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File #: 214162

March 13, 2026

***VIA ELECTRONIC FILING***

Matthew L. Homsher, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor North  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**Re: Verizon Pennsylvania LLC and Verizon North LLC v. Metropolitan Edison  
Company, Pennsylvania Electric Company, and Pennsylvania Power Company;  
Docket Number: C-2020-3019347**

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Dear Secretary Homsher:

Enclosed for filing on behalf of FirstEnergy Pennsylvania Electric Company's ("FE PA" or the "Company") please find the Prehearing Memorandum in the above-captioned proceeding.

Copies will be provided as indicated on the Certificate of Service.

Respectfully Submitted,



Garrett P. Lent

GPL/tjc

Attachment

cc: The Honorable John M. Coogan (*via email; with attachment*)  
Certificate of Service

**CERTIFICATE OF SERVICE**

**(Docket No. C-2020-3019347)**

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

**VIA E-MAIL ONLY**

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Date: March 13, 2026

  
Garrett P. Lent

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Verizon Pennsylvania LLC and Verizon :  
North LLC, :  
 :  
Complainants :  
 : Docket No. C-2020-3019347  
v. :  
 :  
Metropolitan Edison Company, :  
Pennsylvania Electric Company, and :  
Pennsylvania Power Company, :  
 :  
Respondents. :

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**PREHEARING CONFERENCE MEMORANDUM OF  
FIRSTENERGY PENNSYLVANIA ELECTRIC COMPANY**

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**TO ADMINISTRATIVE LAW JUDGE JOHN M. COOGAN**

Pursuant to 52 Pa. Code § 5.224(c) and the Prehearing Conference Order dated February 18, 2026, issued by the Administrative Law Judge John M. Coogan (the “ALJ”), FirstEnergy Pennsylvania Electric Company (“FE PA” or the “Company”)<sup>1</sup> hereby submits this Prehearing Conference Memorandum.

**I. SERVICE OF DOCUMENTS**

1. FE PA requests that all documents be served on:

Garrett P. Lent  
Post & Schell, P.C.  
17 North Second Street  
12<sup>th</sup> Floor  
Harrisburg, PA 17101-1601

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<sup>1</sup> On December 7, 2023, the Pennsylvania Public Utility Commission (“Commission”) entered an Order at Docket Nos. A-2023-3038771, et al. approving, among other things, the merger of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company into FE PA with FE PA as the surviving entity. Therefore, FE PA submits that all references to the three prior respondents in this matter should, instead, be made to FE PA as their successor in interest.

Phone: 717-612-6052  
Fax: 717-731-1985  
E-mail: glent@postschell.com

Please be advised that Mr. Garrett Lent will speak as the lead attorney for FE PA for purposes of the prehearing conference. However, other counsel for FE PA will be participating and available during the telephonic prehearing conference as needed.

2. FE PA agrees to receive service of documents electronically in this proceeding. Further, to the extent that materials are available electronically, it is requested that copies be served upon Tori Giesler at [tgiesler@firstenergycorp.com](mailto:tgiesler@firstenergycorp.com), Jessica Rhea at [jrhea@firstenergycorp.com](mailto:jrhea@firstenergycorp.com), David B. MacGregor at [dmacgregor@postschell.com](mailto:dmacgregor@postschell.com), Anthony D. Kanagy at [akanagy@postschell.com](mailto:akanagy@postschell.com), and Devin T. Ryan at [dryan@postschell.com](mailto:dryan@postschell.com).

## **II. PROCEDURAL HISTORY**

3. The history of this proceeding stretches back over five years. FE PA sets forth an abbreviated history of this matter below and references and incorporates the procedural history of this matter as described in (1) FE PA's Main Brief at the above-captioned docket dated July 28, 2020, and (2) the Statement of the Case set forth FE PA's Brief before the Supreme Court of Pennsylvania at No. 42 MAP 2024, dated August 21, 2024.

