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BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
SANDRA ANDERSON)
)
vs.) No. 11-0164
)
COMMONWEALTH EDISON COMPANY)
)
Complaint as to)
billing/charges in)
Sycamore, Illinois.)

Chicago, Illinois
November 8, 2011

Met pursuant to notice at 4:00 p.m.

BEFORE:

Terrance A. Hilliard, Administrative Law Judge

1 APPEARANCES:

2 MR. MARK L. GOLDSTEIN, P.C.
3 3019 Province Circle
4 Mundelein, Illinois 60060
5 (847) 949-1340
6 Appearing for ComEd;

7 MS. SANDRA ANDERSON
8 1821 Kerrybrook Court
9 Sycamore, Illinois 60178
10 Appearing pro se.

11 ALSO PRESENT:

12 Ms. Monica Merino

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SULLIVAN REPORTING COMPANY, by
Julia C. Kurtis, CSR

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I N D E X

<u>Witnesses:</u>	<u>Direct</u>	<u>Cross</u>	<u>Re- direct</u>	<u>Re- cross</u>	<u>By Examiner</u>
Dava McKinney		97	110	107	

E X H I B I T S

<u>Number</u>	<u>For Identification</u>	<u>In Evidence</u>
ComEd Exhibits 1-5		112

1 JUDGE HILLIARD: On behalf of the Illinois
2 Commerce Commission, I call Docket 11-0164, Sandra
3 Anderson versus Commonwealth Edison Company.

4 Mr. Goldstein, would you identify
5 yourself for the record and, Ms. Anderson, please do
6 the same.

7 MR. GOLDSTEIN: Sure. For Commonwealth Edison
8 Company, Mark L. Goldstein, 3019 Province Circle,
9 Mundelein, Illinois 60060. My telephone number is
10 (847) 949-1340. With me today is Monica Merino and
11 Dava McKinney of Commonwealth Edison.

12 JUDGE HILLIARD: All right. Ms. Anderson and
13 Ms. McKinney, you're still under oath.

14 As I understand it, the exhibits that
15 the Company proffered last time were sent to you via
16 certified mail?

17 MS. SANDRA ANDERSON: Yes.

18 JUDGE HILLIARD: And you received those,
19 Ms. Anderson?

20 MS. SANDRA ANDERSON: Yes.

21 JUDGE HILLIARD: All right. Do you have any --
22 any questions of Ms. McKinney relating to those

1 exhibits?

2 MS. SANDRA ANDERSON: Yes, I do.

3 JUDGE HILLIARD: Okay. When you refer to the
4 exhibits, please identify them so that Ms. McKinney
5 can go to the exhibit and refer to the exhibit while
6 answering your question.

7 MS. SANDRA ANDERSON: Okay.

8 JUDGE HILLIARD: Proceed.

9 (Witness previously sworn.)

10 DAVA MCKINNEY,
11 called as a witness herein, having been first duly
12 sworn, was examined and testified as follows:

13 CROSS-EXAMINATION

14 BY

15 MS. SANDRA ANDERSON:

16 Q For Exhibit No. 4 -- it's the Customer's
17 Relations Department and Estimated
18 Complaint Response.

19 JUDGE HILLIARD: All right. Give her a chance
20 to find that.

21 You got it?

22 THE WITNESS: Yes, I do.

1 JUDGE HILLIARD: Okay. What's your question?

2 BY MS. SANDRA ANDERSON:

3 Q It says here that -- that under issuance of
4 complaint -- or comments, it says, Please waive
5 deposit.

6 A Yes, ma'am.

7 Q Okay. So then that shows that you did
8 charge me a deposit; right?

9 A Yes.

10 Q Is that correct?

11 A Yes. That is correct.

12 Q Okay. Also, under -- you sent me the Joint
13 Committee on Administrative Rules of the
14 Administrative Code.

15 JUDGE HILLIARD: What exhibit is that, ma'am?

16 MS. SANDRA ANDERSON: There's not an exhibit on
17 it. It's just the Joint Committee on Administrative
18 Rules.

19 JUDGE HILLIARD: Give them a minute to find it.

20 MS. SANDRA ANDERSON: It's Section 280 of the
21 Administrative Code; and at the top of the page, it
22 has Joint Committee on Administrative Rules.

