



May 13, 2020

Via Electronic Filing

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

Re: *Petition of PECO Energy Company for Approval of Its Default Service Program for the Period from June 1, 2021 through May 31, 2025* (Docket No. P-2020-3019290)

Dear Secretary Chiavetta,

Enclosed for filing in the above-referenced proceeding, please find the Answer of the Environmental Stakeholders. Should you have any questions, please contact me at [dmcdougall@earthjustice.org](mailto:dmcdougall@earthjustice.org). As evidenced by the attached Certificate of Service, all parties to the proceeding are being served with a copy of this document. Thank you.

Sincerely,

/s/ Devin McDougall

Staff Attorney

Earthjustice

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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company for :  
Approval of Its Default Service Program : Docket No. P-2020-3019290  
for the Period from June 1, 2021 through :  
May 31, 2025 :

**ANSWER OF  
THE ENVIRONMENTAL STAKEHOLDERS**

Pursuant to 52 Pa. Code § 5.61, Sierra Club, Clean Air Council, and the Philadelphia Solar Energy Association (hereinafter “Environmental Stakeholders”) respectfully submit this Answer in response to the *Motion In Limine to Establish the Scope Of the Public Input Hearing* (“Motion”) that was filed by PECO Energy Company (“PECO”) on May 11, 2020 in the above-captioned proceeding (“Proceeding”) of the Pennsylvania Public Utility Commission (the “Commission”) regarding PECO’s proposed default service plan (“DSP”) for the period between June 1, 2021 and May 31, 2025 (“DSP V”).

**I. Introduction**

The Environmental Stakeholders oppose PECO’s Motion. Asking members of the public to filter their testimony through a lengthy list of acceptable and prohibited topics unnecessarily discourages public participation. Advance topic limitations for public input hearings are rare, and PECO has failed to establish any need for such an unusual measure.

Further, several of PECO’s suggested out-of-scope topics are particularly inappropriate because they represent material factual disputes that are directly related to statutory standards that the DSP must meet. Notably, as explained below, testimony regarding reliability, and the reliability benefits that renewable energy and distributed generation procurement contracts could provide, is expressly in scope for this proceeding under the governing statutes, and any

meaningful discussion of reliability as it is statutorily defined cannot exclude analysis of distribution system issues.

## **II. Background**

### **A. Whether a Proposed DSP Design Ensures Adequate and Reliable Service is an Integral Part of the Commission’s Review**

DSP V is subject to legal requirements enumerated in the Public Utility Code and its implementing regulations.<sup>1</sup> As the statute provides, in reviewing DSP V, the Commission shall consider whether it represents a “prudent mix of contracts” that is “designed to ensure adequate and reliable service [at] the least cost to customers over time [and] compliance with the requirements of paragraph (3.1) [pertaining to procurement processes].”<sup>2</sup>

The statute defines both “service”<sup>3</sup> and “reliability”<sup>4</sup> broadly. The statute expressly states that the term “service” is used “in its broadest and most inclusive sense” and “includes any and all acts done, rendered, or performed, and any and all things furnished or supplied . . . by public utilities[.]”<sup>5</sup> The statute defines “reliability” as including both “adequacy” and “security.”<sup>6</sup> “Adequacy” is defined to mean “the provision of sufficient generation, transmission and distribution capacity so as to supply the aggregate electric power and energy requirements of consumers, taking into account scheduled and unscheduled outages of system facilities.”<sup>7</sup> “Security” is defined to mean “designing, maintaining and operating a system so that it can

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<sup>1</sup> 66 Pa. C.S. § 2807(e); 52 Pa. Code §§ 54.181-54.190; *Rulemaking Re Elec. Distribution Companies’ Obligation to Serve Retail Customers at the Conclusion of the Transition Period Pursuant to 66 Pa.C.S. § 2807(e)(2)*, Docket No. L-00040169 (Order entered May 10, 2007); *Implementation of Act 129 of October 15, 2008: Default Serv. and Retail Elec. Mkts.*, Docket No. L-2009-2095604 (Order entered Oct. 4, 2011); 52 Pa. Code §§ 69.1801-1817; *Default Serv. and Retail Elec. Mkts.*, Docket No. M-2009-2140580 (Order entered Sept. 23, 2011).

<sup>2</sup> 66 Pa. C.S.A. § 2807(e)(3.4).

<sup>3</sup> 66 Pa. C.S.A. § 102.

<sup>4</sup> 66 Pa. C.S.A. § 2803.

<sup>5</sup> 66 Pa. C.S.A. § 102.

<sup>6</sup> 66 Pa. C.S.A. § 2803.

<sup>7</sup> *Id.*

handle emergencies safely while continuing to operate.”<sup>8</sup> As such, reliability is defined to include consideration of scheduled and unscheduled outages of system facilities and consideration of how to ensure that operations can continue safely during emergencies.

As the Commission has instructed, whether or not a DSP ensures safe and reliable service is an integral part of its design:

“The ‘least cost’ standard must give the [default service provider] sufficient latitude to select contracts that constitute a ‘prudent mix’ which includes a sufficient variety of products that adequately take into consideration price volatility, changes in generation supply, customer usage characteristics and the need to assure safe and reliable service.”<sup>9</sup>

The lowest cost is not the ultimate criterion, the Commission explains, because “the need to assure safe and reliable service” must be considered in the design of a DSP as well.<sup>10</sup> This concern is particularly salient in the context of emergencies, disasters, and extreme weather events, scenarios in which a DSP’s inclusion of procurement contracts with distributed generation providers and renewable energy providers that are not reliant on fuel can help assure the continuation of safe and reliable service.

### **B. The Environmental Stakeholders Will Submit Expert Testimony on Whether a DSP Design That Includes Increased Procurement of Solar and Distributed Generation Can Enhance the Adequacy and Reliability of Service**

The Environmental Stakeholders represent a coalition of national, regional, and local nonprofit environmental organizations that have extensive experience with clean energy issues, both nationally and in Pennsylvania. Sierra Club has been active in public utility commissions in over a dozen states, including Pennsylvania; Clean Air Council has been active before this Commission for over fifteen years; and the Philadelphia Solar Energy Association has been active on clean energy issues, with a focus on solar, in Pennsylvania since 1980. The

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<sup>8</sup> *Id.*

<sup>9</sup> *Default Serv. and Retail Elec. Mkts.*, Docket No. L-2009-2095604 at 38 (Order entered Oct. 4, 2011).

<sup>10</sup> *Id.*

Environmental Stakeholders also have extensive experience with climate adaptation and resiliency issues, including the intersection between clean energy, distributed generation, and power system resiliency.

