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BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
AFD INDUSTRIES)
 -vs-) No. 06-0533
THE PEOPLES GAS LIGHT AND)
COKE COMPANY,)
Complaint as to billing)
errors and meter problems)
in Chicago, Illinois.)

Chicago, Illinois
January 3, 2007

Met pursuant to notice at 10:00 a.m.

BEFORE:
MS. EVE MORAN, Administrative Law Judge.

APPEARANCES:

MR. WILLIAM WESTVEER, AFD INDUSTRIES
1440 East 97th Place
Chicago, Illinois 60628,
Appearing Pro Se;

MR. MARK L. GOLDSTEIN
108 Wilmot Road, Suite 330
Deerfield, Illinois 60015
Appearing for People Gas.

SULLIVAN REPORTING COMPANY, by
Kerry L. Knapp, CSR

1		<u>I N D E X</u>				
2	<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>
3	William Westveer		54		65	28 63
4	Robin Bland	67	93	130 134	128 132 137	113
5						
6	Dennis Long	144	151	160	161	163
7	Brian Schmoltdt	169	180			174 190
8						

9	<u>E X H I B I T S</u>					
10	<u>Number</u>	<u>For Identification</u>			<u>In Evidence</u>	
11	<u>Petitioner's</u>					
	1A		23			143
12	1		23			143
	2		23			143
13	3		23			143
	3A		23			143
14	4		23			143
	5		23			143
15	6		23			143
	7		23			143
16	<u>Respondent's</u>					
17	1A		23			137
	2A		23			137
18	3A		23			137
	4 late-filed		X			X
19	5		126			137
	6 & 7		170			174
20	8		175			175
	Cross 1		55			137
21	<u>ALJ</u>					
22	ALJ Late-Filed No. 1	X				194

1 (Whereupon, Respondent's
2 Exhibit Nos. 1A, 2A, 3A were
3 marked for identification
4 as of this date.)

5 (Whereupon, Petitioner's
6 Exhibit Nos. 1A, 1, 2, 3, 3A,
7 4, 5, 6, 7 were marked for
8 identification as of this date.)

9 JUDGE MORAN: Pursuant to the direction of the
10 Illinois Commerce Commission, I call Docket No.
11 06-0533. This is AFD Industries vs. Peoples Gas
12 Light and Coke Company. It is a complaint as to
13 billing errors and meter problems.

14 May I have the appearances for the record,
15 please.

16 MR. WESTVEER: William Westveer on behalf of AFD
17 Industries, LLC.

18 JUDGE MORAN: And your address and phone number,
19 please.

20 MR. WESTVEER: 1440 East 97th Place, Chicago,
21 60628. (773) 221-3605.

22 MR. GOLDSTEIN: On behalf of the Peoples Gas

1 Light and Coke Company, Mark L. Goldstein, 108 Wilmot
2 Road, Suite 330, Deerfield, Illinois 60015. My
3 telephone number is (847) 580-5480.

4 JUDGE MORAN: Okay. And the parties are prepared
5 to go to a hearing today. And who will be
6 testifying?

7 MR. GOLDSTEIN: We have three witnesses.

8 MR. WESTVEER: I will.

9 MR. GOLDSTEIN: We have three witnesses, Judge.

10 JUDGE MORAN: Okay.

11 MR. GOLDSTEIN: One of the witnesses went to the
12 restroom.

13 JUDGE MORAN: That's fine. And you will be
14 testifying also?

15 MR. WESTVEER: Yes.

16 JUDGE MORAN: Okay. Let me swear in the
17 witnesses that are here and then I'll swear your last
18 witness in when she comes in.

19 (Witnesses sworn.)

20 JUDGE MORAN: Thank you.

21 MR. GOLDSTEIN: Judge, as a preliminary matter,
22 when we first met at the initial status hearing,

1 your Honor advised Mr. Westveer that he had to have
2 an attorney representing AFD because it is a
3 corporation. As far as I'm aware, Mr. Westveer has
4 not appeared today with an attorney.

5 MR. WESTVEER: The judge advised that I have to
6 because --

7 MR. GOLDSTEIN: Therefore -- will you let me
8 finish?

9 MR. WESTVEER: Sorry.

10 MR. GOLDSTEIN: Therefore, I am making a motion
11 to dismiss the complaint.

12 JUDGE MORAN: Okay. It is a well-known
13 established rule at the Commission that corporations
14 are to be represented by attorneys. Are you not
15 aware of this?

16 MR. WESTVEER: I'm not aware of this.

17 JUDGE MORAN: Have I not made you aware of this?

18 MR. WESTVEER: You have not. The other attorney,
19 Mark, has. He says that he would recommend we get an
20 attorney. It was in the early hearings.

21 We felt we have a very clear and strong
22 case, we just want to present the facts on our own

1 behalf. We've chosen not to represent ourselves --
2 or I'm sorry, to get an attorney to represent us.
3 You have not told me that I had to have an attorney.

4 JUDGE MORAN: Okay.

5 MR. WESTVEER: This is the first I'm aware that I
6 have to. And I think this is -- I'm very unhappy
7 that he attempts to do this because he didn't tell me
8 I had to. He says, We recommend you do.

9 JUDGE MORAN: Okay. Well, it is a rule of the
10 Commission that corporations are represented by
11 attorneys. I'm going to let you proceed today
12 despite that. There may come a point down the line
13 where you will have to get one.

14 MR. WESTVEER: That's fine.

15 JUDGE MORAN: Okay. And I will show you the
16 rule.

17 MR. WESTVEER: Okay.

18 JUDGE MORAN: Did you get a copy of the rules
19 when you filed your complaint?

20 MR. WESTVEER: I may have. Is this packet that
21 is typically sent, are they -- are the rules --

22 JUDGE MORAN: Yes.

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WILLIAM H. WESTVEER,

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

EXAMINATION

BY

JUDGE MORAN:

Q. Why don't you tell us the facts that support the complaint. Give us some background or give me some background certainly as to what your company is, what it does.

A. Okay. AFD Industries processes leather and rawhide leather components into dog chew, rawhide dog chew items.

The operation has been in this facility for just over five years. And in June of 2004, we expanded into some additional square footage adjacent to our previously existing manufacturing space.

Q. Okay. Let's back up. You've been at what facility for five years?

A. 1440 East 97th Place.

Q. 1440 East 97th Place. Okay.

And how big is this space?

1 A. That space is 45,000 square feet,
2 approximately.

3 Q. Okay. And you've been there since?

4 A. Since 2000, since August of 2000.

5 Q. August of 2000. Okay.

6 A. And we have gas service at that location.
7 That meter is not in dispute. That's an ongoing
8 account we have with Peoples Energy that we have
9 similar equipment on. So we understand what our
10 usage is in our manufacturing environment.

11 Q. Okay. So the dispute does not concern this
12 space?

13 A. No. It's when we expanded in 2004 --

14 Q. Okay.

15 A. -- to an additional 35,000 square feet --
16 actually, 32,000 square feet. We --

17 Q. At the same address?

18 A. At the same address. An adjacent space in a
19 large building.

20 Q. Okay.

21 A. So, at that point, we occupied roughly
22 75,000 square feet of a 250,000 square foot building.

1 Q. Okay.

2 A. Okay. So we're still not the entire tenant
3 of this building.

4 Q. Hm-hmm.

5 A. On June 4, we -- of 2004, we increased to
6 this additional space I just mentioned at
7 1440 East 97th Place.

8 We removed -- we basically -- as part of
9 that, we opened up the space and had offices in it.
10 We took everything out. And there were some small
11 gas appliances that we capped and removed everything
12 from that site.

13 In the following September, on September 14,
14 we received a utility rebill from the landlord.
15 Basically, the landlord was getting utility bills on
16 this space and they basically paid them and then
17 rebilled us to reimburse them for that gas meter.

18 And this bill was dated from August 4, '04,
19 to September 2, '04. And it was for \$55.70. That's
20 in the exhibit packet, a copy of that bill. It's on
21 the very bottom of that pile that you have.

22 Q. Okay. And it's --

1 A. That shows that the landlord billed us for
2 gas they paid for.

3 Q. Okay. Please identify what you're referring
4 to.

5 A. That would be Exhibit 1 in my package.

6 Q. Okay.

7 MR. GOLDSTEIN: Do we have a copy of those
8 exhibits, Judge?

9 MR. WESTVEER: Unfortunately, I only have the two
10 copies. I'm perfectly willing to share this
11 information as I go through it and then shoot copies
12 after the hearing.

13 JUDGE MORAN: Is that okay, or do you want me to
14 make a copy?

15 MR. GOLDSTEIN: That's fine.

16 JUDGE MORAN: Fine. Then maybe you want to sit
17 closer to --

18 MR. WESTVEER: Okay. For some reason, that one
19 is not in my packet, just that one exhibit.

20 MR. GOLDSTEIN: The exhibit is not in this
21 packet?

22 MR. WESTVEER: Not in this. It's in her's.

1 BY JUDGE MORAN:

2 Q. This bill for \$55?

3 A. Right. That was billed to Ashley or Calumet
4 Business Park. The meter was still under their name
5 at that time.

6 I'm not sure why it's not in my packet.

7 Q. Okay. Is that the first bill you received
8 for that new space?

9 A. Yes.

10 Q. Okay.

11 A. And that reminded us that we hadn't
12 transferred the gas to our name. So, promptly, upon
13 receiving that, on September 14, we contacted Peoples
14 Gas and asked them to put the service in our name.

15 On 11/1/04, we received an invoice for a
16 deposit for that service, which we paid promptly, and
17 the new account was established. On 11/5, we
18 received an invoice and that's Exhibit 3.

19 Q. So Exhibit 2 would be --

20 A. Exhibit 2 is the deposit invoice --

21 Q. Okay.

22 A. -- I just referred to.

1 Q. Hm-hmm.

2 A. Sorry. On 11/5, we received a gas usage
3 with monthly detailing, an invoice with monthly
4 detailing going back to June 4, '04. So it would
5 appear as though there's an overlap with what was
6 already billed through Ashley and what they're
7 charging us for. And that's Exhibit 3 in this pack.

8 Q. Exhibit 3 is what?

9 A. It is -- when we established --

10 Q. The first bill?

11 A. -- established the new account, this is the
12 first invoice we got from Peoples Energy for gas
13 usage. It was a packet of invoices that dated back
14 to June 4 of -- or June 4 of '04. So it appears as
15 though those invoices were generated via estimated
16 data.

17 Q. What do you mean by estimated data?

18 A. Well, it -- there's -- the meter readings in
19 September were estimated. And the meter readings
20 that we received in that pack were -- actually, they
21 start at a number in June that's slightly higher than
22 the number that they say the meter had three months

1 later in September.

2 Q. Okay.

3 A. I'll give you this back. If you notice,
4 this is a September billing we got from our landlord
5 when it was in their name.

6 Q. Okay.

7 A. And these are the estimated readings.

8 Q. Okay. You're looking now at Exhibit 2?

9 A. Exhibit 2.

10 Q. The bill that is attached?

11 A. Right. And Exhibit 3 is a packet of
12 invoices that basically show volumes higher in June
13 than that invoice shows in September.

14 Q. So you're stating that Exhibit 1 and
15 Exhibit 3 -- no. Yeah, Exhibit 1 and Exhibit 3 are
16 inconsistent?

17 A. Correct, for the same gas meter.

18 Q. Okay.

19 A. Okay. Then we actually went ahead and paid
20 that and paid a second security deposit which was
21 invoiced on that Exhibit 3 you have in front of you.

22 Q. Okay. So --

1 A. Essentially, we paid twice for gas and we
2 paid a second security deposit.

3 Q. Okay. So, in other words, you're saying
4 that when you got this bill that is Exhibit 3 --

5 A. Correct.

6 Q. -- you paid it in full?

7 A. Yes.

8 Q. Then later realized that you were --

9 A. Actually, didn't realize it until I started
10 reviewing everything this past summer.

11 Q. Okay. All right. But the bill represented
12 by Exhibit 3 was paid in full?

13 A. Correct.

14 Q. Okay. Continue.

15 A. Okay. All right. So then I will say that I
16 attached Exhibit 3A which shows a summary of the
17 Peoples Energy meter readings. And the invoices that
18 we have in Exhibit 3 conflict again with our
19 Exhibit 3A which is their summary of readings.

20 Q. Okay. And what is Exhibit 3? This is --
21 was this prepared by you?

22 A. That was prepared by Peoples Energy and that

1 was sent to me after we had contacted Robin Bland at
2 some point in the time line. I'm not sure exactly
3 when.

4 Q. Okay. So Exhibit 3A was prepared --

5 A. By Peoples Energy.

6 Q. And -- both these sheets?

7 A. Correct.

8 Q. Okay.

9 A. And if you look, there's a star at a line
10 item. That shows an actual reading on 10/4/2004 of
11 98,599. If you go to Exhibit 3 on the invoices, the
12 second page in -- I'm sorry, on the top page, if you
13 look at "previous estimate" from 10/4, same day, it
14 shows "estimate" on the invoice and it shows "actual"
15 on this summary, and it's exactly 1,000 different --
16 or 10,000 different.

17 It's 88,599 on the invoice. The summary
18 knows 98,599. Now, that just strikes me as extremely
19 odd that we get an estimated that's exactly 10,000
20 less than what they say the actual is. So we really
21 questioned that actual reading. Okay?

22 Q. Okay.

1 A. So, again, more inconsistencies with the
2 billing.

3 In between November and January, in this new
4 space, we constructed two additional drying rooms and
5 attempted to get both of them fired up early January.

6 Q. Okay. So from November to -- 2004 to
7 January 2005, there was new construction?

8 A. We put in these drying rooms that we use to
9 dry the rawhide. And those are the appliances that
10 use the gas in our facility.

11 Q. Okay.

12 A. During the time from June until November, we
13 kept the radiant gas heat down extremely low because
14 we were storing material in there and needed it cold.
15 So it was around 50 degrees in that room during the
16 cold months. So we were not using much gas to heat
17 it during that time.

18 Q. And what was that period of low heat?

19 A. It would have been all the way until
20 January 6 when we started -- when we attempted to use
21 that space for manufacturing with the new drying
22 rooms in it.

1 Q. Okay.

2 A. Okay. Now, on January 6th, we fired the
3 first -- of '05 -- we fired the first drying room.
4 And we had difficulty with it because the meter
5 wasn't large enough to support the appliances we were
6 driving.

7 Q. What does that mean, meter not large enough?

8 A. The capacity of the Peoples Energy gas
9 meter, it didn't allow enough gas volume to flow
10 through it to operate the gas appliances we had on.

11 Q. Okay.

12 A. Okay. And then -- okay. So that's during
13 that time from June until January of '05 relative to
14 the construction.

15 During that time, on 12/8, we received an
16 invoice for gas usage showing an estimated meter
17 reading of 98,181. That's in Exhibit 5.

18 MR. GOLDSTEIN: What is Exhibit 4?

19 MR. WESTVEER: Exhibit 4, I'll get to.

20 Unfortunately, I don't have them in order. I'll get
21 to Exhibit 4.

22 JUDGE MORAN: Okay.

1 MR. GOLDSTEIN: The December 8th invoice from
2 Peoples Gas is Exhibit 5?

3 MR. WESTVEER: That's Exhibit 5, correct. We
4 paid -- again, we paid that in full. But it's
5 showing -- it continues to show estimated readings
6 that are in line with the type of usage we would have
7 expected given we're not running these large drying
8 units. Okay?

9 BY JUDGE MORAN:

10 Q. Okay.

11 A. On January 16th, we had a heat systems and
12 instruments service company complete the drying room.
13 That's Exhibit 4. And Exhibit 4 shows the invoice
14 for the work completed that allowed us to attempt to
15 fire that drying room. And that's when we realized
16 that that drying room couldn't be operated until we
17 got a larger meter.

18 Q. Okay. So Exhibit 4 is actually your bill
19 for the drying room installation?

20 A. Right. It shows dates on it. So it
21 basically confirms that that's when those drying
22 rooms were completed. They couldn't have been

1 completed before this day.

2 Q. Okay.

3 A. Okay?

4 And then we received another routine
5 invoice, Exhibit 6. We received that on January --
6 I'm sorry, February 7th and we paid that because it
7 appeared to be a routine gas bill in line with the
8 usage.

9 On January 9 of '06 --

10 Q. Excuse me. What bill did you pay? What was
11 it, Exhibit --

12 A. Exhibit 6 is another routine gas bill that
13 was in line with what we anticipated.

14 Q. Okay.

15 A. There's a typo on the next line. It says
16 2/9/06. On the narrative that you have in front of
17 you that I'm reading from --

18 Q. What exhibit are we on?

19 A. It's my narrative to help me through all
20 these exhibits.

21 Q. Sure. That's fine.

22 A. That should be '05.

1 Q. And that's which line?

2 A. It's right about in the middle. It says
3 2/9/06 and it should say 2/9/05.

4 Q. Sure. It will be corrected.

5 A. That was the date that Peoples Energy
6 installed the new meter for the drying rooms, so that
7 we could operate these drying rooms. And then the
8 second drying room -- or drawing room No. 2 was fired
9 at that point.

10 Q. Okay.

11 A. Sometime in March -- and I don't have the
12 exact date -- we received an invoice from Peoples
13 Energy for approximately \$334,000. And I believe
14 that was based on the old meter they took out. And
15 so we received -- all of a sudden, we received a
16 \$330,000 invoice and we had been paying the gas bills
17 every month all along.

18 We didn't understand where that gas usage
19 could have come from. And we didn't -- we basically
20 didn't -- immediately we called them. Immediately we
21 called them.

22 We had several conversations with people

1 from Peoples Energy and it resulted in Peoples Energy
2 saying it was a billing error and they would correct
3 it.

4 Q. Okay. Do you have a copy of that bill?

5 A. I don't have a copy of that bill. For some
6 reason, it's the one that I don't have a --

7 MR. GOLDSTEIN: We have a complete set of the
8 bills. So that might help us later on.

9 JUDGE MORAN: Fine.

10 BY JUDGE MORAN:

11 Q. All right.

12 A. And I'll get to that, but unfortunately the
13 bills have changed. And that's something -- when
14 they went back and did the rebilling, the bills have
15 changed. So to say they're accurate bills from the
16 time which they were supposed to have been billed is
17 incorrect.

18 So, anyway, sometime in March, we initiated
19 contact with Robin Bland. And I'm not sure if it was
20 Robin or somebody else. They said there was a
21 billing error and they would correct it.

22 On April 25 of '05, Robin Bland of

1 Peoples -- we were told that the error was corrected
2 and they thought it was a decimal issue.

3 Q. Okay.

4 A. On May 4 of '05 -- so we're breathing some
5 relief, of course.

6 On May 4 of '05, we were told by Robin Bland
7 of Peoples that the new billing was coming. On
8 June 24 of '05, nearly two months later, we continued
9 to contact Robin regarding getting invoices for the
10 usage on the new meter because we still, as of June,
11 didn't get any gas invoices dating back to February 9
12 when that new meter was put in.

