
**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

MALIBU CONDOMINIUM ASSOCIATION,)	
)	
Petitioner)	
)	
v.)	Docket No. 08-0401
)	
COMMONWEALTH EDISON COMPANY,)	
)	
Respondent.)	

FIRST SET OF DATA REQUESTS TO COMMONWEALTH EDISON COMPANY

Pursuant to Supreme Court Rule 214 and Section 200.300 – 200.430 of the Illinois Administrative Code, Malibu Condominium (“Malibu”) submits its First Set of Data Requests to Commonwealth Edison Company (“ComEd”).

DEFINITIONS AND INSTRUCTIONS

1. “Relate to” or “refer to” shall mean, in addition to their customary and usual meaning, to reflect on, to pertain to, support, evidence, constitute, or mention.
2. “And” as well as “or” are to be construed either disjunctively or conjunctively so as to bring within the scope of this request any matters that might be construed outside its scope.
3. The terms “document” or “documents” are intended to be comprehensive, including without limitation any kind of written or graphic material, whether typed, handwritten, printed, computer-generated, or matter of any kind from which information can be derived, however produced, reproduced or stored on paper, cards, machines, tapes, film, electronic facsimile, disks, computer tapes, printouts, computer programs or computer storage devices or any other medium, of any nature whatsoever, including all originals, copies and drafts.
4. When asked to “identify” a person, provide that person's name, job title and last known business address.

Exhibit A

5. All documents requested herein are all those in the custody of, possession of, or control of the Company or its experts, consultants, agents, employees or representatives (including attorneys), or to which the Company or its experts, consultants, agents, employees or representatives (including attorneys) have access.
6. If any of the information requested in a data request cannot be furnished, please indicate what information is not being provided and the reason that it cannot be provided.
7. If the Company asserts any privilege as to any documents responsive to this request, it shall identify the author(s) of the document, the addressee(s), the recipients(s) of copies, the date of the document, the nature of the document (e.g., letter, memorandum, handwritten notes), the length of the document, the document's current location, and the specific reason(s) why the Company contends that the document is privileged or otherwise protected from discovery.
8. The response to each data request question should begin on a new page. As part of each response, please identify the data request question to which the response is made by typing it at the top of the page. In addition, each response should identify the name, job title and telephone number of the person or persons responsible for providing the information requested for each data request question. If any person so identified is not a witness in this proceeding, the response shall also identify the witness or witnesses who will be responsible for the answering of cross-examination questions pertaining to both the request and the response.
9. Documents provided as part of a response should be attached to the sheet containing the response. Each page of all documents provided in response to any data request question should be clearly marked with the data request question number, unless stapled together, in which case only the first page need be marked.
10. Please provide individual responses as they become available. If, in your responses to a data request, you make reference to written testimony or affidavits filed in this docket, please include page numbers and line numbers where the information sought by Staff in each question can be found.
11. Electronic responses rather than paper responses are preferred. If data is provided in response to a particular request, such data should be provided in an electronic format that allows data manipulation (i.e., spreadsheet – preferably Microsoft Excel). If a portion of a response needs to be provided in paper, please provide the entire response in paper and also provide electronically the portion that is able to be provided electronically. Responses shall be provided on or before the Response Due Date to Kenneth Goldin at kgoldin@ghlaw.net.

12. The Company must seasonably supplement or amend any prior answer or response whenever new or additional information subsequently becomes known to the Company. The Company must also seasonably supplement any prior response to the extent of documents, objects or tangible things which subsequently come into the Company's possession or control or become known to the Company.
13. As used herein, the term "Complaint" shall mean the Verified Amended Formal Complaint filed by Malibu Condominium on February 5, 2009.
14. The period to which these Data Requests relate is October 1, 1999 to May 25, 2010.
15. Terms not otherwise defined herein shall have the meaning ascribed thereto in the Complaint.

Malibu Request No. 1.00: Please provide copies of all responses to data requests submitted to ComEd by any other parties in Docket No. 08-0401.

Malibu Request No. 1.01: Please provide all work papers and documents used to prepare the Answer and/or Affirmative Defenses to the Complaint.

Malibu Request No. 1.02: Please provide all work papers and documents relating to, or used to prepare, any witness which Commonwealth Edison (“ComEd”) intends to call at trial.

