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BEFORE THE

ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
MING ZHANG,)
)
Complainant,)
) NO. 13 - 0468
-vs-)
)
NORTH SHORE GAS COMPANY,)
)
Respondent.)

Complaint as to billing/charges in Riverwoods, Illinois.

Chicago, Illinois

NOVEMBER 5, 2013

Met, pursuant to adjournment, at

o'clock a.m.

11:00

BEFORE:

LESLIE D. HAYNES,
Administrative Law Judge

APPEARANCES:

MING ZHANG
2414 Seminole Court
Riverwoods, Illinois

Appearing on behalf of the Complainant;

1 APPEARANCES:

2

3 KOBY BAILEY
4 130 East Randolph Street
5 Chicago, Illinois 60601

6 Appearing on behalf of Integrys Energy Group,
7 North Shore Gas Company.

8 ALSO PRESENT: MS. DIANE HARRIS

9 MS. CYNTHIA HOOD

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21 JENSEN LITIGATION SOLUTIONS, by

22 SHARON A. JERNDT

23 LICENSE NO. 084-004044

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1 JUDGE HAYNES: Let's go on the record. Pursuant to
2 the direction of the Illinois Commerce Commission, I now
3 call Docket 130468 in the complaint of Ming Zhang versus
4 North Shore Gas Company.

5 May I have your name and address for the
6 record, please.

7 MR. ZHANG: Ming Zhang, 2414 Seminole Court in
8 Riverwoods, Illinois.

9 JUDGE HAYNES: Thank you.

10 MR. BAILEY: And Koby Bailey on behalf of North
11 Shore Gas, 130 East Randolph, Chicago, Illinois 60601,
12 telephone number (312) 240-4081.

13 JUDGE HAYNES: Okay. Last time the parties asked
14 for additional time to see if they could work out any
15 part of this complaint or all of that and would either
16 of you like to bring me up to date right now if anything
17 happened?

18 MR. BAILEY: The package of tariff materials, the
19 administrative code and various copies of bills were
20 sent to Mr. Ming Zhang in order to help explain what our
21 billing practices are and the associated charges.

22 JUDGE HAYNES: Okay. Have any further settlement
23 discussions happened?

24 MS. HARRIS: No. On the letter it says for the

1 customer, if he had any questions, feel free to give me
2 a call and I'll be glad to go over and review any
3 necessary information with him.

4 JUDGE HAYNES: And who are you? I'm sorry.

5 MS. HARRIS: I'm Diane Harris, North Shore Gas.

6 JUDGE HAYNES: Okay. After you have reviewed that
7 material, Mr. Zhang, did you want to have an opportunity
8 to talk to the company again?

9 MR. ZHANG: Yeah, because I was given like on
10 Friday evening.

11 JUDGE HAYNES: Okay.

12 MR. ZHANG: So really didn't have a chance to like
13 read the detail and I would like to talk with them.
14 Like last night I also received another letter. I guess
15 it is they have a new counsel.

16 JUDGE HAYNES: Okay.

17 MR. BAILEY: Um-hum.

18 MR. ZHANG: So like very short period of time.

19 JUDGE HAYNES: So would you like to have an
20 opportunity to discuss it?

21 MS. HARRIS: Yes.

22 JUDGE HAYNES: Okay. Then we will go off the
23 record.

24 (Break was taken.)

1 (Discussions off the record.)

2 JUDGE HAYNES: Okay. Should we go back on the
3 record right away or did you want to tell me something
4 off the record?

5 MR. BAILEY: Off the record.

6 (Discussion off the record.)

7 JUDGE HAYNES: The parties had lengthy settlement
8 discussions that were unsuccessful and then I was
9 brought up to the date by the parties what the
10 outstanding issues are, and if I understand correctly,
11 that the problem identified by the complainant is that
12 when he is sent an estimated bill by the company, and
13 then the complainant calls in an actual read, the
14 customer charge, the monthly customer charge, is
15 sometimes adjusted if the billing period is outside of a
16 certain day range, and the complainant wants to be sure
17 that his bills have accurately reflected the company's
18 policy as to how the customer charge is adjusted.

19 And I don't think -- I am not really sure --
20 so if the parties aren't going to settle I don't think,
21 and part of the problem stems from whether whatever the
22 company's internal procedure is for making these
23 adjustments, whether that is something that should be
24 made available, whether it is something that is not

1 changed or can be used as a rule or is just informal.

2 So, anyway, I think that there -- at this
3 point a date needs to be picked for an evidentiary
4 hearing and, Mr. Zhang, based on this discussion we had
5 off the record, it sounds like you want more documents
6 from the company that they don't necessarily want to
7 turn over; is that correct?

