

Docket No: 11-0415
Bench Date: 04/18/12
Deadline: 05/11/12

MEMORANDUM

TO: The Commission

FROM: D. Ethan Kimbrel, Administrative Law Judge

DATE: April 2, 2012

SUBJECT: John W. Franko
-vs-
Northern Illinois Gas Company d/b/a Nicor Gas Company

Complaint as to billing/charges in Addison, Illinois.

RECOMMENDATION: Enter Order denying the complaint.

On May 11, 2011, John W. Franko ("Franko" or "Complainant") filed a complaint against Northern Illinois Gas Company d/b/a Nicor Gas Company ("Nicor", "Respondent" or the "Company") with the Illinois Commerce Commission ("Commission") alleging that he was improperly billed for an account at his property located at 5 North Michigan, Addison, Illinois.

Pursuant to notice given in accordance with the law and the rules of the Commission, this matter came on for status hearings on June 9, 2011, June 30, 2011 and July 28, 2011 before a duly authorized Administrative Law Judge ("ALJ") of the Commission at its offices in Chicago, Illinois. Complainant appeared pro se and Respondent was represented by counsel. An evidentiary hearing was held on August 9, 2011. At the conclusion of the hearing, the ALJ marked the record "Heard and Taken." On July 29, 2011, Respondent filed its closing brief. Complainant failed to file such a brief.

On March 16, 2012, the ALJ issued his proposed order. The parties were given until March 30, 2012 and April 6, 2012 to file their briefs and reply briefs on exception, respectively. Neither party filed the aforementioned briefs.

The Order found that the Complainant failed to meet his burden of proof. This complaint revolves around alleged improper billing in the amount of \$1,279.54. Mr. Franko maintains that a Mr. Franklin resided at his 5 North Michigan property from 1990 or 1991 until January of 2009 and that Nicor is holding him responsible for Mr. Franklin's unpaid account. However, Mr. Franko has failed to provide any evidence that a Mr. Franklin ever rented his property. The company, on the other hand, has

produced numerous documents naming Mr. Franko as the resident of the 5 North Michigan property at the time that Mr. Franklin allegedly resided there. Some of these documents also bear Mr. Franko's name and the alias of John Franklin as well as the address of the residence.

Accordingly, I recommend entry of the attached Order denying the complaint.

DK:fs