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BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
KENNY and KAREN SMITH)
v) No. 10-0592
PEOPLES GAS LIGHT and COKE)
COMPANY)
Complaint as to billing/)
charges in Chicago, Illinois.)

Chicago, Illinois
December 6, 2010

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

BEFORE:
MR. JOHN RILEY, Administrative Law Judge.

APPEARANCES:
MR. KENNY SMITH
MS. KAREN SMITH
6927 South Calumet
Chicago, Illinois
appeared pro se;
MS. KATHLEEN R. PASULKA-BROWN
180 North LaSalle Street, Suite 3400
Chicago, Illinois 60601
appeared for Respondent.

SULLIVAN REPORTING COMPANY, by
Teresann B. Giorgi, CSR

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I N D E X
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dir. crx. dir. crx. Examiner

Witnesses:

NONE

E X H I B I T S

APPLICANT'S FOR IDENTIFICATION IN EVIDENCE

1 JUDGE RILEY: Pursuant to the direction
2 of the Illinois Commerce Commission, I call
3 Docket 10-0592. This is a complaint by Kenny and
4 Karen Smith versus Peoples Gas Light and Coke
5 Company as to billing and charges in Chicago,
6 Illinois.

7 Mr. Smith, I understand that you are
8 still appearing without Counsel, is that correct?

9 MR. SMITH: Yes, your Honor.

10 JUDGE RILEY: Just so you know, you can have
11 Counsel appear on your behalf any time during this
12 proceeding.

13 MR. SMITH: Yes, your Honor.

14 JUDGE RILEY: And I understand that Mrs. Smith,
15 you said was detained downstairs for lack of
16 acceptable ID to the guards.

17 MR. SMITH: Yes, your Honor.

18 JUDGE RILEY: I understand. I don't know what
19 their criteria is.

20 And would you please enter an
21 appearance for Peoples Gas.

22 MS. PASULKA-BROWN: Yes, your Honor.

1 Kathleen Pasulka-Brown, Pugh Jones
2 Johnson & Quandt, PC, 180 North LaSalle, Suite 3400,
3 Chicago, Illinois 60601, 312-768-7800.

4 JUDGE RILEY: Thank you.

5 And at this time, we had convened on
6 November 10 and had gone over the allegations made
7 by the Complainant at which time, Ms. Brown, you
8 stated that the Company would need more time to
9 conduct an investigation and try and find out what
10 the problem was.

11 What can you advise us at this time?

12 MS. PASULKA-BROWN: So far we've learned, your
13 Honor, that there was a van reading of the ERT,
14 smart device, on the meter on the day in question, I
15 believe it's June 4, 2010. Separate and apart from
16 that there had been a scheduled technician visit.
17 The technician went to the property and read the
18 meter at that time.

19 We're still trying to determine what
20 the discrepancy, if anything, is between the two
21 because we've tested the meter post June 4, 2010, it
22 was working correctly and the ERT also appears to be

1 working correctly and measuring the same quantity of
2 gas. So we're trying to figure out what exactly the
3 discrepancy is.

4 I would just remind your Honor that
5 the allegation was that there was a reading of the
6 meter given to the Complainants and a different or
7 the same reading of an ERT and then a subsequent
8 bill that was higher. We just can't figure out what
9 they're talking about. We have reason to believe
10 that both the ERT and meter are measuring the same
11 quantity of gas.

12 Because of the schedules and
13 vacations, we're just trying to get the right people
14 to kind of nail down the last points to be able to
15 explain fully to your Honor --

16 JUDGE RILEY: So Peoples is acknowledging that
17 there was a discrepancy between the two readings, is
18 that --

19 MS. PASULKA-BROWN: No, we don't -- we think
20 they were both reading the amount of gas used at the
21 property correctly. The allegation is that there's
22 some discrepancy and that's what we're trying to

1 determine whether there's a basis for that
2 allegation or not.

3 JUDGE RILEY: And, Mr. Smith, is that --

4 MR. SMITH: I have the bill here with me today,
5 the same day as the reading from Peoples Gas. The
6 gentleman wrote his ERT readings and the meter
7 reading on that (indicating). And here is the bill
8 that we got -- that have the same dates
9 (indicating).

