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BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN RE:)
)
CHERYL M. JORDAN)
)
vs.) NO. 13-0124
)
ILLINOIS AMERICAN WATER COMPANY,)
)
A DISPUTE REGARDING ERRONEOUS)
)
CHARGES FOR BILLING FROM)
)
May 12, 2011 TO JUNE 16, 2011.)

CHICAGO, ILLINOIS
July 9, 2013

Met, pursuant to adjournment at 2:00 p.m.

BEFORE: MR. TERRANCE HILLIARD
Administrative Law Judge

MIDWEST LITIGATION SERVICES, by Gwen Bedford, CSR
License No. 084-003700

1 APPEARANCES:

2 MR. KEVIN HILLEN

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7

8 MR. KENNETH JONES

9 Illinois American Water Company

10 300 North Water Works Drive

11 Bellville, Illinois 62223

12 Phone: 618-239-32222

13 appeared on behalf of Illinois American Water

14

15 MS. CHERYL M. JORDAN

16 738 Vale Drive

17 Romeoville, Illinois 60446

18 Applicant appeared Pro Se

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I N D E X

WITNESS	Direct	Cross	Examiner
CHERYL JORDAN		38	17
KEVIN HILLEN	61	70	

1 JUDGE HILLIARD: On behalf of the Illinois
2 Commerce Commission, I call Docket 13-0124. Cheryl M.
3 Jordan vs. Illinois American Water Company, a dispute
4 regarding erroneous charges for billing from May 12,
5 2011 to June 16, 2011.

6 Can the parties, beginning with the
7 Complainant, identify themselves by giving a name and
8 address, please?

9 MS. JORDAN: Cheryl M. Jordan. My address is
10 738 Vale Drive, Romeoville, Illinois 60446.

11 MR. JONES: And for Illinois American Water
12 Company, Kenneth Jones, 300 North Water Works Drive,
13 Bellville, Illinois, 62223.

14 JUDGE HILLIARD: All right. The process we
15 have here is that the Complainant has the burden of
16 proof and the burden of going forward. So you need to
17 establish evidence through documentation or through
18 testimony supporting your claim. And the company has a
19 chance to present their side of the case. They can
20 cross-examine any witnesses that you put on. You can
21 cross-examine any witnesses they put on. After they --
22 after you put in your case, they can introduce through
23 witnesses or documentation the same sort of thing. You
24 can, after they have presented what they want to

1 present, you can, if you so choose, speak again, put on
2 other witnesses to rebut anything that they have to
3 say. Have any questions?

4 MS. JORDAN: I do not.

5 JUDGE HILLIARD: And you're appearing pro se
6 and you don't have an attorney?

7 MS. JORDAN: That's correct.

8 JUDGE HILLIARD: And the amount at issue is
9 how much, \$3,400?

10 MS. JORDAN: No, it's less than that, your
11 Honor. At this point I think it is close to \$1,800.

12 JUDGE HILLIARD: Anybody who is likely to be
13 testifying, please raise your hand to be sworn. Are
14 you going to be testifying? How about this lady over
15 here?

16 MR. JONES: Ms. Johnson, she is in our
17 Customer Service Department. She wanted to come and
18 observe.

19 JUDGE HILLIARD: So she won't be testifying?

20 MR. JONES: Unless somebody has questions for
21 her.

22 (WITNESS SWORN)

23 CHERYL M. JORDAN,

24 called as a witness herein, after having been first

1 duly sworn was examined and testified as follows:

2 JUDGE HILLIARD: Proceed, Miss.

3 MS. JORDAN: I have exhibits that I would
4 like to share. Is that appropriate? So, your Honor,
5 I'm here today --

6 JUDGE HILLIARD: Give me a chance to look at
7 your exhibits first. Have you seen these before,
8 Mr. Jones?

9 MR. JONES: Not in this form.

10 JUDGE HILLIARD: Are you going to explain
11 these at some point? Go ahead with your presentation?
12 Give Mr. Jones a chance to look at them. Do you have
13 more copies of these? If you admit them into evidence,
14 I have to give the Clerk three copies. You can take
15 this copy and make another copy and do it that way, or
16 whatever you choose.

17 MS. JORDAN: I just have the two copies.

18 I'm here today to provide documented
19 evidence to support the fact that the water usage
20 charges documented on a billing statement dated
21 June 21, 2011 for billing period May 12th through
22 June 16, 2011, are charges that I should not be held
23 liable.

24 Exhibits A, B and C are proof of vacant

1 A Closed on 2-13-2013. And the document
2 entries also verify that.

3 Q In particular what indicates that you are not
4 living there? There is an entry there that says that
5 possession was stayed for 60 days dated 2-13-2013.

6 A Right. So 60 days from that date was
7 technically when I needed to or had to vacate that
8 property.

9 Q What would have been about April 13th of
10 2013?

11 A Yes, sir.

12 Q But we're talking about 2011.

13 A Correct. But I brought the document to point
14 out that the foreclosure was in effect. And the other
15 documents, such as the key entry logs, a copy of the
16 realtor's lock box log, further demonstrates that the
17 property was vacant for that time from November 8th
18 through July 26th of 2011.

19 Q Where does it say that?

20 A Well, the fact that in specific, if you look
21 at December 14, 2010 where the contractor was there to
22 winterize the property, you can't live in a property if
23 the property is winterized.

24 Q Was this property your home?

1 A Yes.

2 Q And when did you live there?

3 A I lived there from 2006 through 2009. I'm
4 sorry 2002 is when we purchased the property and
5 through June of 2009.

6 Q And you had an account with the Illinois
7 American Water Company?

8 A Yes, sir.

9 Q Why did you move out in June of 2009?

10 A In June of 2009 my daughter and I moved to
11 Louisiana because my husband at that time had taken a
12 job there due to unemployment in the states. So after
13 he was there for some time, we decided to move there
14 with him.

15 Q When you left -- what is the location of this
16 property?

17 A In Bolingbrook, Illinois.

18 Q When you left the Bolingbrook property, what
19 did you do about -- did you do anything about shutting
20 off your utilities?

21 A At that time we rented the property.

22 Q Did the -- who was responsible for paying for
23 the utilities?

24 A The tenant.

1 Q And how long did the tenant or tenants reside
2 in the property?

3 A From June of 2010 to February of 2011. I'm
4 sorry. The tenant stayed there from June of 2009 to
5 February of 2010.

6 Q And then what happened?

7 A I had to evict them because they were not
8 paying rent.

9 Q And were they paying their utilities during
10 that time period?

11 A I assumed so, because I didn't get a bill.

12 Q What happened after February of 2010?

13 A At that point I came back to the State of
14 Illinois due to some irreconcilable problems with my
15 husband in September of 2010.

16 Q And did you move out of the property?

17 A No. I moved to a townhome in Aurora. That
18 was the 572 Conservatory Lane address.

19 Q So when -- at any point prior to -- well, at
20 any point after June of 2009 did you take any action to
21 stop the utilities from servicing the Bolingbrook
22 property?

23 A From June of 2009 through to --

24 Q Whenever. Did you ever call up and say --

1 A Yes, your Honor. I did. I called
2 November 30th of 2010, which is documented -- both,
3 well, in particular in Exhibit -- actually in Exhibit
4 D. It is verified in the Answers to the Complaint and
5 it is noted in Answer Number 4.

6 Q Paragraph 4?

7 A I assume so. Paragraph 4, Item Number 4.
8 How you say it?

9 Q Okay. All right. Maybe you want to go back
10 to your presentation about Exhibit B or unless you have
11 something else you want to say about Exhibit A?

