

Legal Department

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November 6, 2009

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

Re: James Coppedge v. PECO Energy Company
PUC Docket No. F-2009-2135893

Dear Mr. McNulty:

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

- Answer (e-filed and 1 original)
- Motion for Continuance (e-filed and 1 original)
- Motion for Judgment on the Pleadings (original and 3 copies)
- Preliminary Objection (E-filed and 1 original)
- Exceptions (original and 9 copies)
- Reply Exceptions (original and 9 copies)
- Brief (original and 9 copies)
- 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,


Ken Massey
Counsel for PECO Energy Company

TEW/zyr

Enc.

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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JAMES COPPEDGE

v.

PECO ENERGY COMPANY

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DOCKET NO. F-2009-2135893

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, Ken Massey, 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:

Ken Massey, Esq.
PECO Energy Company
2301 Market Street, S-23
Philadelphia, PA 19103

Dated at Philadelphia, PA, November 6, 2009



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

**BEFORE THE
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DOCKET NO. F-2009-2135893

PECO ENERGY COMPANY

PRELIMINARY OBJECTIONS OF RESPONDENT, PECO ENERGY COMPANY

Respondent, PECO Energy Company (“PECO Energy”), pursuant to 52 Pa. Code § 5.101(a) respectfully petitions this Honorable Commission to dismiss this Complaint under the following grounds.

Preliminary Objection #1: The Commission Lacks Jurisdiction to Award Damages

1. This Complaint should be dismissed because it seeks damages of “\$100 Million Dollars.” The Commission lacks jurisdiction to award damages pursuant to 52 Pa. Code § 5.101(a)(1).

2. Complainant filed a Formal Complaint with the Pennsylvania Public Utility Commission (“Commission”) on September 29, 2009. As best as PECO Energy can tell, Complainant requests damages for violations of Complainant’s “civil and sovereign rights” and PECO’s alleged non-compliance with the Federal Rules of Civil Procedure. The purported infractions relate to PECO’s refusal to accept Complainant’s birth certificate and other non-monetary documents as payment for utility services.

3. To the extent that Complainant is seeking compensation for the alleged damages, his request should be denied pursuant to 52 Pa. Code § 5.101(a)(1).

Preliminary Objection #2: The Complaint is Legally Insufficient

4. The Commission is without the power or jurisdiction to award damages to Complainant. Therefore, the Complaint is legally insufficient because it fails to state a claim upon which the Commission can grant relief. Accordingly, PECO Energy preliminarily objects to the Complaint pursuant to 52 Pa. Code § 5.101(a)(4).

5. The Complaint is also legally insufficient because it seeks to force PECO to accept bogus monetary instruments as payment for utility services. PECO Energy accepts only legal tender, such as cash, checks, credit cards, or money orders, as payment for utility services. PECO cannot accept Complainant's "Affidavits of Individual Surety" because they have no monetary value.

6. Accordingly, PECO Energy preliminarily objects pursuant to 52 Pa. Code § 5.101(a)(4) because the Complaint does not seek relief which can be granted by the Commission.

Preliminary Objection #3: inclusion of scandalous or impertinent matter

7. The Complaint should also be dismissed pursuant 52 Pa. Code § 5.101(a)(2) because it includes "scandalous or impertinent matter." Among other things, Complainant avers that PECO Energy has engaged in "fraud and theft of credit" for refusing to accept a bogus monetary instrument as payment for his and others' PECO bills. The Complaint also includes impertinent information from the UCC, the Federal Rules of Civil Procedure, the Constitution, and IRS publications.

8. PECO Energy preliminarily objects pursuant to 52 Pa. Code § 5.101(a)(2) because the Complaint consists entirely of scandalous or impertinent matter.

9. PECO is filing an Answer and New Matter in conjunction with its Preliminary Objections.

WHEREFORE, PECO Energy Company respectfully requests that your Honorable Commission dismiss the instant Complaint pursuant to 52 Pa. Code § 5.101(a) inasmuch as it requests damages, is legally insufficient, and includes scandalous and impertinent matter.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'K Massey', is written over a horizontal line.

Ken Massey
Counsel for PECO Energy Company
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P.O. Box 8699
Philadelphia, PA 19101-8699
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Ken.Massey@exeloncorp.com

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PECO ENERGY COMPANY

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VERIFICATION

I, Ken Massey, 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.



Ken Massey

Date: November 6, 2009

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PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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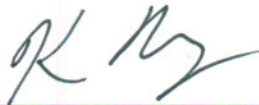
PECO ENERGY COMPANY

CERTIFICATE OF SERVICE

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

James Coppedge
3739 N. 18th St.
Philadelphia, PA 19140

Dated at Philadelphia, Pennsylvania, November 6, 2009.



Ken Massey
Counsel for PECO Energy Company
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