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CHIEF CLERK'S OFFICE

Thomas Hosek	:	
-vs-	:	11-0601
Commonwealth Edison Company	:	
	:	
Complaint as to service in	:	
Homer Glen, Illinois.	:	

**RESPONDENT'S REPLY TO COMPLAINANT'S
BRIEF ON EXCEPTIONS**

Now come the Respondent, Commonwealth Edison Company ("Respondent" or "ComEd") by and through its attorney, Mark L. Goldstein, and files Respondent's Reply to the Complainant, Thomas Hosek's ("Complainant") Brief on Exceptions.

Background

On August 11, 2011, Complainant filed a Formal Complaint alleging ComEd failed to provide reliable service to the Complainant as well as other residents from "13200 Choctaw to 13310 Choctaw plus others in Homer Glen." Complainant sought repair of the cause of the power outages affecting his home and others in Homer Glen.

On July 24, 2012, an evidentiary hearing was held in which Complainant testified . ComEd presented testimony by its Senior Engineer Tech Specialist, Dennis Dolechek. On September 11, 2011, an Administrative Law Judge's Proposed Order ("ALJPO") was issued denying the Formal Complaint. On September 28, 2012, Complainant filed a Brief on Exceptions to the ALJPO. This Reply is in response to the Brief on Exceptions.

Argument

At the evidentiary hearing, Complainant failed to sustain his burden of proving that ComEd failed to provide reliable service to Complainant and others and provided no

evidence of any wrongdoing or error by ComEd. Instead, he made clear that "I'm waiting to hear from their engineer." (Tr. 61)

Complainant's Brief on Exceptions improperly attempts to place the burden of proof in this complaint on the Respondent. This is not the law; this is not the Commission's procedure; and, this is why the Formal Complaint must be denied.

Conclusion

Complainant provided no testimony or written evidence to support the allegations of his Formal Complaint. He failed to meet his burden of proof and his Formal Complaint should be denied.

Wherefore, Respondent, Commonwealth Edison Company, respectfully requests that the Illinois Commerce Commission enter the Administrative Law Judge's Proposed Order issued September 11, 2012.

Respectfully submitted,
Commonwealth Edison Company

By: 
Mark L. Goldstein, Its Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on October 10, 2012, I served the foregoing Respondent's Reply to Complainant's Brief on Exceptions 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:

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

Mr. Thomas Hosek
13300 Choctaw Trail
Homer Glen, IL 60491

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


Mark L. Goldstein