

2014 MAY 12 P 12:35
CHIEF CLERK'S OFFICE

Qi Ji Liu,)	
vs)	
Commonwealth Edison Company)	No: 12-0374
Complaint as to billing/charges in Chicago)	ALJ Heather Jorgenson

COMPLAINANT'S APPLICATION FOR REHEARING

Pursuant to Ill. Admn. Code Section 200.880, Complainant Qi Ji Liu hereby respectfully requests that the Illinois Commerce Commission (ICC or Commission) reconsider and grant rehearing of its Order in this docket entered on April 16, 2014 and served on April 17, 2014.

A. Abstract of Several Major Material Issues in Dispute

As set out below, the Commission should reconsider and rehear the following issues:

- (1) Whether or not Complainant 's claims and reliefs sought were partially ignored, or edited; if the answer is affirmative, whether or not there was a case law in Illinois supporting such practice;
- (2) After its written Motion to Dismiss was denied on March 12, 2013, whether or not Commonwealth Edison Company (ComEd or Respondent) had legal obligation to comply with 83 ILL. Admn. Code 200. 180 (a) by filing an Answer within 21 days And whether or not any and all Respondent's filings, arguments and presentations thereafter, in an attempt to attack material statements in the

- Formal Complaint, should be stricken as a matter of law, when ComEd failed and refused to follow the specific rule before, on and after April 10, 2013;
- (3) Whether or not a well-established review standard in Illinois should be followed when ruling on Respondent's so-called oral motion to dismiss.
 - (4) Whether or not there should be at least one evidentiary hearing in the instant case when both Respondent's and its attorney's credibility is at issue and whether or not Complainant has the fundamental right to present his evidence;
 - (5) Whether or not 83 Ill. Admin. Code 200 340 180, Illinois Supreme Court Rules 213, 214 and 219 (c) (Rules or Rule) should be observed at the Commission;
 - (6) In the Complaint, allegations against Respondent have been made, including violation of 220 ILCS 5/8-101 et seq.; 220 ILCS 5/5-101 et seq.; and 85 ILL Admn. Code 280.160. The record shows Respondent failed to argue these claims, and the Order did not enter specific judgment on these causes of action. As such, rehearing request should be granted and these claims should not be dismissed;
 - (7) In the Complaint, allegation against Respondent in violation of 815 ILCS 505/2 et seq. has been included. It is not an "additional claim" by any means as the Order stated. And as to the issue whether or not the Commission has proper subject-matter jurisdiction, there are inconsistent or incorrect statements of law in the Order.
 - (8) As to the issue whether or not the Commission has proper subject-matter jurisdiction on a claim of fraud upon tribunal, the language in the Order is vague

ambiguous, or incorrect. See Order at page 2. The Commission, as a judicial body, does have inherent power to sanction and deter outrageous misconducts in legal proceedings by entering judgment, granting injunctive relief and other proper and just relief;

(9) Whether or not a judgment should be entered as to Complainant's allegations of Respondent and its attorney Mr. Mark L. Goldstein violated Rule 137; and whether or not injunctive relief, other proper and just relief available to deter this kind of serious offence in a legal proceeding;

(10) The record shows, after appearance, every filing and every argument from Respondent and its counsel Mr. Mark L. Goldstein linger the stench of fraud. And every argument on any and all material facts from Respondent and its counsel Mr. Mark L. Goldstein is calculated and designed to mislead, deceive and manipulate the presiding ALJ and the Commission. In the Order, within the whole Section III - Respondent's Position, not a single piece of admissible evidence was offered; it is a collection and selection of Respondent's frivolous and wanton arguments and deliberate false contentions of material fact. For the most part, they came from ComEd's written Motion to Dismiss, which had already been denied by the Commission. As a result, an important issue arises: whether or not the instant Order in whole has any legal and factual ground.

The Commission's Order in regard to these issues is not supported by any admissible substantial evidence; it is legally insufficient, fatally flawed, and/or violates the laws of the State of Illinois.

For each of the issues discussed herein, Complainant incorporates by reference all his pleadings, all written filings and all presentations during two status hearings.

For all the reasons stated in those pleadings, filings, oral presentation and brief on exceptions, and for the additional reasons set out in the Application, Complainant seeks rehearing.

B. Additional Evidence and the Reasons to Introduce It

Additional evidence is introduced in the form of Complainant's Affidavit and Verification (Affidavit) which has been incorporated in this Application.

