

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

3
4 BEFORE THE
ILLINOIS COMMERCE COMMISSION

5 MARIA R. ABDON,)
6 Complainant,)
7 vs.) Docket No. 14-0061
8 PEOPLES GAS LIGHT AND COKE)
9 COMPANY,)
10 Respondent.)

11 Complaint as to discontinuance of service without notice
12 in Chicago, Illinois

13 Met pursuant to notice on February 11th, 2014.
14 Before the HONORABLE JOHN RILEY,

15 APPEARANCES:

16 MS. MARIA ABDON,
17 Appearing Pro Se;
18 INTEGRYS BUSINESS SUPPORT, LLC, by
MR. KOBY BAILEY
19 On behalf of the Respondent.

20 ALSO PRESENT: Veronica Garrett
21 Bill Hendrixson
22
23
24

1 THE COURT: Pursuant to the direction of the
2 Illinois Commerce Commission, I call Docket 14-0061.
3 This is a complaint by Maria R. Abdon vs. Peoples Gas
4 Light and Coke Company as to discontinuance of service
5 without notice in Chicago, Illinois.

6 Ms. Abdon, are you appearing without counsel
7 at this time?

8 MS. ABDON: Yes.

9 THE COURT: Please speak up so the court reporter
10 can hear you. She has to take down everyone's remarks.

11 MS. ABDON: Yes.

12 THE COURT: You can have an attorney appear for you
13 at any time during the course of this proceeding no
14 matter how long it goes, but just so you're advised that
15 the attorney would have to take the record as he or she
16 found it. We wouldn't be able to go back and start over
17 again.

18 MS. ABDON: Okay.

19 THE COURT: And, Counsel, you're here for?

20 MR. BAILEY: For Peoples Gas.

21 THE COURT: Peoples Gas.

22 MR. BAILEY: Yes, sir.

23 THE COURT: Please enter an appearance stating your
24 name and office address.

1 MR. BAILEY: Koby Bailey on behalf of Peoples Gas
2 Light and Coke Company, 130 East Randolph, Chicago,
3 Illinois 60601, telephone number (312) 240-4081.

4 THE COURT: Thank you. And, Ms. Abdon, your
5 complaint is pretty straight-forward. Peoples Gas has
6 actually stated that you had been -- they thought you
7 had been stealing gas.

8 MS. ABDON: Yes, sir.

9 THE COURT: What -- And you said you found that out
10 when you were trying to cook dinner one night --

11 MS. ABDON: Yes.

12 THE COURT: -- last December?

13 MS. ABDON: In December, yes.

14 THE COURT: Well, in as much as the -- in a
15 tampering case the burden is on the -- on the utility.

16 Mr. Bailey, can you enlighten us as to what's
17 going on? What the company -- What prompted the
18 company's actions?

19 MR. BAILEY: Okay. Can I get my fact witness up
20 here?

21 THE COURT: Sure.

22 MR. HENDRIXSON: My name is Bill Hendrixson with
23 Peoples Gas. We were out at the property on the 4th of
24 December, and at that time we detected some evidence of

1 a possible steal and the gas was shut off. We came out
2 the next day, the 5th of December. We did get into the
3 property and that's when we found the tampering. We
4 have multiple pictures.

5 THE COURT: What made you suspect tampering in the
6 first place?

7 MR. HENDRIXSON: Basically the usage was erratic.

8 THE COURT: Is that something the company monitors
9 on a regular basis with -- with all of its customers
10 or --

11 MR. HENDRIXSON: Yes.

12 THE COURT: So once you determined that there was
13 erratic usage, you went out to the property?

14 MR. HENDRIXSON: Right.

15 THE COURT: You examined the meters?

16 MR. HENDRIXSON: Correct.

17 THE COURT: And that was on December 4th?

18 MR. HENDRIXSON: We actually got in on the 5th.

19 THE COURT: Okay. Go ahead. What did you find on
20 the 5th?

21 MR. HENDRIXSON: The service technician that was
22 out there -- I can give you the pictures. He found that
23 the meter had been dropped. It was located originally
24 at a front window, and as you can see in the pictures

1 here the meter's been dropped. Here is the window. You
2 can see the meter with the ERT device.

3 THE COURT: Okay. I can't see anything at all.
4 You have to point this out.

5 Ms. Abdon, do you want to take a look at this?

6 MR. HENDRIXSON: This, this (indicating). I have a
7 couple other pictures. You can also see there was
8 tampering with the ERT device.

9 MR. BAILEY: Also, we do have our PTRPU report.

10 MR. HENDRIXSON: Yes. And I have --

11 THE COURT: When you say a meter was dropped, what
12 does it mean that a meter was dropped?

13 MR. HENDRIXSON: Well, normally the meter would be
14 lined up with the window.

15 THE COURT: Okay. And this is --

16 MR. HENDRIXSON: And I'm looking for a better
17 picture.

18 MR. BAILEY: There we go.

19 MR. HENDRIXSON: Okay. This is a little clearer
20 picture. So normally if they could -- if they needed
21 to, they could read the meter from the outside, look in
22 through the window.

