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STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

KAREN McCOY,)
)
Plaintiff,)
)
vs.) No. 13-0473
)
COMMONWEALTH EDISON COMPANY,)
complaint as to billing/charges)
in Chicago, Illinois,)
)
Defendant.)

Chicago, Illinois
October 23, 2013

Met, pursuant to notice at 1:00 p.m.

BEFORE:

MR. JOHN RILEY, Administrative Law Judge

APPEARANCES:

MS. KAREN McCOY, (pro se)
3612 South Prairie Street
Unit 2
Chicago, Illinois 60653

LAW OFFICE OF MARK L. GOLDSTEIN, by
MR. MARK L. GOLDSTEIN
3019 Province Circle
Mundelein, Illinois 60060
Phone: (847) 949-1340

On behalf of Commonwealth Edison Company.

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

6 And, Ms. McCoy, you are still appearing for
7 yourself; is that correct?

8 MS. McCOY: Correct. Yes.

9 JUDGE RILEY: And are we talking about the property
10 at 3612 South Prairie Avenue, second floor, in Chicago?

11 MS. McCOY: Yes.

12 JUDGE RILEY: Thank you.

13 Mr. Goldstein, would you enter an appearance
14 for Commonwealth Edison?

15 MR. GOLDSTEIN: Yes. For Commonwealth Edison
16 Company, Mark L. Goldstein, 3019 Province Circle,
17 Mundelein, Illinois 60060. My telephone number is
18 (847) 949-1340; and with me this afternoon is Erin
19 Beagler (phonetic) of ComEd as well as our witnesses
20 Gerald Cain and Beth Nicodemus.

21 JUDGE RILEY: Thank you.

22 There's one change in the procedure,
23 Ms. McCoy. I told you at our status session in
24 September that you were going to have to proceed first.

25 MS. McCOY: Mm-hmm.

1 JUDGE RILEY: I've checked -- rechecked the
2 procedure and it is Commonwealth Edison's burden to
3 proceed first in this matter.

4 MS. McCOY: Okay.

5 JUDGE RILEY: That is according to 83 Illinois
6 Administrative Code Part 280100.

7 MS. McCOY: Okay.

8 JUDGE RILEY: That's the citation.

9 Mr. Goldstein --

10 MR. GOLDSTEIN: I'm prepared to proceed, Judge.

11 JUDGE RILEY: Then would you care to call your
12 first witness.

13 MR. GOLDSTEIN: Yes. My first witness is Gerald
14 Cain.

15 (Witness sworn.)

16 JUDGE RILEY: Please proceed, but, Mr. Cain, you
17 have to keep your voice up for the court reporter.

18 THE WITNESS: Okay.

19 WHEREUPON:

20 GERALD CAIN,
21 called as a witness herein, having been first duly
22 sworn, was examined and testified as follows:

23 DIRECT EXAMINATION

24 BY MR. GOLDSTEIN:

25 Q. Mr. Cain, spell your name for the record,

1 please, first and last name.

2 A. Gerald, G E R A L D, Cain, C A I N.

3 Q. And you are employed by ComEd, are you not?

4 A. Yes.

5 Q. And what is your position with ComEd?

6 A. Energy technician.

7 Q. And how long have you held that position with
8 ComEd?

9 A. 13 years.

10 Q. And you've been employed by ComEd for
11 13 years?

12 A. 13 years, right.

13 Q. And how long have you been an energy tech?

14 A. Energy tech for two years, upgraded technician
15 for two years.

16 Q. And what other positions have you held at
17 ComEd?

18 A. Meter reader.

19 Q. And could you describe your duties and
20 responsibilities as an energy tech at ComEd?

21 A. As an energy tech, I disconnect service, I
22 restore service, I exchange meters, investigate meter
23 issues such as them being stuck or damaged, repair -- as
24 much as I can -- meter fittings.

25 Q. Okay. And are you familiar with the account

1 of Karen McCoy at 3612 South Prairie, Unit 2 in Chicago?

2 A. Yes, I'm familiar.

3 Q. And you've been out to the property, have you
4 not?

5 A. Yes.

6 Q. And how many times have you been out to the
7 property?

8 A. Two times.

9 Q. When you were out there the first time, could
10 you state what date you were out there at the property?

11 A. That date is 11/5/2012.

12 Q. And why were you sent out to the property on
13 that date?

14 A. To disconnect the service for nonpayment.

15 Q. And could you tell us what you did when you
16 arrived at the property on November 5th, 2012?

17 A. I arrived, identified the meter, filled out my
18 paperwork to identify everything with the meter and what
19 I was going to do, and I proceeded to disconnect the
20 service.

