

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

<b>CARGILL INDUSTRIAL OILS</b>	)	
<b>-vs.</b>	)	<b>06-0501</b>
<b>THE PEOPLES GAS LIGHT AND</b>	)	
<b>COKE COMPANY</b>	)	
	)	
<b>Complaint as to a re-bill to a defective meter</b>	)	
<b>in Chicago, Illinois.</b>	)	

**DIRECT TESTIMONY OF RAYMOND TOLIVER**

**Q.** Please state your full name.

**A.** Raymond Toliver.

**Q.** What is your current position at Cargill?

**A.** Accounting Manager.

**Q.** Were you previously officed at the Cargill plant involved in this matter?

**A.** Yes, currently I am based in Minneapolis with oversight of the Industrial Oils and Lubricants facility in Chicago.

**Q.** Have you had any involvement in the billing issues concerning Peoples Gas Light and Coke Company?

**A.** Yes.

**Q.** Are you aware of the reasons Peoples checked the meter in April 2005?

**A.** Yes. In early 2005, Cargill called Peoples to advise Peoples that there appeared to have been no change in the meter reading from one reading to the next. A technician for Peoples inspected the meter on April 20, 2005 and on April 21, 2005 replaced the equipment. Cargill claims that the apparent lack of any change in meter reading contradicts Peoples's claim that the meter was reading at precisely one-half the actual rate of consumption.

**Q.** What happened next?

**A.** Peoples sent a bill to Cargill seeking to recover alleged under-billing for the time period October 30, 2003 through April 20, 2005 in a total amount of \$260,435.01 in additional billings.

**Q.** What happened after that?

**A.** Cargill objected to that additional billing and, after negotiations and discussions were not productive, filed its complaint.

**Q.** How were you involved in the process?

**A.** I participated in almost all of the discussions between Cargill and Peoples and I filed the complaint.

**Q.** During the course of negotiations, did Peoples ever explain to Cargill its methodology for billing?

**A.** No.

**Q.** Have you seen information in discovery that causes you to question Peoples' position?

**A.** Yes, Peoples has admitted that it is part of its written procedures to check the meter thirty (30) days after installation to be sure that it is recording properly (see Response to Data Request 1.26). Peoples also admitted that that thirty-day inspection was not done (See Response to Data Request 1.39).

**Q.** Have you seen the memo from John Rocchietti to his supervisor at Peoples Gas that is attached as Exhibit A to your testimony?

**A.** Yes, after discovery in this matter.

**Q.** Did you ever see that memo before the Complaint and discovery, while you were discussing the billing issue with Peoples before the Complaint was filed?

**A.** No.

**Q.** So you never saw Rocchietti's comment to the effect that he wished Peoples Management "good luck" in calculating the rebill.

**A.** Not until after the Complaint was filed and discovery started.

Respectfully submitted,

Cargill Industrial Oils  
By: /S/George N. Vurdelja, Jr.  
One of Its Attorneys

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On 10-30-03 meter # bP1920252 was set at 12201 S Torrence Av. On 4-20-05 this meter was discovered to have a malfunction in the gear drive since set date. The gear box was replaced & then this meter went on transportation gas .

On 10-30-03 meter rdgs were Veeder 000000 index 0000000 Corr 0000001 CCF

On 4-21-05 meter rdgs were V-239469 In 0119880 Corr 0300859 CCF

notice veeder & index did not stay together 1 for 1 . the instrument factored an average of 2.512 X the index instead of the Veeder . So the corr reading on 4-21-05 was 0300859 ( 2.51 X 0119880) instad of 601067 ( 2,51 X 239469 ) . this means we under billed approx. 300208 MRD at CCF during the above mentioned time fram.

This is the situation , good luck figuring the billing.If you have any Question s E-mail or call me

J Rocchietti  
962-4853

ENGINEER @  
SITE.  
REQUESTED  
INSPECTION

}	FST →	4/05
	SST-T →	5/05
	JST →	6/05

