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BEFORE THE

ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
KAREN MCCOY) No. 13-0473
-VS-)
COMMONWEALTH EDISON COMPANY)
Complaint as to billing/charges)
in Chicago, Illinois)
)
)

Chicago, Illinois

SEPTEMBER 17, 2013

Met, pursuant to adjournment, at

1:30 o'clock p.m.

BEFORE:

MR. JOHN T. RILEY,
Administrative Law Judge

APPEARANCES:

MS. KAREN MCCOY
3612 S. Prairie, 2nd Floor
Chicago, Illinois, 60653
appearing pro se;
Mr. Mark L. Goldstein
3019 Province Circle
Mundelein, Illinois 60060

1 APPEARANCES:
2 Ms. Erin Buechler
3 440 S. LaSalle Street, Suite 3300
4 Chicago, Illinois 60605
5 appearing for Commonwealth Edison
6 Company

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21 VERITEXT CHICAGO REPORTING COMPANY, by
22 ANNETTE BREWER
LICENSE NO. 084-004121

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1 JUDGE RILEY: Pursuant to the direction of
2 the Illinois Commerce Commission, I call Docket
3 13-0473. This is a complaint by Karen McCoy versus
4 Commonwealth Edison Company as to billing and charges
5 in Chicago, Illinois.

6 Ms. McCoy, you are appearing without
7 counsel at this point; is that correct?

8 MS. MCCOY: Yes.

9 JUDGE RILEY: Be advised that at any time you
10 do decide to retain counsel, you can have an attorney
11 file an appearance any time you want during this
12 proceeding, but he would have to take the record as
13 he finds it. We couldn't go back to the beginning
14 and start over.

15 MS. MCCOY: Okay.

16 JUDGE RILEY: Mr. Goldstein, you are here for
17 Commonwealth Edison?

18 MR. GOLDSTEIN: That's correct, Judge. And
19 my address is 3019 Province Circle, Mundelein,
20 Illinois, 60060. My telephone number is
21 (847) 949-1340. With me this afternoon is Erin
22 Buechler from ComEd.

1 JUDGE RILEY: Thank you. And, Ms. McCoy,
2 what you are complaining about essentially is that
3 after restoring your service, Commonwealth Edison
4 added a tampering charge to your bill. This is for
5 the property at 3612 South Prairie?

6 MS. MCCOY: Yes.

7 JUDGE RILEY: And I understand it's a,
8 according to your complaint, there's a \$481 tampering
9 fee that was added.

10 MS. MCCOY: I don't know if that's the exact
11 amount, but I think it's 481 or 480, something like
12 that. It was a tampering fee on my bill, yes.

13 JUDGE RILEY: Did Commonwealth Edison ever
14 give you an explanation as to why they added that?

15 MS. MCCOY: Yeah, they told me because they
16 had -- I don't know the exact dates, but they had
17 disconnected my services, and then when they came
18 back out, they noticed my services was on. That's
19 what I was told over the telephone. So at that time
20 they told me a tampering fee was added to my account.
21 Actually it was two I was told.

22 JUDGE RILEY: When they -- they terminated

1 your power at one point?

2 MS. MCCOY: Hm-hm.

3 JUDGE RILEY: Do you remember when that was?

4 MS. MCCOY: I believe it was -- I believe it
5 was in the month of November. I am not for sure.

6 JUDGE RILEY: November of last year.

7 MS. MCCOY: Correct.

8 JUDGE RILEY: 2012. And then what made them
9 come out to restore it? Did they tell you why -- did
10 you pay the bill or what?

11 MS. MCCOY: Well, two things I did. The
12 first thing what I did was I sent in a medical
13 statement because my son, he has asthma. And I sent
14 in a statement. I sent that in. It was in November.
15 I have the letter on November.

16 JUDGE RILEY: That's okay. That's all right.

17 MS. MCCOY: Okay. And then another thing I
18 did was I went to CEDA. It's this program. So I
19 wasn't sure which agency -- I wasn't sure if CEDA had
20 helped me get it turned back on or if it was due to
21 the letter.

22 JUDGE RILEY: But the power was restored?

1 MS. MCCOY: Right, it was on. It was turned
2 back on.

3 JUDGE RILEY: Was it terminated any time
4 after that?

5 MS. MCCOY: No, I don't think so. No.

6 JUDGE RILEY: Do you remember when the power
7 was restored?

8 MS. MCCOY: No. I will say probably seven or
9 eight days later because I left to go to my mom's
10 house and it was back on.

