

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of FirstEnergy Pennsylvania Electric Company for Approval of a Phase V Energy Efficiency and Conservation Plan	:	
	:	M-2025-3057327
	:	

PREHEARING ORDER

On November 26, 2025, FirstEnergy Pennsylvania Electric Company (“FE PA”) filed the above-captioned Petition with the Pennsylvania Public Utility Commission pursuant to Act 129 of 2008 (Act 129), 66 Pa.C.S. § 2806.1, the Energy Efficiency and Conservation Program Implementation Order entered on June 18, 2025, the Commission's subsequent Opinion and Order entered on September 4, 2025, and the Secretarial Letter entered on December 18, 2025, all at Docket No. M-2025-3052826. Notice of the filing was published in the *Pennsylvania Bulletin* on January 3, 2026, 56 Pa. B. 156.¹

On December 2, 2025, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (“CAUSE-PA”) filed a Petition to Intervene.

On December 4, 2025, the Office of Small Business Advocate (“OSBA”) filed a Notice of Appearance.

On December 5, 2025, the Office of Consumer Advocate (“OCA”) filed a Notice of Appearance.

On December 12, 2025, FE PA filed Notices of Appearances.

¹ As noted by the Secretarial Letter, the Petition was supposed to be published in the *Pennsylvania Bulletin* on December 13, 2025.

On December 15, 2025, OCA filed a Notice of Appearance.²

On December 15, 2025, OCA filed a Notice of Intervention and Public Statement.

On December 16, 2025, OSBA filed a Notice of Intervention, Public Statement, and Verification.

On December 18, 2025, the Met-Ed Industrial Users Group, the Penelec Industrial Customer Alliance, and the West Penn Power Industrial Intervenors (collectively, "Industrial Customer Groups") filed a Petition to Intervene.

On December 23, 2025, the Pennsylvania State University ("PSU") filed a Petition to Intervene.

On December 30, 2025, the Commission issued an Initial Telephonic Prehearing Conference Notice scheduling this matter for a prehearing conference on January 6, 2026, and assigning this matter to me as Presiding Officer.

On January 5, 2026, the Keystone Energy Efficiency Alliance ("KEEA") filed a Petition to Intervene and Answer, as well as a Notice of Appearance.

On January 6, 2026, the prehearing conference was held as scheduled. Counsel for FE PA, OCA, OSBA, CAUSE-PA, PSU, and Industrial Customer Groups were represented at the conference. A litigation schedule and discovery modifications were discussed at the conference. The Petitions to Intervene of CAUSE-PA, PSU, and Industrial Customer Groups were also addressed during the conference, however, KEEA's Petition to Intervene was not addressed due to the parties and the undersigned not receiving service of KEEA's Petition until after the conclusion of the conference.

² This Notice of Appearance was identical to the Notice filed by OCA on December 5, 2025.

Following the conclusion of the prehearing conference, further discussions were held between the parties concerning discovery modifications via email.

This Prehearing Orders establishes a litigation schedule and discovery modifications for this matter, pursuant to the discussions held during and following the prehearing conference.

IT IS ORDERED:

Petitions to Intervene

1. That the Petitions to Intervene filed by the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania, the Met-Ed Industrial Users Group, the Penelec Industrial Customer Alliance, and the West Penn Power Industrial Intervenors, and the Pennsylvania State University are granted.

2. That any objections to the Petition to Intervene of the Keystone Energy Efficiency Alliance must be filed by 4:30 p.m. on January 8, 2026.

Litigation Schedule

3. That the following litigation schedule is hereby ordered:

<u>Date</u>	<u>Event</u>
January 16, 2026, by noon	Service of Non-Company Written Direct Testimony
January 27, 2026, by noon	Service of Written Rebuttal Testimony
January 29, 2026, at 10 a.m.	Telephonic Evidentiary Hearing
February 9, 2026	Filing and Service of Briefs
February 19, 2026	Filing and Service of Reply Comments/Revised Phase V EE&C Plan
March 26, 2026	Commission Decision

4. That the parties comply with the Commission's requirements for the preparation and service of written testimony. 52 Pa. Code § 5.412. These include, but are not limited to, the requirement that written testimony must be accompanied by all exhibits to which it relates. Written testimony shall be marked with numerical, sequential statement numbers. All testimonies shall contain verifications of the sponsoring witness.

5. That the parties shall comply with the provisions of 52 Pa. Code § 5.243(e) which prohibit the introduction of evidence during rebuttal which should have been included in the party's case-in-chief or which substantially varies from the party's case-in-chief, unless the party is introducing evidence in support of a proposed settlement.

