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LAWYERS & CONSULTANTS

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March 1, 2011

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

Re: Blair Christian Academy v. PECO Energy Company
Docket No. F-2010-2200114

Dear Secretary Chiavetta:

Enclosed please find PECO's Motion for Summary Judgment in the above-captioned matter, which was electronically filed today. A copy has been served in accordance with the enclosed Certificate of Service.

If you have any questions, please do not hesitate to contact me.

Respectfully submitted,

STEVENS & LEE


Michael A. Gruin, Esq.

Enclosures

cc: Honorable Eranda Vero (via email)
Certificate of Service

Philadelphia • Reading • Valley Forge • Lehigh Valley • Harrisburg • Lancaster • Scranton
Williamsport • Wilkes-Barre • Princeton • Cherry Hill • New York • Wilmington

A PROFESSIONAL CORPORATION

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

BLAIR CHRISTIAN ACADEMY

Complainant

v.

PECO ENERGY COMPANY

Respondent

Docket No. F-2010-2200114

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 Motion for Summary Judgment within 20 days from service of this notice, the facts set forth by PECO Energy Company may be deemed to be true, thereby requiring no other proof. All pleadings, such as a Reply to Motion, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for PECO Energy Company, Michael A. Gruin, and where applicable, the Administrative Law Judge presiding over the issue.

Failure to respond to this Motion could result in the dismissal of your case.

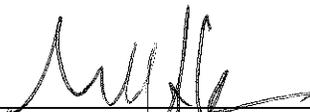
File with:

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

With a copy to:

Michael A. Gruin, Esq.
17 N. 2nd St., 16th Floor
Harrisburg, PA 17101

DATE: March 1, 2011



Michael A. Gruin, Esq.
Attorney I.D. 78625
Stevens & Lee
Attorneys for Respondent
17 N. 2nd St., 16th Floor
Harrisburg, PA 17101
Tel. (717) 255-7365
mag@stevenslee.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

BLAIR CHRISTIAN ACADEMY

Complainant

v.

PECO ENERGY COMPANY

Respondent

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Docket No. F-2010-2200114

MOTION FOR SUMMARY JUDGMENT

PECO Energy Company ("PECO"), pursuant to 52 Pa. Code §5.102, respectfully requests that your Honorable Commission dismiss the instant complaint for failure of the Complainant to comply with the Commission's regulations at 52 Pa. Code §§1.21-1.22, which require parties to an adversarial proceeding who are not individuals to be represented by an attorney at law admitted to practice before the Supreme Court of Pennsylvania or by a certified legal intern.

1. On September 21, 2010, PECO was served with a Formal Complaint filed by the Complainant, Blair Christian Academy. A copy of Complainant's Formal Complaint is attached hereto as Exhibit 1.

2. On October 11, 2010, PECO filed an Answer, New Matter and Preliminary Objections. A copy of PECO's Answer and New Matter is attached hereto as Exhibit 2. A copy of PECO's Preliminary Objections is attached hereto as Exhibit 3.

3. On October 20, 2010, Complainant filed a response to PECO's Preliminary Objections. Complainant's response indicated that Complainant was "seeking monetary reimbursement for damaged equipment". A copy of Complainant's response is attached hereto as Exhibit 4.

4. On January 6, 2011 ALJ Vero issued a Hearing Notice scheduling an evidentiary hearing on the Formal Complaint for March 7, 2011. The Hearing Notice stated, in bold typeface, that “**Individuals representing themselves do not need to be represented by an attorney. All others (corporations, partnership, association, trust or governmental agency or subdivision) must be represented by an attorney. An attorney representing you should file a Notice of Appearance before the scheduled hearing date.**” (Emphasis in original).

5. By Order dated February 1, 2011, Administrative Law Judge Eranda Vero granted PECO’s Preliminary Objections in part, and denied them in part. Importantly, the Order also reiterated that this matter is a contested proceeding, and that the Complainant must obtain legal representation no later than February 28, 2011 in order for the Complaint to go forward.

6. As of the close of business on February 28, 2011, no attorney has filed a Notice of Appearance on behalf of the Complainant.

7. 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.

