

Before the Pennsylvania Public Utility Commission

**INOVA ENERGY LLC**

**Complainant,**

**v.**

**CORNING ENERGY CORPORATION, *f/k/a*  
CORNING NATURAL GAS HOLDING  
CORPORATION and  
PIKE COUNTY LIGHT & POWER**

**Respondents.**

**Docket №. C-2026-3060035**

**APPLICATION FOR ISSUANCE OF  
SUBPOENAS**

**APPLICATION FOR ISSUANCE OF SUBPOENAS**

**I. INTRODUCTION**

Complainant Inova Energy, LLC (“Inova”), by and through undersigned counsel, respectfully requests that the Presiding Officer issue subpoenas pursuant to 52 Pa. Code § 5.421 directed to:

- Orange & Rockland Utilities; and
- Direct Energy

for the production of documents and testimony relevant to the issues in this proceeding.

**NOTICE**

**Any response or objection to this Application shall be filed with the Commission and served upon the Presiding Officer and all parties within ten (10) days of service of this Application pursuant to the applicable Rules of Practice and Procedure of the Pennsylvania Public Utility Commission.**

---

## **II. LEGAL STANDARD**

Pursuant to the Pennsylvania Public Utility Commission's Rules of Practice and Procedure governing subpoenas, the Commission or Presiding Officer may issue subpoenas requiring the production of documentary evidence and testimony where the requested evidence is relevant, material, and within the scope of the proceeding.

This Application identifies the relevance, materiality, scope of the requested evidence, and the facts to be proved, and attaches proposed subpoenas directed to Orange and Rockland Utilities, Inc. and Direct Energy.

## **III. BACKGROUND**

This proceeding concerns Respondents' refusal to provide Customer Data requested by Inova in its capacity as a licensed Electric Generation Supplier ("EGS").

Respondents have asserted in discovery that certain requested Customer Data is not available, not within their possession, or is maintained by third parties, including Orange and Rockland Utilities, Inc.

At the same time, Respondents have acknowledged that:

- (a) Orange and Rockland Utilities performs load estimation, settlement, reconciliation, and related operational functions for Pike customers;
- (b) Pike relies upon information generated, maintained, or processed through Orange and Rockland Utilities;
- (c) Pike has requested and obtained customer-related information from Orange and Rockland Utilities; and
- (d) certain requested data may be derived, generated, or maintained through Orange and Rockland Utilities' systems.

The requested subpoenas are necessary to determine the existence, availability, accessibility, transmission, and use of such information.

## **IV. RELEVANCE AND MATERIALITY**

The requested evidence is directly relevant and material to disputed issues in this proceeding, including:

- (a) whether requested Customer Data exists;
- (b) whether requested Customer Data is maintained, generated, calculated, transmitted, or otherwise available through Orange and Rockland Utilities;

- (c) whether Pike has the ability to access, obtain, request, receive, or use such information;
- (d) whether Electric Generation Suppliers receive such information in connection with Pike customers;
- (e) whether such information is used for load estimation, scheduling, settlement, reconciliation, capacity allocation, billing, forecasting, or related purposes; and
- (f) whether Pike's refusal to provide such information to Inova is consistent with its operational use and availability.

## **V. FACTS TO BE PROVED**

The requested subpoenas are necessary to establish the following facts:

1. Whether customer usage, load profile, load profile strata, peak demand, peak/off-peak usage, PLC, ICAP, capacity obligation, settlement, reconciliation, and related Customer Data exists for Pike customers.
2. Whether Orange and Rockland Utilities maintains, generates, calculates, stores, receives, transmits, or otherwise possesses such information.
3. Whether Pike has access to, control over, or the ability to obtain such information from Orange and Rockland Utilities.
4. Whether any Electric Generation Supplier receives such information relating to Pike customers.
5. Whether Customer Data relating to Pike customers is transmitted through EDI transactions, FTP transfers, file exchanges, or other electronic means.
6. Whether information identified in the November 20, 2018, Joint Petition for Settlement, the January 17, 2019, Order, the February 19, 2019, Order, and the November 30, 2018, Recommended Decision is generated, maintained, transmitted, or otherwise available for Pike customers.
7. Whether Customer Data identified as being available "if available" under the Commission-approved settlement exists within systems utilized by Pike or Orange and Rockland Utilities.
8. Whether Pike's refusal to provide requested Customer Data to Inova is inconsistent with the manner in which such information is generated, maintained, transmitted, accessed, or used in the operation of Pike's electric system.
9. Whether Customer Data identified in Paragraph 13(d) of the November 20, 2018, Settlement and discussed in the Recommended Decision at Docket No. P-2018-3002709

