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File #: 178868

September 17, 2020

***VIA ELECTRONIC FILING***

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

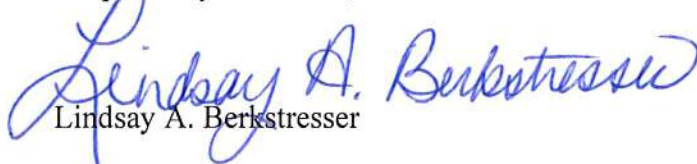
**Re: Petition of PPL Electric Utilities Corporation for Approval of Its Default Service  
Plan for the Period of June 1, 2021 through May 31, 2025  
Docket No. P-2020-3019356**

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Dear Secretary Chiavetta:

Attached for filing is the Joint Petition for Approval of Partial Settlement in the above-referenced proceeding. Copies are being provided per the Certificate of Service.

Respectfully submitted,

  
Lindsay A. Berkstresser

LAB/cls  
Attachment

cc: Honorable Elizabeth Barnes  
Certificate of Service

## CERTIFICATE OF SERVICE

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) and the Pennsylvania Public Utility Commission's March 20, 2020 Emergency Order at Docket No. M-2020-3019262.

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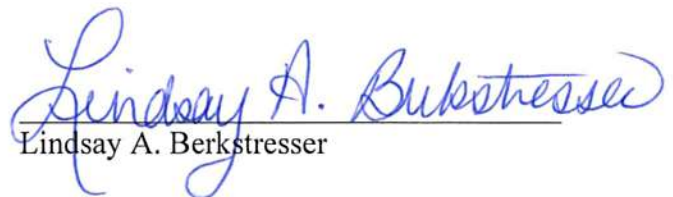
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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PPL Electric Utilities :  
Corporation for Approval of a Default : Docket No. P-2020-3019356  
Service Program and Procurement Plan for :  
the Period June 1, 2021 through May 31, :  
2025 :

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**JOINT PETITION FOR APPROVAL OF  
PARTIAL SETTLEMENT**

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TO THE HONORABLE ADMINISTRATIVE LAW JUDGE ELIZABETH H. BARNES:

**I. INTRODUCTION**

PPL Electric Utilities Corporation (“PPL Electric” or the “Company”), the Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Investigation and Enforcement (“I&E”), 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 Sustainable Energy Fund (“SEF”), Interstate Gas Supply, Inc., Shipley Choice LLC, NRG Energy, Inc, Vistra Energy Corp., ENGIE Resources LLC, WGL Energy and Direct Energy Services, LLC (collectively, “EGS Parties”), and Calpine Retail Holdings, LLC (“Calpine”), all parties<sup>1</sup> to the above-captioned proceeding (hereinafter, singularly “Signatory Party” and collectively “Signatory Parties”), hereby file this “Joint Petition for Approval of Partial Settlement” (“Partial Settlement”) and respectfully request that Administrative Law Judge Elizabeth H. Barnes (“ALJ”) and the Commission approve the proposals set forth in PPL Electric’s above-captioned petition subject to the terms and conditions of the Partial Settlement

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<sup>1</sup> Retail Energy Supply Association (“RESA”) initially intervened in the proceedings, but subsequently withdrew its intervention.

and a decision on the issues reserved for litigation. This Partial Settlement is not contested by any party,<sup>2</sup> and represents a partial settlement to resolve certain of the issues and concerns raised in the instant proceeding. In support of the Partial Settlement, the Signatory Parties state the following:

## II. BACKGROUND

1. PPL Electric furnishes electric distribution, transmission, and default supply services to approximately 1.4 million customers throughout its certificated service territory, which includes all or portions of 29 counties and encompasses approximately 10,000 square miles in eastern and central Pennsylvania. PPL Electric is a “public utility,” an “electric distribution company” (“EDC”), and a “default service provider” as defined in Sections 102 and 2803 of the Pennsylvania Public Utility Code, 66 Pa.C.S. §§ 102, 2803.