The reason to introduce this evidence at this moment is as follows: (1) the instant case is still in a starting stage - dealing with Respondent's written and then oral motion to dismiss although two years have passed since the Formal Complainant was filed. As such, it is not too late to disclose any evidence; (2) the most civil and economic way to find the truth and narrow the issues in dispute is through stipulation and discovery. But Complainant found that was impossible when he met ComEd's attorney Mr. Mark L. Goldstein (Mr. Goldstein or ComEd's counsel or Respondent's attorney), and he asserted all claims were barred by a two-year "statute limitation" at the August 28, 2012, status hearing. Then, Mr. Goldstein wrote: "ComEd will respond to **any and all** discovery request it receives." (Emphasis added). (See page 2 of ComEd's Reply filed on November 5, 2012). The discovery papers were severed on November 6, 2012. Complainant is still waiting any discovery response which ComEd and its counsel promised to offer; (3) in this case, Respondent and its attorney concocted a flood of deliberate false arguments and fraudulent contentions of material fact. Complainant

believes the best and civil way to handle this situation is to give them enough time and ample opportunity to show a little good faith and basic professionalism, by withdrawing their fraudulent arguments and frivolous filings. But they refused to do so, even as of this day; (4) some fraudulent arguments from Respondent and Mr. Goldstein are so obvious and so brazen, it is really not worth any time to comment. But additional evidence is needed when high-ranking senior legal professionals can be confused and had a hard time to figure out which account is correct and which is not, at the same time, they could not find out the terms of "old", "previous", "new", "current", "open", "closed" accounts ComEd and Mr. Goldstein used are misleading and deceptive; (5) the number of active accounts is still in dispute after two year legal proceedings; (6) Complainant's account balance on April 10, 2013 is still in dispute; (7) the copy of latest bill and payment is just available at the moment; (8) After submitted the Brief on Exceptions, Complainant expected the Proposed Order had to be reversed in its entirety, or at least a brief discovery should be granted. Only after receiving the Order, Complainant took this matter more seriously, checked the record again and found out ComEd has a pattern and long history to assign multiple account numbers; (9) record shows Respondent and Mr. Goldstein went all out to create confusion and delay or derail the instant legal proceeding for the company gains and personal profit, at the same time they are wasting tax payers' money, and intent to bring our regulatory system, judicial system and legal profession into disparate. Such practice must be stopped. Now is the time.

C. Major Issues in Dispute

Issue (1) - Commission should grant rehearing to clarify whether or not Complainant's claims and reliefs sought were partially ignored, or erroneously edited and tailored

In the instant case, allegations against Respondent have been made, including violation of 220 ILCS 5/8-101 et seq.; 220 ILCS 5/5-101 et seq.; 85 ILL Admn. Code 280.160; and 815 ILCS 505/2 et seq. See Formal Complaint at page 1; Request for Admission dated November 9, 2012, 2012 at ¶ 6; ¶¶8-9; ¶ 12; ¶ 15; Opposition to Dismiss filed on November 1, 2012; at ¶¶ 4-5, ¶ 12 and ¶ 17; Complainant's Reply filed on May 6, 2013 at ¶28; and at ¶ 6 and ¶8 in Complainant's Brief on Exceptions. Further, Complainant alleged Respondent and its attorney Mr. Mark L. Goldstein violated Illinois Supreme Court Rule 137 ("Rule 137") and commit fraud upon tribunal. See Complainant's Opposition to Dismiss filed on November 1, 2012 at ¶ 16; Complainant's Motion to Strike dated April 19, 2013 at ¶¶ 19-21; ¶¶28-29; Complainant's Reply dated May 6, 2013 at ¶ 4; ¶12; ¶¶ 15-16; ¶¶28-29 ¶¶ 19-21 and at ¶8 in Complainant's Brief on Exceptions.

But, as the same as what happened in the Proposed Order filed on February 28, 2014, in a memorandum submitted to the Commission by the Administrative Law Judge Heather M. Jorgenson (ALD), these specific sections of law involved in the Formal Complaint have not been listed. And not single a word is mentioned as to Complainant's accusation of ComEd and Mr. Goldstein violated Rule 137 and committed fraud upon tribunal. See the Proposed Order at pp1- 2; and the Memorandum to the Commission

dated April 3, 2014 (Memorandum). As to the reliefs sought, the Formal Complainant explicitly included the following sentence: "And, Complainant respectfully prays the Commission to issue an injunctive order and grant any other relief which deem just and proper". See Attachment to the Formal Complaint at pp 3-4. But the specific sentence was deleted in the above mentioned Memorandum and the Proposed Order.

