

**OFFICIAL FILE**  
**ILLINOIS COMMERCE COMMISSION**

**L COMPLAINT**

Commerce Commission  
E. Capital Avenue  
Springfield, Illinois 62701

For Commission Use Only:  
Case: 15-0355

**ORIGINAL**

Regarding a complaint by (Person making the complaint): Nicholas Gibson

Against (Utility name): Com Ed

As to (Reason for complaint) Requesting refund of money paid for meter billed in error

**RECEIVED**  
MAY 13 2015

in Chicago Illinois.

ILLINOIS COMMERCE COMMISSION  
CHIEF CLERK'S OFFICE

**TO THE ILLINOIS COMMERCE COMMISSION, SPRINGFIELD, ILLINOIS:**

My complete mailing address is (include City) 2711 W. Giddings St., Apt 3, Chicago IL 60625

The service address that I am complaining about is 2711 W. Giddings St., Apt 3, Chicago IL 60625

My home telephone is [ 773 ] 784-5455

Between 8:30 A.M. and 5:00 P.M. weekdays, I can be reached at [ 773 ] 426-5200

My e-mail address is ngibson5@gmail.com I will accept documents by electronic means (e-mail)  Yes  No

(Full name of utility company) Commonwealth Edison (respondent) is a public utility and is subject to the provisions of the Illinois Public Utilities Act.

In the space below, list the specific section of the law, Commission rule(s), or utility tariffs that you think is involved with your complaint.

TITLE 83: CHAPTER I: SUBCHAPTER b: Section 280.110 (b) and (d)

and by reference, Section 280.40 (g)

Have you contacted the Consumer Services Division of the Illinois Commerce Commission about your complaint?  Yes  No

Has your complaint filed with that office been closed?  Yes  No

Please state your complaint briefly. Number each of the paragraphs. Please include time period and dollar amounts involved with your complaint. Use an extra sheet of paper if needed.

Please see attached.

Please clearly state what you want the Commission to do in this case:

That Com Ed refunds to me \$3373.61 - the difference between the amount owed for my true electric usage and the amount for which I was billed in error, including interest.

**NOTICE:** If personal information (such as a social security number or a bank account number) is contained in this complaint form or provided later in this proceeding, you should submit both a public copy and a confidential copy of the document. *Any personal information (Social Security Number, Driver's License Number, Medical Records, etc.) contained in the public copy should be obscured or removed from the document prior to its submission to the Chief Clerk's office. Any personal information contained in the confidential copy should remain legible.* If personal information is provided in your public copy be advised that it will be available on the internet through the Commission's e-Docket website. The confidential copy of any filing you make, however, will only be available to Commission employees. If you file both a public and confidential version of a document, clearly mark them as such.

Today's Date: May 11 2015  
(Month, day, year)

Complainant's Signature: [Signature]

If an attorney will represent you, please give the attorney's name, address, telephone number, and e-mail address.

When you finish filling out this complaint form, you need to file the original with the Commission's Chief Clerk. When filing the original complaint, be sure to include one copy of the original complaint for each utility company complained about (referred to as respondents).

**VERIFICATION**

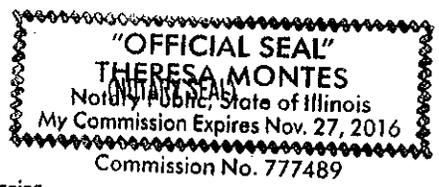
A notary public must witness the completion of this part of the form.

I, Nicholas A Gibson, Complainant, first being duly sworn, say that I have read the above petition and know what it says. The contents of this petition are true to the best of my knowledge.

