

For Commission Use Only:
Case: 10-0427

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): Julie Halbower

Against (Utility name): Nicor Gas

As to (Reason for complaint) Nicor gas's failure to make an actual meter reading and its failure to state a reasonable basis for its estimated meter readings based on facts known to it.

in Kenilworth, Illinois.

CHIEF CLERK'S OFFICE
2010 JUL - 1 P 2:05
ILLINOIS COMMERCE COMMISSION

TO THE ILLINOIS COMMERCE COMMISSION, SPRINGFIELD, ILLINOIS:

My mailing address is 1931 N. Mohawk St., Chicago, IL 60614

The service address that I am complaining about is 40 Devonshire, Kenilworth, IL 60043

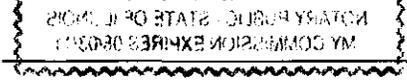
My ~~home~~ mobile telephone is [312] 912-3099

Between 8:30 A.M. and 5:00 P.M. weekdays, I can be reached at [312] 912-3099

My e-mail address is jhalbower@gmail.com I will accept documents by electronic means (e-mail) Yes No

(Full name of utility company) Nicor Gas (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(s) of the law, Commission rule(s), or utility tariffs that you think is involved with your complaint.
83 Ill. Admin. Code 280.80



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.

See attached Summary and Additional Facts.

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

1. Award complainant Julie S. Halbower \$4,911.71.
2. Deny Nicor any recovery against complainant Julie S. Halbower.

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: June 30, 2010
(Month, day, year)

Complainant's Signature: Julie Halbower

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

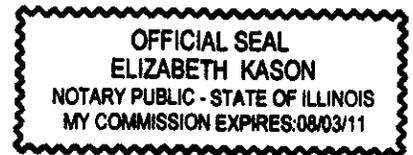
When you finish filling out this complaint form, you need to file the original with the Commission's Chief Clerk. When filing the original complaint, be sure to include one copy of the original complaint for each utility company complained about (referred to as respondents).

VERIFICATION

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

I, Julie Halbower, 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 Halbower
Complainant's Signature



Subscribed and sworn/affirmed to before me on (month, day, year) June 30, 2010.

Elizabeth Kason
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.

SUMMARY

1. Nicor Gas (“Nicor”), located at 1844 Ferry Road, Naperville, IL 60563-9600, supplied gas to Halbower’s home.
2. Nicor owes Halbower an amount of \$4,911.71 for the following reasons.
3. On July 2, 2008, Halbower and her husband purchased a home at 40 Devonshire Lane, Kenilworth, IL 60043 (the “Home”).
4. Shortly thereafter, Halbower called Nicor to set up gas service to the Home. Halbower advised Nicor that she and her family were not moving into the Home and to send all bills and correspondence to her residence at 1931 N. Mohawk St., Chicago, IL 60614 (“Chicago Residence”). Halbower subsequently reiterated this fact on multiple occasions when she spoke on the telephone to various Nicor customer service representatives. Halbower and her family never moved into the Home and have since demolished it and begun construction on a new home. They still live at the Chicago Residence.
5. Nicor provided gas to the Home and billed Halbower for it based on an original estimated meter reading of 79929 as of July 2, 2008, the first day of service. This estimate was erroneous.
6. Since July 2, 2008, Nicor continued to bill Halbower based on incorrect estimates of gas usage. Halbower paid Nicor \$4,911.71.
7. In January 2009, Halbower cancelled her gas service from Nicor.
8. In February 2009, Nicor performed an actual meter reading for the Home of 78420, which is 1509 units *less* than Nicor’s estimated reading for Halbower’s *first day of service*. According to Nicor’s own records, Halbower owes Nicor no money. Once the February 2009 actual meter reading proved that Nicor’s estimates and bills were inaccurate, Halbower requested a return of the \$4,911.71. Nicor refused.

