

**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 a Gas Reliability Station in Marple Township, Delaware County is Reasonably Necessary for the Convenience and Welfare of the Public

Docket No. P-2021-3024328

**PETITION TO INTERVENE OF THE
COUNTY OF DELAWARE**

Pursuant to 52 Pa. Code § 5.71, et seq., County of Delaware (the "County"), hereby petitions to intervene in the above-captioned proceeding. In support thereof, the County submits as follows:

1. Petitioner is County of Delaware, a Second Class A County with its principal address at 201 West Front Street, Media, PA 19063.
2. County of Delaware attorneys in this matter and all documents should be served upon:

Robert W. Scott, Esquire
Carl W. Ewald, Esquire
Robert W. Scott, P.C.
205 North Monroe Street
Media, PA 19063
rscott@robertwscottpc.com
carlewald@gmail.com

Counsel for the County is authorized to accept service on its behalf. The County requests that the Commission and all parties of record serve copies of all documents electronically on its counsel of record.

3. On February 26, 2021, PECO Energy Company ("PECO") filed a Petition for a finding pursuant to 53 P.S. § 10619.

4. PECO's Petition seeks a finding that 1) the situation of two buildings for a proposed gas reliability station is reasonably necessary for the convenience and welfare of the public, and therefore exempt from any zoning, subdivision and land development restriction of the Marple Township Subdivision and Land Development Ordinance and the Marple Township Zoning Code and 2) a proposed security fence appurtenant to the gas reliability station is a "facility" under 66 Pa. C.S. § 102 and is therefore exempt from local zoning requirements.

COUNTY OF DELAWARE'S
INTEREST IN THE PROCEEDINGS

5. Marple Township is a first class township located in the County of Delaware.

6. PECO proposes to construct and operate the gas reliability station on a 0.536 acre portion of a 7.186 acre property, currently known as 2014 to 2090 Sproul Road, Marple Township, Delaware County, Pennsylvania.

7. The County and its residents are directly affected by the construction of utility facilities and two associated buildings on the aforementioned lot.

8. PECO's plan includes electronic and telecommunication facilities which will be housed within the two buildings to, among other things, dampen any ambient sound generated by the gas reliability station.

9. Section 5.72 of the Public Utility Commission's regulations govern eligibility of parties to intervene in PUC proceedings.

10. A petition to intervene in a proceeding is permitted for "an interest which may be directly affected and which is not adequately represented by existing participants, and as to

which the petitioner may be bound by the action of the Commission in the proceedings." 52 Pa. Code § 5.72(a)(2).

11. The proposed gas reliability station is proposed to be located in the County and in close proximity to residential dwellings and commercial establishments, and less than a mile from a public elementary school.

12. The County acknowledges that PECO may be required in the future to construct a gas reliability station but asserts that the proposed location is harmful to the health, safety and welfare of the community and that PECO should work cooperatively with the County and Marple Township to find a location that is more appropriate for a utility use.

13. The County's eligibility to intervene is governed by Section 5.72 of the Public Utility Commission's regulations, 52 Pa. Code § 5.72.

14. The County has a direct and substantial interest in the instant proceeding, which is not, and cannot be, adequately represented by any other party. Accordingly, the County of Delaware satisfies the Public Utility Commission's standards for intervention set forth in 52 Pa. Code § 5.72(a)(2).

COUNTY OF DELAWARE'S
REQUEST FOR RELIEF

15. County of Delaware seeks invention to request the following relief:

a. That the Commission deny PECO's request for relief as PECO has failed to demonstrate that the proposed facility is reasonably necessary or that the proposed location is reasonably necessary or appropriate.

WHEREFORE, County of Delaware respectfully requests that the Commission grant this Petition to Intervene, providing the County with full-party status in this proceeding and any hearings or conferences held, and with ability to comment.

Respectfully submitted,
ROBERT W. SCOTT, P.C.


By: 

Robert W. Scott, Attorney ID No. 59329
Carl W. Ewald, Attorney ID No. 85639
205 North Monroe Street
Media, PA 19063

Dated: April 12, 2021

VERIFICATION

I, Jonathan Lichtenstein, hereby state that the facts set forth above are true and correct to the best of my knowledge, information and belief and that I expect the County of Delaware to be able to prove the same in a hearing held in this matter. I understand that statements herein are made subject to the penalties of 18 Pa. C.S. §4904.



Jonathan Lichtenstein, Deputy Solicitor
County of Delaware

Date 4/12/2021

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing
Petition to Intervene 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

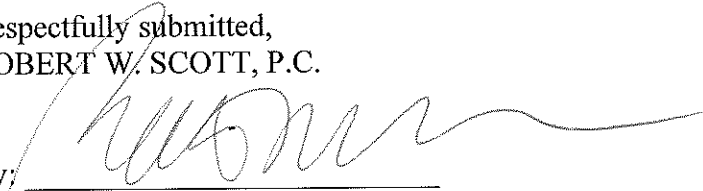
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Respectfully submitted,
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