COMMONWEALTH OF PENNSYLVANIA

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September 18, 2026

**Via Electronic Mail Only**
Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Letter of Notification of PPL Electric Utilities Corporation Filed Pursuant to 52 Pa. Code Chapter 57 Subchapter G, for Approval to Build Approximately 1.1 Miles of New Parallel Double Circuit 230 kV Transmission Taps that are Needed to Connect the Existing Susquehanna-Harwood #1 & #2 Transmission Lines on the New Tomhicken 230 kV Switchyard that are Respectively Located in Luzerne County, Pennsylvania; Docket No. A-2025-3059443

Dear Secretary Homsher:

Enclosed please find the Office of Consumer Advocate's (OCA) Answer to PPL Electric Utilities Corporation's Objections and Motion to Strike Portions of the Written Testimony of the OCA in this proceeding.

Copies have been served on the parties as indicated on the enclosed Certificate of Service.

Respectfully submitted,

*/s/ Olivia M. Spergel*
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Enclosures

cc: Administrative Law Judge John M. Coogan (Via Email Only: jcoogan@pa.gov)
Administrative Law Judge Erin L. Gannon (Via Email Only: egannon@pa.gov)
Certificate of Service

# CERTIFICATE OF SERVICE

| | | |
|---|---|---|
| Letter of Notification of PPL Electric Utilities Corporation filed pursuant to 52 PA Code Chapter 57 with respect to the approval to build approximately 1.1 miles of new parallel double circuit 230 kV transmission taps that are needed to connect the existing Susquehanna-Harwood #1 & #2 transmission lines on the New Tomhicken 230 kV switchyard that are respectively located in Luzerne County, Pennsylvania | : | Docket No. A-2025-3059443 |

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 (OCA) Answer to PPL Electric Utilities Corporation's Objections and Motion to Strike Portions of the Written Testimony of the OCA, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code Section 1.54 (relating to service by a participant), in the manner and upon the persons listed below.

Dated this 18th day of September 2026.

## SERVICE BY E-MAIL ONLY

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Dated: September 18, 2026

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

| | | |
|---|---|---|
| Letter of Notification of PPL Electric Utilities Corporation filed pursuant to 52 PA Code Chapter 57 with respect to the approval to build approximately 1.1 miles of new parallel double circuit 230 kV transmission taps that are needed to connect the existing Susquehanna-Harwood #1 & #2 transmission lines on the New Tomhicken 230 kV switchyard that are respectively located in Luzerne County, Pennsylvania | : | Docket No. A-2025-3059443 |

THE OFFICE OF CONSUMER ADVOCATE'S ANSWER TO
PPL ELECTRIC UTILITIES CORPORATION'S OBJECTIONS AND
MOTION TO STRIKE PORTIONS OF THE WRITTEN TESTIMONY OF
THE OFFICE OF CONSUMER ADVOCATE

## I. INTRODUCTION

Pursuant to Section 5.103(c) of the Pennsylvania Public Utility Commission's (Commission) Regulations, the Office of Consumer Advocate (OCA) submits this Answer to PPL Electric Utilities Corporation (PPL Electric) Objections and Motion to Strike Portions of the written testimony submitted by Frank Felder and Rao Konidena on behalf of the OCA in the above-captioned proceeding (Motion to Strike). PPL Electric's Motion to Strike should be denied because the OCA's testimony does not go beyond the scope of this proceeding, and therefore is relevant to the findings and determinations that the Commission is required to make under 52 Pa. Code Ch. 57, Subch. G when considering authorization of the proposed high voltage (HV) transmission lines. The information that PPL Electric requests to be stricken is vital for the OCA to provide substantive arguments, based upon necessary and relevant facts in the record, before the Commission.

As explained herein, PPL Electric's Motion to Strike should be denied.

