

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

3 BEFORE THE  
4 ILLINOIS COMMERCE COMMISSION

5 MARY MADISON, )  
6 Complainant, )  
7 vs. ) Docket No. 12-0410  
8 COMMONWEALTH EDISON )  
9 COMPANY, )  
Respondent. )

10 Complaint as to billing/charges in Chicago,  
11 Illinois. Met pursuant to notice on December 17, 2013.  
12 Before the HONORABLE SONYA TEAGUE-KINGSLEY,  
13

14 APPEARANCES:

15 MS. MARY MADISON  
16 Appearing Pro Se;  
17 LAW OFFICES OF MARK L. GOLDSTEIN, P.C., by.  
18 MR. MARK L. GOLDSTEIN  
19 and  
COMMONWEALTH EDISON COMPANY, by  
MS. ERIN BUECHLER,  
On behalf of the Respondent.

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1           THE COURT: Pursuant to the direction of Illinois  
2 Commerce Commission, I now call docket 12-0410, Mary  
3 Madison vs. Commonwealth Edison Company. This matter  
4 concerns a complaint as to overbill in Chicago,  
5 Illinois.

6           Will the parties please enter their  
7 appearances. Include your name, your address, and your  
8 telephone number.

9           MS. MADISON: Mary Madison, 1525 West 79th Street,  
10 (773) 297-9569.

11          MR. GOLDSTEIN: For Commonwealth Edison Company,  
12 Mark L. Goldstein, 3019 Province Circle, Mundelein,  
13 Illinois 60060. My telephone is number is  
14 (847) 949-1340.

15          Before we get started, Judge, you know, it's  
16 sort of silly for Ms. Madison to give us that address.  
17 I've sent her several pieces of correspondence that have  
18 all been returned to me undeliverable. We have to have  
19 a home address for Ms. Madison. We have to have some  
20 meter readings. We've been denied access to the  
21 property. This has been going on for well over almost  
22 two years now, and enough is enough. Something has got  
23 to happen here where Commonwealth Edison gains access to  
24 this meter.

1 THE COURT: Right.

2 MR. GOLDSTEIN: For us not to have access to the  
3 meter is unconscionable.

4 THE COURT: It has been a long time trying to get  
5 access. With respect to the correspondence -- I'm going  
6 to deal with these separately -- the address that you  
7 gave, is this the same address that you're getting  
8 notices from the Commission?

9 MS. MADISON: Yes.

10 THE COURT: That's weird.

11 MR. GOLDSTEIN: I've had several pieces of  
12 correspondence returned to me. I may even have one with  
13 me.

14 THE COURT: Yeah, we have -- I'm looking at the  
15 notice. It says 1525 West 79th Street, zip 60620.  
16 Wait. Are we e-mailing? Is it electronic?

17 MR. GOLDSTEIN: I think it's electronic.

18 THE COURT: Yeah. I think all this stuff has been  
19 done electronically, and you're sending physical  
20 documents that are being returned back to you. Yeah.

21 That's a problem if the mail is coming back to  
22 them, because our -- I think when the clerk's office  
23 sends you notices it's by your e-mail, so is this a  
24 valid...

1 MS. MADISON: Yes, it is. It's valid.

2 MR. GOLDSTEIN: You live there? You live on the  
3 79th Street address?

4 MS. MADISON: No.

5 MR. GOLDSTEIN: Of course not. I want her home  
6 residence.

7 MS. MADISON: No, you don't have to have a home  
8 residence.

9 MR. GOLDSTEIN: I do have to have it.

10 THE COURT: Do you have a PO box?

11 MS. MADISON: I've offered him to have an  
12 alternate, but he keeps demanding my home, and I told  
13 him that's unnecessary. I could provide him with an  
14 alternate if he desired, but he chose not that. He  
15 keeps wanting my home address, and I'm not going to give  
16 it to him.

