

**COMMONWEALTH OF PENNSYLVANIA
BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

COREY ULLMAN & THOMAS HALS, :
Complainants, :
v. : **Docket No. C-2023-3037640**
PECO ENERGY COMPANY, :
Respondent. :

**COMPLAINANTS' RESPONSE TO NEW MATTER
AND TO MOTION FOR CONSOLIDATION**

Complainants, COREY ULLMAN & THOMAS HALS, hereby respond to the New Matter of Respondent, PECO Energy Company, as follows:

11. Denied. Complainants lack sufficient information to respond to PECO's allegation, and demand sufficient discovery into the allegation and strict proof thereof. Complainants additionally lack the knowledge or information sufficient to form a belief as to whether "PECO's Reliability & Resiliency Plan" will produce the benefits listed.

Moreover, the idea that "the Project will strengthen the electrical infrastructure... to support the adoption of clean energy resources, like solar power and electric vehicles" is true and therefore more important than saving century-old trees whose health, environmental and ecological benefits are vast and irreplaceable has not been proved by PECO. Indeed, under Article 1, Section 27 of the Pennsylvania Constitution: "The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic, and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the commonwealth shall conserve and maintain them for the benefit of all the people."

12. Denied. Complainants lack sufficient information to respond to PECO's allegation, and demand sufficient discovery into the allegation and strict proof thereof.

13. Denied. Complainants lack sufficient information to respond to PECO's allegation, and demand sufficient discovery into the allegation and strict proof thereof.

14. Denied. Complainants lack sufficient information to respond to PECO's allegation, and demand sufficient discovery into the allegation and strict proof thereof.

15. Denied. Complainants lack the knowledge or information sufficient to form a belief as to whether it is necessary to trim or remove certain trees and the alleged consequences of failing to do so.

16. Denied. Complainants lack sufficient information to respond to PECO's allegation, and demand sufficient discovery into the allegation and strict proof thereof.

17. Denied in part and admitted in part. Complainants admit that they dispute the removal of trees for the Project, and otherwise lack sufficient information to respond to PECO's allegations, and demand sufficient discovery into the allegation and strict proof thereof.

Moreover, under Article 1, Section 27 of the Pennsylvania Constitution: "The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic, and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the commonwealth shall conserve and maintain them for the benefit of all the people."

18. Denied. Complainants lack sufficient information to respond to PECO's allegation, and demand sufficient discovery into the allegation and strict proof thereof. It is further denied that PECO "advised the community that it would be notified prior to the commencement of the tree removals." Exhibit 2 is addressed to an individual community member. PECO had repeatedly promised to provide the community with a map of the route where trees are slated for removal or cutting but then representatives revealed at the January 26 town hall they would not provide such a map. PECO has insisted that it will only tell the individual homeowner on whose property the tree is located. Because of this approach, the community will NOT be notified "prior to the commencement of the tree removals."

It is further denied that PECO will be minimizing the community impact by working with the "PHS, a local nonprofit, to provide one tree for every tree removed during this Project." The replacement trees to allegedly be provided are saplings. A sapling offers none of the environmental and aesthetic benefits that a mature tree provides. Moreover, PECO will simply provide the sapling. It refuses to assume responsibility for planting the new tree.

19. Denied. Complainants lack sufficient information to respond to PECO's allegation, and demand sufficient discovery into the allegation and strict proof thereof.

20. Denied. Complainants lack sufficient information to respond to PECO's allegation, and demand sufficient discovery into the allegation and strict proof thereof.

21. Denied. Complainants lack sufficient information to respond to PECO's allegation, and demand sufficient discovery into the allegation and strict proof thereof.

Complainants further respond to the Affirmative Defenses as follows:

22. No response is required.

23. Denied, and no response is required to PECO's legal characterization of the Complaint.

24. No response is required.

25. Denied, and no response is required to PECO's legal characterization of the Complaint.
26. No response is required.
27. Denied, and no response is required to PECO's legal characterization of the Complaint.
28. No response is required.
29. Denied, and no response is required to PECO's legal characterization of the Complaint.
30. No response is required.
31. Denied, and no response is required to PECO's legal characterization of the Complaint.

**COMPLAINANTS' RESPONSE TO
MOTION FOR CONSOLIDATION**

Complainants do not oppose PECO's motion for consolidation of the Formal Complaints filed by the Borough of Swarthmore and Swarthmore residents, and further support that discovery is required from PECO before any adjudication of the Complaints.

Dated: February 21, 2023

/s/ Corey Ullman & Thomas Hals

Corey Ullman & Thomas Hals

CERTIFICATION

We, Corey Ullman & Thomas Hals, hereby certify that on February 21, 2023, we caused a true and correct copy of the foregoing to be served via email upon counsel for Respondent, as follows:

Stephen C. Zumbun, Esq
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Email: chris.lewis@blankrome.com

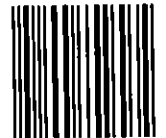
/s/ Corey Ullman & Thomas Hals
Corey Ullman & Thomas Hals

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