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<u>Witnesses:</u>	<u>Dir.</u>	<u>Crx.</u>	<u>Re-</u> <u>dir.</u>	<u>Re-</u> <u>crx.</u>	<u>By</u> <u>Examiner</u>
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NONE

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NONE

1 JUDGE MORAN: Pursuant to the direction of the
2 Illinois Commerce Commission, I call Docket 05-0729.
3 This is Loretta Kidd, K-i-d-d, versus Illinois Bell
4 Telephone Company. It is a complaint as to service
5 in Chicago, Illinois.

6 May I have the appearances for the
7 record, please.

8 Please give me your name, address and
9 telephone number.

10 MS. KIDD: Loretta Kidd, and telephone number,
11 773-826-0449.

12 JUDGE MORAN: And your address?

13 MS. KIDD: 2729 West Congress Parkway.

14 JUDGE MORAN: And that's in Chicago?

15 MS. KIDD: Chicago, 60612.

16 JUDGE MORAN: Thank you.

17 And Mr. Huttenhower?

18 MR. HUTTENHOWER: James Huttenhower,
19 H-u-t-t-e-n-h-o-w-e-r, appearing on behalf of
20 Illinois Bell Telephone, 225 West Randolph Street,
21 Suite 25-D, Chicago, Illinois 60606. My phone
22 number is 312-727-1444.

1 JUDGE MORAN: Okay. This case was first set for
2 status on December 5th, 2005. The complainant,
3 Ms. Kidd, called me and indicated that she was not
4 feeling well. We cancelled that date and Ms. Kidd
5 has asked for a new date and that's why we're here
6 today.

7 Ms. Kidd, prior to going on the record
8 you indicated that you have an attorney in this
9 case.

10 MS. KIDD: Yes.

11 JUDGE MORAN: And what is the name of your
12 attorney?

13 MS. KIDD: It's going to be Burton Ring.

14 THE REPORTER: Burton --

15 MS. KIDD: Ring, R-i-n-g.

16 Or Brian Wallace.

17 JUDGE MORAN: Burton Ring?

18 MS. KIDD: Yeah, or Brian Wallace.

19 JUDGE MORAN: Or Brian Wallace.

20 And both of these attorneys are in
21 practice together?

22 MS. KIDD: No. They're separate.

1 JUDGE MORAN: So, at this time you do not know
2 which one is going to be representing you?

3 MS. KIDD: Right, whoever is not on trial.

4 JUDGE MORAN: Okay. It's 10:20 now, your
5 attorney is not here. Is it possible that you can
6 give me some dates when we can go to hearing on this
7 case?

8 MS. KIDD: We can hear what they have now if you
9 want to wait? I really don't care.

10 JUDGE MORAN: I would feel better if your
11 attorney is here.

12 MS. KIDD: Okay.

13 JUDGE MORAN: If you are having an attorney in
14 this case, then it's better --

15 MS. KIDD: You see I wouldn't know the dates
16 because, see, I work, too, a daytime job, and I
17 can't keep taking off, you know.

18 JUDGE MORAN: Sure, I understand that.

19 MS. KIDD: I can't keep taking off. So, I can
20 hear it and if I can appeal -- I just want to --
21 because I can't take every Monday off, or whatever
22 date.

1 JUDGE MORAN: Okay.

2 MS. KIDD: If I have a date set, if you're
3 giving me another date -- I don't want to keep
4 prolonging this. I want to get it over with because
5 I need to -- I don't know what evidence they have.

6 JUDGE MORAN: Okay. What about discovery? Are
7 there any documents that you need from Ms. Kidd and
8 Ms. Kidd, do you need any documents from SBC?

9 MS. KIDD: Yes, I do. I need to know -- they
10 sent me the phone numbers. We need to know -- first
11 they said -- I think it was the attorney here, he
12 said that my name wasn't Brady. So, I want him to
13 verify my last name wasn't Brady.

14 And we want to match up every phone
15 number to the name and with the social security
16 number, because my social security number is
17 ###-##-####. And they said that they spelled my
18 last name as K-i-d-d-e. And I do have
19 documentations that my last name is spelled
20 K-i-d-d.

