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November 10, 2026

VIA ELECTRONIC FILING
Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

RE: 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

Dear Secretary Homsher:

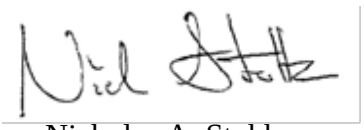
Enclosed for filing on behalf of Sunrise Airport Road LLC, Sunrise Forrester Road LLC, Sunrise Franklin Road LLC, Sunrise Harlansburg Road LLC, Sunrise Hendersonville Road LLC, Sunrise McCurdy Road LLC, Sunrise Perry Highway LLC, Sunrise Sandy Lake Greenville Road LLC, Sunrise Sandy Lake Polk Road LLC, and Sunrise Springfield Church Road LLC (collectively, the "Customer-Generator Coalition" or the "CGC") is the CGC's Petition for Reconsideration and/or Clarification in the above-referenced proceeding.

Service has been made upon all parties of record in this proceeding in accordance with the attached Certificate of Service.

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

Very truly yours,

STEVENS & LEE



Nicholas A. Stobbe

Enc.
cc: Deputy Chief Administrative Law Judge Mark A. Hoyer (*via Email*)
Administrative Law Judge Erin L. Gannon (*via Email*)
Certificate of Service

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

CERTIFICATE OF SERVICE

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

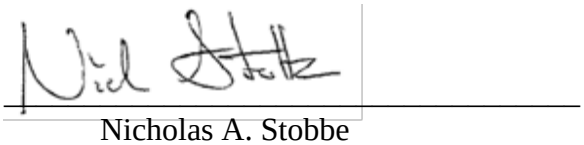
VIA E-MAIL

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Dated: November 10, 2026 Nicholas A. Stobbe

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

PETITION FOR RECONSIDERATION AND CLARIFICATION OF SUNRISE AIRPORT ROAD LLC, SUNRISE FORRESTER ROAD LLC, SUNRISE FRANKLIN ROAD LLC, SUNRISE HARLANSBURG ROAD LLC, SUNRISE HENDERSONVILLE ROAD LLC, SUNRISE MCCURDY ROAD LLC, SUNRISE PERRY HIGHWAY LLC, SUNRISE SANDY LAKE GREENVILLE ROAD LLC, SUNRISE SANDY LAKE POLK ROAD LLC, AND SUNRISE SPRINGFIELD CHURCH ROAD LLC

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Dated: November 10, 2026

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I. INTRODUCTION

Pursuant to Section 703(g) of the Public Utility Code[1] and Section 5.572 of the Pennsylvania Public Utility Commission's ("Commission") regulations,[2] Sunrise Airport Road LLC, Sunrise Forrester Road LLC, Sunrise Franklin Road LLC, Sunrise Harlansburg Road LLC, Sunrise Hendersonville Road LLC, Sunrise McCurdy Road LLC, Sunrise Perry Highway LLC, Sunrise Sandy Lake Greenville Road LLC, Sunrise Sandy Lake Polk Road LLC, and Sunrise Springfield Church Road LLC (hereinafter, the "Customer-Generator Coalition" or "CGC") hereby file this Petition for Reconsideration and Clarification of the Commission's Opinion and Order entered October 26, 2026 ("Opinion and Order")[3] in the above-captioned proceeding, which approved the Joint Petition for Non-Unanimous Settlement of All Issues ("Non-Unanimous Settlement"), as modified by the Motion of Chairman Stephen M. DeFrank.

CGC files this Petition to seek reconsideration and clarification of several factual and legal issues that will affect the viability of net-metered customer-generation in FirstEnergy Pennsylvania Electric Company ("FirstEnergy" or "FE PA") service territory. Namely, CGC seeks clarification and correction of the Commission's approval of FirstEnergy's "Maximum Registered Peak Load" ("MRPL") proposal, which would foist customer-generators previously receiving service under Price-to-Compare ("PTC") Rider into FirstEnergy's Hourly Pricing ("HP") Default Service Rider. For the reasons set forth below, the CGC respectfully submits that the Commission factually and legally erred in approving the Non-Unanimous Settlement's MRPL provisions, thereby warranting reconsideration and clarification of the Opinion and Order.

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[1] 66 Pa. C.S. § 703(g).

[2] 52 Pa. Code § 5.572.

[3] *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 (Opinion and Order entered Oct. 26, 2026) ("Opinion and Order").

