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BEFORE THE

ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF: )  
 ) No. 14-0502  
TONYA FIELDING )  
 )  
-VS- )  
 )  
COMMONWEALTH EDISON COMPANY )  
 )  
Complaint as to billing/charges )  
in Chicago, Illinois )

Chicago, Illinois

April 16, 2015

Met, pursuant to adjournment, at

11 o'clock a.m.

BEFORE:

MR. JOHN RILEY,  
Administrative Law Judge

APPEARANCES:

MR. FRANCIS X. SPEH, JR.  
22775 Sherman Road  
Steger, Illinois  
appearing for complainant,  
Tonya Fielding;

MR. MARK L. GOLDSTEIN  
3019 Province Circle  
Mundelein, Illinois  
appearing for respondent,  
Commonwealth Edison Company;

1 APPEARANCES (continued):

2 MS. REBECCA GRAHAM and  
3 MS. ERIN BUECHLER  
4 115 South La Salle Street  
5 Chicago, Illinois  
6 appearing for Commonwealth  
7 Edison Company

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21 SULLIVAN REPORTING COMPANY, by  
22 PATRICIA WESLEY  
LICENSE NO. 084-002170

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(Whereupon, ComEd Exhibit  
Nos. 1, 2 & 3 were marked  
for identification.)

JUDGE RILEY: Pursuant to the direction of the  
Illinois Commerce Commission, I call Docket 14-0502.  
This is a complaint by Tonya Fielding vs.  
Commonwealth Edison Company as to billing/charges in  
Chicago, Illinois.

Counsel for the complainant, would you  
enter your appearance for the record, please

MR. SPEH: Francis X. Speh, Jr., S-P-E-H,  
22775 Sherman Road, Steger, Illinois.

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

MS. GRAHAM: Rebecca Graham, 115 South  
La Salle Street, Suite 2600, Chicago, Illinois,  
60603. My telephone number is 312-505-8154, and  
with us this morning is Erin Buechler for ComEd.

JUDGE RILEY: Thank you.

1                   Mr. Speh, I am going to put the ball  
2     in your court. You are the counsel for the  
3     complainant. And are you ready to proceed?

4           MR. SPEH: Yes, sir. Thank you.

5                   OPENING STATEMENT

6                   BY

7                   MR. SPEH:

8                   Just briefly, this is a situation  
9     where Commonwealth Edison overcharged an individual.  
10    Unless you are a millionaire, everybody lives on a  
11    budget and you figure how much you have to pay for  
12    gas, for electricity, for telephone, and so on.

13                   During the time frame, they  
14    overcharged Ms. Fielding, and then -- which was  
15    beyond the amount of the budget that she had planned  
16    for in her family that she was not able to pay --  
17    and then they turn around and hit her with late  
18    charges, because she didn't make the payments, but  
19    the payments and the late charges were only the  
20    results of an overbilling, and so she's entitled to  
21    a refund regarding all of the overcharges for  
22    electrical service and also for the late fees which

1 would not have been incurred but for the improper  
2 billing.

3 JUDGE RILEY: All right. That completes your  
4 opening?

5 MR. SPEH: Yes.

6 JUDGE RILEY: Counsel for Commonwealth Edison,  
7 opening remarks?

8 OPENING STATEMENT

9 BY

10 MS. GRAHAM:

11 Yes. Judge, this is a straightforward  
12 case. Ms. Fielding alleged that ComEd improperly  
13 billed her to the tune of \$1900, but the evidence  
14 will show that any charges on Ms. Fielding's account  
15 were made consistent with ComEd's billing practices.

16 Most importantly though, the evidence  
17 is going to show that ComEd adjusted Ms. Fielding's  
18 account in a good faith effort to accommodate her  
19 concerns about the issues on her account, and what  
20 ComEd did was essentially eliminated all of these  
21 disputed charges, and there's currently zero dollars  
22 owed by Ms. Fielding, and, in fact, she has a credit

1 on her account. So, in sum, the complaint has been  
2 completely satisfied.

3 JUDGE RILEY: Thank you.

4 Counsel, would you like to proceed.

5 MR. SPEH: Yes, please. I would call

6 Ms. Fielding.

7 Would you state your name, please.

8 JUDGE RILEY: Excuse me. Hold on a second.

9 (Witness sworn.)

10 TONYA THERESE FIELDING,

11 called as a witness herein, having been first duly

12 sworn, was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY

15 MR. SPEH:

16 Q. Would you state your name for the record,

17 please.

18 A. Tonya Therese Fielding.

19 Q. And speak up so the court report can hear

20 you.

21 A. Tonya Therese Fielding.

22 Q. And what address do you live at?

1           A.     37 West 114th Street, Chicago --

2           Q.     I'm sorry.

3           A.     -- Illinois, 60628.

4           Q.     And at that address who lives there?

5           A.     Myself, my son, and my two daughters.

6           Q.     And do you receive electrical service at

7           that address?

8           A.     Yes.

9           Q.     And you receive that from Commonwealth

10          Edison?

11          A.     Yes.

12          Q.     Now do you believe that Commonwealth Edison

13          has overcharged you over the last couple years for

14          electrical service, and also for delivery service,

15          and also for late charges?

16          A.     Yes.

17          Q.     How did you determine that?

18          A.     By reviewing the billing summary and my

19          bills; with an unexpected bill reaching a high

20          amount, it caused me to re-examine my billing

21          summary.

22          Q.     Okay.  Specifically what did you determine?

1           A.     I determined that ComEd has overcharged me  
2     in several areas.

3           Q.     And would you explain that specifically?

4           A.     Well, in the kilowatts, it changes.  It  
5     varies from the billing summary to the actual bills.  
6     The late fees are applied but shouldn't be.  I  
7     received a grant and I was triple billed after the  
8     grant was received; therefore, the grant was sucked  
9     up as if I never received it.

10          Q.     More specifically, going back to the bills  
11     that you looked at, specifically would you state  
12     your concern with each of the bills?

13          A.     Well -- go through each bill?

14          Q.     Yes.

15          A.     On this bill in 2012, I was --

16          Q.     Would you identify it please by month and  
17     date.

18          A.     Okay.  This is for service from 8-27-2012 to  
19     9-26-2012.  I am charged for a Smart Meter and I did  
20     not receive a Smart Meter until January 17 --

21          Q.     Of what year?

22          A.     -- 2015.

1 Q. And what else does that show?

2 A. That's pretty much it for this bill.

3 Q. Okay.

4 MS. GRAHAM: Do you have a copy for me to look  
5 at?

6 MR. SPEH: Excuse me?

7 MS. GRAHAM: Do you copy of that for me to look  
8 at?

9 MR. SPEH: No, I don't have a copy of it.

10 THE WITNESS: On this bill --

11 MR. SPEH: Q. Identify it, please.

12 A. I'm Sorry. On 10-25-2012 to 11-27-2012 I  
13 was charged for 33 days for this month. I'm not  
14 familiar with any months that have 33 days, and  
15 also, again, I'm charged for a Smart Meter.

16 Q. And did you have a Smart Meter?

17 A. No.

18 Q. Okay.

19 A. For service of 11-25 --

20 Q. Excuse me a minute. You indicated on the  
21 two prior bills you were charged for a Smart Meter.  
22 Would you indicate what that charge was?



1 you increase electrical appliances in your home?

2 A. No. Actually, I did not increase any, but  
3 in 2008 I signed up for ComEd's efficiency program,  
4 and they were at the McCormick Place at the Auto  
5 Show, and they were passing out things that you  
6 could use in your home, and they were free, but ways  
7 you could save in your home to cut back on the cost  
8 of ComEd and Nicor bills.

9 Q. And did you make use of these energy saving  
10 devices?

11 A. I did. Actually I received eight of these  
12 because they were free.

13 JUDGE RILEY: When you say "these" --

14 THE WITNESS: Oh, I'm sorry.

15 JUDGE RILEY: -- when I am reading the  
16 transcript --

17 THE WITNESS: I'm sorry. I'm sorry.

18 JUDGE RILEY: No. That's okay.

19 THE WITNESS: Okay. And you receive three light  
20 bulbs, a water --

21 JUDGE RILEY: Shower head?

22 THE WITNESS: The shower head is here. This is

1 for your faucet in your kitchen, and this is a timer  
2 for a shower.

3 JUDGE RILEY: This would be like a faucet filter.  
4 It's something attached to the kitchen faucet.

5 THE WITNESS: Yes, sir.

6 JUDGE RILEY: This is a shower timer. Okay.

7 MR. SPEH: Q. And how many of these kits did you  
8 receive?

9 A. She gave me eight.

10 Q. And did you make use of them in regard to  
11 the use of the light bulbs and so on?

12 A. Yes. Actually this is my last one, and it's  
13 two bulbs left, and they give you three bulbs in  
14 each one.

15 Q. What else of your review did the bills show?

16 A. On May 29, 2012 through 6-27-2012, which is  
17 29 days, the kilowatts are varying from month to  
18 month. They actually give you an average daily  
19 usage on your bill. And as I was reviewing this  
20 from the billing summary report to the actual bill,  
21 and each bill it has a current month, the last  
22 month, and the last year, and they're not the same

1 as I compared them.

2 One more thing that I also noticed on  
3 these bills, and that's all these bills, is that I'm  
4 being double-billed. For example, if the date is  
5 5-29-2012 to 6-27-2012, the next bill starts at  
6 6-27-2012 and may end at 7-30-2012, then the next  
7 bill from there will start at 7-30-2012, and so on  
8 and so forth, so I'm receiving 12 extra payments a  
9 year on days that I'm doubled-billed.

10 Q. What else did your review or your records  
11 show?

12 JUDGE RILEY: Counsel, let me interrupt for a  
13 second. The documents that she's testifying to  
14 let's keep those in a separate pile, including the  
15 one she just turned over there, because we are going  
16 to need a copy of all of those. We're going to need  
17 copies to counsel, for me, and if you are going to  
18 move them into evidence and they're admitted, I'm  
19 going to have to send three copies to the clerk's  
20 office.

21 MR. SPEH: I apologize.

22 JUDGE RILEY: A lot of Xeroxing to do, but that's

1 fine.

2 THE WITNESS: Besides being over-billed for  
3 33 days, 35 days, and the double-billing, I noticed  
4 on my bills that on the days we have power outages I  
5 wasn't given any credit for it.

6 For example, I was preparing a spread  
7 sheet for this hearing today and our power went out  
8 yesterday about 12 p.m. and it stayed off till -- I  
9 can't tell you what time this morning, but when we  
10 got up this morning, the power was on. Our power  
11 also went off Sunday and Saturday, Saturday prior to  
12 today and Sunday prior to today. Sorry. Am I still  
13 talking?

14 MR. SPEH: Q. Yes.

15 A. Also, after reviewing my bills, I had also  
16 ran into the contract I received from Integrys, and  
17 Integrys sent us papers explaining the contract of  
18 if you're in the program or out of the program what  
19 are you going to receive, how -- it says frequently  
20 asked questions, like you have questions about the  
21 program, and it says "You will continue to receive  
22 your electricity supply from ComEd, "on this bill,

1 just the one that I'm referring to right now --

2 Q. Identify it, please.

3 A. -- it's 7-29-2014 to 8-27-2014, it states  
4 that Integrys Energy Services, Inc., is supplying  
5 our electricity and ComEd is delivering it. It also  
6 states here --

7 MS. GRAHAM: Judge, if I may, what's the purpose  
8 of this testimony? Obviously, Integrys has nothing  
9 to do with ComEd, so I'm not sure where we are going  
10 with this.

11 JUDGE RILEY: I'm not either.

12 THE WITNESS: Because if ComEd is suppose to be  
13 my supplier, it should have stated on my bill that  
14 Integrys Energy Services, which ComEd supplies me  
15 with this bill, and they actually print out the bill  
16 and send it to me, and also there's a reflection on  
17 the billing statement service from ComEd and it has  
18 a payment for Integrys.

19 MS. GRAHAM: What does this have to do with the  
20 complaint?

21 THE WITNESS: Because that's why I feel I was  
22 overcharged, because here it says ComEd delivered, I

1 guess, electricity for \$69.01, and then it says  
2 Integrys Energy Services, Inc., has a bill here for  
3 125.74.

4 JUDGE RILEY: That's an Integrys charge, not an  
5 Com Ed charge.

6 THE WITNESS: Exactly. But ComEd sent me this  
7 bill, so if Integrys is suppose to be -- if they're  
8 stating on the contract that I will continue to  
9 receive my electricity supply from ComEd, then this  
10 should say ComEd instead of Integrys.

