

OBJECTIONS TO:

OBJECTIONS AND MOTION TO STRIKE EXHIBITS SUBMITTED BY GREGORY FAT AND MARILIA MANCINI-STRONG DURING PUBLIC INPUT HEARINGS FOR DOCKET NO. P-2021-3024328, MAY 25th and 26th, 2021

I, Julia M. Baker, a *pro se* Intervenor in these proceedings, wish to respond to the Motion, pursuant to the provisions of 52 Pa. Code § 5.103 and the Interim Order entered on June 4, 2021, and I am taking 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

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") submitted these Objections and Motion to Strike,

Mr. Fat submitted Exhibits GF-A through GF-T and Ms. Mancini-Strong submitted Exhibits MM-S-1 through MM-S-7.

The following text outlines PECO's motions, with bold emphases by me, and italicized/underlined arguments submitted respectfully by me in opposition to motions to strike.

Page 2 Paragraph 4: 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.**

*Protestant's exhibits are relevant to the scope, contain admissible hearsay, and their probative value is consistently valid; moreover it does not present any danger of unfair prejudice and confusion of the issues. The public clearly understands that it is the Applicant exercising unfair prejudice and attempting to confuse the issues by arquinq repetitiously for a scope so narrow that it defies what any reasonable person, expert or not, would conclude. The very inclusion of the word "situation" of the buildings (from the Latin *situs*- place/position/location) irrefutably puts the address at the heart of the matter.*

Legal Standard

Page 2 Paragraph 5: 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. Cmwltth. 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

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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).¹

PECO argues this point backwards, in claiming that the site itself need not be necessary, need not by the best, and that the services are irrelevant. I submit most respectfully that the situation of the buildings can certainly NOT be a site whose necessity is questionable and that the services it engenders cause conditions that run contrary to the public interest. In these proceedings the burden of proof is squarely on the Company to demonstrate that the facilities are reasonably necessary.

Paragraph 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.

1 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.

Pipeline and types of stations- PECO has objected to these terms and so cannot cite cases based so strongly upon them- find a case where the citation had to be of relevant terminology.

The remainder copied and pasted in full:

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.”).

None of these cases have anything in common with the siting of a station: the first involves a water company, the second is a gas rate issue, and the third pertains to the restructuring of a telecommunications corporation. No one of them represents a precedent sufficiently analogous to drive the argument cogently.

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.

It is entirely possible that some of Greg’s and Marilia’s DO fall within the exceptions:

“(1) Hearsay evidence, properly objected to, is not competent evidence to support a finding of the Board. Stiles, supra; Pelligrino, supra; Phillips v. Unemployment Compensation Board of Review, [152 Pa. Super. 75, 30 A.2d 718](#) (1943); (2) Hearsay evidence, admitted without objection, will be given its natural probative effect and may support a finding of the Board, if it is corroborated by any competent evidence in the record, but a finding of fact based solely on hearsay will not stand. Cooper, supra; Bickling, supra.

Walker v. Unempl. Comp. Bd. of Review, 27 Pa. Commw. 522, 527 (Pa. Cmmw. Ct. 1976)”

*The decision quoted by the Applicant rules out **all** hearsay evidence that is objected to, implying that by the mere act of objecting PECO can toss out all hearsay evidence. This case cited by the Company, and other related cases cited in discussions of it, deal with unemployment compensation disputes, which have little or nothing in common with the matter at hand. Under [Federal Rules of Evidence Rule 803. Exceptions to the Rule Against Hearsay](#) (https://www.law.cornell.edu/rules/fre/rule_803), there are a number of exceptions that apply. It can be argued that many exceptions can be applied to hearsay evidence, especially that offered at a Public Input Hearings, such a Present Sense Impression, Excited Utterance, Then-Existing Emotional Condition (as these PECO Zoom meetings were a severe source of*

stress to the witnesses threatened by the adverse impact of the proposed project), record of regularly conducted activity, a) by someone with knowledge (e.g. Holly Cross ordering, distributing and taking donations for all of the yard signs), and absence of records and public records- e.g. in regards to Marple Twp. Employees not recording meeting minutes)

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.

Mr. Fat's perceptions DO help form a clear understanding of his testimony and relate directly to the facts at issue.

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.

