

**OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION**

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

ORIGINAL
ILLINOIS COMMERCE
COMMISSION

2016 MAY 13 A 10:44

CHIEF CLERK'S OFFICE

Quinshela Wade
Plaintiff
vs

CASE 16-0243

Commonwealth Edison et al
Defendant

Administrative Law Judge, Leslie D Hayne

Hearing Date _____

Hearing Time _____

NOTICE AND MOTION FOR SUMMARY JUDGMENT

Pursuant to 735 ILCS 5/2-1005 Motion for Summary Pursuant to, 735 ILCS 5/2-610, Pursuant to Illinois Supreme court Rule (SCR) 182, and 183 and the United State Constitution

The Motion is based upon and supported by 735 ILCS 5/2-610, the Law, Memorandum Points and authorities Pleadings, paper, exhibits, on file, State Of Illinois Commerce Commission order #13 0552by the Commission Re; Commonwealth Edison Tariffs filed September 20, 2013, approval by Commission February 5, 2014. 19Pages attach, The constitution both State and Federal.


Quinshela Wade
8051 S. Dorchester
Chicago IL 60619

With Attachment

Service List

I Certify that a true and accurate copy of Notice and Motion for Summary Judgment, mail ~~SPR~~ ^{MAY} 11 2016
To : Illinois Commerce Commission Chief Clerk, 527 E. Capitol Avenue, Springfield Illinois 62701,
Leslie D Haynes, Administration Law Judge Illinois Commerce Commission 160 N. LaSalle St., Ste C-
800, Chicago IL 60601,...Rebecca A Graham Atty for Commonwealth Edison Company, 115 S. LaSalle
St Ste 2600 Chicago IL 60613,..... Mark L Goldstein Atty for Commonwealth Edison Company 3019
Province Circle Mundelein, IL 60060, and..... Thomas S. O'Neil Sr, Vice President & General Counsel
Common wealth Edison Company, 440 S. La Salle St Ste. 3300 Chicago IL, in the united State mail
before 5:00 p.m.

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

Quinshela Wade
Plaintiff
VS

2016 MAY 13 A 10:44

CASE 16-0243
CLERK'S OFFICE

Administrative Law Judge, Leslie D Haynes

Commonwealth Edison et al
Defendant

MEMORANDUM IN SUPPORT OF MOTION
FOR SUMMARY JUDGMENT

Now Come Quinshela Wade, "Plaintiff," Pursuant to 735 ILCS 5/2-1005 Motion for Summary Pursuant to, 735 ILCS 5/2-610, Pursuant to Illinois Supreme court Rule (SCR) 182, and 183 and the United State Constitution and for all the reasons herein stated Plaintiff is entitle to Summary Judgment as a matter of law, The undisputed facts in this case require judgment to be entered in favor of the party, there is no material issues of facts remaining to be tried. Commonwealth Edison ("Edison"), Refusal Charge is unconstitutional illegal and infringes on Constitutional protected right In 2015

1. I am not an attorney, Requesting that is court do not hold me at the same stander as a practicing attorney.

2. Plaintiff incorporated all her complaints/claims exhibits filed with the State of Illinois Commerce Commission ("Commission"), as part of this documents including State of Illinois Commerce Commission("Commission") Order, (Exhibit A) dated February 5th, 2014 regarding ComEd Submission of rider Nam, Non AMI file with the Commission on September 20, 2013, and the two page documents ILL. C.C. No.10, filed with the commission on October 30, 2015 title "Electricity Rader Nam Non AMI Metering sheet No.444 and 445" (See ex B&C) given to the Administrative Law Judge, (" ALJ"), at the Pre-hearing on April 27, 2016. Below are documents Plaintiff submitted with her Claim/complaint when she file for a formal Hearing dated March 31, 2016 with the Commission and Commonwealth Edison, which are to be included in Plaintiff support.

