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BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
MICHELE DRAYTON)
v) No. 08-0560
PEOPLES GAS LIGHT AND COKE)
COMPANY)
Complaint as to billing/)
charges in Chicago, Illinois.)

Chicago, Illinois

November 18, 2008

Met pursuant to notice at 11:00 a.m.

BEFORE:

MR. JOHN RILEY, Administrative Law Judge.

APPEARANCES:

MS. MICHELE DRAYTON
XXXX XXXXXXXXXXXXXXXX
Chicago, Illinois XXXXX
appeared pro se;

MR. MARK L. GOLDSTEIN
3019 Province Circle
Mundelein, Illinois 60060
appeared for Peoples Gas.

SULLIVAN REPORTING COMPANY, by
Teresann B. Giorgi, CSR

1 JUDGE RILEY: Pursuant to the direction of
2 the Illinois Commerce Commission, I call
3 Docket 08-0560. This is a complaint by Michele
4 Drayton against Peoples Gas as to billing and
5 charges in Chicago, Illinois.

6 And, Ms. Drayton, you are proceeding
7 without counsel at this point, is that correct?

8 MS. DRAYTON: Yes.

9 JUDGE RILEY: I note that you have a post office
10 box listed here. What is the address of the
11 property that you're complaining about?

12 MS. DRAYTON: The address is XXXX XXXXX
13 XXXXXXXXXXX XXXXXX, XXXX, Chicago, XXXXX.

14 JUDGE RILEY: Thank you.

15 MS. DRAYTON: I requested that because I live
16 alone and I just didn't want my address to be
17 public.

18 JUDGE RILEY: Okay. I understand that.

19 MS. DRAYTON: And I did file a formal letter.

20 JUDGE RILEY: All right. And that is where you
21 currently reside at, correct?

22 MS. DRAYTON: Yes. And where this charge is.

1 JUDGE RILEY: All right. Let me get an
2 appearance from counsel here.

3 MR. GOLDSTEIN: On behalf of the Peoples Gas
4 Light and Coke Company, Mark L. Goldstein, 3019
5 Province Circle, Mundelein, Illinois 60060. My
6 telephone number is 847-949-1340.

7 I have with me today Kay Staley of
8 Peoples Gas.

9 JUDGE RILEY: Thank you.

10 And let's go back to the complaint. I
11 notice there's a particular large sum of money it
12 seems at stake here.

13 MS. DRAYTON: Yes.

14 JUDGE RILEY: \$3,340.79.

15 Can you go back to the beginning and
16 kind of give me just a chronological --

17 MS. DRAYTON: Sure. And I also have letters
18 that I sent to Peoples Gas, the Citizens Utility
19 Board and the Illinois Commerce Commission.

20 I kind of typed out some notes. Do
21 you mind if I just read them?

22 JUDGE RILEY: Go ahead.

1 MS. DRAYTON: Okay. After moving into a
2 rehabbed condo unit in September of '07, I paid the
3 initial three bills totally, approximately, \$242 and
4 showing only one meter identified.

5 I made a formal complaint in April
6 after receipt of a bill for, approximately, \$2600
7 with two separate meters identified. After phoning,
8 I found out that Peoples Gas had a mixed meter
9 situation.

10 I made a request in April for a
11 breakdown of the \$2600 bill by phone and by letter,
12 which I have. The bill breakdown didn't arrive
13 until June. The breakdown came in the form of
14 duplicate bills, and I put duplicate bills in quotes
15 because it implies that I had received original
16 bills, which I did not receive. And I'm concerned
17 that the duplicate bills have been used to report
18 negative payment history to the three credit
19 bureaus.

20 Questionable charges subsequent to the
21 \$2600 bill, including a charge for \$427 that was
22 applied and then canceled, make me ask more

1 questions. This occurred even though I subsequently
2 learned through the Citizens Utility Board
3 intervention that an ERT device, which takes
4 accurate readings, supposedly, is installed on my
5 meter. If that is the case, then I'm wondering why
6 would I have a charge applied and then canceled.
7 This occurrence raised questions in my mind about
8 the reasonableness and efficiency of the billing
9 process.

10 My bill charges are extreme compared
11 to those of other residents. I have bills from a
12 neighbor who resides in a similar -- the same
13 1500-square-foot apartment. I work Monday through
14 Friday. I'm out of the house by 7:30. I'm back by
15 6:00 o'clock or later. I don't have any other
16 people residing with me.

17 I have the letters that I sent
18 to --

19 JUDGE RILEY: Okay. We can get to that
20 eventually.

21 MS. DRAYTON: So that's the --

22 JUDGE RILEY: Okay. Now, when did you move into

1 this -- do you own this condominium?

2 MS. DRAYTON: Yes.

3 JUDGE RILEY: And when did you buy it? How long
4 have you lived there?

5 MS. DRAYTON: September 10th, '07, that's when I
6 closed.

7 JUDGE RILEY: And your first bills were how
8 much?

9 MS. DRAYTON: I have that written down.

10 My initial bills were for 22.29 on a
11 bill dated October 29th of '07.

12 JUDGE RILEY: I'm sorry, how much again?

13 MS. DRAYTON: \$22.29.

14 JUDGE RILEY: Okay. These were your gas bills.

15 MS. DRAYTON: Right. And I have the bills.

16 That was on a bill dated 10-29-07.

17 Then a bill for \$67.45 on a bill dated 12-27-07.

18 And then a bill for \$152.15 on a bill dated

19 February 28th, '08. And the meter noted on those

20 bills was P, as in Paul, 2786413.

