

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company for a Finding : P-2021-3024328  
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 :

**RESPONSE TO OBJECTIONS AND MOTION TO STRIKE**

**NOTICE**

1. Given the costly financial burden and short allotted time to access to the written testimony referenced in the lines throughout “OBJECTIONS AND MOTION TO STRIKE” the line items PECO representatives reference are accepted in good faith, however, with the request of Your Honor and the PUC to review the stated line items with special scrutiny given the barriers associated with a lay witness to access the transcribed testimony referenced in this matter.

**LEGAL STANDARD**

2. WHEREAS PECO cites *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, I object to reference of this case on a number of grounds. First, the Reliability Station proposed at Sproul and Cedar Grove Roads in Marple Township is not a “Gate Station” as is the subject in the referenced case. PECO has made clear by its official labeling, ie. Reliability Station, and through its sworn in testimony in which was stated PECO: “we do not have any other reliability stations, this is the first such animal that we have created...this will be the first time we are moving a reliability station anywhere...We typically have gate stations which are a transfer point between the pipeline[s]...this is not that” Tim Flanagan, PECO (October, 21 2020 Marple Township Zoning Hearing Board Meeting). As the first such plant of its kind, the PUC should not rely on precedence set by other tested facilities, ie. Gate Stations, especially those in rural areas like this referenced case, to evaluate whether this Reliability Station plant, two buildings and 8 foot wall are reasonably necessary at this site in a densely populated urban/suburban location and that the PUC should consider the unique challenges that PECO may incur operating a first such plant at this proposed site.

3. Second, the question presented in this case is not requesting the PUC to declare the structures at the gas plant to be “considered buildings” as is the discussion in the *Id. Wyoming Cty* case No. P-2013-2347105, 2013 WL 4717042, in fact there has been no discussion questioning whether the structures are buildings in this case. The case at hand is regarding the situation or siting of two buildings and the Reliability Station natural gas plant in an “N” Neighborhood Center zoning district in Marple Township are reasonably necessary as well as a request for a security fence/wall, which is taller than local ordinances allow - not the determination of structures as buildings.

4. Lastly, the court recognizes the concerns of intervenors are valid in *Id. Wyoming Cty* case No. P-2013-2347105, 2013 WL 4717042 however, classifying the Intervenor's concerns as only the "gas pressure, gas emissions, noise levels and other health and safety issues" is a misrepresentation in this case by diminishing the full extent of the concerns heard by the parties during the May 25<sup>th</sup> and May 26<sup>th</sup> 2021 PUC Public Input Hearings in regard to this case at hand. While those previously mentioned listed issues were raised, additional issues, including, but not limited to concerns associated with 1. overruling a Marple Township Zoning Hearing Board decision to deny the plant from the Special Exception required to build this plant 2. questions around the necessity of the plant given the lack of information provided 3. environmental impacts 4. concern about property values and the impact to tax revenue 5. impact on the neighboring businesses 6. quality of life concerns living near to the plant 7. traffic concerns regarding an impaired line of sight by the 8 foot solid noise insulated wall 8. concern regarding this same issue being in front of the Delaware Court of Common Pleas, which were all brought forth. Recognizing that these are valid points, the court should draw a separate distinction that these concerns are different and may be more important when discussing siting of this location on a busy roadway in a densely populated area, as opposed to a rural area in the referenced case. These concerns go much further than those in the referenced case and should be considerations in the scope of this in this case. While PECO may not be required to select the "best possible site" I believe they have selected among the "worst possible sites" especially where more appropriate alternative sites were not seriously considered by inquiry or request.

### **Including Evidence in the Record**

5. Exhibits GF -B and GF - C illustrate long-term decreasing consumption statistics of residential natural gas in Pennsylvania as made available by the federal US Energy Information Administrations database through their website [www.eia.gov](http://www.eia.gov). These statistics are relevant to this case given the necessity of the proposed gas plant and two buildings is dependent upon PECO's predicted growth of natural gas consumption in PECO's service network. If the siting of these two buildings did not have to do with a utility, such as natural gas, and demand thereof, the Marple Township zoning rules surrounding the siting and construction of the buildings would be justifiably settled within the Delaware Court of Common Pleas, where PECO has also raised suit in an alternative effort to overrule zoning requirements. However, given the supposed necessity of the plant to sustain service of gas consumption over the next ten years, these gas consumption statistics are relevant.

6. Furthermore, PECO has not released detailed information on the service network that would be served by the Reliability Station, therefore it cannot be confirmed whether the gas processed by this plant would stay solely in Marple Township, or Delaware County or whether this gas would be piped out of this geographic area to be sold to other gas providers and customers elsewhere in the state. Despite claiming that PECO has released information in direct testimony that establishes natural gas demand information, I object to that claim and am of the opinion that PECO has failed to provide long term MMcf gross consumption of natural gas after months of requests of this information. As a lay witness, without presuming technical or expert knowledge, the direct testimony provided only refers to shorter term statistics around of CCF and HDD, however, does not address the relevant information of gross consumption provided in

these exhibits and therefore request for these exhibits to be retained in the record with the associated testimony.