(a). Plaintiff's formal complaints to Illinois Commerce Commission ("") (5pg) Filed 3/16/2016

(b) Plaintiff's Notice of right of self defense against digital utility meter, demand to cease and desist to Christopher M. Cane, CEO or President or Chairman of the Board of General Manager of ComEd an Exelon Company,

- (c). Plaintiff's Continuation of my complaint to cease and Desist, Cease to:
 - (d) Commonwealth Edison Mr. Przytuaki,...
 - (e) Illinois Commerce Commission Doug Scott, Chairman,...
 - (f) To Illinois Citizen Utility Board Mr. David Kolata Executive Director,
 - (g) Illinois Attorney General: Lisa Madigan,

Plaintiff is Entitled to Summary Judgment.

3. Plaintiff Summary judgment should be granted because all the allegation in the Plaintiff claim is undisputed and is support by the laws.

Statement of Facts

The following fact are not dispute:

4. The plaintiff is entitled to summary judgment as a matter of law, ComEd fail to present evidence to the contrary of Plaintiff Claim/Complaints.

5. ComEd fail to file and answer within the 21 days, allow for filing. Pursuant to Illinois Supreme court Rule (SCR) 182 and did not request an extension pursuant to SCR 183. in fact ComEd never file an answer to the Plaintiff complaint. Pursuant to 735 ILCS 5/2-610, Every allegation not explicitly denied is admitted. ComEd has affirm that the allegation in the Plaintiff claim/ complaint is true, therefore the Plaintiff is "entitled to a judgment as a matter of law" because the ComEd has failed to make a sufficient showing on an essential element of its case with respect to which it has the burden of proof. Plaintiff file her claim on March 31, 2016 no answer has been file by ComEd. Laches; A failure to do something which should be done or to claim or enforce as right at a proper time
Hutchinson v. Kenney C.C.A.N.C., 27F.2d 254,256

Pre- Hearing

6. Plaintiff receive a notice dated April 4, 2016, from the Commission, to attend a pre-hearing on April 27, 2016, To appear before Administrative Law Judge ("ALJ").

7. Plaintiff appear at the hearing on April 27, 2016, on this date two attorney from two difference law firm inform Plaintiff they were as both representing ComEd. Also attend was a ComEd employer. All fail to Notify the plaintiff before the April 27 2016 hearing, that they would be appearing on or representing ComED at the pre- hearing. And none has file a answer to plaintiff Claims.

8. On April 27, 2016 both counsel for ComEd informing the Administrative Law Judge ("ALJ") ComEd that they was not willing to negotiate, they will be filing a motion to dismiss.
(a) ALJ Gave ComEd, May 18, 2016, to file a motion to dismiss.
(b) ALJ, gave Plaintiff, July 20, 2016, to file a reply to ComEd motion to dismiss.
(c) ALJ, gave ComEd August_ =2016, to reply to Plaintiff reply

9.. On April 27, 2016, ComEd employee, Submitted to the ALJ, two pages documents(Rider Nam Non AMI Metering, Page sheet No 444 and 445. No other documents was presented See exhibit B and C.

10. At the Pre-hearing April 27, 2016, ComEd inform and threaten to file a motion to Dismiss , if the Plaintiff refuse to except smart meter on her property, indicating that the illegal and unconstitutional refusal Charges will continue. this demonstrated why Plaintiff claims are warranted summary judgment under well-establish Illinois Constitutional jurisprudence and under the U.S Constitution, The Plaintiff undisputed facts compel the plaintiff to seek Summary judgment.

LEGAL ARGUMENT

. THE PLAINTIFF'S RIGHT TO REFUSE TO PAY A REFUSAL FEE/CHARGE IS PROTECTED BY THE 1st, 4th, 6th, 9th, 13th and 14th AMENDMENT TO THE UNITED STATES CONSTITUTION , AND OF THE ILLINOIS CONSTUTION PLAINTIFF HAS A LEGAL CONSITUTION RIGHT TO REFUSE.

11. In addition, the Plaintiff is entitled Summary Judgment relief because there is a Federal and State constitution violation on its face and as applied impermissibly chilled Plaintiff constitutionally protected rights to the Amendments of the Constitution State and Federal and the law.