was generated, maintained, calculated, transmitted, or otherwise available through O&R for Pike customers.

10. Whether the Customer Data available to Direct Energy LLC as an Electric Generation Supplier operating within Pike's service territory differs from, exceeds, or is otherwise inconsistent with the Customer Data provided to Inova Energy LLC.

## **VI. GOOD CAUSE**

Good cause exists for issuance of the requested subpoenas because:

- (a) Respondents have denied possession, control, or availability of critical Customer Data;
- (b) Respondents' discovery responses indicate that relevant information exists and may be maintained by third parties;
- (c) the requested information cannot be obtained fully from Respondents alone;
- (d) the requested information is necessary for hearing preparation, witness examination, impeachment, and presentation of evidence at hearing;
- (d) the requested information is necessary for hearing preparation, witness examination, impeachment, and preparation of exhibits that must be exchanged in advance of the July 15, 2026, hearing;
- (e) Because the hearing is presently scheduled for July 15, 2026, expedited production is necessary to permit review of the subpoenaed materials, preparation of witness examinations, exhibit preparation, and compliance with the Presiding Officer's exhibit exchange requirements;
- (f) the subpoenas are narrowly tailored to address specific disputed factual issues central to this proceeding; and
- (g) the requested information bears directly upon Respondents' defenses concerning availability, possession, access, and disclosure of Customer Data.

## **VII. DESCRIPTION OF REQUESTED SUBPOENAS**

### **A. ORANGE AND ROCKLAND UTILITIES**

Orange and Rockland Utilities, Inc. is a New York utility company that performs load estimation, settlement, reconciliation, and related operational functions for Pike customers and is believed to maintain responsive information relevant to the issues in this proceeding. The proposed subpoena to Orange and Rockland Utilities seeks documents and testimony concerning:

- (a) Customer Data relating to Pike customers;
- (b) load profiles, load profile strata, capacity data, and related methodologies;
- (c) data flows between O&R and Pike;

- (d) EDI, FTP, file transfer, and other electronic data exchange processes;
- (e) Pike's access to Customer Data maintained by O&R;
- (f) Respondents have identified Direct Energy as the sole Electric Generation Supplier operating within Pike's service territory during the relevant period. Complainant possesses Pike billing records identifying Direct Energy LLC as the supplier for Pike customers. Accordingly, Direct Energy is uniquely situated to provide evidence concerning the categories of Customer Data available to Electric Generation Suppliers operating in Pike's service territory and the sources from which such information is obtained;
- (g) EGS access to Customer Data relating to Pike customers; and
- (h) O&R's role in load estimation, settlement, reconciliation, and related functions.

## **B. DIRECT ENERGY**

The proposed subpoena to Direct Energy seeks documents and testimony concerning:

- (a) categories of Customer Data received relating to Pike customers;
- (b) the sources of such information;
- (c) timing and availability of such information;
- (d) operational use of such information for pricing, forecasting, scheduling, settlement, or capacity obligations; and
- (e) any limitations, restrictions, or conditions relating to access to such information.

Respondents identified Direct Energy as the only Electric Generation Supplier operating within Pike's service territory from January 1, 2020, to present. Complainant possesses Pike billing records identifying Direct Energy LLC as the supplier for Pike customers. Direct Energy therefore possesses information directly relevant to the categories of Customer Data available to Electric Generation Suppliers operating within Pike's service territory and the manner in which such information is obtained and used.

