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BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
MARTINEZ AUTO REPAIR)
)
 v) No. 10-0743
)
NORTHERN ILLINOIS GAS COMPANY)
d/b/a NICOR GAS COMPANY)
)
Complaint a to billing/charges)
in Chicago, Illinois.)

Chicago, Illinois

February 1, 2011

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

BEFORE:

MR. JOHN RILEY, Administrative Law Judge.

APPEARANCES:

MR. PAUL PADRON
1844 Ferry Road, Suite 7W
Naperville, Illinois 60563
appeared for the Respondent.

SULLIVAN REPORTING COMPANY, by
Teresann B. Giorgi, CSR

1 JUDGE RILEY: Pursuant to the direction
2 of the Illinois Commerce Commission, I call
3 Docket 10-0743. This is the matter of Martinez Auto
4 Repair versus Northern Illinois Gas Company d/b/a
5 Nicor Gas Company, complaint as to billing and
6 charges in Chicago, Illinois.

7 And with me at this time on the line
8 is Mr. Filipe Martinez, is that correct?

9 MS. ORTMANN: Yes.

10 JUDGE RILEY: And also on the line is -- did you
11 say your name was Anna Martinez?

12 MS. ORTMANN: Diana Ortmann.

13 JUDGE RILEY: Diana Ortmann.

14 And what is your connection to
15 Martinez Auto Repair?

16 MS. ORTMANN: The accountant.

17 JUDGE RILEY: You're the accountant.

18 Mr. Martinez, is it with your
19 permission that Ms. Ortmann is handling this matter
20 or is speaking for Martinez Auto Repair, is that
21 clear?

22 MR. MARTINEZ: 100 percent.

1 JUDGE RILEY: All right.

2 And, Mr. Padron, would you enter an
3 appearance for Nicor Gas, please.

4 MR. PADRON: Paul Padron, P-a-d-r-o-n, on behalf
5 of Nicor Gas, 1844 Ferry Road, Suite 7W, Naperville,
6 Illinois 60563. The phone number is 630-388-3660.

7 And with me is Carlton Coleman from
8 the Customer Service Department.

9 JUDGE RILEY: Thank you.

10 And at this time we have convened a
11 prehearing conference in this matter.

12 And, Ms. Ortman, can you bring me up
13 to date on just what is the problem here? It's
14 something to do with a collection agency that has
15 not been paid?

16 MS. ORTMANN: No, I'm on record showing that we
17 paid the collection agency in full. And when I went
18 to try to turn on the Nicor gas, I was told that we
19 still had a balance of like 1300. So I'm not sure
20 why we're getting charged again for something that
21 we already paid.

22 JUDGE RILEY: And is that pretty much it in a

1 nutshell?

2 MS. ORTMANN: Pretty much. I mean, I just
3 wanted to make sure that, if we need it, we can have
4 our gas service again since we did actually pay the
5 collection agency in full.

6 JUDGE RILEY: What monies is outstanding with
7 Nicor?

8 Mr. Padron, maybe you can enlighten me
9 here.

10 MR. PADRON: Sure.

11 We show a balance of \$1,309.08. And
12 this is from an account accruing -- this amount was
13 accruing from November of 2005 until May of 2007.
14 Over that time they did make several payments.
15 Those payments totaled -- there were 7 payments
16 total. And those payments totaled \$2,712.48. As I
17 said, the outstanding balance that we show is
18 \$1,309.08.

19 What might help on our end -- and,
20 Carlton, please speak up if you know where to go and
21 what can help.

22 We have, first of all, proof of the

1 payment. And, secondly, are you aware at all,
2 Carlton, of any account -- of this account
3 specifically being transferred to a collection
4 agency for collection?

5 MR. COLEMAN: Yes. They were actually
6 transferred to collections, to NCO Collections. And
7 Martinez actually did -- Ms. Ortmann actually did
8 submit some receipts from NCO Collections which
9 Nicor referred them to.

