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June 26, 2026

VIA ELECTRONIC FILING

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

Re: Pennsylvania Public Utility Commission, *et al.* v. PPL Electric Utilities Corporation
Docket Nos. R-2025-3057164, *et al.*

Petition for Reconsideration of the Customer-Generator Coalition

Dear Secretary Homsher:

Enclosed please find the Petition for Reconsideration of Aspen Power Partners LLC, 38 Degrees North, Bollinger Solar, CEP Renewables, LLC, CVE North America, Dynamic Energy Solutions, LLC, EDPR NA Distributed Generation LLC, Encore Renewable Energy, GS Power Partners, Prospect14 LLC, Radial Power LLC, Reading Anthracite Company, Scale Microgrids, Schuylkill Reclamation Corporation, Solar Renewable Energy, LLC, SR1 Captura Sage Holdco I, LLC, and Syncarpha Capital, LLC, collectively as the Customer-Generator Coalition ("CGC") in the above-captioned proceeding.

Service of these documents has been made upon all parties of record in accordance with the attached Certificate of Service.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

Daniel A. Garcia, Esq., Of Counsel
STEPTOE & JOHNSON PLLC
Counsel for Customer-Generator Coalition

CC: Hon. Christopher P. Bell (*Via E-mail only*)
Hon. Barbara Shadie Nause (*Via E-mail only*)
Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	R-2025-3057164
Coalition For Affordable Utility Services	:	
and Energy Efficiency in Pennsylvania	:	C-2025-3057844
Office of Small Business Advocate	:	C-2025-3057889
Office of Consumer Advocate	:	C-2025-3058130
Brad and Jennifer Wooley	:	C-2025-3057946
PP&L Industrial Customer Alliance	:	C-2025-3058271
Convergent Energy and Power LP	:	C-2025-3058300
Solar Energy Industries Association and	:	C-2025-3058251
The Coalition for Community Solar Access	:	C-2025-3058846
Rik Bhattacharyya	:	C-2025-3058982
Safiya Junaid	:	C-2025-3059151
Stacey Kimmel-Smith	:	C-2025-3059330
John Gadomski	:	C-2026-3060429
Thatcher Graham	:	C-2026-3061012
Wendy Johnson	:	C-2026-3061118
Kenneth Johnson	:	C-2026-3061424
Mary Bainbridge	:	C-2026-3061706
Diane Cheer	:	
v.	:	
	:	
PPL Electric Utilities Corporation	:	

**PETITION FOR RECONSIDERATION AND CLARIFICATION
OF JUNE 11, 2026 ORDER OF
ASPEN POWER PARTNERS LLC, 38 DEGREES NORTH, BOLLINGER SOLAR, CEP
RENEWABLES, LLC, CVE NORTH AMERICA, DYNAMIC ENERGY SOLUTIONS,
LLC, EDPR NA DISTRIBUTED GENERATION LLC, ENCORE RENEWABLE
ENERGY, GS POWER PARTNERS, PROSPECT14 LLC, RADIAL POWER LLC,
READING ANTHRACITE COMPANY, SCALE MICROGRIDS, SCHUYLKILL
RECLAMATION CORPORATION, SOLAR RENEWABLE ENERGY, LLC, SR1
CAPTURA SAGE HOLDCO I, LLC, AND SYNCARPHA CAPITAL, LLC,
COLLECTIVELY AS THE CUSTOMER-GENERATOR COALITION (“CGC” OR
“COALITION”)**

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DATED: June 26, 2026

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Pursuant to Section 703(g) of the Public Utility Code¹ and Section 5.572 of the Pennsylvania Public Utility Commission’s (“Commission”) regulations², the CGC hereby files this Petition for Reconsideration and Clarification of the Commission’s Order entered June 11, 2026 (“Opinion and Order”) in the above-captioned proceeding, which approved the Joint Petition for Non-Unanimous Settlement of All Issues (“Settlement”) as modified by the Motion of Commissioner Kathryn L. Zarfuss (“Zarfuss Motion”).

