Issues approved by the Commission at Docket No. P-2019-3010128.

On June 7, 2024, the Office of Small Business Advocate (OSBA) filed a Notice of Intervention and Public Statement in this proceeding.

On July 1, 2024, the Office of Consumer Advocate (OCA) filed an Answer to PPL’s Petition.

On July 8, 2024, American Home Contractors, Inc.; Enphase Energy, Inc.; the Solar Energy Industries Association; SolarEdge Technologies, Inc.; Sun Directed; Sunnova, Inc.; Tesla, Inc.; and Trinity Solar, LLC (collectively, the Joint Solar Parties or JSPs) filed an Answer, Petition to Intervene, and Protest in this proceeding.¹

¹ On September 13, 2024, the JSPs filed a letter stating that Sunnova, Inc. is no longer a member of the JSPs.

On July 10, 2024, the PP&L Industrial Customer Alliance (PPLICA) filed a Petition to Intervene.

On July 12, 2024, the Sustainable Energy Fund of Central Eastern Pennsylvania (SEF) filed a Petition to Intervene.

On July 24, 2024, a hearing notice was issued, establishing a telephonic prehearing conference for this proceeding for Tuesday, August 6, 2024, at 10:00 a.m. and assigning me as the Presiding Officer. A Prehearing Conference Order was issued on July 25, 2024 setting forth rules that would govern the prehearing conference.

The prehearing conference convened on August 6, 2024, as scheduled. PPL, OSBA, OCA, the JSPs, PPLICA, and SEF were present and represented by counsel. During the Prehearing Conference various procedural matters were discussed, including: the Petitions to Intervene filed by the JSPs, PPLICA, and SEF were granted; litigation schedules were set; and modifications to the Commission's discovery rules were established. A Scheduling Order was issued on August 7, 2024.

On September 13, 2024, PPL filed a Motion to Dismiss Objections and Compel Responses to Interrogatories and Requests for Production of Documents Propounded on the Joint Solar Parties – Set I (Motion to Compel). On September 16, 2024, the JSPs filed their Answer to PPL's Motion to Compel. Also on September 16, 2024, a hearing notice was issued, establishing a telephonic evidentiary hearing for this proceeding for Wednesday, December 4, 2024, and Thursday, December 5, 2024.

On September 24, 2024, I granted PPL's Motion to Compel (Motion to Compel Order).

On September 26, 2024, the JSPs filed a Petition for Certification of Petition for Interlocutory Review and Stay of Order (Petition for Interlocutory Review), seeking a stay and Commission review of the Motion to Compel Order.

On September 26, 2024, PPL filed a Motion for Protective Order.

On September 27, 2024, I issued a Protective Order.

On September 27, 2024, the JSPs filed a Petition for Leave to Withdraw its Petition for Interlocutory Review (Petition to Withdraw).

On October 9, 2024, I issued an order granting the JSPs Petition to Withdraw.

On October 21, 2024, I issued a Modified Scheduling Order.

On October 22, 2024, I issued a Corrected Modified Scheduling Order.

On January 8, 2025, a corrected hearing notice was issued, establishing a telephonic evidentiary hearing for this proceeding for Tuesday, February 11, 2025, Wednesday, February 12, 2025, and Thursday, February 13, 2025.

On January 24, 2025, PPL filed a Motion in Limine and/or to Strike Certain of the JSPs' Testimony and Exhibits and Motion for Sanctions.

On January 27, 2025, the JSPs filed an answer to PPL's Motion in Limine and/or to Strike Certain of the JSPs' Testimony and Exhibits and Motion for Sanctions.

On January 30, 2025, I issued an Order Denying PPL's Motion in Limine and/or to Strike Certain of the JSPs' Testimony and Exhibits and Motion for Sanctions

On January 30, 2025, the JSPs filed a Motion for Leave to Amend Surrebuttal Testimony.

On January 30, 2025, PPL filed a Motion to Dismiss Objections and Compel Responses to Interrogatories and Requests for Production of Documents Propounded on the Joint Solar Parties – Set XIX, Nos. 2 through 4 (Second Motion to Compel).

On January 31, 2025, PPL filed a letter, withdrawing its Second Motion to Compel.

On February 8, 2025, the JSPs filed a Motion for Leave to File Surrejoinder Testimony.

On February 11 and 12, 2025, the evidentiary hearings were held as scheduled.

On February 13, 2025, I issued a Briefing Order.

On March 25, 2025, PPL, the JSPs, OCA, OSBA, and SEF filed Main Briefs.

On April 15, 2025, PPL, the JSPs, OCA, OSBA, and SEF filed Reply Briefs.

On April 16, 2025, the JSPs filed a Motion for Leave to File a Surreply (Surreply Brief Motion).

On May 6, 2025, PPL and the OCA filed answers to the Surreply Brief Motion.

Commission regulations allow motions, and motions may make a request for relief, except as otherwise expressly provided by Commission regulations. 52 Pa. Code §§ 5.1(a)(6), 5.103(a). Presiding officers have the authority to regulate the course of proceedings and are required to conduct fair and impartial hearings and maintain order. 52 Pa. Code §§ 5.483(a), 5.485(a).

