COMMONWEALTH OF PENNSYLVANIA

DARRYL A. LAWRENCE
Consumer Advocate

OFFICE OF CONSUMER ADVOCATE
555 Walnut Street, 5th Floor, Forum Place
Harrisburg, Pennsylvania 17101-1923
(717) 783-5048
(800) 684-6560

@pa_oca
/pennoca
FAX (717) 783-7152
consumer@paoca.org
www.oca.pa.gov

November 9, 2026

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

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:

Attached for electronic filing please find the Petition of the Office of Consumer Advocate (OCA) for Reconsideration and/or Clarification in this proceeding.

Copies have been served on the parties as indicated on the enclosed Certificate of Service.

Respectfully submitted,

/s/ Harrison W. Breitman
Harrison W. Breitman, Esq.
Senior Assistant Consumer Advocate
PA Attorney I.D. # 320580
Email: HBreitman@paoca.org

Enclosures

cc: Deputy Chief Administrative Law Judge Mark A. Hoyer (Via Email Only: mhoyer@pa.gov)
Administrative Law Judge Erin L. Gannon (Via Email Only: egannon@pa.gov)
Certificate of Service

CERTIFICATE OF SERVICE

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

I hereby certify that I have this day filed electronically on the Commission's electronic filing system and served a true copy of the following document, the Petition of the Office of Consumer Advocate (OCA) for Reconsideration and/or Clarification, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code Section 1.54 (relating to service by a participant), in the manner and upon the persons listed below.

Dated this 9th day of November 2026.

SERVICE BY E-MAIL ONLY

Kenneth M. Kulak, Esq.
Brooke E. McGlinn, Esq.
Morgan, Lewis & Bockius LLP
1701 Market Street
Philadelphia, PA 19103-2921
ken.kulak@morganlewis.com
brooke.mcglinn@morganlewis.com
Counsel for FirstEnergy

Tori L. Giesler, Esq.
Angelina Umstead, Esq.
FirstEnergy Service Company
2800 Pottsville Pike
Reading, PA 19612-6001
tgiesler@firstenergycorp.com
aumstead@firstenergycorp.com
Counsel for FirstEnergy

Maggie E. Curran, Esq.
Morgan, Lewis & Bockius LLP
2222 Market Street
Philadelphia, PA 19103-3007
maggie.curran@morganlewis.com
Counsel for FirstEnergy

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
Counsel for PA PUC

Elizabeth R. Marx, Esq.
Lauren N. Berman, Esq.
Ria M. Pereira, Esq.
John W. Sweet, Esq.
Levi A. Phillips, Esq.
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101
pulp@pautilitylawproject.org
Counsel for CAUSE-PA

Rebecca Lyttle, Esq.
Office of Small Business Advocate
Forum Place
555 Walnut Street, 1st Floor
Harrisburg, PA 17101
relyttle@pa.gov
Counsel for OSBA

Whitney E. Snyder, Esq.
Erich W. Struble, Esq.
Hawke McKeon & Sniscak, LLP
100 North Tenth Street
Harrisburg, PA 17101
wesnyder@hmslegal.com
ewstruble@hmslegal.com
Counsel for PSU

Michael A. Gruin, Esq.
Donald Wagner, Esq.
Stevens & Lee
17 North 2nd Street, 16th Floor
Harrisburg, PA 17101
Michael.gruin@stevenslee.com
Donald.wagner@stevenslee.com
Counsel for WGL Energy Services, and Town Square

John M. White, Esq.
Constellation Energy Generation, LLC
101 Constitution Avenue, N.W.
Suite 400 East
Washington, DC 20001
john.white@constellation.com
Counsel for Constellation Energy Generation, LLC and Constellation NewEnergy, Inc.

Susan B. Bruce, Esq.
Charis Mincavage, Esq.
Matthew Garber, Esq.
Rebecca Kimmel, Esq.
McNees, Wallace & Nurick, LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
sbruce@mcneeslaw.com
cmincavage@mcneeslaw.com
mgarber@mcneeslaw.com
rkimmel@mcneeslaw.com
Counsel for Industrial Customer Groups

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
Counsel for RESA and NRG Energy, Inc.

Lauren M. Burge, Esq.
Eckert Seamans Cherin & Mellott, LLC
600 Grant Street, 44th Floor
Pittsburgh, PA 15219
lburge@eckertseamans.com
Counsel for RESA

Michael Gianantonio, Esq.
Robert F. Daley, Esq.
Robert Peirce & Associates, P.C.
707 Grant Street
Gulf Tower, Suite 125
Pittsburgh, PA 15219
mgianantonio@peircelaw.com
Counsel for John Bevec and Sunrise Energy, LLC

Melissa A. Chapaska, Esq.
HMS Legal LLP
501 Corporate Circle, Suite 302
Harrisburg, PA 17110
machapaska@hmslegal.com
Counsel for Penn Renewables

Colleen P. Kartychak, Esq.
Constellation
1310 Point Street
Baltimore, MD 21231
colleen.kartychak@constellation.com
Counsel for Constellation Energy Generation, LLC and Constellation NewEnergy, Inc.

Linda S. Kizuka, Esq.
Constellation
250 Massachusetts Avenue, Northwest
Suite 760
Washington, DC 20001
linda.kizuka@constellation.com
Counsel for Constellation Energy Generation, LLC and Constellation NewEnergy, Inc.

Marsha D. Makel, Esq.
Constellation
1310 Point Street Legal – 8th Floor
Baltimore, MD 21231
Marsha.Makel@constellation.com
Counsel for Constellation Energy Generation, LLC and Constellation NewEnergy, Inc.

Todd S. Stewart, Esq.
HMS Legal LLP
501 Corporate Circle, Suite 302
Harrisburg, PA 17110
tsstewart@hmslegal.com
Counsel for EGS Parties

Samuel W. Cortes, Esq.
Ashley L. Beach, Esq.
Fox Rothschild LLP
747 Constitution Drive, Suite 100
Exton, PA 19341
scortes@foxrothschild.com
abeach@foxrothschild.com
Counsel for SEIA and CCSA

Daniel B. Markind, Esq.
Flaster Greenberg, PC
1717 Arch Street
Suite 3300
Philadelphia, PA 19103
Daniel.markind@flastergreenberg.com
Counsel for Dimension

Mitchell H. Kizner, Esq.
Flaster Greenberg, P.C.
Commerce Center
1810 Chapel Avenue West
Cherry Hill, NJ 08002
mitchell.kizner@flastergreenberg.com
Counsel for Dimension

Barry A. Naum, Esq.
Steven W. Lee, Esq.
Spilman Thomas & Battle PLLC
1100 Bent Creek Boulevard, Suite 101
Mechanicsburg, PA 17050
bnaum@spilmanlaw.com
slee@spilmanlaw.com
Counsel for Walmart, Inc.