2. On March 25, 2020, PPL Electric filed a Petition requesting Commission approval of its proposed fifth Default Service Program and Procurement Plan (“DSP V Program”) to establish the terms and conditions under which PPL Electric will acquire and supply Default Service or provider of last resort service (“Default Service”), from June 1, 2021 through May 31, 2025 (the “DSP V Program Period”). (PPL Electric Exhibit No. 1) As explained in the Petition, the DSP V Program, *inter alia*, consists of a proposal for competitive procurement of Default Service supply and related Alternative Energy Credits (“AECs”) during the DSP V Program Period; an implementation plan; a proposed rate design, including a Time-of-Use (“TOU”) rate option for Default Service during the DSP V Program Period; a proposal to modify the Company’s current Standard Offer Referral Program (“SOP”); a proposal to require

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<sup>2</sup> Statewise Energy Pennsylvania LLC and SFE Energy Pennsylvania, Inc. (“collectively “Statewise”), PP&L Industrial Customer Alliance (“PPLICA”), Starion Energy PA, Inc. (“Starion”), Inspire Energy Holdings, LLC (“Inspire”) and the Industrial Energy Consumers of Pennsylvania (“IECPA”) do not oppose the Settlement.

Customer Assistance Program (“CAP”) customers to take Default Service; a proposal to establish an optional Renewable Rate Program; and a contingency plan for the DSP V Program. Copies of a *pro forma* Default Service Request for Proposals Process and Rules (“Default Service RFP”), a *pro forma* Default Service Supply Master Agreement (“Default Service SMA”), a *pro forma* Block Energy Request for Proposals Process and Rules (“Block RFP”), a *pro forma* Block Energy Supply Master Agreement (“Block SMA”), a *pro forma* Alternative Energy Credit Request for Proposals Process and Rules (“AEC RFP”), and a *pro forma* Alternative Energy Credit Supply Master Agreement (“AEC SMA”) were included with the Petition. The filing also contained *pro forma* tariff pages to implement rates under the DSP V Program and *pro forma* tariff pages for the proposed Renewable Rate Program.

3. Together with the DSP V Petition, PPL Electric filed the following prepared direct testimony, with related exhibits in support of the DSP IV Program: PPL Electric Statement No. 1, Direct Testimony of James R. Rouland; PPL Electric Statement No. 2, Direct Testimony of A. Joseph Cavicchi; PPL Electric Statement No. 3, Direct Testimony of Melinda Stumpf, and PPL Electric Statement No. 4, Direct Testimony of Michele LaWall-Schmidt. Therein, PPL Electric more fully explained the details of the proposed DSP V Program and why the Company believes that the proposed DSP V Program includes and/or addresses all of the elements prescribed by Section 2807(e) of the Public Utility Code, the Commission’s regulations, and the Commission’s policies for a Default Service plan.

4. On April 10, 2020, the Commission issued a notice scheduling a prehearing conference in the above-captioned matter for May 15, 2020. On April 18, 2020, notice of PPL Electric’s DSP V Petition was published in the *Pennsylvania Bulletin*, 50 Pa.B. 2164.

5. A Notice of Intervention was filed by I&E on May 6, 2020. A Notice of Intervention and Answer was filed by OCA on May 8, 2020. A Notice of Intervention was filed by OSBA on May 8, 2020. Petitions to Intervene were filed by: PPLICA, SEF, CAUSE-PA, IECPA, EGS Parties, Starion, Inspire, Calpine and Statewise.

6. An initial prehearing conference was held before the ALJ on May 15, 2020. The active parties filed prehearing memoranda identifying potential issues and witnesses. A litigation schedule was established at the prehearing conference and adopted in a Scheduling Order dated May 15, 2020.

7. On May 28, 2020, PPL Electric filed an unopposed Motion for Protective Order, which was granted on June 1, 2020.

8. On June 25, 2020, certain parties other than PPL Electric served the following direct testimony, with accompanying exhibits: I&E served the Direct Testimony of Christopher Keller, I&E Statement No. 1; OCA served the Direct Testimony of Steven L. Estomin, OCA Statement No. 1, and the Direct Testimony of Barbara R. Alexander, OCA Statement No. 2; OSBA served the Direct Testimony of Robert D. Knecht, OSBA Statement No. 1; CAUSE-PA served the Direct Testimony of Harry Geller, CAUSE-PA Statement No. 1; SEF served the Direct Testimony of John M. Costlow, SEF Statement No. 1; PPLICA served the Direct Testimony of Michael Peters, PPLICA Statement No. 1; IECPA served the Direct Testimony of David F. Ciarlone, IECPA Statement No. 1; EGS Parties served the Direct Testimony of Christopher H. Kallaher, EGS Parties Statement No. 1; Inspire served the Direct Testimony of Aaron Jacobs-Smith, Inspire Statement No. 1; and Starion served the Direct Testimony of Pete Muzsi, Starion Statement No. 1. No other party served direct testimony.

