

# Stevens & Lee

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March 17, 2026

VIA ELECTRONIC FILING

Matthew L. Homsher, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor  
Harrisburg, PA 17120

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

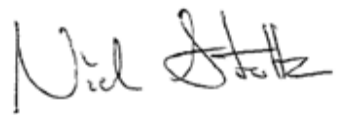
Dear Secretary Homsher:

Enclosed for filing on behalf of 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”) is the CGC’s Prehearing Memorandum, consistent with the directive in the February 19, 2026 Prehearing Order issued in this proceeding.

Copies are being provided in accordance with the enclosed Certificate of Service.

Very truly yours,

STEVENS & LEE



Nicholas A. Stobbe

Enc.

Cc: Deputy Chief Administrative Law Judge Mark A. Hoyer (*via email* - [mhoyer@pa.gov](mailto:mhoyer@pa.gov))  
Administrative Law Judge Erin L. Gannon (*via email* - [egannon@pa.gov](mailto:egannon@pa.gov))

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PETITION OF FIRSTENERGY :  
PENNSYLVANIA ELECTRIC :  
COMPANY FOR APPROVAL OF ITS :  
DEFAULT SERVICE PROGRAM FOR : Docket No. P-2026-3060298  
THE PERIOD JUNE 1, 2027 TO MAY 31, :  
2031 :  
:

**CERTIFICATE OF SERVICE**

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

**VIA E-MAIL**

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<p>Melissa A Chapaska, Esq.  HMS Legal LLP  501 Corporate Circle, Suite 302  Harrisburg, PA 17110  <a href="mailto:machapaska@hmslegal.com">machapaska@hmslegal.com</a></p> <p><i>Counsel for Penn Renewables LLC</i></p>	<p>Daniel B. Markind, Esq,  Flaster Greenberg, PC  1717 Arch Street, Suite 3300  Philadelphia, PA 19103  <a href="mailto:Daniel.markind@flastergreenberg.com">Daniel.markind@flastergreenberg.com</a></p> <p><i>Counsel for Dimension PA 1 LLC</i></p>
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Nicholas A. Stobbe

Dated: March 17, 2026

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

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**PREHEARING CONFERENCE MEMORANDUM OF 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**

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**TO DEPUTY CHIEF ADMINISTRATIVE LAW JUDGE MARK A. HOYER AND  
ADMINISTRATIVE LAW JUDGE ERIN L. GANNON:**

Pursuant to 52 Pa. Code § 5.224(c) and the Prehearing Conference Order dated February 19, 2026, issued by the Deputy Chief Administrative Law Judge Mark A. Hoyer and Administrative Law Judge Erin L. Gannon (hereinafter, the “ALJs”), 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”), hereby submit this Prehearing Conference Memorandum.

**I. INTRODUCTION AND BACKGROUND**

1. On February 3, 2026, FirstEnergy Pennsylvania Electric Company (“FirstEnergy” or the “Company”) filed a Petition for Approval of Default Service Plan (“DSP Petition”) at the

above-referenced docket which contained proposed terms and conditions under which FirstEnergy would procure and supply default electric service between June 1, 2027, and May 31, 2031.<sup>1</sup>

2. On February 10, 2026, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (“CAUSE-PA”) filed a Petition to Intervene and Answer.

3. Also on February 10, 2026, the Commission issued a Call-In Telephonic Prehearing Conference Notice, scheduling a Telephonic Prehearing Conference for March 19, 2026, at 10:00 a.m.

4. On February 11, 2026, the Office of Small Business Advocate (“OSBA”) filed a Notice of Appearance.

5. On February 12, 2026, the Office of Consumer Advocate (“OCA”) filed a Notice of Appearance.

6. On February 18, 2026, the OSBA filed a Withdrawal of Appearance.

7. On or around 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.

8. On February 19, 2026, Penn Renewables LLC (“Penn Renewables”) filed a Petition to Intervene.

9. On February 20, 2026, the OSBA filed a Notice of Intervention, Public Statement, and Verification.

10. On February 23, 2026, Shipley Choice, LLC d/b/a Shipley Energy and Interstate Gas Supply, LC d/b/a IGS Energy filed a Petition to Intervene.

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<sup>1</sup> *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 filed Feb. 3, 2026).

11. 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.

12. On March 5, 2026, Dimension PA 1 LLC (“Dimension”) filed a Petition to Intervene and a Motion for Admission *Pro Hac Vice*.

13. On March 9, 2026, the OCA filed an Answer to the DSP Petition.

14. Also on March 9, 2026, the CGC filed a Joint Petition to Intervene.

15. WGL Energy Services, Inc. (“WGL”) and Town Square Energy East, LLC (“Town Square”), respectively, also filed Petitions to Intervene on March 9, 2026.

16. On March 10, 2026, The Pennsylvania State University filed a Petition to Intervene.

17. Also on March 10, 2026, Constellation NewEnergy, Inc. (“Constellation”) and Constellation Energy Generation, LLC (“CEG”) filed a Motion for Admission *Pro Hac Vice*.

18. On March 13, 2026, the Solar Energy Industries Association (“SEIA”) and the Coalition for Community Solar Access (“CCSA”) filed a Joint Petition to Intervene.

19. On March 16, 2026, the ALJs issued Interim Orders Granting the Motions for Admission *Pro Hac Vice* of Mitchell H. Kinzer, Esq. (Dimension), Linda S. Kizuka, Esq. (Constellation and CEG), and Marsha D. Makel, Esq. (Constellation and CEG), respectively.