[Signature]  
Complainant's Signature

Subscribed and sworn/affirmed to before me on (month, day, year) May 11, 2015

[Signature]  
Signature, Notary Public, Illinois



**NOTE:** Failure to answer all of the questions on this form may result in this form being returned without processing.

**ICC COMPLAINT against Commonwealth Edison – by Nicholas Gibson, May 10 2015**

1. In November 2007, I purchased a condominium in a three-unit building at 2711 W Giddings, Apt 3, Chicago IL, and transferred my electric service with Com Ed from my previous address to this, my current one. Com Ed successfully transferred billing to this address.
2. I was billed by Com Ed for electric service from Nov 2007 until present, and I have paid to Com Ed all amounts billed to me in a timely manner and in full. Copies of these bills are attached as “**Exhibit A**”
3. In March 2015, I discovered that I have been billed in error for the electric meter attached to Apt. 1 (*meter number* ending in 4946) and not the meter attached to my apartment, Apt. 3 (*meter number* ending in 4945) since November 2007. The *meter number* on all my bills for Apt. 3 referred to the electric meter attached to Apt. 1 of my building.
4. Additionally, and for the same period of time, Apt. 1 was being billed for Apt. 2's use, and Apt. 2 was being billed for my apartment's use, Apt. 3.
5. On March 23, 2015, a Com Ed technician inspected the meters at 2711 W Giddings and confirmed that the three meters were mis-assigned, and corrected the error for their records. Shortly thereafter I received a letter confirming the technician's findings and stating that a credit is due to me. The letter apologized for the error. (See attached letter, “**Exhibit B**”).
6. Copies of Apt. 2's bills, which reflect my actual usage, are attached as “**Exhibit C**”
7. There is no record of my actual electric usage for the month of Nov 2007, as Apt. 2 was as-yet unoccupied, so no reading of meter number 4945 was made and no bill was sent. Therefore I will not attempt to recover the amount owed, if any, from this month.
8. On April 27, 2015, I received a check from Com Ed for \$1559.31 as a refund for billing errors from April 2013 to March 2015.
9. Therefore, in accordance with **Section 280.110 (b) and (d)**, I am requesting a refund of all amounts as yet unpaid due to me from Dec 2007 to March 2013, including all interest, totaling \$3255.72.
10. See attached summary sheet describing the difference and calculating interest “**Exhibit D**”.

<http://www.ilga.gov/commission/jcar/admincode/083/08300280sections.html>

**TITLE 83:**

**CHAPTER I:**

**SUBCHAPTER b:**

**Section 280.110 Refunds and Credits**

b) Billing Time Period for Refunds and Credits Due to Overcharges Resulting from Utility Error:

- 1) A utility shall issue a refund or credit to a customer's account for the full

## **ICC COMPLAINT against Commonwealth Edison – by Nicholas Gibson, May 10 2015**

period of time during which an overcharge occurred, so long as either the utility or the customer has retained billing records that would allow determining a refund or credit.

d) Interest on Refunds and Credits: All refunds and credits due to utility billing error shall be accompanied with interest calculated at the rates set by the Commission for customer deposits (see Section 280.40(g)). Interest shall accumulate starting 30 days after the date the actual money comprising the overpayment is received by the utility until the date the utility issues a refund or credit to the customer's account. Credit balances accumulated on active budget payment plans shall not be subject to interest under this subsection unless the budget payment plan is cancelled while a credit balance remains. Interest shall accumulate from the date of the budget payment plan cancellation until the credit is refunded or consumed by future billing.

### **Section 280.40 Deposits**

g) Deposit Interest:

1) Interest shall be paid to the customer on all deposit amounts, including installments, held by the utility. The rate of interest will be the same as the rate existing for the average one year yield on U.S. Treasury Securities for the last full week in November. The interest rate will be rounded to the nearest 0.5%. In December each year, the Commission shall announce the rate of interest that shall be paid on all deposit amounts held during all or part of the subsequent year.

2) After 12 consecutive months of accumulated interest, when a customer is not entitled to a refund of the deposit, the utility shall automatically credit the customer's account with the interest only. The credit shall be itemized on the customer's next regular bill statement as "deposit interest".