

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	R-2024-3047068
Office of Consumer Advocate	:	C-2024-3048327
Office of Small Business Advocate	:	C-2024-3048411
Annette Martin	:	C-2024-3048409
Met-Ed Industrial Users Group, et al	:	C-2024-3048673
Donald Ellenberger	:	C-2024-3048783
Pennsylvania State University	:	C-2024-3048958
Connie Dunmyer	:	C-2024-3049013
Mark Bowers	:	C-2024-3049014
Amy Stutzman	:	C-2024-3049016
Amy Stutzman	:	C-2024-3049017
Hattie Coates	:	C-2024-3049021
John J. Dolan	:	C-2024-3049128
Utility Workers Union of America Local 102	:	C-2024-3049235
David R. VanNorman, Jr.	:	C-2024-3049599
Roland Hoffman	:	C-2024-3049608
David Hoffman	:	C-2024-3049661
Judith A. Garofolo	:	C-2024-3049665
Elaine Kitts	:	C-2024-3049679
Ryan Gandelman	:	C-2024-3049683
Beth Gandelman	:	C-2024-3049774
Charles E. Schwering	:	C-2024-3049805
John Piccinic	:	C-2024-3049957
Henry Barzilay	:	C-2024-3049999
Stanley and Lois LaFuria	:	C-2024-3050000
Albert Dilworth	:	C-2024-3050001
Jackie Stoner	:	C-2024-3050413
	:	
v.	:	
	:	
FirstEnergy Pennsylvania Electric Company	:	

**FIRST POST-HEARING ORDER**

Admitting Evidence Into  
at Evidentiary Hearing

## HISTORY OF THE PROCEEDING

This case was initiated on April 2, 2024, when FE PA filed with the Pennsylvania Public Utility Commission (Commission) its 2024 Base Rate Case Filing (Filing), which consisted of Supplement No. 3 to FE PA's Tariff Electric – Pa. P.U.C. No. 1 (Supplement No. 3), responses to filing requirements and standard data requests, and supporting direct testimony and exhibits. In Supplement No. 3, FE PA is seeking a base rate increase, pursuant to 66 Pa.C.S. § 1308 of the Public Utility Code (Code).

By Hearing Notice issued August 5, 2024, an evidentiary hearing was scheduled to be held at 10:00 a.m. on August 19, 2024. The presiding officer convened the evidentiary hearing on August 19, 2024, at which the following parties were represented by counsel: FirstEnergy, BIE, OCA, OSBA, CAUSE-PA, MEIUG, PICA, WPPII, IBEW 459, IBEW Local 777, Walmart, PSU, and UWUA 102.

During the evidentiary hearing, the parties advised that a settlement had been reached between all active parties and requested that all evidence previously served, in the form of written statements and exhibits, should be admitted along with testimonial evidence provided at the hearing. The presiding officers approved the request.

On August 19, 2024, after the evidentiary hearing concluded, FirstEnergy filed the Joint Stipulation for Admission of Evidence (Evidence Stipulation). The Evidence Stipulation listed all of the evidence submitted by FirstEnergy and the other parties (Joint Petitioners) named all of the evidence to be admitted into the hearing record, with the appropriate verifications attached. A complete list of all these items is listed in Attachment A, which is attached hereto.

Also, during the evidentiary hearing on August 19, 2024, the presiding officers asked that the written statement that Witness Ashton used to testify be admitted into evidence, marked as Exhibit TMA-10, after Witness Ashton testified that she had prepared Exhibit TMA-10, with assistance from counsel, and used Exhibit TMA-10 to testify.

## Discussion

Pursuant to 52 Pa.Code §§ 1.2 and 5.403, the presiding officers have the responsibility and authority to control the scope of the evidence admitted to the record, including eliminating any proposed evidence and testimony which is either inadmissible or relates to matters outside the scope of the matters raised in the complaint.

The presiding officers directed the parties at the evidentiary hearing to submit all evidence admitted into the Commission's hearing record. Due to the large size of the documents to be admitted, the parties were ordered to file the documents (written statements and exhibits), by filing the same electronically with the Secretary's Bureau using one SharePoint file to include all Public documents and one SharePoint filed to include only the Proprietary, Confidential or Highly Confidential documents. The parties were advised the presiding officers would issue a Post-Hearing Order after the evidentiary hearings which would specify the statements and/or exhibits to be admitted into the hearing record. The parties will be ordered, in the Ordering Paragraphs below, to submit the evidence directly to the appropriate SharePoint files, and each document should be marked clearly and consistently with the list provided in Attachment A.

