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Case No.: 10-0702 CHIEF CLERK'S OFFICE

HALSTED PARTNERS)

v.)

PEOPLES GAS, LIGHT AND)
COKE COMPANY)

MOTION TO COMPEL PRODUCTION OF DOCUMENTS

1. Complainant, Halsted Partners, shortly after filing its complaint herein, began a series of discussions with the attorneys representing Peoples Gas Company for the purpose of exchanging relevant documents and information in order to narrow the scope of the litigation, determine what facts could be stipulated to, and explore the possibility of settlement.
2. Complainant furnished Peoples Gas with scanned copies of almost 11 years of gas bills, plus extensive summaries and analysis of the gas bills for that purpose.
3. In response to a document request from Complainant, Peoples Gas furnished four (4) computer screen printouts, copies of which are attached as Group Exhibit A. Peoples Gas refused to respond to further inquiries or informal document production requests. As a result, on June 29, 2011, Complainant's attorney sent Peoples attorney a formal document production request, a copy of which is attached hereto as Exhibit B.
4. Attorney Michael M. Reed, the staff counsel for Peoples Gas, responded in a July 6, 2011 letter to Complainant's attorney that "regarding the document requests, Peoples Gas has already provided any and all documents relevant to the permissible scope of the ICC Complaint. Further documents (other than documents associated with the meter testing to take place on the presently deployed meters) will not be produced absent an order from the presiding Administrative Law Judge."
5. Mr. Reed also stalled for several months in responding to Complainant's repeated demands that the meters currently on the premises be tested, ultimately refusing to allow the meters to be tested, claiming there was no legal requirement for Peoples Gas to do so, despite Section 500.220 of the Administrative Code's Standards of Service for Gas Utilities requiring meters to be tested on the request of the customer not more than once a year. Eventually, Peoples attorney Mark Goldstein agreed to the meter test.
6. The documents requested in Complainant's request, attached as Exhibit B, are relevant to and relate directly to the disputed issues in controversy, including:
 - (A) Whether the five (5) meters installed at various times on the premises measured the flow of gas accurately.

- (B) Whether said meters were installed and maintained and read in accordance with the Standards of Service for Gas Utilities.
 - (C) Whether Complainants' claim that Peoples Gas had unfettered access at all times to read the meters is true.
7. Requiring Peoples Gas to produce the requested documents will facilitate full disclosure of relevant and material facts to these proceedings.
 8. The undersigned has personally consulted with both attorneys Mark Goldstein and Michael Reed of Peoples Gas, and has attempted to resolve this matter, but has been unable to do so.

WHEREFORE, pursuant to Section 200.350 and Section 200.370 of Title 83 of the Illinois Administrative Code, Complainant moves for an order compelling Peoples Gas to produce the requested documents listed in Exhibit B, and furnish an affidavit of compliance, and for such other and further relief as the hearing officer deems appropriate.

HALSTED PARTNERS

By: 
David C. LeSueur

Diamond & LeSueur, P.C
Attorney for Complainant
3431 W. Elm Street
McHenry, IL 60050
(815) 385-6840 – Phone
(815) 385-6875 – Fax
email: dave@dlfirm.com

Equipment Maintenance

Rotary Inspect Leak Test

Equip Inventory View Equip Test History Meter Test Summary Route Control Equip Maint

Equipment Type: METER Equipment Id: P1912221

Manufacturer Description: DRESSER Installed: 08/30/1988

Kind and Size: Z3 80/25 Removed: 12/04/2008

Test Information

Reason	Date	Employee	Location	Unit d Repair	Comn Prio	Sample Group	Meter Heat Co
IN TEST	12/24/2008	Alvarado, Geord	TEST SHOP	CCF CONDEMNE	00		
LEAK TEST	02/29/1992	UNKNOWN	TEST SHOP	CCF NO REPAIR	000		
IN TEST	05/18/1988	UNKNOWN	TEST SHOP	CCF NO REPAIR	000		

Test Results

Open Load Check Load Fast/Slow Read Qty

In Read: 10 20 15 58673

Test Result: PASS Test Status: METER TESTED

GROUP EXHIBIT A

Equipment Maintenance

Rotary Inspect | Leak Test | AMR Tasks

Equip Inventory | **View Equip** | Test History | Meter Test Summary | Route Control | Equip Maint

Add Equipment From Number To Number Equipment Type
 Individual Mass METER

Attributes

Meter No	P1912221	Manufacture Date	05/16/1988
Kind and Size	Z3 8C125	Serial No	00008819264
Manufacturer	DRESSER	Purchase Date	05/17/1988
Model	RF ALUMINUM	Case Type	ALUMINUM
Meter Type	ROTARY	MAOP	
Status	DISPOSED OF	Pressure Comp	NONE
<input type="checkbox"/> Allow Meter Multiplier Greater Than One		Prototype	<input type="checkbox"/>
		Pallet No	UNKNWN
		Equipment Shop	NORTH-DIST SHC
		Date Received	12/24/2008

Capabilities

Measures	Meter Dials	Read Dials	Multiplier
CCF	5	5	1.000

Customer Pulse

How Attached	Install Date	Remove Date	Comments

Attachments

Type	Device Number

Equipment Maintenance

Rotary Inspect | Leak Test

Equip Inventory | View Equip | **Test History** | Meter Test Summary | Route Control | Equip Maint

