



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

November 27, 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-
Formal Complaint (Non-Proprietary and Proprietary)

Dear Secretary Chiavetta:

Enclosed for electronic filing is the **Non-Proprietary** version of the **Formal Complaint** of the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission in the above-referenced matter. The **Proprietary** version has been submitted to the Secretary's Bureau via their ShareFile.

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 'Lindsay Dearing Szymanski', is written over a light blue circular stamp.

Lindsay Dearing Szymanski
Prosecutor
Bureau of Investigation & Enforcement
PA Attorney ID No. 317073
(717) 787-3663
liszymansk@pa.gov

LDS/ac
Enclosures

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

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint.

The date of service is the date as indicated at the top of the Secretarial Letter. *See* 52 Pa. Code §1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. The Answer must be submitted by efilings with the Secretary of the Commission by opening an efilings account through the Commission's website and accepting eservice at <http://www.puc.state.pa.us/efiling/default.aspx>. If your filing contains confidential material, you are required to file by overnight delivery to ensure the timely filing of your submission to:

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

If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, please serve a copy on:

Lindsay Dearing Szymanski, Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
liszymansk@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the requested relief.

C. You may elect not to contest this Complaint by paying the civil penalty and performing the requested relief within 20 days. Send only a certified check or money order made payable to the "Commonwealth of Pennsylvania," with the docket number indicated, and mail to:

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

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the requested relief set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

FORMAL COMPLAINT

NOW COMES the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission by its prosecuting attorneys, pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, and files this Formal Complaint (“Complaint”) against PECO Energy Company (“PECO” or “Respondent”) alleging violations of the Public Utility Code and the Public Utility Commission’s Regulations in connection with PECO’s failure to provide information requested in I&E’s Informal Investigation and Data Requests – Set I. In support of its Complaint, I&E respectfully represents the following:

I. COMMISSION JURISDICTION AND AUTHORITY

1. The Pennsylvania Public Utility Commission (“Commission” or “PUC”), with a mailing address of 400 North Street, Harrisburg, PA 17120, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, *et seq.*

2. Complainant is the Commission’s Bureau of Investigation and Enforcement (“I&E”), which is the bureau established to take enforcement actions against public utilities and other entities subject to the Commission’s jurisdiction pursuant to 66 Pa.C.S. § 308.2(a)(11). *See also Implementation of Act 129 of 2008; Organization of Bureaus and*

Offices, Docket No. M-2008-2071852 (Order entered August 11, 2011) (delegating authority to initiate proceedings that are prosecutory in nature to I&E).

3. Complainant is represented by:

Lindsay Dearing Szymanski
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
liszymansk@pa.gov
(717) 787-3663

Michael L. Swindler
Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
mwindler@pa.gov

4. Respondent is PECO Energy Company,¹ a natural gas distribution company (“NGDC”) with a main mailing address of 2301 Market Street, Philadelphia, Pennsylvania 19103.

5. PECO is a “public utility” as that term is defined at 66 Pa.C.S. § 102,² as it is engaged in providing public utility service as an NGDC in the Commonwealth of Pennsylvania to the public for compensation with a utility code number of 122300.

6. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

¹ PECO Energy Company is a subsidiary of Exelon Corporation.

² At 66 Pa.C.S. § 102, “Public utility” is defined under that term at subsection (l)(i) as:

(1) Any person or corporations now or hereafter owning or operating in this Commonwealth equipment or facilities for:

(i) Producing, generating, transmitting, distributing or furnishing natural or artificial gas, electricity, or steam for the production of light, heat, or power to or for the public for compensation.

7. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, *inter alia*, to hear and determine complaints against public utilities for violations of any law or regulation that the Commission has jurisdiction to administer or enforce.

8. Section 2205(a)(1) of the Public Utility Code, 66 Pa.C.S. § 2205(a)(1), requires each natural gas distribution company to “maintain the integrity of its distribution system at least in conformity with the standards established by the Federal Department of Transportation and such other standards practiced by the industry in a manner sufficient to provide safe and reliable service to all retail gas customers connected to its system consistent with this title and the commission’s orders or regulations.”

