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March 14, 2022

VIA eFILING

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

**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
Docket Nos. P-2021-3030012, P-2021-3030013, P-2021-3030014, and P-2021-3030021**

Dear Secretary Chiavetta:

Enclosed please find the **Answer of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company to the Motion of John P. Bevec and Sunrise Energy, LLC to Dismiss Objections of Joint Petitioners and to Direct Joint Petitioners to Answer Interrogatories and to Produce Documents (“Answer”)** in the above-captioned proceedings.

The Answer has been served on the presiding Administrative Law Judge and all parties of record as indicated on the Certificate of Service.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



Kenneth M. Kulak

KMK/tp
Enclosures

c: Per Certificate of Service (w/encls.)

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JOINT PETITION OF	:	DOCKET NO. P-2021-3030012
METROPOLITAN EDISON COMPANY,	:	
PENNSYLVANIA ELECTRIC	:	DOCKET NO. P-2021-3030013
COMPANY, PENNSYLVANIA POWER	:	
COMPANY, AND WEST PENN POWER	:	DOCKET NO. P-2021-3030014
COMPANY, FOR APPROVAL OF	:	
THEIR DEFAULT SERVICE	:	DOCKET NO. P-2021-3030021
PROGRAMS	:	

CERTIFICATE OF SERVICE

I hereby certify and affirm that I have this day served copies of the **Answer of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company to the Motion of John P. Bevec and Sunrise Energy, LLC to Dismiss Objections of Joint Petitioners and to Direct Joint Petitioners to Answer Interrogatories and to Produce Documents** on the persons listed below, in the manner specified in accordance with the requirements of 52 Pa. Code § 1.54:

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Dated: March 14, 2022

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JOINT PETITION OF	:	DOCKET NO. P-2021-3030012
METROPOLITAN EDISON COMPANY,	:	
PENNSYLVANIA ELECTRIC	:	DOCKET NO. P-2021-3030013
COMPANY, PENNSYLVANIA POWER	:	
COMPANY, AND WEST PENN POWER	:	DOCKET NO. P-2021-3030014
COMPANY, FOR APPROVAL OF	:	
THEIR DEFAULT SERVICE	:	DOCKET NO. P-2021-3030021
PROGRAMS	:	

**ANSWER OF
METROPOLITAN EDISON COMPANY, PENNSYLVANIA ELECTRIC COMPANY,
PENNSYLVANIA POWER COMPANY, AND WEST PENN POWER COMPANY
TO THE MOTION OF JOHN P. BEVEC AND SUNRISE ENERGY, LLC TO DISMISS
OBJECTIONS OF JOINT PETITIONERS AND TO DIRECT JOINT PETITIONERS TO
ANSWER INTERROGATORIES AND TO PRODUCE DOCUMENTS**

Metropolitan Edison Company (“Met-Ed”), Pennsylvania Electric Company (“Penelec”), Pennsylvania Power Company (“Penn Power”), and West Penn Power Company (“West Penn”) (collectively, the “Companies”) submit this Answer in opposition to the Motion of John P. Bevec and Sunrise Energy, LLC (“Sunrise/Bevec”) to Dismiss [the Companies’] Objections and Direct [the Companies] to Answer Interrogatories and Produce Documents (the “Motion”), served by Sunrise/Bevec on March 11, 2022. For the reasons set forth below and in the Companies’ Objections served on March 9, 2022,¹ Sunrise/Bevec’s Motion should be denied and the Companies’ Objections should be granted. This Answer will address the provisions of the Alternative Energy Portfolio Standards (“AEPS”) Act² raised in Sunrise/Bevec’s Motion,

¹ See *Objections of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company to the Interrogatories (Set I) of John P. Bevec and Sunrise Energy, LLC*, dated March 9, 2022 (the “Objections”). A copy of the Objections is attached as Attachment 1 to this Answer. A copy of the Bevec/Sunrise Interrogatories (Set I) were attached as Appendix A to the Companies’ Objections. A summary of the relevant background and procedural history is provided in the Objections.

² See 73 P.S. § 1648.1 et seq.

describe how the Companies are proposing to satisfy their default service-related AEPS Act obligations, and explain why the information sought by Sunrise/Bevec is irrelevant in this proceeding.

I. THE MOTION TO DISMISS THE OBJECTIONS IS WITHOUT MERIT AND THE COMPANIES SHOULD NOT BE COMPELLED TO RESPOND TO THE SET I INTERROGATORIES OF SUNRISE/BEVEC

1. Background

Under Section 3 of the AEPS Act,³ the Companies are required to procure a percentage of electricity sold to retail customers in Pennsylvania from alternative energy sources as defined in the AEPS Act. Compliance with this requirement for each Company is measured using alternative energy credits (“AECs”). An AEC is equal to one megawatt-hour of qualified alternative energy generation, and may be self-generated or purchased, traded and owned separately from the underlying energy that generates the credit.⁴ As default service providers, the Companies are required to identify the means by which AEPS requirements will be met in their default service programs (the “Programs”) in accordance with the regulations of the Pennsylvania Public Utility Commission (the “Commission”).⁵

As in their past Commission-approved Programs, the Companies are proposing to continue to satisfy most of their AEPS Act requirements in this sixth default service program (“DSP VI”) through the solicitation of default service supply from wholesale suppliers. Specifically, winning suppliers of full-requirements default service products in the Companies’ service territories will be responsible for delivering AECs to meet all AEPS requirements

³ See 73 P.S. § 1648.3 and related provisions of 66 Pa.C.S §§ 2813-2814.

