

August 30, 2019

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

**RE: Petition of PPL Electric Utilities Corporation for Approval of Tariff
 Modifications and Waivers of Regulations Necessary to Implement its
 Distributed Energy Resources Management Plan
 Docket No. P-2019-3010128**

**Preliminary Objection of Sunrun Inc. and Natural Resources Defense
Council to PPL Electric Utilities Corporation Letter Response and
Request for Hearing**

Secretary Chiavetta:

Enclosed please find the *Preliminary Objection of Sunrun Inc. and Natural Resources Defense Council to PPL Electric Utilities Corporation Letter Response and Request for Hearing* for filing in the above-referenced proceeding. Please contact me if you have any questions concerning this matter.

Sincerely,

/s/ James M. Van Nostrand

James M. Van Nostrand
Keyes & Fox, LLP

Counsel to Sunrun Inc.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PPL Electric Utilities Corporation :
for Approval of Tariff Modifications and :
Waivers of Regulations Necessary to : Docket No. P-2019-3010128
Implement its Distributed Energy Resources :
Management Plan :

**PRELIMINARY OBJECTION OF SUNRUN INC. AND NATURAL RESOURCES
DEFENSE COUNCIL TO PPL ELECTRIC UTILITIES CORPORATION LETTER
RESPONSE AND REQUEST FOR HEARING**

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DATE: August 30, 2019

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RESPONSE AND REQUEST FOR HEARING**

Pursuant to 52 Pa. Code §5.101 Sunrun Inc. (“Sunrun”) and the Natural Resources Defense Council (“NRDC”) hereby submit this preliminary objection to the letter (“Letter”) filed by PPL Electric Utilities Corporation (“PPL”) dated August 22, 2019 requesting that the above captioned docket proceed pursuant to the “standard administrative litigation process.” PPL’s Letter is not authorized by the Public Utility Commission’s (“Commission”) rules of procedure and Sunrun and NRDC request the Letter be stricken from the record. Pursuant to Pa. Code §5.101(b), any answer to this objection must be filed within 10 days of date of service of this objection.

I. Procedural Background

On May 24, 2019, PPL submitted its *Petition of PPL Electric Utilities for Approval of Tariff Modifications and Waivers of Regulations Necessary to Implement its Distributed Energy Resources Management Plan* (“Petition”). On July 30, 2019 Sunrun, NRDC, and the Office of Consumer Advocate (“OCA”) filed motions to intervene and answers (“Answer” or “Answers”) to the Petition. The Answers of Sunrun, NRDC and the OCA requested the Commission deny

PPL's Petition. In the alternative, Sunrun, NRDC and OCA each requested the Commission investigate the issues raised in PPL's Petition on statewide basis.¹ On July 30, 2019, eight other entities filed comments in opposition to PPL's Petition with seven of those entities submitting comments expressly in support of NRDC's Answer.² The petitions to intervene of Sunrun and NRDC were granted on August 22, 2019.³

On August 22, 2019, PPL filed its Letter in response to the Answers of Sunrun, NRDC and OCA. While PPL's Letter is uncaptioned and does not indicate the type of filing it purports to be, the Letter notes the Answers of the Sunrun, NRDC and OCA and those parties' respective requests that PPL's Petition "be denied or the issues addressed in a statewide proceeding." The

