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BEFORE THE
ILLINOIS COMMERCE COMMISSION

LANG EXTERIOR,)
)
 Complainant,)
)
 vs.) Docket 14-0104
)
 ILLINOIS BELL TELEPHONE COMPANY)
 D/B/A AT&T ILLINOIS)
 D/B/A AT&T WHOLESALE,)
 Respondent.)

Complaint as to substandard IP Flex Service and
refusal to compensate in Chicag, Illinois.

Chicago, Illinois
February 26th, 2014

Met, pursuant to notice at 2:00 o'clock p.m.

BEFORE:
MS. LESLIE D. HAYNES, 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.

ALSO PRESENT: Ms. Dawn Lang
Mr. Darb Lang
Mr. Bert Wilda
Mr. Tim Betzolt.

1 THE COURT: Pursuant to the direction of the
2 Illinois Commerce Commission, I now call Docket 14-0104.
3 This is the complaint of Lang Exterior versus Illinois
4 Bell Telephone Company.

5 May I have the appearance for the record,
6 please.

7 MS. LANG: Dawn Lang from Lang Exterior.

8 THE COURT: And the address of the company?

9 MS. LANG: 2323 West 59th Street, Chicago, Illinois
10 60636.

11 THE COURT: Okay. And everybody else here, if you
12 can state your name for the record, please.

13 MR. LANG: Darb Lang, D A R B, Lang.

14 MR. WILDA: Burt Wilda, that's W I L D A.

15 MR. BETZOLT: Tim Betzolt, B E T Z O L T.

16 THE COURT: And for the company?

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

21 THE COURT: Thank you.

22 This is the first time this complaint is up,
23 and, generally, we set a schedule for the rest of the
24 proceedings, talk about some of the process here, and I
25 usually let the parties have an opportunity to discuss

1 it, see if they can work anything out.

2 But I did have -- Before I do that, I did have
3 a question about if this is Illinois Bell or is this
4 AT&T? Who is the -- Is this a local service you're
5 complaining about --

6 MS. LANG: It's AT&T, so. . .

7 THE COURT: And -- Because I guess I'm not familiar
8 with what IP Flex service is.

9 MS. LANG: I guess it's something AT&T offers.
10 It's a part of their company.

11 Right?

12 THE COURT:

13 MR. HUTTENHOWER: That was an issue I wanted to
14 bring up because they -- as far as I can tell, the
15 complaint mentions two accounts.

16 THE COURT: Right.

17 MR. HUTTENHOWER: One of which is the IP Flex
18 account which is a service that's offered by AT&T Corp.
19 And, as you might have gathered from the presence of IP
20 in the name, it's an Internet-based service.

21 MS. LANG: Well, AT&T represented that as one in
22 the same to us, so we didn't have any other
23 representative other than AT&T, and all our bills are
24 AT&T.

25 And whether or not they want to say what they

1 want to say, when the reps come in, they come in under
2 AT&T.

3 THE COURT: No. No. Understood.

4 So one account is the IP Flex account.

5 MR. HUTTENHOWER: And that's the one that, if you
6 look at the third page of the complaint, it starts out
7 with the number 171.

8 MS. LANG: Yeah.

9 THE COURT: Okay.

10 MR. HUTTENHOWER: And then the other account that
11 they mention which is also -- you know, it starts out
12 with 773-737, and that's the -- I'll say a local
13 account, and that account is an Illinois Bell account.

14 THE COURT: Okay. Okay.

15 MS. LANG: I can break it down really easy.

16 THE COURT: Okay. Go ahead.

17 MS. LANG: So we have AT&T as our telephone
18 provider. We've had them forever, even way back when --
19 I mean, you're younger than I am, but when they used to
20 be Illinois Bell. So we've had AT&T that long.

21 So AT&T approached us saying there is a new
22 product -- I'm not going to get into everything; I'm
23 just going to explain how this came together.

24 So AT&T saying they have a new that product
25 they offer through their company, and this product is

1 called "IP Flex." So it's still AT&T representing the
2 product, it's just something that they say that's newer
3 that everybody is going to. So it's all the same to us.

4 So we mention it because that's how we were
5 explained to what it is called, but in our mind, it's
6 all AT&T. Like AT&T switches it, AT&T put it in, AT&T
7 does all that.

8 THE COURT: Right.

9 Okay. So I guess that was my initial
10 question. And I could either explain the process here
11 now and or let you guys talk and then explain the
12 process.

