

**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 : Docket No.: P-2021-3024328
Reliability Station in Marple Township, Delaware :
County Is Reasonably Necessary for the :
Convenience and Welfare of the Public :

**PREHEARING CONFERENCE MEMORANDUM
OF MARPLE TOWNSHIP, DELAWARE COUNTY**

TO THE ADMINISTRATIVE LAW JUDGE, EMILY I. DeVOE

Pursuant to 52 Pa. Code §5.222(d) and the April 5, 2021 Prehearing Conference Order, Marple Township, Delaware County, Intervenor in this action, hereby files this Prehearing Conference Memorandum. For the purposes of the Prehearing Conference, J. Adam Matlawski, Esq. will be the primary speaker.

- I. PRESENTLY IDENTIFIED ISSUES.** The following list represents Marple Township’s preliminary determination of potential issues in these proceedings, pending discovery and analysis of party positions. Marple Township specifically reserves the right to address other appropriate issues that may emerge during discovery. The preliminary issues are as follows:
- a. Reasonable Necessity.** Whether the proposed site and/or the proposed project is reasonably necessary for the convenience or welfare of the public. It is Marple Township’s position that PECO cannot meet its burden on either issue as it has not produced any evidence, including but not limited to studies, data, testing, etc. of the need for any Gas Reliability Station, or any need for a Gas Reliability Station at the proposed location.

- b. Suitability. It is Marple Township’s position that the proposed site is not suitable for a Gas Reliability Station. Furthermore, it is the Township’s belief that, contrary to the assertions in its Petition, PECO did not meaningfully consider any other location for this station. PECO’s proposed use as a Gas Reliability Station is not appropriate for the Property and would be injurious to public health, safety and general welfare. There are other locations within the Township which are suitable for this facility and do not have the same issues raised by this site. The Township is willing to work with PECO to help identify the most suitable location for the proposed facility.
- c. Zoning and Comprehensive Plans. The Commission, per its policy statement, must consider the impact of its decisions upon local comprehensive plans and zoning ordinances. Additionally, PECO should exhaust its remedies with the Courts prior to seeking intervention of the PUC.
- d. Safety. It is Marple Township’s position that the proposed project is in dangerous proximity to an already high-volume traffic and accident-prone intersection increasing the risk and severity of accident-related injury and property damage. The unknown circumstances regarding a response to an emergency and whether local first responders will have access to render aid is highly concerning. Finally, the safety of the operation of the Gas Reliability Station itself has not been proven by PECO.
- e. Noise and light. Marple Township is not satisfied with the information, or lack thereof, from PECO regarding the noise level (given the “first of its kind” nature of the station) and lighting in and around the site.

- f. Novelty and site visit. Given the novelty of the proposed Gas Reliability station, these proceedings should not be rushed. Marple Township requests adequate time to fully analyze any and all evidence and data provided by PECO, including ample time for expert evaluation and reports. A site visit is also appropriate in this particular situation.
- g. Community Outreach. Marple Township fully disagrees with PECO's position regarding community outreach and working with the Township. The Township, both formally and informally, has made many suggestions to PECO which have gone ignored.
- h. Petition for Reconsideration. On or about April 13, 2021, a Petition was filed for reconsideration of staff action to allow additional time for formal protests. Marple Township supports the request to extend the deadline for formal protests.
- i. Marple does not have the burden of proof in this proceeding and cannot anticipate all issues that may arise. Marple therefore reserves the right to raise additional issues as this matter proceeds and further information and discovery is obtained from PECO.

II. PROPOSED PLAN AND DISCOVERY SCHEDULE. Marple Township has agreed to serve PECO with its discovery requests by Friday, April 23, 2021. Marple requests adequate time to review discovery and engage expert witnesses.

III. PROPOSED WITNESSES. Marple Township currently intends to call the following witnesses, without being limited thereto:

- a. Lawrence J. Gentile, Marple Township Manager, 227 S Sproul Road, Broomall, PA 19008. Mr. Gentile will testify concerning PECO's contact with the

Township, the suitability of the proposed site, the existence of other suitable sites, the concerns of Marple Township.

- b. Joseph Mastronardo, PE, Pennoni Associates Inc., 1900 Market Street, Suite 300, Philadelphia, PA 19103. Mr. Mastronardo will testify concerning the suitability of the proposed site given surrounding residential and commercial facilities and the availability of other suitable sites.
- c. Brandon Graeff, Marple Township Chief of Police, 1001 Sussex Boulevard, Broomall, PA 19008. Chief Graeff will testify concerning the traffic and history of accidents at and around the proposed site.
- d. Jim Capuzzi, President, Broomall Fire Company, 1 North Malin Road, Broomall, PA 19008; Township Fire Marshal. Mr. Capuzzi will testify concerning fire safety, hazards and any issues surrounding first responder access to the site.
- e. Expert Witnesses to be identified upon receipt of discovery from PECO and evaluation of same.
- f. Representatives to be identified from the citizen's group Marple Safety Coalition. Witnesses will testify concerning PECO's lack of outreach, contact and explanation of the project.
- g. Marple Township reserves the right to call witnesses as necessary to address issues that may arise during the course of discovery and during these proceedings and will provide the ALJ and other parties to this matter reasonable notice thereof.

