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VIA ELECTRONIC FILING

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

April 27, 2026

Re: Lexington Land Developers Corp. vs. FirstEnergy Pennsylvania Electric Co.,
Docket No. C-2024-3052541

Dear Secretary Homsher:

I have enclosed for filing with the Commission in the above matter a combined motion to compel and for sanctions of Lexington Land Developers Corp. I have served a copy of this document in accordance with the attached certificate of service.

Should you have any questions, please feel free to contact me.

Very truly yours,


GA BIBIKOS LLC

George A. Bibikos
PA Attorney I.D. No. 91249
Counsel for Lexington Land Developers Corp.

Enclosures

c: Administrative Law Judge John M. Coogan (via email w/encl.)
Certificate of Service (via email w/encl.)
Client (via email w/encl.)
File

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Lexington Land Developers Corp.	:	
	:	
v.	:	Docket No. C-2024-3052541
	:	
FirstEnergy Pennsylvania Electric Co.	:	


CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing upon the parties and in the manner listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

VIA EMAIL

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April 27, 2026



George A. Bibikos

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Lexington Land Developers Corp.	:
	:
v.	: Docket No. C-2024-3052541
	:
FirstEnergy Pennsylvania Electric Co.	:

**COMBINED MOTION TO COMPEL RESPONSES
TO DISCOVERY REQUESTS AND FOR SANCTIONS**

Pursuant to 52 Pa. Code §§ 5.342 (motions to compel) and 5.371-5.372 (motions for sanctions), Lexington Land Developers Corporation (“Lexington” or “Complainant”) files its motion to compel FirstEnergy Pennsylvania Electric Company (Met-Ed Rate District) (“FirstEnergy,” FE PA, or “Respondent”) to provide complete responses to Lexington’s First Set of Interrogatories (“Interrogatories) and Requests for Production of Documents (“Document Requests”) (collectively, “Discovery Requests”) and to impose sanctions for failing to respond.

I. INTRODUCTION AND SUMMARY

1. Lexington served discovery requests four months ago following an amended complaint (that Lexington filed after FirstEnergy backed out of a settlement agreement the parties reached). FirstEnergy served improper blanket objections to discovery that are not consistent with the requirements of the Commission’s discovery rules. FirstEnergy provided zero substantive responses and produced zero documents in violation of the Commission’s discovery rules. Lexington raised these problems during the case management conference held in January 2026 and informed counsel and the Presiding Officer of the need to compel responses. The parties represented to the Presiding Officer during that case management conference that Lexington would hold its motion to compel in abeyance pending attempts to

resolve the discovery issues without waiver of Lexington's right to file a motion if FirstEnergy did not comply with its obligations.

2. Counsel for the parties exchanged multiple emails and met multiple times over the past four months to confer about FirstEnergy's purported objections, the reasons why FirstEnergy failed to respond to discovery requests in any substantive way, and resolutions. As those discussions reveal, the parties agreed to file a joint motion for a protective order that the Presiding Officer signed that eliminated the vast majority of FirstEnergy's objections. For its part, Lexington also withdrew several discovery requests in an effort to move things along.

3. Despite this, Lexington still has not received a single document or any meaningful responses. Counsel for Lexington recently asked for a status conference in lieu of a motion to compel. The Presiding Officer directed Lexington to file a motion, but counsel for FirstEnergy represented that there would be no need because FirstEnergy would produce all responses and documents by close of business on April 17, 2026. That did not happen. Instead, on the ensuing Sunday evening, April 19, 2026, Lexington's counsel received a document that purports to respond to several interrogatories but no documents.

4. Lexington is constrained to seek relief. The case management order contemplates a live deposition currently scheduled for May 13, 2026, but Lexington has no information or documents from FirstEnergy to make that deposition meaningful. The other case management deadlines will be upon the parties and the Presiding Officer soon enough, and without meaningful responses and documents, Lexington may be constrained to seek relief from the deadlines to collect responses and documents pursuant to its first set of discovery and to conduct further discovery.

5. Lexington has been extremely accommodating to FirstEnergy but the delays are unreasonable and reflect a pattern of indifference toward the Commission's processes and to Lexington's rights to obtain discovery to press its claims. Given the delays, the multiple representations of counsel that documents and complete responses would be forthcoming that turned out to be untrue, and FirstEnergy's overall conduct in this case (including backing out of a settlement that engendered Lexington's amended complaint and more litigation), the Commission should impose sanctions against FirstEnergy pursuant to Section 5.372 in whatever form the Presiding Officer deems necessary and appropriate under these circumstances, including adverse findings and attorneys' fees against FirstEnergy for compelling Lexington to expend time and resources to compel responses to routine discovery requests.

II. BACKGROUND

1. Lexington is developing Morgan's Crossing, a residential community in Carlisle, Pennsylvania, within FE PA's certificated service territory that, when fully built out, will consist of more than 100 homes.

2. In approximately September 2023, Lexington first approached FE PA to request electric service to Morgan's Crossing and to obtain an initial load study.

3. After Lexington indicated it would inquire with PP&L regarding whether the project fell within PP&L's territory, FE PA removed Lexington from its design queue without notice. Lexington confirmed the project was in FE PA's territory in December 2023.

4. On or about April 2, 2024, Lexington formally requested that FE PA provide an initial load study for a 640 kVA load addition and paid the required \$1,024 engineering fee.

5. Due to unreasonable delays, Lexington filed an informal complaint with the Bureau of Consumer Services.

6. On December 30, 2024, FE PA issued an Initial Load Study estimating costs of \$270,004 (+/- 50%) and stated that Lexington “is responsible for paying for all upgrades to the Met-Ed electrical system.”

7. Lexington subsequently requested a revised load study for a reduced 185 kVA load addition (37 lots). On February 27, 2025, FE PA issued a Revised Initial Load Study estimating costs of \$7,005 (+/- 50%).

8. Despite the \$7,005 estimate with +/- 50% tolerance (maximum \$10,507.50), FE PA issued invoices that dramatically exceeded this amount: first an Original Invoice for \$49,446.53 (approximately 700% over the maximum estimate), then, after objection, a Final Invoice for \$18,435.74 (still approximately 75% over the maximum estimate).

9. Lexington paid all amounts under protest in order to receive service. Some service has now been extended to Morgan’s Crossing.

10. The parties participated in informal mediation and a formal mediation session on July 16, 2025. Lexington believed the parties reached an agreement in principle on all but one issue, but FE PA subsequently indicated the terms were not acceptable.

11. On October 24, 2025, Lexington filed its Amended Complaint seeking declaratory, affirmative, and further administrative relief, including the imposition of civil penalties for FE PA’s violations of the Code, PUC regulations, and the company’s tariff.

12. On November 17, 2025, FE PA filed its answer to the amended formal complaint generally denying the vast majority of allegations.

13. On December 5, 2025, the Presiding Officer issued a Prehearing Conference Order scheduling a Prehearing Conference for January 30, 2026.

14. On January 16, 2026, in accordance with Commission regulations calling for early discovery, Lexington served its First Set of Interrogatories and Requests for Production of Documents (“Discovery Requests”) upon FirstEnergy. A copy of the Discovery Requests are attached at **Tab “A.”**

15. On January 26, 2026, Respondent filed objections to all the Discovery Requests (“Objections”) without providing any substantive responses or any documents. A copy of the Objections are attached at **Tab “B.”**

16. As described in more detail below, the objections are boilerplate, fail to provide the factual specificity required by the Commission’s regulations, and improperly seek to shield discoverable information directly relevant to the issues in this proceeding.

17. At the case management conference, Lexington informed the Presiding Officer about the Objections and the likely need for a motion to compel.

18. Counsel for the parties represented to the Presiding Officer during that case management conference that Lexington would hold its motion to compel in abeyance pending attempts to resolve the discovery issues pursuant to 52 Pa. Code § 3.22 without waiver of Lexington’s right to file a motion if FirstEnergy did not comply with its obligations.

19. After the conference with the Presiding Officer, counsel conferred and agreed that they would prepare and file a joint motion for protective order that would resolve the vast majority of the Objections.

20. The Presiding Officer approved the protective order on February 27, 2026.

21. Thereafter, Lexington further engaged in what ultimately turned out to be months of repeated inquiries on numerous occasions requesting that FirstEnergy timely serve substantive responses and documents in response to the Discovery Requests as the parties agreed. Copies of email correspondence by and between counsel for the parties from January 2026 to date are attached at **Tab “C”** (some personal information redacted).

22. In yet another effort to expedite discovery responses, Lexington set forth its position regarding FirstEnergy’s objections and agreed to withdraw certain discovery requests. *See* **Tab “C”** (3/11/2026 email to counsel at 8:48 a.m.).

23. On several occasions, FirstEnergy provided reasons for delays (one involving the company’s business and another involving a private matter of counsel). *See* **Tab “C.”**

24. Lexington agreed to provide FirstEnergy more time to satisfy its discovery obligations. *See generally* **Tab “C.”**

25. Despite FirstEnergy representing that it would produce responses and documents following that email exchange, *see* **Tab “C”** (ensuing email from counsel), FirstEnergy did not provide documents or complete responses.

26. On April 15, 2026, counsel for Lexington asked the Presiding Officer for a status conference in lieu of a motion to compel in an attempt to move things forward informally in accordance with Commission practice and preference. Copies of email exchanges among counsel and the Presiding Officer are attached at **Tab “D.”**

27. The Presiding Officer directed Lexington to file a motion. *Id.* (4/16/26 email from J. Coogan to counsel).

28. Counsel for FirstEnergy represented in a reply email that there would be no need for a motion because FirstEnergy “***will provide all of the discovery responses and***

documents by close of business tomorrow” (meaning close of business on April 17, 2026.).
Id. (reply email from counsel) (emphasis added).

29. That did not happen.

30. On the ensuing Sunday evening, April 19, 2026, Lexington’s counsel received a document providing some responses to a few Interrogatories, but FirstEnergy did not produce a single document. A copy of that document is attached at **Tab “E”** (“Supplement”).

31. Lexington responded, noting that the purported responses are unacceptable and that Lexington may be forced to reschedule depositions and request modifications to the case deadlines along with other available relief given gross and unreasonable delays, inadequate written responses, and zero documents produced. *See Tab “E”* (4/20/2026 email at 8:09 a.m.).

32. As of this writing, FirstEnergy has not responded further or produced any documents, nor has Lexington otherwise heard from FirstEnergy at all since April 19, 2026.

III. LEGAL STANDARDS

33. Under 52 Pa. Code § 5.321(c), 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.” The regulation further provides that “[i]t 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.*

34. Under 52 Pa. Code § 5.342(c), objections to interrogatories must: (1) “Be served instead of an answer. (2) Restate the interrogatory or part thereof deemed objectionable and the specific ground for the objection. (3) Include a description of the facts

and circumstances purporting to justify the objection. (4) Be signed by the attorney making it. (5) Not be valid if based solely on the claim that an answer will involve an opinion or contention that is related to a fact or the application of law to fact. (6) Not excuse the answering party from answering the remaining interrogatories or subparts of interrogatories to which no objection is stated.”

35. As for document requests, 52 Pa. Code § 5.349(d) provides in relevant part as follows: “If the request is objected to, the objection shall be made in the manner described in § 5.342 (relating to answers or objections to written interrogatories by a party). ... The party submitting the request may move for an order under § 5.342(e) with respect to an objection or to other failure to respond to the request or any part thereof, or failure to permit inspection as requested.”

36. Under 52 Pa. Code § 5.371(a)(1), the Presiding Officer may impose sanctions when “[a] party fails to appear, answer, file sufficient answers, file objections, make a designation or otherwise respond to discovery requests, as required under this subchapter.”

37. Under 52 Pa. Code § 5.371(a), sanctions may include the following:

(1) An order that the matters regarding which the questions were asked, the character or description of the thing or land, the contents of the paper, or other designated fact shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order.

(2) An order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting the party from introducing in evidence designated documents, things or testimony.

(3) An order striking out pleadings or parts thereof, staying further proceedings until the order is obeyed, or entering a judgment against the disobedient party or individual advising the disobedience.

(4) An order with regard to the failure to make discovery as is just.

IV. ARGUMENT IN FAVOR OF GRANTING MOTION TO COMPEL

38. As described below, the Presiding Officer should overrule all of FirstEnergy's Objections, compel complete answers to all Interrogatories, compel production of all documents requested, and impose sanctions on FirstEnergy for unreasonable and unfounded delays and blatantly violating the Commission's discovery rules.

A. FirstEnergy's "General Objections" are improper.

39. As a threshold matter, the Presiding Officer should summarily overrule FirstEnergy's purported "General Objections."

40. Under 52 Pa. Code § 5.342(c), objections must include "the specific ground for the objection" and "a description of the facts and circumstances purporting to justify the objection."

41. Here, FirstEnergy's blanket, boilerplate objections are incorporated into every response without any specific factual basis demonstrating why each objection applies to each discovery requests. That violates

42. Accordingly, the Commission should overrule FirstEnergy's general objections incorporated by reference into each of FirstEnergy's responses and compel FirstEnergy to answer interrogatories and produce documents in response to each request that incorporates improper boilerplate objections.

B. The February 2026 protective order resolves the vast majority of the Objections, yet FirstEnergy has yet to answer Interrogatories in any meaningful way and has not produced a single document.

43. The Presiding Officer should overrule FirstEnergy's objections to Interrogatories 7-12, 26, and Document Requests 1-14, 22-29 on the grounds that responses may "contain proprietary material" or "confidential information."

44. As a threshold matter, FirstEnergy never articulated any specific responsive information that the utility considers proprietary or confidential, nor has it explained how disclosure would cause it competitive harm.

45. The mere assertion that information is “proprietary” or “confidential” is not a valid ground for withholding discovery under 52 Pa. Code § 5.361.

46. In any event, the Presiding Officer signed a protective order under 52 Pa. Code § 5.362 to resolve these objections, yet FirstEnergy still has failed to produce complete responses or a single document it claims to contain confidential or proprietary information.

47. Lexington satisfied requirements of that protective order by providing signed certificates from counsel for Lexington and its president, yet (again) FirstEnergy has failed to produce complete responses or a single document it claims to contain confidential or proprietary information.

48. Accordingly, the Presiding Officer should overrule FirstEnergy’s Objections and compel FirstEnergy to answer the Interrogatories and produce documents.

C. The Presiding Officer should overrule all of FirstEnergy’s relevance and purported “inadmissibility” objections.

49. The Presiding Officer should overrule all of FirstEnergy objections and compel FirstEnergy to answer the Interrogatories and produce all documents.

50. As a threshold point, FirstEnergy objects to Interrogatories 4, 20, 21, 24, 25, 29, and Document Requests 17-21, 26, 29 on grounds that the information and documents requested would not be “admissible at hearing.”

51. However, 52 Pa. Code § 5.321(c) expressly provides that “[i]t 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. To the extent FirstEnergy objections to these Discovery Requests as irrelevant, FirstEnergy is mistaken.