Malibu Request No. 1.03: Please provide all documents and information (other than utility bills or other documents attached as exhibits to the Complaint) which relate to Malibu Condominium, ComEd Account Number 1310169004, and/or to the improved real property commonly known as Malibu Condominium, 6007 N. Sheridan Road in Chicago, Illinois.

Malibu Request No. 1.04: Please identify by name and address all buildings within ComEd’s service territory which:

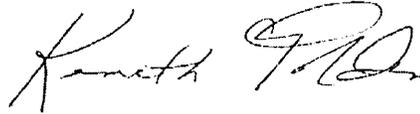
- a. Are used primarily for residential purposes, and
- b. Take or have taken service under ComEd’s Rate 6 or Rate 6T.

Malibu Request No. 1.05: Please calculate the refund due that Malibu would have received under ComEd’s Rider CABA if Malibu was eligible to receive such refund in accordance with the terms under Rider CABA.

Malibu Request No. 1.06: Please calculate the refund due that Malibu would have received under ComEd’s Rider CABA if Malibu was eligible to receive such refund in accordance with the terms under Rider CABA.

Respectfully submitted,

MALIBU CONDOMINIUM



By: _____

One of its attorneys

Kenneth G. Goldin

Goldin, Hill & Associates, P.C.

9100 Plainfield Road

Brookfield IL 60513

Tel: 708-485-8300

FAX: 708-485-8301

kgoldin@ghlaw.net

CERTIFICATE OF SERVICE

I, Kenneth Goldin, hereby certify that a copy of the above-referenced First Set of Data Requests were served on the persons on the service list by electronic mail on May 25, 2010.



Kenneth G. Goldin

Goldin, Hill & Associates, P.C.

9100 Plainfield Road

Brookfield IL 60513

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May 25, 2010

SERVICE LIST
ICC DOCKET NO. 08-0401

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Illinois Commerce Commission
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kthompson@eimerstahl.com

ICC Docket No.08-0401

**Commonwealth Edison Company's Response to
Malibu Condominium Associations ("MALIBU") Data Requests 1.00 – 1.06
Dated: May 25, 2010**

REQUEST NO. MALIBU 1.04:

Please identify by name and address all buildings within ComEd's service territory which:

- a. Are used primarily for residential purposes, and
- b. Take or have taken service under ComEd's Rate 6 or Rate 6T.

RESPONSE:

ComEd objects to this request as overbroad, vague and – to the extent that it would require ComEd to produce information that is not in its possession – as unduly burdensome. ComEd also objects to this request on the basis that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence and to the extent that it would require ComEd to produce confidential customer information.

Without waiving these objections, ComEd states as follows. ComEd does not possess, nor is it required to possess, information which would make it possible to determine which buildings in its service area are used primarily for residential purposes. Thus, ComEd is unable to identify all buildings within its service area which are used primarily for residential purposes and take or have taken service under ComEd's Rate 6 or Rate 6T.

Exhibit B

CCC 000010

GOLDIN, HILL & ASSOCIATES

ATTORNEYS AT LAW

Kenneth Goldin
Joseph Hill

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Brookfield, IL 60513
TEL: 708-485-8300
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BY ELECTRONIC MAIL

June 25, 2010

Michael S. Pabian
Atty. For Commonwealth Edison Company
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Chicago, IL 60603

Kendra N. Thompson
Atty. For Commonwealth Edison Company
Eimer Stahl Klevorn & Solberg, LLP
224 S. Michigan Avenue, Suite 1100
Chicago, IL 60604

**Re: Commonwealth Edison Company's First Set of Data Requests to Malibu
Condominium Association in Docket No. 08-0401**

Dear Counsel:

We are in receipt of ComEd's purported responses to Malibu's First Set of Data Requests. This letter is sent pursuant to Supreme Court Rule 201 (k). Without any prior discussion with us, ComEd has entirely failed to respond to certain of our Requests. Specifically, Request No. 1.03, which seeks documents pertaining to Malibu and the account, maintained by ComEd for Malibu on the basis that such Request is overly broad and not relevant. ComEd also asserts its belief that "there are no remaining issues relevant to any of Malibu's claims. Such objections are not well-founded in fact or in law. Under Supreme Court rule 214 and 83 Ill.Adm. Code 200.360, permissible scope of discovery is extremely broad and requires disclosure of materials which are not only admissible at trial, but which may lead to admissible material. *Bauter v. Reding*, 68 Ill.App.3d 171. The fact that material may not be used at trial doesn't excuse you from producing it. *Southern Ill. Airway v. Smith*, 267 Ill.App.3d 201. A plaintiff is entitled to discovery for the purposes of impeaching witnesses or sworn statements made in the defendant's pleadings. *Nystrom v. Bub*, 36 Ill.App.2d 333.

