

OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION
COMMISSION

ORIGINAL

2015 AUG -5 P 3:31

For Commission Use Only:
Case: 15-0451

CHIEF CLERK'S OFFICE **FORMAL COMPLAINT**

Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, Illinois 62701

Regarding a complaint by (Person making the complaint): Sacramento and Thomas Limited Partnership
Against (Utility name): Commonwealth Edison Company
As to (Reason for complaint) Request for relief from separate metering requirements (83 Ill. Admin. Code Part 410.130 (a) and ComEd Tariff Sheets 144 and 145) for electricity delivered to 65th Infantry Regiment Veterans Housing Apartments, a 49-unit multi-family rental apartment building for homeless veterans of the United States Armed Forces, which building is under construction at 1045 N. Sacramento Avenue.

in Chicago Illinois.

TO THE ILLINOIS COMMERCE COMMISSION, SPRINGFIELD, ILLINOIS:

My complete mailing address is (include City) 325 N. Wells Street, 8th Floor, Chicago, Illinois 60654

The service address that I am complaining about is 1045 N. Sacramento Avenue, Chicago, Illinois
designated representative's

My home telephone is [312] 602-6528 (Evelyn Guerrero)

Between 8:30 A.M. and 5:00 P.M. weekdays, I can be reached at [312] 602-6500
designated representative's

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

(Full name of utility company) Commonwealth Edison Company (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.

83 Ill. Admin Code Part 410.130(a)

ComEd Tariff Sheets 144 and 145

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.

See attached Exhibit 1.

Please clearly state what you want the Commission to do in this case:
Determine that a single meter is appropriate for this project in accordance with 83 Ill. Admin. Code Part 410.130(e). See Exhibit 1 for additional details.

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: July 31, 2015
(Month, day, year)

Complainant's Signature: Hipolito Roldan
By: Sacramento and Thomas Corporation
By: Hipolito Roldan, President

If an attorney will represent you, please give the attorney's name, address, telephone number, and e-mail address.
William G. Skalitzky, Esq.; Applegate & Thorne-Thomsen; 626 W. Jackson Boulevard, Suite 400,
Chicago, IL 60661; 312-491-3329
wskalitzky@att-law.com

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

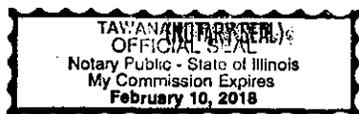
A notary public must witness the completion of this part of the form.

I, Hipolito Roldan*, 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. *President of Sacramento and Thomas Corporation, the sole general partner of Sacramento and Thomas Limited Partnership

Hipolito Roldan
Complainant's Signature

Subscribed and sworn/affirmed to before me on (month, day, year) July 31, 2015

Tawana Paul
Signature, Notary Public, Illinois



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

7/31/15

EXHIBIT 1

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

SACRAMENTO AND THOMAS)	
LIMITED PARTNERSHIP,)	
)	
Petitioner,)	
)	
v.)	CASE NO.
)	
COMMONWEALTH EDISON COMPANY,)	
)	
Respondent.)	
)	
Complaint as to denial of request to master meter)	
electrical service at 1045 N. Sacramento Avenue,)	
Chicago, Illinois)	

FORMAL COMPLAINT

Petitioner, SACRAMENTO AND THOMAS LIMITED PARTNERSHIP, an Illinois limited partnership, states as follows:

1. Petitioner requests an order waiving the separate metering requirements set forth in 83 Ill. Adm. Code 410.130(a) and contained in Tariff sheets 144 and 145 of Commonwealth Edison Company’s Schedule of Rates for Electric Service, in connection with Petitioner’s development and construction of 65th Infantry Regiment Veterans Housing, located at 1045 N. Sacramento Avenue, Chicago, Illinois (the “Project”).

2. Petitioner is an Illinois limited partnership and will own the Project, subject to the terms of an Amended and Restated Ground Lease between Norwegian American Hospital Inc. and Hispanic Housing Development Corporation (“HHDC”), as assigned to the Petitioner pursuant to

the Assignment and Assumption and Amendment of Ground Lease dated February 4, 2015 and recorded in the Cook County Recorder's Office as document no. 1513429092.

3. The sole general partner of the Petitioner is Sacramento and Thomas Corporation, an Illinois corporation, and Hispanic Housing Development Corporation is the sole shareholder of Sacramento and Thomas Corporation. Hispanic Housing Development Corporation is an Illinois not for profit corporation that is exempt from federal income tax pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, as amended.

4. Following construction completion, the Project will contain 49 units of residential housing. Forty-eight (48) of the units will be occupied by homeless and formerly homeless veterans of the United States Armed Forces and their households (a veteran must meet the definition of "homeless" set forth in the McKinney-Vento Act, 42 U.S.C. Section 11302, among other requirements, in order to qualify for housing at the Project). The remaining unit will be a manager's unit. All residents of the 48 units will have an annual income equal to or less than 60% of the Chicago metropolitan area median income as determined by HUD, as adjusted for family size. The rent charged to each Project resident will also not exceed 30% of 60% of area median income, including a utility allowance. These income and rent restrictions assure that all 48 units will remain affordable to homeless veterans and their households for at least thirty years.

5. This Project is financed primarily through an allocation of federal low income housing tax credits (26 U.S.C. Section 42), the sale of which will raise approximately \$11,350,000 in capital. In addition, Petitioner secured a construction loan from Bank of America, a \$1,500,000 loan from the City of Chicago Department of Planning and Development, an approximately \$392,000 Affordable Housing Program award through the Federal Home Loan Bank of Chicago, an approximately \$200,000 energy efficiency grant from the State of Illinois Department of

Commerce and Economic Opportunity, and a \$1,000,000 construction/permanent loan from Bank of America, among other sources.

