

### **Protest of Gregory Fat**

A tiger does not belong in a fish tank, a dog does not belong in a birdcage, a shark does not belong in a kennel, and this “first such animal”<sup>1</sup> PECO natural gas plant does not belong on a busy intersection next to a restaurant in a densely populated residential area.

As a property-owning resident who lives approximately 1000ft from the proposed PECO gas plant location at Sproul and Cedar Grove Roads in Marple Township, PA, my health, safety, property value and welfare are tied to the construction of this plant. In addition to owning my primary residence near the proposed site, I am a frequent diner at the restaurant neighboring the site, Freddy’s, as well as other establishments in the neighboring shopping center, and regularly drive through the Sproul and Cedar Grove Road intersection.

The proposed gas plant will have a direct impact on the quality of air I am exposed to, the noise I may hear from my home, the appearance of the plant at the entrance of my neighborhood, and the additional obstruction that will be caused driving that intersection frequently. Without being provided any risk assessments from PECO, my property may be in danger in the case of an incident at the facility and given the proximity to my home I fear a decrease in my property value. As an interested party to the proposed plant, I have received PECO’s mailed notifications on this proposed gas plant site and have attended all public meetings regarding this facility.

The grounds of my Protest are to 1.) contest whether the site is reasonably necessary for the public convenience or welfare at this location in Marple Township, 2.) request a public comment period during the proceedings of this docket and to 3.) request the PUC decline PECO’s petition to construct the proposed natural gas plant at this location in an “N” Neighborhood Center Zoning District.

Information provided by PECO has not proven that the site is necessary, nor that it will provide public convenience at this intersection. In fact, the danger of limiting visibility and impeding sightlines in the traffic intersection and gas venting from the plant may decrease the convenience and welfare of the public at this location. The neighborhood next to the proposed gas plant will carry all the burden, including hazards, unsightly appearance, and noise, without any benefit from this facility. My home, as well as many in the adjacent neighborhood, do not have natural gas service and will not benefit, nor gain convenience or welfare from this plant.

The Marple Township Zoning ordinances were established for “promoting the health, safety, morals, convenience, order, prosperity and general welfare of the community. These regulations have been designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population and to facilitate the adequate provision of transportation, water, sewage, parks and other public requirements.”<sup>2</sup> In November 2020, the Marple Zoning Hearing Board denied the special exception requested by PECO to construct this plant. By the Marple Zoning Hearing Board’s evaluation, the zoning requirements will not be met with the information detailed by PECO. PECO has not released information regarding the noise levels of the pieces of equipment within the proposed plant for public review and have not proven that they will remain within the municipal ordinances or act as good neighbors in this regard. PECO has also not released information on exhaust and noxious odors that will be expelled from the

1. Tim Flanagan, PECO, October 21, 2020 | Marple Township Public Zoning Hearing Board Meeting referring to PECO “natural gas reliability station”  
2. Township of Marple Zoning/ Article I General and Special Provisions| § 300-2 Authority and Purpose.

heaters, generators, and other equipment from the plant for evaluation. Should this plant proceed, PECO will steamroll over the carefully thought-out zoning codes of Marple Township, which are intended to protect myself and other citizens from such sites being built and negatively affecting the community.

PECO has not presented relevant long term natural gas consumption information for the intended distribution network for evaluation by interested parties and have not proven the capacity constraints that have been alleged for their necessity. Additionally, the projections for the capacity constraints within the next ten years that PECO has referenced have not been substantiated by facts or figures for evaluation. Demand for natural gas may remain flat or decline due to higher efficiency uses of gas, milder winters<sup>3</sup>, potential incentives for alternative energy sources, a county or municipality roadmap to reduce gas use, or government ordinances restricting the use of gas. PECO has not defined the necessity of this plant under uncertain future demand and should their hypothetical projections not materialize, have provided no guidance on the function or necessity of this site.