8 MR. ZHANG: Yeah. I just want to know their rules,
9 policies, whatever, so that I and the company can follow
10 exactly the same rules. That's all I want, but seems
11 like they have something internal but they cannot share
12 with me and the thing is all based on my experience.

13 Because if I talk to North Shore Gas, it is
14 always like the staff here, then it would be easy
15 because we talk about that. The thing is I pick up the
16 phone; I don't know which representative I will reach.
17 They have tell me -- different people tell me different
18 things all the time, so that's the difficult.

19 JUDGE HAYNES: Okay. And so, Mr. Bailey, is there
20 an internal document that has this or what's the
21 company's position?

22 MR. BAILEY: There is an internal document that
23 describes our estimation period that we consistently
24 perform by.

1 JUDGE HAYNES: Okay. And is this something -- so,
2 you know, this is a pro se complaint and I kind of
3 consider his request here to be a discovery request and
4 a document production request and so what would be the
5 company's position on producing this?

6 MR. BAILEY: The company would need to have a
7 protective order and it would be marked confidential and
8 the customer would need to sign such confidentiality
9 agreement.

10 JUDGE HAYNES: And would that be -- and so is that
11 acceptable to you to signing a confidentiality
12 agreement?

13 MR. ZHANG: I can sign a confidential agreement,
14 but if that prevent me from talking with the company
15 employee for the sake of my billing, then I cannot sign
16 because that's all the purpose. I want to know their
17 rules, regardless whether it is internal or external.

18 So that, you know, if there are problems on my
19 bill, you know, or I think there are problems I can
20 discuss with them, I can cite this document, you know,
21 to request that the rules on this document being
22 applied.

23 JUDGE HAYNES: Okay.

24 MR. ZHANG: That's my purpose. If for sure of that

1 purpose, I can do.

2 JUDGE HAYNES: And would that be an acceptable use
3 of that document?

4 MR. BAILEY: Yes, to speak to company
5 representatives about our policy would be an acceptable
6 use of the document.

7 JUDGE HAYNES: Okay. So hopefully then the parties
8 have agreed on at least that portion, that this document
9 can be turned over after subject to signing of a
10 confidential agreement.

11 MR. ZHANG: Yeah, and I will say I may share this
12 with my family because -- I mean, me and my wife, you
13 know.

14 JUDGE HAYNES: Um --

15 MR. ZHANG: And I am not sharing with anyone else,
16 but me and my wife who is like in this household, we are
17 taking care of this bill. I just want to make sure of
18 that because, you know, it is a legal thing. You know,
19 if I told her and next time she pick up the phone or
20 talk about something, then they say, oh, you violated
21 some law or something.

22 JUDGE HAYNES: I think, you know, I don't want to
23 speak on behalf of the company, although then I think
24 she would have to sign it.

1 MR. BAILEY: Yes.

2 JUDGE HAYNES: And I am going to leave that to you
3 two to work out the details of what this confidentiality
4 agreement would say and when they would sign it and then
5 they would provide you that document. And if you can't
6 reach an agreement on that, I think that at -- then I
7 think that I would look for --

8 He has made a request for a document. I guess
9 if it turns out you can't turn it out, I would like the
10 company to file an objection of why they can't turn over
11 this and we can go from there.

12 Go ahead.

13 MR. BAILEY: You know, I think if we can -- if
14 Mr. Zhang, and who hopefully the limited party he is
15 going to give it to, they both sign the confidentiality
16 agreement -- a confidentiality agreement, that would
17 probably be sufficient.

18 JUDGE HAYNES: Okay. So assuming that parties can
19 work out the logistics of getting that signed and the
20 document turned over, I think that another status
21 hearing would not be beneficial and at this point would
22 just pick a date to have an evidentiary hearing when you
23 would be presenting your side of this issue and the
24 company as well, and there would be an opportunity for

1 cross-examination.

2 How long do you think, Mr. Zhang, would you
3 need to prepare for an evidentiary hearing?

4 MR. ZHANG: Maybe sometime early next month, and
5 then if it is not like I think 1st, maybe 2nd week of
6 December. If not that, it has to be in January.

7 JUDGE HAYNES: So sometime the week of December
8 9th. And I guess --

9 MR. ZHANG: December 9th is like Monday, Tuesday?

10 JUDGE HAYNES: Yeah, it is a Monday. So that week
11 some day, either Monday, Tuesday, Thursday or Friday I
12 would be free.

13 MR. BAILEY: Monday.

14 JUDGE HAYNES: Monday is fine?

15 MR. BAILEY: Monday is fine.

16 JUDGE HAYNES: Monday, December 9th?

17 MR. ZHANG: Yeah.

18 JUDGE HAYNES: So Mr. Zhang would need enough time
19 to review this document. So when will you be getting a
20 confidentiality agreement to him to sign?

