

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of PECO Energy Company :
Filed Pursuant to 52 Pa. Code §§ 57.71 et seq. : A-2024-3051463
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) :

PREHEARING ORDER #1

On September 30, 2024, PECO Energy Company filed its Application and Petition for Waiver, pursuant to 52 Pa. Code §§ 57.72 et seq. and the Pennsylvania Public Utility 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. Additionally, PECO Energy Company 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. The Application was filed with the Pennsylvania Public Utility Commission at Docket No. A-2024-3051463.

Also on September 30, 2024, PECO Energy Company filed its Application and Petition for Waiver, pursuant to 52 Pa. Code §§ 57.72 et seq. and the Pennsylvania Public Utility 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 Brandon Shores Retirement Mitigation Project. Additionally, PECO Energy Company 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. The Application was filed with the Pennsylvania Public Utility Commission at Docket No. A-2024-3051467.

By Initial Telephonic Prehearing Conference Notice issued on October 7, 2024, an Initial Call-In Telephonic Prehearing Conference was scheduled for these matters on December 19, 2024 at 10:00 a.m. and the matter was assigned to me.

On October 9, 2024, I issued a Prehearing Order also advising of the December 19, 2024 Prehearing Conference 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 this proceeding.

No other Petitions to Intervene or Protests were filed.

On December 18, 2024, PECO filed revised attachments 10, 12, 18, 19, and 20 accompanying the Application for the PJM 2022 Reliability Window #3 Project at Docket No. A-2024-3051463. PECO advised that each revised attachment reflects minor design changes to certain proposed transmission structures, and that the attachments are revised to provide clarity regarding the scope of the work included in the Application. PECO served this filing on the Commission's Bureau of Investigation and Enforcement, the Office of Consumer Advocate, the Office of Small Business Advocate, Transource, and on the Commission's Bureau of Technical Utility Services – Energy Division.

The Call-In Telephonic Prehearing Conference was held as scheduled on December 19, 2024. Counsel for PECO and Transource participated.

This Order sets forth the procedural matters addressed during the Prehearing Conference.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Petition to Intervene filed by Transource Pennsylvania, LLC is granted.
2. That the parties of record as of the date of this Prehearing Order are PECO Energy Company and Transource Pennsylvania, LLC.
3. That the parties must be represented by an attorney to participate in the formal hearing process, e.g., filing and responding to pleadings, presentation of testimony and evidence, participation in evidentiary hearings, and submission of briefs. *See* 52 Pa. Code § 1.21.
4. That PECO Energy Company's Petition for Waiver of the requirements 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, being unopposed, is granted.
5. That the Motions for Admission *Pro Hac Vice* filed on November 22, 2024 by Kenneth M. Kulak, Esq. on behalf of J. Daniel Skees, Esq. and Robert P. Goldfin Esq. are granted.
6. That J. Daniel Skees, Esq. and Robert P. Goldfin, Esq. are admitted *Pro Hac Vice* to represent PECO Energy Company in this proceeding pursuant to 52 Pa. Code §§ 1.22 and 1.23 and Pa. B.A.R. 301(a).

7. That the parties shall receive all documents and shall copy all other parties on documents they file with the Commission or serve on the undersigned. The parties shall serve the documents so that the documents are received in-hand by the parties and the undersigned no later than 4:30 p.m. on the dates listed. Parties may serve the documents via e-mail to meet this requirement as long as a party has consented to exclusively receive electronic service. Parties that have not consented to exclusively receive electronic service should also be served by first-class mail. Parties shall not file testimony with the Commission but shall file a certificate of service.

8. That my informal e-mail distribution list is as follows. Any changes or corrections should be communicated to me, via e-mail as soon as possible. Please include my legal assistant, Pamela McNeal, on anything you send to me.

Party	Counsel	e-mail
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9. That the parties shall conduct discovery pursuant to 52 Pa.Code §§ 5.321-5.373. The parties are encouraged to cooperate and exchange information on an informal basis. The parties shall cooperate rather than engage in numerous or protracted discovery disagreements that require formal resolution. All motions to compel shall contain a certification by counsel setting forth the informal discovery undertaken and their efforts to resolve their discovery disputes informally. If a motion to compel does not contain this certification, the parties will be directed to pursue informal discovery. There are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa.Code §§ 5.361, 5.371-5.372.

10. That a further Prehearing Conference be held on February 5, 2025. The purpose of this further Prehearing Conference will be to establish a litigation schedule for this proceeding in the event that the parties are not able to resolve all issues.

11. That the parties shall stipulate to any matters they reasonably can to expedite this proceeding, lessen the burden of time and expenses in litigation on all parties and conserve administrative hearing resources. 52 Pa.Code §§ 5.232 and 5.234.

12. That the parties should do their best to avoid the use of **Confidential Security Information (CSI)**, as defined by 35 P.S. § 2141 et seq., in this proceeding. Where possible, the parties should develop alternative means of introducing information into the record, such as joint stipulations or redaction when proposing testimony or exhibits. If the parties cannot avoid the use of CSI, the parties are to contact the presiding ALJ in advance of any submission, and prior to the evidentiary hearing.

13. That the parties are to confer amongst themselves in an attempt to resolve all or some of the issues associated with these proceedings. The parties are reminded it is the Commission's policy to encourage settlements. 52 Pa. Code §5.231(a). The parties are strongly urged to seriously explore settlement.

14. That the parties shall comply with the procedural rules and regulations discussed herein.

15. That any provision of this order may be modified upon motion and good cause shown by any party in interest in accordance with 52 Pa.Code § 5.223(a).

Date: January 14, 2025

Christopher P. Pell
Deputy Chief Administrative Law Judge

A-2024-3051463 – APPLICATION OF PECO ENERGY COMPANY-ELECTRIC FILED PURSUANT TO 52 PA. CODE §§ 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).

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