

For Commission Use Only:

Case: 07-0235

**OFFICIAL FILE**  
**ILLINOIS COMMERCE COMMISSION**  
**FORMAL COMPLAINT**  
Illinois Commerce Commission  
527 E. Capitol Avenue  
Springfield, Illinois 62701

**ORIGINAL**

Regarding a complaint by (Person making the complaint): Joshua Zavelovich, Pearle Vision Store  
Against (Utility name): MPower Communications  
As to (Reason for complaint) Excessive billing. Misstating on the contract.

in Chicago Illinois.

**TO THE ILLINOIS COMMERCE COMMISSION, SPRINGFIELD, ILLINOIS:**

My mailing address is Pearle Vision  
6560 W. Fullerton, Chicago, IL 60707

The service address that I am complaining about is Pearle Vision, 6560 W. Fullerton, Chicago, IL 60707

My home telephone is [847] 982-0481

Between 8:30 A.M. and 5:00 P.M. weekdays, I can be reached at [773] 745-1767

(Full name of utility company) MPower Communications (respondent) is a public utility and is subject to the provisions of the Illinois Public Utilities Act.

In the space below, list the specific section of the law, Commission rule(s), or utility tariffs that you think is involved with your complaint.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Have you contacted the Consumer Services Division of the Illinois Commerce Commission about your complaint?

Yes  No

Has your complaint filed with that office been closed?

Yes  No

ILLINOIS COMMERCE COMMISSION  
CONSUMER SERVICES DIVISION  
JAN 11 11:50 AM '07  
MCM

Please state your complaint briefly. Number each of the paragraphs. Please include time period and dollar amounts involved with your complaint. Use an extra sheet of paper if needed.

1. On 08/02/2006 I signed the service contract with MPower for telephone and DSL services.
  2. Excessive billing started from the beginning.
  3. All my attempts to contact MPower representative Stacy Taylor, who presented the contract, were unsuccessful. Her boss, Richard Webster, ignored the calls as well.
  4. It took involvement of Illinois Public Utility Commission counselor to make MPower respond. Their response was totally unsatisfactory.
  5. Attached is the letter that I sent to MPower. It outlines the essence of the dispute. I did not receive any response.
  6. Estimated over billing: DSL: 347.55 SLC: 49.19
- Please clearly state what you want the Commission to do in this case.  
In the attached document, I propose a fair settlement to MPower. I plead to the Commission to enforce it.

Date: 03/26/2007  
(Month, day, year)

Complainant's Signature Joshua Zavelovich

If an attorney will represent you, please give the attorney's name, address, and telephone number.

You need to file the original with the Commission. Also, provide one copy for each utility complained about (referred to as respondents).

#### VERIFICATION

A notary public must witness the completion of this part of the form.

I, Joshua Zavelovich, first being duly sworn, say that I have read the above petition and know what it says. The contents of this petition are true to the best of my knowledge.

(Signature) Joshua Zavelovich

Subscribed and sworn/affirmed to before me on (month, day, year) March, 30<sup>th</sup> 2007

Sonia Capaldo  
Notary Public, Illinois

SONIA CAPALDO  
Notary Public, State of Illinois  
My Commission Expires  
December 04, 2007

**NOTE:** Failure to answer all of the questions on this form may result in this form being returned without processing. If you have questions, please call the counselor in the Consumer Services Division that handled your informal complaint.

March 9, 2007

Mpower Communications

Attn: Nicole

RE: Account#: 402076, prime tel#: 773-745-1767

VIA Fax: 866-531-3288

For the past several months I have been trying to resolve problems with the irregularities and overcharges I found in your bills. All my attempts to speak to someone within your company to look into discrepancy between the sold contract and the bills for services provided were unsuccessful. Only after my appeal to the federal and state regulatory agencies your company admitted the overcharging of DSL service by \$20/month. However this is not all. I will list below the problems I have with the bill.

### 1. DSL Service

The quoted DSL service is \$79/month. The \$10 charge per e-mail accounts was not asked for and not offered in the contract. You cannot bill someone for service that was not requested. If your e-mail service is always bundled with the Internet service you should state so in the contract and inform about additional charge. You have assigned a phone line to the DSL service with the area code that is different from our area code, which points out to the trick of creative accounting. The whole concept of DSL service is that it is distributed over the existing telephone lines and does not require purchase of the additional line with all associated surcharges and taxes. Indeed the contract clearly specifies the purchase of the four lines, not five lines. If your DSL service presumes purchase of the additional line you should have stated so in the contract. The SLC charge stated on the contract specifies four lines. Thus you deliberately misled us in your quotation. In addition to this, according to the US Congress decision in 2003 the broadband internet service cannot be locally taxed, the local taxes must have been eliminated by November 2006. The state of Illinois has never taxed the broadband Internet service.

### 2. SLC charges on phone lines.

According to the FCC, the federal line charge, which is not tax and is pocketed by the telecom companies, cannot exceed \$6.50 per line per month. You charged us higher amount every month up to \$13.15 on the October 2006 bill.

To resolve these problems I suggest the following.

1. Eliminate fictitious 5th line (847-243-0576) from you bill. Establish firm \$79/month charge for DSL, as specified in the contract, with the credit for overcharges of the previous months.
2. Establish SLC billing per regulations of FCC with the credit for previous overcharging.

This is our truly last attempt to resolve the billing issues between your company and us. If you do not accept proposed fair and honest solution of the problem we will have no choice other then to pursue the resolution through legal channels.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joshua Zavelovich".

Joshua Zavelovich  
Pearle Vision

cc: Jim Agnew  
Illinois Public Utility Commission