ADDITIONAL FACTS

9. When Nicor set up new gas service to the Home, Nicor never advised Halbower that it did not have an actual gas meter reading as of July 2, 2008 and never asked to have an actual meter reading taken. Unbeknownst to Halbower at the time she purchased the Home and set up gas service, the gas meter at the Home was located in a closet in the garage and was not visible or accessible from outdoors. Nicor representatives acknowledged to Halbower that Nicor's records indicate that Nicor knew that the meter was indoors and required setting up an appointment with the homeowner in order for a reading to be taken.

10. Nicor began billing Halbower as of July 2, 2008 based on an estimated meter reading of 79929. Nicor then billed Halbower based on further estimated readings as follows:

Date of Bill	Est. Reading	Amount
July 23, 2008	80580	\$1,069.43
Aug. 21, 2008	81585	\$1,376.31
Sept. 23, 2008	82609	\$1,104.48
Oct. 22, 2008	84020	\$1,361.49
Dec. 22, 2008	91441	<u>\$6,458.31</u>
TOTAL:		\$11,370.02

(Copies of the bills are attached hereto).

11. Halbower paid the first four bills totaling \$4,911.71, within a reasonable time after receiving them.

12. In November, in anticipation of winter, Halbower hired a plumber to drain the water pipes in the Home as much as possible, to put antifreeze in all the drains and to drain the hot water heater, since Halbower was not planning on heating the empty Home during the winter.

13. When Halbower received the December 22, 2008 bill for \$6,458.31, she was shocked at the amount, as nothing could explain such a sudden and extreme increase in gas usage. Halbower examined the bill more closely and for the first time realized that Nicor was billing her based on

estimated not actual readings. In all her prior experience with gas companies, to the best of her knowledge, Halbower has always been billed based on periodic actual meter readings.

14. In January, Halbower asked her father look at the gas meter and take a picture of it. The meter appeared to read 78472. (A photograph of the meter is attached).

15. At Halbower's request, Nicor cancelled service and scheduled a meter reading on February 28, 2009, which resulted in an official reading of 78420.

16. A Nicor representative admitted to Halbower that Nicor estimated a reading of 78420 for the Home back in May 2008 and that the last time Nicor performed an actual meter reading for the Home was October 2007.

17. Attempting to correct its mistake, Nicor then sent out a recalculated bill for the entire period from July 2, 2008 through January 9, 2009, once again attempting to estimate gas usage between these dates. The new bill claims Halbower owes Nicor a total of \$7,403.85 for that period. (A copy of the final bill is attached hereto).

18. Incredibly, Nicor's new bill charges Halbower \$1,473.30 *more* for gas between July 2, 2008 and September 22, 2008, than did the original bills. This makes no sense since it is obvious from Nicor's original estimated meter readings that actual gas usage for the Home during the period when Halbower owned it was far *less* than estimated gas usage.

19. By failing to read the meter at the Home regularly and by failing to get a new reading when Halbower set up new service, Nicor has absolutely no idea how much gas Halbower used and, therefore, cannot with any degree of reasonable certainty produce any estimate of usage that could provide the foundation for any bill. Past history of the Home is irrelevant, since in the past the Home was continuously occupied. Therefore, Nicor is completely unable to prove how much gas it delivered to Halbower's Home and how much Halbower may owe for such gas.

20. Further, because Nicor's original estimated meter reading as of July 2, 2008 is greater than the actual final meter reading as of February 28, 2009, Nicor has previously billed and received payment from the prior owner of the Home for gas up to a meter reading of 79929. It would be unfair to permit Nicor to seek double payment for the same amount of gas.