13 I guess -- I guess I'll let you have the room
14 first and see if you guys can work something out, talk
15 about it, and then see how that goes. Because -- I
16 guess I will say, though, at the outset that things
17 don't happen necessarily quickly here because I am just
18 the lowest level here, and I write an order. But
19 whatever I decide is not the final decision of the
20 Commission, and there are five commissioners that vote
21 on whatever I do.

22 So some people come in and think we're going
23 to get judgment today. But the schedule will be we will
24 set a schedule today for an evidentiary hearing and then
25 there will be more process down the road.

1 MS. LANG: When do we get -- Besides this gentleman
2 here that represents their legal rights, when do we get
3 to see a representative from AT&T?

4 THE COURT: Well, he's representing, I assume,
5 Illinois Bell.

6 MS. LANG: Okay. Well, however they phrase it --

7 THE COURT: Let him answer that question.

8 MS. LANG: Okay.

9 THE COURT: But --

10 MS. LANG: Because this is -- To us, it's a little
11 bit more than what we're seeking. There is a lot more
12 involved.

13 THE COURT: Uh-huh.

14 MS. LANG: We're here, in essence, to try to come
15 to a party that can actually help us.

16 THE COURT: Uh-huh.

17 MS. LANG: It's not so much as dispute as much as
18 it is the fact that we have issues with AT&T with a
19 whole with the way they've kind of become diluted, and
20 you can't get any responses and you can't get anywhere
21 within the organization.

22 And we've been with that organization for so
23 many years. And it's something that we feel safe -- I
24 even still have a home phone under that organization.
25 So it's something that we want to maintain a

1 relationship with. But the problem is, just like why
2 we're here today, is we can't get anywhere within the
3 organization itself. So I wanted to see can we --
4 besides handling this problem, to us there is another
5 problem above and beyond that. It's a lifelong
6 situation where I can't get any responses from anybody
7 there.

8 You know, this is just a small snippet of what
9 we're experiencing. But let's say we resolve all this,
10 going forward, I still need someone I can contact that
11 can actually help me that actually is in charge that
12 will actually do something. And that's another thing I
13 was trying to get out of today.

14 THE COURT: And that's something you can definitely
15 discuss with Mr. Huttenhower, as to -- Mr. Huttenhower,
16 maybe you can answer the initial question of who --
17 which party you're actually representing here.

18 Is it AT&T Corp. or Illinois Bell or --

19 MR. HUTTENHOWER: I filed an appearance on behalf
20 of Illinois Bell because that's who was -- who was
21 named. And then only as I was looking at the
22 complaint --

23 MS. LANG: Illinois Bell I think --

24 THE COURT: Hold on. Hold on. Let him finish.

25 MS. LANG: I'm sorry. Sorry.

1 MR. HUTTENHOWER: After lunch, I said, wait a
2 minute, which products are at issue here? And then I
3 began -- I'm about 99 percent certain that the IP Flex
4 product is an AT&T Corp. product which, on the one hand,
5 would mean, perhaps, you would think, okay, we'll just
6 add AT&T Corp. to the complaint here. But given the
7 nature of the service offered, I'm not sure that -- for
8 the IP Flex account -- that the Commission would have
9 authority to do anything with that account in the sense
10 that -- and, you know, this may be more a question -- or
11 an issue that the Judge would speak to.

12 But the Commission has -- the legislature sets
13 what the Commission's authority is, and they have
14 authority over in the telecom sphere sort of traditional
15 wireline service. But, as a general matter, they don't
16 have authority over Internet stuff.

17 And so that would mean that you could have the
18 best case in the world against us regarding the IP Flex
19 product, but Judge Haynes wouldn't be able to do
20 anything with that.

21 MS. LANG: Can you actually see what I'm going
22 through on my end when I have an attorney here from
23 them, and he doesn't know if he represents them or not?

24 THE COURT: But I think he did say he doesn't
25 represent AT&T Corp. or the product.

1 MS. LANG: But let me explain. I filed my
2 compliant with the ICC, and they're the ones who
3 categorized me, wherever it is. If there was something
4 more in the complaint that they needed from us in order
5 to get it resolved, they should have asked us instead of
6 dragging us down here and making us all go through an
7 exercise that is a waste of everybody's time.

8 So what I'm saying is -- and I don't mean to
9 be indignant in any way -- it's just that whether or not
10 there are loopholes that you can try to get out of at
11 this point in time, it still doesn't change the fact
12 that I have a problem that has to be addressed that was
13 not created by me.

14 So if it's not with you, then I need to know
15 who it's with, and I would like to get that resolved as
16 quickly as possible because it takes a lot of time,
17 effort, and money to come down here. This is not what I
18 do for a living. I try to run a business that's been in
19 business for 60 years. Okay. And we are the principals
20 of the business.