The issues that the Environmental Stakeholders are interested in include examining whether PECO's proposed DSP design ensures adequate and reliable service, and whether increased procurement from renewable energy and distributed generation providers could increase the reliability of service, particularly as the power system experiences increased stresses from climate change and extreme weather events. To this end, the Environmental Stakeholders have retained Karl R. Rábago to develop expert testimony on these issues, as reflected in the Verified Statement of Mr. Rábago attached hereto as Exhibit A.<sup>11</sup>

Mr. Rábago has nationally-recognized expertise on these issues, and his experience includes serving as Executive Director and Senior Policy Advisor for the Pace Energy and Climate Center at the Pace University Elisabeth Haub School of Law; Director of Government & Regulatory Affairs for the AES Corporation; and Commissioner of the Public Utility Commission of Texas.<sup>12</sup>

### **C. Imposing Topic Limitations in Advance of Commission Public Hearings Appears to Be Rarely Done**

In the preparation of this Answer, the Environmental Stakeholders have conducted research on the frequency with which advance topic limitations are imposed for Commission public hearings. As the chart attached hereto as Exhibit B reflects, extensive searches of the online database of the Pennsylvania Bulletin provided by the Commonwealth of Pennsylvania identified 43 examples of public input hearing notices by the Commission.<sup>13</sup> Of the forty-three

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<sup>11</sup> See Exhibit A, Verified Statement of Karl R. Rábago, 1.

<sup>12</sup> *Id.*

<sup>13</sup> See Exhibit B, Chart of Commission Public Input Hearing Notices.

(43) public hearing notices identified by searches of the Pennsylvania Bulletin database, zero (0) of them contained any limitation on topics.<sup>14</sup> For its part, PECO identifies only a single example, dating back to 2008, of a Commission public input hearing notice that contains a topic limitation.<sup>15</sup> As will be discussed further below, the apparent rarity of topic limitations being imposed on Commission public input hearings is consistent with the Commission’s policy of encouraging public participation.<sup>16</sup>

### **III. Argument**

#### **A. As the Proponent of an Order to Limit Public Participation, PECO Bears the Burden of Showing that Such an Order Is Necessary, and Has Not Met that Burden**

A motion in a Commission proceeding must “set forth the ruling or relief sought, and state the grounds therefore and the statutory or other authority upon which it relies.”<sup>17</sup> Moreover, the movant, as the “proponent of a rule or order,” has “the burden of proof.”<sup>18</sup> As the Supreme Court of Pennsylvania has explained, “The term ‘burden of proof’...imports the duty of ultimately establishing any given proposition” and marks “the peculiar duty of him who has the risk of any given proposition on which parties are at issue—who will lose the case if he does not make this proposition out, when all has been said and done.”<sup>19</sup>

PECO’s Motion does not meet this burden, and fails to show that there is a need to resort to the infrequently-used device of limiting topics for a public input hearing in advance. PECO states in its Motion that it disagrees with the Environmental Stakeholders as to whether the potential reliability contributions of procurement from renewable energy and distributed

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<sup>14</sup> *Id.*

<sup>15</sup> PECO Energy Company’s Motion *In Limine* to Establish the Scope of the Public Input Hearing, Docket No. P-2020-3019290, at 4-5 (May 11, 2020) (hereinafter, “PECO Motion”).

<sup>16</sup> *See infra* notes 23-24 and accompanying text.

<sup>17</sup> 52 Pa. Code § 5.103.

<sup>18</sup> 66 Pa. C.S.A. § 332(a); *See also* *W. Penn Power Co. v. Pennsylvania Pub. Util. Comm’n*, No. 1548 C.D. 2018, 2019 WL 4858352, at \*3 (Pa. Cmwlth. Oct. 2, 2019).

<sup>19</sup> *Se-Ling Hosiery v. Margulies*, 364 Pa. 45, 50; 70 A.2d 854, 856 (1950).

generation providers can be considered in the design of a DSP.<sup>20</sup> But such an ordinary disagreement among parties to a litigated proceeding does not entitle PECO to the extraordinary relief of obtaining, on a compressed motion schedule, an advance order barring public testimony on the topic of disagreement.

PECO's Motion makes a generalized reference to the "statutory timeline" of nine months for review of a DSP, but fails to make any showing that a public hearing without an advance order restricting topics would in any way jeopardize the agreed-upon schedule for litigating this Proceeding.<sup>21</sup> In fact, just the opposite is true: PECO's insistence on such topic limitations has caused the notice of public hearing to be delayed for almost a week.

PECO's professed concern about the timeline for this Proceeding also seems to suggest, without basis, that the administrative law judge ("ALJ") is not capable of managing the timely conduct of the Proceeding. PECO's proposal is, quite simply, a solution to a problem that does not exist.

More broadly, if PECO's request is granted without PECO showing a clear need for it, this will encourage needless preemptive motion practice on public hearing topics in the future. This is not likely to be a positive development for the efficient administration of Commission proceedings.

Finally, lengthy and complex topic limitations could deter public participation, which is contrary to the purpose of a public hearing and contrary to the Commission's policy of encouraging public participation. The Commission's regulations regarding public input hearings in rate proceedings stress the importance of "the complete airing of concerns expressed or issues raised by consumers," and the Commission has stated that wide public participation results in

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<sup>20</sup> PECO Motion at 5.

<sup>21</sup> PECO Motion at 6.

“greater public acceptance and legitimacy of the result” of its proceedings.<sup>22</sup> Other Pennsylvania state agencies have also noted the value of public involvement—the Pennsylvania Department of Environmental Protection’s regulations note that “meaningful public participation” can lend credibility to agency decisions, making them “acceptable to groups or individuals with highly divergent viewpoints.”<sup>23</sup>

In light of the above, the Environmental Stakeholders propose that no topic limitations be ordered in the notice of public hearing. There are simpler and more practical ways to manage the hearing. If a witness becomes overly long-winded or disruptive, they can be encouraged to wrap it up or ultimately, muted, if necessary and appropriate. There will also be a transcript produced of the hearing, and counsel can review it with care and evaluate the admissibility of testimony. Particularly given the unusually controlled environment of a WebEx hearing, there is no basis to conclude that advance topic limitations are a necessary measure to manage the hearing.

### **B. Evaluation of the Effects of DSP Design on Reliability of Service Is Within the Scope of this Proceeding and Requires Analysis of Distribution System Issues**

As a threshold issue, PECO has shown no need for any advance topic limitations at all for the public hearing. However, PECO’s proposed prohibition on testimony that analyzes “[d]istribution system reliability and service quality issues,” including “the potential contribution of distributed generation to distribution system reliability” is particularly inappropriate.<sup>24</sup>

This is so because a core purpose of this Proceeding is to examine whether PECO’s proposed DSP design meets the statutory requirement of “ensur[ing] adequate and reliable service.”<sup>25</sup> The statute defines “reliability” to include consideration of “unscheduled outages” as

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<sup>22</sup> 52 Pa. Code § 69.321(c); *In re Duquesne Light Co.*, R-00974104, 2000 WL 33299618 (Pa. P.U.C. 2000).

<sup>23</sup> 25 Pa. Code § 24.1(a)(1).

<sup>24</sup> PECO Motion, Appx. A at 2.

<sup>25</sup> 66 Pa. C.S.A. § 2807(e)(3.4).



well as “handl[ing] emergencies safely while continuing to operate,” and examining such issues necessarily involves analysis of distribution system issues.<sup>26</sup>

The statutory standard is clear, and it makes sense on a technical level. As Mr. Rábago states, “It is impossible to evaluate the effect of a potential Default Service Plan design on the adequacy and reliability of service without consideration of distribution system issues.”<sup>27</sup> To take one simple example to illustrate the point, including in a DSP’s mix of contracts some contracts for procurement from distributed solar generation providers could help ensure safe, reliable, and adequate service during emergencies, disasters, and extreme weather events that might impair parts of the transmission and distribution systems.