⁴ See 73 P.S. § 1648.3(e)(4)(ii).

⁵ 52 Pa. Code § 54.185(e)(1).

associated with the energy supplied to default service customers, with two exceptions. First, in the first year of DSP VI, Met-Ed, Penelec, and Penn Power will continue to allocate solar photovoltaic AECs (“SPAECs”) procured under existing long-term contracts that expire on May 31, 2024 to default service suppliers and electric generation suppliers (“EGSs”) in the Companies’ service territories on a load ratio basis. Second, the SPAECs that the Companies purchase through new competitively-procured agreements with solar projects will be allocated to default service suppliers in proportion to the amount of residential load served over the course of the energy year by each supplier.⁶

Separately, Section 5 of the AEPS Act addresses the interconnection of “customer-generators,” which are nonutility owners and operators of distributed generation systems with generating capacity of less than five megawatts.⁷ Under Section 5 and the Commission’s net metering regulations (which are separate from its default service regulations), a customer-generator receives “full retail value” for “excess generation” that may be produced.⁸

In Interrogatories No. 24-28 of Sunrise/Bevec’s Set I interrogatories, Sunrise/Bevec seek information on the Companies’ processing of “net metering and interconnection” applications for customer-generators. Specifically, Sunrise/Bevec request the number of such applications the Companies have received, the number of personnel involved in approval or rejection of those applications, and the person-hours required for approval or rejection of net-metering and

⁶ See *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, P-2021-3030013, P-2021-3030014, P-2021-3030021, ¶ 26.

⁷ 73 P.S. § 1648.5; see also 73 Pa. St. § 1648.1 (definitions).

⁸ 73 P.S. § 1648.5; see generally 52 Pa. Code § 75.11 *et seq.*

interconnection applications by each Company. Sunrise/Bevec assert that they are entitled to this information to determine whether the Companies are “fully compliant” with the AEPS Act.⁹

According to Sunrise/Bevec, the “logic” of their claim is “simple”: if the Companies did not incur costs relating to the information Sunrise/Bevec seeks to discover, the Companies could not purchase alternative energy or AECs from customer-generators. As a result, those costs “must be considered direct or indirect costs of resource procurement” and associated information subject to discovery as part of a default service proceeding.¹⁰

In support of their claim, Sunrise/Bevec highlight the language of Section 3(a)(ii) of the AEPS Act, which provides that:

After the cost recovery period, any direct or indirect costs for the purchase by electric distribution of resources to comply with this section, including, but not limited to, the purchase of electricity generated from alternative energy sources, payments for alternative energy credits, cost of credits banked, payments to any third party administrators for performance under this act and costs levied by a regional transmission organization to ensure that alternative energy sources are reliable, shall be recovered on a full and current basis pursuant to an automatic energy adjustment clause under 66 Pa.C.S. § 1307 as a cost of generation supply under 66 Pa.C.S. § 2807.¹¹

Relying on this statutory language, Sunrise/Bevec contend that “[t]he General Assembly was clear when it insisted that any direct or indirect costs of compliance with Section 3 of the Act must be recovered.”¹²

⁹ Motion, p. 4.

¹⁰ *Id.*, p. 3.

¹¹ 73 Pa. Stat. § 1648.3(a)(3)(ii).

¹² Sunrise/Bevec Motion, p. 3.

2. Argument

The flaw in Sunrise/Bevec’s “logic” is clear. Section 3 is not a general cost recovery mechanism for all costs that electric distribution companies may incur under the AEPS Act. By its explicit terms, it is only for compliance with the percentage requirements for alternative energy *set forth in Section 3 of the AEPS Act*. Because the Companies do not procure energy or AECs from net metered customer-generators to meet AEPS Act Section 3 requirements as default service providers, the Companies’ processing of net metering and interconnection applications – and any associated costs – under Section 5 of the AEPS Act are irrelevant to the Companies’ Programs. Furthermore, as the Companies explained in their Objections, the costs associated with the processing of net metering and interconnection applications are not recovered through the Companies’ default service rates.¹³

In short, Sunrise/Bevec improperly conflate – and confuse – the obligations to procure alternative energy and AECs under Section 3 of the AEPS Act with the provisions governing the interconnection and compensation of customer-generators under Section 5. The information relating to net metering and interconnection of customer-generators requested by Sunrise/Bevec is not relevant to this default service proceeding as it is not associated with the Companies’ Programs to procure default service generation supply, satisfy associated AEPS requirements, or meet any other default service requirement. Sunrise/Bevec’s Motion should be denied.

