

Legal Department
2301 Market Street / S23-1
Philadelphia, PA 19103

Direct Dial: 215.841.6863

April 1, 2019

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

Re: Petition of PECO Energy Company for a Declaratory Order to Resolve A Controversy Regarding PECO's Point-Of-Delivery And For A Determination That PECO Does Not Have Responsibility Beyond The Point-Of-Delivery Docket No. P-2017-2606245

Dear Secretary Chiavetta:

PECO Energy Company's Petition for Leave to Withdraw Petition for a Declaratory Order is attached for filing

Very truly yours,



Ward L. Smith
Counsel for PECO Energy Company

WS/adz
Enclosures

Cc: Certificate of Service

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PETITION OF PECO ENERGY COMPANY :
FOR A DECLARATORY ORDER TO :
RESOLVE A CONTROVERSY REGARDING :
PECO'S POINT-OF-DELIVERY AND FOR A : DOCKET NO. P-2017-2606245
DETERMINATION THAT PECO DOES NOT :
HAVE RESPONSIBILITY FOR CUSTOMER :
FACILITIES BEYOND THE POINT-OF- :
DELIVERY :

NOTICE TO PLEAD

To: Leonard K. Hill, Esquire:

Today PECO filed its *Petition for Leave to Withdraw Petition for Declarator Order*. If you have an objection to this Petition for Leave to Withdraw then, pursuant to 52 Pa. Code §5.94, you must state that objection in writing within 10 days. If you do not object in writing, PECO's Petition may be granted without further opportunity for comment.

If you file a written objection, file it with

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

With a service copy to:

Ward L. Smith, Esq.
PECO Energy Company
2301 Market Street, S-23
Philadelphia, PA 19103
ward.smith@exeloncorp.com

Dated at Philadelphia, PA, April 1, 2019.


Ward L. Smith

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**PETITION OF PECO ENERGY COMPANY :
FOR A DECLARATORY ORDER TO :
RESOLVE A CONTROVERSY REGARDING :
PECO'S POINT-OF-DELIVERY AND FOR A : DOCKET NO. P-2017-2606245
DETERMINATION THAT PECO DOES NOT :
HAVE RESPONSIBILITY FOR CUSTOMER :
FACILITIES BEYOND THE POINT-OF- :
DELIVERY :**

Certificate of Service

I, Ward Smith, hereby certify that on April 1, 2019, I served a copy of PECO Energy Company's Petition for Leave to Withdraw its Petition for Declaratory Order upon the following interested parties by first class mail properly addressed to:

Plaintiff's Counsel

Leonard K. Hill, Esquire
Susan B. Ayres, Esquire
Anthony J. Agati, Esquire
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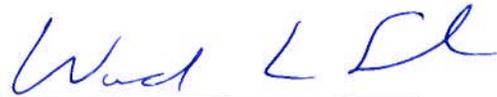
Lisa Carney Eldridge, Esquire
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Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg, PA 17120

Office of Consumer Advocate
Forum Place, 5th Floor
555 Walnut Street
Harrisburg, PA 17101-1923

Pennsylvania Office of Small Business
Advocate
300 North Second Street, Suite 202
Harrisburg, PA 17101

Dated: April 1, 2019



Ward L. Smith
Counsel for PECO Energy Company
2301 Market Street, S23-1
Philadelphia, PA 19103

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**PETITION OF PECO ENERGY :
COMPANY FOR A DECLARATORY :
ORDER TO RESOLVE A : DOCKET NO. P-2017-2606245
CONTROVERSY REGARDING :
PECO'S POINT-OF-DELIVERY :
AND FOR A DETERMINATION :
THAT PECO DOES NOT HAVE :
RESPONSIBILITY FOR CUSTOMER :
FACILITIES BEYOND THE :
POINT-OF-DELIVERY :**

**PECO Energy Company's Petition
for
Leave to Withdraw Petition for Declaratory Order**

On March 23, 2017, PECO Energy Company ("PECO"), filed a Petition, pursuant to 52 Pa. Code §5.42, for a declaratory order in this matter. The underlying dispute has now been resolved, and PECO therefore wishes to withdraw its Petition. In support thereof, PECO states as follows:

- 1, On May 23, 2017, PECO filed a Petition for Declaratory order in this docket.
- 2, On June 7, 2017, counsel for Stanley and Carol Fellerman filed an Answer to PECO's Petition for Declaratory Order, in which the Fellermans requested that PECO's Petition for Declaratory Order be denied.
3. Upon the filing of that responsive pleading, under 52 Pa. Code § 5.94, PECO's Petition for Declaratory become a "pleading in a contested proceeding." Withdrawal of a pleading in a contested proceeding requires that the party seeking withdrawal must file a petition for leave to withdraw the appropriate document.

4. The parties have resolved the underlying litigation. (*Fellerman v PECO, et al.*, July Term 2014, No. 2640, Philadelphia Court of Common Pleas).
5. Because the underlying litigation has been resolved, PECO no longer requests or requires a resolution of the issues posited in its Petition for Declaratory Order
6. PECO has discussed the instant Petition for Leave to Withdraw with the Fellermans' counsel, and counsel does not object to this Petition for Leave to Withdraw.

Wherefore, PECO requests that the Commission grant its Petition for Leave to Withdraw its Petition for Declaratory Order, and mark this docket closed.



Ward L. Smith, Esquire
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2301 Market Street, S23-1
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Counsel for PECO Energy Company

Date: April. 1, 2019