

# Morgan Lewis

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December 22, 2025

## **VIA eFILING**

Matthew L. Homsher, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor  
Harrisburg, PA 17120

**Re: Joint Petition of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company for Approval of Their Default Service Programs  
Docket Nos. P-2021-3030012, P-2021-3030013, P-2021-3030014, and P-2021-3030021**

Dear Secretary Homsher:

Enclosed please find the **Petition of FirstEnergy Pennsylvania Electric Company for Contingency Procurement of Solar Alternative Energy Credits (“Petition”)**.

As evidenced by the enclosed Certificate of Service, copies of the Petition will be served on all parties of record to this proceeding.

Please reach out to me directly at 215.963.5384 should you have any questions. Thank you.

Very truly yours,



Kenneth M. Kulak

Enclosures

c: Per Certificate of Service (w/encls.)

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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**JOINT PETITION OF** :  
**METROPOLITAN EDISON COMPANY,** :  
**PENNSYLVANIA ELECTRIC** : **Docket Nos. P-2021-3030012**  
**COMPANY, PENNSYLVANIA POWER** : **P-2021-3030013**  
**COMPANY, AND WEST PENN POWER** : **P-2021-3030014**  
**COMPANY, FOR APPROVAL OF** : **P-2021-3030021**  
**THEIR DEFAULT SERVICE** :  
**PROGRAMS** :

**CERTIFICATE OF SERVICE**

I hereby certify and affirm that I have this day served a copy of **Petition of FirstEnergy Pennsylvania Electric Company for Contingency Procurement of Solar Alternative Energy Credits**, on the persons listed below, in the manner specified in accordance with the requirements of 52 Pa. Code § 1.54:

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Dated: December 22, 2025

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>JOINT PETITION OF</b>	<b>:</b>	<b>DOCKET NO. P-2021-3030012</b>
<b>METROPOLITAN EDISON COMPANY,</b>	<b>:</b>	
<b>PENNSYLVANIA ELECTRIC</b>	<b>:</b>	<b>DOCKET NO. P-2021-3030013</b>
<b>COMPANY, PENNSYLVANIA POWER</b>	<b>:</b>	
<b>COMPANY AND WEST PENN POWER</b>	<b>:</b>	<b>DOCKET NO. P-2021-3030014</b>
<b>COMPANY FOR APPROVAL OF</b>	<b>:</b>	
<b>THEIR DEFAULT SERVICE</b>	<b>:</b>	<b>DOCKET NO. P-2021-3030021</b>
<b>PROGRAMS</b>	<b>:</b>	

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**PETITION OF FIRSTENERGY PENNSYLVANIA  
ELECTRIC COMPANY FOR CONTINGENCY  
PROCUREMENT OF SOLAR ALTERNATIVE  
ENERGY CREDITS**

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Pursuant to 66 Pa.C.S. § 2807(e)(6) and 52 Pa. Code §§ 5.41 and 54.185, FirstEnergy Pennsylvania Electric Company (“FE PA”) hereby petitions the Pennsylvania Public Utility Commission (“Commission”) for approval to procure solar photovoltaic alternative energy credits (“SPAECs”) from independent third-party brokers to satisfy a portion of the requirements of the Alternative Energy Portfolio Standards Act, 73 P.S. § 1641.1, et seq. (“AEPS”), for default service providers during FE PA’s sixth default service program (“DSP VI”) that was approved by the Commission at the above-captioned dockets. Specifically, FE PA seeks to procure SPAECs from independent third-party brokers to replace SPAECs for FE PA’s residential default service load that will not be delivered under long-term power purchase agreements (“PPAs”) with a solar energy project under development in Pennsylvania because the project will not be able to meet its contractual delivery obligations during the remainder of the DSP VI term that ends on May 31, 2027. In support of this request, FE PA states as follows:

1. On December 14, 2021, Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company (collectively, the “Pre-Merger FirstEnergy Companies”) filed the above-captioned Joint Petition (the “DSP VI Petition”) requesting that the Commission approve their default service programs for the period June 1, 2023 through May 31, 2027. A Joint Petition for Partial Settlement (“Joint Petition”) was filed on April 20, 2022, which detailed the settlement reached among most of parties to these proceedings (the “Settlement”) and reserved two items for litigation. A Recommended Decision was issued on June 29, 2022, approving the Settlement without modification, and on August 4, 2022, the Commission entered an Order adopting the Recommended Decision without modification.

