

JAMAL SHEHADEH,
Complainant,

Vs.

CONSOLIDATED COMMUNICATIONS
ENTERPRISE SERVICES, INC d/b/a
CONSOLIDATED COMMUNICATIONS
NETWORK SERVICES d/b/a
CONSOLIDATED COMMUNICATIONS
PUBLIC SERVICES,
Respondent.

Case No.: 11-0685

Complaint as to service
in Lincoln, Illinois.

The Honorable J. Stephen
Yoder, Presiding Judge.

**BRIEF ON EXCEPTIONS
OF COMPLAINANT**

Mr. Jamal Shehadeh #s10300
Complainant pro-se
Logan Correctional Center
Post Office Box 1000
1096 1350th Street
Lincoln, IL 62656
(217) 735-5581

ORAL ARGUMENT REQUESTED

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MM
ILLINOIS COMMERCE
COMMISSION

NOW COMES the Complainant, JAMAL SHEHADEH pro se, and for his Brief on Exceptions, pursuant to 83 Ill. Ad. Code 200.830, to the Proposed Order in this cause, dated August 29, 2012, submits the following:

I. PRELIMINARY MATTERS

The first sentence of the only paragraph in this section reads: "...service at the Logan County State Correctional facility." Complainant suggests that this language be amended to read: "...service at the Illinois Department of Corrections' Logan Correctional Center in Lincoln, Illinois" and submits the following argument in support thereof:

Argument

Several correctional facilities are located in Logan County including two operated by the IDOC. In order to avoid confusing the reader, who may or may not be familiar with the happenings of this case, a distinction between Logan Correctional Center and Lincoln Correctional Center and the Logan County jail should be made. Additionally, at no place in the remainder of the Proposed Order is the Logan Correctional Center referred to as the Logan County State Correctional facility.

II. PARTIES' POSITIONS

A. CONSOLIDATED

Complainant takes no exception with the statement of Respondent's position in the Proposed Order.

B. COMPLAINANT

Complainant takes to exception with the statement of Complainant's position in the Proposed Order but suggests that additional

language containing more detailed facts and allegations, particularly those pertaining to the sections of Respondent's contract with the State that Complainant alleges Respondent has violated, be added. Complainant suggests the following language be added in § II.B between ¶¶ 8 & 9:

Complainant alleges that during the times stated in the Complaint he shared only four telephones with the 152 inmates in his housing unit at the Logan Correctional Center and that at any given time during the times stated in the Complaint any number or all of the telephones would be inoperable for days or even weeks at a time. Complainant states that he made numerous repair requests to IDOC staff, by writing to Respondent's corporate office in Mattoon, Illinois, and by having his family call Respondent's customer service center. Complainant further alleges that, despite being made aware of the telephone outages and despite Respondent's contract provision on maintenance, §§ 4.6.4.2 and 4.6.4.3, which require outages to be repaired within 2 - 24 hours, Respondent took days or weeks to dispatch a service technical and even longer to make the repairs.

Argument

All of the allegations made above are contained in either the Complaint or the Coles County pleadings that Respondent attached to its pleadings in this cause as exhibits. In order for the Commission to have an accurate understanding of Complainant's issues with Respondent's service, the facts surrounding the phone outages, the extent thereof, and the time Respondent required to remedy same must be presented.

IV COMMISSION ANALYSIS AND CONCLUSION

Chronologically, this section should be numbered III, not IV since III follows II and II was numerically before this section.

Sentence two of the only paragraph in this section reads in relevant part that: "...it is apparent from the evidence that Mr. Shehadeh is not the 'customer' as defined in the Tariff, nor is he

an intended third-party beneficiary under the contract..." Complainant suggests that the language be amended to read:

...and despite the several sections of the Tariff that refer to inmates as customers and state that service is intended for use by inmates, he is not an intended third-party beneficiary under the contract..."

Argument

Neither Respondent's symantic side-stepping nor the author's apparently intentional statement to the contrary can change the fact that the Tariff refers to inmates as customers and intended users of Respondent's services. The Commission must be presented with the facts as they appear in the record. The author should not alter the facts to fit his suggested conclusions of law. Complainant concedes that he is not an intended beneficiary of the contract.

V. FINDINGS AND ORDERING PARAGRAPH

(1) While Respondent may have interests im the natural gas trade, the service subject of this Complaint is telecommunications and, as such, this paragraph should be amended to read:

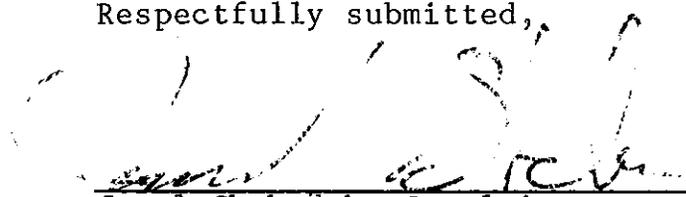
Consolidated is a corporation engaged in telecommunications service to the public in Illinois and, as such, is a public untility and telecommunications service provider within the meaning of Section 13-202 of the Public Utilities Act (220 ILCS 5/13-202).

REQUEST FOR ORAL ARGUMENTS

Pursuant to 83 Ill. Ad. Code 200.850 Complainant requests an opportunity to appear before the Commission and present arguments in opposition of the Proposed Order dismissing this case with prejudice.

WHEREFORE, for the above and foregoing reasons, Complainant requests that the preceeding amendments be made to the Proposed Order prior to presentation to the Commission and that an opportunity for oral arguments be allowed prior to entry of a final determination.

Respectfully submitted,


Jamal Shehadeh, Complainant pro se.

Proof of Service

I Jamal Shehadeh do hereby swear and affirm under penalties of perjury that the foregoing was served on the Respondent by placing a copy of same in the Logan Correctional Center offender mail box addressed to:

Charles H. Peters & Lisa M. Natter
Schiff Hardin, LLP
233 South Wacker Drive
Suite 6600
Chicago, IL 60606

with an Offender Authorization for Payment attached thereto for the cost of postage, on this the 6th day of September, 2012


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