12 A Just noting that Exhibit A there is documents
13 there that substantiate the winterizing of the
14 property. That is just for the proof that I did not
15 reside there or that the property was vacant. I think
16 I covered that point.

17 And Exhibit B is the plumber's invoice
18 which speaks to, you know, again activity in the
19 property that substantiates it being vacant. Also had
20 to do with the winterization and the problems that
21 occurred from a lack of the proper procedures for the
22 winterization.

23 Q The plumbing notice is dated -- is that
24 April 12, 2011?

1 A Yes, sir. On April 12, 2011, no, I'll just
2 wait to make that comment. But yes sir, isn't that
3 correct?

4 Q After 2010 -- after February 2010, there was
5 no one living there?

6 A Right.

7 Q Is that right?

8 A That is correct.

9 Q Do you know when the next time someone lived
10 there, if ever?

11 A In the fall -- I don't have the exact dates,
12 but in the fall of 2010 for two to three months, I
13 allowed a friend to move into the property while their
14 home was being rehabbed.

15 Q So sometime --

16 A In the fall of 2010.

17 Q Through when? January of 2011?

18 A No, not prior to the beginning of 2011.

19 Q They were out?

20 A Correct?

21 Q And then did you retain ownership of the
22 property or title of the property in 2010?

23 A Retained ownership?

24 Q You were the owner of the property? You had

1 a mortgage on the property?

2 A Right. It was still in the foreclosure
3 process.

4 Q And in 2011, did anybody live there, to your
5 knowledge?

6 A No. I moved back into the property in August
7 of 2011.

8 Q So from the end of 2010 to August of 2011,
9 did anybody live there?

10 A No.

11 Q And you lived there from August of 2011 until
12 when?

13 A Until March 1st of 2012.

14 Q And then sometime after you left there was a
15 plumber there and he found water in the basement? That
16 is what Exhibit B says?

17 A Correct.

18 Q And how about Exhibit C?

19 A Exhibit C e-mail document communication with
20 Safeguard which is a company that was hired to
21 winterize the property on December 14th of 2010. And
22 the filing and e-mails that document the filing of a
23 claim that had to be made with Safeguard for damages.
24 And it also shows the invoice from the plumber who had

1 to go in and repair the walls and the leaks and so on.
2 So again the A, B and C is just further proof of the
3 vacancy of the property.

4 Q What time period are these e-mails? When do
5 they date from?

6 A The first e-mail --

7 Q 7-7-13 up in the corner, left corner?

8 A 7-7-13 the one that begins with "I talked to
9 Roger", that one is dated 4-12-2011.

10 Q Where do you see that?

11 A Unfortunately, I could not get it to print
12 out from the e-mail, but I could --

13 Q So the date up in the top is the date you
14 printed it?

15 A The top left.

16 Q Yes?

17 A Yes, sir.

18 Q But the actual date of the e-mail goes back
19 to -- tell me again?

20 A 4-12-2011.

21 Q And the second page?

22 A The second page was 4/13/2011.

23 Q And then there is an e-mail at the back?

24 A Yes, sir.

1 Q Starts off -- what was the date of that one?

2 A That was May 3, 2011.

3 Q Top of the page it says "FW: Four star with
4 Court. Filed 176 792-4067." And the witness has
5 indicated that e-mail is from --

6 A May 3rd.

7 Q There is a date on the e-mail that's copied
8 on the same page towards the bottom that indicates it
9 is from May 2, 2011. That previous e-mail from May 2,
10 2011. What else do you want to tell me about?

11 A That is all that I wanted to point out in
12 those exhibits, A, B and C.

13 Q So do you have anything else that you want to
14 tell me about Exhibits D, C or F?

15 A Yes, sir. Exhibit D, copies of the billing
16 statements for 4-13 to 5/12/2011. So on that billing
17 statement it indicates that there was no charges for
18 water usage during that time frame. However on
19 April 12th --

20 Q Wait a minute. Tell me what page. You are
21 on Exhibit D now?

22 A Yes, sir. It should be the first billing
23 statement.

24 Q The one I have has an Answer.

1 A Oh, gosh! Do you have a billing statement in
2 there?

3 Q Towards the end.

4 A I'm sorry it was just not stapled in order.

5 Q There is a due date, June 7, 2011.

6 A That is the one that I'm referring to at that
7 time.

8 Q What is it that you want to point out about
9 that?

10 A That there was no water usage for that time
11 frame which is April 13th through May 12th of 2011.

12 Q Where is that indicated? I have a billing
13 period, April 13th to May 12th.

14 A Right. And the meter reading for the current
15 billing period indicates 00 used, 100G used, gallons
16 used, zero.

17 Q Towards the bottom it has got the meter
18 reading, present actual and last actual?

19 A Yes, sir.

20 Q And that shows -- there is a notation 1,000 G
21 used zero, gallons used, zero. I see that.

22 A And when I called to get further explanation
23 for the amount that was charged, the \$12.67, I was told
24 by Customer Service that April 12th, when I called to

1 request to have the water turned back on, that was the
2 service charge to turn on the water.

3 Q Okay.

4 A Because again I asked well, why was there a
5 charge when there is no usage, et cetera. That's what
6 the explanation that was given to me by Customer
7 Service. So that is all I wanted to point out in this
8 statement.

9 And the next statement is a statement
10 for this whole -- my complaint. It is a statement
11 dated May 12th through June 16th of 2011.

12 Q I'm looking at Exhibit E. Is that what we're
13 talking about?

14 A Still in D. Do you see that? At the top it
15 says \$3,476, the amount.

16 Q This is what appears to be a bill from
17 Illinois American Water direct to Cheryl Jordan for --
18 and the address on the bill is 572 Conservatory Lane,
19 Aurora, Illinois; is that right?

20 A That's right.

21 Q Tell me about this piece of paper?

22 A This is a statement that shows the gallons
23 used on the left side towards the bottom of 298,000 for
24 the time billing period of May 12th of June 16th of

1 2011.

2 Q Okay.

3 A So this statement, preceding statement shows
4 that prior to this day there was no usage now. Within
5 one month's it was 298,000 gallons of water metered --

6 Q Okay.

7 A -- for the address.

8 Q But the total bill for this period of time as
9 indicated on this Illinois American water bill for this
10 account is for \$3,476.01, correct?

11 A That's correct.

12 Q What's next?

13 A I also want to point next to the Complaint
14 and Answer that at the top before the Illinois Commerce
15 Commission there are three Answers that I would like to
16 highlight. Answer Number 4, if I'm saying that
17 correctly. It is in Exhibit D.

18 Q Paragraph 4.

19 A See Paragraph 4 states in the Answer --

20 Q Response to Paragraph 4 of the Complaint is
21 quoted and then there is an Answer; is that right?

22 A Yes, sir.

23 Q Tell me what you want to tell me.

24 A It admits that the Complainant requested shut

1 off of the water on November 30th of 2010. And it
2 states that the Field Service Representative states
3 that he could not locate the B box and turn off the
4 water.

5 Q Okay.

6 A Further states that without knowledge or
7 information -- that is where I want to stop really. He
8 could not locate the B box and turn off the water.

9 Q Right.

10 A I contacted Customer Service on 12/26/2011
11 and I spoke with Customer Service Rep, Amy.

12 Q You are reading from some place, some
13 document?

14 A Yes.

15 Q Do you have that document?

16 A No. And she verified that the water was not
17 shut off. I asked her was notification of that sent to
18 me, myself, the owner or the realtor. She said that no
19 notification was sent out.

