

1 APPEARANCES (cont.):

2 MR. MARK L. GOLDSTEIN
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5 (847) 949-1340
6 for the respondent.

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I N D E X

<u>Witnesses:</u>	<u>Direct</u>	<u>Cross</u>	<u>Re- direct</u>	<u>Re- cross</u>	<u>By Examiner</u>
J. Wichert	15	29			31
		32			
S. Barragan	35	45	63		51
		58			59
		61			62
					64

E X H I B I T S

<u>Number</u>	<u>For Identification</u>	<u>In Evidence</u>
Compl. 1-16	10	34
Resp. 1-7	10	45

1 (Whereupon, Complainant's
2 Exhibit Nos. 1-16 were marked
3 for identification.)

4 (Whereupon, Respondent's
5 Exhibit Nos. 1-7 were marked
6 for identification.)

7 JUDGE BENN: Pursuant to the direction of the
8 Illinois Commerce Commission, I now call Docket
9 No. 08-0576. This is John Wichert versus Peoples
10 Gas, Light and Coke Company, complaint as to billing
11 and charges in Chicago, Illinois.

12 I'll ask the parties to enter their
13 appearances for the record starting with the
14 complainant, Mr. Wichert. Please state your name and
15 address for the record.

16 MR. WICHERT: My name is John Wichert. I live
17 at 115 East Lincoln, Seneca, Illinois.

18 JUDGE BENN: Okay. Counsel.

19 MR. GOLDSTEIN: On behalf of the Peoples Gas,
20 Light and Coke Company, Mark L. Goldstein,
21 3019 Province Circle, Mundelein, Illinois, 60060. My
22 telephone number is (847) 949-1340. I have with me

1 today Soledad Barragan and Teresa Barragan of Peoples
2 Gas.

3 JUDGE BENN: Teresa Barragan?

4 MS. TERESA BARRAGAN: Yes.

5 JUDGE BENN: Today the matter has been set for
6 evidentiary hearing. For the benefit of Mr. Wichert,
7 I'm going to explain what happens in the proceedings.

8 Today is the day that you will be
9 allowed to introduce your case before the Commission
10 via me, the ALJ. You will be given an opportunity to
11 testify on your own behalf as well as to admit
12 certain exhibits that you brought with you today into
13 the record.

14 In addition, you'll have an
15 opportunity to cross-examine Counsel's witness.
16 While you are giving your case in chief,
17 Mr. Goldstein will have an opportunity to ask you
18 questions in cross-examination as well. His side
19 will also be given an opportunity to admit any
20 evidence and testimony that they have in support of
21 their position.

22 Once the case is heard, it's marked

1 heard and taken; and I take everything into account,
2 all exhibits and testimony. Once I receive a
3 transcript, I will prepare what's called a proposed
4 order that will be mailed to both parties, and you'll
5 be given certain deadlines called briefs on
6 exceptions and reply briefs on exceptions. During
7 that time, that will be your opportunity to respond
8 to the proposed order with any changes or objections
9 that you might have.

10 I wanted you to understand that the
11 Commission makes the final decision; I only make a
12 recommendation based on what I hear today.

13 With that being said, do you have any
14 questions before you go ahead and proceed with your
15 case?

16 MR. WICHERT: The Commission is a separate
17 entity than from Peoples Gas or anybody else?

18 JUDGE BENN: Yes, the Commission is
19 independent. It's a State agency.

20 MR. WICHERT: It does not answer to anybody; it
21 answers to the City?

22 JUDGE BENN: It's a State agency independent of

1 any utility company. Okay?

2 MR. WICHERT: Okay.

3 JUDGE BENN: With that being said, I'm going to
4 swear you in.

5 (Witness sworn.)

6 JUDGE BENN: I'm going to ask you to give a
7 brief opening statement which would only be a
8 highlight of the issues that you're bringing in your
9 complaint today. I don't want you to get into
10 lengthy testimony about the underlying complaint.
11 And then I'll turn to Counsel for his opening. Okay?

12 MR. WICHERT: Okay.

13 JUDGE BENN: Okay. Go ahead.

14 What is your complaint about?

15 MR. WICHERT: My complaint is that I'm being
16 charged for gas in a house that I owned, and I sold
17 the house in 2004. I was not aware that the gas was
18 in my name.

19 JUDGE BENN: Okay. And what residence is that,
20 please?

21 MR. WICHERT: What?

22 JUDGE BENN: Which property is that that you

1 sold?

2 MR. WICHERT: 6940 South Wallace.

3 JUDGE BENN: Okay.

4 MR. WICHERT: I sold it in 2004. The bills
5 that I received are from 2005 up. And since then
6 it's been a mark -- the way I found out about it was
7 there's a mark against my credit when I applied for a
8 loan for a car.

9 JUDGE BENN: Okay. So you discovered an
10 adverse credit history, negative credit history?

11 MR. WICHERT: That's basically what my summary
12 would be.

13 JUDGE BENN: Okay. Mr. Goldstein.

14 MR. GOLDSTEIN: In brief summary, Judge,
15 Mr. Wichert was the customer of record at 6940 South
16 Wallace for the period in question, and he's
17 responsible for the bill -- bills. I'm sorry.

18 JUDGE BENN: And what time frame are you
19 stating he's responsible for?

20 MR. GOLDSTEIN: I believe the time frame is
21 from April of 2005 to February 2006, approximately.

22 JUDGE BENN: And what is the disputed amount at

1 this point?

2 MR. GOLDSTEIN: The disputed amount is
3 \$1,402.93.

4 JUDGE BENN: That's as of today?

5 MR. GOLDSTEIN: Yes.

6 JUDGE BENN: Okay. Mr. Wichert, I'm going to
7 ask you to start with your case in chief. So I'd
8 like for you to explain -- and you can go along and
9 point to the exhibits you're using as we go along so
10 I can follow along with your argument.

11 So would you please start at the
12 beginning which, I guess, would be when you sold the
13 home or how you came about to sell the property in
14 question.

15 JOHN WICHERT,
16 called as a witness herein, having been first duly
17 sworn, was examined and testified in the narrative as
18 follows:

19 DIRECT TESTIMONY

20 OF

21 MR. JOHN WICHERT:

22 I sold the home in August of 2004 to the

1 son of the tenant that was living in the house. It
2 was just a single-family house. And I thought
3 everything was just fine. I mean, he was buying a
4 house for his mother; I was getting out of the
5 property business because I had moved out to the
6 country.

7 JUDGE BENN: Okay.

8 MR. WICHERT: And I thought all was well. I
9 applied for a loan in 2008, and then I found out I
10 had a credit mark against me for an outstanding bill.