CGC submits this Petition not to relitigate the issues decided by the Commission, but rather to request clarification regarding several legal questions that may materially affect future application of the approved MRPL provisions and facilitate meaningful judicial review. For the reasons set forth below, the CGC respectfully submits that the Commission committed errors of law warranting reconsideration and modification of the Order.

I. INTRODUCTION

On September 30, 2025, PPL Electric Utilities Corporation (“PPL” or the “Company”) filed Original Tariff Electric – Pa. P.U.C. No. 202 and Original Tariff Electric – Pa. P.U.C. No. 2S seeking approval of revised tariffs and related rate design changes applicable within its Pennsylvania service territory. Among other matters, the filing proposed revisions affecting customer-generators, including changes related to the calculation and application of Maximum Registered Peak Load (“MRPL”). Evidentiary hearings were held on February 17, 2026, and March 9, 2026. The March 9 hearing was limited to cross-examination regarding the Company’s MRPL proposal. Settlement discussions among the parties during early 2026 resulted in a non-unanimous agreement between PPL and certain parties regarding the treatment of MRPL. The Customer-Generator Coalition opposed the MRPL provisions of the settlement. On March 13,

¹ 66 Pa.C.S. § 703(g).

² 52 Pa. Code § 5.572.

2026, the Joint Petitioners filed the Joint Petition for Approval of Non-Unanimous Settlement of All Issues. On March 20, 2026, CGC timely filed its Comments in Opposition to the MRPL provisions contained in the proposed settlement. On April 17, 2026, the Administrative Law Judges issued their Recommended Decision addressing, among other issues, the proposed modifications to the MRPL construct and ultimately accepting a framework that permits the incorporation of exported generation into a customer's demand-based classification. On April 27, 2026, the CGC filed Exceptions to the Recommended Decision.

On June 11, 2026, the Commission entered its Order approving the Joint Petition for Non-Unanimous Settlement, as modified by the Motion of Commissioner Kathryn L. Zarfuss. The Order approved the Settlement's MRPL provisions, which permit exported generation to be incorporated into a customer's demand-based classification for default-service purposes.

II. LEGAL STANDARD

The Commission's standards for granting reconsideration following final orders are set forth in *Duick v. Pennsylvania Gas and Water Co.*, 56 Pa. P.U.C. 553 (1982):

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.³

³ *Duick*, 56 Pa. P.U.C. at 559 (quoting *Pennsylvania R.R. Co. v. Pa. P.U.C.*, 118 Pa. Super. 180 (1935)).

The Commission has cautioned that the operative language of the *Duick* standard focuses on the deliberations of the Commission, not the arguments of the parties.⁴

A Petition for Reconsideration is properly before the Commission where it alleges errors of law.⁵

As set forth herein, this Petition identifies errors of law that the Commission may have overlooked in approving the MRPL provisions of the Settlement, and accordingly satisfies the standard for reconsideration under *Duick*.

III. ARGUMENTS FOR RECONSIDERATION

A. The Commission Erred as a Matter of Law by Permitting a Tariff to Redefine a Commission Regulation.

The Commission approved tariff provisions that permit exported generation to be utilized as the basis for determining a customer's MRPL classification. In doing so, the Commission concluded that "PPL may use tariff language to alter the application of the MRPL construct, so long as the resulting tariff classification is supported by the record and remains consistent with the Code, Commission Regulations, and the AEPS Act."⁶ This conclusion presents a significant question concerning the extent to which an electric distribution company may utilize tariff provisions to alter the application of a regulatory term that has already been defined by Commission regulation.

Section 54.182 of the Commission's regulations defines MRPL as:

*"The highest level of **demand** for a particular customer, based on the PJM Interconnection, LLC, Peak Load Contribution Standard*

⁴ See *Pa. PUC v PPL Electric Utilities Corp.*, Docket No. R-2012-2290597 (Order entered May 22, 2014).

