

OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION COMPLAINT

Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, Illinois 62701

For Commission Use Only:
Case: 11-0643

ORIGINAL

Regarding a complaint by (Person making the complaint): John H. Bitner

Against (Utility name): Commonwealth Edison Company

As to (Reason for complaint) Negligence in failure to maintain equipment sufficiently to permit restoration of power promptly after outages

in Evanston Illinois.

ILLINOIS COMMERCE COMMISSION
2011 SEP 16 A 11:31
CHIEF CLERK'S OFFICE

TO THE ILLINOIS COMMERCE COMMISSION, SPRINGFIELD, ILLINOIS:

My mailing address is 2329 Lincolnwood Drive, Evanston, IL 60201

The service address that I am complaining about is Same

My home telephone is (847) 328-6238

Between 8:30 A.M. and 5:00 P.M. weekdays, I can be reached at (312) 259-0119

My e-mail address is jbitner@yahoo.com 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.
225 ILCS 5/16-125; 83 Ill. Adm. Code Part 250.170 (with which I have complied); Com Ed Tariffs - Ill. C.C No 10, 2d Revised Sheet No. 263 and Original Sheet No. 146.

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 Ridor A (consisting of one page of text and attached Exhibits A, B, C and D).

Please clearly state what you want the Commission to do in this case: Order Cu ED to pay me \$1,104.54 plus such additional amount as the Commission may deem appropriate - see paragraphs 7 and 8 of Ridor A.

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: 9/14/2011 (Month, day, year)

Complainant's Signature: John H. Bifno

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

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

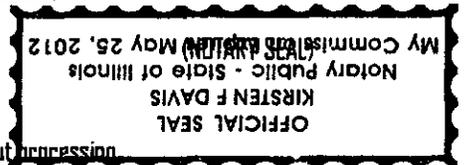
A notary public must witness the completion of this part of the form.

I, John H. Bifno, 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.

John H. Bifno Complainant's Signature

Subscribed and sworn/affirmed to before me on (month, day, year) September 14, 2011

Kirsten F. Davis Signature, Notary Public, Illinois



NOTE: Failure to answer all of the questions on this form may result in this form being returned without processing.

**RIDER A to Formal Complaint - John H. Bitner vs. Commonwealth Edison Company
(consisting of this one page of text and Exhibits A, B, C and D)**

1. I believe ComEd was negligent in its failure to have adequate equipment to deal with two recent power outages at my home in Evanston, and that under the terms of its own tariff filed with the Commission, it should be ordered to pay me six times my recent monthly billing charge.

2. The first power outage occurred on Tuesday, June 21, 2011 at about 9:00 p.m., and lasted for 62 hours, until Friday, June 24, 2011 at about 11:30 a.m. The second occurred on Sunday, July 24, 2011 at about 1:30 a.m. and lasted for 11 hours, until about 2:30 p.m. on that date.

3. There were severe storm conditions on both those dates which led to the initial outages, but the failure of ComEd to restore power after both outages within the four-hour period specified in its own tariff was due to an antiquated transformer serving the approximately two-square block area in which I live. When my wife finally got through to a real person at ComEd about 9:00 a.m. on Thursday, June 23, she was told by the representative who identified herself as "Pat," that several of our neighbors had their power restored, but that our area of about 50 homes was served by an "old transformer," and it would likely be several more hours before power could be restored.

4. Twenty four hours later, I spoke with another ComEd representative (about 9:00 a.m. on Friday, June 24), and was told that a "crew had just been dispatched." This was 57 hours after the outage occurred, and was apparently true, because the power came on at about 11:30 a.m. that morning. Again, in the case of both outages, others of our neighbors on surrounding blocks had their power restored within the four hours of the outages specified in ComEd's own tariff.

5. I wrote ComEd and complained about its obsolete equipment **over nine years ago** (July 22, 2002 - see attached Exhibit A), after a similar, extended power outage. I received no satisfactory response to that letter or any of the other complaints I have made. So far as I know, ComEd has negligently (recklessly, to my mind) taken no steps in this period to do anything about repairing or replacing its ancient equipment, and that failure constitutes the negligence that gives rise to my claim for six monthly billing charges under ComEd's own tariff (see ILL. C. C. No. 10, 2d Revised Sheet No. 203 - one monthly charge for each 12 hours of interruption - and Original Sheet No. 146 - no relief from liability for service interruptions caused by ComEd's willful default or negligence).

6. On June 30, 2011, I initially wrote ComEd requesting reimbursement for my actual losses for the first outage (Exhibit B). ComEd denied that claim (Exhibit C). My follow-up informal complaint, based on ComEd's own tariff (Complaint 2011-13781) was also summarily denied by ComEd by letter dated August 4, 2011, summarily claiming "no negligence on the part of ComEd." (Exhibit D)

7. ComEd's conclusion is clearly incorrect, and I request the Commission to order ComEd to remit to me \$1,104.54 - six times my monthly service bill of \$184.09 for the period 7/7/11-8/5/11.

8. I further request that ComEd be ordered to pay me such sum as the Commission deems appropriate to compensate me for my time and effort spent in pursuing a claim which was summarily and arbitrarily denied with no satisfactory investigation or explanation and which will hopefully serve to deter such irresponsible conduct towards its customers in the future. (I believe an appropriate amount would be an additional \$2,000.)