

Morgan, Lewis & Bockius LLP
1701 Market Street
Philadelphia, PA 19103-2921
Tel: 215.963.5000
Fax: 215.963.5001
www.morganlewis.com

Morgan Lewis
C O U N S E L O R S A T L A W

Kenneth M. Kulak
Partner
215.963.5384
KKulak@MorganLewis.com

March 19, 2010

RECEIVED

MAR 19 2010

VIA FEDERAL EXPRESS

**PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU**

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

**Re: Petition Of PECO Energy Company Requesting A Declaratory Order To
 Terminate A Controversy Or Remove Uncertainty Regarding Application Of PECO's
 Rate Schedule GS For Public Utility Service Provided To Wireless Philadelphia,
 Docket No. P-2009-2109629**

Dear Secretary McNulty:

Enclosed for filing are an original and three (3) copies of the Joint Motion For Suspension of Procedural Schedule in the above-captioned matter. As evidenced by the attached Certificate of Service, a copy of the Joint Motion has been served upon Administrative Law Judge Angela T. Jones and all parties. Pursuant to 52 Pa. Code §1.11(a)(2), the enclosed Joint Motion shall be deemed filed on the date shown on the express delivery receipt attached to the delivery envelope.

Kindly time stamp the extra copy of the Joint Motion we have enclosed and return it to us in the postage-paid return addressed envelope provided. Thank you.

Very truly yours,



Kenneth M. Kulak
Enclosures

c: Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**PETITION OF PECO ENERGY :
COMPANY REQUESTING A :
DECLARATORY ORDER TO :
TERMINATE A CONTROVERSY OR :
REMOVE UNCERTAINTY REGARDING : DOCKET NO. P-2009-2109629
APPLICATION OF PECO'S RATE :
SCHEDULE GS FOR PUBLIC UTILITY :
SERVICE PROVIDED TO WIRELESS :
PHILADELPHIA :**

RECEIVED

MAR 19 2010

PA PUBLIC UTILITY COMMISSION
SECRETARIAT BUREAU

JOINT MOTION FOR SUSPENSION OF PROCEDURAL SCHEDULE

TO ADMINISTRATIVE LAW JUDGE ANGELA T. JONES:

PECO Energy Company ("PECO"), the City of Philadelphia ("the City"), and the Digital Impact Group ("DIG", formerly known as Wireless Philadelphia) (collectively, the "Parties"), by their respective counsel, hereby move for a suspension of the procedural schedule in the above-referenced proceeding. In support of this Motion, the Parties represent as follows:

1. On May 22, 2009, PECO filed its *Petition Of PECO Energy Company Requesting A Declaratory Order To Terminate A Controversy Or Remove Uncertainty Regarding Application Of PECO's Rate Schedule GS For Public Utility Service To Wireless Philadelphia* (the "Petition"), which sought declaratory relief from the Pennsylvania Public Utility Commission (the "Commission") related to electric service provided by PECO to DIG for 4,400 wireless internet nodes, antennas, and gateway devices ("WINS") owned by Network Acquisition Company ("NAC") and mounted on streetlights throughout the City of Philadelphia.
2. On July 13, 2009, DIG and the City filed an Answer to PECO's Petition.
3. On August 3, 2009, PECO filed a Reply to New Matter as well as a Motion for Judgment on the Pleadings.

4. On December 15, 2009, this matter was assigned to the Office of Administrative Law Judge for hearings.

5. On January 26, 2010, a Prehearing Conference was held at which, among other things, a procedural schedule was established and PECO withdrew its Motion for Judgment on the Pleadings.

6. On February 9, 2010, the City filed a Supplemental and Amended Answer to PECO's Petition, in which the City sought affirmative declaratory relief as to the rate it would be charged for electric service for the WINs following an anticipated purchase of the WINs from NAC by the City.

7. On February 23, 2010, PECO filed a Reply to New Matter in response to the City's Supplemental and Amended Answer.

8. The Parties have engaged in settlement negotiations over the past several weeks and have resolved all issues presented in PECO's Petition and the City's Supplemental and Amended Answer.¹ The settlement being finalized is contingent upon the closing of a transaction in which the City will purchase the WINs from NAC.

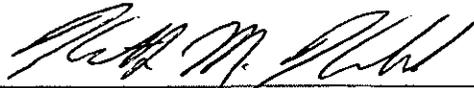
9. In order to permit the transaction to proceed and the settlement to take effect, the Parties propose a suspension of these proceedings until July 18, 2010. If the transaction has closed prior to that date, the settlement will become effective and all Parties will withdraw their pleadings in this proceeding. If the transaction does not close by July 19, 2010, all parties will file their direct testimony on that date and jointly propose an additional schedule for consideration by the Administrative Law Judge.

