

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

CARRIE STUART	:	
Complainant	:	
v.	:	DOCKET NO: C-2011-2268978
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

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

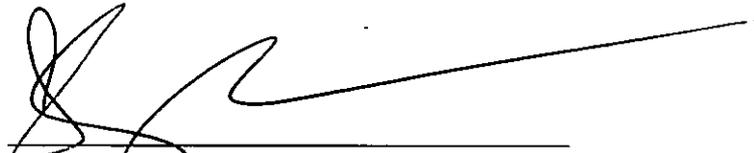
With a copy to:
Tishekia Williams, Esq.
PECO Energy Company
2301 Market Street, S-23
Philadelphia, PA 19103

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NOV 15 2011

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Dated at Philadelphia, PA, November 15, 2011



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

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PRELIMINARY OBJECTION OF RESPONDENT, PECO ENERGY COMPANY

Respondent, PECO Energy Company ("PECO Energy"), pursuant to 52 Pa. Code § 5.101, respectfully petitions this Honorable Commission to dismiss this Complaint inasmuch as it requests damages:

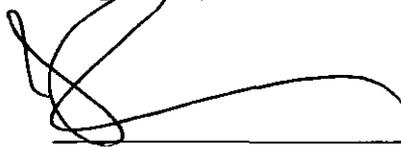
1. Complainant's request for damages should be dismissed as impertinent¹ pursuant to 52 Pa. Code § 5.101(a)(2).
2. Complainant filed a Formal Complaint with the Pennsylvania Public Utility Commission on or about October 17, 2011, wherein Complainant requested reimbursement for inconvenience and food spoilage allegedly caused by improper termination or restoration of 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 should be stricken.

¹ Impertinence is defined as "That which does not belong to a pleading, interrogatory, or other proceeding; out of place; superfluous; irrelevant. A term applied to matter not necessary to constitute the cause of action or ground of defense. Such matter may be ordered stricken from the pleading. Fed.R.Civil P. 12(f). See also Immaterial averment; Surplusage. Black's Law Dictionary 679 and 1206 (rev. 5th ed. 1979)

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).

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

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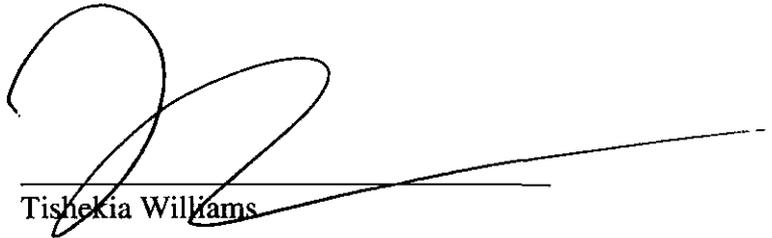
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VERIFICATION

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: November 15, 2011

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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:

Carrie Stuart
5940 N. Leithgow Street
Philadelphia, PA 19120

Dated at Philadelphia, Pennsylvania, November 15, 2011.



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

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SECRETARY'S BUREAU

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2301 Market St - 23rd Floor
Philadelphia, PA 19103

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Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Comm.
400 NORTH ST
COMMONWEALTH KEYSTONE BUILDING
HARRISBURG, PA 17120

Ref #
Invoice #
PO #
Dept #

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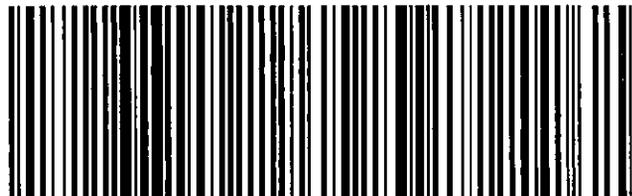
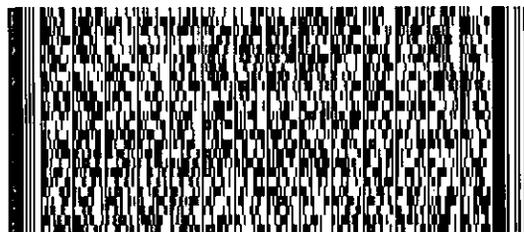
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