

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

SHELLYANN NEAL	:	
	:	
v.	:	DOCKET NO. C-2010-2172402
	:	
PECO ENERGY COMPANY	:	

PRELIMINARY OBJECTION OF RESPONDENT, PECO ENERGY COMPANY

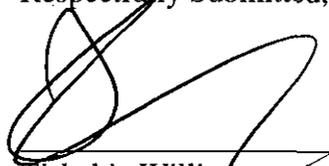
Respondent, PECO Energy Company (“PECO Energy”), pursuant to 52 Pa. Code § 5.101(a)(1) & (4) respectfully petitions this Honorable Commission to dismiss this Complaint inasmuch as it requests damages.

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 March 11, 2010, wherein Complainant requested reimbursement for hotel stays and spoiled food.
3. This is clearly a request for damages.
4. PECO is filing an Answer and New Matter in conjunction with this Preliminary Objection.
5. To the extent that Complainant is seeking compensation for the alleged damages, the request must be denied.
6. The Public Utility Commission is without the power to 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 strike Complainant's request for relieve pursuant to 52 Pa. Code § 5.101(a)(4) because the Commission lacks the power to award damages.

Respectfully Submitted,



Tishekia Williams
Counsel for PECO Energy Company
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Philadelphia, PA 19101-8699
(215) 841-6841
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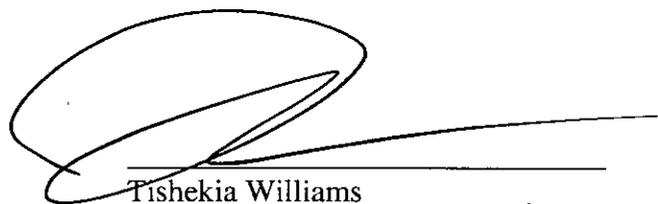
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VERIFICATION

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

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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SHELLYANN NEAL

v.

PECO ENERGY COMPANY

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:

DOCKET NO. C-2010-2172402

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:

Law Offices of Sonte Anthony Reavis & Associates
2101 Pine Street
Philadelphia, PA 19103

Dated at Philadelphia, Pennsylvania, May 18, 2010.



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SECRETARY'S BUREAU

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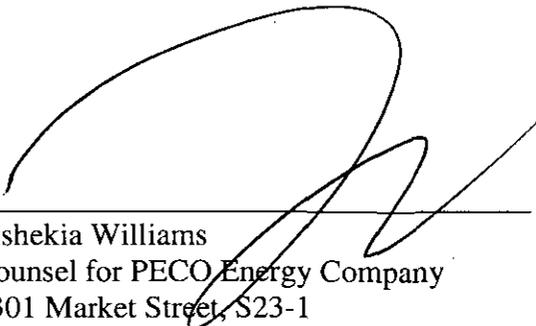
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CERTIFICATE OF SERVICE

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:

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Dated at Philadelphia, Pennsylvania, May 18, 2010.



Tishekia Williams
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SECRETARY'S BUREAU

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Anita Zaketa

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Rosemary Chiavetta, Secretary
Public Utilities Commission
400 NORTH ST FL 2
COMMONWEALTH KEYSTONE BUILDING
HARRISBURG, PA 17120

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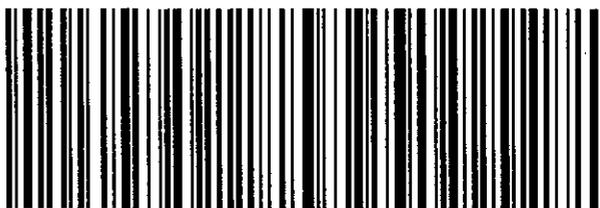
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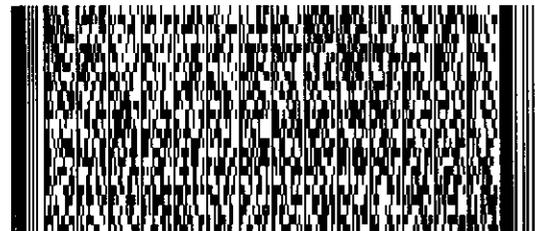
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