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March 17, 2026

VIA ELECTRONIC FILING

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
mahomsher@pa.gov

**Re: Pre-Hearing Conference Memorandum of Solar Energy Industries Association
and Coalition for Community Solar Access
PA PUC - Docket Number: P-2026-3060298**

Dear Secretary Homsher:

Please be advised that this office represents Solar Energy Industries Association and Coalition for Community Solar Access ("SEIA and CCSA), in the above-referenced action. Enclosed for electronic filing is a Pre-Hearing Conference Memorandum of Solar Energy Industries Association and Coalition for Community Solar Access.

A Pennsylvania Limited Liability Partnership

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If you have any questions with regard to this filing, please do not hesitate to contact me. Thank you.

Respectfully,

A handwritten signature in black ink that reads "Ashley L. Beach". The signature is written in a cursive style.

Ashley L. Beach

ALB:tla

Enclosure

cc: (all w/encl.)

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On March 13, 2026, the Joint Solar Advocates filed a petition to intervene. That petition stated that certain proposed changes to FirstEnergy’s tariff target the default service classification of customer-generators under the Act. Specifically, the Joint Solar Advocates asserted that the proposed definition of “maximum registered peak load” will substantially reduce the compensation that certain net-metered customer-generators receive for excess generation, and that this will dramatically impact the feasibility of investing in and developing renewable energy projects in FirstEnergy’s service territory. For this and other reasons, the Joint Solar Advocates further opined that FirstEnergy’s DSP proposal violates the Act and other laws and regulations and that the proposal is unjust, unreasonable, and not in the public interest.

II. Issues

Based on an initial review of FirstEnergy’s petition, the Joint Solar Advocates are deeply concerned that the proposed changes to FirstEnergy’s tariff unlawfully target customer-generators under the Act; will reduce compensation that certain net-metered customer-generators receive for excess generation; and will dramatically reduce investment and development of alternative energy sources (like solar photovoltaic) in FirstEnergy’s service territory. These resources are intended to comply with and contribute to achieving the Act’s purpose “to foster economic development and encourage reliance on more diverse and environmentally friendly sources of energy,” as the Commission has described.¹

Based on this initial review, the Joint Solar Advocates have identified the following issues:

1. Whether FirstEnergy’s DSP, which proposes tariff revisions designed to change the default service rate classification of certain customer-generators is just, reasonable, lawful, and nondiscriminatory.

¹ https://www.puc.pa.gov/general/consumer_ed/pdf/AEPS_Fact_Sheet.pdf (last accessed March 13, 2026).

2. Whether FirstEnergy's proposed revision to the definition of maximum registered peak load in its tariff—to account for a customer's net demand contribution impact to FirstEnergy's default service procurement activity, as determined by the customer's net power flow from or into the distribution or transmission system—is just, reasonable, lawful, and nondiscriminatory.
3. Whether certain of FirstEnergy's proposed tariff and rate classifications with respect to customer-generators violate the Act, the Electricity Generation Customer Choice and Competition Act, 66 Pa.C.S. § 2814, *et seq.* and other provisions of the law and are unjust, unreasonable and not in the public interest.

The Joint Solar Advocates are continuing to review FirstEnergy's petition before the Commission and the facts upon which it is premised. If permitted to intervene, these advocates will issue discovery requests to aid in that effort. Until discovery is complete and until the advocates have had a meaningful opportunity to review and analyze the responses, the Joint Solar Advocates are unable to comprehensively identify all issues before this Commission and reserve the right to do so.

III. Discovery Plan and Schedule

The Joint Solar Advocates intend to serve and respond to reasonable discovery requests, and they agree to work collaboratively with FirstEnergy and all other parties to that end and to develop a discovery schedule.

IV. Proposed Witnesses

The Joint Solar Advocates intend to present direct, rebuttal, and surrebuttal testimonies of their witnesses as needed. The advocates are in the process of identifying appropriate witnesses and have communicated with a proposed expert witness but have not engaged one currently. It is anticipated that the Joint Solar Advocates will proffer no more than three witnesses, and that these witnesses will testify regarding whether FirstEnergy's proposed DSP is lawful, fair, reasonable, and in the public interest given its consequential impact on customer-generators and developers of

alternative energy sources in FirstEnergy’s service territory. The Joint Solar Advocates reserve the right to call additional witnesses as may be required.

V. Proposed Litigation Schedule

The Joint Solar Advocates object to the litigation schedule requested by FirstEnergy in the petition, in part, because of the availability of the advocates’ proposed expert witness. The advocates propose the following revisions and further agree to work collaboratively with FirstEnergy and all other parties to develop a litigation schedule. The Joint Solar Advocates were unable to confer with FirstEnergy and the other parties regarding this proposal. The advocates anticipate that the proceeding could be litigated more quickly if the parties agreed to shorten the discovery period to ten days.

<u>Action</u>	<u>Date Proposed by FirstEnergy</u>	<u>Counter-proposed Dates By Joint Solar Advocates</u>
Prehearing Conference	March 5, 2026	(March 19, 2026)
Other Parties’ Direct Testimony	April 15, 2026	May 18, 2026
Rebuttal Testimony	May 13, 2026	June 22, 2026
Surrebuttal Testimony	May 29, 2026	July 27, 2026
Oral Rejoinder and Hearings	June 3, 2026	August 4, 2026
Main Briefs	June 24, 2026	September 4, 2026
Reply Briefs	July 8, 2026	September 25, 2026
Recommended Decision	August 19, 2026	November 6, 2026
Commission Order	October 22, 2026	January 11, 2027

VI. Lead Counsel

In this proceeding, the Joint Solar Advocates are represented by multiple attorneys with the law firm Fox Rothschild LLP. The attorneys are identified below, and the Joint Solar Advocates identify R. Taylor Speer as lead counsel for purposes of the prehearing conference. Mr. Speer’s application for *pro hac vice* admission will shortly be pending before this Commission, and Mr.

Speer will be attending the conference with local counsel, Ashley Beach. If there is an objection, Ashley Beach will be present as lead counsel for purposes of the prehearing conference.

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Respectfully submitted,

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Dated: March 17, 2026

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Dated: March 17, 2026



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