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July 30, 2025

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

VIA ELECTRONIC FILING

**RE: Pennsylvania Public Utility Commission v. Wellsboro Electric Company;
Docket No. R-2025-3054392**

**Pennsylvania Public Utility Commission v. Citizens' Electric Company of Lewisburg, PA;
Docket No. R-2025-3054394**

Dear Secretary Homsher:

Attached for filing with the Pennsylvania Public Utility Commission is the Joint Motion to Strike Portions of Solar Projects' Statement No., 2, the Direct Testimony of Kevin Lucas on behalf of Wellsboro Electric Company and Citizens' Electric Company of Lewisburg, PA, in the above-referenced proceedings.

If you have any questions regarding the attached documents, please feel free to contact the undersigned. As shown by the attached Certificate of Service, the parties to this proceeding are being duly served with a copy of this filing. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Adeolu A. Bakare', written over a horizontal line.

Adeolu A. Bakare
MCNEES WALLACE & NURICK LLC

Counsel to Citizens' Electric Company of Lewisburg, PA
and Wellsboro Electric Company

c: Mary D. Long, Administrative Law Judge (via e-mail)
Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants, listed below, in accordance with the requirements of Section 1.54 (relating to service by a participant).

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Adeolu A. Bakare

*Counsel to Citizens' Electric Company of
Lewisburg, PA*

Dated this 30th day of July, 2025, in Harrisburg, Pennsylvania.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, <i>et al.</i>	:	
	:	
v.	:	
	:	
Wellsboro Electric Company	:	Docket No. R-2025-3054392
	:	
and	:	
	:	
Citizen's Electric Company of Lewisburg	:	Docket No. R-2025-3054394

NOTICE TO PLEAD

To: Kelly Road Solar, LLC, Lancaster Avenue Solar, LLC, and Twilight Renewables, LLC

PER 52 PA. CODE § 5.103(C), YOU ARE HEREBY NOTIFIED TO FILE A WRITTEN RESPONSE TO THE ENCLOSED MOTION WITHIN TWENTY (20) DAYS OF THE DATE OF SERVICE HEREOF OR A JUDGMENT MAY BE ENTERED AGAINST YOU.

Respectfully submitted,



Adeolu A. Bakare (PA I.D. No. 208541)
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Rebecca Kimmel (Pa. I.D. No. 335097)
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Dated: July 30, 2025

Counsel to Wellsboro Electric Company
Citizens' Electric Company of Lewisburg, PA

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, <i>et al.</i>	:	
	:	
v.	:	
	:	
Wellsboro Electric Company	:	Docket No. R-2025-3054392
	:	
and	:	
	:	
Citizen's Electric Company of Lewisburg	:	Docket No. R-2025-3054394

**JOINT MOTION TO STRIKE PORTIONS OF SOLAR PROJECTS' STATEMENT NO. 2,
THE DIRECT TESTIMONY OF KEVIN LUCAS**

TO THE HONORABLE, THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Wellsboro Electric Company ("Wellsboro") and Citizens' Electric Company of Lewisburg, PA ("Citizens") (collectively, "Joint Movants"), hereby file, pursuant to the Pennsylvania Public Utility Commission's ("Commission") regulations at 52 Pa. Code § 5.103, this joint motion to strike portions of the Direct Testimony submitted on the behalf of Kelly Road Solar, LLC, Lancaster Avenue Solar, LLC, and Twilight Renewables, LLC (hereinafter collectively with Kelly Road Solar, LLC and Lancaster Avenue Solar, LLC, the "Solar Projects"). In support thereof, the Joint Movants states as follows:

I. BACKGROUND

1. On April 30, 2025, the Joint Movants and Valley Energy, Inc. (Valley), filed proposed base rate increase requests.

2. Wellsboro filed proposed Supplemental No. 162 to Tariff Electric Pa. P.U.C. No. 8 ("Supplemental No. 162"), containing proposed changes in rates, rules and regulations calculated to produce \$2.9 million (22.0%) in additional annual revenues.