This is an example of why, “[a]s a factual matter, decisions concerning the procurement of renewable energy and distributed generation are inextricably linked to the adequacy and reliability of service.”<sup>28</sup> It will not improve the quality of procurement planning to prohibit testimony that analyzes the interrelationships between different procurement alternatives, the distribution system, and the resultant safety, reliability, and adequacy of service.

PECO’s Motion also claims that testimony examining the potential contribution of renewable power procurement to reliability and adequacy of service should be specifically prohibited. PECO claims that where the Environmental Stakeholders’ Prehearing Memorandum refers to examining “the proportion of renewable energy included in the proposed DSP V,” this is an issue that is “unrelated to default service,” and testimony on this issue should be “excluded.”<sup>29</sup> PECO’s Motion also notes a letter to the ALJ from POWER, an interfaith community organization in Philadelphia, in which POWER expresses concern that the DSP’s

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<sup>26</sup> 66 Pa. C.S.A. § 2803.

<sup>27</sup> Exhibit A, Verified Statement of Karl R. Rábago, 1.

<sup>28</sup> *Id.*

<sup>29</sup> PECO Motion at 5 (citing Environmental Stakeholders’ Prehearing Memorandum).

excessive reliance on fossil fuels raises reliability concerns and recommends increased procurement of solar in the DSP.<sup>30</sup> PECO also claims that POWER's comments are "unrelated to default service," and should also be "excluded."<sup>31</sup>

Simply put, PECO provides no justification for barring ratepayers from testifying about how the procurement choices in the DSP (and alternatives to those choices) could affect the adequacy and reliability of service when the governing statute expressly states that DSP design must be assessed in light of how it ensures the adequacy and reliability of service.<sup>32</sup>

A theme here is that PECO is overreaching. As Mr. Rábago states, "I can recall no other case in my thirty years of experience, including as a Public Utility Commissioner in Texas, where a petitioner has attempted to recruit an administrative law judge or a commission in imposing such a broadly-sweeping preemptory limit on the scope of issues in a supply procurement or planning case."<sup>33</sup>

If PECO does want to try to make the case for the type of sweeping exclusions it has insisted upon in its Motion, PECO will have a full and fair opportunity to make its case as part of this Proceeding. But PECO should not be entitled to shortcut that process. PECO's broad claims must be evaluated in light of a fully-developed factual record and comprehensive briefing, not a motion *in limine* on a highly compressed schedule.

**C. The Specific Topic Limitations Requested by PECO Are Needlessly Long and Complex, and if Topic Limitations Are Determined to Be Necessary, They Should be Simpler**

Notwithstanding the above, if topic limitations are determined to be necessary for the public input hearing in this Proceeding, they should be simpler than what PECO has proposed.

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<sup>30</sup> PECO Motion at 5.

<sup>31</sup> *Id.*

<sup>32</sup> 66 Pa. C.S.A. § 2807(e)(3.4).

<sup>33</sup> Exhibit A, Verified Statement of Karl R. Rábago, 2.

PECO's proposed topic limitations take up almost an entire page, and include five (5) in-scope items and three (3) out-of-scope items.<sup>34</sup>

For comparison, the sole previous example of topic limitations in a Commission public hearing notice that PECO could identify is about half as long, and includes one (1) in-scope item and two (2) out-of-scope items. The in-scope item is simply the primary subject of the hearing, namely, "complaints that have been filed in connection with PAWC's proposal to change its disinfection process to chloramination."<sup>35</sup> The two out-of-scope items are similarly simple: "the Department of Environmental Protection and its notice procedures and determinations (including those regarding the effect on public health)" and "testimony or discussion of the health effects of chloramines - since this issue is addressed by DEP."<sup>36</sup>

The Environmental Stakeholders respectfully suggest that, if topic limitations are determined to be needed, the following text would be suitable, and in keeping with the only prior example of advance topic limitations that has been identified:

The public hearing will address PECO's proposed Default Service Plan for the Period between June 1, 2021 and May 31, 2025 ("DSP V"). Because the topic of the hearing is PECO's DSP V, testimony concerning individuals' unrelated customer service issues will not be permitted.

Such a textual insert in the public hearing notice for this Proceeding could provide straightforward guidance that would help focus testimony on DSP V, rather than purely individual issues.

#### **IV. Conclusion**

PECO's insistence on imposing advance limitations on topics for the public hearing for this Proceeding has now caused the notice of public hearing to be delayed almost a week, but

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<sup>34</sup> PECO Motion, Appx. A at 2.

<sup>35</sup> PECO Motion, Appx. B.

<sup>36</sup> *Id.*

PECO has still not shown any clear need for such limitations. Moreover, PECO's proposed topic limitations are significantly longer and more complex than the sole prior example of an advance topic limitation that PECO was able to identify. None of this added procedural complexity is necessary, nor is it in the public interest.

Furthermore, PECO appears to be seeking to use its motion *in limine* to improperly exclude testimony on contested factual topics that are integral to the statutory standards at stake. The statute expressly identifies ensuring reliability of service as a central concern in the design of a DSP,<sup>37</sup> and also expressly provides that reliability includes consideration of issues intimately tied to the distribution system, such as avoiding outages and ensuring continued operation through emergencies.<sup>38</sup> As such, testimony as to whether procurement contracts with renewable energy and distributed generation providers could help improve reliability by avoiding or mitigating such issues is directly relevant to this Proceeding. Accordingly, the Environmental Stakeholders respectfully request that the ALJ reject PECO's Motion.

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<sup>37</sup> 66 Pa. C.S.A. § 2807(e)(3.4).

<sup>38</sup> 66 Pa. C.S.A. § 2803.

Dated: May 13, 2020

/s/ Devin McDougall

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**EXHIBIT A**

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company for :  
Approval of Its Default Service Program : Docket No. P-2020-3019290  
for the Period from June 1, 2021 through :  
May 31, 2025 :

**VERIFIED STATEMENT OF KARL R. RÁBAGO  
IN SUPPORT OF THE ANSWER OF  
THE ENVIRONMENTAL STAKEHOLDERS**

I, Karl R. Rábago, depose and say:

1. My name is Karl R. Rábago, and I am the principal of Rábago Energy LLC, a Colorado limited liability company with offices at 2025 E. 24<sup>th</sup> Avenue, Denver, Colorado 80205. I have been retained to prepare expert testimony in this proceeding by the Environmental Stakeholders on issues that include assessing how the procurement of renewable energy and distributed generation as part of PECO’s Default Service Plan could contribute to the adequacy and reliability of service in PECO’s service territory.

2. I have nationally-recognized expertise on these issues, and my experience includes serving as Executive Director and Senior Policy Advisor for the Pace Energy and Climate Center at the Pace University Elisabeth Haub School of Law; Director of Government & Regulatory Affairs for the AES Corporation; and Commissioner of the Public Utility Commission of Texas. My resume is attached hereto as Attachment 1.