53. Relevant evidence is evidence that tends to establish a fact material to the case or makes a fact at issue more or less probable. *See, e.g., Est. of Hicks v. Dana Cos., LLC*, 984 A.2d 943, 961 (Pa. Super. 2009).

54. This case concerns whether FirstEnergy unlawfully shifted all line-extension costs to Lexington without any analysis required by the Public Utility Code and Commission regulations. As framed in Lexington's prehearing memorandum, the issues include:

Whether FE PA violated 66 Pa.C.S. §§ 1501 and 1505(a) and the Commission's line-extension regulations at 52 Pa. Code § 57.19 (overhead extensions) and 52 Pa. Code §§ 57.81-57.87 (underground extensions) by attempting to shift all costs of extending service to Morgan's Crossing to Lexington without any analysis of the factors required by law, including without limitation revenue guarantees, projected customer revenues, and benefits to the utility system.

Whether the provisions of FE PA's Tariff Rule 4, to the extent they (i) purport to authorize FE PA to shift all line-extension and system upgrade costs to developers without the economic analysis required by law and violate 66 Pa.C.S. §§ 1501 and 1502 and the Commission's line-extension regulations; and (ii) whether such tariff provisions should be declared unlawful on their face or as applied.

Whether FE PA's practice of automatically shifting all line-extension costs to developers while allegedly applying different standards to other service applicants constitutes unreasonable discrimination in violation of 66 Pa.C.S. § 1502.

Whether FE PA violated the Code and Commission regulations by: (1) failing to issue cost estimates and invoices with sufficient detail to determine whether costs were lawfully allocated; (2) issuing invoices that exceeded its own estimates by 75% to 700%, well outside the stated +/- 50% tolerance; and (3) engaging in unreasonable delays throughout the approximately two-year application process.

Whether civil penalties should be assessed against FE PA pursuant to 66 Pa.C.S. § 3301 for violations of the Code and Commission regulations, and if so, in what amounts.

What declaratory, injunctive, monetary, and other relief should be awarded to Lexington, including (without limitation): refunds for amounts unlawfully collected; tariff revisions; itemized accounting and reconciliation of all costs; and prospective relief prohibiting FE PA from imposing all line-extension costs on developers without proper analysis.

55. The Discovery Requests individually and collectively call for relevant information and documentation about whether FirstEnergy complied with the Public Utility Code and Commission regulations; how FirstEnergy interpreted and applied its tariff provisions to Lexington; how it has treated other similarly situated customers; unreasonable and/or discriminatory or retaliatory delays in extending service; and the reasonableness of FirstEnergy's estimates and billing practices.

56. Accordingly, the Presiding Officer should overrule all of FirstEnergy's relevance objections and compel FirstEnergy to answer the Interrogatories and produce all documents.

D. The Presiding Officer should overrule FirstEnergy's "lengthy narrative," "legal opinion," "undue burden," and "abuse of discovery" objections.

57. FirstEnergy makes a number of improper objections to the Interrogatories 7-10, 19, 21, 26, 28, 31-33 as calling for a lengthy narrative, calling for a legal opinion, posing an undue burden, and alleging the requests are an abuse of discovery.

58. The Presiding Officer should overrule all of these objections.

59. Under 52 Pa. Code § 5.342(c)(5), an objection is "[n]ot valid if based solely on the claim that an answer will involve an opinion or contention that is related to a fact or the application of law to fact."

60. In addition, none of these purported objections "excuse the answering party from answering the remaining interrogatories or subparts of interrogatories to which no objection is stated." *Id.* § 5.342(c)(6).

61. Here, Interrogatories 7-10, 19, 21, 26, 28, 31-33 collectively ask for information and documentation from FirstEnergy to explain its compliance with the Public Utility Code and Commission regulations, including (among other things) its methodologies, calculations, and/or interpretation of its tariff in connection with this line-extension dispute.

62. In addition, FirstEnergy has not provided any factual basis for its claim that responding would be unduly burdensome.

63. The interrogatories at issue ask Respondent to explain its own cost estimates and invoices – information that should be readily available in FirstEnergy’s business records.

64. If FirstEnergy cannot explain if or how it calculated amounts it charged to Lexington, that itself would be significant evidence in this proceeding.

65. Finally, there is nothing abusive about asking for relevant information about how a public utility charges customers for extending service and the basis for charging those customers under the Public Utility Code, regulations, and applicable tariff provisions.

66. To the extent FirstEnergy claims that some discovery is duplicative or available from other sources, Lexington withdrew those Discovery Requests as reflected in correspondence attached at **Tab “C.”**

67. Lexington’s agreement to withdraw certain Discovery Requests reflects its good-faith efforts and not any abusive tactics.

68. By contrast, FirstEnergy has engaged in bad faith from the outset here, including backing out of settlement deals, obstructing Lexington’s ability to press its claims by failing to comply with the Commission’s discovery regulations for an extended period, filing boilerplate objections, failing to produce any documents, representing that it would, and then failing to follow through.

69. If anyone is guilty of bad faith or abuses, it is FirstEnergy.

70. Accordingly, the Presiding Officer should overrule FirstEnergy's objections and compel FirstEnergy to fully answer all Interrogatories and produce all documents requested.

F. The Presiding Officer should compel complete responses to all Interrogatories and Document Requests that Lexington has not withdrawn voluntarily.

71. As explained in **Tab "C,"** Lexington agreed to withdraw without prejudice Interrogatories 4, 29-30 and Document Requests 15-21.

72. Based on the foregoing and on Lexington's agreement to withdraw certain of the Discovery Requests, Lexington requests that the Presiding Officer compel fulsome and complete responses to the following discovery requests:

- Interrogatories 1, 5, 6, 7, 8, 9, 10, 11, 12, 13, 19, 20, 21, 22, 23, 24, 25, 26, 28, 31, 32, and 33: These Interrogatories individually and collectively seek information about FirstEnergy's load studies, cost estimates, invoices, methodology, personnel, and policies, all of which are directly relevant to whether FirstEnergy properly calculated and charged line-extension costs in accordance with the Public Utility Code and Commission regulations. As described above, FirstEnergy's objections based on confidentiality, burden, or legal conclusions are insufficient to excuse responses altogether.
- Document Requests 1-14, 22-25, 26-29: These requests individually and collectively seek documents underlying Respondent's load studies, invoices, cost calculations, work orders, policies, and treatment of other developers. A protective order is in place. FirstEnergy should produce them.

V. ARGUMENT IN FAVOR OF IMPOSING SANCTIONS

73. Given FirstEnergy's improper objections, long and unreasonable delays, blatant disregard for the rules, incomplete or insufficient responses and (in some cases) no responses at all, and zero documents produced, Lexington requests that the Presiding Officer impose sanctions.

74. As noted, the Presiding Officer has broad discretion to impose sanctions for discovery violations. *See* 52 Pa. Code § 5.371-5.372.

75. Here, Lexington has not received a single document nor complete and meaningful responses to all Interrogatories.

76. FirstEnergy represented on multiple occasions to counsel and to the Presiding Officer that it would answer all the Interrogatories and produce all requested documents on April 17, 2026.

77. That did not happen.

78. The delay is material because case management order contemplates a live deposition currently scheduled for May 13, 2026, but Lexington has no information or documents from FirstEnergy to make that deposition meaningful.

79. The other case management deadlines will be upon the parties and the Presiding Officer soon enough, and without complete and meaningful responses or documents from FirstEnergy, Lexington may be constrained to seek relief from the deadlines to collect complete responses and documents pursuant to its first set of discovery and to conduct further discovery.

80. Finally, Lexington has been extremely accommodating to FirstEnergy but the delays are unreasonable and reflect a pattern of indifference toward the Commission's processes and to Lexington's rights to obtain discovery to press its claims.

81. Given the delays, the multiple representations of counsel that documents and responses would be forthcoming that turned out to be untrue, and FirstEnergy's overall conduct in this case (including backing out of a settlement that engendered Lexington's amended complaint and more litigation), the Presiding Officer should impose sanctions

against FirstEnergy pursuant to Section 5.372 in whatever form the Presiding Officer deems necessary and appropriate under these circumstances, including adverse findings and attorneys' fees against FirstEnergy for compelling Lexington to expend time and resources to compel responses to routine discovery requests.

82. At a minimum, the Presiding Officer should issue an order taking as established in Lexington's favor all of the information requested in its Interrogatories; precluding FirstEnergy from opposing Lexington's claims; prohibiting FirstEnergy from introducing into evidence any documents, testimony, or other information that FirstEnergy has refused to produce; or enter judgment against the FirstEnergy for its disobedience if the utility continues the ongoing.

VI. REQUEST FOR RELIEF

WHEREFORE, Lexington respectfully requests that the Presiding Officer:

(a) Overrule all objections to Lexington's First Set of Interrogatories and Requests for Production of Documents;

(b) Compel FirstEnergy to provide complete and responsive answers to all Interrogatories (other than those Lexington has withdrawn) within 3 days of the entry of an order granting this motion;

(c) Compel FirstEnergy to produce all documents requested (other than Document Requests that Lexington has withdrawn) within 3 days of the entry of an order granting this motion;

(d) Impose sanctions consistent with the foregoing motion; and

(e) Grant such other and further relief as the Presiding Officer deems just and reasonable.

Respectfully submitted,


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Counsel for Lexington Land Developers Corp.

Dated: April 27, 2026

TAB A

its officers, directors, employees, agents, representatives, attorneys, consultants, and any other persons acting on its behalf.

2. "Lexington" or "Complainant" means Lexington Land Developers Corporation.

3. "List", "describe", "explain", "specify" or "state" means to set forth fully, in detail, and unambiguously each and every fact of which FE PA or its agents or representatives have knowledge which is relevant to the answer called for by the interrogatory.

4. The terms "document" or "documents" include, without limitation, any writings and documentary material of any kind whatsoever, both originals and copies (regardless of origin and whether or not including additional writing thereon or attached thereto), and any and all drafts, preliminary versions, alterations, modifications, revisions, changes and written comments of and concerning such material, including but not limited to: correspondence, letters, memoranda, notes, reports, directions, studies, investigations, questionnaires and surveys, inspections, permits, citizen complaints, papers, files, books, manuals, instructions, records, pamphlets, forms, contracts, contract amendments or supplements, contract offers, tenders, acceptances, counteroffers or negotiating agreements, notices, confirmations, telegrams, communications sent or received, print-outs, diary entries, calendars, tables, compilations, tabulations, charts, graphs, maps, recommendations, ledgers, accounts, worksheets, photographs, tape recordings, movie pictures, videotapes, transcripts, logs, workpapers, minutes, summaries, notations and records of any sort (printed, recorded or otherwise) of any oral communication whether sent or received or neither, and other written records or recordings, in whatever form, stored or contained in or on whatever medium including computerized or digital memory or magnetic media that:

a. are now or were formerly in your possession, custody or control; or

b. are known or believed to be responsive to these Discovery Requests, regardless of who has or formerly had custody, possession or control.

5. The term “date” means the exact day, month and year, if ascertainable, or if not, the best approximation thereof, including relationship to other events.

6. The term “person” or “persons” means and includes any individual, committee, task force, division, department, company, contractor, state, federal or local government agency, corporation, firm, association, partnership, joint venture or any other business or legal entity.

7. The terms “identify” and “identity” when used with reference to a natural person mean to state his or her full name, present or last known address, present or last known telephone number, present or last known place of employment, position or business affiliation, his or her position or business affiliation at the time in question, and a general description of the business in which he or she is engaged.

8. The terms “identify” and “identity” with respect to a document mean to state the name or title of the document, the type of document (e.g., letter, memorandum, telegram, computer input or output, chart, etc.), its date, the person(s) who authored it, the person(s) who signed it, the person(s) to whom it was addressed, the person(s) to whom it was sent, its general subject matter, its present location, and its present custodian. If any such document was but is no longer in your possession or subject to your control, state what disposition was made of it and explain the circumstances surrounding, and the authorization, for such disposition, and state the date or approximate date thereof.

9. The terms “identify” and “identity” with respect to any non-written communication mean to state the identity of the natural person(s) making and receiving the

communication, their respective principals or employers at the time of the communication, the date, manner and place of the communication, and the topic or subject matter of the communication.

10. “Communication” means any oral or written exchange of information, including but not limited to conversations, meetings, emails, letters, memoranda, text messages, and instant messages.

11. The term “oral communication” means any utterance heard, whether in person, by telephone, or otherwise.

12. The term “identify the sources” means to identify and specify all documents and non-written communications upon which you rely in support of the allegation, contention, conclusion, position or answer in question, to state the references drawn from each such source upon which you rely in support of such allegation, contention, conclusion, position or answer and to identify all individuals whom you know to be knowledgeable with respect to the subject matter of such allegation, contention, conclusion, position or answer. Where a source is a public record (e.g., a newspaper, trade journal, judicial or administrative opinion), a quotation and page reference of the material relied upon shall be supplied.

13. The term to “state the basis” for an allegation, contention, conclusion, position or answer means (a) to identify and specify the sources therefore; and (b) to identify and specify all facts on which you rely or intend to rely in support of the allegation, contention, conclusion, position or answer; and (c) to set forth and explain the nature and application to the relevant facts of all pertinent legal theories upon which you rely for your knowledge, information and/or belief that there are good grounds to support such allegation, contention, conclusion, position or answer.

14. The terms “and” and “or” have both conjunctive and disjunctive meanings as necessary to bring within the scope of the interrogatories and request any information or documents that might otherwise be construed to be outside their scope; “all” and “any” mean both “each” and “every.”

15. The terms “relates to” or “relating to” mean referring to, concerning, responding to, containing, regarding, discussing, describing, reflecting, analyzing, constituting, disclosing, embodying, defining, stating, explaining, summarizing, or in any way pertaining to.

16. The term “including” means “including, but not limited to.”

17. “Morgan’s Crossing” means the residential development project located at or near 1008 Blackstone Run, Carlisle, PA 17015.

18. “Tariff Rule 4” means Rule 4 of Respondent’s Commission-approved Tariff as currently in effect or as in effect at any time to these proceedings.

ADDITIONAL INSTRUCTIONS

1. These Discovery Requests are continuing in nature. If Respondent obtains information after serving its initial responses that would have been responsive to any Interrogatory, Respondent must supplement its response in accordance with 52 Pa. Code § 5.332.

2. If Respondent objects to any of the Discovery Requests, state the specific grounds for the objection and answer the Discovery Requests to the extent not objectionable.

3. If any information requested is not within Respondent’s direct knowledge, so state and provide the information to the best of Respondent’s knowledge, information, and belief, identifying the source of such information.

