

EXHIBIT C

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Terms: **96-0160** ([Edit Search](#))

1997 Ill. PUC LEXIS 107, *

George W. Smith vs The Peoples Gas Light and Coke Company: Complaint as to billing in Chicago, Illinois

96-0160

ILLINOIS COMMERCE COMMISSION

1997 Ill. PUC LEXIS 107

February 20, 1997

CORE TERMS: meter, usage, balloon, meter reading, underestimated, estimated, Public Utilities Act, inaccurate, billed

OPINION: [*1]

ORDER

By the Commission:

On March 29, 1996, George W. Smith ("Complainant") filed his verified complaint against The Peoples Gas Light and Coke Company ("Respondent") objecting to a certain high bill for \$ 883.13 which Complainant alleges was erroneously high due to a Respondent's misreading of the meter.

Pursuant to notice as required by law and the Commission's rules, a hearing was held before a duly authorized Hearing Examiner on June 10, 1996, at the office of the Commission in Chicago, Illinois. Complainant appeared pro se and offered testimony and evidence to support his complaint. Respondent appeared by counsel and presented both testimony and documentary evidence. At the close of the hearing, the record was marked "Heard and Taken."

A copy of the Hearing Examiner's Proposed Order was duly served on the parties. No exceptions were filed.

Complainant testified that he owns a house located at 8733 S. Parnell, Chicago, Illinois. Mr. Smith stated that he received a bill from Respondent on or about October 27, 1995, in the amount of \$ 883.13 for service at this house. Complainant protests the charges which represents a "balloon" bill for previous billings. [*2]

Complainant stated that he believes that the bill is inaccurate because the only fuel consuming apparatus in his home is a new furnace which was installed in 1994. Mr. Smith argued that the meter was read by him about every two months and that it would not be possible for any meter reading mistakes to amount to an eight hundred dollar deficiency. Mr. Smith also argued that he was available to allow Respondent access to his home to perform actual readings.

At the hearing, Mr. Warren Ellison, Account Representative in Investigations, testified for the Respondent. Mr. Ellison testified that the records show that Complainant was issued a new meter set at "0" on June 22, 1994. Mr. Ellison indicated that from September 19, 1994 to October 16, 1995, no actual meter readings were taken by Respondent. He stated that Respondent's records show that the bills sent to Complainant between this period of time were all estimated bills generated by the Respondent or by receipt of meter reading cards from Complainant.

Mr. Ellison further testified that upon receiving a report of Mr. Smith's complaint about his bill, the meter located in Complainant's home was tested to determine if it was malfunctioning. [*3] Mr. Ellison stated that the test results show that the meter was in good working order. Mr. Ellison also provided evidence to show that the calculation of the balloon bill was based upon a degree day analysis which is a standard and acceptable procedure.

Conclusions on Issues

Complainant has alleged that Respondent has improperly billed him for prior underestimated usage due to Respondent's erroneous meter reading. Complainant bears the burden of proof to substantiate his claim that his estimated bill payments were an accurate accounting of his usage and that the October 27, 1995 balloon bill was improper.

The evidence shows that from September 19, 1994 through October 16, 1995 Respondent billed the Complainant for usage based on estimated usage, primarily calculated from the meter readings taken by Complainant. Respondent presented evidence at the hearing which indicates that Complainant's meter readings were inaccurate and that Respondent's bills had underestimated Complainant's usage. Furthermore, the evidence shows that the meter in Complainant's home was working properly.

The degree day analysis used by the Respondent to calculate the balloon bill has been approved by the [*4] Commission as an acceptable procedure.

Based on the foregoing, the complaint should be denied.

The Commission, giving due consideration to the entire record and being fully advised in the premises, is of the opinion and finds that:

- (1) Respondent, The Peoples Gas Light and Coke Company, an Illinois corporation engaged in the business of the purchase, production, storage, distribution and sale of gas to the general public in Illinois is a public utility within the meaning of The Public Utilities Act;
- (2) the Commission has jurisdiction over the Respondent and of the subject matter of this proceeding;
- (3) the evidence presented at the hearing support a finding that meter No. 2278385 was accurately recording Complainant's usage in accordance with Commission guidelines;
- (4) the amount in dispute is properly due and owing to Respondent from Complainant;
- (5) this complaint may be properly denied.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the Complaint filed by George W. Smith on March 29, 1996, against The Peoples Gas Light and Coke Company be, and the same is, hereby denied.

IT IS FURTHER ORDERED that subject to the provisions of Section 10-113 of the [*5] Public Utilities Act 83 Ill. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

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