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BEFORE THE

ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
) No. 16-0136
EUGENE J. PLAZA)
)
vs.)
)
COMMONWEALTH EDISON COMPANY)
)
Complaint as to Commonwealth)
Edison has threatened to)
cut-off electrical service to)
my residence unless I pay an)
estimated \$8,000 for the)
relocation of the existing)
service which has been in)
place for more than 60 years in)
Park Ridge, Illinois)

Chicago, Illinois

September 27, 2016

Met, pursuant to adjournment, at

10 o'clock a.m.

BEFORE:

MS. JESSICA CARDONI,
Administrative Law Judge

APPEARANCES:

MR. EUGENE JOSEPH PLAZA
2701 Mayfield Drive.
Park Ridge, Illinois 60068-1111
appearing pro se;

1 APPEARANCES (continued):

2 MR. MARK L. Goldstein
3 3019 Province Circle
4 Mundelein, Illinois 60060
5 appearing for Commonwealth Edison
6 Company;

7 MS. REBECCA GRAHAM
8 115 South La Salle Street
9 Suite 2600
10 Chicago, Illinois 60603

11 -and-

12 MR. AARON JIMINEZ
13 also appearing for Commonwealth
14 Edison Company Aaron Jiminez

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I N D E X

WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS	EXMNR.
EUGENE JOSEPH PLAZA	39				
LARRY T. SHANK	63	73	85		78
WILLIAM MUELLER	87				94

E X H I B I T S

ComED	FOR IDENTIFICATION	FOR EVIDENCE.
A	37	94
B	37	94
C	37	94
COMPLAINANT'S	FOR IDENTIFICATION	IN EVIDENCE.
No. 1	54	55

1 (Whereupon, ComEd Exhibit
2 A, B, C marked for
3 identification.)

4 JUDGE CARDONI: Let's go on the record. Pursuant
5 to the authority of the Illinois Commerce
6 Commission, I now call Docket 16-0136. This is
7 Mr. Eugene J. Plaza's complaint versus Commonwealth
8 Edison Company, and it's a complaint that ComEd has
9 threatened to cut-off electrical service to my
10 residence unless I pay an estimated \$8,000 for the
11 relocation of the existing service which has been in
12 place for more than 60 years.

13 May I have appearances please for the
14 record starting with Mr. Plaza.

15 MR. PLAZA: Yes, your Honor. My name is Eugene
16 Joseph Plaza and I reside at 2701 Mayfield Drive.
17 That's in Park Ridge, Illinois, 60068-1111.

18 MR. GOLDSTEIN: For Commonwealth Edison Company,
19 Mark L. Goldstein, 3019 Province Circle, Mundelein,
20 Illinois, 60060. So my telephone is 847-949-1340.

21 MS. GRAHAM: Also, for Commonwealth Company,
22 Rebecca Graham, 115 South La Salle Street,

1 Suite 2600, Chicago, Illinois, 60603. My telephone
2 is 312-505-8154, and with us in the hearing room is
3 Aaron Jiminez of ComEd as well as three potential
4 witnesses.

5 JUDGE CARDONI: Okay. Thank you.

6 We are here today for an evidentiary
7 hearing in this matter. Will any party planning to
8 testify please raise your right hand to be sworn.

9 Mr. Plaza, you are going to be
10 testifying as well?

11 MR. PLAZA: I will give a statement towards the
12 end.

13 JUDGE CARDONI: Okay. It's your complaint so you
14 are the witness for your complaint, so, in effect,
15 you are testifying.

16 MR. PLAZA: Okay.

17 JUDGE CARDONI: Okay.

18 (Witness sworn.)

19 Okay. Thank you. You can proceed
20 with your case.

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EUGENE JOSEPH PLAZA,
called as a witness herein, having been first
was examined and testified as follows:

STATEMENT

BY

MR. PLAZA:

Okay. The electrical service to my
house is provided by way of an easement located on
the adjacent property of 1700 Potter Road, Park
Ridge, Illinois. My neighbors, Michael and Jessica
Stoja, constructed a shed without a permit that
violated the easement and necessitated the
relocation of my electrical service.

Commonwealth Edison was aware of this
easement and decided to ignore it. (See E-mails
dated July 2015 through June of 2016).

Commonwealth Edison is requiring me to
pay for the relocation of my electrical service
because of the actions of another. This would be a
financial hardship and unjust.

Commonwealth Edison should relocate my
electrical service at their expense. The shed was

1 built in violation of the easement through no fault
2 of my own and is in direct violation of the national
3 electrical code.

4 Should I continue?

5 JUDGE CARDONI: Why don't you just -- I know we
6 have had several hearings prior to this. It would
7 be helpful if you just -- because this is the
8 evidentiary hearing, if you add a little bit more
9 about when you noticed the shed.

10 MR. PLAZA: Oh, yes. I have five pages here.

11 JUDGE CARDONI: Okay. Well, this is really where
12 you put your evidence in, so just --

13 MR. PLAZA: Okay.

14 JUDGE CARDONI: -- talk about when you discovered
15 the shed, and what actions you took, what you were
16 told. You know, I need to have as complete a
17 picture as possible.

18 MR. PLAZA: Oh, sure. Sure.

19 Okay. I have submitted over 83 pages
20 in the form of E-mails, correspondence, plat
21 surveys, and photographs. The majority of
22 documentation, if not all, were obtained through the

1 Freedom of Information Act. All attempts to access
2 educational information from Commonwealth Edison and
3 the City of Park Ridge were blocked and denied.
4 E-mails went unanswered. Phone calls were never
5 returned and requests for meetings were met with
6 negative results.

7 I believe Commonwealth Edison did not
8 comply with the August 2, 2016 deadline in
9 surrendering all documents, E-mails, and
10 correspondence that relates to the Eugene Plaza
11 versus Commonwealth Edison complaint.

12 In the case of Eugene Plaza versus
13 Commonwealth Edison, the violators, Michael and
14 Jessica Stoja, ignored and blocked planned review in
15 total disregard for safety proceedings and ignored
16 zoning laws, rules, and regulations that culminated
17 in their unpermitted structure to be riddled with
18 zoning violations contrary to the national
19 electrical code.

20 A 14-month long dispute, July 2015 to
21 present, has placed my family, myself, and property
22 in danger.

1 On August 27, 2015, John Scalfani,
2 zoning inspector for the City of Park Ridge,
3 Illinois, sent E-mails with pictures to Commonwealth
4 employees, Larry Shank and Celeste Williams. It
5 showed electrical wires that service my house lying
6 on the roof of their unpermitted newly-built shed
7 constructed by Michael and Jessica Stoja.
8 Inspector Scalfani of Park Ridge called the status
9 of the structure a fire hazard.

10 JUDGE CARDONI: Okay. So you discovered the shed
11 in 2015 of July; is that correct?

12 MR. PLAZA: July.

13 JUDGE CARDONI: And at that point you contacted
14 ComEd?

15 MR. PLAZA: I initially went to Park Ridge three
16 times personally. I spoke to Aleicia Pratt, the
17 secretary for the Zoning Department. I told her
18 what was happening when the framework was being
19 constructed. She told me go and hire an attorney
20 and began to laugh.

21 I went there the following week and
22 told her the same thing, and she essentially told me

1 again Aleicia Pratt, the secretary, that this is my
2 problem for me to resolve it.