¹³ See Objections, ¶ 13.

II. CONCLUSION

WHEREFORE, for the foregoing reasons, the Administrative Law Judge should deny Sunrise/Bevec's Motion and issue an Order granting the Companies' Objections and directing that the Companies are not required to furnish answers to Interrogatories No. 24 through No. 28.

Respectfully submitted,



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Dated: March 14, 2022

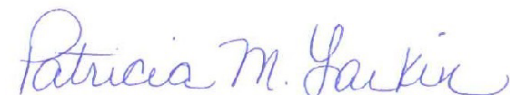
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JOINT PETITION OF METROPOLITAN	:	
EDISON COMPANY, PENNSYLVANIA	:	DOCKET NOS. P-2021-3030012
ELECTRIC COMPANY, PENNSYLVANIA	:	P-2021-3030013
POWER COMPANY AND WEST PENN	:	P-2021-3030014
POWER COMPANY FOR APPROVAL OF	:	P-2021-3030021
THEIR DEFAULT SERVICE PROGRAMS	:	

VERIFICATION

I, Patricia Larkin, Analyst of FirstEnergy Service Company, hereby state that the facts set forth in the foregoing **Answer of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company to the Motion of John P. Bevec And Sunrise Energy, LLC to Dismiss Objections of Joint Petitioners and to Direct Joint Petitioners to Answer Interrogatories and to Produce Documents** are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing if held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Dated: March 14, 2022



Patricia Larkin
Analyst

ATTACHMENT 1

JOINT PETITIONERS' OBJECTIONS TO SUNRISE INTERROGATORIES (SET I)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JOINT PETITION OF	:	DOCKET NO. P-2021-3030012
METROPOLITAN EDISON COMPANY,	:	
PENNSYLVANIA ELECTRIC	:	DOCKET NO. P-2021-3030013
COMPANY, PENNSYLVANIA POWER	:	
COMPANY, AND WEST PENN POWER	:	DOCKET NO. P-2021-3030014
COMPANY, FOR APPROVAL OF	:	
THEIR DEFAULT SERVICE	:	DOCKET NO. P-2021-3030021
PROGRAMS	:	

**OBJECTIONS OF
METROPOLITAN EDISON COMPANY, PENNSYLVANIA ELECTRIC COMPANY,
PENNSYLVANIA POWER COMPANY, AND WEST PENN POWER COMPANY
TO THE INTERROGATORIES (SET I) OF SUNRISE ENERGY, LLC AND JOHN
BEVEC**

Pursuant to 66 Pa. C.S. §333(d) and 52 Pa. Code §5.342, Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company (each individually a “Company” and collectively, the “Companies”) hereby object to the First Set of Interrogatories (“Set I”), Nos. 24 through 28, propounded by the Sunrise Energy, LLC (“Sunrise”) and John Bevec (“Bevec”) on March 4, 2022. A copy of the Sunrise/Bevec Set I Interrogatories, which consists of 42 questions, is attached to these Objections as Appendix A.

As explained below, the Companies object to the interrogatories identified above because the questions inquire into subjects that are not relevant to any matters properly at issue in this proceeding.

I. RELEVANT BACKGROUND

1. On December 14, 2021, the Companies filed with the Pennsylvania Public Utility Commission (the “Commission”) the above-captioned joint petition (the “Joint Petition”) requesting that the Commission approve their sixth Default Service Programs (the “Program(s)” or “DSP VI”), which are designed to procure a prudent mix of long-term, short-term and spot

market generation supplies and ensure that default service customers have access to an adequate and reliable supply of generation at the least cost over time for the period beginning June 1, 2023. Among other things, the Joint Petition addresses how the Companies will satisfy Alternative Energy Portfolio Standards Act (“AEPS Act”) obligations associated with default service supply.

2. On January 18, 2022, Sunrise and Bevec filed a Petition to Intervene in the above-referenced dockets.

3. On February 7, 2022, the Companies filed an Answer to the Sunrise/Bevec Petition identifying recently-completed and ongoing litigation by Sunrise concerning various net-metering issues and expressing concern that Sunrise was trying to interject issues into this proceeding that were unrelated to the Companies’ Programs or their default service obligations.

4. The Sunrise/Bevec Petition to Intervene was granted by the Administrative Law Judge (“ALJ”) in the Interim Order issued on February 28, 2022. The Interim Order stated the “scope of participation” by Sunrise/Bevec was “limited to the subject matter set by statute in default service proceedings.”

5. As previously noted, on March 4, 2022, Sunrise and Bevec issued its Interrogatories (Set I) containing Interrogatories 1-42. The Companies are responding to Interrogatories 1-23 and 29-42, but hereby object to numbers 24 through 28.