4. If you claim any form of privilege or other protection from disclosure as a ground for withholding information responsive to an interrogatory or request for production or any part thereof, contained in a non-written communication, state the following with respect to the non-written communication:

- a. the date thereof;
- b. the identity of each of the participants in the non-written communication;
- c. the identity of each person present during all or any part of the non-written communication;
- d. a description of the non-written communication which is sufficient to identify the particular communication without revealing the information for which a privilege or protection from non-disclosure is claimed;
- e. the nature of your claim of non-discoverability (e.g. attorney-client privilege); and
- f. each and every fact on which you rest your claim of privilege or other protection from disclosure, stated with sufficient specificity to permit Complainant to make a full determination as to whether your claim is valid.

5. If you claim any form of privilege or other protection from disclosure as a ground for withholding information responsive to any Discovery Requests or any part thereof, contained in a document, set forth with respect to the document:

- a. the date and number of pages;
- b. the identity of the author(s) or preparer(s);
- c. the identity of the addressee, if any;

- d. the title;
- e. the type of tangible thing (e.g. letter, memorandum, telegram, chart, report, recording disc);
- f. the subject matter (without revealing the information as to which privilege or protection from non-disclosure is claimed);
- g. the identity of each person who has received the document or to whom knowledge of the contents of the document was communicated;
- h. the identity of the present custodian(s);
- i. the nature of your claim of non-discoverability (e.g. attorney-client privilege); and
- j. each and every fact on which you rest your claim of privilege or other protection from disclosure, stated with sufficient specificity to permit Complainant to make a full determination as to whether your claim is valid.

6. If you claim any form of privilege or other protection from disclosure, otherwise than as set forth in the foregoing instructions, as a ground for not answering any Discovery Requests or any part thereof, set forth:

- a. the nature of your claim as to non-discoverability; and
- b. each and every fact on which you rest your claim or privilege or other protection from disclosure, stating such facts with sufficient specificity to permit Complainant to make a full determination as to whether your claim is valid.

7. If you know of any document, communication or information but cannot give the specific information or the full information called for by a particular interrogatory or

request, so state and give the best information you have on the subject and identify every person you believe to have the required information.

8. The singular form of a noun or pronoun shall be considered to include within its meaning the plural form of the noun or pronoun, and vice versa; the masculine form of a pronoun shall be considered to include also within its meaning the feminine and neuter forms of the pronoun, and vice versa; and the use of any tense of any verb shall be considered to include also within its meaning all other tenses of the verb. In each instance, the Discovery Requests shall be construed so as to require the most inclusive answer or production.

9. If you refer to written materials for any answer to an interrogatory or other request, attach a copy to the response or refer to a specific Bates or other label so Complainant can locate it.

10. On each interrogatory response list the name and title of the person or persons who prepared the response or who is responsible for the information contained therein.

11. Documents shall be produced as they are kept in the usual course of business or shall be organized and labeled to correspond with the categories in the Discovery Requests.

12. If any responsive document has been destroyed or is no longer in Respondent's possession, custody, or control, identify the document, explain the circumstances of its destruction or loss, and identify any person with knowledge of the document.

13. Respondent must produce all responsive documents in Respondent's possession, custody, or control, including documents in the possession of Respondent's agents, consultants, or attorneys.

INTERROGATORIES

1. Identify all persons with knowledge of the facts and circumstances relating to Lexington's request for electric service to Morgan's Crossing, including but not limited to the application, load studies, cost estimates, invoices, and communications with Lexington.

2. Identify all persons other than counsel who assisted with the preparation of these responses.

3. Identify any experts you plan to call to testify in this matter. Please identify that person or persons by name, address, telephone number, occupation, and area of expertise, and please explain in detail what he or she will be testifying about. Attach a copy of his or her curriculum vitae or resume to this response.

4. State the full legal name of Respondent and identify all trade names, assumed names, or "doing business as" names under which Respondent operates or has operated in Pennsylvania, including "Met-Ed" and any other variations.

5. Identify by name, title, and business address all persons who participated in preparing the Initial Load Study dated December 30, 2024 (Complaint Exhibit A) and/or the Revised Initial Load Study dated February 27, 2025 (Complaint Exhibit B) for Morgan's Crossing.

6. Identify by name, title, and business address all persons who participated in preparing any cost estimate, invoice, or billing statement sent to Lexington in connection with the Morgan's Crossing line-extension request, including but not limited to the invoices attached to the Complaint as Exhibits C and D.

7. Describe in detail the methodology, formulas, and/or calculations used by Respondent to arrive at the cost estimate of \$270,004 (+/- 50%) in the Initial Load Study dated December 30, 2024.

8. Describe in detail the methodology, formulas, and/or calculations used by Respondent to arrive at the cost estimate of \$7,005 (+/- 50%) in the Revised Initial Load Study dated February 27, 2025.

9. Explain in detail why the invoice dated April 14, 2025 (Invoice No. 90964132) in the amount of \$49,446.53 exceeded the Revised Initial Load Study estimate of \$7,005 (+/- 50%) by approximately 700%.

10. Explain in detail why the invoice dated May 6, 2025 (Invoice No. 90967830) in the amount of \$17,735.24 exceeded the Revised Initial Load Study estimate of \$7,005 (+/- 50%) by approximately 75%.

11. Identify each component cost included in the invoice dated April 14, 2025 (Invoice No. 90964132), including but not limited to labor costs, material costs, contractor costs, equipment costs, overhead, taxes, and any other charges, and state the dollar amount for each component.

12. Identify each component cost included in the invoice dated May 6, 2025 (Invoice No. 90967830), including but not limited to labor costs, material costs, contractor costs, equipment costs, overhead, taxes, and any other charges, and state the dollar amount for each component.

13. Identify all Respondent personnel or other authorized persons who communicated with Lexington or its representatives (including Philip Garland and counsel) regarding the Morgan's Crossing line-extension request at any time from September 2023 to

the present, and for each person identified, state their title and the general subject matter of their communications.

14. State whether Respondent performed any economic analysis, cost-benefit analysis, or revenue projection in connection with Lexington's request for service to Morgan's Crossing, and if so, describe the analysis performed and identify all documents reflecting such analysis.

15. State whether Respondent calculated or considered projected revenues from future customers at Morgan's Crossing in evaluating Lexington's line-extension request, and if so, describe the calculation or consideration and identify all documents reflecting same.

16. State whether Respondent calculated or considered any "revenue guarantee" as that term is used in 52 Pa. Code § 57.19 in connection with Lexington's line-extension request, and if so, describe the calculation and identify all documents reflecting same.

17. State whether Respondent considered any benefits to Respondent's electrical system from the line extension to Morgan's Crossing, including but not limited to grid reliability improvements or system upgrades, and if so, describe such benefits and identify all documents reflecting such consideration.

18. Describe Respondent's standard policies and procedures for processing line-extension requests from land developers, including the typical timeline from initial application to completion of service.

19. State the date on which Respondent received Lexington's initial request for service to Morgan's Crossing, the date on which Lexington paid the engineering fee, and the date on which Respondent issued the Initial Load Study, and explain any delays that occurred between these dates.

20. Identify all instances in the past five (5) years in which Respondent issued a final invoice for developer line-extension work that exceeded the initial load study estimate by more than 50%, and for each instance, state the project name, estimated cost, actual invoiced amount, and percentage by which the invoice exceeded the estimate.

21. Describe in detail Respondent's interpretation of Tariff Rule 4 as applied to land developers seeking underground electric service in new residential developments, including the basis for requiring developers to pay all costs for line extensions and system upgrades.

22. Identify all provisions of the Public Utility Code, Commission regulations, and/or Commission orders that Respondent contends authorize the tariff provisions requiring developers to pay all costs for line extensions and system upgrades.

23. State whether Respondent has ever refunded any portion of line-extension costs to a developer based on revenues received from new customers in the development, and if so, identify each instance and the amount refunded.

24. Identify all formal or informal complaints filed with the Commission in the past five (5) years alleging that Respondent improperly allocated line-extension costs to developers, and for each complaint, state the docket number, complainant name, and disposition.

25. State whether Respondent's Tariff Rule 4 has been the subject of any Commission proceeding, investigation, or audit in the past ten (10) years, and if so, identify each proceeding by docket number and describe the outcome.

26. Describe all training materials, internal guidance documents, or standard operating procedures used by Respondent's employees in evaluating and processing line-extension requests from developers.

27. Identify all communications between Respondent and the Commission (including Commission staff) regarding Lexington's informal complaint, formal complaint, or this amended complaint proceeding.

28. State how Respondent applies Tariff Rule 4 to developers and other applicants for new service (such as individual residential customers or commercial customers), describe the differences, and the basis for any differences.

29. Identify all deposits, payments, or other amounts received by Respondent from Lexington in connection with the Morgan's Crossing line-extension request, including the date received, amount, and purpose of each payment.

30. State whether Respondent has refunded or credited any amounts to Lexington in connection with the Morgan's Crossing line-extension request, and if so, identify the date, amount, and basis for each refund or credit.

31. Describe the scope of work actually performed by Respondent in connection with the Morgan's Crossing line-extension, including all work on Respondent's system (such as pole maintenance, conductor replacement, fuse upgrades, and regulator settings changes).

32. State whether any of the work charged to Lexington involved maintenance, repairs, or upgrades that Respondent would have been required to perform regardless of Lexington's line-extension request, and if so, identify such work and the basis for charging it to Lexington.

33. Identify the person(s) most knowledgeable about Respondent's policies and practices for (a) evaluating line-extension requests from developers; (b) calculating cost estimates for line extensions; (c) preparing and issuing invoices for line-extension work; and (d) applying Tariff Rule 4 to developers.

DOCUMENT REQUESTS

1. All documents constituting, relating to, or reflecting the Initial Load Study dated December 30, 2024 for Morgan's Crossing, including but not limited to engineering analyses, design documents, cost calculations, internal memoranda, and drafts.
2. All documents constituting, relating to, or reflecting the Revised Initial Load Study dated February 27, 2025 for Morgan's Crossing, including but not limited to engineering analyses, design documents, cost calculations, internal memoranda, and drafts.
3. All documents constituting, relating to, or reflecting the preparation of the invoice dated April 14, 2025 (Invoice No. 90964132) for \$49,446.53, including but not limited to cost breakdowns, work orders, time records, material invoices, contractor invoices, and internal approvals.
4. All documents constituting, relating to, or reflecting the preparation of the invoice dated May 6, 2025 (Invoice No. 90967830) for \$17,735.24, including but not limited to cost breakdowns, work orders, time records, material invoices, contractor invoices, and internal approvals.
5. All communications between Respondent personnel or other authorized persons regarding Lexington's request for service to Morgan's Crossing, including but not limited to emails, memoranda, instant messages, and meeting notes.
6. All communications between Respondent or other authorized persons and Lexington (including Philip Garland and any counsel) regarding the Morgan's Crossing line-extension request from September 2023 to the present.

7. All documents reflecting Respondent's policies, procedures, guidelines, or standard practices for evaluating and processing line-extension requests from land developers.

8. All documents reflecting Respondent's policies, procedures, guidelines, or standard practices for calculating cost estimates for line-extension work.

9. All documents reflecting Respondent's policies, procedures, guidelines, or standard practices for preparing invoices for line-extension work charged to developers.

10. All training materials, manuals, guides, or instructional documents provided to Respondent's employees regarding the application of Tariff Rule 4 to developers.

11. All documents reflecting any economic analysis, cost-benefit analysis, or revenue projection performed in connection with Lexington's line-extension request.

12. All documents reflecting the actual costs incurred by Respondent in connection with the line-extension work for Morgan's Crossing, including labor costs, material costs, contractor costs, equipment costs, and overhead.

13. All work orders, construction orders, or similar documents authorizing or directing work in connection with the Morgan's Crossing line-extension.

14. All inspection reports, completion certificates, or similar documents relating to work performed in connection with the Morgan's Crossing line-extension.

15. All documents reflecting payments received from Lexington in connection with the Morgan's Crossing line-extension request, including deposit receipts, payment records, and account statements.

16. All documents reflecting any refunds, credits, or adjustments issued to Lexington in connection with the Morgan's Crossing line-extension request.

17. A copy of (or web URL to) Respondent's complete Commission-approved Tariff as currently in effect and as in effect at all times relevant to this proceeding.

18. A copy of Respondent's Customer Guide to Electric Service-PA as currently in effect and as in effect at all times relevant to this proceeding.

19. All documents reflecting Commission approval of Respondent's Tariff Rule 4 provisions relating to developer line extensions, including any Commission orders, tariff supplements, or filings.

20. All documents reflecting any Commission proceedings, investigations, or audits concerning Respondent's Tariff Rule 4 or its line-extension practices in the past ten (10) years.

21. All documents reflecting formal or informal complaints filed with the Commission in the past five (5) years alleging improper allocation of line-extension costs to developers.

22. All documents reflecting instances in the past five (5) years in which Respondent issued a final invoice for developer line-extension work that exceeded the initial estimate by more than 50%.

23. All documents reflecting the scope of work performed by Respondent in connection with the Morgan's Crossing line-extension, including as-built drawings, photographs, and completion reports.

24. All documents reflecting any work charged to Lexington that involved maintenance, repairs, or upgrades that Respondent would have been required to perform regardless of the line-extension request.

25. All documents reflecting communications between Respondent and the Commission (including Commission staff) regarding Lexington's informal complaint, formal complaint, or this amended complaint.

26. All documents reflecting Respondent's treatment of other developers requesting underground electric service in new residential developments in the past five (5) years, including cost estimates and invoices.

27. All internal memoranda, analyses, or reports prepared by or for Respondent regarding the lawfulness or reasonableness of Tariff Rule 4's provisions requiring developers to pay all line-extension costs.

28. All documents reflecting any revenue guarantees calculated or considered by Respondent in connection with developer line-extension requests in the past five (5) years.

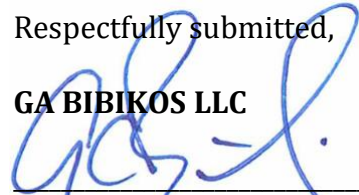
29. Respondent's organizational chart showing the personnel and departments responsible for processing line-extension requests and preparing cost estimates and invoices.

* * *

Lexington reserves the right to propound additional interrogatories, request additional documents, and pursue other discovery as authorized by the Commission's regulations.

Respectfully submitted,

GA BIBIKOS LLC



George A. Bibikos (PA 91249)
5901 Jonestown Rd. #6330
Harrisburg, PA 17112
(717) 580-5305
gbibikos@gabibikos.com

Counsel for Lexington Land Developers Corp.

Dated: January 16, 2026

TAB B

January 26, 2026

Via Electronic Mail

George A. Bibikos, Esquire
gbibikos@gabibikos.com

Re: Docket No. C-2024-3052541
Lexington Land Developers Corp. v. FirstEnergy Pennsylvania Electric Company
Objections to First Set of Interrogatories and Requests for Production of Documents

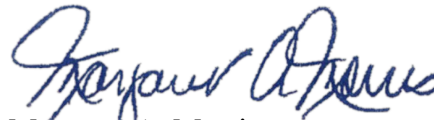
Dear Attorney Bibikos:

Attached please find the Objections of FirstEnergy Pennsylvania Electric Company (Met-Ed Rate District) to Complainant's First Set of Interrogatories and Requests for Production of Documents.

