

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

555 Walnut Street, 5th Floor, Forum Place
Harrisburg, Pennsylvania 17101-1923
(717) 783-5048
800-684-6560

FAX (717) 783-7152
consumer@paoca.org

July 7, 2017

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Petition of PPL Electric Utilities
Corporation for Approval of a Default
Service Program and Procurement Plan for
the Period June 1, 2017 through
May 31, 2017
Docket No. P-2016-2526627

Dear Secretary Chiavetta:

Attached for electronic filing please find the Office of Consumer Advocate's Petition for Reconsideration and/or Clarification in the above-referenced proceeding.

Copies have been served per the attached Certificate of Service.

Sincerely,

A handwritten signature in black ink, appearing to read 'Aron J. Beatty', written over a horizontal line.

Aron J. Beatty
Senior Assistant Consumer Advocate
PA Attorney I.D. # 86625
E-Mail: ABeatty@paoca.org

cc: Certificate of Service
Office of Special Assistants
Office of Competitive Market Oversight

236723

CERTIFICATE OF SERVICE

Petition of PPL Electric Utilities Corporation :
For Approval of a Default Service Program : Docket Nos. P-2016-2526627
And Procurement Plan for the Period :
June 1, 2017 through May 31, 2021 :

I hereby certify that I have this day served a true copy of the foregoing document, the Office of Consumer Advocate's Petition for Reconsideration and/or Clarification, 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 7th day of July 2017.

SERVICE BY HAND DELIVERY and FIRST CLASS MAIL

Gina L. Miller, Esquire
Bureau of Investigation & Enforcement
400 North Street
Harrisburg, PA 17120

SERVICE BY E-MAIL and FIRST CLASS MAIL

David B. MacGregor, Esquire
Christopher T. Wright, Esquire
Michael W. Hassell, Esquire
Post & Schell PC
17 North Second Street
12th Floor
Harrisburg, PA 17101

Todd S. Stewart, Esquire
Hawke McKeon and Sniscak, LLP
100 North 10th Street
Harrisburg, PA 17101

Kimberly A. Klock, Esquire
PPL Electric Utilities Corporation
2 North Ninth Street
Allentown, PA 18101

Kenneth L. Mickens, Esquire
316 Yorkshire Drive
Harrisburg, PA 17111

Steven C. Gray, Esquire
Office of Small Business Advocate
Commerce Building, Suite 1102
300 North Second Street
Harrisburg, PA 17101

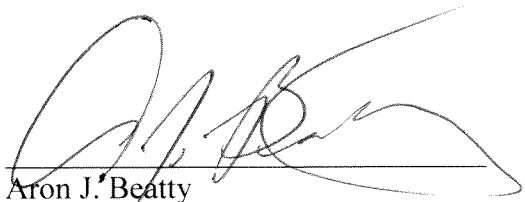
H. Rachel Smith, Esquire
100 Constellation Way, Suite 500C
Baltimore, MD 21202

Patrick M. Cicero, Esquire
Joline Price, Esquire
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101

Charles E. Thomas III, Esquire
Thomas Niesen & Thomas, LLC
212 Locust Street, Suite 600
Harrisburg, PA 17101

Deanne M. O'Dell, Esquire
Eckert, Seaman, Cherin & Mellott, LLC
213 Market St., 8th Floor
Harrisburg, PA 17101

Pamela C. Polacek, Esquire
Adeolu A. Bakare, Esquire
Alessandra L. Hylander, Esquire
McNees, Wallace & Nurick, LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166



Aron J. Beatty
Senior Assistant Consumer Advocate
PA Attorney I.D. # 86625
E-Mail: ABeatty@paoca.org

Counsel for
Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
Phone: (717) 783-5048
Fax: (717) 783-7152

236726

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of PPL Electric Utilities Corp. :
For Approval of a Default Service Program :
And Procurement Plan for the Period :
June 1, 2017 Through May 31, 2021 : Docket No. P-2016-2526627
:

PETITION FOR RECONSIDERATION AND/OR
CLARIFICATION OF THE
OFFICE OF CONSUMER ADVOCATE

The Office of Consumer Advocate (OCA) hereby submits this Petition for Reconsideration and/or Clarification pursuant to Sections 5.572 and 5.41 of the Public Utility Commission's (Commission) regulations. 52 Pa. Code §§ 5.572, 5.41. The OCA requests that the Commission reconsider and/or clarify its Opinion and Order of June 23, 2017 (June 23 Order), in the above-captioned case. In its June 23 Order, the Commission established a collaborative process led by its Office of Competitive Market Oversight (OCMO) to address CAP-SOP implementation issues. The June 23 Order states that PPL, Electric Generation Suppliers (EGSs) and RESA are participants to the collaborative. In this Petition, the OCA requests that the Commission permit the OCA and other interested intervenors in the underlying PPL default service proceeding to participate in the collaborative.

I. INTRODUCTION

The OCA had been an active party in PPL's Default Service Proceeding that ultimately led to the approval by the Commission of the CAP-SOP in its October 2016 Order at P-2016-2526627. In its June 23 Order the Commission raised several operational issues

concerning the implementation of CAP-SOP that it determined needed to be addressed through further collaborative efforts. Those issues include the provision of information regarding a customer's CAP status; the impact of cancellation provisions; compliance with Commission regulations, particularly contract renewal provisions; and the treatment of CAP customers on month to month EGS contracts. See, June 23 Order at 15-16.

Each of these issues involves compliance with existing regulatory and statutory consumer protections, and has the potential to affect implementation costs. The OCA submits that all parties, including consumer representatives, have an interest in these operational and implementation issues. The Commission's Ordering Paragraph #2 does not specifically include consumer representatives in the collaborative process even though the outcome could impact consumer protection and ultimately cost. As such, the OCA submits that reconsideration and/or clarification is necessary to ensure that the interests of all parties are considered in the collaborative process.

