

1 APPEARANCES:

2 MR. TODD TOKARZ (VIA TELEPHONE)

3 596 Dunham Road

4 Gurnee, Illinois 60031

5 appearing Pro Se

6

7

8 MR. MARK GOLDSTEIN

9 3019 Province Circle

10 Mundelin, Illinois, 60090

11 Phone: 847-949-1340

12 appearing on behalf of Comm Ed

13

14 MS. ERIN BUECHLER

15 440 South LaSalle Street

16 Suite 3300

17 Chicago, Illinois 60605

18 Phone: 312-394-3866

19 appearing on behalf of Com Ed

20

21

22

23

24

1 JUDGE RILEY: Why don't we go on the record
2 and converse about what the situation is here.

3 MR. TOKARZ: Sure.

4 JUDGE RILEY: Pursuant to the direction of
5 the Illinois Commerce Commission, I call Docket
6 13-0391. This is a complaint by Todd Tokarz vs.
7 Commonwealth Edison Company for reimbursement for
8 damages to the central air-conditioning equipment in
9 Gurnee, Illinois.

10 Mr. Tokarz, you are proceeding at this
11 time without an attorney; is that correct?

12 MR. TOKARZ: Yes.

13 JUDGE RILEY: Just to advise you, you can
14 have an attorney appear for you at any time during this
15 proceedings. However, they would have to take the
16 record as they find it. You would not able to go back
17 and start over.

18 Would you state your name spelling your
19 last name and your address for the record, please?

20 MR. TOKARZ: Sure. Todd, T-O-D-D, last name,
21 T-O-K-A-R-Z. Address is 596 Dunham Road, D-U-N-H-A-M
22 Road, Gurnee, Illinois 60031.

23 JUDGE RILEY: Thank you. Mr. Goldstein,
24 would you enter an appearance for Comm Ed?

1 MR. GOLDSTEIN: Mark L. Goldstein, 3019
2 Province Circle, Mundelin, Illinois 60060. My
3 telephone number 847-949-1340. And in the hearing room
4 is Erin Buechler of Comm Ed.

5 JUDGE RILEY: At this time, Mr. Tokarz, this
6 is a pretty straightforward Complaint. You allege
7 there were two power surges on July 11, 2011. One of
8 which damaged your air conditioning unit beyond repair.
9 Is this your home air conditioning unit?

10 MR. TOKARZ: Yes, central air for the
11 townhouse, correct.

12 JUDGE RILEY: And it is going to cost you
13 upwards of \$3,000 to repair it?

14 MR. TOKARZ: Yes. I had a quote when I
15 learned it happened and I filed another quote when I
16 filed the initial claim and then that was the most
17 recent quote that I got, yes.

18 JUDGE RILEY: Mr. Goldstein, what is Comm
19 Ed's response?

20 MR. GOLDSTEIN: The July 11, 2011 storm was
21 the subject of a storm waiver matter before the
22 Commerce Commission. The Commission determined that
23 Comm Ed was liable for damages with respect to the
24 July 11, 2011 storm that occurred on that date. At

1 this point in time Comm Ed, as far as I am aware, is
2 going to appeal that decision of the Commission to the
3 Appellate Court. And so I think for purposes of the
4 record, perhaps we ought to continue this a couple of
5 months and see if in fact Comm Ed does appeal it. And
6 if they do not, there is some mechanism set forth by
7 the Commission where Comm Ed is to notify the over
8 30,000 customers of the decision of the Commission and
9 the various customers who are involved will be filing
10 claims with the Chief Clerk of the Commission and I
11 assume those claims will be passed on to Comm Ed. If I
12 have misstated anything, Erin, you can please correct
13 me.

14 MS. BUECHLER: That is fine, Mark.

15 MR. GOLDSTEIN: So that's the situation at
16 the moment, Judge. And in the meantime I would like to
17 try to settle this matter with Mr. Tokarz and perhaps
18 we should continue this matter to another date and try
19 to do so.

20 JUDGE RILEY: Mr. Tokarz, do you have a
21 working air conditioning now.

22 MR. TOKARZ: Yes, I have a window unit. But
23 unfortunately it is not as efficient as air
24 conditioning would be throughout the house. And to

1 have to run fans, my electric bill is considerably
2 higher than my neighbor's. Comm Ed has sent me many
3 reports over the past couple of years as to you are
4 using more energy and electricity than your neighbors,
5 considerably larger amounts. I don't have one in front
6 of me. I apologize, but that record could be looked
7 up.

8 My take on this is real simple. I have
9 had this claim in for two years now almost. I
10 understand the Commerce Commission made their judgment.
11 Comm Ed then asked for a rehearing. The Commerce
12 Commission denied the rehearing. And then according to
13 the website from what I understand, Comm Ed did appeal
14 or did notify the respective parties that they were
15 going to appeal. I don't know exactly if the appeal
16 has been filed.

17 JUDGE RILEY: The appeal process is going to
18 take quite some time.

19 MR. TOKARZ: My thinking on this is simply
20 this. If Comm Ed and I settle today, it is not going
21 to put a precedence on anything. The ICC has already
22 ruled. At the same time, you know, how much longer do
23 I have to wait? Two more years? You know, I mean I've
24 probably spent \$3,000 in winter bills that I shouldn't

1 have spent over the past two years from having this
2 unit running in my window when I could have air
3 conditioning throughout my house. That's my take.