23 THE COURT: Okay. So there is a window there?

24 MR. HENDRIXSON: Right. And as you can see, the

1 meter has been dropped down so it's facing the wall.

2 THE COURT: So it's been literally dropped?

3 MR. HENDRIXSON: Correct.

4 THE COURT: And this -- When you say this is the
5 window, this looks like something was --

6 MS. ABDON: With the real thick glass and --

7 MR. HENDRIXSON: Right. The glass --

8 MS. ABDON: -- that's why -- since I moved there --
9 since we moved there seven years ago they've always
10 every year, every two years had to ask our permission to
11 come in to inspect and nobody's ever told me anything
12 about it. They come in and do these things.

13 THE COURT: And you're saying that this meter
14 was --

15 MS. ABDON: This is -- this is -- You can't see
16 anything from that outside. That's why they said they
17 have to come in to check the meters. So all the
18 servicemen that's come in through the years that I have
19 lived there always came in and I just let them in so I'm
20 thinking because they're reading the meters.

21 And every time they -- they just put those
22 tags on there, those red tags on there, and then I ask
23 them is everything okay and they say yeah. And I never
24 get any -- anything else from -- from Peoples Gas

1 stating anything.

2 And the day they came on December 5th is
3 because I called them and then right away they said
4 you're stealing gas, they come take the meters with, you
5 know -- I said how do you know I'm stealing gas, I'm
6 not -- how can I steal the gas, you know, and they said
7 because it's been lowered.

8 Well, my question is this, I have almost eight
9 years worth of bills with me that I have paid
10 religiously without any -- I never missed a payment.
11 Okay. And another thing is how did -- what's my proof
12 against them besides these pictures and where he's
13 putting those tags or window whatever because when I
14 moved there and asked for the service to be turned on
15 there was no people coming there and tell me, you know,
16 we have to make an agreement between the provider and
17 the customer as to the measurement of meters.

18 So seven years ago there was no signature,
19 nothing. They just turned on my gas. And then now
20 they're saying they're measuring stuff and I'm stealing
21 gas because it's been lowered from the window. And I
22 asked him -- He was the one that I spoke with. After
23 two weeks of being giving the runaround with no gas, no
24 nothing, he said that you're responsible for it for

1 whatever the amount was and that's the only way you're
2 going to get your meters because you've been stealing
3 gas because there's proof there's been tampering.

4 THE COURT: Okay. Let me get some more technical
5 information here from Peoples. What you're saying,
6 Mr. Hendrixson, is that the meter was literally --

7 MR. HENDRIXSON: Lowered.

8 THE COURT: In other words, it wasn't ripped out or
9 anything, but it was simply lowered from this position
10 to this position down here?

11 MR. BAILEY: Right.

12 MR. HENDRIXSON: Based on the technician's report
13 that was out here, which I have here.

14 THE COURT: Now, was the meter still functioning?

15 MR. HENDRIXSON: Yes, I believe it was.

16 MS. ABDON: Yes, because I didn't notice that I
17 didn't have any gas until I tried to cook on December --
18 on December 4th, I believe --

19 THE COURT: That's what it says in your complaint.

20 MS. ABDON: Yeah. And then on December 5th I
21 called them to see if anything was wrong, because I also
22 didn't have any heat. But prior to that everything was
23 fine. I had hot water. I was cooking, you know. And I
24 don't understand why they could just come in your home

1 without any notice at all, which they have always given
2 me a notice for an inspection.

3 THE COURT: All right. Very quickly, you're
4 living -- There's two meters there. That means there's
5 two units?

6 MS. ABDON: Yes. It's two units.

7 THE COURT: It's a two-flat building?

8 MS. ABDON: Right. I live on the second floor and
9 the first floor I have a home licensed business. I have
10 Devine Home Health Care. I provide nurses and physical
11 therapists for senior citizens in their homes.

12 THE COURT: Do you own the building?

13 MS. ABDON: Well, it's in my name. I'm making
14 payments on it.

15 THE COURT: I understand that.

16 MS. ABDON: It's not paid for. Yes.

17 THE COURT: Right.

18 MS. ABDON: So they're saying that there's no
19 activity or erratic whatever, but they just decided that
20 this year -- I mean last -- a few months last year.

21 And, yes, I can say that there isn't that much
22 activity on the first floor because I'm not allowed to
23 have any activity on the first floor except for me and
24 another employee --

1 THE COURT: Okay.

2 MS. ABDON: -- because I have a home business. I'm
3 a registered nurse. And so nobody lives there. And
4 then, you know -- And for me, I -- I didn't get
5 accredited until June 10th -- I mean June 2010,
6 June 3rd, 2010. So prior to that there was nothing
7 going on down there, I mean, except probably -- because
8 I also have a basement. That's where the washer and
9 dryer is.

