

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265**

Public Meeting held October 1, 2026.

Commissioners Present:

Stephen M. DeFrank, Chairman
Kimberly Barrow, Vice Chair
Ralph V. Yanora
John F. Coleman, Jr.

Petition of Julianna Ferris for Interim Emergency
Order

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

A-2025-3054731

ORDER

BY THE COMMISSION

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is the August 13, 2026, Petition for Reconsideration (Emergency Reconsideration Petition) filed by Ms. Ferris whereby she seeks reconsideration of the Commission's August 11, 2026, Secretarial Letter denying the "Petition of Julianna Ferris for Interim Emergency Order" (Secretarial Letter) at the above-captioned docket. With this Order, the Commission denies the Emergency Reconsideration Petition because the Commission properly found in the Secretarial Letter that Ms. Ferris failed to set forth a basis for emergency relief and the new allegations contained in the Emergency Reconsideration Petition fail to provide any further

substantiation to her claim for relief already denied by the Commission.

I. History Of The Proceeding

On April 14, 2025, PECO Energy Company (PECO) filed a Letter of Notification (LON) pursuant to 52 Pa. Code § 57.72(d)(1)(vi) seeking approval of the construction of the 220-09 230 kV transmission line tap project located in East Whiteland Township, Chester County, Pennsylvania (Project) for a new customer (Customer) at Docket No. A-2025-3054731. By Order entered on October 9, 2025, the Commission approved the LON (LON Approval Order). On July 14, 2026, Julianna Ferris filed a Petition for Rescission or Amendment of the Commission's LON Approval Order (Rescission Petition), which is pending before the Commission.

On July 30, 2026, Ms. Ferris filed a Petition for Interim Emergency Order (Emergency Petition) with the Commission seeking a stay which would enjoin PECO from commencing or continuing construction of the Project. The Commission docketed the Emergency Petition at P-2026-3064335. PECO filed an Answer to the Petition for Interim Emergency Order on August 4, 2026. The Emergency Petition was treated as an *ex parte* petition for emergency relief by the Commission pursuant to 52 Pa. Code §§ 3.2-3.4, rather than a petition for interim emergency relief pursuant to 52 Pa. Code §§ 3.6-3.10, as there is no existing complaint proceeding before the Commission.

By way of Secretarial Letter issued on August 11, 2026, the Commission denied the request for *ex parte* emergency relief. The Commission found that the Emergency Petition failed to prove any of the requisite elements necessary to establish a need for emergency relief.

On August 13, 2026, Ms. Ferris timely filed her Emergency Reconsideration Petition seeking reconsideration of the Commission's Secretarial Letter denying

emergency relief. In the Emergency Reconsideration Petition, Ms. Ferris asserts that the recharacterization of the Emergency Petition deprived her of a hearing as required under 52 Pa. Code § 3.6a. Ms. Ferris further requests that the Commission vacate the Secretarial Letter and grant the stay requested in the Emergency Petition or, in the alternative, schedule a hearing. Ms. Ferris asserts that the Commission overlooked critical facts on each of the four elements required for emergency relief under 52 Pa. Code § 3.2(b). On August 19, 2026, Ms. Ferris filed an Emergency Supplemental Notice and Renewed Request for Immediate Stop-Work Order (Emergency Supplement). In this Emergency Supplement, Ms. Ferris asserts that two control houses were delivered onto the Customer's property for Phase 2 of the Project and Ms. Ferris requests a stop-work order halting all construction activity by PECO.

On August 24, 2026, pursuant to 52 Pa. Code § 5.572(e), PECO filed its Answer to the Emergency Reconsideration Petition, as supplemented by the Emergency Supplement.

By Order entered August 27, 2026, the Commission preserved its jurisdiction over this matter pursuant to Rule 1701 of the Pennsylvania Rules of Appellate Procedure Commission. We now address the merits of the Emergency Reconsideration Petition below.

II. Discussion

A. Legal Standards

The Commission has the authority to grant reconsideration and rescind its prior orders pursuant to Sections 703(g) of the Public Utility Code (Code), 66 Pa. C.S. § 703(g), and Section 5.572 of the Commission's regulations, 52 Pa. Code 5.572 (relating to petitions for relief following the issuance of a final decision). Petitions for relief predicated upon Section 703(g) of the Code and Section 5.572(c) of the Commission's Regulations as a petition for reconsideration that are timely filed following service of a

Commission order, are reviewed by the Commission as matters seeking relief falling within the agency's discretion.