As a tax-paying resident and customer of PECO's electrical service, the costs incurred in relation to the litigation involving PECO's attempt to overturn and overrule the Marple Township Zoning Hearing Board is a wasteful use of taxpayer and company funds. These costs will, in some form, be passed onto the customers and local taxpayers. If a more agreeable location had been selected in cooperation with the township, these additional costs would not have been encountered and would have supported PECO's commitment to community involvement. PECO has presented no evidence of engaging local officials regarding their plans at this site until their filing of the special exception and variance requests.

Opposition to this project has been made clear by public protests, emails to PECO representatives, and numerous letters and comments by local, county and state government representatives. As documented during the Delaware County Council meeting on April 7<sup>th</sup>, 2021, Mr. Kevin Madden, Councilman, stated "in this case [regarding the PECO natural gas plant on Sproul and Cedar Grove Roads] I am very disappointed that PECO has not involved all of the stakeholders and elected officials...I intend to send a letter to the PUC with regard to their [PECO's] efforts here and other the members of the county council are in agreement as well. There can be an outcome that has community support, but in this case PECO has not done their best to involve the views of the community."

Due to the early stage of this proceeding, I wish to reserve the right to raise and address issues identified through the continued review and analysis of PECO's proposal (and related information) or other issues raised by other parties.

Thank you,



/s/

Gregory Fat  
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Broomall, PA 19008  
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(609)610-7819

3. <https://www.inquirer.com/science/climate/climate-change-warm-winter-philadelphia-pennsylvania-new-jersey-20201128.html>

**VERIFICATION**

I swear that the facts I am presenting in this Protest are true and correct to the best of my knowledge, information, and belief. I understand that the statements I am making in this Protest are made subject to the penalties of 18 Pa. § Section 4904 (relating to unsworn falsification to authorities).

Respectfully Submitted,

  
/s/

Date: 4/10/2021

Print Name: Gregory Fat

Address: 2201 St. Paul Drive,  
Broomall, PA 19008

Email: [Gregfat@gmail.com](mailto:Gregfat@gmail.com)

Phone: (609)610-7819

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company for a Finding :  
Of Necessity Pursuant to 53 P.S §10619 that  
the Situation of Two Buildings Associated with : Docket No. P-2021-3024328  
a Gas Reliability Station in Marple Township,  
Delaware County Is Reasonably Necessary for :  
the Convenience and Welfare of the Public :

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**CERTIFICATE OF SERVICE**

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I hereby certify that I have this day served a true and correct copy of the foregoing Protest upon the parties listed below, in accordance with the requirements of 52 PA Code § 1.54 (relating to service by a participant) in the manner listed below upon the parties listed below:

Emily I. DeVoe Administrative Law Judge Public Utility Commission 400 North Street Keystone Bldg. Harrisburg, PA 17120	JACK R GARFINKLE ESQUIRE PECO ENERGY COMPANY 2301 MARKET STREET PO BOX 8699 PHILADELPHIA PA 19101-8699 215.841.6863 <a href="mailto:jack.garfinkle@exeloncorp">jack.garfinkle@exeloncorp</a> Accepts eService
CHRISTOPHER A LEWIS ESQUIRE FRANK L TAMULONIS ESQUIRE STEPHEN C ZUMBRUN ESQUIRE BLANK ROME LLP ONE LOGAN SQUARE 130 NORTH 18TH STREET PHILADELPHIA PA 19103 <b>215-569-5793</b> <a href="mailto:lewis@blankrome.com">lewis@blankrome.com</a> <a href="mailto:ftamulonis@blankrome.com">ftamulonis@blankrome.com</a> <a href="mailto:szumbrun@blankrome.com">szumbrun@blankrome.com</a> Accepts eService	KAITLYN T SEARLS ESQUIRE J. ADAM MATLAWSKI ESQUIRE MCNICHOL, BYRBE & MATLAWSKI, P.C. 1223 N PROVIDENCE ROAD MEDIA PA 19063 <a href="mailto:ksearls@mbmlawoffice.com">ksearls@mbmlawoffice.com</a> <a href="mailto:amatlawski@mbmlawoffice.com">amatlawski@mbmlawoffice.com</a> Accepts eService

Respectfully Submitted,

  
/s/

Date: 4/10/2021

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