

For Commission Use Only:  
Case: 10-0706

**OFFICIAL FILE**  
**ILLINOIS COMMERCE COMMISSION**  
**FORMAL COMPLAINT**  
Illinois Commerce Commission  
527 E. Capital Avenue  
Springfield, Illinois 62701

**ORIGINAL**

Regarding a complaint by (Person making the complaint): Bedford Park Public Library District

Against (Utility name): Commonwealth Edison

As to (Reason for complaint) Damages to Library property due to power surge in electrical current transmitted to the Library.

in Bedford Park Illinois.

CHIEF CLERK'S OFFICE  
2010 DEC 10 P 12:48  
ILLINOIS COMMERCE COMMISSION

**TO THE ILLINOIS COMMERCE COMMISSION, SPRINGFIELD, ILLINOIS:**

My mailing address is Richard D. Skelton, RD Skelton, Ltd. 115 Campbell St., #103, Geneva, IL 60134

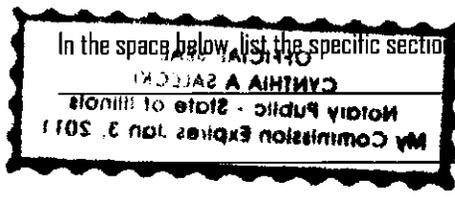
The service address that I am complaining about is 7816 W. 65th Place, Bedford Park, IL 60501

My home telephone is [ 708 ] 458-6826

Between 8:30 A.M. and 5:00 P.M. weekdays, I can be reached at [ 630 ] 232-9368

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

(Full name of utility company) Commonwealth Edison Company (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.  
83 Ill. Adm. Part 410.300 a) and b); 83 Ill. Adm. Part 411.100 a) and b) and e); 220 ILCS 5/1-101 et., seq.; 220 ILCS 5/3-105; 5/1-102; 5/8-101; 5/8-401; 5/5-202; 5/5-201; 5/5-101 of the Public Utilities Act.

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

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

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.

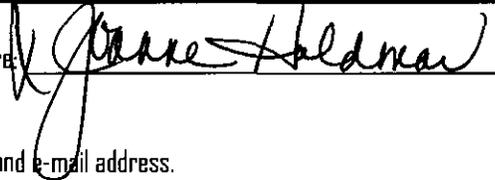
See Attached Complaint

Please clearly state what you want the Commission to do in this case: Enter an Order finding that Commonwealth Edison is responsible for damages incurred to the Bedford Park Public Library for failure to properly maintain and service power lines transmitting electricity to the Library and for damages as set forth in the attached Complaint.

**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: October 11, 2010  
(Month, day, year)

Complainant's Signature



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

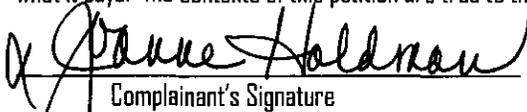
Richard D. Skelton rdskelton@rdskelton.com  
R.D. Skelton, Ltd 115 Campbell St., #103, Geneva, IL 60134

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).

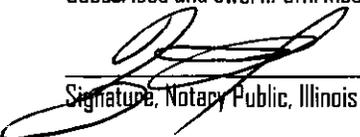
**VERIFICATION**

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

I, Joanne Holdman, 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.

  
Complainant's Signature

Subscribed and sworn/affirmed to before me on (month, day, year) October 11, 2010

  
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.

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

**Bedford Park Public Library                    )**  
**District, Complaint against                    )**  
**Commonwealth Edison Co.,                    )**  
**an Illinois Public Utility                    )**

**COMPLAINT**

NOW COMES the BEDFORD PARK PUBLIC LIBRARY DISTRICT, by and through It's attorney, R.D. Skelton, Ltd., and for It's Complaint against Commonwealth Edison, states as follows

1.       The Bedford Park Public Library District, is an Illinois Public Library District ("Bedford Park Library" or simply the "Library") organized and existing under the laws of the State of Illinois. Bedford Park Library operates a public library located at 7816 W. 65<sup>th</sup> Place, Bedford Park, Illinois.