The Commission has administrative discretion regarding whether to grant or deny a petition for clarification or reconsideration of an order filed under 66 Pa.C.S. § 703(g). *West Penn Power Co. v. Pa. Pub. Util. Comm'n*, 659 A.2d 1055, 1065 (Pa. Cmwlth. 1995). However, such a petition should only be granted judiciously and under appropriate circumstances because such an action results in the disturbance of a final order. *Id.* As such, the Commission has wide latitude to deny a petition for clarification or reconsideration, and its decision will not be overturned by an appellate court absent a showing that the Commission abused its discretion. *Id.*

The Commission's application of the standards for granting a petition for reconsideration were set forth in *Duick v. PGW*, 56 Pa. P.U.C. 553 (1982) (*Duick*):

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.

Duick, 56 Pa. P.U.C. at 558-59 (Pa. Cmwlth. 1990). As such, under the standards of *Duick*, a petition for reconsideration may properly raise any matter designed to convince the Commission that it should exercise its discretion to amend or rescind a prior order, in

whole or in part. However, such a petition is likely to succeed only when it raises “new and novel arguments” not previously heard or considerations which appear to have been overlooked by the Commission. *Duick*, 56 Pa. P.U.C. at 558.

The Commission utilizes a two-step analysis in determining whether to exercise its discretion to grant relief under *Duick*. See, e.g., *SBG Management Services, Inc./Colonial Garden Realty Co., L.P. v. Philadelphia Gas Works*, Docket Nos. C-2012-2304183 and C-2012-2304324 (Opinion and Order entered May 9, 2019)¹ at 4-5 (discussing *Application of La Mexicana Express Service, LLC, to transport persons in paratransit service, between points within Berks County*, Docket No. A-2012-2329717; A-6415209 (Opinion and Order entered September 11, 2014)). The first step is to determine whether a party has offered any basis to persuade the Commission to exercise its discretion, including but not limited to, new and novel arguments or identified considerations that appear to have been overlooked or not addressed by the Commission in its previous order. This initial step examines whether a party raises the same questions which were specifically considered and decided against them by a prior Order of the Commission. If so, it is unlikely that the Commission will be persuaded to exercise its discretion to grant relief. *Duick* at 559 (citing *Pennsylvania Railroad Co. v. Public Service Commission*, 179 A. 850 (Pa. Super. 1935)). The second step of the *Duick* analysis is to evaluate any matter the Commission has deemed worthy of consideration, to determine whether to grant any relief.

¹ *Affirmed, Phila. Gas Works v. Pa. PUC*, 249 A.3d 963 (Pa. 2021), *remand granted, in part*, 256 A.3d 1092 (Pa. 2021) (Table).

B. August 11, 2026 Secretarial Letter

As set forth in the Secretarial Letter, Ms. Ferris must establish the existence of an emergency and satisfy the elements set forth at 52 Pa. Code § 3.2(b)² to obtain emergency relief from the Commission. In the Secretarial Letter, the Commission denied emergency relief because it found that Ms. Ferris failed to present facts demonstrating clear and present danger to life or property as prescribed by Sections 3.1 and 3.2(b) of our regulations. *See* 52 Pa. Code §§ 3.1 and 3.2. Furthermore, the Commission found that Ms. Ferris failed to present facts demonstrating that there was a clear right to relief, that the need for relief was immediate, that the potential injury would be irreparable if the requested relief was not granted, or that the request to enjoin PECO was not injurious to the public interest as required by Commission regulation.

C. Emergency Petition for Reconsideration

Ms. Ferris requests reconsideration based on two independent grounds. First, she asserts that the Commission improperly recharacterized the Emergency Petition to avoid a hearing and denied it on the papers. Second, she asserts that, on each of the four elements under Section 3.2(b) of the Commission's regulations, the representations relied on by the Commission in its denial are contradicted by PECO's own filed documents and the regulatory record.

² A petition for emergency order must be supported by a verified statement of facts that establish the existence of an emergency and 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.

