*Via electronic service only due to Emergency Order at M-2020-3019262*

**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 :

**INTERIM ORDER**

**MODIFYING BRIEFING SCHEDULE AND**

**PROVIDING DIRECTIVES FOR BRIEFS**

On April 23, 2021, a Prehearing Order was entered in the above-captioned matter. The Prehearing Order adopted a litigation schedule. On June 3, 2021, Marple Township (Township) and Delaware County (County) filed a Joint Motion for Extension of Time for Written Rebuttal Testimony. The undersigned emailed the parties and instructed them to consult with each other to see if they could agree to schedule modifications.

On Friday, June 4, 2021, Counsel for PECO Energy Company emailed the undersigned, advising the parties agreed to certain modifications of the schedule.

On June 7, 2021, an Interim Order was issued adopting the modifications, which called for main briefs to be filed by August 2, 2021 and reply briefs to be filed by August 16, 2021.

Evidentiary hearings were convened on July 15, 16, and 20, 2021. A fourth day of hearing is scheduled for July 22, 2021. At the evidentiary hearing on July 20, 2021, the parties discussed modifications to the briefing schedule due to the multiple days required for the evidentiary hearing. The parties agreed to modify the schedule such that main briefs would be due August 11, 2021 and reply briefs would be due August 20, 2021.

At the hearing on July 20, 2021, the undersigned advised she would provide instructions regarding briefing during the hearing on July 22, 2021. For the benefit of the parties, particularly the *pro se* protestants, the undersigned will provide the instructions in this Order in written form.

The Commission’s rules at 52 Pa. Code § 5.501 provide:

 (a)   Briefs must contain the following:

(1)   A concise statement or counter-statement of the case.

(2)  Reference to the pages of the record or exhibits where the evidence relied upon by the filing party appears.

(3)   An argument preceded by a summary. The party with the burden of proof shall, in its main or initial brief, completely address, to the extent possible, every issue raised by the relief sought and the evidence adduced at hearing.

(4)   A conclusion with requested relief.

 (b)   Briefs must also contain the following, if and as directed by the presiding officer:

(1)   A statement of the questions involved.

(2)   Proposed findings of fact with references to transcript pages or exhibits where evidence appears, together with proposed conclusions of law.

(3)   Proposed ordering paragraphs specifically identifying the relief sought.

 (c)   Exhibits should not be reproduced in the brief, but may, if desired, be reproduced in an appendix to the brief.

 (d)   Briefs of more than 20 pages must contain on their front leaves a table of contents with page references and a table of citations, which may be prepared without pagination.

 (e)   Briefs must be as concise as possible and, except for briefs in rate cases, be limited to 60 pages in length, unless some other limitation is imposed or allowed by the presiding officer. The length of briefs in rate cases will be controlled by the presiding officer.

#### THEREFORE,

IT IS ORDERED:

1. That the litigation schedule is hereby modified such that main briefs shall be filed on or before August 11, 2021 and reply briefs shall be filed on or before August 20, 2021.

2. That all filings made pursuant to Ordering Paragraph 1 shall be e-filed with the Commission’s Secretary’s Bureau and shall comply with any applicable provision of 52 Pa.Code § 5.502 that is not inconsistent with this Order

#### 3. That any main briefs filed in this matter shall comply with 52 Pa.Code §§ 5.501(a), (b), and (d) and shall be limited to **60 pages in length**. Proposed findings of fact, conclusions of law, and ordering paragraphs may be affixed to the brief as appendices so as to not be included in the page count.

#### 4. That any reply briefs filed in this matter shall comply with 52 Pa.Code § 5.501(a) and shall be limited to **20 pages in length**.

#### **These are strict page limits and the undersigned will not read any page exceeding the applicable limit.**

5. That parties shall serve electronic copies of their brief(s) upon all the active parties as well as the undersigned. When serving the undersigned, the parties shall serve a ***Word*-compatible version** of their brief and may choose to serve a .pdf version in addition if they so choose.

Date: July 21, 2021  /s/

Emily I. DeVoe

Administrative Law Judge

**P-2021-3024328 – 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.**

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*Revised 4/29/21*

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**P-2021-3024328 – 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**

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