

Legal Department

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December 29, 2010

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

**Re: Daniel Shinefield v. PECO Energy Company
PUC Docket No. C-2010-2213931**

Dear Ms. Chiavetta:

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

<input type="checkbox"/>	Answer (1 original)
<input checked="" type="checkbox"/>	Answer & New Matter (1 original)
<input type="checkbox"/>	Motion for Continuance (1 original)
<input type="checkbox"/>	Motion for Judgment on the Pleadings (1 original)
<input checked="" type="checkbox"/>	Preliminary Objection (1 original)
<input type="checkbox"/>	Exceptions (1 original)
<input type="checkbox"/>	Reply Exceptions (1 original)
<input type="checkbox"/>	Brief (1 original)
<input type="checkbox"/>	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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DANIEL SHINEFIELD	:	
	:	
v.	:	DOCKET NO. C-2010-2213931
	:	
PECO ENERGY COMPANY	:	

PRELIMINARY OBJECTIONS OF RESPONDENT,
PECO ENERGY COMPANY

Respondent, PECO Energy Company (“PECO Energy”), pursuant to 52 Pa. Code § 5.101(a), respectfully petitions this Honorable Commission to dismiss this Complaint for the reasons described below.

1. PECO Energy requests dismissal of the instant Complaint to the extent Complainant seeks a payment agreement under 52 Pa. Code § 5.101 (a)(4). The Commission lacks the power to issue Complainant a payment agreement because Complainant has no statutory right to a payment agreement on CAP arrears.

2. Complainant has been enrolled in PECO’s Customer Assistance Program (“CAP”) since December 15, 2005.

3. Complainant’s current account balance of \$15,507.56 is CAP arrears.

4. CAP customers, as a matter of law, cannot receive Commission-issued payment agreements. (*See* 66 Pa. C.S. 1405(c)).

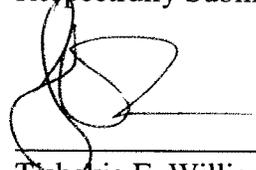
5. Because Complainant’s balance consists of CAP arrears, the Commission lacks the power to issue Complainant a payment agreement.

6. Therefore, PECO Energy preliminarily objects to the Complaint. The Complaint is legally insufficient because Complainant has no statutory right to receive an

agreement on CAP arrears from the PUC. Accordingly, PECO Energy preliminarily objects to the Complaint pursuant to 52 Pa. Code § 5.101(a)(4).

WHEREFORE, PECO Energy Company respectfully requests that your Honorable Commission dismiss the instant Complaint.

Respectfully Submitted,

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

Tishekia E. Williams
Counsel for PECO Energy Company
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Tishekia.williams@exeloncorp.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DANIEL SHINEFIELD

v.

PECO ENERGY COMPANY

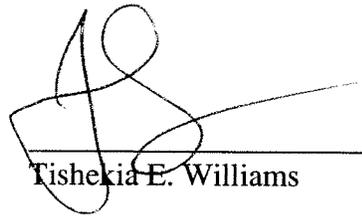
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DOCKET NO. C-2010-2213931

VERIFICATION

I, Tishekia E. 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.

Date: December 29, 2010



Tishekia E. Williams

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

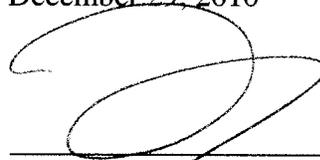
DANIEL SHINEFIELD	:	
	:	
v.	:	DOCKET NO. C-2010-2213931
	:	
PECO ENERGY COMPANY	:	

CERTIFICATE OF SERVICE

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

Daniel Shinefield
409 Levering Mill Road
Bala Cynwyd, PA 19004

Dated at Philadelphia, Pennsylvania, December 29, 2010



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