11 MR. SPEH: Q. Getting back to the actual  
12 overcharges, what else did your review of the bills  
13 show?

14 MR. GOLDSTEIN: Is there a ruling on the motion,  
15 Judge?

16 JUDGE RILEY: I'm going to let it stand. Let's  
17 just move on.

18 MR. SPEH: Q. Okay. What else did your review  
19 of the bills show as far as overcharging?

20 A. Okay. When I received some of these billing  
21 statements -- because when I have a question about  
22 my bill, I called ComEd and I asked them questions,

1 if I have a question about my bill, but on this  
2 billing summary --

3 JUDGE RILEY: Identify it by date.

4 THE WITNESS: I'm sorry. The date is 4-12-2013  
5 is the date they mailed it to me, and the date in  
6 question is 12-30-2011. I have no information on  
7 the month of December. I highlighted it.

8 JUDGE RILEY: That's actually an account activity  
9 statement.

10 THE WITNESS: An account activity statement.

11 Okay. On this date, 4-12-2013 -- I'm  
12 referring also to the ComEd account activity  
13 statement -- my electricity has never been cut off.  
14 I have several cancelled electric service on this  
15 one and also charged a late payment for  
16 cancellation, and I was also charged for the  
17 cancellation, and it also states on 4-02-2013 that I  
18 have an estimated bill, and then it also states on  
19 4-02-2013 ELE additional meter. I only have one  
20 meter for my house.

21 MR. SPEH: Q. Okay. Now how much -- were you  
22 charged money for the disconnection?

1           A.     There was a late payment charge that seems  
2     to be consistent with that. For the cancellation of  
3     service, yes. It's \$88.71. You want the date for  
4     each one?

5           Q.     Yes, please.

6           A.     Okay. 7-30-2012.

7           Q.     What happened that date?

8           A.     I'm sorry?

9           Q.     What happened on that first date?

10          A.     It's a cancellation of electric service.

11          Q.     Was there a charge for that?

12          A.     Yes.

13          Q.     How much?

14          A.     \$88.56.

15          Q.     Was your electricity cancelled? Do you call  
16     up and ask them to cancel?

17          A.     No.

18          Q.     ComEd contacted you and telling you they  
19     were cancelling your electric service?

20          A.     No.

21          Q.     What else does that show as far as cancelled  
22     service?

1           A.     Right on the same date, 7-30 of 2012,  
2     there's the word "regular bill."

3           Q.     What does that show?

4           A.     \$337.30.

5           Q.     And did you understand that as being a bill  
6     that you owed?

7           A.     Yes.   It also says for the cancelled  
8     electricity service in the column of charged amount  
9     and for the regular bill statements and total bill.

10          Q.     Did you have any other cancelled service  
11     charges?

12          A.     Yes.

13          Q.     When?

14          A.     And it's just 8-28-2012 and the same thing  
15     on 8-28-2012.   That was a regular bill.

16          Q.     Was there a charge for cancellation of  
17     service on that date?

18          A.     Yes.

19          Q.     How much was that?

20          A.     \$87.48 for the cancelled electric service,  
21     and then my total bill was -- for the regular bill  
22     was 328 -- \$328.34.

1 Q. And did you cancel service on that date?

2 A. No.

3 Q. Did ComEd tell you they were cancelling your  
4 service?

5 A. No.

6 Q. Did you have -- were there any late charges  
7 connected with that?

8 A. Yes, it is. There's late fee of \$4.92, and  
9 a late fee for 8-23-2012 was \$3.56, a the late fee  
10 for 7-30-2012 was \$3.68.

11 Q. Did you have any others?

12 A. I'm sorry.

13 Q. Did you have any other late charges --

14 A. Yes.

15 Q. -- for cancelled service?

16 A. Yes.

17 Q. When was that?

18 A. I should start off with this one, 6-20-2012  
19 cancelled electric service for \$85.40, and then  
20 there's a regular bill on 6-20-2012 for \$345.06.  
21 There's a late payment charge of \$3.84.

22 Q. Now were you able to pay those bills?

1           A.     I was muddling (sic) through and I have some  
2 payments that I had been making.

3           Q.     What else?  Were there any other late  
4 cancellation charges that you received?

5           A.     Yes.  On 9-21 it does state that I was late  
6 paying the bill, so I got a late payment charge for  
7 that, and it was \$4.92.

8           MS. GRAHAM:  Judge, if I may, the complaint  
9 alleges that ComEd overbilled Ms. Fielding to the  
10 tune of \$1900 in 2013, so I'm going to object on  
11 relevancy grounds going back to 2012.  That's not  
12 alleged in the complaint at all.

13                               It's pointless to go through every  
14 line item.  We are willing to stipulate that the  
15 documents speak for themselves, minus the writings,  
16 of course, but the document itself speaks for itself  
17 and we are willing to stipulate to that.  I don't  
18 see the point in going through line by line going  
19 back to 2012.

20           JUDGE RILEY:  How much more is there?  Counsel  
21 does make a good point.

22           MR. SPEH:  Well, it's a pattern, and the pattern

1 began prior to 2013, and this evidence supports what  
2 occurred in 2013 to show that the overcharges were  
3 continuing during that period of time. We will move  
4 on.

5 JUDGE RILEY: Okay. I see there looks like  
6 there's quite of stack of those things. To go  
7 through each one line by line is going to take  
8 forever. The point has been made.

9 MR. SPEH: Q. What did your review of the  
10 records show as far as ComEd overcharging you during  
11 2013?

12 A. Okay. On 4-02-2013 there's a word that says  
13 estimated bill, and also on 4-02-2013 for the period  
14 of 03-29-2012, 04-27-2012 there's a current --  
15 there's a charge amount of \$250.27 for additional  
16 ELE additional meter. This is going back from 2013  
17 April to April 2012, and there are several charges  
18 here. There are like eleven of these different  
19 charges.

20 JUDGE RILEY: And what document are you looking  
21 at? Identify it by date.

22 THE WITNESS: I'm sorry. The date is 4-12-2013.

1 JUDGE RILEY: All right.

2 MR. SPEH: There's no indication on this  
3 particular page that she's looking at whether this  
4 is like Page 2 of 3 or whatever, but it does start  
5 at the very top indicating a regular bill payment,  
6 late payment charges, and at the very top there's  
7 reference to a 6-21 date on the top right corner.

8 MR. SPEH: Q. And what else did your review of  
9 the records show? Were those -- the references that  
10 you just made did you believe those were  
11 overcharges?

12 A. Yes.

13 Q. Why?

14 A. Because these are bills that's suppose --  
15 this account activity statement should reflect -- if  
16 I'm now in April 2013, I feel I shouldn't be getting  
17 re-billed for the month of April in 2012 when I  
18 already received a bill for 2012.

19 Q. And what else did your review of the records  
20 show?

21 A. On 4-1-2013 my bill was \$11.60, and because  
22 they added all of these different electric services

1 reflecting back to 2012 and 2013 caused me to have a  
2 bill of \$1909.70.

3 Q. Now prior to that, do these show -- does the  
4 document you are looking at, the prior entries, does  
5 it show whether or not the bills that you received  
6 previously were regular bills or were estimated  
7 bills --

8 A. Okay.

9 Q. -- looking at this document?

10 A. I cannot see it from this document, but  
11 on -- I have some documents that will show that from  
12 an account activity statement. On the account  
13 activity statement, dated 1-7-2014 brings me back to  
14 the pattern of cancelled electric service, however,  
15 again, I received a charge amount and a total bill  
16 amount.

17 Q. But going back to the document that you were  
18 referring to with the eleven different charges,  
19 looking at this document here, it makes reference to  
20 various prior dates; is that correct?

21 A. Yes.

22 JUDGE RILEY: Please identify the document by

1 date.

2 MR. SPEH: Again, this is page -- it's dated  
3 11-3-2014.

4 JUDGE RILEY: Thank you.

5 MR. SPEH: Q. And they give dates here. For  
6 instance, here's one 10-25-12 to 11-27-2012 where  
7 they were billing you. Does the document up above  
8 indicate that that was a regular bill as opposed to  
9 an estimated bill?

10 A. No. And they have their own readings  
11 opposed to the 2012 readings from the actual bill  
12 that I received in that year.

13 Q. Looking here at this document, there's an  
14 entry, for instance, 10-25 to 11-27-12, and on the  
15 document here for that period up here, does it show  
16 that it was a regular bill as opposed to an  
17 estimated bill?

18 A. No. It shows cancelled electric service.

19 Q. No. Where I'm indicating here for the date,  
20 does it show that was a regular bill?

21 A. For, you said, 11-27 --

22 Q. Yes.

1           A.     -- 2008?  There's a cancelled electric  
2     service of 11-27-12, 2-28 (sic), it has a reading of  
3     52636 and a charge amount, and then when you come  
4     back to 11-27, 12-28 (sic), it shows a reading of  
5     83256 and a charge amount of \$267.16.

6           Q.     But in the prior entry up here, does it  
7     indicate that this was a regular bill as opposed to  
8     to an estimated bill?

9           A.     Well, this is --

10          Q.     Directing your attention here to the date of  
11     11-21-12, does this indicate that this was a regular  
12     bill or an estimated bill?

13          A.     On 11-21-2012, it does state a regular bill;  
14     however, if you go across the billing summary, the  
15     charge amount is \$3.87.

16          JUDGE RILEY:  We are going back to the relevance  
17     question here.  Where is this all leading to again?

18          MR. SPEH:  Well, in 2013 they ended up indicating  
19     that they were charging for 2012 service that was  
20     provided, but looking at the bills and the  
21     references from 2012, it shows that it's a regular  
22     bill.  So if they send a regular bill as opposed --

1 with a regular meter reading, as opposed to an  
2 estimated, how can they give you a meter reading and  
3 then six months later say, oh, we read the meter  
4 wrong and we actually should charge you this amount?

5 JUDGE RILEY: That's your interpretation of what  
6 these records are showing?

7 MR. SPEH: Yes.

8 JUDGE RILEY: All right.

9 MR. SPEH: Q. And what else did your review of  
10 the records as far as overcharging, please?

11 A. Okay. On 4-2-2013 I was charged ELE  
12 additional meter with a reading of 66,776.

13 Q. What is -- what was the point about this  
14 additional meter reading?

15 A. Well, this is indicating for the billing  
16 period of 3-29-2012 and 4-27-2012 with a charge  
17 amount of 25027.

18 Q. Okay. Moving forward to 2013, what did your  
19 review of the records --

20 A. Can I say this right here?

21 JUDGE RILEY: Okay. Identify it by date up in  
22 the upper left hand.

1 THE WITNESS: Okay.

2 MR. SPEH: Q. Identify this by date, please.

3 A. Oh. 07-10-2014.

4 JUDGE RILEY: All right.

5 THE WITNESS: It also has an estimated bill of  
6 \$35 -- I'm sorry. It's estimated, but it's in the  
7 credit area. As I first stated, my bill was \$11.60,  
8 before all this spiraled out of control, a credit  
9 amount of \$35.92.

10 When I get to the additional meter on  
11 4-2-2013, there's -- I'm sorry. The estimated bill  
12 gives me a credit of \$902.60, then I received this  
13 audit here, which sucked up my \$900.02 credit  
14 causing my \$11.60 bill to go out of control, because  
15 now I received a bill from this of \$2,305.

16 MR. SPEH: Q. Now does this document also show  
17 during 2013 whether or not you received any charges  
18 for cancelled electric service?

19 A. Yes.

20 Q. And when was that?

21 A. On 1-31-2013 is cancelled electric service  
22 on a billing period of 12-28-2012 to 1-30-2013 of

1 \$95 is the charge.

2 Q. And was your electrical service cancelled?

3 A. No.

4 Q. Did you ask them to cancel your service?

5 A. No.

6 Q. What else did your review of the record  
7 show, please?

8 A. On the same bill of 7-20-2014, I now run  
9 into Integrys Energy Service.

10 MS. GRAHAM: I'm going to object to this. I  
11 mean, again, the complaint talks about April billing  
12 from 2013. I don't know why we are in 2014, and I  
13 don't know why we are discussing Integrys.

14 JUDGE RILEY: Because all Commonwealth Edison is  
15 doing is charging her for delivery at this point.

16 MR. SPEH: The date of the document that she's  
17 referring to is dated July 10, 2014, and she's  
18 referring to a charge that she received on July 31st  
19 of 2013.

20 JUDGE RILEY: From whom?

21 THE WITNESS: Integrys.

22 JUDGE RILEY: That's not relevant.

1 MS. GRAHAM: And, Judge, I just want to reiterate  
2 for the record that we are willing to stipulate that  
3 the documents speak for themselves aside from any  
4 handwritten notes or highlights.

5 JUDGE RILEY: I'm going to sustain this  
6 objection. There's nothing that came from Integrys  
7 is germane to this complaint. I'm also going to  
8 have to recess for a couple of minutes.

9 We are off the record.

10 (Off the record.)

11 Let's go back on the record.

12 MR. SPEH: Q. Okay. What else did your review  
13 of the records show as far as ComEd overcharging you  
14 for electrical service?