2. On December 7, 2023, the Commission approved the application of the Pre-Merger FirstEnergy Companies and several affiliated entities to merge into and with FE PA<sup>1</sup>

3. FirstEnergy is a wholly owned subsidiary of FirstEnergy Corp. that provides electric service to approximately 2.1 million customers in Pennsylvania in the service territories (now “Rate Districts”) previously served by the Pre-Merger FirstEnergy Companies.

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<sup>1</sup> *Joint Application of Metro. Edison Co., Pennsylvania Elec. Company, Pennsylvania Power Co., West Penn Power Company, Keystone Appalachian Transmission Co., Mid-Atlantic Interstate Transmission LLC, and FirstEnergy Pennsylvania Electric Co. for All of the Necessary Authority, Approvals, and Certificates of Pub. Convenience for (1) the Agreements and Plans of Merger; (2) the Establishment of FirstEnergy Pa. Holding Co. LLC as an Intermediate Holding Company in the Chain of Ownership of FirstEnergy Pa. Elec. Co.; (3) the Merger of Metro. Edison Co., Pa. Elec. Co., Pa. Power Co., and West Penn Power Com. with and into FirstEnergy Pa. Elec. Co.; (4) the Initiation by FirstEnergy Pa. Elec. Co. of Elec. Serv. in All Territories in this Commonwealth where Metro. Edison Co., Pa. Elec. Co., Pa. Power Company, and West Penn Power Co. Do or May Provide Elec. Service; (5) the Abandonment by Metro. Edison Co., Pa. Elec. Co., Pa. Power Co., and West Penn Power Co. of All Elec. Service in this Commonwealth; (6) the Adoption by FirstEnergy Pa. Elec. Co. of Metro. Edison Co., Pa. Elec. Co., Pa. Power Co., and West Penn Power Co.’s Existing Tariffs and their Application within New Service and Rate Districts of FirstEnergy Pennsylvania Electric Company Corresponding to their Existing Service Territories as the Met-Ed Rate District, Penelec Rate District, Penn Power Rate District, West Penn Rate District, and The Pennsylvania State University Rate District, Respectively; (7) the Sale of Class B Membership Interests in Mid-Atlantic Interstate Transmission, LLC held by Met-Ed and Penelec to FirstEnergy Corp.; (8) the Contribution of West Penn Power Co.’s Transmission Assets to Keystone Appalachian Transmission Co.; (9) a Certificate of Pub. Convenience Conferring Upon Keystone Appalachian Transmission Co. the Status of a Pa. Pub. Util.; (10) Where Necessary, Associated Affiliated Interest Agreements; and (11) Any Other Approvals Necessary to Complete the Contemplated Transaction, Docket Nos. A-2023-3038771, et al. (Order entered Dec. 7, 2023).*

4. FE PA is an electric distribution company (“EDC”) under the Pennsylvania Public Utility Code (the “Code”)<sup>2</sup> and is the default service provider within the Rate Districts for retail customers who do not choose an alternative electric generation supplier (“EGS”) or whose EGS fails to provide service.

5. In approving the Settlement, the Commission authorized the Pre-Merger FirstEnergy Companies to conduct a procurement for energy and SPAECs generated by one or more new in-state solar photovoltaic energy projects with a total capacity of at least 7 megawatts (“MW”) up to 20 MW. Settlement, ¶¶ 22-23. SPAECs from these procurements would be allocated to wholesale default service suppliers in proportion to the residential load served by each supplier. *Id.*, ¶ 34.

6. The Pre-Merger FirstEnergy Companies conducted a procurement for energy and SPAECs in accordance with the Settlement, which the Commission approved by Secretarial Letter on February 8, 2023.<sup>3</sup> The Pre-Merger FirstEnergy Companies each then entered into a PPA for a portion of the output of a solar facility in development in Pennsylvania (the “Project”). FE PA is now responsible for these agreements on behalf of the Pre-Merger FirstEnergy Companies.

7. The developer of the Project has communicated to FE PA that the Project will not achieve commercial operation in time to deliver energy and SPAECs to FE PA during the final year of DSP VI (June 1, 2026 to May 31, 2027) as required under the PPAs.

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<sup>2</sup> 66 Pa.C.S. § 2803.

<sup>3</sup> See Letter of Rosemary Chiavetta to Tori L. Giesler re: Results of Power Purchase Agreement Solicitation for Renewable Energy and associated Solar Photovoltaic Alternative Energy Credits Procurement for Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, West Penn Power Company, dated February 8, 2023, Docket No. P-2021-3030012, et al.