If there are any questions, please do not hesitate to contact me.

Very truly yours,

Reger Rizzo & Darnall LLP



Margaret A. Morris

MAM/co
Enclosures

cc: The Hon. John M. Coogan, PA Public Utility Commission [Cert. of Service only]
Matthew Homsher, Esquire, PA Public Utility Commission [Cert. of Service only]
Tori Giesler, Esquire, FirstEnergy Service Company [w/encls.]



Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
 Harrisburg, PA 17105-3265
EFILING - FILING DETAIL

Date Created	Filing Number
1/26/2026	2944769

Your filing has been electronically received. Upon review of the filing for conformity with the Commission's filing requirements, a notice will be issued acknowledging acceptance or rejection (with reason) of the filing. The matter will receive the attention of the Commission and you will be advised if any further action is required on your part.

The date filed on will be the current day if the filing occurs on a business day before or at 4:30 p.m. (EST). It will be the next business day if the filing occurs after 4:30 p.m. (EST) or on weekends or holidays.

Docket Number: C-2024-3052541

Case Description: Lexington Land Developers Corp. v. FirstEnergy Pennsylvania Electric Company (Met-Ed Rate District)

Transmission Date: 1/26/2026 3:37 PM

Filed On: 1/26/2026 3:37 PM

eFiling Confirmation Number: 2944769

File Name	Document Type	Upload Date
LexingtonCOS (Objections to Discovery Requests).pdf	Certificate of Service	1/26/2026 3:35:58 PM

For filings exceeding 250 pages, the PUC is requiring that filers submit one paper copy to the Secretary's Bureau within three business days of submitting the electronic filing online. Please mail the paper copy along with copy of this confirmation page to Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg PA 17120 a copy of the filing confirmation page or reference the filing confirmation number on the first page of the paper copy.

No paper submission is necessary for filings under 250 pages.

You can view a record of this filing and previous filings you have submitted to the PUC by using the links in the Filings menu at the top of the page. Filings that have been submitted within the last 30 days can be viewed by using the Recent Filings link. Older filings can be viewed by using the search options available in the Filing History link.

Re: Docket No. C-2024-3052541
Lexington Land Developers Corp. v. FirstEnergy Pennsylvania Electric Company
Objections to First Set of Interrogatories and Requests for Production of Documents

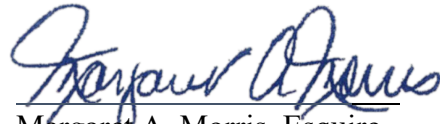
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served upon the following person(s), in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Via Electronic Mail

George A. Bibikos, Esquire
gbibikos@gabibikos.com

Dated: January 26, 2026


Margaret A. Morris, Esquire

5. FE PA objects to each Request to the extent that the information has been previously provided. 52 Pa. Code § 5.361(c).

6. FE PA objects to each Request to the extent that the information requested would require the undertaking of an unreasonable investigation. 52 Pa. Code § 5.361(a)(4).

7. FE PA objects to each Request to the extent that the information is sought is bad faith. 52 Pa. Code § 5.361(a)(1).

8. FE PA objects to each Request to the extent that the requested information seeks proprietary materials without the necessary protective order. 52 Pa. Code § 5.362.

Objections to Specific Requests

REQUEST # 1

Identify all persons with knowledge of the facts and circumstances relating to Lexington's request for electric service to Morgan's Crossing, including but not limited to the application, load studies, cost estimates, invoices, and communications with Lexington.

REQUEST # 2

Identify all persons other than counsel who assisted with the preparation of these responses.

OBJECTION:

In addition to its General Objections, FE PA objects that the request imposes discovery obligations beyond those set forth in Commission regulations.

REQUEST # 3

Identify any experts you plant to call to testify in this matter. Please identify that person or persons by name, address, telephone number, occupation, and area of expertise, and please explain in detail what he or she will be testifying about. Attach a copy of his or her curriculum vitae or resume to this response.

REQUEST # 4

State the full legal name of Respondent and identify all trade names, assumed names, or “doing business as” names under which Respondent operates or has operated in Pennsylvania, including “Met-Ed” and any other variations.

OBJECTION:

In addition to its General Objections, FE PA objects that the Request is irrelevant to the scope of the hearing. The information sought would not be admissible at hearing and thus the Request will not lead to the discovery of admissible evidence.

REQUEST # 5

Identify by name, title, and business address all persons who participated in preparing the Initial Load Study dated December 30, 2024 (Complaint Exhibit A) and/or the Revised Initial Load Study dated February 27, 2025 (Complaint Exhibit B) for Morgan's Crossing.

OBJECTION:

In addition to its General Objections, FE PA objects that the request is overly broad.

REQUEST # 6

Identify by name, title, and business address all persons who participated in preparing any cost estimate, invoice, or billing statement sent to Lexington in connection with the Morgan's Crossing line-extension request, including but not limited to the invoices attached to the Complaint as Exhibits C and D.

OBJECTION:

In addition to its General Objections, FE PA objects that the Request is overly broad.

REQUEST # 7

Describe in detail the methodology, formulas, and/or calculations used by Respondent to arrive at the cost estimate of \$270,004 (+/- 50%) in the Initial Load Study dated December 30, 2024.

OBJECTION:

In addition to its General Objections, FE PA objects that the Request requires FE PA to provide a lengthy narrative and is an abuse of the discovery process. The Request contains proprietary material and FE PA will only produce the document to a party subject to a Protective Order consistent with 52 Pa. Code § 5.362.

REQUEST # 8

Describe in detail the methodology, formulas, and/or calculations used by Respondent to arrive at the cost estimate of \$7,005 (+/- 50%) in the Revised Initial Load Study dated February 27, 2025.

OBJECTION:

In addition to its General Objections, FE PA objects that the Request requires FE PA to provide a lengthy narrative and is an abuse of the discovery process. The Request contains proprietary material and FE PA will only produce the document to a party subject to a Protective Order consistent with 52 Pa. Code § 5.362.

REQUEST # 9

Explain in detail why the invoice dated April 14, 2025 (Invoice No. 90964132) in the amount of \$49,446.53 exceeded the Revised Initial Load Study estimate of \$7,005 (+/- 50%) by approximately 700%.

OBJECTION:

In addition to its General Objections, FE PA objects that the Request requires FE PA to provide a lengthy narrative and is an abuse of the discovery process. The Request contains proprietary material and FE PA will only produce the document to a party subject to a Protective Order consistent with 52 Pa. Code § 5.362.

REQUEST # 10

Explain in detail why the invoice dated May 6, 2025 (Invoice No. 90967830) in the amount of \$17,735.24 exceeded the Revised Initial Load Study estimate of \$7,005 (+/- 50%) by approximately 75%.

OBJECTION:

In addition to its General Objections, FE PA objects that the Request requires FE PA to provide a lengthy narrative and is an abuse of the discovery process. The Request contains proprietary material and FE PA will only produce the document to a party subject to a Protective Order consistent with 52 Pa. Code § 5.362.

REQUEST # 11

Identify each component cost included in the invoice dated April 14, 2025 (Invoice No. 90964132), including but not limited to labor costs, material costs, contractor costs, equipment costs, overhead, taxes, and any other charges, and state the dollar amount for each component.

OBJECTION:

In addition to its General Objections, FE PA objects that the Request contains proprietary material and FE PA will only produce the document to a party subject to a Protective Order consistent with 52 Pa. Code § 5.362.

REQUEST # 12

Identify each component cost included in the invoice dated May 6, 2025 (Invoice No. 90967830), including but not limited to labor costs, material costs, contractor costs, equipment costs, overhead, taxes, and any other charges, and state the dollar amount for each component.

OBJECTION:

In addition to its General Objections, FE PA objects that the Request contains proprietary material and FE PA will only produce the document to a party subject to a Protective Order consistent with 52 Pa. Code § 5.362.

REQUEST # 13

Identify all Respondent personnel or other authorized persons who communicated with Lexington or its representatives (including Philip Garland and counsel) regarding the Morgan's Crossing line-extension request at any time from September 2023 to the present, and for each person identified, state their title and the general subject matter of their communications.

OBJECTION:

In addition to its General Objections, FE PA objects that the Request is repetitive of prior requests. FE PA objects that the information sought is equally available to the Complainant.

REQUEST # 14

State whether Respondent performed any economic analysis, cost-benefit analysis, or revenue projection in connection with Lexington's request for service to Morgan's Crossing, and if so, describe the analysis performed and identify all documents reflecting such analysis.

REQUEST # 15

State whether Respondent calculated or considered projected revenues from future customers at Morgan's Crossing in evaluating Lexington's line-extension request, and if so, describe the calculation or consideration and identify all documents reflecting same.

REQUEST # 16

State whether Respondent calculated or considered any “revenue guarantee” as that term is used in 52 Pa. Code § 57.19 in connection with Lexington’s line-extension request, and if so, describe the calculation and identify all documents reflecting same.

REQUEST # 17

State whether Respondent considered any benefits to Respondent's electrical system from the line extension to Morgan's Crossing, including but not limited to grid reliability improvements or system upgrades, and if so, describe such benefits and identify all documents reflecting such consideration.

REQUEST # 18

Describe Respondent's standard policies and procedures for processing line-extension requests from land developers, including the typical timeline from initial application to completion of service.

REQUEST # 19

State the date on which Respondent received Lexington's initial request for service to Morgan's Crossing, the date on which Lexington paid the engineering fee, and the date on which Respondent issued the Initial Load Study, and explain any delays that occurred between these dates.

OBJECTION:

In addition to its General Objections, FE PA objects that the Request requires FE PA to provide a lengthy narrative and is an abuse of the discovery process. FE objects to the Request to the extent that the information is equally available to the Complainant.

REQUEST # 20

Identify all instances in the past five (5) years in which Respondent issued a final invoice for developer line-extension work that exceeded the initial load study estimate by more than 50%, and for each instance, state the project name, estimated cost, actual invoiced amount, and percentage by which the invoice exceeded the estimate.

OBJECTION:

In addition to its General Objections, FE PA objects to the Complainant's lack of standing to request the information. FE PA objects to the extent that the Request is overly broad, exceed the required timeframe to maintain records and is unduly burdensome. The Request is not relevant to the underlying Complaint and would not be admissible at hearing and thus the Request will not lead to the discovery of admissible evidence.

REQUEST # 21

Describe in detail Respondent's interpretation of Tariff Rule 4 as applied to land developers seeking underground electric service in new residential developments, including the basis for requiring developers to pay all costs for line extensions and system upgrades.

OBJECTION:

In addition to its General Objections, FE PA objects to the extent that the Request requires FE PA to create and provide a detailed narrative. FE PA objects to the extent it seeks a legal conclusion.

REQUEST # 22

Identify all provisions of the Public Utility Code, Commission regulations, and/or Commission orders that Respondent contends authorize the tariff provisions requiring developers to pay all costs for line extensions and system upgrades.

OBJECTION:

In addition to its General Objections, FE PA objects that the Request seeks a legal conclusion.

REQUEST # 23

State whether Respondent has ever refunded any portion of line-extension costs to a developer based on revenues received from new customers in the development, and if so, identify each instance and the amount refunded.

OBJECTION:

In addition to its General Objections, FE PA objects to the extent that the Request is overly broad, unlimited as to time and unduly burdensome. FE PA objects to the extent that the requested information is not relevant to the underlying Complaint and would not be admissible at hearing and thus the Request will not lead to the discovery of admissible evidence.

REQUEST # 24

Identify all formal or informal complaints filed with the Commission in the past five (5) years alleging that Respondent improperly allocated line-extension costs to developers, and for each complaint, state the docket number, complainant name, and disposition.

OBJECTION:

In addition to its General Objections, FE PA objects that the information requested is publicly available on PUC website, www.puc.pa.gov and imposes unnecessary cost and burden on FE PA if required to answer. FE PA objects to the Complainant's lack of standing to request the information.

REQUEST # 25

State whether Respondent's Tariff Rule 4 has been the subject of any Commission proceeding, investigation, or audit in the past ten (10) years, and if so, identify each proceeding by docket number and describe the outcome.

OBJECTION:

In addition to its General Objections, FE PA objects that the information requested is publicly available on PUC website, www.puc.pa.gov and imposes unnecessary cost and burden on FE PA if required to answer.

REQUEST # 26

Describe all training materials, internal guidance documents, or standard operating procedures used by Respondent's employees in evaluating and processing line-extension requests from developers.

OBJECTION:

FE PA objects that the Request requires FE PA to provide a lengthy narrative and is an abuse of the discovery process. The Request contains proprietary material and FE PA will only provide the information subject to a Protective Order consistent with 52 Pa. Code § 5.362.

REQUEST # 27

Identify all communications between Respondent and the Commission (including Commission staff) regarding Lexington's informal complaint, formal complaint, or this amended complaint proceeding.

REQUEST # 28

State how Respondent applies Tariff Rule 4 to developers and other applicants for new service (such as individual residential customers or commercial customers), describe the differences, and the basis for any differences.

OBJECTION:

FE PA objects to the extent that the Interrogatory is neither direct, nor simple or unambiguous. In addition to its General Objections, FE PA objects that the Request requires FE PA to provide a lengthy narrative and is an abuse of the discovery process.

REQUEST # 29

Identify all deposits, payments, or other amounts received by Respondent from Lexington in connection with the Morgan's Crossing line-extension request, including the date received, amount, and purpose of each payment.

OBJECTION:

In addition to its General Objections, FE PA objects that the requested information is in the possession of the Complainant.

REQUEST # 30

State whether Respondent has refunded or credited any amounts to Lexington in connection with the Morgan's Crossing line-extension request, and if so, identify the date, amount, and basis for each refund or credit.

OBJECTION:

In addition to its General Objections, FE PA objects that the requested information is in the possession of the Complainant.

REQUEST # 31

Describe the scope of work actually performed by Respondent in connection with the Morgan's Crossing line-extension, including all work on Respondent's system (such as pole maintenance, conductor replacement, fuse upgrades, and regulator settings changes).

OBJECTION:

In addition to its General Objections, FE PA objects to the extent that the Interrogatory is neither direct, nor simple or unambiguous. The Interrogatory requires FE PA to provide a lengthy narrative and is an abuse of the discovery process.

REQUEST # 32

State whether any of the work charged to Lexington involved maintenance, repairs, or upgrades that Respondent would have been required to perform regardless of Lexington's line-extension request, and if so, identify such work and the basis for charging it to Lexington.

OBJECTION:

In addition to its General Objections, FE PA objects to the extent that the Interrogatory is neither direct, nor simple or unambiguous. The Interrogatory requires FE PA to provide a lengthy narrative and is an abuse of the discovery process.