10 JUDGE RILEY: Well, this number up at the top
11 here, this 9840, is that the actual technician
12 reading?

13 MR. SMITH: Yes, sir.

14 MS. PASULKA-BROWN: Of the meter, I believe.

15 MR. SMITH: That was the same reading. Because
16 of previous history, we always have him read first
17 and give us a reading before he comes into our
18 facility. And then after that then he reads -- we
19 write that down, he reads the current meter and we
20 ask him to document it. And if there is two,
21 document two. If there's one, then document one.
22 And that's what he did. He said he did not see that

1 there was a problem with the ERT or the meter
2 inside, but when we got out bill it was
3 substantially way higher and that is what the
4 discrepancy is. It's plain. You see it? There's
5 no confusion.

6 JUDGE RILEY: It looks like there's a
7 substantial discrepancy between the two --

8 MR. SMITH: That's what prompted us to do it.
9 This is not the first time.

10 JUDGE RILEY: For the record, on the document
11 you handed me purports to be what the meter reader
12 personally came out and saw.

13 MR. SMITH: Yes. That's the only --

14 JUDGE RILEY: Let me put the numbers in.

15 The meter reader came up with a number
16 of 9840 and on the bill, dated June 4, 2010, it says
17 there's a current actual reading for the same meter
18 of 1619.

19 Counsel, I don't know if you've seen
20 there.

21 MS. PASULKA-BROWN: I haven't, your Honor.

22 But my understanding from what I've

1 learned so far is 9840 is the meter read and the
2 1610 is the ERT read. And that they were, maybe,
3 calibrated to different numbers. But if they start
4 at different points, they're simply going to end at
5 different points. It still measures the same
6 quantity of gas.

7 And it's also my understanding from
8 the investigation that's gone so far, that this 9840
9 is only the meter read, not both.

10 JUDGE RILEY: It's not -- see, this is where I'm
11 getting lost.

12 You say it's not -- it's only the
13 meter read, not both. Not "both" what?

14 MS. PASULKA-BROWN: Not the meter and the ERT.

15 JUDGE RILEY: Oh, no, I understand that. I
16 think that's what the problem is, there were two
17 readings, one was the electronic -- an ERT is an
18 electronic reading something --

19 MS. PASULKA-BROWN: Right.

20 JUDGE RILEY: -- and that's done by the van that
21 drives by.

22 MS. PASULKA-BROWN: Correct.

1 JUDGE RILEY: And that came up with a reading
2 that appears on the bill.

3 MS. PASULKA-BROWN: Right. And that's what they
4 had been billed according to.

5 JUDGE RILEY: Right.

6 But then an actual individual read the
7 meter and on the card that you're holding with the
8 handwritten notations by Mr. Smith, it's got a
9 different reading and that's what he says the actual
10 technician saw on his meter, was the reading of
11 9840.

12 MS. PASULKA-BROWN: I understand that, your
13 Honor.

14 What I'm explaining is, I think what
15 we're finding so far is it may be the case that the
16 ERT started, for example, at zero, if the meter at
17 the same time with the ERT is at 10 and they both
18 measured 100 cubic feet of gas, then at the end of
19 that measurement period the ERT would be at 100 and
20 the meter would be at 110. They only go to the same
21 end point if they have the same start point. But
22 the quantity measured we believe is exactly the

1 same. It's consistent with the usage over time at
2 this property.

3 JUDGE RILEY: Mr. Smith.

4 MR. SMITH: Point of clarification.

5 First of all, the meter reader wrote
6 that with his own writing, with his badge number.
7 He came out, he said he don't know why he was called
8 out because the number written on the card is the
9 ERT reading and the meter reading. There's no two,
10 as she alluded to, there's only one. He stated he
11 had been with Peoples Gas over 25 years, because he
12 stated that he was also very competent. Because we
13 talked about the previous history and he said he do
14 not have any idea whatsoever why he's being called
15 out other than they told him to. But he can't see
16 that there's any problem going on at all.

17 JUDGE RILEY: I guess what my confusion is,
18 there's only one meter involved.

19 MR. SMITH: Yes.

20 MS. PASULKA-BROWN: That's right.

21 JUDGE RILEY: An ERT took one reading and then
22 an individual came out and took a second reading the

1 same day off the same meter and they're two vastly
2 different numbers. That's what's throwing me.

3 MR. SMITH: No, your Honor.

4 MS. PASULKA-BROWN: Right and the other --

5 MR. SMITH: Can I --

6 JUDGE RILEY: Go ahead, Mr. Smith.

7 MR. SMITH: I'm sorry.

8 No, the guy that came out with the ERT
9 machine, it's the same guy who read the meter. He
10 read it with the ERT machine first, then he came
11 inside. Same individual. Only one guy. Not two
12 visits.

