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November 10, 2026

**VIA eFILING**

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

Dear Secretary Homsher:

Enclosed for filing in the above-captioned proceeding is the **Petition of FirstEnergy Pennsylvania Electric Company for Clarification of the Pennsylvania Public Utility Commission's Order Entered October 26, 2026** (the "Petition").

As evidenced by the enclosed Certificate of Service the Petition will be served on the Administrative Law Judges in this proceeding and all parties of record.

If you have any questions, please contact me directly at 215.963.5384. Thank you.

Very truly yours,



Kenneth M. Kulak

c: Per Certificate of Service (w/encls.)
Office of Special Assistants (ra_osa@pa.gov)

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**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 TO MAY 31, 2031** | **:** | **DOCKET NO. P-2026-3060298** |

## CERTIFICATE OF SERVICE

I hereby certify and affirm that I have on this day served copies of the **Petition of FirstEnergy Pennsylvania Electric Company for Clarification of the Pennsylvania Public Utility Commission's Order Entered October 26, 2026** on the persons listed below, in the manner specified in accordance with the requirements of 52 Pa. Code § 1.54:

**VIA ELECTRONIC MAIL**

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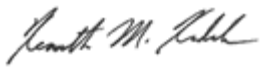
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*Counsel for FirstEnergy Pennsylvania Electric Company*

Dated: November 10, 2026

***=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** |

**PETITION FOR CLARIFICATION OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION'S ORDER ENTERED OCTOBER 26, 2026**

## I. INTRODUCTION

FirstEnergy Pennsylvania Electric Company ("FE PA" or the "Company"), pursuant to 52 Pa. Code § 5.572(a), respectfully requests that the Pennsylvania Public Utility Commission (the "Commission") clarify its October 26, 2026 Opinion and Order in the above-captioned proceeding (the "Opinion and Order") regarding the non-party Exceptions that Infinity Capital, LLC ("Infinity") filed on August 25, 2026.[1]

The Opinion and Order approved FE PA's seventh Default Service Program for the period from June 1, 2027 to May 31, 2031 ("DSP VII"), as modified by the Joint Petition for Non-Unanimous Settlement (the "Settlement"). In disposing of the Exceptions filed in this proceeding, the Opinion and Order identifies for "consideration and disposition" only the Exceptions of parties of record in this case and its Ordering Paragraphs appear to dispose only of those parties'

[1] FE PA was formed through the combination of several predecessor Pennsylvania electric utilities approved by the Commission. On January 1, 2024, Metropolitan Edison Company ("Met-Ed"), Pennsylvania Electric Company ("Penelec"), Pennsylvania Power Company ("Penn Power"), and West Penn Power Company ("West Penn") (collectively, the "Predecessor Companies"), which were all affiliates and subsidiaries of FirstEnergy Corp., merged into FE PA. FE PA was certificated as a public utility and authorized to provide public utility service in the territories of the Predecessor Companies.

Exceptions.[2] The Exceptions of Infinity, which is not a party to this proceeding, are mentioned once but not explicitly addressed in the Opinion and Order.[3]

The lack of explicit resolution of Infinity's filing is notable because the Commission expressly resolved other improper filings by non-parties seeking review of the Recommended Decision in this proceeding. The Commission struck the Exceptions and untimely petition to intervene of Spark Energy, LLC ("Spark") as "filings by a non-party."[4] The Commission also declined to consider a late-filed letter with "public comments" from UGI Energy Services, LLC ("UGIES") because that entity "is not a party to this proceeding."[5] Infinity, like Spark and UGIES, did not participate in this proceeding and is not a party of record. As such, in its Reply to Exceptions, FE PA requested that the Commission disregard Infinity's Exceptions.[6]

FE PA therefore requests that the Commission clarify what the Opinion and Order implies — that the Commission disregarded Infinity's Exceptions as the filing of a non-party, consistent with the Commission's regulations at 52 Pa. Code § 5.553(a), the Commission's treatment of Spark and UGIES in this proceeding, and FE PA's Reply Exceptions. To the extent the Commission intended to address the substance of Infinity's filing, FE PA requests that the Commission clarify that Infinity's Exceptions are denied for the reasons stated in FE PA's Reply Exceptions.[7] This

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2 Opinion and Order, pp. 1, 193-95.

3 *Id.*, p. 8.

4 *Id.*, pp. 8-9.

5 *Id.*, p. 9, n.5.

6 Reply of FirstEnergy Pennsylvania Electric Company to Exceptions to the Recommended Decision of Deputy Chief Administrative Law Judge Mark A. Hoyer and Administrative Law Judge Erin L. Gannon, Docket No. P-2026-3060298 ("FE PA Reply Exceptions"), p. 3.

7 *See id*., p. 10, n. 32 (explaining that Infinity's request for "data inputs" relating to capacity procurement costs to be credited to customer-generator exports under FE PA's Hourly Pricing Default Service Rider ("HP Rider") was inapposite since those costs are established through FE PA's competitive procurement for default service supply).

clarification would eliminate any uncertainty about the finality and scope of the Commission's approval of DSP VII.