In the Order, only the allegation of "both ComEd and its attorney should be sanctioned under Illinois Supreme Rule 137" was added at page 2.

As such, the Commission should rehear its ruling on this important issue as to whether or not claims and reliefs sought in the Formal Complaint were partially ignored, or edited or tailored; and if the answer is affirmative, whether or not there was a case law in Illinois supporting such practice.

Issue (2) - All statements of fact in the Formal Complaint shall be deemed admitted. Commission should grant rehearing to reverse its Order by complying with 83 ILL. Admn. Code 200. 180 (a)

83 ILL. Admn. Code 200. 180 (a) states, in part, "Whenever the Hearing Examiner issues a ruling that the complainant provides a clear statement on the subject matter, scope of the complaint, and basis thereof, answer to formal complaints shall be filed with the Commission within 21 days after the date on which the Commission serves notice of the Hearing Officer's ruling upon the respondent, unless otherwise ordered."

The text of the statute is clear: under two prerequisites Respondent has the legal obligation to file an Answer. First, "the Hearing Examiner issues a ruling that the complainant provides a clear statement on the subject matter, scope of the complaint,

and basis thereof.” Second, “unless otherwise ordered.”

In the instant case, Respondent’s written Motion to Dismiss was denied on March 12, 2013; also the ALJ did not render any other order before April 10, 2013. As such, according to the statute: “allegations of fact as to the respondent will be considered admitted.” As a result, any and all arguments, filings and oral presentation, including but not limited to the so-called oral motion from ComEd and its counsel shall be stricken, as a matter of law, as long as they are in contradiction with the statements of fact in the Formal Complaint. This also means, even if an evidentiary hearing was held on or after April 10, 2012, all statements of fact in the Formal Complaint, as admissible evidence, would defeat any fraudulent arguments from Respondent and its counsel. Here, Complainant incorporates by reference the statements of fact at ¶¶ 1-12, pp1- 3, in the Section of Attachment to the Formal Complaint.

For certain, any legal professional knows that there is simply no cure for Respondent’s failure from the start. Foregone conclusion can be made Respondent will lose the instant case on all counts if Illinois Civil Procedure and Administrative Code are followed. This is the reason why a frivolous and fraudulent contention of “the complaint is moot” emerged.

At the April 10, 2013 status hearing, the ALJ erred by ignoring the plain language of 83 ILL. Admn. Code 200. 180 (a); deceived or manipulated by ComEd’s attorney Mr. Mark L. Goldstein, tolerated outrageous misconducts from Respondent and its counsel, which were described at ¶¶ 37 – 45, pp 13-14 of Complainant’s Brief on Exceptions. Further, the ALJ erroneously accepted their frivolous so-called motion to dismiss

altogether with their blatant fraudulent arguments. As a result, the Commission erred when affirming ALD's order to consider the so-called oral motion, to include and accept inadmissible and fraudulent contentions in the Order, titled as Respondent's Position at pp 2-3. Even for this reason only, the Commission should rehear its ruling on this material issue, as this Commission "must construe [a] statute so that each word, clause, and sentence is given a reasonable meaning and not rendered superfluous, avoiding an interpretation that would render any portion of the statute meaningless or void." See *Cassons Transp. Co. v. Indus. Comm'n*, 218 Ill. 2d 519, 524 (2006).

Issue (3) – Commission should grant rehearing to reverse its Order by following well-established standard for reviewing a motion to dismiss

As already stated, it is well established, in Illinois and in all other jurisdictions, when a motion to dismiss is evaluated, as long as a party fails to file an Answer, all charges and factual allegation in a complaint must be taken as true and all factual inferences must be drawn in Complainant's favor. See e. g. *Urbaitis v. Commonwealth Edison*, 143 Ill. 2d 458, 575 N.E. 2d 548 (1991).

When reviewing a motion to dismiss, the task is to assess whether or not a "complaint provides a clear statement on the subject matter, scope of the complaint, and basis thereof," as indicated by 83 ILL. Admn. Code 200. 180 (a). No jurisdiction accepts a motion to dismiss, which is a vehicle of launching fraudulent arguments and contentions, attacking already admitted material facts, and unlawfully terminating a case.

