

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company for Approval of its Default Service Program and Rate Mitigation Plan	Docket No. P-2008-2062739 ALJ Marlane R. Chestnut
FILED ELECTRONICALLY	EXPEDITED CONSIDERATION REQUESTED

**COMMERCIAL UTILITY CONSULTANTS UNCONTESTED
PETITION FOR LEAVE TO WITHDRAW ITS**

**PETITION TO INTERVENE OUT OF TIME SO IT MAY FILE
EXCEPTIONS TO THE RECOMMENDED DECISION**

Pursuant to 52 Pa. Code § 5.94, Commercial Utility Consultants (“CUC”) hereby Petitions for Leave to Withdraw (CUC’s Petition to Withdraw) its *Petition To Intervene Out Of Time So It May File Exceptions To The Recommended Decision* (“CUC’s Petition to Intervene”). In support of the its withdrawal, CUC states as follows:

1. On April 1, 2009 CUC filed its Petition to Intervene in the above referenced matter.
2. CUC’s Petition to Intervene (with accompanying proposed exceptions) was filed so that the Commission could consider how PECO would address the discounts provided to customers served under the E2R2 Rider.

3. After filing of the Petition to Intervene, CUC and PECO have reached an understanding as to what PECO will be doing to address these customers. That understanding is essentially consistent with a brief passage from the testimony of Alan B. Cohn submitted by PECO in this case. (Cohn test. at p. 37 ln. 20 to p. 38 ln. 9).

4. Based upon this understanding, CUC's Petition to Intervene is no longer necessary. Accordingly, CUC is seeking to withdraw it.

5. This Commission has not yet acted upon CUC's Petition to Intervene.


6. PECO concurs in the Withdrawal of its Petition to Intervene.

7. CUC and PECO request expedited action upon of this Petition.

Respectfully submitted,

RHOADS & SINON LLP

By: _____


David W. Francis
dfrancis@rhoads-sinon.com
One South Market Square
P. O. Box 1146
Harrisburg, PA 17108-1146
(717) 233-5731
Fax: (717) 231-6600
Counsel for Commercial Utility
Consultants

Date: April 10, 2009

CERTIFICATE OF SERVICE

I hereby certify that on this 10TH day of April, 2009, a true and correct copy of the foregoing Petition for Leave to Withdraw was served in accordance with the requirements of 52 Pa. Code. §1.54. This document was filed electronically on the Commission's electronic filing system:

Charles D. Shields, Esquire
Senior Prosecutor
Office of Trial Staff
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265
Counsel for Office of Trial Staff

Tanya McCloskey, Esquire
Christy M. Appleby, Esquire
Darlene R. Wong, Esquire
Candis Tunilo, Esquire
Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1923
Counsel for Office of Consumer Advocate

Daniel G. Asmus, Esquire
Office of Small Business Advocate
Commerce Building, Suite 1102
300 North Second Street
Harrisburg, PA 17101
Counsel for Office of Small Business Advocate

David Kleppinger, Esquire
Charis Mincavage, Esquire
Barry Naum, Esquire
McNees Wallace & Nurick, LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
Counsel for PAIEUG

Todd S. Stewart, Esquire
Hawke McKeon & Sniscak LLP
Harrisburg Energy Center
100 North tenth Street
P.O. Box 1778
Harrisburg, PA 171055-1778
Counsel for Dominion Retail, Inc.

Christopher A. Lewis, Esquire
Christopher Sharp, Esquire
Blank Rome LLP
One Logan Square
Philadelphia, PA 19103-6998
Counsel for Constellation

Daniel Clearfield, Esquire
Deanne M. O'Dell, Esquire
Carl Shultz, Esquire
WolfBlock, LLP
213 Market Street, 9th Floor
Harrisburg, PA 17101
Counsel for RESA and Direct Energy

Charles Griffey
Sr. Vice President, Regulatory Affairs
Reliant Energy, Inc.
1000 Main Street, Suite 1708
Houston, TX 77002
For Reliant Energy

Gary A. Jeffries, Esquire
Senior Counsel
Dominion Retail, Inc.
501 Martindale St., Suite 400
Pittsburgh, PA 15212-5817

Thomas T. Niesen, Esquire
Charles E. Thomas, III, Esquire
Thomas, Long, Niesen & Kennard
212 Locust Street
P.O. Box 9500
Harrisburg, PA 17108-9500

Brian Greene, Esquire
Seltzer Greene, PLC
707 East Main Street
Suite 1025
Richmond, VA 23219

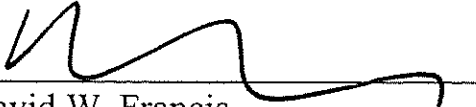
J. Barry Davis, Esquire
Chief Deputy City Solicitor
City of Philadelphia
Law Department
1515 Arch Street, 16th Floor
Philadelphia, PA 19102
Counsel for City of Philadelphia

Thu B. Tran, Esquire
Philip A. Bertocci, Esquire
Jonathan M. Stein, Esquire
Community Legal Services, Inc.
1424 Chestnut Street
Philadelphia, PA 19102
Counsel for TURN, et al

Divesh Gupta, Esquire
Constellation Energy Resources, LLC
111 Market Place, Suite 500
Baltimore, MD 21202

Paul F. Mapelli, Esquire
Vice President and General Counsel
Consolidated Edison Solutions, Inc.
701 Westchester Avenue
Suite 300
White Plains, NY 10604

Norman Kennard, Esquire
Thomas, Long, Niesen & Kennard
212 Locust Street, Suite 9500
Harrisburg, PA 17101-9500


David W. Francis