
Devin Ryan
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File #: 193598

May 12, 2023

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

**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 filing is the Prehearing Conference Memorandum of PPL Electric Utilities Corporation in the above-referenced proceeding.

Copies of this filing will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Devin Ryan

DTR/dc
Attachments

cc: The Honorable Mark A. Hoyer (*w/attachments, via email*)
The Honorable Emily I. DeVoe (*w/attachments, via email*)
Certificate of Service

CERTIFICATE OF SERVICE
(Docket No. M-2020-3020824)

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA E-MAIL

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Dated: May 12, 2023

A handwritten signature in blue ink, consisting of several overlapping, fluid strokes that form a cursive or stylized name.

Devin T. Ryan

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**PREHEARING CONFERENCE MEMORANDUM OF
PPL ELECTRIC UTILITIES CORPORATION**

**TO DEPUTY CHIEF ADMINISTRATIVE LAW JUDGE MARK A. HOYER AND
ADMINISTRATIVE LAW JUDGE EMILY I. DEVOE:**

Pursuant to 52 Pa. Code § 5.222(d) and the Prehearing Conference Order dated May 1, 2023, PPL Electric Utilities Corporation (“PPL Electric” or “Company”) hereby submits this Prehearing Conference Memorandum.

I. BACKGROUND

By way of background, the Pennsylvania Public Utility Commission (“Commission”) approved PPL Electric’s initial Phase IV Energy Efficiency and Conservation (“EE&C”) Plan on March 25, 2021. *See Petition of PPL Electric Utilities Corp. for Approval of its Act 129 Phase IV Energy Efficiency and Conservation Plan*, Docket No. M-2020-3020824 (Order entered Mar. 25, 2021) (“*March 2021 Order*”).

On December 30, 2022, PPL Electric filed a Petition for approval of 11 changes, both major and minor, to its Phase IV EE&C Plan (“Petition”). Although some of the modifications proposed by PPL Electric constituted “minor” changes, the Company submitted its proposed modifications in a single petition and requested that the Commission review the modifications under the procedures for changes that do not meet the minor change criteria (i.e., “major changes”) set forth

in the Commission's *Minor Plan Change Order*.¹ Accordingly, comments, answers, or both would be filed within 30 days of service, and all parties would have 20 days to file replies to any comments or answers.

On January 19, 2023, the Office of Small Business Advocate ("OSBA") filed an Answer to the Petition.

On January 30, 2023, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania ("CAUSE-PA") filed an Answer to and Comments on the Petition.

On January 31, 2023, the Office of Consumer Advocate ("OCA") filed a letter stating that it would not be filing Comments. Also, the PP&L Industrial Customer Alliance ("PPLICA") filed a letter in lieu of Comments, requesting that "the Commission take all reasonable steps to review the proposed budget reallocation within the requisite timeframe to ensure PPL reflects the adjusted sector budgets in the public filing of its June 1, 2023, ACR rate adjustment."

On February 21, 2023, PPL Electric filed Reply Comments, setting forth the Company's support for the proposed modifications to the EE&C Plan.

On April 27, 2023, the Commission entered an Opinion and Order granting in part and denying in part the Company's Petition. Specifically, the Commission approved all of the proposed modifications, except for the Company's proposed shift of approximately \$18 million from the Large Commercial and Industrial ("C&I") sector budget in the Non-Residential Program

¹ In addition to establishing a new expedited review process for minor changes, the *Minor Plan Change Order* detailed the review process for non-minor (*i.e.*, major) changes. See *Energy Efficiency and Conservation Program*, Docket No. M-2008-2069887 (Order entered June 10, 2011) ("*Minor Plan Change Order*"). Specifically, the Commission provided that "EDCs seeking approval of changes that do not fit within the Minor EE&C Plan change criteria . . . must file a petition requesting that the Commission rescind and amend its prior order approving the plan." *Minor Plan Change Order*, p. 20. Furthermore, "[t]his petition shall be served on all parties, who will have 30 days to file comments, an answer or both." *Id.* Then, the parties "have 20 days to file replies, after which the Commission will determine whether to rule on the changes or refer the matter to an Administrative Law Judge for hearings and a recommended decision." *Id.* These procedures superseded those previously established for EE&C Plan changes and "apply to all petitions for approval of an EE&C Plan change, other than petitions seeking review under the expedited process" for minor changes. *Id.* at p. 21.

to the Small C&I sector budget in the Non-Residential Program (*i.e.*, Change No. 5) and the related changes to the savings and estimated peak demand reductions for the Large C&I and Small C&I sectors due to that proposed budget shift (*i.e.*, Change Nos. 7 and 8). The Commission then referred Change Nos. 5, 7, and 8 to the Office of Administrative Law Judge for hearings.

