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BEFORE THE

ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF: )  
 )  
RONALD S. GRAY )  
 )  
-VS- ) No. 10-0288  
 )  
PEOPLES GAS, LIGHT AND COKE COMPANY )  
 )  
Complaint as to billing/charges in )  
Chicago, Illinois )

Chicago, Illinois

September 8, 2010

Met, pursuant to adjournment, at

11 o'clock a.m.

BEFORE:

MR. JOHN RILEY,  
Administrative Law Judge

APPEARANCES:

MS. GWENDOLYN ANDERSON  
6727 South Euclid Avenue  
Chicago, Illinois  
appearing for Ronald S. Gray

MR. MARK L. GOLDSTEIN  
3019 Province Circle  
Mundelein, Illinois  
appearing for Commonwealth  
Edison Company

1

2           JUDGE RILEY: Pursuant to the direction of the  
3 Illinois Commerce Commission, I call Docket 10-0288.  
4 This is a complaint by Ronald S. Gary versus Peoples  
5 Gas, Light and Coke Company as to billing/charges in  
6 Chicago, Illinois.

7                         And, counsel, you are appearing on  
8 behalf of Mr. Gary; is that correct?

9           MS. ANDERSON: Yes. For the record, my name is  
10 Gwendolyn Anderson.

11          JUDGE RILEY: And would you state your office  
12 address, please.

13          MS. ANDERSON: 6727 South -- I'm giving you my  
14 home and not the office. That's where I work with  
15 the handicapped -- 6727 South Euclid, Chicago,  
16 60649.

17          JUDGE RILEY: Thank you.

18                         And, Mr. Goldstein.

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 Theresa Berrigan and Cynthia Hood of Peoples  
2 Gas.

3 JUDGE RILEY: Thank you. And --

4 MS. ANDERSON: Just for clarification, I'll give  
5 you my cell number, 773-520-5506, your Honor.

6 JUDGE RILEY: Thank you. I want to begin with  
7 you. What is the complainant's position now with  
8 regard to this matter?

9 MS. ANDERSON: We have no position at this point.  
10 I took this matter on the premise that we could  
11 probably resolve it. I, in July, prepared a demand  
12 letter. I received a response, but I was on  
13 vacation, which I have not read, but I have been in  
14 constant communication with the defendant's attorney  
15 and yesterday he called me and made an offer, but it  
16 was in writing relative to a credit, and so at this  
17 point I'm not in a position to do anything.

18 One of the things that was -- that was  
19 ruled -- that was ordered -- well, not ordered, but  
20 it was entered in the last court proceeding and in  
21 the transcript was my client who at the time was  
22 acting pro se --

1 JUDGE RILEY: Right.

2 MS. ANDERSON: -- had request that he be allowed  
3 to have an accounting since the issue before this  
4 court is whether or not he should be entitled to a  
5 refund. That's one of the issues.

6 One of the other issues before this  
7 court is that Mr. Gary is not a customer of Peoples  
8 Energy and that at the time this incident occurred  
9 he was acting as I guess to help his wife out.

10 Without going into great detail, I was  
11 under the impression that this matter could be  
12 settled and resolved, but it cannot, so today I'm  
13 going to make two requests of the court, if  
14 possible.

15 JUDGE RILEY: Go ahead.

16 MS. ANDERSON: I would like to have, as ordered  
17 before, an accounting of the account. That's the  
18 only way I can really deal with this matter, because  
19 it involves finances.

20 In theory, I think my client he said he  
21 paid a certain amount of money, and we have a right  
22 to an accounting. And on the last court date the

1 Honorable Judge -- Administrative Judge Riley at  
2 that time --

3 JUDGE RILEY: That's me.

4 MS. ANDERSON: -- pursuant to that request made  
5 by Mr. Gary, he did enter an order, although it's  
6 not a written one, like I see in federal court, but  
7 it was an order saying that Mr. Gray could have  
8 accessibility to the accounting.

9 I made a request for that in my letter.  
10 I have not received it. So I think that in order to  
11 really expedite this matter I need to be able to  
12 look at that accounting, and there's other issues  
13 here, your Honor.

14 The premises involved here, 8047 South  
15 Vernon in Chicago, my client has no interest  
16 whatsoever in it. His wife and her mother bought  
17 this premises, so I need to see who was paying the  
18 bill before. So I'm not in a position today to  
19 settle like I thought I would be.

