

COMMONWEALTH OF PENNSYLVANIA



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December 29, 2025

**Via Electronic Filing**

Matthew L. Homsher, 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 Homsher:

Please find enclosed a copy of The Office of Consumer Advocate's Answer to the Emergency Petition of PPL Electric Utilities Corporation in this proceeding. Copies have been served on the parties as indicated on the enclosed certificate of service.

Respectfully submitted,

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Enclosures

cc: Administrative Law Judge John M. Coogan (Via Email: [jcoogan@pa.gov](mailto:jcoogan@pa.gov))  
Office of Special Assistants (Via Email: [ra-osa@pa.gov](mailto:ra-osa@pa.gov))  
Certificate of Service

CERTIFICATE OF SERVICE

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

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 PPL's Emergency Petition, 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 29th day of December 2025.

SERVICE BY E-MAIL ONLY

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Dated: December 29, 2025

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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

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ANSWER OF THE PENNSYLVANIA  
OFFICE OF CONSUMER ADVOCATE  
TO THE EMERGENCY PETITION OF  
PPL ELECTRIC UTILITIES CORPORATION  
FOR CLARIFICATION OF THE TOLLING ORDER  
ENTERED ON DECEMBER 24, 2025

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In accordance with 52 Pa. Code Section 5.61, the Pennsylvania Office of Consumer Advocate (OCA) submits this Answer to PPL Electric Utilities Corporation’s (PPL or Company) Emergency Petition for Clarification of the Pennsylvania Public Utility Commission’s (Commission or PUC) Opinion and Order entered December 24, 2025 (*Tolling Order*) (*PPL Emergency Petition*). 52 Pa. Code § 5.61. In the *PPL Emergency Petition*, PPL requests that: “(1) the Commission issue an Order by no later than December 31, 2025, clarifying that no stay or supersedeas was granted by its Tolling Order; and (2) establish a deadline of December 29, 2025, for Answers to this Emergency Petition in order to facilitate a ruling by December 31, 2025.” *PPL Emergency Petition* at 1 (emphasis removed). The OCA files this Answer in response.

**I. INTRODUCTION**

This proceeding concerns PPL’s Petition for approval to implement its Second DER (Distributed Energy Resources) Plan following the conclusion of its existing DER pilot program. *See also, Petition for PPL Electric Utilities Corporation for Approval of its First Distributed Energy Resources Management Plan*, Docket No. P-2019-3010128, Order (Dec. 17, 2020) (*PPL First DER Petition*). Parties to the case include PPL Electric Utilities Corporation (PPL); the OCA, the Office of Small Business Advocate (OSBA); the Joint Solar Parties (JSP), comprised of American Home Contractors, Inc., Enphase Energy, Inc., the Solar Energy Industries Association, SolarEdge Technologies, Inc., Sun Directed, Sunnova, Inc, Tesla, Inc. and Trinity Solar, Inc.; PPL Industrial Customer Alliance (PPLICA); and the Sustainable Energy Fund (SEF).

On June 30, 2025, ALJ Coogan issued his Recommended Decision (RD), recommending that PPL’s proposed Petition for a Second DER Plan be denied.

In the Commission’s Order entered December 3, 2025 (*Second PPL DER Order*), the Commission adopted the OCA’s recommendation for the development of an Orchestration Plan but did not address the OCA’s recommendation that small DER installments below 200 kw be excluded. *See Second PPL DER Order* at Ordering Paragraph 5. The Commission ordered as follows:

That within twelve (12) months of the entry date of the Commission’s Opinion and Order in this proceeding, PPL Electric Utilities Corporation shall file a Distributed Energy Resources Orchestration with the Commission and provide an evaluation of three (3) different interconnection approaches.

*Second PPL DER Order* at 63.

As discussed in the OCA’s December 18, 2025, Petition for Reconsideration, the OCA sought to understand the scope of the Commission’s *Second PPL DER Order*. See *OCA Petition for Reconsideration*.

On December 19, 2025, the JSPs filed a Petition for Clarification and Stay/Supersedeas (*JSP Petition for Clarification and Stay/Supersedeas*), requesting that the Commission stay the effectiveness of its *Second PPL DER Order* pending resolution of any appellate proceedings and any required proceedings on remand. On December 24, 2025, the Commission issued an Order granting reconsideration of the OCA’s Petition for Reconsideration and the *JSP Petition for Clarification and Stay/Supersedeas*. The *PPL Emergency Petition* was filed on December 26, 2025, at 4:07 pm.<sup>1</sup> The OCA files this Answer in response to the *PPL Emergency Petition*.

