

**OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION**

ORIGINAL

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

ILLINOIS
COMMERCE COMMISSION

2010 AUG 25 A 10:48

Michael Rokhkind :
-vs- :
Commonwealth Edison Company :
: :
Complaint as to service in Rolling :
Meadows, Illinois. :

10-0412 CHIEF CLERK'S OFFICE

RESPONDENT'S MOTION TO DISMISS

Now comes the Respondent, Commonwealth Edison Company ("Respondent" or "ComEd") by and through its attorney, Mark L. Goldstein, and files this Motion to Dismiss the Complaint filed by Michael Rokhkind ("Complainant") on June 28, 2010 ("Complaint"), and in support thereof, states:

- 1) On June 28, 2010, Complainant filed the Complaint alleging that ComEd had improperly transferred electric charges from his former electric account at 10773 Edgemere Terrace, Roscoe, Illinois ("Roscoe Account"), to his present address and electric account at 3135 Town Square Drive, Rolling Meadows, Illinois ("Rolling Meadows Account").
- 2) On June 3, 2010, ComEd removed all transfer charges and late fees transferred from the Roscoe Account to the Rolling Meadows Account.
- 3) On July 7, 2010, ComEd spoke to the Complainant via telephone & sent supporting documentation via e-mail to the Complainant detailing the removal of charges and the Complainant was satisfied with this resolution of his complaint.
- 4) On July 8, 2010, Respondent's Attorney mailed Complainant a Stipulation and Joint Motion to Dismiss with Prejudice.

5) Complainant has failed to sign and return the Stipulation to Complainant's attorney.

6) On June 3, 2010, all transfer charges and late fees as set forth above were removed from Complainant's Rolling Meadows Account and there is no longer any factual or legal basis for the Complaint in accordance with the Affidavit of Monica Merino attached hereto.

Wherefore, the Respondent, Commonwealth Edison Company respectfully moves that the Complaint filed by Michael Rokhkind on June 28, 2010, be dismissed with prejudice.

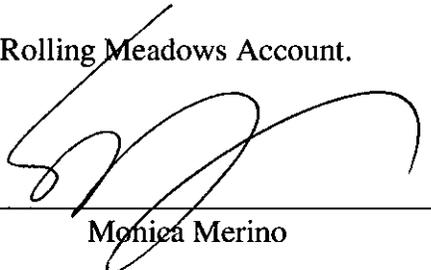
Respectfully submitted,
Commonwealth Edison Company

By: 
Mark L. Goldstein, Its Attorney

Mark L. Goldstein
Attorney for Respondent
3010 Province Circle
Mundelein, IL 60060
(847) 949-1340

AFFIDAVIT

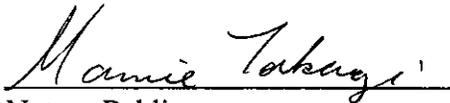
MONICA MERINO, being first duly sworn on oath, states that the facts set forth in the foregoing Respondent's Motion to Dismiss are true and correct, except as to matters stated to be on information and belief as to actions of others, the undersigned believes the same to be true. The undersigned states that she has sufficient knowledge to for a belief that the statements are true. Attached to this Affidavit is the Complainant's Account History for the Rolling Meadows Account showing that the transfer charges and late fees have been removed from the Complainant's Rolling Meadows Account.



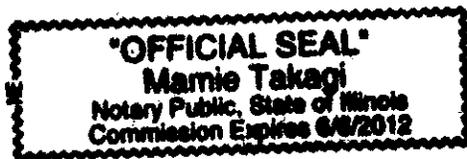
Monica Merino

Subscribed and Sworn to before me

this 17th day of August, 2010.



Notary Public



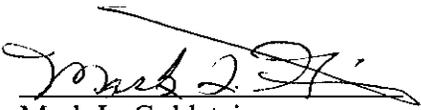
CERTIFICATE OF SERVICE

I do hereby certify that on August 23, 2010, I served the foregoing Respondent's Motion to Dismiss by causing a copy thereof to be placed in the U. S. Mail, first class postage affixed, addressed to each of the parties below in the captioned matter:

Ms. Elizabeth A. Rolando
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

Mr. Michael Rokhkind
3135 Town Sq. Dr., #108
Rolling Meadows, IL 60008

Mr. David Gilbert
Administrative Law Judge
Illinois Commerce Commission
160 N. LaSalle St., Ste. C-800
Chicago, IL 60601


Mark L. Goldstein