



McNees Wallace & Nurick LLC  
100 Pine Street  
P.O. Box 1166  
Harrisburg, PA 17108-1166

**Ryan Block**  
Telephone: 717.237.5446  
Fax: 717.237.5300  
rblock@mcneeslaw.com

May 1, 2024

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor  
Harrisburg, PA 17120

**VIA ELECTRONIC FILING**

**RE: Pennsylvania Public Utility Commission v. FirstEnergy Pennsylvania Electric Company;  
Docket No. R-2024-3047068**

Dear Secretary Chiavetta:

Attached for filing with the Pennsylvania Public Utility Commission is the Prehearing Memorandum of the Met-Ed Industrial Users Group ("MEIUG"), the Penelec Industrial Customer Alliance ("PICA"), and the West Penn Power Industrial Intervenors ("WPPII"), in the above-referenced proceeding.

As evidenced by the attached Certificate of Service, all parties to this proceeding are being duly served with a copy of this document. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Ryan Block".

Ryan Block  
MCNEES WALLACE & NURICK LLC

c: Katrina L. Dunderdale, Administrative Law Judge  
Certificate of Service

## CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants, listed below, in accordance with the requirements of Section 1.54 (relating to service by a participant).

### VIA EMAIL

Tori L. Giesler, Esq.  
Darshana Singh, Esq.  
Angelina M. Umstead, Esq.  
FirstEnergy Service Company  
76 South Main  
Akron, OH 44308  
[tgiesler@firstenergycorp.com](mailto:tgiesler@firstenergycorp.com)  
[singhd@firstenergycorp.com](mailto:singhd@firstenergycorp.com)  
[aumstead@firstenergycorp.com](mailto:aumstead@firstenergycorp.com)

David B. MacGregor, Esq.  
Garrett P. Lent, Esq.  
Nicholas A. Stobbe, Esq.  
Post & Schell, P.C.  
17 North Second Street, 12th Floor  
Harrisburg, PA 17101-1601  
[dmacgregor@postschell.com](mailto:dmacgregor@postschell.com)  
[glent@postschell.com](mailto:glent@postschell.com)  
[nstobbe@postschell.com](mailto:nstobbe@postschell.com)

Devin T. Ryan, Esq.  
Post & Schell, P.C.  
One Oxford Centre  
301 Grant Street, Suite 3010  
Pittsburgh, PA 15219  
[dryan@postschell.com](mailto:dryan@postschell.com)

Scott B. Granger, Esq.  
Bureau of Investigation & Enforcement  
Commonwealth Keystone Building  
400 North Street, 2nd Floor West  
PO Box 3265  
Harrisburg, PA 17105-3265  
[sgranger@pa.gov](mailto:sgranger@pa.gov)

Paul T. Diskin  
Bureau of Technical Utility Services  
Commonwealth Keystone Building  
400 North Street, 3rd Floor West  
PO Box 3265  
Harrisburg, PA 17105-3265  
[pdiskin@pa.gov](mailto:pdiskin@pa.gov)

Darryl Lawrence, Esq.  
Harrison Breitman, Esq.  
Andrew Zerby, Esq.  
Emily A. Farren, Esq.  
Office of Consumer Advocate  
555 Walnut Street  
Forum Place, 5th Floor  
Harrisburg, PA 17101-1923  
[dlawrence@paoca.org](mailto:dlawrence@paoca.org)  
[hbreitman@paoca.org](mailto:hbreitman@paoca.org)  
[azerby@paoca.org](mailto:azerby@paoca.org)  
[EFarren@paoca.org](mailto:EFarren@paoca.org)  
[OCAFirstEnergy2024@paoca.org](mailto:OCAFirstEnergy2024@paoca.org)

Sharon Webb, Esq.  
Rebecca Lyttle, Esq.  
Office of Small Business Advocate  
555 Walnut Street, 1st Floor  
Forum Place  
Harrisburg, PA 17101  
[swebb@pa.gov](mailto:swebb@pa.gov)  
[relyttle@pa.gov](mailto:relyttle@pa.gov)