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility or any other person or corporation subject to the Commission's authority for violation(s) of the Public Utility Code and/or Commission regulations. Section 3301(a)-(b) of the Public Utility Code, 66 Pa.C.S. § 3301(a)-(b), allows for the imposition of a separate civil penalty for each violation and each day’s continuance of such violation(s).

10. PECO, in providing natural gas to the public for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations and orders.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this Complaint and the actions of PECO related thereto.

II. FACTUAL BACKGROUND

12. On September 23, 2023, an electric line came down during a storm causing a gas leak in Yeadon, Pennsylvania (“Yeadon incident”).

13. A few hours after the electric line came down, a home exploded.

14. PECO was aware of this gas leak prior to the explosion.

15. On September 23, 2023, I&E’s Pipeline Safety Division (“Pipeline Safety”) initiated an investigation when they responded to the site of the explosion.

16. On October 4, 2023, Pipeline Safety submitted its first set of data requests to PECO.

17. On February 28, 2024, Pipeline Safety submitted an additional data request to PECO, including but not limited to requests for Event Review Meeting minutes and a Root Cause Investigation related to the Yeadon incident.

18. On March 22, 2024, PECO failed to provide the requested Event Review Meeting minutes and Root Cause Investigation report related to the Yeadon incident due to PECO considering the requested information to be Confidential Security Information (“CSI”) and protected by legal privilege.

19. On June 7, 2024, I&E sought the above-mentioned information through an Informal Investigation and Data Request – Set I. See attached I&E Exhibit 1.

20. On June 21, 2024, PECO, through its counsel, again failed to provide all contents of any and all Root Cause Investigation reports generated between October 6, 2023, and November 17, 2023, due to PECO’s claim that the requested information contained “mental impressions and conclusions protected under attorney client privilege.” See attached I&E Exhibit 2.

21. PECO must maintain records according to 49 CFR § 192.603(b), which provides that “[e]ach operator shall keep records necessary to administer the procedures established under § 192.605.”

22. 49 CFR §§ 192.605(a), (b)(1), and (e) provides the following:

- (a) Each operator shall prepare and follow for each pipeline, a manual of written procedures for conducting operations and maintenance activities and for emergency response. . . .
- (b) The manual required by paragraph (a) of this section must include procedures for the following, if applicable, to provide safety during maintenance and operations.
 - (1) Operating, maintaining, and repairing the pipeline in accordance with each of the requirements of this subpart . . .
- (e) The procedures required by §§ 192.613(a), 192.615, and 192.617 must be included in the manual required by paragraph (a) of this section.

49 CFR §§ 192.605(a), (b)(1) and (e).

23. Of importance in this matter, 49 CFR § 192.615(a) provides, “[e]ach operator shall establish written procedures to minimize the hazard resulting from a gas pipeline emergency.”

24. 49 CFR § 192.615(b)(3) states that “[e]ach operator shall review employee activities to determine whether the procedures were effectively followed in each emergency.”

25. Additionally, 49 CFR § 192.617(a) and (b) provide:

- (a) Each operator must establish and follow procedure for investigating and analyzing failures and incidents as defined in § 191.3, including sending failed pipe, component, or equipment for laboratory or examination, where appropriate, for the purpose of determining the causes and continuing factor(s) of the failure or incident and minimizing the possibility of a recurrence.

30. Pursuant to the above-mentioned internal procedures and Federal regulations, PECO was required to maintain records related to emergency responses, such as Lessons Learned meeting minutes and Root Cause Investigation reports.

31. 49 CFR § 190.203(e) provides the following:

- (e) If a representative of the U.S. Department of Transportation inspects or investigates an accident or incident involving a pipeline facility, the operator must make available to the representative all records and information that pertain to the event in any way, including integrity management plans and test results. The operator must provide all reasonable assistance in the investigation. Any person who obstructs an inspection or investigation by taking actions that were known or reasonably should have been known to prevent, hinder, or impede an investigation without good cause will be subject to administrative civil penalties under this subpart.