Jamie L. Martines, Esq.
Spilman Thomas & Battle PLLC
301 Grant Street, Suite 3440
Pittsburgh, PA 15219
jmartines@spilmanlaw.com
Counsel for Walmart, Inc.

Nicholas A. Stobbe, Esq.
Stevens & Lee, P.C.
17 North 2nd Street, 16th Floor
Harrisburg, PA 17101
nicholas.stobbe@stevenslee.com
Counsel for CGC

R. Taylor Speer, Esq.
Fox Rothschild LLP
2 West Washington Street, Suite 1100
Greenville, SC 29601
TSpeer@FoxRothschild.com
Counsel for SEIA and CCSA

Karen M. Kemerait, Esq.
Fox Rothschild LLP
301 Hillsborough Street, Suite 1120
Raleigh, NC 27603
KKemerait@FoxRothschild.com
Counsel for SEIA and CCSA

Aron J. Beatty, Esq.
Duquesne Light Company
800 North Third Street
Harrisburg, PA 17402
abeatty@duqlight.com
Counsel for Duquesne Light

Christopher O'Hara, Esq.
PJM Interconnection LLC
2750 Monroe Boulevard
Audubon, PA 19403
christopher.ohara@pjm.com
Counsel for PJM

/s/ Harrison W. Breitman
Harrison W. Breitman, Esq.
Senior Assistant Consumer Advocate
PA Attorney I.D. # 320580
Email: HBreitman@paoca.org

Katie Kennedy, Esq.
Assistant Consumer Advocate
PA Attorney I.D. # 317237
Email: KKennedy@paoca.org

Olivia M. Spergel, Esq.
Assistant Consumer Advocate
PA Attorney I.D. # 337929
Email: OSpergel@paoca.org
Email: OCAFEPADSP26@paoca.org

Counsel for:
Darryl A. Lawrence
Consumer Advocate

Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923

Phone: 717-783-5048
Fax: 717-783-7152

Dated: November 9, 2026

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of FirstEnergy Pennsylvania Electric Company for Approval of its Default Service Program for the Period of June 1, 2027 to May 31, 2031	: : :	Docket No. P-2026-3060298

PETITION OF THE
OFFICE OF CONSUMER ADVOCATE
FOR RECONSIDERATION AND/OR CLARIFICATION

I. INTRODUCTION

The Office of Consumer Advocate (OCA) hereby submits this Petition for Reconsideration and/or Clarification pursuant to Sections 5.41 and 5.572 of the Public Utility Commission's (Commission) regulations. 52 Pa. Code §§ 5.41, 5.572.

In the Commission's Order, the Commission considers modifying the settlement reached in this proceeding by further considering the proposed changes to FirstEnergy Pennsylvania Electric Company's (FirstEnergy or the Company) Return of Customers to Default Service at Contract Expiration and Quarterly Affirmation for Variable Rate Contracts Proposal (Reversion to Default Service Proposal), as delineated in paragraph 66 of the Joint Petition for Approval of Non-Unanimous Settlement (Joint Petition or Settlement).

Instead of reaching a determination on this issue, the Commission referred the issue to the Office of Competitive Market Oversight (OCMO) to conduct "a paper proceeding" that is "separately docketed and culminate with any recommendations that OCMO deems prudent to be

provided to the Commission by June 1, 2027, whether that be via a proposed rulemaking, order, advisory memo, report, or any other transmittal deemed appropriate."[1]

The OCA hereby requests that the Commission reconsider and/or clarify its Order entered on October 22, 2026 (*FirstEnergy Order*) and requests that the Commission allow for full implementation of the Settlement without modification including the proposed changes to FirstEnergy's Reversion to Default Service Proposal.

II. PROCEDURAL HISTORY

This proceeding concerns FirstEnergy's Petition for Approval of Its Default Service Program for the Period from June 1, 2027, through May 31, 2031 (FirstEnergy DSP VII). The OCA's Main Brief sets forth the initial procedural history of this case through the OCA's signing and support for the Joint Petition for Non-Unanimous Settlement. FirstEnergy, the OCA, the Office of Small Business Advocate (OSBA), the Coalition for Affordable Utility Service and Energy Efficiency in Pennsylvania (CAUSE-PA), Walmart, Inc. (Walmart), and Duquesne Light Company (Duquesne) (collectively, Settling Parties) filed the Joint Petition. Retail Energy Supply Association (RESA), Shipley Energy and Interstate Gas Supply and IGS Energy (collectively, the EGS Parties), the Customer-Generator Coalition (CGC), Town Square Energy East, LLC (Town Square), WGL Energy Services, Inc. (WGL), the Solar Energy Industries Association and the Coalition for Community Solar Access (collectively, JSA), Dimension PA 1, LLC (Dimension), and Constellation Energy Generation, LLC and Constellation NewEnergy, Inc. (Constellation) (collectively, Opposing Parties) opposed the Joint Petition.

