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April 22, 2014

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

**RE: Philadelphia HGI Associates, LP v. PECO Energy Company
PUC Docket No.: C-2008-2069070**

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *PECO Energy Company's Motion to Lift Stay and Re-Activate the Proceeding*.

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,

A handwritten signature in cursive script that reads "Ward L. Smith".

Ward L. Smith
Counsel for PECO Energy Company

cc: Cynthia Fordham, Adm. Law Judge (via First Class Mail)

WS/lo

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Philadelphia HGI Associates, LP	:	
v.	:	Docket No. : C-2008-2069070
	:	
PECO Energy Company	:	
	:	
Philadelphia HGI Associates, LP	:	Docket No. : C-2008-2069128
v.	:	
	:	
Philadelphia Gas Works	:	
	:	
Philadelphia HGI Associates, LP	:	Docket No. : C-2009-2089696
v.	:	
	:	
Celeren Corporation	:	

NOTICE TO PLEAD

Pursuant to 52 Pa. Code § 5.103, you are hereby notified that, if you do not file a written response denying or correcting the enclosed MOTION TO LIFT STAY AND RE-ACTIVATE of PECO Energy Company within 20 days from service of this notice, a decision may be rendered against you. All pleadings, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for PECO Energy Company, Ward L. Smith, 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:
Ward L. Smith, Esq.
PECO Energy Company
2301 Market Street, S-23
Philadelphia, PA 19103

Dated at Philadelphia, PA, April 22, 2014



Ward L. Smith, Esq.
Counsel for PECO Energy Company
2301 Market Street S-23
Philadelphia, PA 19101-8699
215-841-6863

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Philadelphia HGI Associates, LP	:	
v.	:	Docket No. : C-2008-2069070
	:	
PECO Energy Company	:	
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Philadelphia HGI Associates, LP	:	Docket No. : C-2008-2069128
v.	:	
	:	
Philadelphia Gas Works	:	
	:	
Philadelphia HGI Associates, LP	:	Docket No. : C-2009-2089696
v.	:	
	:	
Celeren Corporation	:	

CERTIFICATE OF SERVICE

I hereby certify and affirm that I have this day served a copy of PECO Energy Company's Motion to Lift Stay and Re-Activate the Proceeding on the following persons in the manner specified in accordance with the requirements of 52 Pa. Code § 1.54:

VIA E-FILING

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

VIA FIRST CLASS MAIL

Dennis P. Talty, Esq.
Law Offices of Dennis P. Talty
8 Penn Center, 23rd Fl.
1628 JFK Blvd.
Philadelphia, PA 19103

Laureto A. Farinas, Esq.
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122

Representing Philadelphia HGI Associates, LP

George Miller, Trustee for Celeren Corporation
c/o Linda Richenderfer, Esq.
Klehr Harrison
919 Market Street, Suite 1000
Wilmington, DE 19801-3062

Celeren Corporation
Two Bala Plaza, Suite 300
Bala Cynwyd, PA 19004

Cynthia Fordham, Administrative Law Judge
Pa. Public Utility Commission
801 Market Street, Suite 4063
Philadelphia, PA 19107

Date: April 22, 2014


Ward L. Smith, Esq. (Pa. I.D. 47670)
Counsel for PECO Energy Company
2301 Market Street
Philadelphia, PA 19101-8699
Phone: 215.841.6863
Fax: 215.568.3389

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Philadelphia HGI Associates, LP	:	
v.	:	C-2008-2069070
PECO Energy Company	:	
Philadelphia HGI Associates, LP	:	
v.	:	C-2008-2069128
Philadelphia Gas Works	:	
Philadelphia HGI Associates, LP	:	
v.	:	C-2009-2089696
Celeren Corporation	:	

PECO Energy Company’s Motion to Lift Stay and Re-Activate the Proceeding

PECO Energy Company (“PECO”), pursuant to 52 Pa. Code § 5.103, makes this Motion to lift the existing bankruptcy stay in this matter and to re-activate this proceeding. The Celeren bankruptcy proceeding that was the basis for the existing stay has been completed, and there is therefore no longer any basis to stay the instant proceeding. In support of its Motion, PECO states as follows:

1. This proceeding was initiated on October 7, 2008, when Philadelphia HGI Associates, LP (“Philadelphia HGI”) filed a complaint with the Pennsylvania Public Utility Commission naming, as Respondents, PECO Energy Company, Philadelphia Gas Works, Hess Energy, and Celeren Corporation.
2. The Commission’s Secretary’s Bureau assigned docket numbers as follows: *Philadelphia HGI v. PECO*, C-2008-20690790; *Philadelphia HGI v. PGW*, C-2008-2069128; *Philadelphia HGI v. Hess*, C-2008-2069141; *Philadelphia HGI v. Celeren*, C-2009-2089696. All four complaints were assigned to Administrative Law Judge Guy M. Koster.

3. By Initial Decision dated February 5, 2009, ALJ Koster dismissed the complaint against Hess Corporation on preliminary objections.¹

4. By notice dated March 12, 2009, ALJ Koster scheduled a prehearing conference in this matter to take place on April 1, 2009.