II. STANDARD OF REVIEW

The Commission set forth the standards for granting a petition for reconsideration in Duick v. Pennsylvania Gas and Water Co., 56 Pa.PUC 53 (1985):

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 stated 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. Absent such matters being presented, we consider it unlikely that a party will succeed in persuading us that our initial decision on a matter or issue was either unwise or in error.

56 Pa.PUC at 559 (quoting Pennsylvania R.R. Co. v. Pa. Pub. Util. Comm'n, 118 Pa. Super. 380, 179 A.850 (1935)).

In this Petition, the OCA raises a point not previously heard or considered as the collaborative process on the specific issues was initiated by the Commission Order. The OCA submits that all parties that participated in the underlying proceeding must be allowed to participate in the OCMO collaborative to ensure a reasonable resolution of important regulatory, cost and consumer protection issues.

III. RECONSIDERATION AND CLARIFICATION OF OCMO COLLABORATIVE PARTICIPATION

In its June 23 Order, the Commission addressed the concerns raised by RESA regarding the impact of CAP SOP implementation on existing EGS/CAP Customer contracts. The Commission found that it was necessary to further address certain operational issues that RESA raised in its filings in order to ensure that PPL's CAP-SOP is properly implemented over the next several months and years and is in compliance with Commission regulations. June 23 Order at 15. The Commission identified the following issues for the collaborative:

- The lack of information on which EGS customers are receiving CAP benefits;
- how EGSs will honor existing customer contracts, particularly any cancellation provisions;
- how to maintain compliance with the Commission's Regulations, particularly contract renewal provisions;
- how to place all of these processes into operation;
- Implementation of processes needed to address month-to-month contracts.

June 23 Order at 16.

The OCA submits that each of these issues has a direct impact on CAP and non-CAP residential customers. As such, the OCA and other intervenors should be permitted an opportunity to participate in the collaborative. For example, the issue of how existing customer contracts will be honored goes directly to the provision of service and may trigger cancellation penalties and other costs for affected consumers. In addition, the topic of “compliance with the Commission’s Regulations” will address numerous consumer protection issues, including renewal provisions. Finally, the options reviewed in the collaborative concerning how and when to put new “processes into operation” will raise issues of regulatory compliance and cost incurrence.

In order to address these CAP-SOP implementation issues, the Commission concluded as follows:

As PPL moves forward with the implementation of the CAP-SOP, we believe it would be prudent for the Company and the affected EGSs to meet with each other for the purpose of addressing and resolving any operational CAP-SOP issues and details so that the interested parties would be in a better position to coordinate the CAP-SOP implementation and compliance with our Regulations. Accordingly, within thirty days of the entry date of this Opinion and Order, we shall direct the Office of Competitive Market Oversight to facilitate meetings with PPL and the affected EGSs, including RESA, to examine and resolve any operational issues that are integral to the implementation of the CAP-SOP.

June 23 Order at 16. In its Order and Ordering Paragraph #2, the Commission did not include the OCA or other consumer representatives in the collaborative process. The OCA is concerned that the Order and Ordering Paragraph #2 could be read to exclude such representation in the collaborative process.¹

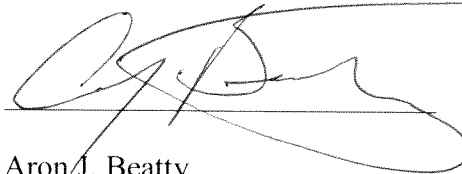
¹ In a Petition for Reconsideration and/or Clarification filed by CAUSE-PA on July 5, 2017, CAUSE-PA avers that “RESA refused to allow CAUSE-PA – or any other party not specifically listed in the Commission’s June 23, 2017 Order – to attend and participate” in the collaborative. CAUSE-PA Petition at 1, fn.2.

The OCA submits that the Commission should reconsider and/or clarify its June 23 Order to include consumer representation in the OCMO led collaborative designed to address implementation issues concerning the CAP-SOP program. The implementation issues will impact consumers, and consumer representation in the collaborative process will better enable a resolution of the issues.

IV. CONCLUSION

For the reasons set forth above, the Office of Consumer Advocate respectfully requests that the Commission reconsider and/or clarify the parties that may participate in the OCMO collaborative addressing CAP-SOP implementation to include the OCA and other interested participants in the underlying proceeding.

Respectfully Submitted,



Aron J. Beatty
Senior Assistant Consumer Advocate
PA Attorney I.D. # 86625
E-Mail: abeatty@paoca.org

Counsel for:
Tanya J. McCloskey
Acting Consumer Advocate

Office of Consumer Advocate
555 Walnut Street 5th Floor, Forum Place
Harrisburg, PA 17101-1923
Phone: (717) 783-5048
Fax: (717) 783-7152

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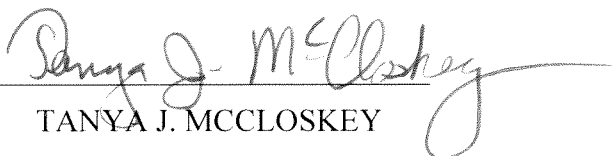
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Petition of PPL Electric Utilities :
Corporation for Approval of a Default :
Service Program and Procurement Plan for : Docket No. P-2016-2526627
the Period June 1, 2017 through :
May 31, 2017 :

VERIFICATION

I, TANYA J. MCCLOSKEY, hereby state that the facts set forth in the Petition for Reconsideration and/or Clarification of the Office of Consumer Advocate, are true and correct (or are true and correct to the best of my knowledge, information, and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

July 7, 2017
Date

Signed: 
TANYA J. MCCLOSKEY

Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923

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