No Unconstitutional Action Can BE Upheld

12. There is a constitution protection interested in refusing unwanted unsafe smart meter and refusing to pay a refusal charge/fee. Plaintiff have a Constitutional right to refuse and that right outweigh any countervailing State or Commonwealth Edison and the Illinois Commerce Commission interested...Plaintiff is not a criminal Pursuant to the 6th Amendment of the constitution, only criminal can be treated like a Slave, The Plaintiff is not a slave Pursuant to the 13th Amendment slavery has been entirely abolish, Congress proposed this amendment, which also gave Congress specific authority to enforce the amendment by legislation. Under these provisions, Congress has legislated against slavery-like conditions, such as peonage. Plaintiff has a constitutional rights to refuse, not pay refusal. charge for refusing.

Commission Can Not Create Law

13. ComEd and the Illinois Commerce Commission can not create a law or mandate forcing Plaintiff to pay an unconstitutional refusal charge/fee. There is no law that stated that Plaintiff have to pay a penalty for refusing. There is no refusal Law. Plaintiff dose not have to pay to utilize her constitutional rights.

14. Under the law, the commission can not promulgate regulation concerning citizen constitution protected rights, any such regulation do not have preemptive effect. See, eg Hillsbrogh County v. Automated Medical laboratories 471 U.S 707. 713 (1985),

15. The Commission approval of ComEd's "Tariff" Dated February 5, 2014 Violate Illinois constitution Due process Clause (Art 1 sec 2 and Private Clause (Art 1 sec 6) It is a familiar and well-established principle that the Supremacy Clause, U.S. Const., Art. VI, cl. 2, invalidates state laws that "interfere with, or are contrary to," federal law. Gibbon v. Ogden, 9 Wheat. 1, 22 U. S. 211 (1824) (Marshall

16. The ComEd Tariff Submitted September____ - 2013 and approval by the commission February 5, 2014 with respect to refusal charge has no legal force or effect of the law. Because it violated Constitution rights. (See exhibit A) No one has jurisdiction to force the Plaintiff into paying a refusal charge for refusing to allow ComEd to place a Smart Meter on her Home. Plaintiff challenge the jurisdiction of any who claim such jurisdiction and authority.

17. The commission can not obfuscate a mandate by imposing a law, statute that dose not exist, by changing the obligatory nature of words. And ComEd can not act upon a law, statute that dose not exist. ComEd can not force the threaten the plaintiff into a contract.

18. The commission has a legal duty under the Constitution and Illinois Law to comply with the United State constitution and the state of Illinois faithfully discharge the duty of office, as provided by the law, Prevent violation of the Constitution rights and protection of the citizen of and in Cook County Illinois Cp mst Art XIII sec 3 and 55 ILL Comp stat Sec 5/3- 6004 and 5/13-6021.

19. Commission Approving Refusal Charge violate Plaintiff protected constitution rights, and infringe on her constitution rights.

20. Even Congress dose not have plenary power to enact statute that violated constitution protected rights.

21. ILL. CONST. art. I, § 6 ("The people shall have the right to be secure in their persons, houses, papers, and other possessions against unreasonable searches, seizures, invasions of privacy or interceptions of communications by eavesdropping devices or other means.")

22. Congress sign the Constitution as officer of the government to uphold the constitution and as representatives of the people #566132. ComEd nor the Commission has authority or jurisdiction under the law to force Plaintiff to except any thing by force including imposing a \$21.53 refusal Penalty for refusal a Smart meter her home pay a refusal Penalty.. There is no law that can penalizing the Plaintiff and, force the Plaintiff to pay a refusal fee for refusing ComEd a smart meter on her home, have under several laws and Constitution protect rights 1st 4th, 14th, 9th and 13 amendment

of the constitution of the United States, and under Article VI paragraph 2 of the United State Constitution States.

23. Article VI paragraph 2 of the United State Constitution States: The constitution shall be the supreme law of the land, and the judge in all state shall be bound. (To uphold the constitution.

24. Any law, that come in conflict with the constitution is a nullity, no judge can enforce it and no court can uphold it and it dose not exist in law, it bar no right to obey and is enforceable in any court. ComEd tariff, and the Commission approval is in conflict with the Constitution. .

SMART METER NOT MANDATES

25. SMART METER BILL 2685 July 11, 2013, 113th Congress 2013-2015, DIE Status: **Died in a previous Congress**Smart Meter bill was introduced on July 11, 2013, in a previous session of Congress, but was not enacted.

