

OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION FORMAL COMPLAINT

For Commission Use Only:
Case: 10-0524

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

ORIGINAL

Regarding a complaint by (Person making the complaint): James J. Capuano

Against (Utility name): Constellation New Energy, Inc.

As to (Reason for complaint) Constellation New Energy, Inc. checked our credit, visited our plant, we signed up with them, and they cancelled our service contract with them after a few months, and didn't pay us \$9,000 for the mandatory curtailment program which we participated in and assessed us \$53,000 termination fee.

in Woodridge Illinois.

TO THE ILLINOIS COMMERCE COMMISSION, SPRINGFIELD, ILLINOIS:

My mailing address is 10430 Argonne Woods Drive, Woodridge IL 60517

The service address that I am complaining about is 10430 Argonne Woods Drive, Woodridge, IL 60517

My home telephone is [630] 816-0853

Between 8:30 A.M. and 5:00 P.M. weekdays, I can be reached at [630] 754-4054

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

(Full name of utility company) Constellation New Energy, Inc. (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.

We feel we were unfairly cancelled and treated during an economic hardship. And, possibly singled out because of the nature of our enrollment in their curtailment program that would compensate the utility company. And unfairly assessed a steep 53,000 penalty.

Have you contacted the Consumer Service Division of the Illinois Commerce Commission about your complaint? Yes No

Has your complaint filed with that office been closed? Yes No

ILLINOIS COMMERCE COMMISSION
2010 AUG 30 AM 11:18
OFFICE OF THE CLERK

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 sheet.

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

That the early termination penalty of \$53,000 be reversed.

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: August 9, 2010
(Month, day, year)

Complainant's Signature: *James J. Capuano*

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

*Brian E. Devilling
Clausen Miller
10 So. LaSalle Street, Chicago IL 60603*

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

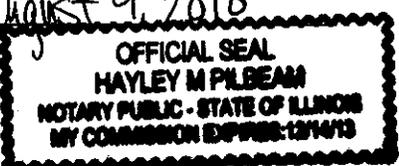
A notary public must witness the completion of this part of the form.

I, James J. Capuano, 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.

James J. Capuano
Complainant's Signature

Subscribed and sworn/affirmed to before me on (month, day, year) August 9, 2010

Hayley M. Pilbeam
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.

Below and following are some of the facts relating to the signing and cancellation of our contract with Constellation Energy.

Payments:

			<u>Fin.Fee</u>	<u>Current Charges</u>
Due 7/28/09	\$ 8,789.86	Paid 10/30/09	22.38	8,767.48
Due 8/30/09	\$11,217.64	Paid 9/23/09	56.35	11,161.29
Due 9/24/09	\$11,411.73	Paid 10/30/09	0.00	11,411.73

Last billings not paid

Due 10/27/09	\$13,576.42	129.51	13,446.91
Due 11/29/09	<u>\$10,430.36</u>	152.15	10,278.21
	\$24,006.78		

Add'l charge
on 12/7/09 \$.01

Early Termination Penalty \$53,020.00

1. Past Due Notices were sent on 10/1/2009 requesting \$11,411.73 (paid 10/30/09) and on 11/2/09 requesting \$13,576.42.
2. A Demand Notice was sent 9/24/09 for \$31,419.23 (8,789.86 and 11,411.73 and 11,217.64). I called Richard Perez, in collections, and notified him that on 9/23/09 \$11,217.64 had been paid. Follow up call on 10/7/09 from Richard Perez in Collections for same amount, which did not give credit for \$11,217.64 of the amount, which had been paid on 9/23/09. Richard Perez was told that the balance would be paid in full by end of that month, October. Richard Perez requested a 'Drop; of our relationship on 10/7/09. We were not made aware of this.
3. All Out, Inc. was cancelled retroactive, to 10/5/09, and was assessed \$53,020.00 in an 'Early Termination Penalty' fee. We have not paid them since the 11/2/09 due date of invoicing because of the cancellation, and assessment of an 'Early Termination Fee'. We have asked them to remove the penalty and offered to pay the services owed.
4. On August 25, 2009 we had participated in an ILR test for the PJM Mandatory Curtailment Program which would pay our corporation a quarterly benefit for it's participation of shutting down full power when requested. I phoned the Customer Care Center on 11/4/09 to ask for the test results, and the check amount, which was to be delivered by our Account Rep, Michael Ristic. They informed that we had been 'dropped', retroactive to 10/5/09.
5. On 11/4/09, when I learned of our cancellation, (after having called for Richard Perez in collections, and received no response) I called the Customer Service line, and I called Michael Ristic, now the Business Development Manager, who told me one Sharon Alegado had 'tried to reach out to me and call me and email me'. The only person who ever called us was this Richard Perez from Collections. We never received any telephone calls or emails from our account rep, or from anyone in customer service to discuss our late payment or problem with cash flow that we were having.