17 THE COURT: What is wrong with like a PO box or  
18 something?

19 MR. GOLDSTEIN: I want a home address, Judge. I'm  
20 not going to deal with a post office box.

21 MS. MADISON: And I say no.

22 THE COURT: What's the difference if a person picks  
23 it up?

24 MR. GOLDSTEIN: Because I'm not certain -- Do you

1 have a post office box?

2 MS. MADISON: Yes.

3 MR. GOLDSTEIN: Well, you want to provide that?

4 MS. MADISON: I can't give that to you, but I can  
5 give you a sufficient alternate address that you can  
6 have my mail delivered to.

7 MR. GOLDSTEIN: Okay. What is that?

8 MS. MADISON: 9256 South Lafayette.

9 MR. GOLDSTEIN: And what's the zip on that?

10 MS. MADISON: 60620.

11 THE COURT: And you're sure this mail is not going  
12 to be returned back to them?

13 MS. MADISON: No.

14 THE COURT: Because I want to make it clear that  
15 since you filed the complaint that it's your  
16 responsibility to try to litigate it.

17 MS. MADISON: Absolutely.

18 THE COURT: So if mail is coming back to them,  
19 that's a problem.

20 MS. MADISON: But I wasn't aware, but it is a valid  
21 address, and I'm not certain why it is coming back.

22 MR. GOLDSTEIN: It's undeliverable. That's  
23 basically -- I thought I had one with me.

24 THE COURT: Our clerk's office, I'm sure everything

1 that we've sent has been electronic, so I trust that  
2 this address will be a correct one and we won't have  
3 problems with that.

4 The second issue in terms of getting access, I  
5 have to tell you, it's very frustrating to me, and --

6 MS. MADISON: If I could say something. I have had  
7 people there to meet them at the time that we're  
8 supposed to, and I keep expressing, I've written  
9 numerous letters saying that I need for them to be there  
10 on time because whoever is coming, whether it's myself  
11 or somebody else, we can't have time to wait.

12 For example, the last time that someone came,  
13 the meter reader called. We called him right back  
14 within, like, two minutes, and we called him twice,  
15 repeatedly, and he never answered the phone and nobody  
16 was there, so the person left, because we all work, and,  
17 you know, just to sit there, and then the meter reader  
18 call back an hour later, and, I mean, nobody has that  
19 kind of time.

20 I mean, if you call somebody, you know that if  
21 you dial the number and somebody calls you back twice.  
22 We left messages, and nobody came, and it's  
23 always nobody's there at the time that we agreed, and I  
24 keep saying, for me, time is an issue, because I work,

1 whomever else is coming is working. We don't serve at  
2 the pleasure of ComEd and be able to have a lengthy time  
3 to come and be there.

4 MR. GOLDSTEIN: May I respond?

5 MS. MADISON: And I'm not -- I don't understand why  
6 we can't be on time when we say that we're going to be  
7 on time because I can't control somebody else's time,  
8 and, clearly, I cannot do that, and, in addition to  
9 that, I mean, I've e-mailed Ms. Erin, and I asked her  
10 subsequently what else could we do with that, and I  
11 haven't even gotten back a response back from that, so  
12 it's not like I'm not trying, but I cannot be at the  
13 total whim of ComEd when they say they're coming and  
14 they're not there, and, I mean, we can't live like that,  
15 and I understand that they need to have the meter read,  
16 but, understandably, we can't be subject to this every  
17 day -- I mean every month and the people not being  
18 there. I understand that they have routes and  
19 everything, but I have to be on time, and I have  
20 expressed this.

21 THE COURT: Can I ask you a question and then I'll  
22 go to ComEd?

23 MS. MADISON: Yes.

24 THE COURT: So the time that you can recall, like

1 this example, how long did you personally wait?

