

BLANKROME

One Logan Square
130 North 18th Street | Philadelphia, PA 19103-6998

Phone: (215) 569-5467
Fax: (215) 231-0053
Email: stephen.zumbrun@blankrome.com

February 10, 2023

U. S. FIRST CLASS MAIL AND E-MAIL

All Parties of Record

Re: PECO Energy Company's Petition for Leave to Withdraw Expedited Motion for Consolidation. Dockets: 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 All:

Enclosed for filing in the above-referenced proceeding is the PECO Energy Company's Petition for Leave to Withdraw the Expedited Motion for Consolidation as filed with the Commission this day. Copies will be provided as indicated on the Certificate of Service.

Thank you for your continued attention to this matter.

Sincerely,

s/ *Stephen C. Zumbrun*

Stephen C. Zumbrun

SCZ:smh
Enclosure

3. One component of PECO's Reliability & Resiliency Plan is to retire the existing Morton Substation in the Borough of Swarthmore and upgrade equipment by 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. Between November 22, 2022 and January 27, 2023, when the Motion was filed, PECO was 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. Three (3) additional complaints have been filed with the Commission and served upon PECO since the Motion was filed.

7. 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.

8. The Complaints likewise request similar, or near verbatim relief, including, among other things, 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.

9. PECO has been in contact with pro se Complainants and counsel for represented Complainants and understands that the parties have differing views on consolidation of these actions.

10. For example, Mr. Jeffrey Golan (Case No. C-2023-3037533) represented in his Response to New Matter and to Motion for Consolidation, filed on February 7, 2023, that he “does not oppose PECO’s motion for consolidation of the Formal Complaints filed by the Borough of Swarthmore and Swarthmore residents[.]” Similarly, a complaint filed by the “Swarthmore Borough Residents’ Group” requests consolidation with other complaints for mediation purposes.

11. Conversely, the Borough of Swarthmore (Case No. C-2023-3037736) opposes consolidation and filed a Reply in Opposition to Motion for Consolidation on February 9, 2023.

12. At the time PECO filed its Motion, it had not yet responded to fourteen (14) of the sixteen (16) Complaints, and PECO requested an extension to file one omnibus response to the unanswered Complaints. In the time the Motion has been pending, the deadlines to respond to all but one of the Complaints have passed, with PECO responding timely to each Complaint.

13. PECO has now filed timely responses to fifteen (15) of the sixteen (16) Complaints.

14. PECO maintains that the Complaints involve common questions of law and fact, and that consolidation may be appropriate if the complaints cannot be resolved via mediation or amicable settlement.

15. Withdrawal of the Motion is appropriate here, where the circumstances have changed such that consolidation is not necessary at this time insofar as PECO has already filed individual responses to most of the Complaints filed to date.

16. Further, PECO seeks to withdraw the Motion without prejudice in order to avoid unnecessary litigation on a contested motion that could be considered premature in light of the continued filing of additional Complaints.

WHEREFORE, for all the reasons set forth above, PECO respectfully requests that the Commission grant leave to withdraw the Expedited Motion for Consolidation without prejudice.

Dated: February 10, 2023

Respectfully submitted,

BLANK ROME LLP

/s/ Christopher A. Lewis

Christopher A. Lewis (ID # 29375)

Frank L. Tamulonis (ID # 208001)

Stephen C. Zumbrun (ID # 319241)

One Logan Square

Philadelphia, PA 19103

Phone: (215) 569-5793

Counsel for PECO Energy Company

CERTIFICATE OF SERVICE

I, Stephen C. Zumbun, hereby certify that I caused a true and correct copy of the foregoing to be served via email and/or by United States first class mail, postage prepaid, upon the following:

Katherine A. S. Sibley
223 Vassar Ave.
Swarthmore, PA 19081

Robert M. Dreyfus, M.D.
607 Hillborn Ave., Apt. 2nd
Swarthmore, PA 19081

Susan and Sean O'Donnell
527 Riverview Rd.
Swarthmore, PA 19081

Florence A. Roberts
607 Hillborn Ave., Fl. 1
Swarthmore, PA 19081

Gerry and Judy Galgon
327 Riverview Rd.
Swarthmore, PA 19081

Robert W. Scott, Esq.
205 North Monroe St.
P.O. Box 468
Media, PA 19063
rscott@robertwscottpc.com
Counsel for Borough of Swarthmore

Mary Deppen
12 Wellesley Rd.
Swarthmore, PA 19081

Kirsten and Jonathan Myers
124 Guernsey Rd.
Swarthmore, PA 19081

Corey Ullman and Thomas Hals
734 Yale Ave.
Swarthmore, PA 19081

Abigail Adams
603 Hillborn Ave.
Swarthmore, PA 19081

Jeffrey W. Golan
9 College Ave.
Swarthmore, PA 19081

Linda Hauck
215 Riverview Rd.
Swarthmore, PA 19081

Alison Manaker
211 College Ave
Swarthmore, PA 19081

Jonathan Hodgson and Andrea Knox
533 Riverview Rd.
Swarthmore, PA 19081

Syon Bhanot and Susanne Schwarz
345 Riverview Rd
Swarthmore, PA 19081

Brendali F. Reis
110 Guernsey Rd.
Swarthmore, PA 19081

Date: February 10, 2023,

/s/ Stephen C. Zumbrun
STEPHEN C. ZUMBRUN