

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	R-2024-3047068
Office of Small Business Advocate	:	C-2024-3048411
Office of Consumer Advocate	:	C-2024-3048327
C. Annette Martin	:	C-2024-3048409
Met-Ed Industrial Users Group, et al	:	C-2024-3048673
	:	
v.	:	
	:	
FirstEnergy Pennsylvania Electric Company	:	

**PREHEARING CONFERENCE ORDER**

An initial telephonic prehearing conference in this case is scheduled for Monday, May 2, 2024, at 9:00 a.m. To participate in the hearing, you must dial the toll-free number listed below. You will be prompted to enter a PIN number, which is also listed below. You will be asked to speak your name, and then the telephone system will connect you to the hearing.

Toll-free Bridge Number: 1-866-675-4411  
PIN Number: 23464163

You must call into the conference on the scheduled day and time. Failure of any party to attend the prehearing conference without good cause shall constitute a waiver of all objections to the agreements reached and matters decided at the prehearing conference. You will not be called by the Administrative Law Judge.

The parties are hereby directed to comply with the following requirements:

1. Each party must **e-file** and serve by email, prior to **noon on Wednesday, May 1, 2024**, a Prehearing Conference Memorandum which sets forth the history of the proceeding, the issues you intend to present, a proposed plan and schedule of discovery, a listing of your proposed witnesses and the subject of their testimony, and a proposed litigation schedule,

agreed to by all parties, if possible, which requires the filing of reply briefs by **September 13, 2024**. 52 Pa. Code § 5.222(d). **Parties represented by multiple attorneys must designate a primary speaker for the purposes of the prehearing conference.**

2. A request for a change of the scheduled Prehearing Conference date must state the agreement or opposition of other parties and must be submitted by email no later than five (5) days prior to the Prehearing Conference. 52 Pa. Code § 1.15(b). Requests for changes of initial prehearing conferences must be sent by email, with copies to all parties of record. Only the undersigned Administrative Law Judge or Office of Administrative Law Judge Scheduling Unit may grant a request for a change of a prehearing conference. Such changes are granted only in rare situations where sufficient cause exists. Requests for changes of subsequent Prehearing Conferences or hearings, if any, should also be served directly on the presiding Administrative Law Judge.

In accordance with the foregoing, absent a continuance for good cause, all parties must be prepared to participate in the scheduled Prehearing Conference.

3. In response to this Prehearing Order, you may proceed one of three ways:

a. **Do nothing.** If you do nothing after receiving this Prehearing Conference Order, you will be treated as an inactive party to this proceeding. Inactive parties will receive the presiding officer's written orders, notices of hearings, the Recommended Decision and any Commission decisions and orders. Inactive parties will not participate in discovery, testify at the evidentiary hearing, or cross-examine witnesses. Inactive parties will not receive copies of the hearing exhibits or briefs filed by the active participants.

b. **Testify at a public input hearing if one is scheduled.** Public input hearings, if scheduled, are for the purpose of giving citizens an opportunity to express their opinions regarding the Company's proposal but which citizens do not wish to participate in the formal litigation. If you testify at a public input hearing, you will not be permitted to testify at the technical evidentiary hearings also. If you want to participate in a public input hearing and do not wish to

remain on the service list for pleadings, filings, discovery requests or orders and decisions in this matter, you are not required to do anything. You will receive a copy of the notice of the public input hearing which will include instructions for your participation. Notice of the public input hearing, if one is scheduled, will be published on the Commission's website and in your local newspaper at least two weeks before it is held.

c. **Become a party of record.** As an active party of record, you will be served with all of the pleadings, filings, discovery requests, written testimony and orders and decisions served and issued in this proceeding. **These documents will be voluminous.** Your *rights* as an active party of record include the ability to present your own testimony and to cross-examine other witnesses at the formal hearings, and to file exceptions to the presiding officer's recommended decision. Your *duties* as a party of record are that you must answer all discovery requests served upon you in accordance with the rules. You will be required to serve a copy of anything that you *file* upon the presiding officer and **each party appearing on the service list**, as modified after the Prehearing Conference. If you intend to present evidence at the formal evidentiary hearings, you will be required to submit your testimony in writing in advance, in accordance with the schedule to be set after the Prehearing Conference and to provide a copy of your written testimony to each party on the service list at that time.

