

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

For Commission Use Only:  
Case: 11-0409

**ORIGINAL**

Regarding a complaint by (Person making the complaint): SHERRY RADWANSKI and DISTRICT RECOVERY, INC.

Against (Utility name): ComEd

As to (Reason for complaint) SEE ATTACHED DETAILS OF REASON FOR COMPLAINT

COMMERCIAL COMPLAINTS SECTION  
MAY 10 10 128  
COMMERCIAL COMPLAINTS SECTION

in JUSTICE Illinois.

TO THE ILLINOIS COMMERCE COMMISSION, SPRINGFIELD, ILLINOIS:

My mailing address is 7450 ARCHER RD, JUSTICE, IL 60458

The service address that I am complaining about is 7450 ARCHER RD, JUSTICE, IL 60458

My home telephone is [ 708 ] 514-6043

Between 8:30 A.M. and 5:00 P.M. weekdays, I can be reached at [ 708 ] 496-8000

My e-mail address is N/A 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-IL ADM PART 280.100(d) AND RELATED SECTIONS.**  
**SEE ATTACHED FOR DETAILS**

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 DETAILS

Please clearly state what you want the Commission to do in this case:

SEE ATTACHED DETAILS

**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: MAY 6, 2011  
(Month, day, year)

Complainant's Signature: Sherry Radwanski  
PRESO, DISTRICT RECOVERY, INC.

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

**RICHARD M. JANCI** PH: 312-263-6962  
105 W. MADISON, STE. 1300 EMAIL: R.JANCI\_LAW@YAHOO.COM  
CHICAGO, IL 60602

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**

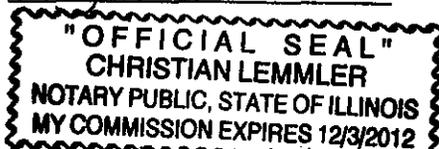
A notary public must witness the completion of this part of the form.

I, Sherry Radwanski, 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.

Sherry Radwanski  
Complainant's Signature

Subscribed and sworn/affirmed to before me on (month, day, year) May 7, 2011

Christina Lemmler  
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.

1. My name is Sherry Radwanski. I am the President, Director and sole shareholder of District Recovery, Inc. ("District"), as well as the owner of other related businesses and rental properties.
2. District operates, and has operated since it was started in 1999, at the service address of 7450 Archer Rd, Justice, IL 60458.
3. At all relevant times hereto, the electrical supplier for the above service address of District was ComEd, Account No. 91793-77004.
4. Since 1999 and prior, the electric bill for District and said Account No. 91793-77004 has always been mailed to the service address of 7450 Archer Rd, Justice, IL 60458, and has been paid in full and on time, until early 2009.
5. I receive a number of electric bills, between 5-7 bills/month, for my businesses and properties, as well as my residence, at the address of 7450 Archer Rd, Justice, IL 60458, since that is where I spend much of my time.
6. Upon information and belief, on or about February/March 2009, ComEd stopped mailing a number of bills to the Archer Rd. address. ComEd was contacted by my employees and informed that a number (but not all) of electric bills were never received.
7. Thereafter, upon information and belief, over the next 3-4 months, ComEd was contacted about "missing" bills. ComEd would mail out a bill for Account No. 91793-77004 for one month, and then no bill would be sent the following month. 1 or 2 late charges were applied to the account and I paid these late charges, even though neither myself nor any one from District had ever contacted ComEd to mail the bills to an address other than 7450 Archer Rd, Justice, IL 60458.
8. In the summer of 2009, I believed the billing problems with ComEd had been resolved after our calls to ComEd, since we had received and paid a bill on or about 6/22/09.
9. Thereafter, upon information and belief, ComEd once again changed the mailing address for Account No. 91793-77004 to a different address, a post office box in Westmont, IL. Neither myself nor no one from District had ever contacted ComEd to mail the bills to an address in Westmont, or any other address, other

than the service address.

10. Upon information and belief, ComEd mailed bills for the service address of 7450 Archer Rd, Justice, IL 60458, to the post office box in Westmont, IL, from June 2009 through January 2011.

11. Upon information and belief, from June 2009 through January 4, 2011, ComEd never notified via mail to the service address, to myself nor anyone at District that Account No. 91793-77004 was seriously past due.

12. Upon information and belief, from June 2009 through January 4, 2011, ComEd never notified via telephone call to the service address phone number of 708-496-8000, myself nor anyone at District, that Account No. 91793-77004 was seriously past due. My employees did receive, from time to time, automated electronic recordings offering the option to pay the ComEd bill via electronic withdrawal from my bank account, which were always declined, as I do not trust electronic withdrawals from my account. These requests were always recorded, never a live person, and there never was any mention of a past due bill, seriously delinquent account or potential service termination on these recordings.

