

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Lexington Land Developers Corporation	:	
	:	
v.	:	C-2024-3052541
	:	
FirstEnergy Pennsylvania Electric Company	:	

SCHEDULING ORDER

On December 16, 2024, Lexington Land Developers Corporation (Lexington or Complainant) filed a Formal Complaint against FirstEnergy Pennsylvania Electric Company – Met-Ed Rate District (FE PA or Respondent), alleging that Lexington cannot get electric from FE PA for a development project. As relief, Lexington requests that the Commission order FE PA provide a date when the ILS study will be completed; when the plans will be completed; and when installation will be completed. If FE PA cannot provide these dates, Lexington requests that FE PA sell off territory to another provider that is able to provide electric service in a timely manner.

On January 6, 2025, FE PA filed an Answer and New Matter. FE PA’s New Matter included a notice to plead. FE PA denied it has not timely processed Complainant’s request for new service. In its New Matter, FE PA requested that this matter be referred to the Office of Administrative Law Judge’s Mediation Unit (OALJ Mediation Unit).

On January 22, 2025, Lexington filed a Reply to New Matter. In its Reply, Lexington agreed with the request that this matter be referred to the OALJ Mediation Unit.

On January 30, 2025, an Interim Order Setting Resolution Conference was issued.

On October 24, 2025, Lexington filed an Amended Formal Complaint. The Amended Formal Complaint was served on FE PA on October 28, 2025. Lexington states that it is in the process of developing Morgan's Crossing, a residential community within FE PA's service territory that, when built out, will consist of more than 100 homes in Carlisle, PA. Lexington avers that FE PA issued an initial load study estimating costs in excess of \$270,000 and informed Lexington that, as a precondition of extending a supply line and alleged system changes or improvements engendered by the request to serve Morgan's Crossing, Lexington must bear all of FE PA's costs; all land developers requesting service to developments within FE PA's service territory must bear all of FE PA's costs associated with a line extension and alleged upgrades to FE PA's system; and FE PA has no obligation to incur any costs of the line extension and alleged system changes. Lexington avers that FE PA's attempt to shift all costs of line extensions and system upgrades to Lexington is unlawful, unreasonable, and discriminatory in violation of the Public Utility Code (Code) and the Commission's regulations. As relief, Lexington requests that the Commission issue a declaratory order that FE PA's actions violated the Code and Commission regulations, and impose civil penalties.

On November 17, 2025, FE PA filed an Answer to Lexington's Amended Formal Complaint. FE PA denied that it violated the Code, Commission regulations or its Commission-approved tariff regarding the request of Complainant for new underground service to its development. FE PA also denied that its tariff violates the Code or Commission regulations.

On December 5, 2025, the Commission issued a Telephonic Prehearing Conference Notice, setting this proceeding for a Prehearing Conference on January 30, 2026 at 10:00 a.m. Also on December 5, 2025, and in accordance with the provisions of 66 Pa.C.S. §333 and 52 Pa.Code §§5.221-5.223, a Prehearing Conference Order was issued outlining various procedural matters to be addressed at the Prehearing Conference scheduled for January 30, 2026.

On January 16, 2026, Lexington issued a Notice of Deposition of James B. Ensminger. No objections to the Notice of Deposition have been received.

On January 27, 2026, parties submitted prehearing memoranda outlining their respective positions on various procedural matters. The Prehearing Conference convened on January 30, 2026, as scheduled. George A. Bibikos, Esquire, appeared for Lexington, and Margaret A. Morris, Esquire, appeared for FE PA.

During the conference, various procedural matters were discussed. This Scheduling Order sets forth the procedural matters addressed during the Prehearing Conference.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the following schedule is adopted for this proceeding:

Complainant Direct Written Testimony & Exhibits	June 5, 2026
Respondent Direct Written Testimony & Exhibits	July 6, 2026
Complainant Rebuttal Written Testimony & Exhibits	July 21, 2026
Respondent Rebuttal Written Testimony & Exhibits	August 5, 2026
Exchange Proposed Stipulated Facts and Proposed Joint Exhibits	August 14, 2026
Hearing (Telephonic)	September 1, 2026
Main Briefs	30 days after receipt of hearing transcript
Reply Briefs	20 days after Main Briefs

2. That the parties shall serve documents so that documents are received in-hand by the parties and the undersigned no later than 4:30 p.m. on the dates listed. Parties may serve documents via e-mail to meet this requirement. Parties shall not file testimony with the Commission but shall file a certificate of service.

3. That any evidentiary hearing in this matter constitutes a formal legal proceeding 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.

4. That written testimony shall comply with the requirements of 52 Pa.Code § 5.412 and shall be marked with numerical, sequential statement numbers.

5. That any motions with respect to, or objections to, written testimony must be presented in writing no later than five days prior to the day that the witness sponsoring that testimony is scheduled to testify. Answers to such motions or objections may be filed within five days or sooner if circumstances warrant. Oral motions, other than for good cause, shall not be accepted.

6. That the parties shall conduct discovery pursuant to 52 Pa.Code §§ 5.321-5.373. The parties are encouraged to cooperate and exchange information on an informal basis. The parties shall cooperate rather than engage in numerous or protracted discovery disagreements that require formal resolution. All motions to compel shall contain a certification by counsel setting forth the informal discovery undertaken and their efforts to resolve their discovery disputes informally. If a motion to compel does not contain this certification, the parties will be directed to pursue informal discovery. There are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa.Code §§ 5.361, 5.371-5.372.

7. That the parties shall 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 administrative hearing resources. 52 Pa.Code §§ 5.232 and 5.234.

8. That the parties should do their best to avoid the use of **Confidential Security Information (CSI)**, as defined by 35 P.S. § 2141 et seq., in this proceeding. Where possible, the parties should develop alternative means of introducing information into the record, such as joint stipulations or redaction when proposing testimony or exhibits. If the parties cannot avoid the use of CSI, the parties are to contact the undersigned in advance of any submission,

and prior to the evidentiary hearing. Any CSI will be treated in accordance with the Public Utility Confidential Security Information Disclosure Protection Act, 35 P.S. §§ 2141.1 – 2141.6 and the Commissions Regulations at 52 Pa. Code §§ 102.1 – 102.4. Parties may not use e-mail or any other electronic mail system to transmit records containing CSI. 52 Pa. Code § 102.3(g).

9. That a briefing order will be issued with further instructions regarding briefs following the evidentiary hearing in this case.

10. That the parties are to confer amongst themselves in an attempt to resolve all or some of the issues associated with this proceeding. 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.

11. That the parties shall comply with the procedural rules and regulations discussed herein.

Date: February 2, 2026

_____/s/
John M. Coogan
Administrative Law Judge

**C-2024-3052541 - LEXINGTON LAND DEVELOPERS CORP v. FIRSTENERGY
PENNSYLVANIA ELECTRIC COMPANY**

Revised December 3, 2025

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