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PENNSYLVANIA
UTILITY LAW PROJECT
February 10, 2026

Via E-File

Matthew Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17105

Re: Petition of FirstEnergy Pennsylvania Electric Company for Approval of Its Default Service Program for the Period June 1, 2027 to May 31, 2031, Docket No. P-2026-3060298

Petition to Intervene and Answer of CAUSE-PA

Dear Secretary Homsher,

Attached for filing, please find the **Petition to Intervene and Answer of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA)** in the above referenced matter. An electronic copy of this filing will be circulated in accordance with the attached Certificate of Service.

Respectfully submitted,
PENNSYLVANIA UTILITY LAW PROJECT
Counsel for CAUSE-PA

Elizabeth R. Marx, Esq.

CC: Per Certificate of Service

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of FirstEnergy Pennsylvania Electric :
Company for Approval of Its Default Service : Docket No. P-2026-3060298
Program for the Period June 1, 2027 to May 31, :
2031 :
:

**Petition to Intervene and Answer of the Coalition for Affordable Utility Services
and Energy Efficiency in Pennsylvania**

The Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (herein, CAUSE-PA), through its counsel at the Pennsylvania Utility Law Project, hereby files this Petition to Intervene in the captioned proceeding, pursuant to the provisions of the Rules of Practice and Procedure of the Pennsylvania Public Utility Commission (herein, PUC or Commission), 52 Pa. Code §§ 5.71-5.76, and states as follows in support thereof:

1. On February 3, 2026, FirstEnergy Pennsylvania Electric Company (herein, FirstEnergy, FE PA, or the Company) filed a Petition for Approval of their Default Service Programs for the period commencing June 1, 2027 through May 31, 2031 (Petition).

I. INTERVENTION

2. Eligibility to intervene in Commission proceedings is governed by 52 Pa. Code § 5.72. This section provides, in relevant part, that “[a] petition to intervene may be filed by a person claiming a right to intervene or an interest of such nature that intervention is necessary or

appropriate to the administration of the statute under which the proceeding is brought.” 52 Pa. Code § 5.72(a).

3. Section 5.72 further provides that the right or interest may be one “which may be directly affected and which is not adequately represented by existing participants, and as to which the petitioner may be bound by the action of the Commission in the proceeding.” 52 Pa. Code. § 5.72(a)(2).

4. Even though Section 5.72 speaks of the rights of a “person” to intervene, the Commonwealth Court has consistently stated that “an association may have standing as a representative of its members . . . as long as an organization has at least one member who has or will suffer a direct, immediate, and substantial injury to an interest as a result of the challenged action, [i.e., is aggrieved, the organization] has standing.” Energy Cons. Council of Pa. v. Pa. PUC, 995 A.2d 465, 476 (Pa. Commw. Ct. 2010) (alteration in original) (citing Tripps Park v. Pa. PUC, 415 A.2d 967 (Pa. Commw. Ct. 1980); Parents United for Better Schools v. School Dist. of Phila., 614 A.2d 689 (Pa. Commw. Ct. 1994)).

5. CAUSE-PA is an unincorporated association of low and moderate income individuals that advocates on behalf of its members to enable consumers of limited economic means to connect to and maintain affordable utility services.

6. CAUSE-PA membership is open to low and moderate income individuals residing in the Commonwealth of Pennsylvania who are committed to the goal of helping economically vulnerable households to maintain affordable access to utility services and achieve economic independence and family well-being.

7. CAUSE-PA is located, c/o the Pennsylvania Legal Aid Network, at 118 Locust Street, Harrisburg, PA 17101.

8. CAUSE-PA has a substantial interest in the impact that FirstEnergy's proposed Default Service Plan will have on low and moderate income residential customers, including the cost and stability of default service and the ways in which low and moderate income residential customers interact with the competitive market through the various term, conditions, and programs set forth in FirstEnergy's Petition. These interests are not adequately represented by other participants.

9. CAUSE-PA has been an active party in FirstEnergy's previous Petitions for Approval of its Default Service Programs.¹ The outcome of this proceeding may impact the terms and conditions of prior settlements and/or orders relating to FirstEnergy's prior Default Service Plans, to which CAUSE-PA is a party. CAUSE-PA therefore has a significant interest in the impact of FirstEnergy's proposals set forth in this proceeding on these prior orders and/or settlements.

10. CAUSE-PA and its members will be directly affected by the outcome of this proceeding. CAUSE-PA therefore has standing to intervene because at least one member has or will suffer a direct, immediate, and substantial injury to an interest as a result of this proceeding.

See Energy Cons. Council of Pa., 995 A.2d at 476.

¹ See Joint Petition of Metro. Edison Co. & Pa. Elec. Co. for Approval of their Default Serv. Programs, Docket Nos. P-2009-2093053, -54 (DSP I); Joint Petition of Metro. Edison Co., Pa. Elec. Co., Pa. Power Co., & West Penn Power Co. for Approval of their Default Serv. Programs, Docket Nos. P-2011-2273650, -68, -69, -70 (DSP II); Joint Petition of Metro. Edison Co., Pa. Elec. Co., Pa. Power Co., & West Penn Power Co. for Approval of their Default Serv. Programs, Docket Nos. P-2013-2391368, -72, -75, -78 (DSP III); Joint Petition of Metro. Edison Co., Pa. Elec. Co., Pa. Power Co., & West Penn Power Co. for Approval of their Default Serv. Programs for the Period June 1, 2017 through May 31, 2019, Docket Nos. P-2015-2511333, -51, -55, -56 (DSP IV); Joint Petition of Metro. Edison Co., Pa. Elec. Co., Pa. Power Co., & West Penn Power Co. for Approval of their Default Serv. Programs for the Period June 1, 2019 through May 31, 2023, Docket Nos. P-2017-2637855, -57, -58, -66 (DSP V); Joint Petition of Metro. Edison Co., Pa. Elec. Co., Pa. Power Co., & West Penn Power Co. for Approval of their Default Serv. Programs for the Period Beginning June 1, 2023 through May 31, 2027, Docket Nos. P-2021-3030012, -13, -14, -21 (DSP VI).