13. Upon information and belief, from June 2009 through January 4, 2011, ComEd never notified, via mail to the service address or telephone call to the service address phone number of 708-496-8000, to myself nor anyone at District, that Account No. 91793-77004 was subject to having the electrical service at the service address disconnected.

14. On or about January 5, 2011, for the first time in over eighteen (18) months, while I was at work, I was handed a summons addressed to "Dennis Radwanski, Downers Grove, IL" in Case No. 10 M1 181972, ComEd v Dennis Radwanski, Circuit Court of Cook County. The lawsuit had been filed on Sept. 1, 2010, asking for \$11,864.11, for unpaid electrical service at 7450 Archer Rd, Justice, IL.

15. My employee immediately contacted ComEd on or about January 5, 2011, and spoke to a ComEd employee. When ComEd was told that we hadn't received any bill, she said that since July 2009, the bill was going to a PO box, and that the "change of address came from the United States Post Office".

16. I also contacted my corporate attorney, who contacted the ComEd attorney who had filed the lawsuit. He then told me that ComEd wanted the entire current balance of \$17,164.63 paid immediately, or else ComEd was going to turn off the electricity to my businesses.

17. My financial situation did not allow me to pay over \$17,000 in one lump sum to ComEd, but I could pay \$2,000 plus the current bill of \$970.87 immediately, and additional amounts plus the current bills over the future months, to pay off this balance gradually. I instructed my attorney to tell ComEd all of this. He did, but said that ComEd continued to demand the full \$17,164.63 or the power would be turned off. ComEd also refused to waive any late fees.

18. On or about January 14, 2011, a ComEd employee showed up at the service address and handed one of my employees a "Notice of Electric Service Termination" addressed to all tenants of 7450 Archer Rd". A true and correct copy of this Notice is attached as Exhibit "A".

20. I then instructed my attorney to take appropriate steps to prevent the termination of electrical service to my businesses until this situation could be resolved.

21. On or about January 21, 2011, my attorney assisted me in filing an informal complaint against ComEd, alleging, among other things, that ComEd had mailed the bills to the wrong address without my authorization, request or permission; that ComEd never notified the service address or service phone number, for over 18 months, that there was a problem with a past due account; that ComEd never tried to terminate the service earlier in that 18 month period, which would have made it much more feasible for me to pay for the past due service and bring this account current; and that all of ComEd's delays and failures to notify me resulted in accumulated thousands of dollars in late fees, which ComEd was now refusing to waive.

22. On or about January 21, 2011, the same day as the informal complaint against ComEd was filed, my employees received an automated pre-recorded call from ComEd, saying that power was going to be turned off at the service address on January 26, 2011, sometime between 9 am to noon, to "change a transformer". That upon information and belief, this was the same date that a ComEd employee had previously told my attorney that power was

scheduled to be turned off for non-payment.

23. Since my business loses phone connection when the power is out, and I require phones to conduct business, I was forced to take last minute steps to maintain power and phone connections, to continue my business while ComEd turned off the electrical service to the service address on Jan. 26th.

24. Upon information and belief, prior to Jan. 26th, ComEd had notified the ICC that the "transformer work" scheduled for Jan. 26th was going to be "cancelled".

25. On January 26th, power was never shut off to the service address; however, prior to that date, ComEd never contacted myself, my attorney or anyone at District to tell us that power would not be cut off on that date.

26. On Jan. 27, 2011, I had my employee pay, in person, \$2,970.87 to ComEd, which represented \$970.87 for the January bill. I put on the check memo that I was paying \$970.87 for the current bill, \$2,000.00 for the past electric balance but that I was NOT paying any late fee. That bill showed an amount due of \$17,164.33, of which over \$2,000 was for late fees.

27. Thereafter, I have paid all ComEd bills for this account on time, in full, together with an additional \$800.00 toward the past due balance for electric service, but NOT for payment of any late fees. However, ComEd refuses to credit my payments only toward the past due balance for electric service.

28. ComEd, since early January 2011, has changed the billing address back to the service address, where it had been for many years prior to early 2009, but refuses to change the name on the account, despite requests to do so.

29. On or about April 4, 2011, ComEd directed a deputy sheriff to serve me with summons at the service address. I was not there at the time, and the deputy sheriff sent by ComEd harassed and threatened my employees with arrest unless they accepted the summons, which they are not authorized to do.

