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March 13, 2026

VIA ELECTRONIC FILING

Matthew L. Homsher, Esquire
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
mahomsher@pa.gov

Re: Joint Petition to Intervene of the Solar Energy Industries Association and The Coalition for Community Solar Access
PA PUC - Docket Number: P-2026-3060298

Dear Secretary Homsher:

Please be advised that this office represents Solar Energy Industries Association and the Coalition for Community Solar Access (“SEIA and CCSA”), in the above-referenced action. Enclosed for electronic filing is a Petition to Intervene on behalf of SEIA and CCSA.

If you have any questions with regard to this filing, please do not hesitate to contact me. Thank you.

Sincerely,

Samuel W Cortes

SWC/tla
Enclosure

cc: Kenneth M. Kulak, Esq.(via email: ken.kulak@morganlewis.com)
Brooke E. McGlinn (via email: brooke.mcglinn@morganlewis.com)

A Pennsylvania Limited Liability Partnership

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**JOINT PETITION TO INTERVENE OF THE SOLAR ENERGY INDUSTRIES
ASSOCIATION AND THE COALITION FOR COMMUNITY SOLAR ACCESS**

The Solar Energy Industries Association and the Coalition for Community Solar Access (collectively, the “Joint Solar Advocates”), by and through their counsel, pursuant to 52 Pa. Code § 5.71. *et. seq.*, file this Joint Petition to Intervene (“Petition”) in the above-captioned proceeding before the Pennsylvania Public Utility Commission (“Commission”). In support of this Petition, the Joint Solar Advocates aver as follows:

I. Proposed Intervenors

1. The proposed Intervenors are the Solar Energy Industries Association (“SEIA”) and the Coalition for Community Solar Access (“CCSA”). The Joint Solar Advocates have the following addresses: 1380 Monroe Street NW, #721, Washington, DC 20010 (CCSA), and 1425 K Street NW #1000, Washington, DC 20005 (SEIA).

2. The Joint Solar Advocates are represented in the above-captioned matter by the following counsel:

Fox Rothschild LLP
Samuel W. Cortes
PA Attorney I.D. No. 91494
747 Constitution Drive
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Telephone: 610-458-4966
E-Mail: scortes@foxrothschild.com

3. SEIA is the national trade association for the United States solar industry. SEIA works to support solar energy by expanding markets, reducing costs, increasing generation reliability, removing market barriers, and providing education on the benefits of solar energy and energy storage. SEIA works with its 1,200 member companies and other strategic partners to advocate for policies that promote the aforementioned goals. SEIA's member companies include manufacturers of solar power equipment; residential, community solar, commercial, and utility-scale solar developers; and installers, construction firms, investment firms, and service providers, including those that are customer-generators engaging in net metering. SEIA's members include over 30 companies located in Pennsylvania, and several national firms also conducting business in the Commonwealth of Pennsylvania.

4. CCSA is a 501(c)(6) nonprofit trade organization focused on supporting the community solar industry through legislative and regulatory efforts. Net metering by customer-generators can be an element of community solar systems. CCSA's mission is to empower every American energy consumer with the option to choose local, clean, and affordable community solar. CCSA works with customers, utilities, local stakeholders, and policymakers to develop and implement policies and best practices that ensure community solar programs provide a win for all affected stakeholders, starting with the customer. CCSA has over 120 member companies and is active in virtually all state-level community solar markets, as well as at the federal level. CCSA is an active participant in community solar issues pending before the Pennsylvania General Assembly, which includes net metering by customer-generators. Many of CCSA's members develop community-scale solar and solar-plus-storage projects, either with or without subscribers. CCSA advocates for its members' interest in creating and expanding opportunities to develop distributed resources sited close to load that enhance system resilience and reduce overall system

costs. A list of CCSA's members is publicly available at <https://communitysolaraccess.org/memberships/our-members>.