## II. BACKGROUND

On December 19, 2025, PPL Electric filed a Letter of Notification (LON) with the Commission, pursuant to 52 Pa. Code Section 57.72(d)(1)(iii) and (vi), to build approximately 1.1 miles of new parallel double-circuit 230 kilovolt (kV) transmission taps that PPL claims are needed to connect the existing Susquehanna-Harwood #1 & #2 230 kV Transmission Lines to the new Tomhicken 230 kV Switchyard (the Project). The Project also includes the construction of two new 0.1-mile-long 230 kV transmission lines from the Tomhicken 230 kV Switchyard to a new customer-owned 230-34 kV substation. The Project is located in Hazle Township, Luzerne County, Pennsylvania.

On March 20, 2026, ALJs Gannon and Coogan issued the Scheduling Order, which stated, in part, "[t]hat any motions with respect to, or objections to, written testimony must be presented in writing no later than three days prior to the day that the witness sponsoring that testimony is scheduled to testify. Answers to such motions or objections may be filed within three days or sooner if circumstances warrant. Oral motions, other than for good cause, shall not be accepted." Scheduling Order ¶ 12.

On May 13, 2026, PPL Electric served its Direct Testimony, PPL Electric Statement 1, the Direct Testimony of Joseph Lookup; PPL Electric Statement 2, the Direct Testimony of Kyle Swartzentruber; PPL Electric Statement 3, the Direct Testimony of Peter Sparhaw; PPL Electric Statement 4, the Direct Testimony of Austin Weseloh.

On July 8, 2026 the OCA submitted its Direct Testimony, consisting of OCA Statement 1, the Direct Testimony of Frank Felder, and OCA Statement 2, the Direct Testimony of Rao Konidena.

On August 7, 2026, PPL Electric served its Rebuttal Testimony, consisting of PPL Electric Statement 1-R, the Rebuttal Testimony of Joseph Lookup; PPL Electric Statement 2-R, the Rebuttal Testimony of Kyle Swartzentruber; PPL Electric Statement 3-R, the Rebuttal Testimony of Peter Sparhaw; PPL Electric Statement 4-R, the Rebuttal Testimony of Chad Huber; PPL Electric Statement 5-R, the Rebuttal Testimony of John D. Taylor; PPL Electric Statement 6-R, the Rebuttal Testimony of Bethany L. Johnson.

On September 4, 2026, the OCA served its Surrebuttal Testimony, consisting of OCA Statement 1SR, the Surrebuttal Testimony of Frank Felder, and OCA Statement 2SR, the Surrebuttal Testimony of Rao Konidena.

On September 14, 2026, PPL Electric served its Rejoinder Testimony, consisting of PPL Electric Statement 1-RJ, the Rejoinder Testimony of Joseph Lookup; PPL Electric Statement 2-RJ, the Rejoinder Testimony of Kyle Swartzentruber; and PPL Electric Statement 5-RJ, the Rejoinder Testimony of John D. Taylor.

Also on September 14, 2026, at 4:38 P.M., PPL Electric served its Motion to Strike along with accompanying Exhibit A; the redacted versions of OCA Statements 1, 2, 1SR, and 2SR; and Exhibit B; the redacted versions of PPL Electric's Statements 1-R, 5-R, 6-R, 1RJ, and 5-RJ.

Evidentiary Hearings are scheduled in this proceeding for September 17 and 18, 2026.

During the September 17, 2026 Evidentiary Hearing, the OCA provided an Oral Response to PPL's Objections and Motion to Strike and now provides the following written Answer to supplement.

## III. LEGAL STANDARDS

### A. Relevant Statutory and Regulatory Provisions

66 Pa. C.S. Section 1501 addresses, generally, the character of services and facilities of a public utility and provides, in pertinent part:

> Every public utility shall furnish and maintain adequate, efficient, safe, and reasonable service and facilities, and shall make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public. . . . Such service and facilities shall be in conformity with the regulations and orders of the [C]ommission.