In the present case, the crux of Malibu's claims directly relates to ComEd's handling of Malibu's account; the records and documents relating to this account are manifestly relevant to these claims. Additionally, ComEd in its various sworn pleadings has expressly denied any mishandling of Malibu's account, and Malibu, as a matter of law, is entitled to see any evidence relating to such denials. ComEd's stated belief that there are no remaining factual issues is patently absurd. All of Malibu's claims arising after June 24, 2006 remain fully viable; Malibu is required to prove all of the essential elements of these claims and Malibu is entitled to discovery of any documents which are not only relevant to these claims, but which may lead to discovery of additional relevant evidence.

Exhibit C

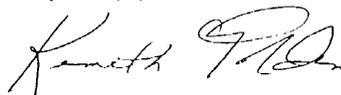
Similarly, ComEd has refused to respond to Request No. 1.04, which seeks information regarding rate classification across its service territory. ComEd states that: "...it does not possess, nor is it required to possess, information which would make it possible to determine which buildings in its service area are used primarily for residential purposes...or under ComEd's Rate 6 or Rate 6T." It is our understanding that ComEd differentiates its customers based on its publicly-filed rates and tariffs, that ComEd differentiates customers in their cost studies, rate design and reporting to the ICC and to FERC. ComEd certainly has ready access to this information, and its answer to this Request is simply untrue. Such information is relevant to demonstrate whether Malibu is categorically ineligible to take service under ComEd's non-residential rates, establish a course of dealing and/or to determine the veracity of ComEd's pleadings and witnesses.

Moreover, ComEd's response to Request No. 1.01 is incomplete. Although ComEd refers us to the exhibits to the complaint and to ComEd's witness and exhibit list, ComEd does not state whether any other documents were used to prepare its answer or affirmative defenses.

We reiterate that unlike ComEd, Malibu does not have unlimited resources to engage in unproductive discovery disputes and motions practice, nor does Malibu have the ability to pass on unnecessarily-incurred legal fees to ratepayers. Malibu respectfully requests that ComEd fully respond to Malibu's Requests by the close of business on Tuesday, June 29, 2010, failing which we will be required to file a motion to compel and to recover legal fees and other sanctions incident thereto. Given our extremely cordial and professional dealings with ComEd's counsel, we sincerely hope avoid such step, and we'd appreciate your cooperation in complying with ComEd's discovery obligations.

Should you wish to discuss any of the foregoing, please contact the undersigned.

Very truly yours,



Goldin, Hill & Associates

By: Kenneth G. Goldin
For Malibu Condominium

cc: Michael A. Munson, Esq.

Kendra N. Thompson
(312) 660-7672
kthompson@eimerstahl.com

July 29, 2010

VIA ELECTRONIC MAIL

Kenneth G. Goldin
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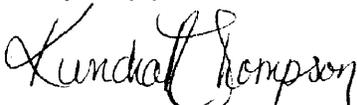
Michael A. Munson
Law Office of Michael A. Munson
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michael@michaelmunson.com

Re: Commonwealth Edison Company's Response to Malibu Condominium Association's Company's First Set of Data Requests in Docket No. 08-0401

Dear Messrs. Goldin and Munson:

Enclosed please find an amended response to Data Request 1.04. On July 26, 2010, ComEd inadvertently stated in the fourth line of its Supplemental Response to Data Request 1.04 that service has not been available under ComEd's Rate 6 or Rate 6T since *January 31, 2006*. This date is incorrect. The enclosed Supplemental Response to Data Request 1.04 correctly reflects that service has not been available under ComEd's Rate 6 or Rate 6T since *January 2, 2007*. The response has not been changed in any other respect.

If you have any questions or would like to discuss this matter further, please feel free to contact me at (312) 660-7672. We apologize for any inconvenience this may have caused.

Very truly yours,

Kendra N. Thompson

KNT/acl
Enclosures

Exhibit D

ICC Docket No.08-0401

**Commonwealth Edison Company's Response to
Malibu Condominium Associations ("MALIBU") Data Requests 1.00 – 1.06
Dated: May 25, 2010**

REQUEST NO. MALIBU 1.04:

Please identify by name and address all buildings within ComEd's service territory which:

- a. Are used primarily for residential purposes, and
- b. Take or have taken service under ComEd's Rate 6 or Rate 6T.