4 JUDGE RILEY: One of the things I want to
5 point out, though, this proceeding is not going to be
6 dependent upon whether or not Comm Ed does or does not
7 file an appeal. We couldn't possibly drag it out that
8 length of time.

9 Mr. Goldstein, what kind of time were
10 you suggesting for a continuance?

11 MR. GOLDSTEIN: I was suggesting about 45
12 days.

13 JUDGE RILEY: And in that time would you be
14 in contact with Mr. Tokarz?

15 MR. TOKARZ: I am sorry?

16 JUDGE RILEY: I'm asking Mr. Goldstein during
17 that 45 days would you be in contact with Mr. Tokarz
18 with regard to settlement?

19 A Oh, yes, I can give Mr. Goldstein a call and
20 he could give me a call or e-mail or whatever, Friday.
21 And as of Friday, you know, there was a big question
22 mark. What was going on? What was going to happen.
23 That sort of thing? You know, I mean if Comm Ed wants
24 to -- or Mr. Goldstein wants to put this off for 30 or

1 45 days, I'm okay with that. But, you know, maybe
2 we're going to have to figure out this number again.
3 I don't know if it is possible to sit down and look at
4 what my energy bills would have been versus what they
5 have been and if there is a way I could be compensated
6 for that, you know. I'm the one footing the bill.
7 Instead of paying a \$75 a month electric bill. I'm
8 paying \$150 or more. So, you know. I mean Comm Ed has
9 all the records, you know. So I don't even know if
10 that's possible to put in this Complaint now. I mean
11 if Comm Ed wants to continue it, or Mr. Goldstein does,
12 that's fine. But I don't know. I feel that I have to
13 keep forking out, forking out and forking out. That's
14 all.

15 JUDGE RILEY: Well, nothing is going to
16 preclude you from filing an Amended Complaint, if you
17 find that necessary. I think that the smart move right
18 now would be to continue this thing -- continue this
19 docket to somewhere around the end of August and let it
20 you and Mr. Goldstein get together as often as you feel
21 necessary and see if you can't work out some kind of a
22 solution.

23 MR TOKARZ: Yes, absolutely. Mr. Goldstein
24 needs to, of course, talk with Comm Ed and figure out

1 what needs to happen and then from there, yeah,
2 absolutely. I have no problems with that. And I think
3 that Mr. Goldstein and I, at least from Friday's
4 conversation, I get the feeling that he wants this off
5 his caseload as soon as possible. And Comm Ed does
6 too. I mean from a business point of view, how much
7 more money do you want to spend -- does Comm Ed want to
8 spend on this, you know?

9 JUDGE RILEY: Mr. Goldstein, any response?

10 MR. GOLDSTEIN: As to how much Comm Ed wants
11 to spend on this, I don't think so. We have to look at
12 some time perhaps in the last week of August to set
13 another status date.

14 JUDGE RILEY: I am inclined to agree. This
15 is the --

16 MR. TOKARZ: We can do that. And
17 Mr. Goldstein what I meant by that is each time there
18 is a continuance, not only do you put in a requisition
19 for your billing, Erin has to be paid and everything
20 else associated with it, you know what I'm saying? I
21 don't know. I just -- I understand that this is a drop
22 in the bucket, a very small drop compared to larger
23 things. All I'm saying is that why spend money on
24 this?

1 JUDGE RILEY: Okay. Let's take a look at the
2 last week of August, last full week of August runs from
3 the 26th to the 30th and I have everyday wide open.

4 MR. TOKARZ: Same here.

5 JUDGE RILEY: Wednesday the 28th, would that
6 be enough time?

7 MR TOKARZ: I'm fine with the 28th.

8 Mr. Goldstein?

9 MR. GOLDSTEIN: We actually have two hearings
10 on that date, Judge. Perhaps the 27th or 29th would be
11 better.

12 JUDGE RILEY: 27th okay?

13 MR. TOKARZ: Excellent.

14 JUDGE RILEY: Set for the 27th.

15 MR. GOLDSTEIN: 11:00 o'clock.

16 JUDGE RILEY: 11:00 a.m.

17 MR TOKARZ: 11:00 a.m. is perfect on the
18 27th of August.

19 JUDGE RILEY: That will be for status and
20 we'll reconvene at that time and we'll find out whether
21 or not the discussions have bore any fruit?

22 MR TOKARZ: Excellent.

23 JUDGE RILEY: I'll have a notice sent from
24 the Clerk's office confirming the date and time. We'll

1 reconvene then and we'll see where we are. Thank you
2 very much.

3 MR TOKARZ: Thank you. Is that it?

4 JUDGE RILEY: That is it. We'll talk on the
5 27th.

6 MR. TOKARZ: Have a great evening.

7 (WHEREUPON the hearing was
8 adjourned at 11:15 a.m. to
9 reconvene, August 27, 2013 at 11
10 a.m.)

11

12

13

14

15

16

17

18

19

20

21

22

23