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BEFORE THE  
ILLINOIS COMMERCE COMMISSION

CESAR OCHOA, )  
 )  
 vs. ) No. 13-0142  
 )  
 THE PEOPLES GAS LIGHT AND COKE )  
 COMPANY, )  
 )  
 )  
 COMPLAINT AS TO REQUESTING A )  
 REFUND IN CHICAGO, ILLINOIS. )

CHICAGO, ILLINOIS  
DECEMBER 11, 2013

Met, pursuant to adjournment at 11:25 a.m.

BEFORE:  
ADMINISTRATIVE LAW JUDGE BONITA BENN

1 APPEARANCES:

2 MR. CESAR OCHOA  
3 4530 South Justine Street  
4 Chicago, Illinois 60639

5 Appearing pro se;

6 INTEGRYS BUSINESS SUPPORT, LLC  
7 MR. M. GAVIN McCARTY  
8 130 East Randolph Street  
9 Chicago, Illinois 60601  
10 Telephone: (312) 240-4063  
11 E-mail: mgmmccarty@integrysgroup.com

12 On behalf of The People's Gas Light and  
13 Coke Company.

14

15

16 ALSO PRESENT: Cynthia Hood  
17 (People's Gas Light and Coke Company.)

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1 JUDGE BENN: Pursuant to the direction of the  
2 Illinois Commerce Commission, I now call Docket No.  
3 13-0142. This is Cesar Ochoa versus People's Gas Light  
4 and Coke Company. The complaint as to requesting a  
5 refund in Chicago, Illinois.

6 Can I have the Complainant introduce himself  
7 and his witness for the record.

8 MR. OCHOA: My name is Cesar Ochoa. I live at  
9 4530 South Justine Street, Chicago, Illinois 60639.  
10 And my witness is Anna Veronica Garcia, she's my wife.  
11 She also lives in the same address, 4530 South Justine  
12 Street, Chicago, Illinois 60609.

13 JUDGE BENN: And you will be testifying as your  
14 own witness as well?

15 MR. OCHOA: Yes. Correct.

16 JUDGE BENN: Okay. Counsel, introduce yourself,  
17 please.

18 MR. McCARTY: Matthew Gavin McCarty, Associate  
19 General Counsel, Integrys Energy Group, appearing on  
20 behalf of People's Gas Light and Coke Company, 130 East  
21 Randolph, Chicago, Illinois 60601.

22 Our witnesses today, I will allow them to  
23 introduce themselves.

24 JUDGE BENN: Individually.

25 MR. McCARTY: Individually.

1 JUDGE BENN: Before we start I'm going to ask  
2 Mr. Ochoa to raise his right hand and I'm going to  
3 swear you in.

4 (Witness sworn.)

5 WHEREUPON:

6 CESAR OCHOA,  
7 called as a witness herein, having been first duly  
8 sworn, was examined and testified as follows:

9  
10 JUDGE BENN: Okay. So to start, I will allow you  
11 to discuss your case in chief. So you've brought this  
12 complaint requesting a refund and on your complaint you  
13 allege that People's Gas Light and Coke Company needed  
14 to return or make a refund to you for payments that  
15 were billed to you unfairly and are unproven; is that  
16 correct?

17 MR. OCHOA: Correct.

18 JUDGE BENN: Why don't you explain, as you can,  
19 what has brought you to bring the complaint as stated.

20 MR. OCHOA: Well, first of all, before I start I  
21 want to apologize because my grammar ain't that good  
22 and I never been, you know -- been in this situation so  
23 if I screw up a little bit, my apologies.

24 But yeah, you know, it all started on  
25 December 18th, when People's Gas showed up to my

1 building, my unit and -- unannounced, and my wife  
2 answered and they wanted, you know, just come in the  
3 house and inspect. They said there was some kind of  
4 gas leak or something and that aspect. And my son was  
5 taking a shower at that time, so they waited about ten  
6 minutes maybe. After my son got out, they proceeded to  
7 go in. They went straight to the meter that is located  
8 in my washroom. They did -- I don't know what they  
9 did, their inspection or whatever. They took that  
10 meter and just shut off all the gas to my whole  
11 building, to the whole building with no answers, no --  
12 They didn't absolutely say nothing to my wife. No  
13 explanation. And, I mean, mind you, this was the  
14 middle of winter and I have four children.

15           And, I mean, I just think they did that all  
16 unprofessionally. They could have easily explained  
17 before they took it or gave us a chance to, you know,  
18 do something about it before they just took the meter  
19 and left us without gas for over a month, close to two  
20 months. And they supposedly afterwards -- They assumed  
21 that somebody tampered with the gas meter and gas pipes  
22 and all that stuff and I just don't -- I don't see how.  
23 I don't see how it was tampered and they didn't show me  
24 no proof at that time. I mean, I just think this  
25 was -- this situation was unprofessional the way they

1 went about it.

2           And after that they charged me 9,000, close to  
3 \$10,000. I believe it's just an assumption because I  
4 don't see how they could actually charge me that much  
5 if nothing -- I've been a loyal customer all my life  
6 since I was on my own, always paid my gas on time every  
7 month. And they have proof of it and, I mean, other  
8 than that, I don't see, I mean -- That's about it.  
9 That's why I want my refund because I think I was  
10 charged just by an assumption and unfairly and I just  
11 want my refund back.

12           JUDGE BENN: Okay. Go ahead.

13           MR. OCHOA: No, because I mean, it was before  
14 Christmas. I mean, I had to come up with that money,  
15 had to ask for loans. They made me redo all my  
16 pipework in the whole building, which cost me another  
17 6,500. That was just -- That was just unprofessional  
18 and unfair.

19           JUDGE BENN: So you actually -- When they came in  
20 it was December of last year, correct?

21           MR. OCHOA: Of last year, correct. The 18th.

22           JUDGE BENN: And when they came in they allegedly,  
23 of course, took the meter?

24           MR. OCHOA: Uh-huh.

25           JUDGE BENN: And then sent you a bill. So you

1 actually paid the bill that they sent you?

2 MR. OCHOA: Yes. That was the only way I would  
3 get gas back.

4 JUDGE BENN: And how much was that, to your  
5 recollection?

6 MR. OCHOA: It was -- I have the exact amount  
7 right here. It was exactly \$9,239.23.

8 JUDGE BENN: So you paid that amount and --

9 MR. OCHOA: Yes.

10 JUDGE BENN: -- what happened?

11 MR. OCHOA: After that they still made me --  
12 Because all the units have the meters inside so they  
13 made me locate them outside the building and redo my  
14 whole pipework because they said they have to pressure  
15 test it and my pipes weren't going to withhold that, so  
16 I had to redo all the pipes in my building.

17 JUDGE BENN: Is this a house or a three-flat or  
18 two-flat?

19 MR. OCHOA: It's a two-flat, four unit.

20 JUDGE BENN: Okay. And you own the building?

21 MR. OCHOA: Yes, I do.

22 JUDGE BENN: And then you rent the other units?

23 MR. OCHOA: Yes, I do.

24 JUDGE BENN: Okay. And so after you paid the  
25 \$9,000 --

1 MR. OCHOA: Uh-huh.

2 JUDGE BENN: -- what happened?

3 MR. OCHOA: Well, after that they went -- They  
4 inspected the work I had done in my building and they  
5 located the meters outside and they gave me back  
6 service.

7 JUDGE BENN: And then with the bill going forward,  
8 after they gave you back the service, put the meters  
9 back in, were you paying the bills at that time?

10 MR. OCHOA: Yes.

11 JUDGE BENN: And were you getting regular reads  
12 and were the bills normal to your recollection?

13 MR. OCHOA: Yes.

14 JUDGE BENN: Okay. And you were getting regular  
15 meter reads from the company?

16 MR. OCHOA: Right. Yeah, as far as I could -- I'm  
17 aware of yes, they don't seem, like, way different.

18 JUDGE BENN: Okay.

19 MR. OCHOA: I mean, the situation that I'm -- that  
20 now I'm heating two apartments because I always lived  
21 in one apartment and my family is big, I have four --  
22 well, two daughters, two sons, and actually I just got  
23 ahold of another one, my nephew. So I decided to open  
24 the second rear and make it into one unit, so I'm  
25 actually heating two units right now.

1 JUDGE BENN: Okay.

2 MR. OCHOA: Well, since December -- Since  
3 November, like, I've been working on the other  
4 apartment.

5 JUDGE BENN: Okay. And so I noticed that you  
6 have -- before we begin, you have some evidentiary  
7 exhibits and I see the first one there seems to be some  
8 sort of statement. Is --

9 MR. OCHOA: Yes. This is the same statement I  
10 sent the ICC that was just to actually try to get the  
11 money back.

12 JUDGE BENN: Okay. Let's go off the record for a  
13 second.

14 (A short break was had.)

15 JUDGE BENN: Back on the record.

16 MR. OCHOA: Well, Exhibit 1 is a notarized letter  
17 from a tenant that moved in on December 1st on the  
18 apartment, which is 1st Front.

19 JUDGE BENN: 1st Front?

20 MR. OCHOA: Yes, 1st Front.

21 JUDGE BENN: Let me allow you to show one of those  
22 to Counsel to see if he has any objection.

23 MR. McCARTY: And, your Honor, Mr. Ochoa did  
24 provide copies of his exhibits shortly before the  
25 hearing today.

1 JUDGE BENN: Okay.

2 MR. McCARTY: We don't have an objection to any of  
3 the exhibits except this one. And the basis for the  
4 objection is really it's hearsay. I don't know who  
5 Mr. Gillian (phonetic) is. We'll have no opportunity  
6 to cross-examine him or test the veracity of the  
7 statements or any information contained within the  
8 statement. We have no record of Mr. Gillian actually  
9 being at that address. The current account holder for  
10 that particular unit is not Hector Gillian.

11 JUDGE BENN: Okay.

12 MR. McCARTY: Actually, my witnesses will testify  
13 as to who the current account holders are. So that  
14 brings in really the question of the veracity and  
15 accuracy of the statement because that's not who we  
16 show as the customer of record currently for 1 Front or  
17 the apartment. So objection is hearsay. And we would  
18 object to the admission of it.

19 JUDGE BENN: Okay. I am going to overrule your  
20 objection and I'm going to allow this exhibit in and  
21 simply treat it as a statement, understanding that  
22 you're not given the opportunity to cross-examine this  
23 person and you also potentially have evidence that can  
24 contradict whether they're a resident or not. So it  
25 will get whatever weight I deem fit once I have decided

1 to make a recommendation to the Commission.

2 So I will allow in Exhibit 1, Complainant's  
3 Exhibit 1 over objection of the respondent's counsel.  
4 And so this is, Mr. Ochoa, is just a statement from who  
5 you purport to be the 1st Front --

6 MR. OCHOA: Yes, actually that's the husband of  
7 Juana Ochoa, the one that's in the gas bill. So I  
8 mean, I wasn't thinking of that. I figured I asked the  
9 husband to give me that letter but -- It's the husband  
10 that.

11 JUDGE BENN: Okay. I'll consider that, his  
12 statement about who this person is. And I'm allowing  
13 it in so I'm going to take a copy. And you have your  
14 copy already. Is there anything else you'd like to  
15 discuss about this exhibit at all?

16 MR. OCHOA: That's all this is about, that  
17 information that -- when he moved in.

18 JUDGE BENN: Okay. All right then. Proceeding  
19 to --

20 MR. OCHOA: With Exhibit 2.

21 JUDGE BENN: Would you like to explain what that  
22 is? Counsel, you've had an opportunity to see them  
23 all, so do you have an objection to Exhibit 2.

24 MR. McCARTY: I do not.

25 JUDGE BENN: No objection to any other exhibits?

1 MR. McCARTY: I do not.

2 JUDGE BENN: We can go exhibit by exhibit.

3 MR. McCARTY: There's one photograph, there's  
4 actually two photographs that I haven't seen before,  
5 and just understanding the foundation as to when those  
6 photographs were taken.

7 JUDGE BENN: Okay.

8 MR. McCARTY: The other photographs I think I have  
9 an idea of when the photos were taken but I can deal  
10 with that on cross.

11 JUDGE BENN: Okay. So we'll just go through  
12 whatever else you have here.

13 MR. OCHOA: This is Exhibit 2 and --

14 JUDGE BENN: And what is that?

15 MR. OCHOA: A phone record showing that I called  
16 the exact same date, on December 18th at 3:40, 3:42 and  
17 3:48. I called the gas company to try to get  
18 information about why they disconnected my gas and I  
19 wanted it back. I wanted, you know, service back that  
20 same day right after work. Because I don't know --  
21 before or after that me, and the gentleman over here on  
22 this side, he had told me that -- because it was after  
23 this date they went back to my house and he told me  
24 that, you know, anything could happen overnight. That  
25 I could fix whatever was wrong overnight and I told

1 him, you know -- So I figured I would have proof that I  
2 called the exact same day when they were out there and  
3 I called right after work.

4 And I mean, they have emergency crews that  
5 could go back out there and recheck whatever is --  
6 supposedly was wrong and nothing happened and that's  
7 all this is, it's just proof that I called as soon as I  
8 got off of work and tried to get this matter resolved  
9 or get answers.

10 JUDGE BENN: Okay. And just while we're on this  
11 exhibit, after -- Since that phone call or during the  
12 times when the meters were removed and everything, did  
13 you ever get any sort of informal or formal explanation  
14 as to why the meters were removed by People's Gas?

15 MR. OCHOA: That was after like a month. They  
16 just kept on telling me they were doing an  
17 investigation.

18 JUDGE BENN: And was that -- Was that before you  
19 made payment or have you made payment?

20 MR. OCHOA: That was before.

21 JUDGE BENN: Before you paid the \$9,000?

22 MR. OCHOA: Yes, I was without gas close to two  
23 months so I kept on calling every day, every day and  
24 all they would do is tell me that they were -- they  
25 were under -- My building was under investigation, that

1 they couldn't tell me nothing, they couldn't do nothing  
2 about it. That's it.

3 JUDGE BENN: Okay. So I'm going to -- If you'd  
4 give Counsel one copy of your Exhibit 2, I'm going to  
5 allow Exhibit 2 into the record. And would you like to  
6 proceed to what your third exhibit is, if you would  
7 like to explain.

8 MR. OCHOA: And this is -- The third exhibit is  
9 just that -- the letter I sent to ICC trying to get my  
10 refund back, explaining what I just explained to you,  
11 that, you know, when it started and what happened, that  
12 they went to my house on December 18th, unannounced and  
13 all that stuff.

14 JUDGE BENN: Is that the same statement that's  
15 attached to your complaint here, if you'd like to take  
16 a look at it?

17 MR. OCHOA: Yes, that is.

18 JUDGE BENN: Okay. Then if you could give counsel  
19 a copy. I'm going to allow Exhibit 3.

20 MR. OCHOA: I just -- I messed up on the date. It  
21 was the 18th; it wasn't the 16th when it happened.

22 JUDGE BENN: Okay. Just for the record, I'm going  
23 to note that you're correcting your original statement  
24 that's attached to the complaint.

25 MR. OCHOA: Right.

1 JUDGE BENN: As well as your exhibit.

2 MR. OCHOA: Yeah.

3 JUDGE BENN: That the incident actually began on  
4 December 18th, 2012.

5 MR. OCHOA: Yes. Correct.

6 JUDGE BENN: All right. So we're going to allow  
7 Exhibit 3 into the record, which is your statement  
8 regarding the incident on December 16th, 2012.

9 And you have another exhibit, a set of  
10 pictures?

11 MR. OCHOA: Just the pictures, yes.

12 JUDGE BENN: Okay. We'll give counsel an  
13 opportunity to look at this set of pictures, if you'd  
14 share with him now. And then you can let me know if  
15 you have any objection. We'll go off the record since  
16 it will take a minute.

17 MR. McCARTY: My only objection actually would be  
18 just subject to foundation. I don't have time periods  
19 as to when the photographs were taken.

20 JUDGE BENN: Okay.

21 MR. McCARTY: But I'm sure on cross-examination we  
22 can deal with those issues. So subject to a foundation  
23 establishing the date that the photos were taken and  
24 that they fairly and accurately represent the premises  
25 as of the date the photographs were taken, but I don't

1 know when they were taken and they are not  
2 time-stamped.

3 JUDGE BENN: Okay. Just briefly -- even though  
4 you'll have your opportunity to cross-examine Mr. Ochoa  
5 about this exhibit -- can you give us some sort of  
6 explanation of what the photos are or actually when you  
7 took them and what the set of photos purports to be in  
8 relation to your complaint?

9 MR. OCHOA: Okay. Yeah. Sure. Well, I guess I  
10 don't have to go through them. I can just briefly tell  
11 you. I got some pictures here, like, of all the work  
12 that actually was done, of the new pipe work that was  
13 installed. And, like, all the pipe I had to take off,  
14 which wasn't really that old and they just -- I mean, I  
15 just had to replace. I also have pictures of how they,  
16 you know -- where the meter was. This was in the  
17 washroom. You know, how they left it.

18 MR. McCARTY: I would just -- For the record, if  
19 you could just reference the photo.

20 JUDGE BENN: Okay. You have them numbered.

21 MR. McCARTY: I think for the record --

22 MR. OCHOA: I numbered them all the same.

23 JUDGE BENN: Mr. McCarty doesn't know what number  
24 picture you're looking at.

25 MR. McCARTY: When we look at the transcript tying

1 your testimony to what photograph, you can just  
2 reference the exhibit number and then --

3 MR. OCHOA: Okay.

4 JUDGE BENN: The picture number so that --

5 MR. OCHOA: Right.

6 JUDGE BENN: So the record -- we can match the  
7 record to whatever you are describing.

8 MR. OCHOA: Okay. Picture No. 5, that's how they  
9 left my washroom after they took the meter. And also  
10 No. 9, picture No. 9, that's how they left the washroom  
11 in the back with a meter still to this date, hanging on  
12 my washroom.

13 JUDGE BENN: But does that meter operate?

14 MR. OCHOA: No, not no more.

15 JUDGE BENN: Okay.

16 MR. OCHOA: It scans. This is picture 10. This  
17 is how the meter set and everything was when they first  
18 arrived. Pictures 11 through 13, that's what I had to  
19 do. Actually, they made me do -- In order for them not  
20 to rip my ceiling in the washroom in the 2nd Rear, they  
21 made me rip off the floor on my attic because they  
22 wanted to see how my meter was routed so I had to tear  
23 up my attic floor for them to see how it -- how it was  
24 piped, I guess. And picture 16 and 17, that's just a  
25 picture of my apartment so you could get more of an

1 idea that I'm heating two units.

2           Picture 18 is an electric boiler that I have  
3 in my -- that was installed in my attic prior since  
4 this incident. Picture 19 is just a digital  
5 thermostat. And 20 is just some new windows I had  
6 prior, before to this time also. And picture 21 is  
7 just an eyesore I had to go put on and -- in my kitchen  
8 and now, you know, I had -- that's the part of the  
9 pipes that I had to install in order to get service  
10 back.

11           JUDGE BENN: Okay. And what date and year did you  
12 take those pictures, if you remember?

13           MR. OCHOA: I don't remember accurately but this  
14 was while the whole situation was taking place because  
15 this was actually when they actually went to go at  
16 like -- This must have been like December 19th because  
17 it was like the second date before.

18           MR. McCARTY: Sorry, again?

19           JUDGE BENN: Which picture?

20           MR. OCHOA: Sorry, picture No. 12.

21           JUDGE BENN: Okay.

22           MR. OCHOA: Sorry.

23           MR. McCARTY: That's all right.

24           MR. OCHOA: Sorry about that. This is within that  
25 second day they went --

1 JUDGE BENN: Okay.

2 MR. OCHOA: -- to try to find the -- supposedly  
3 the tampering or whatnot. So this was all taken during  
4 that time. Because I mean, where I was doing the pipe  
5 work also, like for example, picture 1, I had to do  
6 this before I would get service.

