

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

NAVAL SQUARE CONDOMINIUM ASSOCIATION,	:	
	:	
Complainant,	:	
	:	Docket No. C-2024-3051227
v.	:	
	:	
VICINITY ENERGY PHILADELPHIA, INC.,	:	
	:	
Respondent.	:	

COMPLAINANT’S REPLY TO NEW MATTER

Naval Square Condominium Association (hereinafter “Association” or “Complainant”), by and through its counsel, Marcus & Hoffman, P.C., hereby responds to Vicinity Energy Philadelphia, Inc.’s (hereinafter “Respondent”) New Matter, and in support thereof avers as follows:

1. Complainant hereby incorporates paragraphs one (1) through twelve (12) of its Complaint as though same were set forth at length.
2. Denied. The averments in paragraph two (2) of the Respondent’s New Matter constitute conclusions of law to which no response is required. Further, after reasonable investigation, Complainant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph two (2). To the extent the averments are factual in nature, same are specifically denied and strict proof thereof is demanded.

3. Denied. The averments in paragraph three (3) of the Respondent's New Matter constitute conclusions of law to which no response is required. Further, after reasonable investigation, Complainant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph three (3). To the extent the averments are factual in nature, same are specifically denied and strict proof thereof is demanded.

4. Denied. The averments in paragraph four (4) of the Respondent's New Matter constitute conclusions of law to which no response is required. Further, after reasonable investigation, Complainant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph four (4). To the extent the averments are factual in nature, same are specifically denied and strict proof thereof is demanded.

5. Denied. The averments in paragraph five (5) of the Respondent's New Matter constitute conclusions of law to which no response is required. Further, after reasonable investigation, Complainant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph five (5). To the extent the averments are factual in nature, same are specifically denied and strict proof thereof is demanded.

6. Admitted. Further, Robert MacIntosh of DCI Engineers, opines that there are several discernible cracks in the historic wall which still need to be addressed; the observed cracking and displacement of the masonry at the base of the wall did not exist prior to the commencement of A.P. Construction's excavation work.

7. Denied. The averments in paragraph seven (7) of the Respondent's New Matter constitute conclusions of law to which no response is required. Further, after reasonable investigation, Complainant is without knowledge or information sufficient to form a belief as to

the truth of the averments in paragraph seven (7). To the extent the averments are factual in nature, same are specifically denied and strict proof thereof is demanded.

8. Denied. The averments in paragraph eight (8) of the Respondent's New Matter constitute conclusions of law to which no response is required. Further, after reasonable investigation, Complainant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph eight (8). Further, Robert MacIntosh of DCI Engineers reports that there are several discernible cracks in the historic wall which still need to be addressed; the visible cracking and displacement of the masonry at the base of the wall did not exist prior to the start of A.P. Construction's excavation work at this location. To the extent the averments are factual in nature, same are specifically denied and strict proof thereof is demanded.

9. Denied. The averments in paragraph nine (9) of the Respondent's New Matter constitute conclusions of law to which no response is required. Further, after reasonable investigation, Complainant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph nine (9). To the extent the averments are factual in nature, same are strictly denied and strict proof thereof is demanded.

10. Denied. The averments in paragraph ten (10) of the Respondent's New Matter constitute conclusions of law to which no response is required. Further, after reasonable investigation, Complainant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph ten (10). To the extent the averments are factual in nature, same are specifically denied and strict proof thereof is demanded.

11. Admitted. *See* Complainant's Response to paragraph 8 of Respondent's New Matter above.

12. Denied. *See* Complainant's Response to paragraph 8 of Respondent's New Matter above.

13. Denied. The averments in paragraph thirteen (13) of Respondent's New Matter constitute conclusions of law to which no response is required. Further, after reasonable investigation, Complainant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph thirteen (13). Robert MacIntosh of DCI Engineers opines that although voids in the wall have been filled by implementing the recommendations set forth in the Pierce Report, visible cracking in the wall still needs to be addressed. To the extent the averments are factual in nature, same are specifically denied and strict proof thereof is demanded.

14. Denied. The averments in paragraph fourteen (14) of Respondent's New Matter constitute conclusions of law to which no response is required. To the extent the averments are factual in nature, same are specifically denied and strict proof thereof is demanded.

WHEREFORE, Complainant, Naval Square Condominium Association, demands Judgment against the Respondent as set forth in its Complaint.

MARCUS & HOFFMAN, P.C.



ROBERT HOFFMAN, ESQUIRE
Attorney for Complainant, Naval Square
Condominium Association