## **VIII. CONFIDENTIALITY**

To the extent responsive information contains confidential, proprietary, commercially sensitive, or customer-specific information, the subpoena recipients may designate such information as confidential and produce it subject to any applicable protective order or confidentiality treatment directed by the Presiding Officer.

## **IX. CONCLUSION**

For the foregoing reasons, Complainant respectfully requests that the Presiding Officer issue the proposed subpoenas attached as:

Exhibit A – Proposed Subpoena to Orange and Rockland Utilities, Inc.

Exhibit B – Proposed Subpoena to Direct Energy [Legal Entity]

and grant such other relief as may be just and proper.

**Respectfully submitted,**

DATED: June 11, 2026

LAW OFFICES

**MICHAEL J. BROOKS, ESQUIRE**

*Attorney-at-Law*

252 West Swamp Road, Suite 13

Doylestown, Pennsylvania 18901

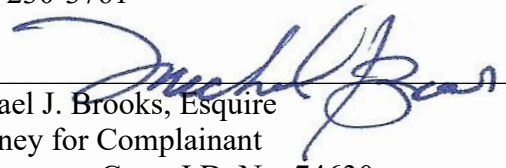
(215) 230-3761

By: \_\_\_\_\_

Michael J. Brooks, Esquire

Attorney for Complainant

PA Supreme Court I.D. No. 74630



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Application for Issuance of Subpoenas, together with Exhibits A and B and Proposed Order, was filed with the Pennsylvania Public Utility Commission and served by electronic mail on June 11, 2026, upon:

**Administrative Law Judge Marta Guhl**

c/o Eric Ball, Legal Assistant  
erball@pa.gov

**Whitney E. Snyder, Esquire**

wesnyder@hmslegal.com

**Erich Struble, Esquire**

ewstruble@hmslegal.com

**Kathryn C. Read-Fisher, Esquire**

kcr@hmslegal.com

DATED: June 11, 2026

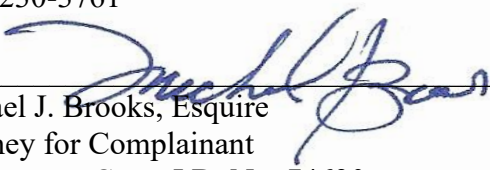
LAW OFFICES

**MICHAEL J. BROOKS, ESQUIRE**

*Attorney at Law*

252 West Swamp Road, Suite 13  
Doylestown, Pennsylvania 18901  
(215) 230-3761

By: \_\_\_\_\_

  
Michael J. Brooks, Esquire  
Attorney for Complainant  
PA Supreme Court I.D. No. 74630

Before the Pennsylvania Public Utility Commission

**INOVA ENERGY LLC**

**Complainant,**

**v.**

**CORNING ENERGY CORPORATION, *f/k/a*  
CORNING NATURAL GAS HOLDING  
CORPORATION and  
PIKE COUNTY LIGHT & POWER**

**Respondents.**

**Docket №. C-2026-3060035**

**SUBPOENA TO PRODUCE  
DOCUMENTS & TESTIFY**

**EXHIBIT A**

**PROPOSED SUBPOENA TO ORANGE AND ROCKLAND UTILITIES, INC.  
TO PRODUCE DOCUMENTS AND PROVIDE TESTIMONY**

TO:

Orange and Rockland Utilities, Inc.  
Attn: Office of General Counsel  
One Blue Hill Plaza  
Pearl River, NY 10965

Pursuant to the Rules of Practice and Procedure of the Pennsylvania Public Utility Commission and Order of the Presiding Officer, Orange and Rockland Utilities, Inc. ("O&R") is directed to produce the documents described below and designate a knowledgeable corporate representative to testify concerning the identified topics.

**I. DEFINITIONS**

"Pike" means Pike County Light & Power Company and Corning Energy Corporation.

"EGS" means Electric Generation Supplier.

"Customer Data" means customer usage, load, capacity, billing, enrollment, settlement, reconciliation, load profile, load profile strata, PLC, ICAP, peak demand, peak/off-peak usage, and related or derivative data relating to Pike electric customers.

Unless otherwise stated, these requests are limited to electric customers located within Pike County Light & Power Company's service territory.

