

Docket No: 11-0540
Bench Date: 09/06/12
Deadline: N/A

MEMORANDUM

TO: The Commission

FROM: D. Ethan Kimbrel, Administrative Law Judge

DATE: August 7, 2012

SUBJECT: Mildred Smith
-vs-
Commonwealth Edison Company

Complaint as to billing/charges in Chicago, Illinois.

RECOMMENDATION: Enter Order dismissing the complaint without prejudice.

On July 25, 2011, Mildred Smith (“Smith” or “Complainant”) filed a complaint against Commonwealth Edison Company (“ComEd”, “Respondent” or the “Company”) with the Illinois Commerce Commission (“Commission”) alleging that the meter readings at her residence at 6018 S. Saint Lawrence Street in Chicago, Illinois are inconsistent.

On May 16, 2012, Counsel for the Company filed a motion to dismiss stating that with Ms. Smith’s entry into a deferred payment arrangement and her ComEd account having a zero balance that all matters in dispute have been resolved. A hearing was set for June 6, 2012 to address the Company’s motion.

Ms. Smith failed to attend the June 6th hearing and did not answer or respond to the ALJ’s telephone calls made from the hearing room. She also failed to respond to ComEd’s motion to dismiss. On the record, Counsel for the Company stated that Ms. Smith’s account has been adjusted and shows a zero balance and that she is making payments on the deferred payment arrangement. The ALJ granted the Company’s motion without prejudice and marked the matter “Heard and Taken”.

On July 10, 2012, the ALJ served a Proposed Order on the parties, recommending that the complaint be dismissed. The parties were given until July 24, 2012 and July 31, 2012 to file their briefs and reply briefs on exception, respectively. No briefs on exceptions were filed.

Accordingly, I recommend entry of the attached Order dismissing the complaint without prejudice.

DK:fs