26. A law enacted by the legislative branch of a government is a law and even that law could be challenged in court. Smart meter refusal charge is not the law. Smart meter and Smart Meter refusal Charge/ fee is illegally being enforce upon the Plaintiff, under the color of the law, and the obligatory interpretation ComEd meaning of the Illinois Commerce Commission that all ComEd customer are to receive a smart meter.”

27. SMART METER IS NOT FEDERAL MANDATED. Any mandate between ComEd and the Commission , is only a MANDATE, and a MANDATE is not the law, and will never be, as a Mandate is only an instruction and cannot lawfully be force on anyone A On April 27, 2016, at the pre-hearing, ComEd obfuscate that the commission order falsely implying that \$21.53 was mandatory nature by implying there is a law ,statue that dose not exist changing the obligatory nature of words. While presenting only Two Page from ComEd Tariff. Order to falsely imply that there is a law and mandated approval by the commission, When No Such a law or mandated dose not exist. Federal or State. See exhibit A)

28. According to Illinois Public Utility Act forcing a customer to take a Smart Meter by charging a refusal fee is illegal. This section took effect in 1997and has not been change.

29. Smart meter refusal charge/fee is also a violation of Article VI Par 2 of the United State Constitution.

30. Smart Meter refusal charge/ fee is illegal, Section 16-124 states “ An electric utility shall not require a residential or small commercial - retail customer to take additional metering or metering capability as a condition of taking delivery service” (source PA.90-561,eff12-16-97. Further, the “ all customer” language in the Illinois public Utility Act Section 16-108.6 refers to the Utility Company AMI Deployment Plan, not to customer’s acceptance of meter, The crime of obtaining something such as money, and

31. According to the Commission Docket No. 13-0552, meeting minutes for the February 5, 2014 Commission, meeting in Chicago the Commission sets a refusal charge for the purpose of “incentivizing” (Forcing). Smart meter Acceptance. such action is illegal.

32. COMMISSIONER del Valle: The statement added to the commission and Analysis and conclusion section on page 13 of the proposed Order. It read as follow; **“Purpose of this charge (refusal charge)is primarily to motivate (“force”) customer to switch while also avoiding that socialization of costs incurred by customers’ refusals”**. In the interest of transparency and to insure that this tariff (ComED tariff) has the desired effect, the Commission directs ComEd to make it absolutely clear that the charge is a penalty assessed as a consequence of customer refusal. The Commission recommends smart meter refusal charge as the language. (See ___ ICC Order 13-0552 pg 13) this is a clear violation of Plaintiff protected Constitution rights.

33. The Commission rate setting for Smart Meter Refusal Charge is illegal as it conflicts with the Illinois Public Utilities Act. Section 16-124 Further , the all customer language in the Illinois public utility Act Section 16- 108-6 refers to the utility company’s (ComEd)AMI deployment Plan not the customer’s acceptance of the Smart meter. Admitting that the refusal Charge of \$21.53 is to “ motivate”, mean they both ComEd and Commission purpose is “extortion” the crime of obtaining something such as money or information by using force, threats or other unacceptable methods

34. Any Smart Meter Refusal Charge impose on the Plaintiff by ComEd and approval by the Commission is preempted by federal law, and therefore violates the Supremacy Clause of the U.S. Constitution - The Supremacy Clause is a clause within Article VI of the U.S. Constitution which dictates that federal law is the "supreme law of the land" – and law statue ordnance that is contrary shall not stand.

Force and BlackMail

35. As part of a ruling Commission issued on February 5, 2014 “ customer can refuse to have smart meter installed at a cost of \$21.53 per month, The ComEd and Commission set a unconstitutional refusal charge for the purpose of forcing Smart meter acceptance.

