**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Metropolitan Edison Company for : P-2021-3030012

Approval of Its Default Service Plan for the Period :

From June 1, 2023 through May 31, 2027 :

Petition of Pennsylvania Electric Company for : P-2021-3030013

Approval of Its Default Service Plan for the Period :

From June 1, 2023 through May 31, 2027 :

Petition of Pennsylvania Power Company for : P-2021-3030014

Approval of Its Default Service Plan for the Period :

From June 1, 2023 through May 31, 2027 :

Petition of West Penn Power Company for : P-2021-3030021

Approval of Its Default Service Plan for the Period :

From June 1, 2023 through May 31, 2027 :

**INTERIM ORDER**

**REVISING LITIGATION SCHEDULE AS**

**MODIFIED BY INTERIM ORDER ENTERED ON MARCH 2, 2022**

On December 14, 2021, the Metropolitan Edison Company (Met-Ed), Pennsylvania Electric Company (Penelec), Pennsylvania Power Company (Penn Power), and West Penn Power Company (West Penn) (collectively, the Company or Companies) petitioned the Pennsylvania Public Utility Commission (PUC or Commission) for approval of a proposed plan for the terms and conditions under which the Companies would supply default service from June 1, 2023, through May 31, 2027.[[1]](#footnote-1) The Petition was filed pursuant to Pennsylvania’s Electricity Generation Customer Choice and Competition Act at 66 Pa. C.S. § 2801, Act 129 of 2008, the Commission’s default service regulations at 52 Pa. Code §§ 54.181-54.190, and the Commission’s default service policy statement at 52 Pa. Code §§ 69.1801-1817.

Notice of the Companies’ filing was published in the Pennsylvania Bulletin on January 1, 2022.

On January 3, 2022, the Commission issued a Pre-Conference Hearing Notice, scheduling a pre-hearing conference for Friday, January 21, 2022. On the same day, a Prehearing Conference Order was entered requiring parties to file a Prehearing Conference Memorandum on or before Thursday, January 20, 2022.

On January 17, 2022, Joint Petitions to Intervene were filed by John Bevec (Bevec) and Sunrise Energy LLC (Sunrise).

The Prehearing Conference was convened as scheduled on January 21, 2021. The Company, OCA, OSBA, I&E, CAUSE-PA, MEIUG, PICA, WPPII, Shipley, PSU, ExGen, Constellation, CPower, RESA, NRG, Bevec, and Sunrise attended and were represented by legal counsel. Calpine also attended the Prehearing Conference.

At the prehearing conference, the Parties agreed upon a Discovery and litigation schedule and other procedural issues. In addition, the Petitions to Intervene filed by CAUSE-PA, MEIUG, PICA, WPPII, Shipley, PSU, ExGen, Constellation, CPower, RESA, NRG, and Calpine were granted by the undersigned ALJ at the prehearing conference, without objection, and memorialized in the Prehearing Order entered on January 25, 2022. The Company indicated it intended to file a responsive pleading to the Petitions to Intervene filed by Bevec and Sunrise on or before February 7, 2022.

On February 7, 2022, the Company filed an Answer and New Matter To The Petition To Intervene Of John Bevec and Sunrise Energy, LLC (Petitioners), pursuant to the 52 Pa. Code § 5.66.

On February 11, 2022, John Bevec and Sunrise Energy, LLC, filed their Reply to New Matter. On February 28, 2022, an interim order was entered permitting John Bevec and Sunrise Energy LLC, to intervene in this proceeding, subject to the terms set forth in the order.

On February 23, 2022, John Bevec and Sunrise Energy, LLC, filed a Motion to Extend Time Permitted to Conduct Discovery and Submit Testimony of John Bevec and Sunrise Energy, LLC (Motion).

On February 28, 2022, an interim order was entered permitting the filing of any responsive pleading or Objection to the Motion to Extend Time Permitted to Conduct Discovery and Submit Testimony of John Bevec and Sunrise Energy, LLC, on or before March 1, 2022, at

4:00 p.m. In addition, the Parties were encouraged to confer and resolve the issues raised in the Motion and all scheduling and discovery disputes. The Company timely filed a responsive pleading opposing the Motion.

On March 2, 2022, an interim order was entered directing Sunrise and Bevec to serve all discovery that it believes is necessary to prepare its Second Direct Testimony no later than March 4, 2022; requiring Sunrise and Bevec to file its Second Direct Testimony no later than March 18, 2022; and providing the Companies with an opportunity to file supplemental rebuttal testimony in response to the issues presented by Sunrise and Bevec in its Second Direct Testimony no later than March 31, 2022.

On March 9, 2022, the Company filed Objections of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company to the Interrogatories (Set 1) of Sunrise Energy, LLC and John Bevec. The Company argued that the First Set of Interrogatories (Set I), Nos. 24 through 28, propounded by Sunrise and Bevec on March 4, 2022, are not relevant to any matters properly at issue in this proceeding.

On March 11, 2022, Sunrise and Bevec filed its Motion to Dismiss the Joint Petitioners' Objections and Direct Them to Answer the Interrogatories and Produce Documents.

On March 15, 2022, the Companies filed their Answer in opposition to the Motion of John P. Bevec and Sunrise Energy, LLC to Dismiss Objections and Direct the Companies to Answer Interrogatories and Produce Documents.

On March 15, 2022, an interim order was entered granting the Motion to Dismiss the Joint Petitioners' Objections and Direct Them to Answer the Interrogatories and Produce Documents regarding Interrogatory Numbers 24, 25, 26 and 27; denying the Objections to Interrogatory Numbers 24, 25, 26 and 27; denying the Motion to Dismiss the Joint Petitioners' Objections and Direct Them to Answer the Interrogatories and Produce Documents regarding Interrogatory Number 28 and granting the Objections to Interrogatory Number 28. In addition, the Companies were ordered, on or before March 18, 2022, to serve upon counsel for Intervenors, John P. Bevec and Sunrise Energy, LLC, full and complete responses to Interrogatory Numbers 24, 25, 26 and 27.

On March 17, 2022, the undersigned presiding officer received an email from counsel for the Companies, which was copied to all parties, communicating an agreement regarding a modification of the litigation schedule. The undersigned presiding officer provided the Parties with an email response indicating that the modification would be approved as agreed upon by the Parties. On March 18, 2022, counsel for the Companies provided the undersigned presiding officer with an email detailing the agreement between the Parties.

THEREFORE,

IT IS ORDERED:

1. That the Interim Order entered on March 2, 2022 shall be modified as more specifically set forth below.
2. That all responses to pending Sunrise discovery to the Companies will be served by March 18, 2022.
3. That Sunrise will file its Second Direct Testimony on March 23, 2022.
4. That the Parties to this proceeding, including Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company may serve supplemental rebuttal testimony in response to the issues presented by John Bevec and Sunrise Energy in their Direct and Second Direct Testimony no later than April 4, 2022.  A Party may choose to address the Direct Testimony of John Bevec and Sunrise Energy in rebuttal testimony filed on March 24, 2022, but is under no obligation to do so.

Date: March 21, 2022 /s/

Jeffrey A. Watson

Administrative Law Judge

**P-2021-3030012 et al – Petition of Metropolitan Edison Company for approval of Default Service Program et al**

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1. Joint Petition of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company for Approval of Their Default Service Programs, Docket Nos.

   P-2021-3030012, et al. (Dec. 14, 2021) (Joint Petition or DSP VI). [↑](#footnote-ref-1)