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BEFORE THE PA PUBLIC UTILITY COMMISSION  
PENNSYLVANIA PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU

LINDA FETTEROLF :  
v. : DOCKET NO. C-2010-2189762  
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) respectfully petitions this Honorable Commission to dismiss this Complaint inasmuch as Complainant requests a payment agreement because the Commission lacks subject matter jurisdiction over this dispute.

1. On July 30, 2010, Complainant filed a Chapter 13 bankruptcy petition at DT13-10-16368.
2. The filing of the petition preempts the Commission from establishing a payment agreement.
3. Complainant’s assets, including post-petition income is under the exclusive jurisdiction of the bankruptcy courts.
4. In Anyanwu v. Philadelphia Electric Company, 55 Pa. P.U.C. 221 (1981), the Commission dismissed a complaint seeking an amortized payment agreement by a debtor in a Chapter 13 bankruptcy, finding that: [T]he Complainant’s filing of a petition for personal bankruptcy has pre-empted this commission from establishing any payment schedule with respect to any amounts owed by the Complainant to the Respondent. Accordingly, we must dismiss this complaint for lack of subject matter jurisdiction. Id. at 222; see also Smith v. Equitable Gas Company, 1996 Pa. PUC LEXIS 192 (1996) (“The ALJ appropriately found

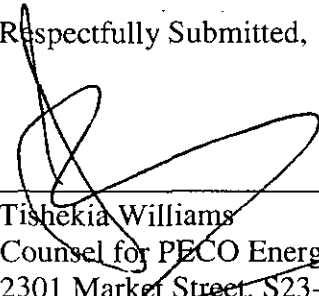
that the Commission did not have jurisdiction over the bulk of the issues raised by the Complainant.”); Hodge v. Equitable Gas Company, 1997 Pa. PUC LEXIS 76 (1997); Mattson v. PECO Energy Company, Docket No. F-00349372, entered Sept. 23, 1998; Saunders v. PECO Energy Company, Docket No. F-00433998, entered June 25, 1999.

5. As a result of the Bankruptcy petition, Complainant’s service has been restored and the pre-petition debt in the amount of \$27,356.70 has been transferred to a non-service account pending resolution of the bankruptcy.

6. PECO avers that the Commission lacks subject matter jurisdiction over this matter. Moreover, as the disputed balance has been transferred to a non-service account, Complainant’s request for relief is moot.

**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) because the Commission lacks jurisdiction.

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  
Tishkia.williams@exeloncorp.com

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**LINDA FETTEROLF**

**v.**

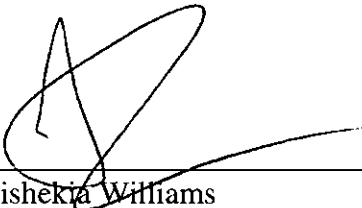
**PECO ENERGY COMPANY**

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**DOCKET NO. C-2010-2189762**

**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 13, 2010

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SECRETARY'S BUREAU

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

LINDA FETTEROLF

v.

PECO ENERGY COMPANY

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DOCKET NO. C-2010-2189762

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:

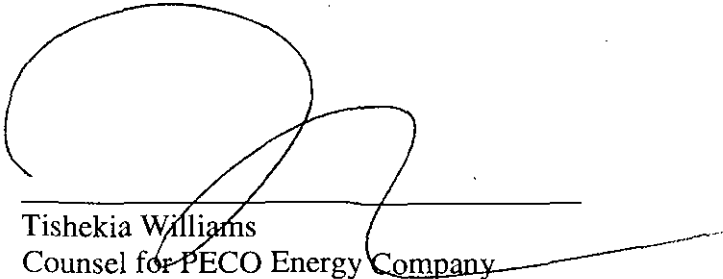
Erich Linda Fetterolf  
2428 Old Bristol Road  
Southampton, PA 18966

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Dated at Philadelphia, Pennsylvania, August 13, 2010



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

*PECO exhibit*  
*I*

\*\*\* Account Information \*\*\*

\*\*\* Current Account Status \*\*\*

Account Number: 73687-00506  
Account Status: Active  
Requested By: ERICH LINDA FETTEROLF  
(215)396-8973 Extension:

Mail To: ERICH LINDA FETTEROLF  
2428 OLD BRISTOL RD  
SOUTHAMPTON PA 18966

Current Bill: \$0.00  
Billed Prior: \$138.65  
Balance Due: \$138.65  
Service Address: 2428 OLD BRISTOL RD  
SOUTHAMPTON PA 18966

