



Whitney E. Snyder
(717) 236-1300 x260
wesnyder@hmslegal.com

Thomas J. Sniscak
(717) 236-1300 x224
tjsniscak@hmslegal.com

Phillip D. Demanchick Jr.
(717) 236-1300 x225
pddemanchick@hmslegal.com

100 North Tenth Street, Harrisburg, PA 17101 Phone: 717.236.1300 Fax: 717.236.4841 www.hmslegal.com

August 29, 2023

By Electronic Filing

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

Re: Pike County Light and Power Company; Docket No. P-2023-3039927; **JOINT STIPULATION FOR ADMISSION OF TESTIMONY AND EXHIBITS INTO THE EVIDENTIARY RECORD**

Dear Secretary Chiavetta:

Enclosed you will find the Joint Stipulation for Admission of Testimony and Exhibits Into the Evidentiary Record. Copies have been served in accordance with the attached Certificate of Service.

Should you have any questions, please contact me directly.

Very truly yours,

/s/ Phillip D. Demanchick Jr.

Whitney E. Snyder
Thomas J. Sniscak
Phillip D. Demanchick Jr.

PDD/das
Enclosure

cc: Administrative Law Judge Mark A. Hoyer (mhoyer@pa.gov)
Nick Miskanic (nmiskanic@pa.gov)
Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Pike County Light & Power :
Company for Approval of Default Service : Docket No. P-2023-3039927
Plan and Waiver of Commission Regulations :

**JOINT STIPULATION FOR THE ADMISSION OF TESTIMONY
AND EXHIBITS INTO THE EVIDENTIARY RECORD**

TO DEPUTY CHIEF ADMINISTRATIVE LAW JUDGE MARK A. HOYER:

This Joint Stipulation for Admission of Testimony and Exhibits into the Evidentiary Record (“Joint Stipulation”) is entered into by all of the parties in this proceeding, including Pike County Light & Power Company (“PCL&P” or the “Petitioner”), the Office of Consumer Advocate (“OCA”), and the Office of Small Business Advocate (“OSBA”) (collectively, “Joint Petitioners”), by their respective counsel. Joint Petitioners respectfully request that Deputy Chief Administrative Law Judge Mark Hoyer admit into the evidentiary record of this proceeding written testimony and exhibits as identified below.

This Joint Stipulation includes the following Appendices:

- Appendix A – Proposed Order
- Appendix B – PCL&P Testimony Verifications

I. PROCEDURAL HISTORY

1. On April 13, 2023, Pike filed a Petition for Approval of its Default Service Plan and Waiver of Commission Regulations (“Petition”). The Petition was filed pursuant to Section 2807(e) of the Public Utility Code and 52 Pa. Code §§ 54.181-54.190. Through its Petition, Pike is seeking approval from the Pennsylvania Public Utility Commission (“Commission”) regarding its proposed default service plan (DSP) for June 1, 2024 through May 31, 2027, and certain waivers

related to default service. The Petition was published in the Pennsylvania Bulletin on May 13, 2023, with an Answer/Protest date of June 9, 2023.

2. On May 3, 2023, the Office of Small Business Advocate (“OSBA”) filed a Notice of Intervention, Public Statement, Notice of Appearance, and Verification. The OSBA separately filed an Answer to the Petition on June 7, 2023.

3. On May 19, 2023, the Office of Consumer Advocate (“OCA”) filed an Answer, Notice of Intervention, Public Statement, and Verification.

4. No other parties or individuals filed a protest or notice of intervention or other correspondence with the Commission.

5. On May 30, 2023, Pike served the public and confidential versions of its written Direct Testimony as part of this proceeding. Subsequently, on June 8, 2023, Pike filed an unopposed Motion for Protective Order seeking to limit the availability of proprietary information.

6. This matter was assigned to the Office of Administrative Law Judge and further assigned to Deputy Chief Administrative Law Judge Mark Hoyer (“ALJ Hoyer”). A telephonic prehearing conference notice was issued setting forth a prehearing conference for June 15, 2023. Subsequently, Administrative Law Judge Mark Hoyer issued a Prehearing Conference Order directing the parties to file Prehearing Conference Memorandums by no later than 12:00 PM on Wednesday, June 14, 2023.