11 JUDGE RILEY: When did Commonwealth Edison
12 come out?

13 MS. MCCOY: I think they came out on the
14 18th. What happened was -- I'm sorry.

15 JUDGE RILEY: No, no, go ahead.

16 MS. MCCOY: But what I know is I came home,
17 my service was on. So a week or so later, I think it
18 was the 18th or maybe the 20th, I noticed my light --
19 like my stove, it was blinking. So I called them and
20 I asked them did you all come out and do something
21 with my service. And then that's when I was told,
22 Yeah, a technician or electrician, whoever came out

1 and they said to turn it on, and they noticed it was
2 hooked up illegally or something like that.

3 And I explained to them I thought I
4 thought you all been came out and turned my service
5 on. They said they did not.

6 JUDGE RILEY: So you have no idea how your
7 service got restored is what you are essentially
8 saying?

9 MS. MCCOY: Yes. If ComEd saying they didn't
10 do it, I don't how it got turned back on.

11 JUDGE RILEY: That's exactly right. That's
12 what I am wondering how that service got restored.

13 MS. MCCOY: Correct.

14 JUDGE RILEY: And they are saying it was done
15 by means other than by them.

16 MS. MCCOY: Right, that's what they told me.

17 JUDGE RILEY: Mr. Goldstein?

18 MR. GOLDSTEIN: That's pretty much it, Judge.
19 Service was restored because Ms. McCoy received light
20 assistance. Now, it had originally been cut for
21 nonpayment. And when the technician went out to
22 restore service, the seal was broken on the meter.

1 That indicates tampering. And that's why there's a
2 tampering charge. So the meter was not replaced but
3 the tampering charge was assessed against the
4 customer.

5 JUDGE RILEY: So when the technician went out
6 to restore the service, he found out that it already
7 had been restored by someone other than Commonwealth
8 Edison?

9 MR. GOLDSTEIN: That's correct.

10 JUDGE RILEY: Is this an apartment or
11 single-family home?

12 MS. MCCOY: No, it's -- they're condos, like
13 I'll say a three-unit. So there's a total of
14 three -- four meters in the back of the apartment.

15 JUDGE RILEY: And these are condominiums?

16 MS. MCCOY: Yes. I rent, yes.

17 JUDGE RILEY: Oh, you are renting it?

18 MS. MCCOY: Yes.

19 JUDGE RILEY: Do you think that the owner
20 might have come by and restored it or do you have any
21 idea?

22 MS. MCCOY: I don't think so. We have a good

1 relationship. I am sure he would have told me, you
2 know. I don't think he was aware that my lights was
3 turned off.

4 JUDGE RILEY: Okay.

5 MS. MCCOY: Because I was gone for like
6 seven, eight days. So I am not sure exactly when it
7 was turned back on. I just know when I came back
8 home, I noticed it was on, so I figured it was either
9 from this letter I sent in or CEDA had helped me.

10 JUDGE RILEY: Mr. Goldstein, is it my
11 understanding then that it's ComEd's position that
12 the \$481 or whatever the exact amount is --

13 MR. GOLDSTEIN: 488.61, Judge.

14 JUDGE RILEY: I'm sorry?

15 MR. GOLDSTEIN: It's 488.61 is the tampering
16 fee that's assessed.

17 JUDGE RILEY: And it's ComEd's position now
18 is that the money is due and owing?

19 MR. GOLDSTEIN: That's correct, Judge.

20 JUDGE RILEY: And, Ms. McCoy, you say that
21 you did not tamper with the meter, don't know who
22 did?

1 MS. MCCOY: I don't know nothing about no
2 meter.

3 JUDGE RILEY: You have no idea how it got
4 restored?

5 MS. MCCOY: No. And my thing is I wouldn't
6 went through these changes. I went and got the
7 letter for my son. And when you have the letter
8 within three days, they turn your service back on
9 anyway. I wasn't here to let nobody touch my stuff
10 at all.

11 JUDGE RILEY: No? We are at an impasse,
12 then.

13 MR. GOLDSTEIN: I guess we have to set this
14 for evidentiary hearing.

15 JUDGE RILEY: That would be the next stay.

16 MS. MCCOY: That's fine.

17 JUDGE RILEY: Ms. McCoy, you have a difficult
18 job of having to proceed first in as much as you are
19 the complainant. And if there's any way you can find
20 out what occurred with this tampering, you are free
21 to present evidence --

22 MS. MCCOY: Right, because after it happened,

1 I called ComEd constantly asking them to put a lock
2 on my meter. And I made a complaint with the
3 Illinois Commerce Commission and they still didn't do
4 it until I will say a month or two later. So my
5 thing is if they was messing with my meter, why
6 couldn't they come out. And I was told I couldn't
7 put no lock on there. So why didn't they help me put
8 a lock on there so I wouldn't have no problems. They
9 wouldn't do it.

