

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

BEVERLY SMITH	:	
Complainant	:	
v.	:	
	:	Docket No. Docket No. C-2009-2115719
PECO ENERGY COMPANY	:	
Respondent	:	

Petition for Leave to Withdraw Formal Complaint

Pursuant to 52 Pa. Code § 5.94, Beverly Smith (hereinafter “Complainant”), through counsel Community Legal Services, Inc. (“CLS”), hereby petitions for leave to withdraw her Formal Complaint, and in support states as follows:

1. On June 26, 2009, Complainant filed a Formal Complaint against PECO Energy Company (hereinafter “Respondent”).
2. On July 20, 2009, Respondent filed its Answer to the Formal Complaint.
3. This matter was assigned to Special Agent David A. Alexander. Telephonic hearings were scheduled, on November 3, 2009 and December 7, 2009. Upon Complainant’s Motion and Order of the Special Agent, both hearings were continued to allow the parties to resolve the underlying issues in this matter. The next hearing in this matter is scheduled for February 2, 2010.
4. Complainant has taken steps to dissolve the nonprofit entity, Caring About Sharing, that is the current named PECO customer of Complainant’s home. Such dissolution will resolve the material underlying issues in this matter and, in effect, render Ms. Smith’s Formal Complaint unnecessary. This Petition will not prejudice PECO’s rights against Caring About Sharing.

5. On January 25, 2010, Respondent, through counsel, agreed that the dissolution of the nonprofit entity, Caring About Sharing, resolves the underlying issues in this matter. Respondent also agrees with Complainant's Petition for Leave to Withdraw Formal Complaint.

WHEREFORE, Complainant requests leave to withdraw the Formal Complaint.

Respectfully submitted,

/s/ Thu Tran

Thu B. Tran, Esquire
Community Legal Services, Inc.
1424 Chestnut Street
Philadelphia, PA 19102
215-981-3777
Counsel for Complainant

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Order Granting Leave to Withdraw Formal Complaint

Upon review of Complainant's Petition for Leave to Withdraw Formal Complaint, and upon good cause shown, the Petition is hereby granted.

Date

Special Agent
David A. Alexander

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CERTIFICATE OF SERVICE

I hereby certify that I have this day, served a copy of the foregoing Petition for Leave to Withdraw Formal Complaint upon the participants, listed below, in accordance with the requirements of 52 Pa.Code §1.54 (relating to service by a participant).

By First Class U.S. Mail, postage prepaid, and by facsimile or e-mail, as indicated:

Special Agent David A. Alexander
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265
Fax: 717-787-0481

Ken Massey, Esquire
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
ken.massey@exeloncorp.com

Dated this 26th day of January, 2010.

/s/ Thu Tran
Thu B. Tran, Esquire
Community Legal Services, Inc.
1424 Chestnut Street
Philadelphia, PA 19102