Here, Complainant incorporates by reference his Formal Complaint and

Opposition to a Motion to Dismiss filed on November 1, 2012. The simplest truth is Respondent's written Motion was denied and ComEd failed to file an Answer. After the statements of fact in the Formal Complaint became legally admitted. Any attempt to attack them in any form shall be considered as frivolous. In a match between statements of fact legally admitted vs. arguments and contentions, the former must prevail. Even for this reason only, the Commission should grant rehearing to reverse its Order accepting the so-call oral motion to dismiss.

Issue (4) – An evidentiary hearing is absolutely necessary, the Order is fatally flawed when accepting deceptive arguments and frivolous contentions

As indicated at ¶ 17 in Complainant's Opposition to Dismiss filed on November 1, 2012, when a party's credibility is at issue, a case can not be terminated by motion to dismiss, judgment on pleading or summary judgment. Two very persuasive authorities were presented in there. See Corrugated Paper Products., Inc., v. Longview Fibre Co., 868, F. 2d 908, 914 (7th Cir. 1989) and Rand v. CF Industries, Inc. 42 F 3d 1138, 1146 (7th Cir. 1994) (summary judgment should be denied when the party opposing summary judgment comes forward with specific facts challenge the credibility of movant's evidence).

Beyond any doubt, the April 10, 2013 hearing mentioned in the Order was for status. See Order in Procedure History Section at page 1; and Notice of Continuation of Hearing issued on March 22, 2013. It is clear, in the instant case, not a single evidentiary hearing has been held as of this day.

On April 10, 2013, the status of the case was very clear. It remains the same as of this day: Respondent failed and refused to file an Answer; all statements of fact in the Complaint already became legally admitted. This is a matter of law. On the other hand, Respondent did not and cannot offer any admissible evidence except wanton arguments, fraudulent contentions and a deceptive April 12, 2013 filing.

Beyond any dispute, Complainant, as any party in any case, does have the fundamental right, which shall not be deprived of, to present his evidence, at trial or at an evidentiary hearing in a legal proceeding.

As the Commission would agree, the statements of fact in the Formal Complaint, as evidence, already established that ComEd's credibility is at issue; and the Order also acknowledges Respondent 's attorney's credibility is also in dispute.

At the April 10, 2013 status hearing, ComEd's attorney Mr. Mark L. Goldstein wantonly argued the Complaint should be dismissed by solely relying on some kind of Account Activity he failed to provide. Mr. Goldstein did not and dared not submit anything in writing to the ADJ and Complainant. The record shows ComEd and Mr. Goldstein created the specific document on April 11, 2013, one day after the hearing; then filed it on April 12, 2013 for deception. As such, through evidentiary hearing, and only through an evidentiary hearing, it can be proved, what ComEd and Mr. Goldstein filed is a product of deception. Simply put here, Complainant cannot examine and cross-examine a piece of paper created one day after the hearing. The Order, as the Proposed Order, is fatally flawed because it took a piece of deceptive filing, introduced by improper means into the record, as admissible evidence. Therefore, Complainant's rehearing

request should be granted.

Issue (5) - Illinois Supreme Court Rules 213, 214, 219 (c) and 83 Ill.

Admin. Code 200 340 180 should be enforced; Respondent is concealing material documents. The Order is fatally flawed by ignoring the law

83 Ill. Admin. Code 200 340 180 states in part, “[I]ts the policy of the Commission to obtain **full disclosure of all relevant and material facts to a proceeding.**” (Emphasis added). It is noteworthy that Respondent and Mr. Goldstein wrote, “ComEd will respond to **any and all** discovery request it receives.” (Emphasis added). (See page 2 of its Reply filed on November 5, 2012). The discovery papers were served on November 6, 2012. But ComEd and Mr. Goldstein did not and refused to respond discovery requests for Interrogatories and Request for Production even as of this day. Illinois Supreme Court Rule 219 (c) explicitly provides remedy when a party fails to comply with order or Rules in discovery, including, among others, “That the offending party be debarred from filing any other pleading relating to any issue which the refusal or failure relates.” As such, it is matter of law ComEd's April 12, 2013 filing and any and all arguments, written or oral, must be stricken as long as they raise issues related to the refusal and failure in discovery.

