

**Legal Department**

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January 4, 2010

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

**Re: Vanessa Gaines v. PECO Energy Company  
PUC Docket No. C-2009-2147263**

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)
<u>X</u>	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/adz

Enc.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**VANESSA GAINES**

:

v.

:

**DOCKET NO. C-2009-2147263**

:

**PECO ENERGY COMPANY**

:

**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, January 4, 2010



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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  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>VANESSA GAINES</b>	:	
	:	
<b>v.</b>	:	<b>DOCKET NO. C-2009-2147263</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	

**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 for the reasons described below.

**Preliminary Objection: The Complaint is Legally Insufficient**

1. PECO Energy requests dismissal of the instant Complaint. The Complaint is legally insufficient due to its failure to aver any specific allegations. 52 Pa. Code § 5.101(a)(4).
2. Commission regulations require complaints to include “a clear and concise statement of the act or omission being complained of ....” 52 Pa. Code § 5.22. The instant Complaint lacks such a statement.
3. The Complaint is sparse at best. The Complaint itself contains absolutely no narrative statement of the basis of the Complaint – it is comprised of a check next to the box in Paragraph 4 labeled: “There are incorrect charges on my bill.” Following Paragraph 5 the Complaint states: “close the account.” There is otherwise no description of what the customer contests.
4. Complainant has not attached any documents to her Complaint.
5. Due to these infirmities in the Complaint, it is impossible to craft a targeted Answer. PECO Energy reserves the right to file an Answer if the Commission allows Complainant to file an amended complaint specifically describing her claims.

6. The Complaint is legally insufficient because it fails to aver any specific allegations, as required by Pennsylvania law. 52 Pa. Code § 5.22 Accordingly, PECO Energy preliminarily objects to the Complaint pursuant to 52 Pa. Code § 5.101(a)(4).

**WHEREFORE**, PECO Energy Company respectfully requests that your Honorable Commission dismiss the instant Complaint pursuant to 52 Pa. Code § 5.101(a)(4).

Respectfully Submitted,

A handwritten signature in black ink that reads "Ken Massey". The signature is written in a cursive style with a large, sweeping "M" and "S".

P.O. Box 8699  
Philadelphia, PA 19101-8699  
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Ken.Massey@exeloncorp.com

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**VANESSA GAINES**

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**v.**

**DOCKET NO. C-2009-2147263**

**PECO ENERGY COMPANY**

**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.



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Ken Massey

Date: January 4, 2010

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**VANESSA GAINES** :  
 :  
v. : **DOCKET NO. C-2009-2147263**  
 :  
**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:

Vanessa Ganes  
8436 Williams Avenue  
Philadelphia, PA 19150

Dated at Philadelphia, Pennsylvania, January 4, 2010.



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Ken Massey  
Counsel for PECO Energy Company  
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P.O. Box 8699  
Philadelphia, PA 19101-8699  
(215) 841-6841  
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