

# Morgan Lewis

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December 16, 2024

## VIA ELECTRONIC FILING

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

**Re: Application of PECO Energy Company Filed Pursuant to 52 Pa. Code § 57.71  
et seq. for Approval of the Siting and Construction of the PJM 2022  
Reliability Window #3 Project Located in Peach Bottom Township, York  
County, Pennsylvania and Petition for Waiver of 52 Pa. Code § 57.72(c)(10)  
Docket No. A-2024-3051463**

Dear Secretary Chiavetta:

Enclosed please find the Prehearing Conference Memorandum of PECO Energy Company in the above-referenced proceeding. Copies of the Prehearing Conference Memorandum are being served on the persons listed on the certificate of service.

If you have any questions pertaining to this matter, please contact me directly at 215.963.5384.

Respectfully submitted,



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Enclosure

cc: Certificate of Service

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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Application of PECO Energy Company Filed :  
Pursuant to 52 Pa. Code §§ 57.71 et seq. for :  
Approval of the Siting and Construction of :  
the PJM 2022 Reliability Window # 3 Project :     Docket No. A-2024-3051463  
Located in Peach Bottom Township, York :  
County, Pennsylvania and Petition for :  
Waiver of 52 Pa. Code § 57.72(c)(10) :**

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**PREHEARING CONFERENCE MEMORANDUM OF  
PECO ENERGY COMPANY**

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**TO THE HONORABLE DEPUTY CHIEF ADMINISTRATIVE LAW JUDGE  
CHRISTOPHER P. PELL:**

Pursuant to the November 22, 2024 Prehearing Conference Order issued by Deputy Chief Administrative Law Judge Christopher P. Pell (the “ALJ”) and Section 5.222(d) of the regulations of the Pennsylvania Public Utility Commission (“Commission”), 52 Pa. Code § 5.222(d), PECO Energy Company (“PECO” or the “Company”) hereby submits this Prehearing Conference Memorandum.

**I.     INTRODUCTION AND PROCEDURAL HISTORY**

On September 30, 2024, PECO filed its Application and Petition for Waiver, pursuant to 52 Pa. Code §§ 57.72 et seq. and the Commission’s Interim Guidelines for the Filing of Electric Transmission Line Siting Applications at 52 Pa. Code §§ 69.3101 et seq., requesting Commission approval to site and construct transmission lines and related facilities associated with the proposed PJM 2022 Reliability Window # 3 Project (hereinafter, the “Project”). PECO requested that the Project be approved on or before September 30, 2025.

The Project is necessary to mitigate significant and widespread thermal and voltage reliability issues that would otherwise result from the increased load growth in other parts of the

PJM Interconnection, L.L.C. (“PJM”) footprint, which will have significant effects on the transmission system in the Mid-Atlantic region, including on PECO’s transmission facilities in southeastern Pennsylvania. The Project will also support the mitigation of reliability concerns from the retirement of generation facilities within the Baltimore Gas and Electric Company service territory. Furthermore, the Project will increase transmission capacity within PECO’s service territory and remove congestion on existing facilities.

Additionally, PECO requested waiver of the requirement in 52 Pa. Code § 57.72(c)(10) to provide alternative routes and of the Commission’s interim guidelines at 52 Pa. Code § 69.3105, to the extent necessary. Much of the Project entails enhancing the connections between the substations near the Peach Bottom Nuclear Generation Station, and the rest of the Project uses existing PECO transmission rights-of-way west and south towards the Pennsylvania and Maryland border. The Project proposes leveraging PECO’s existing rights-of-way to connect these substations through direct and relatively straight transmission routes as these routes are the most efficient and cost-effective options and will have the least potential impacts on their surroundings. Any alternative routes would have considerably more significant environmental, community, and landowner impacts and require significant greenfield construction.

