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November 10, 2026

VIA ELECTRONIC FILING

Secretary Mattew Homsher
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 from June 1, 2027 to May 31, 2031 Docket No. P-2026-3060298

Dear Secretary Homsher:

Enclosed for filing please find the Petition for Reconsideration of Town Square Energy East, LLC in the above-captioned matter. Copies of this filing have been served in accordance with the attached Certificate of Service.

Thank you, and please do not hesitate to contact me if you have any questions or concerns.

Best Regards,

STEVENS & LEE

Michael A. Gruin, Esq.

Encl.
cc: Certificate of Service
Deputy Chief Administrative Law Judge Mark A. Hoyer (via email)
Administrative Law Judge Erin L. Gannon (via email)
Office of Special Assistants (via email)

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 enclosed Petition for Reconsideration 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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Michael A Gruin

Dated: November 10, 2026 Michael A. Gruin

***- Indicates Executed Protective Order Acknowledgement**

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PETITION OF FIRSTENERGY PENNSYLVANIA ELECTRIC COMPANY FOR APPROVAL OF ITS DEFAULT SERVICE PROGRAM FOR THE PERIOD FROM JUNE 1, 2027 THROUGH MAY 31, 2031	:	**DOCKET NO. P-2026-3060298**

TOWN SQUARE ENERGY EAST, LLC'S
PETITION FOR RECONSIDERATION

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to Section 703(f) of the Public Utility Code, 66 Pa. C.S.A. § 703(f), and 52 Pa. Code § 5.572, Town Square Energy East, LLC ("Town Square")" files this Petition for Reconsideration of the October 26, 2026 Opinion and Order ("Order") issued in the above-captioned proceeding, which approved the Joint Petition for Non-Unanimous Settlement ("Joint Petition", "Non-Unanimous Settlement", or "Settlement"), filed by FirstEnergy Pennsylvania Electric Company ("FirstEnergy" or "FE-PA") the Office of Consumer Advocate ("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") (collectively, the "Joint Petitioners" or "Settling Parties") in this matter, as modified by the removal of Paragraph 66 to the Settlement.

With this Petition, Town Square hereby respectfully requests that the Commission reconsider its approval of the Non-Unanimous Settlement's proposal and require modification of the Settlement by removing Paragraphs 67 and 68 thereof and any other associated provisions or references thereto. Paragraphs 67 and 68 of the Settlement would

modify the eligibility requirements for electric generation suppliers ("EGSs") to utilize FirstEnergy's Purchase of Receivables ("POR") program. As set forth below, reconsideration and revision of the Order is justified because the Order failed to consider multiple critical issues that justify rejecting the Settlement's changes to POR eligibility.

I. INTRODUCTION AND BACKGROUND

1. On February 3, 2026, FirstEnergy filed a Petition for Approval of Default Service Plan ("DSP Petition") 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.

2. FirstEnergy's DSP Petition also included several proposals to significantly modify the retail electric market in FirstEnergy' service territory, including:

- A proposal to eliminate FirstEnergy's Customer Referral Program
- A proposal to impose new "affirmative consent" requirement on EGS contract renewals and month to month supply service, by means of what FirstEnergy characterizes as a "waiver" of the Commission's EGS contract renewal regulations, and
- A proposal to eliminate eligibility for suppliers to participate in FirstEnergy's Purchase of Receivables program, except for EGS products that are at or below the FirstEnergy price to compare ("PTC") at the time of the customer's enrollment, or at the time of a pricing change.

3. On April 29, 2026, OCA, OSBA, CAUSE-PA, RESA, Town Square, JSA, Walmart, and CGC submitted written Direct Testimony.

4. On May 28, 2026, OCA, CAUSE-PA, RESA, FirstEnergy, JSA, and CGC submitted written Rebuttal Testimony.

5. On June 11, 2026, OCA, CAUSE-PA, RESA, FirstEnergy, JSA, and CGC submitted written Surrebuttal Testimony.

6. On June 15, 2026, the in-person Evidentiary Hearing was held as scheduled. There, all evidence was entered into the record, various witnesses were cross-examined, and the second Evidentiary Hearing, scheduled for June 16, 2026, was cancelled.

7. On July 2, 2026, FirstEnergy, OCA, OSBA, CAUSE-PA, DLC and Walmart filed the Joint Petition for Non-Unanimous Settlement.

