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December 21, 2020

VIA ELECTRONIC FILING

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

Re: Pike County Light and Power Company; Docket No. P-2020-3022988;
**LETTER REGARDING *NUNC PRO TUNC* AND EXPEDITED
TREATMENT**

Dear Secretary Chiavetta:

Pursuant to Administrative Law Judge Vero's December 15, 2020 Order in this proceeding, Pike County Power and Light Company electric (Pike or the Company) provides this written explanation of the reasons that led to the late filing of its Default Service Plan (DSP) (Petition) including the grounds on which the filing should be granted *nunc pro tunc* and expedited treatment. Attached to this letter is the verification of Russell Miller.

Late Filing and *Nunc Pro Tunc* Treatment

Pike filed its DSP Petition on November 23, 2020. As discussed in the Petition, Pike should have filed its DSP by June 1, 2020 pursuant to 52 Pa. Code 54.185(a) (requiring DSP to be filed no later than 12-months prior to conclusion of the currently effective default service program).

The late filing of the Petition was an administrative oversight due to the press of business particularly during the unique working circumstances of the COVID-19 pandemic. Mr. Russell Miller, Pike's Vice-President Energy Supply & Business Development manages Pike's DSP. Mr. Miller was short-staffed during COVID-19 pandemic demands during this period and, further, has been dealing with personal health issues.

On November 9, 2020, the Energy Division Supervisor of the Commission's Bureau of Technical Utility Services notified Pike via email to undersigned counsel that the 2020 DSP Petition had not been filed. Pike acted immediately and expeditiously to put together its DSP and Petition and was able to file it within 10 business days. As stated in the Petition, Pike will work

with the Commission, the ALJ, and the Parties to resolve this matter in the least burdensome manner possible. Pike apologizes for this administrative oversight.

The late filing of the Petition will not have an impact on customers. Pike's procurement of default service supply is unique. It only has the capability and infrastructure to obtain electric supply from the New York Independent System Operator (NYISO) spot market. This has been Pike's procurement method since the inception of default service. Pike obtains its supply through a Commission-approved Electric Service Agreement with Orange and Rockland, which is effective through 2022.

The Commission may grant *nunc pro tunc* treatment after the expiration of a deadline "where reasonable grounds are shown for the failure to act." 52 Pa. Code § 1.15(a). Pike submits the circumstances above show reasonable grounds. Moreover, after realizing its oversight, Pike acted and continues to act expeditiously, and Pike's actions will not affect its customers. For these reasons, *nunc pro tunc* treatment should be granted.

Expedited Treatment

Pike also requested in its Petition expedited treatment in the form of a litigation schedule that would allow the Commission to decide this matter no later than its May 20, 2021 public meeting. Pike requested this expedited treatment so that it can have a Commission-approved DSP in place before the expiration of its current DSP, which runs through May 31, 2020. The Commission's regulations provide that the Commission will issue a decision on a DSP within nine months of filing. If that were to occur, while Pike's procurement of supply would not be impacted, Pike would be unable to implement most, if not all of its proposed financial hedging strategy. The financial hedging strategy Pike proposes here is nearly identical to the strategy agreed upon in Pike's last Commission-approved DSP case and requires implementing hedges months in advance of the period in which supply is delivered.

Pike also believes expedited treatment should be granted because it is proposing essentially the same DSP as what was agreed to and the Commission approved in its last DSP proceeding. Financial hedging is the only option Pike has at this time to supplement its spot market supply procurement. Pike's DSP is much more simple than larger utilities, and Pike submits this proceeding will involve very few issues and that those issues should not be very controversial. Obviously, Pike cannot predict other parties' positions, but given the last DSP case settlement, Pike is optimistic that settlement can be reached expeditiously here. Moreover, while various waivers and issues relating to electric generation suppliers in Pike's territory were present in Pike's last DSP proceeding, those issues do not exist here because the Commission has already granted waiver of these provision outside of Pike's DSP proceedings. Petition of Pike County Light & Power Company for Waiver of Regulations Regarding Electronic Data Interchange, Docket No. P-2018-3005165 (Order entered Feb. 19, 2019); see also Petition at n.11.

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Accordingly, Pike respectfully requests the Commission grant *nunc pro tunc* and expedited treatment of its DSP Petition as requested in the Petition.

Very truly yours,

/s/Whitney E. Snyder

Thomas J. Sniscak
Whitney E. Snyder

TJS/WES/das

Enclosure

cc: Administrative Law Judge Eranda Vero (via email – evero@pa.gov)
Per Certificate of Service

VERIFICATION

I, Russel Miller, certify that I am Vice President-Energy Supply & Business Development for Pike County Light and Power, and that in this capacity I am authorized to, and do make this Verification on their behalf, that the facts set forth in the foregoing document are true and correct to the best of my knowledge, information and belief, and Pike County Light and Power, expects to be able to prove the same at any hearing that may be held in this matter. I understand that false statements made therein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsifications to authorities.



Russel Miller
Vice-President Energy Supply & Business
Development, Pike County Light and Power
Company

Dated: 12/21/2020

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party) and the Commission’s March 26, 2020 COVID-19 Suspension Emergency Order.

VIA ELECTRONIC MAIL ONLY

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/s/ Whitney E. Snyder
Thomas J. Sniscak
Whitney E. Snyder

DATED: December 21, 2020