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AUG 11 2010

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

BEATRICE GREENE CAESAR

:

v.

:

DOCKET NO. C-2010-2189198

:

PECO ENERGY COMPANY

:

**PRELIMINARY OBJECTION OF RESPONDENT, PECO ENERGY COMPANY**

Respondent, PECO Energy Company ("PECO Energy"), pursuant to 52 Pa. Code § 5.101(a)(1) & (4) respectfully petitions this Honorable Commission to dismiss this Complaint inasmuch as it requests damages.

1. Complainant's request for damages should be dismissed pursuant to 52 Pa. Code § 5.101(a)(1), because the Commission lacks power to award damages.

2. Complainant filed a Formal Complaint with the Pennsylvania Public Utility Commission on or about July 14, 2010, wherein Complainant disputes PECO's refusal to reimburse her for spoiled food.

3. As best as PECO can tell, Complainant is requesting reimbursement for property allegedly damaged by PECO Energy.

4. PECO is filing an Answer and New Matter in conjunction with this Preliminary Objection.

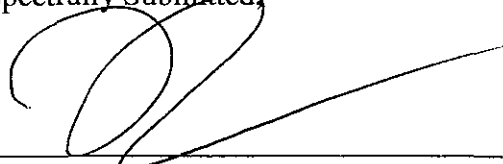
5. To the extent that Complainant is seeking compensation for the alleged damages, the request should be denied.

6. The Public Utility Commission is without the power to award damages to Complainant. *See Feingold v. Bell of Pennsylvania*, 477 Pa. 1, 383 A.2d 791 (1977). Therefore, the Complaint is insufficient as to substance because it fails to state a claim upon which the

Commission can grant relief. Accordingly, to the extent the Complaint seeks monetary damages it should be dismissed pursuant to 52 Pa. Code § 5.101(a)(4).

**WHEREFORE**, PECO Energy Company respectfully requests that your Honorable Commission dismiss the instant Complaint inasmuch as it requests damages, pursuant to 52 Pa. Code § 5.101(a)(1) & (4) because the Commission lacks power to award damages and the Complaint is legally insufficient.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Tishekia Williams', is written over a horizontal line. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**BEATRICE GREENE CAESAR**

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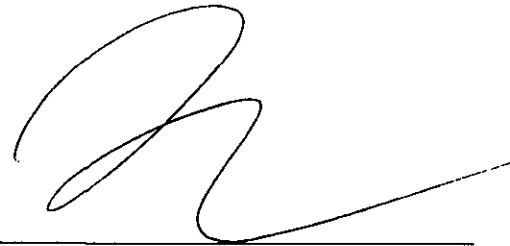
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**PECO ENERGY COMPANY**

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**VERIFICATION**

I, Tishekia Williams, hereby declare that I am an attorney representing 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.



\_\_\_\_\_  
Tishekia Williams

Date: August 2, 2010

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SECRETARY'S BUREAU

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a copy of PECO Energy Company's Preliminary Objections in the above matter upon all interested parties by mailing a copy thereof Certified mail, properly addressed and postage prepaid to:

Beatrice Green Caesar  
4957 North 2<sup>nd</sup> St.  
Philadelphia, PA 19120

Dated at Philadelphia, Pennsylvania, August 10, 2010.



\_\_\_\_\_  
Tishekia Williams  
Counsel for PECO Energy Company  
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