3. As a factual matter, decisions concerning the procurement of renewable energy and distributed generation are inextricably linked to the adequacy and reliability of service.

4. It is impossible to evaluate the effect of a potential Default Service Plan design on the adequacy and reliability of service without consideration of distribution system issues.

5. I can recall no other case in my thirty years of experience, including as a Public Utility Commissioner in Texas, where a petitioner has attempted to recruit an administrative law judge or a commission in imposing such a broadly-sweeping preemptory limit on the scope of issues in a supply procurement or planning case.


6. This concludes my Verified Statement.



**VERIFICATION**

I, Karl R. Rábago, hereby verify, subject to the penalties for unsworn falsification to authority under 18 Pa. C.S. § 4904, that the foregoing statements of fact are true and correct to the best of my knowledge, information, and belief.

Date: 12 May 2020

  
(Signature)

**ATTACHMENT 1  
TO EXHIBIT A**

## **Karl R. Rábago**

### **Rábago Energy LLC**

2025 E. 24<sup>th</sup> Avenue, Denver, CO 80205

c/SMS: +1.512.968.7543 | e: karl@rabagoenergy.com

Nationally recognized leader and innovator in electricity and energy law, policy, and regulation. Experienced as a regulatory expert, utility executive, research and development manager, sustainability leader, senior government official, educator, and advocate. Successful track record of working with U.S. Congress, state legislatures, governors, regulators, city councils, business leaders, researchers, academia, and community groups. Nationally recognized speaker on energy, environment, and sustainable development matters. Managed staff as large as 250; responsible for operations of research facilities with staff in excess of 600. Developed and managed budgets in excess of \$300 million. Law teaching experience at Pace University Elisabeth Haub School of Law, University of Houston Law Center, and U.S. Military Academy at West Point. Military veteran.

## **Employment**

### **RÁBAGO ENERGY LLC**

Principal: July 2012—Present. Consulting practice dedicated to providing business sustainability, expert witness, and regulatory advice and services to organizations in the clean and advanced energy sectors. Prepared and submitted testimony in more than 30 states and 100 electricity and gas regulatory proceedings. Recognized national leader in development and implementation of award-winning “Value of Solar” alternative to traditional net metering. Additional information at [www.rabagoenergy.com](http://www.rabagoenergy.com).

- Chairman of the Board, Center for Resource Solutions (1997-present). CRS is a not-for-profit organization based at the Presidio in California. CRS developed and manages the Green-e Renewable Electricity Brand, a nationally and internationally recognized branding program for green power and green pricing products and programs. Past chair of the Green-e Governance Board.
- Director, Solar United Neighbors (2018-present).

### **PACE ENERGY AND CLIMATE CENTER, PACE UNIVERSITY ELISABETH HAUB SCHOOL OF LAW**

Senior Policy Advisor: September 2019—Present. Part-time advisor and staff member. Provide expert witness, project management, and business development support on electric and gas regulatory and policy issues and activities.

Executive Director: May 2014—August 2019. Leader of a team of professional and technical experts and law students in energy and climate law, policy, and regulation. Secured funding for and managed execution of research, market development support, and advisory services. Taught Energy Law. Provided learning and development opportunities for law students. Additional activities:

- Former Director, Alliance for Clean Energy – New York (2018-2019).
- Former Director, Interstate Renewable Energy Council (IREC) (2012-2018).
- Former Co-Director and Principal Investigator, Northeast Solar Energy Market Coalition (2015-2017). The NESEMC was a US Department of Energy’s SunShot Initiative Solar Market Pathways project. Funded under a cooperative agreement between the US DOE and Pace University, the NESEMC worked to harmonize solar market policy and advance supportive policy and regulatory practices in the northeast United States.

# **Karl R. Rábago**

## **AUSTIN ENERGY – THE CITY OF AUSTIN, TEXAS**

Vice President, Distributed Energy Services: April 2009—June 2012. Executive in 8th largest public power electric utility serving more than one million people in central Texas. Responsible for management and oversight of energy efficiency, demand response, and conservation programs; low-income weatherization; distributed solar and other renewable energy technologies; green buildings program; key accounts relationships; electric vehicle infrastructure; and market research and product development. Executive sponsor of Austin Energy's participation in an innovative federally-funded smart grid demonstration project led by the Pecan Street Project. Led teams that successfully secured over \$39 million in federal stimulus funds for energy efficiency, smart grid, and advanced electric transportation initiatives. Additional activities included:

- Director, Renewable Energy Markets Association. REMA is a trade association dedicated to maintaining and strengthening renewable energy markets in the United States.
- Membership on Pedernales Electric Cooperative Member Advisory Board. Invited by the Board of Directors to sit on first-ever board to provide formal input and guidance on energy efficiency and renewable energy issues for the nation's largest electric cooperative.

## **THE AES CORPORATION**

Director, Government & Regulatory Affairs: June 2006—December 2008. Director, Global Regulatory Affairs, provided regulatory support and group management to AES's international electric utility operations on five continents. Managing Director, Standards and Practices, for Greenhouse Gas Services, LLC, a GE and AES venture committed to generating and marketing greenhouse gas credits to the U.S. voluntary market. Government and regulatory affairs manager for AES Wind Generation. Managed a portfolio of regulatory and legislative initiatives to support wind energy market development in Texas, across the United States, and in many international markets.

## **JICARILLA APACHE NATION UTILITY AUTHORITY**

Director: 1998—2008. Located in New Mexico, the JANUA was an independent utility developing profitable and autonomous utility services that provide natural gas, water utility services, low income housing, and energy planning for the Nation. Authored "First Steps" renewable energy and energy efficiency strategic plan with support from U.S. Department of Energy.

## **HOUSTON ADVANCED RESEARCH CENTER**

Group Director, Energy and Buildings Solutions: December 2003—May 2006. Leader of energy and building science staff at a mission-driven not-for-profit contract research organization based in The Woodlands, Texas. Responsible for developing, maintaining and expanding upon technology development, application, and commercialization support programmatic activities, including the Center for Fuel Cell Research and Applications; the Gulf Coast Combined Heat and Power Application Center; and the High-Performance Green Buildings Practice. Secured funding for major new initiative in carbon nanotechnology applications in the energy sector.

- President, Texas Renewable Energy Industries Association. As elected president of the statewide business association, led and managed successful efforts to secure and implement significant expansion of the state's renewable portfolio standard as well as other policy, regulatory, and market development activities.
- Director, Southwest Biofuels Initiative. Established the Initiative as an umbrella structure for a number of biofuels related projects.

## **Karl R. Rábago**

- Member, Committee to Study the Environmental Impacts of Windpower, National Academies of Science National Research Council. The Committee was chartered by Congress and the Council on Environmental Quality to assess the impacts of wind power on the environment.
- Advisory Board Member, Environmental & Energy Law & Policy Journal, University of Houston Law Center.

### **CARGILL DOW LLC (NOW NATUREWORKS, LLC)**

Sustainability Alliances Leader: April 2002—December 2003. Integrated sustainability principles into all aspects of a ground-breaking bio-based polymer manufacturing venture. Responsible for maintaining, enhancing and building relationships with stakeholders in the worldwide sustainability community, as well as managing corporate and external sustainability initiatives.