21 Q. And did you seal off the meter?

22 A. And I sealed the meter.

23 Q. And what color seal did you use to --

24 A. It was --

25 Q. -- seal off the meter?

1 A. It was a pink seal, a rose seal.

2 Q. And did you take a meter reading at that time?

3 A. Yes.

4 Q. And what was the meter reading?

5 A. That meter reading was 44676.

6 Q. Okay. And then you went out to the property a

7 second time, did you not?

8 A. Correct.

9 Q. And when did you go out to the property the

10 second time?

11 A. The second time I went there, it was

12 11/21/2012.

13 Q. And why were you sent to the property at that

14 time?

15 A. I was sent there to restore the service.

16 Q. And what did you do when you arrived at the

17 property?

18 A. I arrived at the property, identified the

19 meter again that I was going to be working on, filled

20 out my field report to identify what I did and

21 everything with the meter.

22 Q. And did you locate the rose-colored seal that

23 you put on the meter the first time you were out there,

24 approximately two and a half weeks earlier?

25 A. No, I didn't.

1 Q. And what did that indicate to you?

2 A. That indicates tampering.

3 Q. And does it indicate that somebody restored
4 service at the meter?

5 A. Just the broken seal does not indicate that,
6 but just on -- in the process of restoring the service
7 and looking at the meter spinning, you can determine
8 that it's been restored.

9 After I identified that the seal was not
10 there, I immediately looked at the disc to see if it was
11 spinning to indicate if it was -- if it was restored.

12 Q. And did you take a meter reading at that time?

13 A. Yes.

14 Q. And what was the meter reading at that time?

15 A. That meter reading was 44957.

16 Q. And what did you do with respect to the meter
17 after you took the meter reading?

18 A. I restored the service or -- Well, we have to
19 go through a process of checking the meter for
20 irregularities as far as voltage; safety checks
21 basically is what they are. I did my safety checks.
22 Even though it was already on, I could see the meter is
23 spinning, I proceeded to do my safety checks after
24 taking the meter out. After doing my safety checks, I
25 reinstalled the meter and resealed it.

1 Q. And with what color seal?

2 A. Brown seal.

3 Q. And what did that indicate with the brown
4 seal?

5 A. The brown seal indicates that a technician,
6 that the -- First of all, that the service is in good
7 standing and that the technician has verified that
8 everything with the meter and the fitting is in good
9 condition.

10 Q. And you've been looking at a document, have
11 you not, to refresh your recollection with respect to
12 what you did on the dates that you went out to --

13 A. Yes.

14 Q. -- the property at 3612 South Prairie. And
15 that document has been marked as ComEd Exhibit No. 1.
16 And could you --

17 JUDGE RILEY: One second, Mr. Goldstein. Does the
18 witness have -- Does the complainant --

19 MR. GOLDSTEIN: It's on the table there, Judge.

20 JUDGE RILEY: Those are your copies -- for you.

21 MS. McCOY: These here?

22 JUDGE RILEY: Yes.

23 MS. McCOY: Oh, okay.

24 JUDGE RILEY: Please proceed. You referenced
25 Exhibit 1.

1 BY MR. GOLDSTEIN:

2 Q. Now, could you explain what ComEd Exhibit
3 No. 1 is?

4 A. You want me to explain that?

5 Q. Yes.

6 A. Okay. It is a summary of the account of what
7 orders were dispatched to this address.

8 Q. And what information does it provide on that
9 exhibit?

10 A. Field order number, my name, the city, the
11 area that it's in, the job -- the job code, creation
12 time, dispatch time, en route time, on-site time, clear
13 date time, customer name, bill account, address, UTC --
14 whether it was completed or not, office review, notice
15 is sent, times cut out, total past due.

16 Q. And in looking through that exhibit, Mr. Cain,
17 does this report -- completion data report describe your
18 visits to the McCoy property?