21 And I would like to know -- each phone
22 number that he gave me here, I would like to know

1 the dates and times and address of each one of these
2 phone numbers, because most of these phone
3 numbers -- I filed bankruptcy four times and my
4 bankruptcy lawyers Zalenski and Palenski (phonetic),
5 everything was done -- everything was done according
6 to Illinois Bell and they say if there was any
7 discreptions (sic), when it came to the creditor
8 meeting, SBC was not present, they did not say they
9 had any discrepancies at that time.

10 JUDGE MORAN: Okay. So, this case involves some
11 sort of dispute over your name and your social
12 security number.

13 MS. KIDD: Right. The name and the social
14 security and most of these accounts in the
15 bankruptcy --

16 JUDGE MORAN: And you have with you some
17 documents that you would possibly want to share with
18 SBC?

19 MS. KIDD: Yeah, he can take this. But, you
20 know, this is what he gave to me.

21 JUDGE MORAN: Who gave to you?

22 MS. KIDD: This is what the lawyer sent --

1 JUDGE MORAN: Oh.

2 MS. KIDD: This is the only thing that I have.

3 MR. HUTTENHOWER: At some point while Ms. Kidd
4 was pursuing her informal complaint --

5 MS. KIDD: Yeah.

6 MR. HUTTENHOWER: -- we provided some
7 information to her. I believe that's what she's
8 referring to. I didn't convey it to her directly.

9 JUDGE MORAN: Okay. Okay. So, the company
10 provided you with some information during the
11 informal --

12 MS. KIDD: Yes, ma'am.

13 JUDGE MORAN: -- stage of this case. Okay.

14 MS. KIDD: Yes, ma'am. But they're saying that
15 the business account was my own social security
16 number, but --

17 JUDGE MORAN: Well --

18 MS. KIDD: I don't understand that. Really, I
19 don't understand what they provided us, and the
20 lawyer doesn't, either.

21 JUDGE MORAN: Mr. Huttenhower, do you have a
22 copy of these documents that SBC provided?

1 MR. HUTTENHOWER: I don't think I have the cover
2 sheet, but I have the chart.

3 JUDGE MORAN: Okay.

4 MR. HUTTENHOWER: This was a fax from the
5 Commerce Commission.

6 Is it two different faxes --

7 MS. KIDD: Yes.

8 MR. HUTTENHOWER: Okay. Because this one, I
9 knew about. This one, I -- looking at it, I would
10 think it would look like one of the counselors at
11 the Commerce Commission copied some stuff out of an
12 e-mail and put it in a fax and sent it to her, is my
13 guess, about some of the accounts that we had in our
14 records.

15 MS. KIDD: Most of these accounts we gave to
16 Mary Waters, which my attorney from Zalenski &
17 Palenski, the bankruptcy court, they gave us these
18 numbers that we have, they were filed on the
19 bankruptcy. So, we don't understand why I'm really
20 here, because it was filed under the bankruptcy and,
21 plus, I filed a Chapter 13 and SBC was paid off on
22 the last Chapter 13 that I had filed. So, I don't

1 understand this.

2 JUDGE MORAN: So, there's some underlying
3 bankruptcy actions that --

4 MS. KIDD: Yes.

5 JUDGE MORAN: -- involved SBC as a creditor, is
6 that --

7 MS. KIDD: Yes.

8 MR. HUTTENHOWER: Ms. Kidd has filed for
9 bankruptcy a couple times in the past.

10 MS. KIDD: Four times.

11 JUDGE MORAN: Okay.

12 MR. HUTTENHOWER: I think she may still have an
13 action pending.

14 JUDGE MORAN: Okay.

15 MR. HUTTENHOWER: And some of these earlier
16 accounts were accounts that had been, I guess, in
17 existence at the time of those earlier bankruptcies.

18 JUDGE MORAN: Okay.

19 MR. HUTTENHOWER: The issue from our perspective
20 is that some of the accounts were established under
21 social security numbers different from the one that
22 Ms. Kidd has with her current account.