- Successfully completed Minnesota Management Institute at University of Minnesota Carlson School of Management, an alternative to an executive MBA program that surveyed fundamentals and new developments in finance, accounting, operations management, strategic planning, and human resource management.

### **ROCKY MOUNTAIN INSTITUTE**

Managing Director/Principal: October 1999–April 2002. Co-authored “Small Is Profitable,” a comprehensive analysis of the benefits of distributed energy resources. Provided consulting and advisory services to help business and government clients achieve sustainability through application and incorporation of Natural Capitalism principles.

- President of the Board, Texas Ratepayers Organization to Save Energy. Texas R.O.S.E. is a non-profit organization advocating low-income consumer issues and energy efficiency programs.
- Co-Founder and Chair of the Advisory Board, Renewable Energy Policy Project-Center for Renewable Energy and Sustainable Technology. REPP-CREST was a national non-profit research and internet services organization.

### **CH2M HILL**

Vice President, Energy, Environment and Systems Group: July 1998–August 1999. Responsible for providing consulting services to a wide range of energy-related businesses and organizations, and for creating new business opportunities in the energy industry for an established engineering and consulting firm. Completed comprehensive electric utility restructuring studies for the states of Colorado and Alaska.

### **PLANERGY**

Vice President, New Energy Markets: January 1998–July 1998. Responsible for developing and managing new business opportunities for the energy services market. Provided consulting and advisory services to utility and energy service companies.

### **ENVIRONMENTAL DEFENSE FUND**

Energy Program Manager: March 1996–January 1998. Managed renewable energy, energy efficiency, and electric utility restructuring programs. Led regulatory intervention activities in Texas and California. In Texas, played a key role in crafting Deliberative Polling processes. Participated in national environmental and energy advocacy networks, including the Energy Advocates Network, the National Wind Coordinating Committee, the NCSL Advisory Committee on Energy, and the PV-COMPACT Coordinating Council. Frequently appeared before the Texas Legislature, Austin City Council, and regulatory commissions on electric restructuring issues.

# Karl R. Rábago

## UNITED STATES DEPARTMENT OF ENERGY

Deputy Assistant Secretary, Utility Technologies: January 1995–March 1996. Manager of the Department’s programs in renewable energy technologies and systems, electric energy systems, energy efficiency, and integrated resource planning. Supervised technology research, development and deployment activities in photovoltaics, wind energy, geothermal energy, solar thermal energy, biomass energy, high-temperature superconductivity, transmission and distribution, hydrogen, and electric and magnetic fields. Managed, coordinated, and developed international agreements. Supervised development and deployment support activities at national laboratories. Developed, advocated, and managed a Congressional budget appropriation of approximately \$300 million.

## STATE OF TEXAS

Commissioner, Public Utility Commission of Texas. May 1992–December 1994. Appointed by Governor Ann W. Richards. Regulated electric and telephone utilities in Texas. Co-chair and organizer of the Texas Sustainable Energy Development Council. Vice-Chair of the National Association of Regulatory Utility Commissioners (NARUC) Committee on Energy Conservation. Member and co-creator of the Photovoltaic Collaborative Market Project to Accelerate Commercial Technology (PV-COMPACT).

## LAW TEACHING

**Professor for a Designated Service:** Pace University Elisabeth Haub School of Law, 2014-2019. Non-tenured member of faculty. Taught Energy Law. Supervised a student intern practice.

**Associate Professor of Law:** University of Houston Law Center, 1990–1992. Full time, tenure track member of faculty. Courses taught: Criminal Law, Environmental Law, Criminal Procedure, Environmental Crimes Seminar, Wildlife Protection Law.

**Assistant Professor:** United States Military Academy, West Point, New York, 1988–1990. Member of the faculty in the Department of Law. Honorably discharged in August 1990, as Major in the Regular Army. Courses taught: Constitutional Law, Military Law, and Environmental Law Seminar.

## LITIGATION

Trial Defense Attorney and Prosecutor, U.S. Army Judge Advocate General’s Corps, Fort Polk, Louisiana, January 1985–July 1987. Assigned to Trial Defense Service and Office of the Staff Judge Advocate.

## NON-LEGAL MILITARY SERVICE

Armored Cavalry Officer, 2d Squadron 9<sup>th</sup> Armored Cavalry, Fort Stewart, Georgia, May 1978–August 1981. Served as Logistics Staff Officer (S-4). Managed budget, supplies, fuel, ammunition, and other support for an Armored Cavalry Squadron. Served as Support Platoon Leader for the Squadron (logistical support), and as line Platoon Leader in an Armored Cavalry Troop. Graduate of Airborne and Ranger Schools. Special training in Air Mobilization Planning and Nuclear, Biological and Chemical Warfare.

# Karl R. Rábago

## Formal Education

**LL.M., Environmental Law, Pace University School of Law, 1990:** Curriculum designed to provide breadth and depth in study of theoretical and practical aspects of environmental law. Courses included: International and Comparative Environmental Law, Conservation Law, Land Use Law, Seminar in Electric Utility Regulation, Scientific and Technical Issues Affecting Environmental Law, Environmental Regulation of Real Estate, Hazardous Wastes Law. Individual research with Hudson Riverkeeper Fund, Garrison, New York.

**LL.M., Military Law, U.S. Army Judge Advocate General's School, 1988:** Curriculum designed to prepare Judge Advocates for senior level staff service. Courses included: Administrative Law, Defensive Federal Litigation, Government Information Practices, Advanced Federal Litigation, Federal Tort Claims Act Seminar, Legal Writing and Communications, Comparative International Law.

**J.D. with Honors, University of Texas School of Law, 1984:** Attended law school under the U.S. Army Funded Legal Education Program, a fully funded scholarship awarded to 25 or fewer officers each year. Served as Editor-in-Chief (1983–84); Articles Editor (1982–83); Member (1982) of the Review of Litigation. Moot Court, Mock Trial, Board of Advocates. Summer internship at Staff Judge Advocate's offices. Prosecuted first cases prior to entering law school.

**B.B.A., Business Management, Texas A&M University, 1977:** ROTC Scholarship (3-yr). Member: Corps of Cadets, Parson's Mounted Cavalry, Wings & Sabers Scholarship Society, Rudder's Rangers, Town Hall Society, Freshman Honor Society, Alpha Phi Omega service fraternity.

