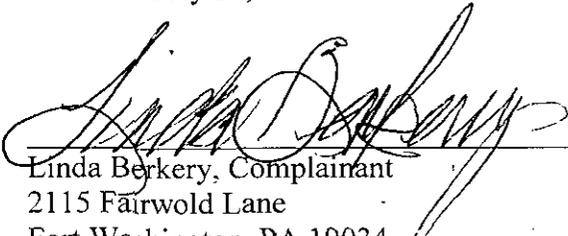


support and needs to be stricken. Respondent PECO must subpoena any such records according to the Pennsylvania Rules of Evidence. Again the letter shows the danger of allowing such unsubstantiated assertions without following proper procedure;

4. What Povlaitis' letter *does* show, however, is that Respondent PECO, evidently through their attorney, Tishekia Williams, Esq., has made *ex parte* contact with Commerce without providing Complainant with copies and/or summaries of such contact.

WHEREFORE, for the reasons stated above, Complainant prays that the letter of July 16, 2010, from John F. Povilaitis, Esq., representing non-party Commerce Energy, be stricken from the record in this case and from any consideration in these proceedings.

DATED: July 19, 2010



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July 16, 2010

VIA E-FILE AND FIRST CLASS MAIL

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

Re: Linda Berkery v. PECO Energy Company,
Docket No. C-2010-2170223

Dear Secretary Chiavetta:

We are counsel for Commerce Energy ("Commerce") in the above-captioned matter. On May 13, 2010, PECO Energy Company filed a Motion to Join Commerce as an indispensable party. Commerce did not contest the Motion, and does not contest being joined as a party to this complaint proceeding.

It appears that in a filing dated May 19, 2010, the Complainant, Linda Berkery opposed Commerce being joined as a party to this case. This opposition pleading was not served on Commerce according to the Certificate of Service.

This correspondence is intended to clarify that Commerce does not oppose being joined to this complaint proceeding. In addition, Commerce wishes to clarify that Ms. Berkery commenced service with ACN Energy ("ACN") which Commerce acquired in February, 2005. Therefore Ms. Berkery was billed as a customer of ACN/Commerce for natural gas service from September 18, 2003 to July 18, 2008; and she was billed as a customer of ACN/Commerce for electric generation service from September 18, 2003 to November 17, 2004. Copies of this correspondence are being served on PECO Energy Company and the Complainant per the attached certificate of service.

A

Thank you for your attention to this matter.

Very truly yours,


John F. Povilaitis
Counsel for Commerce Energy

JFP:ck

c. Certificate of Service
Office of Administrative Law Judge

Linda BERKEY
2115 Fairwood Ln.
Ft. Washington, PA
19034



Rosemary Chiavetta SECRETARY
Penn. Public Utility Commission
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