

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

3
4 BEFORE THE
ILLINOIS COMMERCE COMMISSION

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

11 Complaint as to billing/charges in Chicago, Illinois.

12 Met pursuant to notice on April 24th, 2014
13 before ADMINISTRATIVE LAW JUDGE SONYA J.
TEAGUE-KINGSLEY.

14
15 APPEARANCES:

16 MS. MARY MADISON
17 Appearing Pro Se;

18 LAW OFFICES OF MARK L. GOLDSTEIN, P.C., by,
19 MR. MARK L. GOLDSTEIN

20 and

21 COMMONWEALTH EDISON COMPANY, by
22 MS. ERIN BUECHLER,
On behalf of the Respondent.

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1 ADMINISTRATIVE LAW JUDGE TEAGUE-KINGSLEY: Pursuant
2 to the direction of the Illinois Commerce Commission, I
3 now call Docket No. 12-0410, Mary Madison versus
4 Commonwealth Edison Company. This matter concerns a
5 complaint as to overbilling in Chicago, Illinois.

6 Will the parties please enter their
7 appearances for the record?

8 MS. MADISON: Mary Madison, 1525 West 79th Street,
9 Chicago, Illinois 60620.

10 MR. GOLDSTEIN: For Commonwealth Edison Company
11 Mark L. Goldstein, 3019 Province Circle, Mundelein,
12 Illinois 60060. My telephone number is (847) 949-1340.
13 And with me this morning is Erin Buechler with ComEd.

14 ADMINISTRATIVE LAW JUDGE TEAGUE-KINGSLEY: Thank
15 you. So where are we so far? Like can you give me an
16 update? I know there were four scheduled meter readings
17 we had.

18 MS. MADISON: Yes. Two of the four occurred. The
19 third and fourth the people did not show up at the
20 appointed time.

21 MR. GOLDSTEIN: Yeah. One was on ComEd. And I
22 think one was on you, Ms. Madison.

23 MS. MADISON: No. Neither one was on me. That's
24 absolutely incorrect.

25 MR. GOLDSTEIN: Well, I'm not going to argue with

1 you.

2 MS. MADISON: No. We don't have to argue because I
3 can substantiate exactly what I'm saying. There is no
4 argument.

5 MR. GOLDSTEIN: Well, whatever.

6 MS. MADISON: No. It is not whatever. It is a
7 matter of fact.

8 ADMINISTRATIVE LAW JUDGE TEAGUE-KINGSLEY: Well,
9 what -- We need to get this going because I think --

10 MS. MADISON: You are absolutely correct.

11 ADMINISTRATIVE LAW JUDGE TEAGUE-KINGSLEY: We need
12 to get the meters read. So do you all want to set up
13 two more times?

14 MS. BUECHLER: Okay. I guess, yes, that would be
15 fine. If that's the direction you want to go, Judge,
16 that's what we'll do.

17 ADMINISTRATIVE LAW JUDGE TEAGUE-KINGSLEY: No.
18 Actually, your suggestion is what you --

19 MS. BUECHLER: I guess if we do -- The March read
20 was on me. That was a scheduling issue. It did not get
21 scheduled properly. So I guess if we're going to try
22 and attempt two more reads, I would like them to occur
23 on the days where we already have her regular read
24 scheduled, if that makes sense. The route is already
25 scheduled in the system. It would be not that we're

1 setting up a special time for the reader to go out which
2 is what we did last time. We just kind of let
3 Ms. Madison pick the dates and we tried to work with her
4 schedule. So if we did that, it would be May 21st and
5 June 20th are the two next I guess normal reads. And
6 then, you know, we'd need a contact person again, name
7 and number.

8 ADMINISTRATIVE LAW JUDGE TEAGUE-KINGSLEY: You said
9 May 21st and June ...

10 MS. BUECHLER: 20th.

11 ADMINISTRATIVE LAW JUDGE TEAGUE-KINGSLEY:
12 Ms. Madison, would you have someone who could be out?

13 MS. MADISON: But it needs to be at the specified
14 time. Because for clarification's sake, she stated that
15 the March read -- the gentleman did call me in March at
16 about 10:10 in the morning. I guess this is what the
17 message says. And the other day the guy didn't -- Well,
18 they didn't show up at the 8:00 o'clock hour. And the
19 guy that didn't show up at the 8:00 o'clock hour, he
20 called instead of coming and didn't come. And then, you
21 know, I don't -- I don't understand why that would be
22 because we had an appointed time. And, actually, that
23 was the meter reader for that area at that particular
24 time on that day. So, again, you know ...