SUPPLEMENTAL RESPONSE:

ComEd reiterates that this data request is vague and ambiguous in that it does not define "used primarily for residential purposes," it insinuates that *buildings* take electric service as opposed to *accounts* within buildings, and inasmuch as service has not been available under ComEd's Rate 6 or 6T since January 2, 2007. ComEd further renews its objections that this request is overbroad and unduly burdensome in that it requests information regarding all buildings that have ever taken service under Rate 6 or 6T without a reasonable temporal limitation. Moreover, ComEd treats customer name, address, and account information as confidential. Subject to the foregoing objections and ComEd's initial objections, ComEd states as follows.

For the limited purpose of responding to this request, ComEd will use the assumption that a building is "used primarily for residential purposes" if the number of residential accounts in the building exceeds the number of commercial accounts. Using this assumption, ComEd approximates that at any given time there are in excess of 20,000 accounts in ComEd's service territory taking service under commercial rates that are located in buildings that are "used primarily for residential purposes."

ICC Docket No.08-0401

**Commonwealth Edison Company's Response to
Malibu Condominium Associations ("MALIBU") Data Requests
MALIBU 1.00 – 1.06
Dated: May 25, 2010**

REQUEST NO. MALIBU 1.04:

Please identify by name and address all buildings within ComEd's service territory which:

- a. Are used primarily for residential purposes, and
- b. Take or have taken service under ComEd's Rate 6 or Rate 6T.

09-14-2010 FOLLOW-UP RESPONSE:

Consistent with discussions at the hearing on July 27, 2010, ComEd is providing this Follow-Up Response to Kenneth G. Goldin's August 3, 2010 e-mail which requested:

ComEd to provide:

- (a) A list of the names and addresses of all electrically heated multi-family apartment buildings ("all-electric"), rentals or condominiums, whose common areas were ever billed on ComEd's Rate 6 or Rate 6T, "General Service" tariff, or on other non-residential rate during the period from November 1999 to January 1, 2007; and
- (b) A list of the names and addresses of all electrically-heated multi-family apartment buildings ("all-electric"), rentals and condominiums, whose common areas were ever billed on ComEd's Rate 14 - Residential tariff, and then changed, for any reason, to ComEd's "Rate 6" or Rate 6T General Service tariff, or changed to any other non-residential rate during the period from November, 1999 through January 1, 2007.

ComEd reiterates that this data request remains vague and ambiguous. ComEd further renews its objections that this request is overbroad and unduly burdensome inasmuch as ComEd does not have the means to identify all of its customers that are "all-electrically-heated multi-family apartment buildings ('all-electric'), rentals and condominiums." Moreover, ComEd treats customer name, address, and account information as confidential. Subject to the foregoing objections and ComEd's initial and supplemental objections, ComEd states as follows.

For the limited purpose of responding to subsection (a) of this Follow-Up E-Mail Request, ComEd searched the data available in the rate history table of its current billing system to identify commercial accounts with electric heat that are located in buildings that have a greater number of residential accounts in the building than commercial accounts. ComEd's current billing system is designed to track account billing information on a rolling twenty-four month period. The rate history table of ComEd's current billing system, however, contains certain additional rate history records from at least prior to January 1, 2007. From this limited available data, ComEd generated the attached list of accounts in buildings that (i) were or are designated as having electrical heat, (ii) took electric service under one of ComEd's non-residential rates (i.e., were or are designated as a large or small commercial/ industrial revenue class), and (iii) have a greater number of residential accounts in the building than commercial accounts. See MALIBU 1.04 09-14-2010 Follow-Up_Attach 1.

Exhibit E

CCC 0000928

For the limited purpose of responding to subsection (b) of this Follow-Up E-Mail Request, ComEd searched the data available in the rate history table of its current billing system to identify accounts that took service under ComEd's Rate 14A, which is a residential rate designation under Rate 14 for buildings with three or more units. From this limited available data, ComEd generated the second attached list of accounts in buildings that (i) took service under ComEd's Rate 14A; and (ii) switched from ComEd's Rate 14A to Rate 6 or 6T, or to any other commercial rate at any time from November 1, 1999, through January 1, 2007. *See* MALIBU 1.04 09-14-2010 Follow-Up_Attach 2.