IV. PROPOSED LITIGATION SCHEDULE. Marple Township will work with the parties to develop a mutually agreeable schedule. PECO has proposed a schedule and shared it with Marple Township. Marple requests at least thirty (30) days after the

receipt of PECO's response to Marple's discovery requests and written testimony to present its rebuttal to PECO's case in chief and to present Marple's case. Marple requests two (2) weeks to submit its reply brief.

Respectfully Submitted,
MCNICHOL, BYRNE & MATLAWSKI, P.C.

/s/

J. Adam Matlawski, Esq.
Attorney I.D. No.: 41678
Kaitlyn T. Searls, Esq.
Attorney I.D. No.: 311237
1223 N. Providence Road
Media, PA 19063

Dated: April 20, 2021

**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 : Docket No.: P-2021-3024328
Reliability Station in Marple Township, Delaware :
County Is Reasonably Necessary for the :
Convenience and Welfare of the Public :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing Prehearing Conference Memorandum of Marple Township, 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:

Christopher A. Lewis, Esquire
Frank L. Tamulonis, Esquire
Stephen C. Zumbrun, Esquire
Blank Rome LLP
One Logan Square
Philadelphia, PA 19103-6998
lewis@blankrome.com
ftamulonis@blankrome.com
szumbrun@blankrome.com
Accepts eService
Representing PECO Energy Company

Theodore R. Uhlman
2152 Sproul Road
Broomall, PA 19008
uhlmantr@yahoo.com
Accepts eService

Holly Cross
John R. Cross
322 Candlewood Road
Broomall, PA 19008
crossh12@gmail.com
Accepts eService

Jack R. Garfinkle, Esquire
PECO Energy Company
2301 Market Street
P.O. Box 8699
Philadelphia, PA 19101-8699
Jack.garfinkle@exeloncorp
Accepts eService

Jessica Pagliara
18 Stanfield Avenue
Broomall, PA 19008
javino0524@gmail.com
Accepts eService

Eileen Goldhorn
196 Cranbourne Drive
Broomall, PA 19008
mrsgoldee@comcast.net
Accepts eService

Lynne Garrity Redding
Andrew I Redding
104 Allison Circle
Broomall, PA 19008
lynne.metzler@gmail.com

Sarah Kuchan
114 Martins Run
Media, PA 19063
sarahkuchan@gmail.com

Stephen Coleman Customer
Service Rep
100 N. Sproul Road
Broomall, PA 19008
scc5153@psu.edu
Accepts eService

Ash Kailath
2516 Parke Lane
Broomall, PA 19008
shokkailath@yahoo.com
Accepts eService

Petra Svenson
4 Hunters Run
Broomall, PA 19008
petrasvenson@msn.com
Accepts eService

John Callaghan
17 Tower Road
Broomall, PA 19008
Jdcalla1956@gmail.com
Accepts eService

Matthew Barrabee
2959 Dogwood Lane
Broomall, PA 19008
mbarrabee@gmail.com
Accepts eService

Joseph Colagrecó
2202 Rutgers Drive
Broomall, PA, 19008
Colagrecó@comcast.net
Accepts eService

Accepts eService
Marilia Mancini-Strong
8 Grove Lane
Broomall, PA 19008
marliamstrong@hotmail.com
Accepts eService

Tracey Welsh
Steven Welsh
2162 Mary Lane
Broomall, PA 19008
twelsh22@hotmail.com
Accepts eService

Jeffrey Strong
8 Grove Lane
Broomall, PA 19008
jeffstrong5150@gmail.com
Accepts eService

Robert Jordan
2623 Springfield Road
Broomall, PA 19008
rcjordanjr@gmail.com
Accepts eService

Michael Pagliara
128 Stanfield Avenue
Broomall, PA 19008
mikepags11@yahoo.com
Accepts eService

Carolina Favazza
2006 Kerwood Drive
Broomall, PA 19008
Carolina.favazza@villanova.edu
Accepts eService

Richard Giovanetti, GSA
1 Arbordale Lane
Broomall, PA 19008
Richard.giovanetti@g-sa.com
Accepts eService

Linda A. Collins
523 Warren Blvd
Broomall, PA 19008
Lindacollins225@gmail.com
Accepts eService

Maria Rich
2691 Old Cedar Grove Road
Broomall, PA 19008
Mariarich@verizon.net
Accepts eService

Anthony Marziano Jr.
237 Talbot Drive
Broomall, PA 19008
managerptp@aol.com
Accepts eService

Anna Masciantonio
2739 Brierwood Road
Broomall, PA 19008
Anna2739@verizon.net
Accepts eService

Karen E Spector
403 Briar Drive
Broomall, PA 19008
kspector@yahoo.com
Accepts eService

Eileen Goldhorn
196 Cranbourne Drive
Broomall, PA 19008
mrsgoldee@comcast.net
Accepts eService