9. On July 23, 2020, rebuttal testimony was served by certain parties. PPL Electric served: the Rebuttal Testimony of James R. Rouland, PPL Electric Statement No. 1-R, the Rebuttal Testimony of A. Joseph Cavicchi, PPL Electric Statement No. 2-R, the Rebuttal Testimony of Melinda Stumpf, PPL Electric Statement No. 3-R, the Rebuttal Testimony of Michele LaWall-Schmidt, PPL Electric Statement No. 4-R, the Rebuttal Testimony of Gary M. Hartman, Jr., PPL Electric Statement No. 5-R and the Rebuttal Testimony of Scott R. Koch, PPL Electric Statement No. 6-R; OCA served the Rebuttal Testimony of Steven L. Estomin, OCA Statement No. 1-R and the Rebuttal Testimony of Barbara R. Alexander; OSBA served the Rebuttal Testimony of Robert D. Knecht, OSBA Statement No. 1-R; CAUSE-PA served the Rebuttal Testimony of Harry Geller, CAUSE-PA Statement No. 1-R; PPLICA served the Rebuttal Testimony of Michael Peters, PPLICA Statement No. 1-R; EGS Parties served the Rebuttal Testimony of Christopher H. Kallaher, EGS Parties Statement No. 1-R; and Calpine served the Rebuttal Testimony of Becky Merola, Calpine Statement No. 1. No other parties served rebuttal testimony.

10. The following surrebuttal testimony was served by certain parties on August 6, 2020: PPL Electric served the Surrebuttal Testimony of James R. Rouland, PPL Electric Statement No. 1-SR, and the Surrebuttal Testimony of Melinda Stumpf, PPL Electric Statement No. 2-SR; I&E served the Surrebuttal Testimony of Christopher Keller, I&E Statement No. 1-SR; OCA served the Surrebuttal Testimony of Richard S. Hahn, OCA Statement No. 1-SR, and the Surrebuttal Testimony of Barbara R. Alexander, OCA Statement No. 2-SR; OSBA served the Surrebuttal Testimony of Robert D. Knecht, OSBA Statement No. 1-S; CAUSE-PA served the Surrebuttal Testimony of Harry Geller, CAUSE-PA Statement No. 1-SR; SEF served the Surrebuttal Testimony of John M. Costlow, SEF Statement No. 1-SR; PPLICA served the



Surrebuttal Testimony of Michael Peters, PPLICA Statement No. 1-SR; IECPA served the Surrebuttal Testimony of David F. Ciarlone, IECPA Statement No. 1-SR; EGS Parties served the Surrebuttal Testimony of Christopher H. Kallaher, EGS Parties Statement No. 1-SR; Inspire served the Surrebuttal Testimony of Aaron Jacobs-Smith, Inspire Statement No. 1-SR; and Starion served the Surrebuttal Testimony of Pete Muzsi, Starion Statement No. 1-SR. No other parties served surrebuttal testimony.

11. On August 10, 2020, the following rejoinder testimony was served: PPL Electric served the Rejoinder Testimony of Gary M. Hartman, Jr., PPL Electric Statement No. 5-RJ and the Rejoinder Testimony of Scott R. Koch, PPL Electric Statement No. 6-RJ. No other parties served rejoinder testimony.

12. An evidentiary hearing was held on August 13, 2020. The active parties agreed to waive cross examination and moved their respective testimonies and exhibits into the record. CAUSE-PA and Starion entered into a Stipulation that was admitted into the record. CAUSE-PA and Inspire also entered into a Stipulation that was admitted into the record. (Tr. p. 44)

13. The Parties exchanged multiple settlement proposals and engaged in multiple days of settlement negotiations. As a result of these extensive efforts described above, the active parties have agreed to a partial settlement unopposed by all parties.

14. This Partial Settlement resolves all but three of the issues and concerns raised by the active parties in the instant proceeding, as specified below and, therefore, the Signatory Parties request that the ALJ and the Commission approve the proposals set forth in PPL Electric's proposed DSP V Program, subject to the terms and conditions of the Partial Settlement and a decision on the issues reserved for litigation.

15. The Partial Settlement agreed to by the Signatory Parties is set forth in the following Section III. The reserved issues are identified in Section IV.

### **III. SETTLEMENT**

16. The following terms of this Partial Settlement reflect a carefully balanced compromise of the interests of all of the Signatory Parties in this proceeding. The Signatory Parties unanimously agree that the Partial Settlement is in the public interest.

