

ORIGINAL

OFFICIAL FILE

ILLINOIS COMMERCE COMMISSION

For Commission Use Only:

Case: 09-0572

ILLINOIS COMMERCE COMMISSION

FORMAL COMPLAINT

2009 NOV 23 A 11:34

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

CHIEF CLERK'S OFFICE

Regarding a complaint by (Person making the complaint): Leona Lindsey

Against (Utility name): Commonwealth Edison Company

As to (Reason for complaint) (Please see attached documentation.) page 1.

in Midlothian Illinois.

TO THE ILLINOIS COMMERCE COMMISSION, SPRINGFIELD, ILLINOIS:

My mailing address is 15059 Lawndale, Midlothian, IL. 60445

The service address that I am complaining about is 15059 Lawndale, Midlothian, IL. 60445

My home telephone is [708] 371-3846

Between 8:30 A.M. and 5:00 P.M. weekdays, I can be reached at [708] 371-3846

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

(Full name of utility company) Commonwealth Edison Company (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.  
83-11.Adm.Part 200.70 (a) -3 220 ILCS 5/8-505.1 (a) (2) (C),  
83-11.Adm.Part 200.90 (b) (a) (3) (a) (2) i,ii,iii,iv,v.  
83-11.Adm.Part 200.670 (a)

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 documentation) Pages 2 & 3

Please clearly state what you want the Commission to do in this case: (Please see attached documentation.)

Page 3, #7

Also, dollar amount of damage claim \$8,020.

**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 19, 2009  
(Month, day, year)

Complainant's Signature: Leona Lindsey

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**

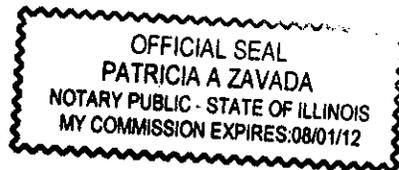
A notary public must witness the completion of this part of the form.

I, Leona Lindsey, 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.

Leona Lindsey  
Complainant's Signature

November 19, 2009

Subscribed and sworn/affirmed to before me on (month, day, year) \_\_\_\_\_



Patricia A. Zavada  
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.

Leona Lindsey v. Commonwealth Edison Company  
Formal Complaint

Due to the unprofessional and sloppy performance of Asplundh Tree Expert Company, which works for Commonwealth Edison, my two trees were butchered and damaged and left to rot. It is a safety hazard for me, people living within the vicinity and pedestrians on the walkway. There was a dangling branch left hanging that was cut by their crew, per direction from Commonwealth Edison (per Emily Kramer, Supervisor of Vegetation department). This branch has now affected the other branches. It is barely being held up by the smaller branches underneath it. It is now a direct hazard to my garage, driveway and walkway. The trees that they butchered have now rotted and are liable to fall during any strong wind or snowfall. I have been seeking relief for this problem for over five months and have expressed my deep concern regarding this situation. However, this has been to no avail.



Leona Lindsey v. Commonwealth Edison Company  
Formal Complaint

1. On March 11, 2009, at approximately 10:00 a.m., the trees on the southwest and southeast corner of my property at the address of 15059 S. Lawndale, Midlothian, IL, 60445 were damaged by Asplundh Tree Expert Company, a direct affiliate of Commonwealth Edison Company. I was not contacted about their arrival.
2. When the first truck initially arrived, the supervisor stated that he did not see anything that needed to be cut. Five minutes later a second truck arrived and I approached them and asked them why they were here? They stated I was on the list. I asked Joe Beilke (crew supervisor of Asplundh) to please call his supervisor. He then contacted Emily Kramer (ComEd Supervisor of Vegetation). When he finished his call, he stated that he was told to keep cutting.
3. After a few minutes, I came out of my house and saw that the back tree was being cut by a tree trimmer; he was cutting into a secondary branch that was no where near a Commonwealth Edison wire. I pointed this out to the Joe Beilke and asked "What is he doing." Joe Beilke yelled for him to stop. The worker (who appeared to only understand Spanish) finally responded after already having cut  $\frac{3}{4}$  through the branch and after Joe Beilke waived his hands back and forth for him to stop.
4. They then hurriedly lowered the worker down, and jumped into their truck when I stated "Look what you did, what are you going to do now?" They left the area in disarray and then I noticed that the branch was dangling from another smaller secondary branch. Leaving a safety hazard to me, my property or any pedestrians that may be in the vicinity. I later noticed, after taken an inspection of my property, that the front tree as well had been cut

drastically (this had been a previous problem with Commonwealth Edison in 2008 and they decided to cut it again in March, 2009).

5. I contacted Emily Kramer (ComEd Supervisor of Vegetation) shortly thereafter and got nowhere but a continuous run around. On June 10, 2009, I received estimates from certified Arborists, and was told that there was no way of saving my trees due to the improper tree trimming. On June 18, 2009, I filled out a claim form for Commonwealth Edison and submitted documentation to them. On June 30, 2009, I received an acknowledgement of my claim No.GCED2009208063. Gay Gallapo (ComEd Vegetation Department) then came out and stated that my now "dead and dying trees" were okay and saw no problem. On July 14, 2009, I received a response that my claim was being referred to Asplundh Tree Expert Company.
6. On September 18, 2009, Carlos De La Torre (Regional Claims Superintendent) of Asplundh Tree Expert Company came to my home to follow up with the claim. He concluded that the work completed met the A300 pruning standards and no further action would be taken on their part.
7. Due to the shuffling back and forth that I have received from both Commonwealth Edison and Asplundh Tree Expert Company, the lack of responsibility that these companies have shown for the ecosystem, safety of individuals involved, and consumers of their product, I am seeking that my now dead and damaged trees be removed from my property and that the flora, landscape and beautification of my property be restored. In addition, Commonwealth Edison should be fined for their lack of adherence to state regulations. Commonwealth Edison should be held liable for the damage that is stated on the claim form of \$8,020.