3 I went there at the end of July and
4 reiterated what I stated before, and she said once
5 again this is your problem; resolve it.

6 JUDGE CARDONI: But did you go to ComEd or did
7 ComEd contact you? How was ComEd made aware that
8 there was an issue with the electrical?

9 MR. PLAZA: It was through John Scalfani, the
10 inspector for the City of Park Ridge.

11 Your honor, you have to understand I
12 know nothing about zoning. I know nothing about the
13 electrical code. I knew nothing of what was
14 transpiring. This is like falling down a deep dark
15 rabbit hole. My eyes were completely closed to what
16 was happening.

17 Initially, Michael Stoja told me that
18 he was building a shed so he could place his riding
19 mower in that he was going to buy and all gardening
20 equipment. So as far as suspicion, there weren't
21 any. All I saw was a shed being constructed. I did
22 not know that Park Ridge has a maximum of 120-square

1 feet as far as the amount of square footage -- the
2 maximum amount of square footage allowed.

3 I've been there 29 years. I don't
4 know anything about construction. Michael Stoja,
5 once again, is a self-employed tennis instructor at
6 the city -- at Oak Park City Country Club. He knows
7 architects. He knows carpenters. He knows
8 mechanics. He knows surveyors.

9 As he told me once, he said I could
10 have anything done because of the amount of people
11 that go to the country club to play tennis. So as
12 far as that is concerned, he obtains his information
13 through his clients, and/or students.

14 JUDGE CARDONI: Initially you were troubled by
15 the distance between the electrical wires and the
16 shed.

17 MR. PLAZA: Well, it's not a distance. They were
18 laying on top of the framework --

19 JUDGE CARDONI: Okay.

20 MR. PLAZA: -- and that's when I became aware of
21 a problem.

22 JUDGE CARDONI: And you knew that your electrical

1 service was serviced by these wires, correct?

2 MR. PLAZA: Exactly. I was -- I was concerned of
3 a fire.

4 JUDGE CARDONI: And --

5 MR. PLAZA: I'm sorry.

6 JUDGE CARDONI: -- to your knowledge, do those
7 wires serve any other properties beside your own?

8 MR. PLAZA: No. No, just mine.

9 JUDGE CARDONI: So they do not service Mr. and
10 Mrs. Stoja's residence?

11 MR. PLAZA: No, they have their own telephone
12 poles for that.

13 JUDGE CARDONI: Their own electrical?

14 MR. PLAZA: Their own ComEd pole, right.

15 JUDGE CARDONI: What about your neighbor to the
16 west on Mayfield?

17 MR. PLAZA: He is serviced by a pole south of his
18 property, so he has a separate pole.

19 JUDGE CARDONI: Okay. Okay. So at what point
20 were you aware that ComEd was going to require you
21 to get an installation?

22 MR. PLAZA: In January.

1 JUDGE CARDONI: Of 2016?

2 MR. PLAZA: Yes, ma'am.

3 JUDGE CARDONI: Okay. And what were you informed
4 at that time?

5 MR. PLAZA: Well, Celeste Williams, an employee
6 of Commonwealth Edison, came to my door. I believe
7 it was January 5th, 6th or 7th. I don't remember,
8 because, again, I was not expecting -- excuse me. I
9 was not expecting for this thing to turn out the way
10 it did.

11 She knocked on my door quarter to 3 in
12 the afternoon. She did not identify herself. She
13 had her tag, but it was turned the other way. She
14 had sunglasses on, and the only way I knew she was
15 an employee of ComEd she wore the white helmet with
16 the sticker that said ComEd, and she said, I
17 believe, when are you going to have your pole
18 installed? And I asked her, "I don't know what you
19 mean," and she said, "Your neighbors want a pole
20 installed and they're requesting that your
21 electricity, in the meantime, be turned off," and
22 that's when she gave me the -- that's when the

1 letter from ComEd arrived in my residency, I think
2 it was, January 5th. I have it right here.

3 JUDGE CARDONI: Was that attached to your
4 complaint, Mr. Plaza?

5 MR. PLAZA: I believe it is, your Honor. It's
6 January 7th.

7 JUDGE CARDONI: Okay.

8 MR. PLAZA: And if your Honor reads it, I still
9 didn't know what she was talking about, because it
10 really doesn't state what I have to do. I read it.

11 JUDGE CARDONI: I don't have that. Are you sure
12 it was in your complaint --

13 MR. PLAZA: Your Honor.

14 JUDGE CARDONI: -- or did you want to include it
15 as evidence today?

16 MR. PLAZA: Yes.

17 JUDGE CARDONI: I assume ComEd has a copy of
18 that, Mr. Goldstein. Do you have it or no?

19 MR. PLAZA: No. I'm sorry.

20 JUDGE CARDONI: So going back to what
21 Ms. Williams told you about the pole --

22 MR. PLAZA: Celeste William?

1 JUDGE CARDONI: Yes.

2 MR. PLAZA: Essentially that's what she told me.
3 I told her, "I'm not a legal person." I said, "I'll
4 have an injunction to make sure that my electricity
5 is not turned off," and she said, "You cannot have
6 any type of injunction and your power will be
7 terminated."

8 JUDGE CARDONI: Do you know what that would
9 cost --

10 MR. PLAZA: Well, initially --

11 JUDGE CARDONI: -- or what needed to happen?

12 MR. PLAZA: -- I believe it was Larry Shank.

13 JUDGE CARDONI: And who is that?

14 MR. PLAZA: Engineer for ComEd, and he gave me
15 essentially a ballpark figure.

16 And, once again, you know, one has to
17 realize when things are happening, one does not
18 expect it to resolve in a negative way. You are
19 always hoping for -- you are always hoping for the
20 best, and I never imagined that everything would
21 culminate in this type of a situation.

22 And when I finally realized what was

1 happening, I finally understood how important
2 documentation is and how much of a corner they're
3 painting me into.

4 My only fault is I wound up being a
5 neighbor to Michael and Jessica Stoja. Everybody,
6 City of Park Ridge, Commonwealth Edison, has painted
7 a target on me. I don't see Mr. Stoja here. I
8 believe he's the one that should be here answering
9 all these questions. He knew darn well what the
10 rules and regulations are. Him and his father own I
11 believe two rental apartments in excess of 30 or 40
12 units. This is all new to me.

13 JUDGE CARDONI: So can you explain more clearly
14 when you found out that you were going to need to
15 install a pole to redirect your electric service
16 from the Stoja residence from a different
17 connection, and can you explain what you were told,
18 what you need to do?

19 MR. PLAZA: It's not that I found out. I found
20 out through the Freedom of Information. When I
21 started to obtain documents from the City of Park
22 Ridge, that's how I found out, and I started to read

1 all this secretive stuff that Park Ridge refused to
2 assist me. They wouldn't answer any questions.
3 Every time I called up ComEd, you are lucky if you
4 get through.

5 JUDGE CARDONI: When you filed this complaint
6 here in March, you said that they were telling you
7 that it was going to be \$8,000.

8 MR. PLAZA: Well, yes, right. That's what Larry
9 Shanks told me.

10 JUDGE CARDONI: So someone did come out and look
11 at your property?

12 MR. PLAZA: Right. Exactly. Then I started
13 essentially to put two and two together and here I
14 am --

15 JUDGE CARDONI: Okay.

16 MR. PLAZA: -- the third time.

17 JUDGE CARDONI: Did Mr. Shank or anyone else at
18 ComEd explain why a new pole needed to be erected on
19 your property versus another kind of connection?

