

# Morgan Lewis

**Kenneth M. Kulak**

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August 4, 2026

## VIA ELECTRONIC FILING

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

**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 an Interim Emergency 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

Enclosure

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

**Morgan, Lewis & Bockius LLP**

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**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 an Interim Emergency Order** on the following persons in the manner specified in accordance with the requirements of 52 Pa. Code § 1.54:

**VIA ELECTRONIC MAIL**

The Honorable Charles E. Rainey, Jr.  
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Dated: August 4, 2026

*Counsel for PECO Energy Company*

**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 :**

**ANSWER OF PECO ENERGY COMPANY  
TO THE PETITION OF JULIANNA FERRIS  
FOR AN INTERIM EMERGENCY ORDER**

Pursuant to 52 Pa. Code §§ 3.6(c), PECO Energy Company (“PECO” or the “Company”) files this Answer to the Petition of Julianna Ferris for Interim Emergency Order (the “Emergency Petition”). The Emergency Petition relates to a pending petition filed by Ms. Ferris (the “Rescission Petition”) asking the Pennsylvania Public Utility Commission (the “Commission”) to rescind its October 9, 2025, order approving PECO’s Letter of Notification (“LON”) in the above-referenced docket (the “LON Approval Order”). In the LON Approval Order, the Commission approved PECO’s plans to construct an overhead 230 kV transmission line tap from PECO’s 220-09 230 kV transmission line (the “Project”) to provide service to Green Fig, LLC (the “Customer”), which will operate a data center on the Customer’s property adjacent to PECO’s Planebrook Substation (the “PECO Property”).

In the Emergency Petition, Ms. Ferris requests that the Commission stay and enjoin PECO from “commencing or continuing any construction, earth disturbance, vegetation clearing or continuing construction of [the Project], including any earth disturbance, vegetation clearing, or construction activity on the property of Foote Mineral Co. Superfund Site, an active Superfund site still presently listed on the National Priorities List with active contamination in the soil, owned

by Green Fig Land LLC and its affiliated entities (the “Customer Property”).”<sup>1</sup> Ms. Ferris states that East Whiteland Township issued its “final local approval” to the Customer in the form of an Erosion and Sedimentation Control Permit on July 29, 2026.<sup>2</sup> According to Ms. Ferris, “no remaining regulatory barrier remains preventing the Customer, or PECO, from breaking ground on this Superfund site immediately,” and Ms. Ferris therefore asks the Commission to enjoin PECO from constructing the Project due to her concerns about the alleged possibility of contamination from construction activities on the Customer Property while the Commission adjudicates her Rescission Petition.<sup>3</sup>

Under the Commission’s regulations, an emergency petition must establish that (1) the petitioner’s right to relief is clear, (2) the need for relief is immediate, (3) the injury would be irreparable if relief is not granted, and (4) the relief requested is not injurious to the public interest.<sup>4</sup> Because it fails on all four fronts, the Commission should deny the Emergency Petition. There is no substantial legal question to resolve, nor any emergency that justifies enjoining PECO’s activities relating to the Project; the Emergency Petition simply ignores the fact that PECO is not undertaking any construction activities for the Project on the Customer Property that could affect the Superfund Site. Moreover, as described below, most of the construction described in the LON on PECO Property (including the poles and conductors) has been completed. In addition, the overhead line from the last structure on PECO’s property to the Customer has been installed (but not energized) without any earth disturbance of the Customer Property.

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<sup>1</sup> Emergency Petition, p. 1.

<sup>2</sup> *Id.*, p. 2.

<sup>3</sup> *Id.*, pp. 2-3.

<sup>4</sup> 52 Pa. Code § 3.6(b).

To the extent that Ms. Ferris is seeking to stop construction under environmental permits issued to the Customer, those permits are not before the Commission or within its jurisdiction. Nevertheless, in light of Ms. Ferris's concerns, PECO notes that with respect to the Customer Property and the Superfund site, the United States Environmental Protection Agency ("EPA") has publicly stated that it "reviewed the redevelopment plans and **does not** expect the redevelopment to affect the remedy or the groundwater investigation at the site" and "[c]ontaminated soil is not expected to be encountered during the redevelopment and the capped area is **not** part of the proposed redevelopment."<sup>5</sup> The EPA has also explained that EPA's Sitewide Ready for Anticipated Use ("SWRAU") determination, which EPA earlier rescinded and which Ms. Ferris emphasizes in the Emergency Petition, is not required for reuse and/or redevelopment.<sup>6</sup>

In short, Ms. Ferris has no right to relief (let alone immediate relief), nor is there any risk of any irreparable injury or harm where PECO is not engaged in any construction on the Customer Property that could affect the Superfund site. The Commission should therefore deny the Emergency Petition.

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<sup>5</sup> See United States Environmental Protection Agency, "Foote Mineral Superfund Site FAQ," July 2026, available at <https://semspub.epa.gov/work/03/2451793.pdf> ("EPA Foote FAQ"), FAQ #1 & #3 (emphasis in original). A copy of the EPA Foote FAQ is included as Attachment C. The EPA Foote FAQ is accessible from a website the EPA maintains with additional information on the Foote Mineral Superfund Site. See <https://cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.Stayup&id=0301103#Stayup> (noting that "EPA has received questions about construction activities at the site" and that "[o]n June 15, 2026, an EPA representative visually confirmed that earthwork activities currently occurring are not on the capped portion of the Foote Mineral Superfund site.").

<sup>6</sup> See Emergency Petition, p. 2 & EPA Foote FAQ, FAQ #7.

## 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.<sup>7</sup> 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 line near the Substation.<sup>8</sup> 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.<sup>9</sup> The Line Tap will be approximately 420 feet long, with approximately 220 feet over the property of the customer.<sup>10</sup> PECO will also obtain a right-of-way on the customer’s property “to maintain low growing plant types using the standard vegetation management practices” after clearance of vegetation by the Customer’s construction activities and the line is in service.<sup>11</sup>

In the LON, PECO explained that the Project is not expected to require any permit from the Pennsylvania Department of Environmental Protection.<sup>12</sup> 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,”<sup>13</sup> the LON correctly stated that “[t]here is

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<sup>7</sup> LON Approval Order, p. 1. A copy of the LON is included with this Answer as Attachment A.

<sup>8</sup> *Id.*, p. 2.

<sup>9</sup> *Id.*, p. 2.

<sup>10</sup> *Id.*, p. 2.

<sup>11</sup> LON, ¶ 18.

<sup>12</sup> LON, Attachment A, p. 5.

<sup>13</sup> 52 Pa. Code § 57.72(c)(14).

currently no pending litigation regarding the right-of-way or environmental matters related to the Project.”<sup>14</sup> No party protested the LON, and the 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.

Following the LON Approval Order, PECO commenced construction of the Line Tap on PECO Property and has completed construction of the monopole structures as described in the LON. In addition, PECO has installed (but not energized) the overhead line from the last monopole structure on PECO’s property to the Customer without any earth disturbance.<sup>15</sup>

On July 14, 2026, Ms. Ferris filed the Rescission Petition. In the Rescission Petition, Ms. Ferris contends that the LON omitted discussion of the environmental status of the Customer Property and risks associated with potential disturbance of the Customer Property on a Superfund site, resulting in the LON Approval Order being entered without “material facts” as well as the Commission not discharging its obligations under Article I, Section 27 of the Pennsylvania Constitution (the “Environmental Rights Amendment”). In response, PECO explained that Ms. Ferris’s various claims regarding PECO and the LON Approval Order lacked merit, she lacked standing to seek to rescind or amend the LON Approval Order (which in any event did not violate the Environmental Rights Amendment), and her challenge appeared to be a challenge to either the Customer’s plans for the property or the remediation of the Foote Mineral Site, which did not

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<sup>14</sup> LON, p. 4. To the extent Ms. Ferris wants PECO’s sentence to be interpreted as “[t]here is no pending litigation regarding the right-of-way *and no* environmental matters related to the Project,” that is not correct; the phrase “or environmental matters” clearly is encompassed by “no pending litigation.”

<sup>15</sup> The Project is not yet complete. Once complete, PECO will file the final project cost with the Commission in accordance with the LON Approval Order.

belong before the Commission.<sup>16</sup> The Recission Petition remains pending before the Commission.<sup>17</sup>

## II. THE COMMISSION SHOULD DENY THE EMERGENCY PETITION

As set forth above, in order to grant an interim order for emergency relief, Section 3.6 of the Commission's regulations requires that "(1) the petitioner's right to relief is clear, (2) the need for relief is immediate, (3) the injury would be irreparable if relief is not granted, and (4) the relief requested is not injurious to the public interest."<sup>18</sup> As the proponent of the order, Ms. Ferris bears the burden of meeting all four requirements, and any finding of fact necessary to support the Commission's decision must be based upon substantial evidence.<sup>19</sup> If any of the four requirements is not established, no emergency relief is available.<sup>20</sup> For the reasons set forth below, Ms. Ferris has not met her burden with respect to any of the requirements.

***No Right to Relief.*** In considering whether the "right to relief is clear" under 52 Pa. Code § 3.6(b)(1), the Commission has determined that "it is not necessary to determine the merits of a

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<sup>16</sup> A copy of PECO's Answer to the Recission Petition is included as Attachment B to this Answer. PECO hereby incorporates the arguments set forth in its Answer to the Rescission Petition that Ms. Ferris lacks standing to pursue her claims relating to the LON. In accordance with Section 52 Pa. Code § 3.6(d), should the Commission require further briefing on this argument or an additional separate assertion of this defense, PECO will provide a further memorandum.

<sup>17</sup> On July 29, 2026, Ms. Ferris filed a Motion for Leave to Reply to PECO's Answer to the Recission Petition. The Motion remains pending; PECO intends to file a reply to the Motion and that period has not yet expired.

<sup>18</sup> 52 Pa. Code § 3.6(b).

<sup>19</sup> *Birdsboro Kosher Farms Corporation, et al. v Pennsylvania-American Water Co.*, Docket No. P-2021-3026165 (Opinion and Order entered Jul. 7, 2021), p. 9 ("*Birdsboro*").

<sup>20</sup> See *Glade Park East Home Owners Ass'n v. Pa. P.U.C.*, 628 A.2d 468, 474-75 (Pa. Commw. 1993) (noting that petitioner failed to meet first requirement and that the Commission properly denied requested relief on that basis alone).

controversy in order to find that a petitioner's right to relief is clear; rather, the basis for determining whether this standard has been met is whether the petitioner has raised 'substantial legal questions.'"<sup>21</sup> In the Emergency Petition, Ms. Ferris asserts that her "right to relief is not speculative" and the Commission "cannot permit further ground disturbance to proceed on an active Superfund site" because she has questioned the LON Approval Order.<sup>22</sup> But as explained above and in PECO's Answer to the Rescission Petition, there was no error in the LON Approval Order, nor can there be "substantial legal questions" to justify the Commission enjoining PECO from constructing the Project on PECO Property.<sup>23</sup> PECO's construction on PECO Property simply will not create (and has not created) any "ground disturbance" on the Customer Property.<sup>24</sup>

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<sup>21</sup> *Birdsboro*, p. 8.