Pursuant to Section 57.72(e) of the Commission’s regulations, one or more of the Commission’s siting requirements may be waived, and as explained in the Application the Commission has in other cases permitted projects to proceed without specifying alternative routes. Nevertheless, PECO’s Application provides considerable analysis and explanation as to why there are no reasonable alternative routes for the proposed Project and provides an analysis of the alternative corridors studied and why the proposed route is clearly preferable.

PECO served the Application and Waiver on the Office of Consumer Advocate, the Office of Small Business Advocate, the Commission’s Bureau of Investigation & Enforcement, and relevant state and local agencies. PECO also served a Notice of Filing on additional relevant state and local agencies and all impacted landowners.

On October 9, 2024, the ALJ issued a Prehearing Order, scheduling a telephonic Prehearing Conference for December 19, 2024, and providing that formal protests and petitions to intervene must be filed on or before December 3, 2024. The Prehearing Order also directed PECO to publish notice of the Prehearing Conference and deadline to file a protest or intervention in two newspapers at least 45 days prior to the Prehearing Conference. PECO published legal notice of the Prehearing Conference and deadline for the filing of protests and petitions to intervene separately in both the *York Daily Record* and *The York Dispatch* on November 1, 2024, and November 8, 2024, and PECO filed proof of publication of the legal notices on November 22, 2024. On December 3, 2024, Transource Pennsylvania, LLC (“Transource”) filed a petition to intervene in support of the Application.

Prior to the Prehearing Conference, PECO intends to file several amended attachments (the “Amended Attachments”) to provide additional clarity regarding the scope this Application in light of discussions with Transource and to reflect minor design changes to certain transmission structures to avoid difficult terrain.

## **II. STATEMENT OF ISSUES**

As set forth in the Application, PECO seeks approval to site the Project and construct transmission lines and related facilities to mitigate significant and widespread reliability issues identified by PJM. In conjunction with Application, PECO is requesting a waiver of 52 Pa. Code § 57.72(c)(10), to the extent necessary, because the Project meets one or more of the criteria under 52 Pa. Code § 57.72(d)(1) on a segment-by-segment basis, as further explained in the Application.

There is no reasonable better alternative for the Project and PECO's alternative corridor evaluation achieves the objective of 52 Pa. Code § 57.72(c)(10) and indicates there would be no benefit in PECO conducting additional analysis of specific routes within the identified alternative corridors.

PECO published notice of this Prehearing Conference in accordance with the Prehearing Conference Order and also provided public notices in accordance with Section 69.3102 of the Commission's Interim Siting Guidelines, 52 Pa. Code § 69.3102. PECO served copies of this application on the entities identified in 52 Pa. Code § 57.74 of the Commission's regulations and to representatives of Peach Bottom Township and York County, where the Project would be constructed. In addition, PECO held a public information meeting in Delta, Pennsylvania, after publishing a notice of the Open House in the *York Daily Record*, a local newspaper. The meeting was attended by approximately 35 people, and PECO representatives presented details of the Project and answered questions from the public. PECO also maintains a website for the Project where stakeholders can view key project information.

Transource is the only party to intervene in this proceeding, and Transource has intervened in support of the Application. PECO and Transource have engaged in discussions to address concerns Transource identified in several exhibits to PECO's Application, which PECO has sought to address in the Amended Attachments.

In light of the lack of opposition to the Project and PECO's Application, PECO respectfully proposes that this matter be assigned to the Commission's Bureau of Technical Utility Services ("TUS") for resolution. Such a reassignment would be consistent with the ALJ's decision regarding Transource's own application for the Bramah substation, which will be interconnected to Project facilities. *See Interim Order Reassigning Application, Application of Transource Pennsylvania, LLC*, Docket No. A-2024-3049272 et al. (Order entered August 27, 2024). In order

to ensure that any additional issues of concern to Transource are resolved, PECO proposes that any assignment to TUS be held in abeyance until February 1, 2025. In the event that any issues develop which require hearings, PECO would work with Transource to develop a schedule for consideration by the ALJ and submit any such schedule prior to February 1, 2025.