Evidence shows the account number 9075113100 was illegally assigned, kept and maintained for the sole purpose of creating confusion, over-charging and double billing. See Affidavit (1) – (3). ComEd has a pattern and a long history of about ten years to assign, keep and maintain multiple account numbers for Complainant without proper reason or without any reason at all. In 2004, there were two numbers 8830614007 and

8830614016; in 2009, 8830614016 and 9075113084; and from 2010 to this year, at least three account numbers 8830614016, 9075113084 and 9075113100. See Affidavit (4) – (9). While using one account number for billing, ComEd is capable to collect monthly payments through any other account numbers. For a long time, up to this year, such practice can confuse Complainant, so it can certainly deceive anyone else. In this case, Respondent and its attorney Mark L. Goldstein, knowingly and willing, concealing two documents: - the Account Activity for 8830614016, 9075113084. The reason is simple, they know these two documents are vivid proof of their April 12, 2013 deceptive filing is a product of fraud.

Here, Complainant submits a copy of part of his electricity bill payments through account number 8830614016, and 9075113084. See Affidavit, Exhibit A and B. These documents demonstrate for certain (1) the terms of “old”, “previous”, “new”, “current”, “open”, “closed” accounts ComEd and Mr. Goldstein used are misleading and deceptive; (2) their argument Complainant’s account “at the time of the hearing amounted to \$383.07” is fraudulent; (3) their contention “each account number is a record of customer activity and once that account number is closed, a new account number is assigned” is false; (4) their April 12, 2013 deceptive filing must be stricken; (5) on April 10, 2013 and thereafter, ComEd did not do anything to solve the software problem in its e-receiving system, multiple account numbers were still active simultaneously; (6) on April 10, 2013 and thereafter, problems still existed as usual in ComEd's traditional receiving system, multiple account numbers remained active simultaneously; (7) in fraud, their contention “the Complaint is moot” is as stink as Mr. Goldstein’s outrage argument “all claims are

barred by two year statute limitation.” They all lack any legal and factual ground; and (8) Respondent and Mr. Goldstein must be sanctioned, under Rule 137 and Mr. Mark L. Golstein should be disqualified in the instant case. Therefore, the Commission should grant rehearing on this issue, upon hearing, strike Respondent’s April 12, 2013 filing and grant Complainant’ request for a brief discovery.

Issue (6) – The claims of violation of 220 ILCS 5/8-101 et seq.; 220 ILCS 5/5-101 et seq.; and 85 ILL Admn. Code 280.160 should not be ignored and they should not be dismissed without a judgment in the Order

As stated on Issue (1), allegations against Respondent have been made in the Formal Complaint, including violation of 220 ILCS 5/8-101 et seq.; 220 ILCS 5/5-101 et seq.; and 85 ILL Admn. Code 280.160..

By denying ComEd’s written motion to dismiss, the ADJ indicated “complainant provides a clear statement on the subject matter, scope of the complaint, and basis thereof” on these Counts. ComEd fails to argue on these claims which are supported by legally admitted statements of fact. The record shows the Order did not enter specific judgment for or against Complainant. As such, these counts should not be dismissed. And the Commission should grant rehearing on these claims.

Issue (7) – Request for rehearing should be granted because there are inconsistent or incorrect statements of law in the Order as to the Committee’s jurisdiction on enforcing 815 ILCS 505/2 et seq.

In the Complaint, allegation against Respondent in violation of 815 ILCS 505/2 et seq. has been included. It is not an “additional claim” by any means as the Order stated.

And as to the issue whether or not the Commission has proper subject-matter jurisdiction, there are inconsistent or incorrect statements of law in the Order. First, the Order does state “the Commission has subject-matter jurisdiction and jurisdiction over the parties.” The second, when dismissing the specific claim with prejudice, the Order is under an assumption of the Commission does have subject-matter jurisdiction. See page 4 in the Order. And the third, the Commission can not dismiss a claim with prejudice if the Commission has no jurisdiction over the subject matter.

Complainant appreciates very much the Chairman of the Commission takes his invaluable time to articulate the origin of the Commission’s jurisdiction under 220 ILCS 5-101 et seq. as a regulatory entity. Here, Complainant’s point is the Commission is also a judicial body, which shall have the authority to enforce law, 815 ILCS 505/2 et seq. is a statute in the State of Illinois, and the Commission does have the authority and responsibility to protect consumers in this State. That is the ultimate purpose and underlying intention of the Legislature to set up the Commission with both regulatory and judicial power. Therefore, rehearing request should be granted on this issue.

