

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of FirstEnergy Pennsylvania Electric Company for Approval of Its Default Service Program for the Period from June 1, 2027 to May 31, 2031	:	:	:	:	P-2026-3060298
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**THIRD INTERIM ORDER
GRANTING MOTION TO COMPEL**

HISTORY OF THE PROCEEDING

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 March 9, 2026, 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)) filed a Joint Petition to Intervene in this proceeding. CGC's Joint Petition to Intervene was granted on March 19, 2026.

On March 19, 2026, CGC served Interrogatories and Requests for Production of Documents directed to FE PA-Set I (Set I) including 30 interrogatories and requests for production.

On March 24, 2026, counsel for FE PA served written objections to Set I Question Nos. 1-2 and 5-10.

On March 27, 2026, CGC filed a Motion to Compel Responses to Interrogatories and Requests for Production of Documents – Set I (Motion). FE PA filed an answer to the Motion on April 2, 2026.

Section 5.321(c) of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code § 5.321(c), specifically provides that "a party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action." 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 or participant." *Id.* Information may be discoverable, even if it would be inadmissible at a hearing. "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.* Consistently, the Commission has allowed participants wide latitude in discovery matters. Pa. P.U.C. v. The Peoples Natural Gas Co., 62 Pa. PUC 56 (Aug. 26, 1986); and Pa. P.U.C. v. Equitable Gas Co., 61 Pa. PUC 468 (May 16, 1986).

The information CGC is seeking in the discovery requests which are the subject of the Motion appears reasonably calculated to lead to the discovery of admissible evidence. Accordingly, the Motion will be granted and FE PA shall be directed to respond to the discovery requests in the ordering paragraphs that follow.

THEREFORE,

IT IS ORDERED:

1. That the 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 (CGC) to Compel Answers to Interrogatories and Requests for Production of Documents is hereby granted.

2. That FirstEnergy Pennsylvania Electric Company's Objections to CGC's Interrogatories – Set I Question Nos. 1-2 and 5-10 are denied.

3. That FirstEnergy Pennsylvania Electric Company shall provide responses to CGC's Interrogatories – Set I Question Nos. 1-2 and 5-10 by April 10, 2026.

Date: April 8, 2026

Mark A. Hoyer
Deputy Chief Administrative Law Judge

Erin L. Gannon
Administrative Law Judge

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

Revised April 7, 2026

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