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| AL BRUNSTING<br>Plaintiff, | : | |
| vs. | : | No. 11-0746 |
| COMMONWEALTH EDISON COMPANY<br>Defendant. | : | |

**AL BRUNSTING'S MOTION TO NOT DISMISS OR STAY**

Al Brunsting hereby moves to reject ComEd's motion (dated February 16, 2012) concerning the above captioned case. In support of this Motion, Al Brunsting states:

## I. INTRODUCTION

My wife, Joyce, and I are ordinary citizens who suffered losses and disruption to our lives due to a house fire on December 17, 2009. ComEd has accepted liability for this fire. I request that the Illinois Commerce Commission (Commission) expeditiously proceed in this case.

This complaint is brought to the Commission without legal representation. My contention is that, based on the facts of this case, ordinary citizens need not assume the burden of engaging an attorney. My intention is to abide by all the applicable rules. This document probably does not use accepted legal phraseology and for this I apologize. However, I hope this document will be evaluated on its content.

## II. ARGUMENT

### A. The Commission is capable of judgment in this case without influence by external influences.

It is my suspicion that this case and the other case (see Attachment A of the associated ComEd document) are separable and need not influence the outcome of this case. Perhaps the rules for this case might be altered to insure such separation.

**B. Safe power delivery, not tangible damages.**

The other case concerns tangible damages that Joyce and I incurred. This case is about safe power delivery for all of ComEd's customers. I suspect the Commission is capable of separating these two issues without bias.

**C. Possible connection with the IL Attorney General's Formal Complaint to the Commission.**

The Illinois Attorney General's (AG) Formal Complaint to the Commission (Docket No. 11-0588, testimony of George Owens, AG's expert witness) contends that a portion of this past summer's power outages were due to deferred maintenance and the lack of certain established technologies. These events were summarized in the Chicago Tribune (January 27, 2012, front page, Business Section, "State investigation: ComEd should pay for outages", by Julie Wernau). If the Commission agrees with this testimony, there would likely be similar maintenance issues on the ComEd equipment that supplied my home and the homes of my neighbors on December 17, 2009.

Of course I cannot prove there were maintenance issues nor the absence of certain established technologies in my case. ComEd has steadfastly refused to share any such specific information with me.

**D. ComEd's explanation for the causes and origins of my fire are inadequate I contend.**

On December 16, 2011, John Stutsman (Reliability Assessment Program Manager, Illinois Commerce Commission, jstutsma@icc.illinois.gov, 217-524-0337) asked ComEd for three documents in response to this formal complaint:

URD_1.01 Please provide a description of all technical problems that were identified by ComEd in their investigation of this incident.

URD_1.02 Please explain ComEd's plan(s), including timeline, to identify and correct each problem identified in URD_1.01 throughout ComEd's service territory.

URD_1.03 Please provide copies of the plan(s) identified in URD_102.

Documents URD_1.01 and URD_1.02 are in Attachment A.

I do not know how URD_1.01 and URD_1.02 are being evaluated within the Commission or what role they will play in the outcome of my formal complaint. Assuming that these two documents will influence the Commission's decision, I want to address them in detail here. I find that these two ComEd documents are inadequate and both documents should be rejected by the Commission. The details of this conclusion are given in Attachment B.

If the Commission agrees that these two documents are to be rejected, this would imply that there are causes and origins for my house different from the ComEd explanations. Other likely causes are given in Attachment B (see 1.1.3, 1.3.9, and 1.4.4).

Essentially, I find ComEd's explanation for the cause and origin of my fire does not agree with the known facts of my case. To my knowledge those facts are not in dispute. This implies that safe power delivery to other (perhaps all) of ComEd's 3.8 million customers in northern IL is unacceptable.

**E. My qualifications to comment on ComEd's explanation (Attachment A) and offer my conclusions (Attachment B).**

I have a Ph.D. in physics and have spent my entire career in this discipline. I have 15 patents and 39 papers published in the refereed technical and scientific literature. While not an electrical power engineer this education and experience implies that, given adequate technical information, I am capable of comprehending the power delivery issues in this case.

## III. CONCLUSION

In conclusion, I encourage the Commission to proceed with my case, insulated from any outside litigation. My case is about safe power delivery for all of ComEd customers and the other case is about specific damages. I contend that ComEd's explanation for the causes and origins of my fire (Attachment A) are inadequate (Attachment B). If so, there are likely other causes for my fire, suggested in Attachment B (see 1.1.3, 1.3.9, and 1.4.4), which have implications for safer power delivery for all of ComEd customers.

THEREFORE, Al Brunsting respectfully moves the Commission reject ComEd's motion to dismiss or stay this case and to proceed expeditiously to a judgment.

Dated: February 23, 2012.

Respectfully submitted,

By: Albert Brunsting Feb. 24, 2012

Albert Brunsting