**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Metropolitan Edison Company for :

Approval of a Distribution System Improvement : P-2015-2508942

Charge :

Office of Consumer Advocate :

 : C-2016-2531040

 v. :

 :

Metropolitan Edison Company :

Petition of West Penn Power Company for :

Approval of a Distribution System Improvement : P-2015-2508948

Charge :

Office of Consumer Advocate :

 : C-2016-2531019

 v. :

 :

West Penn Power Company :

Petition of Pennsylvania Electric Company for :

Approval of a Distribution System Improvement : P-2015-2508936

Charge :

Office of Consumer Advocate :

 : C-2016-2531060

 v. :

 :

Pennsylvania Electric Company :

Petition of Pennsylvania Power Company for :

Approval of a Distribution System Improvement : P-2015-2508931

Charge :

Office of Consumer Advocate :

 : C-2016-2531054

 v. :

 :

Pennsylvania Power Company :

**SECOND FURTHER PREHEARING ORDER**

On June 9, 2016, the Pennsylvania Public Utility Commission (Commission) entered Orders separately approving petitions for a Distribution System Improvement Charge (DSIC) filed by Metropolitan Edison Company (Met-Ed), Pennsylvania Electric Company (Penelec), West Penn Power Company (West Penn) and Pennsylvania Power Company (Penn Power) (collectively referred to as “the First Energy companies”). In the Orders, the Commission determined that the petitions comply with the requirements of Act 11 of 2012 (Act 11) and the Commission’s Final Implementation Order implementing Act 11. Implementation of Act 11 of 2012, Docket No. M-2012-2293611 (entered Aug. 2, 2012). The Commission found the petitions to be consistent with applicable law and Commission policy and allowed the tariffs to go into effect on July 1, 2016. The Commission, however, also referred the matters to the Office of Administrative Law Judge (OALJ) for hearing and preparation of a recommendation decision regarding various issues raised in response to the petitions.

The ensuing consolidated proceeding culminated in an Opinion of the Pennsylvania Supreme Court dated July 21, 2021. In that Opinion, the Supreme Court determined to remand the matters to the Commission “for the purpose of requiring [the First Energy companies] to revise their tariffs and Distribution System Improvement Charge calculations in accordance with Section 1301.1(a) of the Public Utility Code, 66 Pa.C.S. § 1301.1.” Subsequently, the matters were referred to OALJ.

As a result, on October 27, 2021, a hearing notice was issued establishing a further call-in telephonic prehearing conference for **Thursday, December 2, 2021 at 10:00 a.m.** and assigning me as the presiding officer. **The parties are directed to dial 877-931-3508 and use PIN 32041174** to access the hearing. In anticipation of that hearing, this prehearing order is being issued.

ORDER

THEREFORE,

IT IS ORDERED:

1. That an further call-in prehearing conference shall be held at 10:00 a.m. on Thursday, December 2, 2021 at 10:00 a.m. The parties are directed to dial 877-931-3508 and use PIN 32041174 to access the hearing. **If a party fails to participate in the hearing, the hearing may proceed without that party and a decision may be entered against that party**. Any party that does not participate in the hearing or otherwise express an interest in participating in this proceeding will be removed from the official service list.
2. That Commission policy promotes settlements. 52 Pa. Code §5.231(a). **The parties are directed to confer at least seven (7) days before the scheduled hearing to discuss possible settlement of this case**. Even if the parties are unable to settle this case, they may still resolve some of the questions or issues during their discussions. The parties are also reminded that the presiding officer may participate in settlement discussions upon agreement of all parties. 52 Pa.Code § 5.223(c); *see also*, 52 Pa.Code § 5.231(c). If the parties reach an agreement on all issues, a formal hearing will not be necessary and the scheduled hearing will be cancelled.
3. That a request for a change of the scheduled hearing date must state the agreement or opposition of other parties, and must be emailed to jcheskis@pa.gov no later than five (5) days prior to the hearing. 52 Pa.Code §1.15(b). Requests for changes of hearing dates must also be sent to all parties of record. Changes are granted only in situations where good cause exists.
4. That, pursuant to 52 Pa.Code § 1.55, each party shall be limited to one entry on the service list. Parties shall provide the name, address, telephone number and e-mail address of the person they wish to have listed on the service list.
5. That, although the prehearing is being conducted telephonically for the convenience of the parties, the prehearing is a formal proceeding and will be conducted in accordance with the Commission’s Rules of Practice and Procedure. Please participate in the prehearing using a phone and in a location that will present minimal background noise. **This prehearing may be your only opportunity to present evidence in support of your position**.
6. That all parties must serve me, and all other parties, directly with any document you file in this proceeding electronically at jcheskis@pa.gov.
7. That on or before **Wednesday, November 24, 2021**, parties shall file and serve a Prehearing Memoranda which shall include:
8. The information described in Paragraph 4, above.
9. Names, business addresses, and telephone numbers of witnesses the party expects to call and the subject matter of each witness’ testimony.
10. A list of the issues and sub-issues of this proceeding which the party intends to address and a statement of the party’s position on each of the issues and sub-issues listed.
11. A brief statement describing the evidence the party proposes to present at hearing, relating the evidence to each of the issues and sub-issues the party intends to address.
12. That, pursuant to 52 Pa. Code §§1.21 & 1.22, you may represent yourself if you are an individual, or you may have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you.
13. That, if you are a partnership, corporation, trust, association, or governmental agency or subdivision, an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, must represent you in this proceeding.
14. That, unless you are an attorney, you may not represent someone else. Attorneys shall enter their appearance in accordance with the provisions of 52 Pa. Code §1.24(b).
15. That, pursuant to 52 Pa. Code § 1.24, parties must promptly report to the Commission and the other parties a change in address that occurs during the course of the proceeding.
16. That, **if a party fails to participate in the prehearing, the prehearing may proceed without that party and a decision may be entered against that party.**
17. That the parties are encouraged to review the regulations relating to discovery, specifically at 52 Pa. Code § 5.331(b), which provides, inter alia, that participants try to initiate discovery as early in the proceeding as possible, and 52 Pa. Code § 5.322, which encourages parties to exchange information on an informal basis. The parties are expected to pursue resolution of discovery issues among themselves. Motions to compel should be filed only after such efforts have failed.
18. That, if you, or anyone you plan to call as a witness on your behalf, has a limited ability to speak or understand English or are deaf or hearing-impaired, a qualified interpreter can be provided upon your request. If you need an interpreter, please contact the scheduling office for the Office of Administrative Law Judge at (717) 787-1399 at least ten (10) days before the hearing to make your request. The AT&T Relay Service number for persons who are deaf or hearing-impaired is 1-800-654-5988.
19. That, due to the Covid-19 pandemic, the parties are required to enroll in the Commission’s eservice program to facilitate document exchanges. Information on how to enroll in the Commission’s eservice program can be found on the Commission’s website ([www.puc.pa.gov](http://www.puc.pa.gov)).