13 And we were the ones contacting Peoples
14 Energy. We were very proactive about this. From
15 June 24, '05, to 11/10/05, we made several phone
16 calls to resolve the lack of invoicing.

17 Gas is a significant cost to us and we need
18 to stay on top of paying our gas bills. Gas is
19 probably the single most expensive component we use
20 in our operation. Obviously, you see these large
21 bills.

22 On 11/1/05, we initiated usage of drying

1 room No. 3. And Exhibit 7 shows the invoices that
2 support that was the date that the third drying room
3 was put into service.

4 Q. Okay.

5 A. So at that point, we would see another
6 increase in gas usage.

7 Q. Okay. But the new meter that you got would
8 have been sufficient to handle that also?

9 A. Right, correct.

10 Q. All right.

11 A. On 11/10, the group A. Blaskin, S. Kroll,
12 and Robin came at our request -- no, I'm sorry. It
13 was two other people. It wasn't Robin.

14 The field investigators came at our request
15 to resolve the lack of invoicing and meter problems
16 that -- supposedly meter problems that we weren't
17 aware of. We were told there were meter problems and
18 we were not aware of them.

19 Q. So let me ask you a question here.

20 From February to November, had you received
21 any invoices?

22 A. No invoices. And we had been calling,

1 asking for invoices. We not only hadn't been getting
2 them; we had been asking for them and not getting
3 them.

4 Q. Okay. So that's when you asked that someone
5 from Peoples come out?

6 A. Right. They sent these field investigators,
7 A. Blaskin and S. Kroll, to come at our request to
8 resolve the lack of invoicing and then meter problems
9 that we're not aware of. We weren't aware there was
10 a meter problem.

11 A month later on 12/9/05, we received a fax
12 from Robin. And it contains 17 pages of rebilling
13 back to October of '04 totaling \$240,928.71.

14 That's a pack of -- that's the first time we
15 saw any invoices on that meter on this account. And
16 it was dating back prior to the new meter. So,
17 again, it was to resolve that \$330,000 invoice that
18 was wrong and our usage between that time frame,
19 okay, on the new meter.

20 We knew that we had to pay gas and we knew
21 about what our usage was from February when the new
22 meter was installed until the end of the year. So on

1 12/31, we reserved \$100,000 on our income statement
2 for tax purposes to cover what we assumed our gas
3 usage was for that time frame. And we felt we were
4 pretty accurate with that reserve.

5 In January of '06, we began calling Robin
6 Bland and Christina from Peoples Energy to get a
7 resolution. And, again, we were very proactive.
8 After several months, we had a meeting with Robin
9 Bland, David Dehnam, who I find it interesting is a
10 revenue assurance title. I thought he was a field
11 investigator, but I didn't read his business card
12 close enough when he came out.

13 And there was another person also from
14 Peoples Energy. I'm not sure who he was. They took
15 photos. They walked around our facility to
16 understand what our usage was.

17 We sat down with those three people and we
18 showed them our devices and we talked about the heat
19 usage. We talked about the implementation. They ran
20 calculations. And they agreed with us that we were
21 probably close on our gas calculations.

22 They didn't dispute it. That's important

1 for me to point out because later on, they say they
2 didn't -- that they clearly disputed it.

3 With them, we followed the gas line and
4 discovered that it supplied another significant
5 portion of this multitenant building. It went into a
6 180,000-square-foot open space. In that open space,
7 we saw a valve that, in my opinion, could have
8 recently been disconnected.

9 And the tenant was in that space until the
10 end of 2005, until December of 2005. So it's a
11 possibility that gas was used by this other tenant
12 during that June to the end of the year time frame
13 that we were responsible for the gas usage.

14 If you look at the way the gas lines come
15 into the building, it's extremely difficult to track
16 them. Our landlord told us that that was our meter.
17 That meter was the meter that serviced the space that
18 we were using. We had no idea that it could have
19 possibly serviced other areas.

20 Now, given that I understand we may have
21 responsibility regardless of where that gas goes, by
22 virtue of the billing errors and the lack of

1 cooperation from Peoples Energy, we would have had no
2 way of knowing there was gas being used that we were
3 paying for because we weren't getting invoices.

4 So we would have had no way to correct it
5 any earlier. We can prove what our gas usage was on
6 that meter based on the implementation of the drying
7 rooms, but we have no idea if -- first of all, if
8 their data is accurate, which we really question
9 given the track record that we have with Peoples
10 Energy; and if their data is accurate, was someone
11 else using gas off that meter? We can prove that we
12 were not the party that used that gas.

13 Q. You have three drying rooms. One drying
14 room was used when you had the old meter?

15 A. We couldn't run any of them. We attempted
16 to and it drew too much -- it would flame out. So it
17 wouldn't operate.

18 Q. Okay. So really the drying rooms --

19 A. The first two were implemented on February 9
20 of '05 when the new meter was installed.

21 Q. So February 9th, two drying rooms went in?

22 A. Yeah. That's when we would have seen a

1 significant increase in gas usage.

2 Q. And then the third drying room went in in
3 November?

4 A. November 1, '05. And those are -- I'm not
5 sure if those are the exact fire dates. They are the
6 dates of the completion. So I'm assuming those are
7 very close to the fire dates.

8 Q. When you understood that there was a
9 possibility of gas on this meter going to another
10 tenant, do you know the name of that tenant?

11 A. Yes.

12 Q. And that is?

13 A. Solo Cup. Now, Solo Cup had vacated a year
14 prior to us realizing they could have used it. We
15 didn't realize it until we walked through with Robin
16 and David and then there was one other person. That
17 was on January 4 of '06.

18 We didn't realize that pipe went to another
19 portion of the building until they tracked it in our
20 building with us -- well, actually, they tracked it
21 and then showed us. We gained access to that other
22 space by the landlord and we saw that it could have

1 been used -- and that gas could have been used in
2 that facility over a year earlier when Solo Cup was a
3 tenant, which is part of the disputable usage time
4 frame.

5 Q. When did Solo Cup vacate?

6 A. The end -- December of '05 -- sorry, '04,
7 forgive me, December '04.

8 Q. So you are disputing what here, the
9 rebilling on the old meter?

10 A. Well, the gas usage on the old meter. And
11 then on the new meter, we -- I don't know what we can
12 dispute on the new meter. I'm questioning their
13 initial read on the new meter because we didn't get
14 any invoices for usage until six months or more
15 later.

16 And, at that point, the usage seemed too
17 high to us. I think at this point, there's \$40,000
18 that's unpaid of gas usage on that new meter. But
19 what we haven't paid is the usage on the old meter.

20 Part of the reason is we paid, I think,
21 around \$20,000 of gas on that old meter and we're
22 questioning if that was accurate. We paid based on

1 estimate readings. So we think we might have even
2 overpaid on the old meter.

3 Q. Okay.

4 A. Now, given the significant issues with
5 Peoples Energy and the fact that we didn't even get
6 invoices or meter readings until so late in the game,
7 I'm wondering how they can go back and tell us this
8 is what the meter reading on this meter was when it
9 was installed.

10 Q. You will be able to ask them that question.

11 A. Because we asked for it.

12 Q. You won't ask me that question.

13 Okay. Let me -- so what are you really
14 disputing? That's what I'm trying to get to.

15 A. We're disputing, in its entirety, the -- all
16 the invoicing related to the old gas meter.

17 Q. Okay.

18 A. Okay. We're asking for proof, undisputable
19 proof on the reading of the new meter when it was
20 installed.

21 Q. Okay.

22 A. And I've got to say, they could show me

1 something and I could say somebody down in the shop
2 gave you that because you asked for it. I don't know
3 if it's right or not.

4 Q. Okay. Please just refrain from some editing
5 here.

6 Okay. I'm trying to find out -- you're
7 disputing the invoicing related to the old meter.
8 You have paid all those amounts?

9 A. As we received those invoices, current, we
10 paid them.

11 Q. They have been paid?

12 A. Correct. And we feel we've overpaid because
13 they were all estimated and we weren't using heat in
14 that space -- we were using insignificant amounts of
15 heat in that space.

16 Q. Okay.

17 A. Because we feel we've overpaid, we realized
18 there's some gas on that new meter that they say
19 we've used that have not been paid for. I think
20 that's around \$45,000.

21 Q. Okay. On the new meter billings?

22 A. Right. We want some better data from

1 Peoples Energy because I don't want to pay that.
2 Based on this history, I don't dare pay invoices that
3 don't agree with what our consumption calculation
4 should be.

5 JUDGE MORAN: Okay. Mr. Goldstein, I assume you
6 have questions?

7 MR. GOLDSTEIN: Well, first of all, I'd like to
8 get a set of what he's been referring to. I'm sort
9 of flying blind here a little bit.

10 MR. WESTVEER: I fully understand. I'm sorry.

11 MR. GOLDSTEIN: But, perhaps, we can break after
12 I ask some preliminary questions.

13 JUDGE MORAN: Yes. I think we're going to have
14 to make a copy. I thought you only had two copies
15 for us.

16 MR. WESTVEER: I'm very sorry for that.

17 JUDGE MORAN: We'll do that. And if you want to
18 break now, Mr. Goldstein --

19 MR. GOLDSTEIN: I'd like to start and see where I
20 end up.

21 JUDGE MORAN: Sure.

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CROSS EXAMINATION

BY

MR. GOLDSTEIN:

Q. As I understand it, Mr. Westveer, AFD Industries has been sold; is that right?

A. AFD Industries is no longer in operation.

Q. Okay. And when did it go out of operation?

A. The --

Q. I mean, I'm talking about the S corp., the 97th --

A. It stopped operating in probably October of this past year.

Q. Did you receive a statement from Peoples Gas with a bill date of December 5th, 2006?

A. I'm not aware.

Q. Let me hand you what I believe is the current bill. It's a bill dated December 5, 2006.

MR. GOLDSTEIN: I'm going to mark it as Respondent's Cross Exhibit 1.

JUDGE MORAN: Okay.

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

5 THE WITNESS: AFD Industries is still a
6 corporation that exists and is --

7 BY MR. GOLDSTEIN:

8 Q. I didn't ask you that question. I asked you
9 if you've seen this bill.

10 A. Have I seen this bill? I have not seen this
11 bill, but that doesn't mean we didn't receive this
12 bill because I don't pay the invoices in the company.

13 Q. Okay.

14 JUDGE MORAN: Do you have a copy for me,
15 Mr. Goldstein?

16 MR. GOLDSTEIN: Yes.

17 BY MR. GOLDSTEIN:

18 Q. As you can see from the bill, Mr. Westveer,
19 Peoples Gas is claiming that there is a current
20 outstanding balance of \$127,846.21. Do you see that
21 on the bill?

22 A. I see that on the bill.

1 Q. And my question to you is, if that is what
2 is claimed by Peoples Gas as the current outstanding
3 balance, how much of that bill do you claim is in
4 dispute?

5 A. I don't know the exact amount, but for sure
6 the amount that's in dispute is the amount that we
7 owed on the early -- the previous meter.

8 Q. And how much is that amount?

9 A. I just told you I don't know exactly what
10 that amount is. It might be available on Exhibit 3A.
11 Exhibit 3A indicates \$73,739.34, but I can't verify
12 that. Plus, any amount that --

13 Q. I didn't ask you that.

14 A. Based on --

15 Q. I'm trying to determine what you're claiming
16 you don't owe on this particular bill. Is it the
17 \$73,000 you just cited to?

18 A. We're claiming for sure -- you know, I can't
19 be sure of that number. I can't verify that number
20 because I need to look at how many therms go into
21 that number versus how many therms were billed on the
22 previous --

1 Q. You did receive all of the rebills,
2 approximately 27 sheets of that --

3 A. Yes, we did.

4 Q. -- well prior to this hearing, didn't you?

5 A. Yes, we did.

6 Q. And you're still unsure as to what you owe
7 on the outstanding bill?

8 A. No, I'm very sure. We don't -- we are
9 disputing all charges related to the old meter.
10 Okay? You have that data. Okay? So whatever it is,
11 you can tell me.

12 We're also disputing anything we paid
13 against that old meter because those invoices were
14 not accurate. So add that to this amount.

15 And our other question is we would like
16 proof of the initial meter reading on the new meter
17 that was installed.

18 Q. All right. So, as I understand it, correct
19 me if I'm wrong, of this \$127,846.21 bill, in
20 essence, am I correct that you are disputing that
21 entire bill?

22 A. We are disputing the majority of that bill

1 and we're questioning the balance of that bill. And
2 we've asked for that clarification.

3 Q. Okay. You've had sort of a narrative
4 discussion of what you believe went on with respect
5 to your billing, with respect to people coming out
6 from Peoples Gas and visiting your operation on
7 97th Place and so forth.

8 Let's start with the fact that -- how many
9 dryers did you have in use between June 2004 and
10 December 31st, 2004?

11 A. We had two dryers in use on the other
12 portion -- on the other meter that AFD Industries
13 runs. On this meter, we had no drying rooms during
14 that time in operation.

15 Q. So would I be correct that from June of 2004
16 to December 31, 2004, you had two dryers in
17 operation?

18 A. Yes; but as it relates to this case, no,
19 because those two dryers were being supplied by a
20 different gas meter, which we were paying. You are
21 aware we have two accounts at AFD Industries?

22 Q. Yes. Okay. So that is not in dispute?

1 A. That is not in dispute. We've been paying
2 those.

3 Q. Okay. So then from 2004 -- from
4 January 1st, 2005, through 2000- -- through
5 12/31/2005, how many dryers were in operation?

6 A. By the end of the year, three.

7 Q. Okay.

8 A. During that year, we added three. And the
9 dates are on February 9, '05, we installed -- we
10 fired two of them when that larger meter was
11 installed.

12 Q. Okay.

13 A. And we -- I show the invoices showing when
14 those units were installed. And on November 1, we
15 installed the third one.

16 Q. Okay. And those dryers -- what size units
17 are they for those dryers?

18 A. I am not sure. The calculations were done
19 with our operation guys and --

20 Q. But you would agree with me that they're
21 very large dryers?

22 A. Yeah. We believe they use between 6 and

1 \$8,000 of gas -- and that's based on '04 costs -- per
2 month per unit.

3 Q. Okay. And besides the five drying units on
4 the premises, what other appliances do you have on
5 the premises that would use Peoples Gas?

6 A. We have radiant heating, which we don't use
7 a lot of because these drying rooms emit so much heat
8 that we don't need to add any additional heat to the
9 building.

10 Q. How many radiant heating units?

11 A. I believe there are six or eight in the
12 space that are in question right now.

13 Q. All right.

14 A. And I also believe that we have a hot water
15 heater on the system.

16 Q. And how large is the hot water --

17 A. It's a 40-gallon. It's a household-type hot
18 water heater.

19 Q. Okay. Are there any other gas appliances
20 other than what we've talked about?

21 A. On this meter?

22 Q. Yes, on this meter.

1 A. No, not that we're aware of. There may have
2 been in the space occupied by Solo Cup prior to
3 December of 2005.

4 Q. And for these five drying units, do you know
5 at what temperature you keep those units?

6 A. 120 degrees, sometimes a little cooler.
7 Generally, cooler, up to 120 degrees.

8 Q. Now, there was a discussion that you had
9 with respect to Robin Bland and other people coming
10 out to inspect your premises. Do you recall that?

11 A. Yes.

12 Q. And that occurred in March of 2006; is that
13 right?

14 A. I show that -- it happened after January 4
15 of '06. If you say it was March, then I can't
16 disagree with you.

17 Q. Okay. You also went with Ms. Bland and two
18 other people to -- as part of the inspection of the
19 total premises at this location; is that right?

20 A. I went with them on the second half. They,
21 I believe -- because they pointed out to me that the
22 pipe went through to the other -- the other facility.

1 And I believe they found all of that on their
2 inspection prior to me spending time with them.

3 Q. Did you have a discussion with them as to
4 whether there was any possibility that another tenant
5 at this premises used the -- used gas?

6 A. We did have a discussion with them at that
7 time, yes.

8 Q. And was there any evidence there that there
9 was gas use? Did they say there was?

10 A. There was evidence there could have been gas
11 use. There were no appliances at the time, keeping
12 in mind this is a year after the tenant moved out.

13 Q. And you mentioned in your testimony that the
14 tenant is Solo Cup; correct?

15 A. Correct.

16 Q. And --

17 A. That's what our landlord tells us. So I
18 would have to say, to the best of our knowledge.

19 Q. Do you know when Solo Cup moved out of the
20 premises?

21 A. December of '05.

22 Q. Do you have any proof of that?

1 A. No. We knew they were there in '05 because
2 we could hear them. We were told by the landlord
3 that they moved out --

4 Q. Did you ever visit the premises of Solo Cup
5 during 2004, 2005?

6 A. No.

7 MR. GOLDSTEIN: Other than seeing what he has in
8 the way of exhibits, I have nothing else at this
9 time.

10 JUDGE MORAN: Okay.

11 FURTHER EXAMINATION

12 BY

13 JUDGE MORAN:

14 Q. I do need to have some background
15 information from you on the record. And that is,
16 what is your position with the company?

17 A. I'm a partner in the company.

18 Q. Okay.

19 A. I'm not involved in any active management of
20 the company.

21 Q. What does that mean?

22 A. I'm on the board of directors of the company

1 and a shareholder of the company.

2 Q. And you are not part of the operations or
3 management --

4 A. No.

5 Q. -- of the company?

6 A. No.

7 Q. And how many board of directors --

8 A. Three.

9 Q. -- are there?

10 A. Three.

11 Q. And you all have an ownership interest in
12 the company?

13 A. Correct.

14 Q. Mr. Goldstein indicated that the company
15 started -- stopped operations in October 2006?

16 A. Yes.

17 Q. What does that mean exactly, stopped
18 operations?

19 A. Our raw materials supply is -- we buy raw
20 material from two different tanneries and one of them
21 closed down. And they no longer supply enough to
22 support the operations.

1 Q. I see. So you are out of that space or --

2 A. We are out of that space, that's correct.

3 Q. And are there any more exhibits that you
4 wish to introduce --

5 A. No. Thank you.

6 Q. -- or testify to?

7 MR. GOLDSTEIN: Just one or two more questions
8 before we take a short recess, Judge.

9 JUDGE MORAN: Sure.

10 RE CROSS EXAMINATION

11 BY

12 MR. GOLDSTEIN:

13 Q. As I understand it -- and maybe I'm trying
14 to summarize this a little too briefly, Mr. Westveer,
15 you didn't take part in the day-to-day operations of
16 AFD during the time it occupied the space on
17 97th Place; correct?