<sup>22</sup> Emergency Petition, p. 3.

<sup>23</sup> See PECO Answer to Rescission Petition, pp. 6-10. To the extent Ms. Ferris is asserting that the revocation of the SWRAU is "litigation" that relates to PECO's anticipated right-of-way, that is incorrect. See EPA Foote FAQ, #7 (explaining that the SWRAU is an internal EPA determination).

<sup>24</sup> As noted earlier, to the extent Ms. Ferris is seeking to challenge the "final local approval" issued by East Whiteland Township to the Customer, that challenge is not within the Commission's jurisdiction. The Commission is a "creature of statute [that] has only those powers which are expressly conferred upon it by the Legislature and those powers which arise by necessary implication." *Feingold v. Bell of Pa.*, 383 A.2d 791, 794 (Pa. 1977). The Commission must act within, and cannot exceed, its jurisdiction. *City of Pittsburgh v. Pa. PUC*, 43 A.2d 348 (Pa. Super. 1945). Appeals of a municipal permit, outside of Philadelphia and Pittsburgh, must be sought pursuant to the Municipalities Planning Code ("MPC"). The MPC provides "the exclusive mode for securing review of any decision rendered" by a municipal zoning board. 53 P.S. § 11001-A; see also *Petrone v. Hampton Twp. Council*, 382 A.2d 1236, 1237 (Pa. Commw. Ct. 1978) ("[T]he exclusive procedure for filing zoning appeals in all municipalities except Philadelphia and Pittsburgh[] is that provided by the MPC."). Under the MPC, a municipality's zoning hearing board "ha[s] exclusive jurisdiction to hear and render final adjudications in ... the granting or denial of any permit." 53 P.S. § 10909.1; *Commonwealth v. Desiato*, 357 A.3d 596, 601 (Pa. Commw. Ct. 2026) ("[T]he MPC vests exclusive jurisdiction over a zoning officer's determination in a municipality's zoning hearing board."). Final adjudications by a hearing board are thereafter appealable only "to the court of common pleas of the county and judicial district wherein the municipality lies." 53 P.S. § 10107; id. at § 11002-A.

***No Need for Immediate Relief and No Injury That Would Be Irreparable if Relief is not Granted.*** Even if the Commission were to conclude that “substantial legal questions” exist due to the pending Recission Petition, Ms. Ferris entirely fails to show any need for immediate relief or that any injury would be irreparable if the Commission does not enjoin PECO. Ms. Ferris’s argument centers on the Customer Property, but as noted above, the clearance of the Customer Property was performed as part of the Customer’s construction activities and the overhead line is now installed (without any earth disturbance of the Customer Property by PECO). Moreover, to the extent relevant, Ms. Ferris’s allegations of the possibility of immediate harm with respect to environmental issues on the Customer Property are not consistent with the publicly stated position of the EPA. As set forth in the July 2026 EPA Foote FAQ:

- “EPA reviewed the proposed redevelopment plans and does not expect the redevelopment to affect the remedy or the groundwater investigation at the site.”<sup>25</sup>
- “Based on the plans reviewed by EPA, the redevelopment is occurring in areas of the site where soil has been removed to below cleanup levels or areas of the site where soil contamination was not present. Contaminated soil is not expected to be encountered during the redevelopment and the capped area is not part of the proposed redevelopment.”<sup>26</sup>
- “EPA does not expect contaminated soil to be encountered during redevelopment, including during excavation, and dust generated during construction is not expected to contain site-related contaminants. EPA has been working to clean up the site for several decades and significant progress has been made to remove and contain soil contamination. As discussed above, based on the plans reviewed by EPA, the redevelopment is occurring in areas of the site where soil has been removed to below cleanup levels or areas of the site where soil contamination was not present.”<sup>27</sup>

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<sup>25</sup> EPA Foote FAQ, #1.

<sup>26</sup> EPA Foote FAQ, # 3.

<sup>27</sup> EPA Foote FAQ, #6.

Notably, the EPA Foote FAQ also specifically addresses the rescission of the Sitewide Ready for Anticipated Use determination, which Ms. Ferris also relies upon in the Emergency Petition to justify her concerns.<sup>28</sup>

### **7. What does SWRAU (sic) mean and why did it change?**

Sitewide Ready for Anticipated Use (SWRAU) designations are internal EPA performance measures that document that a site's cleanup remedy is in place and that exposure to site contamination is prevented by either the physical cleanup remedy or institutional controls. While the SWRAU designation is meant to promote redevelopment at Superfund sites, a SWRAU designation is not required for reuse and/or redevelopment. As long as all land and groundwater use restrictions continue to be met and redevelopment does not interfere with EPA's remedy or future investigations, sites can be reused and redeveloped even if the site is not designated as SWRAU.

The site was given the SWRAU designation in January 2018. However, due to the need to further define the extent of groundwater contamination at the site identified in the 2024 Five-Year Review, the SWRAU designation was rescinded in September 2024.<sup>29</sup>

In sum, PECO's construction of the Project on PECO Property has not and will not affect the Superfund site, and there is no need for any immediate relief. Furthermore, Ms. Ferris's allegations do not constitute substantial evidence sufficient to establish any need for immediate relief or irreparable injury. As the Commission has emphasized, "[m]ore is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established."<sup>30</sup>

***The Relief Requested is Injurious to the Public Interest.*** In the Emergency Petition, Ms. Ferris asserts that "a brief stay" will cost "nothing that outweighs the risk of allowing irreversible disturbance of an active federal Superfund site" while the Commission adjudicates her Recission

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<sup>28</sup> Emergency Petition, p. 2.

<sup>29</sup> EPA Foote FAQ, #7.

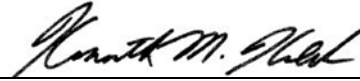
<sup>30</sup> *Birdsboro*, p. 10 (citing *Norfolk and Western Ry. Co. v. Pa. PUC*, 489 Pa. 109, 413 A.2d 1037 (1980) and additional cases).

Petition. She further argues that enjoining PECO is not injurious to the public interest because of the public interest in the Environmental Rights Amendment and the Commission's own regulations governing letters of notification, and that any delay to the Project arising from Ms. Ferris's litigation is attributable to PECO.

None of Ms. Ferris' assertions have merit. In the LON Approval Order, the Commission made an affirmative determination that the Project to serve the Customer was in the public interest and, as reflected in PECO's Answer to the Rescission Petition, PECO's representations in the LON were entirely correct. Ms. Ferris's reliance on the Commission's obligations under the Environmental Rights Amendment are also misplaced where, as here, the activity by PECO she seeks to enjoin has no potential to create the environmental harm she alleges. PECO has substantially completed installation of the Line Tap, and a suspension of construction for an indefinite period is adverse to the public interest. An outage of the 220-09 line to connect the Line Tap is scheduled for August 31-September 13. If PECO is not able to proceed with the work and energize the customer during that outage, the entire project will slip to the Spring of 2027, compromising outage plans for other projects and work designed to maintain and improve overall system reliability.

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

Respectfully submitted,



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*Counsel for PECO Energy Company*

Dated: August 4, 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, James M. Nee Jr., 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: August 4, 2026



James M. Nee Jr.  
Director, Project Management

# **Attachment A**

# Morgan Lewis

**Kenneth M. Kulak**

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April 14, 2025

**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: 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-\_\_\_\_\_**

Dear Secretary Chiavetta:

Enclosed for filing on behalf of PECO Energy Company is a Letter of Notification filed pursuant to 52 Pa. Code Chapter 57, Subchapter G, for approval to construct a new high voltage distribution tap from an existing transmission line and related structures to serve a new customer from PECO's existing Planebrook Substation in East Whiteland Township, Chester County, Pennsylvania. This Letter of Notification is filed pursuant to the Pennsylvania Public Utility Commission's regulations at 52 Pa. Code § 57.72(d)(1).

PECO respectfully requests Commission review and approval of the Letter of Notification on or before the October 1, 2025 Public Meeting in order to allow construction to commence in November 2025.

Copies of the Letter of Notification and accompanying attachments are being served upon the persons as required by 52 Pa. Code § 57.74 and indicated on the enclosed Certificate of Service.

**Morgan, Lewis & Bockius LLP**

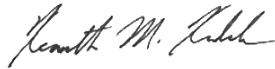
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Rosemary Chiavetta  
April 14, 2025  
Page 2

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kenneth M. Kulak".

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*Counsel for PECO Energy Company*

Enclosure

cc: Certificate of Service

**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 :                   Docket No. A-2025-\_\_\_\_\_  
Construction of the 220-09 Line Tap Project :  
Located in East Whiteland Township, :  
Chester County, Pennsylvania :  
:**

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**LETTER OF NOTIFICATION OF  
PECO ENERGY COMPANY**

---

**TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:**

PECO Energy Company (“PECO” or the “Company”) hereby files this Letter of Notification, pursuant to 52 Pa. Code §§ 57.72(d), requesting Commission approval to construct a new high voltage distribution tap from an existing transmission line and related structures (the “Project”) to serve a new customer from PECO’s existing Planebrook Substation in East Whiteland Township, Chester County, Pennsylvania. The new customer is proposing to construct a data center (the “Green Fig Data Center”) in PECO’s service territory. PECO respectfully requests Commission review and approval of the Letter of Notification on or before the October 1, 2025 Public Meeting in order to allow construction to commence in November 2025.

In support of the approval requested herein, PECO states as follows:

**I. INTRODUCTION AND OVERVIEW**

1. This Letter of Notification is filed by PECO, a “public utility,” as defined in 66 Pa.C.S. § 102, that provides electric distribution, transmission, and default service in Pennsylvania subject to the regulatory jurisdiction of the Commission.

2. PECO’s address is as follows:

PECO Energy Company  
2301 Market Street  
Philadelphia, PA 19103

3. 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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(215) 963-5384  
ken.kulak@morganlewis.com

4. PECO furnishes electric service to approximately 1.7 million electric customers and also serves over 553,000 natural gas customers throughout its certificated service territory, which encompasses approximately 2,100 square miles in Pennsylvania. PECO owns approximately 1,050 miles of transmission lines, approximately 13,000 miles of aerial distribution facilities, and approximately 9,000 miles of underground distribution facilities. In addition, PECO owns approximately 13,800 miles of natural gas mains and services.

