

ComEd wrongfully billed Petitioner under multiple accounts and since 1975 ComEd has improperly billed Petitioner for wrongful and excessive customer charges and 400 Killowat-Hour rate step costs.

3. Wrongful Switching to Rate 6. Attached hereto as Exhibit B are bills for the period from August through October, 1996 for the following six of Petitioner's accounts (the "switched accounts"):

49935 17010

49935 18017

49936 90014

49936 91011

49936 92018

49936 93015

These bills evidence that prior to November 14, 1996, Petitioner was billed at the proper rate, Rate 14. Attached hereto as Exhibit C are bills for the period from November 14, 1996 to January, 1997 for the switched accounts, which bills evidence that on or about November 14, 1996 ComEd improperly switched such switched accounts to an improper rate, Rate 6, for which rate Petitioner is categorically ineligible. Such bills further evidence that from and after November 14, 1996: (a) ComEd wrongfully and improperly measured, bill and collect revenues based on a customer's demand through a demand charge, in addition to collecting additional revenues from an energy charge, (b) in continuing contravention of the express terms of its own Rate 6 tariff, ComEd wrongfully and improperly measured, billed and collected revenues from Petitioner for "in lieu of demand" charges, which charges were not properly applicable to Petitioner as a

residential all-electric customer of ComEd and (c) from and after November 14, 1996, in contravention of the express terms and conditions of the Rate 6 tariff, ComEd continued to use five watt-hour only (“WHR only”) meters for measurement of service for the switched accounts, resulting in further ComEd errors in measuring the quantity and volume of electricity used and demanded by Petitioner, and correspondingly wrongfully billing Petitioner at the wrong rate and improperly collecting revenues from Petitioner for erroneously measured volumes and quantities of electric usage and demand.

4. Continuing Multiple Customer Charges. Attached hereto as Exhibit D are bills for the switched accounts for the three-month period following July 20, 2006, which bills evidence that ComEd finally switched the switched accounts from the improper rate, Rate 6, back to the correct rate, Rate 14; however such bills evidence that ComEd continues to improperly charge Petitioner for multiple and excessive customer charges and 400 Killowat-Hour rate step costs, since ComEd continues to improperly maintain multiple accounts for the Complex.

5. Improper Commercial Rate. Attached hereto as Exhibit E are bills for all seven of Petitioner’s accounts for three different periods in 2007, which bills evidence that in 2007 ComEd improperly switched all seven accounts an ineligible commercial rate from the proper residential rate and continues to improperly charge Petitioner at such improper commercial rate.

6. Acknowledgment of Wrong Rate. Attached as Exhibit F to the Amended Complaint is the Customer Account Statement of ComEd which expressly acknowledges that it “billed wrong tariff” to Petitioner.

WHEREFORE, for the reasons above stated and in Petitioner's Response to ComEd's Motion to Dismiss (the "MTD"), (i) ComEd's MTD should be stricken and/or denied in its entirety and ComEd should be ordered to answer King's Walk's Complaint within twenty-eight (28) days, and (b) this Commission should order such further relief as may be warranted.

Respectfully submitted,

KING'S WALK CONDOMINIUM


By: _____
One of its attorneys

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Dated: July 24, 2009

VERIFICATION

I, an attorney for Petitioner, first being duly sworn, say that I have read the above Response and know what it says. The contents of the Response are true to the best of my knowledge.


By: _____

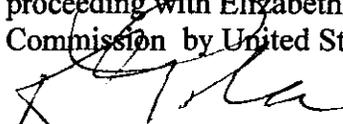
**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

KING'S WALK CONDOMINIUM)
Petitioner,)
)
v.)
)
COMMONWEALTH EDISON COMPANY,)
)
Respondent.)

Docket No. 08-0264

NOTICE OF FILING

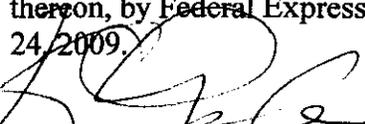
Please Take Notice that on July 24, 2009 King's Walk Condominium caused to be filed their RESPONSE TO ALJ'S RULING, filed in the above captioned proceeding with Elizabeth A. Rolando, Chief Clerk of the Illinois Commerce Commission by United States mail, proper postage prepaid..



One of Complainant's Attorneys

CERTIFICATE OF SERVICE

I, Kenneth G. Goldin, hereby certify that a copy of PETITIONER'S RESPONSE TO ALJ'S RULING was served on the persons on the attached service list by depositing same in the United States Mail depository with proper postage prepaid thereon, by Federal Express, by facsimile, by hand-delivery or by electronic mail on July 24, 2009.



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