21 JUDGE RILEY: This is the only meter that has

22 been hooked up to the --

1 MS. DRAYTON: No. On the bill that I received
2 April 4th, states -- so the next bill that I
3 received was a statement showing a charge of \$2,549
4 and identified two meter numbers, the former number
5 ending in 413 and a new number, P2786685.

6 JUDGE RILEY: P2786685.

7 MS. DRAYTON: So after receiving the bill I
8 called Peoples Gas and was told that the meter
9 identified as P276685 (sic) is attached to my
10 apartment.

11 JUDGE RILEY: Did they say anything about the
12 413 meter?

13 MS. DRAYTON: No.

14 JUDGE RILEY: Did you have any notice or --

15 MS. DRAYTON: No, no formal --

16 JUDGE RILEY: Please, let me ask the question.

17 MS. DRAYTON: I'm sorry.

18 JUDGE RILEY: Did you have any notice of any
19 kind that they were going to change the meter?

20 MS. DRAYTON: No.

21 JUDGE RILEY: And when you moved in --

22 MS. DRAYTON: I received the bill that had two

1 meter numbers. My next --

2 JUDGE RILEY: I'm sorry.

3 MS. DRAYTON: I received three bills that had
4 one meter number and the next bill had two meter
5 numbers.

6 JUDGE RILEY: The April 4, '08.

7 MS. DRAYTON: Right.

8 JUDGE RILEY: And your bill spiked
9 considerably --

10 MS. DRAYTON: Yeah.

11 JUDGE RILEY: -- from 152.15 in February to over
12 \$2500 on April 4.

13 MS. DRAYTON: Right.

14 And I was told that that was -- that
15 covered the charges from my correct meter.

16 JUDGE RILEY: What was your correct meter?

17 MS. DRAYTON: My correct meter is -- ends in
18 685.

19 JUDGE RILEY: Right.

20 MS. DRAYTON: But previously I had been billed
21 under 413.

22 JUDGE RILEY: Right, I understand that.

1 Did you ask them what --

2 MS. DRAYTON: Yeah. I called them up and asked
3 what the deal was. And I asked --

4 JUDGE RILEY: What was the correct meter when
5 you were already hooked up to the 413 meter.

6 MS. DRAYTON: Right. I mean, I didn't know. I
7 mean --

8 JUDGE RILEY: And what did they say?

9 MS. DRAYTON: I asked for a breakdown of the
10 charges --

11 JUDGE RILEY: Okay.

12 MS. DRAYTON: -- in April. And I asked for that
13 by phone. And when that got no explanation, I sent
14 a formal letter, which I have copies of.

15 JUDGE RILEY: All right.

16 So you had no knowledge that they were
17 replacing one meter with another or --

18 MS. DRAYTON: No. I did not receive a letter.
19 I mean, it's only because I called. I saw this
20 ridiculous bill and I said, It must be a mistake.

21 JUDGE RILEY: So you're obviously hooked up to
22 two meters as of right now, is that correct?

1 MS. DRAYTON: No. They came out to correct
2 that. The 685 meter is my meter.

3 JUDGE RILEY: Okay. What happened to the 413
4 meter?

5 MS. DRAYTON: That's in an unoccupied unit, I
6 believe. There's two units -- this is a rehabbed
7 condo.

8 JUDGE RILEY: Right.

9 MS. DRAYTON: Four units are occupied and two
10 are unoccupied. So the 413 is the one across from
11 me which is an unoccupied unit.

12 JUDGE RILEY: But you had been hooked up to that
13 previously.

14 MS. DRAYTON: Right. Right. Exactly.

15 JUDGE RILEY: And are you hooked up to that now?

16 MS. DRAYTON: Supposedly not.

17 JUDGE RILEY: Okay. They've diverted that gas
18 back to the --

19 MS. DRAYTON: Well, they checked. They switched
20 the -- the meter numbers were wrong on the device.

21 JUDGE RILEY: Okay. So they had you numbered
22 with the 413 --

1 MS. DRAYTON: Right.

2 JUDGE RILEY: -- meter when they should have
3 numbered you with the 685 --

4 MS. DRAYTON: With the 685, right.

5 JUDGE RILEY: So they've corrected that
6 somewhere along the line.

7 MS. DRAYTON: Yeah. That was corrected, but
8 that was not corrected in April. That was
9 corrected, but I had concerns about the validation
10 of the \$2600 bill.

11 JUDGE RILEY: Okay. Right.

12 But you had been billed for this 413
13 meter from the --

14 MS. DRAYTON: Right, from the beginning.

15 JUDGE RILEY: -- time you moved in.

16 MS. DRAYTON: Right.

17 And mind you, that meter nor the new
18 meter had a starting gauge at zero. And I have the
19 bills to show it.

20 JUDGE RILEY: Do you know when the switch was
21 made to the 685 meter?

22 MS. DRAYTON: Well, I was told when I called in

1 April that my correct meter ended in 685.

2 JUDGE RILEY: Okay.

3 MS. DRAYTON: In April.

4 JUDGE RILEY: But both meters show up on that
5 April bill.

6 MS. DRAYTON: Yes.

7 JUDGE RILEY: And both have gas usage?

8 MS. DRAYTON: Yes, I believe so. Let me check
9 that.

10 Here, this was the high bill that I
11 received (indicating).

12 JUDGE RILEY: Okay.

13 MS. DRAYTON: And I called when I received it,
14 the notes are at the bottom.

15 JUDGE RILEY: This meter here doesn't show any
16 actual usage.

17 MS. DRAYTON: The 413?

18 JUDGE RILEY: The 413, right.

19 MS. DRAYTON: Okay.

20 JUDGE RILEY: There's considerable usage on the
21 275 -- I'm sorry, on the 685.

22 MS. DRAYTON: They backed charge to me for the

1 685 meter.