5. The Project facilities to be constructed are necessary for PECO to provide power to the Green Fig Data Center in PECO's service territory near PECO's existing Planebrook Substation and include substation updates to benefit the transmission system.

6. The total estimated cost to design and construct the Project is approximately \$4.8 million. \$800,000 of that cost is attributed to materials (new conductor/hardware, optical ground wire, structures, foundations, substation equipment). The remaining costs are attributable to direct

labor – primary engineering and design, clearance reviews, and electrical/civil construction – and allocated to PECO overhead and management costs. PECO will own, finance and build the proposed Project, with any Project distribution costs charged to the new customer consistent with PECO’s Electric Service Tariff.

7. The Project has a scheduled construction commencement date of November 10, 2025. The Project requires two transmission outages, currently scheduled from December 8 to 12, 2025, and March 2 to 27, 2026. The proposed in-service date of the Project is March 31, 2026.

8. Accompanying this Letter of Notification are the following Attachments that provide additional detailed information regarding the Project:

- Attachment 1 – Plan & Profile Drawings
- Attachment 2 – Letter of Notification Filing Checklist

9. This Letter of Notification, including the accompanying Attachments, which are incorporated herein by reference, contains all of the information required by 52 Pa. Code § 57.72(d)(4).

## **II. THE PROJECT**

### **A. Need for the Project**

10. A new customer is currently planning to construct the Green Fig Data Center on property directly adjacent to the Planebrook Substation within PECO’s service territory and has requested service from PECO. The proposed Project is necessary to allow PECO to provide up to approximately 150 MW service from PECO’s existing Planebrook Substation to the Green Fig Data Center.

11. This Letter of Notification is for a new 230 kV high voltage distribution line tapping into PECO’s existing 220-09 Line near the Planebrook Substation to the proposed location of the Green Fig Data Center. PECO understands that the customer expects the data center’s demand to

increase in the future. The current Project includes a 230 kV high voltage line tap to serve the customer's new 150 MW load. If the projected demand for the Green Fig Data Center continues, PECO intends to seek separate approval for future upgrades.

**B. Description of the Proposed Project**

12. The Project involves constructing a new 230 kV line of approximately 420 feet tapping into PECO's existing 220-09 Line near Planebrook Substation to serve the Green Fig Data Center. Approximately half of the proposed line tap will be located within existing property owned by PECO with the final approximately 220 feet located on the property of the new customer. The proposed line tap will be supported by three new steel monopole structures and ACSR (aluminum conductor, steel reinforced) conductors located within existing property owned by PECO and use an advanced conductor ACSS/TW (aluminum conductor, steel supported) from the final proposed PECO structure to Green Fig's takeoff structure.

13. The Project does not include the removal of existing structures. The Project involves constructing a high voltage line tap that may require additional upgrades in the future if the customer's data center demand increases. For the current Project, PECO anticipates that the service life of that high voltage line structure and related appurtenances to be over 60 years for the three monopoles being erected as part of this Project.

14. There is currently no pending litigation regarding the right-of-way or environmental matters related to the Project.

**III. HEALTH AND SAFETY**

15. The proposed Project will not create any unreasonable risk of danger to public health or safety, and will be designed, constructed, operated, and maintained in a manner that meets or surpasses all applicable National Electrical Safety Code ("NESC") minimum standards and all applicable legal requirements. The design, construction and operation of the Project will meet or

exceed the requirements specified in the latest revisions of the NESC and all applicable safety standards established by the Occupational Safety and Health Administration (“OSHA”). All work shall be done in accordance with NESC, OSHA and any applicable local, state, or federal requirements.

16. PECO will construct the Project for ground clearances that meet or exceed requirements of its Engineering Practice EPP-2090 OHT Design Clearances. The clearance requirement in EPP-2090 exceeds the requirements of NESC 2023. With respect to vertical clearances, PECO designs its facilities to meet the NESC rules, plus three additional feet of vertical clearance. Similarly, PECO adds two additional feet of horizontal clearance beyond the NESC horizontal clearance rules.

#### **IV. DESCRIPTION OF THE PROJECT AREA**

17. As explained above, the Project will be located in the vicinity of the existing Planebrook Substation, within East Whiteland Township, Chester County, Pennsylvania. Most construction for the Project will take place on PECO’s property for which PECO has existing land rights. PECO will only require a small additional portion of land, approximately 220 feet of right-of-way, which will be obtained from the new customer. *See* Attachment 1 for a map of the proposed Project. PECO anticipates that the Project will have minimal incremental impact on land use in the Project area.

18. Vegetative cover in the project area has been influenced by residential and industrial development and consists of shrubs, vines, and small trees that have regenerated after past land disturbance. The new right-of-way on the customer’s property will be cleared of vegetation as part of construction activities. Once in service, PECO will manage the right-of-way to maintain low growing plant types using the standard vegetation management practices.

19. The closest airport to the Project area is the Brandywine Regional Airport, which is located approximately 3.3 miles from the existing Planebrook Substation. PECO does not anticipate any interference with airport operations because of the distance from the Project area. PECO will file any required documentation with the Federal Aviation Administration and the Pennsylvania Department of Transportation, Bureau of Aviation. PECO will comply with any additional lighting and other visual aids that may be required by these agencies to ensure aviation safety in the region.

20. The Project will not traverse or affect any unique geological or scenic areas.

21. The Project will not affect any state lands, national parks, state parks, local parks, recreational areas, or natural landmarks.

22. The Project will not cross or impact any streams or wetlands and there are no proposed direct or indirect impacts to the environment. The Project is not expected to require a Pennsylvania Department of Environmental Protection permit, and thus a Pennsylvania Natural Diversity Inventory (“PNDI”) is not expected to be required. The Project will disturb less than one (1) acre of soil. The Project lines of disturbance (“LOD”) do not impact any mapped streams or wetlands in the National Wetland Inventory. The nearest stream, Valley Creek, is located approximately 700 feet southwest of the Project LOD.

23. The Project is not expected to have any impacts on communications towers, pipelines, or other utilities.

24. No 100-year floodplains are located within the Project area.

## **V. NOTICE**

25. Copies of this Letter of Notification will be served on the governmental agencies, municipalities, and other public entities in accordance with 52 Pa. Code § 57.72(d)(3).

26. PECO will provide such additional forms of notice as may be directed by the Commission.

## **VI. LETTER OF NOTIFICATION**

27. PECO is proceeding by means of a Letter of Notification, instead of a full Application, pursuant to the Commission's regulations at 52 Pa. Code §§ 57.72(d)(1)(vi).

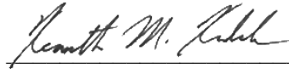
28. The proposed Project qualifies for use of a Letter of Notification because the new high voltage line will be less than two miles.

29. This Letter of Notification is filed on the date set forth below. As provided in 52 Pa. Code § 57.72(d)(5), the Commission will review and, by order, approve or disapprove this Letter of Notification. If the Commission approves this Letter of Notification the proposed Project will be constructed as proposed herein without the formal application process set forth at 52 Pa. Code §§ 57.71 *et seq.*

## **VII. CONCLUSION**

WHEREFORE, PECO respectfully requests the Commission grant approval to construct a new high voltage line tap and related structures related to the Project within East Whiteland Township, Chester County, Pennsylvania to serve a new customer from PECO's existing Planebrook Substation.

Respectfully submitted,



Kenneth M. Kulak  
Morgan, Lewis & Bockius LLP  
2222 Market Street  
Philadelphia, PA 19103-2921  
(215) 963-5384  
ken.kulak@morganlewis.com

Dated: April 14, 2025

**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 :                   Docket No. A-2025-\_\_\_\_\_**  
**Construction of the Green Fig Project :**  
**Located in East Whiteland Township, :**  
**Chester County, Pennsylvania :**  
**:**

**VERIFICATION**

I, Drew T. Davis, hereby declare that I am the Vice President, Transmission and Substation for PECO Energy Company; that, as such, I am authorized to make this verification on its behalf; that the facts set forth in the foregoing Letter of Notification are true and correct to the best of my knowledge, information, and belief; and that I make this verification subject to the penalties of 18 Pa. C.S.A. § 4904 pertaining to false statements to authorities.

DATE: 4/14/25

  
\_\_\_\_\_  
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 :       Docket No. A-2025-\_\_\_\_\_  
Construction of the 220-09 Line Tap Project :  
Located in East Whiteland Township, :  
Chester County, Pennsylvania :  
:**

**CERTIFICATE OF SERVICE**

I hereby certify that on this date, the parties listed below that are entitled to receive a copy of the above-captioned Letter of Notification pursuant to 52 Pa. Code § 57.74 were served by certified mail, return receipt requested, a copy of the above-captioned Letter of Notification.

Darryl A. Lawrence, Esq.  
Office of Consumer Advocate  
555 Walnut Street  
Forum Place – 5th Floor  
Harrisburg, PA 17101-1921

Allison C. Kaster  
Bureau of Investigation and Enforcement  
PA Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor West  
Harrisburg, PA 17120

NazAarah Sabree, Esq.  
Office of Small Business Advocate  
Suite 1102, Commerce Building  
300 North Second Street  
Harrisburg, PA 17101

Chester County Commissioners  
313 West Market Street  
West Chester, PA 19380  
Attn: Josh Maxwell, Chair

Montgomery County Planning Commission  
601 Westtown Road, Suite 270  
P.O. Box 2747  
West Chester, PA 19380-0990  
Attn: Matthew Edmon, Executive Director

Colleen Frens, Esq.  
Chester County Solicitor  
313 W Market Street, Suite 6702  
West Chester, PA 19380-0991

East Whiteland Township  
209 Conestoga Road  
Frazer, PA 19355  
Attn: Scott Lambert, Chair

Bernadette A. Kearney, Esq.  
East Whiteland Township Solicitor  
Hamburg, Rubin, Mullin, Maxwell & Lupin  
123 S. Broad Street  
Suite 2102  
Philadelphia, PA 19109

PA Department of Environmental Protection  
Market Street State Office Building  
P.O. Box 2063  
Harrisburg, PA 17105-2063  
Attn: Office of Field Operations

PA Department of Transportation  
Commonwealth Keystone Building  
400 North Street, 5th Floor  
Harrisburg, PA 17120  
Attn: Jeffery Spotts, Chief Counsel

PA Department of Conservation & Natural  
Resources  
Rachel Carson State Office Building  
400 Market St.  
Harrisburg, PA 17105-8767  
Attn: Rebecca Bowen, Ecological Services  
Section Chief

PA Fish and Boat Commission  
Natural Diversity Section  
450 Robinson Lane  
Bellefonte, PA 16823-9620  
Attn: Christopher A. Urban, Chief

U.S. Army Corps of Engineers  
Baltimore District Corporate Communication  
Office  
2 Hopkins Plaza  
Baltimore, Maryland 21201  
Attn: Planning Division

Montgomery Country Conservation District  
674 Unionville Road, Suite 105  
Kennett Square, PA 19348  
Attn: Christian Strohmaier, District Manager

The Department of Environmental Resources  
101 S. Second Street  
Post Office Box 2357  
Harrisburg, Pennsylvania 17120  
Attn: Bureau of Environmental Planning

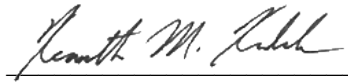
PA Historical & Museum Commission  
Bureau for Historic Preservation  
Commonwealth Keystone Building, 2nd Fl.  
400 North Street  
Harrisburg, PA 17120-0053  
Attn: Douglass C. McLearen, Chief

U.S. Fish and Wildlife Service  
Pennsylvania Field Office  
110 Radnor Rd, Suite 101  
State College, PA 16801-4850  
Attn: Lesa Lindsay, Administrative Officer

PA Game Commission  
2001 Elmerton Avenue  
Harrisburg, PA 17110-9797  
Attn: Dr. Matthew Schnupp, Director

Federal Aviation Administration  
Eastern Obstruction Evaluation  
10101 Hillwood Parkway  
Fort Worth, TX 76177  
Attn: Dave Maddox

Dated: April 14, 2025

A handwritten signature in black ink, reading "Kenneth M. Kulak", positioned above a horizontal line.

