

**PENNSYLVANIA PUBLIC UTILITY COMMISSION  
HARRISBURG, PENNSYLVANIA 17105-3265**

**Pennsylvania Public Utility Commission  
v.  
PPL Electric Utilities Corporation**

**PUBLIC MEETING  
October 8, 2009  
2122718-FUS  
2122718-OTS  
Docket No. R-2009-2122718**

**MOTION OF COMMISSIONER KIM PIZZINGRILLI**

Act 129 of 2008 requires that each electric distribution company with more than 100,000 customers file one or more time-of-use rate or real-time pricing plans with the Commission. PPL Electric Utilities Corporation (PPL), whose generation rate cap will expire December 31, 2009, filed a time-of-use rate plan on July 31, 2009. The effective date of the proposed tariff is January 1, 2010. PPL sought expedited consideration of this plan so that it could be in effect by the end of this year. On September 2, 2009, the Office of Consumer Advocate filed a formal complaint against the proposed filing, and this complaint has been docketed with the Office of Administrative Law Judge. Several other parties who have intervened opposed expedited consideration of this matter.

Act 129 expressly provides that "The Commission shall approve or modify the time-of-use rates and real-time price plan within six months of submittal." 66 Pa.C.S. 2807(f)(5). The Bureau of Fixed Utility Services and the Office of Trial Staff recommends that the Commission suspend the filing until July 1, 2010, which is six months from the proposed tariff's effective date.

I believe Act 129 intended that the Commission issue a decision within six months of the filing of any such plan with the Secretary's Bureau, not six months from the proposed effective date of the tariff. This plan was filed on July 31, 2009. Accordingly, the Commission must issue a final order on the merits of the filing no later than January 31, 2010. To do otherwise would be contrary to the plain language of the statute, and would eliminate any incentive for Electric Distribution Companies to file in advance of the expiration of their rate caps.

I encourage the parties to work cooperatively with the Office of Administrative Law Judge to develop a procedural schedule that will allow for a Commission decision prior to January 31, 2010.

**THEREFORE, I MOVE THAT:**

1. The recommendations of the Bureau of Fixed Utility Services and the Office of Trial Staff be modified consistent with this Motion.
2. The Office of Special Assistants prepare an Order consistent with this Motion.

**October 8, 2009**  
**Date**

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KIM PIZZINGRILLI, COMMISSIONER**