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March 17, 2026

VIA eFILING

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 Nos. P-2026-3060298**

Dear Secretary Homsher:

Enclosed for filing in the above-referenced matters is the **Prehearing Memorandum of FirstEnergy Pennsylvania Electric Company** (the “Prehearing Memorandum”).

Copies of the Prehearing Memorandum have been served upon Administrative Law Judge Erin L. Gannon, Administrative Law Judge Mark A. Hoyer, and the parties that are listed on the enclosed Certificate of Service.

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

Very truly yours,



Kenneth M. Kulak

KMK/ap
Enclosures

c: Per Certificate of Service (w/encls.)

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**PREHEARING CONFERENCE MEMORANDUM OF
FIRSTENERGY PENNSYLVANIA ELECTRIC COMPANY**

I. INTRODUCTION

Pursuant to the February 19, 2026 Prehearing Conference Order issued by Deputy Chief Administrative Law Judge Mark A. Hoyer and Administrative Law Judge Erin L. Gannon (the “ALJs”) and the Pennsylvania Public Utility Commission’s (“Commission”) regulations at 52 Pa. Code § 5.222(d), FirstEnergy Pennsylvania Electric Company (“FE PA” or the “Company”), hereby submits its Prehearing Conference Memorandum in the above-referenced proceeding.

II. HISTORY OF THE PROCEEDING

FE PA was formed through the combination of several predecessor Pennsylvania electric utilities after approval by the Commission. On January 1, 2024, Metropolitan Edison Company (“Met-Ed”), Pennsylvania Electric Company (“Penelec”), Pennsylvania Power Company (“Penn Power”), and West Penn Power Company (“West Penn”) (collectively, the “Predecessor Companies”), which were all affiliates and subsidiaries of FirstEnergy Corp., merged into FE PA.¹

¹ *Joint Application of Metro. Edison Co., Pa. Elec. Company, Pa. Power Co., West Penn Power Co., Keystone Appalachian Transmission Co., Mid-Atlantic Interstate Transmission LLC, and FirstEnergy Pa. Electric Co. for All of the Necessary Authority, Approvals, and Certificates of Pub. Convenience for (1) the Agreements and Plans of Merger; (2) the Establishment of FirstEnergy Pa. Holding Co. LLC as an Intermediate Holding Co. in the Chain of Ownership of FirstEnergy Pa. Elec. Co.; (3) the Merger of Metro. Edison Co., Pa. Elec. Co., Pa. Power Co., and West Penn Power Co. with and into FirstEnergy Pa. Elec. Co.; (4) the Initiation by FirstEnergy Pa. Elec. Co. of Elec. Serv. in All Territories in this Commonwealth where Metro. Edison Co., Pa. Elec. Co.,*

Consistent with the approvals received from the Commission, FE PA was certificated as a public utility and authorized to provide public utility service in the territories of the Predecessor Companies (now, “Rate Districts”).

On February 3, 2026, the Company filed the above-captioned petition (the “Petition”) requesting that the Commission approve its seventh default service program (“DSP VII”), which is designed to procure a prudent mix of long-term, short-term and spot market generation supplies and ensure that default service customers have access to an adequate and reliable supply of generation at the least cost over time for the period beginning June 1, 2027. FE PA currently provides default service pursuant to Commission-approved default service programs (“DSP VI”) for the Predecessor Companies that will expire on May 31, 2027.²

The Petition requests that the Commission approve the Company’s proposed DSP VII, including the procurement plan, contingency plans, rate design changes and tariffs, and a *pro forma* supplier master agreement (“SMA”), for default supply service for the period beginning June 1, 2027 through May 31, 2031. FE PA also requests that the Commission specifically find, pursuant to 66 Pa.C.S. § 2807(e)(3.7), that: (1) DSP VII includes prudent steps necessary to negotiate

