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BEFORE THE
ILLINOIS COMMERCE COMMISSION

JIM FISHER) DOCKET NO.
) 08-0509
-vs-)
)
CENTRAL ILLINOIS LIGHT COMPANY)
d/b/a AmerenCILCO)
)
Complaint as to billing/charges in)
Peoria, Illinois.)

Springfield, Illinois
Tuesday, January 13, 2009

Met, pursuant to notice, at 9:00 a.m.

BEFORE:

MS. LISA TAPIA, Administrative Law Judge

APPEARANCES:

MR. JIM FISHER
Post Office Box 441
Hudson, Illinois 61748
Ph. (309) 726-1524
E-mail: jjfisher4@msn.com

(Appearing pro se via
teleconference)

SULLIVAN REPORTING COMPANY, by
Carla J. Boehl, Reporter
Ln. #084-002710

1 APPEARANCES: (Continued)

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3 Corporate Counsel
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6 St. Louis, Missouri 63166
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10 (Appearing on behalf of
11 Respondent via teleconference)

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I N D E X

WITNESS

DIRECT

CROSS

REDIRECT

RECROSS

None .

EXHIBITS

MARKED

ADMITTED

None .

1 MR. FISHER: My name is Jim Fisher. My
2 telephone number is area code 306 -- I am sorry,
3 (309) 726-1524. My address is Post Office Box 441,
4 Hudson, Illinois 61748. My e-mail address is
5 jjfisher4@msn.com.

6 JUDGE TAPIA: Thank you. Let the record
7 reflect that there are no others wishing to enter an
8 appearance. Ms. Spinner is here present as an
9 observer.

10 I will note for the record that on
11 October 29, 2008, a prehearing conference was held.
12 The complainant Mr. Fisher, along with Mr. Tomc, also
13 Ms. Spinner, was present at the time. The parties
14 agreed to the schedule the Respondent would file its
15 answer on November 10 of 2008, which was filed
16 timely. The Complainant, however, failed to file his
17 direct by December 5.

18 Mr. Fisher, could you respond as to
19 why you did not file your direct testimony?

20 MR. FISHER: Again, I seek forgiveness of the
21 Court. There was an event that was going on in the
22 month of December that distracted me, and it took a

1 great deal of my time trying to resolve.

2 JUDGE TAPIA: Okay. Thank you, Mr. Fisher.

3 But let me just say that, again, Mr. Fisher, that you
4 are held to the same standard as opposing counsel.

5 And if that becomes -- there is something, you can
6 always file a motion for an extension and I would be
7 glad to approve that.

8 MR. FISHER: Yes, Your Honor, I understand and
9 I ask forgiveness of the Court.

10 JUDGE TAPIA: Okay. So, Mr. Tomc or
11 Mr. Fisher, whoever would like to respond, there is a
12 schedule that you guys have been discussing to revise
13 the schedule?

14 MR. TOMC: Your Honor, we hadn't actually
15 gotten to the point about talking about dates yet. I
16 did speak with Mr. Fisher. We don't have an
17 objection to him submitting his direct testimony and
18 revising the schedule, and we will be amenable to
19 that. I guess at this point I would just ask at what
20 point can Mr. Fisher be prepared to file direct
21 testimony.

22 JUDGE TAPIA: Okay. Mr. Fisher, your response?

1 MR. FISHER: The burden is on me and I will set
2 something, if it is okay with Mr. Tomc, within the
3 next couple of weeks, if that's okay.

4 JUDGE TAPIA: Okay. Mr. Tomc, what do you
5 recommend as far as dates go?

6 MR. TOMC: I would suggest -- let's see, today
7 is the 13th. Could Mr. Fisher have his -- I will ask
8 him, would he be able to have his testimony submitted
9 by Friday, January 23?

10 MR. FISHER: Friday, 23rd, yes, I can do that.

11 JUDGE TAPIA: Okay. And then your direct
12 testimony, Mr. Tomc, would be --

13 MR. TOMC: We would then be able to file our
14 direct testimony by Friday, February 6.

15 JUDGE TAPIA: Okay. And then rebuttal,
16 Mr. Fisher, in response to Mr. Tomc's direct
17 testimony?

18 MR. FISHER: Give me two weeks? I don't have a
19 calendar in front of me.

20 MR. TOMC: Two weeks from February 6 would be
21 February 20.

22 JUDGE TAPIA: Okay, February 20. And the

1 evidentiary hearing?

2 MR. FISHER: May I ask a question of Mr. Tomc?
3 And, again, we started discussing this a little bit
4 about the process of discovery. He has given me his
5 address. I can proceed with that. If I am asking
6 for records of AmerenCILCO, is that two weeks enough
7 time, Mr. Tomc?