20 Q When was that conversation again?

21 A 12-26-2011. Customer Service Rep, Amy. So
22 the point here is I requested that the water be shut
23 off on November 30th. It was not done, nowhere was I
24 notified that it was not done.

1 Q And that request was November 30, 2011?

2 A Yes. No, November 30, 2010. I spoke to her
3 almost over a year later.

4 Q You spoke to her to 11/30/2010 you wanted a
5 shut off?

6 A Yes.

7 Q Thirteen months later on 12/26/11 you spoke
8 to Amy and Amy tells you that the water wasn't turned
9 off, and they never let you know that the water wasn't
10 turned off?

11 A Correct.

12 Q So Paragraph 5, the Answer, Illinois Water
13 admits that on April 12th Complainant -- they went to
14 the Complainant's premises upon request to turn the
15 water on. And Field Service Rep states that he found
16 the water on and left it on.

17 Here, my concern is if the water was
18 never turned off, and supposedly Illinois American
19 Water's records reflect that fact. Why then would they
20 send out a Field Service Rep to turn it on knowing in
21 their records that it was never turned off?

22 Q Okay.

23 A So to me that points to internal lack of
24 communication and documentation.

1 Then Paragraph 6, the Answer, Illinois
2 American Water admits that there was no water usage
3 measured from three dates, September 13th to 2010 to
4 the original date of May 12, 2011.

5 Furthermore I wanted to point out later
6 in that paragraph it reads "Further answering states
7 that a police report states that the copper pipes and a
8 water softener had been stolen from the Complainant's
9 basement." This response or answer is not accurate.

10 If you look at Exhibit E, your Honor,
11 This is the incident report from the police officer.
12 In it it says at Paragraph 3, "When she entered the
13 basement, she observed the high amount of mole on the
14 walls and copper pipes missing from the water softener.
15 However, no running water at the time." So the water
16 softener was not removed from the house. It is still
17 in the house.

18 Q But copper pipes are missing?

19 A Yes, sir.

20 Q There is indication that there was water
21 damage from water in the basement; is that right?

22 A Yes, your Honor.

23 Q Now, going back to the phone call you made.

24 A On 12/26?

1 Q On 11/30/10 --

2 A Yes.

3 Q Requesting that the service be cut off?

4 A Yes.

5 Q Did you speak to Amy then?

6 A No, I did not know who I spoke to.

7 Q Did you ever get any confirmation that the

8 water service had been turned off?

9 A No confirmation that the water service was

10 turned off.

11 Q Okay. And the next time you had anything to

12 do with Illinois American Water was 12/26/11 when you

13 called and found out in fact the water had not been

14 turned off back in 2010?

15 A No, your Honor. The next time after the

16 4/12/2011 or --

17 Q My question was, you called and asked the

18 water be turned off on November 30, 2010?

19 A Correct.

20 Q And in December of 2011 you had another

21 conversation with Amy at Illinois American Water?

22 A Thirteen months later.

23 Q Thirteen months later.

24 A That wasn't the next conversation.

1 Q We'll get back to that. Let me pin this back
2 down.

3 A Sure.

4 Q And in that conversation they told you that
5 the water had not been turned off and that was because
6 they couldn't find the box to turn it off?

7 A Right.

8 Q Now, you were going to tell me about contact
9 you had between those two dates with someone from
10 Illinois American Water?

11 A Right.

12 Q Go ahead.

13 A Okay. The next contact after the April 2011
14 date was my request for a Field Service Rep to come to
15 the home because of the bill that I received that the
16 May 12th through June 16, 2011 bill that I saw.

17 Q Okay.

18 A And so the Field Service Rep met me at the
19 house on July 26th of 2011.

20 Q Is that in a document someplace?

21 A Yes, sir. So Exhibit F is the High Water
22 Leakage Investigation Report. There are a couple of
23 items that I would like to point out on this report.

24 Item Number 2, "Does customer have any

1 of the following at the premises?" The first question
2 being regarding the water softener and he indicated no.
3 There was a water softener there.

4 Q I think the box is not -- I guess he does say
5 no.

6 A "And is it operable?" He never even answered
7 that question.

8 Q All right.

9 A The other item I would like to point out is
10 Item Number 3. "The toilet tank displays presence of
11 iron sediment that could have possibly caused drain
12 flap not to seep. He answers "No. "How many toilets
13 are in the house?" He answered "Two", which is not
14 correct. If you look at the second document in Exhibit
15 F, there are three toilets in the house.

16 Q Okay.

17 A And it's highlighted.

18 Q "How many did you check?" He says, "Zero."
19 My question then becomes "How did you answer no to
20 Question 3 without even checking any of the toilets",
21 which he did not.

22 Item 8. "Was customer given a leak
23 detection kit"?

24 A He marks "Yes". No, he did not.

1 Item 11, "Was the customer satisfied
2 with the investigation or conclusion." He responded,
3 "No", which is accurate.

4 Then it says, "If customer is not
5 satisfied, you must replace the meter with R900I, et
6 cetera that named series meter, which then you would
7 have to go back to Item Number 7, which should indicate
8 the new meter information that he should have installed
9 and it is not there.

10 Q Do I have this right? You had a friend who
11 lived there in the fall of 2010 for three months or so.
12 You occupied the place from August 11th through
13 March 12th; is that correct?

14 A Yes.

15 Q But this conversation is in July of 2011 and
16 your complaint is about the bill for the period of May
17 2011 until June of 2011?

18 A Yes, sir.

19 Q When you came back and moved back into the
20 property on August of 2011, did you have to reinstall
21 pipes?

22 A Yes, sir.

23 Q And do you know when the pipes disappeared
24 from the property?

1 A Do not know. Can only assume.

2 Q When your friend lived there in the fall of
3 2010 --

4 A Yes.

5 Q -- were there pipes?

6 A Yes, sir.

7 Q And the water ran, water worked properly?

8 A Yes.

9 Q Go ahead.

10 A So at this point I would like to conclude.
11 In conclusion I'm saying that Illinois American Water's
12 documentation is inconsistent and at times negligent in
13 its fact and reporting related to the case. It
14 demonstrates that documentation is unreliable and
15 should not be used in support of evidence of the
16 charges claimed to the Complainant as evidenced in
17 Exhibits D, E and F.

18 Furthermore, the Complainant has proven
19 that the home was not occupied at the time of water
20 usage in question and associated billing. Evidence of
21 theft and removal of copper piping leads to a
22 reasonable conclusion that it is removable. It's
23 removal correlates to the excessive use and damage to
24 the basement. The Complainant bears no fault or

1 responsibility.

2 Q All right. Is that the extent of your
3 presentation?

4 A Yes, sir.

5 Q So you want to move to admit your exhibits
6 into the record?

7 A Yes, sir.

8 Q So you move to admit Exhibits A, B, C, D, E
9 and F; is that right?

10 A Yes.

11 JUDGE HILLIARD: Any objections, Mr. Jones?

12 MR. JONES: No objections, your Honor.

13 JUDGE HILLIARD: Your exhibits will be
14 admitted, but you'll need to make -- we need to present
15 the Clerk with three copies of your exhibits. So when
16 we are done here, I'll show you where the copy machine
17 is and make those copies.

