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BEFORE THE  
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF: )  
)  
AMOS A. IDOWU, )  
)  
Complainant, ) Docket No. 16-0419  
-vs- )  
)  
COMMONWEALTH EDISON COMPANY, )  
)  
Respondent. )  
)  
COMPLAINT AS TO  
BILLING/CHARGES IN CHICAGO,  
ILLINOIS.

Chicago, Illinois  
October 6th, 2016

Met, pursuant to notice, at 11:00 a.m.

BEFORE:

MR. JOHN T. RILEY, Administrative Law Judge

SULLIVAN REPORTING COMPANY, by  
Devan J. Moore, CSR  
License No. 084-004589

1 APPEARANCES:

2 VAN DORF, FREUND, KAHN & ASSOCIATES, by  
3 111 North Wabash Avenue  
4 Suite 1605  
5 Chicago, IL 60602  
6 (312)782-0840  
7 for the Complainant;

8 MARK L. GOLDSTEIN, P.C., by  
9 MR. MARK L. GOLDSTEIN  
10 3019 Province Circle  
11 Mundelein, IL 60060  
12 (847)949-1340

-and-

GRAHAM & GRAHAM, LLP, by  
MS. REBECCA A. GRAHAM  
115 South LaSalle Street  
Suite 2600  
Chicago Ridge, IL 60603  
(312)505-8154  
for ComEd.

13 ALSO PRESENT:

14 Aaron Jimenez,  
15 ComEd Representative.

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1           JUDGE RILEY: Pursuant to the direction of the  
2 Illinois Commerce Commission, I call Docket 16-0419.  
3 This is a complaint by Mr. Amos A. Idowu versus  
4 Commonwealth Edison Company as to billing and charges  
5 in Chicago, Illinois.

6                   And are you counsel for Mr. Idowu?

7           MR. FREUND: Yes.

8           JUDGE RILEY: Would you state your -- would you  
9 enter an appearance, stating your name and office  
10 address for the record, please.

11           MR. FREUND: Absolutely. Charles Freund,  
12 F-r-e-u-n-d, with Van Dorf, Freund, Kahn &  
13 Associates.

14                   Would you like my address?

15           JUDGE RILEY: Please.

16           MR. FREUND: 111 North Wabash, Suite 1605,  
17 Chicago 60602.

18           JUDGE RILEY: Thank you.

19                   And for ComEd?

20           MS. GRAHAM: On behalf of Commonwealth Edison  
21 Company, Rebecca Graham, 33 North LaSalle Street,  
22 Suite 2200, Chicago, Illinois 60602. My telephone

1 number is (312) 505-8154.

2 MR. GOLDSTEIN: Also on behalf of Commonwealth  
3 Edison Company, Mark L. Goldstein, 319 Province  
4 Circle, Mundelein, Illinois 60060. My telephone  
5 number is (847) 949-1340. And with us this morning  
6 is Aaron Jimenez of ComEd.

7 JUDGE RILEY: All right. Thank you.

8 This is a prehearing conference. I  
9 guess my first question is -- it's a bit of a mystery  
10 that a building that has no meters, no electricity --  
11 where did the 22,000 --

12 The Complainant says that he was  
13 charged \$22,281.52?

14 MR. FREUND: There are 7 meters. There are 6  
15 units. It's a residential building. The 7 meters is  
16 for the common area.

17 JUDGE RILEY: So meters are there?

18 MR. FREUND: Yeah, there are meters; but no one  
19 has resided in the building since 2012. It's been  
20 empty.

21 I actually represented the claimant in  
22 building court, and so we finally got that resolved

1 just last year. And he still isn't quite finished  
2 rehabbing it, but we have all of the violations taken  
3 care of. And then he was attempting to have the  
4 electric service reinstated and received this large  
5 bill. And we asked for an explanation, and we could  
6 not get an explanation from ComEd. And that's why  
7 we're here.

8 JUDGE RILEY: So is the \$22,000 bill for a  
9 building that has not used any electricity?

10 MR. FREUND: Exactly. He has generators. He  
11 was using generators to rehab it. I have photos of  
12 the generators.

