

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

HALEEMA B. ALKHATIB,
Complainant

v.

PECO ENERGY COMPANY,
Respondent

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Docket No. C-2011-2242125

NOTICE TO PLEAD

To: Haleema B. Alkhatib

You are hereby notified to file a written response to the attached Preliminary Objections of PECO within 10 days from the date of service of this notice. If you do not file a written response denying or correcting the enclosed Preliminary Objections within 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 Preliminary Objections could result in the dismissal of your case.

STEVENS & LEE

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DATE: June 8, 2011

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June 8, 2011

Haleema B. Alkhatib
827 S. 60th Street
Philadelphia, PA 19143

RE: Haleema B. Alkhatib v. PECO Energy Company
Docket No. C-2011-2242125

Dear Ms. Alkhatib:

Enclosed is a copy of PECO Energy Company's ("PECO") Preliminary Objections with a Notice to Plead and PECO's Answer and New Matter to the Formal Complaint also with a Notice to Plead which were filed in response to the Complaint you filed in the above-referenced docket. The law requires PECO Energy to file an answer to your Public Utility Commission complaint. Keep these papers for your records. This is not a decision on your complaint. **You are required to file a response to the enclosed documents if there is a Notice to Plead on the enclosed documents which also contains information on how to file your response.**

Soon, the Public Utility Commission will schedule either a settlement conference or a hearing on your complaint. The Commission will let you know by mail whether there will be a conference or a hearing and will include instructions on what to do next. If the matter is set for hearing, the notice will provide you with information about the date, time and place of the hearing. If we are unable to resolve your complaint and have to proceed with a hearing, a judge will be at the hearing and will decide your complaint. You must call the Public Utility Commission if you have any questions about the hearing or if you cannot attend the hearing. If you have any questions or concerns at any time, please do not hesitate to contact me at the number listed above.

Very truly yours,

STEVENS & LEE


Dana Pirone Carosella

Enclosures

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

A PROFESSIONAL CORPORATION

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**PRELIMINARY OBJECTIONS OF RESPONDENT,
PECO ENERGY COMPANY**

Pursuant to 52 Pa Code §5.101(a), PECO Energy Company (“PECO”) hereby files the within Preliminary Objections to the Complaint filed by Complainant Haleema B. Alkhatib (“Complainant”), and requests that this Honorable Commission dismiss the Complaint for the three (3) grounds stated below.

**FIRST PRELIMINARY OBJECTION-THE PUBLIC UTILITY COMMISSION LACKS
JURISDICTION TO ADDRESS THE ISSUES IN THE COMPLAINT**

1. On May 18, 2011, Complainant filed a Complaint against PECO claiming that the Commission should order PECO to settle her account and apply credits to her future utility bills based on an unknown settlement and/or bankruptcy discharge.

2. While it is unclear to PECO the precise nature of the complaint, Complainant seems to claim that she has been discharged of her obligations to pay PECO for electric service (even at the reduced rate afforded to her under the Customer Assistance Program) based on bogus credits or exemptions as evidenced by Internal Revenue Service Forms 1040-V which, coincidentally are for the amounts of various electric bills, and which Complainant claims to have sent money

orders to the United States Department of the Treasury. The 1040-V Forms are attached to the Complainant's Complaint.

3. Complainant also appears to suggest that there is an accord and satisfaction to offset her account. The basis for this claim appears to rest on an exemption Complainant claims to have with Public & Private Corporations, Institutions and Agencies based on various and unidentified banking laws.

4. Finally, Complainant attempts to assert a criminal complaint against PECO for theft of public funds, presumably based on the bogus claim that there has been a violation of the bankruptcy laws and/or reorganization of the United States of America because her utility account has not been credited for the amounts stated in the 1040-V Forms (or payment vouchers) to the Internal Revenue Service and as stated in the Original Issue Discount Forms ("OID Form") which reflect the amounts stated in the 1040-V Forms.

5. Pursuant to 52 Pa. Code § 5.101(a)(1), a formal complaint may be dismissed for lack of subject matter jurisdiction.

6. The Commission has jurisdiction for ensuring the adequacy, efficiency, safety, and reasonableness of public utility services. 66 Pa.C.S. § 1501.

7. The Commission does not have jurisdiction to address complaints invoking or interpreting IRS rules, IRS forms, bankruptcy issues, banking regulations, and criminal laws.