6. That, aside from the direct and rebuttal testimonies which due dates are noon on the dates indicated, the parties may serve documents electronically by 4:30 p.m. to meet any required due date herein. Documents served electronically need not be followed by service of a hard copy.

7. That the parties to be officially served are listed on the attached service list. The parties are directed to file Notices of Appearance, or Withdrawals of Appearance, to effectuate changes to the service list.

8. The parties shall provide a copy of every document filed in this proceeding with the undersigned, at alphonarno@pa.gov.

9. That the evidentiary hearing in this matter will constitute formal legal proceedings and will be conducted in accordance with the Commission's Rules of Administrative Practice and Procedure, as well as the rules of evidence as applied to administrative hearings.

10. Evidentiary hearing exhibits need not include all pre-served testimony which is circulated in this proceeding in accordance with the above-referenced procedural schedule. However, such pre-served testimony may be identified for

movement into the record at the hearing through an inventory of pre-served testimony which is to be provided as a hearing exhibit.

Discovery

11. The following deadlines for discovery are ordered:

<u>Date</u>	<u>Event</u>
January 15, 2026, by noon	Discovery responses due by FE PA, to any discovery propounded to FE PA from the Non-Company parties by 5 p.m. on January 7, 2026.
January 23, 2026, by noon	Discovery responses due by the Non-Company parties, to any discovery propounded to the Non-Companies from FE PA by 5 p.m. on January 16, 2026.

12. Regarding discovery response deadlines for discovery not addressed by the above deadlines, responses to discovery shall be provided within ten calendar days. *See Energy Efficiency and Conservation Program*, Docket No. M-2025-3052826 (Opinion and Order entered Sept. 4, 2025) at 14.

13. The following discovery modifications are also adopted:

A. Objections to interrogatories and/or requests for production shall be communicated orally to the propounding party within two (2) calendar days of service of the interrogatories; unresolved objections shall be served in writing to the propounding party within three (3) calendar days of service of the interrogatories and/or requests for production.

B. Motions to dismiss objections and/or direct the answering of interrogatories and/or requests for production shall be filed within three (3) calendar days of service of written objections.

C. Answers to motions to dismiss objections and/or answering of interrogatories and/or requests for production shall be filed within three (3) calendar days of service of such motions.

D. Rulings on such motions shall be issued, if possible, within seven (7) calendar days of the filing of the motions.

E. Requests for admissions will be deemed admitted unless answered within five (5) calendar days or objected to within three (3) calendar days of service.

F. Any discovery or discovery-related pleadings (such as objections, motions, and answers to same) served after served after 4:30 p.m. Monday through Thursday or after 12:00 p.m. on a Friday or the day before a holiday will be deemed to have been served on the next business day for purposes of calculating the due date for any responsive filing.

14. The parties are encouraged to resolve discovery issues among themselves; motions to compel/motion to dismiss objections should be filed only after such efforts have failed. The parties must not send the undersigned discovery material or cover letters, unless attached to a motion to compel. All motions to compel must contain a certification of counsel of the informal discovery undertaken and their efforts to resolve their discovery disputes informally. If a motion to compel fails to contain such certification, the undersigned will contact the parties and direct them to pursue informal discovery.

Settlement and Stipulations

15. The parties are reminded it is the Commission's policy to encourage settlements. 52 Pa.Code § 5.231(a). The parties are strongly urged to seriously explore this possibility. If settlement is not feasible, the parties are encouraged to stipulate to any matters they reasonably can to expedite this proceeding, lessen the burden of time and expenses in litigation on all parties and conserve precious administrative hearing resources. 52 Pa.Code §§ 5.232 and 5.234. All stipulations entered into by the parties must be reduced to writing, signed by the parties to be bound thereby, and moved into the record during the hearing in this case. An exception to this requirement may occur when circumstances of time and expediency warrant. If so, an oral presentation of a stipulation is permissible, if it is followed by a reduction to writing as herein directed.

Briefs and Reply Briefs

16. That the parties must comply with 52 Pa. Code §§ 5.501, *et seq.*, regarding the preparation and filing of briefs. Briefs must include proposed findings of fact with citations

to the record evidence relied upon as the basis for the proposed finding of fact, proposed conclusions of law and proposed ordering paragraphs. The format of the briefs served electronically on the parties may be as requested by the parties. Page limitations on briefs will be discussed at the hearing.

Modification

17. Any of the provisions of this Prehearing Order may be modified upon motion and good cause shown by any party in interest.

Date: January 7, 2026

/s/
Alphonso Arnold III
Administrative Law Judge

**M-2025-3057327 - FIRSTENERGY PENNSYLVANIA ELECTRIC COMPANY ACT 129
PHASE V ENERGY EFFICIENCY & CONSERVATION PLAN**

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