10 So that's where, you know, we would use the
11 gas with that and then the cooking because I would work
12 remotely from upstairs to save energy because I have no
13 carpet, no nothing. I'm just starting a business so I
14 don't have much income, and so that's why there's no
15 activity there. So --

16 THE COURT: Is your gas still off?

17 MS. ABDON: My gas has been off since they took the
18 meters.

19 THE COURT: All right. Let me get back to this
20 then for now. Mr. Hendrixson, what is the effect of
21 having removed -- having dropped -- Were both of the
22 meters dropped?

23 MR. HENDRIXSON: Correct.

24 THE COURT: And what is the effect of both of those

1 meters dropped? They were still -- they were still --
2 Were they still registering gas usage?

3 MR. HENDRIXSON: Yes. I believe so, yes.

4 THE COURT: What would be the purpose of having
5 removed those meters from their position in photo 10 to
6 the position we see in photo 8?

7 MR. HENDRIXSON: Well, because the tampering of the
8 meters is causing the lower usage. We can see based on
9 the device that the device has also been tampered with
10 which would give it -- it would misread what it should
11 be, the full usage.

12 THE COURT: It would be registering less usage than
13 it should have been?

14 MR. HENDRIXSON: Correct.

15 MS. ABDON: May I ask a question?

16 THE COURT: Certainly.

17 MS. ABDON: That house has been built since 19- --
18 90 years ago. Okay. And if he say -- I mean,
19 everything was functioning. So why couldn't it be that
20 something's wrong with the meters. That's why I had
21 called on December 5th because all of a sudden there was
22 no gas and then come to find out they turned it off from
23 outside. And when they came in, they just you stealing
24 gas, we're taking our meters. And everyone that I spoke

1 with on the phone was rude and just accused me of such.

2 THE COURT: I know, but what's the -- Do you have
3 any idea how the meter might have gotten into that
4 position?

5 MS. ABDON: Sir, I don't know. I don't even look
6 at that stuff. That's way back in the basement. My --
7 my laundry is in the front. The only time I go back
8 there is to clean up from bugs because nobody is back
9 there. It's a basement. And whenever I have to let
10 these guys in.

11 THE COURT: Do you know of -- And no one else lives
12 in the building except you?

13 MS. GARRETT: I live there.

14 MS. ABDON: She lives with me.

15 MS. GARRETT: I stay on the second floor.

16 THE COURT: All right. And I'm sorry. And you
17 are?

18 MS. ABDON: Veronica Garrett.

19 MS. GARRETT: Veronica Garrett.

20 MS. ABDON: There's only the two of us in that
21 whole house.

22 MS. GARRETT: There's no renters. Just me.

23 THE COURT: Okay. And you have no idea who might
24 have done that?

1 MS. ABDON: We're the only ones -- we're the only
2 ones that are there. We just work. She goes to school.
3 I work. I'm trying to run a business. She works for
4 me.

5 THE COURT: All right. Did anyone have any access
6 to the basement besides you two?

7 MS. ABDON: No.

8 THE COURT: No one --

9 MS. ABDON: I have an alarm and everything.

10 THE COURT: You have no other employees?

11 MS. ABDON: Oh, no. They -- No, uh-uh.

12 THE COURT: Mr. Hendrixson, back to you, what --
13 what did Peoples do as a result of finding the meters
14 dropped?

15 MR. HENDRIXSON: They removed the meters.

16 THE COURT: They did remove the meters. And there
17 are no meters in the basement of that structure now?

18 MR. HENDRIXSON: Correct.

19 MS. ABDON: No. I had to hire somebody to take my
20 gas boiler out. I had to get an electric one, and we're
21 cooking on -- on hot plates and we have space heaters
22 everywhere now, you know. And according to this thing,
23 the Commission -- You know that pamphlet that you guys
24 gave me, the 83 -- 81 --

1 THE COURT: 83 Illinois Administrative Code?

2 MS. ABDON: Right, administrative code. It states
3 on there that they're not supposed to be taking anything
4 without notice, first of all, and then another thing is
5 from the time frame from December to March because
6 that's when it's cold. And like I said, they took it.
7 There's no heat at all. Pipes blew. I got all kinds of
8 damage. I have pictures of them. And then I also have,
9 like I said -- They said to bring three -- three
10 whatever, evidence of proof, to bring three copies. So
11 I have those.

12 THE COURT: Okay. That's -- that's when we get to
13 the evidentiary stage, if we get to the evidentiary
14 stage.

15 Mr. Bailey, what is Peoples Gas position?

16 That --

17 MR. BAILEY: Yeah. Peoples Gas position is there
18 is evidence of tampering. With evidence of tampering,
19 pursuant to part 280 the meter can be shut off with no
20 notice and removed. We consider this theft or -- or --
21 well, effectively theft of service and meters are
22 removed until the bill is paid.

