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BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
EDITH BEASLEY)
vs.)
PEOPLES GAS LIGHT AND COKE)
COMPANY,)
) No. 05-0553
Complaint as to return of)
security deposit in Chicago,)
Illinois.)
Chicago, Illinois
November 15th, 2005

Met pursuant to notice at 11:00 a.m.

BEFORE:
MS. LESLIE HAYNES, Administrative Law Judge.
APPEARANCES:

MS. EDITH BEASLEY
6801 S. St. Lawrence
Chicago, Illinois 60637
appearing pro se;
MR. MARK L. GOLDSTEIN
108 Wilmot Road, Suite 330
Deerfield, Illinois 60015
appearing for Peoples Gas.

SULLIVAN REPORTING COMPANY, by
Barbara A. Perkovich, CSR

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I N D E X

<u>Witnesses:</u>	<u>Direct</u>	<u>Cross</u>	<u>Re-</u> <u>direct</u>	<u>Re-</u> <u>cross</u>	<u>By</u> <u>Examiner</u>
E. Beasley	31	42			
B. Schmoltdt	58	72			

E X H I B I T S

<u>Number</u>	<u>For Identification</u>	<u>In Evidence</u>
Comp. No. 1	37	56
Comp. No. 2	38	56
Comp. No. 3	38	56
Resp. Cross No. 1	52	56
Resp. No. 1	61	83
Resp. No. 2	64	83
Resp. No. 3	66	83

1 JUDGE HAYNES: Pursuant to the direction of the
2 Illinois Commerce Commission, I now call Docket
3 05-0553. This is the complaint of Edith Beasley
4 versus Peoples Gas Light and Coke Company.

5 May I have your name and address for the
6 record, please.

7 MS. EDITH BEASLEY: The name is Edith Beasley.
8 The address is 6801 South St. Lawrence Chicago,
9 Illinois 60637.

10 MR. GOLDSTEIN: On behalf of the Peoples Gas
11 Light and Coke Company, Mark L. Goldstein, 108
12 Wilmot Road, Suite 330, Deerfield, Illinois 60015.
13 My telephone number is (847) 580-5480.

14 JUDGE HAYNES: We're here today for the
15 evidentiary hearing, unless something has changed
16 is that correct, we can go ahead with the trial?

17 MR. GOLDSTEIN: Nothing has changed.

18 JUDGE HAYNES: Then, Ms. Beasley, you will go
19 first today. And I'm going to ask that you go
20 ahead and tell what your complaint is regarding and
21 introduce any papers that you have to support your
22 complaint and then Mr. Goldstein will have an

1 opportunity to cross examine you.

2 MS. EDITH BEASLEY: Tell him what happened, what?

3 JUDGE HAYNES: I'm sorry, am I not speaking loud
4 enough? You're going to go first and introduce all
5 the papers you brought with you and explain what
6 your complaint is about. And then he will have an
7 opportunity, Mr. Goldstein will have an opportunity
8 to question you and then Mr. Goldstein will put on
9 his witness and you will have an opportunity to
10 question that witness.

11 MS. EDITH BEASLEY: Now, Mr. Goldstein, you said
12 that I could request any information I needed to
13 complete this case, and I did fax him a fax and I
14 asked for information, you know, and he denied it,
15 he said he didn't have it. But yet he went back to
16 get these old -- he said he couldn't get old bills,
17 but these are duplicate bills, he got 12/02. This
18 is regarding that money that was returned to me
19 that he still insists upon going ahead with this
20 account number 6923, which we dismissed before.

21 Why are we down here for that same
22 account number? I am not asking for that account

1 number. The documents that I sent Mr. Reardon --

2 JUDGE HAYNES: So is there a discovery problem
3 still?

4 MR. GOLDSTEIN: Not as far as I'm concerned,
5 Judge. Ms. Beasley made a request of me for
6 certain information, the information does not
7 exist. I informed her by letter exactly what the
8 situation was. I would be more than happy to read
9 my response into the record, but I don't see that
10 it's really necessary. The bottom line of it all
11 is, the information -- we gave her all the
12 information that we would possibly introduce during
13 the course of this evidentiary proceeding.

14 JUDGE HAYNES: Can I see the fax that you sent to
15 Mr. Goldstein and his response?

16 MS. EDITH BEASLEY: Okay. November 11th, 0905.

17 MR. GOLDSTEIN: Could you please provide it to
18 the judge so we can shorten this? And my response,
19 Ms. Beasley, my letter.

20 JUDGE HAYNES: Okay. And what did he provide to
21 you?

22 MS. EDITH BEASLEY: He provided me this list of

1 all the bills -- I mean a list of accountings for
2 2/00, 2/01, 2/02.

3 JUDGE HAYNES: Is this the paperwork?

4 MS. EDITH BEASLEY: Yes. But he didn't give it
5 to me like this, like the ones he give me on -- I'm
6 not here to discuss 6923, that is not what I filed
7 my complaint on. And then this information --

8 JUDGE HAYNES: One second. Is this the different
9 account or is this the account that --

10 MR. GOLDSTEIN: This is the 2985 account, which
11 is the one we're here about. And then we have
12 Mr. Schmoldt here to testify to that, if need be.

13 MS. EDITH BEASLEY: Well, we're here -- this is
14 what I filed with the Illinois Commerce Commission.
15 This is the account right here.

16 JUDGE HAYNES: So the bills that he submitted to
17 you, are they correct account number?

18 MS. EDITH BEASLEY: No, they are the ones that I
19 got back, I got a refund for. That isn't the one
20 that I filed with the Illinois Commerce Commission,
21 this is not the account number.

22 JUDGE HAYNES: What else did he provide to you?

1 He provided you this list. Is this what else he
2 gave to you in response?

3 MS. EDITH BEASLEY: Yes, and I asked him if he
4 could give me the duplicate bills on the -- what he
5 wanted but he wouldn't provide me the duplicate
6 bills what I wanted on this account. He's trying
7 to cross.

8 MR. GOLDSTEIN: Judge, the bottom line of it is,
9 that these bills are over three years old, they are
10 no longer --

11 MS. EDITH BEASLEY: We're not here --

12 MR. GOLDSTEIN: May I finish?

13 MS. EDITH BEASLEY: We're not here to discuss --

14 MR. GOLDSTEIN: May I finish my statement?

15 JUDGE HAYNES: Mr. Goldstein, no need to raise
16 your voice.

17 MR. GOLDSTEIN: This could go on forever if I'm
18 not allowed to speak. These bills are over
19 three years old, as you know, Judge, they are no
20 longer in the Peoples Gas system, that's what I
21 explained to her in my letter of November 10th. I
22 can't reproduce them. The bills that she provided

1 and we made part of our original motion to dismiss,
2 are bills that relate back to 2002. That was
3 exactly the reason the motion to dismiss was filed.