II. BACKGROUND

On February 3, 2026, FirstEnergy filed a Petition for Approval of Default Service Plan ("DSP") at the above-referenced docket which contained proposed terms and conditions under which FirstEnergy would procure and supply default electric service between June 1, 2027, and May 31, 2031.[4] Among other proposals, FirstEnergy proposed Tariff revisions potentially calamitous to existing and prospective customer-generators who utilize the net-metering provisions of the Alternative Energy Portfolio Standards ("AEPS") Act[5] to net-meter behind-the-meter generated electricity back to FirstEnergy's distribution grid for consumption by all FirstEnergy's customers. Specifically, FirstEnergy proposed moving customer-generators with systems of over 100 kilowatts ("kW") from the stable PTC Rider rate into the volatile HP Rider rate. In turn, affected customers – like the membership of the CGC – would be compensated for their excess electricity generation at what amounts to a wholesale, rather than retail, rate.

On June 15, 2026, an evidentiary hearing was held where several of FirstEnergy's witnesses, Office of Consumer Advocate ("OCA") witness, and CGC witness Mr. James A. Heidell, were cross-examined. During the evidentiary hearing, all Parties' pre-served written testimony and exhibits were admitted into the evidentiary record without objection.[6] On July 2, 2026, FirstEnergy, along with the OCA, the Office of Small Business Advocate ("OSBA"), the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania ("CAUSE-PA"), Walmart, Inc. ("Walmart"), and Duquesne Light Company ("Duquesne") filed the Non-Unanimous Settlement (collectively, the "Settling Parties").

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[4] *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 (Petition filed Feb. 3, 2026) ("*DSP VII"*).

[5] Act of November 30, 2004, P.L. 1672, as amended, 73 P.S. §§ 1648.1-1648.8.

[6] Opinion and Order, p. 7.

In response to the Non-Unanimous Settlement, CGC and others[7] timely filed Main Briefs in opposition. On August 21, 2026, Deputy Chief Administrative Law Judge Mark A. Hoyer and Administrative Law Judge Erin L. Gannon (collectively, the "ALJs") issued a Recommended Decision ("Recommended Decision" or "RD") which approved the Joint Petition for Non-Unanimous Settlement. On August 31, 2026, CGC filed Exceptions to the RD.

On October 26, 2026, the Commission entered its Opinion and Order approving the Non-Unanimous Settlement, as modified by the Motion of Chairman Stephen M. DeFrank. The Order approved the Non-Unanimous Settlement's MRPL provisions, thereby moving the CGC's membership from the PTC Rider rate – the applicable rate in which CGC's existing projects were financed, constructed, and operated – to the HP Rider rate as of June 1, 2029.

III. LEGAL STANDARDS

The Commission's standards for granting reconsideration of final orders were delineated in *Duick v. Pa. Gas and Water Co.*, 56 Pa. P.U.C. 553 (1982):

> 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 Company case, wherein it was said 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.[8]

[7] *See* CGC Exceptions, pp. 13-14.

[8] *Duick*, 56 Pa. P.U.C. at 559 (*quoting Pa. R.R. Co. v. Pa. P.U.C.*, 118 Pa. Super. 180 (1935)).

The Commission has explained that the operative language of the *Duick* standard focuses on the deliberations of the Commission, not the arguments of the parties.[9] Furthermore, a petition for reconsideration is properly before the Commission where it pleads newly discovered evidence, alleges errors of law, or a change in circumstances.[10]

Through the instant Petition, the CGC raises new and novel issues for reconsideration and/or clarification. First, CGC submits that the Commission's decision erred when it found that the Settling Parties carried their burden of proof to warrant approval of the MRPL proposal. Second, CGC submits that the Commission's overlooked or did not properly consider the benefits of customer-generation under the public interest standard required to approve settlements.

IV. RECONSIDERATION

A. The Opinion and Order erred as a matter of law in finding that the Settling Parties carried their burden of proof with respect to the MRPL proposal.

The Commission erred as a matter of law in finding that the Settling Parties carried their burden of proof with respect to the MRPL proposal. The Commission's review of the Non-Unanimous Settlement is not limited to determining whether the Settlement reflects compromise among the settling parties. Indeed, to garner approval, the decision approving the settlement "must be supported by substantial evidence in the record."[11] "More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established."[12] FirstEnergy's MRPL proposal is premised entirely on the "suspicion of the

[9] *See Pa. PUC v. PPL Electric Utils. Corp.*, Docket No. R-2012-2290597 (Order entered May 22, 2014).

[10] *Pa. PUC v. Jackson Sewer Corp.*, 96 Pa.PUC 386, 2001 WL1789367 (Order entered November 13, 2001).

[11] Opinion and Order, at p. 10.

