



A portion of the ground on the north side of my home approximately three feet in diameter sank a little over one foot deep. After digging out an area a little more than five feet deep, we discovered Commonwealth Edison's electric cable running through a broken sewer pipe at a junction where the sewer line had a bend with a connector. I reported this to Com Ed on 4/18/05 and a Com Ed agent, Ken Williams, came out several days later to investigate. He told me that he would send me a claim form, and that I should then have the broken pipe repaired and submit the claim to Com Ed for reimbursement. A week went by, and I still had not received the claim form. I called Ken and he informed me that he had turned the case over to a planner, and that I should be hearing something shortly. After several more conversations with Ken over the course of several more weeks, I called the claims department, and explained the problem to Geri Lewis, Claims Supervisor. Soon after that, Shane Cole, Field Operations Supervisor, came out to inspect it. On 5/24/05, Shane, along with a crew came out with a bobcat, did some digging to relieve tension between the electric cable and the broken sewer pipe. Shane told me to go ahead and get the sewer pipe repaired, and Geri Lewis said she would send me the claim form which I received on 6/10/05. I got three estimates- two of them verbal at \$1,200 each, and one written at \$1,700. I had the sewer line repaired on 6/2/05 at a cost of \$1,200 by Callahan Plumbing. The plumber concluded from the position of the electric cable running through the broken sewer pipe that Com Ed accidentally nipped the top of the sewer pipe with their trencher when installing the cable. I am seeking reimbursement of \$1,200 for repair of the sewer pipe, and am submitting pictures of the electric cable running through the sewer pipe, a copy of the repair bill, and a copy of the written estimate from another plumber.

Thank you for your attention. If you need any other information, please call me at (708) 301-5910.

I am seeking reimbursement of \$1,200 for repair of a broken sewer line that resulted when Commonwealth Edison's electric cable was installed. I am submitting a picture taken of ComEd's cable running through the broken sewer line. With this area exposed, we discovered that when flushing toilets a portion of the water where the break in the sewer line occurred was not getting to the line that runs to the street, but rather going into the ground. Over the years the portion of water going into the ground washed away enough soil causing a portion of the ground next to my home to collapse.

Commonwealth Edison is denying any responsibility for reasons ranging from a) Illinois statutes of limitations, b) too much elapsed time (electric cable in for 18 years), c) JULIE locates may have been procured from our builder, d) phone company may have installed the electric cable (as the service is shared with them), e) and the developer may have given ComEd improper locates.

In response to these reasons given for denial of the claim, a) I've asked ComEd for a copy of the applicable statute(s) of limitations. I did not receive any. b) I asked them to reconsider the too much time, as it took this much time for the problem to manifest itself (with the portion of the ground that finally collapsed). c) I contacted our builder, James Marth, phone number (708)873-9700, who informed me that he does not supply ComEd with locates, and that he waits for ComEd to come in and install their cable. d) With respect to ComEd sharing the installation service with the phone company, I contacted SBC Midwest Burial Wire Center on September 14<sup>th</sup> at 1-800-924-9420 and was informed that all phone lines are owned by SBC (a leasing agreement exists with SBC and some of the smaller companies), and that this joint contract ComEd mentions does exist, but does not extend to installation - ComEd does the installation. e) And finally with respect to ComEd possibly receiving improper locates from the developer, I have not been able to contact our developer. I've left several phone messages with our builder, James Marth, but have not received a response regarding this topic. However, when I informed the village of Homer Glen of this problem, I was told that ComEd is responsible for making sure that trenching of cable is done in a clear area, and not interfering with the sewer line. The developer would not know where the sewer line is.

In conclusion I am receiving conflicting information from what ComEd is giving as reasons for the claim denial and am trying to determine where, if any, liability exists. I am submitting a copy of the claim submitted to ComEd, a photo taken of the electric cable that runs through the broken sewer line, and a copy of the repair bill. The people I've been in contact with at Commonwealth Edison regarding this claim are Daniel McDonald at (630)576-6335, and John Parisee at (312)394-3866. My claim number with Commonwealth Edison is GCED2005125048. Thank you for any help you may render.

Sincerely,

# CALLAHAN PLUMBING & IRRIGATION



• AUTOMATIC LAWN SPRINKLERS  
 • SEWERS & DRAINS  
 16135 New Avenue, Unit 1A • Lemont, IL 60439

• HOT WATER HEATERS  
 • LICENSED / INSURED

PHONE (630) 257-0464  
 FAX (630) 257-1675

NAME <i>Jim Farnham</i>		JOB NAME	
ADDRESS <i>15000 S. Woodhurst</i>		JOB ADDRESS	
CITY <i>Wood Dale</i>	ZIP	CITY	ZIP
PHONE <i>708-501-5910</i>		PHONE	DATE <i>6/2/05</i>
CUSTOMER'S COMPLAINT			
<b>DESCRIPTION OF WORK COMPLETED</b>			
<i>- Repair and secondary sewer on North side of home</i>			
<i>- Summ. house caplar run thru to sewer and collapsed 6" 45° fitting</i>			
<i>- Installed new section of 6" sewer pipe and fitting</i>			
<i>PAID IN FULL</i>		LABOR	
<i># 1817 \$1200.00</i>		MATERIAL	
<i>(Signature)</i>		TOTAL (Labor & Material)	<i>\$1200.00</i>
		SUB TOTAL	
		DEPOSIT	
		TOTAL (C.O.D.)	<i>\$1200.00</i>
OWNERS SIGNATURE INDICATES SATISFACTORY PERFORMANCE OF ALL WORK AND COMPLETION OF REPAIRS IN HOME.		SIGNATURE	

GUARANTEE: ALL WORK PERFORMED BY LICENSED PLUMBER. ALL MATERIAL USED IN HOME ARE GUARANTEED FOR A PERIOD OF (1) ONE YEAR FROM DATE OF INSTALLATION. LABOR WILL BE CHARGED FOR DEFECTIVE MATERIAL.

