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BEFORE THE

ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
) No. 10-0598
HAROLD D. SAVITZ)
and)
MANORS OF HIGHLAND PARK)
CONDOMINIUM ASSOCIATION)
-VS-)
COMMONWEALTH EDISON COMPANY)
Complaint as to billing/charges in)
Highland Park, Illinois)

Chicago, Illinois

May 24, 2012

Met, pursuant to adjournment, at

10 o'clock a.m.

BEFORE:

MS. LESLIE HAYNES,
Administrative Law Judge

APPEARANCES:

MR. HAROLD SAVITZ
19 Deerfield Place
Highland Park, Illinois

and

MR. JOE BERNSTEIN
1047 Deerfield Place
Highland Park, Illinois

and

MR. ALLEN KOVIN
1199 Deerfield Place
Highland Park, Illinois

appearing pro se;

1 APPEARANCES:

2 MR. MARK L. GOLDSTEIN
3 3019 Province Circle
4 Mundelein, Illinois, 60060
5 appearing for
6 Commonwealth Edison Company

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20 SULLIVAN REPORTING COMPANY, by
21 PATRICIA WESLEY
22 LICENSE NO. 084-002170

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2 JUDGE HAYNES: Let's go on the record. Pursuant
3 to the direction of the Illinois Commerce
4 Commission, I now call Docket 10-0598. This is the
5 complaint of Harold Savitz and Manors of Highland
6 Park Condominium Association versus Commonwealth
7 Edison Company.

8 May I have the appearances for the
9 record, please. Name and address. What is your
10 name and address?

11 MR. SAVITZ: My name is Harold Savitz.

12 MR. KOVIN: S-a-v-i-t-z.

13 JUDGE HAYNES: And your address?

14 MR. SAVITZ: 19 Deerfield Place, Highland, Park,
15 60035.

16 JUDGE HAYNES: Thank you.

17 MR. KOVIN: My name is Allen, A-double l-e-n,
18 Kovin, K-o-v- as in Victor - i-n. I live at
19 1199 Deerfield Place, Highland Park, Illinois.

20 JUDGE HAYNES: Okay.

21 MR. BERNSTEIN: Joe Bernstein, 1047 Deerfield
22 Place, Highland Park, Illinois.

1 MR. GOLDSTEIN: For Commonwealth Edison Company,
2 Mark L. Goldstein, 3019 Province Circle, Mundelein,
3 Illinois, 60060. My telephone number is
4 847-949-1340, and with me is Erin Buechler of
5 Com Ed.

6 JUDGE HAYNES: Thank you.

7 Would somebody like to bring me up to
8 date on what's been happening, either party.

9 MR. GOLDSTEIN: I'll start.

10 JUDGE HAYNES: Okay.

11 MR. GOLDSTEIN: I'm sure it won't be the end.

12 Since the last hearing, your Honor,
13 Commonwealth Edison Company did provide all the
14 spreadsheets that were involved in the various
15 credits that have been given to Manors of Highland
16 Park.

17 In addition, we received at the last
18 hearing before your Honor the 2005-2006 bills.
19 Based upon those bills, an additional credit was
20 given to Manors of Highland Park. We have somehow
21 been advised that Constellation New Energy is not
22 going to issue any more credits and so, as far as

1 Com Ed is concerned, there's nothing more we can do.

2 JUDGE HAYNES: Yes. Go ahead.

3 MR. KOVIN: Okay. Pretty much, I wrote John and
4 I sent a copy to Mark in regard to what I could
5 remember from our last hearing as far as what the
6 court asked Com Ed to do.

7 Mark is correct. They gave us credit
8 for the '05-'06 bills. They also gave us an
9 explanation. They sent me spreadsheets of what the
10 credits were for and stuff like that. As far as --
11 and then I wrote back to John saying that --

12 JUDGE HAYNES: John? Who's John? I'm sorry.

13 MR. KOVIN: I'm sorry. John Valdez.

14 JUDGE HAYNES: Okay. He's with Commonwealth
15 Edison?

16 MR. KOVIN: Yes.

17 JUDGE HAYNES: Oh, he was at the last meeting?

18 MR. KOVIN: He was at the last meeting, and he
19 basically represented Com Ed before at our meetings.
20 And then after I received all the spreadsheets, and
21 information, and stuff like that, on May 14th I
22 wrote John saying send the fax, and the four

1 issues concerning -- what I can remember -- thank
2 you for the 1445 credit, as issued, one, money owed
3 from Constellation New Energy, the number saying are
4 they correct, and also number four, can you please
5 check out how this is possible. Number one is the
6 money that I believe is owed by Constellation Energy
7 to the Manors.

