

1 APPEARANCES (Cont'd)

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7 On behalf of Commonwealth Edison Company.

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20 REPORTED BY:

21 MIDWEST LITIGATION SERVICES
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23 License No. 084-002945

1 JUDGE RILEY: Pursuant to the direction of the
2 Illinois Commerce Commission I call docket 11-0796.
3 This is a complaint by 401 North Wabash Venture, LLC,
4 versus Commonwealth Edison Company as to billing and/or
5 charges, and beginning with counsel for the complainant
6 would you enter an appearance, please.

7 MR. HOLMEN: Neil Holmen of the firm Walker,
8 Wilcox, Matousek, One North Franklin, Chicago,
9 Illinois, 60606. Telephone number (312) 244-6781.

10 JUDGE RILEY: Thank you. For Com Ed?

11 MR. GOLDSTEIN: Mark L. Goldstein, 3019 Province
12 Circle, Mundelein, Illinois, 60060. My telephone
13 number is (847) 942-1340, and with me this morning is
14 Erin Buechler of Com Ed.

15 JUDGE RILEY: And I have in my notes that today
16 we were going to set a date for testimony. Are the
17 parties ready to set a date for testimony?

18 MR. GOLDSTEIN: We sort of briefly discussed this
19 off the record, Judge. I think what I propose is we go
20 about 45 or 60 days out to file direct testimony and
21 have another 45 days thereafter to file rebuttal
22 testimony and then set this for evidentiary hearing.

1 JUDGE RILEY: Mr. Holmen, is that your
2 understanding?

3 MR. HOLMEN: Of the process. We really hadn't
4 gone into the timing of all this.

5 JUDGE RILEY: At a maximum that's four months for
6 the filing of testimony. Are the parties really going
7 to need that much time?

8 MR. HOLMEN: I would propose instead of 45 and
9 45, 30 and 30; 30 days to file direct and then 30 after
10 rebuttal, and that gets us into October and we could
11 have the hearing in November.

12 MR. GOLDSTEIN: I was operating under the theory
13 that we're going to an evidentiary hearing in the
14 12-0110 case before Judge Kimbrel on September 9 and we
15 would be busy up to that time. That's why I sort of
16 extended the period, but 30 and 30 is fine.

17 JUDGE RILEY: Okay. I would rather tighten it up
18 that much. So today is the 26th. We're talking pretty
19 much the end of September. Why don't we make it
20 September 27th. That's a Friday.

21 MR. HOLMEN: Your Honor, I wouldn't mind if we
22 went to October the 4th just to accommodate

1 Mr. Goldstein and then maybe four weeks after that for
2 the rebuttal which is --

3 JUDGE RILEY: Mr. Goldstein, any problem with
4 that?

5 MR. GOLDSTEIN: October 4 for direct?

6 JUDGE RILEY: Right.

7 MR. GOLDSTEIN: That's fine.

8 JUDGE RILEY: Rebuttal another 30 days later?

9 MR. HOLMEN: If we went to November 1st that
10 would be four weeks.

11 MR. GOLDSTEIN: I think we might as well do it
12 November 4th so we have the weekend, you know.

13 MR. HOLMEN: That's why I picked the 1st. It
14 makes you get it done before the weekend.

15 MR. GOLDSTEIN: Okay. That's fine. I don't
16 care.

17 JUDGE RILEY: And do we want to do the hearing
18 before Thanksgiving?

19 MR. HOLMEN: Yeah. I think that would be good if
20 we could.

21 MR. GOLDSTEIN: That would be lovely.

22 JUDGE RILEY: It's a late Thanksgiving this year.

1 It's the 28th.

2 MR. GOLDSTEIN: The week of the 18th for the
3 hearing?

4 MR. HOLMEN: Any day.

5 JUDGE RILEY: How about the 20th?

6 MR. GOLDSTEIN: That's fine. 11 o'clock?

7 JUDGE RILEY: 11.

8 MR. HOLMEN: And the procedure that day will be
9 the written testimony will have been submitted and then
10 the oral testimony will be primarily the cross-
11 examination of each other's witnesses.

12 MR. GOLDSTEIN: That's correct

13 JUDGE RILEY: Right, yeah, just lay a foundation
14 for the written testimony that's already been filed and
15 then, yeah.

16 MR. GOLDSTEIN: We'll be filing another extension
17 agreement, Judge, because the previous extension
18 agreement --

19 JUDGE RILEY: Okay, yes, yes.

20 MR. GOLDSTEIN: I'll take care of that with
21 Mr. Holmen. He's been pretty cooperative on that
22 stuff.

1 MR. HOLMEN: Okay. All right. Very well.

2 JUDGE RILEY: Anything further?

3 MR. GOLDSTEIN: That's it.

4 MR. HOLMEN: I don't think so.

5 JUDGE RILEY: So we are recessed until November

6 20, 2013, for hearing at 11 a.m. and I'll await the

7 submission of the testimony. Thank you, very much.

8 MR. HOLMEN: Thank you.

9 MR. BREWER: Thank you.

10 (Whereupon, the above matter was
11 adjourned to be continued to November
12 20, 2013 at 11 a.m.)

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1 STATE OF ILLINOIS)
) SS.
2 COUNTY OF C O O K)

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4 I, Diana G. Polk, Certified Shorthand
5 Reporter No. 084-002945, in and for the State of
6 Illinois, do hereby certify that I reported in
7 shorthand the proceedings had in the above-entitled
8 matter and that the foregoing is a true, correct and
9 complete transcript of my shorthand notes so taken as
10 aforesaid.

11 IN TESTIMONY WHEREOF I have hereunto set
12 my hand this 30th day of August, 2013.

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Diana G. Polk, CSR

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