

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

Re: Docket No. P-2021-3024328

Dear Secretary Chiavetta:

Enclosed please find attached:

TED UHLMAN'S BRIEF
IN OPPOSITION TO PECO'S REQUEST
FOR A FINDING THAT THE LOCATION OF BUILDINGS
AT THE CORNER OF SPROUL AND CEDAR GROVE ROADS
IS REASONABLY NECESSARY
FOR THE CONVENIENCE AND WELFARE
OF THE PUBLIC

Copies of this document have been served in accordance with the attached Certificate of Service.

Thank you for your attention to this matter.

Respectfully Submitted,



Ted Uhlman
2152 Sproul Rd
Broomall, PA 19008
August 23, 2021

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing

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Respectfully Submitted,
Ted Uhlman
2152 Sproul Rd
Broomall, PA 19008
August 23, 2021

**BEFORE THE
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 Associated with a Gas Reliability Station in Marple Township, Delaware County Is Reasonably Necessary for the Convenience and Welfare of the Public : : P-2021-3024328
DATED: August 23, 2021

**TED UHLMAN’S BRIEF
IN OPPOSITION TO PECO’S REQUEST
FOR A FINDING THAT THE LOCATION OF BUILDINGS
AT THE CORNER OF SPROUL AND CEDAR GROVE ROADS
IS REASONABLY NECESSARY
FOR THE CONVENIENCE AND WELFARE
OF THE PUBLIC**

1 SUMMARY

The 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 should be denied. In this case, PECO tries to establish that the corner of Sproul and Cedar Grove Roads is the only location that will allow for the processes that are needed to complete the “Reliability Project”. In fact, not only can it be shown that the corner of Sproul and Cedar Grove Roads is not the only location, and not the best location, but, in fact, it is not good enough; it is not reasonable. PECO has given inconsistent testimony concerning the necessity for the location being within a 0.5 radius of the corner of Sproul and Lawrence Roads.

PECO has given inconsistent and dubious information concerning the noise and safety of the facility.

2 ARGUMENT

2.1 OTHER SITES ARE AVAILABLE

PECO claims that there are four criteria were used to determine that the corner of Sproul and Cedar Grove Roads is the optimum location for a “Reliability Station”: it must be available for purchase, it must have zoning that permits public utility use, it must be at least 0.5 acres, and it must be within 0.5 miles of the corner of Sproul and Lawrence Roads.ⁱ Although PECO claims that the first criterion, that the property be available for purchase, is of paramount importanceⁱⁱ, however, it was, in fact, not considered at all. When PECO determined that for their purposes the corner of Sproul and Cedar Grover Roads was the optimum location for the station, it was not listed for sale.^{iii, iv} The second criterion, that the property have zoning that permits public utility use, was also not considered when PECO determined that the corner of Sproul and Cedar Grove Roads was the optimum location for the station.^v The third criterion, that the site be greater than 0.5 acres, is not an issue, but will, in fact, be of import when considering arguments considering safety and the minimum distance from residences and businesses. The fourth criterion is that the site be located within 0.5 miles of the intersection of Sproul and Lawrence Roads. There are at least two additional properties that fulfill this criterion; 2040 Sproul Rd, and the Don Guanella property at the corner of Sproul and Reed Roads. In addition, this criterion is actually fluid, defining an optimum site, but not a required site. Although a location within a radius of 0.5 miles of that corner is optimum, it is not necessary.^{vi, vii} The property was not advertised for sale, and the zoning did not permit utility use (except by Special Exception, which was denied); two of the four criteria were not met, yet PECO moved forward and made a conditional purchase anyway.