13 JUDGE RILEY: No, no, I understand that.

14 MR. SMITH: One guy. And he read -- that's what
15 he read is what he wrote on the card. There was
16 only one reading. And it was one gentleman, one
17 visit that day. That's what he wrote down.

18 JUDGE RILEY: And what you're contesting is that
19 the bill reflected something entirely different from
20 what he wrote on the card.

21 MR. SMITH: Entirely different. And we got
22 warnings from the gentleman. To be honest with you,

1 he said, Fight this. Take my name on it. I'll
2 write my badge number down. This is what the ERT
3 machine read and this is what I'm reading now. This
4 is it. You know, it's just one reading he said.
5 And that was it.

6 JUDGE RILEY: And 9840 was the reading.

7 MR. SMITH: Yes, sir. And that was it.

8 JUDGE RILEY: And, Ms. Pasulka-Brown, you're
9 explanation again is?

10 MS. PASULKA-BROWN: It's very simple, your
11 Honor.

12 The van that typically goes out and
13 reads the meters electronically and reads the ERT,
14 was scheduled to go out that day and it did. And we
15 know that van reading was taken by a person in a van
16 that didn't stop at the property and get out of the
17 van and go into the property.

18 Then there was a scheduled visit
19 initiated by the Complainants, I believe because of
20 the informal that they had filed. So there was a
21 scheduled technician visit. That technician was
22 only charged with going out to read the meter. He

1 didn't have any equipment that he would need to read
2 the ERT electronically. If he read the ERT at all,
3 which he does not purport to do on this card, he
4 would have read it manually when he checked the
5 meter.

6 And it may be nothing more than an ERT
7 initially set at, again, I'll use an example, zero.
8 The meter the ERT was connected to initially set at
9 100. If both of those, the meter and the ERT
10 measured another 200 cubic feet of gas, one will be
11 at 200 at the end of that measurement period and one
12 will be at 300 at the end of that measurement
13 period. They're still measuring the same thing.
14 They may have just started from different points
15 and that's what we believe happened. And we're just
16 trying to nail those issues down.

17 JUDGE RILEY: Then I suppose my confusion is,
18 why are they starting at different points? You've
19 got -- an E-R-T is some kind of a radar gun, isn't
20 it? I mean -- what is an E-R-T?

21 MS. PASULKA-BROWN: It's a little device that's
22 hooked onto the meter. And they should probably be

1 both set to the same number, but --

2 JUDGE RILEY: Oh, so the E-R-T is attached to
3 the meter.

4 MS. PASULKA-BROWN: Yes.

5 JUDGE RILEY: And it may read one thing while
6 the meter itself reads something else.

7 MS. PASULKA-BROWN: They both measure the same
8 quantity of gas, but the little tickers -- the
9 numbers on them, if they're not both on the same
10 number when they're measuring the quantity of gas,
11 then they would end up at different numbers, but
12 it's the same quantity.

13 JUDGE RILEY: Why on earth wouldn't they be both
14 set at the same number?

15 MS. PASULKA-BROWN: That's what we're trying to
16 see if they were.

17 JUDGE RILEY: Okay.

18 MS. PASULKA-BROWN: The meter tested fine and
19 the ERT seems to be testing fine in terms of how
20 both devices measure. So that would be the only
21 explanation, that maybe they both weren't at the
22 same number. If they both weren't at the same

1 number that's the only reason you can get the same
2 quantity measured and at different numbers. That's
3 what we're trying to pin down.

4 JUDGE RILEY: All right. That's a considerable
5 discrepancy between 9840 and the 1619 or whatever is
6 on the bill.

7 MS. PASULKA-BROWN: Exactly. That's why the
8 first thing was to look at the quantity of usage
9 over time and it's very consistent. In fact, it's
10 lower than this time last year, which is consistent
11 with their explanation that -- I don't know, he said
12 somebody was in a nursing home or not at the
13 property as long. So the usage did -- quantity
14 usage was lower.

15 JUDGE RILEY: And, Mr. Smith, you insist that
16 the individual who did the E-R-T reading also did a
17 manual --

18 MR. SMITH: Well, I consider myself a reasonable
19 individual. He took me out to his truck. He showed
20 me the reading, the ERT machine and I asked him --
21 the guy was very friendly. The technician was very
22 bright, he was very informative. He was a lab

1 technician before that. He showed me how to read
2 the meter. He took me out to the machine, showed me
3 the reading, because I asked him to, and he had no
4 problem with it and then we went from his truck
5 outside, inside and that was it. He wrote it down.