8 I'm not making up my figures. I'm
9 using a spreadsheet, that when we finished our
10 meeting in I believe October last year when we went
11 to Oakbrook, Com Ed furnished us with a spreadsheet
12 of what the overcharges was. They also said in
13 another spreadsheet meter so and so kilowatt three
14 times greater than normal. So there's no issue as
15 far as the overcharging. The overcharging is what
16 they say, and that's it.

17 And then what I did in number one,
18 first issue I broke up the overcharges of the
19 kilowatts, since we had been to Constellation
20 Energy, and we had like for the past three years --
21 and I put down the kilowatt charges for one year,
22 the second year, the third year, added it all up for

1 kilowatts, taken off the spreadsheet, and came up
2 with a figure of \$3688.85. This is what I asked
3 John to check over. I've yet to hear.

4 In past conversation, we had a
5 situation in -- and if I can just refresh your
6 Honor's thoughts on it, there's three people
7 involved. Okay. One is Constellation; one is
8 Com Ed; and one is the Manors. Two of the three
9 people had done nothing wrong.

10 Okay. We were overcharged.
11 Constellation Energy billed us on the overcharging
12 mistake that Com Ed made.

13 Okay. When I talked to Mark, he was
14 very blunt. Com Ed is not going to do anything.
15 And if we have to do anything, we have to sue
16 Constellation Energy.

17 I don't believe that at this stage of
18 the game, and for coming down here six times and
19 going to Oakbrook, that we have to go through and
20 sue Constellation Energy.

21 Com Ed made the mistake. They should
22 either pay us, okay, for the overcharging or they

1 should make arrangements with Com Ed -- with
2 Constellation Energy to refund us in credits for
3 what they did. The fact that they are washing their
4 hands of the whole thing doesn't do anybody any
5 good. It does them good, but that's it.

6 In correspondence, and stuff like
7 that -- I have correspondence that when we met in --
8 okay. I have a letter from our attorney to
9 Mr. Goldstein. Based on the discussion that
10 occurred in Com Ed's office in November 18, 2011, it
11 is the association's understanding that Com Ed
12 personnel will take steps to obtain refunds from the
13 association -- to the association from Constellation
14 Energy, the association's third-party vendor.

15 Okay. That's one thing, and then
16 there's -- okay. Then there's another letter. I'm
17 sorry. That letter was dated December 8th. There's
18 another letter dated January 5th from our attorney
19 to Mr. Goldstein saying the association
20 representative and I were informed that Com Ed would
21 do so. In fact, they're required to do so when we
22 met in the Com Ed office in November. Okay. And so

1 they have -- they have never put us together.

2 The only thing that we asked was that
3 if Constellation Energy owed us the money that they
4 give us a person to talk to. Whenever we have
5 called Constellation Energy, they know nothing.

6 John Valdez mentioned to me one time
7 that there's a number you call out to the department
8 you ask for. They have all the information.
9 I called that department. They had no information
10 whatsoever as far as the overcharging.

11 Last time we had a meeting with you,
12 your Honor, it was brought out you asked me who
13 would I want to contact Constellation and get a
14 person or middleman. I mentioned Mr. Goldstein.
15 When I talked to him yesterday, he said that that
16 never happened, that it wasn't his job and that sort
17 of thing.

18 If we go back in the transcripts, I
19 think you'll find out that Mr. Goldstein was pretty
20 much appointed by the court to set up a person to
21 talk to.

22 I just feel that the Manors have done

1 nothing wrong. We have proven the point that we
2 were overcharged, and Com Ed admitted that we were
3 overcharged with spreadsheets in conversation, and
4 I'm asking -- I'm asking the court to make a ruling
5 as to how this can be resolved.

6 JUDGE HAYNES: Mr. Goldstein -- were you done?

7 MR. KOVIN: Yes, ma'am.

8 MR. BERNSTEIN: Before we do that, may I say
9 something?

10 JUDGE HAYNES: Uh-huh.

11 MR. BERNSTEIN: Excuse me. We have been going
12 over this stuff for approximately two years, give or
13 take. It's always been Com Ed, Com Ed, Com Ed. Now
14 going into the bottom of the ninth inning, so to
15 speak, now Constellation Energy has become part of
16 this equation.

17 Okay. Constellation Energy and Com Ed
18 are connected corporately somehow. They're owned by
19 Com Ed. They're owned by Exelon, which owns both,
20 so they're all connected, and it just doesn't seem,
21 as a result, that we should be dilly-dallying around
22 with this for this length of time at Mr. Kovin's

1 expense as far as taking off a day of work to have
2 to come down here all this time. I think we are
3 just being strung along.

4 The other point I would like to make is
5 many times this court, or the person prior to you,
6 okay, gave an instruction, a directive to
7 Commonwealth Edison, contact them before the next
8 hearing, give them -- provide this information,
9 provide that information, and more times than not
10 that has never been done, and I think they should be
11 sanctioned, admonished, call it whatever you like.