18 MS. JORDAN: Not to include the two copies
19 that were given?

20 JUDGE HILLIARD: You have got to give
21 Mr. Jones one to keep so that he can refer to it and if
22 he needs to see one later on. You can use the copy you
23 gave me and as many more as you need to make, three,
24 that is what you'll do.

1 MS. JORDAN: Thank you.

2 JUDGE HILLIARD: You have any -- you want to
3 confer with your witness?

4 MR. JONES: No. I'm just organizing.

5 JUDGE HILLIARD: You want to cross-examine
6 Miss Jordan?

7 MR. JONES: Yes.

8 JUDGE HILLIARD: Miss Jordan, he is going to
9 ask you some questions about your testimony now. Try
10 to answer the questions to the best of your ability.

11 MS. JORDAN: Yes, sir.

12 CROSS-EXAMINATION

13 BY MR. JONES:

14 Q Miss Jordan, we met before. My name is Ken
15 Jones. I work for the water company in the Legal
16 Department.

17 Your claim is that you don't think that
18 you should be responsible for the usage on the meter;
19 is that correct?

20 A That's correct.

21 Q And you said that the evidence of the theft
22 of the copper pipes correlates to the usage; is that
23 correct?

24 A Correct.

1 Q So you are not denying that the water
2 actually went through the meter?

3 A No, I'm not.

4 Q And you are not contending that the meter was
5 faulty at all?

6 A That I don't have evidence of.

7 Q You did receive a copy of a meter test?

8 A Yes.

9 Q And that's what I have marked as Exhibit 7.
10 And, your Honor, Mr. Hillen is getting some of those
11 for you.

12 JUDGE HILLIARD: You know, what, I've got a
13 stamp, exhibit stamp.

14 MR. JONES: I have got those all marked.

15 BY MR. JONES:

16 Q Have you seen that exhibit before, Miss
17 Jordan?

18 A No, I have not seen this document before.

19 Q But you are aware and you requested that a
20 meter test be done on the meter?

21 A Yes, I requested that it be done.

22 Q And the results shows that the meter tested
23 accurately, tested 99.5 percent accurate?

24 A Yes, I see that.

1 Q So you are not denying that 298 gallons
2 actually went through the meter some time between May
3 12th and June 16th?

4 A That is what your records indicate.

5 Q But you are not denying that?

6 A No.

7 Q Now you testified before that the house was
8 vacant from November of 2010 through August of 2011?

9 A Actually the house was vacant longer than
10 that. The realtor's key log demonstrates that
11 timeframe.

12 JUDGE HILLIARD: Well, my notes indicate that
13 she had a friend living there in the fall of 2010 for
14 several months.

15 MR. JONES: Now the usage reports --

16 JUDGE HILLIARD: You are going to need a
17 total of three.

18 MR. JONES: I'm trying to keep these. If you
19 would give them for the Judge, that will be fine. I'm
20 going to be referring to Number 1.0.

21 JUDGE HILLIARD: Okay.

22 BY MR. JONES:

23 Q This, I'll represent to you Miss Jordan, is a
24 printout of the usage at Five Starwood Court, your

1 home. And if you look at that read date of October 12,
2 2010 --

3 JUDGE HILLIARD: What page is it on.?

4 MR. JONES: That is the first page of Exhibit
5 1.

6 THE WITNESS: October 12th?

7 MR. JONES: October 12, 2010 is the third
8 entry from the top where the --

9 JUDGE HILLIARD: He's talking about the read
10 date, which is in the middle of the page.

11 MR. JONES: Correct, your Honor.

12 BY MR. JONES:

13 Q The read date shows a reading of 254 which
14 was the same read as the read immediately below that,
15 September 13, 2010. So from September -- that would
16 lead one to believe that from September 13, 2010
17 through October 12, 2010 there was no water usage; is
18 that correct?

19 A Give me those dates once again, please? From
20 what?

21 Q September 13, 2010 through October 12, 2010.

22 A Correct.

23 Q So there was no water usage in the house?

24 JUDGE HILLIARD: Indicated on Exhibit 1.

1 MR. JONES: Right. From September 13, 2010
2 through November 30th. That is the first entry under
3 the read date. And that's when you called to get the
4 water shut off?

5 A Yes.

6 Q So there is no water usage from at least
7 September 13, 2010 through November 30, 2010?

8 A Yes.

9 Q Which would indicate that nobody was in the
10 house from September 13, 2010 through November 30th,
11 because they would have been using water?

12 A That's right.

13 Q So after -- on November 30th, that is when
14 you called to discontinue the account; is that correct?

15 A Yes.

16 Q You didn't receive a bill and so therefore
17 there was no water meter reading done until you called
18 for the water to be started up again in April of 2011;;
19 is that correct? And that is on Page 3 of Exhibit
20 Number 1. The bottom read date figure, April 13, 2011?

21 A I see that.

22 Q When your account was set back up on
23 April 13, 2011 upon your request that the water be
24 started, a reading again was 254. So there was no

1 water usage from the last date of November 30, 2010
2 through April 13, 2011?

3 A Correct.

4 A And again there was another meter read on
5 May 12, 2011, the same reading, 254. So no water
6 usage?

7 A Yes.

8 Q As you pointed out in fact, the high usage
9 occurred some time between May 12, 2011 to June 16,
10 2011. Because the read went from 254 to 552 units; is
11 that correct?

12 A Correct.

13 Q So nobody -- is it your testimony that nobody
14 was in the house from September 13, 2010 until
15 August 2011 when you moved in?

16 A Correct.

17 Q And did you ever go into the house from
18 November 30, 2010 until July 26, 2011?

19 A No.

20 Q But there were a number of people in and out
21 of the house during that time?

22 A Correct, because the house was for sale.

23 Q And as the lock box log which you pointed out
24 shows -- and what exhibit was that of yours?

1 JUDGE HILLIARD: A, I think.

2 MR. JONES: A. Thank you.

3 On the second page of your Exhibit 1, at
4 the bottom, it is the -- after the cover sheet of
5 Exhibit A, the first sheet with information on it, at
6 the bottom of that sheet, November 8, 2010, was that
7 the date that the lock box first went on the house?

8 A Yes. I would assume so, because there was no
9 activity prior to that.

10 Q And I'm not counting, but there must be 20,
11 25 records of somebody going to the house from
12 November 8, 2010 through April 6, 2011; is that
13 correct?

14 A April 6th, okay.

15 Q And then the following page at the bottom of
16 that sheet, the date continues April 12, 2011. And
17 going up say to the middle of that page before the --
18 well, actually it is the whole page except for the very
19 top entry when you were in the house on July 26th,
20 there is another 20 or so people who entered the house?

21 A Yes.

22 Q That includes the real estate agent, the
23 drywall people, the plumber, the winterizer, there were
24 a number of people in and out of that house for eight

1 months, nine months?

2 A That's correct.

3 Q Now, you in fact received a letter from the
4 water company dated June 20th which is Exhibit 4. IAWC
5 Exhibit 4.0 that notified you that there was something
6 out of the ordinary, the first paragraph that the
7 letter says. The second sentence, "We noticed that
8 your water use is considerably higher than normal. So
9 this letter was sent to you dated June 20, 2011?

10 A Uh-huh.

11 Q And that followed a meter read of June 16th,
12 2011 which was the high meter read; is that correct?

13 A The dates follow that, yes.

14 Q Did you do anything in response to receipt of
15 this letter on June 20, 2011?

16 A No, I did not. And I did not -- again as
17 stated, I did not reside at Five Starwood Court. And
18 water bills would come to my address in Aurora at 572
19 Conservatory Lane.