20 JUDGE RILEY: Okay. Let me get the response from  
21 Mr. Goldstein. I would like to correct one thing.  
22 I do not have the authority to direct Peoples Gas to

1 provide an accounting.

2 MS. ANDERSON: Then I have to ask for discovery  
3 then, Judge.

4 JUDGE RILEY: I understand that. Let's see what  
5 Peoples' response is.

6 MR. GOLDSTEIN: Judge, we do have the account  
7 history that we are going to provide to Ms. Anderson  
8 this morning.

9 Back at the end of July, she did send  
10 me a demand letter. She titled it "Settlement  
11 Demand." It took a little over two weeks for me to  
12 respond to it. I guess by the time she received it  
13 she was already on vacation and she did not have an  
14 opportunity to go through the response to what I  
15 made to her in writing.

16 We did discuss -- I did discuss all the  
17 points that she raised in her settlement demand,  
18 other than the request for the accounting. We are  
19 going to provide that this morning. She's perfectly  
20 free to review all that, and I assume that we will  
21 continue our discussions in an attempt to settle it.  
22 We did make a dollar offer to settle. The balance

1 on the account is greater than our offer, so --

2 JUDGE RILEY: But what you are saying --

3 MR. GOLDSTEIN: That's where it is at at the  
4 moment.

5 JUDGE RILEY: Complainant's counsel will have  
6 something concrete to look at with the accounting  
7 itself?

8 MR. GOLDSTEIN: Absolutely, Judge.

9 MS. ANDERSON: And I appreciate co-counsel's  
10 offer, and I will accept discovery, and I understand  
11 I will help him out with this because he did  
12 respond, but I was in the middle of a long trial for  
13 five weeks and I then went on vacation, so he did  
14 respond. I just haven't had an opportunity to read  
15 the reply.

16 JUDGE RILEY: I understand.

17 MS. ANDERSON: So he did act very cooperatively  
18 with me and we have been on the telephone talking to  
19 each other diligently about this matter.

20 My position is that I'm not in a  
21 position to do anything at this point until I have  
22 seen the accounting that he wishes to give me, and I

1 believe that in this instance I may be making a  
2 request for discovery. I understand discovery is  
3 only thirty days over here. It's not as long as we  
4 have in the district court, but once I see the  
5 accounting, I can make my mind up about whether or  
6 not I want interrogatories to go out.

7 JUDGE RILEY: No, I understand. I appreciate  
8 your position. What I was going to do is suggest we  
9 put this thing over for four to six weeks.

10 MS. ANDERSON: I think six weeks would be  
11 appropriate with my docket, Judge.

12 Is that agreeable?

13 JUDGE RILEY: Mr. Goldstein?

14 MR. GOLDSTEIN: Perfectly fine with me, Judge.

15 MS. ANDERSON: And if there's any problem, Judge,  
16 I certainly know how to come in in the interim and  
17 appear before this tribunal in order to resolve it.  
18 I've been doing this for 31 years, so I know how to  
19 come in here if I need to. But right now I'm in the  
20 position of zero. I'm not in a position to make any  
21 type of decision. I have just barely had an  
22 opportunity to this morning to confer with my client

1 about it. I did talk about our conversation we had  
2 yesterday, but at the time, as always when  
3 Mr. Goldstein has called, I am going to an issue in  
4 the appellate court so I had to file proceedings for  
5 the appellate court yesterday and we couldn't  
6 really.

7 JUDGE RILEY: I do appreciate the fact that you  
8 have a full-time practice.

9 MS. ANDERSON: I'm tired of it, but I still have  
10 it.

11 JUDGE RILEY: Your time is considerable.

12 MS. ANDERSON: And, Judge, I don't know your  
13 name.

14 JUDGE RILEY: I'm Judge Riley.

15 MS. ANDERSON: Oh, you are Judge Riley. Okay.  
16 Fine. I tried to call you a couple of times when we  
17 had that problem with the appearance. Actually I  
18 came down to get an appearance, and that's what I  
19 got. Me not being familiar with procedure, I had  
20 the appearance that I just filled out today for the  
21 court reporter, but I was able to correct that issue  
22 when I got the letter from Springfield and I sent

1 the appropriate appearance.

