

Legal Department

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June 25, 2009

James McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg, PA 17120

**Re: Cynthia Starr v. PECO ENERGY Company
PUC Docket No. C-2009-2096655**

Dear Mr. McNulty:

Enclosed for filing with the Commission are the following documents and copies in the matter referenced above.

___	Answer (Original and 3 copies)
___	Motion to Consolidate (original and 3 copies)
<u>X</u>	Motion for Summary Judgment (original and 3 copies)
___	Preliminary Objection (original and 3 copies)
___	Exceptions (original and 9 copies)
___	Reply Exceptions (original and 9 copies)
___	Brief (original and 9 copies)
___	Reply Brief (original and 9 copies)

Also enclosed is an extra copy of this letter, which I request that you date stamp and return to me in the envelope provided as proof of filing. I have enclosed a Certificate of Service showing that a copy of the above document was served on the interested parties.

Very truly yours,

Tishekia E. Williams
Counsel for PECO Energy Company

TEW/zyr

Enc.

cc: Cynthia Starr

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

CYNTHIA STARR

v.

PECO ENERGY COMPANY

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DOCKET NO. C-2009-2096655

NOTICE TO PLEAD

Pursuant to 52 Pa. Code §§ 5.102 and 5.62(c), you are hereby notified that, if you do not file a written response denying or correcting the enclosed Motion of PECO Energy Company, within 20 days, the Commission may enter judgment against you. All pleadings, such as a Reply to Motion and Reply to New Matter, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for PECO Energy Company, Tishekia E. Williams, and where applicable, the Administrative Law Judge presiding over the issue.


File with:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg, PA 17120

With a copy to:

Tishekia E. Williams, Esq.
PECO Energy Company
2301 Market Street, S-23
Philadelphia, PA 19103

Dated at Philadelphia, PA, June 25, 2009.



Tishekia E. Williams
Counsel for PECO Energy Company
2301 Market Street S-23
Philadelphia, PA 19101-8699
215-841-6841
Tishekia.Williams@exeloncorp.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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v.

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DOCKET NO. C-2009-2096655

PECO ENERGY COMPANY’S MOTION FOR SUMMARY JUDGMENT

Respondent, PECO Energy Company (“PECO Energy”), pursuant to 52 Pa. Code § 5.102 respectfully petitions this Honorable Commission to dismiss the instant Complaint as barred by the general limitation of actions provided by 66 Pa.C.S. §3314.

1. On or about March 23, 2009, Complainant filed a Complaint against PECO Energy at the instant docket alleging there is a reliability, safety, or quality problem with her utility service.

2. Complainant claims “incorrect underground cable [was] installed 23 years ago by PECO. Complainant goes on to state the “I don’t feel we are responsible for any monies needed to correct the mistake PECO made... . It was 23 years ago... .”

3. PECO avers that the Commission should dismiss the instant complaint because Complainant’s entire dispute centers on an alleged wrongful action that occurred 23 years ago.

4. Pursuant to Title 66 Pa.C.S. §3314, the statute of limitations for any action incurred under the provisions of this part [Public Utility Code] shall not be maintained unless brought within three (3) years of the date at which the liability arose.

5. The provision above provides a general limitation period of three years for any action under the Code, except as otherwise provided. *Duquesne Light Co. v. PUC*, 611 A.2d 370 (Pa. Commonwealth Ct. 1992).

6. As Complainant's claims is well beyond the applicable statute of limitations, and record retention requirements, PECO's ability to prepare a defense is greatly limited resulting in significant prejudice to PECO Energy.

WHEREFORE, PECO Energy Company respectfully requests that your Honorable Commission dismiss this Complaint because the statute of limitation contained in 66 Pa. C.S. §1314 bars this action.

Respectfully Submitted,

Tishekia E. Williams
Counsel for PECO Energy Company
2301 Market Street, S23-1
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Philadelphia, PA 19101-8699
(215) 841-6841
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**BEFORE THE
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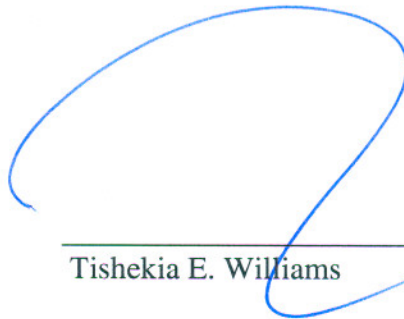
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DOCKET NO. C-2009-2096655

VERIFICATION

I, Tishekia E. Williams, hereby declare that I am an attorney representing PECO Energy Company; that as such I am authorized to make this verification on its behalf; that the facts set forth in the foregoing Pleading are true to the best of my knowledge, information and belief, and that I make this verification subject to the penalties of 18 Pa. C.S. § 4904 pertaining to false statements to authorities.

Date: June 25, 2009



Tishekia E. Williams

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

CYNTHIA STARR

v.

PECO ENERGY COMPANY

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DOCKET NO. C-2009-2096655

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of PECO Energy Company's Motion to Dismiss in the above matter upon all interested parties by mailing a copy properly addressed and postage prepaid to:

Cynthia Starr
100 Ridge Road
Delta, PA 17314

Dated at Philadelphia, Pennsylvania, June 25, 2009.

Tishekia E. Williams
Counsel for PECO Energy Company
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