Kenneth M. Kulak  
Morgan Lewis & Bockius LLP  
2222 Market Street  
Philadelphia, PA 19103-2921  
(215) 963-5384  
ken.kulak@morganlewis.com

# **ATTACHMENT 1**

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ROUTE ATLINEDC

220-09 LINE

GREEN FIG 150MW TAP

GENERAL NOTES:

1.

ALL WORK DONE BY CONTRACTOR/INSTALLER PURSUANT TO THIS DRAWING SHALL:  
(A) CONFORM TO THE GOVERNING CONTRACT DOCUMENTS;  
(B) BE PERFORMED EXCLUSIVELY BY ITS TRAINED, COMPETENT PERSONNEL OR, WHERE PERMITTED, THAT OF ITS SUBCONTRACTOR(S); AND  
(C) COMPLY WITH ALL APPLICABLE SAFETY LAWS, REGULATIONS, PROGRAMS AND PRACTICES TO ENSURE THE SAFETY OF ALL PEOPLE LOCATED ON THE WORK SITE, INCLUDING THE CONTRACTOR'S/INSTALLER'S PERSONNEL (OR THAT OF ITS SUBCONTRACTOR(S)) PERFORMING THE WORK.

2.

UNDERGROUND OR EMBEDDED UTILITIES [MAY] EXIST WITHIN THE AREA OF AND ADJACENT TO THE LIMITS OF THE WORK. THE LOCATION OR IDENTIFICATION OF SUCH UTILITIES HAS NOT BEEN VERIFIED BY OWNER OR BY S&L. CONTRACTOR/INSTALLER IS RESPONSIBLE FOR FIELD LOCATING AND IDENTIFYING UNDERGROUND OR EMBEDDED UTILITIES AND ANY OTHER UNDERGROUND OR EMBEDDED UTILITY DIMENSIONS.

3.

REFERENCES USED HAVE BEEN IDENTIFIED ON EXCAVATION/FOUNDATION/DEMOLITION DRAWINGS AND HAVE BEEN PROVIDED TO ASSIST THE CONTRACTOR/INSTALLER IN THE FIELD LOCATING EXISTING UTILITIES AND OTHER POTENTIAL UNDERGROUND OR EMBEDDED INTERFERENCES. THESE REFERENCES ONLY SHOW THE APPROXIMATE LOCATION OF POTENTIAL UNDERGROUND OR EMBEDDED UTILITIES AND MAY NOT INDICATE OR REFLECT ALL EXISTING UNDERGROUND OR EMBEDDED UTILITIES OR THEIR ACTUAL LOCATIONS.

4.

REFERENCES IDENTIFIED SHALL NOT SUBSTITUTE FOR THE CONTRACTOR'S/INSTALLER'S OBLIGATION TO FIELD LOCATE ANY UNDERGROUND OR EMBEDDED UTILITIES OR INTERFERENCES THAT MAY AFFECT THE WORK.

5.

DUE CAUTION SHALL BE TAKEN DURING ANY EXCAVATION/FOUNDATION/DEMOLITION WORK WITHIN THE AREA OF AND ADJACENT TO THE LIMITS OF THE WORK DUE TO POSSIBLE INTERFERENCES THAT MAY NOT BE REFLECTED ON THE REFERENCES IDENTIFIED.

DRAWING INDEX:

| DRAWING NUMBER | SHEET | DESCRIPTION                     |
|----------------|-------|---------------------------------|
| C-275857       | 2     | STRUCTURE LIST                  |
| C-275857       | 3     | PLAN & PROFILE                  |
| C-275857       | 4     | PHASING AND TAP CONNECTIONS     |
| C-275858       | 1     | STRUCTURE 0/1A GEOMETRY & LOADS |
| C-275858       | 2     | STRUCTURE 0/1A CROSS SECTIONS   |
| C-275858       | 3     | STRUCTURE 0/1B GEOMETRY & LOADS |
| C-275858       | 4     | STRUCTURE 0/1B CROSS SECTIONS   |
| C-275858       | 5     | STRUCTURE 0/2 GEOMETRY & LOADS  |
| C-275858       | 6     | STRUCTURE 0/2 CROSS SECTIONS    |
| C-275858       | 7     | STEEL DETAILS                   |
| C-275858       | 8     | LADDER/WORKING CLIPS            |
| C-275858       | 9     | SLICE DETAILS                   |
| C-275858       | 10    | FALL ARREST                     |
| C-275859       | 1     | STRUCTURE 0/1A FRAMING          |
| C-275859       | 2     | STRUCTURE 0/1B FRAMING          |
| C-275859       | 3     | STRUCTURE 0/1B FRAMING CONT.    |
| C-275859       | 4     | STRUCTURE 0/2 FRAMING           |
| C-275860       | 1     | BONDING WIRE ASSEMBLY           |
| C-275860       | 2     | OPGW SPLICE ASSEMBLY            |
| C-275860       | 3     | DEADEND CONDUCTOR ASSEMBLIES    |
| C-250860       | 4     | DEADEND STATIC ASSEMBLIES       |
| C-250860       | 5     | POST INSULATOR ASSEMBLIES       |
| C-250860       | 6     | 230KV TAP CONNECTIONS           |
| C-250861       | TBD   | STRINGING CHARTS                |
| C-275862       | TBD   | STAKING TABLE                   |
| C-275862       | TBD   | FOUNDATION DETAILS              |
| C-275863       | 1     | FIBER COVER SHEET               |
| C-275863       | 2     | FIBER NOTES                     |
| C-275863       | 3     | FIBER COVER P&P                 |
| C-76497        | 1     | EXISTING 220-09 P&P             |

01/28/2025

ISSUED FOR APPROVAL

WC

MH

MA

REV

DATE

DESCRIPTION

PREPARED

REVIEWED

APPROVED

500 DELAWARE AVE., WILMINGTON, DE.

PROJ. No. 13710.178

CIVIL

275857

COVER SHEET

GREEN FIG 150MW TAP

PLANE BROOK TO GREEN FIG

220-09 LINE

PECO Energy Company

| SCALE | DESIGN | CADD | CHECKED | INSPECTED | APPROVED | DATE     |
|-------|--------|------|---------|-----------|----------|----------|
| NONE  | S&L    | S&L  |         |           |          | 01/28/25 |

APPROVED

APPROVED

APPROVED

APPROVED

SHEET 1 OF 4

C-275857-A1

TABLE OF ADDITIONS & CHANGES

USE ONLY PRINTS SHOWING LATEST DATE

| NO. | DATE     | DESCRIPTION                                                                                | REV'D | CHK'D | APP'D |
|-----|----------|--------------------------------------------------------------------------------------------|-------|-------|-------|
| A1  | 01/28/25 | EC* 303558<br>WP* 19156376<br>SARGENT & LUNDY<br>ADDED THIS DRAWING<br>ISSUED FOR APPROVAL | S&L   | S&L   | S&L   |

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ELECTRICAL GRID

INFRASTRUCTURE SERVICES

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4 OF 6 SHEET 2 OF 4

C-275857

ROUTE ATLINE DC

F

E

D

C

B

A

| STRUCTURE NUMBER | STRUCTURE TYPE                 | STRUCTURE HEIGHT (FT) | LINE ANGLE (DEG) | LOAD DRAWING NUMBER | STEEL DETAILS DRAWING NUMBER | FRAMING DRAWING NUMBER | VENDOR | FABRICATION DRAWING NUMBER |
|------------------|--------------------------------|-----------------------|------------------|---------------------|------------------------------|------------------------|--------|----------------------------|
| 0/1A             | 230KV 2-PHASE DEADEND          | 55                    | 0.00             | 275858 SH 1-2       | 275858 SH 7                  | 275859 SH 1            | *      | *                          |
| 0/1B             | 230KV ELEVATION CHANGE DEADEND | 95                    | -10.41           | 275858 SH 3-4       | 275858 SH 7                  | 275859 SH 2-3          | *      | *                          |
| 0/2              | 230KV VERTICAL DEADEND         | 135                   | -112.68          | 275858 SH 5-6       | 275858 SH 7-10               | 275859 SH 4            | *      | *                          |

SEE NOTE 1

HOLD - PENDING FINAL REVISION OF VENDOR DRAWINGS

NOTE:

1. STR 0/2 LINE ANGLE REPRESENTS FINAL ORIENTATION FOR CONNECTION TO PROPOSED BAY 9. STRUCTURE TO BE STAKED USING THIS ORIENTATION.

| REV | DATE     | DESCRIPTION         | PREPARED | REVIEWED | APPROVED |    |
|-----|----------|---------------------|----------|----------|----------|----|
| 0   | 01/28/25 | ISSUED FOR APPROVAL |          | WC       | MH       | MA |



500 DELAWARE AVE., WILMINGTON, DE.

PROJ. No. 13710.178

TABLE OF ADDITIONS & CHANGES  
USE ONLY PRINTS SHOWING LATEST DATE

| NO. | DATE     | DESCRIPTION                                                                                 | REV'D | CHK'D | APP'D |
|-----|----------|---------------------------------------------------------------------------------------------|-------|-------|-------|
| A1  | 01/28/25 | EC# 303558<br>WO# 18158376<br>SARGENT & LUNDY<br>ADDED THIS DRAWING.<br>ISSUED FOR APPROVAL | S&L   | S&L   | S&L   |