1 JUDGE HILLIARD: Do you have it there?

2 MS. MONICA MERINO: I can find it. Is it
3 Part 280 Rules?

4 JUDGE HILLIARD: I'll go get you a copy.
5 (Whereupon, a brief recess was
6 taken.)

7 JUDGE HILLIARD: What page, ma'am?

8 MS. SANDRA ANDERSON: Page 2.

9 MR. GOLDSTEIN: Is there a specific section
10 number you're talking -- you're looking at?

11 MS. SANDRA ANDERSON: Yes. It's E. It's
12 Page 2 and it's the letter E.

13 MS. MONICA MERINO: Part 280. What number?

14 MR. GOLDSTEIN: What --

15 MS. SANDRA ANDERSON: I'm just looking at what
16 you sent me. It says Section 280. There's two pages
17 to it. It's the Administrative Code Joint 280 of
18 Administrative Rules and that's Page 1 and Page 2 and
19 on Page 2 under E.

20 MR. GOLDSTEIN: Would you read the first line,
21 please.

22 MS. SANDRA ANDERSON: The first line says, Who

1 will not be the customers of the service, but that's
2 just continued from Page 1. I'm looking at E on that
3 page.

4 JUDGE HILLIARD: All right. Are there any
5 other -- is there a 280-point-something?

6 MS. SANDRA ANDERSON: No, it doesn't say 2- --
7 it just says 280.50.

8 MR. GOLDSTEIN: No, 60.

9 JUDGE HILLIARD: 50.

10 MS. SANDRA ANDERSON: Point 50.

11 MR. GOLDSTEIN: Oh.

12 MS. SANDRA ANDERSON: On the front page, it
13 says 280.50.

14 MS. MONICA MERINO: So it's 50.

15 MR. GOLDSTEIN: Oh, okay.

16 JUDGE HILLIARD: Applicants per service?

17 MS. SANDRA ANDERSON: Yes.

18 And then on the second page -- I'm
19 looking at E.

20 JUDGE HILLIARD: E.

21 MS. SANDRA ANDERSON: E.

22 JUDGE HILLIARD: There's no E in my thing.

1 MR. GOLDSTEIN: Is it D as in David?

2 MS. SANDRA ANDERSON: No. E --

3 JUDGE HILLIARD: As in Edward?

4 MS. SANDRA ANDERSON: As in Edward, yes. It's
5 the second page.

6 JUDGE HILLIARD: What did you send her? Did
7 you give her a copy?

8 MS. MONICA MERINO: I printed it. I probably
9 don't have it.

10 MR. GOLDSTEIN: Could you read the first
11 sentence.

12 MS. MONICA MERINO: I could get it from the
13 front.

14 MR. GOLDSTEIN: Could you read the first
15 sentence, Ms. Anderson. We're having trouble finding
16 it.

17 MS. SANDRA ANDERSON: Okay. Well, it's -- the
18 first sentence on Page 2. It's just continued. It's
19 on Page 1, but that's not what I'm referring to.
20 This one is D and it's -- the beginning of it is on
21 Page 1 and it says that the Utility takes the
22 application for service by telephone from the third

1 party or users and then it just reflects the second
2 page with, Who will not be the customers of the
3 service and that the Utility does not identify the
4 third party or user application with the customer.
5 The Utility should not be entitled to collect from
6 the customer.

7 JUDGE HILLIARD: Okay. What's your question?

8 MS. SANDRA ANDERSON: So I'm wondering why I
9 was ever charged a deposit and that was sufficient
10 performance by ComEd, and it shows that the billing
11 was inconsistent and that they made mistakes on my
12 bill.

