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July 24, 2026

VIA OVERNIGHT DELIVERY

Matthew Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
Harrisburg, PA 17120

DATE OF DEPOSIT

JUL 24 2026

PA Public Utility Commission
Secretary's Bureau

**Re: Letter of Notification of PECO Energy Company Filed Pursuant to
52 Pa. Code §§ 57.71 *et seq.* for Approval of the Siting and Construction of the
220-09 Line Tap Project Located in East Whiteland Township, Chester
County, Pennsylvania
Docket No. A-2025-3054731**

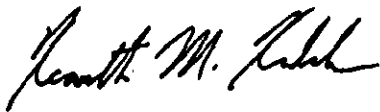
Dear Secretary Homsher:

Enclosed for filing in the above-captioned proceeding is the Answer of PECO Energy Company to the Petition of Julianna Ferris for the Rescission or Amendment of the Commission's October 9, 2025 Order.

Copies of the Answer have been served on the parties listed on the Certificate of Service.

If you have any questions, please call me directly at 215.963.5384.

Very truly yours,



Kenneth M. Kulak

KMK/ap
Enclosure

c: Per Certificate of Service (w/encls.)

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DATE OF DEPOSIT

JUL 24 2026

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**
Public Utility Commission
Secretary's Bureau

**LETTER OF NOTIFICATION OF PECO :
ENERGY COMPANY FOR APPROVAL :
TO CONSTRUCT THE 220-09 230kV : DOCKET NO. A-2025-3054731
TRANSMISSION LINE TAP LOCATED IN :
EAST WHITELAND TOWNSHIP, :
CHESTER COUNTY, PENNSYLVANIA :**

**ANSWER OF PECO ENERGY COMPANY
TO THE PETITION OF JULIANNA FERRIS FOR RESCISSION OR
AMENDMENT OF THE COMMISSION'S OCTOBER 9, 2025 ORDER**

Pursuant to 52 Pa. Code §§ 5.572(e), PECO Energy Company ("PECO" or the "Company") files this Answer to the Petition of Julianna Ferris for Rescission or Amendment of the Commission's October 9, 2025 Order ("Petition") filed on July 15, 2026, at the above-captioned docket.¹ The Petition seeks rescission or amendment of the Commission's Order (the "LON Order") approving PECO's Letter of Notification ("LON") for the 220-09 230 kV Transmission Line Tap Project (the "Project") pursuant to 66 Pa. C.S. § 703(g) and 52 Pa. Code § 5.572.

The standards of the Pennsylvania Public Utility Commission (the "Commission") for petitions for rescission and amendment are well-established. Under *Duick v. Pennsylvania Gas and Water Co.*, 56 Pa. P.U.C. 553 (1982) ("*Duick*"), a petition for rescission or amendment should raise new and novel arguments not previously heard, or considerations which appear to have been overlooked or not addressed by the Commission.

¹ The Certificate of Service to the Petition attests that counsel for PECO was served by first-class mail and e-mail on July 14, 2026. Counsel for PECO did not receive e-mail service of the Petition and subsequently received delivery by UPS Ground Mail (not overnight delivery) during the afternoon of July 15, 2026.

As a threshold matter, Ms. Ferris lacks standing to challenge the LON Order as she was not a party to the proceedings in which PECO sought approval of the LON and does not have a sufficient interest in the Project. But even assuming standing, each of her allegations is legally without merit and does not present any issues that have been “overlooked” or “not addressed” by the Commission. As PECO’s LON and the LON Order make clear, the Project involves tapping into an overhead transmission line near PECO’s Planebrook substation (the “Substation”) to provide service to a new customer on property adjoining the Substation via another overhead line. The relevant environmental matters of the Project were fully presented to the Commission by PECO in seeking Commission approval.