4. On November 20, 2019, Verizon filed the instant Complaint with the Federal Communications Commission ("FCC").

5. On November 27, 2019, FE PA filed a Motion to Hold Proceeding in Abeyance pending the Commission's certification to the FCC that it had initiated proceedings to exercise its reverse preemption authority.

6. On December 10, 2019, the FCC issued a Letter Ruling declining to hold the Complaint in abeyance pending the Commission's certification to the FCC that it had exercised its reverse preemption authority.

7. On March 18, 2020, pursuant to its 2019 Final Rulemaking Order, the Commission submitted a certification to the FCC to exercise reverse preemption of Complaints under Section 224(c) of the Communications Act. Also, on March 18, 2020, the parties submitted a Joint Statement in the FCC proceeding. The Joint Statement included certain Stipulated Facts, which are reproduced in paragraph 2-10 of Appendix A, Proposed Findings Of Fact. On March 19, 2020, the FCC issued a Public Notice of the receipt of the Commission's certification. On March 23, 2020, the FCC issued the Transfer Order, and transferred this matter to the Commission.

8. On March 24, 2020, the Commission opened the above-captioned docket.

9. The then-assigned Administrative Law Judge issued a Scheduling Order, which established an effective filing date of March 25, 2020, for this proceeding and also established an initial litigation schedule for the proceeding.

10. On April 20, 2020, the Commission issued a Hearing Notice.

11. On April 21, 2020, Verizon served its written direct testimony, including: (1) Verizon St. 1, the direct testimony of Stephen C. Mills and Exhibits SCM-1 through SCM-7; (2) Verizon St. 2, the direct testimony of Mark S. Calnon and Exhibits MSC-1 through MSC-2; and (3) Verizon St. 3, the direct testimony of Timothy J. Tardiff and Exhibits TJT-1 through TJT-2.

12. On May 21, 2020, FirstEnergy served its written rebuttal testimony, consisting of: (1) FirstEnergy St. 1-R, rebuttal testimony of Stephen F. Schafer (public and proprietary versions) and Exhibits SFS-1 through SFS-14; (2) FirstEnergy St. 2-R, rebuttal testimony of William P. Zarakas and Exhibit WZ-1; (3) FirstEnergy St. 3-R, rebuttal testimony of Joanne M. Savage and Exhibit JMS-1; (4) FirstEnergy St. 4-R, rebuttal testimony of Randal J. Coleman (public and proprietary versions) and Exhibits RC-1 through RC-3; (5) FirstEnergy St. 5-R, rebuttal testimony of Thomas R. Pryatel; (6) FirstEnergy St. 6-R, rebuttal testimony of Scott Carlin and Exhibit SC-

1; and (7) FirstEnergy St. 7-R, rebuttal testimony of Clark Guo (public and proprietary versions) and Exhibit CG-1.

13. On June 8, 2020, the then-assigned Administrative Law Judge issued a Second Scheduling Order. The Second Scheduling Order revised the litigation schedule and permitted the parties to submit rejoinder and surrejoinder testimony, cancelled evidentiary hearings and established deadlines for Briefs. The Commission also issued a Hearing Cancellation Notice.

14. On June 18, 2020, Verizon served its written surrebuttal testimony, consisting of: (1) Verizon St. 1.1, surrebuttal testimony of Stephen C. Mills (proprietary and public versions) and Exhibits SCM-8 through 44; (2) Verizon St. 2.1, surrebuttal testimony of Mark S. Calnon (proprietary and public versions) and Exhibits MSC-3 through 21; (3) Verizon St. 3.1, surrebuttal testimony of Timothy J. Tardiff (proprietary and public versions) and Exhibits TJT-3 through 9; and (4) Verizon St. 4.0, surrebuttal testimony of Thomas K. MacNabb.