2.2 PRESSURE AND THE 0.5 MILE LIMIT

PECO claims that the location of the proposed facility must be within 0.5 miles of the corner of Sproul and Lawrence Roads based on limitations caused by pressure in the system. However, the current distribution system has been working well, and, according to PECO, may continue to work well for perhaps as long as the next ten years^{viii}. On the other hand, this new Reliability Project, which has 475psi in West Conshohocken and 200psi or less in Marple, and which will inject natural gas into the existing distribution system at between 60 and 100psi, is limited to a 0.5 mile radius of Sproul and Lawrence Road? There is too much here that PECO has been unwilling to explain. Under what conditions will there be a difference between 475psi in West Conshohocken and 200psi in Marple? Why is it necessary to have 150psi input pressure at Marple in order to inject 100psi into the existing distribution system? Why does the facility require a heater with six burners capable of 4million BTU/hour^{ix}? Currently, the gas supply at the corner of Sproul and Lawrence Roads comes from West Conshohocken and Brookhaven at pressures not greater than 100psi, and PECO claims that supply will be a problem in maybe ten years. Suddenly, PECO needs to inject gas at 100psi at the corner of Sproul and Cedar Grove Roads? This gas will not be moving through the proposed facility at high volumes; there will not be a 275psi differential between West Conshohocken and Marple. PECO has stated that they are not planning to divert gas supply to other parts of their service area; they are not planning to partially or completely shut down the existing supply from West Conshohocken and/or Brookhaven, so there is no reason why the proposed facility could not be located a much farther distance from the corner of Sproul and Lawrence Roads than 0.5 miles.

2.3 SAFETY

The facility will generate safety concerns for the businesses and residents adjacent to and close to the proposed site. The site is smaller than the PIR^x (Potential Impact Radius) of a serious

accident. The lot at the corner of Sproul and Cedar Grove Roads is 0.57 acres, which, not being a perfect square, is an area of less than 24,830 sq.ft. The PIR is between 117 ft. and 190 ft.^{xi}, and, since $A=\pi r^2$, the PIR has an area of between 43,000 and 113,441 sq.ft.^{xii} Although there are no regulations prohibiting such siting, it is not reasonable to have a natural gas facility located on a site that is smaller than the area defined by its Potential Impact Radius, as the results of a serious accident can be quite serious^{xiii}

2.4 NOISE

The facility will generate noise that will impact the businesses and residents adjacent to and close to the proposed site. The two sound studies commissioned by PECO give considerable detail in explaining the methodology used to determine the existing ambient sound levels (birdsong, wind, traffic), but don't say much about the methodology for determining the Estimated Sound Level Contribution of the Station at the Property Lines and Adjacent NSA's. The Summary^{xiv} and Section 6 (Noise Control Recommendations)^{xv}.

3 CONCLUSION

In This case, PECO is seeking a finding that the Location of Buildings at the Corner of Sproul and Cedar Grove Roads is Reasonably Necessary for the Convenience and Welfare of the Public. Such a Petition suggests that the public at large supports this location, and PECO is representing the best interests of the public (i.e. the residents of Marple Township and Delaware County). But the most glaring problem with that suggestion is that the residents of Marple Township have shown time and again that they are opposed to this location. Examples of this group include Ms. Julie Baker and Mr. Ted Uhlman, the two pro se interveners in the case, the seventy protestors who declined active party status in the case, the ninety-three residents who attended and spoke up at the Public Input Hearing, and the hundreds of residents who have

shown their support by attending protest rallies, affixing yard signs in front of their homes and businesses, and signing petitions. These residents are represented in this case by Counsel for Marple Township and Counsel for Delaware County, the governmental entities that have the constitutional responsibility to defend the health, welfare, and interests of the community. So, it is hard to see this as being a case of a public who are against this location vs. a public who are in favor of this location, who, according to PECO, may face the possibility of gas supply shortages in approximately ten years. There is no public who are in favor of this location. Although PECO has claimed that the need for this station is based upon growth of natural gas usage of as much as 20% in the next ten years, PECO's own analysis of the projected design day requirement shows an increase from 859,089 in the 2020-2021 season to 877,531 in the 2030-2031 season^{xvi}, which is an increase of only 2.1% in ten years. Despite PECO's claims of "being a good neighbor", PECO has hidden and confused the facts of this case at every opportunity, from the initial contact with Marple Township to the current proceeding.^{xvii} PECO is asking for a Finding that the Location of Buildings at the Corner of Sproul and Cedar Grove Roads is Reasonably Necessary for the Convenience and Welfare of PECO. The Corner of Sproul and Cedar Grove Roads is not a Reasonable Location, it is not a Necessary Location, and it is not a Reasonably Necessary Location.

