

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company for a :
Finding Of Necessity Pursuant to : Docket No. P-2021-3024328
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

JOHN CROSS PREHEARING MEMORANDUM

On April 5, 2021, a Prehearing Conference Order was issued by the Honorable Emily DeVoe, Administrative Law Judge. The Order specifies that the Prehearing Conference will be held on April 21, 2021 and will be telephonic only. In response, John Cross hereby files this Prehearing Conference Memorandum.

I. Background

On March 1, 2021, PECO filed with the Pennsylvania Public Utility Commission 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

II. Issues to be Presented

Based upon its initial review of PECO’s petition, John Cross has identified the following issues:

- a. Marple Township residents, including John Cross, were not properly notified by PECO about its intent to build proposed gas plant at this location
- b. Details about proposed gas plant have been withheld or misrepresented from PECO (i.e., model of heater, locations of other similar plants, environmental concern relating to release of fumes from the six 18-foot-high stacks in such close proximity to nearby area which includes, residents, elementary school, restaurant, etc.), impact on gas explosion to nearby area which includes, residents, elementary school, restaurant, etc.)
- c. PECO has not made any attempt to acquire any other location for this plant, and in fact has planned since the beginning of their project to place it at this location without any documentation regarding interaction with Marple Township.

- d. PECO continues to attempt to override zoning laws, regardless of the denial from the Marple Township Zoning Board, and the support of this denial from the Marple Township Commissioners, the Delaware County Council, and Marple Residents.

John Cross reserves the right to raise other issues as those may arise.

III. Witnesses

John Cross has not identified a witness that may be called, however, reserve the right to call a witness, or witnesses.

IV. Proposed Schedule

John Cross will work with all parties to establish a reasonable schedule.

V. Settlement

John Cross will engage in settlement discussions with any and all parties in an attempt to resolve or narrow the issues in this proceeding.

VI. Public Input Hearings

Due to the potential impact on all Marple Residents, including John Cross, John Cross suggests that at least two (2) public hearings be held in order to allow the maximum input from Marple Township. The petition proposed by PECO will have a long-lasting effect on all those who live in Marple Township. The public's input in this petition is extremely critical and should be considered by the Commission.

VII. Service

Electronic service only of all documents should be served as follows:

John Cross
E-Mail: jcross0209@gmail.com

WHEREFORE, John Cross respectfully submits this Prehearing Conference Memorandum.

Respectfully submitted,
/s/
John Cross
322 Candlewood Rd
Broomall, Pennsylvania 19008

April 17, 2021

CERTIFICATE OF SERVICE

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:

<p>Emily I. DeVoe Administrative Law Judge Public Utility Commission 400 North Street Keystone Bldg. Harrisburg, PA 17120 edevoe@pa.gov</p>	<p>JACK R GARFINKLE ESQUIRE PECO ENERGY COMPANY 2301 MARKET STREET PO BOX 8699 PHILADELPHIA PA 19101-8699 215.841.6863 jack.garfinkle@exeloncorp.com Accepts eService</p>		
<p>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 215-569-5793 lewis@blankrome.com ftamulonis@blankrome.com szumbrun@blankrome.com Accepts eService</p>	<p>KAITLYN T SEARLS ESQUIRE J. ADAM MATLAWSKI ESQUIRE MCNICHOL, BYRBE & MATLAWSKI, P.C. 1223 N PROVIDENCE ROAD MEDIA PA 19063 ksearls@mbmlawoffice.com amatlawski@mbmlawoffice.com Accepts eService</p>		
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Respectfully Submitted,

/s/

John Cross
322 Candlewood Rd
Broomall, PA 19008
jcross0209@gmail.com
484-716-1354

4/17/2021

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/

John Cross

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Broomall, PA 19008

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April 17, 2021