30. Since my employees didn't not want to be arrested, one of them took the papers. In those papers, ComEd's employees and attorney made several false statements, including but not limited to, that "Defendants have failed to make payments" and

"Defendants have received the benefit of ComEd's services but refused and continues (sic) to refuse to pay."

31. On or about April 6, 2011, we received a "Deposit Request" from ComEd, saying a \$3,330.00 deposit would be added to our bill because of late payments. I believe this deposit request to be extremely excessive, since we had paid all bills since January 2011, together with an additional \$3,600 towards the balance due for electrical service, since we were now receiving our bills. A true and correct copy of this Request is attached as Exhibit "B".

32. On or about April 11, 2011, we received a "Final Notice Prior to Disconnection". A true and correct copy of this Notice is attached as Exhibit "C".

33. Upon information and belief, ComEd's "Disconnection Notice", "Deposit Request", failure to notify us of cancellation of work requiring power shut off, and false statements in the court papers, were all in retaliation for our filing an informal complaint with the ICC.

34. Despite numerous requests from myself, my employees, my attorney, as well as the ICC, ComEd refused, and continues to refuse, to enter into a reasonable payment plan, which forced me to expend additional, unnecessary fees and expense to maintain my business' electrical service, caused me to expend unnecessary attorney's fees, have threatened me with turning off my power, has made calls to my business that my power must be turned off to do "imaginary" (and ultimately unperformed) "transformer work", and taken other harassing and oppressive actions. All of this was done by ComEd after THEY mailed my electric bill to the wrong address, all without my knowledge or authorization, failed to notify me for over eighteen months, and then arrogantly claims it did not make a "billing error".

35. ComEd admits that it is a public utility regulated by the Illinois Commerce Commission ("the ICC") and is governed by the Administrative Rules for Public Utilities, Title 83, Part 280. However, ComEd vexatiously and intentionally refuses, and continues to refuse, to comply with Section 280.100(d) "Unbilled service", which provides in pertinent part:

d) When past due bills occur following the issuance

of a "make-up" bill for previously unbilled utility service resulting from ... utility billing error, ... and where the "make-up" bill exceeds the otherwise normal bill for such billing period by 50%, a utility shall review the bill with the customer, and shall offer to accept payments toward the liquidation of the amount over a normal bill over a period mutually agreed to by the utility and the customer. This period of time shall be at least as long as the period over which the excess amount accrued. ..." (emphasis added)

36. In my situation, ComEd did in fact make a "utility billing error": it sent my bill to an address other than the service address, where it had been mailed for many years prior, without my knowledge or consent, and then did not notify me of any problem with the account for over eighteen months. In addition, the bill, when I finally received it, was over \$17,000.00, which is roughly 1600% more than my typical bill. I offered to pay, and am currently paying since January 2011, \$800 each month, over and above my current bill, to reduce my balance for unpaid electrical service. This will pay off 100% of the balance for unpaid electrical service (but not the late charges, which I do not believe I should be responsible for) in approximately twelve more months. This period is less than the eighteen (18) months that ComEd wrongfully mailed my bill to the wrong address. All of this is in accord with Section 280.100(d) and the intent of the. However, ComEd vexatiously, arrogantly and intentionally refuses to comply with the administrative rules of the ICC, which governs its actions, causing me to expend thousands of dollars of unnecessary legal fees and disruption to my businesses to file this formal complaint.

38. In summary, I would request the following:

- A. That ComEd cease trying to harass me and shut off the power to my service address because of this large bill, which I am doing my best to pay off as quickly as I am able;
- B. That ComEd waive all late charges incurred during the time it sent the bill to the wrong address, from March 2009 through the present time;
- C. That ComEd waive its demand for a deposit for continued

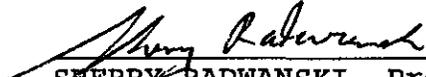
electrical service;

D. That ComEd dismiss its lawsuit, Case No. 10 M1 181972, ComEd v Dennis Radwanski et al., currently pending in the Circuit Court of Cook County;

E. That ComEd credit all monies paid by me, to payment of the unpaid electrical bill only, and not to any late fees;

F. That ComEd be ordered to pay the additional costs that I have incurred in ensuring uninterrupted electrical power for my businesses, as well as the attorney's fees and costs that I have wrongfully incurred by ComEd's mistakes, delays and continued failure to comply with the Administrative Rules for Public Utilities, Title 83; and

G. That ComEd give me a written apology for the harassment and trouble they have caused me.

  
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SHERRY RADWANSKI, President  
District Recovery, Inc.