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BEFORE THE
ILLINOIS COMMERCE COMMISSION

SANDRA SUTTON,)
)
 Complainant,)
)
 vs.)
)
 ILLINOIS BELL TELEPHONE COMPANY) Docket 13-0067
 D/B/A AT&T ILLINOIS)
 D/B/A AT&T WHOLESALE,)
)
 Respondent.)

Complaint as to billing/charges in Lombard, Illinois.

Chicago, Illinois
February 26th, 2014

Met, pursuant to notice at 10:00 o'clock a.m.

BEFORE:
MR. JOHN RILEY, Administrative Law Judge

APPEARANCES:

AT&T
MR. JAMES A. HUTTENHOWER
225 West Randolph Street
Suite 25-D
Chicago, Illinois 60606
Phone: (312) 727-1444
Appearing on behalf of Illinois Bell;

MS. SANDRA SUTTON - via telephone
Appearing on her own behalf.

1 THE COURT: Pursuant to the direction of the
2 Illinois Commerce Commission, I call Dockets 13 --
3 Docket 13-0067. This is a complaint by Sandra Sutton
4 versus Illinois Bell Telephone Company d/b/a AT&T
5 Illinois, d/b/a AT&T Wholesale.

6 And, Ms. Sutton, you're still appearing
7 without counsel; is that correct?

8 MS. SUTTON: Until -- Well, I'm waiting on a check
9 to clear within 10 days --

10 THE COURT: All right.

11 MS. SUTTON: -- and then he will be on record.

12 THE COURT: All right. Thank you.

13 And Mr. Huttenhower, do you want an appearance
14 for the record?

15 MR. HUTTENHOWER: James Huttenhower,
16 H U T T E N H O W E R appearing on behalf of Illinois
17 Bell Telephone, 225 West Randolph Street, Suite 25D,
18 Chicago, Illinois 60606.

19 THE COURT: Thank you.

20 And Ms. Sutton, is it -- I assume you most
21 likely are aware that Mr. Huttenhower has filed a motion
22 to dismiss this -- your complaint.

23 MS. SUTTON: Yes, I am.

24 THE COURT: And you did respond to it, but it was
25 not filed with our Office of the Chief Clerk; you simply

1 sent us an e-mail in response to it. So it's not really
2 a proper response.

3 What is your -- What is your answer to the
4 complaint? He's offered an alternative to dismissal
5 where he says that you could pay \$400 in -- by -- by
6 tomorrow -- well, by the 28th, and that you continue to
7 pay AT&T \$43 a month while this case remains pending.

8 MS. SUTTON: Okay. I also said that there is an
9 attorney of record. I have to wait for the bank and
10 they said that a couple days ago it would take ten days
11 to clear for the attorney.

12 THE COURT: I'm not sure what that means.

13 What -- What needs to clear?

14 MS. SUTTON: The check for the attorney. And so
15 Mr. Huttenhower also told me that today was for the
16 hearing, but he also told me if at that time there would
17 be an extension because I did explain to him before I
18 had surgery on the 12th of February and then I was
19 released on the 14th.

20 So I was waiting on -- to have the attorney
21 here. But I told him, also, it would probably -- I
22 don't know today if it was going to be clear.

23 THE COURT: All right. Well, no one -- no attorney
24 has filed an appearance on your behalf.

25 MS. SUTTON: They haven't because he hasn't been

1 paid.

2 THE COURT: Right.

3 MS. SUTTON: And so that's what I'm saying.

4 THE COURT: So you're waiting for the check to
5 clear, and then, once he's paid, he's going to file an
6 appearance?

7 MS. SUTTON: Yes, he is.

8 THE COURT: And --

9 MS. SUTTON: I did not file because Mr. Huttenhower
10 all of a sudden asked for the Motion to Dismiss. And I
11 had already spoke to him previously prior to that and
12 told him that the surgery -- I had -- as a matter of
13 fact, I had an emergency surgery, and I had a major
14 surgery on the 12th.

15 THE COURT: Right.

16 MS. SUTTON: So he's already aware of that. And
17 then he went in to file a motion because I had switched
18 from AT&T to Comcast. And so that's why I also filed by
19 e-mail, because I had no opportunity to file it before
20 then.

21 And because I was going to preop and also all
22 of these surgeries, Mr. Huttenhower was aware, and
23 that's the reason why I filed the answer that I did in
24 regard to the stress, intimidation, and harassment
25 because of what Mr. Huttenhower has been doing.

