

November 27, 2007

Malibu Condominium  
6007 N Sheridan Rd  
Chicago, IL 60660

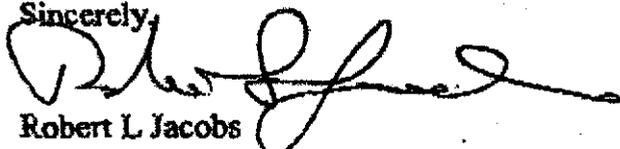
Attn: Brian Kelly

Dear Mr. Kelly,

As a follow-up to our conversation, I have examined our records and have determined that the association is clearly on a rate they qualify for. ComEd cannot be sure why they are on that rate or migrated to that rate. It clearly states in ComEd's Terms and Conditions that rate selection is done by the customer, and ComEd does not guarantee customers will be on the most advantageous rate, as a customer's needs and usage patterns change. Based on this information, ComEd can see no basis for changing your rate or adjusting any bills. If the association feels a different rate would be more advantageous to them, they can elect to move to any rate they qualify for going forward.

The phone number on the Designation of General Account Agent was actually the Condominium manager's phone, so I left a message for Mr. Schifrin there.

Sincerely,



Robert L. Jacobs  
Customer Relations  
630-684-3122

Subj: **Malibu Condominium**  
Date: 1/31/2008 9:40:42 AM Central Standard Time  
From: john.parise@exeloncorp.com  
To: marsh43372@aol.com

Mr. Shifrin: As a follow-up to our conversation, attached is a document showing all customer contacts on the Malibu ComEd account. As you can see by the attached document, a representative from Malibu Condo's contacted ComEd on September 10, 1999 to request a letter regarding their not being selected for the Lottery. It is important to note that ComEd would not move a customer from a residential rate to a commercial rate without the customer requesting the change.

<<Malibu Condo's Contact Information.xls>>

**Have A Safe Day...**

*John Parise*  
Senior Administrator  
Regulatory Strategies and Services  
312 394 3866  
312 394 8693 Fax  
john.parise@exeloncorp.com

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\*\*\*\*\*

Malibu Condominium 13101-69004

CUSTOMER#	TIMESTAMP	BILL ACCT#	USER	REQUESTED BY	COMMENTS
131016903	0001-01-01-01.01.02.198722	1310169004		MALIBU CONDOMINIUM	THIS CUSTOMER WAS CONVERTED FROM IBS
					THIS CUSTOMER WAS CONVERTED FROM IBS
0131016903	1998-11-20-06.31.18.646516	1310169004		SYSTEM GENERATED	
131016903	1998-12-03-13.53.14.716728	1310169004	CTN96	MALIBU CONDOMINIUM	
131016903	1999-03-24-16.44.36.343587	0000000000	CTNUR	IRMA	
131016903	1999-09-10-08.53.51.488253	0000000000	CTNYP	Tony Briskovic	(the cust requested a letter fro COMED stating that this account was not selected for the lottery" clerk will fax t
					o 312-960-1292
131016903	1999-09-22-04.56.19.522177	1310169004		SYSTEM GENERATED	
131016903	1999-10-06-21.07.07.332039	0000000000	PEREMS	MALIBU CONDOMINIUM	
131016903	1999-12-21-03.14.56.241564	1310169004		SYSTEM GENERATI	Friendly Notice
131016903	1999-12-29-13.05.23.086322	1310169004	VRU	VRU_USER	
131016903	1999-12-29-13.05.23.901298	0000000000	VRU01	VRU_USER	
131016903	1999-12-30-11.48.07.214426	1310169004	WST7N	MALIBU CONDOMINIUM	
131016903	1999-12-30-11.50.11.850615	1310169004	WST7N	MALIBU CONDOMINIUM	
131016903	2000-01-04-14.59.51.582323	1310169004	CTNK6	MALIBU CONDOMINIUM	
131016903	2000-01-10-09.39.01.673755	1310169004	SYBDH	MALIBU CONDOMINIUM	
131016903	2000-01-21-11.50.24.995571	1310169004	SYBDH	MALIBU CONDOMINIUM	
131016903	2000-01-21-11.57.48.841353	1310169004	SYBDH	MALIBU CONDOMINIUM	
131016903	2000-01-24-08.05.20.747220	1310169004	SYBDH	MALIBU CONDOMINIUM	
131016903	2000-01-28-12.52.14.737503	1310169004	BUNCAS	IRMA RUIZ	CUS REQ LATE CHRGE REMOVED FOR \$209.01 FROM 12/17 .SAID T
					HEY NEVER REC NOV. BILL .. THAT'S WHY IT WAS LATE
					SENT TO DATA REPAIR ON 1/24/00 THEY BILLED THRU
131016903	2000-02-03-14.29.47.849852	1310169004	SYBDH	MALIBU CONDOMINIUM	12-28----
					---SENT TO DATA REPAIR ON 1/24/00 THEY BILLED THRU 12-28-
					-----SENT TO DATA REPAIR ON 1/24/00 THEY BILLED THRU 12-
					28-----ATTEMPT TO BILL 12/28=1/26
					-----ATTEMPT TO BILL 12/28=1/26
					-----ATTEMPT TO BILL 12/28=1/26
131016903	2000-03-15-08.40.53.912021	1310169004	SYCRG	MALIBU CONDOMINIUM	