13 JUDGE RILEY: So there's no electricity being  
14 used even now?

15 MR. FREUND: No.

16 JUDGE RILEY: Not even a little bit to keep the  
17 pipes warm in the winter?

18 MR. FREUND: Nothing.

19 Are you using any electricity in  
20 there?

21 MR. AMOS A. IDOWU: No. I don't use any  
22 electricity right know.

1           MR. FREUND:  When was the last time that you  
2 used any electricity?

3           MR. AMOS A. IDOWU:  I think they cut it off in  
4 2014 or so.

5           MR. FREUND:  In 2014, they caught it off?

6           MR. AMOS A. IDOWU:  2015.

7           JUDGE RILEY:  I'm sorry?

8           MR. AMOS A. IDOWU:  They cut it off in 2015.

9           JUDGE RILEY:  Okay.

10          MR. AMOS A. IDOWU:  Then I have to buy the  
11 generators to continue my job there.

12          JUDGE RILEY:  Well, let me turn to ComEd now.  
13 What's ComEd's stance?

14          MS. GRAHAM:  Well, it's my understanding -- and  
15 you can correct me if I'm wrong -- but there was  
16 electricity to the building, but it was on a closed  
17 loop.  And several attempts were made to contact the  
18 Complainant about access issues, which were  
19 unsuccessful.  Eventually the electricity was cut;  
20 and that's what prompted the filing of the complaint.

21                        So, I mean, those were sent out -- I  
22 have an activity statement here going back to 2014

1 that shows that bills definitely went out, but there  
2 was no communication with the Complainant and no  
3 payments.

4 JUDGE RILEY: When do you have the Complainant  
5 as the account holder on this address?

6 MR. AARON JIMENEZ: We only have 2 years; but  
7 he was an account holder since 2014, at least that we  
8 can see.

9 JUDGE RILEY: Counsel, do you know how long the  
10 Complainant has owned the building?

11 MR. FREUND: Since 1988.

12 JUDGE RILEY: 1988?

13 MR. AMOS A. IDOWU: Yes. I've been a customer  
14 all of my life. I've been paying them. They're  
15 asking me to pay them money, but this time around I  
16 don't know what happened. This time I don't know  
17 what happened.

18 JUDGE RILEY: Do you know what period of time  
19 these charges covered, the \$22,281?

20 MR. FREUND: No. I've asked ComEd for the  
21 records. I can't remember the woman's name who we  
22 dealt with. She was not very helpful.

1 MR. GOLDSTEIN: Susan Hill (phonetic)?

2 MR. FREUND: Yeah, I think that's it. Susan

3 Hill.

4 MR. AMOS A. IDOWU: Yeah, her name is Sue Hill.

5 Her name is Sue Hill. I tried to beg her to listen,

6 and she refused.

7 MR. FREUND: Are we entitled to any discovery

8 in this?

9 MR. GOLDSTEIN: Absolutely.

10 MR. FREUND: I've never handled one of these.

11 MR. GOLDSTEIN: Yes, you are.

12 MR. FREUND: I have to see what you have.

13 MR. GOLDSTEIN: You're absolutely entitled to

14 discovery.

15 You said that there are non-existent

16 meters, but there are 7 meters in the building?

17 MR. AMOS A. IDOWU: Yes.

18 MR. FREUND: No. There are existent meters.

19 MR. GOLDSTEIN: I was looking at the complaint.

20 MR. FREUND: Yeah, the complaint is wrong.

21 MR. AARON JIMENEZ: This is what it looks like

22 now (indicating).

1           MR. AMOS A. IDOWU:  Yeah, this is how it is  
2  now.

3           MR. AARON JIMENEZ:  Okay.  So these are the  
4  meter fittings.  There's no meters.

5           MR. AMOS A. IDOWU:  No meters?

6           MR. AARON JIMENEZ:  Yeah, there's no meters.

7           MR. GOLDSTEIN:  That's right.  There are no  
8  meters there.

9           MR. FREUND:  It is.

10          MR. AARON JIMENEZ:  It is, but it's on a closed  
11  loop.  So electricity would be running; it just  
12  wouldn't be registered.

13          JUDGE RILEY:  So there are no meters installed  
14  in the building?

15          MR. AMOS A. IDOWU:  Not yet.

16          MR. GOLDSTEIN:  He's right.  The fittings are  
17  there, but there are no meters.

18          JUDGE RILEY:  So how is electricity getting  
19  provided to the building?  What is a closed loop?

20          MR. AARON JIMENEZ:  A closed loop just means  
21  that there is electricity flowing.  When you look at  
22  a circuit, a closed loop means that electricity is

1 flowing. If it's an open circuit or open breaker,  
2 then it stops, and there's no electricity to flow.

3 When we say, "closed meter", it  
4 usually means that there is electricity passing  
5 through. It can either be just simply if it's  
6 jumpered or even if it's just open like this.

7 JUDGE RILEY: But it's not being registered by  
8 ComEd?

9 MR. AARON JIMENEZ: Correct.

10 MR. FREUND: Is it possible that it's open and  
11 it could flow, but it's not flowing through the  
12 building?

13 MR. AARON JIMENEZ: Well, the issue is that we  
14 haven't been able to enter. We do have notes where  
15 we tried to contact him to install meters. Either it  
16 hasn't been ready or there have been padlocks. And  
17 we have been aware at least a year that he has been  
18 rehabbing.

