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January 27, 2023

**VIA ELECTRONIC FILING**

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

Re: PECO Energy Company's Expedited Motion for Consolidation

Docket Nos.: C-2022-3036906; C-2022-3037057; C-2023-3037514  
C-2023-3037523; C-2023-3037533; C-2023-3037622;  
C-2023-3037632; C-2023-3037633; C-2023-3037640;  
C-2023-3037642; C-2023-3037646; C-2023-3037676;  
C-2023-3037696; C-2023-3037698; C-2023-3037736;  
C-2023-3037809

Dear Secretary Chiavetta:

We represent PECO Energy Company in the above- referenced proceedings. Enclosed for filing in the above-referenced proceedings is PECO Energy Company's Expedited Motion for Consolidation. Copies will be provided as indicated on the Certificate of Service.

Thank you for your attention to this matter.

Respectfully,  
/s/ **Christopher A. Lewis**  
Christopher A. Lewis

*Enclosures*

cc: Certificate of Service List (w/ encl.)

**BEFORE THE  
COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In re: Complaints Against PECO Energy : Docket Nos:  
Company's Electrical Substation Upgrade :  
Project in the Borough of Swarthmore : C-2022-3036906  
: C-2022-3037057  
: C-2023-3037514  
: C-2023-3037523  
: C-2023-3037533  
: C-2023-3037622  
C-2023-3037632  
C-2023-3037633  
C-2023-3037640  
C-2023-3037642  
C-2023-3037646  
C-2023-3037676  
C-2023-3037696  
C-2023-3037698  
C-2023-3037736  
C-2023-3037809

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**EXPEDITED MOTION FOR CONSOLIDATION**

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PECO Energy Company ("PECO") hereby requests that, on an expedited basis, the Pennsylvania Public Utility Commission (the "Commission") consolidate the above-referenced proceedings to avoid unnecessary costs and delay pursuant to 52 Pa. Code § 5.81(a) because: (1) the proceedings involve common questions of law and fact; (2) several of the proceedings require the imminent filing of separate answers from PECO; (3) PECO anticipates additional similar complaints to be filed raising common questions of law and fact; and (4) a consolidated proceeding will provide for the efficient adjudication of these proceedings. In support of this expedited consolidation motion, PECO represents as follows:

1. PECO is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania with its principal office in Philadelphia, Pennsylvania. PECO provides electric delivery service to approximately 1.6 million customers.

2. PECO is conducting a Reliability & Resiliency Plan investing in targeted reliability-focused infrastructure investments.

3. One component of PECO's Reliability & Resiliency Plan is to upgrade the existing Morton Substation in the Borough of Swarthmore by retiring the existing substation equipment, replacing all wires, cables, poles, devices, and transformers on the circuits associated with the substation, and installing new recloser aerial devices (the "Upgrade Project").

4. The Upgrade Project will require that PECO trim and remove trees along the existing electrical utility pole pathway (the "Vegetation Management").

5. Since on or about November 22, 2022, PECO has been served with sixteen (16) complaints (the "Complaints") filed with the Commission each relating to common questions of law and fact insofar as each complaint relates to the Upgrade Project and each specifically cites PECO's proposed Vegetation Management for the Upgrade Project as the reason for the filing of the complaint.

6. The Complaints likewise request similar, or near verbatim, relief, including, *inter alia*, requests that PECO: (i) install underground electrical facilities, (ii) comply with the Borough of Swarthmore's tree removal permit requirements, and (iii) abstain from proceeding with the Vegetation Management until the resolution of each complaint.

7. The Complaints are identified as follows:

- i. On or about November 22, 2022, Katherine Sibley filed a complaint with the Commission against PECO related to the Upgrade Project, which complaint was assigned Docket No. C-2022-3036906.