36. According to Commission staff, “one purpose of the meter reading charge (Smart meter refusal Charge) is to “encourage (Force and Blackmail) customer to accept the AMI meter(Smart Meter)” Commission order February 5, 2014

37. The Commission further States” that the purpose of this charge (\$21.53) is primarily to motivated(force blackmail Customers to switch, (Commission order February 5, 2014 *Exhibit A pg 13,14 and 10 thru 18.*)

38. The Commission Further states In the interest of transparence and to ensure that this (ComEd Tariff) has the desired effect, The Commission directs ComED to make this charge a separate line item in each customer’s bill and use the language for that line item to make it absolutely clear that the charge (refusal Charge is a penalty assessed as a consequence of the Customer’s refusal The commission recommends “Smart Meter refusal Charge. Commission order February 5, 2014. (*Commission order Exhibit A pg A pg 13 and 10 thru 18.*),)

39 Commission states “ the purpose is to make sure ComEd don’t have as many refusals Smart Meter refusal Charge is illegal and is unconstitutional

40. **The Commission literally encourage “penalize and punish opposition to Smart meters . (Ex A Commission order February 5, 2014 Pg 13.**

41. Article VI paragraph 2, of the U.S. Constitution states: “This Constitution and the laws of the Unites State which shall be made in Pursuance thereof: and all treaties made, or which shall be made , under the Authority of the Unite State shall be the supreme Law of the Land; and the judge in every state shall be bound thereby, any Thing in the Constitution or Law of any State to the Contrary notwithstanding”

42. ComEd nor the Commission can not convert Plaintiff Constitution Right into a privilege. Plaintiff do not have to pay for freedom.

43. Since Commission , is an administrative agency. is a creature of the legislative body from which it derives its existence and authority, any of its acts or orders, it has a duty not to uphold any act that is in conflict with the constitution and the Civil liberties of ComEd customer.

44. Nowhere in the entire statute is the Commission granted the authority to regulate any thing. which are unauthorized by the statute, or in conflict with the Unite States Constitution. Such action is void.

45. Thus, the Act statute must contain a strong indication of legislative intent to authorize the Commission to create a refusal Charge law, There is no such indication. of a force refusal charge law.

46. The Illinois General Assembly Passed Smart Grid Legislation 1652 & HB 3036

47. U.S. Energy Policy Act of 2005, sec 1252 smart Meter, Authorizes utility companies to offer consumers time-base rates via smart meter upon customer request only, Not by force or Penalty for refusing.

48. The fourth amendment, states “The right of the people to be secure in their persons, house, papers and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

49. Penalizing the Plaintiff for Refusing is unconstitutional, it violate Plaintiff Constitutional rights. ComEd Forcing the Plaintiff to except Smart meter or pay a penalty, take away Plaintiff Constitution rights to refuse, it also violation my 13th amendment. I am not a slave, It is unconstitutional and Illegal to penalizing Plaintiff for exercising her constitutional rights to refuse.

Attach is a copy of the Illinois Commerce Commission order February 5, 2014 re: Commonwealth Edison tariff filed September 20 2013.(exhibit A), ComEd index of filing with The Illinois Commerce Commission , 2016 year to Date (Exhibit B)and (C). (Plaintiff's ComEd Illegal Refusal Charge

T

The Commission Order is Repunnant to the Constitution.

50. The Illinois Commerce Commission February 5, 2014 order States "It IS FURTHER ORDER that any motion petition objections and other matters in this proceeding which remain outstanding are hereby disposed of consistent with the conclusion herein." **The Plaintiff is not a party to tariff agreement between ComEd and the commission That statement dose not apply to the plaintiff. Such statement would be a violation of plaintiff constitution rights**

51. The Illinois Commerce Commission States "IT IS FURTHER ORDERED that subject to the provisions of section 10-113 of Public Utility Act and 83 III. ADM code 200.880, this order is final; it is not subject to the administrative review law". By order of the Commission this 5th day of February 2014. (signed DOUGLAS P. SCOTT, Chairman.. **The Plaintiff is not a party to the private agreement between ComEd and the commission The above statement dose not apply to the plaintiff. Such statement would be a violation of plaintiff constitution rights** The constitution give the Plaintiff the right to petition the government, and that right can not be taken away by anyone.

52. The United State Supreme Court rule in Marbury v. Madison, any law repugnant to the constitution are automatically null and void. Any law statue Code regulation etc that penalizing Plaintiff for exercising her constitutional right is repugnant to the constitutional.

53. I am not a party to ComEd Tariff. ComEd and ComEd enter into an tariff agreement without my approval or knowledge

54. The Commission has jurisdiction over Commonwealth Edison to uphold the law and to protect all ComEd customers Customer Constitution Rights and to void/vacate any illegal act that contrary to the Constitution.

