

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joint Petition of Citizens' Electric Company :
of Lewisburg, PA and Wellsboro Electric Company : P-2024-3049357
for Approval of Default Service Plan and Waiver of : P-2024-3049359
Commission Regulations for the Period June 1, 2025 :
Through May 31, 2029. :

**FIRST INTERIM ORDER
MODIFYING LITIGATION SCHEDULE**

Procedural History

The Joint Petition

On May 31, 2024, Citizens' Electric Company of Lewisburg, PA (Citizens) and Wellsboro Electric Company (Wellsboro) (collectively the Companies or Joint Petitioners) filed a Joint Petition with the Pennsylvania Public Utility Commission (Commission or PUC) for approval of their Seventh Joint Default Service Program (DSP), pursuant to the Electric Generation Customer Choice and Competition Act, 66 Pa. C.S. § 2801 et seq. (Competition Act), as amended by Act 129 of 2008 (Act 129), the Commission's Default Service Regulations, 52 Pa. Code §§ 54.181 – 54.189,¹ and the Policy Statement on Default Service (Policy Statement), 52 Pa. Code §§ 69.1801 – 69.1817. Through the filing,² Citizens and Wellsboro propose to continue, in substantial part, the procurement structure and rate design that were approved in the existing Sixth Joint DSP, as amended.

¹ See Rulemaking Re Electric Distribution Companies' Obligation to Serve Retail Customers at the Conclusion of the Transition Period Pursuant to 66 Pa. C.S. § 2807(e)(2), Docket No. L-00040169 (Order entered May 10, 2007) (First Rulemaking Order); See Implementation of Act 129 of October 15, 2008; Default Service and Electric Markets, Docket No. L-2009-2095604 (Order entered Oct. 4, 2011) (Second Rulemaking Order).

² During the prehearing conference held in this proceeding on July 9, 2024, the filing, that is, the Joint Petition was marked for identification as CW Exhibit No. 1. Tr. 21-24.

The Parties, Prehearing Conference and *Pennsylvania Bulletin* Publication

On June 5, 2024, the Joint Petition was assigned to me as the presiding Administrative Law Judge (ALJ) for investigation and the scheduling of hearings.

On June 13, 2024, the Office of Small Business Advocate (OSBA) filed a Notice of Appearance in this proceeding, and on June 20, 2024, the OSBA filed a Notice of Intervention. On June 20, 2024, the Office of Consumer Advocate (OCA) filed a Notice of Appearance and an Answer to the Companies' Joint Petition.

By Notice dated June 20, 2024, the Parties were informed a Call-In Telephonic Prehearing Conference was scheduled before me for July 9, 2024, at 10:00 a.m.

On June 20, 2024, I issued a Prehearing Conference Order concerning regulations pertaining to prehearing conferences, 52 Pa.Code §§ 5.221-5.224, and I directed the Parties to submit their respective Prehearing Memorandums by July 5, 2024.

Notice of the Companies' Default Service Plan Petition was duly published in the *Pennsylvania Bulletin*, informing the public that formal protests, petitions to intervene and answers must be filed in accordance with Title 52 of the Pennsylvania Code, on or before July 8, 2024. *See* 54 Pa.B. 3604 (June 22, 2024). The Notice also set forth the date, time and a procedure to follow to participate in the prehearing conference.

On July 3, 2024, Joint Petitioners and OCA filed their respective Prehearing Memorandum. On July 5, 2024, OSBA filed its Prehearing Memorandum.

The prehearing conference convened as scheduled. Respective counsel for the Companies, OCA, and OSBA participated in the prehearing conference, which resulted in the consolidation of the above dockets and establishment of a litigation schedule.

On July 16, 2024, I issued a Prehearing Order confirming the litigation, which in part provided for the serving of written direct testimony of all non-company parties by August 6, 2024. The Prehearing Order also provided for the modification of the Prehearing Order upon motion and good cause shown by any party in interest. Prehearing Order at 10.

Request for Modification of Litigation Schedule

By email on August 1, 2024, counsel for Companies represented as follows:

In advance of the scheduled August 6 deadline for Other Party Direct Testimony, the Companies have engaged in settlement discussion with the parties. Based on progress to date, the Companies propose to amend the deadline for Other Party Direct Testimony from August 6 to August 13. This will allow parties to continue settlement discussions in hopes of reaching an early resolution of contested issues in this proceeding.

Both the OCA and OSBA support this request. Please confirm this schedule amendment is acceptable to Your Honor.

Although the Companies' email requesting a modification of the litigation schedule does not conform to the requirements as set for in the Prehearing Order nor to the requirements of a formal motion under Section 1.15(b) of the Commission's regulations, waiver of this requirement is permitted. Under Section 1.2, 52 Pa. Code § 1.2, a presiding officer at any stage of an action or proceeding may waive a requirement of a rule when necessary or appropriate if waiver does not adversely affect a substantive right of a party. Such are the circumstances in this case. Therefore, the Companies' email dated August 1, 2024, is treated as a motion for modification of the litigation schedule.

After due consideration, I find that the motion states good cause to warrant a modification to the litigation schedule. Thus, the motion will be granted in the ordering paragraphs below.

The Parties are encouraged to talk with each other to resolve this matter or a

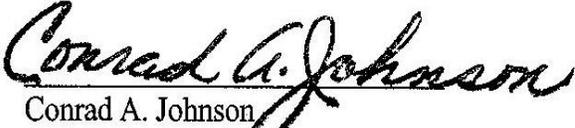
portion thereof. It is the Commission's policy to encourage settlements. 52 Pa. Code §5.231.

THEREFORE,

IT IS ORDERED:

1. That the motion of the Joint Petitioners, Citizens' Electric Company of Lewisburg, PA and Wellsboro Electric Company, to modify the litigation schedule set forth in the Prehearing Order enter in this proceeding on July 16, 2024, at consolidated Docket No. P-2024-3049357 is granted.
2. That the procedural schedule is modified to change the due date for the serving of written direct testimony of all non-company parties from August 6, 2024, to August 11, 2024.
3. That the Prehearing Order entered in this proceeding on July 16, 2024, at consolidated Docket No. P-2024-3049357 shall remain in effect in all other respects.

Date: August 6, 2024


Conrad A. Johnson
Administrative Law Judge

P-2024-3049357, P-2024-3049359 JOINT PETITION OF CITIZENS' ELECTRIC COMPANY OF LEWISBURG, PA AND WELLSBORO ELECTRIC COMPANY FOR APPROVAL OF DEFAULT SERVICE PLAN AND WAIVER OF COMMISSION REGULATIONS FOR THE PERIOD JUNE 1, 2025, THROUGH MAY 31, 2029

(SERVICE LIST REVISED 7/16/24)

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