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September 10, 2010

VIA FEDERAL EXPRESS

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

Re: Petition of PECO Energy Company for Expedited Approval of its Default Service Program and Rate Mitigation Plan - Docket No. P-2008-2062739

Dear Secretary Chiavetta:

Enclosed for filing please find an original and three (3) copies of the Petition of PECO Energy Company For Expedited Approval Of Early Filing Of The AEPS Charge And Release Of Default Service Procurement Results in the above-referenced matter.

As evidenced by the attached Certificate of Service, a copy of the Petition has been served upon all parties. Pursuant to 52 Pa. Code §1.11(2), the enclosed Petition shall be deemed filed on the date shown on the express delivery receipt attached to the delivery envelope.

Kindly return a time-stamped copy of this cover letter in the self-addressed envelope that is enclosed. Thank you.

Very truly yours,



Thomas P. Gadsden

Enclosure

c: Administrative Law Judge Marlane R. Chestnut
Certificate of Service (via electronic mail and First-Class Mail)

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PENNSYLVANIA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PETITION OF PECO ENERGY :
COMPANY FOR EXPEDITED :
APPROVAL OF ITS DEFAULT : DOCKET NO. P-2008-2062739
SERVICE PROGRAM AND RATE :
MITIGATION PLAN :

PETITION OF PECO ENERGY COMPANY FOR EXPEDITED APPROVAL
OF EARLY FILING OF THE AEPS CHARGE AND RELEASE OF
DEFAULT SERVICE PROCUREMENT RESULTS

PECO Energy Company (“PECO” or the “Company”) hereby petitions the Pennsylvania Public Utility Commission (the “Commission”), pursuant to Section 703(g) of the Pennsylvania Public Utility Code, 66 Pa.C.S. § 703(g), and Section 5.41 of the Commission’s Rules of Administrative Practice and Procedure, 52 Pa. Code § 5.41: (1) to grant a one-time waiver of a provision in the Company’s current electric tariff in order to advance the date for filing of its first AEPS charge¹; and (2) to amend the settlement of PECO’s default service program (the “Settlement”) for the provision of electric generation service after December 31, 2010 to advance the date for release of procurement results. *See Petition of PECO Energy Company for Approval Of Its Default Service Program And Rate Mitigation Plan*, Docket No. P-2008-2062739 (Order entered June 2, 2009) (“Default Service Order”). Specifically, PECO requests that the Commission grant a waiver of the tariff’s AEPS charge filing schedule and amend the Settlement in order to permit PECO to file its AEPS charge and release the results of its fall default service

¹ The AEPS charge recovers the Company’s costs of complying with Pennsylvania’s Alternative Energy Portfolio Standards Act, 73 P.S. § 1648.1 *et seq.* (“AEPS”).

procurement on or before October 14, 2010: The early release of this information will allow the Company to also file its Generation Supply Adjustment (“GSA”) on October 14, 2010, and thereby make important default service rate information available to customers and electric generation suppliers (“EGSs”) as soon as possible before the expiration of PECO’s generation rate caps on December 31, 2010. For this reason, PECO requests expedited consideration of this Petition.

I. BACKGROUND

1. PECO is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania with its principal office in Philadelphia, Pennsylvania. PECO provides electric delivery service to approximately 1.6 million customers and natural gas delivery service to approximately 475,000 customers in Southeast Pennsylvania.

2. Under PECO’s current tariff, the Company’s AEPS charge must be filed each year on April 1 with the exception of the first AEPS charge filing, which must be made on November 1, 2010. *See* PECO Electric Tariff Pa. PUC No. 4, Original Page No. 34A.

3. On September 10, 2008, PECO filed its proposed program for procurement of default service supply in accordance with the requirements of Pennsylvania’s Electricity Generation Customer Choice and Competition Act, as amended by Act 129 of 2008. *See* 66 Pa. C.S. § 2807(e)(3.1). Following extensive discovery and negotiations, PECO and the parties to its default service program proceeding entered into the Settlement, which the Commission approved in the Default Service Order.²

² The following parties joined PECO in the Joint Petition for Settlement: the Office of Trial Staff (“OTS”); the Office of Consumer Advocate (“OCA”); the Office of Small Business Advocate (“OSBA”); the Philadelphia Area (Cont.)

4. The Settlement, as approved by the Default Service Order, establishes certain requirements for PECO's procurement of default service supply, including that default service procurement results must be "released 30 days after the solicitation, or 21 days before the supply period starts, whichever comes earlier." Settlement Ex. G (¶¶ 1, 2, and 3).

5. To date, the timing of the Company's release of default service procurement results has been consistent with the release period agreed to in the Settlement.

6. PECO's GSA is comprised of many different cost elements, including the AEPS charge and default service supply prices obtained through default service procurements. Under PECO's current tariff, the Company's GSA must be filed at least 45 days before its effective date. *See* PECO Electric Tariff Pa. PUC No. 4, First Revised Page No. 32.