15. On June 25, 2020, FirstEnergy served its written rejoinder testimony. FirstEnergy's rejoinder testimony consisted of: (1) FirstEnergy St. 1-RJ, rejoinder testimony of Stephen F. Schafer (proprietary and public versions) and Exhibit SFS-15; (2) FirstEnergy St. 2-RJ, rejoinder testimony of William P. Zarakas; (3) FirstEnergy St. 3-RJ, rejoinder testimony of Joanne M. Savage; (4) FirstEnergy St. 4-RJ, rejoinder testimony of Randal J. Coleman (public and proprietary versions) and Exhibits RC-4; (5) FirstEnergy St. 6-RJ, rejoinder testimony of Scott Carlin (public and proprietary versions) and Exhibits SC-2; and (6) FirstEnergy St. 7-RJ, rejoinder testimony of Clark Guo (public and proprietary versions).

16. On July 2, 2020, Verizon served its written surrejoinder testimony. Verizon's surrejoinder testimony consisted of: (1) Verizon St. 1.2, surrejoinder testimony of Stephen C. Mills (proprietary and public versions) and Exhibits SCM-45 to SCM-49; (2) Verizon St. 2.2,

surrejoinder testimony of Mark S. Calnon (proprietary and public versions; and (3) Verizon St. 3.2, surrejoinder testimony of Timothy J. Tardiff (proprietary and public versions). Also on July 2, 2020, FirstEnergy served corrected written rebuttal testimony to correct designations of proprietary information in FirstEnergy St. 1-R, Exhibits SFS-3, 8 and 9, and FirstEnergy St. 3-R.

17. On July 8, 2020, the FirstEnergy filed the parties' Joint Motion to Admit Stipulated Items into Record of Proceeding. In addition, the parties submitted a common brief outline to the then-assigned Administrative Law Judge.

18. Throughout the proceeding before the Commission during 2020, the parties engaged in discovery and discovery motions practice.

19. On July 28, 2020, the parties submitted Main Briefs.

20. On August 14, 2020, the parties submitted Reply Briefs.

21. On September 15, 2020, the then-assigned Administrative Law Judge issued a Recommended Decision ("RD").

22. On September 22, 2020, FE PA and Verizon filed Exceptions to the RD.

23. On September 28, 2020, FE PA and Verizon filed Replies to Exceptions.

24. On December 18, 2020, the PUC entered its *December 2020 Order*<sup>2</sup> granting in part and denying in part Verizon's Complaint.

25. Verizon filed a Petition for Partial Reconsideration of the *December 2020 Order* on January 4, 2021.

26. FE PA filed an Answer in Opposition to the Petition for Partial Reconsideration on January 13, 2021.

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<sup>2</sup> Docket No. C-2020-3019347 (Opinion and Order entered Dec. 18, 2020) ("*December 2020 Order*").

27. On April 15, 2021, the Commission issued its *April 2021 Order*,<sup>3</sup> in which the Commission denied Verizon's Petition for Partial Reconsideration.

28. On May 14, 2021, Verizon timely filed its Petition for Review with the Commonwealth Court at No. 521 C.D. 2021 challenging the PUC's December 2020 Order and April 2021 Order.

29. On May 17, 2021, FE PA timely filed a Petition for Review with the Commonwealth Court at No. 530 C.D. 2021 challenging the PUC's December 2020 Order and April 2021 Order.

30. On May 27, 2021, the PUC filed an Application to Consolidate Appeals.

31. On June 3, 2021, the Commonwealth Court issued an Order per curiam granting the PUC's Application to Consolidate Appeals.

32. On July 28, 2021, the parties filed a Joint Application for Order Clarifying the Sequence and Timing of Briefs and the Reproduced Record.

33. On August 2, 2021, the Commonwealth Court issued an Order per curiam granting the Joint Application for Order Clarifying the Sequence and Timing of Briefs and the Reproduced Record.

34. Verizon and FE PA filed their Principal Briefs on September 15, 2021.

35. On November 1, 2021, the PUC filed its Brief. Verizon and FE PA also filed Briefs in Response to the Principal Briefs.

36. On November 15, 2021, Verizon and FE PA filed Reply Briefs with respect to the merits of each of their appeals.

37. Oral argument was held before the Commonwealth Court en banc on May 18, 2022.

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<sup>3</sup> Docket No. C-2020-3019347 (Opinion and Order entered April 15, 2021) ("*April 2021 Order*").

