STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Edith B. Brown     :  
- vs -  
Commonwealth Edison Company :  19-0720  
Complaint as to billing and/or charges in Chicago, Illinois. :  

ORDER

By the Commission: 

On July 1, 2019, Ms. Edith B. Brown ("Complainant") filed a verified Complaint with the Illinois Commerce Commission ("Commission") against Commonwealth Edison Company ("Respondent") regarding billing and/or charges in Chicago, Illinois.

Pursuant to notice given in accordance with the law and the rules and regulations of the Commission, this matter came before a duly-authorized Administrative Law Judge ("ALJ") of the Commission at its offices in Chicago, Illinois, for hearings on July 23, 2019 and September 11, 2019. The Complainant failed to appear at the July 23, 2019 hearing and at the final September 11, 2019 hearing. At the hearing held September 11, 2019, Respondent made an oral motion to dismiss the proceeding for want of prosecution. At the conclusion of the hearing on September 11, 2019, the record was marked "Heard and Taken."

Based upon the foregoing, it is apparent that the Complainant does not intend to proceed with this matter. Respondent’s motion to dismiss should be granted, pursuant to 83 Ill. Adm. Code 200.550 which states that complaints that are not prosecuted diligently may be dismissed for want of prosecution.

The ALJ served a Proposed Order on September 24, 2019. No Briefs on Exceptions were filed.

The Commission, having considered the entire record herein 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, 220 ILCS 5/1-101 et seq.;

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

(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 Commonwealth Edison Company's motion to dismiss for want of prosecution be, and the same is, hereby granted and this matter is dismissed, without prejudice.

IT IS FURTHER ORDERED that any objections, motions or petitions not previously disposed of are hereby disposed of consistent with the findings of this Order.

IT IS FURTHER ORDERED that pursuant to Section 10-113(a) of the Public Utilities Act and 83 Ill. Adm. Code 200.880, any application for rehearing shall be filed within 30 days after service of the Order on the party.

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 14th day of November, 2019.

(SIGNED) CARRIE ZALEWSKI

Chairman