

**JEFFREY BERMAN**  
8001 CASTOR AVENUE  
PMB # 180  
PHILADELPHIA PA 19152

AMERICAN BAR ASSOCIATION  
NATIONAL SOCIETY OF TAX PROFESSIONALS

February 16, 2010

COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
COMMONWEALTH KEYSTONE BUILDING  
400 NORTH STREET - SECOND FLOOR  
POST OFFICE BOX 3265  
HARRISBURG PA 17105-3265

Attn: HERBERT R. NURICK

**RE: BERMAN v. PECO ENERGY**  
**No. C 2009-2131620**

RECEIVED  
2010 FEB 19 AM 9:02  
PA PUBLIC  
SECRETARY'S BUREAU

Dear Mr. Nurick:

On February 12, 2010, I received your missive dated February 3, 2010, wherein you requested that I and opposing counsel in this matter provide your office with dates from February 24, 2010 through March 12, 2010, that we would not be available for mediation.

As of this date, I have not received the corresponding response from opposing counsel, which I assume I will receive shortly.

The dates I am not available during that time period, as of this date, are:

Wednesday, February 24, 2010  
Tuesday, March 3, 2010  
Wednesday, March 4, 2010  
Monday, March 8, 2010  
Wednesday, March 10, 2010 ongoing

Please note that this date list is subject to change. If it does, the mediator and opposing counsel will be notified.

In addition, it is preferred to schedule the mediation conference in the afternoon, commencing at or after 1:00 PM, or as soon thereafter as parties/counsel can be heard, on whatever date the medication is scheduled.

JEFFREY BERMAN

PUBLIC UTILITY COM'N

02-16-2010

Page 2

I anticipate the time required for the mediation should not exceed Forty-Five (45) minutes, and is likely to be concluded in Fifteen (15) minutes.

I am prepared to remain at the medication office for as long as it may take, until an amicable resolution is reached in the instant matter at bar, or until it becomes apparent that there is no reasonable probability that amicable resolution will be achieved.

Since the parties/counsel have already engaged in settlement negotiations, and inasmuch as the issue has become fairly simple, I fully anticipate that amicable resolution shall be achieved quickly.

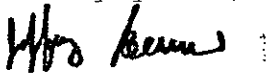
Your missive also requested that I provide an e-mail address and a telephone number where I can be reached.

Please be advised that the only manner it is possible for your office to reach me is via Regular, First Class United States mail. There is absolutely no other manner for your office to reach me.

If I receive a request that I contact you via telephone, and opposing counsel does not object, I will do so, forthwith.

If you have questions, please don't hesitate to contact me.

Sincerely yours,



Jeffrey Berman

JB:b

cc: TISHEKIA WILLIAMS

JEFFREY BERMAN

8001 CASTOR AVENUE

PMB # 180

PHILADELPHIA PA 19152



02 1P

\$ 000.440

0004424188 FEB 16 2010

MAILED FROM ZIP CODE 19152

COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
COMMONWEALTH KEYSTONE BUILDING  
400 NORTH STREET - SECOND FLOOR  
POST OFFICE BOX 3265  
HARRISBURG PA 17105-3265

171053265 BO98

