

COMMONWEALTH OF PENNSYLVANIA



PATRICK M. CICERO
Consumer Advocate

OFFICE OF CONSUMER ADVOCATE
555 Walnut Street, 5th Floor, Forum Place
Harrisburg, Pennsylvania 17101-1923
(717) 783-5048
(800) 684-6560

 @pa_oca
 /pennoca
FAX (717) 783-7152
consumer@paoca.org
www.oca.pa.gov

May 12, 2023

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

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

Dear Secretary Chiavetta:

Attached for electronic filing please find the Office of Consumer Advocate's Prehearing Memorandum in the above-referenced proceeding.

Copies have been served on the parties as indicated on the enclosed Certificate of Service.

Respectfully submitted,

/s/ Christy M. Appleby
Christy M. Appleby
Senior Assistant Consumer Advocate
PA Attorney I.D. # 85824
CAppleby@paoca.org

Enclosures:

cc: The Honorable Mark A. Hoyer (**email only**)
The Honorable Emily I. DeVoe (**email only**)
Nick Miskanic, ALJ's Legal Assistant (**email only**: nmiskanic@pa.gov)
Certificate of Service

*345974

CERTIFICATE OF SERVICE

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

I hereby certify that I have this day served a true copy of the following document, the Office of Consumer Advocate’s Prehearing Memorandum, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 12th day of May 2023.

SERVICE BY E-MAIL ONLY

Steven C. Gray, Esquire
Office of Small Business Advocate
555 Walnut Street
1st Floor, Forum Place
Harrisburg, PA 17101-1923
sgray@pa.gov

David B. MacGregor, Esquire
Post & Schell, P.C.
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, PA 19103-2808
dmacgregor@postschell.com

Devin T. Ryan, Esquire
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601
dryan@postschell.com

Judith D. Cassel, Esquire
Hawke McKeon & Sniscak LLP
100 North Tenth Street
Harrisburg, PA 17101
jdcassel@hmslegal.com

James M. Van Nostrand, Esquire
Keyes & Fox LLP
320 Fort Duquesne Blvd., Suite 15K
Pittsburgh, PA 15222
Jvannostrand@Keyesfox.com

Joseph L. Vullo, Esquire
Commission on Economic Opportunity
1460 Wyoming Avenue
Forty Fort, PA 18704
jlvullo@bvrrlaw.com

Adeolu A. Bakare, Esquire
Jo-Anne Thompson, Esquire
McNees Wallace & Nurick LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
abakare@mcneeslaw.com
jthompson@mcneeslaw.com

Elizabeth R. Marx, Esquire
John W. Sweet, Esquire
Ria M. Pereira, Esquire
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101
pulp@pautilitylawproject.org

SERVICE BY E-MAIL ONLY (continued)

Kimberly A. Klock, Esquire
Michael J. Shafer, Esquire
PPL Services Corporation
2 North 9th Street
Allentown, PA 18101
kklock@pplweb.com
mjshafer@pplweb.com

/s/ Christy M. Appleby
Christy M. Appleby
Senior Assistant Consumer Advocate
PA Attorney I.D. # 85824
CApplby@paoca.org

Aron J. Beatty
Senior Assistant Consumer Advocate
PA Attorney I.D. # 86625
ABeatty@paoca.org

Counsel for:
Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
Phone: (717) 783-5048
Dated: May 12, 2023
*345973

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
OFFICE OF CONSUMER ADVOCATE

Pursuant to the May 1, 2023 Prehearing Conference Order of Deputy Chief Administrative Law Judge Mark A. Hoyer and Administrative Law Judge Emily I. DeVoe, Section 333 of the Public Utility Code, 66 Pa. C.S. § 333, and in anticipation of the prehearing conference scheduled for Monday, May 15, 2023, the Office of Consumer Advocate (OCA) provides the following information:

I. INTRODUCTION

On December 30, 2022, PPL Electric Utilities Corporation (PPL or Company) filed its Petition for Approval of Changes to its Act 129 Phase IV Energy Efficiency and Conservation (EE&C) Plan (Petition). In its Petition, PPL proposed eleven major and minor modifications to its EE&C Plan. PPL’s Petition included “minor” and “major” modifications to the residential program, Small C&I sector non-residential program, and the large Commercial C&I sector non-residential customers. Petition at ¶¶ 4-5.¹

¹ The categorization of “minor” and “major” modifications are as defined in the Commission’s expedited review process as set forth in *Energy Efficiency and Conservation Program*, Docket No. M-2008-2069887, Order at 20-21 (June 10, 2011) (*Minor Plan Change Order*). The “major” change process set forth in the *Minor Plan Change Order* provides for thirty days to file comments, an answer, or both, and then parties have 20 days to file replies. *Id.* at 20. PPL requested that this process be used for its filing.

