

**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: Warwick Recreation, Inc. v. PECO Energy Company  
PUC Docket No. C-2010-2175974**

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,



Tishkia Williams  
Counsel for PECO Energy Company

TW/adz  
Enc.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>WARWICK RECREATION, INC.</b>	:	
	:	
v.	:	<b>DOCKET NO. C-2010-2175974</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	

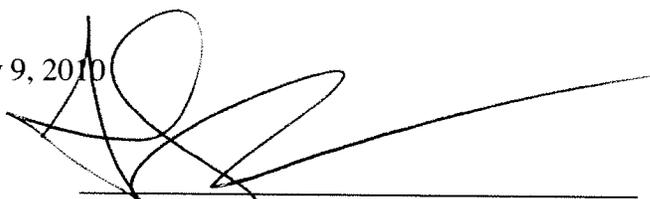
**NOTICE TO PLEAD**

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**

**WARWICK RECREATION, INC.**                   :  
  :  
**v.**   :  
  :  
**PECO ENERGY COMPANY**                   :

**DOCKET NO. C-2010-2175974**

**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 in its entirety because Complainant fails to state a claim upon which relief can be granted.

1. On May 6, 2010, Complainant filed a Formal Complaint against Respondent, PECO Energy Company, requesting that PECO waive a security deposit that had recently been assessed for late payments. In its complaint, Complainant admits "yes, we have been late...while we are sometimes late the bill has always been paid in full."

2. On June 3, 2010, Respondent filed an Answer and New Matter denying the security deposit is improper. Respondent also noted that it has previously waived deposits assessed due to late payments. The pleading was sent under cover letter explaining "[p] lease note that if you do not response to a New Mater, Motion or Preliminary Objection an unfavorable decision may be rendered against you."

3. To date, thirty-six days have passed since PECO filed its Answer & New Matter.

4. PECO has not been served with a response to its New Matter.

5. Complainant has not alleged any statutory violation, violation of Commission regulations, Order or PECO's Tariff. Instead, Complainant states that it can not afford to pay a deposit. Complainant is essentially requesting special treatment whereby it continues to remit

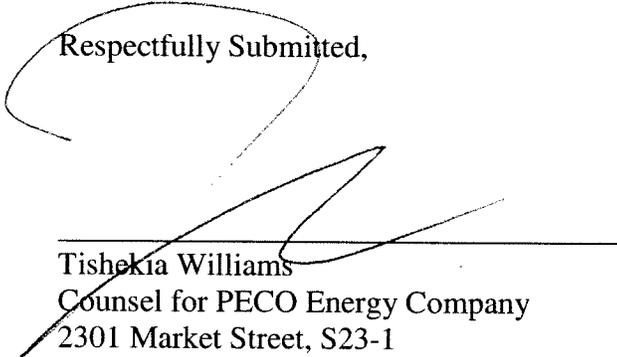
late payments, but is exempt from security deposit that similarly situated customers are required to pay.

6. Moreover, Complainant is fully aware of the Company's deposit policy as it was explained at the time the deposit was waived on the previous occasion.

7. Complainant has not alleged a regulatory violation and is not entitled to relief as a matter of law.

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

Respectfully Submitted,



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Tishkia Williams  
Counsel for PECO Energy Company  
2301 Market Street, S23-1  
P.O. Box 8699  
Philadelphia, PA 19101-8699  
(215) 841-6841  
Fax: 215.568.3389  
tishkia.williams@exeloncorp.com

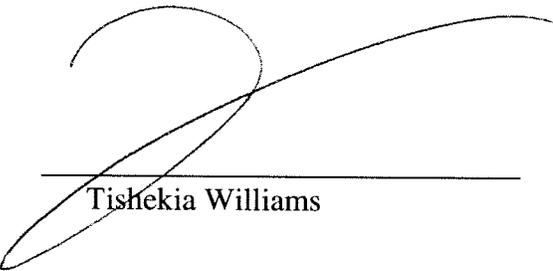
**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>WARWICK RECREATION, INC.</b>	:	
	:	
<b>v.</b>	:	<b>DOCKET NO. C-2010-2175974</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	

**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**

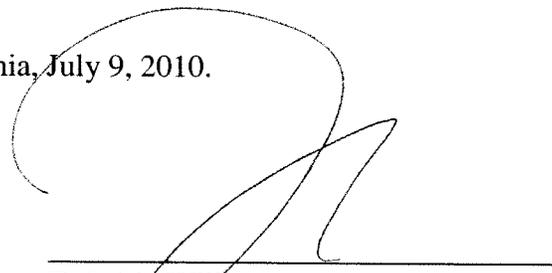
<b>WARWICK RECREATION, INC.</b>	:	
	:	
v.	:	<b>DOCKET NO. C-2010-2175974</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	

**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:

Warwick Recreation, Inc.  
PO Box 549  
Abington, PA 19001

Dated at Philadelphia, Pennsylvania, July 9, 2010.



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Tishekia Williams  
Counsel for PECO Energy Company  
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