Subj: **MALIBU CONDOMINIUM ASSOCAITION - Request for Explanation & Documents**  
Date: 2/6/2008 9:01:25 AM Central Standard Time  
From: [Marsh43372](#)  
To: [John.parise@exeloncorp.com](mailto:John.parise@exeloncorp.com)

John:

Please respond to each of Malibu's requests for explanations and/or copies of documents as shown on the "attached" 2-pages.

Thank you.

Marshall Shifrin  
Agent/Consultant for the Malibu Condominium Association  
Ofc: 1 (847) 564-3272  
Fax: 1 (847) 564-2340  
E-mail: [Marsh43372@aol.com](mailto:Marsh43372@aol.com)

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02/06/08

Attachment to e-mail:

To: Mr. John Parise – Senior Administrator  
Regulatory Strategies and Services  
ComEd/Exelon  
Ofc: 1 (312) 394-3866  
Fax: 1 (312) 394-8693  
john.parise@exeloncorp.com

From: Malibu Condominium Association

Dear Mr. Parise:

Within Robert L. Jacobs' letter to Malibu, dated 11/27/07, he stated:

***"I have examined our records and have determined that the association is clearly on a rate they qualify for."***

and he also stated:

***"It clearly states in ComEd's Terms and Conditions that rate selection is done by the customer."***

Also,

Within your e-mail, dated 01/31/08, you stated:

***"As you can see by the attached document, (customer contacts within SIMS), a representative from Malibu Condo's contacted ComEd on September 10, 1999 to request a letter regarding their not being selected for the Lottery."***

and you also stated:

***"It is important to note that ComEd would not move a customer from a residential rate to a commercial rate without the customer requesting the change."***

Because you said on 01/07/08 that "there is no sense for both of us spending money" (referring to attorney fees) upon filing a Formal Complaint before the Illinois Commerce Commission, we are asking you to support ComEd's reasoning, validity and affirmative defense for rejection of Malibu's claim for a refund of overpayments, which now has accumulated to be **\$366,789.99** (\$288,331.04+\$17,299.86+ \$59,334.27+\$1,824.82=\$366,789.99) including allowed interest thru 01/31/08, by providing Marshall Shifrin with the following information:

1. An explanation of why ComEd thinks that Malibu qualified to be reclassified from a Residential (Rate 14) to a Commercial (Rate 6), in November 1999, considering that ComEd states that Rate 6: "is applicable to any commercial, industrial, or governmental customer" and Malibu was always a "residential customer".

And considering that ComEd also states that Rate 6 is only applicable to "non-residential customers" and Malibu was never a "non-residential customer". Malibu was always known, approved by and billed by ComEd as a "residential customer" for 30 years.

2. A copy of ComEd's publicly known directive within ComEd's TERMS AND CONDITIONS that says: "that rate selection is done by the customer", indicating wherein it states that: "the customer can make written application for a rate change subject to the customer's existing contract provision."
3. A copy of ComEd's SUPPLEMENTAL STATEMENT ELECTRICITY ILL. C. C. NO. 4, indicating wherein it states that: "If changes occur in the customer's total load or load pattern that make the customer eligible for another rate or rate combination, then the customer should make written application to the Company to be transferred to such rate or rate combination."