49 CFR § 190.203(e).

32. The Commission, through I&E – Safety Division, acts as a representative of the Pipeline and Hazardous Materials Safety Administration (“PHMSA”) in matters related to incidents and accidents involving pipeline facilities.

33. Section 505 of the Public Utility Code provides that every public utility shall provide to the Commission records or other documents in aid of an investigation or inquiry that the commission may require for their own inspection or investigation. 66 Pa.C.S. § 505.

34. On June 21, 2024, PECO, through its counsel, again failed to provide all contents of any and all Root Cause Investigation reports generated between October 6, 2023, and November 17, 2023, due to PECO’s claim that the requested information contained “mental impressions and conclusions protected under attorney client privilege.” See attached I&E Exhibit 2.

III. VIOLATIONS

35. The foregoing paragraphs are incorporated herein.

36. Section 504 (Reports by public utilities) of the Public Utility Code provides:

The commission may require any public utility to file periodical reports, at such times, and in such form, and of such content, as the commission may prescribe, and *special reports concerning any matter whatsoever about which the commission is authorized to inquire, or to keep itself informed, or which it is required to enforce.* The commission may require any public utility to file with it a copy of any report filed by such public utility with any Federal department or regulatory body. All reports shall be under oath or affirmation when required by the commission.

66 Pa.C.S. § 504 (emphasis added).

37. Section 505 (Duty to furnish information to commission; cooperation in valuing property) of the Public Utility Code provides:

Every public utility shall furnish to the commission, from time to time, and as the commission may require, all accounts, inventories, appraisals, valuations, maps, profiles, reports of engineers, books, papers, records, and other documents or memoranda, or copies of any and all of them, in aid of any inspection, examination, inquiry, *investigation*, or hearing, or in aid of any determination of the value of its property, or any portion thereof, *and shall furnish any and all other information to the commission, as the commission may require, in any inspection, examination, inquiry, investigation, hearing, or determination of such value of its property, or any portion thereof.*

66 Pa.C.S. § 505 (emphasis added).

38. Section 506 (Inspection of facilities and records) of the Public Utility Code provides:

The Commission shall have full power and authority, either by or through its members, or duly authorized representatives, whenever it shall deem it necessary or proper in carrying out any of the provisions of, or its duties under this part, to enter upon the premises, buildings, machinery, system, plant, and equipment, and make any inspection, valuation, physical examination, inquiry, or *investigation* of any and all plant and equipment, facilities, property,

and *pertinent records*, books, papers, accounts, maps, inventories, appraisals, valuations, *memoranda*, *documents*, or effects whatsoever, of any public utility, or prepared or kept for it by others, and to hold any hearing for such purposes. In the performance of such duties, the commission may have access to, and use any books, records, or documents in the possession of, any department, board, or commission of the Commonwealth, or any political subdivision thereof.

66 Pa.C.S. § 506 (emphasis added).

COUNTS ONE THROUGH THREE

39. PECO repeatedly failed to provide the Commission with the contents of their Root Cause Investigation report and Lessons Learned meeting minutes related to the Yeadon incident, which inhibits Pipeline Safety from completing its investigation into this matter. If proven, this is a violation of 66 Pa.C.S. §§ 504, 505 & 506.

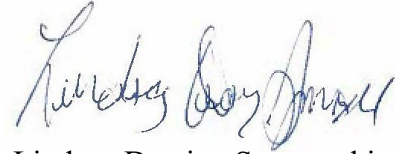
IV. REQUESTED RELIEF

40. Due to the failure of Respondent to turn over information as required by the Commission's laws and regulations, I&E proposes that Respondent pay a civil penalty of Thirty Thousand Dollars (\$30,000.00) and be compelled to provide the information requested in I&E's Informal Investigation and Data Request – Set I. The civil penalty shall not be tax deductible pursuant to Section 162(f) of the Internal Revenue Code, 26 U.S.C.S. § 162(f) or passed through as an additional charge to PECO's customers in Pennsylvania.

