

**OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION**

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

ORIGINAL
ILLINOIS
COMMERCE COMMISSION

2011 JAN 31 P 1:00

CHIEF CLERK'S OFFICE

Hobo Rentals Inc. :
-vs- : **10-0707**
Commonwealth Edison Company :
: :
Complaint as to billing/charges :
in Rockford, Illinois. :

RESPONDENT'S MOTION TO DISMISS

Now comes the Respondent, Commonwealth Edison Company ("Respondent" or "ComEd"), by and through its attorney, Mark L. Goldstein, and moves to dismiss the complaint filed by the Complainant, Hobo Rentals Inc. ("Hobo") filed on December 10, 2010.

1. The basis for the complaint is that ComEd improperly transferred a balance owed by Hobo from Suite 101 of \$2,655.50 to Suite 314 at the same property at 202 West State Street, Rockford, Illinois.

2. As part of the complaint, Hobo alleges that ComEd has violated 83 Ill. Adm. Code 280.130 and Hobo requests relief

3. Hobo seeks vague injunctive relief and sanctions against ComEd.

4. Section 280.130 a) reads in relevant part, as follows:

a) Discontinuance

1) A utility may discontinue service when any customer fails to do any of the following:

B) pay a past due bill owed to the utility for the same class of service furnished at the same or at another location.

5. ComEd has fully complied with Section 280.130. In point of fact, Hobo has acknowledged that ComEd properly transferred the balance owed by Hobo from one suite at the same location to another suite at the same location for the same class of service.

6. Hobo has failed to state any basis in law or fact for Hobo's complaint against ComEd.

Wherefore, the Respondent, Commonwealth Edison Company, respectfully requests, as follows:

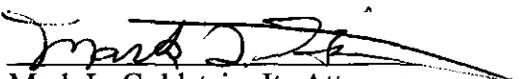
1) the Complainant be required to respond to this Motion to Dismiss within 14 days and the Respondent given 7 days thereafter to reply;

2) the status hearing in this matter be continued until such time as there is a ruling on Respondent's Motion to Dismiss;

3) the complaint filed by Hobo Rentals Inc. against Commonwealth Edison Company on December 10, 2010 be dismissed with prejudice.

4) for such other relief as may be just and proper.

Respectfully submitted,
Commonwealth Edison Company

By: 
Mark L. Goldstein, Its Attorney

Mark L. Goldstein
Attorney for Respondent
3019 Province Circle
Mundelein, IL 60060
(847) 949-1340

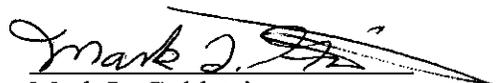
CERTIFICATE OF SERVICE

I do hereby certify that on January 27, 2011, I served the foregoing Respondent's Motion to Dismiss by causing a copy to be placed in the U. S. Mail, first class postage affixed, addressed to each of the parties indicated below:

Ms. Elizabeth A. Rolando
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

Mr. Robert Lowe
Hobo Rentals Inc.
202 W. State St.
Rockford, IL 51101

Ms. Bonita Benn
Administrative Law Judge
Illinois Commerce Commission
160 N. LaSalle St., Ste. C-800
Chicago, IL 60601


Mark L. Goldstein