HMS Legal

Regulation is a maze. We can show you the way!

Todd S. Stewart
717.703.0800
tsstewart@hmslegal.com

501 Corporate Circle, Suite 302, Harrisburg, PA 17110 Phone: 717.236.1300 Fax: 717.236.4841 www.hmslegal.com

November 20, 2025

VIA ELECTRONIC FILING

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Filing Room
Harrisburg, PA 17120

RE: Pennsylvania Public Utility Commission v. Citizens' Electric Company of Lewisburg, PA; Docket No. R-2025-3054394; **EXCEPTIONS OF KELLY ROAD SOLAR, LLC, LANCASTER AVENUE SOLAR, LLC AND TWILIGHT RENEWABLES, LLC**

Dear Secretary Homsher:

Enclosed for filing with the Commission is the Exceptions of Kelly Road Solar, LLC, Lancaster Avenue Solar, LLC and Twilight Renewables, LLC (collectively "Solar Projects") to the Recommended Decision issued November 13, 2025 in the above-captioned matter. Copies of the Exceptions have been served in accordance with the attached Certificate of Service.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact my office.

Very truly yours,

Todd S. Stewart
Counsel for Kelly Road Solar, LLC, Lancaster Avenue Solar, LLC and Twilight Renewables, LLC (collectively "Solar Projects")

TSS/jld
Enclosure
cc: Office of Special Assistants (via electronic mail – ra-OSA@pa.gov)
Per Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

VIA ELECTRONIC MAIL

Adeolu A. Bakare, Esquire
Matthew L. Garber, Esquire
Rebecca Kimmel, Esquire
McNees Wallace & Nurick, LLC
100 Pine Street
Harrisburg, PA 17101
abakare@mcneeslaw.com
mgarber@mcneeslaw.com
rkimmel@mcneeslaw.com
Counsel for Citizens' Electric Company of Lewisburg, PA

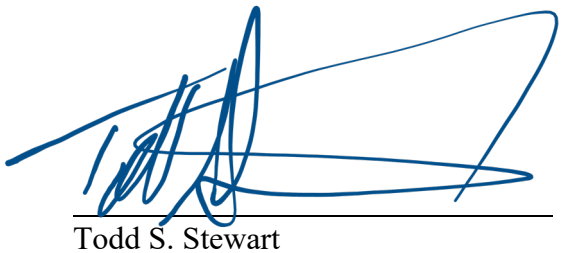
Victoria A. Geddis, Esquire
McNees Wallace & Nurick, LLC
170 N. Radnor-Chester Road, Suite 350
Radnor, PA 19087
vgeddis@mcneeslaw.com
Counsel for Citizens' Electric Company of Lewisburg, PA

Steven C. Gray, Esquire
Rebecca Lyttle, Esquire
Office of Small Business Advocate
555 Walnut Street
Forum Place, 1st Floor
Harrisburg, PA 17101
sgray@pa.gov
relyttle@pa.gov

Michael Podskoch, Jr., Esquire
Bureau of Investigation & Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
mpodskoch@pa.gov

Melanie Joy El Atieh, Esquire
Ryan Morden, Esquire
Barrett C. Sheridan, Esquire
Office of Consumer Advocate
55 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1923
MElAtieh@paoca.org
RMorden@paoca.org
BSheridan@paoca.org
OCA25CWV@paoca.org

Pamela Polacek
Chief Legal & Regulatory Officer
C&T Enterprises, Inc.
P.O. Box 129
Venetia, PA 15367
ppolacek@ctenterprises.org
Counsel for C&T Enterprises, Inc.



Todd S. Stewart

DATED: November 20, 2025

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

EXCEPTIONS OF KELLY ROAD SOLAR, LLC, LANCASTER AVENUE SOLAR, LLC AND TWILIGHT RENEWABLES, LLC

Todd S. Stewart, Attorney ID No. 75556
HMS Legal LLP
501 Corporate Circle, Suite 302
Harrisburg, PA 17110
(717) 236-1300
(717) 236-4841 (fax)
tsstewart@hmslegal.com

Counsel for Kelly Road Solar, LLC, Lancaster Avenue Solar, LLC and Twilight Renewables, LLC (collectively "Solar Projects")

DATED: November 20, 2025

TABLE OF CONTENTS

I. INTRODUCTION 1

II. EXCEPTIONS 5

1. Exception No. 1 - The RD Commits an Error of Law by approving Citizens' re-definition of "Demand" in contradiction of the express language of the AEPS Act. (RD at 34)..... 5