On August 21, 2026, Deputy Chief Administrative Law Judge Mark A. Hoyer and Administrative Law Judge Gannon (ALJs) issued a Recommended Decision (R.D.),

[1] *First Energy Order* at 164.

recommending that, among other things, the Joint Petition be granted, and the Non-Unanimous Settlement be approved without modification. As to the matter at issue in this Petition for Clarification, the ALJs approved FirstEnergy's Reversion to Default Service Proposal stating:

> We are not persuaded by arguments that a statewide proceeding is required because default service proceedings are already EDC-specific, as are their retail programs and supplier coordination tariffs. By way of specific example, FirstEnergy pointed out that not every EDC has a CRP or a clawback mechanism, and "EGSs operate among different Pennsylvania utilities as well as different states with different retail program requirements." The Company also provided examples of cases where both EDCs and EGSs introduced "non-procurement" issues for consideration in the context of default service proceedings, including POR and standard offer referral programs.
>
> . . .
>
> We find that the proponents of the proposed changes to the Supplier Tariff have established actual harm, with substantial record evidence (see bullet points in the discussion of FirstEnergy, OCA and CAUSE-PA testimony, above). We also find that the record developed in the instant proceeding includes the evidence the Commission identified as required to justify a waiver of Section 54.10(3) in the PPL DSP V and PECO DSP VI cases. In particular, we find it compelling that FirstEnergy's residential shopping customers paid $888 million in aggregate net costs above the PTC since 2017, based on shopping data over a 100-month period.
>
> . . .
>
> Additionally, and in contrast to the evidence presented in the SOP cases, the evidence here is specific to retail shopping customers (targeted by the proposed Supplier Tariff changes). It shows a direct nexus between continual supplier pricing above the price to compare and higher involuntary termination rates, higher uncollectible expenses, and rising customer complaints against EGSs in FirstEnergy's service territory.

R.D. at 197-99 (citations omitted).

On October 22, 2026, the Commission entered the *FirstEnergy Order*, by and through a 3-2 vote with Commissioners Zerfuss and Barrow dissenting, that accepted the ALJs' recommendations except in that it modified the Joint Petitioners' Reversion to Default Service Proposal ordering that:

> While the claims on the record here do raise obvious concerns, we are hesitant to make such profound revisions at this time in the retail electric marketplace of a single EDC. First, Section 54.10 of the Commission's regulations, 52 Pa. Code § 54.10, underlies the existing market rules applicable to these circumstances, permitting EGSs to retain customers upon contract expiration after proper notice.

> Second, we are unable to ascertain the root cause of the increased costs highlighted in the Settlement. Third, we question whether it is appropriate to make this modification in a single service territory or if such a determination is best implemented universally across the state, for instance, through a rulemaking. Therefore, we are interested in conducting a more comprehensive and diligent review of this issue to ascertain what portion of the costs noted on the record here are the result of customers choosing value-added products, renewable products, long-term fixed rates products, time-of-use, or other types of products, versus those costs that were manifested due to customer inaction. Should retail market modifications be needed, we are interested in determining how best to implement those modifications.
>
> Our preference, therefore, is to deny and eliminate these provisions from Paragraph 66 of the Settlement. Instead, it is appropriate at this time to direct the Commission's Office of Competitive Market Oversight (OCMO) to conduct a paper proceeding on an expedited basis intended to review these concerns statewide. This review would be separately docketed and culminate with any recommendations that OCMO deems prudent to be provided to the Commission by June 1, 2027, whether that be via a proposed rulemaking, order, advisory memo, report, or any other transmittal deemed appropriate.

FirstEnergy Order at 163-64.

III. LEGAL AUTHORITY

As set forth in *Duick v. Pennsylvania Gas and Water Co.*, 56 Pa. P.U.C. 553 (1985), the standards for granting a petition for reconsideration are as follows:

> A petition for reconsideration, under the provisions of 66 Pa. C.S. § 703(g), may properly raise any matters designed to convince the Commission that it should exercise its discretion under this code section to rescind or amend a prior order in whole or in part. In this regard we agree with the Court in the Pennsylvania Railroad case, wherein it stated that "[p]arties…cannot be permitted by a second motion to review and reconsider, to raise the same questions which were specifically considered and decided against them…" What we expect to see raised in such petitions are new and novel arguments, not previously heard, or considerations which appear to have been overlooked or not addressed by the Commission. Absent such matters being presented, we consider it unlikely that a party will succeed in persuading us that our initial decision on a matter or issues was either unwise or in error.

Duick v. Pennsylvania Gas and Water Co., 56 Pa. P.U.C. at 599, (quoting *Pennsylvania R.R. Co. v. Pa. P.U.C.*, 118 Pa. Super. 180 (1935)).

The OCA raises new and novel issues for reconsideration. Namely, the OCA submits that the Commission's decision: (1) erred when it failed to issue a decision on a contested matter; (2) was procedurally defective when it referred the decision to OCMO; (3) erred when it did not find that FirstEnergy met its burden of proof; and (4) erred when it found that FirstEnergy's request for a waiver of 52 Pa. Code Section 54.10 is moot.

Additionally, the OCA alternatively raises new and novel points for clarification that the Commission did not fully consider and which the Commission may have overlooked. The OCA submits that the Commission: (1) did not clarify the process of the OCMO paper proceeding and whether discovery would be permitted; (2) did not clarify whether the Commission's decision constitutes a full denial of the relevant provisions such that an aggrieved party must seek judicial review of that disposition now, or instead defers a final determination until the OCMO paper proceeding is complete; and (3) did not clarify that the Commission is not delegating its adjudicatory authority to a non-adjudicatory branch of the Commission and that any final determination concerning FirstEnergy's default service proceeding (DSP) proposals will be made by the Commission in this docket.

In this proceeding there was neither a petition for interlocutory review requesting any form of subsequent proceeding on specific issues raised in the docket, nor a request by any party to refer any issues to OCMO for a paper proceeding. As such, the parties have not previously had an opportunity to address the legal and procedural implications of the Commission's decision referring the matter to OCMO for a separate statewide paper proceeding. Accordingly, the OCA respectfully requests that the Commission consider the arguments raised herein as the Commission's Order *sua sponte* imposed an alternative procedure that was neither proposed nor contemplated by any party during this proceeding.

IV. RECONSIDERATION

A. The Commission erred as a matter of law by failing to fully adjudicate the contested Reversion to Default Service Proposal.

The Commission erred as a matter of law when it declined to adjudicate the merits of FirstEnergy's Reversion to Default Service Proposal despite the fully developed evidentiary record in this proceeding and, instead, referred the underlying issues to OCMO for a paper proceeding. *FirstEnergy Order* at 163-64.

Commission decisions must state findings, conclusions, and reasons concerning all material issues presented on the record, together with the appropriate relief or denial. 66 Pa.C.S. § 335. The Pennsylvania Supreme Court has explained that the purpose of agency findings is to enable judicial review of the questions presented on appeal. *Popowsky v. Pa. Pub. Util. Comm'n*, 550 Pa. 449, 464 (1997). Similarly, in *Barasch*, the Commission explained "that a Commission decision is adequate where, on each of the issues raised, the Commission was merely presented with a choice of actions, each fully developed in the record, and its choice on each issue amounted to an implicit acceptance of one party's thesis and rejection of the other party's contention." *Barasch v. Pa. PUC*, 515 A.2d 651, 655 (Pa. Cmwlth. 1986).