The convenience and welfare of the community weighs more in the balance than the desires of PECO to maintain their attachment to this location, when other, safer locations are available.^{xviii} There is no opposition to the "Reliability Station", only opposition to PECO's insistence upon the corner of Sproul and Cedar Grove Roads as the location. While the residents, the Township, and the County have all indicated their opposition to this location, all also have expressed

willingness to work with PECO on another location^{xix}, but that will not happen if PECO is granted their Certificate of Public Convenience and Necessity for this project, bulldozing the Marple Township Zoning regulations and changing the character of the residential neighborhood and shopping district forever. The Petition should be denied.



Respectfully Submitted,
Ted Uhlman
2152 Sproul Rd
Broomall, PA 19008
July 12, 2021

Appendix / Endnotes

(Begins Next Page)

i PECO Statement No. 5 (Jim Moylan).pdf, page 3, line 11

Q: Did PECO develop specific criteria to address site selection?

A: Yes. First, any property identified for potential purchase must be available for purchase. Any property not available for purchase was eliminated from consideration. Second, the target property must be subject to zoning regulations that permit public utility uses. Properties located in a zoning area that would not permit public utility facilities were eliminated from consideration. Third, and specific to this project, the property must be at least 1/2 acre to provide adequate space for the construction and operation of the proposed Natural Gas Reliability Station. Construction of the Natural Gas Reliability Station on properties that are less than 1/2 acre is infeasible due to space constraints. Fourth, and specific to this project, the property must be located within 1/2 mile of the proposed main terminus at Sproul and Lawrence Roads.

ii Transcripts page 933, line 16

Q: Am I correct that at that [April 10, 2021] meeting you said that PECO would consider other sites?

A: At the meeting I was - I did my best and perhaps inartfully, to communicate that we have always considered the other sites. That is short of saying that I believe that there were other sites, but we certainly have always entertained any locations that were sent to us. We never prejudged the outcome. The fact is, and for many of the sites, while some had proper zoning, others did not. While all of them had proper sizing, the proximity became a challenge. But the real issue for all of them were whether or not they were available.

iii Transcripts page 940 line 5

Q: When you say the others weren't available, you mean they weren't listed for sale?

A: Or for lease.

Q: Correct? Or for lease. But you didn't reach out and contact the owners of those properties and ask them if they would consider selling. Correct?

A: I - I defer to the testimony of Jim Moylan, but I can just tell you as a layman that if I'm looking for a property, I look to see what's for sale.

Q: Well, it's true that this - this particular property wasn't for sale at the time that you approached the owner of this property, was it?

A: I'd have to defer.

Q: It was listed for ground lease. Isn't that correct?

A: I believe, as you mentioned, it was just for lease. But again, being listed for sale and listed for lease is an indication of where the owner might be on an issue and PECO pursued it.

iv Transcript Page 1123 – Matlawski to Moylen

Q: I'd like to – I'd like to go through those criteria so we can better understand. You indicate the first – and I'm on your statement, page there, beginning with line 12 and following. It indicates that first any property has to be designed for a potential purchase – or must be available for purchase. Correct?

A: That's correct. Or for lease.

Q: Now, you don't say for lease. You say for purchase. Correct? I mean, your statement -

A: that's correct.

Q: - says for purchase.

A: It does.

Q: And in – in 2019 the property at 2090 Sproul Road was not listed for sale at that time. Is that correct?