6 JUDGE RILEY: He visibly looked at the meter and
7 read the numbers on the meter.

8 MR. SMITH: Yes. I have pictures. I have to
9 bring those next time if you want.

10 JUDGE RILEY: Did he say anything about the
11 numbers on the meter being different than the
12 numbers on the E-R-T?

13 MR. SMITH: He said the numbers on the E-R-T, he
14 said, This is the reading. When we came back
15 inside, because we went first there outside, and he
16 showed it to me in his van, and when we came inside
17 he told me that, you know, it was the same reading
18 and I saw it was the same. Everything balanced out
19 and it was fine. And he wrote the reading down. I
20 asked him to write it on some stationery of Peoples
21 Gas. He said that was the only thing that he had.
22 And that was it. There was no visits. The

1 gentleman did stop with the ERT machine in his van
2 and showed it to me, his computer.

3 JUDGE RILEY: Now, when you say there's an ERT
4 machine, he sits in the van with some sort of device
5 that reads the ERT that's attached to the meter.

6 MR. SMITH: Right.

7 MS. PASULKA-BROWN: The technicians, your Honor,
8 just to be clear, that are scheduled to go out and
9 make site visits, they don't have electronic ERT
10 reading devices with them. The only thing he could
11 have done, if he did it at all, and I'm not sure and
12 it certainly isn't reflected on here, is look
13 manually at that ERT. He would not have had the
14 equipment to read it.

15 JUDGE RILEY: Then my question is, what is the
16 value of the E-R-T attached to the meter of what --
17 you said if it can't be read from the van?

18 MS. PASULKA-BROWN: No, no, no. I didn't say it
19 can be read from the van.

20 There is a van that went by that day
21 and we had an E-R-T reading. There was also a
22 separate scheduled technician visit because the

1 Complainants wanted the meter read. What I'm
2 hearing is that the Complainants are saying that
3 that technician, who was scheduled to go out and
4 read the meter, read both. I don't think that's
5 correct. We do have a separate van that was just on
6 its regular schedule going out that day and that's
7 what we're trying to determine.

8 JUDGE RILEY: Okay.

9 MS. PASULKA-BROWN: The purpose of the ERT is
10 that we can have these regular van readings because
11 as in this case, it's very often a case that we
12 can't get in to get an actual reading of the meter.
13 So this billing history is largely based on the ERT
14 readings from the van that goes around on its
15 periodic schedule.

16 JUDGE RILEY: So what we have is -- you're
17 saying that the individual who came by in the van --

18 MR. SMITH: I can't even fathom that the
19 gentleman would lie to me.

20 JUDGE RILEY: How would he have lied to you?

21 MR. SMITH: I mean, as far as that being an ERT
22 machine, because we know the terminology because of

1 previous history.

2 JUDGE RILEY: But it's your assertion then that
3 the individual that came by in the van showed you
4 how the E-R-T readings are taken --

5 MR. SMITH: Yes.

6 JUDGE RILEY: -- from the van --

7 MR. SMITH: Yes, sir.

8 JUDGE RILEY: -- and at the same time he went
9 into the house and viewed the meter itself, is that
10 correct?

11 MR. SMITH: Yes, sir, that's correct.

12 JUDGE RILEY: So we've got a factual dispute
13 right there.

14 MS. PASULKA-BROWN: Right. I mean, we have two
15 different service people that were at that property.

16 JUDGE RILEY: All right.

17 MS. PASULKA-BROWN: So we'd like some time to
18 continue the investigation to figure out if there is
19 this, you know, different numbers --

20 JUDGE RILEY: Right.

21 MS. PASULKA-BROWN: -- that they started from.
22 And if we need to go to hearing, we'll bring in the

1 technicians to testify, obviously, but we'd like to
2 finish the investigation and just have a short, you
3 know, maybe three weeks --

4 JUDGE RILEY: Three weeks -- there'll be one
5 more status. And, Mr. Smith, I will allow you to
6 appear at the next status by telephone, if you so
7 choose.

8 MR. SMITH: May I ask a question.

9 JUDGE RILEY: Certainly.

10 MR. SMITH: From what I understand, when they
11 come in and they actually read the meter in the
12 house, that is pretty concrete, am I correct? She
13 said the meter was working inside of the house. And
14 I understand that that one was supposed to be more
15 actual.