II. ANSWER

11. CAUSE-PA submits that there are substantial factual issues which must be investigated through the course of this proceeding.

12. In addition to investigating FirstEnergy's proposed energy procurement strategy and proposed tariff provisions, CAUSE-PA intends to investigate the following issues through the course of this proceeding:

- a. FirstEnergy's proposal to procure 100% of its residential customer class default service load from fixed price full requirements contracts using laddered 12- and 24-month contracts with the addition of one (1) 60-month contract. (FE PA Petition at ¶ 13.)
- b. FirstEnergy's proposal to implement a definition of maximum registered peak load to account for both supply and demand for customers at 100kW and to apply Hourly Pricing Default Service Rate Rider (HP Rider) to customers with demand or MRPL at 100 kW and above (FE PA Petition at ¶¶ 14 and 32).
- c. FirstEnergy's proposal to continue its Time of Use (TOU) Rates and programs. (FE PA Petition at 16). This includes FirstEnergy's proposal to continue to exempt customers enrolled in its Customer Assistance Program (CAP) from its TOU rate. (Id.)
- d. FirstEnergy's proposal to eliminate its Customer Referral Program ("CRP") due to declining participation levels by suppliers. (FE PA Petition at 48-49).
- e. FirstEnergy's proposed competitive market reforms including its request for wavier of 52 Pa. Code § 54.10(3) and its proposal that electric generation suppliers (EGS) entering into contracts with residential customers after June 1, 2027, return customers to default service at the end of their fixed duration contract absent an affirmative consent by the customer to elect to remain with the EGS or switch to a new supplier. (FE PA Petition at ¶ 50-52).
- f. FirstEnergy's proposal that for EGS contracts entered after June 1, 2027, EGSs be required to provide an attestation of affirmative customer consent on a quarterly

basis for all residential customers on variable-priced month-to-month products. (FE PA Petition at ¶ 51).

- g. FirstEnergy's proposal to reform its purchase of receivables (POR) program, including its proposal to limit eligibility for its POR as of June 1, 2027 to those EGSs on utility consolidated billing who use "rate ready" billing and charge a rate that is at or below the price to compare at the time of the customer enrollment or rate change transaction. (FE PA Petition at ¶ 55).
- h. Whether an adjustment is needed to FirstEnergy's maximum CAP credits to account for the significant increase in default service costs since FirstEnergy's last DSP.
- i. Any other issues that may arise through the course of litigation that may impact the accessibility and affordability of default service for low income consumers.

13. Each of the forgoing matters must be thoroughly reviewed through discovery and may require a hearing to ensure that the Company's economically vulnerable customers are not harmed and any approved programs are in the public interest.

14. CAUSE-PA is represented in this proceeding by:

Elizabeth R. Marx, Esq.
Lauren N. Berman, Esq.
Ria M. Pereira, Esq.
John W. Sweet, Esq.
Levi A. Phillips, Esq.
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15. Counsel for CAUSE-PA consents to the service of documents by electronic mail to pulp@pautilitylawproject.org, as provided in 52 Pa. Code § 1.54(b)(3).

WHEREFORE, CAUSE-PA respectfully requests that CAUSE-PA be granted full status as an intervenor in this proceeding with active party status.

Respectfully submitted,
PENNSYLVANIA UTILITY LAW PROJECT
Counsel for CAUSE-PA



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February 10, 2026

VERIFICATION

I, **Elizabeth R. Marx, Esq.**, legal counsel for the Coalition for Affordable Utility Services and Energy Efficiency (“CAUSE-PA”), hereby state that the facts contained in the foregoing pleading are true and correct to the best of my knowledge, information and belief, that I am duly authorized to make this Verification, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).



On behalf of the Coalition for Affordable Utility
Services and Energy Efficiency in Pennsylvania

Date: February 10, 2026

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of FirstEnergy Pennsylvania Electric :
 Company for Approval of Its Default Service : Docket No. P-2026-3060298
 Program for the Period June 1, 2027 to May 31, :
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CERTIFICATE OF SERVICE

I hereby certify I have on this day served copies of the **Petition to Intervene and Answer of CAUSE-PA** in accordance with the requirements of 52 Pa. Code § 1.54.

VIA EMAIL

The Honorable Mark A. Hoyer Deputy Chief Administrative Law Judge Pennsylvania Public Utility Commission Piatt Place, Suite 220 201 Fifth Avenue Pittsburgh, PA 15222 mhoyer@pa.gov	The Honorable Erin L. Gannon Administrative Law Judge Pennsylvania Public Utility Commission Commonwealth Keystone Building 400 North Street Harrisburg, PA 17120 egannon@pa.gov
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