10 MR. PADRON: And just for the record, can you
11 tell us what NCO stands for?

12 MR. COLEMAN: It is National Collections -- I'm
13 not sure what the "O" stands for. But it is one of
14 our collection agencies.

15 MR. PADRON: So they're an outside third-party
16 collection agency?

17 MR. COLEMAN: Correct.

18 MR. PADRON: Okay.

19 MR. COLEMAN: And she did actually submit a
20 receipt -- looks like a receipt from NCO Collections
21 that showed that actually 2 payments -- or 3
22 payments total were applied, in the amount of

1 \$360.78 and then one for \$5 there.

2 MR. PADRON: So we do have a report,
3 Ms. Ortmann, that there were 3 payments made, looks
4 like the first one was on 3-27-07 in the amount of
5 \$360.78, and then there was another one on that say
6 day for \$5, and then on 4-27-07, so a month later,
7 there was a payment of \$360.78.

8 So the total of those 3 payments made
9 to the collection agency is \$726.56.

10 MS. ORTMANN: Yes. And the balance as of
11 March 14th, 2007, is \$721.56. So it shows that we
12 paid the outstanding balance in full.

13 MR. PADRON: Carlton just handed me a receipt
14 showing the balance of the 721.56 that you're
15 speaking of and it says here that it was paid. The
16 question then is is when the amount was -- or
17 whatever amount was transferred to the NCO, was it
18 the entire balance or did more charges accrue after
19 it was sent?

20 Ms. Ortmann, I believe we're talking
21 about the same thing here, this receipt that I have
22 from NCO showing that a balance was owed of \$721.56.

1 MS. ORTMANN: Yes, as of March 14th, 2007.

2 MR. PADRON: Yes, March 14th, 2007.

3 Okay. So I have that same receipt.

4 MS. ORTMANN: Okay.

5 MR. PADRON: Carlton, do you know, is that the
6 only balance that was sent to NCO? Why are they
7 only showing a balance of 721.56? Was it actually a
8 higher balance or --

9 MR. COLEMAN: No, that was not the only balance
10 that was actually sent to NCO. We actually -- you
11 can see from the collections referral, the initial
12 referral when we referred them to collections on
13 September the 5th, 2006, the initial referral amount
14 was \$3,766.38.

15 And as you can see here, as they made
16 payments consecutively it started to go down, so it
17 should decrease, but here was the total amount there
18 that was outstanding, that was left (indicating).

19 So we only see one portion of one
20 receipt that was sent from NCO. Surely NCO
21 submitted something else to Martinez Auto and for
22 whatever reason, that was not submitted to us.

1 MS. ORTMANN: Yeah, I was just trying to show
2 the final balance that was due. Because all the
3 payments had been paid up to this point and this
4 how -- like where the account got down to. And I
5 was just showing the final balance to NCO being
6 fully paid.

7 MR. COLEMAN: Understood. But we still have
8 a -- I mean, and certainly if you were here you'd be
9 able to see this, that we actually have all of your
10 payments that were submitted to both Nicor and to
11 NCO and what NCO actually submitted to us, Nicor, in
12 full and it would still show an outstanding balance
13 of 1309.08. And this came from NCO directly. I
14 have a contact that I speak with, a Carolyn
15 Aldridge, who would certainly be willing to contact
16 you to verify.

17 MS. ORTMANN: And that's something that doesn't
18 make any sense. If that is the case, then how come
19 Nicor Gas would only transfer part of the
20 outstanding balance and then keep the rest at Nicor?

21 MR. COLEMAN: You have the option of paying
22 either the collection agency directly or you can pay

1 Nicor directly. And so whether we keep it -- we
2 keep it on our books and they keep it on their books
3 as well.

4 MS. ORTMANN: Doesn't the full amount get
5 transferred over?

6 MR. COLEMAN: We still have record of it. Yes,
7 we send the entire balance. But we still keep
8 record of that.

9 MR. PADRON: I think your question, and I don't
10 want to speak for you, Ms. Ortmann, but if we
11 initially referred to NCO \$3,766.38 and the Martinez
12 account was being paid on directly to Nicor and
13 then -- Ms. Ortmann, is this the only -- this date
14 of March 14th, 2007, with a balance of \$721.56 from
15 NCO, is that the only statement that you received
16 from the collection agency?

