

3301 Passyunk Ave - Status Update

Christopher J. Strom <CStrom@eckertseamans.com>

Thu 7/7/2022 4:38 PM

To:

- Jon Farnham <Jon.Farnham@phila.gov>;
- Kim Chantry <Kim.Chantry@Phila.gov>

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Kim and Jon,

As we agreed at the April 2022 Historical Commission Hearing, below is an update on the PECO v. Marple Township litigation.

In response to the PUC's ruling in favor of PECO (which supports our position that a utility is not subject to local regulation), on April 7, 2022, Marple Township filed an appeal with the Commonwealth Court of Pennsylvania. Both PECO and the PUC have filed entries of appearance in response to Marple Township's appeal.

Marple Township has until July 11, 2022, to file a brief with the Commonwealth Court. Thereafter, PECO and PUC will have at least 30 days to file a response brief, then Marple Township has 15 days to file its response brief. Provided there are no extensions granted to the briefing schedule, we anticipate oral arguments will be scheduled for October or November, with a decision from the Commonwealth Court issued a couple months thereafter.

Assuming the Commonwealth Court confirms the PUC decision, PECO will need to take that confirmation and have the Delaware County Court of Common Pleas issue a ruling in PECO's favor.

We will continue to review the docket of the Commonwealth Court for updates on this appeal.

If you have any questions or if the Commission needs clarification please let me know and I will call into the hearing.

Thank you.



Christopher J. Strom

Member

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Mail - Jon Farnham - Outlook

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