16 JUDGE RILEY: I'm not sure I follow your
17 question.

18 MR. SMITH: I'm just asking the question as far
19 as like, when you have electronics versus an
20 in-house read, which one is -- supercedes the other.

21 JUDGE RILEY: Oh, which one would --

22 MR. SMITH: From what I understand from Commerce

1 Law, from talking to the supervisor of Commerce, the
2 in-house reading pretty much from last year, nothing
3 has changed, the electronic --

4 JUDGE RILEY: The reading that was taken by
5 actually reviewing the meter would it supercede an
6 electronic reading?

7 MR. SMITH: Exactly.

8 JUDGE RILEY: I don't know. I don't have an
9 answer for you. I don't know if Peoples gas can
10 provide one along the way.

11 MR. SMITH: I got the answer from the Illinois
12 Commerce Department.

13 JUDGE RILEY: All right.

14 MR. SMITH: That's what I was referring to, by a
15 supervisor, Mr. Rockwell.

16 JUDGE RILEY: Okay. You've asked for a short
17 status. I think that's a good idea. Do you ever
18 think that -- reasonably think that Peoples can come
19 up with their answer in that time?

20 MS. PASULKA-BROWN: I think so.

21 JUDGE RILEY: All right. We are at December 6th
22 and I actually my calendar is pretty much filled

1 through the end of the year.

2 I have December 30. And I don't know
3 that's going to conflict with holiday plans or. . .

4 MR. SMITH: Do you have a number I can call if
5 we can appear by phone?

6 JUDGE RILEY: As a matter of fact, you have
7 provided a number here -- two numbers, because I
8 would be contacting you, because I never know what
9 room I'm going to be in, what room I'll be assigned
10 to and they all have a different number here.

11 MR. SMITH: Okay. 312-307-5936.

12 JUDGE RILEY: That's your 8:00 to 5:00 on
13 weekdays.

14 MR. SMITH: Yes.

15 MS. PASULKA-BROWN: Your Honor, can we have
16 January 4?

17 JUDGE RILEY: January 4.

18 MS. PASULKA-BROWN: I just don't know what the
19 schedules are.

20 JUDGE RILEY: The answer is, yes. I have a
21 status at 10:00 a.m. We can do it at either
22 9:00 a.m. or 11:00 a.m.

1 MS. PASULKA-BROWN: Either one is fine.

2 JUDGE RILEY: 11:00 a.m.?

3 MR. SMITH: Why can't it be on the 30th of
4 December?

5 JUDGE RILEY: I think Counsel has a conflict.

6 MS. PASULKA-BROWN: Yes.

7 MR. SMITH: Okay.

8 JUDGE RILEY: We have to find a date that's
9 agreeable to all.

10 January 4 at 11:00 a.m. And that will
11 be for status again. We'll find out what Peoples
12 Gas has finally come up with. And I don't know, if
13 their explanation is unsatisfactory to you, you're
14 certainly entitled to a hearing. We'll determine
15 that at that time.

16 And this will be for status and I'll
17 allow the Complainant to --

18 MS. PASULKA-BROWN: That's fine.

19 JUDGE RILEY: -- appear telephonically, if he so
20 chooses.

21 MR. SMITH: And that will be at 10:00 --

22 JUDGE RILEY: We're going to do it at 11:00 a.m.

1 MR. SMITH: 11:00?

2 JUDGE RILEY: Right.

3 MS. PASULKA-BROWN: Thank you.

4 Can I make copies of these somewhere
5 (indicating).

6 JUDGE RILEY: Is that okay with you, Mr. Smith?

7 MR. SMITH: Can she make copies? No. They
8 should have their own.

9 MS. PASULKA-BROWN: Well, certainly of the bill.
10 But we wouldn't have this and don't have this.

11 MR. SMITH: No, you can have that, but the bill
12 you should have your own copy.

13 MS. PASULKA-BROWN: No, I understand. Just this
14 (indicating).

15 JUDGE RILEY: We have a copier.

16 (Whereupon, a short
17 recess was taken.)