7 JUDGE BENN: Okay. And do you know roughly the  
8 month and year that you were having the extensive  
9 repairs done?

10 MR. OCHOA: This was -- had to be like January.  
11 January, I think in the first, second week of January.

12 JUDGE BENN: Of 2013?

13 MR. OCHOA: Of 2013, right. Right before I got my  
14 service replaced.

15 JUDGE BENN: Okay. And I think I asked you this,  
16 but since you've had your new meter put back in and all  
17 of your billing has been going to your home, have you  
18 made -- your payments been current with People's Gas  
19 since this incident and all the repairs and everything?

20 MR. OCHOA: Yes. Yes.

21 JUDGE BENN: Okay. Do you have any testimony that  
22 your wife would like to offer at this time?

23 MR. OCHOA: Well, I mean, just the beginning of  
24 the situation when it happened.

25 JUDGE BENN: Okay. Miss Ochoa, I'll have you come

1 here and you could just give your statement and I will  
2 swear you in.

3 (Witness sworn.)

4 JUDGE BENN: Okay. Do you go by Mrs. Ochoa?

5 MS. OCHOA: Yes.

6 JUDGE BENN: Mrs. Ochoa, if you'd like to testify  
7 or explain the initial incident, if that's all that you  
8 can lend to the testimony today, of what occurred on  
9 December 16th, 2012.

10 MS. OCHOA: Uh-huh. My children were home. It  
11 was their first week from school for -- before  
12 Christmas break and we got a knock at the door.  
13 Actually, it was like a pounding. And I opened the  
14 door and the gentleman said that they are People's Gas,  
15 they have to come in, and I said, For what? And they  
16 said for an inspection. And so I told them if they can  
17 wait a few minutes because my son was in the shower.  
18 And so I closed the door, I hurried my son out of the  
19 shower. And when they came in -- I let them in and  
20 ever since then it was just -- I didn't get no straight  
21 answers from them. I said, What's going on? And they  
22 were just saying that they had a call about dangerous  
23 conditions in our building and that that's why they  
24 were there.

25 And so ever since -- Like I said, ever since

1 then it was, I don't know, nothing. They were -- They  
2 were talking amongst themselves in the bathroom. Then  
3 from there they took the meter and after a few -- Like  
4 I said, they were scaring my children, actually, the  
5 way they were. So I did say, if you're not going to  
6 tell me what's going on, I said, I need you to leave.  
7 I was trying to get ahold of my husband from work;  
8 where he works you cannot call. So I was trying to get  
9 ahold of him to find something out. They wouldn't tell  
10 me. I couldn't get ahold of him and like I said, ever  
11 since then they just took the meter out, they didn't  
12 tell me anything, they left me a card and told me that  
13 they were going to shut the service off and the only  
14 way they were going to turn it back on is if when he  
15 got home he would call them, and that was it.

16 JUDGE BENN: Just so I understand, the meter is in  
17 the bathroom and --

18 MS. OCHOA: Yes.

19 JUDGE BENN: And where is the bathroom that your  
20 son was in?

21 MS. OCHOA: He was in the shower.

22 JUDGE BENN: I mean, he was in the shower but  
23 where is the location of the bathroom?

24 MS. OCHOA: Right off of the -- It's our bedroom  
25 and then it's a bedroom, living room, and then it's the

1 bathroom.

2 JUDGE BENN: So is it the --

3 MS. OCHOA: The bathroom is right off the kitchen.  
4 It's an apartment.

5 JUDGE BENN: And it's the main floor, not like the  
6 basement?

7 MS. OCHOA: No, we're on the second floor.

8 JUDGE BENN: You're on the second floor?

9 MS. OCHOA: Uh-huh.

10 JUDGE BENN: And there's a gas meter located in  
11 the bathroom of the second floor?

12 MS. OCHOA: Uh-huh.

13 JUDGE BENN: Okay.

14 MS. OCHOA: And my son was in the shower when they  
15 came knocking.

16 JUDGE BENN: Okay. And so you said when they  
17 initially came, when People's Gas initially came they  
18 said they got a call about dangerous conditions?

19 MS. OCHOA: Correct. And that's why they had to  
20 come in.

21 JUDGE BENN: Okay.

22 MS. OCHOA: Because I said I didn't know that we  
23 were due for a -- There was no notice. So I mean, I  
24 wasn't expecting them. It was a random knock at the  
25 door and, you know, afterwards my -- the tenant from

1 downstairs she was -- she was coming in or leaving or  
2 something and she was even saying how rude they were  
3 and how they told her she should learn how to speak  
4 Spanish [sic]. How is it that she's in the country and  
5 she can't speak Spanish. I mean English. English.  
6 She only spoke Spanish so she wasn't understanding what  
7 they were saying.

8 JUDGE BENN: Okay. And maybe this question is for  
9 Mr. Ochoa. At what point did the conversation change  
10 from People's Gas to we're investigating for tampering  
11 because you have your wife saying that People's  
12 purportedly said we heard about a dangerous condition,  
13 but your testimony has been that they've been alleging  
14 tampering. So when did you hear from People's Gas that  
15 they were investigating you for tampering?

16 MR. OCHOA: That was after I got ahold of them  
17 after like maybe I would say three weeks. That's when  
18 I actually got ahold of what's his name. Dan Stevens  
19 from People's Gas, and he's the one that let me know  
20 that they were investigating for tampering on the meter  
21 on the pipework.

22 JUDGE BENN: Okay.

23 MS. OCHOA: But the day they came in, to me, they  
24 told me it was for that.

25 JUDGE BENN: For?

1 MS. OCHOA: For dangerous -- I don't know, some  
2 dangerous conditions, that they had to come in.

3 JUDGE BENN: All right. Is there anything else  
4 that you'd like to tell me or tell me in your case in  
5 chief before I give Mr. McCarty the opportunity to  
6 cross-examine you all? Is there anything else,  
7 Mr. Ochoa?

8 MR. OCHOA: Not at this time.

9 JUDGE BENN: Okay. All right. So this is the  
10 time when opposing counsel gets an opportunity to ask  
11 you questions in cross-examination and you might have  
12 an opportunity to have some more redirect testimony  
13 after that, but we'll allow Mr. McCarty an opportunity  
14 to ask you questions as well as Mrs. Ochoa.

15 MR. OCHOA: Okay. That's fine.

16 JUDGE BENN: Counsel, you can go ahead.

17 CROSS-EXAMINATION

18 BY MR. McCARTY:

19 Q. Cesar, I'm going to ask you some questions.  
20 I'm going to start with the photographs you've been  
21 referencing. As a general matter, I will note that  
22 again I'm not clear as to time or date of any of the  
23 photographs. So I don't believe there's any proper  
24 foundation; however, I'd like to ask you about  
25 photograph --

1 JUDGE BENN: Before you ask a question I'm just  
2 going to state that I'm going to allow in Group Exhibit  
3 4 into the record, Complainant's Group Exhibit 4 over  
4 your objections of foundation. Go ahead, sir.

5 BY MR. McCARTY:

6 Q. And photograph 17, I'll show you.

7 A. Okay.

8 Q. So I'm handing to you what's been marked as  
9 Group Exhibit 4, photograph 17. And what was the date  
10 and time that that photograph was taken?

11 A. This one was taken roughly about a month ago  
12 maybe. This wasn't that old.

13 Q. Okay. Is it true that that does not fairly  
14 and accurately depict the condition of the premises --  
15 Well, I'll leave it. Thank you.

16 And I'm handing to you what's been marked as  
17 Group Exhibit 4, photograph 18. Again, can you  
18 describe for me what that is? I'm sorry, I didn't  
19 catch it during your summary.

20 A. Yes, this is an electric water heater that's  
21 located in the attic.

22 Q. And that water heater serves which unit?

23 A. That serves Unit 1 -- No, 2nd Front, which is  
24 my unit.

25 Q. Okay. Is there a separate water heater for 2

1 Rear?

2 A. Yes. Separate water heater.

3 Q. And you don't have a photograph of the water  
4 heater for 2 Rear?

5 A. No. I ain't using that water heater right  
6 now.

7 Q. Is there a separate water heater for 1 Front?

8 A. Yes.

9 Q. And do you have a picture of the water heater  
10 for 1 Front?

11 A. No, I don't.

12 Q. And do you have a separate water heater for 1  
13 Rear?

14 A. Yes.

15 Q. And did you provide a photograph of --

16 A. No.

17 Q. I apologize. During the course of this we're  
18 going to be asking questions --

19 A. I understand.

20 Q. For the stenographer, if you could allow me to  
21 finish my question and that way it's clear when you  
22 read it, my question end and then your answer.

23 There is a separate water heater for 1 Front,  
24 correct?

25 A. Correct.

1 Q. And there's a separate water heater for 1  
2 Rear, correct?

3 A. Correct.

4 Q. Okay. And you do not have photographs of  
5 those water heaters for today's hearing; is that  
6 correct?

7 A. Correct.

8 Q. Thank you.

9 JUDGE BENN: Before you ask the next question  
10 about 18, I'll just ask you when -- Do you know when  
11 this picture was taken in relation to -- Is this one of  
12 the pictures taken recently or is this one of the  
13 pictures taken soon after the incident?

14 MR. OCHOA: This was taken around that same time.

15 JUDGE BENN: As the incident?

16 MR. OCHOA: Correct. The incident.

17 JUDGE BENN: Okay. Thank you.

18 BY MR. McCARTY:

19 Q. So Mr. Ochoa, what I'd like to do now is ask  
20 you some questions just for clarification, and I just  
21 want to make sure. You're currently the only owner of  
22 the building at 4530 South Justine; is that correct?

23 A. Correct.

24 Q. And when did you purchase that building?

25 A. I purchased -- Well, actually, let's see. It

1 was -- I don't remember the date but it was I think  
2 maybe about 17 years ago.

3 Q. Okay. So since at least April of 2000 you  
4 have been the titleholder of 4530 South Justine?

5 A. That is correct.

6 JUDGE BENN: When in 2000?

7 MR. McCARTY: I'll restate my question.

8 BY MR. McCARTY:

9 Q. Since at least April of 2000 you have been the  
10 titleholder of the property located at 4530 South  
11 Justine; is that correct?

12 A. That's correct.

13 JUDGE BENN: Thank you.

14 BY MR. McCARTY:

15 Q. In April of 2000, did you have an account with  
16 People's Gas for the 1 Front unit?

17 A. In --

18 Q. At 4530 South Justine?

19 A. I might have.

20 Q. Okay. Were you residing in the 1 Front  
21 unit --

22 A. Yes. I'm sorry, getting ahead of you.

23 Q. Were you residing at the 1 Front unit at 4530  
24 South Justine in April of 2000?

25 A. I don't remember the dates exactly but I was

1 living there around that time. But I don't remember  
2 the exact address -- time frames.

3 Q. Who is Marco Ochoa?

4 A. That is my brother.

5 Q. Okay. And did Marco Ochoa move into the 1  
6 Front unit at 4530 South Justine on or about  
7 August 27th of 2007, to the best of your recollection?

8 A. Yes, right after me. Yes.

9 JUDGE BENN: Counsel, can I stop you right there.  
10 Before we go further, are you laying the foundation to  
11 introduce the exhibit?

12 MR. McCARTY: No.

13 JUDGE BENN: Okay. Has Mr. Ochoa had an  
14 opportunity to see the exhibits?

15 MR. McCARTY: Yes, he's had the opportunity to see  
16 them. I wasn't planning on introducing these  
17 documents. I'm using it as a reference for dates for  
18 my questions.

19 MR. OCHOA: Could I say something. I just seen  
20 those yesterday.

21 JUDGE BENN: Off the record.

22 (A short break was had.)

23 JUDGE BENN: Back on the record. And you can  
24 answer the question, please.

25 BY MR. McCARTY:

1 Q. And to the best of your recollection, when did  
2 Marco Ochoa move out of the 1 Front unit at 4530 South  
3 Justine?

4 A. It was about in 2007, I believe.

5 Q. Okay.

6 A. I don't know exactly what month, but I believe  
7 it was like in 2007.

8 Q. Did anybody else reside at 1 Front at 4530  
9 South Justine other than yourself and Marco Ochoa  
10 before --

11 A. How long back? I mean, because it's always --

12 Q. For the last -- Since April of 2000, can you  
13 recall the persons who have resided in the 1 Front unit  
14 at 4530 South Justine?

15 A. Well, all I remember there is -- He was living  
16 there then I was living there in the 1st Front. The  
17 dates I would have to go back in my records and give  
18 you the exact dates. But it was me and him, then after  
19 that I moved up to the second floor. It was -- which  
20 was like in 2010, more or less I'm thinking. Something  
21 like that.

22 Q. Okay. Where is Mr. Marco Ochoa currently  
23 employed?

24 A. He's not employed right now.

25 Q. Before, let's say as of two weeks ago, where

1 was he employed?

2 A. He was employed for People's Gas.

3 Q. Okay. Do you know what his job title or  
4 responsibilities were?

5 A. If I'm not mistaken he was a locater. Utility  
6 locater.

7 Q. Okay. Thank you. Who is José Ochoa?

8 A. He is also my brother.

9 Q. Okay. Who is his current employer?

10 A. He is not working at this time.

11 Q. Okay. As of last week, who was his employer,  
12 do you know?

13 A. Yes, People's Gas.

14 Q. And do you know what his job title and  
15 responsibilities were?

16 A. Not really. I don't know what his title was.

17 Q. Okay. Have you always -- since -- And you may  
18 have already answered this, but I just want to make  
19 sure it's clear for the record.

20 Have you always resided at 4530 South Justine  
21 since at least April of 2000? Regardless of which  
22 apartment you've been in, this has always been your  
23 residence?

24 A. Yes, I've been there since I was born.

25 Q. Okay. And I just want to go back. You

1 mentioned you were informed that the building was under  
2 investigation. Do you recall when that conversation  
3 occurred or when you learned that the building was  
4 under investigation?

5 A. It was maybe towards the end of December, the  
6 beginning of January, somewhere around there.

7 Q. Did you speak to any People's Gas personnel on  
8 December 18th, 2012?

9 A. On that date, December 18th, the only person I  
10 spoke to is a person on the phone that I called.

11 Q. And I'd like to ask you a couple questions.  
12 You've produced a document that's been marked as  
13 Complainant's Exhibit No. 1, which purports to be a  
14 statement by Hector Gillian?

15 A. Gillian.

16 Q. Gillian. And I just want to make sure I  
17 understand this. Mr. Gillian and Juana Ochoa moved  
18 into apartment 1 Front at 4530 South Justine on or  
19 about December 1st, 2012, according to you; is that  
20 correct?

21 A. Correct.

22 Q. Did they have heat at that time?

23 A. No.

24 Q. Okay. So on December 18th of 2012 the unit 1F  
25 at 4530 South Justine was not heated; is that your

1 testimony here today?

2 A. That is correct. They were just starting to  
3 move in. They were, like, putting all their stuff  
4 together.

5 Q. Do you have full access to the entire building  
6 at 4530 South Justine?

7 A. Yes, I do.

8 Q. You have access to the basement; is that  
9 correct?

10 A. That's correct.

11 Q. You have access to the attic?

12 A. That's correct.

13 Q. Okay. Did you ever have a problem with any  
14 pipes freezing in the 1 Front unit at 4530 South  
15 Justine?

16 A. Pipes freezing? No, not really.

17 Q. Kitchen faucet never froze?

18 A. No.

19 Q. How long was that unit vacant before Juana and  
20 Hector moved in on December 1st of 2012?

21 A. For about a year.

22 Q. It was vacant?

23 A. It was vacant about a year.

24 Q. And who lived in that unit before?

25 A. Before that?

1 Q. Immediately before that. So prior to the one  
2 year then that it was vacant and unheated, who lived  
3 there?

4 A. I think that was when Marco's -- Yeah, I think  
5 it was when Marco lived there. Like I said, that I  
6 would have to look back in my record and give you the  
7 exact time frames when he was there, he moved out and  
8 stuff like that. Right now I'm just going off of my  
9 head and what I kind of remember.

10 Q. There was a gas stove in the 1 Front unit of  
11 4530 South Justine on December 1st of 2012; is that  
12 correct?

13 A. I'm assuming. I wasn't in there. I mean, if  
14 they're situating their stuff there might have been,  
15 might have not been. I don't know.

16 Q. So if there was a gas stove in the 1 Front  
17 unit at 4530 South Justine on December 18th of 2012,  
18 you wouldn't have an argument with that?

19 A. If there was one?

20 Q. Yes.

21 A. Yeah, I don't see why it should. Yeah.

22 MR. McCARTY: I don't have any further questions.

23 JUDGE BENN: Okay. Mr. Ochoa, do you have  
24 anything else you'd like to add given the  
25 cross-examination from Mr. McCarty? Anything you'd

1 like to state in redirect?

2 MR. OCHOA: Redirect? Actually, no. Actually, I  
3 don't.

4 JUDGE BENN: Okay. And anything from you,  
5 Mrs. Ochoa? Anything in redirect other than what  
6 you've already testified to?

7 MS. OCHOA: No. I don't have anything else.

8 JUDGE BENN: All right. At this point this is  
9 when you rest your case and I allow counsel for the  
10 People's Gas to put on his witnesses. If you'd like to  
11 take notes along the way, you'll be given an  
12 opportunity to cross-examine each witness before they  
13 step down from their testimony.

14 MR. OCHOA: Okay.

15 JUDGE BENN: Mr. McCarty, do you want to call your  
16 first witness. And before we proceed, can I get  
17 Exhibit 3 for myself. Even though I have a copy of it,  
18 I don't think I have your stamped copy which would be  
19 the statement.

20 MR. OCHOA: This one here?

21 JUDGE BENN: No, the other one on top. Yeah.  
22 Thank you.

23 (A short break was had.)

24 JUDGE BENN: Back on the record.

25 MR. McCARTY: So on behalf of People's Gas, your

1 Honor, we're going to be calling Valerie.

2 JUDGE BENN: What's Valerie's full name?

3 MR. McCARTY: I'll have her state it on the  
4 record.

5 THE WITNESS: You want the spelling of my name?

6 JUDGE BENN: If you would just state your name.

7 THE WITNESS: Valerie England.

8 JUDGE BENN: Miss England, could you raise your  
9 right hand.

10 (Witness sworn.)

11 JUDGE BENN: Okay. Go ahead, please.

12 WHEREUPON:

13 VALERIE ENGLAND,

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

16 DIRECT EXAMINATION

17 BY MR. McCARTY:

18 Q. Please state your name.

19 A. Valerie England.

20 Q. Who is your current employer and what are your  
21 job duties?

22 A. People's Gas Light and Coke Company. My  
23 responsibility is to investigate customer -- affiliated  
24 customer complaints.

25 Q. And how long have you been in that role?

1 A. Two years.

2 Q. As part of your job duties did you review an  
3 appealing dispute that Mr. Ochoa, the Complainant,  
4 filed regarding his charges for services as 4530 South  
5 Justine?

6 A. Yes.

7 Q. What is the purpose for your testimony today?

8 A. The purpose of my testimony, I reviewed the  
9 account to make sure that the customer was billed  
10 correctly. I noticed inconsistent meter readings. The  
11 readings for each year were not consistent, which  
12 mainly -- may have lead to possible tampering of the  
13 meter because the readings were not consistent at all.

14 Q. Thank you. I'm going to hand you what has  
15 been marked as People's Exhibit 12 and 13.

16 JUDGE BENN: Thank you.

17 BY MR. McCARTY:

18 Q. Do you recognize these documents?

19 A. Yes.

20 Q. Can you describe them to the Commission.

21 A. It's a historical gas use chart. It charts  
22 all of the meter readings for this account at 4530  
23 South Justine for the 1st Floor Front unit and 2nd  
24 Floor Front unit, all the meter readings from April of  
25 2000 to November of 2013.

1 Q. Thank you. Are these records kept in the  
2 course of regular activity at People's Gas and Light to  
3 record the gas usage of the customer premises?

4 A. Yes, it is.

5 Q. Do these records contain the information  
6 that's collected either from van recordings or actual  
7 readings of customer meters at 4530 South Justine on  
8 the dates shown?

9 A. Yes.

10 Q. Is the reading or recording of data from  
11 customer meters a regular practice of the company?

12 A. Yes, it is.

13 MR. McCARTY: So at this time I would move to  
14 admit People's Exhibit 12 and 13.

15 JUDGE BENN: Do you have any objections to the  
16 entry of Exhibits 12 and 13 from People's Gas into the  
17 record?

