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June 11, 2021

**VIA ELECTRONIC FILING**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> 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 Objections and Motion to Strike. 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 : Docket No. P-2021-3024328  
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 :  
:

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**NOTICE TO PLEAD**

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TO: All Intervenors, Gregory Fat, and Marcilia Mancini-Strong

The attached Objections and Motion to Strike of PECO Energy Company (“PECO”) have been filed with the Pennsylvania Public Utility Commission in the above-captioned proceeding. If you wish to respond to the Motion, you must, pursuant to the provisions of 52 Pa. Code § 5.103 and the Interim Order entered on June 4, 2021, take action by filing a response with the Secretary of the Pennsylvania Public Utility Commission and serving a copy of that response upon all parties of record and the Administrative Law Judge **by 4:00 p.m. on June 18, 2021**. You are warned that if you fail to do so, the case may proceed without you and an order may be entered against you by the Commission without further notice.

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PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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**OBJECTIONS AND MOTION TO STRIKE**

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Pursuant to the Pennsylvania Public Utility Commission’s (the “Commission”) regulations at 52 Pa. Code §§ 5.103 and 5.401, and the Interim Order entered on June 4, 2021 in this docket, PECO Energy Company (“PECO” or the “Company”) submits these Objections and Motion to Strike, respectfully requesting that the Honorable Administrative Law Judge Emily DeVoe strike from the record certain exhibits and testimony offered at the Public Input Hearings in this matter. In support of its Objections and Motion, PECO states as follows:

**I. FACTUAL BACKGROUND**

1. On February 26, 2021, PECO filed a petition seeking a finding from the Commission that: (1) the siting of two buildings for a proposed Natural Gas Reliability Station in Marple Township, Delaware County, 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 Natural Gas Reliability Station is a “facility” under 66 Pa. C.S. § 102 and is therefore exempt from local zoning requirements.

2. On May 25 and 26, 2021, ALJ DeVoe held Public Input Hearings during which Marple Township residents Gregory Fat and Marilia Mancini-Strong, among others, submitted exhibits and testimony for inclusion in the record in this proceeding. Specifically, Mr. Fat submitted Exhibits GF-A through GF-T and Ms. Mancini-Strong submitted Exhibits MM-S-1 through MM-S-7.

3. On June 4, 2021, ALJ DeVoe issued an Interim Order Setting Deadlines for Objections and Responses to Objections to Exhibits Offered At Public Input Hearings requiring the parties to serve and file any objections to the exhibits and testimony offered by Mr. Fat and Ms. Mancini-Strong on or before 4:00 p.m. on June 11, 2021.

4. Accordingly, PECO submits these Objections and Motion to Strike by which it respectfully requests that ALJ DeVoe strike from the record certain exhibits and testimony offered by Mr. Fat and Ms. Mancini-Strong because, *inter alia*, said exhibits and testimony go well beyond the relevant scope of this 53 P.S. § 10619 proceeding, because they contain inadmissible hearsay, and because any probative value is outweighed by the danger of unfair prejudice and confusion of the issues.

## **II. LEGAL STANDARD**

### **A. Relevant Inquiry in 53 P.S. § 10619 Proceedings**

5. The seminal question in this proceeding is whether the proposed siting of the buildings in question is reasonably necessary for the convenience or welfare of the public. In other words, the Commission must “determine whether the site of the [proposed facility] is appropriate to further the public interest.” *Del-AWARE Unlimited, Inc. v. Pa. Pub. Util. Comm’n*, 513 A.2d 593 (Pa. Cmwlth. 1986) (emphasis in original). The scope of inquiry in this proceeding ***does not include*** “whether the selected site is absolutely necessary or the best possible site, or whether the

service to be provided by the public utility facilities is reasonably necessary for the convenience or welfare of the public.” May 18, 2021 Interim Order, at 2 (emphasis added).<sup>1</sup>