ICC Dkt. No. 08-0401
MALIBU 1.04 09-14-2010 FOLLOW-UP_Attach 1
Match_to_Former_Space_Heat_with

Revenue Class	No. Residential Units	No Commercial Units	City	Zip Code
03-Small Comm Indust	891	14	CHICAGO	60610
05-Large Comm Indust	598	2	CHICAGO	60601
03-Small Comm Indust	567	18	CHICAGO	60611
03-Small Comm Indust	498	14	CHICAGO	60660
03-Small Comm Indust	420	18	CHICAGO	60653
05-Large Comm Indust	349	18	CHICAGO	60605
03-Small Comm Indust	301	7	CHICAGO	60610
03-Small Comm Indust	301	7	CHICAGO	60610
05-Large Comm Indust	256	1	CHICAGO	60611
03-Small Comm Indust	250	5	CHICAGO	60605
03-Small Comm Indust	226	1	CHICAGO	60661
05-Large Comm Indust	221	10	CHICAGO	60611
05-Large Comm Indust	211	1	CHICAGO	60611
05-Large Comm Indust	183	1	CHICAGO	60611
03-Small Comm Indust	161	2	CHICAGO	60611
05-Large Comm Indust	149	1	CHICAGO	60606
05-Large Comm Indust	148	1	CHICAGO	60611
03-Small Comm Indust	137	1	WAUKEGAN	60085
03-Small Comm Indust	137	1	WAUKEGAN	60085
03-Small Comm Indust	129	2	CHICAGO	60614
03-Small Comm Indust	124	1	CHICAGO	60607
03-Small Comm Indust	123	1	CHICAGO	60615
03-Small Comm Indust	120	7	CHICAGO	60611
03-Small Comm Indust	118	1	NORTHBROOK	60062
03-Small Comm Indust	110	2	CHICAGO	60641
03-Small Comm Indust	105	2	CHICAGO	60605
03-Small Comm Indust	95	3	CHICAGO	60615
03-Small Comm Indust	86	1	CHICAGO	60610
03-Small Comm Indust	85	2	CHICAGO	60615
03-Small Comm Indust	83	1	BUFFALO GROVE	60089
03-Small Comm Indust	79	2	CHICAGO	60610
03-Small Comm Indust	78	1	CHICAGO	60615
03-Small Comm Indust	77	1	CHICAGO	60613
03-Small Comm Indust	75	3	CHICAGO	60611
03-Small Comm Indust	72	3	CHICAGO	60640
03-Small Comm Indust	68	3	CHICAGO	60610
03-Small Comm Indust	64	2	LOMBARD	60148
03-Small Comm Indust	64	2	LOMBARD	60148
03-Small Comm Indust	60	1	CHICAGO	60660
03-Small Comm Indust	60	2	CHICAGO	60637
03-Small Comm Indust	59	1	CHICAGO	60615
03-Small Comm Indust	59	1	WILLOWBROOK	60514
03-Small Comm Indust	59	1	GLENVIEW	60025
03-Small Comm Indust	57	2	HUNTLEY	60142

ICC Dkt. No. 08-0401
MALIBU 1.04 09-14-2010 FOLLOW-UP_Attach 1
Match_to_Former_Space_Heat_with