15 A. I'm sorry. Can I have a side bar with my  
16 lawyer, please.

17 JUDGE RILEY: I'm sorry?

18 THE WITNESS: Can I have a side bar with my  
19 lawyer, please.

20 JUDGE RILEY: You want to confer with your  
21 attorney?

22 THE WITNESS: Yes.

1 JUDGE RILEY: Yes.

2 THE WITNESS: Can I speak outside.

3 JUDGE RILEY: Sure.

4 We are off the record.

5 (Off the record.)

6 Back on the record.

7 MR. SPEH: Thank you.

8 MR. SPEH: Q. Ms. Fielding --

9 A. Yes.

10 Q. -- would you continue with your testimony.

11 A. Okay. I want to -- I want to make something  
12 clear about Integrys and why I keep bringing it up.

13 I called ComEd and asked them about  
14 Integrys, and there's a card they send you in the  
15 mail. If you don't want to be part of the program,  
16 you check the little box and you mail it off, and  
17 they don't just sent you one. I've received like  
18 five.

19 Okay. So when I see this, I'm saying  
20 why is this on my bill. So the lady says, oh, yes.  
21 I see you have a card. You didn't want to be in the  
22 program, so she gave me a credit.

1 MS. GRAHAM: They never had any objection. This  
2 is irrelevant to the complaint.

3 THE WITNESS: It is relevant only in this sense.

4 JUDGE RILEY: First, you have to identify the  
5 documents that you are reading from.

6 THE WITNESS: I'm sorry.

7 JUDGE RILEY: I'm going to get a transcript of  
8 this. I have no idea what you are looking at.

9 THE WITNESS: I'm sorry.

10 JUDGE RILEY: Just give me a date.

11 THE WITNESS: On Exhibit A2 on 07-23-2014, when I  
12 had the discussion with the ComEd representative on  
13 the phone, she gave me a credit of \$1298.03, then I  
14 look back -- I'm sorry -- and that was on -- it says  
15 reinstate -- I'm sorry -- 12-26-2013. It even  
16 states it's a credit, and then the same amount comes  
17 back on 12-26-13 as a debit.

18 JUDGE RILEY: Now who billed you that \$1200  
19 amount? Was it Commonwealth Edison or was it  
20 Integrys?

21 THE WITNESS: ComEd, I'm assuming, because they  
22 sent me my bill. I mean, if I don't pay the whole

1 bill --

2 JUDGE RILEY: That's not necessarily accurate.  
3 Commonwealth Edison does the billing for Integrys,  
4 but which company did you incur the charge? That's  
5 the thing.

6 THE WITNESS: I can't really say --

7 JUDGE RILEY: ComEd?

8 THE WITNESS: -- because, based on this contract  
9 that Integrys sent me, ComEd is suppose to be the  
10 sole supplier and delivery.

11 MR. SPEH: The point is she got a bill from ConEd  
12 (sic).

13 MR. GOLDSTEIN: ComEd. Please.

14 MS. GRAHAM: ComEd.

15 JUDGE RILEY: Excuse me, gentlemen. Go ahead.

16 MR. SPEH: I'm only one person. I ask that you  
17 restrict Commonwealth Edison's attorney to one  
18 attorney in the case bar none.

19 MR. GOLDSTEIN: I'm sorry.

20 MR. SPEH: The point is she received a bill from  
21 Commonwealth Edison and attached to that bill was an  
22 amount of money that was supposedly paying for her

1 use of this Integry's service.

2 She called up and said I don't  
3 want it. ComEd said, oh, great and took it off,  
4 then next month they turn it on and they put it  
5 right back on, and she pays her check and writes the  
6 bill to Commonwealth Edison.

7 MS. GRAHAM: Can you show me in the complaint  
8 where there's any allegation related to any of this  
9 testimony?

10 MR. SPEH: The testimony is -- the complaint is  
11 that she got overcharged. Commonwealth Edison is  
12 the party who's doing the billing, maybe they're  
13 doing it to someone else.

14 She has a right to complain if  
15 Commonwealth Edison sends her a bill and it was for  
16 the Jewel's Food Store and there's a hundred dollar  
17 bill for Jewel's Food Store. Commonwealth Edison is  
18 submitting the bill to her for her to pay. She has  
19 a right to get up and say I don't have any Jewel's  
20 food store bill.

21 JUDGE RILEY: What counsel's objection goes to is  
22 that the complaint specifically says on April 4,

1 2013 I received a ComEd bill for over \$1900.

2 The question we are asking is why all  
3 of -- this stuff is all before and after April 4,  
4 2013, the \$1900.

5 MS. GRAHAM: And, furthermore, Judge, we would  
6 ask that the testimony should come from the witness,  
7 not from counsel.

8 JUDGE RILEY: I understand that. I understand  
9 that.

10 Counsel, how much more of this is  
11 there? You have got a mountain of paperwork there,  
12 and we have been at this for well over 40 minutes  
13 now, and it's just going on and on. Counsel's  
14 right. They'll stipulate to their own documents.

15 MR. SPEH: Well, we appreciate that, but the  
16 problem is in stipulating it, it still has to be  
17 pointed out where on those documents there were  
18 improper charges, and we are attempting to show  
19 that.

20 JUDGE RILEY: There again, how much more is  
21 there?

22 MR. SPEH: Only a few more minutes.

1 JUDGE RILEY: Well, there is a relevance problem  
2 here. I'll let you finish, if you can finish in a  
3 few minutes, and we have got the matter -- we are  
4 going to have to make copies of these documents. I  
5 have got to know what the markings on them are all  
6 about, who made the markings, and I have some  
7 questions of my own for the witness just to fill in  
8 a couple of blanks.

9 MR. SPEH: Q. During your 2013 -- the year 2013,  
10 did you receive any grants for assistance in paying  
11 your electric bill?

12 A. I did.

13 Q. And when did you receive that?

14 A. I received a grant --

15 Q. Are you looking at a document?

16 A. I'm sorry -- which is 07-23-2014. I  
17 received an residential special hardship grant of  
18 \$1500.

19 Q. And are there any conditions regarding the  
20 use of -- the obtaining of that grant? Are there  
21 any conditions that you, the recipient, are suppose  
22 to do?

1 A. Yes.

2 Q. And what are those?

3 A. In receiving that grant, you have to pay --  
4 the \$1500 is the maximum you have to pay. My bill  
5 at the time was \$2 -- 2,181.91 (sic), so they only  
6 pay 1500. I have to pay the balance of the 1500  
7 prior to receiving the grant.

8 Q. So did you pay the money prior to receiving  
9 the grant?

10 A. Yes. And then I have to take the receipt  
11 back to the office to show them that I made my  
12 payment.

13 Q. After you received the grant, what happened  
14 to the billing?

15 A. And this is the part I'm trying to show.  
16 Every time I received a grant and help with these  
17 bills, then they back track into other years and  
18 re-billed me again, and the bills are in different  
19 amounts and have different readings.

20 Q. Okay. Now what does -- after you have  
21 received the grant, what subsequent or prior bills  
22 did you receive -- did ComEd, Commonwealth Edison

1 send you?

2 A. Well, what prior bills?

3 Q. Yes. You said after you received the grant  
4 they would come back with bills from prior dates.

5 A. Okay. I spoke to a young lady on the  
6 phone -- and I can't recall her name -- and she  
7 helped me to get through this, and she's the one  
8 that gave me the telephone number and address to the  
9 hardship program, and she also gave me the telephone  
10 number for the ICC, and she said this is serious.  
11 You need to talk to someone, so I did, and she put  
12 me on this deferred payment agreement program which  
13 splits my bill up and just let me pay a smaller  
14 amount of the 2100 I was referring to earlier, and  
15 it allows me to keep my electricity on until I can  
16 see if I can get approval for a grant or not  
17 approval for a grant.

18 Now they received the grant on  
19 8-6-2013, and I didn't understand why they were  
20 still -- I'm sorry. I called, because that's what  
21 she instructed me to do, call them once you receive  
22 notice that you have been approved, call ComEd, make

1 sure they know you have been approved. I spoke to  
2 both of the entities. They knew about it. ComEd  
3 said, oh, yes, we have got the check.

4 MS. GRAHAM: Are we disputing the grant? Where  
5 are we going with this? Can we tie it together?

6 THE WITNESS: We received the grant, and then --  
7 okay. So, therefore, I have to be taken off the  
8 deferred payment program because now they have the  
9 whole 1500 --

10 JUDGE RILEY: Right. I understand.

11 THE WITNESS: -- and the whole bill is paid.

12 Now instead of ComEd taking me off the  
13 deferred payment agreement, as we were doing over  
14 the phone, I'm still getting billed \$173.49 each  
15 month and there on and so forth.

16 MR. SPEH: Q. Are those bills referencing to the  
17 deferred payment plans that you were on?

18 JUDGE RILEY: Does the witness understand the  
19 question?

20 THE WITNESS: (No verbal response.)

21 JUDGE RILEY: Try it again, Counsel.

22 MR. SPEH: Q. You got a grant. You paid your

1 money. You got the grant. Prior to that. You were  
2 on a deferred payment plan, then you got the grant  
3 and the bill was paid. After the grant, were you  
4 still charged deferred payment charges?

5 A. Yes.

6 Q. And does your bill, the document you are  
7 referencing, show that?

8 A. Yes.

9 Q. How much were you charged?

10 A. Okay. On 8 -- I'm sorry. Document  
11 07-23-2014 on the ComEd activity statement it states  
12 on August 29, 2013 the deferred payment agreement  
13 after the grant was received on 8-6-2013, I received  
14 a charge amount of \$173.49 --

15 MS. GRAHAM: Judge, I'm going to continue to  
16 renew my objection.

17 THE WITNESS: -- and it's ongoing.

18 MS. GRAHAM: We are back into August of 2013  
19 despite the fact that they complained and talking  
20 about a charge in April of 2013. Again, we will  
21 stipulate to everything that document says over than  
22 any extra markings.

1 JUDGE RILEY: I understand.

2 THE WITNESS: May I speak?

3 JUDGE RILEY: Not now. Your counsel has to speak  
4 for you.

5 Do you have a response to the  
6 objection?

7 THE WITNESS: I'm sorry. Can I have a side bar  
8 with my lawyer to refer to that statement she just  
9 made?

10 JUDGE RILEY: Hold on a minute.

11 MR. SPEH: The complaint did make reference to  
12 that, but this is -- there was an overcharge in  
13 April, and it's continuing, so it's a continuing  
14 conduct after the April date, and we're simply  
15 trying to show that and to show that there's  
16 basically been an MO that Commonwealth Edison has  
17 used whereby they have improperly overcharged  
18 Ms. Fielding for electrical services.

19 JUDGE RILEY: So you have a solid 45 minutes of  
20 evidence to that point -- to that effect. Again,  
21 I'm going to say how much more of that is there?

22 MR. SPEH: Could we have a brief side bar with my

1 client?

2 JUDGE RILEY: Okay.

3 (Whereupon, a side bar was  
4 taken.)

5 Go back on the record.

6 MR. SPEH: Q. Ms. Fielding, based on your review  
7 of the records and your discussion and what you have  
8 pointed out, how much do you believe that  
9 Commonwealth Edison overbilled you in April of 2014?

10 MR. GOLDSTEIN: 2013.

11 JUDGE RILEY: Mr. Goldstein, just one person.

12 MS. GRAHAM: Are you talking about April 2014 or  
13 April 2013? I think you mean April 2013.

14 JUDGE RILEY: That's what the complaint says,  
15 April 4, 2013.

16 MR. SPEH: Q. Rephrasing my question, based on  
17 your review of the records and so on, how much do  
18 you believe that Commonwealth Edison overbilled you  
19 by April of 2013?

20 A. Okay. When I figured this out, I did this  
21 on the point of discovery, too, so I don't have a  
22 solid written out, because I did it altogether. So

1 to answer that question, I believe they owe me over  
2 \$3500, not including this credit that they gave me.

3 MS. GRAHAM: I'm going to object to that, because  
4 that is not what's alleged in the complaint. The  
5 complaint alleges an overbill of \$1900.

6 JUDGE RILEY: Counsel.

7 MR. SPEH: In the complaint -- this is not a  
8 criminal matter. It's civil. After the matter, you  
9 can come in or move to amend the complaint to  
10 conform with the evidence.

11 MS. GRAHAM: You didn't amend the complaint. The  
12 complaint says \$1900. It's not amended. The  
13 defendant has the right to know what it's defending.  
14 We're here under the assumption that we are  
15 defending alleged overbilling of 1900, because  
16 that's what it says in the complaint.

17 JUDGE RILEY: Counsel, I'm going to agree with  
18 ComEd. It's very plainly stated here.

19 MR. SPEH: Q. Okay. In drafting the complaint  
20 that you filed, it is your belief that as of  
21 April 2013 Commonwealth Edison had overbilled you  
22 \$1900, correct?