7. A prehearing conference was held as scheduled on June 15, 2023. PCL&P, the OCA and OSBA were represented at the conference.

8. On June 21, 2023, ALJ Hoyer issued a Prehearing Order that, *inter alia*, set forth a litigation schedule and modified the Commission’s discovery rules. Separately, on June 23, 2023, ALJ Hoyer issued a Protective Order.

9. The parties served written direct, rebuttal, and surrebuttal testimony and exhibits consistent with the procedural schedule in this proceeding.¹

10. On August 24, 2023, the parties agreed to waive cross examination and requested that ALJ Hoyer cancel the evidentiary hearing scheduled for August 30, 2023.

11. In response, ALJ Hoyer instructed the Joint Petitioners to submit a Joint Stipulation for the Admission of Testimony and Exhibits into the Evidentiary Record no later than 12 P.M. on August 29, 2023, which, upon receiving, ALJ Hoyer would cancel the evidentiary hearing.

12. A proposed order is attached to the Joint Stipulation as Appendix A (“Proposed Order”). The testimony verifications of PCL&P Witnesses Russell Miller and Noel P. Chesser are attached as Appendix B to the Joint Stipulation. The testimony verifications of OCA witness Serhan Ogur and OSBA witness Mark Ewen are attached to their pre-served testimony.

II. JOINT STIPULATION

NOW, THEREFORE, desiring to enter into this Joint Stipulation and intending to be bound hereby, the Joint Petitioners agree and stipulate to the following:

1. That upon the issuance of the Proposed Order, the following testimony and exhibits shall be made a part of the evidentiary record of this proceeding:

Pike County Light & Power Company

Direct Testimony

A. Direct Testimony of Russell Miller (PCLP Statement No. 1) ([Public Version](#)) and Exhibit RM-1, Exhibit RM-2 (Redacted) and Exhibit RM-3 (Redacted).

¹ OSBA did not serve Rebuttal Testimony and PCL&P did not serve Surrebuttal Testimony.

- B. Direct Testimony of Russell Miller (PCLP Statement No. 1) (**Highly Confidential Version**) and Exhibits RM-1, RM-2 (**Highly Confidential**) and RM-3 (**Highly Confidential**).
- C. Direct Testimony of Noel Chesser (PCLP Statement No. 2) (**Public Version**) and Exhibit NPC-1 and Exhibit NPC-2 (Redacted).
- D. Direct Testimony of Noel Chesser (PCLP Statement No. 2) (**Highly Confidential Version**) and Exhibit NPC-1 and Exhibit NPC-2 (**Highly Confidential**).

Rebuttal Testimony

- A. Rebuttal Testimony of Russell Miller (PCLP Statement No. 1-R) (**Public Version**) and Exhibit RM-1R (Redacted).
- B. Rebuttal Testimony of Russell Miller (PCLP Statement No. 1-R) (**Highly Confidential Version**) and Exhibit RM-1R (**Highly Confidential**).

Office of Consumer Advocate

Direct Testimony

- A. Direct Testimony of Serhan Ogur, Ph.D. (OCA Statement No. 1) (**Public Version**) and Appendix A, Exhibit SO-1 (Redacted), and a signed verification.
- B. Direct Testimony of Serhan Ogur, Ph.D. (OCA Statement No. 1) (**Confidential Version**) and Appendix A, Exhibit SO-1 (**Confidential**), and a signed verification.

Rebuttal Testimony

- A. Rebuttal Testimony of Serhan Ogur, Ph.D. (OCA Statement 1R) (**Public Version**), Exhibit SO-2 (Redacted), and a signed verification.

- B. Rebuttal Testimony of Serhan Ogur, Ph.D. (OCA Statement 1R) (**Confidential Version**), Exhibit SO-2 (**Confidential**), and a signed verification.

Surrebuttal Testimony

- A. Surrebuttal Testimony of Serhan Ogur, Ph.D. (OCA Statement No. 1SR) (**Public Version**) and a signed verification.
- B. Surrebuttal Testimony of Serhan Ogur, Ph.D. (OCA Statement No. 1SR) (**Confidential Version**) and a signed verification.

