

Stevens & Lee

17 N. Second Street, 16th Floor
Harrisburg, PA 17101
(717) 234-1090
www.stevenslee.com

Direct Dial: (717) 724-3445
Email: nicholas.stobbe@stevenslee.com
Direct Fax: (610) 236-4915

March 27, 2026

VIA ELECTRONIC FILING

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

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

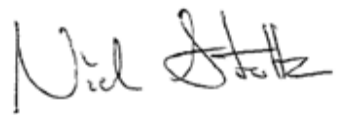
Dear Secretary Homsher:

Enclosed for filing is the Motion to Compel Responses to Interrogatories and Requests for Production of Documents directed at FirstEnergy Pennsylvania Electric Company – Set I, on behalf 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 in the above-referenced proceeding.

Copies are being provided in accordance with the enclosed Certificate of Service.

Very truly yours,

STEVENS & LEE



Nicholas A. Stobbe

Enc.

Cc: Deputy Chief Administrative Law Judge Mark A. Hoyer (*via email* - mhoyer@pa.gov)
Administrative Law Judge Erin L. Gannon (*via email* - egannon@pa.gov)

**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 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

<p>Kenneth M. Kulak, Esq. Brooke E. McGlinn, Esq. Morgan, Lewis & Bockius LLP 1701 Market Street Philadelphia, PA 19103-2921 ken.kulak@morganlewis.com brooke.mcglinn@morganlewis.com</p> <p><i>Counsel for FirstEnergy Pennsylvania Electric Co.</i></p>	<p>Tori L. Giesler, Esq. Angelina Umstead, Esq. FirstEnergy Service Company 2800 Pottsville Pike Reading, PA 19612-6001 tgiesler@firstenergycorp.com aumstead@firstenergycorp.com</p> <p><i>Counsel for FirstEnergy Pennsylvania Electric Co.</i></p>
<p>Harrison W. Breitman, Esq. Olivia M. Spergel, Esq. Katherine M. Kennedy, Esq. Office of Consumer Advocate 5th Floor Forum Place 555 Walnut Street Harrisburg, PA 17101-1923 HBreitman@paoca.org OSpergel@paoca.org KKennedy@paoca.org</p> <p><i>Counsel for OCA</i></p>	<p>Allison C. Kaster, Esq. Director & Chief Prosecutor Pennsylvania Public Utility Commission Bureau of Investigation and Enforcement Commonwealth Keystone Building 400 North Street Harrisburg, PA 17120 akaster@pa.gov</p> <p><i>Counsel for I&E</i></p>
<p>Rebecca Lyttle, Esq. Assistant Small Business Advocate Office of Small Business Advocate Forum Place 555 Walnut Street, 1st Floor</p>	<p>Susan E. Bruce, Esq. Charis Mincavage, Esq. Matthew Garber, Esq. Rebecca Kimmel, Esq. McNees Wallace & Nurick LLC</p>

<p>Harrisburg, Pennsylvania 17101 relyttle@pa.gov</p> <p><i>Counsel for OSBA</i></p>	<p>100 Pine Street P.O. Box 1166 Harrisburg, PA 17108 sbruce@mcneeslaw.com cmincavage@mcneeslaw.com mgarber@mcneeslaw.com rkimmel@mcneeslaw.com</p> <p><i>Counsel for MEIUG, PICA, and WPPH</i></p>
<p>Melissa A Chapaska, Esq. HMS Legal LLP 501 Corporate Circle, Suite 302 Harrisburg, PA 17110 machapaska@hmslegal.com</p> <p><i>Counsel for Penn Renewables LLC</i></p>	<p>Daniel B. Markind, Esq, Flaster Greenberg, PC 1717 Arch Street, Suite 3300 Philadelphia, PA 19103 Daniel.markind@flastergreenberg.com</p> <p>Mitchell H. Kizner, Esq. Flaster Greenberg, PC Commerce Center 1810 Chapel Avenue W Cherry Hill, NJ 08002 mitchell.kizner@flastergreenberg.com</p> <p><i>Counsel for Dimension PA 1 LLC</i></p>
<p>Elizabeth R. Marx, Esq. Lauren N. Berman, Esq. Ria M. Pereira, Esq. John W. Sweet, Esq. Levi A. Phillips, Esq. Pennsylvania Utility Law Project 118 Locust Street Harrisburg, PA pulp@pautilitylawproject.org</p> <p><i>Counsel for CAUSE-PA</i></p>	<p>Todd S. Stewart, Esq. HMS Legal LLP 501 Corporate Circle, Suite 302 Harrisburg, PA 17110 tsstewart@hmslegal.com</p> <p><i>Counsel for Shipley Choice, LLC and Interstate Gas Supply, LLC</i></p>
<p>Melissa Chapaska, Esq. HMS Legal LLP 501 Corporate Circle, Suite 302 Harrisburg, PA 17110 machapaska@hmslegal.com</p> <p><i>Counsel for Penn Renewables</i></p>	<p>Marsha Makel, Esq. Constellation Energy Generation, LLC 1310 Point Street Baltimore, MD 21231 Marsha.makel@constellation.com</p> <p>Linda S. Kizuka, Esq. Constellation Energy 250 Massachusetts Avenue NW Suite 760 Washington, DC 20001 Linda.Kizuka@constellation.com</p> <p>Colleen Kartychak, Esq. Constellation Energy</p>

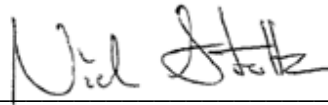
	<p>1310 Point Street, 8th Floor Baltimore, MD 21231 Colleen.kartychak@constellation.com</p> <p><i>Counsel for Constellation Energy Generation, LLC and Constellation New Energy, Inc.</i></p>
<p>Samuel W. Cortes, Esq. Ashley Beach, Esq. Fox Rothschild LLP 747 Constitution Drive Exton, PA 19341 scortes@foxrothschild.com Abeach@foxrothschild.com</p> <p><i>Counsel for the Joint Solar Advocates</i></p>	<p>Whitney E. Snyder, Esq. Erich W. Struble, Esq. HMS Legal LLP 501 Corporate Circle Suite 302 Harrisburg, PA 17110 wesnyder@hmslegal.com ewstruble@hmslegal.com</p> <p><i>Counsel for The Pennsylvania State University</i></p>
<p>Michael Gruin, Esq. Donald Wagner, Esq. Stevens & Lee, P.C. 17 N. 2nd St., 16th Fl. Harrisburg, PA 17101 Michael.gruin@stevenslee.com Donald.wagner@stevenslee.com</p> <p><i>Counsel for Town Square Energy East, LLC</i></p>	<p>Michael Gruin, Esq. Donald Wagner, Esq. Stevens & Lee, P.C. 17 N. 2nd St., 16th Fl. Harrisburg, PA 17101 Michael.gruin@stevenslee.com Donald.wagner@stevenslee.com</p> <p><i>Counsel for WGL Energy Services, Inc.</i></p>
<p>Deanne M. O'Dell, Esq. Eckert Seamans Cherin & Mellott LLC 213 Market St. 8th Floor Harrisburg, PA 17101 dodell@eckertseamans.com</p> <p>Lauren Burge, Esq. Eckert Seamans Cherin & Mellott LLC 600 Grant Street, 44th Floor Pittsburgh, PA 15219 lburge@eckertseamans.com</p> <p><i>Counsel for RESA</i></p>	<p>Aron J. Beatty, Esq. Duquesne Light Company 800 N. Third Street Harrisburg, PA 17402 abeatty@duqlight.com</p> <p><i>Counsel for Duquesne Light Company</i></p>
<p>Barry A. Naum, Esq. Steven W. Lee, Esq. Spilman Thomas & Battle, PLLC 1100 Bent Creek Blvd., Suite 101 bnaum@spilmanlaw.com slee@spilmanlaw.com</p>	<p>Karen Kemerait, Esq. Fox Rothschild LLP 301 Hillsborough Street Suite 1120 Raleigh, NC 27603 kkemerait@foxrothschild.com</p>

