

1 Ln. #084-002710

2 APPEARANCES: (Continued)

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Ph. (312) 628-7188

6 (Appearing on behalf of Illinois
7 Energy Savings Corp. via
teleconference)

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WITNESS

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None.

EXHIBITS

MARKED

ADMITTED

None.

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PROCEEDINGS

JUDGE ALBERS: By the authority vested in me by the Illinois Commerce Commission, I now call Docket Number 06-0790. This docket was initiated by David Yu against U.S. Energy Savings Corp. and concerns allegations of a fraudulent transfer of his account in Normal, Illinois.

May I have the appearances for the record, please?

MR. McMANAMAN: Sure, Your Honor. My name is Martin, M-A-R-T-I-N, McManaman, M-C-M-A-N-A-M-A-N. The name of my firm is Lowis and Gellen, Chicago, Illinois. My phone number is (312) 628-7188, on behalf of the Respondent U.S. Energy.

JUDGE ALBERS: Thank you.

MR. SMITH: And I am Douglas Smith. Name of the firm is Eastside Law Office, Bloomington, Illinois. Eastside is all one word, E-A-S-T-S-I-D-E, and I am on behalf of the Complainant, Mr. David Yu, spelled Y-U.

JUDGE ALBERS: Thank you. What's your phone number, please?

1 MR. SMITH: My number is (309) 820-8800.

2 JUDGE ALBERS: Thank you. Let the record
3 reflect that there are no others wishing to enter an
4 appearance.

5 Do either of you have any preliminary
6 matters you would like to raise? I have a few
7 questions of my own. But if you have anything, go
8 ahead.

9 MR. SMITH: I don't. Complainant doesn't.

10 MR. McMANAMAN: Nor does the Respondent.

11 JUDGE ALBERS: Okay. My first preliminary
12 matter just concerns service of documents in this
13 matter. Do either of you have any objection to
14 receiving pleadings or other documents by e-mail?

15 MR. McMANAMAN: Counsel for the Respondent does
16 not.

17 MR. SMITH: I also do not.

18 JUDGE ALBERS: Okay. And as far as you know
19 are your e-mail addresses available to the Clerk's
20 office? Do they have that already, rather?

21 MR. McMANAMAN: The Clerk should have mine,
22 Your Honor.

1 MR. SMITH: I am not sure if the Clerk has
2 mine. You have it; you e-mailed me. But I am not
3 sure if the Clerk does. But for the record it is
4 dsmith, that's D-S-M-I-T-H, @eastside,
5 E-A-S-T-S-I-D-E, hyphen law.com.

6 JUDGE ALBERS: Thank you. And you are both
7 amenable to receiving pleadings and other documents
8 by e-mail then?

9 MR. SMITH: Yes.

10 JUDGE ALBERS: Okay. The purpose of this
11 hearing is to set a schedule in this matter. Before
12 doing so I just had a couple other questions for the
13 Complainant.

14 Is he still receiving gas from U.S.
15 Energy?

16 MR. SMITH: Yes, he is.

17 JUDGE ALBERS: And are the bills -- do the
18 bills at issue begin with the month of August '06?

19 MR. SMITH: I have them in front of me. Let me
20 look here.

21 The first bill at issue is -- let me
22 find the date on here -- 8/11, well, that's 8/11

1 payment received. So it would be August 29 would
2 have been the reading.

3 JUDGE ALBERS: That's a yes?

4 MR. SMITH: Yes, August of 2006 was the first
5 bill.

6 JUDGE ALBERS: Okay. And finally, just so I
7 understand one of the items included with the
8 complaint here, there is a notice, it is entitled
9 Normal Police Department Victim Information Notice.
10 Is that part of a police report?

11 MR. SMITH: Yes.

12 JUDGE ALBERS: So there was a police report
13 filed?

14 MR. SMITH: Correct.

15 JUDGE ALBERS: And then are the statements from
16 Mr. Sinn and Ms. Staggs, are those part of that
17 police report?

18 MR. SMITH: The case number they have on it is
19 your case number. So it looks like they were done
20 with respect to this.

21 Let me check here real quick. Okay.
22 They were done by the police department, for the

1 police department.

2 JUDGE ALBERS: Okay. Thank you. All right.
3 Thank you for entering those.

4 As far as scheduling then, Mr.
5 McManaman, do you believe you would be able to file
6 an answer to this complaint in a short time?

7 MR. McMANAMAN: I would, Your Honor. I could
8 do it in -- if I could just have 14 days.

9 JUDGE ALBERS: That's fine. That would get us
10 to January 24. And after that -- I don't know how
11 familiar either of you are with the proceedings here,
12 so bear with me for a moment.

13 Typically, the parties file prepared
14 written testimony before the evidentiary hearing and
15 that would include any testimony from any witnesses
16 they would call. And after that -- and that goes for
17 both parties.

18 And after that we would have the
19 evidentiary hearing where counsel for both parties
20 could ask witnesses questions.

21 Do you have any questions about the
22 procedure before we go off the record and discuss

1 dates upon which we would file such testimony?

2 MR. McMANAMAN: I do not, Your Honor.

3 MR. SMITH: I also do not.

4 JUDGE ALBERS: Okay. We will go off the record
5 then to look at our calendars.

6 (Whereupon there was then had an
7 off-the-record discussion.)

8 JUDGE ALBERS: Back on the record. We
9 discussed scheduling, and it appears after today the
10 Respondent could submit his answer by January 24.
11 The Complainant would submit direct testimony for all
12 of its witnesses by February 7. The Respondent would
13 submit rebuttal testimony by February 28, and the
14 Complainant would submit its final round of testimony
15 on March 14.

16 As far as an evidentiary hearing date,
17 we will continue this generally until I receive
18 communications from the two parties as to when at the
19 end of March would be acceptable for them and their
20 witnesses, since we just need to check with some
21 witnesses to confirm their availability.

22 And it is also my understanding that

1 any discovery that would occur would probably take
2 place in the time periods already specified. If
3 there is anything that comes up, please let me know
4 through an appropriate motion.

5 And again, yes, if we do move to
6 evidentiary hearing, having Mr. Sinn and Staggs
7 available for questioning would be appropriate and
8 preferred.

9 Is there anything else for the record
10 today?

11 MR. McMANAMAN: Not from the Respondent, Your
12 Honor.

13 MR. SMITH: Not from the Complainant either.

14 JUDGE ALBERS: All right. Well, thank you
15 both and with that I will continue this matter
16 generally.

17 (Whereupon the hearing in this
18 matter was continued generally.)

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