21 So for me to come down here and to stop my day
22 to do this and to keep dealing with these problems when
23 really, to be honest with you, was only a trust issue is
24 why I'm in it, okay, I really don't appreciate it.

25 So whatever it is that you can finagle around

1 or explain to me how to instruct me in order to go
2 forward in the right manner, I'd like to try to resolve
3 that today because I really don't want to keep going
4 through this.

5 It's more about the issue and the long-term
6 affect than it is about my problem that I have right
7 now.

8 THE COURT: Uh-huh.

9 MS. LANG: I'm trying to explain that. It's --
10 Yeah. This is a problem. It has to be addressed.
11 Fine. But, besides that, I need to know what I'm doing
12 because to sit here and try to talk to a gentleman that
13 says that he's not responsible, then I need to know how
14 do I address the complaint and who do I address it to in
15 order for it to get done. Right.

16 MR. LANG: But I want to -- Here. When we talked
17 to John at the ICC, this is the letter and everything we
18 sent him. AT&T IP Flex. He knew all this. This was --
19 This is all addressed to him. And he answers all these.
20 So how did AT&T not know Illinois Bell --

21 THE COURT: No. He -- The company is clearly
22 saying I don't have jurisdiction over it, and maybe the
23 appropriate thing is for a company to file a motion to
24 dismiss if part of your complaint, you don't -- if part
25 of it I don't have jurisdiction over -- and I don't know

1 really know because I don't know what IP Flex is.

2 However, he did say that part of this is a
3 local telephone account. And so I can tell you here now
4 if it's a local account, I have jurisdiction, and I can
5 help you with it.

6 So it isn't misleading. You haven't been
7 mislead that -- at least part of this is something I can
8 help you with. However, that doesn't mean that the
9 whole thing is, and I don't know enough at this point to
10 tell you whether or not I have jurisdiction over it.

11 MS. LANG: I guess my question is this, your Honor:
12 If this is spawned off of a local telephone number and
13 I'm being billed off of my telephone number, and I'm
14 being billed off of the usage of my telephone number
15 which is my local telephone number that I've had for
16 60 years, my question is whether or not they go ahead
17 and call it something else in a loophole to get --
18 inevitably to shuck responsibility, I don't understand
19 how that allows them to not be responsible for the
20 actions.

21 THE COURT: I can't answer that because I don't
22 really know what IP Flex is.

23 MS. LANG: But the bills come under AT&T, all of
24 them. They all look the same. The bill hasn't changed.

25 THE COURT: And let me just say I'm not agreeing

1 with either of you.

2 MS. LANG: I understand. I know.

3 THE COURT: And so because there is that
4 outstanding issue that I think would need to be explored
5 either in a motion or something more than is going to
6 happen at a status hearing today, I don't -- I'm not
7 prepared to tell you whether or not I have jurisdiction
8 today on this.

9 MS. LANG: Illinois -- Lane Exterior versus
10 Illinois Bell Telephone Company doing business as
11 AT&T Illinois doing business as AT&T Wholesale.

12 THE COURT: That's -- That's --

13 MS. LANG: Illinois Bell Telephone Company, that's
14 you.

15 But the question, I guess is --

16 MR. LANG: So how is it not -- It's admitting it's
17 all three.

18 MS. LANG: It's a --

19 THE COURT: AT&T Corp., I know that they will
20 tell -- argue (unintelligible) that they are not the
21 same as Illinois Bell Telephone Company.

22 MR. LANG: Why is it on the complaint, then?

23 THE COURT: I don't know who wrote what on the
24 complaint.

25 MR. LANG: But that's from you.

1 MR. WILDA: That's from the Illinois Commerce
2 Commission.

3 THE COURT: Well, it's based on who -- AT&T
4 Illinois.

5 MS. LANG: Yeah. But that isn't the same that's on
6 there.

7 THE COURT: I don't know. I don't know.

8 MR. LANG: That came from you guys.

9 MR. HUTTENHOWER: That's -- There is a explanation
10 for why --

11 MS. LANG: I'm sure. It sure probably seems likes
12 there is an explanation for a lot of things that make no
13 sense.

14 MR. HUTTENHOWER: The reason that the caption from
15 the -- from the Commission says that is because the
16 Clerk's office at the Commission requires that any
17 d/b/as -- doing business as -- names for a company show
18 up in the caption, and Illinois Bell has two assumed
19 names that it uses, AT&T Illinois and --

20 MS. LANG: So.

21 MR. HUTTENHOWER: -- and AT&T Wholesale.

22 MS. LANG: Right.

23 MR. HUTTENHOWER: But that's why it's on there.

24 But AT&T Corp. is a different legal entity
25 than Illinois Bell Telephone, though they have,

1 ultimately, the same parent.