13 JUDGE HILLIARD: All right. But then it shows
14 that they waived the deposit requirement.

15 Do you have another question?

16 MS. SANDRA ANDERSON: But it was still charged
17 to my account.

18 JUDGE HILLIARD: And then the deposit was
19 waived?

20 MS. SANDRA ANDERSON: But it was still charged
21 to my account. Each account -- each billing --
22 there's a \$19 deposit that they -- that is added to

1 my bill. So, yeah, even if they did add it on later
2 on, they were still charging me that monthly for over
3 a year.

4 JUDGE HILLIARD: Do you have a response,
5 Ms. McKinney?

6 THE WITNESS: Yes. We did charge the customer
7 initially a deposit, but I stated the deposit was
8 waived on October the 20th, 2010; and on November the
9 4th, 2010, ComEd credited the deposit in the amount
10 of \$95 and an additional 19 cents in interest back to
11 the customer's account.

12 MS. SANDRA ANDERSON: There was no interest
13 added to my account. If there is, show me where the
14 interest was added on the account.

15 THE WITNESS: Please turn your attention to
16 Exhibit No. 1 of the Activity Statement, Page 2. I'm
17 looking at the date for November the 4th, 2010. That
18 line item says Deposit.

19 Please let me know when you're there,
20 Ms. Anderson.

21 MS. SANDRA ANDERSON: What was the date?

22 THE WITNESS: November the 2nd, 2010.

1 MS. SANDRA ANDERSON: Uh-huh.

2 THE WITNESS: I'm sorry. I misspoke.

3 November the 4th, 2010.

4 MS. SANDRA ANDERSON: Yes.

5 THE WITNESS: Okay. There is a line item that
6 says Deposit.

7 MS. SANDRA ANDERSON: Yes, I see that.

8 THE WITNESS: If you go over to the Credit
9 Amount column, it says \$95.19.

10 MS. SANDRA ANDERSON: I see that.

11 THE WITNESS: Okay.

12 JUDGE HILLIARD: And the --

13 MS. SANDRA ANDERSON: But the only -- it
14 doesn't say that. That was already charged to my
15 account -- to my monthly bill. So my monthly bill
16 was not accurate because that \$19 was not on each
17 bill. It doesn't change that.

18 JUDGE HILLIARD: All right. But, at some
19 point, they realized they made a mistake.

20 MS. SANDRA ANDERSON: Right. They did make a
21 mistake and that's what I'm trying to point out.
22 They've made several mistakes.

1 JUDGE HILLIARD: All right. And then -- and
2 then they credited your account the amount of money
3 they debited your account.

4 Do you have a point beyond that?

5 MS. SANDRA ANDERSON: The point that I -- yeah,
6 I was already charged that amount and that amount was
7 included in my monthly bill. So my monthly bills
8 were not accurate.

9 JUDGE HILLIARD: Okay. All right. You've
10 established that they were inaccurate.

11 What else?

12 MS. SANDRA ANDERSON: And then I have here
13 another -- where they made a mistake on my bill when
14 I first moved to this address. That would be Exhibit
15 No. 5. Let me find it. Yeah, that's Exhibit No. 5.

16 I moved to this address --

17 JUDGE HILLIARD: Ms. Anderson, wait for her to
18 find the exhibit. We'll let you know.

19 MS. SANDRA ANDERSON: Okay.

20 MR. GOLDSTEIN: We have the exhibit, Judge.

21 What page is -- where is she looking
22 at here?

1 JUDGE HILLIARD: All right. What page?

2 MS. SANDRA ANDERSON: I'm looking at the
3 very -- the first page. It's the beginning of the
4 billing from this address that I'm at now.

5 JUDGE HILLIARD: Okay. What's the question?

6 MS. SANDRA ANDERSON: It says, Service from
7 12/28/2009 to 1/7/2010, which was 10 days of service,
8 my bill was \$106.85.

9 MR. GOLDSTEIN: Did you find that,
10 Ms. McKinney?

11 THE WITNESS: I did. I found it.

12 JUDGE HILLIARD: And what's the question?

13 MS. SANDRA ANDERSON: That they made a mistake
14 on my bill. That's not accurate. How could, for
15 10 days of service, my bill would be \$106.85?