The time period covered by these requests shall be January 1, 2020, through the present.

## II. DOCUMENT REQUESTS

### A. DATA FLOW AND SYSTEM ARCHITECTURE

1. Documents sufficient to show the flow of Customer Data between O&R and Pike, including system diagrams, data maps, process descriptions, and technical specifications.
2. Documents sufficient to identify:
  - (a) Customer Data received by O&R from Pike;
  - (b) Customer Data generated, calculated, or maintained by O&R for Pike customers; and
  - (c) Customer Data transmitted by O&R to Pike.

### B. LOAD PROFILE AND CAPACITY DATA

3. Documents sufficient to show the load profile, load profile strata, load allocation methodologies, or equivalent methodologies used for Pike customers.
4. Documents sufficient to show PLC, ICAP, capacity obligations, or capacity allocation methodologies relating to Pike customers.
5. Documents sufficient to show how O&R performs load estimation, settlement, reconciliation, or true-up functions for Pike customers.

### C. CUSTOMER DATA ACCESS

6. Documents sufficient to identify whether any EGS has received Customer Data relating to Pike customers, including:
  - (a) the categories of data provided;
  - (b) the method of transmission; and
  - (c) whether such transmission occurred pre-enrollment, post-enrollment, or both.
7. Documents sufficient to show whether EDI transactions, FTP transfers, file exchanges, or equivalent electronic transmissions have been used to provide Customer Data relating to Pike customers to any EGS.
8. Documents sufficient to identify what Customer Data is available:
  - (a) before enrollment;
  - (b) after enrollment; and
  - (c) during ongoing service.
9. Documents sufficient to identify requirements, limitations, restrictions, or conditions on EGS access to Customer Data relating to Pike customers.

#### D. PIKE ACCESS TO CUSTOMER DATA

10. Documents sufficient to show requests made by Pike to O&R for Customer Data, since January 1, 2020, including load profile, strata, usage, capacity, settlement, or reconciliation data.
11. Documents sufficient to show instances in which O&R provided Customer Data to Pike upon request.

#### E. SYSTEM CAPABILITIES

12. Documents sufficient to show whether O&R systems are capable of providing to EGSs:
  - (a) load profile information;
  - (b) load profile strata information;
  - (c) PLC or ICAP data;
  - (d) interval usage data;
  - (e) derived usage data; and
  - (f) capacity-related data.
13. Documents sufficient to identify the load profile analysis referenced in Paragraph 13(d) of the Joint Petition for Settlement filed November 20, 2018, at Docket No. P-2018-3002709, including whether such analysis was performed, maintained, transmitted, or used for Pike customers.

#### III. TOPICS FOR TESTIMONY

O&R shall designate one or more knowledgeable corporate representatives to testify at hearing, or at such other time and manner as directed by the Presiding Officer, concerning:

1. The lifecycle of Customer Data relating to Pike customers;
2. O&R's role in load estimation, settlement, reconciliation, and true-up functions for Pike customers;
3. The categories of Customer Data maintained, generated, calculated, or transmitted by O&R relating to Pike customers;
4. The extent to which Pike may obtain or access Customer Data maintained by O&R;
5. The extent to which EGSs may obtain or access Customer Data relating to Pike customers;
6. EDI, FTP, file exchange, or other electronic data transfer processes involving Pike customers; and

7. Any differences in Customer Data access among EGSs operating in Pike territory.

#### IV. CONFIDENTIALITY

To the extent responsive documents contain confidential, proprietary, commercially sensitive, or customer-specific information, O&R may designate such documents as confidential and produce them subject to any protective order or confidentiality treatment directed by the Presiding Officer.

#### V. PRODUCTION DATE

Responsive documents shall be produced no later than July 1, 2026, or such other date as directed by the Presiding Officer.

FAILURE TO COMPLY WITH THIS SUBPOENA MAY SUBJECT THE RECIPIENT TO SUCH REMEDIES AS MAY BE AVAILABLE UNDER THE PENNSYLVANIA PUBLIC UTILITY CODE AND THE RULES OF PRACTICE AND PROCEDURE OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION.