1           A.     Yes.

2           Q.     And do you believe that overbilling of \$1900  
3           has been satisfied by any credits that they have  
4           forwarded to you?

5           A.     No.    I wrote that complaint based on what I  
6           had at hand and how the young lady advised me over  
7           the phone.   When I wrote this complaint, this not  
8           only after we came to several hearings, caused me to  
9           spend other monies, like I had to hire a lawyer.   I  
10          had to hire a electrician, and taken off days.  
11          Ms. Whitmer (sic) had sent me a letter stating days  
12          that ComEd was going to come out and read these days  
13          of this meter and help me make a resolution to this  
14          situation.   ComEd didn't show up, and I'm off work.  
15          I'm losing money.   All of this has been a snowball  
16          effect on my life as I so stated before.

17          MS. GRAHAM:   Judge, again --

18          THE WITNESS:   It has caused me --

19          MS. GRAHAM:   -- the complaint was never amended.

20          A complaint is referenced by counsel.   They had  
21          ample time and opportunity to amend the complaint as  
22          if they had desired after receiving the --

1 JUDGE RILEY: Mr. Speh, as counsel said, and I'll  
2 also say, that the additional expenses that your  
3 client incurred as a result of the filing of the  
4 complaint itself and as of the process is credible  
5 by either ComEd or by the Commission. It's just the  
6 nature of the beast. It is the cost people incur  
7 just simply in pursuing their complaint.

8 THE WITNESS: I would like to state for the  
9 record --

10 JUDGE RILEY: I'm sorry.

11 THE WITNESS: I'm sorry. Can I have a side bar  
12 with my lawyer.

13 MR. GOLDSTEIN: No.

14 JUDGE RILEY: We have got to continue.

15 THE WITNESS: He can't speak for me, because this  
16 complaint was written without him and I believe that  
17 if I would have had counsel at that time I could  
18 have amended or changed that amendment, because we  
19 have met several times, and even on the hearing  
20 prior to the one we had last --

21 MS. GRAHAM: Judge --

22 THE WITNESS: -- you didn't show up, and there

1 was a message on my phone from the judge and  
2 Ms. Graham.

3 MS. GRAHAM: We have had two status hearings

4 THE WITNESS: They wanted to make a settlement of  
5 \$416 prior to them offering me the last hearing of  
6 \$400.

7 JUDGE RILEY: All right.

8 MS. GRAHAM: Judge --

9 THE WITNESS: Hold on. I need to speak. I'm  
10 sorry.

11 JUDGE RILEY: I'm going to have to strike all of  
12 this.

13 THE WITNESS: You can strike it, but I'm going to  
14 say it.

15 JUDGE RILEY: All right. We are off the record.

16 (Off the record.)

17 Let's go back on the record.

18 Counsel, do you have any further  
19 questions for your witness on direct?

20 MR. SPEH: Just some clarifying questions.

21 JUDGE RILEY: Let's wrap this up.

22 MR. SPEH: Q. Ms. Fielding, during your

1 testimony, you looked at a number of different  
2 documents, and there are one, two, three, four,  
3 five, six, seven. And you recognize these seven  
4 pages as documents you talked about?

5 A. Yes.

6 Q. Looking at each one, there is some  
7 handwritten notations on them. Who made the  
8 handwritten notations?

9 A. I did.

10 Q. The first four of the documents are  
11 identified at the top left corner as ComEd.

12 Where did you receive those from? How  
13 did you get those?

14 A. ComEd mailed them to my house.

15 Q. And the other three documents, which are not  
16 in order, but which say ComEd account activity  
17 statement, where did you receive those?

18 A. I received those from ComEd as well.

19 Q. Okay. And there's some notations on these  
20 documents. Who made these notations?

21 A. I did.

22 Q. Other than the notations that you made, were

1 these clear and accurate documents you received from  
2 Commonwealth Edison?

3 A. Yes.

4 MR. SPEH: I would ask leave to simply write the  
5 numbers 1 through 7 on each of these pages to  
6 identify them as being the documents that she  
7 referred to.

8 JUDGE RILEY: Okay. Let's get them cataloged and  
9 organized.

10 MR. GOLDSTEIN: Are they going to be Group  
11 Exhibit 1 or --

12 JUDGE RILEY: That was what I was wondering.  
13 What do the 1 through 7 pertain to?

14 MR. SPEH: Referred simply to Group Exhibit 1 or  
15 Group Exhibit A consisting of seven pages of  
16 Commonwealth Edison bills or activity reports.

17 JUDGE RILEY: That's fine. That's fine, yes, and  
18 get them altogether, because I know there's several  
19 that you don't have in your hand right now.

20 MR. SPEH: I stand corrected. There was an  
21 eighth page that she referenced.

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(Whereupon, Complainant's  
Exhibit A was marked for  
identification.)

JUDGE RILEY: All right.

MR. SPEH: Q. This eighth page which you show me  
also had some handwritten notations on it?

A. Yes.

Q. And who made those?

A. I did.

Q. And who did you receive the documents from?

A. ComEd.

MR. SPEH: Okay. So it would be Group Exhibit A  
consisting of eight pages.

JUDGE RILEY: All right. Does that include the  
rest of those? That's what I was asking.

MR. SPEH: And then there would be a ninth  
page. No, just the eight pages, please.

JUDGE RILEY: Are those other -- I could see  
other account activity statements. Are they going  
to be included?

MR. SPEH: Yes. I would ask to include those and

1 reference the date of April of 2013.

2 JUDGE RILEY: All right.

3 MR. SPEH: So this would be a ninth page.

4 JUDGE RILEY: All right. Those documents that  
5 you have in your hand now will that constitute the  
6 group exhibit?

7 MR. SPEH: Yes.

8 JUDGE RILEY: That's the entire group exhibit?

9 MR. SPEH: Yes.

10 EXAMINATION

11 BY

12 JUDGE RILEY:

13 Q. All right. Ms. Fielding, let me ask you  
14 just a couple of questions. Do you live in a  
15 single-family home or an apartment?

16 A. A single-family home.

17 Q. A single-family home?

18 How many people live there?

19 A. Four.

20 Q. Four? Is it one or two story?

21 A. It's two story.

22 Q. Two story?

1 A. The basement.

2 Q. All right. That's fine. You say you have  
3 just the one meter?

4 A. Yes.

5 Q. One electric meter?

6 A. Yes.

7 Q. Are there any --

8 MR. SPEH: Excuse me, sir. You asked about a  
9 reference to a meter. Was that referencing 2014 or  
10 is that referencing now? Because the bills now show  
11 two different meter numbers.

12 JUDGE RILEY: Q. Well, under any circumstances  
13 at all times there was only one meter at the  
14 premises?

15 A. Yes, sir.

16 Q. It may have been changed out at some point,  
17 one meter exchanged for another, but it's still only  
18 one meter?

19 A. Yes.

20 Q. That's all I'm asking.

21 A. Prior to January 17th, it was one meter and  
22 now even after January 17th it was changed to a

1 Smart Meter --

2 Q. Right.

3 A. -- and it's still one meter.

4 Q. Still one meter.

5 And would you have any appliances or  
6 electric devices in the home that you would consider  
7 non-standard?

8 A. I'm not understanding non-standard.

9 Q. Okay.

10 A. In 2008?

11 Q. You have electric heat or electric gas heat?

12 A. Gas.

13 Q. Gas? You have electrical appliances in the  
14 kitchen?

15 A. Refrigerator, but it just went out two weeks  
16 ago.

17 Q. Okay. Do you have a dishwasher?

18 A. I have a dishwasher, but it's not plugged  
19 up, because the house is so old the pressure of the  
20 water doesn't allow me to use it.

21 Q. That's what I mean by standard appliances.

22 A. It's not working.

1 Q. And you have lamps and television sets, that  
2 sort of thing?

3 A. I have one television since 2008. I have  
4 that new smart TV, okay, where you could hook your  
5 computer up to it.

6 Q. And you have a computer. You have a  
7 computer in the home?

8 A. Yes.

9 Q. I'm just looking at appliances that use  
10 electricity.

11 A. Laptop.

12 Q. Laptop.

13 JUDGE RILEY: I have nothing further for the  
14 witness. Counsel, did you have anything further to  
15 say?

16 MR. SPEH: No, sir.

17 JUDGE RILEY: Ms. Graham, do you have any  
18 cross-examination for the witness?

19 MS. GRAHAM: No questions, Judge.

20 JUDGE RILEY: All right. Thank you very much.

21 Counsel, you want to call that Group

22 Exhibit A?

1 MR. SPEH: Yes, sir. I apologize. I was going  
2 to try to have copies made and so on. Should I take  
3 these copies and have copies made and then mail to  
4 the parties or how --

5 JUDGE RILEY: Color copies if you can.

6 MR. GOLDSTEIN: We can do it here, Judge.

7 JUDGE RILEY: I'll see if I can get that done  
8 quickly.

9 MR. SPEH: I apologize for the inconvenience.

10 JUDGE RILEY: That's all right. Are you moving  
11 for the admission of Group Exhibit A into evidence?

12 MR. SPEH: Yes, your Honor.

13 JUDGE RILEY: Any objection?

14 MS. GRAHAM: No objection.

15 JUDGE RILEY: Let the record reflect that  
16 Complainant's Group Exhibit A is admitted into  
17 evidence; however, the ALJ will take no notice of  
18 any of the handwritten notes that are on these  
19 documents. It will just be the document itself as  
20 it was produced by Commonwealth Edison.

21 MS. BEUHLER: I could step out and use the color  
22 copier, Judge, if you like.

1 JUDGE RILEY: Okay. That's fine. I appreciate  
2 it. Can you make a whole bunch of copies. I think  
3 we are going to need five.

4 MS. GRAHAM: Could you take a brief recess.

5 JUDGE RILEY: Yes, we'll take a recess.

6 (Whereupon, Complainant's  
7 Exhibit A was received in  
8 evidence.)

9 Okay. Let's go back on the record.

10 Counsel, the last bit of housekeeping  
11 I want to do is the witness brought an energy saving  
12 kit with her, and I was reminded it goes back to  
13 '08. I just don't feel I can do anything with it.  
14 I made a notation that it will be on the record as  
15 to what's contained in there.

16 MR. SPEH: We will take that back. Just for  
17 clarity as far as the record, there have been some  
18 comments during this day that ComEd has given some  
19 credit. It's our contention that ComEd had any  
20 credit ComEd has given has been for overbilling  
21 subsequent to --

22 JUDGE RILEY: All right. Counsel, this is all

1 for closing argument. We will get to that.

2 And now, Ms. Graham, do you have a  
3 witness you want to call?

4 MS. GRAHAM: Yes. We would like to call Byron  
5 Geib.

6 JUDGE RILEY: I'm sorry. The last name?

7 MS. GRAHAM: Geib.

8 (Witness sworn.)

9 Please proceed.

10 BYRON GEIB,

11 called as a witness herein, having been first duly  
12 sworn, was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY

15 MS. GRAHAM:

16 Q. Would you please state your name and spell  
17 your last name for the record.

18 A. Sure. Byron Geib, G-E-I-B.

19 Q. And what is your title at ComEd?

20 A. I'm a senior business analyst in customer  
21 relations.

22 Q. And what are your general duties and

1 responsibilities as a senior business analyst?

2 A. General duties and responsibilities include  
3 reviewing customer complaints, analyzing  
4 information, including billing and resolving  
5 customer compliance issues.

6 Q. And how long have you had this position at  
7 ComEd?

8 A. I have been with ComEd for seven years and  
9 I've been in customer relations for approximately a  
10 year.

11 Q. And, as a senior business analyst, do you  
12 have access to customer records, including those of  
13 Tonya Fielding at 37 West 114th Street in Chicago?

14 A. Yes, I do.

15 Q. You have in front of you ComEd Exhibits 1  
16 and 2. Do you recognize these exhibits?

17 A. Yes. These are -- I'm sorry.

18 Q. Okay. Let's turn to Exhibit 1. Now ComEd  
19 Exhibit 1 these are company records kept in the  
20 ordinary course of business and are true and  
21 accurate, correct?

22 A. Yes.

1 Q. Could you please generally describe what  
2 Exhibit 1 is?

3 A. It is a ComEd activity statement for  
4 37 West 114 Street, Chicago, Illinois, 60628.

5 Q. And what is the billing period on that  
6 activity statement?

7 A. It is from 9-21 of 2012 through 8-29 of  
8 2014.

9 Q. Okay. Turning to ComEd Exhibit No. 2, can  
10 you briefly describe what this is?

11 A. Yes. This is also a ComEd account activity  
12 statement for 37 West 114th Street, Chicago,  
13 Illinois, 60628.

14 Q. And Exhibit 2 contains company records that  
15 are kept in the ordinary course of business and is  
16 true and accurate, correct?