Here, the parties presented record evidence addressing the proposed modifications to FirstEnergy's Supplier Tariff, including the relationship between EGS pricing, customer shopping behavior, involuntary terminations, uncollectible expenses, and customer complaints. The ALJs considered this evidence and recommended approval of the Joint Petition, including the Reversion to Default Service Proposal, without modification. The Commission, however, did not resolve the competing positions on the merits. Instead, the Commission stated that "the claims on the record here do raise obvious concerns" but declined to approve the proposed modifications because it

wished to conduct a more comprehensive statewide review, potentially biasing any subsequent review. *FirstEnergy Order* at 163-64.

The Commission's *sua sponte* desire to have OCMO conduct a broader statewide paper proceeding related to FirstEnergy's Reversion to Default Service proposal does not eliminate its obligation to provide a determination regarding adjudicated issues properly presented in this proceeding. The Commission has before it a fully developed evidentiary record and the ALJs' findings and recommendations addressing the contested issues. If the Commission believed the evidence supported a different outcome than the ALJs' recommendation, it was required to explain its determination and identify the basis for rejecting the evidence and arguments supporting the proposed modifications. Instead, the Commission effectively deferred its consideration of the merits to a separate paper proceeding before OCMO without resolving the issues presented in this docket.

Accordingly, the OCA respectfully requests that the Commission grant reconsideration and adjudicate the merits of the Reversion to Default Service Proposal based upon the evidentiary record developed in this proceeding given the immediate harm to FirstEnergy's customers that is proven in the evidentiary record. The Commission should adopt the ALJs' recommendation approving the Joint Petition, including the Reversion to Default Service Proposal, without modification based on the extensive record evidence supporting the same.

B. The Commission's decision to refer FirstEnergy's Reversion to Default Service Proposal to OCMO for a paper proceeding is procedurally defective and infringes on the parties' due process rights.

The Commission's decision to state a preference for denial and then direct OCMO to conduct a paper proceeding on an expedited basis that seemingly involves FirstEnergy's Reversion to Default Service Proposal is procedurally defective as the Commission has not established a process capable of resolving the material factual disputes underlying the proposed modifications

while preserving the parties' due process rights. The issues referred to OCMO are not limited to questions of law or policy. Rather, the Commission expressly seeks to determine the root causes of increased costs incurred by FirstEnergy's residential shopping customers, including whether those costs are attributable to customers selecting particular EGS products or to customer inaction. *FirstEnergy Order* at 164. These are factual questions that require the development and examination of evidence.

To the OCA's knowledge, there are no state court cases discussing the Commission's authority to have OCMO conduct a paper proceeding and there are no Commission regulations regarding paper proceedings. However, the Commission's prior decisions many years ago recognize that a "paper hearing" may be appropriate when the issues presented do not involve disputed questions of material fact. In a prior proceeding, the Commission distinguished cases in which a "paper hearing" was deemed sufficient because the Commission had already resolved the relevant factual issues in prior decisions, explaining:

> In addressing the issue of due process the ALJ also acknowledged that, while it has been held that due process only requires an evidentiary hearing before the Commission if there are disputed questions of fact to be resolved and an evidentiary hearing is not necessary if there are only questions of law, policy or discretion, *West Penn Power Company v. Pennsylvania Public Utility Commission*, 659 A.2d 1055, 1062 (Pa. Commonwealth, 1995) (citing *FDIC v. Mallen*, 486 U.S. 230 (1988) and *Lehigh Valley Power Committee v. Pennsylvania Public Utility Commission*, 563 A.2d 548 (Pa. Cmwlth. Ct. 1989), the instant matter is distinguishable. In the foregoing cases a "paper" hearing was held sufficient because the Commission determined that there were no factual issues presented since the issues presented had been decided in prior Commission decisions.

Petition of Commonwealth Telephone Company for an Alternative Regulation and Network Modernization Plan, 1997 Pa. PUC LEXIS 4, Order at *162 (Jan. 17, 1996).

Additionally, in a 2006 contested proceeding, the R.D. rejected a request to rely upon uncorroborated statements without witness testimony subject to cross-examination, explaining:

> The Applicant would have the Commission greatly expand the holding in [*Taxi USA/PA*] to essentially allow for a completely paper proceeding regarding public demand or need, with no corroboration by any witness who is subject to cross-examination. While Commission regulations at 52 Pa. Code § 3.381 (c)(1)(iii)(A)(III) provide for the filing of verified statements in the form used by the Applicant in the 36 statements, these statements are to be used for unprotested applications, not protested applications which are heard before an administrative law judge. If used, the statements should have been corroborated by live witness testimony, as was done in Taxi USA/PA.

Application of AAA Alpine Taxicab Company, LLC, 2006 Pa. PUC LEXIS 100, R.D. at *37-38 (May 24, 2006) (citing *Application of Taxi USA/Pennsylvania, Inc.*, Docket No. A-00121484, Order (May 17, 2006)).

Similarly, in a prior investigation into universal service, the Commission recognized that a paper proceeding could be used as an initial means of gathering information but expressly preserved the opportunity for evidentiary hearings if material disputed factual issues arose. The Commission stated:

> We initially intend to conduct this investigation as a paper proceeding. Only if material disputed factual issues are identified through the submission of comments, will it be necessary to hold evidentiary hearings. If no significant disputed factual issues are identified, then the Commission can proceed directly to the development of a proposed policy statement on universal service. If evidentiary hearings are scheduled on material disputed facts, the Office of Trial Staff shall be directed to intervene and participate. OTS also should feel free to submit comments during the initial phase of this investigation. This approach is intended to maximize administrative efficiency while preserving the due process rights of interested parties and reflects our desire to proceed as swiftly as possible with this investigation.

In re: Formal Investigation to Examine and Establish Updated Universal Service Principles and Policies for Telecommunications Service in the Commonwealth, 1994 Pa. PUC LEXIS 15, *14-15.

