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January 5, 2026

Via E-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; **Joint Solar Parties' (Amended) Petition for Clarification and Stay/Supersedeas**

Dear Secretary Homsher:

Please find attached for filing in the above-captioned matter the Joint Solar Parties' ("JSPs'") Motion to Amend their December 18, 2025 Petition for Clarification and Stay/Supersedeas so as to include Enphase Electric, Inc. as a JSP.

Please do not hesitate to contact me at (202) 213-1672 if I can provide anything further, and thank you for your assistance.

Respectfully submitted,

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Counsel to Joint Solar Parties

Attachments

cc: Service List
The Honorable John M. Coogan
Office of Special Assistants

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing upon the parties listed below via electronic mail and/or hand-delivery, in accordance with the requirements of 52 Pa. Code § 154 (relating to service by a party):

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Dated this 5th day of January, 2026 /s/ Bernice I. Corman

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

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.103(c), ANSWERS TO MOTIONS ARE DUE WITHIN TWENTY (20) DAYS AFTER THE DATE OF SERVICE. YOUR ANSWERS SHOULD BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL.

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Counsel to Joint Solar Parties

Dated: January 5, 2026

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

MOTION TO AMEND THE JOINT SOLAR PARTIES' DECEMBER 18, 2025, PETITION FOR CLARIFICATION AND STAY/SUPERSEDEAS TO ADD ENPHASE ELECTRIC, INC. THERETO

AND NOW, pursuant to 52 Pa. Code §§ 5.91 and 5.103, come the American Home Contractors, Inc. ("AHC"), the Solar Energy Industries Association ("SEIA"), SolarEdge Technologies, Inc. ("SolarEdge"), Sun Directed, Tesla, Inc. ("Tesla") and Trinity Solar, LLC ("Trinity Solar") (referred to collectively as the Joint Solar Parties, or "JSPs"), by and through their Counsel, and hereby respectfully submit this present Petition to add Enphase Electric, Inc. ("Enphase") ("JSPs' Petition") as a member of the JSP group in the JSPs' December 18, 2025, Petition for Clarification and Stay/Supersedeas ("JSPs' Clarification/Stay Petition"). The existing JSPs attach hereto as "Attachment A" an (Amended) Petition for Clarification and Stay/Supersedeas, and in support of same state the following:

1. On December 18, 2025, the JSPs filed their Petition for Clarification and Stay/Supersedeas of the Order and Opinion entered by the Commission in this matter on December 3, 2025 ("December 3rd Order") ("JSPs' Clarification/Stay Petition"). In their Petition, the JSPs provided notice that the composition of the JSP group – then consisting of AHC, SEIA, SolarEdge, Sun Directed, Tesla and Trinity Solar -- was subject to change. *See* the Joint Solar Parties' December 18, 2025 Petition for Clarification and Stay/Supersedeas, n. 1.

2. On December 24, 2025, the Commission issued an Order and Opinion ("December 24th Order") that granted the Petition for Reconsideration and/or Clarification filed by the Office of Consumer Advocate ("OCA"), and the JSPs' Clarification/Stay Petition, pending further review of, and consideration on, the merits.
3. On December 29, 2025, PPL filed its Answer to the JSPs' Clarification/Stay Petition, which, among other things, acknowledged that Enphase was not included in the JSPs' Petition for Clarification/Stay and that the JSPs had provided notice that the composition of the JSP group was subject to change. *See* December 29, 2025 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, notes 1 and 26.
4. Enphase was an active participant in the litigation leading up to the Commission's December 3rd Order that is the subject of the JSPs' Clarification/Stay Petition. *See*, *e.g.*, the Recommended Decision issued by Administrative Law Judge John M. Coogan ("R.D."), Findings of Fact, ¶¶ 8, 59 – 63, 76 – 87, and p. 36.
5. Enphase and the undersigned were unable to timely conclude the discussions needed for Enphase to participate in the JSPs' December 18th Clarification/Stay Petition.
6. Enphase's present addition to the JSPs' December 18th Clarification/Stay Petition will not prejudice any party, nor cause the Commission any inconvenience.
7. The amended Petition is exactly the same as the December 18th Petition, except that it adds the word "Amended" to the title of the document; removes the footnote stating that the composition of the JSP group may change; adds Enphase to the opening paragraph of the Petition; and provides today's date on the date of the Amended Petition.

8. The JSPs' Motion to Amend is timely, per 52 Pa. Code § 5.91(c) which prohibits an amendment to a pleading within 5 days preceding the commencement of or during a hearing unless directed or permitted by the Commission or the presiding officer after opportunity for all parties to be heard thereon.
9. PPL, OCA, the Office of Small Business Advocate ("OSBA"), and the Sustainable Energy Fund ("SEF") have informed the undersigned that they do not oppose this Motion.
10. As of the date of this filing, the PPL Industrial Customer Alliance ("PPLICA") had not yet provided a response the JSPs' request for Consent to this Motion.

WHEREFORE the JSPs respectfully request that the Commission permit the JSPs to amend their Petition for Clarification/Stay to add Enphase Electric, Inc. as a Joint Solar Party.