8. In her concurring statement to a 1995 Commission Order¹, Commissioner Crutchfield explained the Commission’s obligation to require attorneys in adversarial proceedings for parties other than individuals proceeding *pro se*:

In Pennsylvania, the Supreme Court is responsible for regulating the practice of law, and this Commission is bound by the Supreme Court’s rules. The only persons authorized to practice law in Pennsylvania are as follows: (1) persons fully admitted to the Pennsylvania bar; (2) persons admitted *pro hac vice* under Rule 301; and (3) persons qualified as certified legal interns under Rule 321. The Pennsylvania Supreme Court in *Shorz v. Farrell*, 327 Pa.

¹ *James and Judith Simon v. Franklin Water Company*, Docket No. C-00956589, Order entered January 29, 1996.

81, 193 A.20 (1937), held that if the nature of an administrative hearing is to determine questions of fact or interpretation of administrative law, then the hearing is of a judicial character. Any participation in such a hearing constitutes the practice of law. Accordingly it would be unlawful to allow nonattorney representation in adversarial proceedings before the Commission.

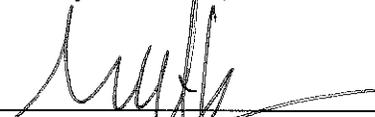
9. This matter became an adversarial proceeding upon the filing of PECO's Answer, New Matter, and Preliminary Objections.

10. The Complainant is not an individual, and therefore, Complainant must be represented by an attorney at law admitted to practice before the Supreme Court of Pennsylvania or by a certified legal intern in order to pursue its Formal Complaint.

11. 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 and for failure to comply with ALJ Vero's clear directive regarding the obtaining of legal counsel by February 28, 2011.

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

Respectfully submitted,



Michael A. Gruin (ID. No. 78625)
17 North Second Street, 16th Floor
Harrisburg, PA 17101
Telephone: 717-255-7365
Facsimile: 610-988-0852
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Tishekia Williams
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(215) 841-6841

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tishkia.williams@exeloncorp.com

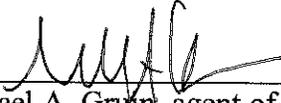
Counsel for PECO Energy Company

Dated: March 1, 2011

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.

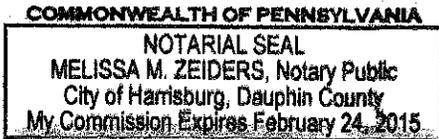


Michael A. Gruin, agent of PECO Energy Company

Sworn and subscribed before me this
1st day of March, 2011



Notary
My Commission Expires: FEB 24, 2015



PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

BCS 2715017
PECO ENERGY COMPANY
RETURN FORM BY: SEPTEMBER 30, 2010

Please print in ink or type.

1. CUSTOMER (COMPLAINANT) INFORMATION

Your name, mailing address, county, telephone number, utility account number and service address:

Name Blair Christian Academy

Street/P.O. Box 220 W. Upsal Street Apt #

City Philadelphia State Pa Zip 19119

County _____

Daytime Telephone Number Where We Can Contact You: () _____

E-mail Address (optional): dr.jenkins@blairchristianacademy.org

Utility Account Number 2585700804
(from your bill)

If your complaint involves utility service provided to a different address than your mailing address, please list this information below.

Name _____

Street/P.O. Box _____

City _____ State _____ Zip _____

2. FULL NAME OF UTILITY COMPANY (RESPONDENT):

PECO

3. TYPE OF UTILITY (check one)

ELECTRIC

GAS

WATER

TELEPHONE
(local, long distance)

STEAM HEAT

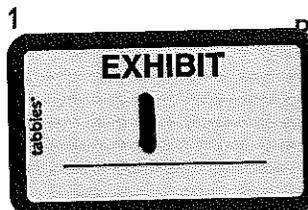
WASTE WATER

MOTOR CARRIER

(e.g., taxi, moving company, limousine)

RECEIVED

SEP 16 2010



4. **COMPLAINT** (check one)

A. In general, what is your complaint?

- I want to oppose the company's proposed rate increase.
- There are incorrect charges on my bill.
- There is a reliability, safety or quality problem with my utility service.
- I received a notice that my utility service is being terminated.
- I would like a payment agreement.
- Other (explain).

B. State the facts of your complaint.

Include any specific dates, times or places that may be important. If the complaint is about a bill, tell us about any charges that you believe are not correct. Use additional paper if you need more space. Provide copies of all relevant documents you believe will support your complaint.

