



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

IN REPLY PLEASE
REFER TO OUR FILE

P-2026-3064335

August 11, 2026

Julianna Ferris
28 Mountain Laurel Lane
Malvern, PA 19355

Re: *Petition of Julianna Ferris for Interim Emergency Order*
Docket No. P-2026-3064335
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 Ms. Ferris:

On October 9, 2025, the Commission entered an Order approving a Letter of Notification of PECO Energy Company and the siting and construction of a 220-09 Line Tap Project in East Whiteland Township, Chester County at A-2025-3054731.¹ On July 15, 2026, you filed a Petition for Recission of the October 9, 2025 Order (Petition for Recission).² On July 30, 2026, pursuant to 52 Pa. Code §§ 3.6 through 3.10, you filed a Petition for Interim Emergency Order (Emergency Petition),³ whereby you are requesting the Commission to stay and enjoin PECO Energy Company (“PECO”) from commencing or continuing construction of the 220-09 230 kV Transmission Line Tap Project (the “Project”). On August 4, 2026, PECO filed an Answer to the Emergency Petition at A-2025-3054731.

Sections 3.6 – 3.10 pertain to interim petitions for emergency relief pending the outcome of an adversarial complaint proceeding before the Office of Administrative Law Judge. As there is no existing complaint proceeding, we are treating your petition for interim emergency relief as an *ex parte* petition for emergency relief. 52 Pa. Code §§ 3.2 – 3.4.⁴ Specifically, as set forth in the Commission’s regulation at 52 Pa. Code § 3.1, an *ex parte* emergency relief is granted in situations that present a clear and present danger to life or property or which is uncontested and requires action prior to the next scheduled

¹ *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, A-2025-3054731 (LON Approval Order).*

² The Petition for Recission remains pending before the Commission for consideration.

³ *Id.*

⁴ Because you are appearing *pro se*, we are exercising our discretion pursuant to 52 Pa. Code § 1.2(a) to consider your Petition in the context of a Petition for Emergency Relief so that it may be properly considered.

meeting.⁵ A petition for issuance of an emergency order must be supported by a verified statement of facts that establish the existence of an emergency, including facts that support the following:

- (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.
- (4) The relief requested is not injurious to the public interest.⁶

All of these elements, which are codified at 52 Pa. Code § 3.2(b), must be satisfied in order to obtain emergency relief from the Commission.

Upon review of your Emergency Petition and the response of PECO, the Commission finds that you have failed to present facts demonstrating the existence of an emergency.⁷ Accordingly, as explained more thoroughly below, your Emergency Petition is denied.

In your Emergency Petition, you request a stay enjoining PECO from “commencing or continuing construction of the 220-09 230 kV Transmission Line Tap 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.”⁸ You request that a stay be issued pending disposition of your Petition for Rescission.

In your Emergency Petition, you also assert that excavation, grading and vegetation removal on the property owned by Green Fig Land LLC and its affiliated entities (Customer's property) will disturb soil documented to contain lithium, volatile organic compounds, and other hazardous substances at levels far exceeding the Environmental Protection Agency (EPA) cleanup standards. You further assert that the EPA's Third Five-Year Review Report establishes that excavation will generate airborne dust and particulate matter capable of carrying that contamination beyond the Customer's property. As such, you are requesting emergency relief in the form of a stay which will prevent PECO from commencing or continuing the Project as you assert that ground-disturbing construction on the Customer's property may begin at any moment. Emergency Petition at pp. 1-2.

⁵ See definition for *Emergency* at 52 Pa. Code § 3.1.

⁶ 52 Pa. Code § 3.2(b).

⁷ PECO filed an Answer to the Emergency Petition; therefore, this matter is not an “emergency” in the context of being uncontested and requiring action prior to the next scheduled public meeting. See 52 Pa. Code § 3.1.

⁸ Emergency Petition at p. 1. Internal short cites were omitted from the quotation.

In support of your request, you assert that the need for relief is immediate as the Customer received the final permit needed before construction activity may commence and there is no regulatory barrier preventing the Customer, or PECO, from breaking ground immediately. You further assert that your right to relief is clear as established by the record before the Commission in the Petition for Rescission. You allege that PECO's LON certification was false when made and the Commission's LON Approval Order was entered on a record with incomplete facts. You assert that the injury would be irreparable if your requested relief is not granted as earth disturbance will alter stormwater management conditions which will result in groundwater migration to your private well. Finally, you assert that the requested relief is not injurious to the public interest as it avoids irreversible disturbance of an active federal Superfund site. Emergency Petition at pp. 2-4.

In its Answer, PECO asserts that the Commission should deny the Emergency Petition as you have no right to relief and that there is no risk of irreparable injury or harm where PECO is not engaged in any construction on the Customer's property that could affect the Superfund site. PECO asserts that there is no substantial legal question to resolve, nor any emergency that justifies enjoining PECO's activities relating to the Project. PECO asserts that the Emergency Petition simply ignores the fact that PECO is not undertaking any construction activities for the Project on the Customer's property that could affect the Superfund site. Moreover, PECO asserts that most of the construction described in the LON on PECO's Property (including poles and conductors) has been completed. In addition, PECO explains that 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's property. Answer at pp. 2-3.

The Commission finds that you have failed to meet your burden in establishing a need for emergency relief. As to the first element for obtaining an emergency order from the Commission, we conclude that you have failed to demonstrate that your right to relief is clear. The Emergency Petition makes conclusory statements without factual support, as there has been no showing that the construction activities for the Project will disturb the Superfund site or your property. Furthermore, PECO verified that most of the construction described in the Letter of Notification on PECO's Property (including poles and conductors) has been completed. Answer at p. 2. In addition, PECO confirmed that 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's property. Thus, the Commission finds that you have failed to set forth facts establishing a clear right to relief.

As to the second and third elements, you have failed to show any need for immediate relief or that any injury would be irreparable if the Commission does not enjoin PECO. As with the response regarding the first element, the Commission finds that PECO has verified that clearance of the Customer's 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's property by PECO. Moreover, PECO has demonstrated that your allegations of immediate harm with respect to environmental issues on the Customer's property are inconsistent with the EPA's publicly stated position. Answer at p. 8. PECO has confirmed that construction of the Project has not and will not affect the Superfund site and that most of the construction at issue has already been completed. As such, no risk of irreparable injury and no need for immediate relief has been established.

We also find that the Emergency Petition failed to establish the fourth element, that the requested relief is not injurious to the public interest. As a threshold matter, in the LON Approval Order, the Commission determined that granting PECO's Letter of Notification was in the public interest. The Commission further finds causing a delay in the Project could compromise outage plans for other PECO projects and work designed to maintain and improve overall system reliability, which would adversely affect the public interest.

For the foregoing reasons, the Commission finds that your Emergency Petition has failed to prove any of the requisite elements necessary to establish a need for emergency relief. Accordingly, your request for emergency relief is denied.

Please direct any questions to Stephanie Wilson, Assistant Counsel, Law Bureau, at (717) 787-1859, stepwilson@pa.gov.

Sincerely,

A handwritten signature in cursive script, reading "Matthew L. Homsher".

Matthew L. Homsher
Secretary