Respectfully submitted,

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Counsel to Joint Solar Parties

Date: January 5, 2026

ATTACHMENT A

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

(AMENDED) PETITION FOR CLARIFICATION AND STAY/SUPERSEDEAS

AND NOW, pursuant to 52 Pa. Code § 5.572, come the American Home Contractors, Inc. ("AHC"), Enphase Electric, Inc. ("Enphase"), the Solar Energy Industries Association ("SEIA"), SolarEdge Technologies, Inc. ("SolarEdge"), Sun Directed, Tesla, Inc. ("Tesla") and Trinity Solar, LLC ("Trinity Solar") (referred to collectively as the Joint Solar Parties, or "JSPs"), by and through their Counsel, and hereby respectfully submit this Petition for Clarification and for Supersedeas/Stay.

The JSPs respectfully request that the Pennsylvania Public Utilities Commission ("Commission") stay the effectiveness of its December 3, 2025 Order ("Order") issued in this matter, and pending resolution of a judicial appeal filed by the JSPs in the Court of the Commonwealth, bar PPL Electric Utilities ("PPL" or the "Company") from conditioning interconnection of distributed energy resources ("DER") on PPL testing to ensure that customer- or third-party-owned inverters are compatible with PPL-owned DER Management Devices ("Devices") PPL installs in and uses to actively manage and monitor said inverters.

The JSPs also request clarification of three components of the Commission's December 2025 Order as further described herein.

In support of their Petition, the JSPs state as follows:

INTRODUCTION

1. On December 17, 2020, the Commission entered an Order in Docket No. P-2019-3010128 that had the effect of approving PPL's Petition for Approval of Tariff Modifications and Waivers of Regulations Necessary to Implement its [First] DER Management Plan and Pilot Program ("Pilot") ("December 2020 Order").[1] Said Order adopted a November 17, 2020 Recommended Decision that recommended that the Commission approve a Joint Petition for Approval of Settlement of All Issues ("Settlement") and Pilot.

2. Pursuant to Settlement Paragraphs 48 – 50, the Pilot mandated the following:

> Effective January 1, 2021, new DERs interconnecting with the Company's distribution system must have smart inverters[2] installed that meet: (1) Underwriters Laboratories ("UL") Standard 1741 Supplement A ("UL 1741 SA"); and (2) the Company's testing for the communications requirements under the 2018 revisions to the Institute of Electrical and Electronics Engineers ("IEEE") Standard 1547, "Standard for Interconnection and Interoperability of Distributed Energy Resources with Associated Electric Power Systems Interfaces" ("IEEE Standard 1547" or "IEEE 1547-2018"). The Company shall undertake its testing processes in an expeditious manner so as not to delay interconnections. These requirements shall be known as the "Interim Requirements". The list of smart inverters that meet the Interim Requirements will be publicly available and regularly updated on the Company's website ...[Settlement ¶ 48];
>
> The Interim Requirements shall be used by PPL Electric until January 1, 2022. At that point, the Company will transition to requiring new DERs to have smart inverters installed that meet IEEE 1547-2018 and have been certified with IEEE 1547.1/UL 1741 Supplement B ("UL 1741 SB")[3] [Settlement ¶ 49; and that]
>
> Smart inverters … installed consistent with Paragraphs 48 and 49 must have one of their communications ports dedicated to use by PPL. [Settlement ¶ 50].

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[1] *Petition of PPL Electric Utilities Corporation for Approval of Tariff Modifications and Waivers of Regulations Necessary to Implement its Distributed Energy Resources Management Plan*, Docket No. P-2019-3010128 (Order entered December 17, 2020) ("December 2020 Order").

[2] Inverters are devices that convert the direct current ("DC") power produced by solar panels into the alternating current ("AC") power transported on the electric distribution system for use in homes and businesses. Smart inverters provide additional functionality to standard inverters.

[3] Pursuant an Order issued on January 13, 2022 in Docket No. R-2021-3029322, *Petition of PPL Electric Utilities Corporation for Approval of Proforma Tariff Supplement No. 322 to Electric Pa. P.U.C. No. 201, to Modify Tariff Rule 12 – Distributed Energy Resource Connection*, to accommodate a delay in the release of UL 1741 SB, the Commission amended PPL's Tariff 12 to extend use of certain of the Interim Requirements until January 1, 2023. *See also* PPL St. 1, pp. 12–13.

3. Settlement Paragraph 54 provided that:

> The Company shall be authorized to conduct a pilot ('pilot' or 'pilot program') to test and evaluate:
>
> (1) the costs and benefits to distribution system operation and design of *monitoring* DERs through devices connected to inverters as compared to maintaining distribution system status visibility through other means (e.g., automated meter reading equipment, ADMS systems, modeling); and
>
> (2) the costs and benefits to distribution system operation of *active management* of DERs as compared to the benefits available through use of inverter autonomous grid support functions.
>
> (emphasis theirs.)

4. Paragraph 54 also provided that: "The pilot program will begin on January 1, 2021, and will end three years after [establishment of the second control group] … The three years after the second control group is established will be referred to as Program Year 1, Program Year 2, and Program Year 3."

