

**Legal Department**

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July 23, 2009

**VIA email**

Robert Young  
Deputy Chief Counsel  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

Re: Petition of PECO Energy With Respect to Wireless Philadelphia Docket No. P-2009-21096229

Dear Mr. Young:

On July 13, 2009, PECO was served with the Answer of the City of Philadelphia and Wireless Philadelphia in this docket. Upon reviewing the Answer, PECO notes that the first approximately eight pages of the Petition, labeled "Introduction," contain substantial new factual allegations.

PECO believes that these factual allegations are effectively the same as New Matter under the Commission's regulations, and intends to provide its response to this New Matter pursuant to the Commission regulations. PECO's filing will be provided on or before August 3, 2009.

PECO also may file on that date a Motion requesting that this matter be decided on the pleadings, notwithstanding the filed New Matter.

PECO requests that your office hold on any decisions regarding this docket until it has had a chance to review PECO's August 3, 2009 filing.

Please let me know if you have any questions.

Sincerely,



Ward L. Smith  
Assistant General Counsel

cc: Michael Athay, City of Philadelphia Law Department  
Scott Schwartz, City of Philadelphia Law Department  
David Hyman, Kleinbard, Bell & Brecker  
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