WHEREFORE, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement hereby requests that the Commission: (1) find PECO to be in violation of the Public Utility Code for each of the counts set forth herein; (2) impose a cumulative civil penalty upon PECO in the amount of Thirty Thousand Dollars (\$30,000.00); (3) compel PECO to provide the information requested in I&E's Informal Investigation and Data Request – Set I

within ten (10) days of entry of a Final Commission Order; and (4) order such other remedies as the Commission may deem appropriate.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Lindsay Dearing Szymanski".

Lindsay Dearing Szymanski
Prosecutor
PA Attorney ID No. 317073

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

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
(717) 787-3663
liszymansk@pa.gov
mwindler@pa.gov

Date: November 27, 2024


**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

VERIFICATION

I, Jim Harchar, Gas Safety Division, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: November 27, 2024



Jim Harchar
Gas Safety Division
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

I&E Exhibit 1



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

June 7, 2024

Via Electronic Mail

Jack R. Garfinkle, Esquire
Associate General Counsel
PECO Energy Company
2301 Market Street
Philadelphia, PA 19103
jack.garfinkle@exeloncorp.com

Re: Investigation of PECO Energy Company for potential violations of
49 CFR § 192.1 *et. seq.* and 52 Pa. Code § 59.33. (“Yeadon Incident”)
I&E Informal Investigation and Data Request – Set I

To Whom It May Concern:

The purpose of this letter is to advise you that the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”) has initiated an informal investigation of PECO Energy Company (“PECO”). I&E’s investigation focuses on a gas explosion that occurred on September 23, 2023, in Yeadon, Pennsylvania, resulting in property damage (“Yeadon incident”). This request for information is made pursuant to Sections 331(a) and 506 of the Public Utility Code, 66 Pa.C.S. §§ 331(a) and 506, and Section 3.113 of the Commission’s regulations, 52 Pa. Code § 3.113.

On or about September 23, 2023, an electric line came down during a storm causing a gas leak. A few hours later, a home exploded. PECO was aware of this gas leak prior to the explosion. I&E’s Safety Division (“I&E – Safety”) initiated investigation by submitting data requests to PECO, including but not limited to requests for Event Review Meeting minutes and a Root Cause Investigation report related to the Yeadon incident. I&E, acting under delegated authority, has initiated its investigation pursuant to its responsibility to enforce compliance with the Public Utility Code, the Commission's regulations, and applicable Commission orders. See 66 Pa.C.S. § 308.2(a)(11); See also Implementation of Act 129 of 2008; Organization of Bureaus and Offices, Docket No. M-2008-2071852 (Order entered Aug. 11, 2011) (delegating authority to initiate enforcement actions to I&E). Pursuant to 52 Pa. Code § 3.113(a), I&E’s prosecutory staff is authorized to conduct investigations regarding the condition and management of a public utility or other entity subject to the Commission's jurisdiction. The purpose of such investigations is to gather data or substantiate allegations of potential violations of the Public Utility Code and other applicable statutes and regulations. Should I&E determine that no violation or potential violation has occurred, the investigation will be terminated

by letter. 52 Pa. Code § 3.113(b)(1). Should I&E determine that violations or potential violations occurred, and that formal action is warranted, I&E may initiate a docketed, on-the-record proceeding to resolve the issues. See 52 Pa. Code § 3.113(b)(2).

It is I&E's position that PECO, as a regulated public utility, should be in possession of the above-mentioned information and should have furnished such information to I&E-Safety directly and upon I&E-Safety's first request; particularly in light of the above-mentioned sections of the Public Utility Code and, specifically, Section 506's broad authority given to the Commission. I&E-Safety has now referred this aspect of its investigation to I&E-Enforcement. This letter serves as I&E-Enforcement's further attempt to obtain the information sought in the above-referenced investigation.

If you are not the individual to whom data and document requests and deposition notices should be sent regarding this matter, please furnish the name, title, address, telephone number, and email address of the appropriate individual.