5. The second control group was established on March 21, 2021. The Pilot was thus scheduled to end on March 31, 2024 (PPL St. 1, p. 13).

6. Settlement Paragraph 55 authorized PPL to purchase and install DER management devices under Settlement Paragraphs 48 and 49, up to an annual limit of 3,000 Devices.

7. Settlement Paragraph 62 allowed PPL after the end of Pilot Program Year 2 to petition the Commission to: (a) extend and modify the Pilot; (b) continue installing DER management devices on new DERs; and/or (c) expand the Pilot to allow active management of DERs in control groups.

8. Settlement Paragraph 62 also provided that PPL could "…request that the Commission continue the existing remote active management program until litigation over a petition filed pursuant to Paragraph 62 concludes," and that "[i]f no such petition is filed, the remote active

management program will end after [Pilot] Program Year 3." (*Id*.).[4]

9. Paragraph 63 of the Settlement states:

> Regardless of whether this remote active management program is continued or not, the Company will be authorized to continue: (a) requiring new DERs to have IEEE 1547-2018 compliant smart inverters per Paragraph 49, *supra*; (b) utilizing the smart inverters' automated grid support functions per Paragraph 58, *supra*; and (c) monitoring the DERs that have [PPL's Devices] installed per Paragraph 55, supra, provided that such monitoring shall continue only with written customer consent.

10. Settlement Paragraph 49 comports with 52 Pa. Code § 75.22, which requires that interconnecting DERs be certified to meet: "(i) IEEE Standard 1547 … as amended and supplemented. (ii) UL Standard 1742 … as amended and supplemented." IEEE 1547-2018 is the most recently published version of the standard. The test and verification requirements in IEEE 1547 are specified in the companion standard IEEE 1547.1-2020. UL Supplement SB is a supplement within the UL 1741 standard that incorporates testing requirements for IEEE 1547.1-2020. JSP St. No. 9, p. 4. Thus, Paragraph 49 requires no more than compliance with 52 Pa. Code § 75.22.

11. Settlement Paragraph 64 authorized PPL to make a claim in its next base rate case to recover the capital costs and expenses associated with its Pilot. On September 30, 2025, PPL filed for a general rate increase in *Pennsylvania Public Utility Commission v. PPL Electric Utilities Corporation*, Docket No. R-2025-3057164.

12. On May 20, 2024, PPL filed its Petition in this docket pursuant to Settlement Paragraph 62, for approval to make its Program permanent, and to expand it to apply throughout PPL's service territory by eliminating the 3,000/year cap on new Device installation, and subjecting to Program

[4] On September 12, 2024, the Commission entered an Order approving PPL's Joint Petition for Extension of PPL's Pilot until 30 days after the Commission's Final Order entered in the Company's ongoing Second DER Management Plan proceeding in Docket No. P-2024-3049223. *Petition of PPL Electric Utilities Corporation for Approval of Tariff Modifications and Waivers of Regulations Necessary to Implement its Distributed Energy Resources Management Plan*, Docket No. P-2019-3010128 (Opinion and Order entered September 12, 2024).

requirements DERs interconnected before the Pilot began on January 1, 2021, and DERs interconnected after the Pilot began that do not have Devices installed therein (PPL St. 1, pp. 22-23).

13. Previously excluded customers would be required to submit a new interconnection application when they upgrade their system, install a new inverter on their system, or by March 22, 2040, whichever is earlier (*Id*., n. 23).

14. In a June 30, 2025 Recommended Decision ("R.D."), Administrative Law Judge John M. Coogan recommended that this Commission deny PPL Electric Utilities Corporation's ("PPL's") Petition for Approval of its Second Distributed Energy Resources ("DER") Management Plan ("Program") ("PPL Petition"), based upon his finding that PPL failed to carry its burden of proof in demonstrating (1) why the scope of its proposed Program is reasonable or necessary; (2) how the proposed standards of its Program will not result in harms to participants in the DER program; and (3) that its proposal is supported by a reliable and positive cost-benefit analysis.

15. On July 15, 2025, PPL filed four Exceptions to ALJ Coogan's R.D:

a. PPL's Exception No. 1 contended that the R.D. errs in finding that PPL has not demonstrated why the scope of its proposed active monitoring and control of DER devices is reasonable or necessary.

b. PPL's Exception No. 2 contended that ALJ Coogan improperly found that PPL's requirements for interconnecting DERs have resulted in "credible harms" to the JSPs.

c. PPL's Exception No. 3 objected to the ALJ's conclusion that the Company's cost-benefit analyses do not support its Second DER Management Plan.

d. PPL's Exception No. 4 asserted that ALJ Coogan failed to consider proposed modifications to its Second DER Management Plan to address concerns regarding the scope of the proposal.

16. In their July 15, 2025, submission, the JSPs took no exception to any aspect of the R.D. but submitted a brief to note exceptions with the R.D.'s omission of certain housekeeping matters

necessary to wind down PPL's Pilot, should the Commission adopt the R.D. and deny PPL's Petition, which would terminate the Pilot. Among other things, the JSPs requested:

> a. That the Commission bar PPL from requiring that inverters be tested for compatibility with its Device upon the Pilot's terminating; and
>
> b. That the Commission make Pilot requirements and testing apply after the Pilot's termination to only voluntarily participating DERs.