4 JUDGE HAYNES: Mr. Goldstein, when you responded
5 to her, is this listing, is this what you gave her?

6 MR. GOLDSTEIN: No, I gave her several more
7 documents, Judge, I think some of them are over
8 there.

9 JUDGE HAYNES: Do you have a copy of the
10 response?

11 MR. GOLDSTEIN: I believe that those are the
12 documents I provided. I think that's it, pretty
13 much.

14 JUDGE HAYNES: Because this is the wrong account
15 number.

16 MR. GOLDSTEIN: Well, one of them --

17 JUDGE HAYNES: So you provided her the wrong
18 account number and the correct account number?

19 MR. GOLDSTEIN: Yes, for a reason.

20 JUDGE HAYNES: Okay, that's fine.

21 MR. GOLDSTEIN: And those will be introduced, if
22 need be, by my witness.

1 JUDGE HAYNES: And this is the account summary
2 for 2985?

3 MR. GOLDSTEIN: That's correct, Judge.

4 JUDGE HAYNES: And the company is saying that you
5 don't have the duplicate bills still for this
6 account number?

7 MR. GOLDSTEIN: That's right.

8 JUDGE HAYNES: Ms. Beasley, I think that at this
9 time I'm just going to have you go ahead and
10 explain your position and he has -- Mr. Goldstein
11 has stated that the Company has provided what they
12 have for your account. And he has provided the
13 account summary.

14 MS. EDITH BEASLEY: All right, we were here last
15 time and I don't intend to come down here and
16 rehash, this has nothing to do with this account
17 and I filed that.

18 JUDGE HAYNES: Ms. Beasley, so we're going to go
19 ahead and have you give your testimony, but in
20 order to do that, I have to swear you in. So
21 please raise your right hand.

22 (Witness sworn.)

1 JUDGE HAYNES: So if you would like to go ahead
2 and explain.

3 MS. EDITH BEASLEY: At the time Peoples Gas, I
4 was having that bill, I had a problem with Peoples
5 Gas account No. 3500003700387 and it --

6 MR. GOLDSTEIN: I'm going to object to this
7 testimony, Judge. It has nothing to do with
8 account number that ends in the 2958 number, that's
9 the account that we're here for today. Her
10 testimony thus far has absolutely nothing to do
11 with this account, it's irrelevant.

12 JUDGE HAYNES: Ms. Beasley, are you going to
13 explain how this is related?

14 MS. EDITH BEASLEY: Yes, I will. I was so tied
15 up with them for a year until I didn't even notice
16 I didn't get my deposit back. And that's how it
17 went on. And this will show, this shows that they
18 were in default on me -- they kept -- they owed me
19 \$1,666, and at the end of the year, after I was
20 with them, with a Judge Zaban for a whole year --

21 MR. GOLDSTEIN: I'm going to object, Judge, this
22 has nothing to do -- I have a right to object, you

1 are letting her do this in a narrative form, I have
2 a right to object to her testimony, which has
3 absolutely nothing at all to do with this account.
4 This is the reason we're here.

5 JUDGE HAYNES: Mr. Goldstein, both of you, in
6 order to complete this today, I would like for
7 Mr. Goldstein to allow Ms. Beasley to explain if
8 there is some connection between the two and she
9 has said there is. I understand that you say that
10 there isn't. However, I am going to let
11 Ms. Beasley attempt to make a connection. If she
12 cannot, then we will move on.

13 MR. GOLDSTEIN: Could you ask her --

14 JUDGE HAYNES: And Mr. Goldstein, one more thing,
15 I would appreciate it if you did not raise your
16 voice.

17 MR. GOLDSTEIN: Could you request Ms. Beasley to
18 tell you at least what account number she is
19 referring to so that it's clear on the record that
20 this has nothing at all to do with this account.

21 JUDGE HAYNES: That is a very good point.

22 MS. EDITH BEASLEY: I did, when I started out,

1 didn't you get the account number?

2 JUDGE HAYNES: You did mention an account
3 number.

4 MS. EDITH BEASLEY: That's right.

5 JUDGE HAYNES: Before you go into all the
6 details, could you tell me how this problem with
7 this old account relates the problem with the
8 account No. 2985, which is the subject of your
9 complaint?

10 MS. EDITH BEASLEY: Because he said that it was
11 so old. I was so busy -- see I had four accounts
12 at the time. I have was so busy dealing with this
13 \$1,600 that they owed me until I didn't even think
14 about the -- this account that they owed me and
15 that's how it got out of hand. Because I had four
16 accounts with the gas company at this time.

17 JUDGE HAYNES: And so does that old complaint
18 have something to do with this complaint?

19 MS. EDITH BEASLEY: No more than how the gas
20 company lied and said they didn't owe me the money,
21 and at the end they had to refund me the money and
22 I was so tied up with them.

1 JUDGE HAYNES: So then let's talk about --

2 MS. EDITH BEASLEY: For a year.

3 JUDGE HAYNES: Okay, so you've made that point,
4 could we talk then about the account number that
5 pertains to your complaint?

6 MS. EDITH BEASLEY: Yes, um-hmm.

7 JUDGE HAYNES: Let's move on to that, then.

8 MS. EDITH BEASLEY: All right. This is the same
9 year that I paid the Peoples Gas and when I looked
10 around I realized, well, you know, the Peoples Gas
11 have not sent me my deposit back on this account.
12 And then when I was rehabbing a house, and I also
13 at the same time had a store, and I had my plate
14 full, and so they asked for the security and I give
15 it to them, because I couldn't afford to have the
16 pipes burst. And so that's where I am. And when I
17 asked him for the old bills, he sends me the
18 duplicate bills that he wants to on this other
19 account, this other account, that came afterwards.

20 JUDGE HAYNES: But the other account, which I
21 don't know the account number, but that is not what
22 your complaint is about, correct?

1 MS. EDITH BEASLEY: No, the 6923, because they
2 give me a check for that other account. Now, the
3 one I'm on is the one where I have -- they asked
4 for this thousands of dollars and I paid them, and
5 I didn't get it back. And he has the nerve to say
6 that I was paying on an old account. No, it's like
7 with the other account. I paid them, but I knew I
8 wasn't using all that gas, and that's why I asked
9 him to furnish those bills, because I had the
10 thermostat down to 50 degrees, just to keep the
11 pipes from bursting.

12 I had nobody in the apartment, see. And
13 so when they saw that I had another account, then
14 right away they asked me, and I had no deposits on
15 none -- I had a twelve unit building, I had no
16 security deposit on that.

17 JUDGE HAYNES: So you are saying you paid a
18 security deposit on 2985?

19 MS. EDITH BEASLEY: That's what they said. Oh,
20 you are going to have to pay security. And I went
21 on because I couldn't afford for them to cut that
22 gas off.

1 JUDGE HAYNES: When did you pay that security
2 deposit?

3 MS. EDITH BEASLEY: When they sent me the bills,
4 when they sent me the bills, then I knew I hadn't
5 used, so I would just pay half because I knew from
6 the previous how they would ask you for more than
7 enough and so forth, so I paid them the money.

8 JUDGE HAYNES: So when are we talking about?

9 MS. EDITH BEASLEY: We're talking about March of
10 or April when the heating season --

11 JUDGE HAYNES: What year?

12 MS. EDITH BEASLEY: March 13, '01 when the
13 heating season is over.

14 JUDGE HAYNES: And this is when?

15 MS. EDITH BEASLEY: April of '01.

16 JUDGE HAYNES: This is when you made your
17 security deposit?

18 MS. EDITH BEASLEY: Yes. They asked for \$1,399,
19 ,more or less \$1,400.

20 JUDGE HAYNES: What are you looking at there?

21 MS. EDITH BEASLEY: This is a bill. And that's
22 the money I paid. That's in March.

1 JUDGE HAYNES: We are going to mark this as an
2 exhibit so that the record is clear.

3 MS. EDITH BEASLEY: And this is what they asked
4 for in April, the heating season is over, it's only
5 a two flat.

6 JUDGE HAYNES: So we're going to mark this
7 Complainant's Exhibit 1.

8 (Whereupon, Complainant's
9 Exhibit No. 1 was
10 marked for identification
11 as of this date.)