Pa. Power Company, and West Penn Power Co. Do or May Provide Elec. Service; (5) the Abandonment by Metro. Edison Co., Pa. Elec. Co., Pa. Power Co., and West Penn Power Co. of All Elec. Service in this Commonwealth; (6) the Adoption by FirstEnergy Pa. Elec. Co. of Metro. Edison Co., Pa. Elec. Co., Pa. Power Co., and West Penn Power Co.’s Existing Tariffs and their Application within New Service and Rate Districts of FirstEnergy Pa. Elec. Co. Corresponding to their Existing Service Territories as the Met-Ed Rate District, Penelec Rate District, Penn Power Rate District, West Penn Rate District, and The Pennsylvania State University Rate District, Respectively; (7) the Sale of Class B Membership Interests in Mid-Atlantic Interstate Transmission, LLC held by Met-Ed and Penelec to FirstEnergy Corp.; (8) the Contribution of West Penn Power Co.’s Transmission Assets to Keystone Appalachian Transmission Co.; (9) a Certificate of Pub. Convenience Conferring Upon Keystone Appalachian Transmission Co. the Status of a Pa. Pub. Util.; (10) Where Necessary, Associated Affiliated Interest Agreements; and (11) Any Other Approvals Necessary to Complete the Contemplated Transaction, Docket Nos. A-2023-3038771, et al. (Order entered Dec. 7, 2023).

² See *Joint Petition of Metro. Edison Co., Pa. Elec. Co., Pennsylvania Power Co., and West Penn Power Co. for Approval of their Default Serv. Programs for the Period Beginning June 1, 2023 through May 31, 2027*, Docket No. P-2021-3030012 (Recommended Decision dated June 29, 2022 (“DSP VI RD”). The DSP VI RD was adopted without modification by the Commission in its Order entered August 4, 2022) (“August 2022 Order”).

favorable generation supply contracts; (2) DSP VII includes prudent steps necessary to obtain least-cost generation supply on a long-term, short-term and spot market basis; and (3) neither FE PA nor its affiliates have withheld from the market any generation supply in a manner that violates federal law.

The Petition was served on the Office of Consumer Advocate (“OCA”), the Office of Small Business Advocate (“OSBA”), the Commission’s Bureau of Investigation and Enforcement, PJM Interconnection, L.L.C. (“PJM”), all electric generation suppliers (“EGSs”) registered to provide service in the Rate Districts, and intervenors in the Predecessor Companies’ last default service proceedings. In addition, notice of FE PA’s filing was published in the *Pennsylvania Bulletin* on February 21, 2026. As of this date, FE PA has been served with an Answer, Notice of Appearance, and Notice of Intervention and Public Statement by the OCA; a Notice of Intervention and Notice of Appearance by the OSBA; and Petitions to Intervene by the Coalition of Affordable Utility Services and Energy Efficiency in Pennsylvania, Constellation Energy Generation, LLC and Constellation NewEnergy, Inc., the Customer-Generator Coalition,³ Dimension PA 1, LLC, Duquesne Light Company, the Met-Ed Industrial Users Group, the Penelec Industrial Customer Alliance and the West Penn Power Industrial Intervenors, Penn Renewables LLC, Shipley Choice, LLC d/b/a Shipley Energy and Interstate Gas Supply, LLC d/b/a IGS Energy, The Pennsylvania State University, the Retail Energy Supply Association, the Solar Energy Industries Association and the Coalition for Community Solar Access, Town Square Energy East, LLC, Walmart, Inc. and WGL Energy Services, Inc.

³ The Customer-Generator Coalition consists 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.

III. STATEMENT OF ISSUES

The issue before the Commission is whether DSP VII is in the public interest and is consistent with the Electricity Generation Customer Choice and Competition Act, 66 Pa.C.S. § 2801, et seq. (the “Competition Act”), as amended by Act 129 of 2008 (“Act 129”), the Commission’s default service regulations at 52 Pa. Code §§ 54.181-54.189 (“Regulations”), the Commission’s Policy Statement on Default Service at 52 Pa. Code §§ 69.1801-1817 (“Policy Statement”), and the Commission’s Orders in its *Investigation of Pennsylvania’s Retail Electricity Market* at Docket I-2011-2237952.⁴

As explained in the Petition and supporting testimony filed therewith, FE PA is proposing several changes to the Predecessor Companies’ existing, Commission-approved DSP VI program. The principal components of DSP VII are described below.

A. Default Service Product and Procurement Class Design

FE PA proposes to continue the use of three default service procurement classes: residential, commercial, and industrial. However, as explained by Company witness David M. Young, FE PA is clarifying that the 100-kilowatt threshold that separates the commercial and industrial class groupings will be determined by the maximum registered peak load (“MRPL”) of the customer. This approach to classification of “no load” net metering customer generators includes both demand and supply impacts to ensure that large customer-generators are grouped with other large customers for default supply purposes. While the default service product specifications are customized for each procurement class, the generation supply for all classes will consist of full-requirements, load-following energy and energy-related products.