The JSPs request leave to file a Surreply Brief to respond to what the JSPs characterize as two groundless requests made by PPL in its Reply Brief. PPL opposes the JSPs’

Surreply Brief Motion, asserting that the JSPs arguments are meritless. The OCA opposes the JSPs' Surreply Brief Motion, stating that the Commission's regulations at 52 Pa. Code §§ 5.502(c) & (d) only permit an initial or main brief and a response or reply brief, respectively,² and there is no provision for filing of surreply briefs. The OCA further highlights Commission regulations at 52 Pa. Code § 5.502(g) that do not allow for late-filed briefs.

The JSPs' Surreply Brief Motion will not be granted. Parties agreed to a litigation schedule in this proceeding, including dates for evidentiary hearings and submission of Main and Reply Briefs. These dates for filing of briefs were memorialized in both the Corrected Modified Scheduling Order issued on October 22, 2024, and the Briefing Order issued on February 13, 2025. No party agreed to the filing of Surreply Briefs and no provision was made for filing of Surreply Briefs. Additionally, no other party supports the JSPs' Surreply Brief Motion. Further, as the OCA states, Commission regulations do not provide for Surreply Briefs. Therefore, the JSPs' Surreply Brief Motion will be denied.

The transcripts of the February 11 and 12, 2025 evidentiary hearings in the above-captioned matter have been received, scheduled briefs have been filed, and no further hearings in this matter are to be scheduled or held.

² 52 Pa. C.S. § 5.502(c) governs filing of briefs in nonrate proceedings, and 52 Pa. C.S. § 5.502(d) governs filing of briefs in rate proceedings.

THEREFORE,

IT IS ORDERED:

1. That the Joint Solar Parties' Motion for Leave to file a Surreply is denied;
2. That the record at Docket No. P-2024-3049223 closed on April 15, 2025;
3. That a Recommended Decision shall be prepared and issued.

Date: May 13, 2025

/s/
John M. Coogan
Administrative Law Judge

P-2024-3049223 - PETITION OF PPL ELECTRIC UTILITIES CORP FOR APPROVAL OF ITS SECOND DISTRIBUTED ENERGY RESOURCES MANAGEMENT PLAN.

DEVIN T RYAN, ESQUIRE
POST AND SCHELL PC
ONE OXFORD CENTRE
301 GRANT STREET SUITE 3010
PITTSBURGH PA 15219
717.731.1985
dryan@postschell.com
Served via eService May 13, 2025
(*Counsel for PPL*)

MEGAN E RULLI, ESQUIRE
POST AND SCHELL PC
17 NORTH SECOND STREET
12th FLOOR
HARRISBURG PA 17101
717.612.6012
mrulli@postschell.com
Served via eService May 13, 2025
(*Counsel for PPL*)

KIMBERLY A KLOCK, ESQUIRE
PPL SERVICES CORPORATION
TWO NORTH NINTH STREET
ALLENTOWN PA 18101
610.774.2599
kklock@pplweb.com
Served via eService May 13, 2025
(*Counsel for PPL*)

STEVEN C GRAY, ESQUIRE
REBECCA LYTTLE, ESQUIRE
OFFICE OF SMALL BUSINESS
ADVOCATE
555 WALNUT STREET
FORUM PLACE, 1ST FLOOR
HARRISBURG, PA 17101
717.783.2525
sgray@pa.gov
relyttle@pa.gov
Served via email May 13, 2025

CHRISTY M. APPLEBY, ESQUIRE
HARRISON W BREITMAN, ESQUIRE
OFFICE OF CONSUMER ADVOCATE
555 WALNUT STREET
FORUM PLACE, 5TH FLOOR
HARRISBURG, PA 17101
cappleby@paoca.org
hbreitman@paoca.org
Served via eService May 13, 2025

BERNICE I. CORMAN, ESQUIRE
BICKY CORMAN LAW PLLC
1250 CONNECTICUT AVENUE, NW,
SUITE 700
WASHINGTON, DC 20036
bcorman@bickycormanlaw.com
Served via email and first class mail
May 13, 2025
(*Counsel for Joint Solar Parties*)

JUDITH D. CASSEL, ESQUIRE
MICAH R. BUCY, ESQUIRE
HAWKE, MCKEON & SNISCAK LLP
501 CORPORATE CIRCLE
SUITE 302
HARRISBURG, PA 17101
jdcassel@hmslegal.com
mrbcy@hmslegal.com
Served via email and first-class mail
May 13, 2025
(*Counsel for Sustainable Energy Fund*)

ADEOLU A. BAKARE, ESQUIRE
REBECCA KIMMEL, ESQUIRE
MCNEES, WALLACE & NURICK LLC
100 PINE STREET
P.O. BOX 1166
HARRISBURG, PA 17108
abakare@mcneeslaw.com
rkimmel@mcneeslaw.com
Served via eService May 13, 2025
(*Counsel for PPLICA*)