16 JUDGE HILLIARD: I think we covered this the
17 last time.

18 Can you --

19 MS. SANDRA ANDERSON: Well, I'm just saying.
20 There's been a lot of mistakes made on my bills since
21 I've moved to this address. It's never been accurate
22 since I moved here. That's what the whole complaint

1 is about.

2 JUDGE HILLIARD: All right. Do you have a
3 question for Ms. McKinney?

4 MS. SANDRA ANDERSON: Yeah, I do.

5 RECROSS-EXAMINATION

6 BY

7 MS. SANDRA ANDERSON:

8 Q What is your job description?

9 MR. GOLDSTEIN: Judge, she already went through
10 all of that during my direct examination.

11 JUDGE HILLIARD: She can answer the question.

12 THE WITNESS: I'm a business analyst,
13 Ms. Anderson.

14 BY MS. SANDRA ANDERSON:

15 Q Okay. And you've been employed with ComEd
16 for several years?

17 A 11 years, ma'am.

18 Q Okay. Can you tell me how many customer
19 complaints you have seen as a witness in the past?

20 A Approximately 8.

21 Q Approximately -- only 8?

22 A Yes.

1 MS. SANDRA ANDERSON: I think I'm going to need
2 to ask for a continuance because I think I can prove
3 that that's not true.

4 BY MS. SANDRA ANDERSON:

5 Q Also, what were these complaints about, the
6 8 that you do know of?

7 Do you know what they were about?

8 A I'm not sure if I'm able to discuss other
9 customers' complaints with you, Ms. Anderson.

10 Q Oh, yeah. I'm not asking for any names.
11 I'm just asking in general since you're, you know, an
12 employee with ComEd.

13 THE WITNESS: Am I able to answer that?

14 MR. GOLDSTEIN: Sure.

15 THE WITNESS: They were for various reasons,
16 Ms. Anderson. Typically different billing -- billing
17 disputes.

18 BY MS. SANDRA ANDERSON:

19 Q Yeah. Excessive billing and probably
20 customer service issues, would you say?

21 A Not customer service issues. They're
22 generally issues dealing with specific customer

1 bills --

2 Q Okay.

3 A -- for different reasons.

4 MS. SANDRA ANDERSON: Okay. Well, I just want
5 to say that, you know, Ms. McKinney has been an
6 employee with ComEd. So I think her opinion or
7 testimony is bias.

8 JUDGE HILLIARD: Ms. Anderson -- Ms. Anderson,
9 your job here is to ask -- answer -- ask questions.

10 MS. SANDRA ANDERSON: Okay.

11 JUDGE HILLIARD: Don't make comments until the
12 end. You can make a closing statement at the end of
13 your -- your view of the evidence.

14 MS. SANDRA ANDERSON: Okay. Well, I would say
15 that she did not -- Ms. McKinney didn't give a clear
16 answer or an explanation of why I would received two
17 bills in one --

18 JUDGE HILLIARD: You didn't ask her that,
19 ma'am. You just pointed out to her that you had a
20 bill for \$109 (sic) and some cents.

21 If you have a question about that
22 bill, ask the question.

1 MS. SANDRA ANDERSON: I have no more questions.

2 JUDGE HILLIARD: All right.

3 MR. GOLDSTEIN: I have just one question on
4 redirect, Judge.

5 JUDGE HILLIARD: What's that?

6 REDIRECT EXAMINATION

7 BY

8 MR. GOLDSTEIN:

9 Q Ms. McKinney, as part of your work
10 experience with Commonwealth Edison Company, did you
11 ever deal with customer complaints?

12 A I did as a CSR.

13 Q And can you describe what you did as a
14 CSR -- a customer service representative for
15 Commonwealth Edison.

16 A Yes. I handled the initial calls coming
17 into the call center dealing with customers' concerns
18 with their bills on a high level as well as issuing
19 connects and disconnects.