¹ At the time of this submission, the settlement documents are being finalized for execution.

10. The Parties propose that if the Administrative Law Judge grants this suspension, and the transaction has not closed by July 15, 2010, the Parties will provide the Administrative Law Judge with a joint report providing the status of this matter.

WHEREFORE, for all of the foregoing reasons, PECO, the City and DIG request that Administrative Law Judge Angela T. Jones grant this Motion and suspend the procedural schedule for this matter until July 18, 2010.

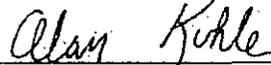
Respectfully submitted,



Thomas P. Gadsden, Esquire (Pa. No. 28478)
Kenneth M. Kulak, Esquire (Pa. No. 75509)
Morgan, Lewis & Bockius LLP
1701 Market Street
Philadelphia, PA 19103-2921
Phone: 215.963.5234
Fax: 215.963.5001

Ward L. Smith, Esquire (Pa. No. 47670)
PECO Energy Company
2301 Market Street
P.O. Box 8699
Philadelphia, PA 19101-8699
Phone: 215.841.6863
Fax: 215.568.3389

Counsel for PECO Energy Company



Alan Kohler, Esquire
Carl Shultz, Esquire
Eckert Seamans Cherin & Mellott, LLC
213 Market Street, Eighth Floor
Harrisburg, PA 17101
Phone: 717.237.6000

*Counsel for the City of Philadelphia and
Wireless Philadelphia t/d/a Digital Impact Group*

Dated: March 19, 2010

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**PETITION OF PECO ENERGY :
COMPANY REQUESTING A :
DECLARATORY ORDER TO :
TERMINATE A CONTROVERSY OR :
REMOVE UNCERTAINTY REGARDING : Docket No. P-2009-2109629
APPLICATION OF PECO'S RATE :
SCHEDULE GS FOR PUBLIC UTILITY :
SERVICE PROVIDED TO WIRELESS :
PHILADELPHIA :**

CERTIFICATE OF SERVICE

I hereby certify and affirm that I have this day served a copy of the Joint Motion For Suspension of Procedural Schedule on the following persons in the matter specified in accordance with the requirements of 52 Pa. Code § 1.54:

VIA ELECTRONIC AND HAND DELIVERY

Honorable Angela T. Jones
Administrative Law Judge
Pennsylvania Public Utility Commission
Office of Administrative Law Judge
801 Market Street, Suite 4063
Philadelphia, PA 19107
angeljones@state.pa.us

RECEIVED

MAR 19 2010

**PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU**

VIA ELECTRONIC & FIRST CLASS MAIL

Irwin A. Popowsky
Consumer Advocate
Office of Consumer Advocate
555 Walnut Street
Fifth Floor Forum Place
Harrisburg, PA 17101-1923
spopowsky@paoca.org

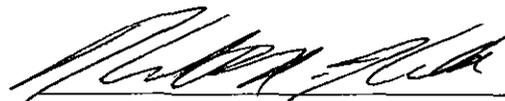
William R. Lloyd
Small Business Advocate
Office of Small Business Advocate
Suite 1102, Commerce Building
300 North Second Street
Harrisburg, PA 17101
willlloyd@state.pa.us

Johnnie E. Simms
Chief Prosecutor
Office of Trial Staff
Commonwealth Keystone Building
P.O. Box 3265
400 North Street, 2nd Floor West
Harrisburg, PA 17105-3265
josimms@state.pa.us

Michael Athay
Scott Schwarz
Office of the Solicitor
City of Philadelphia
One Parkway Building
1515 Arch Street, 16th Floor
Philadelphia, PA 19102-1595
michael.athay@phila.gov
scott.schwarz@phila.gov

Thomas H. Speranza
David L. Hyman
Kleinbard, Bell & Brecker
One Liberty Place, 46th Floor
1650 Market Street
Philadelphia, PA 19103
tsperanza@kleinbard.com
dhyman@kleinbard.com

Alan Kohler
Carl Shultz
Daniel Clearfield
Eckert Seamans Cherin & Mellott, LLC
213 Market Street, 8th Floor
Harrisburg, PA 17101
akohler@eckertseamans.com
cshultz@eckertseamans.com
dclearfield@eckertseamans.com



Kenneth M. Kulak
Morgan Lewis & Bockius LLP
1701 Market Street
Philadelphia, PA 19103
215.963.5384
kkulak@morganlewis.com

Date: March 19, 2010

