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December 29, 2025

VIA ELECTRONIC FILING

Matthew Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box
Harrisburg, PA 17105-3265

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

Dear Secretary Homsher:

Enclosed for filing is PPL Electric Utilities Corporation's Answer to the Joint Solar Parties' Petition for Clarification and Stay/Supersedeas and the Office of Consumer Advocate's Petition for Reconsideration and/or Clarification in the above-referenced proceeding. Copies are being provided as indicated on the Certificate of Service.

Respectfully submitted,

Devin T. Ryan
Principal

DTR/sa
Enclosures

cc: The Honorable John M. Coogan (*via email; w/attachment*)
Office of Special Assistants (*via email; w/attachment*)
Certificate of Service

CERTIFICATE OF SERVICE

(Docket No. P-2024-3049223)

I hereby certify that a true and correct copy of this filing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

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Date: 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 Management Plan	: : :	Docket No. P-2024-3049223

ANSWER OF PPL ELECTRIC UTILITIES CORPORATION TO THE JOINT SOLAR PARTIES' PETITION FOR CLARIFICATION AND STAY/SUPERSEDEAS AND THE OFFICE OF CONSUMER ADVOCATE'S PETITION FOR RECONSIDERATION AND/OR CLARIFICATION

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Dated: December 29, 2025

Attorneys for PPL Electric Utilities Corp.

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PPL Electric Utilities Corporation ("PPL Electric" or the "Company"), pursuant to 52 Pa. Code §§ 5.61 and 5.572, hereby respectfully submits this Answer to the Petition for Clarification and Stay/Supersedeas ("JSP Petition") filed by Tesla, Inc. ("Tesla"), Sun Directed, American Home Contractors ("AHC"), SolarEdge Technologies, Inc. ("SolarEdge"), Trinity Solar, LLC ("Trinity Solar") and the Solar Energy Industries Association ("SEIA") (collectively, "Joint Solar Parties" or "JSPs")[1] on December 18, 2025, and the Petition for Reconsideration and/or Clarification ("OCA Petition") filed by the Office of Consumer Advocate ("OCA") on December 18, 2025, which ask the Pennsylvania Public Utility Commission ("Commission") to revisit its Order entered on December 3, 2025 ("Final Order"), which approved the Company's Second Distributed Energy Resources ("DER") Management Plan ("Second DER Management Plan" or the "Plan") with two minor modifications: (1) within 12 months of the Final Order's entry date, the Company shall file a DER Orchestration Plan with the Commission and provide an evaluation of three different flexible interconnection approaches; and (2) within 12 months of the Final Order's entry date, PPL Electric shall conduct a Request for Proposal ("RFP") from third-party aggregators and original equipment manufacturers..

As explained below, the Joint Solar Parties' request for a stay or supersedeas of the Commission's Final Order should be denied because it fails to meet the standard set forth by the Supreme Court of Pennsylvania in *Pa. PUC v. Process Gas Consumers Grp.,* 467 A.2d 805 (1983) ("*Process Gas*") for issuance of a stay. Specifically, the JSPs fail to make a substantial case that they will prevail on the merits, given that they rely on re-hashed arguments that the Commission already considered and rejected along with new or waived arguments that cannot be raised for the

[1] The Company notes that prior to the filing of the Petition for Clarification and Stay/Supersedeas, the Joint Solar Parties also included Enphase Energy, Inc. ("Enphase"). However, Enphase is not listed with the JSPs in their Petition, and the JSPs note that the composition of the JSPs is subject to change. (*See* JSP Petition, p. 1 n.1.)

first time on reconsideration or on appeal, and mischaracterizations of the evidentiary record. Even more problematic, the JSPs base arguments on clear misstatements of applicable law, such as their reliance on a review standard that only applies to Workers' Compensation Appeal Board proceedings (not Commission proceedings) and their apparent failure to recognize that the Commission is the ultimate fact finder and reviews all factual and legal determinations *de novo*. The JSPs also fail to demonstrate that they will suffer irreparable injury in the absence of a stay. To the contrary, PPL Electric, its customers, and the public will be harmed by a stay or supersedeas, as it would prevent the Company from implementing its Second DER Management Plan, which the Commission just found in its Final Order would produce significant net benefits, including substantially reducing the number of voltage violations and allow the Company to interconnect more and larger DERs with fewer distribution system upgrades. Thus, the Joint Solar Parties' request for a stay or supersedeas should be denied.

In addition, the Joint Solar Parties' requests for clarification fail to meet the standard for granting clarification set forth in *Duick v. Pennsylvania Gas and Water Co.*, 56 Pa. P.U.C. 553, 559 (1982) ("*Duick*") because the JSPs: (1) re-raise arguments that the Commission already considered and rejected in its Final Order, such as the JSPs' safety-related allegations; and (2) raise arguments that have been waived and cannot be raised on reconsideration or on appeal, such as their arguments regarding the RFP and DER Orchestration Plan proposals that were incorporated in the Commission's Final Order. Therefore, the Commission should reject the JSPs' attempts to revisit the well-reasoned Final Order and delay the implementation of the Company's Second DER Management Plan.

With respect to the OCA Petition, the OCA fails to meet the standard for granting reconsideration or clarification set forth in *Duick* because it re-raises arguments that were already

considered and rejected by the Commission. In the Final Order, the Commission addressed the OCA's arguments that DER installations smaller than 200 kilowatts ("kW") should not be subject to the Second DER Management Plan. Yet, the OCA makes the same arguments in the OCA Petition. However, the *Duick* standard does not permit a petitioner to raise issues and arguments considered and decided previously, such that the petitioner obtains a second opportunity to argue properly resolved matters. Accordingly, the OCA fails to meet the standard for granting reconsideration and/or clarification.

For these reasons, and as explained further herein, the JSP Petition and the OCA Petition fail to meet the applicable legal standards and should be denied.

I. INTRODUCTION AND BACKGROUND

1. PPL Electric is a public utility that provides electric distribution and provider of last resort services in Pennsylvania subject to the regulatory jurisdiction of the Commission. PPL Electric furnishes electric distribution, transmission, and provider of last resort electric supply services to approximately 1.5 million customers throughout its certificated service territory, which includes all or portions of 29 counties and encompasses approximately 10,000 square miles in eastern and central Pennsylvania.

2. On May 20, 2024, PPL Electric filed a Petition requesting the Commission's approval of tariff modifications and other authorizations that are needed to implement PPL Electric's Second 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.

3. The Joint Solar Parties, the OCA, the Office of Small Business Advocate ("OSBA"), the PP&L Industrial Customer Alliance ("PPLICA"), and the Sustainable Energy Fund

of Central Eastern Pennsylvania ("SEF") participated in the proceeding. The parties conducted discovery and submitted several rounds of testimony.

4. On August 12, 2024, PPL Electric, OCA, OSBA, SEF, and JSPs filed a Joint Petition for an Extension of PPL Electric's DER Management Pilot Program Period at Docket No. P-2019-3010128, the docket for the Company's First DER Management Plan. The Joint Petition requested an extension of the Company's currently effective Pilot Program period until 30 days after the Commission's Final Order is entered in the instant proceeding.

5. On September 12, 2024, the Commission granted the Joint Petition filed at Docket No. P-2019-3010128 and extended the Pilot Program period as requested ("Pilot Program Extension Order").

6. Hearings were held on February 11 and 12, 2025. Several parties conducted cross-examination. In addition, the parties' testimony and exhibits were admitted into the record.

7. Following the hearing, parties submitted Main Briefs on March 25, 2025, and Reply Briefs on April 15, 2025.

8. On June 30, 2025, the Commission issued Administrative Law Judge John M. Coogan's ("ALJ") Recommended Decision ("RD"), in which he recommended that the Commission deny the Company's Second DER Management Petition.

9. PPL Electric and the JSPs filed Exceptions to the RD on July 15, 2025. PPL Electric, the JSPs, OCA, and OSBA filed Replies to Exceptions on July 22, 2025.

10. On December 3, 2025, the Commission issued its Final Order, which granted the Company's Second DER Management Petition subject to two minor modifications: (1) within 12 months of the Final Order's entry date, the Company shall file a DER Orchestration Plan with the Commission and provide an evaluation of three different flexible interconnection approaches; and

(2) within 12 months of the Final Order's entry date, PPL Electric shall conduct an RFP from third-party aggregators and original equipment manufacturers.

11. On December 18, 2025, the OCA filed the OCA Petition, and the JSPs filed the JSP Petition.

12. On December 24, 2025, the Commission issued its Tolling Order, which tolled the 30-day time period for filing a petition for review with the Commonwealth Court by granting the JSP Petition and the OCA Petition pending further review and consideration of the merits within the meaning of Pa. R.A.P. 1701(b)(3).