Nicor Gas
P.O. Box 2020
Aurora, IL 60507-2020

www.nicorgas.com/myaccount

1 888 NICOR 4U

1 888 642-6748

Energy Profile

Average Daily Cost
2008 \$50.92
2007 N/A

Average Daily Therms
2008 31.43
2007 N/A

Total Degree Days
2008 0
2007 0

**Digging this summer?
Be sure to call JULIE
at 811 to have
underground utilities
marked at least 48
hours prior to
excavating on your
property. This service
is free and it's the law.**

Service For:
Julie Halbower

Account 62-18-60-2556 5

For gas service at the following location:
40 Devonshire Ln, Kenilworth

Meter Reading Meter Number 2058918
Current: 80580 Estimated Reading - July 23, 2008
Previous: 79929 Estimated Reading - July 2, 2008
Difference: 651 (21 days)
Conversion to Therms: 651 X 1.014 BTU Factor = 660.11 Therms

Residential Gas Heat Service

Delivery Charges

Monthly Customer Charge 6.20
First 20 Therms 14 @ \$0.1473 2.06
21 - 50 Therms 21 @ \$0.0579 1.22
Over 50 Therms 625.11 @ \$0.0519 32.44
Environmental Cost Recovery 660.11 @ \$0.0024 = 1.58
County Government Agency Compensation Adjustment (for 21 of 30 days) .04
Franchise Cost Adjustment (for 21 of 30 days) .34

Natural Gas Cost

660.11 Therms x \$1.45 957.16

Taxes

Municipal Utility Tax \$1,001.04 @ 5.15% 51.55
Utility Fund Tax \$1,001.04 @ 0.1% 1.00
State Revenue Tax 660.11 @ \$0.024 = 15.84

Total Current Bill Amount

Total Amount Due

Bill Date 7/24/2008, due by 8/15/2008

\$43.88
\$957.16

\$68.39

\$1,069.43
\$1,069.43
\$1,069.43

*paid
7-31-08
J. No.*

Please detach and return with your payment



Current bill \$1069.43 due by 08/15/2008

Due by 8/15/08
\$1,069.43

Julie Halbower
1931 N Mohawk
Chicago IL 60614

Indicate amount added for Sharing
\$ _____

Account 62-18-60-2556 5

PO BOX 416
AURORA IL 60568-0001



62 18 60 2556 5 0001069434 0001069434 5



Nicor Gas
P.O. Box 2020
Aurora, IL 60507-2020

www.nicorgas.com/myacco

1 888 NICOR 4U 1 888 642-6748

Energy Profile

Average Daily Cost
2008 \$47.45
2007 N/A

Average Daily Therms
2008 35.14
2007 N/A

Total Degree Days
2008 0
2007 0

Based on customer input, a new, easier-to-read bill statement arrives next month. See the enclosed insert or visit nicorgas.com/newbill for details.

Service For:
Julie Halbower

Account 62-18-60-2556

Payment Information

Previous Balance 1,069.43
8/04 Payment received, Thank you! -1,069.43

Total Payments and Balances

For gas service at the following location:

40 Devonshire Ln, Kenilworth

Meter Reading Meter Number 2058918

Current: 81585 Estimated Reading - August 21, 2008
Previous: 80580 Estimated Reading - July 23, 2008
Difference: 1005 (29 days)
Conversion to Therms: 1005 X 1.014 BTU Factor = 1,019.07 Therms

Residential Gas Heat Service

Delivery Charges

Monthly Customer Charge 8.85
First 20 Therms 20 @ \$0.1473 2.95
21 - 50 Therms 30 @ \$0.0579 1.74
Over 50 Therms 969.07 @ \$0.0519 50.29
Environmental Cost Recovery 1,019.07 @ \$0.0024 = 2.45
County Government Agency Compensation Adjustment .05
Franchise Cost Adjustment .48

\$66.81

Natural Gas Cost

316.26 Therms x \$1.45 458.58
702.81 Therms x \$1.08 759.03

\$1,217.61

Taxes

Municipal Utility Tax \$1,284.42 @ 5.15% 66.15
Utility Fund Tax \$1,284.42 @ 0.1% 1.28
State Revenue Tax 1,019.07 @ \$0.024 = 24.46