20 Q In fact so did this letter, 4.0?

21 A Correct, because there was no water usage in
22 the house, no one resided in the house, yes, I received
23 the bills, but there was no need to open them because
24 time after time, month after month, there was no usage

1 charge and no bill to pay. So again this was yet
2 another letter. I didn't understand the need to open.

3 JUDGE HILLIARD: Do I have this right? The
4 usage in question occurred between 5/12/2011 and
5 6/16/2011?

6 MR. JONES: That's correct, your Honor.

7 JUDGE HILLIARD: And this letter is dated
8 shortly after that, 6/22/2011?

9 MR. JONES: Correct.

10 JUDGE HILLIARD: Go ahead.

11 BY MR. JONES:

12 Q Miss Jordan, I'm giving you IAWC Exhibit
13 Number 5. That is a stack of bills. I have got those
14 numbered. Turn to Page 9. That was the high bill that
15 went out to you in June of 2011; is that correct?

16 A That's correct.

17 Q And it was sent to your 572 Conservatory Lane
18 address?

19 A Correct.

20 Q Did you do anything in response to that
21 \$3,476. This is the letter that I opened in late July
22 which prompted me to call Illinois Water to find out
23 the reason for the bill and hence the FSA came out and
24 met me there on the 26th?

1 JUDGE HILLIARD: Can I ask just a general
2 question or if anybody knows the answer? How much
3 volume of water are we talking about at
4 298,000 gallons? Is that filling up the first floor of
5 the basement or --

6 MR. HILLEN: I did this yesterday. 10 x 20
7 basement is probably two or three-quarters of the
8 basement.

9 JUDGE HILLIARD: To a height of what?

10 MR. HILLEN: Three-quarters high on the
11 floor.

12 JUDGE HILLIARD: How deep a basement?

13 MR. HILLEN: Nine footer.

14 JUDGE HILLIARD: So 6 x 10 x 20?

15 MR. HILLEN: I'm guessing. Don't hold me to
16 that.

17 JUDGE HILLIARD: That's an approximation.
18 And what happened to the water? It went through a
19 drain and exited the building?

20 MR. JONES: There is a drain in the basement?

21 JUDGE HILLIARD: Was the water gone when you
22 went into the basement in July?

23 MS. JORDAN: Yes, sir.

24 JUDGE HILLIARD: Go ahead. Sorry to

1 interrupt.

2 BY MR. JONES:

3 Q And you mentioned, Miss Jordan, you called
4 Illinois American on July 23rd of 2011?

5 A Approximately, yes.

6 Q And you met an Illinois American Water
7 Company worker there on July 26th the following day, as
8 you pointed out on your Exhibit F. And that is when you
9 saw that the pipes were stolen; is that correct?

10 A That's correct.

11 Q And in fact there is a police report that I'm
12 looking at Illinois American Water Exhibit 6. Let me
13 just ask you. If you would take a second to flip
14 through that, I believe those are all documents that
15 you sent to Illinois American Water Company in
16 connection with your high bill complaint?

17 A Yes.

18 Q And if you would look at Page 5 on the bottom
19 right hand corner. That's the police report, the
20 second to the last paragraph. The officer says, "While
21 on scene I observed the water softener with copper
22 pipes missing located on the southeast corner of the
23 basement. There also appeared to be approximately five
24 feet of copper pipe missing from the ceiling above the

1 water softener." Is that what that says?

2 A Yes.

3 Q Now, you contend that actually the water
4 softener was still there?

5 A It is also indicated in the report, her
6 report and you also have it.

7 JUDGE HILLIARD: I think it --

8 MR. JONES: I'll grant you that.

9 JUDGE HILLIARD: You could read this report
10 to indicate that he saw the water softener with pipes
11 not there.

12 MR. JONES: Right. That is correct. And
13 that's neither here nor there.

14 BY MR. JONES:

15 Q But there was five feet of copper pipes.
16 Those pipes were missing after the meter, correct?

17 A What do you mean "after the meter"?

18 Q The meter comes from -- the water comes from
19 the outside through the meter into your house. The
20 missing copper pipes were after the meter inside your
21 house, correct?

22 A The missing copper pipes were missing from
23 the interior of my basement.

24 Q So if water was on, it was flowing through

1 the meter through those pipes?

2 A I don't understand the technicality of how
3 that works, but if you say so.

4 Q You said that you had damage to the basement
5 from that water leak?

6 A Yes.

7 Q What was that damage?

8 A Mole on the walls. There was a water line on
9 the walls, the drywall, you know, dampness. At that
10 point there wasn't any dampness on the floor.

11 Q But on July 26th when you went in there?

12 A Yes.

13 Q Did you get that damage repaired?

14 A Yes, I did.

15 Q And do you recall how much did that cost?
16 There is some receipts Pages 6 and 7, SERV PRO.

17 A The cost is not here. I mean the items that
18 were purchased towards the repair are items or Exhibits
19 6 and 7.

20 Q That is Exhibit 6 on Pages 6 and 7.

21 A 6 and 7. But I have not totaled it, so I
22 couldn't give you a figure.

23 JUDGE HILLIARD: Is that the bill that is
24 addressed to you on Page 8 of Exhibit 6?

1 MS. JORDAN: Your Honor, on Page 8 is an
2 estimate that I received, but could not afford. So
3 this SERV PRO did not do the work.

4 JUDGE HILLIARD: Okay, fine.

5 BY MR. JONES:

6 Q Was the work done by someone else?

7 A Personal friend, family, friend.

8 Q Was there a charge for that?

9 A Minimal.

10 Q Was there insurance coverage for any of this
11 damage?

12 A None.

13 JUDGE HILLIARD: Did you have insurance,
14 ma'am?

15 MS. JORDAN: No.

16 BY MR. JONES:

17 Q You requested that the water be turned on on
18 April 12, correct?

19 A That's correct.

20 Q So as of April 12th, you wanted there to be
21 water in the house?

22 A Uh-huh.

23 Q Whether or not it was turned off in November
24 of 2010, you wanted to let it run in April of 2011?

1 A Right. And the reason the water needed to be
2 turned on on April 12th was for the appraisal to be
3 completed. It was necessary that all of the utilities
4 be turned off.

5 Q As you indicated earlier you paid, you
6 actually paid bills for water service after the water
7 was turned on in April 2011? Let me give you
8 Exhibit 5. I am sorry, you already have that,
9 Ms. Jordan. If you look at Pages 7 -- Page 7 is -- if
10 you look at the top right hand corner "Due by May 9th",
11 but the actual billing date in the middle on the left,
12 billing date of April 18th, so that is when the meter
13 was read, April 18th. You were charged for a little
14 bit of water service since it was turned on on April
15 12th at your request.

16 JUDGE HILLIARD: Tell me again what you are
17 looking at?

18 MR. JONES: Exhibit 5, your Honor. Illinois
19 American Exhibit 5 Page 7.

20 JUDGE HILLIARD: Okay.

21 BY MR. JONES:

22 Q And then, Miss Jordan, Page 8, the next
23 month's bill of May 16th. And there was, although
24 there was no water usage. You see towards the middle

1 left hand side gallons used zero. There were charges
2 for basic service on the right hand side. Do you see
3 that?

4 A I do see that.

5 Q And you paid those amounts?

6 A Correct.

7 Q And those basic service charges are for the
8 fact that water is turned on at your property, correct?

9 A Yes. This is what the Customer Service woman
10 indicated.

11 Q And going back to April of 2011, if you look
12 at my Exhibit 6, Illinois American Exhibit 6.0 and turn
13 to Page 4 of that.