2. Exception No. 2 - The RD Commits an error by suggesting that Customer-Generators impose costs on the system, or that any costs are not offset by benefits. (RD at 40-41). 7

3. Exception No. 3 - The RD commits an error of law in concluding that the Code does not prohibit the proposed changes for net metering customer-generators. (RD at 44-48). 9

4. Exception No. 4 - The RD fails to address the fact that Citizens' proposed distribution rates violate the letter of the AEPS Act. (*passim*). 11

III. CONCLUSION 12

TABLE OF AUTHORITIES

Cases

Dauphin Cnty. Indus. Dev. Auth. v. Pa. PUC,
123 A.3d 1124, 1135, 2015 Pa. Commw. LEXIS 381, *29 ("*Dauphin County*") 3

Lloyd v. Pennsylvania Public Utility Commission,
904 A.2d 1010, 1015 (Pa. Cmwlth. 2006) 9

Penn Renewables, LLC v. Pennsylvania Public Utility Commission,
Docket 337 CD 2025 1

Petition of UGI Utilities, Inc.;
Docket No. P-2024-3049343, et al (Final Order entered February 20, 2025) 1

Philadelphia Indus. & Com. Gas Users Grp. v. Pennsylvania Pub. Util. Comm'n,
No. 128 C.D. 2024, 2025 WL 2177932, at *1 (Pa. Cmwlth. 2025) 8

Philadelphia Indus. & Com. Gas Users Grp. v. Pennsylvania Pub. Util. Comm'n,
No. 128 C.D. 2024, 2025 WL 2177932, at *3 (Pa. Cmwlth. 2025) 9

Popowsky v. Pennsylvania Public Utility Commission,
589 Pa. 605, 910 A.2d 38, 53 (Pa. 2006) 3

Statutes

1 Pa. C.S. § 1903(a) 11

66 Pa. C.S. § 1304 5

66 Pa. C.S. § 2807(e)(7) 10

66 Pa. C.S. § 315(a) 8

66 Pa. C.S. § 101 5

73 P.S. § 1648.2 12

73 P.S. § 1648.5 ..... 1, 2, 11

Regulations

52 Pa. Code § 54.2 10

52 Pa. Code § 75.13(d) 11

I. INTRODUCTION

The Recommended Decision ("RD") of Administrative Law Judge Mary Long concludes that the Pennsylvania Public Utility Commission ("Commission") should approve, with modification, the Joint Petition for Non-Unanimous Settlement ("Settlement") submitted by several parties in the above-captioned matter. The Solar Projects – the sole objector – opposes the Settlement because, if implemented, it will eliminate the economic value of several already operating net-metering projects and will further undermine the prospects of several others that remain in development. The core of the Solar Projects'[1] objection is Citizens' Electric Company of Lewisburg, PA ("Citizens") effort to alter the statutory compensation framework for customer-generators through its rate proposal, in violation of the Alternative Energy Portfolio Standards ("AEPS") Act,[2] and the well-established principles of cost causation.

In its rate increase filing, Citizens' proposed modifications that rely solely on the Commission's holding in *Petition of UGI Utilities, Inc.*; Docket No. P-2024-3049343, et al (Final Order entered February 20, 2025), a case which is pending on appeal before the Commonwealth Court.[3] Beyond that lone decision, nothing supports Citizens' proposal to measure "demand" as both consumption and generation for purposes of calculating the compensation "for all excess generation" produced by customer-generators, or Citizens'

[1] Kelly Road Solar, LLC, Lancaster Avenue Solar, LLC and Twilight Renewables, LLC (collectively "Solar Projects").
[2] 73 P.S. § 1648.5.
[3] *Penn Renewables, LLC v. Pennsylvania Public Utility Commission*, Docket 337 CD 2025.

effort to use the same paradigm to impose distribution charges on both consumption and generation. Those aspects of Citizens' proposal lack any basis in the law.

Citizens' proposal to employ the term "Billing Demand" and to include both import (consumption) and export (generation) of electricity within that term violates the express requirements of the AEPS Act.[4] The AEPS Act unambiguously mandates that customer-generators "shall receive full retail value for all generation on an annual basis."[5] The language means exactly what it says: each unit of energy produced is entitled to be compensated at the "full retail value." Although the AEPS Act does not provide a definition of "full retail value," it is clear that it means something other than "retail energy rate" as the RD suggests. The AEPS Act does not authorize an Electric Distribution Company ("EDC") to implement a new charge or any other mechanism that diminishes the compensation the statute requires.