5. **RELIEF** - *Attached*

How do you want your complaint to be resolved? Use additional paper if you need more space.

6. **PROTECTION FROM ABUSE**

Answer the following question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility **AND** your complaint is about a billing problem, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

Has a court granted a "Protection from Abuse" order for your personal safety or welfare?

- YES
- NO

7. **PRIOR UTILITY CONTACT** *NA*

Answer the following question only if you are a residential customer and your complaint is against an electric distribution utility, natural gas distribution utility or a water distribution utility.

Have you spoken to a utility company representative about this complaint?

- YES (includes appeals of BCS determinations)
- NO

If you tried to, but could not speak to a utility company representative about your complaint, please explain why.

8. LEGAL REPRESENTATION (IF ANY)

If you are represented by a lawyer in this matter you must provide your lawyer's name, address, telephone number, and e-mail address, if known.

Lawyer's Name N/A

Street _____

City _____ State _____ Zip _____

Area Code/Phone Number _____

E-mail Address (If Known) _____

9. VERIFICATION AND SIGNATURE

You must print or type your name below on the line provided for the verification paragraph, and you must sign and date (in ink) this form on the lines provided.

Verification:

I, Karen R. S. Jenkins, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Karen R. S. Jenkins
(Signature)

9/15/10
(Date)

Executive Administrator
Title of authorized employee or officer

10. FILING

Please return the completed form to one of the addresses listed below:

If using U.S. Postal Service:

If using overnight delivery service:

| | |
|---------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Secretary Pennsylvania Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105-3265 | Secretary Pennsylvania Public Utility Commission 400 North Street Commonwealth Keystone Building, 2 nd Floor Harrisburg, Pennsylvania 17120 |
|---------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Facsimiles and/or electronic filings of the complaint will not be accepted.

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your complaint for your records.

Question 5.

I would like reimbursement for the damaged equipment due to the unreliability and quality of my utility service.



220 WEST UPSAL STREET, PHILADELPHIA, PA 19119

E-mail: blairchristianacademy@yahoo.com

'From 'Preschool through Grade 12, 'The Key to a 'Higher 'Dimension in 'Education is God's 'Wisdom'

Evangelist Della M. Blair, D.D., Executive Director
Karen R. S. Jenkins, L.H.D., Executive Administrator

Telephone (215) 438-6557
Facsimile (215) 438-0661

August 3, 2010

Pennsylvania Public Utility Commission
Bureau of Consumer Services
P.O. Box 3265
Harrisburg, PA 17105-3265

RE: PUC Case #2715017

To Whom It May Concern:

Blair Christian Academy has been struggling with an electrical issue in our building for over one year now. Last summer, the air conditioner compressor blew out and the elevator stopped working, which we assumed was just a result of its normal life cycle. We purchased a new air compressor in July 2009, but it immediately burned out within two weeks. It was assumed to be a manufacturer defect, so it was replaced at no charge. However, the replacement did not work at full capacity power and sometimes did not work at all. During this time we also started to experience trouble with our elevator, phone system, flickering of lights, and our UPS box. It was eventually brought to our attention that it may be a problem centered on the electrical feed to the building.

In June 2010 we turned our air conditioning unit on for the season, but it was not working. We were told by the electrician that the air compressor had burned out yet again. We purchased another air compressor in July 2010. This too burned out (within hours). We also continued to experience the flickering lights and issues with the phone system.

In an effort to resolve these ongoing problems, our electrician installed a Change Phase Changing Transformer to feed the HVAC system. We also contacted PECO to assist with this issue. Unfortunately, working with PECO was not as smooth as we expected. It took many phone calls and visits to try to identify the problem. We are not receiving the proper amount of voltage necessary to run our facility properly. On Thursday, July 29, 2010 a serviceman from PECO came and installed a monitor to record the voltage use.

This problem is now over a year old, and has cost our non-profit organization over \$14,000. We still do not have a working unit, and are very concerned for the safety of our students, staff, and parents. Attached is an outline of what we have done to resolve this issue and the expenses that came with it. We have also detailed our communication with PECO. Our goal is to get this matter resolved as soon as possible.

