

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Anthony James Grason :
-vs- :
Illinois Power Company d/b/a AmerenIP : **09-0575**
: :
Complaint as to billing/charges in :
Decatur, Illinois. :

PROPOSED ORDER

By the Commission:

I. PROCEDURAL HISTORY

On November 24, 2009, Anthony Jason Grason (“Complainant,” “Anthony James Grason” or “Mr. Grason”) filed a verified Complaint with the Illinois Commerce Commission (“Commission”) against Illinois Power Company d/b/a AmerenIP (“Respondent” or “AmerenIP”), pursuant to Section 10-108 of the Public Utilities Act (“Act”). Complainant alleges AmerenIP failed to provide him “with true and correct amounts owing to justify over \$7,000 [\$11,527.49] in utility charges.” Complainant’s prayer for relief is for the Commission to “correct the amounts owing and determine how such amount can come to exist.”

Pursuant to notice as required by law and the rules and regulations of the Commission, a Prehearing Conference was held by a duly authorized Administrative Law Judge (“ALJ”) of the Commission at its offices in Springfield, Illinois, on February 10, 2010. Appearances were entered by Complainant and counsel appeared on behalf of the Respondent. The parties agreed on a procedural schedule for this docket. An evidentiary hearing was scheduled for August 17, 2010. On August 17th, the hearing was continued over objection to September 2, 2010 to allow the Complainant another opportunity to file rebuttal testimony.

On September 2, 2010, the complainant appeared pro se and presented no witnesses. The Respondent appeared by counsel and presented witness, Ms. Suzanne L. Hankins. The testimony and exhibits were entered into evidence. The ALJ took Administrative Notice of the Bankruptcy Code and the record was marked “Heard and Taken.”

A copy of the Proposed Order denying the Complaint was served on the parties on September 24, 2010.

II. LEGAL STANDARD

Pursuant to Section 10-15 of the Illinois Administrative Procedure Act, 5 ILCS 100/1-1 et seq., provides that “[u]nless otherwise provided by law or stated in the agency’s rules, the standard of proof in any contested case hearing conducted under this Act by an agency shall be the preponderance of the evidence.”

III. POSITION OF THE PARTIES

A. Position of the Complainant

Complainant Anthony Grason testified that he currently resides at 357 West Decatur Street, Decatur, Illinois 62522. His previous residence was located at 4202 West Route 36, Decatur, Illinois 62522. This property consists of a 22+ acre farm which includes a single family ranch house, two garages, a barn, and various detached buildings.

Two AmerenIP electric meters serviced the west and east portions of the property at 4202 west Route 36. According to Mr. Grason, the west meter was rarely in use. Usage was limited to service lights however; service was also available to various buildings. An average bill was \$25.00 per month.

The east meter provided service to the house (which required medical equipment usage for his father and sister), a garage, two service lights and the barn (which required 24 hours of power service a day).

Mr. Grason testified that AmerenIP on three separate occasions replaced malfunctioning meters to both the west and east locations. Because of the malfunctioning meters, AmerenIP refunded approximately \$2,000. Mr. Grason asserted that AmerenIP has demanded an amount in excess of \$11,000.00 for electric service but has failed to justify the billing by providing him with an accounting of charges incurred.

On rebuttal, Mr. Grason argued that AmerenIP's business records testified to by Ms. Hankins only covered an eleven-month billing history dating from July 24, 2009 to June 14, 2010. Further, Mr. Grason argued that Ameren's exhibits could not be confirmed with his banking records. According to Mr. Grason, he has made several demands from his banking institution, Fifth-Third Bank for copies of his records pertaining to payments made to AmerenIP but bank officials have not provided him with these records. Mr. Grason asserted that had he obtained such records, they would show that payments were made.

In summary, Mr. Grason argued that AmerenIP's records do not adequately justify the excess amount of \$11,000.00 of utility charges they demand because he is unable to verify these records with his banking records.

B. Position of the Respondent

AmerenIP witness Ms. Suzanne L. Hankins is employed by AmerenIP in the position of Supervisor, Quality Assurance. Ms. Hankins has been employed by Ameren affiliates and predecessor companies for 20 years. Her work experience includes work in a field office, Rates and Research, Treasury, Credit and Collection and Quality Assurance. As a Supervisor of Quality Assurance, she supervises the training and ongoing quality monitoring of customer service representatives within AmerenCILCO, AmerenCIPS and AmerenIP.