CIVIL

275857

STRUCTURE LIST  
GREEN FIG 150MW TAP  
PLANE BROOK TO GREEN FIG

220-09 LINE  
PECO Energy Company

| SCALE | DESIGN | CADD | CHECKED | INSPECTED | APPROVED | DATE     |
|-------|--------|------|---------|-----------|----------|----------|
| NONE  | S&L    | S&L  | S&L     |           |          | 01/28/25 |

APPROVED \_\_\_\_\_ APPROVED \_\_\_\_\_

APPROVED \_\_\_\_\_ APPROVED \_\_\_\_\_

APPROVED \_\_\_\_\_ APPROVED \_\_\_\_\_

SHEET 2 OF 4

C-275857-A1

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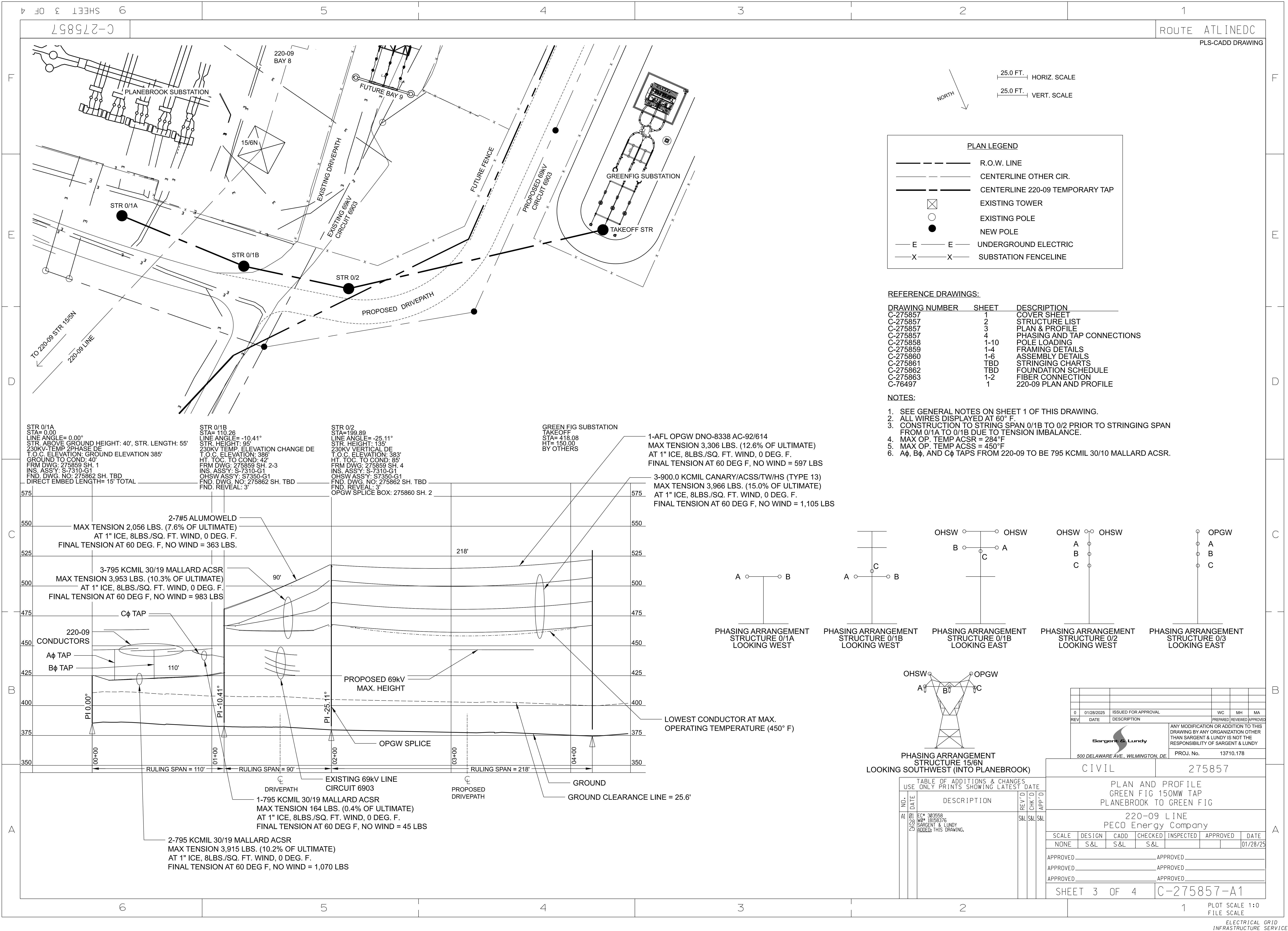
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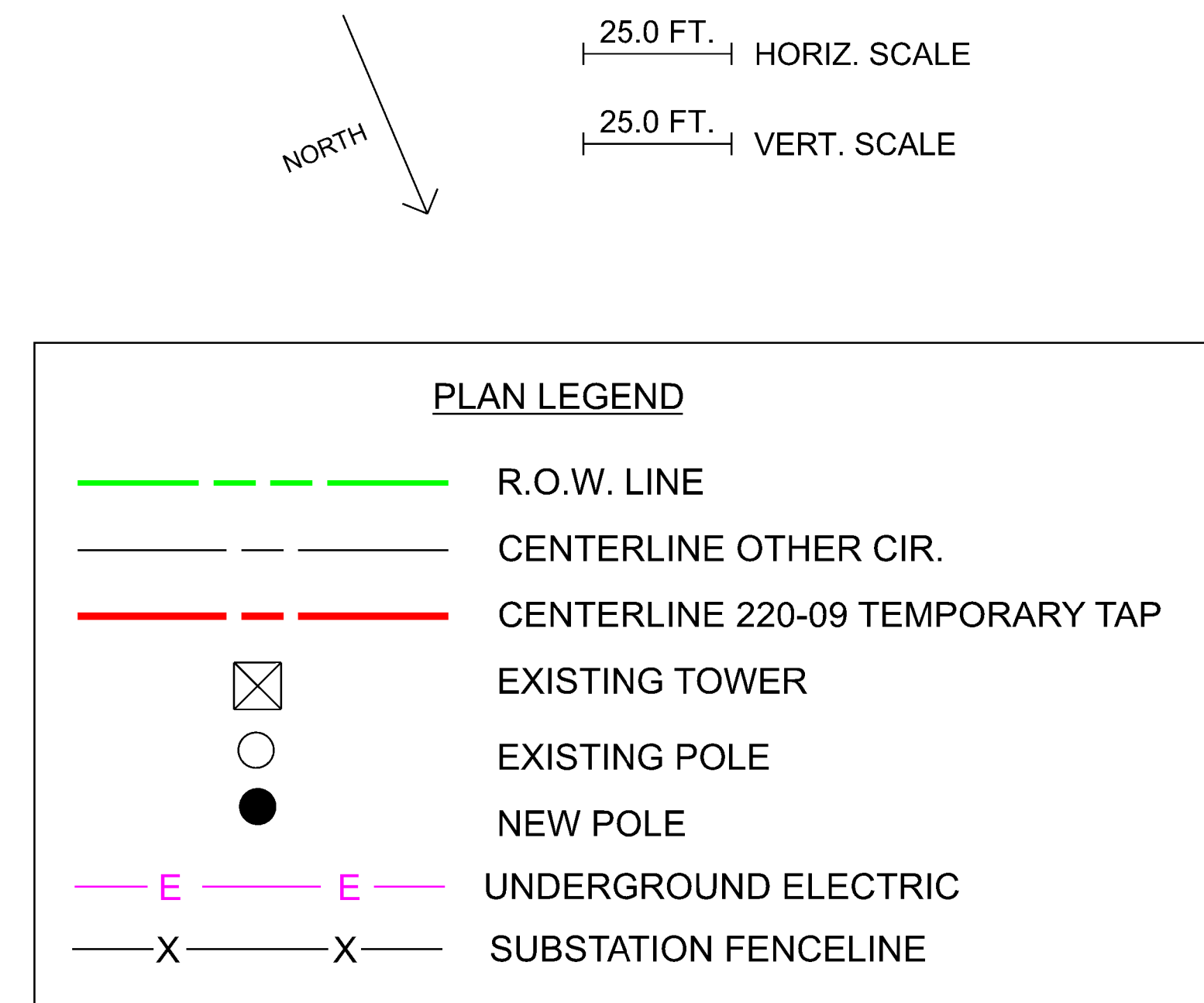
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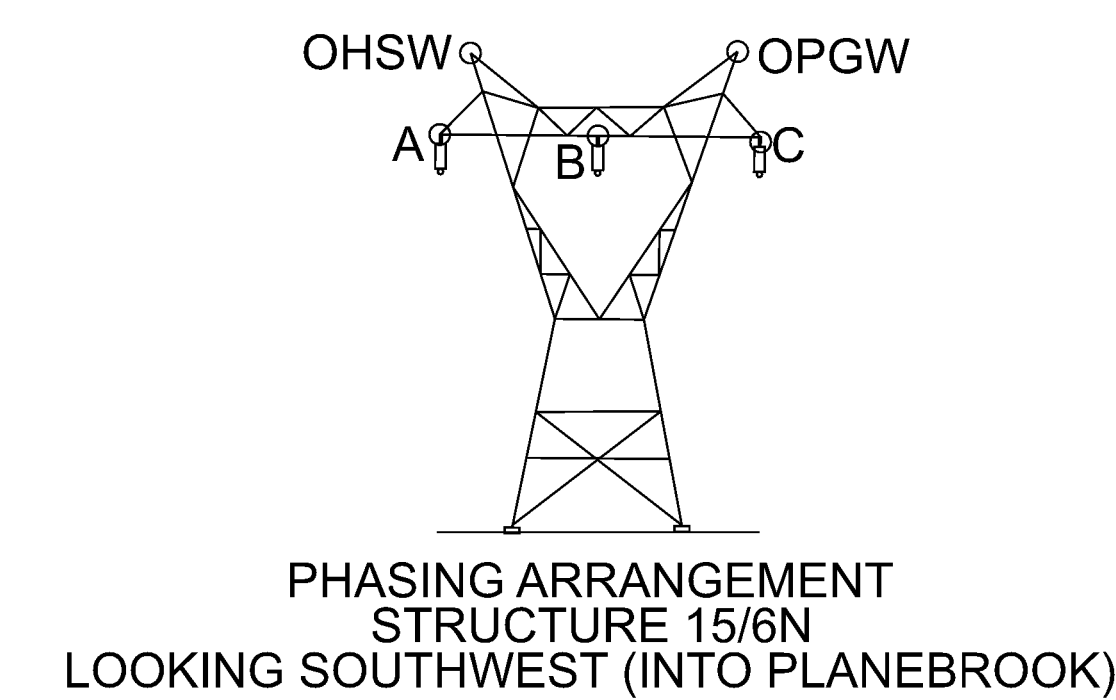
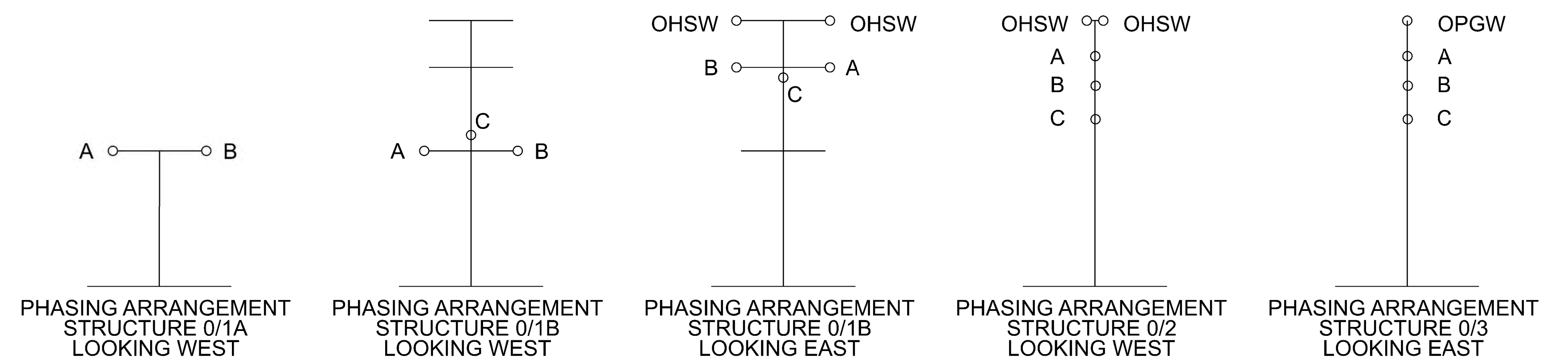
ELECTRICAL GRID  
INFRASTRUCTURE SERVICES