8. With respect to the retail shopping issues, the Non-Unanimous Settlement was a wholesale adoption of FirstEnergy's initial proposals with no modification.

9. Less than half of the parties participating in the case joined the Settlement. Only three of the six signatories to the Joint Petition presented evidence or testimony regarding the supplier issues during the course of the proceeding, and two of the signatories (OSBA and Walmart) took no position on the supplier issues in their statements in support.

10. By contrast the Settlement was opposed by all of the EGS parties who will be directly affected by the retail shopping proposals.

11. On August 21, 2026, the Commission issued the Recommended Decision of ALJs Hoyer and Gannon, wherein they recommended that the Commission approve FirstEnergy's DSP VII, as modified by the Non-Unanimous Settlement.

12. On August 25, 2026, Infinity Capital, LLC ("Infinity") filed Exceptions to the Recommended Decision.

13. On August 31, 2026, the EGS Parties, CGC, Townsquare and WGL, JSA, RESA, Dimension, and Constellation filed Exceptions to the Recommended Decision.

14. On October 26, 2026, the Commission issued its Order which approved the Non-Unanimous Settlement, as modified by the removal of Paragraph 66 thereof and

any other associated provisions or references thereto included in the Joint Petition for Non-Unanimous Settlement.

II. LEGAL STANDARDS

15. Section 703(g) of the Public Utility Code, 66 Pa. C.S.A § 703(g), authorizes the Commission to reopen the record in a proceeding to clarify or reconsider a prior Order.

16. Section 5.572 of the Commission's regulations, 52 Pa. Code § 5.572, sets forth the procedure for seeking clarification or reconsideration of an Order.

17. The well-established standards for granting reconsideration or clarification of a prior Commission Order are set forth in *Duick v. PG&W*, 56 Pa. P.U.C. 553 (1982) ("*Duick*"):

> 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……..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 issue was either unwise or in error. (*Duick*, at 59).

18. 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. *Pa. PUC v. Jackson Sewer Corporation*, 96 Pa.PUC 386, 2001 WL1789367 (Order entered November 13, 2001).

19. In this case, Town Square respectfully submits that the Commission's Order overlooks a number of critical issues related to FE-PA's unprecedented POR proposal that warrant reconsideration and correction.

20. Specifically, the following issues warrant reconsideration:

(a) To justify the POR changes contained in the Non-Unanimous Settlement,

the Order relied solely on statistics regarding residential write-offs, terminations and uncollectible expenses provided by FE-PA and CAUSE - PA but did not consider the clear data in the record which directly contradicts the FE-PA and CAUSE-PA data. Once this evidence is properly considered, it becomes clear that the new POR restrictions are not supported by substantial evidence.

In the alternative,

(b) Even if Paragraphs 67-68 are upheld, modifications to FirstEnergy's supplier coordination tariffs are required to limit their scope only to residential customer accounts. According to Paragraphs 67-68 of the Settlement and FE-PA Exhibit CDL-4, FE-PA's new POR rules would apply to all customer classes, however, FE-PA provided no evidence or testimony whatsoever to justify the modification of POR eligibility for commercial customer enrollments.

(c) Furthermore, neither the Settlement, the Order or FE-PA's proposed tariff revisions provide any detail regarding the mechanics of how FE-PA will implement non-POR utility consolidated billing, which will lead to uncertainty, controversy and negative impacts for customers and EGSs. Reconsideration is required in order to modify the Settlement to require FirstEnergy to address these important issues.

III. ARGUMENT

A. The Order did not consider evidence which contradicted FE-PA's assertion that EGS-driven uncollectible expenses justify changes to its POR Program.

21. In approving the POR restrictions of the Non-Unanimous Settlement, the Order relied exclusively on data provided by FE-PA and CAUSE-PA regarding

termination rates, write-offs and uncollectible expenses for residential shopping customers.[1]

22. The Order concluded that these "issues are tangible and cause harm to customers through higher uncollectible expense, with these higher expenses recovered from both residential and commercial customers."[2]

23. However, the Order overlooked substantial evidence from FE-PA's own discovery responses which demonstrates that accounts served by default service are actually contributing *more* to uncollectible expenses than accounts served by EGSs.[3]

24. Furthermore, the Order failed to acknowledge that the modest rise in POR-related uncollectible expenses since 2022 is far outpaced by the rise in Default Service uncollectible expenses during that period, and by the rise in the PTC during that same period.