19 A. Yes, it does.

20 Q. And is this a business record kept by
21 Commonwealth Edison in the ordinary course of its
22 business?

23 A. Repeat that, please.

24 Q. Is this completion report a business record of
25 Commonwealth Edison Company?

1 A. Yes, this is.

2 Q. And as part of your job, you inputted
3 information to make up that report, did you not?

4 A. Correct.

5 Q. And this business record, is -- You have
6 access to this as part of your job, do you not?

7 A. Yes.

8 Q. Do you have anything else you want to add to
9 your testimony?

10 A. Basically, when someone has a service that has
11 been self-restored, it is real simple to identify that
12 just by simply pulling out the meter and seeing our
13 sleeves not on the meter. The meter will be spinning.
14 Sometimes people put jumpers behind the meter to keep it
15 from spinning so that we can't detect whether it's on or
16 not, just by looking at it because it won't spin; but
17 basically it's real simple to determine whether a
18 service has been restored or not just by simply pulling
19 out the meter and identifying whether our sleeves are
20 still on the meter or not.

21 Q. And you pulled out the meter and determined
22 that the service was self-restored, did you not?

23 A. Correct.

24 MR. GOLDSTEIN: I have nothing else, Judge. I
25 would move into evidence ComEd Exhibit No. 1.

1 JUDGE RILEY: Ms. McCoy, do you have any objection
2 of Commonwealth Edison Exhibit No. 1 into evidence?

3 MS. McCOY: Hmm?

4 JUDGE RILEY: Do you have any objection to the
5 admission of Commonwealth Edison Exhibit No. 1 into
6 evidence?

7 MS. McCOY: No.

8 JUDGE RILEY: All right. I'm going to hold -- This
9 is -- Are you tendering the witness for
10 cross-examination?

11 MR. GOLDSTEIN: Yes, I am, Judge.

12 JUDGE RILEY: Okay.

13 MR. GOLDSTEIN: I would add since we are going
14 first today that -- I would reserve the right to recall
15 Mr. Cain in the event that I need to to provide rebuttal
16 testimony.

17 JUDGE RILEY: Okay. I understand that. You can
18 also redirect if you want.

19 Mr. McCoy, do you have any questions for
20 Mr. Cain based upon what he's testified to?

21 MS. McCOY: Yes.

22 JUDGE RILEY: Please, go ahead.

23 CROSS-EXAMINATION

24 BY MS. McCOY:

25 Q. Okay. You said when you came out there was a

1 rose-colored -- was it a sticker or something on the
2 meter?

3 A. The first time?

4 Q. The first time.

5 A. No, it would have been a brown seal.

6 Q. It was a brown seal?

7 A. Right.

8 Q. So what color would you put on there for you
9 to know that -- I mean, once you shut it off, did you
10 put something on it? Was it a lock or something you put
11 on there or a tag?

12 A. I don't remember if there was a lock, but I
13 know it was sealed.

14 Q. Okay. So normally when you-all come out and
15 you disconnect someone's service -- No. When you-all
16 come it and you notice that someone's service is
17 disconnect- -- I mean, it was disconnected and you're
18 saying that it was someone tampering with it, do you-all
19 take pictures or something like that?

20 A. No.

21 Q. No pictures?

22 A. No, we don't have -- No, we don't have to do
23 that. We can, but we don't have to do it.

24 Q. Okay.

25 MS. McCOY: Okay. That's it.

1 JUDGE RILEY: Mr. Goldstein, I'm thoroughly
2 confused about his testimony now because I distinctly
3 understood him to say when he went out the first time
4 you [sic] put a rose-colored seal on the meter?

5 THE WITNESS: Right. I'm sorry. That is correct,
6 the first time --

7 JUDGE RILEY: And it was when you went out the
8 second time, it was a brown seal?

9 THE WITNESS: Right. Sorry about that.

10 MS. McCOY: Mm-hmm.

11 JUDGE RILEY: Where I didn't follow you is that,
12 when you went out on November 21, your second visit --

13 THE WITNESS: Right.

14 JUDGE RILEY: -- you found that the rose-colored
15 seal had been taken off?

16 THE WITNESS: Right.

17 JUDGE RILEY: And you had gone out there to restore
18 the service, the seal was gone, and you say that that
19 was indicative of tampering?

20 THE WITNESS: Yes.

21 JUDGE RILEY: Was the meter spinning at that time?

22 THE WITNESS: Yes.

23 JUDGE RILEY: And the reading was 44957?

24 THE WITNESS: Right.

25 JUDGE RILEY: And after that, you did a safety

1 check of the meter?

2 THE WITNESS: Yeah, just routine safety checks.

3 JUDGE RILEY: What does that entail?

4 THE WITNESS: It entails, we use what we call a
5 fluke.

6 JUDGE RILEY: A fluke?

7 THE WITNESS: Right, it's a fluke --

8 JUDGE RILEY: Okay.

9 THE WITNESS: -- what we use to determine the
10 voltage and the resistance. We have to test the -- all
11 the terminals -- one, two, three, four. We use the
12 fluke on all the terminals.