⁵ See *Duick*, 56 Pa. P.U.C. at 559; *Application of Cressona Trucking Company, Petition for Reconsideration*, 1989 Pa. PUC LEXIS 102 (Pa. PUC 1989).

⁶ Opinion and Order at 199.

*or its equivalent, and as may be further defined by the EDC tariff in a particular service territory."*⁷ (emphasis added).

The Commission acknowledged CGC's position that MRPL is "a demand-based metric measuring the customer's contribution to system peak demand."⁸ The Opinion, however, does not expressly resolve that interpretive question. Instead, the Commission concluded that "PPL may use tariff language to alter the application of the MRPL construct" so long as the resulting tariff remains consistent with the Code, Commission regulations, and the AEPS Act.⁹

Pennsylvania law has historically distinguished customer demand, customer load, and generation resources.¹⁰ However, the Petition does not seek reconsideration merely because CGC disagrees with the Commission's treatment of those concepts. Rather, reconsideration is warranted because the Opinion does not identify the legal principle that permits tariff language to "alter the application" of an existing regulatory definition or explain the limits of that authority.

Section 54.182 expressly permits MRPL to be "further defined" by tariff. The Commission concludes that this language permits PPL to alter the application of MRPL.¹¹ However, the Opinion does not identify the legal boundary between implementation of a regulatory term and substantive modification of that term. The Commission recognized that CGC argued that "incorporating exported generation does not further define demand; rather, it substitutes a different concept for demand."¹² However, the Commission did not expressly reject that proposition as a matter of regulatory interpretation. Instead, the Commission articulated that the distinction between MRPL, SPLI, and Billing Demand "should not be dispositive."¹³ The Opinion, however,

⁷ 52 Pa. Code § 54.182.

⁸ Opinion and Order at 151.

⁹ *Id.* at 199.

¹⁰ See *West Penn Power Co. v. Pa. Pub. Util. Comm'n*, 615 A.2d 951, 965 n.3 (Pa. Cmwlth. 1992).

¹¹ Opinion and Order at 199.

¹² *Id.* at 151.

¹³ *Id.* at 199.

does not explain why that distinction is legally immaterial or identify the standard governing the extent to which tariff language may modify the application of a regulatory construct.

In *Victory Bank v. Commonwealth*, 219 A.3d 1236 (Pa. 2019), the court emphasized that all regulations must be consistent with the statute under which they were promulgated. A regulation that conflicts with the enabling statute is invalid, as "a statute is law and trumps an administrative agency's regulations."¹⁴ This principle underscores that a tariff, as a regulatory instrument, cannot redefine or conflict with the statutory or regulatory standards it seeks to implement. Although *Victory Bank* addressed the relationship between statutes and regulations, the principle applies with equal or greater force to tariff provisions, which occupy a subordinate position in the regulatory hierarchy. Likewise, in *Popowsky v. Pa. PUC*, the Supreme Court recognized that legislative regulations adopted pursuant to delegated authority carry the force and effect of law and remain binding until amended through the required rulemaking process.¹⁵ The Court further recognized that agency interpretations of their own regulations are entitled to deference only where the interpretation is consistent with the text and purpose of the regulation itself. Additionally, the Commonwealth Court has observed that agencies may not effectively alter statutory or regulatory requirements through interpretive action.¹⁶

The CGC does not challenge the Commission's authority to define MRPL by regulation, as that authority was already exercised when the Commission promulgated Section 54.182 pursuant to its rulemaking authority. The issue presented here is whether the approved tariff provisions remain within the scope of the regulatory construct adopted by the Commission or

¹⁴ *Victory Bank*, 219 A.3d at 1239.