8. The contingency plan approved in DSP VI relating to FE PA's long-term solar procurement provided as follows:

If the Companies' long-term solar procurement is not fully subscribed, the Companies will develop and file [a Request for Proposals ("RFP")] with the Commission to procure SPAECs for a five-year period in an amount designed to satisfy up to an estimated 32% of the solar AEPS requirements for the Companies' residential default service load. If the RFP is undersubscribed, the Companies will go to the spot market to procure the SPAEC shortfall. Energy will not be procured in the contingency plan.<sup>4</sup>

9. The AEPS contingency plan in DSP VI as filed by the Pre-Merger FirstEnergy Companies and approved by the Commission in the Settlement did not explicitly address the possibility of a delay in solar project commercial operation or a failure to deliver SPAECs if the long-term solar procurement was successful and contracts were executed for SPAEC delivery.

10. In light of the expected delay in delivery of SPAECs, FE PA proposes to procure SPAECs for the remainder of the DSP VI term from independent third-party brokers experienced in the purchase and sale of SPAECs for up to 32% of the solar AEPS requirements of FE PA's residential default service load. All SPAECs purchased from such brokers will be allocated to wholesale default service suppliers in proportion to the amount of FE PA residential load served by each supplier from June 1, 2026 through May 31, 2027.

11. Such procurements are consistent with the undersubscription component of the approved contingency plan and expectations of wholesale default service suppliers under the Settlement. *See* Settlement, ¶¶ 34 & 40. Given the anticipated filing of FE PA's seventh default service program in 2026 for the period commencing June 1, 2027, as well as the existing PPAs executed by the Pre-Merger FirstEnergy Companies, FE PA believes the long-term procurement

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<sup>4</sup> Settlement, ¶ 40.

of SPAECs should be addressed in FE PA's next default service proceeding and not through a new long-term RFP at this time.

12. The Commission has previously determined that providing EDCs with flexibility to procure alternative energy credits (including SPAECs) from independent third-party brokers to meet a portion of AEPS requirements is reasonable and in the public interest.<sup>5</sup>

13. Consistent with the Commission's previous determination, FE PA will establish price thresholds for engaging in broker transactions based on publicly available price benchmarks. FE PA will not exceed these thresholds by more than 10% in any broker transaction. FE PA will also seek bids from at least three brokers to ensure that it is able to purchase SPAECs at a competitive price. FE PA will also require all participating brokers certify that all bids offered are from different, independent parties and require participating brokers to ensure and certify that the bids are from parties who are not affiliates of FE PA.

14. FE PA has conferred with the parties to the Settlement regarding the contents of this Petition. A copy of this Petition was also shared with the parties to the Settlement in advance of this filing. The parties to the Settlement do not object to the proposed path forward as set forth in this Petition.<sup>6</sup>

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<sup>5</sup> See, e.g., *Petition of PECO Energy Co. for Approval to Procure Tier II Alternative Energy Credits and Additional Tier I and Solar Alternative Energy Credits*, Docket P-2010-2210975 (Order entered Feb. 14, 2011) (permitting EDC to enter into transactions with third-party brokers to buy and sell AECs to meet AEPS requirements associated with a portion of default service load served by the EDC with protections to ensure competitive prices for AECs).

<sup>6</sup> FE PA received confirmation of non-opposition to this Petition from the following parties to the Settlement: the Office of Consumer Advocate, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania, Met-Ed Industrial Users Group, Penelec Industrial Customer Alliance and West Penn Power Industrial Interveners, and Pennsylvania State University. The remaining parties to the Settlement did not indicate whether or not they opposed the Petition.

WHEREFORE, FirstEnergy Pennsylvania Electric Company respectfully requests that the Commission authorize it to procure SPAECs from independent third-party brokers to meet up to 32% of its residential default supply load and allocate such SPAECs to wholesale default service suppliers for the remainder of the DSP VI program consistent with this Petition and the Settlement.

Respectfully submitted,



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Dated: December 22, 2025

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## VERIFICATION

I, Randy Feucht, hereby declare that I am employed by FirstEnergy Service Company as Director of Regulated Commodity Sourcing; that I am authorized to make this verification on behalf of FirstEnergy Pennsylvania Electric Company; that the facts set forth in the foregoing Petition are true to the best of my knowledge, information and belief, and that I make this verification subject to the penalties of 18 Pa. C.S. §4904 pertaining to false statements to authorities.

Date: December 22, 2025

*Randy G Feucht*  
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