6. Indeed, ALJ Elizabeth Barnes’ discussion in *In regulations Petition of UGI Penn Nat. Gas Inc. for A Finding That Structures to Shelter Pipeline Facilities in the Borough of W. Wyoming, Luzerne Cty., to the Extent Considered to Be Buildings Under Loc. Zoning Rules, Are Reasonably Necessary for the Convenience or Welfare of the Pub.*, No. P-2013-2347105, 2013 WL 4717042, at \*15 (Aug. 16, 2013), is particularly instructive here. Therein, ALJ Barnes explained:

Most of the individual Intervenors argued against approval of a gate station. The intervenors’ concerns about gas pressure, gas emissions, noise levels and other health and safety issues are valid concerns; however, approval of the construction of a gate station is beyond the scope of this proceeding. As a certificated gas utility within the meaning of the Public Utility Code, the Company has the authority to build a metering gate station along the pipeline to monitor, manage and account for the natural gas in its pipes as long as the utility is running its facilities in compliance with state and federal regulations.

*Id.*, *aff’d*, No. P-2013-2347105, 2013 WL 6835113, at \*13 (Pa. PUC Dec. 19, 2013). Consequently, testimony and exhibits which challenge the existence of the proposed Natural Gas Reliability Station do not address the limited issue in this proceeding— whether the proposed siting of the buildings in question is reasonably necessary for the convenience or welfare of the public. *Id.*

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<sup>1</sup> Citing *Petition of Sunoco Pipeline, L.P. for A Finding That A Bldg. to Shelter the Walnut Bank Valve Control Station in Wallace Twp., Chester Cty., Pennsylvania Is Reasonably Necessary for the Convenience or Welfare of the Pub. Petition of Sunoco Pipeline, L.P. for A Finding That A Bldg. to Shelter the Blairsville Pump Station in Burrell Twp., Indiana Cty., Pennsylvania Is Reasonably Necessary for the Convenience or Welfare of the Pub.* (hereinafter, “SPLP”), No. P-2014-2411941, 2014 WL 5810345, at \*10.

## **B. Excluding Evidence from the Record**

7. The Commission's regulations at 52 Pa. Code § 5.403(a) grant presiding officers "all necessary authority to control the receipt of evidence," including "[r]uling on the admissibility of evidence" and "[c]onfining the evidence to the issues in the proceeding." *See also* 66 Pa. C.S. § 332 (stating that "any oral or documentary evidence may be received, but the commission shall as a matter of policy provide for the exclusion of irrelevant, immaterial or unduly repetitious evidence"). Administrative Law Judges have exercised this authority to exclude evidence that is beyond the proper scope of a proceeding in an effort to focus the evidence on the matters properly at issue. *See, e.g., Pa. PUC v. PPL Electric Util. Corp.*, Docket Nos. R-2015-2469275, *et al.* (Order issued July 14, 2015) (granting motion in limine to exclude evidence on issues that were not properly within the scope of the proceedings); *Pa. P.U.C. v. Pennsylvania-American Water Co.*, 1994 Pa. PUC LEXIS 120 at \*158 (Pa. PUC July 26, 1994) ("The ALJ concluded as follows: 'I agree with OTS that the issues raised by OCA are outside the scope of this investigation....' We conclude that the ALJ properly found the matters raised by the OCA to be better placed in the pending rulemaking proceeding."); *Re Gas Cost Rate No. 5*, 57 Pa. P.U.C. 158 (1983) ("The testimony stricken by the ALJ addresses, in part, matters broader than the scope of the instant proceeding."); *Re Structural Separation of Bell Atlantic-Pennsylvania, Inc. Retail and Wholesale Operations*, Docket No. M-00001353, 2000 Pa. PUC LEXIS 59 at \*7-9 (Final Order entered September 28, 2000) (affirming the decision of the ALJ to exclude certain evidence as "beyond the scope of the proceeding.").

8. Section 5.401 of the Commission's regulations provide that only "relevant and material evidence" is admissible, subject to objections on other grounds. 52 Pa. Code § 5.401(a).

Evidence will be excluded if: (1) it is repetitious or cumulative; or (2) its probative value is outweighed by the danger of unfair prejudice and confusion of the issues. 52 Pa. Code § 5.401(b).