17 A. Yes.

18 Q. As we sit here today, what is the total  
19 balance due on this account?

20 MR. SPEH: Objection. Is that of today's date or  
21 April?

22 MS. GRAHAM: As of today, what is the balance

1 due.

2 MS. SPEH: Object to the relevance. They would  
3 not allow used to go into any real information  
4 subsequent to April 4, 2013 so why are they now  
5 doing that?

6 MS. GRAHAM: Okay. Fine. We will go back to  
7 withdraw the question.

8 MS. GRAHAM: Q. Mr. Geib, you heard Ms. Fielding  
9 testify that she received charges for a Smart Meter  
10 back in 2012. Can you explain what those Smart  
11 Meter charges were?

12 A. Yes. Those Smart Meter charges are charges  
13 to all customers across ComEd's service territory  
14 for the installation for all of the AMI meters  
15 across ComEd service territory. Because of the  
16 regulatory rate case that was approved by Illinois,  
17 all customers are opted into paying for this charge.

18 Q. And so that Smart Meter program was approved  
19 by the Illinois Commerce Commission, correct?

20 A. That is correct, yes.

21 Q. You also heard Ms. Fielding testify that  
22 there were some, what she called, maybe

1 discrepancies in the billing periods.

2                   Could you briefly explain how the  
3 billing periods work at ComEd?

4       A.     Correct. There are 30 days in a typical  
5 month. Because our meter readers work Monday  
6 through Friday, we can send the meter reader out  
7 to -- send out on Friday or Monday which would allow  
8 the billing period to fluctuate between 27, 28, 29,  
9 30, 31, 32 or 33 days, based upon the accessibility  
10 to read the meter, based upon the weather, based  
11 upon holidays. There could be a gap between 28 to  
12 33 days in a billing cycle.

13       Q.     Thank you. Let's turn now to April of 2013.  
14 Ms. Fielding has alleged that in April of 2013 she  
15 received a ComEd bill for roughly \$1900. Can you  
16 see that on Exhibit 1?

17       A.     On Exhibit 1 I can see a regular bill for  
18 \$1,909.70.

19       Q.     And you heard Ms. Fielding testify regarding  
20 the bill -- the billing period for that time saying  
21 that she received bills for cancelled service. Can  
22 you explain what happened in April of 2013 on this

1 bill?

2 A. Yes. All right. If we look at --

3 Q. What page are we on?

4 A. Sorry. If we look at Page 1 --

5 Q. Of Exhibit 1?

6 A. -- of Exhibit 1 -- thank you -- on April 2nd  
7 of 2013, we had a meter reading of 66,776  
8 kilowatt-hours. Because of this reading, it  
9 triggered all the previous bills that were  
10 April 2nd of 2013 and previous for 12 months to be  
11 cancelled, and that would indicate the cancelled  
12 electronic service, so any line item that says  
13 cancelled electronic service, you received a credit  
14 for all of those days.

15 Q. You are speaking about Ms. Fielding  
16 receiving the credit?

17 A. Yes, Ms. Fielding received a credit for all  
18 12 months. We then went back, utilizing the actual  
19 reads that we received on April 2nd of 2013, and  
20 re-billed the customer for 12 months of service from  
21 3-29 of 2012 until 3-29 of 2013 based upon that  
22 regular reading.

1 Q. And that re-billing is consistent with  
2 ComEd's policy of going back only 12 years, correct?

3 MR. GOLDSTEIN: Twelve months.

4 MS. GRAHAM: Q. Twelve months. Excuse me.

5 MR. SPEH: I object. Who's testifying. She's  
6 supplying all the fact and he's just saying yes.

7 JUDGE RILEY: In other words, she's leading the  
8 witness.

9 MR. SPEH: Yes.

10 JUDGE RILEY: Try to keep it more direct.

11 MS. GRAHAM: Q. Can you explain what ComEd's  
12 policies are regarding a billing of this type?

13 A. If we receive a meter reading for a regular  
14 read, we are allowed to go back and cancel and  
15 re-bill the customer's account for 12 months.  
16 That's an ICC policy.

17 Q. Ms. Fielding also testified about her bill  
18 on 11-26 of 2013 and about a \$902 credit on that  
19 day. Can you explain what that is?

20 MR. SPEH: What date is that, Counsel?

21 MS. GRAHAM: 11-26-13.

22 THE WITNESS: I don't see 11-26. It may have

1     been on a bill that she have that I don't have. I'm  
2     not sure what she's referring to.

3           MS. GRAHAM: Q. Okay. We will move along.

4                    You also heard Ms. Fielding testify  
5     about a grant that she received in July of 2013.  
6     Can you explain what happened in July of 2013?

7           A. Yes. July -- excuse me. 8-6 of 2013 a  
8     special hardship grant of \$1,500 was applied to the  
9     total amount of the bill for \$1,500.

10          Q. On 7-30 of 2014, a payment was applied to  
11     the account in the amount of \$944. Prior to that,  
12     when was the last customer payment on the account?

13          MR. SPEH: I'm sorry. What date was that,  
14     Counsel?

15          MS. GRAHAM: 7-30-2014.

16          THE WITNESS: On Exhibit 1, Page 3 --

17          MR. SPEH: I'm going to object to 2014  
18     references. You objected to me going past April of  
19     2013.

20          MS. GRAHAM: I did, but Ms. Fielding on direct  
21     testified about the dates that we are referring to.  
22     I wanted Mr. Geib to clarify on the record.

1 MR. SPEH: Counsel objected to that and the  
2 hearing officer sustained the objection, so we are  
3 prohibited from going into 2014 and explaining that  
4 information, so we would object to her now going  
5 into 2014.

6 JUDGE RILEY: Group Exhibit A, your own Group  
7 Exhibit A goes into 2014. Go ahead. The witness  
8 can answer.

9 THE WITNESS: On 7-30-2014 a LIHEAP payment was  
10 received for \$944.

11 MS. GRAHAM: Q. And when was the last time that  
12 Ms. Fielding, prior to that \$944 LIHEAP payment,  
13 when was the last time Ms. Fielding made a payment  
14 herself on the account?

15 A. June 12th of 2014.

16 Q. And what was the payment amount?

17 A. \$155.

18 Q. We talked a little bit about what happened  
19 on the account in April of 2013 in terms of billing  
20 adjustments. Have there been any additional  
21 adjustments on the account?

22 MR. SPEH: Object to anything after 2013.

1 MS. GRAHAM: It's in your group exhibit and you  
2 opened the door.

3 JUDGE RILEY: I'm afraid I'm going to allow it,  
4 yes.

5 THE WITNESS: On Exhibit 2, Page 3, on January  
6 2nd of -- excuse me -- January 15th of 2015 there  
7 was an adjustment made of \$1,847.52.

8 MS. GRAHAM: Q. What was the total outstanding  
9 balance at that time?

10 A. It was \$1,017.28 (sic).

11 Q. And can you explain what that adjustment  
12 was?

13 A. It was a goodwill credit or goodwill  
14 adjustment for the re-billings that were processed  
15 in April of 2013.

16 Q. So can you explain what the relationship is  
17 between this credit and the cancelled service that  
18 you discussed about that April 2013 bill?

19 A. Yes.

20 JUDGE RILEY: Excuse me. By "this credit," you  
21 mean the 1847?

22 THE WITNESS: \$1847.52.

1 JUDGE RILEY: Please answer.

2 THE WITNESS: So what had happened is we went  
3 back and reviewed the usage history on the  
4 customer's account back in April 2013 compared to  
5 what was used in 2014, and based upon the usage from  
6 one year over, one year from -- one year previously  
7 to what she used currently, we gave her a goodwill  
8 credit based on the fact that her average usage was  
9 higher previously than what it is currently.

10 MS. GRAHAM: Q. Did Ms. Fielding ever pay the  
11 \$1900 that was charged to her account in April of  
12 2013? Did she ever pay that \$1900 bill?

13 A. No.

14 Q. As we sit here today, what is the balance on  
15 this account?

16 A. There's a credit of \$76.80.

17 Q. So Ms. Fielding currently owes --

18 A. Zero. She currently does not owe money.

19 She has a credit of \$76.66 -- excuse me -- \$76.80 on  
20 the account.

21 Q. Thank you.

22 Turning now to Exhibit 3, do you

1 recognize those documents?

2 A. Yes.

3 Q. Can you explain what this document is?

4 A. This is a meter reading history for  
5 37 West 114th Street in Chicago.

6 Q. And ComEd Exhibit 3 is a company record  
7 that's kept in the ordinary course of business. And  
8 is it true and accurate?

9 A. Yes.

10 Q. Based upon your review of all three of these  
11 documents, is the billing on this account correct  
12 and in line with ComEd's billing practices?

13 A. Yes.

14 MR. SPEH: I'm going to object. He is the  
15 customer relations business analyst. He hasn't  
16 testified that he's an accountant.

17 THE WITNESS: I actually have an accounting  
18 degree.

19 JUDGE RILEY: Counsel.

20 MS. GRAHAM: Judge, I had asked if Mr. Geib was a  
21 customer relations business analyst who's familiar  
22 with these types of records and if this is part of

1 his job to review these records, and he said that  
2 yes.

3 JUDGE RILEY: I'll accept the testimony.  
4 Overruled. Go ahead.

5 MS. GRAHAM: Q. Mr. Geib, Ms. Fielding also  
6 testified that she was receiving regular bills and  
7 she seem to be a little bit confused about why she  
8 would receive what she called a regular bill when,  
9 in fact, there was certain cancelled service charges  
10 on there. Can you explain that?

11 A. Any time we do any cancelling and re-billing  
12 on customer accounts, because of a regular read, we  
13 would actually send a bill with the credit amount of  
14 the amount that we cancelled for the date range that  
15 we cancel for and then re-bill the customer for  
16 those date ranges which would include the regular  
17 reading that we received.

18 Q. Is there a difference between a regular bill  
19 and a regular meter read?

20 A. Yes.

21 Q. Can you explain that difference?

22 A. A regular bill comes every single month. A

1 regular meter reading is a meter reading that's  
2 actually read by one of our meter readers.

3 Q. As opposed to an estimated?

4 A. As opposed to an estimated read that's  
5 provided by our billing system.

6 Q. Thank you.

7 MS. GRAHAM: No further questions.

8 JUDGE RILEY: Thank you.

9 Cross-examination.

10 CROSS EXAMINATION

11 BY

12 MR. SPEH:

13 Q. Sir, looking at Exhibit No. 1, it shows  
14 9-27-12 cancelled electrical service.

15 A. What day?

16 Q. Why is that entry there?

17 A. Cancelled electric service from 8-27 of 2012  
18 to 9-26 of 2012.

19 MS. GRAHAM: Can you please show us where you  
20 are?

21 THE WITNESS: Sorry. Exhibit 1, Page 1, Line 1,  
22 9-27 of 2012, cancelled electronic service 8-27-2012

1 to 9-26 of 2012.

2 MR. SPEH: Q. It's cancelled electric service?

3 A. Right.

4 Q. Why was that entry made?

5 A. Because we cancelled the bill from 8-27 of  
6 2012 to 9-26 of 2012, and the bill that was  
7 cancelled was \$4.92 in late charges and \$82.30 in  
8 electronic or electric service charges.

9 Q. And then that happened on 9-27, right?

10 A. That's correct.

11 Q. And then on 10-2 there was a payment, right?

12 A. A payment of \$150.

13 Q. And then on 10-26 there was another  
14 cancelled electric service, right?

15 A. Correct.

16 Q. Why was that done?

17 A. Because we received a regular reading for  
18 that period when we looked back cancelling  
19 12 months of service, and the read we received on  
20 April 2nd of 2013.

21 Q. We are talking about October.

22 A. I know. I'm trying to explain. April 8th

1 of 2013 allowed us to go back 12 months and cancel  
2 all the previous estimated charges with the regular  
3 read that we received, so we actually re-billed the  
4 customer for 12 months.

5 Q. So on 10-2 you are saying you didn't read  
6 the meter; is that correct?

7 A. Well, on 10-2 I'm showing a payment of \$150.

8 Q. On 10-23?

9 A. I can't answer that question, because I  
10 don't have a meter reading history on the activity  
11 statements. Activity statements show debits and  
12 credits for the total bill on the account.

13 Q. Looking at Exhibit 3, there's some form  
14 there. At the top it says from/to, source, GS, TOT,  
15 K, WH, GS, TOT, KWH usage, status, and bill account,  
16 right?

17 A. Correct.

18 Q. At the top it has a number 9209733021. What  
19 is that?

20 A. It's the meter read -- that's the bill  
21 account number on this account.

22 Q. Is that the number of the meter itself?

1           A.     No.  It's actually the bill account number  
2           which was different than the meter number.  The  
3           meter read -- the meter is actually at the  
4           top, 270645588.

