



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
400 NORTH STREET, HARRISBURG, PA 17120

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

July 24, 2024

Via Electronic Filing

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

Re: Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement v.
PECO Energy Company
Docket No. C-2024-3049615
I&E Reply to New Matter

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the **Reply of the Bureau of Investigation and Enforcement to the New Matter of PECO Energy Company** with regard to the above-referenced proceeding.

Copies have been served on the parties of record in accordance with the Certificate of Service. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Colby B. Widdowson', is written over a light blue circular stamp.

Colby B. Widdowson
Prosecutor
Bureau of Investigation & Enforcement
PA Attorney ID No. 326185
(717) 787-2139
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CBW/ac
Enclosures

cc: Per Certificate of Service
Michael L. Swindler, I&E Deputy Chief Prosecutor (via email – mwindler@pa.gov)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2024-3049615
	:	
PECO Energy Company,	:	
Respondent	:	

**REPLY OF THE BUREAU OF INVESTIGATION AND
ENFORCEMENT TO THE NEW MATTER OF
PECO ENERGY COMPANY**

NOW COMES, the Bureau of Investigation and Enforcement (“I&E” or “Complainant”) of the Pennsylvania Public Utility Commission (“Commission”) by and through its prosecuting attorneys, and files this Reply to the New Matter of PECO Energy Company (“PECO” or “Respondent”), pursuant to 52 Pa. Code § 5.63(a). In support thereof, I&E avers as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Denied. I&E is without specific knowledge of the manner in which the PECO

Gas COC Contractor of Choice (COC) and the PECO Gas COC Baseline Construction General Requirements, governed the scope of work and Henkels and McCoy’s (“H&M”) obligations as contractor for the Project. By way of further response, H&M was also governed by PECO’s internal procedures as admitted in paragraph 8 of Respondent’s New Matter.

5. Admitted.

6. Admitted.

7. Admitted.

8. Admitted.

9. Admitted.

10. Admitted.

11. Admitted.

12. Denied. I&E is without specific knowledge of the training for Foreman and Basic Mechanic. Strict proof is required thereof at a hearing to confirm this training.

13. Denied. I&E is without specific knowledge of whether H&M provided its employees with a Health, Safety, and Environmental Handbook. Strict proof is required thereof at a hearing.

14. Denied. I&E is without specific knowledge as to the Basic Mechanic's awareness of the directives in H&M's safety handbook, nor prior instances of safe removal of end caps by Basic Mechanic. Strict proof is required thereof at hearing.

15. Denied. I&E is without specific knowledge as to H&M's customary operating procedures as it pertains to the use of a guillotine cutter. By way of further response, H&M was required to follow all PECO approved procedures. After reasonable investigation, I&E is without knowledge or sufficient information to determine the truth of the remaining allegations of paragraph 15 of the New Matter and the same are therefore denied.

16. Admitted.

17. Admitted.

18. Admitted.

19. Denied in part, Admitted in part. Denied, in that, I&E is without specific knowledge as to H&M's customary operating procedures. Admitted, in that, Basic Mechanic used a rotary cutter to remove the end cap and stood in front of the pipe.

20. Denied in part, Admitted in part. Denied, in that, I&E is without specific knowledge of H&M's Health, Safety, and Environmental Handbook or H&M's customary procedures. Admitted, in that, Basic Mechanic did not: bleed pressure off into the atmosphere; stand to the side when removing pipe fittings or tapping pipe; and always assume that an existing line has pressure on it.

21. Admitted.

22. Admitted.

23. Denied. I&E is without specific knowledge of H&M's safety directives and customary operating procedures. Strict proof is demanded thereof at a hearing.

24. Denied. The allegations in Paragraph 24 contain conclusions of law to which no response is required.

25. Denied. The allegations in Paragraph 25 contain conclusions of law to which no response is required.

26. Denied. The statements in Paragraph 26 do not contain a factual allegation, to which I&E can either admit or deny.

27. Denied. The statement contained in paragraph 27 is a legal conclusion of law to which no response is required.

WHEREFORE, for all the foregoing reasons, the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission respectfully requests that, after consideration of the record, the Office of Administrative Law Judge and the Commission

deny Respondent's New Matter and request to dismiss the Complaint and find Respondent in violation of each count as set forth in the Complaint.

Respectfully submitted,



Colby B. Widdowson
Prosecutor
PA Attorney ID No. 326185

Michael L. Swindler
Deputy Chief Prosecutor
PA Attorney ID No. 43319

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
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Date: July 24, 2024

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PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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Complainant	:	
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing **Reply to New Matter** upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Service by First Class Mail and Electronic Mail:

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Dated: July 24, 2024