Following a brief background section, PECO addresses the legal flaws in the Petition and then addresses each of the separately numbered paragraphs in the Petition. For the reasons set forth below, the Petition should be dismissed in its entirety.²

I. BACKGROUND

On April 14, 2025, PECO filed the LON pursuant to 52 Pa. Code § 57.72(d)(1)(vi) of the Commission’s transmission siting regulations.³ As set forth in the LON, PECO sought approval to construct the 220-09 overhead transmission line tap (the “Line Tap”) in East Whiteland Township, Chester County, Pennsylvania. The Line Tap will connect to PECO’s existing 220-09

² Ms. Ferris asks that if the Commission determines that Ms. Ferris lacks standing as a non-party to see relief under Section 703(g) of the Public Utility Code, she requests that the Commission treat her Petition as a formal complaint. *See* Petition, p. 5. Because it is not clear how the Petition could constitute a complaint or that Ms. Ferris would have standing to pursue a complaint for the reasons described herein, the Commission should simply dismiss the Petition. Should Ms. Ferris determine thereafter to submit a complaint in the future, that complaint can be addressed in accordance with the Commission’s regulations.

³ LON Approval Order, p. 1.

line near the Substation.⁴ Approximately half of the Line Tap will be located within existing property owned by PECO and supported by three new steel monopole structures located entirely within the existing property owned by PECO and not on the property of the customer.⁵ The Line Tap will be approximately 420 feet long, with approximately 220 feet over the property of the customer.⁶

In the LON, PECO explained that the Project is not expected to require any permit from the Pennsylvania Department of Environmental Protection.⁷ Furthermore, in accordance with the Commission's regulations requiring that a letter of notification include "[a] statement identifying litigation concluded or in progress which concerns property or matter relating to the proposed HV line, right-of-way route or environmental matters,"⁸ the LON correctly stated that "[t]here is currently no pending litigation regarding the right-of-way or environmental matters related to the Project."⁹

No party protested the LON, and Commission determined that the LON was not inconsistent with applicable law or Commission policy regarding transmission line siting. The Commission entered the LON Approval Order on October 9, 2025.

⁴ *Id.*, p. 2.

⁵ *Id.*, p. 2.

⁶ *Id.*, p. 2.

⁷ LON, Attachment 2, p. 5.

⁸ 52 Pa. Code § 57.72(c)(14).

⁹ LON, p. 4.

II. THE PETITION SHOULD BE DISMISSED IN ITS ENTIRETY

In *Duick*, the Commission provided the following guidance on the criteria it would consider in deciding requests for reconsideration:

A petition for reconsideration, under the provisions of 66 Pa.C.S. § 703(g), may properly raise any matters designed to convince the Commission that it should exercise its discretion under this code section to rescind or amend a prior order in whole or in part. In this regard we agree with the Court in the Pennsylvania Railroad Company case, wherein it was said that "[p]arties . . . cannot be permitted by a second motion to review and reconsider, to raise the same questions which were specifically considered and decided against them. . . ." What we expect to see raised in such petitions are new and novel arguments, not previously heard, or considerations which appear to have been overlooked or not addressed by the Commission. Absent such matters being presented, we consider it unlikely that a party will succeed in persuading us that our initial decision on a matter or issue was either unwise or in error.

In exercising Commission authority to amend or rescind an order pursuant to Section 703(g) of the Public Utility Code, the Supreme Court of Pennsylvania has emphasized that "[b]ecause such relief may result in disturbance of final orders, it must be granted judiciously and only under appropriate circumstances."¹⁰

In this case, the Commission need not consider whether the *Duick* standard has been met because Ms. Ferris does not have standing to seek rescission or amendment of an order in proceedings in which she did not participate. But even assuming standing, she does not meet the

¹⁰ See *City of Pittsburgh v. Pa. Dept. of Trans.*, 416 A.2d 461, 471 (Pa. 1980).

requirements of *Duick* as there are no environmental matters associated with Line Tap that require consideration by the Commission.