[12] *Id.*

existence of a fact" and the Commission erred by treating this suspicion as substantial evidence.

In its substantial evidence analysis, the Commission held that "the ALJs cited to the risk premium evidence premium evidence provided by FirstEnergy's witness, Dr. Nicholas E. Powers and the OCA's witness, Dr. Ogur"[13] to support FirstEnergy's theories regarding risk premiums. The Commission goes on to adopt FirstEnergy's contention that "the Commission does not require specific quantification of risk premiums to determine that they exist."[14] Both the Commission and FirstEnergy's support for these conclusions are unsupported or fundamentally incorrect.

The Commission does not appear to have considered CGC's reasoned analysis as to the presence – or lack thereof – of risk premiums related to customer-generation. CGC correctly explained throughout this proceeding that there is no record support for the proposition that customer-generation increases risk-premiums for other customers. FirstEnergy admitted that it has not been advised by wholesale suppliers that risk premiums have been or will be added because of net-metered customer-generation.[15] FirstEnergy admitted that it has not asked wholesale bidders whether they have or will, despite wholesale generators that bid on Fixed-Price Full Requirements ("FPFR") contracts being party to this case.[16] FirstEnergy admitted that it did not and cannot quantify the alleged risk premiums.[17] FirstEnergy admitted that it cannot predict changes to the PTC.[18] The Opinion and Order failed to address these blatant shortcomings, substituting a "mere suspicion of a

[13] *Id.*, at . 78.

[14] *Id.* at 79.

[15] CGC St. No. 1, p. 11, lines 18-20; CGC Exhibit No. JAH-8.

[16] *See* Constellation Prehearing Memorandum, ¶ 5; Tr. at 86.

[17] CGC St. No. 1, p. 10, lines 18-19.

[18] CGC St. No. 1, p. 8, lines 15-19; CGC Exhibit No. JAH-5.

fact sought to be established" in place of established fact. The CGC submits this was in error and warrants correction.

Moreover, the Opinion and Order erred when it agreed with FirstEnergy that a specific quantification is unneeded to determine risk premiums exist.[19] While potentially accurate in a broad sense, this conclusion effectively flips the burden of proof on its head. CGC seeks clarification regarding the evidence relied upon by the Commission to determine that risk premiums are caused by customer-generation. As the Commission noted, the Settling Parties bear the burden of proof that the Settlement is supported by substantial evidence. Here, there is not only no quantification of the risk premium, but there is no evidence whatsoever that customer-generation results in a risk premium for default service, other than an unsubstantiated allegation by FirstEnergy's witness. There is also no record evidence from default suppliers to suggest the addition of net-metering-related risk premiums. Nor is there evidence to suggest that FirstEnergy can predict changes to the PTC on the basis of these amorphous risk premiums. In the absence of such record evidence, it is uncertain as to what evidence the Commission considered "substantial" enough to carry the Settling Parties' burden of proof for the MRPL proposal.

Additionally, both the Opinion and Order and FirstEnergy erroneously point to 66 Pa.C.S. § 2807(e)(3.3) and UGI Electric[20] in support of this evidentiary trap door. Section 2807(e)(3.3) reads:

> (3.3) The commission may determine that a contract is required to be extended for a longer term of up to 20 years, if the extension is necessary to ensure adequate and reliable service at least cost to customers over time.

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[19] *Opinion and Order*, at p. 79.

[20] *See Petition of UGI Utils., Inc. – Elec. Div. for Approval of a Default Serv. Plan for the Period of June 1, 2025 through May 31, 2029*, Docket Nos. P-2024-3049343, et al. (Opinion and Order entered Feb. 20, 2025*) aff'd sub nom., Penn Renewables, LLC v. Pa. Pub. Util. Comm'n*, 2026 WL 1466224 (Pa. Cmwlth. 2026) (hereinafter "*UGI Electric*").

Similarly puzzling as applied in the *quantification of risk premiums* context, the cited page of the Commission's determination in *UGI Electric* does not address the quantification of anything.[21] How Section 2807(e)(3.3) of the Code and the *UGI Electric* Order can be read to side-step a utility's burden of proof to show that things are how it contends they are is perplexing and should be reconsidered and/or clarified by the Commission.

B. The Opinion and Order erred by failing to critically evaluate the undisputed benefits of customer-generation in its public interest analysis.