9. Additionally, “[u]nder Pennsylvania’s *Walker/Chapman* Rule, it is well-established that ‘[h]earsay evidence, properly objected to, is not competent evidence to support a finding.’” *Kathleen Anthony v. PPL Electric Utilities Corporation*, No. C-2018-3000490, 2020 WL 5876962, at \*6–7 (Pa. PUC Sept. 15, 2020) (quoting *Walker v. Unemployment Compensation Bd. of Review*, 367 A.2d 366, 370 (Pa. Cmwlth. 1976)). “To be ‘properly objected to’ in an administrative proceeding, the hearsay evidence must not fall within one of the recognized exceptions to the rule against hearsay.” *Id.*

10. Moreover, Pennsylvania Rule of Evidence 701 (pertaining to lay witness testimony) provides as follows:

If the witness is not testifying as an expert, the witness’ testimony in the form of opinions or inferences is limited to those opinions or inferences which are rationally based on the perception of the witness, helpful to a clear understanding of the witness’ testimony or the determination of a fact in issue, and not based on scientific, technical, or other specialized knowledge within the scope of Rule 702.

Pa. R. Evid. 701; *see also Orpheus & Kimberly Hanley v. Pennsylvania Power Co.*, No. C-2016-2557487, 2019 WL 7403514, at \*11 n.7 (Pa. PUC Dec. 19, 2019) (“According to Rule 701, a lay witness is limited to giving opinion that is rationally based on the witness's own perceptions and helpful to clearly understanding the witness's testimony or to determining a fact in issue.”).

#### **IV. ARGUMENT**

##### **A. Certain Exhibits and Testimony offered by Mr. Fat should be Stricken from the Record.**

11. PECO objects to the admission of Exhibits GF-B and C and any related testimony on the grounds that they are not relevant to this proceeding. Exhibits GF-B and C are charts which

purport to depict Pennsylvania state-wide natural gas consumption from 1967 to 2019. *See* March 25, 2021 Public Input Hearing Transcript, at 134:16-25. However, the state-wide natural gas consumption in Pennsylvania is not at issue in this proceeding. Indeed, PECO has never suggested that the proposed Natural Gas Reliability Station is needed to address an increase in Pennsylvania's natural gas consumption. Instead, PECO has submitted direct testimony that establishes that the proposed Station is needed to address increasing demands for natural gas in Marple Township and Delaware County. Because Exhibits GF-B and C do not depict natural gas consumption in Marple Township, Delaware County, or even PECO's service territory, and because statewide totals mask differences in natural gas consumption in particular regions, they are irrelevant to this proceeding. Therefore, Exhibits GF-B and C, and the related testimony that appear at 134:16-22 and 151:21152:9, should be stricken from the record.

12. PECO objects to the admission of Exhibits GF-D, F, G, and H and any related testimony on the grounds that they are not relevant to the limited issues in this proceeding, constitute inadmissible hearsay, and are being offered for an improper purpose. Exhibits GF-D and F through H are photographs depicting signs and protests that are offered to prove public opposition to the proposed Natural Gas Reliability Station. Despite acknowledging that he cannot speak on the public's behalf, Mr. Fat offered these exhibits and testified that they represent community opposition to the project. *See id.* at 137:23-138:9 (stating that "I'm told approximately 300 signs have been put on display around our community"); *see also id.* at 149:23-150:2; 151:3-6 (Mr. Fat acknowledging that he does not know who took some of these pictures).

13. The exhibits and related testimony offered by Mr. Fat are inadmissible hearsay because they are offered to prove that unidentified members of the public are opposed to the project without having those persons testify and be subject to cross-examination. As a result, the finder of



fact cannot assess (1) whether such persons are in fact opposed to the project and (2) the grounds for any such opposition. This is classic hearsay that eviscerates the purpose of the public input hearing—to receive into evidence *sworn* statements regarding the public’s view of the project.

14. Moreover, Mr. Fat suggests that the number of signs that have been displayed in the community is representative of the level of opposition to the project. However, this is pure speculation; a small group of individuals could be responsible for displaying all or most of the signs. Also, the probative value of this evidence is greatly outweighed by the danger of unfair prejudice to PECO, which had no ability to cross-examine members of the public who chose not to appear at the public input hearings. For these reasons, PECO requests that ALJ DeVoe strike from the record Exhibits GF-D and GF-F through H, and the related testimony that appear at 137:23-138:23; 148:19-151:19.