A: That's correct.

v (Transcripts page 934, line 22)

Q: But yet, you would continue with the - to pursue a site that the Township said that it didn't want, and the zoning board said it didn't want and that the representatives said that they didn't want -?

A: I would only add - and I don't mean to be coy, the - the zoning is for utility use. That's part of the reason that it was of interest to us because it was zoned properly. And when the zoning board determined that it wasn't, we simply needed to know why so that we might address it. We've yet to hear that. It is under appeal.

Q: Well, that's not true, is it? I mean, the zoning board did issue a decision and said why they - why they turned it down. And it's true, isn't it, that the Township said to you at other meetings that with an appropriate site, the Township would work with you on zoning issues.

A: It has been said. Correct.

Q: And you're aware that the Township could change zoning, or the variance application, those kinds of things. Correct?

A: I - I am not a hundred percent expert on what the [county -> township] can and can't do with respect to zoning or contract zoning.

vi Transcript page 1148 Ewald to Moylen

Q: Okay. So did you give the broker a one-mile radius or a half-mile radius to look?

A: I actually gave the broker a mile radius and they took the- they took it upon themselves to look at a two-mile radius.

Q: Okay. So why did you reduce it to half-mile radius later?

A: Because I was asked by the Gas Department to try to find a property within that half-mile radius. That would be optimal location.

Q: Optimal. But you could have made it work at a mile. Right?

A: You'd have to speak to someone from the Gas Department to determine that.

Q: So how did you determine the mile radius originally?

A: I was - it was suggested to me by the gas Department that that's the mile radius, but they wanted a half-mile radius. So that's what I - I provided to them more than a half-mile radius in case they could make it work. But it wasn't up to me to decide whether it could work or not past a half a mile.

vii Transcript page 1348 - Matlawski to Flanagan

Q: So, again, I asked this question of other PECO witnesses, but you're saying that was an ideal location. But was that the only location that you could tie in?

A: As I believe as Mr. Lewis has testified, that's the proper location because that's the low point of the system from a pressure standpoint that would allow us to inject gas into the system.

Q: It would not work anywhere else?

A: That is what-. I am not able to answer that question.

viii PETITION OF PECO ENERGY COMPANY FOR A FINDING PURSUANT TO 53 P.S. § 10619 February 26, 2021 Paragraph 31,017 a year for 13)

"...In the absence of these necessary upgrades, the natural gas system in Delaware County will become constrained no later than some point within the next 10 years."

ix CONFIDENTIAL PECO 003025, 003026

x PECO Statement No.6-SR (Mike Israni) 7.21 Page 23, line 12

Department of Transportation regulation 49 C.F.R. § 192.903, defines the term "potential impact radius" (PIR) to mean the radius of a circle within which the potential failure of a pipeline could have significant impact on people or property. The Department of Transportation regulation provides the following equation to calculate PIR: $r = 0.69 \cdot \sqrt{p \cdot d^2}$. In this equation, r is the potential impact radius (ft), p is the maximum allowable operating pressure (MAOP) in the pipeline segment in pounds per square inch (psi), and d is the pipeline diameter in inches.

xi PECO Statement No.6-SR (Mike Israni) 7.21 Page 23, line 19

I have reviewed PECO's Direct Testimony of Mr. Timothy Flanagan, PECO Energy Company Statement No. 4, and Mr. Flanagan states on page 4, line 3 that the natural gas MAOP for the 12-inch main connected to the Natural Gas Reliability Station is 525 psi, and that the pressure arriving at the Station is anticipated to be less than 200 psi. Using the Department of Transportation equation of a 12-inch pipe diameter main, and a pressure of 525 psi, in the extremely unlikely scenario of a serious incident at the Natural Gas Reliability Station, the PIR is 190 feet, not 800 meters/half-mile as Mr. Boyce states, but in actuality the pressure arriving at the Natural Gas Reliability Station will be only 200 psi, which would result in a PIR of 117 feet.

xii 0.57 acres = 24,829 sq.ft

$A = \pi r^2$; $\pi \cdot 117^2 = 43,005$ sq.ft.

