

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Letter of Notification of PECO Energy Company :
for approval to construct the 220-09 230 kV :
Transmission Line Tap Project located in East : Docket No. A-2025-3054731
Whiteland Township, Chester County, :
Pennsylvania

**PETITION OF JULIANNA FERRIS FOR RESCISSION OR AMENDMENT OF THE
COMMISSION'S OCTOBER 9, 2025 ORDER PURSUANT TO 66 PA. C.S. § 703(g) AND
52 PA. CODE § 5.572**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Julianna Ferris (“Petitioner”), a resident of Charlestown Township, Chester County, Pennsylvania, residing in close proximity to the project site, respectfully petitions the Commission, pursuant to Section 703(g) of the Public Utility Code, 66 Pa. C.S. § 703(g), and 52 Pa. Code § 5.572(d), to rescind or amend its Order entered October 9, 2025 at the above docket (the “Order”), or, in the alternative, to exercise its authority under Section 703(g) on its own motion, on the ground that the Order was entered upon a record containing material misrepresentations and omissions concerning the environmental status of the project site. In support, Petitioner states as follows:

I. PARTIES AND PETITIONER'S INTEREST

1. Petitioner is Julianna Ferris, an adult individual residing at 28 Mountain Laurel Lane, Malvern, Pennsylvania 19355, in Charlestown Township, Chester County, immediately adjacent to East Whiteland Township. Petitioner files on her own behalf and on behalf of Concerned Citizens of East Whiteland.

2. Respondent PECO Energy Company (“PECO”) is a public utility with a principal place of business at 2301 Market Street, Philadelphia, Pennsylvania 19103. PECO is represented in this matter by Kenneth M. Kulak, Esq., Morgan, Lewis & Bockius LLP, 2222 Market Street, Philadelphia, Pennsylvania 19103.

3. Petitioner resides five miles from the Site and relies on a private well for drinking water. The Third Five-Year Review states that EPA has not determined how far Site-related groundwater contamination extends, that groundwater flow direction beneath the Site is variable, and that the well survey needed to determine whether nearby private wells are affected has not been completed. The same Review states that vapor intrusion from PCE, TCE, and benzene contamination cannot be ruled out. Petitioner's interest in this proceeding is therefore direct: the safety of her drinking water and the air she breathes are matters EPA's own record leaves unresolved, and the Order was entered without any acknowledgment that this uncertainty exists.

II. PROCEDURAL HISTORY

4. On April 14, 2025, PECO filed a Letter of Notification (“LON”) pursuant to 52 Pa. Code § 57.72(d)(1)(vi) seeking approval of the siting and construction of the 220-09 230 kV Transmission Line Tap Project in East Whiteland Township, to serve the proposed Green Fig data center adjacent to PECO's Planebrook Substation. The LON was verified subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

5. No protests were filed and no hearings were held. By Order adopted and entered October 9, 2025, the Commission approved the LON, finding the filing “not . . . inconsistent with the applicable law or Commission policy regarding transmission line siting and, therefore, to be in the public interest.” Order at 5.

6. Ordering Paragraph 2 directs PECO to file final project costs upon completion, and Ordering Paragraph 3 provides that the docket be closed only upon completion of that filing. Upon information and belief, PECO has not yet filed final project costs, and this docket accordingly remains open and within the Commission's jurisdiction.

III. LEGAL STANDARD

7. Section 703(g) of the Code provides that the Commission may, at any time, after notice and opportunity to be heard, rescind or amend any order made by it. 66 Pa. C.S. § 703(g). The Commission's regulations confirm that petitions for rescission or amendment “may be filed at any time.” 52 Pa. Code § 5.572(d).

8. Under *Duick v. Pennsylvania Gas and Water Co.*, 56 Pa. P.U.C. 553 (1982), such a petition should raise new and novel arguments not previously heard, or considerations which appear to have been overlooked or not addressed by the Commission. The matters set forth below were never presented to, considered by, or addressed by the Commission prior to entry of the Order, and could not have been, because PECO's filing affirmatively represented that no such matters existed.

IV. GROUNDS FOR RESCISSION OR AMENDMENT

A. The LON represented that the Project raised no environmental matters.

9. Paragraph 22 of the LON represents that there are “no proposed direct or indirect impacts to the environment” and “no environmental matters” associated with the Project, and that a Pennsylvania Department of Environmental Protection permit and PNDI review were not expected to be required. This representation was verified subject to 18 Pa. C.S. § 4904 by PECO's Vice President, Transmission and Substation.

B. The Project site is an active federal Superfund site with documented, unresolved contamination.

10. The property to be served, 15 South Bacton Hill Road (EPA Site ID PAD077087989), is part of the Foote Mineral Co. Superfund site, which has been on the National Priorities List under CERCLA since 1992.

