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BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
ALLAN C. DYER)
v) No. 11-0502
NORTHERN ILLINOIS GAS COMPANY)
d/b/a NICOR GAS COMPANY)
Complaint as to billing/charges)
in Maywood, Illinois.)

Chicago, Illinois
August 24, 2011

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

BEFORE:
MR. JOHN RILEY, Administrative Law Judge.

APPEARANCES:

MR. ALLAN C. DYER
1904 Washington Boulevard
Maywood, Illinois
appeared pro se, telephonically;

MR. PAUL PADRON
1844 Ferry Road, Suite 7W
Naperville, Illinois 60563
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>
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 of
2 the Illinois Commerce Commission, I call
3 Docket 11-0502. This is a complaint by Allan C.
4 Dyer versus Northern Illinois Gas Company d/b/a
5 Nicor Gas Company as to billing and charges in
6 Maywood, Illinois.

7 Mr. Dyer was told that he did not have
8 to appear personally today, that we would contact
9 him by phone. We have made one attempt so far to do
10 so and got his answering machine.

11 Mr. Padron, would you enter an
12 appearance for the Respondent.

13 MR. PADRON: Paul Padron, P-a-d-r-o-n, for
14 Nicor Gas Company, 1844 Ferry Road, Suite 7W,
15 Naperville, Illinois 60563. My phone number is
16 630-388-3660.

17 JUDGE RILEY: Thank you.

18 And at this time we're going to try
19 and call Mr. Dyer again.

20 (Dialing phone.)

21 MR. DYER: Hello.

22 JUDGE RILEY: Good morning, Mr. Dyer.

1 MR. DYER: Good morning.

2 JUDGE RILEY: This is Judge Riley from the
3 Illinois Commerce Commission. How are you?

4 MR. DYER: Okay. I'm all right. I was waiting
5 for your call, sir.

6 JUDGE RILEY: Well, I'm here with Mr. Padron and
7 we're on the record.

8 I'll turn it over Mr. Padron. He was
9 going to speak to a field technician when we
10 adjourned last time and see what he could find out
11 about the gas piping on your property.

12 Mr. Padron, would you explain to
13 Mr. Dyer what you found?

14 MR. PADRON: Sure.

15 Hi, Mr. Dyer, how are you?

16 MR. DYER: I'm okay.

17 MR. PADRON: Okay. Mr. Dyer, so I did go out to
18 your house with the field tech, who you met with
19 that time for the gas leak. His name is Tony.

20 MR. DYER: Okay.

21 MR. PADRON: And I asked him to go through
22 step-by-step and I wanted him to start from the very

1 beginning of when he got the call from Headquarters
2 to respond to a gas leak. Okay. So he went through
3 the whole thing. He told me upon arriving in the
4 back he smelled gas out by the garage. And when he
5 checked our service line he couldn't find the leak
6 and that's when he -- that's when he went to you and
7 said, I need to get in your house because there's a
8 leak and, you know, I want to find out what's
9 leaking.

10 So he had everything shut off. And he
11 turned the gas on and the meter was running. And
12 that's when he told you that the meter was running
13 and there was a leak. So that's when he went inside
14 to the basement and he found a T off of our line
15 that was either put in there by a previous owner or
16 a contractor from the previous owner of the home or
17 you, I don't know, somebody. And it went under the
18 ground, out to the garage. And it was either to
19 heat the garage or for a grill, I don't know,
20 something out there.