2 MR. LANG: Okay. But we didn't ask for Corp. We
3 asked for AT&T, and you guys came up with Illinois Bell.

4 MS. LANG: You guys listed this. Our complaint is
5 against AT&T. We didn't specify Corp., we didn't
6 specify local, we didn't specify any of that.

7 THE COURT: That's fine. But if it's not AT&T
8 Corp. that's providing you with the service -- or if
9 it's not Illinois --

10 MS. LANG: Can I have a telephone bill.

11 (Tendering documents.)

12 MS. LANG: This is all I know, ma'am. It's pretty
13 straightforward. I mean, I'm a layman. I'm not anybody
14 who does this for a living or anything. But I'm just --
15 I know. And I'm not trying to be difficult with you.

16 THE COURT: And I actually --

17 MS. LANG: I just want to understand it.

18 THE COURT: I -- I know what the problem is.

19 MS. LANG: Okay.

20 THE COURT: And I think that Mr. Huttenhower is
21 going to have to file a motion explaining why he thinks
22 I don't have jurisdiction.

23 MS. LANG: But the problem is just not going to go
24 way. So it's just going to go from one judge to another
25 attorney to another attorney. So it's just not going to

1 go away.

2 I'm not going away because you're going to
3 dismiss me. Because, as I've explain, it's not so much
4 the money as it is the fact that I can't get anywhere
5 with AT&T. I have phone lines that can't even
6 function -- that can't even function that have plastic
7 bags over them. I mean, so that is something that the
8 Commerce Commission deals with. That, I am aware of.

9 So whether or not it's the IP Flex problem, if
10 we want to embody that today and you don't want to and
11 you want to toss that baby out the window, that's fine.
12 I still have problems with AT&T and how they run their
13 company as far as a consumer in a business and a
14 consumer versus how AT&T responds.

15 THE COURT: That's -- And we have definitely have
16 jurisdiction over your local telephone service.

17 So, with that being said, I don't know if your
18 interested in having discussion at this point with the
19 attorney for AT&T or if you're interested in having
20 discussions.

21 Is that something parties would be interested
22 in at this point?

23 MR. HUTTENHOWER: I can certainly talk for a bit.
24 I have to be back in my office at 3:00.

25 MS. LANG: But if I'm going to get a resolution and

1 it's going to -- if you can do something for me, than
2 waste your time. If you can't, then don't. Because my
3 time is very valuable also.

4 So -- And I don't mean to be that in an
5 ignorant way, but if you just want to pacify us and then
6 tell us that you can't do anything because it's not
7 under your jurisdiction, then --

8 MR. HUTTENHOWER: I mean, there are -- your
9 complaint was filed, I think -- I mean, I can talk to
10 you about some of the things you're looking for in your
11 complaint.

12 I know that -- And I'm not sure whether, like,
13 a bill that was issued just after the complaint was
14 filed addresses any of what you're talking about in
15 terms of monetary satisfaction.

16 So we -- And so I guess I'm trying to -- I
17 think it would be worth wild for me to find out at this
18 point how much is at issue. I know that part of the
19 complaint is sort of precise. And then one of the
20 things -- your -- your paragraph about the Illinois Bell
21 account is sort of less specific about what you're
22 looking for.

23 And so -- And that's the account where we gave
24 a credit in February, so I don't know whether that
25 addresses your issue with regard to that account or not.

1 MS. LANG: So you can handle part of it?

2 MR. HUTTENHOWER: Well, I -- We can talk about it
3 now. I -- I will be filing a motion to dismiss some
4 pieces of the complaint, I can tell you that.

5 MS. LANG: Okay. For IP Flex, since nobody wants
6 to take blame for it, what -- but I can guarantee you
7 that if I didn't pay the bill, AT&T would shut my phone
8 off.

9 So where do I go for the IP Flex? Because,
10 obviously, he's going to wash his hands of that. And
11 because it's an Internet-based situation that they -- I
12 know, though, that 00 I would assume that the State of
13 Illinois judicial system would never allow a large
14 corporation like that to walk away from their
15 reliability.

16 So there's got to be somewhere within the
17 hallways here that I can sit at a table and talk to
18 somebody that could listen. So who would that be? No?
19 Not yet?

20 THE COURT: As far as I know, IP -- or Internet --
21 is the FCC. I mean -- I don't know, though. All I can
22 say -- All I can clearly speak to is what I have
23 jurisdiction over.