19 MR. FREUND: So those meters are actually  
20 accessible without having him there.

21 MR. AMOS A. IDOWU: Just at the back of the  
22 building.

1           JUDGE RILEY: I guess my question is, if there  
2 aren't any meters registering usage, where did the  
3 \$22,000 bill come from?

4           MR. AARON JIMENEZ: My understanding is that  
5 it's based on the last reading that we did have the  
6 meter; and we're able to continue working with the  
7 Complainant on those details.

8                         But as it stands now, our system was  
9 connected. We weren't allowed access to provide  
10 meters. And until we cut at the weatherhead, we  
11 didn't hear anything from the Complainant; so the  
12 assumption is that electricity was flowing, that  
13 there was benefit of service; and we're just trying  
14 to get to the bottom of it.

15           MR. GOLDSTEIN: At the least, you know, there  
16 has to be some cooperation between the Complainant  
17 and the Company in order for the Company to gain  
18 access to see what the real situation is at the  
19 property.

20                         You know, obviously, Mr. Freund is  
21 entitled to discovery, discovery of whatever we have  
22 in the way of books and records that deal with this

1 property. And when he makes the appropriate request,  
2 we will comply with it.

3 JUDGE RILEY: Is that okay with you?

4 MR. FREUND: Yes. Sure.

5 MR. GOLDSTEIN: And, also, Mr. Freund, has to  
6 file an appearance in this case.

7 MR. FREUND: I will.

8 JUDGE RILEY: Yes, because you're not on the  
9 service list. File it with the Office of the Chief  
10 Clerk of the Commission.

11 So would it be a good idea to set this  
12 thing over for 30 days or so?

13 MR. GOLDSTEIN: At least 30. Probably more.  
14 Don't you think so?

15 MS. GRAHAM: I do.

16 MR. GOLDSTEIN: I think I can say for the  
17 record, Judge, while we're trying to find a new date  
18 for the next status hearing, that this is somewhat of  
19 an unusual situation; and we are willing to work with  
20 the Complainant and his attorney in order to try to  
21 resolve it.

22 MR. AMOS A. IDOWU: Thank you very much. Thank

1 you very much.

2 JUDGE RILEY: Okay. I certainly encourage  
3 that.

4 MR. FREUND: We would like to resolve it, too.  
5 I guess we had to get to this spot so that we could  
6 talk to somebody.

7 JUDGE RILEY: Right. That's understood.

8 Is there any particular day, since  
9 we're going to go well into November now?

10 MS. GRAHAM: We were looking at November 30th.

11 JUDGE RILEY: That will give you the better  
12 part of 2 months.

13 MR. FREUND: Yeah, that date is open.

14 JUDGE RILEY: And it'll be set for a status at  
15 11:00 a.m.

16 Anything else that we need to address  
17 at this time?

18 MR. GOLDSTEIN: No. We would request that if  
19 Counsel has data requests, or interrogatories, or  
20 requests for production, or whatever you want to  
21 phrase it, that you can send that to the attorneys  
22 for ComEd.

1           MR. FREUND: I don't have your information.

2           Here's my card (tendering).

3           JUDGE RILEY: Have you got an extra one,  
4           Counsel?

5           MR. FREUND: Yes (tendering).

6                         So I will go file my appearance right  
7           after this hearing.

8           JUDGE RILEY: All right. Thank you.

9           MR. FREUND: And I will send out a copy to you.

10          MR. GOLDSTEIN: Do you know that you have to  
11         file it with the Chief Clerk of the Commission?

12          MR. FREUND: Yeah, you mentioned that. Is that  
13         in this building?

14          JUDGE RILEY: No. No. That's in Springfield.  
15         As a matter of fact, I can give you the address, if  
16         you want to write it down.

17          MR. FREUND: Sure.

18          JUDGE RILEY: It is 527 East Capitol Ave,  
19         Springfield 62701.

20                         Anything further?

21          MR. FREUND: No.

22          JUDGE RILEY: All right. We are continued for

1 status to November 30, at 11:00 a.m. And I'll have a  
2 formal notice of that sent out to both parties. And  
3 as soon as you get on the service list, you'll be  
4 included in those mailings, and we'll see where we  
5 are at that time.

6 MR. FREUND: Okay.

7 MS. GRAHAM: Thank you, Judge.

8 MR. GOLDSTEIN: Thank you, Judge.

9 MR. FREUND: Thank you for your time.

10 MR. AMOS A. IDOWU: Thank you.

11 (Whereupon, the above-entitled  
12 matter was continued to  
13 November 30th, 2016, at  
14 11:00 a.m.)

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