17 MS. ORTMANN: My mom was actually taking care of
18 the payments at that time and she was keeping track
19 of all the different payments. Like I said, the
20 only reason I submitted this last one to show the
21 final balance, that's how much is due.

22 MR. PADRON: If you could, answer my question,

1 do -- or maybe you don't know. Do you know if this
2 statement of March 14th, 2007, is this the only
3 statement that you received from NCO regarding this
4 account?

5 MS. ORTMANN: Actually, I do not know --

6 MR. PADRON: Okay.

7 MS. ORTMANN: -- but I'm assuming that it's not.

8 MR. PADRON: Okay. So I think -- and again I
9 don't want to speak for you, but I can see your
10 confusion if we have a referral of \$3,766.38 to NCO
11 and you guys are making payments to us and the
12 balance is going down, but the lowest balance that
13 we show is \$1,309.08 why are you getting a statement
14 that's showing a balance of 721.56, right?

15 MS. ORTMANN: Exactly.

16 And then at the time when my mom was
17 in the collection -- when we were actually making
18 the payments, she spoke with a woman who used to
19 work there named Doris --

20 MR. PADRON: Used to work where, ma'am? Used to
21 work at NCO or used to at Nicor?

22 MS. ORTMANN: Used to work at NCO.

1 MR. PADRON: Okay. I'm sorry, I cut you off.

2 Your mom knew someone who worked at NCO?

3 MS. ORTMANN: No, the lady that she was
4 contacting, her name was Doris, and I have the phone
5 number also of her -- I don't know if you want that.

6 MR. PADRON: Yeah, why don't you give me Doris'
7 phone number.

8 MS. ORTMANN: It's 877-712-1861. She was the
9 person that was in charge of the account when it was
10 in collections. She was contacting her. And per
11 Doris on NCO's account it also said that it was paid
12 in full.

13 MR. PADRON: Do you know why this was show a
14 balance of 721.56?

15 MR. COLEMAN: The only reason that that would
16 show a balance of 721.56 is if there were previous
17 dollars -- I'm guessing -- you know, I'm taking a
18 guess here -- if there were previous dollars that
19 were paid towards that amount. Without any other
20 receipts or any other things that actually any
21 financial statements, we really can't say one way or
22 the other why that's the only amount.

1 MR. PADRON: Can I make a suggestion then.

2 Ms. Ortmann, we have a financial
3 summary of all the payments and all the charges --
4 all the payments you made toward the account and all
5 the charges that were charged towards the account
6 for the account in question.

7 What I would like to do is, I'd like
8 to get you this chart -- and what I think would be
9 helpful, do you have records of all payments that
10 you made to Nicor as well as to NCO for this
11 account?

12 MS. ORTMANN: I have to check that. I'm pretty
13 sure we do.

14 MR. PADRON: If you --

15 MS. ORTMANN: In response to what you were
16 asking Mr. Carlton (sic), on the actual statement it
17 says, Thank you for your recent payment. However,
18 our records indicate that the balance shown is still
19 outstanding. And it shows that \$721 --

20 MR. PADRON: Right.

21 MS. ORTMANN: -- as the remaining balance. So
22 as of March 14th that would be the only balance that

1 is due as per the collection -- NCO's records.

2 MR. PADRON: And you're speaking of March 14th
3 of 2007?

4 MS. ORTMANN: Yeah.

5 MR. PADRON: Again, I see your confusion. And
6 what I'd like to investigate is, I would like to see
7 all the payments that you made, whether or not it
8 was to Nicor or to NCO. And I would like to check
9 that against the financial summary that we have,
10 which shows all the payments that you made to Nicor
11 as well as to NCO as well as all the charges that
12 were made, and find out if there's some sort of
13 accounting error on NCO or Nicor's part.

