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BEFORE THE
ILLINOIS COMMERCE COMMISSION

ILLINOIS-AMERICAN WATER COMPANY) DOCKET NO.
) 10-0360
Petition for a variance from Part)
600.370 of the Commission's Rules)
and from Illinois-American Water)
Company's Tariff Ill. C.C. 23,)
Original Sheet No. 7.)

Springfield, Illinois
Wednesday, July 7, 2010

Met, pursuant to notice, at 10:00 a.m.

BEFORE:

MR. LARRY JONES, Administrative Law Judge

APPEARANCES:

MS. JONI K. OTT
Corporate Counsel
100 North Water Works Drive
Belleville, Illinois 62223
Ph. (618) 239-3222

(Appearing via teleconference on
behalf of Illinois-American
Water Company)

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

1 APPEARANCES: (Continued)

2 MR. JAMES S. SINCLAIR,
3 STOBBS & SINCLAIR
4 500 Bond Street
5 P.O. Box 336
6 Alton, Illinois 62002
7 Ph. (618) 465-6978

8 (Appearing via teleconference on
9 behalf of Ken Harris)

10 MR. THOMAS Q. SMITH
11 Financial Analysis Division
12 527 East Capitol Avenue
13 Springfield, Illinois 62701
14 Ph. (217) 785-8398

15 (Appearing on behalf of Staff of
16 the Illinois Commerce
17 Commission)

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WITNESS

DIRECT

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REDIRECT

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(None)

EXHIBITS

MARKED

ADMITTED

(None)

1 Illinois-American Water.

2 JUDGE JONES: Thank you. And you are licensed
3 to practice law where?

4 MS. OTT: In Illinois and Missouri.

5 JUDGE JONES: Thank you. Commission Staff?

6 MR. SMITH: Yes, Thomas Q. Smith with the staff
7 of the Illinois Commerce Commission, Financial
8 Analysis Division, 527 East Capitol Avenue,
9 Springfield, Illinois 62701, phone number
10 (217) 785-8398.

11 JUDGE JONES: Thank you. Mr. Sinclair?

12 MR. SINCLAIR: James S. Sinclair,
13 S-I-N-C-L-A-I-R. I am an attorney in Alton,
14 Illinois, 500 Fox Street, Alton, Illinois 60002. I
15 am licensed in the State of Illinois and I am here on
16 behalf of Ken Harris who is the property owner
17 seeking the variance. And Mr. Harris is also present
18 here with me. My phone number is (618) 465-6978. We
19 have filed a formal written entry of appearance.
20 However, it is likely it has not reached the filing
21 yet in Springfield.

22 JUDGE JONES: All right. Thank you,

1 Mr. Sinclair. One question, do you plan to file a
2 Petition for Leave to Intervene on behalf of
3 Mr. Harris or do you know?

4 MR. SINCLAIR: At this point I don't know. I
5 really don't anticipate that that will be necessary,
6 but I can't give you a hard answer at this moment.

7 JUDGE JONES: Thank you. Are there any other
8 appearances to be entered on the record this morning?
9 Let the record show that there are not, at least at
10 this time.

11 At this point I will see if there is
12 any scheduling to be proposed.

13 MS. OTT: Yes, Your Honor. The company filed,
14 I guess, a proposed schedule that the Staff has
15 agreed to yesterday. Or I didn't file it; I sent it
16 around to the parties.

17 We propose that we file our direct
18 testimony on August 11, and that there be a status
19 hearing on or around August 26, and that status
20 hearing could be an evidentiary hearing if there are
21 no objections or no issues with our testimony or our
22 petition.

1 In the event that that's not the case,
2 then the Staff would file its direct testimony on
3 September 8. The company would file rebuttal
4 testimony October 13, if necessary. There would be a
5 status hearing again on October 26, 2010, which I am
6 assuming that could also be an evidentiary hearing,
7 if necessary or if appropriate.

8 The Staff would file its rebuttal
9 testimony then on November 15, 2010. I guess the
10 company would file surrebuttal testimony on November
11 22, 2010, and then the evidentiary hearing would be
12 on December 7, 2010.

13 JUDGE JONES: All right. So is it the intent
14 that the schedule is built in a way that allows the
15 hearings to be concluded on August 26 if there are no
16 issues raised or objections to the petition or the
17 relief sought in the petition?