Before the Pennsylvania Public Utility Commission

**INOVA ENERGY LLC**

**Complainant,**

**v.**

**CORNING ENERGY CORPORATION, *f/k/a*  
CORNING NATURAL GAS HOLDING  
CORPORATION and  
PIKE COUNTY LIGHT & POWER**

**Respondents.**

**Docket №. C-2026-3060035**

**SUBPOENA TO PRODUCE  
DOCUMENTS & TESTIFY**

**EXHIBIT B**

**PROPOSED SUBPOENA TO DIRECT ENERGY LLC TO PRODUCE DOCUMENTS  
AND PROVIDE TESTIMONY**

TO:

Direct Energy LLC  
165 Whitetail Drive  
Cochranton, PA 16314

Pursuant to the Rules of Practice and Procedure of the Pennsylvania Public Utility Commission and Order of the Presiding Officer, Direct Energy is directed to produce the documents described below and designate a knowledgeable corporate representative to testify concerning the identified topics.

**I. DEFINITIONS**

"Pike" means Pike County Light & Power Company and Corning Energy Corporation.

"EGS" means Electric Generation Supplier.

"Customer Data" means customer usage, historical usage, load profile information, load profile strata, load allocation information, peak demand information, peak/off-peak usage, PLC, ICAP, capacity obligation information, billing information, settlement information, reconciliation information, and related data concerning Pike customers.

"Direct Energy" means the Electric Generation Supplier identified by Respondents in response to Interrogatory No. 22 as operating in Pike's service territory from January 1, 2020, to present, including any Direct Energy or NRG-affiliated legal entity responsible for providing such service.

Unless otherwise stated, these requests are limited to Pike customers and Pike's electric service territory.

The time period covered by these requests shall be January 1, 2020 through the present.

## II. DOCUMENT REQUESTS

### A. CATEGORIES OF DATA RECEIVED

1. Documents sufficient to identify the categories of Customer Data received by Direct Energy relating to Pike customers.
2. Documents sufficient to identify whether Direct Energy has received any of the following relating to Pike customers:
  - (a) historical usage data;
  - (b) monthly usage data;
  - (c) load profile information;
  - (d) load profile group or strata information;
  - (e) peak demand information;
  - (f) peak/off-peak usage information;
  - (g) PLC data;
  - (h) ICAP data;
  - (i) capacity obligation information; or
  - (j) settlement or reconciliation information.

### B. SOURCES OF CUSTOMER DATA

3. Documents sufficient to identify the sources from which Direct Energy obtains Customer Data relating to Pike customers, including but not limited to:
  - (a) Pike;
  - (b) Orange and Rockland Utilities, Inc.;
  - (c) NYISO;
  - (d) EDI transactions;
  - (e) FTP transfers;
  - (f) file exchanges; or

(g) any third-party service provider.

4. Documents sufficient to identify the method by which Customer Data relating to Pike customers is transmitted to Direct Energy.

#### C. TIMING OF DATA AVAILABILITY

5. Documents sufficient to identify what categories of Customer Data relating to Pike customers are available:
  - (a) before customer enrollment;
  - (b) during enrollment;
  - (c) after enrollment; and
  - (d) during ongoing service.
6. Documents sufficient to identify any limitations, restrictions, or conditions applicable to Direct Energy's receipt of Customer Data relating to Pike customers.

#### D. OPERATIONAL USE OF CUSTOMER DATA

7. Documents sufficient to identify whether Customer Data relating to Pike customers is used by Direct Energy for:
  - (a) forecasting;
  - (b) pricing;
  - (c) scheduling;
  - (d) settlement;
  - (e) reconciliation;
  - (f) capacity compliance; or
  - (g) other operational purposes.
8. Documents sufficient to identify the categories of Customer Data that Direct Energy considers necessary to perform forecasting, pricing, scheduling, settlement, or capacity-related functions for Pike customers.

#### E. AGREEMENTS AND DATA ACCESS

9. Documents sufficient to identify any agreement, tariff provision, protocol, data exchange arrangement, or operational requirement governing Direct Energy's access to Customer Data relating to Pike customers.