Revenue Class	No. Residential Units	No Commercial Units	City	Zip Code
03-Small Comm Indust	50	2	WARREN TWP	60031
03-Small Comm Indust	48	1	AURORA	60506
03-Small Comm Indust	47	1	FREEPORT	61032
03-Small Comm Indust	44	1	NILES	60714
03-Small Comm Indust	40	1	LOVES PARK	61111
03-Small Comm Indust	39	2	RICHMOND	60071
03-Small Comm Indust	39	2	RICHMOND	60071
03-Small Comm Indust	39	1	MOUNT PROSPECT	60056
03-Small Comm Indust	32	1	CICERO	60804
03-Small Comm Indust	30	1	CHICAGO	60657
03-Small Comm Indust	30	1	RIVER FOREST	60305
03-Small Comm Indust	28	1	CHICAGO	60615
03-Small Comm Indust	28	1	HARVEY	60426
03-Small Comm Indust	27	3	CHICAGO	60622
03-Small Comm Indust	26	1	CHICAGO	60649
03-Small Comm Indust	24	1	OAK PARK	60302
03-Small Comm Indust	21	2	GLEN ELLYN	60137
03-Small Comm Indust	20	1	GARDNER	60424
03-Small Comm Indust	19	1	MENDOTA	61342
03-Small Comm Indust	18	1	CHICAGO	60626
03-Small Comm Indust	18	1	RICHMOND	60071
03-Small Comm Indust	18	1	RICHMOND	60071
03-Small Comm Indust	18	1	RICHMOND	60071
03-Small Comm Indust	16	1	TONICA	61370
03-Small Comm Indust	16	1	SYCAMORE	60178
03-Small Comm Indust	15	1	BEECHER	60401
03-Small Comm Indust	14	1	LYONS	60534
03-Small Comm Indust	12	1	ST ANNE	60964
03-Small Comm Indust	12	1	LA GRANGE	60525
03-Small Comm Indust	12	4	AURORA	60505
03-Small Comm Indust	12	2	JOLIET	60435
03-Small Comm Indust	12	3	BEECHER	60401
03-Small Comm Indust	12	1	WHEELING	60090
03-Small Comm Indust	12	1	LIBERTYVILLE	60048
03-Small Comm Indust	12	1	LIBERTYVILLE	60048
03-Small Comm Indust	12	1	HIGHWOOD	60040
03-Small Comm Indust	11	2	LAKE FOREST	60045
03-Small Comm Indust	10	15	GRAYSLAKE	60030
03-Small Comm Indust	9	1	WOOD DALE	60191
03-Small Comm Indust	8	2	CHICAGO	60657
03-Small Comm Indust	8	1	VILLA PARK	60181
03-Small Comm Indust	8	1	EARLVILLE	60518
03-Small Comm Indust	7	1	CHICAGO	60613
03-Small Comm Indust	6	1	BRADLEY	60914

ICC Dkt. No. 08-0401
MALIBU 1.04 09-14-2010 FOLLOW-UP_Attach 1
Match_to_Former_Space_Heat_with

Revenue Class	No. Residential Units	No Commercial Units	City	Zip Code
03-Small Comm Indust	6	2	ALSIP	60803
03-Small Comm Indust	6	1	CHICAGO	60656
03-Small Comm Indust	6	3	CHICAGO	60622
03-Small Comm Indust	6	1	CHICAGO	60613
03-Small Comm Indust	6	1	EVANSTON	60201
03-Small Comm Indust	6	1	ELGIN	60120
03-Small Comm Indust	6	1	PALATINE	60074
03-Small Comm Indust	6	1	ELK GROVE VILLAGE	60007
03-Small Comm Indust	6	1	BRADLEY	60914

ICC Dkt. No. 08-0401
MALIBU 1.04 09-14-2010 FOLLOW-UP_Attach 2
Final_Account_at_Rate_Switch_wi

Residential Rate 14 Effective Date	Change to Rate 6 Effective Date	City	Zip Code
2/17/1995	1/22/1999	JOLIET	60432
1/29/1986	5/25/2004	TINLEY PARK	60477
8/31/1979	11/7/2005	OAK LAWN	60453
11/4/1992	11/7/2005	OAK LAWN	60453
8/31/1979	10/8/2005	OAK LAWN	60453
8/31/1979	11/7/2005	OAK LAWN	60453
12/3/1979	11/7/2005	OAK LAWN	60453
12/3/1979	10/8/2005	OAK LAWN	60453
8/31/1979	11/7/2005	OAK LAWN	60453
8/31/1979	11/7/2005	OAK LAWN	60453
8/31/1979	11/7/2005	OAK LAWN	60453
8/31/1979	11/7/2005	OAK LAWN	60453
11/1/1983	7/31/2001	BENSENVILLE	60106
10/13/1994	2/13/2001	MANTENO	60950
9/23/1968	12/20/2002	WHEELING	60090
2/28/1992	11/22/1999	CHICAGO	60660
2/20/1997	1/20/2000	CHICAGO	60613
3/7/1969	12/30/2000	WILMETTE	60091
11/3/1997	5/27/1999	DIXON	61021
8/16/1997	3/1/1999	DEKALB	60115
7/3/1997	3/1/1999	DEKALB	60115
7/3/1997	3/1/1999	DEKALB	60115
7/3/1997	3/1/1999	DEKALB	60115
10/8/1996	10/5/2000	BOURBONNAIS	60914
9/8/1997	10/5/2000	BOURBONNAIS	60914
2/9/1999	10/5/2000	BOURBONNAIS	60914
7/1/1996	10/5/2000	BOURBONNAIS	60914
9/26/2000	5/25/2001	GERMAN VALLEY	61039
10/11/1997	12/10/1998	BELVIDERE	61008
11/30/1988	8/27/2003	CHICAGO	60656
2/6/1986	5/5/2001	CHICAGO	60610
8/16/1996	8/13/1999	CHICAGO	60610
5/2/1997	9/29/2000	CHICAGO	60610
10/4/2000	3/10/2003	DES PLAINES	60016
9/4/1980	10/12/2006	CHICAGO	60707
1/11/1999	11/7/2002	FOREST PARK	60130
4/7/1981	11/6/2006	GLENVIEW	60025
2/17/1976	8/1/2000	FOREST PARK	60130
3/9/1983	4/8/2005	DES PLAINES	60016
9/27/2006	10/26/2006	CHICAGO	60626
9/18/1998	1/11/1999	WOODSTOCK	60098
9/8/1986	5/4/2004	CHICAGO	60607

