

1 APPEARANCES: (Continued)

2 MR. MATTHEW R. TOMC
3 Corporate Counsel
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8 (Appearing via teleconference on
9 behalf of Illinois Power
10 Company d/b/a AmerenIP)

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I N D E X

WITNESS

DIRECT

CROSS

REDIRECT

RECROSS

(None)

EXHIBITS

MARKED

ADMITTED

(None)

1 Franklin for the New Jerusalem Church, address at
2 6210 Church Road, Centreville, Illinois 62207, e-mail
3 address is gmjpmi@yahoo.com. Phone number is
4 363-2093.

5 JUDGE TAPIA: Thank you. I will note for the
6 record that there are no others wishing to enter an
7 appearance. For the record I will state that
8 Ms. Spinner is joining us on behalf of Illinois Power
9 Company and also Ms. Dominic is also with us this
10 morning.

11 Pastor Franklin, Mr. Tomc is aware of
12 this, just to give you a little background, at the
13 prehearing conference the purpose today is to
14 determine if the Respondent has any questions in
15 regards to your complaint and also to set a deadline
16 for the answer and also to set a schedule in this
17 case. Today would be the perfect opportunity if you
18 have any questions for me. After today I can't talk
19 to you because my role here is to be an impartial
20 judge. And so if you have any questions, please feel
21 free to ask me today.

22 Mr. Tomc, what are your thoughts in

1 this case? Do you have a schedule or, you know,
2 what's the plan?

3 MR. TOMC: Your Honor, my thoughts are I have
4 looked at the complaint and asked my client for some
5 background on the matter in order to formulate an
6 answer. In looking at the customer's actual account
7 referenced in the complaint, we have found that there
8 is the New Jerusalem Church and the tax
9 identification number associated with that on that
10 account. We also have another individual Social
11 Security number on that account. And I have asked
12 that some research be done to figure out what's going
13 on with that customer, if perhaps even the
14 Complainant could enlighten us.

15 But there appears to be a gentleman by
16 the name of Frederick Nimkey (sp) with a Social
17 Security number that indicates that he has been
18 deceased since 2001 on the account. So I am not
19 really sure how to go forward with that. But we want
20 to figure out that detail and then be able to get an
21 answer or a Motion to Dismiss on file within the
22 coming weeks.

1 So I guess where I am going with this
2 is I would like to, if possible, to schedule an
3 answer to be filed in approximately three weeks, an
4 answer or a Motion to Dismiss, be filed approximately
5 three weeks from this date with a follow-up status
6 after that before going forward and setting the
7 remainder of the schedule, if that's acceptable to
8 you, Your Honor. And I do want to hear the
9 Complainant's thoughts as well.

10 JUDGE TAPIA: Okay. Pastor Franklin, what is
11 your position?

12 PASTOR FRANKLIN: My position is that I
13 probably need to get an attorney involved in this and
14 I would like to be able to do that. The way I was
15 instructed when I called up there, they told me the
16 only thing that this was going to do is basically go
17 through the scheduling like you just informed me.
18 But I would like to get an attorney involved in it.
19 We have got maybe seven, eight accounts here listed
20 with Ameren, and I definitely need to get my attorney
21 involved in this to advise me which way we need to
22 go.

1 But in regards to that Frederick
2 Nimkey, whatever, I have no idea who that is. This
3 used to be owned by the Catholic diocese, so maybe we
4 have got some of those records confused. I have no
5 idea who that is. But I would like to be able to get
6 my attorney involved in it.

7 JUDGE TAPIA: Okay. Then I think that,
8 Mr. Tomc, your plan is acceptable. And, Pastor
9 Franklin, when you do get an attorney, he knows --
10 your attorney will know this, but he has to enter his
11 appearance in this case.

12 Mr. Tomc, what date would you like to
13 file your answer? And then we can have a status date
14 and, if Pastor Franklin agrees to that status date,
15 he can have his attorney present.

16 MR. TOMC: Your Honor, I would propose that we
17 file an answer, and for the Complainant's benefit,
18 the answer will contain a summary response to the
19 allegations contained in the actual complaint that's
20 been filed. I would propose to file that on June 17
21 and serve that on the parties of record at that time,
22 on that date, and then a follow-up status for the

1 following Thursday, if possible, which would be June
2 24.

3 JUDGE TAPIA: Let me look at my schedule.
4 Pastor Franklin, is June 24 acceptable?

5 PASTOR FRANKLIN: It seems like it is. I don't
6 have a calendar in front of me, but it seems like it
7 is. I don't see a problem with that.

8 JUDGE TAPIA: Okay.

9 PASTOR FRANKLIN: I was going to be out of the
10 country but, I mean, I am not going to be out of the
11 country if that's going to be a problem.

12 JUDGE TAPIA: Now, if it does become a problem,
13 if you can confer with Mr. Tomc and agree on a date
14 and then I can check my schedule, if that date
15 becomes a problem. We will go ahead and schedule it
16 for June 24. At 10:00 a.m.?

17 PASTOR FRANKLIN: That's fine with me.

18 MR. TOMC: That's fine with the Company, Your
19 Honor.

20 JUDGE TAPIA: Okay. Then what we will do today
21 is we will continue this case to June 24, 2010. At
22 that time Pastor Franklin will have an attorney and

1 he will enter his appearance if he chooses to do
2 that.

3 Also, the Respondent is to provide a
4 summary response on June 17, 2010.

5 Anything else that either party would
6 like to be part of the record here today before we
7 adjourn or continue this case to June 24?

8 PASTOR FRANKLIN: Ma'am, do we have -- I am not
9 sure, when I looked at this, Your Honor, I see Pastor
10 James Franklin versus Illinois Power. I am just the
11 pastor of this church, so I don't see the church's
12 name on here at all.

13 JUDGE TAPIA: Did you file -- well, I believe
14 it is under -- then you need to amend the formal
15 complaint to indicate who is bringing this complaint.

16 PASTOR FRANKLIN: Yeah. When I filed it, I
17 filed Pastor James M. Franklin, New Jerusalem
18 Pentecostal Ministries, Inc.

19 JUDGE TAPIA: I am looking at your complaint,
20 your formal complaint, and all it says is Pastor
21 James Franklin. You can amend that.

22 PASTOR FRANKLIN: Okay.

1 JUDGE TAPIA: And then put the correct
2 Complainant's name.

3 Okay. Anything else, Mr. Tomc, did
4 you want part of the record here today?

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

6 JUDGE TAPIA: Pastor Franklin, anything you
7 want to be part of the record here today before we
8 continue this case to June 24?

9 PASTOR FRANKLIN: No, ma'am, I am okay.

10 JUDGE TAPIA: Thank you. Then we will continue
11 this case to June 24.

12 (Whereupon the hearing in this
13 matter was continued until June
14 24, 2010, at 10:00 a.m. in
15 Springfield, Illinois.)

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