

OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION
FORMAL COMPLAINT

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

For Commission Use Only:
Case: 15-0553

ORIGINAL

Regarding a complaint by (Person making the complaint): Kathryn Broom and Nathan Buikema

Against (Utility name): Commonwealth Edison Company

As to (Reason for complaint) _____
Backbilling
Failure to base bill on actual readings

in Chicago Illinois.

CHIEF CLERK'S OFFICE
JUN 01 - 1 P 1:31
ILLINOIS COMMERCE COMMISSION

TO THE ILLINOIS COMMERCE COMMISSION, SPRINGFIELD, ILLINOIS:

My complete mailing address is (include City) 2315 North Leavitt, Apt. 1R Chicago, IL 60647

The service address that I am complaining about is 2315 North Leavitt, Apt. 1R, Chicago, IL, 60647

My home telephone is [815] 790-7809

Between 8:30 A.M. and 5:00 P.M. weekdays, I can be reached at [815] 790-7809

My e-mail address is Nathan.Buikema@gmail.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. 280.90, 83 IL Admin. 280.100

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 enclosed

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

See enclosed

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: 9/30/2015
(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.

Nathan Buikema
2315 N. Leavitt, Apt. 2R
Chicago, IL 60647

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

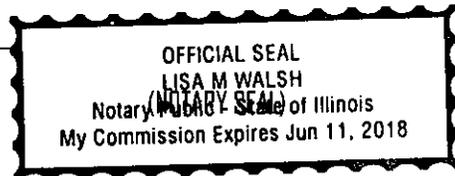
A notary public must witness the completion of this part of the form.

I, Nathan Buikema, 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) 9/30/2015

Lisa M Walsh
Signature, Notary Public, Illinois



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

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

Kathryn Broom and Nathan Buikema,)
)
Complainants,)
)
v.)
)
Commonwealth Edison Company,)
)
Respondent.)

COMPLAINT

Now come Complainants, Kathryn Broom and Nathan Buikema, by and through their attorney, Nathan Buikema, and complain of Respondent, Commonwealth Edison Company, as follows:

DESCRIPTION OF PARTIES AND JURISDICTION

1. Kathryn Broom and Nathan Buikema are natural persons residing in the State of Illinois are over eighteen years age and competent to sue.
2. Respondent, Commonwealth Edison Company (“Respondent”), is an electric company operating within the State of Illinois.
3. On August 10, 2015, Kathryn Broom and Nathan Buikema filed Informal Complaint number 1377-2015 with the Illinois Commerce Commission.
4. On September 2, 2015, Respondent responded to Informal Complaint Number 1377-2015.
5. The Illinois Commerce Commission has jurisdiction to hear this matter pursuant to 220 ILCS 5/1-101, et. seq..

COMMON FACTUAL ALLEGATIONS

6. Kathryn Broom and Nathan Buikema reside in Apartment 1R of the property commonly known as 2315 North Leavitt, Apartment 1R, Chicago, Illinois 60647 (the "Property").

7. The Property is a multi-unit apartment building consisting of eight separate dwelling units.

8. Kathryn Broom has resided in Apartment 1R of the Property since September 2012.

9. Nathan Buikema has resided in Apartment 1R of the Property since September 2014.

10. When Kathryn Broom moved into Apartment 1R of the Property and on several occasions from September 2012 through September 2014, Kathryn Broom contacted Respondent to try to establish an electrical service account but was repeatedly told that an electrical service account could not be established for Apartment 1R at the Property.

11. On or about May 13, 2015, Respondent replaced the all of the analog meters at the Property with AMI smart meters.

12. On June 30, 2015, Kathryn Broom established an electrical service account with Respondent for Apartment 1R at the Property.

13. On July 22, 2015, Respondent issued a billing statement to Kathryn Broom and Nathan Buikema for electrical service at Apartment 1R at the Property for the period of time covering August 11, 2014 through May 13, 2015 in the amount of \$1,414.85. A true and accurate copy of said bill is attached hereto and incorporated herein as Exhibit A.

COUNT I – FAILURE TO COMPLY WITH 83 ILL. ADMIN. 280.90

14. Kathryn Broom and Nathan Buikema re-allege and incorporate the allegations contained in paragraphs 6-13.

15. The Property has been managed by MO2 Properties, LLC, since 2009.

16. Until 2009, Peak Properties, LLC was responsible for managing the property. See the Affidavit of Michael Zucker, which is attached hereto and incorporated herein as Exhibit B.

17. The electrical meters for the Property are located inside of the front garden apartment.

18. The electrical meters at the Property can only be accessed by obtaining entry to the Property through the common door to the building and then by obtaining access to the front garden apartment unit.

19. On information and belief, Respondent's business practice is to update its records regarding meter readings, including information about how to access meters, when changes are made to a file or location.

20. All of Respondent's files regarding the electrical meters at the Property direct any technician seeking to read a meter at the Property to contact Peak Properties, LLC.

21. Pursuant to 83 Ill. Admin. 280.90, Respondent was required to take actual readings of the analog meters at the Property, including Apartment 1R, by sending a technician to physically obtain readings from the meter until Respondent installed AMI smart meters at the Property on or about May 13, 2015.

22. Respondent could not have accessed the analog meters at the Property to obtain actual readings because Peak Properties, LLC, has not managed the Property and has not had access to the Property since 2009. See, Exhibit B.