There were no changes in Malibu's load pattern and Malibu was not eligible for a commercial or non-residential rate.

4. A copy of any entry notes, in 1999, within SIMS, or any other ComEd record, that shows an inquiry and a request from Malibu, specifically about a rate that was different than Malibu's then existing 30 year Residential Rate 14, considering that the document you provided us does not mention anything on 09/10/99 about a rate inquiry nor a request for a rate change, but your implication does.
5. A copy of Malibu's written request to be switched from ComEd's Residential Rate 14 to a Commercial Rate 6, considering that ComEd requires a customer's request to be in writing, since ComEd uses statements within numerous public notices such as: that a customer is "to elect in writing" a change in rate; and also "When a customer provides such a request to the Company in writing, the following action should be taken: ....."
6. A copy of the fully executed Rate 6 Electric Service Contract, on or about 11/22/99, signed by Malibu, as required by ComEd, before ComEd can change a customer's rate, considering that ComEd states: "The Sales Department should present all of the above information to the customer in the form of an electric service contract" "and (an) explanatory letter ....."

Also considering that ComEd states: "Once the customer has signed the new electric service agreement setting forth his rate classification, the customer will be provided service accordingly starting on the next regular billing date."

7. A copy of the fully executed Rate 6T Electric Service Contract, on or about 11/22/02, signed by Malibu, as required by ComEd, before ComEd can change a customer's rate.
8. A copy of ComEd's required "Designation Of General Account Agent" or any other ComEd form that was signed by an officer of the Malibu Condominium Association Board of Directors in 1999 that gave written permission to ComEd to discuss, disclose, answer questions, and accept directives from that person about ComEd's account #1310169004 in accordance with ComEd's requirements,

Subj: **RE: MALIBU CONDOMINIUM ASOCAITION - Request for Explanation & Documents**  
Date: 2/6/2008 9:10:14 AM Central Standard Time  
From: john.parise@exeloncorp.com  
To: Marsh43372@aol.com

Marshall: It looks as if Bob Jacobs has already responded to their questions. If you have other questions, please let me know...Thanks!

**Have A Safe Day...**

John Parise  
Senior Administrator  
Regulatory Strategies and Services  
312 394 3866  
312 394 8693 Fax  
john.parise@exeloncorp.com

-----Original Message-----

**From:** Marsh43372@aol.com [mailto:Marsh43372@aol.com]  
**Sent:** Wednesday, February 06, 2008 9:01 AM  
**To:** Parise, John Jr  
**Subject:** MALIBU CONDOMINIUM ASOCAITION - Request for Explanation & Documents

John:

Please respond to each of Malibu's requests for explanations and/or copies of documents as shown on the "attached" 2-pages.

Thank you.

Marshall Shifrin  
Agent/Consultant for the Malibu Condominium Association  
Ofc: 1 (847) 564-3272  
Fax: 1 (847) 564-2340  
E-mail: Marsh43372@aol.com

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Subj: **Re: MALIBU CONDOMINIUM ASSOCAITION - Request for Explanation & Documents**  
Date: 2/6/2008 9:59:40 AM Central Standard Time  
From: Marsh43372  
To: john.parise@exeloncorp.com

John:

Bob Jacobs has not responded to Malibu since he sent his letter dated November 27, 2007.

You said to let you know if we have other questions.

Yes, we have the questions that are within the 2-pages "attached" to this e-mail and we would like ComEd to answer each of them and provide the requested information and respond to me, to discourage us from seeking those answers elsewhere.

Our questions were sparked from Robert Jacobs' letter dated 11/27/07 and also from your e-mail dated 01/31/08.

Please provide me with the "attached" requested information which neither you nor Bob Jacobs responded to yet.

Thank you.

*Marshall Shifrin*  
Agent/Consultant for the Malibu  
Tel: 1 (847) 564-3272  
Fax: 1 (847) 564-2340  
E-Mail: Marsh43372@aol.com

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Subj: **FW: MALIBU CONDOMINIUM ASSOCIATION - Request for Explanation & Documents**  
Date: 2/6/2008 1:27:29 PM Central Standard Time  
From: [john.parise@exeloncorp.com](mailto:john.parise@exeloncorp.com)  
To: [Marsh43372@aol.com](mailto:Marsh43372@aol.com)

Marshall: If you have further questions, please number and place on a separate document...Thanks!