| DRAWING NUMBER | SHEET | DESCRIPTION                 |
|----------------|-------|-----------------------------|
| C-275857       | 1     | COVER SHEET                 |
| C-275857       | 2     | STRUCTURE LIST              |
| C-275857       | 3     | PLAN & PROFILE              |
| C-275857       | 4     | PHASING AND TAP CONNECTIONS |
| C-275858       | 1-10  | POLE LOADING                |
| C-275859       | 1-4   | FRAMING DETAILS             |
| C-275860       | 1-6   | ASSEMBLY DETAILS            |
| C-275861       | TBD   | STRINGING CHARTS            |
| C-275862       | TBD   | FOUNDATION SCHEDULE         |
| C-275863       | 1-2   | FIBER CONNECTION            |
| C-76497        | 1     | 220-09 PLAN AND PROFILE     |

1. SEE GENERAL NOTES ON SHEET 1 OF THIS DRAWING.
2. ALL WIRES DISPLAYED AT 60° F.
3. CONSTRUCTION TO STRING SPAN 0/1B TO 0/2 PRIOR TO STRINGING SPAN FROM 0/1A TO 0/1B DUE TO TENSION IMBALANCE.
4. MAX OP. TEMP ACSR = 284°F
5. MAX OP. TEMP ACSR = 450°F
6. A<sub>0</sub>, B<sub>0</sub>, AND C<sub>0</sub> TAPS FROM 220-09 TO BE 795 KCMIL 30/10 MALLARD ACSR.



|                                                       |            |                     |                                                                                                                                          |    |       |
|-------------------------------------------------------|------------|---------------------|------------------------------------------------------------------------------------------------------------------------------------------|----|-------|
|                                                       |            |                     |                                                                                                                                          |    |       |
|                                                       |            |                     |                                                                                                                                          |    |       |
| 0                                                     | 01/28/2025 | ISSUED FOR APPROVAL |                                                                                                                                          | WC | MH MA |
| REV                                                   | DATE       | DESCRIPTION         | PREPARED REVIEWED APPROVED                                                                                                               |    |       |
| Sargent & Lundy<br>500 DELAWARE AVE., WILLIAMSTON, DE |            |                     | ANY MODIFICATION OR ADDITION TO THIS DRAWING BY ANY ORGANIZATION OTHER THAN SARGENT & LUNDY IS NOT THE RESPONSIBILITY OF SARGENT & LUNDY |    |       |
|                                                       |            |                     | PROJ. No.            13710.178                                                                                                           |    |       |

| TABLE OF ADDITIONS & CHANGES<br>ONLY PRINTS SHOWING LATEST DATE |     |      |                                                                      | PLAN AND PROFILE<br>GREEN FIG 150MW TAP<br>PLANEBOOK TO GREEN FIG |       |                |                                    |         |           |          |          |
|-----------------------------------------------------------------|-----|------|----------------------------------------------------------------------|-------------------------------------------------------------------|-------|----------------|------------------------------------|---------|-----------|----------|----------|
| USE                                                             | NO. | DATE | DESCRIPTION                                                          | REV'D                                                             | CHK'D | APP'D          |                                    |         |           |          |          |
|                                                                 | 01  | 28   | EC* 303558<br>HW* 18190376<br>SARGENT & LUNDY<br>ADDED THIS DRAWING. | S&L                                                               | S&L   | S&L            | 220-09 LINE<br>PECO Energy Company |         |           |          |          |
|                                                                 |     |      |                                                                      | SCALE                                                             |       | DESIGN         | CADD                               | CHECKED | INSPECTED | APPROVED | DATE     |
|                                                                 |     |      |                                                                      | NONE                                                              |       | S&L            | S&L                                | S&L     |           |          | 01/28/25 |
|                                                                 |     |      |                                                                      | APPROVED _____                                                    |       | APPROVED _____ |                                    |         |           |          |          |
|                                                                 |     |      |                                                                      | APPROVED _____                                                    |       | APPROVED _____ |                                    |         |           |          |          |
|                                                                 |     |      |                                                                      | APPROVED _____                                                    |       | APPROVED _____ |                                    |         |           |          |          |
|                                                                 |     |      |                                                                      | SHEET 3 OF 4                                                      |       | C-275857-A1    |                                    |         |           |          |          |

# **ATTACHMENT 2**

**Letter of Notification Filing Checklist**  
**PECO 220-09 Line Tap Project**

In an effort to facilitate the Commission's review process for a Letter of Notification ("LON") for the Siting and Construction of Electric Transmission Lines, the following checklist may be consulted by the applicant. The applicable regulatory requirements for a LON application are found in 52 Pa. Code §§ 57.71-77. The checklist is provided to streamline the review process by anticipating requests for additional information that may arise from Commission staff. The checklist does not create additional mandates or regulatory requirements for approval of a LON.

**1. Provide the name of the applicant and the address of its principal business office.**

PECO Energy Company  
 2301 Market Street  
 Philadelphia, PA 19103

**2. Name, title and business address of the attorney of the applicant and the person authorized to receive notice and communications with respect to the application if other than the attorney or the applicant.**

Anthony E. Gay  
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 Vice President & General Counsel  
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 Philadelphia, PA 19103  
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**3. General description of the proposed route of the HV line, to include the number of route miles, the right-of-way width and the location of the proposed HV line within each city, borough, town and township traversed. Describe which sections of 52 Pa. Code §57.72(d)(1)(i)-(vi) the applicant believes are applicable.**

PECO proposes to construct a new 230 kV high voltage line tap in East Whiteland Township, Chester County, Pennsylvania (the "Project"). The new line will be approximately 420 feet and tap into PECO's existing 220-09 Line near Planebrook Substation to connect a new customer's data center. Approximately half of the proposed

line tap will be located within PECO's existing property with the final span of approximately 220 feet extending on the property of the sole customer served by the line. The proposed line tap will be supported by three new steel monopole structures and ACSR (aluminum conductor, steel reinforced) conductors located within existing property owned by PECO and use an advanced conductor ACSS/TW (aluminum conductor, steel supported) from the final proposed PECO structure to Green Fig's takeoff structure.

The Project involves constructing a 230 kV high voltage distribution line tap from the 220-09 Line to connect a data center. For the current Project, PECO anticipates that the service life of that high voltage line structure and related appurtenances to be over 60 years for the three monopoles being erected as part of this Project. PECO understands that the customer expects the data center's demand to increase in the future in which case the proposed line tap may be replaced with a dedicated higher capacity line. If the projected demand for the Green Fig Data Center continues, PECO intends to seek separate approval for future upgrades.

This application is made pursuant to 52 Pa. Code §57.72(d)(1)(vi): An HV line having a proposed route of 2 miles or less. The Project meets this criterion because the new 220-09 Line tap will be approximately 420 feet.

**4. Provide a general statement of the need for the proposed HV line in meeting identified present and future demands for service, of how the proposed HV line will meet that need and of the engineering justification for the proposed line.**

A new customer is currently planning to construct a data center on the property directly adjacent to the Planebrook Substation within PECO's service territory and has requested service from PECO. The proposed project is necessary to provide service of approximately 150 MW to the new data center from PECO's Planebrook Substation and includes substation updates to benefit the transmission system.

**5. Please provide an engineering assessment of the project including information to address the following:**

**a) Provide an analysis of minimum conductor clearances and conductor thermal ratings.**

Conductor clearances for the project meet or exceed the requirements of PECO's Engineering Practice EPP-2090 OHT Design Clearances. The clearance requirement in EPP-2090 exceeds the requirements of NESC 2023. Examples of PECO clearance requirements are provided in subsection b, below.

**b) Provide engineering design criteria and parameters such as vertical clearance to ground.**

|                                   |       |
|-----------------------------------|-------|
| Ground, Farmland                  | 25.4' |
| Roadways, driveways, parking lots | 25.4' |
| Railroads, above top or rail      | 33.4' |
| Area not accessible by vehicles   | 21.4' |

**c) Provide an explanation as to how the project will be in compliance with the current NESC and, where applicable, information on how the applicant's design specifications and safety rules may exceed NESC suggested standards for transmission lines.**

The right-of-way width for the proposed Project is governed by the conductor displacement due to wind with the assumption that buildings can be erected on the easement line regardless of local municipality building setback requirements. The right-of-way width provided exceeds the requirements of NESC and PECO's Engineering Practice EPP-2090, "OHT Design Clearances" and will provide access for line maintenance, repair, and vegetation management.