Section 57.76(a) of the Regulations relates to the siting and construction of HV lines and states:

> (a) The Commission will issue its order, with its opinion, if any, either granting or denying the application, in whole or in part, as filed or upon the terms, conditions or modifications, of the location, construction, operation or maintenance of the line as the Commission may deem appropriate. The Commission will not grant the application, either as proposed or as modified, unless it finds and determines as to the proposed HV line:
>
> > (1) That there is a need for it.
> >
> > (2) That it will not create an unreasonable risk of danger to the health and safety of the public.

52 Pa. Code § 57.76(a).

Pursuant to Section 57.75(e)(1) of the Regulations, in reviewing a siting application, the Commission must accept evidence of, among other things, the "present and future necessity of the proposed HV line in furnishing service to the public." 52 Pa. Code § 57.75(e)(1).

### B. Admissibility and Relevance

Section 5.401(a) of the Commission's regulations provides that relevant and material evidence is admissible, subject to other applicable objections. 52 Pa. Code § 5.401(a). Section

332(c) provides that "every party is entitled to present his case or defense by oral or documentary evidence, to submit rebuttal evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts." 66 Pa.C.S. § 332(c).

The Commission has applied the relevance standard liberally. *Pa. Pub. Util. Comm'n v. The Peoples Natural Gas Co.*, 62 Pa. PUC 56 (Aug. 26, 1986). The relevance of evidence depends upon the nature and facts of the particular case. *Koken v. One Beacon Ins. Co.*, 911 A.2d 1021, 1025 (Pa. Cmwlth. 2006).

**C. Determination of Need**

During a transmission line application proceeding the Commonwealth Court has determined:

> Because a finding of necessity may be found under Pennsylvania law if a project results in a decrease in prices, we do not view it an abuse of discretion for the Commission to consider evidence of increased consumer prices and weigh the competing cost impacts of the IEC Project to determine the necessity of that project.

*Transource Pa., LLC v. Pa. PUC*, 278 A.3d 942, 966 (Pa. Cmwlth. 2022) (citing *Hess v. Pa. PUC*, 107 A.3d 246, 260 (Pa. Cmwlth. 2014)).

In the same HV Line Application proceeding, the Commission stated:

> With respect to consideration of the potential negative impact, including rate increases, to the customers in the Commonwealth, Transource asserts that this Commission is required to disregard such negative impact and weigh only the assertion of "need" for the proposed project as calculated under the PJM-approved criteria and methodology. We disagree. The potential negative and practical impact on the citizens and consumers of Pennsylvania is our concern, and it is properly within the scope of our consideration of the weight of all the evidence on the issue of "need."

*Transource Pa., LLC v. Pa. PUC*, Docket Nos. A-2017-2640195 et al., Order at 59 (May 20, 2021).

In *TRAILCo*, the Commission expressly held that it was "entirely appropriate" for the ALJs to examine "federal policy and national issues revolving around the transmission grid," as well as "the potential costs of green house emissions, DSM and energy efficiency alternatives and whether the proposal was built to facilitate west-to-east transfers of generation" when making its "need" determination under Section 1501 of the Public Utility Code and Section 57.76(a)(1) of the Commission's regulations. *In re: Application of Trans-Allegheny Interstate Line Co. (TRAILCo)*, 2008 Pa. PUC LEXIS 35, *47-48 (Nov. 13, 2008).

**D. State Jurisdiction Over Certain Aspects of Transmission Costs**

The Federal Power Act has reserved for the states the regulation of retail sales through distribution facilities and, "even where there are no identifiable local distribution facilities, states nevertheless have jurisdiction in all circumstances over the service of delivering energy to end users." *Promoting Wholesale Competition Through Open Access Non-discriminatory Transmission Services by Public Utilities, Recovery of Stranded Costs by Public Utilities and Transmitting Utilities*, Order 888, 75 FERC P 61,080 (Apr. 24, 1996), Order at 31,783 *aff'd New York v. FERC*, 535 U.S. 1, 22-23 (2002); *Detroit Edison v. FERC*, 334 F.3d 48, 54 (D.C. Cir. 2003).

