

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

JOSEPH E. DESHERLIA,	)
	)
Complainant	)
	)
Vs.	)
	)
LIBERTY POWER HOLDINGS, LLC	)
	)
Respondent,	)
	)
Complaint as to incorrect billing	)
in Grafton, Illinois.	)

**COMPLAINANT’S TESTIMONY TO FORMAL COMPLAINT**

**FACTUAL TESTIMONY**

NOW COMES Complainant, Joseph E. DeSherlia, at 245 E. Fairgrounds, Jerseyville, IL 62052, and testifies as follows:

- 1) That I, Joseph E. DeSherlia, receive now and have since approximately April, 2010 electricity from Liberty Power Holdings, LLC., at 215 W. Water Street, Grafton, Illinois 62037.
- 2) That said location is a marina on the Illinois River known as the Grafton Harbor.
- 3) That said Marina facility includes over 300 slips which are rented to boat owners.
- 4) That part of the rental agreement between Grafton Harbor and the individual boat slip lessees is that each month, each boat slip lessee pays their proportion share of the subject electric bill to me.
- 5) That each month, when I receive the electric bill, I calculate the division between that portion for which I am liable and that portion of the bill that each of the individual slip holder lessees are responsible and bill each of the slip holder lessees for their share.
- 6) That while the amount varies, the calculation as described above normally results in my being responsible for approximately 25% of the bill with the other 75% of the bill being the responsibility of the various slip holder lessees.

- 7) That on or about March 18, 2011, I received a letter from Liberty Power dated March 18, 2011, alleging that Liberty Power had made a mistake in my bill for periods from January 2010 to October 2010 in a total of \$11,046.51, a copy of said letter I received is attached hereto as "Exhibit A" and made a part hereof.
- 8) That since I did not receive electricity from Liberty Power until approximately April 19, 2010, there could not be any mistakes for which amounts are due from January 1, 2010 until I began receiving power on approximately April 19, 2010.
- 9) That until receiving the March 18, 2011 letter, I had no knowledge that I had been under billed for this electric service.
- 10) That I do not know if in fact I was under billed and although I have requested same many times, I have never received evidence from Liberty Power proving that I was in fact under billed.
- 11) That because of the delay in receiving this letter alleging an under billing error, I am unable to go back to the slip holder lessees to collect their share of the \$11,046.51.
- 12) That a number of slip holders lessees who would have been responsible for part of the reimbursement of this bill, are no longer slip holders, including a number of slip holders who were transient such that I no longer have valid contact information.
- 13) That if I have to pay the alleged amount due, I will have to pay considerably more than I would have had to pay for my share had it not been for Liberty Power's mistake and negligent improper billing.
- 14) That I did nothing to create this improper billing.
- 15) That although my Attorney, my wife, Jan DeSherlia, and I all made numerous attempts to try to resolve this matter with Liberty Power, only recently did we receive a response.
- 16) That my wife was told by a sales representative of Liberty Power that if we agreed to extend our contract with Liberty Power, that they would waive the \$11,046.51 that they claim is due. When my Attorney though tried to implement this settlement with a representative of Liberty Power, he was told that there was no such settlement and no representative at Liberty Power had authority to make such an agreement.
- 17) That I also recently received a letter from Liberty Power dated March 23, 2012 alleging another billing mistake on the invoice I received in January 2012. I have not yet received a statement with the amount that is allegedly due. This letter is

attached hereto as "Exhibit B" and made a part hereof. This again results in the same problems as outlined above.

18) That I have timely paid all of my regular monthly bills throughout this period.

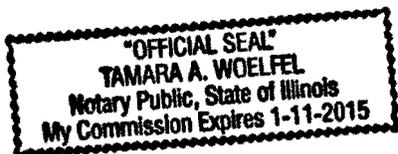
I swear and affirm that the information contained in the above referenced testimony and the attached exhibits is true and correct to the best of my knowledge and belief.

Further Affiant sayeth not.

*Joseph E. DeSherlia*

Joseph E. DeSherlia

Sworn or affirmed before me this 22 day of June, 2012.



*Tamara A. Woelfel*

Notary Public



**LibertyPower®**

Cishi 08-21-11

"EXHIBIT A"

March 18, 2011

Jan Desherlia  
Grafton Harbor  
245 East Fairground  
Jerseyville, IL 62052

Re: Update on your electricity supply invoice

Dear Jan Desherlia,

Your electric meter allows your utility company to take *Time of Use* meter readings. This means, readings are taken at three intervals: "on-peak," "mid-peak" and "off-peak."

From January 2010 through October 2010, Liberty Power experienced a system problem within the Ameren service area and only two of your three readings were recorded. In examining the invoices, we found that you were incorrectly billed for your electricity usage. During that time period, you may have noticed an unusually low amount of kWh used.

The issue was identified and corrected in November 2010. The total undercharged amount is included below. Since we are extremely mindful of the financial impact to you, the amount will be billed in three equal installments, as scheduled below:

**Total Amount Owed:**

Account # 2659035019 \$11046.51

**Courtesy Installment Payments:**

Installment 1	\$3682.17
Installment 2	\$3682.17
Installment 3	\$3682.17

Each installment will be listed as a separate line item, labeled "Adjustment," on your next three utility invoices. Payment terms will be the same as your regular invoice payment terms.

Liberty Power's goal is to provide you with outstanding customer service, and we apologize for this inconvenience. For additional information, please contact Customer Care at 1-866-POWER-99 (1-866-769-3799).

Sincerely,  
Liberty Power  
Account Services

*Empowering American Business*

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"EXHIBIT B"

March 23, 2012

Jan Desherlia  
Grafton Harbor  
245 E Fairground  
Jerseyville IL, 62052

**Re: AMEREN ELECTRIC**  
**Contract Number: 2010-0063922**

Dear Mr. /Ms. Desherlia,

Thank you for being a Liberty Power electricity customer. While we strive to make the billing process as seamless as possible, there has been a processing delay with our external billing provider. The energy charges were not included on the AMEREN ELECTRIC invoice you received in January, 2012.

On your next electricity bill from AMEREN ELECTRIC, you will see an adjustment item designating your energy charges for the missed bill period.

Liberty Power's goal is to provide you with outstanding customer service and we apologize for this delay in billing. If you have any questions about this issue or any other question in the future, please contact our Customer Care team at 1-866-POWER-99 or [CustomerCare@libertypowercorp.com](mailto:CustomerCare@libertypowercorp.com).

Thank you again for selecting Liberty Power as your electricity supplier.

Sincerely,

Liberty Power  
Customer Care

*Powerful Together*

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