

**OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION**

ORIGINAL
ILLINOIS COMMERCE
COMMISSION

BEFORE THE ILLINOIS COMMERCE COMMISSION

EMMETT'S PT, LLC)
f/k/a ALE HOUSE III, LLC)
Complainant,)
v.)
COMMONWEALTH EDISON)
COMPANY)
Respondent.)

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CHIEF CLERK'S OFFICE

Case No. 12-0370

AMENDED COMPLAINT

NOW COMES the Complainant, EMMETT'S PT, LLC f/k/a ALE HOUSE III, LLC, by and through its attorneys, Lavelle Law, Ltd., and for its Amended Complaint against Respondent, COMMONWEALTH EDISON COMPANY, states and alleges as follows:

Jurisdictional Statement

1. The Illinois Commerce Commission (the "Commission") has jurisdiction of this matter pursuant to Sections 4/5-101, 5/9-250, and 5/9-252, 5/8-501 of the Illinois Public Utilities Act (the "Act").
2. Pursuant to Title 83, section 200.100 of the Illinois Administrative Code (the "Code"), Complainant agrees to accept service by electronic means.

Statement of Facts

3. Emmett's PT, LLC f/k/a Ale House III, LLC ("Emmets") is an Illinois limited liability company with its principal office located at 110 North Brockway Street, Palatine, Illinois.
4. Emmetts maintains a restaurant/brewery at 110 North Brockway Street, Palatine, Cook County, Illinois.

5. Commonwealth Edison Company (“ComEd”) is an Illinois corporation whose corporate office is, on information and belief, located at 440 South LaSalle, Suite 3300, Chicago, Cook County, Illinois 60605.

6. ComEd is a “public utility” as that term is defined in Section 5/3-105(a) of the Act.

7. ComEd is a “jurisdictional entity” as that term is defined in Section 411.20 of the Illinois Administrative Code (the “Code”).

8. As a “public utility” and “jurisdictional entity,” ComEd is subject to the Act and rules promulgated thereunder and must comply with all provisions of the Act. 220 ILCS 5/1-102.

9. On or about December 1, 2007, Emmetts took possession, via lease, of the restaurant/brewery located at 110 North Brockway Street, Palatine, Illinois (the “Premises”).

10. In order to maintain a smooth transition into the Premises, in November of 2007, Emmetts arranged to have its electrical service provided by ComEd.

11. ComEd assigned the Premises account number 02011-69217 and its metering was run through a meter ComEd designated “Building.”

12. The “Building” meter was in fact for the other tenants at the premises.

13. In April of 2009, ComEd changed Emmetts metering from the “Building” meter to the “Other” meter, which is the meter Emmetts should have been set up on in the first place.

14. Based on the change in metering, ComEd closed out Emmetts’ prior account number, 02011-69217, and opened a new account number for Emmetts, account number 43431-66034.

15. Subsequent to the change in metering and account numbers, Emmetts has had numerous issues with ComEd's billing of the Premises.

16. ComEd has repeatedly, and without documentation to show the same, told Emmetts it owes ComEd anywhere between \$20,000 and \$60,000.

17. ComEd has, on multiple occasions, threatened to stop service to the Premises.

18. ComEd has, on multiple occasions, demanded deposits from Emmetts, which deposits Emmetts has given to ComEd.

19. Despite Emmetts repeated requests for verification of the amount due and owing to ComEd from Emmetts, ComEd has failed to provide Emmetts with documentation evidencing the sums ComEd claims are due from Emmetts

Statutes, Administrative Code, Commission Rules, or Utility Tariffs Applicable

20. Section 5/9-240 of the Act, which provides "no public utility shall charge, demand, collect or receive a greater or less or different compensation for any product, or commodity furnished or to be furnished, or for any service rendered or to be rendered, than the rates or other charges applicable to such product or commodity or service as specified in its schedules on file and in effect at the time"

21. Section 5/9-250 of the Act, which grants the Commission to power to adjudicate this dispute.

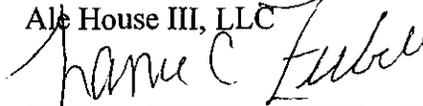
22. Section 6/9-252 of the Act, which grants the Commission power to not only adjudicate this matter, but order reparations in favor of Emmetts.

23. Title 83, Part 280 of the Illinois Administrative Code, governing "Procedures for Gas, Electric, Water and Sanitary Sewer Utilities Governing Eligibility for Service, Deposits, Payment Practices and Discontinuance of Service."

Request for Relief

NOW WHEREFORE, the Complainant, EMMETT'S PT, LLC f/k/a ALE HOUSE III, LLC, prays that this Court find and determine, via Order of the Commission that the Respondent, COMMONWEALTH EDISON COMPANY, has improperly billed Complainant, that there are no sums due and owing to Respondent from Complainant, ordering a refund any sums due and owing to Complainant from Respondent, should any such sums be found, and for such other and further relief as the Commission deems just and proper.

Respectfully submitted,
Emmett's PT, LLC f/k/a
Ale House III, LLC



By: one of its attorneys

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VERIFICATION BY CERTIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

Andrew T Burns
Andrew Burns
Manager
Emmett's PT, LLC f/k/a Ale House III, LLC

Subscribed and sworn
before me on this
8th day of March, 2013.
Lance Ziebell
Notary Public



**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

EMMETT'S PT, LLC)	
f/k/a ALE HOUSE III, LLC)	
)	
Complainant,)	
)	
v.)	Case No. 12-0370
)	
COMMONWEALTH EDISON)	
COMPANY)	
)	
Respondent.)	

NOTICE OF FILING

To:	Elizabeth Rolando, Chief Clerk Illinois Commerce Commission 527 East Capitol Avenue Springfield, Illinois 62701	All Parties on the attached Service List
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Please take notice that on March 18, 2013, the undersigned caused to be filed via e-Docket with the Clerk of the Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois, 62701, **Amended Complaint**, copies of which are attached hereto, and are hereby served upon you.

/s/ Lance C. Ziebell
Lance C. Ziebell

CERTIFICATE OF SERVICE

I, Lance C. Ziebell, an attorney, hereby certify that a copy of this Notice and the documents referred to herein were served via First Class U.S. mail on the above referenced parties before the hour of 5:00 p.m. this the 18th day of March, 2013.

/s/ Lance C. Ziebell
Lance C. Ziebell

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Service List

Ms. Heather Jorgenson
Administrative Law Judge
Illinois Commerce Commission
160 N. LaSalle Street, Suite C-800
Chicago, Illinois 60601-3104

Thomas S. O'Neill
Commonwealth Edison Company
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440 South LaSalle Street
Chicago, Illinois 60605

Mark L. Goldstein, P.C.
c/o Mr. Mark L. Goldstein
3019 Province Circle
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