11 JUDGE BENN: Before that, you weren't aware of
12 the existence of the outstanding Peoples Gas bill?

13 MR. WICHERT: Not that I can recollect.

14 JUDGE BENN: Did you ever live in --

15 MR. WICHERT: 6940 South Wallace? No. It was
16 rental property only.

17 JUDGE BENN: Who did you sell it to?

18 MR. WICHERT: Shane Lundy. His phone number is
19 on the first page.

20 JUDGE BENN: Okay. And you're referring to
21 Exhibit 1 of your --

22 MR. WICHERT: Yes.

1 JUDGE BENN: -- of your exhibits today? You're
2 referring to Exhibit 1.

3 MR. WICHERT: Okay. This is Exhibit 1.

4 When I first found out about the
5 billing problem, I sent a letter to Peoples Gas
6 trying to explain to them that I no longer owned the
7 property and that I didn't own it since 2004. I sent
8 along a title -- change of title or sale of title,
9 however you want to call it, and I thought it would
10 be over.

11 JUDGE BENN: Okay. When did you send the
12 letter and the change in title?

13 MR. WICHERT: I'm thinking it was July.

14 JUDGE BENN: July of 2008?

15 MR. WICHERT: Yes.

16 JUDGE BENN: And who did you send it to or what
17 department, do you know?

18 MR. WICHERT: No. I don't remember what
19 department I sent it to.

20 JUDGE BENN: Okay. So in July 2008 after you
21 sent that, did you get any contact back from Peoples
22 Gas?

1 MR. WICHERT: I called up Peoples Gas. They
2 referred me to Bill Hendrickson on Page 2.

3 JUDGE BENN: Okay. And this Exhibit 2, could
4 you describe what this is?

5 MR. WICHERT: This is notes that I took as I
6 was talking to the people at Peoples Gas, Bill
7 Hendrickson, who was supposed to be the so-called
8 solution solver. When I finally did get
9 acknowledgment from him, it was on 8/28 and he said
10 no change in status.

11 JUDGE BENN: And what did you take "no change
12 in status" to mean?

13 MR. WICHERT: That they were still trying to
14 bill me.

15 JUDGE BENN: Okay. And did you take another
16 course of action after the August 2008 --

17 MR. WICHERT: I asked them what my options
18 were, and they said I could call Tara -- Tarsa, a
19 solution specialist with Peoples Gas, which is also
20 on Page 2. She referred me to ICC.

21 JUDGE BENN: Okay. And then subsequent to --
22 so you did speak with Tara --

1 MR. WICHERT: Yes, I did.

2 JUDGE BENN: -- Teresa?

3 And after you spoke with Teresa, is
4 that when you went to the ICC?

5 MR. WICHERT: No. I sent a letter to customer
6 care contesting the bill.

7 JUDGE BENN: Okay. Do you have a copy of that
8 letter?

9 MR. WICHERT: That's on Page 3.

10 JUDGE BENN: Okay. So is that the second page
11 of Exhibit 2?

12 MR. WICHERT: Yes.

13 JUDGE BENN: Is this the actual letter that you
14 sent?

15 MR. WICHERT: I have the original. That's just
16 a copy.

17 JUDGE BENN: This is a copy of it?

18 MR. WICHERT: Yes.

19 JUDGE BENN: So you sent this letter?

20 MR. WICHERT: It was a fax. It was a
21 facsimile.

22 JUDGE BENN: Okay. And you faxed it to Teresa

1 or Tarsa?

2 MR. WICHERT: I believe so. I don't have the
3 original page. The cover sheet page I don't have
4 anymore.

5 JUDGE BENN: Okay. Was there any response or
6 results from the fax?

7 MR. WICHERT: I was informed that there was
8 going to be no change and I could call ICC. But if I
9 called ICC, it was out of their hands. They would no
10 longer communicate with me because it would be a
11 matter of ICC.

12 JUDGE BENN: Okay. Okay. Now, going back to
13 the sale of the property, was this a formal sale of
14 the property with a sales contract with realtors
15 involved?

16 MR. WICHERT: I have the title transfer. It
17 would be Page 6, but there's two pages you're
18 removing because that's the official complaint so...

19 JUDGE BENN: Okay. So you're talking about
20 Exhibit 5?

21 MR. WICHERT: Exhibit 5, Illinois Title --
22 Greater Illinois Title Company.

1 JUDGE BENN: Okay. And so this is your
2 settlement statement or purports to be your
3 settlement statement for transferring the house from
4 yourself to -- selling the house to Mr. Lundy?

5 MR. WICHERT: Yes.

6 JUDGE BENN: And Yulonda Lundy?

7 MR. WICHERT: Yes. That was his wife.

8 JUDGE BENN: Okay. But that's not who lived in
9 the home?

10 MR. WICHERT: No.

11 JUDGE BENN: Okay. Who lived in the home?

12 MR. WICHERT: Rita Lundy was the mother.

13 JUDGE BENN: Okay. And prior to selling this
14 property, Rita Lundy lived in there the whole -- she
15 lived in the property prior to that, correct?

16 MR. WICHERT: Yes. She lived there with her
17 son who was mentally handicapped and her daughter who
18 had moved to Minnesota.

19 JUDGE BENN: And you leased the property to
20 her; is that correct?

21 MR. WICHERT: Yes.

22 JUDGE BENN: Did you have a formal lease for

1 that, lease agreement?

2 MR. WICHERT: No, I didn't. I just leased it
3 month to month for two or three years. She took
4 great care of the property. I had no problems at
5 all.

6 JUDGE BENN: And there was nothing in writing
7 as to the lease --

8 MR. WICHERT: No, there wasn't.

9 JUDGE BENN: -- it was just month to month?

10 What was the understanding as far as
11 utilities for the month-to-month lease?

12 MR. WICHERT: That she was supposed to pay the
13 utilities. They were supposed to be in her name.
14 Her husband who passed away was a railroad worker and
15 he had quite a retirement.

16 JUDGE BENN: Okay. And were any of the other
17 utilities in Ms. Rita Lundy's name during that time?

18 MR. WICHERT: All the utilities were in her
19 name.

20 JUDGE BENN: So there was never an agreement
21 that you would pay the gas bill?

22 MR. WICHERT: No.

1 JUDGE BENN: Okay. Did you ever know if there
2 was ever any account for Peoples Gas to Ms. Lundy for
3 that property?

4 MR. WICHERT: No, I don't.

5 JUDGE BENN: Okay. Do you recall ever applying
6 for gas for --

7 MR. WICHERT: I applied for it in 2000 --

8 JUDGE BENN: Okay.

9 MR. WICHERT: -- because it was vacant, and I
10 needed to heat it so that the pipes wouldn't freeze.

11 JUDGE BENN: Okay. So you actually did open
12 the account at that property in 2000. Okay.

13 And when did Ms. Lundy first occupy
14 the property, Rita Lundy?

15 MR. WICHERT: I want to say 2002. The house
16 had burned down and they rebuilt it. In 2002 is when
17 we -- when I rented it to Rita Lundy.

