

Legal Department

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August 3, 2009

VIA Email

The Honorable Ky Nguyen
Administrative Law Judge
Pennsylvania Public Utility Commission
1302 State Office Building
1400 West Spring Garden Street
Philadelphia, PA 19130

Re: Old York LLC v. PECO Energy, Docket No. C-2009-2086070


Dear Administrative Law Judge Nguyen:

On July 15, 2009, Old York filed a Motion for Summary Judgment and for a Continuance in the above-docketed matter. PECO's Answer is due on August 4, 2009.

On Thursday, July 30, 2009, counsel for PECO and counsel for Old York LLC met to discuss the issues in the case and a potential settlement thereof. Although a settlement has not yet been reached, both parties are sufficiently optimistic about the potential for settlement that they would prefer to focus their efforts on settlement attempts, rather than the Motion for Summary Judgment. PECO therefore requests a continuance of ten days, until Thursday, August 13, to file its Answer to the Motion for Summary Judgment. I am authorized to state that counsel for Old York LLC supports this request.

Please let me know if you have any questions.

Sincerely,



Ward L. Smith
Assistant General Counsel

cc: James McNulty, Office of Secretary, PaPUC (by e-filing)
Keith Lorenze, Klehr, Harrison, Harvey, Branzburg & Ellers, LLP (by e-mail)