2 JUDGE RILEY: Right.

3 Let the record reflect that the
4 billing period on this April 4, 2008 bill for meter
5 ending in 685, is from September 13, '07 to
6 March 28, '08, so that's for the whole winter --

7 MS. DRAYTON: Right. I understand that.

8 JUDGE RILEY: -- going back to the previous
9 September.

10 MS. DRAYTON: When I received that bill, again,
11 I asked for a breakdown of -- an itemized breakdown
12 of what my monthly charges were since this is -- I
13 go from \$152 bill to \$2600.

14 JUDGE RILEY: Right.

15 And they were billing you for the
16 whole winter period --

17 MS. DRAYTON: Right.

18 JUDGE RILEY: -- is what it amounts to, even
19 though you had been making payments all along.

20 MS. DRAYTON: Right. I've been making payments
21 all along. And I didn't receive an itemization of
22 the bill until June, which I have those as well, in

1 June.

2 JUDGE RILEY: That was a March -- the billing
3 period ends in March --

4 MS. DRAYTON: March 28, '08.

5 JUDGE RILEY: Mr. Goldstein, what is Peoples'
6 understanding of this?

7 MR. GOLDSTEIN: Well, in essence, Ms. Drayton
8 should have been charged under the 685 meter and she
9 initially was charged under the previous meter,
10 which was that 413 meter. And when the rebilling
11 occurred within the year, which is under
12 Commission's rules, she ended up with a rather large
13 bill.

14 And my discussion with Ms. Staley was,
15 first of all the 685 meter was set at zero when it
16 was placed for her unit.

17 JUDGE RILEY: When was that? What do your
18 records say that was?

19 MR. GOLDSTEIN: Prior to --

20 MS. STALEY: Prior to September 13 --

21 MS. DRAYTON: Well, it wasn't.

22 JUDGE RILEY: Hold on.

1 MR. GOLDSTEIN: What was the date of
2 installation -- I'm sorry, I stand corrected. The
3 other meter -- the meter was actually set at 1137
4 initially and --

5 JUDGE RILEY: Which meter?

6 MR. GOLDSTEIN: The 685.

7 JUDGE RILEY: 685 was 1137.

8 MR. GOLDSTEIN: Yeah.

9 JUDGE RILEY: It began at 1137.

10 MR. GOLDSTEIN: Yes.

11 JUDGE RILEY: What I don't understand is, the
12 413 meter was, by Ms. Drayton's assessment,
13 incorrectly hooked up to her condominium unit.

14 MR. GOLDSTEIN: No, that's where the -- the 685
15 meter is the one that's hooked up to her --

16 JUDGE RILEY: Was 413 hooked up to her
17 condominium unit at --

18 MR. GOLDSTEIN: I guess when they read it, it's
19 what they call a crossed-meter reading.

20 JUDGE RILEY: Well, yeah, but why does it appear
21 on her bill if it wasn't hooked up?

22 MS. STALEY: Somebody entered the readings --

1 when they were working the orders to set the meters,
2 they attached them to the wrong floor location.

3 JUDGE RILEY: This was somebody from Peoples
4 Gas?

5 MS. STALEY: Right.

6 So even though she was being billed to
7 the right meter, when they worked it in our system,
8 they assigned her to another meter in the building
9 and assigned him to her meter. So they were getting
10 bills for each other's gas usage.

11 JUDGE RILEY: So what you're saying is that
12 Ms. Drayton was at all times hooked up to the 685
13 meter, which was the proper meter --

14 MS. STALEY: Yes.

15 JUDGE RILEY: -- but somebody was recording --
16 somebody came out and recorded that she was hooked
17 up to the 413 meter.

18 MS. STALEY: Right.

19 JUDGE RILEY: So it was just a matter of writing
20 down the wrong number --

21 MS. STALEY: Right.

22 JUDGE RILEY: -- as opposed to an actual

1 mechanical hookup --

2 MS. STALEY: Right.

3 JUDGE RILEY: -- that was mistaken.

4 MS. STALEY: Correct.

5 JUDGE RILEY: How then does her bill go from
6 \$152 in February to over \$2500 in April? In other
7 words, why did Peoples Gas go all the way back to
8 September and bill her for that entire winter
9 period -- or rebill her for that entire winter
10 period because she said she's been paying her bills
11 each month as they came in, is that correct?