23 THE COURT: And the bill is -- What was the amount
24 outstanding right now?

1 MS. ABDON: They want like almost \$13,000 for both
2 floors, 9 something for the first floor. And I was
3 talking to my relatives about that and they said it's
4 probably because you're a business so they're trying
5 to -- you know, they thinking you making money so
6 they're just going to do whatever.

7 But they have -- You know how you get these,
8 the graphs of the usage and everything?

9 THE COURT: On the bills, right.

10 MS. ABDON: Right. No explanation at all, not from
11 one year to another year. And this is my eight --
12 almost eight years worth of bills. I have copies for
13 everybody. And you can look for yourself what erratic
14 usage they're talking about. I don't know. And what I
15 have business playing around with meters. I don't know.
16 I don't want my house to blow up.

17 THE COURT: Well, the meters weren't disconnected.
18 It was just lowered, so ...

19 MS. ABDON: Can it be the house? I mean, it's old.
20 Look at it. Look at those things.

21 THE COURT: In other words, you're saying maybe it
22 fell down. I don't --

23 MS. ABDON: Oh, no, because I would have called
24 them if it would have fell down.

1 MR. BAILEY: No. With the additional piping in
2 there, the meters were lowered.

3 THE COURT: So someone physically had to have come
4 in there who knew what they were doing?

5 MR. BAILEY: In order to move the meter sets down,
6 yeah.

7 MS. ABDON: The last people that were there was
8 Peoples Gas that put these things on there, those red
9 plastic tags. I don't know what they indicate. I was
10 assuming that was measuring -- I was assuming all this
11 time they come in to read the meters because you cannot
12 see it from the outside because the window is like --
13 the glass is like this thick (indicating).

14 THE COURT: Thick opaque glass.

15 MS. ABDON: Right. And you can't see anything in
16 there. That's why they always gave me notice saying
17 whenever's somebody home you have to let us in because
18 we have to read the meters and inspect it. And all
19 these years they've been coming in no problem.

20 THE COURT: And did they come in from an outside
21 entrance or a separate entrance from the building?

22 MS. ABDON: No. I have to let them in.

23 THE COURT: You have to let them in.

24 MS. ABDON: I have to let them in.

1 THE COURT: And you let them in this time?

2 MS. ABDON: Yes, because I called thinking
3 something was wrong with my gas because I couldn't cook
4 and then there's no heater.

5 THE COURT: Is the gas shut off from a remote
6 location or they have to go in the home to shut it off?

7 MR. HENDRIXSON: The gas right now is shut off at
8 the b-box.

9 THE COURT: What does that mean?

10 MR. HENDRIXSON: From the outside.

11 THE COURT: From the outside. So they can shut it
12 off from the outside without entering the home --
13 entering the structure?

14 MR. HENDRIXSON: Right.

15 MS. ABDON: Because when I called because there was
16 no heat, no -- I couldn't -- there was no gas. When
17 they came, they took that, but it was already off. It
18 was -- So I guess they turned it off on the 4th because
19 I called them on the 5th and then they came and took
20 that.

21 THE COURT: So they had erratic usage readings.
22 They went out --

23 MR. BAILEY: Triggers RPU to come out.

24 THE COURT: All right. They went out to the -- to

1 the -- Now, did Peoples Gas go out because of the
2 complainant's phone call or did they just go out there
3 to inspect the meters because of the erratic readings?

4 MR. BAILEY: Let me see. I'm looking at the RPU,
5 revenue protection unit, report here. The cap seal was
6 missing. Yeah. This was -- We were -- Detected for low
7 usage, inspected meters through the glass box, found the
8 meters possibly tampered with, meters and meter bar were
9 covered with towels. The only part of the meter that
10 was visible was the ERT head, the face. We can see the
11 cap seal was missing. The housing was damaged. We had
12 no access to the meters on this day. We had EMP 312 --
13 321 shut the service off at the b-box and install a curb
14 blocking device.

15 THE COURT: They could see from the outside in, is
16 that what that says?

17 MR. BAILEY: Yeah. Effectively they could see
18 outside in that the meter had --

19 THE COURT: Had been dropped?

20 MR. BAILEY: -- had been dropped.

21 THE COURT: So they went to the b-box and shut off
22 the gas?

23 MR. BAILEY: Right.

24 THE COURT: Because that was an immediate

1 indication of tampering then?

2 MR. BAILEY: Yeah. Otherwise what ...

3 THE COURT: And that's Peoples Gas position, that
4 the money is owed?

5 MR. BAILEY: Yes.

6 THE COURT: What is the sum?

7 MR. HENDRIXSON: Combination, they have on the
8 first floor \$9,024.16 --

9 MS. ABDON: That is crazy.

10 MR. HENDRIXSON: -- and on the second floor
11 2,964.74.

12 MS. ABDON: Can I ask them a question?

13 THE COURT: Certainly.

14 MS. ABDON: Can you tell me which months you're
15 claiming that there's erratic reading and low usage?
16 Because like I said, I have all of this and now you're
17 going back -- I was told on the phone that it took them
18 two weeks to figure out how much the total amount was
19 for both floors because they're going back seven years.

