

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY
COMMISSION**

In Re: Complaints Against PECO Energy
Company's Electrical Substation Upgrade
Project in the Borough of Swarthmore

C-2023-3037736-AEL-2/9/23

Docket No.: ~~P-2023-3037736~~

**REPLY IN OPPOSITION TO
MOTION FOR CONSOLIDATION**

The Borough of Swarthmore (the "Borough"), hereby files this Reply in Opposition of Motion for Consolidation filed by PECO Energy Company ("PECO") in the above-captioned proceeding. In support thereof, the Borough represents as follows:

1. The Borough is a municipality, governed and formed under the Pennsylvania Borough Code.
2. The Borough filed a Formal Complaint seeking to compel PECO to comply with its Tree Committee Ordinance, its Excavations Ordinance and Stormwater Management Ordinance.
3. Upon information and belief, all or most of the other parties who filed Formal Complaints which PECO is seeking to consolidate are residents and/or owners of private residential properties located within the Borough of Swarthmore whom are requesting the PUC to estop PECO from removing and/or trimming trees on their respective properties.
4. The Borough is not seeking to estop PECO from proceeding with its Upgrade Project.

5. Rather, the Borough is seeking to compel PECO to comply with its Ordinances.

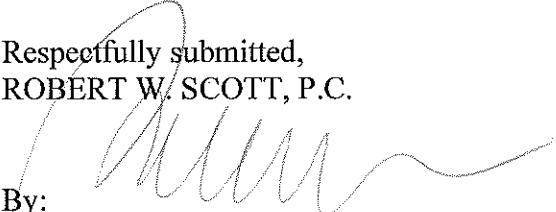
6. None of the other complaining parties are governmental entities seeking to compel compliance with ordinances or local laws.

7. There is no commonality as to questions of law which the Borough is asserting and the questions of law which the other complaining parties are asserting.

8. There is no commonality as to the relief which the Borough is seeking and the relief which the other complaining parties are seeking.

WHEREFORE, the Borough of Swarthmore respectfully requests that the Commission deny the Motion and not consolidate the Borough's Formal Complaint with those of the other complaining parties.

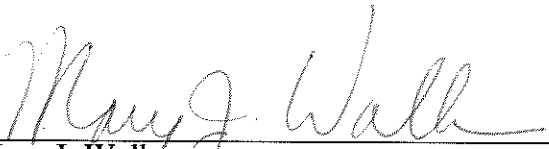
Respectfully submitted,
ROBERT W. SCOTT, P.C.

By: 
Robert W. Scott, Attorney ID No. 59329
Carl W. Ewald, Attorney ID No. 85639
205 North Monroe Street
Media, PA 19063

Dated: February 9, 2023

VERIFICATION

I, Mary J. Walk, hereby state that the facts set forth above are true and correct to the best of my knowledge, information and belief and that I expect the Borough of Swarthmore to be able to prove the same in a hearing held in this matter. I understand that statements herein are made subject to the penalties of 18 Pa. C.S. §4904.



Mary J. Walk
Council President
Borough of Swarthmore

Dated: February 8, 2023

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C-2023-3037736-AEL-2/9/23

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CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of February, 2023, a true and correct copy of the Reply in Opposition to Motion for Consolidation on behalf of the Borough of Swarthmore, was electronically filed, and served via either email or First Class Mail, postage prepaid, upon the following:

Stephen C. Zumbun, Esquire
Blank Rome
One Logan Square
130 North 18th Street
Philadelphia, PA 19103
zumbun@blankrome.com
Attorney for PECO

Katherine A. S. Sibley
223 Vassar Avenue
Swarthmore, PA 19081

Susan and Sean O'Donnell
527 Riverview Road
Swarthmore, PA 19081

Gerry and Judy Galgon
327 Riverview Road
Swarthmore, PA 19081

Mary Deppen
12 Wellesley Road
Swarthmore, PA 19081

Brendali F. Reis
110 Guernsey Road
Swarthmore, PA 19081

Robert . Dreyfus, M.D.
607 Hillborn Avenue, Apt. 2nd
Swarthmore, PA 19081

Florence A. Roberts
607 Hillborn avenue, Fl. 1
Swarthmore, PA 19081

Kristen and Jonathan Myers
124 Guernsey Road
Swarthmore, PA 19081

Abigail Adams
603 Hillborn Avenue
Swarthmore, PA 19081

Corey Ullman and Thomas Hals
734 Yale Avenue
Swarthmore, PA 19081

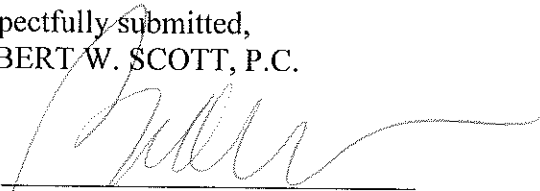
Linda Hauck
215 Riverview Road
Swarthmore, PA 19081

Jeffrey W. Golan
9 College Avenue
Swarthmore, PA 19081

Jonathan Hodgson and Andrea Knox
533 Riverview Road
Swarthmore, PA 19081

Alison Manaker
211 College Avenue
Swarthmore, PA 19081

Respectfully submitted,
ROBERT W. SCOTT, P.C.

By: 
Robert W. Scott, Attorney ID No. 59329
Carl W. Ewald, Attorney ID No. 85639
205 North Monroe Street
Media, PA 19063

Dated: February 9, 2023