18 JUDGE BENN: Okay. So Ms. Rita Lundy was there
19 from 2002 on -- just so I understand -- an oral
20 month-to-month lease --

21 MR. WICHERT: Yes.

22 JUDGE BENN: -- that she would pay --

1 MR. WICHERT: Yes.

2 JUDGE BENN: -- and part of this oral agreement
3 was that she would be responsible for all utilities?

4 MR. WICHERT: Yes.

5 JUDGE BENN: And, to your knowledge, that
6 included the Peoples Gas account?

7 MR. WICHERT: Yes.

8 JUDGE BENN: Was there ever any movement by
9 Ms. Lundy or you to change -- attach her name to the
10 open account, or do you know if Ms. Lundy opened an
11 account?

12 MR. WICHERT: I have no knowledge of it.

13 JUDGE BENN: Okay. You can proceed.

14 So you're showing me that the property
15 was sold in 2004. And then what was -- how did
16 you -- going to the next page -- I'm sorry -- which
17 looks like Exhibit 6.

18 MR. WICHERT: Exhibit 6 is a copy of the
19 Peoples Gas bill for July of 2005. I had asked
20 Peoples Gas to give me all copies of the bills so I
21 could find out how they were paid or where they were
22 paid or if there was any chance of finding out who

1 paid them.

2 JUDGE BENN: So during these months -- because
3 I see at least for the first exhibit, the payment due
4 date was May 23, 2005. During these months in
5 question that they did provide you bills for, was
6 there any proof of payment and did you find out who
7 was paying the bill since you didn't seem to have
8 been?

9 MR. WICHERT: No. I never found out who paid
10 the bills, but they were sent to 6940 South Wallace.

11 JUDGE BENN: And were they being paid to your
12 knowledge based on --

13 MR. WICHERT: From these bills, I guess they
14 were paid.

15 JUDGE BENN: Okay. But only a portion, it
16 looks like.

17 Is Ms. Lundy living in the property
18 now?

19 MR. WICHERT: She's passed away.

20 JUDGE BENN: She passed away.

21 Between April 2005 and February 2006,
22 was Ms. Lundy in the property?

1 MR. WICHERT: Yes.

2 JUDGE BENN: Okay. And that's the time that --

3 MR. WICHERT: In fact, she just died in -- she
4 died in 2007, I believe.

5 JUDGE BENN: Okay. So at all times in
6 question, she was living in the property?

7 MR. WICHERT: Yes.

8 JUDGE BENN: And after you sold the property --
9 once you discovered you were responsible for these
10 bills based on Peoples' position --

11 MR. WICHERT: I found out in 2008.

12 JUDGE BENN: 2008 -- did you speak to the
13 person you sold the property to, Mr. Lundy?

14 MR. WICHERT: I spoke to Shane Lundy.

15 JUDGE BENN: Okay.

16 MR. WICHERT: And he said he was going to
17 get -- this is after the sale. He was going to get
18 with his family and see what they would do. That was
19 the last response I ever got from him. I've called
20 back several times.

21 JUDGE BENN: When was that, when you first
22 contacted Mr. Lundy about the bills?

1 MR. WICHERT: It had to be July or August,
2 right after I found out about the bill.

3 MR. GOLDSTEIN: That's in 2008 --

4 MR. WICHERT: Yes.

5 MR. GOLDSTEIN: -- you're talking about?

6 MR. WICHERT: Yes.

7 JUDGE BENN: And Ms. Lundy -- Rita Lundy was
8 alive then?

9 MR. WICHERT: Yes.

10 MR. GOLDSTEIN: I thought she died in 2007?

11 MR. WICHERT: Well, 2007.

12 JUDGE BENN: Okay.

13 MR. GOLDSTEIN: You know, Judge, at best,
14 whatever the conversation was between Mr. Wichert and
15 Mr. Lundy is total hearsay.

16 JUDGE BENN: I understand that. I just want to
17 know if contact was made. I will give the weight
18 that it's accorded to the actual conversation but --

19 MR. WICHERT: It's just hearsay.

20 JUDGE BENN: -- I want to know whether you at
21 least spoke with him.

22 So you do admit that you spoke with

1 him?

2 MR. WICHERT: Yes. I wrote his number down
3 when I was trying to get in touch with him.

4 JUDGE BENN: And you haven't heard from him
5 since?

6 MR. WICHERT: No.

7 JUDGE BENN: Is there anything else that you
8 want to present as far as your case in chief?

9 MR. WICHERT: No. That's my case. I mean --

10 JUDGE BENN: Are you being pursued for
11 collection on the amount in controversy right now?
12 Have you received any collection notices?

13 MR. WICHERT: I have not received any
14 collection notice that I know of.

15 JUDGE BENN: Did you ever personally receive
16 any of these bills outside of your contact with
17 Peoples?

18 MR. WICHERT: No.

19 JUDGE BENN: Did you ever get anything in the
20 mail?

21 MR. WICHERT: No.

22 JUDGE BENN: Cross-examination?

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CROSS-EXAMINATION

BY

MR. GOLDSTEIN:

Q Mr. Wichert, when did you purchase
6940 South Wallace?

A In the mid '90s.

Q And do you recall who you purchased it
from?

A Reed. I think her name was Reed, something
Reed. But she was living there, and the house was in
complete disrepair. The basement was flooded and --

Q Did you ever reside at 6940 South Wallace?

A No.

Q You said that you applied for gas service
in around 2000; is that right?

A Somewhere around that time. I'm not sure
exactly when it was.

Q Could it have been a little earlier than
that, in 1998?

A It could have been.

Q Okay. And with respect to your leasing
6940 South Wallace to Rita Lundy, do you have any

1 paper proof that, number one, you actually leased the
2 property on a month-to-month basis to her?

3 A Not to her. I have taxes from the money
4 that I collected.

5 Q Do you have that with you today?

6 A No, I don't. Because I reported the taxes,
7 you know, as gains.

8 Q So you reported the lease amount that you
9 collected as income --

10 A Right.

11 Q -- on your income tax returns?

12 A Yes.

13 Q All right. And do you have any proof with
14 you today in writing that the utilities were supposed
15 to be in the name of your tenant?

