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April 20, 2021

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

Re: 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

Dear Secretary Chiavetta:

Enclosed please find PECO Energy Company's Answer to the Petition for Reconsideration from Staff Action of Ted Uhlman. Copies have been served in accordance with the attached Certificate of Service.

Thank you for your attention to this matter.

Respectfully,

/s/ Christopher A. Lewis

Christopher A. Lewis

Enclosures

cc: Certificate of Service List (w/ encl.)

**BEFORE THE
COMMONWEALTH OF PENNSYLVANIA
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 : Docket No. P-2021-3024328
Associated with a Gas Reliability Station in :
Marple Township, Delaware County Is :
Reasonably Necessary for the Convenience :
and Welfare of the Public :
:

**PECO ENERGY COMPANY’S ANSWER TO THE PETITION FOR RECONSIDERATION
FROM STAFF ACTION OF TED UHLMAN**

Pursuant to Section 5.61 of the Pennsylvania Public Utility Commission’s (the “Commission’s” or the “PUC’s”) Regulations, 52 Pa. Code § 5.61, PECO Energy Company (“PECO”) hereby files the following Answer to the Petition for Reconsideration From Staff Action of Ted Uhlman (“Uhlman Petition”) and avers as follows:

PRELIMINARY STATEMENT

Mr. Ted Uhlman filed the Uhlman Petition seeking to extend the timeframe for filing protests or petitions to intervene in this proceeding. PECO responds that this is unnecessary because: (1) the greater public will have further opportunities to participate in this proceeding at a proposed public input hearing; (2) Marple Township and Delaware County will adequately represent their local residents’ interests in this proceeding; (3) more than 60 individuals filed Protests before the filing deadline prior to April 12, indicating that the local community had widespread knowledge of this proceeding, and knowledge of the protest filing deadline; and (4) the regulatorily required 15-day protest timeframe was provided and noticed to the public in the *Pennsylvania Bulletin* and the locally circulated newspaper – in print and online. Accordingly, PECO requests that the Uhlman Petition be denied.

PECO'S ANSWER

1. On or about March 1, 2021, PECO filed the Petition of PECO Energy Company for a Finding of Necessity Pursuant to 53 P.S. § 10619 (“Section 619”) 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 (“PECO’s Petition”).

2. 52 Pa Code § 5.14(d) specifically requires that a 15-day protest period be established for Section 619 proceedings.

3. On or about March 10, 2021, the Commission issued a Prehearing Conference Notice, whereby the Commission set a Prehearing Conference for this matter on April 21, 2021, designated Administrative Law Judge Emily DeVoe as the Presiding Officer, and set a deadline of April 12, 2021 for the filing of protests and answers to PECO’s Petition (the “Protest Deadline”).

4. More than fifteen days before the Protest Deadline, on or about March 26, 2021, notice of PECO’s Petition was published in both the *Daily Times and Sunday Times* and the *Daily & Sunday Times Digital*, with proof of publication filed in this proceeding on or about April 8, 2021. The notice stated that “[f]ormal protests and petitions to Intervene must be filed . . . on or before April 12, 2021.”

5. More than fifteen days before the Protest Deadline, on or about March 27, 2021, notice of PECO’s Petition was published in the *Pennsylvania Bulletin*. The notice stated that “formal protests and petitions to intervene must be filed . . . on or before April 12, 2021.”

6. On or before April 12, 2021, Marple Township and Delaware County filed Petitions to Intervene in this Proceeding, which Petitions PECO does not oppose.

7. On or before April 12, 2021, more than 60 individuals filed Protests and two individuals filed Petitions to Intervene in this proceeding.

8. On or about April 14, 2021 Judge DeVoe issued an Interim Order Providing Information to *Pro Se* Protestants and recognized 63 individual Protestants and two individuals as filing Petitions to Intervene.

9. On or about April 15, 2021, Mr. Ted Uhlman filed the Uhlman Petition, in which Mr. Uhlman seeks to extend the Protest and Petition to Intervene timeframe in this proceeding by 45 days.

10. Also, on or about April 15, 2021, Judge DeVoe issued an Interim Order Regarding Petition for Reconsideration From Staff Action, where the Uhlman Petition was stated to have been docketed with the online docket system, that the Uhlman Petition will be treated as a motion, and that it would be addressed at a Prehearing Conference scheduled for April 21, 2021.

11. PECO requests that the Uhlman Petition be denied based on the following:

- i. The public will have an adequate opportunity to participate in this proceeding in an upcoming public input hearing;
- ii. PECO does not oppose Marple Township's or Delaware County's participation in this proceeding, which government bodies will adequately represent the interests of the local public;
- iii. Judge DeVoe has recognized 63 individual Protestants to this proceeding, a number whose magnitude demonstrates sufficient notice and opportunity to participate was already provided;
- iv. 52 Pa Code § 5.14(d) limits protest periods to 15 days, which timeframe was provided to the public in this proceeding; and

- v. The protests and petitions to intervene that are already of record raise identical issues. Accordingly, these arguments are already represented in the record.

WHEREFORE, PECO requests that Judge DeVoe deny the Uhlman Petition and not extend the Protest Deadline.

Respectfully Submitted,
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Counsel for PECO Energy Company

Dated: April 20, 2021

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Answer upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party) via electronic mail unless otherwise indicated below.

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