$A = \pi r^2$; $\pi \cdot 190^2 = 113,411$ sq.ft.

xiii POTENTIAL IMPACT RADIUS – Transcript Page 1618 line 19 through page 1619 line 5)

Q: So the potential impact radius is 190 feet. So – and, of course, that’s based on if we’re only at 200psi, then the potential impact radius is only 117 feet. Can you tell me how – what is – what is the significance of that potential impact radius?

A: You know, so potential impact radius is the radius of a sector were if the pipeline fails, the persons or the buildings within that impact circle may be impacted.

Q: When you say may be impacted, can you tell me – can you be more specific please?

...

(Transcript page 1619 line 16 – line 19)

A: ...And the impact would be, like, 30 seconds and you’re done, person is standing safely back of that flame, or if it is breathing there in a certain time period will have impact.

...

(Transcript page 1619 line 23 – page 1620 line 8)

A: ...And in that, they describe impact on the building is that if a plume of fire is there at that point, that impact radius distance in 30 minutes, the house, to fire ignition, meaning it will start on fire in 30 minutes if it’s exposed in that heat. And so the person, it takes 20 seconds to get second-degree burns. If the person is facing the fire without any walls inside the building or behind the plumes, if he’s directly exposed to that plume, in 20 seconds it can get second degree burns. So there’s impact radius on that.

...

(Transcript page 1621, lines 19 – 24)

Q: ...So would you agree that it is a problem to have a restaurant within the potential impact radius?

A: There are no regulations that prevent having a restaurant or building or even a church within that impact zone.

Q: Okay.

xiv CONFIDENTIAL PECO 000522 – 000526

xv CONFIDENTIAL PECO 000534 – 000538

xvi PECO Statement #2 (Carlos Thillet) page 5, line 10

2021-2022	65181	859089
2022-2023	65313	861138
2023-2024	65601	864995
2024-2025	66197	872710
2025-2026	66224	872710
2026-2027	66317	873674
2027-2028	66410	874638
2028-2029	66503	875603
2029-2030	66596	876567
2030-2031	66689	877531

xvii Transcripts page 952, line 6 (Mr. Uhlman to Mr. Oliver)

Q: So Mr. Oliver, without going into, you know, the broader aspects of what PECO does in these situations, can you give me some examples of how PECO was very intentional about working collaboratively with Marple Township and Delaware County elected officials and their residents? And I’m looking for something that’s just very specific. I don’t want the whole rigmarole.

A: I’ll do my best. We created new renderings for the design completely from scratch at the recommendation of elected officials. We changed the timing of the open houses. We changed the format of the open houses. We held additional briefings and follow ups. We adjusted the tone of our communications in our bimonthly newsletters. Those are the ones that immediately come to mind.

xviii Transcripts page 1006, line 12 (Attorney Lewis to Mr. Gentile)

- Q. And in the email exchange between you and Michele Garrity, Michele Garrity states that you and Joe mentioned two sites; a lot next to the WaWa and the Don Guanella property. Is that correct?
- A. That - that is correct.
- Q. And you understood that in that email, she would confirm that you had mentioned those two sites, as well as making other suggestions. Isn't that correct?
- A. That's correct.

xix Transcripts page 927 Line 19

- Q. Right. And - and it's true, isn't it, that the Township officials at that meeting made clear that they're in opposition to use of this site for this project?
- A. I think that's fair. Correct.
- Q. Is it also fair that the Township officials indicated that the Township would work with PECO?
- ...
- Q: Township officials indicated that the Township would work with PECO on zoning, for instance, if another appropriate site could be found?
- A. I think it's safe to say that the message that we took from the meeting was that we don't want it here. We're not uncomfortable with the project, we just don't want it here...