



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

GRANTED: July 20, 2012

CBCA 2658

COMMONWEALTH EDISON COMPANY,

Appellant,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Respondent.

Terry Miller of Commonwealth Edison Company, Oakbrook Terrace, IL, counsel for Appellant.

Katherine M. Smyth, Office of the General Counsel, Department of Veterans Affairs, Washington, DC, counsel for Respondent.

Before Board Judges **DANIELS** (Chairman), **HYATT**, and **VERGILIO**.

VERGILIO, Board Judge.

On December 8, 2011, the Board received from Commonwealth Edison Company (contractor) a notice of appeal concerning its account, 12266-42003, with the Department of Veterans Affairs (Government), under a General Services Administration Area Wide Public Utility Contract, GS-OOP-05-BSD-0361. The contractor seeks unpaid utility usage fees which are said to have arisen from meters that recorded only a fraction of the actual usage. The contracting officer denied the claim, citing a lack of sufficient information to support the claim.

The contractor provided information as the parties engaged in discussions without formal proceedings or filings. On July 19, 2012, the Board received from the parties a joint motion for judgment on a stipulated settlement. The Government shall pay the contractor \$518,970.52 in full and final resolution of this dispute. Under the agreement, each party shall

be responsible for its own costs, attorney fees, and expenses incurred in the litigation. The agency is not liable for interest under the Contract Disputes Act on the agreed-upon settlement amount. The parties will not seek reconsideration of, or relief from the Board's decision, and will not appeal the decision.

Decision

Accordingly, the Board **GRANTS** the appeal. The contractor is to receive \$518,970.52.

JOSEPH A. VERGILIO
Board Judge

We concur:

STEPHEN M. DANIELS
Board Judge

CATHERINE B. HYATT
Board Judge