20. Also on March 16, 2026, the Constellation and CEG filed a Petition to Intervene and Prehearing Conference Memorandum.

21. Also on March 16, 2026, Duquesne Light Company (“DLC”) filed a Petition to Intervene.

22. Pursuant to 52 Pa. Code § 5.224(c) and the Prehearing Conference Order dated February 19, 2026, CGC hereby submits this Prehearing Conference Memorandum.

## **II. SERVICE OF DOCUMENTS**

23. CGC requests that all documents be served on:

Nicholas A. Stobbe, Esq.  
Attorney I.D. 329583  
17 N. 2<sup>nd</sup> St., 16<sup>th</sup> Fl.  
Harrisburg, PA 17101  
Tel. (717) 724-3445  
Fax (610) 235-4915  
[nicholas.stobbe@stevenslee.com](mailto:nicholas.stobbe@stevenslee.com)

24. Mr. Stobbe will be representing and speaking on behalf of CGC at the March 19, 2026, Prehearing Conference.

25. CGC agrees to receive service of documents electronically in this proceeding.

26. The CGC's membership are a group of net-metering customer-generators with facilities currently active in FirstEnergy's Service Territory. For purposes of this proceeding, CGC's membership is listed in the attached **Appendix A**. CGC will update **Appendix A** as needed throughout the course of this proceeding to reflect changes in its membership.

## **III. ISSUES**

27. FirstEnergy's DSP Petition and the proposals therein presents several issues of critical importance to the CGC.

28. The CGC's members are customer-generators currently operating solar photovoltaic ("PV") generation facilities within FirstEnergy service territory, under the Pennsylvania Alternative Energy Portfolio Standards ("AEPS") Act. 73 P.S. §§ 1648.1 *et seq.*, and its implementing regulations at 52 Pa. Code §§ 75.1–75.17.

29. The CGC submits that FirstEnergy's Maximum Registered Peak Load ("MRPL") proposal, which seeks to classify customers' net demand contribution impact to FirstEnergy's

default service procurement activity based upon the “net power flow from or into the Company’s distribution system,”<sup>2</sup> violates the law and is contrary to sound policy in several ways.

30. The issues that CGC intends to raise include, but are not necessarily limited to:

- Whether the FirstEnergy’s MRPL proposal violates the AEPS Act and 52 Pa. Code § 75.13 by depriving customer-generators of full-retail value crediting.
- Whether FirstEnergy’s MRPL proposal and accompanying tariff revisions unlawfully discriminate, in contravention of 66 Pa. C.S. § 1304, among similarly situated customers by reclassifying high-export, low-load systems into large commercial classes.
- Whether FirstEnergy’s MRPL proposal is unjust, unreasonable, or contrary to public policy under 66 Pa. C.S. § 1301.
- Whether FirstEnergy’s DSP Petition conforms with the requirements of 66 Pa.C.S. §§ 2801, *et seq.* and effectuates “least cost” default service procurement.
- The retroactive and chilling effect these proposals would have on existing and planned net-metered distributed generation projects.
- The broader implications for rate design, cost allocation, affiliate transactions, and default-service procurement.

31. CGC reserves the right to raise other issues, and respond to issues raised by other parties, that may arise throughout the course of this proceeding.

#### **IV. WITNESSES AND EVIDENCE**

32. Currently, CGC is in the process of identifying and interviewing suitable expert witnesses for this proceeding. CGC respectfully reserves the right to supplement this Prehearing

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<sup>2</sup> See FirstEnergy Exhibit DMY-6.

Conference Memorandum to identify its witness(es) once they have been formally retained and their scope of testimony confirmed.

33. CGC anticipates that its witness(es), will include specialized and demonstrable expertise in utility rate recovery and classification, default supply procurement, distributed generation economics, and renewable energy policy, among other things.

34. CGC will supplement the record with witness identification and resumes once engagements are finalized.

35. CGC anticipates presenting the following written testimony: direct, rebuttal, and, if necessary, surrebuttal and rejoinder, along with accompanying exhibits, analyses, and supporting documentation during the evidentiary phase of this proceeding. CGC's evidence will include, but is not limited to, data obtained through discovery, relevant tariff provisions, applicable statutes and regulations under the AEPS Act and 52 Pa. Code Chapter 75, as well as Commission precedent, default service data, financial and economic modeling, and other public filings relevant to the issues raised herein.

36. CGC reserves the right of relying upon materials produced by other parties, including FirstEnergy's filings, supporting testimony, discovery responses, and other relevant submissions to the Commission.

## **V. DISCOVERY MODIFICATIONS**

37. CGC is agreeable to the OCA's proposed discovery modifications in this proceeding.

## **VI. PROCEDURAL SCHEDULE**

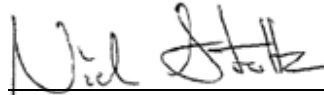
38. As of the date of this filing, CGC continues to discuss a potential Procedural Schedule with all active parties. CGC will comply with the Procedural Schedule ultimately adopted by the ALJs.

## **VII. SETTLEMENT**

39. CGC is willing to engage in settlement discussions with all active parties at the appropriate stage of this proceeding.

**WHEREFORE,** 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 respectfully submit this Prehearing Conference Memorandum in conformance with the Prehearing Conference Order issued February 19, 2026.

Respectfully submitted,



Nicholas A. Stobbe, Esq.

Attorney I.D. 329583

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*Counsel for 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*

Dated: March 17, 2026

**APPENDIX A**

**CUSTOMER-GENERATOR COALITION MEMBERSHIP**

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  
Sunrise Springfield Church Road LLC