ICC Dkt. No. 08-0401
MALIBU 1.04 09-14-2010 FOLLOW-UP_Attach 2
Final_Account_at_Rate_Switch_wi

Residential Rate 14 Effective Date	Change to Rate 6 Effective Date	City	Zip Code
5/9/1967	9/7/2000	AURORA	60506
10/13/1987	9/7/2000	AURORA	60506
9/22/2000	2/24/2005	ADDISON	60101
6/5/1997	10/7/2000	AURORA	60506
3/27/1998	11/21/2003	CHICAGO	60647
9/20/1978	11/3/2004	OAK BROOK	60523
6/5/1978	11/3/2004	OAK BROOK	60523
6/2/1978	11/3/2004	OAK BROOK	60523
6/5/1978	11/3/2004	OAK BROOK	60523
11/12/1993	3/14/2006	GLENDALE HEIGHTS	60139
11/12/1993	3/14/2006	GLENDALE HEIGHTS	60139
6/28/1983	8/21/2006	CHICAGO	60625
12/27/1979	11/29/2006	CHICAGO	60616
5/1/1995	6/6/2002	CHICAGO	60611
8/6/1976	1/8/2004	DARIEN	60561
7/11/1985	8/16/2002	LA GRANGE	60525
6/13/1984	8/20/2001	HINSDALE	60521
11/16/1992	6/15/2005	AURORA	60505
10/21/1991	1/21/2005	CHICAGO	60620
12/4/1979	3/29/2000	CHICAGO	60616
4/6/1984	2/9/2006	CHICAGO	60637

GOLDIN, HILL & ASSOCIATES
ATTORNEYS AT LAW

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TEL: 708-485-8300
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September 30, 2010

Ms. Kendra Thompson
Eimer Stahl Klevorn & Solberg LLP
224 South Michigan Avenue, Suite 1100
Chicago, Illinois 60604

Re: Malibu v. ComEd
ICC Docket No. 08-0401

Dear Ms. Thompson:

To memorialize our previous discussions, this message will renew our request for a complete and accurate response to Malibu's Data Request No. 1.04, which, as modified seeks:

- (a) A list of the names and addresses of all electrically heated multi-family apartment buildings ("all-electric"), rentals or condominiums, whose common areas were ever billed on ComEd's Rate 6 or Rate 6T, "General Service" tariff, or on other non-residential rate during the period from November 1999 to January 1, 2007; and
- (b) A list of the names and addresses of all electrically-heated multi-family apartment buildings ("all-electric"), rentals and condominiums, whose common areas were ever billed on ComEd's Rate 14 - Residential tariff, and then changed, for any reason, to ComEd's "Rate 6" or Rate 6T General Service tariff, or changed to any other non-residential rate during the period from November, 1999 through January 1, 2007.

Exhibit F

As we discussed, “electrically heated multi-family apartment buildings (“all-electric”), rentals or condominiums” means any customer who uses the Company’s electric service for residential purposes and whose entire space heating requirements are supplied through space heating facilities. This explanation is easily referenced in ComEd’s tariffs (*See e.g.* Rate 14).

On September 15, 2010, in response to the request, ComEd provided us with two lists of buildings identified only by jurisdiction; neither the names nor addresses of the buildings were provided. Certain buildings were not responsive as, upon information and belief, such responses were and currently are not all-electric multi-family apartment buildings. In addition, all-electric buildings which were on Rate 14 and switched to a non-residential rate were not included on the list provided in ComEd’s response. In substance, it is impossible to tell or confirm from ComEd’s purported response whether any all-electric residential buildings actually were billed on a non-residential rate, or were switched from Rate 14 to a non-residential rate.