18 A. Correct.

19 Q. And you also did not take part in the
20 building process for the gas service on 97th?

21 A. The building?

22 Q. Billing.

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ROBIN BLAND,

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

DIRECT EXAMINATION

BY

MR. GOLDSTEIN:

Q. Ms. Bland, would you state your full name and spell your last name for the record, please.

A. Robin Bland, B-l-a-n-d.

Q. By whom are you employed and in what capacity?

A. Peoples Gas, and my title is gas transportation specialist.

Q. How long have you been employed by Peoples Gas?

A. Over 20 years.

Q. And how long have you held your present title with Peoples Gas?

A. Present title, two and a half years.

Q. And could you generally describe your duties as a gas transportation specialist.

A. Sure. I analyze gas accounts, rebill our

1 large volume and commercial accounts.

2 Q. And how did you become familiar with the AFD
3 Industries accounts?

4 A. Customer service gave me a call based on the
5 industrial use of the meter. They figured my area
6 would handle that. And that's how I got the call.

7 Q. Okay. And there was some discussion by
8 Mr. Westveer -- and you were in the hearing room --
9 with respect to the possibility that Solo Cup was
10 using gas at the 97th Place premises in 2004 and
11 2005. Do you recall that?

12 A. Yes.

13 Q. When do you show the last time that Solo Cup
14 used gas service at that premises?

15 A. Solo Cup had service until -- let's see. We
16 have October 5th of '01. That's what our records
17 show.

18 Q. Okay. And there was also some discussion by
19 Mr. Westveer in his narrative about you being one of
20 the persons going out and making an inspection of the
21 AFD premises and the entire premises on 97th Place in
22 March of 2006. Do you recall that?

1 A. Correct.

2 Q. And you were out there in March of 2006?

3 A. (Witness nodding.)

4 Q. Who else was out there with you at that

5 time?

6 A. Dave Dehnam accompanied me and Dennis Long.

7 Q. And Mr. Long is in the hearing room with

8 you?

9 A. He is right here.

10 Q. He is sitting next to you?

11 A. That's right.

12 Q. And there were photographs taken at the

13 premises when you went out there on the inspection;

14 is that right?

15 A. Correct.

16 Q. And those photographs have been marked as

17 Respondent's Exhibit 1A through 1J?

18 A. Yes.

19 Q. And as a general question, Ms. Bland, do

20 those photographs truly and accurately depict what

21 are shown in those particular photographs?

22 A. What we saw there?

1 Q. Yes.

2 A. Yes.

3 Q. And could you generally describe what those
4 photographs show?

5 A. We're showing equipment.

6 JUDGE MORAN: Please identify the exact --

7 THE WITNESS: Exhibit --

8 MR. GOLDSTEIN: By A through J of Exhibit 1.

9 JUDGE MORAN: The number of the exhibit that
10 you're referring to.

11 THE WITNESS: Exhibit 1A. Okay. This is showing
12 a -- the equipment for the drying -- one of the
13 drying rooms. I'm not real sure which drying room it
14 was. And that's our gas pipe connected to that
15 particular equipment.

16 BY MR. GOLDSTEIN:

17 Q. What about 1B?

18 A. Exhibit 1B, this is a picture of five
19 washers that is used for the rawhide processing.
20 Exhibit 1C is the piping for the space next to --
21 well, I guess what we thought would have been Solo
22 Cup. And these are the pipings and the caps where

1 equipment could have been.

2 Q. And the equipment shows that the piping was
3 capped?

4 A. Capped off, yes.

5 Q. Yes.

6 A. Exhibit 1D, this is outside. And we took
7 pictures of the meters. This is the meter for AFD
8 Industries.

9 JUDGE MORAN: That's 1D?

10 THE WITNESS: 1D, correct.

11 1E is the other meter, a different angle.

12 JUDGE MORAN: What do you mean by other meter?

13 THE WITNESS: There's two meters that supply AFD.

14 JUDGE MORAN: So which is 1D and which is 1E?

15 THE WITNESS: Which meter number you're asking?

16 JUDGE MORAN: Yeah. Which is the new meter and
17 which is the old established meter, for lack of a
18 better description?

19 THE WITNESS: Okay. They have two existing
20 meters.

21 JUDGE MORAN: I understand. One is a newer
22 installation. I'm trying to figure out which was a

1 newer installation versus the --

2 THE WITNESS: It would have been the 1D.

3 JUDGE MORAN: Okay. 1D is the newer, the larger?

4 THE WITNESS: Yes.

5 JUDGE MORAN: And 1E is the -- okay. Thank you.

6 THE WITNESS: The more established.

7 1F is the reading -- is the reading off of
8 the new meter. And 1G is the reading off of the
9 existing meter that was there.

10 BY MR. GOLDSTEIN:

11 Q. The older meter?

12 A. The older meter.

13 Q. All right.

14 A. 1H is just a view of the space that we are
15 calling the previous Solo Cup and how it came from
16 AFD Industries through the wall. And 1H is -- this
17 was the risers; correct? So more of the piping for
18 the empty space, which was Solo Cup at the time. And
19 1I is -- 1I is the hot water heater that was used by
20 AFD Industries.

21 JUDGE MORAN: Oh, you mean 1J.

22 THE WITNESS: Oh, I'm sorry.

1 MR. GOLDSTEIN: I think you were one off, but
2 that's okay.

3 BY MR. GOLDSTEIN:

4 Q. Okay. Now, you went through the building
5 with Mr. Denham -- that's D-e-n-h-a-m -- and --

6 (Discussion off the record.)

7 BY MR. GOLDSTEIN:

8 Q. At what point did Mr. Westveer accompany you
9 during your inspection of the premises, do you
10 recall?

11 A. At what point?

12 Q. Yeah. Was he there all the time during your
13 inspection?

14 A. When we first talked to him, we were sitting
15 all at the desk and we were accompanied by two other
16 gentlemen and Mr. Westveer.

17 Q. Okay. Let me hand you what's been marked as
18 Respondent's Exhibit 2. It's a four-page exhibit.
19 Could you go through Respondent's Exhibit 2A through
20 2D and explain what that exhibit represents.

21 MR. WESTVEER: Could I have a copy?

22 MR. GOLDSTEIN: Sure.

1 THE WITNESS: Okay. Exhibit 2A is one of our
2 meter tickets. And once our serviceman goes out to
3 the -- and inspects the meter, he gives the date and
4 the reading.

5 This is dated February 22nd of '05. He was
6 giving me a reading after we had actually installed
7 the new meter, which is this meter.

8 BY MR. GOLDSTEIN:

9 Q. And that --

10 A. You see the meter number is on top and --

11 Q. And for simplicity sake, that meter ends in
12 the numbers 529?

13 A. Correct.

14 Q. Okay. What is shown on Exhibit 2B?

15 A. 2B is the same ticket, the same day, he went
16 out on the same day. He is giving me the actual
17 reading. And we also have an uncorrected part of the
18 meter, which is -- we call veeder.

19 JUDGE MORAN: It's called what?

20 THE WITNESS: The veeder.

21 JUDGE MORAN: That's v-e-e-d-e-r?

22 THE WITNESS: Correct.

1 BY MR. GOLDSTEIN:

2 Q. What about Page 3, 2C?

3 A. This is a history of when they went out, the
4 different times, what they found as pressure for
5 that -- for the gas coming into the meter.

6 Q. And what about 2D, as in David?

7 A. This should have been the actual -- this is
8 more history on the same ticket. I'm sorry. This is
9 the back of the ticket. This is more history. And
10 they're also giving readings and MRDs.

11 Q. Okay. Would you explain what MRDs is.

12 A. Meter reading.

13 Q. Okay. And what use did you make of
14 Respondent's Exhibit 2 when you rebilled this
15 account?

16 A. What did I find?

17 Q. Yes.

18 A. I just found that the new meter that was
19 installed was reading correctly. And we were trying
20 to get a difference from our set reading which was
21 February 9th to the meter reading ticket which was
22 dated February 22nd. So we were trying to come up

1 with a difference, if this meter was reading
2 accurately.

3 Q. And that's between February 9th, 2005, and
4 February 22nd, 2005?

5 A. Correct.

6 Q. All right. And, ultimately, you did a
7 rebilling of the account; is that right?

8 A. Yes.

9 Q. And before we get to the rebilling,
10 Respondent's Exhibit 2, four pages of that exhibit,
11 that's part of the company's books and records, is it
12 not?

13 A. Yes, it is.

14 Q. It's kept by Peoples Gas in the ordinary
15 course of its business; is that right?

16 A. Yes.

17 Q. All right. Now, you're the person
18 responsible for rebilling the AFD account; is that
19 right?

20 A. Yes, I am.

21 Q. And that's part of your general duties at --
22 in your position with Peoples Gas?

1 A. Peoples Gas.

2 Q. Is that right?

3 A. Correct.

4 Q. Let's start with looking at Respondent's
5 Exhibit 3. Is this the rebilling that you did of the
6 account, the AFD account?

7 A. Yes.

8 Q. Would you walk us through the exhibit,
9 starting with Exhibit 3A, which shows a bill date of
10 December 7th, 2005, and explain to us how do you
11 perform the rebilling of the account?

12 JUDGE MORAN: If I can interrupt here. I want to
13 be clear -- because there was testimony of there
14 being two meters -- which meter we're talking about.
15 Let's start with identifying what the meter number is
16 for each meter. Let's then follow up with the
17 service account number for each meter.

18 THE WITNESS: Okay.

19 JUDGE MORAN: Do you have that information,
20 Ms. Bland?

21 MR. GOLDSTEIN: Let me ask a preliminary
22 question.

1 BY MR. GOLDSTEIN:

2 Q. Are both meters billed under the same
3 account?

4 A. Yes.

5 MR. GOLDSTEIN: Okay.

6 JUDGE MORAN: Okay. See, now, that is something
7 I didn't know.

8 BY MR. GOLDSTEIN:

9 Q. That account number is with the last four
10 numbers 8942; is that right?

11 A. Correct.

12 Q. All right.

13 A. You need the full account number?

14 Q. No. It's too much for the transcription.

15 Now, could you start with --

16 JUDGE MORAN: Can I get the meter numbers? I
17 need the number for the older, more established
18 account and the new meter.

19 MR. WESTVEER: I'd like to point out to you the
20 older, more established account is an entirely
21 separate account that she referred to. There's two
22 meters on this account, just to help clarify.

1 JUDGE MORAN: Okay. Ms. Bland, can you clear
2 this up for me?

3 THE WITNESS: Okay. You're --

4 JUDGE MORAN: What is all that is involved in AFD
5 Industries?

6 THE WITNESS: You were referring to the pictures,
7 the pictures that you saw that had the two different
8 meters, those are two different account numbers.

9 MR. GOLDSTEIN: And so what we're doing with the
10 rebilling is with respect to which meter number?

11 THE WITNESS: We're only concerned with the meter
12 number ending in 529.

13 JUDGE MORAN: No, I'm sorry. I have to have all
14 the information. So, please, tell me how many
15 accounts there are for AFD Industries.

16 THE WITNESS: There are two accounts, but
17 there's only --

18 JUDGE MORAN: Two separate accounts?

19 THE WITNESS: Two separate accounts, only one
20 account in question today.

21 JUDGE MORAN: I understand that. I want to know
22 that. Two separate accounts, one for each meter, or

1 are there two meters on one account? That's what I
2 heard.

3 MR. SCHMOLDT: No. It's one for each meter.

4 JUDGE MORAN: Okay. So -- and I will need this
5 so that I can verify that each piece of evidence goes
6 to what we're discussing and that there isn't
7 something that goes to another thing that we're not
8 discussing.

9 So I have to have that clear. So the first
10 account number is --

11 MR. SCHMOLDT: To make it easier for you,
12 Judge Moran, basically what happened is the meter was
13 changed.

14 MR. GOLDSTEIN: There's an old meter and a new
15 meter.

16 MR. SCHMOLDT: And a new meter. That's what
17 we're talking about. The meter was changed.

18 MR. GOLDSTEIN: Remember, on February of '05, the
19 meter was changed. There was an old meter there
20 and --

21 MR. SCHMOLDT: We installed a new meter to handle
22 the bigger capacity.

1 MR. GOLDSTEIN: Mr. Westveer described in his
2 narrative, you know, his problems with the old meter
3 and his problems with the new meter. And --

4 JUDGE MORAN: Well, exactly. So I need the
5 accounts and the numbers for the two meters, is what
6 I'm trying to --

7 MR. SCHMOLDT: It's only one account.

8 MR. GOLDSTEIN: They're under the same account.

9 MR. WESTVEER: The other account is a current
10 account with AFD totally separate. We're not
11 disputing that. We're paying that bill every month.
12 We're using about the same volume of gas.

13 THE WITNESS: At the same location.

14 MR. WESTVEER: At the same location.

15 MR. LONG: And it's a different meter altogether.

16 MR. GOLDSTEIN: This is not the meter in dispute.
17 There are two meters. One meter is in dispute and
18 one is not.

19 THE WITNESS: I think what confused you was
20 Exhibit E because we had two pictures of the meters.

21 JUDGE MORAN: Yes.

22 THE WITNESS: I think what confused you is

1 because we had two pictures of the meters. And we
2 did that to show that there's two locations. And
3 we -- I think our point is that Solo Cup was using
4 one of the other meters.

5 MR. LONG: What you're looking at there is the
6 service that supplies the building that they're in.
7 That building is subdivided into other lease spaces.

8 JUDGE MORAN: I understand that.

9 MR. LONG: The two other meters that are there go
10 to other tenants in the building, one of which may be
11 their -- the meter for their other account. And the
12 other meter that's there could be another tenant
13 that's in the building.

14 So, in other words, it's a single service
15 supplying three meters that supply rental spaces in
16 those buildings, and them being one of the tenants in
17 the building.

18 JUDGE MORAN: Okay. So, you know, this is still
19 utterly confusing to me. What is at issue? Then
20 give me that. Give me the account number and the
21 meter number. How about that?

22 MR. GOLDSTEIN: Well --

1 MR. SCHMOLDT: The account number --

2 JUDGE MORAN: And then tell me what picture this

3 relates to.

4 THE WITNESS: That's the old meter.

5 MR. GOLDSTEIN: Yeah. So they're both in

6 dispute?

7 THE WITNESS: Right, they're both in dispute.

8 MR. GOLDSTEIN: Okay. So they're --

9 JUDGE MORAN: You're telling me only one thing

10 is --

11 MR. SCHMOLDT: It's one account number. That's

12 all it is. It's one account number. 1400 -- the

13 address is 1400 East 97th Place.

14 MR. GOLDSTEIN: Let me see if I can straighten

15 this out for you, Judge. Ms. Bland, let me see if I

16 can straighten this out for the judge.

17 JUDGE MORAN: I would imagine that if there was

18 an older established meter, that meter had a number?

19 MR. SCHMOLDT: Yes.

20 MR. GOLDSTEIN: Yes.

21 JUDGE MORAN: When you moved to a newer meter,

22 that newer meter had a new number?

1 MR. SCHMOLDT: Yes.

2 MR. GOLDSTEIN: Could you give us --

3 JUDGE MORAN: That's what I'm trying to get.

4 BY MR. GOLDSTEIN:

5 Q. Could you give us the number of the new
6 meter. Just give us the last three numbers for the
7 old meter that was in service prior to February
8 of 2005.

9 A. The old meter number is 1684727. We changed
10 that meter for this account to 1686529.

11 Q. Okay. And that change of meter occurred
12 when?

13 A. February 9th, 2005.

14 Q. All right. And when you did the rebilling,
15 Ms. Bland, you rebilled the AFD account, which the
16 account number has stayed the same? That 8942
17 account stayed the same, did it not?

18 A. Yes.

19 Q. Whether it was for the old meter or for the
20 new meter?

21 A. Correct.

22 Q. And you went back and rebilled the AFD

1 account back to --

2 A. Which is showing Exhibit 3.

3 Q. -- back to June of 2004?

4 A. No. I actually rebilled it -- I rebilled it
5 in December of '05.

6 Q. But how far back did you go when you did the
7 rebilling?

8 A. Oh. I went all the way back to October --
9 September of '04.

10 Q. Okay. I stand corrected. All right.

11 Now, I hope that provides enough of a
12 foundation, Ms. Bland, for the judge.

13 Could you start with the Exhibit 3A, which
14 is the 12/7/2005 bill date, and explain how you
15 rebilled the account.

16 A. Okay. Exhibit 3A should be 14 pages of a
17 rebill. And that's for each month from October --
18 I'm sorry, from September 2nd, '04, through
19 December 7th of '05.

20 JUDGE MORAN: Could you give me those dates
21 again. Exhibit 3A goes from September --

22 THE WITNESS: 2nd of '04 through December 7th of

1 '05.

2 BY MR. GOLDSTEIN:

3 Q. And for the purposes of the record,
4 Ms. Bland, that's Exhibit 3A through 3P, as in Paul?

5 A. It actually goes --

6 Q. Would you check that out, please.

7 A. Yes.

8 Q. Okay. And could you explain how you
9 performed your rebill of that account for the period
10 that you just discussed.

11 A. Through our service tickets, I found that
12 our serviceman had given us a stop reading for the
13 old meter. And his stop reading came in at 55374.
14 And we rebilled the stop from that September date up
15 until he actually removed the meter.

16 Q. And so you had an actual reading at the stop
17 point and then you rebilled it through the time in
18 February -- on February 9th, 2005, when you had
19 another actual reading of the old meter?

20 A. It was actually an estimated reading in
21 September of '04, but it was in line. And that's as
22 far as back as I felt we needed to go. Even though

1 we estimated it, it was still in line.

2 Q. And what do you mean by --

3 JUDGE MORAN: What does that mean?

4 THE WITNESS: It means the readings were
5 following in sequential order.

6 BY MR. GOLDSTEIN:

7 Q. What exactly does that mean, that the meter
8 was reading progressively?

9 A. Correct.

10 Q. And what indication do you have that the
11 meter -- that the old meter was recording accurately?

12 A. Okay. We had a -- what we called a van
13 reading sometime in October --

14 Q. Of which year?

15 A. -- of '04. And that reading came in at --
16 that reading came in at 88599 at the time.

17 JUDGE MORAN: 88599?

18 THE WITNESS: Hm-hmm.

19 JUDGE MORAN: And a van reading is an actual
20 reading?

21 THE WITNESS: That's what we use as an actual
22 reading, yes.

1 JUDGE MORAN: But you -- I think we're confusing
2 me. A van reading is an actual reading because it
3 does what a meter reader would do; am I right? I
4 mean, it picks up the actual number that's recorded
5 on the meter?

