



January 20, 2022

**Via E-File**

Administrative Law Judge Jeffrey A. Watson  
Pennsylvania Public Utility Commission  
Office of Administrative Law Judge  
301 Fifth Ave. Ste. 220  
Piatt Place  
Pittsburgh, PA 15222

**Re: Joint Petition of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company for Approval of their Default Service Programs for the period commencing June 1, 2023, through May 31, 2027, Docket Nos. P-2021-3030012, P-2021-3030013, P-2021-3030014, and P-2021-3030021, respectively.**

***Prehearing Memorandum of CAUSE-PA***

Dear Judge Watson,

Attached for filing, please find a Prehearing Memorandum of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) in the above referenced matter. An electronic copy of this filing will be circulated in accordance with the attached Certificate of Service.

Respectfully submitted,  
**PENNSYLVANIA UTILITY LAW PROJECT**  
*Counsel for CAUSE-PA*



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Lauren N. Berman, Esq.

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joint Petition of Metropolitan Edison Company, :  
Pennsylvania Electric Company, Pennsylvania : Docket No. P-2021-3030012  
Power Company, and West Penn Power Company : Docket No. P-2021-3030013  
for Approval of their Default Service Programs for : Docket No. P-2021-3030014  
the period commencing June 1, 2023, through May : Docket No. P-2021-3030021  
31, 2027 :

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**Prehearing Memorandum of the Coalition for Affordable Utility Services  
and Energy Efficiency in Pennsylvania**

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The Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (“CAUSE-PA), through its counsel at the Pennsylvania Utility Law Project, hereby submits this Prehearing Memorandum pursuant to the January 3, 2022 Prehearing Conference Order of Administrative Law Judge Jeffrey A. Watson.

**I. History of the Proceeding**

On December 14, 2021, Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company (“First Energy” or “the Company”) filed a Petition for Approval of their Default Service Programs of the period commencing June 1, 2023 through May 31, 2027 (Petition).

On December 23, 2021, CAUSE-PA filed a Petition to Intervene.

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

## II. Issues to be Addressed

While CAUSE-PA is still reviewing FirstEnergy's Petition, it has preliminarily identified the following issues presented by the filing which affect its members:

- a. Whether FirstEnergy's proposed energy procurement strategy will ensure that default service is available at the least cost over time to residential consumers who choose to remain on default service.
- b. Whether FirstEnergy's proposed Standard Offer Customer Referral Program ("SOP") is appropriately designed to protect low income consumers from excessive pricing (FirstEnergy Pet. at 22-23);
- c. Whether FirstEnergy's Customer Assistance Program ("CAP") Customer Shopping proposal is appropriately designed to protect low income consumers enrolled in FirstEnergy's CAP from excessive pricing and ensure CAP is cost-effective (FirstEnergy Pet. at 23-24);
- d. Whether FirstEnergy's Third-Party Data Access Tariff proposal will adequately shield critical consumer data from unauthorized disclosure (FirstEnergy Pet. at 24-25).

CAUSE-PA anticipates that additional issues are likely to arise as a more comprehensive review of the Company's filing is undertaken, discovery is conducted, and other parties present evidence and testimony. Each of these matters must be thoroughly reviewed through discovery and a hearing to ensure that the Company's low-income customers are not harmed and the programs are in the public interest.

CAUSE-PA reserves the right to present evidence on any issues contained in FirstEnergy's filing that were not otherwise specifically identified above, as well as those issues raised by other parties. Any and all evidence presented by CAUSE-PA will be directed so as to ensure that low-income customers are adequately protected in the continued provision of default service.

**I. Witnesses**

CAUSE-PA intends to present the following witness to testify in this matter, but reserves the right to call additional or substitute witness as may be warranted upon proper notice to Judge Watson and the parties:

Harry S. Geller, Esquire  
118 Locust Street  
Harrisburg, PA 17101  
717-576-2282  
[hgeller@pautilitylawproject.org](mailto:hgeller@pautilitylawproject.org)

Mr. Geller will address the issues identified above, as well as the other issues that may arise through the course of this proceeding.