13 JUDGE RILEY: And this is to determine whether or
14 not the meter is registering usage properly?

15 THE WITNESS: Well, to make sure that the service
16 is coming in properly so that it can read properly.

17 JUDGE RILEY: All right.

18 THE WITNESS: Right.

19 JUDGE RILEY: And then after you did the safety
20 check, do you reseal the meter?

21 THE WITNESS: Put the meter back in and then we
22 seal it, right.

23 JUDGE RILEY: And that was the brown seal?

24 THE WITNESS: Correct.

25 JUDGE RILEY: And was the service restored?

1 THE WITNESS: Right.

2 JUDGE RILEY: Oh, it was restored?

3 THE WITNESS: Officially at that point, right.

4 JUDGE RILEY: Okay.

5 MR. GOLDSTEIN: I have no other questions of the
6 witness.

7 JUDGE RILEY: Thank you, Mr. Cain.

8 And, Ms. McCoy, again, you have no objection
9 to Exhibit 1?

10 MS. McCOY: No.

11 JUDGE RILEY: All right. ComEd Exhibit No. 1 is
12 admitted into evidence.

13 MR. GOLDSTEIN: Very good. The next witness I call
14 is Beth Nicodemus.

15 (Witness sworn.)

16 WHEREUPON:

17 BETH NICODEMUS,
18 called as a witness herein, having been first duly
19 sworn, was examined and testified as follows:

20 DIRECT EXAMINATION

21 BY MR. GOLDSTEIN:

22 Q. Ms. Nicodemus, would you spell your last name
23 for the record?

24 A. N I C O D E M U S.

25 Q. And you're employed by ComEd, are you not?

1 A. Yes, I am.

2 Q. And what is your position with ComEd?

3 A. I'm a senior business analyst in the revenue
4 protection department.

5 Q. And how long have you held that position at
6 ComEd?

7 A. One and a half years.

8 Q. And how long have you been employed by ComEd?

9 A. By ComEd, for one and a half years; by the
10 corporation, Exelon, for seven and a half years.

11 Q. All right. And could you describe what your
12 duties and responsibilities are as a senior business
13 analyst at ComEd?

14 A. As a senior business analyst, I review
15 accounts for tampering activity, I analyze billing
16 opportunities, and I supervise the billers in our group
17 that perform that -- that billing function.

18 Q. And are you familiar with the account of Karen
19 McCoy, that's the subject of this complaint?

20 A. I am.

21 Q. And let me show you what's been marked as
22 ComEd Exhibit No. 2. Do you have that in front of you?

23 A. I do.

24 Q. Could you explain what that Exhibit is?

25 A. This is a meter reading history of her

1 account.

2 Q. And what dates to what dates does it show?

3 A. It shows the history from September 1st,
4 2010 to October 2nd, 2013.

5 Q. And is this document a business record of
6 Commonwealth Edison kept in the ordinary course of its
7 business?

8 A. It is.

9 Q. And because it is a business record, do you
10 have access to this type of information as shown on a
11 meter reading history?

12 A. I do.

13 Q. You heard Mr. Cain testify as to taking as to
14 reading when he cut the service and then again when the
15 service was restored. Is that reflected on this
16 particular exhibit?

17 A. It is.

18 Q. Okay. And could you point out to the Judge
19 and Ms. McCoy where it is shown?

20 A. It is shown on the lines that are two -- the
21 work reading service orders; the cut read is on the two
22 line of 11/5/2012 -- the cut read, 44676. And then the
23 restore read on 11/21/2012 of 44957.

24 Q. And that's shown in KWH, is it not?

25 A. That is shown in kilowatt hours, correct.

1 Q. Let me -- Thank you. Let me show you what's
2 been marked as ComEd Exhibit No. 3 and this is an
3 account summary -- account activity statement for
4 Ms. McCoy at 3612 South Prairie, is it not?

5 A. Yes, it is.

6 Q. And is this also a business record of
7 Commonwealth Edison kept in the ordinary course of its
8 business?

9 A. Yes, it is.

10 Q. And in your position as a senior business
11 analyst, you have access to this information also?

12 A. I do.

13 Q. And in looking at this particular exhibit,
14 Ms. Nicodemus, and your analysis of looking at the
15 account, was Ms. McCoy charged a tampering fee?