20 MR. PLAZA: In the letter of July --
21 January 7th, the letter explaining the law as far as
22 trying to maintain a harmonious relationship with

1 your neighbor is my responsibility, and if at any
2 time that relationship ceases to exist and the
3 neighbor wants or demands that your line above your
4 property be removed, I have to remove it.

5 I thought this was a joke to be quite
6 honest with you. I have many educated friends. To
7 this date, they still don't believe it. I don't
8 either, how anybody can pass a law like that,
9 putting the burden on me, but, anyway, that's the
10 way it is and that's what I have to deal with.

11 So, again, it's been a long 14 months.
12 It's been very trying for my family and myself.
13 During the wintertime when Celeste Williams stated
14 the electricity was going to be turned off in
15 January, once again the coldest month of the year,
16 how can you explain to your wife, who is laying next
17 to you, that once your furnace turns off, which is
18 located up in the attic, it may not turn on again,
19 so eventually it's cycles. It turns off.

20 Here's my wife staying up all night --
21 not all night -- waiting for the furnace to turn
22 back on again. Why did they wait until January to

1 make that type of a statement? They had August,
2 September, October, November, December, but January?
3 This thing was planned out. This thing was done on
4 purpose and to say it wasn't is a lie.

5 You people are educated. You people
6 are experienced. You just waited for a weak moment
7 to attack me. It's just that simple. It could have
8 been handled in a more diplomatic manner, and you
9 know it.

10 JUDGE CARDONI: Mr. Plaza, do you have some
11 documents that you would like to put in the record?

12 MR. PLAZA: Your Honor, I mean, you told me to
13 make three copies, so I have 83 pages of the stuff
14 that I was able to get, but, as far as -- as far as
15 me giving you what, I think I have everything I want
16 to give you.

17 JUDGE CARDONI: Well, if you are referring to
18 things that you've seen in the past, that doesn't
19 constitute the record until you move it into the
20 record. I know I've received some correspondence
21 from you that also counsel was copied on requesting
22 documents and such, but any documentation that you

1 have now is when you want to put those in.

2 MR. PLAZA: Okay.

3 JUDGE CARDONI: So why don't you show me what you
4 have.

5 MR. PLAZA: This is one of the copies.

6 JUDGE CARDONI: Let's make sure that ComEd has it
7 as well.

8 MR. GOLDSTEIN: Could I ask are those the
9 documents that Ms. Graham E-mailed to you?

10 MR. PLAZA: You know, sir, the documents
11 Ms. Graham gave me, you know, that's only a small
12 portion. There's so many documents that I have that
13 aren't in there.

14 JUDGE CARDONI: Well, Mr. Plaza, why don't you
15 give a copy to Mr. Goldstein, because he needs to
16 look at it as well, and it's lengthy and I'll give
17 ComEd a chance to take a look at it.

18 And are these the documents that you
19 have foid from the City of Park Ridge?

20 MR. PLAZA: Everything is in there, your Honor.

21 JUDGE CARDONI: And Commonwealth Edison?

22 MR. PLAZA: Yes, your Honor. No, not from

1 Commonwealth Edison. Why? Because it's a
2 duplication of what I sent Ms. Graham. I don't
3 understand this.

4 JUDGE CARDONI: Okay.

5 MR. PLAZA: And it was only a smattering of
6 documents. There was a lot of duplications there.
7 These are not duplications.

8 JUDGE CARDONI: All right. We are going off the
9 record for a couple of minutes. I'm going to take a
10 quick break. I'll be right back.

11 (Off the record.)

12 MR. GOLDSTEIN: Thank you, Judge.

13 JUDGE CARDONI: Back on the record.

14 Initially, let's just call this
15 Complainant's Exhibit 1.

16 (Whereupon, Complainant's
17 Exhibit No. 1 was marked
18 for identification.)

19 Mr. Goldstein, did you want to see
20 this document?

21 MR. GOLDSTEIN: I want to respond to this
22 document. I guess the response that we would make

1 is that insofar as it is relevant to the ultimate
2 outcome, the complaint is totally irrelevant.

3 I assume that these documents were
4 obtained either from the Village of Park Ridge or
5 Commonwealth Edison. There are some photographs in
6 here of which I believe are part of Mr. Plaza's
7 complaint. All in all, generally, we have no
8 objection.

9 JUDGE CARDONI: Okay. Mr. Plaza, we are going to
10 call this Complainant's Exhibit 1 --

11 MR. PLAZA: Okay.

12 JUDGE CARDONI: -- and I'll admit it at this
13 time.

14 (Whereupon, Complainant's
15 Exhibit No. 1 was received
16 in evidence.)

17 MR. PLAZA: Thank you.

18 JUDGE CARDONI: Do you have anything else you
19 want to talk about?

20 MR. PLAZA: Well, I have three more pages of
21 statements I would like to read.

22 JUDGE CARDONI: You can read or state whatever

1 you like.

2 MR. PLAZA: Yeah, I would like to read them.

3 JUDGE CARDONI: No problem.

4 MR. PLAZA: Okay. Thank you, your Honor.

5 On or about March 15, 2016, Celeste
6 Williams, Commonwealth employee, placed a red wooden
7 marker photo in the file on my property. This is
8 the location where the new Commonwealth Edison pole
9 was to be placed for the electrical service drop at
10 a cost to me of 3,588.

11 On March 17, 2016 in an E-mail from
12 Carlos Ceballos, lawyer for Commonwealth Edison,
13 stated to then Sean Hamilton, manager of the City of
14 Park Ridge, and I quote, "No, it is an encroachment,
15 but we can ignore it for now because it's been
16 closed up. We will probably send a formal letter at
17 some point just to make a record.

18 On March 9, 2016 at 1500 hours, Larry
19 Shank, an employee of ComEd, relocated the
20 Commonwealth Edison red wooden marker to the
21 southwest corner of the property of Michael and
22 Jessica Stoja.

1 Larry Shank also asked me if I knew
2 anything about the 13-inch homemade-type capped pipe
3 that was protruding from the ground which is located
4 on the Commonwealth Edison easement. I stated to
5 him why not ask Michael and Jessica Stoja about it.

6 A point of interest, the former tenant
7 at 1700 Potter Road, Park Ridge, Stephen Rifkin,
8 stated to me that the pipe contains electrical
9 wiring and was used as a homemade electrical outlet.

10 At no time has Commonwealth Edison,
11 nor the City of Park Ridge, have made issue or have
12 even mentioned about the outside electrical outlet.
13 Photos of the electrical outlet are part of the file
14 record.

15 Larry Shank then began openly
16 criticizing his fellow co-worker, Celeste Williams,
17 and stated to me, "I don't know why they sent
18 Williams out here. She doesn't know what she's
19 doing."

20 It's frightening to think that
21 Commonwealth Edison operates nuclear power plants in
22 this state and allows incompetent employees to

1 service 9 million customers in Illinois.

2 The following day Michael Stoja, the
3 neighbor, saw the wooden stake and red flag, pulled
4 them both from the ground and threw them in the
5 trash.

6 On May 10, 2016 at 900 hours I spoke
7 telephonically to Robert Kohler, employee of
8 Commonwealth Edison, who stated to me "There are
9 interested parties that want this thing done."