12 I know this isn't a high priority or
13 high profile-type case, but I think that everybody
14 should be following the rules that are set forth by
15 the court, and that's all I have to say. Thank you.

16 JUDGE HAYNES: Mr. Goldstein.

17 MR. GOLDSTEIN: Your Honor never ever appointed
18 me to be the go-between from Com Ed to Constellation
19 New Energy. Never ever. If you could find that in
20 the transcript, I would like to see it.

21 Even though Mr. Savitz has his hand up,
22 I guess he wants to go to the restroom or something.

1 JUDGE HAYNES: Uncalled for, Mr. Goldstein.

2 MR. GOLDSTEIN: The bottom line of all this,
3 Commonwealth Edison Company has done everything from
4 its point of view in order to rectify the billing
5 situation. It is rectified. It's rectified the
6 meter situation.

7 The issue that Manors of Highland Park
8 has is solely with Constellation New Energy. I am
9 not an attorney for Constellation New Energy. Your
10 Honor knows my position. I have appeared before you
11 so many times, so I don't need to repeat that.

12 The bottom line is either Manors of
13 Highland Park goes forward with its complaint here,
14 although I don't think -- believe there's any issues
15 outstanding, or it impleads Constellation New
16 Energy, and, your Honor, has impleaded Com Ed in a
17 real energy case, so you know how to do that, and
18 bring all the parties in and thrash it out or we go
19 to trial.

20 I don't know what else to say or do.
21 But I have to repeat again, I am not an agent for
22 Constellation New Energy. I have nothing at all to

1 do with Constellation New Energy, and neither does
2 Ms. Beuchler or Mr. Valdez.

3 JUDGE HAYNES: Did you want to respond to that,
4 Mr. Savitz?

5 MR. SAVITZ: Commonwealth Edison supplies
6 Constellation with the figures. Commonwealth Edison
7 delivers the electric. Constellation supplies it,
8 but they don't know what's being supplied until they
9 get the figures from Commonwealth Edison Company.

10 Now whatever Commonwealth Edison gives
11 them is what they bill, so what they -- Commonwealth
12 Edison I think is bound to give them the correction
13 and tell them that they have to reimburse us for
14 these changes.

15 MR. GOLDSTEIN: As we --

16 MR. SAVITZ: They're trying to back off saying we
17 have nothing to do with it. They do. They supply
18 Constellation with the billing figures, otherwise,
19 Constellation has no way to bill.

20 JUDGE HAYNES: Okay. I understand that.

21 Mr. Kovin.

22 MR. KOVIN: Your Honor, Mr. Goldstein mentioned a

1 trial. Okay. I think we are past the trial stage.
2 Okay. We know who did what and it's just the idea
3 of correcting it. What's a trial going to prove?
4 Nothing different than what we have presented to the
5 court today and nothing different than what Com Ed
6 has presented us in the past.

7 And so, you know, to them, you know,
8 it's under the same umbrella of Exelon. They could
9 make a memo -- I don't know what the legal terms
10 are -- saying that there was a mistake and so and
11 so, and we should be getting our money back.

12 JUDGE HAYNES: So has --

13 MR. KOVIN: A trial does nobody any good, except
14 taking the court's time, my time, Mr. Goldstein's
15 time.

16 JUDGE HAYNES: Has Constellation given some
17 credits?

18 MR. KOVIN: No. No. We have never ever, even to
19 this moment in two years, heard from Constellation
20 Energy.

21 JUDGE HAYNES: And so how long have you been with
22 Constellation?

1 MR. KOVIN: We have been with them since '07. We
2 have been there four years. We haven't deducted
3 anything off their bills. We haven't made an issue
4 of you owe us this. We are not going to pay this.
5 I mean, we have been perfect ladies and gentlemen on
6 our end.

7 JUDGE HAYNES: For how long has the billing been,
8 as far as you know, correct? I mean, since they
9 fixed the meter error?

10 MR. KOVIN: They went back to -- oh, I gave them
11 all the bills from Constellation Energy. They went
12 back from February 28, '07 to December 26, '10 when
13 they changed the meters and made the correction of
14 overcharging.

15 JUDGE HAYNES: Okay. So the meters were fixed in
16 '10?

17 MR. KOVIN: Yes.

18 MR. GOLDSTEIN: Judge, may I add one thing for
19 the record? Commonwealth Edison Company did
20 transmit to Constellation New Energy the
21 spreadsheets showing what Commonwealth Edison's
22 calculation was with respect to the number of

1 dollars, or whatever way you want to rephrase it,
2 what we thought was owed by Constellation to Manors.
3 They have not responded. I don't know what else to
4 say other than that.

