STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Lisa Smith : 
-vs- : 
Commonwealth Edison Company : 11-0770 :
Complaint as to billing/charges :
in Chicago, Illinois. :

ORDER

By the Commission:

On December 7, 2011, Lisa Smith ("Complainant") filed a Complaint with the Illinois Commerce Commission ("Commission") against Commonwealth Edison Company ("Respondent") alleging that the Respondent wrongfully denied her request to stop disconnection of her service for medical reasons under 83 Ill. Adm. Code 280.130(j).

Pursuant to notice given in accordance with the law and rules and regulations of the Commission, this matter came on for a prehearing conference before a duly authorized Administrative Law Judge ("ALJ") of the Commission at its offices in Chicago, Illinois on February 1, 2012. Complainant failed to appear at the hearing or file a motion seeking a continuance of the hearing date. Given the nature of the Complaint, the ALJ made an unsuccessful attempt to reach the Complainant by telephone during the prehearing conference. The Complainant returned the phone call after the prehearing conference adjourned and indicated that she received the ALJ Hearing Notice for the February 1, 2012 prehearing conference and that she planned to attend the subsequent hearing. The Complainant, however, failed to appear at the subsequent hearing on March 27, 2012. The Complainant did not contact the ALJ or file a motion seeking a continuance of the hearing date. Respondent appeared by counsel at both hearings. At the conclusion of the hearing on March 27, 2012, the record was marked "Heard and Taken."

On July 2, 2012, the ALJ issued a Proposed Order in this matter. No exceptions were filed by either party.

Based on the foregoing, it is apparent that the Complainant does not wish to proceed with this matter. The Commission’s rules provide that complaints that are not prosecuted diligently may be dismissed for want of prosecution. (83 Ill. Adm. Code 200.550) Accordingly, this matter should be dismissed for want of prosecution, without prejudice.

The Commission, having considered the entire record and being fully advised in the
premises, is of the opinion and finds that:

(1) Respondent, Commonwealth Edison Company, is a “public utility” as defined in the Public Utilities Act;

(2) the Commission has subject-matter jurisdiction and jurisdiction over the parties;

(3) the recitals of fact and conclusions of law in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact and conclusions of law; and

(4) the instant Complaint should be dismissed for want of prosecution, without prejudice.

IT IS THEREFORE ORDERED that the Complaint filed by Lisa Smith on December 7, 2011 against Commonwealth Edison Company, is hereby dismissed for want of prosecution, without prejudice.

IT IS FURTHER ORDERED that subject to the provisions of Section 10-113 of the Public Utilities Act and 83 Ill. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

By Order of the Commission this 17th day of October, 2012.

(SIGNED) DOUGLAS P. SCOTT

Chairman