10 On Tuesday, May 10th at 1115 hours,
11 Aaron Jiminez, attorney of Commonwealth Edison,
12 telephonically called me and stated to me we are not
13 taking the shed down.

14 In my opinion, Commonwealth Edison has
15 a hidden agenda and Commonwealth Edison is obsessed
16 to determine that this monument of a golden calf, as
17 seen through their eyes, is not to be relocated,
18 downsized or removed.

19 Also, on May 23, 2016 at the Illinois
20 Commerce Commission pre-hearing session with Judge
21 Cardoni presiding, Aaron Jiminez, employee attorney,
22 was asked by Judge Cardoni the extent of the

1 encroachment of the Stoja shed on the Commonwealth
2 Edison easement. Aaron Jiminez misstated a few
3 inches. Judge Cardoni, once again, asked Aaron
4 Jiminez how many inches, and Aaron said or responded
5 by stating one foot.

6 It also should be noted that on Aaron
7 Jiminez' recent website, view Aaron's full profile,
8 he exclaimed negotiate reasonable settlement.

9 Aaron Jiminez never attempted to
10 negotiate with me the sum of \$3,588 to resolve this
11 matter. One wonders what sum Aaron Jiminez would
12 consider reasonable, at what cost the price of
13 litigation compared to the \$3,588.

14 Eventually the ComEd customers will
15 bear the cost of this proceeding and will -- and the
16 cost will be passed onto them at higher utility
17 fees.

18 Can Aaron Jiminez justify the total
19 dollar amount of this proceeding against \$3,588?

20 The information that I have given to
21 the Court, in my opinion, reveals a non-business
22 nexus between Commonwealth Edison, Michael and

1 Jessica Stoja, and the City of Park Ridge.

2 The point of contact for Commonwealth
3 Edison and Michael and Jessica Stoja with the City
4 of Park Ridge were to the following employees:

5 Sean Hamilton, Manager for the City of Park Ridge,
6 Illinois; James Desden (phonetic), Chief Deputy of
7 Zoning and Building for the City of Park Ridge,
8 Illinois; Dale Engebretson -- that's
9 E-N-G-E-B-R-E-T-S-O-N -- Deputy Chief of the
10 Department of Zoning, City of Park Ridge.

11 On December 30, 2015, Dale
12 Engebretson, Deputy Chief, resigned his position.

13 On May 31, 2016, Sean Hamilton, Manager, resigned
14 his position. On September 24, 2016, three days
15 ago, James Desden, chief, resigned his position.

16 ComEd employee, Carlos Ceballos, describes himself
17 on the website linked-in (view Carlos full profile
18 as a very experienced and strong negotiator with a
19 problem-solver mindset)."

20 On May 3, 2016, Carlos Ceballos
21 E-mailed then Sean Hamilton, Manager of Park Ridge,
22 Illinois, and stated, "I thought the shed was a dead

1 issue. If the real estate department does not
2 approve the shed, they most likely will not. What
3 is the solution?"

4 JUDGE CARDONI: Mr. Plaza, you said in the
5 statement that you just read that on the 15th of
6 March Ms. Williams of ComEd said that the pole drop
7 will be 3588; is that right?

8 MR. PLAZA: I believe that was in the letter.

9 JUDGE CARDONI: Okay. But your complaint says
10 8,000. Where did you get that number?

11 MR. PLAZA: Again, Larry Shank. I believe the
12 complaint was written in February.

13 JUDGE CARDONI: Okay.

14 MR. PLAZA: So that was before they gave me the
15 figure.

16 JUDGE CARDONI: All right.

17 MR. PLAZA: The exact figure.

18 JUDGE CARDONI: So you believe it to be 35?

19 MR. PLAZA: They keep on saying -- you know, your
20 Honor, here's the thing. Commonwealth Edison keeps
21 on vacillating. Now they're saying the encroachment
22 of the shed is a few inches. That was prior. I

1 have at least ten people, and it's in the record
2 file, saying that it's a foot. There's nothing
3 about inches.

4 Commonwealth Edison keeps on going
5 back and forth, back and forth. It seems like
6 whatever suits their needs, that's exactly what it
7 is.

8 JUDGE CARDONI: So you are not exactly sure how
9 much it would cost you to have the pole installed?

10 MR. PLAZA: No.

11 JUDGE CARDONI: You don't have a clear
12 indication?

13 MR. PLAZA: Absolutely not. Again, I was told
14 that even an electrician would not even approach the
15 shed because of the wires are 4-to-6 inches. It's
16 not a foot above the roof, plus they would need the
17 approval of Commonwealth Edison.

18 JUDGE CARDONI: Do you have anything else you
19 want to say? We may have other questions for you
20 later.

21 MR. PLAZA: I'm tapped out.

22 JUDGE CARDONI: Okay. Mr. Goldstein, any

1 questions for Mr. Plaza?

2 MR. GOLDSTEIN: I have no cross-examination.

3 JUDGE CARDONI: All right. Would you like to
4 call your first witness.

5 MR. GOLDSTEIN: Yes, I would. I would like to
6 call Larry Shank.

7 JUDGE CARDONI: Okay. Great. You may proceed.

8 MR. GOLDSTEIN: Thank you.

9 LARRY SHANK,
10 called as a witness herein, having been previously
11 duly sworn, was examined and testified as
12 follows:

13 DIRECT EXAMINATION

14 BY

15 MR. GOLDSTEIN:

16 Q. Mr. Shank, please state your full name for
17 the record and spell your last name.

18 A. Larry T. Shank, S-H-A-N-K.

19 Q. And you are employed by Commonwealth Edison;
20 is that correct?

21 A. Yes, sir.

22 Q. What is your job title with ComEd?

1 A. General service representative.

2 Q. And could you describe what your duties and
3 responsibilities are as the general service rep for
4 ComEd?

5 A. We do basically what is single-phase lower
6 voltage for new housing, commercial properties,
7 streetlights, light crossings, anything to do with
8 electricity for new businesses pretty much or light
9 crossings for customers.

10 Q. And how long have you been in this position
11 as a general service rep?

12 A. I have been in it since 2002.

13 Q. And how long have you been employed by
14 Commonwealth Edison?

15 A. 39 years.

16 Q. And are you personally familiar with
17 Mr. Plaza's property at 1700 Potter Road in Park
18 Ridge?

19 A. Yes, I am.

20 Q. And are you -- how did you become personally
21 familiar with that property?

22 A. Basically --

1 JUDGE CARDONI: I'm sorry. Just to clarify,
2 1700 Potter Road is Mr. Plaza's neighbors' address?

3 MR. PLAZA: Correct.

4 THE WITNESS: 2701 Mayfield.

5 MR. GOLDSTEIN: Thank you.

6 THE WITNESS: I first came in contact with it
7 when John Scalfani from the city E-mailed me on it,
8 but I knew there was another representative, so I
9 stayed away, and then I got involved when my manager
10 asked me to go take a look at the site.

11 MR. GOLDSTEIN: Q. And have you been out to
12 property more than one time?

13 A. Two times, I'm pretty sure.

14 Q. And why did you go out to the property?

15 A. The first time was because of the shed
16 incident and to take a look at the property to see
17 how the lines worked and to try to come up with
18 options to alleviate the problem. That's when I met
19 the gentleman there.

20 Q. Mr. Plaza?

21 A. Yes.

22 Q. You have in front of you what has been

1 marked as ComEd Exhibit A, which is a plat of
2 survey. Could you describe what is shown on that
3 plat of survey?

