

OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION

ORIGINAL
ILLINOIS COMMERCE COMMISSION

Response to the Commonwealth Edison Company Motion to Dismiss
Case 11-0780

2013 JUN 27 11:35

James L. McGrath

CHIEF CLERK'S OFFICE

-vs-

Commonwealth Edison Company

Complaint as to service in
Bloomington, Illinois

(Reference ComEd Claim GCED2011247860)

The Motion to Dismiss contains many references to prior decisions in order to set a precedence and basis for dismissal. However, from time to time, the Commission should review these so called precedences for applicability to each new occurrence. I am a private citizen seeking reparation from ComEd for losses incurred that are due mainly to negligence on the part of ComEd as outlined in my original Formal Complaint. I do not have the resources that ComEd can bring to the table to fight small claims such as this and, therefore, am not able to respond to each of the specifics included in the Motion to Dismiss.

However, I would like to point out that my complaint was specifically not a "storm related" claim as stated in the first point of the Complaint since the storm occurred on June 21, 2011 while power was lost on June 22, 2011. ComEd's ability to restore power in a timely manner was apparently due to significant other outages that did occur on June 21. But had ComEd properly maintained the distribution system in Bloomington Indian Lakes area, there would have not been an outage on June 22.

ComEd's own records, which have been previously submitted as part of the Complaint, clearly show the outage on June 22, 2011 as an "underground fault". ComEd acknowledges the fault did not occur on June 21, 2011 so is clearly not storm related. If the outage were storm related, it would have occurred on June 21, 2011 and the ComEd records would show the cause as "Storm Related/Lightning" as ComEd's records show for the March 4, 2011 outage.

In a letter from Karen Whirity, ComEd Claims Adjuster, dated July 29, 2011, she states "we do not pay for losses resulting from service problems caused by weather and other events beyond our control." This implies ComEd does pay for outages that are within the control of ComEd. My Complaint is based on the fact that this outage would not have occurred had ComEd properly maintained the distribution system which is entirely within the control of ComEd.

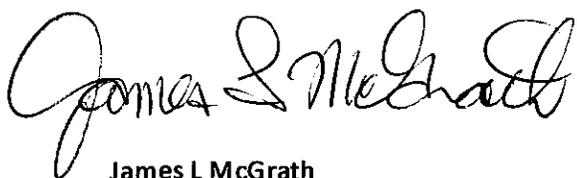
Also, on October 17, 2011, I was able to talk to John (no last name given – cell phone 630-669-3284) who advised he was the construction foreman who would be responsible for replacing the "problem" cable. Clearly ComEd knew this was a faulty cable or they would not have been planning to replace it. The outage report I was able to obtain from ComEd clearly shows outages dating back to September 22, 2007 with causes listed as "Malfunction/Deterioration". The fact that this cable was still in service 4

years later clearly shows negligence on ComEd's part as an authorized utility by the State of Illinois to provide electric service to properly maintain the distribution system. John explained that when ComEd would replace the cable, 248 Wren Drive would not be without power since the home was on a "loop feed" system. John advised that the home was without power for over 48 hours due to the fact that the loop feed cable also had a know fault on it and could not be used. He referred to this as "fault on fault". Clearly, this is another example of negligence on the part of ComEd to properly maintain the distribution system which is all within the control of ComEd.

In conclusion, while I am not able to respond to all the listings of statutes and precedences, I fell that the evidence included in the complaint and statements made by ComEd employees made either verbally or in writing, show a lack of regard for quality of service to the ComEd customers in Bloomingdale and a significantly inadequate ability, or lack of interest, to maintain the distribution system supplying power to 248 Wren Drive, Bloomingdale, Illinois. ComEd should be held responsible for outages under their control and associated reparations and reimbursement of losses.

As a point of interest, ComEd replaced the cable in 2012. They knew it was defective and in need of replacement. The delayed maintenance program that ComEd had implemented was common at that time throughout the service area as evidenced by announcement of major repairs to distribution systems throughout the Chicago service area. If the Court accepts this Motion to Dismiss this Complaint, it will indicate that the Commission condones the ComEd negligence and delayed maintenance program.

Lastly, I don't understand why ComEd is spending so much money to fight a claim for \$210.52.



James L McGrath

(new address)

1030 Oakland Drive

Barrington, Illinois 60010

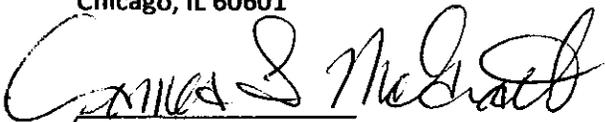
Certificate of Service

I do hereby certify that on June 22, 2013, I served the foregoing Response to 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 below:

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

Mr. Mark Goldstein
Attorney for the Respondent
3019 Province Circle
Mundelein, IL 60060

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

A handwritten signature in black ink, appearing to read "James L. McGrath", written over a horizontal line.

James L. McGrath