18 MR. OCHOA: No, I don't.

19 JUDGE BENN: Okay. Counsel you may proceed.

20 BY MR. McCARTY:

21 Q. I would like to ask you a few questions about  
22 the usage history at 4530 Justine Apartment 1F.

23 A. Uh-huh.

24 Q. Directing your attention to People's Exhibit  
25 12, is there a record of who the PGL customer of 1F was

1 in April of 2000, Account No. 7500007988678?

2 A. Yes.

3 Q. Who was the customer of record?

4 A. Cesar Ochoa.

5 Q. Directing your attention to the records for  
6 April 27th, 2000, what was the recorded gas usage in  
7 therms on that date?

8 A. It was 183 therms.

9 Q. Directing your attention to People's Gas and  
10 Light Exhibit No. 12 and the records for April 30th,  
11 2001, what was the recorded gas usage in therms on that  
12 date?

13 A. 28 therms.

14 Q. Is that consistent with the prior reading of  
15 April -- from April 27th of 2000?

16 A. No. No, it isn't.

17 Q. Why is that not consistent?

18 A. There's a significant decrease in gas use,  
19 therms.

20 Q. And just to be clear, when the van records a  
21 gas usage reading, is the amount of therms shown in the  
22 column marked therms the usage by that account since  
23 the date prior?

24 A. Sorry?

25 Q. Since the most recent date?

1 A. Can you repeat that.

2 Q. Sure. The column marked therms, that shows  
3 the usage at that premises according to van readings or  
4 an actual read since the last meter reading; is that  
5 correct?

6 A. Yes, that is correct.

7 Q. So that's the gas usage for the billing  
8 period; is that correct?

9 A. Yes.

10 Q. And that's what the company uses in order to  
11 bill the customer; is this correct?

12 A. Yes.

13 Q. The company relies on that data?

14 A. Yes.

15 Q. The company assumes that data is accurate  
16 based on its setting and installation of the meters in  
17 accordance with its company specifications?

18 A. Yes.

19 Q. By its trained employees; is that correct?

20 A. Yes.

21 Q. Again, directing your attention to People's  
22 Gas Light and Coke Company Exhibit No. 12, are you able  
23 to calculate the total usage for Apartment 1F from  
24 April 27th, 2000 to December 28th, 2000?

25 A. Yes.

1 MR. McCARTY: Judge, do you mind if I use the  
2 board --

3 JUDGE BENN: Sure.

4 MR. McCARTY: -- to be helpful.

5 BY MR. McCARTY:

6 Q. Is it correct that the total therm usage  
7 during the time was approximately 950 therms?

8 A. Approximately, yes.

9 Q. And just to be clear, that's from April of  
10 2000 to December 28th, 2000, correct?

11 A. Yes. Uh-huh.

12 Q. And that's 950 therms?

13 A. Approximately, yes.

14 Q. Now I'm going to ask you about the gas usage  
15 for the meter for Apartment 1F recorded for the years  
16 2001 to 2010.

17 A. Okay.

18 Q. Do you know what the total usage recorded for  
19 2001 for the 1 Front unit at 4530 South Justine was?

20 A. I don't have the total. Total therapy usage.  
21 I'd have to add.

22 Q. Would you agree that it's approximately 379  
23 therms?

24 A. Give me those dates again, please.

25 Q. Sure. All of 2001.

1 JUDGE BENN: Still on Exhibit 12 or 13?

2 MR. McCARTY: What's that?

3 JUDGE BENN: Are you referring to Exhibit 12 or  
4 13?

5 MR. McCARTY: We are referring to Exhibit 12.

6 JUDGE BENN: Okay. Thank you.

7 BY MR. McCARTY:

8 Q. Let me ask you this, Val, is it true that the  
9 total usage for 2002 is approximately 397 therms,  
10 according to Exhibit 12?

11 A. No.

12 Q. What was the usage for 2002 according to  
13 Exhibit 12?

14 A. It's hard for me to add this up. Can I use  
15 your pen? Something to add this up. It's like  
16 therms --

17 Q. Here, why don't I do this.

18 JUDGE BENN: Let the record reflect that the  
19 witness is using a calculator to determine whether the  
20 total amount of therms is accurate as stated by  
21 counsel.

22 BY THE WITNESS:

23 A. I'm sorry, can we backtrack. Which year are  
24 we at now?

25 Q. 2002.

1 A. Approximately 397, yes.

2 Q. I'm going to skip ahead. I'm going to ask you  
3 to look at the year 2008. Strike that.

4 Can we look at the year 2005, and I'm going to  
5 give you a moment. I would like you to refer to  
6 Exhibit 12 and if you could tell me according to the  
7 company records, what was the total therm usage for  
8 Unit 1F in 2005 at 4530 South Justine?

9 A. Approximately 360 therms.

10 Q. We're up to 2005?

11 A. For 2005, yes.

12 Q. And can you do the same total for 2009  
13 according to Exhibit 12 for the 1 Front unit at 4530  
14 South Justine?

15 A. Uh-huh. Approximately 390 therms of gas use  
16 for 2009.

17 Q. Okay. How does that compare to the usage in  
18 2000? For 2000, how does that compare to the usage  
19 that was recorded in 2000 of 950 therms?

20 A. It's a significant decrease in gas use.

21 Q. Who was the customer of record according to  
22 People's or PGL Exhibit 12, August 27th of 2007?

23 A. According to the record, Marco Ochoa.

24 Q. Thank you. And according to the records, and  
25 again referencing PGL Exhibit 12, does it appear that

1 something happened on March 4th, 2010?

2 A. Yes. That's when the meter stopped  
3 registering. We didn't get any more meter readings  
4 after that.

5 Q. When is the next meter reading for apartment  
6 1F at 4530 South Justine according to company records?

7 A. January 28th, 2013.

8 Q. What was the total therm usage in February for  
9 4530 South Justine, Apartment 1F?

10 A. February of what year?

11 Q. 2013.

12 A. The gas use was 259 therms used.

13 Q. And just to be clear, that's 259 therms for a  
14 single month; is that correct?

15 A. Yes.

16 Q. And is that after a new meter was installed at  
17 4530 South Justine, Apartment 1F?

18 A. Yes, it is.

19 Q. If the meter was removed in March of 2010,  
20 there would be no recorded gas use from March 4th of  
21 2010 through January 18th of 2013; is that correct?

22 A. Yes, that is correct.

23 Q. What was the reported gas usage for  
24 February 25th, 2009 at the 1 Front unit at 4530 South  
25 Justine?

1 A. 38 therms used.

2 Q. I'm sorry, can you say that again?

3 A. 38 therms.

4 Q. For a single month?

5 A. Yes, for a single month.

6 Q. In February?

7 A. In February.

8 Q. In Chicago?

9 A. Yes.

10 Q. And this is a residential heating and cooking  
11 account; is that correct?

12 A. Yes.

13 Q. How does that compare to the readings from  
14 February of 2013 when a new meter had been installed?

15 A. It's not consistent.

16 Q. For Apartment 1F at 4530 South Justine, has  
17 this account always been either a residential heating  
18 and cooking account since at least 2000?

19 A. Yes.

20 Q. So it is a heating account; is that correct?

21 A. Yes, it's a heating account.

22 Q. Now, we've been talking about the 1 Front unit  
23 in referring to Exhibit 12. I'd like to direct your  
24 attention to People's Exhibit 13. And I'd like to ask  
25 you a few questions about the 2 Front unit at 4530

1 South Justine.

2 A. Yes.

3 Q. So directing your attention to Exhibit 13, was  
4 Mr. Ochoa the customer of record for account  
5 7500048266856 for the 2 Front unit?

6 A. Yes.

7 Q. As part of your investigation of Mr. Ochoa's  
8 billing complaint, did you review the usage history for  
9 the 2 Front unit at 4530 South Justine?

10 A. Yes, I did.

11 Q. As part of your review did you notice any  
12 inconsistencies in the recorded readings from the meter  
13 at that location?

14 A. Yes, I did.

15 Q. And before we talk about that, do you know  
16 what happened to the meter at -- for 2 Front, 4530  
17 South Justine on January 28th, 2013?

18 A. Yes.

19 Q. Was a new meter installed?

20 A. Yes, the new meter was installed January 28th,  
21 2013.

22 Q. Again, directing your attention to PGL Exhibit  
23 13, what was the gas usage according to the newly  
24 installed meter recorded at Mr. Ochoa's residence on  
25 March 28th, 2013?

1 A. 174 therms of gas used.

2 Q. For one month?

3 A. One month.

4 Q. Did you compare that to a prior period before  
5 the company installed a new meter?

6 A. Yes, I did.

7 Q. Directing your attention to March 27th, 2012,  
8 what did Mr. Ochoa's meter report his usage for  
9 Apartment 2F at 4530 South Justine?

10 A. Sorry, you said March 27th?

11 Q. March 27th, 2012.

12 A. 45 therms of gas used.

13 Q. And again, for the record, that was for a  
14 single month; is that correct?

15 A. Yes.

16 Q. Is that significantly less than 174 therms  
17 that was recorded in March of 2013?

18 A. Significantly less, yes.

19 Q. And just to be clear for the record, that  
20 recording of 45 therms on March 27th, 2012 was before  
21 the company inspected and replaced the meter for the 2  
22 Front apartment at 4530 South Justine; is that correct?

23 A. Yes, that's correct.

24 Q. Directing your attention to February 24th,  
25 2012 and February 26th, 2013, and again referencing

1 People's Gas Exhibit No. 13, did you notice any  
2 discrepancies in the usage?

3 A. Significant increase in gas use.

4 Q. Okay.

5 A. Yes.

6 Q. Can you explain to the Commission what were  
7 the readings for those two different periods of time  
8 and how are they different?

9 A. February 26th, 2013 there was 160 therms used.  
10 In February 2013. February 24th, 2012 there was 33  
11 therms of gas used. Significant difference again.

12 Q. Based on your review of Mr. Ochoa's usage and  
13 history and account records from 2000 to 2012 for both  
14 the 1 Front apartment and the 2 Front apartment at 4530  
15 South Justine, did you conclude as to whether or not  
16 Mr. Ochoa had been properly billed the gas usage  
17 consumed at those two apartments based on the meter  
18 readings from 2000 to 2012?

19 A. No, he was not properly billed because the  
20 meter was not transmitting properly.

21 Q. Thank you.

22 MR. McCARTY: I have no further questions at this  
23 time.

24 JUDGE BENN: Okay. Do you have any  
25 cross-examination questions for Miss England?

1 MR. OCHOA: Yes, I have a few. I'd like to ask  
2 her a few questions.

3 JUDGE BENN: Sure.

4 CROSS-EXAMINATION

5 BY MR. OCHOA:

6 Q. First, in the beginning, you take care of all  
7 the complaints and stuff for People's Gas?

8 A. Yes.

9 Q. And you said that there have -- possible  
10 tampering on the meters?

11 A. Yes.

12 Q. So there's nothing in concrete, correct,  
13 like --

14 A. No.

15 Q. -- as far as tampering?

16 A. No.

17 Q. Okay. And then my other question is -- and I  
18 don't know if you would know this one, but do all  
19 certain heaters waste the same gas usage, the same  
20 therms?

21 A. No.

22 Q. As far as, like, old central, like, space  
23 heaters to wall units?

24 A. No, they would not --

25 Q. Be constant?

1 JUDGE BENN: One second. You have to let her --  
2 That's okay. I know you're new at this. Let her  
3 answer completely and then you kind of can interject  
4 after she actually finishes her sentence. Go ahead.

5 BY THE WITNESS:

6 A. No, they would not function the same. There  
7 would be a difference in the efficiency of each of the  
8 appliances but it would not be that significant.

9 Q. Okay. Now, would it depend on how many people  
10 live there, use the hot water tank and, I mean, how big  
11 of a family lives there and how the windows are -- how  
12 the apartment is enclosed as far as insulation and new  
13 windows and all that stuff?

14 A. Absolutely. There would be a difference, but  
15 again, the difference would not be that significant.

16 Q. Okay.

17 A. It wouldn't be normal, for it to be a normal  
18 significance.

19 Q. Now, I noticed that you were talking about  
20 significant change on January 28th, 2013 when the meter  
21 was first installed?

22 A. Uh-huh.

23 Q. Wouldn't it also matter, the big significant  
24 change on the therms, that I would have to heat two  
25 apartments that are freezing cold and that's why I

1 would have to get them two units to what's normal?

2 MR. McCARTY: And just so the record is clear, are  
3 you referring to the 1 Front unit or the 2 Front unit  
4 in your question?

5 MR. OCHOA: Well, actually both. Because, I mean,  
6 the meters were installed on both units.

7 BY MR. OCHOA:

8 Q. So, I mean, wouldn't it -- Wouldn't there be a  
9 significant change in the therm usage and the reason  
10 being that they've been without gas for over a month  
11 and then suddenly just turn on the heaters, you would  
12 have to constantly run those heaters to get the units  
13 up to normal temperature?

14 MR. McCARTY: I'm going to object just that this  
15 is beyond the witness's expertise. He's now asking her  
16 to opine as to the efficiency hypothetically of  
17 equipment that he hasn't laid foundation for what type  
18 of equipment he's referring to and she's a customer  
19 service employee who really just took a look at the  
20 billing records and the therm usage. Now he's asking  
21 her to opine on efficiency of equipment.

22 JUDGE BENN: Let me ask you this question,  
23 Counsel. Are you intending to put on a witness that  
24 could possibly answer that question that might have  
25 more knowledge to answer that question hypothetically?

1 MR. McCARTY: Yes.

2 JUDGE BENN: Okay. I'm going to sustain your  
3 objection. Mr. Ochoa, what that means is since there  
4 could potentially be a witness to answer that question,  
5 I'd like for to you reserve that question for someone  
6 else that might have knowledge to answer it  
7 hypothetically for you.

8 You have any other questions for Miss England?

9 MR. OCHOA: No, not really.

10 JUDGE BENN: Okay.

11 MR. OCHOA: That's it.

12 JUDGE BENN: Okay. Any redirect?

13 REDIRECT EXAMINATION

14 BY MR. McCARTY:

15 Q. Mr. Ochoa asked you whether or not there  
16 were -- any of your findings were in concrete; do you  
17 recall that question?

18 A. Yes.

19 Q. In your opinion, is it more likely true than  
20 not true that the explanation for the variance in the  
21 therm usage prior and post installation of the new  
22 meters is due to tampering?

23 A. It's more likely than not unless --

24 Q. Based on your experience, going to Mr. Ochoa's  
25 questions regarding the efficiency and replacement of

1 equipment, heating equipment, window sealing and other  
2 things he was referencing during his questioning, is it  
3 more likely true that those things would improve the  
4 efficiency and you would expect to see a decrease in  
5 therm usage?

6 A. Yes.

7 MR. McCARTY: I don't have any further questions.

8 JUDGE BENN: Counsel -- Off the record.

9 (A short break was had.)

10 JUDGE BENN: Back on the record. And we'll have  
11 this exchange on the record and then we'll decide if  
12 we're going to strike it or not. Okay.

13 Could I ask you to go back and read  
14 Mr. Ochoa's questions to Miss England about the  
15 hypothetical heating of the units.

16 (Record read as requested.)

17 MR. McCARTY: That's going to the operation of  
18 HVAC equipment, which I don't see how that's within the  
19 scope of this witness's expertise.

20 JUDGE BENN: Okay. All right. The question  
21 Mr. Ochoa asked seems to be seeking a hypothetical  
22 answer from Miss England based on her understanding of  
23 usage in properties that have been tampered with versus  
24 those that have not. Later on in the testimony,  
25 Mr. McCarty asked some questions that asked about

1 efficiency of the units based on your knowledge when  
2 you deal with properties that potentially have  
3 tampering issues. To the extent that I believe that  
4 Mr. Ochoa's questions asked for a hypothetical based on  
5 what could happen if an apartment was completely cold  
6 and had to be reheated, I suggested that Miss England  
7 should be able to ask that question. In response,  
8 Mr. McCarty suggested that any questions that he may  
9 have asked, as well as Mr. Ochoa's hypothetical, would  
10 be stricken from the record as to, I guess, the  
11 testimony of this witness. I don't know if it would  
12 come up in later testimony of another witness. And so  
13 we will leave it at that.

14           So this question would be reserved on  
15 Mr. Ochoa's end and any testimony about efficiency and  
16 hypotheticals of usage and heating as to this witness  
17 will be stricken.

18           Is that correct, Mr. McCarty, is that okay for  
19 you?

20           MR. McCARTY: Thank you, your Honor.

21           JUDGE BENN: Okay. Fine. You can -- If there's  
22 nothing else for this witness, we can go on to the next  
23 witness.

24           MR. McCARTY: Thank you, your Honor. At this time  
25 I would call Tony Blasgen to testify on behalf of the

1 company.

2 Please state your name and spell it for the  
3 record.

4 Sorry.

5 JUDGE BENN: Oh, that's okay.

6 (Witness sworn.)

7 JUDGE BENN: Proceed.

8 WHEREUPON:

9 ANTHONY BLASGEN,

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

12 DIRECT EXAMINATION

13 BY MR. McCARTY:

14 Q. Please state your name and spell it for the  
15 record.

16 A. Anthony Blasgen, A N T H O N Y, B L A S G E N.

17 Q. Where are you currently employed?

18 A. People's Energy.

19 Q. What is your title and what are your duties at  
20 People's Energy?

21 A. I'm in corporate security, gas diversion and  
22 detection, field investigator. My duties are to  
23 investigate gas theft, tampered meters, high-dollar  
24 occupant use, high-dollar collection and that manner.

25 Q. Can you tell the Commission and the

1 Administrative Law Judge a little bit about your work  
2 experience at the company.

3 A. I've been with People's Gas 27 years. I've  
4 been with the service department seven -- 18 years and  
5 in my current job for the last nine.

6 Q. So during that work experience what sort of  
7 skills, knowledge, experience have you learned  
8 regarding meters, gas usage --

9 A. I've been -- Sorry, I didn't let you finish.  
10 I've been involved in all types, aspects of gas meter  
11 installation, piping, fitting work, and then the last  
12 ten years I've been with, you know, gas diversion  
13 detection.

14 Q. And when you say gas diversion, for the ALJ's  
15 benefit and for the Committee, what do you mean?

16 A. We investigate gas theft, tampered meters,  
17 people that divert gas from our building service to  
18 have unmetered gas to the appliances in people's  
19 houses, building, and to their appliances.

20 Q. What is the purpose of your testimony today?

21 A. The purpose of my testimony is that we found a  
22 tampered meter located at 4530 South Justine on the 2  
23 Front apartment and we found evidence of theft on the 1  
24 Front apartment at the same premise.

25 Q. Who is José Ochoa?

1 A. José Ochoa is an employee of People's Gas.

2 Q. And do you know what his titles and duties  
3 are?

4 A. He is titled as a utility worker.

5 Q. And can you describe for the ALJ and for the  
6 Commission what kind of work and training a utility  
7 worker at People's Energy would have?

8 A. They typically work for the -- They do basic  
9 meter changes, meter removes, inside safety  
10 inspections. They do all kinds of field work, they  
11 could work with fitters. So they'd have, you know, a  
12 good knowledge on all piping meter work. They'd have  
13 access to all our equipment, keys, locks.

14 Q. Specifically what kind of tools and equipment  
15 do they have access to?

16 A. Wrenches, any kind of the piping that we would  
17 use, meters, cap seals that are used in meters. They  
18 would have keys to our locks, keys to locks that would  
19 be used as our free-wheeling plugs, to that manner.

20 Q. Do they have access to Ts and caps?

21 A. Yes.

22 Q. And for the ALJ and for the Commission, can  
23 you describe what is a T?

24 A. A T is a pipe fitting that would go in between  
25 a pipe that would connect another pipe so you would

1 have almost -- at a T-shape you would have another feed  
2 off of that fitting.