Equipment Type: **METER** | Equipment Id: **P1654516**

Manufacturer/Description: **AMERICAN** | Installed: **05/15/2007**

Kind and Size: **T5 800 CFH 20# TC** | Removed: **12/04/2008**

Test Information

Reason	Date	Employee	Location	Unit	Repair	Comr	Prover Number	Sample
IN-TEST	01/29/2009	Latoza, Michael	TEST SHOP	CCF	ADJ REQ		03	
LEAK TEST	04/19/2007	Fuller, Dennis	TEST SHOP	CCF	NO REPAIR		00	
REPAIR TEST	04/18/2007	Fuller, Dennis	TEST SHOP	CCF	NO REPAIR		22	

Test Results

Open Load | Check Load | Fast/Slow | Read Qty

In Read: **90** | **90** | **25** | **5808**

Test Result: **PASS** | Test Status: **METER TESTED**

*reg 4
a pass 4*

Meter Remo 12/04/2008

Diamond & LeSueur P.C.
Attorneys at Law
3431 West Elm Street
McHenry, Illinois 60050

Samuel J. Diamond
David C. LeSueur

Telephone: 815/385-6840
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815/385-7796

Richard R. Rodriguez
Adam J. Diamond

June 29, 2011

via email: mlglawoffices@aol.com

Mark Goldstein

Re: Halsted Partners v Peoples Gas, Light and Coke Company
Case No.: 10-0702

Dear Mr. Goldstein:

Please consider this a written request that Peoples Gas, Light and Coke Company produce and forward to me copies of the following documents:

For purposes of this request, the "Subject Premises" shall mean the Premises located at 4356 N. Kenmore Avenue, Chicago, Illinois 60613. Unless otherwise stated, the time period covered by these requests shall be from January 1, 1999 to the present.

1. All records of inspections or work performed, meter changes, adjustments, plumbing and pipe changes for the Subject Premises.
2. Complete equipment records for all meters used in the Subject Premises since 1999, including but not limited to meter no. 1912221, 1566479, 1654516, 2828501 and 2828497, including but not limited to all testing history test results, installation and removal records, maintenance records, complaints, notes or memoranda from technicians, inspectors or customer service representatives, etc.
3. All notes, memoranda, correspondence, records and other documents including all meter readings for any gas meters located at the Subject Premises, notes or memoranda created by or directed to meter readers concerning access to the meters located inside the Subject Premises.

Please contact me at your earliest convenience to advise me if you have any objection to or difficulty in complying with any of these requests. In any case, if you intend to comply, I would appreciate it if you would advise me when I can anticipate receiving the requested documents, and how.

EXHIBIT B

Page Two
6/29/11

I will be happy to pay the reasonable costs of reproducing the documents, if necessary. Thank you for your cooperation.

Yours truly,

David C. LeSueur

DCL/mk

cc: Marshall LeSueur

ILLINOIS COMMERCE COMMISSION

HALSTED PARTNERS)
v.) Case No.: 10-0702
PEOPLES GAS, LIGHT AND)
COKE COMPANY)

NOTICE OF FILING

TO: email: mlglawoffices@aol.com
Mark L. Goldstein
3019 Province Circle
Mundelein, IL 60060

PLEASE TAKE NOTICE that I will cause to be filed with the Chief Clerk of the Illinois Commerce Commission in Springfield, Illinois, Plaintiff's Notice of Motion and Motion to Compel Production of Documents, a true and correct copy of which was previously served upon you.

DIAMOND & LeSUEUR, P.C.
By: [Signature]
David C. LeSueur

PROOF OF SERVICE

The undersigned, a non-attorney, state that the within Notice of Filing was sent to the above named party, by First Class Mail with proper postage prepaid, this 23rd day of August, 2011, and also by email at the email address shown above.

[Signature]
Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, I certify that the statements set forth herein are true and correct.

Diamond & LeSueur, P.C.
Attorneys for Plaintiff
3431 W. Elm Street
McHenry, IL 60050 (815) 385-6840

ILLINOIS COMMERCE COMMISSION

HALSTED PARTNERS)
v.) Case No.: 10-0702
PEOPLES GAS, LIGHT AND)
COKE COMPANY)

NOTICE OF MOTION

TO: email: mlglawoffices@aol.com
Mark L. Goldstein
3019 Province Circle
Mundelein, IL 60060

On September 8, 2011 at 1:00 p.m., or as soon thereafter as counsel may be heard, I shall appear before the Administrative Law Judge Gilbert, or any judge sitting in his stead, in the courtroom usually occupied by him at the offices of the Illinois Commerce Commission, 160 N. LaSalle, Suite C-800, Chicago, Illinois, and shall then and there present the attached Motion to Compel Production of Documents in the above captioned matter and hold hearing instanter on said Motion.

DIAMOND & LeSUEUR, P.C.

By: [Signature]
David C. LeSueur

PROOF OF SERVICE

I, Maria Kulik, a non-attorney, certify that I served this Notice of Motion and Motion to Compel Production of Documents by mailing a copy to the above named individual by depositing same in the U.S. mail at McHenry, Illinois at or prior to 5:30 p.m. on August 4, 2011, with proper postage prepaid, and also by email on same date to the email address shown above.

[Signature]
Maria Kulik

DIAMOND & LeSUEUR, P.C.
Attorney for Complainant/ARDC #3124567
3431 W. Elm Street
McHenry, IL 60050
815-385-6840