



COMMONWEALTH OF PENNSYLVANIA

April 15, 2024

**E-FILED**

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

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

Dear Secretary Chiavetta:

Enclosed please find the Complaint, Public Statement, and Verification, on behalf of the Office of Small Business Advocate (“OSBA”), in the above-captioned proceeding.

Copies will be served on all known parties in this proceeding, as indicated on the attached Certificate of Service.

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

Sincerely,

*/s/ Rebecca Lyttle*

Rebecca Lyttle  
Assistant Small Business Advocate  
Attorney ID No. 201399

*Enclosures*

cc: Mark Ewen  
Parties of Record

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

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**COMPLAINT OF THE  
OFFICE SMALL BUSINESS ADVOCATE**

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1. The Complainant is:

NazAarah Sabree  
Small Business Advocate  
Forum Place  
555 Walnut Street, 1<sup>st</sup> Floor  
Harrisburg, PA 17101  
(717) 783-2525

2. The name and address of the Complainant's attorneys are:

Rebecca Lyttle  
Assistant Small Business Advocate  
Office of Small Business Advocate  
Forum Place  
555 Walnut Street, 1st Floor  
Harrisburg, Pennsylvania 17101  
(717) 783-2525  
(717) 783-2831 (fax)  
[relyttle@pa.gov](mailto:relyttle@pa.gov)

Sharon E. Webb  
Assistant Small Business Advocate  
Office of Small Business Advocate  
Forum Place  
555 Walnut Street, 1<sup>st</sup> Floor  
Harrisburg, Pennsylvania 17101  
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[swebb@pa.gov](mailto:swebb@pa.gov)

/s/ Rebecca Lyttle  
Rebecca Lyttle  
Assistant Small Business Advocate  
Attorney ID No. 201399

/s/ Sharon E. Webb  
Sharon E. Webb  
Assistant Small Business Advocate  
Attorney ID No. 73995

3. The respondent Utility is:

FirstEnergy Electric Company  
76 South Main  
Akron, Ohio 44308

4. The Complainant is authorized and directed by the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50, to represent the interests of small business consumers of utility services in matters before the Pennsylvania Public Utility Commission (“Commission”).

5. This Complaint is filed against the rates, terms and other provisions of FirstEnergy Pennsylvania Electric Company (“FE PA” or “Company”) Supplement No. 3 to FE PA’s Tariff Electric- Pa. P.U.C. No 1 (“Supplement No. 3”) seeking a general rate increase pursuant to 66 Pa.C.S. § 1308 of the Public Utility Code filed April 2, 2024. Supplement No. 3 sets forth proposed rates designed to produce an increase in FE PA’s annual distribution revenue of approximately \$502 million across all “Rate Districts” based on data for a fully projected future test year ending December 31, 2025. On a Rate District basis, FE PA has proposed rates designed to increase annual distribution revenues as follows: Met-Ed - \$146 million, Penelec - \$132 million, Penn Power - \$55 million, and West Penn - \$169 million. Further, Supplement No. 3 contains non-substantive revisions to the language of certain Rules and Regulations, rate schedules and riders in the Company’s currently effective tariff.

6. Complainant believes, and therefore avers, that the Company’s proposed rates, rate design, and cost and revenue allocation are or may be unjust, unreasonable, and unlawfully discriminatory in violation of, *inter alia*, Sections 1301 and 1304 of the Public Utility Code, 66 Pa.C.S. §§1301 and 1304, and contrary to appropriate public policy and sound ratemaking considerations and may not be supported by the materials filed by FE PA.

7. In view of the foregoing, the Small Business Advocate respectfully requests that the Pennsylvania Public Utility Commission:

- A. Suspend and investigate the operation of Supplement No. 3;
- B. At the conclusion of such investigation, reject the proposed new rates and other tariff changes in Supplement No. 3 to the extent required to ensure that the Company's rates are lawful, just, reasonable and not unduly discriminatory to small business customers;
- C. Grant such other relief as may be necessary or appropriate.

Respectfully submitted,

/s/ Rebecca Lyttle

Rebecca Lyttle  
Assistant Small Business Advocate  
Attorney ID No. 201399

For:  
NazAarah Sabree  
Small Business Advocate

Commonwealth of Pennsylvania  
Office of Small Business Advocate  
Forum Place  
555 Walnut Street, 1<sup>st</sup> Floor  
Harrisburg, PA 17101  
(717) 783-0253  
(717) 783-2831 (fax)

Dated: April 15, 2024

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

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**PUBLIC STATEMENT OF THE  
OFFICE OF SMALL BUSINESS ADVOCATE**

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The Small Business Advocate is authorized and directed to represent the interest of small business consumers of utility services in Pennsylvania under the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 - 399.50 (the “Act”). The Act further provides that the Small Business Advocate is to issue publicly a written statement stating concisely the specific interest of small business consumers to be protected by her initiation of or intervention in any proceeding involving those interests before the Public Utility Commission or any other agency or court.

On April 2, 2024, FirstEnergy Pennsylvania Electric Company (“FE PA” or the “Company”) filed Supplement No. 3 to FE PA’s Tariff Electric- Pa. P.U.C. No. 1 (“Supplement No. 3”) seeking a general rate increase pursuant to 66 Pa.C.S. § 1308 of the Public Utility Code. Supplement No. 3 sets forth proposed rates designed to produce an increase in FE’s annual distribution revenue of approximately \$502 million across all “Rate Districts” based on data for a fully projected future test year ending December 31, 2025. On a Rate District basis, FE has proposed rates designed to increase annual distribution revenues as follows: Met-Ed - \$146 million, Penelec - \$132 million, Penn Power - \$55 million, and West Penn - \$169 million. Supplement No. 3 also contains non-substantive revisions to the language of certain Rules and

Regulations, rate schedules and riders in the Company's currently effective tariff.

The Small Business Advocate is intervening in the above-captioned proceeding to protect the interests of the Company's small business customers. A thorough inquiry by the Commission into all the elements of the acquisitions is necessary to ensure that it is in accord with the Public Utility Code and with the Commission's Regulations.


In view of the foregoing, the Small Business Advocate will participate in proceedings before the Commission. The Small Business Advocate will ask the Commission to deny or modify any proposed rate increase or other changes in the Company's tariffs that apply to small business customer that are not proven by the Company to be lawful, just, reasonable and non-discriminatory to small business customers.

Dated: April 15, 2024

**VERIFICATION**

I, NazAarah Sabree, hereby state that the facts set forth herein above 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 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).

Date: April 15, 2024

  
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(Signature)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of the foregoing have been served via email (*unless otherwise noted below*) upon the following persons, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

The Honorable Charles E. Rainey Jr.  
Chief Administrative Law Judge  
Pennsylvania Public Utility Commission  
400 North Street  
Commonwealth Keystone Building  
Harrisburg, PA 17120  
[crainey@pa.gov](mailto:crainey@pa.gov)

Scott B. Granger, Esquire  
Bureau of Investigation & Enforcement  
400 North Street  
Commonwealth Keystone Building  
Harrisburg, PA 17120  
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Darryl A. Lawrence, Esquire  
Andrew J. Zerby, Esquire  
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DATE: April 15, 2024

*/s/ Rebecca Lyttle* \_\_\_\_\_

Rebecca Lyttle  
Assistant Small Business Advocate  
Attorney I.D. No. 201399