4 A. Basically the 1700 house, there's a shed in
5 the back corner, and then the property lines, and
6 then utilities run -- I'm trying to get my
7 directions here -- north to south.

8 Q. And --

9 A. This I did not have when I first went to the
10 property, because we do -- when I first went there,
11 I did not know there was an easement in back of the
12 property.

13 Q. Could you describe where the ComEd
14 facilities are in relation to the shed and so forth?

15 A. The hidden service line comes from -- I'll
16 do it this way -- from the southwest corner, goes on
17 diagonal to his house which is to the northeast.

18 Q. And is it your understanding that
19 Mr. Plaza's neighbor has retracted his consent to
20 have the ComEd facilities cross his property at the
21 shed?

22 A. I have heard that, yes.

1 Q. And what are the options then open to
2 Mr. Plaza now that his neighbor has retracted that
3 consent?

4 A. The day that I went out there, the first
5 day, and looked at the property and not knowing that
6 there was an easement, I have given him from -- we
7 have power lines that go along the east of the
8 property north to south, and I said that there are
9 no easements on the side here where he comes from,
10 that we have a way to serve him that way if he
11 relocate his power line to the northeast corner of
12 his house and then we would be willing to bring a
13 drop and that would be the end of it.

14 What his electrician's cost would be,
15 I would not know. The \$8,000 cost that he keeps
16 throwing out is if he had to go underground which
17 would be a lot more money than a pole.

18 Q. Okay. So if he wanted to relocate the
19 electrical service on his property, he would need to
20 hire an electrician to do that?

21 A. If we were to serve him from the northeast,
22 he would have to hire an electrician to reposition

1 his equipment on the house, which we do not own or
2 maintain, to be able to -- where we could serve him
3 safely from the northeast corner.

4 Q. Is there another option wherein ComEd would
5 have to do some work to provide service to
6 Mr. Plaza' property?

7 A. If there -- there is an easement and we had
8 to relocate his line, we would have to set a utility
9 pole on the easement to move his drop off where it
10 goes over his neighbor's property.

11 Q. And you had a conversation with Mr. Plaza,
12 did you not, with respect to your various options
13 that were available to him?

14 A. After the first time, yes, I said I did not
15 know. He showed me his survey plat where there was
16 like a 7-foot strip. It did not designate it as an
17 easement vacated out or anything. I said we would
18 have to do research on it, and I said I would not
19 give no cost on that, because if they came back as
20 some kind of easement, it could be qualifiers that
21 you could only go underground. You are not allowed
22 an overhead without knowing the document can't give

1 anything.

2 Q. And so did Mr. Plaza indicate which option
3 he would prefer?

4 A. At that time there was no preference to
5 either. There was research and find out first for
6 him to get an electrician to see what it cost for
7 him to go to that side of the house and then to see
8 what kind of documentation there was for any kind of
9 easement, and that's where I left it out there at
10 that time.

11 Q. Are you now familiar with ComEd's plan for
12 moving the pole as you described?

13 A. Installing a new pole, yes, I am, and that's
14 why I went out there, because he had a complaint,
15 which was to put the pole on his side of the
16 property, so that's why I went out to put the pole
17 into the official utility easement on the neighbor's
18 property.

19 With respect to the pipe sticking out
20 of the ground, my concern was that it was an oil
21 pipe. A lot of houses have oil tanks, and if we
22 were to go put a pole in there and go through the

1 oil tank, we could create an EPA hazard. That's why
2 I was asking what that pipe was.

3 Q. And you have reviewed the plan of ComEd to
4 put the pole in and the cost for that plan, have you
5 not?

6 A. Yes.

7 Q. And how much does putting in the pole plan
8 cost?

9 A. I think for that it was like -- I contracted
10 for -- it's like 3500.

11 Q. You heard the term -- you heard the number
12 3588?

13 A. Yes.

14 Q. That is what you recall?

15 A. Yes, and I did not make up that contract.

16 Q. And in your judgment, Mr. Shank, is this the
17 least cost option if ComEd does the work as opposed
18 to Mr. Plaza hiring an electrician?

19 A. It would be less of a cost to ComEd if he
20 hired an electrician to put the attachment and the
21 riser pipe on the northeast corner, then we could
22 just run a span on the existing equipment to serve

1 him.

2 Right now the streetlight wire, which
3 is only going to light up the streetlight wire so we
4 would just replace with a span of wire that would
5 accommodate his house and that would be the least
6 cost option for ComEd.

7 Q. And is that the \$3588 cost that you
8 described?

9 A. The cost -- we are willing to do the cost of
10 the span for no cost, and that's the first
11 conversation I had.

12 Q. So long as his electrician can do some of
13 the work?

14 A. Run it to the other side, because we have
15 facilities on that side of his house that we would
16 right away serve him, but we would have to be able
17 to do it safely to his power point on the house.

18 The other -- I guess now I could say
19 the other least costly option for ComEd would be --
20 but it would be more expensive for him, which would
21 be closer to the 8,000 -- would be for him to bring
22 his -- to do an underground to bring pipes back to

1 the utility pole existing on the southwest -- or the
2 southwest corner and then we would bring the service
3 up the pole.

4 Q. But you haven't discussed that option with
5 Mr. Plaza?

6 A. No. After the first initial conversation
7 the first time, I never talked to any more options
8 after that.

9 Q. Do you have anything else you would like to
10 add to your testimony?

11 A. Basically, the part about saying bad things
12 about Celeste Williams, the only thing I said was
13 first time I'm came out there, he said she said
14 things bad about me. I said I can't say anything
15 bad about her. That was the end of that
16 conversation.

17 MR. GOLDSTEIN: All right. I have nothing else
18 for the witness and would move into evidence the
19 plat of survey, ComEd Exhibit A.

20 JUDGE CARDONI: This is a letter, correct?

21 MR. GOLDSTEIN: Correct.

22 JUDGE CARDONI: Mr. Plaza, do you have anything

1 for Mr. Shank?

2 MR. PLAZA: Yes.

3 CROSS EXAMINATION

4 BY

5 MR. PLAZA:

6 Q. What are you going to do about the pipe
7 that's sticking out the ground if that's on
8 Commonwealth Edison's easement?

9 A. If it's not an oil -- I have no idea what it
10 is, and my -- like I said, my main concern was if it
11 was an oil tank, because there's a lot of buried oil
12 tanks in the northern region, people abandoned them
13 and then pump them out. That was my main concern is
14 if it's an electrical outlet, and if we go to put a
15 pole there, we've got to address it at that time.

16 Q. Did you ask Michael and Jessica Stoja about
17 the pipe?

18 A. I have not, because you said that you were
19 going to go to a hearing and nothing was going to
20 happen and until you get to the point where we have
21 to put a pole, it was not -- they never came out
22 when I was at their backyard and I never approached

1 them.

2 Q. More information is better? So you felt it
3 wasn't your obligation to find out just exactly how
4 harmful that pipe might be as far as the contents of
5 it?

6 A. If it's -- if we are not going in the yard
7 to do anything at that time, no, to go to them and
8 start asking questions, if this might not go or not
9 this way, until that time, no.

10 Q. So you really didn't want to upset them?

11 A. No, not a question of upsetting them.

12 Q. Here's the think. You don't have any
13 problems knocking on my door, but when it comes to
14 Michael and Jessica Stoja, Commonwealth Edison is
15 handling them with kid gloves, and I don't
16 understand why.