55. The has no Authority nor jurisdiction to created a law, statute, ordnance code in favor of ComEd that violated Plaintiff protected Constitution rights.

56. Plaintiff have exclusive authority over my property, to determine how her private property is used. Commonwealth Edison nor Illinois Commerce Commission has no jurisdiction to control Plaintiff property.

57. Plaintiff do not have to pay a penalty because she refuse to allow ComEd to put their Smart Meter on my property.

58. The ComEd has no legal authority under any law to use Black mail to force and penalize the Plaintiff for refusing their Smart Meter on her property. This is a violation of Plaintiff 4th Amendment protected right under of the constitution. Such action is illegal and against the law.

59. ComEd filing a tariff with the Commission dose not give ComEd jurisdiction or authority under the law to force the Plaintiff into a contract she did not consent to and did not know nothing of.. Plaintiff never gave ComEd jurisdiction over her or her property. ComED has violated the law, using Blackmail corea and penalize the plaintiff for refusing smart meter on her property

60. There is no federal or State mandate that allow ComEd to forcing Customer to pay a refusal Charge for refusing Smart meter. A refusal Charge is illegal and is a violation of Constitution rights.

61. There is no federal or State mandate Regarding Smart meters and Smart meter Refusal Charge,

62 The ComEd Tariff Submitted September 20 2013 and approval by the commission February 5, 2014 with respect to refusal charge has no legal force or effect of the law. Because it is illegal and violated Constitution rights, imposing and law, stature that dose not exist, changing the obligatory nature of words.

Commission

63. The Commission approval of ComEd's "Tariff" Dated February 5, 2014, Violate Illinois constitution and the Unites State Constitution with regard to Smart meter refusal Charge

64. The Plaintiff is not nor never been a party to the private Contract agreement,(the Tariff dated September 20 2013)between ComEd and Illinois Commerce Commission agreement.

65. ComEd unfairly punish me by forcing, charging me an unconstitutional and illegal refusal charge for refusing smart meter on my home. I do not consent to a smart Meter being connected to my home. .

66. ComEd Blackmail, and coerce Charging me a refusal fee that goes well beyond the constitutionality of law. Violating my protected constitution rights, 1st, 4th 14th

9th amendment, and infringe on my liberty,. Attempting to enslave me violating the 13 Amendment.

67. ComEd nor the Illinois Commerce Commission can not create a law or mandate forcing me to pay an unconstitutional refusal charge/fee. There is no law that stated I have to pay a penalty for refusing. There is no refusal Law.

68. ComEd engaging in Black mail force and fraud to gain what they want, a \$21.53 illegal refusal Charge/fee from me Is illegal .

69. The United State Constitution, is a legal Document, The citizen agree that they would be govern by the Constitution and the Government to govern the people by the Constitution.

70. The Refusal Charge also is in conflict with the United States constitutional Protected Rights ComEd nor the ICC can convert Constitution Rights into a privilege. . I do not have to pay for freedom. I have a constitution right to refuse.

Force and BlackMail

71. As part of a ruling by Commission issued on February 5, 2014 “ customer can refuse to have smart meter installed at a cost of \$21.53 per month, The Commission set a refusal charge for the purpose of forcing Smart meter acceptance. (See Exhibit A)

72. According to ICC staff, “one purpose of the meter reading charge (Smart meter refusal Charge) is to encourage (Force and Blackmail) customer to accept the AMI meter(Smart Meter)

73. The Commission further States” that the purpose of this charge (\$21.53) is primarily to motivated(force blackmail Customers to switch.

74. The Commission Further states In the interest of transparence and to ensure that this (ComEd Tariff) has the desired effect, The Commission directs ComED to make this charge a separate line item in each customer’s bill and use the language for that line item to make it absolutely clear that the charge (refusal Charge is a **penalty assessed as a consequence of the Customer’s refusal** The commission recommends “Smart Meter refusal Charge. Commission order February 5, 2014. states, “ the purpose is to make sure ComEd don’t have as many refusals Smart Meter refusal Charge is illegal and is unconstitutional.