Office of Small Business Advocate

Direct Testimony

- A. Direct Testimony of Mark D. Ewen (OSBA Statement No. 1) (**Public Version**), Exhibit IEc-1 and IEc-2 (Redacted), and a signed verification.
- B. Direct Testimony of Mark D. Ewen (OSBA Statement No. 1) (**Highly Confidential Version**), Exhibit IEc-1 and IEc-2 (**Highly Confidential Version**), and a signed verification.

Surrebuttal Testimony

- A. Surrebuttal Testimony of Mark D. Ewen (OSBA Statement No. 1-S) (**Highly Confidential Version**) and Exhibit IEc-1 (**Confidential Version**) and a signed verification.

2. The above-described testimony and exhibits are authentic.

3. The Confidential and/or Highly Confidential Versions of Testimony and Exhibits

will be treated as Highly Confidential and be filed separately and placed in a non-public folder by the Secretary's Bureau of the Commission. No party objects to protecting the Confidential and/or

Highly Confidential Versions of Testimony and Exhibits from the public record. No other evidence for admission into the record has been designated Highly Confidential or Confidential.

4. By entering into this Joint Stipulation, no Joint Petitioner makes any concession or admission as to the correctness or sufficiency of the law, facts, positions or assumptions upon which the other Joint Petitioners' testimony and exhibits may be based.

5. This Joint Stipulation may not be cited as precedential in any future proceeding, except to the extent required to implement and enforce the Joint Stipulation.

By their signature below, the Joint Petitioners agree to the terms of this Joint Stipulation and represent that they are authorized to execute this Joint Stipulation on behalf of their respective clients.

**Pike County Light & Power
Company**

Phillip Demanchick 8/29/23
Whitney E. Snyder, Esquire Date
Phillip D. Demanchick, Esquire

Office of Consumer Advocate

Gina L. Miller, Esquire Date
Aron J. Beatty, Esquire

Office of Small Business Advocate


Steven Gray, Esquire Date

By their signature below, the Joint Petitioners agree to the terms of this Joint Stipulation and represent that they are authorized to execute this Joint Stipulation on behalf of their respective clients.

Pike County Light & Power Company

Whitney E. Snyder, Esquire Date
Phillip D. Demanchick

Office of Consumer Advocate



Gina L. Miller, Esquire Date
Aron J. Beatty, Esquire 8/28/23

Office of Small Business Advocate

Steven Gray, Esquire Date

By their signature below, the Joint Petitioners agree to the terms of this Joint Stipulation and represent that they are authorized to execute this Joint Stipulation on behalf of their respective clients.

Pike County Light & Power Company

Whitney E. Snyder, Esquire Date
Phillip D. Demanchick

Office of Consumer Advocate

Gina L. Miller, Esquire Date
Aron J. Beatty, Esquire

Office of Small Business Advocate

/s/ Steven C. Gray 08/29/2023
Steven Gray, Esquire Date

APPENDIX A

PROPOSED ORDER

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Pike County Light & Power :
Company for Approval of Default Service : Docket No. P-2023-3039927
Plan and Waiver of Commission Regulations :

**INTERIM ORDER
GRANTING JOINT STIPULATION FOR ADMISSION
OF TESTIMONY AND EXHIBITS INTO THE EVIDENTIARY RECORD**

On August __, 2023, Pike County Light & Power Company (“PCL&P” or “Petitioner”), Office of Consumer Advocate (“OCA”) and Office of Small Business Advocate (“OSBA”) (hereinafter collectively referred to as the “Stipulating Parties”), filed a Joint Stipulation for Admission of Testimony and Exhibits into the Evidentiary Record in the above captioned proceeding. Each of the Stipulating Parties stipulated to the authenticity of the testimony and exhibits listed in the Joint Stipulation and requested that they be admitted into the record of this proceeding on the terms and conditions set forth in the Stipulation. The Stipulating Parties also included verifications by each witness offering testimony in this proceeding. The Stipulating Parties indicated that certain filings contain information marked as “Confidential” and/or “Highly Confidential” and will be filed under separate cover by each party sponsoring such materials. As this request is reasonable, it will be granted.