Sincerely,

Dr. Karen R.S. Jenkins
Executive Administrator

Regarding PUC Case# 2715017

| DATE | OCCURRENCE | EXPENSE TO BCA |
|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
| July 2009 | Air Conditioner Compressor burns out and elevator stops working (the shellac burned and the carbon gas overheated and caused the compressor to burn) | |
| July 27, 2009 | New compressor purchased and installed | \$3300 + \$750 (labor) |
| August 2009 | -New compressor burned out two weeks after it was installed (the shellac burned and the carbon gas got too hot and caused the compressor to burn up) -2 nd new compressor is installed, but does not work to full capacity, at the same time school elevator stops working. | \$0, believed to be manufacturer defect |
| August 2009 | Continued to use 2 nd purchased compressor, but experiencing difficulties in that it does not work to full capacity and only works intermittently. At the same time, the building experiences flickering of lights | |
| March/April 2010 | Experienced problems with the phone lines (incoming and out going calls and lost calls). The change in voltage was affecting the UPS box. It had to be continuously reset which caused it to stop working. | |
| June 2010 | Turned on air conditioning for the summer season and it does not work. Electrician said air compressor had burned out again. (the shellac burned and the carbon gas got too hot and caused the compressor to burn up) | |
| July 3, 2010 | Install/Change phase changing transformer to feed HVAC systems. 2 Phase, 4 wire 240v changed to 3 phase 240v system | \$5700 |
| July 2010 | Purchased a new compressor (3 rd one installed within one year) **Burned out 3 hours after installment** (the shellac burned and the carbon gas got too hot and caused the compressor to burn up). Continue to experience flickering lights in the building. | \$2650 + \$750 (labor) |
| July 2010 | Three commercial fans were rented to keep building cool for Pre-School and Summer Camp (the rentals became a buy-to-own option). | \$1,244.97 |
| August 2010 | TOTAL EXPENSES TO DATE | \$14,394.97 |

CORRESPONDENCES WITH PECO

| DATE | OCCURENCE |
|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| July 2010 | We informed PECO that our facility was not receiving the proper amount of voltage. |
| July 14, 2010 | Called PECO at 4:00 pm to evaluate the situation. They showed up 8:45pm, but it was too late and dark to do anything. |
| July 15, 2010 | PECO arrived at 8:00 am but could not locate the problem. |
| July 15, 2010 | PECO was called again and another person came out at 8:30 pm; however, we were closed. |
| July 16, 2010 | Called PECO at 9:00 am to confirm they would come back while we were open. A representative showed up at 4:30pm. He said another crew would be sent out to work on the transformer. |
| July 18, 2010 | We were contacted that PECO was on the premises between 10:45-11:00 am. They did not know anything. |
| July 19, 2010 | We followed up in the morning and were told that it was a power quality issue and someone would be coming out. |
| July 20, 2010 | Called customer service at 2:15pm and spoke with Susan. She let me know that the quality service department was working on it. That was all she could tell me. |
| July 29, 2010 | PECO serviceman installed a monitor to record the voltage usage. |
| August 3, 2010 | Elevator still is not working. Air conditioner is not working, and lights continue to flicker. We are growing very concerned for the health of our students, staff, and parents during the extreme heat warnings especially those who suffer from asthma, allergies, hay fever, eczema, etc. |

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

BLAIR CHRISTIAN ACADEMY :
: **DOCKET NO. F-2010-2200114**
v. :
: **PECO ENERGY COMPANY** :
:

**ANSWER & NEW MATTER
OF RESPONDENT, PECO ENERGY COMPANY**

PECO Energy Company ("PECO Energy"), pursuant to 52 Pa. Code § 5.61, responds to the Complaint and states:

1. Admitted.
2. Admitted.
3. Admitted.

4. Denied. PECO Energy Company ("PECO" or "Company") is without sufficient information to confirm or deny Complainant's allegations regarding alleged repairs made to its equipment. Therefore, said allegations are denied and proof is demanded at time of hearing. Unless specifically admitted herein, PECO denies all allegations contained in the instant complaint.