17 MR. GOLDSTEIN: I object to the form of the
18 question, Judge, if you don't mind.

19 JUDGE CARDONI: Mr. Plaza --

20 MR. PLAZA: It's my opinion.

21 JUDGE CARDONI: Mr. Plaza, I understand what your
22 question is, but you have to ask Mr. Shank questions

1 that he can answer.

2 MR. PLAZA: All right. Well, I am asking him.

3 THE WITNESS: I am going to answer that. I did
4 not knock on your door either time and did not try
5 to get you upset. I just went out there to find out
6 what the facts were, tried to give a couple of
7 solutions initially.

8 If it was something that we are going
9 to do, yeah, I'm going to knock on your door and ask
10 if this is an oil tank or is this an outlet. You
11 are darn right I am going to, but until that time
12 comes, I'm not in that position to do that yet.

13 MR. PLAZA: Q. Now you are not in a position to
14 do that?

15 A. Part of my job is to make sure the safety of
16 my crew, to make sure the financial statement of my
17 company that if we hit an oil tank, and I can find
18 out if there is one, to get it researched, and it's
19 been emptied, if not then that customer will have to
20 get somebody to empty it, but until the time we are
21 going to go out there to drill for the utility pole,
22 I'm not going to start doing that yet.

1 Q. Well, you know, when you were out there, you
2 told me specifically Michael is going to have to
3 move that ladder and clear out all this junk for us
4 to get that pole --

5 A. Right. Right.

6 Q. -- in there and we may have to remove part
7 of the fence to get the pole in.

8 A. Correct.

9 Q. Now why did you say that?

10 A. Basically I was telling you that's what we
11 would probably have to do, but until the time for
12 the pole to be installed, I'm not going to have him
13 move all that stuff for -- what is it -- for six
14 months now? For what?

15 Q. I lost track.

16 A. That's what I mean --

17 Q. And I've lost track.

18 A. I deal with problems every day. I have to
19 -- part of my job is to make sure the crew have a
20 clear, safe path to work with other neighbors
21 involved. I'm not here to rattle people's cages or
22 anything like that.

1 Q. You know, we had a ComEd truck, I think in
2 my notes, the 19th. It was on a Sunday. And the
3 gentleman -- again, there were two of them, and they
4 came on my land, identified themselves, and I asked
5 him how many of these have you done as far as
6 relocating a pole in my circumstances, and he said,
7 "This is my first one," and I said, "How long have
8 you have been working for ComEd?" He said, "Thirty
9 years." He says, "This just doesn't happen."

10 So the concept of everybody is doing
11 it and this is going to cost ComEd money is a
12 fallacy. Situations like mine are few and far
13 between. Plus, prior to that on Saturday --

14 MR. GOLDSTEIN: Judge, I'm going to object to
15 this. Mr. Plaza testified previously. He certainly
16 has the right to ask questions of Mr. Shank, but he
17 doesn't have the right to continue to testify.

18 JUDGE CARDONI: Mr. Plaza, do you have any more
19 questions of Mr. Shank specifically?

20 MR. PLAZA: No.

21 JUDGE CARDONI: I have several.

22 THE WITNESS: Can I make one statement to that

1 last statement?

2 MR. GOLDSTEIN: No. No.

3 THE WITNESS: No? Okay.

4 EXAMINATION

5 BY

6 JUDGE CARDONI:

7 Q. And I just need to be clear. I need to
8 understand this plat of survey, so I want you -- as
9 I'm not an electrical engineer. You said that the
10 lines come from the -- did you say was the southeast
11 corner?

12 A. Southwest corner.

13 Q. The southwest corner?

14 A. His line.

15 Q. So they cross the residence at Potter; is
16 that correct?

17 A. They come from the southwest and they go up
18 to an angle to the northeast --

19 Q. Northeast?

20 A. -- and head --

21 Q. And the shed is on the northeast corner,
22 correct?

1 A. Correct.

2 Q. And that's where they touch, and then they
3 cross the wood fence I assume into Mr. Plaza's
4 property, correct?

5 A. Correct.

6 Q. And you on one of your two visits saw where
7 the lines were touching the shed; is that correct?

8 A. Correct. The first time, yes.

9 Q. And is it your understanding that there's an
10 easement there?

11 A. Right.

12 Q. ComEd has an easement for those lines?

13 A. We have a 5-foot utility easement on the
14 northwest side of the neighbor's property going
15 north and south. The line is in that easement for a
16 little while and then goes out of it to hit his
17 house.

18 Q. Okay.

19 A. And the shed is out of the easement
20 according to the last plat of survey that was seen.

21 Q. When you say it's a 5-foot easement, is that
22 five feet --

1 A. Going east and west.

2 Q. -- from the ground up?

3 A. Pretty much, yes. We have -- it's a utility
4 easement with no stipulations that it can be
5 overhead or underground.

6 Q. Okay. But did you just say that the -- did
7 you just say the shed is not encroaching on ComEd's
8 easement?

9 A. The last plat of survey you can see that the
10 shed is out of the easement, and I went out to
11 measure it and it's not in the easement.

12 Q. Well, how can it not be in the easement if
13 the wires are touching the shed?

14 A. Because the wire's out. The wire goes on an
15 angle.

16 Q. Okay.

17 A. The easement's a straight line and the wire
18 goes like this (indicating), so it clips the corner
19 of the neighbor's property.

20 Q. So you don't have an easement on the
21 Potter's residence property whatsoever?

22 A. We do have an easement, but it runs north

1 and south.

2 Q. So where it crosses Mr. Stoja's residence,
3 you don't have an easement --

4 A. Correct.

5 Q. -- because it's only --

6 A. Because it's out of it. It goes on an angle
7 to hit this gentleman's property, his house. His
8 house is offset, so the line has to angle to get to
9 it.

10 MR. PLAZA: Okay. Your Honor, may I clarify
11 something though?

12 JUDGE CARDONI: Sure.

13 MR. PLAZA: Mr. Stoja's encroachment still exist.
14 You could see the photographs. Mr. Stoja buried the
15 foundation. The encroachment is still there. The
16 photograph towards the end shows the entire process
17 how he did it. He deceived the ICC, City of Park
18 Ridge, and myself. It's all underground. It's two
19 inches underground. The foundation is still there.

20 JUDGE CARDONI: Q. So, Mr. Shank -- I'm sorry
21 that I just forgot your name -- when you were
22 describing the various options for providing power

1 to Mr. Plaza that doesn't include the Stoja
2 residence, and you talked about a drop, can you
3 explain what that is?

4 A. Basically, between the pole's top lines are
5 the high voltage, or 12,000 volts, can't serve a
6 house from it. Lower levels is where you have your
7 house current 120, 240. The poles stopped on
8 Potter, it has streetlight wires, which is like 120
9 volts, so we would change that out to accommodate a
10 house with 120, 240, so that's a span of service
11 wire it's called.

