

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 Certificate of Service for

AMENDED REPLY BRIEF OF TED UHLMAN

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
November 24, 2021

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company for a	:	
Finding Of Necessity Pursuant to 53 P.S. §	:	Docket No. P-2021-3024328
10619 that the Situation of Two Buildings	:	
Associated with a Gas Reliability Station in	:	November 24, 2021
Marple Township, Delaware County Is	:	
Reasonably Necessary for the Convenience	:	
and Welfare of the Public	:	

AMENDED REPLY BRIEF OF TED UHLMAN

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AMENDED REPLY BRIEF OF PRO SE INTERVENOR TED UHLMAN

Pro se Intervenor Ted Uhlman respectfully submits this brief in support of its request for the denial of PECO Energy Company's ("PECO") Petition before the Public Utility Commission ("PUC" or "Commission"), and in support thereof, sets forth as follows:

INTRODUCTION

On February 26, 2021, PECO filed a Petition before the PUC. In its Petition, PECO requests that the Commission, pursuant to 52 Pa. Code § 5.41 and Section 619 of the Municipalities Planning Code ("MPC"), 53 P.S. § 10619, make a finding that: (1) the situation of two buildings at 2090 Sproul Road, Marple Township, Delaware County, Pennsylvania, 19008 (the "Property") for a proposed Gas Reliability Station is reasonably necessary for the convenience and welfare of the public and, therefore, exempt from the Marple Township Zoning Code pursuant to MPC § 619, and (2) a proposed security fence appurtenant to the Gas Reliability Station is a "facility" under 66 Pa. C.S. § 102 and is therefore exempt from local zoning requirements (the "Petition").

Therefore, the issue in this case is whether the siting of the Gas Reliability Station at 2090 Sproul Road, Marple, Pennsylvania, is reasonably necessary for the convenience or welfare of the public. It is the *siting of the buildings* at the proposed location that is at issue in this matter.

It is Ted Uhlman's position that PECO has not established by credible substantial evidence that it is reasonably necessary that the Gas Reliability Station be sited at the corner of Sproul and Cedar Grove Roads for the convenience and welfare of the public. Reasonable necessity implies that the need to have the buildings located at the corner of Sproul and Cedar Grove Roads (as promoted by PECO) must be balanced by the need to NOT have the buildings located at the

corner of Sproul and Cedar Grove Roads (as promoted by Marple Township and Delaware County, both intervening, through their counsel, as well as Julia Baker and Ted Uhlman, pro se intervenors against PECO, in these proceedings).

It is Ted Uhlman's position that the proposed site for the utility is not reasonably necessary for the convenience and welfare of the public, it is simply necessary for PECO's own convenience.

STATEMENT OF THE CASE

- May 31, 2019 – PECO develops site plan for the corner of Sproul and Cedar Grove Roads/2090 Sproul Rd. (Exhibit TF-2 Confidential).
- June 18, 2019 – PECO receives heater design and specifications for the “Broomall Gate Station” (CONFIDENTIAL PECO003025)
- November 19, 2019 – PECO contacts Marple Township and inquires about possible sites; Marple staff recommend against the corner of Sproul and Cedar Grover Roads (915:2 – 9).
- June, 2020 – PECO enters into an agreement of sale with the owner of 2090 Sproul Rd (918:20 – 919:13)
- July 26, 2020 – PECO informs Marple Township that PECO had entered into an agreement of sale with the owner of 2090 Sproul Rd (919:14 – 920:8)
- October, 2020 – PECO applies to the Marple Zoning Hearing Board for a Special Exception, which is required in order to put two buildings associated with the Gas Expansion Plant in an “N – Neighborhood Business” District. The application was subsequently denied.

- February 6, 2021 – PECO files with the PA PUC 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
- March 11, 2021 – Marple Township intervenes against PECO in the proceedings
- April 8, 2021 – Ted Uhlman intervenes against PECO in the proceedings
- April 9 – 13, 2021 – More than 60 residents of Marple Township file Official Protests against PECO in the proceedings
- April 12, 2021 – Julia Baker intervenes against PECO in the proceedings
- April 12, 2021 – Delaware County intervenes against PECO in the proceedings
- May 25 & 26, 2021 – Public Input Hearings are held, where almost 100 residents of Marple Township testify to their concerns related to the location of the buildings, almost unanimously speaking against PECO’s proposal

PECO claims that the site selection process for this project included **four requirements** which would limit the possible sites: location within 0.5 miles of the intersection of Sproul and Lawrence Roads, Availability for Sale, Minimum Area of 0.5 acres, and Proper Zoning.

