

**ORIGINAL**

STATE OF ILLINOIS



**OFFICIAL FILE  
ILLINOIS COMMERCE COMMISSION**

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2016 MAR 23 A 10:58

March 16, 2016

CHIEF CLERK'S OFFICE

Marcos Armando Resendiz

-vs-

Commonwealth Edison Company

15-0632

Complaint as to customer deposit in Chicago, Illinois.

**AMENDED COMPLAINT**

Complainant, Marcos A. Resendiz, moves to amend his complaint filed on December 7, 2015, and in support thereof represents to the Illinois Commerce Commission, under penalty of perjury:

**COUNT I (REQUEST FOR DECLARATORY RULING)**

**STATEMENT OF FACTS**

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.
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. The mean monthly services charges for me are between \$62.50 and \$74.50. (Exhibit A).
13. My annual services charges according to ComEd are between \$774.00 and \$894.00. (See Exhibit A).
14. I contacted a ComEd support representative to determine ComEd's basis for the deposit.
15. 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.
16. The representative state that the deposit would be approximately \$200 for the following reasons;
  - a. Even though my balance was \$0, my payments were tendered irregularly I was required to pay the deposit;
  - b. That ComEd has authority to charge a deposit to customers; and
  - c. Deposit amount was based on services to the premises.
17. I requested to speak to someone from the office of the president for further clarity of my service charges.
18. A representative from the office of the president contacted me and stated the following;
  - a. The deposit requirement was accurate according to my billing history; and
  - b. That ComEd was authorized to charge the deposit because of my billing history.
19. After the conversation with the office of the president I contacted the Illinois Commerce Commission ("ICC") Consumer Services Division to inquire about what I considered to be an unfair deposit.
20. A representative from the ICC contacted me about my issue with ComEd to stated the following;
  - a. Utilities are authorized to charge a deposit to customers who have been late in paying for their services.
  - b. The basis for charging a deposit derives from Section 280.40 of the Administrative Code.
  - c. ComEd is accurate in its application of Section 280.40 of the Administrative Code.
21. On November 29, 2015 I filed a complaint with the Citizen Utility Board. (Exhibit B).
22. On December 7, 2015 I filed a complaint with the ICC.

## GROUNDS

23. Part 280 of Title 83 Chapter I Subchapter B 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."

24. I indicated to ComEd and ICC that 1/6 of my estimated annual charges should not exceed approximately \$150. It was my contention that the language "service to that customer" to mean that this cost would be 1/6 of my annual service charges. As stated in paragraphs 12 and 13, the deposit required by ComEd should not have exceeded \$149.00.
25. Both ComEd and ICC interpret the Section 280.40(c) to state that the deposit required is 1/6 of the estimated annual charges to the premises.
26. 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 phrase "to the premises".

#### DISCLOSURE OF COMPLAINANTS INTEREST

27. ComEd's interpretation of the deposit requirement caused me to freeze funds that would ordinarily be available to me.
28. ComEd's misinterpretation of the relevant section has caused me a loss of permanent gains and profits, and I have incurred late charges on my ComEd bill.
29. Due to ComEd miscalculating the relevant section I have spent considerable time resolving this dispute.
30. If a declaratory ruling is given, any future misinterpretation, miscalculation, or oversight in applying the relevant section will be redressible by the Illinois Commerce Commission or the Courts.

#### DECLARATORY RULING

WHEREFORE, complainant request that the Illinois Commerce Commission by and through the authority provided under Title 83, Chapter 1, Subchapter B, Part 200, Section 200.220, issue a declaratory ruling stating that the language under Title 83 Sub Chapter B Part 280, Sub Part C, 280.40 (C)(1), more specifically, "Residential and small business customer deposits shall not exceed 1/6 of the estimated annual charges for the service to that customer." be given its plain meaning.

#### **COUNT II (Dismissed Per hearing held on 2/8/2016)**

#### **COUNT III (COMPLAINANT BE GIVEN A PREFERRED PAYMENT DATE)**

31. Plaintiff repeats and realleges paragraphs 1-25 of Count I as paragraphs 1-25 of Count III

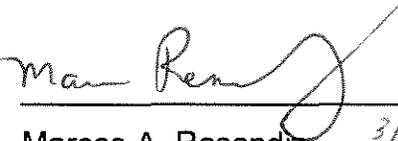
## GROUNDS

32. Section 280.70(a) of the Administrative Code states in pertinent part that, "An eligible residential customer who is billed monthly and who can demonstrate that his or her primary source of income is derived from a benefit that is received during the 10 day period after the customer's regular due date shall be entitled to a preferred payment date to enable the customer to submit timely payments.
33. Title 83 Chapter I Subchapter B the Administrative Code, Section 280.70(b) states in pertinent part that, "Notification: When a customer pays late two times in a 12 month period, the utility shall notify the customer of the availability of a preferred payment date.
34. At no point did ComEd provide me with "Notification" as stated in section 280.70(b) of the Administrative Code.

## DISCLOSURE OF COMPLAINANTS INTEREST

35. Due to ComEd's failure to provide me with notification as provided under the relevant section I was unable to exercise my option for a preferred payment date.
36. By failing to provide me with notification ComEd has deprived me of my entitled preferred payment date as provided in section 280.70(a).

WHEREFORE, complainant request that the Illinois Commerce Commission by and through the authority provided under Section 10-101 of the Public Utilities Act, issue an order directing Commonwealth Edison to provide me with a preferred payment date as stated under Title 83 Chapter I Subchapter B the Administrative Code, Section 280.70(a).

  
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Marcos A. Resendiz 3/21/16

Marcos A. Resendiz  
4242 S. Maplewood Avenue  
Chicago, Illinois 60632  
773-542-3668  
[resendiz.marcos@gmail.com](mailto:resendiz.marcos@gmail.com)  
(I will accept documents by electronic means)





ILLINOIS COMMERCE COMMISSION

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March 21, 2016

Marcos Armando Resendiz

-vs-

Commonwealth Edison Company

15-0632

Complaint as to customer deposit in Chicago, Illinois.

NOTICE OF FILING

TO ALL PARTIES OF INTEREST:

Notice is hereby given by Marcos A. Resendiz that enclosed is my Amended Complaint for the above referenced matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Marcos A. Resendiz".

Marcos A. Resendiz

Marcos A. Resendiz  
4242 S. Maplewood Avenue  
Chicago, Illinois 60632  
773-542-3668

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