

Legal Department

Exelon Business Services Company
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September 14, 2010

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

**Re: Charles White v. PECO Energy Company
PUC Docket No. C-2010-2187466**

Dear Ms. Chiavetta:

Enclosed for filing with the Commission are the following documents and copies in the matter referenced above.

—	Answer (1 original)
<u>X</u>	Motion for Continuance (1 original)
—	Motion for Judgment on the Pleadings (1 original)
—	Preliminary Objection (1 original)
—	Exceptions (1 original)
—	Reply Exceptions (1 original)
—	Brief (1 original)
—	Reply Brief (1 original)

I have enclosed a Certificate of Service showing that a copy of the above document was served on the interested parties. Thank you for your time and attention on this matter.

Very truly yours,



Tishekia Williams
Counsel for PECO Energy Company

TW/adz
Enc.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

CHARLES WHITE	:	
	:	
v.	:	DOCKET NO. C-2010-2187466
	:	
PECO ENERGY COMPANY	:	

MOTION FOR CONTINUANCE OF HEARING DATE

PECO Energy Company ("PECO Energy"), pursuant to 52 Pa. Code § 1.15(b), hereby requests a continuance of the hearing date scheduled for Wednesday, September 22, 2010 in the above captioned matter. In support of its request, PECO states the following:

1. On July 13, 2010, Complainant filed a formal complaint against PECO Energy alleging a service reliability and power quality problem with his service.
2. On August 2, 2010, PECO filed an Answer to the complaint admitting in part, and denying in part the material allegations contained therein. PECO requested that the matter be scheduled for mediation.¹
3. By notice dated August 13, 2010, a hearing was scheduled for September 22, 2010 at 10:00 AM, 801 Market Street, Philadelphia, PA 19107.
4. Following Mr. White's complaint, PECO received nineteen (19) other complaints related to the same issue. All of the customers reside in Montgomery County, PA in the area known as Willow Grove and Abington. All of the customers' service is fed from the Davisville 003 circuit.
5. PECO has filed a motion to consolidate the cases, a copy of which is attached as Exhibit 1.

¹ PECO was informed by Commission staff that Complainant exercised his right to decline mediation.

6. With the exception of Mr. White's complaint, all of the complaints have been assigned to mediation.

7. Although Mr. White has declined mediation, he is welcomed to participate in the upcoming mediation with his neighbors and will be provided with details including the mediation date, time and location.

8. Additionally, Mr. White is presently scheduled to meet with PECO engineers and PECO's Director of Operations on September 21, 2010 to discuss changes that PECO has made to its electric distribution system that supplies Mr. White, as well as additional changes planned for the future. PECO believes that these discussions may provide a meaningful opportunity to resolve this case with the need for an evidentiary hearing.

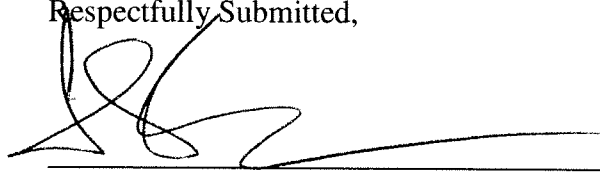
9. Therefore, PECO requests that this proceeding be continued for at least 30 days to allow the parties' time to continue their discussions, and for PECO and parties in the related dockets to conclude their mediation, all of which will allow a better determination of whether evidentiary hearings are required to resolve this matter.

10. Granting the continuance will 1) allow the Commission to rule on the motion to consolidate prior to the hearing date, 2) conserve Commission resources by eliminating the need to have multiple hearing regarding the same issue, and 3) serve the Commission's policy of promoting settlements.

11. Counsel for PECO has spoken with Mr. White regarding this request. Complainant does not object to a continuance in this matter.

Wherefore, PECO Energy respectfully requests that your Honor continue the hearing for at least 30-days for the foregoing reasons.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Tishekia Williams', is written over a horizontal line. The signature is stylized and cursive.

Tishekia Williams
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
Direct Dial: 215.841.6841;
Fax: 215.568.3389
Tishekia.Williams@exeloncorp.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

CHARLES WHITE

v.