At the time of these hearings parties had not received direct testimony, had no reasonable expectation of access to it, and thus had no access to PECO's information on usage within its service area, DELCO or Marple- ONLY HEARSAY on the part of PECO representatives, and those figures quoted in propaganda literature kept changing. The fact that the Don Guanella tract is not going to be developed since the County has just announced its intention to preserve it as greenspace further removes hundreds of potential gas customers from PECO's projections; and so these are now moot.

One letter from PECO to the community cherry-picked odd date ranges in a conspicuously obvious attempt to inflate the perception of need.

Also hearsay was the assertion 4.10.21 by Mr.Flanagan that the interruptible commercial rate had been calculated into these figures.

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).

ALJ expressed clearly on more than one occasion that she wants to hear from and give appropriate weight to evidence demonstrating the positions of the community, which these exhibits clearly do. Mr. Fat's averments can be upheld by any of several hundred individuals who have come forward to request signs, sign petition pages, attend demonstrations, visit Marple Safe website, read and view news coverage in the press, and share comments on social media in addition to the 100+ who testified at the Input Hearings. Mr. Fat is known to all as a leader, has been interviewed several times in public fora, and properly puts forward his exhibits to show clear evidence of the concerned citizenry the strength of whose opposition Judge DeVoe wants to gauge.

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.

The 100+ patient witnesses who offered testimony embody the very definition of the public input hearing, and the fact that with very few exceptions they all gave sworn statements. The sheer number should give the ALJ a clear indication of just how strong their concerns are; why only 10 people testified at the electrical rate hike hearing earlier this month, and a mere handful at the gas session in January! It is common knowledge that public engagement, and in a pandemic year so full of fear and detachment, is nearly always severely limited- and yet what a strong showing! One would think this would more tend to eviscerate Mr. Lewis's attack of the Public Input hearing concept, because Mr. Fat's exhibits simply showed a true extent of the factual opposition for which the sworn witnesses represent a valid cross section.

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.

Yes it did require a group of deeply concerned individuals who started small but quickly grew as they provided the only reliable source of information about the real potential impacts of the Company's proposal. Can it possibly be so that PECO's attorneys wanted to cross examine everyone who donated 5\$

for a yard sign? It is inconceivable that they would even imagine perpetrating such a gross miscarriage of respect for these proceedings. It would seem more likely that the Utility is trying to cast unfair prejudice on the community members for exercising their rights of free speech and civil action, and to suppress evidence of their support by literally electing to 'mark their territory'; and it appears quite visibly in a way that is imbued with substantial probative value.

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.

This leaning pole is a ready and valid representative of the shortcomings in infrastructure maintenance and improvement which require attention lest dire consequences result from inevitable acts of Nature- if not at this particular location, then at an analogous one (of which there are many). It is true that PECO poles are marked in a specific way, and during the 4/10 conference PECO did admit that they needed to maintain their poles better. Additional evidence across the Township had been raised many times over the years during regular meetings, and Mr. Fat's use of an example of the clear and present need to focus, fund and attend to the reliability of the electrical grid is highly relevant to the question of both the need for and the potential dangers of siting a gate station near a busy corner.

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.

A matter of fact that the incident happened, as clearly reported in recognized news source; and it is irrelevant if some statements in the article were not included in this proceeding. The pertinent points were obvious to the extent that any reasonable person would reach the same conclusion: that the type accident is surely one that could befall a gate station such as the one proposed, and that a large area would be adversely affected and would require a significant emergency response (including an evacuation), and that these consequences would be catastrophic at the location PECO designates.

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.

In a Public Hearing one does not need to be an expert in order to understand news events in the public sphere and to comprehend their relevance to analogous circumstances.

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 9 "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.

I offer the argument that PECO, in refusing to share risk assessments, has not a leg to stand on here. These accidents can and do happen, and given the matter at hand the siting of the station would present a clear and present danger in the not unlikely event that another such incident occurs.

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 10 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 2** 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 2 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). 11 Board Hearing transcript, which Ms. Mancini-Strong has offered into evidence as Exhibit MM-S1, 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.

The Zoning Hearing Board testimony is a matter of record and available on Twp website.

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.

She could not have had knowledge of the direct Testimony at the time? And they provided it only when compelled; prior to they claimed their Legal Dept would not approve it.

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.

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