13. On December 26, 2025, PPL Electric filed an Emergency Petition requesting that the Commission issue an Order clarifying that the Tolling Order did not grant any stay or supersedeas of the Final Order.

14. On December 29, 2025, the Joint Solar Parties and the OCA filed Answers to the Company's Emergency Petition.[2]

II. LEGAL STANDARDS

15. Under Pennsylvania law, a stay pending appeal is warranted if: (a) the petitioner makes a strong showing that he is likely to prevail on the merits; (b) the petitioner has shown that without the requested relief, he will suffer irreparable injury; (c) the issuance of a stay will not substantially harm other interested parties in the proceeding; and (d) the issuance of a stay will not adversely affect the public interest. *Process Gas*, 467 A.2d 805, 808-09 (quotation omitted).

[2] It is unclear whether OCA understands the specific request being advanced by the JSPs, given that the OCA focuses on the JSPs' request to stay the effectiveness of the Final Order and does not acknowledge the JSPs' additional request to terminate the effectiveness of the Pilot Program, in direct contravention of the Pilot Program Extension Order. (*See* OCA Answer to PPL's Emergency Petition, p. 4; JSP Petition, pp. 18-19; JSP Answer to PPL's Emergency Petition, pp. 1-2.) To the extent any stay or supersedeas is granted, it should not affect Pilot Program Extension Order and, consequently, the ongoing operation of the Pilot Program.

16. The Commission's standard for granting reconsideration following final orders is set forth in *Duick* (emphasis added):

> 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 Company case, wherein it was said 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.

17. Consequently, for a petition to warrant reconsideration by the Commission, it must demonstrate new and novel arguments that were raised below by the petitioner but not previously considered by the Commission.

18. The Commission has cautioned that the last portion of the operative language of the *Duick* standard – "by the Commission" – focuses on the deliberations of the Commission, not the arguments of the parties. *See Pa. PUC v. PPL Electric Utilities Corp.*, Docket No. R-2012-2290597, p. 3 (May 22, 2014). Therefore, a petition for reconsideration cannot be used to raise new arguments or issues that should have been but were not previously raised.

19. The decision whether to grant a petition for clarification is similarly guided by the application of the standards set forth in *Duick,* 56 Pa. P.U.C. at 559 (1982). *Application of PPL Electric Utilities Corp.*, Docket Nos. A-2009-2082652, *et al.*, 2010 Pa. P.U.C. LEXIS 1707, *3-4 (Order entered Apr. 23, 2010).

III. ARGUMENT

A. THE JOINT SOLAR PARTIES FAIL TO MEET THE REQUIREMENTS FOR A STAY OR SUPERSEDEAS

20. The Joint Solar Parties have requested that the Commission issue a stay or supersedeas of its Final Order pending clarification and any subsequent appeal of the Final Order. (JSP Petition, pp. 7-20.) According to the Joint Solar parties: (1) they are likely to prevail on the merits or alternatively, present a substantial case on the merits; (2) they will suffer irreparable harm without the stay; (3) the issuance of the stay will not substantially harm the interested parties; and (4) the issuance of the stay will not adversely affect the public interest. (JSP Petition, pp. 7-20.) As explained below, the Commission should reject the Joint Solar Parties' request because they fail to meet the requirements for a stay or supersedeas of the Final Order.

21. In addition, the Joint Solar Parties misrepresent the effect that a stay or supersedeas would have on the status quo. Based on the JSPs' representations, made in both the JSP Petition and in their Answer to the Company's Emergency Petition,[3] it is clear that the Joint Solar Parties are seeking not only a stay of the Final Order entered at the above-captioned docket but also a stay of the Company's Pilot Program. (*See, e.g.*, JSP Petition, pp. 18-19; JSP Answer to PPL's Emergency Petition, pp. 1-2 (suggesting that PPL Electric would be prohibited from installing DER Management devices and testing inverters for safety and compatibility during a stay).)

22. However, the JSPs joined in PPL Electric's request to extend the term of the Pilot Program until 30 days after the entry of the Commission's Final Order in this proceeding. That request was granted by the Commission in its Pilot Program Extension Order that was issued in the First DER Management Plan proceeding. That Order cannot and should not be collaterally

[3] The JSPs' Answer to PPL Electric's Emergency Petition for Clarification of the Commission's Tolling Order was electronically served on the Company at 1:00 PM on December 29, 2025.

attacked through the JSP Petition in this separate proceeding, especially when the JSPs themselves joined in that request and remain bound by that Order.[4]

23. Further, the Pilot Program is ongoing, and the annual cap of 3,000 DER Management devices is set to reset on January 1, 2026. (*See* Final Order, p. 5 n.6.) If a stay or supersedeas of the Final Order approving the Second DER Management Plan were granted, only the effectiveness of that Final Order would be stayed,[5] meaning that the Final Order would not become final until disposition of the OCA Petition's and JSP Petition's merits. Therefore, the Pilot Program, which was extended until 30 days after the entry of the Commission's Final Order in this proceeding, would continue during the pendency of the stay or supersedeas.

24. Additionally, the JSPs and OCA erroneously believe that the Commission's Tolling Order granted their requested stay on the merits without the Commission actually issuing an Order ruling on the merits of the stay or supersedeas pending appellate review and any remand, as opposed to a stay or supersedeas pending the Commission's disposition of the OCA Petition and JSP Petition. (*See* JSP Answer to PPL's Emergency Petition, p, 4 (stating that "the JSPs understand the Commission's distinction between 'review' and 'consideration' as meant to underscore that its stay of its December 3rd Order will remain intact until conclusion of both the Commonwealth Court's further review of the Commission's Order and the Commission's reconsideration of its own Order").[6] However, at most, the Commission granted a stay or

[4] 66 Pa. C.S. § 316 (stating that "[w]henever the commission shall make any rule, regulation, finding, determination or order, the same shall be prima facie evidence of the facts found and shall remain conclusive upon all parties affected thereby, unless set aside, annulled or modified on judicial review").

[5] *See* JSP Petition, p. 21 (requesting that the "Commission stay the effectiveness of its December 3, 2025, Order pending resolution of any appellate proceedings and any required proceedings on remand").

[6] It appears that the OCA also may agree with the JSPs' incorrect interpretation of the Tolling Order. (*See* OCA Answer to PPL's Emergency Petition, p. 5 (stating that "[t]he *Tolling Order* speaks for itself and unambiguously grants the JSPs' request for a Stay" and that "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").

supersedeas of the Final Order pending review of the merits of the OCA Petition and JSP Petition, including the JSPs' request for a stay or supersedeas pending appellate review. Indeed, in the Tolling Order, the Commission engaged in no analysis of whether the JSPs' request for a stay or supersedeas met the *Process Gas* standard. To the extent that the Commission did grant such a stay or supersedeas without conducting that analysis, it would violate binding appellate precedent.

25. Thus, as a threshold matter, the Commission should reject the Joint Solar Parties' representations that a stay or supersedeas should override the Pilot Program Extension Order and prevent the Company from continuing to operate the Commission-approved Pilot Program during the pendency of the stay or supersedeas.

26. Moreover, as explained in the following sections, the JSPs' request for a stay or supersedeas fails to meet the *Process Gas* standard and should be denied.

1. The Joint Solar Parties Have Not Shown a Strong Likelihood of Prevailing on the Merits or Made a Substantial Case on the Merits

27. First, the Joint Solar Parties are not likely to prevail on the merits or, alternatively, have failed to demonstrate a substantial case on the merits.

28. The Commission has held that the first prong the *Process* Gas standard of "prevailing on the merits" is not applicable where the substantive issues have been fully addressed. *See Pa. PUC v. UGI Corp.*, 57 Pa. P.U.C. 83 (1983); *Application for Approval of Abandonment of Natural Gas Service by Columbia Gas of PA, Inc., to One (1) Commercial Premises in Fayette County, PA*, Docket Nos. A-2022-3036437, P-2024-3049826 (Order entered Dec. 5, 2024) ("*Columbia Order Denying Stay"*), p. 15.

29. However, when the latter three factors strongly favor a stay, the Commission "may exercise its discretion to grant a stay if the movant has made a substantial case on the merits," instead of requiring the movant to establish that it is likely to prevail on the merits. *Process Gas*,

p. 809 (emphasis added) (quoting *Washington Metropolitan Area Transit Comm'n v. Holiday Tours, Inc.*, 559 F.2d 841, 843 (D.C. Cir. 1977)).

