

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**PENNSYLVANIA PUBLIC
UTILITY COMMISSION**

v.

**PETITION OF PPL ELECTRIC
UTILITIES CORPORATION**

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R-2015-2469275

**RESPONSE OF ENVIRONMENTAL DEFENSE FUND TO
ANSWER OF PPL ELECTRIC UTILITIES CORPORATION
IN OBJECTION TO THE PETITION TO INTERVENE OF
ENVIRONMENTAL DEFENSE FUND AND MOTION IN LIMINE
TO EXCLUDE ENVIRONMENTAL DEFENSE FUND’S TESTIMONY
AND TO LIMIT THE SCOPE OF THE EVIDENTIARY HEARING**

PPL Electric Utilities Corporation (“PPL”) objects to EDF’s petition to intervene on several grounds. PPL’s objections have no merit and EDF should be permitted to intervene.

PPL’s first objection is that EDF’s petition to intervene is untimely. PPL does not state any reason why EDF’s petition is untimely under the Commission’s rules. Instead, PPL simply makes a conclusory statement that the petition is untimely, without offering any supporting reasoning. EDF’s petition was timely filed under the Commission’s rules. PPL’s objection is without merit and should be rejected.

PPL next argues that EDF does not meet the standards for intervention. PPL asserts that the standard for intervention should be whether a party can “allege and prove an interest in the outcome of the action that surpasses the common interest of all citizens in procuring obedience to the law.” Answer of PPL at p. 4. Yet PPL concedes that the rule merely requires EDF to establish that it has an interest that may be directly affected and which is not adequately

represented by existing participants, and to which EDF may be bound by the Commission's action in the proceeding.

EDF established in its petition that it has an interest in this proceeding, because many of its members reside in PPL's service territory and they have an interest in clean energy issues. EDF has been granted intervention in the following utility rate cases: West Penn Power Company (Docket No. R-2014-2428742), Pennsylvania Electric Company (Docket No. R-2014-2428743), Pennsylvania Power Company (Docket No. R-2014-2428744) and Metropolitan Electric Company (Docket No. R-2014-2428745). EDF has also intervened in the pending PECO rate case (Docket No. R-2015-2468981) and PECO did not oppose EDF's petition to intervene.

PPL argues that EDF should not be permitted to intervene because the interests of EDF's members are adequately represented by the other environmental groups which have intervened in this proceeding. This argument is without merit. If PPL's argument is carried to its logical conclusion, then PPL would have the Commission allow only one environmental group and only one consumer group to intervene, because these groups would adequately represent the interests of all persons with an interest in environmental or consumer issues.

In fact, different environmental groups emphasize different issues – the ones in which their members have an interest. The same is true for different consumer groups. The Commission does not follow any practice which limits the number of environmental or consumer groups in a rate proceeding. To the contrary, many environmental groups and many consumer groups typically intervene in the same rate proceedings because of the need to represent their members' interests, which are not adequately represented by other environmental or consumer groups.

The best test for whether the interests of EDF's members are adequately represented by the other environmental groups is to compare the testimony of EDF's witness, Dick Munson, against the testimony of the witnesses for the other environmental groups. If EDF's members' interests were adequately represented by the other environmental groups, then Mr. Munson's testimony would be substantially similar to the testimony filed by the witnesses for the other environmental groups. In fact, Mr. Munson's testimony is quite different from the testimony of the other witnesses. He focuses on issues of data access, environmental and performance metrics and Volt/VAR reporting, which are not addressed by other witnesses. PPL itself acknowledges that Mr. Munson's testimony is unique – it states that his testimony raises “novel concepts” and the Commission should exclude EDF's issues from the case because there is insufficient time to address these “novel concepts.” Answer of PPL p. 9.

PPL is trying to have its cake and eat it too. The arguments are self-contradictory. If EDF's members' interests were adequately represented by other parties, then the issues raised by EDF would not be “novel concepts” and the other parties could adequately represent EDF. But if EDF is raising “novel concepts” in its testimony, this clearly demonstrates that the interests of EDF's members are not adequately represented by other parties.

Next, PPL asks the Commission that, if EDF is permitted to intervene, its participation should be limited such that it is not permitted to take any actions at the hearing other than present its witness' testimony. While the rules permit the Commission to limit the participation of parties, EDF submits that it should be allowed to fully participate here. As demonstrated above, EDF is raising issues which are quite different than issues raised by other environmental groups. The other environmental groups will cross-examine PPL's witnesses based on the issues the other environmental groups have raised, but they are not going to cross-examine PPL's witnesses

as to issues which are unique to EDF. As no other party has raised these issues, EDF should be permitted to cross-examine PPL's witnesses on these issues in order to ensure a full and fair hearing on the issues.

Finally, PPL asks that, if EDF is permitted to intervene and is granted full participation at the hearing, then the Commission should throw out all of the issues raised by EDF because these issues are beyond the scope of the hearing, as the issues have been addressed in other proceedings.

PPL's argument is spurious and should be rejected. A rate case brings into play all the terms and conditions of the utility's service to its customers. The issues raised by EDF – data access, environmental and performance metrics, and Volt/VAR – all are part of PPL's service to its customers. PPL objects that some of these issues are addressed in other proceeding. While this may be true, the other proceedings simply establish minimum standards in those areas. Nothing prohibits PPL from offering service to its customers in excess of these minimum standards. For example, the Commission has minimum standards for reliability. This doesn't mean that every utility can only offer service at this minimum level of reliability. To the contrary, any utility that cares about its customers and seeks the level of rate increase which PPL seeks here would seek to surpass minimum levels of service not only in reliability but in other aspects of customer service too.

PPL seeks to exclude EDF's issues from this case by arguing that all of EDF's issues involve "a matter that should be evaluated on a statewide basis." All electric utilities offer the same basic electric distribution service to customers, so the argument could be made that any aspect of a utility's service should be addressed in a statewide proceeding, not in a rate case. This argument is without merit. A rate case is exactly the place to examine whether a utility is

offering safe, adequate and reliable service. A rate case is the only forum for a party such as EDF to raise these types of issues which go to the adequacy of the utility's service.

For example, Volt/VAR is one of EDF's issues of particular concern. Several other utilities have demonstrated that this cost-effectively reduces energy usage. EDF wants to explore what PPL is doing to implement cost-effective Volt/VAR. There is no statewide proceeding where EDF can raise this issue. PPL has no other cases where EDF can raise this issue. This rate case is EDF's only opportunity to raise the issue. No other parties to the case are advancing this issue. This is an issue of great interest to EDF and its members, and no one else addresses it in testimony, so EDF would not be adequately represented by other parties.

The Commission's rules provide that they should be liberally construed. EDF has demonstrated a valid interest in this case, and this interest is not adequately represented by other parties. EDF has followed the rules for intervening and filing testimony. EDF has been permitted to intervene in several other Pennsylvania rate cases, and in the interest of fairness, should be permitted to intervene here too and to fully participate in the hearing.

Respectfully submitted,

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