The Opinion and Order overlooked the undisputed benefits provided by customer-generation under FirstEnergy's existing net-metering scheme. These benefits must be viewed through the "public interest" lens." The Order does not undertake any public interest analysis despite the extensive evidence and arguments presented by CGC and others regarding the public interest benefits of customer-generation. Instead, the Opinion and Order explains that "the ALJs are not required to provide a cost-benefit analysis of the purported benefits" of net-metered customer-generation.[22] While true in a purely technical sense, the public interest mandates conspicuous and detailed examination of the benefits of customer-generation under the existing PTC scheme – particularly as those benefits would be reduced or eliminated upon institution of the MRPL proposal. With this Petition, CGC seeks reconsideration and/or clarification of the Commission's analysis of the public interest inquiry.

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[21] *UGI Electric*, at pp. 55-56. CGC suspects that the FirstEnergy and the Commission are refencing the passage from *UGI Electric* that reads: "we agree with the ALJs that UGI is not required to prove that market participants receive optimum economic outcomes." *Id.* at p. 55. CGC is not contending that its members are legally entitled to an "optimum economic outcome." It is contending that FirstEnergy has failed to carry its burden of proof to substantially show the existence of risk premiums borne by net-metering customer-generators, *i.e.*, the primary justification for the MRPL proposal.

[22] Opinion and Order, at p. 79.

In the Opinion and Order, the Commission effectively inverted the Settling Parties' burden of proof and applied it to CGC's benefits analysis. The Commission explained that "CGC did not explain why small businesses in Pennsylvania should pay for the costs of providing any of these purported benefits".[23] Next, the Commission answers its own postulation, stating that "it is not reasonable for small businesses to do so."[24]

CGC respectfully submits that the Commission may have misunderstood its position in this proceeding. CGC's position is not that small business customers should "pay the costs of providing any of these purported benefits." Rather, its position is that FirstEnergy has not demonstrated the existence of *any* substantial costs related to customer-generation beyond the true-up payments.[25] Furthermore, FirstEnergy has not demonstrated that the purported costs of customer-generation under the current scheme are not outweighed by the obvious benefits of customer-generation. Additionally, and perhaps most critically, the Commission erroneously adopted the false binary created by FirstEnergy in this proceeding. FirstEnergy has effectively presented the Commission with two options: maintain the PTC Rider status quo or adopt the MRPL proposal. Net-metered excess generation can be used by any of FirstEnergy's customers,[26] and excess generation is not used to serve default service.[27] Therefore, it is reasonable to suggest it is possible – and potentially in the public interest – for FirstEnergy to evaluate different tariff methodologies, such as a rider, to recover the true-up costs from *all* classes benefitting

[23] *Id.*, at p. 80.

[24] *Id.*

[25] While true-up payments are admittedly costs, the use of customer-generation in the distribution grid conceivably offsets default service load, thereby saving default service customers costs in direct relation to the true-up costs.

[26] *See* JSA St. No. 1-S, p. 23, lines 3-4.

[27] FirstEnergy St. No. 1, p. 17, lines 11-14.

from net-metered customer-generation.[28] FirstEnergy did not do so, and the Opinion and Order overlooked this shortcoming.

1. The benefits of customer-generation advance the public interest

As stated throughout CGC's testimony, Briefs, and Exceptions, the benefits of encouraging customer-generation under the same or similar compensation scheme in which projects were financed and constructed is critical to advancing the public interest.

First, encouraging the continued viability and buildout of customer-generation will help address the resource adequacy crisis. The Commission itself, as well as other parties to this proceeding, PJM Interconnection LLC, and the Governor of Pennsylvania have recognized this crisis.[29] Less generation or decreased buildout of generation coupled with increased load can result in a capacity shortfall.[30] Approval of the MRPL proposal will worsen and/or hasten the resource adequacy crisis. The CGC submits this directly contravenes the public interest and was not properly evaluated by the Commission in its Opinion and Order. And to the extent that worsening or hastening the resource adequacy crisis is in the public interest, CGC requests clarification from the Commission as to how.[31]

Second, the Opinion and Order ignores that customer-generation reduces system losses, and that reduction in customer-generation will increase system losses.[32] CGC

[28] *See* CGC MB, at p. 41.

[29] CGC MB, at pp. 26-30.

[30] *Id.*, at pp. 27-8; Tr. at 89.

[31] CGC acknowledges that the Commission agreed with the OCA that customer-generator benefits "are addressed more appropriately through public policy tools…" By foisting non-default service customer-generation issues into a default service proceeding, CGC submits that FirstEnergy tacitly recognizes that these benefits and purported costs are appropriately evaluated in the DSP context.

[32] CGC MB at p. 31; CGC St. No. 1, p. 13; JSA St. No. 1, p. 51.

submits that increasing system losses is contrary to the public interest and, to the extent that it is not, requests the Commission clarify its conclusion(s).