20 My question is this, if there's erratic usage,
21 it took them seven years to figure that out?

22 MR. BAILEY: Actually --

23 MS. ABDON: I could have been in danger.

24 MR. BAILEY: Actually, the records show from the

1 RPU report, consumption on the first and second floor,
2 large drop of usage over the past two years and little
3 or no usage over the past 10 months.

4 MS. ABDON: Then how come these bills are all
5 consistent and you guys had no problems accepting my
6 money or telling me or coming to inspect it when they
7 were inspecting it already?

8 THE COURT: So is it -- is it Peoples contention
9 that this meter situation -- the tampering situation had
10 been going on for some months?

11 MR. BAILEY: Yes.

12 THE COURT: And wouldn't Peoples have discovered
13 that much earlier had they been doing regular readings?

14 MR. BAILEY: Well, the RPU report indicates that
15 over the -- there was a large usage drop over the last
16 two years.

17 MS. GARRETT: No. They haven't been out lately.
18 I'm sorry. I'm the one that's there to let them in.

19 THE COURT: And could you state your name for the
20 court reporter again?

21 MS. GARRETT: I'm sorry. My name's Veronica
22 Garrett.

23 THE COURT: Veronica Garren?

24 MS. GARRETT: Veronica Garrett.

1 THE COURT: Garrett. Thank you.

2 MS. GARRETT: Yes, sir.

3 THE COURT: You were saying that they --

4 MS. GARRETT: They usually leave an inspection
5 notice on the door.

6 THE COURT: And they haven't been out for a while?

7 MS. GARRETT: No, they haven't been out this year.
8 No.

9 THE COURT: Let me see some of these bills.

10 MS. ABDON: Okay. Let me just show you here
11 because there's a cutoff where the second floor starts.
12 This is the second floor starting --

13 THE COURT: All right. Well, just give me the
14 binder.

15 MS. ABDON: And then here this one explains -- I
16 have this part here is just the actual bills that I
17 couldn't find just on these pieces. So I highlighted
18 the ones that -- the payments that were made. This is
19 my bank statements.

20 THE COURT: Oh, all right. That's okay. That's
21 fine. I want to see the bills more than anything,

22 MS. ABDON: That's the second floor.

23 THE COURT: Okay. Well, this goes back to '06.

24 MS. ABDON: Yes.

1 THE COURT: This is more recent than that.

2 MS. ABDON: It was a lot of trees making these
3 copies.

4 THE COURT: Mr. Bailey, what is the time frame for
5 these erratic readings? Do you have any specific --

6 MR. BAILEY: The RPU indicates records were shown
7 largest drop past two years and little or no use over
8 the past 10 months.

9 And we also have to note that after the curb
10 shut off there was an inspection of the water heater and
11 boiler and found that the water lines were still hot
12 indicating that those appliances were in use prior to
13 gas service being shut off at the b-box. All the
14 evidence points that the meter and swivels were removed
15 and there was an illegal connection installed across the
16 meter bar to supply unmetered gas to the appliances in
17 the building. So then we removed the meters and capped
18 the -- capped the pipes.

19 THE COURT: So someone with real knowledge of how
20 those meters are installed knew exactly what they were
21 doing?

22 MR. BAILEY: Someone that understands plumbing.

23 MS. GARRETT: Can I say something?

24 THE COURT: Yes.

1 MS. GARRETT: With that saying, although they
2 disconnected and did what they needed to do, wouldn't it
3 still be hot, the boiler?

4 MR. BAILEY: Would it stay hot for 24 hours?

5 MS. GARRETT: Yes. You guys came out the next day.

6 MS. ABDON: You came December 5th.

7 MS. GARRETT: Yes. So --

8 MR. BAILEY: 24 hours.

9 MR. HENDRIXSON: I can't answer that.

10 MS. GARRETT: I'm just saying wouldn't it still be
11 hot.

12 MR. HENDRIXSON: We're also talking about
13 wintertime so it is colder outside.

14 MS. GARRETT: Okay. It's still going to be hot,
15 though. The temperature would still be hot.

16 THE COURT: Okay. All right. I don't have the
17 exact time frame, but the bills I just took a look
18 through for -- going back about a year and a half to two
19 years, there is a very steep, very precipitous drop in
20 the usage because what I want to point out to you is if
21 you get up around -- See these readings of 93, 9200,
22 they're all the same. 97, 95, 98, 97, 99, 98. And then
23 down to nothing. It dropped to absolutely nothing in
24 April of 2012.

1 Now, I understand that the weather is getting
2 warmer at this point, but that -- that is a crashing
3 drop in usage. That's almost regular usage to almost no
4 usage at all.

5 MS. ABDON: This is the second --

6 THE COURT: No. The previous -- Yeah. This is the
7 second floor, but it says the previous actual was 9933
8 was the reading and then the current actual is 18. So
9 it's virtually no usage whatsoever. And then you go
10 from 18 up to 119.

