



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
400 NORTH STREET, HARRISBURG, PA 17120

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

May 12, 2020

Via Electronic Filing

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

Re: Petition of PPL Electric Utilities Corporation for Approval of Its Default
Service Plan for the Period From June 1, 2021 through May 31, 2025
Docket No. P-2020-3019356
I&E Prehearing Memorandum

Dear Secretary Chiavetta:

Enclosed for filing please find the Bureau of Investigation and Enforcement's
(I&E) **Prehearing Memorandum** for the above-captioned proceeding.

Copies are being served on parties of record per the attached Certificate of
Service. *Due to the temporary closing of the PUC's offices, I&E is only providing
electronic Service.* Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Gina L. Miller", is written over a light gray background.

Gina L. Miller
Prosecutor
Bureau of Investigation and Enforcement
PA Attorney ID No. 313863
(717) 787-8754
ginmiller@pa.gov

GLM/ac
Enclosures

cc: Hon. Elizabeth H. Barnes (OALJ, Harrisburg, *via e-mail only*)
Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PPL Electric Utilities Corporation for :
Approval of Its Default Service Plan for the : Docket No. P-2020-3019356
Period From June 1, 2021 through May 31, 2025 :

**PREHEARING MEMORANDUM OF THE
BUREAU OF INVESTIGATION AND ENFORCEMENT**

TO ADMINISTRATIVE LAW JUDGE ELIZABETH H. BARNES:

In accordance with the Prehearing Conference Order issued on April 8, 2020, the Bureau of Investigation and Enforcement (“I&E”) hereby submits this Prehearing Memorandum. The I&E prosecutor assigned to this proceeding is Gina L. Miller. Ms. Miller may be contacted as follows:

By Mail: Gina L. Miller
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street, 2nd Fl.
Harrisburg, PA 17120

By e-mail: ginmiller@pa.gov

Telephone: (717) 787-8754
FAX: (717) 772-2677

I. BACKGROUND

On March 25, 2020, PPL Electric Utilities Corporation (“PPL”) filed with the Pennsylvania Public Utility Commission (“Commission”) a Petition for Approval of a Default Service Program and Procurement Plan for the Period of June 1, 2021 through

May 31, 2025 (“DSP V”). Through the DSP V, PPL proposes, inter alia, procurement of default service supply and related Alternative Energy Credits, an implementation plan, rate design (including a Time-of-Use rate option for default service) modification of its current Standard Offer Referral Program, a requirement for Customer Assistance Program customers to take default service, and a contingency plan.¹

PPL’s DSP V was assigned to the Office of Administrative Law Judge (“OALJ”) for the development of an evidentiary record, including an Initial Decision. The OALJ assigned the proceeding to Administrative Law Judge (“ALJ”) Elizabeth H. Barnes for investigation and scheduling of hearings to consider, inter alia, whether PPL’s DSP V will provide default service that is adequate, reliable, and will result in the least cost to customers over time.² A telephonic Prehearing Conference has been scheduled for May 15, 2020. The Bureau of Investigation and Enforcement filed its Notice of Appearance on May 6, 2020.

On May 8, 2020, a Notice of Appearance, Answers, and Public Statement was filed by the Office of Consumer Advocate and the Office of Small Business Advocate filed a Notice of Intervention and Public Statement. Intervention petitions were submitted by the following entities: the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania, Calpine Retail Holdings, LLC, the Sustainable Energy Fund of Central Eastern Pennsylvania, StateWise Energy Pennsylvania LLC and SFE Energy Pennsylvania, Inc. (collectively, “StateWise”), Interstate Gas Supply, Inc.;

¹ PPL DSP V, p. 1.

² 66 Pa. C.S. §2807(e).

Shipley Choice LLC; NRG Energy, Inc.; Vistra Energy Corp.; ENGIE Resources LLC; and Direct Energy Services, LLC (collectively the EGS Parties), Industrial Energy Consumers of Pennsylvania, the PP&L Industrial Customer Alliance, Inspire Energy Holdings, LLC, and Retail Energy Supply Association. It is I&E's understanding that rulings on these interventions are pending. I&E does not oppose any of the petitions to intervene.