1 THE COURT: Well, aside from that, first of all,
2 are you willing to sign an extension?

3 MS. SUTTON: Sign an extension for what?

4 THE COURT: It's the 120-day extension to extend
5 this matter.

6 MS. SUTTON: Okay. To extend what, sir?

7 THE COURT: What happens is is that the
8 complainant --

9 MS. SUTTON: I couldn't -- Wait a minute. I didn't
10 understand what you said the extension is for.

11 THE COURT: Well, that's what I'm explaining right
12 now.

13 MS. SUTTON: Oh. Okay.

14 THE COURT: What it amounts to is that under the --
15 under the Illinois Public Utilities act, complaints have
16 to be disposed of within one year from the date that
17 they are filed. And your complaint is now 13 months
18 over. However, the statute also allows the parties to
19 enter into an extension beyond that one-year deadline.

20 And that's what we're asking -- That's what
21 Mr. Huttenhower was asking and that's what I'm asking is
22 would you be willing to sign an extension to extend the
23 deadline on this matter on an additional 120 days?

24 MS. SUTTON: Yes. I would be willing.

25 THE COURT: So if Mr. Huttenhower were to get --

1 get some -- get a statement to you, you would be willing
2 to sign that and send it back to him?

3 MS. SUTTON: Yes. Excuse me. Also, your Honor,
4 when things are -- What do I want to say? I'm on some
5 medication for pain, so that's why I'm kind of slowful
6 (phonetic.)

7 THE COURT: It's all right.

8 MS. SUTTON: When things are -- Mr. Huttenhower
9 is jumping and doing this stuff at the last minute
10 without really any notice, it's kind of hard for me with
11 going through what I'm going through to respond and get
12 back to him in a timely manner.

13 And so that's the reason why I did it by mail.
14 I did not have time to go in and get it notarized and
15 all of that because I'm in between going back and forth
16 to the hospital and to the doctors.

17 And so that's the reason why when you said did
18 I e-mail it, I did it the best way that I could as far
19 as it trying to be timely.

20 THE COURT: I appreciate that. But the problem is
21 unless it's filed with the Office of the Chief Clerk,
22 it's not an official response.

23 MS. SUTTON: Okay. The Office of the -- I don't
24 even have any address for the Office of --

25 THE COURT: Well, the Office of the Chief Clerk is

1 where you filed your original complaint.

2 MS. SUTTON: Okay. Well, I -- I'm not privy to the
3 address, so can you give me the address or whatever?

4 THE COURT: Right. It's the --

5 MS. SUTTON: Because I did not know where I'm
6 supposed to file it. I filed it so that it could get to
7 you at that particular time because I was having the
8 surgery. And between the 6th and the 11th, I was back
9 and forth getting testing for the surgery.

10 THE COURT: All right.

11 MS. SUTTON: So that's why I said that
12 Mr. Huttenhower was well aware when he did file the
13 dismissal that I was in between this. And I had told --
14 I had talked to him, and I had let him know this.

15 This is prior to that, and enough time for him
16 to have done something then. But, like I said, I think
17 that he did this because he knew that I filed -- that I
18 changed from AT&T to Comcast. So there was no secret
19 about that.

20 THE COURT: Well, the -- the deadline that I
21 imposed for a response to Mr. Huttenhower's complaint
22 has passed on February 21.

23 Is it my understanding that you object to the
24 Motion to Dismiss?

25 MS. SUTTON: Yes, I object to the Motion to

1 Dismiss.

2 THE COURT: Now, with regard to your willingness to
3 extend the deadline for this case for 120 days,
4 Mr. Huttenhower stated in his motion that it is only on
5 the condition that you would pay \$400 by February 28th.

6 MS. SUTTON: I don't have no \$400. I'm on Social
7 Security.

8 THE COURT: Right. No. I understand. But what he
9 is saying is that you would continue to pay AT&T
10 Illinois \$43 per month while the case remains pending,
11 and you've just stated that you're unwilling to do that;
12 is that correct?

13 MS. SUTTON: That's correct.

14 THE COURT: All right. Then what we have is an
15 outstanding Motion to Dismiss that I'm going to have to
16 address.

17 MS. SUTTON: Okay. Well, the only thing I can say
18 is to have the attorney answer it when he does.

19 THE COURT: Well, if that attorney files an
20 appearance, by all means. But --

21 MS. SUTTON: Okay. Well, sir, I -- I said from the
22 beginning -- from the beginning of the initial phone
23 call that I'm just waiting for this to clear -- the
24 check to clear -- and the attorney will file his
25 appearance.