d. If you want to become an active party of record, you must register with the Commission's Secretary's Bureau to file electronically (known as e-file), if you have not already done so. Filings may not be made by emailing or faxing the Secretary's Bureau.

e. You will be expected to become familiar with the Commission's rules of practice and comply with the instructions and deadlines imposed by the orders of the presiding Administrative Law Judges. The Commission's rules of practice appear in Title 52 of the Pennsylvania Code Chapters 1, 3 and 5. **The Pennsylvania Code is available on-line at <http://www.pacodeandbulletin.gov/>.** Although a natural person or a sole proprietor may appear on their own behalf, if you are any entity other than a natural person or a sole proprietor, (e.g., a corporation, partnership, municipality, etc.), you will be required to have an attorney represent you in accordance with the laws of Pennsylvania. *See Ordering Paragraph 6.*

4. Please review the regulations pertaining to prehearing conferences, 52 Pa. Code § 5.221-§ 5.224, and in particular, § 5.222(d) which provides, in part:

(d) Parties and counsel will be expected to attend the conference fully prepared for a useful discussion of all problems involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto.

(1) The preparation must include submission of a prehearing memorandum and list:

(i) The presently identified issues.

(ii) The names and addresses of the witnesses.

(iii) The proposed area of testimony of each witness.

(2) The preparation may include:

(i) Development of a proposed procedural schedule.

(ii) Advance study of all relevant materials.

(iii) Advance informal communication between the parties, including requests for additional data and information, to the extent it appears feasible and desirable.

(Emphasis added.)

5. Parties should review the regulations relating to discovery, specifically 52 Pa. Code § 5.331(b), which provides, *inter alia*, that “a party shall endeavor to initiate discovery as early in the proceedings as reasonably possible,” and 52 Pa. Code § 5.322, which encourages parties to exchange information on an informal basis. All parties are urged to cooperate in discovery and advise me at the Prehearing Conference as to discovery problems which have not been resolved. There are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa. Code §§ 5.361, 5.371-5.372.

6. Pursuant to 52 Pa. Code §§ 1.21 & 1.22, you may represent yourself, if you are an individual, or you may have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you. However, if you are a partnership, corporation, trust, association, or governmental agency or subdivision, you must have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you in this proceeding. Unless you are an attorney, you may not represent someone else. Attorneys shall insure that their appearance is entered in accordance with the provisions of 52 Pa. Code § 1.24(b).

7. Failure of a party to attend the Prehearing Conference or notify the ALJ of their desire to fully participate without good cause shown, shall constitute a waiver of all objections to the agreements reached and matters decided at the Prehearing Conference, including, but not limited to, any special discovery rules and the litigation schedule established for this case. 52 Pa. Code §§ 5.222(e) & 5.224.

8. Any party may request to change in status from an inactive party an active party or from active party to become an inactive party by sending an email to the presiding officers and the active parties to this proceeding.

9. You must serve the presiding Administrative Law Judge directly with a copy of any document that you file in this proceeding. If you send the undersigned any correspondence or document, you must send a copy to all other parties. For your convenience, a copy of the Commission's current service list of the parties to this proceeding is enclosed with this Order.

Date: April 25, 2024

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/s/  
Katrina L. Dunderdale  
Administrative Law Judge

**R-2024-3047068 - C-2024-3048327; C-2024-3048411; C-2024-3048409; C-2024-3048673 - PENNSYLVANIA PUBLIC UTILITY COMMISSION v. FIRSTENERGY PENNSYLVANIA ELECTRIC COMPANY**

TORI L GIESLER ESQUIRE  
DARSHANA SINGH ESQUIRE  
ANGELINA M. UMSTEAD ESQUIRE  
FIRSTENERGY SERVICE COMPANY  
76 SOUTH MAIN  
AKRON OH 44308  
**610.212.8331**  
[tgiesler@firstenergycorp.com](mailto:tgiesler@firstenergycorp.com)  
[singhd@firstenergycorp.com](mailto:singhd@firstenergycorp.com)  
[aumstead@firstenergycorp.com](mailto:aumstead@firstenergycorp.com)  
Accepts eService  
*(Counsel for FirstEnergy Pennsylvania Electric Company)*