For statements and/or exhibits which include Confidential, Highly Confidential or Proprietary material, the parties file mark those items appropriately. The evidence is to be filed separately from the other "Public" evidence by submitting the statement or exhibit to the Commission's SharePoint.

AND NOW, having received evidence from the parties at the evidentiary hearing on August 19, 2024; and having ordered orally the admission of certain evidence into the hearing record through the Commission's SharePoint files; and

FURTHER, because the admitted evidence must be included physically in the Commission's records for this proceeding, including some evidence which contains Confidential, Highly Confidential or Proprietary material; and

THEREFORE,

IT IS ORDERED:

1. That the parties which sponsored written statements and/or exhibits to be admitted into the hearing record are FirstEnergy Pennsylvania Electric Company, the Bureau of Investigation and Enforcement, the Office of Small Business Advocate, CAUSE-PA, the Large User Groups, IBEW Local 777, Walmart and Pennsylvania State University.

2. That each entity named above is responsible to provide the Commission's Secretary's Bureau, through the Commission's SharePoint file system, with that party's written statements and exhibits, as that list of evidence is specified in Attachment A, attached hereto within two (2) days from the date of this Post-Hearing Order.

3. That each entity named in Ordering Paragraph No. 1 shall ensure all documents containing Confidential, Highly Confidential or Proprietary information, as defined in the Protective Order issued in this proceeding on August 15, 2024, are filed with the Secretary's Bureau by submitting the statement or exhibit to the Commission's SharePoint after marking each document prominently as Confidential, Highly Confidential or Proprietary.

Date: August 21, 2024

\_\_\_\_\_  
/s/  
Katrina L. Dunderdale  
Administrative Law Judge

\_\_\_\_\_  
/s/  
Emily I. DeVoe  
Administrative Law Judge

Attachment A

## JOINT STIPULATION

### FE PA Initial Filing

#### Volume I

Index  
Index of Direct Testimony and Exhibits  
FE PA Exhibit No. 1 – Proposed Tariff (Clean)  
Statement of Reasons  
    I.    General Filing Information  
    II.   Primary Statement of Rate Base & Operating Income  
    III.  Rate of Return  
    IV.  Rate Structure & Cost Allocation  
    V.   Plant & Depreciation Supporting Data  
    VI.  Unadjusted Comparative Balance Sheets & Operating Statements  
USB Flash Drive of Filing

#### Volume II

FE PA Statement No. 1 – Direct Testimony of Joanne M. Savage  
    FE PA Exhibits JMS-1 through JMS-4 (**JMS-4 no public version**)  
FE PA Statement No. 2 – Direct Testimony of Wade Smith  
FE PA Statement No. 3 – Direct Testimony of Patricia Larkin  
    FE PA Exhibits PLM-1 through PML-6  
FE PA Statement No. 4 – Direct Testimony of Tracy Ashton  
    FE PA Exhibits TMA-1 through TMA-3  
FE PA Statement No. 5 – Direct Testimony of Gregory Gawlik  
    FE PA Exhibits GJG-1 and GJG-2 (**no public versions**)  
FE PA Statement No. 6 – Direct Testimony of Mark Kehl  
    FE PA Exhibits MSK-1 through MSK-4

#### Volume III

- FE PA Statement No. 7 – Direct Testimony of Timothy Lyons
  - FE PA Exhibits TSL-1 through TSL-5
- FE PA Statement No. 8 – Direct Testimony of Mark Jones and Errata filed to Direct Testimony on August 19, 2024
  - FE PA Exhibit MAJ-1
- FE PA Statement No. 10 – Direct Testimony of Dylan D’Ascendis
  - FE PA Exhibits DWD-1 through DWD-9
- FE PA Statement No. 11 – Direct Testimony of Bill Wang
  - FE PA Exhibits BW-1 through BW-3

## **Volume IV**

FE PA Statement No. 9 – Direct Testimony of John Spanos  
FE PA Exhibits JJS-1 through JJS-16

## **Volume V – CONFIDENTIAL AND HIGHLY CONFIDENTIAL INFORMATION**

II-D-17 Attachment A (**Confidential**)  
II-D-21 Attachment A (**Confidential**)  
II-D-23 Attachment A (**Confidential**)  
II-D-23 Attachment B (**Confidential**)  
II-D-24 Attachment A (2023) (**Confidential**)  
II-D-24 Attachment B (2024) (**Confidential**)  
II-D-24 Attachment C (2025) (**Confidential**)  
FE PA Exhibit JMS-4 (**Highly Confidential**)  
FE PA Exhibit GJG-1 (**Confidential**)  
FE PA Exhibit GJG-2 (**Confidential**)