38. The *Commonwealth Court Opinion*<sup>4</sup> was issued on September 21, 2023. The 5-2 decision affirmed the PUC’s Orders in all respects. Judge Wallace authored the Concurring Opinion. President Judge Cohn Jubelirer authored the Dissenting Opinion, which was joined by Judge McCullough.

39. FE PA filed its Petition for Allowance of Appeal with the Court on October 20, 2023. FE PA also submitted an Application for Relief to file Documents Associated with a Petition for Allowance of Appeal Under Seal.

40. Verizon filed its Cross Petition for Allowance of Appeal on November 3, 2023.

41. On June 10, 2024, the Court issued an Order granting the Petition for Allowance of Appeal (42 MAP 2024) and the Cross Petition for Allowance of Appeal (43 MAP 2024).

42. On August 21, 2024 FE PA and Verizon submitted their Briefs regarding their respective appeals.

43. On October 30, 2024 FE PA and the Commission submitted Briefs in Response to Verizon at 43 MAP 2024; Verizon and the Commission submitted Briefs in Response to FE PA at 42 MAP 2024.

44. On November 13, 2024, FE PA and Verizon submitted their Reply Briefs regarding their respective appeals.

45. On May 13, 2025, oral argument was held before the Supreme Court of Pennsylvania, *en banc*.

46. On January 8, 2026, the Supreme Court of Pennsylvania issued a 7-0 Opinion and Order.<sup>5</sup> Therein, the Court “conclude[d] that the PUC erred by improperly placing the burden of

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<sup>4</sup> *Verizon Pa. LLC v. Pa. PUC*, 303 A.3d 219 (Pa. Cmwlth. 2023) (“*Commonwealth Court Opinion*”).

<sup>5</sup> *FirstEnergy Pa. Elec. Co. v. Pa. PUC*, 349 A.3d 165, 2026 Pa. LEXIS 34 (Pa. 2026) (“*Supreme Court Opinion*”).

proof on FirstEnergy to establish that its rates were just and reasonable” and, therefore, “vacated the Commonwealth Court’s order affirming the PUC and remand to the Court to remand to the PUC for further proceedings consistent with our Opinion.” *Supreme Court Opinion*, 2026 Pa. LEXIS 34, at \*59-60.

47. On January 27, 2026, the Supreme Court of Pennsylvania remitted the record in this matter back to the Commonwealth Court of Pennsylvania.

48. On January 30, 2026, the Commonwealth Court of Pennsylvania issued an order remanding the matter back to the Commission.

49. On February 2, 2026, the Commonwealth Court remitted the record back to the Commission.

50. On February 3, 2026, Verizon filed a Motion to Reopen with the FCC, and filed a copy of this motion with the Commission.

51. On February 11, 2026, FE PA filed its Opposition to the Motion to Reopen with the FCC, and filed a copy of the same with the Commission.

52. On February 6, 2026, the Commission acknowledged receipt of the remittal by the Commonwealth Court.

53. On February 18, 2026, the ALJ issued a Prehearing Order in this matter.

54. On March 11, 2026, the FCC issued an Order denying Verizon’s Motion to Reopen.<sup>6</sup>

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<sup>6</sup> *Verizon Pa. LLC and Verizon North LLC v. Metropolitan Edison Company, Pennsylvania Electric Company, West Penn Power Company*, FCC Proceeding No. 26-44, Bureau ID Number EB-19-MD-008 (Order released March 11, 2026).

### III. ISSUES

55. In light of the decision of the Supreme Court of Pennsylvania, the issues to be determined on remand are very limited. The Supreme Court of Pennsylvania held that:

**The inescapable conclusion is that the PUC has no statutory authority to enact a presumptive maximum just and reasonable pole attachment rate in favor of ILECS.** Because of this, 66 Pa.C.S. § 332(a)'s command that a complainant bears the burden of establishing an existing rate is unjust or unreasonable applies in attachment rate proceedings before the PUC. Thus, the PUC erred in concluding that Verizon met its burden when it merely proved that the JUAs were renewed after March 11, 2019. Under Section 332(a), Verizon bore the burden of establishing that FirstEnergy's rates were unjust or unreasonable. The FCC's presumptive maximum rate can be evidence of unreasonableness, but it cannot function as a presumption under Pennsylvania law.

