



May 12, 2023

**Via E-File**

The Honorable Mark A. Hoyer  
Office of Administrative Law Judge  
Pennsylvania Public Utility Commission  
301 Fifth Avenue  
Piatt Place, Suite 220  
Pittsburgh, PA 15222  
[mhoyer@pa.gov](mailto:mhoyer@pa.gov)

The Honorable Emily I. DeVoe  
Office of Administrative Law Judge  
Pennsylvania Public Utility Commission  
301 Fifth Avenue  
Piatt Place, Suite 220  
Pittsburgh, PA 15222  
[edevoe@pa.gov](mailto:edevoe@pa.gov)

**Re: Petition of PPL Electric Utilities Corporation for Approval of its Act 129 Phase IV Energy Efficiency and Conservation Plan, Docket No. M-2020-3020824**

***Prehearing Memorandum of CAUSE-PA***

Your Honors:

Attached for filing, please find the Prehearing Memorandum of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) in the above referenced matter. Copies of this Prehearing Memorandum will be circulated in accordance with the attached Certificate of Service.

Respectfully submitted,  
**PENNSYLVANIA UTILITY LAW PROJECT**  
*Counsel for CAUSE-PA*

A handwritten signature in blue ink that reads "Elizabeth R. Marx".

---

Elizabeth R. Marx, Esq.  
267-240-3089  
[emarx@pautilitylawproject.org](mailto:emarx@pautilitylawproject.org)

CC: Per Certificate of Service, Secretary Rosemary Chiavetta (via E-file)

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PPL Electric Utilities Corporation for :  
Approval of its Act 129 Phase IV Energy : Docket No. M-2020-3020824  
Efficiency and Conservation Plan :

---

**PREHEARING MEMORANDUM  
OF THE COALITION FOR AFFORDABLE UTILITY SERVICES  
AND ENERGY EFFICIENCY IN PENNSYLVANIA**

---

**PENNSYLVANIA UTILITY LAW PROJECT**  
*Counsel for CAUSE-PA*  
Elizabeth R. Marx, Esq., PA ID: 309014  
Ria M. Pereira, Esq., PA ID: 316771  
John W. Sweet, Esq., PA ID: 320182  
Lauren N. Berman, Esq., PA ID: 310116

118 Locust Street  
Harrisburg, PA 17101  
Tel.: 717-236-9486  
Fax: 717-233-4088

[pulp@pautilitylawproject.org](mailto:pulp@pautilitylawproject.org)

**May 12, 2023**

On May 1, 2023, a Prehearing Conference Order was issued by Deputy Chief Administrative Law Judge Mark A. Hoyer and Administrative Law Judge Emily I. DeVoe setting a telephonic prehearing conference for Monday, May 15, 2023 at 10:00 a.m., and requiring parties to file a Prehearing Memorandum no later than 12:00 p.m. noon on Friday, May 12, 2023. In response, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (“CAUSE-PA”), through its counsel at the Pennsylvania Utility Law Project, hereby files this Prehearing Conference Memorandum.

## **I. Background**

On November 30, 2020, PPL Electric Utilities Corporation (“PPL or the Company”) filed a Petition for Approval of its Act 129 Phase IV Energy Efficiency and Conservation (EE&C) Plan (Petition) at the above-captioned docket. CAUSE-PA intervened to ensure that PPL’s Phase IV EE&C Plan provides affordable and accessible energy efficiency measures for low income and vulnerable customers. CAUSE-PA submitted expert testimony and exhibits analyzing the Petition’s alignment with Commission’s Phase IV Implementation Order and other policy goals. CAUSE-PA’s expert witness, Mitchell Miller, explained that PPL serves a substantial number of low income customers who need comprehensive energy efficiency programs to reduce their usage, and in turn, their monthly electric bills. (CAUSE-PA St. 1 at 14-17).

On February 26, 2021, the parties submitted the Joint Petition for Approval of Partial Settlement, which was achieved as a result of extensive settlement discussions by the active parties. See Joint Petition for Partial Settlement (Filed Feb. 26, 2021).

On December 30, 2022, PPL filed the instant Petition for Approval of Changes to its Phase IV EE&C Plan and requested that the Commission review and approve all the proposed

modifications, both “minor” and “major,” and under the “major” change process, provided the parties with 30 days to file comments, an answer, or both, and 20 days to file replies.

On January 30, 2023, CAUSE-PA filed an Answer, with separately filed Comments, in response to PPL’s Petition for Approval of Changes to its Act 129 Phase IV EE&C Plan.

On April 20, 2023, Vice Chairman Stephen M. DeFrank moved to approve several of PPL’s proposed modifications, and to refer other proposed modifications to the Office of Administrative Law Judge for a more thorough review. Vice Chairman DeFrank’s motion was unanimously approved and, on April 27, 2023, the Commission issued an Order effectuating the April 20 Motion. Specifically, the Commission referred the following issues to the Office of Administrative Law Judge for further proceedings, while permitting PPL to implement all other aspects of its proposed amendments:

- (1) Shift Approximately \$18 million from the Large C&I Sector Budget in the Non-Residential Program to the Small C&I Budget in the Non-Residential Program.
- (2) Increase the Estimated Savings and Estimated Peak Demand Reductions for the Small C&I Sector in the Non-Residential Program.
- (3) Decrease the Estimated Savings and Estimated Peak Demand Reductions for the Large C&I Sector in the Non-Residential Program.