\$91.89

Total Current Bill Amount

Total Amount Due

Bill Date 8/21/2008, due by 9/12/2008

\$1,376.31

\$1,376.31

\$1,376.31

Handwritten: Paid 9/10/08

Please detach and return with your payment



Current bill \$1376.31 due by 09/12/2008

Due by 9/12/08

\$1,376.31

1428 1 AT 0.346
Julie Halbower
1931 N Mohawk St
Chicago IL 60614-5219

Indicate amount added for Sharing

\$ _____



Account 62-18-60-2556 5

PO BOX 416
AURORA IL 60568-0001



62 18 60 2556 5 0001376318 0001376318



Nicor Gas
P.O. Box 2020
Aurora, IL 60507-2020

nicorgas.com/myaccount

1 888 Nicor4U 1 888 642-6748

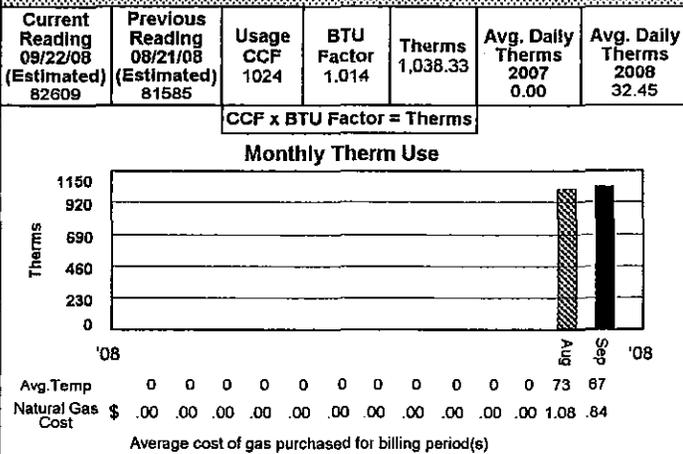
Account Summary for Julie Halbower

Account Number: 62-18-60-2556 5
 Meter Number: 2058918
 Service Address: 40 Devonshire Ln, Kenilworth
 Bill Period: 08/21/08 - 09/22/08 (32 days)
 Bill Issue Date: 09/23/08
 Total Previous Balance \$1,376.31
 Payment Received 09/12/2008 - Thank you! -\$1,376.31
 Remaining Balance \$0.00
 New Charges - Utility \$1,104.48
Total Amount Due by 10/15/2008 \$1,104.48

A Message for You

Your bill statement has changed to a new, easier-to-read format. See the enclosed insert or visit nicorgas.com/newbill for details. Want to save paper? Receive an electronic copy of your gas bill by signing up for CheckFree at mycheckfree.com.

Monthly Energy Profile



New Charges - Residential - Heat

Rate 1: Residential Service

Delivery Charges 08/21/2008 - 09/22/2008 \$67.85
 Monthly Customer Charge8.85
 First 20 Therms 20 @ \$0.14732.95
 21 - 50 Therms 30 @ \$0.05791.74
 Over 50 Therms 988.33 @ \$0.051951.29
 Environmental Cost Recovery 1,038.33 @ \$0.0024 =2.49
 County Government Agency Compensation Adjustment0.05
 Franchise Cost Adjustment0.48

Natural Gas Cost \$957.86

August @ 356.93 Therms x \$1.08385.48
 September @ 681.4 Therms x \$0.84572.38

Taxes \$78.77

Municipal Utility Tax for Kenilworth \$1,025.71 @ 5.15%52.82
 Utility Fund Tax \$1,025.71 @ 0.1%1.03
 State Revenue Tax 1,038.33 @ \$0.024 =24.92

Total \$1,104.48

Please see the reverse side of this bill for additional billing explanations.

Please do not include written inquiries as the stub is processed by machine. Return this portion with your check made payable to Nicor Gas.