Issue (8) – Request for rehearing should be granted as the language in the Order is ambiguous or incorrect as to the claim of fraud upon tribunal

As stated on Issue (7), the Commission does have subject-matter jurisdiction to enforce law in this State as a judicial body. This is especially true when fraud upon tribunal is at issue, although it originated from common law. Every tribunal shall have inherent power to protect itself. And fraud upon tribunal is a direct insult and direct attack to a judicial body, and it is a challenge to the meaning of existence for our judicial

system. Further, an order procured by fraud shall be void. See *Evans v. Corporate Service* 207 Ill. App. 3d 197, 301 (1990). Applying the same reasoning, we can say an order procured by improper means should be void as well. The instant case is a convincing proof that fraud upon tribunal shall be a cause of action at the Commission. When the record is tainted or contaminated by deceptive contentions and fraudulent filings, an order from the Commission would be laced with products of fraud. As such, rehearing request should be granted on this issue.

Issue (9) – Request for rehearing should be granted by entering a judgment on the Complainant’s allegation of ComEd and its counsel violated Rule 137

Complainant appreciates the Chairman of the Commission noticed the following: “Complainant additionally argues in motion that because ComEd and its attorney have repeatedly provided fraudulent and misleading documents and statements, both ComEd and its attorney should be sanctioned under Illinois Supreme Court Rule 137.” See Order at page 2.

It is important to note Complainant’s allegation is based on statements of fact, See Complainant’s Opposition to Dismiss filed on November 1, 2012 at ¶ 16; Complainant’s Motion to Strike dated April 19, 2013 at ¶¶ 19-21; ¶¶28-29, and Reply dated May 6, 2013 at ¶ 4; ¶12; ¶¶ 15-16; ¶¶28-29 ¶¶ 19-21. In comparison, ComEd and its attorney Mr. Mark L. Goldstein can offer nothing on the record but current wanton arguments and frivolous contentions. It is on the record they did not and could not offer any admissible evidence to challenge Complainant’s allegations whenever this issue was raised. As a

result, a judgment for Complainant is warranted. Therefore, the request for rehearing should be granted, and upon rehearing, a judgment on this claim should be entered.

Issue (10) – Request for rehearing should be granted as the Order contains blatant fraudulent statements, deceptive arguments and frivolous contentions from ComEd and its counsel

In the Order, the whole Section III (Respondent's Position) is a collection and selection of frivolous and wanton arguments and deliberate false contentions of material fact from ComEd and its attorney. There is simply no admissible evidence to support those assertions in there. Some material facts and discussion based on evidence have already been provided in the Sections of Issues (4) and (5) of this Application. Here, Complainant would submit additional comments based on statements of fact as following:

The Order states "it appears the Complainant made three payments to this old account rather than using the new account number. ComEd states that it transferred those payments to Complainant's new account and properly credited the account." See Order at page 2. These sentences came from ComEd's written Motion to Dismiss drafted by its attorney Mr. Mark L. Goldstein on October 3, 2012. See last paragraph at page 3 of the Motion. On the other hand, ComEd's employee contented five payments were "transferred" from 8830614016 to 9075113100. The latest "transfers" were made on February 22, 2012, although the letter was written on February 21, 2012 and erroneously dated as February 21, 2010. See last three paragraphs of attachment I in the same Motion. And Exhibit A in Complainant's Affidavit shows from December of 2010 to February of 2012, ComEd received fifteen payments and there were fifteen

such "transfers." Based on the discussion on Issues (4) and (5), we can reach additional conclusions:

- (1) ComEd and Mr. Mark L Goldstein are providing contentions of fact with two different versions. Both versions are deliberately false. See Complainant's Affidavit (12) – (13);
- (2) The statements quoted in the Order came from Mr. Goldstein; they are different from ComEd employee's contentions. Therefore, it is legally wrong to take Mr. Goldstein's contention as Respondent's Position. See Order at page 2;
- (3) ComEd and its counsel are knowingly and willingly concealing two documents – "Account Activity" for account 8830614016 and 9075113084. See Affidavit (10);
- (4) When asserting ComEd is capable to transfer payments from account 8830614016 to 9075113100, again and again, actually a dozen times and more as shown in Exhibit A, ComEd and its counsel Mr. Mark L. Goldstein argue the account 8830614016 was "closed." That is absurd and scandalous. Ordinary people can smell fraud here, let alone legal professionals;
- (5) Respondent's April 12, 2013 filing is a product of fraud upon tribunal and a violation of Rule 137. The subject filing, altogether with its written and oral motion to dismiss should be stricken long time ago. See Affidavit (17);
- (6) ComEd and its attorney Mr. Mark L Goldstein dare provide blatant false arguments at any moment, under any circumstances and without any hesitation; they dare submit deceptive documents to the Commission. As a consequence, they must be sanctioned, and Mr. Goldstein should be disqualified in this case