17. PPL and the JSP were the only parties that filed Exceptions. PPL, the JSPs, the Office of Consumer Advocate ("OCA") and the Office of Small Business Advocate ("OSBA") filed Replies to Exceptions on July 22, 2025.

18. By a 4:1 vote on November 20, 2025, the Commission granted PPL's Exceptions as modified by the Commission's Motion, denied the JSPs' Exceptions, reversed the R.D., and approved PPL's Petition as modified by the Commission's Motion. The Commission directed the Office of Special Assistants to prepare an Opinion and Order consistent with its Motion.

19. On December 3, 2025, the Commission issued an Order that: (a) reverses Judge Coogan's R.D.; (b) grants PPL's Petition with modifications; (c) grants PPL's July 15, 2025 Exceptions to the R.D. with modifications; and (d) denies the JSPs' July 15, 2025 Exceptions. The modifications require:

> a. That within twelve (12) months of the entry date of the Commission's Opinion and Order in this proceeding, [PPL] file a Distributed Energy Resources Orchestration Plan with the Commission and provide an evaluation of three (3) different flexible interconnection approaches [; and]
>
> b. That within twelve (12) months of the entry date of this Opinion and Order in this proceeding, [PPL] shall conduct a Request for Proposal ["RFP"] from third-party aggregators and original equipment manufacturers (Order, ¶¶ 5, 6).

REQUEST FOR SUPERSEDEAS/STAY

20. The JSPs seek a stay/supersedeas of the Commission's December 2025 Order pending their appeal to the Commonwealth Court.

21. *Pa. PUC v. Process Gas Consumers Group*, 467 A. 2d 805, 808-809 (Pa. Cmwlth. 1983) ("*Process Gas*") provides that generally, a stay is warranted where: (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. The *Process Gas* court also conceded that when factors (2) – (4) strongly favor interim relief, the court may exercise its discretion to grant a stay if the petitioner has made a substantial case on the merits (*Id*., at 553 – 554).

22. Recognizing it is unlikely it would concede that its own just-issued order might be found to be erroneous, this Commission has also held that in reviewing a petition for a stay/supersedeas, it should refrain from assessing the merits and should concentrate solely on the effect its stay would have pending appeal. *Pennsylvania Public Utility commission v. Makovsky Brothers. Inc.*, Docket No. C-780353, 53 Pa. P.U.C. 510, *4 (Opinion and Order entered August 30, 1979) ("*Makovsky*"). Having considered the decision in *Washington Metropolitan Area Transit Commission v. Holiday Tours, Inc.*, 550 F.2d 941 (D.C. Cir. 1977) ("*WMATA*"), which granted a stay even though the court found that the petitioner would not likely succeed in its appeal, because the petitioner presented a substantial case, and because the commission presented no evidence of harm to itself if the stay was not granted, this Commission found that an order maintaining the status quo is appropriate when a serious legal question is presented, when little if any harm will befall other interested persons or the public, and when denial of the order would inflict irreparable injury on the

petitioners (*Makovsky* at *3).

23. **The JSPs are likely to prevail on the merits in their judicial appeal, or in the alternative, present a substantial case on the merits** (*Process Gas* at 10), as follows:

a. The Commission's conclusion that the scope of PPL's Program is reasonable or necessary and merited its grant of **PPL's Exception No. 1** was erroneous as a matter of law and lacked substantial evidentiary support.

The Commission conditioned its December 2020 approval of PPL's Pilot on PPL's comparing the costs and benefits of active management of DERs by PPL's Devices, with the benefits available through PPL's using inverter autonomous grid support functions. *See supra*, ¶3. *See also* R.D. Findings of Fact ("FOF") ¶ 42.

i. In its Order at n. 11, the Commission notes PPL's statement – stating PPL did not analyze autonomous settings separately because the requirement to include autonomous settings in inverters was incorporated into the Commission's Regulations after the Commission approved the DER Settlement – but the Commission itself states nothing as to the propriety of PPL's disregarding a Commission Order and term of the multi-party settlement on which the Order rests.

ii. PPL's failure to compare the costs and benefits of active management of DERs with use of inverter autonomous grid support functions precluded the Commission from evaluating whether PPL's proposed Second DER Management Plan is reasonable or necessary, as a matter of law. *See* 66 Pa. C.S. § 1501, which requires that utilities comply with Commission orders.

