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BEFORE THE
ILLINOIS COMMERCE COMMISSION

MICHAEL KREITH)
)
 vs.) No. 14-0087
)
 PEOPLES GAS LIGHT AND COKE)
 COMPANY)
)
)
)
)

CHICAGO, ILLINOIS
February 25, 2014

Complaint as to trespassing and stealing
property in Chicago, Illinois
Met, pursuant to adjournment at 11:00 a.m.

BEFORE:
ADMINISTRATIVE LAW JUDGE JOHN RILEY

1 ADMINISTRATIVE LAW JUDGE RILEY: Pursuant to the
2 direction of the Illinois Commerce Commission, I call
3 Docket 14-0087. This is a complaint filed by
4 Michael -- Is it Michael Kreith?

5 MR. KREITH: Kreith.

6 ADMINISTRATIVE LAW JUDGE RILEY: (Continuing) --
7 Kreith vs. Peoples Gas Light and Coke Company.

8 Mr. Kreith, you are proceeding without an
9 attorney at this point; is that correct?

10 MR. KREITH: Yes.

11 ADMINISTRATIVE LAW JUDGE RILEY: Just to let you know,
12 you may have an attorney appear on your behalf at any
13 time during the proceeding, but they would have to take
14 the record as they find it, we wouldn't be able to go
15 back and start over.

16 MR. KREITH: Okay.

17 ADMINISTRATIVE LAW JUDGE RILEY: This is with regard
18 to the property at 10550 South Homan Avenue in Chicago?

19 MR. KREITH: Yes.

20 ADMINISTRATIVE LAW JUDGE RILEY: And, Mr. McCarty, you
21 are here for the respondent?

22 MR. McCARTY: Yes.

23 ADMINISTRATIVE LAW JUDGE RILEY: Please enter an
24 appearance, would you, stating your name and office
25 address?

1 MR. McCARTY: Sure. Gavin McCarty, associate
2 general counsel, Integrys Energy Group, appearing on
3 behalf of Peoples Gas Light and Coke Company, 130 East
4 Randolph, Chicago, Illinois 60601.

5 ADMINISTRATIVE LAW JUDGE RILEY: Mr. Kreith, it sounds
6 like it was kind of a hostile situation --

7 MR. KREITH: Definitely.

8 ADMINISTRATIVE LAW JUDGE RILEY: -- back in November
9 when you said that there were four Peoples Gas
10 representatives that came to your residence --

11 MR. KREITH: Yes.

12 ADMINISTRATIVE LAW JUDGE RILEY: -- and simply -- Did
13 they -- Did you allow them access or did they just gain
14 access on their own?

15 MR. KREITH: No, no warning at all. I was
16 actually doing homework with my son on the side of my
17 house when I heard the banging on the side of my house.

18 ADMINISTRATIVE LAW JUDGE RILEY: And what were they
19 doing -- banging, trying to knock the door in?

20 MR. KREITH: They were trying to get the meter.
21 They are hitting the pipes and trying to --

22 ADMINISTRATIVE LAW JUDGE RILEY: The meter is on the
23 outside?

24 MR. KREITH: Yes.

25 ADMINISTRATIVE LAW JUDGE RILEY: And they were just

1 trying to remove the meter?

2 MR. KREITH: I was inside the house so I didn't
3 know what was going on at that point, so I came outside
4 the house and I asked them exactly what they were
5 doing. And it was four men dressed in gray hooded
6 sweatshirts; nobody wearing a vest, nobody showing a
7 badge. And one of the gentlemen immediately turned on
8 me and said, We're taking our property. You're
9 illegally stealing gas, and we have the evidence.

10 And I kind of didn't know what he was
11 talking about. So I'm, like, Well, I'm calling the
12 police. So I started to get my phone out. And I do a
13 lot of roofing and I realized -- I use a big magnet on
14 the side of my driveway, and I looked over there and
15 the magnet was gone. And I was, like, You stole my
16 magnet. So I was, like, I'm definitely calling the
17 police. Another -- And we were arguing. And another
18 gentleman jumped up in my face and said, We are the
19 police.

20 And I told them, Well, if you are the
21 police, you come to my door and you handle this the
22 right way, you don't come to the side of my house and
23 steal property. So as I'm dialing 911 and trying to
24 get the police there, they get the meter unhooked and
25 onto their truck. The guy laughs, you know, I got the

1 evidence, too; and he threw me a business card and he
2 said, Here, call these people and they left.