- **Location** within 0.5 miles of Sproul and Lawrence Roads – This is a requirement that was not mentioned until May 14, 2021 (PECO Statement No. 3 (Ryan D. Lewis) – Non-Confidential.pdf: Page 7, line 7 – Page 8, line 15), and certainly not mentioned during PECO’s presentation before the Marple Zoning Hearing Board. This requirement depends on complex and questionable assumptions about natural gas pipeline engineering.
- **Availability for Sale** – PECO claims that an important criterion in the site selection process is availability, but, since the corner of Sproul and Cedar Grove Roads has never,

in the past twenty years or more, been advertised as available for sale, this argument is without merit.

- **Minimum Area of 0.5 Acres** – The proposed site is 0.57 acres/24,830 sqft, but the Potential Impact Radius (PIR) for a facility such as this is between 0.98 acres/43,000 sqft/117ft radius and 2.60 acres/113,441 sqft./190ft radius (1618:4 – 1622:7) Of the twenty Gate Stations operated by PECO in purportedly residential areas, there are ZERO stations closer than 100 feet to the closest residence, two other that are about 100 feet, and 17 that are greater than 100 feet from the closest residence. The average distance is 280 feet, and the greatest distance is 675 feet. (Exhibit TF-6)
- **Zoning** – PECO claims that proper zoning is an important criterion within their Site Selection Process, yet, when their request for a Special Exception from the Marple Zoning Hearing Board was rejected, rather than consider other possible locations, they chose to initiate the current procedure at the PUC, as well as a similar procedure in the Delaware County Court of Common Pleas. Zoning is at the heart of this issue, as the location of the buildings is inconsistent with the Marple Township Zoning Regulations.

LEGAL STANDARDS

Whereas Public Utilities have been granted great powers, such as Eminent Domain, by the Pennsylvania Assembly, it is incumbent upon the Public Utilities Commission to restrain, when necessary, the misuse of those powers. In this case, when the PUC is considering whether the situation of the buildings is reasonably necessary for the convenience and welfare of the public as defined in section 619 of the Municipalities Planning Code (53 P.S. §10619), it must also remember that Title 52 Part 1 SubPart C§ 69.1101 states that the Commission will consider the

impact of its decisions upon local comprehensive plans and zoning ordinances when reviewing applications for Certificates of Public Convenience.

SUMMARY OF THE ARGUMENT

Ever since the Spring of 2019, PECO has been less than forthcoming in all aspects of this affair. In the site selection process, the decision and investments were made in the corner of Sproul and Cedar Grove Road that dissuaded PECO from seriously considering alternative sites at all, and any pretense of interacting with the local community or government about anything more than the color of the eight foot wall has been a sham. PECO claims to have acted as a good neighbor in its interactions with the local government and community, but close examination of those interactions reveal a desire to hide and bend the truth, rather than to work together to find an acceptable solution to the current dilemma. The criteria that were supposedly used to eliminate all other locations from consideration create a very weak argument, since the corner of Sproul and Cedar Grove Roads, at the time when it was chosen, should have been out of consideration, as it was not available for purchase, had zoning conflicts, and was arguably too small. So far as the fourth criterion, the 0.5 radius from Sproul and Lawrence Roads is concerned, that criterion was brought up only late in the game, the engineering validity of that claim is disputable, and the Don Guanella site fits within that criterion. When discussing the pressures in the existing 99psi MAOP distribution line, and when discussing the pressures in the new 525psi MAOP over-high-pressure pipeline between West Conshohocken and Marple, PECO has given conflicting information in order to bolster their claim that the location must be within the 0.5mile radius for optimum performance.

In these proceedings, PECO has attempted to deny the hazards to the convenience and welfare of the public that are brought forth by this development. However, it was PECO's own expert witness, Mr. Israni, who described the Potential Impact Radius related to the nearby businesses and residences, should a catastrophic accident occur. Concerns about noise are also denied by PECO, despite the flaws in the PECO sponsored Sound Study.

