

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Sunrise Energy LLC	:	
	:	
v.	:	C-2025-3056807
	:	
FirstEnergy Pennsylvania Electric Company	:	

**INITIAL DECISION**

Before  
Mark A. Hoyer  
Deputy Chief Administrative Law Judge

**INTRODUCTION**

This decision grants the request to withdraw the Formal Complaint without prejudice.

**HISTORY OF THE PROCEEDING**

On August 11, 2025, Sunrise Energy LLC (Complainant) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against FirstEnergy Pennsylvania Electric Company (Respondent or FE PA) alleging, among other things, the following: “Count I – Failure to Provide Reasonable Service - Interconnection Feasibility Study Results,” “Count II – Discrimination in service,” and “Count III – Unreasonable service – processing delays.” As relief, Complainant requested as follows:

FEPA has failed to provide reasonable service in processing Sunrise' solar net metered projects, both in the extraordinary amount of time those applications are taking to be reviewed and in the inefficient and discriminatory manner in which they are being reviewed and the ultimate demands for system upgrades. While failure to address these matters properly has already caused Sunrise to incur unnecessary costs, the continuing failure, and the unnecessary mitigation requirements will cost Sunrise considerably greater costs.

To avoid further damage, Sunrise requests that the Commission require FEPA to re-study the Projects immediately, as proposed by Sunrise, or provide detailed evidence that it has already have [sic] done so, including all assumptions and parameters used in the re-study, and to employ the most economical and efficient mitigation that meets the required protection levels.

Sunrise also requests that FEPA be required to complete the studies on the Slow Projects in no less than 60 days, and to process the projects promptly and efficiently.

Complaint, p. 6.

On September 2, 2025, FE PA filed an answer and new matter. FE PA denied the material averments contained in the Complaint and requested that the Complaint be dismissed with prejudice or, in the alternative, that this matter be set for mediation.

On January 22, 2026, Complainant filed a motion for sanctions requesting the imposition of a sanction requiring FE PA to answer discovery requests to which it had not properly objected and which had not yet been answered. On January 28, 2026, FE PA filed an answer to the motion for sanctions.

On February 4, 2026, an Initial Telephonic Prehearing Conference Notice was served on Complainant and Respondent (the Parties). A prehearing conference was scheduled before the undersigned on March 17, 2026. On February 4, 2026, the undersigned issued a Prehearing Conference Order.

On February 13, 2026, Complainant filed a petition for leave to withdraw formal complaint without prejudice.

On February 23, 2026, Tori L. Geisler, Esquire filed an Entry of Appearance on behalf of FE PA.

On February 23, 2026, FE PA filed an objection to Complainant's petition for leave to withdraw formal complaint without prejudice (Objection to Petition).

On February 26, 2026, Complainant filed a motion for leave to file an answer to FE PA's objection.

A Prehearing Conference Memorandum was filed by each party.

On March 17, 2026, the prehearing conference was held. Todd S. Stewart, Esquire represented Complainant. Timothy K. McHugh, Esquire represented FE PA.

An Interim Order Closing the Hearing Record was issued closing the record on March 17, 2026.

### **FINDINGS OF FACT**

1. Complainant is Sunrise Energy LLC.

2. Respondent is FirstEnergy Pennsylvania Electric Company.
3. Complainant petitioned for leave to withdraw its Complaint without prejudice (Petition).
4. Respondent filed an objection to Complainant's Petition.

## **DISCUSSION**

### Legal Standards

Section 5.94(a) of the Commission's regulations, 52 Pa.Code § 5.94(a), in relevant part, provides as follows:

(a) a party desiring to withdraw a pleading in a contested proceeding may file a petition for leave to withdraw the appropriate document with the Commission and serve it upon the other parties. The petition must set forth the reasons for the withdrawal. A party may object to the petition within 10 days of service. After considering the petition, an objection thereto and the public interest, the presiding officer or the Commission will determine whether the withdrawal will be permitted.

Complainant filed a petition for leave to withdraw the Complaint and averred as follows:

Due to the passage of time, the relief requested in the Complaint will soon become moot if the proceedings continue in this forum. Accordingly, because nothing has been resolved before the Commission, Sunrise desires to withdraw its Complaint, without prejudice, so that it can pursue other

remedies as appropriate. Sunrise reserves the right to refile this Complaint at some future point, if necessary.