3 ADMINISTRATIVE LAW JUDGE RILEY: And they confiscated
4 the magnet as well?

5 MR. KREITH: Yes.

6 ADMINISTRATIVE LAW JUDGE RILEY: What was the purpose
7 of - What do you use the magnet for?

8 MR. KREITH: I'm a roofer, so I clean my
9 driveway -- Parked right there is where my garbage cans
10 are; so I dump out all my tarps, I sweep up, but then I
11 take the magnet and pick up any nails or screws or
12 stuff that I miss.

13 ADMINISTRATIVE LAW JUDGE RILEY: All right.
14 Mr. McCarty, what is Peoples Gas' stance on this?

15 MR. McCARTY: So Peoples Gas' stance is that
16 two company employees, along with Guardian Security --
17 and they are off-duty Chicago police officers, which is
18 why they identified themselves as off-duty Chicago
19 police officers -- visited the complainant's home based
20 on low usage coming out of his electronic -- or his
21 meter -- and we had recorded almost 12 months of zero
22 usage -- and so they were making the routine revenue
23 protection inspection of the meter, and they found that
24 the meter was located behind some debris and was
25 covered. And they found the magnet and the use of the

1 magnet is -- we often find is the purpose of the magnet
2 is to interfere with the electronic -- the electronic
3 reading device that's on top of the meter, the ERT.
4 That sends out a signal to the van, the van from
5 Peoples Gas reads the meter, and the magnet interferes
6 with that which will give the van zero readings.

7 So we looked at the history of Mr. Kreith's
8 usage and then performed an actual reading of the
9 meter; and, essentially, there was zero usage, you
10 know, very small de minimis usage, but an actual
11 reading had shown during the previous 12 months there
12 had been approximately 1,700 therms of gas usage that
13 had not been recorded. So that was recorded. It was
14 an actual read from the meter, and then we billed
15 Mr. Kreith accordingly.

16 ADMINISTRATIVE LAW JUDGE RILEY: Was the meter
17 reinstalled?

18 MR. McCARTY: That meter was -- I believe that
19 meter was removed.

20 ADMINISTRATIVE LAW JUDGE RILEY: But was another meter
21 installed?

22 MR. McCARTY: Actually, I'm not sure.

23 MR. KREITH: No.

24 ADMINISTRATIVE LAW JUDGE RILEY: You don't have a gas
25 meter now?

1 MR. KREITH: No gas meter right now.

2 ADMINISTRATIVE LAW JUDGE RILEY: Do you have any gas
3 service?

4 MR. KREITH: No, I do not.

5 ADMINISTRATIVE LAW JUDGE RILEY: And is that Peoples'
6 position, that he's not going to have a gas service
7 until --

8 MR. McCARTY: Until this issue is taken care of,
9 yes.

10 ADMINISTRATIVE LAW JUDGE RILEY: This issue being the
11 matter of the amount that's outstanding --

12 MR. MCCARTY: Correct.

13 ADMINISTRATIVE LAW JUDGE RILEY: -- because of the --
14 what you consider to be the unbilled service?

15 MR. McCARTY: Correct.

16 ADMINISTRATIVE LAW JUDGE RILEY: I'm not sure where we
17 go from here.

18 And then Peoples Gas' stance is not going to
19 change, I take it?

20 MR. McCARTY: No. And I just want to be clear for
21 the record. This is not an estimate read, it's not
22 occupant usage, and we're not calculating theft. This
23 was an actual read from the meter on the date that it
24 was removed, so this is actual gas usage that was used
25 by Mr. Kreith. So whether the magnet unintentionally

1 on his part was interfering with the ERT or whether it
2 was left there intentionally is really irrelevant. The
3 fact of the matter is, improper reads were coming off
4 the meter. We have now taken an actual read and
5 properly invoiced the complainant.

6 MR. KREITH: You said you were monitoring my gas
7 for however long --

8 ADMINISTRATIVE LAW JUDGE RILEY: About a year he said.

9 MR. KREITH: A year. So back in January, I used
10 absolutely no therms, that didn't throw up a red flag
11 for you guys or you did absolutely nothing back in
12 January?

13 MR. McCARTY: I'm sorry. What's the question?

14 MR. KREITH: In January of 2013, I used absolutely
15 no therms at my house. So I was wondering since I was
16 being monitored and under scrutiny, that didn't throw
17 up a red flag?

18 MR. McCARTY: Well, actually, we monitor all the
19 accounts. This is a routine -- We have a system that
20 just tracks all accounts and it flags those accounts
21 where there's unusual usage patterns. So I would not
22 characterize that the company was specifically looking
23 at your address. The company is looking at its entire
24 customer base and it pulls out those accounts that have
25 unusual readings.