6 THE WITNESS: Yes, it does.

7 JUDGE MORAN: It's not an estimate; there's only
8 two things, an estimate and actual?

9 THE WITNESS: Correct.

10 JUDGE MORAN: So a van reading must be an actual
11 if it's not an estimate?

12 THE WITNESS: It's as close to an actual as we
13 can get, yes.

14 JUDGE MORAN: How different would it be from an
15 actual?

16 THE WITNESS: A human person is not actually at
17 the meter reading it. They're taking that meter
18 through a hand-held device and remotely reading it.

19 JUDGE MORAN: Okay. But you don't expect a
20 reading on a remote to be any different from a
21 reading by a person?

22 THE WITNESS: No.

1 JUDGE MORAN: Okay. For my purposes, it's an
2 actual reading?

3 THE WITNESS: Okay. That's fine.

4 JUDGE MORAN: Yes?

5 THE WITNESS: That's fine.

6 BY MR. GOLDSTEIN:

7 Q. And so that was your starting point for the
8 rebilling of the account?

9 A. Yes.

10 Q. All right. And then you had other actual
11 readings subsequent to that October 2004 date?

12 A. Other readings, no, not up until we had
13 the -- until we removed the meter.

14 Q. And that was in February?

15 A. Which was in February.

16 Q. And you had an actual reading then?

17 A. Correct.

18 Q. And since the meter was reading
19 progressively, that was the basis for your rebilling;
20 is that right?

21 A. Yes.

22 Q. All right. What other factors did you

1 consider as part of your -- the rebilling process
2 that you used?

3 A. The instrument tickets that we -- that I
4 held in Exhibit 2A.

5 Q. Okay. And what did -- what indication did
6 that -- what information did that tell you?

7 A. We had history on the meter. Basically, the
8 history from the meter, that -- what it had used in
9 prior years.

10 Q. All right.

11 A. It wasn't from any actual readings because
12 they had not taken any.

13 Q. Is there any other information that you
14 would like to highlight with respect to going through
15 the various components of the Exhibit 3 as part of
16 your rebilling process?

17 A. Exhibit 3?

18 Q. Yes. It's quite extensive. It's 27 pages.

19 A. Well, starting at Exhibit 3Q, that's listed
20 in 3Q, and all the way back to 3AA, these bills were
21 actually canceled.

22 Q. Okay. And when you say canceled, what do

1 you mean by that?

2 A. That means that we rebilled the account and
3 we canceled out these particular accounts.

4 Q. And what was the reason for canceling the 3Q
5 to 3AA billings?

6 A. Because of the readings. Basically, based
7 on what we found as the readings and what our
8 serviceman also found.

9 Q. And so the 3Q readings through -- at least
10 3Z were estimated readings; is that right?

11 A. Well, 3AA.

12 Q. Okay. So in looking at the various bills
13 that are part of Respondent's Exhibit 3, how far back
14 did you cancel the rebillings?

15 A. September 2nd.

16 Q. Of 2004?

17 A. 2004, correct. So, actually, based on this
18 then -- I see where you're going with this. These
19 bills are all together. I'm sorry. So it only --
20 we're canceling out from Exhibit 3Q to -- up until
21 3Z.

22 Q. Okay. And what does the --

1 A. 3Y would still stand.

2 Q. Okay. And there's a 3AA billing which shows
3 a billing period from June 4th through July 16th,
4 2004. There was an actual reading on -- as I read
5 that bill, there was an actual reading on June 4th of
6 2004; is that right?

7 A. Correct.

8 Q. And what else does that bill show?

9 A. It shows this basically was the start date
10 for the new account for AFD Industries. And it shows
11 the reading from June 4th of '04 to July 6th of '04
12 for 32 days of usage.

13 Q. And the July 6th was an estimated billing?

14 A. Correct. July 6th, yes.

15 Q. And the differential was how many cubic feet
16 of gas?

17 A. With the PCF, which is a pressure correction
18 factor, we had 3,096, approximately.

19 Q. And that's shown on the right-hand side of
20 the billing about a quarter of the way down the page?

21 A. Correct.

22 Q. Is there anything else you'd like to point

1 out with respect to Exhibit 3?

2 A. No, that's it.

3 MR. GOLDSTEIN: I have nothing else. I would
4 move into evidence Respondent's Exhibits 1, 2, and 3.

5 JUDGE MORAN: Is there any -- well, you know
6 what, I'm going to let Mr. Westveer cross-examine the
7 witness before --

8 MR. WESTVEER: I just have some questions.

9 CROSS EXAMINATION

10 BY

11 MR. WESTVEER:

12 Q. When did Customer Service notify you to get
13 involved in the account?

14 A. Somewhere around April -- I take that back.
15 November 9th of '05 is when I sent one of our
16 technicians out to check the meter.

17 JUDGE MORAN: November of '05?

18 THE WITNESS: Yes.

19 BY MR. WESTVEER:

20 Q. So it's safe to assume that Customer Service
21 notified you because of our inquiries?

22 A. Correct.

1 Q. Okay. And you said three meters serviced
2 this facility, this building?

3 A. We have a picture of two. I think we only
4 have two.

5 MR. LONG: There's three there.

6 MR. GOLDSTEIN: Maybe that question is better
7 directed to Mr. Long.

8 MR. LONG: Yeah, there's three meters that supply
9 that building complex itself.

10 MR. WESTVEER: Okay. So two of them service our
11 space?

12 MR. LONG: Well, I can't -- one of them does.
13 The one that's shown in Exhibit 1D does supply it.
14 And the other two, we didn't substantiate which
15 premises they supply. We just verified the one that
16 supplies your space, which is shown in 1D.

17 MR. WESTVEER: Is 1D the account in question or
18 is that the other account?

19 MR. LONG: No. That's the account in question.

20 MR. WESTVEER: It's safe to assume that 1E --
21 those two meters shown in 1E, one of those is our
22 account, our established account?

1 MR. LONG: I can't really say because I don't
2 know what -- where your other account is located.

3 MR. WESTVEER: Okay. But those two meters would
4 service other portions of the building?

5 MR. LONG: Right, that's correct.

6 MR. WESTVEER: So knowing that, would you, on the
7 surface, assume that meter one in the photo 1D
8 services our space?

9 MR. LONG: Right, yeah. We could identify it by
10 the meter number.

11 MR. WESTVEER: And you would assume that services
12 our space?

13 MR. LONG: Right.

14 MR. WESTVEER: And not Solo Cup's space?

15 MR. LONG: Right.

16 MR. WESTVEER: But upon inspection, you found
17 that it does actually service Solo Cup's space?

18 MR. LONG: I don't know if that's Solo Cup's
19 space. This supplies the space that's adjacent to
20 yours.

21 MR. WESTVEER: Upon inspection, you learned --
22 and we all learned that it does service another

1 space?

2 MR. LONG: Well, yeah, the space immediately east
3 of your space.

4 MR. WESTVEER: Okay. And when were those photos
5 taken?

6 MR. LONG: Well, they were taken in March
7 of 2006. The exact date, I'm not sure.

8 MR. WESTVEER: As far as the readings are
9 concerned, okay. And in your packet, you have
10 readings --

11 JUDGE MORAN: What packet are we talking about?

12 MR. WESTVEER: A packet with -- what do you call
13 this? It's not marked.

14 MR. GOLDSTEIN: Exhibit 2.

15 JUDGE MORAN: It's Exhibit 2.

16 MR. WESTVEER: Mine is not marked.

17 BY MR. WESTVEER:

18 Q. In Exhibit 2, you have information that
19 shows a 1995 reading. You've got other information
20 that appears to be 1988, old information, not
21 relative to our account. How is this information
22 relative to our account?

1 A. History on the meter.

2 Q. Which meter?

3 A. The meter in question, the old meter.

4 Q. The old meter or the new meter?

5 A. The meter that we actually took out.

6 Q. Okay. So -- okay.

7 MR. LONG: The one that ends in 727.

8 THE WITNESS: The one that was removed.

9 JUDGE MORAN: But that doesn't show on this
10 exhibit. This exhibit shows the new meter number.

11 MR. GOLDSTEIN: There were several parts to that
12 exhibit, Judge. The question that was asked of --
13 with respect to that exhibit was what was the basis
14 of the information that Ms. Bland used to begin the
15 rebilling process.

16 BY MR. WESTVEER:

17 Q. Okay. How does this show that the meter was
18 reading accurately? I'm just curious as I look at
19 this information on Page 3 of your Exhibit 2.

20 A. How does --

21 Q. This shows that the old meter that was
22 already existing on this address reads accurately.

1 That's what you're telling me. I'm curious as to how
2 this data shows you that.

3 A. It just shows how many times it was
4 serviced, how many times they went out to that
5 particular meter, and the difference -- the meter
6 reading differences for each time they went.

7 Q. When was --

8 A. The consumption history.

9 Q. -- the last service conducted on that meter?

10 A. The last service is when it was removed.

11 Q. On?

12 A. February 9th.

13 Q. '04? '05?

14 A. '05.

15 Q. When was the previous service done to this
16 meter before that date?

17 A. Before that, I would probably have to check.
18 I'm sure -- it was more recent than -- I think we
19 have the '91 date here.

20 Q. 1991?

21 A. I think it was the last date.

22 Q. Okay. If you're showing me --

1 A. For '95.

2 Q. '95.

3 If you're showing me 1980's service on this
4 meter, how is that relevant if you serviced it in
5 1995? Why wouldn't you show me that? I'm just
6 curious?

7 A. These are just tickets we use and we keep
8 records of the meter.

9 Q. You don't have records of the 1995 service?

10 A. I'm not sure if I follow the question.

11 Q. You told me it was serviced in 1995; yet,
12 you don't show that service record and you are
13 showing me service records from the 1980s.

14 A. Oh. 1995 was the last page. Do you have
15 that one?

16 Q. So this -- the last service of that meter
17 was in 1995?

18 A. Correct.

19 Q. And it wasn't serviced again until you
20 removed it in 2005?

21 A. That, we don't have. I'm sure we do have
22 records of when it was serviced again. In fact, do

1 we have anything -- I can't say. I can't answer
2 that. I'm sorry. We would have to check our
3 records.

4 Q. So you have records in front of us that show
5 you serviced it in 1995. And that's telling us that
6 your frequency of service was every couple of years,
7 it looks like; but after 1995, we don't know what
8 your service --

9 A. This meter was well established before, I
10 think, you took over the premises. And those
11 readings I don't have, but we do have them on record.

12 Q. But it was serviced up through 1995 and it
13 wasn't serviced again until --

14 A. I can't answer that fully. I'm sorry.

15 Q. Why would you show us service records for
16 something so long ago and not show us service records
17 that are relative to --

18 A. More current readings, I agree. I don't
19 know. I didn't pull these together. I'm sorry.

20 JUDGE MORAN: You might, sir, make an
21 on-the-record data request for a response to your
22 question.

1 MR. WESTVEER: I'd like to make a request to see
2 that.

3 MR. GOLDSTEIN: We will endeavor to seek out
4 service records from 1995 forward and provide them as
5 a late-filed exhibit, if we may.

6 JUDGE MORAN: Thank you.

7 MR. GOLDSTEIN: That will be Exhibit 4,
8 late-filed Exhibit 4.

9 BY MR. WESTVEER:

10 Q. In -- you stated a date that you initiated
11 your rebilling process or, I should say, completed
12 the rebilling process and that was -- what was that
13 date?

14 A. It was the day before this bill was issued,
15 which was probably December the 6th, 2005.

16 Q. And for which meter was that rebilling
17 conducted on?

18 A. This would have included the old meter and
19 the new meter.

20 Q. And just for the record, the new meter is
21 1686529?

22 A. Correct.

1 Q. And the old meter is 1684727?

2 A. Correct.

3 Q. You, in this rebilling, went back to
4 September. I'm curious why you chose September and
5 not June of '04, just only three months earlier when
6 this account was first established.

7 If you're going to do a rebilling, why
8 wouldn't you go back just a few additional months and
9 do an entire rebilling on the account because the
10 account was only established three months earlier?

11 So my question is, why did you cut it off in
12 September and not go back to the initiation of the
13 account on your rebilling?

14 A. Because I didn't feel that those readings
15 should be canceled out since they were still falling
16 in line with the current readings.

17 Q. Were any of those readings actual readings?

18 A. No. They were estimated.

19 Q. So you would assume they would fall in line
20 because they're estimated readings?

21 A. Correct.

22 Q. Okay. I'm curious. We called in

1 September -- the middle of September when we received
2 an invoice -- of '04 -- when we received an invoice
3 from our landlord to reimburse them for the gas. We
4 called the utility company and asked to have that
5 meter put in our name. And we probably told them
6 that we took -- and I believe that we told them we
7 took possession on June 4 of that space.

8 How is it the utility company was able to go
9 back to June 4 and get an actual when you're talking
10 about September? Because your records don't show
11 that the June 4 billing was an actual until you did
12 your rebilling. And I'm curious how now June 4
13 becomes an actual read date --

14 JUDGE MORAN: Are you referring to an exhibit
15 here?

16 MR. WESTVEER: In my --

17 JUDGE MORAN: Either your exhibit or --

18 MR. WESTVEER: In my Exhibit 3, we asked for --
19 bear with me. Okay. My Exhibit 1, we got an invoice
20 from our landlord and that was in September. That
21 was September 14.

22 JUDGE MORAN: Okay. Got it.

1 MR. WESTVEER: At that point, we notified Peoples
2 Energy that we needed that meter in our name.

3 BY MR. WESTVEER:

4 Q. Am I correct in saying that in September,
5 that account was established -- this account that
6 we're talking about was established for AFD
7 Industries?

8 A. September of '04?

9 Q. Correct. That's when it was established.

10 A. We actually established it in June of '04.

11 Q. That information would beg to differ. That
12 meter was not in our name in June of '04.

13 MR. GOLDSTEIN: Well, that's argumentative,
14 Judge. I object to the question.

15 JUDGE MORAN: Okay.

16 BY MR. WESTVEER:

17 Q. What I'm saying is, when did Peoples Energy
18 start to bill AFD for use of this -- for gas on this
19 account?

20 A. June 4 of '04.

21 Q. So AFD received invoices for gas on this
22 account in June and July of '04?

1 A. No. You didn't receive the bill actually
2 until November 5th of '04.

3 Q. Okay. I need it clear for the record that
4 this account was established in September of '04.

5 JUDGE MORAN: And the bill that you are
6 representing from Petitioner's Exhibit 1 goes from
7 August 4th to September 2nd, '04?

8 MR. WESTVEER: Correct.

9 JUDGE MORAN: So that's a previous bill. Now
10 you're starting in your name on the 4th?

11 MR. WESTVEER: So I don't see that inconsistency.

12 JUDGE MORAN: Okay.

13 BY MR. WESTVEER:

14 Q. What is the record of actual readings that
15 you have record of on this meter?

16 A. Do you want that as a data request, you're
17 saying?

18 Q. Yes, but you should have it in front of you.
19 When were actual readings being done on this meter?
20 Because my data shows that there was a June actual
21 reading and there wasn't another actual reading again
22 until, I believe, it was removed. And I guess I want

1 a clarification on that from you because --

2 MR. GOLDSTEIN: Mr. Westveer, is your question --

3 MR. WESTVEER: I'll ask a question.

4 MR. GOLDSTEIN: I'm trying --

5 MR. WESTVEER: Bear with me and I'll ask the
6 question.

7 MR. GOLDSTEIN: Well, I'm trying to understand
8 your question.

9 MR. WESTVEER: I asked you to bear with me and
10 I'll ask the question.

11 MR. GOLDSTEIN: All right. Because I have data
12 in front of me that's extremely confusing and it
13 takes me a minute to figure it out. Okay?

14 BY MR. WESTVEER:

15 Q. In my Exhibit 3 that I presented, it shows
16 an actual reading on October 4, 2004. Do you have
17 the ticket for that actual reading?

18 A. That was the van reading that I had
19 discussed earlier.

20 Q. Okay. Do you have the ticket for that?

21 A. No, not a ticket.

22 Q. Do you invoice from van readings?

1 A. Yes, we do.

2 Q. Is it safe to assume that you would expect
3 we would have been invoiced based on that van
4 reading?

5 A. It was included in the November 5th bill,
6 that van reading.

7 Q. And when did AFD receive that November 5th
8 bill?

9 A. Sometime after November 5th. I'm not sure.

10 Q. November 5th, '04.

11 A. '04, hm-hmm.

12 Q. We did receive an invoice. And I want -- I
13 need your help. It's in my Exhibit 3. And it
14 doesn't reference an actual reading. It references
15 an estimated reading.

16 And the irony to me is the estimated is
17 exactly 10,000 units less than what you say the
18 actual reading -- van reading was on that date. How
19 can you explain that to me?

20 A. Okay. I don't have -- I don't think I have
21 here Exhibit --

22 MR. GOLDSTEIN: Why don't you show her your

1 exhibit.

2 THE WITNESS: Which bill are you looking for?

3 MR. WESTVEER: This is the first page of my
4 Exhibit 3.

5 MR. GOLDSTEIN: Just so that we're all on the
6 same page, why don't you show her what you're looking
7 at, Mr. Westveer.

8 JUDGE MORAN: Yeah. Here is a copy, but it's
9 not --

10 MR. WESTVEER: You're looking at the right one.

11 BY MR. WESTVEER:

12 Q. You told me the van reading was 9- -- how
13 does that number differ by exactly 10,000 therms from
14 the only other record you have around that time frame
15 of an actual reading? In fact, it's only -- it's
16 only one of two actual readings you have on that
17 meter. And the other one is when you pulled it out.

18 A. That's correct.

19 Q. So is it safe to say that you don't have an
20 actual reading on that meter of when we took service
21 over on this account?

22 A. We do have an actual reading. And what you

1 have for Exhibit 3A is what I sent you. And, I
2 apologize, that was a typo. The reading should have
3 been 88599.

4 Q. So this is a typo?

5 A. And that's what you have in your bill.

6 Q. This is an error from Peoples Energy?

7 A. Right.

8 Q. We'll add it to the list.

9 A. Exhibit 3A. But it was not included in your
10 cost. It was not included in the -- in your actual
11 bill.

12 Q. So you don't have an actual reading that
13 goes back to the initiation of this account. And
14 that actual reading is a van reading and we have a
15 typographical error on the data that you have on --

16 A. On the data that I sent you, correct, but
17 not on the bill.

18 Q. How is -- why does the bill say estimate
19 reading when you tell me you have an actual reading
20 for that date?

21 A. I'm not sure why it came up as an estimated
22 reading.

1 JUDGE MORAN: Comes up where? I'm sorry.

2 THE WITNESS: On the bill. It comes up as an
3 estimated reading.

4 BY MR. WESTVEER: The 10/4/04 read date that she
5 tells me was an actual from a van reading is shown
6 here as an estimate. Okay.