3 Q. Okay. And the purpose of a T is to divert gas  
4 in another direction; is that correct?

5 A. Yes, it could be used as that.

6 Q. What is a cap or a plug?

7 A. A cap would go on the end of -- on the end of  
8 a pipe to plug it off and a cap would be used on the  
9 female threads to also plug off an end of a pipe.

10 Q. And you mentioned earlier, and we'll talk  
11 about it later in your testimony, but what is a cap  
12 seal?

13 A. We use cap seals in our meters. We use two  
14 cap seals in a housing on the dial glass or ERT device  
15 that prevents tenants or anybody from having access to  
16 the screws that would be able to remove that head off  
17 that meter.

18 Q. Were you assigned to investigate several  
19 buildings that were suspected of gas theft in 2012  
20 including 4530 South Justine?

21 A. Yes.

22 Q. I'd like to focus your testimony here today on  
23 the premises at 4530 South Justine. What brought you  
24 to that property?

25 A. We were investigating numerous buildings that

1 day that were suspected of stealing gas with some -- a  
2 couple of employees with People's Gas.

3 Q. And just to be clear, you went to 4530 South  
4 Justine on December 18th, 2012?

5 A. That's correct.

6 Q. I'm about to hand you a series of photographs  
7 Marked People's Exhibits 1 through 10. I'm going to  
8 start with People's Exhibit No. 1.

9 A. Okay.

10 Q. Do you recognize that photograph?

11 A. Yes.

12 Q. What is --

13 JUDGE BENN: Do you have -- Does he -- Do you have  
14 any objection -- Have you had an opportunity to see  
15 People's Exhibits 1 through 10, all of the photos, or  
16 we can go through it one by one?

17 MR. OCHOA: Yes, I've seen --

18 JUDGE BENN: You've seen all the pictures?

19 MR. OCHOA: I mean, I'm assuming I've seen all of  
20 them. We talked prior and he showed me a few of them.  
21 I don't know if all the pictures are the same.

22 JUDGE BENN: Okay. So as it stands right now do  
23 you have an objection to --

24 MR. OCHOA: No, not to the pic- --

25 JUDGE BENN: -- Exhibits 1 through 10?

1 MR. OCHOA: No, I'm fine. No objection.

2 JUDGE BENN: Okay. Fine.

3 MR. McCARTY: If there's no objection, I would  
4 move to admit photographs 1 through 10 at this time.

5 JUDGE BENN: Yes, I'll allow those into the  
6 record.

7 BY MR. McCARTY:

8 Q. Directing your attention down to People's  
9 Exhibit No. 1, what is depicted in that photograph?

10 A. This is a photo that I took of the 2 Front  
11 meter.

12 Q. Okay. And just to be clear, is that a fair  
13 and accurate representation of the 2 Front meter as it  
14 appeared when you saw it on December 18th, 2012?

15 A. Yes.

16 Q. Tell us what happened when you arrived at 4530  
17 South Justine on December 18th, 2012?

18 A. When we arrived to the building the first  
19 thing we did was try to make contact with the 1 Front  
20 apartment. We knocked on the door and we were greeted  
21 with an unknown woman that was at the door; opened the  
22 door, we presented ourselves as gas company employees  
23 and asked her if we could get to the gas meters. She  
24 stood there for a little while and kind of looked kind  
25 of confused and then slammed the door in our face. So

1 we re-knocked on the door a few times and we didn't get  
2 any answer.

3 Q. Sorry, I'm going to stop you right there.  
4 Were you wearing clothing and identification to show  
5 you were a People's Energy --

6 A. Yes. We wear our company IDs around our necks  
7 and we also have insignias on our jackets.

8 Q. Right now I would like to focus on Apartment  
9 1F. Were you granted access to that unit?

10 A. I'm sorry, 1F?

11 Q. 1F?

12 A. No, we were not.

13 Q. On December 18th, 2012?

14 A. No.

15 Q. Did somebody open the door?

16 A. Yes.

17 Q. What did you observe?

18 A. I observed a woman that was standing in the  
19 door. I observed the apartment, seemed to be lived in.  
20 I observed there was heat coming from that apartment.  
21 And we just were not given access that day.

22 Q. Okay. Did it appear that the unit was being  
23 lived in?

24 A. Yes.

25 Q. Is there a meter for Apartment 1F?

1 A. No.

2 Q. Strike that. Let me rephrase the question.

3 On December 18th, 2012 was there a meter for  
4 the 1 Front apartment at 4530 South Justine?

5 A. Our records show there was no meter for that  
6 premise.

7 Q. And it's fair to say if there's no meter for  
8 that premise, there should be no gas usage in the 1  
9 Front unit; is that correct?

10 A. That's correct.

11 Q. I'm handing to you what's been previously  
12 marked and entered into evidence as People's Exhibit  
13 No. 10. Do you recognize this photograph?

14 A. Yes.

15 Q. What is depicted in this photograph?

16 A. This is our building service that runs from  
17 the front of the building. This building service runs  
18 downstream up to the 2 Front meter. What we noticed  
19 when we came in and inspected this, we found a T on the  
20 building service and that didn't belong on there.

21 Q. And again, for the ALJ's benefit and for the  
22 Commission, what is a T?

23 A. A T is -- Actually, this T would've been used  
24 to have another fuel run that would be installed on  
25 here and could have been running to another appliance

1 or anywhere in the building. With this T being in this  
2 position, it is with unmetered gas on this T. There's  
3 no meter connected to this T.

4 Q. So just to be clear, that T or diversion is on  
5 the PGL or People's Energy side of the meter, so any  
6 gas going through that service and up through the T to  
7 a connecting pipe is unmetered; is that correct?

8 A. Correct.

9 Q. Where is that T in relation to the 1 Front  
10 unit at 4530 South Justine?

11 A. About approximately the middle of the  
12 apartment in the basement underneath the floor.

13 Q. Based on your knowledge and experience with  
14 the company for the last 27 years, is there any reason  
15 that T should be there?

16 A. No.

17 Q. Why?

18 A. We don't allow Ts on our building service. If  
19 a T was found we would have it removed. It would have  
20 to be a straight run to deter any kind of gas theft on  
21 your building service.

22 Q. Does that create an unsafe condition?

23 A. Yes, we consider that an unsafe condition.

24 Q. Why does the company consider that an unsafe  
25 condition?

1           A. Because it allows somebody to have gas that's  
2 before the meter, used gas.

3           Q. What's the purpose of installing a T on the  
4 company's side of the meter?

5           A. What is the purpose? One more time.

6           Q. What would be the purpose of installing a T on  
7 the company's side of the meter other than the company?

8           A. We would install a T to have a run, a fuel run  
9 come off for our building service to connect the meter  
10 bar. That's what we use a T for on there.

11          Q. But there's no reason for there to be a T on  
12 this service; is that right?

13          A. No, because the meters were located at the  
14 front of the basement. They were already -- The meter  
15 sets were already in place and the other meter sets  
16 were up in the bathroom so there would be no reason for  
17 that T there.

18          Q. Did you notice anything about the condition of  
19 the T itself, did it appear new?

20          A. Doesn't appear new but it appears different  
21 than the other piping that is connected to it.

22          Q. Now I'm going to ask you a few questions about  
23 the 2 Front unit at 4530 South Justine. Did you  
24 inspect -- Did you ask to inspect the meter located in  
25 Apartment 2F at 4530 South Justine?

1           A. Yes, after we were not allowed access to the  
2 first floor we walked up to the second floor. We  
3 knocked on the door and we were greeted. Can I use  
4 Mr. Ochoa's wife?

5           MR. OCHOA: Yes.

6 BY THE WITNESS:

7           A. Sorry, I don't know the first name. But we  
8 were greeted by Mr. Ochoa's wife and she said that her  
9 son was in the shower and that we would have to wait.  
10 I told her that we were there to inspect the meter and  
11 we asked to have access to it.

12          Q. And what did you hear and observe at that time  
13 after Mrs. Ochoa closed the door?

14          A. During the time when we were allowed access  
15 was approximately about -- I would say about 20  
16 minutes. During the first five minutes of that time we  
17 heard a lot of moving around. After about  
18 approximately five, seven minutes I heard the shower  
19 come on. During that time we heard clanging of pipes,  
20 moving around. After five more minutes the shower went  
21 off. We heard a lot of hammering going on in there for  
22 the next like five minutes. After about probably about  
23 20 minutes we knocked on the door again because we  
24 wanted to give her plenty of time to let us in,  
25 whatever, you know, was going on. And about 20 minutes

1 she did open up the door and then allow us in for  
2 access.

3 Q. Did you see the children when you entered?

4 A. Yes, I did.

5 Q. Did you notice if their hair was dry or wet?

6 A. That's the first thing I noticed. Their hair  
7 was dry. One of them -- one of -- I guess your son was  
8 visibly upset and, you know, I didn't know why.

9 JUDGE BENN: Excuse me, Counsel, can I ask a  
10 question before you go off this picture. Are you going  
11 to leave photo 10?

12 MR. McCARTY: I can come back to it at the end if  
13 you wanted to ask some questions.

14 JUDGE BENN: Yeah, I'll wait until you come back.

15 MR. McCARTY: Actually, I think this would be a  
16 perfect time.

17 JUDGE BENN: Okay. Just so I can understand what  
18 the T means. So this in the middle is the T, correct?

19 THE WITNESS: Correct.

20 JUDGE BENN: And this cap right here, is this  
21 where there would be a connection to another line or  
22 something at --

23 THE WITNESS: Well, there would not be any other  
24 meters installed --

25 JUDGE BENN: Okay.

1 THE WITNESS: -- in this location because the  
2 meters were already installed to the front of the  
3 basement. So the two meters for the 1 Front and the 1  
4 Rear were installed in the front of the basement and  
5 our building service runs through the building and then  
6 comes up to the second floor where the second floor  
7 meter would be located in the bathroom. So from the  
8 run from the front of the building all the way to the  
9 second floor should be straight pipe. There should be  
10 no access to the building service because that would be  
11 unmetered gas on that pipe. So we would not have a  
12 union, a T or any other thing on there that would allow  
13 somebody to open up this pipe on this T or this union  
14 that would have access to live gas that would be  
15 unmetered.

16 JUDGE BENN: Okay. So a T is utilized to  
17 connect --

18 THE WITNESS: Connect a third pipe.

19 JUDGE BENN: Okay.

20 THE WITNESS: Connect a third pipe for the use  
21 of --

22 JUDGE BENN: Go ahead.

23 THE WITNESS: For the use of another fuel run  
24 running to another appliance or it could be used for a  
25 meter drop.

1 JUDGE BENN: Okay. So Ts are normally utilized,  
2 so I'm clear, to either connect another meter --

3 THE WITNESS: Correct.

4 JUDGE BENN: -- or any additional gas appliance?

5 THE WITNESS: Any gas-fired appliance, correct.

6 JUDGE BENN: Okay. Gas-fired. And the presence  
7 of a T would imply that something is going to be  
8 connected to it?

9 THE WITNESS: Well, the presence of this T would  
10 imply that, first, it doesn't belong there because the  
11 Ts we use for our meter drops are already in place.  
12 And this T wouldn't be used for another meter, it would  
13 be used for a fuel run, probably for unmetered gas.

14 JUDGE BENN: But as it's shown on this photo, I  
15 just want to be clear, it's not connected to anything.

16 THE WITNESS: It is not connected because this  
17 photo was taken the day after our initial inspection.

18 JUDGE BENN: Okay. So on -- And you can stop me  
19 if I'm going off something else you're going to --

20 MR. McCARTY: I was actually -- You're getting to  
21 a point that I was going to clarify later and I was  
22 going to go through each photograph. So if you want to  
23 talk about foundation and the date that that photograph  
24 was --

25 JUDGE BENN: I just want to ask this one question:

1 When you went in, I guess prior to that, was this T  
2 connected to something?

3 THE WITNESS: This picture was taken on the 19th.  
4 This was a day after our initial inspection. We  
5 weren't allowed access on the 18th. So on the 19th  
6 this is the picture that I took a day later.

7 JUDGE BENN: Okay. Thank you.

8 THE WITNESS: Sure.

9 JUDGE BENN: You can go ahead. I apologize.  
10 Before we proceed -- The reason why I ask these  
11 questions is when I finally go back and look at the  
12 record I need them to be -- I need my questions to be  
13 in proximity of the actual pictures when I go back  
14 through the record to understand what went on, so  
15 that's why I asked that question. Thank you.

16 BY MR. McCARTY:

17 Q. So while we're on People's Exhibit 10, and to  
18 be clear, you did not have the opportunity to inspect  
19 that service run on December 18th, 2012; is that  
20 correct?

21 A. That's correct.

22 Q. When did you finally get the opportunity to  
23 inspect the service run?

24 A. That would be on 12/19/2012.

25 Q. Was there a reason given as to why you weren't

1 granted access to that service run on December 18th,  
2 2012?

3 A. Not that I can recall.

4 Q. I'm going to direct your attention to People's  
5 Exhibit 8 and 9.

6 JUDGE BENN: That's 9?

7 MR. McCARTY: Yeah, there's 8. Sorry.

8 JUDGE BENN: Thank you.

9 BY MR. McCARTY:

10 Q. So directing your attention to Exhibits 8 and  
11 9, do you recognize these photographs?

12 A. Yes, I do.

13 Q. When were these photographs -- Well, we'll go  
14 through the foundation questions, but do these  
15 photographs fairly and accurately depict the condition  
16 of the Apartment 2F at 4530 South Justine on  
17 December 18th, 2012?

18 A. Yes.

19 Q. Okay. And what is depicted in these  
20 photographs?

21 A. Photo 8 is a picture of a dryer in the closet.  
22 And Photo 9 a is a picture of two unfinished sheets of  
23 drywall that is installed between the 2 Front apartment  
24 and a 2 Rear apartment.

25 Q. Directing your attention to People's Exhibit

1 No. 8, what did you notice about the drywall?

2 JUDGE BENN: Is that 8 or 9?

3 BY THE WITNESS:

4 A. Number 9. What I noticed is that the drywall  
5 was unfinished. I thought that, you know, this  
6 entranceway was -- should have been open to the 2 Rear.  
7 This was all one apartment. I just -- I thought that  
8 this was all of the hammering that was being -- while I  
9 was in the hallway this was erected so we couldn't have  
10 access to the 2 Rear where we had a meter located in  
11 the bathroom.

12 Q. So I want to ask you about that. We've heard  
13 testimony earlier today that there were two units on  
14 the second floor, a 2 Rear unit and a 2 Front unit; do  
15 you recall that?

16 A. That's correct.

17 Q. Did the 2 Rear unit have an active gas  
18 account?

19 A. No.

20 Q. So the 2 Rear unit did not have an active gas  
21 account with People's Energy to provide heating or hot  
22 water?

23 A. No, not at that date.

24 Q. Okay. What is significant then about the  
25 drywall?

1           A. The drywall, I just felt that it was just  
2 erected so we couldn't have access, you know, to the  
3 rear there to inspect that meter on that day. I was  
4 able to move the drywall with my hand and you could see  
5 through the apartment that there was a lit Christmas  
6 tree and it was a livable space in that apartment.

7           Q. So you were able to observe evidence that  
8 somebody was currently living in the 2 Rear unit?

9           A. Correct.

10          Q. And including there was a Christmas tree?

11          A. Correct.

12          Q. But there was no active account for the 2 Rear  
13 unit; is that correct?

14          A. Not at that date.

15          Q. On December 18th, 2012 were you granted access  
16 to the 2 Rear unit at all?

17          A. No.

18          MR. OCHOA: Sorry, could you repeat that last  
19 question.

20                 JUDGE BENN: Could you repeat the last  
21 question.

22                                 (Record read as requested.)

23          BY MR. McCARTY:

24          Q. Did you observe the meter for the 2 Front unit  
25 on December 18th of 2012?

1 A. Yes.

2 Q. Okay. And did you observe any evidence of  
3 tampering on December 18th of 2012 to that meter for  
4 the 2 Front unit?

5 A. Yes.

6 Q. Can you describe for the Commission what  
7 evidence of meter tampering you observed on  
8 December 18th, 2012 as to Apartment 2F?

9 A. Could I go to Exhibit 1, which is the --

10 Q. Before I direct you to the exhibit, can you  
11 just describe for the Commission generally what you  
12 observed?

13 A. Sure. When I entered the bathroom to do the  
14 inspection on the meter the first thing I do is start  
15 at the building service, and it was coming through that  
16 it was not concealed. I noticed that the building  
17 service, the meter bar swivels, everything seemed to be  
18 intact. They seemed to have a large amount of lint,  
19 dust, dirt. I didn't determine at that time that that  
20 part of the meter bar or building service was being  
21 touched. The next thing I did was focus on the meter  
22 itself. And the first thing that really stuck out at  
23 me with the meter were the cap seals that were on this  
24 meter and the cap seals appear to me to be brand-new.  
25 Looking at my records of the age of the meter and the

1 dirt, debris and everything that was on the meter, it  
2 just was not consistent with the cap seals that were  
3 installed on this meter.

4 Q. And now referencing People's Exhibit No. 1.

5 MR. McCARTY: Judge, do you have a copy of Exhibit  
6 1?

7 JUDGE BENN: Yes, I do.

8 BY MR. McCARTY:

9 Q. Again, can you for the ALJ's benefit and for  
10 the commission using that photograph, can you  
11 demonstrate to the ALJ what evidence of tampering again  
12 did you notice on December 18th?

13 A. Right.

14 Q. If you could hold up the photograph and point  
15 to the ALJ.

16 A. These are the cap seals that we use.

17 JUDGE BENN: The red --

18 THE WITNESS: Yes, the red cap seals. And what  
19 that does is conceals the screw -- There's two cap  
20 seals, one on the top, one on the bottom that will  
21 conceal the screw so that this head cannot be removed  
22 from the base of this meter.

23 JUDGE BENN: The head meaning this right here?

24 THE WITNESS: The head of the meter -- This is the  
25 base of the meter and this is the ERT device head,

1 which is an Electronic Reading Transmission device. So  
2 these seals are put in so nobody has access to remove  
3 this head of the meter. Once this ERT device would be  
4 removed, then the gas that passed through this meter  
5 would not be registering through this ERT device.

6 Okay.

7           The next thing I observed was the gasket that  
8 is in between the base of the meter and the ERT device  
9 was out of place, which would be right on the top right  
10 here, this gasket. This seals -- This is a seal that  
11 goes in between the ERT device and the meter. With  
12 this seal out -- This seal should not be out. So  
13 that's another observance that I had as far as this  
14 head was removed.

15           JUDGE BENN: When you say it's out, you're talking  
16 about the fact that there's a crack there?

17           THE WITNESS: It's exposed.

18           JUDGE BENN: That there's a crack, it looks like a  
19 crack?

20           THE WITNESS: No, that's actually a gasket that  
21 fits all the way around the ERT head that seals the ERT  
22 head to the base of the meter.

23           JUDGE BENN: Okay.

24           THE WITNESS: So with this gasket out of place --

25           JUDGE BENN: So you mean the fact that this looks

1 like it's tan and covered means that it's exposed?

2 THE WITNESS: What it means is it's out of place  
3 from the place it should be. It should be in between  
4 this ERT device and the meter. So this gasket should  
5 not be exposed.

6 JUDGE BENN: Okay.

7 THE WITNESS: Okay. The other thing --

8 MR. McCARTY: For the record, should we have him  
9 mark the area of the meter that he's referring to on  
10 the exhibit?

11 JUDGE BENN: That would be fine. Yeah, I mean, if  
12 you want to go back and mark it as 2 and 3.

13 BY MR. McCARTY:

14 Q. So just referencing People's Exhibit No. 1,  
15 can you please place an X or a mark on the area that  
16 you say shows that the gap between the meter head and  
17 the meter that has been dislodged?

18 A. That the gasket has been dislodged and out of  
19 place. Sure. You want an X on here? Okay.

20 JUDGE BENN: I'm going to need you to mark the  
21 other ones as well.

22 THE WITNESS: Sure.

23 JUDGE BENN: All similarly so we --

24 MR. McCARTY: I think that will be clear for the  
25 record.

1 THE WITNESS: And just ask me questions. I know  
2 most people don't know the innards of a gas meter so it  
3 might be confusing or I might set it out, you know,  
4 state it out almost like you should know it, but just  
5 ask me questions.