**II. Discovery**

CAUSE-PA supports the standard discovery modifications proposed by the Office of Consumer Advocate.

**III. Settlement**

CAUSE-PA is ready and willing to work with the other parties to reach a full or partial settlement of the litigated issues, and encourages parties to engage in settlement discussions early in the proceeding.

**IV. Service on CAUSE-PA**

Counsel for CAUSE-PA has an e-filing account and accepts electronic service from the Commission.

Service on CAUSE-PA by the parties to this proceeding may be made on its attorneys at the Pennsylvania Utility Law Project as follows:

Elizabeth R. Marx, Esq.  
Lauren N. Berman, Esq.  
Ria Pereira, Esq.  
John W. Sweet, Esq.

**PENNSYLVANIA UTILITY LAW PROJECT**

118 Locust Street  
Harrisburg, PA 17101  
Tel.: 717-236-9486  
[pulp@pautilitylawproject.org](mailto:pulp@pautilitylawproject.org)

**V. Litigation Schedule**

CAUSE-PA is actively working with the parties to reach a mutually agreeable litigation schedule in this proceeding. In the event that a schedule is not agreed upon prior to the Pre-Hearing Conference, CAUSE-PA proposes the following litigation schedule.

Other Parties' Direct Testimony	February 28 (Monday)
Rebuttal Testimony	March 28 (Monday)
Surrebuttal Testimony	April 11 (Monday)
Oral Rejoinder and Hearings	April 13-14 (Wednesday-Thursday)
Main Briefs	May 6
Reply Briefs	May 16
Recommended Decision	July 1
Commission Order	August 25

CAUSE-PA respectfully requests approval for our witness to appear telephonically for hearings in this proceeding.

**VI. Public Input Hearing**

CAUSE-PA supports public input hearings in this proceeding. The issues in this proceeding are of grave import to the affordability and accessibility of electric service in FirstEnergy's service territory, and should be open to public comment to help inform the Commission's decision in this proceeding.

**VII. Representation at Prehearing Conference**

CAUSE-PA intends to participate and will be represented at the telephonic Prehearing Conference by Elizabeth R. Marx.

WHEREFORE, CAUSE-PA respectfully submits this Prehearing Conference Memorandum, and requests that it be entered into the record of this proceeding.

Respectfully submitted,  
**PENNSYLVANIA UTILITY LAW PROJECT**  
*Counsel for CAUSE-PA*



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[pulp@putilitylawproject.org](mailto:pulp@putilitylawproject.org)

January 20, 2022

**CERTIFICATE OF SERVICE**

I hereby certify I have on this day served copies of the **Prehearing Memorandum of CAUSE-PA** in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party) and consistent with the Commission’s Emergency Orders at Docket M-2020-3019262.

**VIA EMAIL**

<p>The Honorable Jeffrey A. Watson Administrative Law Judge Nick Miskanic, Legal Assistant Piatt Place, Suite 220 201 Fifth Avenue Pittsburgh, PA 15222 <a href="mailto:jeffwatson@pa.gov">jeffwatson@pa.gov</a> <a href="mailto:nmiskanic@pa.gov">nmiskanic@pa.gov</a></p>	<p>Kenneth M. Kulak, Esq. Catherine G. Vasudevan, Esq. Brooke E. McGlinn, Esq. Morgan, Lewis &amp; Bockius LLP 1701 Market Street Philadelphia, PA 19103-2921 <a href="mailto:ken.kulak@morganlewis.com">ken.kulak@morganlewis.com</a> <a href="mailto:catherine.vasudevan@morganlewis.com">catherine.vasudevan@morganlewis.com</a> <a href="mailto:brooke.mcglinn@morganlewis.com">brooke.mcglinn@morganlewis.com</a></p>
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DATE: January 20, 2022