15. PECO objects to the admission of Exhibit GF-E into the record because said exhibit is irrelevant to the limited issues in this proceeding. Exhibit GF-E is a photograph taken by Mr. Fat that purports to show one or more telephone poles that are leaning. However, Mr. Fat’s concern about the safety of leaning telephone poles is pure speculation that is not relevant to the issues in this proceeding, and Mr. Fat is not qualified to offer an expert opinion on the safety risk that a leaning telephone pole could pose. Indeed, Mr. Fat offered no testimony as to whether and how often leaning telephone poles fall, whether the telephone company maintains the poles and how frequently, or whether these particular poles are situated such that, if they fell, they would hit the buildings proposed by PECO. For these reasons, Exhibit GF-E should be stricken from the record, together with the related testimony at 128:13-129:22 and 145:10-146:7.

16. PECO objects to the admission of Exhibit GF-L into the record because said exhibit is irrelevant to the limited issues in this proceeding. Exhibit L is a photograph which appears to

depict metal piping at an unidentified location. Mr. Fat did not provide any testimony at the Public Input Hearing describing or authenticating Exhibit L. In fact, Mr. Fat never offered Exhibit L for admission into the record. Accordingly, Exhibit GF-L is irrelevant and should be excluded from consideration in this proceeding.

17. PECO objects to the admission of Exhibits GF-M and O and any related testimony into the record because said exhibits are irrelevant to the limited issues in this proceeding. According to Mr. Fat, Exhibit GF-M is an article that describes an accident, which occurred in Denver, CO, wherein a truck collided with an above-ground gas line. *See id.* at 144:24-145:2. As a preliminary matter, the article constitutes inadmissible hearsay as it contains statements that were made outside of this proceeding and has been offered to prove the truth of the matters asserted therein. Because said statements do not fall within one of the recognized exceptions to the rule against hearsay, they must be stricken as inadmissible hearsay.

18. Moreover, the article is irrelevant to this proceeding as the statements therein have no relation whatsoever to the proposed project. Although Mr. Fat attempts to make the article relevant by opining that the site involved in the Denver accident is similar to the proposed Natural Gas Reliability Station, the article itself does not provide the necessary details regarding the Denver site to make such a conclusion. Moreover, Mr. Fat is not qualified to offer an opinion as to the similarities between the Denver site and the proposed project, nor is he qualified as an expert in traffic safety.

19. Similarly, Exhibit GF-O and any related testimony are not relevant to the limited issues in this proceeding. According to Mr. Fat's testimony, Exhibit GF-O is a photograph that depicts a random accident that occurred on Sproul Road in Marple Township. *See id.* at 128:1-10. Mr. Fat stated that the alleged accident occurred "just a few feet from" the proposed project

“causing further concerns” regarding vehicles crashing into the proposed station or nearby telephone poles. *See id.* However, an accident that occurred somewhere else is not relevant to prove that an accident could occur, or is likely to occur, at the site. Moreover, the testimony concerning the mere possibility of an accident is pure speculation that goes beyond the limited issues in this proceeding, and Mr. Fat is not qualified in any event to offer an expert opinion about traffic safety. Therefore, Exhibits GF-M and GF-O should be stricken from the record, together with the related testimony that appear at 129:9-23; 144:22-145:7 and 128:1-19; 146:9-147:7; 161:25-162:3, respectively.

20. Exhibit GF-N purports to be an aerial map depicting the area that is within a 1-mile radius of the proposed project along with a bullet point list identifying what Mr. Fat believes to be the sites that would be impacted by an explosion or gas leak at the proposed Natural Gas Reliability Station. PECO objects to the admission of Exhibit GF-N and any related testimony on the grounds that Mr. Fat is not qualified to give an opinion as to the likelihood of an explosion or gas leak at the Station, the impacts of any such incident, or the necessity for a safety zone surrounding the proposed project. This testimony is pure speculation, and it is not relevant to the limited issues in this proceeding. Moreover, its probative value is outweighed by the danger of unfair prejudice to PECO. For all of these reasons, Exhibit GF-N and any related testimony should be stricken from the record, together with the related testimony that appear at 129:24-130:8 and 153:7-154:3.

