

**Legal Department**

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December 17, 2009

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

**Re: Michael Marks v. PECO Energy Company**  
**PUC Docket No. C-2009-2096957**

Dear Mr. McNulty:

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

_____	Answer and New Matter (e-filed and 1 original)
<u>  X  </u>	Joint Motion for Continuance of Hearing Date (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

KM/zyr

Enc.

cc: ALJ Wayne L. Weismandel  
Michael Marks

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**MICHAEL MARKS**

v.

**PECO ENERGY COMPANY**

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**DOCKET NO. C-2009-2096957**

**JOINT MOTION FOR CONTINUANCE OF HEARING DATE**

Complainant Michael Marks and Respondent PECO Energy Company (“PECO Energy”), pursuant to 52 Pa. Code § 1.15(b), hereby jointly request a continuance of the hearing date scheduled in this matter and states the following:

1. A telephonic hearing for this matter is currently scheduled for Tuesday, December 22, 2009 at 10:00 a.m.
2. PECO Energy became aware in early December that Mr. Marks was hospitalized.
3. Upon speaking with Complainant on December 16, PECO Energy understands that Mr. Marks was released from the hospital on December 15 and that he is to avoid stressful situations in the immediate future. Mr. Marks verbally informed PECO Energy’s counsel that he would be unable to participate in the hearing on December 22, 2009 and that he consents to this joint motion.
4. Additionally, a continuance will provide time for PECO Energy to coordinate a second high bill field investigation, which Mr. Marks has requested.

5. The parties therefore respectfully request that the hearing be continued to a further date.

Respectfully Submitted,



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Ken Massey  
Counsel for PECO Energy Company  
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Ken.Massey@exeloncorp.com

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**MICHAEL MARKS**

v.

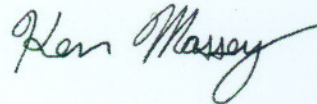
**PECO ENERGY COMPANY**

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**DOCKET NO. C-2009-2096957**

**VERIFICATION**

I, Ken Massey, hereby declare that I am counsel for 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.



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Ken Massey

Date: December 17, 2009

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**MICHAEL MARKS**

v.

**PECO ENERGY COMPANY**

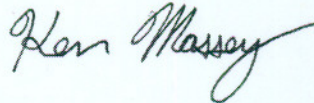
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**DOCKET NO. C-2009-2096957**

**CERTIFICATE OF SERVICE**

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

Michael Marks  
414 South Sterling Road  
Elkins Park, PA 19027



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

Dated at Philadelphia, Pennsylvania, December 17, 2009.