5 MR. KOVIN: In conversation with John Valdez, the
6 only thing that the Manors have asked is for
7 somebody that we could contact at Constellation
8 Energy that would know the situation. I don't think
9 that's unreasonable, your Honor.

10 JUDGE HAYNES: Mr. Bernstein, did want to add
11 something?

12 MR. BERNSTEIN: Yes. I've been kept up to speed
13 through board meetings and everything else and in
14 conversations with Kovin certainly. With all of
15 this, I'm not quite sure, however, when this process
16 started when the complaint was filed with both
17 Mr. Savitz and then added the Manors to it properly,
18 if Constellation Energy was part of this
19 conversation through all those previous hearings,
20 and then, like I said a moment ago, that all of a
21 sudden going into the last half of the ninth, or
22 whatever you want to call it, the beginning of it,

1 now Constellation Energy is the one who owes the
2 money, not Com Ed.

3 It seems to me there is an easy way to
4 handle it. Com Ed gives us the money. They go
5 collect it or credit it back from Constellation, who
6 they billed in the first place.

7 I see you are shaking your head. I
8 understand that. It's a process that is corporately
9 sticky, to say the least, I understand that, but
10 going through all of this stuff and jacking us
11 around back and forth all this time is truly unfair,
12 and, you know, and you, Mr. Goldstein, mentioned to
13 the court -- well, we can go to one of our condo
14 association meetings and let all the condominiums
15 know that Commonwealth Edison is overcharging
16 probably everybody who they bill, which is a lot of
17 people and a lot of companies. So if they want to
18 get some bad PR, there is a way of doing it. Why
19 don't we just settle this and be done with it and
20 walk away.

21 MR. GOLDSTEIN: Well, Judge, you know it gets a
22 little tiresome hearing the bashing of Commonwealth

1 Edison in this matter, as well as the threat that
2 Mr. Bernstein just made. Let's try it. Let's do
3 something affirmatively to move this to a conclusion
4 one way or another.

5 JUDGE HAYNES: Do you know what month? Was it
6 December of 2010 the meters were fixed?

7 MR. GOLDSTEIN: I believe that's correct. I
8 believe Mr. Kovin was correct. I don't have that in
9 front of me. That sounded right.

10 MR. KOVIN: Yes, December 26th of 10. This is
11 how long we have been going up and back, your Honor.

12 JUDGE HAYNES: Okay. Well, it sounds to me like
13 Constellation has to be in this. They're the ones
14 you have given your money to.

15 If I'm understanding correctly, Com Ed
16 has refunded the overcharges on the delivery
17 services and they have also refunded the supply
18 charges from when they were your supplier.

19 MR. KOVIN: Yes, ma'am.

20 JUDGE HAYNES: And it doesn't sound like there's
21 an argument there on that part.

22 MR. KOVIN: On that part, there's none.

1 JUDGE HAYNES: So if you paid Constellation, it
2 sounds like Constellation needs to be in this
3 proceeding. Do you disagree with that?

4 MR. KOVIN: I disagree with the fact your Honor
5 that for a year and a half that's all we have been
6 asking for to contact Constellation Energy, okay,
7 and nothing's been -- I can't pick up the phone and
8 say, Mr. Jones from Constellation Energy, you owe us
9 \$3600. I can't do that. Okay. I must have a name.
10 I must have a memo, something from Com Ed to
11 Constellation Energy, you know, a letter that we
12 were overcharged something. Commonwealth Ed cannot
13 wash their hands of the whole thing and say, I'm
14 sorry, your Honor.

15 JUDGE HAYNES: Well, you know, if we, as you
16 said, implead them, then they have to show up and
17 talk to you. So do you have a problem with doing it
18 that way?

19 MR. KOVIN: I have no problem with doing it if
20 they would tell us who to do it to or with.

21 JUDGE HAYNES: If you --

22 MR. KOVIN: If your Honor makes a decision, a

1 ruling that that's what she thinks is what --

2 JUDGE HAYNES: If you want to get your money from
3 Constellation, you have to tell me that you want to
4 get Constellation involved in this. Do you want to
5 file a complaint against Constellation to get back
6 this money you believe that they owe you?

7 MR. KOVIN: But what complaint could I say to
8 Constellation Energy without a letter notification?

9 JUDGE HAYNES: Com Ed will still be in this
10 proceeding. Com Ed will be here. You'll be here.
11 And the question is do you, as the complainant, want
12 Constellation to have to come as well?

13 MR. BERNSTEIN: Yes.

14 MR. KOVIN: Yes.

15 JUDGE HAYNES: I don't know how else to get -- I
16 can't order Constellation to pay you money unless
17 they're a party to this proceeding.