1 JUDGE MORAN: Okay.

2 MR. HUTTENHOWER: And so our concern was trying
3 to understand this discrepancy.

4 JUDGE MORAN: Okay.

5 MR. HUTTENHOWER: And the possibility that
6 someone was engaged in fraudulent behavior.

7 MS. KIDD: So, you're saying I'm frauding you?

8 JUDGE MORAN: No, he's not saying that. He said
9 someone.

10 MS. KIDD: Okay.

11 MR. HUTTENHOWER: And so, in essence, it
12 doesn't -- the matter really doesn't have to do
13 with, Okay, there's this old account that existed
14 when she filed for bankruptcy a certain number of
15 years ago and she owes us \$500 for that account.

16 MS. KIDD: Right.

17 MR. HUTTENHOWER: It's simply that, perhaps,
18 that account was under Social Security No. X, yet,
19 it seemed to be connected to her, and now she's
20 applied for service under Social Security No. Y.
21 And we're trying to understand --

22 JUDGE MORAN: The relationship.

1 MR. HUTTENHOWER: Yes.

2 MS. KIDD: Can I answer that? All my numbers
3 are ###-##-####, which --

4 JUDGE MORAN: What number --

5 MS. KIDD: That's my social security number.

6 MR. HUTTENHOWER: I don't know whether, for
7 purposes of your privacy --

8 JUDGE MORAN: I will have that -- excuse me.

9 MR. HUTTENHOWER: Pardon me.

10 JUDGE MORAN: I will have that social security
11 number put -- taken out of the public record and put
12 into a confidential record for this proceeding. I
13 have to do that for your protection -- for
14 everybody's protection.

15 MS. KIDD: Okay.

16 MR. HUTTENHOWER: I think she may have given the
17 number one earlier time during the transcript.

18 JUDGE MORAN: Okay. To the extent that the
19 court reporter finds that the social security number
20 has been previously entered into the public record,
21 it shall, also, be deleted and put into a
22 confidential record for this case. Thank you.

1 MS. KIDD: Can I just say something on this part
2 here? It says that social security number provides
3 (sic) the business account. The business account
4 number that I had was different. They put the
5 numbers under here. I think that -- they've got my
6 name as Brady. I was divorced in 1998.

7 JUDGE MORAN: Okay.

8 MS. KIDD: They got all these names here,
9 Loretta Kidd. Birmingham, I don't know who
10 Birmingham is. But, Kidd and Brady is me.

11 JUDGE MORAN: Okay. I don't have these
12 documents. So, I can't listen to anything that is
13 being said about those documents.

14 MS. KIDD: Okay.

15 JUDGE MORAN: I, actually, have no framework for
16 those documents, so they're rather meaningless to me
17 at the moment.

18 MS. KIDD: Okay.

19 JUDGE MORAN: And I don't want you to say
20 anything on the record without your attorney.

21 MS. KIDD: Okay.

22 JUDGE MORAN: That's for your own protection.

1 MS. KIDD: Okay.

2 JUDGE MORAN: I want to make sure now that we
3 can set a reasonable hearing date for this case,
4 where your attorney will be here.

5 MS. KIDD: Okay.

6 JUDGE MORAN: Okay? And you will be able to put
7 on evidence. SBC will be able to put on evidence.
8 SBC will be able to cross-examine you. Your
9 attorney will be able to cross-examine them.

10 MS. KIDD: Okay.

11 JUDGE MORAN: And that's how we'll get --

12 MS. KIDD: Okay.

13 JUDGE MORAN: -- to the heart of the matter.
14 And that's how we'll build a record.

15 MS. KIDD: Okay.

16 JUDGE MORAN: Then, I will examine and make a
17 decision on it.

18 MS. KIDD: Okay.

19 JUDGE MORAN: Okay? And that record, and that
20 proposed decision that I make will go to the
21 Commission. So, it will be reviewed by them. And,
22 then, again, as you were concerned about, and as I

1 told you, that can always be appealed to the Court.

2 Okay?

3 MS. KIDD: Uh-hum.

4 JUDGE MORAN: So, you have different stages of
5 review. You don't just have me, you have the
6 Commission looking at what I've done. Then, you can
7 have a Court look at what the Commission did. Do
8 you know what I mean?

9 MS. KIDD: Yeah, I understand that.

10 JUDGE MORAN: But, we have to do this in a
11 manner that will allow us to build a good record.

12 MS. KIDD: Okay.

13 JUDGE MORAN: What I really want to be done at
14 this stage, so this next state that we have where
15 your attorney will be here, we'll be able to put
16 everything and get everything done at one time.