The present matter clearly involves factual issues that warrant an evidentiary process. The Commission's inquiry to determine the source of the increased costs incurred by residential shopping customers require an examination of customer shopping data, EGS pricing, customer

behavior, and product offerings, all of which were topics in dispute in this proceeding. *FirstEnergy Order* at 117-19, 121-22, 126-27, 130-31, 134, 137-39, 154-57.

Here, the Commission has not established whether the parties will be permitted to conduct discovery, submit verified statements, present witness testimony, or cross-examine witnesses in the OCMO expedited paper proceeding. The Commission has also not clarified whether the parties may rely upon the discovery responses and evidentiary record already developed in this default service proceeding. Without these procedural safeguards, the parties may be required to address disputed factual issues through an expedited paper proceeding without the ability to obtain or analyze the evidence necessary to support their positions.

The Commission's decision is particularly problematic because the record in this proceeding already contains extensive discovery and verified testimony addressing the issues the Commission now seeks to investigate. Referring those issues to a separate expedited paper proceeding under OCMO without identifying how the existing record may be used or how additional evidence may be obtained risks duplicating the discovery process while providing the parties with fewer procedural protections than they had in this adjudicatory proceeding.

Accordingly, the OCA respectfully requests that the Commission reconsider its decision to refer the Reversion to Default Service Proposal to OCMO for an expedited paper proceeding and instead resolve the contested issues based upon the evidentiary record developed in this proceeding.

C. The Commission erred when it failed to find that FirstEnergy met its burden of proof.

The Commission erred when it declined to approve the Reversion to Default Service Proposal despite the substantial evidence FirstEnergy and the other Settling Parties presented in

support of the proposed modifications. The Commission expressly acknowledged the applicable burden of proof standards in its Order, stating:

> The proponent of a rule or order in any Commission proceeding bears the burden of proof, 66 Pa.C.S. § 332(a), and therefore, the Company has the burden of proving its case by a preponderance of the evidence. *Samuel J. Lansberry, Inc. v. Pa. PUC*, 578 A.2d 600 (Pa. Cmwlth. 1990), alloc. denied, 602 A.2d 863 (Pa. 1992). That is, the Company's evidence must be more convincing, by even the smallest amount, than the evidence presented by the other parties. *Se-Ling Hosiery, Inc. v. Margulies*, 70 A.2d 854 (Pa. 1950).
>
> Additionally, this Commission's decision must be supported by substantial evidence in the record. More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. *Norfolk & Western Ry. Co. v. Pa. PUC*, 413 A.2d 1037 (Pa. 1980).

FirstEnergy Order at 10.

FirstEnergy and the Settling Parties presented substantial evidence demonstrating the harm experienced by its residential shopping customers and supporting the proposed modifications to the Supplier Tariff. As summarized in the Commission's Order, the record established:

- In 2025 alone, the Company's residential shopping customers, in aggregate, paid $82 million more to EGSs than they would have paid for default service, even after factoring in customers who saved money by switching to an EGS.
- In 2025, more than 80% of the EGSs serving FirstEnergy's residential customers charged a rate above the Company's applicable PTC.
- On average, from 2022 to 2025, the uncollectible expense per FirstEnergy residential shopping customer was $22.83, or almost three times more than the uncollectible expense per residential default service customer ($7.82).
- FirstEnergy residential shopping customers are up to 10 times more likely to have their service terminated than residential default service customers; in 2025, residential shopping customers were terminated at rates as high as 22%, compared to just 3% for residential default service customers.
- The Company's average per-customer write-off balance for shopping customers ($2,173) was more than double the amount for default service customers ($972), which correlates to a higher risk of involuntary termination.
- Similarly, from 2022 to 2025, on average, 40% of the Company's total residential generation uncollectible expense was attributable to purchased EGS accounts receivables even though only 18% of residential customers were shopping over that same period.

- FirstEnergy customer complaints related to competition issues, including slamming and high EGS prices, have been increasing in recent years, and were 50% higher in 2025 than in 2024.

FirstEnergy Order at 117 (internal citations omitted).

This record evidence in this proceeding demonstrates a substantial disparity between the costs and risks experienced by residential shopping customers and those experienced by residential default service customers. It also establishes a direct relationship between FirstEnergy's residential shopping and higher generation costs, increased uncollectible expenses, involuntary terminations, and customer complaints. The ALJs considered this evidence and concluded that the proponents of the proposed Supplier Tariff modifications had established actual harm, supported by substantial record evidence. R.D. at 197-99. The ALJs further found that the evidence in this proceeding established the necessary basis for the proposed modifications under the Commission's prior decisions addressing waiver of Section 54.10. *Id.*

Despite this evidence, the Commission declined to approve FirstEnergy's Reversion to Default Service Proposal because it was unable to ascertain the root cause of the increased costs identified in the Settlement. *FirstEnergy Order* at 163-64 (emphasis added). Specifically, the Commission stated that it is "interested in conducting a more comprehensive and diligent review of this issue to ascertain what portion of the costs noted on the record here are the result of customers choosing value-added products, renewable products, long-term fixed rates products, time-of-use, or other types of products, versus those costs that were manifested due to customer inaction." *FirstEnergy Order* at 164.

However, the Commission did not identify any evidence presented by the Opposing Parties concerning the proposed modifications that rebutted the Settling Parties' evidence or established that the increased costs and customer harms were attributable to FirstEnergy customers voluntarily selecting particular EGS value-added products. Instead, the Commission relied upon the mere

possibility that such evidence might exist and determined that further investigation was necessary by a separate internal office. This approach is inconsistent with the burden of proof standards the Commission itself recognized.

The Commission expressly stated that its decision must be supported by substantial evidence in the record and that more is required than "a mere trace of evidence or a suspicion of the existence of a fact sought to be established." *FirstEnergy Order* at 10 (citing *Norfolk & Western Ry. Co. v. Pa. PUC*, 413 A.2d 1037 (Pa. 1980)). Yet, the Commission's decision to refer the Reversion to Default Service Proposal to OCMO rests upon its unsupported suspicion that some portion of the increased costs may be attributable to customers voluntarily selecting particular products. The Commission did not identify record evidence establishing that this possibility undermined FirstEnergy's or the other Settling Parties' showing of actual harm or otherwise rebutted the evidence supporting the proposed modifications.