¹⁵ See *Popowsky v. Pa. Pub. Util. Comm'n*, 910 A.2d 38, 53-55 (Pa. 2006) (recognizing that regulations promulgated pursuant to delegated legislative authority have the force and effect of law and are binding until amended in accordance with applicable rulemaking procedures).

¹⁶ *Hommrich v. Commonwealth*, 231 A.3d 1027, 1041-42 (Pa. Cmwlth. 2020), *aff'd*, 255 A.3d 1197 (Pa. 2021).

instead effect a substantive modification of that construct. If tariff language may "alter the application" of a regulatory construct, the Commission does not explain where implementation ends and modification begins.

CGC further preserves its position that prior Commission adjudications do not constitute binding authority with respect to the interpretation of a regulation that was not directly at issue in those proceedings. Legislative regulations adopted pursuant to delegated authority 'are valid and as binding upon a court as a statute,' and remain in force until amended through proper rulemaking procedures.¹⁷ Accordingly, the Commission's approval of the MRPL tariff provisions must be measured against the text of Section 54.182 as promulgated, not merely against conclusions reached in prior proceedings involving different regulatory constructs. Because neither *UGI DSP V* nor *Citizens' 2025 Rate Case* interpreted the meaning of "demand" under 52 Pa. Code § 54.182 or addressed the scope of the phrase "as may be further defined by the EDC tariff," CGC respectfully preserves its position that those proceedings cannot be treated as dispositive authority regarding the interpretation of Section 54.182.

Respectfully, however, there is no explanation as to why those distinctions are legally immaterial or identify the legal principle by which prior adjudications involving different tariff provisions resolve the interpretation of Section 54.182. If tariff language may alter the application of a defined regulatory term by incorporating concepts not contained within the regulation, there is no distinction discussing where the boundary exists between implementation and amendment.

Here, Section 54.182 defines MRPL by reference to a customer's highest level of demand. If exported generation may be substituted for demand when determining MRPL, the result is not a further definition of demand but a modification of the underlying regulatory standard itself. Such

¹⁷ See *Popowsky*, 910 A.2d at 53.

a change would ordinarily require amendment of Section 54.182 through rulemaking rather than approval of a utility-specific tariff provision in a rate proceeding.

The Opinion and Order does not identify the legal authority under which exported generation may be treated as "demand" for purposes of MRPL. Instead, the Opinion states that "the Commission may reasonably conclude that PPL may use tariff language to alter the application of the MRPL construct."¹⁸ If the Commission is interpreting Section 54.182 to include exported generation within the meaning of "demand", then CGC respectfully submits that such interpretation is inconsistent with the text of the regulation. If the Commission instead relies upon its general ratemaking authority or the tariff itself, the Opinion should identify that authority and explain how such authority permits alteration of a regulatory standard adopted through formal rulemaking.

Clarification of this issue is particularly important because it presents a legal question that extends beyond the instant proceeding and will affect future applications of MRPL by electric distribution companies. The Opinion does not identify the point at which a tariff that "further defines" a regulatory term becomes an impermissible substantive modification of that regulation. To the extent the approved tariff modifies the operation of Section 54.182, CGC further preserves its position that such changes may require amendment of the regulation through the Commission's legislative rulemaking authority rather than through adjudication in an individual rate proceeding.

Because that distinction is central to the legality of the approved tariff construct, CGC respectfully requests that the Commission clarify whether:

1. Exported generation constitutes "demand" within the meaning of Section 54.182;
2. The approved tariff merely implements Section 54.182; or

¹⁸ Opinion and Order at 199.

3. The Commission is relying upon independent statutory authority to permit alteration of the regulatory construct embodied in Section 54.182.