The RD's acceptance of Citizens' redefinition of "demand" violates the AEPS Act in at least two ways. First, Citizens' proposal does not recognize and therefore does not compensate customer-generators for per kW distribution charges.[6] Instead, the proposal to charge customer-generators more for distribution than other customers with similar consumption by redefining demand to include generation, thus increasing the amount they are charged, even without changing the rate. A further consequence of redefining

[4] 73 P.S. § 1648.5.
[5] Id.
[6] As made clear in Solar Projects' Main Brief, there is no legal basis to use the technical definition of energy instead of its common usage when defining what will and will not be compensated. Solar Projects' Main Brief at 58-60.

"demand" is that it will force small business customer-generators with minimal consumption into a large industrial customer procurement class, which will severely reduce the compensation the receive for the energy they produce. Similarly, the RD's modification of the Settlement to adopt Citizens' initial proposal to reclassify net-metering customers based off of their nameplate Gross Generator Capacity may result in reclassification of other small business customer-generators with meaningful traditional demand, and no excess generation, into a new real-time pricing structure. Nothing in the Public Utility Code ("Code") or the AEPS Act authorizes the redefinition of demand or distribution charges to include production.

Second, it is contrary to the AEPS Act to permit, or even encourage, a utility to create a rate mechanism with the clear intention of avoiding the legislative mandate that customer-generators receive full retail value for all energy produced. The law does not allow a utility to substitute a dressed-up wholesale rate that bears no resemblance to the retail payment Citizens' receives from the vast majority of its customers.

The Commonwealth Court has clearly rejected the notion that the Commission's authority to ensure just and reasonable rates overrides other statutory requirements or entitles the Commission to deference in interpreting the AEPS Act.[7] Rather, the Court has

[7] *Dauphin Cnty. Indus. Dev. Auth. v. Pa. PUC*, 123 A.3d 1124, 1135, 2015 Pa. Commw. LEXIS 381, *29 ("*Dauphin County*")("The statutory requirement that utility rates be just and reasonable does not authorize the Commission to ignore or alter other statutory directives. *Popowsky v. Pennsylvania Public Utility Commission*, 589 Pa. 605, 910 A.2d 38, 53 (Pa. 2006). Utility rates are a function of many factors, such as the costs associated with environmental compliance, the cost to build a power plant and the cost to provide a return to the utility's shareholders. The cost of purchasing electricity from a customer-generator that has invested in the production of green energy is only one of many factors that goes into a tariff. The policy decision expressed in the

concluded that the AEPS Act advances distinct and valid goals, that are separate from the Code, and the Commission has been granted no leeway to reinterpret or narrow those provisions. What the RD proposes is a fundamental change to the compensation paradigm of the AEPS Act, accomplished by revising or disregarding Code provisions that existed long before the AEPS Act was enacted. In short, what the RD would permit is exactly what the *Dauphin County* decision prohibits: the Commission using its rate authority under the Code to alter the application of the AEPS Act.

Even if one were to disagree with this interpretation of the law, one cannot reasonably disagree that Citizens' has failed to support its proposal with evidence sufficient to carry its burden of proving a just and reasonable basis for the rate structure it seeks to impose. The proposal relies upon vague statements and is unsupported by any analysis or data demonstrating that customer-generators cause harm, or shift/increase costs to other customers, even though those same customer-generators are in compliance with the AEPS Act. If Citizens' does not agree with the enabling law, its recourse is not to file a rate case that fails to comply with the law and then assert that the law does not apply. Its recourse is to seek a change to the law and comply with the law as written until that change occurs. The RD wrongly enshrines Citizens' efforts to do the former. Accordingly, the Solar Projects offer the following Exceptions to the RD.

Alternative Energy Act to encourage the production of renewable energy sources is not conditioned on its producing the lowest possible tariff.")

II. EXCEPTIONS

1. Exception No. 1 - The RD Commits an Error of Law by approving Citizens' re-definition of "Demand" in contradiction of the express language of the AEPS Act. (RD at 34).