25. According to FirstEnergy's Exhibit DMY-11, system-wide POR-related uncollectible expenses rose by approximately **23%** between 2022 and 2025. The same chart shows that system-wide Default Service uncollectible expenses rose by approximately **31%** during the same time frame. Meanwhile, during the same time frame the PTC rose by at least **78%** in each rate district, as shown on Exhibit RM-2.

26. It bears repeating that the impact of EGS residential uncollectible expenses was the sole justification that FirstEnergy gave for its POR proposal, but the data makes it clear that both the PTC and the rate of Default Service uncollectible expense has risen much more significantly than the rate of EGS uncollectible expenses.

[1] Order, at p. 189
[2] Id.
[3] See FirstEnergy response to RESA Set I, No. 10 (Exhibit RM-7)

27. The charts below present the FirstEnergy residential uncollectible expense data side-by-side with the PTC increases:

Uncollectible Expense Increases: 2022-2025

Year	Default Service Uncollectible Amounts	% increase from 2022-2025	POR Uncollectible Amounts	% increase from 2022-2025
2022	$12,470,103		$8,416,863	
2025	$16,329,852	**30.95%**	$10,328,026	**22.71%**

Source: FirstEnergy Exhibit DMY-11

PTC Increases: 2022--2025

	PTC Met Ed	PTC Penelec	PTC PP	PTC WPP
as of 3/1/22	0.06832	0.06232	0.07082	0.05667
as of 12/1/25	0.12965	0.11756	0.12606	0.10947
% increase	**89.77%**	**88.63%**	**78.00%**	**93.17%**

Source: Town Square Exhibit RM-2 (FirstEnergy Response to RESA I-6)

28. The Order also failed to acknowledge the serious discrepancies in FE-PA's own data regarding service terminations, which was another major factor that the Order used to justify the approval of the POR proposal.[4]

[4] See Order at p. 189, citing to CAUSE PA Statement 1, at pp. 23-25 and , FE PA Exhibit DMY-10

29. A closer look at FirstEnergy's data raises questions about what appears to be targeted and discriminatory terminations of shopping customers.

30. The Order overlooks the fact that that FE-PA is terminating many more shopping customers than non-shopping customers each year, [5] but these termination numbers are grossly out of line with all of the other metrics that FirstEnergy provided regarding payment trouble and arrearages. For instance:

- FirstEnergy's response to CAUSE PA I-7, Attachment-A was admitted into the record as RESA Exhibit FL-29. The attachment shows the number of "payment troubled" customers by category for the years 2022-2025. The attachment shows that in every year, most of the "payment troubled customers" were on default supply, and far fewer were shopping customers.

- FE response to CAUSE PA 1-6, attachment B was admitted into the record as RESA Exhibit FL-28. The attachment is a report of residential "write offs" for the years 2022-2025. It shows that nearly none of the write-offs were related to shopping customers, and nearly all were customers on default supply.

- FirstEnergy's data responses also show that of all accounts with balances over $10,000 in its service territory, *less than 5%* of those arrearages are attributable to supplier charges.[6]

[5] CAUSE-PA Statement 1, at pp. 22-24,
[6] See FirstEnergy response to CAUSE-PA Set I, No. 27 (Exhibit RM-8)

- Yet, in the West Penn Power rate district, First Energy was terminating two to three times more shopping customers as non-shopping customers in 2022-2025 in real number terms, not percentages.[7] During that period, FirstEnergy terminated over 15,000 shopping customers per year in West Penn Power rate district, compared to approximately 6000 default service customers, even though there were 3-4 times more payment troubled default service customers than shopping customers in that rate district according to Exhibit FL-29.

31. The Order did not address these discrepancies, which show that FE-PA is terminating shopping customers at a much higher rate than default service customers, even though default service customers have much higher percentages of payment troubled customers, write-offs, and arrearages over $10,000.