D. Emergency Supplemental Notice

After the filing of the Emergency Reconsideration Petition, Ms. Ferris filed an Emergency Supplemental Notice seeking a stop-work order for PECO based upon the delivery of two control houses to the Customer's property. Ms. Ferris asserts that the control houses were delivered by PECO and that PECO is moving construction equipment onto the Customer's property for Phase 2 of the Project.

E. PECO's Answer

PECO filed an Answer to the Emergency Reconsideration Petition and Emergency Supplement asserting that the Emergency Reconsideration Petition should be denied because Ms. Ferris failed to meet the *Duick* standard. PECO asserts that the Commission properly treated the Emergency petition as an "ex parte petition for emergency relief" under Sections 3.2-3.4 of the Commission's regulations. PECO explains that it is not a "lessee" of the Superfund site and that PECO does not have any obligations under the Comfort Letters or the Soil Management Plan issued to the Customer. PECO further explains that it does not have an easement for the Customer's property. PECO verifies that it has not started any physical construction for any expansion of service to the Customer and will seek Commission approval before doing so. In response to the Emergency Supplement, PECO avers that the control houses are not for PECO and are not owned by PECO.

F. Disposition

At the outset, we note that any argument or issue that we do not specifically address shall be deemed to have been duly considered and denied without further discussion. The Commission is not required to consider, expressly or at length, each contention or argument raised by the parties. *Consolidated Rail Corp. v. Pa. PUC*, 625 A.2d 741 (Pa. Cmwlth. 1993); *see also, generally, University of Pennsylvania v. Pa. PUC*, 485 A.2d 1217 (Pa. Cmwlth. 1984).

As previously noted, Petitions for Reconsideration are governed by the standards of *Duick*, under which the Commission applies a two-step analysis. First, we determine whether a party has offered new and novel arguments or identified considerations that appear to have been overlooked or not addressed by the Commission in its previous Order. We will not reconsider our previous decision based on arguments that have already been considered. The second step of the *Duick* analysis, therefore, is to evaluate the new or novel argument, or overlooked consideration, to determine whether to exercise our discretion to modify our previous decision.

1. The Emergency Reconsideration Petition Was Properly Characterized As An Ex Parte Petition For Relief

Ms. Ferris asserts that the Commission inappropriately recharacterized the Emergency Petition to avoid a hearing. However, the treatment of the Emergency Petition as an *ex parte* petition for emergency relief was entirely proper considering the procedural posture of this case. Ms. Ferris titled her *pro se* request for relief as a “Petition for Interim Emergency Order.” This type of interim petition is filed pursuant to Sections 3.6-3.10 of our regulations, 52 Pa. Code §§ 3.6-3.10, and pertains to interim petitions for emergency relief pending the outcome of an adversarial complaint proceeding before the Office of the Administrative Law Judge (OALJ). However, there is no pending complaint proceeding in this matter. The original Rescission Petition was filed pursuant to 66 Pa.C.S. § 703(g) and 52 Pa. Code § 5.572. The Rescission Petition is not a complaint before the OALJ, and it remains pending before the Commission itself.

As there is no existing complaint proceeding, the Commission treated the Emergency Petition as an *ex parte* petition for emergency relief under Sections 3.2-3.4 of our regulations, 52 Pa. Code §§ 3.2-3.4. However, rather than deny the Emergency Petition outright, the Commission exercised its discretion pursuant to Section 1.2(a) of our

regulations to properly consider the *pro se* Emergency Petition. Accordingly, the Commission denies reconsideration on this ground.

2. The Emergency Reconsideration Petition Fails To Provide A Basis For Reconsideration

In her Emergency Reconsideration Petition, Ms. Ferris asserts that her emergency petition satisfied the four elements under Section 3.2(b) of the Commission's regulations and the representations relied on by the Commission in its denial are contradicted by PECO's own filed documents and the regulatory record. To bolster this claim, Ms. Ferris sets forth additional evidence in the Emergency Reconsideration Petition, to substantiate her bald assertion that the representations in the record are somehow contradicted or inadequate. While Ms. Ferris contends that the Commission's denial of her request for emergency relief is based upon representations that are contradicted by PECO's filings and the regulatory record, her assertion that this alleged contradiction was overlooked by the Commission is erroneous and does not warrant reconsideration by the Commission. As discussed in more detail below, none of the additional allegations, statements or documents presented by Ms. Ferris provide a basis under *Duick* for reconsideration of the Commission's conclusion that Ms. Ferris failed to present facts demonstrating the existence of an emergency or any right to emergency relief.