5. Members of both CCSA and SEIA are currently developing distributed generation projects in FirstEnergy Pennsylvania Electric Company's ("FE PA" or the "Company") service territory, representing multiple millions of dollars of investment, that would be adversely impacted by FE PA's proposed changes to and treatment of the default service classification of net-metered customer-generators.

II. Background

6. On February 3, 2026, FE PA filed a Petition for Approval of its Default Service Program ("DSP VII Petition") for the period extending from June 1, 2027 to May 31, 2031.

7. Among other things in the DSP VII Petition, FE PA proposes to assign default service customers to either the Price to Compare Default Service Rate Rider ("PTC Rider") or the Hourly Pricing Default Service Rider ("HP Rider") based on their maximum registered peak load, as defined by FE PA's proposed tariff filed in this proceeding. This new approach is discussed by FE PA witness David M. Young in FE PA Statement No. 1.

III. Standards for Intervention

8. Eligibility to intervene in Commission proceedings is governed by 52 Pa. Code § 5.72, which 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). Section 5.72(a) 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). Intervention is also permitted where participation of a person may be in the public interest. 52 Pa. Code § 5.72(a)(3). A “person” includes a corporation and an association. 52 Pa. Code § 1.8.

IV. Intervention of the Joint Solar Advocates is Both Necessary and Appropriate

9. The Joint Solar Advocates meet the standards for intervention set forth in 52 Pa. Code § 5.72(a).

10. The members of the Joint Solar Advocates include renewable energy developers, installers, and investors conducting business in Pennsylvania, and as such, SEIA and CCSA have interests that will be directly and substantially affected by this proceeding. Specifically, members of both CCSA and SEIA are currently developing distributed generation projects in FE PA’s service territory, and those members’ projects total multiple millions of dollars of investment for projects in FE PA’s service territory. “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.’” *See Energy Cons. Council of Pa. v. Pa. Pub. Util. Comm’n*, 995 A.2d 465 (Pa. Cmwlth. 2010) (citing *Tripps Park. v. Pa. Pub. Util. Comm’n*, 415 A.2d 967 (Pa. Cmwlth. 1980); *Parents United for Better Schs. v. Sch. Dist. Of Phila.*, 646 A.2d 689 (Pa. Cmwlth. 1994)).

11. The ability of the Joint Solar Advocates’ members to develop and install renewable energy facilities in FE PA’s service territory that are likely to utilize net metering as customer-generators will be directly and substantially affected by the outcome of this proceeding.

12. The Joint Solar Advocates’ interests in this proceeding are unique from and not adequately represented by other parties that have intervened or may seek to intervene, including

individual solar developers or other organizations interested in renewable energy generation in Pennsylvania in general and in the Company's service territory in particular. SEIA and CCSA are uniquely situated in that they will be able to represent the interests of a diverse and broad group of renewable energy and customer-generator companies in general in this proceeding.

13. FE PA's DSP VII Petition proposes tariff revisions, among other things, designed to change the default service classification of a targeted category of customers, *i.e.*, customer-generators.

14. FE PA argues, in part, that large net-metered customer-generators have substantial generation output and negligible net load that make them look like large commercial and industrial customers due to their impacts on FE PA's default service procurement activity. FE PA Statement No. 1, pp. 16-18.

15. To address this perceived issue, FE PA proposes to revise the definition of "maximum registered peak load" in its tariff to account for not only a customer's net demand contribution impact to FE PA's default service procurement activity, but also their net power flow from or into FE PA's distribution system. FE PA Statement No. 1, p. 16.

16. If approved, FE PA's revised definition for "maximum registered peak load" will substantially reduce the compensation that certain net-metered customer-generators receive for excess generation, which would dramatically impact the feasibility of investing in and developing renewable energy projects in FE PA's service territory.

17. After preliminary review of FE PA's DSP VII Petition, the Joint Solar Advocates believe that certain of the proposed changes: (1) may violate the Alternative Energy Portfolio Standards ("AEPS") Act, *see* 73 P.S. §§ 1648.1 – 1648.8 and 66 Pa.C.S. § 2814 and its related

caselaw; (2) may violate certain requirements of the Public Utility Code and the Commission's regulations; and (3) are unjust, unreasonable, and not in the public interest.