25 ADMINISTRATIVE LAW JUDGE TEAGUE-KINGSLEY: You're

1 frustrated. Everyone here I think is frustrated. We've
2 had problems with this meter --

3 MS. MADISON: We are frustrated. But, I mean, you
4 know, we attempted to narrow down the timing because
5 obviously, you know, as I stated before, the egregious
6 amount of time to just sit and wait, you know, it's
7 preposterous for me and illogical to have someone there.
8 We clarified a window of time. And for whatever reason,
9 you know, that time frame has not been able to have been
10 met for the last two times in which I tracked that, you
11 know, and I forwarded that information to you all on
12 Friday when I was corresponding with him at almost noon,
13 you know, for my 8:00 o'clock appointment. So with
14 that, I mean, certainly I want to get this resolved
15 because this is just ludicrous in and of itself.

16 ADMINISTRATIVE LAW JUDGE TEAGUE-KINGSLEY: Right.

17 MS. MADISON: However, you know, I do have time
18 constraints. I work and --

19 ADMINISTRATIVE LAW JUDGE TEAGUE-KINGSLEY: You just
20 want to make sure that someone is actually there for the
21 times that we're setting up.

22 MS. MADISON: You know, coming, I mean, which is
23 not unreasonable.

24 ADMINISTRATIVE LAW JUDGE TEAGUE-KINGSLEY: Uh-huh.

25 Uh-huh.

1 MS. BUECHLER: Judge, just to clarify, according to
2 our technicians -- And, again, I'm not going out there
3 to the property, so I can't verify this beyond what I'm
4 told from the technician and his supervisor. But I was
5 told for the April reading he did call at 7:30 and 7:40
6 and was at the property until about 8:45. No one was
7 there.

8 MS. MADISON: No.

9 MS. BUECHLER: He didn't receive a text until
10 11:05 a.m. It was from a different number which I
11 believe is maybe Ms. Madison's number. And he -- My
12 understanding is that they attempted to set up a
13 different time for that day and never heard back. So I
14 think -- This is the same pattern we've been going
15 through I think. And I think both sides recognize that.
16 And so if we want to try for two more times, that's
17 fine. We did get readings in January and February. So
18 I've asked our Billing Department to review those. And
19 I'm waiting to hear back as to what, if anything, can be
20 done with those two reads or if they need more data. So
21 I guess --

22 MR. GOLDSTEIN: I would only add, Judge, that I
23 think it's in everybody's best interest that we have at
24 least three or four reads and then perhaps the bill
25 could be adjusted in such a manner that might be

1 beneficial to both Ms. Madison and ComEd.

2 MS. MADISON: I would like to say something. I'm
3 going to specifically clarify because I have his message
4 that he left. And he was not there. And my e-mail --
5 When I called him, he texted me back actually. And he
6 said, I acknowledge the fact that -- You know, he said
7 that he wasn't there. So I don't understand how he's
8 saying that he's there because I have a set of e- --
9 texts where he directly texts me with that information.
10 And I was trying to pull it.

11 But the next thing is is that I'm still at a
12 crossroads with the fact that the original meters that
13 were in question about the overbilling have been
14 removed. They have replaced those meters with the
15 meters that they are currently trying to obtain readings
16 from. It is an anomaly. And it is impossible to do any
17 type of regression analysis or correlation metrics on a
18 piece of equipment that is not in existence, that is --

19 ADMINISTRATIVE LAW JUDGE TEAGUE-KINGSLEY: Wait.
20 Let me understand. You're saying --

21 MS. MADISON: They removed the meters.

22 ADMINISTRATIVE LAW JUDGE TEAGUE-KINGSLEY: That
23 were there when you originally were billed?

24 MS. MADISON: Yes. And now it's a new set of
25 meters that they are attempting to try and get the

1 reading from.

2 ADMINISTRATIVE LAW JUDGE TEAGUE-KINGSLEY: Is that
3 true?

4 MS. MADISON: Yes, it is true.

5 MS. BUECHLER: This has been going on for so long
6 let me just ...

7 MS. MADISON: It is true.

8 MS. BUECHLER: Judge, it does look like in maybe
9 July of 2013 -- There's two meters. It does look like
10 maybe both meters were swapped out July 2013 I think.