⁴ See *Investigation of Pennsylvania’s Retail Elec. Mkt.: Intermediate Work Plan*, Docket No. I-2011-2237952 (Final Order entered Mar. 2, 2012); *Investigation of Pennsylvania’s Retail Elec. Mkt.: End State of Default Serv.*, Docket No. I-2011-2237952 (Order entered Feb. 15, 2013) (“End State Order”).

B. Procurement Methodology and Contingency Plans

The Company proposes to continue procuring its full-requirements default service products through simultaneous, multiple-round, descending-price clock auctions similar to those used by the Predecessor Companies and FE PA in DSP VI. FE PA proposes that CRA International, Inc. d/b/a Charles River Associates (“CRA”) continue to serve as the independent third-party evaluator for FE PA’s default supply procurements. In addition, FE PA proposes contingency plans consistent with the current DSP VI programs to cover supply deficiencies resulting from: (i) an individual solicitation that is not fully subscribed; (ii) the Commission’s rejection of bid results from a solicitation; and (iii) a winning supplier default. For DSP VII, FE PA is also proposing to continue its contingency plan in the event PJM does not conduct a base residual auction in time for default service suppliers to incorporate capacity prices into their bids.

C. Supplier Master Agreement

Pursuant to the End State Order, the Commission’s Office of Competitive Market Oversight created a procurement collaboration working group that was tasked with formulating, among other things, a uniform supplier master agreement for use on a statewide basis. This uniform SMA was adopted for use in the Predecessor Companies’ default supply procurements beginning June 1, 2017. FE PA is proposing to continue the use of the current Commission-approved SMA for DSP VI, with modifications to reflect changes the Company is proposing for DSP VII in the areas of AEPS compliance, responsibility for certain PJM transmission-related charges, and contingency planning.

D. AEPS Act Requirements

FE PA proposes to satisfy all of its AEPS Act requirements as part of the solicitation of default service supply. Specifically, winning suppliers of full-requirements default service

products in FE PA's Rate Districts will be responsible for meeting all Tier I and Tier II requirements, including solar photovoltaic requirements.

E. Rate Design and Tariff Changes

FE PA proposes to recover default service costs primarily through two default service riders: the Price to Compare Default Service Rate ("PTC") Rider and the Hourly Pricing Default Service ("HP") Rider. FE PA currently recovers the cost of providing default service to the residential and commercial classes through the PTC Rider. FE PA currently recovers the cost of default service for industrial customers through its HP Rider. FE PA proposes to maintain the same rate design for the PTC Rider and HP Rider approved by the Commission in DSP VI, with limited tariff revisions to those riders to align with the change in responsibility for Network Integration Transmission Service costs and the procurement plan discussed in the direct testimony of Company witness Ryan J. Rose.

FE PA currently has a Default Service Support ("DSS") Rider that imposes non-bypassable charges to recover costs such as non-market based transmission charges ("NMB Charges").⁵ FE PA will continue to assume responsibility for NMB Charges for both default service suppliers and EGSs that serve load in FE PA's Rate Districts and recover the associated costs from customers through the DSS Rider. For DSP VII, the Company is proposing to consolidate the Consumer Education Charge component of the DSS Rider and eliminate the Midcontinent Independent System Operator and Transmission Expansion Plan cost component, which are both currently set to zero for all Rate Districts.

⁵ The NMB Charges component of FE PA's existing DSS Rider includes: Regional Transmission Expansion Plan ("RTEP") charges; Expansion Cost Recovery Charges; Reliability Must Run/generation deactivation charges associated with generating plans for which specific RMR charges begin after July 24, 2014; historical out-of-market tie line, generation, and retail customer meter adjustments; unaccounted for energy; or any Federal Energy Regulatory Commission ("FERC")-approved reallocation of PJM RTEP charges related to Docket No. EL05-121-009.

FE PA currently has a Solar Photovoltaic Requirements Charge Rider that applies to all delivery service customers in the Met-Ed, Penelec, and Penn Power Rate Districts. The Company proposes to eliminate this rider in DSP VII because all legacy solar contracts have expired and the rider is no longer active.