2 MS. MADISON: They probably waited there about 10  
3 or 15 minutes.

4 MR. GOLDSTEIN: That much?

5 MS. MADISON: That's what they said.

6 MR. GOLDSTEIN: This is outrageous. This is  
7 exactly why this is so outrageous, Judge. You have to  
8 order her to have specific meter reading dates that they  
9 have to be there the entire day, because --

10 MS. MADISON: What?

11 MR. GOLDSTEIN: Yes.

12 MS. MADISON: That is absurd.

13 MR. GOLDSTEIN: And it's in your best interest to  
14 do that, Ms. Madison, because --

15 MS. MADISON: That is absurd.

16 MR. GOLDSTEIN: -- the balance on your account is  
17 over \$40,000.

18 MS. MADISON: It is, and guess what? In the  
19 interim of that, you took the meters out that were the  
20 meters that were in question. The evidence that we're  
21 even talking about isn't even in existence. You're  
22 asking me to read a meter that is brand new, and the  
23 meters that we've been talking about --

24 MR. GOLDSTEIN: We don't even know if the meter is

1 in the basement, for God's sakes. We haven't gained  
2 access. We haven't been able to gain access to the  
3 basement.

4 MS. MADISON: You put the meters in and you came in  
5 after that. That's absurd. You removed the meters  
6 without my approval.

7 MR. GOLDSTEIN: You could have removed the meters  
8 yourself by now. It's been so many months since there's  
9 been access to the basement of your -- of that building.

10 THE COURT: I want to know -- The entire day? I  
11 mean, don't you think that's --

12 MR. GOLDSTEIN: Yes, the entire day. This is --

13 MS. MADISON: I think that's absurd; I think that  
14 is absurd.

15 MR. GOLDSTEIN: Over \$40,000 is owed on this  
16 building.

17 MS. MADISON: And it could be \$140,000. The issue  
18 is is that I brought it here because I was overbilled in  
19 the first place. It was years that I had been there and  
20 nobody came to read that meter, years that somebody was  
21 there day in and day out.

22 THE COURT: Okay. Here's the problem. To be  
23 honest with you, I think both of you are starting off in  
24 pretty extreme places. If you're saying your person --

1 This is your case, and if you're saying that your person  
2 is just waiting, like, 15 minutes or so, to me, that is  
3 not sufficient enough time because, you know, usually  
4 there's a window, you know, an hour, something like  
5 that, but if -- and I understand people have to work,  
6 but 15 minutes? But I think an entire day is a bit  
7 much.

8 MS. MADISON: Ms. Erin e-mailed me and said the  
9 person would be there specifically at that time, and I  
10 expressed to her what my issue is with time, so if she  
11 told me that the person was going to be there at that  
12 time and then the person isn't calling back, how are we  
13 supposed to know --

14 THE COURT: I understand that, Ms. Madison, but I'm  
15 just saying we're being practical with how these things  
16 go, you know. We all have had to wait for utility  
17 people or whatever. If you told me the person waited  
18 45 minutes, something like that, but 15 minutes is  
19 really not that long for a case you're trying to  
20 litigate and a case that we have been having problems  
21 getting access, but I think an entire day is a bit much.

22 But I wanted to know a little bit more about  
23 when ComEd has come out. Is her assessment a fair  
24 assessment?

1 MS. BUECHLER: I don't think so, your Honor, but --  
2 I'm not sure if, you know -- I'm going on what the meter  
3 reader and his supervisor are telling me, and the times  
4 that they have gone out there, it's been radio silence  
5 as far as getting ahold of someone. The building looks  
6 vacant.

7 So he does have a route that he has to get to,  
8 and they've made special accommodations to be there at  
9 8:00 or -- and to circle back around to try and get the  
10 read, and they basically set up their whole day around  
11 that building so that they can circle back when they  
12 hear back from the customer to get a read, and so I  
13 don't think it's a fair assessment.

14 And I think the other issue is that, you know,  
15 Ms. Madison wants us to get reads or wants to proceed  
16 with her case, wanted a test of the meter. We have  
17 explained several times that one of the meters could not  
18 be tested in the field because of the type of meter it  
19 was, and that's why it was replaced, and yet that keeps  
20 coming up.