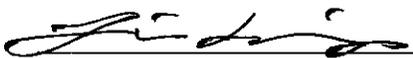
under Rule 137. Fraud upon a tribunal is a serious offense in any and all jurisdictions;

(7) For more than two years, all allegations against ComEd and its counsel are based on statements of fact. ComEd and Mr. Goldstein did not and cannot respond on time and point by point;

(8) Contrary to Respondent's frivolous contention, Complainant did submit numerous suggestions of language substitution, correction and addition for the Proposed Order in his Brief on Exceptions. And it is on the record, wholesale fatal errors did exist in the subject Proposed Order. Beyond any doubt, they cannot be corrected simply with one or two patches.

As the Commission can see, when fraud upon tribunal is not recognized as a cause of action, when Rules 137, 213, 214, 219 (c) are not enforced; and when 83 Ill. Admin. Code 200 340 180 and 200.180 (a) are ignored. The record will be laced with products of deception. When a void order is produced, it would be a waste of time, and it would be a waste of tax paper's money. Therefore, the request for rehearing should be granted on this issue as well.

Respectively submitted



(Complainant's Signature)

May 8, 2014

(Date)

Qi Ji Liu

2913 S. Union Ave. Chicago, IL 60616

Tel: (312) 225-4401

Illinois Commerce Commission

Qi Ji Liu,)
vs)
Commonwealth Edison Company) No: 12-0374
Complaint as to billing/charges in Chicago) ALJ Heather Jorgenson

AFFIDAVIT AND VERIFICATION OF QI JI LIU

I, Qi Ji Liu, being first duly sworn under oath, depose and state that the following is based upon my personal knowledge, to which I can testify, and that if I were called to testify, my testimony would be:

1. 2913 S. Union Ave. Chicago, IL 60616, is the address for a three-story building where three families lived in on October 19, 2010. There was no one who moved to this address as ComEd contented in its Motion to Dismiss served on September 28, 2012. See in paragraph 2, Attachment of the Motion ;
2. For more than six years I have been lived at the present address 2913 S. Union Chicago IL 69616. I did neither called ComEd on August 16, 2010, nor had I moved out from this address on that day;
3. ComEd has no legitimate reason to assign an additional account number 9075113100 for me in 2010;
4. ComEd has a pattern and a long history of about ten years to assign, keep and maintain multiple account numbers for me without proper reason or without any

reason at all;

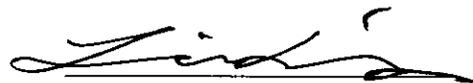
5. ComEd's contention "each account number is a record of customer activity and once that account number is closed, a new account number is assigned" is false;
6. In 2004, there were two account numbers 8830614007 and 8830614016 for me living in one apartment and using one electric meter;
7. In 2009, there were also at least two account numbers 8830614016 and 9075113084 for me living in one apartment and using one electric meter;
8. From 2010, there are at least three account numbers 8830614016, 9075113084 and 9075113100 for me living in one apartment and using one electric meter;
9. From August of 2010, ComEd started using account number 9075113100 for billing, while collecting monthly payments through account numbers 8830614016 or 9075113084;
10. ComEd and its counsel have always been concealing two documents: Account Activities for account numbers 8830614016 and 9075113084. They have always been concealing all the payments ComEd received through account numbers 8830614016 and 9075113084;
11. Exhibit A is a list of payments ComEd received through account number 8830614016 from December of 2010 to February, 2012. It is a print out in March 2012 from Citi Bank website;
12. ComEd's attorney Mr. Mark L. Goldstein argues "it appears the Complainant made three payments to this old account rather than using the new account number. ComEd states that it transferred those payments to Complainant's new