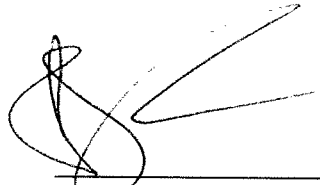
PECO ENERGY COMPANY

:
:
:
:
:

DOCKET NO. C-2010-2187466

VERIFICATION

I, Tishekia Williams, hereby declare that I am counsel for 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: September 14, 2010

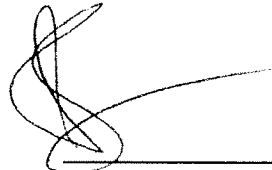
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

CHARLES WHITE	:	
	:	
v.	:	DOCKET NO. C-2010-2187466
	:	
PECO ENERGY COMPANY	:	

CERTIFICATE OF SERVICE

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

Charles White
1855 Edge Hill Road
Abington, PA 19001



Tishekia Williams
Counsel for PECO Energy Company
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P.O. Box 8699
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Fax: 215.568.3389
Tishekia.Williams@exeloncorp.com

Dated at Philadelphia, Pennsylvania, September 14, 2010.

Legal Department

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September 13, 2010

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

Re: Charles White, et al. v. PECO Energy Company
PUC Docket Nos. C-2010-2187466, C-2010-2190274, C-2010-2189980,
C-2010-2190136, C-2010-2189781, C-2010-2192244, C-2010-2190275,
C-2010-2189794, C-2010-2190320, C-2010-2190366, C-2010-2192923,
C-2010-2190279, C-2010-2190160, C-2010-2191454, C-2010-2190139,
C-2010-2195645, C-2010-2189394, C-2010-2189756, C-2010-2189798,
C-2010-2189835

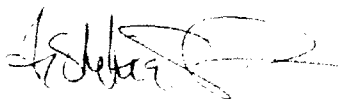
Dear Ms. Chiavetta:

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—	Answer (1 original)
—	Motion for Continuance (1 original)
<u>X</u>	Motion to Consolidate (1 original)
—	Motion for Judgment on the Pleadings (1 original)
—	Preliminary Objection (1 original)
—	Exceptions (1 original)
—	Reply Exceptions (1 original)
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Very truly yours,



Tishekia Williams
Counsel for PECO Energy Company
TW/adz
Enclosure

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

CHARLES WHITE, ET. AL.	:	DOCKET NOS. C-2010-2187466,
	:	C-2010-2190274, C-2010-2189980,
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	:	C-2010-2192244, C-2010-2190275,
	:	C-2010-2189794, C-2010-2190320,
	:	C-2010-2190366, C-2010-2192923,
PECO ENERGY COMPANY	:	C-2010-2190279, C-2010-2190160,
	:	C-2010-2191454, C-2010-2190139,
	:	C-2010-2195645, C-2010-2189394,
	:	C-2010-2189756, C-2010-2189798,
	:	C-2010-2189835

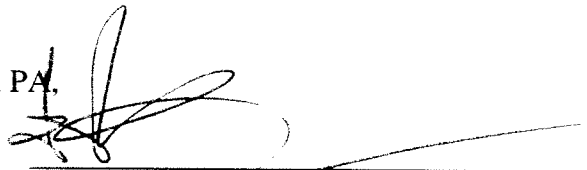
NOTICE TO PLEAD

Pursuant to 52 Pa. Code §§ 5.102, you are hereby notified that, if you do not file a written response denying or correcting the enclosed Motion of PECO Energy Company, within 20 days from service of this notice, a ruling may be entered against you. All pleadings, such as a Reply to Motions, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for PECO Energy Company, Tishekia Williams, and where applicable, the Administrative Law Judge presiding over the issue.