12 JUDGE HAYNES: And why don't you explain what
13 this document, what's the date.

14 MS. EDITH BEASLEY: This is when they told me
15 they wanted a security deposit. So they sent me a
16 bill in the amount of \$1,399.98. In round figures
17 that's the \$1,400, I sent them \$800. The next
18 month, which was April, which is not the heating
19 season.

20 JUDGE HAYNES: And this is the April bill?

21 MS. EDITH BEASLEY: That's right, uh-huh.

22 JUDGE HAYNES: All right, we're going to mark

1 this as Complainant's Exhibit 2.

2 (Whereupon, Complainant's
3 Exhibit No. 2 was
4 marked for identification
5 as of this date.)

6 JUDGE HAYNES: Go ahead.

7 MS. EDITH BEASLEY: And that's all I could find,
8 except like this one that's -- these are two other
9 ones, bills, that I sent in July.

10 JUDGE HAYNES: These are your cancelled checks?

11 MS. EDITH BEASLEY: Yeah, these are canceled
12 checks. 257, that was in July, there wasn't anyone
13 there to use that kind of heat or anything. And
14 those are the two other checks, um-hmm.

15 JUDGE HAYNES: These are going to be
16 Complainant's Exhibit 3.

17 (Whereupon, Complainant's
18 Exhibit No. 3 was
19 marked for identification
20 as of this date.)

21 MS. EDITH BEASLEY: And that's what I asked him
22 to furnish me with, since he had the duplicate

1 bills from the account he wanted to present. And
2 then he showed me all this, I know they have
3 microfilm and that stuff is still on microfilm.
4 That's the point of microfilm, you can go back as
5 long as you want and pull it up off of microfilm,
6 but he hasn't even got an account number on these.

7 JUDGE HAYNES: So Ms. Beasley, so where -- I'm
8 just not understanding this. Where on here --
9 these bills from Peoples Energy does it say that
10 this is -- that they are asking for a deposit?

11 MS. EDITH BEASLEY: They didn't ask -- those are
12 bills they sent me, they didn't ask for a deposit.
13 I had just bought that place like in January -- no,
14 I had just bought that place and rehabbed it. I
15 mean, they told me when I asked them, why are you
16 sending me that type of bills? And they said,
17 well, you're going to have to pay a security. I
18 don't have -- they don't put that on there,
19 security. Same way with this, they didn't put that
20 on security, say security, they told me that.

21 JUDGE HAYNES: So which of these checks, I see
22 that you have - four different checks here,

1 canceled checks.

2 MS. EDITH BEASLEY: Uh-huh. With the account
3 number on them.

4 JUDGE HAYNES: Which of these checks was your
5 security deposit?

6 MS. EDITH BEASLEY: Well, when they sent me this
7 blazing 1,4000 check and -- I mean this account,
8 and then this next month, when they sent me the
9 880, that's what it was.

10 JUDGE HAYNES: So these are -- you say that these
11 are security deposit payments, not just payments on
12 your account?

13 MS. EDITH BEASLEY: Yes, because if you are
14 behind, they can cut your gas off when it's out of
15 season. This was not -- they could have cut me
16 off, they wanted a security deposit.

17 JUDGE HAYNES: What else do you have?

18 MS. EDITH BEASLEY: That's all I could find,
19 because I was so busy -- see like I said, I had
20 four accounts, I was so busy trying to get my 1,600
21 back, until I overlooked that. All I was
22 interested in was trying to rehab that, I wasn't

1 thinking. But then I when I got that back and I
2 settled down, you know, they haven't sent me my
3 money back. And then they up and said that I owed
4 them money. Here -- you said don't introduce.
5 They up and tell me I owed them money, when they
6 owed me 1,600.

7 JUDGE HAYNES: That's on a different account,
8 right?

9 MS. EDITH BEASLEY: Yeah, um-hmm, but that's why
10 I learned to distrust Peoples Energy.

11 JUDGE HAYNES: Okay. Do you have anything else
12 for account No. 2985?

13 MS. EDITH BEASLEY: At this time, I don't believe
14 so, because I asked him to furnish me that and he
15 didn't, no. I don't have anything else.

16 JUDGE HAYNES: So you asked him for some of your
17 later bills, is that what you wanted him from?

18 MS. EDITH BEASLEY: No, the bills that -- when
19 this -- what he pulled out here, I asked him to
20 give me some of these bills.

21 JUDGE HAYNES: Are those older bills?

22 MS. EDITH BEASLEY: Yes, uh-huh. But he could

1 pull out all of these older, the date and
2 everything, and then the money and so forth, but he
3 couldn't pull up the bills. Now, when you put it
4 on a microfilm, all of it's there on the microfilm.
5 So you pull that up, the rest of it is on the
6 microfilm. That's the point, microfilm doesn't
7 take up much space and when they record it, they
8 don't record part of it.

9 JUDGE HAYNES: Okay. If you have nothing
10 further.

11 MS. EDITH BEASLEY: Well, that's it, yes.

12 JUDGE HAYNES: Mr. Goldstein, do you have any
13 cross examination?

14 MR. GOLDSTEIN: Yes, I do.

15 CROSS EXAMINATION

16 BY

17 MR. GOLDSTEIN:

18 Q. Let's start with what has been marked as
19 Complainant's --

20 JUDGE HAYNES: We only have one copy, we'll all
21 have to share it.

22 MR. GOLDSTEIN: Well, these are also part of the

1 motion to dismiss that we filed, Judge.

2 BY MR. GOLDSTEIN:

3 Q. Let's start with the three exhibits that
4 have been marked. Ms. Beasley, can you show me on
5 any one of these three exhibits where Peoples Gas
6 has requested a security deposit?

7 A. No, I cannot.

8 Q. And in fact, none of those documents show
9 that there is a security deposit requested by
10 Peoples Gas; isn't that right?

11 A. Beg pardon?

12 Q. Am I correct on that?

13 A. On those documents.

14 Q. Do you have any document --

15 A. No, I don't.

16 Q. -- that shows that a security deposit was
17 requested for this 2985 account at 6632 South
18 Maryland?

19 A. No, I don't, but you all did send me a
20 letter. But have you an account of why that would
21 be on a two flat that much gas?

22 Q. Do you have a letter that shows a request

1 for a security deposit?

2 **A.** No, no, no. Because -- no.

3 **Q.** And you sent me a bunch -- a group of
4 documents in response to my data request to you,
5 did you not?

6 **A.** A bunch of documents?

7 **Q.** Yes, a group of documents?

8 **A.** Yes, because she said I had to show what
9 I'm going to show at this hearing, anything that I
10 was going to show at this hearing. I would have to
11 show then, and I didn't just send it to you, I told
12 you I was going to bring up the same thing
13 Mr. Reardon had sent me, I didn't send you that,
14 but I did send you those documents about this
15 1,600, I certainly did.

16 **A.** And how the gas company had lied and
17 said that they were going to cut me off because I
18 owed money, and yet I didn't owe them, they owed me
19 1,600. And then when I didn't have that -- he
20 settled for \$1,656. And when I found it later, he
21 thought he was smart, he said he had given me the
22 interest, which he didn't. I couldn't keep up with

1 all those papers.

2 Q. Ms. Beasley, what you've just described to
3 me, though, had absolutely nothing to do with the
4 2985 account, did it? You are talking about a
5 totally different account, aren't you?