Please check a box to add a one-time charitable donation to Sharing:

\$2 \$5 \$10 \$25

Payment Due By
10/15/2008
\$1,104.48

MDG2009 00096290 1 AT 0346 1



Julie Halbower
1931 N Mohawk St
Chicago, IL 60614-5219



Current bill \$1104.48 due by 10/15/2008

Handwritten: Paid 10/5

PO BOX 0632
AURORA, IL 60507-0632

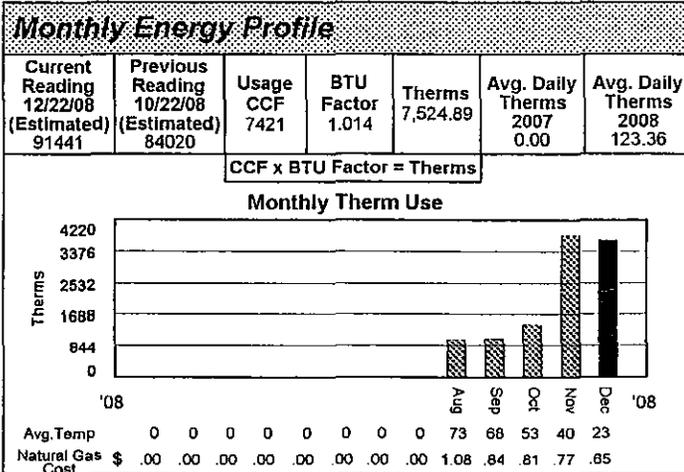


Account Number: 62-18-60-2556 5

62 18 60 2556 5 0001104488 0001104488 911

Account Summary for Julie Halbower	
Account Number: 62-18-60-2556 5	
Meter Number: 2058918	
Service Address: 40 Devonshire Ln, Kenilworth	
Bill Period: 10/22/08 - 12/22/08 (61 days)	
Bill Issue Date: 12/26/08	
Total Previous Balance	\$1,361.49
Payment Received 11/05/2008 - Thank you!	-\$1,361.49
Remaining Balance	\$0.00
New Charges - Utility	\$6,458.31
Total Amount Due by 01/19/2009	\$6,458.31

A Message for You
Nicor Gas offers convenient payment options, including credit/debit card options. For details, visit nicorgas.com and click "Bill Payment Information."



New Charges - Residential - Heat
Rate 1: Residential Service

Delivery Charges 10/22/2008 - 12/22/2008	\$431.92
Monthly Customer Charge	17.99
First 20 Therms 40.67 @ \$0.1473	5.99
21 - 50 Therms 61 @ \$0.0579	3.53
Over 50 Therms 7,423.22 @ \$0.0519	385.27
Environmental Cost Recovery 7,524.89 @ \$0.0024 =	18.06
County Government Agency Compensation Adjustment (for 61 of 30 days)	0.10
Franchise Cost Adjustment (for 61 of 30 days)	0.98
Natural Gas Cost	\$5,532.65
October @ 1,233.59 Therms x \$0.81	999.21
November @ 3,700.77 Therms x \$0.77	2,849.59
December @ 2,590.54 Therms x \$0.65	1,683.85
Taxes	\$493.74
Municipal Utility Tax for Kenilworth \$5,964.57 @ 5.15%	307.18
Utility Fund Tax \$5,964.57 @ 0.1%	5.96
State Revenue Tax 7,524.89 @ \$0.024 =	180.60
Total	\$6,458.31

Please see the reverse side of this bill for additional billing explanations.

Please do not include written inquiries as the stub is processed by machine. Return this portion with your check made payable to Nicor Gas.



Please check a box to add a one-time charitable donation to Sharing:

\$2 \$5 \$10 \$25

Payment Due By
01/19/2009
\$6,458.31

MDG2009 00102481 1 AT 0346 1



Julie Halbower
1931 N Mohawk St
Chicago, IL 60614-5219



Current bill \$6458.31 due by 01/19/2009

PO BOX 0632
AURORA, IL 60507-0632



Account Number: 62-18-60-2556 5

62 18 60 2556 5 0006458319 0006458319 911



Nicor Gas
P.O. Box 2020
Aurora, IL 60507-2020

nicorgas.com/myaccount
1 888 Nicor4U 1 888 642-6748

Account Summary for Julie Halbower

Account Number: 62-18-60-2556 5
 Meter Number: 2058918
 Service Address: 40 Devonshire Ln, Kenilworth
 Bill Period: 07/02/08 - 01/09/09 (191 days)
 Bill Issue Date: 03/02/09
 Total Previous Balance \$6,458.31
 New Charges - Utility \$7,403.85
 Earned Credit 03/02/2009 -\$4.64
 Adjustments -\$11,370.02
Total Amount Due by 03/24/2009 \$2,487.50

A Message for You

Nicor Gas offers convenient payment options, including credit/debit card options. For details, visit nicorgas.com and click "Bill Payment Information."