## II. BACKGROUND

On February 3, 2026, FE PA filed a petition seeking approval of DSP VII.[8] On July 2, 2026, FE PA, the Office of Consumer Advocate, the Office of Small Business Advocate, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania, Walmart, Inc., and Duquesne Light Company (the "Joint Petitioners") filed the Settlement, which modified FE PA's DSP VII proposal.[9] On August 21, 2026, Deputy Chief Administrative Law Judge Mark A. Hoyer and Administrative Law Judge Erin L. Gannon issued a Recommended Decision recommending that the Commission approve the Settlement.[10]

Infinity did not intervene in this proceeding. It filed only a letter with the Commission dated April 17, 2026, containing a comment regarding FE PA's proposed classification of net-metered customer generators.[11] On August 25, 2026, Infinity nonetheless filed Exceptions to the Recommended Decision.

On August 31, 2026, the parties opposing the Settlement – Constellation Energy Generation, LLC and Constellation NewEnergy, Inc., the Customer-Generator Coalition, Dimension PA 1, LLC, the Joint Solar Advocates, the Retail Energy Supply Association, Shipley Choice, LLC d/b/a Shipley Energy, Interstate Gas Supply, LLC d/b/a IGS Energy, Town Square Energy East, LLC, and WGL Energy Services, Inc. – filed their Exceptions. Also on August 31, 2026, Spark petitioned to intervene or, in the alternative, for leave for the Commission to accept

8 Opinion and Order, p. 4.

9 *Id*., p. 7.

10 *Id*, p. 8.

11 FE PA Reply Exceptions, p. 6; Letter of Infinity Capital, LLC to Pennsylvania Public Utility Commission, Docket No. P-2026-3060298 (filed April 17, 2026).

Exceptions prepared by Spark. By Secretarial Letter dated September 4, 2026, the Commission denied Spark's intervention and struck Spark's Exceptions "from consideration as filings by a nonparty."[12] The Commission subsequently denied Spark's petition for reconsideration of that decision.[13]

On September 8, 2026, FE PA filed its Reply to Exceptions. In its Reply, FE PA explained that Infinity Capital had not intervened in this proceeding, noted that the Commission's regulations (52 Pa. Code 5.533(a)) only permit parties to seek review of a recommended decision, and requested that the Commission disregard Infinity's Exceptions.[14] FE PA further explained that, even on the merits, Infinity's requests for "data inputs" that FE PA would use to determine the capacity portion of the HP Rider were inapposite because capacity costs were determined through FE PA's competitive procurement for industrial supply for default service customers.[15] FE PA requested that the Commission deny Infinity's Exceptions along with the Exceptions of the parties to the proceeding.[16]

In the Opinion and Order, the Commission identified the Exceptions filed by the parties for "consideration and disposition" and did not list Infinity's Exceptions.[17] Likewise, in summarizing the Opinion and Order, the Commission listed the excepting parties but did not list Infinity, and the ordering paragraphs in the Opinion and Order similarly identify each of the parties

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12 *See* Secretarial Letter, Docket No. P-2026-3060298 (Sept. 4, 2026).

13 *See* Opinion and Order, Docket No. P-2026-3060298 (Oct. 1, 2026) (denying reconsideration of Spark's Petition for Reconsideration from Staff Action).

14 FE PA Reply Exceptions, p. 3.

15 *Id.*, p. 10, n.32.

16 *Id.*, p. 25.

17 Opinion and Order, p. 1.

who filed Exceptions in approving the Settlement, as modified by the Opinion and Order, but make no reference to Infinity.[18]

## III. THE COMMISSION SHOULD CLARIFY THAT INFINITY'S PURPORTED EXCEPTIONS WERE DISREGARDED OR ARE WITHOUT MERIT

Section 5.572 of the Commission's regulations authorizes petitions for clarification and the standard governing a petition for clarification is substantially the standard for reconsideration set forth in *Duick v. Pennsylvania Gas and Water Co*., 56 Pa. P.U.C. 553, 559 (1982) ("*Duick*"). Under *Duick*, such a petition is appropriately granted when it raises "new and novel arguments, not previously heard, or considerations which appear to have been overlooked or not addressed by the Commission."

The absence of any express disposition of Infinity's Exceptions is appropriate for clarification. On its face, the Opinion and Order is not clear as to whether the Commission (i) did not consider and disregarded Infinity's Exceptions as the filing of a non-party, as it expressly did with Spark's Exceptions and UGIES's letter, or (ii) denied Infinity's Exceptions due to lack of merit, as it did with several other Exceptions, for the reasons set forth in FE PA's Reply Exceptions.

FE PA respectfully submits that the lack of any discussion of Infinity's Exceptions is consistent with the proper disregard of Infinity's filing under the Commission's regulations and asks that the Commission make this explicit. Such clarification does not involve any reconsideration of any substantive determination by the Commission in the Opinion and Order and helps ensure that there is no unresolved Exception that would impact the finality and scope of the Opinion and Order's approval of DSP VII.

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[18] *Id.*, pp. 3, 193-95.

## IV. CONCLUSION

WHEREFORE, FirstEnergy Pennsylvania Electric Company respectfully requests that the Commission grant this Petition and issue an order clarifying that the Exceptions filed by Infinity Capital, LLC were not considered and were disregarded as the filing of a non-party or, in the alternative, lack merit for the reasons set forth in FE PA's Reply Exceptions.

Respectfully submitted,



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