

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: Samuel O. Eze v. PECO Energy Company
PUC Docket No. F-2010-2168772**

Dear Ms. Chiavetta:

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)
<u>X</u>	Motion for Judgment on the Pleadings (E-filed and 1 original)
—	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,



Tishkia Williams
Counsel for PECO Energy Company

TW/adz
Enc.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

SAMUEL O. EZE

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v.

DOCKET NO. F-2010-2168772

PECO ENERGY COMPANY

MOTION FOR JUDGMENT ON THE PLEADINGS

PECO Energy Company ("PECO Energy"), pursuant to 52 Pa. Code § 5.102, PECO Energy Company respectfully requests that your Honorable Commission dismiss the instant complaint because Complainant fails to state a claim upon which relief can be granted.

1. On March 29, 2010, Complainant filed a Formal Complaint against Respondent, PECO Energy Company requesting his service be turned back on and to be issued another payment agreement.

2. On April 27, 2010, Respondent filed an Answer, New Matter and Notice to Plead. In its New Matter, Respondent raised the fact that Complainants' balance is comprised entirely of CAP balances, and is not entitled to another Commission issued payment agreement. 66 Pa. C.S. §1405(c).

3. On May 5, 2010, Complainant mailed a response to Respondents' New Matter. Complainant admits that he has been enrolled in CAP since 2000.

4. Complainant also states that Respondent told him he had been enrolled in CAP six (6) times. In fact, in its Answer and New Matter, Respondent states that Complainant has received six (6) payment agreements from PECO.

5. In his Response to Respondent's New Matter, Complainant does not dispute the fact that he has been on CAP since 2000, and that his account balance is entirely CAP arrears.

6. Commission is precluded from establishing a payment agreement for customers participating in CAP. 66 Pa. C.S. §1405(c).

WHEREFORE, PECO Energy Company respectfully requests that your Honorable Commission dismiss the instant complaint Complainant fails to state a claim upon which relief can be granted.

Respectfully Submitted,



Tishkia Williams
Counsel for PECO Energy Company
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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

SAMUEL O. EZE

v.

PECO ENERGY COMPANY

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DOCKET NO. F-2010-2168772

VERIFICATION

I, Tishekia Williams, hereby declare that I am counsel for 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.

Date: May 12, 2010



Tishekia Williams

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

SAMUEL O. EZE

v.

PECO ENERGY COMPANY

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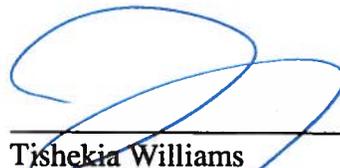
DOCKET NO. F-2010-2168772

CERTIFICATE OF SERVICE

I, Tishekia Williams, hereby certify that I have this day served a copy of PECO Energy Company's Answer in the above matter upon all interested parties by mailing a copy, properly addressed and postage prepaid to:

Samuel O. Eze
2540 North 17th Street
Philadelphia, PA 19132

Dated at Philadelphia, Pennsylvania, May 12, 2010.



Tishekia Williams
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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

SAMUEL O. EZE :
 :
v. : **DOCKET NO. F-2010-2168772**
 :
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 Pleading 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, Tishekia Williams, 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:
Tishekia Williams, Esq.
PECO Energy Company
2301 Market Street, S-23
Philadelphia, PA 19103

Dated at Philadelphia, PA, May 12, 2010



Tishekia Williams
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