ARGUMENT

SITE SELECTION

SITE SELECTION TIMELINE

PECO claims that they have given full consideration to the many alternative sites that have been suggested by Marple Township and its residents, but the following timeline clearly shows that PECO had made substantial investments in the corner of Sproul and Cedar Grove Roads prior to any investigation of other sites.

- May 31, 2019 – PECO develops site plan for the corner of Sproul and Cedar Grove Roads/2090 Sproul Rd. (Exhibit TF-2 Confidential).
- June 18, 2019 – PECO receives heater design and specifications for the “Broomall Gate Station” (CONFIDENTIAL PECO003025)
- November 19, 2019 – PECO contacts Marple Township and inquires about possible sites; Marple staff recommend against the corner of Sproul and Cedar Grover Roads (915:2 – 9).
- June, 2020 – PECO enters into an agreement of sale with the owner of 2090 Sproul Rd (918:20 – 919:13)
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- October, 2020 – PECO applies to the Marple Zoning Hearing Board for a Special Exception, which is required in order to put two buildings associated with the Gas Expansion Plant in an “N – Neighborhood Business” District. The application was subsequently denied.

SITE SELECTION AND AVAILABILITY

While PECO claims that availability is an important factor (911:5 – 912:10), and this “requirement” has been used to remove many other potential sites from the list of available locations, the fact is that the property at the corner of Sproul and Cedar Grove Roads was NOT available for sale. (969:12 – 971:2; 1123:21 – 1124:14) until after PECO approached the owner with “an offer that would be hard for the owner to turn down”(Direct Testimony of Lawrence Gentile page 3, line 9 – 11) .

SITE SELECTION AND SIZE

The proposed site is 0.57 acres/24,830 sqft, but, according to PECO’s Expert Witness, Mr. Israni, the Potential Impact Radius (PIR) for this facility is between 0.98 acres/43,000 sqft/117ft radius and 2.60 acres/113,441 sqft./190ft radius (1618:4 – 1622:7). The ramifications of this point are fully discussed in the SAFETY section, below.

SITE SELECTION AND ZONING

Title 52 Part 1 SubPart C§ 69.1101 states that the Commission will consider the impact of its decisions upon local comprehensive plans and zoning ordinances when reviewing applications for Certificates of Public Convenience.

§ 300-2 of the Marple Township Municipal Code (Authority and purpose) states:

The regulations in this chapter are made in accordance with the conditions and procedures of the Pennsylvania Municipalities Planning Code **for promoting the health, safety, morals, convenience, order, prosperity and general welfare of**

the community. These regulations have been designed to lessen congestion in the streets, to **secure safety from fire, panic and other dangers,** to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population and to facilitate the adequate provision of transportation, water, sewage, parks and other public requirements. These regulations reflect the policy goals of the Township of Marple as **contained in the Goals and Policies section of the Marple Township Comprehensive Plan Update...**

§ 300-39 of The Marple Township Municipal Code, (N Neighborhood Center District) states:

The intent of the **N – Neighborhood Center District** is to provide appropriate locations and development standards for low-intensity commercial uses **where more intensive commercial use would have adverse effects on adjacent and neighboring residential areas.** The regulations that apply within the district provide for retail and office uses of limited scale that **primarily serve nearby residents, affording opportunities for pedestrian access to local services.** Buildings in this district should be compatible in size and scale with those in adjacent residential areas.

§ 300-36.B.3 of The Marple Township Municipal code (General provisions – Special exception uses) states:

The use shall **complement other uses in the district,** creating a mixed-use character that contributes towards an **increased rate of pedestrian access to local services,** minimized auto-trip generation and additional security for district businesses.

Attachment #5, Permitted Uses - Commercial for § 300-37, lists facilities that are permitted in Commercial districts, and shows Permitted and Special Exception uses for O-Office, N-Neighborhood Center, and B-Business districts. The list of Special Exception uses in the N-Neighborhood Center District, **but only by special exception,** are:

studios for dance, art, music or photography, not-for-profit museums, libraries or other educational, cultural, religious, civic or philanthropic uses of a similar nature, Transit stations, public utility facilities, Animal hospital, veterinarian, Public garage, motor-vehicle sales, service or repair shop, gasoline service station

and motor vehicle parking lot, Residences, in mixed-use commercial-residential buildings.

