

**Qi Ji Liu** :  
-vs- : 12-0374  
**Commonwealth Edison Company** :  
: CHIEF CLERK'S OFFICE  
: :  
**Complaint as to billing/charges** :  
**in Chicago, Illinois.** :

**RESPONDENT'S REPLY BRIEF ON EXCEPTIONS**

Now comes the Respondent, Commonwealth Edison Company, by and through its attorney, Mark L. Goldstein, and files this Reply Brief on Exceptions ("Reply") in response to the Brief on Exceptions filed by the Complainant, Qi Ji Liu to the Administrative Law Judge's Proposed Order ("ALJPO") issued February 28, 2014.

**Introduction**

On February 28, 2014, the ALJPO was issued with an attached letter from the Chief Clerk of the Illinois Commerce Commission ("Commission") advising the parties that pursuant to 83 Ill. Adm. Code 200.830(b), "substitute language is required to be included with exceptions when exception is take as to a statement or finding of fact in the proposed order. Briefs on exceptions not including such language shall be stricken." The above-quoted language is standard for all ALJPOs.

In the Complainant Brief on Exceptions ("Brief"), no specific substitute language was made. Rather, Complainant improperly re-asserts allegations contained in the Complaint, improperly misstate the record, and improperly vents criticism of ComEd and its counsel.

Accordingly, based on the Commission's Rule, 200.830(b), the Brief must be stricken, and the Respondent moves the Commission to strike the Brief.

ComEd fully supports the entirety of the ALJPO. The statements made therein, in particular, the Commission Analysis and Conclusion are fully supported by the record. Those facts may be summarized, as follows: 1) the Complainant currently has only one active account with ComEd; 2) the Complainant's electric account, as of April 11, 2013, was zeroed out by ComEd; 3) ComEd did apologize to the Complainant; and 4) "ComEd has addressed the relief requested by the Complainant that is within the jurisdiction of the Commission." (Page 3 of ALJPO).

### **Argument**

The 52 allegations contained in Complainant's 17 page Brief simply re-argue each and every allegation and accusation contained in previous pleadings or discussions held at Commission status hearings, all of which ComEd has either fully briefed or addressed orally and on the record. Rather than reply to each and every allegation, ComEd will only comment on a few as follows:

1. On page 2 of the Brief, Complainant contends that ComEd should have filed an Answer to the Complaint. The ALJ never required ComEd to do so.

2. On page 4, Complainant lists five numbered requests for relief. All five requests have been complied with by ComEd, hence ComEd made its oral Motion to Dismiss and the ALJ in the ALJPO properly determined that the complaint was moot and should be dismissed with prejudice.

3. Also on page 4, Complainant requests certain injunctive relief which the

ALJPO correctly found to be “more properly addressed in a court of general jurisdiction.” (Page 3 of ALJPO). ComEd maintains that there is no basis for going forward with this complaint, and it should be dismissed.

4. On page 5, No. 13, Complainant contends that Respondent was “in default on or before April 10, 2013.” This is a meaningless assertion inconsistent with the record and does not provide any basis for reversing the ALJPO.

5. On page 5, No. 15, Complainant sets forth a legal standard for a Motion to Dismiss. Complainant misses the point. The complaint was made moot by the actions taken by ComEd, and so, the complaint should be dismissed.

6. On pages 8 and 9, Complainant contends that ComEd violated the Illinois Consumer Fraud and Deceptive Practices Act. The ALJPO properly determined that these alleged violations “cannot be brought before the Commission.” (Page 3 of ALJPO).

7. On pages 10 and 11, Complainant discusses how prior accounts were handled. As noted in the ALJPO, this has all been adjusted by ComEd and the Complainant is being billed under one account.

8. Complainant seeks discovery from the Respondent as well as a Request to Admit Facts. This is totally unnecessary since ComEd has fully complied with the relief sought by the Complainant. Moreover, with respect to discovery, the ALJPO properly found that it was unnecessary because the complaint is moot. With regard to the Request to Admit Facts, the ALJPO found that those requests did not comply with Illinois Supreme Court Rule 216(g). (Page 3, of ALJPO).

9. Finally, the balance of the Brief re-states previous portions of the Brief, so

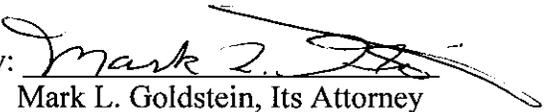
no further comment is necessary.

### **Conclusion**

The ALJPO, page 3, put this complaint in proper perspective when it noted the following: "Since there is no outstanding dispute between the Complainant and Respondent that is within the jurisdiction of the Commission, the Complaint is moot. It would be a waste of Commission time and resources to proceed with further hearings." ComEd agrees. It would be a waste of time and resources to proceed further with this complaint.

Wherefore, the Respondent, Commonwealth Edison Company respectfully requests that the Administrative Law Judge's Proposed Order issued on February 28, 2014 be adopted by the Illinois Commerce Commission without any changes and the complaint filed by Qi Ji Liu on June 4, 2012 be dismissed without prejudice and Complainant's Brief on Exceptions be stricken.

Respectfully submitted,  
Commonwealth Edison Company

By:   
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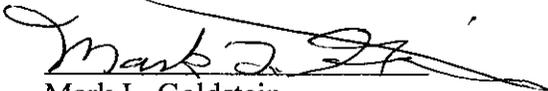
**CERTIFICATE OF SERVICE**

I do hereby certify that on March 20, 2014, I served a copy of the foregoing Respondent's Reply Brief on Exceptions by causing a copy thereof to be placed in the U.S. Mail, first class postage affixed, addressed to each of the parties indicated below:

Ms. Elizabeth A. Rolando  
Chief Clerk  
Illinois Commerce Commission  
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Mr. Qi Ji Liu  
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Chicago, IL 60616

Ms. Heather Jorgenson  
Administrative Law Judge  
Illinois Commerce Commission  
160 N. LaSalle St., Ste. C-800  
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