The Federal Energy Regulatory Commission (FERC) has specifically held that a utility tariff which sets the terms and conditions of retail service as a condition of that service is state jurisdictional. *Tri-State Generation & Transmission Ass'n*, Docket No. ER25-3316, 193 FERC P 61,070, ¶¶ 45-52 (Oct. 27, 2025) ("*Tri-State*").

The 2nd Circuit has held that state programs that indirectly influence wholesale rates or prices are acceptable "so long as the states regulate matters within their jurisdiction." *Coalition for Competitive Elec. v. Zibelman*, 906 F.3d 41, 56 (2d Cir. 2018). Similarly, the Federal Power Act does not authorize FERC to regulate retail sales of electricity "no matter how direct, or dramatic, [the limitation of its regulatory authority over retail sales'] impact on wholesale rates."

*FERC v. Elec. Power Supply Ass'n*, 577 U.S. 260, 279-80 (2016) (*citing New York v. FERC*, 535 U.S. at 17; 16 U.S.C. § 824(b)).

## IV. PROCEDURAL DEFECTS

The Commission should deny PPL Electric's Objections and Motion to Strike Portions of the OCA's Testimony because PPL failed to raise its objections and Motion in a timely manner in accordance with the Scheduling Order in this proceeding. Paragraph 12 of the March 20, 2026, Scheduling Order expressly provides:

> "[A]ny motions with respect to, or objections to, written testimony must be presented in writing no later than three days prior to the day that the witness sponsoring that testimony is scheduled to testify. Answers to such motions or objections may be filed within three days or sooner if circumstances warrant. Oral motions, other than for good cause, shall not be accepted."

Scheduling Order ¶ 12. OCA's witnesses were scheduled to testify beginning on September 17, 2026. The Motion was not accepted for e-filing until Tuesday morning, September 15, 2026, after the 4:30 p.m. filing deadline on September 14.

The Scheduling Order establishes a specific deadline for objections to written testimony. PPL Electric did not comply with that deadline. Moreover, PPL Electric has not identified good cause for its late filing. PPL Electric had possession of OCA's direct testimony since July 8, 2026, and possession of OCA's surrebuttal testimony since September 4, 2026. The testimony PPL now challenges was therefore available to PPL Electric well before the deadline established by the Scheduling Order. To the extent that PPL Electric's delay was caused, in part, by its inclusion of the portions of its rejoinder testimony that it now moves to strike, PPL Electric did not adequately explain why it was nevertheless unable to comply with the 4:30 PM filing deadline imposed by the Commission's regulations when it was aware that both the rejoinder testimony and motion filing deadline would occur on the same date. 52 Pa. Code § 1.11(a)(4).

Accordingly, PPL Electric's failure to timely raise its objections provides an independent basis for denying the Motion. The OCA therefore respectfully requests that the ALJs deny the Motion on this procedural ground alone.

## V. ANSWER

The OCA is not requesting that the Commission make a determination on the reasonableness and prudency of PPL Electric's transmission costs, rates, allocation, and/or cost recovery, nor is OCA requesting that the Commission make changes to PPL Electric's tariff in this proceeding. The OCA, however, maintains that the OCA witness testimony discussing and opining on these matters are relevant for the Commission to make a determination on the "need" of the project under 52 Pa. Code Section 57.76(a)(1). More specifically, the testimony is relevant because it discusses "the negative impacts to Pennsylvania in evaluating the 'need' under Section 1501 of the Code and 52 Pa. Code § 57.76(a)(1)." *Transource Pa., LLC v. Pa. PUC*, Docket Nos. A-2017-2640195 et al., Order at 59; *Transource Pa., LLC v. Pa. PUC*, 278 A.3d at 960-61, 966 (citing *Hess*, 107 A.3d at 260); *TRAILCo*, 2008 Pa. PUC LEXIS 35, Order at *47-53 (Nov. 13, 2008). Further, the OCA's testimony discussing "federal policy and national issues revolving around the transmission grid" is relevant in the Commission's "need" determination consistent with the Commission's decision in *TRAILCo*. *TRAILCo*, 2008 Pa. PUC LEXIS 35 at *47-48.