6 A. Yes.

7 Q. Where you got your deposit returned to you;
8 isn't that right?

9 A. Yes, uh-huh.

10 Q. And the only documents that you've provided
11 are the documents that have been marked as these
12 Exhibits 1, 2 and 3, for the record, that show that
13 you -- will you let me finish. That show that you
14 made an alleged security deposit for the 2985
15 account; isn't that right?

16 A. No, I sent you these documents about this,
17 this is what I sent you.

18 Q. Do you have any documents, other than what
19 the judge has marked, that show that a security
20 deposit was requested by you?

21 A. Oh, I don't have it here, no.

22 Q. Do you have any documents that show that

1 you actually paid a security deposit to Peoples
2 Gas?

3 **A.** Yes, yes those bills.

4 **Q.** Could you show me on Exhibits 1, 2 and 3
5 where you noted that this was for a security
6 deposit?

7 **A.** I didn't make a notation of it because I
8 do --

9 **Q.** And in fact there is none, is there?

10 **A.** There, there certainly is.

11 **Q.** Show me where it is on any one of those
12 exhibits.

13 **A.** I was not aware that I supposed -- I was
14 paying what they requested. A two flat would not
15 take no \$1,400 for no -- I live in a house with an
16 upstairs and that's the same thing, and there is no
17 kind of way that I paid no 1,400 for where I live,
18 that's all that is an up and down, and that's what
19 I live in an up and down. So I know that and I can
20 bring my bills where I live and show you.

21 **Q.** Could you tell me how much you are seeking
22 to have returned as your alleged security deposit?

1 **A.** Like 1200.

2 **Q.** And where is that shown on Respondent's
3 Exhibit 1, 2 or 3?

4 JUDGE HAYNES: Complainant's exhibit.

5 MR. GOLDSTEIN: Complainant's, I'm sorry.

6 JUDGE HAYNES: Just to keep the record straight.

7 THE WITNESS: It's not shown, you have the
8 records, so you know. The same thing it wasn't
9 shown here when -- it wasn't shown on the other
10 documents I had when they said I was behind and
11 they came out to turn me off, they don't show those
12 things.

13 BY MR. GOLDSTEIN:

14 **Q.** Ms. Beasley, are you claiming a return of a
15 security deposit, based upon any of the checks that
16 have been marked as Complainant's Exhibits 1, 2 or
17 3?

18 **A.** Yes, it was over payments.

19 **Q.** Well, show me which ones.

20 **A.** The one 800 and the one 400 and the rest of
21 them that you wouldn't provide me those bills for,
22 yes. I've never been behind and you had the nerve

1 to say that I was paying old bills, I don't pay old
2 bills.

3 Q. Now, in one of the documents in the group
4 of documents that you sent me, Ms. Beasley, I found
5 that there was one document that related to the
6 2985 account, and I was wondering whether you have
7 that with you today. It's a letter from Peoples
8 Gas dated August 13th, 2002. Do you have that with
9 you?

10 A. Why would I bring that with me? I am here
11 about account number --

12 Q. Let me show you.

13 A. You don't want me to introduce anything.

14 JUDGE HAYNES: Ms. Beasley, he's got a document
15 here that he's going to ask you questions on. So
16 if she says she doesn't have it with her, do you
17 have a copy for her to look at?

18 MR. GOLDSTEIN: Yes, I do.

19 JUDGE HAYNES: Thank you.

20 BY MR. GOLDSTEIN:

21 Q. Let me show you this document Ms. Beasley.
22 Do you recall sending that document to me?

1 **A.** No, I didn't send that document to you.

2 Maybe --

3 JUDGE HAYNES: Should we mark this as a cross
4 exhibit?

5 MR. GOLDSTEIN: I want to know if she recognizes
6 the document. If she can't identify it, then I
7 don't know that I can do that since it was not part
8 of what we had.

9 BY MR. GOLDSTEIN:

10 **Q.** Do you recall sending that document to me,
11 Ms. Beasley?

12 **A.** No. Disconnect -- why would I be telling
13 you about disconnecting my service? No, this is
14 from the gas company.

15 **Q.** Ms. Beasley, do you recall sending that
16 document to me as part of the information that you
17 sent me when I made a request of you?

18 **A.** When you made a request of me?

19 **Q.** I made a request for certain documents,
20 didn't I? And you sent me a group of documents
21 back in the mail, did you not?

22 JUDGE HAYNES: Recently.

1 BY MR. GOLDSTEIN:

2 Q. Within the last week or so?

3 A. No, no, no.

4 JUDGE HAYNES: Do you recognize that document?

5 MS. EDITH BEASLEY: No, because this is all I had
6 was this here.

7 JUDGE HAYNES: Isn't that the same as what you
8 have right here?

9 MS. EDITH BEASLEY: I had the receipt from the
10 returned check.

11 JUDGE HAYNES: Is that letter the same?

12 MS. EDITH BEASLEY: No, it's not. Let me look
13 and see if I have it, if I have that letter.
14 Because that's what the gas company wrote.

15 JUDGE HAYNES: We understand that the gas company
16 wrote the letter, we're just wondering if you have
17 that letter in your possession and you sent it to
18 Mr. Goldstein because of this complaint.

19 MS. EDITH BEASLEY: Well, they could get a
20 printout of that letter. Let me see, they might
21 have a printout of it because it's their documents,
22 not mine. No, I don't have that document.

1 JUDGE HAYNES: It's not the same as the one over
2 there?

3 MS. EDITH BEASLEY: This one here? No, that's
4 just the copy from the check.

5 JUDGE HAYNES: And you don't remember receiving
6 this letter?

7 MS. EDITH BEASLEY: Let's see. Okay, this looks
8 like the one.

9 JUDGE HAYNES: Is that the same letter?

10 MS. EDITH BEASLEY: Yeah, but that's for --

11 JUDGE HAYNES: So you do recognize this document?

12 MS. EDITH BEASLEY: Yeah, I do have that.

13 MR. GOLDSTEIN: Is that a letter dated August
14 13th, 2002, Ms. Beasley?

15 MS. EDITH BEASLEY: Yes, uh-huh.

16 MR. GOLDSTEIN: Could I see what you're looking
17 at? Yeah, this is the one, she does have it, Judge.

18 BY MR. GOLDSTEIN:

19 Q. Now, am I correct that this letter relates
20 to the 2985 account, Ms. Beasley?

21 A. Beg pardon?

22 Q. Am I correct that this letter dated

1 August 13, 2002 directed to you from Peoples Gas
2 relates to account No. 2985?

3 A. Yes.

4 Q. And it shows that you owe a balance due on
5 past due gas utility charges, does it not?

6 A. Yes.

7 JUDGE HAYNES: Was this one of the documents that
8 you sent to Mr. Goldstein in the past week?

9 MS. EDITH BEASLEY: Well, he says I did. But
10 then again, for \$251 and all this --

11 JUDGE HAYNES: But this letter was in your
12 possession, correct?

13 MS. EDITH BEASLEY: Oh, yes, this was in my
14 possession, uh-huh.

15 JUDGE HAYNES: So the record is clear,
16 Mr. Goldstein, can we mark it as an exhibit?

17 MR. GOLDSTEIN: Mark it as Respondent's Cross
18 Exhibit 1.

19 (Whereupon, Respondent's Cross
20 Exhibit No. 1 was
21 marked for identification
22 as of this date.)