17 MS. KIDD: Okay.

18 JUDGE MORAN: My concern now is, what would you
19 need from Mr. Huttenhower? Mr. Huttenhower, what
20 would you need from Ms. Kidd in order to be able to
21 go to hearing -- to an evidentiary hearing at the
22 next date.

1 MR. HUTTENHOWER: Well, it's possible that I
2 might want some documents from her, but I would not,
3 necessarily, think that I do.

4 JUDGE MORAN: Okay.

5 MR. HUTTENHOWER: I mean, if SBC is going to
6 provide -- have to provide documents to her, then,
7 I'll probably end up sending a request over for
8 some, you know, prior address type information.

9 JUDGE MORAN: Okay.

10 MS. KIDD: Okay.

11 JUDGE MORAN: All right. So, why don't we do
12 that? Why don't we take -- your attorney should be
13 a part of this, also, determining what documents, if
14 any, you may need. Mr. Huttenhower, whatever
15 documents SBC, if any, will need from Ms. Kidd. Let
16 us pick a date for discovery.

17 MS. KIDD: Okay.

18 JUDGE MORAN: It's called discovery. You tell
19 your attorney that. That's where he sends out a
20 written request for what he --

21 MS. KIDD: Okay.

22 JUDGE MORAN: -- may need to go to hearing on

1 this case.

2 MS. KIDD: Okay.

3 JUDGE MORAN: Okay?

4 MS. KIDD: The hearing will be back with you,
5 right?

6 JUDGE MORAN: Yes. Yes.

7 MS. KIDD: Okay.

8 What is the time frame for the date?

9 I have to let my job know. Can we do it on a
10 Monday?

11 JUDGE MORAN: Your hearing -- we're talking
12 about your hearing date?

13 MS. KIDD: Can we do it on a Monday?

14 JUDGE MORAN: Sure.

15 MS. KIDD: If that's okay with him.

16 JUDGE MORAN: Let's look and see if there's a
17 date in January, Mr. Huttenhower. And, Ms. Kidd, do
18 you have a calendar that you can --

19 MS. KIDD: No, ma'am.

20 MR. HUTTENHOWER: You want to look at this
21 (indicating).

22 MS. KIDD: Okay. Thank you.

1 The 2nd is a holiday. I think that's
2 a holiday, right?

3 JUDGE MORAN: Uh-hum.

4 MR. HUTTENHOWER: Maybe for you.

5 MS. KIDD: Oh, SBC, it's not a holiday?

6 JUDGE MORAN: They don't have a holiday, but we
7 do have the holiday.

8 MS. KIDD: Right, the State. I work for the
9 State, so I know we have a holiday on the -- wait a
10 minute --

11 JUDGE MORAN: We celebrate Martin Luther King --

12 MS. KIDD: No, that's the New Year's Day, that
13 they're letting us off on a Monday this time. We're
14 off on a Monday.

15 MR. HUTTENHOWER: Maybe I'm off.

16 MS. KIDD: You must be off on a Monday, too,
17 because New Year's Day falls on a Monday --

18 JUDGE MORAN: Right.

19 MS. KIDD: -- I mean, Sunday.

20 JUDGE MORAN: And I think Martin Luther --

21 MS. KIDD: I can put in for January 9th. I'll
22 just take that day off.

1 JUDGE MORAN: Which day are you talking about?

2 MS. KIDD: January the 9th.

3 MR. HUTTENHOWER: There's one thing I have to do
4 in January and I can't remember when it is.

5 I think it will be okay for me.

6 JUDGE MORAN: The 9th?

7 MR. HUTTENHOWER: Yeah. Whatever else I'm
8 thinking of is a mid-month deadline.

9 JUDGE MORAN: I don't think that's our holiday.

10 MS. KIDD: Holiday for Martin Luther King would
11 be January the 16th.

12 JUDGE MORAN: Fine. Then, January 9th would be
13 fine.

14 MS. KIDD: Okay.

15 JUDGE MORAN: And you try and get your
16 attorney --

17 MS. KIDD: I'll have my attorney -- are we
18 allowed to call them, to give Mr. Lansehowers
19 (sic) -- are we allowed to call him, if we need
20 documents? I'm not allowed to call, can my attorney
21 call? I mean, I just needed to know.