a. Ms. Ferris Failed To Establish A Clear Right To Relief

The Commission's Secretarial Letter denied emergency relief and found that Ms. Ferris failed to demonstrate that her right to relief was clear. The Commission found that the Emergency Petition contained conclusory statements without factual support and no showing was made that the construction activities would disturb the Superfund site or Ms. Ferris' property in any way.

In the Emergency Reconsideration Petition, Ms. Ferris cites the Comfort Letters for the proposition that PECO failed to meet certain obligations imposed by the Environmental Protection Agency (EPA). However, PECO has established that the Comfort Letters do not place any obligations on PECO. The obligations contained within the Comfort Letters relating to the Superfund site were issued to the Customer, not PECO. Further, PECO establishes that it is not a “lessee” that would be subject to the obligations under the Comfort Letters. PECO explained that, in the LON, it originally believed an easement, not a lease, may be necessary for the overhead line. However, PECO states that, to date, an easement has not been necessary, and no such easement has been negotiated. As such, Ms. Ferris has failed to establish that the Comfort Letters impose any obligation on PECO.

Ms. Ferris further asserts that, pursuant to the Environmental Covenant, PECO’s scope of work should have been reviewed by the EPA as the EPA and Pennsylvania Department of Environmental Protection have a right to establish use limitations or prohibit “any activities or excavations that would disturb the integrity of the cap system” and “any use that could adversely impact the vegetative growth that stabilizes the Cap System at the Site.” However, PECO has consistently established that, to date, the scope of its work did not involve any activities or excavations which would disturb the integrity of the Superfund site. In fact, PECO established that the overhead line went directly from a new pole on PECO’s Planebrook substation property to the Customer’s structures. Again, Ms. Ferris has failed to establish that the Environmental Covenant imposes any obligations on PECO pursuant to the current scope of the Project.

Ms. Ferris further references the Soil Management Plan in her Reconsideration Petition, for the proposition that PECO failed to remedy certain controls required by the EPA. However, PECO has established that the Soil Management Plan imposes no obligations on PECO. PECO explains that the Soil Management Plan is a document prepared by a consultant to the Customer that provides procedures to the Customer “in the

unlikely event [potentially contaminated soil] is encountered during earthwork activities” in which PECO is not engaged. As set forth in the Answer to the Emergency Petition and again in response to the Emergency Reconsideration Petition, the EPA found that the area of soil remediation at the Superfund site is not part of the proposed development and the EPA does not expect the redevelopment to affect the remedy or the groundwater investigation at the site.

The Commission properly found in the Secretarial Letter that Ms. Ferris failed to set forth a basis for emergency relief. The Emergency Reconsideration Petition does not present any question that the Commission failed to consider in the Secretarial Letter. Instead, it asks the Commission to decide the same questions differently: whether the Commission properly considered the Emergency Petition under Sections 3.2-3.4 of the Commission’s regulations; whether Ms. Ferris has demonstrated that any of PECO’s activities create an emergency where her right to relief is clear; whether any of PECO’s activities create any injury that would be irreparable; and whether her request was consistent with the public interest. Moreover, just like the initial Emergency Petition, Ms. Ferris makes additional conclusory statements and unsupported allegations in the Emergency Reconsideration Petition and attaches additional supporting documents without establishing the relevance to PECO. However, these new allegations contained in the Reconsideration Petition fail to provide any further substantiation to her claim for relief already denied by the Commission. Accordingly, we find that Ms. Ferris’ additional allegations fail to set forth a basis for reconsideration of the Commission’s Secretarial Letter and that the new information contained within the Emergency Supplemental Notice still does not establish a need for emergency relief.

b. Ms. Ferris Failed To Establish An Immediate Need For Relief Or Risk Of Irreparable Injury

Based upon the allegations in the Emergency Petition, the Commission found that Ms. Ferris failed to show a need for immediate relief or that injury would be irreparable if

the Commission did not issue a stay enjoining PECO. The Commission found that PECO had verified that clearance of the Customer's property was performed as part of the Customer's construction activities and that the overhead line is now installed without any earth disturbance of the Customer's property by PECO.

