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BEFORE THE

ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
GINA MELLENTHIN)
)
-VS-) No. 11-0514
)
COMMONWEALTH EDISON COMPANY)
)
Complaint as to billing/charges)
in Addison, Illinois

Chicago, Illinois

September 1, 2011

Met, pursuant to notice, at

11 o'clock a.m.

BEFORE:

MR. JOHN RILEY,
Administrative Law Judge

APPEARANCES:

MR. SEAN P. CONNOLLY
115 West 55th Street, Suite 400
Clarendon Hills, Illinois, 60514,
appearing for complainant;

MR. MARK L. GOLDSTEIN
3019 Province Circle
Mundelein, Illinois 60060
appearing for Commonwealth
Edison Company

1

2 JUDGE RILEY: Pursuant to the direction of the
3 Illinois Commerce Commission, I now call Docket No.
4 11-0514. This is the complaint by Gina Meletin
5 versus Commonwealth Edison Company, complaint as to
6 billing/charges in Addison, Illinois.

7 Counsel, you are counsel for
8 complainant?

9 MR. CONNOLLY: Yes.

10 JUDGE RILEY: Would you please enter your
11 appearance stating your name and address for the
12 record, please.

13 MR. CONNOLLY: I already did that.

14 JUDGE RILEY: I understand. Please do so for -

15 MR. GOLDSTEIN: You have to orally for the court
16 reporter.

17 MR. CONNOLLY: Sure. My name is Sean Connolly,
18 S-e-a-n C-o-n-n-o-l-l-y, here on behalf of Gina
19 Mellenthin.

20 JUDGE RILEY: And what is your business address?

21 MR. CONNOLLY: 115 West 55th Street, Suite 400,
22 Clarendon Hills, Illinois, 60514.

1 JUDGE RILEY: Thank you.

2 And, Mr. Goldstein.

3 MR. GOLDSTEIN: Yes. For Commonwealth Edison
4 Company, Mark L. Goldstein, 3019 Province Circle,
5 Mundelein, Illinois, 60060. My phone number is
6 847-949-1340. With me today is Monica Moreno of
7 Com Ed.

8 JUDGE RILEY: Thank you.

9 And this is a prehearing conference, so
10 we have a court reporter, but we are not doing
11 anything formal with regard to evidence.

12 Mr. Connolly, break this out for me as
13 exactly what happened. I don't understand what
14 Ms. Mellenthin was doing giving them a social
15 security number. What was the --

16 MR. CONNOLLY: This property is owned by
17 Ms. Mellenthin's employer, and she handles these
18 matters for her employer, and they needed some
19 service done at the location, and Com Ed said that
20 they had to have a social security number. She told
21 them that it was not her property but they kind of
22 induced her to give her social security number,

1 which she did. That was a mistake, but she did
2 that, and at that point everything was put in her
3 name and this is damaging her credit. She does not
4 own the property. She has no interest in the
5 property. But, for some reason, this account was
6 put in her name.

7 JUDGE RILEY: Give me some more details. What
8 work was being done that required her to give a
9 social security number?

10 I understand, Ms. Mellenthin, you were
11 out at the property.

12 MS. MELLENTHIN: Yes. We had just taken it over
13 and we had a realtor trying to show the building and
14 we had a problem with the lighting, so I called
15 Com Ed. There was -- they had Fuddruckers as an
16 owner. So there was no name of anybody. That was
17 contact information. And she said, "I'm going to
18 need somebody to contact to open doors so we could
19 read the meters," and I said, "Well, it's going to
20 be me. My boss is never in town. I'll give you my
21 name."

22 And when we were talking back and

1 forth, I heard her hands going a hundred miles an
2 hour, and she says, "You know, it's not allowing me
3 to send out a repairman without a social security
4 number." And I said, "Well, I don't have any -- why
5 do I have to give you a social?" She says, "I'm at
6 the part of my computer where it's not allowing me
7 to send anyone out without a social security
8 number." I said, "Okay. Contact information." I
9 will give her my name and my number. She didn't
10 have an address, nothing. She said, "I can't go any
11 further. I can't send anyone out without a social."
12 So I gave it to her.

