

COMMONWEALTH OF PENNSYLVANIA



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July 6, 2026

Via Electronic Filing

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

RE: Pa. PUC, et al. v. PPL Electric Utilities Corporation, Docket No. R-2025-3057164

OCA Letter in Lieu of Answer

Dear Secretary Homsher,

The Office of Consumer Advocate (OCA) files this Letter in Lieu of Answer in opposition to the Petition for Reconsideration of the Commission's June 11, 2026 Order¹ approving the Joint Petition for Non-Unanimous Settlement of All Issues (Settlement) as modified by the Motion of Commissioner Kathryn L. Zerfuss (*Zerfuss Motion*) June 26, 2026 filed by the Customer-Generator Coalition (CGC)² in the above-referenced docket.

On June 11, 2026, the Commission approved the Settlement with the modification identified in the *Zerfuss Motion*. The Zerfuss Motion addressed the need for exemptions for agricultural customer-generators that use anaerobic digesters or biogas generation systems fueled by biologically derived methane gas under the AEPS Act. The Commission concluded in its Order that:

¹ *Pa PUC, et al v. PPL Electric Utilities Corp.*, Docket No. R-2025-3057164, Order (June 11, 2026)(June 11, 2026 Order).

² The CGC includes the following entities: 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, SRI Captura Sage Holdco 1, LLC, and Syncarpha Capital, LLC.

The record supports the conclusion that the MRPL provisions of the Settlement protect customers from an inequitable and escalating cost shift, preserves reasonable transition protections for customer-generators, and establishes a just, reasonable, and evidence-based rate-classification framework for customer-generators whose exports materially affect default-service procurement and class cost responsibility. Accordingly, we shall approve the MRPL provisions of the Settlement, except as specifically modified, to exempt agricultural customer-generators that use anaerobic digesters or biogas generation systems fueled by biologically derived methane gas—as that term is used in the AEPS Act—and that are owned or operated by persons engaged in agricultural operations.³

The CGC Petition argued: (1) the Commission erred as a matter of law by permitting a tariff to redefine a Commission regulation; (2) the Commission overlooked the “distinct legal question presented by CGC; and (3) the Commission erred as a matter of law by failing to clarify whether the approved MRPL construct alters the legal significance of the Customer-Generator Status under the AEPS Act. The CGC Petition also requests clarification regarding the additional considerations underlying the Zerfuss Motion and the scope of the approved MRPL construct.”⁴

As discussed in the Petition, the legal standard for reconsideration is set forth in *Duick v. Pennsylvania Gas and Water Co.*, 56 Pa. PUC 553 (Pa. 1982). Such a Petition must raise “new and novel arguments, not previously heard, or considerations which appear to have been overlooked or not addressed by the Commission.”⁵ In particular, the Commission specifically determined in response to the issues raised by CGC in its Petition that:

Accordingly, the Commission may reasonably conclude 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

The OCA does not believe that the Petition meets the requirements for reconsideration under the *Duick* standard. As the OCA identifies above regarding the Company’s arguments about the legality of the tariff language, many of the arguments made by the CGC were made in the case below and directly addressed by the Commission’s *June 11, 2026 Order*. The OCA does not believe that the arguments presented in the Petition for Reconsideration were new or novel arguments, arguments previously not heard, or considerations which were otherwise overlooked or not addressed by the Commission. The Commission in its Order denied the Exceptions of CGC regarding the approval of the MRPL portion of the Settlement.⁷

The OCA is a signatory to the Joint Petition for Non-Unanimous Settlement. The Commission’s *June 11, 2026 Order* approved the Settlement, including the MRPL tariff provision

³ *June 11, 2026 Order* at 202.

⁴ Petition at 3-14.

⁵ *Duick v. Pennsylvania Gas and Water Co.*, 56 Pa. PUC 553 (Pa. 1982).

⁶ *June 11, 2026 Order* at 199.

⁷ *June 11, 2026 Order* at 222.

discussed in the CGC Petition for Reconsideration. The OCA continues to support the Settlement, as modified by the Commission's June 11, 2026 Order. The issues raised in the Petition do not meet the *Duick* standard for reconsideration and should be denied.

Sincerely,

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Certificate of Service

CERTIFICATE OF SERVICE

Pennsylvania Public Utility Commission	:	
	:	
v.	:	Docket No. R-2025-3057164
	:	
PPL Electric Utilities Corporation	:	

I hereby certify that I have this day filed electronically on the Commission's electronic filing system and served a true copy of the following document, the Office of Consumer Advocate's Letter in Lieu of Answer in opposition to the Petition for Reconsideration of the Commission's June 11, 2026 Order, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below.

Dated this 6th day of July 2026.

Can receive **Confidential** information. *

Can receive **HIGHLY CONFIDENTIAL** information. ***

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