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DEERFIELD FILES CLASS ACTION LAWSUIT AGAINST COMED

Electric Circuits Among Worst in System

DEERFIELD, IL – The Village of Deerfield today filed a class action lawsuit against Commonwealth Edison charging the utility company with gross violation of its agreement to provide reliable service to the 18,000 residents of the north suburban Chicago community. Deerfield officials say that during the period from 2000 until 2007, the village suffered 82,347 individual customer power outages during 1377 separate electrical failures. Only 13% of these outages were weather-related.

“After years of patience while listening to ComEd’s unfulfilled promises to fix these problems, we now turn to the courts to adjudicate our claims,” said Steve Harris, Mayor of Deerfield. “ComEd has given us no other option than to seek a legal remedy to their gross and willful dereliction of duty.”

Just three months ago, the Chairman of Exelon, ComEd’s parent company, gloated over profits from the previous year when he was quoted as saying, “Honest to God, I don’t think any utility has ever had a better year.”

Mayor Harris responded, “Exelon’s comments are appalling in view of the incredibly poor job that its utility subsidiary ComEd has done in fulfilling its contractual obligations to the residents of my community. While the people of Deerfield pay for spoiled food, generators and sump pumps and even temporary housing again and again, Exelon pockets windfall profits. Their commitment to fix our electric delivery system remains a dream.”

Several residents have even been told by ComEd employees that the infrastructure in the Deerfield area “absolutely needs to be updated.”

Judith Adamson, a Deerfield resident for thirty years said, “ComEd tells us that the problem is that our utilities are underground and connect to old above ground poles and switch boxes and it would be too costly to revamp the system.”

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The class action lawsuit filed in Lake County Circuit Court on Thursday charges that ComEd violated the Illinois Public Utilities Act and their franchise agreement with Deerfield and its residents by failing to provide adequate and reliable electric service and failing to maintain infrastructure necessary to provide that service. It calls for compensation for actual damages as well as punitive damages for ComEd's willful refusal to repair and maintain its electrical systems and circuits.

From 2000 to 2007, ComEd's own Franchise Reports confirm Deerfield suffered 1377 total outages that lasted 5,576 hours. The reports show only 13% were attributed to weather related causes. The Franchise Reports also show that the total amount of outages have increased steadily during the last three years. During this period, outages due to failure of ComEd's electric underground equipment have risen dramatically.

ComEd's Annual Reliability Reports cite ten circuits that serve Deerfield as appearing on their list of top 1% worst performing circuits in its Northeast service area from 2001-2006. In addition, these reports show at least one circuit serving Deerfield has been included as a top 1% worst performing circuit for ComEd's Northeast service area in every year from 2001 to 2006. Moreover, the report proves there are other circuits serving Deerfield that are performing even worse than those on ComEd's 1% worst performing list, but they do not appear on that list.

In addition to ComEd's own reports, Deerfield residents have provided further evidence that ComEd has had full knowledge of the inadequacy and unreliability of its electric service in Deerfield and willfully, knowingly, and wrongfully permitted the deterioration of its electrical facilities. Others have been told by electricians that ComEd was not providing enough amperage to their homes.

"I have been told by ComEd workers that the feeder to our area of the Village is very old and worn out and that is one reason for the outages," said Deerfield resident Richard Beaton.

Mayor Harris added, "With each outage, Deerfield and its residents and businesses are damaged. Many within our community have been forced to spend monies to replace and repair items damaged as a result of outages. In addition, the Village has been required to allocate municipal resources during each outage in order to help keep order and assist residents and businesses. The costs associated with this are an enormous burden for Deerfield."

According to Section 5.1 of the Franchise Agreement, ComEd is required to provide an adequate supply of electricity to Deerfield and its residents. According to Section 5.5.1, ComEd has a duty to prevent interruptions in the electric service it provides to Deerfield and its residents. And, under the Public Utilities Act, ComEd has a duty to provide adequate, reliable, and efficient electric service and facilities to its customers.

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