B. The Commission Overlooked the Distinct Legal Question Presented by CGC.

The Opinion and Order relies extensively upon the Commission's decisions in *Petition of UGI Utilities, Inc. – Electric Division for Approval of a Default Service Plan for the Period June 1, 2025 Through May 31, 2029*, Docket Nos. P-2024-3049343, P-2024-3049344, and P-2024-3049345, Opinion and Order entered February 20, 2025 ("*UGI DSP V*"), and *Pa. PUC, Bureau of Investigation and Enforcement, Office of Consumer Advocate, Office of Small Business Advocate, and Citizens' Electric Company of Lewisburg, PA*, Docket Nos. R-2025-3054394, C-2025-3054395, and C-2025-3054396, Opinion and Order entered January 15, 2026 ("*Citizens' 2025 Rate Case*"). The Opinion concludes that "[t]he arguments CGC raises in the instant proceeding were addressed in substance in *UGI DSP V* and *Citizens' 2025 Rate Case*, even if the precise tariff label 'MRPL' was not used in those proceedings."¹⁹

Respectfully, CGC does not ask the Commission to revisit its conclusions in *UGI DSP V* or *Citizens' 2025 Rate Case* nor did CGC contend that those proceedings were irrelevant. Rather, CGC consistently maintained that those proceedings did not address the particular legal question presented here.

UGI DSP V addressed whether customer-generators could properly be assigned to different default service groupings and whether such treatment violated the AEPS Act or Section 1304 of the Public Utility Code. Likewise, *Citizens' 2025 Rate Case* addressed whether a utility could revise a tariff-defined Billing Demand methodology to account for bi-directional use of the

¹⁹ *Id.* at 198.

distribution system. The Commission's discussion of those cases therefore focused on customer classification, cost causation, full retail value, and allegations of unlawful discrimination.²⁰

CGC's objection, however, presented a different question. CGC argued that MRPL is expressly defined by Commission regulation and that PPL's proposed tariff language changes the manner in which that regulatory metric operates. As the Commission summarized CGC's position:

*"CGC remains of the opinion that the tariff clause allowing MRPL to be 'further defined' by an EDC cannot reasonably permit an EDC to transform the metric from demand to 'net power flow.'"*²¹

The Opinion acknowledges that "CGC is correct that PPL's proposal uses the specific regulatory term 'MRPL,' while UGI used 'SPLI' and Citizens' used 'Billing Demand.'"²² The Opinion nevertheless concludes that "that distinction should not be dispositive."²³

CGC respectfully submits that its argument was not that the distinction is necessarily dispositive. Rather, CGC's position was that the distinction presents a separate legal issue that neither *UGI DSP V* nor *Citizens' 2025 Rate Case* resolved.

The Commission's reliance upon those proceedings therefore does not answer the question presented by CGC. Those decisions establish that customer-generators may be classified differently, that cost causation principles may be considered, and that the AEPS Act does not prohibit every change affecting customer-generators. They do not address whether an electric distribution company may modify the operation of a Commission-defined regulatory metric through tariff language. The CGC acknowledges the Commission's reference to *Penn Renewables, LLC v. Pa. PUC*, ___ A.3d ___, 2026 WL 1466224 (Pa. Cmwlth. 2026). However, *Penn Renewables* addressed the lawfulness of UGI's Supply Peak Load Impact methodology under the

²⁰ *Id.* at 198-200.

²¹ *Id.* at 167.

²² *Id.* at 199.

²³ *Id.*

AEPS Act and Section 1304 of the Code. It did not address whether a tariff provision may modify the operation of a Commission regulation by incorporating concepts not contained within the regulatory definition. That question remains unresolved by the cited precedent.

Reconsideration is warranted to clarify whether the Commission intended to hold that *UGI DSP V* and *Citizens' 2025 Rate Case* resolved that issue as a matter of law, or whether the Commission independently determined that PPL's proposed application of MRPL is permissible under Section 54.182 notwithstanding the absence of such a holding in those prior proceedings.

C. The Commission Erred as a Matter of Law by Failing to Clarify Whether the Approved MRPL Construct Alters the Legal Significance of Customer-Generator Status Under the AEPS Act.

