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ILLINOIS COMMERCE COMMISSION  
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06-0105

Lee Pearson, Jr. :  
-vs- :  
The Peoples Gas Light :  
and Coke company :  
: :  
Complaint as to service :  
in Chicago, Illinois :

**REPLY BRIEF**

Now comes the Respondent, THE PEOPLES GAS LIGHT AND COKE COMPANY, by and through its attorney, MARK L. GOLDSTEIN, and files this Reply Brief to the letter Brief filed by the Complainant LEE PEARSON, JR. in Complainant's Brief filed on June 19, 2006.

**OVERVIEW**

On February 21, 2006, Complainant filed a formal complaint with the Illinois Commerce Commission ("Commission") against the Respondent alleging that he has been denied gas service by the Respondent because the Respondent was holding him responsible for gas usage at the store at this property located at 7358 South Peoria, Chicago, Illinois.

Pursuant to notice as required by the Illinois Commerce Commission, this matter came on for status hearing before a duly authorized Administrative Law Judge ("ALJ") on March 7, 2006. Complainant appeared pro se and testified on his own behalf. The Respondent was represented by counsel and presented the testimony of Zenetra Weatherall, a billing specialist with Respondent. Subsequent evidentiary hearings were held on April 11 and May 11, 2006. At the conclusion of the evidentiary hearing on May 11, 2006, the record was marked "Heard and Taken."

**ARGUMENT**

On June 14, 2003 the store meter at 7358 S. Peoria was locked off and a final reading taken at that time with an index of 3109. A remote meter device was attached to the store meter at 7358 S. Peoria and continued to show usage after June 14, 2003. The account was in an inactive state and no one was on record to bill for the usage of approximately 1233 cubic feet of gas used at the store meter referenced above during the period of June 14, 2003 through May 14, 2005, the relevant time frame.

On December 12, 2005 the Complainant applied for gas service at the store meter at 7358 S. Peoria, and was denied because of unauthorized gas usage at this address. Complainant identified himself as the property owner, and when Respondent requested he identify the person or tenant responsible for the gas usage, Complainant stated that the store was vacant during the relevant time frame. Additionally, the store meter referenced above was tested and it was recording accurately within Commission guidelines.

Complainant is the owner of the property and knows or is best able to know what occurs in his building, thus he is responsible for any usage that occurs on the meter referenced above. Complainant was billed a total of \$1,566.05 for the approximately, 1233 cubic feet of gas that was consumed during the relevant time frame at the store meter located on his property at 7358 S. Peoria.

Complainant contends that the store at 7358 S. Peoria was vacant during the relevant time frame, that he "cannot account for any possible tampering" in his building among the gas meters located in a common area, and having not received communication from the Respondent regarding the unauthorized usage, he should not be held liable for the gas usage to the store. In sum, Complainant contends that he should not be held liable for gas that he did not use and was unaware of its usage.

The evidence clearly establishes the following:

- 1) Complainant was the owner of the property and Respondent's customer of record at the time service was locked off on June 14, 2003;
- 2) remote meter readings were taken by Respondent, but Complainant was not billed during the time remote meter readings were taken because the account in question was inactive and there was no entity to bill;
- 3) when Complainant applied for service on December 12, 2005 and was unable to provide the name of any tenant or responsible person;
- 4) gas usage was recorded on the store meter after being locked off, and the meter had to be tampered with contrary to 83 Ill. Adm. Code 280.100, and Complainant as the landlord should be held responsible for the unauthorized gas usage.

### CONCLUSION

Based on all of the foregoing, Respondent, THE PEOPLES GAS LIGHT AND COKE COMPANY, respectfully requests that the complaint filed LEE PEARSON, JR. against THE PEOPLES GAS LIGHT AND COKE COMPANY filed on February 21, 2006 be denied

Respectfully submitted,  
THE PEOPLES GAS LIGHT AND COKE COMPANY

By:   
Mark L. Goldstein, Its Attorney

MARK L. GOLDSTEIN  
Attorney for Respondent  
108 Wilmot Road, Suite 330  
Deerfield, IL 60015  
Phone: (847) 580-5480  
Facsimile: (847) 945-9512  
e-mail: [mlglawoffices@aol.com](mailto:mlglawoffices@aol.com)

STATE OF ILLINOIS

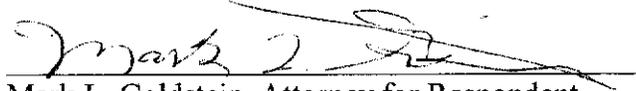
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 The Peoples Gas Light and Coke )  
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 Complaint as to service )  
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NOTICE OF FILING

TO: Parties on Certificate of Service

PLEASE TAKE NOTICE that on June 28, 2006, I filed with the Chief Clerk of the Illinois Commerce Commission the Respondent's Reply Brief, attached hereto, copies of which are hereby served upon you.

  
Mark L. Goldstein, Attorney for Respondent  
108 Wilmot Road, Suite 330  
Northbrook, IL 60062  
(847) 580-5480

**CERTIFICATE OF SERVICE**

I hereby certify that on June 28, 2005, I served a copy of the attached Respondent's Reply Brief, by causing copies thereof to be placed in the U.S. Mail, first class postage affixed, addressed to each of the parties below:

Ms. Elizabeth A. Rolando  
Chief Clerk  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL 62701

Mr. Lee Pearson, Jr.  
P. O. Box 81902  
Chicago, IL 60681

Ms. Eve Moran  
Administrative Law Judge  
Illinois Commerce Commission  
160 N. LaSalle St., Ste. C-800  
Chicago, IL 60601

  
Mark L. Goldstein