2.       Commonwealth Edison Company ("ComEd") is an Illinois corporation whose corporate office is located at 440 South LaSalle Street, Suite 3300, Chicago, County of Cook, State of Illinois. ComEd is a public utility under the Illinois Public Utilities Act, 220 ILCS 5/1-101 et. seq. (the "PUA") and is regulated by the Illinois Commerce Commission ("ICC") pursuant to the PUA. 220 ILCS 5/3-105; 220 ILCS 5/1-102. ComEd provides electric distribution services within a service area that includes service to the Bedford Park Library at the above address.

3.       Electricity distribution utilities are regulated in the State of Illinois by the ICC pursuant to the PUA. 220 ILCS 5/1-101 et. seq. Electricity distribution utilities must comply with all provisions of the PUA. 220 ILCS 5/5-202.

4. Section 5-101 of the PUA requires that every public utility shall obey and comply with each and every requirement of the PUA and with every order, decision, rule or regulation of the ICC. 220 ILCS 5/5-101.

5. Under the PUA, ComEd, as a public utility, has the duty to furnish provide, and maintain such service instrumentalities, equipment, and facilities as shall promote the safety, health, comfort, and convenience of its patrons, employees, and public and shall be in all respects adequate, efficient, just, and reasonable. 220 ILCS 5/8-101.

6. The PUA further requires in part that “every public utility subject to this Act shall provide service and facilities which are in all respects adequate efficient, reliable and environmentally safe..... 220 ILCS 5/8-401.

7. On January 16, 2010 there was a power surge in electrical current transmitted to the Bedford Park Library caused by a defect in one of the electrical distribution phases that provides electricity to the Library. There are three phases used to provide electrical power service to the Bedford Park Library.

8. The surge in power caused by the defect in one of the electric distribution phases used to provide electrical power to the Library caused an overload, or surge, in power in the other two phases used to provide power to the Library.

9. The overload of the power system caused the mechanical systems in the Library to overheat and, in some cases, to fail.

10. When employees arrived at work on January 17, 2010 they were only able to turn on some of the lights. There was a noticeable odor of smoke in the building and the Bedford Park Fire Department was called to investigate the situation.

11. When the Fire Department arrived they found that the dumb waiter in the Library was on fire. The Fire Department turned off the motor to the elevator, and put out the fire, but not before the dumb-waiter motor had been completely destroyed from overheating.

12. In addition, the transformer that supplies electricity to the Library overheated and was damaged.

13. The Heating and Cooling Systems of the Library were also extensively damaged due to the power surge caused by the defect in the cable running to the Library.

14. After putting out the fire and inspecting the premises, the Fire Department called ComEd to fix the defect in the power cables used to provide service to the Library.

15. ComEd came to the Library on January 17, 2010 and dug up the alley adjacent to the Library building. At that time they discovered that one of the phases of the electrical service was completely broken and nonfunctional.

16. ComEd was at the site from January 17<sup>th</sup> to January 18<sup>th</sup>, 2010. During that time another phase of the service 'shorted out' and the Library mechanical systems suffered additional surges of power.

17. The Library hired an electrician to remain at the site to help facilitate the repairs by ComEd and to assess the damage to the Library as well as to fix the damages that could be repaired.

18. The Bedford Park Library incurred substantial costs to repair its mechanical systems in excess of \$25,000.00.

19. The Library, and the City of Bedford Park, also incurred costs to repair the alley, which ComEd dug up, but failed to repair, despite numerous requests to do so.

20. The Library was forced to close for one day due to the electrical malfunction of the ComEd systems and incurred labor costs that were paid to it's employees for that day.

21. ComEd violated Sections 5-101, 8-101, and 8-401 of the PUA by failing to provide adequate and reliable service to the Bedford Park Public Library District as required by the PUA. 220 ILCS 5/5-101; 5/8-101; 220 ILCS 5/8-401.