7 JUDGE MORAN: Okay.

8 MR. WESTVEER: And it's shown as an estimate
9 that, I guess, is in line with what they think the
10 usage should be.

11 BY MR. WESTVEER:

12 Q. So from the data that I have, is it safe to
13 assume that we don't have an actual reading from
14 October 4, '04?

15 A. From the data that you have, it shows as an
16 estimated reading, you're correct. I'm not sure if
17 our system which issues the billing had a problem
18 with van readings in '04 and showing as estimates; I
19 don't remember.

20 But I do remember we had an instance where
21 bills were not coming up correctly if we had a van
22 reading. So -- but our records, our internal records

1 show it as a van, but this may be a bill print
2 problem that it did not come up for October --

3 Q. Or it may have been an estimated reading
4 that shows as a van reading; is that possible?

5 JUDGE MORAN: Would you be able to check on that?

6 MS. BLAND: We can check on that. I can get back
7 to you on that.

8 BY MR. WESTVEER:

9 Q. If you did a van reading on October 4,
10 '04 -- I think I answered my own question.

11 When you visited our premises and we went to
12 the space previously occupied by Solo Cup, did you
13 see the gas line that is connected to this meter
14 enter that facility?

15 A. I can't answer that either.

16 JUDGE MORAN: That might be a better question for
17 Dennis.

18 BY MR. WESTVEER:

19 Q. So you're telling me Dennis can answer that
20 question?

21 THE WITNESS: Dennis, can you answer that?

22 MR. LONG: Yes, because the pipe came from your

1 space to the next space over.

2 MR. WESTVEER: And that pipe was attached to the
3 meter in question?

4 MR. LONG: As far as I can see, yes.

5 MR. WESTVEER: Okay.

6 JUDGE MORAN: The only problem I have with that
7 is I don't want to go into that area now when we're
8 dealing with the billing.

9 MR. WESTVEER: Right. Okay. That's fine.

10 JUDGE MORAN: This gentleman will testify and
11 then you can ask him.

12 MR. WESTVEER: That's fine.

13 JUDGE MORAN: Let's keep these areas separate.

14 BY MR. WESTVEER:

15 Q. I also wanted to clarify that you mentioned
16 that you first met me when we sat at a table for a
17 meeting at AFD?

18 A. Yes.

19 Q. And prior to that meeting, you did tour; is
20 that correct?

21 A. No, no, I didn't tour before that meeting.
22 That's the first time I was at the premises.

1 Q. Did the gentlemen you were with tour before
2 the meeting?

3 A. Yes. Dave had.

4 Q. So there was some investigation prior to
5 that meeting at our facility?

6 A. Yes.

7 MR. WESTVEER: Okay. Because I just want to
8 clarify that -- okay. That's good. That's all I
9 have.

10 JUDGE MORAN: Okay. Thank you. I have some
11 questions.

12 EXAMINATION

13 BY

14 JUDGE MORAN:

15 Q. Exhibit 3A is all rebilled -- is rebilling
16 for all these dates?

17 A. Part of 3A is a rebilling.

18 Q. Okay. What part of 3A is rebilling -- or,
19 I'm sorry, part of Exhibit -- Peoples Gas Exhibit
20 3A?

21 A. Oh, I'm sorry. Yes. It's part from A,
22 dash -- I think you have --

1 MR. SCHMOLDT: 3A.

2 MS. BLAND: 3A to 3P --

3 BY JUDGE MORAN:

4 Q. To 3P?

5 A. -- is rebilling.

6 Q. Okay. And what is the rest, P to --

7 A. Okay. If I could just itemize each one.

8 3Q would be a canceled bill.

9 Q. What is a canceled bill?

10 A. It means we canceled it out and used those

11 particular months to rebill it. So instead of --

12 Q. So it was a bill that was sent out through

13 normal channels, but then you take it back and you

14 cancel it out?

15 A. Correct.

16 Q. Okay. You have to understand I don't work

17 there and I don't know all these terms.

18 A. No, that's fine.

19 Q. Okay.

20 A. 3R was also canceled.

21 Q. Okay.

22 A. 3S, 3T, 3U, V, and W.

1 Q. Those are all canceled bills?

2 A. Correct.

3 Q. Okay.

4 A. I'm sorry. 3X was also canceled. So 3Y
5 stands.

6 Q. 3Y is --

7 A. 3Y stands. We did not cancel that one.

8 Q. Okay. So 3Y, not canceled. It's not
9 covered by any of the rebilling?

10 A. Correct. Right.

11 Q. Okay. This is a different period. Okay.
12 Even though it says duplicate bill? See, this -- you
13 guys confuse the hell out of me.

14 MR. SCHMOLDT: When we print them, we make a copy
15 of it, it always prints "duplicate" bill.

16 JUDGE MORAN: Oh. When -- you mean when you're
17 just making a copy on your own system for this
18 procedure?

19 MR. SCHMOLDT: Right.

20 MR. WESTVEER: Can I --

21 MR. SCHMOLDT: Because the original bill won't
22 say "duplicate." When we make a copy of it, it

1 prints up a "duplicate" bill.

2 JUDGE MORAN: I never knew that.

3 MR. WESTVEER: Judge, may I ask questions again
4 when you're done? I just have two.

5 JUDGE MORAN: Yes.

6 BY JUDGE MORAN:

7 Q. 3Y not canceled. 3Z?

8 A. Not canceled.

9 Q. 3AA?

10 A. Not canceled.

11 Q. I'm just wondering why these are on that
12 joint exhibit. That's all.

13 This 3AA -- or 3A, I'm sorry, not 3AA, this
14 first page in this bill with this amount due here of
15 \$240,000, does that amount -- or this total amount
16 reflect all the not canceled and canceled and revised
17 bills from the rest of this stack?

18 A. Yes.

19 Q. Okay.

20 A. The canceled bills would have been credited.
21 The ones that stand would still stand and would be
22 included in the current charges.

1 Q. Okay. So, in other words, if I really --

2 A. If they were not paid.

3 Q. If I really start from 3A, that should be
4 the starting point and then you read forward?

5 MR. GOLDSTEIN: Exactly.

6 MR. SCHMOLDT: Yes.

7 BY JUDGE MORAN:

8 Q. That's everything you looked at in order to
9 review and reassess this account?

10 A. Correct.

11 Q. Okay. And then in December 2005, you would
12 have sent out this top bill?

13 A. Yes.

14 Q. Okay.

15 A. I would have sent out that whole packet.

16 Q. You wouldn't have, but --

17 A. I would have --

18 Q. This was the whole packet that was sent out?

19 A. What would have been mailed out would have
20 gone from 3A all the way to 3P.

21 Q. Why wouldn't you have sent out the canceled
22 bills or the noncanceled?

1 A. I mean, because they've gotten those bills.

2 Q. That's the full picture here.

3 A. Well, they've gotten those bills. And on
4 3P, if you see current usage, it will tell you that
5 we're actually billing from September 2nd up to
6 October 4th. And then it would carry forward from
7 there, if that makes sense.

8 Q. The complainant here testified that he
9 didn't receive bills for all these months from -- I
10 don't know. Again, I'd have to look at my notes
11 here. From the time of the --

12 MR. WESTVEER: I can answer that for you.

13 THE WITNESS: I can answer it also. He is
14 correct.

15 BY JUDGE MORAN:

16 Q. Okay. Why not?

17 A. Because our system was finding inconsistent
18 usage on the meter. So until someone actually took a
19 look at the account, the system won't bill it
20 automatically, which it would normally do if the
21 readings were falling in line. But once that meter
22 got changed, it just screwed up our system and it

1 didn't bill until someone took a look at the account
2 and corrected it.

3 Q. Well, when you say screwed up the system,
4 was it the meter readings screwing up the system?
5 Was it estimates? What could screw up a system?

6 A. The usage.

7 Q. Okay. And the usage reflected by?

8 A. When we came -- when the system found that
9 the -- I guess the meter had been changed in February
10 of '05 --

11 Q. Right.

12 A. -- there was high usage. And it went from a
13 meter reading of the 81146, it was picking it up all
14 the way back from the June date when they actually
15 took over the property up until the time the meter
16 was changed.

17 And we also had other problems on the meter
18 that Dennis will have to explain as far as pressure
19 that comes into the building and instruments that are
20 on the meter.

21 Q. Maybe explain to me how billing happens. I
22 never wanted to learn all this, but I guess I'm going

1 to have to.

2 How does billing work?

3 A. Well, there's a reading, an actual reading
4 on the particular cycle that --

5 Q. Billing cycle?

6 A. -- that location is supposed to be read, a
7 reading is produced and a bill is produced.

8 Q. Right. No, no, no. The reading goes to
9 someone. Someone takes --

10 A. The reading actually just goes right into
11 the system. If it falls in line, everything looks
12 okay, it goes right into the system and it
13 automatically produced a bill.

14 MR. GOLDSTEIN: And the computer determines that.

15 THE WITNESS: Correct.

16 BY JUDGE MORAN:

17 Q. Is billing done in house?

18 A. Yes, yes.

19 Q. So Peoples does also generate its bills?

20 A. Yes.

21 Q. You don't --

22 A. It's not outsourced.

1 Q. I never knew that. Okay.

2 So a meter reading comes into the system
3 through some kind of computer system, I'm sure, from
4 the meter reader. And if no meter reading is taken
5 either from a van or from someone going in and taking
6 the numbers, then an estimate is put into the system?

7 A. Correct.

8 Q. And then that goes into the -- is fed into
9 the billing program and that produces the bill?

10 A. Yes.

11 Q. Where is the problem with when there is -- I
12 guess you're saying abnormality in usage. The
13 abnormality in usage must be reflected on a reading,
14 not on an estimate?

15 A. Yes.

16 Q. Okay. So you have an actual reading that's
17 kind of way off base. And so the billing program
18 won't accept it?

19 A. Well, I take that back. It's also on an
20 actual. If it doesn't fit into the high-low for that
21 particular account -- we have, like, a base factor
22 for each account based on history. If it's not

1 within those guidelines, we have -- a work cue is
2 generated. So basically someone needs to look at
3 that account before it can move forward.

4 Q. It can't automatically proceed into the
5 billing program?

6 A. Yes, correct.

7 MR. LONG: Can I just explain something?

8 JUDGE MORAN: Sure.

9 MR. LONG: Because of the fact that he was a
10 manufacturing operation, that taking over a
11 previously -- just a space heating and a water
12 heating account, we had -- the factors that were
13 applied for the previous account, which was just a
14 regular heating, water heating account, carry over in
15 estimating his usage from -- for his premises. Okay?

16 Not because of the fact he's manufacturing,
17 using more gas. When we do get in there to get a
18 meter reading, something -- it creates a problem
19 because it's not consistent with previous use, with
20 previous history. And that's what was happening
21 here, because of the higher usage here for his
22 manufacturing operation, which wasn't being reflected

1 in his billing.

2 In other words, his factors for the account,
3 should have -- somebody should have looked at them
4 and made the adjustments to show that he's got
5 manufacturing there. And if we do estimate it, we
6 need to estimate it taking that into account.

7 JUDGE MORAN: Okay. All right.

8 BY JUDGE MORAN:

9 Q. So then you were only able to generate --
10 but wait. There were billings here, the ones that
11 you canceled out. How were those produced? Those
12 were produced by the billing program, but then when
13 you really look at it, it looked wrong?

14 A. Right. Someone pushed those through the
15 system. And I think that's when you gave us a call.
16 And from that point on, billing ceased between what
17 my records show, April of '05, until we were able to
18 send out another bill in December of '01.

19 Q. Okay.

20 A. Sorry. December of '05. December 1st of
21 '05.

22 Q. Okay. But AFD was making some kind of

1 payments on anything that they were billed?

2 A. I don't have a record of that. But, yes,
3 they did make payments.

4 Q. I'd like -- and I want listings. I don't
5 want -- I mean, you can support it with documents,
6 but do a cover sheet that indicates what the records
7 show.

8 A. As far as the payments?

9 Q. Payments that were made in all these -- in
10 all this time at issue.

11 MR. WESTVEER: Judge, if I may, my Exhibit 3
12 shows the invoices we received along with -- there's
13 payment stamps -- or postage stamps. It says
14 "posted." That means we made the payment.

15 JUDGE MORAN: Okay. But I'd still like to make
16 sure that Peoples --

17 MR. WESTVEER: Sure. Because what's in question
18 is we did actually pay money against some of this
19 balance.

20 JUDGE MORAN: Well, that's it. So I want to know
21 from them exactly what was done.

22 So that will be ALJ Data Request No. 1.

1 MR. GOLDSTEIN: Judge, we have payments received
2 on the account from November 16th, 2004, through
3 December 22nd, 2006.

4 MR. WESTVEER: It doesn't go back to June,
5 though.

6 MR. GOLDSTEIN: I guess we could find out if
7 there were payments prior to November of 2000 --

8 JUDGE MORAN: And what are you looking at? What
9 is that?

10 MR. GOLDSTEIN: I'm looking at a payment history.

11 JUDGE MORAN: But it's not marked as anything?

12 MR. GOLDSTEIN: No. We did not -- it's just
13 something that Mr. Schmoldt had as part of his
14 records.

15 We'd be glad to provide that today and
16 research back and see what payments were made prior
17 to November of 2004.

18 JUDGE MORAN: Okay.

19 MR. WESTVEER: I think you'll find there weren't
20 any because that's -- September is when the account
21 was established.

22 MR. GOLDSTEIN: So I think --

1 JUDGE MORAN: So you have already what I want.

2 MR. GOLDSTEIN: That's right. And I'll be glad
3 to have it marked ALJ Exhibit 1.

4 JUDGE MORAN: Yes. Thank you. Well, not ALJ
5 because it isn't my exhibit. You can mark it as --

6 MR. GOLDSTEIN: How about Respondent's Exhibit 5,
7 Judge?

8 JUDGE MORAN: Yes.

9 (Whereupon, Respondent's
10 Exhibit No. 5 was
11 marked for identification
12 as of this date.)

13 JUDGE MORAN: And you will investigate that
14 exhibit further to see if it is, in fact, complete
15 and correct?

16 THE WITNESS: This exhibit?

17 MR. GOLDSTEIN: I believe it is, Judge, based on
18 what Mr. Westveer said.

19 JUDGE MORAN: All right. But I just don't want
20 to hold you to anything that you weren't prepared to
21 put into evidence.

22

1 BY JUDGE MORAN:

2 Q. The other questions I have for you,
3 Ms. Bland, is -- Respondent's Exhibit 2, which is 2A,
4 2B, 2C, and 2D.

5 2A and 2B both refer to the -- to one meter
6 number and the other parts of the exhibit -- that
7 being 2C and 2D -- refer to the different numbered
8 meter.

9 A. The one that was removed.

10 Q. Yes. So can you go through this for me and
11 say what is the value of 2A, 2B, 2C, and D to this
12 case. You know, what's important about these
13 exhibits? What do they show?

14 A. Honestly, Judge, I didn't put these
15 together.

16 Q. Okay. Did you use them? Did you see them?

17 A. Yes, I did see these. And I used 2A and 2B
18 to verify usage for the new meter that was set.

19 Q. Okay. And how does that verify usage?

20 A. It just gives me the reading, that someone
21 was out there, someone checked the meter, made sure
22 it was working correctly.

1 Q. Okay. So you know from these -- from these
2 dates that the meter was working correctly?

3 A. Yes. Well, they're actually the same dates.

4 Q. Oh, okay. And how did they inspect a meter
5 that's out in the field to make sure it's working
6 correctly? Do you know that?

7 A. Maybe Dennis can answer that.

8 JUDGE MORAN: No, no, no. That's fine. That
9 will be a question put to one of the other witness.
10 Okay.

11 All right. I don't think I have any further
12 questions at this time.

13 MR. WESTVEER: Judge, if I may, I --

14 JUDGE MORAN: Yes.

15 RECROSS EXAMINATION

16 BY

17 MR. WESTVEER:

18 Q. You stated that on my Exhibit 3A, your
19 summary, that this was a typo?

20 A. The October 4th, 2004 reading?

21 Q. Right. On this -- are you looking at this
22 exhibit, Robin?

1 A. Yes, I am.

2 Q. Yeah. You said that that 98559 was a typo,
3 it should have been 88559 to match the invoice?

4 A. Correct.

5 Q. When you rebilled, your Exhibit 30 shows it
6 at 98559. So when they billed it, they made the same
7 typo?

8 A. 30?

9 Q. 30, the reading from September 4, '04, says
10 98559, which matches the typo from the exhibit you
11 just referred to.

12 A. That's correct, yeah.

13 MR. GOLDSTEIN: Which is the correct number?

14 THE WITNESS: The van reading has it at 88599.

15 BY MR. WESTVEER:

16 Q. But this shows actual at 98559 and your
17 summary shows actual at 98559.

18 A. The van reading is showing 88599 and then
19 the actual shows 98599. And that's probably what you
20 have on the bill.

21 Q. Which one is correct?

22 A. That has to be verified now.

1 JUDGE MORAN: Okay. Then I assume that you are
2 making a request?

3 MR. WESTVEER: Oh, yeah. I'm just -- sorry. I'm
4 shocked and -- yes. Verified.

5 JUDGE MORAN: To have this exhibit group --
6 excuse me. Peoples Gas Group Exhibit No. 3 and, in
7 particular, 30 verified in response.

8 MR. GOLDSTEIN: Could I ask a question with
9 respect to that, Judge?

10 JUDGE MORAN: Sure.

11 REDIRECT EXAMINATION

12 BY

13 MR. GOLDSTEIN:

14 Q. Ms. Bland, whether the reading is 98599 or
15 88559, in the rebilling process, would that make any
16 difference in the total amount that would be owed by
17 AFD in this case?

18 A. For the month of usage between September
19 2004 and October 2004, that would change the usage.

20 Q. But would it make any difference in the
21 total amount of the bill that was issued as
22 Respondent's Exhibit 3A?

1 A. It would change the total somewhat, yes.

2 Q. Would it be higher or lower?

3 A. It would --

4 Q. Depends on what the reading was --

5 A. What the reading is.

6 Q. -- on the van?

7 A. Hm-hmm.

8 Q. All right. And what process would you go

9 through to try to verify which is the appropriate

10 actual reading that should have been shown on the

11 Exhibit 30?

12 A. We would check with the meter reading

13 department.

14 Q. And to verify what the -- how would you go

15 about doing that? Just calling up the meter reading

16 department and asking them to verify the records and

17 provide you with the record of that van reading?

18 A. Correct.

19 Q. And since that van reading took place almost

20 two years ago, would Peoples Gas still have a record

21 of that van reading?

22 A. I don't know. I hope so. I hope they have

1 something.

2 FURTHER RECROSS EXAMINATION

3 BY

4 MR. WESTVEER:

5 Q. Robin, if I may, the inconsistency in usage
6 was noticed after the meter was taken out on the
7 February 9, '04 date -- '05 date? Sorry.