21 So it's like we both want to move forward, I  
22 think, in principal, to get a read, and, yet, each time  
23 we try to, there's these roadblocks or excuses or time  
24 commitments or things where we can't get a read. So I

1 think, you know, we have Motion to Dismiss pending,  
2 perhaps to set up a schedule to deal with that, perhaps  
3 set up a schedule for the next three to four months  
4 where we can get a read, an hour or two time frame to  
5 which the reader is expected to be there, contact  
6 numbers for the person who is going to be meet us,  
7 because there have been instances where the reader has  
8 tried to be leave messages and is unable to, so I  
9 think -- I think that's what we're looking for.

10 THE COURT: What I also think --

11 MS. BUECHLER: And that's where the frustration is.  
12 Sorry.

13 THE COURT: I'm sorry. I didn't mean to cut you  
14 off. What I also think is important, and I like the way  
15 you outlined those things, is in addiction to having a  
16 specific contact number where someone is definitely  
17 going to answer, I think -- I want your people to  
18 document how long are they waiting, because I'm not sure  
19 from what you said if they're telling you how long they  
20 are waiting.

21 MS. BUECHLER: Okay. We can do that, Judge.

22 THE COURT: I completely agree with ComEd that you  
23 can't be trying to prosecute a case and no one is  
24 available, and I feel like we have talked about this a

1 lot, the same issue, but at the same time, there is a,  
2 you know, they're reasonable with the time --

3 MS. BUECHLER: Sure.

4 THE COURT: Somebody shouldn't be waiting around,  
5 and time is important and valuable, and so I think what  
6 you suggested is reasonable, but, I mean, it's just  
7 imperative that both parties make their best efforts,  
8 and I know both parties feel they have, but we need to  
9 get this resolved. I mean, we've been talking about  
10 this same thing, as Mr. Goldstein mentioned, several  
11 times over, back and back, and we can't make any  
12 progress with this.

13 MR. GOLDSTEIN: Let me add one thing, Judge,  
14 without being vitriolic about it. I think it's in  
15 Ms. Madison's best interest to allow us to access the  
16 meter to get regular readings so that we can get a fix  
17 on what her bill should be. As of right now, it's well  
18 over \$40,000. That may or may not be the correct amount  
19 for the billing. I assume that Ms. Madison believes  
20 that it's substantially less. In any event, Ms. Madison  
21 has made only a single payment since April of 2012 -- in  
22 April of 2012. She has gone over a year and a half  
23 without making a single payment.

24 THE COURT: You mean on the current bill?

1           MR. GOLDSTEIN: On her account, and so if, in fact,  
2 the meter is recording, if there is a meter there, if  
3 there is usage on the meter, Ms. Madison is obtaining  
4 free electric service for well over a year and a half,  
5 and this has to stop also.

6           THE COURT: Yeah. What's your response as to why  
7 you're not paying your current bill?

8           MS. MADISON: Because I don't understand if it's  
9 correct. I can't still get a fix on that and --

10          THE COURT: But, see, to be honest with you, that's  
11 even more a reason why if that person has to wait for an  
12 hour, they need to, because, technically, you're not  
13 required to pay this disputed amount, but you need to  
14 pay it current.

15          MS. MADISON: And I understand that. I'm just  
16 saying we called the meter reader, for example, and he  
17 was an hour calling back, and he never called back at  
18 that particular instance, and I'm just saying that if,  
19 in normal time -- I mean, I thought 15 minutes was  
20 enough if you tell me that somebody is going to be there  
21 at a specific time. If something didn't happen -- I  
22 don't really know, but, I mean, I'm asking somebody else  
23 to take time out of their day or workday to do  
24 something, so I -- it's a little encumbering, because I

1 don't work close by.

2           Sometimes my job demands that I have to be out  
3 of town, out of the country, so I can't -- I don't, you  
4 know -- It's really encumbering, and I understand it's  
5 my responsibility to try and do that, but I -- I mean, I  
6 just can't devote a whole day to that. I mean, if we  
7 say an hour's time, I mean, okay, I can try and work on  
8 that piece.