Ms. Ferris Lacks Standing to Seek Rescission or Amendment of the LON Order. Under Commission precedent, a party who is not a party to proceeding cannot seek reconsideration or similar relief under Section 703(g) of the Code. As the Commission has explained:

We believe it would be a disservice to parties in this proceeding to allow a non-party to file a Petition for Reconsideration raising issues that have not been raised by the Parties. Moreover, the practice of allowing non-parties to file Petitions for reconsideration could interfere with the just, speedy and inexpensive determination of Commission actions and proceedings.¹¹

More broadly, Ms. Ferris generally lacks standing to challenge the LON Approval Order under well-established principles of standing under Pennsylvania law. In *Sunoco Pipeline v.*

Dinniman and Pa.P.U.C., the Commonwealth Court set forth these principles:

To have standing to pursue a formal complaint before the PUC, the complainant must be aggrieved. A complainant can demonstrate that he is aggrieved if he can establish that he has a “direct, immediate, and substantial interest in the subject matter of the controversy.” Our Supreme Court explained . . . that standing requires the complaining party to show a “harm to his interest,” and the harm must be neither remote nor speculative. In addition, the complaining party must show “some discernible adverse effect to some interest other than the abstract interest of all citizens in having others comply with the law.”

Stated simply, standing requires the complainant to be “negatively impacted in some real and direct fashion.” Absent that negative impact, the moving party lacks standing to pursue a formal complaint before the PUC.¹²

¹¹ *Application of Peregrine Keystone Gas Pipeline, LLC for Approval of a Non-Exclusive Basis to Begin to Offer, Render, Furnish, or Supply Natural Gas Gathering, Compression, Dehydration, and Transportation or Conveying Service by Pipeline to the Public in All Municipalities Located in Greene and Fayette Counties and in East Bethlehem Township in Washington County, Pennsylvania*, Docket No. A-2010-22200201 (Order entered Dec. 5, 2012), pp. 8-9.

¹² *Sunoco Pipeline v. Dinniman and Pa.P.U.C.*, 217 A.3d 1283, 1288-89 (Pa. Commw. 2019) (“*Dinniman*”).

On the face of the Petition, Ms. Ferris clearly cannot demonstrate a “negative impact” from the overhead Line Tap. While Ms. Ferris does not clearly identify what she means by “site” in her Petition, even assuming that “site” corresponds to the Substation or even the customer’s property, Ms. Ferris states that she lives five miles from the “site.”¹³ To the extent that Ms. Ferris is concerned about groundwater issues, she never alleges how the installation of the overhead Line Tap will (or even could) impact groundwater flow or direction to her residence five miles away. The LON Approval Order simply does not authorize the construction of any structures on the customer’s property.¹⁴

Furthermore, to the extent Ms. Ferris purports to represent the “Concerned Citizens of East Whiteland,” she fails to provide any allegations to establish her authority (particularly as a resident of Malvern, Pennsylvania) to do so or to show how those other unnamed individuals could be affected by the Line Tap.¹⁵

The LON Was Not Materially False Or Incomplete and Ms. Ferris’s Environmental Claims Lack Merit. Even if Ms. Ferris could establish standing, her claim for rescission or amendment rests on any allegation that the LON was incomplete or false is simply wrong. As noted above, the Commission requires LONs to include “[a] statement identifying litigation concluded or in progress which concerns property or matter relating to the proposed HV line, right-of-way route or environmental matters,” and that is exactly what PECO did in stating that “[t]here is currently no pending litigation regarding the right-of-way or environmental matters

¹³ Petition, ¶ 3. Ms. Ferris does not allege that PECO’s property is part of a Superfund site. See Petition, ¶ 10 (referring to “the property to be served”).

¹⁴ Cf. *Dinniman*, at 1289 (finding a lack of standing where state senator lived two miles from pipeline and construction of pipeline had no adverse effects on his property or public water supply).

¹⁵ Petition, ¶ 1.

related to the Project.” The Petition identifies no such litigation. Furthermore, nothing in the Commission’s regulations required PECO to describe the environmental status of the customer’s property when PECO will not be undertaking any construction activities on that property.