10. Documents sufficient to identify non-privileged communications concerning Direct Energy's access to Customer Data relating to Pike customers.

### III. TOPICS FOR TESTIMONY

Direct Energy shall designate one or more knowledgeable corporate representatives to testify at hearing, or at such other time and manner as directed by the Presiding Officer, concerning:

1. The categories of Customer Data available to Direct Energy relating to Pike customers;
2. The sources of Customer Data received by Direct Energy relating to Pike customers;
3. The methods by which such data is transmitted;
4. The timing of availability of such data;
5. The operational uses of such data for forecasting, pricing, scheduling, settlement, reconciliation, and capacity obligations;
6. Any limitations, restrictions, or conditions affecting access to Customer Data relating to Pike customers; and
7. The categories of Customer Data necessary for an EGS to operate in Pike's service territory.

### IV. CONFIDENTIALITY

To the extent responsive documents contain confidential, proprietary, commercially sensitive, competitively sensitive, or customer-specific information, Direct Energy may designate such information as confidential and produce it subject to any protective order or confidentiality treatment directed by the Presiding Officer.

### V. PRODUCTION DATE

Responsive documents shall be produced no later than July 1, 2026, or such other date as directed by the Presiding Officer.

**FAILURE TO COMPLY WITH THIS SUBPOENA MAY SUBJECT THE RECIPIENT TO SUCH REMEDIES AS MAY BE AVAILABLE UNDER THE PENNSYLVANIA PUBLIC UTILITY CODE AND THE RULES OF PRACTICE AND PROCEDURE OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION.**

Before the Pennsylvania Public Utility Commission

**INOVA ENERGY LLC**

**Complainant,**

**v.**

**CORNING ENERGY CORPORATION, *f/k/a*  
CORNING NATURAL GAS HOLDING  
CORPORATION and  
PIKE COUNTY LIGHT & POWER**

**Respondents.**

**Docket №. C-2026-3060035**

**[PROPOSED] ORDER**

[PROPOSED] ORDER

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2026, upon consideration of Complainant Inova Energy LLC's Application for Issuance of Subpoenas, and any responses thereto, it is hereby ORDERED as follows:

1. The Application for Issuance of Subpoenas is GRANTED.
2. The Secretary of the Pennsylvania Public Utility Commission, or the Presiding Officer, is authorized and directed to issue the proposed subpoenas attached to the Application as:
  - a. Exhibit A – Proposed Subpoena to Orange and Rockland Utilities, Inc.; and
  - b. Exhibit B – Proposed Subpoena to Direct Energy LLC.
3. Orange and Rockland Utilities, Inc. shall produce documents responsive to the subpoena and shall designate one or more knowledgeable corporate representatives to testify concerning the topics identified therein. Service of the subpoena upon Orange and Rockland Utilities, Inc. may be made by certified mail, overnight delivery, electronic mail, or such other method as the Presiding Officer deems appropriate.
4. Direct Energy LLC shall produce documents responsive to the subpoena and shall designate one or more knowledgeable corporate representatives to testify concerning the topics identified therein.
5. Any objections to the subpoenas shall be filed and served within ten (10) days of service of the subpoenas and shall state with particularity the basis for the objection.

6. To the extent responsive documents contain confidential, proprietary, commercially sensitive, competitively sensitive, or customer-specific information, such documents may be produced subject to any applicable Protective Order, confidentiality agreement, or further order of the Presiding Officer.
7. The parties and subpoena recipients shall confer in good faith to resolve any disputes concerning confidentiality designations, scope of production, or other compliance issues prior to seeking intervention from the Presiding Officer.
8. Responsive documents shall be produced no later than July 1, 2026, absent further order of the Presiding Officer.
9. This Order is entered without prejudice to any party's right to challenge the admissibility, relevance, materiality, or weight of any evidence produced pursuant to the subpoenas.

BY THE PRESIDING OFFICER:

---

Marta Guhl  
Administrative Law Judge  
Pennsylvania Public Utility Commission