PPL Electric's Motion rests on an overly narrow characterization of the Commission's need inquiry. PPL Electric repeatedly characterizes the challenged testimony as requesting that the Commission adjudicate FERC-jurisdictional rates, modify PPL Electric's tariff, or establish statewide or federal large-load policy. That is not the purpose for which the testimony is offered.

The OCA's testimony identifies facts and potential consequences that bear upon whether PPL Electric has established the necessity of the proposed facilities. The Commission may consider that evidence without making the separate legal determinations PPL Electric identifies. The distinction is important. Considering evidence concerning the costs, rate impacts, tariff protections, and policy context associated with a proposed project is not the same as adjudicating those matters as independent causes of action or granting the specific relief that might be available in another proceeding.

Accordingly, the Commission should deny PPL Electric's Objections and Motion to Strike portions of the OCA's written testimony.

### A. OCA Witnesses Felder and Konidena's Testimony Regarding Transmission Costs, Cost Allocation, Cost Recovery, Large-Load Policy, and Tariff Provisions Is Relevant to the Commission's Determination of "Need."

PPL Electric argues that testimony regarding transmission costs, cost allocation, cost recovery, Large-Load Policy, and certain PPL tariff provisions is irrelevant because those matters are subject to FERC jurisdiction and are not among the express components needed for the Commission to approve a transmission line project identified in Section 57.76(a). Motion ¶¶ 46-56. The OCA, however, is not asking the Commission in this proceeding to establish a FERC transmission rate, approve a FERC cost-allocation methodology, or determine the ultimate recovery of Project costs through FERC-jurisdictional transmission rates. The OCA is asking the Commission to consider evidence regarding the economic, resource adequacy, and reliability consequences of the Project when determining whether PPL Electric has demonstrated that the proposed HV lines are necessary.

PPL Electric's Motion repeatedly characterizes the proceeding as limited to whether the physical transmission facilities themselves are necessary. That characterization is too narrow. Section 57.76(a)(1) requires the Commission to determine whether "[t]here is a need" for the proposed HV line. Section 57.75(e)(1) further requires the Commission to accept evidence concerning the "present and future necessity of the proposed HV line in furnishing service to the public." Neither provision limits the Commission to a single engineering metric or requires the Commission to disregard economic consequences associated with the Project. Indeed, in a prior case where the Commission strictly applied "need" to "necessity from an engineering perspective," the Commission's decision was struck down on appeal. *Pa. Power & Light Co. v. Pa. PUC*, 696 A.2d 248, 250 (Pa. Cmwlth. 1997) ("Nowhere in any of the foregoing statutory or regulatory provisions, nor in any other regulations promulgated under the Code, is there a requirement that the *necessity* which must be shown by a public utility corporation, such as PP&L, seeking to construct a transmission line, is that of necessity from an engineering prospective as concluded by the PUC.") (emphasis in original).

Rather, as discussed above, the Commonwealth Court held that the Commission may "consider evidence of increased consumer prices and weigh the competing cost impacts" when determining the necessity of a transmission project. *Transource*, 278 A.3d at 966. The Commission likewise held that the "potential negative and practical impact on the citizens and consumers of Pennsylvania" is properly within the scope of its consideration of the weight of all evidence bearing on "need." *Transource*, Docket Nos. A-2017-2640195 et al., Order at 59. Thus, PPL Electric's position that cost impacts are categorically irrelevant to an HV line need determination cannot be reconciled with controlling Commonwealth Court and Commission authority.

PPL Electric also placed the economic consequences of this Project directly at issue through its own Necessity Statement. PPL Electric represented that the Project "will positively impact transmission rates paid by PPL Electric customers," and that connecting high-load customers to PPL Electric's system will "ultimately reduce the transmission rates charged by PPL Electric to its other customers." LON Attachment 1 at 1-2, 1-6. PPL Electric also expressly addressed Project cost allocation, stating that "[t]he Customer is responsible for approximately $21.5 million, and PPL Electric is responsible for approximately $38.4 million." *Id.* at 1-3.