## II. LEGAL STANDARDS

The standards for granting a petition for reconsideration are as follows:

A petition for reconsideration, under the provisions of 66 Pa. C.S. § 703(g), may properly raise any matters designed to convince the Commission that it should exercise its discretion under this code section to rescind or amend a prior order in whole or in part. In this regard we agree with the Court in the Pennsylvania Railroad case, wherein it stated that “[p]arties...cannot be permitted by a second motion to review and reconsider, to raise the same questions which were specifically considered and decided against them...” *What we expect to see raised in such petitions are new and novel arguments, not previously heard, or considerations which appear to have been overlooked or not addressed by the Commission.* Absent such matters being presented, we consider it unlikely that a party will succeed in persuading us that our initial decision on a matter or issues was either unwise or in error.

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<sup>1</sup> The OCA notes that PPL’s Petition was submitted late in the day on December 26, a day that the Commission and many state offices, including the OCA, were closed for the Christmas Holiday. To that end, PPL’s request for the Commission to enter an Order on December 29 and requiring all answers to be submitted that same day is not reasonable and is inconsistent with Commission regulations, as further discussed below.

*Duick v. Pennsylvania Gas and Water Co.*, 56 Pa. P.U.C. 553, 599 (1985) (quoting *Pennsylvania R.R. Co. v. Pa. P.U.C.*, 118 Pa. Super. 180 (1935)) (*Duick*) (emphasis added).

The standards for granting a stay are as follows: (1) the petitioners makes a strong showing they are likely to prevail on the merits; (2) the petitioners have shown that without the relief requested, they will suffer irreparable injury; (3) the issuance of a stay will not substantially harm other interested parties in the proceeding; and (4) the issuance of a stay will not adversely affect the public interest. *Pa. PUC v. Process Gas Consumers Group*, 467 A. 2d 805, 808-809 (Pa. Cmwlth. 1983).

### III. ANSWER

The *PPL Emergency Petition* outlines the issues that PPL believes needs to be addressed. *PPL Emergency Petition* at ¶¶ 12-32. To summarize, PPL argues that the Commission did not order a stay or supersedeas in its *Tolling Order*. *Id.* (internal citations omitted).

The JSPs requested a stay as follows in its Petition for Clarification and Stay/Supersedeas: “WHEREFORE, the JSPs respectfully request the Commission stay the effectiveness of its December 3, 2025, Order pending resolution of any appellate proceedings and any required proceedings on remand.” *JSP Petition for Clarification and Stay/Supersedeas* at 21.

The Commission’s *Tolling Order* plainly stated as follows:

**IT IS ORDERED:** That the Petition for Reconsideration and/or Clarification, filed by the Office of Consumer Advocate, **and the Petition for Clarification and Stay/Supersedeas**, filed by Solar Energy Industries Association, SolarEdge Technologies, Inc., Sun Directed, Tesla, Inc., and

Trinity Solar, LLC on December 18, 2025, **are hereby granted**, pending further review of, and consideration on, the merits.

*Tolling Order* at 3 (emphasis added).

The *Tolling Order* speaks for itself and unambiguously grants the JSPs' request for a Stay. *Tolling Order* at 3. Indeed, it is reasonable for the Commission to consider the petitions filed by the parties on the merits prior to PPL implementing DER II, so that all parties can be provided clarity on what PPL will implement, and to stay the proceeding pending appellate review and potential remand.

Moreover, while PPL takes issue with the Commission's citation to Pa. R.A.P. Rule 1701(b)(3) (PPL Emergency Petition at ¶¶ 22-25), Rule 1701(b)(3) states as follows:

(b) *Authority of a trial court or other government unit after appeal.*—After an appeal is taken or review of a quasijudicial order is sought, the trial court or other government unit may

...

(3) Grant reconsideration of the order which is the subject of the appeal or petition, if:

(i) an application for reconsideration of the order is filed in the trial court or other government unit within the time provided or prescribed by law; and

(ii) an order expressly granting reconsideration of such prior order is filed in the trial court or other government unit within the time prescribed by these rules for the filing of a notice of appeal or petition for review of a quasijudicial order with respect to such order, or within any shorter time provided or prescribed by law for the granting of reconsideration.

Pa. R.A.P. 1701(b)(3).