12 MS. DRAYTON: Uh-hum.

13 JUDGE RILEY: That's what I don't understand.

14 MS. STALEY: Under ICC's guidelines we're able
15 to go back and adjust the customer's account for a
16 crossed-meter situation up to a year from the
17 time --

18 JUDGE RILEY: Say that again.

19 You can go back and adjust --

20 MS. STALEY: A customer's billing for up to a
21 year when there's a crossed-meter situation.

22 JUDGE RILEY: Even if it's Peoples' mistake?

1 MS. STALEY: Yes.

2 JUDGE RILEY: So if she was hooked up to the
3 correct meter all winter long and was paying the
4 bills that came in for that meter, why would Peoples
5 Gas go back and rebill her?

6 MS. STALEY: Because she was paying those under
7 the wrong meter number.

8 JUDGE RILEY: But she paid for the right amount
9 of gas, didn't she?

10 MS. STALEY: On the wrong meter.

11 JUDGE RILEY: But that doesn't make any sense.

12 MS. STALEY: The third floor was using less gas
13 than she was using. They were getting the high
14 bills. She was getting the smaller bills when it
15 should have been the other way around. She should
16 have been getting the larger bills and he was
17 getting the --

18 JUDGE RILEY: I thought -- it was my
19 understanding that her condominium unit was hooked
20 up to the correct meter at all times.

21 MS. STALEY: Physically --

22 JUDGE RILEY: Yes.

1 MS. STALEY: -- it was connected to the right
2 meter, but not in our records. When the service
3 person gave us the meter numbers, he switched the
4 second floor and third floor meter numbers. The
5 third floor was receiving bills based off the meter
6 that was actually for the second floor and then
7 vice versa.

8 MS. DRAYTON: That's not my understanding. My
9 understanding is that the 413 number is the unit
10 directly across from me, which is unoccupied.

11 MS. STALEY: Which would have explained then the
12 lower usage.

13 JUDGE RILEY: So what you are saying then is
14 that even though she was hooked up to the right
15 meter, the fact that there was an administrative
16 mistake and they were writing down the wrong meter
17 number, they were billing her according to the
18 readings on the wrong meter.

19 MS. STALEY: Right.

20 JUDGE RILEY: And so when they found out that
21 mistake, they went back and readjusted her
22 billing --

1 MS. STALEY: Based on the correct meter.

2 JUDGE RILEY: -- based upon the correct meter
3 even though it was Peoples Gas' mistake.

4 MS. STALEY: Right.

5 JUDGE RILEY: And that's how she went from \$152
6 to 2500.

7 MS. STALEY: Right -- well, 152 was just one
8 billing. Actually, she went from 241 --

9 JUDGE RILEY: I know. But the amount of the
10 bills that she has recorded for the winter months --
11 I mean a February '08 bill is in the dead of winter
12 and if that only came to \$152.15 -- and then to
13 correct their mistake, Peoples went back, rebilled
14 her based on the correction of their own mistake and
15 handing her a bill for \$2549.

16 MS. STALEY: Right. From September to March.

17 JUDGE RILEY: And did that take into account any
18 of the money that she had already paid?

19 MS. STALEY: Yes. She received credit for the
20 payments that she made. It shows it on the April 4
21 bill. It shows the previous balance of 152.15. It
22 shows the \$100 payment that she made on the bill.

1 It shows the cancel of the prior billing from
2 9-13 -- it should be 9-13 to 2-28, those bills were
3 canceled. She was given credit for payments of
4 241.89.

5 JUDGE RILEY: And that's all that your records
6 show that she paid for --

7 MS. STALEY: For those -- yes.

8 JUDGE RILEY: -- from September through March?

9 MS. STALEY: February. Yes.

10 JUDGE RILEY: September through February of '08.

11 MS. STALEY: She paid \$241.89.

12 JUDGE RILEY: Does that sound correct?

13 MS. DRAYTON: Uh-hum. It is correct.

14 JUDGE RILEY: Okay.

15 MS. DRAYTON: But I would like, you know, the
16 record to show that again when I received this
17 exorbitant bill I called and immediately asked for a
18 breakdown of what these charges were and I did not
19 get that until June. And I also didn't know, what
20 was the basis of -- since the meter had already run
21 up to a certain number, what was the basis for those
22 duplicate bills being formulated, since it was being

1 done after winter?

2 JUDGE RILEY: Okay. And is it Peoples' position
3 that Ms. Drayton owes the amount that's shown on
4 the --

5 MR. GOLDSTEIN: As of right now it is, Judge.

6 The question that I asked Ms. Staley
7 this morning is whether Peoples could go out and
8 test the meter to make sure that it is recording
9 properly.

10 JUDGE RILEY: All right.

11 MR. GOLDSTEIN: The bills look high to me even
12 for the entire winter season.

13 JUDGE RILEY: All right. Yes.

14 MR. GOLDSTEIN: I don't know the condition of
15 the building, obviously. You know, it's a rehab.
16 Maybe it was not rehabbed in a way that would make
17 it energy efficient. But other than that, I don't
18 know what the condition is. In any event, I think
19 that Peoples ought to go out there, test the meter
20 and make sure that it is recording properly. If it
21 is recording properly, obviously, we'll stand by the
22 bill.

1 MS. DRAYTON: I requested in my formal complaint
2 if it were possible to receive a replacement meter,
3 only because I compared my bills to everyone else in
4 the building including people who reside in the
5 largest units, which is 2800 square feet and their
6 bill came to \$1400. I have that outlined in this
7 letter.

