

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

	)	
	)	
ILLINOIS COMMERCE COMMISSION	)	Docket No. 06-0703
On Its Own Motion	)	
	)	
Revision of 83 III. Adm. Code 280	)	

Direct Testimony of

**BRIAN LOOMIS**

Assistant Business Manager,  
International Brotherhood of Electrical Workers, Local 15  
AFL-CIO

1 **Q. Please state your name and business address.**

2 A. Brian Loomis.

3

4 **Q. By whom are you employed and in what capacity?**

5 A. Since 1995, I have been employed by Local Union No. 15 of the International  
 6 Brotherhood of Electrical Workers, AFL-CIO (“IBEW” or “Local 15”). The office address is  
 7 6330 Belmont Road, Suite 1, Downers Grove, IL 60516. My current position is Assistant  
 8 Business Manager. As Assistant Business Manager, I am primarily responsible for managing  
 9 Local 15’s grievance-arbitration docket with Commonwealth Edison (“ComEd”) and other  
 10 entities with which Local 15 contracts. As part of that responsibility, I am required to understand  
 11 the exact job duties and functions of the members I represent.

12

13 **Q. Please provide your educational and employment history.**

14 A. I have a high school diploma. I have completed several courses in arbitration skills at the  
 15 University of Illinois, Purdue University at Indianapolis, Indiana University, and the University  
 16 of Wisconsin, Madison. I was employed by ComEd from 1974 to 1995. During that time I  
 17 worked as a station laborer from 1974-76; as an apprentice lineman from 1976-78; as a  
 18 journeyman lineman from 1978-93; and as a crew leader from 1993-95. During the period from  
 19 1987-1993, I was upgraded to crew leader and trouble man approximately 20-40% of the time. I  
 20 became a steward for the Joliet overhead department in 1983. In 1987, I became chief steward  
 21 for all departments at ComEd’s Briggs Street headquarters. In that role, I served as steward for  
 22 employees in the overhead, underground, stores, transportation, building service, meter  
 23 department and meter reader classifications. In 1989 I became Vice President of Local 1460 and

24 had jurisdiction over all the above referenced departments along with the Dresden nuclear plant  
25 and the following fossil plants: Collins, Sta.18, Sta. 9 and Sta. 29. I held this position until the  
26 amalgamation of 17 IBEW locals formed Local 15 in 1994. In 1995, I went to work full time for  
27 Local 15 as a Business Representative for the Rock River region until 1997 and since then for  
28 the Southern region. In 2007, I became Assistant Business Manager for Local 15.

29

30 **Q. Does IBEW Local 15 have collective bargaining agreements with ComEd?**

31 A. Yes, IBEW Local 15 has a collective bargaining agreement, and other written  
32 agreements, memoranda, fringe benefit plans, and documents with ComEd. These agreements  
33 and other documents cover the employees' wages, fringe benefits, and terms and conditions of  
34 employment.

35

36 **Q. How many members does IBEW Local 15 represent?**

37 A. In total, Local 15 represents approximately 6,325 members. Of these, approximately  
38 3,650 are employed by ComEd.

39

40 **Q. What is your understanding as to the purpose and scope of this proceeding?**

41 A. It is my understanding, based on the advice of counsel, that this is a rulemaking docket to  
42 revise 83 Ill. Adm. Code 280.

43

44 **Q. What is the purpose of your direct testimony?**

45 A. The purpose of my testimony is to address revisions to Part 280.130 proposed by ICC  
46 Staff concerning disconnection of service. Specifically, I address the proposed revisions'

47 elimination of certain of the current Code's notice requirements before discontinuance of electric  
48 service for non-payment.

49

50 **Q. What does your testimony conclude?**

51 A. I conclude that the elimination of the current Code's requirement that a utility "shall  
52 attempt to advise the customer that service is being discontinued by directing its employee  
53 making the disconnection to contact the customer at the time service is being  
54 discontinued" would also eliminate important safeguards for public and consumer health and  
55 safety provided by the current Code. I also conclude that, with proper training and procedures,  
56 making contact with a customer at the time service is being discontinued, as required by the  
57 current code, need not pose an unreasonable risk of harm to the utility employee making the  
58 contact and could provide beneficial services to both customer and utility. I take no position on  
59 the other revisions to the Code proposed by Staff.

60

61 **Q. Does ComEd have a job classification for its employees who are responsible for**  
62 **disconnecting service?**

63 A. ComEd has three classifications of employees whose job duties include disconnecting  
64 service: Energy Technician ("ET"), Senior Energy Technician ("SET") and Overhead Electrician  
65 Special.