iii. The Order also lacks substantial support as it fails to provide a "reasoned decision" for the Commission's concluding that the scope of PPL's program is

reasonable or necessary. *See Salters v. Pa. State Police Mun. Police Officers' Educ. & Training Comm'n*, 912 A.2d 347, 354 (Pa. Cmwlth. 2006) ("Due process is satisfied when the courts are able to conduct meaningful review of a final order of an agency"), *citing Dia v. Ashcroft*, 353 F.3d 228 (3rd Cir. 2003) ("An *agency* ... must set forth the basis for its order with sufficient specificity to permit meaningful review by this court.") (emphasis theirs). *See also UGI Utils., Inc. – Gas Div. v. Pa. Pub. Util. Comm'n*, 863 A.2d 144, 148, n. 4 (Pa. Cmwlth. 2004) ("Administrative expertise can be used to resolve conflicts in the testimony and to draw reasonable inferences from the facts of record. However, an agency cannot use the specialized knowledge of its administrators as a substitute for the evidence.")

b. The Commission's Order granting **PPL's Exception No. 2**, which contended that ALJ Coogan improperly found that PPL's requirements for interconnecting DERs have resulted in "credible harms" to the JSPs, was also legally erroneous and lacking substantial support.

i. PPL's Proposed Plan constitutes a "service," as the term is broadly defined under 66 Pa. C.S. § 102 (Order, p. 10).

ii. As such, PPL was required to demonstrate by a preponderance of the evidence that its proposed Plan, as a utility service, is adequate, efficient, safe and reasonable, per 66 Pa. C.S. § 1501.

iii. The Commission's failure to find that PPL can implement its Program safely, as required by 66 Pa. C.S. 1501, renders the Order legally deficient.

iv. Similarly, the Commission failure to make the finding required by 52 Pa. Code § 75.13(k) in support of its authorization to PPL to implement its Program,

also renders the Order legally deficient. 52 Pa. Code § 75.13(k) prohibits PPL from requiring additional equipment or insurance or imposing any other requirement on a net metering customer "unless the additional equipment, insurance or other requirement is specifically authorized under this chapter or by order of the Commission."

~~v.~~ Further, the Commission's failure to address the JSPs' allegations that PPL is operating its program in violation of 34 Pa. Code § 195(b) and the requirements of the National Electric Code ("NEC") incorporated thereunder, also render the Order legally deficient.[5]

vi. The Commission's Order is also defective as it fails to explain the bases for its substituting its credibility determinations as to harms for those made by ALJ Coogan. *See Daniels v. Workers' Comp. Appeal Bd. (Abington Mem'l Hosp)*, 828 A.2d 1043 (Pa. Cmwlth. 2003) (the "reasoned decision" standard requires that the Commission explain its credibility determinations, especially where it substitutes its judgment for that of the ALJ). *See also Commonwealth, Dep't of Transp. v. Commonwealth, Public Utility Com.*, 335 A.2d 539, 541 (Pa. Cmwlth. 1975) (vacating a Commission order that "consisted basically of only a summarization of the testimony of the witnesses and its conclusions," rendering the court unable to

[5] 34 Pa. Code § 195(b) provides that the NEC applies to the installation of wiring (JSP FOF ¶ 237). The NEC mandates that "Equipment that is listed, labeled, or both, or identified for a use [] be installed and used in accordance with any instructions included in the listing, labeling, or identification." (NEC Section 110.3(B); JSP FOF ¶ 241). PPL admitted its manner of installing its Device in a customer's inverter to power the Device is not authorized in the manufacturers' instructions (JSP FOF ¶ 244; R.D. ¶ 106). Further, as PPL's Device installation occurs on the customer's side of the meter, which area is regulated by the NEC and not by the Commission (JSP Reply Brief, n. 93), the Commission cannot cure PPL's NEC violation (JSP FOF ¶ 245).

determine the findings of fact upon which the Commission based its conclusions.)

vii. ALJ Coogan made 71 Findings of Fact in support of his conclusion that in particular, the JSPs had "raised a number of credible harms resulting from the DER Management Plan standards." (R.D. at 44; R.D. FOF ¶¶ 43 – 114).

viii. By contrast, the Commission's Order, fails to counter the bulk of ALJ Coogan's findings with more credible evidence,[6] or fails to address most of his findings at all.[7]

c. The Commission's conclusion that the benefits of PPL's program exceed its costs, meriting its granting **PPL's Exception No. 3**, was also legally erroneous and inadequately supported.

i. Initially, in support of its Petition, PPL submitted a cost-benefit analysis it claimed showed that avoided truck rolls (i.e., service visits) produced 62% of program benefits (R.D. FOF ¶ 115; R.D., p. 34; Order, p. 56).

ii. However, in its Rebuttal Testimony, PPL submitted a second cost-benefit analysis prepared by Concentric Energy Advisory, Inc. ("Concentric") that reduced the benefits from avoided truck rolls to only 5% of total program benefits (R.D. FOF ¶ 116), and instead concluded that 85.9% of benefits would come from "incremental hosting capacity," which PPL claimed was achievable through its monitoring of DER inverters (*Id*., ¶ 118).

iii. The Commission committed legal error in basing its Order on the

[6] For example, the Commission found that the JSPs' "asserted lost sales [came] from locations outside of PPL's service territory." (Order, p. 57). However, the Order fails to explain how PPL's evidence outweighed ALJ Coogan's finding that information on locations came from copies of customers' utility bills (R.D. FOF ¶ 45).

[7] For example, the pages the Commission cites as support for its findings on page 57 do not address the subjects for which they are being cited.

