

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, Pennsylvania 17105-3265

**Petition of PECO Energy Company
For Approval of Its Default Service Program
(DSP) and Rate Mitigation Plan**

**Public Meeting of April 16, 2009
2062739-ALJ*
Docket No. P-2008-2062739**

MOTION OF VICE CHAIRMAN TYRONE J. CHRISTY

The Recommended Decision (RD) of Administrative Law Judge Chestnut (ALJ) that is before us for consideration recommends that we approve the Joint Petition for Settlement without modification, and that, upon entry of the Commission's Order, PECO Energy Company (PECO) be authorized to file a tariff and tariff supplement in substantially the same form as those attached to the Joint Petition as Exhibits E and H to become effective on one day's notice.

The tariff apparently proposes to maintain the authorization to collect nuclear decommissioning costs from PECO's customers under the Nuclear Decommissioning Cost Adjustment Clause (NDCA) mechanism after December 31, 2010. Tariff Electric PA.P.U.C. No. 4, Original Page No. 35. In contrast, the mechanism for recovering stranded costs under the CTC/ITC mechanism is being eliminated.

The issue of whether or not it would be appropriate to continue the collection of nuclear decommissioning costs from customers after the expiration of PECO's rate caps on December 31, 2010, was not addressed in this proceeding. This Commission requires further information and analysis regarding the justness, reasonableness and lawfulness of continuing to collect nuclear decommissioning costs from customers after the expiration of PECO's rate caps.

THEREFORE, I MOVE THAT:

1. Our approval of the Joint Petition for Settlement includes no determination regarding the justness, reasonableness and lawfulness of the continuation of the Nuclear Decommissioning Cost Adjustment Clause, Electric PA.P.U.C. No. 4, Original Page No. 35 (Exhibit E to the Joint Petition for Settlement) for future ratemaking purposes after the expiration of PECO Energy Company's rate caps on December 31, 2010."
2. The Office of Special Assistants prepare an Opinion and Order consistent with this motion.

DATE

TYRONE J. CHRISTY, VICE CHAIRMAN