1 THE COURT: All right. Well, let me --
2 Mr. Huttenhower, do you want to weigh in here on behalf
3 on AT&T Illinois?

4 MR. HUTTENHOWER: Just a couple --

5 MS. SUTTON: I cannot hear him at all.

6 MR. HUTTENHOWER: Just a couple of things, your
7 Honor.

8 First, you know, at --

9 MS. SUTTON: Okay. First of all, how come we're
10 having this hearing, and I'm kind of incoherent? I
11 don't mean any harm, but I'm on some medication that I'm
12 just not keeping up with this -- this -- this at all.

13 MR. HUTTENHOWER: Let me move a little closer.

14 MS. SUTTON: So I cannot hear him.

15 THE COURT: Okay. Well, let's see if we can get
16 him a little closer, then.

17 MS. SUTTON: We're having a hearing, and I'm not
18 coherent for this?

19 THE COURT: I'm not sure what you mean.

20 MS. SUTTON: I mean that I'm on drugs, that's what
21 I mean.

22 THE COURT: No. I understand you're on medication,
23 correct. Yes.

24 MS. SUTTON: Okay. But I'm not understanding this.

25 THE COURT: Well, let's see if Mr. Huttenhower can

1 start again and make -- make his position a little more
2 clear.

3 MR. HUTTENHOWER: Well, Judge, what I was going to
4 say is that I'm prepared to file a short response to
5 Ms. Sutton's objection to the Motion to Dismiss.

6 I can probably do that by the end of the week,
7 and then the -- you would have the motion briefed and
8 you could render a decision based on that.

9 THE COURT: Okay. Now -- But I wanted to caution
10 that the response to the motion is only what Ms. Sutton
11 has stated here on the record because there is no other
12 official filing available to us.

13 But she has stated her willingness to extend
14 the deadline for 120 days, but not at the expense of
15 paying \$400 and \$43 a month.

16 MR. HUTTENHOWER: Well, yes, the -- My offer as far
17 as --

18 MS. SUTTON: Your Honor, I'm objecting to this
19 hearing because I am not coherent. And, as I stated,
20 the attorney will be available by the time which he's
21 talking about filing a motion.

22 THE COURT: Well, Ms. Sutton, I'm sorry to hear
23 that, but we did not anticipate that you would be on
24 medication at the time that we scheduled the hearing,
25 and all I'm trying to do is find some way --

1 MS. SUTTON: Well, he told me that you would
2 respond by the 26th. He also told me previously that he
3 would extend this, and that's what I'm asking for, an
4 extension until the attorney is filing his appearance on
5 the record.

6 THE COURT: Basically, you just want a continuance
7 until the attorney files an appearance?

8 MS. SUTTON: Yes. Because I don't think that I
9 should be responding to this and not able to respond to
10 it -- not coherent. And that's it.

11 MR. HUTTENHOWER: We have been -- Your Honor, we've
12 been waiting for an attorney appear on Ms. Sutton's
13 behalf --

14 MS. SUTTON: Again, I am just reiterating what I'm
15 saying --

16 MR. HUTTENHOWER: Ms. Sutton, am I allowed to
17 speak?

18 MS. SUTTON: Okay. But there you go yelling at me
19 again.

20 Your Honor, I'm going to ask that I be excused
21 from this hearing.

22 THE COURT: If you can just bear with us for a
23 couple of minutes.

24 Mr. Huttenhower, please make your remarks.

25 Just let Mr. Huttenhower finish what he's got

1 to say.

2 MS. SUTTON: Well, I'm just sick of this man
3 hollering at me every time we have a hearing or
4 something.

5 THE COURT: Well, just let him speak, and we'll get
6 through this.

7 MR. HUTTENHOWER: Okay. I filed a Motion to
8 Dismiss which was a sound legal basis --

9 MS. SUTTON: Okay. Wait a minute. Your Honor,
10 will you rule on the motion at this time that I'm asking
11 for this hearing to be continued because --

12 THE COURT: Not --

13 MS. SUTTON: -- this is --

14 THE COURT: I'm not going to make a ruling until I
15 hear Mr. Huttenhower's remarks. He does have a right to
16 speak here.

17 MS. SUTTON: Okay. But, see, you're asking me to
18 participate in a hearing, and I'm incoherent.

19 THE COURT: It's a status. Well, Ms. Sutton, we
20 did not know that. And so far, I think you've been very
21 coherent, and I think you've understood what is going
22 on.

23 MS. SUTTON: Not -- No, I'm not. I'm just -- I
24 keep asking you, and I told you from the beginning I
25 should not even be in this hearing, and that's what I'm

1 stating.