New Charges - Residential - Heat
Rate 1: Residential Service

Delivery Charges 07/02/2008 - 09/21/2008 \$239.49

Monthly Customer Charge 23.90
 First 20 Therms 54 @ \$0.1473 7.95
 21 - 50 Therms 81 @ \$0.0579 4.69
 Over 50 Therms 3,705.01 @ \$0.0519 192.29
 Environmental Cost Recovery 3,840.01 @ \$0.0024 = 9.22
 County Government Agency Compensation Adjustment (for 81 of 30 days) 0.14
 Franchise Cost Adjustment (for 81 of 30 days) 1.30

Natural Gas Cost \$4,445.88

July @ 1,422.23 Therms x \$1.45 2,062.23
 August @ 1,469.63 Therms x \$1.08 1,587.20
 September @ 948.15 Therms x \$0.84 796.45

Taxes \$338.15

Municipal Utility Tax for Kenilworth \$4,685.37 @ 5.15% 241.30
 Utility Fund Tax \$4,685.37 @ 0.1% 4.69
 State Revenue Tax 3,840.01 @ \$0.024 = 92.16

Delivery Charges 09/21/2008 - 01/09/2009 \$188.85

Monthly Customer Charge 32.45
 First 20 Therms 73.33 @ \$0.1473 10.80
 21 - 50 Therms 110 @ \$0.0579 6.37
 Over 50 Therms 2,515.93 @ \$0.0519 130.58
 Environmental Cost Recovery 2,502.95 @ \$0.0024 = 6.01
 Environmental Cost Recovery 196.31 @ \$0.0036 = 0.71
 County Government Agency Compensation Adjustment (for 110 of 30 days) 0.17
 Franchise Cost Adjustment (for 110 of 30 days) 1.76

Natural Gas Cost \$2,011.20

September @ 245.39 Therms x \$0.84 206.13
 October @ 760.7 Therms x \$0.81 616.17
 November @ 736.16 Therms x \$0.77 566.84
 December @ 760.7 Therms x \$0.65 494.46
 January @ 196.31 Therms x \$0.65 127.60

Taxes \$180.28

Municipal Utility Tax for Kenilworth \$2,200.05 @ 5.15% 113.30
 Utility Fund Tax \$2,200.05 @ 0.1% 2.20
 State Revenue Tax 2,699.26 @ \$0.024 = 64.78

Total \$7,403.85

Please see the reverse side of this bill for additional billing explanations.

Please do not include written inquiries as the stub is processed by machine. Return this portion with your check made payable to Nicor Gas.



Please check a box to add a one-time charitable donation to Sharing:

\$2 \$5 \$10 \$25

Payment Due By
03/24/2009
\$2,487.50

Current bill \$2487.50 due by 03/24/2009

MDG2009 00006576 1 AB 0351 1



Julie Halbower
1931 N Mohawk St
Chicago, IL 60614-5219



PO BOX 0632
AURORA, IL 60507-0632



Account Number: 62-18-60-2556 5

62 18 60 2556 5 0002487502 0002487502 911

Account number 62-18-60-2556 5 for Julie Halbower

Page 2 of 2

Adjustment Detail

07/02/2008 - 12/22/2008

Adjustments -\$11,370.02

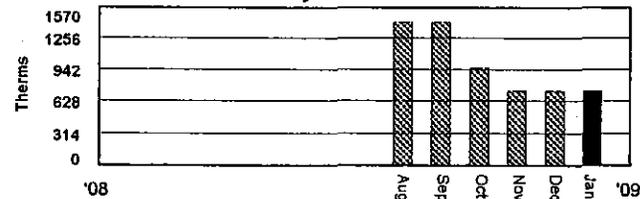
Cancelled Charges from 07/02/2008 - 07/23/2008	-1,069.43
Cancelled Charges from 07/23/2008 - 08/21/2008	-1,376.31
Cancelled Charges from 08/21/2008 - 09/22/2008	-1,104.48
Cancelled Charges from 09/22/2008 - 10/22/2008	-1,361.49
Cancelled Charges from 10/22/2008 - 12/22/2008	-6,458.31