8 A. The inconsistency --

9 Q. That you talked about that caused problems
10 in the bill -- that caused the billing to stop.

11 A. Actually, yeah, because the system saw, I
12 think, 68,000 as a meter reading difference. And,
13 yeah, that did cause a problem.

14 Q. Between -- can you tell me -- that was the
15 end reading? Less 68,000 brings it back to what
16 reading?

17 A. No. The reading -- the stop reading, the
18 one that we used to pull the meter.

19 Q. Okay. And why, Robin, would it take so long
20 for this to be resolved? I guess part two to that
21 question is why did it still take so long when the
22 customer is asking for it to be resolved?

1 A. Because we had to verify it.

2 Q. What does that involve?

3 A. We sent the technicians out and we also

4 sent --

5 Q. But the meter is no longer in the building.

6 So I'm --

7 A. Well, that also had to be tested. The meter

8 was -- also had to be tested and we had to verify

9 usage.

10 Q. Was the old meter tested?

11 A. Yes.

12 Q. Were the results acceptable? Was it reading

13 accurately?

14 A. Yes, it was.

15 JUDGE MORAN: Do you have any document --

16 MR. GOLDSTEIN: Yes. We have documentation.

17 That was going to be part of Mr. Schmoldt's testify.

18 JUDGE MORAN: Oh, I'm sorry. Mr. Schmoldt is

19 still going to testify.

20 Are there any more questions for Ms. Bland?

21 MR. GOLDSTEIN: I have one or two more.

22 JUDGE MORAN: Oh, yes. Go ahead.

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FURTHER REDIRECT EXAMINATION

BY

MR. GOLDSTEIN:

Q. Going back to Exhibit 30 and whether the reading was 10,000 therms more or less, could you elaborate as to what effect that would have on subsequent bills in the rebilling process? Do you understand the question?

A. It would change the meter reading difference for that particular month.

Q. And what would happen in subsequent months?

A. Subsequent months?

Q. Yes.

A. Would that take it higher or lower or --

Q. What would happen if you had an actual reading on February 9th, 2005, how would it affect that actual reading?

A. It wouldn't affect it.

Q. And so whatever the number of therms that were used throughout the rebilling period, would it be fair to say that it would remain the same as shown on your rebilling?

1 A. Yes. It's pretty much the --

2 Q. And the only difference then, as I
3 understand it, would be that for a particular month,
4 the reading estimate -- the reading for that --
5 whether it's 10,000 higher or lower, there would be
6 some kind of catch-up because the meter is reading
7 progressively; would that be a fair statement?

8 A. Yeah.

9 MR. WESTVEER: That brings -- I have a question
10 to follow on that then.

11 MR. GOLDSTEIN: Could I just do one more
12 question? And then I have no problem with
13 Mr. Westveer asking more questions.

14 JUDGE MORAN: Sure.

15 BY MR. GOLDSTEIN:

16 Q. Now, a lot has been said about the June 4th,
17 2004 -- that was the time that service was
18 established for AFD; you recall that?

19 A. Yes.

20 Q. And now in Mr. Westveer's Exhibit 3, which
21 is something that I assume you sent to him with
22 respect to various readings, 3A I guess the exhibit

1 is, there is a blank for "retype" which is the second
2 to last column on his Exhibit 3A.

3 And if we were to look at Respondent's
4 Exhibit 3AA, which is the duplicate bill that we made
5 part of our exhibit, can you tell from Exhibit 3AA
6 whether there was an actual or estimated reading
7 taken on June 4th, 2004?

8 For the sake of expediency, let me show you
9 what is shown there.

10 A. Yeah. There was an actual reading.

11 Q. And so when you had a blank space there on
12 Petitioner's --

13 A. It should have said "actual."

14 Q. -- it should have said "actual" under the
15 column "retype?"

16 A. Correct.

17 MR. GOLDSTEIN: Thank you.

18 Judge, other than moving the admission also
19 of Respondent's Exhibit 5, which is that payment
20 history, and the cross Exhibit, Respondent's Cross
21 Exhibit 1, I have nothing else. We will endeavor to
22 see what we can do about the other requests that have

1 been made on the record.

2 JUDGE MORAN: Fine. I assume you have no
3 objections to these exhibits going in?

4 MR. WESTVEER: No. My question to follow that
5 was relative --

6 JUDGE MORAN: Just hold on one minute.

7 The Respondent's Exhibits 1 through 5 are
8 admitted.

9 (Whereupon, Respondent's
10 Exhibit Nos. 1A, 2A, Group 3A, 5, and
11 Cross 1 were admitted into evidence
12 as of this date.)

13 FURTHER RECROSS EXAMINATION

14 BY

15 MR. WESTVEER:

16 Q. You show on your rebilling, you show these
17 bills -- Exhibit 30 shows an actual on 10/4/04. So
18 you would assume that's an actual reading. Yet,
19 you're saying it's a van reading and you're saying
20 that you don't know if it's 98559 or 88559. And I
21 have an invoice for 10/4 that shows -- it's the exact
22 same invoice and it shows a 10/4/05 (sic) reading --

1 I'm sorry. It shows it as an estimated reading,
2 10/4/04.

3 So I'm curious if the bill can be printed
4 either way, if the June '04 invoice maybe isn't an
5 actual reading. And, I guess, I'm looking for
6 information for -- I would like verification of the
7 June '04 reading.

8 And I also would like it to be on record the
9 date that this account was -- the date that this
10 account was first billed and established with Peoples
11 Energy, not the back date, but the date that the
12 account was established with Peoples Energy, which
13 was a date in September of '04.

14 And I don't believe that you can go back and
15 in time and read a meter. So I'd like to see what
16 that meter reading date is and how it corresponds
17 exactly with what we told -- I believe we've told
18 Peoples Energy was our occupancy date.

19 MR. LONG: Can I just explain here that that
20 meter reading in June would have been the meter
21 reading for Calumet Business Service. And what
22 basically we do is, you know, whenever -- so whoever

1 called up from your company probably relayed the
2 information to the service representative that --
3 well, they took over in June.

4 So what they did was they canceled back --
5 they canceled Calumet Business's bills up to the
6 current -- whatever they were and then re-established
7 your account as of that date. So that would have
8 been a bill -- that would have been a meter reading
9 for a bill that would have been for Calumet Business
10 Center.

11 MR. WESTVEER: Were they refunded the money?

12 MR. LONG: Oh, yeah. Their account would have
13 been credited and they would have got a refund on it
14 or the money would be applied to one of their other
15 accounts, if that's what they wanted.

16 MR. GOLDSTEIN: Judge, that's totally outside
17 what -- you know, whether they got credit or not --

18 MR. WESTVEER: I'm asking for verification of
19 that reading.

20 MR. GOLDSTEIN: The bottom line is he's entitled
21 to a verification of the reading. I have no problem
22 with that. But we've had some testimony by

1 Mr. Westveer that they began operation and took over
2 the property in June of '04. And I don't think that
3 should be a point of contention here.

4 MR. WESTVEER: I don't have a problem with that.
5 The concern I have is the accuracy when you try to go
6 back in time and get an actual reading. You can't --
7 unless it's already on record for some reason --

8 MR. LONG: That's what I'm pointing out here.
9 It's on record because it was under the billing for
10 Calumet Business Center.

11 MR. WESTVEER: Then that's surprising given the
12 lack of actual reading on these meters.

13 Now, there's something else I want to point
14 out for Robin to look at and to present.

15 JUDGE MORAN: Okay.

16 BY MR. WESTVEER:

17 Q. Why is it that from approximately June of
18 '06 until November of '06 were we still doing
19 estimated readings and were they still so inaccurate?

20 We got a bill for under a \$1,000 and for
21 over \$30,000 the next month based on estimates.

22 Didn't Peoples Energy -- shouldn't Peoples

1 Energy have figured out our usage at that point or at
2 least done more actuals? Why is it they still
3 couldn't correct the billing issues?

4 MR. GOLDSTEIN: Do you have any response to that
5 at the present --

6 THE WITNESS: No. You wanted us to check into
7 that. That's what --

8 BY MR. WESTVEER:

9 Q. I'm curious why you know we're an industrial
10 user and why the bills would still fluctuate so
11 dramatically?

12 JUDGE MORAN: Then Ms. Bland will respond to
13 that.

14 MR. GOLDSTEIN: I think the simple answer to the
15 question --

16 JUDGE MORAN: You cannot testify.

17 MR. GOLDSTEIN: We'll have Mr. -- if you'd like,
18 have Mr. Westveer ask Mr. Schmoldt that question.

19 JUDGE MORAN: Yes. That's very good. We have
20 someone here that --

21 MR. WESTVEER: All right. For the sake of
22 expediency, I'll just leave it alone right now.

1 MR. GOLDSTEIN: Judge, we also have some
2 information about the billing to Calumet Business
3 Center that --

4 JUDGE MORAN: Okay. That's fine.

5 MR. GOLDSTEIN: -- Mr. Long has just testified
6 to. The problem is, Judge, I think that a lot of
7 this really confuses the record rather than helps it.
8 And that's one of the reasons we are reluctantly
9 providing some of it.

10 JUDGE MORAN: Well, I understand. But for a
11 novice like me, it is helpful to have more. I can
12 always filter out what is at issue. But it's very
13 horrible to write an order and find that you have
14 gaps that may not be apparent now but could be
15 apparent later.

16 MR. GOLDSTEIN: Okay.

17 JUDGE MORAN: And which --

18 Thank you so much, Ms. Bland.

19 THE WITNESS: No problem.

20 MR. GOLDSTEIN: Did you rule on any of the
21 exhibits?

22 JUDGE MORAN: I did. I admitted all of the

1 Respondent's exhibits.

2 I assume there's no objection to the
3 Petitioner's exhibits?

4 MR. GOLDSTEIN: We have no objection.

5 JUDGE MORAN: Therefore, all of the Petitioner's
6 exhibits from 1A to 7 are admitted.

7 (Whereupon, Petitioner's
8 Exhibit Nos. 1A, 1, 2, 3, 3A, 4, 5,
9 6, and 7 were admitted into evidence
10 as of this date.)

11 JUDGE MORAN: But we have two other witnesses.

12 MR. GOLDSTEIN: Yes.

13 JUDGE MORAN: And which will go next?

14 MR. GOLDSTEIN: Mr. Long. We saved the best for
15 last.

16 JUDGE MORAN: Do you want to introduce and put on
17 your witness, please.

18 MR. GOLDSTEIN: Yes.

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DENNIS LONG,

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

DIRECT EXAMINATION

BY

MR. GOLDSTEIN:

Q. Mr. Long, would you state your full name for the record, please.

A. Yes. Dennis Long.

Q. By whom are you employed?

A. Peoples Energy.

Q. And in what capacity?

A. I work in gas transportation services as an inside service representative.

Q. And could you give us some idea of what your duties are as an inside service representative.

A. Basically, I analyze bills and answer inquiries with regard to gas transportation accounts, accounts where customers purchase their gas amounts. Our suppliers handle any billing inquiries by them and also work with the billing of large volume customers.

1 Q. How long have you been doing that type of
2 work for Peoples Gas?

3 A. I've been doing that work since October
4 of 2004.

5 Q. And how long have you been employed by
6 Peoples Gas?

7 A. I've been employed by Peoples Gas for
8 26 years.

9 Q. And what other positions did you hold with
10 Peoples Gas besides your current one?

11 A. Prior to that, I was working in the sales
12 and marketing areas and major accounts areas in the
13 promotion of natural gas technologies such as air
14 conditioning, generation, prime movers. And then I
15 worked as a customer -- as a field representative
16 calling on industrial accounts.

17 Q. And you went out and made an inspection with
18 Ms. Bland back in March of 2006 of the AFD
19 Industries' premises; correct?

20 A. Yes, I did.

21 Q. And you also inspected the meter that was
22 serving AFD Industries in March of 2006, did you not?

1 A. Yes.

2 Q. Could you explain how that meter operates in
3 providing -- in the provision of gas to the AFD
4 Industries' premises?

5 A. It's a rotary-type meter. It operates on a
6 pressure differential going through the meter to turn
7 vanes that are inside the meter. And the vanes, in
8 turn, register how many cubic feet of gas.

9 So the higher the pressure differential
10 across the meter, you know, going from inlet to
11 outlet, the more cubic feet of gas you get through
12 the meter.

13 That meter is rated at nominally 16 million
14 BTUs per hour. It's what we call a 16M 125-meter;
15 125, meaning the highest supply pressure you can put
16 into the meter is 125 pounds.

17 And the meter is located after the
18 regulators, which are shown in this picture here. It
19 would be Exhibit 1E.

20 Q. 1E?

21 A. Right. The regulators regulate the gas
22 supply pressure down to 1 pound. In that case, what

1 we do is when we have regulated supply pressure on a
2 meter, we apply what's called a pressure correction
3 factor.

4 Normally, when gas is supplied, it's
5 supplied at about a quarter pound gas pressure. In
6 that case, there's no factor involved because you
7 have to supply it at a pressure in order to get
8 volume into the customer's piping in order for him to
9 supply the gas. So there's no factor involved.

10 But anything above a quarter pound -- or
11 6 inches of water column is what we normally
12 supply -- we correct for the fact that there's more
13 BTUs per cubic feet of gas at the higher pressure.

14 In the case of 1 pound, the factor is
15 1.0533, which means you're getting about 5.33 percent
16 more gas -- more BTUs per cubic feet of gas at this
17 higher pressure. And that's a fixed factor. Because
18 the meter is located at the regulators, it's getting
19 supplied a constant supply pressure of 1 pound.

20 Q. And so with respect to the meter that you
21 examined, that was the new meter servicing AFD in
22 March of 2006, and your analysis of the AFD account,

1 do you have an opinion as to whether the meter that
2 was -- that you inspected and saw on -- in March
3 of 2006 could record the type of usage that was shown
4 in the billings that occurred subsequent to that
5 date?

6 A. Yes.

7 Q. All right. Now, there was an old meter that
8 was removed from the AFD premises on February 9th,
9 2005; is that right?

10 A. Yes.

11 Q. And could you describe what that old
12 meter -- what kind of meter that was and how that
13 recorded usage?

14 A. Okay. It was the same type of meter as the
15 one that's in there now. It was a smaller capacity
16 meter. It was a -- what we called a Y9 meter. And
17 that is a meter that can pass 7,000 cubic feet per
18 hour of gas. But it's the same type of operation as
19 the existing one that's there now.

20 Q. Now, if there were two dryers at the AFD
21 premises prior to February of 2005, would the old
22 meter have been able to record the usage of gas

1 flowing through the meter to service AFD, the dryers,
2 and all the other gas appliances at the premises?

3 A. Well, based on the information available, it
4 looks like with that existing meter they were only
5 able to supply the one dryer. But when they brought
6 the second one on line, that's when they ran into the
7 problems. So we had to change the meter and put a
8 larger capacity meter in to supply them.

9 Q. And when they added the second dryer in
10 February of 2005, that's when the meter was
11 exchanged?

12 A. That's correct.

13 Q. Now, you went out there in March of 2006 and
14 made an inspection of the premises. And we've
15 already introduced, through Ms. Bland, the various
16 photographs that were taken during the course of the
17 inspection; is that correct?

18 A. Correct.

19 Q. And do those photographs truly and
20 accurately depict what is shown in the various
21 pictures?

22 A. Yes, they do.

1 Q. And you also made an inspection of the
2 piping that went towards what was described as the
3 Solo Cup premises. Do you recall that?

4 A. That's correct.

5 Q. Can you verify one way or the other whether
6 there was service being provided through the AFD
7 meter to Solo Cup during the period of 2004 through
8 2005?

9 A. Could you rephrase your question again,
10 please?

11 Q. Sure.

12 There's been some discussion as to whether
13 Solo Cup was using gas that was flowing through the
14 AFD meter in 2004 and 2005. Do you recall that?

15 A. Correct, yes.

16 Q. Can you verify whether there was any gas
17 actually flowing from -- through the AFD meter to
18 Solo Cup's premises in 2004 and 2005 based upon your
19 inspection that you made?

20 A. The piping went to that area; however, when
21 we inspected it, there was no usage at all on that
22 meter.

1 Q. Okay. And were those -- were the pipes
2 from -- that were traversing the AFD premises into
3 the Solo Cup premises, were those pipes capped?

4 A. They were capped at the one location;
5 however, the piping did go into the premises and it
6 did some supply some other equipment.

7 Q. Did you see any evidence of any gas usage?

8 A. No, because that space was cold.

9 MR. GOLDSTEIN: I have nothing else at the
10 moment.

11 CROSS EXAMINATION

12 BY

13 MR. WESTVEER:

14 Q. Just real quick, what was the date that you
15 did that inspection?

16 A. It was in March. I'm not sure of the exact
17 date.

18 Q. Last year?

19 A. Yeah, it was last year.

20 Q. '06?

21 A. Right.

22 Q. And did you -- was the building -- was the

1 Solo Cup area, as we referred to it, was it vacant
2 when you went into it?

3 A. Yes.

4 Q. So it was vacated?

5 A. Right.

6 Q. Can you verify that it was vacant in 2004?

7 A. I can't verify if it was vacant at that
8 time, no, I couldn't, but --

9 Q. Okay. That's all I -- well, is it
10 possible --

11 JUDGE MORAN: Let's let the witness finish.

12 THE WITNESS: But I would assume that if Solo Cup
13 were in that space, they would have had the gas in
14 their name. The gas was in the name of Calumet
15 Business Center.

16 So Calumet Business Center would normally
17 have the gas on if the space was vacated. And the
18 gas was on in their name since at least May of 2003.

19 BY MR. WESTVEER:

20 Q. Okay. I can tell you that there was
21 activity in that space in '04 and --

22 JUDGE MORAN: No, you can't -- you're trying to

1 testify. Okay. You're acting here as an attorney.

2 MR. WESTVEER: Okay.

3 BY MR. WESTVEER:

4 Q. Can you verify that there was no usage in
5 that space in 2004?

6 A. I can't verify --

7 JUDGE MORAN: I don't understand your question.

8 Are you -- you can ask him if he saw something, if --
9 how did the place look, had he been to that space
10 before.

11 MR. WESTVEER: Okay.

12 BY MR. WESTVEER:

13 Q. Did you see a valve in the ceiling that
14 could have serviced equipment in that space when you
15 did your inspection in 2006?

16 A. Right. There was a valve there, right.

17 Q. Okay.

18 A. But prior to you moving in, there was usage
19 there. Calumet Business Center was using gas for
20 heating, okay, which means, you know, whatever gas
21 was going to the meter that was there was being used.