5. On April 1, 2009, the Celeren bankruptcy trustee contacted ALJ Koster and invoked the automatic stay provisions of the United States Bankruptcy Code.

6. At the April 1, 2009 prehearing conference, ALJ Koster informed the parties that he had been contacted by the bankruptcy trustee. ALJ Koster informed the parties that he was consolidated the various actions and staying the matter due to the pending bankruptcy.

7. PECO has not been able to locate a written order on consolidation and stay in this docket, either in its own files or on the Commission's website. However, in two parallel actions,² orders were issued on or about April 2, 2009, that had two effects. First, these Orders consolidated the PECO and Celeren proceedings on the grounds that (*Crescent Hotel Order*, p. 3): "The issues in the in the present cases involve common questions of law or fact. Resolving the complaint against Celeren will affect resolution of the other [complaints] and therefore the cases are appropriate for consolidation." Second, the Order stayed further action in the consolidated docket because Celeren had filed for bankruptcy and (*Crescent Hotel Order*, p. 4): "The filing of a petition in bankruptcy, with limited exceptions, none of which are applicable here, acts as an automatic stay of any proceedings against the Debtor." PECO avers that a similar order was issued, either in writing or verbally from the bench, in the instant proceeding.

¹ The Commission adopted ALJ Koster's Initial Decision on August 28, 2009.

² See orders issued in *Crescent Hotel-Plymouth Meeting, LP v PECO Energy Company*; C-2008-2068258 and *Rama Construction, Inc. t/a Ramada Inn International Airport* C-2008-2058320.

8. Consequently, the instant consolidated proceeding has been stayed, with no further activity in the docket allowed, since April 2, 2009, pending closure of the Celeren bankruptcy proceeding.
9. On February 18, 2014, the Bankruptcy Court issued a Final Decree closing the Celeren bankruptcy proceeding.
10. On March 12, 2014, the Commission issued a Judge Change Notice assigning this matter to Administrative Law Judge Cynthia W. Fordham.
11. On March 18, 2014, counsel for the Bankruptcy Trustee informed the Commission and the parties, by letter addressed to ALJ Fordham, of the Bankruptcy Court Final Decree. A copy of that letter, which includes a copy of the Final Decree, is appended to this Motion.
12. With the issuance of the bankruptcy Final Decree, the basis for the Stay of the instant proceeding has now been eliminated.
13. This docket is thus now ripe for continued activity and resolution.

14. PECO therefore respectfully requests the issuance of an Order stating that:
- a. The Stay in this proceeding is hereby lifted.
 - b. The parties may proceed with such filings and other activity in this docket as they deem appropriate and as are otherwise allowed by the Commission's Rules and Regulations.

Respectfully submitted,



Ward L. Smith
Assistant General Counsel
Exelon Business Services Company
Attorney I.D. 47670
2301 Market Street
S23-1
Philadelphia, PA 19103
215-841-6863
ward.smith@exeloncorp.com
Counsel for PECO Energy Company and Exelon Corporation

April 22, 2014

KLEHR | HARRISON | HARVEY | BRANZBURG LLP

Linda Richenderfer
Direct Dial: (302) 552-5513
Email: LRichenderfer@klehr.com

WARD L. SMITH

MAR 24 2014

March 18, 2014

VIA US MAIL

Administrative Law Judge Cynthia W. Fordham
Suite 4063
801 Market Street
Philadelphia, PA 19107

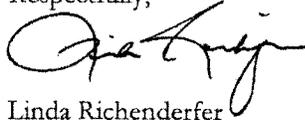
Re: Philadelphia HGI Associates, L.P. v. Celeren Corporation; C-2009-2089696

Dear Judge Fordham:

I previously served as counsel to George L. Miller, the Chapter 7 Trustee for Celeren Corporation. I write to advise that the Chapter 7 estate of Celeren Corporation has now been fully administered. On February 18, 2014, a Final Decree was entered discharging Mr. Miller and closing Celeren's Bankruptcy case. A copy of the Final Decree is enclosed.

Please do not hesitate to contact me if you have any questions or need further information.

Respectfully,



Linda Richenderfer

LR:can
Enclosure

cc: Dennis P. Talty, Esq.
Ward L. Smith, Esq.
Laureto A. Farinas, Esq.
George L. Miller

United States Bankruptcy Court
District of Delaware

In re: Celeren Corporation

Case No: 08-12132-BLS

Debtor(s)

SSN/Tax ID: 23-3078615

Chapter 7

Final Decree

The estate of the above-named debtor(s) has been fully administered.

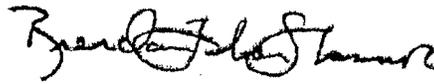
IT IS ORDERED THAT:

The Chapter 7 Trustee indicated below is hereby discharged as trustee of the estate of the above-name debtor(s) and the bond is cancelled.

George L. Miller

This case is hereby closed.

2/18/14
Date



United States Bankruptcy Judge