Monthly Energy Profile

Current Reading	Previous Reading	Usage CCF	BTU Factor	Therms	Avg. Daily Therms 2007	Avg. Daily Therms 2008
09/21/08 (Estimated) 70984	07/02/08 (Estimated) 67197	3787	1.014	3,840.01	0.00	49.38
01/09/09 (Final - Est.) 73646	09/21/08 (Estimated) 70984	2662	1.014	2,699.26		

CCF x BTU Factor = Therms

Monthly Therm Use



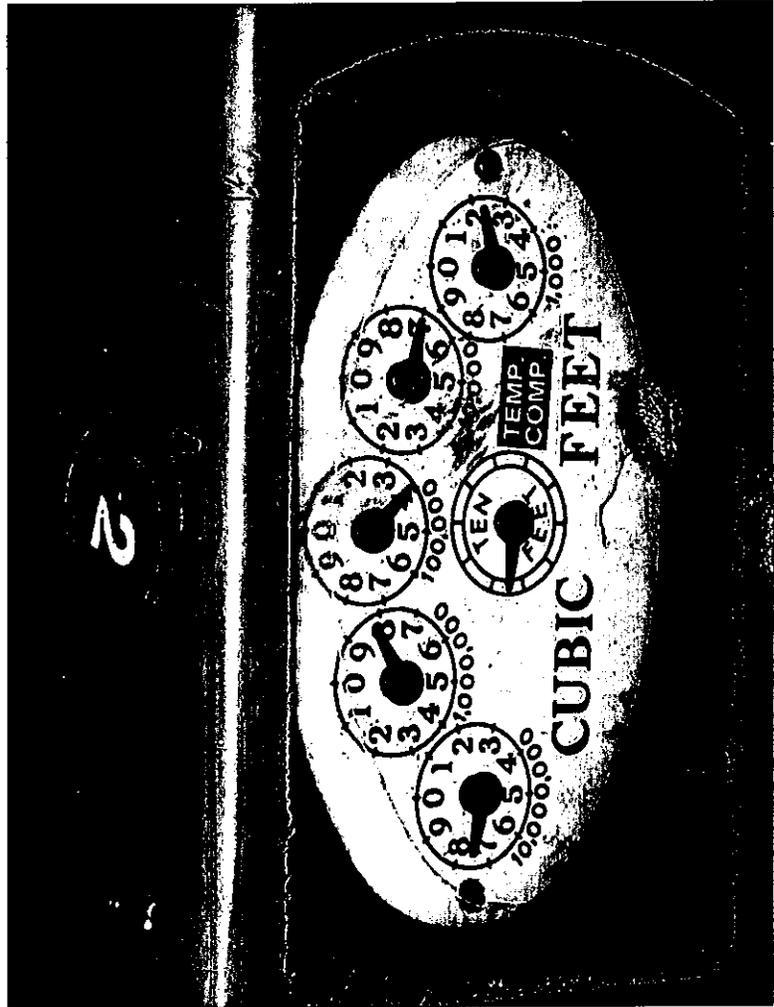
Avg. Temp	0	0	0	0	0	0	0	73	68	54	41	25	24
Natural Gas Cost	\$.00	.00	.00	.00	.00	.00	.00	1.08	.84	.81	.77	.65	.65

Nicor in the Community

Help a family in need pay their gas bill this winter. Please donate \$2, \$5, \$10, or \$25 to our Sharing Program by checking the appropriate box on your payment stub. Nicor Gas matches all donations, dollar-for-dollar, up to \$175,000 annually.

\$2 \$5 \$10 \$25





2