13 JUDGE RILEY: What's the nature of the property?

14 MS. MELLENTHIN: It's a closed restaurant.

15 JUDGE RILEY: It used to be used Fuddruckers?

16 MS. MELLENTHIN: Correct.

17 JUDGE RILEY: Once she put the social security
18 number, you gave the social security number to the
19 individual, it became your account?

20 MS. MELLENTHIN: I guess, yes.

21 JUDGE RILEY: They have been billing you for it?

22 MS. MELLENTHIN: No, never have seen a bill.

1 JUDGE RILEY: But there was damage to the
2 property then --

3 MS. MELLENTHIN: Correct.

4 JUDGE RILEY: -- as a result of shutting off the
5 power. Because why did they shut off the power if
6 there was no billing?

7 MS. MELLENTHIN: They didn't shut it off until
8 nine months later. What happened was we were
9 suppose to change the name of the restaurant into
10 the LLC. They said, "You have to take care of the
11 bill." I said, "Okay. Fine. Can I pay it over the
12 phone? Yes, you can pay it over the phone. So we
13 are going to do a one-time billing over the phone
14 but we need both owners to be there to approve
15 switching it into their name and pay the bill."

16 When I got the amount of the bill, I
17 was in shock that a closed restaurant for that
18 period of time would be almost \$19,000. So I said,
19 "I have a discrepancy with the bill," and they
20 switched me over to another person and another
21 person who will notify you within 48 hours of our
22 answer.

1 So they don't have an address for me.
2 Forty-eight hours went by. I never heard from
3 anybody. I called Com Ed. They said, "We sent you
4 a letter." I said, "I never received anything."
5 They taped a notification to the Fuddruckers'
6 building, and that's how I got my notification that
7 they were trying to come after me for the bill, and
8 I said --

9 JUDGE RILEY: For \$19,000?

10 MS. MELLENTHIN: Correct.

11 JUDGE RILEY: What is the name of the owners of
12 the building?

13 MR. CONNOLLY: There are two owners, Mel Seremek
14 and Steve Cuchlich.

15 JUDGE RILEY: These are individuals?

16 MS. MELLENTHIN: Correct. This is an LLC.

17 MR. CONNOLLY: What's the name of the LLC?

18 MS. MELLENTHIN: I think it's Cuchlich, Seremek,
19 LLC.

20 JUDGE RILEY: Under their LLC or of the employer?

21 MS. MELLENTHIN: Of the owner, Mel Seremek who
22 lives somewhere else.

1 JUDGE RILEY: All right. Mr. Goldstein, what's
2 Com Ed's response?

3 MR. GOLDSTEIN: I think she's pretty well stated
4 what the facts of the case are. She called up. She
5 became the customer of record. She's responsible
6 for the bill. The account has been finalized. You
7 know, at the least she should tell the owners of the
8 property to pay the electric bill, and that's the
9 end of it with respect to the damages.

10 Obviously, as you know, Judge, the
11 Commission can't order damages for whatever problems
12 occurred because the sump pump failed.

13 JUDGE RILEY: So what you are saying from
14 Com Ed's standpoint the ball is back in the
15 complainant's court to seek resolution from the
16 owners or from the employer?

17 MR. GOLDSTEIN: I think she ought to go to her
18 bosses and say, you know, pay the bill. Let's get
19 this done.

20 JUDGE RILEY: Now from Com Ed's --

21 MR. GOLDSTEIN: We will go from there.

22 JUDGE RILEY: From Com Ed's standpoint, is the

1 complainant's name still on the account?

2 MS. MORENO: It's a final account. The account
3 has been finalized.

4 JUDGE RILEY: That means the name is still on?

5 MS. MORENO: The final account has
6 Ms. Mellenthin's name on it.

7 JUDGE RILEY: So even though it's a final
8 account, it still has her name on it?

9 MS. MORENO: That is correct.

10 JUDGE RILEY: That's simply because she
11 volunteered her social security number?

12 MS. MORENO: She called it in and she put herself
13 as the --

14 MR. GOLDSTEIN: Responsible.

15 MS. MORENO: -- account holder.

16 JUDGE RILEY: It appears to me she did it for
17 the ad hoc purpose of getting something done that
18 day. They had to have somebody come out that day
19 and she volunteered her social.

20 From Com Ed's standpoint, that made her
21 the account of record as to who might be the owner
22 of the property?

1 MS. MORENO: If she called -- obviously, she
2 called, and that's what we have here. Her name will
3 remain on the account as the customer who requested
4 electric service to be connected in her name.
5 That's what we have.

