

PECO ENERGY CO
Form 8-K
October 02, 2008

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION

Washington, DC 20549

FORM 8-K

CURRENT REPORT

Pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934

October 1, 2008

Date of Report (Date of earliest event reported)

Exact Name of Registrant as Specified in Its Charter;

Commission File

State of Incorporation; Address of Principal Executive

IRS Employer

Number
1-16169

Offices; and Telephone Number

Identification Number
23-2990190

EXELON CORPORATION

(a Pennsylvania corporation)

10 South Dearborn Street

P.O. Box 805379

Chicago, Illinois 60680-5379

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000-16844 (312) 394-7398
PECO ENERGY COMPANY

23-0970240

(a Pennsylvania corporation)

P.O. Box 8699

2301 Market Street

Philadelphia, Pennsylvania 19101-8699

(215) 841-4000

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions:

- .. Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
- .. Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
- .. Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
- .. Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))

Section 8 Other Events

Item 8.01. Other Events.

On October 1, 2008, the Capitolwire news organization reported that the Governor of Pennsylvania and Pennsylvania House and Senate leaders were holding discussions with utility chief executive officers regarding several legislative proposals affecting electric utilities in Pennsylvania. PECO Energy Company (PECO) continues to have constructive, active, senior level discussions with the Governor and key leaders of the House and Senate. As reported by Capitolwire, there is a concerted effort by the Governor and legislative leaders to take action before the current legislative session ends during the week of October 6. It is also possible that there will be no action prior to the close of the legislative session. Although Capitolwire reported several proposals under discussion, it also reported wide disagreement on some issues, and PECO is not aware of any prevailing proposal that would provide a clear indication as to the likely outcome. In its quarterly report on Form 10-Q for the period ended June 30, 2008, PECO discussed several possible legislative initiatives that are conceptually similar to PECO's discussions with state lawmakers and the discussions reported by Capitolwire. Several other Pennsylvania utilities are involved in discussions with the Governor and legislative leaders. If a settlement is reached, PECO expects the costs will be fairly allocated among the participating utilities. PECO believes there is a good chance that a solution can be reached that will be acceptable to PECO, but no assurances can be given regarding the ultimate resolution. PECO supports comprehensive legislation that meets the needs of PECO and various stakeholders.

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This combined Form 8-K is being furnished separately by Exelon and PECO (Registrants). Information contained herein relating to any individual Registrant has been furnished by such Registrant on its own behalf. No Registrant makes any representation as to information relating to any other Registrant.

This Current Report includes forward-looking statements within the meaning of the Private Securities Litigation Reform Act of 1995, that are subject to risks and uncertainties. The factors that could cause actual results to differ materially from these forward-looking statements include those discussed herein as well as those discussed in (1) Exelon's 2007 Annual Report on Form 10-K in (a) ITEM 1A. Risk Factors, (b) ITEM 7. Management's Discussion and Analysis of Financial Condition and Results of Operations and (c) ITEM 8. Financial Statements and Supplementary Data: Note 19; (2) Exelon's Second Quarter 2008 Quarterly Report on Form 10-Q in (a) Part II, Other Information, ITEM 1A. Risk Factors and (b) Part I, Financial Information, ITEM 1. Financial Statements: Note 12; and (3) other factors discussed in filings with the SEC by the Registrants. Readers are cautioned not to place undue reliance on these forward-looking statements, which apply only as of the date of this Current Report. None of the Registrants undertakes any obligation to publicly release any revision to its forward-looking statements to reflect events or circumstances after the date of this Current Report.

SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, each Registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

EXELON CORPORATION

/s/ Matthew F. Hilzinger
Matthew F. Hilzinger
Senior Vice President and Chief Financial Officer
Exelon Corporation

PECO ENERGY COMPANY

/s/ Phillip S. Barnett
Phillip S. Barnett
Senior Vice President and Chief Financial Officer
PECO Energy Company

October 2, 2008