5           Q.     I'm sorry.  Where is it at the top?

6           A.     (Indicating).

7           Q.     So that is the meter -- that's the number of  
8           the meter --

9           A.     It's the current --

10          Q.     -- attached to that?

11          A.     That's the current meter, yes.

12          Q.     So that's not the meter number that was at  
13          this house in 2013, was it?

14          A.     This is the current meter at this house.

15          Q.     Looking down -- going down the page where  
16          you can run in towards the middle where it says  
17          12-30-2013 to 1-30-2014, and then there's a next one  
18          12-30-2013 to 1-30 again, then we have 11-25-2013,  
19          and if we keep going down, we have 11-25, 10-25,  
20          9-26, 8-27, 7-29, 6-27, 5-29, 4-29, 3-29, 6-28, and  
21          if we look to the right of there, that word estimate  
22          reading, what does that mean?

1           A.     That means the -- that means that ComEd was  
2     unable to obtain an actual read on the customer's  
3     meter, so our bill generates an estimated reading  
4     based on previous usage.

5           Q.     And right down there it says forced  
6     estimate.  What is a forced estimate?

7           A.     A forced estimate is an estimate that we  
8     actually manually force into the system to make the  
9     account bill or to allow the account to bill.

10          Q.     And how do you force -- how do you do a  
11     forced estimate?

12          A.     You manually enter it into the system.

13          Q.     Who manually enters?

14          A.     A biller, a billing clerk.

15          Q.     So some billing clerk will sit there and  
16     say, okay, this meter reading is 1, 2, 3, 4, 5, or  
17     does that clerk actually go out and look at the  
18     meter and it says 1, 2, 3, 4, 5?

19          A.     I can't answer that question.

20          Q.     If you look there, it says 12-30-2013 to  
21     1-30-2014 and it says estimate reading and it says  
22     6359 under the GST TOT, KWH line, right?

1 A. Correct.

2 Q. And then underneath it it says forced  
3 estimate and it says 9750, which is like 3500 more.

4 A. It's actually 2054 more, and that actual  
5 line item was cancelled, so the customer was not  
6 billed for that. If they were billed for it --

7 Q. Let's --

8 A. -- we cancelled it and credited.

9 Q. Sir, please answer my questions, just what I  
10 asked.

11 JUDGE RILEY: Take it easy.

12 MR. SPEH: Q. Let's go down then to October.  
13 It's got a forced estimate, October 25th forced  
14 estimate, 5373 bill, right.

15 A. I don't see 5373.

16 Q. October 25th 2013 to 11-25-2013 forced  
17 estimate. It says 5373, correct?

18 A. Yes.

19 Q. And that's where some clerk just punched the  
20 numbers in, correct?

21 A. I can't answer that.

22 Q. If you look right above that 10-25 or going

1 down below it, so for September 26th, it's forced;  
2 August 27th, it's forced; September 29 it's --  
3 July 29th, it's forced; June 27th, it's forced;  
4 May 29, it's forced; April 29, it's forced; March  
5 29th, it's forced, and then on 2-28 somebody writes  
6 down an estimated reading.

7 MS. GRAHAM: Is this a question?

8 MR. SPEH: Q. So during all of those where it  
9 says forced, you don't really know how they came up  
10 with that number, other than knowing that some clerk  
11 punched that number in?

12 A. I can explain how they came up with those  
13 numbers.

14 Q. How did they come up with the numbers?

15 A. We received a regular read on 3-3 of 2014.  
16 We also had a regular reading on 2-28 of 2013. On  
17 3-31-2014, we had a forced -- we had a regular  
18 reading of 600 -- 6,837 kilowatt-hours.

19 Q. On what date? You said March?

20 A. March 3rd of 2014.

21 Q. It says forced estimate.

22 A. No. It says March 3rd of 2014 we had a

1 regular read. March 3rd of 2014 --

2 Q. March 3rd of 2014, that's this line right  
3 here. March 3rd 2014 it says forced estimate.

4 A. I'm sorry. Let's look at 1-30 of 2014.

5 Q. Okay. 1-30-2014 it says regular company.

6 A. Of what? 6837.

7 Q. Where does regular company means?

8 A. That means the meter reader went out and  
9 read the meter physically, and that's a reading that  
10 we received. I need some water.

11 JUDGE RILEY: We can take a minute.

12 (Whereupon, a break was  
13 taken.)

14 We are back on the record.

15 THE WITNESS: Okay. So let me start over. On  
16 1-30-2014 from date to 3-30 of 2014 we received a  
17 regular company read of 6837 on the meter. Okay.  
18 We also received a regular reading on 1-30 of 2013  
19 on the meter of --

20 MR. SPEH: Q. What date now?

21 A. 1-30 of 2000 -- 1-30 of 2013. We received a  
22 regular reading of 87356. So when the biller forced

1 estimate the bill, they take the difference between  
2 the 87359 and the 6000 -- 6837, and billed the  
3 customer for those 12 months for the difference  
4 based upon average daily use and the number of days  
5 that they're cancelling and re-billing the customer  
6 for.

7                   So the forced estimates that are  
8 actually in-between those days are the difference  
9 between the two readings spread out between the  
10 number of days that we are billing the customer for  
11 each month, and that's how the customer -- that's  
12 how the billing clerk calculates the forced  
13 estimated read.

14       Q.     Let's look -- there is three entries for  
15 1-30-2014, correct?

16       A.     Correct.

17       Q.     On the top two entries refer to 3-3-2014, so  
18 that's January -- the end of January all through  
19 February and a little bit of the beginning of March,  
20 and you say a regular reading.

21       A.     What dates are you looking at?

22       Q.     Then we have a regular reading -- a regular

1 company of 6837, correct?

2 A. What day?

3 Q. January 30, 2014.

4 A. Okay.

5 Q. And underneath it you have the exact same  
6 entry again.

7 A. Correct.

8 Q. And then you have 1-30-2014 to 2-28-2014 and  
9 you have an estimated reading, correct?

10 A. Correct.

11 Q. The estimated reading is 11668, so on  
12 January 30th you did an estimated reading of 11668,  
13 but when your guy actually came out and looked at it  
14 a couple of days later, there was only 6837,  
15 something like a 5000 difference.

16 A. Correct. I can explain that to you if you  
17 like.

18 Q. No. I would just like you to point out --  
19 your counsel can ask for an explanation if she wants  
20 to. So between your estimate and your actual  
21 reading, there was a distinction there, correct?

22 A. Yes.

1 Q. There's a distinction there, isn't there?

2 A. There's a distinction, yes.

3 Q. And what is that kilowatt-hours?

4 A. Correct.

5 Q. So it's like 5000 kilowatt-hour difference?

6 A. Right.

7 Q. And looking at your Exhibit 1, you have down  
8 here entries that you all made on April 8th of 2013,  
9 and they all refer to April through February --  
10 April of 2012 through January and February of 2013,  
11 correct?

12 A. Correct.

13 Q. And they appear to be the consistent monthly  
14 so 4-27 to 5-29 and then 5-29 to 6-27, correct?

15 A. Correct.

16 Q. How come the one says 4-27 to 5-29 and the  
17 next one starts at 5-29, too? So on the one bill it  
18 says you are charging from April 27th to May 29th --

19 A. Right.

20 Q. -- and then the next bill it says you are  
21 charging from May 29th to June 27th.

22 A. Right. Those are the billing dates.

1 Q. So you charged twice from 8-29?

2 A. We don't bill by date. We bill by  
3 kilowatt-hours used.

4 Q. So you measured the kilowatt-hours twice on  
5 that day, correct?

6 A. It's a start date and -- it's a start and an  
7 end.

8 Q. All of these dates here are referencing  
9 estimated bills, correct?

10 A. I can't answer that.

11 Q. Well, it says --

12 A. It doesn't. The activity statement shows  
13 dollars, not estimates or regular reads.

14 Q. So, at any rate, from April 8th of 2013 you  
15 decided that you hadn't been billing right; is that  
16 correct?

17 A. I can't answer that.

18 Q. Well, I mean, looking at Exhibit 3, it looks  
19 like with all these forced estimates, which s some  
20 clerk putting the numbers in opposed to somebody  
21 actually reading the meter, it appears that the  
22 bills that you list on Exhibit 1, starting on

1 April 8th 2013 going back into April of 2012, are  
2 now based upon someone doing a forced estimate or  
3 where there's an actual meter reading?

4 A. I can't tell from that. All I know --

5 MS. GRAHAM: When you say "that," what are you  
6 talking about?

7 THE WITNESS: Exhibit 1.

8 MR. SPEH: Q. No. Sir, when I ask a question,  
9 just give me the answer I'm looking for.

10 A. I can't tell by this, by Exhibit 1.

11 Q. Looking at Exhibit 1 -- we had mentioned  
12 before there's cancelled electric service of 9-27  
13 and then there's also cancelled electric service on  
14 October 26th, correct?

15 A. Yes.

16 Q. Another one on November 28th?

17 A. Yes.

18 Q. Another one on December 31st?

19 A. Yes.

20 Q. Another one on January 31st?

21 A. Yes.

22 Q. So it's every month you were cancelling

1 service?

2 A. No. Those all could have been processed on  
3 the same day. It just shows the dates that's  
4 reflected that we cancelled the service.

5 Q. So you actually didn't cancel service on  
6 September 27th?

7 A. Correct.

8 Q. You just entered -- when did you actually  
9 cancel service?

10 A. I can't answer that question.

11 Q. But for whatever reason you decided we'll  
12 mark it down and say we did it on September 27th,  
13 correct?

14 A. That's the date that the bill ran.

15 Q. So that's when you made the entry?

16 A. No.

17 Q. Well, I mean, it says 9-27-12 cancelled  
18 electric service.

19 A. That's the bill that we cancelled.

20 Q. When did you cancel that bill?

21 A. I can't answer that question.

22 Q. Was it done before or after the bill?

1           A.     I could only assume that it's cancelled  
2 around the 8th of April when we actually re-billed  
3 for the proper amount of usage.

4           Q.     And going down to the bottom there, then on  
5 Exhibit 1 where you have all those multiple entries  
6 from April 27, 2012 ending February 28, 2013,  
7 looking at your Exhibit 3, it doesn't go as far, but  
8 we have an entry of 5-29 to 6-27, correct?

9           A.     Down way at the bottom, yes.

10          Q.     And it says estimate?

11          A.     Correct.

12          Q.     Then the entry above it says forced  
13 estimate?

14          A.     Correct.

15          Q.     Then estimated reading, as we are going up,  
16 then forced estimate, then estimate, then forced,  
17 and then estimate, then forced, then estimate, then  
18 forced, all the way through this same time frame  
19 where you have this.

20                         Does Commonwealth Edison understand  
21 that they're suppose to actually go out and read a  
22 meter at least once every two billing cycles?

1           A.     Yes.  We attempted -- I can only assume we  
2     attempted.  I don't have any records to indicate  
3     whether we could get in or not.

4           Q.     If you look at Exhibit 1, it starts at the  
5     top of September 2012.  And down at the bottom it  
6     runs to May 31st of 2013, right?

7           A.     Yes.

8           Q.     And if you look at Exhibit 2, Exhibit 2  
9     starts at April 11th of 2013 for a billing period of  
10    2-28 to 3-29, correct?

11          A.     Yes.

12          Q.     What is the difference between these two  
13    exhibits?

14          A.     If you look at Exhibit 1, in the upper  
15    right-hand corner it was printed on 9-11-2014.  If  
16    you look at Exhibit 2, in the right-hand corner, it  
17    was printed on 4-9 of 2015.  ComEd keeps two years  
18    of records, therefore, that's why the dates vary  
19    between the two reports.

20          Q.     Okay.  Looking at Exhibit 2, the 4-11 has  
21    electrical service and it has a bill of 8759,  
22    right?

1 A. Correct.

2 Q. What does the ELE Constellation Energy  
3 Service entry what does that mean?

4 A. That means that on 4-11-2013 the customer  
5 received a bill for \$87.59 from us for delivery and  
6 they also received a bill for \$102.13 from their  
7 supplier, Constellation Energy Services.

8 Q. You have no entry as far as, okay, therms --  
9 if you go look to the right, it says total bill  
10 2099, correct?

11 A. Yes. That's the total amount the customer  
12 owes.

13 Q. Does that apply to the April date then -- to  
14 the April billing?

15 A. Of what year? April 11th of 2013?

16 Q. Yes.

17 A. Yes.

18 Q. Looking further down, getting to August 6th,  
19 you mentioned that there's that grant money that  
20 they received of \$1500, correct?

21 A. Yes.

22 Q. And then if you look at the bill under that,

1 and that shows you got the grant money on August  
2 6th?

