

Legal Department

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January 30, 2012

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

**Re: The Victory Condominium Association v. PECO Energy Company
PUC Docket No. C-2011-2268126**

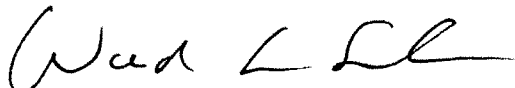
Dear Ms. Chiavetta:

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

___	Answer (1 original)
___	Answer & New Matter to Amended Complaint (1 original)
___	Motion to Consolidate (1 original)
___	Motion for Summary Judgment (1 original)
___	Preliminary Objection (1 original)
___	Exceptions (1 original)
___	Reply Exceptions (1 original)
___	Brief (1 original)
___	Reply Brief (1 original)
__x__	Request for Continuance (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,



Ward L. Smith
Counsel for PECO Energy Company

WLS/zyr
Enc.

cc: ALJ Christopher P. Pell

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

THE VICTORY CONDOMINIUM	:	
ASSOCIATION	:	
v.	:	DOCKET NO. C-2011-2268126
	:	
PECO ENERGY COMPANY	:	

**PECO ENERGY COMPANY'S
REQUEST FOR CONTINUANCE**

PECO Energy Company ("PECO") hereby requests, pursuant to 52 Pa. Code § 5.202(c), that the presiding officer exercise his discretion to postpone the scheduled February 9, 2012 hearing in this matter. In support thereof, PECO states as follows:

1. A hearing in this matter is scheduled for February 9, 2012.

2. Today, January 20, 2012, PECO has filed a Motion for Summary Judgment or Partial Summary Judgment in this matter.

3. Pursuant to 52 Pa. Code §102(b), The Victory Condominium Association ("Victory") will have 20 days to reply to PECO's Motion.

4. The presiding officer will then need time to evaluate the parties' respective arguments.

5. Proper consideration of PECO's Motion will thus require a postponement of the scheduled hearing date.

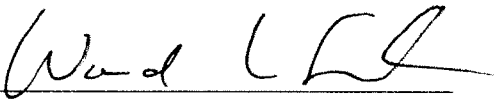
6. PECO has acted with reasonable alacrity in this proceeding, and this is the first opportunity available to it to file its Summary Judgment Motion. PECO served its first set of discovery one day after it filed its Answer and New Matter, a mere 21 days after Victory served its Amended Complaint. When Victory's Reply to New Matter raised additional questions to which PECO believed discovery was appropriate, it served its additional discovery the next calendar day. Moreover, Victory's Supplemental Answers to PECO's Discovery, Set I, were only served on PECO a few days ago, on January 27, 2012. PECO is filing its Summary Judgment Motion less than one business day later.

7. Under Commission rule § 5.102(a), PECO was not able to file a Motion for Summary Judgment until "after the pleadings are closed." The pleadings in this matter closed on January 3, 2012, when Victory filed its Reply to New Matter. Again, this Motion, filed less than a month later, represents the first opportunity to argue such a Motion and was filed without delay.

8. PECO's Summary Judgment Motion has the potential to narrow the issues for which a hearing is needed, or to eliminate the need for a hearing altogether. PECO respectfully submits that it is judicious to evaluate its Summary Judgment Motion prior to proceeding to hearing.

9. No continuances have been previously granted in this matter. A brief continuance to evaluate the Motion for Summary Judgment thus falls within the Commission's normal practice of allowing a party to obtain one brief continuance, in any given action, upon request.

Respectfully submitted,



Ward Smith

Counsel for PECO Energy

January 30, 2012

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

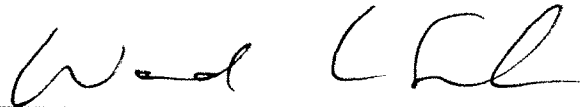
THE VICTORY CONDOMINIUM	:	
ASSOCIATION	:	
v.	:	DOCKET NO. C-2011-2268126
	:	
PECO ENERGY COMPANY	:	
:	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of PECO Energy Company's Request for Continuance in the above matter upon all interested parties by email and by mailing a copy properly addressed and postage prepaid to:

Charles V. Curley
Halberstadt Curley LLC
1100 E. Hector Street, Suite 425
Conshohocken, PA 19428

Dated at Philadelphia, Pennsylvania, January 30, 2012.



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