18. The Joint Solar Advocates' members—that are currently developing, or will develop, distributed generation projects in FE PA's service territory—will be bound by the action of the Commission in this proceeding, which will determine whether FE PA's proposed default service rate rider reclassifications go into effect.

19. On behalf of their members, both SEIA and CCSA have cognizable interests in ensuring that renewable energy customer-generators and developers in the Commonwealth of Pennsylvania are treated fairly by FE PA and in conformance with the AEPS Act and the Public Utility Code.

20. The Joint Solar Advocates' intervention is in the public interest, as their participation will enable them to contribute the unique perspectives and insights of trade associations representing solar developers, prospective customer generators, renewable energy investors, and other parties who have a vested interest in the ability to build and operate renewable energy projects in FE PA's territory in the Commonwealth of Pennsylvania. Accordingly, the Joint Solar Advocates' participation will aid in a comprehensive presentation of issues to be addressed in this proceeding.

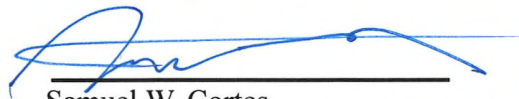
21. The Joint Solar Advocates are continuing to review FE PA's DSP VII Petition and supporting testimony and will be identifying the specific issues to be addressed in this proceeding. Due to the early stage of this proceeding, the Joint Solar Advocates reserve the right to raise and address issues identified through continued review and analysis of FE PA's filing (and related information), as well as issues raised by other parties.

22. For the reasons set forth above, the Joint Solar Advocates meet the requirements of 52 Pa. Code § 5.72, as they and their members will be directly affected by and governed by the Commission's action in this proceeding, and they and their members' interests are not currently and cannot be represented by any other party. As such, the Joint Solar Advocates respectfully request that their intervention be granted and that they be afforded full active party status in this proceeding.

23. Counsel for the Joint Solar Advocates consents to the service of documents by electronic mail to scortes@foxrothschild.com, as provided in 52 Pa. Code § 1.54(b)(3).

WHEREFORE, the Joint Solar Advocates respectfully request that the Pennsylvania Public Utility Commission grant their Joint Petition to Intervene in the above-captioned matter, afford the Joint Solar Advocates full active party status throughout the pendency of this proceeding, and grant such other relief as may be just and reasonable.

Respectfully submitted,



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Exton, PA 19341
Telephone: 610-458-4966
E-Mail: scortes@foxrothschild.com

Counsel for SEIA and CCSA

Dated: March 13, 2026

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

VERIFICATION

I, Jeanne Armstrong, being duly sworn according to law, deposes and says that I am the Senior Regulatory Counsel for State Affairs for the Solar Energy Industries Association, that in this capacity I am authorized to and do make this affidavit for them, that the facts set forth in the foregoing Petition to Intervene are true and correct to the best of my knowledge, information, and belief, and that I expect to be able prove the same at a hearing 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).



Jeanne Armstrong
on behalf of the Solar Energy
Industries Association

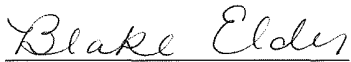
Dated: March 10, 2026

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VERIFICATION

I, Blake Elder, being duly sworn according to law, deposes and says that I am the Director of State Regulatory Affairs for the Coalition for Community Solar Access, that in this capacity I am authorized to and do make this affidavit for them, that the facts set forth in the foregoing Petition to Intervene are true and correct to the best of my knowledge, information, and belief, and that I expect to be able prove the same at a hearing 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).


Blake Elder
Blake Elder
on behalf of the Coalition
for Community Solar Access

Dated: March 10, 2026

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties listed below in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

VIA ELECTRONIC MAIL

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Counsel for EGS Parties

Dated: March 13, 2026



Samuel W. Cortes