

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17105-3265**

**RICK TRIER
V.
PECO ENERGY COMPANY**

**PUBLIC MEETING
OCTOBER 8, 2009
2096188-ALJ
Docket No. C-2009-2096188**

MOTION OF COMMISSIONER KIM PIZZINGRILLI

Before the Commission for consideration is the Initial Decision that dismisses a complaint with prejudice for failure to prosecute. I agree that this case should be dismissed due to the complainant's failure to appear at the hearing. However, Conclusion of Law No. 2 which states that the respondent did not violate the Public Utility Code or a Commission regulation or order should be stricken since no factual record was created to support this conclusion.

THEREFORE, I MOVE THAT:

1. The Initial Decision be modified consistent with this Motion.
2. The Office of Special Assistants prepare an Order consistent with this Motion.

October 8, 2009
Date

KIM PIZZINGRILLI, COMMISSIONER