The PTC and HP Riders currently include “E” factor reconciliation mechanisms. The Company compares its actual default service supply costs to the revenue that is billed to customers under the PTC and HP Riders and reconciles the differences in these amounts semi-annually. FE PA is not proposing any changes to its reconciliation mechanisms.

Finally, the Company currently offers an optional time-of-use (“TOU”) pricing rate to residential and commercial default service customers. FE-PA’s existing TOU rates differentiate prices across three periods (peak, off-peak and super off-peak) that are constant throughout the year based on price multipliers for each class and Rate District. These multipliers are updated every two years and are designed to motivate customers to shift usage to lower-cost, off-peak hours. FE PA’s existing TOU rate structure offers a higher rate during weekdays from 2 p.m. to 9 p.m. relative to the Company’s non-time varying PTC Rider default service rate and a reduced rate during two off-peak periods. The current TOU rates include a super off-peak pricing period from 11 p.m. to 6 a.m. every day to encourage electric vehicle charging during overnight low-priced hours. The off-peak period consists of all other hours.

For DSP VII, FE PA is proposing to shorten the on-peak pricing period from seven hours (2 p.m. to 9 p.m.) to four hours (3 p.m. to 7 p.m.) to create larger price differentials that are more likely to motivate customers to adjust the time of day they use electricity. The Company will maintain the same super off-peak pricing usage period from DSP VI. FE PA is also proposing to simplify its TOU rate offerings for DSP VII by using a single weighted-average class multiplier

for all Rate Districts.

F. Customer Referral Program (“CRP”)

FE PA currently has a CRP for residential and small commercial customers that was first established in the Predecessor Companies’ second default service proceeding, consistent with the Commission’s guidelines in its Retail Markets Investigation.⁶ Under the Commission-approved settlement of the DSP VI proceeding (“DSP VI Settlement”), the CRP administered by FE PA in each of the Rate Districts will terminate on May 31, 2027. In accordance with the DSP VI Settlement, FE PA agreed to address whether a successor CRP should be implemented in their next DSP filing and convened a collaborative to compile and review CRP metrics, including supplier participation, customer enrollment levels, and the prices CRP customers pay for competitive generation service during and after the 12-month CRP contract term. Based on the results of the collaborative, including data gathered for the collaborative showing declining supplier participation and a relatively low-level of residential customer enrollment, FE PA is not proposing a successor CRP for DSP VII.

G. Supplier Tariff and Retail Shopping Changes

As discussed in Mr. Young’s direct testimony, FE PA residential shopping customers in aggregate paid approximately \$82 million more in net generation charges in 2025 than they would have paid for the same amount of generation at the Company’s default service rates. To address issues arising from shopping customers paying EGS prices in excess of the PTC, FE PA is proposing modifications to its supplier coordination tariff in two areas: (1) protocols for EGS arrangements with customers; and (2) purchase of EGS receivables.

⁶ See *Investigation of Pa.’s Retail Elec. Mkt.: Intermediate Work Plan*, Docket No. I-2011-2237952 (Final Order entered Mar. 2, 2012), p. 31; *Joint Petition of Metro. Edison Co., Pa. Elec. Co., Pa. Power Co. and West Penn Power Co. for Approval of Their Default Serv. Programs*, Docket Nos. P-2011-2273650 et al. (Opinion and Order entered Aug. 16, 2021) at 137-140, 144-146.

First, FE PA is proposing a new provision to require EGSs entering into new fixed duration contracts with residential customers after the start of DSP VII (June 1, 2027) to return those residential customers to default service at the conclusion of the fixed duration contract term absent an affirmative choice to remain with the EGS in response to the notices required by the Commission's regulations at 52 Pa. Code § 54.10. In addition, commencing June 1, 2027, EGSs will be required to provide an attestation of affirmative customer consent on a quarterly basis for all residential customers on variable-priced month-to-month products. These supplier coordination tariff changes will encourage customers to make choices about the cost of their generation supply and help mitigate the adverse impact of above-PTC prices on customer bills and affordability.