Ms. Hankins testified that Mr. Grason had two separate electric accounts at 4202 West Route 36, Decatur, Illinois 62522 address, each with electric and lighting service. As a result of multiple account closures due to non-payment and bankruptcy, Ms. Hankins testified that Mr. Grason actually had six separate account numbers over time for the two meters. She explained that Mr. Grason had service under one meter from November 20, 2006 through March 20, 2007 (Account No. 17603-59014), from April 19, 2007 through April 30, 2008 (Account No. 17603-59023), and from July 16, 2008 through April 29, 2009 (Account No. 17603-59032). Under the other meter, Mr. Grason received service from November 28, 2006 through January 25, 2007 (Account No. 94343-56002), from March 23, 2007 through July 8, 2008 (Account No. 94343-56020), and from July 8, 2008 through May 5, 2009 (Account No. 94343-56039).

Ms. Hankins testified that Mr. Grason has had AmerenIP electric and gas service at 357 West Decatur Street, Decatur, IL 62522 from October 20, 2005 to present. Mr. Grason's account history is contained in each exhibit.

Ms. Hankins explained that AmerenIP Account No. 17603-59014 was one of Mr. Grason's accounts for 4202 West Route 36, Decatur, IL 62522 (AmerenIP Exh. 1.1, 1.2). Mr. Grason had service under this account from November 20, 2006 through March 20, 2007. Mr. Grason's electric service was cut off for non-payment on March 20, 2007, and his lighting service was cut off for non-payment on March 28, 2007; however, an AmerenIP representative issued an order for service to be reconnected immediately because AmerenIP had confirmed that service should have been billed under the residential rate as opposed to the commercial rate during this time period. Mr. Grason was re-billed under the residential rate for the time period of November 20, 2006 through March 20, 2007. Mr. Grason was not billed for any electric costs between March 20, 2007 and April 19, 2007. Mr. Grason eventually paid all amounts due and owing on AmerenIP Account No. 17603-59014.

AmerenIP Account No. 17603-59023 was Mr. Grason's account for electric and lighting service between April 19, 2007 and April 30, 2008 (AmerenIP Exh. 1.3, 1.4). The electric service on this account was cut off for non-payment on April 30, 2008, and his lighting service was cut off on May 8, 2008. A balance of \$1,640.35 remained unpaid at that time and was later transferred to AmerenIP Account No. 60630-15005.

AmerenIP Account No. 17603-59032 was Mr. Grason's account for electric and lighting service between July 16, 2008 and April 29, 2009 (AmerenIP Exh. 1.5, 1.6). The electric service on this account was cut off for non-payment on April 29, 2009, and

his lighting service was cut off on May 8, 2009. A balance of \$6,966.17 remained at that time and was later transferred to AmerenIP Account No. 60630-15014.

AmerenIP Account No. 94343-56002 is for the second meter located at Mr. Grason's property at 4202 West Route 36, Decatur, IL 62522 for electric and lighting service between November 28, 2006 and January 25, 2007 (AmerenIP Exh. 1.7, 1.8). The electric service on this account was cut off for non-payment on January 16, 2007, and his lighting service was cut off on January 25, 2007, and the account was finalized on January 25, 2007. A balance of \$78.03 was eventually paid in full.

AmerenIP Account No. 94343-56020 was Mr. Grason's account for electric and lighting service on his second meter at 4202 West Route 36, Decatur, IL 62522 from March 23, 2007 through July 8, 2008 (AmerenIP Exh. 1.9, 1.10). AmerenIP Account No. 94343-56020 was closed on July 8, 2008 because Mr. Grason filed for bankruptcy under Docket Number BK 08-71631 in the U.S. Bankruptcy Court in the Central District of Illinois. Mr. Grason's bankruptcy case was later dismissed by the Bankruptcy Court on December 19, 2008. A balance of \$156.15 remained and was later transferred to AmerenIP Account No. 17603-59032.

AmerenIP Account No. 94343-56039 was for Mr. Grason's electric and lighting service on the second meter at 4202 West Route 36, Decatur, IL 62522 between July 8, 2008 and May 5, 2009 (AmerenIP Exhibit 1.11, 1.12). The electric service on this account was cut off for non-payment on May 5, 2009, and his lighting service was cut off on May 14, 2009. A balance of \$191.14 remained on the account and it was later transferred to AmerenIP Account No. 60630-15014.

AmerenIP Account No. 60630-15005 is for Mr. Grason's electric and gas service at 357 Decatur Street, Decatur, IL 62522 between October 20, 2005 and July 8, 2008 (AmerenIP Exhibit 1.13, 1.14, 1.15). During the service period on this account, Mr. Grason filed an informal complaint stating that he should have been billed at the residential rate and not at the commercial rate for this address. AmerenIP verified that this address was a residential address on January 26, 2006 and changed the classification of his service on that day. AmerenIP Account No. 60630-15005 was closed on July 8, 2008 because Mr. Grason filed for bankruptcy under Docket Number BK 08-71631 in the U.S. Bankruptcy Court in the Central District of Illinois. Mr. Grason's bankruptcy case was later dismissed by the Bankruptcy Court on December 19, 2008. The amount of \$4,923.87 remained due and owing on the account and was later transferred to AmerenIP Account No. 17603-59032.

