

DANIEL B. MARKIND, ESQUIRE

Member of the PA, NJ & NY bars

Direct Dial: (215) 279-9906

E-Mail: Daniel.Markind@Flastergreenberg.com

July 22, 2026

VIA E-FILING

Matthew Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: PETITION OF FIRSTENERGY PENNSYLVANIA ELECTRIC
COMPANY FOR APPROVAL OF ITS DEFAULT SERVICE
PROGRAM FOR THE PERIOD JUNE 1, 2027 TO MAY 31, 2031.
Docket No. P-2026-3060298**

Dear Secretary Homsher:

Enclosed for electronic filing please find Dimension PA 1 LLC's Reply Brief in Opposition to Non-Unanimous Settlement in the above-referenced matter. The Reply Brief will be served on the presiding Administrative Law Judges ("ALJs") and all parties of record as indicated on the Certificate of Service.

Respectfully yours,



Daniel B. Markind

DBM/lm

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

PETITION OF FIRSTENERGY
PENNSYLVANIA ELECTRIC
COMPANY FOR APPROVAL OF
ITS DEFAULT SERVICE PROGRAM
FOR THE PERIOD JUNE 1, 2027 TO
MAY 31, 2031.

:
: Docket No. P-2026-3060298
:
:
:
:
:
:

**REPLY BRIEF SUBMITTED BY DIMENSION PA 1, LLC IN OPPOSITION TO
NON-UNANIMOUS SETTLEMENT**

Dated: July 22, 2026

Daniel B. Markind, Esquire
Mitchell H. Kizner, Esquire
Flaster Greenberg, PC
1717 Arch Street, Suite 3300
Philadelphia, PA 19103
215-279-9906 (telephone)
215-279-9394(fax)
Daniel.markind@flastergreenberg.com
Mitchell.kizner@flastergreenberg.com

Counsel to Dimension PA 1 LLC

TABLE OF CONTENTS

I. INTRODUCTION	1
A. Procedural History.....	1
B. Summary of Argument.....	2
II. CLASSIFICATION OF NON-RESIDENTIAL DEFAULT SERVICE CUSTOMERS.....	3
A. Grandfathering Proposals	3
III. CONCLUSION	3

I. INTRODUCTION

A. Procedural History

This office represents Dimension PA 1, LLC (“Dimension”) in the above-referenced matter. Our Brief in Opposition to the Non-Unanimous Settlement was submitted on July 10, 2026 as it relates to Maximum Registered Peak Load (MRPL). We are now submitting this short Reply Brief in response to arguments concerning grandfathering made by FE PA in its Brief in Support of the Non-Unanimous Settlement.

In its Brief, FE PA states that the reclassification of net metering customers from the PTC Rider to the HP Rider was approved in the recent PPL matter, but then largely ignores the fact that the reclassification only occurred as part of an overall resolution which provided a 10-year transition mechanism to protect customer-generators. In arguing for its restrictive 2-year transition provision, FE PA challenges the 25-year grandfathering provision for the transition of net metering customers to industrial rates recommended by Thomas Michelman, an expert witness who provided testimony for JSA. (FA PA Brief at page 32-35) FE PA contends in item 59 of its proposed findings of fact that the 25-year grandfathering provision, and even a 15-year provision, would be “unreasonably excessive.”

However, conspicuous by its omission, FE PA does not argue that a 10-year grandfathering clause would be excessive or inappropriate. The PUC in the PPL case stated that the 10-year grandfathering provision there was approved “to preserve reasonable transition protections for customer generators” (PPL Decision of PUC at Page 303). There is no assertion that that the same factors leading to that decision in PPL would not be applicable here. It is for

that reason that Dimension stated in its Initial Brief: “Importantly, if the Court is not convinced that a 25-year grandfathering clause is appropriate, at a minimum the 10-year provision recently approved by the PUC in PPL should be adopted here.”¹ Dimension stands by that position.

B. Summary of Argument

Dimension owns numerous special purpose entities (SPE’s) in FE PA’s service territory that are utility customers that generating power from solar photovoltaic power generation. Dimension’s SPE’s own solar photovoltaic power generation projects in FE PA’s service area that are eligible for net metering under 52 Pa. Code § 75.13 and that have executed Interconnection Service Agreements (“ISAs”) under FE PA’s Commission-approved existing interconnection rules.

As stated previously, the proposed settlement provides no meaningful protection to Dimension and its customers. The settlement would adopt FE PA’s proposal to reassign projects of existing customer-generators to schedules which provide lower rates of reimbursement, with only a two-year grandfathering period through 2029 and no grandfathering at all for new customers. That is not nearly sufficient to provide adequate relief for costly projects that have been completed or that are advanced in construction. When planned, those proposals relied upon the existing lower rate structure. Many of the expenses for these projects already have been incurred.