# Karl R. Rábago

## Selected Publications

- “Achieving 100% Renewables: Supply-Shaping through Curtailment,” with Richard Perez, Marc Perez, and Morgan Putnam, PV Tech Power, Vol. 19 (May 2019).
- “A Radical Idea to Get a High-Renewable Electric Grid: Build Way More Solar and Wind than Needed,” with Richard Perez, The Conversation, online at <http://bit.ly/2YjnM15> (May 29, 2019).
- “Reversing Energy System Inequity: Urgency and Opportunity During the Clean Energy Transition,” with John Howat, John Colgan, Wendy Gerlitz, and Melanie Santiago-Mosier, National Consumer Law Center, online at [www.nclc.org](http://www.nclc.org) (Feb. 26, 2019).
- “Revisiting Bonbright’s Principles of Public Utility Rates in a DER World,” with Radina Valova, The Electricity Journal, Vol. 31, Issue 8, pp. 9-13 (Oct. 2018).
- “Achieving very high PV penetration – The need for an effective electricity remuneration framework and a central role for grid operators,” Richard Perez (corresponding author), Energy Policy, Vol. 96, pp. 27-35 (2016).
- “The Net Metering Riddle,” Electricity Policy.com, April 2016.
- “The Clean Power Plan,” Power Engineering Magazine (invited editorial), Vol. 119, Issue 12 (Dec. 2, 2015)
- “The ‘Sharing Utility:’ Enabling & Rewarding Utility Performance, Service & Value in a Distributed Energy Age,” co-author, 51<sup>st</sup> State Initiative, Solar Electric Power Association (Feb. 27, 2015)
- “Rethinking the Grid: Encouraging Distributed Generation,” Building Energy Magazine, Vol. 33, No. 1 Northeast Sustainable Energy Association (Spring 2015)
- “The Value of Solar Tariff: Net Metering 2.0,” The ICER Chronicle, Ed. 1, p. 46 [International Confederation of Energy Regulators] (December 2013)
- “A Regulator’s Guidebook: Calculating the Benefits and Costs of Distributed Solar Generation,” co-author, Interstate Renewable Energy Council (October 2013)
- “The ‘Value of Solar’ Rate: Designing an Improved Residential Solar Tariff,” Solar Industry, Vol. 6, No. 1 (Feb. 2013)
- “Jicarilla Apache Nation Utility Authority Strategic Plan for Energy Efficiency and Renewable Energy Development,” lead author & project manager, U.S. Department of Energy First Steps Toward Developing Renewable Energy and Energy Efficiency on Tribal Lands Program (2008)
- “A Review of Barriers to Biofuels Market Development in the United States,” 2 Environmental & Energy Law & Policy Journal 179 (2008)
- “A Strategy for Developing Stationary Biodiesel Generation,” Cumberland Law Review, Vol. 36, p.461 (2006)
- “Evaluating Fuel Cell Performance through Industry Collaboration,” co-author, Fuel Cell Magazine (2005)
- “Applications of Life Cycle Assessment to NatureWorks™ Polylactide (PLA) Production,” co-author, Polymer Degradation and Stability 80, 403-19 (2003)
- “An Energy Resource Investment Strategy for the City of San Francisco: Scenario Analysis of Alternative Electric Resource Options,” contributing author, Prepared for the San Francisco Public Utilities Commission, Rocky Mountain Institute (2002)
- “Small Is Profitable: The Hidden Economic Benefits of Making Electrical Resources the Right Size,” co-author, Rocky Mountain Institute (2002)



## **Karl R. Rábago**

“Socio-Economic and Legal Issues Related to an Evaluation of the Regulatory Structure of the Retail Electric Industry in the State of Colorado,” with Thomas E. Feiler, Colorado Public Utilities Commission and Colorado Electricity Advisory Panel (April 1, 1999)

“Study of Electric Utility Restructuring in Alaska,” with Thomas E. Feiler, Legislative Joint Committee on electric Restructuring and the Alaska Public Utilities Commission (April 1, 1999)

“New Markets and New Opportunities: Competition in the Electric Industry Opens the Way for Renewables and Empowers Customers,” EEBA Excellence (Journal of the Energy Efficient Building Association) (Summer 1998)

“Building a Better Future: Why Public Support for Renewable Energy Makes Sense,” Spectrum: The Journal of State Government (Spring 1998)

“The Green-e Program: An Opportunity for Customers,” with Ryan Wisner and Jan Hamrin, Electricity Journal, Vol. 11, No. 1 (January/February 1998)

“Being Virtual: Beyond Restructuring and How We Get There,” Proceedings of the First Symposium on the Virtual Utility, Kluwer Press (1997)

“Information Technology,” Public Utilities Fortnightly (March 15, 1996)

“Better Decisions with Better Information: The Promise of GIS,” with James P. Spiers, Public Utilities Fortnightly (November 1, 1993)

“The Regulatory Environment for Utility Energy Efficiency Programs,” Proceedings of the Meeting on the Efficient Use of Electric Energy, Inter-American Development Bank (May 1993)

“An Alternative Framework for Low-Income Electric Ratepayer Services,” with Danielle Jaussaud and Stephen Benenson, Proceedings of the Fourth National Conference on Integrated Resource Planning, National Association of Regulatory Utility Commissioners (September 1992)

“What Comes Out Must Go In: The Federal Non-Regulation of Cooling Water Intakes Under Section 316 of the Clean Water Act,” Harvard Environmental Law Review, Vol. 16, p. 429 (1992)

“Least Cost Electricity for Texas,” State Bar of Texas Environmental Law Journal, Vol. 22, p. 93 (1992)

“Environmental Costs of Electricity,” Pace University School of Law, Contributor–Impingement and Entrainment Impacts, Oceana Publications, Inc. (1990)

