

Legal Department

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October 19, 2010

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

**Re: Karin Lafferty v. PECO Energy Company
PUC Docket No. F-2010-2201626**

Dear Ms. Chiavetta:

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

—	Answer (1 original)
—	Motion for Continuance (1 original)
—	Motion for Judgment on the Pleadings (1 original)
<u>X</u>	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.

Scheduling recommendation: CALL OF THE DOCKET: NON-CALL OF THE DOCKET: X

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

KARIN LAFFERTY

v.

PECO ENERGY COMPANY

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:
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DOCKET NO. F-2010-2201626

NOTICE TO PLEAD

Pursuant to 52 Pa. Code §§ 5.101 and 5.62(c), you are hereby notified that, if you do not file a written response denying or correcting the enclosed Preliminary Objection of PECO Energy Company within 10 days from service of this notice, a decision may be rendered against you. All pleadings, such as a Reply to Preliminary Objection, 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.

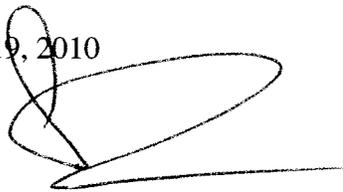
File with:

Rosemarie 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 at Philadelphia, PA, October 19, 2010



Tishekia Williams
Counsel for PECO Energy Company
2301 Market Street S-23
Philadelphia, PA 19101-8699
215-841-6863
tishekia.williams@exeloncorp.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

KARIN LAFFERTY	:	
	:	
v.	:	DOCKET NO. F-2010-2201626
	:	
PECO ENERGY COMPANY	:	

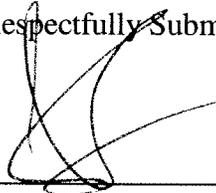
PRELIMINARY OBJECTION OF RESPONDENT, PECO ENERGY COMPANY

Respondent, PECO Energy Company (“PECO Energy”), pursuant to 52 Pa. Code § 5.101(a)(3) respectfully petitions this Honorable Commission to dismiss this Complaint inasmuch as it requests damages for the following reasons:

1. Complainant’s request for damages should be dismissed pursuant to 52 Pa. Code § 5.101(a)(1), because the Commission lacks the power to award damages.
2. Complainant filed a Formal Complaint with the Pennsylvania Public Utility Commission on or about September 29, 2010, wherein Complainant requested compensation for damages allegedly caused by PECO tree trimming.
3. PECO is filing an Answer and New Matter in conjunction with this Preliminary Objection.
4. To the extent that Complainant is seeking compensation for the alleged damages her request should be denied.
5. 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 Complainant's request for damages, pursuant to 52 Pa. Code § 5.101(a)(1), because the Commission lacks power to award damages.

Respectfully Submitted,



Tishekia Williams
Counsel for PECO Energy Company
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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

KARIN LAFFERTY

v.

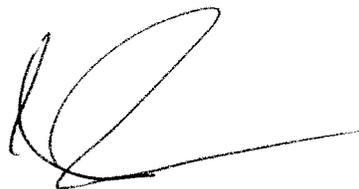
PECO ENERGY COMPANY

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DOCKET NO. F-2010-2201626

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: October 19, 2010

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

KARIN LAFFERTY

v.

PECO ENERGY COMPANY

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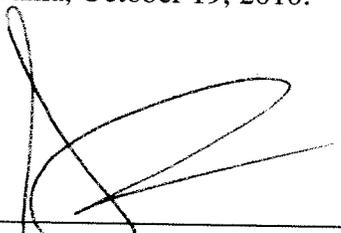
DOCKET NO. F-2010-2201626

CERTIFICATE OF SERVICE

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

Karin Lafferty
212 Wyncote Road
Jenkins, PA 19046

Dated at Philadelphia, Pennsylvania, October 19, 2010.



Tishkia Williams
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