3 A. Yes.

4 Q. Then on August 29, 2013, which is the third  
5 entry for August 29th, it shows deferred payment  
6 agreement.

7 A. Yes.

8 Q. Payment's \$173. Now deferred payment is  
9 when somebody has a big bill and they can't pay it  
10 and you work out some arrangements to pay it.

11 A. Yes.

12 Q. Didn't the grant of the \$1500 on August 8th  
13 bring the bill down to zero?

14 A. No.

15 Q. What was the bill then?

16 A. There was a remaining \$390.35.

17 Q. But that's an entry above. I'm not an  
18 accountant, but that 390 is above the line where it  
19 shows the 1500, isn't it?

20 A. Yes.

21 Q. So, I mean, if there still was \$390,  
22 shouldn't the 390 should be -- shouldn't that be

1 listed below the line for the 1500?

2 A. I can't answer that.

3 Q. Looking at Exhibit 1 on the third page at  
4 the date of July 30 of 2014, it shows a L-I-H-E-A-P  
5 payment, correct?

6 A. Yes.

7 Q. And that was an outside organization that  
8 helped paying the bill, correct?

9 A. Yes.

10 Q. And they paid \$944.

11 A. Yes.

12 Q. And so the 9 -- the prior bill of \$1341, the  
13 944 was then subtracted from there, and then you  
14 added what the July bill was, correct --

15 A. Yes.

16 Q. -- so that you came up with 664?

17 A. Right.

18 Q. So over here you have, you know, the  
19 bills -- the later sum listed below the entry of the  
20 grant, but over here on Exhibit 1 you say the  
21 balance is listed above the entry of the grant.

22 How many meters does one house have?

1 A. I can't answer that question.

2 Q. I mean, this is just a regular residential  
3 house. It's not an apartment building. It's a  
4 single-family residence. A single-family residence  
5 for one family living in single-family residence,  
6 they could have more than one meter attached to the  
7 residence?

8 A. Yes.

9 Q. For what reason?

10 A. If it was a duplex and they changed it to a  
11 single-family home and the customer never calls us  
12 and there's two meters at that premises.

13 Q. Are there two meters at Ms. Fielding's  
14 house?

15 A. I don't know.

16 Q. You took my pages.

17 A. You have my originals.

18 MR. SPEH: Sir, I need to ask if I could speak to  
19 Ms. Fielding, because I know --

20 JUDGE RILEY: Okay. Any objection?

21 MS. GRAHAM: No.

22 JUDGE RILEY: We can go five minutes. That's

1 fine. We are off the record.

2 MR. SPEH: Thank you very much.

3 (Off the record.)

4 Let's go back on the record.

5 MR. SPEH: Q. Sir, looking at Exhibit 3, if you  
6 look at the entry for 12-30-2013 to 1-30-2014, it  
7 says estimated reading, doesn't it?

8 A. 12 what day?

9 Q. 12-30-2013 --

10 A. Okay.

11 Q. -- to 1-30-2014, right?

12 A. It says estimated reading and forced  
13 estimate.

14 Q. Well, the first one says estimated reading  
15 and it says 6359, right?

16 A. Yes.

17 Q. And then you put down a forced estimate for  
18 that same time period?

19 A. Which was cancelled.

20 Q. I'm going to show you what I will ask to be  
21 marked as Petitioner's Exhibit 2.

22 JUDGE RILEY: That will be B.

1 MR. SPEH: Okay. Petitioner's Exhibit B.

2 (Whereupon, Complainant's  
3 Exhibit B was marked  
4 for identification.)

5 JUDGE RILEY: Complainant's exhibit.

6 MR. SPEH: Q. Complainant's. And I ask you to  
7 look at this bill. Now this is a bill that covers a  
8 time period from December 30, 2013 to January 30,  
9 2014, right?

10 A. Yes.

11 Q. It shows there's three one-day period. If  
12 we look here at your thing, your Exhibit 3 for this  
13 same period, it gives an estimated reading of  
14 6359. Here this gives -- I can't see all that well  
15 upside down. This gives a previous reading of 9596  
16 and a meter reading present which it says estimated  
17 is 9750, right?

18 A. Yes.

19 JUDGE RILEY: The document you are looking at in  
20 front of Mr. Geib right now is that in evidence?

21 MR. GOLDSTEIN: That's what he marked.

22 MR. SPEH: This I'm just presenting now.

1 JUDGE RILEY: That's going to be your Exhibit B,  
2 correct?

3 MR. SPEH: Yes.

4 MR. SPEH: Q. So that makes reference to that.  
5 This doesn't match up with your estimated reading,  
6 does it? The estimated reading says 6359. 6359 is  
7 not listed any place here, is it?

8 A. No.

9 Q. But that's the bill that Commonwealth sent  
10 to Ms. Fielding.

11 A. If that's the bill.

12 Q. If that's the bill? Well, how many bills do  
13 you send a person?

14 A. It depends.

15 Q. Well, when they get a bill, are they suppose  
16 to pay it or stick in in a drawer and wait and see  
17 if they get another bill?

18 MR. GOLDSTEIN: I object to being argumentative  
19 with the witness. Other than that --

20 JUDGE RILEY: Hold on.

21 MR. GOLDSTEIN: -- we will allow him to answer.

22 JUDGE RILEY: We can't have attorneys coming from

1 both directions here, but -- no. He's objecting to  
2 the tone of the way you asked the question, but I'm  
3 going to allow it. I don't think there's anything  
4 confrontational about it.

5 THE WITNESS: Could you rephrase the question.

6 MR. SPEH: Q. When you get a bill, you stick it  
7 in a drawer and don't pay it and wait and see if  
8 they send you a second bill that's maybe different?

9 A. I Can't answer that.

10 Q. Okay. At any rate, you recognize this as  
11 Commonwealth Edison's bill format?

12 A. Yes.

13 Q. Do you have any reason to question that this  
14 is not a legitimate bill?

15 A. No.

16 MR. SPEH: I don't anything further.

17 JUDGE RILEY: Redirect?

18 MS. GRAHAM: Yes.

19 REDIRECT EXAMINATION

20 BY

21 MS. GRAHAM:

22 Q. Ms. Fielding had testified that on her bill

1 of April 2nd of 2013 there was a \$902.60 credit. If  
2 you look at Exhibit 1, you can see that \$902.60 on  
3 April 2, 2013, line item on Page 1. Can you explain  
4 what that is?

5 A. The credit for \$902.60 was a credit for all  
6 of the bills that add up previously that had been  
7 cancelled electric service.

8 Q. Can you explain more clearly what cancelled  
9 electric service means and when it occurs?

10 A. Cancelled electric service means that the  
11 bill for that time period was cancelled due to us  
12 receiving a regular company read and us having the  
13 ability to go back and re-bill a customer for a  
14 13-month period once a regular read is received.

15 Q. So cancelled electric service does not mean  
16 that the customer has service shut off, correct?

17 A. That's correct.

18 Q. It's a billing --

19 A. It's a billing term.

20 Q. Do you know if Ms. Fielding has a  
21 progressive meter reader -- progressive meter on her  
22 account? Can you tell by looking at Exhibit 3?

1 A. Yes.

2 Q. Is it a progressive meter?

3 A. The meter is progressing with the regular  
4 company reads that we receive.

5 Q. Can you explain how a progressive meter  
6 works?

7 A. Yes. Each month when the power goes through  
8 the meter, it generates the meter to spin in turn  
9 changes the dials to progress for us to be able to  
10 bill a customer for this amount that the customer  
11 uses on a monthly basis.

12 Q. So if a meter reader is unable to get an  
13 actual read, how do you determine what the estimated  
14 read is?

15 A. ComEd uses an estimated algorithm through  
16 our billing system based upon the customer's  
17 previous month's read or previous year's read based  
18 on their actual usage.

19 Q. And that's consistent with ComEd's policy?

20 MR. SPEH: Objection to leading the witness.

21 THE WITNESS: Yes.

22 JUDGE RILEY: Try to keep it direct.

1 MS. GRAHAM: Q. Is that consistent with ComEd's  
2 policies?

3 A. Yes.

4 Q. Is the billing approved by the Illinois  
5 Commerce Commission?

6 A. Yes.

7 Q. Is the bill format approved by the Illinois  
8 Commerce Commission?

9 A. Yes.

10 Q. Is re-billing when a regular read is taken  
11 approved -- excuse me. Let me rephrase.

12 Does the Illinois Commerce Commission  
13 allow ComEd to re-bill a customer's account for a  
14 12-month period when that customer was billed for  
15 estimated reads?

16 A. Yes.

17 Q. On cross counsel asked you about Exhibit 3  
18 at length, specifically he pointed to something that  
19 had occurred on January 30th of 2014, and you talked  
20 about the read on the meter being 6837 and counsel  
21 pointed out that there was an estimated read of  
22 11668 right after that. Can you to explain what

1 happened there?

2 A. Yes.

3 MR. SPEH: I object, unless he has personal  
4 knowledge of it.

5 JUDGE RILEY: Well, I think he's going to  
6 demonstrate that right now.

7 THE WITNESS: There was a regular meter read  
8 received on March 3rd of 2014 for 6,837. Based upon  
9 the last calculated read that the customer received,  
10 we would bill the customer for 97,087  
11 kilowatt-hours. Because of the discrepancy in  
12 billing, the computer system gave us a status of do  
13 not bill and threw a red flag saying if we actually  
14 use this regular reading, we would bill this  
15 customer for too many kilowatt-hours for the month.

16 Any time that flag comes up, our  
17 billing system also generates an estimated read  
18 based on the customer's previous history. The  
19 estimated read that the system generated was  
20 11,668 kilowatt-hours.

21 In turn, when we bill a customer in  
22 line with their previous reads that were actually

1 estimated, because we received a do not bill route  
2 and a red flag went up, this actually went to the  
3 billing department and they then cancelled the bill  
4 for the past 12 months and regenerated new bills  
5 based upon the regular reading we received from the  
6 meter reader.

7 Q. So when you say that a red flag goes up, the  
8 system does that so that a customer is not billed,  
9 correct?

10 A. Correct.

11 Q. And that's what happened here?

12 A. Yes.

13 Q. So Ms. Fielding was never charge for -- her  
14 bill that she received was never reflected that  
15 11,000 number?

16 A. Yes.

17 MR. SPEH: Objection. She's supplying the --

18 JUDGE RILEY: You are leading the witness.

19 MS. GRAHAM: Q. Would Ms. Fielding have received  
20 a bill that reflected that number of 11,668?

21 A. No. She would have never received the bill.

22 Q. One last question, Mr. Geib. Counsel

1 pointed out that the bill dates -- if you look on  
2 Exhibit 1, the bill dates starting on April 8th of  
3 2013 where the re-bill occurred, he pointed out that  
4 those dates sort of overlap. Can you explain what  
5 those dates are?

6 A. Basically, the bill dates -- for example, on  
7 4-8 of 2013, the start date was 4-27 of 2012 and the  
8 end date was 5-29 of 2012 with the reading of 68928,  
9 which is the start -- which is the end reading from  
10 which we received that meter read, and then the  
11 start bill then starts on 5-29 of 2012 to 6-27 of  
12 2012 with an actual reading of 70,879, and the  
13 customer is billed the difference between the two.

14 Q. So is the customer ever charged for the same  
15 day twice?

16 A. No.

17 MS. GRAHAM: Thank you.

18 EXAMINATION

19 BY

20 JUDGE RILEY:

21 Q. The only question that I have right now is  
22 going back to Exhibit 1 there's a reading. I

1 believe it's ELE is the additional meter, and it  
2 reads 66776.

3 Did that reading trigger the  
4 cancellation of the electric service above it and  
5 then lead to the re-bill between March 2012 and, I  
6 guess, March 29, 13?

7 A. Yes, that was the starting point for THE  
8 re-bill.

9 Q. What was it about that reading that caused  
10 the cancelled re-bill?

11 A. When we tried to bill from 3-29 of 2012 to  
12 4-27 of 2012 for 46966, the difference was the flag  
13 that we received, because the difference is around  
14 20,000 kilowatt-hours, and that's too high for the  
15 customer.

16 Q. Is it a difference between the  
17 46966 and the 66776 is what you are saying?

18 A. That would have thrown the flag in the air,  
19 yes.

20 Q. So the 46966 was the first reading, and then  
21 where did the 66776 reading come from?

22 A. Well, I would have to go back and look at

1 Exhibit 3, because Exhibit 1 I can't tell if it was  
2 an actual read by the meter reader or if it was an  
3 estimated read by the biller.

4 Q. My confusion was you saw the 66776 or  
5 whoever saw that reading, and that put up a red  
6 flag?

7 A. Yes.

8 Q. That was the red flag?

9 A. Yes.

10 Q. And it was considered too high or too low?

11 A. Correct.

12 Q. I'm sorry. It was one or the other?

13 A. Either one will trigger. If it's  
14 considered too high, it will trigger. If it's  
15 considered too low, it would trigger.