21 Do you remember this when Tony found
22 that other pipe?

1 MR. DYER: Well, he did not explain to me
2 exactly what he found. I didn't quite understand
3 him. I'll tell you what, he told me -- we were
4 outside and he went to the meter and he said, Man,
5 your meter is just -- the dial indicator is just
6 spinning continuously --

7 MR. PADRON: Right.

8 MR. DYER: -- rapidly, you know.

9 MR. PADRON: Right.

10 MR. DYER: So I said, Well -- he said, Well,
11 you're going to get a big gas bill. I says, Why?
12 He says, Well, it's leaking gas evidently. I says,
13 Well, you know, you had some -- apparently Nicor
14 hired a construction company to come and put this
15 meter in, you know, switch the inside meter to the
16 outside. And evidently they didn't do the job
17 right. Why is the meter spinning like this. Why
18 did they leave it --

19 MR. PADRON: No, he said -- Tony --

20 MR. DYER: -- not completely.

21 MR. PADRON: I'm sorry.

22 -- Mr. Dyer, the needle that was

1 spinning on the meter that was -- that was because
2 of your own pipe. It wasn't from our pipe. It was
3 from the pipe that was T' d off that was going out
4 to the garage that Nicor doesn't know about. We
5 don't have it on our plans. It's either -- like I
6 said, it's either the previous owner put it in there
7 or you put it there or you put it in there, somebody
8 put it in there.

9 MR. DYER: Well, I certainly didn't put it in
10 there.

11 MR. PADRON: Okay. That's fine.

12 MR. DYER: I don't know nothing about that.

13 MR. PADRON: That's fine.

14 So what Tony did was, Tony, he cut off
15 that private line, if you will, he capped it and he
16 turned the gas back on and then everything worked
17 fine. So that's for sure what was leaking.

18 So that pipe -- remember the last time
19 we spoke and I was concerned because you were
20 talking about how there was some pipe under the
21 garage, nobody knew whose it was or what was going
22 on. Nobody knew what was leaking. And I was afraid

1 that there was some pipe under there that they were
2 using. Remember this? My concern about this?

3 MR. DYER: Yes.

4 MR. PADRON: Okay. So now that we've cut off
5 that private pipe, there's no leak. The pipe is
6 still in the ground, but it's not being used.

7 So on our end, we're done.

8 MR. DYER: Well, here's my point, sir. My point
9 is this. That company that you hired, I don't know
10 what the deal is with that, but that crew that came
11 out made the switch, okay? If you're going to
12 switch a pipe from inside and evidently eliminate
13 another pipe, I mean, of course there's going to be
14 a problem. To me it was a job that was undone. It
15 was not complete. They switched the meter only to
16 their line. And it was probably on some pipe going
17 to the garage like you say. Well, I was never even
18 told about that. I mean, if the need for capping it
19 off was necessary, I should have been told about
20 that. I should have been told -- well --

21 MR. PADRON: You were told about it.

22 MR. DYER: No, sir, I was not told.

1 MR. PADRON: Okay. Here --

2 MR. DYER: Tony, when he came out he made some
3 switches there.

4 MR. PADRON: Okay. Here's the thing, whatever
5 line you had connected it's got nothing to do with
6 the meter being switched from the inside to the
7 outside.

8 MR. DYER: All right. Well, let me ask you
9 this. Before that meter was switched how come I
10 never had that problem? The problem did not exist.
11 And when that crew came out here and worked on it,
12 put a new meter in, then here's the problem that
13 comes up.

14 And besides that the leak was not just
15 being smelled in the garage, it was all on the
16 outside. As a matter of fact it was my neighbor
17 that called Nicor Gas --

18 MR. PADRON: I know this.

19 MR. DYER: -- because it was coming towards her
20 garage. It was on the outside.

21 Then you send a construction crew and
22 they dug up on the outside. And the foreman, or

1 whoever he was, told me, he says, There's a leak out
2 here in the alley, you know.

3 MR. PADRON: Right. And we stipulate to that
4 fact. We know that there's a second line out there
5 that belongs to you because you own the property. I
6 don't know -- like you said --

7 MR. DYER: Wait a minute. Wait a minute. A
8 second line in the alley that belongs to me?

9 MR. PADRON: No, there's a second line running
10 from your home to the backyard area to your garage.
11 And we don't know where it's leaking. It could be
12 leaking under the sidewalk. It could be leaking
13 under the garage. We don't know and we don't care
14 because it's not our problem right now. Okay.