6. Section 333(d) of the Public Utility Code states, in pertinent part, as follows:

Interrogatories. – Any party to a proceeding may serve written interrogatories upon any other party for purposes of discovering *relevant*, unprivileged information.

66 Pa.C.S. § 333(d) (emphasis added)

7. The Commission's regulations at 52 Pa. Code § 5.321(c) define the permissible scope of discovery in proceedings before the Commission as follows:

Scope. Subject to this subchapter, a party may obtain discovery regarding any matter, not privileged, *which is relevant to the subject matter involved in the pending action*, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of another party, including the existence, description, nature, content, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of a discoverable matter. It is not ground for objection that the information sought will be inadmissible at hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence. (Emphasis added.)

8. The Commission's regulations at 52 Pa. Code § 5.361(a) further limit the scope of permissible discovery to exclude discovery which:

- (1) Is sought in bad faith.
- (2) Would cause unreasonable annoyance, embarrassment, oppression, burden or expense to the deponent, a person or party.
- (3) Relates to matter which is privileged
- (4) Would require the making of an unreasonable investigation by the deponent, a party or witness.

II. OBJECTIONS

9. Sunrise and Bevec Interrogatory (Set I) No. 24 states as follows:

Please provide, by [Joint Petitioners, or "JP"], how many net metering and interconnection applications were received annually for the last 4 years.

10. The Companies object to Sunrise/Bevec Interrogatory (Set I) No. 24 because the question inquires into subjects that are not relevant to any matters properly at issue in this proceeding.

11. As previously explained, this proceeding involves the Companies' request for approval of their Default Service Programs, which include their proposals to procure default service generation supplies on behalf of their default service customers, satisfy AEPS Act

obligations associated with default service supply, and recover the costs of providing default service.

12. The receipt, processing, approval or rejection of any net-metering or interconnection applications received by a Company are unrelated to the Companies' plan to procure default service generation supplies and satisfy associated AEPS Act requirements. Excess energy from a customer-generator under a Company's net-metering tariff is not used to serve default service load and the Companies do not take title to any associated alternative energy credits ("AECs") or otherwise use such AECs to satisfy AEPS Act requirements associated with default service supply

13. Similarly, the receipt, processing, approval or rejection of any net-metering or interconnection applications received by a Company are unrelated to the Companies' plan to recover default service costs in accordance with statutory and Commission default service requirements. As the Companies will explain in response to Sunrise and Bevec Interrogatory (Set I) Nos. 14-16, costs associated with these activities are not recovered through any Company's Price to Compare Default Service Rate Rider or Hourly Pricing Default Service Rider.

14. Finally, the receipt, processing, approval or rejection of any net-metering or interconnection applications received by a Company are not within the scope of statutory and Commission default service requirements.

15. The inquiry into the number of net-metering or interconnection applications received by a Company is irrelevant to this proceeding because it is unrelated to any aspect of the Companies' Programs or any Commission requirement applicable to the Companies' Programs.

16. The scope of permissible discovery in a proceeding before the Commission is limited to subjects that are relevant to matters properly at issue in such proceeding, as provided in 66 Pa.C.S. § 333(d) and the Commission's regulations at 52 Pa. Code § 5.321(c).

Accordingly, for the reasons set forth above, Sunrise's Interrogatories (Set I), No. 24, is not permissible discovery and, therefore, should be stricken.

17. Sunrise and Bevec Interrogatory (Set I) No. 25 states as follows:

Please provide, by JP, the number of JP personnel involved in the processing of net metering and interconnection applications per year for the last 4 years.

18. The Companies incorporate by reference the objections set forth in paragraphs 11-14.

19. The inquiry into the number of personnel involved in the processing of net-metering or interconnection applications received by a Company is irrelevant to this proceeding because it is unrelated to any aspect of the Companies' Programs or any Commission requirement applicable to the Companies' Programs.

20. The scope of permissible discovery in a proceeding before the Commission is limited to subjects that are relevant to matters properly at issue in such proceeding, as provided in 66 Pa.C.S. § 333(d) and the Commission's regulations at 52 Pa. Code § 5.321(c).

Accordingly, for the reasons set forth above, Sunrise's Interrogatories (Set I), No. 25, is not permissible discovery and, therefore, should be stricken.

21. Sunrise and Bevec Interrogatory (Set I) No. 26 states as follows:

Please provide the person-hours it takes to approve or reject a net metering application. If it varies, please provide a range of time.

22. The Companies incorporate by reference the objections set forth in paragraphs 11-14.

23. The inquiry into the number of person-hours involved in the approval or rejection of a net-metering application received by a Company is irrelevant to this proceeding because it is unrelated to any aspect of the Companies' Programs or any Commission requirement applicable to the Companies' Programs.

24. The scope of permissible discovery in a proceeding before the Commission is limited to subjects that are relevant to matters properly at issue in such proceeding, as provided in 66 Pa.C.S. § 333(d) and the Commission's regulations at 52 Pa. Code § 5.321(c).