12 Q. Is the only attachment point on Mr. Plaza's
13 southeast corner?

14 A. Southwest corner.

15 Q. Southwest corner?

16 A. That's his attachment at the house.

17 Q. Mr. Plaza has a neighbor that's also on
18 Mayfield, correct? That's to his west?

19 A. Uh-huh.

20 MR. GOLDSTEIN: Yes?

21 JUDGE CARDONI: Is that right?

22 THE WITNESS: Yes.

1 JUDGE CARDONI: Q. And does their electric
2 service also pass through a backyard neighbor?

3 A. No, because that neighbor's light goes all
4 the way back to where our power lines are.

5 Q. So there's no access point for Mr. Plaza
6 from any neighbor? I know he's on the corner of
7 Potter and Mayfield. There's no access point
8 from --

9 A. No.

10 Q. -- the neighbor to the west at all?

11 A. Not unless he has an easement, and that
12 would be the same thing. You would set a pole.

13 Q. But you don't have an easement on that
14 neighbor that you could, you know, attach?

15 A. No.

16 Q. Okay. So the installation option that
17 involves the pole on Mr. Stoja's property you have
18 to stick in; is that correct? That was an option?

19 A. That was, correct.

20 Q. But -- and that's on the ComEd easement?

21 A. Yes.

22 Q. Okay. And you would not need permission

1 from Mr. Stoja to install a pole there --

2 A. No.

3 Q. -- as it's your easement?

4 A. It's our easement.

5 Q. Okay. So the two options really are ComEd
6 installs an attachment at the cost of about 3588 --

7 A. Utility pole, yes.

8 Q -- an attachment to that pole, or Mr. Plaza
9 finds an engineer or an electrician to install what
10 exactly?

11 A. Relocate the attachment points and
12 wire feed to the northeast corner of the house --

13 Q. -- from?

14 A. -- from the southwest corner.

15 Q. And do you have any kind of guess what that
16 would cost?

17 A. I'm not an electrician. I could suggest to
18 him to get an electrician out there to get the cost
19 and options and what it would be to relocate it
20 there or what it would cost to go underground.

21 Q. Do you think it's more expensive or less
22 expensive?

1 A. I'm not an electrician.

2 Q. You don't know?

3 A. I would be afraid to even guess.

4 JUDGE CARDONI: Okay. I think that's all my
5 questions. Thank you very much for being patient.

6 MR. GOLDSTEIN: One second.

7 (A brief pause.)

8 REDIRECT EXAMINATION

9 BY

10 MR. GOLDSTEIN:

11 Q. Mr. Shank, I have just one question --

12 JUDGE CARDONI: Certainly.

13 MR. GOLDSTEIN: Q -- on redirect.

14 Mr. Shank, you explained these options
15 to Mr. Plaza, is that correct --

16 A. Yes.

17 Q. -- both options the judge just talked to you
18 about?

19 A. The one with the utility pole was an option
20 that Celeste Williams drew up and with finding out
21 that there was an easement there.

22 When I went there, not know there was

1 an easement, I said what the possibilities were if
2 if there was an easement from the neighbor to the
3 west. I said the easiest would be the option to get
4 an electrician and we would bring the drop down that
5 way.

6 MR. GOLDSTEIN: Q. And when you explained the
7 option of having an electrician do some work on his
8 property, Mr. Plaza accept or reject that option?

9 A. It was last year. I would say he would
10 explore it.

11 Q. To your knowledge, has he ever accepted that
12 option?

13 A. I honestly don't know if he had an
14 electrician out there or not. I just heard through
15 hearsay. I don't know. I honestly would not know.

16 MR. GOLDSTEIN: I have nothing else.

17 JUDGE CARDONI: You want to call your next
18 witness.

19 MR. GOLDSTEIN: Yes.

20 MS. GRAHAM: Yes, Judge. ComEd's next witness is
21 Mr. William Mueller.

22 JUDGE CARDONI: You may proceed.

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WILLIAM MUELLER,

called as a witness herein, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY

MS. GRAHAM:

Q. Could you please spell your name for the record, Mr. Mueller.

A. Last name is Mueller, M-U-E-L-L-E-R.

Q. And what is your job at ComEd?

A. Principle rate administrator.

Q. Could you please generally describe your duties and responsibilities as a principle rate administrator?

A. My main duties are to help the ComEd personnel to stay in compliance with the tariffs on file with the Commission in regard to design and construction of services.

Q. And how long have you held this position?

A. 18 years.

Q. How long have you been employed by ComEd?

A. 39 years.

1 Q. So, as part of your duties and
2 responsibilities as a principle rate administrator,
3 are you familiar with ComEd's tariffs and overall
4 rate design?

5 A. Yes.

6 Q. I'm going to hand you what's been marked as
7 ComEd Exhibit B. Could you explain what this is?

8 A. This is Sheet No. 150 from the ComEd tariff
9 titled "General Terms and Conditions."

10 Q. Has this been approved by the Illinois
11 Commerce Commission?

12 A. Yes.

13 Q. And can you explain what this tariff means
14 for the customer just generally?

15 A. In the last paragraph on this sheet it
16 discusses the situation where -- where there's an
17 intervening property between ComEd's facilities and
18 the customer, that it is the responsibility of the
19 customer to obtain and maintain the consent of the
20 intervening property owner in order to have the
21 customer served with ComEd facilities.

22 Q. And are you familiar with Mr. Plaza's

1 complaint?

2 A. Yes.

3 Q. How are you familiar with it?

4 A. I read through it and I've talked about what
5 were some of the proposed solutions.

6 Q. Can you explain how this paragraph applies
7 to Mr. Plaza's situation?

8 A. Yes. Mr. Plaza -- the electric service
9 wires that serve his home originate from a ComEd
10 pole that is on the neighboring property to his
11 south and, to serve him, the wires do cross the
12 neighbor's property in order to reach the point of
13 contention on Mr. Plaza's house, and so the
14 permission to cross that property would be coming
15 from his neighbor and now with the construction of
16 the shed the neighbor has withdrawn that consent.

17 Q. I would like to hand you what's been marked
18 as ComEd Exhibit C. Could you please explain what
19 this is?

20 A. This is another part of the ComEd tariff.
21 It's called Rider NS. It stands for non-standard
22 services and facilities, and in this tariff it

1 allows ComEd to recover the cost of any non-standard
2 services and facilities that it may provide so that
3 the other ratepayers don't have to bear that cost.

4 Q. Can you explain how this tariff applies to
5 the current situation with Mr. Plaza?

6 A. Yes. In this particular case, ComEd had a
7 service to Mr. Plaza's residence. The service was
8 adequate, and at this point in time, because of the
9 loss of the permission to cross the neighbor's
10 property, the solution -- one of the solutions is
11 for ComEd to install an additional pole and a span
12 of wire in order to get clearance from the shed that
13 was constructed on the neighbor's property.

14 So the additional cost to install that
15 pole and wire would be considered a
16 non-standard service and should be recovered from
17 the customer that requires or request that.

18 Q. Can you explain that a little more? Can you
19 explain why the tariffs require a customer like
20 Mr. Plaza in this situation to pay to relocate the
21 facility? Why are the rates designed that way?

22 A. Yes. The rates that a customer pays are to

1 provide what's considered standard service, which is
2 essentially the facilities that are adequate to
3 serve a customer at a single point.

4 When such facilities are providing any
5 relocation or replacement of those facilities, if
6 they are adequate, are considered to be a
7 non-standard service, and if we did not recover the
8 cost of the non-standard service, we would seek to
9 recover those costs in the base rates, and I don't
10 think the Commission would allow that.

11 Q. Okay. Just to be clear for the record,
12 based on your review of the allegations and facts in
13 the case and your understanding of the tariffs and
14 the way the rates are designed, is Mr. Plaza
15 responsible for paying to move the facilities
16 serving his property?