75. The Order of the Commission appear to literally encourage “penalize and punish the opposition to Smart meters .

Smart Meter Refusal Charge is Illegal

76. Plaintiff is entitle to Summary judgment as a matter of law, no unconstitutional law, rule ,regulation or ordnance can be upheld in any court of law. That violated Constitution protected rights.

77. I am requesting this Administrated Law Judge to issue, and order for ComEd to Cease and desist extorting an illegal Smart Meter refusal charge/fee of \$21.53.

78. The Administrative Law Judge also should issue Summary Judgment finding,(1) That ComEd fail to timely file and answer, (2) that Federal and State laws and the constitutional prohibit authorizing ComEd from penalizing, forcing a \$21.53 unconstitutional Illegal refusal Charge on Plaintiff electric Bill to force the Plaintiff to except, comEd Smart meter, on her home. a refusal charge/fee on the Plaintiff or any customer who refuse Smart Meter on their home, is a Constitution violation , it constitute discrimination, illegal action force, extortion , blackmail, violation and restriction of Constitution protected rights.

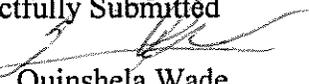
79. Summary judgment is proper and should be granted when the Plaintiff Complaint /Claim is undisputed, the plaintiff is entitled to judgment as a matter law.

80. For all the reason stated above, I am requesting a Trail By Jury if the Administrated Law Judge refuse to grant summary Judgment and vacated/ void Smart Meter refusal Charge, that has no force of the law and is of no legal force or effect.

WHEREFORE the plaintiff requests that this Honorable Court, (A)Grand Summary Judgment as a matter of law,..... The allegation in Plaintiff complaint is undisputed (2) instruct, ComEd to discharge all \$21.53, illegal and unconstitutional refusal Charges,... (3) issue Cease and desist order stopping ComEd from extorting an illegal Smart Meter refusal charge of \$21.53 each month because Plaintiff refuse to allow ComEd to install Smart meter on her home. and refund the taxes and other fees added to the refusal Fees. And grant whatever additional relief is necessary and just. (4) Plaintiff request a hearing on this motion

For all the reason stated above, I am requesting a Trial By Jury if the Administrated Law Judge refuse to grant summary Judgment and vacated/ void Smart Meter refusal Charge, that has no force of the law and is of no legal force or effect

Respectfully Submitted


Quinshela Wade
8051 S. Dorchester
Chicago Illinois

I Certify that a true and accurate copy mail April -----, 2016 To: Attorney for Commonwealth Edison Company Rebecca A Grahm, 115 S. LaSalle St Ste 2600 Chicago IL 60613 440 S. LaSalle St, Ste 3300 Chicago Illinois 60605 April 27, 2016 in the united State mail before 5:00 p.m.

PROOF OF MAILING

I Quinshela Wade , Certify that a true and accurate copy of **Notice and Motion for Summary Judgment, with the attachments**, Memorandum in support of Motion for Summary Judgment, Copy of formal Complaint, ComEd Bill, Rider NAM Non AMI METERING, Notice of Right of Self Defense Digital Utility Meter Damand To Cease and Desist, Continuation of my Complaint, to Cease and Desist,...Rider Nam Non Ami Metering, ComEd Residential understanding of Bill, Index of filing with Illinois Commerce, and The Order by the Illinois Commerce Commission dated February 5, 2016 for ComEd Tariff File September 20,2013..... **Mail May 11, 2016 To:**
: Illinois Commerce Commission Chief Clerk, 527 E. Capitol Avenue, Springfield Illinois 62701, **Leslie D Haynes**, Administration Law Judge Illinois Commerce Commission 160 N. LaSalle St., Ste C-800, Chicago IL 60601,....**Rebecca A Graham** Atty for Commonwealth Edison Company, 115 S. LaSalle St Ste 2600 Chicago IL 60613,..... **Mark L Goldstein** Atty for Commonwealth Edison Company 3019 Province Circle Mundelein, IL 60060, and.....**Thomas S. O'Neil Sr**, Vice President & General Counsel Common wealth Edison Company, 440 S. La Salle St Ste. 3300 Chicago IL, **in the United State mail before 5:00 p.m.**

