

COMMONWEALTH OF PENNSYLVANIA



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April 25, 2024

**Via Electronic Filing**

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 a Default Service Program And Procurement  
Plan for the Period June 1, 2025 Through May 31, 2029  
Docket No. P-2024-3047290

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  
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Enclosures

cc: The Honorable F. Joseph Brady (email only)  
Certificate of Service

CERTIFICATE OF SERVICE

Petition of PPL Electric Utilities :  
Corporation For Approval of a Default :  
Service Program And Procurement Plan for : Docket No. P-2024-3047290  
the Period June 1, 2025 Through May 31, :  
2029 :

I hereby certify that I have this day filed electronically on the Commission’s electronic filing system and 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 25<sup>th</sup> day of April 2024.

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Dated: April 25, 2024

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of PPL Electric Utilities Corporation	:	
For Approval of a Default Service Program	:	Docket No. P-2024-3047290
And Procurement for the Period June 1, 2025	:	
Through May 31, 2029	:	

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PREHEARING MEMORANDUM  
OF THE OFFICE OF CONSUMER ADVOCATE

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Before the Pennsylvania Public Utility Commission (Commission), pursuant to Section 333 of the Public Utility Code, 66 Pa. C.S. § 333, and in response to the April 16, 2024 Prehearing Conference Order issued by the Honorable Administrative Law Judge (ALJ) F. Joseph Brady in the above-captioned matter, the Office of Consumer Advocate (OCA) provides hereby submits this Prehearing Conference Memorandum.

**I. PROCEDURAL HISTORY**

On March 12, 2024, PPL Electric Company (PPL or Company) filed a Petition for Approval of its Default Service Program (DSP) for the Period from June 1, 2025 through May 31, 2029. The Commission assigned the Company’s Petition to the Office of Administrative Law Judge (OALJ). On March 21, 2024, the OCA filed its Answer to the Petition. On March 28, 2024, the OALJ issued a Notice scheduling a Call-In Telephonic Prehearing Conference for April 26, 2024. Additionally, on April 16, 2024, ALJ Brady issued a Prehearing Conference Order setting forth the parties’ obligations with respect to the Prehearing Conference and directing the parties to prepare and distribute prehearing memorandums by April 25, 2024 at noon.

## II. ISSUES

The OCA seeks to ensure that the DSP and any rates approved as a result of this proceeding are reasonable and consistent with Pennsylvania statutes and case law, the Commission's regulations, and Commission orders. Upon a preliminary analysis of the Company's Petition, the OCA identified several significant issues that require further review. These issues include the following:

- A. Default Service Products and Procurement Methodology: The OCA will examine the type and variety of products that the Company proposes to solicit to determine whether the proposal will provide the least cost over time for residential default service customers in accordance with the Commission's regulations and Act 129 of 2008 (Act 129). The OCA will also examine the Company's procurement plan to determine whether the proposal is designed to provide the least cost reliable supply, taking into account price stability for customers over time.
- B. Alternative Energy Portfolio Standards (AEPS) Act Procurement: The OCA will review the Company's procurement methodology proposal to ensure that ratepayers receive these services at the least cost over time. Moreover, the OCA will analyze the Company's proposal regarding the long-term solar procurement.
- C. Rate Design: The OCA will review the Company's rate design practices for compliance with the Commission's regulations.
- D. TOU Rates: The OCA will review the proposed TOU rates to ensure that the needs of ratepayers are met and the Company complies with the existing law and the Commission's regulations.
- E. Supplier Master Agreement: The OCA will analyze the proposed SMA to ensure its compliance with the Public Utility Code, and to ensure that such a plan does no harm to default service, consumers, or the retail competitive market.
- F. Standard Offer Program: The OCA will examine the SOP and any costs likely to arise as a result to determine the program remains reasonable and cost-justified, whether it should continue or be modified, and whether costs are allocated appropriately among stakeholders.
- G. CAP and Default Service: The OCA will examine the Company's current CAP program and relationship with the other default service provisions in order to ensure that it continues to meet the needs of CAP customers while maintaining compliance with existing law and the Commission's regulations.

H. Additional Requested Ruling Pursuant to 66 Pa. C.S. § 2102 and Requested Waivers: The OCA will review the impacts of PPL's proposals and whether the proposals are consistent with Commission Orders, the Commission's regulations, and applicable law.

The OCA anticipates that other issues may arise as its investigation into this matter continues. Therefore, the OCA specifically reserves the right to raise additional issues as this matter proceeds.

### **III. SERVICE ON THE OCA**

The OCA will be represented in this matter by Senior Assistant Consumer Advocate Christy M. Appleby and Assistant Consumer Advocate Emily Farren. Copies of all documents should be served on the OCA as follows:

Christy M. Appleby  
Senior Assistant Consumer Advocate  
[OCAPPLDSP2024@paoca.org](mailto:OCAPPLDSP2024@paoca.org)

Emily A. Farren  
Assistant Consumer Advocate  
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### **IV. WITNESSES**

The OCA intends to present the direct, rebuttal, and surrebuttal testimony, as may be necessary, of its witnesses. The OCA's witnesses will present testimony in written form and will attach various exhibits, documents, and explanatory information to assist in the preparation of the OCA's cases. In order to expedite the resolution of this matter, the OCA requests that copies of all interrogatories, testimony, and answers to interrogatories be emailed directly to the OCA's witnesses at the addresses below as well as counsel for the OCA.