*Supreme Court Opinion*, 2026 Pa. LEXIS 34, at \*57-58 (emphasis in original).

56. Because the Supreme Court “conclude[d] that the PUC erred by improperly placing the burden of proof on FirstEnergy to establish that its rates were just and reasonable” it “vacate[d] the Commonwealth Court’s order affirming the PUC and remand[ed] to the Court to remand to the PUC for further proceedings consistent with our Opinion.” *Supreme Court Opinion*, 2026 Pa. LEXIS 34, at \*59-60.

57. Thus, the primary issue to be determined in this proceeding is whether Verizon has carried its burden of proving that the existing rates it pays FE PA under certain “Joint Use Agreements” are unjust and unreasonable under Pennsylvania law.

58. FE PA will demonstrate that Verizon has failed to carry its burden of proving that the existing rates it pays FE PA under certain “Joint Use Agreements” are unjust and unreasonable under Pennsylvania law. Rather, FE PA expects to demonstrate that, with Pennsylvania law properly applied to this matter, (a) Verizon has failed to allege, let alone demonstrate, the rates it pays are unjust and unreasonable under Pennsylvania law, and (b) the rates Verizon pays FE PA

fully comport with Pennsylvania law.

59. In addition, FE PA notes that the Supreme Court of Pennsylvania indicated its agreement with the concerns cited by Commonwealth Court President Judge Jubelirer that she “was further troubled by what it saw as a lack of any real analysis by the PUC as to the effects on FirstEnergy’s customers and whether any cost savings for Verizon would be passed along to its customers or merely enrich Verizon’s shareholders.” *Supreme Court Opinion*, 2026 Pa. LEXIS 34, at \*59.

60. Consistent with these concerns raised by the Supreme Court of Pennsylvania, FE PA will demonstrate that (a) Verizon has not conducted any such analysis, (b) Verizon’s request, if granted, would result in an unreasonable and unjustified windfall for Verizon’s shareholders, and (c) Verizon’s request will have an adverse impact on the rates paid by FE PA’s customers for electric distribution service in Pennsylvania.

61. FE PA reserves the right to address and respond to any other issues that may arise during the course of the proceeding.

**IV. WITNESSES**

62. FE PA previously offered the following witnesses to testify in this matter, and all testimony presented by these witnesses has already been admitted into the record in this proceeding.

Statement No.	Witness	Subjects Addressed
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1.	<p>Stephen F. Shafer<sup>7</sup>  Manager, Joint Use &amp; Cable Locating for  FirstEnergy Service Company  76 S. Main Street, A-GO-9  341 White Pond Drive  Akron, OH 44320</p>	<p>Federal Communications Commission's  Rates and Verizon's Errors in  Calculating those Rates</p> <p>Negotiations of the Joint Use  Agreements</p> <p>Termination of Existing Agreements</p> <p>Verizon's Advantages under the Joint  Use Agreements</p> <p>Other Allegations Made by Verizon</p>
2.	<p>William P. Zarakas  Principal  The Brattle Group  One Beacon Street, Suite 2600  Boston, MA 0210</p>	<p>Overview of Federal Pole Attachment  Regulations</p> <p>Overview of Pole Attachment Regulation  in Pennsylvania</p> <p>Responding to Verizon's Allegations  About Bargaining Power</p>
3.	<p>Joanne M. Savage  Director, Rates and Regulatory Affairs  Department – Pennsylvania  FirstEnergy Service Company  341 White Pond Drive  Akron, OH 44320</p>	<p>Joint Use Revenues Are Credited to  Customers in Base Rate Cases</p>
4.	<p>Randal J. Coleman, P.E.<sup>8</sup>  Manager, Distribution Standards  FirstEnergy Service Company  341 White Pond Drive  Akron, OH 44320</p>	<p>As-Found Construction of Verizon's  Attachments to FirstEnergy's Poles</p> <p>Costs to Remove FirstEnergy's Electric  Facilities from Verizon's Poles</p> <p>Physical Characteristics and Spacing of  Verizon's Attachments to FirstEnergy's  Poles</p>

