

OFFICIAL FILE

ILLINOIS COMMERCE COMMISSION

For Commission Use Only:

Case: 11-0780

FORMAL COMPLAINT

2011 DEC 16 A 11:11 Illinois Commerce Commission

527 E. Capital Avenue

Springfield, Illinois 62701

CHIEF CLERK'S OFFICE

ORIGINAL

Regarding a complaint by (Person making the complaint):

James McGrath

Against (Utility name):

Com Ed

As to (Reason for complaint)

excessive outages; failure to maintain a 40-50 year old distribution system; allowing a probable "fault on fault" situation to exist; denial of claim for reimbursement of losses due to excessive duration of a power outage based on false or circumstantial reasons

in Bloomington Illinois.

TO THE ILLINOIS COMMERCE COMMISSION, SPRINGFIELD, ILLINOIS:

My complete mailing address is (include City)

248 WREN DR, Bloomington, IL 60108

The service address that I am complaining about is

248 WREN DR, Bloomington IL 60108

My home telephone is

(630) 529-1063

Between 8:30 A.M. and 5:00 P.M. weekdays, I can be reached at

(630) 244-3872

My e-mail address is

stanorjim@aol.com

I will accept documents by electronic means (e-mail) Yes

No

(Full name of utility company) Com Ed (respondent) is a public utility and is subject to the provisions of the Illinois Public Utilities Act.

An Exelon 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.

Title 83 Public Utilities Rules 411.100

220 ILCS 5/16-125 Section E

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.

Please see attached summary of issues, list of losses and letters from ComEd dated July 29, 2011; Aug 3, 2011; and Nov 8, 2011. I will need to have ComEd Employees Karen Whirity, Geoff Dominiak and John (construction foreman) present at the hearing as witnesses

Please clearly state what you want the Commission to do in this case: reimburse claimant for losses x3; properly maintain distribution system to prevent recurring excessive outages

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 (Social Security Number, Driver's License Number, Medical Records, etc.) 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: 12-10-11
(Month, day, year)

Complainant's Signature: James L. McGrath

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, James L. McGrath, 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.

James L. McGrath
Complainant's Signature

Subscribed and sworn/affirmed to before me on (month, day, year) 12-10-11



[Signature]
Signature, Notary Public, Illinois

(NOTARY SEAL)

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

December 10, 2011

ComEd Claim Number GCED2011247860; ComEd Account Number: 71826-45009

Reasons for Formal Complaint: excessive service outages due to failure to implement adequate and required preventive maintenance; refusal to reimburse losses sustained during an excessive power outage due to erroneous and circumstantial reasons.

Statement of Complaint:

1. The service area experienced a significant storm on June 21, 2011 causing widespread power outages. The property at 248 Wren Drive, Bloomingdale, IL 60108 was not affected.
2. However, on June 22, 2011 a loss of power that extended for over 48 hours resulted in food loss in the amount of \$210.52. We were traveling and returned home the evening of June 24, 2011 to our freezers had defrosted and were leaking water.
3. A discussion with ComEd Customer Service the week of June 27, 2011 confirmed the outage was due to a cable failure. We were advised to submit a claim for losses.
4. The attached claim was submitted to ComEd.
5. On Aug 3, 2011, a letter from ComEd dated July 29, 2011 signed by Karen Whirity, ComEd Claims Adjuster, was received by the claimant rejecting the claim (GCED2011247860) for losses. The letter stated "we do not pay for losses resulting from service problems caused by weather and other events beyond our control. Because our investigation shows that your recent service interruption was weather-related, we are not able to compensate you for any loss you may have suffered."
6. On August 3, 2011, I talked to Karen Whirity about the rejection
 - a. She agreed the outage was due to a cable failure but claimed that the failure was storm related. I commented that I didn't understand how a cable failure approximately 24 hours after a storm had passed through the area could be storm related. I was flatly told that was the decision of ComEd was final.
 - b. She also said that even if the cable failed in a non-storm related situation, ComEd would deny any claim since ComEd would claim we had done nothing wrong.
 - c. She said the only situation where ComEd would be responsible for loss due to a power outage would be if a ComEd employee actually caused the outage.
 - d. I advised Karen Whirity that I disagreed that the failure was weather related since the storm had occurred on June 21 and the outage did not happen until June 22. I asked Karen if ComEd had a "quality of service" goal. For example large computer data centers have uptime goals of 99.999%. She said ComEd had no such goals and that I had to understand that the power distribution equipment was outside and that failures were to be expected.
 - e. I requested that the claim be appealed and that I be copied on the correspondence.
 - f. Karen advised in a letter written August 3, 2011 that ComEd would respond to the appeal in 14 days.
 - g. The appeal was subsequently denied for the same reasons in the original denial.

7. The June 22, 2011 outage was the third outage for 248 Wren in 2011. Subsequent outages occurred on July 22, 2011 and yet another on September 29, 2011. Since I work from home, any power outage that occurs prevents me from real-time access to electronic correspondence and on-line meetings.
8. On September 30, 2011, I talked to someone from ComEd to advise I wanted to take the issue of continued service interruptions beyond ComEd. I was advised to talk to the Illinois Commerce Commission. I talked to Kevin Hecker (217-782-2024) who helped me to initiate an 'informal complaint'. Kevin advised that I would receive a written response from ComEd within 14 days.
9. On Oct 14, 2011, I returned from business travel to find no written response to the informal complaint. However, I had a voice message from "John" advising he would like to explain to me what the issue with the continued outages was.
10. I was able to talk to John (630-669-3284) on October 17, 2011. John explained he was the construction foreman responsible for replacing the "problem" cable. He had no timing on when that would occur. I advised I was concerned that I would be out of power during the cable replacement and that I needed to be notified when the planned outage would occur. He said 248 Wren Drive was on a "loop feed" and that I would not experience a power outage due to the cable replacement. I asked how there could be so many outages if the property was on a loop feed. John explained that the underground cables supplying power to my home were some of the first underground cables ComEd installed 40-50 years ago and that for a power outage to occur at my property, two faults had to occur simultaneously. He called it "fault on fault". This could occur if a previous fault was never repaired and a new (second) fault occurred. I asked if ComEd was doing the proper preventive maintenance for such old cables and he advised that ComEd didn't do preventive maintenance but only replaced cables when they became a problem.
11. On October 27, 2011, I called Kevin Hecker, ICC, to advise I had not received any written communication from ComEd due to the informal complaint and that I wanted to elevate the complaint to formal. Kevin advised I would receive the formal complaint paperwork in two weeks and that he would close out the informal complaint in order to allow the formal complaint to move forward. He also advised he would follow up with ComEd for a response to the informal complaint.
12. I received a letter dated November 8, 2011 from Geoff Dominiak, ComEd Reliability Engineer – East Central Region, listing all power outages and cause for each power outage at 248 Wren Drive, Bloomingdale, IL from November 1, 2006 to November 1, 2011. The list included the June 22, 2011 power outage and listed the cause for the outage as "underground fault". The cause for the March 4, 2011 outage was listed as "weather related/lightning". Since the cause for the June 22, 2011 outage was not listed as "weather related", ComEd's own documentation clearly shows that the reason for denying the loss claims due to the June 22 outage for storm related reasons in the letter sent by Karen Whirity was baseless and circumstantial.

Jim McGrath