6 MR. McCARTY: And, again, for the other two copies  
7 if you can place an X where the gasket is out of place.

8 JUDGE BENN: Okay. Thank you. So the X  
9 signifies, again, where the gasket is out of place and  
10 just so I understand, you were able to determine that  
11 because there appears to be some sort of shift in here?  
12 Is there any significance of the fact there appears to  
13 be a crack right there?

14 THE WITNESS: No, the gasket -- In this picture  
15 right here the gasket is not cracked in any way. It  
16 fits in a square around the whole base of the ERT  
17 device. Okay? It should be concealed underneath. So  
18 this being out of place -- With this being out of  
19 place, it means the head was removed; when it was put  
20 back on, the gasket wasn't put back in place correctly.

21 JUDGE BENN: Okay.

22 THE WITNESS: Okay.

23 JUDGE BENN: By your understanding. Okay. All  
24 right. Any other questions?

25 BY MR. McCARTY:

1 Q. Yeah. And again directing your attention to  
2 the red cap seal in People's Exhibit No. 1, what did  
3 you notice about the condition of the red cap seal?

4 A. The cap seal appeared to be brand new.  
5 Looking at the condition of this meter in this picture,  
6 you could see heavy dirt, lint is all over every part  
7 of this meter but those cap seals. So the ERT device  
8 wasn't -- when it was installed years ago would've had  
9 discoloration. You would've had the same dust, lint.  
10 It appeared to be brand new.

11 Q. And based on your review of the company  
12 records, when should that red seal have been installed?

13 A. This ERT device was installed in 1992. The  
14 year of 1992. I don't have the record in front of me  
15 for the exact day because I know looking through the  
16 record it was 1992.

17 Q. Did you notice anything about the condition of  
18 the screw heads?

19 A. The screw heads, the one thing I look for in  
20 the screw heads is in between the slots of the screws  
21 to see if there's any marks, and we did find some fresh  
22 marks that had cuts that made them real shiny. So that  
23 indicated to me that somebody had a screwdriver on  
24 these screws and was possibly taking them off.

25 Q. Okay. Would a utility worker have access to

1 replacement seal caps?

2 A. Yes.

3 Q. Did you find any evidence that authorized PGL  
4 employees did authorized work to this meter since the  
5 year 2000?

6 A. One more time.

7 Q. Did you find any evidence in the company  
8 records that there was any authorized work to that  
9 meter?

10 A. To this meter, no.

11 Q. So again for the record, the condition that  
12 you found the meter in on December 18th, 2012 is not  
13 the condition that you would've expected an untampered  
14 meter to be in; is that correct?

15 A. That's correct.

16 Q. I'm showing you what has been marked as  
17 People's Exhibits Nos. 2 and 3. What is depicted in --  
18 Can you describe what is depicted in these photographs  
19 for the ALJ and for the commission?

20 A. This is -- This photo was taken on 4/17/13.

21 Q. Sorry, can you -- Which photo are you  
22 referring to?

23 A. Oh, Exhibit photo 2. This picture was taken  
24 on 4/17/2013. This picture was taken during a City  
25 test of this meter.

1 Q. Okay. And are these photographs fair and  
2 accurate depictions of the condition of the meter  
3 behind the ERT device when it was inspected by the City  
4 of Chicago?

5 A. That's correct.

6 Q. Was this meter inspected by the City of  
7 Chicago?

8 A. Yes.

9 Q. Does the City of Chicago regularly inspect the  
10 condition of People's Gas meters?

11 A. Yes.

12 Q. Would you normally expect to find dust and  
13 debris as well as oxidation inside the meter that has  
14 been untampered with?

15 A. In -- Could you re-question that.

16 Q. Would you normally expect to find dust and  
17 debris as well as oxidation inside the meter behind an  
18 ERT?

19 A. No.

20 Q. And why is that?

21 A. The ERT head, when it's installed it's sealed  
22 and there is no -- It's not exposed to the atmosphere  
23 or any debris or anything like that. It's sealed with  
24 a gasket and tamper screws so you would not find what's  
25 depicted in this picture as a large amount of dust,

1 hair, discoloration of the brass gear, which is  
2 consistent with the dirt and dust that is around the  
3 outside of the meter.

4 Q. If an ERT device is tampered with will it  
5 properly send information regarding the accurate use of  
6 the gas at a customer premises?

7 A. No.

8 Q. Is it possible that the ERT device would  
9 become dislodged through normal conditions?

10 A. No.

11 Q. Do ERT caps or heads normally become  
12 dislodged?

13 A. No.

14 Q. Is there any reasonable explanation for the  
15 dust and debris inside the meter behind the ERT device?

16 A. No.

17 MR. McCARTY: Off the record for a second.

18 JUDGE BENN: Yes.

19 (A short break was had.)

20 BY MR. McCARTY:

21 Q. You mentioned earlier during testimony that  
22 the meter was inspected?

23 A. Yes.

24 Q. Okay. And, again, who inspected the meter?

25 A. The City of Chicago Department of Consumer

1 Services, Division of Consumer Protection Gas  
2 Utilities.

3 Q. And my next series of questions will reference  
4 People's Exhibit No. 11. Do you recognize this  
5 document?

6 A. Yes.

7 Q. What is this document?

8 A. This was a report of the gas meter inspection  
9 on 4/17/2013 that was performed by a meter inspector  
10 from the City, last name Gavin.

11 Q. Did you rely on this document in forming your  
12 opinion as to whether or not the meter had been  
13 tampered with?

14 A. It was part of it, yes.

15 Q. And again, does the City of Chicago regularly  
16 inspect People's Energy meters?

17 A. Yes.

18 Q. What did the City of Chicago inspection  
19 conclude as to the condition of the meter that served  
20 apartment 2F at 4530 South Justine?

21 A. The comments that were put by the inspector  
22 from the City, the comments that he wrote down were the  
23 seals were not countersunk on the ERT device. The  
24 screws were loose on the index cover, the gasket was  
25 not seated properly on the ERT, and the stuffing box

1 has debris under the ERT cover.

2 Q. And, again, those are all findings consistent  
3 with a meter that has been tampered with; is that  
4 correct?

5 A. That's correct. Could I re-answer? That  
6 would be consistent with the ERT head being removed  
7 from the base of that meter, which would provide  
8 unmeasured gas through that meter which would not  
9 register.

10 Q. And just to be clear, it either would not  
11 register or it would not register accurately?

12 A. If the ERT head is dislodged from the meter  
13 the gears do not sync up and it would not register the  
14 gas that went through the meter.

15 Q. Can I ask you a question then: During the  
16 period of time prior to December 18th of 2012, at times  
17 this meter was registering gas usage?

18 A. Correct.

19 Q. Do you have an explanation for that?

20 A. Yes. You could put the ERT device back on,  
21 the gears would sync up and it would register gas  
22 through the meter. You don't have the other picture,  
23 but once the ERT head is replaced back on there, it  
24 would register the gas that went through the meter. If  
25 it's removed from the meter it would stop registering

1 the gas. There's a gear on the back of the ERT device  
2 and there's a gear that is in the stuffing box. When  
3 those two go together, they turn, it would register the  
4 meter that goes through, register the gas that passes  
5 through the meter. If it is dislodged or removed, it  
6 would not register the gas going through the meter. So  
7 it can be taken on and taken off.

8 Q. And based on your years of experience or --  
9 Strike that.

10 Based on your years of experience  
11 investigating tampering and theft, is that a common  
12 practice or something that you ordinarily come across  
13 in the field, the removal, replacement, removal of  
14 meters so that some gas is measured and so it's not  
15 measuring at zero, therefore, it's not easily detected?

16 A. Yes, I come across a lot of these.

17 Q. Directing your attention to People's Gas  
18 Exhibit 5. I'm handing to you what's been previously  
19 marked and admitted into evidence as People's Gas  
20 Exhibit No. 5. Do you recognize this photograph?

21 A. Yes.

22 Q. What is this photograph?

23 A. This is a photograph of behind the ERT head.

24 Q. And does that fairly and accurately depict the  
25 condition of the ERT head when it was inspected by the

1 City of Chicago?

2 A. Yes.

3 Q. What did --

4 A. Sorry.

5 Q. Referencing that document, is there any  
6 observations that you made that were unusual and caught  
7 your attention?

8 A. Yeah. The first was -- and I could probably  
9 better explain the gasket to the Judge as far as how  
10 the gasket is installed on behind the ERT head. It's  
11 one gasket that goes all the way around and you can see  
12 it's out of place. The other thing that we noticed --

13 Q. For the ALJ's benefit, if you could point in  
14 the photograph, please point so the ALJ can see where  
15 the gasket is and relate it back to your earlier  
16 testimony.

17 A. The gasket we were referring to earlier from  
18 Exhibit 1 that was out, this would be the gasket here  
19 that connects all the way around and seals the ERT head  
20 to the base of the meter.

21 Q. And is it fair to say -- Let me ask you this:  
22 What's unusual about the condition of the gasket in  
23 that photograph?

24 A. That it is out of place.

25 Q. And by out of place you mean it's been

1 deformed and doesn't properly sit on the meter?

2 A. Correct.

3 Q. And what did you notice about the condition of  
4 the battery gel?

5 A. The battery gel and the transmission gel had a  
6 lot of dust that had stuck to that gel.

7 Q. And would you expect to find dust on the  
8 battery gel?

9 A. No.

10 JUDGE BENN: Excuse me, where is the battery gel?

11 THE WITNESS: The battery gel -- I'm going to  
12 point out -- is over the top of the battery, which  
13 holds it in place from falling out. Our transmitter is  
14 on the other side and is also held in with an adhesive  
15 gel.

16 JUDGE BENN: Okay. And you described the seal as  
17 being out of place; as far as out of place, do you mean  
18 the fact that it's arching at the top of the --

19 THE WITNESS: Correct. The seal, which should be  
20 installed right here at the base of the ERT head.

21 JUDGE BENN: Straight across?

22 THE WITNESS: Yes.

23 JUDGE BENN: And it's arching?

24 THE WITNESS: Yes.

25 JUDGE BENN: Okay. Thank you.

1 BY MR. McCARTY:

2 Q. Is there anything else about the condition of  
3 the meter for Apartment 2F that you found unusual that  
4 we have not discussed?

5 A. The only -- I think I covered it in this City  
6 report. No, I think that's -- I think that's all.

7 Q. Based on your examination of the meter on  
8 December 18th, 2012 and the condition you found it --  
9 December 19, 2012 and the condition you found it and  
10 later based upon your presence at the inspection of  
11 that matter by the City of Chicago, did you make a  
12 conclusion as to whether or not that meter had been  
13 tampered with?

14 A. Yes. We made a conclusion that this meter had  
15 been tampered with and this head had been removed to  
16 divert the gas to the meter without being registered.

17 Q. During the course of your investigation into  
18 gas usage at Apartment 1F and 2F at 4530 South Justine,  
19 did you review any part of the usage history for those  
20 units?

21 A. Yes, part of our investigation is to look at  
22 historical usage that passed through the meter and we  
23 did find that it was low for an apartment with basic,  
24 standard appliances in them.

25 Q. Okay. And would it help you to reference

1 Exhibits 12 and 13 to explain to the Commission and the  
2 ALJ what you noticed about the usage history that  
3 caught your attention?

4 A. Hold on. 12 and 13?

5 Q. Yes.

6 A. Do I have those?

7 MR. McCARTY: I'm just handing to the witness  
8 what's been previously marked as Exhibits 12 and 13.

9 BY THE WITNESS:

10 A. Okay. Could I get the question one more time.

11 Q. Was there anything about the usage history for  
12 either 1 Front or 2 Front, based on your review of the  
13 use of history?

14 A. Yes, the usage that was on these accounts was  
15 a lot lower than a normal apartment would use  
16 throughout a current course of the year.

17 Q. Okay. One of the things I want to direct your  
18 attention to is there was a meter located for Apartment  
19 1F from at least April, and again directing your  
20 attention to People's Exhibit 12?

21 A. Okay.

22 Q. There was a meter registering gas usage from  
23 at least April of 2000 through March of 2010; is that  
24 correct?

25 A. Yes. Yes.

1 Q. What would the diversion of gas do to those  
2 meter readings?

3 A. It would be significantly lower.

4 q. And did you look at the usage history for  
5 Apartment 2F?

6 A. Yes.

7 Q. Okay. And if the -- If the meter had been  
8 tampered with, this would also significantly affect --  
9 Strike that.

10 I'm going to rephrase my question. I'll move  
11 on.

12 And again, just so the record is clear, what  
13 was the status of the meter for Apartment 2 Rear on  
14 December 18th, 2012?

15 A. It was an inactive final account.

16 Q. Why is that significant to your investigation?

17 A. The meter should not have been in use.

18 Q. Is there anything else that you have to add to  
19 your testimony today that we haven't covered?

20 A. I think most of the evidence that's shown, I  
21 think it will prove up my testimony.

22 Q. One item I'd like to cover. On December 18th,  
23 2012 the meter for Apartment 2F was removed; is that  
24 correct?

25 A. That's correct.

1 Q. Why was the meter removed?

2 A. The meter -- Once we determined that we have  
3 tampering with the meter, we do remove the meter for  
4 evidence so we could have it tested with the City of  
5 Chicago. And at that point once we determine theft has  
6 occurred at a premise, we do discontinue the service  
7 until we could properly investigate it and bill the  
8 tenants or who would possibly be responsible for the  
9 usage that was taken from the gas company.

10 Q. And is it company practice also where there's  
11 unmetered gas or diversion of gas that's determined to  
12 be a safety issue?

13 A. Yes.

14 Q. And what is significant about the  
15 determination that there's a safety issue?

16 A. Well, we determined for the building on  
17 discontinuing the gas because we did not have access to  
18 the other meters that were located in the basement and  
19 the 2 Rear apartment. Knowing that our records show  
20 there was no meter for the 1 Front apartment, we did  
21 feel heat coming out of there, we felt that, you know,  
22 we were not given access, possibly for a reason of  
23 possible theft. At that time we would discontinue the  
24 service until we could inspect our meters and had  
25 equipment until we could determine the building was

1 safe to supply reliable gas.

2 Q. And that's standard company policy; is that  
3 correct?

4 A. Yes.

5 Q. And just to be clear, your inspection of the  
6 service line to 1 Front was not made until the day  
7 after December 18th, so it was on December 19th that  
8 you were finally given access to and inspected the  
9 service line to 1 Front?

10 A. That's correct.

11 MR. McCARTY: Unless you have any other questions,  
12 I don't have any further questions at this time.

13 JUDGE BENN: I will give Mr. Ochoa an opportunity  
14 to cross-examine Mr. Blasgen.

15 Do you have any cross-examination questions?

16 MR. OCHOA: Yes, I do. I have a few.

17 JUDGE BENN: Okay.

18

19 CROSS-EXAMINATION

20 BY MR. OCHOA:

21 Q. Mr. Anthony, do you know about how long my  
22 brother has been working -- José Ochoa been working for  
23 People's Gas?

24 A. No, I didn't look at his -- I didn't look at  
25 his employment history.

1 Q. Okay. Because you seem to know what his  
2 employment history was as far as his title and all that  
3 stuff.

4 A. Is that a question?

5 Q. No. Anyway, because this -- They've been  
6 charging me since 2001 and I just wanted to bring it to  
7 your attention that my brother was employed like four  
8 or five years ago. So I don't -- you know, for later  
9 reference. And could there be -- when was -- Sorry,  
10 when was the meter installed, you said, on 2F?

11 A. Our records show the meter was installed in  
12 1993. I don't have the exact records in front of me  
13 but I know just from looking at the history of when the  
14 meter was installed.

15 Q. Now, is it possible that when the meter was  
16 installed in 1983 that this gasket could have been  
17 arched and overseen by your employees?

18 A. No.

19 Q. There's no possibilities?

20 A. Not in 1983.

21 Q. So you're trying to tell me that your  
22 employees are perfect, they can't -- they can't -- they  
23 can't do any -- oversee any mistake like that?

24 A. No, the ERT head wasn't installed at the  
25 original meter so it wasn't in 1983. There was no ERT

1 head on that meter.

2 Q. So whenever it was installed?

3 A. Okay.

4 Q. Yeah, whenever it was installed -- I'm just  
5 saying the meter was installed -- Whenever that ERT  
6 head was installed, is there a possibility it could  
7 have been installed accidentally with the gasket?

8 A. No, I would feel our employees would've seen  
9 that and they would've fixed that problem or installed  
10 a newer head on there.

11 Q. Right. My question is could it have been  
12 overseen, is there a possibility?

13 A. No, I don't believe so.

14 Q. Okay. No possibility. Okay. Now, on Exhibit  
15 10, this T, would you be able to tell me when this T  
16 was installed?

17 A. No.

18 Q. How about this plug that's -- I'm assuming  
19 it's a People's Gas plug, would you know when that was  
20 installed?

21 A. No.

22 Q. So who would install this type of plug on this  
23 T here?

24 A. Any gas company employee that would have  
25 access to our keys.

1 Q. Okay. So this would've have been installed by  
2 a gas employee?

3 A. Yes, a gas employee.

4 Q. So could it have been, like, on service  
5 visits, like -- I'm trying to find the right word.  
6 Like, there was a leak investigation; I had a People's  
7 Gas come into my house twice. Could he have seen,  
8 like, a different plug or regardless and put his own  
9 plug in this T?

10 A. Are you -- Is the question to a specific date  
11 or name or stop or --

12 Q. I'm sorry, what I'm trying to get to is, I  
13 mean, if you don't know the time and date this was  
14 installed, I mean, why would -- why would anybody  
15 assume this was a gas diversion, that's what I'm trying  
16 to explain?

17 A. I can answer that. Back to my other  
18 testimony. The reason we feel this is a gas diversion  
19 is because this T doesn't belong or this union. We do  
20 not allow Ts and unions on our building service because  
21 that would allow somebody to install a fuel run of  
22 unmetered gas to any appliances that would be  
23 downstream of this T. Our Ts where we normally install  
24 them would be where the meter is located. This is the  
25 middle of the basement where there would be no meter

1 locations. There's no reason for this T to be here.  
2 The other two meters are set in the bathroom, which  
3 there would be a T set there so we'd have a run to come  
4 off for our inlet of our meter bar. The other Ts are  
5 set at the front wall of the basement, which would be  
6 for our 1 Front meter and our 1 Rear meter. This is a  
7 run that goes all the way up to the second floor.  
8 We would not allow a T or a union on the building  
9 service in this location.

10 JUDGE BENN: Okay. Before you ask your next  
11 question, you mentioned a gas leak investigation or  
12 that there might have been -- there was some gas leak  
13 investigations?

14 MR. OCHOA: Yes.

15 JUDGE BENN: Prior to this incident, is that what  
16 you're discussing?

17 MR. OCHOA: Yes, that's the -- what I'm trying to  
18 get at here. There was two prior leak investigations  
19 done to the -- to my property.

20 JUDGE BENN: Down --

21 MR. OCHOA: Yes.

22 JUDGE BENN: And I just need this to be in the  
23 record, that's why I'm asking, and then you can answer  
24 if you know.

25 MR. OCHOA: Yeah, there was.

1 JUDGE BENN: When was that?

2 BY MR. OCHOA:

3 Q. On August 10, 2010 there was an emergency  
4 service order conducted in my building and also on  
5 October 26th, 2011 there was a gas leak and they  
6 replaced the regulator. Now, my understanding is  
7 whenever the gas company goes -- and correct me if I'm  
8 wrong, but whenever the gas company goes and does any  
9 kind of work and shuts off all the gas to the building,  
10 they -- before they turn it on they have to inspect  
11 every utility, every -- like, heaters, stove, hot water  
12 heater before they turn on the appliance?

13 A. Correct.

14 Q. So I mean, could there have been a possibility  
15 where they would've already seen this diversion or  
16 noticed the diversion if they've been to my house and  
17 inspected all the appliances, basement, attic, all the  
18 apartment, all the units, don't you think it would've  
19 caught your attention or your employees, sorry?