30. The Commission has also stated as follows:

> [I]n deciding whether to stay one of our orders pending appeal, this Commission should not indulge in a further review of the case. Rather this Commission should concentrate solely on the effect our order will have pending appeal.
>
> *Columbia Order Denying Stay*, p. 14 (citing *Pa. PUC v. Makovsky Brothers, Inc.*, 53 Pa. P.U.C. 510, 511 (1979)).

31. As an initial matter, the Commission has fully evaluated the Joint Solar Parties' arguments on the merits in this proceeding and the "substantive issues have been fully addressed." *Columbia Order Denying Stay*, p. 15. The JSPs' issues were fully litigated, with lengthy testimony and exhibits, cross examination, Main and Reply Briefs, and Exceptions and Replies thereto. After reviewing the substantial record developed by the parties, the Commission rejected the JSPs' arguments, finding that PPL Electric had "satisfactorily rebutted the JSPs[']claims of 'credible harms' regarding lost sales and/or interconnection delays." (Final Order, p. 58.) The Commission also properly denied the JSPs' Exceptions, finding that several of their arguments were inappropriately raised for the first time at the Exceptions stage, that their unprecedented request for relief amounted to a request for damages the Commission does not have the authority to reward, and that certain of the JSPs' requests were in contravention of the Commission's Order entered on December 17, 2020, in the First DER Management Plan proceeding at Docket No. P-2019-3010128. (*See* Final Order, pp. 60-62.)

32. Considering the Commission has already fully addressed the substantive issues raised in this proceeding, the Joint Solar Parties must make a "substantial case on the merits" to prevail on the first *Process Gas* factor.

33. However, the Joint Solar Parties fail to demonstrate any coherent case on the merits in their request for a stay. They mostly re-raise arguments that were already rejected in this proceeding. The Commission should reject these arguments once again and refrain from conducting a further review of the fully developed record in this case. *See Columbia Order Denying Stay*, p. 14. The JSPs also inappropriately raise new or waived arguments in the JSP Petition. In addition, several of the JSPs' arguments rely on gross mischaracterizations of the applicable law and evidentiary record in this proceeding. For these reasons and as more fully explained below, the Joint Solar Parties fail to establish any likelihood of success on the merits or to demonstrate any case on the merits.

a. The Commission Should Reject the Joint Solar Parties' Re-Hashed Arguments

34. Many of the Joint Solar Parties' statements regarding why they are "likely to prevail on the merits" or, alternatively, "present a substantial case on the merits," simply re-raise arguments that they made in their Briefs and Exceptions that were denied by the Commission in the Final Order. As such, the JSPs are not likely to prevail on the merits.

35. For example, the JSPs continue to argue that: (1) the cost benefit analysis performed by Concentric Energy Advisors, Inc. ("Concentric") was deficient because it failed to compare active management with autonomous grid support functions in violation of the Settlement reached in the Pilot Program proceeding; (2) the scope of the Second DER Management Plan is not "reasonable or necessary"; (3) the requirements of the Pilot Program and the Second DER Management Plan have and will cause the Joint Solar Parties to incur "credible harms"; (4) the cost benefit analysis was deficient because it did not consider alternatives for monitoring that would not require the installation of a DER management device; (5) the cost benefit analysis did not demonstrate that the Second DER Management Plan's benefits will exceed program costs; and

(6) the Second DER Management Plan will block third-party aggregation of grid services. (*See* JSP Petition, pp. 8-14.)

36. For the reasons explained fully in the Company's testimony, Briefs, Exceptions, and Replies to Exceptions in this proceeding, the Joint Solar Parties are not likely to prevail on the merits of these arguments. PPL Electric completely demonstrated that its proposal is reasonable and justified, especially given the unprecedented resource adequacy challenges facing the Commonwealth. (*See, e.g.*, PPL MB, pp. 24-28.) Further, the Company thoroughly rebutted the Joint Solar Parties' purported evidence regarding the impact of the Plan's requirements on solar installers, customers, inverter manufacturers, and third-party aggregators. (*See* PPL MB, pp. 41-44; PPL RB, pp. 36-48.) PPL Electric presented robust cost benefit analyses supporting the Plan and successfully refuted the other parties' criticisms of those analyses. (*See* PPL MB, pp. 28-40; PPL RB, pp. 9-20.) The Company also showed that adopting the Joint Solar Parties' position on these issues would deprive the Company, its customers, and the Commonwealth of the myriad benefits that active management of DERs can provide. (*See, e.g.*, PPL MB, pp. 37-40; PPL RB, pp. .4-9, 12-15.)

37. In addition, the Joint Solar Parties make a strained argument that the Commission erred in denying their Exception[7] requesting clarification on whether the Company would be permitted to continue testing inverters or place any restrictions on interconnecting inverters if the Company's Second DER Management Petition is ultimately denied on appeal. (*See* JSP Petition, pp. 16-17.) Here, the Joint Solar Parties fail to acknowledge that their request to prohibit PPL Electric from conducting "any testing on inverters that will be interconnected to its distribution system, without any regard to operations or safety," was appropriately denied by the Commission

[7] The Joint Solar Parties also failed to properly number their Exceptions in accordance with the Commission's regulations. *See* 52 Pa. Code § 5.533(b).

because it was made for the first time in the Exceptions stage. (*See* Final Order, p. 61.) Further, the Commission correctly held that the Settlement reached in the First DER Management Plan proceeding already "addresses what PPL is authorized to do when: (1) the Pilot Program ends; and (2) the Company can no longer actively manage DERs." (Final Order, p. 61.) No party presented evidence, and the Commission has not found as the JSPs suggest, that if the Company is no longer authorized to actively manage DERs, PPL Electric will continue testing inverters for compatibility with its DER Management devices. That does not mean that the Company should be prohibited from testing inverters altogether and be denied the ability to place reasonable limitations on installations based on that testing, as doing so would hamper the Company's ability to provide safe and reasonable service to its customers. The Commission agreed and properly denied the JSPs' Exception on this issue. (*See* Final Order, p. 61.)

38. Thus, the Commission has already addressed the JSPs' re-hashed arguments in the context of this fully litigated proceeding, with its findings supported by substantial evidence based in the extensive record in this case. (*See, e.g.*, Final Order, pp. 54-61.) The Commission should not conduct a further review of the merits of these arguments, which it has already reviewed and rejected. For these reasons, the Joint Solar Parties have not shown that they are likely to prevail on the merits in their appeal.

b. The Joint Solar Parties Cannot Raise New or Waived Arguments on Reconsideration or Appeal

39. In addition to re-hashing previously rejected arguments, the Joint Solar Parties improperly attempt to raise new or waived arguments in the JSP Petition. Because these arguments were not raised before[8] or have been waived,[9] they must be dismissed.

40. First, the Joint Solar Parties claim for the first time in their Petition that the Commission's approval of the Second DER Management Plan constitutes an improper amendment of Pennsylvania's "interconnection standards without notice and comment in a state-wide rulemaking proceeding." (JSP Petition, p. 15.) Here, the JSPs claim that the Company's inverter testing constitutes an amendment of the Commission's Alternative Energy Portfolio Standards ("AEPS") Act regulations. (*See* JSP Petition, p. 15.) This argument must fail because the Joint Solar Parties failed to raise it in their Briefs or Exceptions. Therefore, they failed to preserve it for reconsideration or appeal and have deprived the Company a meaningful opportunity to respond to these new claims.[10] Thus, the Commission should deny reject this waived argument outright.

41. Even assuming, *arguendo*, this new argument is considered, the Joint Solar Parties are incorrect in claiming that the Commission cannot grant an electric distribution company ("EDC"), like PPL Electric, permission to administer a DER management program that includes inverter compatibility testing without amending its interconnection regulations in a statewide

[8] *See* Paragraph 17, *supra*, explaining that the Commission has held that a petition for reconsideration cannot be used to raise new arguments or issues that should have been but were not previously raised. *See Pa. PUC v. PPL Electric Utilities Corp.*, Docket No. R-2012-2290597, p. 3 (May 22, 2014).

[9] *See* Paragraph 72, *infra*, explaining that the Commission has held that parties waive any arguments that they fail to raise in their Exceptions and properly preserve for appeal. *See Merritt v. Duquesne Light Co.*, 2011 Pa. PUC LEXIS 1197, at *9-10 (Order entered Mar. 31, 2011) (quoting *Generic Investigation Regarding Transp. Assessments*, Docket No. I-2008-2022003 (Order entered Aug. 26, 2008)).