8 JUDGE RILEY: Is that for the same period of
9 time?

10 MS. DRAYTON: For the winter months.

11 And the person who was in my size
12 unit -- there are four units that are 1500 square
13 feet and the highest bill he ever had was 300 and I
14 have his bills.

15 JUDGE RILEY: Okay.

16 MS. DRAYTON: I also have a bill dated Peoples
17 Gas, June 4th, 2008, and April 30th, 2008. So I
18 wrote Peoples Gas immediately when I received this
19 \$2600 bill. And I have those letters as well.

20 You should have it. Ms. Campos had
21 the case.

22 MR. GOLDSTEIN: It's part of the complaint.

1 MS. DRAYTON: Yes. I started writing letters in
2 April.

3 (Short pause.)

4 MS. DRAYTON: And the reason why I asked for a
5 replacement meter is one of your Peoples Gas
6 employees who came out initially, had me turn off
7 everything in the unit, this was after I got the
8 \$2600 bill, and he was looking at the meter gauge
9 and it was still running, it was moving, even though
10 I had nothing on in the house. Nothing was on, no
11 water, no dryer, no stove.

12 Beyond that I've received
13 Disconnection Notices repeatedly, which I think are,
14 you know, threatening.

15 JUDGE RILEY: Are you paying the current amount
16 each month?

17 MS. DRAYTON: Yes. Yes. I have receipts.

18 JUDGE RILEY: Then there should be no basis for
19 them to -- there should be no basis for them to turn
20 off your gas.

21 MS. DRAYTON: And just clarification of -- you
22 know, I found out through the Citizens Board

1 intervention, Utility Board intervention, that I
2 have a device that supposedly makes accurate
3 readings. There was a \$427 charge that was applied
4 and then canceled. I'm like, well, if I have a
5 device that makes accurate readings, why should I
6 even see that? I mean, that just makes me question
7 the integrity of the entire process.

8 MR. GOLDSTEIN: Could we go off the record for a
9 second?

10 JUDGE RILEY: Sure.

11 (Whereupon, a discussion
12 was had off the record.)

13 JUDGE RILEY: What's Peoples Gas' position now?

14 MR. GOLDSTEIN: I think what I'd like to see
15 Peoples Gas do is go out there and test the meter.

16 MS. DRAYTON: How will they test the meter?

17 MR. GOLDSTEIN: They have a device to test it.

18 MS. DRAYTON: Okay.

19 MR. GOLDSTEIN: Every reading that I see on the
20 685 meter is an actual van meter reading, which
21 means, you know, they come by in the truck and they
22 click on --

1 JUDGE RILEY: They use some device on the truck
2 to --

3 MR. GOLDSTEIN: Yeah, because there is an ERT
4 device on the meter and it makes it a very easy
5 actual reading of the meter.

6 The only question I have is whether
7 the meter will test within the Commission's
8 standards.

9 JUDGE RILEY: Is it accurately recording gas
10 flow?

11 MR. GOLDSTEIN: Correct.

12 And so what I propose is that we
13 continue this matter for about 45 days. Let's get
14 somebody out there to actually test the meter.

15 JUDGE RILEY: Now as long as Ms. Drayton is
16 still paying her monthly usage, she's not going to
17 get terminated, is she, because the amount in
18 dispute should not be held against her until there's
19 been a final disposition. She says she's getting
20 Disconnection Notices.

21 MR. GOLDSTEIN: I think she has a small balance.

22 MS. STALEY: She has a small balance carried

1 over.

2 MS. DRAYTON: Right, because I questioned
3 subsequent bills after. I questioned the accuracy
4 of the meter. And so --

5 MS. STALEY: There was one though that was
6 issued after the disputed parts, for 67.45.

7 MR. GOLDSTEIN: Well, you're not going to cut
8 her for that.

9 MS. DRAYTON: I think I have that paid.

10 MR. GOLDSTEIN: Kay, you better put something on
11 there that shows you're not going to cut her.

12 MS. STALEY: I will. No, I will put something
13 on the record, but she does have to maintain the
14 current balance. There's about \$50 that's past due,
15 that's not included in the disputed portion of the
16 bill.

17 MS. DRAYTON: \$50 from when?

18 MS. STALEY: This bill that was issued for
19 service May 28th to June 27th for 62.69. The next
20 bill issued was for 45.73, which you paid. You paid
21 43.88, which was the third bill after the disputed
22 portion. And you paid \$52 on Friday.

1 MS. DRAYTON: Right.

2 MS. STALEY: So the 62.81 has got a partial
3 balance due, and 51.56 is due. The total bill is
4 like \$108 and something. I don't have the exact
5 amount here.

6 MS. DRAYTON: I can make a credit card payment
7 today, if you want, for you.

8 But I think, you know, again, I want
9 to be sure what I'm paying for.

10 JUDGE RILEY: Right.

11 So that's what Peoples next step is is
12 to test that meter. Get someone out.

13 MR. GOLDSTEIN: Correct, Judge.

14 MS. STALEY: Which means she'll get a new meter.

15 JUDGE RILEY: Pardon?

16 MS. STALEY: She would get a new meter at that
17 time.

18 JUDGE RILEY: I'm sorry. She would get a new
19 meter?

20 MS. STALEY: Remove the meter that's there and
21 set a new meter, so we can take the older meter to
22 our city testing area and get it tested.