1 MS. EDITH BEASLEY: Okay, do you have this one,
2 about I indicated a deposit of 202.17, where you
3 said -- where this other account that you are
4 giving me back money?

5 JUDGE HAYNES: What account number are you
6 talking about, Ms. Beasley?

7 MS. EDITH BEASLEY: That's 6923.

8 JUDGE HAYNES: So that's the wrong account
9 number?

10 MS. EDITH BEASLEY: I beg pardon.

11 JUDGE HAYNES: That's the wrong account number?

12 MS. EDITH BEASLEY: Yeah, uh-huh.

13 JUDGE HAYNES: So Mr. Goldstein, do you have more
14 questions about this document?

15 MR. GOLDSTEIN: No. No, I don't

16 BY MR. GOLDSTEIN:

17 Q. So let me see if I can summarize where I've
18 headed in my questions to you, Ms. Beasley. You've
19 presented two bills dating back to March and April
20 of 2001, and am I correct that those two bills do
21 not indicate that any deposit was ever requested of
22 you, correct?

1 **A.** No, I'll not say that, it was requested of
2 me.

3 **Q.** Can you show me on those bills where it was
4 requested>.

5 JUDGE HAYNES: We've gone through that already.

6 THE WITNESS: Not on those bills, they don't
7 request it on bills, Mr. Goldstein, they write you
8 a letter.

9 BY MR. GOLDSTEIN:

10 **Q.** Do you have a copy of the letter?

11 **A.** I can't keep up with all the letters, I
12 have four accounts, sir.

13 **Q.** So you have no letter, you have nothing on
14 the bills to indicate a deposit? And you have
15 nothing on the letters you wrote --

16 **A.** I have letters here where they owed me
17 1,600.

18 **Q.** That's on another account?

19 **A.** You all do it the way you want it and I
20 have to accept it.

21 **Q.** And the checks that you have provided on
22 Complainant's Exhibits 1, 2 and 3, none of those

1 checks indicate that they are for a security
2 deposit, do they?

3 **A.** No, no, no.

4 **Q.** And these all relate back to bills and
5 alleged security deposit that were in the year
6 2001; isn't that right?

7 **A.** Yes. And can you tell me why a gas bill
8 would be \$1,400?

9 **MR. GOLDSTEIN:** I have nothing else.

10 **THE WITNESS:** No, I'm asking you, can the gas
11 company tell me why a two flat in March and April
12 when the heating season is over, for 1,400, then
13 the next month, \$800, if that was for security,
14 that's why they were asking that much, that late in
15 the season. That wasn't for heat because I paid my
16 bills as I went along, every four accounts were
17 paid along and I wasn't on a budget, I refused to
18 get on a budget.

19 **JUDGE HAYNES:** Okay. Mr. Goldstein, I assume you
20 have no objection to Complainant's Exhibits 1, 2
21 and 3?

22 **MR. GOLDSTEIN:** No, objection.

1 JUDGE HAYNES: Complainant's Exhibits 1, 2 and 3
2 are admitted into the record.

3 (Whereupon, Complainant's
4 Exhibits Nos. 1, 2 and 3 were
5 admitted into evidence as
6 of this date.)

7 JUDGE HAYNES: And did you want to move to admit
8 this?

9 MR. GOLDSTEIN: I'd also move to admit
10 Respondent's Cross Exhibit 1.

11 JUDGE HAYNES: Ms. Beasley, do you object to
12 putting this letter into the record?

13 MS. EDITH BEASLEY: No, no.

14 JUDGE HAYNES: Then Respondent's Cross Exhibit 1
15 is admitted.

16 (Whereupon, Respondent's Cross
17 Exhibit No. 1 was
18 admitted into evidence as
19 of this date.)

20 MS. EDITH BEASLEY: I just --

21 JUDGE HAYNES: Now, Mr. Goldstein is going to --

22 MR. GOLDSTEIN: Judge, before we get to that, I

1 have a couple of motions.

2 JUDGE HAYNES: Okay.

3 MR. GOLDSTEIN: As I promised at the last hearing
4 on October 18th, I am going to renew my motion to
5 dismiss. It's got to be very clear from what has
6 been presented this morning by Ms. Beasley and my
7 cross examination of her, that those bills and any
8 alleged security deposit --

9 JUDGE HAYNES: Before you go any further, I would
10 like to say that I do want to hear the company walk
11 through her account history.

12 MR. GOLDSTEIN: All right, I'll be happy to do
13 that, Judge. But I am going to renew my motion to
14 dismiss and there is no indication on anything that
15 Ms. Beasley has presented that there was any
16 security deposit ever requested of Ms. Beasley for
17 this 2985 account or in fact that she paid a
18 security deposit on that particular account. And
19 with that I call Brian Schmuldt.

20 JUDGE HAYNES: And I'll keep your motion in mind
21 as I write the order, however I'll not grant it at
22 this time. Please raise your right hand.

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(Witness sworn.)

BRIAN SCHMOLDT,

called as a witness herein, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY

MR. GOLDSTEIN:

Q. Could you state your name for the record, Mr. Schmoldt, spell your last name, please?

A. Brian Schmoldt, S-c-h-m-o-l-d-t from Peoples Gas.

Q. And what is your position with Peoples Gas Light and Coke Company?

A. I'm a billing specialist.

Q. And how long have you worked for Peoples Gas?

A. Thirteen years.

Q. And how long have you been a billing specialist?

A. Six years.

Q. Could you explain for the record what other positions you have had with Peoples Gas?

1 **A.** I was a customer service rep for four years
2 and I don't know what exactly it's called, but I
3 worked at the outer offices when we had the outer
4 offices. I was a personal contact representative
5 for a couple years.

6 **Q.** And based upon your experience at Peoples
7 Gas, are you familiar with Peoples Gas' practices
8 in requiring a security deposit from customers?

9 **A.** Yes.

10 **Q.** And how did you become familiar with
11 Ms. Beasley's complaint at 6632 South Maryland and
12 the account number 1500020902985?

13 **A.** She went to Illinois Commerce Commission
14 regarding that account.

15 **Q.** And that was in an informal complaint?

16 **A.** I believe that was an informal complaint,
17 yes.

18 **Q.** And you have made a search of Peoples Gas
19 records with respect to this, I'm going to call it
20 2985 account for short, with respect to
21 Ms. Beasley's complaint about the return of a
22 security deposit, did you not?

1 **A.** Yes.

2 **Q.** And were you able to find anything in
3 Peoples Gas records with regard to any security
4 deposit ever requested by Peoples Gas on this 2985
5 account?

6 **A.** I did not see any request for it. I did not
7 see anything that indicated that Ms. Beasley paid a
8 deposit for that account.

9 **Q.** Did you find anything that ever -- that
10 Peoples Gas ever requested a security deposit on
11 that account?

12 **A.** Not that I could see.

13 **Q.** And as part of your job with Peoples Gas,
14 Mr. Schmoldt, are you familiar with how Peoples Gas
15 keeps records of various accounts of customers with
16 respect to security deposits?

17 **A.** Yes.

18 **Q.** Let me hand you a document, which I'll mark
19 as Respondent's Exhibit 1.

20

21

22

1 (Whereupon, Respondent's
2 Exhibit No. 1 was
3 marked for identification
4 as of this date.)