Third, it is undisputed that customer-generation provides health and environmental benefits.[33] The Opinion and Order does not address these benefits, nor explains how a reduction in same would advance the public interest. CGC submits that reducing these benefits would contravene the public interest and requests Commission clarify its apparent conclusion otherwise.

Fourth, encouraging customer-generation advances the public interest by providing necessary distribution upgrades as part of the interconnection process. The addition of new customer-generators can delay or wholly address the need for FirstEnergy to pursue distribution upgrades which would otherwise be socialized across FirstEnergy's other customers.[34] Socialization of those upgrades increases costs. Having customer-generators bear the upgrades as part of the interconnection process does not. CGC seeks clarification on whether the Commission evaluated the distribution benefits caused by customer-generation in the Opinion and Order and, if so, whether the Commission believes reducing the number of these upgrades if the MRPL proposal is approved serves the public interest.

Last, CGC also seeks reconsideration and/or clarification of the Commission's position on the benefits of customer-generation for the state economy and Pennsylvania farmers.[35] These benefits were unrefuted but were not addressed in the Opinion and Order. Investments in customer-generation keep locally owned farms viable. The Commission has explained that "the future of Pennsylvania agriculture and the future of our energy system are increasingly indistinguishable."[36] Net-metered customer-generation supports both the

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[33] CGC St. No. 1, p. 14, lines 8-9; *Id*, at lines 10-22.

[34] CGC MB at p. 35; CGC St. No. 1, p. 15.

[35] CGC MB, at pp. 35-37.

[36] *See Pa. PUC v. PPL Electric Utilities Corp.*, Docket R-2025-3057164, p. 198 (Opinion and Order entered June 11, 2026).

energy system and agriculture. Indeed, one of the CGC's members constructed distributed energy facilities that literally "keep [a] farm running."[37] As correctly recognized by Commissioner Kathryn L. Zerfuss, the Commission "must also consider how our policies affect agricultural customers."[38] The CGC submits that supporting Pennsylvania's economy and local farms advances the public interest and seeks reconsideration and/or clarification to the extent the Opinion and Order concluded otherwise.

2. The purported costs of customer-generation do not outweigh its benefits

The Opinion and Order notes that it is not required to perform a cost-benefit analysis on the benefits of customer-generation.[39] CGC agrees. However, the Commission should undertake an evaluation of the benefits of customer-generation against the purported costs of customer-generation to render a public interest determination. CGC respectfully requests that the Commission do so now. Consistent with Section IV(A), *supra*, because FirstEnergy has not quantified the alleged costs of customer-generation, and because the record evidence includes many undisputed benefits of customer-generation, CGC submits that the public interest is served by maintaining the status quo. While there may be other mechanisms to promote customer-generation while also recognizing and addressing FirstEnergy's unsubstantiated and hypothetical costs, FirstEnergy's binary proposal – unaffected by the Non-Unanimous Settlement – forces the Commission's hand. As such, CGC respectfully requests that the Commission reconsider and/or clarify its analysis of customer-generation's benefits under the public interest standard.

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[37] CGC St. No. 1-R, p. 5, fn. 10.

[38] *Petition of FirstEnergy Pennsylvania Electric Company for Approval of its Default Service Program for the Period from June 1, 2027 to May 31, 2031*, Docket No. P-2026-3060298 (Statement of Commissioner Kathryn L. Zerfuss, Oct. 22, 2026).

[39] *Opinion and Order,* at p. 79.

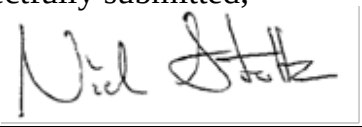
V. CONCLUSION

The issues presented in this Petition raise serious and important questions about the burden of proof borne by utilities like FirstEnergy and the public interest considerations present when evaluating a proposal that will reduce or eliminate widespread public benefits in the Commonwealth of Pennsylvania and beyond. Doing so requires an in-depth and sober analysis of whether the alleged costs that scaffold these benefits both: (1) are supported by substantial evidence in the record; and (2) outweigh the benefits themselves.

The CGC respectfully submits that the Commission's Opinion and Order appears to have overlooked or misinterpreted the Settling Parties' burden of proof and the legal standards governing that burden. The CGC further submits that the Commission's Opinion and Order overlooked the unrefuted benefits of customer-generation and, in doing so, did not perform a fulsome public interest evaluation of the MRPL proposal.

Accordingly, CGC requests that the Commission grant reconsideration and modify and/or clarify the Opinion and Order consistent with this Petition.

Respectfully submitted,



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