In its Petition, PPL proposed major changes to shift \$18 million from the Large C&I sector budget to the Small C&I sector budget but with no changes to the non-residential program's overall budget. Petition at ¶ 35. The resultant estimated savings and peak demand reductions for the Small C&I sector would be increased and the estimated savings and peak demand reductions for the Large C&I sector would be reduced. Petition at ¶¶ 48-55. PPL also proposed to adjust the major accounts common cost allocation method. Petition at ¶¶ 56-59. PPL states that the small C&I customers will exhaust their budget and that the loss of the program will create market disruption and deny the small C&I customers the opportunity to participate in the program. Petition at ¶ 37. PPL argues that there has been a decrease in interest from the large C&I customers in the Combined Heat & Power (CHP) program from Phase III. Petition at ¶ 38.

On January 19, 2023, the Office of Small Business Advocate (OSBA) filed its Answer to PPL's Petition. The Coalition for Affordable Utility Service and Energy Efficiency in Pennsylvania (CAUSE-PA) filed its Petition to Intervene and Answer on January 30, 2023. The OCA filed its Notice of Intervention and Public Statement in the case below on December 23, 2020. The OCA did not file an Answer to the Petition.

On April 27, 2023, the Commission issued its Order and approved all of the proposed changes, but for the proposed changes to the Small C&I and Large C&I commercial sector program. Petition of PPL Electric Utilities Corporation for Approval of Changes to its Act 129 Phase IV Energy Efficiency and Conservation Plan, Docket No. M-2020-3020824 Order at 34 (April 27, 2023). The Commission's Order remanded the changes related to the \$18 million shift from the Large C&I customer sector to the Small C&I sector to the Office of Administrative Law Judge for further hearings. The matter was further assigned to Deputy Chief Administrative Law Judge Hoyer and Administrative Law Judge DeVoe. A notice of telephonic prehearing was issued

on May 1, 2023. On May 1, 2023, the ALJs issued their Prehearing Conference Order. A further Prehearing Conference will be held on May 15, 2023.

II. ISSUES AND SUB-ISSUES

The OCA participated in the case below in order to protect the interests of PPL's ratepayers. The OCA does not raise any specific issues with PPL's Petition at this time. The OCA will be participating in the proceeding to ensure that the interests of PPL's ratepayers, in particular residential ratepayers, are protected in this matter.

The OCA specifically reserves the right to raise additional issues, as is necessary, in response to issues raised by other parties.

III. WITNESSES

The OCA does not plan to present a witness in this proceeding at this time. If the OCA determines that a witness is necessary, the OCA will promptly notify Your Honor and the parties.

IV. PROCEDURAL RULES/DISCOVERY

The OCA does not recommend any procedural or discovery rule modifications at this time.

V. SERVICE

The OCA will be represented in this case by Christy M. Appleby, Senior Assistant Consumer Advocate. All documents may be served by email upon the following:

Christy M. Appleby, Senior Assistant Consumer Advocate
Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
(717) 783-5048 (telephone)
(717) 783-7152 (facsimile)

Due to a scheduling conflict, the OCA will be represented at the Prehearing Conference by Aron J. Beatty, Senior Assistant Consumer Advocate. Mr. Beatty previously entered his appearance in this docket in the case below.

VI. PROPOSED SCHEDULE

The OCA will work with the parties to develop a mutually agreeable procedural schedule.

VII. SETTLEMENT

The OCA is willing to engage in settlement discussions with the parties.

Respectfully Submitted,

/s/ Christy M. Appleby

Christy M. Appleby
Senior Assistant Consumer Advocate
PA Attorney I.D. # 85824
E-Mail: CAAppleby@paoca.org

Aron J. Beatty
Senior Assistant Consumer Advocate
PA Attorney I.D. # 86625
ABeatty@paoca.org

Counsel for:
Patrick M. Cicero
Consumer Advocate

Office of Consumer Advocate
555 Walnut Street 5th Floor, Forum Place
Harrisburg, PA 17101-1923
Phone: (717) 783-5048
Fax: (717) 783-7152

DATE: May 12, 2023