16 A. Yes, she was. On page 2, on February 5th,
17 2013, she was charged a tampering fee of \$977.22, which
18 was credited back for half of that amount for
19 488.61 because that is the tampering charge for a watt
20 hour meter for which she has an account.

21 Q. And so the basis of this 488.61-dollar
22 tampering fee, for a case like this, is -- where is that
23 found?

24 A. That is based on the tariff schedule.

25 Q. Commonwealth's tariffs on file with the

1 Commission?

2 A. Correct.

3 Q. And could you tell us, looking at the account
4 activity statement, what the current balance is on
5 Ms. McCoy's account?

6 A. According to this activity statement, her
7 current balance due is \$1,238.34.

8 Q. And as of what date is that?

9 A. As of October 22nd, 2013.

10 Q. Do you have anything else you want to add for
11 the record?

12 A. I do not.

13 MR. GOLDSTEIN: I move into evidence, Judge, ComEd
14 Exhibits 2 and 3 and tender the witness.

15 JUDGE RILEY: The only question I had was, where
16 is -- what page were you looking at when you came up
17 to -- October 28, 2013?

18 THE WITNESS: I'm sorry?

19 JUDGE RILEY: Was that -- The final sum of money
20 due was how much?

21 THE WITNESS: Oh, on the first page, under the
22 current account status at the very top, it shows the
23 current bill billed -- it shows summary information, the
24 top right-hand side.

25 JUDGE RILEY: Right.

1 THE WITNESS: Three lines down, it shows, current
2 bill, billed prior, and balance due.

3 JUDGE RILEY: Right. Okay.

4 THE WITNESS: That balance due right there is her
5 current balance due.

6 JUDGE RILEY: All right. That's \$1238.34?

7 THE WITNESS: Yes.

8 JUDGE RILEY: Okay. Ms. McCoy, do you have any
9 questions that you want to ask Ms. Nicodemus?

10 MS. McCOY: No.

11 JUDGE RILEY: Nothing at all?

12 MS. McCOY: No.

13 JUDGE RILEY: All right. And, Counsel, you have
14 moved for the admission for ComEd's Exhibits 2 and
15 3 into evidence?

16 MR. GOLDSTEIN: That is correct, Judge.

17 JUDGE RILEY: Ms. McCoy, do you have any objection
18 to the admission of either of these exhibits into
19 evidence?

20 MS. McCOY: No.

21 JUDGE RILEY: All right. ComEd Exhibits 2 and
22 3 are admitted into evidence.

23 Do you have anything further, Mr. Goldstein?

24 MR. GOLDSTEIN: I have no other -- I would reserve,
25 obviously, the right to call -- recall Ms. Nicodemus

1 based upon what testimony Ms. McCoy may have.

2 JUDGE RILEY: Okay. Ms. McCoy, we are now at the
3 point where you get to tell your side of the story.
4 This is your case in chief.

5 MS. McCOY: Okay.

6 (Witness sworn.)

7 JUDGE RILEY: Could you, in narrative style, just
8 tell us what -- what the basis of your complaint is and
9 what -- Well, please proceed.

10 WHEREUPON:

11 KAREN McCOY,
12 called as a witness herein, having been first duly
13 sworn, was examined and testified as follows:

14 MS. McCOY: Okay. On November 5th, 2012, if I'm
15 not mistaken, my service was disconnected. I called
16 ComEd and I was told that I would have to make a
17 deposit -- I'm not sure of the dollar amount. I think
18 it was \$180 or something like that. I didn't have the
19 money at the time so I was told because I -- Well, I
20 know, because if you have a medical statement -- my son,
21 he has a nebulizer machine. And I was told if I contact
22 ComEd and I submit the paperwork in, that if they
23 approve it, then they could restore my services.

24 And also, I was told I could call CEDA. So I
25 went to contact CEDA. So I went to my mother [sic]

1 house for a couple of days. I don't know exactly --
2 probably nine or ten days. I'm not for sure. I stayed
3 there; but in between that time, I went to my son's
4 doctor, I got a letter, and I sent it to ComEd. And I
5 also went to CEDA. I don't know the exact -- Well, the
6 day on here is November the 13th, I got the letter from
7 my son's doctor. When I came home, my lights was on. I
8 will say a couple of days later I left, I came back, and
9 I noticed my lights was blinking on and off. So I
10 contacted ComEd and I said, did you-all come out and was
11 messing with my meters or whatever. And someone told me
12 that a tech came out -- I think it was the 21st -- I'm
13 not for sure -- of 2012. And -- I think November 2012,
14 the 21st or 22nd or something like that. And they said,
15 a tech came out and he said someone had tampered with my
16 box, my meter, and I will be charged a tampering charge.
17 No. No. They said they're going to do an investigation
18 and I'll be charged a tampering charge. So I asked them
19 if they could put a lock on the meter for the time being
20 while they're doing their investigation. No one ever
21 came out or whatever and I was in -- They said they did
22 their investigation. I was charged 400 and I think it's
23 \$89 or something like that. So --

24 And then I'll say -- I'll say two months or
25 maybe three months ago they finally came out and put a

1 lock on the meter.