[10] *See Hess v. Pa. PUC*, 107 A.3d 246, 266 (Pa. Cmwlth. 2014) (citing *Davidson Unemployment Compensation Case*, 189 Pa. Super. 543, 151 A.2d 870 (Pa. Super. 1959); *Shenandoah Suburban Bus Lines, Inc.*, 46 A.2d 26 (Pa. Super. 1946)) (stating that "[a]mong the requirements of due process are notice and an opportunity to be heard on the issues, to be apprised of the evidence submitted, to cross-examine witnesses, to inspect documents, and to offer evidence in explanation or rebuttal."); *Mid-Atlantic Power Supply Ass'n v. PECO Energy Co.*, Docket Nos. P-00981615, et al., 1999 Pa. PUC LEXIS 30, at *54-55 (Order entered May 19, 1999) (concluding that a party entitled to due process must be given "adequate notice" and a "[m]eaningful opportunity to be heard," which includes "reasonable examination and cross-examination").

proceeding. The Commission has taken utility-by-utility approaches in many other proceedings, including for electric and gas restructuring,[11] default service,[12] Energy Efficiency and Conservation ("EE&C") Plans,[13] and time of use rates.[14] Moreover, no party can reasonably dispute that the Commission lacks the power to grant waivers of its regulations, as PPL Electric specifically requested in the instant case. *See* Second DER Management Petition ¶¶ 69-70, 72, 80-81; 66 Pa. C.S. § 501(a)-(b); 52 Pa. Code § 5.43. Indeed, Section 501(a) of the Public Utility Code expressly grants the Commission the "power to rescind or modify any such regulations or orders." 66 Pa. C.S. § 501(a). Further, the Commission's AEPS Act regulations also specifically contemplate an individual EDC requesting that the Commission issue an "order" requiring customer-generators to install "additional equipment" or "impose any other requirement," as PPL Electric specifically requested in its Second DER Management Petition.[15] 52 Pa. Code § 75.13(k). Thus, the Commission clearly has the authority to grant approval of the Company's Plan without amending its AEPS Act regulations.

42. Second, the Joint Solar Parties argue that the Commission erred by relying on the findings of the Concentric cost benefit analysis because it was presented in the Company's Rebuttal Testimony. (*See* JSP Petition, pp. 11-12 (citing 52 Pa. Code § 5.243(e)).) The JSPs are incorrect. The Commission was not barred from considering Concentric's cost benefit analysis

[11] *See, e.g., Application of Pa. Power & Light Co. for Approval of its Restructuring Plan under Section 2806 of the Public Utility Code, et al.*, Docket No. R-00973954 (Order entered Aug. 27, 1998).

[12] *See, e.g., Petition of PPL Elec. Utils. Corp. for Approval of a Default Serv. Program and Procurement Plan for the Period June 1, 2017 Through May 31, 2021*, 2017 Pa. PUC LEXIS 127 (Order entered July 12, 2017), *clarified*, 2017 Pa. PUC LEXIS 16 (Order entered Aug. 3, 2017).

[13] *See, e.g., Petition of PPL Elec. Utils. Corp. for Approval of its Act 129 Phase III Energy Efficiency and Conservation Plan*, Docket No. M-2015-2515642 (Order entered Mar. 17, 2016).

[14] *See, e.g., Proceeding Initiated to Comply with Directives Arising from the Commonwealth Court Order in DCIDA v. PUC, 123 A3d 1124 (Pa. Cmwlth. 2015) Reversing and Remanding the Order of the Commission Entered September 22, 2014 at Docket Number P-2013-2389572 in which the Commission had Approval PPL's Time of Use Plan*, Docket Nos. M-2016-2578051, *et al.* (Apr. 2, 2018) (Recommended Decision), *adopted*, 2018 Pa. PUC LEXIS 196 (Order entered May 17, 2018).

[15] As noted in Paragraph 44, *infra*, the JSPs completely fail to realize that the Company made this request in their Second DER Management Petition and received approval of such request through the Final Order.

simply because the Company presented it in Rebuttal Testimony. As the Company explained, PPL Electric retained Concentric to conduct a complete and detailed cost-benefit analysis of the Second DER Management Plan in an attempt to respond to other parties' Direct Testimony, in which they raised various criticisms of the Company's initial cost-benefit analysis. (PPL RB, pp. 14-15.) PPL Electric witness Wishart even noted how his cost-benefit analysis "addresses those concerns and features detailed calculations that provide intervenors an increased opportunity for review," like how OSBA witness Farr was able to "us[e] the Company's [cost-benefit analysis] model to run his own sensitivity scenarios." (PPL RB, p. 15.)

43. Also, if the Joint Solar Parties wished to exclude Concentric's cost-benefit analysis from the evidentiary record in this proceeding, they should have filed a Motion to Strike or objected to its admission at the hearings. The JSPs did neither. In fact, the Concentric cost benefit analysis and supporting testimony were entered into the record without objection at the hearing held on February 12, 2025, and the Joint Solar Parties made no other filings in opposition to its admission into the record. (*See* Tr. 108, 111-12.) As such, the Joint Solar Parties have waived any argument regarding the admissibility of the cost benefit analysis. Because the cost benefit analysis is part of the evidentiary record in this proceeding, the Commission was justified in relying upon its findings as part of its well-reasoned Final Order.

44. For these reasons, the Commission should reject the Joint Solar Parties' improperly raised new or waived arguments.

c. The Joint Solar Parties Misstate the Applicable Law and Mischaracterize the Evidentiary Record

45. Several of the Joint Solar Parties' arguments rely on fundamental misstatements of the applicable law or mischaracterizations of the evidentiary record developed in this proceeding.

As explained below, these inherently flawed arguments will fail on appeal and should be rejected by the Commission.

46. First, the Joint Solar Parties misstate the applicable standard of review for the Company's voluntary Petition, appearing to conflate this proceeding to a formal complaint proceeding by suggesting that the Company had the burden to demonstrate that it has not violated Section 1501 of the Public Utility Code. (*See, e.g.*, JSP Petition, pp. 8, 9.)[16] In this voluntary petition proceeding, the burden of proof lies with the proponent of the rule or order (*i.e.*, PPL Electric) for approval of its Second DER Management Plan. *See* 66 Pa. C.S. § 332(a), 52 Pa. Code § 5.41. The applicable legal standard is whether the Company's Second DER Management Petition is reasonable and in the public interest.[17] Further, although the Commission regulates public utilities' "service" under Section 1501 of the Public Utility Code, the JSPs did not file a Formal Complaint alleging the Company's existing DER Management Pilot Program or its proposed Second DER Management Plan violates Section 1501. 66 Pa. C.S. § 1501. Therefore, the JSPs' suggestions that the Company bore the burden to prove that its proposal does not violate Section 1501 of the Public Utility Code or that the Commission was required to make a specific finding of compliance with that statute have no merit.

47. Second, the JSPs incorrectly claim that the Commission was required to make specific findings in response to certain of their arguments, including findings that "that PPL can

[16] For example, the JSPs argue that the Commission was barred "as a matter of law" from "evaluating whether PPL's proposed Second DER Management Plan is reasonable or necessary" because the Company presented a cost benefit analysis that does not "compare the costs and benefits of active management of DERs with the use of inverter autonomous grid support functions," which they claim contravened the Settlement reached in the First DER Management Plan proceeding. (JSP Petition, p. 8.) The JSPs also improperly claim that the Commission was required to make an affirmative finding that the Company "can implement its Program safely" and does not violate Section 1501 of the Public Utility Code. (JSP Petition, p. 9.)

[17] *See, e.g., Pa. PUC v. Pa. Elec. Co.*, 1993 Pa. PUC LEXIS 158, at *3 (Order entered Oct. 21, 1993) (granting Pennsylvania Electric Company's petition for approval of a tariff supplement because it "appears to be reasonable and consistent with the public interest").

implement its program safely," or that the Plan conforms to the requirements of the National Electric Code ("NEC"). (*See* JSP Petition, pp. 9, 10.) As the Commission noted on page 11 of its Final Order:

> [W]e note that any issue that we do not specifically delineate shall be deemed to have been duly considered and denied without further discussion. We are not required to consider expressly or at length each contention or argument raised by the parties. *See Consolidated Rail Corp. v. Pa. PUC*, 625 A.2d 741 (Pa. Cmwlth. 1993); *see also, generally, University of Pennsylvania v. Pa. PUC*, 485 A.2d 1217 (Pa. Cmwlth. 1984).