18 MR. KOVIN: Your Honor, why couldn't this have
19 been done in the past where we are sitting now with
20 Constellation Energy here?

21 JUDGE HAYNES: I wasn't the ALJ. I don't know
22 what happened in the past. I think this is the

1 second time I've been here.

2 MR. KOVIN: Second time, yes, ma'am.

3 THE COURT: Last time you were going to talk to

4 Com -- you were going to get spreadsheets. They

5 were going to send something to Constellation.

6 Mr. Goldstein said they sent something to

7 Constellation. They're not responding and so the

8 only way I can make Constellation do something is

9 that they're officially part of this proceeding.

10 I'm not going to do that if you don't tell me that

11 you want Constellation to be a respondent. Okay.

12 MR. KOVIN: Yes, ma'am.

13 JUDGE HAYNES: Mr. Bernstein.

14 MR. BERNSTEIN: Can we get a copy of the

15 correspondence from Com Ed to Constellation where

16 they were informed of that \$3600 overcharge to the

17 Manors?

18 JUDGE HAYNES: By all means, you can ask for a

19 copy of that.

20 MR. GOLDSTEIN: I don't know if we have a piece

21 of correspondence. What we did provide I believe to

22 Mr. Kovin was the spreadsheet that was sent from

1 Com Ed to Constellation --

2 JUDGE HAYNES: And does it get faxed to a general
3 number?

4 MR. GOLDSTEIN: -- showing what we believe the
5 adjustment should have been.

6 JUDGE HAYNES: I guess maybe -- so he has the
7 spreadsheet, but maybe he wants the name of who it
8 was sent to.

9 MS. BUECHLER: I'll try and get the specifics,
10 Judge, before the next --

11 JUDGE HAYNES: What were you going to say,
12 Mr. Savitz.

13 MR. SAVITZ: We don't have to be here again.
14 This is getting boring. The only one that's making
15 money is Metra. We keep coming down on the train.

16 Now if Commonwealth Edison will give us
17 a copy -- they transmit this information to
18 Constellation every month. They must send it to
19 somebody. They don't just throw it out the window
20 and say it's going.

21 JUDGE HAYNES: Well, so --

22 MR. GOLDSTEIN: It goes generally to a department

1 of Constellation. I don't know that there's a
2 specific person involved --

3 JUDGE HAYNES: Probably a computer talking to a
4 computer.

5 MR. GOLDSTEIN: -- but we'll find out.

6 MR. SAVITZ: I would like a copy of those
7 transmittals. They sent something in writing. They
8 don't just call up and say this month it's 4000.
9 They give a breakdown of 10 meters and each they
10 give both readings, last month's, this month's.

11 JUDGE HAYNES: They do, yes.

12 MR. SAVITZ: I would like that reading, then we
13 could talk, then we could talk to Constellation. We
14 don't have to be in another court hearing.

15 MR. KOVIN: That's fine. We have to be at
16 another meeting.

17 MR. SAVITZ: No.

18 MR. KOVIN: So --

19 MR. SAVITZ: Get the information, then we can
20 file a complaint.

21 MR. KOVIN: Right.

22 MR. BERNSTEIN: If they don't respond to the

1 correspondence that we get from Com Ed, then we
2 would be forced to file a complaint to
3 Constellation.

4 JUDGE HAYNES: Do you want me to add
5 Constellation as a party to this proceeding?

6 MR. BERNSTEIN: That would be great.

7 MR. KOVIN: Yes, ma'am.

8 MR. BERNSTEIN: I didn't know that was possible.

9 MR. KOVIN: Yes, ma'am.

10 JUDGE HAYNES: Yes? Yes? Mr. Savitz, yes?

11 MR. SAVITZ: If we get their transmittals --

12 MR. BERNSTEIN: Just say yes, Harold.

13 MR. KOVIN: Yes. Yeah. It's ridiculous. My
14 wife is going to throw me out pretty soon.

15 JUDGE HAYNES: You are going to get the name from
16 Ms. Buechler hopefully of who they send this
17 information to. There's nothing to stop you from
18 calling this person before you come back here,
19 because once they get a notice from the Commission
20 that says you've been added as respondent, there's
21 going to be an attorney assigned, and that if this
22 name -- if they don't come up with a name for you

1 right now, there will be an attorney assigned and
2 that attorney has to respond to you about this
3 complaint.

4 MR. SAVITZ: Can't we just simply get their
5 transmittals?

6 MR. BERNSTEIN: Harold, they have them, we
7 have them, but they don't know --

8 MR. SAVITZ: No, we don't have their name.

9 MR. BERNSTEIN: No, we don't have the name of the
10 person who Com Ed contacts.

11 MR. SAVITZ: All we have is their spreadsheet. I
12 want the monthly submittals. It's got to be done in
13 writing.

14 JUDGE HAYNES: But --

15 MR. SAVITZ: These are big corporations. They
16 just don't pick up the phone and say blah, blah,
17 blah, blah. They send a breakdown every month.