16 A No.

17 Q Do you have any proof in writing today
18 that, in fact, the Peoples Gas account for 6940 South
19 Wallace was in the name of someone else other than
20 you between April of 2005 and February of 2006?

21 A If I was not aware of the bill being in my
22 name, why would I look to see if it was in somebody

1 else's name?

2 Q Did you ever contact Peoples Gas in 2006
3 and ask them to remove your name as the account
4 holder at 6940 South Wallace?

5 A I don't know. I don't remember.

6 Q You don't recall doing that?

7 A I may have done it, but I don't remember.

8 Q All right.

9 A If you're telling me that I did, then I
10 have to agree with you because I have no proof of it.

11 MR. GOLDSTEIN: Okay. I have nothing else of
12 the witness, Judge.

13 JUDGE BENN: Okay. One second. I have one
14 question, Mr. Wichert.

15 EXAMINATION

16 BY

17 JUDGE BENN:

18 Q When you first applied for the gas account
19 with Peoples Gas for this property, did you ever give
20 them your current residence address instead of the
21 rental property address?

22 A I lived in Streamwood at the time, and I

1 gave that as my address.

2 Q And so --

3 A That was my billing address. It was sent
4 to my home in Streamwood.

5 Q So when you first opened your account for
6 Peoples for this property, you received the bills in
7 Streamwood?

8 A Yes.

9 Q Okay. And are you aware of how the bills
10 that I've received here as evidence from you would
11 have the rental property address on it?

12 A I have no idea.

13 JUDGE BENN: Okay.

14 MR. GOLDSTEIN: I have an additional question,
15 if I may, Judge.

16 JUDGE BENN: Yes, you may.

17 FURTHER CROSS-EXAMINATION

18 BY

19 MR. GOLDSTEIN:

20 Q Mr. Wichert, do you have any copies of
21 those bills that you received in Streamwood for this
22 property with you today?

1 A No. That was, what, 10 years ago, 11 years
2 ago? I wouldn't keep records for 11 years.

3 MR. GOLDSTEIN: Well, the good news is, either
4 does Peoples Gas.

5 JUDGE BENN: Okay. All right. Anything else
6 for you and your case in chief?

7 MR. WICHERT: There was one thing on this --

8 JUDGE BENN: Which exhibit?

9 MR. WICHERT: -- on their payment sheets --

10 MR. GOLDSTEIN: Well, Judge, if I may, could we
11 put on our case --

12 JUDGE BENN: Yes.

13 MR. GOLDSTEIN: -- and have Mr. Wichert ask our
14 witness anything he wants to?

15 JUDGE BENN: Yes. I don't think Mr. Wichert
16 understands.

17 Mr. Wichert, what's going to happen
18 now is, I'm going to ask to admit all of your
19 exhibits into the record, and we'll rest your case in
20 chief. Counsel will put on his witness, and you can
21 cross-examine her using those exhibits. So I'd like
22 for you to -- obviously you'll be paying attention --

1 take down any questions that you think you'll have
2 during the direct examination of his witness. Okay?

3 I have here, before we go on,
4 Complainant's Exhibits 1 through 16. I'm going to
5 state for the record that opposing Counsel has had an
6 opportunity to review these as well, and I'm asking
7 if there would be any objection to admitting these
8 into the record?

9 MR. GOLDSTEIN: There is no objection, Judge.

10 JUDGE BENN: Okay. So, Mr. Wichert, I'm going
11 to admit all of your exhibits, Exhibits 1 through 16,
12 into the official record. And I'll let Counsel go on
13 with his case in chief.

14 MR. WICHERT: All of my records?

15 JUDGE BENN: Yeah, all of your records.

16 MR. WICHERT: Okay. That's fine.

17 (Whereupon, Complainant's
18 Exhibit Nos. 1-16 were admitted
19 into evidence.)

20 JUDGE BENN: Counsel.

21 MR. GOLDSTEIN: Yes. I would like to call
22 Soledad Barragan.

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(Witness sworn.)

SOLEDAD BARRAGAN,

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

DIRECT EXAMINATION

BY

MR. GOLDSTEIN:

Q Ms. Barragan, would you state your name for the record and spell both of your names for the record.

A Soledad Barragan, S-o-l-e-d-a-d, B-a-r-r-a-g-a-n.

Q And by whom are you employed and what is your position with that company?

A I work for Peoples Gas. I'm a billing specialist there.

Q And how long have you been employed by Peoples Gas?

A About eight years.

Q And how long have you been a billing specialist with Peoples Gas?

A For five years.

1 Q And could you generally describe your
2 duties as a billing specialist with Peoples Gas?

3 A Currently I handle the informal complaints
4 that come through from the Illinois Commerce
5 Commission, CUB complaints, bill disputes, and I also
6 handle the formal complaints for the Illinois
7 Commerce Commission.

8 Q And how did you become familiar with the
9 complaint filed by Mr. Wichert in this matter?

10 A We received a formal complaint for
11 Mr. Wichert through the ICC.

12 Q And did you review Mr. Wichert's gas
13 account file for 6940 South Wallace after you
14 received that formal complaint from the Commission?

15 A Yes.

16 Q And the exhibits that you are going to
17 present today, are those exhibits taken from the
18 books and records of Peoples Gas?

19 A Yes.

20 Q And are those books and records kept in the
21 ordinary course of Peoples Gas business?

22 A Yes.

1 Q All right. Let's start with what has been
2 marked as Respondent's Exhibit 1.

3 Do you have that in front of you?

4 A Yes, I do.

5 Q Could you explain what Respondent's
6 Exhibit 1 is.

7 A This is our profile panel. It displays our
8 customer name which is John Wichert; the address,
9 6940 South Wallace; and the account number which is
10 ending in 8165. It will show what the balance on the
11 account is.

12 Q And what the account balance was on a
13 particular date; is that right?

14 A Yes.

15 Q And what was that date?

16 A This was a final date of February 17, 2006.

17 Q Is there any other information you would
18 like to point out on Respondent's Exhibit 1?

19 A No.

20 Q Let's now turn to Respondent's Exhibit 2,
21 both 2A and 2B.

22 Could you explain what is shown on

1 Respondent's Exhibit 2.

2 A This is our transaction history panel. It
3 will show the bills that were sent out, any payments
4 that came in as well.