Jamie L. Martines, Esq.
Spilman Thomas & Battle, PLLC
301 Grant Street Suite 3440
Pittsburgh, PA 15219
jmartines@spilmanlaw.com

Counsel for Walmart

Taylor Speer, Esq.
Fox Rothschild LLP
2 West Washington Street
Suite 1100
Greenville, SC 29601
tspeer@foxrothschild.com

Counsel for SEIA and CCSA



Nicholas A. Stobbe

Dated: March 27, 2026

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

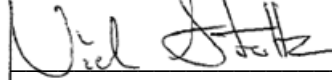
Petition of FirstEnergy Pennsylvania :
Electric Company for Approval of Default : Docket No. P-2026-3060298
Service Program for the Period from :
June 1, 2027 to May 31, 2031 :

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.342(g)(1) AND THE MODIFICATIONS TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION'S DISCOVERY RULES IN THIS PROCEEDING, YOU MAY FILE A REPLY TO THE ENCLOSED MOTION TO COMPEL WITHIN THREE (3) BUSINESS DAYS AFTER THE DATE OF SERVICE. YOUR REPLY SHOULD BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY OF YOUR REPLY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL.

Respectfully submitted,

STEVENS & LEE



Nicholas A. Stobbe

Attorney I.D. 329583

17 N. 2nd St., 16th Fl.

Harrisburg, PA 17101

Tel. (717) 724-3445

Fax (610) 235-4915

nicholas.stobbe@stevenslee.com

DATE: March 27, 2026

*Counsel for the Customer-
Generator Coalition*

**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 :

**MOTION 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 TO COMPEL RESPONSES TO DISCOVERY PROPOUNDED ON
FIRSTENERGY – SET I**

**TO DEPUTY CHIEF ADMINISTRATIVE LAW JUDGE MARK A. HOYER AND
ADMINISTRATIVE LAW JUDGE ERIN L. GANNON:**

Pursuant to 52 Pa. Code §§ 5.342(g) and 5.349(d), 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, the “Customer-Generator Coalition” or “CGC”) hereby file this Motion to Compel Responses to Interrogatories and Requests for Production of Documents (“Motion”) directed at FirstEnergy Pennsylvania Electric Company (“FirstEnergy” or the “Company”) – Set I (hereinafter, “Set I”). In support of its Motion, CGC states as follows:

I. INTRODUCTION

1. On February 3, 2026, FirstEnergy filed a Petition for Approval of Default Service Plan (“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, 2031.¹

2. On March 9, 2026, CGC filed a Joint Petition to Intervene.

3. On March 19, 2026, CGC's Joint Petition to Intervene was granted by Deputy Chief Administrative Law Judge Mark A. Hoyer and Administrative Law Judge Erin L. Gannon (hereinafter, the "ALJs") during the Telephonic Prehearing Conference.

4. During the Telephonic Prehearing Conference, all parties agreed to modifications to the Commission's discovery rules. The modifications took effect at the conclusion of the Prehearing Conference² and are reproduced below, in relevant part:

- 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.

¹ *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 (Petition filed Feb. 3, 2026).

² *See Prehearing Order*, at p. 7 (Prehearing Order issued Mar. 23, 2026) ("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...").

- 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.

5. Following the Prehearing Conference, on March 19, 2026, CGC served Set I on FirstEnergy. Set I was comprised of 30 discrete Interrogatories and Requests for Production of Documents.³

6. On March 23, 2026, counsel for FirstEnergy orally advised CGC's counsel that it was objecting to certain of the questions in Set I in a voicemail. Counsel for FirstEnergy then followed up via electronic mail to identify the specific requests to which FirstEnergy was objecting to in Set I, and the general grounds for the objection.

7. On March 24, 2026, counsel for FirstEnergy and CGC convened a meeting to discuss FirstEnergy's objections to Set I. During that meeting, FirstEnergy and CGC orally agreed that CGC would withdraw Set I, Question No. 2, that FirstEnergy would withdraw its objection to Set I, Question No. 1, and that FirstEnergy would submit written objections to CGC Set I, Nos. 5, 6, 7, 8, 9, and 10.

8. On March 24, 2026, counsel for FirstEnergy served its written objections to certain of Set I on CGC's counsel.

9. As of the date of this Motion, FirstEnergy has not provided any responses to CGC Set I.

³ Due to an inadvertent numbering error, Set I contained two Question No. 5s. In its Objections to Set I, FirstEnergy renumbered the questions to correct the error. For purposes of clarify, CGC incorporates FirstEnergy's numbering changes into this Motion and into **Appendix B**.

II. LEGAL STANDARD

10. Section 333(d) of the Public Utility Code permits a party to a proceeding to “serve written interrogatories upon any other party for purposes of discovering relevant, unprivileged information.” 66 Pa. C.S. § 333(d).

11. Under the Commission’s regulations, a party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action.⁴ 52 Pa. Code § 5.321(c). It is not ground for objection that the information sought will be inadmissible at hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence. *Id.*

12. The Commission applies the relevancy test liberally. *See Pa. P.U.C. v. The Peoples Natural Gas Co.*, 62 Pa. PUC 56 (Aug. 26, 1986). Relevancy depends upon the nature and the facts of the individual case. *Koken v. One Beacon Ins. Co.*, 911 A.2d 1021, 1025 (Pa. Commw. 2006) (“*Koken*”). Any doubts are to be resolved in favor of relevancy and permitting discovery. *Petition of the Borough of Cornwall for a Declaratory Order*, Docket No. P-2015-2476211 (Order entered Sept. 11, 2015) (*citing Koken* at 1025).

