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Via Electronic filing

September 20, 2019

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105

Re: Docket No. P-2019-3010128, *Petition of PPL Electric Utilities Corporation for Approval of Tariff Modifications Necessary to Implement its distributed Energy Resources Management Plan*

Dear Secretary Chiavetta:

Please find enclosed a Petition of National Resources Defense Council for Interlocutory Commission Review and Answer to Material Questions for filing in the above-captioned proceeding. Copies of the enclosed filing are being served upon the persons and in the manner set forth on the enclosed Certificate of Service.

Please contact me if you have any questions concerning this matter. I can be reached at (234) 334-0997.

Sincerely,

/s/ Andrew J. Karas

Andrew J. Karas, Esq.

cc: Hon. Emily I. DeVoe, ALJ

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PPL Electric Utilities Corporation for
Approval of Tariff Modification and Waivers of
Regulations Necessary to Implement its Distributed
Energy Resources Management Plan

Docket No. P-2019-3010128

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Petition of National Resources Defense Council for Interlocutory Commission Review and Answer to Material Questions have been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54:

Via First Class Mail

Devin T. Ryan, Esq. David B. MacGregor, Esq. Post & Schell, P.C. 17 North Second Street 12 th Floor Harrisburg, PA 17101-1601	Kimberly A. Klock, Esq. Michael J. Schafer, Esq. PPL Electric Utilities Corporation 2 North 9 th Street Allentown, PA 18101-1179
Ed Merrick, VP of Regulatory Affairs Trinity Solar 2211 Allenwood Rd Wall, NJ 07719	Kenneth L. Mickens, Esq. 316 Yorkshire Drive Harrisburg, PA 17111-6933
Phillip D. Demanchick, Esq. David T. Evrard, Esq. Office of Consumer Advocate 555 Walnut Street 5th Floor Forum Place Harrisburg, PA 17101	Joseph Morinville, CEO Energy Independent Solutions, LLC. 2121 Noblestown Road Suite 222 Pittsburgh, P A 15205
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James Van Nostrand, Esquire Keyes & Fox LLP 275 Orchard Drive Pittsburgh, P A 15228	Beren Argetsinger, Esquire Keyes & Fox LLP. P.O. Box 166 Burdett, NY 14818

Sara Baldwin, VP Interstate Renewable Energy Council, Inc. 125 Wolf Road Suite 207 Albany, NY 12205	Sharon Pillar, President Solar Unified Network of Western PA 1435 Bedford Avenue Suite 140 Pittsburgh, PA 15143
John Costlow, President Sustainable Energy Fund 4110 Independence Drive Suite 100 Schnecksville, P A 18078	Ric O'Connell Gridlab 20120 University Avenue Berkeley, CA 94704

Dated: September 20, 2019

Respectfully submitted,

/s/Andrew J. Karas

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Counsel for Natural Resources Defense Council

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**PETITION OF NATIONAL RESOURCES DEFENSE COUNCIL FOR INTERLOCUTORY
COMMISSION REVIEW AND ANSWER TO MATERIAL QUESTIONS**

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Counsel for National Resources Defense Council

DATED: September 20, 2019

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**PETITION OF NATIONAL RESOURCES DEFENSE COUNCIL, INC. FOR INTERLOCUTORY
COMMISSION REVIEW AND ANSWER TO MATERIAL QUESTIONS**

Pursuant to 52 Pa.Code § 5.302 and the directives of Administrative Law Judge DeVoe at the September 11, 2019 Prehearing Conference,¹ National Resources Defense Council, Inc. (“NRDC”) hereby submits this Petition for Interlocutory Review and Answer to Material Questions (“Petition for Review”). In support of this Petition for Review, NRDC states the following:

1. The instant proceedings were initiated by the May 24, 2019 Petition of PPL Electric Utilities Corporation (“PPL”) for Approval of Tariff Modifications and Waivers of Regulations Necessary to Implement its Distributed Energy Resources Management Plan (“PPL Petition”). PPL seeks approval for a plan which will require customers interconnecting new distributed energy resources (“DERs”) to (1) use PPL-approved smart inverters compliant with IEEE Standard 1547-2018 and the yet-to-be finalized UL Standard 1741; and (2) install communication devices that enable PPL to monitor and control customers’ DERs.² The Petition asks the Commission to waive nine of its regulations governing technical standards for DERs and “any additional waivers of the Commission’s regulations” necessary to implement the Company’s Plan.³

2. All intervenors to this proceeding take the position that the PPL Petition should be denied, or, in the alternative, that the Commission should determine as a threshold matter whether the contextual conditions purportedly warranting PPL’s requested relief (principally, an expectation that the number of DER interconnections will increase throughout the Commonwealth in the near or medium-term future⁴) would be better addressed through

¹ At the Prehearing Conference Judge DeVoe provided that parties would have until September 20, 2019 for filing requests for Interlocutory Review.