1 MS. DRAYTON: And then what happens?

2 JUDGE RILEY: That's what I was going to ask
3 you. If the meter tests properly, would the old
4 meter be put back?

5 MS. STALEY: No.

6 JUDGE RILEY: So she's going to get a new meter
7 under any circumstances.

8 MS. STALEY: Right.

9 JUDGE RILEY: Will that be set at all zeros when
10 it's installed?

11 MS. STALEY: I don't know.

12 MR. GOLDSTEIN: Not necessarily.

13 MS. STALEY: If it's a brand-new meter it will
14 be set at zeros, but if it's a meter that's already
15 been out in the field and removed and upgraded and
16 tested, it will be put back.

17 JUDGE RILEY: So it wouldn't be a brand-new
18 meter.

19 MS. STALEY: It may not be a brand-new meter.

20 JUDGE RILEY: It could be a used meter that
21 tested out properly.

22 MS. STALEY: Right.

1 JUDGE RILEY: I see. So it would have whatever
2 reading was on there --

3 MS. STALEY: Right.

4 JUDGE RILEY: -- at the time it was tested --

5 MS. STALEY: Yes.

6 JUDGE RILEY: -- it would be reinstalled and you
7 would be billed from that point. Okay.

8 MS. DRAYTON: Would it be possible to get a new
9 meter?

10 MR. GOLDSTEIN: We don't know.

11 MS. STALEY: I don't know.

12 MS. DRAYTON: I mean, you know, just in case. I
13 mean, if you get a new meter then you won't have to
14 worry about any faultiness of a used meter.

15 MS. STALEY: Well, the used meters are tested
16 thoroughly before they're placed in another
17 residence.

18 MS. DRAYTON: But I'm sure this meter that I had
19 was tested as well before this problem arised.

20 JUDGE RILEY: Could something have happened to
21 it in the meantime?

22 MR. GOLDSTEIN: Unfortunately, Judge, you know,

1 Ms. Drayton may have a good point, but the placement
2 of the meters is way beyond our control.

3 JUDGE RILEY: Okay.

4 MR. GOLDSTEIN: We just can't do anything about
5 that. We can order tests. We can have tests made.
6 You can have a different meter put in there, but
7 where it comes from, we can't control that.

8 JUDGE RILEY: If Ms. Drayton brings her account
9 up to date, she will have -- as long as she meets
10 her monthly payments, she will have heat in time of
11 the winter.

12 MS. STALEY: Oh, yes.

13 MR. GOLDSTEIN: Absolutely.

14 JUDGE RILEY: All right. So there won't be any
15 more issues of Disconnection Notices.

16 MR. GOLDSTEIN: Correct.

17 JUDGE RILEY: Let's get the meter tested.

18 And, Mr. Goldstein, you suggested
19 going to after the 1st of the year then --

20 MR. GOLDSTEIN: Right.

21 JUDGE RILEY: -- before we reconvene.

22 MS. DRAYTON: We can't get this rectified before

1 the end of the year?

2 JUDGE RILEY: Well, under any circumstances it
3 would have to be rectified by the Commission and
4 there's no way that I can get an order to the
5 Commission before the end of the year.

6 MS. DRAYTON: Okay.

7 JUDGE RILEY: They only meet twice a month.

8 MS. DRAYTON: I'm taking time from work.

9 JUDGE RILEY: I understand that.

10 MS. DRAYTON: The site visits that were made, I
11 took time from work.

12 JUDGE RILEY: Right.

13 Well, today is the 18th -- okay, we're
14 on the record, let's --

15 MR. GOLDSTEIN: I'm sorry.

16 JUDGE RILEY: What date were you looking at,
17 Mr. Goldstein, the first week in January?

18 MR. GOLDSTEIN: That's fine.

19 JUDGE RILEY: All right. Why don't we make it
20 the 6th.

21 MS. DRAYTON: What day is that?

22 JUDGE RILEY: That's a Tuesday.

1 And what I was going to suggest, as
2 long -- this is going to be for a status. It won't
3 be for a hearing. We're going to assess the -- or
4 should we make it for a hearing?

5 MS. DRAYTON: What is a status?

6 JUDGE RILEY: A status is just --

7 MS. DRAYTON: That the tests were done and
8 whatever?

9 JUDGE RILEY: That the meter tested properly or
10 it didn't test properly.

11 MR. GOLDSTEIN: Right.

12 JUDGE RILEY: That's what's going to come out of
13 that.

14 MR. GOLDSTEIN: I think we ought to set it for
15 the actual evidentiary hearing. We'll have the
16 meter tested by then, the results will be known.
17 They'll be forwarded to Ms. Drayton. I will be in
18 contact with Ms. Drayton to discuss the billing and
19 where I think it's at and she can either accept or
20 reject whatever I say. I don't know what's going to
21 happen, but. . .

22 JUDGE RILEY: All right. Let's get the meter

1 tested first.

2 MR. GOLDSTEIN: Absolutely.

3 MS. DRAYTON: Now, what is an evidentiary
4 hearing?

5 JUDGE RILEY: That is where you would come back
6 with -- in terms of a courtroom proceeding. You
7 will be in a conference room like this with me,
8 Mr. Goldstein, the witness and you. And --

9 MS. DRAYTON: Who is the witness?

10 MR. GOLDSTEIN: It's going to be Ms. Staley and
11 probably the person who is going to test the meter.

12 MS. DRAYTON: Okay.

13 JUDGE RILEY: And then you come in with all of
14 your documentary evidence and any testimonial
15 evidence that you would have, anyone that could
16 testify on your behalf, that can support your
17 case.