1 MR. KREITH: Because -- Now, I'm a statistical
2 engineer; and based on May -- January, June -- the last
3 six months, my therm usage is consistently going up; so
4 I don't know where you could come up with your report.

5 MR. McCARTY: So this is a copy of --

6 MR. KREITH: Which I would love to have.

7 MR. McCARTY: -- the actual therm reads that came
8 out of the location; and actually if you go through
9 those, you'll see there are several dates where the van
10 drove by your residence and there was a zero read from
11 the meter. So during those months, you were not
12 billed. So when you're looking at months where there's
13 zero usage, that's because the van was not picking up
14 any usage from your home.

15 MR. KREITH: And does my house need to be pulling
16 therms at any particular time? If mean, if I don't
17 have a hot water tank on and I'm not running any heat,
18 there'd be absolutely no reason to be pulling therms.

19 MR. McCARTY: Again, we're not estimating the
20 usage out of the meter, so we're not engaging in any --
21 so, you know, based on appliances or heating; we are
22 looking at the actual reads from the meter. And
23 looking at those actual reads, your actual usage was
24 close to 1,700 therms.

25 MR. KREITH: So that's where you came up with this

1 bill for 1,700 therms that I'm supposed to pay for
2 unmetered gas?

3 MR. McCARTY: Well, actually, it was metered.

4 MR. KREITH: And I'd like to know how you
5 determined that because I see it's a different meter.
6 So to actually hook up -- I have my meter number that
7 you confiscated, and then I get a bill for 1,700 from a
8 meter that I never heard of, you know, and I'm
9 wondering how you hook up another meter and then you
10 assume ...

11 MR. McCARTY: So on November 13th, you were given
12 an invoice for the meter P22-285-82. It showed the
13 last actual read at 9,315. Based on an estimate and
14 the difference between the prior actual and -- the
15 prior estimate and the actual was 1,699 therms of
16 usage. So here's a copy of the invoice.

17 MR. KREITH: Right. And that's the meter that did
18 not come out of my house. Okay. Those two match.

19 MR. McCARTY: Now, standard protocol when we have
20 an occupant usage of theft situation is, we will create
21 a separate account in order to bill occupant usage.

22 So what I think what Mr. Kreith is referring
23 to is, there was a separate invoice that was created.
24 The purpose of that invoice is to charge \$250 to the
25 end user where there's an incidence of theft and any

1 unmetered or occupant usage is invoiced. So he did
2 receive that invoice for -- and I believe this is the
3 one with the 250-dollar charge.

4 MR. KREITH: Yes.

5 MR. McCARTY: I think the company -- I've taken a
6 look at this. I don't think -- The therm usage wasn't
7 properly entered, so we can credit this. That's not an
8 issue. The \$250 is something if Mr. Kreith agrees to
9 pay for his actual gas usage, then we can waive the
10 250-dollar charge.

11 MR. KREITH: Okay. You actually say you also have
12 pictures of the evidence?

13 MR. McCARTY: Yes. So that's a picture of the
14 home when the representatives of Peoples Gas approached
15 the home. The meter is actually located behind this
16 material.

17 MR. KREITH: Do you have a date on that picture?

18 MR. McCARTY: Yes. I don't think these copies
19 picked up the date, but these photos are dated.
20 There's another picture, and then a date there is
21 November 13, 2013. So when the representatives of
22 Peoples Gas along with Guardian Security approached
23 Mr. Kreith's home, there was debris in front of the
24 meter so you could not see -- you could not visibly see
25 the meter from the street.

1 MR. KREITH: Is that why you pulled out the B box?

2 MR. McCARTY: I'm sorry?

3 MR. KREITH: I did all this work after you came
4 and removed this gas meter. I figure you're done, you
5 got your gas meter, this is now my property, I can
6 cover up and do whatever I like with it. So this is
7 done after November 13th, after your meter has already
8 been removed.