**6. If applicable, provide the current height of the structures expected to be replaced, the proposed height of the new structures to be installed and the height of the structures to remain in place. Provide the number of structures proposed vs. current number of structures. Provide the location and footprint of the current structures compared to the proposed structures.**

No structures are being removed or replaced. The heights of the three new steel monopole structures to be constructed between the existing 220-09 Line and the customer's take-off structure are listed below.

| <b>Structure Number</b> | <b>New Structure Height (ft)</b> |
|-------------------------|----------------------------------|
| 0/1A                    | 40 feet                          |
| 0/1B                    | 95 feet                          |
| 0/2                     | 135 feet                         |

**7. If applicable, state if any properties/easements that did not previously have structures will now have a structure. State if the easement agreement allows for structures on these properties that did not previously have a structure. Explain the Company's process of informing the property owners that a structure will be placed on the easement to their property.**

Approximately half of the proposed Project, including all three of the new high voltage line structures, will be placed entirely on PECO's property. Approximately 220 feet of the proposed line tap will be located on the property of the new customer that will own

the data center where there are currently no existing high voltage line structures. PECO is negotiating necessary land rights with the new customer for the small portion of the high voltage line that will be located on the customer's data center property.

- 8. If applicable, what is the PJM project ID No. for the proposed project? Has this project been submitted to the PJM Transmission Expansion Advisory Committee (TEAC)? If so, please provide a description of the project as submitted to the TEAC. If this project is part of a larger project, summarize the larger project of which the LON is a part. Please describe how this project may mitigate potential planning criteria violations.**

The Project does not have a PJM project ID No. PECO presented the need for the Project at the November 6, 2024 TEAC meeting with project need number PE-2024-008. PECO presented the solution for the Project at the March 4, 2025 TEAC meeting with the project driver of customer service. PECO presented the Project as necessary to serve a new customer request as existing distribution infrastructure in the area cannot adequately accommodate the request.

The Project is not associated with PJM baseline projects that are ordered by PJM and designated to PECO to address planning criteria violations.

- 9. Provide a breakdown of project costs. Please explain who will own, finance and build the proposed project.**

The total estimated cost to design and construct the Project is approximately \$4.8 million. \$800,000 of that cost is attributed to materials (new conductor/hardware, optical ground wire, structures, foundations, substation equipment). The remaining costs are attributable to direct labor – primary engineering and design, clearance reviews, and electrical/civil construction – and allocated to PECO overhead and management costs. PECO will own, finance and build the proposed Project, with any Project distribution costs charged to the new customer consistent with PECO's Electric Service Tariff.

- 10. If available at the time the LON is filed, please provide a copy of any comments received from state or local officials.**

Not applicable. PECO has met with the East Whiteland Township Manager about the proposed Project and local communities and the Chester County Commissioners have been informed about the Project.

- 11. Please provide the anticipated construction commencement date and the proposed in-service date of the project.**

The anticipated construction commencement date is November 10, 2025, for the high voltage line structures. The Project requires transmission outages, currently scheduled from December 8 to 12, 2025, and March 2 to 27, 2026. The proposed in-service date of the Project is March 31, 2026.

**12. Provide evidence to show that the size, character, design and configuration of the proposed HV line will not substantially alter its existing right-of-way, if applicable. Please identify all alterations necessary to the existing right-of-way.**

Not applicable. No alterations to PECO's right-of-way are necessary. *See* PECO Attachment 1.

**13. A statement identifying the filing date on which the filing of the LON was or is to be made and a statement as found in 57.72(d)(iv) regarding the Commission's review.**

This Letter of Notification is being made today, April 14, 2025. PECO understands that, pursuant to 52 Pa. Code §§ 57.72(d)(4)(iv) and 57.72(d)(5), the Commission will review and, by order, approve or disapprove this Letter of Notification. If the Commission approves this Letter of Notification, the Project will be constructed as proposed herein without the application process set forth at 52 Pa. Code §§ 57.71, *et seq.*

**14. Provide the number of streams and/or wetlands that will be crossed. Describe how these will be addressed. Will any endangered or threatened species be affected? If a PNDI is required, please provide the results.**

The Project will not cross any streams or wetlands. The Project lines of disturbance ("LOD") do not impact any mapped streams or wetlands in the National Wetland Inventory. The nearest stream, Valley Creek, is located approximately 700 feet southwest of the Project LOD. The Project will disturb less than one (1) acre of soil. A Conservation Planning review was conducted through the Pennsylvania Natural Heritage Program Conservation Explorer website. The Conservation Planning review serves as a preliminary assessment of potential impacts to threatened and endangered species. No conservation planning areas of interest were identified in the proposed project location. The Conservation Planning review does not replace the need for a Pennsylvania Natural Diversity Inventory ("PNDI") Environmental Review receipt and/or consultation with agencies, which is required for environmental permitting. The Project is not expected to require a Pennsylvania Department of Environmental Protection permit, and thus a PNDI is not expected to be required.

**15. Indicate the number of circuits on the proposed line. Note that if only one is being installed at this time, another LON may be needed when the second circuit is added.**

One circuit tapping into the existing 220-09 Line will be installed for the Project.

**16. Please provide a copy of the certificate of service.**

The certificate of service is attached to the filing.

**17. Provide the specific NERC or other regulatory standard criteria which is driving the proposed project (e.g. TPL-004-1, P.2).**

Not applicable.

**18. Explain why the NERC, or other regulatory standard, violation, is now an issue where it wasn't previously.**

Not applicable.

**19. Explain whether the proposed project meets NERC or PJM minimum planning criteria or whether it exceeds these criteria to meet transmission owner planning criteria. If the project exceeds either of these minimum planning criteria to meet transmission owner criteria, provide a detailed explanation as to why.**

Not applicable. The proposed Project is not driven by NERC or PJM minimum planning criteria. The Project is necessary to provide service to a new customer.

**20. Explain whether load growth in the area has led to any change in circumstances as it relates to the need for the proposed project. If so, quantify these load growth impacts.**

Not applicable. The Project is necessary to serve the load of one new customer.

**21. State the age and anticipated service life and describe the overall health of the transmission line facilities to be replaced. Additionally, include information related to conditions which may have accelerated aging or led to premature failure of the facilities (e.g. corrosive environment).**

See response to paragraph 3 of this LON Checklist.

**22. Provide information regarding any unplanned outages on the subject transmission facilities over the previous 5 years (or more), including the duration, cause, whether service to customers was interrupted by outages on the subject transmission line(s),**

**and if so, the number and type of customers which were impacted. Additionally, explain whether the proposed project would mitigate the effects of these outages.**

The Project involves the construction of new high voltage distribution facilities as a line tap to the existing 220-09 Line to provide service to a new customer. There have been two unplanned outages on the 220-09 Line within the last ten years which were related to substation equipment failures that resulted in momentary interruptions. There was no direct impact to customers as a result of the unplanned outages on the existing 220-09 Line as it does not currently directly serve customers and, therefore, there was no customer impact due to these outages.

**23. Explain whether alternative solutions were considered. If so, provide a brief description of the alternative(s) and provide a detailed explanation of why the chosen solution was selected.**

The Project is necessary to serve a new customer and no alternative other than the proposed high voltage line would be practicable due to the close proximity of the new data center to PECO's Planebrook Substation.

Analysis of PECO's existing 34 kV system showed inadequate distribution capacity to meet the new customer's needs. Building a new line tap off of the 220-09 Line was identified as the fastest and most reliable means of providing service for 150 MW load of the new data center.

**24. Explain whether any of the loads served by the transmission facilities to be replaced are considered to be critical customers.**

Not Applicable. This question inquires about the loads served by existing transmission facilities. No current carrying transmission facilities will be replaced as part of the proposed Project.

**25. Quantify the anticipated increase in reliability in terms of customer average interruption duration index, system average interruption duration index, and system average interruption frequency index.**

Not applicable. The Project will serve a new customer.

**26. If a transmission owner customer requested the proposed project and is not paying the entire cost, explain why the costs will be assumed by other transmission owner customers.**

See response to paragraph 9 of this LON Checklist.

**27. Provide a detailed description of the methodology used to determine that the subject transmission facilities have reached the end of their useful service life. Additionally, provide any survival curves or utility specific data used in this determination.**

Not applicable.

Revised October 2018

# **Attachment B**

# Morgan Lewis

**Kenneth M. Kulak**

Partner

+1.215.963.5384

ken.kulak@morganlewis.com

July 24, 2026

## VIA OVERNIGHT DELIVERY

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

**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.)

**Morgan, Lewis & Bockius LLP**

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United States

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**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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Allison C. Kaster  
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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 :**

**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.<sup>1</sup> 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.

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<sup>1</sup> 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.<sup>2</sup>

## **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.<sup>3</sup> 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

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<sup>2</sup> 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.

<sup>3</sup> LON Approval Order, p. 1.

line near the Substation.<sup>4</sup> 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.<sup>5</sup> The Line Tap will be approximately 420 feet long, with approximately 220 feet over the property of the customer.<sup>6</sup>

In the LON, PECO explained that the Project is not expected to require any permit from the Pennsylvania Department of Environmental Protection.<sup>7</sup> 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,”<sup>8</sup> the LON correctly stated that “[t]here is currently no pending litigation regarding the right-of-way or environmental matters related to the Project.”<sup>9</sup>

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.

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<sup>4</sup> *Id.*, p. 2.

<sup>5</sup> *Id.*, p. 2.

<sup>6</sup> *Id.*, p. 2.

<sup>7</sup> LON, Attachment 2, p. 5.

<sup>8</sup> 52 Pa. Code § 57.72(c)(14).

<sup>9</sup> 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.”<sup>10</sup>

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

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<sup>10</sup> 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.<sup>11</sup>

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.<sup>12</sup>

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<sup>11</sup> *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.

<sup>12</sup> *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.”<sup>13</sup> 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.<sup>14</sup>

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.<sup>15</sup>

***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

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<sup>13</sup> 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”).

<sup>14</sup> *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).

<sup>15</sup> 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.”<sup>16</sup> 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

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<sup>16</sup> Petition, ¶ 13.

environmental considerations into their planning and decision-making.<sup>17</sup> 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.<sup>18</sup>

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.<sup>19</sup> 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.<sup>20</sup> 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.<sup>21</sup> PaDEP requires applicants for permits to assess the potential presence of protected species through the Pennsylvania Natural

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

<sup>18</sup> LON, ¶ 18.

<sup>19</sup> LON, ¶ 12.

<sup>20</sup> *See id.*, ¶ 15.

<sup>21</sup> *See* 25 Pa. Code 105.11; 25 Pa. Code § 102.5(a).

Diversity Inventory (“PNDI”).<sup>22</sup> 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

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<sup>22</sup> 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."<sup>23</sup>

***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."<sup>24</sup> 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.

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<sup>23</sup> 42 U.S.C. § 9613(b).