DEVIN T RYAN ESQUIRE  
POST & SCHELL PC  
ONE OXFORD CENTRE  
301 GRANT STEET STE 3010  
**717.612.6052**  
[dryan@postschell.com](mailto:dryan@postschell.com)  
Accepts eService  
*(Counsel for FirstEnergy Pennsylvania Electric Company)*

DAVID B MACGREGOR ESQUIRE  
GARRET P LENT ESQUIRE  
NICHOLAS A STOBBE ESQUIRE  
POST & SCHELL PC  
17TH NORTH 2ND STREET  
12TH FLOOR  
HARRISBURG PA 17101-1601  
**717.731.1970**  
[dmacgregor@postschell.com](mailto:dmacgregor@postschell.com)  
[glent@postschell.com](mailto:glent@postschell.com)  
[nstobbe@postschell.com](mailto:nstobbe@postschell.com)  
*(Counsel for FirstEnergy Pennsylvania Electric Company)*

SCOTT B GRANGER  
PENNSYLVANIA PUBLIC UTILITY  
COMMISSION BUREAU OF  
INVESTIGATION & ENFORCEMENT  
SECOND FLOOR WEST  
400 NORTH STREET  
HARRISBURG PA 17120  
**717.425.7593**  
[sgranger@pa.gov](mailto:sgranger@pa.gov)  
Accepts eService

HARRISON W BREITMAN ESQUIRE  
PATRICK M CICERO ESQUIRE  
ANDREW J ZERBY  
EMILY A FARREN ESQUIRE  
OFFICE OF CONSUMER ADVOCATE  
555 WALNUT STREET 5TH FLOOR  
FORUM PLACE  
HARRISBURG PA 17101  
**717.783.5048**  
**717.780.4517**  
[hbreitman@paoca.org](mailto:hbreitman@paoca.org)  
[pcicero@paoca.org](mailto:pcicero@paoca.org)  
[azerby@paoca.org](mailto:azerby@paoca.org)  
[efarren@paoca.org](mailto:efarren@paoca.org)  
Accepts eService

SHARON E WEBB ESQUIRE  
REBECCA LYTTLE ESQUIRE  
OFFICE OF SMALL BUSINESS  
ADVOCATE  
FORUM PLACE  
555 WALNUT STREET 1ST FLOOR  
HARRISBURG PA 17101  
**717.783.2525**  
**717.783.2831**  
[swebb@pa.gov](mailto:swebb@pa.gov)  
[relyttle@pa.gov](mailto:relyttle@pa.gov)  
[ra-sba@pa.gov](mailto:ra-sba@pa.gov)  
Seved via email

RIA PEREIRA ESQUIRE  
ELIZABETH R MARX ESQUIRE  
JOHN W SWEET ESQUIRE  
LAUREN N BERMAN ESQUIRE  
PA UTILITY LAW PROJECT  
118 LOCUST STREET  
HARRISBURG PA 17101  
**717.236.9486**

[rpereira@pautilitylawproject.org](mailto:rpereira@pautilitylawproject.org)  
[emarx@pautilitylawproject.org](mailto:emarx@pautilitylawproject.org)  
[sweet@pautilitylawproject.org](mailto:sweet@pautilitylawproject.org)  
[lberman@pautilitylawproject.org](mailto:lberman@pautilitylawproject.org)

Accepts eService

*(Counsel for CAUSE-PA)*

SUSAN E BRUCE ESQUIRE  
CHARIS MINCAVAGE ESQUIRE  
KENNETH R STARK ESQUIRE  
HARRISON RYAN BLOCK ESQUIRE  
MCNEES WALLACE & NURICK LLC  
100 PINE STREET  
PO BOX 1166  
HARRISBURG PA 17101  
**717.232.8000**

[sbruce@mcneeslaw.com](mailto:sbruce@mcneeslaw.com)  
[cmincavage@mwn.com](mailto:cmincavage@mwn.com)  
[kstark@mcneeslaw.com](mailto:kstark@mcneeslaw.com)  
[rblock@mcneeslaw.com](mailto:rblock@mcneeslaw.com)

Accepts eService

*(Counsel for Met-Ed Industrial Users  
Group, the Penelec Industrial Customer  
Alliance , and the West Penn Power  
Industrial Intervenors)*

ANNETE MARTIN  
3350 WHITE CHURCH ROAD  
CHAMBERSBURG PA 17202  
**717.753.0500**

[g15a20@yahoo.com](mailto:g15a20@yahoo.com)

Accepts eService