We again request that ComEd provide a complete and accurate response forthwith. This request has been out since May of this year. If ComEd does not intend on complying, please advise us today so we can act accordingly.

Very truly yours,

Goldin, Hill & Associates

/s/Kenneth Goldin

cc: Michael Munson, Esq.

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RE: Malibu v. ComEd: 08-0401

Friday, October

From: "kenneth g goldin" <kgoldin@ghlaw.net>

To: "Kendra N.Thompson" <kthompson@EimerStahl.com>

Cc: "Michael A. Munson" <michael@michaelmunson.com>
1 File (2KB)



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Dear Ms. Thompson:

To memorialize our conversation this morning regarding our outstanding issue: Malibu's Data Request No. 1.04:

1. You advised me that all of the buildings listed on your Schedule B are all-eligible buildings as same are defined under Rate 14;
2. You advised that the Cherry Lane Condominium property was not disclosed on your schedules because it was never on Rate 14; rather it was on a "variant" of Rate 15";
3. You stated that the King's Walk Condominium property was not disclosed or because although it was changed from Rate 14 to Rate 6, it was changed back to Rate 14 and therefore was not required to be disclosed;
4. You stated that although the Request explicitly calls for the names and addresses of all buildings, ComEd would not provide such information; and
5. You stated that ComEd has responded to the Data Request and would not provide information responsive thereto.

Very truly yours,

Kenneth Goldin

Goldin, Hill & Associates P.C.

**9100 Plainfield Road
Brookfield IL 60513**

EXHIBIT G

Commonwealth
Edison Company

ELECTRICITY
For the Cities and Villages listed on
Sheets Nos. 4, 5, 6, 7 and 8
and the unincorporated contiguous territory

ILL. C. C. No. 4
31st Revised Sheet No. 1
(Cancelling 30th Revised Sheet No. 1)

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* Rider SRF Final Reconciliation Clause	95.85

(Continued on Sheet No. 2)

Filed with the Illinois Commerce Commission on January 13, 1995
Issued pursuant to Order of the Illinois Commerce Commission
entered January 9, 1995, in Docket No. 94-0065
Asterisk (*) indicates change

Date Effective: January 14, 1995
Issued by J. C. Bukowski, Vice President
Post Office Box 767, Chicago, Illinois 60690

Exhibit H

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(Continued from Sheet No. 1)

BILL FORMATS

Residential "Customer Information System" Customers 96 and 97
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The following rate designations appear on many customers' bills. Such designations indicate combinations of certain rates and riders or certain optional provisions of such rates which are used in determining the amounts customers are billed.

<u>Rate Designations Shown on Bill</u>	<u>Combination</u>
1	Rate 1 with optional Light Bulb Service
2	Rate 1 without optional Light Bulb Service
4	Rates 1 and 3 with optional Light Bulb Service
6	Rate 6 without time of day provision
6T	Rate 6 with time of day provision
6L	Rate 6L with time of day provision
6H	Rate 6L without time of day provision
9	Rates 1 and 3 without optional Light Bulb Service
14	Rate 14, total electric space heating with optional Light Bulb Service
15	Rates 14 and 3, total electric space heating with water heating and optional Light Bulb Service
16	Rate 14, total electric space heating without optional Light Bulb Service
17	Rates 14 and 3, total electric space heating with water heating and without optional Light Bulb Service
31	Rate 1H, add-on heat pump with optional Light Bulb Service
32	Rate 1H, add-on heat pump without optional Light Bulb Service
34	Rates 1H and 3, add-on heat pump with water heating and optional Light Bulb Service
39	Rates 1H and 3, add-on heat pump with water heating and without optional Light Bulb Service
47	Rate 6 with Rider 13
94	Rider 25, combined electric space heating and air conditioning facilities
95	Rider 25, electric space heating only
96	Rider 25, heating with light

NOTES:

- (1) A residential rate designation with an "A" suffix denotes a customer as defined in Rate 1 where three or more customers are each served through separate meters from a single service drop or underground service.
- (2) A residential rate designation without an "A" suffix denotes a customer as defined in Rate 1 where one or two customers are each served through separate meters from a single service drop or underground service.
- (3) A rate designation with a "D" suffix denotes an account with optional fixed summer period for grain drying.