**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**

**APPROVING THE JOINT STIPULATION FOR ADMISSION OF TESTIMONY, EXHIBITS AND CERTAIN RESPONSES TO DISCOVERY**

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 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.

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.

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 will be cancelled.

At the conclusion of 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.

Under the circumstances, the following Order will be entered.

THEREFORE,

IT IS ORDERED:

1. That the written Joint Stipulation For Admission of Testimony, Exhibits and Certain Responses to Discovery, filed on April 12, 2022, is approved.

2. That the evidence identified in Attachment 1 to the Joint Stipulation, attached to the Joint Stipulation For Admission of Testimony, Exhibits and Certain Responses to Discovery, filed on April 12, 2022, is admitted into the evidentiary hearing record, without objection.

1. That the Parties may request any revisions to the Litigation Schedule previously set in this proceeding by Order entered on January 25, 2022, including but not limited to providing for a period of time for settling Parties to file a Joint Settlement Petition and Statements in Support of Settlement and for non-settling Parties to file objections to any settlement made in this proceeding and to modify any deadlines previously set in this proceeding.
2. That the parties shall comply with 52 Pa.Code §§ 5.501, *et* *seq*., regarding the preparation and filing of briefs.
3. That in addition to filing and serving all Briefs, as well as Settlement Petitions, Statements in Support of Settlement, Objections to Settlement and Responses to Objections to Settlement in the event a settlement is reached, the parties shall submit an electronic copy of all such documents, when filed, to the undersigned Presiding Officer **in a *Microsoft Office Word*format.**
4. 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. Any Joint Settlement Petition and Briefs shall include proposed findings of fact, proposed conclusions of law, proposed ordering paragraphs and a procedural history, with specific citations to the record, where applicable. The Parties shall promptly confer and agree upon a list of common issues and sub-issues which the Parties shall utilize in the organization of all Briefs, the settlement petition and all statements in support of settlement filed in these proceedings. All issues addressed in the settlement petition and statements in support of settlement and briefs shall be structured so that all parties’ briefs, statements in support of settlement and the settlement petition discuss identical issues as identified by the parties.
5. The evidentiary hearing scheduled for April 14, 2022 is cancelled.

Date: April 13, 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)