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BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
ANN TERRELL)
v) No. 10-0415
ILLINOIS BELL TELEPHONE COMPANY)
Complaint as to billing/)
charges in Chicago, Illinois.)

Chicago, Illinois
August 31, 2010

Met pursuant to notice at 10:30 a.m.

BEFORE:
MR. JOHN RILEY, Administrative Law Judge.

APPEARANCES:
MS. ANN TERRELL
913 Gordon Terrace
Chicago, Illinois 60613
appeared pro se, telephonically;

MR. JAMES HUTTENHOWER
225 West Randolph Street, Suite 25-D
Chicago, Illinois 60606
appeared for Respondent.

SULLIVAN REPORTING COMPANY, by
Teresann B. Giorgi, CSR

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I N D E X

<u>Witnesses:</u>	<u>Dir.</u>	<u>Crx.</u>	<u>Re-</u> <u>dir.</u>	<u>Re-</u> <u>crx.</u>	<u>By</u> <u>Examiner</u>
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NONE

E X H I B I T S

<u>APPLICANT'S</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
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1 JUDGE RILEY: Pursuant to the direction
2 of the Illinois Commerce Commission, I call
3 Docket 10-0415. This is a complaint by Ann Terrell
4 versus Illinois Bell Telephone Company as to billing
5 and charges in Chicago, Illinois.

6 Ms. Terrell, you are continuing to
7 proceed without an attorney, is that correct?

8 MS. TERRELL: That's correct.

9 JUDGE RILEY: Mr. Huttenhower, would you enter
10 an appearance for the record.

11 MR. HUTTENHOWER: James Huttenhower,
12 H-u-t-t-e-n-h-o-w-e-r, 225 West Randolph Street,
13 Suite 25-D, Chicago, Illinois 60606.

14 JUDGE RILEY: And at the initial session in this
15 on August 10 it was my understanding -- I came away
16 with the understanding that Ms. Terrell you had felt
17 that you had disconnected your service sometime in
18 April of '08, and it was supposed to have been
19 disconnected through September of '08, that was with
20 Illinois Bell, and yet you continued to receive
21 billings from them. And it turns out that your
22 service actually had not been disconnected, is that

1 correct?

2 MS. TERRELL: That's correct.

3 JUDGE RILEY: And Mr. Huttenhower asked you to
4 send him your bills from RCN, which you did send him
5 a pretty substantial stack.

6 MS. TERRELL: Yes.

7 JUDGE RILEY: Mr. Huttenhower, has Illinois
8 Bell's position changed or has it --

9 MR. HUTTENHOWER: Getting the bills from
10 Ms. Terrell was helpful because it gave me some
11 ideas about what might have happened and is putting
12 me in a position, you know, to talk to my client
13 about ways to resolve this without going to hearing,
14 though, I did not get final word on what my ability
15 to do that was before I got over here today.

16 What I can say is that it appears that
17 for a period -- most of the period between April and
18 September both companies seem to have been providing
19 service to Ms. Terrell because there's usage related
20 charges on both bills, but my rough sense is that
21 the usage isn't overlapping usage, that -- I think
22 in general terms, most of the period between, say,

1 April and September Illinois Bell was carrying the
2 bulk of the calls. And if there were calls like for
3 directory assistance or like automatic call-back,
4 those kind of services, those charges are appearing
5 on the Illinois Bell bill and the RCN bill, to the
6 extent that, you know, it provides information about
7 usage, there's only a few calls and none of sort of
8 the pay per use calls.

9 Then in September after our service
10 was disconnected -- you know, RCN is billing
11 everything and the amount of calls that the bills
12 show that RCN is carrying, you know, increases
13 enough to make me think that we were -- you know,
14 what we were billing before suddenly everything was
15 now going onto RCN, which is how Ms. Terrell wanted
16 it, which is -- you know, leads to an intellectually
17 curious question for me is like how can this be, but
18 probably not as interesting to Ms. Terrell.

19 MS. TERRELL: No.

20 MR. HUTTENHOWER: I noticed from our bills that
21 you had two lines with us and I didn't know when
22 you -- so one sort of armchair theory I had was, you

1 know, presumably -- you know, if you had two lines,
2 you know, certain jacks in your house rang on one
3 line and certain jacks rang on the other line, and
4 whether it was possible during this period of
5 overlap that, say, one jack -- say your kitchen jack
6 was AT&T and your bedroom jack was RCN or something
7 like that -- not having seen your place, I have no
8 idea if that bears any relation to reality, but that
9 was one possibility I had as to how this could be.

10 The other possibility was, you know,
11 Ms. Terrell, I don't know if you ever, you know,
12 looked at the lengthy, you know, long-distance bills
13 that you got from us, whether those were numbers
14 that you recognized and that you called. The other
15 idea was that there somebody who somehow managed to
16 latch onto your service outside your house with us
17 and just was using it for a couple of months. But
18 if you recognize these numbers as ones that you
19 called, then that shoots that theory down.

