

# Stevens & Lee

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March 17, 2026

**VIA ELECTRONIC FILING**

Secretary Matthew Homsher  
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**

Dear Secretary Homsher:

Enclosed for filing please find the Prehearing Conference Memorandum of WGL Energy Services, Inc. in the above-referenced proceeding. Copies of this filing have been served in accordance with the attached Certificate of Service.

Thank you, and please do not hesitate to contact me if you have any questions or concerns.

Best Regards,

STEVENS & LEE



Michael A. Gruin, Esq.

Encl.

cc: Deputy Chief Administrative Law Judge Mark A. Hoyer (via email)  
Administrative Law Judge Erin L. Gannon (via email)  
Certificate of Service

**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 :

**PREHEARING CONFERENCE MEMORANDUM OF  
WGL ENERGY SERVICES, INC.**

Pursuant to 52 Pa. Code § 5.22 and the Prehearing Conference Order issued on February 19, 2026, by the Deputy Chief Administrative Law Judge Mark A. Hoyer and Administrative Law Judge Erin L. Gannon (hereinafter, the “ALJs”), WGL Energy Services, Inc. (“WGL ES”), hereby submits its Pre-Hearing Conference Memorandum in this matter.

**I. INTRODUCTION**

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

2. FirstEnergy’s DSP includes proposals to modify several important aspects of the residential retail electricity choice market within its service territory, as explained in more detail below.

3. On February 10, 2026, the Commission issued a Call-In Telephonic Prehearing Conference Notice, scheduling a Telephonic Prehearing Conference for March 19, 2026.

4. On February 21, 2026, the Telephonic Prehearing Conference Notice was published in the Pennsylvania Bulletin

5. On March 9, 2026, WGLES filed its Petition to Intervene in this matter.

## **II. COUNSEL FOR WGLES**

6. WGLES is represented in this matter by the following counsel:

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Mr. Gruin will be the lead representative for purposes of the prehearing conference.

## **III. ISSUES**

7. The FirstEnergy DSP includes three proposals which, if enacted, would create a parallel regulatory framework for the residential retail electricity market in the First Energy territory that dramatically differs from the statewide framework that is codified in the Commission's regulations. Specifically, FirstEnergy's DSP includes the following proposals for its parallel regulatory framework:

- a. FirstEnergy is proposing to unilaterally abolish automatic customer contract renewals and return customers to default service without authorization at the end of their contract term. FirstEnergy’s contract renewal proposal directly conflicts with the Commission’s well-established customer contract renewal regulations and prior Commission Orders.
- b. FirstEnergy is seeking to unilaterally impose new ongoing customer consent requirements for month-to-month customer enrollments, and impose new quarterly “certification” requirements on retail suppliers related to these consent requirements, neither of which are required by the Public Utility Code or the Commission’s regulations or orders.
- c. FirstEnergy is proposing to drastically limit the types of products that retail suppliers may offer in its service territory by requiring “bill-ready” billing, and by eliminating the eligibility for suppliers to participate in FirstEnergy’s purchase of receivables (“POR) program except for a limited category of products that FirstEnergy has self-selected.

8. WGLS’s preliminary review of the FirstEnergy DSP indicates a need for Commission action and determination on the following issues:

- (a) Whether FirstEnergy may lawfully use a Default Service Proceeding to implement its own bespoke customer contract renewal processes and restrictions that directly conflict with Commission regulations that were promulgated via the formal rulemaking process.

- (b) Whether FirstEnergy's proposal to modify contract renewal procedures and unilaterally return customers to default service without consent violates the Public Utility Code and the Commission's regulations and orders or is otherwise unlawful, unjust, unreasonable or contrary to public policy.
- (c) Whether FirstEnergy may lawfully use a Default Service Proceeding to seek to implement new customer consent requirements and retail supplier certification requirements in its service territory.
- (d) Whether FirstEnergy' proposal to impose new customer consent requirements and retail supplier certification requirements violates the Public Utility Code and the Commission's regulations and orders or is otherwise unlawful, unjust, unreasonable or contrary to public policy.
- (e) Whether FirstEnergy may lawfully use a Default Service Proceeding to implement billing and POR modifications that would restrict the types of products that retail suppliers may offer in FirstEnergy's service territory.
- (f) Whether FirstEnergy's proposal to implement billing and POR modifications that would restrict the types of products that retail suppliers may offer in FirstEnergy's service territory violates the Public Utility Code and the Commission's regulations and orders or is otherwise unlawful, unjust, unreasonable or contrary to public policy.

9. WGLES's position is that the proposals that FirstEnergy is making are drastic in nature and would have severe consequences for a wide range of stakeholders if enacted. Furthermore, FirstEnergy's proposals differ so dramatically from the established statewide processes as codified in the Commission's regulations that they should not be permitted to be

considered in the context of a fast-tracked Default Service Proceeding. Instead, changes of the type that FirstEnergy is proposing should only be considered as part of a formal rulemaking process, that ensures that all interested and impacted parties are accorded the appropriate due process rights and protections.

10. WGLS also has concerns with FirstEnergy's decision not to extend its customer referral program after May 31, 2027.

11. WGLS 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**

12. WGLS is in the process of identifying and interviewing suitable witnesses for this proceeding, and reserves the right to supplement its Prehearing Conference Memorandum to identify its witnesses and their scope of testimony confirmed.

13. WGLS is continuing to review and analyze the proposed Default Service Program and the consequences to its business, its customers and the retail market that would result from FirstEnergy's proposals, and reserves the right to submit Direct, Rebuttal, Surrebuttal and/or Rejoinder Testimony regarding all of the issues raised by the FirstEnergy Default Service Program, including, but not limited to, the issues identified in the Petition to Intervene filed by WGLS and the other intervening parties in this proceeding.

## V. DISCOVERY MODIFICATIONS

14. WGLLES proposes the following discovery modifications:
  - 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 three (3) calendar 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) calendar days of service of such motions.
  - E. Requests for admission 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.

After rebuttal testimony is served, WGLLES proposes the following-discovery modifications:

- A. Answers to interrogatories and responses to requests for document production, entry for inspection, or other purposes shall be served within five (5) calendar days of service of the interrogatories or requests for production.
  - B. Objections to interrogatories and/or requests for production shall be communicated orally to the propounding party within two (2) calendar days of service; unresolved objections shall be served on the propounding party in writing within three (3) 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 two (2) calendar days of service of written objections.
  - D. Answers to motions to dismiss objections and/or direct the answering of interrogatories and/or requests for production shall be filed within two (2) calendar days of service of such motions.
  - E. Requests for admission shall be deemed admitted unless answered or objected to within three (3) calendar days of service.
  - F. Discovery requests and discovery related pleadings (such as objections, motions, and answers to same) served after 4:30 p.m. Monday through Thursday or after 1:30 p.m. on a Friday or the day preceding a holiday shall be deemed to have been served on the next business day.
15. WGLES is open to discussing these modifications with the other parties in this proceeding.

## **VI. PROCEDURAL SCHEDULE**

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

**VII. SETTLEMENT**

17. WGL ES is willing to engage in settlement discussions with all active parties at the appropriate stage of this proceeding.

Respectfully submitted,

STEVENS & LEE, P.C.



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Dated: March 17, 2026

**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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Dated: March 17, 2026

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Michael A. Gruin