13. The burden is placed on the party objecting to discovery to establish that the information requested is not relevant or discoverable. *Id.*

⁴ Section 5.321 outlines the scope of discovery as follows:

- (c) Scope. Subject to this subchapter, a party may obtain discovery regarding **any matter**, not privileged, which is **relevant to the subject matter** involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to **the claim or defense of another** party, including the existence, description, nature, content, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of a discoverable matter. It is not ground for objection that the information sought will be inadmissible at hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

52 Pa. Code § 5.321(c) (emphasis added).

14. Where there has been an objection filed to an interrogatory, the propounding party has the right to file a motion requesting that the presiding officer issue an order that dismisses the objection and compels an answer to the interrogatory. 66 Pa. C.S. § 333(d); 52 Pa. Code § 5.432(g). The consequence to the propounding party for failure to file a motion to compel is that the objected to interrogatory will be deemed withdrawn. 52 Pa. Code § 5.432(g). The motion to compel must include the interrogatory objected to and the objection. *Id.*

III. MOTION TO COMPEL

15. CGC respectfully requests that the ALJs compel responses to Set I.

16. Under the modifications to the Commission's discovery rules adopted at the March 19, 2026, Prehearing Conference, objections to interrogatories and/or requests for production must be communicated orally to the propounding party within three (3) calendar days of service.

17. Furthermore, under the modifications to the Commission's discovery rules adopted at the March 19, 2026, Prehearing Conference, unresolved objections must be served in writing to the propounding party within five (5) calendar days of service of the interrogatories and/or requests for production.

18. Here, CGC served Set I on March 19, 2026, via electronic mail upon FirstEnergy and the other parties in this proceeding.

19. FirstEnergy did not orally communicate its objections to Set I until March 23, 2026, *i.e.*, four (4) calendar days after service of Set I.

20. Therefore, FirstEnergy has arguably waived the right to object to any questions in Set I because its oral communication of its objections were lodged one-day after the deadline established during the March 19, 2026, Prehearing Conference. *See* 52 Pa. Code §§ 5.342(a)(4)

(stating that a party must “[a]nswer each interrogatory fully and completely unless an objection is made”).

21. Furthermore, all of FirstEnergy’s general relevance objections are meritless and should be rejected.

22. Indeed, by FirstEnergy’s own admission, “excess energy from a customer-generator under FE PA’s net-metering tariff is not used to serve default service load.” *See* FirstEnergy Objections, ¶ 9; FirstEnergy St. No. 1.

23. Yet FirstEnergy’s DSP Petition and associated testimony specifically introduces a proposal to radically alter the compensation due to “large customer-generators”⁵ for excess generation under the Alternative Energy Portfolio Standards (“AEPS”) Act despite the excess generation from these customers not being used to serve default service load.

24. FirstEnergy’s DSP filing further stresses the realized and projected “true-up” expense associated with payments to customer-generators who are interconnected to FirstEnergy’s system. *See* FirstEnergy St. No. 1, p. 18.

25. If FirstEnergy’s contention that customer-generator excess generation is not used to serve default service load, these figures FirstEnergy cites are wholly irrelevant to the scope of their DSP and should be stricken from its DSP filing altogether.

26. Yet, through its objections, FirstEnergy seeks the best of both worlds: radical expansion of the typical scope of a default service proceeding, without permissible inquiries into that expansion or development of a thorough and complete record⁶ wholly relevant to its proposal. It cannot have it both ways.

⁵ *See* FirstEnergy St. No. 1, p. 17.

⁶ *See* Prehearing Conference Tr. 33, lines 15-16.

27. Indeed, the objected-to requests in Set I are merely designed to gather more information as to the Company's "Maximum Registered Peak Load" ("MRPL") proposal, the potential net-effects of net-metering customer-generators operating or undergoing the interconnection process on the Company's system, and the costs, fees, and payments rendered by or to those customer-generators in order to interconnect to FirstEnergy's system.

28. The entirety of FirstEnergy's objections argue that the information sought regarding its MRPL proposal is irrelevant to its DSP and not within the scope of the statutory and Commission default service requirements. However, by introducing proposals and figures not otherwise relevant to the standard default service construct and pertinent requirements therein, FirstEnergy has opened the door to inquiry regarding the same. Its objections to CGC Set I should be rejected.

29. As set forth below in more detail, receiving the information requested by Set I is essential to CGC's evaluation of the MRPL proposal, its reasonableness, its impact on CGC members and the development of renewable energy projects in FirstEnergy territory in furtherance of the AEPS Act. Permitting FirstEnergy to withhold the requested information will deny the CGC and the other parties to the proceeding the right to develop a full record regarding the MRPL proposal and will prematurely foreclose a full, fair and thorough review of the proposal by the Commission.

A. CGC TO FIRSTENERGY – SET I, NOS. 1-2

30. CGC Interrogatory – Set I, No. 1 states as follows:

What is the average time between a <3MW customer-generator interconnection application being submitted and the application being approved or denied?

31. Despite FirstEnergy’s contentions otherwise, this inquiry is wholly relevant to the FirstEnergy DSP proceeding, which FirstEnergy has voluntarily expanded well-beyond the traditional default service construct.

32. As part of its MRPL proposal, FirstEnergy proposed to “make [the] change effective June 1, 2027, for new net metering customer generation coming online after June 1, 2027.” FirstEnergy St. No. 1, p. 19.

33. FirstEnergy further proposed to make “existing net metering customer generation [...] be exempt from the annual reclassification until June 1, 2029.” *Id.*

34. Because of FirstEnergy’s proposed deadlines for customer-generation projects coming “online” to be classified or reclassified under the HP Rider, information regarding average interconnection times for same is extremely relevant for CGC to determine which existing or proposed net-metering projects will be affected by the MRPL proposal. *See* FirstEnergy St. No. 1, p. 19.

35. Determining the average interconnection timeline will speak directly to how many <3 MW projects currently in the FirstEnergy queue are estimated to come “online” prior to the proposed June 1, 2027, implementation date. This information is critical and the inquiry seeking the same is directly tailored to address FirstEnergy’s own proposed implementation deadlines.