On May 1, 2023, a Prehearing Conference Order was issued by Deputy Chief Administrative Law Judge Mark A. Hoyer and Administrative Law Judge Emily I. DeVoe setting a telephonic prehearing conference for Monday, May 15, 2023 at 10:00 a.m., and requiring parties to file a Prehearing Memorandum no later than 12:00 p.m. noon on Friday, May 12, 2023.

## **II. Issues to be Presented**

As discussed, the Commission clearly articulated the issues to be investigated in this proceeding; namely, whether three proposed plan changes regarding PPL's efficiency programs for its commercial and industrial (C&I) class.

In its formal comments to PPL's proposal to shift \$18 million in program funds from the large to the small C&I sector, CAUSE-PA raised concerns about the accessibility of PPL's programming for affordable multifamily building owners and operators, who often operate on thin budgets that do not leave room for investment in energy efficiency services - despite the clear need to reduce energy costs to preserve affordable housing. CAUSE-PA recommended that at least 20% of the reallocated funds be directed towards expanding the energy efficiency programming available for affordable master-metered multifamily buildings.

Through the course of this proceeding, CAUSE-PA intends to explore whether PPL's proposal to shift approximately \$18 million from its Large C&I budget to the Small C&I budget will be implemented in an equitable manner that improves the availability of services to underserved segments of the small C&I class, including affordable multifamily buildings. We reserve the right to address other issues that may arise through the course of the proceeding.

## **III. Witnesses and Testimony**

CAUSE-PA intends to present the following witness to testify in this matter, but reserves the right to call additional or substitute witnesses as may be warranted upon proper notice to

Your Honors and the parties:

Mitchell Miller  
60 Geisel Road  
Harrisburg, PA 17112

Mr. Miller will address the issues identified above, as well as other issues that may arise throughout this proceeding.

#### **IV. Discovery**

To effectively investigate and develop a record within the compressed timeframe for the issuance of a Recommended Decision in this proceeding, CAUSE-PA proposes the following modifications to the Commission's discovery rules:

- (1) Answers to written interrogatories and requests for production of documents shall be served in-hand within ten (10) calendar days of service;
- (2) Objections to interrogatories and/or requests for production of documents shall be communicated orally to the propounding party within three (3) calendar days of service of the interrogatories. Unresolved objections shall be served in writing to the propounding party within five (5) calendar days of service of the interrogatories and/or requests for production.
- (3) Motions to dismiss objections and/or direct the parties to answer interrogatories and/or requests for production shall be filed within three (3) calendar days of service of such motions.
- (4) Answers to motions to dismiss objections and/or compel answers and/or requests for production shall be filed within three (3) calendar days of service of such motions.
- (5) Requests for admission shall be deemed admitted unless answered within ten (10) calendar days or objected to within five (5) calendar days of service.
- (6) Answers to on-the-record data requests shall be served in-hand within five (5) calendar days of the requests.
- (7) Any discovery or discovery-related pleadings (such as objections, motions, and answers to the same) served after 4:30 pm Monday through Thursday or after 12:00 pm on a Friday or the day before a holiday will be deemed to have been served on the next business day for purposes of calculating the due date for any responsive filing.

#### **V. Settlement**

CAUSE-PA is willing and ready to engage in settlement discussions in an attempt to resolve or narrow the issues in this proceeding, with any and all parties, and encourages the parties to engage in settlement discussions early in the process.

## **VI. Service on CAUSE-PA**

CAUSE-PA is represented by attorneys at the Pennsylvania Utility Law Project. All documents should be served on CAUSE-PA as follows:

Elizabeth R. Marx, Esq.  
Ria M. Pereira, Esq.  
John W. Sweet, Esq.  
Lauren N. Berman, Esq.  
**PENNSYLVANIA UTILITY LAW PROJECT**  
118 Locust Street  
Harrisburg, PA 17102  
Telephone: 717-236-9486  
Facsimile: 717-233-4088  
E-mail: [pulp@pautilitylawproject.org](mailto:pulp@pautilitylawproject.org)  
*Counsel for CAUSE-PA*

CAUSE-PA requests that parties agree to electronic service in this proceeding.

## **VII. Representation of CAUSE-PA**

At the Prehearing Conference, CAUSE-PA will be represented by Elizabeth R. Marx, Esq.