David Heagerty
2102 Boxwood Drive
Broomall, PA 19008
daveheagerty@hotmail.com
Accepts eService

Maria Henderson
Maria D Henderson CPA
1 Madonna Lane
Broomall, PA 19008
mdhcpa@verizon.net
Accepts eService

Norma Blum
2164 Sproul Road
Broomall, PA 19008
Mysprang7@comcast.net
Accepts eService

Anna Willig
640 Cedar Grove Road
Broomall, PA 19008
anna413@comcast.net
Accepts eService

Bob Dorazio
2148 Mary Lane
Broomall, PA 19008
bobdorazio44@gmail.com
Accepts eService

Marion H Darby
907 Cedar Grove Road
Broomall, PA 19008
mdarby232@gmail.com
Accepts eService

Marissa McGeehan
907 Cedar Grove Road
Broomall, PA 19008
marissa.mcgeehan@gmail.com
Accepts eService

Bridgett Wendel
117 Academy Lane
Broomall, PA 19008
bridgettwendel@gmail.com
Accepts eService

Salvatore P. Favazza Jr.
2006 Kerwood Drive
Broomall, PA 19008
cnsspf@yahoo.com
Accepts eService

Amy Blake
--None--
22 Stanfield Avenue
Broomall, PA 19008
Aeb817@gmail.com
Accepts eService

Alyssa Plotnick
2203 Graymour Drive
Broomall, PA 19008
Doligirl.plotnick27@gmail.com
Accepts eService

Ronald G. Fender
2506 Parke Lane
Broomall, PA 19008
Captainiron73@yahoo.col
Accepts eService

Jill Adaman
2160 Mary Lane
Broomall, PA 19008
Jea905@comcast.net
Accepts eService

Gregory Fat
2201 St. Paul Drive
Broomall, PA 19008
gregfat@gmail.com
Accepts eService

Nilgun Okur Admiistrator
Nilgun
2163 Mary Lane
Broomall, PA 19008
NILGUN.OKUR2GMAIL.COM
Accepts eService

Luisa Robbins
411 Langford Road
Broomall, PA 19008
luisa0411@hotmail.com
Accepts eService

William A. Wegener
22 Stanfield Lane
Broomall, PA 19008
WWEGENER@GMAIL.COM
Accepts eService

Nicole Howarth
2508 Selwyn Drive
Broomall, PA 19008
nicolehowarth2@gmail.com
Accepts eService

Natalie Zeaitis
2651 Old Cedar Grove Road
Broomall, PA 19008
nattyz@hotmail.com
Accepts eService

Lucinda Scace
728 Cedar Grove Road
Broomall, PA 19008
cynsca@comcast.net
Accepts eService

William Lenahan
1 Stanfield Avenue
Broomall, PA 19008
wrlenahan@gmail.com
Accepts eService

Sabina Amoroso
2150 Kingswood Road
Broomall, PA 19008
famoroso13@rocketmail.com
Accepts eService

Teresa Dicampoli
121 1st Avenue
Broomall, PA 19008
tmdicampoli@gmail.com
Accepts eService

Charles Thomas Avedisian
2150 Sproul Road
Broomall, PA 19008
cta2@cornell.edu
Accepts eService3

Henry J Gillin
2149 Mary Lane
Broomall, PA 19008
Hjg844@gmail.com
Accepts eService

Julia M Baker
Objects Conservation
2150 Sproul Road
Broomall, PA 19008
jbakeroca@msn.com
Accepts eService

Felicia Carnaroli
252 Warren Boulevard
Broomall, PA 19008
Famoruso13@rocketmail.com
Accepts eService

Kosmas Yiantsos
Yiantsos Residence
2228 Windsor Circle
Broomall, PA 19008
kyiantsos@hotmail.com
Accepts eService

Amanda Atkinson
Select
709 Cedar Grove Road
Broomall, PA 19008
Amanda.atkinson@gmail.com
Accepts eService

Kevin Pickering
915 Cedar Grove Road
Broomall, PA 19008
mr.kevinpickering@gmail.com
Accepts eService

Stephen DiMarco President
Freddy's Frozen Custard &
Steakburgers
2084 Sproul Road
Broomall, PA 19008
sdimarco@pennoaksgolfclub.com
Accepts eService

Christopher Felfelis
Kyriaki Karamitopoulos Felfelis
Kyra Designs
2211 Glenspring Lane
Broomall, PA 19008
christosfelfelis@gmail.com
Accepts eService

Mary Karamitopoulos
802 Saint Francis Drive
Broomall, PA 19008
kyriamaryk@gmail.com
Accepts eService

Robert W Scott Attorney
Carl Ewald
Robert W Scott PC
205 North Monroe Street
Broomall, PA 19008
rscott@robertwscottpc.com
carlewald@gmail.com
Accepts eService

Respectfully Submitted,

MCNICHOL, BYRNE & MATLAWSKI, P.C.

/s/

Dated: April 20, 2021

By: J. Adam Matlawski, Esq.
Attorney I.D. No.: 41678
1223 N. Providence Road
Media, PA 19063