

For Commission Use Only:

Case: 09-0239

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): Zakrysha Hayes

Against (Utility name): Commonwealth Edison

As to (Reason for complaint) Please Refer to the Attached Complaint.

ILLINOIS COMMERCE COMMISSION
COMMERCIAL DIVISION
2009 JAN 14 A 10:54
CHIEF CLERK'S OFFICE

in _____ Illinois.

TO THE ILLINOIS COMMERCE COMMISSION, SPRINGFIELD, ILLINOIS:

My mailing address is 500 N. Michigan Avenue Ste 450,
Chicago, Illinois 60611
The service address that I am complaining about is 26 E 14th Place

My home telephone is [312] 952-8806

Between 8:30 A.M. and 5:00 P.M. weekdays, I can be reached at [312] 222-5700

My e-mail address is Zakre@Specglobal.net I will accept documents by electronic means (e-mail) Yes No

(Full name of utility company) COMMONWEALTH Edison (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.
Sections 1-102 (d), Section 280.166 (b)
and 8-1-01 of the Public Utility Act

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

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.

See Attached Complaint

Please clearly state what you want the Commission to do in this case: *Issue an order that Hayes does not have to pay ANY AMOUNT of the \$ 6,474.99 as billed by ComEd AND they be directed NOT to disconnect the lights AGAIN AS THIS SURELY CAUSED A HARASSMENT.*

NOTICE: If personal information (such as a social security number or a bank account number) is contained in this complaint form or provided later in this proceeding, you should submit both a public copy and a confidential copy of the document. Any personal information contained in the public copy should be obscured or removed from the document prior to its submission to the Chief Clerk's office. Any personal information contained in the confidential copy should remain legible. If personal information is provided in your public copy, be advised that it will be available on the internet through the Commission's e-Docket website. The confidential copy of any filing you make, however, will only be available to Commission employees. If you file both a public and confidential version of a document, clearly mark them as such.

Today's Date: May 11, 2009
(Month, day, year)

Complainant's Signature: *Jeffrey Hayes*

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

When you finish filling out this complaint form, you need to file the original with the Commission's Chief Clerk. When filing the original complaint, be sure to include one copy of the original complaint for each utility company complained about (referred to as respondents).

VERIFICATION

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

I, *Jeffrey Hayes*, Complainant, 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.

Jeffrey Hayes
Complainant's Signature



Subscribed and sworn/affirmed to before me on (month, day, year) May, 11, 2009

Kimberly Glasper
Signature, Notary Public, Illinois

(NOTARY SEAL)

NOTE: Failure to answer all of the questions on this form may result in this form being returned without processing.

FORMAL COMPLAINT
Illinois Commerce Commission

- (1) Hayes is contesting: (a) Commonwealth Edison's contention that Hayes owes it \$6,474.97, including late charges, for electric service allegedly provided and based on the attached bills from March 14, 2007 through November 28, 2007 for the property located at 6112 South Kimbark, account number 023013045, Units 1 and 3, Bldg and Basement, Chicago, Illinois; and (b) Commonwealth Edison's demand that Hayes pay this amount in full in one lump sum (See enclosed bill as Exhibit "A"). At no time during this period did Commonwealth Edison provide Hayes with a bill for electric service. In approximately January of 2008 Commonwealth Edison first provided Hayes with a bill requesting that Hayes pay the entire amount of \$4,755.17 which were estimated charges from 6112 S. Kimbark and were randomly placed on Hayes Commonwealth Edison residential account number 3699244055. This account number is for property located elsewhere in Chicago, Illinois .
- (2) The charges that Commonwealth Edison added to the account number 3699244055 were not incurred by that property. Hayes is not responsible for random, estimated charges that are not part of the usage for ComEd Account 3699244055. This is a violation of Section 280.100.
- (3) That from approximately July 2001 until March 13, 2007, there were no electrical, heating or water meters nor service at 6112 S. Kimbark, and that the property was vacant and uninhabitable for the same time period.
- (4) That on March 13, 2007 an order approving the Judicial Sale was entered which, provided that M & T Mortgage Corporation was the successful purchaser of the real estate located at 6112 S. Kimbark in Chicago, Illinois.
- (5) That due to the fact that Hayes had no ownership interest in the Property for the period from and March 13, 2007 and up to and through November 09, 2007, than Hayes is not legally responsible to pay for the general electric service provided and billed to the Property at 6112 S. Kimbark.
- (6) Hayes submits that the actions of Commonwealth Edison *are* in violation of Sections 1-102, 1-102(d) and 8-1-01 of the Public Utility Act. The preamble to Section 1-102 and the language of 1-102 (d) states as follows in pertinent part:

“Section 1-102: Findings and Intent. The General Assembly finds that the health, welfare and prosperity of all Illinois citizens require the provision of adequate....reliable....and least-cost public utility services...and which are equitable to all citizens ...” It is therefore declared to be the policy of the State that public utilities shall continue to be regulated effectively and comprehensively. It is further declared that the goals and objectives of such regulation shall be to insure.

(d) “Equity: the fair treatment of consumers ... in order that (viii) the rates for utility services are affordable...” (Emphasis added).

The duties of public utilities are set forth in Section 8-101 which states in pertinent part as follows:

“Section 8-101. Duties of public utilities; ... A public utility shall furnish, provide and maintain such service instrumentalities, equipment and facilities as shall promote the safety, health, comfort and convenience of its ...public and as be in all respects...just and reasonable...” (Emphasis added).

- (7) Hayes submits that the actions of Commonwealth Edison in disconnecting the electrical services at account number 3699244055, even though the undisputed amount was paid and continues to be paid, and in requesting: (a) payment of the \$6,474.97; and (b) payment in full of this amount in one lump sum, are in violation of the sections of the Public Utility Act as listed in Paragraph 2 above because such actions are inequitable, unjust, unreasonable and did place an unfair financial burden on Hayes.