14 A Do I have an Exhibit 6?

15 Q Yes, right there. (Indicating)

16 A Page 4.

17 Q And is this your handwriting?

18 A No, it is not. This is Orlena Harris, the
19 realtor, listing agent.

20 Q About the third entry down, 4/12/11,
21 winterize, not winterize correctly. Jim -- plumbing
22 was called in to de-winterize the house, is that
23 correct?

24 A That's correct.

1 Q Which means turn the water back on to make
2 sure everything is proper?

3 A That's correct.

4 Q Now, after you got the high bill and you went
5 down into the basement on July 26, 2011 with the police
6 officer and with Illinois American Water
7 representative, you were offered -- I mean you called
8 about your bill, correct?

9 A Correct.

10 Q And you spoke to Customer Service a number of
11 times?

12 A Correct.

13 Q And you actually accepted a leakage estimate
14 of fifty percent deducting \$1709.23 of the bill?

15 A Correct.

16 Q And you accepted that adjustment?

17 A Yes.

18 Q And also there were some late charges. Let
19 me back up. When you hadn't paid that high bill
20 understandably for a few months, there was some late
21 charges that accrued. Actually when you had accepted
22 that 50 percent leakage estimate, \$192.81 of late
23 charges were deleted from your account; is that
24 correct?

1 A I don't recall that.

2 Q Let me show you Exhibit 11 and ask you to
3 turn to Page 18. And this is a screen shot from our
4 customer service -- Illinois American Water Customer
5 Service Rep's notes. And if you look at that in the
6 middle of those notes, the 12/5 entry, the December 5th
7 entry, it says per above remove all late charges from
8 July 20, 2011 through November 17, 2011, a total of
9 \$192.81. So does that refresh your recollection about
10 whether \$192.81 --

11 A There is a what? What is that? QUBAS, what
12 does that mean?

13 Q It is a hold on your account while the
14 dispute is being resolved. But if you look at the
15 previous -- and we can discuss that if you want, but
16 the previous line \$192.91 was deducted from your
17 account?

18 A Yes.

19 Q And also you were offered -- in fact agreed
20 to a payment plan. If you look at -- do you remember a
21 payment plan being offered and accepted by you?

22 A In December of 2011?

23 Q I'm not sure what month it was offered. But
24 at any time, do you recall there being a payment plan

1 offered to you to pay the remaining amount after half
2 was deducted?

3 A Yes.

4 Q And in fact you paid \$50 up front and the
5 agreement was to pay the remainder over 42 months.
6 That worked out to about \$40 a month?

7 A I don't remember what the amounts were, but
8 there was a payment plan.

9 Q But you stopped paying on that payment plan?

10 A I didn't stop paying the payment plan. I
11 fell behind on the payment plan.

12 Q At a certain point, in fact I think after the
13 \$50 payment, there were no more payments.

14 A You would have to tell me when the \$50
15 payment ended, was made. I can't confirm that.

16 MR. JONES: Okay. I have no more questions,
17 your Honor. Thank you.

18 JUDGE HILLIARD: You can in the nature of
19 cross-examination. Now if you have something you want
20 to say in response to any of these questions, just make
21 a statement as if you had a lawyer and you were doing
22 what they are doing. In any event, any comment you
23 want to make about the questions he asked.

24 THE WITNESS: Can I have a minute?

1 JUDGE HILLIARD: Sure.

2 MR. JONES: While Miss Jordan is reviewing, I
3 would like to move the admission of Illinois American
4 Water Exhibits 1 through 11.

5 JUDGE HILLIARD: I don't know if you hit all
6 those, but they look like company records more or less.

7 Do you have any objections to admitting
8 his exhibits?

9 MS. JORDAN: I do not of.

10 JUDGE HILLIARD: Illinois American Water
11 Exhibits 1 through 11 will be admitted into evidence.

12 (WHEREUPON Illinois American Water
13 Exhibit 1 through 11 were admitted
14 into evidence)

15 MS. JORDAN: I have a question. How do you
16 read -- this is your Exhibit 11. How do you determine
17 the dates of these entries into your record?

18 MR. JONES: Would it be an opportunity to
19 have Mr. Hillen sworn in and he could respond?

20 JUDGE HILLIARD: He could answer the
21 question. Would that be satisfactory, ma'am?

22 MS. JORDAN: Sure.

23 MR. JONES: I know it is confusing. I wish
24 it was better with our current system. If you look at

1 the first several pages, Miss Jordan -- your Honor I
2 printed out the screen showing all the contacts. These
3 are customer contacts. A customer calls us or we
4 contact them, that customer, those contacts are noted
5 in our system.

6 If you look at Contact Number Page 1 of
7 Exhibit 1, that is the column about the middle of the
8 page, and the date which is two columns to the right,
9 that is the date that customer contact was made
10 according to the contact number. But unfortunately you
11 have to go to the individual screen shot to see what
12 the contact number was. For example, Page 8 of this
13 Group Exhibit 1, the contact number in the upper left
14 corner of that screen shot is 35769692. And if you go
15 back to Page 1 of Exhibit 3 entries from the bottom of
16 that screen shot is contact number 35769692. To the
17 right it shows that the date of that contact was
18 July 25, 2011. Unfortunately, that date is not on the
19 screen shot. It would make it a lot easier, but you
20 basically have to go back and forth from the screen
21 shot to the summary page.

22 MS. JORDAN: So then when looking at
23 Page 11 -- Page 8, you saw that the contact number was
24 here, yes?

1 MR. JONES: Correct.

2 MS. JORDAN: And so I have to look for that
3 same contact number here to find out the date?

4 MR. JONES: Correct.

5 MS. JORDAN: May I ask, comment on
6 November 30th when the SFA went out to the house to
7 shut off the meter and indicated that they could not
8 find this Box B. What is Box B and why couldn't they
9 find it?

10 MR. JONES: Box B is the buffalo box. It is
11 a box holding the shut off valve. I think Mr. Hillen
12 would be better able to answer.

13 JUDGE HILLIARD: What he's indicated that
14 when we let the witness speak, he can address that for
15 you. Do you have any other comments you want to make
16 in regard to the questions that Mr. Jones asked you?

17 MS. JORDAN: I mean do I have another
18 question to follow-up with that question?

19 JUDGE HILLIARD: Do you have any comments?
20 He asked you a bunch of questions. Is there anything
21 about his questions that well, I should say this or I
22 should make this point in response to what he said?
23 That is the kind of thing I want you to think about
24 right now. You will get to ask him any question that's

1 relevant at this time. But right now, you can make a
2 comment in response to questions that Mr. Jones asked
3 you. If you don't have any questions or comments,
4 that's fine. I just wanted to give you that
5 opportunity.

6 MS. JORDAN: And so this question that I just
7 placed --

8 JUDGE HILLIARD: Ask that later on. Do you
9 have any other comments you want to make about your
10 presentation that Mr. Jones asked you questions about
11 or something you want to say? Anything?

12 MS. JORDAN: Not in reference to the
13 presentation that I made.

14 JUDGE HILLIARD: Now, we'll call this witness
15 and you could ask him questions about the buffalo box
16 or whatever else.