If the Opposing Parties the Reversion to Default Service Proposal believed that the increased costs were attributable to customers voluntarily selecting value-added products, renewable products, long-term fixed-rate products, time-of-use products, or other offerings, it was incumbent upon them to present sufficient evidence supporting that position in this proceeding. The Commission should not disregard the substantial evidence presented by the Settling Parties based upon speculation that additional evidence may exist to support the Opposing Parties' positions. Doing so effectively requires FirstEnergy to satisfy a greater burden of proof than the preponderance-of-the-evidence standard established under the Public Utility Code and Commission precedent. 66 Pa.C.S. § 315; *Samuel J. Lansberry, Inc. v. Pa. PUC*, 578 A.2d 600 (Pa. Cmwlth. 1990), *alloc. denied*, 529 Pa. 654 (1992); *Se-Ling Hosiery, Inc. v. Margulies*, 364 Pa. 45 (1950); *Hurley v. Hurley*, 754 A.2d 1283, 1285 (Pa. Super. 2000).

Accordingly, the OCA respectfully requests that the Commission grant reconsideration and find that FirstEnergy satisfied its burden of proof by a preponderance of the evidence. The Commission should adopt the ALJs' findings and approve the Reversion to Default Service Proposal as included in Paragraph 66 of the Joint Petition.

D. The Commission erred when it found that FirstEnergy's request for a waiver of 52 Pa. Code Section 54.10 is moot.

The Commission erred when it determined that FirstEnergy's request for a waiver of 52 Pa. Code Section 54.10(3) is moot as a result of its decision to refer FirstEnergy's Reversion to Default Service Proposal to OCMO. *FirstEnergy Order* at 164. The Commission's determination creates uncertainty regarding FirstEnergy's ability to implement its DSP as filed if the Commission does not issue a final determination concerning the proposed modifications before the statutory deadline for implementation. *Id.* at 164-65.

The Commission's Order directs OCMO to provide its recommendations by June 1, 2027 and at the same time, the Commission acknowledges the statutory requirements governing approval of default service plans under Section 2807(e)(3.6) of the Public Utility Code, which provides: "If the Commission fails to issue a final order on the plan within nine months of the date that the plan is filed, the plan shall be deemed to be approved and the default service provider may implement the plan as filed." 66 Pa.C.S. § 2807(e)(3.6); *FirstEnergy Order* at 164-65. Moreover, the Commission stated: "Should the Settlement be withdrawn, we ask that FirstEnergy consider acting in good faith to not implement the DSP VII as originally filed in order to permit the Commission time to make a prudent and final determination as expeditiously as possible." *FirstEnergy Order* at 165.

The Commission's treatment of FirstEnergy's waiver request is inconsistent with its recognition of the statutory framework governing implementation of the DSP. FirstEnergy

requested a waiver of Section 54.10(3) because its proposed Reversion to Default Service modifications require relief from the existing regulatory requirements governing the retention of customers by EGSs upon expiration of their contracts. The requested waiver is therefore necessary to implement the proposed modifications as included in its Petition.

Without ruling on the waiver request and instead calling it moot, the Commission has left FirstEnergy without the necessary clarity to implement the Reversion to Default Service Proposal within its revised Tariff, even as the Order implies that FirstEnergy has the authority to do so. In fact, the Commission acknowledges that, if the OCMO proceeding does not result in a final Commission determination before the applicable statutory deadline, FirstEnergy's plan may be deemed approved under Section 2807(e)(3.6). *FirstEnergy Order* at 164-165. However, the statutory deemed-approval provision does not independently resolve FirstEnergy's outstanding request for a waiver of Section 54.10(3) of the Commission's regulations.

Accordingly, FirstEnergy could be deemed to have approval of its Default Service Program as filed while remaining unable to implement the proposed Reversion to Default Service modifications because the necessary waiver has not been determined as the Commission has already ruled that the issue is moot. Therefore, the Commission should not render FirstEnergy's waiver request moot merely because it has elected to defer consideration of the underlying proposal to a separate paper proceeding, particularly when the Commission's own timeline contemplates that the OCMO paper proceeding may not be completed until the statutory implementation period has passed.

Accordingly, the OCA respectfully requests that the Commission grant reconsideration and resolve FirstEnergy's request for a waiver of 52 Pa. Code Section 54.10(3) in conjunction with its consideration of the Reversion to Default Service Proposal. Specifically, the Commission should

approve the waiver necessary to implement the proposed modifications as included in Paragraph 66 of the Settlement, consistent with the ALJs' recommendation to approve the Joint Petition without modification.

V. CLARIFICATION

A. The OCA seeks clarification regarding the procedures governing the OCMO paper proceeding, including whether discovery will be permitted.

The *FirstEnergy Order* directs OCMO to conduct an expedited, statewide paper proceeding to review concerns regarding the proposed modifications to FirstEnergy's Reversion to Default Service Proposal. However, the Order provides little direction regarding the procedures that will govern this proceeding, leaving the parties uncertain as to how the review will be conducted and whether they will have a meaningful opportunity to develop and present evidence in support of their respective positions.

Specifically, the Commission states that OCMO will conduct a paper proceeding on an expedited basis that will be separately docketed and will culminate in recommendations to the Commission by June 1, 2027, but does not identify the process by which OCMO will obtain the information necessary to evaluate the issues identified in the Order. *FirstEnergy Order* at 164. However, there are no Commission regulations that discuss paper proceedings and no further information is provided in the Order.

The Commission expressly acknowledges that its stated justification for implementing this referral process is to investigate the root causes of the increased costs identified in the Settlement reached in the instant docket. *FirstEnergy Order* at 163. Specifically, the Commission seeks a more comprehensive review to determine the extent to which those costs are attributable to customers' selection of value-added, renewable, long-term fixed-rate, time-of-use, or other products, as opposed to customer inaction. *Id.* at 164. However, the Commission has not specified

how this review will be conducted or what procedural opportunities, if any, will be afforded to the parties, including whether the matter will involve an evidentiary hearing, briefing, written comments, or some other process. *FirstEnergy Order* at 163-64. Indeed, the Commission does not explain how a paper proceeding, particularly one without a formal discovery process or any established procedures, will enable OCMO and the parties to obtain the information necessary to conduct this review.[2]

The OCA is particularly concerned with whether the parties will be permitted to utilize the discovery and evidentiary record developed in this proceeding. The Commission has closed the instant DSP VII docket but has not clarified whether the parties may rely upon information obtained through discovery, including verified discovery responses and witness testimony, when submitting comments or other materials in the separately docketed OCMO proceeding. This information is directly relevant to the issues the Commission has directed OCMO to examine. Prohibiting the parties from relying upon the existing record would require them to independently obtain information that has already been developed through discovery, potentially creating unnecessary duplication and delay. Moreover, if the parties are not permitted to rely upon the existing record and are not afforded an opportunity to conduct additional discovery, they will be left with substantially less information upon which to support their respective positions.