Accordingly, for the reasons set forth above, Sunrise's Interrogatories (Set I), No. 26, is not permissible discovery and, therefore, should be stricken.

25. Sunrise and Bevec Interrogatory (Set I) No. 27 states as follows:

Please provide the person-hours it takes to approve or reject an interconnection application. If it varies, please provide a range.

26. The Companies incorporate by reference the objections set forth in paragraphs 11-14.

27. The inquiry into the number of person-hours involved in the approval or rejection of an interconnection application received by a Company is irrelevant to this proceeding because it is unrelated to any aspect of the Companies' Programs or any Commission requirement applicable to the Companies' Programs.

28. The scope of permissible discovery in a proceeding before the Commission is limited to subjects that are relevant to matters properly at issue in such proceeding, as provided in 66 Pa.C.S. § 333(d) and the Commission's regulations at 52 Pa. Code § 5.321(c).

Accordingly, for the reasons set forth above, Sunrise's Interrogatories (Set I), No. 27, is not permissible discovery and, therefore, should be stricken.

29. Sunrise and Bevec Interrogatory (Set I) No. 28 states as follows:

Please provide, for each JP, the number of personnel available to process net metering and interconnection applications.

30. The Companies incorporate by reference the objections set forth in paragraphs 11-14.

31. The inquiry into the number of personnel available to process net metering and interconnection applications received by a Company is irrelevant to this proceeding because it is unrelated to any aspect of the Companies' Programs or any Commission requirement applicable to the Companies' Programs..

32. The scope of permissible discovery in a proceeding before the Commission is limited to subjects that are relevant to matters properly at issue in such proceeding, as provided in 66 Pa.C.S. § 333(d) and the Commission's regulations at 52 Pa. Code § 5.321(c).

Accordingly, for the reasons set forth above, Sunrise's Interrogatories (Set I), No. 28, is not permissible discovery and, therefore, should be stricken.

III. CONCLUSION

WHEREFORE, for the foregoing reasons, the Companies' Objections to Sunrise/Bevec Interrogatories (Set I) Nos. 24 through 28 should be granted, and the ALJ should issue an Order directing that the Companies are not required to furnish answers to those Interrogatories.

Respectfully submitted,



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Penn Power Company*

Dated: March 9, 2022

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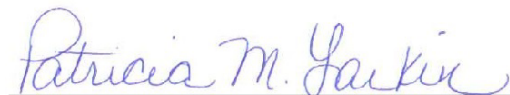
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JOINT PETITION OF METROPOLITAN	:	
EDISON COMPANY, PENNSYLVANIA	:	DOCKET NOS. P-2021-3030012
ELECTRIC COMPANY, PENNSYLVANIA	:	P-2021-3030013
POWER COMPANY AND WEST PENN	:	P-2021-3030014
POWER COMPANY FOR APPROVAL OF	:	P-2021-3030021
THEIR DEFAULT SERVICE PROGRAMS	:	

VERIFICATION

I, Patricia Larkin, Analyst of FirstEnergy Service Company, hereby state that the facts set forth in the foregoing **Objections of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company to the Interrogatories (Set I) of Sunrise Energy, LLC and John Bevec** are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing if held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Dated: March 9, 2022



Patricia Larkin
Analyst

APPENDIX A

SUNRISE INTERROGATORIES (SET I)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**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,
3030013, 3030014 and 3030021**

**SUNRISE ENERGY, LLC AND JOHN BEVEC
INTERROGATORIES AND REQUESTS FOR PRODUCTION
OF DOCUMENTS DIRECTED TO METROPOLITAN EDISON COMPANY,
PENNSYLVANIA ELECTRIC COMPANY, PENNSYLVANIA
POWER COMPANY AND WEST PENN POWER COMPANY - SET 1**

TO: Metropolitan Edison Company, Pennsylvania Electric Company,
Pennsylvania Power Company, and West Penn Power Company

Pursuant to 52 Pa. Code §§ 5.341, 5.342 and 5.349, Sunrise Energy, LLC ("Sunrise") and John Bevec ("Bevec"), together the "Parties", hereby propound the following Interrogatories and Requests for Production of Documents upon Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company (individually, the "Petitioner" and collectively, the "Joint Petitioners" or "JPs").

These interrogatories and requests for documents are propounded on a continuing basis so as to require you to submit supplemental answers and/or documents should additional information become known that would have been includable in your answers and document production had they been known or available, or should information and/or documents supplied in the answers or production prove to be incorrect or incomplete. Sunrise and Mr. Bevec reserve the right to propound additional interrogatories and to request additional documents as required.