6. Petitioner will pay the Project's operating costs from a combination of (a) the modest rent payments received from the Project's tenants; and (b) a monthly rental subsidy received by Petitioner in connection with forty-eight (48) project-based HUD-VASH Section 8 vouchers issued by the Chicago Housing Authority for this Project (the "HUD-VASH Vouchers"). A homeless veteran who desires to lease a unit in the Project must receive support services as a condition of his or her tenancy in accordance with the HUD-VASH Voucher program requirements. Under the HUD-VASH Voucher program, a case manager will be assigned to each homeless veteran. The case manager will develop a "housing stabilization plan" that identifies each veteran's unique needs, including clinical and psychosocial needs. The veteran will receive a wide range of support services, including but not be limited to, assessment, engagement, service planning and goal setting, crisis intervention, substance abuse treatment, mental health treatment, housing skill development, budgeting and money management skills, and workforce skill development. The goal is to help the veteran to develop sufficient skills to transition from homelessness to permanent supportive housing.

7. Petitioner will operate the Project in strict accordance with the HUD-VASH Voucher program requirements, and the terms and conditions of (i) the Low Income Housing Tax Credit Extended Use Agreement between Petitioner and the Illinois Housing Development Authority that sets forth the income and rent restrictions required by the federal low-income housing tax credit program, which is recorded in the Cook County Recorder's Office as document no. 1513429093, (ii) the Regulatory Agreement between Petitioner and the City of Chicago recorded as document no. 151349096, (iii) the Affordable Housing Land Use Restriction

Agreement between Petitioner and Bank of America, N.A., which is recorded as document no. 1513429103, (iv) the Retention/Repayment Agreement for Rental Projects Using Low Income Housing Tax Credits (LIHTCs) Affordable Housing Program Repayment Agreement among the Petitioner, Hispanic Housing Development Corporation and IFF, an Illinois not for profit corporation, which is recorded as document no. 1513429100, and (v) the Illinois Affordable Housing Tax Credit Regulatory Agreement between the Illinois Housing Development Authority and Petitioner, which is recorded as document no. 1513429095.

8. Petitioner has contracted with Hispanic Housing Development Corporation to serve as the Project's property manager. Hispanic Housing Development Corporation will be responsible for assuring that the Project and the Petitioner comply with the HUD-VASH program requirements in addition to the foregoing regulatory agreements.

9. Petitioner designed the Project to have a single electric meter rather than separate meters for each unit for principally three (3) reasons: (i) the homeless veterans who will reside in the Project's units are not expected to have at initial occupancy the ability to manage a household budget that includes the obligation to timely pay monthly utility bills, and while the goal of this supportive housing project is to help these veterans develop the skills to manage a household budget and ultimately pay such bills and expenses, the timeline for success and degree of success achieved by each veteran in learning this task will vary widely; (ii) in recognition of these practical tenant limitations, Petitioner desires to pay each utility provider, including Commonwealth Edison Company, on a monthly basis for the utility services in order to assure that each tenant will continue to receive utility services as he or she undergoes the complex and time-consuming transition from homelessness to a person capable of functioning well in a permanent supportive housing environment; and (iii) the costs to modify the design and install separate meters for each

unit in the building will significantly increase the Project's development costs (compared to the single meter design), and the Petitioner does not reasonably expect to be able to secure the additional financing needed to pay these additional development costs. With ever shrinking financial resources available for affordable housing development, it is critically important that the Petitioner identify and use the most effective and least costly option to deliver utility services to the Project.

10. There will be few, if any, long term benefits derived from separately metering the building, given the unique needs of the Project's tenant population.

11. If separate metering and billing is required, the tenants will not realize material additional benefits and the Petitioner will incur additional costs to manage and administer the Project. In addition, direct payment of utility services by tenants will most likely result in one or more interruptions in the delivery of utility services, a result that will certainly impede Petitioner's efforts to help these individuals transition to a stable housing environment.

12. The Commission should grant a waiver of the separate meter requirement in accordance with 83 Ill. Admin. Code Part 430.130(e), as the long-run benefits of separate metering are outweighed by the associated costs, and separate metering would otherwise be impractical and unreasonable given the Project will provide housing to homeless and formerly homeless veterans of the United States Armed Forces.

13. Petitioner filed an Informal Complaint on or about June 30, 2015, which was assigned complaint no. 2015-07932.

14. A representative of the Respondent contacted Evelyn Guerrero on behalf of the Petitioner in early July 2015, and advised Ms. Guerrero that the Respondent does not have any

objection to, and would not contest a formal complaint for, a request for a single meter for this Project.

15. Petitioner is willing to waive its right to a hearing in order to help expedite the processing of its Formal Complaint and waiver request.

16. Petitioner is aware of at least two (2) prior precedents in which the Interstate Commerce Commission waived the separate meter requirement for multifamily residential rental housing financed with federal low income housing tax credits (among other sources) for substantially similar reasons: (i) Community Housing Partners XIV.LP and Chicago Community Development Corp. v. Commonwealth Edison Company, Formal Complaint No. 13-0489; and (ii) Jane Genzel v. Central Illinois Light Company d/b/a AmerenCILCO, Formal Complaint No. 07-0170.

WHEREFORE, Petitioner Sacramento and Thomas Limited Partnership hereby requests that the Illinois Commerce Commission issue the following with respect to 65th Infantry Regiment Veterans Housing, 1045 N. Sacramento Avenue, Chicago, Illinois:

(a) an order waiving the separate metering requirements of 83 Ill. Admin. Code Part 410.130(a);

(b) an order waiving the requirements of Commonwealth Edison Company's separate metering requirements set forth on Tariff Sheets 144 and 145 of Commonwealth Edison Company's Schedule of Rates for Electric Service; and

(c) for such other relief as is just and equitable.