24 MS. LANG: So if I have to go to the Federal
25 Commerce Commission -- Right? Is that what you're

1 saying?

2 THE COURT: I think it's Communications, yeah.

3 MS. LANG: Communications. Whatever. I just took
4 the acronym as best I could.

5 THE COURT: Right.

6 MS. LANG: But if I have to go there -- Okay.

7 THE COURT: But I don't know and I can't advise you
8 on what you should do if I don't have jurisdiction over
9 it.

10 MS. LANG: I just can't believe, though, that the
11 State -- see, that's the whole thing, though. We've
12 been in business 60 years. We don't make changes. We
13 stay pretty stagnant in everything that we know. If
14 it's not broke, don't fix it, you know. And we veered
15 off of what we know, and now we have to come to a -- to
16 come in and and say can you help us. And now it's like
17 they're going, well, too bad.

18 THE COURT: You know, I think that it might be
19 worthwhile --

20 MS. LANG: To talk to him.

21 THE COURT: -- to talk to Mr. Huttenhower.

22 MS. LANG: Okay.

23 THE COURT: Especially since it sounds like part of
24 your problem is not only the money, but how is this
25 going to affect going forward. And so see if maybe

1 something can be discussed.

2 MS. LANG: Okay.

3 THE COURT: I'd recommend it. I will give you guys
4 some time.

5 MS. LANG: We only have until 3:00, according to
6 him.

7 THE COURT: Okay. Well, it's only 2:25.

8 MR. HUTTENHOWER: I couldn't predict how long this
9 would last, and somebody wanted to schedule a call with
10 me --

11 THE COURT: Okay. Well --

12 MR. HUTTENHOWER: -- this afternoon. But my office
13 is only a block away.

14 THE COURT: Okay. Well, I will come back, let's
15 say, in, like, 15 minutes and see how it's going, and
16 you can let me know.

17 We're off the record, then.

18 (A short break was had.)

19 THE COURT: The parties have had discussions off
20 the record, and it doesn't appear they're going to
21 resolve this immediately, at least.

22 And several things were discussed and
23 Mr. Huttenhower is going to go back and talk to his
24 client. However, in particular, at the 59th Street
25 location, Mr. Huttenhower is going to look into

1 canceling U-Verse at that location. And, also, there
2 are apparently two downed phone lines at that location
3 that need to be looked at by AT&T.

4 Also, it is clear that it is -- let me -- it's
5 not clear, but it's a distinct possibility that the
6 complaint in this case is against AT&T Corp., and I
7 believe that the complainant would like to move to have
8 AT&T Corp. added as a Respondent to their complaint.

9 Is that correct?

10 MS. LANG: Yes.

11 THE COURT: And so I will --

12 Did you want to respond to that,
13 Mr. Huttenhower, or did you have anything to say about
14 that?

15 MR. HUTTENHOWER: I did. I would clarify that
16 the -- the account that's described in the complaint as
17 the IP Flex account would be a service provided by
18 AT&T Corp., whereas the other account that's described
19 as a POTS account is a service provided by Illinois
20 Bell.

21 And so to the extent that it's necessary for
22 both AT&T Corp. and Illinois Bell to be part of the case
23 to try and achieve relief that the complainant wants,
24 then it would be appropriate to add AT&T Corp. with
25 regard to the the account in which it's responsible.

1 THE COURT: Okay. Then I will grant that motion to
2 add AT&T Corp. as a Respondent to this and let the
3 Clerk's office know.

4 And, other than that, I believe the parties
5 are going to continue having discussions and see if a
6 resolution can be reached. And we have agreed to have a
7 telephone conference status hearing on March 27th at
8 10:00 o'clock in the morning.

9 And Mr. Huttenhower is going to provide a
10 bridge number so that the complainants, they don't all
11 need to come in just for another status hearing. And at
12 that time we'll discuss further scheduling in this
13 matter if necessary.

14 Okay. Anything else?

15 MR. HUTTENHOWER: That's it. Thanks.

16 THE COURT: Okay. Thank you.

17 MS. LANG: Thank you.

18 MR. LANG: Thank you.

19 (Which were all the proceedings had
20 in the above-entitled cause.)

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STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

Traci L. Gidley, being first duly sworn, on oath says that she is a Certified Shorthand Reporter, Registered Professional Reporter, and Notary Public doing business in the City of Chicago, County of Cook and the State of Illinois;

That she reported in shorthand the proceedings had at the foregoing Meeting;

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

TRACI L. GIDLEY, CSR, RPR

CSR No. 084-004643
SUBSCRIBED AND SWORN TO
before me this 1st day of
March, A.D., 2014.

NOTARY PUBLIC