REQUEST # 33

Identify the person(s) most knowledgeable about Respondent's policies and practices for (a) evaluating line-extension requests from developers; (b) calculating cost estimates for line extensions; (c) preparing and issuing invoices for line-extension work; and (d) applying Tariff Rule 4 to developers.

OBJECTION:

In addition to its General Objections, FE PA objects that the Interrogatory is overly broad, unlimited as to time and unduly burdensome. The Request is also repetitive.

DOCUMENT REQUESTS

1. All documents constituting, relating to, or reflecting the Initial Load Study dated December 30, 2024 for Morgan's Crossing, including but not limited to engineering analyses, design documents, cost calculations, internal memoranda, and drafts.

OBJECTION:

The Request contains proprietary material and FE PA will only produce the document to a party subject to a Protective Order consistent with 52 Pa. Code § 5.362.

2. All documents constituting, relating to, or reflecting the Revised Initial Load Study dated February 27, 2025 for Morgan's Crossing, including but not limited to engineering analyses, design documents, cost calculations, internal memoranda, and drafts.

OBJECTION:

The Request contains proprietary material and FE PA will only produce the document to a party subject to a Protective Order consistent with 52 Pa. Code § 5.362.

3. All documents constituting, relating to, or reflecting the preparation of the invoice dated April 14, 2025 (Invoice No. 90964132) for \$49,446.53, including but not limited to cost breakdowns, work orders, time records, material invoices, contractor invoices, and internal approvals.

OBJECTION:

The Request contains proprietary material and FE PA will only produce the document to a party subject to a Protective Order consistent with 52 Pa. Code § 5.362.

4. All documents constituting, relating to, or reflecting the preparation of the invoice dated May 6, 2025 (Invoice No. 90967830) for \$17,735.24, including but not limited to cost breakdowns, work orders, time records, material invoices, contractor invoices, and internal approvals.

OBJECTION:

The Request contains proprietary material and FE PA will only produce the document to a party subject to a Protective Order consistent with 52 Pa. Code § 5.362.

5. All communications between Respondent personnel or other authorized persons regarding Lexington's request for service to Morgan's Crossing, including but not limited to emails, memoranda, instant messages, and meeting notes.

OBJECTION:

The Request contains confidential information and FE PA will only produce the document to a party subject to a Protective Order consistent with 52 Pa. Code § 5.362.

6. All communications between Respondent or other authorized persons and Lexington (including Philip Garland and any counsel) regarding the Morgan's Crossing line-extension request from September 2023 to the present.

OBJECTION:

The Request contains confidential/privileged information and FE PA will only produce the document to a party subject to a Protective Order consistent with 52 Pa. Code § 5.362.

7. All documents reflecting Respondent's policies, procedures, guidelines, or standard practices for evaluating and processing line-extension requests from land developers.

OBJECTION:

The Request contains confidential/privileged information and FE PA will only produce the document to a party subject to a Protective Order consistent with 52 Pa. Code § 5.362.

8. All documents reflecting Respondent's policies, procedures, guidelines, or standard practices for calculating cost estimates for line-extension work.

OBJECTION:

The Request contains confidential/privileged information and FE PA will only produce the document to a party subject to a Protective Order consistent with 52 Pa. Code § 5.362.

9. All documents reflecting Respondent's policies, procedures, guidelines, or standard practices for preparing invoices for line-extension work charged to developers.

OBJECTION:

The Request contains confidential/privileged information and FE PA will only produce the document to a party subject to a Protective Order consistent with 52 Pa. Code § 5.362.

10. All training materials, manuals, guides, or instructional documents provided to Respondent's employees regarding the application of Tariff Rule 4 to developers.

OBJECTION:

The Request contains confidential/proprietary information and FE PA will only produce the document to a party subject to a Protective Order consistent with 52 Pa. Code § 5.362.

11. All documents reflecting any economic analysis, cost-benefit analysis, or revenue projection performed in connection with Lexington's line-extension request.

OBJECTION:

The Request contains confidential/proprietary information and FE PA will only produce the document to a party subject to a Protective Order consistent with 52 Pa. Code § 5.362.

12. All documents reflecting the actual costs incurred by Respondent in connection with the line-extension work for Morgan's Crossing, including labor costs, material costs, contractor costs, equipment costs, and overhead.

OBJECTION:

The Request contains confidential/proprietary information and FE PA will only produce the document to a party subject to a Protective Order consistent with 52 Pa. Code § 5.362.

13. All work orders, construction orders, or similar documents authorizing or directing work in connection with the Morgan's Crossing line-extension.

OBJECTION:

The Request contains proprietary information and FE PA will only produce the document to a party subject to a Protective Order consistent with 52 Pa. Code § 5.362.

14. All inspection reports, completion certificates, or similar documents relating to work performed in connection with the Morgan's Crossing line-extension.

OBJECTION:

The Request contains confidential/proprietary information and FE PA will only produce the document to a party subject to a Protective Order consistent with 52 Pa. Code § 5.362.FE PA

15. All documents reflecting payments received from Lexington in connection with the Morgan's Crossing line-extension request, including deposit receipts, payment records, and account statements.

OBJECTION:

The Requested information is in the possession of the Complainant.

16. All documents reflecting any refunds, credits, or adjustments issued to Lexington in connection with the Morgan's Crossing line-extension request.

OBJECTION:

The Requested information is in the possession of the Complainant.

17. A copy of (or web URL to) Respondent's complete Commission-approved Tariff as currently in effect and as in effect at all times relevant to this proceeding.

OBJECTION:

In addition to its General Objections, FE PA objects that the document requested is publicly available on FE PA's website, www.firstenergycorp.com or the PUC website, www.puc.pa.gov and imposes unnecessary cost and burden on FE PA if required to answer.

18. A copy of Respondent's Customer Guide to Electric Service-PA as currently in effect and as in effect at all times relevant to this proceeding.

OBJECTION:

In addition to its General Objections, FE PA objects that the document requested is publicly available on FE PA's website, www.firstenergycorp.com.

19. All documents reflecting Commission approval of Respondent's Tariff Rule 4 provisions relating to developer line extensions, including any Commission orders, tariff supplements, or filings.

OBJECTION:

In addition to its General Objections, FE PA objects that the documents requested are publicly available the PUC. website, www.puc.pa.gov and imposes unnecessary cost and burden on FE PA if required to answer.

20. All documents reflecting any Commission proceedings, investigations, or audits concerning Respondent's Tariff Rule 4 or its line-extension practices in the past ten (10) years.

OBJECTION:

In addition to its General Objections, FE PA objects that the document requested is publicly available on PUC. website, www.puc.pa.gov and imposes unnecessary cost and burden on FE PA if required to answer.

21. All documents reflecting formal or informal complaints filed with the Commission in the past five (5) years alleging improper allocation of line-extension costs to developers.

OBJECTION:

In addition to its General Objections, FE PA objects that the documents requested are publicly available the PUC. website, www.puc.pa.gov and imposes unnecessary cost and burden on FE PA if required to answer. FE PA objects that the requested information is not relevant and would not be admissible at hearing and thus the Request does not lead to the discovery of admissible evidence.

22. All documents reflecting instances in the past five (5) years in which Respondent issued a final invoice for developer line-extension work that exceeded the initial estimate by more than 50%.

OBJECTION:

In addition to its General Objections, the requested document contains proprietary material and FE PA will only produce the document to a party subject to a Protective Order consistent with 52 Pa. Code § 5.362.

23. All documents reflecting the scope of work performed by Respondent in connection with the Morgan's Crossing line-extension, including as-built drawings, photographs, and completion reports.

OBJECTION:

In addition to its General Objections, the requested document contains proprietary material and FE PA will only produce the document to a party subject to a Protective Order consistent with 52 Pa. Code § 5.362.

24. All documents reflecting any work charged to Lexington that involved maintenance, repairs, or upgrades that Respondent would have been required to perform regardless of the line-extension request.

OBJECTION:

In addition to its General Objections, the requested document contains proprietary material and FE PA will only produce the document to a party subject to a Protective Order consistent with 52 Pa. Code § 5.362.

25. All documents reflecting communications between Respondent and the Commission (including Commission staff) regarding Lexington's informal complaint, formal complaint, or this amended complaint.

OBJECTION:

In addition to its General Objections, the requested document contains confidential material and FE PA will only produce the document to a party subject to a Protective Order consistent with 52 Pa. Code § 5.362.

26. All documents reflecting Respondent's treatment of other developers requesting underground electric service in new residential developments in the past five (5) years, including cost estimates and invoices.

OBJECTION:

In addition to its General Objections, FE PA objects that the documents requested exceed Commission regulations for retention of document. FE PA objects that the Complaint lacks standing. The requested document contains confidential material and FE PA will only produce the document to a party subject to a Protective Order consistent with 52 Pa. Code § 5.362.

27. All internal memoranda, analyses, or reports prepared by or for Respondent regarding the lawfulness or reasonableness of Tariff Rule 4's provisions requiring developers to pay all line-extension costs.

OBJECTION:

In addition to its General Objections, FE PA objects that the documents requested the requested document contains confidential/proprietary material and FE PA will only produce the document to a party subject to a Protective Order consistent with 52 Pa. Code § 5.362.

28. All documents reflecting any revenue guarantees calculated or considered by Respondent in connection with developer line-extension requests in the past five (5) years.

OBJECTION:


In addition to its General Objections, the requested document contains proprietary material and FE PA will only produce the document to a party subject to a Protective Order consistent with 52 Pa. Code § 5.362.

29. Respondent's organizational chart showing the personnel and departments responsible for processing line-extension requests and preparing cost estimates and invoices.

OBJECTION:

In addition to its General Objections, the requested document contains confidential/proprietary material and FE PA will only produce the document to a party subject to a Protective Order consistent with 52 Pa. Code § 5.362. FE PA further objects that the requested information is not relevant and would not be admissible at hearing and thus the Request does not lead to the discovery of admissible evidence.

Respectfully submitted,



Margaret A. Morris, Esq.

Attorney ID No. 75048

Reger Rizzo & Darnall LLP

Cira Centre, 13th Floor

2929 Arch Street

Philadelphia, PA 19104


(215) 495-6524 tel.

mmorris@regerlaw.com

Date: January 26, 2026

*Counsel for FirstEnergy Pennsylvania Electric
Company (Met-Ed Rate District)*

TAB C

From: George A. Bibikos gbibikos@gabibikos.com 
Subject: Lexington vs. FE PA - Prehearing/Discovery Matters
Date: January 16, 2026 at 7:51 AM
To: Margaret A. Morris, Esquire mmorris@regerlaw.com
Bcc: George A. Bibikos gbibikos@gabibikos.com



(e-serve) Lexington - FE - Set I
Interrogatories and Doc ...



(e-serve) Lexington - FE -
Notice of Deposition ...



(e-file) Lexington - First Energy
- Cover Letter + Certificate of...



Margie:

I've pasted a proposed discovery schedule and case schedule below in anticipation of the prehearing conference. Let me know your thoughts please.

Proposed Discovery Schedule:

Event	Proposed Date
Service of Initial Discovery Requests	February 9, 2026
Responses to Initial Discovery Requests	March 11, 2026
Service of Follow-Up Discovery	March 25, 2026
Responses to Follow-Up Discovery	April 24, 2026
Depositions	May 4-15, 2026
Close of Discovery	May 29, 2026

Case Schedule:

Event	Proposed Date
Prehearing Conference	January 30, 2026
Close of Discovery	May 29, 2026
Complainant's Direct Testimony	June 12, 2026
Respondent's Direct/Rebuttal Testimony	June 26, 2026
Complainant's Rebuttal Testimony	July 10, 2026
Respondent's Surrebuttal Testimony	July 17, 2026
Evidentiary Hearing	July 28-29, 2026
Main Briefs	September 11, 2026
Reply Briefs	September 25, 2026

I've also attached written discovery (interrogatories and doc requests) and a deposition notice for Jim Ensminger together with the as-filed certificate of service. I will serve the AI. I separately with the as-filed certificate of service and deposition

with the attached certificate of service. I will serve the files separately with the attached certificate of service and deposition notice.

I am serving discovery early per the rules and reserve the right to pursue all the info/documents or witnesses requested, but I'll be glad to work with you on exchanging information and documentation informally and on response dates and other scheduling matters.

Please let me know if you'd like to discuss the proposed schedule or any other matters.


Thank you.

George

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From: **Conor O'Brien** cobrien@regerlaw.com 
Subject: C-2024-3052541 Lexington Land Developers Corp. v. FirstEnergy Pennsylvania Electric Company (Met-Ed Rate District) -
Objections to Complainant's Discovery Requests
Date: January 26, 2026 at 3:40 PM
To: jcoogan@pa.gov
Cc: Margaret A. Morris, Esquire mmorris@regerlaw.com, gbibikos@gabibikos.com

CO

Your Honor:

Attached please find the Certificate of Service filed today in connection with the Objections of FirstEnergy Pennsylvania Electric Company (Met-Ed Rate District) to Complainant's First Set of Interrogatories and Requests for Production of Documents.

Thank you for your attention in this matter.

Conor O'Brien

Paralegal

Cira Centre, 13th Floor, 2929 Arch Street,
Philadelphia, PA 19104

Direct: 215-495-6535 | Main: 215-495-6500

cobrien@regerlaw.com | regerlaw.com

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REGER RIZZO
DARNALL LLP
ATTORNEYS AT LAW

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Lexington eFiled COS
(Objections to Discovery...
723 KB





From: George A. Bibikos gbibikos@gabibikos.com 
Subject: Re: C-2024-3052541 Lexington Land Developers Corp. v. FirstEnergy Pennsylvania Electric Company (Met-Ed Rate District) - Objections to Complainant's Discovery Requests
Date: January 26, 2026 at 4:07 PM
To: Conor O'Brien cobrien@regerlaw.com
Cc: Margaret A. Morris, Esquire mmorris@regerlaw.com
Bcc: gbibikos@gabibikos.com

Margie, are you going to discuss with me (a) the proposed procedural schedule I sent some time ago; (b) your objections (in a potential effort to resolve them); and (c) a protective order for the case as an attempt to resolve objections based on lack of a protective order? If not, I'll make a note of that in Lexington's prehearing memo. Thank you.

George

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On Jan 26, 2026, at 3:40PM, Conor O'Brien <cobrien@regerlaw.com> wrote:

Good Afternoon, Counsel:

Attached please find the Objections of FirstEnergy Pennsylvania Electric Company (Met-Ed Rate District) to Complainant's First Set of Interrogatories and Requests for Production of Documents.

If you have any issues viewing the attached document, please do not hesitate to contact me.