11 MS. ABDON: Uh-huh.

12 THE COURT: And then it's 119 up to 140, but still
13 nowhere near what the readings were. And I understand
14 these are summer months, but even still. But the
15 problem is then you get to the colder months, you're in
16 January, the previous actual reading is 277, goes up to
17 308. So we're nowhere near back to those 9300 readings
18 that had been taken the year before.

19 The situation is this, no one is suggesting
20 for a minute that you had anything to do with the
21 removal of these meters, but someone got into your
22 basement with the knowledge of how these pipes operate
23 and dropped that meter from the -- from the proper
24 position down to where we see it in that photograph No.

1 8 and then they did something with the pipes to bypass
2 the meters and --

3 MS. ABDON: We're the only ones that live there.
4 Nobody else lives in that house or has access to that
5 house.

6 THE COURT: Well, the problem is that Peoples Gas's
7 position is is that as the owner of the structure it is
8 your responsibility. All they have to do is say that
9 you benefitted from the tampering, not that you tampered
10 yourself.

11 MS. ABDON: Okay. But I'm letting you know that
12 that's not happened. So I don't understand why I'm
13 just -- it's now being brought to my attention because
14 if it was brought -- if it was told to me before then I
15 would have had them to come inspect it if, you know --
16 because all I know is I just turned on my heat or
17 whatever. I just use my utility. I don't -- If it's
18 working, it's working. If it's not, then, you know,
19 then I'll call.

20 So why -- why is it two years or whatever
21 they're saying -- they wait that long to come and tell
22 me that there's something wrong and then they bill me
23 and I get -- I pay them the bill and everything is fine,
24 and then now they're going to say we're going back

1 whatever years they're going back because there's
2 erratic usage. I don't even know what that means.
3 Okay. Erratic compared from the beginning to now.
4 Okay. It's not even. Okay. It's not consistent.

5 THE COURT: What took them long was what I just
6 showed you is that you had --

7 MS. ABDON: But why couldn't they do that within
8 like three months or something?

9 THE COURT: That, I don't know. I don't know.

10 MS. ABDON: You know, because if that would have
11 been brought to my attention -- I mean, I'm trying to
12 run a business myself. I would try to rectify it
13 especially because I'm not trying to jeopardize myself
14 or my business with something like this.

15 THE COURT: Right. No. I understand that.

16 MS. ABDON: You know, so I don't get why it takes
17 them that long and then to top that off they take
18 everything away and then they tell me that you have to
19 pay the whole amount before you get your service back.
20 Who has \$13,000 in their back pocket?

21 THE COURT: I understand that. But as the owner of
22 the building, I -- I -- I cannot understand how that
23 could have happened without someone --

24 MS. ABDON: You and me both, sir.

1 THE COURT: You have no idea?

2 MS. ABDON: I have no idea. I mean, why -- I don't
3 even --

4 THE COURT: What is -- what would Peoples procedure
5 be from here? You're saying that they -- complainant
6 does owe the money?

7 MR. BAILEY: The complainant does owe the money and
8 once payment is made the meter set will be
9 reinstalled --

10 THE COURT: It would be reinstalled.

11 MR. BAILEY: -- to the wall.

12 THE COURT: All right.

13 MS. ABDON: Why isn't it possible that there is
14 something wrong with it because they haven't come to
15 inspect it. If you're going back two years --

16 THE COURT: It's -- it's not a question. What
17 they're saying is that there is something wrong with the
18 meters and that they were -- the meters were removed
19 from their proper position and then somehow the pipes
20 were altered to bypass the meters altogether so the gas
21 was flowing and it was not measuring in.

22 MS. ABDON: Right. But also -- Okay. I also want
23 to know with that being said -- Like I said, in the
24 beginning when I asked them to start my service when I

1 moved there I didn't sign anything that says this is
2 what the meters are measured so if there's anything
3 going on I would have something to compare it to later.

4 So basically they took pictures and say
5 because it's lower from the windows seven years ago but
6 it's not like they said, okay, Maria, the meter is this
7 much away from the window seven years ago and now seven
8 years later now it's this much away from the window.

9 And I had signed the prior and I'm now looking
10 at it now, then, yes, I could agree with them; okay,
11 sir, there's 4 inches, whatever you say low, high,
12 whatever, because I did sign from the beginning of my
13 service this is how many feet it was from the window or
14 inches from the window.

15 So basically we're just going by what they
16 said that -- they're saying that it's lower from the
17 window seven years ago.

18 THE COURT: No. It's -- They're not just saying
19 that. They're saying that it's not only been lowered
20 from the window, but the pipes were altered so that
21 there's no gas flow going through the meter to be
22 registered and that's why your bill -- that's what
23 tipped them off when they saw your readings.