- ii. On or about December 5, 2022, Alison Manaker filed a complaint with the Commission against PECO related to the Upgrade Project, which complaint was assigned Docket No. C-2022-3037057.
- iii. On or about January 9, 2023, Susan and Sean O'Donnell filed a complaint with the Commission against PECO related to the Upgrade Project, which complaint was assigned Docket No. C-2023-3037514.
- iv. On or about January 9, 2023, Kirsten and Jonathan Myers filed a complaint with the Commission against PECO related to the Upgrade Project, which complaint was assigned Docket No. C-2023-3037523.
- v. On or about January 10, 2023, Jeffrey Golan filed a complaint with the Commission against PECO related to the Upgrade Project, which complaint was assigned Docket No. C-2023-3037533.
- vi. On or about January 13, 2023, Mary Deppen filed a complaint with the Commission against PECO related to the Upgrade Project, which complaint was assigned Docket No. C-2023-3037622.
- vii. On or about January 13, 2023, Abigail Adams filed a complaint with the Commission against PECO related to the Upgrade Project, which complaint was assigned Docket No. C-2023-3037632.
- viii. On or about January 13, 2023, Brendali Reis filed a complaint with the Commission against PECO related to the Upgrade Project, which complaint was assigned Docket No. C-2023-3037633.
- ix. On or about January 13, 2023, Thomas Hals and Corey Ullman filed a complaint with the Commission against PECO related to the Upgrade Project, which complaint was assigned Docket No. C-2023-3037640.
- x. On or about January 17, 2023, Linda Hauck filed a complaint with the Commission against PECO related to the Upgrade Project, which complaint was assigned Docket No. C-2023-3037642.
- xi. On or about January 17, 2023, Jonathan Hodgson and Andrea Knox filed a complaint with the Commission against PECO related to the Upgrade Project, which complaint was assigned Docket No. C-2023-3037646.
- xii. On or about January 18, 2023, Judy and Gerry Galgon filed a complaint with the Commission against PECO related to the Upgrade Project, which complaint was assigned Docket No. C-2023-3037676.

- xiii. On or about January 19, 2023, Florence Roberts filed a complaint with the Commission against PECO related to the Upgrade Project, which complaint was assigned Docket No. C-2023-3037696.
- xiv. On or about January 19, 2023, Robert Dreyfus, M.D., filed a complaint with the Commission against PECO related to the Upgrade Project, which complaint was assigned Docket No. C-2023-3037698.
- xv. On or about January 20, 2023, the Borough of Swarthmore filed a complaint with the Commission against PECO related to the Upgrade Project, which complaint was assigned Docket No. C-2023-3037736.
- xvi. On or about January 25, 2023, Syon Bhanot and Susanne Schwarz filed a complaint with the Commission against PECO related to the Upgrade Project, which complaint was assigned Docket No. C-2023-3037809.

8. Upon information and belief, PECO anticipates that additional complaints may be filed that will likewise relate to the Upgrade Project and that will also request the same or similar relief, and thus will involve common questions of law and fact with the above referenced Complaints.

9. PECO filed answers to Ms. Sibley's complaint on or about December 9, 2022 and Ms. Manaker's complaint on or about December 14, 2022 in those proceedings' respective Docket Numbers.

10. Pursuant to 52 Pa. Code § 5.61(a), responsive pleadings to the Complaints are required and pending, with the next responsive pleading due on or about January 30, 2023.

11. In the interest of judicial economy, PECO requests that the Commission consolidate the above-referenced proceedings, and any future complaints that may be filed with the Commission related to the Vegetation Management of the Upgrade Project.

12. The Commission's regulations authorize consolidation of proceedings pursuant 52 Pa. Code § 5.81, and states in relevant part:

§ 5.81. Consolidation

(a) The Commission or presiding officer, with or without motion, may order proceedings involving a common question of law or fact to be consolidated. The Commission or presiding officer may make orders concerning the conduct of the proceeding as may avoid unnecessary costs or delay.

52 Pa. Code § 5.81(a).

13. A consolidated proceeding would allow for the efficient filing of responsive pleadings, and if necessary, the efficient administration of motions practice, discovery, and hearings, and a Commission resolution to these proceedings.

14. Should the Commission grant PECO's consolidation request, PECO also requests that the Commission grant PECO with an extension of twenty (20) days from the Commission's order to file one omnibus answer or responsive pleading to the Complaints.

WHEREFORE, for all the reasons set forth above, PECO respectfully requests that the Commission consolidate the above-referenced proceedings and permit PECO to file an omnibus responsive pleading 20 days from the date of the Commission's order.

Dated: January 27, 2023

/s/ Christopher A. Lewis  
Christopher A. Lewis, Esq.  
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**CERTIFICATE OF SERVICE**

I, Stephen C. Zumbrun, hereby certify that on January 27, 2023, I caused a true and correct copy of the foregoing to be served via the Pennsylvania Public Utility Commission’s e-filing notification system, email, and by United States first class mail, postage prepaid, upon the following:

Katherine A. S. Sibley  
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/s/ Stephen C. Zumbrun  
STEPHEN C. ZUMBRUN