The Commission complied with the rules of appellate procedure. For purposes of legal explanation, the Commission stated as follows in its *Tolling Order*:

Granting reconsideration pending review of, and consideration on, the merits of the Petitions in order to preserve Commission jurisdiction and toll the thirty-day time period for filing a petition for appellate review does not automatically stay the Commission's underlying Opinion and Order.<sup>1</sup> Pursuant to 52 Pa. Code § 5.572, petitions seeking a stay or supersedeas must be filed with the Commission within fifteen (15) days after the underlying Opinion and Order becomes final.

*Tolling Order at 2.*

PPL attempts to frame the above paragraph as an implicit denial of the JSPs' request for a Stay. However, the Commission immediately followed-up on this explanatory paragraph with the following language:

Accordingly, we shall grant reconsideration of the Petition and the Clarification/Stay Petition, within the meaning of Pa. R.A.P. 1701(b)(3), pending review of, and consideration on, the merits of the Petitions.

*Tolling Order at 2.*

PPL's attempt to argue that a stay was not granted should be disregarded as it goes against the plain language of the *Tolling Order*. Indeed, the sole ordering paragraph of the Tolling Order states:

**IT IS ORDERED:** That the Petition for Reconsideration and/or Clarification, filed by the Office of Consumer Advocate, and the Petition for Clarification and Stay/Supersedeas, filed by Solar Energy Industries Association, SolarEdge Technologies, Inc., Sun Directed, Tesla, Inc., and Trinity Solar, LLC on December 18, 2025, are hereby granted, pending further review of, and consideration on, the merits.

*Tolling Order at 3 (emphasis in original).*

Moreover, PPL's request for expedited deadlines should be denied. PPL requested that the Commission establish a deadline to file responsive answers by December 29, 2025. PPL Emergency Petition at 1. However, the *PPL Emergency Petition* was filed when the

Commission was closed on Friday, December 26, 2025. As such, it is deemed to have been received today, on Monday, December 29, 2025. *See* 52 Pa. C.S. § 1001.11(a) (“Whenever a pleading, submittal or other document is required or permitted to be filed under this part or by statute, it will be deemed to be filed on the date actually received with the Clerk, or other office as specifically designated by the Authority.”). Additionally, PPL requests that the Commission facilitate a ruling by December 31, 2025, which, to the OCA’s knowledge, is a part-day holiday for the Commission. However, under 52 Pa. Code Section 1001.12, part-day holidays are considered holidays and any deadlines falling on part-day holidays must run until the end of the next day which is neither a Saturday, Sunday, nor a holiday. 52 Pa. C.S. § 1001.12.<sup>2</sup> As such, PPL’s request that the Commission facilitate a ruling by

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<sup>2</sup> **§ 1001.12. Computation of time.**

(a) Except as otherwise provided by statute, in computing a period of time prescribed or allowed by this part or by statute, the day of the act, event or default after which the designated period of time begins to run is not included. The last day of the period is included, unless it is Saturday, Sunday or a legal holiday in this Commonwealth, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or holiday. A part-day holiday shall be considered as a holiday. Intermediate Saturdays, Sundays and legal holidays shall be included in the computation.

(b) Except as otherwise provided by statute, in computing a period of time prescribed or allowed by this part or by statute which is measured by counting a specified number of days backward from a scheduled future act, event or default, the day of the scheduled future act, event or default is not included. The day on which the prescribed or allowed action is to occur shall be included, unless it is a Saturday, Sunday or a legal holiday in this Commonwealth, in which event the day of the prescribed or allowed action shall run until the next preceding day which is neither a Saturday, Sunday or holiday. A part-day holiday shall be considered as a holiday. Intermediate Saturdays, Sundays and legal holidays are included in the computation.

December 31, 2025 is unreasonable, not required by the Commission's regulations, and should also be denied.

#### IV. CONCLUSION

For the reasons stated herein, the OCA respectfully requests that the Commission deny the *PPL Emergency Petition*.

Respectfully submitted,

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DATED: December 29, 2025

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

VERIFICATION

I, Darryl A. Lawrence, hereby state that the facts set forth in the Office of Consumer Advocate’s Answer to PPL’s Emergency Petition, are true and correct (or are true and correct to the best of my knowledge, information, and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

DATED: December 29, 2025

Signature:     /s/ Darryl A. Lawrence      
Darryl A. Lawrence  
Consumer Advocate

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