The Commission thoroughly reviewed the extensive record in this case and ultimately granted the Company's Second DER Management Petition. (*See, e.g.*, Final Order, pp. 11-30, 62.) In so doing, the Commission inherently rejected the Joint Solar Parties' arguments regarding the Plan's safety and the NEC. Contrary to the JSPs' flawed assertions, the Commission was not required to conduct further analyses or make specific findings on these issues.

48. Third, the Joint Solar Parties erroneously contend that the Commission was required to defer to or explain their deviations from the credibility determinations of the ALJ regarding their safety allegations and the reliability of the Company's cost benefit analysis. (*See* JSP Petition, pp. 10-11, 12-13.) The Commission is the ultimate factfinder and its review is *de novo* and plenary, so it absolutely possesses the power to make its own witness credibility determinations and to weigh the evidence before it in reaching a decision.[18] The Commission has no obligation, as the JSPs incorrectly claim, to provide specific justifications for declining to adopt the credibility determinations of the ALJ or to give deference to the ALJ simply because the ALJ presided over the hearings. (*See* JSP Petition, pp. 10-11, 12-13.)

[18] *See* 66 Pa. C.S. § 335(a); *Capital City Cab Serv. v. Pa. PUC*, 138 A.3d 119, 125, 131 (Pa. Cmwlth. 2016) (citations omitted); *Milkie v. Pa. PUC*, 768 A.2d 1217, 1220 n.7 (Pa. Cmwlth. 2001) (citations omitted); *G.G. & C. Bus Co. v. Pa. PUC*, 400 A.2d 941, 945 (Pa. Cmwlth. 1979).

49. The Joint Solar Parties also misstate the applicable law in support of these contentions. For example, on page 10, the Joint Solar Parties improperly cite and rely on the "reasoned decision" standard, which only applies to the Workers' Compensation Appeal Board ("WCAB") and prohibits the WCAB from "reweigh[ing] the evidence of the [Workers Compensation Judge ("WCJ")]'s credibility determinations." *W. Conshohocken Borough v. Markland*, 329 A.3d 753, 762 (Pa. Cmwlth. 2025). The JSPs fail to note that the very case they cite, *Daniels v. Workers' Comp. Appeal Board*, 828 A.2d 1043 (Pa. 2003) ("*Daniels*"),[19] makes clear that the "reasoned decision" standard derives from Section 422(a) Workers' Compensation Act, 77 P.S. § 834, and requires that "in a case where the WCJ is presented with conflicting evidence . . . questions of credibility and weight of the evidence fall within the exclusive province of the WCJ as fact-finder." *Id.* at 1046. No part of this standard applies to the Commission. As such, the JSPs fail to realize that this legal authority cannot support their claim that the Final Order is "defective" because it contains credibility determinations that differ from those of the ALJ. (*See* JSP Petition, p. 10.)[20]

50. Similarly, the Joint Solar Parties err in claiming that *Borough of E. McKeesport v. Special/Temporary Civil Serv. Comm'n*, 942 A.2d 274 (Pa. Cmwlth. 2008) ("*McKeesport*") supports their claim that the Commission "was required to have done a better job explaining why it found PPLs' [sic] presentations more credible than the ALJs [sic] findings." (JSP Petition at 13.) The scope of review discussed in *McKeesport* concerns the Commonwealth Court's appellate-level review of adjudications of a municipal civil service commission, not the

[19] In addition to misstating the applicability of the holding in *Daniels* to Commission proceedings, the JSPs also inaccurately attribute this decision to the Commonwealth Court when, in actuality, it is a decision by the Supreme Court of Pennsylvania. (*See* JSP Petition, p. 10.)

[20] The JSPs' reliance on *Dep't of Transp. v. Pa. PUC*, 335 A.2d 539, 541 (Pa. Cmwlth. 1975) is also inapposite, as the Commission's reasoned decision thoughtfully considers the positions of all the parties and contains an independent analysis of the basis for its decision, and cannot be fairly characterized as a "summarization of the testimony of the witnesses and its conclusions," as the JSPs suggest. (*See* JSP Petition at 10.)

Commission's *de novo* review of Recommended Decisions issued by ALJs. *See McKeesport* at 278, n.3.

51. Fourth, the Joint Solar Parties incorrectly claim that the Commission failed to grant the necessary waiver of Section 75.13(k) of the Commission's regulations to implement the Plan. (*See* JSP Petition at 9-10.) In actuality, Section 75.13(k) permits an EDC, like PPL Electric, to "require additional equipment" for customer-generators if the "additional equipment . . . is specifically authorized under this chapter or by order of the Commission." 52 Pa. Code § 75.13(k). In its Second DER Management Plan Petition, PPL Electric specifically requested Commission approval pursuant to that regulation, along with a number of other waivers that could be necessary to implement the Second DER Management Plan. *See* PPL Electric Second DER Management Plan Petition ¶¶ 69-70, 72, 80-81. Ultimately, the Commission approved the Company's Second DER Management Plan, as modified by the Final Order. Therefore, in approving the Company's Plan, the Commission necessarily granted the approvals and waivers requested in the Company's Second DER Management Petition. As such, the JSPs' argument that the Commission has not granted the waivers necessary to implement the Second DER Management Plan has no merit.

52. In sum, the Joint Solar Parties have failed to demonstrate any case on the merits that could succeed on appeal. Their arguments rely on a re-weighing of the evidence and a re-hashing of arguments already fully considered and rejected by the Commission, claims that were raised for the first time in their Petition or waived below, or blatant misstatements of the applicable law and evidentiary record. For these reasons, the Joint Solar Parties have not met the requirements of the first *Process Gas* factor.

2. The Joint Solar Parties Have Not Shown that They Will Suffer Irreparable Injury Without the Requested Relief

53. The Joint Solar Parties have not demonstrated that they will incur irreparable harms if their request for a stay is denied. The JSPs claim, as they have since the start of this proceeding, that allowing the Company to implement the Second DER Management Plan will cause them financial harm, including lost sales, increased costs, installation delays, reputational harm and customer dissatisfaction, and "blocked or impeded competition from third-party grid service providers." (*See* JSP Petition, p. 20.) The Joint Solar Parties also claim that the Second DER Management Plan will harm their customers, allegedly through disruptions to inverter communications, "threats of thermal damage," and voided customer warranties. (JSP Petition, p. 20.) The Joint Solar Parties' arguments regarding irreparable harm should be rejected.

54. First, most of the Joint Solar Parties' alleged harms are financial in nature, including their claims of lost sales, increased costs, and installation delays. (*See* JSP Petition, p. 20.) However, it is well established that "[m]ere financial harm, generally, is not a proper basis to support a finding of irreparable harm." *Petition of Librandi Machine Shop, Inc. for Declaratory Order*, Docket No. P-2018-3000047, 2022 Pa. PUC LEXIS 85, at *22 (Order entered Mar. 10, 2022) ("*Librandi*") (citing *SBG Management Services, Inc./Colonial Garden Realty Co., L.P. v. Philadelphia Gas Works*, Docket Nos. C-2012-2304183, *et al.* (Order entered Mar. 28, 2019)). "A strong showing of irreparable harm must be non-speculative harm that cannot be compensated by monetary damages." *Librandi* at *23 (citing *Petition of PECO Energy Company for Approval of its Default Service Plan*, Docket No. P-2012-2283641 (Order entered Feb. 20, 2014)). Thus, the Joint Solar Parties cannot demonstrate irreparable harm through their claims of financial harm.

55. Moreover, these claims of financial harm were fully addressed in this litigated proceeding in the Company's Briefs and Exceptions and were rejected in the Commission's Final

Order. The Commission reviewed the evidence presented and concluded that PPL Electric "satisfactorily rebutted the JSPs claims of 'credible harms' regarding lost sales and/or interconnection delays." (Final Order, p. 58.) The Joint Solar Parties' efforts to raise these claims again in an attempt to show irreparable injury should be similarly rejected.

56. In addition, the Joint Solar Parties' claims that implementation of Second DER Management Plan will harm their customers are also recycled from their Briefs and Reply Exceptions. (*See* JSP Petition, p. 20.) The issue of whether the Company's active management of DERs will cause the alleged customer harms has already been fully litigated and successfully rebutted by PPL Electric in this proceeding. (*See, e.g.*, Final Order, pp. 57-58.) PPL Electric demonstrated that these allegations are both flawed and exaggerated.[21] Consequently, the Joint Solar Parties' claims that implementation of the Second DER Management Plan will irreparably harm their customers should be rejected.