7. Exhibits GF- D and GF - F exhibit photos I took in May 2021 showing a small sampling of the large amount of yard signs that have been on display for months on streets in Marple Township. The intent of displaying these yard signs in said exhibits is to demonstrate my rational opinion that the community does not feel this plant is in line with the welfare of the public. Without speaking for those citizens that placed 300 yard signs at the front of their homes and businesses, it is rational for me to have an opinion that those community members are against this gas plant and the two associated buildings and that they do not feel it is in the best interest of the welfare of the community. Furthermore, this opinion is rationally based on the approximately 16 hours of public testimony at the Public Input Hearings between May 25 and May 26, 2021 and the involvement I personally had with the individuals who placed the signs on their properties and who I know presented their testimony at those hearings against this plant. Given the intent and my personal opinions justifying these exhibits, request for these exhibits to be retained in the record with the associated testimony.

8. The intent of exhibits GF- G and GF - H, which exhibit photographs of public in-person protests which were attended by over 100 individuals, media and politicians, one of which includes a large sign “PUC HELP US!” taken by myself or others at events which I attended is in regard to my opinion of the opposition of the welfare of the public with concern to this proposed plant and wall which I myself witnessed. The basis of these exhibits is to demonstrate my opinion of large attendance at protests against this natural gas plant in a Neighborhood Center zoning district and my rational perception from speaking to attendees at this protest that the public does not feel they have been provided enough information on the safety, risks, noise,

environmental impact, and that, in my opinion, believe that many attendees were concerned about the general welfare, health of the community, economy of the neighboring business or necessity of building a gas plant at this location. It can also be rationally perceived that many of the attendees at this protest were also among the large amount of public input testimony speakers during the PUC Public Input Hearings, who voiced similar concerns to those which I am expressing in my opinion. Based on my personal account and lay witness opinion intended with these exhibits, it is requested for these exhibits to be retained in the record with the associated testimony.

9. Exhibit GF - E is a photograph I took in May 2021 of a utility pole with large wires which is leaning over the proposed plant location at Sproul and Cedar Grove Roads. As a lay witness testifying my rationally determined opinions, PECO's legal counsel may have unintentionally misunderstood that this testimony was to be interpreted as expert witness testimony, however, I trust the Court recognized that this exhibit is not intended to provide a specialized or technical assessment of the leaning utility pole, but rather display a rational opinion that if this utility pole were to fall, either from a car accident on the adjacent road or by natural forces onto the plant and proposed buildings it could be detrimental to the welfare of the community. If this utility pole, or any of the other utility poles which surround the property around the proposed plant were to fall, it is rational to conclude that a fuel source like natural gas, and spark from electrical lines could cause terrible damage. Expert knowledge in pyrotechnics, a PhD in Utility Pole Management nor physics or related fields is required to consider this rational opinion given common knowledge that utility lines such as these occasionally starting fires when disturbed during inclement weather or after impact, such as a car accident. Given PECO is this region's leading energy provider, it is reasonable to consider that

PECO is responsible for maintaining this and other utility poles that carry its electricity to customers. As non-expert witness testimony and the rationally drawn opinions on the concerns of the utility poles looming over the property, it is requested for these exhibits to be retained in the record with the associated testimony.

10. Exhibit GF – L, which PECO has objected to, is a photo taken of rusting pipes on or around Sproul Road that PECO’s contractors seem to have been installing as part of their natural gas infrastructure expansion. This exhibit was not requested to be admitted into the record during the testimony, as I, a lay witness, have no expert or technical knowledge on the exact use of these pipes in the gas network, nor any expert knowledge on whether the visible rust before installation on and in the pipes degrade the integrity of the pipes - if they are to carry natural gas.

11. Exhibit GF - M summarizes an incident in Weld County, CO where an above ground natural gas line was struck by a truck which caused a fire and threat of explosion and where a mile wide evacuation was forced around the scene. [Semi-truck crashes into gas line in Weld County \(thedenverchannel.com\)](http://www.thedenverchannel.com). As a lay witness, this exhibit and related testimony is not intended to provide a specialized or technical assessment of that incident, rather a rational opinion that an above ground gas line within the boundaries of the proposed natural gas plant at Sproul and Cedar Grove Roads could be struck by a vehicle passing on this busy road. Furthermore, it exhibits a rational opinion that the gas in the pipes in Weld County, CO has similar flammability properties as the gas that would be passing through the pipes at the proposed plant in Marple Township. It should be recognized that an expertise in traffic safety is not a requirement to recognize what a busy road is, and that special training in traffic patterns, speed limits, line of sight studies is not required to form a rational opinion that vehicle operators, at times, are distracted and/or occasionally lose control, which poses a danger to a plant like this

alongside a heavily trafficked roadway. Factually, the alternative to this plant and surrounding 8 foot wall is a relatively harmless lot where occasionally holiday flowers and Christmas Trees are sold. Given my reasonable lay opinion that an above ground gas line could be struck in a similar fashion in Marple Township as to that of the one referenced in GF -M, it is requested for this exhibit to be retained in the record with the associated testimony.