5 Q And what period of time is covered on this
6 transaction history?

7 A April 2005 through October 2008.

8 Q And this is for the property at 6940 South
9 Wallace; is that right?

10 A Yes.

11 Q And it shows the payments that were made
12 during that period of time also?

13 A Correct.

14 Q Does it show who made the payments during
15 that period of time --

16 A No.

17 Q -- on the exhibit?

18 Does Peoples Gas keep a record of who
19 makes a payment on gas accounts?

20 A No.

21 Q And would that also apply to the account at
22 6940 South Wallace?

1 A Correct.

2 Q In your experience as an employee of
3 Peoples Gas, are you aware of instances where one
4 person pays the gas account bill of another person?

5 A Yes.

6 Q Would Peoples Gas keep a record of, under
7 those circumstances, who would make that kind of
8 payment?

9 A No, we do not.

10 Q Let's now turn to Respondent's Exhibit 3.

11 Could you describe what is shown on
12 Respondent's Exhibit 3.

13 A This is a copy of our service orders for
14 the address of 6940 South Wallace. So it shows any
15 service order that was initiated at this premise from
16 April 23, 2002, through April 3, 2008.

17 Q All right. And --

18 MR. WICHERT: 2002?

19 BY MR. GOLDSTEIN:

20 Q -- from April 23, 2002, until February 17,
21 2006, who is indicated as the customer of record?

22 A John Wichert.

1 Q And subsequent to February 17, 2006, who is
2 shown as the customer of record?

3 A After?

4 Q Yes. Subsequent.

5 A Sylvester Lundy.

6 Q And I note on April 3, 2008, there's
7 another customer shown?

8 A Right. Alfred Lundy.

9 Q Now, what does that tell you with respect
10 to who the account holder was on the property between
11 April 23, 2002, and February 17, 2006?

12 A John Wichert.

13 Q Let's now turn to Respondent's Exhibit 4.
14 And that's entitled, Service Orders, John Wichert,
15 6940 South Wallace, with an account number ending in
16 8165; is that correct?

17 A Yes.

18 Q Could you explain what is shown on
19 Respondent's Exhibit 4.

20 A This will show when the request to cut off
21 the service was entered which was on February 10,
22 2006. It was scheduled and completed on February 17,

1 2006.

2 Q Now, that shows on February 10th someone
3 must have called in to Peoples Gas; is that right?

4 A That's correct.

5 Q And do you have any record of who actually
6 called in to Peoples Gas on that date?

7 A No.

8 Q Now, what actually occurred on February 10,
9 2006?

10 A Contact had to be made for us to issue a
11 cut-off. Now procedure is when a cut-off is
12 requested, we do have to verify the last four digits
13 of the social for the customer of record.

14 Q And who was the customer of record on
15 February 10, 2006?

16 A John Wichert.

17 Q And what, in your opinion, does that
18 indicate with respect to who called in on
19 February 10, 2006?

20 A I would assume Mr. John Wichert called in
21 to request the service be taken out of his name.

22 Q Let's now turn to Respondent's Exhibit 5.

1 This is entitled Completion Report for 2/17, 2006.

2 Do you see that?

3 A Yes.

4 Q And what does that show?

5 A It shows that for Account No. 8165, our
6 employee went out to cut off the service and lock the
7 meter.

8 Q And there are two pages to this exhibit?

9 A Yes.

10 Q Is there anything else that this exhibit
11 shows?

12 A No.

13 Q Let's now turn to Respondent's Exhibit 6.

14 Could you describe what that exhibit
15 is.

16 A This is our read details panel. It will
17 show what date we obtained a reading, what type of
18 reading it was, the index off the meter and how much
19 was consumed.

20 Q And about five columns over, there's a
21 column entitled Read Code. And most of the listings
22 there are van readings; is that right?

1 A Yes.

2 Q Are van readings actual readings of the gas
3 meter at 6940 South Wallace?

4 A Yes.

5 Q And then there's an actual read on
6 February 17, 2006. And I assume that's because
7 somebody went out to the premises and actually read
8 the meter on that date?

9 A That's correct.

10 Q And let's now turn to Respondent's
11 Exhibit 7 which consists of approximately 10 pages of
12 bills.

13 These are bills for 6940 South
14 Wallace; is that right?

15 A Yes.

16 Q And 6940 South Wallace is what type of
17 property?

18 A It's a house.

19 Q And all the bills were sent to whom at that
20 house?

21 A John Wichert.

22 Q And do you have any evidence that any of

1 these bills were ever returned to Peoples Gas?

2 A No.

3 Q And looking through the bills, they're all
4 based on actual readings, are they not?

5 A Yes.

6 Q Now, is there anything else you would like
7 to point out with respect to the bills?

8 A No. That's all.

9 Q And looking at the final bill which is
10 marked Respondent's Exhibit 7J, what is the balance
11 shown on that account?

12 A \$1,323.05.

13 Q And could you give us some reason why you
14 believe that the complainant, John Wichert, is
15 responsible for these gas bills?

16 A We show John Wichert as the customer of
17 record. Prior to February 17, 2006, there was no
18 request to cancel the service.

19 MR. GOLDSTEIN: I have nothing else.

20 I would move into evidence
21 Respondent's Exhibits 1 through 7.

22 JUDGE BENN: Okay. Mr. Wichert, do you have

1 any objection to moving the exhibits, respondent's
2 exhibits, into the record as evidence?

3 MR. WICHERT: I have some questions if
4 that's -- but I have nothing --

5 JUDGE BENN: I'll let you ask the questions.

6 MR. WICHERT: -- no. Everything --

7 JUDGE BENN: Okay. So I will direct the court
8 reporter to admit into the record Respondent's
9 Exhibits 1 through 7.

10 (Whereupon, Respondent's Exhibit
11 Nos. 1-7 were admitted into
12 evidence.)

13 JUDGE BENN: And, Mr. Wichert, you can go ahead
14 with any questions you have for the witness.

15 MR. WICHERT: All right.

16 CROSS-EXAMINATION

17 BY

18 MR. WICHERT:

19 Q In Respondent's Exhibit 7 and Exhibit 6, 7A
20 and 6, there's a difference -- it says a van reading.
21 That's where somebody drives by in a van. And then
22 you say it was an actual reading on the bill. How is

1 that possible?

2 A We consider a van reading an actual
3 reading.

4 Q So it's an estimate?

5 A It's not an estimate. The meter has a
6 device on it that will transmit the reading, so it is
7 an actual reading.

8 Q Okay. On Exhibit 5, Page 1, why was the
9 gas shut off?

10 A There was a request made to have the
11 service shut off.

12 Q It wasn't because the bill was unpaid?

13 A No.

14 Q And it was assumed that I was the one that
15 called?

16 A Right.

17 Q And the proof of that is?

18 A Well, we verify that we're speaking to the
19 customer of record. So if someone calls in, we do
20 ask them to verify the last four digits of their
21 social before we make any changes to the account.