20 A. I'll wait until you're done.

21 Q. Or the employees?

22 A. During a normal restoral of our service, from  
23 my experience is that they would have -- they would get  
24 to the meter locations, they would shut the meter off,  
25 shut the appliances off, so they would get to the

1 appliances to shut them off. They would get to the  
2 meter. Okay. Now, the meter locations in this  
3 building are at the front wall, so that's where they  
4 would be to restore the service, at the front wall.  
5 They would also be up on the second floor to that  
6 matter and to the appliances. That is correct. They  
7 would not be able to see this because this is in a  
8 location where there wouldn't be meters located. This  
9 is up in the rafters that runs through the middle of  
10 the basement, so no, they wouldn't -- through a normal  
11 restoral, they would not notice this installed on the  
12 building service.

13 JUDGE BENN: Can I ask a question at this point?

14 THE WITNESS: Sure.

15 JUDGE BENN: Given what you just said and there  
16 happens to be this connection here, would they have an  
17 occasion to -- would they have had -- In those two leak  
18 investigations would they have had an occasion to  
19 install this T connector for any reason?

20 THE WITNESS: Would the gas company?

21 JUDGE BENN: Would the gas company have had --  
22 Since they were in the apartment in the building and  
23 they were able to do the work as you described it when  
24 there's a leak, would there have ever been an occasion  
25 to install this T at any of those visits?

1 THE WITNESS: No. We would not -- We don't allow  
2 Ts in unions on our building service. So normal  
3 practice from our service department employees, we  
4 would never install a T downstream in the middle of a  
5 building service for any reason because there's no  
6 reason for this T to be here. This T doesn't serve any  
7 purpose to any of our meters on our building service.  
8 We only install Ts so we can have an inlet connection  
9 that connects to our meter bar to connect to the outlet  
10 of the meter. So this T that was placed here would  
11 have no purpose for the gas company to install any  
12 other meters because the meters are already set and  
13 they're already located in their proper locations that  
14 have been there for numerous years.

15 JUDGE BENN: So would you have had an occasion to  
16 run across this T in any of those gas leak  
17 investigations?

18 THE WITNESS: Not knowing where the gas leak was,  
19 I don't know -- I would need something to show that  
20 where they were -- what they were there for a gas leak.  
21 Now, if they were there for a gas leak on the outside  
22 riser outside and they repaired that leak, all they  
23 would do is have to get to the meters. Okay. So they  
24 wouldn't notice this in the middle of the basement.  
25 Now, you know, depending on what they were there for,

1 what the leak was for, they could have been in the 2  
2 Front apartment for a leak on the stove and fixed the  
3 leak on the stove and was never allowed access to the  
4 basement to look at this.

5 So depending on what type of stop, the  
6 location of the stop, what type of order, what type of  
7 leak and where the leak was found and what the  
8 investigator that was there for the leak, where -- the  
9 location that he was, he wouldn't have any need to go  
10 to the building service in the basement, he wouldn't  
11 have any need to go to the 2 Rear meter or the 1 Rear  
12 meter or, you know -- When we go to a stop for a leak,  
13 doesn't mean we inspect every piece of pipe, appliance  
14 or building service that's in the building. We're  
15 there for a specific job and they complete that job to  
16 their standards and their procedures.

17 JUDGE BENN: Okay.

18 THE WITNESS: But it does not -- Let me just say,  
19 it does not require every gas leak that's at the  
20 building to inspect every piece of pipe that's in that  
21 building and appliance.

22 JUDGE BENN: So -- And maybe this answers my  
23 question. So the occasions of the gas leak  
24 inspections -- did -- Was there anything other than the  
25 discrepancy or the variance in the therm usage that

1 caused you to investigate the property, meaning the  
2 leaks, were the leaks any reason that you later decided  
3 to investigate the usage at this property, was that  
4 also a reason or was it just the variance in therms?

5 THE WITNESS: The reason that we were there for  
6 was not -- a gas leak -- If somebody is sent there on a  
7 gas leak it doesn't prompt my department to  
8 automatically look for gas theft. Our leads for gas  
9 theft come through low usage, they come through hotline  
10 tips, and in this case we -- you know, we were  
11 investigating numerous buildings that we had a tip that  
12 we had employees that were stealing gas at buildings  
13 through their, you know, buildings that were owned by  
14 their relatives, brothers. So this was part of a few  
15 buildings that sent us there to look for gas theft. So  
16 we don't just go to people's houses just on the basis  
17 of a gas leak to look for gas theft or anything of that  
18 nature. Before we go to this premise we do go over  
19 historical usage, because if we look at the historical  
20 usage as in Exhibit 12 and we know it's a 2 Front  
21 apartment, from my experience I know a 2 Front  
22 apartment uses 1,200 to 1,400 therms a year,  
23 okay, through a normal course of 12 months. And that  
24 would be your basic heater, that would be your basic  
25 dryer, stove, okay, and hot water tank.

1           When we look at Exhibit 12 and we look at the  
2 usage and we see it 300, 200, that prompts us to say,  
3 hey, something is going on here. You can't heat a  
4 normal house, apartment or anything for 200 therms a  
5 year. There is, you know -- If there's another source  
6 of heat, something, but in this case, when we did our  
7 inspection of all the apartments, they were all  
8 gas-fired appliances, they were all lived in, and the  
9 usage did not match up with what would normally be used  
10 at an apartment or a house based on the appliances that  
11 were at that building. So that does prompt us to come  
12 out and investigate for theft.

13           And we do come unannounced. We don't come  
14 announced because that would give people time to clean  
15 up, take the theft down. So we do show up unannounced  
16 in my department because if we do determine that  
17 there's an investigation that should be conducted at  
18 that premise, we don't want to come announced just on  
19 the fact that we don't want -- you know, we want to see  
20 what the conditions are at that time.

21           JUDGE BENN: Okay. Okay. Mr. Ochoa, do you have  
22 another question?

23           BY MR. OCHOA:

24           Q. Yeah, actually about this T. I mean, it's  
25 old, you don't know the time that it's been installed,

1 I don't know the time it's been installed?

2 A. To answer that question --

3 JUDGE BENN: Wait. He hadn't asked the question  
4 yet.

5 THE WITNESS: Sorry.

6 BY MR. OCHOA:

7 Q. This cap here, it is a People's Gas cap,  
8 right, correct?

9 A. I'm answering the whole statement that you  
10 just asked because to your first question as far as the  
11 age --

12 Q. Go ahead.

13 A. I'll answer that on the age of this, looks  
14 like it's been here probably a while. Okay. So I  
15 would say it is consistent with being in place for  
16 quite a while. You know, and that's why we went back,  
17 you know, a while on our billing because we determined  
18 off the age of the piping that it has been here a while  
19 and that's why we billed back for such a long period of  
20 time because if this was just installed within a year,  
21 I would be able to determine that, yeah, this looks  
22 like new piping, like this was just installed. So we  
23 did determine that, yeah, this has been sitting here  
24 for a while and it has been used as a diversion for a  
25 long time. Okay. The second part of the question is

1 yes, this is a gas company plug and if you -- I  
2 probably lost the last part of your question.

3 Q. I didn't finish the last part. My other  
4 question was did you actually see a diversion coming  
5 out of this T?

6 A. No, we did not.

7 Q. So you're basically saying -- It's an  
8 assumption that it could have been used for rerouting  
9 unpaid gas?

10 A. What we do in our investigations and what  
11 happens is when we're refused access to a premise and  
12 they're given an amount of time to remove theft, we  
13 have to go off evidence of, and evidence of is a lot of  
14 what historical usage is, the condition of the  
15 apartment. We also go by in this case that there were  
16 gas company employees that had access to our keys and  
17 our equipment that could have been used to install  
18 these. So that all goes into effect. It's not just  
19 that we find the theft in place because sometimes we're  
20 not allowed access to see that theft. And I truly  
21 believe with the heat, the condition of the apartment  
22 on the 1 Front, we were not allowed access and all the  
23 conditions that went on in that building that day, that  
24 there was a theft on this T and it was removed before  
25 our inspection the next day and this is the way we

1 found it that day, so that's all we could go by.

2 Q. Okay. Now my other question is I get out of  
3 my job at 3:30. That's when I punch out. Now, that  
4 same day on December 18, right after work, as seen on  
5 Exhibit 2, I made three phone calls, one at 3:40, one  
6 at 3:42, and one with 3:48, which was right after work?

7 A. Okay.

8 Q. I mean --

9 JUDGE BENN: Go ahead.

10 BY THE WITNESS:

11 A. Finish, please.

12 Q. If there was a suspicion of being a diversion  
13 or me tampering with gas services and gas pipes,  
14 wouldn't you think it would be a top priority for  
15 somebody to go ASAP, as soon as I, you know, called and  
16 could gain access to the building?

17 A. Is that the question? Yes. Let me answer  
18 that. The reason you didn't get a response for that  
19 night is because it is under investigation of theft and  
20 there's three investigators with People's Gas and it  
21 has to be a People's Gas investigator for theft that  
22 has to investigate those pipes because the company pays  
23 us to be experts in that field. So we don't want to  
24 send just anybody out there that isn't properly trained  
25 the way we're trained to investigate for theft. So

1 that's why during -- My normal business hours are 7:00  
2 to 3:30. So if I can't investigate that theft within  
3 the course of my day, it would have to be put off to  
4 the next day so I can investigate that theft. Now, I'm  
5 the original investigator that was in the premise, so I  
6 would be the investigator to go back to investigate  
7 that. So we would not send anybody else out in the  
8 company once we deem it that there could be a dangerous  
9 condition for theft in that building. It's got to go  
10 through Gas Diversion and Detection Department to  
11 investigate the rest of the building that is under  
12 investigation.

13 JUDGE BENN: Do you have any other questions?

14 MR. OCHOA: Yes, I have another one on these  
15 pictures.

16 BY MR. OCHOA:

17 Q. On Exhibit -- I don't know what this is --  
18 photo 2 and 5. Okay. Exhibit No. 2 and No. 5. Now,  
19 you were telling us that there's a lot of dust and  
20 debris and -- under the ERT and on the gel of these  
21 batteries. Wouldn't you think that all this dust and  
22 debris that you're saying that's in the back of the ERT  
23 would be because of the gasket here that's not in  
24 place? I mean, if it's not a proper seal I would  
25 figure that there's dust going in there and debris

1 going in there over time?

2 A. No, I don't believe so. Looking at the shadow  
3 box and this gear, I don't think that would be enough  
4 for it to oxidate this brass gear. We also --

5 THE WITNESS: Are we submitting the comparables?

6 MR. McCARTY: If you want to reference the --

7 THE WITNESS: Yes, I would.

8 JUDGE BENN: One second. Off the record.

9 (A short break was had.)

10 JUDGE BENN: Back on the record. And there was a  
11 question. Had you asked your question, Mr. Ochoa, or  
12 were you preparing to ask another question?

13 MR. OCHOA: Yes. Well, he did answer it but I  
14 had --

15 JUDGE BENN: Follow-up question?

16 BY MR. OCHOA:

17 Q. What I was going back to is earlier you said  
18 that the seal is to keep debris and make a permanent  
19 fully seal around the ERT. Now, if the gasket is not  
20 in place and the ERT is put back into the meter without  
21 the gasket there, I mean, wouldn't you think that air  
22 and dust and all that would be the reason for the dust  
23 being on the meter behind the ERT because it's not a  
24 permanent seal?

25 A. I'm going to reference back to photo 1,

1 Exhibit 1, if I could. I would say possibly, yes, you  
2 could have maybe something that might be able to get  
3 into there if it's not sealed properly.

4 Q. Right.

5 A. Right.

6 Q. Okay.

7 A. To finish my answer, you know, referring back  
8 to Exhibit 2, I don't think it would possibly have hair  
9 and the debris that we did find in that shadow box  
10 through that displaced gasket in the position it is.  
11 And from the --

12 Q. Can you show me the hair?

13 A. Sure. Photo 2, I'll point out right in here.

14 JUDGE BENN: That shiny gear there, that's  
15 indicative of oxidation.

16 THE WITNESS: Yeah, we're going to --

17 MR. McCARTY: Just be clear for the record,  
18 originally when you had us submit all of the photos in  
19 the group, the purpose was to go through each one and  
20 lay the foundation for each one, so that's where  
21 there's a little bit of confusion in the record. So  
22 we've already admitted photo 3. I think the witness  
23 wants to refer to photo 3. The only thing I would  
24 suggest to the extent we want to make a mark on the  
25 exhibit to show specifically what he's referencing. It

1 might be clearer for the record.

2 JUDGE BENN: Yes, mark all three of the exhibits  
3 for Exhibit 3. And you can just proceed as the  
4 testimony takes you as long as -- I just want to make  
5 sure you're going to introduce everything you're  
6 intending to introduce.

7 THE WITNESS: So are you submitting these?

8 MR. McCARTY: Whichever photographs --

9 JUDGE BENN: You need to mark them.

10 MR. McCARTY: They're already marked and they were  
11 admitted into evidence as Exhibits 1 through 10.

12 JUDGE BENN: When I use the terminology mark, I  
13 meant any marks you need to make on the photo.

14 MR. McCARTY: Exactly. So -- And again, I  
15 understand it's cross-examination. Just to be clear, I  
16 think the witness would like to reference one of the  
17 other photographs that were admitted as part of Group  
18 Exhibit 1 through 10 and if he would want to mark  
19 specifically what debris he's referencing with a pen,  
20 circle it.

21 THE WITNESS: It could be referenced on photo 2.  
22 That would be fine. Photo 3 we did not submit,  
23 correct?

24 MR. McCARTY: It has been submitted.

25 JUDGE BENN: You can reference photo 3, all I'm

1 looking for is that whatever mark you make on photo 3  
2 you make the same mark on the other two copies of  
3 Exhibit 3 so it's consistent.

4 THE WITNESS: I'd like photo 2 actually, if the  
5 question is where are the hairs that I was referring  
6 to.

7 JUDGE BENN: So we'll give you both photo 2 and  
8 photo 3. Hand those to him so he can make the same  
9 marks on all copies.

10 MR. McCARTY: And could you, for the record, say  
11 what you're doing to the exhibit.

12 THE WITNESS: I am circling -- I am answering the  
13 question to the related hairs that were found in the  
14 shadow box behind the ERT device.

15 JUDGE BENN: Okay.

16 MR. McCARTY: And just so the record is clear, so  
17 the witness has placed a circle around what he  
18 describes as a piece of hair on Exhibit --

19 JUDGE BENN: Okay.

20 MR. McCARTY: -- 2.

21 JUDGE BENN: And you'd also want to mark your  
22 Exhibit 2 the same.

23 THE WITNESS: I did.

24 JUDGE BENN: Identically. Okay. Thank you. Any  
25 other questions on photo 2?

1 MR. OCHOA: On photo 2 I was trying to picture  
2 where the hair is. Yeah, that's it. No more questions  
3 on photo 2.

4 JUDGE BENN: And photo -- This is my question.  
5 Photo 3, is there anything that relates to photo --  
6 Mr. Ochoa's question on photo 3? And do you have photo  
7 3, Mr. Ochoa? I think you do not.

8 MR. OCHOA: No.

9 THE WITNESS: I think Mr. Ochoa's question was on  
10 the hair, so this is the condition of the shadow box is  
11 the same as photo 2.

12 JUDGE BENN: So you have three copies of photo 3  
13 with you, Mr. Blasgen?

14 THE WITNESS: I have one here.

15 JUDGE BENN: Okay.

16 MR. OCHOA: I don't have that photo.

17 JUDGE BENN: Here, I'll give you that one and I'll  
18 take that one. Okay. If there's no question, that's  
19 fine because we've already put this in the record. So  
20 we'll just --

21 MR. OCHOA: On photo 3, I have a question on photo  
22 3.

23 JUDGE BENN: Okay.

24 BY MR. OCHOA:

25 Q. Photo 3 is the same picture as photo 2 in a

1 different angle, correct?

2 A. Correct. This was -- Correct.

3 Q. Can you show me the hair on photo 3, if it's  
4 the same, please?

5 A. Right in this location over here.

6 JUDGE BENN: Hold that up, please.

7 BY THE WITNESS:

8 A. I don't know if this picture will depict it  
9 from the different angle I took on this one but this  
10 was taken at an angle to more show the oxidation that  
11 is on the brass gear.

12 JUDGE BENN: You want to hand that over so he can  
13 make the same mark.

14 BY THE WITNESS:

15 A. And also I would like to relate to the times  
16 that are on Exhibit 2 and 3. This picture that was  
17 taken in photo 3 was taken a minute after but this  
18 meter was also being moved around for different  
19 pictures and the hair could have fell out of this. So  
20 initially when we took the head off we took a picture  
21 directly into the shadow box and I would like to show  
22 that on Exhibit 3 that it is a minute after and this  
23 meter was moved around and that hair could have fell  
24 out of there at that time.

25 JUDGE BENN: Okay. You have photo 3 -- You have

1 photo 3 in front of you?

2 MR. OCHOA: No.

3 JUDGE BENN: I think we're missing one. Okay.

4 THE WITNESS: Do I have two of them? I'm sorry.  
5 I got photos coming from each end here.

6 JUDGE BENN: Mr. Ochoa, you had a question that we  
7 sustained earlier about hypothetical usages in cold  
8 apartments versus having to heat an apartment from cold  
9 to normal.

10 MR. OCHOA: Correct.

11 JUDGE BENN: I guess my question is, would it be  
12 appropriate for that question to be asked of this  
13 witness or would it be appropriate of another witness?  
14 I think the question is germane to some of the things  
15 that you've testified to.

16 THE WITNESS: No, I think I can. I'll answer them  
17 if you want.

18 JUDGE BENN: Okay.

19 THE WITNESS: That's fine.

20 JUDGE BENN: Can you read -- remember the question  
21 that we struck where you asked about the possibility of  
22 heating an apartment from cold when the gas was cut  
23 off, to normal?

24 MR. OCHOA: Yes.

25 JUDGE BENN: So you'd like to ask that question of

1 Mr. Blasgen, if you have it written down?

2 MR. OCHOA: Yeah, I wanted to see the dates here.

3 JUDGE BENN: Okay. It's on the front. The  
4 sticker is on the front, the exhibit number right at  
5 the front at the bottom.

6 MR. OCHOA: Okay. I'm sorry.

7 BY MR. OCHOA:

8 Q. Exhibit 13, you were saying that a big jump on  
9 therm use when the meter was installed, and could it  
10 have been because I'm heating two units that were  
11 without gas for over a month, freezing cold, and as  
12 soon as, I mean -- installed my gas service, I would  
13 have to -- I mean, them heaters would have to, you  
14 know, constantly blow, blow to get the temperature back  
15 to normal and that would be a reason for a high therm  
16 usage?

17 A. Is that the question?

18 Q. Yes.

19 A. Yes, that would definitely be a reason for  
20 high therm usage, which would kind of prove up our  
21 reason we're here for the low usage. That now that the  
22 gas is accurately being metered through all of the  
23 appliances, which would create a large jump and  
24 increase in your usage, which would now be normal usage  
25 that is in your apartment. So yeah, that jump in usage

1 kind of proves the case that now you're using normal  
2 usage and that's what should have been used based on  
3 the appliances at your premise. So correct.

4 Q. Okay. No, but my question is, I mean, because  
5 the apartment was freezing cold. And this was -- I  
6 mean, I would have to run my heaters for hours and  
7 hours to get it back to normal. That's why the therm  
8 usage for that month went that high. Once it's back to  
9 normal, as you could see, heating two apartments it  
10 went back to normal, what I normally paid, and that is  
11 \$48 a month, \$47 \$45, \$44, for two apartments. Now,  
12 cutting that in half it would be \$22, \$22.50. You know  
13 what I'm saying? What I paid through all these two  
14 exhibits here, that's what I've paid since I've been  
15 living in this building. I mean, why is this like a  
16 big issue about therm usage if everything is constant  
17 with all the people that were living in those units?