2 JUDGE RILEY: We have that.

3 MS. ANDERSON: And I also cc'd you a copy of that  
4 appearance.

5 JUDGE RILEY: Right. I have that.

6 MS. ANDERSON: Very well.

7 JUDGE RILEY: No problem. We are at September  
8 9th right now.

9 MR. GARY: What date is that?

10 JUDGE RILEY: I'm going to suggest that we push  
11 this matter back through the large part of  
12 October -- well, at least the first two weeks of  
13 October.

14 MR. GOLDSTEIN: I was looking at the week of  
15 October 25th, Judge.

16 JUDGE RILEY: Or the end of the month?

17 MR. GOLDSTEIN: Or the 18th, either one.

18 MS. ANDERSON: I'm looking, Judge. Actually,  
19 it's hard for me to work on Monday at 11 o'clock  
20 because I'm usually in court at 9. It's hard to get  
21 back downtown. So I could go along with any date as  
22 long as it's not on a Monday. I have an active

1 docket every Monday.

2 JUDGE RILEY: I appreciate that. How does  
3 October 19th look? That's a Tuesday.

4 MS. ANDERSON: That's when I will be down there  
5 all day anyway. Would that be good with you,  
6 Mr. Gary?

7 MR. GARY: That's a school date.

8 MS. ANDERSON: This is the problem I have with  
9 Mr. Gary. It depends on what we are continuing this  
10 for. He's just starting student teaching and school  
11 just started when? Yesterday?

12 MR. GARY: Yes.

13 MS. ANDERSON: And so I don't know if he can take  
14 too many days away.

15 JUDGE RILEY: Well, if Mr. Gary has secured legal  
16 counsel, his attendance is not mandatory unless we  
17 go to hearing.

18 MS. ANDERSON: That's what I was thinking, Judge.

19 JUDGE RILEY: I was going to set this over for a  
20 status to --

21 MS. ANDERSON: We need a status date.

22 JUDGE RILEY: -- see whether or not the matter

1 could be resolved in the meantime.

2 MS. ANDERSON: Very well. And at my request, if  
3 the opposing counsel does not object, I would like  
4 to waive Mr. Gary's presence on the next status date  
5 if that's okay.

6 JUDGE RILEY: Any objection, Mr. Goldstein?

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

8 JUDGE RILEY: Noted for the court file.

9 MS. ANDERSON: I'm putting it in my book for  
10 11 o'clock.

11 JUDGE RILEY: Is 11 o'clock better?

12 MS. ANDERSON: That's fine.

13 MR. GOLDSTEIN: That's fine with me, Judge.  
14 11 o'clock.

15 JUDGE RILEY: We should have a pretty clear  
16 answer by that time as to whether we are going to  
17 proceed or not.

18 MS. ANDERSON: That is correct, Judge.

19 JUDGE RILEY: That will be for status.

20 MS. ANDERSON: And I am going to acknowledge when  
21 I receive the documents from the opposing counsel to  
22 discover that the documents that are going to be

1 tendered today and I can acknowledge them on the  
2 record that I received them.

3 MS. BERRIGAN: I'm going to give her everything.  
4 I'm going to give her everything that I prepared for  
5 her.

6 MS. ANDERSON: Point of interest, your Honor. Do  
7 we get a copy of the order electronically from this  
8 court? I have been getting orders from this court  
9 electronically telling me of the next status date.  
10 Do we get one in this case or do I have to abide by  
11 my notes --

12 JUDGE RILEY: No, it will be sent to you.

13 MS. ANDERSON: Automatically?

14 JUDGE RILEY: It will be sent to you. Electronic  
15 service will be sent, absolutely. There was one  
16 sent out on July 19th to your address at --

17 MS. ANDERSON: 6727.

18 JUDGE RILEY: -- on Euclid Avenue, correct.

19 MS. ANDERSON: So I have been getting all the  
20 e-filings. I just want to make sure.

21 JUDGE RILEY: Yes, the electronic service will  
22 continue.

1 MS. ANDERSON: That's great.

2 MS. BERRIGAN: I'm going to be giving you various  
3 transcripts with the bills.

4 MS. ANDERSON: Okay. Thank you.

5 MS. BERRIGAN: The differences are the incorrect  
6 rate that was billed and then the correct rate that  
7 should have been billed, and I have labeled them for  
8 you and everything is going to be attached.

9 MS. ANDERSON: Okay. I can acknowledge it on the  
10 record what you have given me for purposes of the  
11 court proceeding.

12 (Documents tendered.)

