

OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION

JOEL T. HARRIS
N. Lake Shore Drive, #32CS
Chicago, IL 60610

ILLINOIS COMMERCE
COMMISSION

ORIGINAL

September 9, 2011

Elizabeth A. Rolando
Chief Clerk, ICC
527 E. Capitol Av..
Springfield, IL 62701

2011 SEP 12 1 A 10:38

CHIEF CLERK'S OFFICE

Subject: Case 11-0461

Dear Ms. Rolando,

I hereby request that the Administrative Law Judge, Sonya Teague, be disqualified from this case and that she be replaced.

The justification for this request is:

--In the first pre-hearing conference on 7/20/11, the court was told that I am seeking reimbursement for ComEd overcharges over the full time of my occupancy in my apartment. After years of complaining about my unreasonably high electric bills and then filing a formal complaint with the ICC, ComEd finally admitted that the electric meter was reading incorrectly. They issued a refund for only a two-year period, using their own calculations to compute the amount. The judge cited Section 9-252.1 of the Ill. Compiled Statutes 220 ILCS 5 Public Utilities Act as the justification for only going back two years.

That brought the conference to a screeching halt. Following that conference I found that the judge was wrong: The cited statute, copy attached, only states that a complaint must be brought within two years of the customer first having knowledge of the incorrect billing. This is the first reason for seeking disqualification.

--The judge's error caused a second pre-hearing conference to occur on 8/31/11. When I pointed out the inconsistency between her citation and her position that only a two-year refund is required, the judge stated the two-year limitation is the law, but was unwilling to address the clear English words in the statute which have nothing to do with a refund limitation., or to cite any other supporting statutes or rules. This is the second reason for seeking disqualification: She doesn't seem to understand the law.

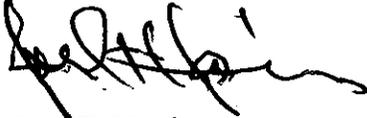
--The judge then said that the next step would be an evidentiary hearing, and suggested that ComEd's attorney, Mark Goldstein, and I agree on a date. It turned out that he could not schedule the hearing for several months, which I find unreasonable. Judge Teague was unwilling to take any part in helping to select a date: reason number three.

--At the first conference, ComEd agreed to perform a load test for my apartment to determine if any foreign loads were present on my meter. That wasn't done, and the excuse offered was that recent storms overloaded the staff. Well, that makes no sense since the storms happened within the past several days, and ComEd had plenty of time to do a load test prior to the storm. The judge let that slip: Reason number four.

-- I then told the judge that I wished to request a new judge, and asked how to proceed. She was totally uncooperative: Reason number five.

Given what has transpired on this case, there is no reason to believe that I will get a fair hearing, and I request that a new judge be assigned.

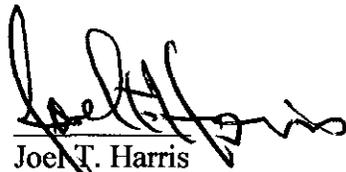
Sincerely yours,



Joel T. Harris

Verification

I hereby affirm that the foregoing statements are true to the best of my knowledge.



Joel T. Harris

September 9, 2011

SUBSCRIBED AND SWORN TO

before me this 9th day

of September, 2011.

Keisha West
Notary Public



Joel T. Harris v. Commonwealth Edison
ICC Case 11-0461

SERVICE LIST

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Illinois Commerce Commission
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Chicago, IL 60601

CERTIFICATE OF SERVICE BY MAIL

I, Joel T. Harris, the Complainant, certify that I served the following parties by causing copies of the foregoing to be mailed to Elizabeth A. Rolando, Chief Clerk, Illinois Commerce Commission, 527 E. Capital Avenue, Springfield, IL 62701; to Thomas S. O'Neill, Sr. V.P. And General Counsel, Commonwealth Edison Co., 440 S. LaSalle St., Ste 3300, Chicago, IL 60605; to Mark L. Goldstein, Atty. For Commonwealth Edison Co., Mark L. Goldstein, P.C., 3019 Province Circle, Mundelein, IL 60060; and to Administrative Law Judge Sonya Teague, Illinois Commerce Commission, 160 N. LaSalle St., Chicago, IL 60601, in envelopes correctly addressed and with proper postage prepaid on September 9, 2011.


Joel T. Harris

SUBSCRIBED AND SWORN TO

before me this 9th day

of September, 2011.

Keisha West
Notary Public

September 9, 2011

