

OFFICIAL FILE  
ILLINOIS COMMERCE COMMISSION

ORIGINAL  
ILLINOIS COMMERCE  
COMMISSION

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

2012 SEP 28 A 10:42

Signature Flight Support, Inc. :  
-vs- : 11-0719 CHIEF CLERK'S OFFICE  
Commonwealth Edison Company :  
Complaint as to re-occurring power :  
outages in Wheeling, Illinois. :

**RESPONDENT'S MOTION TO DISMISS**

Now comes the Respondent, Commonwealth Edison Company ("Respondent" or "ComEd"), by and through its attorney, Mark L. Goldstein, and moves the Administrative Law Judge ("ALJ") and the Illinois Commerce Commission ("Commission") to dismiss the Formal Complaint filed by Signature Flight Support, Inc. ("Complainant") without prejudice for want of prosecution, and in support thereof, states:

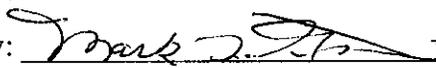
1. On May 7, 2012, the Chief Clerk of the Commission sent a Notice of A Prehearing Conference ("Prehearing") to the Complainant advising it that said Prehearing held at the offices of the Commission in Chicago Illinois, on June 13, 2012, at 11:00 A.M.
2. On June 13,, 2012, after 11:00 A. M., the Prehearing was held. The Complainant failed to appear.
3. On June 15, 2012, the Chief Clerk send a Notice of Continuance of Hearing to the Complainant re-setting the matter to September 20, 2010 at 11:00 A. M. for status.
4. On September 20, 2012, after 11:00 A. M., the Complainant again failed to appear. The ALJ directed counsel for the Respondent to file a written Motion to Dismiss.
5. As set forth above, Complainant has failed to appear at two set status hearings. a

6. Pursuant to 83 Ill. Adm. Code 200.550, a complaint which is not prosecuted diligently may be dismissed for want of prosecution.

7. Despite receiving two formal notices for an opportunity to appear, Complainant failed to do so.

Wherefore, the Respondent, Commonwealth Edison Company, respectfully requests that the Formal Complaint filed by Signature Flight Support, Inc. be dismissed without prejudice for want of prosecution.

Respectfully submitted,  
Commonwealth Edison Company

By:   
Mark L. Goldstein, Its Attorney

Mark L. Goldstein  
Attorney for Respondent  
3019 Province Circle  
Mundelein, IL 60060  
(847) 949-1340

**AFFIDAVIT**

ERIN BUECHLER, being first duly sworn on oath states that she is a Senior Administrator in the Regulatory and Governmental Affairs Department of Commonwealth Edison Company, that she has read the foregoing Respondent's Motion to Dismiss and that same is true and correct.

  
Erin Buechler

Subscribed and Sworn to before me

this 25 day of September, 2012.

  
Notary Public



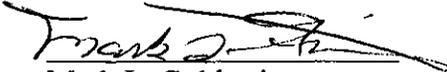
**CERTIFICATE OF SERVICE**

I do hereby certify that on September 24, 2012, I served the foregoing Respondent's Motion to Dismiss by causing a copy thereof to be placed in the U. S. Mail, first class postage affixed, addressed to each of the parties indicated below in the captioned matter:

Ms. Elizabeth A. Rolando  
Chief Clerk  
Illinois Commerce Commission  
537 East Capitol Avenue  
Springfield, IL 62701

Mr. Allan Palicki  
Signature Flight Support, Inc.  
1100 S. Milwaukee Ave.  
Wheeling, IL 60090

Ms. Bonita Benn  
Administrative Law Judge  
Illinois Commerce Commission  
160 N. LaSalle St., Ste. C-800  
Chicago, IL 60601

  
Mark L. Goldstein