66

67 **Q. How many in each classification does ComEd employ?**

68 A. ComEd employs approximately 35 ETs in the Physical Department and 25 ETs in the  
69 Clerical Department; 88 SETs in the Physical Department and 10 SETs in the Clerical

70 Department; and 211 Overhead Electrician Specials, all of whom are represented for purposes of  
71 collective bargaining by Local 15.

72

73 **Q. Do these employees receive training to perform their work?**

74 A. Yes, these ComEd employees receive specialized training when they begin their  
75 employment and continue to receive training from time to time throughout their employment.

76

77 **Q. In addition to being responsible for disconnection of service, do these ComEd  
78 employees also, in the course of their work, have the opportunity to observe customer or  
79 resident situations that may lead to a decision not to disconnect that customer's service?**

80 A. Yes. An employee who visits the customer's premises to make a disconnection of service  
81 and attempts to make face-to-face contact with the customer has the opportunity to observe  
82 mental or physical health issues, premises hazards or other conditions that might warrant a  
83 decision not to disconnect the service at that time. Such a contact also gives the opportunity to  
84 avoid errors, such as permitting the customer to provide proof that a bill has been paid when the  
85 Company's system has erroneously flagged it as unpaid or for the employee to note a meter mix-  
86 up that has resulted in the billed location being different from the meter location.

87

88 **Q. In your opinion, does the current Code require a technician to knock on the  
89 customer's door in an attempt to make contact at the time of disconnection?**

90 A. Yes, it does.

91

92 **Q. In your opinion, does this requirement provide a valuable protection to consumers?**

93 A. Yes, it does. In addition to giving the employee the opportunity to observe extenuating  
94 circumstances that might warrant a change of course, the contact and warning, just prior to the  
95 discontinuance of service, give the customer the opportunity to prepare for the short-term effects  
96 of being without electricity, for example by gathering candles or flashlights, securing an  
97 emergency or backup generator or making arrangements to stay elsewhere.

98

99 **Q. Are you aware of whether ComEd currently instructs its employees making service**  
100 **disconnections for non-payment to knock on the customer's door and attempt to make**  
101 **contact at the time of disconnection?**

102 A. ComEd does not currently instruct its employees making service disconnections to knock  
103 on the customer's door and attempt to make contact at the time of disconnection. I do not believe  
104 this practice is in compliance with Code Part 280.130(d).

105

106 **Q. Do you believe that requiring a utility employee to attempt face-to-face contact with**  
107 **a customer at the time of disconnection is "tantamount to taunting" the customer or poses**  
108 **an unreasonable risk to the employee's safety?**

109 A. Utility employees face numerous risks to their safety during the course of their work  
110 every day. Utilities deal with these risks, in part, by providing training and other safety  
111 protections. I believe that with proper training, employees can attempt the contact required by the  
112 Code in a manner that does not pose an unreasonable risk to their safety and does, at the same  
113 time, provide essential protections to the public and consumers. I do not believe that a respectful  
114 notice by a utility employee to a customer that the customer's electricity is about to be  
115 disconnected is "tantamount to taunting" the customer. Further, the current Code does not

116 require a utility employee to make contact with a customer at all costs, where the utility  
117 employee believes doing so would jeopardize his or her safety—it merely requires that the utility  
118 employee attempt such contact. I believe the Code permits such an employee to exercise his or  
119 her judgment and common sense to determine when such an attempt would be hazardous. In  
120 addition, I believe that it would further reduce tension and provide a benefit to the utility if the  
121 utility employee could, in addition to simply providing notice and evaluating the customer's  
122 circumstances, accept a credit or debit card payment and halt the disconnection altogether.

123

124 Finally, Illinois law provides special protections to utility workers, along with teachers and  
125 certain other public employees, treating assaults and batteries of these employees as aggravated  
126 offenses. Such special protection should also act as a deterrent and a safeguard for those  
127 employees.

128

129 **Q. In addition to being responsible for disconnection of service, do ComEd's employees**  
130 **also, in the course of their work, observe service conditions that could pose a hazard to**  
131 **public and/or consumer safety? If so, please give examples of such hazardous conditions.**

132 A. Yes. As part of being physically present to disconnect customer service, ComEd  
133 employees have the opportunity to inspect the meter and its surroundings and observe a variety  
134 of conditions that could pose hazards to the public or consumers. Such conditions and the codes  
135 the Company has assigned to them include: AF-Open Fitting, BC-Cabinet Damage, BD-Cabinet  
136 Glass, BE-Meter Glass, BG-Smashed, CE-Open Fitting; AB- New Construction; AC- Fire; AD-  
137 Meter Gone; BI- Fire; BK- Painted; BL- Moisture; CD- Fire; F- Meter Seal Broke; GA- Upside  
138 Down Meter; GB- Hole in Glass; GF- Jumpered Thru; GH- Wired Direct; GI- No Meter Ring;

139 GJ- Foreign Meter. Additional hazardous conditions include: Broken Riser Pipes and/or Weather  
140 Heads and Loose or Low Hanging Conductors.