In PECO's explanation of the Site Selection process, one of the criteria is supposed to be zoning that allows the proposed facility; therefore, it is strange that PECO would choose a site that required a Special Exception, and then take this choice to both the Delaware County Court of Common Pleas and to the Pennsylvania Public Utility Commission when the application for the Special Exception was denied. Also, Exhibit RL-4 clearly shows that there several other sites within the ½ mile zone, most prominently, several acres of the 213 acre Don Guanella site, which has recently been purchased by Delaware County (1162:9 – 1164:1; 1139:7 – 1143:10) . To the extent that zoning is an issue for other sites, Marple Township and Delaware County would both be more than willing to work with PECO on zoning variances, exceptions, or even rezoning an area to help put the proposed facility in a **reasonable location**.

SITE SELECTION AND THE 0.5 MILE LIMIT

PECO claims that being within a radius of ~~two miles one mile~~ 0.5 miles from the corner of Sproul and Lawrence Roads is optimum/necessary (1148:5 – 1149:12). Exhibit RL-4 clearly shows that there several other sites within the ½ mile zone, most prominently, several acres of the 213 acre Don Guanella site, which has recently been purchased by Delaware County (1162:9 – 1164:1; 1139:7 – 1143:10) . Additionally, the .05 mile limit is based upon confusing and conflicting information in PECO's testimony (see below).

PRESSURE AND THE 0.5 MILE LIMIT

PECO insists that low pressure (now or in the future) is the reason for the location of the facility within a 0.5 mile radius of Sproul and Lawrence Road. According to PECO, the MAOP of the existing distribution line is 99psi, from one end in the north, at West Conshohocken, to the south, in Brookhaven, and the low pressure point is at the corner of Sproul and Lawrence Roads (1214:20 – 1215:10). The lowest pressure that the corner of Sproul and Lawrence Roads experienced is 65psi(1235:15 – 24). PECO suggests that the system design pressure at this point should, in fact, be 99psi. (1235:25 – 1236:5). PECO seems to be suggesting that, in the 10 miles of existing distribution main between the West Conshohocken Gate Station and Marple and the 10 miles of existing distribution main between the Brookhaven Gate Station and Marple, both of which serve multiple other communities along the way, the pressure in Marple needs to be the same 99psi as at the Gate Stations.

PECO is inconsistent in the numbers it uses to discuss pressures in the new high pressure pipeline. Mr. Flanagan states that the 11.5 mile long pipeline will be used continuously, with more gas volume moving through the pipeline in periods of high demand. He also states that the pressure at West Conshohocken will be 475, and the pressure at Marple will be 200 (1335:22 – 1339:14). Exhibit RL-5 shows the change in gas pressure and velocity during peak conditions, at the worst time of the year, and it shows that, under peak conditions, the pressure in Marple will approach 200psi (1242:15 – 20). Although PECO has offered little information concerning the pressure in Marple during non-peak periods, user-defined parameters for the gas line heater specifications indicate a **Typical Pressure of 475psi** (Uhlman Exhibit 8 CONFIDENTIAL), and the Sound Study is based upon inlet pressures between 475 and 190psi (CONFIDENTIAL

PECO000530). Although Mr. Flanagan testifies that the pressure gradient from 475 to 200 will be constant, both in periods of high demand and in periods of low demand (1402:15 – 1407:3), Mr. Israni testifies that the pressure will fluctuate (1596:14 – 1597:2).

In times of high demand, it makes sense that there would be a considerable difference between the two ends of the pipeline, but PECO insists that the pressure in Marple will never exceed 200.

While PECO seems to have designed a system that has very specific requirements (0.5 miles from the intersection of Sproul and Cedar Grove Roads), many other parts of natural gas distribution systems are much more flexible in their requirements (1605:12 – 1608:20).

To summarize this point, PECO claims that, in times of peak demand, the existing distribution main in Marple will have 65psi or less, and the new high pressure pipeline will have 465psi in West Conshohocken and 200psi in Marple, where the gas will be HEATED before being introduced to the distribution system (MAOP 99psi). Why PECO needs a 150psi (or more, after heating) gradient between the two systems has not yet been explained.

SAFETY

The proposed site is 0.57 acres/24,830 sqft, but, according to PECO's Expert Witness, Mr. Israni, the Potential Impact Radius (PIR) for a facility such as this is between 0.98 acres/43,000 sqft/117ft radius and 2.60 acres/113,441 sqft./190ft radius (1618:4 – 1622:7).