Respectfully submitted,



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Date: March 4, 2022

Attorney for Sunrise Energy, LLC and John Bevec

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**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,
3030013, 3030014 and 3030021**

**SUNRISE ENERGY, LLC AND JOHN BEVEC
INTERROGATORIES AND REQUESTS FOR PRODUCTION
OF DOCUMENTS DIRECTED TO METROPOLITAN EDISON COMPANY,
PENNSYLVANIA ELECTRIC COMPANY, PENNSYLVANIA
POWER COMPANY AND WEST PENN POWER COMPANY — SET 1**

Instructions

A. Each request for admission or interrogatory shall be accorded a separate answer on a separate piece of paper, and each subpart thereof shall be accorded a separate answer. Each request for admission or interrogatory or subpart thereof shall be specifically admitted or denied, and discovery inquiries or subparts thereof should not be combined for the purpose of supplying a common answer.

B. Restate the discovery inquiry immediately preceding each response.

C. Identify the name, title, and business address of each person(s) providing each response and provide the data on which the response was created.

D. In answering this discovery, utilize all information and documents that are available to you, including information in the possession of any of your agents, employees or attorneys, or otherwise subject to your custody or control.

E. If you object to any part of an interrogatory or request, answer all parts of such interrogatories or requests to which you do not object, and as to each part to which you do object, separately set forth the specific basis for the objection.

F. If you claim any form of privilege or other protection from disclosure as a ground for withholding information responsive to an interrogatory or request for production or any part thereof, please explain your claim with sufficient specificity to permit Sunrise and Mr. Bevec to make a full determination as to whether your claim is valid.

G. In each instance, the interrogatory or request shall be construed so as to require the most inclusive answer or production.

H. Please attach written material to any answer for which written material is requested and/or available. If such written material is not available, state where it may be obtained. Please label the written material with the number of the interrogatory to which it pertains.

I. Please provide responses as they are completed; it is not necessary to delay providing completed responses while others are not completed

Definitions

As used in these Interrogatories and Requests for Production of Documents, the following terms have the meaning as set forth below:

1. "You" or "your" means the Petitioner, JPs or the witness, as the context requires.
2. "List", "describe", "explain", "specify" or "state" shall mean to set forth fully, in detail, and unambiguously each and every fact of which the JPs or its officers, employees, agents or representatives, have knowledge which is relevant to the answer called for by the interrogatory.

3. The terms "document" or "documents" as used herein shall have the same meaning and scope as in Rule 4009 of the Pennsylvania Rules of Civil Procedure and shall include, without limitation, any writings and documentary material of any kind whatsoever, both originals and copies (regardless of origin and whether or not including additional writing thereon or attached thereto), and any and all drafts, preliminary versions, alterations, modifications, revisions, changes and written comments of and concerning such material, including but not limited to: correspondence, letters, memoranda, notes, reports, directions, studies, investigations, questionnaires and surveys, inspections, permits, citizen complaints, papers, files, books, manuals, instructions, records, pamphlets, forms, contracts, contract amendments or supplements, contract offers, tenders, acceptances, counteroffers or negotiating agreements, notices, confirmations, telegrams, communications sent or received, print-outs, diary entries, calendars, tables, compilations, tabulations, charts, graphs, maps, recommendations, ledgers, accounts, worksheets, photographs, tape recordings, movie pictures, videotapes, transcripts, logs, workpapers, minutes, summaries, notations and records of any sort (printed, recorded or otherwise) of any oral communication whether sent or received or neither, and other written records or recordings, in whatever form, stored or contained in or on whatever medium including computerized or digital memory or magnetic media that: (a) are now or were formerly in your possession, custody or control; or (b) are known or believed to be responsive to these interrogatories, regardless of who has or formerly had custody, possession or control. "List", "describe", "explain", "specify" or "state" shall mean to set forth fully, in detail, and unambiguously each and every fact of which the JPs or its officers, employees, agents or representatives, have knowledge which is relevant to the answer called for by the interrogatory.

4. The terms "identify" and "identity" when used with respect to an entity mean to state its full name and the address of its principal place of business.

5. The term to "state the basis" for an allegation, contention, conclusion, position or answer means (a) to identify and specify the sources therefore, and (b) to identify and specify all facts on which you rely or intend to rely in support of the allegation, contention, conclusion, position or answer, and (c) to set forth and explain the nature and application to the relevant facts of all pertinent legal theories upon which you rely for your knowledge, information and/or belief that there are good grounds to support such allegation, contention, conclusion, position or answer.

6. The terms "and" and "or" have both conjunctive and disjunctive meanings as necessary to bring within the scope of the interrogatories and request any information or documents that might otherwise be construed to be outside their scope; "all" and "any" mean both "each" and "every".

7. The terms "relates to" or "relating to" mean referring to, concerning, responding to, containing, regarding, discussing, describing, reflecting, analyzing, constituting, disclosing, embodying, defining, stating, explaining, summarizing, or in any way pertaining to.