57. Additionally, a stay would not provide the JSPs the relief they seek because it would only serve to extend the term of the Pilot Program. The Joint Solar Parties have argued from the start of this proceeding that the Pilot Program is causing the very same "irreparable" harms they allege will result from the implementation of the Second DER Management Plan.[22] Pursuant to the terms of the Pilot Program Extension Order, the term of the current Pilot Program was extended until 30 days after the entry of the Commission's Final Order in this proceeding.[23] The Pilot

[21] For example, while the Joint Solar Parties ("JSPs")[21] claim that the DER Management devices have interfered with inverter communications, only 0.51% of customers enrolled in the Pilot Program ever experienced a communication interruption (i.e., 46 out of 9,038 customers as of December 2, 2024). The JSPs even attribute an inverter's alleged "thermal event" to the Company's DER Management device for a service address where no device was installed. Also, at least 12% of the alleged "lost sales" were for services addresses outside of PPL Electric's service territory. (*See* PPL Exceptions, pp. 18-21.)

[22] *See* JSP Answer to PPL's Second DER Management Plan Petition; JSP Protest to PPL's Second DER Management Plan Petition; JSP St. Nos. 1-9.

[23] In fact, the JSPs supported the Company's request to extend the Pilot Program and so should be aware that the effect of staying the Final Order will be to continue the Pilot Program.

Program is ongoing, and the annual cap of 3,000 DER Management devices is set to reset on January 1, 2026. (*See* Final Order, p. 5 n.6.) If a stay or supersedeas were granted, the Final Order's effectiveness would be stayed,[24] meaning that the Pilot Program would continue during the pendency of the JSPs' appeal. The Company maintains that the Joint Solar Parties have failed to provide any credible support for their claims of alleged harms caused by the Pilot Program. However, using the Joint Solar Parties' own logic, granting their requested relief would not address the very harms they allege originate from the Pilot Program. Thus, the JSPs have not articulated any additional reasons to delay the start of the Company's Second DER Management Plan or how the requested stay would actually protect them from the alleged harms of PPL Electric's monitoring and active management of DERs.

58. Further, the Joint Solar Parties' claims of similar harms allegedly caused by the Pilot Program were heard and rejected by the Commission last year, when the Commission denied the JSPs' Petition to Rescind or Amend the Final Order entered in the First DER Management Plan proceeding.[25] Considering the Joint Solar Parties' repeated inability to persuade the Commission that the harms they allege are either credible or immediate, their renewed attempts to block the Company's monitoring and active management of DERs should be denied.

[24] *See* JSP Petition, p. 21 (requesting that the "Commission stay the effectiveness of its December 3, 2025, Order pending resolution of any appellate proceedings and any required proceedings on remand").

[25] *See Petition of PPL Elec. Utils. Corp. for Approval of Tariff Modifications and Waivers of Regulations Necessary to Implement its Distributed Energy Res. Mgmt. Plan*, Docket No. P-2019-3010128 (Order entered May 23, 2024). The Commission rejected the JSPs' request, finding that "the Commission considered and approved the provisions in the Settlement, after reviewing the underlying record and the specific provisions of the Settlement Agreement reached by the parties in the proceeding" and "conclude[d] that the [JSPs] assert issues that the Commission has previously addressed in our December 2020 Order, or other arguments, based upon which we are unpersuaded to reconsider or rescind our prior order." *Id.* at 26, 27. The Commission also correctly noted that "Paragraphs 54-63 of the Settlement are included in the Recommended Decision, which set forth the parameters of the Company's DER Pilot including opportunities for comment by the Parties and reporting to the Commission on the Company's DER Pilot at certain benchmarks during the three-year life of the DER Pilot." *Id.* at 10.

59. For these reasons, the Joint Solar Parties have failed to show "any tangible irreparable harm resulting from" the Commission's Final Order.

3. The JSPs Have Not Demonstrated that the Issuance of a Stay or Supersedeas Will Not Substantially Harm Other Interested Parties in this Proceeding

60. The Joint Solar Parties have also failed to show that the stay will not substantially harm the other interested parties in this proceeding. Here, the JSPs claim that PPL Electric will not be harmed by a stay of the Final Order because the Company will be able to provide safe and reliable service in the absence of the implementation of the Second DER Management Plan and "the grant of a stay will not leave unabated voltage violations purportedly caused by DERs." (JSP Petition, p. 19.) The JSPs' claims should be rejected.

61. First, these claims should be rejected because they rely on the adoption of the Joint Solar Parties' litigated position, including their allegations that active management of DERs is not necessary at the current level of DER penetration on PPL Electric's distribution system and that the voltage violations resolved through active management are not directly attributable to interconnected DERs. (JSP Petition, p. 19.) These arguments were fully litigated and successfully rebutted by PPL Electric's demonstration of the current need for active management of DERs. (*See* PPL MB, pp. 24-28; PPL RB, pp. 4-9.) The Commission also fully addressed and rejected these same arguments in its Final Order. (*See, e.g.*, Final Order at 55-57.) Thus, the JSPs' claims that delayed implementation of the Second DER Management Plan will not harm the Company have already been refuted and should not be further revisited.

62. Second, delaying the implementation of the Second DER Management Plan will significantly harm PPL Electric by depriving it of important tools to mitigate current impacts of interconnected DERs. The Commission found that actively managing DERs through the Company's Pilot Program "has already mitigated over 604,000 voltage violations" and stated that

"[t]here is no doubt that continuation and expansion of PPL's Pilot, as proposed, will continue to provide benefits of better managed voltage." (Final Order, p. 57.) The Company also demonstrated that "deployment of DERs that cannot be monitored and actively managed continues to present challenges to the safe and reliable operation of electric distribution systems and to the electrical grid at large." (PPL MB, p. 13.)

63. Further, as more fully explained in the Company's Briefs and Exceptions, PPL Electric must act now to leverage the capabilities of IEEE 1547-2018 and get ahead of the issues caused by DERs before DER penetration increases significantly. (*See, e.g.*, PPL RB, p. 8.) Delaying the implementation of the Second DER Management Plan will serve only to exacerbate the reliability and resource adequacy issues acknowledged by the Commission in the Final Order. (*See* Final Order, pp. 56-57.) Staying implementation will also delay the myriad benefits that PPL Electric has demonstrated will be realized by the Company's customers, PPL Electric's distribution system, and the Commonwealth. (*See* Final Order, p. 59.)

64. For these reasons, the JSPs have failed to show that a stay will not substantially harm PPL Electric. To the contrary, delaying implementation of the Commission-approved Second DER Management Plan will significantly harm the Company, its customers, and the public by postponing the Company's ability to better address the impacts of increased deployment of DERs on its distribution system and to improve the safety, reliability, adequacy, and resiliency of the Company's electric service.

4. The JSPs Have Failed to Demonstrate that the Issuance of a Stay Will Not Adversely Affect the Public Interest

65. The JSPs erroneously argue that the public interest will benefit from maintaining the "status quo" pending appeal, claiming that there is no urgency to implement the Company's Second DER Management Plan because it is "forward looking" and the level of DER penetration

in the Company's service territory does not require immediate active management of DER installations to maintain safe and reliable service. (*See* Petition, pp. 18-19.) As described in the previous section, the public interest will be adversely affected by the delayed implementation of the Second DER Management Plan. Specifically, PPL Electric will be deprived of the ability to better address the impacts of interconnecting DERs to the detriment of the Company, its customers, and the public, given that the Plan's numerous public benefits will be unnecessarily postponed. For these reasons and as more fully explained below, the public interest will be adversely interested by granting the requested stay.

66. Foremost, the JSPs' arguments that the public interest will be served by maintaining the status quo are predicated on adopting their position that active management of DERs is not currently necessary. (*See* JSP Petition, p. 18.) As explained above, the Company has thoroughly demonstrated that the Second DER Management Plan is necessary now and will generate substantial public benefits. Indeed, the Commission determined that "the Company has thoroughly demonstrated that its proposed plan will produce significant benefits for PPL's ratepayers, interconnecting customer-generators, and its electric distribution system that are well in excess of the costs of its proposal." (Final Order, p. 59.) Delaying the implementation of the Company's Second DER Management Plan will only delay the realization of these public benefits.