Concentric analysis, as the Commission's own regulations barred PPL from introducing evidence in the rebuttal phase that should have been included in its case-in-chief, or substantially varied from its case-in-chief. *See* 52 Pa. Code § 5.243(e).

iv. The Commission also committed legal error, as PPL's second analysis failed to compare the benefits achievable through monitoring using PPL's Devices against alternative methods for collecting data, which PPL was required to do by the Commission's 2020 Order. (R.D. FOF ¶ 19).

v. The Commission also erred in concluding that PPL's Program benefits will exceed Program costs, as that premise is not supported by substantial evidence. As indicated above, Concentric's conclusion as to benefits exceeding costs is essentially meaningless, as Concentric failed not only to compare benefits to those to be obtained from autonomous features, it failed to compare them to any alternatives, such as advanced DER modeling, cloud-based communications, or third-party aggregations, or other means of monitoring that do not require a PPL-owned device to be physically connected to a customer's DER inverter (R.D. p. 38, *citing* OCA MB at 34 – 39).

vi. ALJ Coogan found that PPL failed to provide reliable or positive cost-benefit analyses to support its proposal, agreeing with Intervenors[8] that PPL's analyses were undermined by both the fact that it changed its analyses over the course of the proceeding, as well as his finding that PPL overstated the amounts of benefits its Program would provide (R.D. at p. 46).

[8] Intervenors in this Docket are the JSPs, the Office of Consumer Affairs ("OCA"), the Office of Small Business Advocate, the PP&L Industrial Customer Alliance ("PPLICA") and the Sustainable Energy Foundation ("SEF").

vii. Judge Coogan heard several hours of oral testimony by the Concentric study's author and was able to observe his demeanor. As such, the Commission was required to have done a better job explaining why it found PPLs' presentations more credible than the ALJ's findings. *Borough of E. McKeesport v. Special/Temporary Civil Serv. Comm'n*, 942 A.2d 274, n. 3 (Pa. Cmwlth. 2008) ("Indeed, the Court may not reweigh the evidence 'since the Commission, as fact finding tribunal, is in a better position to discover the facts based upon the testimony and the demeanor of the witnesses.")

d. The Commission also made legal and factual errors in fixing PPL's Petition for PPL without record support, so should not have granted **PPL's Exception No. 4**. In its Exception No. 4, PPL contended that rather than reject PPL's Petition outright, the ALJ should have considered modifications proposed by Intervenors.

i. ALJ Coogan found that PPL's Program blocks the JSPs' ability to develop an aggregation program (R.D. FOF ¶¶ 89 – 103).

ii. Citing instead PPL's unsupported assertion "that nothing in its [Program] inhibits or precludes DERs from contracting with aggregators or participating in third-party aggregation," (Order, p. 58), and to a PPL offer made only for the first time in Rejoinder Testimony (and vehemently opposed by PPL up until that time (R.D., p. 31)), the Commission's Order directs PPL to conduct an RFP from third-party aggregators "to ensure that PPL's Second Management Plan does not result in blocked or limited market entry for third-party aggregation for DERs." (Order, p. 58).

iii. The Order is legally defective, as the record lacks any revised plan from

PPL that builds in an RFP process, or any meaningful commitments made by PPL to indicate whether and/or the degree to which it will incorporate third-party aggregation, or any evaluations by PPL as to whether it or third parties can perform aggregation services more cost-effectively.

iv. The Order is also unsupported factually and defies common sense, as it fails to explain whether an RFP process that would allow for third-party aggregation will be meaningful, if PPL is simultaneously still installing its Device, managing customers' DERs, and blocking third party access while it is also developing and implementing an RFP process.

v. The Order is also illogical in requiring that PPL conduct an RFP process alongside it implementing its program. An RFP process would have aided the Commission in comparing the costs and benefits of relying upon third party aggregators or equipment manufacturers to manage DERs, rather than the utility (OCA MB, p. 37). Thus, the Commission's authorization to PPL to implement its active management program *and* simultaneously conduct an RFP process is unsupported by substantial evidence.

vi. Similarly, the Order's direction to PPL to develop a DER Orchestration Plan suffers from the same errors as does its direction to develop an RFP for third-party aggregation. PPL also stated its willingness to develop a DER Orchestration Plan only in Rejoinder Testimony (Order, p. 60, *citing* PPL St. 1-R at 20), and the Plan's contours were also not fleshed out in the record underlying the Order.

vii. Additionally, like the RFP process, a DER Orchestration Plan would have assisted the Commission in evaluating whether PPL's active management program

would be the most cost-effective means with which to orchestrate all DERs and deliver value to ratepayers, rather than alternative strategies. Thus, the Commission's authorization to PPL to implement its active management program *and* simultaneously develop an Orchestration Plan is illogical and unsupported by the evidence. (R.D., pp. 39 - 40).

viii. OCA witness Ron Nelson specifically testified that "no DER should be subject to mandatory control" until further orchestration analysis is completed, in particular, into whether mandatory control is reasonable for large DERs; and further, that the scope of a mandatory control program could not be determined absent such analysis (R.D., pp. 38 - 40, 42).

