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November 8, 2010

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor  
Harrisburg, PA 17120

**Re: First Millenium, LLC v. PECO Energy Company**  
**Docket No. C-2010-2205039**

Dear Secretary Chiavetta:

Enclosed for filing on behalf of PECO is an original of its Preliminary Objection and Answer and New Matter to the above-referenced Complaint. These documents have been e-filed at the Pennsylvania Public Utility Commission's website. Copies have been served on the Complainant in accordance with the attached Certificate of Service.

If you have any questions, please feel free to contact me.

Best Regards,

STEVENS & LEE

  
Michael A. Gruin

Encl.

cc: Certificate of Service

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A PROFESSIONAL CORPORATION

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

FIRST MILLENIUM, LLC	:	
Complainant	:	
	:	
v.	:	Docket No. C-2010-2205039
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

**NOTICE TO PLEAD**

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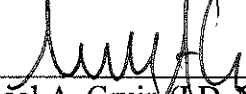
**To: *First Millenium, LLC***

You are hereby notified to file a written response to the attached Preliminary Objection of PECO within ten (10) days from the date of service of this notice. If you do not file a written response denying or correcting the enclosed Preliminary Objection within ten(10) days of service, the facts set forth by PECO may be deemed to be true, thereby requiring no other proof, and judgment may be entered against you. All pleadings, such as responses to Preliminary Objections, must be filed with the Secretary of the Pennsylvania Public Utility Commission:

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

You must also serve a copy of your response on the undersigned counsel for PECO. Failure to respond to this Preliminary Objection could result in the dismissal of your case.

STEVENS & LEE

  
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Michael A. Gruin (I.D. No. 78625)  
17 N. 2nd St., 16th Floor  
Harrisburg, PA 17101  
Tel. (717) 255-7365  
Fax (610) 988-0852  
COUNSEL FOR  
PECO ENERGY COMPANY

DATE: November 8, 2010

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

FIRST MILLENIUM, LLC	:	
Complainant	:	
	:	
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**PECO ENERGY COMPANY’S PRELIMINARY OBJECTION TO THE  
COMPLAINT**

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Respondent, PECO Energy Company (“PECO Energy”), pursuant to 52 Pa. Code § 5.101(a)(2), respectfully petitions this Honorable Commission to dismiss the Complaint for lack of capacity to sue.

1. On October 18, 2010, PECO Energy was served with a formal Complaint from First Millennium, LLC (“Complainant”). A copy of the complaint is attached as Exhibit 1.
2. The Commission’s Rules of Administrative Practice and Procedure permit the filing of Preliminary Objections. Pursuant to 52 Pa. Code § 5.101(a)(2), a formal complaint may be dismissed for failure to conform to the requirements of the Commission’s regulations.
3. According to the Complaint, the Complainant is a Limited Liability Company.
4. Under the Commission’s regulations at 52 Pa. Code §§1.21-1.22, parties to an adversarial proceeding who are not individuals must be represented by an attorney at law

admitted to practice before the Supreme Court of Pennsylvania or by a certified legal intern.

5. The Complaint makes it clear that the Complainant is not an individual.

6. The Complaint does not indicate that the Complainant is represented by an attorney or certified legal intern.

7. For the foregoing reasons, PECO respectfully submits that the Complaint should be dismissed pursuant to 52 Pa. Code §5.101 (a)(2) for failure to conform with the Commission's regulations regarding representation in adversarial proceedings.

**WHEREFORE**, PECO Energy Company respectfully requests that your Honorable Commission dismiss the Complaint, with prejudice

Respectfully submitted,



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Michael A. Gruin (I.D. No. 78625)  
17 North Second Street, 16th Floor  
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PECO Energy Company  
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tishekia.williams@exeloncorp.com

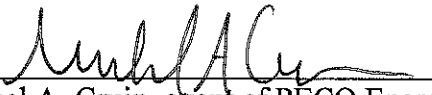
Counsel for PECO Energy Company

Dated: November 8, 2010

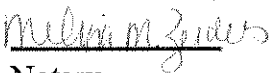
Commonwealth of Pennsylvania :  
: SS  
County of Dauphin :

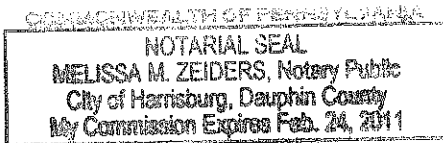
**AFFIDAVIT**

I, Michael A. Gruin, being duly sworn according to law, depose and say I am agent of PECO Energy Company and have been authorized to make this affidavit on its behalf and that the facts above set forth are true and correct to the best of my knowledge, information and belief, and PECO Energy Company expects to be able to prove the same at any hearing hereof.

  
Michael A. Gruin, agent of PECO Energy Company

Sworn and subscribed before me this  
8th day of November , 2010

  
Notary  
My Commission Expires:



**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

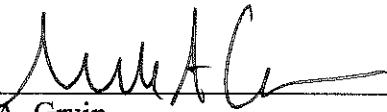
FIRST MILLENIUM, LLC	:	
Complainant	:	
	:	
v.	:	Docket No. C-2010-2205039
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing Preliminary Objection upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

VIA First Class U.S. Mail

First Millenium, LLC  
PO Box 265  
Cherry Hill, NJ 08003

  
\_\_\_\_\_  
Michael A. Gruin

DATED: November 8, 2010