### III. WITNESSES

On September 30, 2024, PECO submitted its Application and Petition for Waiver along with the direct testimony and accompanying exhibits of the following witnesses. In the event of hearings, each of these witnesses will testify.

- **William J. Patterer** – Mr. Patterer is PECO’s Vice President of Projects and Contracts. He provides an overview of the Project as well as the additional testimonies and exhibits filed by PECO in support of the Application, describes PECO’s process for preparing and filing the Application, and explains how PECO will oversee the construction, operations, and maintenance of the Project.
- **Amber C. Thomas** – Ms. Thomas is Exelon’s Senior Manager of Transmission Strategy. She provides an overview of transmission-related system planning (including the PJM Regional Transmission Expansion Plan), the need for the Project to address reliability concerns identified by PJM, and PECO’s obligation to complete the Project.
- **Barry A. Baker** – Mr. Baker is Vice President and Practice Lead for AECOM Technical Services Corporation. He describes the proposed route for the project, why there is no reasonable better alternative, and the steps taken to assess such alternatives. He also summarizes the social, environmental, and engineering

considerations for the Project, and explains the public outreach efforts undertaken by PECO.

- **Drew Davis** – Mr. Davis is PECO’s Vice President of Transmission and Substations. He explains the major design features of the Project, describes the safety features that will be incorporated into the Project, and explains PECO’s electromagnetic field policy and measures to mitigate the impacts of transmission lines.
- **Daniel F. Pacheco** – Mr. Pacheco is PECO’s Manager, Acquisition and Taxes, Real Estate and Facilities Department. He provides an overview of PECO’s existing transmission line rights-of-way, explains PECO’s process to acquire land rights for additional transmission line rights-of-way, and summarizes the status of negotiations with relevant landowners.

PECO may present additional witnesses in rebuttal of the direct testimony of other parties, if any. However, such witnesses cannot be identified until any other party files testimony and the issues raised in that testimony have been evaluated.

#### **IV. EVIDENCE**

If hearings are held, PECO will rely on the testimony of its witnesses that has or will be filed. PECO will also rely on the exhibits filed with the Application and may also present additional relevant exhibits, including but not limited to, materials obtained from other parties, if any, through discovery and cross-examination.

#### **V. PROCEDURAL RULES AND DISCOVERY**

PECO is not requesting any modification of the Commission’s procedural rules regarding discovery at this time. PECO agrees to cooperate regarding any requested modification to the Commission’s procedural discovery rules, if necessary.

## **VI. SERVICE LIST**

The names and addresses of PECO's attorneys in this matter who are authorized to receive notices and communications on their clients' behalf are:

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Mr. Kulak will serve as lead representative for PECO at the Prehearing Conference.

In addition to the above attorneys, PECO has filed motions for the admission of attorneys J. Daniel Skees and Robert P. Goldfin. If those attorneys are admitted, PECO requests that Mr. Skees and Mr. Goldfin also be included on any service list.

## **VII. PROPOSED SCHEDULE**

As PECO is respectfully proposing that this matter be assigned to the Commission's Bureau of Technical Utility Services in light of the absence of any opposition to the Application, PECO is not proposing a schedule at this time. If the ALJ requires a proposed schedule, PECO respectfully requests five (5) days from the date of the Prehearing Conference to confer with Transource to develop a schedule.

**VIII. CONCLUSION**

WHEREFORE, PECO respectfully submits this Prehearing Conference Memorandum.

Respectfully submitted,



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Dated: December 16, 2024

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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Located in Peach Bottom Township, York :  
County, Pennsylvania and Petition for :  
Waiver of 52 Pa. Code § 57.72(c)(10) :**

**CERTIFICATE OF SERVICE**

I hereby certify and affirm that I have this day served the **Prehearing Conference Memorandum of PECO Energy Company** in the above-referenced proceeding on the following persons, in the manner specified below, in accordance with the requirements of 52 Pa. Code § 1.54.

**VIA ELECTRONIC MAIL:**

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Dated: December 16, 2024

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