11. In September 2024, approximately seven months before PECO filed the LON, the United States Environmental Protection Agency issued its Third Five-Year Review for the site. That Review found that soil cleanup goals may not be protective for workers or children, with non-cancer hazard indices up to thirty times EPA's threshold; found groundwater contamination exceeding acceptable limits by a factor of 550; found that vapor intrusion could not be ruled out

given documented PCE, TCE, and benzene contamination; and deferred a protectiveness determination for the site.

12. The LON itself describes physical work on that property. Paragraph 12 states that approximately 220 feet of the line tap will be located on the customer's property within a new right-of-way approximately 100 feet in width; Paragraph 18 states that the new right-of-way will be cleared of vegetation as part of construction; Attachment 2, response to Question 7, states that PECO was negotiating land rights with the customer for that portion of the line; and the Plan and Profile drawings identify a customer takeoff structure to be constructed on the property.

13. Vegetation clearing, easement construction, structure erection, and associated vehicle access on a National Priorities List parcel with soil contamination that EPA has found potentially unprotective for workers are, on their face, environmental matters. The representation in Paragraph 22 that no environmental matters existed was therefore materially false or, at minimum, materially incomplete when made.

C. The Order was entered without the material facts.

14. The Order makes no mention of the Superfund status of the site, the September 2024 Five-Year Review, soil or groundwater contamination, vapor intrusion, or worker safety. The Commission's finding that the Project is in the public interest was made on a record from which these facts were absent because PECO's sworn filing represented that they did not exist.

15. An order procured upon a materially false or incomplete record cannot support the public interest finding on which it rests. These are precisely the overlooked considerations that Section 703(g) and Duick exist to reach.

16. Petitioner raised these matters directly with PECO's counsel by letters dated June 15, 2026 and July 9, 2026. PECO's July 1, 2026 response stated that no portion of the customer's property will be disturbed, a statement inconsistent with Paragraphs 12 and 18 of, and Attachment 2 to, PECO's own sworn LON. PECO has not addressed the Superfund status of the site, the EPA findings, or vapor intrusion screening at the construction footprint.

D. Article I, Section 27 of the Pennsylvania Constitution.

17. Article I, Section 27 of the Pennsylvania Constitution guarantees the people a right to clean air, pure water, and the preservation of the natural, scenic, historic and esthetic values of the environment, and constitutes the Commonwealth, including this Commission, trustee of those resources. The Commission's trustee obligation cannot be discharged on a record from which the site's documented contamination was omitted.

V. RELIEF REQUESTED

WHEREFORE, Petitioner respectfully requests that the Commission:

- (a). Rescind or amend its October 9, 2025 Order pursuant to 66 Pa. C.S. § 703(g) and 52 Pa. Code § 5.572, or in the alternative exercise its authority under Section 703(g) on its own motion;
- (b). Direct PECO to supplement the record to address the Superfund status of the project site, the September 2024 EPA Third Five-Year Review, soil and vapor intrusion screening at the construction footprint, and the reconciliation of Paragraph 22 of the LON with the facts set forth above;
- (c). Direct that this docket remain open and not be closed pursuant to Ordering Paragraph 3 of the October 9, 2025 Order pending resolution of this Petition;
- (d). To the extent the Commission determines that Petitioner lacks standing as a non-party to seek relief under Section 703(g), treat this Petition as a formal complaint pursuant to 66 Pa. C.S. § 701 and 52 Pa. Code § 5.21; and
- (e). Grant such other relief as the Commission deems just and proper.

Respectfully submitted,



Julianna Ferris

28 Mountain Laurel Lane

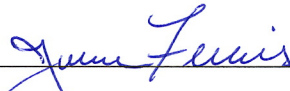
Malvern, PA 19355

Pro se

Dated: July 4, 2026

VERIFICATION

I, Julianna Ferris, hereby state that the facts set forth in the foregoing Petition are true and correct to the best of my knowledge, information and belief. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.



Julianna Ferris
Dated: July 14, 2026

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing Petition upon the persons listed below, in accordance with the requirements of 52 Pa. Code §§ 1.54, 5.41(b) and 5.572(b):

Via First-Class Mail and E-Mail:

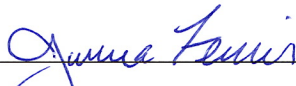
Kenneth M. Kulak, Esq.
Morgan, Lewis & Bockius LLP
2222 Market Street
Philadelphia, PA 19103-3007
Counsel for PECO Energy Company

Via First-Class Mail:

Office of Consumer Advocate
555 Walnut Street, 5th Floor, Forum Place
Harrisburg, PA 17101-1923

Office of Small Business Advocate
555 Walnut Street, 1st Floor, Forum Place
Harrisburg, PA 17101

Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265



Julianna Ferris
Dated: July 14, 2026