



# CITIZENS UTILITY BOARD

Fighting for Illinois Consumers

**FOR IMMEDIATE RELEASE:**  
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## STATEMENT BY CUB EXECUTIVE DIRECTOR DAVID KOLATA ON DISMISSAL OF FEDERAL CLASS ACTION AGAINST COM ED

The Citizens Utility Board (CUB) is disappointed that the U.S. District Court has sided against Illinois consumers and dismissed our lawsuit against ComEd. Despite this disappointing decision, we remain committed to holding the utility accountable and securing fair compensation for customers harmed by the ComEd scandal. We are now weighing our options before the federal court, and have already intervened in class action lawsuits in the state courts. And today we are working to pass a strong energy bill now before the Illinois General Assembly that encourages the Illinois Commerce Commission (ICC) to continue an ongoing investigation into the possibility of capturing refunds for ComEd customers.

### Background:

- On Thursday, Sept. 9, a federal judge dismissed a lawsuit filed by CUB against Commonwealth Edison.
- In January, CUB intervened in a federal class action lawsuit in U.S. District Court to get fair compensation for ComEd customers who have been “harmed by unfairly high rates” because of the company’s scandal. CUB filed the complaint with former Gov. Pat Quinn and Edelson P.C., one of the nation’s top consumer law firms. CUB’s lawsuit accused the company of racketeering, bribery, conspiracy and unjust enrichment.
- In July 2020, the U.S. Attorney’s Office in Chicago announced that Illinois’ largest electric utility had admitted to an illegal scheme to pass state legislation in 2011 that opened the door to ComEd enjoying rubber-stamped rate hikes, known as formula rates. Under a deferred prosecution agreement ComEd must pay a \$200 million fine to the federal government, but so far the utility’s customers have gotten nothing.
- According to CUB’s complaint, filed Jan. 5: “While utility consumers would always have been harmed by unfairly high rates, the harm is particularly acute this year, as hundreds of thousands of Illinoisans have lost their jobs due to the coronavirus pandemic. Many Illinois residents and businesses have fallen behind on their utility bills. ComEd, meanwhile, continues to reap the benefits of its nearly decade-long scheme—even after admitting what it has done.”

The lawsuit added that ComEd “willfully and intentionally violated numerous state and federal laws with the goal of obtaining money and political power.”

*CUB is Illinois’ leading nonprofit utility watchdog. Created by the Illinois Legislature, CUB opened its doors in 1984 to represent the interests of residential and small-business utility customers. Since then, it has saved consumers more than \$20 billion by helping block rate hikes, secure refunds and fight for clean, low-cost energy. For more information, call CUB’s Consumer Hotline, **1-800-669-5556**, or visit its website, [www.CitizensUtilityBoard.org](http://www.CitizensUtilityBoard.org).*

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