Certificate of Service

Page 2

Ria M. Pereira, Esq.  
Elizabeth R. Marx, Esq.  
John W. Sweet, Esq.  
Lauren N. Berman, Esq.  
Pennsylvania Utility Law Project  
118 Locust Street  
Harrisburg, PA 17101-1414  
[pulp@pautilitylawproject.org](mailto:pulp@pautilitylawproject.org)  
*Counsel for Counsel for Coalition for  
Affordable Utility Services and Energy  
Efficiency in PA (CAUSE-PA)*

Thomas Sniscak, Esq.  
Whitney Snyder, Esq.  
Hawke McKeon & Sniscak LLP  
100 North Tenth Street  
Harrisburg, PA 17101  
[tjsniscak@hmslegal.com](mailto:tjsniscak@hmslegal.com)  
[wesnyder@hmslegal.com](mailto:wesnyder@hmslegal.com)  
*Counsel for the Pennsylvania State  
University*

Barry A. Naum, Esq.  
Steven W. Lee, Esq.  
Spilman Thomas & Battle, PLLC  
1100 Bent Creek Boulevard, Suite 101  
Mechanicsburg, PA 17050  
[bnaum@spilmanlaw.com](mailto:bnaum@spilmanlaw.com)  
[slee@spilmanlaw.com](mailto:slee@spilmanlaw.com)  
*Counsel for Industrial Energy Consumers of  
Pennsylvania (IECPA)*



---

Harrison Ryan Block

Counsel to the Met-Ed Industrial Users  
Group, the Penelec Industrial Customer  
Alliance, and the West Penn Power  
Industrial Intervenors

Dated this 1st day of May, 2024, in Harrisburg, Pennsylvania.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PENNSYLVANIA PUBLIC UTILITY COMMISSION	:	
	:	
	:	DOCKET NO. R-2024-3047068
v.	:	C-2024-3048673
	:	
FIRSTENERGY PENNSYLVANIA ELECTRIC COMPANY	:	
	:	

---

**PREHEARING MEMORANDUM OF THE  
MET-ED INDUSTRIAL USERS GROUP, PENELEC INDUSTRIAL CUSTOMER  
ALLIANCE, AND WEST PENN POWER INDUSTRIAL INTERVENORS**

---

Pursuant to Administrative Law Judge Katrina Dunderdale's ("ALJ Dunderdale") April 25, 2024, Prehearing Order and 52 Pa. Code § 5.224(c), the Met-Ed Industrial Users Group ("MEIUG"), the Penelec Industrial Customer Alliance ("PICA"), and the West Penn Power Industrial Intervenors ("WPPII") (collectively, "Large User Groups") hereby submits this Prehearing Memorandum in the above-referenced proceeding.

**I. HISTORY OF THE PROCEEDING**

On April 2, 2024, FirstEnergy Pennsylvania Electric Company ("FE PA" or "Company") filed with the Pennsylvania Public Utility Commission ("Commission" or "PUC") Supplement No. 3 to Tariff Electric Pa. P.U.C. No. 1 to become effective on June 1, 2024. By this filing, FE PA is requesting proposed changes in rates, rules, and regulations calculated to produce an overall increase in rates of approximately \$502 million. FE PA supplemented this request with the Direct Testimony of several witnesses, responses to filing requirements, and documentation regarding the Company's proposals.

The Commission issued an Order on April 25, 2024, suspending Supplement No. 3 until January 1, 2025, and instituting an investigation into FE PA's rate increase request.

On April 24, 2024, the Large User Groups filed a Complaint in this proceeding. A description of the Large User Groups is set forth in Paragraphs 5 through 7 of its Complaint.

A Prehearing Conference has been scheduled in this proceeding for May 2, 2024.