18 THE WITNESS: Could he refer to certain months and  
19 dates so I can look at that usage?

20 JUDGE BENN: Let me ask a question here.

21 THE WITNESS: Months vary. They vary month to  
22 month based on weather conditions and time of year.

23 JUDGE BENN: We will do that, but I'm going to ask  
24 this question because I think I'm understanding what  
25 Mr. Ochoa is trying to say. So given the fact that the

1 meter was removed due to allegations of tampering and  
2 an investigation and then eventually subsequently  
3 returned a meter to his apartments, those meters -- the  
4 apartments were cold, completely cold. So if I  
5 understand correctly, the question is wouldn't there be  
6 a large variance in therm usage at that time in order  
7 to bring the apartments from freezing cold to normal,  
8 and then going forward from there, there would just be  
9 the constant usage that's shown on there. So would the  
10 variance be attributable to the fact that he had to  
11 blow his heaters from freezing to get to normal as  
12 opposed to potential tampering and now having a current  
13 reading?

14 THE WITNESS: Sure. Based on the appliances that  
15 were at the premise, a house that is cold that we would  
16 put service in, okay, and restore service, I could be  
17 at a house in less than a half hour and have that house  
18 reach temperature of probably 70 degrees. Okay. So it  
19 doesn't take a full month to restore temperature back  
20 to a premise. You could actually restore temperature  
21 back to a premise, once the gas is restored, within 20  
22 minutes to a half hour and then maintain that  
23 temperature based off your appliances to normal usage.

24 JUDGE BENN: Okay.

25 THE WITNESS: Okay. So if the question is, is the

1 spike in usage based on because the house was cold  
2 because the gas was off, it doesn't take a month to  
3 restore temperature back to the premise. It would be  
4 within a half hour to two hours, three, based on the  
5 therms of that heating unit that would be installed in  
6 that premise. So if he has a bigger heating unit  
7 installed it would be a lot faster; if it's smaller it  
8 might take a couple hours. But based on both of the  
9 apartments at our end that had Williams wall heaters  
10 and the room heaters, I would say within a couple hours  
11 it would be pretty warm in there. That's a bigger  
12 assumption; it would probably be less but I'm going off  
13 of a --

14 JUDGE BENN: Okay. I understand it was a  
15 hypothetical to begin with.

16 THE WITNESS: Sure. I'm trying to answer the best  
17 I can just based off the knowledge of appliances and  
18 how fast they heat.

19 JUDGE BENN: Okay. Do you have any other  
20 questions for Mr. Blasgen, cross-examination questions?

21 BY MR. OCHOA:

22 Q. The other question is you said there was some  
23 corrosion on this, what is it, gear?

24 JUDGE BENN: Exhibit 3?

25

1 BY MR. OCHOA:

2 Q. I'm sorry, Exhibit 3. Could that have been a  
3 cause also because of the gasket was not in place and  
4 there's -- because since it's in the shower there's  
5 humidity and air, dust going into that back of that  
6 ERT?

7 A. I would have to refer back to Exhibit 11. 11.

8 JUDGE BENN: That's --

9 MR. McCARTY: Sorry, Judge. 11 is the inspector  
10 report.

11 JUDGE BENN: Okay.

12 THE WITNESS: Okay.

13 BY THE WITNESS:

14 A. When -- Sorry.

15 JUDGE BENN: You're fine.

16 THE WITNESS: I was waiting for him to get the  
17 sheet.

18 BY THE WITNESS:

19 A. Exhibit 11, during our City test, the first  
20 thing they do in the test is test the meter for  
21 registration and they test the meter for differences in  
22 the meter to make sure it's working properly. Okay.  
23 So what we do first is we test this meter. And  
24 basically these test numbers are within range of the  
25 meters working properly. Okay. So that tells us that

1 the gears were working. And then back to, you know,  
2 Exhibit 4, what I testified to is that it is discolored  
3 and not normal. It doesn't look normal compared --  
4 sorry, I'm on photo 3.

5 JUDGE BENN: Photo 3. Okay.

6 BY THE WITNESS:

7 A. When we open up a similar meter with the same  
8 type of shadow box, the gear is shiny, brass, it  
9 doesn't have discoloration, it doesn't look like it was  
10 exposed to the atmosphere. That's the comparative we  
11 used. That's why I made that statement of the  
12 condition of that gear.

13 Q. My question was not if it was working  
14 properly. It might have been working properly. My  
15 question was that if it was discolored, could it have  
16 been because of the seal not being properly in place?  
17 With it being in the shower, you know, steam, humidity,  
18 dust and everything flying into the back of the ERT,  
19 could that, you know, cause discoloration of the gear?

20 A. So there's a new question?

21 Q. No, that was the first question.

22 A. No, the first question was to the gear not  
23 working properly.

24 Q. No, it was to the gear discoloration.

25 JUDGE BENN: Okay. This question was further back

1 in your testimony about the shift in the seal, the  
2 arching showing the shift in the seal and relation to  
3 the location of the meter and in the bathroom and the  
4 discoloration. I'm not going to go into what you  
5 answered because you did answer whether there could be  
6 oxidation in the gear based on the fact that the seal  
7 wasn't in place. So this sound likes the same  
8 question.

9 THE WITNESS: Can I can answer it? I'll answer  
10 it.

11 JUDGE BENN: Thank you.

12 BY THE WITNESS:

13 A. The discoloration of the gear and that would  
14 be a condition that would be found if this was exposed  
15 to the atmosphere.

16 Q. Okay. So without the seal, it was exposed to  
17 the atmosphere, without the seal in proper place?

18 MR. McCARTY: Do you understand the question?

19 THE WITNESS: No, I understand the question.

20 BY THE WITNESS:

21 A. The seal that was out of place, it possibly  
22 could have been exposed. Correct.

23 JUDGE BENN: Okay.

24 MR. OCHOA: No more questions.

25 JUDGE BENN: Any redirect?

1 MR. McCARTY: Yes.

2 JUDGE BENN: Okay.

3 MR. McCARTY: If you could give me a moment.

4 JUDGE BENN: Sure. That's fine. I'm going to let  
5 you do your redirect.

6 (A short break was had.)

7 REDIRECT EXAMINATION

8 BY MR. McCARTY:

9 Q. So directing your attention to People's Group  
10 Exhibits 1 through 10, what I would like you to do at  
11 this point, if you could quickly go through each of the  
12 photographs and generally describe what is depicted in  
13 those photographs and how they were relevant to your  
14 investigation, specifically I believe it's photograph  
15 4, which has not been discussed, which is an example of  
16 a clean meter head. So if you would do that.

17 A. 4 and 6.

18 Q. Okay.

19 JUDGE BENN: I don't think I have 4. I have 1, 2,  
20 3, 5. Okay. Thank you.

21 MR. McCARTY: So right now everybody should have 1  
22 through 10.

23 JUDGE BENN: Yes.

24 MR. OCHOA: Correct.

25

1 BY MR. McCARTY:

2 Q. So just for the record, if you can go through  
3 and describe photographs 1 through 6, paying particular  
4 attention to the photograph, for an example, the meter  
5 head that has not been allegedly tampered with.

6 A. So photo 1 is an overall picture of the 2  
7 front meter that was taken on 12/18/12. Photo 2 is a  
8 picture of the inside of the shadow box behind the ERT  
9 head of the debris and discoloration of the gears.

10 Q. And just for the record, what was the date  
11 that that photograph Exhibit No. 2 was taken?

12 A. 4/17/2013.

13 Q. And what time?

14 A. 1335.

15 Q. Thank you. Referring to Exhibit 3 now?

16 A. Exhibit 3 is another picture of the shadow box  
17 depicting the discoloration of the gear and the debris  
18 that is in the shadow box.

19 Q. And what was the date that that photograph was  
20 taken?

21 A. 4/17/2013 at 1336.

22 Q. And referring to Exhibit 4?

23 A. Exhibit 4 is a comparable meter that we used  
24 when we took off the ERT head that shows what the  
25 condition of a shadow box should be and what the gear

1 should look like without it exposed to the atmosphere  
2 on a premise.

3 Q. And when you use the term shadow box, you're  
4 referring to the interior of the meter, correct?

5 A. I'm referring to the interior of the meter  
6 behind the ERT device.

7 Q. Thank you. Referring to Exhibit 5.

8 A. This shows the back of the ERT device with the  
9 debris and dust that was found on the gel that holds  
10 the battery and the transmitter in place and this was  
11 taken 4/17/2013 at 1339.

12 Q. And referring to Exhibit No. 6, do you  
13 recognize that photograph?

14 A. Number 6 is the same comparable meter  
15 showing what it should look like behind the ERT device  
16 and the gel clear and free of debris?

17 A. This was also taken on 4/17/2013 at 1352.

18 Q. And so the record is clear, that is not a  
19 photograph of the meter from 2F?

20 A. No, it is not.

21 Q. Okay. Referring to Exhibit 7, do you  
22 recognize that photograph?

23 A. Yes.

24 Q. This is the range that we took on the 2 Front  
25 apartment on 12/18/2012 at 1131.

1 Q. And referring to Exhibit 8?

2 A. This is the dryer that is located in the 2  
3 Front apartment in the closet, also taken on 1/18/2012  
4 at 1131.

5 Q. And Exhibit 9?

6 A. This is two pieces of unfinished drywall that  
7 are separating the 2 Front and 2 Rear apartment that  
8 was taken on 12/18/2012 at 1119.

9 Q. And Exhibit 10?

10 A. This is a T union that is installed on our  
11 building service in the middle of the -- in the middle  
12 of the basement that is housed underneath the first  
13 floor apartment taken on 1/19/2012 at 1516 hundred  
14 hours.

15 Q. And during the cross-examination by Mr. Ochoa,  
16 he asked you several questions regarding Apartment 1F.  
17 Just to be clear, is there any reasonable explanation  
18 as to why Apartment 1F would have heat when there was  
19 no meter for Apartment 1F on December 18th, 2012?

20 A. There -- Well, there would be a reasonable  
21 explanation if you had another source of fuel and  
22 during my inspection on 12/19 of 2013, I didn't find  
23 any evidence of any other appliances that would provide  
24 heat of any other fuel or any other kind.

25 Q. On December 19th, 2012 what was the only other

1 possible source of fuel that you identify?

2 A. That would have to be natural gas.

3 Q. And is that why Exhibit 10 is relevant to your  
4 investigation and the photograph of the T?

5 A. Correct.

6 Q. Directing your attention to People's Exhibit  
7 12, actually 13. Directing your attention to Exhibit  
8 13, this is the historical gas usage for the 2 Front  
9 apartment at 3540 South Justine; is that correct?

10 A. Correct.

11 Q. Do you recall that Mr. Ochoa asked you several  
12 questions about the February usage?

13 A. Correct.

14 Q. And could you just for the record identify  
15 what was the March 27, 2013 therm usage recorded for  
16 the 2 Front apartment?

17 A. There was 174 therms that passed through that  
18 meter.

19 Q. And March 27th, 2012, what was the therm usage  
20 recorded for Apartment 2F at 4530 South Justine?

21 A. 45 therms.

22 Q. Is that a significant difference?

23 A. Yes.

24 Q. So Mr. Ochoa's theory that the additional  
25 therm usage in February was necessary in order to

1 re-heat his apartment, is there a problem with that  
2 theory when you look at the March usage?

3 A. To my experiences and all the appliances are  
4 being metered at that apartment and that would be the  
5 increase in usage on that meter.

6 Q. So that's two months in a row of high gas  
7 usage for apartment 2F at 4530 South Justine?

8 A. Correct. It appears to be normal usage at  
9 that apartment.

10 Q. Directing your attention to People's Exhibit  
11 1. Mr. Ochoa asked you several questions about the  
12 seal being displaced and possibly that would be an  
13 explanation as to why there would be dust inside the  
14 meter head?

15 A. Correct.

16 Q. Can you describe the condition of the red seal  
17 on the meter head?

18 A. The red seal that is on the meter head appears  
19 to be brand new and just installed.

20 Q. So if the red seal was just installed, does it  
21 make sense that the time that that seal would become  
22 unseated was sometime in 1993 or '92?

23 A. No.

24 Q. It's your opinion that the work to that meter,  
25 unauthorized work to that meter happened sometime very

1 recently because the seal appears to be new; is this  
2 correct?

3 A. Yes.

4 Q. And that's one of the many findings that you  
5 had that led you to conclude that this was tampering  
6 and not an issue of poor installation by People's  
7 employees back in 1993?

8 A. Correct.

9 Q. You would not expect a normal inside safety  
10 inspection to go to the service line in a rafter, would  
11 you?

12 A. No.

13 Q. That's not part of a normal protocol; is that  
14 correct?

15 A. No.

16 Q. They would check appliances, correct?

17 A. An inside safety ins- -- could I --

18 Q. For re-lighting -- For restoring gas service  
19 following a leak detection, is it normal that the  
20 inspectors would simply identify the appliances and the  
21 meter as part of their inspection?

22 A. Correct.

23 Q. You would not expect them to go into the  
24 crawlspace looking at the service line?

25 A. No.

1 Q. Do you know for both gas leak investigations  
2 that Mr. Ochoa referenced, were the inspectors granted  
3 access to the entire property?

4 A. I don't have records of the gas leak so I  
5 would not be able to comment on that.

6 Q. That's fine.

7 MR. McCARTY: I don't have any further questions.

8 JUDGE BENN: Okay. That will conclude the  
9 testimony of this witness. And we're off the record.

10 (A short break was had.)

11 MR. McCARTY: Mr. Serrano --

12 JUDGE BENN: Could you raise your right hand to be  
13 sworn, please.

14 (Witness sworn.)

15 JUDGE BENN: Okay. Proceed with your witness.

16 MR. McCARTY: Thank you, your Honor.

17 WHEREUPON:

18 JOSHUA SERRANO,  
19 called as a witness herein, having been first duly  
20 sworn, was examined and testified as follows:

21 DIRECT EXAMINATION

22 BY MR. McCARTY:

23 Q. Mr. Serrano, please state your name and spell  
24 it for the record.

25 A. Joshua Serrano, J O S H U A, last name S E R R

1 A N O.

2 Q. And where are you currently employed?

3 A. People's Gas Light and Coke.

4 Q. And what is your title and what are your  
5 duties at People's Gas Light and Coke?

6 A. Revenue protection, billing specialist, slash,  
7 collections. Been with the company for 13 years with a  
8 large background in analyzing bills.

9 Q. And does part of that background include  
10 determining the proper amounts to invoice customers  
11 where there's been detection of diversion or tampering  
12 or theft of gas usage?

13 A. That is correct.

14 Q. Can you explain -- First off, so what is the  
15 purpose of your testimony here today?

16 A. Purpose of my testimony is the billing portion  
17 of the actual bills.

18 Q. And is that related to the complaint for  
19 Mr. Ochoa's accounts at 4530 South Justine, Apartment  
20 1F and 2F?

21 A. Correct.

22 Q. And did you perform an examination of those  
23 accounts in order to determine the amounts that you  
24 should properly charge to Mr. Ochoa for Apartments 1F  
25 and 2F at 4530 South Justine?

1 A. That's correct.

2 Q. Can you explain to the Commission generally  
3 what is the process the company follows in order to  
4 estimate usage where there's been theft, diversion or  
5 tampering?

6 A. We use historical usage at a premise based on  
7 full location, in this case. We pull historical  
8 records that we have to show yearly consumption of gas  
9 usage at that premise.

10 Q. Okay. And did you do that in this case?

11 A. Yes.

12 Q. And is that a process generally approved by  
13 the Commission?

14 A. Correct.

15 Q. And do you follow the process as approved by  
16 the Commission?

17 A. That's correct.

18 Q. And as part of your investigation of this case  
19 did you examine the usage records for Apartment 1F and  
20 2F at 4530 South Justine?

21 A. That is correct.

22 Q. Okay. I'm directing your attention and  
23 handing you two exhibits that have been marked as  
24 People's Exhibit 12 and an exhibit that's been marked  
25 People's Exhibit 13. Do you recognize those documents?

1 A. Yes.

2 Q. Can you explain to the Commission and the ALJ  
3 what are those documents?

4 A. This is the historical usage at 4530 South  
5 Justine for the 1st Floor Front and 2nd Floor Front.

6 Q. Okay. And can you describe for the Commission  
7 in this case, how did you go about determining the gas  
8 usage -- Strike that.

9 Let me ask the question this way: Let's just  
10 talk about the 1 Front apartment at 4530 South Justine.

11 A. Uh-huh.

12 Q. Okay. And did you narrow your billing period  
13 to July 26th, 2007 through December 18th, 2012?

14 A. Yes.

15 Q. And can you explain to the ALJ and the  
16 Commission why you did that?

17 A. From July 2007, 1st Floor Front?

18 Q. 1st Floor -- Sorry, I apologize.

19 JUDGE BENN: Is this 12 or 13?

20 MR. McCARTY: He's referencing -- You should be  
21 looking at -- I said 1st Front, correct? It should be  
22 2nd Front. I apologize.

23 BY THE WITNESS:

24 A. 2nd Floor Front, yes, July 2007. Yes,  
25 July 26th, 2007 -- From July 26th, 2007 to December --

1 I'm sorry, November 25th, 2000 -- Sorry. To  
2 December 18th, 2012 the account holder is Cesar Ochoa.

3 Q. Okay. And how did you go about estimating  
4 what his usage should have been during that period of  
5 time?

6 A. The -- During that period of time analyzing  
7 the consumption for that timeframe, it was very  
8 inconsistent with what previous usage at that premise  
9 should register.

10 Q. So did you look at the usage at that premise  
11 prior to July of 2007?

12 A. That's correct.

13 Q. All right. And what did you notice about the  
14 usage prior to July of 2007?

15 A. The usage prior to July 2007 had consumption  
16 that was deemed to be normal consumption for a unit.

17 Q. Okay. And right now you're referencing  
18 People's Exhibit No. 13; is that correct?

19 A. That's correct.

20 Q. I'm going to hand to you what's been marked as  
21 People's Exhibit 15. Hand copies to the ALJ and to  
22 Mr. Ochoa. Do you recognize this document?

23 A. Yes.

24 Q. And what is this document?

25 A. This is our bill calculation formula that we

1 use to enter our dates that are in question and also  
2 the amount of gas that is the difference of what should  
3 have been used during that time frame. And it's being  
4 calculated to give us an amount to give the customer in  
5 order for them to pay the gas bill.

6 Q. And is this the reasonable and customary  
7 approach to determining the reasonable amount to  
8 invoice a customer where there's been a determination  
9 of theft or tampering?

10 A. Yes.

11 Q. And that's a process that's approved by the  
12 Commission, correct?

13 A. That's correct.

14 Q. And when you perform that calculation, what  
15 was the amount you determined that Mr. Ochoa owed for  
16 the 2nd Front unit at 4530 South Justine?

17 A. \$2,537.46.

18 MR. McCARTY: Okay. And at this point I would  
19 move to have that admitted into the record.

20 JUDGE BENN: You have any objection to Exhibit 15  
21 being admitted in the record, Mr. Ochoa?

22 MR. OCHOA: No.

23 JUDGE BENN: I'll grant your motion to admit the  
24 exhibit.

25 MR. McCARTY: Thank you.

1 BY MR. McCARTY:

2 Q. And based on that calculation, did you  
3 generate an invoice for Mr. Ochoa?

4 A. That's correct.

5 Q. And I'm now handing you what's been marked as  
6 People's Gas Exhibit 17. And handing a copy to the ALJ  
7 and to Mr. Ochoa. Do you recognize this document?

8 A. Yes.

9 Q. And can you -- Did you create this document?

10 A. Yes.

11 Q. Okay. And is this a document that's created  
12 in the normal course of business at People's Gas for  
13 invoicing customers?

14 A. Correct.

15 JUDGE BENN: Have any objection, Mr. Ochoa?

16 MR. OCHOA: No.

17 JUDGE BENN: Okay.

18 BY MR. McCARTY:

19 Q. And can you explain to the Commission what it  
20 is this document shows that Mr. Ochoa owed?

21 A. This is a bill that was mailed out on  
22 January 3rd, 2013, balance of \$2,035.64.

23 Q. And is that consistent with the calculation  
24 that you did as demonstrated and shown in Exhibit 15?

25 A. Yes. The only difference is on the Exhibit

1 15, there's a charge of \$500 that's additional that is  
2 not listed on this bill but that's an additional charge  
3 for the tampering found on both -- on the gas meter for  
4 the 2nd Floor Front and the evidence of theft found on  
5 the 1st Floor Front.