36. Under 52 Pa. Code § 5.321(c), a party is entitled to obtain discovery of any matter not privileged that is relevant to the pending proceeding, or any matter that is reasonably calculated to lead to the discovery of admissible evidence. Discovery is permitted regardless of whether the information sought “relates to the claim or defense of the party seeking discovery or to the claim or defense of another party.” *Id.*

37. Discovery may be obtained regarding any matter relevant to the subject matter. Relevant evidence is evidence that tends to make an act at issue more or less probable. Moreover, evidence is relevant if it advances the inquiry in some degree and, thus, has probative value. Although the law does not furnish an absolute test of relevancy, the Pennsylvania Supreme Court follows a two-part analysis for determining relevance. In *Commonwealth v. Stewart*, 461 Pa. 274, 336 A.2d 282 (1975), the Court held that “[i]t must be determined first if the inference sought to be raised by the evidence bears upon a matter at issue in this case and, second, whether the evidence renders the desired inference more probable than it would be without the evidence. *Id.* at 284.

38. Here, CGC - Set I, No. 1 both seeks information that bears upon the matter at issue – applicability of FirstEnergy’s proposed deadlines for proposed and existing net-metering projects – and renders the desired inference more probable than it would be without the evidence – which existing and proposed projects would be, or could reasonably expect to be, subject to FirstEnergy’s two cited deadlines.

39. Therefore, CGC submits that the information sought in CGC – Set I, No. 1, is highly relevant to this proceeding and FirstEnergy’s objection to the same should be denied.

40. CGC Interrogatory – Set I, No. 2 states as follows:

What is the average time between a >3MW customer-generator interconnection application being submitted and the application being approved or denied?

41. CGC incorporates by reference its response(s) to the objections set forth in Paragraphs 30-39, *supra*.

42. Once again, CGC - Set I, No. 2 merely seeks the average interconnection timeline for >3 MW net-metering projects in FirstEnergy territory.

43. Like CGC – Set I, No. 1, this information is highly relevant to determining which existing and prospective net-metering projects will be subject to FirstEnergy’s disparate deadlines for the applicability of the MRPL proposal.

44. CGC Interrogatory – Set I, No. 2 both seeks information that bears upon the matter at issue – applicability of FirstEnergy’s proposed deadlines for proposed and existing net-metering projects – and renders the desired inference more probable than it would be without the evidence – which existing and proposed projects would be, or could reasonably expect to be, subject to FirstEnergy’s two cited deadlines.

45. Therefore, CGC submits that the information sought in CGC Interrogatory - Set I, No. 2, is highly relevant to this proceeding and FirstEnergy’s objection to the same should be denied.

B. CGC TO FIRSTENERGY – SET I, NOS. 5-10

46. CGC – Set I, No. 5⁷ states the following:

Please reference FirstEnergy St. No. 1. How much has been paid to FirstEnergy by current net-metering customer generators during the interconnection process related to load studies or similar interconnection study requirements?

47. CGC – Set I, No. 6 states as follows:

Please reference FirstEnergy St. No. 1. How much has been paid to FirstEnergy by current net-metering customer generators during the interconnection process related to FirstEnergy facilities’ upgrades to accommodate interconnection?

48. CGC Set I, No. 7 states as follows:

Please reference FirstEnergy St. No. 1, p. 17, lines 8-10. How much has been paid to FirstEnergy by prospective net-metering customer generators currently in the Company’s queue related to load studies or similar interconnection study requirements?

⁷ See fn. 3, *supra*; See also FirstEnergy Objections to Interrogatories - Set I, fn. 2.

49. CGC – Set I, No. 8 states as follows:

Please reference FirstEnergy St. No. 1, p. 17, lines 8-10. How much has been paid to FirstEnergy by prospective net-metering customer generators currently in the Company’s queue related to FirstEnergy facilities’ upgrades to accommodate interconnection?

50. CGC Set I, No. 9 states as follows:

Please reference FirstEnergy St. No. 1, p. 17, lines 8-10. How much does FirstEnergy anticipate being paid by prospective net-metering customer generators to FirstEnergy related to load studies or similar interconnection study requirements?

51. CGC Set I, No. 10 states as follows:

Please reference FirstEnergy St. No. 1, p. 17, lines 8-10. How much does FirstEnergy anticipate being paid by prospective net-metering customer generators to FirstEnergy related to FirstEnergy facilities’ upgrades to accommodate interconnection?

52. CGC incorporates by reference its responses to FirstEnergy’s objections in paragraphs 30-45, *supra*.

53. As explained in Section II, ¶¶ 15-29, *supra*, FirstEnergy opened the door to CGC inquiring into matters not traditionally considered under the default service construct.

54. Remarkably, FirstEnergy’s Objections first pretend that its MRPL proposal simply does not exist. Instead, FirstEnergy characterizes the DSP VII as simply being about the procurement of default supply, satisfaction of AEPS requirements, and recovery of default service costs.⁸

55. The reality is that the MRPL proposal is a major component of the DSP VII, and would have significant and lasting impacts on customer-generators in FirstEnergy’s service territory. For that reason, FirstEnergy’s attempt to foreclose any serious review of the proposal’s impacts should not be permitted.

⁸ FirstEnergy Objections to Interrogatories – Set I, ¶ 8.

56. Contrary to its Objections’ characterizations of the DSP-VII, FirstEnergy has made excess generation true-up payments a centerpiece of its justification for the MRPL proposal. Indeed, in its DSP filing, FirstEnergy alleged that “[b]ased on the analysis set forth in FE PA Exhibits DMY-7, if as little as 10% of the proposed projects in the current applications come online by 2029, the true-up expense in 2029 will be approximately \$81 million. If closer to 50% of those projects come online by 2029, the true-up expense in 2029 would approach \$750 million.” FirstEnergy St. No. 1, p. 18.

57. Yet, FirstEnergy also explained that “excess energy from a customer-generator under FE PA’s net-metering tariff is not used to serve default service load.” *See* FirstEnergy Objections to Set I, ¶ 9.

58. A comparison of these two statements by FirstEnergy reveals a clear double standard: on one hand, FirstEnergy says that excess generation from customer-generators is not used to serve default service load, but in the next breath seeks to highlight payments for that excess generation as justification for a major component of its default service filing, (i.e. its MRPL proposal).

59. In its Joint Petition to Intervene, CGC explained that that FirstEnergy’s MRPL proposal would “wholly undermine[] the economic modelling and assumptions used by the CGC in financing and contractual arrangements.” *See* CGC Joint Petition to Intervene, ¶ 24.

60. CGC further explained in its Prehearing Memorandum that it intended to raise issues related to whether “FirstEnergy’s MRPL proposal is unjust, unreasonable, or contrary to public policy under 66 Pa. C.S. § 1301.” *See* CGC Prehearing Memorandum, ¶ 30.

61. FirstEnergy did not object to CGC’s Joint Petition to Intervene, which was granted at the March 19, 2026, Prehearing Conference.

62. Nor did FirstEnergy take issue with any of the issues identified by CGC in either its Joint Petition to Intervene or its Prehearing Memorandum, including whether the MRPL proposal is unjust, unreasonable, or contrary to public policy.