18 JUDGE HAYNES: That's fine, but that's not going
19 to get you money from Constellation.

20 MR. SAVITZ: That might do it. We can always
21 file a complaint.

22 JUDGE HAYNES: Mr. Savitz, do you want me to add

1 Constellation as a party to this proceeding?

2 MR. SAVITZ: Whatever they want, but I'm not
3 coming again --

4 MR. BERNSTEIN: That's okay. Okay.

5 MR. SAVITZ: -- Because my wife is going to kill
6 me. It's not worth it.

7 JUDGE HAYNES: For a status hearing, you don't
8 have to come.

9 MR. SAVITZ: I won't.

10 JUDGE HAYNES: You don't have to.

11 MR. SAVITZ: Okay.

12 MR. GOLDSTEIN: Judge, maybe the proper way of
13 handling this is, you know, really when we get down
14 to the nitty-gritty, Mr. Savitz is not the proper
15 party complainant to this proceeding anyway.

16 JUDGE HAYNES: I understand, as long as Manors
17 is.

18 MR. GOLDSTEIN: If he's willing to send a letter
19 to the Commission withdrawing his name as
20 complainant, maybe that would work.

21 MR. KOVIN: We'll just keep it the way it is. If
22 you can set up Constellation Energy a hearing,

1 that's fine, ma'am.

2 JUDGE HAYNES: I'll have them added as respondent
3 to this and then an attorney will file an
4 appearance, and they should send a copy of that
5 appearance to you, and then you can call the
6 attorney for Constellation.

7 And if you want things, if you think
8 you don't have the paperwork that you want, you can
9 ask for paperwork. I would send a letter in writing
10 to Com Ed asking for any paperwork you think that
11 you might be missing, and you can also ask for
12 paperwork then from Constellation.

13 MR. KOVIN: What we are asking for is we are
14 asking for paperwork from Com Ed to Constellation
15 Energy as to who is in charge of the situation or
16 who we can contact.

17 JUDGE HAYNES: Okay.

18 MR. KOVIN: I don't think that's unreasonable.

19 JUDGE HAYNES: And Ms. Buechler has already
20 agreed to try to find out who was sent the
21 spreadsheet, and then now that you have decided to
22 add Constellation, you will have the name of that

1 attorney and then you go through that attorney for
2 Constellation.

3 MR. KOVIN: Okay. That's fine then.

4 MR. SAVITZ: Am I getting a copy of their
5 submittals?

6 MR. GOLDSTEIN: What submittals?

7 JUDGE HAYNES: Do you mean your monthly usage
8 that Constellation -- I mean, that Com Ed provides
9 to Constellation in order for Constellation to bill
10 you?

11 MR. SAVITZ: Com Ed submits this breakdown
12 monthly, otherwise, Constellation doesn't know what
13 was delivered.

14 JUDGE HAYNES: Are you talking about the recent
15 ones or prior to December of 2010 when your meter
16 was still not charging you the right amount?

17 MR. SAVITZ: I can't make out what you are
18 saying.

19 JUDGE HAYNES: What time period?

20 MR. SAVITZ: For the time period on that
21 spreadsheet. I want every monthly submittal. It's
22 got to be -- something has got to be done in

1 writing. We're not -- we're not Indians any more.

2 We don't send smoke signals. It's got to be a

3 document.

4 MR. GOLDSTEIN: Judge, they already have that

5 breakdown. It was submitted between Com Ed

6 and --

7 MR. SAVITZ: But that breakdown is not what

8 Commonwealth Edison sends Constellation.

9 MR. KOVIN: Yes, it is.

10 MR. SAVITZ: It's a summarization. I want the

11 monthly.

12 MR. KOVIN: It is the monthly.

13 MR. GOLDSTEIN: Thank you. Thank you, Allen.

14 MR. SAVITZ: I want the report. I think I'm

15 entitled to that.

16 JUDGE HAYNES: The next time you still think you

17 are missing something, by all means, let me know.

18 MR. KOVIN: Okay. Yes, ma'am.

19 JUDGE HAYNES: I'm just deciding do we have to do

20 something else today or do we want to just pick

21 another date and then Constellation will be here?

22 MR. KOVIN: There's another issue I want to bring

1 up.

2 JUDGE HAYNES: Okay.

3 MR. KOVIN: It's also part of the letter -- the
4 part of the letter that I sent to John Valdez and
5 also Mark is that we have a situation -- now, again,
6 there are many things that if I went through
7 paperwork, I can go back and get Constellation --
8 Com Ed with. Okay. This is the main thing, and the
9 rest of it is pure insanity.