PPL Electric cannot simultaneously place the Project's asserted economic benefits and cost allocation before the Commission as support for necessity and then contend that evidence concerning the potential economic consequences of the Project is categorically irrelevant when making a determination of the necessity of the Project. The OCA's evidence is offered to test the factual and economic premises underlying PPL Electric's assertions. It permits the Commission to consider the benefits PPL Electric has identified alongside the potential negative impacts associated with those benefits. That is consistent with *Transource* and falls squarely within the Commission's consideration of "need."

The fact that some of the underlying transmission-rate issues may ultimately be subject to FERC jurisdiction does not alter that conclusion. The OCA is not asking the Commission to issue an order establishing a FERC rate, such as specifying the dollars and cents that PPL Electric may place into its transmission rate base, or which customer class must pay costs for which specific plant items. The OCA is asking the Commission to consider the consequences of the Project in deciding whether PPL Electric has met its burden to establish a need for the proposed HV lines. *Cf. McCloskey v. Pa. PUC*, 195 A.3d 1055, 1069 (Pa. Cmwlth. 2018) (when approving a Section 1329 acquisition, the Commission must assess the impact on rates because the ultimate impact on rates is determined by approval or disapproval of the sale and subsequent inclusion of the Section 1329 rate base in rates, even though the weighing of such impact is a separate legal test from determining the rate base to be included).

Further, PPL Electric seeks to strike testimony concerning federal and statewide large-load policy, arguing that such policies are not "existing law" governing the Project and that the Commission should address those issues only in separate proceedings. Motion ¶¶ 64-73.

The OCA does not contend that every federal or state policy discussion concerning large-load interconnection constitutes an independently binding requirement for this Project. Rather, the testimony identifies the regulatory and policy context surrounding the Project and explains how that context bears upon the claimed need for the facilities and the potential consequences of approving the Project.

The Commission has previously considered broader federal and national issues when evaluating the necessity of a transmission project. In *TRAILCo*, the Commission considered "federal policy and national issues revolving around the transmission grid" as part of its evaluation of the proposed project. *TRAILCo* at *47-48. That precedent is particularly relevant here. The OCA's testimony concerns a Project that PPL Electric itself describes as necessary to serve a new large load and that PPL Electric contends will provide benefits to its other customers. The regulatory treatment of large loads is therefore not an abstract subject unrelated to the Project. It is part of the factual and policy context in which the Project arises.

Additionally, the fact that OCA's witnesses have recommended changes concerning tariff provisions, cost allocation, cost recovery, or related matters does not render those recommendations irrelevant to the issues before the Commission. The OCA will not ask the Commission in its briefs to make determinations regarding PPL Electric's transmission rates, cost allocation, cost recovery, or tariff provisions. However, the recommendations from the OCA's experts identify the negative impacts associated with the Project, demonstrate the types of changes that would be necessary to address or mitigate those impacts, and provide a basis for evaluating whether PPL Electric has taken or proposed measures to mitigate them, all of which are factors that are highly relevant in making a "need" determination.

To the extent the testimony identifies ongoing federal or state proceedings, policy developments, or regulatory considerations, that information is offered as evidence relevant to the Commission's evaluation of the Project, not as an independent request that the Commission adjudicate those proceedings or establish binding law through this LON. PPL Electric's Motion would improperly prevent the Commission from considering relevant context simply because that context is also being addressed in other forums.

**B. PPL Electric's Reliance on FERC Jurisdiction Does Not Render the Evidence Irrelevant to the Commission's State-Law Need Determination.**

PPL Electric argues that FERC's jurisdiction over interstate transmission rates precludes the Commission from considering evidence regarding transmission costs and cost allocation. Motion ¶¶ 38-45. The OCA does not dispute that FERC has jurisdiction over matters committed to it under the Federal Power Act. The OCA instead presents evidence concerning the economic consequences of a proposed HV line to inform the Commission's own determination under Section 57.76(a)(1).

