

Legal Department

Exelon Business Services Company
2301 Market Street/523-1
P.O. Box 8699
Philadelphia, PA 19101-8699

Telephone 215.841.4000
Fax 215.568.3389
www.exeloncorp.com

Direct Dial: 215.841.6841

July 23, 2009

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

**Re: Linda Gurt v. PECO Energy Company
PUC Docket No. F-2009-2117273**

Dear Mr. McNulty:

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

<u> X </u>	Answer and New Matter (E-filed and 1 original)
<u> </u>	Motion to Consolidate (original and 3 copies)
<u> </u>	Motion for Judgment on the Pleadings (original and 3 copies)
<u> X </u>	Preliminary Objection (E-filed and 1 original)
<u> </u>	Exceptions (original and 9 copies)
<u> </u>	Reply Exceptions (original and 9 copies)
<u> </u>	Brief (original and 9 copies)
<u> </u>	Reply Brief (original and 9 copies)

I have enclosed a Certificate of Service showing that a copy of the above document was served on the interested parties. Thank you for your time and attention on this matter.

Very truly yours,


Tishkia E. Williams
Counsel for PECO Energy Company

TEW/zyr

Enc.

Scheduling recommendation: CALL OF THE DOCKET X NON-CALL OF THE DOCKET

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

LINDA GURT

v.

PECO ENERGY COMPANY

:
:
:
:
:

DOCKET NO. F-2009-2117273

NOTICE TO PLEAD

Pursuant to 52 Pa. Code §§ 5.101 and 5.62(c), you are hereby notified that, if you do not file a written response denying or correcting the enclosed Preliminary Objection of PECO Energy Company, within 10 days from service of this notice, and if you do not file a written response denying or correcting the enclosed New Matter within 20 days from service of this notice, the facts set forth by PECO Energy Company in the New Matter may be deemed to be true, thereby requiring no other proof. All pleadings, such as a Reply to Preliminary Objection 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 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 Williams, Esq.
PECO Energy Company
2301 Market Street, S-23
Philadelphia, PA 19103

Dated at Philadelphia, PA, July 23, 2009



Tishekia Williams
Counsel for PECO Energy Company
2301 Market Street S-23
Philadelphia, PA 19101-8699
215-841-6863
tishekia.williams@exeloncorp.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

LINDA GURT

v.

PECO ENERGY COMPANY

:
:
:
:
:

DOCKET NO. F-2009-2117273

PRELIMINARY OBJECTION OF RESPONDENT, PECO ENERGY COMPANY

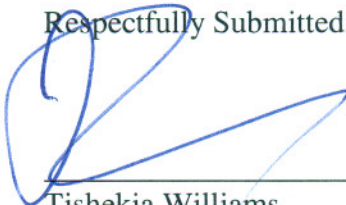
Respondent, PECO Energy Company (“PECO Energy”), pursuant to 52 Pa. Code § 5.101(a)(3) respectfully petitions this Honorable Commission to dismiss this Complaint inasmuch as it requests damages for the following reasons:

1. This Complaint should be dismissed inasmuch as it requests damages, pursuant to 52 Pa. Code § 5.101(a)(1), because the Commission lacks jurisdiction to award damages.
2. Complainant filed a Formal Complaint with the Pennsylvania Public Utility Commission on July 1, 2009, wherein Complainant requested compensation for claimed losses and expenses due to a service termination.
3. PECO is filing an Answer and New Matter in conjunction with this Preliminary Objection.
4. To the extent that Complainant is seeking compensation for the alleged damages her request should be denied.
5. The Public Utility Commission is without the power or jurisdiction to award damages to Complainant and therefore the Complaint is insufficient as to substance because it fails to state a claim upon which the Commission can grant relief. Therefore, since the Commission lacks the jurisdiction to award damages and the Complaint is insufficient as it

requests monetary relief, the part of the Complaint seeking damages should be dismissed pursuant to 52 Pa. Code § 5.101(a)(1).

WHEREFORE, PECO Energy Company respectfully requests that your Honorable Commission dismiss the instant Complaint inasmuch as it requests damages, pursuant to 52 Pa. Code § 5.101(a)(1), because the Commission lacks jurisdiction to award damages.

Respectfully Submitted,



Tishekia Williams
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
(215) 841-6863
tishekia.williams@exeloncorp.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

LINDA GURT

v.

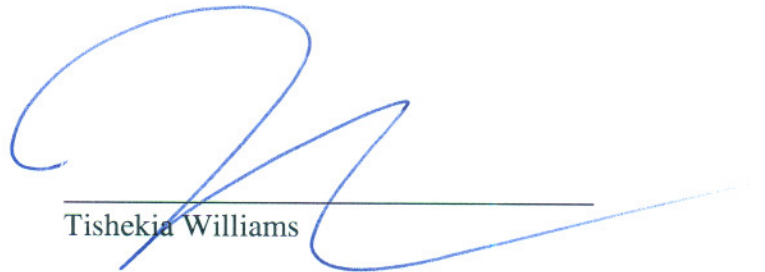
PECO ENERGY COMPANY

:
:
:
:
:

DOCKET NO. F-2009-2117273

VERIFICATION

I, Tishekia 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.



Tishekia Williams

Date: July 23, 2009

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

LINDA GURT

v.

PECO ENERGY COMPANY

:
:
:
:
:

DOCKET NO. F-2009-2117273

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 thereof Certified mail, properly addressed and postage prepaid to:

LINDA GURT
72 Joanne Road
Holland, PA 18966

Dated at Philadelphia, Pennsylvania, July 23, 2009.



Tishekia Williams
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
(215) 841-6863
tishekia.williams@exeloncorp.com