8. Complainant cannot bring a Complaint before this Honorable Commission for it to determine the negotiability of the payment vouchers and/or OIDs which would be required in order to determine if the Complainant had received proper credits for payments made in a reasonable manner. See 52 Pa. Code § 56.94.

9. Accordingly, PECO's preliminary objection on the ground that his Honorable Commission does not have jurisdiction must be granted.

SECOND PRELIMINARY OBJECTION-THE COMPLAINT IS LEGALLY INSUFFICIENT

10. Pursuant to 52 Pa. Code § 5.101(a)(4), a formal complaint may be dismissed for legal insufficiency.

11. The Complainant's formal complaint must be dismissed because the relief requested cannot be granted as a matter of law and is contrary to the policy of the Commission, which has held that disputes of the kind raised in the Complainant's formal complaint are outside of the Commission's jurisdiction. *See James Coppedge v. PECO Energy Company*, F-2009-2135893 (July 29, 2010 final order and decision)

12. As noted in *James Coppedge v. PECO Energy Company*, the Commission does not determine whether a "payment document" is a negotiable instrument. This is a legal conclusion and a question of law to be decided by a court, not the Commission.

13. Here, Complainant attempts to force PECO to accept as legal tender bogus monetary instruments as payment for her utility bills. PECO does not accept OIDs or 1099-V forms for payment by any of its customers. On the contrary, PECO accepts legal tender only, i.e., a check or money order.

14. Accordingly, PECO's preliminary objection on the ground that the Complaint is legally insufficient must be granted.

THIRD PRELIMINARY OBJECTION-THE COMPLAINT CONTAINS SCANDALOUS OR IMPERTINENT MATTER

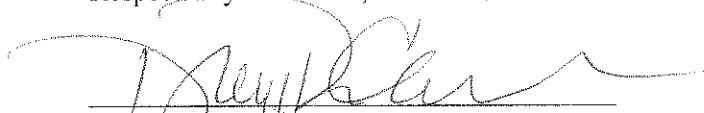
15. Pursuant to 52 Pa. Code § 5.101(a)(2), a formal complaint may be dismissed for including scandalous and impertinent matter.

16. Although PECO views Paragraphs 4 and 5 of the Complaint to contain scandalous and impertinent matter, the mere fact that Complainant avers that PECO has stolen public funds related to bogus payments purportedly made to the United States Treasury Department for her utility bills is outrageous and cannot stand. The other scandalous and impertinent matters contained in the Complaint are the Complainant's reference to federal law and other authority in order to suggest that PECO has done anything improper for refusing to accept the bogus payment vouchers and OIDs.

17. Accordingly, PECO's preliminary objection on the ground that the Complaint contains scandalous and impertinent matters must be granted.

WHEREFORE, PECO Energy Company respectfully requests that this Honorable Commission dismiss the instant Complaint pursuant to 52 Pa. Code §5.101(a)(1), (a)(4), and (a)(2).

Respectfully submitted,



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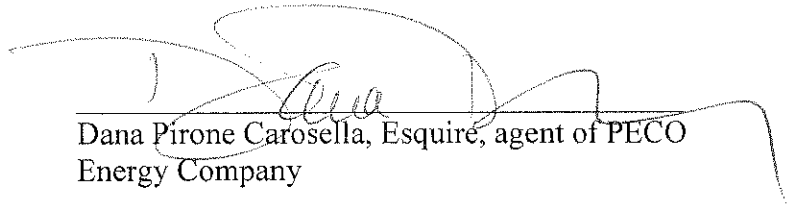
Dated: June 8, 2011

Counsel for PECO Energy Company

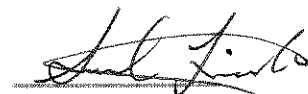
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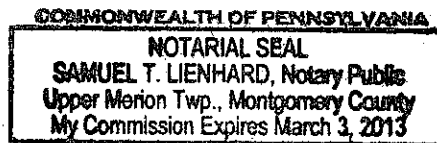
AFFIDAVIT

I, Dana Pirone Carosella, Esquire being duly sworn according to law, depose and say I am an 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.


Dana Pirone Carosella, Esquire, agent of PECO Energy Company

Sworn and subscribed before me this
8th day of June, 2011


Notary



My Commission Expires: 3/3/2013

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Docket No. C-2011-2242125

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Preliminary Objections 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
Haleema B. Alkhatib
827 S. 60th Street
Philadelphia, PA 19143



Dana Pirone Carosella

DATED: June 8, 2011