32. The Order also does not acknowledge that FirstEnergy admitted in its discovery responses that it had not done any analysis of arrearage levels, write offs, collection rates, or termination rates for shopping versus non-shopping customers, [8] and had not tracked the number of payment arrangements, disconnection notices, disconnections, or bad debt for default customers vs. shopping customers.[9]

33. For these reasons, Town Square respectfully requests that the Commission re-examine the statistics in the record in order to address these discrepancies. That examination will reveal that the record includes no evidence or testimony that establishes a causal link between supplier pricing relative to the PTC and customer unaffordability or

[7] CAUSE-PA Statement 1, at pp. 22-24,
[8] FirstEnergy Response to CAUSE-PA Set I, No. 13 (Exhibit RM-9)
[9] FirstEnergy Response to OCA Set I No. 16 (Exhibit RM-10)

delinquencies, or how the POR proposal would somehow improve affordability or reduce delinquencies.

B. (*In the alternative*) FE-PA's new POR rules as reflected in its proposed revised Supplier Coordination Tariff would apply to all customer classes, however, FE-PA provided no evidence or testimony whatsoever to support new POR restrictions for commercial accounts.

34. Paragraphs 67 and 68 of the Settlement propose to implement FE-PA's new POR restrictions by making minor revisions to FE-PA's existing Supplier Coordination Tariff as set forth in FE-PA Exhibit CDL-4.

35. The tariff revisions in Exhibit CDL-4 make no distinction between the POR -eligibility of the residential customer class and the commercial customer class.

36. As a result, if allowed to go into effect as submitted, FE-PA's tariff would apply the same POR eligibility standards to commercial customers as to residential customers, and commercial customer accounts would only be eligible for POR if the EGS charges a Rate Ready rate that is at or below the Price To Compare at the time of the Customer's enrollment transaction or rate change transaction.

37. However, none of the Settling Parties submitted any evidence or testimony which indicated that the new POR restrictions would or should apply to commercial customer accounts, and all of the evidence submitted to justify the new POR restrictions was focused solely on alleged negative impacts caused by residential POR uncollectible expenses. Literally every single record reference relied upon by the Commission to justify approval of the Settlement's POR restriction was a reference to alleged impacts caused by access to residential POR. See Order, at pp. 189-190.

38. The record contains no evidence that POR for commercial customers is resulting in harmful levels of uncollectible expenses, or any other justification to eliminate POR for commercial customer accounts.

39. Indeed, neither FirstEnergy nor any other Settling Party submitted any evidence whatsoever that commercial POR customers have materially higher uncollectible expenses than commercial default-service customers, that EGS commercial receivables cause disproportionate commercial write-offs, or that bill-ready billing has created a commercial collections problem.

40. It must be emphasized that the issue being raised herein is separate from the issue of whether commercial customers are harmed by high residential customer uncollectible expenses. The R.D. addressed that issue on page 228, and found that high residential uncollectible expenses are recovered from commercial customers too, and the Order adopts that finding on page 175.

41. However, that analysis relates to whether allegedly high residential uncollectible expenses justify restricting POR for residential accounts. By contrast, the issue being raised herein is completely different, and relates to whether or not there is evidence in the record to justify restricting commercial POR, which has nothing to do with allegedly high levels of residential uncollectible expenses.

42. With no evidence in the record to justify modifying the long-standing POR rules that have applied to commercial customer accounts in FE-PA territory, there is no basis for arbitrarily extending FE-PA's new POR restrictions to cover commercial enrollments.

43. Furthermore, the Order also did not take into account the significant negative impacts that mandatory rate-ready billing would have on the ability of EGSs to serve commercial accounts.

44. As RESA witness Frank Lacey testified, requiring "rate-ready" only billing in order to participate in POR will drastically limit the types of products that are available to customers:

> "A rate-ready requirement that allows for a "singular rate" cannot support that type of innovation. FERC Order No. 2222 will be fully operational in PJM well before the conclusion of FE's proposed DSP VII cycle. An energy product emanating from that program in Pennsylvania could include a flat monthly fee that would allow for unlimited off-peak EV charging, a fixed rate for all on-peak energy consumption, a monthly rebate for EV charging control, a separate monthly rebate for thermostat or pool pump control, a premium rate if customers override the controlled devices, and a shared savings component for resources offered that reduce the capacity or NITS tags. A single "rate ready" rate is wholly inappropriate to support such a product."[10]

45. In short, the record contains no evidence or testimony whatsoever that the existing POR program for commercial customers has any negative impacts, but there is ample discussion in the record of the negative impacts of mandating rate -ready billing in order for commercial customers to participate in the POR program.

