



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

February 19, 2025

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-2024-3052320
I&E Prehearing Conference Memorandum

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Prehearing Conference Memorandum of the Bureau of Investigation and Enforcement in the above-referenced matter.

Copies are being served on the parties of record in accordance with the attached 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'.

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

LDS/ac
Enclosures

cc: Administrative Law Judge John M. Coogan (*via e-mail only*)
Michael L. Swindler, Deputy Chief Prosecutor, I&E-Enforcement (*via e-mail only*)
As per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2024-3052320
	:	
PECO Energy Company,	:	
Respondent	:	

**PREHEARING CONFERENCE MEMORANDUM
OF THE
BUREAU OF INVESTIGATION AND ENFORCEMENT**

TO ADMINISTRATIVE LAW JUDGE JOHN COOGAN:

Pursuant to the Prehearing Conference Order that was issued on December 26, 2024, the Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Investigation and Enforcement (“I&E”) files this Prehearing Conference Memorandum in accordance with Section 5.222(d)(1) of the Commission’s regulations, 52 Pa. Code § 5.222(d)(1), in advance of the prehearing conference scheduled for February 21, 2025.

I. HISTORY OF THE PROCEEDING

On November 27, 2024, I&E filed a Formal Complaint against PECO Energy Company (“PECO”), at Docket No. C-2024-3052320 in connection with PECO’s failure to provide information requested in I&E’s Informal Investigation and Data Requests – Set I. If proven, this conduct would constitute violations of 66 Pa.C.S. §§ 504, 505 and 506.

In its Formal Complaint, I&E requested a total administrative penalty of Thirty Thousand Dollars (\$30,000.00) for the violations. I&E also requested that PECO be

compelled to provide the information requested in I&E’s Informal Investigation and Data Request – Set I.

On December 17, 2024, PECO filed an unopposed petition for a three-day extension to file its answer. That petition was granted on December 18, 2024.

On December 20, 2024, PECO filed an Answer to the Complaint. The Answer denied the violations and requested that I&E’s request for relief be denied.

On December 26, 2024, a Notice of a Telephonic Prehearing Conference was issued. Additionally on December 26, 2024, a Prehearing Conference Order was issued, directing the parties to file a Prehearing Memorandum.

On January 14, 2025, the pre-hearing conference was cancelled and rescheduled for February 21, 2025, through an updated Prehearing Conference Order.

On January 15, 2025, a new Prehearing Conference Order was issued, directing the parties to file a Prehearing Memorandum.

II. I&E PREHEARING CONFERENCE MEMORANDUM

A. Presently Identified Issues

The issues present in I&E’s complaint include PECO’s failure to provide the Commission the contents of their Root Cause Investigation report and Lessons Learned meeting minutes related to an incident that took place in Yeadon, Pennsylvania, on September 23, 2023. The failure to provide these documents inhibited I&E’s Pipeline Safety Division (“Pipeline Safety”) from completing its investigation into this matter. Ancillary issues include the potential imposition of a civil penalty and ordered turnover of the requested documents.

B. I&E Witnesses

I&E expects to present the testimony of the following witnesses:

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

I&E anticipates that Mr. Harchar will testify to the findings of his investigation, in addition to PECO's responses to data requests. I&E expects that Mr. Harchar's testimony will lend support to the violations alleged, the number of violations alleged, and the civil penalty and corrective actions sought.

Martin Salamonski
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Pipeline Safety Division
400 North Street
Harrisburg, PA 17120

I&E anticipates that Mr. Salamonski will testify to the findings of his investigation, in addition to PECO's responses to data requests. I&E expects that Mr. Salamonski's testimony will lend support to the violations alleged, the number of violations alleged, and the civil penalty and corrective actions sought.

I&E reserves the right to call other witnesses as necessary to address any issues that have been or are later raised during the course of this proceeding and will identify such additional witnesses within a reasonable period of time prior to the commencement of hearings. I&E's witness(es) may testify to additional matters based upon the issues identified by the parties.

C. List of Exhibits

At the present time, I&E proposes to introduce the following exhibits to be admitted into evidence:

1. PECO Administrative Procedure EP-PE-3008 (Event Lessons Learned) (**Confidential**¹);
2. PECO Exelon Utilities Process EA-EU-P105 (Corrective Action Program [CAP] Process) (**Confidential**);
3. Exelon Utilities Training and Reference Material (T&RM) EA-EU-P105-R0003 (**Confidential**); and
4. PECO's June 21, 2024, Response to I&E Data Request – Set I.

I&E reserves the right to supplement its list of exhibits and introduce additional exhibits as necessary to address any issues that have been or are later raised during the course of this proceeding and will identify such additional exhibits within a reasonable period of time prior to the commencement of hearings. Additionally, I&E reserves the right to supplement its list of exhibits and introduce additional exhibits as necessary to include any pertinent evidence that may be obtained throughout any discovery process that may occur.

D. Proposed Orders with Respect to Discovery

I&E does not expect to deviate from the rules governing discovery at 52 Pa. Code § 5.321 *et seq.*

E. Proposed Litigation Schedule

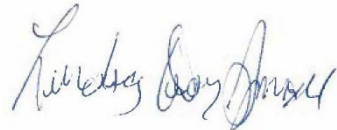
I&E proposes that preparation of a litigation schedule be stayed in order to provide the parties an opportunity to discuss the possibility of settlement of this matter. In the

¹ Exhibits deemed “confidential” will be placed on the proprietary record.

alternative, I&E proposes the following litigation schedule:

1. Written direct testimony due on May 23, 2025;
2. Written rebuttal testimony due on June 20, 2025;
3. Witness schedule due 3 business days before hearing;
4. Hearing to occur the week of August 4; and
5. Briefing schedule to be established at hearing.

Respectfully submitted,



Lindsay Dearing Szymanski
Prosecutor
PA Attorney ID No. 317073

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
(717) 787-3663
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Date: February 19, 2025

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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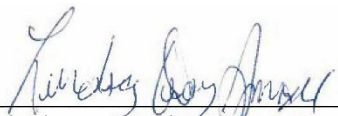
CERTIFICATE OF SERVICE

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

Service by Electronic Mail

Jack R. Garfinkle, Esquire
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Dated: February 19, 2025