

Thursday, November 11, 2010

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

RECEIVED
2010 NOV 15 AM 10:26
PA P.U.C.
SECRETARY'S BUREAU

re: **Linda Berkery v. PECO Energy Company**
PUC Docket No. C-2010-2170223

Dear Ms. Chiavetta:

Enclosed please find for filing with the Commission, the following:

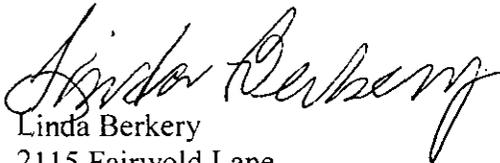
Complainant's Petition for Interlocutory Commission Review and Answer to a Material Question under 52 Pa. Code §5.302 of the Order of November 8, 2010 by Administrative Law Judge Ky Van Nguyen.

The Petition contains a Certificate of Service upon the pertinent parties to this action. An additional copy of each has been included to be time-and-date-stamped and returned to me in the SASE included for that purpose.

The Order mentions "(A) hearing on the above-captioned complaint is scheduled for November 19, 2010" (p. 1), and "2. That the November 19, 2010 hearing on the complaint will be held as scheduled." (p. 2). Please be advised that I have never received any notification of the upcoming hearing, only a week away, but in any event am requesting a continuance until the Petition for Interlocutory Review is adjudicated. Please advise on that as soon as possible, by phone, e-mail, or fax if necessary.

Thank you for your kind attention to this matter.

Very truly yours,



Linda Berkery
2115 Fairwold Lane
Fort Washington, PA 19034
(215) 380-1939
www.seanmacsean@yahoo.com
fax: (215) 878-7878

cc: Tishekia Williams, Esq.
John F. Povilaitis, Esq.

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

2010 NOV 15 AM 10:26

PA P.U.C.
SECRETARY'S BUREAU

LINDA BERKERY, :
Complainant :
v. : DOCKET NO. C-2010-2170223
: :
PECO ENERGY COMPANY, :
Respondent :

**COMPLAINANT'S PETITION FOR INTERLOCUTORY COMMISSION
REVIEW AND ANSWER TO A MATERIAL QUESTION UNDER
52 PA. CODE §5.302 OF THE ORDER OF NOVEMBER 8, 2010 BY ADM. LAW
JUDGE KY VAN NGUYEN JOINING A NON-PARTY, COMMERCE ENERGY
OF CALIFORNIA, TO THIS ACTION**

The Respondent in this case, PECO Energy Company, has tried to justify their exorbitant billing practices by claiming that they are billing for a third-party, one Commerce Energy Co. of California, who supplied electric to Complainant almost seven years ago and gas about two years ago. Commerce has never sent Complainant a bill and never instituted any sort of legal action against Complainant and has absolutely no place in this action, brought by PECO on behalf of itself.

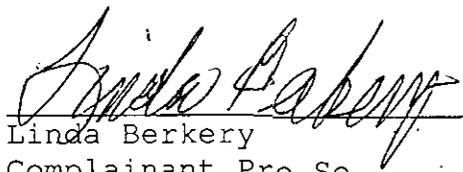
As outlined above, Complainant has never received a bill from Commerce or any other sort of correspondence since severing relations with Commerce two and six years ago respectively. Complainant has no complaint as of now against Commerce and Commerce has no place in this Complaint against PECO. Even assuming *arguendo* that

there is or was a bill from Commerce, it would be something between the Complainant and Commerce, not PECO, and that is the whole problem here. PECO's refusal to butt out of any relationship Complainant has or doesn't have with Commerce and then add the alleged Commerce charges to the total in determining exorbitant late charges assessed by PECO. To try to bring this arm's length third-party into this action with an "indispensable party" claim is nothing more than a red herring to try to shift the blame for these violations from where it squarely belongs: on PECO's shoulders and no one else's:

Interlocutory review will prevent substantial prejudice from accruing to the Complainant by the addition of Commerce as an "indispensable party" for no other reason than PECO's charges, brought solely by them, cannot stand on their own.

Interlocutory review will also prevent confusion and delays in the proceedings and thereby expedite them.

Respectfully submitted,



Linda Berkery
Complainant Pro Se
2115 Fairwold Lane
Fort Washington, PA 19034
(215) 380-1939

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above document was served by me, via first-class mail, prepaid, on this 10th day of Novemberr, 2010, upon the following:

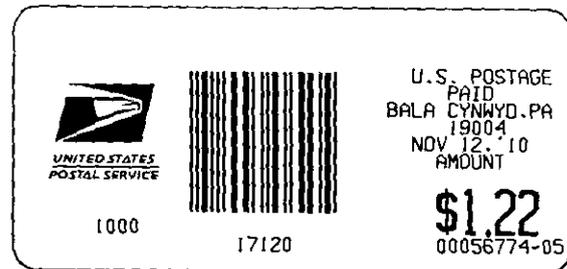
John F. Povilaitis, Esq.
Ryan, Russell, Ogden, and Seltzer
800 N. 3rd Street
Harrisburg, PA 17102-2025

Tishekia Williams, Esq.
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699


Linda Berkery

RECEIVED
2010 NOV 15 AM 10:26
PA P.U.C.
SECRETARY'S BUREAU

LEXIUM OVERKENT
2115 Fairwood Ln.
Ft. Washington PA
19032



Rosemary Chiravetta Secy.
Penns. Public Utility Commission
Comm. Keystone Bldg.
400 North St., 2nd fl.
Harrisburg, PA 17120