11 MS. MADISON: Yes. And that was a part of my
12 information that I was asking for the compel to discover
13 because in my profession, you cannot correlate a piece
14 of equipment with information from a new piece of
15 equipment. The equipment that was there, you know, had
16 been there for some time, probably -- To the best of my
17 knowledge about the functionality of the building and
18 when I had come to have understanding of it, the
19 equipment had been there at least 20 years to the best
20 of my ability and probably longer than that. Which the
21 equipment only has a certain amount of useful life. And
22 with removing the equipment, we don't even know if there
23 was a malfunction in the equipment that could have
24 caused the overbilling issue because they never came to
25 test it.

1 Originally when we set out to do this, it was
2 my understanding that the meters were to be tested and
3 not removed. But when they came, somehow the meters got
4 swapped out. I wasn't even, you know, really aware of
5 that until, you know, after it had transpired. And I
6 guess what I'm saying is in just a simple point of view,
7 you know, how do we correlate today's reading with a
8 brand-new more efficient supposedly meter to something
9 that is a defunct and antiquated piece of equipment that
10 has been there for an exorbitant period of time that had
11 not had any maintenance and the plethora of other things
12 that go along with, you know, useful life on equipment
13 and things of that nature? So I'm really at a myth on
14 that. So, yes, we can get readings. But it does not
15 really address the original issue of, you know,
16 overbilling.

17 I mean, there was some issues with the pole
18 outside. And I'm just not really, you know,
19 understanding. There were simple things that could have
20 occurred. Initially when I first reported this
21 information to them, I asked them to come out and do a
22 load calculation based upon the amount of equipment
23 that's in there. Everything has a rating plate and you
24 can, you know, from there calculate how much usage, you
25 know, each piece of equipment is and then you can

1 quantify it in a more practical sense to see if what
2 you're getting, you know, from the theory of the
3 equipment to the practicality of what the meter and see
4 what the differential is to see if, you know -- if it's
5 some equipment failure perhaps on my end or if it's
6 something with that. That never occurred. I mean, you
7 know, now we use fluorescent lights which use so much
8 more -- you know, less electricity. And when we
9 initially engaged in putting together the facility, we
10 opted for more energy-efficient types of equipment and
11 things of that nature. Everything generally was
12 gas-driven, you know, with some forms that -- of course,
13 there were a few items, you know, that we did use like
14 refrigeration and things of that nature. However, that
15 was on a three-phase meter which consumes less
16 electricity than a single-phase meter. So I was really
17 at a whole anomaly about this whole thing upfront.

18 ADMINISTRATIVE LAW JUDGE TEAGUE-KINGSLEY: Well, I
19 guess -- Do you want to say something?

20 MR. GOLDSTEIN: Let me make a brief response, if I
21 may, Judge. With all due deference to Ms. Madison, what
22 we're trying to do by having the subsequent meter
23 readings is to judge whether the prior meter readings
24 that we didn't have with the old meter were somewhat in
25 line with the new meter readings. You do not need to go

1 through anything with econometrics or regression
2 analysis or any other mathematical computation to sort
3 of judge how the meter readings line up. You can just
4 eyeball it. And --

5 MS. MADISON: Huh.

6 MR. GOLDSTEIN: And it is -- If, in fact,
7 Ms. Madison's post-July 2013 use of electricity at this
8 premises is far less than the subsequent readings that
9 we're getting January and February of this year and
10 hopefully May and June of 2014, we'll also obviously
11 require Commonwealth Edison to issue lower bills. And
12 that is to Ms. Madison's advantage. I don't know what
13 else to say other than that. That's the reason for the
14 meter readings. It's all to her benefit, you know, if,
15 in fact, what she is saying is true.

16 The real problem here, Judge, as I see it --
17 and, you know, we've been going around and around for
18 quite a while with this complaint -- is that this
19 business is not in operation at this time. And since
20 there is nobody there during the day, that's the reason
21 why we have to have special meter readings. I don't
22 know how to get around that. So I suggest that we do
23 the two subsequent readings. We're going to have the
24 Billing Department review those readings and see what
25 can be done. Because then we'll have four actual meter

1 readings. And then we'll adjust the bill accordingly.