22 JUDGE MORAN: If you need to call who, I'm

1 sorry?

2 MR. HUTTENHOWER: (Indicating.)

3 MS. KIDD: I'm just getting one of his cards.

4 JUDGE MORAN: Oh, yeah, you can get

5 Mr. Huttenhower's card.

6 MR. HUTTENHOWER: I guess what I'm not sure
7 about is whether your attorney would be calling
8 about a date for the hearing or about requesting
9 documents from each other.

10 JUDGE MORAN: I think discovery. And he may
11 want to do that in writing.

12 MS. KIDD: Right, right. I know.

13 JUDGE MORAN: But, you can certainly contact --
14 the attorneys can certainly talk and they can talk
15 as much as they want.

16 MS. KIDD: Thank you.

17 JUDGE MORAN: So, we're going to set this case
18 for hearing for January 9th, 2005.

19 At what time? What's a good time?

20 MS. KIDD: This would be -- there was a bad
21 accident right here on the corner today. I mean,
22 when I was coming down, bad accident, on Randolph

1 and Dearborn, that's what took us so long trying to
2 come around --

3 JUDGE MORAN: Wow.

4 MS. KIDD: -- the bend.

5 JUDGE MORAN: Okay. I didn't know that.

6 MS. KIDD: Yeah, so we can do it at --

7 JUDGE MORAN: Okay. We'll set it for January
8 9th --

9 MS. KIDD: Give us 10:30.

10 JUDGE MORAN: 10:30?

11 MS. KIDD: Uh-hum.

12 JUDGE MORAN: Okay. That's fine, 10:30 a.m.

13 We're going to have discovery requests to be sent
14 out by a certain date and answered by a certain
15 date.

16 Why don't you discuss those dates?

17 MS. KIDD: You know, I put January the 9th here,
18 hoping that he's, you know -- I just did it off the
19 top of my head.

20 JUDGE MORAN: Right.

21 MS. KIDD: January 9th. But, if he's in, you
22 know -- can I call you back if I have to switch it

1 to another -- can I just pick two days, January 9th
2 and January the 20th?

3 JUDGE MORAN: Sure.

4 MS. KIDD: Okay. Just for the sake.

5 MR. HUTTENHOWER: 23rd?

6 MS. KIDD: Yes. Can we do it like that?

7 JUDGE MORAN: All right. January 9th or
8 January 23rd. But, let me know --

9 MS. KIDD: Way ahead of time?

10 JUDGE MORAN: -- way ahead of time.

11 MS. KIDD: Well, he'll be calling him.

12 JUDGE MORAN: And let's have dates for discovery
13 to be sent out and answered by dates, prior to
14 January 9th in case that's a go date. Okay?

15 MS. KIDD: Okay.

16 JUDGE MORAN: So, Jim, you've got the calendar.
17 Propose something and then --

18 MR. HUTTENHOWER: Well, we better send it out
19 pretty quick, because --

20 MS. KIDD: We don't know what he's doing,
21 because it's already --

22 JUDGE MORAN: Right, right.

1 MS. KIDD: -- two weeks to that. I think we
2 better stick with, you know --

3 MR. HUTTENHOWER: I mean, if we send it out by
4 Friday, I don't know if that would give your lawyer
5 enough time, but I don't really -- you know, with
6 the holiday, I don't know about --

7 JUDGE MORAN: Right.

8 MR. HUTTENHOWER: Either that, or we send it out
9 the early part of next week and get responses by the
10 3rd, or something.

11 JUDGE MORAN: Okay. That sounds reasonable. Or
12 how about even -- yeah, the 3rd is good.

13 January 3rd would be the answer date
14 and responses to be sent out --

15 MR. HUTTENHOWER: I mean, next Monday is fine,
16 too. It doesn't really matter to me.

17 MS. KIDD: But, I'm just wondering --

18 MR. HUTTENHOWER: Yeah, in terms of getting your
19 person --

20 MS. KIDD: Right. I just want to make sure I
21 won't be in contempt for, you know, saying that
22 we're not trying to do it.