63. The amount of monies paid to FirstEnergy, or projected to be paid to FirstEnergy, by existing or prospective net-metering customer-generators is wholly relevant to both: (a) determining whether the MRPL proposal undermines CGC's – and other net-metering customer-generators – economic modeling and assumptions used in financing and contractual arrangements; and (b) determining whether FirstEnergy's MRPL proposal is unjust, unreasonable, or contrary to public policy.

64. This information sought in CGC – Set I, Nos. 5-10 is directly relevant to FirstEnergy's DSP filing because it is expected that the requested information will provide important context for FirstEnergy's alleged true-up projections, and is therefore reasonably calculated to lead to the discovery of admissible information.

65. The requested information relates to costs that customer-generators paid to FirstEnergy to enable renewable energy projects to net-meter in FirstEnergy territory under the provisions of the AEPS Act. Payments from FirstEnergy for excess generation are used by those customer-generators to recoup those costs.

66. The requested information is aimed squarely at evaluating the MRPL proposal, which is one of the centerpieces of FirstEnergy's DSP VII.

67. It cannot be ignored that FirstEnergy's MRPL proposal threatens to upend the current net-metering framework in FirstEnergy territory and, if the MRPL proposal is approved, it may no longer be financially viable for CGC and other net-metering customer-generators to complete renewable energy projects in FirstEnergy territory.

68. FirstEnergy’s DSP VII filing volunteered information on its past and projected “true-up” amounts paid to customer-generators under the existing net-metering Tariff. *See* FirstEnergy St. No. 1, p. 17. However, FirstEnergy’s DSP VII filing only supplied one side of a two-way equation.

69. CGC is simply seeking to discover the flip side of the information presented by FirstEnergy to justify its MRPL proposal. If payments made by FirstEnergy *to* customer-generators are relevant to a default service filing– which is certainly debatable – then it naturally extends that payments to or expected by FirstEnergy *by those same* customer-generators are similarly relevant. Ostensibly, FirstEnergy is arguing “*relevant for me, but not for thee.*”

70. FirstEnergy was under no mandate to include its MRPL proposal in its default service filing. But FirstEnergy chose to do so voluntarily and submitted testimony regarding payments to customer-generators in support of the proposal. FirstEnergy cannot now be permitted to obstruct a fulsome review of the MRPL proposal by the very customers who will be most impacted by it, by artificially try to mischaracterize the scope of its filing.

71. The requested information will also illuminate important public policy considerations on the financial contributions of net-metering customer-generators to interconnect to FirstEnergy’s system and whether it is just and reasonable for FirstEnergy to effectively disregard those contributions by its customers.

72. This attempt to limit the scope of discovery on relevance grounds, a scope that FirstEnergy expanded in the first instance, should be rejected and FirstEnergy’s Objections should be denied.

IV. CONCLUSION

For the reasons set forth above, 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 respectively request that Deputy Chief Administrative Law Judge Mark A. Hoyer and Administrative Law Judge Erin L. Gannon grant this Motion to Compel Responses to Interrogatories and Requests for Production of Documents and direct FirstEnergy Pennsylvania Electric Company to answer CGC to FirstEnergy Set I, Nos. 1-2, 5-10, as described above, within three (3) business days from the date of the order.

Respectfully submitted,



Nicholas A. Stobbe, Esq.

Attorney I.D. 329583

17 N. 2nd St., 16th Fl.

Harrisburg, PA 17101

Tel. (717) 724-3445

Fax (610) 235-4915

nicholas.stobbe@stevenslee.com

*Counsel for 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*

Dated: March 27, 2026

APPENDIX A

Interrogatories and Requests for Production of Documents Propounded by the Customer-Generator Coalition on FirstEnergy Pennsylvania Electric Company – Set I

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 INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS, DIRECTED TO FIRSTENERGY PENNSYLVANIA ELECTRIC COMPANY – SET I

DOCKET NO. P-2026-3060298

1. What is the average time between a <3MW customer-generator interconnection application being submitted and the application being approved or denied?
2. What is the average time between a >3MW customer-generator interconnection application being submitted and the application being approved or denied?
3. Please reference FirstEnergy St. No. 1, p. 17, lines 8-10. Please identify the number of customer generator net-metering customer-generators currently in the interconnection queue who would be shifted from the PTC Rider to the HP Rider under the Company's Maximum Registered Peak Load ("MRPL") proposal?
4. Please reference FirstEnergy St. No. 1, p. 17, lines 8-10.
 - i. What is the current number of net-metering interconnection applications on the "Company's system?"
 - ii. How many of these net-metering interconnection applications have been approved by FirstEnergy and the Commission?
 - iii. How many of these net-metering interconnection applications are currently on-line and net-metering electricity back to FirstEnergy's grid?
5. Please reference FirstEnergy St. No. 1. How much has been paid to FirstEnergy by current net-metering customer generators during the interconnection process related to load studies or similar interconnection study requirements?
6. Please reference FirstEnergy St. No. 1. How much has been paid to FirstEnergy by current net-metering customer generators during the interconnection process related to FirstEnergy facilities' upgrades to accommodate interconnection?
7. Please reference FirstEnergy St. No. 1, p. 17, lines 8-10. How much has been paid to FirstEnergy by prospective net-metering customer generators currently in the Company's queue related to load studies or similar interconnection study requirements?

8. Please reference FirstEnergy St. No. 1, p. 17, lines 8-10. How much has been paid to FirstEnergy by prospective net-metering customer generators currently in the Company's queue related to FirstEnergy facilities' upgrades to accommodate interconnection?
9. Please reference FirstEnergy St. No. 1, p. 17, lines 8-10. How much does FirstEnergy anticipate being paid by prospective net-metering customer generators to FirstEnergy related to load studies or similar interconnection study requirements?
10. Please reference FirstEnergy St. No. 1, p. 17, lines 8-10. How much does FirstEnergy anticipate being paid by prospective net-metering customer generators to FirstEnergy related to FirstEnergy facilities' upgrades to accommodate interconnection?
11. Please reference FirstEnergy St. No. 1, pp. 18-19. Has FirstEnergy conducted any studies or analyses of the effects of the MRPL tariff proposal on FirstEnergy's default procurement of electricity based on its Default Service Plan ("DSP")? If yes, please provide all studies or analyses related to the same.
12. Does FirstEnergy recover net-metering customer-generator excess generation payouts in its distribution rates, through the PTC Rider, or through a different mechanism? Please provide all supporting documentation associated with answering this request.
13. Please reference FirstEnergy St. No. 1. Has FirstEnergy contacted any net-metering customer-generators – or prospective net-metering customer-generators – that would be affected by the MRPL tariff proposal to determine the proposal's effect on net-metering project viability?
 - i. If yes, please generally explain the responses received by potentially affected net-metering customer-generators or prospective net-metering customer-generators.
 - ii. If not, please explain why not.
14. Please reference FirstEnergy St. No. 1. Please explain whether the net-metering customer-generators to be reclassified as HP Rider under the proposed MRPL tariff proposal would receive monthly bills that identify the Price-To-Compare ("PTC") as a separate line item.
15. Please reference FirstEnergy St. No. 1, p. 17. Does FirstEnergy believe that the load weighted locational marginal price ("LMP") is a single-rate option? If yes, please explain fully.
16. Please reference FirstEnergy St. No. 1, p. 17. Does FirstEnergy agree that LMP pricing can decline to below \$0.00? If not, please fully explain and provide any documentation or data relied upon to make this conclusion.