The PIR is defined as “the radius of a sector were if the pipeline fails, the persons or the buildings within that impact circle may be impacted. ...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. ... 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.(1618:19 – 1620:9)

In case of a catastrophic accident, (perhaps caused by a mechanical or electrical failure, a large vehicle gone awry, vandalism, or terrorism) there is one automatic shutoff valve that is located directly at the Marple site. If that automatic valve is damaged, the only thing to stop gas from continuing to flow towards Marple is the manual valves that are located along the 11.5 pipeline (1376:11 – 1378:3). Although it is PECO's policy to respond to gas odor calls within an hour, the average response time is 25 minutes (1371:16 – 25).

Mr. Israni has testified that, generally, in the United States, there are about 70 incidents per year that involve death, injury causing hospitalization, property damage above \$50,000, shutdown of a system, or the release of more than three million cubic feet of gas (1563:1 – 8), (1565:8 – 1566:15). Because there are no regulations prohibiting Gas Expansion Plants in densely populated residential neighborhoods, the location of the buildings should be determined by balancing engineering, economic, and public safety concerns, but it is not certain that public safety has been given sufficient weight by PECO in this situation (1575:18 – 1583:24 [long citation]), (1600:17 – 1601:11)

NOISE

The noise study commissioned by PECO has very little information, but what is there does not engender confidence that the facility will not exceed the Marple Township Noise Ordinance. Additionally, PECO has little knowledge of how the Sound Impact Study was performed (1361:21 – 1363:10).

- Section 6.1 (Noise Control Recommendations – Regulation Valves) of the Sound Study recommends a change from one type of regulator with predicted sound levels over 100db to another type of regulator that would reduce the amount of sound generated by 20 to 25db (CONFIDENTIAL PECO 000534 AND 000535). However, PECO has elected not to follow that recommendation (1256:15 – 23).
- The Noise Impact Study analyzed projections based on noise from the quieter regulator (above), yet PECO intends to actually use the less quiet regulator(above) (CONFIDENTIAL PECO 000522).
- Section 6.3 (Noise Control Recommendations – Indirect Heater) recommends that PECO obtain a guarantee from the vendor that the heater will not exceed levels in excess of the Marple Noise Ordinance (CONFIDENTIAL PECO 000537).
- Section 6.5 (Noise Control Recommendations – Miscellaneous) discusses the HVAC equipment in a similar way, recommending that the HVAC vendor guarantee compliance with the Marple Noise Ordinance(CONFIDENTIAL PECO 000538).
- Also in Section 6.5 (Noise Control Recommendations – Miscellaneous), because there may not be an engineering solution to the problem of noise emanating from the Standby Generator, the Noise Study recommends a legal solution, suggesting that the emergency

standby generator is not subject to the Marple Noise Ordinance (CONFIDENTIAL PECO 000538).

- Section 3.0, DESCRIPTION OF SITE AND PROPOSED STATION includes a description of the proposed equipment considered as noise sources for the sound study, including a 3 MMBTU/hr gas line heater (CONFIDENTIAL PECO 000529). However, PECO has also testified that the actual heater will be 4.6 million BTU(1438:16 – 25; 1444:17 – 19), which would, presumably make more noise than the 3 million BTU heater assumed for the sound study.
- Other documents indicate a Peak Burner Heat Required value of 4.2 million BTU/hr (CONFIDENTIAL PECO 003026).
- Table 2- Estimated Sound Level Contribution of the Station at the Station Property Lines shows that all of the estimations are very close to the maximum noise levels stipulated by the Marple Township Noise Ordinance (CONFIDENTIAL PECO 000533), (1168:21 – 1170:13)

In summary, PECO avers that the proposed facility will not produce noise greater than what is allowed by the Marple Township Noise Ordinance, but PECO's own Sound Study gives little support for that premise. The numbers that the study uses assume a smaller heater than the one that will be used, and the study recommends passing off, by way of guarantees from the vendors, responsibility for excess noise created by the heater and the HVAC equipment. Also, in response to concerns about noise from the generator, PECO has opted for a legal solution rather than an engineering solution. Together, these point to a future rich in court appearances and legal expertise, where all would be better served with greater engineering expertise.