6 Q. Okay. And as part of that invoice did you  
7 give Mr. Ochoa credit for the amounts that he paid --

8 A. Yes.

9 Q. -- properly during that period of time from  
10 July 27th --

11 A. July 26th of 2007 to December 18th, 2012.

12 Q. So Mr. Ochoa received credits for the amount  
13 he had previously been paid?

14 A. Yes, he received credits for payments made.  
15 He received credit for amount of gas that was -- gas  
16 that was billed and this is just significantly -- just  
17 a difference.

18 Q. Okay. So directing your attention to Exhibit  
19 12, which is People's Gas Exhibit 12. That is the  
20 history of usage for the 1 Front apartment at 4530  
21 South Justine; is that correct?

22 A. Correct.

23 Q. Okay. And why don't you explain to the  
24 Commission how you used this document in analyzing the  
25 usage that Mr. Ochoa should have been billed for for

1 the 1 Front unit.

2 A. Whenever we pull historical usage -- Well, in  
3 my case I would've analyzed the amounts of consumption  
4 on a yearly basis and when I pulled up the historical  
5 use for the 1st Floor Front I noticed that the  
6 consumption was significantly lower than what was  
7 deemed to be normal usage for Mr. Ochoa, for example,  
8 from the April 2000 to April 2001 where we actually got  
9 a good amount of usage on his gas meter.

10 Q. And what did you determine was the actual  
11 usage during that period of time in 2000?

12 A. The actual usage from April 2001, I would need  
13 a calculator to give you an exact amount but --

14 Q. But you used -- You determined what his  
15 reasonable usage had been during that period of time?

16 A. Correct.

17 Q. And that was based on company records,  
18 correct?

19 A. Yes.

20 Q. Okay. I'm handing to you what has been  
21 previously marked as People's Exhibit 14. And do you  
22 recognize that document?

23 A. Yes.

24 Q. And can you explain to the ALJ and to the  
25 Commission what is that document.

1           A. This is our bill calculation tool. It  
2 basically gives us the ability to input our dates that  
3 are in question and also give us the amount of gas,  
4 which is the difference in what is -- did not register  
5 accurately through our gas meter.

6           Q. Okay.

7           JUDGE BENN: Do you have any objection to the  
8 exhibit, Mr. Ochoa?

9           MR. OCHOA: No, I don't.

10          JUDGE BENN: Okay.

11 BY MR. McCARTY:

12          Q. And once you performed -- And, again, that is  
13 the method and approach that has been approved by the  
14 Commission in order to come up with a reasonable  
15 estimate of the bill for the customer during a period  
16 of time where there's been a theft, diversion or  
17 tampering; is that correct?

18          A. That's correct.

19          Q. And you've been trained on how to follow that  
20 process, correct?

21          A. Yes, for the past five years that I've been  
22 working with the Gas Revenue Protection Billing  
23 Department.

24          Q. Earlier in testimony, People's Gas Valerie  
25 testified as to some annual usages. I'd like to focus

1 your attention on the year 2000 --

2 A. Yes.

3 Q. -- for the 1 Front apartment.

4 A. Okay.

5 Q. According to Exhibit 12, which is the summary  
6 of usage for the 1 Front apartment at 4530 South  
7 Justine, would you agree that the total usage was  
8 approximately 950 therms?

9 A. Yes.

10 Q. And then as part of your examination did you  
11 notice, for example, in years 2004, 2005 or 2006, total  
12 therms used in the 1 Front apartment dropped as low as  
13 329 to 298, 256 for those respective years?

14 A. Yes.

15 Q. So the purpose of your calculation is to  
16 determine what is the reasonable usage using a year,  
17 for example the year 2000, and looking at the years  
18 where there's a suspected theft, noticing the  
19 difference and then charging the customer accordingly;  
20 is that correct?

21 A. That's correct.

22 Q. And so that's the purpose and the analysis  
23 that you go through with Exhibit 14 for the 1 Front  
24 apartment, correct?

25 A. Correct.

1 Q. Okay. How many therms did you determine for  
2 the 1 Front apartment that Mr. Ochoa had not been  
3 properly invoiced for?

4 A. 6,564 cubic feet of gas. Therms.

5 Q. Okay. Now handing to you what's been  
6 previously marked as People's Exhibit 16. Do you  
7 recognize this document?

8 A. Yes.

9 Q. And were you involved in the creation of this  
10 document?

11 A. That's correct.

12 Q. And can you explain to the ALJ and the  
13 Commission, what is this document?

14 A. This is a bill that was generated on  
15 January 3rd, 2013 for the amount of \$7,203.59.

16 Q. And according to that document, how many  
17 therms was Mr. Ochoa billed for the 1 Front unit?

18 A. It doesn't specify in this document but it's  
19 6,564 feet of gas.

20 Q. Okay. And that was the amount that you had  
21 properly determined was a reasonable amount in order to  
22 assess Mr. Ochoa for usage at 1 Front?

23 A. Yes.

24 Q. Okay.

25 JUDGE BENN: Sorry, before you proceed, where did

1 you look in order to determine how many therms that  
2 was, because you just referenced the exhibit number,  
3 you said you were able to determine it, but not from  
4 that document?

5 THE WITNESS: Sorry, Exhibit 14.

6 JUDGE BENN: Okay. Thank you.

7 BY MR. McCARTY:

8 Q. So just to summarize the invoicing that you  
9 did for the 1 Front apartment and the 2 Front apartment  
10 at 4530 South Justine, your process was determine what  
11 was the reasonable amount of expected usage, what was  
12 the actual amount of usage registered during the period  
13 of time there was suspected tampering, diversion or  
14 theft, and then to charge Mr. Ochoa the difference; is  
15 that correct?

16 A. That's correct.

17 Q. And you looked at the period of time in 2000  
18 and then you looked in the period of time after new  
19 meters had been installed in -- on January 18th of  
20 2013; is that correct?

21 A. That's correct.

22 Q. And you relied on those readings because you  
23 had a higher assurance that those readings were  
24 accurate?

25 A. That's correct.

1 Q. So for example for 2013 when you examined the  
2 usage in the 2 Front apartment, you were more  
3 comfortable now that we had a new meter in the 2 Front  
4 apartment that it was accurately measuring the amount  
5 of gas usage by Mr. Ochoa?

6 A. Yes.

7 Q. Similarly for the 1 Front apartment, you  
8 looked at the actual usage after a meter had actually  
9 been installed and determined that that's reasonable  
10 usage for that unit and then relying on those actual  
11 numbers, determined the amount of usage that Mr. Ochoa  
12 should have been billed for back to 2001; is that  
13 correct?

14 A. That's correct.

15 Q. Okay. And the reason that you invoiced  
16 Mr. Ochoa for that usage is because one, Mr. Ochoa had  
17 previously been an account holder in the 1 Front  
18 apartment; is that correct?

19 A. That's correct.

20 Q. And Mr. Ochoa was the owner of the building  
21 and had benefited from use of that gas; is that  
22 correct?

23 A. That's correct.

24 Q. Because -- He had benefited because during  
25 that time the unit had been properly heated and tenants

1 had -- he had been in compliance with various  
2 residential housing codes to make sure that tenants had  
3 hot water, cooking gas, and heating; is that correct?

4 A. That's correct.

5 Q. So that is the benefit that Mr. Ochoa  
6 received; is that correct?

7 A. That's correct.

8 Q. So when Mr. Ochoa was living there, Marco  
9 Ochoa was living there, and anybody else that would've  
10 been living there during that period of time and paying  
11 rent to Mr. Ochoa, that's a benefit to him; is that  
12 correct?

13 A. Yes.

14 Q. And at any time did you have any conversations  
15 with any other tenant at 4530 South Justine?

16 A. Yes.

17 Q. Okay. And did that tenant tell you that back  
18 in 2010 Mr. Ochoa actually told him to relocate to the  
19 1 Rear unit?

20 A. That's correct.

21 Q. And what else did he tell you at that time?

22 A. He told me that he was told by Mr. Ochoa to  
23 relocate to the 1 Rear because he was going to move in  
24 and expand the 2nd Floor Front into the 2nd Floor Rear,  
25 make it one whole second floor unit.

1 Q. Okay. Is there anything in your opinion,  
2 based on your training and experience at People's Gas,  
3 do you believe that Mr. Ochoa was properly and  
4 reasonably billed for the amount of gas usage during  
5 the period of time the company determined there was  
6 tampering, theft or diversion of gas at 4530 South  
7 Justine?

8 A. Yes.

9 MR. McCARTY: I don't have anything further at  
10 this time.

11 JUDGE BENN: Okay. Before we proceed, Mr. Ochoa,  
12 do you have any objection to People's Gas Exhibit 16?

13 MR. OCHOA: No, I don't.

14 JUDGE BENN: Okay. You can have cross-examination  
15 of Mr. Serrano.

16 CROSS-EXAMINATION

17 BY MR. OCHOA:

18 Q. I just have two questions: One is due to the  
19 therm usage and all that, that's -- the reason is  
20 because there's a big variation on therm usage, that's  
21 how you determine where -- if there's rerouting of  
22 natural gas, correct?

23 A. Well, the way that it's all in -- my basis is  
24 based on the consumption at the premise. So whenever  
25 there is a drop in usage, I would refer to a report

1 from our investigator that was at the premise as far as  
2 for extra details as to what my findings because I  
3 would like to use this usage and compare it to what is  
4 actually at the premise. So I would use the report to  
5 give me some feedback as to why this usage took a large  
6 drop.

7 Q. Okay. So could you go back to Exhibit 13 and  
8 tell me what you think about the significant drop  
9 between 10/27/2000 to 11/30/2000, which was under  
10 Alejandra Sanchez. It's on the first page.

11 A. Okay. Can I have a pen.

12 Q. Where it was 38.91 on October and it jumped up  
13 to 122.88, which was a significant drop?

14 THE WITNESS: Can I respond to that?

15 JUDGE BENN: Yes.

16 BY THE WITNESS:

17 A. This is actually not a drop. It's actually an  
18 increase.

19 Q. An increase, correct. Yes. I'm sorry.

20 A. Yes.

21 Q. What does that consist of, that big -- What  
22 could happen that's such a significant increase?

23 A. Well, I mean, I'm not able to give you an  
24 exact reason. I could only suggest as to the reason  
25 there's a bigger increase is because the actual heat

1 would be in use in the month of November. That would  
2 be my only reasoning as to why the increase would be  
3 that much.

4 Q. Okay. So it's fair to say that -- I mean, it  
5 could be significant drops and increases and during the  
6 whole year due to winter, due to cold days, hot days?

7 A. Generally, in my 13 years of experience of  
8 analyzing bills, a large consumption is technically due  
9 to the winter season, which is anywhere, you know,  
10 between October 15th and April 15th of the following  
11 year. So if it falls in between that months, then I  
12 would consider that being a winter season. So in that,  
13 as far as that bill that you're referring to, that  
14 would be consistent with actually having the heat on as  
15 the reason for the increase.

16 Q. Okay. And my last question is on the same  
17 Exhibit 13, from January 28th to November 25th, 2013,  
18 which was Apartment 2nd Front, wouldn't you agree that  
19 considering I'm heating two units now, that if you  
20 actually cut this in half it would be the same as prior  
21 records?

22 A. If I cut --

23 Q. Like the therm usages?

24 A. What month?

25 Q. No, as far as every other year. I mean, it's

1 constant. It's constant with all the usages since  
2 2001. It's constant to what -- Because you keep saying  
3 that when you installed the new meter, that this usage  
4 is constant now that -- it seems to be proper now.

5 Well, due to the fact that I'm heating two units, I  
6 have two heaters and, I mean, if you actually cut this  
7 in half it would be the same as any other year that's  
8 in this exhibit here?

9 A. Well, I -- The only way I'll be able to answer  
10 that is when you talk about cutting it in half are you  
11 referring to just supplying one unit instead of two?

12 Q. Right. I mean -- because right now since I  
13 got the two meters -- I only got three meters in my  
14 whole building. So I'm using one meter to heat two  
15 units. So I'm still getting the therm usage right now  
16 as if you would cut it in half, because I'm using the  
17 gas to heat two units instead of one. Understand what  
18 I'm trying to say?

19 A. Yes, but as to answer your question, your  
20 usage pattern as to when you actually moved in on the  
21 2nd Floor Front leading up to us removing the meter,  
22 even if you cut that in half it would still be lower  
23 than half. You weren't properly billed because if you  
24 really want to cut it in half, your usage would be less  
25 than half.

1 Q. What do you mean? I don't understand less  
2 than half.

3 A. If we could -- I mean, I could go off of one  
4 heating season and show you how the usage pattern was  
5 actually consistently lower than what you're actually  
6 using now.

7 Q. I don't understand that.

8 A. Or maybe I understood the question wrong  
9 but --

10 JUDGE BENN: Mr. Ochoa can correct me. I think  
11 what he's asking is, for the sake of argument here,  
12 because now he's heating two units attached to one  
13 meter, wouldn't the math equate, meaning whatever is  
14 showing I guess later on in the exhibit, wouldn't it be  
15 tantamount to just splitting the bill in half because  
16 now he's heating two units on the same meter. If you  
17 follow that theory that was going on, now that he's  
18 heating two units for one meter, if you go back in  
19 time, wouldn't that be the same as just splitting the  
20 difference, splitting it down the middle.

21 MR. OCHOA: Right.

22 JUDGE BENN: The therm usage, and I thought you  
23 answered no, it would be less than because there was  
24 lower therm usage than would be normal?

25 THE WITNESS: Right. Because I'm basing my answer

1 on the numbers.

2 JUDGE BENN: Okay. So this is a hypothetical that  
3 he's trying to ask you.

4 THE WITNESS: Okay. I would say normally -- In a  
5 normal bill, if what he's saying, if it went from  
6 heating two units into one, that's what he means by  
7 cutting it in half, there would be a drop in usage if  
8 that was the case. And in a normal billing.  
9 Unfortunately, this is not a normal billing.

10 JUDGE BENN: Okay.

11 THE WITNESS: So I can't really give an accurate  
12 answer because if this was normal billing, then I would  
13 suggest and I would give an exact answer for that.  
14 This is not a normal billing.

15 JUDGE BENN: Okay. Any other questions,  
16 Mr. Ochoa?

17 MR. OCHOA: No, no further questions.

18 JUDGE BENN: Any redirect?

19 MR. McCARTY: Just a couple quick questions.

20 JUDGE BENN: Okay.

21 REDIRECT EXAMINATION

22 BY MR. McCARTY:

23 Q. Josh, I'd like to ask you a couple questions.  
24 Mr. Ochoa has given you a hypothetical about usage. As  
25 best as the company understands, the 2 Front unit was a

1 single unit back in 2000; is that correct?

2 A. That's correct.

3 Q. It is now two units, 2 Front and 2 Rear  
4 combined; is that correct?

5 A. That's correct.

6 Q. And for the record, what was the actual usage  
7 as measured by the van December 28th, 2000 when it was  
8 a single unit?

9 A. January -- Sorry.

10 Q. December.

11 A. December 2000? The consumption of 192 feet of  
12 gas. 192.51.

13 Q. And if you could compare that to, albeit it  
14 not an identical period, but similar period from  
15 heating season perspective for the 2 Front unit, when  
16 according to Mr. Ochoa as you understand it, is now two  
17 units?

18 A. Yes.

19 Q. February 26th, 2013 was there a van read?

20 A. Yes.

21 Q. And what was the total therm usage from the  
22 van reading at time?

23 A. 160.9 feet of gas.

24 Q. So the actual data doesn't support  
25 Mr. Ochoa's theory about increased usages just because

1 he expanded the unit; is that right?

2 A. (No verbal response).

3 JUDGE BENN: I need you to audibly say --

4 BY THE WITNESS:

5 A. Yes, sorry.

6 Q. Also, Mr. Ochoa asked you about variations in  
7 usage and that there should be -- which he said was  
8 constant. Do you recall those questions?

9 A. Yes.

10 Q. Just for the purposes of example, I'm going to  
11 reference the third page of Exhibit 12, and this covers  
12 a period of time from September 24th, 2004 through  
13 December 27th, 2006. And once you've had the  
14 opportunity to review that form, I'm going to ask you a  
15 question and if you could just focus your attention on  
16 the therm usage during that period of time.

17 At any point during that period of time did  
18 Mr. Ochoa's therm usage exceed 100?

19 A. No.

20 Q. During -- Whether it was the summer, fall,  
21 winter, spring months did it ever exceed 100?

22 A. No, and this is one, two, three winters on  
23 this page and --

24 Q. Based on your 13 years of experience in  
25 examining People's Gas bills, is that normal?

1 A. No, it's not normal.

2 Q. Directing your attention to the first page of  
3 Exhibit 12, and I'd like to direct your attention to  
4 the winter months in 2000, November through February  
5 and for the Administrative Law Judge and for the  
6 Commission, can you summarize by month and date what  
7 his therm usage was?

8 A. Sure. November 30th, 2000, therm usage  
9 143.36, which accumulated to \$146.64. December 28th,  
10 2000, therm usage was 138.24, and the gas bill came out  
11 to \$145.64. January 26th, 2001, therm usage was 136.05  
12 therms, gas bill was \$183.75. February 2, 2001, therm  
13 usage 161.95 with a gas bill of \$208.05.  
14 March 28th, 2001, therm usage 32.24 feet of gas,  
15 therms, I'm sorry, with a gas bill of \$111.81.  
16 Directing your attention to the second page of  
17 Exhibit 12 and again referencing the unit 1 Front, from  
18 the period of time May 31st, 2002 through August 2004,  
19 did Mr. Ochoa's therm readings ever exceed 100?

20 A. No.

21 Q. And again, based on your 13 years of  
22 experience examining bills in the city of Chicago for  
23 customers during the winter heating season, is that  
24 normal?

25 A. No, not especially during the winter.

1 Q. And Mr. Ochoa was the customer of record  
2 during that period of time; is that correct?

3 A. That is correct.

4 Q. Based on your experience, could a diversion  
5 explain that?

6 A. Yes.

7 Q. Is that a more reasonable explanation as to  
8 why Mr. Ochoa's usage was so low in 2002, 2003, 2004,  
9 2005, 2006? In fact, Mr. Serrano, isn't it true that  
10 Mr. Ochoa's usage or anybody's usage in the 1 Front  
11 apartment did not exceed 100 therms until March 4th --  
12 sorry, January 28th, 2013? So from the period of time  
13 of December 3rd, 2001 to March 4th, 2010, Mr. Ochoa's  
14 usage or anybody else at that unit never exceeded 100;  
15 is that correct?

16 A. That's correct.

17 Q. And directing your attention to January -- or  
18 actually February of -- February 26th, 2013 for the 1  
19 Front unit, for the first time since 2000 what was the  
20 actual registered therm usage when a meter was properly  
21 installed at that location?

22 A. For February?

23 Q. For February.

24 A. February 26th, 2013, the therm usage was  
25 259.07 therms used and the gas bill was \$208.78.

1 Q. Is that significant to you?

2 A. Yes.

3 Q. Is there anything else about that usage  
4 history that you think we need to discuss?

5 A. No.

6 MR. McCARTY: I have nothing further.

7 JUDGE BENN: Okay. There's nothing further. I  
8 may as well conclude the hearing. I will not mark the  
9 record just in case there's anything else that needs to  
10 be filed, but I'm sure there won't be. I'm also going  
11 to take note of Counsel's verified answer and  
12 affirmative defenses that was submitted and filed prior  
13 to this hearing. Noting that Mr. Ochoa earlier in the  
14 hearing corrected the date of the incident to  
15 December 18th, 2012, I'm going to also note that the  
16 verified answers and affirmative defenses are amended  
17 on its face to reflect the actual date of January --  
18 excuse me, December 18th, 2012. And, Counsel, I don't  
19 know what that means for your affirmative defenses  
20 other than that.

21 MR. McCARTY: That does not affect the affirmative  
22 defenses, but I would simply on the record amend it to  
23 say that -- Well, do you want me to submit an --

24 JUDGE BENN: You don't have to. No, I just want  
25 to note that.