II. THE COMMISSION SHOULD PERMIT EARLY FILING OF PECO'S AEPS CHARGE AND RELEASE OF DEFAULT SERVICE PROCUREMENT RESULTS

7. PECO seeks to file its next GSA on October 14, 2010, in order to make important default service rate information available to customers and EGSs as early as possible before the effective date of the GSA (January 1, 2011) following the expiration of PECO's existing generation rate caps. In order to calculate the GSA, the Company must include the AEPS charge and the default service supply prices obtained from the default service procurements to date under the Settlement.

Industrial Energy Users Group ("PAIEUG"); Constellation New Energy, Inc. and Constellation Energy Commodities Group, Inc. ("Constellation"); the City of Philadelphia ("City of Philadelphia"); Direct Energy Services, Inc. ("Direct Energy"); Dominion Retail, Inc. ("Dominion Retail"); the Retail Energy Supply Association ("RESA"); the Tenant Union Representative Network; Action Alliance of Senior Citizens of Greater Philadelphia and Association of Community Organizations for Reform Now ("TURN et al."); and Reliant Energy, Inc. (now RRI Energy, Inc.). Consolidated Edison Solutions, Inc. ("ConEd Solutions"), which was also a party to the case, did not oppose the Settlement.

8. As explained *supra*, pursuant to PECO's current tariff, its first AEPS charge filing must be made on November 1, 2010.

9. In accordance with the Settlement, PECO is also scheduled to conduct its next default service supply solicitation on September 22, 2010. Under the Settlement, PECO may release the procurement results no earlier than 30 days after that solicitation, or October 22, 2010.

10. PECO has determined that it will be able to file its GSA on October 14, 2010, one month earlier than the time permitted under its tariff. However, in order to permit this filing, a one-time waiver of the November 1, 2010 AEPS charge filing date must be granted and Exhibit G of the Settlement must be amended to provide that procurement results may be released earlier.

11. For these reasons, PECO requests a one-time waiver of the November 1, 2010 date for filing of its first AEPS charge and an amendment of the last sentence of paragraphs 1, 2, and 3 of Exhibit G of the Settlement to read as follows (revised text in italics): "The information is released 30 days after the solicitation, or 21 days before the supply period starts, whichever comes earlier, *except that fall 2010 procurement results may be released 21 days after the solicitation.*" PECO will continue to work through the CHARGE process to develop a common statewide policy for the release of electric distribution company default service procurement results for subsequent procurements.

12. PECO has shared its waiver request and the proposed amendment with all parties to the Settlement and with ConEd Solutions and no party objects to the waiver or proposed amendment.

III. REQUEST FOR EXPEDITED APPROVAL

13. PECO requests that the Commission approve this Petition, the waiver and amendment no later than the public meeting presently scheduled for September 23, 2010. This request for expedited treatment is necessary so that the AEPS charge and default service procurement results can be released earlier with the GSA and PECO's customers and EGSs can have default service rate information as soon as possible before the expiration of the generation rate caps in PECO's service territory.

IV. CONCLUSION

Based upon the foregoing, PECO respectfully requests that the Commission grant this Petition and enter an order granting a one-time waiver with regard to filing the AEPS charge and amending paragraphs 1, 2, and 3 of Exhibit G of the Settlement to provide that “The information is released 30 days after the solicitation, or 21 days before the supply period starts, whichever comes earlier, except that fall 2010 procurement results may be released 21 days after the solicitation.”

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Respectfully submitted,



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September 10, 2010

Counsel for PECO Energy Company

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

PETITION OF PECO ENERGY :
COMPANY FOR EXPEDITED :
APPROVAL OF ITS DEFAULT : Docket No. P-2008-2062739
SERVICE PROGRAM AND RATE :
MITIGATION PLAN :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served copies of the **Petition of PECO Energy Company For Expedited Approval Of Early Filing Of The AEPS Charge And Release of Default Service Procurement Results** in the above-captioned matter in the manner as set forth below, in accordance with the requirements of 52 Pa. Code § 1.54:

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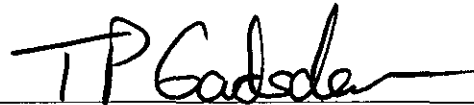
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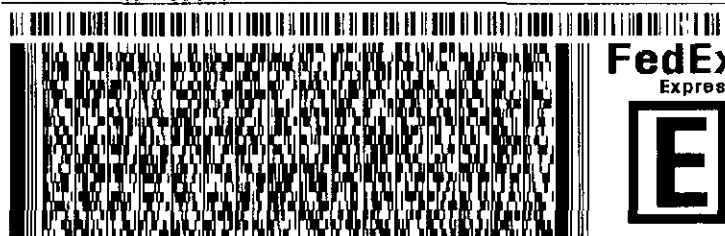
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