
**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 20, 2021

**JULIA BAKER’S MOTION IN RESPONSE
TO FRANK TAMULONIS’ OBJECTION
TO TED UHLMAN’S MOTION
REQUESTING EXTENSION OF TIME
FOR MAIN AND REPLY BRIEFS**

Julia Baker hereby files this Motion in Response to Frank Tamulonis’ Objection to Ted Uhlman’s Motion for Extension of Time for Main and Reply Briefs, and sets forth as follows:

1. On August 19th, Frank Tamulonis filed an Objection to Mr. Uhlman’s Motion.
2. On August 19, 2021, Mr. Uhlman filed the instant Motion seeking a further extension of time for briefing in this matter, requesting that Main Briefs be submitted by September 6, 2021 and Reply Briefs be submitted by September 13, 2021. If granted, this would be the fourth extension of the briefing schedule. PECO opposes this Motion for multiple reasons.
3. On August 10, 2021, ALJ DeVoe issued an INTERIM ORDER FURTHER MODIFYING BRIEFING SCHEDULE, stating, in part, that, “*Due to the court reporter’s delay in preparing the transcripts, the transcripts for the first and second day of hearing were provided to the parties on Friday, August 6, 2021, and the transcripts for the third and fourth day were provided to the parties on*

Monday, August 9, 2021.” Also, that, “After consideration of the parties’ positions, the undersigned advised the parties by email that she was extending the briefing schedule such that main briefs would be due by 10:00 a.m. on August 23, 2021 and reply briefs would be due by 10 a.m. on August 30, 2021.”

4. On August 18, 2021, ALJ DeVoe issued an email to the active parties (and others), stating, in part, *“As for the other three days of hearing, my office cannot make these available to you until the transcripts are accepted by the Secretary’s Bureau for filing and my office receives hard copies of the transcripts (and has an opportunity to overnight them to our Philadelphia office). I (or someone from my office) will advise you when they are available for you to view.”*
5. Paragraph 3 above indicates a fourteen day interval between arrival of the transcripts and the deadline for Main Briefs, with an additional seven days until the deadline for the Reply Briefs. Paragraph 2 above indicates that the transcripts had not yet been filed by August 18, 2021.
6. Mr. Tamulonis’ objections have been duly noted:
 - a. In his paragraph 2, he stipulates that all Parties follow Commission Rules and Regulations. All parties have done so, including the *pre se* Intervenors, and all rulings and decisions have been according to the judgement of the presiding Officer, Your Honor, as clearly defined statutorily, and without need for any undue pressure from the Appellant.
 - b. In his paragraphs 3 and 4 he complains of “concessions” made for Intervenors, and delays caused. All Parties will undeniably recall that prior to the current delays re transcript readiness, all delays were necessitated by the Appellant’s refusal to produce documents until compelled by Your Honor, and all requests for extensions were filed by attorneys for the local governments involved.

- c. In his paragraph 6 he bemoans the length of the Evidentiary Hearings, whereas Your Honor stated in no uncertain terms your commitment to hear all cross examination, rebuttal and surrebuttal testimony; and that it is Your determination, and not the Appellant's, to decide what evidence and testimony is relevant and germane.
- d. In his paragraph 12 he reminds Your Honor of the Appellant's preferred time frame to allow for construction start of a project currently under litigation in two legal venues, as if it the Appellant's right to give or deny consent on matters before Judges.
- e. In his paragraphs 13- 15, he attempts to demean and denigrate Mr. Uhlman's participation and to dictate to Your Honor yet again for a narrowing of scope, even though all of Mr. Uhlman's contributions do relate to siting and to the welfare of the public, and PECO's assertion that the project will "serve multiple benefits" is still moot. I cannot see how it could be proper for Mr. Tamulonis to provide a cursory summation of Mr. Uhlman's contributions in this context, and I apologize if my thinking this is incorrect; but I do aver that Mr. Tamulonia' comments are inappropriate and should be stricken.
- f. In his paragraphs 16- 18, he addresses access to the transcripts. Herein I include the full text of Your Honor's August 10th email, which Mr. Tamulonis only included in part:
"To view the transcript, you may: (1) see if another party will allow you to view their copy (I do not know what the court reporting contracts allow and this arrangement would be entirely between the parties), (2) purchase your own copy, or (3) (possibly) come to a PUC office to view a copy of the transcript. I am waiting to hear back from the Chief Administrative Law Judge to see if we can make some arrangements for this to happen, and I will let you know as soon as I hear back. Just so you are aware, we have offices in Philadelphia, Harrisburg, and Pittsburgh."

And thus we were awaiting further instructions, and in fact on August 16- 17 Mr. Uhlman did reach out to Parties and to the PUC, culminating in the most recent communications, including Your Honor's email of August 18th.

7. Therefore, I respectfully request Movant's suggestion be honored: that the deadlines be extended, maintaining the same fourteen day interval between the issuance of the transcripts and the deadline for the Main Briefs, with an additional seven days until the deadline for the Reply Briefs.
8. Assuming that the transcripts and exhibits are available on Monday morning, August 23, 2021, Movant proposes the following modification:

DATE	EVENT
MAIN BRIEFS	Monday, September 6, 2021 @ 10:00AM
REPLY BRIEFS	Monday, September 13, 2021 @ 10:00AM

9. WHEREFORE, I respectfully ask that the Movant's request be honored by ALJ DeVoe:
- a. Grant Mr. Uhlman's motion;
 - b. Extend the dates for Main and Reply Briefs to fourteen and twenty-one days AFTER issuance of the transcripts;
 - c. Extend the remainder of the litigation schedule in accordance.

Respectfully Submitted,

Julia M. Baker
2150 Sproul Rd
Broomall, PA 19008
August 20, 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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upon the parties listed below, in accordance with the requirements of 52 PA Code § 1.54 (relating to service by a participant) in the manner listed below upon the parties listed below:

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Respectfully Submitted,

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August 20, 2021