21 MR. BAILEY: I should be able to get him one by the
22 end of the week.

23 JUDGE HAYNES: Okay. And then assuming you return
24 that right away, then Mr. Zhang should have that --

1 MR. ZHANG: Then documents I could have my wife
2 sign it, and then -- you know, I sign and my wife sign
3 and I can bring it to the hearing.

4 JUDGE HAYNES: No. So we are talking about the
5 confidentiality agreement which says you won't share
6 this document. They are not going to give you this
7 internal document until you sign this agreement. So you
8 have to sign that agreement right away and send it back
9 to him right away, like next week.

10 MR. ZHANG: Okay.

11 JUDGE HAYNES: And then after he receives the
12 confidentiality agreement back from you, then he will
13 send you the internal document which would be maybe
14 let's say within a couple days after receiving the
15 confidentiality agreement because you need time to
16 review the internal document before we have the
17 hearing. So the sooner you can get these things done,
18 the more time you will have to review the documents.

19 MR. ZHANG: And there is another possibility like
20 we could not agree upon the document.

21 JUDGE HAYNES: You mean the confidentiality
22 agreement or the internal document?

23 MR. ZHANG: No, no, not the internal document.

24 JUDGE HAYNES: The confidentiality.

1 MR. ZHANG: The confidentiality.

2 JUDGE HAYNES: Yeah, and at that point then --

3 MR. ZHANG: I don't know if it is a standard one or
4 it is like a specific one.

5 MR. BAILEY: It will be specific to this situation.

6 MR. ZHANG: Yeah, that's what I am saying.

7 JUDGE HAYNES: If there is an issue with that, you
8 can file a motion with the clerk's office. I guess
9 that's -- and at that point if they -- they have agreed
10 to turn this over subject to a confidentiality
11 agreement. So if there is some issue with the
12 confidentiality agreement, I think that you would have
13 to file a motion with the clerk's office explaining your
14 position on that because --

15 MR. ZHANG: So I just if I have a problem, I just
16 contact the clerk's office and they will tell me how to
17 file the motion?

18 JUDGE HAYNES: Right, they will tell you how to
19 file the motion for sure.

20 MR. ZHANG: Or send me a form or whatever?

21 JUDGE HAYNES: Well, the motion wouldn't be a form,
22 but --

23 MR. ZHANG: Just a letter.

24 JUDGE HAYNES: That the clerk's office won't send

1 you anything.

2 MR. ZHANG: So I just contact them and they will --

3 JUDGE HAYNES: They will tell you how to file. So
4 if you have a problem with this confidentiality
5 agreement, you would have to file a motion with the
6 clerk's office telling them -- I guess it would be a
7 motion asking them -- asking the company to produce
8 their document explaining why you have a problem with
9 the confidentiality agreement.

10 Something. I don't really know because I
11 don't know what your problem would be, but --

12 MR. ZHANG: Maybe there is no problem. I don't
13 know either. I am just talking about all different
14 kinds of possibilities. Hopefully not.

15 JUDGE HAYNES: And so hopefully, assuming that all
16 goes through, we would have the evidentiary hearing on
17 December 9th and are the parties available to start at
18 10 o'clock in the morning?

19 MR. BAILEY: That would be fine.

20 MR. ZHANG: Maybe 11 is better.

21 JUDGE HAYNES: 11 o'clock on December 9th? That's
22 fine.

23 You know, and if this all falls apart, you
24 know, if you don't file your motion, someone call me and

1 let me know that we are not going to have the
2 evidentiary hearing. We are still having problems
3 producing documents. We haven't been able to agree on
4 that.

5 So, you know, even if you don't get a motion
6 filed or just let me know and we could change the
7 December 9th to a status hearing on discovery issues as
8 opposed to the evidentiary hearing.

9 Is there anything else?

10 MR. BAILEY: I don't believe so, Your Honor.

11 JUDGE HAYNES: Okay. Then I will see you
12 December 9th at 11 o'clock.

13 (WHEREUPON, the hearing was
14 adjourned at 12:47 p.m.)

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1 STATE OF ILLINOIS)
) SS.
2 COUNTY OF COOK)

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I, Sharon A. Jerndt, being first duly sworn,
4 on oath says that she is a Certified Shorthand Reporter
and Registered Professional Reporter doing business in
5 the City of Chicago, County of Cook and the State of
Illinois;

6

That I reported in shorthand the proceedings
7 had at the aforesaid hearing, and that the foregoing is
a true, complete, and correct transcript of the
8 proceedings of said hearing as appears from my
stenographic notes so taken and transcribed under my
9 personal direction.

10

11

SHARON A. JERNDT, CSR, RPR

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CSR. No. 084-004044

14

SUBSCRIBED AND SWORN TO
15 before me this 20th day of
November A.D., 2013

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NOTARY PUBLIC

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