2 JUDGE RILEY: Okay. And --

3 MS. McCOY: And I requested they put one on there
4 in November when I found out they said someone was with
5 my -- someone had tampered with my meter.

6 JUDGE RILEY: Now, you own a condominium or do you
7 rent a condominium?

8 MS. McCOY: I rent.

9 JUDGE RILEY: Okay. And is the meter in the
10 condominium or is it in the basement of the building or
11 down on the ground floor somewhere?

12 MS. McCOY: They're all outside.

13 JUDGE RILEY: They're outside?

14 MS. McCOY: Uh-huh.

15 JUDGE RILEY: And you're not the owner?

16 MS. McCOY: No.

17 JUDGE RILEY: Do you remember anything about a
18 rose-colored seal being put on the meter?

19 MS. McCOY: Mm-hmm. I remember -- Because I take
20 my garbage out through the garage and when I go, I go
21 through the back. I don't go through the front. I
22 remember a red dot on the meter. There was, like, a red
23 dot on the meter. Now, I think it was a red tag, that's
24 it.

25 JUDGE RILEY: And is it your testimony that you

1 have no idea how the seal on that meter got broken?

2 MS. McCOY: No. I don't -- I don't know nothing
3 about no meters. I don't know nothing about that. I
4 don't know how to move -- use no wires, nothing. That's
5 why I asked them to put a lock on there so nobody won't
6 tamper with it again, and I won't be charged a tampering
7 fee.

8 JUDGE RILEY: And the account is in your name?

9 MS. McCOY: Yes.

10 JUDGE RILEY: Okay.

11 MS. McCOY: I never would have asked nobody to
12 touch it because I know they charge a tampering fee. I
13 have a hard time.

14 JUDGE RILEY: So it's your testimony that you --
15 neither you nor anyone at your request ever touched that
16 meter?

17 MS. McCOY: Yes.

18 JUDGE RILEY: So you have no knowledge of it being
19 broken, no knowledge of it being tampered with at all?

20 MS. McCOY: Correct.

21 JUDGE RILEY: All right. Mr. Goldstein, do you
22 have any questions for the witness?

23 (Brief pause.)

24 MR. GOLDSTEIN: I have no questions for this
25 witness.

1 JUDGE RILEY: All right. I'm going to take a brief
2 recess for about five minutes. I'll be right back.

3 (A short break was had.)

4 JUDGE RILEY: Ms. McCoy, I just want to make sure,
5 Mr. Goldstein indicated he had no questions and I'm not
6 going to cross-examine you, but I just want to go back
7 over your direct testimony again.

8 Did you -- On November 5, were you aware that
9 your service had been shut off?

10 MS. McCOY: Mm-hmm. I think I was home when they
11 shut it off and I called them.

12 JUDGE RILEY: Okay.

13 MS. McCOY: I think I took the kids to school and
14 came back and then they -- then the lights went off; and
15 I called them. Yeah, they was shut off.

16 JUDGE RILEY: Okay. And did ComEd explain to you
17 why they -- why the service was shut off?

18 MS. McCOY: Yeah, for nonpayment, if I'm not
19 mistaken.

20 JUDGE RILEY: All right. And what did you do after
21 that?

22 MS. McCOY: I was trying to come up with the money.
23 I contacted my son's doctor and also, I went to CEDA.

24 JUDGE RILEY: Okay. And you were able to obtain
25 some assistance from CEDA?

1 MS. McCOY: Yeah. I was told that's why they came
2 out on the 21st because of a payment CEDA made.

3 JUDGE RILEY: I see.

4 MS. McCOY: Right. But when -- when I came home, I
5 noticed my lights on. I knew my lights was going to get
6 turned back on. Either CEDA was going to help me or
7 this statement, because I think with this statement,
8 it's up to 48 hours, they'll turn your service back on.
9 So I knew my was service was to going to get cut off.
10 My thing is this, I would never ask nobody anything to
11 touch my meter because I know there's a tampering
12 charge. I can barely pay my light bill. Do you see
13 what I'm saying?