20 Q And approximately how many of those
21 complaints do you think you handled over a --

22 A In my role as a CSR, over the 5-year

1 period, at least over 1,000.

2 MR. GOLDSTEIN: I have nothing else, Judge.

3 JUDGE HILLIARD: Do you have any recross,
4 Ms. Anderson?

5 MS. SANDRA ANDERSON: No.

6 JUDGE HILLIARD: Okay. Do you have any further
7 questions or evidence that you'd like to educe?

8 MS. SANDRA ANDERSON: No.

9 MR. GOLDSTEIN: Judge, I would move into
10 evidence ComEd Exhibits 1 through 5.

11 JUDGE HILLIARD: Those are the exhibits that
12 you sent to Ms. Anderson?

13 MR. GOLDSTEIN: Yes, Judge.

14 JUDGE HILLIARD: All right. Ms. Anderson, have
15 you received Exhibits 1 through 5?

16 MS. SANDRA ANDERSON: Yes.

17 JUDGE HILLIARD: All right. Do you have any
18 objection to the admission of the exhibits into
19 evidence?

20 MS. SANDRA ANDERSON: No.

21 JUDGE HILLIARD: All right. Then Exhibits --
22 ComEd Exhibits 1 through 5 will be admitted into the

1 record.

2 (Whereupon, ComEd
3 Exhibits 1-5 were
4 admitted into evidence.)

5 JUDGE HILLIARD: Is there anything else that we
6 need to address?

7 All right. Hearing nothing --

8 MS. SANDRA ANDERSON: No.

9 JUDGE HILLIARD: All right. And there's
10 nothing from the Company further?

11 MR. GOLDSTEIN: I have nothing else, Judge.

12 JUDGE HILLIARD: All right. Then the matter
13 will be marked heard and taken.

14 MR. GOLDSTEIN: Thank you, Judge.

15 JUDGE HILLIARD: All right. Ms. -- do you know
16 what? I'm going to -- I'm going to rescind that.

17 Ms. Anderson, did you want to make
18 some comments about the evidence or about ComEd's
19 presentation here?

20 MS. SANDRA ANDERSON: No.

21 JUDGE HILLIARD: All right. You don't have any
22 closing remarks?

1 MS. SANDRA ANDERSON: No.

2 JUDGE HILLIARD: Do you have any closing
3 remarks, Mr. Goldstein?

4 MR. GOLDSTEIN: I have nothing else to
5 present --

6 JUDGE HILLIARD: All right.

7 MR. GOLDSTEIN: -- Judge.

8 JUDGE HILLIARD: Then we're done with this.
9 The matter will be marked heard and taken.

10 All right. The procedure that we
11 follow from here, ma'am, is that we -- the court
12 reporter is going to produce a transcript. I review
13 the transcript and the exhibits and then I prepare a
14 proposed order. That proposed order is sent to you
15 and to the Company and there will be a schedule noted
16 on the bottom for you to make written comments
17 regarding the order and the schedule also will
18 provide for the Company to respond to your comments
19 and for you to respond to the Company's comments and
20 then I -- I'll do a final order which is the -- an
21 order that is presented to the Commission. The
22 Commission can agree with me or disagree with me and

1 they will enter their own order based upon their view
2 of the evidence.

3 So that's -- that's where we're at
4 right now and that will take some period of time for
5 that to happen.

6 What's the case number on this?

7 MR. GOLDSTEIN: 10-0164, Judge.

8 MS. MONICA MERINO: 11.

9 MR. GOLDSTEIN: I'm sorry 11-0164.

10 JUDGE HILLIARD: All right.

11 MR. GOLDSTEIN: Is the record going to be
12 marked heard and taken?

13 JUDGE HILLIARD: The record was marked heard
14 and taken.

15 MR. GOLDSTEIN: All right. Thank you.

16 JUDGE HILLIARD: Then we're done for today,
17 Ms. Anderson.

18 Thank you for calling.

19 MS. SANDRA ANDERSON: Thank you.

20 HEARD AND TAKEN

21

22