Since PECO clearly complied with the Commission’s LON requirements, Ms. Ferris attempts to define ordinary utility activities, such as vegetation management, as “environmental matters” and thereby seek to litigate before the Commission the protectiveness of a remedial action arising under the federal Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601, et seq. (“CERCLA”). This approach provides no basis for revisiting the LON Approval Order.

The Petition alleges that the Project involves four activities – vegetation clearing, easement construction, structure erection, and associated vehicle access in an area allegedly unprotective for workers that purportedly are “environmental matters.”¹⁶ On its face, this assertion that utility activities routinely performed to provide reliable electric service rise to the level of “environmental matters” requiring special review by the Commission is incorrect for several reasons.

First, the Petition points to no legal support for asserting that vegetation clearing in connection with providing new electric service is an “environmental matter” because there is no such legal support. As an analogous matter, the U.S. Department of Energy has determined vegetation management including trimming, and removal of incompatible vegetation by the Western Area Power Administration is categorically excluded from review under the National Environmental Policy Act (NEPA), which otherwise requires federal agencies to incorporate

¹⁶ Petition, ¶ 13.

environmental considerations into their planning and decision-making.¹⁷ In any event, vegetation clearing will be performed by the customer on its property as part of the customer's construction activities, not by PECO.¹⁸

Second, there is no "easement construction" (Petition, ¶ 13) because an easement is not constructed; it is the right to use the land of another for a special purpose. *See Coffin v. Old Orchard Dev. Corp.*, 408 Pa. 487, 494 (1962). Third, as described in the LON, PECO is erecting no structures on the Foote Minerals site; all of PECO's construction is located on PECO's property.¹⁹ Fourth, any worker protection concerns arising out of vehicle access is addressed through the requirements of the Occupational Safety and Health Administration (OSHA), not environmental law, and addressed in the LON.²⁰ As such, the Petition raises no "environmental matters" not addressed in the LON and requiring review by the Commission.

There are certain activities by a utility that are environmental and require environmental authorizations, but none of those are present in the Project. For example, crossing or encroaching on a stream or wetlands typically requires a permit from the Pennsylvania Department of Environmental Protection ("PaDEP") and the disturbance of an acre or more of earth will require a National Pollutant Discharge Elimination System ("NPDES") Permit for Stormwater Associated with Construction Activities from PaDEP.²¹ PaDEP requires applicants for permits to assess the potential presence of protected species through the Pennsylvania Natural

¹⁷ See <https://www.energy.gov/nepa/articles/cx-025249-vegetation-management-hand-work-activities>.

¹⁸ LON, ¶ 18.

¹⁹ LON, ¶ 12.

²⁰ *See id.*, ¶ 15.

²¹ *See* 25 Pa. Code 105.11; 25 Pa. Code § 102.5(a).

Diversity Inventory ("PNDI").²² None of those issues, however, are applicable in this matter; the LON clearly identifies those programs and their inapplicability, Ms. Ferris has not contested that the Project is not engaged in such environmental matters.

Ms. Ferris's attempt to characterize the Project as an "environmental matter" by challenging the CERCLA remedy at the Foote Mineral Co. Superfund site ("Foote Mineral site") is not appropriate for this proceeding. The Petition references the Third Five-Year Review report that the United States Environmental Protection Agency ("EPA") performed with respect to the Foote Mineral site. A Five-Year Review, however, is a process that EPA performs at CERCLA cleanup sites where the remedy is complete and allows hazardous substances to remain on site. See 40 C.F.R. § 300.430(f)(4)(ii). Remedies that authorize hazardous substances to remain on site are selected only after a determination is made that the remedy is protective of human health and the environment and complies with applicable or relevant and appropriate requirements ("ARARs") from federal or state environmental laws, regulations, and standards, and that balances factors such as long-term effectiveness, permanence, reduction of toxicity, mobility, or volume through treatment, short-term effectiveness, implementability, and cost, and then is modified as necessary to address state and community acceptance. See 40 C.F.R. § 300.430(f)(1)(i). Foremost, the selected remedial action "shall be protective of human health and the environment." 40 C.F.R. § 300.430(f)(ii)(A). The Petition's selective use of inflammatory-sounding language from the Third Five Review in an effort to obtain the Commission's review of a federal CERCLA site ignores the legal structure associated with the remediation of that site through which EPA determined the protectiveness of human health and the environment, is

²² See Department of Environmental Protection, Policy for Pennsylvania Natural Diversity Inventory (PNDI) Coordination During Permit Review and Evaluation, Doc. No. 021-0200-001 (May 25, 2013).

continuing to exercise oversight, and by law considered the concerns of the Commonwealth and the community.

