

Legal Department
2301 Market Street / S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699

Direct Dial: 215-841-6841

November 8, 2018

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

RE: Walter Ulatowski v. PECO Energy Company
Docket No. F-2018-3005449

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *PECO Energy Company's Amended 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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
|----------------------------|---|----------------------------------|
| WALTER ULATOWSKI | : | |
| Complainant | : | |
| | : | |
| v. | : | DOCKET NO. F-2018-3005449 |
| | : | |
| PECO ENERGY COMPANY | : | |
| Respondent | : | |

**PECO ENERGY'S AMENDED 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 October 17, 2018, the Public Utility Commission served PECO Energy with a formal complaint filed by the Complainant, Walter Ulatowski.
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 November 6, 2018, 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.

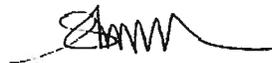
9. More importantly, the acceptance of its Answer *nunc pro tunc* does not affect the substantive rights of the Complainant in this matter.

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

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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: November 8, 2018

Shawane L. Lee