II. ISSUES

Based upon a preliminary review of the filing, I&E has identified the following areas of inquiry, representing potential issues at this time. However, I&E reserves the right to address such other issues when those issues arise:

1. Alternative Energy Credits
2. Renewable Energy Rate Program
3. Standard Offer Program and Customer Assistance Program Shopping

The above list is as complete as can be made at this time. Additionally, I&E reserves the right to amend and/or supplement this issue list while discovery is on-going.

III. WITNESSES

It is currently expected that I&E may call any or all of the following witness without being limited thereto:

Christopher Keller Fixed Utility Valuation Analyst

The I&E witness may be contacted through the contact information listed above for Ms. Miller. I&E reserves the right to substitute witnesses or call additional witnesses

if warranted.³ All active parties will be notified of any amendments to the I&E witness list.

IV. EVIDENCE

I&E expects to present all written direct, rebuttal and surrebuttal testimony and accompanying exhibits at the evidentiary hearing. Moreover, I&E intends to rely on PPL's filing, answers to data requests and interrogatories, annual reports and other documents submitted to the Commission, other relevant Commission filings, any other relevant Commonwealth agency letters or reports, general financial market information sources and other public documents and reports. However, there may be issues of Commission policy or legal representation that are not properly the subject of testimony or factual issues that are clear on the record and need not be supported by testimony, I&E reserves the right to dispense with testimony when, in its opinion, an issue can be adequately addressed through briefing.

V. SCHEDULE

I&E proposes to adopt the schedule outlined below:⁴

Opposing party testimony	June 22, 2020
Rebuttal testimony	July 21, 2020
Surrebuttal testimony	August 4, 2020
Hearings and oral rejoinder	August 12-14, 2020
Main Briefs	September 3, 2020
Reply Briefs	September 17, 2020

³ The above issues list is provided without analysis of the positions of all parties to this proceeding and without the benefit of completed discovery.

⁴ It is I&E's understanding that PPL, and several petitioning intervenors have agreed to this schedule; however, as I&E is not authorized to represent any entity's position, I&E expresses only its own position on the schedule.

VI. DISCOVERY

I&E requests that the Commission's Rules of Practice and Procedure for the conduct of discovery be modified as follows:

1. Answers to written interrogatories shall be served in-hand within ten (10) calendar days of service.
2. Objections to interrogatories shall be communicated orally within three (3) calendar days of service; unresolved objections be served to the ALJs in writing within seven (7) calendar days of service of interrogatories.
3. Motion to dismiss objections and/or direct the answering of interrogatories shall be filed within five (5) calendar days of service of written objections.
4. Answers to motions to dismiss objections and/or direct the answering of interrogatories shall be filed within five (5) calendar days of service of such motions.
5. Discovery and discovery-related pleadings served after 12:00 noon on a Friday or after 12:00 p.m. on any business day preceding a state holiday will be deemed to be served on the next business day.

VII. SERVICE OF DOCUMENTS

For purposes of satisfying in-hand requirements for discovery responses, prepared testimony and briefs during the closure of Commission offices, and consistent with

Paragraph 8 of the Commission's March 20, 2020 Emergency Order,⁵ I&E will both only serve and accept electronic delivery of documents. Upon re-opening of Commission offices, I&E requests parties provide a follow-up hard copy provided by regular first-class mail in addition to electronic delivery.

VIII. PUBLIC INPUT HEARINGS

To the extent that public input hearings are deemed necessary in this proceeding, I&E advocates for the use of Smart Hearings where possible.

IX. SETTLEMENT

I&E intends to participate in any settlement discussions and is willing to work with the parties to reach a resolution of any or all issues. In the event settlement discussions fail to result in a complete resolution of the matter, I&E is prepared to fully or partially litigate this proceeding.

