

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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| Petition of Metropolitan Edison Company for | : | |
| Approval of a Distribution System Improvement | : | P-2015-2508942 |
| Charge | : | C-2016-2531040 |

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| Petition of West Penn Power Company for | : | |
| Approval of a Distribution System Improvement | : | P-2015-2508948 |
| Charge | : | C-2016-2531019 |

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| Petition of Pennsylvania Electric Company for | : | |
| Approval of a Distribution System Improvement | : | P-2015-2508936 |
| Charge | : | C-2016-2531060 |

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| Petition of Pennsylvania Power Company for | : | |
| Approval of a Distribution System Improvement | : | P-2015-2508931 |
| Charge | : | C-2016-2531054 |

SECOND INTERIM ORDER

On January 31, 2022, Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company (the Companies) filed a Petition for Interlocutory Review and Answer to Material Question (Petition) in this remand proceeding.

On February 24, 2022, the Commission entered an Opinion and Order addressing the Petition. The Commission found that the Companies established that some harm would result to other utilities and stakeholders that would not be reparable through the normal avenue of relief available within the context of this remand proceeding. The Commission directed the establishment of a generic proceeding to address calculation revisions to the Model Tariff and any issues resulting from the required revisions within the existing generic proceeding at Docket No. M-2012-2293611. The Commission denied the Companies' request to refer this pending

remand proceeding to the generic proceeding. Instead, the Commission ordered this remand proceeding to be held in abeyance pending the outcome of the issues resolved in the generic proceeding.

On October 27, 2022, the Commission entered an order in *Distribution System Improvement Charge Implementation Order* to address all issues pertaining to the distribution system charge calculations required in the Pennsylvania Supreme Court's decision in *McCloskey v. Pa. Pub. Util. Comm'n*, 255 A.3d 416 (Pa. 2021), Docket No. M-2012-2293611 (*Supplemental Implementation Order*). The *Supplemental Implementation Order* revised the Model Tariff. Each of the Companies filed a *pro forma* tariff supplement (DSIC Rider) using the revised Model Tariff attached to the *Supplemental Implementation Order* as a guide. These DSIC Riders were approved by Secretarial Letter for each Company at Docket Nos. M-2022-3037012 (Met-Ed), M-2022-3037013 (Penelec), M-20223037015 (Penn Power) and M-2022-3037016 (West Penn). The Companies' revised DSIC Riders became effective January 1, 2023.

Meanwhile, on November 10, 2022, OCA filed a Petition for Clarification and Reconsideration of October 22, 2022, Order (the *Supplemental Implementation Order*).

On March 2, 2023, the Commission entered an Opinion and Order denying OCA's Petition for Clarification and Reconsideration of October 22, 2022, Order at Docket No. M-2012-2293611. Since the Commission denied previously the Companies' request to refer this pending remand proceeding to the generic proceeding at M-2012-2293611, the March 2, 2023, Opinion and Order did not address this remand proceeding.

The undersigned e-mailed the parties subsequent to the entry of the Commission's March 2, 2023, Opinion and Order. Based upon the informal responses received, the undersigned directed the parties to file status reports on or before June 16, 2023. Both the Companies and the OCA filed status reports detailing the lengthy procedural history and their respective arguments concerning the current status of this remand proceeding.

A telephone conference convened as scheduled on August 8, 2023, to discuss OCA's request to commence discovery and the status of this proceeding.

The undersigned ordered at the August 8, 2023, conference that discovery be permitted for a period of 90 days, except on issues related to refunds, and that the parties shall file a status report with the Commission's Secretary's Bureau within 60 days. The undersigned also ordered that the modifications to the discovery rules ordered previously in this proceeding are rescinded.

On December 12, 2023, counsel for the Companies filed a Joint Status Report. The Joint Status Report was submitted on behalf of the Companies and OCA. The Joint Status Report provided as follows:

The OCA and FirstEnergy have conferred further regarding the status of this proceeding in light of the Supplemental Implementation Order entered in Docket No. M-2012-2293611 on October 22, 2022, and the discovery produced by FirstEnergy, and agree that no further action is required because the Commission has disposed of the matter remanded by the Pennsylvania Supreme Court on a generic basis. As such, the OCA and FirstEnergy now jointly request that these dockets be marked closed. Counsel for FirstEnergy and the OCA have communicated with counsel for all other parties to these proceedings and no other party has any objection to this request.

Joint Status Report, pp. 2-3.

No motion or other pleading has been filed seeking dismissal of these petitions as moot or seeking any other appropriate relief.

On January 10, 2025, counsel for OCA, Darryl A. Lawrence, Esquire, filed a certificate of satisfaction stating that the formal complaints OCA filed at Docket No. C-2016-2531040 (Metropolitan Edison Company), Docket No. C-2016-2531060 (Pennsylvania Electric Company), Docket No. C-2016-2531054 (Pennsylvania Power Company) and Docket No. C-2016-2531019 (West Penn Power Company) have been satisfied pursuant to 52 Pa.Code § 5.24.

ORDER

THEREFORE,

IT IS ORDERED:

1. That Petitioners shall file an appropriate motion or pleading seeking relief from the Commission by January 31, 2025, or, alternatively, that the parties to this proceeding confer and agree to three potential dates for a status conference to discuss the disposition of this proceeding and provide these dates to the undersigned by January 31, 2025.

Date: January 16, 2025

_____/s/_____
Mark A. Hoyer
Deputy Chief Administrative Law Judge

P-2015-2508942 - METROPOLITAN EDISON COMPANY FILED PETITION FOR APPROVAL OF LONG-TERM INFRASTRUCTURE IMPROVEMENT PLAN..

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