Credit Amount: \$0.00  
Deposit Requested: \$545.00  
Deposit On-Hand: \$0.00  
Meter Bill Grp: 09  
Rate: Electric Residential Service

TE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	NOGAP TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CGF	KW
/09/08	Late Payment Charge				\$248.08							
/11/08	ELECTRIC SERVICE	08/11/08 09/10/08	59892	107187490	\$278.62							
/11/08	DEPOSIT											
/11/08	Regular Bill						\$18541.39	\$18262.77	10/03	1694		
/10/08	ELECTRIC SERVICE	09/10/08 10/09/08	61633	107187490	\$260.55							
/10/08	DEPOSIT											
/10/08	Regular Bill						\$18801.94	\$18541.39	11/04	1741		
/10/08	ELECTRIC SERVICE	10/09/08 11/09/08	63444	107187490	\$270.80							
/10/08	DEPOSIT											
/10/08	Regular Bill						\$19072.74	\$18801.94	12/03	1811		
/11/08	Late Payment Charge				\$256.17							
/08/08	Payment					\$280.00						
/09/08	Late Payment Charge				\$256.03							
/11/08	ELECTRIC SERVICE	11/09/08 12/10/08	65321	107187490	\$280.50							
/11/08	DEPOSIT											
/11/08	Regular Bill						\$19585.44	\$19304.94	01/02	1877		
/07/09	Late Payment Charge				\$260.24							
/14/09	ELECTRIC SERVICE	12/10/08 01/13/09	68317	107187490	\$444.71							
/14/09	DEPOSIT											
/14/09	Regular Bill						\$20290.39	\$19845.68	02/05	2996		
/10/09	Late Payment Charge				\$266.91							
/13/09	ELECTRIC SERVICE	01/13/09 02/12/09	70544	107187490	\$335.54							
/13/09	DEPOSIT											
/13/09	Regular Bill						\$20892.84	\$20557.30	03/10	2227		
/16/09	ELECTRIC SERVICE	02/12/09 03/15/09	72102	107187490	\$236.29							
/16/09	DEPOSIT											
/16/09	Regular Bill						\$21129.13	\$20892.84	04/07	1558		
/17/09	Late Payment Charge				\$271.94							
/14/09	ELECTRIC SERVICE	03/15/09 04/13/09	73662	107187490	\$236.58							
/14/09	DEPOSIT											
/14/09	Late Payment Charge				\$275.48							
/14/09	Regular Bill						\$21913.13	\$21676.55	05/06	1560		
/30/09	Miscellaneous					\$23895.32						
/30/09	Payment Agreement					\$21793.13						
/30/09	Transfer					\$23895.32						
/30/09	Debit Transfer Payment				\$23895.32							
/30/09	Transfer Debit				\$21793.13							
/12/09	Late Payment Charge				\$303.18							
/13/09	ELECTRIC SERVICE	04/13/09 05/12/09	75169	107187490	\$228.72							
/13/09	DEPOSIT											
/13/09	Regular Bill						\$22445.03	\$22216.31	06/04	1507		
/19/09	Payment Agreement					\$22092.78						
/27/09	Late Payment Charge					\$578.66						
/12/09	ELECTRIC SERVICE	05/12/09 06/11/09	76785	107187490	\$268.35							
/12/09	DEFERRED PAYMENT AGREEMENT				\$920.53							
/12/09	Regular Bill						\$962.47		07/06	1616		
/13/09	Reinstate AR from DPA- Cr					\$21866.37						
/13/09	Reinstate AR from DPA- Db				\$12824.19							
/13/09	Reinstate AR from DPA- Db				\$9042.18							
/13/09	Bill Out DPA due to Default				\$21172.25							
/13/09	Late Payment Charge				\$14.44							
/14/09	ELECTRIC SERVICE	06/11/09 07/13/09	78551	107187490	\$293.90							
/14/09	Regular Bill						\$22443.06	\$13106.98	08/05	1766		