Citizens' has created the term Billing Demand, which is not defined in the Code and is contrary to the Code's use of "demand,"[8] which refers only to consumption. Under Citizens' approach, Billing Demand is recast to encompass both consumption and production. Citizens' does this to ensure that customer-generators do not receive the full retail value of the energy they produce and to enable a discriminatory shift that places customer-generators into an industrial rate class, based not on their consumption, like every other customer, but on their beneficial production. That result is clearly prohibited under *Dauphin County* and by the Code.[9] The express intent of redefining demand to include both consumption and production is to disadvantage a very small number of customer-generators for the benefit of all other customers, without any evidence that customer-generators are a detriment to the system, and in direct contradiction of the express language of the AEPS Act. The AEPS Act's requirement that customer-generators receive full retail value is not subservient to any notion that compliance will produce or must produce lower customer bills. The only credible evidence in the record on this subject demonstrates, contrary to the RD's conclusions, that net metering customer-generators reduce costs.[10]

[8] The Pennsylvania Public Utility Code, 66 Pa. C.S. §§ 101, *et seq*. ("Code").
[9] 66 Pa. C.S. § 1304 ("No public utility shall, as to rates, make or grant any unreasonable preference or advantage to any person, corporation, or municipal corporation, or subject any person, corporation, or municipal corporation to any unreasonable prejudice or disadvantage.")
[10] Solar Parties MB at 22-24.

The RD recites Citizens' expectation of more customer-generators, particularly larger customer-generators, as a justification for taking action that will ultimately discourage customer-generators, even though encouraging them is the exact goal of the AEPS Act.

The Solar Projects opposed Citizens' proposal to base Billing Demand solely on Gross Generator Capacity because that measure, adopted by the RD, amplifies the harm imposed by Citizens' proposed redefinition. It makes it likely that Billing Demand would be set at a level (nameplate rating) that a customer-generator might never reach, particularly if coupled with energy storage that stores the daytime solar output to slowly discharge at night. The RD rejects the alternative "bi-directional demand" because "neither the Company nor the OCA quantify these additional equipment and administrative costs, in even ballpark figures."[11] The RD overestimates the costs and complexity of measuring bi-directional demand as proposed in the Settlement's Billing Demand proposal.[12] Solar Projects' surrebuttal notes that the number of meters that require reprogramming and the administrative work to reclassify customers is minimal.[13] Nevertheless, the RD approves the implementation of Billing Demand without Citizens' producing a single exhibit that quantifies the alleged harm of customer-generators versus the benefits they bring to the system. Moreover, the RD was willing to reject the "bi-directional demand" compromise

[11] RD at 39. The Solar Projects note that, while Citizens' and the OCA fail to quantify the alleged administrative costs for the bi-directional demand Settlement proposal, they also wholly fail to quantify the alleged costs of hosting customer-generators on Citizens' system, which is the basis for the entire Billing Demand proposal

[12] RD at 38-40.

[13] Solar Projects Statement No. 2-SR at 11-12.

based upon the Solar Parties' opposition, but was more than willing to impose the entire Billing Demand proposal for that reason.[14]

2. <u>Exception No. 2</u> - The RD Commits an error by suggesting that Customer-Generators impose costs on the system, or that any costs are not offset by benefits. (RD at 40-41).

Unrefuted record evidence demonstrates that there is no risk associated with "premiums" for default service supply attributable to customer-generators; in fact, the opposite is true.[15] The load-serving entities that bid to provide Citizens' fixed-price, full-requirements default service energy **reduced** their price in light of the knowledge that customer-generators contribute to the system.[16] Likewise, the RD recommends approval of the Settlement on the basis of supposed "changes" to Citizens' distribution system, even though Citizens' produced no tangible evidence of any actual increase in costs. In short, the RD overlooks the complete failure of Citizens' to carry its burden of proof.[17]

Citizens' proposes to base its Billing Demand determination on the larger of either: (1) the customer's highest power usage over any 15-minute period in a month; or (2) the gross generation rating of the customer's generating equipment.[18] Citizens' argues that this Billing Demand proposal is based on "net power flow from or onto the Company's distribution system" providing "an accurate reflection of the Customer's use of the

[14] RD at 39-40.
[15] Solar Projects MB at 22-25.
[16] Solar Projects St. No. 2-SR at 2 ("not only do solar customer-generators reduce capacity costs, they reduce them in a manner that provides more value than the average cost to serve the DSP load.")
[17] Solar Projects MB at 18-20.
[18] Solar Projects' St. No. 2, pp. 8-9.