15 And the fact that you say you never
16 had a problem before, well, maybe because the line
17 is so old it cracked or something went wrong.

18 MR. DYER: Yeah, right. I've only been here
19 like about 8 or 9 years --

20 MR. PADRON: Anyway --

21 MR. DYER: -- and all of a sudden this line
22 cracks.

1 MR. PADRON: -- but you said yourself you didn't
2 put it in.

3 MR. DYER: No, I didn't put it in, of course
4 not.

5 MR. PADRON: Okay. So then we don't know when
6 it went in. For all we know, it could have been put
7 in when the house was built, whatever year it was
8 built. What year was it built?

9 MR. DYER: I believe 1923.

10 MR. PADRON: There you go.

11 You know, I don't know. But the point
12 is, we know what the problem is, okay.

13 And here's the other problem,
14 Mr. Dyer, to date -- okay, it's August 24th, to date
15 for this year we've received 3 payments from you.
16 That's, you know -- we can't do that. I mean, I --
17 I mean, I understand there was a problem with this
18 pipe that you didn't know about and Nicor didn't
19 know about, whatever. But you can't be paying your
20 bill, you know -- picking out 3 times during the
21 course of 9 months.

22 MR. DYER: Well, you know what, I've always

1 wanted to pay my bill. If you look back at my
2 history I paid my bill. There may be times when I
3 was late, but I paid.

4 MR. PADRON: Mr. Dyer --

5 MR. DYER: And I wanted to pay the bill but
6 because of this issue, everything is a problem here
7 and I'm confused. I don't know, you know, how to
8 get them to start it over. This thing has been
9 going on -- it's going on a year now. And you know,
10 I'm tired of this hassle here with you guys. I'm
11 tired of it. I just want to get this thing resolved
12 and taken care of.

13 MR. PADRON: Beautiful. Then we want the same
14 thing because I want to get it resolved, too. Okay.
15 So that's what we're going to do.

16 Your account balance right now, just
17 for gas and the service, no late fees, all right,
18 because you've only paid 3 times in the past 9
19 months, your balance right now with no late fees is
20 \$888.61. Okay.

21 So because we don't know exactly how
22 long your gas was leaking for -- and that's really

1 got nothing to do with it because I want to resolve
2 this and because I just want to make this easier for
3 everybody involved, you, me, the ICC, everybody,
4 Nicor will eat 50 percent of that 888. We'll cut
5 your bill down to 444. I'll basically give you a
6 \$444 credit just to make this go away.

7 MR. DYER: Okay.

8 MR. PADRON: But you've got to promise me that
9 you're going to pay your bill. Every time you get a
10 bill you're going to pay it.

11 MR. DYER: Well, certainly. I want to pay my --
12 what's your name, again?

13 MR. PADRON: My name is Paul Padron.

14 MR. DYER: Paul Padron. Oh, you're the
15 attorney, right?

16 MR. PADRON: I'm the attorney.

17 MR. DYER: All right. I want to pay the bill.
18 Every since I've been here I've paid my bill. Like
19 I say, there's a couple -- a few times I've been
20 late and stuff like this, but my attitude is to pay
21 the bill because it's got to be paid --

22 MR. PADRON: Right.

1 MR. DYER: -- just like I paid all the other
2 utilities. I don't have a problem with those
3 people.

4 JUDGE RILEY: Mr. Dyer, I think Nicor has made a
5 very fair offer considering the circumstances.

6 Would this be entered into as a formal
7 settlement agreement?

8 MR. DYER: Okay. I'll agree to that.

9 JUDGE RILEY: Well, I'm asking Mr. Padron.

10 MR. PADRON: Okay. So you'll pay the 444?

11 MR. DYER: Right. I'll pay it today, if you
12 will.

13 MR. PADRON: Great. You can pay that today. So
14 then you'll be current, all right? So the next bill
15 you get will just be for your gas use and it should
16 be, you know, a nominal amount and we can move
17 forward. And as long as you pay your bills and as
18 long as, you know, we don't have any more leaky gas
19 pipes under the alley or whatever, under the garage,
20 then we'll be done, all right?

