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July 14, 2010

Via Electronic Filing

Rosemary Chiavetta, Secretary
PA Public Utility Commission
PO Box 3265
Harrisburg, PA 17105-3265

Re: Petition of PECO Energy Company Requesting a Declaratory Order to Terminate a Controversy or Remove Uncertainty Regarding Application of PECO's Rate Schedule GS for Public Utility Service Provided to Wireless Philadelphia,
Docket No. P-2009-2109629

Dear Secretary Chiavetta:

Enclosed please find the original Joint Motion for Extension of Suspension of Procedural Schedule along with the electronic filing confirmation page with regard to the above-referenced matter. Copies have been served in accordance with the attached Certificate of Service.

Sincerely,

Alan C. Kohler, Esq.

ACK/lww
Enclosure

Cc: Honorable Angela Jones w/enc.
Cert. of Service w/enc.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company Requesting :
A Declaratory Order To Terminate a Controversy :
Or Remove Uncertainty Regarding : Docket No. P-2009-2109629
Application of PECO's Rate Schedule GS :
For Public Utility Service Provided :
To Wireless Philadelphia :

CERTIFICATE OF SERVICE

I hereby certify and affirm that I have this day served a copy of the foregoing Joint Motion for Extension of Suspension of Procedural Schedule on the following persons in the manner specified:

Via First Class Mail and/or Email

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Dated: July 14, 2010



Alan Kohler, Esq.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PETITION OF PECO ENERGY	:	
COMPANY REQUESTING A	:	
DECLARATORY ORDER TO	:	
TERMINATE A CONTROVERSY OR	:	
REMOVE UNCERTAINTY REGARDING	:	DOCKET NO. P-2009-2109629
APPLICATION OF PECO'S RATE	:	
SCHEDULE GS FOR PUBLIC UTILITY	:	
SERVICE PROVIDED TO WIRELESS	:	
PHILADELPHIA	:	

**JOINT MOTION FOR EXTENSION OF SUSPENSION
OF PROCEDURAL SCHEDULE**

TO ADMINISTRATIVE LAW JUDGE ANGELA T. JONES:

PECO Energy Company ("PECO"), the City of Philadelphia ("the City"), and the Digital Impact Group ("DIG", formerly known as Wireless Philadelphia) (collectively, the "Parties"), submit this Joint Motion seeking an extension of the suspension of the procedural schedule previously ordered in the above-captioned proceeding through August 2, 2010. The City is still on track to close the transaction that underlies this Settlement, but will require slightly longer to complete that transaction than was contemplated at the time the parties originally sought a Stay in this proceeding. In support of this Joint Motion, the Parties state as follows:

1. On May 22, 2009, PECO filed its *Petition Of PECO Energy Company Requesting A Declaratory Order To Terminate A Controversy Or Remove Uncertainty Regarding Application Of PECO's Rate Schedule GS For Public Utility Service To Wireless Philadelphia* (the "Petition"), which sought declaratory relief from the Pennsylvania Public Utility Commission (the "Commission") related to electric service provided by PECO to DIG for the over 4,300 wireless internet nodes, antennas, and gateway devices ("WINS") owned by Network Acquisition Company ("NAC") and mounted on streetlights throughout the City of Philadelphia.

2. On July 13, 2009, DIG and the City filed an Answer to PECO's Petition.
3. On August 3, 2009, PECO filed a Reply to New Matter as well as a Motion for Judgment on the Pleadings.
4. On December 15, 2009, this matter was assigned to the Office of Administrative Law Judge for hearings.
5. On January 26, 2010, a Prehearing Conference was held at which, among other things, a procedural schedule was established and PECO withdrew its Motion for Judgment on the Pleadings.
6. On February 9, 2010, the City filed a Supplemental and Amended Answer to PECO's Petition, in which the City sought affirmative declaratory relief as to the rate it would be charged for electric service for the WINs following an anticipated purchase of the WINs from NAC by the City.
7. On February 23, 2010, PECO filed a Reply to New Matter in response to the City's Supplemental and Amended Answer.
8. The Parties engaged in settlement negotiations and reached an amicable resolution of this matter of all issues presented in PECO's Petition and the City's Supplemental and Amended Answer. The settlement is contingent upon the closing of a transaction in which the City will purchase the WINs from NAC ("WIN Transaction").
9. On March 19, 2010, the Parties filed a Joint Motion requesting the Administrative Law Judge to suspend the procedural schedule until July 19, 2010 in order to allow the Parties time to close the WIN Transaction.
10. On March 22, 2010, the Administrative Law Judge issued an Order suspending

the procedural schedule until July 19, 2010. In the event the WIN Transaction closed prior to July 19, 2010, the Administrative Law Judge anticipated that PECO's Petition would be withdrawn. In the event the WIN transaction did not close, the Administrative Law Judge directed that the Parties file their direct testimony on July 19, 2010 and propose the remainder of the procedural schedule.

11. The WIN Transaction required passage of an ordinance by Philadelphia City Council and the signature of the Mayor of Philadelphia before it could be finalized by the parties.

12. Philadelphia City Council passed an ordinance approving the WIN Transaction on Jun 2, 2010. That ordinance was signed into law by Mayor Nutter on June 23, 2010.

13. The parties to the WIN Transaction have worked diligently to close the transaction prior to July 19, 2010, however, it is now clear that meeting this date will not be logistically possible.

14. At the same time, the WIN transaction is now proceeding to closing without any significant barriers. All parties to the transaction are confident that the WIN transaction will close within the next couple of weeks.

15. Upon closing of the transaction, PECO remains prepared to withdraw the above-captioned Petition.

16. Despite the inability to meet the July 19, 2010 deadline, this matter remains resolved and no purpose would be served by filing direct testimony on July 19, 2010.

17. Instead, the Parties request an extension of the suspension of the procedural schedule in this matter through August 2, 2010 to enable the WIN Transaction to close.

18. If the matter does not close by August 2, 2010, the Parties agree to submit their

WHEREFORE, for all of the foregoing reasons, PECO, the City and DIG respectfully request the Administrative Law Judge to grant this Joint Motion and extend the suspension of the procedural schedule through August 2, 2010.

Respectfully submitted,



Thomas P. Gadsden, Esquire (Pa. No. 28478)

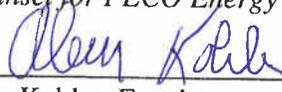
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Group*

Dated: July 13, 2010