e. The Commission committed **additional legal error** in approving PPL's Petition because PPL's program amends Pennsylvania's interconnection standards without notice and comment in a state-wide rulemaking proceeding. *See Pennsylvania Human Relations Com. V. Norristown Area School Dist.*, 473 Pa. 334 (Pa. 1977).

i. 52 Pa. Code § 75.22 requires that new DERs interconnecting with PPL's grid have smart inverters installed that meet IEEE 1547-2018, and have been certified with IEEE 1547.1/UL 1741 SB.

ii. PPL's Program requires, however, as a condition of PPL's granting approval to interconnect, that DERs also meet PPL's <u>additional</u> testing requirements for compatibility with its DER Management Device (R.D., pp. 44 – 45).

iii. ALJ Coogan found that PPL's additional requirements, imposed without notice and comment in a state-wide proceeding, erode the uniformity and market certainty the legislature intended that the standards provide (R.D., p. 45).

iv. The Commission committed legal error in approving a program whose requirements – which would apply to all DERs operating in PPL territory -- were developed outside the traditional rule-making process.

f. Finally, the Commission's **denial of certain of the JSPs' Exceptions** is flawed, since based on an erroneous interpretation of the Recommended Decision entered in Docket No. P-2019-3010128.

i. In their Exceptions Brief,[9] the JSPs asked the Commission to clarify that if it denied PPL's proposal:

1. PPL would not be authorized to subject inverters to PPL DER Lab testing, nor to condition interconnection on the results of any testing done by it or on its behalf; and

2. PPL would no longer be allowed to restrict installation of certain inverter types to single-inverter installations or maintain any other restrictions that were based on testing PPL performed under the Pilot for compatibility with its DER Management Device.

ii. In rejecting the JSPs request, the Commission erroneously states that Paragraph 63 of the DER Settlement that gave rise to the Recommended Decision pertaining to the Pilot does not prohibit PPL from testing inverters or placing appropriate restrictions on inverters interconnecting with its distribution system (Order, p. 61).

iii. The Commission errs. Settlement Paragraph 63 states:

> Regardless of whether this remote active management program is continued or not, the Company will be authorized to continue […] requir[ing] new DERs to have IEEE 1547-2018 compliant smart inverters per Paragraph

[9] JSPs Exc. Br., pp. 2 – 5.

49…

iv. Settlement Paragraph 49 states that "Interim Requirements," which per Paragraph 48, pertained to PPL testing to determine whether inverters met then-forthcoming IEEE standards and listing those inverters on an Approved List, would govern only until January 1, 2022.

v. As set forth in note 4, *supra*, an amendment to a PPL tariff extended certain of the Settlement's "Interim Requirements" until January 1, 2023

vi. Thus, pursuant to either Settlement Paragraph 49 or PPL's tariff amendment, PPL's authority to continue to require testing for compatibility with its Device, and its listing only those inverters it includes on a PPL-Approved List, sunset years ago.

vii. Moreover, Settlement Paragraph 62 states: "If no such petition [for approval of a Second DER Management Plan] is filed within 60 days after the end of Program Year 2, the remote active management program will end after Program Year 3."

viii. It is illogical to conclude that Paragraph 62 was intended to mean that if PPL's Petition were ultimately disapproved and PPL was prohibited from installing future Devices, that its mere act of filing a petition for approval would entitle it to continue to requiring testing for compatibility with said Devices.

ix. Thus, the DER Settlement does not authorize PPL to continue to require testing for compatibility with its Device, nor to limiting the sale of smart inverters in its territory to only those its testing shows are compatible with its Device, as those requirements sunset in 2022, or in any event, were not authorized to continue

outside of an authorized PPL program.[10]

24. The **public interest will be advanced, not adversely affected, by a stay.**

a. Upon information and belief, PPL has not been installing new Devices since October 31, 2025, when it hit its annual 3,000 installation cap.[11]

b. The present state of affairs, then, or "Status quo," is that PPL has ceased testing inverters, has ceased installing its Devices in customers' or third-party owned inverters, and has ceased conditioning interconnection of new inverters on their meeting PPL's testing for compatibility with its Device.

c. Both PPL and the Commission have acknowledged that PPL's program is forward-looking – that is, that it is designed to harness: "… the opportunity to utilize certain functions before achieving higher penetration of DERs in order to optimize future DER growth and avoid any negative impacts as penetration increases." (Order p. 55).

d. As the higher penetration rates have not yet been achieved and are not expected to be achieved in the near term,[12] there is no urgency, and PPL's program can safely and reasonably be stayed without causing reliability or power quality concerns.

e. The public has an interest in judicial clarification and resolution of the legal issues presented by this matter. Specifically, the questions whether and under what circumstances an extreme, expensive, rate-payer-funded, first-in-the-nation program mandating full monitoring and control by PPL should be made permanent and territory-wide, are questions of significant public importance.[13] Granting a stay that preserves the status quo will permit

[10] *See* Settlement ¶ 62, stating that "[i]f no [] petition is filed [to continue the program], the remote active management program will end after the Program Year 3."
[11] Automatic reply email dated November 3, 2025, from PPL EU, DER Metering to Green Way Solar's William Stahlman.
[12] R.D. FOF ¶¶ 33-38.
[13] *See* R.D., p. 43.

the Commonwealth Court to review the question clearly, and advance the public's interest, without harming it.

