

Legal Department

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January 13, 2012

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

**Re: Stonehurst Realty Corp. v. PECO Energy Company
PUC Docket No. C-2010-2181922 & C-2010-2182009**

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 (1 original)
___	Motion to Strike (original)
___	Motion for Judgment on the Pleadings (1 original)
<u>X</u>	Objection (1 original)
___	Exceptions (1 original)
___	Reply Exceptions (1 original)
___	Main Brief (1 original)
___	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**

STONEHURST REALTY CORP.	:	
Complainant	:	
	:	
v.	:	Docket Nos. C-2010-2181922
	:	and C-2010-2182009
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

**PECO ENERGY COMPANY’S OBJECTION TO COMPLAINANT’S
IMPROPER LETTER REQUEST FOR PERMISSION FOR LEAVE TO
WITHDRAW COMPLAINTS**

Respondent, PECO Energy Company (“PECO Energy”), pursuant to 52 Pa. Code § 5.94(a), hereby objects to Complainant’s belated request for leave to withdraw the Complaints in this contested proceeding, which are scheduled for hearing on January 13, 2012 at 10:00 a.m., before Administrative Law Judge Christopher Pell, as follows:

1. The Complainant and its attorney waited until January 12, 2012 at 1:33 p.m. to email a letter request to Administrative Law Judge Pell requesting permission to withdraw the contested complaints.

2. Complainant and its Counsel have known for weeks of the January 13, 2012 hearing date but waited until the eleventh hours to petition to withdraw from the proceeding, after PECO and its Counsel prepared for *another* hearing with the Complainant.

3. In Complainant’s eleventh hour attempt, the Complainant by and through its counsel by-passed the filing requirement and the process established in 52 Pa. Code § 5.94(a) for withdrawing pleadings in contested proceedings. This provision requires a

party in a contested proceeding to file a petition for leave to withdraw the relevant pleading with the Pennsylvania Public Utility Commission (“PUC”), serve the petition upon counsel (or the unrepresented parties), and allow the other party 20 days to object or reply. Then, and only then, will the petition for leave to withdrawal be decided. Here, PECO has been afforded less than 1 day to respond to the “petition” when it would normally have 20 days in which to respond.

4. Complainant has a history of ignoring PUC regulations and PECO’s Tariff. For example, Complainant’s Director of Operations has routinely filed complaints against PECO knowing that he is required to be represented by counsel in adversarial actions before the PUC. *See* 52 Pa. Code §§ 1.8; 1.21-1.23. Complainant has only recently been represented by counsel, as reflected by the statement in the January 12, 2012 letter seeking to withdraw the complaints.

5. Not only has Complainant failed to comply with 52 Pa. Code § 5.94(a) now, but it has a history of filing complaints alleging that PECO has no right to require a security deposit or charge late fees when payments are not made on time. See Complaints filed in this proceeding. PECO also requests that the PUC take judicial notice of the complaints filed under the following nine (9) docket numbers: C-2008-20559359, C-2008-2079291, C-2008-2080478, C-2008-2051797, C-2009-2082365, C-2010- 2176164, C-2008-2051979, C-2010-2175974, and C-2010-2176164, wherein the Complainant’s Director of Operations raised the same or similar issues as the complaints in this contested proceeding.

6. Based upon Complainant’s behavior today, and in the prior cases cited in Paragraph 5, it appears that Complainant’s strategy in this contested proceeding (and in

the cases identified in the preceding paragraph) is to abuse the complaint process, waste the time and resources of the PUC and PECO, all with the intent of not appearing at a hearing. Instead, Complainant files complaints in order to badger PECO into waiving late fees when payments are untimely made and waive (or reduce) PECO's right to request and obtain a security deposit when a customer demonstrates either bad credit. *See* PECO Tariff § 5.3, entitled "Guarantee of Payment"

7. Complainant is not an unsophisticated party and is not a novice before the PUC. *See* Paragraph 5. Complainant is a real estate management company represented by counsel.

8. The Complainant has not resolved his dispute with PECO Energy. Based on prior behavior, it is likely that the Complainant will attempt to file the same dispute in the near future.

9. Moreover, Complainant's request to withdraw the complaints does not promote any of the stated reasons for granting leave to withdraw the complaints, i.e., waste of time and resources of the parties and the PUC so that other matters made be heard. PECO has already prepared for hearing, and clearly no other matter can be heard with less than 24 hours notice.

10. PECO avers that the contested matters should proceed to hearing and be decided with finality, which would promote the public interest in addressing this reoccurring issue once and for all.

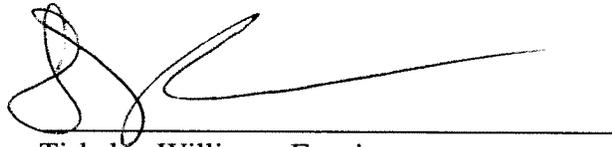
11. The PUC will finally have an opportunity to decide the issue that Complainant continues to bring to the PUC's attention in its complaints, but has never

been decided in part, because Complainant does adhere to the PUC regulations and procedures.

12. PECO, the PUC, the public, and Complainant would all benefit if this contested proceeding is held and a decision is rendered. A final decision on the merits would remove any uncertainty the Complainant appears to have by establishing the rights of the respective parties.

WHEREFORE, PECO Energy Company respectfully requests that your Honorable Commission deny Complainant's request to withdraw the Complaints.

Respectfully submitted,

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

Tishekia Williams, Esquire
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Counsel for PECO Energy Company

Dated: January 12, 2012

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

STONEHURST REALTY CORP.	:	
Complainant	:	
	:	
v.	:	Docket Nos. C-2010-2181922
	:	and C-2010-2182009
	:	
PECO ENERGY COMPANY	:	
Respondent	:	
:	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the PECO Energy Company's Objection to Complainant's Request for Permission for Leave to Withdraw Complaints upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

VIA EMAIL AND FIRST CLASS MAIL

Francine Thornton Boone, Esquire
General Counsel and Attorney for
Stonehurst Realty Co. and SBG
Management Services, Inc.
P.O. Box 549
Abington, PA 19001
fboone@sbgmanagement.com
Booneft@aol.com



Tishekia Williams

Dated: January 12, 2012