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STATE OF ILLINOIS
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2011 JUN -6 P 12:46

CHIEF CLERK'S OFFICE

Amcor Flexibles, Inc.	:	
-vs-	:	11-0033
Commonwealth Edison Company	:	
	:	
Complaint pursuant to Section	:	
9-250 and 10-108 of the Illinois	:	
Public Utilities Act and Section	:	
200.170 of the Rules of Practice.	:	

ANSWER TO COMPLAINT

Now comes the Respondent, Commonwealth Edison Company ("Respondent" or "ComEd"), by and through its attorney, Mark L. Goldstein, and files this Answer to the Formal Complaint ("Complaint") of Amcor Flexibles, Inc. ("Complainant" or "Amcor").

1-5. Respondent admits the allegations of Paragraphs 1-5 of the Complaint.

6. Respondent denies that the incorrect scaling factor caused the meter at Amcor to register 66-2/3 slow, but admits that two-thirds of the meter usage was unrecorded. Respondent admits the remaining allegations of Paragraph 6 of the Complaint.

7. Respondent has provided evidence of under-billing to the Complainant's electric account and denies the other allegations of Paragraph 7 of the Complaint.

8. Respondent denies that it has violated 83 Ill. Adm. Code 410.160 and 410.155, and denies the other allegations of Paragraph 8 of the Complaint.

9-14. Respondent admits the allegations of Paragraphs 9-14 of the Complaint.

15. Respondent denies the allegations of Paragraphs 15 of the Complaint. CTs are required when the customer switch exceeds 200 amps. The CT cabinet is installed by the customer electrician. ComEd installs the meter.

16. Respondent admits the allegations of Paragraphs 16 of the Complaint.
17. Respondent cannot respond to Paragraph 17 of the Complaint because it is customer owned and operated equipment.
- 18-19. Respondent admits the allegations of Paragraphs 18-19 of the Complaint.
20. See answer to Paragraph 17 of the Complaint
21. Respondent admits that Meter No. 141379885 was installed on June 12, 2009 and Meter No. 141521021 was installed April 21, 2009 and removed on July 11, 2009.
22. Respondent cannot respond to Paragraph 22 of the Complaint.
- 23-25. Respondent denies the allegations of Paragraphs 23-25 of the Complaint.
- 26-27. Respondent admits the allegations of Paragraphs 26-27 of the Complaint.

COUNT I

28. Respondent incorporates by reference its answer to Paragraphs 1-27 of the Complaint and states that Complainant has correctly copied 83 Ill. Adm. Code 410.155.
29. Respondent denies the allegations of Paragraph 29 of the Complaint.
30. Respondent denies the allegations of Paragraph 30 of the Complaint. Meter No. 140384879 was tested on July 19, 2005 prior to the installation.
31. Respondent admits the allegations of Paragraph 31 of the Complaint.
32. Respondent denies the allegations of Paragraph 32 of the Complaint.

COUNT II

33. Respondent incorporates by reference its answer to Paragraphs 1-32 of the Complaint and states that Complainant has correctly copied 83 Ill. Adm. Code 410.155.
34. Respondent denies the allegations of Paragraph 34 of the Complaint. The post inspections validate the correct wiring of the CT and burden test is designed to detect

open & short circuit on the CTs. A visual test is performed on the meter to verify the forward rotation of the meter. A backward rotation indicates incorrect wiring or CT installed incorrectly. As stated the meter was registering correctly but the internal pulses were calculated incorrectly due to the scaling factor error.

35. Respondent denies the allegations in Paragraph 35 of the Complaint.

COUNT III

36. Respondent incorporates by reference its answer to Paragraphs 1-35 of the Complaint as if fully set forth herein, and further states that in response to the allegation that the meter was known to be mechanically or electrically defective, the Complainant's meter was working properly and not mechanically or electrically defective as cited in 83 Ill. Adm. Code 410.120 c).

37-38. Respondent denies the allegations of Paragraphs 37 and 38 of the Complaint.

COUNT IV

39. Respondent admits the allegations of Paragraph 39 of the Complaint.

40. Respondent denies the allegations of Paragraph 40 of the Complaint. The meter tested within limits and test record showed the accuracy percentage.

COUNT V

41. Respondent incorporates by reference the answer to Paragraphs 1-40 as if fully set forth herein.

42. Respondent denies the allegations in Paragraph 42 of the Complaint.

43. Respondent denies the allegations in Paragraph 43 of the Complaint. On April 10, 2009, to accommodate the additional load, ComEd Engineering ordered a change out of

the CT's from 1200 amp to 2000 amp. This work was completed by Amcor. Meter No. 140384879 was exchanged with Meter No. 141521021.

CONCLUSION

Pursuant to Section 280.100, Unbilled Service, ComEd may render a bill for services or commodities provided to Amcor only if such bill is presented within two years from the date the services or commodities were supplied. Due to an incorrect scaling factor, ComEd underbilled Amcor's account by almost one third and back billed Amcor from November 3, 2007 – December 3, 2008, consistent with Section 280.100.

Wherefore, the Respondent, Commonwealth Edison Company requests that the Illinois Commerce Commission find that the Complainant, Amcor Flexibles, Inc. owes Commonwealth Edison Company \$62,190.07 and that the complaint be denied in its entirety.

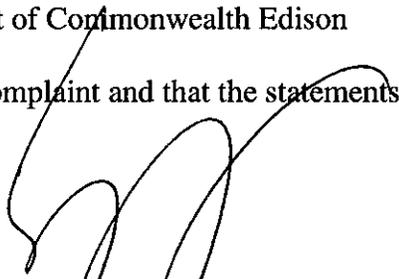
Respectfully submitted,
Commonwealth Edison Company

By: 
Mark L. Goldstein, Its Attorney

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

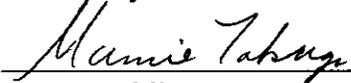
AFFIDAVIT

MONICA MERINO, being first duly sworn on oath, states that she is a Senior Regulatory Administrator in the Regulatory Department of Commonwealth Edison Company, that she has read the foregoing Answer to Complaint and that the statements set forth therein are true and correct.

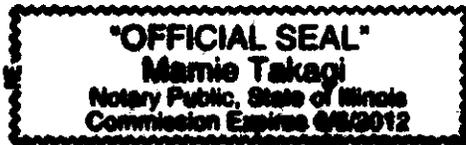


MONICA MERINO

Subscribed and Sworn to before me
this 3rd day of June 2011.



Notary Public



CERTIFICATE OF SERVICE

I do hereby certify that on June 3, 2011, I served the foregoing Answer to Complaint by causing a copy thereof to be placed via FedEx 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. Paul G. Neilan
Mr. Bradley Block
Giordano & Neilan
360 N. Michigan Ave., Suite 1005
Chicago, IL 60601

Mr. David Gilbert
Administrative Law Judge
Illinois Commerce Commission
160 N. LaSalle St., Ste. C-800
Chicago, IL 60601

A handwritten signature in black ink, appearing to read "Mark J. PA", is written over a horizontal line. The signature is slanted and somewhat stylized.