**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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| 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 | :  :     P-2021-3030012  :      P-2021-3030013  :    P-2021-3030014  :    P-2021-3030021  : |
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**INTERIM ORDER**

**GRANTING MOTION FOR CONSOLIDATION OF METROPOLITAN EDISON COMPANY, PENNSYLVANIA ELECTRIC COMPANY, PENNSYLVANIA POWER COMPANY, AND WEST PENN POWER COMPANY FOR APPROVAL OF THEIR DEFAULT SERVICE PROGRAMS**

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.

On December 23, 2021, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA), filed a Petition to Intervene.

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 13, 2022, the Office of Consumer Advocate (OCA) filed its Notice of Intervention and Public Statement in response to the Companies’ Petition.

On January 14, 2022, the Met-Ed Industrial Users Group (MEIUG), the Penelec Industrial Customer Alliance (PICA), and the West Penn Power Industrial Intervenors (WPPII) (collectively, the Industrials), filed Joint Petitions to Intervene.

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

On January 18, 2022, the Office of Small Business Advocate (OSBA) filed Answers, Notices of Appearance, Notices of Intervention, and Public Statements at the above-captioned dockets.

On January 18, 2022, Petitions to Intervene were filed by the Retail Energy Supply Association (RESA) and NRG Energy’s Inc. (NRG).

On January 18, 2022, Petitions to Intervene were filed by Shipley Choice, LLC d/b/a Shipley Energy (Shipley).

On January 18, 2022, the Pennsylvania State University (PSU) filed a Petition to Intervene.

On January 18, 2022, a Petition to Intervene was filed by Enerwise Global Technologies d/b/a CPower Energy Management (CPower). Michael A. Gruin, Esquire filed a Notice of Appearance on behalf of CPower on January 21, 2022.

On January 18, 2022, a Petition to Intervene was filed by Exelon Generation LLC (ExGen) and Constellation New Energy Inc (Constellation).

On January 19, 2022, the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission filed a Notice of Appearance.

On January 20, 2022, Calpine Retail Holdings LLC (Calpine) filed a Petition to Intervene.

On January 20, 2022, an Application to Practice *Pro Hac Vice* of John M. White was filed on behalf of ExGen and Constellation.

Prehearing Memoranda were filed by the Company, OCA, OSBA, I&E, CAUSE-PA, MEIUG, PICA, WPPII, Shipley, PSU, ExGen, Constellation, RESA, NRG, Bevec, Sunrise, and Calpine on January 20, 2022. [[2]](#footnote-2)

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. A discussion was also held at the Prehearing Conference regarding the scheduling of a public input hearing and no Party requested that a public input hearing be scheduled and the Parties were requested to advise the undersigned ALJ as soon as possible in the event that any Party should request a public input hearing in this proceeding.

On January 20, 2022, the Company filed a prehearing Memorandum. Attached to the Prehearing Memorandum was a Protective Order proposed by the Company. The proposed protective Order was addressed at the Prehearing Conference and no objection was raised. Accordingly, a Protective Order was entered on January 26, 2022.

On January 20, 2022, the Company filed a Motion For Consolidation of the four proceedings into a single proceeding. The Motion For Consolidation was discussed at the Prehearing Conference held on January 21, 2022 and no objection was raised.

In the Motion For Consolidation, the Company explained that the Joint Petition was assigned four docket numbers, one for each Company: P-2021-3030012 (Met-Ed); P-2021-3030013 (Penelec); P-2021-3030014 (Penn Power); and P-2021-3030021(West Penn).[[3]](#footnote-3)

The Company explained that its proposed Programs contain coordinated procurement plans, contingency plans, rate design changes and tariffs. In addition, the Companies have proposed a single set of master protocols and agreements for default service supply procurement, long-term solar energy and solar photovoltaic alternative energy credit procurement, and their customer referral programs during the DSP VI term. Thus, the Company asserted each Company’s Program involves a substantial number of common questions of law and fact.

In addition, the Company asserted that administrative resources would be used most effectively and efficiently, and administrative economy would be advanced, by the formal consolidation requested by the Company.

Based upon the averments set forth in the Motion For Consolidation and as no objection to the motion has been raised by any Party, it is appropriate and in the interest of the public to consolidate these proceedings complaints for hearing and disposition, consistent with the ordering paragraphs that follow.

THEREFORE,

IT IS ORDERED:

1. That the Petitions filed at Docket Numbers P-2021-3030012, P-2021-3030013, P-2021-3030014 and P-2021-3030021 are hereby consolidated in this proceeding for the purpose of conducting one evidentiary hearing and to issue one initial decision to address all of the matters properly raised in the proceedings identified above.

Date: January 27, 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)
2. The Prehearing Order entered on January 25, 2022 inadvertently stated that CPower filed a Prehearing Memorandum. [↑](#footnote-ref-2)
3. The Joint Petition was assigned four docket numbers for compliance filings and other such administrative purposes. [↑](#footnote-ref-3)