Date: October 27, 2021 \_\_\_\_\_/s/\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Joel H. Cheskis

 Deputy Chief Administrative Law Judge

**Petition of**

**P-2015-2508931 - PENNSYLVANIA POWER COMPANY**

**P-2015-2508936 – PENNSYLVANIA ELECTRIC COMPANY**

**P-2015-2508942 – METROPOLITAN EDISON COMPANY**

**P-2015-2508948 – WEST PENN POWER COMPANY**

**FOR APPROVAL OF ITS LONG-TERM INFRASTRUCTURE IMPROVEMENT PLAN**

*Revised 10/26/21*

ANTHONY C DECUSATIS ESQUIREMORGAN LEWIS & BOCKIUS LLP1701 MARKET STREETPHILADELPHIA PA 19103-2921**215.963.5034**adecusatis@morganlewis.comAccepts eService

TORI L GIESLER ESQUIRE
FIRSTENERGY SERVICE COMPANY2800 POTTSVILLE PIKEREADING PA 19605**610.921.6658
610.921.6498**paregulatorycomplaints@firstenergycorp.com
Accepts eServiceCHARLES V FULLEM, DIRECTOR
JOANNE SAVAGE,
DIRECTOR OF RATESFIRSTENERGY CORPORATION2800 POTTSVILLE PIKEREADING PA 19605**610.921.6525**cvfullem@firstenergycorp.com
jmsavage@firstenergycorp.comAccepts eServiceDARRYL A LAWRENCE ESQUIRE
ERIN L GANNON ESQUIRE
HARRISON W BREITMAN ESQUIREOFFICE OF CONSUMER ADVOCATE5TH FLOOR FORUM PLACE555 WALNUT STREET HARRISBURG PA 17101-1923**717.783.5048**dlawrence@paoca.orgegannon@paoca.orghbreitman@paoca.org
Accepts eService

\*TERESA REED WAGNER ESQUIREOFFICE OF SMALL BUSINESS ADVOCATEFORUM PLACE555 WALNUT STREET 1ST FLOORHARRISBURG PA 17101717.783.2525
\*Does not accept eServicetereswagne@pa.gov

DAVID F BOEHM ESQUIREBOEHM KURTZ & LOWRY36 E SEVENTH STREETSUITE 1510CINCINNATI OH 45202**513.421.2255**dboehm@bkllawfirm.comAccepts eService
*Representing AK Steel Corporation*CHARIS MINCAVAGE ESQUIRE
ALESSANDRA L HYLANDER ESQUIRE
SUSAN E BRUCE ESQUIRE MCNEES WALLACE & NURICK LLC100 PINE STREETPO BOX 1166HARRISBURG PA 17108**717.237.5437
717.237.5425**
cmincavage@mwn.com
alessandra.hylander@gmail.comsbruce@mcneeslaw.com
Accepts eService
THOMAS J SNISCAK ESQUIRE
CHRISTOPHER M ARFAA ESQUIRE
WILLIAM E LEHMAN ESQUIREHAWKE MCKEON AND SNISCAK LLP100 N TENTH STREETHARRISBURG PA 17101**717.236.1300**tjsniscak@hmslegal.com
cmarfaa@hmslegal.com
welehman@hmslegal.comAccepts eService*Representing The Pennsylvania State University*