

ORIGINAL

OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION

For Commission Use Only:
Case: 13-0705

2013 DEC 23 P 2:43 **FORMAL COMPLAINT**

CHIEF CLERK'S OFFICE
Illinois Commerce Commission
527 E. Capital Avenue
Springfield, Illinois 62701

FILE # 2013-10367

Regarding a complaint by (Person making the complaint): ATRIUM FOODS, INC dba POPEYES CHICKEN

Against (Utility name): COM ED

As to (Reason for complaint) FAULTY BILLING BY COM ED, THAT IS NOT JUST AND UNREASONABLE IN VIOLATION OF 220 ILCS 5/9 - 101, 250, 252 AS WELL AS, EXCESSIVE, PREFERENTIAL AND DISCRIMINATORY.

in CHICAGO Illinois.

TO THE ILLINOIS COMMERCE COMMISSION, SPRINGFIELD, ILLINOIS:

My complete mailing address is (include City) POPEYES CHICKEN, 500 W. MADISON ST., CHICAGO, IL 60661

The service address that I am complaining about is 500 W. MADISON ST, UNIT LPTC2, CHICAGO, IL 60661

My home telephone is (310) 704-8244

Between 8:30 A.M. and 5:00 P.M. weekdays, I can be reached at (310) 704-8244

My e-mail address is MURAD13@GMAIL.COM I will accept documents by electronic means (e-mail) Yes No

(Full name of utility company) COM ED, AN EXELON COMPANY (respondent) is a public utility and is subject to the provisions of the Illinois Public Utilities Act.

In the space below, list the specific section of the law, Commission rule(s), or utility tariffs that you think is involved with your complaint.
220 ILCS 5/9 - 101, 250, 252

Have you contacted the Consumer Services Division of the Illinois Commerce Commission about your complaint? Yes No

Has your complaint filed with that office been closed? Yes No

Please state your complaint briefly. Number each of the paragraphs. Please include time period and dollar amounts involved with your complaint. Use an extra sheet of paper if needed.

PLEASE SEE THE ATTACHMENT

Please clearly state what you want the Commission to do in this case:

PLEASE SEE THE ATTACHMENT.

NOTICE: If personal information (such as a social security number or a bank account number) is contained in this complaint form or provided later in this proceeding, you should submit both a public copy and a confidential copy of the document. Any personal information (Social Security Number, Driver's License Number, Medical Records, etc.) contained in the public copy should be obscured or removed from the document prior to its submission to the Chief Clerk's office. Any personal information contained in the confidential copy should remain legible. If personal information is provided in your public copy, be advised that it will be available on the internet through the Commission's e-Docket website. The confidential copy of any filing you make, however, will only be available to Commission employees. If you file both a public and confidential version of a document, clearly mark them as such.

Today's Date: DEC 18, 2013 (Month, day, year)

Complainant's Signature: [Signature]

If an attorney will represent you, please give the attorney's name, address, telephone number, and e-mail address. *

PHILLIP R SAUER (ATTORNEY) 954 W WASHINGTON BLVD, SUITE 625 CHICAGO, IL 60607 (TEL: 773-844-5952; EMAIL: PHIL@PHILLIPSAUER.COM)

When you finish filling out this complaint form, you need to file the original with the Commission's Chief Clerk. When filing the original complaint, be sure to include one copy of the original complaint for each utility company complained about (referred to as respondents).

VERIFICATION

A notary public must witness the completion of this part of the form.

I, MURAD HUSSAIN, Complainant, first being duly sworn, say that I have read the above petition and know what it says. The contents of this petition are true to the best of my knowledge.

[Signature] Complainant's Signature



Subscribed and sworn/affirmed to before me on (month, day, year) December 18, 2013

[Signature] Signature, Notary Public, State of California

(NOTARY SEAL)

NOTE: Failure to answer all of the questions on this form may result in this form being returned without processing.

* PLEASE SEND ALL CORRESPONDENCE TO ME AND A COPY OF THEM TO MY ATTORNEY.

lcc207/07

Attachment to Formal Complaint
(Petitioner: Atrium Foods, Inc. dba Popeyes Chicken)

Complaint:

1. ComEd has overcharged the Petitioner from September 2011 through September 2013 through back charges that have been added to Petitioner's bill because of faulty allocation of meters by ComEd. The meter hook-ups are faulty and have been changed by ComEd. The connection is wrong either now or then or both. ComEd has failed to notify or validate the change and is now trying to hold Petitioner responsible, through back charges of \$28,125.48, for its own operational failures.
2. Starting Aug 2013 ComEd has increased the Petitioner's monthly charges from approximately \$500 to \$1,500 (currently totaling \$5,000)
3. ComEd continues to overcharge the Petitioner by approximately \$1,000 per month going forward because of incorrect meters.

The Commission should:

- (1) vacate the past charges in the amount of \$28,125.48;
- (2) modify the monthly charges of August 2013 through December 2013 to eliminate all overcharges, and order ComEd to refund the overcharged amount of \$5,000 (as of today);
- (3) order ComEd to correctly charge the monthly bill going forward (i.e. approximately \$500 per month); and
- (4) award reasonable attorney fees to the Petitioner.