22 Q When the bill was changed on Exhibit 4 I

1 believe it is -- cut off --

2 A Uh-huh.

3 Q -- it was called in for an overdue bill?

4 A Which one are you looking at?

5 Q Exhibit 4.

6 MR. GOLDSTEIN: Are you assuming that there's
7 something that states that the bill was overdue on
8 this exhibit?

9 MR. WICHERT: Well, it says, Order Type, Cut
10 Off.

11 THE WITNESS: Right. A cut-off was requested.

12 BY MR. WICHERT:

13 Q What does DNP stand for?

14 A That stands for disconnect for nonpayment.

15 JUDGE BENN: I'm sorry.

16 BY MR. WICHERT:

17 Q In 2002 on Exhibit 3 there was a DNP to
18 turn off?

19 A Uh-huh.

20 Q And is was not turned off?

21 A It was not turned off. If you look at the
22 last column where it says Status, it will show you

1 that those orders were initiated; but under
2 Completion, they were never completed. What was
3 completed was the cut-off request.

4 Q And why was it not completed?

5 A Either we didn't have access or payment was
6 made that brought the account current. That, I'm not
7 sure. But it was not completed.

8 Q So you don't know the reason it was not
9 completed?

10 A We just know it was not shut off for a --

11 Q So if I possibly called up --

12 THE REPORTER: One at a time.

13 MR. GOLDSTEIN: Let her finish her answer and
14 then you can ask the next question, Mr. Wichert.

15 JUDGE BENN: The court reporter can't
16 transcribe both of you.

17 MR. WICHERT: I speak fast. I'm sorry.

18 JUDGE BENN: That's okay. Go ahead and finish
19 your thought.

20 THE WITNESS: What we can tell from this is
21 that it was not disconnected for nonpayment because
22 the status here doesn't show it was ever posted to

1 the account. It's only showing it was initiated.

2 BY MR. WICHERT:

3 Q Okay. If somebody had called up to turn
4 off the service, would that show up on this
5 Exhibit 3?

6 A That would be the line that says Cut Off.

7 Q I don't see Cut Off. I see Turn Off.

8 A Towards the middle --

9 Q Work Type?

10 A -- the date 2/17, 2006 -- yes -- under Work
11 Type, it says Cut Off.

12 Q Okay. Exhibit 2B, Payment, Process Batch
13 Cash, is that just a cash payment? Is that what it
14 stands for?

15 A Processing batch means that it came through
16 the mail, so it was processed.

17 Q It says Process Batch Cash. That means it
18 was sent through the mail. It could have been cash;
19 it could have been checks; it could have been
20 anything?

21 A Right. It could have been anything. It's
22 just a payment.

1 Q Money order, anything?

2 A Yes.

3 Q So you have no proof of who paid those
4 bills?

5 A No. We don't keep records of who makes
6 payments.

7 Q And in Exhibit 2A, same thing, there's just
8 amounts billed, amounts unpaid, Batch Billing Driver.
9 That means nada to me. I mean, I don't understand
10 it, but I guess it's supposed to be.

11 A That's just the bill was issued.

12 Q The bill was issued?

13 A Right.

14 Q The Process Batch Cash is a bill?

15 A That's a payment.

16 Q Okay. Batch Billing Driver?

17 A That's a bill. So if you look at the third
18 column where it says Type, that will tell you what it
19 actually is.

20 Q Okay. I gotcha.

21 A Uh-huh.

22 Q But there's no proof that it was cash or

1 even if it was paid from me?

2 A No.

3 Q And the last payment on Exhibit 1 was \$200,
4 bill date was 2006, payment date was January of 2006?

5 A Yes.

6 Q If I sold the building in 2004, why would I
7 make a payment in 2006?

8 A That, I don't know.

9 Q I mean, if I'm washing my hands completely
10 of my rental units, why would I still pay a bill?

11 JUDGE BENN: Do you have any other questions?

12 MR. WICHERT: No. That was my last question.

13 JUDGE BENN: Okay. I have a few questions for
14 you, Ms. Barragan.

15 THE WITNESS: Okay.

16 EXAMINATION

17 BY

18 JUDGE BENN:

19 Q First I want to go back to Exhibit 3, and I
20 want to ask you some general questions about the
21 process when you change names, addresses or close
22 accounts, open accounts.

1 In general, when you have someone that
2 either -- that Peoples becomes aware has sold a
3 property or may have changed a tenant in a rental
4 unit, what is the usual course of action that takes
5 place when the account is changed over?

6 A Usually the customer of record will call us
7 and notify us stating, I've sold the property, I'm no
8 longer responsible and I want to take the account out
9 of my name.

10 Q Okay.

11 A That can happen, or the new party can call
12 in and say, I'm now responsible for this property,
13 and I want the account in my name. So then we would
14 switch it over to that person's name which would also
15 final the previous customer's account.

16 Q Okay. So at the point where you hear from
17 the previous owner or the new tenant or the new
18 owner, is there any attempt to verify who you're
19 speaking with on the telephone?

20 A Yes.

21 Q And how is that done?

22 A With the last four digits of their social

1 if it's the current account holder. If it's the new
2 party, then we take an application for them.

3 Q Okay. And if you take an application for a
4 new party, does that new party get a new account
5 number?

6 A Yes, they do.

7 Q And that's in every case?

8 A Yes.

9 Q So there's never a case where the new party
10 would have the existing account number of the
11 previous owner?

12 A No.

13 JUDGE BENN: Okay.

14 MR. GOLDSTEIN: The answer is yes, it would
15 never be the case.

16 THE WITNESS: Right.

17 JUDGE BENN: Okay. I'm sorry. I asked a bad
18 question. I asked the question inside out.

19 BY JUDGE BENN:

20 Q If you could just restate, you would never
21 have someone, a new owner, have the original account
22 number of the property; is that right?

1 A That's correct.

2 Q Do you require any of these changes to be
3 put in writing in advance of making any changes to
4 the account?

5 A No. They can call in and request this, so
6 it doesn't have to be in writing.

7 Q Okay. Is it usually always -- is it
8 usually by phone?

9 A Most of the time it is by phone. They'll
10 call the call center and they'll place the order in.

11 Q Does the company ever require any
12 supporting documentation in instances where a
13 property has been sold before you change the account?
14 Has that ever been --

15 A No.

16 Q Okay. All right. Going to Exhibit 3, your
17 Exhibit 3, in the middle of the page on February 17,
18 2006, you noted that that notation as to Work Type,
19 Cut Off, meant that you probably heard from the
20 customer -- it's your assumption you heard from the
21 customer of record to cut off the gas at the
22 property; is that correct?