Moreover, the OCA is concerned that referring this matter to OCMO for further investigation could compromise the integrity of the existing evidentiary record by permitting the development of additional information outside the established procedural framework of the underlying proceeding. The record before the ALJs was developed through formal discovery,

[2] The OCA further asserts that the record in the above-referenced proceeding is replete with substantial evidence supporting the Settlement as filed. Accordingly, the OCA raises concerns regarding whether the referral process will introduce extra-record evidence and how any subsequent paper proceeding will address the existing confidential and highly confidential materials in the above-docketed proceeding.

testimony, evidentiary hearings, and the parties' opportunity to examine and challenge the evidence presented. An informal investigative process could generate extra-record information that has not been subjected to those same procedural safeguards, yet may ultimately inform the Commission's consideration of the Settlement. Moreover, the Commission has not explained how any information obtained through this referral will be incorporated into the existing record, whether the parties will have an opportunity to review and respond to that information, or how confidential and highly confidential materials previously submitted in the underlying proceeding will be protected and handled.

This concern is particularly significant because the Commission's stated objective is to identify the root causes of the increased costs associated with retail shopping and determine whether modifications to the existing retail market rules are warranted. The evidence developed in this proceeding, including verified discovery responses and witness testimony, provides an existing and substantial evidentiary foundation for examining these issues.[3] By contrast, the Commission has not indicated whether submissions in the OCMO paper proceeding will be verified, whether parties may submit additional evidence, or whether OCMO will have authority to issue discovery requests and require responses from interested parties. Without clarification on these procedural matters, it is unclear how the OCMO proceeding will develop the comprehensive and reliable information the Commission has indicated is necessary to inform its decision.

Although the Commission expresses a desire to conduct a "more comprehensive and diligent review" to seemingly determine whether the increased costs identified in the Settlement resulted from customers affirmatively selecting value-added products or instead from customer

[3] It is uncontested that, in 2025, FirstEnergy's residential customers paid $82 million more with EGSs than they otherwise would have with default service. FirstEnergy St. 1 (Corrected) at 21-22; FirstEnergy St. 1-R at 10; FirstEnergy Exh. DMY-13.

inaction (*FirstEnergy Order* at 163), the OCA questions what additional information is necessary to make that distinction given the substantial record evidence. The existing record already establishes the substantial price differential between competitive supply and default service, including approximately $82 million in additional net generation charges incurred by FirstEnergy's residential shopping customers in 2025 alone. *First Energy Order* at 117.

Accordingly, the OCA respectfully requests that the Commission clarify the procedures that will govern the OCMO paper proceeding, including whether the parties will be permitted to rely upon the discovery responses, testimony, and other evidence developed in the instant DSP VII proceeding; whether the parties will be permitted to conduct additional discovery or otherwise obtain verified information necessary to support their positions; whether there will be an evidentiary hearing; whether there will be an opportunity to file written comments and reply comments; and whether the paper proceeding will provide an opportunity for parties to submit evidence in addition to written comments. Clarification of these issues is necessary to ensure that the OCMO paper proceeding provides a meaningful opportunity for the parties to address the Commission's concerns and that any recommendations ultimately provided to the Commission are based upon a sufficiently developed and reliable record.

B. The OCA seeks clarification regarding whether the Commission's decision to direct OCMO to conduct a paper proceeding on certain provisions of the Settlement constitutes a final, appealable Order.

The OCA respectfully requests that the Commission clarify whether its Order constitutes a final denial of the relevant provisions of Paragraph 66 of the Settlement, such that an aggrieved party must seek judicial review of that determination at this time, or whether the Commission intends to defer a final determination in the instant docket until the OCMO proceeding is complete.

The Commission's Order creates uncertainty regarding the finality of its determination and the parties' ability to seek judicial review. Unlike a further phase of the same adjudicatory proceeding, the contemplated OCMO review will be separately docketed and may culminate in "a proposed rulemaking, order, advisory memo, report, or any other transmittal deemed appropriate." *FirstEnergy Order* at 164. The Order does not indicate whether a presiding officer will be involved, whether OCMO will adjudicate the paper proceeding, whether the Commission must act upon OCMO's recommendations, or whether the parties to this DSP proceeding will receive a subsequent appealable order resolving the disposition of Paragraph 66 of the Settlement.

Moreover, OCMO is directed to provide its recommendations by June 1, 2027. By that time, the period for seeking judicial review of the Commission's October 22, 2026, Order will have expired. Additionally, as the Commission indicated that OCMO's recommendations can include a proposed rulemaking, a final determination regarding these issues may not be reached for an even longer time-period.

Absent clarification, the parties face uncertainty as to whether they must seek immediate judicial review of the Commission's removal of the relevant provisions or await the outcome of a separate paper proceeding, or set of proceedings, that may not result in a subsequent appealable order.

This uncertainty is particularly concerning in light of the Commission's obligation to issue reasoned decisions addressing the material issues presented. Commission decisions must state findings, conclusions, and reasons concerning all material issues presented on the record, together with the appropriate relief or denial. 66 Pa.C.S. § 335. The Pennsylvania Supreme Court has explained that the purpose of agency findings is to enable judicial review of the questions presented on appeal. *Popowsky v. Pa. PUC*, 550 Pa. 449, 464 (1997). Similarly, in *Barasch v. Pa. PUC*, the

Commission stated: "We have held that a Commission decision is adequate where, on each of the issues raised, the Commission was merely presented with a choice of actions, each fully developed in the record, and its choice on each issue amounted to an implicit acceptance of one party's thesis and rejection of the other party's contention." *Barasch v. Pa. PUC*, 515 A.2d 651, 655 (Pa. Cmwlth. 1986).