141

142 **Q. What kinds of hazards could each of these conditions pose?**

143 A. Certain conditions, like AB-New Construction, F-Meter Seal Broke, GA-Upside Down  
144 Meter, GF-Jumpered Thru, GH-Wired Direct, GJ-Foreign Meter, indicate that non-ComEd  
145 personnel (typically either the customer or a contractor) has improperly accessed ComEd's  
146 power grid without going through the meter or by opening the meter improperly. Any time  
147 someone who is not properly qualified does that, it poses a risk to the person who has done so  
148 because he or she has necessarily attached directly to a live wire. It also poses a risk that  
149 connections have been made improperly or that live wires remain exposed in a manner that  
150 others could come into contact with them.

151

152 Other conditions, such as AD-Meter Gone, GI-No Meter Ring, GB-Hole in Glass, AF-Open  
153 Fitting, BC-Cabinet Damage, BD-Cabinet Glass, BE-Meter Glass, BG-Smashed, CE-Open  
154 Fitting, indicate that the meter has been breached, either through tampering or damage. When a  
155 meter has been breached, it allows access to live conductors, posing a risk not only to the person  
156 who intentionally breached the meter but also to anyone else who happens to come into contact  
157 with it.

158

159 Condition codes such as AC-Fire, BI-Fire and CD-Fire are used to report a situation where there  
160 has been fire damage to either the meter itself or the surrounding area. In such cases, there may  
161 be damage to the meter or the surrounding area that is not otherwise readily apparent but could

162 pose a risk of harm to the customer or anyone coming into contact with the meter. A code of BL-  
163 Moisture is used to report situations where ice builds up dangerously during the winter on the  
164 riser pipe and meter box, as well as situations where water pipes are leaking directly on ComEd  
165 equipment or basements are flooded. The combination of moisture and electricity poses obvious  
166 risks. Finally, a painted meter, as identified by the code BK-Painted, may have been  
167 contaminated by paint seepage and also renders the meter unreadable by either Meter Reader or  
168 customer, for verification.

169

170 **Q. Do you know how often employees responsible for service disconnections report**  
171 **such hazardous conditions at ComEd?**

172 A. I do not have precise figures for how often this happens. However, in ICC Docket No.  
173 09-0407, ComEd supplied information that showed ComEd Meter Readers, during the course of  
174 their job duties, observed and reported such conditions 32,698 times for the one-year period  
175 between October 1, 2008 and September 30, 2009. *See* IBEW Exhibits 1.1 and 1.2 attached.  
176 Although the number of Meter Readers is greater than the number of ETs, SETs and Overhead  
177 Electrician Specials and it would be reasonable to expect proportionately fewer reports of  
178 hazardous conditions, it is also reasonable to conclude that employees responsible for service  
179 disconnections observe and report a significant number of hazardous conditions discovered in the  
180 course of their job duties.

181

182 **Q. Are you aware of ComEd's plans to implement automated meter technology that**  
183 **would allow for remote disconnection of service without a technician physically present at**  
184 **the customer's premises?**

185 A. Yes, I am. Such technology is currently being installed in approximately 11,000 meters as  
186 part of the Company's Advanced Metering Infrastructure ("AMI") Pilot Project.

187

188 **Q. Do you have special concerns about eliminating the need for a utility employee to**  
189 **attempt to make contact with the customer at the time of disconnection in light of the**  
190 **implementation of remote disconnection technology?**

191 A. I do. In a world prior to the possibility of remote disconnection, even if the technician  
192 was not required to attempt face-to-face contact with the customer at the time of disconnection,  
193 he or she must still go to the customer's premises in order to make the physical disconnection.  
194 The technician's presence at the site gives him/her the opportunity to observe the conditions at  
195 the premises, including any potential hazards. If the requirement to attempt contact with the  
196 customer at the time of disconnection is eliminated from the Code entirely, such remote  
197 disconnections could theoretically be made without a technician or other utility employee ever  
198 being required or having the opportunity to observe conditions at the site. Equally alarming is the  
199 possibility that such a remote disconnection could be made and, after payment is received from  
200 the customer, service re-connected remotely, again without any kind of site visit to ensure the  
201 safety of the premises. Given that ComEd also intends to eliminate manual meter reads for those  
202 customers whose meters are equipped with AMI technology and has proposed no replacement  
203 inspection regime, months or years could pass between occasions when a utility employee has  
204 the opportunity to visually inspect a customer's meter. The Code should address this concern by  
205 maintaining the current requirement that face-to-face contact be attempted at the time of  
206 disconnection. The Code should also require that where service is disconnected remotely, the

207 same employee who attempts face-to-face contact with the customer should also attempt to  
208 inspect the customer's meter and service connection.