No party will be harmed by this withdrawal, and the Commission will be relieved of the need to expend any further resources. Sunrise, accordingly, requests that the Prehearing Conference currently scheduled for March 17, 2026 be canceled and that Sunrise's Complaint in the above-captioned matter be withdrawn without prejudice.

Petition, pp. 1-2.

Respondent objected to the Petition primarily because Complainant requested withdrawal of the Complaint without prejudice. Respondent asserted that,

This latent attempt to withdraw this proceeding is consistent with the Complainant's past pattern of filing in a number of forums to attempt to obtain the same result.<sup>1</sup> It appears that Complainant plans to follow this tactic here and restart the process of litigating its claims after already having required FE PA to expend time and resources responding to his claims in this proceeding, thereby requiring FE PA to duplicate its efforts to respond to its claims in another proceeding. As such, the Commission will not be "relieved of the need to expend any further resources" if the Complainant files again with the Commission or another tribunal, as the Complainant's past history of litigation suggests that it will.

Objection to Petition, p. 2.

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<sup>1</sup> See, e.g., *Hommrich v. Commonwealth*, 344 A.3d 121, 127 (Pa. Cmwlth. 2025) (describing David Hommrich, officer of Sunrise, as a "frequent petitioner in alternative energy litigation"); *Hommrich v. Commonwealth*, 316 A.3d 652 (Pa. Cmwlth. 2024); *Hommrich v. Commonwealth*, 231 A.3d 1027 (Pa. Cmwlth. 2020); *Pa. PUC v. Sunrise Energy, LLC*, 177 A.3d 436 (Pa. Cmwlth. 2018); *Hommrich v. Commonwealth*, 2017 Pa. Commw. Unpub. LEXIS 555 (Cmwlth. July 28, 2017); *Sunrise Energy, LLC v. FirstEnergy Corp.*, 148 A.3d 894 (Pa. Cmwlth. 2016).

Respondent requested that Complainant should either be required to continue the litigation, or Complainant should be required to withdraw the Complaint with prejudice. Objection to Petition, p. 3.

At the prehearing conference, counsel for Complainant, Todd S. Stewart, Esquire, represented that,

... I know that I've had conversations with Mr. McHugh about this, there is a timeclock ticking. And that, in July of this year, if certain things are not accomplished, the tax incentives will disappear for the projects.

And there's no basis in pursuing the complaints because the thrust of the complaint was to try to get these projects done as quickly as possible. And that has failed. And at this point, there's no point in Sunrise litigating the need to advance the project. And that was why the petition was filed.

... There's no point in litigating any further because there's no basis for a complaint to go on because the end result is unattainable, even if we were to win the complaint case.

Transcript of Prehearing Conference, pp. 6-7.

The Commission has no interest in mandating Complainant continue litigation when it has no interest in prosecuting the Complaint. Further, Section 703(b) of the Public Utility Code, 66 Pa.C.S. § 703(b), provides for dismissal of a complaint without a hearing, if in the Commission's opinion, a hearing is not necessary in the public interest. In the instant case, Complainant has effectively abandoned its Complaint. Thus, proceeding to hearing would not be in the public interest.

Accordingly, granting Complainant's Petition for Leave to Withdraw Complaint will terminate the litigation, and thereby save the parties and the Commission the costs in time and money in litigating this matter to conclusion without impacting the

public interest. Therefore, FE PA's objections to the Petition are denied and the Petition will be granted without prejudice.

### **CONCLUSIONS OF LAW**

1. The Commission has jurisdiction over the subject matter and the Parties to this proceeding. 66 Pa.C.S. § 701.
  
2. The Commission's Rules of Practice and Procedure permit a party to withdraw a pleading in a contested proceeding by permission of the presiding officer or Commission. 52 Pa.Code § 5.94(c).
  
3. In determining whether to permit withdrawal of the pleading, the presiding officer or Commission must consider the petition, any objections thereto and the public interest. 52 Pa.Code § 5.94(a).
  
4. The Public Utility Code provides for dismissal of a complaint without a hearing, if in the Commission's opinion, a hearing is not necessary in the public interest. 66 Pa.C.S.A. § 703(b).

### **ORDER**

THEREFORE,

IT IS ORDERED:

1. That Complainant Sunrise Energy LLC's Petition for Leave to Withdraw Complaint without prejudice in the matter of Sunrise Energy LLC v.