17. The Signatory Parties agree to the following:

#### **A. GENERAL**

18. Subject to the terms and conditions of the Partial Settlement and excluding the issues reserved for litigation, the Signatory Parties agree that the proposals set forth in PPL Electric's Petition requesting approval of its fifth Default Service Program and Procurement Plan ("DSP V Program"), including the Default Service Supply Master Agreement ("Default Service SMA"), Request for Proposals ("RFP") Process and Rules, Program Product Procurement Schedule, and Tariff provisions for the Generation Supply Charge-1 ("GSC-1"), the Generation Supply Charge-2 ("GSC-2") and the Transmission Service Charge ("TSC"), are acceptable and should be adopted by the Pennsylvania Public Utility Commission ("Commission"). Any proposals of other parties not expressly addressed in this Section III or reserved for litigation in Section IV are withdrawn.

19. The Signatory Parties agree that PPL Electric's DSP V Program, as modified by the terms and conditions of the Partial Settlement and excluding the issues reserved for litigation, includes and/or addresses all of the elements prescribed by Section 2807 of the Public Utility Code, the Commission's regulations, and the Commission's policies for a Default Service plan.

#### **B. NITS**

20. The EGS Parties' proposal for PPL Electric to create a non-bypassable charge to recover NITS costs is withdrawn for purposes of this proceeding only.

**C. GSC-1 RECONCILIATION**

21. The Signatory Parties agree to settle this issue in accordance with the PPL Electric rebuttal testimony of Mr. Scott Koch, PPL Electric Statement No. 6-R, page 8, lines 4-15. Specifically, the Company will reconcile 12 months of over/under collections over a 12-month period consistent with its other Section 1307 surcharges. In the event the GSC-1 E-factor exceeds 10 percent of the Price-to-Compare for Small C&I GSC-1 customers, the Company agrees to consult with the OSBA regarding the causes for this variance and steps being taken to reduce GSC-1 variances.

**D. RENEWABLE ENERGY RIDER**

22. The Company agrees to withdraw its proposed Renewable Energy Rider without prejudice to future re-filing in a default service docket either as part of a new plan or an amendment to an existing plan.

**E. AEC AUCTION**

23. The Company agrees to operate this program as a pilot program for the DSP V program period; provided, however, this proposal is contingent on full recovery of all costs of the program through the GSC-1 rate. Full-cost recovery in the GSC-1 rate will be subject to the determination that the costs are prudent and reasonable in the filing(s) in which PPL proposes recovery.

24. The Company will provide a summary report on each AEC Auction conducted throughout DSP V in its next DSP filing. This report will include forecast and actual AECs procured by customer group and Tier type; average pricing information by Tier type, customer

group by period; number of customers by customer group; and reconciliation details by customer group.

**F. SOP**

25. The Company will work with OCA, OSBA, and other interested parties in revising the guidelines used by CSRs and scripts used by Hansen employees. Any such revisions will be completed within 90 days after the entry of a Commission order approving this Partial Settlement without modification.

26. The Company agrees to increase its monitoring of Hansen employees to ensure that the complete conversation accurately reflects the SOP contract terms and required disclosures. The Company further agrees to take any necessary actions, including, but not limited to, additional training of Hansen employees, or terminating the Company's contract with Hansen, as may be necessary.

**G. TOU ANALYSIS**

27. The Company agrees to perform additional analysis and reporting on the TOU program in its next DSP proceeding. Such analysis will include evaluation of the PPL Electric Residual Aggregation Point Locational Margin Prices (LMP) for the preceding two calendar years, and residential and small commercial and industrial customer load, by hour, for the preceding two calendar years. Analysis will focus on evaluating the appropriate on-peak hours for the next DSP TOU program. PPL Electric agrees to include the following information on its website regarding its time of use rate: (1) Time of Use rates may not be appropriate for customers that cannot change the time of day that they rely on electricity, such as those with medical devices that require electricity or customers who are home during peak hours; and (2) If you are a low income customer, other programs and rate assistance may be available to help you to afford your bill. Contact PPL at [add phone number] for more information and to apply.

28. PPL Electric will evaluate the impacts of the Company's TOU rates on confirmed low-income customers as part of the annual report required by Act 129 of 2008.

#### **IV. ISSUES RESERVED FOR LITIGATION**

29. The following issues are not resolved by the Partial Settlement and will be reserved for litigation: (1) the use of 1 CP versus 5 CP for calculating NSPL; (2) all CAP SOP issues; and (3) all SOP issues except for the use of guidelines and scripts in PPL Electric's and Hansen's communications with customers as set forth above.