25. **PPL will not be substantially harmed by the grant of a stay**. PPL will not be harmed by the grant of a stay. PPL still has at its disposal all the tools it has used historically and is still using presently, in this period in which it lacks complete control over all DERs in its territory. *See*, *e.g.*, *supra*, Paragraph 14, which notes that certain inverters will not have Devices installed until 2040. Thus, there should be no doubt that PPL can continue to safely and reasonably manage the grid if program implementation is stayed pending appeal.

26. Further, the parties dispute that PPL's claim that its program has successfully mitigated harms even at present levels of penetration. The Order states that "[t]he DER Pilot has already mitigated over 604,000 voltage violations through active management[; and concludes t]here is no doubt that continuation and expansion of PPLs' Pilot, as proposed, will continue to provide benefits of better managed voltage." (Order, p. 57). However, the Order disregards the JSPs' proofs which were adopted by the ALJ, as well as PPL's admission, that the voltage violations the Pilot DERs are resolving are remote from the point of interconnection, and moreover, that PPL does not know the root cause of these violations. *See* JSP St. No. 9, p. 10 and Exhibit JSP-MM-12, and R.D., p. 35. Thus, the grant of a stay will not leave unabated voltage violations purportedly caused by DERs.

27. **By contrast, the JSPs, the solar industry, and the public will suffer irreparable harm if the program is not stayed pending appeal.**

a. As indicated above, the JSPs respectfully submit that the Commission's findings as to the harms raised by the JSPs were so inadequately supported that they amount to an improper exercise of agency discretion. *See Peoples Natural Gas Co. v. Pa. Public Util. Com.*, 567 A.2d 642 (Pa. Cmwlth. 1989), *citing Barasch v. Pa. Pub. Util. Comm'n*, 493

A.2d 653, 655 (Pa. Cmwlth. 1985); *and* 2 Pa. C.S.§ 704. *See also Fraternal Order of Police v. Pa. Labor Relations Bd.*, 735 A.2d 96, 99 (Pa. Cmwlth. 1999) ("The essential import [of this standard] is to establish a limited appellate review of agency conclusions to ensure they are adequately supported by competent factual findings, are free from arbitrary or capricious decision making, and, to the extent relevant, represent a proper exercise of the agency's discretion." (*Hiko Energy, LLC v. Pa. PUC*, 163 A.3d 1079 (Pa. Cmwlth. 2019).)

b. Each day PPL's program continues, it causes additional harms to the JSPs, to the solar industry, and to the public, including but not limited to: lost sales resulting from PPL's program restrictions (R.D. FOF ¶¶ 43 – 49); additional losses, such as significantly increased costs to installers and their customers, delays experienced by both installers and their customers, customer dissatisfaction, and reputational harm to the solar industry (R.D. FOF ¶¶ 50 – 58, 85 - 88); blocked or impeded market entry for numerous products PPL customers want (R.D. FOF ¶¶ 59 – 67, 74, 90); interference with customers' communications and power generation arising from PPL's management of customers' systems (R.D. FOF ¶¶ 68 – 73, 75 – 84, 91); blocked or impeded competition from third-party grid service providers caused by PPL's occupation of customers' communications portals (R.D. FOF ¶¶ 89, 92 – 104); and threats of thermal damage as well as voided customer warranties due to PPL's manner of installing its Devices in customers' inverters to power its Devices (R.D. FOF ¶¶ 105 – 114).

CLARIFICATION

28. For the reasons set forth more fully in Paragraph 23.d., *supra*, the Commission should clarify that a DER Orchestration Plan and RFP for Third Party Aggregation are required as set

forth on Order pages 58 and 60; and that PPL may submit a revised Petition for Approval of a Second DER Management Plan within 30 days *after* it has provided its DER Orchestration Plan, or 30 days *after* it has provided its evaluation of responses to its Third-Party Aggregation RFP, whichever is later.

29. For the reasons set forth more fully in Paragraph 23.f., *supra*, the Commission should revise its Order language on p. 53 to clarify that if the Pilot terminates and a new Program is not ordered, then PPL would no longer be authorized to subject inverters to PPL's testing, nor to condition interconnection on the results of any such testing.

30. The JSPs recommend the following edit to page 61:

> "For example, the DER Settlement does not require PPL to remove its DER Management devices when the Pilot Program ends, nor does the DER Settlement prohibit the Company from ~~testing inverters,~~ maintaining a List of inverters that are certified as meeting the standards set forth in 52 Pa. Code § 75.22~~, or placing appropriate restrictions on inverters interconnecting with its distribution system~~."

REQUESTED RELIEF

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.

The JSPs further request that the Commission clarify its December 3, 2025, Order to clarify that:

(1) 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;

(2) 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.

Respectfully submitted,

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