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March 17, 2026

**Via Electronic Filing**

Matthew Homsher, Secretary  
Pennsylvania Public Utility Commission  
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

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Dear Secretary Homsher:

Enclosed for electronic filing please find the Retail Energy Supply Association's ("RESA")  
Prehearing Memorandum in regard to the above-referenced matter. Copies to be served in  
accordance with the attached Certificate of Service.

Sincerely,



Deanne M. O'Dell.

DMO/dmc

Enclosure

cc: Hon. Mark A. Hoyer w/enc.  
Hon. Erin L. Gannon w/enc.  
Cert. of Service w/enc.

## CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of RESA's Prehearing Memorandum, upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

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Date: March 17, 2026



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Deanne A, O'Dell

**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 :

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**PREHEARING MEMORANDUM  
OF RETAIL ENERGY SUPPLY ASSOCIATION**

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Pursuant to 52 Pa. Code §§ 5.72-5.75, the Prehearing Conference Order dated February 19, 2026, and subject to the granting of its Petition to Intervene filed on March 17, 2026, the Retail Energy Supply Association (“RESA”)<sup>1</sup> submits this Prehearing Memorandum.

**I. BACKGROUND**

On February 3, 2026, FirstEnergy Pennsylvania Electric Company (“FirstEnergy” or “Company”) filed a Petition for Approval of its Default Service Program with the Pennsylvania Public Utility Commission (“Commission” or “PUC”) proposing to establish the terms and conditions under which it will procure default service supplies, provide default service to non-shopping customers, satisfy requirements imposed by the Alternative Energy Portfolio Standards Act (“AEPS Act”) and recover all associated costs on a full and current basis for the period from June 1, 2027 through May 31, 2031. By public notice published in the *Pennsylvania Bulletin* on February 21, 2026, the Commission established a deadline of March 17, 2026 for formal protests, petitions to intervene and answers. A telephonic prehearing conference has been scheduled for

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<sup>1</sup> The comments expressed in this filing represent the position of the Retail Energy Supply Association (RESA) as an organization but may not represent the views of any particular member of the Association. Founded in 1990, RESA is a broad and diverse group of retail energy suppliers dedicated to promoting efficient, sustainable and customer-oriented competitive retail energy markets. RESA members operate throughout the United States delivering value-added electricity and natural gas service at retail to residential, commercial and industrial energy customers. More information on RESA can be found at [www.resausa.org](http://www.resausa.org).

March 19, 2026 before Deputy Chief Administrative Law Judges Mark A. Hoyer and Administrative Law Judge Erin L. Gannon (“ALJs”).

The adjudication of FirstEnergy’s Petition will have a direct impact on the ability of RESA’s members to provide competitive electric supply to retail customers in the Company’s service territory because the structure of the default service product, including how supply is procured and how the resulting retail price is portrayed to customers, directly impacts whether RESA members are well positioned to develop and offer customers competitive retail options. In addition, FirstEnergy, as the default service supplier and the historical monopoly provider, continues to maintain direct access and control of necessary information, data and operations necessary to facilitate the ability of RESA members to access critical operations necessary to provide competitive supply to retail customers. RESA seeks to intervene in this proceeding to evaluate the proposed changes by FirstEnergy as well as other parties who may intervene in this proceeding and any associated impacts on electric generation suppliers’ (“EGSs”) ability to continue to operate in the Company’s service territory by offering competitive supply options to retail end use customers.

## **II. ISSUES**

As explained in its Petition to Intervene, many RESA members are licensed to provide electric supply to retail customers in FirstEnergy’s service territory and will be specifically and substantially affected by the outcome of this proceeding, which may alter the terms and conditions under which EGSs provide service to retail end users. Issues that RESA has preliminarily identified to be addressed in this proceeding include the following:

- FirstEnergy’s proposal that EGSs entering into new residential contracts after June 1, 2026 be required to return those customers to default service at the conclusion of the fixed duration contract term absent affirmative choice by the customer;
- The Company’s proposal that, effective June 1, 2027, EGSs be required to provide attestation of affirmative customer consent on a quarterly basis for all residential customers on variable-priced month-to-month products;
- Regarding the Purchase of Receivables (“POR”) program, FirstEnergy’s proposal that for all contracts entered into after June 1, 2027, EGSs on utility consolidated billing must use rate-ready billing and charge a rate that is at or below the Price to Compare (“PTC”) at the time of customer enrollment, otherwise the Company will not purchase the receivables of EGSs whose rates are not in compliance. FirstEnergy is also proposing to discontinue the current POR clawback mechanism and the Company’s standard offer customer referral program;
- FirstEnergy’s proposals regarding the wholesale default service supply process, such as shifting the responsibility for cost recovery of Network Integration Transmission Service (“NITS”) from wholesale default service suppliers to FirstEnergy only on behalf of default service customers;
- FirstEnergy’s requests for waivers of Commission regulations that, if granted, would allow FirstEnergy to deviate significantly from a number of regulatory standards that directly affect EGSs’ ability to provide service to retail customers in the Company’s service territory; and
- FirstEnergy’s other proposals regarding the rules and requirements for the procurement of wholesale default service supply.

RESA members are continuing to evaluate the Company's proposals and the forthcoming positions of other parties in relation to their interests and will determine to what extent, if necessary, it identifies issues necessary to bring to the Commission's attention. As such, RESA reserves the right to raise other issues identified through its continued review and analysis in this case.

**III. PROCEDURAL SCHEDULE**

RESA will cooperate with the parties and presiding officer to develop a reasonable procedural schedule.

**IV. HEARINGS**

At this time, RESA continues to evaluate the issues in this proceeding and is unable to estimate the amount of hearing time (if any) that may be needed.

**V. WITNESSES**

RESA continues to assess its strategy for this proceeding and reserves the right to add or change the identity of its witnesses at any time, upon appropriate notice to the ALJ and the parties.

**VI. POSSIBILITY OF SETTLEMENT**

RESA is willing to participate in settlement discussions with the parties to narrow the issues in this matter.

**VII. SERVICE OF DOCUMENTS**

RESA's attorneys in this matter are:

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RESA prefers that documents be served electronically to the above email addresses and agrees to receive service of documents electronically in this proceeding. To the extent that materials are not available electronically, RESA requests that only one hard copy of documents, if any, be served upon Deanne O'Dell at the above mailing address.

Lauren Burge will be the primary speaker on behalf of RESA for purposes of the prehearing conference.

Respectfully submitted,



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Dated: March 17, 2026

*Attorneys for Retail Energy Supply Association*