10 We have a situation where we have a
11 meter, okay. We have a meter that handles our
12 sprinkler system and our sprinkler system and our
13 fountain. Okay. There's one meter that for a
14 period of October to March in the year 2008-9
15 everything is shut off. On that meter we have a
16 total of 82 kilowatts. I don't know why, but we
17 have 82. They went ahead and they changed it to
18 another meter.

19 In '09 we had 1600 kilowatts for those
20 same five-month periods when nothing is on. The
21 sprinkler system is down. The fountain is down.
22 Because of the winter, the sprinkler system's down,

1 because we blow out all the water that prevents
2 freezing of the pipes and expansion during the
3 winter.

4 In 2010 we had 2100 kilowatt-hours.
5 Okay. One month alone we have 1124. Okay. In 2011
6 we had 1100 kilowatts, okay, between -- then ask
7 John to explain how this can be when everything is
8 shut down. I heard no answer, no answer whatsoever,
9 and this was sent along with the four things that I
10 remember us talking about at the end of our last
11 get together that you asked Com Ed to do.

12 JUDGE HAYNES: So this is a different issue than
13 your meters?

14 MR. KOVIN: Yes, different than this thing, just
15 an explanation as to how we can get charged for
16 5,000 kilowatt-hours over a three-year period when
17 everything is shut down.

18 JUDGE HAYNES: Mr. Goldstein, did you want to
19 respond to that?

20 MR. GOLDSTEIN: Yes. As your Honor pointed out,
21 it is a totally separate issue. I guess we'll look
22 into it. Just like with the other credits that were

1 issued, if a credit is required, we'll provide it to
2 the Manors.

3 JUDGE HAYNES: So this is just one of your meters
4 that we're talked about?

5 MR. KORVIN: Yes, ma'am. Yes, ma'am.

6 JUDGE HAYNES: Do you have that meter number?

7 MR. GOLDSTEIN: We'll look into it.

8 MR. KOVIN: It was in '08 Meter Number 2166, and
9 then in '09 it was changed to 6858. It's been 6858
10 till now.

11 JUDGE HAYNES: Okay.

12 MR. GOLDSTEIN: Well, we will be in touch with
13 Mr. Kovin prior to the next hearing, Judge, and
14 advise him of what our findings are with respect to
15 the meters that are involved.

16 JUDGE HAYNES: Okay. So --

17 MR. KOVIN: The next thing -- the next thing
18 is -- off the record.

19 JUDGE HAYNES: Okay. Off the record.

20 (Off the record.)

21 Back on the record. We have had a
22 scheduling discussion and we are going to have a

1 hearing on June 25th at 10 o'clock, and I am going
2 to send out notice that Constellation is being added
3 as the respondent.

4 And is there anything else that we need
5 to put on the record today?

6 MR. KOVIN: No continuation from Constellation
7 Energy? I mean, it's going to be definitely on the
8 25th?

9 MR. BERNSTEIN: Yes.

10 JUDGE HAYNES: They will show up for the first
11 one, yes. It wouldn't be the evidentiary hearing.
12 It will be just this again. You know, maybe if you
13 all get in the same room together, something might
14 work out. We'll see.

15 JUDGE HAYNES: So we will continue then until
16 June 25th at 10 a.m. Thank you.

17 MR. KOVIN: Your Honor, I'm sorry. I have one
18 other thing.

19 JUDGE HAYNES: That's okay.

20 MR. KOVIN: Mark is going to object, okay, and so
21 I feel like the fact that we have come down here
22 six, seven times and we have been to Oakbrook, that

1 I want to be heard.

2 I don't know if you want to make a
3 ruling now, but I definitely want to be heard.

4 Okay. It's in regard to attorney's fees. He's
5 going to object.

6 JUDGE HAYNES: I don't have the power. I can't
7 just up and give you attorney fees. I can only fix
8 your bill.

9 MR. GOLDSTEIN: Judge, I've advised Mr. Kovic
10 about this maybe three or four times already, and
11 I'll just leave it at that.

12 JUDGE HAYNES: Go ahead.

13 MR. KOVIN: We have been misled. I'm not going
14 to use the word lied, but I'm going to use the word
15 lied. We have been lied to by Mr. Goldstein.

16 I received a phone call --

17 MR. GOLDSTEIN: Judge, I resent this. This is
18 just absurd nonsense.

19 MR. KOVIN: You can resent whatever you want.

20 JUDGE HAYNES: I haven't heard what he said yet,
21 Mr. Goldstein.

22 MR. GOLDSTEIN: The lying part I totally resent.

1 I have appeared before your Honor enumerable times.
2 I have never ever been accused of lying to anyone,
3 whether it's an attorney, a complainant, or anyone
4 else, and I absolutely resent this remark and I'm
5 going to leave the room. I have nothing further to
6 do with this matter today.