CONCLUSION

In the Spring of 2019, PECO found a 0.57 parcel of land at the corner of Sproul and Cedar Grover Roads, and began investing in site plans and other engineering studies, without letting telling Marple Township about their intentions. Paying a lot of money for a 0.5 acre site is better than paying a lot of money for a 5.0 acre site in Marple Township, or anywhere in Delaware County. From that point on, PECO has bent and hidden the truth concerning this project. The feeble attempts at online “open house” events were best characterized as lawyer presentations, as opposed to engineering presentations, and little, if any information concerning the project was given. PECO’s presentation before the Marple Zoning Hearing board lacked any credible evidence of a sincere application, and was marked mostly by the “first such animal” quote, meant to deflect comparison to PECO’s other City Gate Stations in the area. Having dutifully applied for the Special Exception and been denied, PECO began its application to the PA PUC for a Finding of Necessity for the Convenience and Welfare of the Public.

The evidence that PECO has presented in this case is weak and conflicting. Although counsel for PECO has repeatedly complained about delays in these proceedings, they admit that the need for the facility will not be felt for as long as ten years in the future¹. PECO’s claims concerning pressures in both the existing distribution network and the new pipeline are confusing and conflicting.

PECO’s insistence that this facility is safe and quiet is not well supported by the evidence that PECO has supplied in these proceedings. Most damning are the testimony of Mr. Israni

¹ And, with each passing month, the future of natural gas usage, in the face of climate change caused by the burning of fossil fuels, is more in doubt.

concerning the Potential Impact Radius, and the weak assurances provided by the H&K Sound Study. Mr. Israni draws a picture with a very small possibility of a major catastrophe, and H&K draws a picture with the minor inconvenience of illegal noise levels at any time, almost all the time .

Despite PECO's attempts to minimize and hide the project from local government and residents, about thirty citizens attended the October, 2020 virtual meeting of the Marple Zoning Hearing Board to protest the proposed location of the buildings, and about forty citizens attended the various PECO "open house" events to protest the proposed location of the buildings. When the current proceedings began, Marple Township intervened against the location of the buildings, Delaware County intervened against the location of the buildings, two local residents intervened against the location of the buildings, about seventy citizens files formal protests against the location of the buildings, and about a hundred citizens spoke at the Telephonic Public Input Hearings to protest against the location of the buildings. Along the way, several hundred residents of Marple Township posted "SAY NO TO PECO" signs on their lawn. When PECO says that the location of the buildings is necessary for the convenience and welfare of the public, exactly who is the public that they are talking about? It has been argued repeatedly and forcefully that this project is supposed to be for the benefit of natural gas customers in Delaware County in general, and Marple Township in particular, but the public seems unconvinced.

It is hard to argue that a Gas Expansion Plant is not necessary, somewhere in Delaware County, and probably in Marple Township. If the Pennsylvania Public Utility Commission finds that the currently proposed location of the buildings is reasonably necessary for the convenience and welfare of the public, the corner of Sproul and Cedar Grove Roads will be altered. FOREVER.

Alternatively, if the Commission finds that the location of the buildings is NOT reasonably necessary for the convenience and welfare of the public, then, hopefully, PECO, Marple Township, and Delaware County can work together to find a location that is reasonable, for the convenience and welfare of the public.

PECO is attempting to put a square peg in a round hole at the corner of Sproul and Cedar Grove Road. PECO does not want or expect the Commission to find that 2090 Sproul Road is the best location; they only want a finding that it is a reasonable location. Unfortunately, PECO has not shown that the location is reasonable, and, in fact, the weight of the evidence shows that the location of the buildings is NOT reasonable for the convenience and welfare of the public.

PROPOSED ORDERING PARAGRAPHS

It is ordered that:

1. PECO's Petition for a Finding of Necessity pursuant to 53 P.S. 10619 that the situation of two buildings association with a Gas Reliability Station in Marple Township, Delaware County is reasonably necessary for the convenience and welfare of the public is denied.
2. PECO's request that the proposed security fence be deemed a facility and exempt from local zoning regulations is denied.
3. PECO must comply with the applicable sections of the Marple Township Zoning Code and Subdivision and Land Development for its proposed Gas Reliability Station.

CERTIFICATE OF SERVICE

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

AMENDED REPLY BRIEF OF TED UHLMAN

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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