

Docket No: 11-0526
Bench Date: 03/06/13
Deadline: N/A

MEMORANDUM

TO: The Commission

FROM: D. Ethan Kimbrel, Administrative Law Judge

DATE: February 19, 2013

SUBJECT: Betty Johnson
-vs-
Commonwealth Edison Company

Complaint as to billing/charges in Chicago, Illinois.

RECOMMENDATION: Enter Order denying the complaint.

On July 15, 2011, Ms. Betty Johnson ("Complainant" or "Ms. Johnson") filed a Formal Complaint against Commonwealth Edison Company ("Respondent", "ComEd" or the "Company") with the Illinois Commerce Commission ("Commission") alleging that the Company improperly billed her based on estimated readings of her electric meter at her residence located at 3947 West Polk Street, 2nd Floor, Chicago, Illinois ("Property").

Status hearings were held on August 3, 2011, November 17, 2011, and June 20, 2012, before a duly authorized Administrative Law Judge ("ALJ") of the Commission at its offices in Chicago, Illinois.

On August 6, 2012, the parties filed on the Commission's e-docket system their joint agreement to extend the one year requirement for Ms. Johnson's complaint case.

On October 3, 2012, an evidentiary hearing was held during which Complainant testified on her own behalf and Dava McKinney, Senior Supervisor for Billing Operations, testified on behalf of Respondent. At the conclusion of the hearing, the record was marked "Heard and Taken."

On January 23, 2013, the ALJ issued his Proposed Order. The parties were given until February 6, 2013 and February 13, 2013 to file their briefs and reply briefs on exception, respectively. Complainant filed her brief on February 5, 2013.

The Order found that the Complainant failed to meet her burden of proof. This complaint revolves around alleged improper billing in the amount of \$619.81. Ms.

Johnson maintains that the Company has improperly estimated her meter readings and that she should be reimbursed for those resulting bills inasmuch as they are inaccurate and exceed the costs of her prior years bills. However, Ms. Johnson neither presented bills nor witnesses and she failed to adequately state her claim which should have included the exact time frame in question. The Company, on the other hand, produced an Account Activity Statement and Meter Reading History for Complainant's account to which its witness explained in detail the billing of Ms. Johnson's account.

Accordingly, I recommend entry of the attached Order denying the complaint.

DK:fs