

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of FirstEnergy Pennsylvania Electric :
Company for Approval of Its Default Service : P-2026-3060298
Program for the Period June 1, 2027 to :
May 31, 2031 :

PREHEARING ORDER

On February 3, 2026, FirstEnergy Pennsylvania Electric Company (FE PA or the Company) filed the above-captioned petition (the Petition) requesting that the Commission approve its seventh default service program (DSP VII), which it states 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 and ending May 31, 2031.

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 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.

On February 10, 2026, the Office of Administrative Law Judge issued a Notice scheduling a Call-In Telephonic Prehearing Conference for March 19, 2026, at 10:00 a.m. On February 19, 2026, Deputy Chief Administrative Law Judge Mark A. Hoyer and Administrative

Law Judge Erin L. Gannon (the ALJs) issued a Prehearing Conference Order setting forth the parties' obligations with respect to the Prehearing Conference.

On February 20, 2026, the Office of Small Business Advocate (OSBA) filed its Notice of Intervention and Public Statement.

Notice of the DSP VII filing and of the scheduled Prehearing Conference was published in the Pennsylvania Bulletin at 56 Pa.B. 1085 on February 21, 2026.

On March 9, 2026, the Office of Consumer Advocate (OCA) filed its Notice of Intervention and Public Statement, and Answer.

Petitions to Intervene were timely filed by the following:

Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA)

Penn Renewables LLC

ShIPLEY Choice, LLC d/b/a ShIPLEY Energy and Interstate Gas Supply, LLC d/b/a IGS Energy (collectively, EGS Parties)

Met-Ed Industrial Users Group (MEIUG), the Penelec Industrial Customer Alliance (PICA), and the West Penn Power Industrial Intervenors (WPPII) (collectively, Industrial Customer Groups)

Dimension PA 1 LLC

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, Customer-Generator Coalition (CGC))

WGL Energy Services, Inc. (WGLES)

Town Square Energy East, LLC

The Pennsylvania State University (PSU)

Solar Energy Industries Association (SEIA) and the Coalition for Community Solar Access (CCSA) (collectively, Joint Solar Advocates)

Constellation Energy Generation, LLC (CEG) and Constellation NewEnergy, Inc. (CNE) (collectively, Constellation)

Duquesne Light Company

Walmart Inc.

Retail Energy Supply Association (RESA)

On March 16, 2026, two interim orders were issued by the undersigned. The first interim order granted the Motion for Admission Pro Hac Vice of Mitchell H. Kinzer, Esquire filed by Dimension PA 1 LLC. The second interim order granted the Motion for Admissions Pro Hac Vice of Linda S. Kizuka, Esquire and Marsha D. Makel, Esquire filed by Constellation.

On March 18, 2026, the Motion for Admission Pro Hac Vice of R. Taylor Speer and Karen M. Kemerait was filed by the Joint Solar Advocates, SEIA and CCSA.

FE PA, OCA, OSBA and those filing Petitions to Intervene filed prehearing memoranda as directed in the Prehearing Conference Order. In its Prehearing Memorandum, FE PA requested the issuance of Protective Order in the form attached as Appendix A to the Prehearing Memorandum.

The Prehearing Conference was held as scheduled. FE PA, OCA, OSBA and all parties who filed Petitions to Intervene were represented by counsel at the conference. This Prehearing Order memorializes the matters decided and agreed upon by the parties attending the conference and sets forth other procedural requirements to be followed.

Motion for Admission Pro Hac Vice

The Motion for Admission Pro Hac Vice of R. Taylor Speer and Karen M. Kemerait filed by the Joint Solar Advocates on March 18, 2026, was granted at the conference. No parties in attendance objected to the Motion.

Samuel W. Cortes, Esquire, shall remain attorney of record for the Joint Solar Advocates and shall be present at all proceedings attended by the Joint Solar Advocates, unless excused by the undersigned. R. Taylor Speer and Karen M. Kemerait are expected to read and familiarize themselves with the Public Utility Code and regulations, paying particular attention to the Commission's rules of practice and procedure at 52 Pa. Code Chapters 1, 3 and 5.