13 MS. BERRIGAN: That's the correct bill there.

14 MS. ANDERSON: Let the record reflect I  
15 acknowledge receipt of the corrected bill I'm told.  
16 The date beginning on this particular document is  
17 from 9-6-2007 and the last date I believe on this  
18 particular document would be -- I'm not going  
19 through all of them, Judge. I'm just referring to  
20 them. I want to make sure I don't bore you with all  
21 of them -- 3-18-09.

22 MS. BERRIGAN: Back here.

1 MS. ANDERSON: Oh, I'm sorry. So anyway, Judge,  
2 I'm not familiar with these documents. I will  
3 peruse them. I do acknowledge receipt of -- what is  
4 this?

5 MS. BERRIGAN: This is the incorrect rate that  
6 was billed, the 2H, and then this is the correct  
7 rate at 1H.

8 MS. ANDERSON: Just for clarification, I am in  
9 receipt -- acknowledging receipt of a packet of  
10 documents relative to the incorrect rate of billing  
11 and it has a rate -- it's listed as Rate 2H, then  
12 I'm also acknowledging receipt of the correct rate  
13 of billing, which is categorized as Rate 1H.

14 JUDGE RILEY: Understood.

15 MS. BERRIGAN: I have one more, and that's the  
16 Rate 1H, the first floor from July 20 of '09 to  
17 November 4th of '09.

18 MS. ANDERSON: This is the correct rate here?

19 MS. BERRIGAN: Yes, it is.

20 MS. ANDERSON: And I further acknowledge  
21 receiving a correct rate listed as Rate 1H for the  
22 period of 7-20-09 until -- is that 9-18-09 --

1 MS. BERRIGAN: Let me check.

2 MS. ANDERSON: The last date there?

3 MS. BERRIGAN: November.

4 MS. ANDERSON: I'm sorry. I got you -- to  
5 November 4th '09. Thank you.

6 MS. BERRIGAN: You are welcome. And you have all  
7 the bills attached to that as well --

8 MS. ANDERSON: Thank you.

9 MS. BERRIGAN: -- in each packet.

10 MS. ANDERSON: Each packet I am told, and I am  
11 looking at now, does indicate that there are certain  
12 billings in reference to Account No. 1500052921375,  
13 and on this particular bill is a date and also the  
14 amount. In this instance -- I'm just going to do  
15 one, Judge. That's all. In this instance the  
16 amount rate was 753896 and the date of -- the date  
17 it was due was 9-9-2009, and it was billed to Ronald  
18 Gary at 8047 South Vernon in Chicago, Illinois.

19 JUDGE RILEY: And you have the documentation you  
20 need to conduct the study?

21 MS. ANDERSON: I have and I will peruse this, and  
22 if there's something else that I need it, I

1 certainly know how to do a motion to produce if that  
2 becomes an issue.

3                   Now I'm not clear about one thing. I  
4 read the rules over here and is discovery by  
5 pursuant to court order or is it pursuant to just  
6 initiation by the different litigants?

7       MR. GOLDSTEIN: Ms. Anderson, if you have any  
8 discovery that you wish to make, provide whatever  
9 the discovery is, whether it's a request for  
10 documents or interrogatories, send that to me in  
11 writing and I will respond to it.

12       MS. ANDERSON: And the reason why I was wondering  
13 because you have got 30 days -- 28 days, 28 days in  
14 the circuit rules. You get a response and  
15 interrogatories here. So I was wondering if that's  
16 a hard-and-fast rule of 30 days.

17       MR. GOLDSTEIN: We will try to accommodate you  
18 depending on how extensive your request is.

19       MS. ANDERSON: It may not be any. It depends on  
20 what I see here.

21       JUDGE RILEY: That's what I'm saying. See what  
22 judgment you make from the documents that have been

1 provided and see where we are at that point.

2 MS. ANDERSON: I shall do that.

3 MR. GOLDSTEIN: All I'm saying is if there is any  
4 request for discovery, the request be made in  
5 writing.

6 MS. ANDERSON: Oh, I always do it in writing.

7 JUDGE RILEY: Then we are continued to October  
8 19th at 11 a.m., for status.

9 MS. ANDERSON: That is correct, Judge.

10 JUDGE RILEY: Thank you very much.

11 MS. ANDERSON: Thank you, Judge.

12 JUDGE RILEY: Sure.

13 (Whereupon, the above  
14 matter was adjourned, to  
15 be continued to  
16 October 19, 2010 at  
17 11 o'clock a.m.)

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