By way of further reply, PECO denies that there is a service reliability, quality or safety problem with its service. Complainant is a commercial customer¹ operating a school at service location, 220 W. Upsal Street. Customer contacted the office on July 14, 2010 to report low

¹ As a commercial customer, Complainant is required to be represented by counsel in adversarial proceedings before the Commission. The proceedings become adversarial at the time when respondent files an Answer. A Complaint filed by a corporation will be dismissed for failure to be represented by an attorney in an adversarial proceeding. 52 Pa. Code §1.8; 1.21-§ 1.23; *In Re: Checker Cab*, 49 Pa. PUC 159, 160 (1975), *Moore v. I. Berman and Cross, Inc.*, Pa. PUC 427, 428 (1975). Accordingly, PECO request that the Commission establish a date certain by which Complainant is required to have an attorney enter an appearance in this matter.



voltage. The PECO representative processed an emergency order. Accordingly, PECO technicians respond to the property on July 14th, July 15th, July 16th, July 18th, and July 19th of 2010. Each time the Company found normal voltage at the property.

Complainant stated that they are having voltage drops at peak times. Accordingly, a work order was processed to install a Recording Volt Meter (RVM). The Power Quality Tech installed RVM on July 29, 2010 and removed it on August 3, 2010. The RVM recordings showed good voltage, however, they do not reflect the total usage by this customer. The customer has a 2 phase service. The customer has two pieces of equipment out of service. The first one is a 30 ton chiller unit, with a LRA of 450 amps and running amps of 90. The compressor for this chiller is burned up at this time. The second piece of equipment that does not show up is the 2 phase elevator; this has the running of amps of 60.

PECO records indicate that the customer never submitted a Service and Meter ticket for the 30 ton chiller. PECO recommends that the customer contact PECO's Contractor & Builder Services Department and explore potential corrective action through an upgrade to 3 phase service. PECO's engineering department has evaluated the customer's load and will upgrade the current 75 KVA Transformer to a 150 KVA Transformer which will eliminate the flicker causing the equipment to shut off.

5. This paragraph is a request for relief and no answer is required.
6. PECO Energy is without sufficient information to confirm or deny this statement.
7. Admitted.

NEW MATTER² OF RESPONDENT

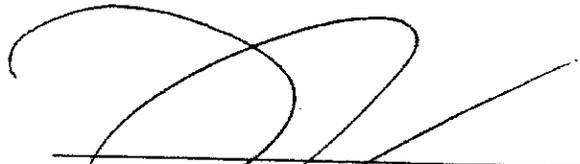
PECO Energy, pursuant to 52 Pa. Code § 5.62(b), further responds to the Complaint and states:

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. 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 the instant complaint and order Complainant to retain counsel by a date certain.

Respectfully Submitted,



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
tishekia.williams@exeloncorp.com

² Complainant is advised that a written response to the New Matter is required within 20 days of service. The response shall be filed with the Commission, with a copy to PECO Energy at the address provided in this Answer.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

BLAIR CHRISTIAN ACADEMY

v.

PECO ENERGY COMPANY

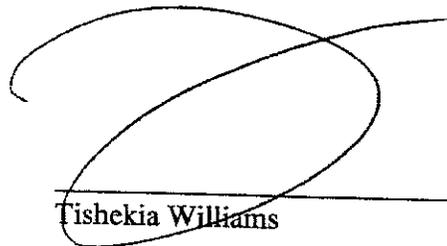
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DOCKET NO. F-2010-2200114

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.

Date: October 11, 2010



Tishekia Williams

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

BLAIR CHRISTIAN ACADEMY :
 :
v. :
 :
PECO ENERGY COMPANY :
 :

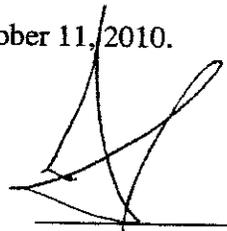
DOCKET NO. F-2010-2200114

CERTIFICATE OF SERVICE

I, Tishekia 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:

Blair Christian Academy
220 W. Upsal Street
Philadelphia, PA 19119

Dated at Philadelphia, Pennsylvania, October 11, 2010.