7 MR. SAVITZ: Leave. We don't need you anyway.

8 MR. GOLDSTEIN: I don't have to listen to this
9 nonsense.

10 (Whereupon, Mr. Goldstein
11 left the room.)

12 JUDGE HAYNES: Okay. Without accusing
13 Mr. Goldstein, what is it regarding attorney fees?

14 MR. KOVIN: Attorney fees. Out of the clear blue
15 sky, I got a phone call from Mr. Goldstein sometime
16 in December saying I got a lot of cases. I would
17 like to put this to sleep. Okay. I can't go
18 \$10,000, but if can you give me an account of the
19 attorney fees and the company that you hired to go
20 over this --

21 JUDGE HAYNES: If this is an offer made in
22 settlement, I don't know that this is --

1 MR. KOVIN: I have letters from our attorney to
2 Mr. Goldstein up and back, and, in fact, the closing
3 letter -- the closing letter that they wanted me to
4 sign the agreement.

5 JUDGE HAYNES: Is this an offer of settlement?

6 MS. BUECHLER: Yes, Judge, as far as I know, and
7 I wasn't in all of those discussions. They're all
8 related to settlement, so I would object to anything
9 being put on the record.

10 JUDGE HAYNES: What they offer in settlement has
11 nothing -- that doesn't have --

12 MR. KOVIN: Your Honor --

13 JUDGE HAYNES: It's not necessarily based on what
14 I would find or the facts put before me, just
15 because they offer something in settlement doesn't
16 mean that that's their position.

17 MR. KOVIN: Your Honor, I have letters up and
18 back from my attorney to Mr. Goldstein. I have the
19 final thing that our attorney put together closing
20 out this case before Mr. Savitz decided not to sign
21 his. I signed mine, you know, on everything, okay,
22 and then it says here in regard to -- okay. It

1 appears that the 2225 settlement saying due the
2 association from Com Ed will be in the form of an
3 account credit. This is -- Mr. Goldstein indicated
4 that the credit will not appear until -- and
5 settlement is fully executed. This was executed by
6 me and would have been executed by me if Com Ed
7 would have said what Constellation owed us. They
8 never have. This letter was made out January 12th.

9 If I didn't get that phone call, why
10 would the complex spend another \$303 to have this
11 made up if we were not getting any of this stuff
12 back?

13 I'm telling you I know we are just a
14 simple little pimple on the total picture, but we
15 were misled by Com Ed on a lot of things, and this
16 thing with attorney fees and stuff like that, he
17 made the phone call. He called me. I didn't pursue
18 it. And if the judge read the correspondence from
19 my attorney to Mr. Goldstein, it will show that he
20 made the proposal.

21 JUDGE HAYNES: And if they were settlement
22 discussions, it has no bearing here. I don't have

1 the power to give anybody attorney fees.

2 MR. KOVIN: What do we do about this thing?

3 JUDGE HAYNES: Talk to your attorney. It's not
4 within my power to give attorney fees and it's not
5 within my power to sanction Mr. Goldstein for
6 anything. I don't have the power to impose
7 sanctions or to give people attorney fees. This is
8 just not -- this is just the Commerce Commission.
9 All we can do is make sure your bills are correct.
10 And beyond that, you have to take it to some other
11 court.

12 MR. KOVIN: What other court?

13 JUDGE HAYNES: It's not my place to tell you
14 where to pursue any claims you might have. My only
15 power has to do with Com Ed, and, at least in this
16 proceeding, to do with bills, and I see that you are
17 frustrated, but I am just limited what I can do for
18 you.

19 MR. KOVIN: Now --

20 (Whereupon, Mr. Goldstein
21 returned.)

22 MR. BERNSTEIN: So we are doing June 25th, and

1 we've added Constellation --

2 JUDGE HAYNES: As a party.

3 MR. BERNSTEIN: -- to the complaint, and we will
4 see you then.

5 JUDGE HAYNES: Yes. And you will get an
6 appearance from the Constellation attorney and then
7 you'll have a name from Constellation for sure,
8 besides if Ms. Beuchler finds something for you.
9 Okay?

10 MR. BERNSTEIN: Yes.

11 JUDGE HAYNES: Thank you.

12 MR. SAVITZ: Now most of the northern suburbs
13 right now are getting rid of Edison. We had a
14 referendum that Edison will no longer supply.
15 They'll deliver, but they are not going to supply
16 electricity.

17 JUDGE HAYNES: Right. Okay. But I don't think
18 this need to be on the record.

19 (Whereupon, the above
20 matter was adjourned
21 to be continued to
22 June 25, 2012 at 10 a.m.)