THEREFORE,

IT IS ORDERED

1. That the August __, 2023, Joint Stipulation and the Testimony and Exhibits is granted.
2. That the following written testimony statements, accompanying exhibits and appendices, and respective executed verifications are hereby admitted into the record of this proceeding on the terms and conditions set forth in the Joint Stipulation:

Pike County Light & Power Company

Direct Testimony

- A. Direct Testimony of Russell Miller (PCLP Statement No. 1) (Public Version) and Exhibit RM-1, Exhibit RM-2 (Redacted) and Exhibit RM-3 (Redacted).
- B. Direct Testimony of Russell Miller (PCLP Statement No. 1) (Highly Confidential Version) and Exhibits RM-1, RM-2 (Highly Confidential) and RM-3 (Highly Confidential).
- C. Direct Testimony of Noel Chesser (PCLP Statement No. 2) (Public Version) and Exhibit NPC-1 and Exhibit NPC-2 (Redacted).
- D. Direct Testimony of Noel Chesser (PCLP Statement No. 2) (Highly Confidential Version) and Exhibit NPC-1 and Exhibit NPC-2 (Highly Confidential).

Rebuttal Testimony

- A. Rebuttal Testimony of Russell Miller (PCLP Statement No. 1-R) (Public Version) and Exhibit RM-1R (Redacted).
- B. Rebuttal Testimony of Russell Miller (PCLP Statement No. 1-R) (Highly Confidential Version) and Exhibit RM-1R (Highly Confidential).

Office of Consumer Advocate

Direct Testimony

- A. Direct Testimony of Serhan Ogur, Ph.D. (OCA Statement No. 1) (Public Version) and Appendix A, Exhibit SO-1 (Redacted), and a signed verification.

- B. Direct Testimony of Serhan Ogur, Ph.D. (OCA Statement No. 1) **(Confidential Version)** and Appendix A, Exhibit SO-1 **(Confidential)**, and a signed verification.

Rebuttal Testimony

- A. Rebuttal Testimony of Serhan Ogur, Ph.D. (OCA Statement 1R) **(Public Version)**, Exhibit SO-2 (Redacted), and a signed verification.
- B. Rebuttal Testimony of Serhan Ogur, Ph.D. (OCA Statement 1R) **(Confidential Version)**, Exhibit SO-2 **(Confidential)**, and a signed verification.

Surrebuttal Testimony

- A. Surrebuttal Testimony of Serhan Ogur, Ph.D. (OCA Statement No. 1SR) **(Public Version)** and a signed verification.
- B. Surrebuttal Testimony of Serhan Ogur, Ph.D. (OCA Statement No. 1SR) **(Confidential Version)** and a signed verification.

Office of Small Business Advocate

Direct Testimony

- A. Direct Testimony of Mark D. Ewen (OSBA Statement No. 1) **(Public Version)**, Exhibit IEc-1 and IEc-2 (Redacted), and a signed verification.
- B. Direct Testimony of Mark D. Ewen (OSBA Statement No. 1) **(Highly Confidential Version)**, Exhibit IEc-1 and IEc-2 **(Highly Confidential Version)**, and a signed verification.

Surrebuttal Testimony

A. Surrebuttal Testimony of Mark D. Ewen (OSBA Statement No. 1-S) (**Highly Confidential Version**) and Exhibit IEc-1 (**Confidential Version**) and a signed verification.

3. That copies of the testimony and exhibits identified above be filed with the Secretary's Bureau of the Commission within 10-days of the entry of this order. 52 Pa. Code § 5.412a.

4. That all filings designated as "Confidential" and/or "Highly Confidential" be filed separately and placed in non-public folders by the Secretary's Bureau of the Commission.

Date: _____

Mark Hoyer,
Deputy Chief Administrative Law Judge

Appendix B

PCL&P Testimony Verifications

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Pike County Light & Power :
Company for Approval of Default Service : Docket No. P-2023-3039927
Plan and Waiver of Commission Regulations :

**TESTIMONY VERIFICATION OF RUSSELL MILLER
ON BEHALF OF PIKE COUNTY LIGHT & POWER COMPANY**

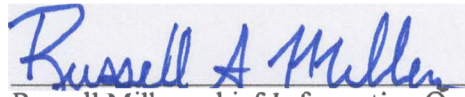
I, Russell Miller, hereby certify that I am the Chief Information Officer and Senior Vice President of Energy Supply and Business Development on behalf of Pike County Light & Power Company and that, in such capacity, I have been retained by Pike County Light & Power Company as an expert witness in the above-captioned matter for the purposes of providing testimony on behalf of Pike County Light & Power Company.

