

5. For many years, on numerous occasions, Complainant complained to Respondent that the gas usage billed by Respondent on the Bills was inaccurate, as it varied wildly from month to month, with no apparent correlation to ambient temperature or season, and was an impossibly high amount given the number and capacity of gas-using fixtures and appliances on the Premises, and the fact that Complainant installed (in 2008) a solar hot water heating system to supplement or supplant the gas-fired hot water heater on the Premises.
6. In response to said complaints, on several occasions, Respondent sent a technician to inspect the Premises and the meters, and the technician told Complainant that the meter or meters were inaccurate and that the billing would be adjusted. Respondent, following such inspections, issued token wholly inadequate and apparently random billing adjustments with no explanation, or did nothing at all.
7. Complainant, at its expense, has investigated the possibility that there are gas leaks, or unauthorized "taps" into the gas piping (after the meters) but no such leaks or taps have been found, which Respondent's technicians also confirmed.
8. In December 2008, Respondent, in response to one of Complainant's complaints as aforesaid, acknowledged its billing was inaccurate, and issued a bill dated 12/17/2008 which re-calculated the gas usage for a period of 409 days, from 10/22/2007 to 12/04/2008, and cancelled the prior billing during that period in the amount of \$21,616.24, and issuing a new bill in the amount of \$11,945.25 (hereafter referred to as the "December '08 Bill") No explanation was provided by Respondent as to why or what basis it was revising the prior usage; what, if anything was determined to be the problem with the meters; why the December '08 Bill did not credit all of the payments made by Complainant during the billing period; and Respondent did not explain what, if anything, it had done or would do to ensure future billings would be accurate.
9. The December '08 Bill failed to credit Complainant with its payments of \$10,833.78 during the billing period. The December '08 Bill cancelled and gave a credit in the amount of \$21,616.34 for the prior billing since 10/22/2007; however, the actual amount billed by Respondent during that period was \$43,996.41 and Complainant is entitled to a

further credit for the difference of \$22,380.17.

10. On information and belief, Respondent has, since Complainant's acquired the Premises, continuing to the present, wrongfully billed Complainant for the usage measured by both meters in the building; despite the fact that they are connected "in series" such that they measure the same flow of gas into the Premises from a single service line.
11. Respondent has wrongfully mislead Complainant by claiming that the two (2) meters on the Premises measure separate flows from separate service lines, when, on information and belief, they measure the same flow from a single service line.
12. Respondent has wrongfully billed Complainant for gas usage measured by meters whose numbers are identified on its bills, but that do not correspond to meters that exist on the Premises.
13. Respondent has wrongfully and repeatedly failed to take actual meter readings from the meters that do exist on the Premises, for periods of time in excess of two (2) billing periods, in violation of 83 Il. Adm. Code 280.80, and wrongfully issued bills on grossly overestimated usage estimates, despite the fact that the meters on the Premises are readily accessible to Respondent, and Complainant has at all times complied with 83 Il. Admin. Code 280.80(b).
14. Despite Complainant's numerous complaints that the meters on the Premises are inaccurate and demands to test them, Respondent has failed to test and/or replace them, or if and when it has done so, has failed to notify Complainant of its test results or inform Complainant in advance so Complainant can witness any such tests, in violation of Il. Admin. Code Title 83, ch. 1d, Section 500.220.
15. Respondent has surreptitiously replaced over registering meters without testing or without informing Complainant of the results of said tests, thus concealing or destroying evidence of such over registration.
16. On occasions, when Complainant has been unable to fully pay the inaccurate and grossly

inflated estimated bills rendered by Respondent, Respondent has wrongfully demanded excessive security deposits from Complainant and has plastered the Premises with shutoff notices, causing Complainant's tenants to abandon the Premises or not renew their leases.

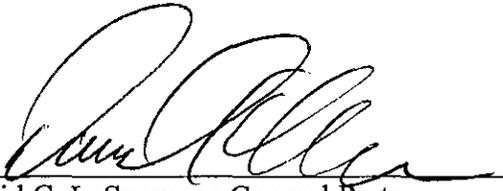
17. Respondent has, following Complainant's numerous complaints of inaccurate billing, repeatedly assured Complainant that the disputed billing would be corrected, but later failed and refused to correct the billing or the problems causing it to inaccurately measure Complainant's actual gas usage.

WHEREFORE, Complainant requests that the Commission grant the following relief:

- A) Order Respondent to produce and disclose the results of all meter tests for all meters on the Premises, and all actual meter readings thereon, and the number and capacity of all service lines to the Premises and identify (by meter number and/or other distinguishing features) which meter(s) have measured the flow of gas from each such line; from 1996 to the present;
- B) Order a Commission Referee Test for the accuracy of both meters on the Premises, and an inspection of how said meters are connected to the service line(s) to determine if said meters measure the same or different gas flows. Complainant requests to be present during any such inspection;
- C) For an audit of Complainant's billing by Respondent since 1996 to the present, after the aforesaid inspection and testing are done, and to order Respondent to issue appropriate credits and revised billing.
- D) To Order Respondent to revise its December '08 Bill to properly credit all prior billing during the applicable billing period, and payments made by Complainant, and to explain the factual basis for the revised billing;
- E) To order Respondent to refund all billings or payments pertaining to duplicate meters and meters that did not actually exist on the Premises;

F) For such other relief as the Commission deems appropriate.

12/1/10
Date

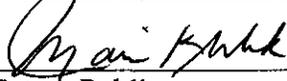

David C. LeSueur, as General Partner
of Halsted Partners

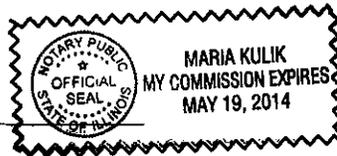
VERIFICATION

I, David C. LeSueur, being first duly sworn, say that I have read the above complaint and know what it says, and its contents are true to the best of my knowledge.


David C. LeSueur

Subscribed and Sworn before me
on 12-1-10, 2010


Notary Public



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