Some of the below data requests may be deemed by PECO to direct a response that requires PECO to provide confidential information. Provide all such information in PECO's responses and mark responses "Confidential" as deemed necessary. All confidential responses will be treated accordingly.

At this time, I&E makes the following inquiries and document requests regarding this matter, as described above. With regard to the following inquiries, provide the name(s), title(s), and contact information of the Company representative(s) responsible for sponsoring each response to I&E's Data Requests – Set I. **PECO's responses should be provided to the undersigned on or before June 21, 2024. Please send the response electronically to liszymansk@pa.gov.**

DATA REQUESTS – SET I

1. Please provide meeting minutes of the October 11, 2023, Event Review Meeting.
2. Please provide all contents of any and all Root Cause Investigation reports generated between October 6, 2023, to November 17, 2023, whether prepared by PECO or a third-party contractor of PECO.

Please be advised that the Commission's regulations require that you automatically update and supplement your responses, as necessary. Moreover, I&E may request additional documents and information in the future.

PECO Energy Company
June 7, 2024
Page 3


Regardless of any document retention policy, you are directed to retain under your control and not destroy any physical or electronic drafts or final documents, information and data, including, but not limited to, corporate records, memoranda, accounts, employee or policy documents, training documents, advertising, contracts, contract proposals, mail and electronic mail, web pages, internet information, computer programs, databases and any other information in physical or electronic form which may pertain to this matter.

Inquiries and communications regarding this matter should be addressed to:

Lindsay Dearing Szymanski, Esquire
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
(717) 787-3663
liszymansk@pa.gov

Thank you for your immediate attention to this matter. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



Lindsay Dearing Szymanski
Prosecutor
Bureau of Investigation & Enforcement
PA Attorney ID No. 317073
(717) 787-3663
liszymansk@pa.gov

LDS/ac

cc: Michael L. Swindler, Deputy Chief Prosecutor, Enforcement (*via email* - mwindler@pa.gov)

I&E Exhibit 2



Legal Department
2301 Market Street / S23-1
Philadelphia, PA 19103
Direct Dial: 267-533-1999
Jack.Garfinkle@exeloncorp.com

June 21, 2024

VIA EMAIL liszymansk@pa.gov

Lindsay Dearing Szymanski, Esquire, Prosecutor
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

**Re: Investigation of PECO Energy Company for potential violations of
49 CFR § 192.1 *et. Seq.* and 52 Pa. Code § 59.33 (“Yeadon Incident”)
I&E Informal Investigation and Data Requests – Set I**

Dear Ms. Szymanski:

Enclosed please find PECO Energy Company’s (“PECO”) responses to your data requests issued in the above-mentioned matter.

Please do not disclose the Confidential and Proprietary information contained herein, which is being provided in response to a PUC investigation. This document contains information that is exempt from disclosure under 66 Pa. C.S. §335(d) of the Pennsylvania Public Utility Code and includes but is not limited to: 1) trade secrets of proprietary information; or 2) facts which, if disclosed to the public, could be used for criminal or terroristic purposes. This document also contains information that is exempt from disclosure under 65 Pa. C.S. §67.708 of Pennsylvania’s Right to Know Law and includes but is not limited to: 1) a record, the disclosure of which creates a reasonable likelihood of endangering the safety or the physical security of a building, public utility, resource, infrastructure, facility or information storage system; 2) a record provided to the Commission regarding a noncriminal investigation; or 3) financial records. PECO expressly does not waive any rights it has with respect to Privilege or Confidentiality.

If you have any questions, please feel free to contact me at (267) 533-1999.

Respectfully,

A handwritten signature in black ink that reads "Jack R. Garfinkle". Below the signature, the name "Jack R. Garfinkle" is printed in a small, black, sans-serif font.