9           THE COURT: Yeah. I mean, the bottom line is that  
10 you do have to inconvenience yourself a little bit and  
11 take some vacation time, whatever you got to do, to be  
12 available so this can be resolved because constantly  
13 setting up all these appointments, it's frustrating to  
14 everyone that you guys aren't getting anywhere.

15           MS. MADISON: We're not.

16           THE COURT: To find out if there is a problem with  
17 the meter, you know, and just have this resolved, you  
18 know, and then you're taking time off to come here for  
19 these hearings when if someone -- if the meter readers  
20 can be there exactly, you know, within the time frame  
21 they give you, and if your person can have patience to  
22 stay longer, so -- And then did you see in the notice  
23 where you have a Motion to Compel?

24           MS. MADISON: Yes.

1 THE COURT: But you have to file with the  
2 clerk's --

3 MS. MADISON: Yes, I did that.

4 THE COURT: Okay. You did. When did you do that?  
5 Since it's not posted yet.

6 MS. MADISON: Last week, certified mail last week.

7 THE COURT: Oh, you sent it. Maybe they haven't  
8 processed it yet. She didn't post it. Well, assuming  
9 that it's filed, whenever it's posted on e-Docket, I'll  
10 send the schedule out for replies and responses, and  
11 then there is a schedule already for the Motion to  
12 Dismiss.

13 MR. GOLDSTEIN: There is?

14 THE COURT: Yes.

15 MR. GOLDSTEIN: When is her response due?

16 THE COURT: The response is due December 20th, and  
17 the reply is due the 31st.

18 MR. GOLDSTEIN: I didn't pick up the latest...

19 THE COURT: So we have that and...

20 MR. GOLDSTEIN: Are we going to set specific dates  
21 for the meter readings --

22 THE COURT: Yeah.

23 MR. GOLDSTEIN: -- Judge, so that we can move  
24 forward with the case?

1 THE COURT: You all want to talk a little bit about  
2 that?

3 MS. BUECHLER: I would suggest we set it, you know,  
4 the next three or four months, so January, February,  
5 March, and April, around the same day, same time. I  
6 would say let's do it in the morning, like 8:00 to 9:00  
7 would be the block of time, and I don't know if there  
8 are days that work better for you. January, we could  
9 do, I don't know, the 7th. We could do Mondays. So in  
10 January, we could do the 7th, February the 11th, March  
11 the 11th, April the 8th, all from 8:00 to 9:00.

12 MS. MADISON: Let's see. Let's do -- The 7th of  
13 January would be okay.

14 THE COURT: What was the date? I'm sorry.

15 MS. BUECHLER: January 7th between 8:00 and 9:00  
16 a.m.

17 MS. MADISON: February, let's do the 18th.

18 MS. BUECHLER: February 18th, between 8:00 and  
19 9:00 a.m. Okay. Then March.

20 MS. MADISON: Maybe like the 20th of March.

21 MS. BUECHLER: Okay. Then do we want to do one in  
22 April too.

23 MS. MADISON: Yeah. Let me -- 18th of April.

24 MS. BUECHLER: All right.

1 MS. MADISON: Okay. So some of these dates moving  
2 out forward, because I travel with my job is -- if I  
3 have to rearrange a date, will we be able to do that?

4 MS. BUECHLER: No.

5 THE COURT: So these aren't dates you're sure  
6 about?

7 MS. MADISON: I'm sure of them, but if I have to go  
8 for my job, I can't just --

9 THE COURT: I thought you said you had people that  
10 were doing this for you.

11 MS. MADISON: I do, but I'm saying if their  
12 availability isn't there.

13 THE COURT: But, see, Ms. Madison, this is a  
14 problem.

15 MS. MADISON: It's fine.

16 THE COURT: No, no. As we were writing them down,  
17 I was hoping you wouldn't say that because --

18 MS. MADISON: Okay. We'll make due with whatever  
19 those dates are. I'll get someone there. I'll be there  
20 or get someone there on those dates.