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

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FE	CHARGE TYPE	BILLING PERIOD	READ	METER #	CHARGE AMOUNT	CREDIT AMOUNT	TOTAL BILL	BALANCE FORWARD	DUE DATE	KWH	CCF	KW
	/23/09 Payment Agreement					\$22303.06						
	/06/09 Payment					\$140.00						
	/12/09 ELECTRIC SERVICE	07/13/09 08/11/09	80296	107187490	\$290.35							
	/12/09 DEFERRED PAYMENT AGREEMENT				\$929.29							
	/12/09 Regular Bill						\$1219.64		09/03	1745		
	/08/09 Reinstate AR from DPA- Cr					\$22303.06						
	/08/09 Reinstate AR from DPA- Db				\$22303.06							
	/08/09 Bill Out DPA due to Default				\$21373.77							
	/09/09 Late Payment Charge				\$260.44							
	/11/09 ELECTRIC SERVICE	08/11/09 09/10/09	82083	107187490	\$297.46							
	/11/09 Regular Bill						\$23151.31	\$22853.85	10/05	1787		
	/12/09 ELECTRIC SERVICE	09/10/09 10/11/09	83888	107187490	\$273.06							
	/12/09 Late Payment Charge				\$264.90							
	/12/09 Regular Bill						\$23689.27	\$23416.21	11/03	1805		
	/10/09 ELECTRIC SERVICE	10/11/09 11/09/09	85494	107187490	\$243.54							
	/10/09 Late Payment Charge				\$269.00							
	/10/09 Regular Bill						\$24201.81	\$23958.27	12/03	1606		
	/11/09 ELECTRIC SERVICE	11/09/09 12/10/09	87449	107187490	\$295.32							
	/11/09 Regular Bill						\$24497.13	\$24201.81	01/04	1955		
	/11/10 Late Payment Charge				\$277.08							
	/14/10 ELECTRIC SERVICE	12/10/09 01/13/10	90062	107187490	\$392.93							
	/14/10 Regular Bill						\$25167.14	\$24774.21	02/05	2613		
	/10/10 Late Payment Charge				\$282.97							
	/12/10 ELECTRIC SERVICE	01/13/10 02/11/10	91606	107187490	\$240.69							
	/12/10 Regular Bill						\$25690.80	\$25450.11	03/09	1544		
	/15/10 ELECTRIC SERVICE	02/11/10 03/14/10	93140	107187490	\$239.17							
	/15/10 Regular Bill						\$25929.97	\$25690.80	04/06	1534		
	/16/10 Late Payment Charge				\$286.58							
	/13/10 ELECTRIC SERVICE	03/14/10 04/12/10	94644	107187490	\$234.60							
	/13/10 Late Payment Charge				\$290.17							
	/13/10 Regular Bill						\$26741.32	\$26506.72	05/05	1504		
	5/03/10 Deposit Interest					\$87.59						
	5/11/10 Late Payment Charge				\$292.38							
	5/12/10 ELECTRIC SERVICE	04/12/10 05/11/10	96094	107187490	\$226.38							
	5/12/10 Regular Bill						\$27172.49	\$26946.11	06/03	1450		
	5/08/10 Late Payment Charge				\$295.78							
	6/11/10 ELECTRIC SERVICE	05/11/10 06/10/10	97695	107187490	\$272.59							
	6/11/10 Regular Bill						\$27740.86	\$27468.27	07/06	1601		
	7/12/10 Payment					\$575.00						
	7/13/10 ELECTRIC SERVICE	06/10/10 07/12/10	85	107187490	\$409.50							
	7/13/10 Late Payment Charge				\$291.24							
	7/13/10 Regular Bill						\$27866.60	\$27457.10	08/04	2390		
	8/11/10 ELECTRIC SERVICE	07/12/10 08/10/10	1082	107187490	\$167.78							
	8/11/10 Regular Bill						\$28034.38	\$27866.60	09/02	997		
	8/12/10 Credit					\$27356.70						
	8/12/10 Deposit					\$614.03						
	8/12/10 Transfer					\$614.03						
	8/13/10 Transfer					\$75.00						

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Anita Zaketa

2301 Market Street  
S23-1  
Philadelphia, PA 19101



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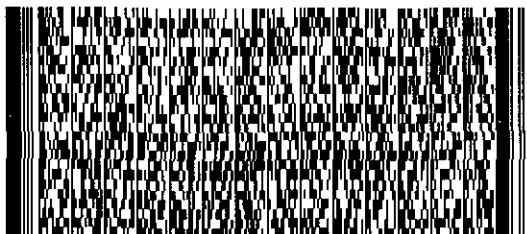
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**Rosemary Chiavetta, Secretary**  
**Public Utilities Commission**  
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**COMMONWEALTH KEYSTONE BUILDING**  
**HARRISBURG, PA 17120**

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