² PPL Pet., 2.

³ *Id.* at 22-25 (requesting waivers of 52 Pa. Code §§ 75.13(c), 75.13(k), 75.22, 75.34, 75.35, 75.37, 75.38, 75.39, and 75.40).

⁴ *Id.* at 5-10.

a procedure applicable on a statewide basis.⁵ Seven non-intervenor entities similarly filed comments recommending the Commission deny the Petition and expressly in support of NRDC's Answer.⁶

3. PPL requests the Commission waive regulations which were adopted, pursuant to the express direction of the legislature, as part of a "stakeholder process to develop Statewide technical and net metering rules for customer-generators."⁷ Circumventing this instruction from the General Assembly, the PPL Petition demands its requests for relief be entertained pursuant to a "standard administrative litigation process" affecting only PPL's service area.⁸ Crucially, PPL does not suggest that its reasons for seeking relief are somehow applicable only to PPL's service area, which suggests that (should PPL be permitted to proceed with service area-specific litigation) similar waivers will be requested by other utilities throughout the Commonwealth.

4. Because DER interconnections are expected to increase statewide, it is wholly appropriate for the Commission to determine whether the issues raised in PPL's Petition should be addressed through a statewide proceeding, involving all stakeholders, rather than be litigated on utility-by-utility basis for each utility in the Commonwealth.

5. NRDC seeks interlocutory review and answer to the following material questions, each of which NRDC submits should be answered in the affirmative.

A. Does PPL's Petition implicate technical and public policy issues of statewide concern?

B. Should PPL's Petition be denied in favor of addressing such issues on a statewide basis at a time deemed appropriate by the Commission?

C. Should the Commission initiate a statewide stakeholder process allowing for Commonwealth-wide input on whether current circumstances warrant addressing any or all of the issues raised in PPL's Petition at the present time?

6. Interlocutory review will prevent substantial prejudice to NRDC. The adoption of advanced inverter standards, and additional issues raised in PPL's Petition, raise fundamental public policy and complicated technical questions. NRDC's membership extends throughout the Commonwealth. Adopting advanced inverter standards and

⁵ See Docket No. P-2019-3010128, *Answer of Sunrun Inc. to Petition of PPL Electric Utilities Corporation* (July 30, 2019); *Answer of Natural Resources Defense Council to Petition of PPL Electric Utilities Corporation* (July 30, 2019); *Answer of the Office of Consumer Advocate* (July 30, 2019); Sustainable Energy Fund's ("SEF") late intervention was granted at the Prehearing Conference. SEF supports denial of the Petition or, in the alternative, investigation of the issues raised in the Petition on a statewide basis.

⁶ See generally Docket No. P-2019-3010128.

⁷ 73 P.S. § 1648.5.

⁸ See Docket No. P-2019-3010128, *Letter of PPL Elec. Util's Corp. to Sec. Chiavetta* (Aug. 22, 2019); *Answer of PPL Electric Util's Corp. to Motion For Leave to Reply & Reply of Nat. Resources Def. Council & Sunrun Inc.* (Sept. 9, 2019).

resolving consequential policy questions on a piecemeal, utility-by-utility administrative litigation process puts NRDC in the position of litigating on multiple fronts, at such time that each utility brings forth its own individual proposals for managing DERs. Addressing these issues on a utility-by-utility basis will lead to unpredictable implementation timelines and inconsistent standards, and varied requirements for consumers in neighboring service areas. Such an approach would create significant uncertainty for the consumer-generators among NRDC's membership.

7. Interlocutory review will expedite the conduct of this proceeding. The threshold questions of public policy and the numerous technical questions implicated by PPL's Petition are such that forum providing statewide stakeholder input will be a more efficient vehicle for addressing PPL's concerns. A statewide proceeding ensures an administratively-efficient process for investigating the appropriate timing and adoption of advanced inverter standards for all utilities across the Commonwealth. Indeed, given the strong potential that the time is *not* ripe for consideration of the questions raised by the PPL Petition, proceeding with individualized litigation applicable solely to PPL's service area alone will result in irreparable harms, including foisting upon the non-PPL intervenors the burden of conducting prehearing discovery and assuming other unnecessary litigation costs. Such a process is highly inefficient and would fail to provide stakeholders the finality and predictability required to foster a healthy DER market in Pennsylvania.

WHEREFORE, NRDC respectfully requests that the Commission undertake interlocutory review and answer the above-described material questions in the affirmative, and grant such further relief as the Commission may determine appropriate.

Respectfully submitted,

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