CGC respectfully submits that reconsideration is warranted to clarify the legal and evidentiary standard governing the assignment of customer-generators from GSC-1 to GSC-2 under the approved MRPL construct.

CGC does not dispute the Commission's authority to establish customer classifications, evaluate cost-causation principles, or approve tariff provisions governing class assignment. Nor does CGC contend that customer-generators are categorically exempt from customer classification decisions. The issue presented is narrower: what standard governs the determination that a customer-generator should be assigned to GSC-2, and how does the record satisfy that standard?

The AEPS Act establishes customer-generators as a distinct statutory category.²⁴ The AEPS Act defines a customer-generator as a customer that utilizes distributed generation primarily to offset its own electricity requirements.²⁵ The affected facilities remain subject to PPL's retail tariffs and continue to operate as customer-generators under the AEPS Act. Their exported energy is credited pursuant to the statutory net-metering framework established by the General Assembly

²⁴ See 73 P.S. §§ 1648.2, 1648.5.

²⁵ 73 P.S. § 1648.2.

and implemented through Chapter 75 of the Commission's regulations.²⁶ The Commonwealth Court has recognized that the AEPS Act confers limited authority upon the Commission: “The legislature has authorized the PUC to develop ‘technical and net metering interconnection rules.’ This limited authority does not give the PUC jurisdiction to decide eligibility for net metering.”²⁷ While the instant proceeding involves classification rather than eligibility, the principle that Commission authority under the AEPS Act is bounded by the legislative grant remains instructive.

Throughout this proceeding, PPL and supporting parties emphasized the magnitude of customer-generator exports, the operational impacts associated with those exports, the absence or reduction of retail load, procurement impacts, and the relationship between exports and customer classification. The Commission accepted those considerations as sufficient to approve the MRPL construct.²⁸

The clarification requested by CGC concerns the legal significance of those considerations. Historically, the distinction between GSC-1 and GSC-2 turned upon the customer's contribution to system peak demand through PJM's PLC methodology. The approved MRPL construct now permits export activity to affect assignment to GSC-2.²⁹ CGC respectfully submits that the Opinion should clarify the legal standard by which export activity, minimal retail load, procurement impacts, or other system effects render a customer-generator sufficiently analogous to existing Large Commercial and Industrial customers to justify assignment to GSC-2.

This issue is particularly important because customer classification ordinarily turns upon customer, service, load, and cost characteristics. The Opinion discusses export-related characteristics and procurement impacts, but CGC respectfully seeks clarification regarding the

²⁶ See 73 P.S. § 1648.5; 52 Pa. Code §§ 75.12-75.13.

²⁷ *Sunrise Energy, LLC v. FirstEnergy Corp.*, 148 A.3d 894, 906 (Pa. Cmwlth. 2016).

²⁸ Opinion and Order at 195-202.

²⁹ *Id.*

evidentiary benchmark applied by the Commission in determining that affected customer-generators are properly assigned to GSC-2. Specifically, CGC requests clarification regarding whether the Commission relied upon demonstrated differences in cost responsibility, service characteristics, load characteristics, distribution system usage, procurement impacts, or some other ratemaking factor.

The need for clarification is underscored by the Commission's simultaneous adoption of the Zerfuss Motion exempting certain agricultural anaerobic digesters from application of the MRPL construct. CGC does not challenge that exemption. Rather, the exemption confirms that export magnitude is not necessarily dispositive and that additional considerations may properly inform the Commission's classification analysis. CGC respectfully requests clarification regarding which considerations are material to the Commission's classification determination and how those considerations apply to customer-generators subject to the MRPL construct.

Under *Duick*, reconsideration is appropriate where clarification is necessary regarding legal conclusions underlying the Commission's decision and where additional explanation is required to facilitate meaningful judicial review.³⁰ Here, clarification is necessary to identify the legal and evidentiary standard governing assignment of customer-generators to GSC-2 under the approved MRPL construct.