**Have A Safe Day...**

*John Parise*  
Senior Administrator  
Regulatory Strategies and Services  
312 394 3866  
312 394 8693 Fax  
[john.parise@exeloncorp.com](mailto:john.parise@exeloncorp.com)

-----Original Message-----

**From:** [Marsh43372@aol.com](mailto:Marsh43372@aol.com) [mailto:[Marsh43372@aol.com](mailto:Marsh43372@aol.com)]  
**Sent:** Wednesday, February 06, 2008 10:00 AM  
**To:** Parise, John Jr  
**Subject:** Re: MALIBU CONDOMINIUM ASOCAITION - Request for Explanation & Documents

John:

Bob Jacobs has not responded to Malibu since he sent his letter dated November 27, 2007.

You said to let you know if we have other questions.

Yes, we have the questions that are within the 2-pages "attached" to this e-mail and we would like ComEd to answer each of them and provide the requested information and respond to me, to discourage us from seeking those answers elsewhere.

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Marshall Shifrin  
Agent/Consultant for the Malibu  
Tel: 1 (847) 564-3272  
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E-Mail: [Marsh43372@aol.com](mailto:Marsh43372@aol.com)

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Subj: **Re: FW: MALIBU CONDOMINIUM ASSOCIATION - Request for Explanation & Documents**  
Date: 2/6/2008 3:20:58 PM Central Standard Time  
From: Marsh43372  
To: john.parise@exeloncorp.com

John:

In response to your 2nd refusal today to answer our questions, (02/06/08 9:10 A.M. & 02/06/08 1:27 P.M.), this is the third e-mail to you today, (02/06/08 9:01 A.M. & 02/06/08 9:59 A.M. & 02/06/08 3:19 P.M.), with the attached 2-pages of eight different requests for explanations and/or documents.

Your last e-mail response said: "..... please number and place on a separate document..Thanks!"

I don't how else we can ask you for this information since we are already complying.

Malibu's 2-page request for explanations and documents was/is "numbered" with questions from #1 to #8 and it was/is "attached" to each of my e-mails and "placed on a separate document".

Please have ComEd comply with our request and answer/respond/comply to each of our eight separate and different requests.

Thank you.

Marshall Shifrin  
Agent & Consultant for the Malibu Condominium Association  
Tel: 1 (847) 564-3272  
Fax: 1 (847) 564-2340  
E-mail: Marsh43372@aol.com

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Subj: RE: FW: MALIBU CONDOMINIUM ASSOCIATION - Request for Explanation & Documents  
Date: 2/6/2008 3:38:16 PM Central Standard Time  
From: john.parise@exeloncorp.com  
To: Marsh43372@aol.com

Marshall: You have my final reply...If you want to pursue this further I suggest you go through the ICC...Thanks!

**Have A Safe Day...**

John Parise  
Senior Administrator  
Regulatory Strategies and Services  
312 394 3866  
312 394 8693 Fax  
john.parise@exeloncorp.com

-----Original Message-----

**From:** Marsh43372@aol.com [mailto:Marsh43372@aol.com]  
**Sent:** Wednesday, February 06, 2008 3:21 PM  
**To:** Parise, John Jr  
**Subject:** Re: FW: MALIBU CONDOMINIUM ASSOCIATION - Request for Explanation & Documents

John:

In response to your 2nd refusal today to answer our questions, (02/06/08 9:10 A.M. & 02/06/08 1:27 P.M.), this is the 3rd e-mail to you today, (02/06/08 9:01 A.M. & 02/06/08 9:59 A.M. & 02/06/08 3:19 P.M.), with the attached 2-pages of eight different requests for explanations and/or documents.

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Thank you.

Marshall Shifrin  
Agent & Consultant for the Malibu Condominium Association  
Tel: 1 (847) 564-3272  
Fax: 1 (847) 564-2340  
E-mail: Marsh43372@aol.com

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ATTACHMENT/EXHIBIT

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COPY AVAILABLE IN CHIEF CLERK'S OFFICE