

FORMAL COMPLAINT

Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, Illinois 62701

ILLINOIS
COMMERCE COMMISSION
2009 NOV 16 A 10:33
CHIEF CLERK'S OFFICE

Regarding a complaint by (Person making the complaint): Julie Murray

Against (Utility name): ComEd

As to (Reason for complaint) Mis-application of the payment I made on 4/27/09

in Bourbonnais Illinois.

TO THE ILLINOIS COMMERCE COMMISSION, SPRINGFIELD, ILLINOIS:

My mailing address is 1355 N. Arthur Birch Dr # Q10, Bourbonnais IL 60914

The service address that I am complaining about is Same

My home telephone is (815) 802-1327

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

My e-mail address is [] I will accept documents by electronic means (e-mail) Yes No

(Full name of utility company) ComEd (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.

The equitable principle of Application of Payments. See eg Liese v. Hunter, 158 Ill. 428 (1. 1927); Hansen v. Rounsavell, 1874 WL 9115 (Ill.)

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.

Please see attached

Please clearly state what you want the Commission to do in this case:

Remove the tampering charge that was entered on my account on 4/6/09 by applying the payment I made on 4/27/09 to that charge.

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: November 13, 2009
(Month, day, year)

Complainant's Signature: Julie Murray

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

Wendy Hensel + Prairie State Legal Services 815-935-2751
191 S. Chicago Ave
Kankakee IL 60901
whensel@pslegal.org

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

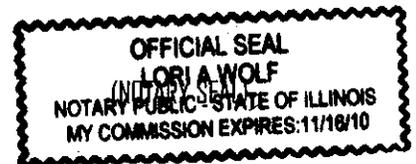
A notary public must witness the completion of this part of the form.

I, Julie Murray, 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.

Julie Murray
Complainant's Signature

Subscribed and sworn/affirmed to before me on (month, day, year) 11/13/09

Lori A. Wolf
Signature, Notary Public, Illinois



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

1. ComEd applied a "Revenue Protection Tampering Fee" of \$194.75 to my ComEd account on April 6, 2009. At that time, I had a past-due balance of about \$1,000.00 on my ComEd account, in addition to the tampering charge.
2. As a separate matter, I was in the hospital at the time ComEd states that my meter was tampered with. I have paid what ComEd has instructed me to pay merely so I could keep my electricity on. I did not tamper with my meter, and do not know who did.
3. I went to the local agency that administers the LIHEAP program for my area. I tried to apply for LIHEAP assistance so that I could bring my ComEd account current. I was told that I would probably be eligible for LIHEAP, but they couldn't process my application until the tampering charge was removed from my account.
4. I called ComEd and told them that I wanted to pay the tampering charge, and asked them what I needed to pay in order to have that charge removed. I was told that if I paid the \$194.75, ComEd would remove the tampering charge from my bill. I told them that I would be paying that amount so that the tampering charge would be removed.
5. My mom went to the Currency Exchange on April 27, 2009 and paid ComEd \$194.75. I have the receipt showing that she made that payment.
6. When I subsequently tried again to apply for LIHEAP assistance, I was told that the tampering charge was still on my bill. I called ComEd and was told that they had applied the \$194.75 to the oldest part of my bill, not to the tampering charge as I had directed. When I asked if they would adjust my bill to apply the payment to the tampering charge, as I had already asked them to do, they told me they wouldn't.
7. ComEd has maintained that it is their policy to always apply payments to the oldest part of a bill, even if a customer directs them to apply it to a particular charge. ComEd hasn't been able to give me any legal basis for this policy.
8. I have been unable to get LIHEAP assistance because ComEd has refused to apply my payment to the tampering charge.