## **VIII. Litigation Schedule**

CAUSE-PA is currently involved in discussions with PPL and other parties to reach a mutually agreeable litigation schedule. At the time of this filing, we understand the parties have largely coalesced around the following proposed litigation schedule:

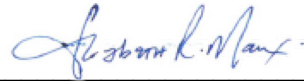
- Prehearing Conference – Monday, May 15, 2023
- PPL's Direct Testimony – Tuesday, June 6, 2023
- Other Parties' Direct Testimony – Thursday, July 6, 2023
- Rebuttal Testimony – Tuesday, July 25, 2023
- Hearing – Tuesday, August 8, 2023
- Main Briefs – Thursday, September 7, 2023
- Reply Briefs – Thursday, September 28, 2023

The parties are also working to build in dates for settlement discussions prior to filing direct testimony in this proceeding, though we have not yet identified those dates. As noted, CAUSE-

PA encourages the other parties to work together to reach a comprehensive settlement in this proceeding.

WHEREFORE, CAUSE-PA respectfully submits this Prehearing Conference Memorandum.

Respectfully submitted,  
**PENNSYLVANIA UTILITY LAW PROJECT**  
*Counsel for CAUSE-PA*



---

Elizabeth R. Marx, Esq., PA ID: 309014  
Ria M. Pereira, Esq., PA ID: 316771  
John W. Sweet, Esq., PA ID: 320182  
Lauren N. Berman, Esq., PA ID: 310116  
118 Locust Street, Harrisburg, PA 17101  
[pulp@pautilitylawproject.org](mailto:pulp@pautilitylawproject.org)

May 12, 2023



**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PPL Electric Utilities Corporation for :  
 Approval of its Act 129 Phase IV Energy : Docket No. M-2020-3020824  
 Efficiency and Conservation Plan :

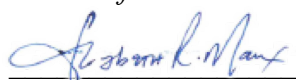
**CERTIFICATE OF SERVICE**

I hereby certify I have on this day served copies of the **Prehearing Memorandum of CAUSE-PA** in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Hon. Mark A. Hoyer Deputy Chief Administrative Law Judge <a href="mailto:mhoyer@pa.gov">mhoyer@pa.gov</a>	Hon. Emily I. DeVoe Administrative Law Judge <a href="mailto:edevoe@pa.gov">edevoe@pa.gov</a>
Devin T. Ryan, Esq. Post & Schell, PC 17 North Second Street 12th Floor Harrisburg, PA 17101-1601 <a href="mailto:dryan@postschell.com">dryan@postschell.com</a>	Kimberly A. Klock, Esq. Michael J. Shafer, Esq. PPL Services Corporation Two North Ninth Street Allentown, PA 18101 <a href="mailto:kklock@pplweb.com">kklock@pplweb.com</a> <a href="mailto:mjshafer@pplweb.com">mjshafer@pplweb.com</a>
Aron J. Beatty, Esq. Christy Appleby Office of Consumer Advocate 555 Walnut Street 5th floor, Forum Place Harrisburg, PA 17101-1923 <a href="mailto:abeatty@paoca.org">abeatty@paoca.org</a> <a href="mailto:cappleby@paoca.org">cappleby@paoca.org</a>	Joseph L. Vullo, Esq. Burke, Vullo, Reilly, Roberts 1460 Wyoming Ave. Forty Fort, PA 1870 <a href="mailto:jlvullo@aol.com">jlvullo@aol.com</a>
Judith D. Cassel, Esq. Hawke, McKeon & Sniscak, LLP 100 North Tenth Street Harrisburg, PA 17105-1778 <a href="mailto:jdcassel@hmslegal.com">jdcassel@hmslegal.com</a>	Mark Szybist, Esq. Natural Resources Defense Council 1152 15th Street NW Suite 300 Washington, DC 20005 <a href="mailto:mszybist@nrdc.org">mszybist@nrdc.org</a>
David B. MacGregor, Esq. Post & Schell, PC Four Penn Center 1600 John F. Kennedy Blvd Philadelphia, PA 19103-2808 <a href="mailto:dmacgregor@postschell.com">dmacgregor@postschell.com</a>	James M. Van Nostrand, Esq. Keyes & Fox LLP 320 Fort Duquesne Blvd. Suite 15K Pittsburgh, PA 15222 <a href="mailto:jvannostrand@keyesfox.com">jvannostrand@keyesfox.com</a>

Adeolu A. Bakare, Esq. Jo-Anne Thompson, Esq. McNees Wallace & Nurick LLC 100 Pine Street PO Box 1166 Harrisburg, PA 17108 <a href="mailto:abakare@mcneeslaw.com">abakare@mcneeslaw.com</a> <a href="mailto:jthompson@mcneeslaw.com">jthompson@mcneeslaw.com</a>	Steven C. Gray, Esq. Small Business Advocate Office of Small Business Advocate 300 North Second Street, Suite 202 Harrisburg, Pennsylvania 1710 <a href="mailto:sgray@pa.gov">sgray@pa.gov</a>
---	---

Respectfully submitted,  
**PENNSYLVANIA UTILITY LAW PROJECT**  
*Counsel for CAUSE-PA*



---

Elizabeth R. Marx, Esq.  
Pennsylvania Utility Law Project  
118 Locust Street, Harrisburg, PA 17101  
267-240-3089 (direct)  
[emarx@pautilitylawproject.org](mailto:emarx@pautilitylawproject.org)

May 12, 2023