3. Wellsboro's filed proposed base rate increase request is docketed with the Commission at Case Number R-2025-3054392 (the "Wellsboro Rate Case").

4. Valley filed proposed Supplement No. 69 to Tariff Gas Pa. P.U.C. No. 2 ("Supplemental No. 69"), containing proposed changes in rates, rules, and regulations calculated to produce \$1.6 million (19%) in additional revenues.

5. Valley's filed proposed base rate increase request is docketed with the Commission at Case Number R-2025-3054393 (the "Valley Rate Case").

6. Citizens' filed proposed Supplement No. 172 to Tariff Electric Pa. P.U.C. No. 14 ("Supplemental No. 172"), containing proposed changes in rates, rules, and regulations calculated to produce \$1.79 million (11%) in additional annual revenues.¹

7. Citizen's filed proposed base rate increase request is docketed with the Commission at Case Number R-2025-3054394 ("Citizen's Rate Case") (collectively with the Wellsboro Rate Case and the Valley Rate Case, the "Rate Cases.>").

8. The Rate Cases were eventually assigned to the Commission's Office of Administrative Law Judge. Administrative Law Judge Mary D. Long (the "ALJ") subsequently issued a prehearing conference order (the "Prehearing Conference Order") dated May 22, 2025, which, *inter alia*, notified interested parties of the deadlines to file interventions for each rate case and advised that "your rights as an active party of record include the ability to present your own testimony and to cross-examine other witnesses at the formal hearings...." Prehearing Conference Order at 3.

9. At the Prehearing Conference on June 3, 2025, the ALJ reviewed the Complaints and Petitions to Intervene filed in all three rate cases. The ALJ granted the Petition to Intervene filed by the Solar Projects only with respect to the Citizens' Rate Case.

¹ Wellsboro Electric, Valley Energy, and Citizens' Electric are collectively referenced as the "Companies."

10. On June 5, 2025, the ALJ issued a second prehearing order (the "Second Prehearing Order"). The Second Prehearing Order memorialized the ALJ's approval of the Solar Projects' Petition to Intervene for the Citizens' Rate Case. The Second Prehearing Order also confirmed approval of the Companies' request to consolidate the Rate Cases for purposes of discovery and litigation. Prehearing Conference Order at p. 3. However, under the Second Prehearing Order, each Rate Case must be supported by its own record. Id. at 3.

11. On July 15, 2025, the Solar Projects submitted Solar Projects' Statement No. 2, the Direct Testimony of Kevin Lucas in the Citizens' Rate Case ("SP Statement No. 2").

12. Although the Solar Projects served SP Statement No. 2 only to the Citizens' Rate Case docket, the testimony presents arguments relying on information specific to Wellsboro and requests relief involving Wellsboro's rate case.

13. For example, SP Statement No. 2 states, in relevant part, as follows:

[w]hile the focus of my testimony is on this Citizens' proceeding, I also discuss related issues in the now-consolidated application of [Wellsboro] in Docket No. R-2025-3054392. The primary focus of my testimony is the implication of Citizens' and Wellsboro's...proposals to change the way small commercial customer-generators would be assigned the GSSR-1 and GSSR-2 rate schedules. I review some of the discovery responses that shed further light on the mechanics of their proposals and the potential impact on their customers.

SP Statement No. 2 at 3.

14. SP Statement No. 2 repeatedly and consistently sets forth opinions on Citizens' and Wellsboro by referring to both entities collectively as the "Utilities." Accordingly, the Solar Projects utilize SP Statement No. 2 to simultaneously contest aspects of both the Citizen's and Wellsboro Rate Cases.

II. JOINT MOTION TO STRIKE

15. The portions of the SP Statement No. 2 discussing Wellsboro and the Wellsboro Rate Case should be stricken as a matter of law on the grounds that those portions are inadmissible evidence.