On April 28, 2023, a Notice was issued scheduling a Telephonic Prehearing Conference for May 15, 2023, at 10:00 AM before Deputy Chief Administrative Law Judge Mark A. Hoyer and Administrative Law Judge Emily I. DeVoe (“ALJs”)

On May 1, 2023, a Prehearing Conference Order was issued, which directed the parties to file prehearing conference memoranda on or before 12:00 PM on May 12, 2023.

II. SERVICE OF DOCUMENTS

PPL Electric’s attorneys in this proceeding are Michael J. Shafer, Esquire, Kimberly A. Klock, Esquire, David B. MacGregor, Esquire, and Devin T. Ryan, Esquire. PPL Electric requests that Devin T. Ryan be listed as the recipient for service. Mr. Ryan’s contact information is provided below:

Devin T. Ryan (ID # 316602)
Post & Schell, P.C.
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PPL Electric also requests that Mr. Shafer, Ms. Klock, and Mr. MacGregor be added to any informal e-mail distribution lists in this proceeding. Mr. Shafer’s e-mail address is mjshafer@pplweb.com, Ms. Klock’s e-mail address is kklock@pplweb.com, and Mr. MacGregor’s e-mail address is dmacgregor@postschell.com. In addition, PPL Electric agrees to receive service of documents electronically in this proceeding.

Further, Mr. Ryan will be speaking on behalf of the Company at the prehearing conference.

III. WITNESSES AND ISSUES

The Company’s list of intended witnesses and issues to be addressed is provided below. PPL Electric reserves the right to call additional witnesses or substitute witnesses, as necessary, to address issues that may arise during the course of this proceeding.

<u>Witness</u>	<u>Issues</u>
Thomas McAteer Manager – Energy Efficiency PPL Electric Utilities Corporation 827 Hausman Road Allentown, PA 18104	Overview of Proposed Change Nos. 5, 7, and 8 to the EE&C Plan; Proposed Budget Shift’s Impact on the Customer Sectors, Programs, and Overall EE&C Plan
Heather Bash Program Manager – Energy Efficiency PPL Electric Utilities Corporation 827 Hausman Road Allentown, PA 18104	Need for the Proposed Budget Shift

PPL Electric’s witnesses will present written testimony and exhibits in accordance with the established litigation schedule.

IV. PROCEDURAL SCHEDULE

PPL Electric has conferred with the parties in this proceeding on an appropriate procedural schedule. Under the Commission’s April 27, 2023 Order, the Recommended Decision must be rendered within 90 days of the Order’s entry date, *i.e.*, by July 26, 2023. Assuming that 90-day deadline is inflexible, PPL Electric proposes the following schedule so that briefing can be completed by June 30, 2023, as directed by the ALJs:

Prehearing Conference	Monday, May 15, 2023
Settlement Conference	Thursday, May 25, 2023, or Friday, May 26, 2023
All Parties' Direct Testimony	Thursday, May 25, 2023
Rebuttal Testimony	Tuesday, June 6, 2023
Hearing	Monday, June 12, 2023
Main Briefs	Friday, June 23, 2023
Reply Briefs	Friday, June 30, 2023

If the 90-day deadline could be reevaluated, PPL Electric would propose the following schedule:

Prehearing Conference	Monday, May 15, 2023
Settlement Conference	Thursday, May 25, 2023, or Friday, May 26, 2023
PPL Electric'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

V. DISCOVERY

PPL Electric would support the discovery rule modifications proposed by CAUSE-PA in its Prehearing Conference Memorandum. The Company also is not aware of any outstanding discovery disputes. The Company is willing to work with the parties, through informal discovery, to expedite discovery.

VI. PUBLIC INPUT HEARINGS

PPL Electric is not aware of any substantial consumer interest concerning this proceeding that would warrant public input hearings.

VII. PROTECTION OF CONFIDENTIAL INFORMATION

If necessary, PPL Electric will timely submit an appropriate Motion for Protective Order.

VIII. SETTLEMENT

As of filing this Prehearing Conference Memorandum, no formal settlement discussions have been held. However, PPL Electric remains willing to discuss settlement with the other parties to resolve all or some of the issues in this proceeding.

Respectfully submitted,



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Date: May 12, 2023

Attorneys for PPL Electric Utilities Corporation