Here, the Commission has not clearly stated whether its action to direct an OCMO paper proceeding constitutes a final denial of the Reversion to Default Service provisions or whether their disposition remains pending the OCMO review. Without clarification, the parties are left without a meaningful opportunity to determine whether the Commission has issued a final, appealable determination or whether further agency action is required, an ambiguity that raises fundamental concerns of procedural due process and risks impairing the parties' right to timely seek judicial review.

Additionally, OCMO itself is not an appropriate Commission office to determine this adjudicated issue. OCMO is the Commission's retail choice ombudsman and the Commission's regulations do not provide OCMO with the powers that the Commission apparently grants it in this expedited paper proceeding format. Instead, OCMO's enabling Commission regulation states:

> The public interest would be served by the designation of an employee as a retail choice ombudsman at each EDC and the Commission. The ombudsman would be responsible for responding to questions from EGSs, monitoring competitive market complaints and facilitating informal dispute resolution between the DSP and EGSs.

52 Pa. Code § 69.1817; *see also* Office of Competitive Market Oversight, https://www.puc.pa.gov/electricity/retail-markets/office-of-competitive-market-oversight-ocmo (previously accessed Nov. 6, 2026).

Accordingly, the OCA requests that the Commission clarify whether its determination constitutes a final, appealable order subject to judicial review or whether further Commission

proceedings or action are required before an appeal may be taken. The OCA further requests that the Commission expressly identify the procedural posture of this matter and clarify any applicable deadlines for seeking judicial review in order to avoid prejudice to the parties' due process rights and their ability to obtain meaningful appellate review. Such clarification is necessary to preserve the parties' ability to obtain meaningful judicial review and prevent the loss of appellate rights resulting from the present uncertainty regarding the relationship between the Commission's October 22, 2026, Order and the future OCMO paper proceeding.

C. The Commission's referral of the disposition of paragraph 66 of the settlement in this proceeding to OCMO raises concerns regarding improper delegation of adjudicatory authority in violation of *Lyness*.

The *FirstEnergy Order* raises concerns regarding the delegation of adjudicatory authority to OCMO, a non-adjudicative office within the Commission. The Order provides that OCMO may make its recommendations through "a proposed rulemaking, order, advisory memorandum, report, or any other form of transmittal it deems appropriate." *FirstEnergy Order* at 163-64. In doing so, the Commission has effectively transferred further consideration of the merits of the proposed retail market modifications to an office that does not exercise the Commission's adjudicatory authority, without clarifying the process through which the Commission itself will ultimately resolve the issues.

The Pennsylvania Supreme Court has recognized that administrative agencies must maintain appropriate separation between their investigative and adjudicative functions to protect the due process rights of affected parties. In *Lyness v. Commonwealth*, the Court explained:

> What our Constitution requires, however, is that if more than one function is reposed in a single administrative entity, walls of division be constructed which eliminate the threat or appearance of bias.
>
> . . .

> [W]here the very entity or individuals involved in the decision to prosecute are "significantly involved" in the adjudicatory phase of the proceedings, a violation of due process occurs.

Lyness v. Commonwealth, 529 Pa. 535, 546-47 (1992) (quoting *Commonwealth, Department of Insurance v. American Bankers Insurance*, 387 A.2d 449, 456 (Nix, J., concurring)).

The initiation of a separate statewide paper proceeding before OCMO further raises concerns regarding the Commission's obligation to maintain the separation of investigative, prosecutorial, and adjudicative functions required by the Due Process Clause of the Pennsylvania Constitution. See *Lyness v. Commonwealth*, 605 A.2d 1204, 1209-10 (Pa.1992). To the extent the statewide proceeding encompasses issues, conduct, or factual questions implicated in this matter, clarification is necessary as to whether the Commission intends to independently adjudicate the pending controversy or whether it is undertaking a separate investigative or policy-making process that may overlap with, influence, or effectively prejudge the issues presented here. The parties respectfully request clarification of the relationship between the two proceedings, including whether any findings, evidence, or determinations arising from the statewide proceeding may bear upon or affect this matter, and what safeguards will be maintained to preserve the separation of investigative and adjudicative functions contemplated by *Lyness*.

VI. CONCLUSION

For these reasons, the OCA requests that the Commission reconsider its previously issued order and allow for full implementation of the settlement without modification, including the proposed changes to FirstEnergy's Return of Customers to Default Service at Contract Expiration and Quarterly Affirmation for Variable Rate Contracts Proposal, as delineated in the Joint Petition for Approval of Non-Unanimous Settlement for the following reasons: (1) the Commission erred when it failed to issue a decision on a contested matter; (2) Commission's Order was procedurally defective when it referred the decision to grant or deny the Reversion to Default Service Provision to OCMO; (3) the Commission erred when it did not find that FirstEnergy met its burden of proof; (4) and the Commission erred when it found that FirstEnergy's request for a waiver of 52 Pa. Code Section 54.10 is moot.

In the alternative, the OCA respectfully requests that the Commission (1) clarify the process of the OCMO paper proceeding and whether discovery would be permitted; (2) clarify whether the Commission's decision constitutes a full denial of the relevant provisions such that an aggrieved party must seek judicial review of that disposition now, or instead defers a final determination until the OCMO process is complete; and (3) clarify that the Commission is not delegating its adjudicatory authority to a non-adjudicatory branch of the Commission and that any final determination concerning FirstEnergy's relevant default service proposals will be made by the Commission itself.

Respectfully submitted,

/s/ Olivia M. Spergel

Olivia M. Spergel, Esq.
Assistant Consumer Advocate
PA Attorney I.D. # 337929
Email: OSpergel@paoca.org

Harrison W. Breitman, Esq.
Senior Assistant Consumer Advocate
PA Attorney I.D. # 320580
Email: HBreitman@paoca.org

Katie Kennedy, Esq.
Assistant Consumer Advocate
PA Attorney I.D. # 317237
Email: KKennedy@paoca.org
Email: OCAFEPADSP26@paoca.org

Counsel for:
Darryl A. Lawrence
Consumer Advocate

Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923

Phone: 717-783-5048
Fax: 717-783-7152

Dated: November 9, 2026