20 JUDGE RILEY: Well, I guess what my confusion is
21 is that I see an RCN bill that was sent to the
22 Complainant, dated April 21, 2008. There's also an

1 AT&T bill sent to the Complainant, dated April 7,
2 2008. Another AT&T bill, dated May 7, 2008. And
3 then there's an RCN bill, dated July 21, 2008. And
4 then we go back to AT&T, June 7, 2008, August 20,
5 '08.

6 You may have explained this,
7 Mr. Huttenhower, but why is this going back and
8 forth like this? How did RCN get in there.

9 MR. HUTTENHOWER: Well, I guess -- I know you're
10 referring to what Ms. Terrell attached to the
11 complaint --

12 JUDGE RILEY: Exactly.

13 MR. HUTTENHOWER: -- it was, you know, her
14 decision, I guess, which bills she attached, but I
15 know from the bills she sent me and the bills I
16 obtained, both companies were issuing bills to
17 her --

18 JUDGE RILEY: Now, were these for the same
19 services?

20 MR. HUTTENHOWER: The same time period and for
21 phone service.

22 I mean, basically, her first bill from

1 RCN, from what she provided me, was in March of '08.
2 And her last bill from AT&T was in October of '08,
3 but it was sort of just -- you know, reflecting a
4 service that ended in September.

5 I mean, I don't think either --
6 certainly AT&T doesn't dispute that there were two
7 sets of bills going out. And exactly what the
8 service -- difference in the service is I can't say.
9 As I mentioned, it appeared for most of this period
10 AT&T, based on its bills was -- let's say, billing
11 for, you know, 80 or 100 local calls in a month,
12 whereas if you look at the RCN bills, it's showing
13 only like 10 or 15 local calls being made. So that
14 was why I had -- as I said, my armchair theory was
15 maybe one jack was one company's service and the
16 other jack was the other company's service. And,
17 you know, just based on how -- you know, which room
18 people were making calls from, we would carry it or
19 RCN would carry it.

20 MS. TERRELL: Well, I can answer that.

21 JUDGE RILEY: Okay.

22 MS. TERRELL: I only have one working jack in my

1 house and that's in my bedroom. That's the only
2 place in my house that I make phone calls. So it's
3 not the fact that me -- that I'm making phone calls
4 from different areas of the house and they're being
5 picked up by RCN or either AT&T. It's all coming
6 from one jack.

7 MR. HUTTENHOWER: All right. As I said, it was
8 only a theory.

9 JUDGE RILEY: Okay.

10 MR. HUTTENHOWER: And I guess, you know, you may
11 need time to think about this, sort of my other
12 theory which was that if you looked at some of the
13 long-distance calls that -- you know, the detail of
14 what you're being billed, are those numbers that you
15 would call or are they --

16 MS. TERRELL: I have the papers --

17 MR. HUTTENHOWER: I mean, you may not be able to
18 recognize them just looking at them now. But, you
19 know, whether somebody had connected to the service
20 outside your unit and just was using it illegally
21 for a couple months.

22 MS. TERRELL: I don't know how that can possibly

1 even happen.

2 MR. HUTTENHOWER: Well, I mean, they can -- if
3 that's what happened, it's not like you're going to
4 be held responsible for the charges. It's just
5 more --

6 MS. TERRELL: Long-distance phone calls --

7 MR. HUTTENHOWER: Yeah, there's lots of calls
8 within Chicago that, I guess -- and like some calls
9 out of state -- where did I see them --

10 MS. TERRELL: Texas, I called.

11 MR. HUTTENHOWER: -- Litchfield, Kentucky?

12 MS. TERRELL: I don't see that many
13 long-distance phone calls on here at all.

14 JUDGE RILEY: Ms. Terrell, is that a RCN bill
15 you're looking at?

16 MS. TERRELL: I was looking at the AT&T bill.
17 Is that what he's speaking of charges from AT&T?

18 MR. HUTTENHOWER: Yeah, which month, I guess, if
19 you can tell from --

20 MS. TERRELL: Well, what I have right now -- I
21 don't have all of AT&T bills, but I have a bill from
22 May 7th and it just has one long-distance call on it

1 and that's from Texas. And let me see what else I
2 have here. I have a bill from June 7th and I see
3 Texas on it. And that's basically it in
4 long-distance phone calls is Texas.

5 MR. HUTTENHOWER: I mean there's a whole list, I
6 think, of 60 some calls, most of them are in Chicago
7 area.

8 MS. TERRELL: Exactly. Exactly.

9 MR. HUTTENHOWER: Those are classified as
10 long-distance because they are --

11 MS. TERRELL: Okay. You said -- okay, now,
12 Chicago. You said long-distance. And I was
13 suspecting anything either -- anything outside of
14 Chicago was considered long-distance. Basically,
15 all these calls on this sheet are 6-7-2008, they're
16 from Chicago and I have a couple from Texas and I
17 can probably count them all for you. I had 8
18 long-distance calls from Texas.

19 MR. HUTTENHOWER: Are those numbers you
20 recognize as, you know, friends or relatives?
21 That's where I was going, to see if they were -- if
22 you say, Oh, yeah, that's my, you know, cousin,

1 then --

2 MS. TERRELL: Well, evidently, I have a son
3 that, you know -- that's really not a lot of calls
4 from Texas, so that really wouldn't be out of
5 pocket, but they came from my house.