67. The Joint Solar Parties also claim that "public has an interest in judicial clarification and resolution of the legal issues presented by this matter." (JSP Petition, p. 18.) However, the issues raised in the JSP Petition have been fully litigated in this proceeding. The Joint Solar Parties cannot manufacture the public importance of their own position simply by bringing their arguments against the Company's Second DER Management Plan before the Commonwealth

Court. The Joint Solar Parties represent a group of solar installers and inverter manufacturers[26] who are concerned that the Company's Plan will negatively impact their private business interests. Yet, the Commission has found that "in determining whether the public interest existed, all affected parties, and not merely one particular group or geographic subdivision, should be considered." *Librandi* at *30 (discussing the findings of *New Garden Township v. Pa. PUC*, 244 A.3d 851, 860 (Pa. Cmwlth. 2021) and *Middletown Twp. v. Pa. PUC*, 482 A.2d 674, 682 (Pa. Cmwlth. 1984)). As such, the Joint Solar Parties' private interests must be weighed against the negative impacts to the public interest that delayed implementation will cause. The public benefits of the Second DER Management Plan significantly outweigh the Joint Solar Parties' alleged harms, which have been shown by the Company to be flawed and exaggerated.

68. Finally, the Company notes that the JSPs again mischaracterize the "status quo" they claim will be maintained should their request for a stay or supersedeas be granted. If their request is granted, the Pilot Program will remain in effect pending the outcome of the JSPs' appeal. The annual cap on installation of DER Management devices will reset on January 1, 2026, and the Company will continue operating the Pilot Program, including continuing to test inverters for compatibility with the DER Management devices and maintaining an approved inverter list.[27] As such, a stay or supersedeas will not result in the "status quo" described by the Joint Solar Parties.

69. For these reasons, the JSP Petition fails to meet any of the standards justifying a stay of the Final Order as set forth in *Process Gas* and, if granted, would only delay the realization

[26] Notably, multiple members have left the JSPs throughout the course of this proceeding, the first being Sunnova, Inc. and the latest being Enphase. *See* note 1, *supra*.

[27] The Company notes that the JSPs here rely on extra-record evidence for support, citing an "automatic reply email" that is not part of the evidentiary record in this case. (*See* JSP Petition, p. 18, n.12). The JSPs' attempted reliance on extra record evidence at this late stage in the proceeding should be rejected outright. The Commission has declared that it "cannot consider extra-record evidence" that is presented in a petition for reconsideration in support of the party's "on-the-record position." *Rudnick v. Verizon Pa. Inc.*, 2011 Pa. PUC LEXIS 1263, at *11 (Order entered Apr. 1, 2011). Therefore, such extra-record evidence cannot be used to support the grant of reconsideration.

of the public benefits contained in the Second DER Management Plan. As such, the JSPs' request for a stay of the Plan's implementation pending appeal should be rejected.

B. THE JOINT SOLAR PARTIES' REQUESTS FOR CLARIFICATION SHOULD BE DENIED

70. The Joint Solar Parties' requests for clarification should be denied because they do not meet the Commission's standard for clarification.

71. In their Petition, the JSPs request clarification of the following issues:[28]

a. "If PPL's Petition is ultimately denied, PPL is barred from limiting purchases and installations of equipment to only those that meet its bespoke Program requirements." (JSP Petition, p. 21.)

b. "That PPL must develop and evaluate the outcomes of an RFP process for third-party aggregation, and a DER Orchestration Plan, before it resubmits a Petition for Approval of a Second DER Management Plan." (JSP Petition, p. 21.)

72. As explained in the following sections, the Commission should reject these requests and deny the JSPs' Petition.

73. Initially, the Company notes that while styled as requests for "clarification," the JSPs are in essence seeking substantive reconsideration of these aspects of the Commission's Final Order. Regardless of whether they are styled as requests for clarification or reconsideration, as explained below, neither of the JSPs' requests meets the *Duick* standard.

[28] In the opening paragraphs of their Petition, the JSPs indicate that they are seeking clarification on "three components of the Commission's December 2025 Order." (*See* JSP Petition, p. 1.) However, the JSPs fail to clearly articulate a third basis for their request for clarification beyond their requests to limit the Company's ability to test inverters and to delay implementation of the Plan until the RFP and DER Orchestration Plan are completed. (*See* JSP Petition, pp. 20-21.) As such, the Company is responding to the two requests for clarification contained in the JSP Petition.

1. The Commission Should Reject the Joint Solar Parties' Request to Clarify that the Company Cannot Place Reasonable Restrictions on Interconnecting Inverters if the Second DER Management Plan is Ultimately Denied

74. The Joint Solar Parties' first request for "clarification" does not meet the *Duick* standard because it simply renews one of the JSPs' Exceptions to the RD. Specifically, in their Exceptions, the Joint Solar Parties asked the Commission to clarify that, if the Plan is not approved, PPL Electric cannot "subject inverters to PPL DER Lab testing, nor to condition interconnection on the results of any testing done by it or on its behalf." (JSPs' Exceptions, p. 3.) As explained in Section III.A.1.a., *supra*, the Commission correctly rejected this request, finding that the JSPs improperly raised it for the first time in their Exceptions. The Commission should not revisit this determination, as doing so would violate PPL Electric's due process rights.[29] Moreover, the Joint Solar Parties are trying to re-raise in their Petition the same arguments that the Commission rejected in the Final Order. (*See* Final Order, p. 61.) However, the *Duick* standard does not permit a petitioner to raise issues and arguments considered and decided previously, such that the petitioner obtains a second opportunity to argue properly resolved matters. As a result, the JSPs' first request fail to meet the *Duick* standard for reconsideration.

75. The JSPs' request to limit the Company's ability to test and place reasonable restrictions on interconnecting inverters also fails on the merits. As explained more fully in the Company's Replies to the JSPs' Exceptions, the Company has an affirmative duty to ensure that customers interconnecting with the Company's distribution facilities are using inverters that comply with the applicable standards and are safe to interconnect, regardless of whether the Company is actively monitoring DERs. Prohibiting the Company from testing inverters and placing reasonable limitations on installations based on that testing would hamper the Company's

[29] *See* PPLs' Replies to Exceptions, pp. 12-13.

ability to provide safe and reasonable service to its customers. Indeed, under Paragraphs 58 and 63 of the Commission-approved Settlement in the First DER Management Plan proceeding, PPL Electric can continue to set default Volt/VAR curves and establish default settings for voltage ride-through and frequency ride-through functions even after the Pilot Program ends and regardless of whether the Company's "remote active management program is continued or not."[30] The Company's testing of inverters, among other things, ensures that the inverters have the capabilities required for PPL Electric to set those default settings. Therefore, the Company's testing of inverters cannot and should not end entirely if the Pilot Program ends and the Second DER Management Plan is rejected.[31] (PPL Replies to the JSPs' Exceptions, pp. 12-13.)

76. For these reasons, the JSPs' first request for clarification should be denied.

2. The Commission Should Reject the Joint Solar Parties' Request to Clarify that the Company Cannot Implement its Second DER Management Plan until the RFP and DER Orchestration Plan Are Complete

77. The JSPs' second request for clarification, which seeks to "clarify" the timeline required for the Company to complete the RFP and DER Orchestration Plan, also fails to meet the *Duick* standard because it consists of waived arguments as well as recycled arguments that the Commission already rejected.

78. Initially, there is no fair reading of the Final Order or its Ordering Paragraphs that would suggest that the Company is required to: (1) wait to implement the Second DER Management Plan until the RFP for third-party aggregators is complete and the DER Orchestration

[30] *See Petition of PPL Elec. Utils. Corp. for Approval of Tariff Modifications and Waivers of Regulations Necessary to Implement its Distributed Energy Res. Mgmt. Plan*, Docket No. P-2019-3010128, at 17, 19 (Recommended Decision issued Nov. 17, 2020) *adopted without modification*, Docket No. P-2019-3010128 (Order entered Dec. 17, 2020).

[31] That being said, if the Pilot Program ceases and the Second DER Management Plan is not approved, the Company anticipates that it would no longer test inverters for compatibility with the DER Management devices, given that such devices would not be installed moving forward.