5 BY MR. GOLDSTEIN:

6 Q. Could you explain what this document is?

7 JUDGE HAYNES: Do you have a copy for the judge
8 and perhaps Ms. Beasley?

9 MR. GOLDSTEIN: Yes.

10 MS. EDITH BEASLEY: This is 6923.

11 JUDGE HAYNES: They don't have their paperwork in
12 order.

13 MR. GOLDSTEIN: No, it's my fault.

14 BY MR. GOLDSTEIN:

15 Q. Mr. Schmoldt, referring to this exhibit,
16 does this exhibit --

17 MS. EDITH BEASLEY: How can you -- that's 6923,
18 we're not speaking of 6923. Where is a copy of
19 what you're speaking of?

20 MR. GOLDSTEIN: We'll have to make copies, Judge.

21 JUDGE HAYNES: I have looked at it, so we'll give
22 this to -- this is what we're talking about right

1 now, Ms. Beasley.

2 BY MR. GOLDSTEIN:

3 Q. Can you explain what this document is,
4 Mr. Schmoldt?

5 A. On the left-hand corner of the document it
6 says security details. Security details basically
7 refers to deposit history of the account. It's
8 basically the same thing. And on there it shows a
9 summary of, if we ask for a deposit, there would be
10 information in the box and see we asked for a
11 deposit. And on the right-hand side it says
12 calculated deposit, and that's how much the deposit
13 would be if we asked for a deposit. Because a
14 deposit is based on gas consumption.

15 JUDGE HAYNES: And is there something in the box
16 this time?

17 THE WITNESS: There is nothing in the box, that
18 indicates we never asked for a deposit.

19 BY MR. GOLDSTEIN:

20 Q. And were you able to find any letters to
21 Ms. Beasley in your search that would indicate that
22 there was a letter request to Ms. Beasley with

1 respect to a security deposit?

2 **A.** I could not find anything in the system.

3 JUDGE HAYNES: Maybe I just misunderstood. So
4 under calculated deposit it says 151.

5 THE WITNESS: Right. If we asked for a deposit
6 that's how much we would ask for.

7 JUDGE HAYNES: Where does it indicate that you
8 didn't ask for it?

9 THE WITNESS: In the box left of it, if we ever
10 asked for a deposit and we requested a deposit,
11 there would be an amount in there saying we
12 requested a deposit of \$190 or we refunded a
13 deposit of.

14 JUDGE HAYNES: And here it says total 0.

15 MS. EDITH BEASLEY: Where is the one for 6923,
16 where is that deposit?

17 JUDGE HAYNES: Okay.

18 BY MR. GOLDSTEIN:

19 **Q.** Now, by contrast, Mr. Schmoldt, you looked
20 at the 6923 account at 6632 South Maryland, did you
21 not?

22 **A.** Yes.

1 **Q.** And you found that there was a deposit
2 requested, correct?

3 **A.** Correct.

4 MR. GOLDSTEIN: Let me show you what we should
5 mark as Respondent's Exhibit 2. If I could find
6 another copy.

7 (Whereupon, Respondent's
8 Exhibit No. 2 was
9 marked for identification
10 as of this date.)

11 BY MR. GOLDSTEIN:

12 **Q.** Let me show you the exhibit, Mr. Schmoltdt.
13 She has a copy. Could you explain, looking at this
14 particular document, first explain what it is.

15 **A.** Basically it's the same document for the
16 account No. 2985, but this one is for account No.
17 6923. And we're showing at that time the total
18 deposit, which was equal to \$740, but at that time
19 she did have a deposit on record, so we refunded
20 the deposit of \$190 on 12/20 of 2002.

21 So when we request a deposit it would
22 show in the record saying, hey, at the time we

1 requested a deposit or we refunded a deposit. And
2 at this time it's on here and the cash deposit
3 information we refunded a deposit to her for
4 account No. 6923.

5 Q. And with respect to Respondent's Exhibits 1
6 and 2, these are documents that are kept in Peoples
7 Gas ordinary course of business as computer
8 records?

9 A. Yes.

10 Q. Now, Ms. Beasley requested bills dating
11 back to 2001, did she not?

12 A. Yes.

13 Q. And --

14 MS. EDITH BEASLEY: No to 2000, which you gave
15 me.

16 BY MR. GOLDSTEIN:

17 Q. And 2000. And we responded that we did not
18 have those bills. Could you explain why those
19 bills were not provided to Ms. Beasley?

20 A. We don't have records of those bills
21 anymore. We don't have them on microfilm. They
22 are kept in the computer system for two years and

1 then after the two years is gone they are wiped out
2 so then more current bills can be kept on file. So
3 we have bills from 2005, going back to 2003, but we
4 don't have anything prior to 2003.

5 MS. EDITH BEASLEY: Wait a minute, that's
6 contradicted right here.

7 JUDGE HAYNES: Ms. Beasley, we are going to let
8 Mr. Goldstein finish asking questions. Remember
9 all your questions and we'll ask for questions
10 after that.

11 MR. GOLDSTEIN: I would like to have this marked
12 as Respondent's Exhibit No. 3.

13 JUDGE HAYNES: So this is No. 3?

14 MR. GOLDSTEIN: Right.

15 (Whereupon, Respondent's
16 Exhibit No. 3 was
17 marked for identification
18 as of this date.)

19 JUDGE HAYNES: Do you have a copy for her?

20 MR. GOLDSTEIN: Here's a copy.

21 BY MR. GOLDSTEIN:

22 Q. Mr. Schmoldt, let me hand you what has been

1 marked as Respondent's Exhibit 3. And at the top
2 of the document there is some writing on the top of
3 that. Is that your handwriting?

4 **A.** Yes.

5 **Q.** And what does that indicate?

6 **A.** That I took -- the information is for this
7 account No. 2985, and it's for 6632 South Maryland.

8 **Q.** And this is Ms. Beasley's account at that
9 address?

10 **A.** Yes.

11 **Q.** And what -- how would you describe what
12 this document shows?

13 **A.** Basically it's a billing transcript or a
14 transcript of the account going back to 2000.

15 **Q.** And this is kept in the ordinary course of
16 Peoples Gas business; is that right?

17 **A.** Yes.

18 **Q.** Now, on this exhibit there are certain
19 starred numbers. Could you explain who made those
20 stars on those -- on that account?

21 **A.** I placed the stars, the little asterisks,
22 whatever you want to call them, verifying the

1 payments that Ms. Beasley made at that time. So
2 she gave us copies of four payments and this
3 indicates what her four payments were, that we got
4 them and they are applied to the account.

5 Q. And you said they were applied to the
6 account, what did you mean by that?

7 A. Applied to the account as payment for her
8 billing.

9 Q. And so what you're saying, if I understand
10 it, is that those various amounts that are shown,
11 asterisked or starred, were payments made for
12 outstanding gas bills?

13 A. Yes.

14 JUDGE HAYNES: I need to ask a question. The
15 column, amount original enter, which is the column
16 where her check numbers are.

17 THE WITNESS: Uh-huh.

18 JUDGE HAYNES: Is that every payment that she's
19 made?

20 THE WITNESS: Yeah, where it says payment next
21 to it, it says type, to the left.

22 JUDGE HAYNES: Oh, I see.

1 THE WITNESS: Where it says bill, those are
2 bills we sent her and then payments would be any
3 payments that she made.

4 JUDGE HAYNES: Okay.

5 BY MR. GOLDSTEIN:

6 Q. And does the account history indicate that
7 with respect to the various asterisked bills, that
8 they were made for gas consumed on account 2985?