17. Please reference FirstEnergy St. No. 1. Has FirstEnergy performed any analysis of the changes to a customer-generator's demand charge that would occur as a result of FirstEnergy's proposed tariff change(s)?

- i. If yes, please provide the documents and data related to that analysis.
- ii. If no, please explain why not.

18. If the answer to 16, *supra*, is yes, please provide the anticipated annual changes to the demand charge, in dollars, for a customer-generator with an MRPL based on the Gross Generator Rating of:

- iii. 300 kW.
- iv. 400 kW
- v. 1MW
- vi. > 1MW.

19. Please reference FirstEnergy St. No. 1, p. 17, lines 15-18.

- i. Fully explain and provide any documentation or data relied on for the assertion "adding large customer-generator supply to the commercial procurement group would decrease load provided by default service suppliers and would increase risk premiums included in fixed-price full requirements products."
- ii. Have any default service providers informed FirstEnergy that they are building in "risk premiums" into their bids as a result of net-metering generation? If yes, please fully explain and provide documentation regarding the same.
- iii. If the answer to 18(ii), *supra*, is yes, please fully explain the level of risk premium(s) identified in default service supply bids as a result of net-metering generation and provide all documentation and data relied on for these assertions.

20. Please reference FirstEnergy St. No. 1, p. 17, lines 11-12, in which FirstEnergy does not use excess energy from net-metered customer generators as supply. Please explain how the physical excess energy from net-metered customer-generators is used by FirstEnergy after it is received from the customer-generator.

21. Please reference FirstEnergy St. No. 1, p. 17, lines 15-18.

- ii. Please state the factual basis for the statement that the assertion that adding large customer-generator supply to the commercial procurement group would increase risk premiums included in fixed-price full requirements products, and provide all documents which indicate that such premiums have been included in the past, and/or would be included in the future.

- iii. Has FirstEnergy quantified the “risk premium” that was included in fixed price full requirements products as a result of the alleged decreased load caused by customer-generators? If so, please state the amount of such risk premium that was included during each year of FirstEnergy’s DSP VI and the amount of such risk premium that is expected to be included during each individual year covered by DSP VII.
 - iv. Please identify and fully explain all other reasons why default service supply bidders have included or would include “risk premiums” in their bids, besides reduced load related to customer-generator supply.
- 22. Please reference FirstEnergy St. No. 1, p. 18, line 11. Please provide all documents, reports and analyses in FirstEnergy’s possession (i) which support the contention that the excess generation that is cashed out was collected from other commercial PTC Rider customers during the DSP VI, and (ii) which explain when such cashed out amounts were collected from other commercial PTC Rider customers during the DSP VI period.
- 23. Please reference FirstEnergy St. No. 1, p. 18, lines 14-15. Please state the per-kWh impact that the \$4.4 million true-up expense had on the commercial price to compare during each year of DSP VI, and the periods over which this \$4.4 million expense was included in the commercial price to compare.
- 24. Please reference FirstEnergy St. No. 1, p. 19, lines 6-9. Please fully explain the assertion that “most HP Rider customers are more active in managing their energy needs...” and provide all documentation and data relied upon in making this assertion.
- 25. Please reference FirstEnergy St. No. 1, p. 19, lines 13-15. Please fully explain all factors that the Company proposes to use to estimate the MRPL for new customers and provide any documentation or data relied on in making this assertion.
- 26. Please reference FirstEnergy St. No. 1., p. 19, lines 4-5. Under FirstEnergy’s proposal, would the costs to pay excess net-metered generation only be recovered from industrial customers who receive default supply service?
- 27. For each of the calendar years 2022, 2023, 2024 and 2025, please state:
 - v. The number of FirstEnergy customers whose measured demand made them eligible to receive default service under the PTC Rider.
 - vi. The number of FirstEnergy customers that received default service under the PTC Rider during the year in question.
 - vii. The number of FirstEnergy customers whose measured demand made them eligible to receive default service under the HP Rider.
 - viii. The number of FirstEnergy customers that received default service under the HP Rider during the year in question.

28. Please identify each component of the compensation rate that would be paid to customer-generators under rate schedule GS-Medium and GS-Large for net excess generation under FirstEnergy's proposed MRPL framework in each of the Company's four rate districts.
29. For each component identified in response to the preceding interrogatory, please state the proposed formula or methodology used to calculate that component, including all inputs, data sources, update frequency, and any reconciliation or true-up mechanism.
30. Please provide an illustrative calculation of the compensation rate for net excess generation under FirstEnergy's proposed MRPL framework in each of the Company's four rate districts, showing the numerical value of each component using the most recent available data.

APPENDIX B

FirstEnergy's Objections to CGC - Set I, Nos. 1-2, 5-10

**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 :

**OBJECTIONS OF
FIRSTENERGY PENNSYLVANIA ELECTRIC COMPANY TO THE
INTERROGATORIES (SET I) 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**

Pursuant to 66 Pa. C.S. §333(d) and 52 Pa. Code §5.342, FirstEnergy Pennsylvania Electric Company (“FE PA” or the “Company”) hereby objects to the First Set of Interrogatories (“Set I”), Nos. 1, 2, and 5 through 10, propounded by 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, the “Customer-Generator Coalition” or “CGC”) on March 19, 2026. A copy of the CGC Set I Interrogatories, which consists of 29 questions, is attached to these Objections as Appendix A.

As explained below, FE PA objects to the interrogatories identified above because the questions inquire into subjects that are not relevant to any matters properly at issue in this proceeding.¹

¹ In accordance with the March 23, 2026 Prehearing Order in this proceeding, FE PA communicated written objections to these interrogatories on March 23, 2026, and counsel for FE PA and counsel for CGC subsequently conferred regarding these objections.

I. RELEVANT BACKGROUND

1. On February 3, 2026, FE PA filed with the Pennsylvania Public Utility Commission (the “Commission”) 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. Among other things, the Petition addresses the threshold for classification of default service customers between the Company’s commercial and industrial customer classes.