14 JUDGE RILEY: Right. I understand.

15 Ms. McCOY: And -- Right. So why would I? That's
16 stupid.

17 JUDGE RILEY: With regard to the meters that are
18 outside, did you see any of those red stickers on any
19 other meters?

20 MS. McCOY: No. It was only -- It's, like -- It's,
21 like, a bulb or something. It was, like, red print on
22 my meter and it was, like, red tag. No other meter had
23 a red thing on there -- a red tag on there. I think
24 everybody else's -- One of them had a brown or white tag
25 on one, but everybody else's had brown tags on theirs.

1 I was the only one that had the red tag on November 5th
2 when they turned my stuff off.

3 JUDGE RILEY: Okay. And on November 21, when it
4 was turned back, did you just find the lights back on
5 or --

6 MS. McCOY: No. I came home. My -- No, I had --
7 My lights was turned back on. I thought my lights was
8 turned back on due to the letter or CEDA, but -- So they
9 had been on for a couple of days. But what made me call
10 ComEd, when I came home, my lights -- not my lights,
11 the -- my stove, the clock on there was blinking --

12 JUDGE RILEY: Okay.

13 MS. McCOY: -- like, my stuff had been shut off, so
14 that's why I called ComEd. And I went downstairs. So
15 when I went downstairs, I noted -- noticed that there
16 was a brown tag on there. So I called them and was,
17 like, did you-all -- was you-all messing with my lights?
18 That's when they told me they came out and my -- my
19 meter was hooked up and it wasn't supposed to be hooked
20 up. And I explained to them that I had sent the letter
21 in and I had went to CEDA; that's why I thought it was
22 on. They said they was going to do their investigation
23 and they was going to get back with me. And I asked
24 them, for the time being, if they could put a meter -- a
25 lock on my meter so wouldn't nobody tamper with it

1 again. They never put one on there. This is all the
2 way back in November. If I'm not mistaken, they didn't
3 put one -- a lock on my meter until, I think, July
4 of 2013.

5 JUDGE RILEY: And from the time that the meter was
6 shut off until the time service was restored on the
7 21st, were you living at your mother's house?

8 MS. McCOY: Yes.

9 JUDGE RILEY: I see.

10 Based on that, Mr. Goldstein, now do you have
11 any cross-examination?

12 MR. GOLDSTEIN: I have no questions of Ms. McCoy.

13 JUDGE RILEY: Ms. McCoy, do you have anything
14 further that you want to add?

15 MS. McCOY: Yeah. I just have the letter that I
16 had faxed in, that's it.

17 JUDGE RILEY: And is that the medical statement?

18 MS. McCOY: Yes, but they said they never received
19 it.

20 JUDGE RILEY: But the service was restored anyway?

21 MS. McCOY: Right.

22 JUDGE RILEY: Either because of the --

23 MS. McCOY: Right. Later on I found out that they
24 said that -- they said it wasn't turned on due to the
25 letter. It was turned on due to me going to CEDA.

1 JUDGE RILEY: Going to CEDA?

2 MS. McCOY: Right.

3 JUDGE RILEY: Right. Well, then that would
4 complete your case in chief.

5 (Witness excused.)

6 JUDGE RILEY: The procedure at this point then
7 would be for me to wait until I get the transcript,
8 which generally takes about two weeks. And what I do
9 then is write a proposed order finding for one party or
10 the other, and I submit -- Copies of that will be sent
11 to you and to Mr. Goldstein. And then that proposed
12 order will allow you to file exceptions; and that's just
13 a written objection to anything that may be in the
14 order, if you agree with -- I mean, if you disagree with
15 the rulings that I've made or with the findings that
16 I've made or anything you think I may have
17 mischaracterized in the testimony, that kind of thing.

18 MS. McCOY: Mm-hmm.

19 JUDGE RILEY: Once the --

20 I'm sorry. Mr. Goldstein ...

21 MR. GOLDSTEIN: I'm sorry.

22 JUDGE RILEY: Once the deadline for exceptions has
23 passed, then what I do is I prepare a final order for
24 the Commission and I submit that to the Illinois
25 Commerce Commission and that will be for their

1 disposition. So they can agree with me, disagree with
2 me, or something in between; but that, as I say, is the
3 procedure.