17 A. Yes.

18 Q. Is there anything else you would like to
19 add?

20 A. No.

21 MS. GRAHAM: Judge, we would like to move
22 Exhibits B and C into evidence as well.

1 JUDGE CARDONI: Did you move to admit A in the
2 record?

3 MR. GOLDSTEIN: I did, yes.

4 JUDGE CARDONI: You did?

5 MR. GOLDSTEIN: Yes.

6 JUDGE CARDONI: Did I ignore you?

7 MR. GOLDSTEIN: You did not rule on it, Judge.

8 JUDGE CARDONI: Mr. Plaza, do you have any
9 objection to ComEd Exhibits A, B, and C?

10 MR. PLAZA: Well, what is the purpose of a
11 service fee? Is that similar to what this gentleman
12 is talking about? Because over the 29 years that I
13 have resided there, I have paid \$13,000 in delivery
14 fees. Now to me, a delivery fee is something that
15 would go through the wires, a pole to my house, so
16 what am I paying for as far as delivery is
17 concerned?

18 MR. GOLDSTEIN: Is this a question for
19 Mr. Mueller to answer?

20 MR. PLAZA: I'm just making a statement.

21 MS. GRAHAM: Well --

22 MR. PLAZA: You have --

1 JUDGE CARDONI: Mr. Plaza, Exhibit A is the plat.

2 Do you have an objection to this going into the
3 record?

4 MR. PLAZA: Well, first of all, the survey plat
5 is all wrong, because still, once again, in the
6 encroachment the surveyor did not take into
7 consideration what Mr. Stoja buried what's
8 underground, so we are still back to the
9 encroachment.

10 MS. GRAHAM: So you do object to this?

11 MR. PLAZA: I do. I do.

12 MS. GRAHAM: And these two exhibits are the
13 tariff sheets that govern ComEd service to its
14 customers, and they're approved by the Commerce
15 Commission, so they're basically the law ComEd has
16 to follow in terms of providing service to its
17 customers.

18 MR. PLAZA: Well, ma'am, I will tell you. If
19 this was my death warrant, I probably would have
20 agreed to it, because, again, words are meant to be
21 confusing, especially when they're not written for
22 the laymen and meant to be confusing. No, no

1 objection.

2 JUDGE CARDONI: Okay. Well, I'm going to admit
3 ComEd Exhibits A, B, C.

4 (Whereupon, ComEd Exhibits
5 A, B & C were received in
6 evidence.)

7 What you just stated is also part of
8 the record.

9 MR. PLAZA: Thank you.

10 EXAMINATION

11 BY

12 JUDGE CARDONI:

13 Q. Mr. Mueller, I just have one question for
14 you about Exhibit B. When did this tariff go into
15 effect?

16 A. When did it go into effect?

17 Q. Do you know?

18 A. At the bottom right-hand corner, this
19 particular sheet went into effect October 9th of
20 2015.

21 Q. October -- you mean where it says filed?

22 A. No, to the right of that, lower right-hand

1 corner, says date effective October 9th.

2 Q. But do you know if that was the original
3 filing? I guess my question is is this a new tariff
4 from 2015, do you know?

5 A. No, it was not.

6 Q. So it could have been ten years?

7 A. Yes.

8 JUDGE CARDONI: Okay. Any other questions for
9 Mr. Mueller?

10 Mr. Plaza?

11 MR. PLAZA: (Shaking head.)

12 JUDGE CARDONI: ComEd, do you have other
13 witnesses?

14 MS. GRAHAM: No, Judge. We have no further
15 witnesses.

16 JUDGE CARDONI: Mr. Plaza, would you like to say
17 anything further in closing or anything else?

18 MR. PLAZA: (Shaking head.)

19 JUDGE CARDONI: No. Okay. ComEd.

20 MS. GRAHAM: No.

21 JUDGE CARDONI: All right. What happens next,
22 Mr. Plaza, is that I'll write a proposed order. I

1 do that based on the record that I receive, as well
2 as the transcript which I'll receive in a couple of
3 weeks.

4 I will provide a proposed order with
5 my decision. At that point, you will -- if you
6 don't like it, you'll file what's called a Brief on
7 Exceptions, which is just your statement about what
8 is wrong with the order, and then it will go to the
9 Commission and the Commission will both vote on the
10 order.

11 And at this point I can't really give
12 you a good estimate of when that order will be
13 ready, but it will be at least a month, so you'll
14 receive that in the mail, and there will be a date
15 for when you would file any exceptions.

16 Do you have any other questions?

17 MR. PLAZA: I wish Michael and Jessica Stoja
18 picked another neighbor.

19 JUDGE CARDONI: As I said when we first started,
20 I would encourage the parties to continue to talk
21 and perhaps work this out.

22 MR. PLAZA: Your Honor, Jessica Stoja filed three

1 false police reports against me when I turned them
2 in in August of 2015. Two were for stalking her and
3 the other falsified police reports were me taking
4 pictures of their son's 5-year old bedroom windows.

5 I went to the Park Ridge Police
6 Department to object, and Sergeant Eugene Ware,
7 W-A-R-E, stated "We're not going to do anything
8 because look at the world the way it is. That's how
9 it goes."

10 So, as far as communicating with these
11 people, not a chance --

12 JUDGE CARDONI: All right. I understand.

13 MR. PLAZA: -- not after filing three false --
14 you know, something, too, ma'am, I will probably
15 never see you again.

16 For 35 years, I was a federal law
17 officer. I was a customs and -- immigration customs
18 officer at O'Hare. I was a special agent. I was a
19 sky marshall. I was a political asylum officer; I
20 dealt with nationality and race, membership in a
21 particular social group. I adjudicated over 7,000
22 cases in Romania, Russia, Afghanistan, Iraq.

1 So, again, this is all nothing new to
2 me, and for this to happen, it's a travesty. That's
3 all I have to say. It's a sure travesty just
4 because he knows somebody at the country club who
5 pulled some strings, and that's what it all boils
6 down to, and he told me this is all happening,
7 and --

8 JUDGE CARDONI: That sounds very frustrating.

9 MR. PLAZA: Yes, it is.

10 JUDGE CARDONI: I'm actually encouraging you to
11 work with ComEd, not your neighbors. It doesn't
12 sound like to me much resolution talking to the
13 neighbors.

14 MR. PLAZA: ComEd had not been truthful. They
15 truly aren't. Again, you know, they have
16 painted -- ComEd's involved with this. Okay. They
17 painted a target. They're determined. I've never
18 seen anybody go after somebody so bad for the sum of
19 \$3500. I mean, that's ridiculous. I just wonder --
20 and it's in the file --

21 MS. GRAHAM: Judge --

22 MR. PLAZA: -- how much this litigation is

1 costing the customers. Don't worry about a pole
2 costing the customers.

3 MS. GRAHAM: Judge --

4 MR. PLAZA: How much does this cost the customer?

5 MS. GRAHAM: -- Mr. Plaza had plenty of time to
6 testify. We will try to work with him. If he
7 wants to talk to us, he certainly can.

8 JUDGE CARDONI: I'm going to mark the record
9 heard and taken, and I appreciate your time today.
10 Thank you, Mr. Plaza, for coming in as well.

11 MR. PLAZA: Thank you, your Honor.

12 HEARD AND TAKEN.

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