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PBSS, INC.,)
)
Petitioner,)
)
v.)
)
COMMONWEALTH EDISON COMPANY,)
)
Respondent.)

No. 11-0004

COMPLAINT

NOW COMES the Petitioner, PBSS, INC., by and through its attorneys, Sullivan Hincks and Conway, and for its Complaint against the Respondent, COMMONWEALTH EDISON COMPANY, states as follows:

1. The Petitioner, PBSS, Inc., is an Illinois corporation doing business in the State of Illinois at all times relevant to this Complaint and has an ownership interest in certain real property located at 3202 West Cermak, Chicago, IL (the "Property"). The Petitioner operates a gas station at the Property. The Petitioner's phone number is 630-573-5021.

2. The Respondent, Commonwealth Edison Company, ("ComEd") is the name of the utility involved and is an Illinois corporation doing business in the State of Illinois and provides electrical service to the Property. This Complaint is filed pursuant to 220 ILCS 5/9-252; 220 ILCS 5/9-252.1; 83 Ill.Adm.Code § 280.160; 83 Ill.Adm.Code § 280.170.

3. ComEd is an electric utility operating in the State of Illinois and is governed by, and is subject to, the rules, regulations and statutes governing utilities operating in the State of Illinois and providing electric service to the citizens of the State of Illinois.

4. Pursuant to the Illinois Administrative Code, the Public Utilities Act, and the Illinois Commerce Commission Act (the "Code"), ComEd has a duty to provide electrical service to the Petitioner at reasonable rates using safe and efficient equipment as set forth in the Code.

5. Petitioner has monitored his electric usage since July of 2004 and prior thereto. The Petitioner purchased the Property in June of 2004. At the time that Petitioner purchased the Property, ComEd measured the electric usage at the Property using an Analog Electric Meter. For the time after Petitioner purchased until approximately November of 2006, the Petitioner had no problems with his electric service, the measurement of his electric service or with the billing related thereto. Upon information and belief, the new metering device installed by ComEd was programmed improperly and incorrectly causing the meter to mis-read the Petitioner's electric usage.

6. Sometime prior to at least December 31, 2008 and to the present, upon information and belief, ComEd changed the electricity use measuring system used at the Property from the Analog system to a Recorded Electric Meter. From and after the time that ComEd made this equipment change, the Petitioner has experienced continuing problems with the electric service and the billing at the Property. From and after at least December 31, 2008 and at times prior thereto, and continuing to the present, the Petitioner's bills for electric service have almost tripled.

7. The Petitioner advised ComEd that the new measuring device was not working properly and that the Petitioner was being billed for electricity that was not provided. ComEd ignored the Petitioner's notice of a malfunction and/or error. Petitioner thereafter purchased an electric usage measuring device from Energy, Inc. called the TED 1001, otherwise referred to as "The "Energy Detective" (hereinafter "TED").

8. The Petitioner began to monitor the electric usage at the Property using TED. The

results from the Petitioner's self-monitoring TED showed that the Petitioner's monitored electric usage is substantially less than that billed by Com Ed by as much as 100% to 300% or at least \$3,000 per month in excess charges of for total amount due the Petitioner of approximately \$150,000.

9. ComEd owes certain statutory duties to the Petitioner pursuant to 220 ILCS 5/1-101 et seq. and 220 ILCS 30/1 et seq. and Subpart D of 83 Illinois Administrative Code Part 410. Petitioner is an intended beneficiary of these statutes and regulations.

10. ComEd violated the above referenced statutes by charging the Petitioner for electricity that the Petitioner never consumed and by further failing to provide properly functioning equipment to rectify the errors caused by the misreadings of the electric consumption.

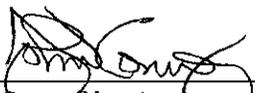
11. In spite of ComEd's actual knowledge of the service failures as described above, ComEd refuses to correct said service, equipment and billing failures and the Petitioner continues to be billed for electric service he never received and/or used.

12. ComEd's breaches of its duties to the Petitioner are willful in that ComEd has continued to act in disregard of the statutes and refuses to make any repairs to the equipment and/or any adjustments to the billings despite actual knowledge of the problems.

13. As a result of said conduct by ComEd in breach of the aforementioned statutes Petitioner has incurred substantial damages including property damage, lost profits, and personal and physical emotional injuries of at least \$150,000.

WHEREFORE, the Petitioner PBSS, INC., respectfully requests this Honorable Commission, formally and informally, to order ComEd to provide PBSS, Inc. with properly functioning equipment that is programmed properly and to order ComEd to pay the Petitioner the sum of at least \$150,000, and such other relief as this Honorable Commission deems just and appropriate.

Respectfully submitted,
Petitioner PBSS, Inc.

By:  _____
One of its Attorneys

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State of Illinois)
) ss
County of Cook)

VERIFICATION

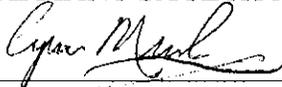
I, Cyriac Lukose, being first duly sworn on oath depose and state that:

1. That I am a Director and officer of PBSS, Inc., the Petitioner. I have read the foregoing Complaint.

2. That, if called as a witness in the above-captioned cause, I could testify competently to the facts stated in the foregoing document. The statements made therein are true and correct and/or I believe the statements to be true and correct based upon information and belief.

3. Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, I certify that the statements set forth in the foregoing Complaint are true and correct, except as to matters therein stated to be on information and belief and as to such matters I certify as aforesaid that I verily believe the same to be true.

FURTHER, AFFIANT SAYETH NOT



Subscribed and Sworn to
before me this 27th day
of December, 2010.