9 A. Yes.

10 Q. Is there anything else that you would like
11 to note with respect to this particular exhibit?

12 A. Just that according to the transcript at
13 that time, and looking at Ms. Beasley's bills, the
14 two bills that she brought forth here, is that she
15 was behind on the gas bill. And at that time we
16 did not request a deposit, we did not put a deposit
17 on her account and say she had to pay a deposit,
18 it's just that she was behind on the bill.

19 And she didn't make any payments for
20 like a three month period, going back, if you look
21 into April of 2001 when she paid the \$800, is that
22 the bills -- she was behind, it wasn't that

1 one month's bill was \$1,000, it was three months
2 worth of bills that were \$1,300.

3 JUDGE HAYNES: I have another question. So the
4 amount billed unpaid column, is that like a running
5 balance of her account?

6 THE WITNESS: Right.

7 BY MR. GOLDSTEIN:

8 Q. Now, are you familiar with how Peoples Gas
9 determines the amount of the security deposit when
10 Peoples Gas does request one?

11 A. Yes.

12 Q. Can you explain how or what methodology
13 Peoples Gas uses in determining the amount of a
14 security deposit when requested?

15 A. The deposit is based on the annual gas
16 consumption of that premises. So if the customer
17 uses X-amount of gas, \$1200 worth of gas, per the
18 Illinois Commerce Commission, we can only bill them
19 one-sixth of annual consumption. So one-sixth of
20 1200 would be basically \$200, so that's the maximum
21 deposit we can request at that premises would be
22 basically \$200.

1 **Q.** And if you reviewed, looking at the account
2 history, the annual consumption of an account 2985
3 of Ms. Beasley, to determine what the maximum
4 amount of a security deposit that would be
5 requested, if it was in fact requested?

6 **A.** Yes, it would not be anywhere near \$1,500
7 because she doesn't use that much gas for that
8 premises. It would mean that she would have to use
9 \$9000 worth of gas for that year to be billed a
10 \$1,500 deposit or even a \$1,200 deposit. So for
11 that particular premises the gas consumption does
12 not indicate a \$1,200 deposit.

13 **Q.** Could you give us some ballpark figure as
14 to what the deposit would be if the deposit would
15 have been required by Peoples Gas?

16 **A.** There is a couple figures on here, because
17 it fluctuates, but it was anywhere between \$145 and
18 \$200.

19 MR. GOLDSTEIN: I have nothing else.

20 JUDGE HAYNES: Do you have questions for the
21 witness?

22

1 CROSS EXAMINATION

2 BY

3 MS. EDITH BEASLEY:

4 Q. You fixed it up pretty good, but the point
5 is where is the \$750, the deposit is on this
6 account? You said it was -- you showed me a
7 document with \$740.

8 THE WITNESS: She's looking at 6923.

9 JUDGE HAYNES: What account number is that?

10 MS. EDITH BEASLEY: That account number is 6923.

11 Why would you turn around on the same account
12 building and everything would only want \$150. It
13 says here --

14 JUDGE HAYNES: I never -- can have respondent's?

15 BY MS. EDITH BEASLEY:

16 Q. And why would you charge me, if it's only
17 9,000 a year, charge me 1,400 for one month and 800
18 for another month. And then again, no, you don't
19 let people ride like that, not paying bills, you
20 would cut them off, and I would have had to pay a
21 deposit long before that.

22 I have four accounts, that's the only

1 time I paid a deposit and then you are talking
2 about you don't want me to bring it up, but you
3 owed me \$1,600 and you paid an attorney \$200 an
4 hour to get in here and lie. And when I couldn't
5 find the documents, I said from my head 1,600 and
6 then when I found the sheet later, it was \$1,666.
7 Then you sent around for me to be disconnected,
8 said I owed you money and you owed me and you took
9 a year to pay me. So the gas company is full of
10 lies. And I know this. And you know it.

11 JUDGE HAYNES: Do you have a question for the
12 witness?

13 MS. EDITH BEASLEY: I did ask him why would -- if
14 my bill is 9,000 a year and it isn't that -- it
15 would only be 9,000 now, why would you charge me
16 1,400 for one year. Gas bills weren't up there
17 like that then, back five years ago. And then if
18 you calculated a deposit, and you had asked on this
19 other account for \$190, why would you turn around
20 and drop it to 151, bunch of lies. And I'm getting
21 sick of it.

22 I'm not going to sit here and be

1 intimidated by all this kind of mess. I pay my
2 bills, I paid them on time, and that's why I paid
3 bi-month, so I could keep up with them and you
4 couldn't come up and tell me because then if I was
5 paying on the budget plan, I couldn't figure out
6 which way I was going with four accounts. But I
7 paid it bi-monthly and then you turned around and
8 you make all this stuff.

9 Here, here's an overpayment from the
10 electric company, I always pay my bills, over
11 payment, over payment. So you're not going to tell
12 me I didn't pay and so forth. And I'm sick of
13 hearing all of this mess. I know what you paid me,
14 I know what you told me. I'm in business, been in
15 business, and I know how business goes. I don't
16 try to do anybody in on any business. I'm up front
17 in all business matters. I pay my bills, I don't
18 promise to pay.

19 JUDGE HAYNES: Do you have Respondent's Exhibit 2
20 there? I didn't ever get a copy of that, this one.
21 I think her question was, how you can ask for \$740
22 deposit on that account, and why it would be such a

1 small deposit -- perhaps you could explain the
2 difference on how.

3 THE WITNESS: One's -- the 6923 is a different
4 rate. And that's a building -- that was for the
5 building meter, so gas consumption was a little bit
6 more on that account so that's why the deposit is
7 based on gas consumption, so that's why the deposit
8 is \$740. We don't generally ask for the deposit
9 all in one lump sum. We will bill a deposit in
10 three installments or four installments. That's
11 why it was only \$190 at that time was requested and
12 paid.

13 JUDGE HAYNES: So that was on account 6923?

14 THE WITNESS: Right. And then the 151 is based
15 on the gas consumption at that time, so the deposit
16 would have been based on that, so one-sixth of that
17 would have been 150.

18 JUDGE HAYNES: And that's for account 2985.

19 THE WITNESS: Yes.

20 JUDGE HAYNES: Do you have any further questions
21 for the witness?

22 MS. EDITH BEASLEY: He said based on an account.

1 The other person that was there who I did purchase
2 the place for, she lived there, she had hers was,
3 you know, individual, and hers was 190, she was
4 living there and her sister lived upstairs. Why
5 mine is an account No. 2 because it's considered
6 commercial, why would it be a less deposit, 150
7 from 190, when the lady lived there and hers was a
8 family. In other words, she was non-commercial,
9 hers was 190, but they're going to base mine on
10 150, and mine is on a, whatever they call it,
11 No. 2.

12 JUDGE HAYNES: Is account number 2985 a
13 commercial account?

14 MS. EDITH BEASLEY: A rate 2, why would it be
15 cheaper? If a rate 2 is more than a home, but yet
16 you are going to charge her 191, you are coming
17 back and be so nice to me, charge me 150, that's a
18 lot of mess. And you're trying to under estimate
19 my intelligence telling me this kind of stuff. And
20 I'm sick of listening to it.

21 JUDGE HAYNES: Mr. Schmoldt, I don't believe you
22 answered out loud. Is account No. 2985 a

1 commercial account?