21. PECO objects to the admission of Exhibits GF-P through S and any related testimony on the grounds that they are not relevant to this proceeding and constitute inadmissible hearsay. Exhibit GF-P is a proposal that Mr. Fat provided to the Environmental Advisory Committee of Marple Township detailing a plan to reduce natural gas consumption in Marple Township. *Id.* at 154:5-14. Exhibits GF-Q and R are articles regarding the City of Philadelphia’s

efforts to transition to clean energy. Exhibit GF-S is a printout of what appears to be Delaware County Pennsylvania's Sustainability Commission's home page. These exhibits, which address the topic of sustainability, and any associated testimony have absolutely no bearing on whether the situation of the proposed buildings is reasonably necessary for the convenience and welfare of the public.

22. Moreover, Exhibits GF-P through S are inadmissible hearsay because they contain out of court statements offered to prove the truth of the matter asserted, and said exhibits do not fall within any of the recognized exceptions to the rule against hearsay. Therefore, Exhibits GF-P through S should be stricken from the record together with the related testimony that appear at 141:18-24 and 154:5-9.

**B. Certain Exhibits and Testimony offered by Ms. Mancini-Strong should be Stricken from the Record.**

23. PECO objects to the admission of Exhibit MM-S-2 and any related testimony on the grounds that their admission into evidence is barred by the "best evidence" rule<sup>2</sup> and they are incomplete and inaccurate characterizations of PECO's testimony before the Marple Township Zoning Hearing Board. Exhibit MM-S-2 is a PowerPoint slide containing Ms. Mancini-Strong's characterization of PECO's testimony before the Zoning Hearing Board. However, the Zoning

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<sup>2</sup> Pennsylvania Rule of Evidence 1002 provides that an original writing, recording, or photograph is required to prove its content unless these rules, or other rules prescribed by the Supreme Court, or a statute provides otherwise. Pa. R. E. 1002. This is because secondary evidence of the contents of documents, whether copies or testimony, is susceptible to inaccuracy and the rule inhibits fraud as it allows the parties to examine the original documents to detect alterations and erroneous testimony about the contents of the document. Pa. R.E. 1002(2) and (3). This rule corresponds to the common law "best evidence rule."

*Paula Diblasi v. PPL Electric Utilities Corporation*, No. F-2017-2590433, 2017 WL 3868551, at \*5 (Pa. PUC July 31, 2017).

Board Hearing transcript, which Ms. Mancini-Strong has offered into evidence as Exhibit MM-S-1, is a document that speaks for itself and constitutes the best evidence of PECO's testimony in that proceeding. Accordingly, Exhibit MM-S-2, which constitutes Ms. Mancini-Strong's summary and or characterization of said testimony, should be stricken from the record as improper, together with the related testimony that appear at 333:20-334:20 and 344:14-346:16.

24. PECO objects to the admission of Exhibit MM-S-3 and any related testimony. Exhibit MM-S-3 purports to be a list of information that PECO allegedly agreed to provide during a public meeting with Marple Township residents and stakeholders in April 2021, but allegedly never provided. *Id.* at 338:16-21; 343:3-6. In fact, contrary to Exhibit MM-S-3, ALJ DeVoe issued a Prehearing Order establishing the litigation schedule for this proceeding, and in accordance with the timeline set forth in the Prehearing Order, PECO did serve the active parties with direct testimony covering the issues in Ms. Mancini-Strong's list. The best evidence of the information provided by PECO is the pre-served testimony itself, and Ms. Mancini-Strong's list has no probative value. Further, it is offered only to confuse the issues and cast PECO in a false light. Accordingly, it should be excluded under the "best evidence" rule and because it is irrelevant to the issues in this proceeding and its probative value is outweighed by the danger of unfair prejudice and confusion of the issues. The related testimony that appear at 334:22-338:1; 343:3-9; and 346:17-25 should be excluded for the same reasons.