Consistent with the Commission's Policy Statement at 52 Pa. Code § 69.1814, each of the Predecessor Companies agreed to provide, and the Commission approved, purchase of receivables ("POR") programs for residential and small commercial accounts served by EGSs. All EGSs that elect FE PA's utility consolidated billing ("UCB") option are currently eligible to participate in the Company's POR program. Under this program, FE PA pays the face value of an EGS's accounts receivable without recourse to the EGS regardless of what the Company is actually able to collect from EGS customers for generation supplied by that EGS.

The Company's current supplier coordination tariff includes a clawback mechanism to reduce FE PA's and customers' exposure to increased uncollectible expense generated by EGSs whose pricing practices are driving significantly higher write-offs when compared to other EGSs. The clawback charge is applied to EGSs whose write-offs as a percentage of revenues are 200% higher than their peers and whose average price per kWh is greater than 150% of the average PTC of the Company. As explained by Mr. Young, during DSP VI, a substantial number of EGSs

serving FE PA customers continue to charge prices higher than the PTC and generate POR-related write-offs well above the average for the entire EGS population notwithstanding the clawback mechanism.

For DSP VII, the Company is proposing a limitation on eligibility for its POR program to incentivize EGSs to consider the impact of their pricing on a customer's ability to pay and affordability. For all contracts entered into after June 1, 2027, EGSs on UCB must use "rate-ready" billing and charge a rate that is at or below the PTC at the time of the customer's enrollment transaction or rate change transaction to be eligible for POR for that customer account. The Company will phase out the clawback charge over the first year of the DSP VII term if its proposed POR program changes are approved by the Commission.

IV. WITNESSES

FE PA submitted direct testimony and exhibits sponsored by the witnesses identified below. FE PA may present additional witnesses to address the direct testimony of other parties; however, such witnesses cannot be identified until the direct testimony of such parties is reviewed and evaluated.

- **David M. Young** is employed by FirstEnergy Service Company as a Consultant – Rates and Regulatory Affairs – Pennsylvania. His business address is 341 White Pond Drive, Akron, Ohio 44320. In FE PA Statement No. 1, Mr. Young provides a summary of DSP VII and describes: (i) compliance with Commission directives and settlement commitments arising from the DSP VI proceeding; (ii) customer benefits and notice; (iii) the DSP VII term; (iv) the TOU Rider; (v) classification on non-residential default service customers; and (v) proposed supplier coordination tariff changes related to EGS arrangements with customers and the Company's POR program.

- **Ryan J. Rose** is employed by FirstEnergy Service Company as an Advanced Business Analyst, Regulated Commodity Sourcing Department. His business address is 341 White Pond Drive, Akron, Ohio 44320. In FE PA Statement No. 2, Mr. Rose provides testimony concerning: (i) the proposed default service products; (ii) procurement process and schedule; (iii) compliance with the AEPS Act and Commission requirements for default service contingency plans.
- **Nicholas E. Powers, Ph.D.**, is a Principal of The Brattle Group. His business address is 1850 M Street NW, Suite 700 North, Washington, DC 20036. In FE PA Statement No. 3, Dr. Powers discusses the proposed procurement of electric generation service for default service customers and explains why the nature of the products being procured, as well as the procurement method itself, will produce the “least cost over time” and satisfy other applicable provisions of Act 129.
- **Carlixa De La Rosa** is employed by FirstEnergy Service Company as an Analyst – Rates and Regulatory Affairs – Pennsylvania. Her business address is 2800 Pottsville Pike, Reading, Pennsylvania 19612. In FE PA Statement No. 4, Ms. De La Rosa describes FE PA’s proposed rate design and cost recovery plan and explains why the Company is not proposing to implement a successor CRP for DSP VII.
- **Margarita Patria** is a Principal of CRA. Her business address is John Hancock Tower, 200 Clarendon Street, T9, Coston, Massachusetts 02116. In FE PA Statement No. 5, Ms. Patria discusses the competitive procurement process for DSP VII, including the role and responsibilities of the Independent Evaluator.

V. PROPOSED PROCEDURAL SCHEDULE

In its Petition, FE PA proposed a schedule for the proceeding, but has revised that schedule in light of subsequent discussions with the parties and direction from the ALJs regarding hearing dates and the deadline for reply briefs. After consultation with the parties, FE PA offers the following revised 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 ⁷
Main Briefs	July 10, 2026
Reply Briefs	July 22, 2026
Recommended Decision	September 2, 2026
Commission Order	October 22, 2026

VI. SERVICE LIST

FE PA requests that the official service list entry for the Company be as follows:

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Angelina Umstead (Pa. No. 309615)
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⁷ During consultations about the procedural schedule, several parties noted conflicts with certain days of the week of June 15, 2026. FE PA notes that the Company can be available for the evidentiary hearing on any days that week.