distribution system."[19] Citizens' further claims that it must "plan the same for a customer that is exporting 400 kW to Citizens' as [it does] for a customer that is receiving 400 kW from Citizens'."[20] Taking it one step further, Citizens' next argues that customer exports are "more complicated because of potential variability, voltage sags/surges and other issues." Based on these demonstrably false assertions, Citizens' claims, and the RD accepts, that "[i]t is equitable to charge a customer exporting 400 kW to us similar to how we charge a customer that uses 400 kW."[21]

The purpose of this proposal, according to Citizens', is to ensure that net metering customers with generating facilities above 400 kW nameplate capacity that provide excess generation to Citizens' receive an "annual cash out…[at] a weighted average locational marginal price ("LMP")[,]" rather than the Price to Compare ("PTC") under GSSR-1.[22] The burden of proof, however, is "to show that the rate involved is just and reasonable" and is placed solely upon the public utility.[23] This burden of proof applies to "every element of a public utility's rate increase request…" and "generalities and sweeping statements" are not sufficient to satisfy the requirement that rates be just and reasonable. "In Pennsylvania, just and reasonable rates **must** reflect the principle of cost causation."[24]

[19] Citizens' St. No.4, p. 17.
[20] Citizens' St. No. 4, p. 18.
[21] Citizens' St. No. 4, p. 17.
[22] Citizens' St. No. 4, p. 17.
[23] 66 Pa. C.S. § 315(a) (Reasonableness of Rates).
[24] *Philadelphia Indus. & Com. Gas Users Grp. v. Pennsylvania Pub. Util. Comm'n*, No. 128 C.D. 2024, 2025 WL 2177932, at *1 (Pa. Cmwlth. 2025).

The cost causation principle requires that "all approved energy rates reflect to some degree the costs actually caused by the customer who must pay for them."[25]

Citizens' failed to satisfy its burden because it did not provide evidence showing that its Billing Demand proposal results in rates that reflect costs caused by net metering customer-generators. The RD erred in accepting Citizens' claims at face value without probing any deeper. Contrary to the RD's contentions, the Solar Projects' argument is not premised solely on the fact that the Billing Demand proposal will raise costs and reduce compensation for customer-generators for doing exactly what the AEPS Act incentivized them to do. Rather, the Solar Projects case is also based on Citizens' complete failure to offer any proof that customer-generators increase costs.

In light of the statutory mandates that authorize customer-generators to be compensated for all energy produced, punishing customer-generators for doing what the AEPS Act intended them to do, namely produce energy, cannot be the basis for a the RD's conclusion in this case.[26]

3. <u>Exception No. 3</u> - The RD commits an error of law in concluding that the Code does not prohibit the proposed changes for net metering customer-generators. (RD at 44-48).

The RD concludes, on page 44, that "[t]he logic supporting the Commission's view that UGI could classify a customer according to bi-directional use of UGI's system is persuasive to the disposition in this case." The RD is incorrect. The Code specifically

[25] *Philadelphia Indus. & Com. Gas Users Grp. v. Pennsylvania Pub. Util. Comm'n*, No. 128 C.D. 2024, 2025 WL 2177932, at *3 (Pa. Cmwlth. 2025) (citing *Lloyd v. Pennsylvania Public Utility Commission*, 904 A.2d 1010, 1015 (Pa. Cmwlth. 2006)).
[26] *Dauphin County*.

requires that small business customers be provided with a rate that changes no more frequently than once a quarter.[27] The rate classifications have not changed; the only classification that changed is procurement class. Under the Commission's Regulations, several of the Solar Projects' installations qualify as small businesses and are therefore entitled to a default service rate that changes no more frequently than quarterly, as opposed to an LMP rate that changes every 5 minutes.[28]

The more egregious flaw in the RD is not its conclusion that nothing in Sections 1307, 1308 or 2807 "precludes Citizens' from proposing the tariff changes it does in this matter -- which is incorrect as noted above.[29] Rather, the major flaw is the RD's failure to recognize that nothing in any of those sections authorizes the Commission to take actions that are directly adverse to the AEPS Act. The UGI decision, and now the RD in this case, attempt to do exactly that.