18 MS. OTT: Yes, Your Honor.

19 JUDGE JONES: Okay, thank you. At this time I
20 will see if other parties have any objections to the
21 schedule. If you do, you do not need to indicate
22 what those are just yet. But I will first ask

1 whether there are any such objections.

2 Mr. Smith, are you in agreement with
3 that schedule?

4 MR. SMITH: Yes, I am in agreement.

5 JUDGE JONES: Mr. Sinclair, is that schedule
6 acceptable to you?

7 MR. SINCLAIR: Yes, it is, Your Honor.

8 JUDGE JONES: The August 26 hearing date, is
9 10:00 a.m. acceptable to the various participants?

10 MR. SMITH: To me, yes.

11 MS. OTT: That works for the company.

12 JUDGE JONES: All right. Mr. Sinclair, is that
13 okay with you?

14 MR. SINCLAIR: That will work.

15 JUDGE JONES: I would note that the status
16 hearing on October 26, that is the date of a
17 Commission regular open meeting at 10:30. However, a
18 time for a hearing could be made available if that
19 hearing is needed at all at some point during that
20 day. It just will not be 10:00 o'clock. It would be
21 either 9:00 o'clock or in the afternoon.

22 On December 7, I have another matter

1 at 10:00 a.m. However, 11:00 a.m. would be available
2 for that hearing if such a hearing is actually needed
3 on December 7.

4 MS. OTT: Would it be possible to do the status
5 that we currently propose for August 26 on the 25th?

6 JUDGE JONES: There is not a conflict on the
7 26th on this end. But you are just wanting to move
8 it?

9 MS. OTT: Oh, I thought there was with the
10 Commission's open meeting.

11 JUDGE JONES: That's on October 26. But August
12 26 is clear.

13 MS. OTT: Good.

14 JUDGE JONES: And we will set that one for
15 10:00 a.m. If October 26 is needed, given the
16 Commission meeting at 10:30 that morning, we will set
17 that one for as needed for 9:30 on the 26th. And
18 then December 7, if that one is needed, we will set
19 that one for 11:00 a.m. And that's to work around
20 those other matters that are already set.

21 But as far as August 26, that will be
22 10:00 a.m. Given the nature of that hearing as one

1 that would either be a status hearing or a final
2 hearing, if there are no objections or issues raised,
3 parties will be permitted to participate by telephone
4 at the hearing on August 26 at 10:00 a.m.

5 MS. OTT: Thank you, Your Honor. And I will
6 circulate that number. It will be the same number as
7 this call-in number today, but I will recirculate it
8 at the beginning of that week.

9 MR. SINCLAIR: Thank you.

10 JUDGE JONES: And that company direct testimony
11 then will be served electronically on others on
12 August 11, is that right?

13 MS. OTT: Yes, Your Honor. We will make sure
14 it gets served to everybody listed on the service
15 list.

16 JUDGE JONES: And that would include
17 Mr. Sinclair, is that correct?

18 MS. OTT: It should because he has entered his
19 appearance, but I would send it to him anyway.

20 JUDGE JONES: Whether the Clerk's office will
21 put Mr. Sinclair on the formal service list if there
22 is no intervening petition with that is a question

1 that is a little gray. I will allow him to
2 participate, to continue to participate in this
3 proceeding. He has indicated that he is considering
4 whether or not intervention is something that will be
5 sought. But Mr. Sinclair will be permitted to
6 participate. I just want to make sure he gets copies
7 of everything that is circulated among the parties,
8 be it testimony-wise or otherwise.

9 MS. OTT: I will put a note on my calendar to
10 that effect.

11 JUDGE JONES: Is there any question regarding
12 any of the above?

13 MR. SINCLAIR: I don't think so from our side,
14 Your Honor.

15 JUDGE JONES: Thank you. All right. Before we
16 conclude this prehearing conference today, do the
17 parties have anything else to address?

18 MS. OTT: Nothing from the company, Your Honor.

19 JUDGE JONES: All right. Thank you, all. Let
20 the record show that today's prehearing conference is
21 concluded. The scheduling that was read into the
22 record by Ms. Ott, subject to the clarifications

1 regarding hearing times, is hereby adopted and put
2 into place. In accordance with that scheduling, this
3 matter is hereby continued to a hearing date of
4 August 26 at the hour of 10:00 a.m.

5 (Whereupon the hearing in this
6 matter was continued until
7 August 26, 2010, at 10:00 a.m.
8 in Springfield, Illinois.)

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