16 Q. What was it considered in this case?

17 A. In this case electric service on 4-13 we  
18 would have estimated for -- or it was estimated for  
19 46,000. It would have been too high.

20 Q. Okay. So then they went back and cancelled  
21 and re-billed using 46966 number?

22 A. No, using the 66776 number.

1 Q. Okay. That is what I'm trying to make sure  
2 of.

3 Is it one of these numbers but it was  
4 a red flag and the next one is where the re-bill  
5 started?

6 A. Right.

7 Q. Now which was the red flag?

8 A. The red --

9 Q. One more time.

10 A. Let me back. I can't tell which one was the  
11 red flag by Exhibit 1.

12 Q. All right. But what we know is that it  
13 resulted in a re-bill of \$1909.70?

14 A. Correct.

15 MS. GRAHAM: Judge, we would like to move  
16 Exhibits 1, 2, and 3.

17 JUDGE RILEY: I should ask counsel if he has any  
18 recross.

19 MR. SPEH: Yes, please.

20

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RECROSS EXAMINATION

BY

MR. SPEH:

Q. What's the algorithm you used?

A. I can't answer that question.

Q. Why not?

A. I don't know it.

Q. You don't use it?

A. Well, I need -- what we do is we take --

Q. No. I'm sorry, sir. Do you use it?

A. Yes.

Q. How do you use it?

A. I use it to figure the customer bill from one month to the next. If we have to cancel and re-bill the customer based on a regular read.

Q. Okay. So what is the algorithm?

A. We take the start read.

Q. No, sir. What is --

MR. GOLDSTEIN: Let him explain.

JUDGE RILEY: Calm down, everybody. Instead of arguing --

MR. GOLDSTEIN: Let him explain.

1 JUDGE RILEY: Thank you, Mr. Geib. Now ask the  
2 question again, please.

3 MR. SPEH: Q. What is the algorithm?

4 A. The difference between the start read and  
5 the end read, divided by the number of days  
6 throughout the billing cycle, times the  
7 kilowatt-hour charge, and we charge per  
8 kilowatt-hour, equals the amount that the customer  
9 needs to be billed.

10 Q. So you just put that information into a  
11 computer and it pokes out an answer?

12 A. No. We use an Excel spreadsheet usually.

13 Q. That comes from the computer, right?

14 A. Or a calculator, if we do it manually.

15 Q. Looking at your information, Exhibit 3, what  
16 do you call this page? What is this a description  
17 of?

18 A. I would call it a meter reading history.

19 Q. Okay. The meter reading history of Exhibit  
20 3 doesn't cover Exhibit 1, all those dates of 4-8  
21 and those entires there, does it?

22 A. Can you repeat the question.

1 Q. Well, the date over here starts at 4-27-12.  
2 This doesn't go down to 4-27. It stops in May,  
3 correct?

4 A. Yes.

5 Q. Okay. Looking at the entry on the bill  
6 where we had talked -- the bill that I showed you,  
7 Complainant's Exhibit B, covers a billing date from  
8 December 30th to January 30th of 2014, and we have  
9 that phrase -- that information on Exhibit 3. You  
10 indicated that the entry of 12-30 to 1-30-2014, the  
11 forced estimate of 970, that was cancelled.

12 A. Yes.

13 Q. Correct?

14 If you go down to an entry in  
15 November, the 1-25-2013 to December 30, 2013, which  
16 is your second forced estimate, you have 7696 is  
17 what the meter is suppose to be, correct? Is that  
18 what the meter read was?

19 A. Correct.

20 Q. And that's the same as what's on this bill,  
21 correct?

22 A. Correct.

1 Q. So that indicates this is what the prior  
2 read was and then another number indicates what the  
3 current reading was, right?

4 A. Correct.

5 Q. So that's the bill that you got?

6 A. Correct.

7 Q. Looking at Exhibit No. 1, you indicated on  
8 August -- I'm sorry -- on April 2nd the ELE  
9 additional meter reading, which showed 66776, is  
10 what threw a red flag, correct?

11 JUDGE RILEY: I believe he testified that none of  
12 those numbers.

13 MR. SPEH: Q. None of those numbers.

14 A. Correct.

15 Q. If you look at the reads right above, the  
16 one for January 31st, it says 53294 and then the one  
17 for December 31st says 52636 which shows like about  
18 670 kilowatt-hours, right?

19 A. Approximately.

20 Q. So down here neither the 46966, nor the  
21 66776 was in any way consistent with the entry from  
22 the month above?

1 A. Correct.

2 Q. Thank you.

3 JUDGE RILEY: Okay. Thank you, Mr. Geib.

4 I need a copy of your Exhibit B,  
5 Complainant's Exhibit B. We need copies of all.

6 MS. GRAHAM: We would like to move Exhibits 1, 2,  
7 and 3 into evidence.

8 JUDGE RILEY: Counsel, any objection?

9 MR. SPEH: No.

10 JUDGE RILEY: ComEd Exhibits 1, 2 and 3 are  
11 admitted into evidence.

12 (Whereupon, ComEd Exhibit  
13 Nos. 1, 2 and 3 were  
14 received in evidence.)

15 Go ahead.

16 MR. SPEH: I would like to ask leave to admit  
17 Complainant's Exhibit B, the bill covering  
18 December 30, 2013 to January 30, 2014 be admitted  
19 into evidence.

20 MS. GRAHAM: No objection.

21 JUDGE RILEY: It's so admitted.

22

1 (Whereupon, Complainant's  
2 Exhibit B was received in  
3 evidence.)

4 And, like I said before, I need to get  
5 copies of that. I'll have to get copies.

6 Now the procedure is do the parties --  
7 I'm going to offer. Do the parties want file  
8 closing briefs or just make closing statements?

9 MR. SPEH: I think a brief, brief closing  
10 statement is all that's necessary.

11 MS. GRAHAM: That's fine.

12 JUDGE RILEY: That's fine with you. All right  
13 then.

14 Counsel, I will refer to you first  
15 because you are going to get two shots at it.

16 CLOSING ARGUMENT

17 BY

18 MR. SPEH:

19 Ms. Fielding maintains that ConEd  
20 (sic) had overbilled her. She's offered testimony  
21 regarding it. ConEd (sic) -- and clearly we are not  
22 seeking credits. We are seeking a refund, and any

1 reference made during these hearings that ConEd  
2 (sic) has given some sort of credit, our position is  
3 that that relates to subsequent improper billing  
4 after the April 13th date. So what we are asking  
5 for is actually a refund of funds as opposed to a  
6 credit, and I think it's readily understandable.

7                   If we look at it in terms of  
8 Commonwealth Edison's own exhibits, they talk about  
9 the meter reading history, and if you look at it,  
10 they got down here forced estimates, estimated  
11 readings, and the witness can't really explain what  
12 a forced estimate is.

13                   And if you look down here for the  
14 December 30th one, they have got down all sorts of  
15 different readings, but none of the readings match  
16 with the bill they sent her.

17                   For November 25th, he said prior her  
18 reading was 9750, and that shows -- I'm sorry. He  
19 said her prior reading was 7696, and you can see  
20 that on the entry for November 25th, but then the  
21 present reading comes down to 9750 which he says was  
22 a forced estimate which they cancelled, but they

1 sent her a bill for it.

2                   People don't get a bill and say I'll  
3 stick it in the drawer and wait and see if I get  
4 some more bills and maybe a different amount. You  
5 pay it. So it's a bunch of gobbledygook. You are  
6 not suppose to be a rocket scientist in order to  
7 figure out your bill.

8                   They come down here, then they talk  
9 about Exhibit 1 and all these entries here, and they  
10 say, oh, we realize we weren't billing you properly.  
11 My understanding of the electric company under the  
12 ICC, they're suppose to go out and read a meter at  
13 least once every two months. They apparently  
14 haven't done it for years out here, because you can  
15 look and see all the entries, forced reading, forced  
16 reading, forced reading, estimated reading. They  
17 haven't been doing it, then suddenly they come along  
18 and say, oh, oh, well, let's try and do something.  
19 Let's catch up. Well, they're catching up. They  
20 come up with figures that don't even match and they  
21 end up overcharging.

22                   Everybody has a budget. Unless you

1 are billionaires, you live by a budget. You plan so  
2 much for heating, telephone, so on. They send  
3 ridiculous bills, which were beyond her budget, and  
4 then they hit her with all sorts of late charges  
5 that she couldn't meet, and she shouldn't be  
6 required to those.

7                   In the forms they give here, they say,  
8 oh, yes, we recognize here she did get a grant. She  
9 got a \$1500 grant, but in order to get the grant  
10 under the terms, she had to pay the bill. The prior  
11 bill was 2181. Under the terms of the grant she  
12 had, they gave her \$1500, but she had to pay the  
13 difference, so she paid the difference, so they gave  
14 her the grant, and it shows right here they gave her  
15 the grant, but then he says there's still \$390 due,  
16 but the \$390 is the line above, and the other form  
17 here when she got a grant, the grant was subtracted  
18 what was due and the balance is listed below the  
19 grant, so they're describing two situations two  
20 different ways.

21                   So our position is they have not  
22 properly billed Ms. Fielding. They played around

1 with the numbers with this forced estimate and so  
2 on.

3 I asked the witness what's the  
4 algorithm. He said, well, I don't know. Well, you  
5 take the number of hours, this into that and then  
6 use a computer. He could not explain the thing.  
7 The right algorithm is suppose to be written out.

8 So we ask that you find that they  
9 overbilled Ms. Fielding. According to her  
10 testimony, she believes with the improper billing  
11 and late charges and all these other things they put  
12 down here that they overbilled her approximately  
13 3500. Thank you.

14 JUDGE RILEY: Ms. Graham.

15 CLOSING ARGUMENT

16 BY

17 MS. GRAHAM:

18 Judge, again, this is a very, very  
19 straightforward case. Ms. Fielding alleged that  
20 ComEd improperly billed her for \$1900 in April of  
21 2013 and, as Mr. Geib testified, that billing was  
22 done properly. It was a re-bill. That's

1 consistent with ComEd's policies, consistent with  
2 the rules approved by the Illinois Commerce  
3 Commission. The bill format was approved by the  
4 Illinois Commerce Commission. That was all correct.

5 But, in any event, all of that is moot  
6 because, as Mr. Geib testified, Ms. Fielding never  
7 actually paid any amount herself toward that \$1900,  
8 and, in fact, that \$1900 was completely waived;  
9 therefore, this complaint has been completely  
10 satisfied and, accordingly, the Commission should  
11 find in favor of Commonwealth Edison Company.

12 JUDGE RILEY: Okay.

13 MR. SPEH: According to Exhibit 1, the \$1900  
14 wasn't waived. It keeps going on adding up.

15 MS. GRAHAM: Objection. He's already had his  
16 closing argument.

17 MR. SPEH: She's finished.

18 JUDGE RILEY: Right. Very quickly, please.

19 REBUTTAL

20 BY

21 MR. SPEH:

22 According to the figures, it just kept

1 adding up and adding up.

2 JUDGE RILEY: Okay.

3 MR. SPEH: Thank you.

4 JUDGE RILEY: Now --

5 MR. SPEH: May I use the -- I'm sorry.

6 JUDGE RILEY: I want to make sure I get the -- as  
7 I explained to you earlier off the record, the  
8 procedure from this point is that I'm going to wait  
9 until the transcript is available in roughly two  
10 weeks, maybe more turnaround, and once I get the  
11 transcript, I'll endeavor to prepare a proposed  
12 order, and what that means is that I will have an  
13 order written, and it will say, proposed order on  
14 the top and it will be sent to the parties from the  
15 Chief Clerk's Office, and it will be in favor of one  
16 party or the other, and at the very bottom at the  
17 end of the proposed order, it will say briefs on  
18 exceptions due, reply briefs on exceptions due, and  
19 there will be dates, and the parties can file  
20 exceptions as they see fit contesting anything that  
21 is in the order, whether the facts, the law,  
22 anything.

1                   And once I get the exceptions, I will  
2 incorporate the exceptions, take those into account  
3 and I'll prepare a final order for the Commission.  
4 It will be on a formal Commission bench agenda.

5           MS. FIELDING: Can I say something to my lawyer?

6           JUDGE RILEY: I'm sorry?

7           MS. FIELDING: Can I say something to my lawyer?

8           JUDGE RILEY: You can speak to your lawyer  
9 anytime, but we are off the record now. Excuse me.  
10 I'm sorry.

11                   Is there anything further from either  
12 of the parties?

13           MS. GRAHAM: Nothing further, Judge.

14           JUDGE RILEY: I direct the court reporter to mark  
15 this matter heard and taken.

16                   HEARD AND TAKEN.

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