209

210 **Q. Are you familiar with the capabilities to detect hazardous conditions of the AMI-**  
211 **equipped meters ComEd is installing in its AMI Pilot Program?**

212 A. I have inspected an example of the meters ComEd plans to install and have reviewed  
213 documents the Company supplied detailing the various conditions these meters can detect.

214

215 **Q. As far as you know, are the AMI-equipped meters capable of detecting all of the**  
216 **hazardous conditions that are currently detected and reported by ComEd Meter Readers**  
217 **and ETs, SETs and Overhead Electrician Specials?**

218 A. No they are not.

219

220 **Q. Is the Commission required to evaluate impacts on safety when determining**  
221 **whether to approve proposed revisions to Code Part 280?**

222 A. Yes, based on the advice of counsel, the Commission is required to evaluate the impact  
223 the proposed revisions would have on consumer, public and employee safety.

224

225 **Q. Are you aware of whether the ICC has previously expressed an opinion regarding**  
226 **the value of a site visit by a utility employee upon disconnection of service?**

227 A. Yes. In its Final Order in Docket No. 09-0263, the ICC held as follows:

228 We agree with the AG/AARP, CUB and the IBEW insofar a remote

229 disconnection should occur in a manner that is consistent with current Illinois law,

230 the regulation cited above. The regulation, cited above, clearly contemplates a  
231 site visit by a utility employee upon disconnection. While we acknowledge that  
232 the language in this regulation may have contemplated the world as it existed  
233 before AMI technology, *a site visit upon disconnection affords a valuable*  
234 *service to consumers, and, in certain circumstances, (e.g., when a safety issue is*  
235 *detected upon the site visit) to ComEd.* ComEd shall not remotely disconnect a  
236 program participant unless such disconnection is in accordance with 83 Ill. Adm.  
237 Code 280.130(d) and any other pertinent laws that are in effect at the time of  
238 disconnection.

239 *Commonwealth Edison Co.*, ICC Docket 09-0263, Final Order (October 14, 2009) (emphasis  
240 added).

241

242 **Q. What is your recommendation to the Commission with respect to the proposed**  
243 **revisions to Part 280.130?**

244 A. I recommend that the Commission approve the proposed revision only if it is amended to  
245 reinstate the current Code's requirement that "[a] utility shall attempt to advise the customer that  
246 service is being discontinued by directing its employee making the disconnection to contact the  
247 customer at the time service is being discontinued." The proposed revision should make it clear  
248 that such contact must be face-to-face to allow for the employee to evaluate the customer's  
249 circumstances. The proposed revision should be further amended to require that if a utility is  
250 making a remote disconnection of service, the utility employee attempting contact with the  
251 customer should also be required to attempt to inspect the meter and service. Finally, the  
252 proposed revision should also require the utility to enable the employee making the contact and

253 disconnection to accept a credit or debit card payment from the customer in order to avert  
254 disconnection.

255

256 **Q. Does this conclude your testimony?**

257 A. Yes

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

ILLINOIS COMMERCE COMMISSION  
On Its Own Motion

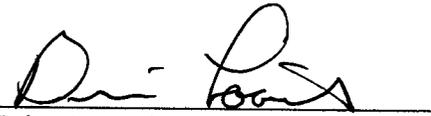
Revision of 83 Ill. Adm. Code 280

)  
)  
)  
)  
)  
)  
)

Docket No. 06-0703

**VERIFICATION**

Brian Loomis, being first duly sworn, states that he is the Assistant Business Manager for Local Union No. 15 of the International Brotherhood of Electrical Workers, AFL-CIO ("IBEW" or "Local 15") and has provided direct testimony, identified as IBEW Exhibit 1.0 with attachments identified as Exhibit 1.1 and Exhibit 1.2, on behalf of IBEW. IBEW Exhibit 1.0 was prepared by Mr. Loomis or under his direction and control. Exhibit 1.1 is a true and correct copy of ComEd's response to IBEW Data Request 1.02 in ICC Docket No. 09-0407. Exhibit 1.2 is a true and correct copy of ComEd's response to IBEW 2.01 data request in ICC Docket No. 09-0407. Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

  
\_\_\_\_\_  
Brian Loomis