## **EXHIBIT B**

#	<u>DOCUMENT NAME</u>	<u>PUBLIC INPUT HEARING DATE</u>	<u>DOCKET NO.</u>	<u>CASE TYPE</u>	<u>UTILITY NAME</u>	<u>UTILITY TYPE</u>	<u>DOES IT INCLUDE A TOPIC LIST?</u>	<u>LINK TO DOCUMENT</u>
1	A-2015-2466653 Initial & Public Input Hearing Notice.docx	10/15/2015	A-2015-2466653	Application	FINK GAS	Gas	No	<a href="http://www.puc.state.pa.us//pcd ocs/1381993.docx">http://www.puc.state.pa.us//pcd ocs/1381993.docx</a>
2	A-2016-2575829 Live Stream Public Input Hearings.docx	5/16/2017	A-2016-2575829	Application	LAUREL PIPE LINE COMPANY, L.P.	Pipeline	No	<a href="http://www.puc.state.pa.us//pcd ocs/1514169.docx">http://www.puc.state.pa.us//pcd ocs/1514169.docx</a>
3	A-2017-2640195 Public Input Notice.docx	5/9/2018, 5/14/2018	A-2017-2640195	Application	TRANSOURCE PENNSYLVANIA LLC	Electric	No	<a href="http://www.puc.state.pa.us//pcd ocs/1560447.docx">http://www.puc.state.pa.us//pcd ocs/1560447.docx</a>
4	A-2017-2640195-2640200, Petitions & Eminent Domain Apps Public Input Notice-Franklin & York.docx	9/18/2018, 9/20/2018	A-2017-2640195	Application	TRANSOURCE PENNSYLVANIA LLC	Electric	No	<a href="http://www.puc.state.pa.us//pcd ocs/1578731.docx">http://www.puc.state.pa.us//pcd ocs/1578731.docx</a>
5	A-2017-2640200 Public Input Notice.docx	5/22/2018, 5/23/2018	A-2017-2640200	Application	TRANSOURCE PENNSYLVANIA LLC	Electric	No	<a href="http://www.puc.state.pa.us//pcd ocs/1560448.docx">http://www.puc.state.pa.us//pcd ocs/1560448.docx</a>
6	Public Input Notice	10/9/2019	A-2019-3008589	Application	DUQUESNE LIGHT COMPANY	Electric	No	<a href="http://www.puc.state.pa.us//pcd ocs/1636670.doc">http://www.puc.state.pa.us//pcd ocs/1636670.doc</a>
7	A-2019-3009052 Smart Public Input Hearing Notice	1/13/2020	A-2019-3009052	Application	AQUA PENNSYLVANIA WASTEWATER INC	Wastewater	No	<a href="http://www.puc.state.pa.us//pcd ocs/1649604.pdf">http://www.puc.state.pa.us//pcd ocs/1649604.pdf</a>
8	R-2014-2428304 Public Input Hearing Notice.docx	10/22/2014	C-2014-2433417	Formal Complaint	HANOVER MUNICIPAL WATERWORKS	Water (Municipal)	No	<a href="http://www.puc.state.pa.us//pcd ocs/1316703.docx">http://www.puc.state.pa.us//pcd ocs/1316703.docx</a>
9	C-2014-2447138 & C-2014-2447169 Public Input Hearing.docx	6/25/2015	C-2014-2447138	Formal Complaint	HIDDEN VALLEY UTILITY SERVICES LP	Water (Private)	No	<a href="http://www.puc.state.pa.us//pcd ocs/1365449.docx">http://www.puc.state.pa.us//pcd ocs/1365449.docx</a>
10	C-2014-2447138 & C-2014-2447169 Public Input Hearing.docx	6/25/2015	C-2014-2447169	Formal Complaint	HIDDEN VALLEY UTILITY SERVICES LP	Wastewater	No	<a href="http://www.puc.state.pa.us//pcd ocs/1365449.docx">http://www.puc.state.pa.us//pcd ocs/1365449.docx</a>
11	C-2014-2454108 Initial Telephonic Hearing.doc	6/3/2015	C-2014-2454108	Formal Complaint	WGL ENERGY SERVICES INC.	Electric	No	<a href="http://www.puc.state.pa.us//pcd ocs/1357003.doc">http://www.puc.state.pa.us//pcd ocs/1357003.doc</a>
12	R-2016-2529660 Public input notice.docx	5/25/2016	C-2016-2535301	Formal Complaint	COLUMBIA GAS OF PA INC	Gas	No	<a href="http://www.puc.state.pa.us//pcd ocs/1436446.docx">http://www.puc.state.pa.us//pcd ocs/1436446.docx</a>
13	R-2017-2602611 In person hearing.docx	7/28/2017	C-2017-2603215	Formal Complaint	PECO ENERGY COMPANY-GAS	Gas	No	<a href="http://www.puc.state.pa.us//pcd ocs/1525555.docx">http://www.puc.state.pa.us//pcd ocs/1525555.docx</a>

14	R-2018-3003558 Public input hearing Rescheduled Hearing Notice.doc	11/27/2018	C-2018-3004331	Formal Complaint	AQUA PENNSYLVANIA, INC.	Water (Private)	No	<a href="http://www.puc.state.pa.us/pcdocs/1595042.doc">http://www.puc.state.pa.us/pcdocs/1595042.doc</a>
15	C-2019-3012629 Initial Hearing Notice.doc	11/14/2019	C-2019-3012629	Formal Complaint	PHILADELPHIA GAS WORKS	Gas	No	<a href="http://www.puc.state.pa.us/pcdocs/1637937.doc">http://www.puc.state.pa.us/pcdocs/1637937.doc</a>
16	F-2014-2437194 Initial Telephonic Hearing.doc	10/31/2014	F-2014-2437194	Formal Service Complaint	PHILADELPHIA GAS WORKS	Gas	No	<a href="http://www.puc.state.pa.us/pcdocs/1314091.doc">http://www.puc.state.pa.us/pcdocs/1314091.doc</a>
17	F-2018-3006125 PHL Hearing Notice Rosenstein.doc	2/5/2019	F-2018-3006125	Formal Service Complaint	PHILADELPHIA GAS WORKS	Gas	No	<a href="http://www.puc.state.pa.us/pcdocs/1599234.doc">http://www.puc.state.pa.us/pcdocs/1599234.doc</a>
18	P-2016-2573023 PUBLIC INPUT HEARING 10 am Notice.doc	4/24/2017	P-2016-2573023	Petition	PECO ENERGY COMPANY-ELECTRIC	Electric	No	<a href="http://www.puc.state.pa.us/pcdocs/1513471.doc">http://www.puc.state.pa.us/pcdocs/1513471.doc</a>
19	P-2017-2637855 DPS Public Input Notice.docx	3/13/2018	P-2017-2637855	Petition	METROPOLITAN EDISON CO.	Electric	No	<a href="http://www.puc.state.pa.us/pcdocs/1552729.docx">http://www.puc.state.pa.us/pcdocs/1552729.docx</a>
20	P-2017-2637855 DPS Public Input Notice.docx	3/13/2018	P-2017-2637866	Petition	WEST PENN POWER CO.	Electric	No	<a href="http://www.puc.state.pa.us/pcdocs/1552729.docx">http://www.puc.state.pa.us/pcdocs/1552729.docx</a>
21	R-2018-2647577 & P-2018-2641257 Public Input Hearing Notice.docx	6/21/2018	P-2018-2641257	Petition	COLUMBIA GAS OF PA INC	Gas	No	<a href="http://www.puc.state.pa.us/pcdocs/1566427.docx">http://www.puc.state.pa.us/pcdocs/1566427.docx</a>
22	R-2014-2428304 Public Input Hearing Notice.docx	10/22/2014	R-2014-2428304	Rate Case	HANOVER MUNICIPAL WATERWORKS	Water (Municipal)	No	<a href="http://www.puc.state.pa.us/pcdocs/1316703.docx">http://www.puc.state.pa.us/pcdocs/1316703.docx</a>
23	R-2014-2428742 et al Public Input Hearings.docx	11/4/2015, 11/5/2014, 11/7/2014, 11/10/2014	R-2014-2428742	Rate Case	WEST PENN POWER CO.	Electric	No	<a href="http://www.puc.state.pa.us/pcdocs/1321495.docx">http://www.puc.state.pa.us/pcdocs/1321495.docx</a>
24	R-2014-2452705 Public Input Hearing.docx	2/26/2015	R-2014-2452705	Rate Case	DELAWARE SEWER COMPANY	Wastewater	No	<a href="http://www.puc.state.pa.us/pcdocs/1340961.docx">http://www.puc.state.pa.us/pcdocs/1340961.docx</a>
25	R-2015-2468981 corrected public input notice worcester location.docx	6/10/2015	R-2015-2468981	Rate Case	PECO ENERGY COMPANY-ELECTRIC	Electric	No	<a href="http://www.puc.state.pa.us/pcdocs/1362715.docx">http://www.puc.state.pa.us/pcdocs/1362715.docx</a>
26	R-2015-2518438 CORRECTED Live Stream Public Input.docx	3/31/2016	R-2015-2518438	Rate Case	UGI UTILITIES, INC (Gas Division)	Gas	No	<a href="http://www.puc.state.pa.us/pcdocs/1420414.docx">http://www.puc.state.pa.us/pcdocs/1420414.docx</a>
27	R-2016-2529660 Second Public Input Hearing.docx	6/29/2016	R-2016-2529660	Rate Case	COLUMBIA GAS OF PA INC	Gas	No	<a href="http://www.puc.state.pa.us/pcdocs/1447313.docx">http://www.puc.state.pa.us/pcdocs/1447313.docx</a>
28	R-2016-2538660 Public Input Hearings.docx	7/8/2016	R-2016-2538660	Rate Case	COMMUNITY UTILITIES OF PENNSYLVANIA INC	Water (Private)	No	<a href="http://www.puc.state.pa.us/pcdocs/1451773.docx">http://www.puc.state.pa.us/pcdocs/1451773.docx</a>
29	R-2017-2586783 Public Input Hearings.docx	5/9/2017, 5/10/2017	R-2017-2586783	Rate Case	PHILADELPHIA GAS WORKS	Gas	No	<a href="http://www.puc.state.pa.us/pcdocs/1516123.docx">http://www.puc.state.pa.us/pcdocs/1516123.docx</a>