8. The term "including" means "including, but not limited to."

9. For the purposes of the interrogatories and requests for document production herein, the terms "any direct and indirect costs" and "including but not limited to" have the meaning as described in the Alternative Energy Portfolio Standards Act (the "AEPS Act" or the "Act"), which states in part that:

[I]fter the cost-recovery period, any direct or indirect costs for the purchase by electric distribution [companies] of resources to comply with this section, including, but not limited tA. the purchase of electricity generated from alternative energy sources, payments for alternative energy credits, cost of credits banked, payments to any third party administrators for performance under this act and costs levied by a regional transmission organization to ensure that alternative energy sources are reliable, shall be recovered on

a full and current basis pursuant to an automatic energy adjustment clause under 66 Pa.C.S. § 1307 as a cost of generation supply under 66 Pa.C.S. § 2807. (emphasis added) 73 P.S. § 1648.3(a)(3)(ii)

INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS

First Energy Service Company

1. In support of JPs' Petition, they have offered testimony from FirstEnergy Service Company ("FESC") Please identify and produce herewith any and all internal FESC and/or JP documents that authorize these individuals to speak on the respective JPs behalf.

AEPS Act Cost Recovery

2. Please confirm that the JPs are obliged by law to comply with all aspects of the AEPS Act. If your answer is anything other than an unqualified yes, please explain.

3. Pursuant to 73 P.S. § 1648.3(a)(3) of the Act, do JPs currently recover, and, intend in the future to recover, any direct and indirect costs of resources via an automatic energy adjustment clause under 66 Pa.C.S. § 1307 as a cost of generation supply under 66 Pa.C.S. § 2807. If your answer is anything other than an unqualified yes, please explain.

4. Please provide a yearly breakdown for the past three years of all direct and indirect costs to procure AEPS Act resources for JPs pursuant to 73 P.S. § 1648.3(a)(3)(ii) of the Act, along with their respective quarterly and annual costs represented as a percentage of the overall Price to Compare ("PTC"). This breakdown should include the JPs designation of a cost as either direct or indirect. If direct or indirect costs are not being recovered, please explain why they are not.

5. Do customer-generators (as that term is defined pursuant to the AEPS Act) produce excess energy that subsequently enters the JPs distribution systems?

6. If the Answer to the previous Interrogatory is yes, do JPs consider that excess energy to be a resource as that term is used in the AEPS Act. If the JPs do not consider this excess energy as a resource, please explain why not.

7. When excess energy generated by customer-generators enters the JPs distribution systems, is the excess energy consumed by JP customers? If the answer is no, explain what happens to the excess energy.

8. When excess energy from a customer-generator enters the JPs distribution systems, does that then mean that JPs are required to purchase less energy to fulfill their default service obligations on that day? If the Answer to this Interrogatory is no, please explain.

9. Please confirm that the excess energy from customer-generators that is sold to JP customers has a cost basis to the JPs of zero at the time it is sold. If the Answer to this Interrogatory is no, please explain.

10. Please confirm that the JPs purchase their default service energy supply from third parties who serve as Load Serving Entities (LSE), and that the risk of over or under purchasing that supply rests solely with the third party and not with the JPs. If the Answer to this Interrogatory is no, please explain.

11. Please provide the manner in which the JPs determine the amount of cost recovery sought for excess energy purchased from customer-generators. Does this methodology take into account that JPs have already been compensated for this energy by their customers at the time the excess energy was generated? If JPs dispute the fact that excess renewable energy is consumed and purchased by other JP customers, please explain.

12. In 2014, Attorney Tori Giesler provided the following commentary in relation to the Public Utility Commission ("PUC") AEPS Act rulemaking.

"However, the Companies recently spent significant time and capital to automate the process by which customer-generators are compensated for excess generation, with the automated process fully implemented in August of 2013. As a result, the Companies currently calculate the PTC charges by applying the current PTC pricing to the customer's total generated energy, or "metered outflow." The system accumulates both the generated energy and the monthly PTC charges on that generated energy throughout the year. When the customer is netted out and compensated each year end, the system calculates the Weighted Average PTC as being equal to the Accumulated PTC charge on generated energy, divided by the Accumulated generated kWh. The credit is then calculated by applying a weighted average PTC value to any excess generation remaining."

See testimony of Ms. Giesler at http://www.irrc.state.pa.us/docs/3061/COMMENTS_PUBLIC/3061%2009-08-14%20FIRSTENERGY.pdf (*emphasis* added)

Please provide each annual customer-generator payment made by each of the JPs since this process was adopted in 2013. To protect confidentiality, names and contact information for customer-generators may be redacted.

13. Please provide the "significant time and capital" incurred by JPs to develop and maintain the system described in the prior paragraph, and confirm that the cost was and continues to be recovered as a direct or indirect cost of resources pursuant to 73 P.S. § 1648.3(a)(3)(ii) of the AEPS Act. For each cost category, please indicate JP's designation as either direct or indirect.

14. Please confirm that the JPs charge a fee for the cost of impact and feasibility studies associated with the interconnection of a new customer-generator system, and that these fees are recovered as direct or indirect costs of resources pursuant to 73 P.S. § 1648.3(a)(3)(ii) of the AEPS Act. If you do not confirm, please explain.