1 JUDGE MORAN: Okay. We can make the discovery
2 requests immediately --

3 MS. KIDD: Okay.

4 JUDGE MORAN: -- but just a closing date on
5 those. And, you know, you can send out several, you
6 know, things may come up, you know. But we just
7 want them all sent out by -- what would be the final
8 date for, like, the last discovery requests?

9 MR. HUTTENHOWER: Well, assuming that we're
10 going on the 9th, getting it back on the 3rd would
11 give the parties a few days to digest them, but --

12 JUDGE MORAN: No, no. We're keeping the 3rd for
13 the answers.

14 MR. HUTTENHOWER: Oh, okay. I'm saying -- or
15 should we not --

16 MR. HUTTENHOWER: I mean, practically speaking,
17 if I don't get something -- well -- unless I get
18 something by the early part of next week, with the
19 holidays, I'm not sure how much I can get over the
20 week between Christmas and New Year's.

21 JUDGE MORAN: Okay. So, we're talking about
22 what date?

1 MR. HUTTENHOWER: Maybe the 21st?

2 JUDGE MORAN: Okay. That's what I'm looking
3 for. I'm looking for just a date.

4 I'm going to make the ruling, the
5 discovery requests are to be sent out immediately,
6 continuing and finalized by December 21st. That
7 means they can send out a discovery request today --

8 MS. KIDD: Yes.

9 JUDGE MORAN: -- three days later you may think,
10 Oh, my God, I need something else. You can send out
11 another discovery request. But the last discovery
12 request like that would have to be sent out by
13 December 21st. That will give you --

14 MS. KIDD: Can I just ask something?

15 JUDGE MORAN: Sure. Sure.

16 MS. KIDD: Just to give my lawyer time, do you
17 oppose if we go to -- just to give him time, since
18 it's a holiday, we can -- be opposed to him having
19 January the 23rd, just to give us time, because I
20 want everything done right, in case he can't make it
21 on the 9th? I just want everything to be done
22 right.

1 JUDGE MORAN: Sure.

2 MS. KIDD: Because I want to know myself --

3 JUDGE MORAN: Sure.

4 MS. KIDD: -- what's going on.

5 MR. HUTTENHOWER: So, you want the hearing to
6 be --

7 MS. KIDD: No. I'm just saying, just in case, I
8 mean --

9 JUDGE MORAN: Do you just want to go to the
10 January 23rd date, just to make sure --

11 MS. KIDD: If I could.

12 JUDGE MORAN: Would that be okay?

13 MR. HUTTENHOWER: I don't have a problem with
14 that.

15 JUDGE MORAN: All right. Then, why don't we do
16 that. That will give everybody -- you won't be
17 crushed into that holiday time frame. Okay.

18 So, discovery requests would be sent
19 out immediately, continuing and finalized by
20 January 9th, how about that?

21 MS. KIDD: Okay.

22 JUDGE MORAN: And answered by January -- what's

1 a reasonable time after that?

2 MR. HUTTENHOWER: If we're going with the 23rd,
3 maybe, then, I guess, the 17th.

4 JUDGE MORAN: Okay. Be answered by January
5 17th. And the hearing will now take place on
6 January 23rd.

7 I think that was an excellent idea,
8 Ms. Kidd.

9 MS. KIDD: So, we get everything.

10 JUDGE MORAN: Because we do have to take into
11 account the holiday crunches.

12 MS. KIDD: That's fine, if that's fine with him.

13 MR. HUTTENHOWER: That's fine.

14 MS. KIDD: Okay.

15 JUDGE MORAN: Is there anything else we need to
16 discuss?

17 MS. KIDD: No.

18 JUDGE MORAN: No? Okay. Great.

19 Today we have resolved the discovery
20 matter for this case. A ruling will be sent out
21 requiring discovery requests to be sent out
22 immediately, continuing and finalized by

1 January 9th, 2005, and answered in full by
2 January 17th, 2005. This discovery ruling applies
3 to both parties. And this matter is continued to
4 January 23rd, 2005, at 10:30 a.m. Okay?

5 MS. KIDD: Thank you.

6 MR. HUTTENHOWER: Thank you.

7 (Whereupon, the above-entitled
8 matter was continued to
9 January 23rd, 2006.)

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