

**OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION**

ORIGINAL

FOR COMMISSION USE ONLY:

CASE: 10 - 0591

**AMENDED FORMAL COMPLAINT
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, Illinois 62701**

Regarding a complaint by :

EVANGER'S DOG AND CAT FOOD CO., INC.

Originally filed *pro se* as Joel Sher for Evanger's Pet Food Co.
221 South Wheeling Road
Wheeling, Illinois 60090
847.537.0102

Represented by: Gregory A. Bedell, Esq.
Knabe, Kroning & Mainzer
Two First National Plaza
20 South Clark Street
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Chicago, Illinois 60603
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CHIEF CLERK'S OFFICE
2011 FEB 18
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ILLINOIS
COMMERCE COMMISSION
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Evanger's, through its counsel, agrees to accept service by electronic means as provided in 83 IAC Ch. I, Sec. 200.1050.

Against: **COMMONWEALTH EDISON COMPANY**

As to:

Commonwealth Edison Company's failure to provide and maintain adequate and safe equipment for the provision of electrical service to Evanger's Dog and Cat Food Co., Inc., ("Evanger's").

TO THE ILLINOIS COMMERCE COMMISSION, SPRINGFIELD, ILLINOIS:

Respondent **COMMONWEALTH EDISON COMPANY** (“ComEd”), is a public utility and is subject to the provisions of the Illinois Public Utilities Act, 220 ILCS 5/1-101, *et seq.* (the “Act”).

Evanger’s contends that ComEd violated section 5/8-101 of the Act and section, 305.30 and 411.100 of the Title 83 of the Illinois Administrative Code (the “Code”).

Evanger’s reserves the right to seek to amend the legal basis for its claims as appropriate.

Evanger’s states that it has contacted the Consumer Services Division of the Illinois Commerce Commission (“ICC”) about its complaint, that it followed the “informal complaint procedures” and that, despite its good faith efforts, it was not able to resolve this complaint. Evanger’s is informed and believes that the ICC closed this file.

Complaint:

1. On several occasions, including May 3, 2010, electrical transformers, equipment provided and maintained by ComEd, exploded, causing a power outage at Evanger’s facility.

2. ComEd failed, and continues to fail, to provide appropriate equipment or maintain the equipment provided in accordance with its legal obligations.

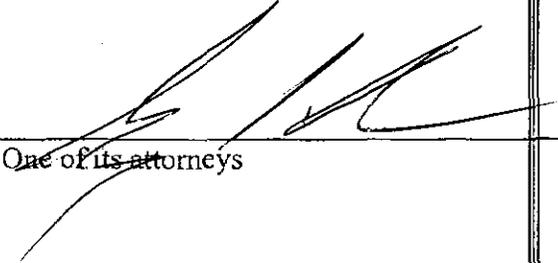
Relief Sought:

Evanger’s requests that the ICC:

1. Find that ComEd has failed to provide or maintain equipment adequate to the provision of electrical service to Evanger’s in accordance with its legal obligations; and

2. Require ComEd to take appropriate measure to bring its equipment into compliance with its legal obligations.

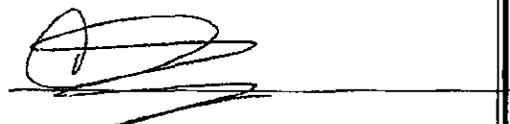
EVANGERS' DOG AND CAT FOOD CO., INC.

By: 
One of its attorneys

Gregory A. Bedell, Esq.
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VERIFICATION

I, **CHELSEA SHER**, Assistant Secretary of Evanger's Dog and Cat Food Co., Inc., being first duly sworn on oath state that I have read the foregoing Formal Complaint, that I am familiar with the matters stated therein and that the contents are true to the best of my knowledge and belief.



**SWORN AND SUBSCRIBED TO BEFORE
ME THIS 14TH DAY OF FEBRUARYS, 2010.**


NOTARY PUBLIC



STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

JOEL SHER)
EVANGER'S PET FOOD CO.)
vs.) 10-0591
COMMONWEALTH EDISON COMPANY)

CHIEF CLERK'S OFFICE

2011 FEB 18 AM 11:18

CLERK OF THE ILLINOIS COMMERCE COMMISSION

NOTICE OF FILING

To: Mark L. Goldstein
Mark L. Goldstein, P.C.
3019 Province Circle
Mundelein, Illinois 60060

Thomas S. O'Neill
Sr. Vice President & General Counsel
Commonwealth Edison Company
440 S. LaSalle Street
Chicago, Illinois 60605

Please take notice that on February 15, 2011, we caused to be filed with the Clerk of the Illinois Commerce Commission the Motion for Leave to File, *Instante*, Appearance and Amended Formal Complaint, a copy of which is attached and hereby served on you.

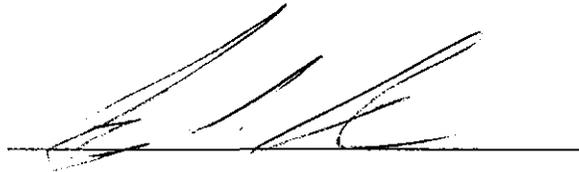
**EVANGER'S DOG AND CAT FOOD CO.,
INC., an Illinois corporation,**

By: 
One of its attorneys

Gregory A. Bedell, Esq.
Of Counsel, Knabe, Kroning & Mainzer
20 South Clark Street
Suite 2301
Chicago, Illinois 60603
(312) 977.9119
19046

CERTIFICATE OF SERVICE

I, GREGORY A. BEDELL, an attorney, certify that I caused to be served a copy of the Motion for Leave to File, *Instanter*, Appearance and Amended Formal Complaint, the Appearance of Gregory A. Bedell, the Amended Formal Complaint and this Notice of Filing and Certificate of Service to the above persons at the above addresses, by depositing same in the U.S. Mail at 20 South Clark Street, Chicago, Illinois 60603 with proper postage affixed before the hour of 5:00 p.m. on this 15th day of February, 2011.

A handwritten signature in black ink, appearing to read "G. Bedell", is written over a horizontal line. The signature is stylized and somewhat cursive.