Petitioner's challenge to the Order appears to be an attempt to challenge either the remediation of the Foote Mineral site or the customer's plans for the use of its property. Petitioner alleges that her interest is in "the safety of her drinking water and the air she breathes" as "matters EPA's own record leaves unresolved." Petition, ¶ 3. This description appears as if it is a matter arising under CERCLA challenging the EPA-approved remedy for the Foote Mineral site, and the Petition references no Pennsylvania statute governing the environmental remedy at the Foote Mineral site. To the extent this is the case, the Commission does not have jurisdiction. CERCLA provides that "[e]xcept as provided in subsections (a) [review of regulations in Circuit Court] and (h) [limits on federal court jurisdiction] of this section, the United States district courts shall have exclusive original jurisdiction over all controversies arising under this chapter, without regard to the citizenship of the parties or the amount in controversy."²³

The Pennsylvania Environmental Rights Amendment. In the Petition, Ms. Ferris also references Article I, Section 27 of the Pennsylvania Constitution (the "Environmental Rights Amendment") and argues that the Commission's trustee obligation under the Environmental Rights Amendment "cannot be discharged on a record from which the site's documented contamination was omitted."²⁴ As discussed above, there was no omission from the record relating to the Project, Ms. Ferris does not have standing to pursue such a claim, and her environmental claims are entirely without merit. The Environmental Rights Amendment provides no additional basis for rescission or amendment of the LON Approval Order.

²³ 42 U.S.C. § 9613(b).

²⁴ Petition, ¶ 17.

III. ANSWERS TO THE AVERMENTS IN THE NUMBERED PARAGRAPHS OF THE PETITION

1. The Company lacks information or knowledge to either confirm or deny the averments of Paragraph No. 1.
2. Admitted.
3. PECO is without information and belief regarding the averments of Paragraph 2 are denied and proof is demanded, if relevant, at any hearing hereon.
4. Admitted.
5. Admitted.
6. Admitted.
7. The averments set forth in Paragraph No. 7 are conclusions of law to which no response is required and, therefore, are deemed denied.
8. The averments set forth in Paragraph No. 8 are conclusions of law to which no response is required and, therefore, are deemed denied; to the extent they are allegations of fact, they are denied.
9. Denied as stated. Paragraph 9 of the Petition misrepresents Paragraph 22 of the LON. The LON states that "[t]he Project will not cross or impact any streams or wetlands and there are no proposed direct or indirect impacts to the environment" and proceeds to describe that a Pennsylvania Department of Environmental Protection permit is not required (*i.e.*, the Project disturbs less than one acre of soil and results in no impact to mapped streams or

wetlands) and no Pennsylvania Natural Diversity Inventory is expected to be required. These statements are accurate and uncontested by Petitioner. Letter of Notification, ¶ 22.

10. It is admitted that the new customer to be served by the Project is located at 15 South Bacton Hill Road. The remaining averments of Paragraph 10 are denied and proof is demanded, if relevant, at any hearing hereon. Letter of Notification, ¶¶ 12, 17.

11. The averments of Paragraph 11 are denied and proof is demanded, if relevant, at any hearing hereon. In further answer and discussed thoroughly in Section II above, the Petition's reference to the Third Five-Year Review report that the EPA performed with respect to the Foote Mineral site is irrelevant as such report is not associated with, or applicable to the Project.