File with:
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg, PA 17120

With a copy to:
Tishekia Williams, Esq.
PECO Energy Company
2301 Market Street, S-23
Philadelphia, PA 19103

Dated September 13, 2010 at Philadelphia, PA,



Tishekia Williams
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
(215) 841-6841
Fax: 215.568.3389

**BEFORE THE
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	:	C-2010-2189756, C-2010-2189798,
	:	C2010-2189835

PECO ENERGY COMPANY’S MOTION TO CONSOLIDATE

Respondent, PECO Energy Company (“PECO”), pursuant to 52 Pa. Code § 5.81(a) respectfully petitions this Honorable Commission to consolidate the matters listed at the above referenced dockets because all the complaints involve similar issues of law and fact. In support of this request, PECO avers:

1. PECO has received twenty (20) formal complaints filed by customers residing in Montgomery County Pennsylvania and whose service is fed from the Davisville 003 Circuit. The complaints at issue include:

- Charles White v. PECO Energy Company; Docket No. C-2010-2187466; received July 16, 2010; hearing scheduled for September 22, 2010 before Administrative Law Judge Ky Van Nguyen.
- George & Anne Beerley v. PECO Energy Company; Docket No. C-2010-2190274; received July 28, 2010; Interim Order Setting Mediation Conference issued.
- Thomas Boran v. PECO Energy Company Docket No. C-2010-2189980, received July 27, 2010; Interim Order Setting Mediation Conference issued.
- Ronald Burton v. PECO Energy Company Docket No. C-2010-2190136, received July 28, 2010; no hearing or mediation ordered to date.
- Terrance Callahan v. PECO Energy Company Docket No. C-2010-2189781, received July 26, 2010; no hearing or mediation ordered to date.

- Ellen Caplin v. PECO Energy Company Docket No. C-2010-2192244, received August 5, 2010; No hearing or mediation ordered to date.
- Thomas Cassidy v. PECO Energy Company Docket No. C-2010-2190275 received July 28, 2010; Interim Order Setting Mediation Conference issued.
- Dennis Foley v. PECO Energy Company; Docket No. C-2010-2189794 received July 27, 2010; Interim Order Setting Mediation Conference issued.
- Patricia Getz v. PECO Energy Company; Docket No. C-2010-2190320 received July 28, 2010; Interim Order Setting Mediation Conference issued.
- Timothy & Catherine Goodenough v. PECO Energy Company; Docket No. C-2010-2190366; July 29, 2010; mediation ordered Interim Order Setting Mediation Conference issued.
- Edward Gruenbaum v. PECO Energy Company; Docket No. C-2010-2192923; received August 11, 2010; No hearing or mediation ordered to date.
- Catherine M. Guenzel v. PECO Energy Company; Docket No. C-2010-2190279; received August 11, 2010; Interim Order Setting Mediation Conference issued.
- Jeff Henley and Lynda Henley v. PECO Energy Company; Docket No. C-2010-2190160; received July 28, 2010; Interim Order Setting Mediation Conference issued.
- Daniel D. Kristie v. PECO Energy Company; Docket No. C-2010-2191454; received August 3, 2010; Interim Order Setting Mediation Conference issued.
- Marilyn Leet v. PECO Energy Company; Docket No. C-2010-2190139; July 28, 2010; Interim Order Setting Mediation Conference issued.
- Karen McCloskey v. PECO Energy Company; Docket No. C-2010-2195645; received August 26, 2010; Interim Order Setting Mediation Conference issued.
- Catherine E. Smith v. PECO Energy Company; Docket No. C-2010-2189835; received July 27, 2010; Interim Order Setting Mediation Conference issued.
- Brian Timothy Shannon v. PECO Energy Company; Docket No. C-2010-2189394; received July 23, 2010; Interim Order Setting Mediation Conference issued.
- Nicholas and Anne Scull v. PECO Energy Company; Docket No. C-2010-2189756; received July 26, 2010; Interim Order Setting Mediation Conference issued.
- Nancy Walker v. PECO Energy Company; Docket No. C-2010-2189798; received July 27, 2010; Interim Order Setting Mediation Conference issued.

2. All of the above referenced complaints raise one or more of four issues. Specifically, the customers claim:

- There is a reliability problem with their service. Namely, they experience frequent, extended outages.
- There is a quality problem with their service. Namely, the voltage is lower than acceptable standards.
- When there is an outage, PECO's communications is inaccurate, untimely, and generally inadequate.
- PECO should reimburse them for losses resulting from the outages.¹

3. Pursuant to 52 Pa. Code § 5.101(b), PECO filed Answers to the Complaints.

The Legal Standard for Consolidation.