¹ See Docket No. P-2019-3010128, *Answer of Sunrun Inc. to Petition of PPL Electric Utilities Corporation* at p. 17 (July 30, 2019) (stating "Sunrun requests the Commission suspend the proposed tariff revisions and open a new proceeding applicable statewide to investigate the technical, policy and other issues raised by the Petition and allow all interested parties to participate and engage through a full and robust stakeholder process."); *Answer of Natural Resources Defense Council to Petition of PPL Electric Utilities Corporation* at p. 16 (July 30, 2019) (stating "[i]mplementing a DER Management System in Pennsylvania is premature, given the current levels of penetration in the state and the lack of comprehensive standards and regulations in the industry. At such time as consideration of a DER Management System is warranted, it should be done through a generic rulemaking process to amend Chapter 75 rather than implemented piecemeal by an individual utility, which would create the possibility of disparate interconnection requirements across the Commonwealth."); *Answer of the Office of Consumer Advocate* at p. 10 (July 30, 2019) (stating "[t]he OCA submits that PPL's proposal presents a broader set of questions that affects numerous stakeholders, including regulatory, utilities and consumers alike. Indeed a statewide approach to this issue may be beneficial for several reasons.").

² See Docket No. P-2019-3010128, Trinity Solar, *Comments in Support of Answer Filed by Natural Resources Defense Council* (July 30, 2019); Grid Lab, *Comments in Support of Answer Filed by Natural Resources Defense Council* (July 30, 2019); Solar Unified Network of Western Pennsylvania, *Comments in Support of Answer Filed by Natural Resources Defense Council* (July 30, 2019); Independent Energy Solutions, LLC, *Comments in Support of Answer Filed by Natural Resources Defense Council* (July 30, 2019); Interstate Renewable Energy Council, Inc., *Comments in Support of Answer Filed by Natural Resources Defense Council* (July 30, 2019); Pennsylvania Solar Energy Industries Association, *Comments in Support of Answer Filed by Natural Resources Defense Council* (July 30, 2019); Exact Solar, *Comments in Support of Answer Filed by Natural Resources Defense Council* (July 30, 2019) *Comments of Sustainable Energy Fund* (July 30, 2019).

³ Docket No. P-2019-3010128, *Interim Order Granting Petitions of Natural Resources Defense Council and Sunrun Inc. to Intervene* (Aug. 22, 2019).

Letter responds to the parties' Answers with arguments against the parties' recommendations and further requests that the Commission allow the matter to proceed pursuant to a "standard administrative litigation process."⁴

II. Preliminary Objection

1. 52 Pa. Code §5.101(a)(2) provides that "[p]reliminary objections are available to parties and may be filed in response to a pleading except motions and prior preliminary objections. Preliminary objections must be accompanied by a notice to plead, must state specifically the legal and factual grounds relied upon" and are limited to certain objections, including the "failure of a pleading to conform to this chapter".

2. 52 Pa. Code §5.61 provides for answers to petitions but does not authorize a response to an answer. Nor does PPL's Letter cite any other legal authority as the basis for its pleading. Consequently, Sunrun and NRDC submit that PPL's Letter fails to conform to the Commission's rules of procedure and is not authorized under those rules.

3. While 52 Pa. Code §5.63 authorizes a reply to answers seeking affirmative relief or raising a new matter within 20 days after the date of service of the answer, PPL's Letter does not assert that any party is seeking affirmative relief or that a new matter has been raised. Moreover, the Letter was filed more than 20 days after date of service of the Answers.

III. Conclusion

PPL's Letter responding to the parties' Answers and requesting the Commission assign the above captioned proceeding for disposition pursuant to the "standard administrative litigation process" does not conform with the Commission's rules of procedure, and is an unauthorized pleading. For the reasons set forth herein, Sunrun and NRDC object to PPL's Letter response and

⁴ Docket No. P-2019-3010128, *Letter of PPL Electric Utilities Corporation to Secretary Chiavetta* (Aug. 22, 2019).

request that the Letter be stricken from the record. In the alternative, Sunrun and NRDC submit contemporaneously with this Preliminary Objection a Motion for Leave to Reply and Reply to PPL's Letter.

Respectfully submitted this 30th day of August 2019.

/s/ James M. Van Nostrand

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the following document, the Preliminary Objection of Sunrun Inc. and Natural Resources Defense Council to PPL Electric Utilities Corporation Letter Response and Request for Hearing, 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:

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Dated this 30th date of August 2019.

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