8 MR. TOMC: Let's see. If you could have your
9 questions to me by, not this coming Friday, but the
10 next Friday which is January 16?

11 MR. FISHER: 16th of January.

12 MR. TOMC: Assuming you are not asking for, you
13 know, voluminous records which I don't think would be
14 warranted by this case, I could send back to you
15 records by e-mail by the 23rd.

16 MR. FISHER: That would be terrific.

17 MR. TOMC: By our best efforts. But I will say
18 that I would really highly encourage you to send that
19 request to me before the 16th.

20 MR. FISHER: I will do so. I promise, let's
21 see, I will do so by Thursday, the day after
22 tomorrow.

1 JUDGE TAPIA: Okay. Is that -- okay. That's
2 fine. And the evidentiary hearing, Mr. Tomc, do you
3 have a date that you recommend, or Mr. Fisher?

4 MR. FISHER: I will be at Mr. Tomc's mercy
5 because I am the one who let --

6 JUDGE TAPIA: What is your recommendation,
7 Mr. Tomc?

8 MR. TOMC: Your Honor, just a moment. I am
9 looking at my calendar here. I would suggest a date
10 of Monday, March 16. Does that work for you, Your
11 Honor?

12 JUDGE TAPIA: Yes. Mr. Fisher, does that work
13 for you?

14 MR. FISHER: Yes, I will accept that.

15 JUDGE TAPIA: Okay. The evidentiary hearing
16 will begin at 9:00 a.m. Does that fit your schedule,
17 Mr. Tomc?

18 MR. TOMC: Yes, Your Honor.

19 MR. FISHER: Does that require presence there
20 in Springfield?

21 JUDGE TAPIA: Yes.

22 MR. FISHER: Okay, good, good. All right.

1 That's good for me.

2 JUDGE TAPIA: Okay. Anything else, Mr. Tomc or
3 Mr. Fisher?

4 MR. TOMC: I do have one thing. On the
5 discovery, you know, I do want to offer an expedited
6 schedule here, given that we have kind of a late
7 start. So I am amenable to trying to turn around
8 data requests pretty quickly.

9 JUDGE TAPIA: Right.

10 MR. TOMC: I would just ask Mr. Fisher please
11 send them by e-mail. If I get them by letter, I
12 probably won't get them in time to send you a timely
13 response.

14 MR. FISHER: And I will note that I will send
15 you an e-mail at this address and then write those
16 requests out to you and send them to you by actually
17 this Thursday.

18 MR. TOMC: Okay. I appreciate that.

19 JUDGE TAPIA: Thank you, Mr. Fisher. Thank
20 you, Mr. Tomc.

21 So the new schedule that has been set,
22 the Plaintiff direct testimony will be due on January

1 23, 2009.

2 The Respondent's direct testimony will
3 be due February 6, 2009.

4 Complainant's rebuttal will be due
5 February 20, 2009.

6 The evidentiary hearing will be held
7 on March 16, 2009, at 9:00 a.m.

8 The schedule will be on e-Docket. It
9 will be revised. And, Mr. Fisher -- Mr. Tomc is very
10 familiar how this works. Mr. Fisher, if you forget
11 the deadlines, just go on e-Docket and go to the
12 schedule and it will be listed there.

13 MR. FISHER: E-Docket. That was my next
14 question, Your Honor. Where am I sending -- what
15 address should I use?

16 JUDGE TAPIA: I am sorry. What address you
17 should use for?

18 MR. FISHER: For sending my testimony.

19 JUDGE TAPIA: Well, call the Clerk's office and
20 they will kind of walk you through how to file on
21 e-Docket.

22 MR. FISHER: Oh, okay.

1 JUDGE TAPIA: And they will tell you how you
2 need to do that and make sure that you notice, of
3 course, Mr. Tomc everything that you file, and
4 myself.

5 MR. FISHER: Okay. All right. I can do that.

6 JUDGE TAPIA: Anything else, Mr. Tomc?
7 Anything you would like to be part of the record?

8 MR. TOMC: I have nothing further, Your Honor.

9 JUDGE TAPIA: Thank you. Mr. Fisher, anything
10 that you want part of the record?

11 MR. FISHER: I have nothing further.

12 JUDGE TAPIA: Okay. Then we will go ahead and
13 continue this case until March 16, 2009.

14 (Whereupon the hearing in this
15 matter was continued until March
16 16, 2009, at 9:00 a.m. in
17 Springfield, Illinois.)

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