25. PECO objects to the admission of MM-S-4 and any related testimony on the grounds that they constitute improper lay testimony and are mischaracterizations of documentary evidence. MM-S-4 purports to be a PowerPoint slide containing a screen shot of the April 2021 Uniform Residential Appraisal Report for Ms. Mancini-Strong's home and her interpretation of said report. As a preliminary matter, Ms. Mancini-Strong is not qualified to offer testimony

regarding the growth rate in Broomall because such testimony requires scientific, technical, or other specialized knowledge, none of which Ms. Mancini-Strong possesses. This fact is evidenced by Ms. Mancini-Strong's misinterpretation of the appraisal report. While the report indicates that the growth in Ms. Mancini-Strong's neighborhood is "stable," Exhibit MM-S-4, which Ms. Mancini-Strong prepared, states that there are "no signs of neighborhood growth in Broomall." *See* Exhibit MM-S-4. Indeed, Ms. Mancini-Strong acknowledged her inaccurate interpretation of the report on cross-examination. *See* Public Input Hearing Transcript, at 354:1-4 (Q.: "So isn't it true that this report does not state that there's no growth in Broomall, but rather states that the growth is stable as of 2021?" A.: Uh-huh (yes)). Therefore, Exhibit MM-S-4 and the related testimony that appear at 338:16-25 and 347:2-16 should be stricken from the record as improper lay testimony and improper characterizations of documentary evidence.

26. PECO objects to the admission of Exhibit MM-S-7 on the grounds that it is irrelevant to the limited issues in this proceeding and are misleading. Also, Ms. Mancini-Strong is not qualified to offer an opinion on the safety of the proposed Natural Gas Reliability Station. Any probative value of this photograph is outweighed by the danger of unfair prejudice to PECO and confusion of the issues. Exhibit MM-S-7 purports to be an aerial photograph of a section of Sproul Road in Marple Township with annotations supplied by Ms. Mancini-Strong suggesting that the proposed location for the Natural Gas Reliability Station is a "few ft away" from Russell Elementary School. *See* Exhibit MM-S-7. This exhibit is misleading because: 1) it does not depict the location of the proposed site; and 2) it does not accurately depict the distance between the proposed site and Russell Elementary School. It is certainly clear that the distance between the proposed site and Russell Elementary school is not a few feet.<sup>3</sup> Moreover, the purpose of the

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<sup>3</sup> Google Maps indicates that the distance between Russell Elementary School and the proposed site is more than a quarter mile away (1,584 feet).

exhibit is to prove that the proposed Natural Gas Reliability Station may pose a safety risk to students and teachers at the elementary school. But this is pure speculation. Therefore, Exhibit MM-S-7 should be stricken from the record.

WHEREFORE, for all the reasons set forth above, PECO respectfully requests that Your Honor grant its Motion to Strike.

/s/Christopher A. Lewis  
Christopher A. Lewis, Esquire  
Frank L. Tamulonis, Esquire  
Stephen C. Zumbrun, Esquire  
BLANK ROME LLP  
One Logan Square  
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*Counsel for PECO Energy Company*

Dated: June 11, 2021

**BEFORE THE  
COMMONWEALTH OF PENNSYLVANIA  
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**PROPOSED ORDER**

Upon careful consideration of PECO Energy Company’s Motion to Strike and any response thereto, IT IS HEREBY ORDERED that the Motion is GRANTED.

IT IS FURTHER ORDERED that Exhibits GF-B, GF-C, GF-D, GF-E, GF-F, GF-G, GF-H, GF-L, GF-M, GF-N, GF-O, GF-P, GF-Q, GF-R, GF-S, MM-S-2, MMS-S-3, MM-S-4, and MMS-7, and the testimony related thereto are stricken from the record in this proceeding.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Emily I. DeVoe  
Administrative Law Judge



**CERTIFICATE OF SERVICE**

I hereby certify that on this day I served a true copy of the foregoing Objections and Motion to Strike 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.

Honorable Emily I. DeVoe  
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/s/ Frank L. Tamulonis  
Counsel to PECO Energy Company

Dated: June 11, 2021