Petitions to Intervene

There were no objections to any of the Petitions to Intervene. All 14 Petitions to Intervene listed above were granted at the conference.

Protective Order

FE PA attached a proposed Protective Order as Appendix A to its Prehearing Memorandum filed and served in this proceeding. At the conference, counsel for FE PA, Brooke E. McGlenn, Esquire, represented that the Protective Order was circulated, and the version attached to FE PA's Prehearing Memorandum was prepared after incorporating other parties' changes made to the circulated draft. No party voiced an objection at the conference or took issue with the representations made by counsel for FE PA.

At the conference, the undersigned ordered that a Protective Order shall be issued.

Service List

The most current Service List is attached to this Prehearing Order. This Service List is subject to modification. The parties shall advise us promptly of any necessary changes required to be made to the Service List.

Litigation Schedule

<u>Date</u>	<u>Event</u>
April 29, 2026	Service of written Direct Testimony of other parties
May 28, 2026	Service of written Rebuttal Testimony
June 11, 2026	Service of written Surrebuttal Testimony
June 12, 2026, by 2:00 p.m.	Witness matrix listing all parties intending to cross-examine each witness and the extent of any cross-examination
June 15-16, 2026, at 9:00 a.m. each day	Oral Rejoinder and in-person evidentiary hearings in Harrisburg, Keystone Building, Hearing Room 1
July 10, 2026	Filing and service of main briefs
July 22, 2026	Filing and service of reply briefs or submission of joint settlement petition executed by representatives of parties thereto, together with all parties' statements in support of joint petition/settlement

The parties are reminded of the Commission's requirements for the preparation and filing of written testimony. 52 Pa. Code § 5.412. Written testimony must be accompanied by all exhibits to which it relates. **Worksheets and calculations which are used as exhibits must be provided in Excel format by email to the ALJs and other parties no later than the next business day of the testimony being served.** Technical terms and concepts are to be clearly defined and explained in the testimonies and briefs. **The parties are to agree on a list of common acronyms and use them consistently in all written testimony and briefs.**

The above-stated dates are in-hand dates for service on the parties and the ALJs. The parties at the Prehearing Conference and the ALJs agree to accept electronic service of such

material,¹ so long as the subject email is received by the date due. The ALJs' e-mail addresses are as follows: Deputy Chief Administrative Law Judge Mark A. Hoyer (mhoyer@pa.gov), Administrative Law Judge Erin L. Gannon (egannon@pa.gov). Please provide Microsoft Word versions of any motions, petitions or preserved testimony to the ALJs at the time of service.

The evidentiary hearings will begin promptly at 9:00 a.m. each day. The parties must confer before commencement of the hearing to schedule their witnesses so as to avoid “holes” or “dead time” during the hearing. In the event that a partial settlement is achieved, the parties should be prepared to proceed at the hearing to present evidence on the non-resolved issues.

All parties and all witnesses are expected to appear in-person on June 15, 2026.

Public Input Hearings

No public input hearings have been requested, and none are presently being contemplated for scheduling.

Issues

In their respective prehearing memoranda, the parties identified various issues they may wish to pursue. The reader is directed to these documents to review a recitation of these issues. Additional issues may arise as the discovery process develops.

Discovery

The parties shall engage in informal discovery whenever and wherever possible in an attempt to resolve any discovery disputes amicably. 52 Pa. Code § 5.322. If this process fails, the parties have recourse to the Commission's procedures for formal discovery, as herein

¹ For parties accepting electronic service, the documents are to be served electronically on the date indicated, by 4:30 p.m. unless otherwise indicated.

modified. 52 Pa. Code §§ 5.321, *et seq.* The parties must not send the ALJs discovery material or cover letters, unless attached to a motion to compel. **All motions to compel must contain a certification of counsel of the informal discovery undertaken and their efforts to resolve their discovery disputes informally.** If a motion to compel fails to contain such certification, the ALJs will contact the parties and direct them to pursue informal discovery.