14 The bottom-line is, I don't want you
15 paying for gas services you don't owe. And I want
16 to make sure we get it right, if it's a mistake that
17 we made or if it's a mistake that NCO made. My only
18 concern is is to make sure that you don't overpay,
19 you don't underpay. I want to get it right, that's
20 all I want to do.

21 So with your agreement and the Judge's
22 order and permission perhaps we could set this for a

1 future date. And then in the meantime you can get
2 me that information. I can get you the financial
3 summary. And then we can also get on the phone with
4 NCO and find out why this March 14th, 2007,
5 statement showed a balance of 721.56.

6 MS. ORTMANN: Okay.

7 JUDGE RILEY: Is that amenable to you,
8 Ms. Ortmann?

9 MS. ORTMANN: That's fine.

10 I'd just like to emphasize, per their
11 records -- because according to Mr. Carlton,
12 obviously that 3000 and some was transferred over to
13 NCO.

14 MR. PADRON: Right.

15 MR. COLEMAN: Right. We do send that to the
16 collection agency. However, we do keep records,
17 Ms. Ortmann of all payments or all outstanding
18 balances.

19 MS. ORTMANN: I just wanted to say, of all the
20 information that I found, of the 3000 and some, the
21 full amount that we owed, was transferred over to
22 this collection agency and it was being paid down by

1 us. And then as of March 14th, it shows out of the
2 3000 and some, the only balance due is \$721.56.

3 MR. PADRON: Right.

4 JUDGE RILEY: It seems to me that the parties
5 are looking at different figures at different times
6 and I think it's just a good idea to share the
7 information that you have so that you all are on the
8 same page and find out where the discrepancy has
9 occurred.

10 MS. ORTMANN: Okay.

11 JUDGE RILEY: You can very well come to an
12 accord once you realize --

13 MR. PADRON: Right.

14 JUDGE RILEY: -- where the difference sums of
15 money came from.

16 That being the case and this is the
17 1st of February, why don't I give you 30 days, is
18 that enough time or --

19 MR. PADRON: That should be good, your Honor.

20 JUDGE RILEY: Is that okay with you,

21 Ms. Ortmann?

22 MS. ORTMANN: That's fine with me.

1 JUDGE RILEY: Okay. Having said that --

2 MR. PADRON: Can I suggest a date, your Honor?

3 JUDGE RILEY: Certainly.

4 MR. PADRON: I'm actually going to be back here

5 for an ICC matter on March 8th at 10:00, so if we

6 can do March 8th at 11:00.

7 JUDGE RILEY: Ms. Ortman, is that okay with

8 you?

9 MS. ORTMANN: That is Tuesday -- yeah, that's

10 fine.

11 JUDGE RILEY: March 8 at 11:00 a.m.

12 MR. PADRON: Very good.

13 JUDGE RILEY: And that will be for a status.

14 And we will reassess this matter at that time and

15 see where the parties are with regard to the various

16 numbers.

17 MS. ORTMANN: Okay. Perfect.

18 MR. PADRON: Thank you, Ms. Ortman, I

19 appreciate your help and then we'll be in touch in

20 the days to come to arrange the information exchange

21 and see how we can take care of this.

22 MS. ORTMANN: And thank you very much for your

1 help as well.

2 MR. PADRON: Thank you.

3 JUDGE RILEY: Thank you, Ms. Ortmann. Thank
4 you, Mr. Martinez.

5 MR. MARTINEZ: Thank you, sir.

6 JUDGE RILEY: This matter is continued to
7 March 8 at 11:00 a.m. and we'll reconvene at that
8 time and see where the parties are with the various
9 numbers.

10 MR. PADRON: Thank you, Judge.

11 (Whereupon, the above-entitled
12 matter was continued to
13 March 8, 2011, 11:00 a.m.)

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