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Attorney Brooke McGlinn will speak as the lead attorney for the Company for the purposes of the prehearing conference.

VII. DISCOVERY

FE PA proposes that the ALJ issue a Protective Order in the form attached hereto as Appendix A, which is similar to the Protective Order entered in the DSP VI proceeding. In addition, the discovery modifications proposed by the OCA in its Prehearing Conference Memorandum are acceptable to the Company.

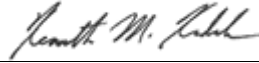
VIII. SETTLEMENT

FE PA is willing to pursue with the parties the possible stipulation of individual issues and/or more far-ranging settlement discussions that might lead to a comprehensive resolution of this matter.

IX. CONCLUSION

WHEREFORE, FE PA respectfully submits this Prehearing Conference Memorandum.

Respectfully submitted,



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*Counsel for FirstEnergy Pennsylvania
Electric Company*

Date: March 17, 2026

APPENDIX A

PROPOSED PROTECTIVE ORDER

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JOINT PETITION OF FIRSTENERGY :
PENNSYLVANIA ELECTRIC COMPANY, :
FOR APPROVAL OF THEIR DEFAULT : **DOCKET NO. P-2026-3060298**
SERVICE PROGRAM FOR THE PERIOD :
JUNE 1, 2027 to MAY 31, 2031 :

PROTECTIVE ORDER

IT IS HEREBY ORDERED THAT:

1. This Protective Order is granted with respect to all materials identified in Ordering Paragraph Nos. 2 and 3, below, which are filed with the Commission, produced in discovery or otherwise presented during the above-captioned proceedings. All persons now, and hereafter, granted access to the information identified in Ordering Paragraph Nos. 2 and 3 shall use and disclose such information only in accordance with this Order.

2. The information subject to this Order includes all correspondence, documents, data, studies, methodologies, and all other materials or information that any party or an affiliate of any party (“the producing party”) furnishes in this proceeding pursuant to filing, discovery or evidentiary procedures, or otherwise may provide as a courtesy to other active parties in this proceeding, which are claimed to be of a security-sensitive, proprietary or other confidential nature and which are designated “CONFIDENTIAL INFORMATION” or “HIGHLY CONFIDENTIAL INFORMATION”. Such materials are referred to in this Order as “Proprietary Information.”

3. For purposes of this Protective Order there are two categories of Proprietary Information: “CONFIDENTIAL INFORMATION” and “HIGHLY

CONFIDENTIAL INFORMATION.” A producing party may designate as “CONFIDENTIAL INFORMATION” materials concerning electric service facilities, inspection or maintenance practices or policies that may be security-sensitive, proprietary or otherwise confidential, and any other information that is either specified as confidential by its terms or pertains to business practices, operations or financial matters that are commercially sensitive or that is ordinarily considered and treated as confidential by the producing party. A producing party may designate as “HIGHLY CONFIDENTIAL INFORMATION” those materials that the producing party deems to be of such a commercially sensitive nature, relative to the business interests of itself or other parties to this proceeding, or of such a private or personal nature, that the producing party determined that a heightened level of confidential protection with respect to those materials is appropriate. The parties shall endeavor to limit the information designated as “HIGHLY CONFIDENTIAL INFORMATION.” Nothing in this paragraph precludes a producing party from seeking, by motion or objection, additional restrictions on access to such materials.

4. Confidential Information shall be disclosed solely to the Commission, its Staff, counsel to the parties in this proceeding, parties’ employees, officers and members (as applicable) who are directly responsible for reviewing, preparing or presenting evidence, cross-examination or argument in this proceeding and outside expert consultants retained by the parties’ counsel for this proceeding. Confidential Information shall be specifically marked “CONFIDENTIAL INFORMATION.”

