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File #: 175564

November 7, 2019

VIA E-MAIL & REGULAR MAIL

Honorable Mary D. Long
Administrative Law Judge
PA Public Utility Commission
Suite 220, Piatt Place
301 Fifth Avenue
Pittsburgh, PA 15222

**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**

Your Honor:

PPL Electric Utilities Corporation (“PPL Electric” or the Company”) hereby submits this letter in response to the letters submitted by the Natural Resources Defense Council (“NRDC”) and Sunrun, Inc. (“Sunrun”) regarding their proposed litigation schedule.

By email on November 6, 2019, PPL Electric proposed the following litigation schedule, noting the Company’s understanding that the Office of Consumer Advocate (“OCA”) and the Sustainable Energy Fund (“SEF”) do not oppose or have conflicts with the Company’s schedule.

PPL’s Direct Testimony	December 11, 2019
Other Parties' Direct Testimony	February 5, 2020
Rebuttal Testimony	March 4, 2020
Surrebuttal Testimony	March 19, 2020
Oral Rejoinder Outline	March 30, 2020
Hearings	April 8-9, 2020
Main Briefs	May 5, 2020
Reply Briefs	May 21, 2020

By letters dated November 6, 2019, NRDC and Sunrun proposed a “bifurcated” litigation schedule, under which the proceeding would be “bifurcated” into two phases where the “scope of

the proceeding” would be determined before the “merits” phase of the proceeding. More specifically, this “Phase I” under NRDC and Sunrun’s schedule would be:

Deadline to Serve Discovery	November 27, 2019
Responses to Discovery	December 11, 2019
Deadline for Filing Statements of Position/Briefs	December 20, 2019
Deadline for Reply Briefs to Statements of Position/Briefs	January 8, 2020
Oral Argument	January 22, 2020
OALJ Ruling	February 12, 2020

PPL Electric opposes NRDC and Sunrun’s proposed litigation schedule because it contravenes the Pennsylvania Public Utility Commission’s (“Commission”) Order denying NRDC’s and Sunrun’s Petitions for Interlocutory Review, is inconsistent with Commission practice and procedure, and will result in a substantial waste of time and resources. The Commission returned this matter to the Office of Administrative Law Judge so that an evidentiary record on the issues in this proceeding, including whether the Company’s DER Management Petition is reasonable and in the public interest and whether these issues should be addressed in a statewide proceeding. In fact, the Commission specifically stated in the Order that the Company “is entitled to the opportunity to present evidence in support of the petition and establish a record to show PPL’s waiver from the statewide technical standards for inverter technology is necessary and in the public interest.” Order Denying Interlocutory Review, p. 12. Furthermore, the Commission determined that “PPL is entitled to establish a full record to articulate the important countervailing public interest served by granting PPL’s request for waiver.” *Id.*

Here, NRDC and Sunrun’s proposal disregards the Commission’s explicit declarations and would deny the Company the opportunity to develop a full evidentiary record on all of the issues involving its proposal. NRDC and Sunrun envision this proceeding being bifurcated so that the parties first: (1) engage in extremely limited discovery; (2) submit briefs; and (3) have oral argument on the “scope of the proceeding.” Nothing in their proposed litigation schedule would result in the development of an evidentiary record, as the Commission directed. Indeed, although NRDC and Sunrun include a limited timeframe for discovery into its schedule, they fail to recognize that in Commission proceedings, discovery responses do not become part of the evidentiary record unless they are presented as part of parties’ testimony or during cross-examination. Thus, NRDC and Sunrun’s proposal will not result in any evidentiary record being developed, let alone one that could support findings of fact on the “scope of the proceeding” question.

In addition, under NRDC and Sunrun’s proposed schedule, both the Commission and the parties would waste considerable time and resources. Their proposal would have the parties engage in discovery and brief issues on the “scope of the proceeding” in a cumbersome manner before getting to the “merits” phase. Like their Petitions for Interlocutory Review, NRDC and Sunrun’s proposed schedule only serves their presumed goal of unnecessarily delaying this proceeding. In contrast, PPL Electric’s proposed litigation schedule would, like traditional PUC

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proceedings, enable the parties to present testimony, hold evidentiary hearings, and submit briefs on all of the issues in a simple, straightforward, timely, and efficient manner.

For these reasons, PPL Electric respectfully requests that Your Honor adopt the Company's proposed litigation schedule and reject the schedule proposed by NRDC and Sunrun.

Copies of this letter are being provided as indicated on the Certificate of Service.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Devin Ryan", with several overlapping strokes.

Devin Ryan

DTR/jl
Enclosure

cc: Rosemary Chiavetta, Secretary
Certificate of Service

CERTIFICATE OF SERVICE

(Docket No. P-2019-3010128)

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

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Date: November 7, 2019



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