21 MS. BUECHLER: I think -- can we get a name and  
22 contact number now?

23 MS. MADISON: I can't give you that because I  
24 can't -- I have to understand if that person will be

1 willing to commit to do that. I had a person, but their  
2 situation changed, but I can probably tell you, yes, but  
3 I have to get back with you on that. On the 7th, I will  
4 be there myself because I'll be on vacation.

5 THE COURT: We need a way so once you find out you  
6 can tell them, because you see how frustrating this is.

7 MS. MADISON: Yes, it is.

8 THE COURT: If they came, sat down to do these  
9 dates, and then after you do the dates, you say, well,  
10 what if I can't do them, and then you say you're not  
11 sure.

12 MS. BUECHLER: Judge, maybe -- So the 7th, you're  
13 going to be there?

14 MS. MADISON: Yes, I'll be there on the 7th.

15 MS. BUECHLER: Maybe one option would be to have a  
16 status shortly after the 7th, maybe the following week  
17 or something, and then on the record get the name and  
18 contact for the next -- for February, March. I don't  
19 know.

20 MS. MADISON: That seems reasonable.

21 THE COURT: Yeah, I agree. Okay. What date is  
22 good?

23 MS. BUECHLER: So that puts us in the week of the  
24 13th. Today is a Tuesday. Do the 14th at 11:00 again?

1 Would it be all right if it's 14th?

2 MR. GOLDSTEIN: Yeah, because the date isn't going  
3 to go ahead. That will never go ahead. I think he's  
4 out of the country.

5 MS. BUECHLER: Okay.

6 THE COURT: That works for you? Okay.  
7 January 14th at 11:00.

8 And that works with you, Ms. Madison?

9 MS. MADISON: Yeah. That's fine.

10 THE COURT: You're sure?

11 MS. MADISON: Yeah.

12 THE COURT: You seemed hesitant. I'm just  
13 thinking, and 8:00, 9:00 that's the earliest a meter  
14 reader can come out?

15 MS. BUECHLER: Yeah.

16 THE COURT: I was just thinking if it was before  
17 the day starts, but okay.

18 MS. BUECHLER: Yeah. He'll start his route there.

19 THE COURT: At 8:00. Okay. And they don't do  
20 evenings?

21 MS. BUECHLER: No. That would be overtime.

22 THE COURT: Okay. Makes sense, just trying to  
23 figure a way not to have all these. Is there anything  
24 else?

1 MS. BUECHLER: I think that covers it.

2 MR. GOLDSTEIN: Pretty much.

3 THE COURT: We have a schedule for the Motion to  
4 Dismiss. As I mentioned, once your Motion to Compel is  
5 filed on e-Docket, I'll issue a ruling and schedule for  
6 reply and responses, and then you all have the schedule  
7 for the meter reader to come out January 7th between  
8 8:00 and 9:00, February 18th between 8:00 and 9:00,  
9 March 20th between 8:00 and 9:00, April 18th between  
10 8:00 and 9:00, and I'm going to continue this matter  
11 until January 14th at 11:00. That's when we'll have a  
12 status hearing and we'll get the contact name for the  
13 next meter reading date. Okay. Thank you all very  
14 much.

15 MS. BUECHLER: Thank you, Judge.

16 MR. GOLDSTEIN: Thank you.

17 MS. MADISON: Thank you.

18 (Which were all the proceedings in  
19 the above-entitled cause.)

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

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4 Thomas Noonan, being first duly sworn, on oath  
5 says that he is a Certified Shorthand Reporter and  
6 Registered Professional Reporter doing business in the  
7 City of Chicago, County of Cook and the State of  
8 Illinois;

9 That he reported in shorthand the proceedings  
10 had at the foregoing hearing;

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

15

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17

\_\_\_\_\_  
Thomas Noonan, CSR, RPR

18

CSR No. 084-004766

19

20 SUBSCRIBED AND SWORN TO  
21 before me this 5th day of  
22 January, A.D., 2014.

22

23

24 \_\_\_\_\_  
NOTARY PUBLIC