**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**

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 April 12, 2022, the Parties filed a Joint Stipulation For Admission Of Testimony, Exhibits and Certain Responses to Discovery, which included Attachment 1 to the Joint Stipulation, including the Testimony and Exhibit List of all Parties. The Parties stipulated to the authenticity of the statements, exhibits and discovery responses listed in Attachment 1 to the stipulation, acknowledged and agreed to waive cross-examination of the witnesses whose testimony is included in the listed statements, exhibits and discovery responses, except that any witness providing oral rejoinder at hearings may be subject to cross-examination by any other party regarding the oral rejoinder of that witness, and stipulated that the listed statements, exhibits and discovery responses should be admitted into the record in this case.

The evidentiary hearing was convened on April 13, 2022, as scheduled. All Parties were present and represented by counsel. The hearing was concluded on April 13, 2022, and accordingly, the hearing scheduled for April 14, 2022 was cancelled.

At the evidentiary hearing, the Parties indicated that they are continuing to engage in settlement discussions and agreed to confer to propose any necessary revision to the litigation schedule. In addition, the Joint Stipulation For Admission Of Testimony, Exhibits and Certain Responses to Discovery was accepted and the evidence identified in Attachment 1 to the Joint Stipulation was admitted into the record without objection.

On April 13, 2022, the undersigned presiding officer received an email from counsel for the Companies advising that the some of the Parties may have reached a settlement on various issues in this proceeding with several remaining issues open for litigation, but that the proposed settlement is not unanimous as to all of the parties.  In addition, several of the Parties have generally agreed to the modification to the litigation schedule as proposed below. The undersigned presiding officer provided an email to the Parties requesting that any objections to the proposed modifications to the litigation schedule be provided to the undersigned by 4:00 p.m. this date. No objections were received.

In addition to the modifications proposed by the Parties, the Parties will be required to confer and agree upon a common list of issues to be addressed in the Statements in Support of Settlement and the Briefs to be filed by the Parties. The list of common issues shall be submitted to the undersigned presiding officer on or before April 27, 2022, as set forth below.

Under the circumstances, the following order will be entered.

THEREFORE,

IT IS ORDERED:

1. That on or before April 20, 2022, the Settling Parties shall file their Joint Petition for Settlement, without the filing of Statements in Support of Settlement.
2. That on or before April 27, 2022, the Parties shall confer and agree upon a common list of issues to be addressed in the Statements in Support of Settlement and the Briefs to be filed by the Parties. The list of common issues shall be submitted to the undersigned presiding officer on or before April 27, 2022.
3. That all Statements in Support of Settlement shall include a list of common issues which the Parties shall utilize in the organization of the statements in support of settlement and shall be structured so that all parties’ statements in support of settlement discuss identical issues as identified by the parties.
4. That all Briefs shall include a list of common issues which the Parties shall utilize in the organization of the Briefs and shall be structured so that all parties’ Briefs discuss identical issues as identified by the parties.
5. That on or before May 6, 2022, the Settling Parties shall file Statements in Support of Settlement and Briefs in support of settlement, and Main Briefs addressing any issues reserved for briefing, to include each party’s Proposed Findings of Fact with specific citations to the record, Conclusions of Law and Ordering Paragraphs.
6. That on or before May 6, 2022, the Non Settling Parties shall file Objections to Settlement and Briefs in opposition to Settlement, and Main Briefs addressing any issues reserved for briefing, to include each party’s Proposed Findings of Fact with specific citations to the record, Conclusions of Law and Ordering Paragraphs.
7. That on or before May 16, 2022, the Parties shall file Reply Briefs in support of/opposition to the Settlement and addressing any issues reserved for briefing.
8. That any Briefs, Settlement Petitions and Statements in Support of Settlement filed in this case shall clearly set forth, in the text of the document, and not as a reference to an exhibit or other document, the essential terms of the Settlement.

Date: April 15, 2022 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/s/\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Jeffrey A. Watson

Administrative Law Judge

**P-2021-3030012 et al – PETITION OF METROPOLITAN EDISON COMPANY FOR APPROVAL OF DEFAULT SERVICE PROGRAM**

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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)