4. Commission regulations, 52 Pa. Code § 5.81 (a), provides the standard for consolidating proceedings. Section 5.81(a) states:

The Commission or presiding officer, with or without motion, may order proceedings involving a common question of law or fact to be consolidated. The Commission or presiding officer may make orders concerning the conduct of the proceeding as may avoid unnecessary costs or delay.

5. PECO avers that the Complaints all raise common issues of law and fact.

6. The question presented in each case is whether PECO Energy has provided reasonable and reliable electric service in compliance with Commission regulations. Accordingly, each case involves similar questions of law.

7. The customers all reside in the Willow Grove and Abington area of Montgomery County and are served from the Davisville 003 Circuit. Therefore, each customer has a similar outage history. Accordingly, each case involves similar questions of facts.

¹ The Commission lacks the power to award damages. See *Feingold v. Bell of Pennsylvania*, 477 Pa. 1, 383 A.2d 791 (1977). Therefore, this issue can not be addressed in this proceeding.

8. PECO avers that the matters should be consolidated to save the time, resources and the expense of trying these matters separately.

WHEREFORE, PECO Energy Company respectfully requests that your Honorable Commission consolidate these matters, and schedule them for mediation.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Tishekia Williams', with a long horizontal flourish extending to the right.

Tishekia Williams
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
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	:	C-2010-2189835

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.

Date: September 13, 2010



Tishekia E. Williams

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of PECO Energy Company's Motion to consolidate the above referenced matters upon all interested parties by mailing a copy thereof, properly addressed and postage prepaid to:

George J. Beerley
Anne P. Beerley
427 Evans Avenue
Willow Grove, PA 19090

Thomas Boran
525 Quigley Avenue
Willow Grove, PA 19090

Ronald Burton
Mary Kay Burton
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Willow Grove, PA 19090

Terence Callahan
Carol Callahan
417 Evans Avenue
Willow Grove, PA 19090

Ellen Caplin
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Willow Grove, PA 19090

Thomas Cassidy
514 Inman Terrace
Willow Grove, PA 19090

Dennis F. Foley
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Willow Grove, PA 19090

Patricia Getz
505 Inman Terrace
Willow Grove, PA 19090

Timothy J. Goodenough
Catherine Goodenough
527 Quigley Avenue
Willow Grove, PA 19090

Edward Gruenbaum
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Willow Grove, PA 19090

Catherine M. Gunezel
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Willow Grove, PA 19090

Jeff Henley
Lynda Henley
517 Manor House Lane
Willow Grove, PA 19090

Daniel D. Kristie
522 Inman Terrace
Willow Grove, PA 19090-3614

Marilyn Leet
513 Quigley Avenue
Willow Grove, PA 19090

Karen McCloskey
505 Quigley Avenue
Willow Grove, PA 19090

Catherine E. Smith
507 Quigley Avenue
Willow Grove, PA 19090

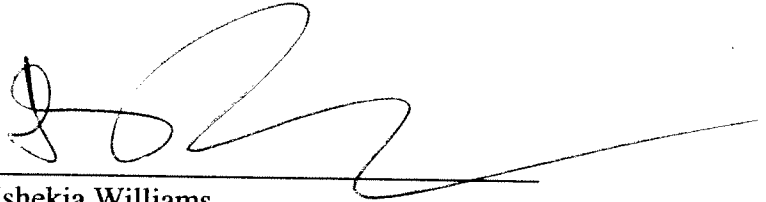
Brian Timothy Shannon
503 Quigley Avenue
Willow Grove, PA 19090

Nicholoas O. Scull
Ann M. Scull
507 Inman Terrace
Willow Grove, PA 19090

Nancy Walker
514 Quigley Avenue
Willow Grove, PA 19090

Charles White
1855 Edge Hill Road
Willow Grove, PA 19090

Dated at Philadelphia, Pennsylvania, September 13, 2010

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Tishekia Williams
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