6 MS. MELLENTHIN: I even asked her -- when she
7 said "social," I said, "Why do you need my social
8 security number as a contact person? All you need
9 is my phone number and my name," and I gave her
10 that, and she said, "The computer is not allowing me
11 to send out a serviceman without somebody's social
12 security number."

13 If I would have known I would have been
14 responsible for the bill -- I know the owner's
15 social security number by heart. We are only four
16 numbers apart -- I could have gave them his.

17 MR. GOLDSTEIN: Well --

18 JUDGE RILEY: Did you -- you have taken this bill
19 to your employer and said --

20 MS. MELLENTHIN: He knows all about it.

21 JUDGE RILEY: What was his response?

22 MS. MELLENTHIN: He disputed it because of the

1 amount. We are talking about a restaurant that's
2 closed. I mean, they used to lease it to
3 Fuddruckers, and Fuddruckers I don't know if they
4 went BK, or whatever reason they left that property,
5 and then the LLC has been trying to get a new renter
6 there, but it's been -- for a very long period of
7 time, it's been vacant. I think we are talking
8 about -- minimal talking energy usage from this
9 property coming in. It just don't corroborate with
10 the amount of energy that would be needed for the
11 property.

12 JUDGE RILEY: It's kind of two prong. I think,
13 one, the bills are out of line and, two, there
14 are -- you are saying they shouldn't be your bills
15 at all.

16 MS. MELLENTHIN: Right. The bills are out of
17 line. You know, I received a letter from Com Ed
18 later stating that they were all actual readings.
19 Well, I was letting them in. I know what month they
20 had them and what month they didn't.

21 When I received the original bills, for
22 two months I didn't have electric, 3400 each, that's

1 why I was disputing the bill. This isn't even my
2 bill, but I knew what's right is right, and so they
3 said those were all reads, pay them.

4 JUDGE RILEY: You said there was no service at
5 all to the building at this time?

6 MS. MELLENTHIN: The first month we had minimal,
7 like 10 percent of one line that came in.

8 JUDGE RILEY: Let me ask Com Ed, again, why
9 wasn't this matter finalized -- the account
10 finalized when Fuddruckers closed. Were they
11 originally on the account?

12 MS. MORENO: I don't have information regarding
13 Fuddruckers.

14 MR. GOLDSTEIN: And, you know --

15 MS. MORENO: Not today, I don't have.

16 MR. GOLDSTEIN: -- there are several Fuddruckers
17 restaurants all over the Chicago area and I doubt
18 they may have moved out.

19 MS. MELLENTHIN: No. They're BK. They're
20 absolutely bankrupt.

21 MR. CONNOLLY: It might be a franchise and that
22 franchise might have gone BK at that location.

1 MS. MORENO: My only information only pertains to
2 them. I didn't bring any information from the past
3 tenant.

4 JUDGE RILEY: But it's still your position
5 that --

6 MR. GOLDSTEIN: She's the customer of record,
7 and, if you know, she volunteered on behalf of the
8 LLC -- this is an LLC -- the LLC should pay the
9 bill. We can discuss, you know, how to perhaps
10 settle this matter, but the account is finalized.

11 MS. MORENO: Is Mel Seremek -- so now there's a
12 pending active for Mel Seremek at the location.

13 JUDGE RILEY: What does that mean?

14 MS. MORENO: That's why it is a pending and
15 active account.

16 JUDGE RILEY: Pending active?

17 MS. MORENO: Uh-huh. Besides pending, it's not
18 fully open.

19 MR. GOLDSTEIN: Because the account has been
20 finalized and there's a large balance.

21 JUDGE RILEY: Well, does that mean that the
22 account could be put in that person's name?

1 MS. MORENO: Well, I think that the other person
2 is not part of this record or part of this
3 complaint.

4 JUDGE RILEY: I would think that if the other
5 individual is the owner of record --

6 MS. MORENO: Then he should call Com Ed and try
7 to establish service in his name, and he should say
8 that this account that belongs to Gina should go to
9 him, but it's that person's responsibility.