The Federal Power Act does not eliminate state jurisdiction over retail service and the delivery of electricity to end users. FERC has recognized that "even where there are no identifiable local distribution facilities, states nevertheless have jurisdiction in all circumstances over the service of delivering energy to end users." Order No. 888, 75 FERC ¶ 61,080, at 31,783; *New York v. FERC*, 535 U.S. at 22-23; *Detroit Edison*, 334 F.3d at 54. FERC has also recognized that utility tariff provisions establishing the terms and conditions of retail service are subject to state jurisdiction. *Tri-State*, 193 FERC ¶ 61,070, ¶¶ 45-52.

Likewise, *Coalition for Competitive Electricity v. Zibelman*, 906 F.3d 41, 56 (2d Cir. 2018), recognizes that state regulation is not preempted merely because it may have an indirect effect on wholesale rates, provided that the state is regulating a matter within its jurisdiction.

Here, the OCA is not asking the Commission to establish or modify a FERC-jurisdictional transmission rate. The testimony addresses the effects of the Project as they relate to the Commission's own statutory and regulatory responsibility to determine whether the proposed HV line is needed.

### C. The Challenged Testimony Does Not Impermissibly Offer Legal Conclusions.

PPL Electric also asks the ALJs to strike portions of the testimony because OCA witnesses Felder and Konidena are not attorneys and allegedly provide legal conclusions. Motion ¶¶ 84-87. The challenged testimony does not do so. Instead, the portions of testimony identified by PPL contain expert opinions applying facts to the legal framework provided by OCA counsel which is common practice in Commission proceedings.

For example, OCA Statement No. 1 at page 22, beginning at line 3, expressly states, "I am advised by counsel," before Dr. Felder applies the legal framework supplied by counsel to the facts and circumstances of the Project. The testimony therefore does not purport to independently determine what the law requires. Instead, Dr. Felder applies the legal framework identified by counsel to the factual issues within his expertise.

That distinction is significant. An expert may provide an opinion concerning the factual implications of a legal standard without becoming the ultimate decisionmaker as to what the law means. The Commission remains responsible for deciding the legal questions presented by the proceeding.

PPL Electric's own testimony illustrates the distinction. On page 3 of his direct testimony, PPL Electric witness Lookup states:

> The Project is required to comply with PPL Electric's obligation to provide non-discriminatory service to a customer facility at 69 kV or above and PPL Electric's general right and obligation to serve customers in its service territory, subject to the terms and conditions of its tariffs and certificate of public convenience.

PPL Electric Statement No. 1 at 3. This statement by Mr. Lookup provides a legal conclusion that under Sections 1501 and 1502 the proposed Project is *required* for PPL to provide obligatory and non-discriminatory service. 66 Pa. C.S. §§ 1501, 1502. Unlike Dr. Felder, Mr. Lookup does not identify counsel's advice as the basis for this legal proposition.

The OCA does not ask the ALJs to strike Mr. Lookup's testimony on that basis. The point is simply that PPL Electric's proposed standard should be applied evenhandedly. If the Commission permits company witnesses to explain the legal and regulatory framework applicable to the Project, it should likewise permit OCA's witnesses to apply that framework to the facts within their expertise.

The challenged testimony should therefore remain in the record.

## IV. CONCLUSION

The Office of Consumer Advocate respectfully requests that the ALJs deny PPL Electric Utility Corporation's Objections and Motion to Strike the Office of Consumer Advocate's testimony because 1) PPL Electric's motion was untimely, 2) the OCA's testimony is relevant for the Commission to make a "need" determination under Section 57.76(a)(1) of the Commission's regulations, and 3) the OCA's non-attorney witnesses did not assert legal conclusions with their testimony.

Respectfully submitted,

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Dated: September 18, 2026