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<sup>7</sup> FE PA notes that Mr. Shafer is no longer employed by the Company. As discussed below, to the extent that it is necessary for FE PA to present additional testimony on the issues addressed by Mr. Shafer, FE PA will identify and disclose an appropriate substitute witness.

<sup>8</sup> FE PA notes that Mr. Coleman is no longer employed by the Company. As discussed below, to the extent that it is necessary for FE PA to present additional testimony on the issues addressed by Mr. Coleman, FE PA will identify and disclose an appropriate substitute witness.

5.	Thomas R. Pryatel, P.E. <sup>2</sup> Director, Energy Delivery Operations Services FirstEnergy Service Company 341 White Pond Drive Akron, OH 44320	Feasibility of FirstEnergy Removing Its Attachments from Verizon's Poles and Constructing Duplicate Facilities
6.	Scott Carlin Vice President and General Manager - Asset Management Services Davey Resource Group, Inc. 295 South Water Street Kent, Ohio 44240	Field Audit of FirstEnergy's Poles
7.	Clark Guo Chief Executive Officer Precision Consulting LLC 5940 S. Rainbow Blvd. Las Vegas, Nevada 89118	Statistically-Reliable Estimates of Rate Formula Input Variables

FE PA submits that the aforementioned witnesses' testimony provides a sufficient record upon which the ALJ and the Commission can resolve all necessary issues on this remand. For this reason, FE PA does presently not intend to call additional witnesses.

63. If, however, the ALJ determines that it is necessary to supplement the record in this matter in light of the Supreme Court of Pennsylvania's decision, then FE PA will submit additional testimony by these witnesses and/or appropriate substitute witnesses to the extent any such substitution is necessary due to the unavailability of any of these witnesses. FE PA also reserves the right to call and present additional witnesses to address any issues that may arise during the course of the proceeding.

**V. DISCOVERY**

64. Based on the narrow scope of issues to be addressed, and the litigation schedule it proposes below, FE PA does not believe that modifications to the standard timelines for discovery

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<sup>2</sup> FE PA notes that Mr. Pryatel is no longer employed by the Company. As discussed below, to the extent that it is necessary for FE PA to present additional testimony on the issues addressed by Mr. Pryatel, FE PA will identify and disclose an appropriate substitute witness.

set forth in the Commission's regulations are necessary. Indeed, as this matter can be resolved on the existing record with supplemental briefing, FE PA submits that no further discovery is necessary.

65. If, however, the ALJ or Verizon determines that it is necessary to supplement the record in this matter in light of the Supreme Court of Pennsylvania's decision, then FE PA proposes the following modifications to the standard timelines for discovery set forth in the Commission's regulations as necessary or appropriate.

- a) Answers to written interrogatories and requests for document production, entry for inspection, or other purposes shall be served in-hand within ten (10) calendar days of service.
- b) Objections to interrogatories and/or requests for production shall be communicated orally to the propounding party within three (3) calendar days of service of the interrogatories; unresolved objections shall be served in writing to the propounding party within five (5) calendar days of service of the interrogatories and/or requests for production.
- c) Motions to dismiss objections and/or direct the answering of interrogatories and/or requests for production shall be filed within five (5) business days of service of written objections.
- d) Answers to motions to dismiss objections and/or answering of interrogatories and/or requests for production shall be filed within three (3) business days of service of such motions.
- e) Requests for admissions will be deemed admitted unless answered within ten (10) calendar days or objected to within five (5) calendar days of service.

- f) Answers to on-the-record data requests shall be served in-hand within five (5) calendar days of the requests.
- g) 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 1:30 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.