24 MS. ABDON: Okay.

1 THE COURT: The readings are down to nothing and
2 they probably knew at that point that the meter had to
3 have been tampered with so that there was no gas flow
4 going through the meter itself at all. It was
5 completely bypassing and going directly to the
6 appliances.

7 MS. ABDON: If there's -- if there's no gas flow,
8 then how come I get gas?

9 THE COURT: It's -- You're getting gas. There was
10 no interruption in your gas. It's just not being
11 recorded by the meter. It was bypassing the meter.
12 Someone took who had knowledge of these pipes, like you
13 said, very possibly someone with plumbing experience --

14 MR. BAILEY: A plumber could do this.

15 THE COURT: -- knew how to reconfigure the pipes so
16 that they bypass the meter entirely and the gas flow
17 went directly to the appliances, and this is why they
18 say you were getting free gas or gas at a tremendously
19 reduced rate and that's what the -- that's what these
20 bills reflect that they're sending you now saying this
21 is the gas that you hadn't paid for and --

22 MS. ABDON: Still, like I said, no -- I don't know
23 how they're claiming that that's been lowered. Okay. I
24 understand you're saying the numbers, but no one messed

1 with those things.

2 THE COURT: Someone had to have. That's the whole
3 thing. Someone had to have gotten in there and done
4 what they did. Peoples is not making anything up.
5 They're -- This is a drastic step that they took
6 certainly this time of year and they would not have done
7 it without knowing -- without being absolutely certain
8 of what had occurred.

9 MS. ABDON: Well, I don't know what to tell you
10 because I don't --

11 THE COURT: The problem is no one is suggesting
12 that you did this at all.

13 MS. ABDON: Right.

14 THE COURT: Or anyone else.

15 MS. ABDON: But there's only her and I that have
16 access to that, and I would be afraid for anybody to
17 mess with my house. I mean, I have a business there,
18 you know. Why would --

19 THE COURT: But the rules state that as the owner
20 of the property you would be the beneficiary of this
21 tampering and as a result that's what makes you the
22 responsible party.

23 MS. ABDON: I'm also the one suffering for it.

24 THE COURT: I understand that.

1 MS. ABDON: So why would I even go that route just
2 to suffer later. The damage that has been caused
3 without these meters for the last two months are in the
4 thousands. I mean, I haven't even began repairing stuff
5 because as soon as the pipes got fixed they blew again.

6 THE COURT: Is Peoples going to require payment in
7 full for that entire amount?

8 MR. BAILEY: Right now that's our position in cases
9 of tampering theft, we require full payment.

10 THE COURT: And is there a tampering fee that's
11 added on to that too? Does that include a tampering
12 fee, do you think?

13 MR. HENDRIXSON: That's normally 250.

14 THE COURT: Oh, all right. All I can suggest to
15 you, Ms. Abdon, is that you are entitled to a hearing on
16 this. But when we do go to hearing, it is going to be
17 Peoples' obligation to proceed first with the evidence
18 in as much as they made the accusation of tampering and
19 they're going to come right back in with these photos
20 and with the expert testimony -- not expert testimony,
21 but with their --

22 MR. BAILEY: With our witness.

23 THE COURT: -- with the testimony of their
24 engineers and they're going to lay out their case. And

1 under the rules, you would be entitled to respond, but I
2 don't know what you would be going to hearing on unless
3 you can find out who -- who might have done this and
4 make them responsible.

5 MS. ABDON: I don't know anyone. And why -- Okay.
6 Say -- Why is it -- the amount so much for -- for two
7 years, \$13,000 for both floors?

8 MR. HENDRIXSON: I believe they went back farther
9 than that.

10 MS. ABDON: But you said erratic things were
11 happening within the last two years. Why they going
12 back that far?

13 MR. HENDRIXSON: Give me a moment here.

14 THE COURT: Yeah. The first -- first date that I
15 see where there was a precipitous drop from 9933 down to
16 18 was a billing date of March 23, 2012.

17 MS. ABDON: So that's ...

18 THE COURT: That's another question I have, how far
19 back did Peoples Gas go --

20 MR. HENDRIXSON: And I apologize. I'm just reading
21 this thing.

22 THE COURT: -- to reconfigure this?

23 MR. HENDRIXSON: I think it went back five years.

24 MS. ABDON: Why can't those things just -- Couldn't

1 that have happened by itself because there's nobody --

2 THE COURT: No. Someone got in there. Someone who
3 had knowledge of plumbing or of those kind of pipes.
4 That's the only way it could have happened. No one else
5 has access to the building, just you and Ms. Garrett?

6 MS. ABDON: Yes.

7 MR. HENDRIXSON: I believe they rebilled it for
8 five years. I didn't bill it. I'm just looking at one
9 of the reps who did bill it. Yes. They rebilled it
10 back to April 26th of '05 to December 4th of '13.
11 That's where that 9,000 comes from.

12 THE COURT: It went back to 4-26-05 to?

13 MR. HENDRIXSON: 12-4 of '13.

14 THE COURT: Well, I think we're at an impasse
15 because Peoples' position is not going to change. Is
16 that -- is that fairly accurate to say?

