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ILLINOIS COMMERCE COMMISSION

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

ORIGINAL
ILLINOIS COMMERCE
COMMISSION

2013 MAR 25 P 12:52

Patrick Dillon :

-vs- :

Commonwealth Edison Company :

Complaint as to ComEd refuses to move their :
pole from driveway. The location of the pole is :
not in compliance with ICC's Code on utility :
pole location in Chicago, Illinois. :

12:52 CLERK'S OFFICE

RESPONDENT'S REPLY TO COMPLAINANT'S
OBJECTION TO COMED LATE FILED EXHIBIT 6

Now comes the Respondent, Commonwealth Edison Company ("Respondent" or "ComEd"), by its attorney, Mark L. Goldstein, and files its Reply to Complainant's Objection to ComEd Late-filed Exhibit 6, a copy of the Franchise Agreement between ComEd and the City of Chicago ("Exhibit 6").

On February 22, 2013, by Notice of Administrative Law Judge's ("ALJ") ruling ComEd was directed to file Exhibit 6. On February 28, 2013, ComEd filed said Exhibit. Complainant was given the opportunity to object to its filing and, on March 18, 2013, Complainant filed his Objection to the Respondent's Late-Filed Exhibit #6 ("Objection").

The two paragraphs of the Objection totally and completely misstate the purpose of the Franchise Agreement. The Franchise Agreement speaks for itself as to its purpose. As to Paragraph 1, there is no authority transfer from the Illinois Commerce Commission to the City of Chicago. The City of Chicago, as a municipality, has the right to control what is placed in its streets. The pole in question is in the Complainant's driveway. As to Paragraph 2 of the Objection, the Franchise Agreement has nothing to do with inspection and maintenance of utility poles.

Finally, ComEd requests that the final paragraph of the Objection be stricken as not being responsive to the ALJ allowing the Complainant to file an Objection. The final paragraph of the Objection is argument supporting the Complainant's testimony. The Franchise Agreement was discussed as part of the testimony of ComEd witness, William Mueller, and should be given such weight as the ALJ deems appropriate.

For all of the above reasons, Respondent, Commonwealth Edison Company respectfully requests that ComEd Late-filed Exhibit 6 be admitted in evidence.

Respectfully submitted,
Commonwealth Edison Company

By: 
Mark L. Goldstein, Its Attorney

Mark L. Goldstein
Attorney for Respondent
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CERTIFICATE OF SERVICE

I certify that on March 22, 2013, I served the foregoing Respondent's Reply to Complainant's Objection to ComEd Late-filed Exhibit 6 by causing a copy thereof to be placed in the U. S. Mail, first class postage affixed, addressed to each of the parties as indicated below:

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

Mr. Patrick Dillon
5301 N. New England
Chicago, IL 60656

Mr. John T. Riley
Administrative Law Judge
Illinois Commerce Commission
160 N. LaSalle St., Ste. C-800
Chicago, IL 60601


Mark L. Goldstein