Jack R. Garfinkle

Associate General Counsel

cc: Michael L. Swindler, Deputy Chief Prosecutor, Enforcement (via email mwindler@pa.gov)
Enclosures

Pennsylvania Public Utility Commission
Investigation of
PECO Energy Company
for potential violations of
49 CFR § 192.1 *et. seq.* and 52 Pa. Code § 59.33
September 23, 2023 Yeadon Incident

Response of PECO Energy Company to
Data Requests of the Bureau of Investigation & Enforcement
Set I

June 21, 2024

I&E Set I, No. 1:

Please provide meeting minutes of the October 11, 2023, Event Review Meeting.

RESPONSE:

There are no meeting minutes for the October 11, 2023 Event Review Meeting.

Pennsylvania Public Utility Commission
Investigation of
PECO Energy Company
for potential violations of
49 CFR § 192.1 *et. seq.* and 52 Pa. Code § 59.33
September 23, 2023 Yeadon Incident

Response of PECO Energy Company to
Data Requests of the Bureau of Investigation & Enforcement
Set I

June 21, 2024

I&E Set I, No. 2:

Please provide all contents of any and all Root Cause Investigation reports generated between October 6, 2023 to November 17, 2023, whether prepared by PECO or a third-party contractor of PECO.

RESPONSE:

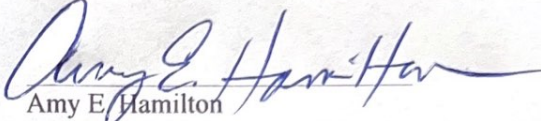
The RCI document contains mental impressions and conclusions protected under attorney client privilege and therefore will not be provided. However, factual information from PECO's investigation has already been provided to the Safety Division in responses to prior data requests. Please reference responses to the following:

- I-4: Complete Detailed Timeline
- I-5: Responder arrival times and titles, Incident Command info
- I-6,7,8,9,12: Specific times contained within the Timeline
- I-20: All photos videos and sketches
- I-32: Leak migration maps for all leaks in the area
- I-33: All records and actions taken for leaks in the area
- II-1: Additional request for specifics around initial leak investigation in front of 14 W Providence, specifically for readings and documentation generated
- II-2: Request for Timeline for ET1 from 10:49 to 12:25.
- III-6: Time PECO was aware of gas fed fire
- V-5: Regarding the updated incident report Part F Question 1 and 2, provide the specific information that the covered employees performances had no role in the cause(s) or severity of the incident.

VERIFICATION

I, Amy E. Hamilton, hereby declare that I am Vice President of Gas Operations for PECO Energy Company; that as such I am authorized to make this verification on its behalf; that the facts sets forth in the foregoing responses are true to the best of my knowledge, information and belief, and that I make this verification subject to the penalties of 18 Pa. C.S. § 4904 pertaining to false statements to authorities.

Date: June 20, 2024


Amy E. Hamilton
Vice President Gas Operations

Please do not disclose the Confidential and Proprietary information contained herein, which is being provided in response to a PUC investigation. This document contains information that is exempt from disclosure under 66 Pa.C.S § 335(d) of the Pennsylvania Public Utility Code and 65 Pa.C.S. § 67.708 of Pennsylvania's Right to Know Law. PECO expressly does not waive any rights it has with respect to Privilege or Confidentiality.

I&E Exhibit 3
CONFIDENTIAL

I&E Exhibit 4
CONFIDENTIAL

I&E Exhibit 5
CONFIDENTIAL

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

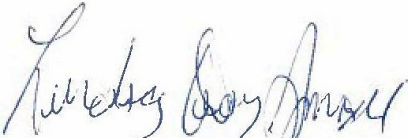
Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	Docket No. C-2024-
	:	
PECO Energy Company	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing **Formal Complaint (Non-Proprietary and Proprietary)** dated November 27, 2024 in the manner and upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Served via Electronic Mail and Certified Mail

Jack R. Garfinkle, Esquire
Associate General Counsel
PECO Energy Company
2301 Market Street
Philadelphia, PA 19103
Jack.Garfinkle@exceloncorp.com



Lindsay Dearing Szymanski
Prosecutor
Bureau of Investigation & Enforcement
PA Attorney ID No. 317073
(717) 787-3663
liszymansk@pa.gov