Plan is complete; and (2) resubmit its Petition for Approval of the Second DER Management Plan after these steps are complete. (*See* Final Order, pp. 63-64.) In fact, the Joint Solar Parties understand that the Final Order does not require this sequential compliance schedule, given their pointed objections that "the Commission's authorization to PPL to implement its active management program *and* simultaneously conduct an RFP process . . . *and* simultaneously develop an Orchestration Plan" are "illogical and unsupported by the evidence." (JSP Petition, pp. 14, 15 (emphasis in original).) Thus, the JSPs' request for clarification on this issue patently conflicts with their objection to the simultaneous implementation of the RFP and DER Orchestration Plan with Second DER Management Plan.[32]

79. In addition, the JSPs waived their objections to the RFP and DER Orchestration Plan proposals because they failed to raise them in their Replies to the Company's Exceptions.[33] The Commission has held that parties waive any arguments that they fail to raise in their Exceptions and properly preserve them for appeal. *See Merritt v. Duquesne Light Co.*, 2011 Pa. PUC LEXIS 1197, at *9-10 (Order entered Mar. 31, 2011) (quoting *Generic Investigation Regarding Transp. Assessments*, Docket No. I-2008-2022003 (Order entered Aug. 26, 2008)). Indeed, "[i]n the interest of judicial economy," the Commission "will not grant reconsideration based on an argument which that same party abandoned earlier in the proceedings." *Id.* The JSPs

[32] In addition, the JSPs falsely claim that the Company was "vehemently opposed" to issuing an RFP for third-party aggregators until the Rejoinder stage. This unfair characterization fails to note that no other party, including the JSPs, directly recommended that the Company commit to issuing an RFP for third-party aggregators in testimony. Instead, in Rejoinder, the Company *voluntarily* offered to issue an RFP in response to the concerns raised by the OCA related to exploring the use of third parties to offer grid services. (*See, e.g.*, OCA St. 1SR, p. 55.) Further, when PPL Electric committed to conducting an RFP, it stated that "[i]n evaluating the bids, PPL Electric would evaluate, among other things, the cost, the amount and location of the bidder's DERs, and the bidder's ability to transmit the Company's commands to the DERs." (PPL St. 1-RJ, p. 6.) Thus, PPL Electric did not "vehemently oppose[]" the RFP proposal.

[33] The JSPs also did not respond to the OCA's DER Orchestration Plan proposal in their testimony. (*See* OCA St. 1, pp. 6-7; JSP St. No. 1-R.) If the JSPs were opposed to the OCA's proposal, they should have addressed it in their rebuttal testimony. They did not and, therefore, cannot now take issue with the Commission incorporating that proposal in its Final Order.

objected to these proposals for the first time in the JSP Petition, including claims that: (1) the RFP and DER Orchestration Plan can only be beneficial if they are completed prior to the Plan's implementation; (2) these modifications cannot be feasibly completed while the Plan is ongoing; and (3) these requirements lack sufficient detail to be implemented successfully. (JSP Petition, pp. 13-14.) However, the JSPs failed to raise any of these arguments previously and, therefore, have waived their chance to object to these proposals now.

80. The request also fails to meet the *Duick* standard because it depends on the adoption of the JSPs' position regarding third-party aggregation, which the Commission rejected in its Final Order. Here, the JSPs claim that the RFP will not be successful because installation of the DER Management device blocks third party access to inverters. (JSP Petition, p. 14.) However, the Commission has already reviewed and rejected the JSPs' arguments that the Second DER Management Plan will block or limit market entry for third-party aggregators. (*See* Final Order, p. 58.) As a result, this re-hashed position fails to meet the *Duick* standard.

81. Finally, the Joint Solar Parties' second request fails on the merits. No need exists to delay the implementation of the Second DER Management Plan until after the Company completes the RFP and the DER Orchestration Plan. These reasonable modifications of the Company's proposed Plan are designed to address concerns raised by the other parties regarding alternative paths to DER management and are not mutually exclusive with implementation of the Plan. If the Commission were to adopt the JSPs' recommendation, the Company would not only be prevented from implementing its Second DER Management Plan until the RFP and DER Orchestration Plan are completed but also would be forced to resubmit and presumably *relitigate* the Second DER Management Plan that was approved by the Commission less than 30 days ago. This absurd result should be rejected outright.

82. Based on the foregoing, the Commission should deny the Joint Solar Parties' requests for clarification and affirm the well-reasoned findings and conclusions set forth in the Final Order.

C. THE OCA'S PETITION FOR RECONSIDERATION AND/OR CLARIFICATION SHOULD BE DENIED

83. In its Petition, the OCA claims that reconsideration or, alternatively, clarification is necessary "to understand the scope of the Commission's" Final Order because the Commission explicitly adopted its recommendation to require the Company to conduct a DER Orchestration Plan but did not adopt its proposal to limit the scope of the Second DER Management Plan to DER installments larger than 200 kW. (OCA Petition, p. 3.) In support, the OCA argues that the Commission "did not substantively address the other portion of the OCA's recommendation regarding how small DER installments should not be included in the PPL's Second DER Plan," including claims that it is not "necessary or cost-effective to include devices under 200 kW in the Second DER Plan." (OCA Petition, p. 5.)

84. Contrary to OCA's claims, it is incontrovertible that the Final Order does not impose a 200-kW threshold for DERs subject to the Second DER Management Plan. Nowhere in the Commission's Final Order does the Commission indicate that it intended to limit the scope of the Company's Plan according to the size of the DER installation. Instead, the Commission explicitly endorsed the scope of the Company's proposed Second DER Management Plan, finding that "[t]here is no doubt that continuation and expansion of PPL's Pilot, as proposed, will continue to provide benefits of better managed voltage." (Final Order, p. 57 (emphasis added).) Had the Commission intended to limit the scope of the Plan, it would not have granted the Company's first Exception to this point in full, and it would have contained language modifying the Plan to

incorporate the OCA's proposal. Because the Final Order contains no such limitations, no "clarification" is required.

85. Further, the OCA's request fails to meet the *Duick* standard because it simply re-raises arguments that were already considered and rejected by the Commission. The Commission reviewed and discussed the OCA's arguments related to the cost-effectiveness of monitoring small versus large DER installations, including the OCA's recommendation to "require PPL to submit a revised plan distinguishing small and large DER installments and presenting different solutions with supporting assessments and cost-benefit analysis for the Parties to review on a formal record." (Final Order, p. 36.) Indeed, the OCA's Petition concedes that the Commission discussed its concerns regarding the effectiveness and need to monitor smaller DER installations, citing to specific passages in the Final Order that address these arguments. (*See* OCA Petition, p. 7.) The Commission sufficiently addressed the OCA's arguments regarding imposing a size threshold for the Second DER Management Plan and should not reconsider its findings on the issue.

86. Additionally, as noted above, the Commission was not required to specifically address each argument raised by the OCA in its Final Order. (*See* Final Order, p. 11 (citing *Consolidated Rail Corp. v. Pa. PUC*, 625 A.2d 741 (Pa. Cmwlth. 1993); *University of Pennsylvania v. Pa. PUC*, 485 A.2d 1217 (Pa. Cmwlth. 1984).) Thus, simply because the Commission did not make a specific finding rejecting the OCA's proposed size limitation does not mean that the Final Order should be clarified or reconsidered.

87. The OCA's request for reconsideration also fails on the merits. As more fully explained in the Company's Briefs, the Company thoroughly demonstrated that the OCA's proposed 200-kW threshold is unwarranted. As the Company described in its Main Brief:

> PPL Electric witness Walling explained that a 200-kW threshold raises issues that OCA witness Nelson has not considered or has

> given insufficient weight, such as the fact that the problems created by DERs are location and circuit-specific and, therefore, the cumulative impact of multiple small DERs on the same circuit can be greater than that of one or a few larger DERs. (PPL Electric St. No. 1-R at 22; PPL Electric St. No. 4-R at 10-11.) PPL Electric witness Wishart also testified that 99% of the DERs representing 51% of the DER capacity on the Company's system are below the OCA's proposed threshold. (PPL Electric St. No. 1-R at 22; PPL Electric St. No. 10-R at 10.) More importantly, if that recommendation were adopted, the majority of the benefits Mr. Wishart calculated for the Second DER Management Plan would be eliminated, including $126,008,484 of benefits for incremental DER hosting capacity. (PPL Electric St. No. 1-R at 22-23; PPL Electric St. No. 10-R at 10.)

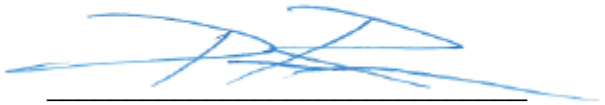
(PPL MB, p. 54.) Imposing the size restriction as the OCA suggests would unnecessarily restrict the impact and benefits of the Second DER Management Plan. The Commission chose not to impose this restriction in its Final Order, and that decision should not be revisited.

88. Based on the foregoing, the Commission should deny the OCA's requests for reconsideration and/or clarification and affirm the well-reasoned findings and conclusions set forth in the Final Order.

IV. CONCLUSION

WHEREFORE, PPL Electric Utilities Corporation respectfully requests that the Pennsylvania Public Utility Commission deny the Petition for Clarification and Stay/Supersedeas of the Joint Solar Parties and the Petition for Reconsideration and/or Clarification of the Office of Consumer Advocate and not disturb the well-reasoned findings and conclusions set forth in the Final Order.

Respectfully submitted,



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