4 Now, did the parties want to file briefs?

5 MR. GOLDSTEIN: I think I would like to make just a
6 brief closing statement, Judge.

7 JUDGE RILEY: All right. Then --

8 And, Ms. McCoy, you will be allowed to make a
9 brief closing statement as well.

10 Go ahead.

11 MR. GOLDSTEIN: First of all, Judge, we're not
12 accusing Ms. McCoy of tampering with the meter, but what
13 we have shown today is that the meter was tampered with.
14 And because Ms. McCoy is the account holder for that
15 meter, she received the benefit of that tampering as
16 indicated by Mr. Cain's testimony, that the meter
17 advanced from November 5th, 2012 to November 21st,
18 2012 and the readings that he took on those respective
19 dates. I think what we've shown is that the billing of
20 the account is correct, that the meter was tampered
21 with, and that Ms. McCoy received the benefit. I think
22 we've complied with Commission rules in that respect.
23 And so therefore, you have to find that Ms. McCoy is
24 liable for the balance on her account as testified to by
25 Ms. Nicodemus.

1 JUDGE RILEY: All right. And let me just -- You
2 prompted another question from me. And I know this is
3 out of order, but I'll give you a full chance to respond
4 to it.

5 Ms. McCoy, when you moved out of your -- this
6 condominium --

7 MS. McCOY: No, I still stay there.

8 JUDGE RILEY: No. But now I'm completely confused
9 now because I thought you said you moved in with your
10 mother when the service was shut off?

11 MS. McCOY: Yes, I stayed there because we didn't
12 have any lights.

13 JUDGE RILEY: And did your son accompany you?

14 MS. McCOY: Yes.

15 JUDGE RILEY: All right.

16 MS. McCOY: Yeah, we all went to my mom's house.
17 She stays five blocks over.

18 JUDGE RILEY: Okay. That's what I wanted to make
19 sure of. So there was no one living at the --

20 MS. McCOY: No.

21 JUDGE RILEY: -- at the unit for the time that the
22 service that was out?

23 MS. McCOY: No.

24 JUDGE RILEY: All right. Mr. Goldstein, anything
25 further?

1 MR. GOLDSTEIN: I don't know how to prove that one
2 way or the other, Judge. All I do know is that the
3 meter readings taken on November 5th and November 21st
4 are different.

5 JUDGE RILEY: Right.

6 MR. GOLDSTEIN: The meter advanced during that time
7 period. Obviously, electricity was used and the meter
8 was operating properly as testified to by Mr. Cain, and
9 so Ms. McCoy is responsible for that bill.

10 JUDGE RILEY: Okay. And, Ms. McCoy, do you have
11 any closing remarks that you would like to make?

12 MS. McCOY: I mean -- No.

13 JUDGE RILEY: Okay. You're going to let your
14 testimony stand as is?

15 MS. McCOY: Yeah. That's my truth, yeah.

16 JUDGE RILEY: Okay. All right. Well, as I
17 explained the procedure, once I get the transcript and
18 I've had a chance to look through it, I'll issue a
19 proposed order. It will give you a deadline for
20 exceptions. Anything you disagree with, please submit
21 those in writing to the clerk's office, and I'll take
22 those into account when I prepare the final order.
23 Depending on who I find for. I mean -- And at that
24 time, once I prepare the final order, I'll submit that
25 to the Commission on a bench session and then they will

1 make the final decision on this matter.

2 MS. McCOY: Okay.

3 JUDGE RILEY: Like I said, they can agree with me,
4 disagree with me, or something in between.

5 MS. McCOY: Okay.

6 JUDGE RILEY: All right. Now, I'll direct the
7 court reporter to mark this matter heard and taken.

8 Thank you.

9 MR. GOLDSTEIN: Thank you.

10 (Which were all the proceedings
11 had at this time in the
12 above-entitled cause.)

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1 STATE OF ILLINOIS)
2 COUNTY OF COOK) SS.

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4 Kim A. Kocimski, being first duly sworn, on
5 oath says that she is a Certified Shorthand Reporter
6 doing business in the City of Chicago, County of Cook
7 and the State of Illinois;

8 That she reported in shorthand the proceedings
9 had at the foregoing hearing;

10 And that the foregoing is a true and correct
11 transcript of her shorthand notes so taken as aforesaid
12 and contains all the proceedings had at the said
13 hearing.

14

15

16

KIM A. KOCIMSKI, CSR

17

CSR No. 084-004610

18

19 SUBSCRIBED AND SWORN TO
20 before me this 8th day of
November, A.D., 2013.

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23 NOTARY PUBLIC

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