22 Q. Now I'm posing you another question.

1 Did you see heaters on that gas line when
2 you went in there in 2006?

3 A. Yes, I did.

4 Q. They were attached to that gas line?

5 A. That's correct.

6 Q. Did you tell me there was no usage on that
7 gas line when we visited that facility in March of --

8 A. Correct.

9 Q. So you're telling me that there were gas
10 appliances on that line in the Solo Cup space, as we
11 refer to it, but you're telling me you also told me
12 that there wasn't gas being used?

13 A. There wasn't gas being used at the time we
14 were out there.

15 Q. That was in March. And they weren't using
16 any heating --

17 A. No, there was no heating because it was cold
18 back there. There was nothing being used.

19 Q. So how can -- is it safe to assume that
20 today, that gas line still services heaters in that
21 space?

22 A. I would say yes, unless somebody went in

1 there and capped it.

2 Q. Did you ever indicate to me that that gas
3 line was servicing other gas appliances?

4 A. No, I didn't.

5 Q. Okay. Wow.

6 Did you -- so what did you see besides
7 heaters and a gas valve over there that we should be
8 concerned about for usage of that large gas line
9 going into the Solo Cup facility?

10 A. That was all we saw.

11 Q. How many heaters did you see on that?

12 A. I don't recall.

13 Q. How large is that facility?

14 A. Several thousand square feet. I'm not sure
15 exactly.

16 Q. Could it be 180,000 square feet? Would that
17 sound reasonable to you?

18 A. I don't know.

19 Q. Was it larger than our facility?

20 A. I don't recall.

21 JUDGE MORAN: It was entirely vacant?

22 THE WITNESS: Yes. There was nobody in there.

1 MR. WESTVEER: In March of '06.

2 JUDGE MORAN: And it was cold when you went
3 there, you said?

4 THE WITNESS: Right.

5 JUDGE MORAN: And what are these heaters that you
6 guys are talking about? Are they on the ceiling?
7 Are they on the floor?

8 THE WITNESS: No. They're radiant heaters.
9 They're ceiling mounted.

10 JUDGE MORAN: I see. But they weren't connected
11 and they weren't working?

12 THE WITNESS: No. They weren't in operation.
13 There was nobody back there.

14 JUDGE MORAN: Okay.

15 BY MR. WESTVEER:

16 Q. So you're telling me that in March, they
17 didn't heat their facility?

18 A. No, they didn't.

19 JUDGE MORAN: He can't tell you if they heated
20 their facility in March. He can only tell you what
21 he saw on that day. So that's the question.

22

1 BY MR. WESTVEER:

2 Q. Is there a reason you didn't tell me there
3 were heaters on that line when we were standing in
4 that facility together?

5 MR. GOLDSTEIN: Object to the question. Calls
6 for speculation; what was his mindset, why he did or
7 did not say anything. He can testify as to what his
8 conversation was.

9 JUDGE MORAN: Yes.

10 BY MR. WESTVEER:

11 Q. So you can verify there are gas appliances
12 on -- servicing another business and we're paying for
13 the gas going through that meter? You can agree that
14 that's happening even today?

15 A. No, I can't.

16 Q. Well, as of March of '06, you can agree that
17 it's possible gas is being used off of our meter into
18 a different business?

19 JUDGE MORAN: In other words, is there a
20 capability that's -- for gas to be used on that
21 meter?

22 MR. GOLDSTEIN: I'm going to object to that

1 question.

2 JUDGE MORAN: Well, I'm going to ask that
3 question.

4 MR. GOLDSTEIN: The question is whether it's a
5 fact or not, not whether it's capable of.

6 MR. WESTVEER: Then I'll change the question.

7 BY MR. WESTVEER:

8 Q. Is it possible gas is being used today? Is
9 it possible gas was being used in March of '06 on or
10 around -- I'm sorry, March of '06, off of our gas
11 line?

12 A. If the space is vacant, no.

13 Q. If the thermostats were turned up and the
14 heaters were turned on, would it use gas off of our
15 meter?

16 JUDGE MORAN: Would those heaters, if they were
17 turned on, use gas out of the meter that goes to AFD
18 and, therefore, register on that meter?

19 THE WITNESS: As far as I could see, the lines
20 came out and they looked like they were coming out of
21 his space and they would be supplying off of his
22 meter.

1 JUDGE MORAN: So the answer is yes?

2 THE WITNESS: Yes.

3 JUDGE MORAN: That if, in fact -- not that -- and
4 we're not -- we're in the area of speculation here
5 because you're telling me that on the day you were
6 there, nothing was operating and the space was cold?

7 THE WITNESS: Right.

8 JUDGE MORAN: But if, in fact, the next day
9 someone came into that space -- this is purely
10 hypothetical -- and turned on those heaters, those
11 heaters would be using gas from AF- -- they would be
12 recorded on AFD's --

13 THE WITNESS: From what I could see, yes.

14 JUDGE MORAN: Okay.

15 MR. WESTVEER: Then I have some more questions
16 now that I, frankly, didn't even count on.

17 BY MR. WESTVEER:

18 Q. But if a customer has a billing dispute and
19 gas being used by another business is in question, is
20 it normal practice for Peoples Energy to investigate
21 that at the customer's request?

22 A. Yes.

1 Q. Is it normal practice for Peoples Energy not
2 to make the customer aware of that potential usage?

3 A. Yes.

4 Q. So you wouldn't --

5 A. No. We would. We would make you aware of
6 it. We would -- what we would do in there is come in
7 and trace the lines.

8 Q. As a customer, I could assume that if the
9 potential was there that they could be using our gas,
10 that you would point that out to me?

11 A. Correct.

12 Q. Did you, in fact, point that out to me?

13 A. No, I didn't.

14 MR. WESTVEER: Okay. That's all I have.

15 JUDGE MORAN: Do you have any questions,
16 Mr. Goldstein?

17 MR. GOLDSTEIN: Yes.

18 REDIRECT EXAMINATION

19 BY

20 MR. GOLDSTEIN:

21 Q. When you were in the Solo Cup premises, did
22 you observe how many heaters there were at the

1 premises?

2 A. No, I didn't. I just looked at, you know,
3 several of them. That's about it.

4 Q. How many did you see when you say several?

5 A. I would say maybe three.

6 Q. Okay. Do you recall seeing any more than
7 three?

8 A. No.

9 Q. All right. Now, assuming there were three
10 radiant heaters that could possibly be used to
11 provide heat to the Solo Cup premises, would that
12 account for the type of billing that AFD received
13 either in 2004 or 2005?

14 A. As far as I could see, no.

15 MR. GOLDSTEIN: I have nothing else.

16 RE-CROSS EXAMINATION

17 BY

18 MR. WESTVEER:

19 Q. Is it possible there were more than three
20 radiant heaters on that gas line?

21 A. It's possible if I would have, you know,
22 looked around maybe more, did more of a thorough

1 survey.

2 JUDGE MORAN: Do you have any pictures of that
3 facility in this batch? And might I ask you, who
4 took these pictures?

5 MS. BLAND: They would have been from the camera
6 of Dave Denham.

7 JUDGE MORAN: That's the third person that was
8 with you?

9 MS. BLAND: Right.

10 JUDGE MORAN: Okay.

11 (Discussion off the record.)

12 MR. GOLDSTEIN: Do you have any pictures there,
13 Mr. Long, showing the radiant heaters on the Solo Cup
14 premises?

15 JUDGE MORAN: I think the only one is 1H, right,
16 which was the piping coming out.

17 MR. GOLDSTEIN: Poor picture of the piping.

18 JUDGE MORAN: But it doesn't -- like I said, no
19 awards here.

20

21

22

1 EXAMINATION

2 BY

3 JUDGE MORAN:

4 Q. Mr. Long, what was your purpose in going out
5 there that day that these pictures were taken and
6 that you were --

7 A. Well, Robin asked me to accompany her.

8 Q. And for what reason?

9 A. Because of my background with the industrial
10 customers.

11 Q. Okay. And what did you do there? What was
12 your purpose?

13 A. Well, I basically answered any technical
14 questions that they may have had regarding usage.

15 Q. In regard to that meter?

16 A. Correct.

17 Q. Okay. So you were like the little meter
18 expert, yes?

19 A. Hm-hmm.

20 MS. BLAND: Can I just add, too, that Dennis is
21 well-versed in equipment. And, in fact, we came back
22 and we did research on some of the heaters and what

1 the capacities are for the heaters that actually heat
2 some of the drying rooms for AFD Industries.

3 JUDGE MORAN: Okay. What are these? These are
4 washers? They're different? Or is this the drying
5 room?

6 MS. BLAND: That's the washer. Those were the
7 washers.

8 JUDGE MORAN: I'm looking at 1B here.

9 MS. BLAND: Right.

10 MR. WESTVEER: Would you like me to respond to
11 you what those are?

12 MS. BLAND: You can tell her, please.

13 JUDGE MORAN: We're going to have a crazy record
14 here.

15 Is this the drying room or is it just a
16 washing room?

17 MS. BLAND: He can explain.

18 JUDGE MORAN: All right.

19 You're still under oath.

20 MR. WESTVEER: These are called canbar mixers.
21 They're incline hide processors. And we preserve
22 leather for resale to our tanneries. It goes wet.

1 We ship it wet. So we have to preserve it with
2 sulfuric acid and salt. That's what we use these
3 for.

4 There is no gas involved in this operation.
5 We don't heat the water for these. And this is not
6 even part of the process of making dog chew, for the
7 most part. We do one wash process for dog chew, but
8 these are primarily used for the preservation process
9 of leather for the tanning industry.

10 JUDGE MORAN: Okay. And these are run by
11 electricity?

12 MR. WESTVEER: Correct.

13 JUDGE MORAN: Okay. And what is all this stuff
14 on the floor?

15 MR. WESTVEER: That's the wet leather. You can
16 see they're covered with plastic. It's piled on the
17 pallets and they're stacked next to each other and
18 covered with plastic.

19 JUDGE MORAN: This has nothing to do with the
20 drying rooms?

21 MR. WESTVEER: Nothing to do with the drying
22 rooms.

1 JUDGE MORAN: Okay. Thank you.

2 MR. WESTVEER: I have one question relative to
3 the capacities.

4 JUDGE MORAN: Hold on. I -- all right. You can
5 ask your question.

6 BY MR. WESTVEER:

7 Q. Is it possible that 30 to 40 radiant heaters
8 would use the amount of gas that's in question?

9 Mark asked you earlier, is it possible for
10 three heaters to use the amount of gas in question
11 and you said no. Is it possible for 30 to 40 of
12 these radiant heaters to use that kind of quantity of
13 gas?

14 A. I don't know the capacity of the heaters.

15 Q. You said no to three. So I'm assuming you
16 know capacities.

17 A. Well, I'm assuming the capacity of the other
18 heaters are the same size. A lot of times they vary
19 in size.

20 Q. Okay. Is it possible that heating an area
21 five times as large as our space would use the amount
22 of gas that's in question?

1 A. I don't think so, no.

2 Q. It's not possible?

3 A. No.

4 Q. Okay. How much gas is in question?

5 A. We're probably talking about -- we're
6 talking about maybe 100,000 therms.

7 Q. I think we're talking about -- maybe it's
8 100,000 therms. Over what period of time?

9 A. Talking about June 2004 through
10 February 2005.

11 Q. Okay. And you're saying it's not possible
12 to use 100,000 therms for heating in that time frame?

13 A. Right.

14 Q. If it's five times as large as our facility,
15 30 to 40 of these heaters?

16 A. Right.

17 MR. WESTVEER: Okay.

18 MR. GOLDSTEIN: Well, other than assuming facts
19 not in evidence, I have no objection to the
20 questions.

21 BY MR. WESTVEER:

22 Q. How many -- how many therms would it take to

1 heat that kind of space?

2 A. I don't know. I couldn't tell you.

3 Q. If it's not 100, you must have an idea.

4 A. What are we talking about?

5 Q. We're talking about 180,000 square feet
6 because I'd like to get to where this gas is.

7 A. I'd have to know the capacity of all the
8 equipment in order to figure it out.

9 Q. To heat 180,000 square feet, is it possible
10 you would use 100,000 therms of fuel for these
11 eight months?

12 A. I'd have to know what the capacity is.

13 Q. So you don't know? You said no earlier.

14 A. No, I don't know.

15 MR. WESTVEER: Okay.

16 JUDGE MORAN: I had a question and I forgot it.

17 Mr. Long, if you don't have to leave, try and stay
18 around. Maybe it will come back to me.

19 But at this moment, I think -- are there any
20 more questions for Mr. Long?

21 MR. GOLDSTEIN: No.

22 JUDGE MORAN: There are not.

1 Then let's put Mr. Schmoldt on.

2 MR. GOLDSTEIN: Can we take a short recess?

3 JUDGE MORAN: Oh, sure.

4 (Recess taken.)

5 JUDGE MORAN: You can put on your witness,
6 please.

7 MR. GOLDSTEIN: I call Brian Schmoldt.

8 BRIAN SCHMOLDT,

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

11 DIRECT EXAMINATION

12 BY

13 MR. GOLDSTEIN:

14 Q. Mr. Schmoldt, would you state your full name
15 and spell your last name for the record, please.

16 A. First name is Brian. Last name is Schmoldt,
17 S-c-h-m-o-l-d-t.

18 Q. By whom are you employed and in what
19 capacity?

20 A. Peoples Gas. I am a billing specialist.

21 Q. And how long have you been employed by
22 Peoples Gas?

1 A. 14 years.

2 Q. And how long have you been a billing
3 specialist for Peoples Gas?

4 A. Eight years.

5 Q. And could you describe some of your duties
6 with respect to being a billing specialist.

7 A. Billing specialist basically reviews bills
8 for customer complaints, trying to resolve issues
9 before they go to the Commission so they don't have
10 to go any further.

11 Q. And with respect to AFD, you've handled both
12 the informal and formal complaints filed by AFD at
13 the Commission?

14 A. Yes.

15 Q. And how you are familiar with the AFD
16 account; am I correct?

17 A. Yes.

18 (Whereupon, Respondent's
19 Exhibit Nos. 6 and 7 were
20 marked for identification
21 as of this date.)

22

1 BY MR. GOLDSTEIN:

2 Q. All right. Let me hand you what's been
3 marked as Respondent's Exhibit 6. Could you describe
4 what that exhibit shows.

5 A. Exhibit 6 is the meter reading test or, I
6 should say, the test done on the old meter at AFD.

7 Q. And what does it show with respect to the
8 test?

9 A. That the meter was operating well within the
10 parameters set forth by the Illinois Commerce
11 Commission of plus or minus 4 percent.

12 Q. And that's for meter 1684727; is that
13 correct?

14 A. That's correct.

15 Q. And the test of that meter occurred on what
16 date?

17 A. The meter was tested on February 15th, 2005.

18 Q. Is there anything else you'd like to point
19 out with respect to Respondent's Exhibit 6?

20 A. Nope.

21 Q. Let me hand you what's been marked as
22 Respondent's Exhibit 7. It's a two-page exhibit, A

1 and B. How would you refer to that particular
2 exhibit?

3 A. Exhibit 7 is a meter reading history of the
4 meters at 1400 East 97th Place for AFD Industries.

5 Q. And it covers a period from November 5th,
6 2004, to December 5th, 2006; is that correct?

7 A. No. It actually covers June 4, 2004,
8 through December 5, 2006.

9 Q. Oh. I stand corrected. Yes. I was looking
10 at the wrong date -- the wrong column.

11 And with respect to the date of June 4th,
12 2004, as shown on Exhibit 7B, is that an actual or
13 estimated reading?

14 A. June 4th of 2004 is an actual reading.

15 Q. And what was the reading taken on that date?

16 A. 81146.

17 Q. And when it says actual reading, what does
18 that mean?

19 A. Actual reading means that the company
20 personnel went out there and read the meter when it
21 says actual.

22 Q. Okay. And referring to Exhibit 7A, in

1 looking at the February 9th, 2006 -- sorry,
2 February 7th, 2006 date, there's an actual meter
3 reading on that date; is that right?

4 A. That is correct, yes.

5 Q. And what was that reading?

6 A. On February 7, 2006, the reading was 184481.

7 Q. And that was for the -- what we've been
8 referring to as the old meter at the AFD premises; is
9 that right?

10 A. No. That's off the new meter.

11 Q. Okay. And what was the old meter reading?

12 A. Okay. The old meter was removed in -- on
13 February 9th, 2005. That meter number is 1684727.
14 And that reading was 55374.

15 Q. Okay. Is there anything else you'd like to
16 point out with respect to Respondent's Exhibit 7?

17 A. No.

18 MR. GOLDSTEIN: I have no other questions. I
19 move the admission of Respondent's Exhibits 6 and 7.

20 JUDGE MORAN: Are there any objections?

21 MR. WESTVEER: No.

22 JUDGE MORAN: Okay. Then Respondent's Exhibits 6

1 and 7 are also admitted into the record.

2 (Whereupon, Respondent's
3 Exhibit Nos. 6 and 7 were
4 admitted into evidence
5 as of this date.)

6 EXAMINATION

7 BY

8 JUDGE MORAN:

9 Q. Mr. Schmoldt, was the new meter tested also?

10 A. Yes.

11 Q. Okay. And it was tested, like, before it's
12 put in?

13 A. Correct, yes.

14 Q. Okay. And are there records of that testing
15 available?

16 A. Yes, but I did not bring them with us.

17 Q. Okay.

18 MS. BLAND: I have them. I have a copy.

19 MR. SCHMOLDT: She has a copy.

20 MS. BLAND: I don't have copies, but I have them.

21 THE WITNESS: Then, yes, we do have it here.

22 MR. GOLDSTEIN: I guess we do. I guess we could

1 make copies of this, if you wish, Judge.

2 JUDGE MORAN: Yes.

3 MR. GOLDSTEIN: We're more than happy to provide
4 it for the record.

5 JUDGE MORAN: Okay. Mark it Respondent's Exhibit
6 No. 8.

7 MR. GOLDSTEIN: Okay. We will provide it as
8 quickly as we can.

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

13 JUDGE MORAN: Please show it to the complainant.
14 Is there any objection to having that entered into
15 the record?

16 MR. WESTVEER: No.

17 JUDGE MORAN: Okay. Then Respondent's Exhibit 8
18 will be admitted.

19 (Whereupon, Respondent's
20 Exhibit No. 8 was
21 admitted into evidence
22 as of this date.)

1 BY JUDGE MORAN:

2 Q. I have a question for you, Mr. Schmoltdt, on
3 Respondent's Exhibit 6. This is equipment
4 maintenance. It's the old meter or the previously
5 used meter. And it shows that a test was done on
6 February 15th?

7 A. Yes.

8 Q. And then it says "condemned." What does
9 that mean?

10 A. That means the meter is taken out of
11 service. It's no longer -- it's used up its life,
12 basically.

13 Q. Okay. And how do you know that?

14 A. Well, when we condemn a meter, it means
15 it's -- that type of meter is no longer -- that type
16 of meter is no longer going to be used. So whether
17 rather than trying to refurbish it, just condemn it
18 and get rid of it.