Accordingly, CGC respectfully requests that the Commission clarify the legal and evidentiary standard supporting the assignment of customer-generators to GSC-2 under the MRPL construct and explain how the record satisfies that standard. Nothing herein shall be construed as waiving CGC's previously asserted positions concerning the sufficiency of the evidentiary record, unreasonable discrimination under 66 Pa.C.S. § 1304, or whether substantial evidence supports the findings underlying the Commission's approval of the MRPL provisions.

³⁰ *Duick*, 56 Pa. P.U.C. at 555.

D. The Commission Should Clarify the Additional Considerations Underlying the Zerfuss Motion and the Scope of the Approved MRPL Construct.

CGC does not challenge the Commission's adoption of the Zerfuss Motion exempting certain agricultural anaerobic digesters and biogas facilities from application of the approved MRPL provisions. To the contrary, the Commission's limited modification reflects a recognition that the application of MRPL to customer-generators may require consideration of factors beyond the mere existence of exported energy.

In adopting the Zerfuss Motion, the Commission recognized the substantial investments associated with agricultural anaerobic digesters, the unique operational characteristics of those facilities, and the role such facilities play in supporting agricultural operations.³¹ The Commission further observed that these facilities utilize generation to serve on-site operations and export excess energy pursuant to Pennsylvania's net-metering framework.³²

The significance of the Zerfuss Motion is not the exemption itself, but rather the principle reflected by the exemption. The Commission approved the broader MRPL construct based substantially upon export-related characteristics, procurement impacts, and concerns regarding customers exhibiting little or no retail load.³³ Yet the Commission simultaneously determined that certain customer-generators that also export electricity should remain outside the approved MRPL provisions.

Accordingly, the Opinion demonstrates that export activity alone is not necessarily dispositive in determining whether a customer-generator should be subject to the approved MRPL construct. Rather, the Zerfuss Motion reflects the Commission's determination that additional considerations may properly inform the classification analysis.

³¹ Opinion and Order at 203-08.

³² *Id.*

³³ *Id.* at 195-202.

The Opinion, however, does not identify the legal, regulatory, or evidentiary standard governing those additional considerations. Nor does it explain whether the exemption is grounded in agricultural policy, service characteristics, customer load characteristics, cost-causation principles, statutory considerations, or some other factor. CGC respectfully requests additional clarification on whether those considerations are unique to agricultural digesters or whether similar considerations may be relevant in evaluating other customer-generators operating under the AEPS Act.

This clarification is particularly important because the Commission's regulations establish a single statutory category of customer-generator.³⁴ CGC respectfully requests that the Commission identify the legal principle that distinguishes exempt customer-generators from non-exempt customer-generators and explain how those distinctions are reconciled with the broader rationale supporting the MRPL provisions.

Under *Duick*, reconsideration is appropriate where clarification is necessary regarding legal conclusions underlying the Commission's decision and where additional explanation is required to facilitate meaningful judicial review.³⁵ Here, clarification is warranted because the Zeffuss Motion demonstrates that factors in addition to export activity may properly influence application of the MRPL construct, yet the Opinion does not identify those factors or explain the scope of their application.

Accordingly, CGC respectfully requests that the Commission clarify the legal, regulatory, or evidentiary considerations underlying the Zeffuss Motion and explain how those considerations are reconciled with the broader rationale supporting application of the MRPL provisions to other customer-generators.

³⁴ See 73 P.S. §§ 1648.2, 1648.5; 52 Pa. Code §§ 75.12-75.13.

³⁵ *Duick*, 56 Pa. P.U.C. at 555.

IV. CONCLUSION

The issues presented by this Petition involve substantial questions concerning the relationship between the Alternative Energy Portfolio Standards Act, the Commission's existing regulations, and the extent to which tariff provisions may alter the operation of regulatory and statutory rights applicable to customer-generators.