Retail Electric Default Service, Procurement Methods, Portfolio Construction, and Related Issues:

Serhan Ogur  
Exeter Associates, Inc.  
10480 Patuxent Parkway  
Suite 300  
Columbia, MD 20144  
[OCAPPLDSP2024@paoca.org](mailto:OCAPPLDSP2024@paoca.org)

Retail Market Rate Mechanism, Standard Offer Program, Portfolio Procurement, CAP, Consumer Communications Issues:

Barbara Alexander  
Barbara Alexander Consulting, LLC  
44 Beech St.  
Hallowell, ME 04347  
[OCAPPLDSP2024@paoca.org](mailto:OCAPPLDSP2024@paoca.org)

The OCA specifically reserves the right to call additional witnesses, as necessary. At the time at which the OCA determines that additional witnesses are necessary for any portion of its case, the OCA will promptly notify ALJ Brady and all parties of record.

**V. DISCOVERY**

The OCA's proposed modifications to the Commission's discovery regulations are attached as Appendix A. The OCA believes that these modifications will assist the parties in clarifying and narrowing issues and developing a complete record for the Commission. Additionally, the OCA respectfully requests that, if adopted, the proposed modifications take effect on the date of the Prehearing Conference.

**VI. PUBLIC INPUT HEARINGS**

The OCA has received no requests for public input hearings at this time. Should such a request be received, the OCA will promptly advise ALJ Brady and the parties of the same.

## VII. LITIGATION SCHEDULE

The OCA, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA), the PPL Industrial Customer Alliance (PPLICA), and the Company recommend the following schedule:

Other Parties' Direct Testimony	June 3, 2024
Rebuttal Testimony	July 1, 2024
Surrebuttal Testimony	July 15, 2024 at noon
Rejoinder or Rejoinder Outlines	July 17, 2024 at noon
Hearings <sup>1</sup>	July 18-19, 2024
Main Briefs	August 13, 2024
Reply Briefs	August 27, 2024
Public Meeting Date	December 20, 2024

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<sup>1</sup> The OCA requests that the hearings be held telephonically.



## VIII. SETTLEMENT

The OCA will fully participate in settlement discussions with the parties at the appropriate time during this proceeding.

Respectfully Submitted,

/s/ Christy M. Appleby

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DATE: April 25, 2024

APPENDIX A  
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of PPL Electric Utilities Corporation :  
For Approval of a Default Service Program : Docket No. P-2024-3047290  
And Procurement for the Period June 1, 2025 :  
Through May 31, 2029 :

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OCA PROPOSED DISCOVERY  
RULE MODIFICATIONS

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In conjunction with its proposed schedule, the OCA proposes the following modifications to the Commission’s procedural rules regarding discovery. The OCA requests that the Presiding Officer direct that the modifications will take effect when addressed during the on the record prehearing conference and apply to all future discovery requests served as of the day of the prehearing conference.

- A. Answers to written interrogatories and requests for document production, entry for inspection, or other purposes shall be served in-hand within ten (10) calendar days of service.
- B. Objections to interrogatories and/or requests for production 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.
- C. Motions to dismiss objections and/or direct the answering of interrogatories and/or requests for production shall be filed within three (3) calendar days of service of written objections.
- D. Answers to motions to dismiss objections and/or answering of interrogatories and/or requests for production shall be filed within three (3) calendar days of service of such motions.

- E. Requests for admissions will be deemed admitted unless answered within ten (10) calendar days or objected to within five (5) calendar days of service.
- F. Answers to on-the-record data requests shall be served in-hand within five (5) calendar days of the requests.
- G. Any discovery or discovery-related pleadings (such as objections, motions, and answers to same) served after served after 4:30 p.m. Monday through Thursday or after 1:30 p.m. 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.

After rebuttal is served, the OCA proposes that the deadlines should be reduced as follows:

- A. Answers to interrogatories and responses to requests for document production, entry for inspection, or other purposes shall be served within five (5) calendar days of service of the interrogatories or requests for production.
- B. Objections to interrogatories and/or requests for production shall be communicated orally to the propounding party within two (2) calendar days of service; unresolved objections shall be served on the propounding party in writing within three (3) calendar days of service of the interrogatories and/or requests for production.
- C. Motions to dismiss objections and/or direct the answering of interrogatories and/or requests for production shall be filed within two (2) calendar days of service of written objections.
- D. Answers to motions to dismiss objections and/or direct the answering of interrogatories and/or requests for production shall be filed within two (2) calendar days of service of such motions.
- E. Requests for admission shall be deemed admitted unless answered or objected to within three (3) calendar days of service.
- F. Discovery requests and discovery related pleadings (such as objections, motions, and answers to same) served after 4:30 p.m. Monday through Thursday or after 1:30 p.m. on a Friday or the day preceding a holiday shall be deemed to have been served on the next business day.