21 MR. DYER: Okay. That sounds good to me.

22 MR. PADRON: What I'll do is, Mr. Dyer, I will

1 send you correspondence that will put this -- it
2 will memorialize our settlement.

3 MR. DYER: Okay.

4 MR. PADRON: It will have a motion to dismiss.
5 It'll ask for your signature. And I'll include a
6 self-addressed envelop so you can send it back to me
7 after you sign it.

8 And then as far as the 444, before you
9 do anything, let me contact Carlton Coleman, all
10 right, the gentleman I work with in our Customer
11 Relations and I'll have him contact you. And you
12 say you're going to pay the 444 today. He can
13 either -- you know, you can arrange that with him,
14 all right.

15 Does that sound good?

16 MR. DYER: Yes. I don't understand. I need to
17 wait for Carlton Coleman before I pay this 444, is
18 that what you mean?

19 MR. PADRON: Well, yeah, I would rather do that
20 because -- I mean, I guess it really doesn't matter
21 in the scheme of things if you pay the 444, it will
22 appear on your account.

1 You know what, yeah, just go ahead and
2 pay it. Just go ahead and pay the 444. And I'll
3 make sure on our end that it gets resolved. And I
4 will send you some correspondence. But don't be
5 surprised if Carlton calls you for whatever reason.

6 MR. DYER: Okay.

7 MR. PADRON: I'm sorry. I should be thinking
8 about this. How do you intend on paying the 444?
9 Are you going -- do you plan on calling Nicor to pay
10 it or did you plan on going to either our
11 Headquarters or somewhere to pay it?

12 MR. DYER: Let's see. You know what, I've got
13 to pay this in cash. I'll just pay it through a
14 currency exchange or something. Would that be okay?

15 MR. PADRON: Yeah.

16 MR. DYER: I mean, I could use a credit card,
17 but I would just rather pay it cash.

18 MR. PADRON: Okay. Then that should be --
19 again, you know what, that should be fine, but I'm
20 going to call Carlton as soon as I leave here. I'll
21 call Carlton. And will you be at this number where
22 Judge Riley contacted you? Will you be at this

1 number for the next few minutes, half hour or so?

2 MR. DYER: Yes.

3 MR. PADRON: I'll have Carlton call you right
4 away and then you guys can discuss whatever you need
5 to.

6 MR. DYER: Okay. I'll just wait and take care
7 of that.

8 MR. PADRON: Sounds good.

9 JUDGE RILEY: What I will do on my end is I will
10 simply continue this matter for approximately 30
11 days. That will give the parties a chance to
12 circulate the necessary documentation and finalize
13 the details. But I will not have a notice sent out.
14 Once all the signatures have been obtained and once
15 the matter is filed with our Clerk's office I can
16 have an order prepared for the Commission.

17 MR. PADRON: Sounds good.

18 JUDGE RILEY: That's how I'll handle it on my
19 end, Mr. Dyer. So don't worry about having to
20 appear anymore.

21 MR. DYER: Okay.

22 JUDGE RILEY: Just work with Mr. Padron and get

1 the documentation all settled and the payments made
2 and that should take care of it. The problem has
3 been resolved.

4 MR. DYER: Okay, Judge, that sounds good to me.

5 JUDGE RILEY: Okay. I will continue this matter
6 for 30 days and let the parties work the details out
7 among themselves.

8 MR. DYER: All right.

9 MR. PADRON: Thanks, Mr. Dyer. We'll be in
10 touch.

11 MR. DYER: Okay. Thank you very much. Then
12 I'll be waiting for that call.

13 JUDGE RILEY: Take care.

14 (Whereupon, the above-entitled
15 matter was continued
16 sine die.)

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