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Devin Ryan

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File #: 193598

June 9, 2023

***VIA ELECTRONIC FILING***

Secretary Rosemary Chiavetta  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> 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**


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Dear Secretary Chiavetta:

Attached for filing is the Joint Stipulation for Admission of Evidence on behalf of PPL Electric Utilities Corporation in the above-referenced proceeding. Copies will be provided per the attached Certificate of Service.

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

Respectfully submitted,



Devin Ryan

DR/dmc  
Attachments

cc: The Honorable Emily I. DeVoe (*via e-mail; w/attachments*)  
The Honorable Mark A. Hoyer (*via e-mail; w/attachments*)  
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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Robert D. Knecht  
Industrial Economics Incorporated  
2067 Massachusetts Avenue  
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*OSBA*

Dated: June 9, 2023

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

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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 :

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**JOINT STIPULATION FOR ADMISSION OF EVIDENCE**

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

PPL Electric Utilities Corporation (“PPL Electric” or the “Company”), the Office of Consumer Advocate (“OCA”), the Office of Small Business Advocate (“OSBA”), the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (“CAUSE-PA”), the Commission on Economic Opportunity (“CEO”), the Sustainable Energy Fund (“SEF”), and the PP&L Industrial Customer Alliance (“PPLICA”), all Parties in the above-captioned proceeding (hereinafter collectively referred to as the “Stipulating Parties”), hereby submit this Joint Stipulation for Admission of Evidence in the above-captioned proceeding (the “Evidence Stipulation”). In support of the Evidence Stipulation, the Stipulating Parties represent as follows:

**I. INTRODUCTION**

1. 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*”).

2. 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*.<sup>1</sup> 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.

3. On January 19, 2023, OSBA filed an Answer to the Petition.

4. On January 30, 2023, CAUSE-PA filed an Answer to and Comments on the Petition.

5. On January 31, 2023, OCA filed a letter stating that it would not be filing Comments. Also, PPLICA filed a letter in lieu of Comments.

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

7. 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 to the Small C&I sector budget in the Non-Residential Program (i.e., Change No. 5) and the related

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<sup>1</sup> 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.

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.

8. 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”).

9. 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.

10. On May 12, 2023, PPL Electric, OCA, OSBA, CEO, SEF, and PPLICA filed their prehearing conference memoranda.

11. On May 15, 2023, the prehearing conference was held as scheduled.

12. On May 18, 2023, the ALJs issued a Prehearing Order setting forth various procedural rules and the litigation schedule for this matter.

13. On May 25, 2023, PPL Electric and CAUSE-PA served their written direct testimony and exhibits. Also, OCA, OSBA, SEF, and PPLICA filed letters stating that they would not be serving written direct testimony.

14. On June 1, 2023, PPL Electric informed the ALJs that the Stipulating Parties, which are the only active parties in this litigation,<sup>2</sup> had reached a settlement in principle of all issues. The ALJs directed the Stipulating Parties to file a Joint Stipulation for Admission of Evidence by June 9, 2023.

15. The Stipulating Parties request that the ALJ admit the testimony and the exhibits listed below into the record in the above-captioned consolidated proceeding.

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<sup>2</sup>The Natural Resources Defense Council (“NRDC”), which was a party to the initial Phase IV EE&C Plan litigation, has not been participating since that time.

**A. TESTIMONY AND EXHIBITS OF PPL ELECTRIC**

16. PPL Electric Statement No. 1 – Direct Testimony of Thomas McAteer, including PPL Electric Exhibit TM-1.

17. PPL Electric Statement No. 2 – Direct Testimony of Heather Bash.

**B. TESTIMONY AND EXHIBITS OF CAUSE-PA**

18. CAUSE-PA Statement 1 (Remand) – Direct Testimony of Mitchell Miller, including Appendices A and B.

**II. MOTION**

19. The Stipulating Parties respectfully request that the above identified testimony and exhibits be admitted into the record without a hearing.

20. The Stipulating Parties have reached a settlement in principle that resolves all issues in this proceeding and have waived cross-examination of all witnesses.

21. Copies of the testimony and exhibits will be filed electronically with the Commission pursuant to Section 5.412a of the Commission’s regulations. *See* 52 Pa. Code § 5.412a.

22. The verifications for PPL Electric’s written direct testimony and exhibit are attached as **Attachment A**.

23. The verification for CAUSE-PA’s written direct testimony and exhibits was already attached with CAUSE-PA Statement 1 (Remand).

24. The admission by stipulation of the foregoing testimony and exhibits is subject to the Commission’s approval of the Joint Petition for Approval of Settlement of All Issues, which will be filed by June 30, 2023, without modification.

25. The Stipulating Parties reserve their respective rights to submit additional testimony and to cross-examine witnesses in the event the Joint Petition for Approval of Settlement of All Issues is not approved without modification.









**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 :

**ORDER GRANTING JOINT STIPULATION  
FOR ADMISSION OF EVIDENCE**

On June 9, 2023, a Joint Stipulation for Admission of Evidence was filed by PPL Electric Utilities Corporation (“PPL Electric” or the “Company”), the Office of Consumer Advocate (“OCA”), the Office of Small Business Advocate (“OSBA”), the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (“CAUSE-PA”), the Commission on Economic Opportunity (“CEO”), the Sustainable Energy Fund (“SEF”), and the PP&L Industrial Customer Alliance (“PPLICA”), all Parties in the above-captioned proceeding. Each of the Parties stipulated to the authenticity of the testimony and exhibits listed in the Stipulation and requested that they be admitted into the record of this proceeding on the terms and conditions set forth in the Stipulation. The Stipulation is attached to this Order.

As this request is reasonable, it will be granted.

**THEREFORE, IT IS ORDERED THAT:**

1. The following testimony and exhibits are admitted into the record:
2. PPL Electric Statement No. 1 – Direct Testimony of Thomas McAteer, including PPL Electric Exhibit TM-1.
3. PPL Electric Statement No. 2 – Direct Testimony of Heather Bash.
4. CAUSE-PA Statement 1 (Remand) – Direct Testimony of Mitchell Miller, including Appendices A and B.

Dated: \_\_\_\_\_

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The Hon. Deputy Chief Administrative Law Judge  
Mark A. Hoyer  
The Hon. Administrative Law Judge  
Emily I. DeVoe

# Attachment A

**VERIFICATION**

I, Thomas McAteer, Manager - Energy Efficiency of PPL Electric Utilities Corporation, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: 06/07/2023



\_\_\_\_\_  
Thomas McAteer

**VERIFICATION**

I, Heather Bash, Program Manager – Energy Efficiency of PPL Electric Utilities Corporation, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: 06/07/2023

*Heather Bash*  
Heather Bash (Jun 7, 2023 14:49 EDT)  
\_\_\_\_\_  
Heather Bash