1 A Right.

2 Q Okay. So on 2/19, 2006, could you please
3 explain for the record what is the turn-on?

4 A The turn-on was a request to have the gas
5 turned on by Sylvester Lundy.

6 Q Okay. And so if Sylvester Lundy called to
7 have the gas turned on, would this turn-on have
8 resulted in a new account?

9 A Yes.

10 Q Okay. If you could explain to me then how
11 would this information appear on the record of the
12 current account or Mr. Wichert's account?

13 A It's not actually on his account. What it
14 is, it's a record of all the service orders at that
15 location.

16 Q Okay.

17 A So everything that was under his account
18 would have his name to the side of it.

19 Q Okay.

20 A Once it became Sylvester Lundy's account,
21 then it starts on his name.

22 Q Okay. And on April 3, 2008, where it's

1 noted as Alfred Lundy, is that also an instance where
2 this account was changed or a new party took on a new
3 account at that address?

4 A Yes. So Alfred Lundy requested service
5 there, and it was switched over to Alfred Lundy's
6 name.

7 Q And whenever there's a switch-over, is
8 there always an application that happens --

9 A Yes.

10 Q -- for the new party?

11 A Yes.

12 Q I think I asked this question, but any
13 changes to an account requires verification; is that
14 right?

15 A That's correct.

16 Q So is it possible for anyone to change the
17 billing address, only the billing address, without
18 verifying the biller's information by social security
19 number?

20 A No. Anything that would affect the billing
21 would need to be verified as the customer of record.

22 Q Okay. Is there ever any follow-up letters

1 in writing confirming any changes to the bill?

2 A No. The only thing would be the final bill
3 that's issued which would display this is your final
4 bill. So that would let them know that the account
5 is no longer in their name.

6 Q Okay. So given the amount of controversy
7 here right now, this bill has fallen into dispute or
8 collection, I would assume, because there's a \$1,400
9 bill --

10 A Uh-huh.

11 Q -- would there ever have been any written
12 notice sent out to the customer of record about this
13 bill?

14 How would it be that -- it seems as
15 though you've had several persons in this address
16 based on your records. How would it be that none of
17 them apparently have any written notice that this is
18 in dispute?

19 I mean, how is it that allegedly
20 Mr. Wichert didn't find out about this until he
21 pulled his credit report?

22 A I'm not sure.

1 Q Is there any written notice you give to
2 your customers of record stating, you know, that the
3 bill is delinquent?

4 A The bills that are sent would show that.

5 Q Okay. And they were only sent, to your
6 knowledge, to the Wallace address?

7 A That's correct.

8 MR. WICHERT: I have a question, if I may.

9 JUDGE BENN: You can.

10 Do you have any --

11 MR. GOLDSTEIN: I have no problem with that.

12 JUDGE BENN: Go ahead, Mr. Wichert.

13 FURTHER CROSS-EXAMINATION

14 BY

15 MR. WICHERT:

16 Q On that same page on Exhibit 3, you show a
17 cut-off for me and a turn-on for Sylvester Lundy.
18 You have no cut-off for 2008 going from Sylvester
19 Lundy to Alfred Lundy?

20 A Right. That's because Mr. Alfred Lundy
21 requested the service. So, like I had explained to
22 the Judge before, there's two ways that an account

1 can become final.

2 Q Okay. I missed that. I'm sorry.

3 JUDGE BENN: Go ahead and finish.

4 THE WITNESS: It would be either the customer
5 of record calling to request the cut-off; or if the
6 new party is requesting new service, that would also
7 final the prior customer of record's account.

8 So when Mr. Alfred Lundy requested
9 service on April 3, we stopped billing Sylvester
10 Lundy and started a new account for Alfred Lundy.

11 BY MR. WICHERT:

12 Q And anybody can start a new service at any
13 address?

14 A Right. They just have to call us and
15 assume responsibility.

16 EXAMINATION

17 BY

18 JUDGE BENN:

19 Q So is it your position of this disputed
20 amount, 1,402.93, that this is all cumulative of the
21 period in question, meaning April 2005 to
22 February 2006, or is any portion of this amount

1 attributable to the Lundys and the current account?

2 A No. If you look at Exhibit 2 --

3 Q Okay. 2A or 2B?

4 A 2A.

5 Q Uh-huh.

6 A It will show you as of February 17, 2006,
7 the final bill was issued. So it will say Order
8 Final Bill.

9 Q Okay.

10 A Towards the middle.

11 Q Uh-huh.

12 A And then on top of that would be the final
13 bill that was issued for him. All the bills that
14 were sent after that date are only late payment
15 charges.

16 Q Okay. So --

17 A So no additional gas charge was added on.

18 Q So the billing amount of 1,323.05 -- I just
19 want to make sure I understand this for the record --
20 you're stating that that portion is attributable --
21 that's the amount that's attributable to -- allegedly
22 to Mr. Wichert, and that fees have built upon that

1 that's brought it to 1,402.93?

2 A That's correct.

3 JUDGE BENN: I don't have anything else.

4 Mr. Wichert -- I'm just going to make
5 sure he doesn't have any other questions.

6 Do you have any other questions,
7 Mr. Wichert?

8 FURTHER CROSS-EXAMINATION

9 BY

10 MR. WICHERT:

11 Q Customer care at 95th Street, is that a
12 payment center?

13 A That used to be one of our office locations
14 so, yes, you could walk in there and make a payment.

15 Q Okay. There seems to be a couple payments
16 made at that payment center. I don't understand why,
17 me living in Streamwood, I would come all the way to
18 95th Street to make a payment.

19 A It doesn't necessarily have to be you.
20 Anybody can make a payment on the account.

21

22

1 EXAMINATION

2 BY

3 JUDGE BENN:

4 Q Is that still the position of the company,
5 that anyone can make a payment on the account?

6 A Yes.

7 Q Okay. Is there any documentation or
8 anything in writing regarding who the company
9 believes is responsible for changing accounts over?
10 Is there anything that holds the customer responsible
11 for making the changes to the account or states that
12 they would remain liable for any billing? Is there
13 anything in writing that says that to the customer
14 that you know of?

15 A That we would send to them?

16 Q Yes, yes, that they would get maybe when
17 they initiate their account. Has it ever been put in
18 writing to a customer that, you know, if you make any
19 changes to the account or if you fail to make changes
20 to the account --

21 A No.

22 Q -- you would remain liable?

1 A No. We would expect that if, you know,
2 they're calling to request our service, they would
3 also call to cancel when they no longer needed it.