Conor O'Brien


Paralegal

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<Lexington - Objections to Discovery Requests.pdf>

From: Margaret A. Morris, Esquire mmorris@regerlaw.com 
Subject: RE: Lexington vs. FE/Met-Ed - Discovery Issues
Date: February 2, 2026 at 8:25 AM
To: George A. Bibikos gbibikos@gabibikos.com

EM

Email reflects everything—thanks! Will copy you on email to Judge Coogan

Margaret A. Morris

Attorney at Law

Cira Centre, 13th Floor, 2929 Arch Street,
Philadelphia, PA 19104

Direct: 215-495-6524 | Main: 215-495-6500 |
Cell: 215-870-5785

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From: George A. Bibikos <gbibikos@gabibikos.com>
Sent: Monday, February 2, 2026 8:21 AM
To: Margaret A. Morris, Esquire <mmorris@regerlaw.com>
Subject: Lexington vs. FE/Met-Ed - Discovery Issues

Margie:

As discussed a moment ago regarding discovery requests and objections:

The parties will file a joint petition for protective order as soon as practicable.

The parties agree that all current discovery-related deadlines, including (a) Lexington's deadline to file a motion to compel; and (b) the Company's deadlines to respond to the discovery and produce documents, are temporarily paused/held in abeyance pending entry of the protective order.

After the protective order is entered, you and I will confer regarding a timeframe's for the Company's responses. If there are disputes remaining, the parties will confer about them at that time. Lexington reserves the right to file a motion to compel at a later time, if necessary.

You agreed to send a short status email to Judge Coogan advising that we spoke, that a joint petition for protective order will be filed, and that there are no discovery disputes requiring his involvement at this time. Feel free to forward this to him if you

like.

If anything is inconsistent with your understanding of our conversation, please let me know and I'll address it.

Thank you.

George


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From: George A. Bibikos gbibikos@gabibikos.com 
Subject: Re: Lexington - First Energy - Joint Petition for Protective Order
Date: **March 9, 2026 at 7:33 AM**
To: Margaret A. Morris, Esquire mmorris@regerlaw.com
Bcc: George A. Bibikos gbibikos@gabibikos.com

Margie - Now that the protective order is in place, please let me know when we can expect FirstEnergy's document production and written responses to discovery. Thank you.

George

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On Feb 25, 2026, at 7:16AM, George A. Bibikos <gbibikos@gabibikos.com> wrote:

Got it. Thank you.

George

<1CBA6BC9-F798-4181-8E98-546431BB1C19.png>

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On Feb 24, 2026, at 9:01PM, Margaret A. Morris, Esquire <mmorris@regerlaw.com> wrote:

See edit on page 1 and my signature page. Call if questions.

Margaret A. Morris

Attorney at Law

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<(v.1) Lexington - First Energy - Joint Petition for Protective Order.docx><LexingtonSIGNATURE.pdf>



From: George A. Bibikos gbibikos@gabibikos.com 
Subject: Re: Lexington - First Energy - Joint Petition for Protective Order
Date: March 9, 2026 at 8:30 AM
To: Margaret A. Morris, Esquire mmorris@regerlaw.com
Bcc: George A. Bibikos gbibikos@gabibikos.com

Margie, I'm asking that you either produce documents and responses now or within 10 days or whatever time we agree upon, or tell me you refuse, and I'll take steps accordingly. I don't want to let more time pass. You could have talked to me weeks ago about whatever other objections you have, but you didn't.

George



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On Mar 9, 2026, at 8:23AM, Margaret A. Morris, Esquire <mmorris@regerlaw.com> wrote:

The Protective Order does not apply to all the objections—

Margaret A. Morris

Attorney at Law

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 Philadelphia, PA 19104

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From: George A. Bibikos <gbibikos@gabibikos.com>
Sent: Monday, March 9, 2026 8:22 AM
To: Margaret A. Morris, Esquire <mmorris@regerlaw.com>
Subject: Re: Lexington - First Energy - Joint Petition for Protective Order

Don't misunderstand Margie I'm happy to chat with you, but I'm curious why we're chatting about objections we chatted about weeks ago. I'd like to get the discovery

sooner than later. It's already been quite a while since I served the requests.

<image002.png>

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On Mar 9, 2026, at 8:14 AM, George A. Bibikos <gbibikos@gabibikos.com> wrote:

We already had a meet/confer about your objections. We resolved the vast majority of them by implementing a protective order so you can produce docs and written responses. That's what you wanted. What's left to discuss? Produce the documents and responses, and if there's anything left to discuss after that, then we discuss.

George

<1CBA6BC9-F798-4181-8E98-546431BB1C19.png>

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On Mar 9, 2026, at 8:10 AM, Margaret A. Morris, Esquire <mmorris@regerlaw.com> wrote:

The objections

Margaret A. Morris

Attorney at Law

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From: George A. Bibikos <gbibikos@gabibikos.com>
Sent: Monday, March 9, 2026 8:07 AM
To: Margaret A. Morris, Esquire <mmorris@regerlaw.com>
Subject: Re: Lexington - First Energy - Joint Petition for Protective Order

Sure, but what's there to speak about?

<image002.png>

George A. Bibikos | Managing Member
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On Mar 9, 2026, at 8:05 AM, Margaret A. Morris, Esquire <mmorris@regerlaw.com> wrote:

Can we speak on Wed about the objections? The earlier the better.

Margaret A. Morris

Attorney at Law

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From: George A. Bibikos <gbibikos@gabibikos.com>
Sent: Monday, March 9, 2026 7:34 AM
To: Margaret A. Morris, Esquire <mmorris@regerlaw.com>
Subject: Re: Lexington - First Energy - Joint Petition for Protective Order
Importance: High

Margie - Now that the protective order is in place, please let me know when we can

expect FirstEnergy's document production and written responses to discovery. Thank you.

George

<image002.png>

George A. Bibikos | Managing Member
5901 Jonestown Rd. #6330 | Harrisburg, PA 17112
(717) 580-5305 | gbibikos@gabibikos.com
[Web](#) | [X](#) | [LinkedIn](#) | [At the Well Weekly](#)

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On Feb 25, 2026, at 7:16 AM, George A. Bibikos <gbibikos@gabibikos.com> wrote:

Got it. Thank you.

George

<1CBA6BC9-F798-4181-8E98-546431BB1C19.png>

George A. Bibikos | Managing Member
5901 Jonestown Rd. #6330 | Harrisburg, PA 17112
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On Feb 24, 2026, at 9:01 PM, Margaret A. Morris, Esquire <mmorris@regerlaw.com> wrote:

See edit on page 1 and my signature page. Call if questions.

Margaret A. Morris

Attorney at Law

Cira Centre, 13th Floor, 2929 Arch Street,
Philadelphia, PA 19104

Direct: 215-495-6524 | Main: 215-495-6500 |
Cell: 215-870-5785

mmorris@regerlaw.com | regerlaw.com

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for your attention to this notice.

<(v.1) Lexington - First Energy - Joint Petition for Protective Order.docx>
<LexingtonSIGNATURE.pdf>

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From: George A. Bibikos gbibikos@gabibikos.com 
Subject: Re: Lexington - First Energy - Joint Petition for Protective Order
Date: March 11, 2026 at 8:48 AM
To: Margaret A. Morris, Esquire mmorris@regerlaw.com
Bcc: George A. Bibikos gbibikos@gabibikos.com



Margie:

We discussed objections on our last call on February 2. We agreed that a protective order would resolve the vast majority of objections such that, once in place, FirstEnergy would provide responses and documents subject to the protective order. In addition, Lexington already agreed to withdraw certain interrogatories and document requests without prejudice to moot out some objections. Based on my notes from our call and my review of FirstEnergy's objections:

- There are no objections to Interrogatories 1, 3, 14-18; 27.
- The protective order resolves objections to Interrogatories 7-12, 26 and Doc. Requests 1-5, 7-14; 22-25; 27-28.
- Lexington already agreed to withdraw without prejudice Interrogatories 4, 29-30 and Doc. Requests 15-21.

As for other objections:

- Lexington is not asking for privileged or work-product information. If you come across such responsive privileged information, please log it as is customary and required in order to properly assert privilege.
- FirstEnergy's blanket objections are improper.
- The objections based on interrogatories calling for alleged "lengthy" responses, summaries, or allegedly calling for legal conclusions are meritless under 52 Pa. Code § 5.342(c)(5). For example, as you frequently point out, the case involves interpretation of FirstEnergy's tariff, and we are entitled to know FirstEnergy's position on that.
- None of the discovery requests pose an undue burden or are overbroad. Those objections don't absolve FirstEnergy from answering. If you want to discuss the alleged burden on FirstEnergy of specific requests, I'm open to discussing your concerns and coming up with a compromise.
- Again, Lexington agreed to withdraw the requests that allegedly call for "publicly available" information or information that is "equally available" to Lexington so those objections are moot.
- Objections based on lack of standing are meritless. One of Lexington's claims involve discrimination in service. Lexington is entitled to discover information regarding FirstEnergy's treatment of others.

Even if there are unresolved objections you want to discuss, that does not excuse the party from responding. A party objecting to discovery must still answer the non-objectionable discovery requests or non-objectionable parts of individual discovery requests under 52 Pa. Code § 5.342(c)(6).

Accordingly, there are no reasons for further delaying responses or document production. At a minimum FirstEnergy should respond to all un-objectioned-to discovery requests and the items resolved by our agreement and the protective order. Please produce responses and documents within 10 days from today or such other time as we mutually agree to avoid motions practice.

This is not meant to engender hostility; it's a matter of timing. The case schedule has us submitting direct testimony in early June and that date will be upon us sooner than later. We still have other discovery efforts between now and then to pursue which require us having responses and documents from FirstEnergy beforehand.

Thank you.

George

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On Mar 9, 2026, at 12:04PM, George A. Bibikos <gbibikos@gabibikos.com> wrote:

Yes that's good.

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On Mar 9, 2026, at 12:03PM, Margaret A. Morris, Esquire <mmorris@regerlaw.com> wrote:

I have nothing scheduled in the AM—is 9 good? I will send calendar invite

Margaret A. Morris

Attorney at Law

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From: George A. Bibikos <gbibikos@gabibikos.com>

Sent: Monday, March 9, 2026 11:59 AM

To: Margaret A. Morris, Esquire <mmorris@regerlaw.com>

Subject: Re: Lexington - First Energy - Joint Petition for Protective Order

I'm available Wednesday morning. Please propose a time to talk. I'll leave

I'm available Wednesday morning. I have proposed a time to talk. I leave Wednesday morning open until noon to make time for this, but please get back to me asap as my schedule has a tendency to fill up very quickly.

George

<image002.png>

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On Mar 9, 2026, at 8:30 AM, George A. Bibikos <gbibikos@gabibikos.com> wrote:

Margie, I'm asking that you either produce documents and responses now or within 10 days or whatever time we agree upon, or tell me you refuse, and I'll take steps accordingly. I don't want to let more time pass. You could have talked to me weeks ago about whatever other objections you have, but you didn't.

George

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On Mar 9, 2026, at 8:23 AM, Margaret A. Morris, Esquire <mmorris@regerlaw.com> wrote:

The Protective Order does not apply to all the objections—

Margaret A. Morris

Attorney at Law

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mmorris@regerlaw.com | regerlaw.com

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From: George A. Bibikos <gbibikos@gabibikos.com>
Sent: Monday, March 9, 2026 8:22 AM
To: Margaret A. Morris, Esquire <mmorris@regerlaw.com>
Subject: Re: Lexington - First Energy - Joint Petition for Protective Order

Don't misunderstand Margie I'm happy to chat with you, but I'm curious why we're chatting about objections we chatted about weeks ago. I'd like to get the discovery sooner than later. It's already been quite a while since I served the requests.

<image002.png>

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On Mar 9, 2026, at 8:14 AM, George A. Bibikos <gbibikos@gabibikos.com> wrote:

We already had a meet/confer about your objections. We resolved the vast majority of them by implementing a protective order so you can produce docs and written responses. That's what you wanted. What's left to discuss? Produce the documents and responses, and if there's anything left to discuss after that, then we discuss.

George

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On Mar 9, 2026, at 8:10 AM, Margaret A. Morris, Esquire <mmorris@regerlaw.com> wrote:

The objections

Margaret A. Morris
Attorney at Law



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From: George A. Bibikos <gbibikos@gabibikos.com>
Sent: Monday, March 9, 2026 8:07 AM
To: Margaret A. Morris, Esquire <mmorris@regerlaw.com>
Subject: Re: Lexington - First Energy - Joint Petition for Protective Order

Sure, but what's there to speak about?

<image002.png>

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On Mar 9, 2026, at 8:05 AM, Margaret A. Morris, Esquire <mmorris@regerlaw.com> wrote:

Can we speak on Wed about the objections? The earlier the better.

Margaret A. Morris

Attorney at Law

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From: George A. Bibikos <gbibikos@gabibikos.com>
Sent: Monday, March 9, 2026 7:34 AM
To: Margaret A. Morris, Esquire <mmorris@regerlaw.com>
Subject: Re: Lexington - First Energy - Joint Petition for Protective Order
Importance: High

Margie - Now that the protective order is in place, please let me know when we can expect FirstEnergy's document production and written responses to discovery. Thank you.

George

<image002.png>

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On Feb 25, 2026, at 7:16 AM, George A. Bibikos <gbibikos@gabibikos.com> wrote:

Got it. Thank you.

George

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On Feb 24, 2026, at 9:01 PM, Margaret A. Morris, Esquire <mmorris@regerlaw.com> wrote:

See edit on page 1 and my signature page. Call if questions.

Margaret A. Morris
Attorney at Law



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<LexingtonSIGNATURE.pdf>

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From: George A. Bibikos gbibikos@gabibikos.com 
Subject: Lexington vs. FirstEnergy - Discovery
Date: March 23, 2026 at 1:28 PM
To: Margaret A. Morris, Esquire mmorris@regerlaw.com
Bcc: George A. Bibikos gbibikos@gabibikos.com



Margie I'm preparing for a hearing Wednesday so not much time to chat by phone but had a quick minute for an email before I get back at it. It sounds like your contact at FE is unavailable until Wednesday. It's ok if your client needs more time to produce documents and written responses but please let me know how much time you need and I'll work with you as best as I can within the time constraints we have under the scheduling order. Just shoot me an email and I'll consider it and respond.

I don't want to put unnecessary pressure on you guys to produce responses and documents but my concern is timing of receiving the documents/responses. It's been a while since we asked for them. We may have disputes to sort out that will take additional time, and I don't want to run out of time to do the rest of the things we need to do before the hearing like potential depositions, possible follow-up discovery, filing written testimony, etc. Not saying we need to do all this additional work, but I will have no idea until I see written responses and documents from your client.


Thanks.

George

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From: Margaret A. Morris, Esquire mmorris@regerlaw.com 
Subject: RE: Lexington vs. FirstEnergy - Discovery
Date: March 26, 2026 at 6:14 PM
To: George A. Bibikos gbibikos@gabibikos.com

EM

Sorry for the delay—was in hearing all day. I will be sending you the Discovery responses tomorrow before COB.