17 Go ahead, Mr. Jones.

18 MR. JONES: I would like to present Mr. Kevin
19 Hillen as a witness for Illinois American Water
20 Company.

21 JUDGE HILLIARD: Spell your last name one
22 more time.

23 MR. HILLEN: H-I-L-L-E-N.

24 JUDGE HILLIARD: Go ahead.

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(WITNESS SWORN)

KEVIN HILLEN,

called as a witness herein, after having been first
duly sworn was examined and testified as follows:

DIRECT EXAMINATION

BY MR. JONES:

Q You have been sworn. What is your current
position, Mr. Hillen?

A I'm Operations Superintendent for Illinois
American Water at our Woodridge office at 1000
International Parkway in Woodridge, Illinois.

Q Does that cover Illinois American Water
Chicago Metro District?

A That's correct.

Q Does that cover the area in which Ms.
Jordan's home is located?

A That's correct.

Q Just give me real quick your work experience,
when you started in the water business?

A I've held positions at three different
locations at Illinois American's predecessor has owned.
Started out as a Staff Engineer in Champagne and
graduated from the University of Illinois in Civil
Engineering.

1 Q What year was that?

2 A 1983. I have done a number of engineering
3 operational positions. Left Champagne in 1999.

4 Q What company were you with after graduation?

5 A Northeastern Illinois Water Corporation which
6 was acquired by Illinois American.

7 Q In 1999.

8 A Yes, sir.

9 Q And what was your work history with --

10 A I had positions from everything from a Staff
11 Engineer to Vice President of Distribution.

12 Q And what does distribution involve?

13 A Distribution is all aspects outside of the
14 treatment plant. So water main repairs and turn offs
15 and turn ons.

16 Q So you have extensive experience in water
17 distribution operations including meter reading, shut
18 offs and turn on orders?

19 A That's correct.

20 Q Are you familiar with Miss Jordan's account?

21 A Yes, I am.

22 Q Did you review it for this case?

23 A Yes, I did.

24 Q Is it your understanding that she is claiming

1 that she should not be responsible for the water usage
2 that was registered between May 12, 2011 and June 16,
3 2011?

4 A That's correct.

5 Q And is it your understanding that the usage
6 records show that there was no usage at the premises
7 from September 13, 2010 until May 12, 2011 brief date
8 of her meter?

9 A Yes.

10 Q And that data is shown on Exhibit 1 of
11 Illinois American Water Company?

12 A That's correct.

13 Q Now, Miss Jordan requested that water service
14 be discontinued on November 30, 2010; is that correct?

15 A That is correct.

16 Q If you look at Exhibit 9, Page 3, does that
17 show the request for shut off of water service?

18 A That is what I'm looking for.

19 Q You're looking at Page 1 of Exhibit 9.

20 A Second item from the bottom.

21 Q Shows the date of 11/30/2010 of the request
22 to be shut off, which is described on Page 3. Can you
23 read the comment, the second line from the bottom?

24 A "Could not locate B box to turn off water.

1 Got final read, Anthony Holden, 11/30/2010."

2 Q Do you have any understanding why he could
3 not turn off the water or find the B box?

4 A I do not know, no.

5 Q In your experience, what are some of the
6 reasons why the box might not be able to be located?

7 A The boxes are only about four inches in
8 diameter. And they could be buried below ground. They
9 don't have a good measure. Locate measure or they are
10 covered with something. Sometimes they have difficulty
11 finding them.

12 Q And again I think Miss Jordan pointed out
13 nobody told her that after the fact from Illinois
14 American?

15 A That would be correct, yes.

16 Q Exhibit 9 Page 5. We have discussed that
17 this afternoon already. In April of 2011, Miss Jordan
18 requested that the water be turned back on?

19 A That is correct.

20 Q On April 12th of 2011. What did the note say
21 from the Field Service Rep?

22 A "Meter reading 254, Joe W. 4/12/2011 found
23 water on. Found service on. Left service on."

24 Q So that means there was a request to turn on

1 the water. The Field Service Rep went out there to
2 turn it on and found it already on?

3 A That's correct.

4 Q And he left it on.

5 A That's correct.

6 Q And then if I could direct you to Exhibit 1,
7 there was -- so the water was turned on April 12th --

8 A That's correct.

9 Q -- 2011?

10 A That is correct.

11 Q There was a meter read, if you look at Page 3
12 of Exhibit 1, there was a meter read on April 13th zero
13 usage?

14 A That's correct.

15 Q There was a meter read on May 12th of 2011
16 zero usage?

17 A That is correct.

18 Q But then on June 16, 2011 there was a huge
19 jump in the usage of 298,000 gallons?

20 A That's correct.

21 Q So the excess usage occurred some time
22 between May 12, 2011 and June 16th --

23 A That's correct.

24 Q We looked at a couple of bills earlier. If

1 you look at Exhibit 5, Pages 7 and 8. After the water
2 was turned on in April, there was a bill, April 18th,
3 and then there was a bill date May 17th. That is
4 Page 8. Even though there was no usage, why would she
5 be getting some current charges.

6 A Our basic rate structure is a composite of
7 both fixed and variable charges. So some are applied
8 even if there is no water used. So you can see our
9 service charge, fire protection charges are always
10 collected no matter if there is zero use or not.

11 Q Then there was the meter read on. If you go
12 back to Exhibit 1, Page 3?

13 A Yes.

14 Q The high meter read was June 16, 2011. And
15 then if you go to Exhibit 4, on June 20th, the high
16 bill warning letter went out to Miss Jordan advising
17 her to check out what's going on?

18 A Yes.

19 Q And then as you've heard -- and then in fact
20 also the high bill actually went out on June 21st and
21 that's Exhibit 5, Page 9.

22 JUDGE HILLIARD: Are you going to get to
23 this? Did the company take action at or about the time
24 they sent out this letter to stop or investigate the

1 flow of water in the property?

2 MR. JONES: Besides sending the letter to the
3 customer.

4 JUDGE HILLIARD: Did you turn the water off
5 in June of 2011?

6 MS. JORDAN: I'm sorry did I turn it on or
7 off?

8 JUDGE HILLIARD: Off. Did you go in the
9 house and do something to stop this flooding from
10 occurring?

11 MS. JORDAN: No sir.

12 JUDGE HILLIARD: The company, did you?

13 MR. JONES: No, besides sending the letter.

14 JUDGE HILLIARD: So why didn't the
15 extraordinary usage continue after you sent the letter
16 if she didn't do anything until July?

17 MR. JONES: Do you want my opinion?

18 JUDGE HILLIARD: Yes.

19 MR. JONES: There was water theft, either
20 theft of the copper pipe and the water was flowing out
21 at the time of the theft and after the theft.

22 JUDGE HILLIARD: At some point it stopped,
23 but there is no indication why it stopped?

24 MR. JONES: Right. Or the theft occurred,

1 the water was off and somebody turned the water back
2 on. There is an inside valve too. Somebody turned the
3 water back on and didn't notice it.

4 Q I won't belabor this. But there was a
5 service order after Miss Jordan's call after July 25,
6 the Illinois American Field Service Rep met with her
7 and the police on July 26th and found the copper piping
8 missing, correct?

9 A That's correct.

10 Q And we discussed before the missing copper
11 pipe was after the meter. So the water was on. The
12 water would have flowed through the meter without
13 stopping until somebody turned it off?

14 A That's correct.

15 Q So Miss Jordan gets the high bill of \$3400.
16 What is Illinois American Water's for bill adjustments
17 for leaks?

18 A We will evaluate a high bill for a leak
19 adjustment. It is not a commission rule, but we have a
20 general policy. If there is a legitimate one time
21 occurrence of a significant leak. If it is repaired we
22 will give an adjustment to the leak.