66. FE PA also encourages the use of informal discovery to expedite the discovery process.

67. FE PA further proposes that parties serving any testimony either: (a) include with each piece of testimony the electronic workpapers, cited studies, and other documents relied on by the witness; or (b) provide the parties with the same in workable electronic format within two (2) business days of the testimony being served.

68. Finally, FE PA proposes that it will post all discovery responses to a secure file transfer portal maintained by Post & Schell, P.C. (*i.e.*, “OneDrive”), to which the parties will be given access. FE PA will file and serve a letter notifying the parties when the applicable discovery responses have been posted to the OneDrive website. Once posted, parties will be able to access, review, download, and/or print the discovery responses as needed, subject to any conditions in stipulated protective agreements or a protective order entered in this proceeding. Access has been provided to each party that has appeared or intervened in this matter as of the date of this prehearing memorandum.

## **VI. LITIGATION SCHEDULE**

69. The issues to be determined on remand are limited and, as discussed above, can be resolved based upon the record previously developed in this proceeding. Therefore, FE PA

submits that the following schedule for supplemental briefing in light of the decision of the Supreme Court of Pennsylvania is reasonable and appropriate.

Main Brief	May 1, 2026
Reply Brief	May 15, 2026

70. If, however, the ALJ determines that it is necessary to supplement the record in this matter in light of the Supreme Court of Pennsylvania’s decision, then FE PA proposes that the following schedule be utilized in order to promptly resolve this matter.

Verizon Supplemental Direct Testimony	May 18, 2026
FE PA Supplemental Direct Testimony	July 17, 2026
Verizon Supplemental Rebuttal Testimony	July 31, 2026
Hearings	August 5-6, 2026
Main Brief	August 28, 2026
Reply Brief	September 11, 2026

71. FE PA believes that this schedule provides sufficient time to supplement the record, if the ALJ determines this is necessary, as well as allow the ALJ to promptly issue a Recommended Decision in this matter and the Commission to promptly enter a final order on remand.<sup>10</sup>

72. FE PA is also willing to work with the parties to accommodate potential scheduling conflicts for Verizon’s witnesses to attend and testify at the evidentiary hearings.

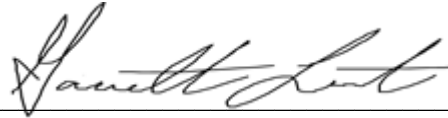
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<sup>10</sup> FE PA submits, as an initial matter, it is not necessary for the Commission to resolve this matter within 270 days under either 52 Pa. Codd § 57.75(d) or 47 U.S.C. § 224(c)(3)(B)(ii), because the Commission issued its *December 2020 Order* prior to the passage of the 270-day “shot clock” when this matter was transferred to the Commission. *See, e.g., Verizon Pa. LLC and Verizon North LLC v. Metropolitan Edison Company, Pennsylvania Electric Company, West Penn Power Company*, FCC Proceeding No. 26-44, Bureau ID Number EB-19-MD-008 (Order released March 11, 2026), at p. 7, n. 42. However, to the extent that the Commission determines that this shot clock continues to apply on remand, then FE PA submits it should commence from the date of the issuance of the Prehearing Order, as this is the first date of Commission action at this docket on remand.

**VII. SETTLEMENT**

73. As of this time, no settlement discussions have been held. FE PA remains open and available for settlement discussions, and/or formal mediation of this dispute and would support initiatives to begin settlement/mediation discussions at the earliest possible date.

Respectfully submitted,



Tori L. Giesler (ID # 207742)  
Jessica Rhea (ID # 308217)  
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David B. MacGregor, Esquire (PA ID #28804)  
Anthony D. Kanagy, Esquire (PA ID #85522)  
Devin T. Ryan, Esquire (PA ID # 316602)  
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Date: March 13, 2026

*Attorneys for FirstEnergy Pennsylvania  
Electric Company, f/k/a Metropolitan Edison  
Company, Pennsylvania Electric Company,  
and Pennsylvania Power Company*