### **FE PA Rebuttal Testimony and Exhibits**

FE PA Statement No. 1-R – Rebuttal Testimony of Joanne M. Savage

FE PA Exhibit JMS-5

FE PA Statement No. 2-R – Rebuttal Testimony of Wade Smith

FE PA Statement No. 3-R – Rebuttal Testimony of Patricia M. Larkin (**CONFIDENTIAL**  
and PUBLIC versions)

FE PA Exhibits PML-7 (**CONFIDENTIAL** and PUBLIC versions), PML-8

FE PA Statement No. 4-R – Rebuttal Testimony of Tracy Ashton

FE PA Exhibits TMA-4 and TMA-5

FE PA Statement No. 5-R – Rebuttal Testimony of Gregory Gawlik

FE PA Exhibits GJG-3 (**CONFIDENTIAL** version only)

FE PA Statement No. 6-R – Rebuttal Testimony of Mark S. Kehl

FE PA Exhibits MSK-5 and MSK-6

FE PA Statement No. 7-R – Rebuttal Testimony of Timothy Lyons and Errata filed to  
Rebuttal Testimony on August 19, 2024

FE PA Exhibits TSL-R1 and TSL-R2

FE PA Statement No. 8-R – Rebuttal Testimony of Mark A. Jones

FE PA Exhibits MAJ-2 through MAJ-5

FE PA Statement No. 9-R – Rebuttal Testimony of John J. Spanos

FE PA Exhibits JJS-17 and JJS-18

FE PA Statement No. 10-R – Rebuttal Testimony of Dylan D’Ascendis

FE PA Exhibits DWD-1R through DWD-17R

FE PA Statement No. 11-R – Rebuttal Testimony of Bill Wang

FE PA Statement No. 12-R – Rebuttal Testimony of John Hawkins

FE PA Statement No. 13-R – Rebuttal Testimony of April Marx

FE PA Statement No. 14-R – Rebuttal Testimony of Jason De Stigter

**FE PA Surrebuttal Testimony and Exhibits**

FE PA Statement No. 8-SR – Surrebuttal Testimony of Mark Jones

FE PA Statement No. 12-SR – Surrebuttal Testimony of John Hawkins

FE PA Statement No. 13-SR – Surrebuttal Testimony of April Marx

**I&E Direct Testimony and Exhibits**

I&E Statement No. 1 - Direct Testimony of Vanessa Okum (PROPRIETARY/Non-Proprietary)

I&E Exhibit No. 1 (PROPRIETARY/Non-Proprietary)

I&E Statement No. 2 – Direct Testimony of D.C. Patel

I&E Exhibit No. 2

I&E Statement No. 3 – Direct Testimony of Joseph Kubas (PROPRIETARY/Non-Proprietary)

I&E Exhibit No. 3

I&E Statement No. 4 – Direct Testimony of Christine Wilson

I&E Exhibit No. 3

**I&E Rebuttal Testimony and Exhibits**

I&E Statement No. 1-R – Rebuttal Testimony of Vanessa Okum (PROPRIETARY/Non-Proprietary)

I&E Exhibit No. 1-R

I&E Statement No. 4-R – Rebuttal Testimony of Christine Wilson

**I&E Surrebuttal Testimony and Exhibits**

I&E Statement No. 1-SR – Surrebuttal Testimony of Vanessa Okum (PROPRIETARY/Non-Proprietary)

I&E Exhibit No. 1-SR

I&E Statement No. 2-SR – Surrebuttal Testimony of D.C. Patel

I&E Statement No. 3-SR – Surrebuttal Testimony of Joseph Kubas (PROPRIETARY/Non-Proprietary)

I&E Exhibit No. 3-SR

I&E Statement No. 4-SR – Surrebuttal Testimony of Christine Wilson

**OCA Direct Testimony and Exhibits, with all Verifications Attached**

OCA Statement No. 1 – Direct Testimony of Dante Mugrace (CONFIDENTIAL and Public versions)

OCA Statement No. 2 – Direct Testimony of Marlon Griffing

OCA Exhibit Nos. MFG-1 through MFG-21

OCA Statement No. 3 – Direct Testimony of David Garret and Errata to Direct Testimony, filed on July 8, 2024.