15. Please confirm that the JPs currently require customer-generators to pay in advance for improvements (when necessary) to their distribution systems, prior to allowing interconnection under the AEPS Act, and that the costs for these improvements are recovered as direct or indirect

costs of resources pursuant to 73 P.S. § 1648.3(a)(3)(ii) of the AEPS Act. If you do not confirm, please explain.

16. Please confirm that said improvements associated with interconnection under the AEPS Act become the property of the JPs once they are complete. If you do not confirm, please explain.

17. Please confirm that the JPs acquire Tier I and Tier II alternative energy credits ("AEC"s) to comply with Section 3 of the AEPS Act. If you do not confirm, please explain.

18. Please provide an annual breakdown of the cost incurred by each JP for each type of AEC that was acquired, and also confirm that those costs are subsequently recovered pursuant to Section 3 of the AEPS Act. If you do not confirm, please explain.

19. Please confirm that the JPs track and recover their internal costs of maintaining compliance with the AEPS Act. Please indicate if these costs are considered by JPs to be direct or indirect costs in the context of 73 P.S. § 1648.3(a)(3)(ii) of the AEPS Act. If you do not confirm, please explain.

20. On pages 583, 590, 598 and 604 of the Petition, the JPs state that "The PTCDefault rate shall be calculated by Customer Class in accordance with the formula set forth below:" The formula for all of the JPs includes a variable called DSExp2, which includes, among other inputs, costs for "net AEPS expenses". Please confirm that the JPs will allocate AEPS Act cost recovery according to customer class, and the methodology that is used. If you do not confirm, please explain.

21. Please confirm that "net AEPS expenses", as described in the Joint Petition, encompasses "any direct or indirect costs for the purchase by electric distribution [companies] of resources to comply with this section.", pursuant to 73 P.S. § 1648.3(a)(3)(ii) of the Act. Also,

please indicate for each category of cost if JPs designate it as a direct or an indirect cost. If you do not confirm, please explain.

22. Please confirm payments to third party administrators or fees levied by PJM, pursuant to 73 P.S. § 1648.3(a)(3)(ii) of the Act, are incurred by JPs and also confirm that those costs are subsequently recovered pursuant to Section 3 of the AEPS Act. Also confirm that these costs will be allocated across customer classes for purposes of computing the PTC. If you do not confirm, please explain.

23. Please confirm that it is the intent of the JPs to remove "net AEPS expenses" from their Hourly Pricing Default Service Rider (as indicated by the redline in the Petition), and how the cost recovery formerly achieved via these riders will be allocated to the remaining customer classes. If you do not confirm, please explain.

24. Please provide, by JP, how many net metering and interconnection applications were received annually for the last 4 years.

25. Please provide, by JP, the number of JP personnel involved in the processing of net metering and interconnection applications per year for the last 4 years.

26. Please provide the person-hours it takes to approve or reject a net metering application. If it varies, please provide a range of time.

27. Please provide the person-hours it takes to approve or reject an interconnection application. If it varies, please provide a range.

28. Please provide, for each JP, the number of personnel available to process net metering and interconnection applications.

29. Please provide the mechanism used by JPs to calculate all Loss Factors utilized in determining the cost of default service.

30. Please provide an explanation for why the Loss Factor in West Penn Power service territory is nearly twice that of Metropolitan Edison.

31. Please confirm that the JPs are obliged by statute to purchase Alternative Energy Credits under the AEPS Act based on the amount of energy sold. If you do not confirm, please explain.

32. Please confirm that the point where energy is sold by JPs is at the customer meter. If you do not confirm, please explain.

33. Please confirm that the JPs have been multiplying the JPs Loss Factor times the cost of AEPS Act resources in the default service rate calculations, and then passing this marked up cost on to default service customers. If you do not confirm, please explain.

34. Please confirm that AECs do not suffer from line losses. If you do not confirm, please explain.

35. Please provide how much excess energy from alternative energy systems was purchased by the JPs annually for the last four years. Please also provide the amount of cost recovery that was sought for the purchase of this excess energy. Please explain if these two numbers are not the same.

36. Please confirm that the JPs are responsible for the purchase of energy for default service, and that they are responsible for selling excess energy that they have purchased on the PJM spot market.

37. Please confirm that the JPs default service rates are audited annually by the PUC.

38. Please provide all information presented to the PUC for the last three years annual audits, as well as the results of the audits.

39. Please provide the impact of the JPs Long Term Infrastructure Improvement Plans on loss factors.

40. Does excess renewable energy cause any increase in the cost of PTCADMIN in the default service rate calculation?

41. Please provide all energy sold by JPs for 2016 through 2020.

42. The PUC annual AEPS Act reports from 2016 through 2020 show annual load data for the JPs that does not match the data provided in the DSP. Is the DSP data accurate and does it depict the entire annual load for the JPs from 2016 to 2020?

Respectfully submitted,

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Date: March 4, 2022

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