

Legal Department

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May 12, 2010

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

**Re: Mohamed Conteh v. PECO Energy Company
PUC Docket No. C-2010-2170022**

Dear Ms. Chiavetta:

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

<u> X </u>	Answer and new Matter (e-filed and 1 original)
—	Motion for Continuance (e-filed and 1 original)
—	Motion for Judgment on the Pleadings (E-filed and 1 original)
<u> X </u>	Preliminary Objection (E-filed and 1 original)
—	Exceptions (E-filed and 1 original)
—	Reply Exceptions (E-filed and 1 original)
—	Brief (E-filed and 1 original)
—	Reply Brief (E-filed and 1 original)

I have enclosed a Certificate of Service showing that a copy of the above document was served on the interested parties. Also enclosed is an extra copy of this letter, which I request that you date stamp and return to me in the envelope provided as proof of filing. Thank you for your time and attention on this matter.

Very truly yours,



Tishekia Williams
Counsel for PECO Energy Company

TW/adz
Enc.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MOHAMED CONTEH :
 :
v. : **DOCKET NO. C-2010-2170022**
 :
PECO ENERGY COMPANY :

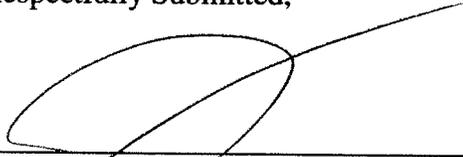
PRELIMINARY OBJECTION OF RESPONDENT, PECO ENERGY COMPANY

Respondent, PECO Energy Company (“PECO Energy”), pursuant to 52 Pa. Code § 5.101(a)(1) & (4) respectfully petitions this Honorable Commission to dismiss this Complaint inasmuch as it requests damages.

1. Complainant’s request for damages should be dismissed pursuant to 52 Pa. Code § 5.101(a)(1), because the Commission lacks the power to award damages.
2. Complainant filed a Formal Complaint with the Pennsylvania Public Utility Commission on or about April 8, 2010 wherein Complainant requested reimbursement for spoiled food in the amount of \$6,884.00.
3. PECO is filing an Answer and New Matter in conjunction with this Preliminary Objection.
4. To the extent that Complainant is seeking compensation for the alleged damages, the request should be denied.
5. The Public Utility Commission is without the power award damages to Complainant. *See Feingold v. Bell of Pennsylvania*, 477 Pa. 1, 383 A.2d 791 (1977). Therefore, the Complaint is insufficient as to substance because it fails to state a claim upon which the Commission can grant relief. Accordingly, to the extent the Complaint seeks monetary damages it should be dismissed pursuant to 52 Pa. Code § 5.101(a)(4).

WHEREFORE, PECO Energy Company respectfully requests that your Honorable Commission dismiss the instant Complaint inasmuch as it requests damages, pursuant to 52 Pa. Code § 5.101(a)(1) & (4) because the Commission lacks power to award damages and the Complaint is legally insufficient.

Respectfully Submitted,



Tishekia Williams
Counsel for PECO Energy Company
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Philadelphia, PA 19101-8699
(215) 841-6841
Tishekia.williams@exeloncorp.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MOHAMED CONTEH

v.

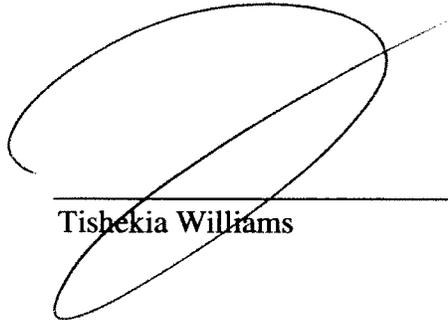
PECO ENERGY COMPANY

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DOCKET NO. C-2010-2170022

VERIFICATION

I, Tishekia Williams, 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.



A handwritten signature in black ink, consisting of a large, stylized loop that crosses itself, positioned above a horizontal line.

Tishekia Williams

Date: May 12, 2010

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

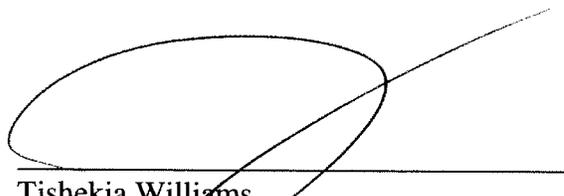
MOHAMED CONTEH :
 :
v. : **DOCKET NO. C-2010-2170022**
 :
PECO ENERGY COMPANY :

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:

Mohamed Conteh
t/a Fatimah's Hair Braiding
4419 Frankford Avenue
Philadelphia, PA 19124

Dated at Philadelphia, Pennsylvania, May 12, 2010.



Tishekia Williams
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