Margaret A. Morris

Attorney at Law

Cira Centre, 13th Floor, 2929 Arch Street,
Philadelphia, PA 19104

Direct: 215-495-6524 | Main: 215-495-6500 |
Cell: 215-870-5785

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From: George A. Bibikos <gbibikos@gabibikos.com>
Sent: Thursday, March 26, 2026 10:11 AM
To: Margaret A. Morris, Esquire <mmorris@regerlaw.com>
Subject: Re: Lexington vs. FirstEnergy - Discovery

Margie - can you please give me an update now via email? Thank you.

George

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On Mar 23, 2026, at 1:28 PM, George A. Bibikos <gbibikos@gabibikos.com> wrote:

Margie I'm preparing for a hearing Wednesday so not much time to chat by phone but had a quick minute for an email before I get back at it. It sounds like your contact at

FE is unavailable until Wednesday. It's ok if your client needs more time to produce documents and written responses but please let me know how much time you need and I'll work with you as best as I can within the time constraints we have under the scheduling order. Just shoot me an email and I'll consider it and respond.

I don't want to put unnecessary pressure on you guys to produce responses and documents but my concern is timing of receiving the documents/responses. It's been a while since we asked for them. We may have disputes to sort out that will take additional time, and I don't want to run out of time to do the rest of the things we need to do before the hearing like potential depositions, possible follow-up discovery, filing written testimony, etc. Not saying we need to do all this additional work, but I will have no idea until I see written responses and documents from your client.

Thanks.


George

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From: George A. Bibikos gbibikos@gabibikos.com 
Subject: Re: Lexington vs. FirstEnergy - Discovery
Date: April 1, 2026 at 7:28 AM
To: Margaret A. Morris, Esquire mmorris@regerlaw.com
Bcc: George A. Bibikos gbibikos@gabibikos.com



Hi Margie - I'm following up on the discovery that I think you said would be forthcoming 3/27 and then 3/30. Also, please see my question about Mr. Garland's other company below. I'm following up on that too. [REDACTED]
[REDACTED] I hope [REDACTED] is well. I will at some point however need to go to the judge about discovery if we don't receive full responses and documents soon. I don't want to do that, so please do what you can.

Thank you.

George

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On Mar 27, 2026, at 9:07AM, George A. Bibikos <gbibikos@gabibikos.com> wrote:

<GarlandLTR.pdf>

Thank you. On another topic, although I don't represent Mr. Garland's company called Wellington (and I don't know about the case), Mr. Garland informed me that you guys settled a matter with him for that company for about \$10K in July of last year, but he has not been paid. I'm sure FirstEnergy is not holding back that payment in retaliation for Lexington's decision to pursue its claims in this case, but the delay and the circumstances thus far are engendering those feelings in him.

I've attached the settlement letter with Wellington. Could you kindly inquire with billing and remit payment within seven days?

Thank you.

George

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On Mar 26, 2026, at 6:14PM, Margaret A. Morris, Esquire <mmorris@regerlaw.com> wrote:

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Margaret A. Morris

Attorney at Law

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From: George A. Bibikos <gbibikos@gabibikos.com>

Sent: Thursday, March 26, 2026 10:11 AM

To: Margaret A. Morris, Esquire <mmorris@regerlaw.com>

Subject: Re: Lexington vs. FirstEnergy - Discovery

Margie - can you please give me an update now via email? Thank you.

George

<image002.png>

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On Mar 23, 2026, at 1:28 PM, George A. Bibikos <gbibikos@gabibikos.com> wrote:

Margie I'm preparing for a hearing Wednesday so not much time to chat by phone but had a quick minute for an email before I get back at it. It sounds like your contact at FE is unavailable until Wednesday. It's ok if your client needs more time to produce documents and written responses but please let me know how much time you need

and I'll work with you as best as I can within the time constraints we have under the scheduling order. Just shoot me an email and I'll consider it and respond.

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From: George A. Bibikos gbibikos@gabibikos.com 
Subject: Re: Lexington vs. FirstEnergy - Discovery
Date: April 2, 2026 at 1:05 PM
To: Margaret A. Morris, Esquire mmorris@regerlaw.com
Bcc: gbibikos@gabibikos.com



Hi Margie - got your voicemail - sorry that I missed the call (I'm usually hard to catch by phone) but thank you for the update. I'm good with you sending over whatever docs and responses you have and then provide the rest later once you get it. I will hold off on getting the judge involved for a little while given the storm situation and [REDACTED] and other things that are going on that have delayed things. I don't really want to go the motion route unless we really have to.

Thanks again and have a good day.

George

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George A. Bibikos | Managing Member
5901 Jonestown Rd. #6330 | Harrisburg, PA 17112
(717) 580-5305 | gbibikos@gabibikos.com
[Web](#) | [X](#) | [LinkedIn](#) | [At the Well Weekly](#)

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On Apr 1, 2026, at 7:28AM, George A. Bibikos <gbibikos@gabibikos.com> wrote:

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[REDACTED] I hope [REDACTED] is well. I will at some point however need to go to the judge about discovery if we don't receive full responses and documents soon. I don't want to do that, so please do what you can.

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On Mar 27, 2026, at 9:07AM, George A. Bibikos <gbibikos@gabibikos.com> wrote:

<GarlandLTR.pdf>

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On Mar 26, 2026, at 6:14PM, Margaret A. Morris, Esquire <mmorris@regerlaw.com> wrote:

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Margaret A. Morris

Attorney at Law

Cira Centre, 13th Floor, 2929 Arch Street,
Philadelphia, PA 19104

Direct: 215-495-6524 | Main: 215-495-6500 |
Cell: 215-870-5785

mmorris@regerlaw.com | regerlaw.com

[Offices in PA, NJ, DE, MD, NY](#)

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<image001.png>

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From: George A. Bibikos <gbibikos@gabibikos.com>
Sent: Thursday, March 26, 2026 10:11 AM
To: Margaret A. Morris, Esquire <mmorris@regerlaw.com>
Subject: Re: Lexington vs. FirstEnergy - Discovery

Margie - can you please give me an update now via email? I thank you.

George

<image002.png>

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From: George A. Bibikos gbibikos@gabibikos.com 
Subject: Re: Lexington vs. FirstEnergy - Discovery
Date: April 8, 2026 at 11:07 AM
To: Margaret A. Morris, Esquire mmorris@regerlaw.com
Bcc: gbibikos@gabibikos.com



Hi Margie - it's been another week. I am backed up today and tomorrow all day and have to leave town Friday morning for Greek Orthodox Easter. I'll be back on Tuesday. If we don't receive meaningful responses and documents by end of day next Tuesday, I'll have to get the Judge involved.

Thank you.

George

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<image001.png>

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<image002.png>

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TAB D

From: George A. Bibikos gbibikos@gabibikos.com 
Subject: Lexington Land Developers Corp. v. FirstEnergy - C-2024-3052541 - Discovery Issues
Date: April 15, 2026 at 8:20 AM
To: jcoogan@pa.gov
Cc: Margaret A. Morris, Esquire mmorris@regerlaw.com
Bcc: gbibikos@gabibikos.com



Dear Judge Coogan:

As you will recall, per the Commission's rules and orders, Lexington served discovery requests in January very soon after amending its complaint. FirstEnergy served objections to virtually all discovery requests. After meeting and conferring to resolve objections on February 2, 2026, the parties agreed and jointly moved for a protective order with the express understanding that the protective order would resolve the vast majority of objections, and FirstEnergy would then produce documents and written responses. Your Honor entered that order on February 27, 2026.

Unfortunately, I have yet to receive a single document and a single written response to Lexington's discovery requests. I have inquired repeatedly with Ms. Morris since January to produce documents and responses. On several occasions, Ms. Morris provided explanations for delays but represented that documents and responses would be forthcoming.

I have been reluctant to file a motion to compel to accommodate FirstEnergy and as a professional courtesy to Ms. Morris so that she and her client had additional time to comply with their discovery obligations. Last week, I asked Ms. Morris to please produce documents and written responses by close of business on Tuesday, April 14, 2026, given that deadlines in the case management order that will be upon us sooner than later. I have received neither word nor documents nor written responses since that message last week.

Lexington is constrained to seek relief. Before filing a motion to compel, I write to ask if Your Honor would be willing to schedule a brief conference with counsel for the parties this Friday morning or sometime early next week, if at all possible, so we can quickly address these delays and their impact on the schedule and Lexington's ability to move forward. I would prefer to reach an informal resolution to move things along consistent with Commission preference and Your Honor's orders, but if Your Honor prefers instead that Lexington file a motion, Lexington is prepared to do that.


Thank you for your consideration of this message. I have copied counsel for FirstEnergy.

George A. Bibikos
Counsel for Lexington Land Developers Corp.

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From: Margaret A. Morris, Esquire mmorris@regerlaw.com 
Subject: Re: [External] Lexington Land Developers Corp. v. FirstEnergy - C-2024-3052541 - Discovery Issues
Date: April 16, 2026 at 9:37 AM
To: George A. Bibikos gbibikos@gabibikos.com
Cc: John Coogan jcoogan@pa.gov



Your Honor

My apology for not responding sooner

there is no need to file a motion as I will provide all of the discovery responses and documents by Close of business tomorrow

thank you

Sent from my iPhone

On Apr 16, 2026, at 8:53AM, George A. Bibikos <gbibikos@gabibikos.com> wrote:

Thank you Judge.

George

<1CBA6BC9-F798-4181-8E98-546431BB1C19.png>

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On Apr 16, 2026, at 8:49AM, Coogan, John <jcoogan@pa.gov> wrote:

Good morning Mr. Bibikos,

Please file a motion regarding any relief that you are seeking. At this point, without more information, and since parties appear to be in disagreement, it would likely be better to address these issues formally. If it is necessary to schedule a status conference or further prehearing conference, that may be done, but I do not yet believe that would be productive without a better understanding of the issues. I also understand parties may have already been working to address issues informally, but I still encourage parties to continue to seek to resolve issues informally whenever possible.

Thank you,

John M. Coogan
Administrative Law Judge
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

From: George A. Bibikos <gbibikos@gabibikos.com>
Sent: Wednesday, April 15, 2026 8:20 AM
To: Coogan, John <jcoogan@pa.gov>
Cc: Margaret A. Morris, Esquire <mmorris@regerlaw.com>
Subject: [External] Lexington Land Developers Corp. v. FirstEnergy - C-2024-3052541 - Discovery Issues

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George A. Bibikos
Counsel for Lexington Land Developers Corp.


<image001.png>

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From: Margaret A. Morris, Esquire mmorris@regerlaw.com 
Subject: Re: [External] Lexington Land Developers Corp. v. FirstEnergy - C-2024-3052541 - Discovery Issues
Date: April 16, 2026 at 9:39 AM
To: George A. Bibikos gbibikos@gabibikos.com



I just emailed you and the Judge. You will have it tomorrow.
Sent from my iPhone

On Apr 16, 2026, at 8:54AM, George A. Bibikos <gbibikos@gabibikos.com> wrote:

Margie - are you in any position to produce any documents or responses today or tomorrow? Please respond asap

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Begin forwarded message:

From: "Coogan, John" <jcoogan@pa.gov>
Subject: RE: [External] Lexington Land Developers Corp. v. FirstEnergy - C-2024-3052541 - Discovery Issues
Date: April 16, 2026 at 8:49:56 AM EDT
To: "George A. Bibikos" <gbibikos@gabibikos.com>
Cc: "Margaret A. Morris, Esquire" <mmorris@regerlaw.com>

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From: George A. Bibikos gbibikos@gabibikos.com 
Subject: Re: Lexington Discovery responses
Date: April 20, 2026 at 8:09 AM
To: Margaret A. Morris, Esquire mmorris@regerlaw.com
Bcc: George A. Bibikos gbibikos@gabibikos.com



We already set May 13 for Ensminger deposition Margie. Please lock that date down if you haven't already. I reserve the right to reschedule and to move to modify the case management order given the complete lack of meaningful discovery responses and documents after four months of asking. For purposes of the record, these responses are not acceptable and Lexington is considering all options and remedies under the PUC's rules. (I know it's probably not your fault Margie but this is flat out ridiculous.).

George



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On Apr 19, 2026, at 8:22PM, Margaret A. Morris, Esquire <mmorris@regerlaw.com> wrote:

George

Here are the Interrogatories that I was provided an answer. I am still trying to get the other responses and documents. Let's formalize the date for any deposition—PUC is starting to schedule me in early May.

Margaret A. Morris

Attorney at Law

Cira Centre, 13th Floor, 2929 Arch Street,
Philadelphia, PA 19104

Direct: 215-495-6524 | Main: 215-495-6500 |
Cell: 215-870-5785

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TAB E

the Complainant, where it thus would impose unnecessary costs or burdens on FE PA were it required to answer. 52 Pa. Code § 5.361(a)(2).

5. FE PA objects to each Request to the extent that the information has been previously provided. 52 Pa. Code § 5.361(c).

6. FE PA objects to each Request to the extent that the information requested would require the undertaking of an unreasonable investigation. 52 Pa. Code § 5.361(a)(4).

7. FE PA objects to each Request to the extent that the information is sought is bad faith. 52 Pa. Code § 5.361(a)(1).

8. FE PA objects to each Request to the extent that the requested information seeks proprietary materials without the necessary protective order. 52 Pa. Code § 5.362.

INTERROGATORIES

1. Identify all persons with knowledge of the facts and circumstances relating to Lexington's request for electric service to Morgan's Crossing, including but not limited to the application, load studies, cost estimates, invoices, and communications with Lexington.

RESPONSE:

Horis Kahrmanovic, Designer
Jim Ensminger , Supervisor Engineering Services
Divin Ipe, Planning Engineer
Kathy Allen, Engineering Supervisor
Marissa Costi, Project manager

2. Identify all persons other than counsel who assisted with the preparation of these responses.

OBJECTION:

In addition to its General Objections, FE PA objects that the request imposes discovery obligations beyond those set forth in Commission regulations.

RESPONSE:

Jim Ensminger

Response By: Jim Ensminger
Position: Supervisor Engineering Services

3. Identify any experts you plant to call to testify in this matter. Please identify that person or persons by name, address, telephone number, occupation, and area of expertise, and please explain in detail what he or she will be testifying about. Attach a copy of his or her curriculum vitae or resume to this response.

RESPONSE:

None

4. State the full legal name of Respondent and identify all trade names, assumed names, or “doing business as” names under which Respondent operates or has operated in Pennsylvania, including “Met-Ed” and any other variations.

OBJECTION:

In addition to its General Objections, FE PA objects that the Request is irrelevant to the scope of the hearing. The information sought would not be admissible at hearing and thus the Request will not lead to the discovery of admissible evidence.

RESPONSE:

This Interrogatory was withdrawn by the Complainant.

Response By: Jim Ensminger
Position: Supervisor Engineering Services

5. Identify by name, title, and business address all persons who participated in preparing the Initial Load Study dated December 30, 2024 (Complaint Exhibit A) and/or the Revised Initial Load Study dated February 27, 2025 (Complaint Exhibit B) for Morgan's Crossing.