2. On March 9, 2026, the CGC filed a Petition to Intervene in the above-referenced docket. The CGC Petition to Intervene was granted by the presiding Administrative Law Judges (“ALJs”) at the telephonic Prehearing Conference held on March 19, 2026.

3. As previously noted, on March 19, 2026, the CGC issued its Interrogatories (Set I) containing Interrogatories 1-29 to which FE PA hereby objects to numbers 1, 2, and 5 through 10.

4. Section 333(d) of the Public Utility Code states, in pertinent part, as follows:

Interrogatories. – Any party to a proceeding may serve written interrogatories upon any other party for purposes of discovering *relevant*, unprivileged information.

66 Pa.C.S. § 333(d) (emphasis added).

5. The Commission’s regulations at 52 Pa. Code § 5.321(c) define the permissible scope of discovery in proceedings before the Commission as follows:

Scope. Subject to this subchapter, a party may obtain discovery regarding any matter, not privileged, *which is relevant to the subject matter involved in the pending action*, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of another party, including the existence, description, nature, content, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons

having knowledge of a discoverable matter. It is not ground for objection that the information sought will be inadmissible at hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence. (Emphasis added.)

6. The Commission's regulations at 52 Pa. Code § 5.361(a) further limit the scope of permissible discovery to exclude discovery which:

- (1) Is sought in bad faith.
- (2) Would cause unreasonable annoyance, embarrassment, oppression, burden or expense to the deponent, a person or party.
- (3) Relates to matter which is privileged
- (4) Would require the making of an unreasonable investigation by the deponent, a party or witness.

II. OBJECTIONS

7. CGC Interrogatory (Set I) No. 1 states as follows:

What is the average time between a <3MW customer-generator interconnection application being submitted and the application being approved or denied?

8. As previously explained, this proceeding involves FE PA's request for approval of its proposed DSP VII, which includes its proposals to procure default service generation supplies on behalf of the Company's default service customers, satisfy Alternative Energy Portfolio Standards ("AEPS") Act obligations associated with default service supply, and recover the costs of providing default service.

9. The receipt, processing, approval or rejection of any customer-generator interconnection applications received by the Company are unrelated to FE PA's plan to procure default service generation supplies and satisfy associated AEPS Act requirements. As explained in the direct testimony of Company witness David M. Young (FE PA Statement No. 1), excess energy from a customer-generator under FE PA's net-metering tariff is not used to serve default service load.

10. Similarly, the receipt, processing, approval or rejection of any customer-generator interconnection applications received by the Company are unrelated to the classification of non-residential default service customers between the commercial and industrial classes served under the Price to Compare Default Service Rate Rider (“PTC Rider”) and the Hourly Pricing Default Service Rider (“HP Rider”).

11. Finally, the receipt, processing, approval or rejection of any customer-generator interconnection applications received by the Company are not within the scope of statutory and Commission default service requirements. The inquiry into the average processing times for customer-generator interconnection applications received by the Company is irrelevant to this proceeding because it is unrelated to any aspect of FE PA’s proposed DSP VII or the Company’s statutory and Commission default service requirements.

12. The scope of permissible discovery in a proceeding before the Commission is limited to subjects that are relevant to matters properly at issue in such proceeding, as provided in 66 Pa.C.S. § 333(d) and the Commission’s regulations at 52 Pa. Code § 5.321(c). Accordingly, for the reasons set forth above, the CGC’s Interrogatories (Set I), No. 1, is not permissible discovery and, therefore, should be stricken.

13. CGC Interrogatory (Set I) No. 2 states as follows:

What is the average time between a >3MW customer-generator interconnection application being submitted and the application being approved or denied?

14. FE PA incorporates by reference the objections set forth in paragraphs 8-12.

15. The inquiry into the average processing time for customer-generator interconnection applications received by FE PA is irrelevant to this proceeding because it is unrelated to any aspect of the Company’s proposed DSP VII or FE PA’s statutory and Commission default service requirements.

16. The scope of permissible discovery in a proceeding before the Commission is limited to subjects that are relevant to matters properly at issue in such proceeding, as provided in 66 Pa.C.S. § 333(d) and the Commission's regulations at 52 Pa. Code § 5.321(c). Accordingly, for the reasons set forth above, the CGC's Interrogatories (Set I), No. 2, is not permissible discovery and, therefore, should be stricken.

17. CGC Interrogatory (Set I) No. 5² states as follows:

Please reference FirstEnergy St. No. 1. How much has been paid to FirstEnergy by current net-metering customer generators during the interconnection process related to load studies or similar interconnection study requirements?

18. FE PA incorporates by reference the objections set forth in paragraphs 8-12.

19. The inquiry into amounts paid to the Company by current net-metering customer generators for load studies or similar interconnection study requirements is irrelevant to this proceeding because it is unrelated to any aspect of FE PA's proposed DSP VII or the Company's default service requirements under the Public Utility Code and Commission default service requirements. The amount paid by a customer-generator for studies is a reimbursement to the Company for studies required to process the customer-generator's interconnection application.

20. The scope of permissible discovery in a proceeding before the Commission is limited to subjects that are relevant to matters properly at issue in such proceeding, as provided in 66 Pa.C.S. § 333(d) and the Commission's regulations at 52 Pa. Code § 5.321(c). Accordingly, for the reasons set forth above, the CGC's Interrogatories (Set I), No. 5, is not permissible discovery and, therefore, should be stricken.

² CGC's Set I Interrogatories contain errors in numbering that has been corrected in Appendix A. In the original version propounded by CGC included two questions with the same number (5).

21. CGC (Set I) No. 6 states as follows:

Please reference FirstEnergy St. No. 1. How much has been paid to FirstEnergy by current net-metering customer generators during the interconnection process related to FirstEnergy facilities' upgrades to accommodate interconnection?

22. FE PA incorporates by reference the objections set forth in paragraphs 8-12.

23. The inquiry into amounts paid by current net-metering customer generators for necessary distribution system upgrades to accommodate interconnection is irrelevant to this proceeding because it is unrelated to any aspect of FE PA's proposed DSP VII or the Company's default service requirements under the Public Utility Code and Commission default service requirements. Costs associated with upgrading FE PA distribution facilities to accommodate interconnection customers have no bearing on default service or the methodology used for customer classification or the hourly pricing threshold.

24. The scope of permissible discovery in a proceeding before the Commission is limited to subjects that are relevant to matters properly at issue in such proceeding, as provided in 66 Pa.C.S. § 333(d) and the Commission's regulations at 52 Pa. Code § 5.321(c). Accordingly, for the reasons set forth above, the CGC's Interrogatories (Set I), No. 6, is not permissible discovery and, therefore, should be stricken.