10 JUDGE RILEY: The one thing that I wanted to
11 get to is the -- when your service was off, you
12 didn't have lights, you had no electricity at all?

13 MS. MCCOY: No.

14 JUDGE RILEY: And then one day suddenly you
15 had electricity.

16 MS. MCCOY: I came back home after I sent in
17 this letter here and I went to CEDA. I came back
18 home, it was on.

19 JUDGE RILEY: Okay. When it came back on,
20 you never contacted ComEd to find out if they had
21 been out there or anything?

22 MS. MCCOY: I had no reason to. The only

1 time I contacted them is I noticed my lights was
2 blinking. And I am like "Why is my lights blinking
3 if you all came out already and turned my lights on.

4 JUDGE RILEY: Well, that's the situation we
5 are at right now.

6 MR. GOLDSTEIN: Right. When do you want to
7 set it for trial, Judge?

8 JUDGE RILEY: Today is the 17th.

9 Ms. McCoy, is there any date that's
10 preferable to you or any particular day of the week?

11 MS. MCCOY: It depends on the day because I
12 have to take my kids to and from school. So it
13 depends on the school. The 23rd I have a meeting at
14 my kids' school. Other than that, I think I am free.

15 JUDGE RILEY: You mean September 23?

16 MS. MCCOY: Yes.

17 JUDGE RILEY: We are talking probably a month
18 in advance now.

19 MS. MCCOY: Oh, okay. That's fine.

20 JUDGE RILEY: How about just 30 days on the
21 nose. That would be October 17. That's a Thursday.

22 MS. MCCOY: That's fine.

1 MS. BUECHLER: I'm sorry, Judge, what date
2 was it?

3 JUDGE RILEY: October 17.

4 MR. GOLDSTEIN: October 17.

5 JUDGE RILEY: You have a matter up.

6 MR. GOLDSTEIN: Yes.

7 JUDGE RILEY: What about the 22nd, October
8 22nd. That would be a Tuesday at 11:00 a.m.?

9 MS. BUECHLER: We have a 1 p.m. but we could
10 probably be done before then.

11 JUDGE RILEY: I have the 23rd is open but
12 it's a bench session.

13 MR. GOLDSTEIN: How about 22nd -- October 20.

14 MS. BUECHLER: 11:30?

15 MR. GOLDSTEIN: Is the 23rd open for you,
16 Judge?

17 JUDGE RILEY: Yes, all day. Except for the
18 bench session. I usually have matters up.

19 MR. GOLDSTEIN: So if we did like 11:30 or
20 1:00 o'clock or 1:30.

21 JUDGE RILEY: Can we do 1:30?

22 MR. GOLDSTEIN: One o'clock.

1 JUDGE RILEY: One o'clock?

2 MR. GOLDSTEIN: Yeah, so I can make the 2:30
3 train.

4 JUDGE RILEY: Is 1:00 o'clock good for you?

5 MS. MCCOY: Hm-hm

6 JUDGE RILEY: That will be October 23 at 1:00
7 o'clock and I will have the clerk's office send out a
8 formal notice reminding you. So you can put that on
9 your calendar. And again I want to -- I will remind
10 you that as the complainant you would be obligated to
11 go first, to proceed first in the matter, whatever
12 testimony or evidence you have to explain the
13 tampering or the lack of tampering.

14 MS. MCCOY: I can't explain. Okay.

15 JUDGE RILEY: See what you can find out from
16 the owner or anyone else why that service had been
17 restored without Commonwealth Edison's knowledge.

18 MS. MCCOY: Okay.

19 JUDGE RILEY: That's what this comes down to.

20 MS. MCCOY: Okay.

21 JUDGE RILEY: All right.

22 MS. MCCOY: Okay, I can go? All right.

1 Thank you.

2 JUDGE RILEY: We will continue until October
3 23rd at 1:00 o'clock.

4 MS. MCCOY: Okay. Thank you.

5 JUDGE RILEY: Thank you.

6 We are off.

7 (Hearing adjourned at 2:00 p.m.)

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