12. Denied as stated. Approximately 220 feet of the total 420 feet line for the Project will be located on the property of the customer. Letter of Notification, ¶ 12. PECO is not constructing any structures on the customer property, the supportive structures for the Project, including three steel monopole structures and aluminum conductor, steel reinforced conductors, will be located within existing property owned by PECO. *Id.* Vegetation will be cleared on the site as part of customer's construction activities (not by PECO). Afterwards, PECO will clear vegetation in the right-of-way on the customer's property in accordance with standard vegetation

management practices, all applicable National Electrical Safety Code ("NESC") minimum standards and all applicable legal requirements. LON, p. 18.

13. Denied for the reasons set forth in Section II. above.

14. Denied for the reasons set forth in Section II. above.

15. Denied for the reasons set forth in Section II. above.

16. PECO admits it received letters from Ms. Ferris dated June 15, 2026 and July 9, 2026, and replied to Ms. Ferris's June 15, 2026 letter on July 1, 2026; the remainder of Paragraph 16 is denied.

17. The provisions of Article I, Section 27 of the Pennsylvania Constitution speak for themselves; the remainder of Paragraph 27 is denied.

18. Section V. Paragraph Nos. (a)-(e) contain requests for relief to which no response is required.

WHEREFORE, for the foregoing reasons, PECO respectfully requests that the Petition be denied.

Respectfully submitted,



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Counsel for PECO Energy Company

Dated: July 24, 2026

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**LETTER OF NOTIFICATION OF PECO :
ENERGY COMPANY FOR APPROVAL :
TO CONSTRUCT THE 220-09 230kV : DOCKET NO. A-2025-3054731
TRANSMISSION LINE TAP LOCATED IN :
EAST WHITELAND TOWNSHIP, :
CHESTER COUNTY, PENNSYLVANIA :**

VERIFICATION

I, Drew T. Davis, hereby state the facts set forth above are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a 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: July 24, 2026



Drew T. Davis
Vice President, Transmission and Substation

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Letter of Notification of PECO Energy :
Company Filed Pursuant to 52 Pa. Code §§ :
57.71 *et seq.* for Approval of the Siting and :
Construction of the 220-09 Line Tap Project : Docket No. A-2025-3054731
Located in East Whiteland Township, :
Chester County, Pennsylvania :**

CERTIFICATE OF SERVICE

I hereby certify and affirm that I have this day served a copy of the **Answer of PECO Energy Company to the Petition of Julianna Ferris for the Rescission or Amendment of the Commission's October 9, 2025 Order** on the following persons in the manner specified in accordance with the requirements of 52 Pa. Code § 1.54:

VIA ELECTRONIC MAIL AND OVERNIGHT DELIVERY

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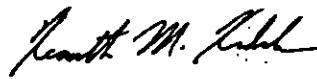
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PA Public Utility Commission
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Dated: July 24, 2026

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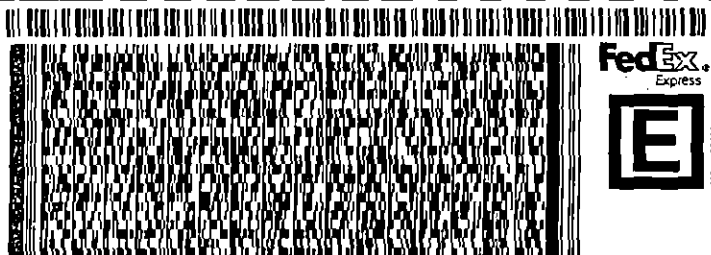
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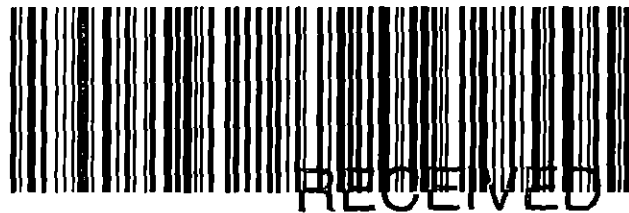
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PA PUBLIC UTILITY COMMISSION
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