2 MS. MADISON: I would like to say something. As an
3 engineer by trade, it is impossible to purport what he's
4 saying about eyeballing it, you know. Things aren't
5 predicated on an eyeball. They are quantifiable. And
6 that's why we have matrix and analysis and things of
7 that nature. And I vehemently disagree with what he's
8 saying considering, you know, this is my profession. I
9 do regulatory work. I understand ISO. I have a very
10 good grasp on this and had one at the time when I
11 initially had called them to ask them to come out and do
12 load calculations and very specific things to help me
13 pinpoint exactly where this astronomical bill had, you
14 know, manifested from. And in addition to that, you
15 cannot apply an eyeballing principle to something that
16 is -- It's just like a human body. After so many years,
17 you know, your heart doesn't function at the rate of
18 that -- at a 50-year-old as a 20-year-old. So that
19 analogy is not correct what he is purporting. And it is
20 not substantiated.

21 And understandably -- You know, at the time we
22 were there for a number of years and they didn't come
23 read the meter. And, yes, I explained. I was very
24 forthright, upfront stating that the scope of the
25 business had changed and, of course, obviously we would

1 not be using probably perhaps as much electricity as we
2 would be -- you know, if we had been in full operation.
3 So, yes, much to my chagrin I do understand part of what
4 he is saying. But it does not erase the principle of
5 the fact that when, in fact, I engaged them initially
6 about this overbilling, there was some things that
7 should have occurred that did not occur. First and
8 foremost, I requested that they come. They did not
9 come. They did not evaluate the equipment. They did
10 not follow their protocols and procedures in which it
11 should be to, you know, eradicate or mitigate the
12 situation at the time. And, yes, the meters were
13 removed. They did not discuss that with me. So we
14 don't understand really if it was a meter issue, if it's
15 a pole issue.

16 Which the pole subsequently -- Because like,
17 for example, I found some documentation when Western
18 Electric Utility was in the back putting up something,
19 and they were telling me that it was trouble on there
20 because our lights were dimming on the inside. And I
21 would call and nobody would come. So every time a surge
22 comes, it will give a false reading on the meter. It
23 will make it jump. So there are a number of things that
24 I can actually quantify that has occurred, you know,
25 that could have attributed to this. I mean, somebody

1 could have tapped into my electric. I mean ...

2 ADMINISTRATIVE LAW JUDGE TEAGUE-KINGSLEY: I'm
3 listening to what you're saying. How about this? If
4 they do the additional readings and ComEd looks at the
5 bills and they are able -- they decide the bills need to
6 be adjusted downward, you know, meaning reduce it and
7 you guys get together and see how you feel about that
8 and if you are not able to come to an agreement once you
9 do that, then you have to proceed onto a trial. And,
10 you know, once that motion to compel is in and if you
11 decide to go to that step, then you can revisit --

12 MS. MADISON: Is it okay if I play the message that
13 the meter reader left?

14 ADMINISTRATIVE LAW JUDGE TEAGUE-KINGSLEY: No. I
15 mean, I believe you. I mean, it sounds like -- Like
16 earlier this year when we were trying to get meter
17 readings, there were some issues on your part. It
18 sounds like there were some issues that were happening
19 here. There have been some -- I think both parties have
20 had some problems trying to make this all happen. But I
21 think you both understand that we need to get this --

22 MS. MADISON: Oh, yes. It's very understandable.

23 ADMINISTRATIVE LAW JUDGE TEAGUE-KINGSLEY: -- going
24 and that, you know, it's evident to me you're making an
25 effort to get this resolved and you're trying to get

1 someone there. So I believe you. And, you know, it
2 sounds like ComEd wants to set up some new times and,
3 you know, admitted on the record they made a mistake
4 with this March date.

5 MS. MADISON: And April. The guy wasn't there. I
6 need to be clear on that because I understand that I
7 brought this charge. And it is my due diligence to
8 assure that I avail myself to that. And for the most
9 part I have done that. Of course, I haven't always
10 stayed there and waited all day long because that's just
11 not conducive to me. And under no circumstances would I
12 do that because I value my time and I value other
13 people's time. And if we agree to something, you know,
14 the ethics and the integrity beyond this should stand.
15 And it's just meritorious of, you know, the things that
16 I've been suggested all along that I've been confronted
17 with in trying to get this stuff resolved. I mean, it's
18 not like I just came here -- I mean, I had done a
19 plethora of things before, you know, I came to this
20 point.

21 ADMINISTRATIVE LAW JUDGE TEAGUE-KINGSLEY: Yeah.

22 MR. GOLDSTEIN: So for the record, Judge, does
23 Ms. Madison agree that there's going to be someone at
24 the premises on May 21st and June 20th so that the meter
25 readings --

1 MS. MADISON: May 21st may not be a very good day
2 in the respect that we have some graduations that we
3 need to go to out of town. And so none of us probably
4 will be here that could come at that particular time.