2 THE COURT: Mr. Huttenhower, I'm going to give it
3 one more try.

4 Let Mr. Huttenhower make his remarks.

5 Go ahead.

6 MR. HUTTENHOWER: I filed the motion. I had
7 indicated several times previously when we were speaking
8 about scheduling that the one-year deadline was getting
9 close in this case. We scheduled the hearing for
10 February 26th at that time with, you know, with
11 Ms. Sutton participating in the scheduling discussion.

12 So that, you know, although it's unfortunate
13 her -- today with her medication, she's not feeling as
14 sharp as she could, I -- I agree that there was no way
15 when we set the hearing for the 26th that any of us
16 could have known that.

17 The basis for my motion is that this case
18 is -- is going nowhere and has been going nowhere almost
19 from the time it was filed, and Ms. Sutton is simply
20 asking that it get kicked out yet another period of
21 time. All along, however, Illinois Bell has not
22 received any payment for services.

23 And at this point, I suppose the bleeding has
24 stopped because Ms. Sutton has switched to another
25 provider, but, you know, Illinois Bell's motion is based

1 on the fact that the Commission needs to act under the
2 Public Utilities Act within a one-year period. That
3 one-year period has ended, and one of the parties is no
4 longer willing to continue the case.

5 Certainly, if the case is dismissed,
6 Ms. Sutton can file again, if she wants, when she's
7 feeling better. My motion doesn't preclude that
8 possibility. But I think there is a limited utility in
9 us continuing to have these status hearings when
10 Ms. Sutton is not quite -- you know, she's not quite
11 right healthwise. It's a difficult experience for her,
12 and when she's more recuperated, then, perhaps, she can
13 file again, if she wants.

14 I guess that's -- that's all I have to say.

15 THE COURT: Thank you.

16 Ms. Sutton, did you have anything further that
17 you wanted to add?

18 MS. SUTTON: I'm still objecting, and I think that
19 the attorney should respond to this. And I ask for a
20 few days until the check clears.

21 THE COURT: Well, what it amounts to is that my
22 inclination right now is to continue this matter
23 generally. But I'm going to have to deal with the
24 Motion to Dismiss.

25 You stated that you do object -- you did not

1 object to the 120-day deadline, but that is
2 conditional -- to extending that 120-day deadline, but
3 that's conditional upon you paying \$400 and \$43 per
4 month while this case is pending, and you said you're
5 very unwilling to that. That was my clear
6 understanding.

7 So what I have do now is prepare a motion
8 to -- prepare an order for the Commission to
9 determine -- determining whether or not this matter
10 should be dismissed. I'll send a copy of a proposed
11 order to you and to Mr. Huttenhower, and you can send
12 responses to the Clerk's office if you disagree with the
13 findings in the proposed order. But that is the
14 procedure to be followed right now.

15 If in the meantime an attorney does file an
16 appearance on your behalf, by all means, we can -- we
17 can proceed from there, and that may -- that may change
18 the procedure all together. But Mr. Huttenhower is
19 correct, we've been waiting for an attorney to file an
20 appearance in this matter for I don't know how long now,
21 but it's been a substantial length of time, and we still
22 have nothing.

23 So that's where we are. What I want to do
24 now, if you're able, can I give you the address of our
25 Office of the Chief Clerk?

1 MS. SUTTON: Okay. Can I get it from you from
2 e-mail?

3 THE COURT: Yes, I can send that to you by e-mail.
4 And you still at the same e-mail address
5 Sandrasutton2002@aol.com.

6 MS. SUTTON: Yes, I am.

7 THE COURT: All right. That is the procedure as we
8 stand -- as we sit -- sit -- as we sit here today.

9 Ms. Sutton, did you have anything further?

10 MS. SUTTON: No.

11 THE COURT: Did I understand you just said no,
12 nothing further?

13 MS. SUTTON: No, I don't.

14 THE COURT: All right. And Mr. Huttenhower, do you
15 have anything further?

16 MR. HUTTENHOWER: Nothing further, your Honor.

17 THE COURT: As I said, this matter is continued
18 generally, and I will prepare a proposed order dealing
19 with AT&T Illinois Motion to Dismiss.

20 I'll send you the office of -- the address for
21 our Chief Clerk's office, Ms. Sutton, and you will get a
22 proposed order in a -- well, as soon as I can prepare
23 one.

24 Thank you very much. That will conclude
25 today's status.

1 Thank you, Ms. Sutton. Okay. I'm signing off
2 now.

3 (Which were all the proceedings had
4 in the above-entitled cause.)

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