<sup>24</sup> 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

# **Attachment C**

# FOOTE MINERAL CO. EAST WHITELAND TOWNSHIP, PA

## Stay Updated, Get Involved

On this page:

- [Announcements and Key Topics](#)
- [Community Resources](#)

### Announcements and Key Topics

[www.epa.gov/superfund/footemineral](http://www.epa.gov/superfund/footemineral)

Updated on July 30, 2026

For general site inquires, please refer to the [Foote Mineral Superfund Site FAQ](#).

EPA does not recommend, propose, or approve specific Superfund redevelopment plans. The agency’s role is to review proposed uses and identify any potential conflicts with the selected remedy (including cleanup standards) or any risks posed by exposure to site-related contaminants that would reduce protection of human health and the environment.

The reasonable steps discussed in the [March 2026 comfort letters](#) related to the Foote Mineral site included the submittal of a Soil Management Plan and an Environmental Health and Safety Plan to EPA for review prior to the start of construction. Developers submitted those plans and EPA has provided comments, but there is no requirement at this site for developers to obtain approval from EPA prior to the start of construction.

Comfort letters are intended to provide information to prospective purchasers about the status of a site as well as liability protections available under CERCLA. Comfort letters typically discuss “reasonable steps” an owner can take to maintain certain liability protections under the statute and are not permits or decision documents with their own authority.

- EPA has received questions about construction activities at the site. On June 15, 2026, an EPA representative visually confirmed that earthwork activities currently occurring are not on the capped portion of the Foote Mineral Superfund site.
- EPA strives to help communities affected by Superfund sites return land to safe and beneficial use. The agency is working with the Pennsylvania Department of Environmental Protection (PADEP), East Whiteland Township, and the property owner to ensure redevelopment is consistent with the chosen remedy for the site and is compliant with all applicable environmental regulations.
- Two related comfort letters can be reviewed in the [Site Documents and Data section](#).
- EPA conducts five-year reviews of the site to ensure that the cleanup protects public health and the environment and functions as intended.
- The most recent [2024 Five-Year Review](#) concluded that additional information related to the extent of groundwater contamination needs to be obtained before determining the level of protectiveness of the site cleanup. This additional information can be found in the 2024 Five-Year Review.
- When additional information is collected and evaluated, the EPA will complete a Five-Year Review addendum that will document a protectiveness determination.

### Community Resources

Community involvement is the process of engaging in dialogue and collaboration with community members. The goal of Superfund community involvement is to advocate and strengthen early and meaningful community participation during Superfund cleanups. Read about ways you can participate in [EPA’s Community Involvement Program](#).

[Superfund Success Stories](#): Read about sites in your states where Superfund has made a difference in protecting human health and the environment.

### Fact Sheets

- [September 1998 \(PDF\)](#)

### Public Notices

- [3/17/2024: U.S. Environmental Protection Agency Reviews Cleanup at Foote Mineral Superfund Site \(PDF\)](#)
- [6/03/2019: U.S. Environmental Protection Agency Reviews Cleanup at Foote Mineral Superfund Site \(PDF\)](#)
- [6/19/2013: U.S. Environmental Protection Agency Reviews Cleanup at Foote Mineral Superfund Site \(PDF\)](#)
- [12/13/2007: The U.S. EPA’s Explanation of Significant Differences for Foote Mineral Co. Superfund Site Now Available Online \(PDF\)](#)
- [12/11/2007: U.S. EPA Seeks Public Comment on Plan to Modify the Record of Decision at the Foote Mineral Co. Superfund Site \(PDF\)](#)

### Press Release

- [10/25/2005: EPA to Host Public Meeting on Foote Mineral Superfund Site](#)

AUGUST 4, 2026

# Foote Mineral Superfund Site FAQ

July 2026

## 1. Does EPA approve redevelopment plans for the Foote Mineral Co. Superfund site?

No, EPA does not recommend, propose, or approve specific redevelopment plans. EPA's role is to review proposed uses and identify any possible conflicts with the cleanup remedy or risks from exposure to site-related contamination that could affect protection of human health and the environment. EPA reviewed the proposed redevelopment plans and **does not** expect the redevelopment to affect the remedy or the groundwater investigation at the site.

EPA will conduct site visits during construction to observe conditions and coordinate with partners. This is EPA's normal practice at Superfund sites undergoing redevelopment. EPA will also continue the groundwater investigation and monitoring at the site to ensure the remedy remains protective of human health and the environment.

## 2. What is the current status of cleanup at the Foote Mineral Co. Superfund site, and will redevelopment plans affect the cleanup?

EPA has been working to clean up the site for several decades. The site was added to the Superfund National Priorities List (NPL) in October 1992, and significant progress has been made to address soil contamination. The soil remedy, which consisted primarily of removing and consolidating contaminated soils under an impermeable cap, has been complete since 2010. The cap is designed to prevent contact with contaminated soil and waste and prevent infiltration of contamination into the underlying groundwater.

EPA continues to monitor groundwater at the site and has completed three Five-Year Reviews, which are required under Superfund to assess the protectiveness of cleanup remedies. The most recent review, issued in September 2024, concluded that more information was needed about the extent of groundwater contamination before the protectiveness of the cleanup remedy could be fully determined. However, redevelopment is not expected to impact groundwater contamination.

Additional measures known as institutional controls are also used at the site to help minimize the potential for exposure to contamination and protect the cleanup remedy. The institutional controls at the site are discussed in detail below.

## 3. What controls are in place to ensure redevelopment does not impact the capped area, interfere with cleanup progress, or worsen contamination?

Institutional controls are in place at the site to ensure protectiveness of the cleanup remedy. In 2017, a legal agreement called an environmental covenant was recorded to prohibit disturbance of the capped area to ensure the soil cleanup remedy remains protective of human health and the environment in the future. Based on the plans reviewed by EPA, the redevelopment is occurring in areas of the site where soil has been removed to below cleanup levels or areas of the site where soil contamination was not present. Contaminated soil is not expected to be encountered during the redevelopment and the capped area **is not** part of the proposed redevelopment.

In 2006, EPA coordinated with the Chester County Health Department to establish a Groundwater Management Zone that requires groundwater testing and restricts the installation of new wells in the area of groundwater contamination from the site.

Due to the depth of the groundwater at the site, the redevelopment is not expected to impact groundwater contamination (depth to groundwater is 45-60 feet below ground surface). As discussed above, EPA is currently conducting an additional groundwater investigation to further define the extent of groundwater contamination.

#### 4. Why is EPA conducting additional groundwater testing?

The September 2024 Five-Year Review concluded that more information was needed to define the full extent of groundwater contamination at the site. As discussed above, establishing the Groundwater Management Zone is a preventative measure that protects exposure to contaminated groundwater by restricting the installation of new wells.

#### 5. What are Comfort Letters? Why does EPA issue them?

Comfort letters are issued to promote beneficial reuse of Superfund sites. EPA issues comfort letters to describe site conditions, prohibited activities that could impact the cleanup remedy, where applicable, and outline reasonable steps that prospective purchasers can take to remain protected from Superfund liability. Comfort letters are **not** permits or official decisions, and they do **not** authorize the recipient to do anything.

#### 6. What safeguards are in place if contaminated soil is discovered during construction or excavation? Should I be concerned about construction dust from the site? What safeguards are in place if contaminated soil is discovered during construction?

EPA does not expect contaminated soil to be encountered during redevelopment, including during excavation, and dust generated during construction is not expected to contain site-related contaminants. EPA has been working to clean up the site for several decades and significant progress has been made to remove and contain soil contamination. As discussed above, based on the plans reviewed by EPA, the redevelopment is occurring in areas of the site where soil has been removed to below cleanup levels or areas of the site where soil contamination was not present.

The Comfort Letters required the developer to prepare a Soil Management Plan and Environmental Health and Safety Plan, which have been reviewed by EPA and Pennsylvania Department of Environmental Protection (PADEP). The Soil Management Plan includes provisions to control and prevent the generation and offsite migration of dust and requires the developer to immediately notify EPA and PADEP if soil contamination is encountered.

During the redevelopment, EPA will continue to receive regular updates from the developer and conduct periodic site visits to observe site conditions and engage with partners to confirm that construction activities are not occurring on the capped portion of the site. This is EPA's routine practice at Superfund sites where redevelopment is occurring.

#### 7. What does SWARU mean and why did it change?

Sitewide Ready for Anticipated Use (SWRAU) designations are internal EPA performance measures that document that a site's cleanup remedy is in place and that exposure to site contamination is prevented by either the physical cleanup remedy or institutional controls. While the SWRAU designation is meant to promote redevelopment at Superfund sites, a SWRAU designation is not required for reuse and/or redevelopment. As long as all land and groundwater use restrictions continue to be met and redevelopment does not interfere with EPA's remedy or future investigations, sites can be reused and redeveloped even if the site is not designated as SWRAU.

The site was given the SWRAU designation in January 2018. However, due to the need to further define the extent of groundwater contamination at the site identified in the 2024 Five-Year Review, the SWRAU designation was rescinded in September 2024.

Please see EPA's [SWRAU Performance Measure Guidance Document](#) for additional details on SWRAU designation.

## 8. How will EPA's groundwater investigation be affected by the redevelopment activities, including relocating a monitoring well?

The redevelopment, including relocating any wells, will not impact EPA's ability to investigate groundwater at the site. EPA is planning to install additional monitoring wells at the site to better define the full extent of the groundwater investigation. All wells located on the property, including the abandoned wells, were sampled before construction began.

## Key Terms

*Cleanup Remedy* – A Superfund **cleanup remedy** is a site-specific cleanup plan chosen to address contamination to a level that is protective of human health and the environment.

*Environmental Covenant* – An **environmental covenant** is an institutional control that is a legally recorded, permanent land use restriction attached to a property's deed.

*Five-Year Review* – If waste is left in place, Superfund **Five-Year Reviews** are conducted to ensure people and the environment are not exposed to unsafe levels of contamination and to ensure long term protectiveness of human health and the environment. Five-Year Reviews typically include a site inspection and data collection and review. Findings are summarized in a final report that includes a conclusion about the protectiveness of the cleanup remedy.

*Groundwater Management Zone* – A **Groundwater Management Zone** is an institutional control that is established to document restrictions related to groundwater use. In the Superfund context, the goal is to protect human health and the environment while a cleanup or investigation is underway or as part of a cleanup remedy to ensure long term protectiveness.

*Comfort Letter* – EPA issues **comfort letters** to describe site conditions, prohibited activities where applicable, and steps to take to protect prospective purchasers from Superfund liability. They usually explain the “reasonable steps” an owner must take to keep those protections.

*Sitewide Ready for Anticipated Use (SWRAU)* – EPA uses the **SWRAU** designation as an internal performance measure to document achievements toward required cleanup goals that impact current and future land uses.

## Additional Resources

[Pennsylvania Data Center Planning Toolkit](#)

[Reuse Considerations for Data Centers on Superfund Sites](#)