In the Emergency Reconsideration Petition, Ms. Ferris has failed to raise any new facts which would substantiate a need for immediate relief or the risk of irreparable injury. Ms. Ferris's new allegations of harm in the Emergency Reconsideration Petition are entirely speculative and based on plans for the Project submitted to the Customer and PJM. Ms. Ferris seems to assert that the Commission is in some way shirking its responsibility to continue to review the Project and that the Project will proceed without any further consideration. That is simply not the case.

The Commission has made no determination as to future phases of the Project. As set forth in the LON, the only item before the Commission was PECO's request to construct the 220-09 230 kV transmission line from PECO's Planebrook Substation to the Customer's data center. PECO explained that the Project will allow PECO to serve the Customer's 150 MW load and that if the projected demand for the data center continues, PECO intends to seek approval from the Commission for future upgrades. PECO stated that the 220-09 line will be located within existing property owned by PECO and the new right-of-way owned by the Customer. PECO established that it does not currently have an easement for Customer's property.

Ms. Ferris attempts to use other unrelated incidents related to PECO's high-voltage infrastructure to substantiate a risk of harm in this case. Incidents involving PECO in Upper Providence and Pottstown have no bearing on the case at hand and do nothing to establish a risk of harm here.

The Commission properly found that there is no need for immediate relief and no risk of irreparable harm, absent a stay on construction by PECO. None of the additional averments or documents contained in the Emergency Reconsideration Petition change this finding.

c. The LON Is In The Public Interest

In the Secretarial Letter, the Commission found that the requested relief is not injurious to the public interest. Rather, the Commission found, in the LON Approval Order, that approving PECO's LON was in the public interest.

Ms. Ferris now asserts in the Emergency Reconsideration Petition that the public interest demands a full, transparent, and comprehensive review of PECO's entire scope of work. However, as set forth in detail above, PECO is not subject to the requirements of the Comfort Letters, Environmental Covenant, or Soil Management Plan. PECO utilized the appropriate process to obtain approval of its LON by the Commission. PECO has clearly stated that it will seek additional Commission approval for any future upgrades to the Project.

As such, Ms. Ferris has failed to establish a public interest concern here. The Commission, through its thorough review of the LON, has upheld its duty in protecting the public interest.

3. The Commission Properly Denied The Emergency Petition And The Emergency Supplement Fails To Raise Any New Issues Which Warrant Relief

After the filing of the Reconsideration Petition, Ms. Ferris filed an Emergency Supplemental Notice seeking a stop-work order for PECO based upon the delivery of two control houses to the Customer's property. Ms. Ferris asserts that the control houses were

delivered by PECO and that PECO is moving construction equipment onto the Customer's property for Phase 2 of the Project. However, the new information contained within the Emergency Supplement still does not establish a need for emergency relief.

In the Answer to the Reconsideration Petition, PECO asserts that it has not started any physical construction for any expansion of service to the Customer and that it will seek Commission approval before doing so. PECO further asserts that the control houses and crane on the Customer's property are not for PECO and are not owned by PECO.

As PECO is not undertaking any construction activities on the Customer's property at this time, the Emergency Supplement does not affect the Commission's decision to deny the Reconsideration Petition.

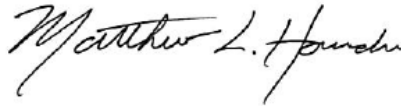
III. Conclusion

For the reasons set forth above, the Emergency Petition for Reconsideration filed by Julianna Ferris on August 13, 2026 is hereby denied; **THEREFORE,**

IT IS ORDERED:

1. That the Petition for Reconsideration filed by Julianna Ferris on August 13, 2026, is denied, consistent with this Order.
2. That this Docket be marked closed.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Matthew L. Homsher", written in a cursive style.

Matthew L. Homsher
Secretary

(SEAL)

ORDER ADOPTED: October 1, 2026

ORDER ENTERED: October 1, 2026