

Legal Department

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July 9, 2010

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

**Re: Richard Barbuto v. PECO Energy Company
PUC Docket No. C-2010-2176040**

Dear Ms. Chiavetta:

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

—	Answer (1 original)
—	Motion for Continuance (1 original)
<u>X</u>	Motion for Judgment on the Pleadings (1 original)
—	Preliminary Objection (1 original)
—	Exceptions (1 original)
—	Reply Exceptions (1 original)
—	Brief (1 original)
—	Reply Brief (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**

RICHARD BARBUTO	:	
	:	
v.	:	DOCKET NO. C-2010-2176040
	:	
PECO ENERGY COMPANY	:	

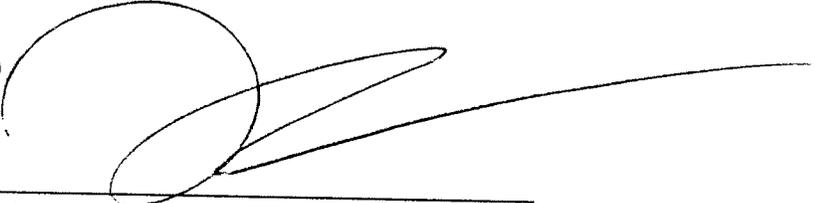
NOTICE TO PLEAD

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, July 9, 2010



Tishekia Williams
Counsel for PECO Energy Company
2301 Market Street S-23
Philadelphia, PA 19101-8699
215-841-6863
tishekia.williams@exeloncorp.com

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RICHARD BARBUTO

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:
:

v.

DOCKET NO. C-2010-2176040

PECO ENERGY COMPANY

MOTION FOR PARTIAL 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 requests monetary damages for alleged losses that occurred after his service was terminated.. PECO asserts that Commission lacks power to award monetary damages. *Feingold v. Bell of Pennsylvania*, 383 A.2nd 791 (Pa. 1977). Therefore, Complainant fails to state a claim upon which relief can be granted.

1. On or about May 10, 2010, Complainant filed a Formal Complaint against Respondent, PECO Energy Company, requesting \$4,800.00 for live fish, coral and spoiled food as well as \$5,000.00 for "clean up and stress that PECO has put me through," for a total of \$9,800.00. This is clearly a request for damages.

2. On June 2, 2010, Respondent filed an Answer, New Matter and Notice to Plead. In its New Matter, Respondent avers that the Commission lacks power to award monetary damages. *Feingold v. Bell of Pennsylvania*, 383 A.2nd 791 (Pa. 1977).

3. PECO has not received a response to the New Matter. Thirty seven days have passed.

WHEREFORE, PECO Energy Company respectfully requests that your Honorable Commission dismiss the instant complaint as it relates a request for damages from the Commission. 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**

RICHARD BARBUTO

v.

PECO ENERGY COMPANY

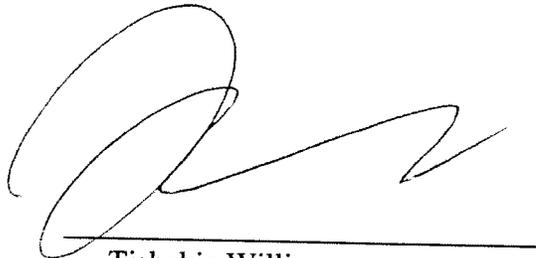
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DOCKET NO. C-2010-2176040

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: July 9, 2010



Tishekia Williams

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

RICHARD BARBUTO

v.

PECO ENERGY COMPANY

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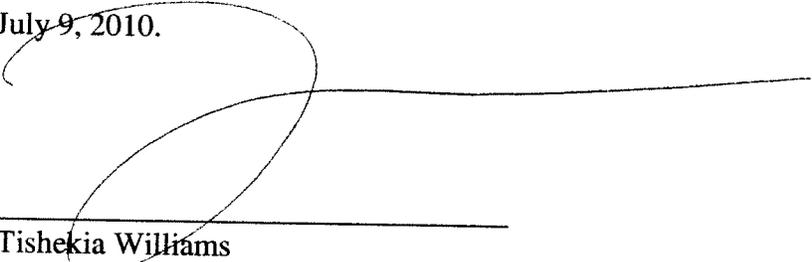
DOCKET NO. C-2010-2176040

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:

Richard Barbuto
453 South Saddlebrook Circle
Chester Springs, PA 19425

Dated at Philadelphia, Pennsylvania, July 9, 2010.



Tishekia Williams
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