## **II. SERVICE LIST**

For purposes of this proceeding, the Large User Groups will be represented by the following counsel:

Susan E. Bruce (Pa. I.D. No. 80146)  
Charis Mincavage (Pa. I.D. No. 82039)  
Kenneth R. Stark (Pa. I.D. No. 312945)  
Harrison Ryan Block (Pa. I.D. No. 334653)  
MCNEES WALLACE & NURICK LLC  
100 Pine Street  
P. O. Box 1166  
Harrisburg, PA 17108-1166  
Phone: (717) 237-5290  
Fax: (717) 260-1744  
[sbruce@mcneeslaw.com](mailto:sbruce@mcneeslaw.com)  
[cmincavage@mcneeslaw.com](mailto:cmincavage@mcneeslaw.com)  
[kstark@mcneeslaw.com](mailto:kstark@mcneeslaw.com)  
[rblock@mcneeslaw.com](mailto:rblock@mcneeslaw.com)

For purposes of the Prehearing Conference, Charis Mincavage will be the primary speaker.

## **III. ANTICIPATED ISSUES AND SUB-ISSUES**

The Large User Groups' preliminary review of the Company's filing indicates a need for Commission investigation into at least the following issues:

- A. whether the size of the requested rate increases for the Rate Districts is appropriate;
- B. whether the expenses claimed by FE PA were prudently incurred;
- C. whether the proposed distribution/allocation of the increase among customer classes is just, reasonable, and non-discriminatory;
- D. whether the return on equity proposed by FE PA results in a fair rate of return;
- E. whether the rate structure and rate design proposed by FE PA are appropriate; and

- F. whether FE PA's claimed costs of service are accurate, legitimate, and appropriately allocated.

The Large User Groups anticipate pursuing these issues during this proceeding and also reserve the right to raise and address other issues of concern upon further examination of the Company's filing and to respond to issues raised by other parties during the course of this proceeding.

#### **IV. PROPOSED WITNESSES**

The Large User Groups expects to sponsor testimony regarding the aforementioned issues by the following witness:

Brian Andrews  
Brubaker & Associates, Inc.  
16690 Swingley Ridge Road, Suite 140  
Chesterfield, MO 63017  
[bandrews@consultbai.com](mailto:bandrews@consultbai.com)

The Large User Groups reserves the right to modify or supplement this witness list during the course of this proceeding. In the event that Large User Groups decides to modify or supplement the witness list, it will inform the parties and the ALJ as soon as possible of the intended witnesses. The Large User Groups also intend to participate in this proceeding through the submission of discovery, cross-examination of other parties' witnesses and the submission of briefs, exceptions and reply exceptions, if necessary.

#### **V. PROPOSED SCHEDULE AND DISCOVERY RULES**

The Large Users Groups have engaged in discussions with the other parties regarding scheduling and will cooperate with the parties and the ALJ at the Prehearing Conference to develop an appropriate procedural schedule and discovery rules in accordance with the Commission's regulations and any ALJ directives.

**VI. POSSIBILITY OF SETTLEMENT**

The Large User Groups are willing to participate in discussions with the other parties to amicably resolve the issues in this proceeding, subject to Commission approval.

Respectfully submitted,

McNEES WALLACE & NURICK LLC

By 

Susan E. Bruce (Pa. I.D. No. 80146)

Charis Mincavage (Pa. I.D. No. 82039)

Kenneth R. Stark (Pa. Id. No. 312945)

Harrison Ryan Block (Pa. I.D. No. 334653)

100 Pine Street

P. O. Box 1166

Harrisburg, PA 17108-1166

Phone: (717) 237-5290

Fax: (717) 260-1744

[sbruce@mcneeslaw.com](mailto:sbruce@mcneeslaw.com)

[cmincavage@mcneeslaw.com](mailto:cmincavage@mcneeslaw.com)

[kstark@mcneeslaw.com](mailto:kstark@mcneeslaw.com)

[rblock@mcneeslaw.com](mailto:rblock@mcneeslaw.com)

Counsel to the Met-Ed Industrial Users Group ("MEIUG"), the Penelec Industrial Customer Alliance ("PICA"), and the West Penn Power Industrial Intervenors ("WPPII")

Dated: May 1, 2024