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July 29, 2016

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

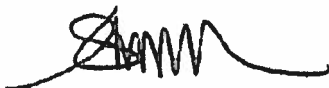
**RE: Paul Kopanycia v. PECO Energy Company**  
**PUC Docket No.: C-2016-2526619**

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *PECO Energy Company's Motion to File Reply Exceptions 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

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**PAUL KOPANYCIA  
COMPLAINANT**

v.

**PECO ENERGY COMPANY  
RESPONDENT**

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**Docket No. C-2016-2526619**

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**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 Motion of PECO Energy Company within 20 days from service of this notice, a decision may be rendered against you. All pleadings, such as a Reply to PECO's Motion, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for PECO Energy Company, Shawane L. 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 29, 2016



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Shawane L. Lee  
Counsel for PECO Energy Company  
2301 Market Street S-23  
Philadelphia, PA 19101-8699  
215-841-6841  
Shawane.Lee@exeloncorp.com

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**PAUL KOPANYCIA**

**COMPLAINANT**

**v.**

**PECO ENERGY COMPANY,**

**RESPONDENT**

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**Docket No. C-2016-2526619**

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**PECO ENERGY'S MOTION TO FILE REPLY EXCEPTIONS**  
**NUNC PRO TUNC**

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Respondent, PECO Energy Company ("PECO"), pursuant to 52 Pa. Code §1.2 respectfully petitions this Honorable Commission to accept the attached Reply Exceptions for filing *nunc pro tunc*.

1. On June 20, 2016, the Complainant filed Exceptions with the Public Utility Commission to Administrative Law Darlene D. Heep's May 5, 2016, Initial Decision, dismissing the complaint for failure to prosecute.

2. Pursuant to 52 Pa. Code § 5.535, PECO's Reply to the Complainant's Exceptions were due for filing on or before June 30, 2016.

3. Due to an administrative oversight, PECO is filing Reply Exceptions beyond the June 30, 2016, due date.

4. PECO respectfully requests that this Honorable Commission accept the filing of PECO Energy's reply exceptions *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 reply exceptions was due to an administrative oversight.

9. More importantly, the acceptance of its reply exceptions *nunc pro tunc* does not affect the substantive rights of the Complainant in this matter. The Response does not contain any information that was not already expressed to the Complainant, nor does PECO Energy's response contain any new allegations that require a response from the Complainant.

10. Further, the Complainant's exceptions have not been reviewed; therefore, there is no delay in the adjudication of this case.

11. Accordingly, PECO Energy respectfully requests that PECO's Reply Exceptions 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 Reply  
Exceptions be accepted for filing *nunc pro tunc*.

Respectfully Submitted,



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Shawane L. Lee  
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