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May 11, 2022

Rosemary Chiavetta, Esq., Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, Pennsylvania 17120

**Re: Petition of the Energy Association of Pennsylvania for an Expedited Order
Granting an Extension of Time to File Comments, Docket M-2012-2293611**

Dear Secretary Chiavetta:

Attached for filing, please find the Energy Association of Pennsylvania's Motion for an Expedited Order Granting an Extension of Time to File Answers and Replies in the above docket.

Sincerely,

A handwritten signature in blue ink that reads "Donna M.J. Clark".

Donna M.J. Clark
Vice President & General Counsel

Enclosure

CC: Erin Laudenslager
David Huff
Certificate of Service

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of the Energy Association of Pennsylvania for an Expedited Order Granting an Extension of Time to File Comments : : **Docket No. M-2012-2293611**

PETITION FOR AN EXPEDITED ORDER GRANTING AN EXTENSION OF TIME TO FILE COMMENTS TO SECRETARIAL LETTER REGARDING ISSUES PERTAINING TO THE DISTRIBUTION SYSTEM IMPROVEMENT CHARGE CALCULATIONS REQUIRED PURSUANT TO PENNSYLVANIA SUPREME COURT DECISION

NOW COMES, the Energy Association of Pennsylvania (“EAP”) acting on behalf of its electric distribution company (“EDCs”)¹ and natural gas distribution company (“NGDC”)² members and petitions the Pennsylvania Public Utility Commission (“PUC” or “Commission”) pursuant to 52 Pa. Code §§1.15 and 5.41 for an Expedited Order granting an Extension of Time of sixty (60) days, i.e., until July 22, 2022 for all commentators to file comments to the Commission’s April 22, 2022 Secretarial Letter issued pursuant to a Commission Order at docket numbers P-2015-2508942, P-2015-2508936, P-2015-2508931 and P-2015-2508948, and C-2016-2531040, et al. which resolved the Petition for Interlocutory Review and Answer to Material Question filed by the Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company (collectively, the FirstEnergy Companies). In support of this petition, EAP states the following:

¹ EAP’s EDC members include: Citizens’ Electric Company; Duquesne Light Company; Metropolitan Edison Company; PECO Energy Company; Pennsylvania Electric Company; Pennsylvania Power Company; Pike County Light & Power Company; PPL Electric Utilities; UGI Utilities Inc. – Electric Division; Wellsboro Electric Company; and West Penn Power Company.

² EAP’s NGDC members include Columbia Gas of Pennsylvania, Inc.; Leatherstocking Gas Company, LLC; National Fuel Gas Distribution Corp.; PECO Energy Company; People’s Natural Gas Company LLC; Peoples Gas Company LLC; Philadelphia Gas Works; Pike County Light & Power Company; UGI Utilities, Inc.-Gas Division; and Valley Energy Inc.

1. On April 22, 2022, the Commission issued a Secretarial Letter noting its previous affirmance of the material question posed by the FirstEnergy Companies to initiate a generic proceeding at Docket M-2012-2293611 for the purpose of revising the Distribution System Improvement Charge (“DSIC”) Model Tariff adopted in the Commission’s Implementation Order entered at that docket number on August 2, 2012 so as to comply with Section 1301.1(a) of the Pennsylvania Public Utility Code interpreted by the Pennsylvania Supreme Court in *McCloskey v. Pa. PUC*, 255 A.3d 416 (Pa. 2021).

2. In affirming the material question to initiate a generic proceeding to meet due process requirements, the Commission further directed its Secretary’s Bureau in consultation with the Bureau of Technical Utility Services, to issue a “secretarial letter [within sixty (60) days] with appropriate notices to all jurisdictional water and wastewater utilities, electric distribution companies, natural gas distribution companies and city natural gas distribution operations and all appropriate stakeholders establishing a generic proceeding at Docket No. M-2012-2293611 to address *all issues pertaining to the distribution system improvement charge calculations* required in the Pennsylvania Supreme Court’s decision in *McCloskey v. Pa. PUC*, 255 A.3d 416 (Pa. 2021).” Emphasis added.

3. The April 22, 2022 Secretarial Letter invites comment from interested parties on “key topics” prior to holding a working group meeting.

4. The Secretarial Letter included a bulleted list of topic areas to be addressed, requesting feedback regarding: potential changes to the DSIC model tariff that recognizes the incremental Accumulate Deferred Income taxes (“ADIT”) and state tax depreciation deductions for accelerated depreciation in quarterly DSIC calculations; determination of revisions to the DSIC calculation; issues surrounding potential refund or recoupment of overcharges dating back to

August 2016; and standards for a reconciliation process for timing differences and for determining the proper level of ADIT and state income taxes for book-tax timing issues created by placing in-service eligible property included in the DSIC.

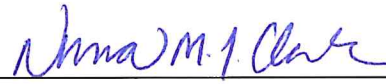
5. Responses to the Secretarial Letter are due thirty (30) days from issuance of the Letter, i.e., May 23, 2022.

6. Given the complex technical, legal, and policy issues raised by the Secretarial Letter, EAP requests an extension of time until July 22, 2022 for all interested parties to file comments.

7. EAP believes that the extra time sought through this request will not impede the Commission's goal to address "all issues pertaining to the distribution system improvement charge calculations required in the Pennsylvania Supreme Court's decision in *McCloskey v. Pa. PUC*, 255 A.3d 416 (Pa. 2021)" via a generic proceeding but instead will benefit all potential commentators and the Commission by eliciting a more thorough and nuanced analysis prior to the start of working group meetings.

8. EAP contacted the Office of Consumer Advocate, the Office of Small Business Advocate and the PUC Bureau of Investigation & Enforcement (collectively, the Statutory Advocates) to notify the Statutory Advocates of EAP's intent to seek an extension of time to file comments and each responded that there was no objection to EAP requesting a sixty (60) day extension of time.

WHEREFORE, the Energy Association of Pennsylvania respectfully requests the Commission to issue an expedited order granting an extension of time until July 22, 2022 for all commentators to file comments to the Commission's April 22, 2022 Secretarial Letter initiating a generic proceeding to address issues pertaining to the distribution system improvement charge ("DSIC") calculations required in the Pennsylvania Supreme Court's decision in *McCloskey v. Pa. PUC* 255 A.3d 416 (Pa. 2021), Docket No. M-2012-2293611.



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Atty. ID # 39866

Date: May 11, 2022

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of the Energy Association of Pennsylvania :
for an Expedited Order Granting an Extension of : Docket No. M-2012-2293611
Time to File Comments :

CERTIFICATE OF SERVICE

I hereby certify that I have, on this day, served true and correct copies of the Petition of the Energy Association of Pennsylvania for an Expedited Order Granting an Extension of Time to File Comments in the above captioned matter upon the following persons and in accordance with the requirements of 52 Pa. Code § 1.54.

VIA ELECTRONIC MAILING

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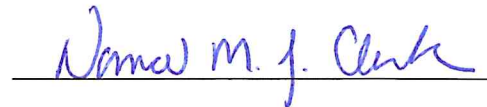
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Date: May 11, 2022



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