18 JUDGE RILEY: Mr. Smith, you had one other
19 question or comment?

20 MR. SMITH: Yes, I would like, if it's possible,
21 that the phone records and records of the Illinois
22 Commerce Commission conversation with Peoples Gas be

1 printed and also presented at this hearing. Because
2 when we were on the phone we had a conference call
3 with -- my wife was talking to the Illinois Commerce
4 Commission and they were talking to Peoples Gas and
5 there was only one guy out there with the ERT
6 machine that came out there to meet with us that
7 day. And that is on the records of the -- and the
8 notes of a lady named Tracy, who was also a
9 representative from the Illinois Commerce
10 Commission. And her notes will concur with
11 everything that I've stated that there was one guy
12 there with the ERT machine. They had a whole
13 conversation. She asked her to page the technician
14 and the representative from Peoples Gas, they didn't
15 want to page the technician to talk to him directly.
16 And all of this is documented. This whole two guys
17 coming out in one day or something that I just heard
18 today and it was not stated that way to the Illinois
19 Commerce Commission on the conference call.

20 I feel that we should go off the
21 actual records.

22 JUDGE RILEY: So what you're saying, there's an

1 individual from the Illinois Commerce Commission who
2 had documented --

3 MR. SMITH: Has documented everything that
4 Peoples Gas has stated prior to today, as far as how
5 many gentlemen came out that day and what they were
6 supposed to have accomplished. There weren't two
7 gentlemen, there was one guy with the ERT machine.

8 And the records from the Illinois
9 Commerce Commission would be very valuable in a
10 situation right now to clear up.

11 JUDGE RILEY: Counsel.

12 MS. PASULKA-BROWN: Well, if they're going to
13 make a discovery request, I would just request that
14 it be made in accordance with the rules.

15 But also I would again say, we are not
16 saying two people went into the house. There was a
17 regular van reading by a guy in a van -- a
18 technician in a van that never went in the house.
19 It was a regular van reading. It happens as a
20 matter of course. There's one technician who went
21 in and he went out there simply to read the meter.

22 MR. SMITH: Your Honor, the reason we came here,

1 we asked Peoples Gas to come out and they refused to
2 come out before. We had to call the Illinois
3 Commerce Commission to force Peoples Gas to come
4 out. They weren't sending out two people --

5 JUDGE RILEY: Okay. I understand.

6 MR. SMITH: -- I'm just saying, all this was
7 brought up during the course of that conversation
8 about how many people actually came out on that day
9 and it's a matter of public record. Just asking
10 that the records also be at this hearing for a point
11 of clarification.

12 JUDGE RILEY: So you want an individual from the
13 Illinois Commerce Commission to testify --

14 MR. SMITH: Or to just send the record.

15 JUDGE RILEY: -- produce the records? Do you
16 know who that individual is?

17 MR. SMITH: Yeah. She said that she was typing,
18 she was documenting everything, the whole entire
19 conversation with Peoples Gas as we were talking on
20 the conference call.

21 JUDGE RILEY: That's in a nature of a discovery
22 request. And if you were to obtain those records,

1 you would have to share them with Peoples Gas.

2 MR. SMITH: I don't have a problem with that.

3 JUDGE RILEY: I mean, you would have to. It's a
4 matter of following the proper procedure. You can't
5 have anything that the other side doesn't have.

6 MR. SMITH: I understand.

7 JUDGE RILEY: Let's wait until the next status
8 and find out what we learn.

9 MR. SMITH: All right.

10 JUDGE RILEY: I don't know if I could compel
11 anyone to testify or if I could compel the
12 production of records.

13 MR. SMITH: Public records should be --

14 JUDGE RILEY: But if you can contact this person
15 and they voluntarily let you have those records --

16 MR. SMITH: Oh, yeah, it's a matter of public
17 records.

18 JUDGE RILEY: -- if you could obtain that, you
19 could present that as evidence at the hearing.

20 MR. SMITH: That's no problem. We'll call the
21 Commerce Commission and ask them to send it to us.

22 JUDGE RILEY: Is it the Consumer Services

1 Division that you were talking to?

2 MR. SMITH: Yes, sir.

3 JUDGE RILEY: That's what I thought. Okay.

4 We'll leave it at that. Let's find
5 out what Peoples Gas is able to conclude --

6 MR. SMITH: Okay.

7 JUDGE RILEY: -- in the next couple of weeks and
8 we'll revisit that on the 4th of January.

9 Is there anything further?

10 MS. PASULKA-BROWN: No, your Honor.

11 MR. SMITH: No.

12 JUDGE RILEY: We will recess and we will
13 reconvene on January 4 at 11:00 a.m. and we'll find
14 out where we are at that time.

15 MS. PASULKA-BROWN: Thank you, your Honor.

16 MR. SMITH: Thank you.

17 (Whereupon, the above-entitled
18 matter was continued to
19 January 4, 2011.)

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