



March 17, 2026

Via E-File

The Honorable Mark A. Hoyer
Deputy Chief Administrative Law Judge
Pennsylvania Public Utility Commission
Piatt Place, Suite 220
201 Fifth Avenue
Pittsburgh, PA 15222

The Honorable Erin L. Gannon
Administrative Law Judge
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 June 1, 2027 to May 31, 2031, Docket No. P-2026-3060298

Prehearing Memorandum of CAUSE-PA

Dear Judge Hoyer and Judge Gannon,

Attached, please find the Prehearing Memorandum of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) in the above referenced matter. An electronic copy of this filing will be circulated in accordance with the attached Certificate of Service.

Respectfully submitted,

A handwritten signature in blue ink that reads "Elizabeth R. Marx".

Elizabeth R. Marx, Esq.
Counsel for CAUSE-PA

CC: *Secretary Matthew L. Homsher (via E-file)*
Certificate of Service

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

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
:
:
:

**Prehearing Memorandum of the Coalition for Affordable Utility Services
and Energy Efficiency in Pennsylvania**

The Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA), through its counsel at the Pennsylvania Utility Law Project, hereby submits this Prehearing Memorandum pursuant to the February 19, 2026 Prehearing Conference Order of Deputy Chief Administrative Law Judge Mark A. Hoyer and Administrative Law Judge Erin L. Gannon.

I. History of the Proceeding

On February 3, 2026, FirstEnergy Pennsylvania Electric Company (herein, FirstEnergy, FE PA, or the Company) filed a Petition for Approval of their Default Service Programs for the period commencing June 1, 2027, through May 31, 2031 (Petition).

On February 10, 2026, CAUSE-PA filed a Petition to Intervene and Answer. On the same day, the Commission issued a Pre-Hearing Conference Notice, scheduling a pre-hearing conference for Thursday March 19, 2026, before DCALJ Hoyer and ALJ Gannon.

On February 19, 2026, DCALJ Hoyer and ALJ Gannon issued a Prehearing Conference Order requiring parties to file a Prehearing Conference Memorandum on or before Tuesday, March 17, 2026.

II. Issues to be Addressed

CAUSE-PA is actively investigating FE PA's proposed DSP, and has preliminarily identified the following issues which affect its members:

- a. Whether FE PA's proposed energy procurement strategy will ensure that default service is available at the least cost over time to residential consumers who choose to remain on default service. (FE PA Pet. at ¶ 13);
- b. Whether FE PA's proposed Standard Offer Customer Referral Program (SOP) is appropriately designed to protect low income consumers from excessive pricing. (FE PA Pet. at 22-23);
- c. Whether FE PA's proposed implementation of a definition of maximum registered peak load (MRPL), and its proposal to apply the Hourly Pricing Default Service Rate Rider (HP Rider), are appropriately designed to protect low-income and small commercial consumers from unreasonable or unstable pricing. (FE PA Pet. ¶¶ 14, 32);
- d. Whether FE PA's proposal to continue its Time-of-Use (TOU) rates and programs, including the continued exemption of Customer Assistance Program (CAP) customers from TOU rates, is appropriately designed to protect low income consumers enrolled in CAP from excessive pricing and to ensure CAP remains cost-effective. (FE PA Pet. at 16);
- e. Whether FE PA's proposal to eliminate its Customer Referral Program (CRP) is appropriately designed to protect residential and low income consumers from excessive pricing. (FE PA Pet. at 48-49);
- f. Whether FE PA's proposed competitive market reforms are adequately designed to protect low income consumers from unfair marketing practices. (FE PA Pet. ¶¶ 50-52);
- g. Whether FE PA's proposal to require EGSs to provide quarterly attestations of affirmative customer consent for residential customers on variable-priced, month-to-month products is appropriately designed to protect low income consumers from unaffordable utility costs. (FE PA Pet. at ¶ 51);

- h. Whether FE PA's proposal to reform its purchase of receivables (POR) program, including limiting POR eligibility to EGSs using rate-ready billing and charging a rate at or below the price-to-compare at the time of enrollment or rate change is appropriately designed to protect low income consumers from excessive pricing and mitigate uncollectible expense. (FE PA Pet. ¶ 55);
- i. Whether an adjustment to FE PA's maximum CAP credits is necessary to protect low income customers from excessive energy burdens given the significant increase in default service rates since FE PA's prior DSP.

CAUSE-PA anticipates that additional issues are likely to arise as a more comprehensive review of the Company's filing is undertaken, discovery is conducted, and other parties present evidence and testimony. Each of these matters must be thoroughly reviewed through discovery and a hearing to ensure that the Company's low-income customers are not harmed and the programs are in the public interest.

CAUSE-PA reserves the right to present evidence on additional issues not otherwise specifically identified above, as well as those issues raised by other parties. Any and all evidence presented by CAUSE-PA will be directed to ensure that low-income customers are adequately protected in the continued provision of default service.

III. Witnesses

CAUSE-PA intends to present the following witness to testify in this matter, but reserves the right to call additional or substitute witness as may be warranted upon proper notice to DCALJ Hoyer, ALJ Gannon, and the parties:

Patrick M. Cicero
118 Locust Street
Harrisburg, PA 17101
pcicero@pautilitylawproject.org

Mr. Cicero will address the issues identified above, as well as the other issues that may arise through the course of this proceeding.

IV. Discovery

CAUSE-PA supports the discovery modifications proposed by the Office of Consumer Advocate.

V. Settlement

CAUSE-PA is ready and willing to work with the other parties to reach a full or partial settlement of the litigated issues and encourages parties to engage in settlement discussions early in the proceeding.

VI. Service on CAUSE-PA

Counsel for CAUSE-PA is registered for e-filing and accepts electronic service from the Commission. Service on CAUSE-PA by the parties to this proceeding may be made on its attorneys at the Pennsylvania Utility Law Project as follows:

Elizabeth R. Marx, Esq., PA ID: 309014
Lauren N. Berman, Esq., PA ID: 310116
John W. Sweet, Esq. PA ID: 320182
Ria M. Pereira, Esq., PA ID: 316771
Levi A. Phillips, Esq. PA ID: 338477
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VII. Litigation Schedule

CAUSE-PA has been proactively communicating with the parties to reach a mutually agreeable litigation schedule in this proceeding. Arriving at an agreed-to date for the evidentiary hearing in this matter is presenting a challenge, given multiple intervening litigation deadlines in

other major utility rate proceedings and counsel/witness unavailability in mid-June. Specifically, counsel for CAUSE-PA is unavailable June 17-18, and is unable to agree to evidentiary hearings on those dates.

In the event that a schedule is not agreed upon prior to the Pre-Hearing Conference, CAUSE-PA proposes the following litigation schedule:

Other Parties' Direct Testimony	April 29, 2026
Rebuttal Testimony	May 28, 2026
Surrebuttal Testimony	June 11, 2026
Oral Rejoinder and Hearings	June 15, 2026
Main Briefs	July 10, 2026
Reply Briefs	July 22, 2026

VIII. Representation at Prehearing Conference

CAUSE-PA intends to participate and will be represented at the telephonic Prehearing Conference by Elizabeth R. Marx.

WHEREFORE, CAUSE-PA respectfully submits this Prehearing Conference Memorandum, and requests that it be entered into the record of this proceeding.

Respectfully submitted,
PENNSYLVANIA UTILITY LAW PROJECT
Counsel for CAUSE-PA



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BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify I have on this day served copies of the **Prehearing Memorandum of CAUSE-PA** in accordance with the requirements of 52 Pa. Code § 1.54.

VIA EMAIL

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