OCA Exhibit Nos. DJG-1 through DJG-14

OCA Statement No. 4 – Direct Testimony of Dr. Karl Pavlovic

OCA Exhibit Nos. KRP-1 through KRP-9

OCA Statement No. 5 – Direct Testimony of Roger Colton

OCA Exhibit Nos. RDC-1 through RDC-19

OCA Statement No. 6 – Direct Testimony of Barbara Alexander

OCA Exhibit Nos. BA-1 through BA-10

OCA Statement No. 7 – Direct Testimony of Rao Konidena

**OCA Rebuttal Testimony**

OCA Statement No. 4R – Rebuttal Testimony of Dr. Karl Pavlovic

OCA Exhibit Nos. KRP-1R through KRP-8R

OCA Statement No. 6R – Rebuttal Testimony of Barbara Alexander

OCA Exhibit No. BA-11

**OCA Surrebuttal Testimony**

OCA Statement No. 1SR – Surrebuttal Testimony of Dante Mugrace (CONFIDENTIAL and public versions)

OCA Exhibit Nos. DM-SR-1 through DM-SR-23

OCA Statement No. 2SR – Surrebuttal Testimony of Marlon Griffing

OCA Statement No. 3SR – Surrebuttal Testimony of David Garrett

OCA Statement No. 4SR – Surrebuttal Testimony of Dr. Karl Pavlovic (CONFIDENTIAL and public versions)

OCA Statement No. 5SR – Surrebuttal Testimony of Roger Colton

OCA Statement No. 6SR – Surrebuttal Testimony of Barabara Alexander

OCA Statement No. 7SR – Surrebuttal Testimony of Rao Konidena

**OSBA Direct Testimony**

OSBA Statement No. 1 – Direct Testimony of Mark D. Ewen

OSBA Exhibit No. IEc-1

**OSBA Surrebuttal Testimony**

OSBA Statement No. 1-S – Surrebuttal Testimony of Mark D. Ewen

OSBA Exhibit No. IEc-S1

**CAUSE-PA Direct Testimony**

CAUSE-PA St. No. 1 – Direct Testimony of Harry Geller

CAUSE-PA Exhibit No. 1

CAUSE-PA Appendix A and B

**CAUSE-PA Surrebuttal Testimony**

CAUSE-PA St. No. 1-SR – Surrebuttal Testimony of Harry Geller

**Large User Groups Direct Testimony**

Large User Groups Statement No. 1 – Direct Testimony of Brian C. Andrews

Large User Groups Exhibit Nos. BCA-1 through BCA-8

Large User Groups Statement No. 1S – Supplemental Direct Testimony of Brian C. Andrews

Large User Groups Exhibit Nos. BCA-9 through BCA-11

**Large User Groups Rebuttal Testimony**

Large User Groups Statement No. 1R – Rebuttal Testimony of Brian C. Andrews

- Large User Groups Exhibit No. BCA-12

**Large User Groups Surrebuttal Testimony**

Large Users Group Statement No. 1SR – Surrebuttal Testimony of Brian C. Andrews

**IBEW 777 Evidence**

IBEW-1 – Annual Affiliate Report (2024.05.28\_DPL DE Annual Affiliate Report) (attached to Prefiled Surrebuttal Testimony of D. Kline)

IBEW-2 - Capital & O&M Project List (Johnston\_CN9692 Revised Capital Workplan and 2024 OM Project) (attached to Prefiled Surrebuttal Testimony of D. Kline)

IBEW-3 - Reconciliation ([BGE] Exhibit 2023 Final Reconciliation) (attached to Prefiled Surrebuttal Testimony of D. Kline)

IBEW-4 - Workforce Planning Compliance Report ([APS] 2020 Workforce Planning Compliance Report) (attached to Prefiled Surrebuttal Testimony of D. Kline)

IBEW-5 - FE PA's Responses to IBEW's Discovery Requests, Set-I.

IBEW-6 - Pennsylvania National Electric Vehicle Infrastructure (NEVI) Formula Program: Important Considerations for Prospective Contractors

IBEW-7 – Prefiled Direct Testimony of Daulph Kline

IBEW-8 – Prefiled Rebuttal Testimony of Daulph Kline with Exhibit Nos. IBEW-8-A, 8-B, and 8-C

IBEW-9 – Prefiled Surrebuttal Testimony of Daulph Kline

**Walmart Direct Testimony, with Verification attached.**

Walmart Statement No. 1 – Direct Testimony of Lisa V. Perry

Walmart Exhibit Nos. LVP-1 through LVP-3

**PSU Direct Testimony**

PSU Statement No. 1 – Direct Testimony of James L. Crist

PSU Exhibit Nos. JLC-1

**PSU Rebuttal Testimony**

PSU Statement No. 1-R – Rebuttal Testimony of James L. Crist

**PSU Surrebuttal Testimony**

PSU Statement No. 1-SR – Surrebuttal Testimony

**R-2024-3047068 et al – PENNSYLVANIA PUBLIC UTILITY COMMISSION v. FIRSTENERGY PENNSYLVANIA ELECTRIC COMPANY**

*Revised: August 16, 2024*

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