¹ Dimension Initial Brief at page 3.

II. CLASSIFICATION OF NON-RESIDENTIAL DEFAULT SERVICE CUSTOMERS

A. Grandfathering Proposals

Dimension's concerns about grandfathering have not been addressed in the non-unanimous settlement. The settlement would adopt FE PA's proposal to reassign projects of existing customer generators to schedules which provide lower rates of reimbursement, with only a two-year grandfathering period through 2029 and no grandfathering at all for new customers. That is not nearly sufficient to provide adequate relief for costly projects that have been completed or that are advanced in construction. When planned, those proposals relied upon the existing lower rate structure. Many of the expenses for these projects already have been incurred. It was for these reasons that the Commission determined that a 10-year grandfathering provision "preserves reasonable transition protections for customer-generators"²

III. CONCLUSION

In its Brief and Reply Brief, Dimension raised concerns about two components of the non-unanimous settlement: The unreasonably short grandfathering provisions and the last-minute inclusion of a formula for setting rates for reimbursement for net metering customers which would be binding until 2041, but could only be modified at the request of FE PA. For these reasons, Dimension continues to express its strong opposition to the non-unanimous settlement.

² PPL at 202

Respectfully submitted,



Dated: July 22, 2026

Daniel B. Markind, Esquire
Mitchell H. Kizner, Esquire
Flaster Greenberg, PC
1717 Arch Street, Suite 3300
Philadelphia, PA 19103
215-279-9906 (telephone)
215-279-9394(fax)
Daniel.markind@flastergreenberg.com
Mitchell.kizner@flastergreenberg.com

Counsel to Dimension PA 1 LLC

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing
Reply Brief in Opposition to Non-Unanimous Settlement submitted By Dimension Pa 1 LLC
upon the following parties of record in accordance with 52 Pa. Code § 1.54 (relating to
service by a participant):

VIA EMAIL:

The Honorable Mark A. Hoyer Deputy Chief Administrative Law Judge Pennsylvania Public Utility Commission Piatt Place, Suite 220 201 Fifth Avenue Pittsburgh, PA 15222 mhoyer@pa.gov	The Honorable Erin L. Gannon Administrative Law Judge Pennsylvania Public Utility Commission Commonwealth Keystone Building 400 North Street Harrisburg, PA 17120 egannon@pa.gov
Kenneth M. Kulak, Esq. Brooke E. McGlinn, Esq. Maggie E. Curran, Esq. Morgan, Lewis & Bockius LLP 1701 Market Street Philadelphia, PA 19103-2921 ken.kulak@morganlewis.com brooke.mcglinn@morganlewis.com maggie.curran@morganlewis.com <i>Counsel for FirstEnergy Pennsylvania Electric Company)</i>	Tori L. Giesler, Esq. Angelina Umstead, Esq. FirstEnergy Service Company 2800 Pottsville Pike Reading, PA 19612-6001 tgiesler@firstenergycorp.com aumstead@firstenergycorp.com <i>Counsel for FirstEnergy Pennsylvania Electric Company)</i>
Harrison W. Breitman, Esq. Olivia M. Spergel, Esq. Katherine M. Kennedy, Esq. Office of Consumer Advocate 5th Floor Forum Place 555 Walnut Street Harrisburg PA 17101-1923 HBreitman@paoca.org OSpergel@paoca.org KKennedy@paoca.org <i>Counsel for Office of Consumer Advocate</i>	Allison C. Kaster, Esq. Director & Chief Prosecutor Pennsylvania Public Utility Commission Bureau of Investigation and Enforcement Commonwealth Keystone Building 400 North Street Harrisburg, PA 17120 akaster@pa.gov