- account and properly credited the account.” See its Motion to Dismiss served on September 28, 2012. That is a deliberate false statement, different from the story ComEd employee provided, and it belongs to Mr. Goldstein only. See Exhibit A.
13. ComEd’s employee contents five payment were transferred from 8830614016 to 9075113100, in the same Motion to Dismiss. See last three paragraphs of attachment I.in the same Motion to Dismiss served on September 28, 2012. ComEd employee is also proving a deliberate false statement, although a different one. See Exhibit A.;
 14. In the same motion, ComEd contented “The total balance due on the New Account as of the date of this filing is \$197.59.” That is a deliberate false statement as well.
 15. The entire ComEd’s verified Motion to Dismiss is a product of fraud, which was drafted by Mr. Mark L. Goldstein, and served on September 28, 2012,
 16. At the April 10, 2013, status hearing, at my surprise, Mr. Mark L. Goldstein, knowingly and willingly, provided outrageous and fraudulent arguments by contenting my account with ComEd amounted to \$ 383.07. This is an action of fraud upon a tribunal and a violation of Rule 137;
 17. On April 12, 2013, ComEd and its counsel Mr. Goldstein filed a so-called Account Activity for account number 9075113100, while concealing payments ComEd received through account number 8830614016 they knew well of. This is an action of fraud upon a tribunal and a violation of Rule 137;
 18. Exhibit B is a copy of the bill and my latest payment. The bank account number

is masked for privacy and security consideration;

19. Contrary to ComEd's and Mr. Goldstein's wanton and fraudulent arguments, an account number is always active for receiving bill payments after it was created. From April of 2013 ComEd is capable to receive bill payments through account number 9075113084;
20. From April of 2013 to this day, every month, I told ComEd in writing the account number 9075113100 is wrong, but it is ignored and ComEd clears checks through account number 9075113084 every month;
21. I have original ComEd bills, receipts and bank statements from 2004 to this day in support of my statements herein and they are available for inspection;
22. These documents demonstrate ComEd has problems not only in its e-receiving software but also in its traditional payment-receiving system as well. For three years, ComEd and Mr. Goldstein submit numerous deliberate false statements to the Commission. But not a single problem ComEd has been solved.

FURTHER AFFIANT SAYETH NAUGHT



Qi Ji Liu

Subscribed and sworn to before me

This 9th day of May, 2014



Notary Public

State IL.
County: Cook

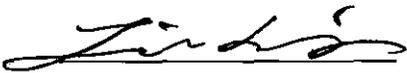
Illinois Commerce Commission

Qi Ji Liu,)
vs)
Commonwealth Edison Company) No: 12-0374
Complaint as to billing/charges in Chicago) ALD Heather Jorgenson
)

NOTICE OF FILING

TO: Parties on Certificate of Service

PLEASE TAKE NOTICE that on May 9, 2014, I filed with Chief Clerk of the Illinois Commerce Commission the Complainant's Application for Rehearing, copies of which is attached hereto, and are hereby served upon you.



(Complainant's Signature)

May 9, 2014

(Date)

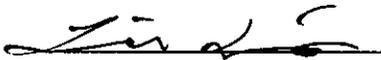
Qi Ji Liu
2913 S. Union Ave. Chicago, IL 60616
Tel: (312) 225-4401

Illinois Commerce Commission

Qi Ji Liu,)
vs)
Commonwealth Edison Company) No: 12-0374
Complaint as to billing/charges in Chicago) Hon. Heather Jorgenson
)

PROOF OF SERVICE

I, Qi Ji Liu, Complainant, on oath states that I cause an exact copy of the attached **Complainant's Application for Rehearing**, by mailing such copy to the above-named Respondent's attorney at the address: Mark L. Goldstein, 3019 Province Circle, Mundelein, IL 60060 by depositing such copy thereof with envelope bearing sufficient pre-paid postage in the United State Mail.



(Complainant's Signature)

May 9, 2014

(Date)

Qi Ji Liu
2913 S. Union Ave. Chicago, IL 60616
Tel: (312) 225-4401

cc and the Complainant's Application for Rehearing, including the Attachments therein, to:

Douglas P. Scott, Chairman
Illinois Commerce Commission
160 N. LaSalle St., Ste C-800
Chicago, IL 60601

Hon. Heather Jorgenson
Administrative Law Judge
160 N. LaSalle St., Ste C-800
Chicago, IL 60601

Ms Elizabeth A. Roland
Chief Clerk
Illinois Commerce Commission
527 East Capital Avenue
Springfield, IL 62701