Respectfully submitted,



Gina L. Miller
Prosecutor
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission

Dated: May 12, 2020

⁵ Docket No. M-2020-3019262, *Re: Suspension of Regulatory and Statutory Deadlines; Modification to Filing and Service Requirements.*

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PPL Electric Utilities Corporation for :
Approval of Its Default Service Plan for the : Docket No. P-2020-3019356
Period From June 1, 2021 through May 31, 2025 :

CERTIFICATE OF SERVICE

I hereby certify that I am serving the foregoing **Prehearing Memorandum** dated May 12, 2020, in the manner and upon the persons listed below.

Served via Electronic Mail Only

Hon. Elizabeth H. Barnes
Pennsylvania Public Utility Commission
Office of Administrative Law Judge
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
ebarnes@pa.gov

Michael W. Hassell, Esq.
Lindsay A. Berkstresser, Esq.
Post & Schell, PC
17 North Second Street
12th Floor
Harrisburg, PA 17101
mhassell@postschell.com
lberkstresser@postschell.com
Counsel for PPL

Kimberly A. Klock, Esq.
Michael J. Shaffer, Esq.
PPL Services Corporation
Two North Ninth Street
Allentown, PA 18101
kklock@pplweb.com
mjshafer@pplweb.com
Counsel for PPL

Deanne M. O'Dell, Esq.
Kristine E. Marsilio, Esq.
Eckert Seamans Cherin & Mellott, LLC
213 Market Street, 8th Floor
P.O. Box 1248
Harrisburg, PA 17101
dodell@eckertseamans.com
kmarsilio@eckerseamans.com
Counsel for RESA

Elizabeth R. Marx, Esq.
John Sweet, Esq.
Ria Pereira, Esq.
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101
pulp@palegalaid.com
Counsel for CAUSE-PA

Kenneth L. Mickens, Esq.
316 Yorkshire Drive
Harrisburg, PA 17111
kmickens11@verizon.net
Counsel for SEF

Todd S. Stewart, Esq.
Hawke McKeon & Sniscak LLP
100 North Tenth Street
Harrisburg, PA 17101
tsstewart@hmslegal.com
Counsel for EGS Parties

Gregory L. Peterson, Esq.
Phillips Lytle LLP
201 West Third Street, Suite 205
Jamestown, NY 14701-4907
gpeterson@phillipslytle.com
Counsel for StateWise

Kevin C. Blake, Esq.
Phillips Lytle LLP
125 Main Street
Buffalo, NY 14203
kblake@phillipslytle.com
Counsel for StateWise

Thomas F. Puchner, Esq.
Phillips Lytle LLP
Omni Plaza
30 South Pearl Street
Albany, NY 12207-1537
tpuchner@phillipslytle.com
Counsel for StateWise

Pamela C. Polacek, Esq.
Adeolu A. Bakare, Esq.
Jo-Anne S. Thompson, Esq.
McNees Wallace & Nurick
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
ppolacek@mcneeslaw.com
abakare@mcneeslaw.com
jthompson@mcneeslaw.com
Counsel for PPLICA

John F. Lushis, Jr., Esq.
Norris McLaughlin, PA
515 W. Hamilton Street
Suite 502
Allentown, PA 18101
jlushis@norris-law.com
Counsel for Calpine

Steven C. Gray, Esq.
Office of Small Business Advocate
300 North Second Street, Suite 202
Harrisburg, PA 17101
sgray@pa.gov

David T. Evrard, Esq.
Aron J. Beatty, Esq.
Office of Consumer Advocate
Forum Place
555 Walnut St., 5th Floor
Harrisburg, PA 17101
devrard@paoca.org
abeatty@paoca.org

Derrick Price Williamson, Esq.
Barry A. Naum, Esq.
Spilman Thomas & Battle, PLLC
1100 Bent Creek Boulevard, Suite 101
Mechanicsburg, PA 17050
dwilliamson@spilmanlawa.com
bnaum@spilmanlaw.com
Counsel for IECPA



Gina L. Miller
Prosecutor
Bureau of Investigation and Enforcement
Attorney ID No. 313863