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
tishekia.williams@exeloncorp.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

BLAIR CHRISTIAN ACADEMY :
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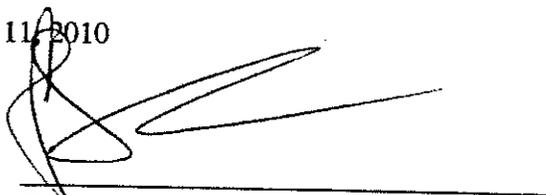
NOTICE TO PLEAD

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, Tishkia 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:
Tishkia Williams, Esq.
PECO Energy Company
2301 Market Street, S-23
Philadelphia, PA 19103

Dated at Philadelphia, PA, October 11, 2010



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



**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

BLAIR CHRISTIAN ACADEMY :
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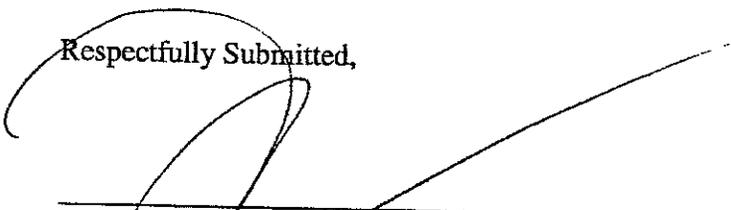
PRELIMINARY OBJECTION OF RESPONDENT, PECO ENERGY COMPANY

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 16, 2010, wherein Complainant requested reimbursement for damaged equipment allegedly caused by unreliable service.
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,



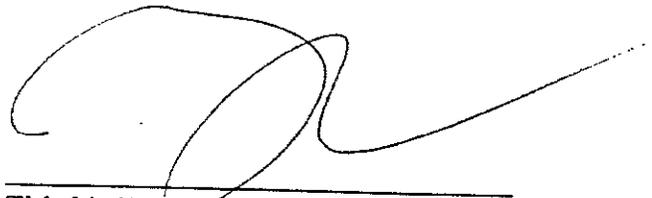
Tishekia Williams
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
(215) 841-6863
tishekia.williams@exeloncorp.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
|--------------------------------|---|----------------------------------|
| BLAIR CHRISTIAN ACADEMY | : | |
| | : | |
| v. | : | DOCKET NO. F-2010-2200114 |
| | : | |
| PECO ENERGY COMPANY | : | |

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 11, 2010

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

BLAIR CHRISTIAN ACADEMY :
 :
v. :
 :
PECO ENERGY COMPANY :

DOCKET NO. F-2010-2200114

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:

Blair Christian Academy
220 West Upsal Street
Philadelphia, PA 19119

Dated at Philadelphia, Pennsylvania, October 11, 2010.

Tishekia Williams
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
(215) 841-6863
tishekia.williams@exeloncorp.com



220 WEST UPSAL STREET, PHILADELPHIA, PA 19119

E-mail: blairchristianacademy@yahoo.com

'From Preschool through Grade 12, The Key to a Higher Dimension in Education is God's Wisdom'

Evangelist Della M. Blair, D.D., Executive Director
Karen R. S. Jenkins, L.H.D., Executive Administrator

Telephone (215) 438-6557
Facsimile (215) 438-0661

October 20, 2010

TISHEKIA WILLIAMS

OCT 22 2010

Tishekia Williams
Counsel for PECO Energy Company
2301 Market Street S-23
Philadelphia, PA 19101-8699

RE: PUC Docket No. F-2010-2200114

Dear Ms. Williams:

This is in response to the Preliminary Objections that must be filed for PUC Docket No. F-2010-2200114. We are requesting reimbursement for the damaged equipment that was caused by unreliable service. We are seeking monetary compensation for the damaged equipment.

Should you have any questions or concerns please contact me at 215-438-6557.

Sincerely,


Dr. Karen R.S. Jenkins
Executive Administrator

KRJ/mbj

"Together We Can Make A Difference Developing Leaders"



**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

BLAIR CHRISTIAN ACADEMY

Complainant

v.

PECO ENERGY COMPANY

Respondent

:
:
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:
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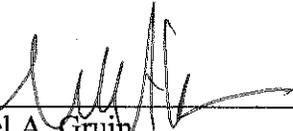
Docket No. F-2010-2200114

CERTIFICATE OF SERVICE

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

VIA ELECTRONIC MAIL AND FEDERAL EXPRESS OVERNIGHT SERVICE

Blair Christian Academy
220 W. Upsal Street
Philadelphia, PA 19119



Michael A. Grun

Dated: March 1, 2011