**PAYMENT IS DUE AT COMPLETION OF WORK**



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

January 19, 2006

James J. Fransen  
15006 South Woodcrest Avenue  
Homer Glen, IL 60491

**Re: ComEd**  
**File No: 2005-CONSC-00136944**

Dear Mr. Fransen:

I have reviewed all of the information and correspondence concerning your complaint. The matter has not been resolved and attempts at informal mediation have failed. Since formal enforcement action by this office is not warranted, we are closing your file at this time. Your file will be retained by this office. One of the most valuable ways we can learn of problems existing in the market place is by receiving complaints from concerned citizens.

If you wish to pursue this matter further, the following alternatives are suggested:

- (a) Discuss the matter with a private attorney.
- (b) Taking the matter to small claims court.

Thank you for taking the time to express your concerns.

Sincerely,

*David Coleman*

David Coleman  
Citizen's Advocate  
Consumer Protection Division  
(312) 814-3812

Enclosure  
/mmg

October 10, 2005

James Fransen  
15006 S. Woodcrest Ave.  
Homer Glen, IL 60491

**Subject: Damage Claim – Sewer Problem**

Dear Mr. Fransen

As a follow-up to our conversation, you asked that I send you a letter regarding your damage claim. Following are some of the reasons for the denial of your claim:

- The electric service was installed approximately eighteen years ago and ComEd does not keep records going back that far to determine who performed the work (IBT, ComEd, etc.).
- Unable to determine if Julie locates were performed...they are requested by the builder
- Claim is outside the limitations period based on the statutes of limitations and statutes of repose

I you have questions or comments, you can reach me at 312 394 3866 between the hours of 8:00 a.m. to 4:30 p.m.

Sincerely,

John Parise  
Regulatory Strategies and Services

August 8, 2005

James Fransen  
15006 S. Woodcrest Ave.  
Homer Glen, IL 60491

Re: Claim Number GCED2005125048

Dear Mr. Fransen

Your claim was submitted to the ComEd Claims Department Review Committee for further evaluation. We have reviewed the facts of your claim regarding problems on 4/18/05.

Our investigation revealed that there was no negligence on the part of ComEd. Therefore, we must respectfully deny your claim. It appears your line has been in the ground well over 10-15 years without an issue. We do not feel that this is an issue we can consider for reimbursement.

On behalf of the Review Committee, we apologize for any inconvenience you may have experienced.

Sincerely,



Dale Senensky  
ComEd Claims Department Review Committee  
(630) 576-6340

Commonwealth Edison Company  
P.O. Box 805379  
Chicago, IL 60680-5379

www.exelcncorp.com

July 28, 2005

James Fransen  
15006 S. Woodcrest Ave.  
Homer Glen, IL 60491

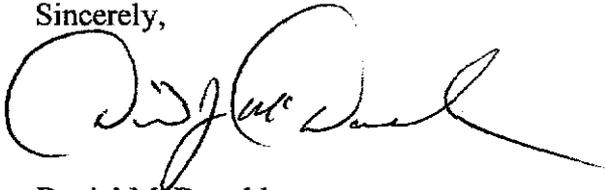
Re: Our Claim No. GCED2005125048

Dear MR. Fransen

Your claim has been referred to the ComEd Claims Department Review Committee for further consideration. The committee will initiate a second investigation into this matter. You will be contacted within 14 days with our disposition.

If you have any questions, please contact me at the telephone number below.

Sincerely,



Daniel McDonald  
Senior Claims Adjuster  
(630) 576-6335

July 20, 2005

James Fransen  
15006 S. Woodcrest Ave.  
Homer Glen, IL 60491

Re: Claim No. GCED2005125048

Dear Mr. Fransen:

In response to your inquiry following the discovery of your sewer problem on 4/18/2005, please be advised that we have carefully reviewed the relevant facts surrounding your complaint.

Applicable statutes of the State of Illinois and the regulations that regulate ComEd as a public utility, ComEd may compensate customers only for certain costs incurred as a result of negligent actions for which ComEd would be found liable in a court of law. The law will not permit us to pay for damages resulting from service problems and other similar events, or for any events for which the claimant could not make recovery in a court of law.

The original installation of service to this subdivision is about eighteen years old and our records do not date back that far to determine who actually performed the trenching and if JULIE locates were procured by the Builder. Therefore we must respectfully deny your claim as it is outside of the limitations period.

Please accept our apology for any inconvenience and expense you may have experienced. Perhaps this letter may be of assistance to you if you should decide to file a claim with your insurance carrier.

Sincerely,



Daniel McDonald  
Senior Claims Adjuster  
(630) 576-6335

June 28, 2005

James Fransen  
15006 S. Woodcrest Ave.  
Homer Glen, IL 60491

Re: Our Claim No. GCED2005125048

Dear Mr. Fransen:

This letter is to acknowledge receipt of the claim you recently submitted to our company. The details you supplied will allow us to properly investigate your situation. If more information is required, we will contact you. The adjuster reviewing your claim is Daniel McDonald, who can be contacted at (630) 576-6335.

We will make every effort to provide you with a prompt response. Most of these matters are resolved within 28 days. When our investigation has been completed, you will be notified in writing as to the disposition of your claim.

Sincerely,

ComEd Claims Department