4 JUDGE BENN: Okay. Any redirect?

5 REDIRECT EXAMINATION

6 BY

7 MR. GOLDSTEIN:

8 Q You've examined the account record for
9 6940 South Wallace, have you not?

10 A Yes.

11 Q Did that account record indicate any bills
12 sent to Mr. Wichert at any other address other than
13 6940 South Wallace?

14 A No.

15 Q So you have no record of any bills being
16 sent to Mr. Wichert's Streamwood address or any other
17 address?

18 A No.

19 Q Do you have any record of any of the bills
20 that are shown on either Mr. Wichert's exhibits for
21 the bills or Respondent's Group 7 -- do you have any
22 indication that any of those bills that were mailed

1 were ever returned to Peoples Gas?

2 A No.

3 MR. GOLDSTEIN: I have nothing else.

4 EXAMINATION

5 BY

6 JUDGE BENN:

7 Q And when a party makes a payment in one of
8 your payment centers or in any other way, is there
9 any record of the type of payment and any copy of the
10 actual payment retained other than your compilation
11 here?

12 A No.

13 Q So there's no copies of any cash receipts,
14 any checks?

15 A A receipt is given to the customer when
16 they make the payment but --

17 Q So the company doesn't keep a receipt as
18 well --

19 A No.

20 Q -- a copy of the receipt?

21 JUDGE BENN: Okay. I don't have anything
22 further.

1 So at this point, Mr. Wichert, each of
2 you will be given an opportunity to give a closing
3 statement. I know your case in general is pretty
4 brief, so if you would like to sum up in the form of
5 a closing statement, I will allow that right now.

6 MR. WICHERT: The only thing I can say is, if I
7 am held responsible for these bills, then is it
8 possible that we can have it changed through the
9 title companies to have them acknowledge that all
10 bills are paid -- including a gas bill, electric
11 bill, any utility -- when I sell the property or when
12 somebody sells a property?

13 JUDGE BENN: I don't have any jurisdiction over
14 future cases such as these as they may arise. I can
15 only make a proposal or a proposed order and decision
16 regarding this particular case. And what you're
17 asking me is germane to the outcome of this
18 particular case, so I haven't been in a position to
19 consider everything at this point.

20 I will say that you're asking for
21 restoration of your credit position. And maybe what
22 you've asked me might be part and parcel of that if

1 that's what I propose in the order. So right now I
2 can't agree one way or the other.

3 MR. WICHERT: Okay.

4 JUDGE BENN: But, I mean, that seems to be the
5 crux of your complaint is that you don't believe
6 you're responsible for these bills; am I correct?

7 MR. WICHERT: Absolutely.

8 JUDGE BENN: Okay. Is there anything else as a
9 closing statement for you?

10 MR. WICHERT: No.

11 MR. GOLDSTEIN: I guess in brief closing, if I
12 may, I think it's been clearly shown that during the
13 period in question and for some time prior thereto,
14 Mr. Wichert was the customer of record of Peoples Gas
15 for 6940 South Wallace and as such he is ultimately
16 responsible for the payment of the gas bills until
17 the time that I believe he would acknowledge that he
18 called in to Peoples Gas and asked that the account
19 be finalized and changed which was in February -- I
20 believe February 10, 2006, and that the ultimate
21 change-over and cut-off of the account occurred,
22 approximately a week later on February 17, 2006.

1 Shortly thereafter Sylvester Lundy
2 became the account holder at that property. But
3 until that time, Mr. Wichert, as the account holder,
4 is responsible particularly under the rules of the
5 Commission.

6 JUDGE BENN: Okay. I'd like to go off the
7 record for a brief moment.

8 (Whereupon, a discussion was had
9 off the record.)

10 JUDGE BENN: Go back on the record.

11 Just for the good of the record, I
12 went off the record briefly to ask whether Counsel
13 has any objection to my allowing Mr. Wichert the
14 opportunity to produce any income tax information
15 showing rental income for the property in question,
16 in addition any copies of any bills for Peoples Gas
17 that he might have showing his Streamwood address.

18 Mr. Goldstein wishes to make a
19 statement for the record regarding that.

20 MR. GOLDSTEIN: Yes. I have no objection to
21 Mr. Wichert providing those bills which show that the
22 bills went to his Streamwood address.

1 With respect to his income tax
2 returns, I strongly object to that, Judge. It's not
3 relevant. It makes no difference who the tenant was
4 at 6940 South Wallace. The issue has to be who is
5 the customer of record for Peoples Gas. I think it's
6 clear from the record that Mr. Wichert was the
7 customer of record to the final billing date in
8 February of 2006 for a period of time that predated
9 the bills that are in question in this proceeding.

10 And so it's totally irrelevant whether
11 any of the Lundys were the tenants at the premises
12 and what they ever did with those bills, whether they
13 paid them or not or didn't pay them. It's not
14 relevant. Ultimate responsibility for those bills
15 rests with the customer of record and that is
16 Mr. Wichert.

17 JUDGE BENN: Okay. Counsel, over your
18 objection, I will allow Mr. Wichert the opportunity
19 to produce those documents if he can.

20 With respect to your income taxes, I
21 would ask you to redact your personal information,
22 particularly your social security number, if you're

1 going to file those documents with E-docket. I will
2 afford whatever weight he produces -- the evidence he
3 produces to me, I will afford the weight it's
4 accorded at that time.

5 So over your objections, I will accept
6 that, if he gives it to me as far as the tax forms,
7 and give it the weight that it's afforded at that
8 time.

9 I'm going to give you 14 days from
10 today to produce those documents if you have them in
11 your possession. I'm going to ask you to file them
12 with the clerk in the same manner that you filed your
13 original compliant so that I will get them in the
14 mail and they'll go on the E-docket. And I
15 particularly want you to cross out your social
16 security number and your current address if you don't
17 want to produce that information. But I do want to
18 see where you might have taken those rental gains as
19 income. Okay.

20 Is there anything else for the record?

21 Well, then I'll leave the record open
22 for production of those documents from Mr. Wichert.

1 MR. GOLDSTEIN: And when they're produced,
2 you're going to mark the record heard and taken,
3 Judge?

4 JUDGE BENN: And then I'll mark the record
5 heard and taken separately on another day.

6 MR. GOLDSTEIN: Thank you.

7 JUDGE BENN: Thank you.

8 (Whereupon, the above-entitled
9 matter was continued sine die.)

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