OBJECTION:

In addition to its General Objections, FE PA objects that the request is overly broad.

RESPONSE:

Divin Ipe
Planning Engineer
2800 Pottsville Pike
Reading PA

Kathy Allen
Engineering Supervisor
2800 Pottsville Pike
Reading PA

Response By: Jim Ensminger
Position: Supervisor Engineering Services

6. Identify by name, title, and business address all persons who participated in preparing any cost estimate, invoice, or billing statement sent to Lexington in connection with the Morgan's Crossing line-extension request, including but not limited to the invoices attached to the Complaint as Exhibits C and D.

OBJECTION:

In addition to its General Objections, FE PA objects that the Request is overly broad.

RESPONSE:

See Response to # 5

Response By: Jim Ensminger
Position: Supervisor Engineering Services

7. Describe in detail the methodology, formulas, and/or calculations used by Respondent to arrive at the cost estimate of \$270,004 (+/- 50%) in the Initial Load Study dated December 30, 2024.

OBJECTION:

In addition to its General Objections, FE PA objects that the Request requires FE PA to provide a lengthy narrative and is an abuse of the discovery process. The Request contains proprietary material and FE PA will only produce the document to a party subject to a Protective Order consistent with 52 Pa. Code § 5.362.

RESPONSE:

The Respondent used a historical 2 year average.

Response By: Jim Ensminger
Position: Supervisor Engineering Services

8. Describe in detail the methodology, formulas, and/or calculations used by Respondent to arrive at the cost estimate of \$7,005 (+/- 50%) in the Revised Initial Load Study dated February 27, 2025.

OBJECTION:

In addition to its General Objections, FE PA objects that the Request requires FE PA to provide a lengthy narrative and is an abuse of the discovery process. The Request contains proprietary material and FE PA will only produce the document to a party subject to a Protective Order consistent with 52 Pa. Code § 5.362.

RESPONSE:

The Respondent used a historical 2 year average.

Response By: Jim Ensminger
Position: Supervisor Engineering Services

9. Explain in detail why the invoice dated April 14, 2025 (Invoice No. 90964132) in the amount of \$49,446.53 exceeded the Revised Initial Load Study estimate of \$7,005 (+/- 50%) by approximately 700%.

OBJECTION:

In addition to its General Objections, FE PA objects that the Request requires FE PA to provide a lengthy narrative and is an abuse of the discovery process. The Request contains proprietary material and FE PA will only produce the document to a party subject to a Protective Order consistent with 52 Pa. Code § 5.362.

RESPONSE:

Upon review of the equipment in the field, no new assets were required.

Response By: Jim Ensminger
Position: Supervisor Engineering Services

10. Explain in detail why the invoice dated May 6, 2025 (Invoice No. 90967830) in the amount of \$17,735.24 exceeded the Revised Initial Load Study estimate of \$7,005 (+/- 50%) by approximately 75%.

OBJECTION:

In addition to its General Objections, FE PA objects that the Request requires FE PA to provide a lengthy narrative and is an abuse of the discovery process. The Request contains proprietary material and FE PA will only produce the document to a party subject to a Protective Order consistent with 52 Pa. Code § 5.362.

RESPONSE:

Response By: Jim Ensminger
Position: Supervisor Engineering Services

11. Identify each component cost included in the invoice dated April 14, 2025 (Invoice No. 90964132), including but not limited to labor costs, material costs, contractor costs, equipment costs, overhead, taxes, and any other charges, and state the dollar amount for each component.

OBJECTION:

In addition to its General Objections, FE PA objects that the Request contains proprietary material and FE PA will only produce the document to a party subject to a Protective Order consistent with 52 Pa. Code § 5.362.

RESPONSE:

Response By: Jim Ensminger
Position: Supervisor Engineering Services

12. Identify each component cost included in the invoice dated May 6, 2025 (Invoice No. 90967830), including but not limited to labor costs, material costs, contractor costs, equipment costs, overhead, taxes, and any other charges, and state the dollar amount for each component.

OBJECTION:

In addition to its General Objections, FE PA objects that the Request contains proprietary material and FE PA will only produce the document to a party subject to a Protective Order consistent with 52 Pa. Code § 5.362.

RESPONSE:

Response By: Jim Ensminger
Position: Supervisor Engineering Services

13. Identify all Respondent personnel or other authorized persons who communicated with Lexington or its representatives (including Philip Garland and counsel) regarding the Morgan's Crossing line-extension request at any time from September 2023 to the present, and for each person identified, state their title and the general subject matter of their communications.

OBJECTION:

In addition to its General Objections, FE PA objects that the Request is repetitive of prior requests. FE PA objects that the information sought is equally available to the Complainant.

RESPONSE:

Response By: Jim Ensminger
Position: Supervisor Engineering Services

14. State whether Respondent performed any economic analysis, cost-benefit analysis, or revenue projection in connection with Lexington's request for service to Morgan's Crossing, and if so, describe the analysis performed and identify all documents reflecting such analysis.

RESPONSE:

No analysis was performed.

Response By: Jim Ensminger
Position: Supervisor Engineering Services

15. State whether Respondent calculated or considered projected revenues from future customers at Morgan's Crossing in evaluating Lexington's line-extension request, and if so, describe the calculation or consideration and identify all documents reflecting same.

RESPONSE:

No calculations were performed.

Response By: Jim Ensminger
Position: Supervisor Engineering Services

16. State whether Respondent calculated or considered any “revenue guarantee” as that term is used in 52 Pa. Code § 57.19 in connection with Lexington’s line-extension request, and if so, describe the calculation and identify all documents reflecting same.

RESPONSE:

No calculations or consideration were performed.

Response By: Jim Ensminger
Position: Supervisor Engineering Services

17. State whether Respondent considered any benefits to Respondent's electrical system from the line extension to Morgan's Crossing, including but not limited to grid reliability improvements or system upgrades, and if so, describe such benefits and identify all documents reflecting such consideration.

RESPONSE:

No improvements or system upgrades were required.

Response By: Jim Ensminger
Position: Supervisor Engineering Services

18. Describe Respondent's standard policies and procedures for processing line-extension requests from land developers, including the typical timeline from initial application to completion of service.

RESPONSE:

Response By: Jim Ensminger
Position: Supervisor Engineering Services

19. State the date on which Respondent received Lexington's initial request for service to Morgan's Crossing, the date on which Lexington paid the engineering fee, and the date on which Respondent issued the Initial Load Study and explain any delays that occurred between these dates.

OBJECTION:

In addition to its General Objections, FE PA objects that the Request requires FE PA to provide a lengthy narrative and is an abuse of the discovery process. FE objects to the Request to the extent that the information is equally available to the Complainant.

RESPONSE:

Response By: Jim Ensminger
Position: Supervisor Engineering Services

20. Identify all instances in the past five (5) years in which Respondent issued a final invoice for developer line-extension work that exceeded the initial load study estimate by more than 50%, and for each instance, state the project name, estimated cost, actual invoiced amount, and percentage by which the invoice exceeded the estimate.

OBJECTION:

In addition to its General Objections, FE PA objects to the Complainant's lack of standing to request the information. FE PA objects to the extent that the Request is overly broad, exceed the required timeframe to maintain records and is unduly burdensome. The Request is not relevant to the underlying Complaint and would not be admissible at hearing and thus the Request will not lead to the discovery of admissible evidence.

RESPONSE:

This information is not stored by the Respondent.

Response By: Jim Ensminger

Position: Supervisor Engineering Services

21. Describe in detail Respondent's interpretation of Tariff Rule 4 as applied to land developers seeking underground electric service in new residential developments, including the basis for requiring developers to pay all costs for line extensions and system upgrades.

OBJECTION:

In addition to its General Objections, FE PA objects to the extent that the Request requires FE PA to create and provide a detailed narrative. FE PA objects to the extent it seeks a legal conclusion.

RESPONSE:

Tariff Rule 4 speaks for itself.

Response By: Jim Ensminger
Position: Supervisor Engineering Services

22. Identify all provisions of the Public Utility Code, Commission regulations, and/or Commission orders that Respondent contends authorize the tariff provisions requiring developers to pay all costs for line extensions and system upgrades.

OBJECTION:

In addition to its General Objections, FE PA objects that the Request seeks a legal conclusion.

RESPONSE:

Tariff Rule 4 was reviewed and approved by the PUC and speaks for itself.

Response By: Jim Ensminger
Position: Supervisor Engineering Services

23. State whether Respondent has ever refunded any portion of line-extension costs to a developer based on revenues received from new customers in the development, and if so, identify each instance and the amount refunded.

OBJECTION:

In addition to its General Objections, FE PA objects to the extent that the Request is overly broad, unlimited as to time and unduly burdensome. FE PA objects to the extent that the requested information is not relevant to the underlying Complaint and would not be admissible at hearing and thus the Request will not lead to the discovery of admissible evidence.

RESPONSE:

See responses to # 14-16.

Response By: Jim Ensminger
Position: Supervisor Engineering Services

24. Identify all formal or informal complaints filed with the Commission in the past five (5) years alleging that Respondent improperly allocated line-extension costs to developers, and for each complaint, state the docket number, complainant name, and disposition.

OBJECTION:

In addition to its General Objections, FE PA objects that the information requested is publicly available on PUC website, www.puc.pa.gov and imposes unnecessary cost and burden on FE PA if required to answer. FE PA objects to the Complainant's lack of standing to request the information.

RESPONSE:

There are no complaints, formal or informal, that were filed alleging improper allocated line-extension costs to a developer.

Response By: Jim Ensminger
Position: Supervisor Engineering Services

25. State whether Respondent's Tariff Rule 4 has been the subject of any Commission proceeding, investigation, or audit in the past ten (10) years, and if so, identify each proceeding by docket number and describe the outcome.

OBJECTION:

In addition to its General Objections, FE PA objects that the information requested is publicly available on PUC website, www.puc.pa.gov and imposes unnecessary cost and burden on FE PA if required to answer.

RESPONSE:

There has not been any Commission proceeding, investigation or audit regarding Tariff Rule 4.en

Response By: Jim Ensminger
Position: Supervisor Engineering Services

26. Describe all training materials, internal guidance documents, or standard operating procedures used by Respondent's employees in evaluating and processing line-extension requests from developers.

OBJECTION:

FE PA objects that the Request requires FE PA to provide a lengthy narrative and is an abuse of the discovery process. The Request contains proprietary material and FE PA will only provide the information subject to a Protective Order consistent with 52 Pa. Code § 5.362.

RESPONSE:

Response By: Jim Ensminger
Position: Supervisor Engineering Services

27. Identify all communications between Respondent and the Commission (including Commission staff) regarding Lexington's informal complaint, formal complaint, or this amended complaint proceeding.

RESPONSE:

The only communication involved the Company Report to the Bureau of Consumers Service in response to the Informal Complaint.

Response By: Jim Ensminger
Position: Supervisor Engineering Services

28. State how Respondent applies Tariff Rule 4 to developers and other applicants for new service (such as individual residential customers or commercial customers), describe the differences, and the basis for any differences.

OBJECTION:

FE PA objects to the extent that the Interrogatory is neither direct, nor simple or unambiguous. In addition to its General Objections, FE PA objects that the Request requires FE PA to provide a lengthy narrative and is an abuse of the discovery process.

RESPONSE:

Tariff Rule 4 speaks for itself.

Response By: Jim Ensminger
Position: Supervisor Engineering Services

29. Identify all deposits, payments, or other amounts received by Respondent from Lexington in connection with the Morgan's Crossing line-extension request, including the date received, amount, and purpose of each payment.

OBJECTION:

In addition to its General Objections, FE PA objects that the requested information is in the possession of the Complainant.

RESPONSE:

This Interrogatory was withdrawn by the Complainant.

30. State whether Respondent has refunded or credited any amounts to Lexington in connection with the Morgan's Crossing line-extension request, and if so, identify the date, amount, and basis for each refund or credit.

OBJECTION:

In addition to its General Objections, FE PA objects that the requested information is in the possession of the Complainant.

RESPONSE:

This Interrogatory was withdrawn by the Complainant.

31. Describe the scope of work actually performed by Respondent in connection with the Morgan's Crossing line-extension, including all work on Respondent's system (such as pole maintenance, conductor replacement, fuse upgrades, and regulator settings changes).

OBJECTION:

In addition to its General Objections, FE PA objects to the extent that the Interrogatory is neither direct, nor simple or unambiguous. The Interrogatory requires FE PA to provide a lengthy narrative and is an abuse of the discovery process.

RESPONSE:

See response to #17

Response By: Jim Ensminger
Position: Supervisor Engineering Services

32. State whether any of the work charged to Lexington involved maintenance, repairs, or upgrades that Respondent would have been required to perform regardless of Lexington's line-extension request, and if so, identify such work and the basis for charging it to Lexington.

OBJECTION:

In addition to its General Objections, FE PA objects to the extent that the Interrogatory is neither direct, nor simple or unambiguous. The Interrogatory requires FE PA to provide a lengthy narrative and is an abuse of the discovery process.

RESPONSE:

See response to #17

Response By: Jim Ensminger
Position: Supervisor Engineering Services

33. Identify the person(s) most knowledgeable about Respondent's policies and practices for (a) evaluating line-extension requests from developers; (b) calculating cost estimates for line extensions; (c) preparing and issuing invoices for line-extension work; and (d) applying Tariff Rule 4 to developers.

OBJECTION:

In addition to its General Objections, FE PA objects that the Interrogatory is overly broad, unlimited as to time and unduly burdensome. The Request is also repetitive.

RESPONSE:

Jim Ensminger

Response By: Jim Ensminger
Position: Supervisor Engineering Services

1. Respondent's organizational chart showing the personnel and departments responsible for processing line-extension requests and preparing cost estimates and invoices.

OBJECTION:

In addition to its General Objections, the requested document contains confidential/proprietary material and FE PA will only produce the document to a party subject to a Protective Order consistent with 52 Pa. Code § 5.362. FE PA further objects that the requested information is not relevant and would not be admissible at hearing and thus the Request does not lead to the discovery of admissible evidence.

RESPONSE:

Respectfully submitted,

Date: March 30, 2026

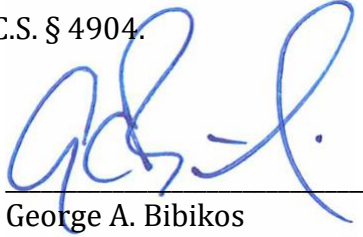
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Company (Met-Ed Rate District)*

VERIFICATION

I, George A. Bibikos, am counsel to Lexington Land Developers Corp., and hereby verify that factual statements regarding correspondence between counsel for the parties and authenticity of exhibits reflecting email correspondence are true and correct to the best of my knowledge, information, recollection, and belief. This verification is being provided subject to the penalties set forth in 18 Pa.C.S. § 4904.

Date: April 27, 2026



George A. Bibikos