12. Exhibit GF – O, illustrates a photo I took of a vehicular accident on a property neighboring the proposed natural gas plant in Marple Township on March 22, 2021. The image shows an SUV that struck a utility pole connected to live wires overhanging the proposed gas plant site. This exhibit and related testimony is not intended to provide a specialized or technical assessment of that incident, rather a fact that an accident occurred feet from the proposed site, and my rational opinion that building a natural gas plant and surrounding 8 foot wall would further obstruct this intersection and roadway next to the proposed gas plant. The court should recognize that expertise in traffic safety, optometry or other related fields is not required to form a rational opinion that the construction of a solid 8 foot wall will obstruct a drivers line of sight more than the absence of a solid 8 foot wall. Given my rationally drawn opinion that this intersection and area of roadway where accidents occur will be further obstructed if an 8 foot wall is permitted to be constructed, it is requested for this exhibit to be retained in the record with the associated testimony.

13. Exhibit GF – N is not presented to shine unfair prejudice onto PECO. Furthermore, I find that accusation in Paragraph 20 of the “OBJECTIONS AND MOTION TO STRIKE” rather disingenuous to purport on a mere lay witness’s rationally conceived opinion. This exhibit is intended to provide my opinion regarding the lack of concern for the welfare of me, my family and, in my opinion, the larger public, in regard to the lack of safety and risk assessments



provided to the public regarding the proposed natural gas plant in Marple Township. This exhibit and related testimony is not intended to provide a specialized or technical assessment of the possibility of explosions, fires or other unimaginable disaster at this site, rather a lay witness opinion that in the absence of any risk assessments some of the schools, residences, businesses and places of worship might be impacted given their vicinity to the proposed site in the case of an accident at this natural gas plant. Without a risk or safety assessment it is rational, as a lay witness, for me to be unsure what dangers, evacuation areas or impact would occur and how widespread any damage might be, and believe the PUC should weigh the potentially dangerous costs versus benefits to the welfare of the public given the proximity of residences, business etc. with this facility at this site. Moreover, given the PUC's declination of a site visit at this time, it is important for the PUC to recognize the densely populated area surrounding the proposed plant in the PUC's assessment on whether the siting of this gas plant, two buildings and 8 foot wall is reasonable.

14. Exhibit GF - P is a statement that I, Gregory Fat, presented to the Marple Township Board of Commissioners as a member of the Marple Township Environmental Advisory Committee. Exhibit GF- S is an image of the Delaware County Sustainability Commission's website outlining environmentally conscious and clean energy plans for the future. My statement presented at the Marple Township Board of Commissioners meeting and direction implied by the Delaware County Sustainability Commission's website is relevant to this case as the situation of two buildings and 8 foot wall relates to PECO's future natural gas consumption estimates and potential proposed constraints in the next ten years. If the situation and construction of the two buildings is not related to natural gas and consumption thereof, ie. a Public Utility, any zoning decisions should be aptly made within the Delaware Court of Common Pleas, however, given the

involvement of the PUC, the situation of two buildings and wall is related to a utility, in this case, natural gas and future proposed consumption which would necessitate this plant. As Marple Township and or Delaware County implement sustainability initiatives that reduce the consumption of natural gas, as I reasonably understand from Exhibit GF - P and Exhibit GF -S, then the necessity of such a proposed gas plant may not be in line with PECO's estimated consumption calculations. Instead of increasing consumption, in my opinion from these exhibits, the formula will show gas consumption decreasing in the future for these areas. Given the nature of the case as it relates to a proposed or estimated growth of natural gas consumption and which these exhibits rationally undermine the PECO estimated growth projections, it is requested for these exhibits to be retained in the record with the associated testimony.

15. Exhibit GF – R and GF – Q refer to neighboring Philadelphia County's transition to clean energy initiatives through the Solarize Philly Program spearheaded by Chris Lewis, Chairman of the PEA and of law firm BlankRome. It is my rational opinion that Marple Township and Delaware County will follow similar initiatives to reduce reliance on natural gas. This opinion is formed of general common knowledge on proposed governmental energy policies and an observed trend around the nation to clean energy alternatives, additional citations can be provided if necessary. This opinion is not intended to be a specialized or technical assessment of clean energy initiatives, efficiencies, new affordable alternative energy sources being worked on to reduce natural gas consumption, rather a reasonable opinion based on my observance of an increase in availability and demand of clean energy initiatives, including, but not limited to electric vehicles, alternative fuel sources, more advanced building insulation, more efficient heating systems for buildings, and solar panels that I have observed installed on my neighbors homes. This opinion of an observed trend away from fossil fuels justified by Exhibits GF – R

and GF - Q may change PECO's estimates on future demand of natural gas processed through the proposed gas plant in Marple Township. Given the relevance of future consumption which PECO claims may constrain their system within ten years and therefore necessitates this plant, two buildings and wall, it is requested for these exhibits to be retained in the record with the associated testimony.

WHEREFORE, for all the reasons set forth in this response, I, Mr. Fat, respectfully request Your Honor retain these exhibits as part of my lay witness testimony.

/s/ Gregory Fat

Gregory Fat

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