2 THE WITNESS: No, 2985 is a residential account.

3 MS. EDITH BEASLEY: Rate 2, what is rate 2, then?

4 THE WITNESS: Rate 2 is a commercial account.

5 MS. EDITH BEASLEY: That's what I'm paying.

6 JUDGE HAYNES: For account No. 6923?

7 MS. EDITH BEASLEY: Here, rate.

8 THE WITNESS: I'm sorry it is rate 2.

9 MS. EDITH BEASLEY: See, this is why I'm sick of
10 this mess.

11 THE WITNESS: I thought it was a rate 1. I
12 thought it was a residential. But it's a rate 2.

13 MS. EDITH BEASLEY: You are an expert, they got
14 you down here for an expert, um-hmm.

15 JUDGE HAYNES: Okay, do you have any further
16 questions?

17 MS. EDITH BEASLEY: No, because I'm tired of the
18 fixation and everything, and I can't bring up what
19 I want to bring up and so forth. I know --

20 JUDGE HAYNES: Is there something else that you
21 need to bring up for account No. 2985? Do you have
22 any records of payments that you made in the

1 beginning of 2001?

2 MS. EDITH BEASLEY: He did mention that I went
3 down to the gas company, I did, they wouldn't
4 listen to me when I went down there, so this is
5 another thing why this is held over. Until I, and
6 I went home, oh, we haven't got time. I went down
7 there to 95th and Jeffrey to try and resolve. They
8 wouldn't talk to me down there, no.

9 JUDGE HAYNES: Ms. Beasley, I have a question.
10 Do you have any records of payments that you made
11 in January, February, or March of 2001?

12 MS. EDITH BEASLEY: I can't find those because
13 after all I have to give those bills to the income
14 tax person because I have as many fingers on my
15 plate, I have to turn that over for income tax.
16 Okay, maybe I get them all back, maybe I don't, but
17 once I file my income tax, those papers are passe
18 and I couldn't find them.

19 JUDGE HAYNES: Okay. I have no further
20 questions. Is there anything else?

21 MS. EDITH BEASLEY: No, no. Because they've got
22 it made up pretty good.

1 MR. GOLDSTEIN: Well --

2 JUDGE HAYNES: No further questions,
3 Mr. Goldstein?

4 MR. GOLDSTEIN: Oh, I have no other questions of
5 my witness.

6 JUDGE HAYNES: And I think that's it then.

7 MR. GOLDSTEIN: Again, I hate to be redundant,
8 but this matter screams of the motion to dismiss
9 under the two-year rule. I would ask the judge,
10 again, to review the motion to dismiss and take
11 into account the evidentiary hearing this morning.
12 I believe that the motion to dismiss that was
13 originally made is totally proper and should be
14 granted.

15 In any event, there is no deposit that
16 was ever requested on the 2985 account by Peoples
17 Gas. There was no deposit ever made by Ms. Beasley
18 on the 2985 account. And her complaint should be
19 dismissed with prejudice.

20 MS. EDITH BEASLEY: Yes, it was and what about
21 you want to dismiss it. Okay, you know, I had
22 another one dismissed if I didn't answer in 7 days,

1 all you want to do is dismiss, but you don't.

2 Here, if we do not hear from you within
3 seven working days, we will consider the inquiry
4 closed and the Illinois Commerce Commission will be
5 notified. All you ever wanted to do was dismiss
6 it. And when I went to the gas company directly,
7 you wouldn't even talk to me. So maybe I could
8 have found some papers then, but all you ever
9 wanted to do was dismiss everything. But, you
10 know, go on, dismiss it, but you see that's how
11 Enron -- I'm not surprised, that's how Enron came
12 about.

13 JUDGE HAYNES: Okay, if there is nothing further,
14 this is marked heard and taken.

15 (Discussion off the record.)

16 JUDGE HAYNES: We're going to go back on the
17 record. There is a couple motions. Mr. Goldstein,
18 you first.

19 MR. GOLDSTEIN: Yes, I would like to move into
20 evidence Respondent's Exhibits 1, 2 and 3.

21 JUDGE HAYNES: Ms. Beasley, do you object to
22 admitting these exhibits into the record?

1 MS. EDITH BEASLEY: What exhibits?

2 JUDGE HAYNES: They are Respondent's Exhibits 1,
3 2 and 3. It's the printouts from your account and
4 then from the other account.

5 MS. EDITH BEASLEY: Not unless he can furnish me
6 duplicate printouts like he did of what he mailed
7 to me.

8 JUDGE HAYNES: You need copies of these exhibits?

9 MS. EDITH BEASLEY: No -- let me show you the
10 exhibits that he mailed to me. He said they didn't
11 go back that far, but they did, because -- here
12 they are, the duplicate bills. He said they didn't
13 go back, but they did.

14 JUDGE HAYNES: For the record account.

15 MS. EDITH BEASLEY: Well, if they can get it on
16 the other account, they can get it on the this
17 account. That's a duplicate bill.

18 JUDGE HAYNES: Can you explain why.

19 THE WITNESS: If we did the inquiry in '03 then
20 we can bring up an '02 bill. We can't bring up an
21 '02 bill in '05.

22 MS. EDITH BEASLEY: He mailed me for this

1 hearing.

2 THE WITNESS: Right.

3 MS. EDITH BEASLEY: It's what he wanted to bring
4 into evidence is what he mailed me.

5 THE WITNESS: Right, it depends on when we go in
6 the files, ma'am.

7 MS. EDITH BEASLEY: Well, go in the files.

8 THE WITNESS: Well, let me finish. When we go
9 back in the files, when you first originally went
10 to the Illinois Commerce Commission, say you went
11 to the Illinois Commerce Commission in 2002 or
12 2003. At that time the person who's doing the
13 inquiry for you will get images of bills or
14 whatever you are disputing and put that on file.
15 That's where we get those copies from, Because we
16 have them on file. We don't have a copy of every
17 bill, we just have copies of certain bills that
18 somebody took images of.

19 MS. EDITH BEASLEY: This wasn't even in dispute,
20 this account.

21 THE WITNESS: Right, but somebody did an inquiry
22 on it and we had copies of it on file, that's how

1 we gave them to you.

2 MS. EDITH BEASLEY: Well, why would you have it,
3 I wasn't in dispute, I never went to the Illinois
4 Commerce Commission on this account. This is how
5 you are playing games with people.

6 JUDGE HAYNES: If that's the only objection, then
7 we are going to admit, I'm going to admit
8 Respondent's Exhibits 1, 2 and 3 into the record.

9 (Whereupon, Respondent's
10 Exhibits Nos. 1, 2 and 3 were
11 admitted into evidence as
12 of this date.)

13 JUDGE HAYNES: Anything further from you,
14 Mr. Goldstein?

15 MR. GOLDSTEIN: I have nothing else.

16 JUDGE HAYNES: Ms. Beasley, you indicated that
17 you had a motion to make.

18 MS. EDITH BEASLEY: Yes, I did. Just a minute,
19 let me get the account number. I noticed they
20 didn't send me the 1,400 bill until we had settled
21 the account number 3500003700387 where they had to
22 refund me \$1,666.68 and that's when all this

1 dispute come about. They wanted to get their money
2 back where they had overcharged me and this is how
3 they got it back. They come through and made me
4 pay that amount, so that's why I paid it, because I
5 disputed them and they had to pay and they didn't
6 like it.

7 JUDGE HAYNES: Hearing nothing else, we are
8 marked heard and taken. Thank you.

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10 HEARD AND TAKEN

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