5 MR. GOLDSTEIN: Well, I mean --

6 ADMINISTRATIVE LAW JUDGE TEAGUE-KINGSLEY: You
7 can't get someone to come out?

8 MR. GOLDSTEIN: How about June 20th?

9 MS. MADISON: June 20th, that's good.

10 MR. GOLDSTEIN: How does July 22nd look?

11 MS. MADISON: I don't foresee any problem moving
12 forward.

13 MR. GOLDSTEIN: So if we get those two months,
14 Judge, perhaps we ought to continue this matter to some
15 date after July 22nd and see if the meter readings will
16 occur. Ms. Madison is in the process of filing the
17 motion to compel. You might as well give us some
18 opportunity to respond to that.

19 ADMINISTRATIVE LAW JUDGE TEAGUE-KINGSLEY: Well,
20 our initial discussion -- I think it was last -- the
21 last hearing we were going to hold that in abeyance, you
22 know, once you guys get these meter readings.

23 MR. GOLDSTEIN: That's fine.

24 ADMINISTRATIVE LAW JUDGE TEAGUE-KINGSLEY: So I was
25 just letting you know they are sending you a letter --

1 MS. MADISON: Yes, ma'am.

2 ADMINISTRATIVE LAW JUDGE TEAGUE-KINGSLEY: -- so we
3 can get it on file because it's -- we're still trying to
4 get that put in the record or, you know, filed on the
5 e-Docket.

6 But can you give her specific times for this
7 June 20th and July 22nd --

8 MS. BUECHLER: We'll say again the reader and
9 someone needs to be there at 8:00 a.m.

10 ADMINISTRATIVE LAW JUDGE TEAGUE-KINGSLEY: So from
11 8:00 to 9:00?

12 MS. BUECHLER: Yeah. I guess we'll do the same
13 time again, 8:00 to 9:00. And then we need a name and
14 contact.

15 MS. MADISON: It will be the same person.

16 MS. BUECHLER: Can you confirm the name and number?

17 MS. MADISON: I can e-mail it to you again.

18 ADMINISTRATIVE LAW JUDGE TEAGUE-KINGSLEY: Okay.
19 What day in July --

20 MS. BUECHLER: July 22nd.

21 ADMINISTRATIVE LAW JUDGE TEAGUE-KINGSLEY: Oh, for
22 the status hearing. I'm sorry.

23 MS. BUECHLER: Oh, I'm sorry.

24 ADMINISTRATIVE LAW JUDGE TEAGUE-KINGSLEY: No.
25 That's okay. I was talking slow, so I didn't get that

1 last part out. I forgot my calendar. But I know I
2 don't have anything in --

3 MS. MADISON: June.

4 ADMINISTRATIVE LAW JUDGE TEAGUE-KINGSLEY: --
5 July -- Like that last week of July, is that what you
6 guys are thinking since they will come out to read it
7 July 22nd?

8 MR. GOLDSTEIN: July 29th, Judge?

9 ADMINISTRATIVE LAW JUDGE TEAGUE-KINGSLEY: So
10 maybe that Thursday -- Wednesday or Thursday? Well,
11 let's try for Thursday of that following week. I don't
12 know what date that is.

13 MS. BUECHLER: July 31st.

14 MR. GOLDSTEIN: That's July 31st, Judge.

15 ADMINISTRATIVE LAW JUDGE TEAGUE-KINGSLEY:
16 July 31st. What time -- That's a Thursday. What time
17 works for everyone? Is 10:00 better or ...

18 MS. MADISON: 10:00 is good.

19 MR. GOLDSTEIN: 10:00 is fine.

20 ADMINISTRATIVE LAW JUDGE TEAGUE-KINGSLEY: Okay.
21 So July 31st at 10:00 a.m. And everyone is going to
22 make their best effort to get these two done.

23 MS. MADISON: Absolutely.

24 ADMINISTRATIVE LAW JUDGE TEAGUE-KINGSLEY: And then
25 hopefully you all can come to an agreement after seeing

1 these readings. Okay. Then if there isn't anything
2 else, I will continue this until July 31st at 10:00 a.m.
3 Thanks.

4 (Which were all the proceedings had
5 in the above-entitled cause.)

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