

Legal Department

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May 18, 2010

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

**Re: Edith Jimenez v. PECO Energy Company
PUC Docket No. C-2010-2167526**

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**

EDITH L. JIMENEZ

v.

PECO ENERGY COMPANY

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DOCKET NO. C-2010-2167526

MOTION FOR JUDGMENT ON THE PLEADINGS

PECO Energy Company ("PECO Energy"), pursuant to 52 Pa. Code § 5.102, respectfully requests that your Honorable Commission dismiss the instant complaint inasmuch as Complainant request a refund for service provided in 2001-2003, or a payment agreement. Pursuant to 66 Pa.C.S. §1312, Complainant is limited to a four year time period for a refund of rates, and pursuant to 66 Pa.C.S. § 1405(c), Complainant is ineligible for a Commission ordered payment agreement. Therefore, Complainant fails to state a claim upon which relief can be granted.

1. On March 23, 2010, Complainant filed a Formal Complaint against Respondent, PECO Energy Company, requesting that PECO correct her billing from 2001 to 2003, and that she be issued payment agreement by the Commission.

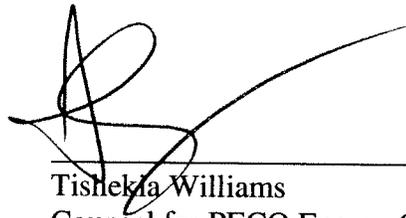
2. On April 26, 2010, Respondent filed an Answer, New Matter and Notice to Plead. In its New Matter, Respondent raised the fact that Complainant's issues with billing date back to 2001 to 2003, and are barred by the limitation of actions and remedies. 66 Pa.C.S. §§3314, 1312.

3. Additionally, Respondent also averred that Complainant has been enrolled in CAP since March 23, 2001 and presently receives a 50% discount on the first 650 kWh's of electricity used.

4. To date, twenty-one days have passed since PECO filed its New Matter.
5. PECO has not been served with a response to its New Matter and request that the facts stated therein be deemed admitted.
6. The Commission is precluded from establishing a payment agreement for customers participating in CAP. 66 Pa. C.S. §1405(c).
7. The Commission is also precluded from issuing a refund for rates billed more than 4 years ago. 66 Pa.C.S. §1312.

WHEREFORE, PECO Energy Company respectfully requests that your Honorable Commission dismiss the instant complaint as it relates to a payment agreement or charges billed from 2001-2003. 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**

EDITH L. JIMENEZ

v.

PECO ENERGY COMPANY

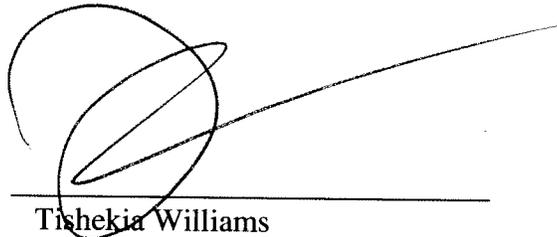
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VERIFICATION

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 18, 2010



Tishekia Williams

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

EDITH L. JIMENEZ

v.

PECO ENERGY COMPANY

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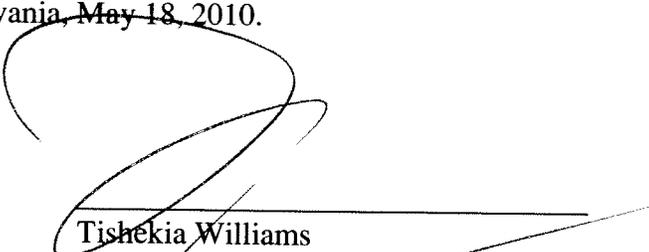
DOCKET NO. C-2010-2167526

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:

Edith L. Jimenez
5819 Springfield Avenue
Philadelphia, PA 19143

Dated at Philadelphia, Pennsylvania, ~~May 18, 2010.~~



Tishekia Williams
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