6 MR. HUTTENHOWER: Okay. So that theory is out,
7 too.

8 Now, I guess, Judge, what I would say,
9 I think after Labor Day, the person I had wanted to
10 talk to about getting some authority to try to
11 resolve this will be back in the office. So I may
12 be able to have a conversation with Ms. Terrell
13 about that possibility next week.

14 MS. TERRELL: That will be fine.

15 MR. HUTTENHOWER: One thing I did want to say,
16 Ms. Terrell, is that, I guess, from AT&T's
17 perspective, you know, you contacted us in mid-April
18 and at that time you tried but were not successful
19 in getting us to disconnect your service. And it
20 would be our position that any charges that had
21 accrued on the account prior to mid-April would be
22 something we'd expect you to be responsible for,

1 even if we're otherwise able to work out a deal.

2 MS. TERRELL: I'm listening.

3 MR. HUTTENHOWER: And so in just sort of
4 speaking off the -- in rough numbers, I think that
5 was pretty close to about \$800.

6 MS. TERRELL: I don't think it should have been
7 \$800.

8 MR. HUTTENHOWER: I just know from what your
9 bill was at the beginning of April, which is before
10 you called us, that's where I'd be getting that
11 from.

12 MS. TERRELL: Well, you know, I need to look at
13 my records and then I'll re-file on that, is that
14 fair enough?

15 MR. HUTTENHOWER: That's fine. As I said, I
16 suspect I'll give you a call towards the latter part
17 of next week and we'll see what we can look at.

18 But as I said, you know, I'd be
19 looking at your April bill and then also your May
20 bill to the extent that it reflected charges from
21 the first part of April before you called us.

22 MS. TERRELL: What about the fact that I didn't

1 have any usage on my line and -- I'm looking at a
2 bill that's from say February 8th to March 7th and
3 that one says 690 something. So it shouldn't be
4 \$800 for April, because I didn't even have usage at
5 all.

6 At that point I really need to go back
7 and see because I didn't have any usage on the phone
8 at all and see why the bill came up to the amount at
9 the same time.

10 MR. HUTTENHOWER: All right. If you need any of
11 the bills, let me know, and I can send them to you.

12 MS. TERRELL: Okay. That's fair enough. If you
13 don't mind, can you just put that in order right now
14 and I'll have an opportunity to look at everything,
15 too?

16 MR. HUTTENHOWER: I'll send you the bills --

17 MS. TERRELL: Just from January till April will
18 be fine.

19 MR. HUTTENHOWER: Okay. I'll put these in the
20 mail later today.

21 So I guess, Judge, maybe it would make
22 sense to pick another day a couple weeks from now.

1 JUDGE RILEY: What I was more inclined to do was
2 to set the matter farther down for hearing and see
3 if the parties couldn't work it out in the meantime
4 and that would give you a month to 5 weeks and set
5 this over to around the 1st week in October. And
6 that would give you the better part of September --
7 or all of September.

8 MR. HUTTENHOWER: I'd actually ask if we can do
9 it, say, the week of -- you pick something in the
10 week of October 11th in the off-chance that we don't
11 get this worked out just because my previous week is
12 going to be kind of busy.

13 JUDGE RILEY: Ms. Terrell, is that okay with
14 you?

15 MS. TERRELL: That will be fine. Thank you very
16 much, Judge Riley.

17 JUDGE RILEY: Okay. What we're going to do
18 then, I will set this matter over to October 13,
19 that's a Wednesday.

20 MS. TERRELL: That's fine.

21 JUDGE RILEY: That will give the parties a full
22 6 weeks to see what they can possibly resolve here.

1 MS. TERRELL: Okay.

2 JUDGE RILEY: And at that time we would meet for
3 an evidentiary hearing session, Ms. Terrell, and
4 what that means is that you would come in with all
5 of your evidence.

6 MS. TERRELL: Okay.

7 JUDGE RILEY: Any testimony and evidence that
8 you think would tend to prove your case.

9 MS. TERRELL: Okay.

10 MR. HUTTENHOWER: What time on the 13th?

11 JUDGE RILEY: We'll make it 10:00 a.m.

12 Is 10:00 a.m. adequate, Ms. Terrell.

13 MS. TERRELL: Yes.

14 JUDGE RILEY: 10:00 a.m.

15 MS. TERRELL: Okay. Thank you very much,
16 Judge Riley.

17 JUDGE RILEY: Hold on.

18 Is there anything else we need
19 to --

20 MR. HUTTENHOWER: Nothing from me.

21 MS. TERRELL: Nothing from me.

22 JUDGE RILEY: All right. Thank you,

1 Ms. Terrell.

2 All right, then, this matter is
3 continued to October 13 at 10:00 a.m. for hearing.
4 And I urge the parties to do whatever they can to
5 resolve it in the meantime.

6 MS. TERRELL: Thank you very much, Judge Riley.
7 Have a wonderful day.

8 JUDGE RILEY: Thank you.

9 (Whereupon, the above-entitled
10 matter was continued to
11 October 13, 2010.)

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