AmerenIP Account No. 60630-15014 is for Mr. Grason's electric and gas service at 357 Decatur Street, Decatur, IL 62522 between July 8, 2008 and July 13, 2009 (AmerenIP Exh. 1.16, 1.17, 1.18). This account was closed on July 13, 2009 because Mr. Grason filed for bankruptcy under Docket Number BK 09-72064 in the U.S. Bankruptcy Court in the Central District of Illinois. Mr. Grason's bankruptcy case was later dismissed on September 23, 2009. The amount of \$8,633.66 remained due and owing on this account and was later transferred to AmerenIP Account No. 60630-15023.

AmerenIP Account No. 60630-15023 is for Mr. Grason's electric and gas service at 357 Decatur Street, Decatur, IL 62522 from July 13, 2009 to present (AmerenIP Exh. 1.19, 1.20, 1.21). Mr. Grason currently has service at 357 West Decatur Street, Decatur, IL 62522 under this account number and is in arrears to AmerenIP in the amount of \$15,890.11. Ms. Hankins explained this amount includes all transferred balances as indicated above.

Ms. Hankins explained that a summary of Mr. Grason's accounts is listed in AmerenIP Exh. 1.22. She summarized the amounts currently due and owing and distinguishes amounts which were suspended pending the resolution of this ICC case and which amounts are subject to current collection. Ms. Hankins testified that the current amount that is due and owing since the complaint was originally filed, is \$13,175.63. Of that amount, \$11,527.49 is due to the ICC complaint. Ms. Hankins also testified that the current past due amount as of the day of the evidentiary hearing is \$1,053.10.

III. COMMISSION ANALYSIS AND CONCLUSION

Based on the review of the Formal Complaint, the evidence and testimony presented by the Complainant and AmerenIP, the Commission concludes that the Complaint must be denied.

Complainant alleges AmerenIP failed to provide him with true and correct amounts owing to justify \$11,527.49 in utility charges. The Complainant however failed to provide any evidence that an accounting error occurred.

The Respondent, however, presented evidence that support a finding that the amounts due were legitimately incurred by the Complainant and his household. The Respondent also presented evidence that the Complainant had six separate account numbers over time for two meters as a result of multiple account closures due to non-payment and bankruptcy.

The Commission therefore finds based on the record, that Complainant's Complaint must be denied.

IV. FINDINGS AND ORDERING PARAGRAPHS

The Commission, having considered the entire record and being fully advised in the premises, is of the opinion and finds that:

- (1) Respondent AmerenIP is a corporation duly organized and existing under the laws of Illinois and is engaged in supplying electricity and gas services to the public in Illinois and is a public utility within the meaning of Section 3-105 of the Illinois Public Utilities Act;
- (2) the Commission has jurisdiction over the parties and the subject matter of this proceeding;

- (3) the findings of fact and conclusions of law reached in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact and law;
- (4) that Anthony James Grason filed for Chapter 13 bankruptcy in BK No.08-71631. An Order dismissing case was issued on December 08, 2008;
- (5) that Anthony Grason filed for Chapter 13 bankruptcy in BK No. 09-72064. An Order dismissing case was issued on September 23, 2009;
- (6) that Anthony Grason had two separate electric accounts at 4202 West Route 36, Decatur, Illinois 62522 address, each with electric and lighting service and as a result of multiple account closures due to non-payment and bankruptcy, Mr. Grason ultimately had six separate account numbers over time for the two meters;
- (7) that Anthony Grason failed to prove by a preponderance of the evidence that an accounting error occurred;
- (8) that Anthony Grason is responsible for all utility charges incurred by his household in the amount of \$11,527.49;
- (9) that Complainant Anthony Grason's Complaint filed on November 24, 2009, against Respondent AmerenIP therefore must be denied.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the Complaint filed by Complainant Anthony James Grason against Respondent AmerenIP be, and is hereby, denied.

IT IS FURTHER ORDERED that any objections, motions, or petitions not yet ruled upon are hereby deemed disposed of in a manner consistent with the ultimate conclusions reached herein.

IT IS FURTHER ORDERED that subject to the provisions of Section 10-113 of the Public Utilities Act and 83 Ill. Adm. Code 200.880, this Order is final, it is not subject to the Administrative Review Law.

Dated: September 24, 2010

Briefs on Exceptions Due: October 1, 2010

Lisa M. Tapia
Administrative Law Judge