22. Section 5-201 of the PUA provides in pertinent part that if a public utility, "...shall omit to do any act, matter or things required to be done either by any provisions of (the PUA) or any rule or regulation of the Commission...the public utility shall be liable to the persons or corporations affected thereby for all loss, damages or injury caused thereby or resulting therefrom, and if the court shall find that the act or omission was willful, the court may, in addition to the actual damages, award damages for the sake of example and by the way of punishment. 220 ILCS 5/5-201.

23. On May 7, 2010 the Bedford Park Library wrote to ComEd advising it of the damages it sustained due to the faulty electrical service ComEd provided to it. A true and accurate copy of the letter is attached hereto as Ex. 'A'.

24. On May 7, 2010, at the request of ComEd, Bedford Park Library filed a Claim with ComEd, on a Claim Form provided by ComEd, pertaining to the damages caused by the faulty electrical service provided to the Library. A true and accurate copy of the Claim is attached hereto as Ex. 'B'.

25. On June 9, 2010 ComEd responded to the Claim filed the Library denying any responsibility for the damages that were incurred, based on an erroneous position that it was not liable for power interruptions due to forces of nature. A true and accurate copy of ComEd's response to the Library's claim is attached hereto as Ex. 'C'.

26. On July 6, 2010 the Library filed an Informal Complaint with the Illinois Commerce Commission pertaining to the damages it incurred due ComEd's negligence. A true and accurate copy of the Informal Complaint is attached hereto as Ex. 'D'.

27. On July 13, 2010 ComEd responded to Claim No. GCED2010214997 made by the Library, stating that it's, "...investigation has revealed that a cable failure was responsible for the events that followed..." and that it was not responsible for interruptions of service caused by such failures under the tariff provided to it by the State of Illinois. A true and accurate copy of ComEd's response to Bedford Park Library's Informal Claim filed with the ICC is attached hereto as Ex. 'E'.

28. ComEd's position that it is not liable for damages to library structures and infrastructure due to power surges caused by its facilities has no basis and is clearly not supported by its defense that it is not liable for "failure to supply electricity, or for interruption..of the supply."

29. On July 15, 2010, despite the fact that ComEd is clearly liable to the Bedford Park Library for the damages it sustained due to ComEd's negligence and breach of its duty to provide safe and reliable electrical services, the ICC Consumer Services Division determined that ComEd had not violated any rule, regulation or filed tariff approved by the Commission. A copy of the determination made by the ICC made in response to the Library's Informal Claim is attached hereto as Ex. 'F'.

30. The Bedford Park Library was damaged as a direct and proximate result of ComEd's breach of it's duty to furnish provide, and maintain such service instrumentalities, equipment, and facilities as shall promote the safety, health, comfort, and convenience of its patrons, employees, and public and shall be in all respects adequate, efficient, just, and

reasonable (220 ILCS 5/8-101 and 5/8-401), and the Bedford Park Library is entitled to recover for all loss, damage and injury caused thereby or resulting therefrom, including, without limitation, recovery of all actual damages, and recovery of attorneys' fees and costs as provided in Section 5-201 of the PUA. 220 ILCS 5/5-201. A copy of the bills paid by the Library are attached hereto as Group Ex. 'G'.

WHEREFORE, the Bedford Park Public Library District prays that an Order be entered against ComEd:

- A. Finding that ComEd failed to provide adequate and reliable electric service to the Bedford Park Library as required by Illinois law;
- B. Awarding actual damages in excess of \$25,000 to make the Library whole for all losses suffered due to the unreliability of ComEd's service, together with interest thereon;
- C. Awarding the Library reasonable attorneys' fees and costs; and
- D. For such other further relief as the Commission may deem just and equitable.

BEDFORD PARK PUBLIC LIBRARY DISTRICT

BY: \_\_\_\_\_

One of It's Attorneys

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