23. Respondent should not be allowed to collect fees from Kathryn Broom and Nathan Buikema for electrical service from August 11, 2014 through May 13, 2015 because Respondent did not obtain actual readings during that time period and can no longer obtain an actual reading because the analog meters were removed on May 13, 2015.

WHEREFORE, Claimants, Kathryn Broom and Nathan Buikema, respectfully request that the Illinois Commerce Commission find:

1) That the Respondent, Commonwealth Edison Company, has violated 83 Ill. Admin. 280.90 by failing to take actual readings of the meters at the property commonly known as 2315 North Leavitt, Chicago, Illinois 60647;

2) That Respondent, Commonwealth Edison Company, be barred from collecting from Kathryn Broom and Nathan Buikema fees for electric service, including any corresponding late fees and charges, for the period covering August 11, 2015 through May 13, 2015, as a result of its violation of 83 Ill. Admin. 280.90.

COUNT II – 83 ILL. ADMIN. 280.100 DOES NOT AUTHORIZE RESPONDENT TO BILL KATHRYN BROOM AND NATHAN BUIKEMA

24. Kathryn Broom and Nathan Buikema re-allege and incorporate the allegations contained in paragraphs 6-13.

25. On information and belief, Respondent only discovered unbilled electrical service at the Property after Kathryn Broom contacted Respondent in an attempt to establish an electrical service account.

26. Respondent could have billed Kathryn Broom and Nathan Buikema for electrical service at the Property but for Respondent's own negligence.

27. The stated intent of 83 Ill. Admin. 280.100 is to allow utility companies to bill and obtain payment for services that were previously unbilled due to errors in measuring or calculating a customer's bill.

28. Respondent's unbilled charges to Kathryn Broom and Nathan Buikema were not caused by an error in measuring or calculating Kathryn Broom and Nathan Buikema's bill.

29. Rather, Respondent's unbilled charges were caused by Respondent's failure to contact Kathryn Broom to inform her that she could establish an electrical service account.

WHEREFORE, Claimants, Kathryn Broom and Nathan Buikema, respectfully request that the Illinois Commerce Commission find the following:

1) 83 Ill. Admin. 280.100 does not permit Respondent, Commonwealth Edison Company, to bill Kathryn Broom and Nathan Buikema for electrical service for the period of time from August 11, 2014, through May 13, 2015;

2) That Respondent, Commonwealth Edison Company, be barred from collecting \$1,414.15, and any corresponding late fees and charges incurred from August 11, 2014 through May 13, 2015, from Kathryn Broom and Nathan Buikema.

COUNT III – RESPONDENT CONTINUES TO VIOLATE 83 ILL. ADMIN 280.90

30. Kathryn Broom and Nathan Buikema re-allege and incorporate the allegations contained in paragraphs 6-13.

31. On August 28, 2015, Respondent issued an electrical services bill to Kathryn Broom and Nathan Buikema for the time period covering July 10, 2015, through August 10,

2015. A true and accurate copy of this electrical services bill is attached hereto and incorporated herein as Exhibit C.

32. On September 14, 2015, Respondent issued an electrical services bill to Kathryn Broom and Nathan Buikema for the time period covering August 10, 2015, through September 11, 2015. A true and accurate copy of this electrical services bill is attached hereto and incorporated herein as Exhibit D.

33. Despite having the ability to obtain actual readings remotely through the AMI smart meters that were installed at the Property on or about May 13, 2015, Respondent has issued two consecutive billing statements that are based upon estimated electrical usage readings.

34. Pursuant to 83 Ill. Admin. 280.90(b)(1), Respondent is required to perform an actual reading at least every second billing period.

35. Based upon Respondent's billing statements, Respondent has failed to comply with 83 Ill. Admin. 280.90.

36. On September 18, 2015, Kathryn Broom and Nathan Buikema tendered a payment in the amount of \$343.24 to Respondent, of which \$115.00 constituted payment of the electrical services bill that was issued on August 28, 2015.

WHEREFORE, Claimants, Kathryn Broom and Nathan Buikema, respectfully request that the Illinois Commerce Commission find the following:

1) That the Respondent, Commonwealth Edison Company, has violated 83 Ill. Admin. 280.90;

2) That Respondent, Commonwealth Edison Company, be barred from collecting fees for electric service, including any corresponding late fees and charges, for the period

covering July 10, 2015 through September 11, 2015, as a result of its violation of 83 Ill. Admin. 280.90;

3) That Respondent, Commonwealth Edison Company, be ordered to refund Kathryn Broom and Nathan Buikema the \$115.00 that they have paid to Respondent;

4) That Respondent, Commonwealth Edison Company, be ordered to take an actual reading of the electrical service usage for Kathryn Broom and Nathan Buikema's account.

Respectfully Submitted
Kathryn Broom and Nathan Buikema,

By Their Attorney, Nathan Buikema

Nathan Buikema
ARDC #6302969
2315 North Leavitt, Apt. 1R
Chicago, Illinois 60647

VERIFICATION

STATE OF ILLINOIS)
)
COUNT OF COOK) SS

I, Nathan Buikema, being first duly sworn on oath, depose and state pursuant to 735 ILCS 5/2-605, that I am a Complainant in the above title cause and the attorney for Kathryn Broom; that I have read the foregoing Complaint; that the matters set out therein are true to the best of affiant's knowledge, information and belief.

Nathan Buikema

Subscribed and Sworn to
Before me this 30th day
Of September, 2015.

Lisa M Walsh
NOTARY PUBLIC