The Commission's Opinion and Order concludes that tariff language may modify the application of Maximum Registered Peak Load in a manner that incorporates exported generation into a demand-based classification construct. Respectfully, CGC submits that the Commission overlooked significant legal questions concerning the meaning of "demand" under 52 Pa. Code § 54.182, the statutory protections afforded to customer-generators under the AEPS Act, and the limitations upon the use of adjudication to effectuate substantive regulatory changes.

Accordingly, the Customer-Generator Coalition respectfully requests that the Commission grant reconsideration, modify the Opinion and Order, and clarify:

- a) that customer-generated exports do not constitute customer demand for purposes of Section 54.182;
- b) that the approved tariff provisions do not alter the statutory rights of customer-generators under the AEPS Act;
- c) that approval of the tariff language does not constitute a determination that exported generation may be treated as customer demand in future proceedings; and
- d) that the Commission's approval of the settlement does not foreclose future consideration of these issues through rulemaking proceedings or subsequent adjudications.

CGC further expressly preserves all arguments previously raised concerning:

- a) the proper interpretation of the AEPS Act;
- b) the consistency of the approved tariff provisions with Commission regulations;
- c) unreasonable discrimination under 66 Pa.C.S. § 1304;
- d) the sufficiency of the evidentiary record and substantial evidence supporting the Commission's findings; and
- e) the extent to which changes to the operation of Section 54.182 require formal rulemaking rather than adjudication.

CGC further expressly preserves for appeal its position that:

- a) the Commission's interpretation of Section 54.182 is inconsistent with the plain text of the regulation and therefore is not entitled to deference;
- b) the approved tariff provisions effectively constitute legislative rulemaking without compliance with the procedural requirements of the Commonwealth Documents Law;
- c) customer-generators retain the right to compensation at full retail value for excess generation under 73 P.S. §1648.5, and the reclassification to GSC-2 alters that statutory entitlement;
- d) the standard for approving a non-unanimous settlement requires independent Commission determination that the contested provisions satisfy all applicable legal standards, not merely that the settlement reflects compromise; and
- e) the Zerfuss Motion exemption, while not challenged, demonstrates the absence of a principled standard for distinguishing among similarly situated

customer-generators, supporting the conclusion that the MRPL provisions constitute unreasonable discrimination under 66 Pa.C.S. §1304.

WHEREFORE, the Customer-Generator Coalition respectfully requests that the Commission grant this Petition for Reconsideration and Clarification and provide such additional relief as may be appropriate.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'D. Garcia', is written over a horizontal line.

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Date: June 26, 2026

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	R-2025-3057164
Coalition For Affordable Utility Services	:	
and Energy Efficiency in Pennsylvania	:	C-2025-3057844
Office of Small Business Advocate	:	C-2025-3057889
Office of Consumer Advocate	:	C-2025-3058130
Brad and Jennifer Wooley	:	C-2025-3057946
PP&L Industrial Customer Alliance	:	C-2025-3058271
Convergent Energy and Power LP	:	C-2025-3058300
Solar Energy Industries Association and	:	C-2025-3058251
The Coalition for Community Solar Access	:	C-2025-3058846
Rik Bhattacharyya	:	C-2025-3058982
Safiya Junaid	:	C-2025-3059151
Stacey Kimmel-Smith	:	C-2025-3059330
John Gadomski	:	C-2026-3060429
Thatcher Graham	:	C-2026-3061012
Wendy Johnson	:	C-2026-3061118
Kenneth Johnson	:	C-2026-3061424
Mary Bainbridge	:	C-2026-3061706
Diane Cheer	:	
v.	:	
	:	
PPL Electric Utilities Corporation	:	

CERTIFICATE OF SERVICE

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

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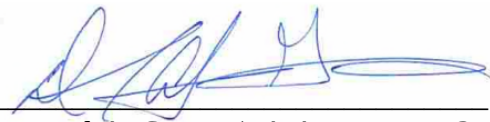
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