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July 27, 2016

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

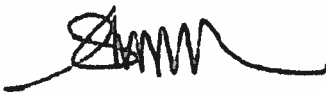
RE: Johns Pizza and Pasta, Inc. v. PECO Energy Company
PUC Docket No.: C-2016-2554665

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *PECO Energy Company's Motion to File Answer to Complainant's Formal Complaint Nunc Pro Tunc* with regard to the matter referenced above.

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,



Shawane Lee
Counsel for PECO Energy Company

SL/alb
Enclosure

cc: Certificate of Service

PENNSYLVANIA PUBLIC UTILITY COMMISSION

JOHN'S PIZZA & PASTA, INC. :
: **DOCKET NO. C-2016-2554665**
v. :
: **PECO ENERGY COMPANY** :
:

NOTICE TO PLEAD

To: John's Pizza and Pasta, Inc.

Pursuant to 52 Pa. Code §§5.101 and 5.62(c), you are hereby notified that, all pleadings, such as a Reply to Motion, must be filed with the Secretary of the Pennsylvania Public Utility Commission, within 20 days from service of this notice, with a copy served to counsel for PECO Energy Company, Shawane Lee, 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:

Shawane L. Lee, Esq.
PECO Energy Company
2301 Market Street, S-23
Philadelphia, PA 19103

Dated at Philadelphia, PA, July 27, 2016



Shawane L. Lee
Counsel for PECO Energy Company
2301 Market Street S-23
Philadelphia, PA 19103
215-841-6841

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JOHN'S PIZZA & PASTA, INC.	:	
	:	
v.	:	DOCKET NO. C-2016-2554665
	:	
PECO ENERGY COMPANY	:	

**PECO ENERGY'S MOTION TO FILE ANSWER TO COMPLAINANT'S
FORMAL COMPLAINT NUNC PRO TUNC**

Respondent, PECO Energy Company ("PECO"), pursuant to 52 Pa. Code §1.2 respectfully petitions this Honorable Commission to accept the attached Answer to Complainant's Formal Complaint for filing *nunc pro tunc*.

1. On July 5, 2016, the Public Utility Commission served PECO Energy with a formal complaint filed by the Complainant, John's Pizza and Pasta, Incorporated.
2. Pursuant to 52 Pa. Code § 5.61(a), PECO's Answer to the Complainant's formal complaint was due for filing on or before July 25, 2016, when PECO was served with notice of the complaint.
3. Due to an administrative oversight, PECO is filing the Answer two (2) days beyond the notice of service of the complaint.
4. PECO respectfully requests that this Honorable Commission accept the filing of PECO Energy's Answer *nunc pro tunc*.
5. 52 Pa. Code § 1.1 et seq. governs the rules of administrative practice and procedure before the Public Utility Commission.

6. 52 Pa. Code § 1.2 states that the procedural rules of Title 52 shall be liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding to which it is applicable. The section further states that the "presiding officer at any stage of an action or proceeding may disregard an error or defect of procedure which does not affect the substantive rights of the parties."

7. Furthermore, the Pennsylvania Commonwealth Court has held that the PUC has authority to waive procedural defects when they do not affect the substantive rights of the parties. Info. Connections, Inc. v. Pennsylvania Public Utility Commission, 630 A.2d 498 (Pa. Cmwlth. 1993).

8. PECO Energy respectfully submits that the late filing of its answer was due to an administrative oversight.

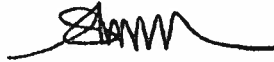
9. More importantly, the acceptance of its Answer *nunc pro tunc* does not affect the substantive rights of the Complainant in this matter.

10. Further, the hearing in this matter has not been scheduled; therefore, there is no delay in the adjudication of this case.

11. Accordingly, PECO Energy respectfully requests that PECO's Answer be accepted for filing *nunc pro tunc* so that this matter can be decided on the merits.

WHEREFORE, PECO Energy Company respectfully requests that PECO's
Response to Complainant's Answer be accepted for filing *nunc pro tunc*.

Respectfully Submitted,



Shawane L. Lee
Counsel for PECO Energy Company
2301 Market Street, S23-1
Philadelphia, PA 19103
(215) 841-6841
Fax: 215.568.3389

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JOHN'S PIZZA & PASTA, INC.	:	
	:	
v.	:	DOCKET NO. C-2016-2554665
	:	
PECO ENERGY COMPANY	:	

VERIFICATION

I, Shawane L. Lee, hereby declare that I am counsel for 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.

Date: July 27, 2016



Shawane L. Lee

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JOHN'S PIZZA & PASTA, INC.	:	
	:	
v.	:	DOCKET NO. C-2016-2554665
	:	
PECO ENERGY COMPANY	:	

CERTIFICATE OF SERVICE

I, Shawane L. Lee, hereby certify that I have this day served a copy of PECO Energy Company's Motion to File Answer to Complainant's Formal Complaint *Nunc Pro Tunc* in the above matter upon all interested parties by mailing a copy, properly addressed and postage prepaid to:

John's Pizza and Pasta, Inc.
c/o John Hashem
300 North Bailey Road
Thorndale, PA 19372

Dated at Philadelphia, Pennsylvania, July 27, 2016



Shawane L. Lee
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