#### **V. THE SETTLEMENT IS IN THE PUBLIC INTEREST**

30. Commission policy promotes settlements. *See* 52 Pa. Code § 5.231. Settlements lessen the time and expense the parties must expend litigating a case and, at the same time, conserve administrative resources. The Commission has indicated that settlement results are often preferable to those achieved at the conclusion of a fully litigated proceeding. *See id.* § 69.401. In order to accept a settlement, the Commission must first determine that the proposed terms and conditions are in the public interest. *Pa. Pub. Util. Comm'n v. York Water Co.*, Docket No. R-00049165 (Order entered Oct. 4, 2004); *Pa. Pub. Util. Comm'n v. C.S. Water and Sewer Assocs.*, 74 Pa. P.U.C. 767 (1991). As will be detailed in the Signatory Parties' Statements in Support, the instant Partial Settlement is in the public interest because, with the conditions imposed herein, PPL Electric's DSP V will provide substantial affirmative public benefits.

31. Approval of the Partial Settlement will lessen the time and expenses that the Signatory Parties and the Commission must expend on the proceedings.

32. The Partial Settlement resolves all issues in this proceed with the exception of three discrete issues.

33. The Signatory Parties will further supplement the reasons that the Partial Settlement is in the public interest in their Statements in Support.

## **VI. CONDITIONS OF THE SETTLEMENT**

34. The Partial Settlement is conditioned upon the Commission's approval of the terms and conditions contained in this Partial Settlement without modification. If the Commission modifies the Partial Settlement, any Signatory Party may elect to withdraw from the Partial Settlement and may proceed with litigation and, in such event, the Partial Settlement shall be void and of no effect. Such election to withdraw must be made in writing, filed with the Secretary of the Commission and served upon all Signatory Parties within five (5) business days after the entry of an Order modifying the Settlement.

35. The Signatory Parties acknowledge and agree that this Partial Settlement, if approved, shall have the same force and effect as if the Signatory Parties had fully litigated these proceedings.

36. This Partial Settlement is proposed by the Signatory Parties to settle certain issues in the instant proceeding. If the Commission does not approve the Settlement and the proceedings on these issues continue, the Signatory Parties reserve their respective procedural rights to evidentiary hearings, submission of additional testimony and exhibits, cross-examination of witnesses, briefing, and argument of their respective positions. The Partial Settlement is made without any admission against, or prejudice to, any position that any Signatory Party may adopt in the event of any subsequent litigation of these proceedings, or in any other proceeding.

37. The Signatory Parties acknowledge that the Partial Settlement reflects a compromise of competing positions and does not necessarily reflect any Signatory Party's

position with respect to any issues raised in this proceeding. This Partial Settlement may not be cited as precedent in any future proceeding, except to the extent required to implement this Partial Settlement.

38. If the ALJ adopts the Partial Settlement without modification, the Signatory Parties waive their right to file Exceptions on those issues that are resolved by this Partial Settlement.

## **VII. CONCLUSION**

WHEREFORE, PPL Electric, I&E, OCA, OSBA, CAUSE-PA, SEF, the EGS Parties, and Calpine, by their respective counsel, respectfully request as follows:

(a) That the Honorable Administrative Law Judge Elizabeth H. Barnes recommend approval of, and the Pennsylvania Public Utility Commission approve, this Joint Petition for Approval of Partial Settlement including all terms and conditions thereof without modification; and

(b) Subject to the terms and conditions set forth herein, and a decision on the issues reserved for litigation, that the Honorable Administrative Law Judge Elizabeth H. Barnes recommend approval of, and the Pennsylvania Public Utility Commission approve, the proposals set forth in PPL Electric's DSP V Program.

Respectfully submitted,

*Lindsay A. Berkstresser*

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*9-17-2020*

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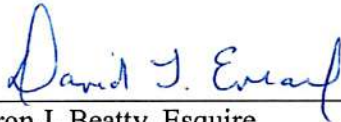


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Respectfully submitted,

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/s/ Steven C. Gray

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Date: September 15, 2020

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\_\_\_\_\_  
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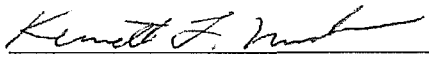
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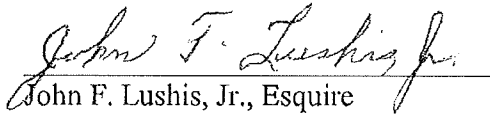
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Date

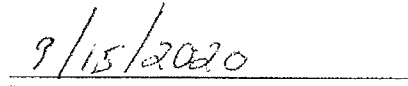
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