

Monday, August 2, 2010

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

PA.P.U.C.
SECRETARY'S BUREAU

re: **Linda Berkery v. PECO Energy Company**
PUC Docket No. C-2010-2170223

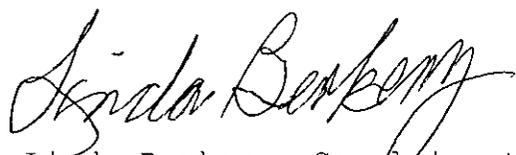
'Dear Ms. Chiavetta:

Please present to the Commission, in lieu of a more formal pleading, this letter to again protest the actions of the attorney for Commerce Energy, a non-party to this action, in sending communications directly to this forum with no standing to do so.

The above-mentioned attorney, a Mr. John F. Povilaitis, Esq. of the firm of Ryan, Russell, Ogden & Seltzer, P.C., Harrisburg, Pa., with no standing, on July 16, 2010, sent correspondence to this Commission concerning this pending matter. Complainant filed a Motion to Strike such correspondence. Now, Povilaitis again attempts to bull his way into this action by filing, again with no standing, what he styles an "Answer" to Complainant's Motion to Strike. Complainant needs to focus her attention on the proper pleadings of the parties to this case, of which Commerce Energy is not one. Complainant, since ceasing to do business with Commerce many years ago has never received one piece of correspondence from them including any sort of invoice. If they feel they have an actionable claim against Complainant, then they should file according to the Pennsylvania Rules of Court either in this forum or in a Pennsylvania Common Pleas Court, or file per the Federal Rules of Civil Procedure in U.S. District Court (they are located in California). Instead, attorney Povilaitis attempts to horn in on Complainant's action against PECO, to which Commerce is properly not a party. On Povilaitis' first letter, Complainant sent both he and Commerce courtesy copies of her Motion to Strike; it seems that only emboldened him. A copy of this letter will only served upon counsel for the only opposing party in this case, PECO.

Complainant further asks the Commission to institute sanctions against this non-party if any further documents are filed by Povilaitis or anyone else.

Respectfully yours,

A handwritten signature in cursive script that reads "Linda Berkery".

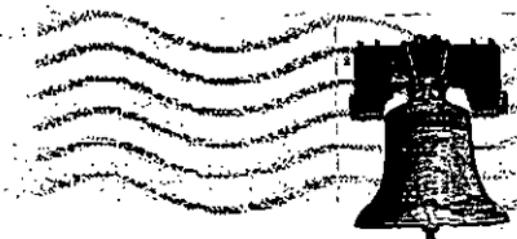
Linda Berkery, Complainant
2115 Fairwold Lane
Fort Washington, PA 19034
(215) 380-1939

cc: Tishekia Williams, Esq.
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