The AEPS Act, without differentiating between the size of customer-generators, requires that all customer-generators "receive full retail value for all energy produced on an annual basis." While the statute does not define "full retail value," it is equally obvious that "full retail value" does not mean "retail rate" as the RD suggests. The point is that the Code is not superior to the AEPS Act, and nothing in the AEPS Act nor the Code permits

[27] 66 Pa. C.S. § 2807(e)(7). ("The default service provider shall offer residential and small business customers a generation supply service rate that shall change no more frequently than on a quarterly basis.").
[28] 52 Pa. Code § 54.2.
[29] RD at 45.

the reclassification of customer-generators for the purpose of diminishing their compensation.

4. <u>Exception No. 4</u> - The RD fails to address the fact that Citizens' proposed distribution rates violate the letter of the AEPS Act. (*passim*).

The RD does not address the fact that Citizens' proposal fails to net all distribution charges for energy consumed against energy produced as required by the AEPS Act, which requires that customer-generators "shall receive full retail value for all energy produced on an annual basis."[30] The RD appears to overlook this requirement because the Commission's net metering regulations provide that "[a]n EDC and DSP shall credit a customer-generator at the full retail *kilowatt-hour rate*."[31] However, nowhere does the AEPS Act define "energy," let alone limit it to kilowatt-hour charges.

Under Pennsylvania's Statutory Construction Act, words are to be given their plain meaning unless the legislature has provided a technical definition or the term has acquired a settled legal meaning.[32] The AEPS Act contains no technical definition of "energy" and there is no settled legal meaning of the term "energy" in this context; therefore, the plain meaning of the term controls. The plain meaning of "energy" includes both kilowatt-based and kilowatt-hour-based rates.

The use of the general term "energy," rather than the narrower unit "kilowatt-hours," supports the conclusion that the General Assembly intended a broader meaning than the Commission's regulations provide. In fact, in Section 2 of the AEPS Act the General

[30] 73 P.S. § 1648.5.
[31] 52 Pa. Code § 75.13(d) (emphasis added).
[32] 1 Pa. C.S. § 1903(a).

Assembly demonstrated that it knew how to use precise units by defining an "alternative energy credit" as equal to one megawatt-hour of electricity and by defining "customer-generator" facilities in terms of their capacity in kilowatts.[33] Its decision in Section 5 to use the broader word "energy" must therefore be given effect. A narrowing construction would disregard that choice and undermine the Act's purpose of ensuring that customer-generators receive the full retail value of their production.

Accordingly, Citizens' proposal fails to provide customer-generators the full retail value of the "energy" they produce because it applies a distribution rate only to a customer-generator's kilowatts (*i.e.*, capacity) as part of the Billing Demand while excluding those same distribution charges in its net metering compensation. Effectively, customer-generators are required to pay for their kilowatts of capacity as part of their retail distribution rate but are not credited for those same kilowatts as part of their net metering compensation. Failing to net or compensate customer-generators for those kilowatt-based (capacity based) distribution charges, in reliance on the Commission's regulations limiting the required credit to the "full retail kilowatt-hour rate," is contrary to the statute because it results in customer-generators not receiving the "full retail value" of the "energy" produced. Such a proposal must be rejected as contrary to law.

III. CONCLUSION

Citizens' claims that its customers will be harmed by customer-generators, through increased default service supply costs and higher distribution system operating costs is

[33] 73 P.S. § 1648.2.

unfounded as the record shows that Citizens' is not experiencing any such harm. Citizens' claims are left unsupported and must fail. Moreover, there is no statutory authorization that would allow Citizens' to re-arrange the regulatory paradigm in an undisguised effort to reduce compensation for customer-generators or to impose distribution charges on energy produced and consumed on the system that ultimately benefits the system. While the AEPS Act contains no suggestion that customer-generators must reduce costs, the evidence in this case shows that they do. The RD recommends approval of the settlement that would approve Citizens' proposal based on the notion that customer-generators will increase costs and therefore need to be charged more. The Commonwealth Court has made it clear that approving change on such a basis (increased cost) is not permitted. Accordingly, the RD must be reversed for all the reasons stated herein and in the Main and Reply Briefs of the Solar Projects, which are incorporated herein.

Respectfully submitted,

Todd S. Stewart, Attorney ID No. 75556
HMS Legal LLP
501 Corporate Circle, Suite 302
Harrisburg, PA 17110
(717) 236-1300
(717) 236-4841 (fax)
tsstewart@hmslegal.com

Counsel for Kelly Road Solar, LLC, Lancaster Avenue Solar, LLC and Twilight Renewables, LLC (collectively "Solar Projects")

DATED: November 20, 2025