The parties must endeavor to complete discovery upon the filing of surrebuttal testimony absent extraordinary circumstances.

After discussion with the parties, the following modifications to the Commission's procedures for formal discovery were ordered at the Prehearing Conference from the date of the Prehearing Conference forward:

- 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 five (5) business 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) business days of service of such motions.
- E. Requests for admissions 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, the deadlines shall be reduced as follows:

- 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 three (3) business 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 three (3) business 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.

All discovery due dates shall be “in-hand” and electronic service on the due date will satisfy the “in-hand” requirement.

Pre-Served Testimony and Exhibits

No written testimony will be admitted into evidence unless accompanied by a verification or affidavit of the witness. Further, no discovery responses will be admitted into evidence unless accompanied by the verification of the sponsoring witness.

Confidential Security Information (CSI) as defined by 35 P.S. § 2141 *et seq.* should not be transmitted by email or other electronic means. The parties are to avoid introducing CSI into the record and should develop alternative means, such as joint stipulations or redaction when proposing testimony or exhibits. If there is no other alternative to establish a material fact other than by CSI, the parties are to contact the ALJs immediately and in advance of the evidentiary hearing.

Settlement and Stipulations

The parties are reminded it is the Commission's policy to encourage settlements. 52 Pa. Code § 5.231(a). The parties are strongly urged to seriously explore this possibility. Submission of a fully executed joint settlement petition, together with all parties' statements in support of the joint petition/settlement, proposed findings of fact with citations to the evidentiary record, proposed conclusions of law and proposed ordering paragraphs, must be filed with the Secretary for the Commission and received in-hand by the Administrative Law Judges no later than the close of business on July 22, 2026.

The parties must agree on a common outline for statements in support, including headings and subheadings. Each party need not address every issue, but the same headings and subheadings must be presented in the same order. Statements in support should be specific and explain the benefit of the settlement terms to your client beyond the savings of litigation time and expense.

If settlement is not feasible, the parties are encouraged to stipulate to any matters they reasonably can to expedite this proceeding, lessen the burden of time and expenses in litigation on all parties and conserve precious administrative hearing resources. 52 Pa. Code §§ 5.232, 5.234. All stipulations entered into by the parties must be reduced to writing, signed by the parties to be bound thereby, and moved into the record during the hearing in this case. An exception to this requirement may occur when circumstances of time and expediency warrant. If so, an oral presentation of a stipulation is permissible, if it is followed by a reduction to writing as herein directed.

Cross-Examination

Friendly cross-examination or cumulative cross-examination during hearings will not be permitted. 52 Pa. Code §§ 5.76, 5.243.

Briefs and Reply Briefs

The parties must comply with 52 Pa. Code §§ 5.501, *et seq.*, regarding the preparation and filing of briefs. Briefs must include proposed findings of fact with citations to the record evidence, proposed conclusions of law and proposed ordering paragraphs. Parties must agree on a common brief outline to be finalized on or before Thursday, June 18, 2026. Page limitations on briefs will be discussed on or before the last day of hearing. The parties shall submit to the ALJs one copy by email. The electronic version of a brief must be prepared in Microsoft Office Word format. If in doubt, please email the ALJs for clarification.

Modification

Any of the provisions of this Prehearing Order may be modified upon motion and good cause shown by any party in interest.

Date: March 23, 2026

/s/
Mark A. Hoyer
Deputy Chief Administrative Law Judge

/s/
Erin L. Gannon
Administrative Law Judge

P-2026-3060298 - PETITION OF FIRSTENERGY PENNSYLVANIA ELECTRIC COMPANY FOR APPROVAL OF DEFAULT SERVICE PROGRAM

Revised March 19, 2026

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