10 MR. CONNOLLY: I believe he's done that.

11 MS. MELLENTHIN: We have done that. I called
12 Com Ed. They would not allow me to change the
13 account out of my name. So I drove to his house. I
14 put him on the phone. He said, "I want to switch it
15 into the LLC." They said, "It's not coming out of
16 her name until you pay the bill."

17 MS. MORENO: So the owner can pay the bill, then
18 if he has a dispute to the bill, then he should be
19 here today to dispute the bill.

20 MS. MELLENTHIN: But they're not going after him.
21 They're going after me. He's not named in the suit.

22 JUDGE RILEY: This is for no other reason,

1 Ms. Mellenthin gave a social security number?

2 MS. MORENO: Right. She became the account
3 holder.

4 JUDGE RILEY: I don't understand how she could
5 become the account holder when there's another owner
6 to the building.

7 MS. MORENO: There was no -- there was not an
8 active account when she called. So in order to
9 process a service order, you need to have a customer
10 of service and she became that customer of service
11 at that time.

12 MS. MELLENTHIN: They should have explained that
13 to me, because I had her for a good 10 minutes going
14 "Why do you need my social security number?" I
15 said, "I'm the contact person. I open the door to
16 you." They never sent me a bill. To this day, we
17 have never seen a bill.

18 MS. MORENO: The bills are going to the location
19 1000 North Rolley.

20 MS. MELLENTHIN: I go there on a weekly basis.

21 JUDGE RILEY: It's my understanding there's
22 nobody there to receive a bill --

1 MS. MELLENTHIN: Right.

2 MS. MORENO: There was at one point.

3 MS. MELLENTHIN: -- not since we took it over.

4 MS. MORENO: What we can do -- I propose to do,
5 if you don't mind, Judge, we can continue this to
6 another date -- what I'm going to look at is the --
7 I didn't bring with me the meter history to see how
8 many estimated reads on the account to look at the
9 usage, and to do a more -- the issue becomes the
10 bills themselves -- and then come back and say
11 whether Com Ed finds the bills to be accurate or
12 not, and maybe I can also talk to the billing
13 department to see how the owner can pay this
14 outstanding bill and become the customer of record.

15 JUDGE RILEY: What is the -- what has your
16 employer said about the bill?

17 MS. MELLENTHIN: He agrees that he has a bill.
18 He does not -- believe it or not, I'm the one
19 arguing, because when the bill came to me, they were
20 trying to tell me that these were actual reads, and
21 I said I was the one who let your people in the
22 building. I know when you read them and when you

1 didn't. And so they turned around, they did agree
2 they made a mistake. The first two months were not
3 actual reads. First month we had no electric they
4 still wanted to charge me \$1300. How do you justify
5 \$1300?

6 JUDGE RILEY: Why doesn't your employer just pay
7 the bill?

8 MS. MELLENTHIN: Because the bill's incorrect and
9 it hit my credit. I mean, I have nothing to do with
10 this building.

11 JUDGE RILEY: Okay. So would you think your
12 employer would still be amenable to paying the bill
13 if it was straightened out?

14 MS. MELLENTHIN: If it was correct.

15 MS. MORENO: What I propose to do, if you agree,
16 we can come back to a different date for me, because
17 I'm looking at the Com Ed activity statement and
18 there are a lot of cancelled electric service
19 charges here, too. That means there must have been
20 an estimated read, and then it gets re-billed based
21 on what's going on there.

22 JUDGE RILEY: And getting an actual read.

1 MS. MORENO. Correct. Correct. So I would have
2 to make an evaluation of that estimated read only
3 because it was not brought in on the account to rule
4 out any inconsistencies in the bill and then contact
5 somebody in billing. And if you don't mind writing
6 your boss's name and phone number so we can contact
7 him, we can move forward to transferring and putting
8 the service into his name.

9 MS. MELLENTHIN: A bigger problem, too, is they
10 inappropriately shut the electric off, never
11 receiving a bill ever. He's going to pay the -- pay
12 the bill if he had received the bill.

13 If they found me to tell me I owed them
14 \$18,000, why didn't they find me to send me a bill
15 for a year, nine months, ten months? I never
16 received a bill.

17 How do you keep the electric on when
18 you are not being paid, then you wait until you have
19 an \$18,000 bill and you now tell me that some
20 secretary is liable? And I asked the girl if the
21 phone conversations are recorded. I have been back
22 and forth with them.

