

OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION

15-0632

ORIGINAL

For Commission Use Only:
ILLINOIS COMMERCE
COMMISSION

FORMAL COMPLAINT

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

2015 DEC -9 A 11:43

CHIEF CLERK'S OFFICE

Regarding a complaint by (Person making the complaint): Marcos Armando Resendiz

Against (Utility name): Commonwealth Edison

As to (Reason for complaint) See attached Exhibit "A"

in Chicago Illinois.

TO THE ILLINOIS COMMERCE COMMISSION, SPRINGFIELD, ILLINOIS:

My complete mailing address is (include City) 4242 S. Maplewood Avenue , Chicago Illinois 60632

The service address that I am complaining about is 4242 S. Maplewood Avenue, Apt 2, Chicago, Illinois 60632

My home telephone is [773] 542-3668

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

My e-mail address is resendiz.marcos@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.
Administrative Code Title 83 Part 280 subpart C.

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 "A"

Please clearly state what you want the Commission to do in this case:
See Attached Exhibit "A"

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: 12/7/15 Complainant's Signature: *Marcos A. Resendiz*
(Month, day, year)

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, Marcos A. Resendiz, 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.

Marcos A. Resendiz
Complainant's Signature



Subscribed and sworn/affirmed to before me on (month, day, year) December 7, 2015

Geraldine Maxwell
Signature, Notary Public, Illinois

(NOTARY SEAL)

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

Exhibit A

Now comes Marcos A. Resendiz, complainant, and requests this Honorable Court to review the interpretation of Title 83 of the Administrative Code, Section 280, Subpart C – Deposits, and issue an order that the Deposit section of the Administrative Code shall be read to mean that a deposit shall be calculated using a customers annual bill and therefore complainants deposit should be calculated by using his annual statement of service.

BACKGROUND

1. My name is Marcos Armando Resendiz and I live at 4242 S. Maplewood Avenue in Chicago.
2. I am a self-employed legal para-professional and earn a majority of my income as a law clerk for Attorneys.
3. My receipts are not on a determinable schedule and vary depending on court orders or law office payroll.
4. On or about October 1, 2015 I moved into a new apartment.
5. The apartment is located in the County of Cook, 4242 S. Maplewood Avenue, in Chicago, Illinois.
6. The apartment is in the building I own with the same address.
7. The electricity in this apartment was active prior to moving in.
8. I contacted Commonwealth Edison (“ComEd”) to transfer my existing service to the new apartment to ensure there was accounting for service provided to me.
9. Prior to this transfer my account balance was \$0.
10. Prior to transferring service to my new apartment I was not required by ComEd to pay a deposit for service to my unit.
11. As a result of transferring my service, “ComEd” required that I pay a deposit of approximately \$200.
12. I contacted a ComEd support representative to inquire about the required deposit.
13. The customer support representative stated that due to my irregular payments I was mandated by ComEd to provide a deposit. The deposit would be approximately \$200 based on estimated annual charges.
14. A supervisor with ComEd stated that the charges were irreversible and the charges were based on the estimated annual charges to the premises.

15. A representative with the Illinois Commerce Commission ("ICC") stated that the charges were based on annual estimated charges to that premises. The representative cited Part 280 of the administrative code governing deposits.
16. Part 280 of the administrative code, specifically 280.40(c) states in pertinent part that, "...deposits shall not exceed 1/6 of the estimated annual charges for service to that customer."
17. I indicated to ComEd and ICC that 1/6 of my estimated annual charges should not exceed approximately \$100. It was my contention that the language "service to that customer" to mean that this cost would be 1/6 of my annual bill. My annual bill for November 2015 through November 2015 was \$600. This means the required deposit, if any, would amount to approximately \$100.
18. Both ComEd and ICC interpret the aforementioned language to state that the deposit required is 1/6 of the estimated annual charges to the premises.
19. I indicated to both ComEd and ICC that if the drafters of the Administrative Code wanted the language to convey their interpretation of the code, they would have included the word "premises".

DEMAND FOR RELIEF

Wherefore, petitioner, Marcos A. Resendiz respectfully requests an order;

1. Stating that the language as written by the drafters under Section 280.40 of Title 83 of the administrative code is read to mean that, "1/6 of the service to that customer" is given its plain meaning
2. The deposit charged to my account be set to comply with the Administrative Code.
3. That my account be set to irregular payments not a fixed date.