



COMMONWEALTH OF PENNSYLVANIA

March 17, 2026

E-FILED

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

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

Enclosed for filing, please find the Prehearing Memorandum, on behalf of the Office of Small Business Advocate (“OSBA”), in the above-referenced proceeding.

Copies will be served on all known parties in this proceeding, as indicated on the attached Certificate of Service.

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Rebecca Lyttle

Rebecca Lyttle
Assistant Small Business Advocate
Attorney ID No. 201399

Enclosures

cc: Maksim Malukoff
Mark D. Ewen
Parties of Record

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**PREHEARING MEMORANDUM
OF THE OFFICE OF SMALL BUSINESS ADVOCATE**

I. INTRODUCTION

The Office of Small Business Advocate (“OSBA”) is authorized to represent the interests of small business customers of utility services before the Pennsylvania Public Utility Commission (“Commission”) pursuant to the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 – 399.50 (“the Act”). To discharge this statutory duty, the Small Business Advocate deems it necessary to participate as a party to this proceeding.

Representing the OSBA in the above-referenced matter is Assistant Small Business Advocate Rebecca Lyttle. Please address all correspondence in this matter as follows:

Rebecca Lyttle, Esq.
Assistant Small Business Advocate
Office of Small Business Advocate
Forum Place
555 Walnut Street, 1st Floor
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II. FILING BACKGROUND

On February 3, 2026, FirstEnergy Pennsylvania Electric Company (“FirstEnergy” or “Company”) filed with the Commission a Petition seeking approval of its Default Service Program for the period June 1, 2027, to May 31, 2031 (“DSP Petition”). On February 10, 2026,

the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (“CAUSE-PA”) filed a Petition to Intervene and Answer. On February 10, 2026, the Commission issued a Prehearing Conference Notice indicating that a telephonic prehearing conference regarding FirstEnergy’s DSP Petition will be conducted on March 19, 2026, before Deputy Chief Administrative Law Judge Mark A. Hoyer and Administrative Law Judge Erin L. Gannon.

On February 11, 2026, the Office of Small Business Advocate (“OSBA”) filed a Notice of Appearance. On February 12, 2026, the Office of Consumer Advocate (“OCA”) filed a Notice of Appearance. On February 19, 2026, Deputy Chief Administrative Law Judge Mark A. Hoyer, and Administrative Law Judge Erin L. Gannon (collectively, the “ALJs”) issued a Prehearing Conference Order. On February 19, 2026, Penn Renewables LLC (“Penn Renewables”) filed a Petition to Intervene. On February 20, 2026, the OSBA filed a Notice of Intervention, Public Statement, and Verification. On February 24, 2026, Shipley Choice, LLC d/b/a Shipley Energy and Interstate Gas Supply, LC d/b/a IGS Energy (“IGS”) filed a Petition to Intervene. On February 24, 2026, the Met-Ed Industrial Users Group (“MEIUG”), the Penelec Industrial Customer Alliance (“PICA”), and the West Penn Power Industrial Intervenors (“WPPII”) filed a Joint Petition to Intervene.

On March 5, 2026, Dimension PA LLC (“Dimension”) filed a Petition to Intervene. On March 9, 2026, Sunrise Airport Road LLC, Sunrise Forrester Road LLC, Sunrise Franklin Road LLC, Sunrise Harlansburg Road LLC, Sunrise Hendersonville Road LLC, Sunrise McCurdy Road LLC, Sunrise Perry Highway LLC, Sunrise Sandy Lake Greenville Road LLC, Sunrise Sandy Lake Polk Road LLC, and Sunrise Springfield Church Road LLC (collectively, the “Customer-Generator Coalition” or “CGC”), filed a Petition to Intervene. On March 9, 2026, OCA filed an Answer and Notice of Intervention and WGL Energy Services, Inc. (“WGLES”)

and Town Square Energy East, LLC (“Town Square”) filed Petitions to Intervene. On March 10, 2026, the Pennsylvania State University (“PSU”) filed a Petition to Intervene.

III. IDENTIFICATION OF WITNESS AND TENTATIVE ISSUES

Assisting in the development and presentation of the OSBA’s case in this proceeding will be:

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Cambridge, MA 02140
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Mark Ewen
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The OSBA will participate in this proceeding to assure that the interests of small business customers are adequately represented and protected.

After an initial review of the materials submitted by First Energy, the OSBA has identified the following list of issues that it will evaluate in this proceeding:

- 1) Whether the proposed methodology and timing of commercial customer procurements is reasonable;
- 2) The OSBA will review shopping trends, for residential, commercial, and industrial groups;
- 3) Whether the “descending clock” auction procurement process remains reasonable;
- 4) Whether the Company’s design for the time-of-use “default service” rate option is reasonable;
- 5) Whether the Company’s pricing of default supplies for commercial customers is fair and reasonable;
- 6) Whether the Company’s proposal to classify commercial and industrial class groupings based on a customer’s maximum registered peak load is reasonable; and
- 7) Whether the Company’s proposed supplier master agreement and supplier coordination tariff changes are reasonable.

The OSBA reserves the right to pursue additional issues that may arise throughout this proceeding.

IV. SERVICE OF DOCUMENTS

In accordance with 52 Pa. Code § 1.54(b)(3)(i), the OSBA agrees to accept electronic mail delivery of documents on the due date¹ as satisfying the in-hand requirement. At the time of this writing, hard copy delivery of documents to the OSBA is not possible. **The OSBA requests that email delivery of documents also be provided to its witnesses identified above.**

In addition to email copies of pleadings, briefs, and exceptions, the OSBA requests email copies of responses to discovery propounded by the OSBA or any other party.

V. DISCOVERY

The OSBA does not propose any discovery modifications.

VI. SETTLEMENT

The OSBA notes its willingness to enter settlement discussions at the appropriate phase of this proceeding.

VII. HEARING AND BRIEFING SCHEDULE

At the time of this writing, the parties are discussing a proposed procedural schedule.

Respectfully submitted,

/s/ Rebecca Lyttle

Rebecca Lyttle
Assistant Small Business Advocate
Attorney ID No. 201399

Commonwealth of Pennsylvania
Office of Small Business Advocate
Forum Place
555 Walnut Street, 1st Floor
Harrisburg, PA 17101

Dated: March 17, 2026

¹ In accordance with 52 Pa. Code § 1.56(a)(5), documents must be received by 4:30 pm.

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PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing have been served via email (*unless otherwise noted below*) upon the following persons, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

The Honorable Mark A. Hoyer
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Date: March 17, 2026

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