1 They did rectify the bill. She's
2 giving me the original. They rectified it, said
3 they were wrong, and they gave me a revised bill and
4 they still want \$12,800. That still I thought was
5 inappropriate.

6 JUDGE RILEY: Is that amount due right now?

7 MS. MELLENTHIN: That's what the revised bill is
8 now. They gave me the original again.

9 MS. MORENO: This is, Judge, what I just printed
10 out on our Com Ed system on 8-1.

11 MS. MELLENTHIN: They gave me this one.

12 JUDGE RILEY: What does it say?

13 MS. MORENO: \$11,146.29.

14 JUDGE RILEY: So from Com Ed's standpoint, that's
15 what's due right now?

16 MS. MORENO: That's correct.

17 JUDGE RILEY: And is it your employer's position
18 that that's still erroneous?

19 MS. MELLENTHIN: Yeah, especially after all the
20 damages. We had just corrected the damages and they
21 shut the electric off. We had it rain out there.
22 Every time it rained -- one of the days we went out

1 there, the basement flooded. So, again, we go back
2 and redo everything.

3 JUDGE RILEY: I'm inclined to let Ms. Moreno's
4 proposition to review the bill.

5 MS. MORENO: Let me review the bill and have
6 somebody from the billing department contact him and
7 hopefully they can work together to, you know, get
8 the bill paid and have the gentleman become the
9 customer of record.

10 JUDGE RILEY: Okay. When you say "him," are you
11 talking about Mr. Connolly?

12 MS. MORENO: Mr. Connolly. Sorry.

13 MR. CONNOLLY: No, no problem.

14 JUDGE RILEY: Counsel, does that sound
15 acceptable? We'll put this over for a certain
16 amount of time --

17 MR. CONNOLLY: Absolutely.

18 JUDGE RILEY: -- to get it resolved?

19 MR. GOLDSTEIN: Judge, also keep this in mind.
20 The sump pump failure and the food, that seems a
21 totally separate issue.

22 JUDGE RILEY: And if you could find anything in

1 the Public Utility Act covering that, because I'm
2 not aware of that.

3 MR. CONNOLLY: I know the relief that can be
4 granted is limited. It's more an issue whether
5 Com Ed wants to address it now or at a later time in
6 the form of some formal or private settlement. I
7 understand just as far as your jurisdiction.

8 JUDGE RILEY: What kind of time are we looking
9 at? How long is it going to take to do this?

10 MS. MORENO: Can we do a month?

11 MR. GOLDSTEIN: Yes.

12 JUDGE RILEY: Can you do it in 30 days?

13 MS. MORENO: Uh-huh.

14 JUDGE RILEY: We are at September 1 right now.
15 You want to meet back here in October?

16 MR. CONNOLLY: I'm down here anyway. Okay.

17 JUDGE RILEY: 10?

18 MR. GOLDSTEIN: Evidentiary hearing at 11.

19 JUDGE RILEY: I have got that written down.

20 MR. GOLDSTEIN: You want to do it at 10 o'clock?

21 JUDGE RILEY: Yes.

22 MS. MORENO: October 4 at 10 o'clock.

1 MR. GOLDSTEIN: I would prefer sort of the
2 afternoon, like 1 o'clock, Judge. That's up to you.

3 MR. CONNOLLY: If we could do 10, that would be
4 great. It's just because I have got a 9:30 over in
5 the Daley Center, and I could just shoot over here
6 and knock out the 10, because, otherwise, I would be
7 sitting here. My office is out in Clarendon Hills.

8 MR. GOLDSTEIN: That's fine.

9 MS. MORENO: At 10.

10 JUDGE RILEY: 10 o'clock, right.

11 MS. MORENO: By then maybe the billing and
12 everything will be resolved.

13 MR. CONNOLLY: That would be great.

14 JUDGE RILEY: That will again be for status so we
15 wouldn't be pursuing evidence at that time either.
16 We'll see what the parties have learned.

17 Is there anything further?

18 MR. CONNOLLY: I don't believe so.

19 JUDGE RILEY: All right. Then I'll leave it at
20 that. We are continued to October 4 at 10 a.m., for

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status. And I will have a notice of the proceeding
sent out.

MS. MELLENTHIN: Thank you.

(Whereupon, the above
matter was adjourned
to be continued to
October 4, 2011 at
10 o'clock a.m.)