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May 24, 2010

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VIA E-FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

Re: Gary Muhlberger
v.
PECO Energy Company, Docket No. C-2010-2156182

Dear Secretary Chiavetta:

On or about April 1, 2010, PECO Energy Company ("PECO") filed a Motion for Judgment on the Pleadings to dismiss the above Formal Complaint as being time-barred by the statute of limitations in the Public Utility Code. At the same time, PECO also filed a Motion to Join Commerce Energy, Inc. ("Commerce") as an indispensable party to this proceeding ("Motion to Join"). Please be advised that Commerce supports PECO's Motion for Judgment on the Pleadings and does not object to PECO's Motion to Join. However, Commerce submits that a ruling on PECO's Motion to Join seems necessary only if PECO's Motion for Judgment on the Pleadings is denied in whole or in part. Commerce acknowledges that the answer period to the Motion to Join has since passed but requests that this letter response be accepted *nunc pro tunc* to clarify the possibility that PECO's Motion to Join could be rendered moot by a dismissal of the above Complaint.

Very truly yours,



Matthew A. Totino

MAT:ck

c: Certificate of Service
The Honorable Veronica A. Smith
Chief Administrative Law Judge

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Gary Muhlberger :
v. : Docket No. C-2010-2156182
PECO Energy Company :

CERTIFICATE OF SERVICE

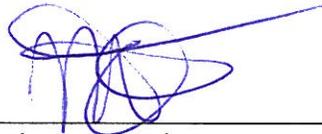
I hereby certify that I have this day served a copy of the relevant documents in accordance with the requirements of 52 Pa. Code § 1.54 et seq. (relating to service by a participant).

VIA FIRST CLASS and ELECTRONIC MAIL

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