17 MR. BAILEY: Correct, your Honor.

18 THE COURT: MS. ABDON, you are entitled to your day
19 in court, you are entitled to a hearing. And as I said,
20 what that would mean is that Peoples Gas would bear the
21 burden of going forward first and presenting their
22 evidence as to what they found in the tampering and then
23 you would have an opportunity to respond with any
24 evidence or testimony that you want to try and counter

1 that.

2 MS. ABDON: Well, I don't -- Like you said, you
3 just told -- I mean, you just told me what would I be
4 going to hearing for, right?

5 THE COURT: Right. Well, you can always raise an
6 issue as to the amount of the bill, too.

7 MS. ABDON: Yeah, that's crazy.

8 MS. GARRETT: Aren't you going to look at the
9 past -- You said five years. Aren't you going to look
10 at the usage from five years compared to now? I mean,
11 because they billing for five years for the unit, so --

12 MS. ABDON: And they're saying that it's erratic as
13 of two years ago.

14 MS. GARRETT: That estimate has got to be wrong.

15 THE COURT: That's the kind of point you want to
16 bring up at hearing, issues of that type.

17 MS. ABDON: So I have to have a lawyer for the
18 hearing?

19 THE COURT: You don't have to have a lawyer. You
20 can represent yourself.

21 MS. ABDON: So in the meantime I still won't have
22 gas until that happens?

23 THE COURT: Not until -- not until there was --
24 Exactly. Not until there's a disposition by the

1 Commission. And even then it depends on what the
2 Commission's findings are. But you are entitled to your
3 day in court. You are entitled to a hearing, to a full
4 hearing.

5 MS. ABDON: How much is that?

6 THE COURT: That's not going to cost you anything,
7 no.

8 MS. ABDON: Yeah, I'll go to court.

9 THE COURT: Okay. Counsel, let's pick out a date.

10 MR. BAILEY: All right.

11 THE COURT: Today is the 11th. And generally go
12 about 30 days out because calendars are a little bit
13 clearer.

14 MR. BAILEY: Yep.

15 THE COURT: Is there any particular day of the week
16 that's better for you?

17 MS. ABDON: Mondays okay.

18 THE COURT: March 10 or March 17?

19 MS. ABDON: March what?

20 THE COURT: March 10 or March 17. Those are both
21 open.

22 MS. ABDON: March 10 would be good.

23 THE COURT: March 10.

24 MR. BAILEY: March 10.

1 THE COURT: That will be at 10:00.

2 MS. ABDON: Do you want to go to court?

3 MS. GARRETT: Not really.

4 MS. ABDON: But there is no way that I can afford
5 what they're trying to get from me.

6 THE COURT: Well, let's see what develops in --
7 let's see what the hearing process develops.

8 MR. BAILEY: 10:00 a.m.?

9 THE COURT: Yeah, 10:00 a.m. right. Okay then. We
10 are -- Anything further?

11 Bring your evidence by all means, bring your
12 bills, bring anything that you think can possibly --

13 MS. ABDON: Is it here?

14 THE COURT: Yes. Maybe not this exact conference
15 room, but it will be same address, same floor. It will
16 be in either this conference room or maybe one of the
17 others we have.

18 MS. ABDON: So it's not in regular court where
19 there's other people? It's just going to be like this
20 again?

21 THE COURT: It is. This is an administrative law
22 proceeding. It's not a state court. And it's -- But it
23 is a formal procedure when we do go to hearing. Rules
24 of evidence apply and that kind of thing, but I'll guide

1 you through all that. That's not a problem. But -- And
2 there will be a notice sent from the Office of the Chief
3 Clerk confirming the date and time and all you have to
4 do is, again, on March 10th just show up at the front
5 desk and they'll tell you whatever conference room we're
6 in and we'll take it from there.

7 MS. ABDON: Okay.

8 MR. BAILEY: All right.

9 THE COURT: Then we are recessed until March 10,
10 2014 at 10:00 a.m. and we'll reconvene for hearing.

11 MR. BAILEY: Thank you, your Honor.

12 MS. ABDON: Thank you.

13 (Which were all the proceedings had
14 in the above-entitled cause.)

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

3

4 Ryan McGrath, being first duly sworn, on oath
5 says that she is a Registered Professional Reporter
6 doing business in the City of Chicago, County of Cook
7 and the State of Illinois;

8 That she reported in shorthand the proceedings
9 had at the foregoing hearing;

10 And that the foregoing is a true and correct
11 transcript of her shorthand notes so taken as aforesaid
12 and contains all the proceedings had at the said
13 hearing.

14

15

16

RYAN McGRATH, CSR, RPR

17

CSR No. 084-004564

18

19 SUBSCRIBED AND SWORN TO
20 before me this 21st day of
February, A.D., 2014.

21

22

23

NOTARY PUBLIC

24