19 Q. So there's, like, a newer model available?

20 A. Yes.

21 Q. So you don't want to be bothered with this
22 model --

1 A. Correct.

2 Q. -- anymore? It doesn't mean that it wasn't
3 working well?

4 A. No, no.

5 Q. Okay. All right. I was a bit confused
6 there.

7 And this Respondent's Exhibit 7, was this
8 put together by you or is it part of the records of
9 the company?

10 A. It's part of the everyday records of the
11 company.

12 Q. Okay. So this is just normally kept --

13 A. Correct.

14 Q. -- in the course of business?

15 When Ms. Bland was preparing her rebilling,
16 did she have access to this record?

17 A. Yes.

18 Q. Okay. And so she would have also used this
19 record when she was doing her work?

20 A. Correct.

21 JUDGE MORAN: Okay.

22 (Discussion off the record.)

1 BY JUDGE MORAN:

2 Q. Now, this new meter is of a good type --

3 A. Well, we have to --

4 Q. -- model-wise?

5 A. We had to put on just a larger capacity
6 meter to handle the load that was added to the
7 premises. So that's the type of meter that fit best
8 at that premises.

9 Q. Okay. And this shows it was tested in 2003?

10 A. Yes.

11 Q. But you installed it in 2005?

12 A. Correct.

13 Q. And they don't need retesting before you
14 install them?

15 A. They usually -- a lot of times, we will
16 refurbish a meter. That means they'll go in there
17 and put a whole new mechanism in there and set it all
18 at zeros.

19 MR. WESTVEER: Has that one been refurbished?

20 THE WITNESS: It might have been refurbished --

21 BY JUDGE MORAN:

22 Q. It said "no repair" in 2003 on the test.

1 Does that mean that it needs no repair and it just
2 sits somewhere?

3 A. Usually that means it needs no repair, but
4 there might have been something done after that
5 because I didn't take a -- I don't have any current
6 records. So there might be something else that's on
7 there. I didn't take that. So...

8 MS. BLAND: That's the current one that I pulled
9 off of this one. So that's the most current. If
10 there was something else done, it would have been in
11 our meter shop.

12 JUDGE MORAN: Okay. All right. And, again, I'm
13 recognizing that I'm having you put in something that
14 you weren't prepared to put in. So if you need to
15 put something more in on this, I would find that
16 acceptable.

17 BY JUDGE MORAN:

18 Q. Okay. So the whole purpose of your
19 testimony is to really put in these two exhibits,
20 Mr. Schmoldt?

21 A. Correct.

22 JUDGE MORAN: Okay. And do you have any

1 questions?

2 MR. WESTVEER: I just have a couple questions.

3 CROSS EXAMINATION

4 BY

5 MR. WESTVEER:

6 Q. You're showing on 10/4/2004 -- it's four
7 lines down on the page that looks like this, the
8 second page of your Exhibit 7. Four lines down,
9 you're showing that a van test yielded a meter
10 reading result of 088599.

11 If you go back to the first page on the very
12 same date, the very same meter, you're showing an
13 actual reading that showed 098559, being exactly
14 10,000 therms or CCFs greater.

15 Can you explain to me why there's two pieces
16 of data here that conflict with each other, how that
17 can happen?

18 MS. BLAND: Can I just interrupt? You asked me
19 to check on that for you. I didn't know if that
20 was --

21 MR. WESTVEER: I'm thinking maybe Brian can
22 answer this question for me, how this could happen.

1 THE WITNESS: It could happen because, you know,
2 data -- somebody is rebilling on an account and you
3 get careless and type in a wrong number and you just
4 don't double-check it. That's all.

5 So a lot of times when people rebill it,
6 that's why they're -- you know, just making sure the
7 data is right. So if they didn't verify the meter
8 reading, they could have just typed it in wrong.

9 BY MR. WESTVEER:

10 Q. Okay. So they might have typed the number
11 wrong?

12 A. Correct.

13 Q. They also typed the recode wrong also from
14 van to actual?

15 A. And that is very possible, yes.

16 Q. How does that happen?

17 A. I mean, a van and an actual are basically an
18 actual company reading. It's just a matter of when
19 you drop down -- when you go into the system, you
20 have to tell the system, Did we actually read the
21 meter, was it a van reading, or was it a company
22 estimate? So if you accidentally press the wrong

1 thing, it's going to print up what that is.

2 JUDGE MORAN: So there is some human error that
3 can happen here?

4 THE WITNESS: There is some human error, right.

5 BY MR. WESTVEER:

6 Q. So the 98559, that's obviously a higher
7 usage number than the 88559?

8 A. Correct.

9 Q. Would that have changed the way estimates
10 were done on this account?

11 A. Not necessarily, no.

12 Q. Okay. If the actual reading was 98559,
13 would it be safe to assume that more gas was used
14 prior to October 4 than if the meter reading was
15 88599?

16 A. Yes.

17 Q. Okay. Then backing up to the 6 -- the
18 June 4 reading, is that reading actual or is it a van
19 actual reading?

20 A. No, that's an actual company reading.

21 Q. Is the meter reading 081146 or was there an
22 error in the data entry of that number?

1 A. No. It's actually 81146.

2 Q. Okay.

3 A. But since we changed the meter, because the
4 original meter you had there was a five-dial meter
5 and we upgraded it to a six-dial meter to handle the
6 capacity, the system is just picking up that extra
7 row down.

8 Q. So the June 4, 2004 meter reading, can you
9 tell me what that meter reading was?

10 A. Yeah. 81146.

11 Q. Can you -- given your earlier testimony that
12 there may have been clerical errors in the numbers
13 based on the October 4, could there be clerical
14 errors on the June 4 number?

15 A. June 4, no, I don't believe that was a
16 clerical error.

17 Q. You -- but could there be clerical errors on
18 that number?

19 I guess what I'm trying to get at is I want
20 to prove that there could be clerical errors because
21 there were in October. Why would it be any different
22 in June?

1 A. Well, in June, I don't believe there was. I
2 mean, based on what you're saying and other things, I
3 don't think there was. I mean, any error is
4 possible. Anything done by a human person, it's
5 possible to make an error, yes. But I don't believe
6 there was any problem with the June 4th reading.

7 Q. Given the June 4th reading and the end
8 reading, would you assume that the October 4 reading
9 is accurate?

10 MR. GOLDSTEIN: What end reading are we talking
11 about?

12 MR. WESTVEER: The end reading of when it was
13 taken out of 55374.

14 THE WITNESS: Based on that, you would say, yeah,
15 it was in line.

16 BY MR. WESTVEER:

17 Q. Which number, the 88599 or the 98599? Which
18 one was in line?

19 A. Both. Both are actually in line.

20 Q. So you're saying -- between June and October
21 is four months. If it was 88599, there was
22 7,000 feet of gas used?

1 A. Feet of gas.

2 Q. And then in the following four months, there
3 was 67,000 therms. So you're saying that's in line?

4 A. Yeah.

5 Q. How is it in line?

6 A. Well, it's the difference between the
7 reading. As long as the meter shows a progressive
8 usage, we bill it forward. We have an actual reading
9 on June 4th of 81146. The meter doesn't go
10 backwards. It only goes forward.

11 Q. Sure.

12 A. So after it reaches a certain point, the
13 meter goes back to zero. So when this meter hit
14 9999, it started over again.

15 Q. Correct.

16 A. So then the next set of numbers would be 1,
17 then 2, then 3, then 4, then 5.

18 Q. I understand that.

19 A. Now, when we remove the meter, it's at 5.
20 So the difference between 811 and 5 is 70,000 feet of
21 gas.

22 Q. I understand that. My question is, from

1 June to October, there's four months there. There's
2 7,000 cubic feet of usage. In the next four months,
3 there's 67,000 square feet of usage.

4 And I asked you, is it normal to assume
5 that's the likely usage progression that you would
6 expect on a meter?

7 A. Yeah. I mean --

8 Q. That's ten times the volume?

9 A. It's going forward, yeah.

10 Q. Ten times the volume?

11 A. I can't tell you how the gas was used.
12 Nobody can tell you. I mean, I can't tell you how
13 the gas was used. I can just tell you, based on the
14 meter reading we have, the bill went forward and
15 that's how we're billing you. How the gas was used
16 between that reading, I cannot tell you and I can't
17 speculate.

18 Q. I'm going to ask you a hypothetical
19 question.

20 Assuming the gas wasn't used any differently
21 than it had been the previous year, would that strike
22 you as an odd usage curve?

1 MR. GOLDSTEIN: I'm going to object. He's -- if
2 he's going to ask a hypothetical question, he better
3 have a whole lot more to it than what he's just
4 asking. So I'm objecting.

5 MR. WESTVEER: I want to find out where the usage
6 occurred. And I want to find out if it actually
7 occurred or if the June 4th --

8 JUDGE MORAN: Well, you have to specify what
9 usage was going on --

10 MR. WESTVEER: Okay. We have. We have addressed
11 that. And we have documentation to support our
12 devices and when they were implemented.

13 JUDGE MORAN: -- and then, perhaps, on that frame
14 a question.

15 MR. WESTVEER: Okay. I understand what you're
16 saying.

17 BY MR. WESTVEER:

18 Q. Based on my exhibits and the implementation
19 of our machinery on that meter, all of that done
20 after the February date that that stuff was
21 implemented, and any usage on that previous meter
22 would have been at a steady usage consumption, would

1 you have expected to see usage ten times larger in
2 that second four months than the earlier four months
3 if there were no extra devices put on that system?

4 A. I can say yes and I can say no. Again, it
5 all depends on what's on the meter.

6 Q. I'm saying no extra devices on the meter.

7 A. I'm just saying if you just started the gas
8 service in the summertime and you're using X amount
9 of therms for summer usage. So we're saying, Hey,
10 7,000 feet of gas for a four-month period is, you
11 know, a lot of gas for summer usage.

12 Q. Okay.

13 A. So another 50,000 feet of gas in the
14 wintertime based on that size meter, it's not
15 unusual.

16 Q. Well, 67,000.

17 A. Right, but it's not going to send up a red
18 flag for that much gas.

19 Q. But we heard testimony earlier that that
20 space couldn't have used 67,000 square feet.

21 MR. GOLDSTEIN: He's assuming evidence -- there's
22 something in evidence that's not there, Judge. I

1 object to that.

2 BY MR. WESTVEER:

3 Q. So given that information, is it possible
4 that the June '04 meter reading is inaccurate?

5 A. No.

6 Q. It's not possible?

7 A. No.

8 MR. WESTVEER: And I'm going to ask you for
9 validation of that reading.

10 Is that how I should ask for it? I'd like
11 to see a copy of that reading ticket to verify that
12 number. Because we show inaccuracies in other
13 readings, I'm curious if there's inaccuracy in that
14 reading as well.

15 JUDGE MORAN: Is that the one that seems to be
16 different in different exhibits?

17 MR. WESTVEER: No. That's the October '04. Now
18 I'm asking for the June '04 read.

19 JUDGE MORAN: Okay. And you've already asked for
20 the October one, right, with Ms. Bland?

21 MR. WESTVEER: I asked Robin for that.

22 JUDGE MORAN: Now you are asking Mr. Schmoldt to

1 do it for the other month.

2 MR. WESTVEER: For the June '04.

3 JUDGE MORAN: I will allow that.

4 MR. WESTVEER: That's all I have.

5 JUDGE MORAN: Okay. I don't have any more
6 questions for you, Mr. Schmoldt. But I kind of
7 remember what I wanted to ask Mr. Long.

8 DENNIS LONG,
9 **recalled** as a witness herein, having been first duly
10 sworn, was examined **further** and testified as follows:

11 FURTHER EXAMINATION

12 BY

13 JUDGE MORAN:

14 Q. Mr. Long, you seem to have some expertise in
15 understanding what different appliances' use? I
16 mean, am I correct, or are there -- would
17 manufacturer's specifications indicate how much
18 therms it takes to run certain machinery?

19 A. Yeah, we would provide that information by
20 Mr. Westveer. He gave us that information.

21 Q. Have you ever looked at these -- I don't
22 know what you call them really. Respondent's

1 Exhibit 7, what are we going to call this?

2 MR. SCHMOLDT: Meter reading history.

3 BY JUDGE MORAN:

4 Q. Okay. This history?

5 A. Hm-hmm.

6 Q. And you've seen the equipment that has been
7 in use at the facility?

8 A. Okay.

9 Q. Does this meter reading history seem
10 reasonable to you in light of the equipment being run
11 at various times, if you can venture that kind of
12 opinion?

13 A. What I would have to do is basically sit
14 down and look at the meter reading differences, and
15 take the input on his equipment and see if I'm able
16 to get consumptions that are -- that are comparable
17 to what the consumptions have shown based between
18 actual readings. I could do that. I can't really
19 look at it right here and tell you that.

20 JUDGE MORAN: Sure. I understand. Well, would
21 Peoples be willing to do that?

22 MR. GOLDSTEIN: Oh, absolutely.

1 MR. WESTVEER: I asked for that, Judge. I asked
2 for that months ago.

3 JUDGE MORAN: Okay. That is relevant to me now.
4 I'm just -- that will be --

5 MR. GOLDSTEIN: Was that inquiry made of me?

6 MR. WESTVEER: No, it was not. It was actually
7 made after I found out that -- I was told by somebody
8 at Peoples that the ICC will look at this two ways;
9 consumption based on the meter and consumption based
10 on your equipment.

11 I said then I really would like to have our
12 equipment evaluated so we know what our consumption
13 is. We have the documentation of the install dates.
14 We can depose that installer, that company to prove
15 up that that's when we implemented those devices and
16 prove our usage. I'd love to do that.

17 JUDGE MORAN: I'm going to --

18 MR. GOLDSTEIN: Ask Mr. Long to do that.

19 JUDGE MORAN: And anyone can do this. No one is
20 prohibiting from bringing in whatever evidence they
21 think is relevant to --

22 MR. GOLDSTEIN: Can we go off the record for a

1 second?

2 JUDGE MORAN: Sure.

3 (Discussion off the record.)

4 MR. LONG: I just want to point out I can only go
5 between actual meter readings, you know. Estimates
6 are --

7 MR. GOLDSTEIN: Once we've verified if the
8 June 4th before -- off the record.

9 (Discussion off the record.)

10 JUDGE MORAN: All right.

11 With that, Mr. Long will be preparing an
12 analysis. And I'm asking Mr. Westveer to cooperate
13 in that. So you will exchange e-mail addresses,
14 telephones, whatever, to get that job done.

15 And whose exhibit is that going to be?
16 Could we make that a joint exhibit --

17 MR. WESTVEER: Sure.

18 JUDGE MORAN: -- since you will both be working
19 on it?

20 MR. GOLDSTEIN: That's fine.

21 MR. WESTVEER: Well, actually, make it a People's
22 Energy exhibit because if I don't agree with it,

1 you'll still see it anyway. Right? I'm assuming I
2 will agree with it. But from history on this thing,
3 I don't know for sure.

4 JUDGE MORAN: How about this. We'll make it an
5 ALJ Exhibit No. 1. When that is ready and parties
6 have disagreements with any part of it, whether it's
7 Peoples or the complainant, you can each file a
8 statement as to what you're disagreeing with it
9 about. Okay. Does that make sense? Great.

10 And that will be a late-filed exhibit that
11 will be admitted.

12 (Whereupon, ALJ Late-Filed
13 Exhibit No. 1 was
14 admitted into evidence
15 as of this date.)

16 JUDGE MORAN: Are there any more questions for
17 Mr. Schmoldt? Hearing none, the witness is excused.
18 And I thank you.

19 I will say the same to Mr. Long and to
20 Ms. Bland. Thank you very much.

21 I will mark the record heard and taken as
22 soon as all these late-filed exhibits come in. Does

1 anybody have an idea how long it will take to get
2 them in?

3 (Discussion off the record.)

4 MR. GOLDSTEIN: By the end of January, if you
5 would, Judge.

6 JUDGE MORAN: Good. Okay. So the late-filed
7 exhibits will be in by January 31st. And then we
8 need a briefing schedule.

9 The briefs are your arguments. This is
10 where you take inconsistency in one and point it out
11 and then make your argument.

12 MR. WESTVEER: Got it.

13 JUDGE MORAN: Okay? And you write it just like
14 you write a term paper. I don't know how to explain
15 it any other way.

16 MR. WESTVEER: It will be clear for you.

17 JUDGE MORAN: You set out the facts at issue,
18 what you're arguing about, what relief you want.
19 That's the most important. What are you asking this
20 Commission to do for you?

21 It can be, you know, three pages. It could
22 be ten pages. I don't know actually how anybody's

1 writing style is. And it's -- you know, it's asking
2 why you deserve this relief and why the evidence
3 supports the granting of relief.

4 When do you think -- when was this case
5 first filed? I'm sorry.

6 MR. WESTVEER: June.

7 JUDGE MORAN: June. Okay. So we have a bit of
8 time. Mr. Goldstein, what dates are you looking for
9 for a brief?

10 MR. GOLDSTEIN: I would prefer, for the initial
11 brief, mid March and 21 days thereafter for the reply
12 brief.

13 JUDGE MORAN: So give me a date in March.

14 MR. GOLDSTEIN: March 16th.

15 JUDGE MORAN: Okay. Is that agreeable to you?

16 MR. WESTVEER: Sure, yes.

17 JUDGE MORAN: Okay. Then the reply briefs --

18 MR. GOLDSTEIN: Will be due April 6th.

19 JUDGE MORAN: April 6th. And we're agreed on
20 that schedule?

21 MR. WESTVEER: Yes.

22 JUDGE MORAN: Okay. Very good.

1 Well, then notice will go out marking the
2 record heard and taken as soon as the -- all the
3 late-filed exhibits are in. And we don't need to
4 continue this matter anymore.

5 MR. WESTVEER: Do I send my brief to the Court?

6 JUDGE MORAN: Yes. And the instructions -- you
7 send it to the Clerk's Office in Springfield.
8 There's also a way to file things electronically via
9 E-Docket. You would call the Clerk's Office, say
10 that you would like to set up an E-Docket account,
11 explain that you're a complainant in the case, give
12 them the case number, and they'll walk you through
13 it. That I can't tell you anything about. That is
14 not my specialty.

15 MR. WESTVEER: Thank you for that. I'm saving
16 some money on attorney fees.

17 JUDGE MORAN: And, actually, you know what, the
18 exhibit should come to me because I'm going to
19 walk -- give them to the Vickie, then she will stamp
20 them, and then she'll have them put on E-Docket.
21 Otherwise, they will be coming from everywhere.
22 Okay.

1 The record will be marked after January 31st
2 heard and taken. Thank you.

3 (HEARD AND TAKEN.)

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