5. Highly Confidential Information shall be provided solely to other parties’ counsel. Such highly sensitive information may be copied only for the limited purpose of review by a party’s expert or consultant in this case. Such specific prohibition from copying such Highly Confidential Information shall be clearly designated on the face of the information. In such cases,

the producing party shall permit other parties' counsel to take custody of such Highly Confidential Information, provided that it shall not be copied, except as provided for in this Ordering Paragraph, and shall be returned or destroyed as provided for in Ordering Paragraph No. 13, below. The producing party may designate certain Highly Confidential Information that, absent the express agreement of the producing party, may not be viewed by the employees of an inspecting party who are involved in competitive activities or by employees of an outside expert or consultant that provide services to any person or entity involved in such competitive activities. Further, in accordance with the provisions of Sections 5.362 and 5.431(e) of the Commission's Rules of Practice and Procedure (52 Pa. Code §§ 5.362, 5.431(e)) and Sections 2209(f)(3) and 2811(c)(3) of the Public Utility Code (66 Pa.C.S. §§ 2209(f)(3), 2811(c)(3)), any party may, by objection or motion, seek further protection with respect to Highly Confidential Information, including, but not limited to, total prohibition of disclosure or limitation of disclosure only to particular parties. Highly Confidential Information shall be specifically marked "HIGHLY CONFIDENTIAL INFORMATION – DO NOT COPY OR DISTRIBUTE EXCEPT IN ACCORDANCE WITH PROTECTIVE ORDER."

6. Proprietary Information shall be made available to the Commission and its Staff for use in this and any related proceeding and for all internal Commission analyses, studies or investigations related to the same. For purposes of filing, to the extent that Proprietary Information is placed in the Commission's report folders, testimony folders or other document folders, such information shall be separately bound, conspicuously marked, and accompanied by a copy of this Order. The Proprietary Information shall be considered and treated as "confidential proprietary information" as defined in The Pennsylvania Right-to-Know Law, 65 P.S. § 67.101, et seq. Public inspection of the Proprietary Information shall be permitted only in accordance with this Protective

Order. The Commission and the parties shall treat such Proprietary Information as exempt from public disclosure pursuant to Section 335(d) of the Public Utility Code, 66 Pa. C.S. § 335(d), and the Pennsylvania Right-to-Know Law unless and until a tribunal with jurisdiction determines otherwise. In the event that any person or entity seeks disclosure of Proprietary Information under those authorities, the Commission or party receiving such request shall promptly notify the producing party to afford that party an opportunity to oppose or limit disclosure, and nothing herein shall waive any party's right to pursue any available remedies with respect to the actual or anticipated disclosure of such information.

7. Proprietary Information shall be made available only as permitted by this Order and only for purposes of reviewing, preparing or presenting evidence, cross-examination or argument in this proceeding. No counsel, expert, employee, officer or member (as applicable) will be afforded access to Proprietary Information until a signed acknowledgement of this Protective Order in the form attached to this Order, from each such individual, has been returned to the producing party. In recognition of the unique status of all I&E expert witnesses in this proceeding as full time Commonwealth employees, an acknowledgement signed by the I&E Prosecutor and returned to the producing party also binds all I&E expert witnesses to all requirements of this Order, thereby eliminating the necessity for each assigned I&E expert witness to provide an individually signed acknowledgement. In addition to the I&E personnel identified above, Proprietary Information shall also be made available to the statutory Deputy Consumer Advocate, Consumer Advocate, and Small Business Advocate to the extent required and for the limited purpose of participation in the above-captioned proceedings. No other persons may have access to the Proprietary Information, except as specifically authorized by further order of the Commission or the Administrative Law Judge. No person may be entitled to receive, or if afforded

access to any Proprietary Information shall possess, use or disclose Proprietary Information for the purpose of business or competition or any purpose other than the preparation for, and conduct of, this proceeding or any administrative or judicial review thereof.

8. The producing parties shall designate data or documents as constituting or containing Confidential Information or Highly Confidential Information by affixing an appropriate stamp or typewritten designation on all such data or documents. Where only part of a compilation or multi-page document constitutes or contains Confidential Information or Highly Confidential Information, the producing party shall designate only the specific data or pages of documents which constitute or contain Confidential Information or Highly Confidential Information. Upon request from another party, the producing party shall produce a redacted (public) version of any such partially confidential compilation or multi-page document within a reasonable period of time.