I hereby verify that I have provided the following written Testimony and Exhibits for admission into the record and that these documents were prepared by me and under my supervision:

- PCLP Statement No. 1 - Direct Testimony of Russell Miller consisting of 17 pages and including the accompanying exhibit, RM-1, RM-2 (Redacted), and RM-3 (Redacted) **(Public Version)**
- PCLP Statement No. 1 - Direct Testimony of Russell Miller consisting of 17 pages and including the accompanying exhibits, RM-1, RM-2 and RM-3 **(Highly Confidential)**
- PCLP Statement No. 1-R - Rebuttal Testimony of Russell Miller consisting of 3 pages and including the accompanying exhibit, RM-1R (Redacted) **(Public Version)**
- PCLP Statement No. 1-R - Rebuttal Testimony of Russell Miller consisting of 3 pages and including the accompanying exhibit, RM-1R **(Highly Confidential)**

I certify that the facts set forth in the testimony and exhibits are true and correct to the best of my knowledge, information and belief; that if I were asked the questions contained therein today that my answers would remain the same. I understand that the statements made in my testimony are subject to the penalties at 18 Pa C.S. § 4909 related to the unsworn falsification to authorities.

Dated: August 25, 2023

A handwritten signature in blue ink that reads "Russell A. Miller". The signature is written in a cursive style and is positioned above a light gray rectangular background.

Russell Miller, Chief Information Officer
and Senior Vice President of Energy Supply
and Business Development
Pike County Light & Power Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Pike County Light & Power :
Company for Approval of Default Service : Docket No. P-2023-3039927
Plan and Waiver of Commission Regulations :

**TESTIMONY VERIFICATION OF NOEL P. CHESSER
ON BEHALF OF PIKE COUNTY LIGHT & POWER COMPANY**

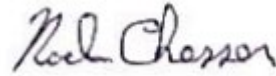
I, Noel P. Chesser, hereby certify that I am the Principal Energy Advisor in the Global Customer Insights Group at Enel X Advisory Services, USA, LLC, formerly EnerNOC, Inc. and that, in such capacity, I have been retained by Pike County Light & Power Company as an expert witness in the above-captioned matter for the purposes of providing testimony on behalf of Pike County Light & Power Company.

I hereby verify that I have provided the following written Testimony and Exhibits for admission into the record and that these documents were prepared by me and under my supervision:

- PCLP Statement No. 2 - Direct Testimony of Noel P. Chesser consisting of 14 pages and including the accompanying exhibit, NPC-1 and NPC-2 (Redacted) ([Public Version](#))
- PCLP Statement No. 2 - Direct Testimony of Noel P. Chesser consisting of 14 pages and including the accompanying exhibit, NPC-1 and NPC-2 (**Highly Confidential**)

I certify that the facts set forth in the testimony and exhibits are true and correct to the best of my knowledge, information and belief; that if I were asked the questions contained therein today that my answers would remain the same. I understand that the statements made in my testimony are subject to the penalties at 18 Pa C.S. § 4909 related to the unsworn falsification to authorities.

Dated: August 24, 2023



Noel P. Chesser, Principal Energy Advisor
in the Global Customer Insights Group at Enel X
Advisory Services, USA, LLC, formerly EnerNOC,
Inc.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the forgoing document upon the parties, listed below, in accordance with the requirements of § 1.54 (relating to service by a party).

VIA ELECTRONIC MAIL ONLY

Gina L. Miller, Esquire
Aron J. Beatty, Esquire
Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
gmillers@paoca.org
abeatty@paoca.org

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

/s/ Phillip D. Demanchick Jr. _____
Whitney E. Snyder
Thomas J. Sniscak
Phillip D. Demanchick Jr.

Dated this 29th day of August, 2023