18 MS. DRAYTON: Okay. How would I go about
19 requesting if I wanted a Peoples Gas employee who
20 came out to my meter (sic) to testify, or would
21 that be just a ridiculous request?

22 JUDGE RILEY: No. Do you know the name

1 of --

2 MS. DRAYTON: Yes. It was originally in my
3 letters. Yeah.

4 JUDGE RILEY: You could make that request
5 through Peoples Gas.

6 MR. GOLDSTEIN: Who was the individual?

7 MS. DRAYTON: Can I share that with him
8 now?

9 JUDGE RILEY: Certainly.

10 MS. DRAYTON: His name was Darrick Robinson.

11 MR. GOLDSTEIN: Darrick Robinson?

12 MS. DRAYTON: Yeah. He spelled it with an "a"
13 and two "r's."

14 JUDGE RILEY: D-a-r-i-k?

15 MS. DRAYTON: I-c-k.

16 JUDGE RILEY: D-a-r-r-i-c-k.

17 MS. DRAYTON: Robinson.

18 JUDGE RILEY: But I would add, that as the
19 Complainant it would be your burden to go forward
20 first with your evidence, and I would swear you in
21 and you would simply render the testimony of all of
22 the things that you've said and done with Peoples

1 Gas and then any documentary evidence you would
2 offer to me for evidence, and you provide copies to
3 Mr. Goldstein.

4 MS. DRAYTON: Can I go off the record for a
5 second here and ask a question?

6 MR. GOLDSTEIN: Sure.

7 JUDGE RILEY: Sure.

8 MS. DRAYTON: Are we off the record?

9 JUDGE RILEY: Yes.

10 (Whereupon, a discussion
11 was had off the record.)

12 JUDGE RILEY: We'll go back on the record.

13 That's where we are right now then.
14 Peoples is going to send someone out to test the
15 meter at Apartment 2N -- or Condo Unit 2N. And you
16 will communicate the results of that test to
17 Ms. Drayton?

18 MR. GOLDSTEIN: Yes, I will, Judge.

19 MS. DRAYTON: And I request that I be advised
20 about this visit early enough so I can schedule time
21 off work.

22 JUDGE RILEY: To be there for the test itself.

1 MS. DRAYTON: Right.

2 JUDGE RILEY: Now, will they test the item on
3 site or will they remove it?

4 MS. STALEY: They remove the meter and take it
5 to a meter testing facility.

6 MS. DRAYTON: I still would have to be there,
7 right?

8 MR. GOLDSTEIN: You certainly have a right to be
9 there.

10 MS. STALEY: We need to schedule the order to
11 test the meter with you.

12 MR. GOLDSTEIN: So you will be notified of the
13 change and you'll just --

14 MS. DRAYTON: The meters are in a locked
15 basement.

16 MS. STALEY: What I will do is coordinate an
17 appointment with you with one of our service
18 specialists and we'll give you a specific time and
19 date to change the meter.

20 JUDGE RILEY: All right. That's what she's
21 asked for.

22 MS. DRAYTON: In advance of -- so I can tell

1 work --

2 JUDGE RILEY: You'll get some notice --

3 MS. DRAYTON: I have to give notice to my job.

4 MS. STALEY: Right. I've got to give at least
5 two days' notice myself.

6 MS. DRAYTON: I need to give more than a two-day
7 notice.

8 JUDGE RILEY: All right.

9 MR. GOLDSTEIN: Do you have her phone number?

10 MS. STALEY: I just have to make sure I have a
11 good daytime phone number for you.

12 MR. GOLDSTEIN: What time will the hearing be
13 on --

14 JUDGE RILEY: 10:00 a.m.

15 MS. DRAYTON: 10:00 a.m.

16 JUDGE RILEY: January 6th.

17 MS. DRAYTON: Will I expect new evidence beyond
18 the meter reading? The results of the meter reading
19 will be produced?

20 JUDGE RILEY: I think it would just be the test
21 results, would be the only thing they would
22 introduce into -- would be one of the things they

1 introduce into evidence.

2 MS. STALEY: We would also show that there was
3 an actual meter reading taken that would be in line
4 or not in line with the van readings that have been
5 taken.

6 JUDGE RILEY: All right.

7 MS. DRAYTON: What are the van readings?

8 MS. STALEY: Van reading is another word for
9 ERT.

10 MS. DRAYTON: Okay.

11 MS. STALEY: We call them "van readings," the
12 same thing.

13 JUDGE RILEY: ERT stands for Electronic Reading
14 something.

15 MS. STALEY: Track or something, Tracking.

16 MS. DRAYTON: And this allows accurate
17 measurements to be taken externally.

18 MS. STALEY: Yes. But it appears on your bill
19 as a van reading.

20 MS. DRAYTON: So when I see "actual" that means
21 that it was taken --

22 MS. STALEY: Physically meter read. Physically

1 read by a meter reader, which is actual.

2 MS. DRAYTON: I'm confused.

3 And actual meter reading would occur
4 using this device? Would they have to actually go
5 to my meter and take a reading?

6 MS. STALEY: If your bill shows as an actual
7 meter reading that means we physically read the
8 meter. If it shows it was a van reading, it means
9 the electronic -- we took the reading off the
10 electronic device.