30	R-2017-2595853 Public Input Hearings Notice 4 to cancel Bethel Park and schedule Uniontown.docx	7/25/2017	R-2017-2595853	Rate Case	PENNSYLVANIA AMERICAN WATER COMPANY	Water (Private)	No	<a href="http://www.puc.state.pa.us/pcdocs/1527564.docx">http://www.puc.state.pa.us/pcdocs/1527564.docx</a>
31	R-2017-2598203 Public Input Hearing Notice.docx	9/27/2017	R-2017-2598203	Rate Case	COLUMBIA WATER CO., THE	Water (Private)	No	<a href="http://www.puc.state.pa.us/pcdocs/1535499.docx">http://www.puc.state.pa.us/pcdocs/1535499.docx</a>
32	R-2017-2602611 In person hearing.docx	7/28/2017	R-2017-2602611	Rate Case	PECO ENERGY COMPANY-GAS	Gas	No	<a href="http://www.puc.state.pa.us/pcdocs/1525555.docx">http://www.puc.state.pa.us/pcdocs/1525555.docx</a>
33	R-2017-2640058 SMART Hearing Notice.doc	4/18/2018	R-2017-2640058	Rate Case	UGI UTILITIES, INC-ELECTRIC DIV	Electric	No	<a href="http://www.puc.state.pa.us/pcdocs/1561449.doc">http://www.puc.state.pa.us/pcdocs/1561449.doc</a>
34	R-2018-2647577 & P-2018-2641257 Public Input Hearing Notice.docx	6/21/2018	R-2018-2647577	Rate Case	COLUMBIA GAS OF PA INC	Gas	No	<a href="http://www.puc.state.pa.us/pcdocs/1566426.docx">http://www.puc.state.pa.us/pcdocs/1566426.docx</a>
35	R-2018-3000124 Public Input Hearing Notice.doc	6/14/2018	R-2018-3000124	Rate Case	DUQUESNE LIGHT COMPANY	Electric	No	<a href="http://www.puc.state.pa.us/pcdocs/1566586.doc">http://www.puc.state.pa.us/pcdocs/1566586.doc</a>
36	R-2018-3000164 Public Input Notice 6.18.18 (002).docx	6/18/2018	R-2018-3000164	Rate Case	PECO ENERGY COMPANY-ELECTRIC	Electric	No	<a href="http://www.puc.state.pa.us/pcdocs/1570823.docx">http://www.puc.state.pa.us/pcdocs/1570823.docx</a>
37	R-2018-3001306 Public Input Hearing Notice.doc	7/27/2018	R-2018-3001306	Rate Case	HIDDEN VALLEY UTILITY SERVICES LP	Water (Private)	No	<a href="http://www.puc.state.pa.us/pcdocs/1573895.doc">http://www.puc.state.pa.us/pcdocs/1573895.doc</a>
38	R-2018-3002645 Public Input Notice Pitts water and sewer Jeron X Grayson.doc	9/6/2018	R-2018-3002645	Rate Case	PITTSBURGH WATER AND SEWER AUTHORITY	Water (Municipal)	No	<a href="http://www.puc.state.pa.us/pcdocs/1581176.doc">http://www.puc.state.pa.us/pcdocs/1581176.doc</a>
39	R-2018-3003558 et al Public Input Notice COMBINED 111318til111618BRADY.doc	11/13/2018, 11/14/2018, 11/15/2018	R-2018-3003558	Rate Case	AQUA PENNSYLVANIA, INC	Water (Private)	No	<a href="http://www.puc.state.pa.us/pcdocs/1591428.doc">http://www.puc.state.pa.us/pcdocs/1591428.doc</a>
40	R-2018-3006814 SMART Hearing Notice .doc	4/24/2019	R-2018-3006814	Rate Case	UGI UTILITIES, INC (Gas Division)	Gas	No	<a href="http://www.puc.state.pa.us/pcdocs/1611070.doc">http://www.puc.state.pa.us/pcdocs/1611070.doc</a>
41	R-2019-3008209 SMART Hearing Notice	11/4/2019	R-2019-3008209	Rate Case	VALLEY ENERGY, INC	Gas	No	<a href="http://www.puc.state.pa.us/pcdocs/1638813.doc">http://www.puc.state.pa.us/pcdocs/1638813.doc</a>
42	R-2019-3008947 Corrected Public Input Notice Community Utilities of PA.doc	7/15/2019	R-2019-3008947	Rate Case	COMMUNITY UTILITIES OF PENNSYLVANIA INC	Water (Private)	No	<a href="http://www.puc.state.pa.us/pcdocs/1624970.doc">http://www.puc.state.pa.us/pcdocs/1624970.doc</a>
43	R-2019-3010958 Public Input Notice	10/17/2019	R-2019-3010958	Rate Case	TWIN LAKES UTILITIES, INC.	Water (Private)	No	<a href="http://www.puc.state.pa.us/pcdocs/1638923.doc">http://www.puc.state.pa.us/pcdocs/1638923.doc</a>

## **VERIFICATION**

I hereby verify that the facts contained in the foregoing pleading are true and accurate to the best of my knowledge and that I am duly authorized to make this verification, and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to penalties of 10 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Dated: May 13, 2020

*/s/ Devin McDougall*

Staff Attorney

Earthjustice

1617 John F. Kennedy Blvd., Suite 1130

Philadelphia, PA 19103

[dmcDougall@earthjustice.org](mailto:dmcDougall@earthjustice.org)

## CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of this electronically-filed document upon the parties, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Honorable Eranda Vero Administrative Law Judge Pennsylvania Public Utility Commission Commonwealth Keystone Building 400 North Street, 2nd Floor Harrisburg, PA 17120 evero@pa.gov	W. Craig Williams, Esq. Anthony Gay, Esq. Jack Garfinkle, Esq. Exelon Business Services Company 2301 Market Street, S23-1 Philadelphia, PA 19101-8699 craig.williams@exeloncorp.com Anthony.gay@exeloncorp.com Jack.garfinkle@exeloncorp.com
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