Rebecca Lyttle Office of Small Business Advocate 555 Walnut Street, 1st Floor Harrisburg PA 17101 relyttle@pa.gov	Elizabeth R. Marx, Esq. Lauren N. Berman Esq. Ria M. Pereira Esq. John W. Sweet Esq. Levi Phillips Esq. Pennsylvania Utility Law Project Counsel for CAUSE-PA 118 Locust Street Harrisburg, PA 17101 717-710-3825 emarx@pautilitylawproject.org berman@pautilitylawproject.org rpereira@pautilitylawproject.org jsweet@pautilitylawproject.org lphillips@pautilitylawproject.org <i>Counsel for Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania</i>
Whitney E. Snyder Esquire Eric M. Struble Esquire HMS Legal LLP 501 Corporate Circle, Suite 302 Harrisburg PA 17110 wesnyder@hmslegal.com ewstruble@hmslegal.com <i>Counsel for The Pennsylvania State University</i>	Aron Beatty Esquire Duquesne Light Company 800 North 3rd Street, Suite 203 Harrisburg PA 17102 abeatty@duqlight.com <i>Counsel for Duquesne Light Co.</i>
Melissa A. Chapaska Esquire HMS Legal LLP 501 Corporate Circle, Suite 302 Harrisburg Pa 17110 machapaska@hmslegal.com <i>Counsel for Penn Renewables</i>	Todd S. Stewart Esquire HMS Legal LLP 501 Corporate Circle, Suite 302 Harrisburg PA 17110 tsstewart@hmslegal.com <i>Counsel for EGS Parties</i>
Nicholas A. Stobbe Esquire Stevens and Lee PC 17 North 2nd Street, 16th Floor Harrisburg PA 17101 nicholas.stobbe@stevenslee.com <i>Counsel for Customer-Generator Coal.</i>	Samuel W. Cortes Esquire Ashley Beach Esquire Fox Rothschild LLP 747 Constitution Drive Suite 100 Exton PA 19341 scortes@foxrothschild.com abeach@foxrothschild.com

	<i>Counsel for Solar Energy Industries Association and the Coalition for Community Solar Access</i>
Karen Kemerait Esquire Fox Rothschild 301 Hillsborough Street Suite 1120 Raleigh NC 27603 kkemerait@foxrothschild.com <i>Solar Energy Industries Association and the Coalition for Community Solar Access</i>	Taylor Speer Esquire Fox Rothschild LLP 2 West Washington Street Suite 1100 Greenville SC 29601 tspeer@foxrothschild.com <i>Solar Energy Industries Association and the Coalition for Community Solar Access</i>
Barry A. Naum Esquire Steven W. Lee Esquire Spilman Thomas & Battle PLLC 1100 Bent Creek Blvd Suite 101 Mechanicsburg PA 17050 bnaum@spilmanlaw.com slee@spilmanlaw.com <i>Counsel for Walmart, Inc.</i>	Jamie L. Martines Spilman Thomas & Battle PLLC 301 Grant Street Suite 3440 Pittsburgh PA 15219 jmartines@spilmanlaw.com <i>Counsel for Walmart, Inc.</i>
Michael A. Gruin, Esq. Stevens & Lee 17 North 2nd Street, 16th Floor Harrisburg, PA 17101 michael.gruin@stevenslee.com <i>Counsel for WGL Energy Services Inc. and Town Square Energy East, LLC</i>	Deanne M. O'Dell, Esq. Eckert Seamans Cherin & Mellott, LLC 213 Market Street, 8th Floor P.O. Box 1248 Harrisburg, PA 17101 dodell@eckertseamans.com <i>Counsel for Retail Energy Supply Association</i>
Colleen Kartychak, Manager Constellation Energy Generation LLC 1310 Point Street, 8th Floor Baltimore, MD 21231 Colleen.kartychak@constellation.com <i>Counsel for Constellation Energy Generation, LLC and Constellation NewEnergy, Inc.</i>	Lauren M. Burge Esquire Eckert Seamans Cherin & Mellott LLC 600 Grant Street, 44th Floor Pittsburgh PA 15219 lburge@eckertseamans.com <i>Counsel for Retail Energy Supply Association</i>

Susan E. Bruce, Esquire Charis Mincavage, Esquire Matthew Garber, Esquire Rebecca Kimmel, Esquire McNees Wallace & Nurick 100 Pine Street P.O. Box 1166 Harrisburg, PA 17101 sbruce@mcneeslaw.com cmincavage@mcneeslaw.com mgarber@mcneeslaw.com rkimmel@mcneeslaw.com <i>Counsel for Industrial Customer Grps</i>	Donald R. Wagner, Esquire Stevens & Lee, P.C. 111 N. 6th Street, PO Box 679 Reading, PA 19603 Donald.wagner@stevenslee.com <i>Counsel for Town Square Energy East, LLC and WGL Energy Services, Inc.</i>
---	---

Respectfully submitted,

Dated: July 22, 2026


Daniel B. Markind (Attorney ID 38893)
Flaster Greenberg, PC
1717 Arch Street, Suite 3300
Philadelphia, PA 19103
215-279-9906 (telephone)
215-279-9394(fax)
Daniel.markind@flastergreenberg.com

Counsel to Dimension PA 1 LLC