11 JUDGE RILEY: So it would say, actual, van or
12 estimate.

13 MS. STALEY: Right.

14 JUDGE RILEY: Depending on which type of the
15 three readings were taken.

16 MS. STALEY: Right.

17 MS. DRAYTON: Okay.

18 MR. GOLDSTEIN: Obviously, for Ms. Drayton's
19 purposes, we would be placing into the record more
20 than just the van reading.

21 JUDGE RILEY: I understand that.

22 MS. DRAYTON: Just so I'm clear, this physical

1 person came in to look at this reading, correct,
2 "current actual"?

3 MS. STALEY: That would have been on the old
4 meter not the new meter.

5 MS. DRAYTON: Well, this is the new meter, 685.
6 "Current actual," does that mean a physical person
7 was there?

8 MS. STALEY: Yes.

9 MS. DRAYTON: And so this previous estimate
10 means what?

11 MS. STALEY: That there was no reading
12 available.

13 MS. DRAYTON: So that was a van reading?

14 MS. STALEY: No, it was an estimated reading,
15 meaning it was an educated guess.

16 MS. DRAYTON: How are the educated guesses made?

17 MS. STALEY: Based on the readings that were
18 taken before and after that reading.

19 Say, for example, we read the meter
20 electronically on January 1st and we read it again
21 on February 1st and the customer moved out on
22 January 15th, we have to prorate a bill. Since we

1 don't have a reading from January 15th, we have to
2 estimate a reading based on the readings we already
3 had in the file.

4 MS. DRAYTON: So where on these bills does it
5 show that I had a van reading? Because all of them
6 say "current actual" or "estimate." Where does it
7 say "van."

8 MR. GOLDSTEIN: It doesn't say "van," not on the
9 bills.

10 MS. DRAYTON: Well, how would I know how the
11 measurement is being taken?

12 MR. GOLDSTEIN: My understanding is that if the
13 reading of your meter is taken remotely from a van,
14 it goes down the street, and it's taken based on the
15 ERT device, that's an actual reading.

16 MS. DRAYTON: Okay. So no one is physically
17 inside my building.

18 MR. GOLDSTEIN: Right.

19 And when you see "actual" as opposed
20 to "van," which we're talking about, that means that
21 somebody is actually looking at that meter in your
22 building. In both instances they are actual

1 readings.

2 MS. DRAYTON: Okay, so that I'm clear, a
3 physical person there or if it's a van reading,
4 that's actual.

5 MR. GOLDSTEIN: It's actual.

6 Estimated readings are where they have
7 not made either an actual read or a van read.

8 MS. STALEY: The only way you'll know for sure
9 if it was a van or actual reading is if you called
10 us and asked us. On the transcript it will show the
11 van readings that were taken.

12 MS. DRAYTON: How would I know that even existed
13 based on what I receive each month?

14 MS. STALEY: You would have found that out
15 through -- obviously, you found it out through the
16 course of your complaint, you found out we were
17 reading the meter electronically. I don't know that
18 there's any other way you would know that it was a
19 van reading.

20 MR. GOLDSTEIN: I think we've gone as far as we
21 can this morning, your Honor, as far as we're
22 concerned.

1 JUDGE RILEY: Do you have any further questions,
2 because these are all very good questions to ask at
3 hearing too.

4 MS. DRAYTON: Do I get a transcript of this?

5 JUDGE RILEY: It will be posted on the
6 Commission Web site. It is a public document.

7 MS. DRAYTON: Okay. When will it be posted?

8 JUDGE RILEY: About two weeks, roughly.

9 Let's go off the record about one
10 thing.

11 (Whereupon, a discussion
12 was had off the record.)

13 JUDGE RILEY: Back on the record.

14 And Ms. Drayton has requested that her
15 address be kept confidential.

16 Mr. Goldstein, do you have any
17 objection to that?

18 MR. GOLDSTEIN: I have no objection.

19 JUDGE RILEY: All right. By whatever -- your
20 motion is granted.

21 And by whatever means, please keep the
22 address confidential.

1 MR. GOLDSTEIN: (Indicating.)

2 JUDGE RILEY: And I have a copy of the
3 written motion that was submitted by the
4 Complainant.

5 MS. DRAYTON: Is that the motion?

6 MR. GOLDSTEIN: Yes. A copy of it.

7 JUDGE RILEY: That includes the home address and
8 telephone number.

9 MS. DRAYTON: Right.

10 JUDGE RILEY: All right. Then the next step is
11 for Peoples Gas to test the meter and let the
12 Complainant know what the results are. And based
13 upon that we will aim for a hearing on January 6th
14 at 10:00 a.m.

15 MS. DRAYTON: Now, Mr. Robinson, is it my
16 responsibility to locate him?

17 MR. GOLDSTEIN: It's our responsibility. I
18 don't have a directory of the employees sitting
19 here. I can't tell you if he's still employed there
20 or not.

21 JUDGE RILEY: All right. Then find out and see
22 what happens.

1 All right, then, we will reconvene on
2 January 6th at 10:00 a.m. for hearing.

3 Thank you very much.

4 MR. GOLDSTEIN: Thank you, Judge.

5 MS. DRAYTON: Thank you.

6 (Whereupon, the above-entitled
7 matter was continued to
8 January 6, 2009.)

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