

For Commission Use Only:
Case: 10-0295

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):

Nashington Park Condominium Assoc.

Against (Utility name):

ComEd

As to (Reason for complaint)

See attached letter and table of contents

in Chicago Illinois.

CHIEF CLERK'S OFFICE
2010 APR 19 P 2:12
ILLINOIS COMMERCE COMMISSION

TO THE ILLINOIS COMMERCE COMMISSION, SPRINGFIELD, ILLINOIS:

My mailing address is

5148 S. KING DR. #3C, Chicago, IL 60615

The service address that I am complaining about is

5140-5150 S. King Drive

My home telephone is

773 297-6787
312-431-5003-FAX
SAME

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

My e-mail address is phyllisewingo@yahoo.com

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.

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.

1. Place a temporary restraining order on COMED.
2. The Association requests to be recognized by COMED by its entity and proper TAX I.D # and billed correctly.
3. Waive all deposits and late fees - since COMED never billed us correctly and never entered us in the system.

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

4. Establish a reasonable payment plan between COMED and Washington Park Condo Association.

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: 4-16-2010
(Month, day, year)

Complainant's Signature: Phyllis EWING - President
Washington Park Condo Assoc.

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, Phyllis Ewing, 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.

Phyllis Ewing - WPC
Complainant's Signature

Subscribed and sworn/affirmed to before me on (month, day, year) April 16, 2010

Sandra L. Payne
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.

On April 21, 2009, ComEd posted one turn off notice in one the entrances to the front of the building of 5140-5150 S. King Drive. There are six additional entrances as this is a courtyard building. The amount stated on the notice was \$22,849.92 which was a surprise to the association as they never received a bill or a disconnect notice from ComEd. The electricity was cut on April 22, 2009. We immediately filed a complaint with the ICC- Complaint # 2009-07067. The management company called ComEd to get information regarding the cut off but could not receive any information because we were not on the account. The account was in the name of "5140-5150 S. King Drive Condo Association" which is a non entity. The phone number listed was on the account was the developers. As we investigated further with ComEd, it was stated that Syed Kahn had called to transfer the account to the name of the non-entity association and back billed them for two years, which is surprising because he did not have the association's tax ID number. The name of the association is Washington Park Condominium Association not 5140-5150 S. King Drive Condo Association. It is our belief that the account that was opened with the incorrect name did not have a tax id number associated with it. It was requested that ComEd at that time to turn the electric back on but ComEd demanded a minimum of \$10,000 to turn the electricity back on. The electric was off for three weeks, which was risky due to the building being located in a high crime neighborhood which put all the residents in danger. Through the help of the legal council of Washington Park, they placed a temporary restraining order on ComEd. On April 30, 2009, the association received the bills from ComEd. The registered agent for the association was never served with documents or notices stating that the building was going to have the electricity turned off. Through countless e-mails between councils, an e-mail dated October 9, 2009 from Rich Thometz, the council for ComEd, stated that he would be switching the name and the mailing address and the tax id number would be associated with the account and that he would remove all late fees and deposits. This did not happen until March 8, 2010 when the management company did it personally. Management had called to arrange a meter investigation only to find out the address was not changed and there was no tax id associated with the account. Bills were never received by the management company due to the mailing address that was on file which was:

5140-5150 S. King Drive Condo Assoc.
5140 S. King Drive Bld 50.

We believe that the address was one of the developers units.

Per the agreement between Washington Park Condominium Association and LaShanda Hunt, the legal representative from Exelon Energy at the time of this event, agreed to turn the electricity back on May 15th with a \$2000 down payment as a good faith to trying to resolve these issues and a meter investigation to follow to determine if all \$22,849.22 was really the association's responsibility.

