

321 Riverview Rd.
Swarthmore, PA 19081
610-349-4130

March 19, 2023

VIA UNITED STATES FIRST CLASS MAIL

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

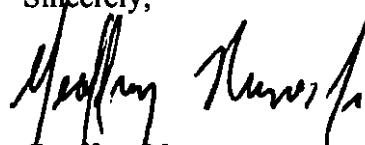
**RE: Nunes v. PECO Energy Co.
Docket No. C-2023-3038113**

Dear Secretary Chiavetta,

As a pro se litigant, I am submitting the attached document as a Reply to New Matter in the above referenced case for filing with the Pennsylvania Public Utility Commission. I would greatly appreciate your filing the original, timestamping the copy and returning the copy to me in the envelope enclosed.

Thank you for your assistance.

Sincerely,


Geoffrey Nunes

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

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GEOFFREY NUNES JR.	:	
	:	
Complainant	:	
	:	Docket No. C_2023-3038113
v.	:	
	:	
PECO ENERGY COMPANY	:	
	:	
Respondent	:	
	:	

REPLY TO NEW MATTER

TO THE OFFICE OF ADMINISTRATIVE LAW JUDGES:

Pursuant to Pa. Code §5.63, Complainant, Geoffrey Nunes, hereby replies to the *New Matter* of respondent, PECO Energy Company, as follows:

- 1-10. No responses required.
- 11. Denied. Complainant lacks sufficient knowledge and information to form a belief as to accuracy of the facts asserted by PECO.
- 12. Denied. Complainant lacks sufficient knowledge and information to form a belief as to accuracy of the facts asserted by PECO.
- 13. Denied. Complainant lacks sufficient knowledge and information to form a belief as to accuracy of the facts asserted by PECO.
- 14. Denied. This paragraph states conclusions of law to which no response is required. Complainant lacks sufficient knowledge and information to form a belief as to accuracy of the facts asserted by PECO and deny all factual assertions in this paragraph.

15. Denied. This paragraph states conclusions of law to which no response is required. Complainant lacks sufficient knowledge and information to form a belief as to accuracy of the facts asserted by PECO and deny all factual assertions in this paragraph.

16. Denied. Complainant lacks sufficient knowledge and information to form a belief as to accuracy of the facts asserted by PECO.

17. Denied. Complainant denies PECO's description of the Complaint. By way of further response, Complainant lacks sufficient knowledge and information to form a belief as to accuracy of the facts asserted by PECO.

18. Denied. Complainant lacks sufficient knowledge and information to form a belief as to accuracy of the facts asserted by PECO.

19. Denied. Complainant lacks sufficient knowledge and information to form a belief as to accuracy of the facts asserted by PECO. By way of further response, Complainant specifically denies that "PECO is sensitive to the concerns of individual property owners and the Swarthmore community". To the contrary PECO is providing unreasonable service to individual property owners and the Swarthmore community by failing to engage the Swarthmore community in the Project (which is primarily located within public rights-of-way.)

20. Admitted in part; denied in part. Complainant admits that PECO's Paragraph 20 identifies some of the issues considered in the siting and construction of electrical distribution lines. Complainant denies that PECO's list is complete and accurate. By way of further response, Complainant believes other issues must be considered, including but not limited to, compliance with the Pennsylvania Constitution (specifically article I, section 27), Pennsylvania statutes and administrative regulations, and reasonable borough regulations governing utility occupancy of borough rights-of-way.

21. Denied. Complainant denies PECO's description of the Complaint. By way of further response, Complainant lacks sufficient knowledge and information to form a belief as to accuracy of the facts asserted by PECO.

22. Denied. Complainant adopts the responses 1-21 above in the Reply to New Matter.

23. Denied as a conclusion of law. By way of further response, the Complaint is legally sufficient, with the Commission's jurisdiction, and Complainant has stated claims for unreasonable service and violations of the Public Utility Code.

24. Denied. Complainant adopts the responses 1-23 above in this Reply to New Matter.

25. Denied as a conclusion of law. By way of further response, article I, section 27 of the Pennsylvania Constitution and statutory laws of Pennsylvania, including but not limited to the Public Utility Code, grant jurisdiction and authority to the Commission over the Complaint and over all aspects of the Respondent's Project.

26. Denied. Complainant adopts the responses 1-25 above in this Reply to New Matter.

27. Denied as a conclusion of law. By way of further response, public utilities are required to follow lawful and reasonable municipal ordinances and obtain permits pursuant to such ordinances and regulations.

28. Denied. Complainant adopts the responses 1-27 above in this Reply to New Matter.

29. Denied as a conclusion of law. By way of further response, Swarthmore is a borough. Under the Borough Code Swarthmore can "define reasonable districts of the borough

within which underground conduits shall be used for the placement of wires without the approval of the Pennsylvania Public Utility Commission.” 8 Pa.C.S. §1202 (64), *see also Duquesne Light Co. v. Monroeville*, 298 A.2d. 252 (Pa. 1972).

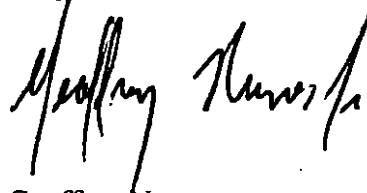
30. Denied. Complainant adopts the responses 1-29 above in this Reply to New Matter.

31. Denied as a conclusion of law. By way of further response, “the Commission is obligated to consider ‘the environmental impacts of’ public utility facilities pursuant to “article I, section 27 of the Pennsylvania Constitution, which is better known as the Environmental Rights Amendment (ERA).” *Twp. of Marple v. Pa PUC*, 2023 Pa. Commw. Unpub. LEXIS 126 (Cmwlth. Mar. 9, 2023) at 13.

CONCLUSION

WHEREFORE, Complainant respectfully requests that the Commission grant the Complaint and deny the New Matter and Affirmative Defenses with prejudice.

Respectfully submitted,



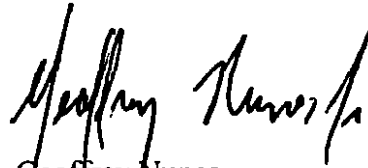
Geoffrey Nunes
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Swarthmore, PA 19081
Phone: (610) 349-4130
gnunes@mailaps.org

Dated: March 19, 2023

CERTIFICATION

I, Geoffrey Nunes, hereby certify that on March 19, 2023, I caused a true and correct copy of the foregoing to be served via United States first class mail; postage prepaid, upon counsel for the Respondent as follows:

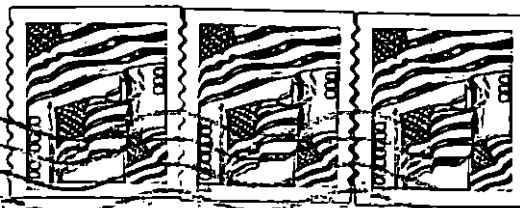
Christopher A Lewis, Esquire
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Philadelphia, PA 19103



Geoffrey Nunes
Complainant
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Swarthmore, PA 19081
(610) 349-4130

Dated: March 19, 2023

Barbara E. Lemmen
Geoffrey Nunes, Jr.
321 Riverview Rd.
Swarthmore, PA 19081



Philadelphia P&DC 191 ZIP
MON 20 MAR 2023^{PM}

ROSEMARY CHIAVETTA, SECRETARY
PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTON BUILDING
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17120