23 Q So the customer gets evidence of repair,
24 i.e., receipts and invoices?

1 A That's correct.

2 Q The policy would kick in?

3 A That's correct.

4 Q You heard that Miss Jordan was offered that
5 and initially accepted that adjustment?

6 A That's correct.

7 Q Just to close, the meter was tested; is that
8 correct? That is Exhibit Number 7?

9 A Yes, it was.

10 Q Whenever there is a high bill complaint by a
11 customer, is the meter sent out to an independent
12 company to do a test?

13 A Yes, it was, at the water services company
14 for testing.

15 Q And what is that in the bottom third of the
16 page, the results 99.5 accuracy? What does that
17 indicate?

18 A Typically in it's three --

19 JUDGE HILLIARD: Referring to which exhibit?

20 A Exhibit 7, your Honor. To be deemed accurate
21 is 98 1/2 percent to 101 1/2 percent at free flows.

22 Q So these tests at low, medium, and high flow
23 were 99.5 percent accurate?

24 A Confirmed the meter to be accurate.

1 Q And in fact to the extent there was an
2 inaccuracy, it was a little bit under registering, so
3 more actual --

4 A That is correct. More actual use would have
5 gone through that meter than was actually billed. It
6 was within accuracy tolerance.

7 MR. JONES: Okay. Thank you. I don't have
8 anymore direct questions.

9 JUDGE HILLIARD: You can ask Mr. Hillen
10 questions about what he had to say.

11 CROSS-EXAMINATION

12 BY MS. JORDAN:

13 Q In Exhibit 5 -- give me one second. So it is
14 Exhibit 9, I suppose. Exhibit 9, Page 8.

15 A Yes.

16 Q No, sorry. Exhibit 5. It is the bills.
17 Exhibit 5, Page 8, where there are -- where you stated
18 that the charges, the \$12.67 -- actually the basic
19 charges of \$13.50 and surcharge of 11 cents and the
20 fire protection charge of \$6.55, you indicated these
21 are charges that are basic charges that occur even if
22 there isn't any water usage?

23 A That is correct. They are fixed charges and
24 not volumetric charges.

1 Q Were these charges applied due to my request
2 to turn the water on on April 12, 2011?

3 A They would have been. They would have been
4 part of a standard bill, so, yes.

5 Q But your documents indicate that the water
6 was always on. It was never turned off. So actually
7 where the FSA visited the property on that day, he did
8 nothing because the water was already on?

9 A He got an initial read on the account which
10 he would be required to do to initiate service.

11 Q So is the charges generated based on my
12 request to turn the water on?

13 A That's correct.

14 Q So then why weren't these charges applied to
15 the account on previous months?

16 A Because you had requested the water to be
17 turned off and you had the account final. Even if it
18 was not physically able to be turned off, it was
19 finalized out in the previous year at your request.

20 Q So these are just notes in the system that
21 causes these switches, sort of speak, to turn on and
22 off to generate these charges?

23 A Well, they are direct.

24 Q Because there was no physical activity done

1 at the time of my request, November 30th of 2010, to
2 have it turned off, nor was there anything done
3 April 12th of 2011. So in your system you turn on the
4 switch that generates these charges?

5 A We final an account or we activate an account
6 based on the customer's request. And at times there is
7 a need to turn the water on physically. Other times
8 you may transition from one account to another without
9 having to physically turn the water on. You get a
10 final read or an initial read and initiate bill
11 service. And that was the case here.

12 Q Okay. So with that being, as you stated,
13 then when a customer -- so if you were to turn off my
14 water due to neglect of payment --

15 A That's correct.

16 Q -- you would come to the property and pretty
17 much the same process that should have taken place on
18 November 30th of 2010 would take place if you came to
19 shut off my water?

20 A We would -- if we final an account, when we
21 disconnect the service, we would have made it -- we
22 would have shut the water physically off. That's
23 correct.

24 Q So what then is the difference between the

1 property owner requesting to have the water turned off
2 and you shutting it off based on lack of payment?
3 What's the difference in the process?

4 A Typically they are the same. Typically,
5 we'll try to turn off the water physically at the same
6 time you discontinue the account.

7 Q So I guess what I'm trying to understand is,
8 it all points back to my point about inconsistencies
9 with Illinois Water in their recordkeeping, in their
10 procedures, et cetera, because if your process is to
11 shut the water off, if I wasn't paying, you would do
12 that. I'm sure there would be no question that you
13 would shut the water off. But because I requested to
14 have the water shut off November 30th of 2010, you did
15 not, nor did you notify me, nor did you notify the
16 realtor who you had contact with, so there is no regard
17 to the customer at that point? So there was no
18 communication made?

19 A I don't know the reason why it was not
20 physically shut off. But no, it was not physically
21 shut off at that time.

22 Q And no communication made to the owner,
23 correct?

24 A None that I am aware of, no. The account had

1 been final at that point in time.

2 Q My point again is if there were, when there
3 is money involved, then there is much action taken.
4 But if there is no money involved and there is a
5 customer request and there is no follow through on that
6 customer request then there is --

7 JUDGE HILLIARD: You made that point several
8 times now. You have another point? Move on to that
9 other point. I understand your point.

10 MS. JORDAN: That was the only direct
11 question that I had for him.

12 JUDGE HILLIARD: You have any redirect?

13 MR. JONES: No, your Honor.

14 JUDGE HILLIARD: You have any other
15 witnesses?

16 MR. JONES: No.

17 JUDGE HILLIARD: Any other exhibits?

18 MR. JONES: No, 1 through 11 I believe were
19 admitted.

20 JUDGE HILLIARD: Do you have anything else
21 that you want to say?

22 MS. JORDAN: I do not.

23 JUDGE HILLIARD: Then we are -- if both sides
24 rest, then we could mark the record taken as we said.

1 And I'll show you where the copy machine is.

2 Mr. Jones, you have three copies of these documents?

3 The process from this point forward is
4 that the Court Reporter is going to write up what
5 transpired here today. It is my job to prepare a
6 proposed order based upon the testimony in the
7 documentary evidence. When I got that together there
8 is a described, what I perceived as having occurred
9 here, and I come to a conclusion and I file that with
10 the Clerk and it gets sent out to the parties. And we
11 usually give the parties time to comment on my order.
12 If you disagree with my findings or conclusions or you
13 disagree with anything else about the order, you can --
14 you have to do this in writing. But you file with the
15 Clerk what are called "exceptions to the order". You
16 say you don't agree with it. This is why you don't
17 agree with it, that kind of thing. And I'll give you
18 two weeks to do that. And then the other side has the
19 same opportunity. And if they -- if either one of you
20 has a comment you want to make about what the other
21 side said, we will give you another week to do that.
22 We call it "exceptions to the order". And then there
23 is replies and reply briefs on the exceptions.

24 So then after all that is done, I'll prepare

1 my final proposed order and give it to the Commission.
2 They review the evidence. They look at what you filed
3 and what the company has filed and they'll enter a
4 decision. And if either party is not happy with the
5 decision, they can appeal that to the Appellate Court.
6 But that's another process that we don't have much to
7 do with it.

8 This will take awhile, depends on my
9 schedule and how long it takes me to -- I have to
10 explain the whole process and what everybody had to say
11 and that's an involved process. Okay. Close the
12 record.

13 (WHEREUPON the hearing was
14 adjourned at 3:34 p.m.)

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