9. Any public reference to Proprietary Information by the Commission or by counsel or persons afforded access thereto shall be to the title or exhibit reference in sufficient detail to permit persons with access to the Proprietary Information to understand the reference fully and not more. Proprietary Information shall remain a part of the record, to the extent admitted, for all purposes of administrative or judicial review. Part of any record of this proceeding containing Proprietary Information, including but not limited to all exhibits, writings, direct testimony, cross-examination, argument, and responses to discovery, and including reference thereto as mentioned in the above Ordering Paragraphs, shall be sealed for all purposes, including administrative and judicial review, unless such Proprietary Information is released from the restrictions of this Order, either through the agreement of the parties or pursuant to a further order of the Administrative Law Judge or the Commission.

10. The parties affected by the terms of this Order shall retain the right to question or challenge the confidential nature of the Proprietary Information; to question or challenge the admissibility of Proprietary Information; to refuse or object to the production of Proprietary Information on any proper ground, including but not limited to irrelevance, immateriality, or undue burden; and to seek additional measures of protection of Proprietary Information beyond those provided in this Order. If a challenge is made to the designation of a document or information as Proprietary Information, the party claiming that the information is proprietary or otherwise confidential retains the burden of demonstrating that the designation is necessary and appropriate.

11. None of the parties waive their right to pursue any other legal or equitable remedies that may be available in the event of actual or anticipated disclosure of Proprietary Information.

12. If any person who has had access to Proprietary Information subsequently is assigned to perform any duties which would make that person ineligible to be a Reviewing Representative of said Proprietary information, that person shall immediately inform the producing Party of his/her/their new duties, shall dispose of any Proprietary Information and any information derived therefrom in his/her/their possession, and shall continue to comply with the requirements of this Stipulated Protective Agreement with regard to the Proprietary Information to which that person previously had access.

13. Upon completion of this proceeding, including any administrative or judicial review, all copies of all documents and other materials, including notes, whether written or oral, which contain any Proprietary Information, shall be immediately returned to the party furnishing such Proprietary Information or destroyed. Notwithstanding this provision, signatory parties to this Protective Order may nevertheless maintain in their official files copies of all pleadings, briefs, statements, exhibits and transcripts in this proceeding and, further provided, that all such pleadings,

briefs, statements, exhibits and transcripts containing Confidential Information shall remain subject to the terms of this Protective Order. This paragraph shall not apply to the Commission or its Staff, the Office of Consumer Advocate, the Office of Small Business Advocate, or any other party receiving the consent of the producing party; except, however, that Highly Confidential Information provided to any party pursuant to Ordering Paragraph No. 5, above, that has not otherwise been entered into the record in this proceeding shall be returned to the producing party or destroyed in all cases. In the event that a party elects to destroy all copies of documents and other materials containing Proprietary Information instead of returning the copies to the producing party, upon written request of the producing party, that party shall certify in writing to the producing party that all copies of the documents and other materials containing Proprietary Information have been destroyed.

Date: _____

Erin L. Gannon
Administrative Law Judge

Mark A. Hoyer
Administrative Law Judge

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JOINT PETITION OF FIRSTENERGY :
PENNSYLVANIA ELECTRIC COMPANY, :
FOR APPROVAL OF THEIR DEFAULT : **DOCKET NO. P-2026-3060298**
SERVICE PROGRAM FOR THE PERIOD :
JUNE 1, 2027 to MAY 31, 2031 :

TO WHOM IT MAY CONCERN;

The undersigned is the expert, counsel, employee, member or officer of
_____ (the retaining party).

The undersigned has read and understands the Protective Order issued in the above-captioned proceeding deals with the treatment of Proprietary Information. The undersigned agrees to be bound by, and comply with, the terms and conditions of said Order. The undersigned agrees that any Proprietary Information shall be used or disclosed only for purposes of preparation for, and conduct of the above-captioned proceeding, and any administrative or judicial review thereof, and shall not be disclosed or used for purposes of business or competition.

Signature

Print Name

Address

Email

Date: _____

Employer

**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 :

CERTIFICATE OF SERVICE

I hereby certify and affirm that I have on this day served copies of the **Prehearing Memorandum of FirstEnergy Pennsylvania Electric Company** on the persons listed below, in the manner specified in accordance with the requirements of 52 Pa. Code § 1.54:

VIA ELECTRONIC MAIL

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Dated: March 17, 2026

*Counsel for FirstEnergy Pennsylvania
Electric Company*

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