16. 52 Pa. Code § 5.401 governs the admissibility of evidence in a proceeding before the Commission. Pursuant to 52 Pa. Code § 5.401, only "relevant and material" evidence is admissible in a proceeding before the Commission, subject to objections on other grounds.

17. 52 Pa. Code § 5.401 does not define the terms "relevant evidence" or "material evidence." However, the Pennsylvania courts have informed the Commission to observe the essential principles governing the admissibility or exclusion of evidence set forth in the Pennsylvania rules of evidence. *See Pittsburgh & L.E.R. Co. v. Pennsylvania Public Utility Commission*, 85 A.2d 646, 653 (Pa. Super. 1952). In accordance with Pennsylvania law, the Commission is informed to use 225 Pa. Code Rule 401 with regard to the admissibility of the SP Statement No. 2. *See id.*

18. 225 Pa. Code Rule 401 defines the test required to determine if evidence is relevant. 225 Pa. Code Rule 401 states as follows: "evidence is relevant if: (a) it has any tendency to make a fact more or less probable than it would be without the evidence; and (b) the fact is of consequence in determining the action."

19. Here, when observed in accordance with 225 Pa. Code Rule 401, the opinions, analysis, and exhibits set forth in SP Statement No. 2, pertaining to the Wellsboro Rate Case, are inadmissible as a matter of law.

20. Specifically, the opinions and analysis pertaining to the Wellsboro Rate Case in SP Statement No. 2 can have no consequence to the Commission's adjudication of the Wellsboro Rate Case action because the Solar Projects lack party status in the Wellsboro Rate Case. While the Solar Projects may rely on the consolidation of the rate case dockets as the basis for its submission of testimony directed towards Wellsboro, the ALJ clearly limited the consolidation to procedural matters and explicitly required parties to develop independent evidentiary records for each Rate Case docket. Second Prehearing Order at 3. The Solar Parties may further reference statements from the ALJ's June 7, 2025, Initial Decision

("Initial Decision") denying intervention in both the Citizens' and Wellsboro rate cases for the Solar Energy Industrial Association and the Coalition for Community Solar Access ("Solar Advocates"). Initial Decision at 7-8. However, the ALJ's observation of common questions of law between the Citizens' and Wellsboro Rate Cases does not supersede the clear directive to maintain separate dockets and evidentiary records for each Rate Case. Second Prehearing Order at 3.

21. The Joint Movants further note that the witness sponsoring SP Statement No. 2, Mr. Kevin Lucas, is employed by SEIA, one of the entities denied intervention in the aforementioned Initial Decision, as its Director of Rate Design. Counsel for the Joint Movants received a Notice identifying both of the witnesses to be presented by the Solar Projects on July 11, 2025, including Mr. Lucas. See Appendix A. Importantly, the Notice was filed only at the Citizens' Rate Case docket and identified Mr. Lucas solely as a witness testifying on the Citizens' Rate Case. The Commission should not permit SEIA, through the testimony of Mr. Lucas, to circumvent the denial of its Petition to Intervene in Wellsboro's Rate Case by submitting testimony directed to Wellsboro in the Citizens' Rate Case docket.

22. Accordingly, the granting of this Motion to Strike is necessary to ensure that the opinions and analysis set forth in SP Statement No. 2 pertaining to the Wellsboro Rate Case are not considered in the Commission's disposition of the Wellsboro Rate Case.

III. CONCLUSION

WHEREFORE, Wellsboro Electric Company and Citizens' Electric Company of Lewisburg, PA respectfully request that the Pennsylvania Public Utility Commission strike pages 3 through 29 of its Statement No. 2, the Direct Testimony of Kevin Lucas, except page 10 (which does not discuss Wellsboro Electric) and direct the Solar Parties to re-serve a corrected copy of Statement No. 2 limiting any presented evidence, data, or proposed request for relief to that provided within or relevant to the Citizens' Rate Case docket.

Respectfully submitted,



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Dated: July 30, 2025