The meter investigation was not completed until August 19th. Representatives from ComEd and Washington Park Condominium association were both present. The outcome of it was that the association was responsible for the charges. ComEd agreed to remove

the late fees due to the extenuating circumstances of the developer being irresponsible and leaving with new association with the extraordinarily high bill. By August 24, 2009 the association was still waiting for a breakdown of the charges but we needed to have the developer's attorney give the approval to release that information to the board. The second e-mail that transpired that day, the attorney was going to be reaching out to ComEd's attorney to start talking about a payment plan. On November 4, 2009 was the first time we received a counter proposal to the association's down payment of \$5000 a month plus an additional \$500 a month on top of current charges. ComEd countered with \$12000 down payment and the rest of the balance paid off in twelve months. By the time this plan was proposed to the association, the association was in line to gain the rents of the eight units that are owned by the developer and the ability to rent out one unit due to an eviction. However the developer used scare tactics to the tenants and rent was never received. Motions were filed that would hold the tenants reliable for the rent. As of April 1, 2010 no rent has been received therefore putting the association into a more undesirable financial situation and the developer owing close to \$42,000 in back assessments.

Per an e-mail from the legal council for Washington Park, they told us that the management should schedule a meter investigation to determine if the association would be eligible for an electric heat rate. At this time, this is when the management company found out the forthcoming disconnect. During this call, management updated the mailing address, tax id and telephone number. On March 10, 2010 the automated disconnection call came through to the management company stating that the amount owed was \$33,356.47 and full payment needed to be remitted at that time. Between the time span of March 8 & 9th, legal council for Washington Park made it clear to ComEd's attorney that the 50% was unattainable by the association and that a reasonable payment plan could be reached. ComEd refused and held their position at maintaining 50% down and the rest of the balance paid off in 12 months. On March 15, 2010 the first bill was received in the management office showing the current charges due to ComEd.

On March 19, 2010 a check was cut in the amount of \$2,674.21 was sent to Rich Thometz as a good faith effort to start paying down the outstanding balance. The check was to cover the current charges of \$1374.21, a down payment of \$1000 and an additional \$300 towards the past due balance. At this time this amount was what the association was able to afford. The management company received a letter in the office on April 1, 2010 stating that the payment plan was unacceptable and the full payment needs to be received by ComEd.

Management had contacted Rich Thometz in order to set up a conference call or a discussion in order to firm up a payment plan with ComEd in order for the power to not get cut off. An email was received by the management company by Elizabeth (Betsy) Soehren Jones stating that the premises would have the electricity cut if full payment was not received. The management company contacted Elizabeth and had told her that this is unacceptable for ComEd to be so unreasonable when the association has done nothing but offer payment plans that have been shot down by ComEd. Elizabeth stated that there could've been payments made on the account. However the association was unaware of

the account number, the current charges and if the late fees and deposits have been removed since the email that Rich Thometz had sent stating that they would. Without that information, the association was unable to prepare a proper payment plan.

The management company is willing and ready to provide financial documents to show the association is not in the position to pay the funds that ComEd is requiring to keep the electricity on. The association just wants to work out a reasonable payment plan with ComEd that will keep both ComEd and the association happy with the lights on.

E-mail Table of Contents

- 1 8/24/2009 Email stating that Washington Parks Attorney will be contacting ComEd to talk about a payment plan
- 2 10/9/2009 Email stating of Address Change and removal of late fees and deposits
- 3 11/4/2009 Email stating ComEd's counter offer to payment plan
- 4 11/10/2009 Email showing management had not gotten any bills yet
- 5 11/10/2009 Email from legal council showing the address had been changed and copy of old bill
- 6 3/8/2010 Email from management to legal council stating that the changes promised from 10/9/2009 email had not been completed yet
- 7 3/8/2010 Email to ComEd Stating this had not been done and request the power not be turned off
- 8 3/9/2010 E-mail stating ComEd is unwilling to accept the payment plan and want 50% down. Also balance stated showing the removal of the late fees and deposits
- 9 3/9/2010 Email stating the suite against developer and how Washington Park has unable to receive information and that no response has been made from December 2009 until March 2010
- 10 3/9/2010 Email stating the clarification of the suite against the developer and how Washington park has not seen bills to resolve this matter.
- 11 4/14/2010 Management E-mail to ComEd attorney asking to talk to him to firm up a payment plan to ComEd
- 12 4/14/2010 E-mail from Elizabeth Soehren Jones stating that 50% down and that's it.
- 13 4/14/2010 Email from management asking to allow Washington Park until August 1, 2010 to come up with the 50% and that they are passing a special assesstment to come up with the funds to put down.
Email also states an updated balance request minus the deposits and late fees