25. CGC Interrogatory (Set I) No. 7 states as follows:

Please reference FirstEnergy St. No. 1, p. 17, lines 8-10. How much has been paid to FirstEnergy by prospective net-metering customer generators currently in the Company's queue related to load studies or similar interconnection study requirements?

26. FE PA incorporates by reference the objections set forth in paragraphs 8-12.

27. The inquiry into amounts paid to the Company by prospective net-metering customer generators currently in the Company's queue for load studies or similar interconnection study requirements is irrelevant to this proceeding because it is unrelated to any aspect of FE PA's

proposed DSP VII or the Company's default service requirements under the Public Utility Code and Commission default service requirements. The amount paid by a customer-generator for studies is a reimbursement to the Company for studies required to process the customer-generator's interconnection application.

28. The scope of permissible discovery in a proceeding before the Commission is limited to subjects that are relevant to matters properly at issue in such proceeding, as provided in 66 Pa.C.S. § 333(d) and the Commission's regulations at 52 Pa. Code § 5.321(c). Accordingly, for the reasons set forth above, the CGC's Interrogatories (Set I), No. 7, is not permissible discovery and, therefore, should be stricken.

29. CGC Interrogatory (Set I) No. 8 states as follows:

Please reference FirstEnergy St. No. 1, p. 17, lines 8-10. How much has been paid to FirstEnergy by prospective net-metering customer generators currently in the Company's queue related to FirstEnergy facilities' upgrades to accommodate interconnection?

30. FE PA incorporates by reference the objections set forth in paragraphs 8-12.

31. The inquiry into amounts paid by prospective net-metering customer generators currently in the Company's queue for necessary distribution system upgrades to accommodate interconnection is irrelevant to this proceeding because it is unrelated to any aspect of FE PA's proposed DSP VII or the Company's default service requirements under the Public Utility Code and Commission default service requirements. Costs associated with upgrading FE PA distribution facilities to accommodate interconnection customers has no bearing on default service or the methodology used for customer classification or the hourly pricing threshold.

32. The scope of permissible discovery in a proceeding before the Commission is limited to subjects that are relevant to matters properly at issue in such proceeding, as provided in 66 Pa.C.S. § 333(d) and the Commission's regulations at 52 Pa. Code § 5.321(c). Accordingly,

for the reasons set forth above, the CGC's Interrogatories (Set I), No. 8, is not permissible discovery and, therefore, should be stricken.

33. CGC Interrogatory (Set I) No. 9 states as follows:

Please reference FirstEnergy St. No. 1, p. 17, lines 8-10. How much does FirstEnergy anticipate being paid by prospective net-metering customer generators to FirstEnergy related to load studies or similar interconnection study requirements?

34. FE PA incorporates by reference the objections set forth in paragraphs 8-12.

35. The inquiry into amounts the Company anticipates receiving from prospective net-metering customer generators for load studies or other interconnection study requirements is irrelevant to this proceeding because it is unrelated to any aspect of FE PA's proposed DSP VII or the Company's default service requirements under the Public Utility Code and Commission default service requirements. The amount paid by a customer-generator for studies is a reimbursement to the Company for studies required to process the customer-generator's interconnection application.

36. The scope of permissible discovery in a proceeding before the Commission is limited to subjects that are relevant to matters properly at issue in such proceeding, as provided in 66 Pa.C.S. § 333(d) and the Commission's regulations at 52 Pa. Code § 5.321(c). Accordingly, for the reasons set forth above, the CGC's Interrogatories (Set I), No. 9, is not permissible discovery and, therefore, should be stricken.

37. CGC Interrogatory (Set I) No. 10 states as follows:

Please reference FirstEnergy St. No. 1, p. 17, lines 8-10. How much does FirstEnergy anticipate being paid by prospective net-metering customer generators to FirstEnergy related to FirstEnergy facilities' upgrades to accommodate interconnection?

38. FE PA incorporates by reference the objections set forth in paragraphs 8-12.

39. The inquiry into amounts FE PA anticipates being paid by prospective net-metering customer generators for necessary distribution system upgrades to accommodate interconnection

is irrelevant to this proceeding because it is unrelated to any aspect of FE PA's proposed DSP VII or the Company's default service requirements under the Public Utility Code and Commission default service requirements. Costs associated with upgrading FE PA distribution facilities to accommodate interconnection customers has no bearing on default service or the methodology used for customer classification or the hourly pricing threshold.

40. The scope of permissible discovery in a proceeding before the Commission is limited to subjects that are relevant to matters properly at issue in such proceeding, as provided in 66 Pa.C.S. § 333(d) and the Commission's regulations at 52 Pa. Code § 5.321(c). Accordingly, for the reasons set forth above, the CGC's Interrogatories (Set I), No. 10 is not permissible discovery and, therefore, should be stricken.

III. CONCLUSION

WHEREFORE, for the foregoing reasons, FE PA's Objections to CGC Interrogatories (Set I) Nos. 5 through 10 should be granted, and the ALJs should issue an Order directing that the

Company is not required to furnish answers to those Interrogatories.

Respectfully submitted,



Kenneth M. Kulak (Pa. No. 755098)
Brooke E. McGlinn (Pa. No. 204918)
Morgan, Lewis & Bockius LLP
2222 Market Street
Philadelphia, PA 19103
Phone: (215) 963-5384
ken.kulak@morganlewis.com
brooke.mcglinn@morganlewis.com

Tori L. Giesler (Pa. No. 207742)
Angelina Umstead (Pa. No. 309615)
FirstEnergy Service Company
341 White Pond Drive
Akron, OH 44320
Phone: (610) 921-6202
tgiesler@firstenergycorp.com
aumstead@firstenergycorp.com

Dated: March 24, 2026


*Counsel for FirstEnergy Pennsylvania
Electric Company*

APPENDIX C

Verification of Counsel

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 :

I, Nicholas A. Stobbe, counsel for the Customer-Generator Coalition, hereby state that the facts above set forth in the CGC’s Motion to Compel Responses to Discovery Propounded on FirstEnergy – Set I, are true and correct to the best of my knowledge, information, belief, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities). I further state that I, as counsel to CGC, have attempted to resolve the Objections lodged by FirstEnergy Pennsylvania Electric Company to CGC - Set I, Nos. 1, 2, 5, 6, 7, 8, 9, and 10 informally through discussions held via electronic mail on March 23, 2026, by Microsoft Teams on March 24, 2026.



Dated: March 27, 2026

Nicholas A. Stobbe, Esq.
Attorney I.D. 329583
17 N. 2nd St., 16th Fl.
Harrisburg, PA 17101
Tel. (717) 724-3445
Fax (610) 235-4915

nicholas.stobbe@stevenslee.com