46. For these reasons, to the extent the Commission does not modify the Settlement to remove Paragraphs 67 and 68 in their entirety, Town Square respectfully requests that the Commission reconsider its Order, clarify that the POR restrictions set forth in the Settlement only apply to residential customer accounts, and direct FirstEnergy to modify its Supplier Coordination Tariff to clarify that the POR restrictions it is proposing only apply to residential customer accounts.

[10] RESA Statement No. 1, Direct Testimony of Frank Lacey, at pp. 31-32

C. (*In the Alternative*) Neither the Settlement, the Order or FE-PA's proposed tariff revisions provide any detail regarding the mechanics of how FE-PA will implement non-POR utility consolidated billing, which will lead to uncertainty, controversy and negative impacts for customers and EGSs.

47. As noted by the Commission in its Order approving the Non-Unanimous Settlement, utility consolidated billing ("UCB") will remain available to all EGSs, whether they use rate ready billing or not, and there is no restriction on EGSs offering products at prices above the PTC. [11]

48. However, neither the Settlement nor the proposed revisions to FE-PA's existing Supplier Coordination Tariff in FE-PA Exhibit CDL-4 address any of the important mechanics that will now apply to non-POR UCB enrollments, such as payment priority, the handling of partial customer payments, how long EGS charges remain on the UCB bill for collection purposes, the handling of customer accounts that move on and off POR, what constitutes a "rate change transaction" for purposes of determining POR eligibility, and other important items that will impact EGSs and their customers. [12]

49. The Settling Parties and the Commission explicitly contemplate that EGSs will be utilizing non-POR UCB under FirstEnergy's new POR rules, and the record confirms that that those POR restrictions are unique in Pennsylvania.[13]

50. If the Commission declines to modify the Settlement to remove Paragraphs 67 and 68 for the reasons stated above in Sections III.A or III.B., Town Square respectfully requests that the Commission stay the implementation of FirstEnergy's new POR restrictions until such time as FirstEnergy modifies its Supplier Coordination Tariff to include clear provisions regarding, *inter alia*, payment priority, the handling of partial customer payments, how long EGS charges remain on the UCB bill

[11] Order at p. 191
[12] See also RESA Statement No. 1, Direct Testimony of Frank Lacey, at p. 36
[13] See, e.g., Town Square Statement No. 1, at p. 22, lines 17-21

for collection purposes, the handling of customer accounts that move on and off POR, and what constitutes a "rate change transaction" for purposes of determining POR eligibility.

51. In light of the expected increase in the use of non-POR UCB and the unique nature of FirstEnergy's new POR rules, it is not reasonable for the new rules to become effective unless FirstEnergy's Supplier Coordination tariff includes the clarifications requested above.

52. Without such clear provisions, EGSs and their customers will face uncertainty, confusion and disputes regarding the handling of customer billing and payment.

IV. CONCLUSION

Multiple parties in this proceeding expressed concerns with allowing a single EDC to restrict which products EGSs can offer in its territory in the context of a Default Service Proceeding that includes numerous other complex and contentious issues. Due to the sheer volume of evidence and issues, combined with the truncated statutory timeline, it was inevitable that important issues that will significantly impact the retail energy markets could not be examined appropriately. As outlined above, a closer examination of the Settlement's provisions reveals several mistakes and omissions that require reconsideration and correction.

For the reasons stated above, Town Square respectfully requests that the Commission reconsider its October 26, 2026 Order and modify the Non-Unanimous Settlement to remove Paragraphs 67 and 68 any other associated provisions or references thereto included in the Joint Petition for Non-Unanimous Settlement. In the alternative,

Town Square respectfully requests that the Commission modify the Settlement to confirm that the POR restrictions of Paragraph 67 and 68 only apply to residential customer accounts, and stay the implementation of FirstEnergy's new POR restrictions until such time as FirstEnergy modifies its Supplier Coordination Tariff to include clear provisions regarding payment priority, the handling of partial customer payments, how long EGS charges remain on the UCB bill for collection purposes, the handling of customer accounts that move on and off POR, and what constitutes a "rate change transaction" for purposes of determining POR eligibility.

Respectfully submitted,

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DATE: November 10, 2026