9 MR. McCARTY: Well, that could explain why there's
10 no dates on it. So this is the picture.

11 MR. KREITH: There is the picture of the meter.

12 MR. McCARTY: Yes. So when they first observed
13 it, this was in front of the meter.

14 ADMINISTRATIVE LAW JUDGE RILEY: We're looking at the
15 photo dated 11/13/2013 that's taken at 3:28 p.m.?

16 MR. McCARTY: Correct.

17 MR. KREITH: That sounds exactly right.

18 MR. McCARTY: Now this is removed.

19 ADMINISTRATIVE LAW JUDGE RILEY: And that's 3:29 p.m.?

20 MR. McCARTY: Right. So they removed the
21 barbecue.

22 ADMINISTRATIVE LAW JUDGE RILEY: Right.

23 MR. McCARTY: That black item is a magnet. I
24 don't think that's in dispute that's what it is.

25 MR. KREITH: Yeah, that's exactly what it is.

1 ADMINISTRATIVE LAW JUDGE RILEY: Was that regularly
2 kept next to the meter?

3 MR. KREITH: No. That was about five feet away,
4 easily.

5 ADMINISTRATIVE LAW JUDGE RILEY: All right.

6 MR. KREITH: And I'd like to see those photos
7 because that's not where -- Now, this, I had definitely
8 up against the meter. That's a fire pit. I had a
9 barbecue on Halloween and I just threw it up against
10 the house when we were done. And it's clear, you can
11 see there's no magnet up on the meter. And the meter
12 definitely wasn't anywhere near here, absolutely not.

13 ADMINISTRATIVE LAW JUDGE RILEY: This is the magnet on
14 the other side of the meter?

15 MR. McCARTY: I think that's the photo of --

16 ADMINISTRATIVE LAW JUDGE RILEY: That's the same
17 photo?

18 MR. McCARTY: Yes.

19 ADMINISTRATIVE LAW JUDGE RILEY: Okay.

20 MR. McCARTY: Now, what the RPU investigator noted
21 is that underneath the meter, it's got a -- there's a
22 strip running along the bottom of it, there was an
23 unusual rust stain on top of the ERT device and that
24 matches with the magnet. It's a single strip of yellow
25 discoloration.

1 ADMINISTRATIVE LAW JUDGE RILEY: So the suggestion is
2 that the magnet was placed right on top of the ERT?

3 MR. McCARTY: Right.

4 MR. KREITH: And do you have any pictures prior to
5 your guys coming out on 1/13 -- or 11/13?

6 MR. McCARTY: Again, I want to be clear, whether
7 the ERT -- whether you intentionally had the magnet
8 there to disrupt the ERT readings or you didn't, you're
9 being invoiced for actual gas usage. So, again,
10 whether or not --

11 MR. KREITH: And I would like to see all those --
12 I'm going to need those findings because like I said,
13 the two meters don't make sense to me.

14 ADMINISTRATIVE LAW JUDGE RILEY: What Peoples is
15 saying, then, is even if the--

16 MR. McCARTY: We were not getting -- I apologize.

17 ADMINISTRATIVE LAW JUDGE RILEY: -- even if the
18 readings were inadvertently disrupted by the magnet,
19 they're still valid -- the recalculation is still
20 valid. That's their position.

21 MR. McCARTY: Again, what the company observed on
22 November 13th is this yellow discoloration on the top
23 of the ERT device. And, again -- And the Commission is
24 well aware, that ERT device is what communicates the
25 readings to the van and that yellow discoloration

1 should not be there.

2 MR. KREITH: And it could have come from the
3 fireplace, too, though.

4 MR. McCARTY: Again, whether it did or didn't --

5 MR. KREITH: Right.

6 MR. McCARTY: -- the history on the account shows
7 that there were numerous months of zero readings. We
8 didn't get any accurate readings.

9 MR. KREITH: And I would like to comment on that.
10 I mean, I traveled for three, four months to -- out of
11 the country, and it's very consistent. I traveled in
12 January when zero out of the country, and I was out of
13 my house for a month in May. And then everything kind
14 of consistently starts to go back up. I don't --

15 MR. McCARTY: Well, for example, on November 9,
16 2011, there was a zero read.

17 MR. KREITH: Okay.

18 MR. McCARTY: There should not be -- Even if there
19 isn't a single appliance, you're not doing any heating,
20 there should be at least a de minimis amount of usage.
21 There will be something.

22 MR. KREITH: And what would cause that reading?

23 MR. McCARTY: So January 10th -- A magnet.

24 MR. KREITH: No. What would cause a reading for
25 me to be consuming gas?

1 MR. McCARTY: Just leakage through the meter, a
2 meter going into your system on your side of the house.

3 MR. KREITH: That's not pressurized?

4 MR. McCARTY: It is pressurized.

5 MR. KREITH: And you certainly shouldn't have any
6 leaks with gas.

7 MR. McCARTY: There will be -- Again, we can take
8 issue with whether or not you intentionally disrupted
9 Peoples Gas equipment or -- and I think what the
10 company's position is, we're just asking Mr. Kreith to
11 pay for the actual gas usage. We will waive the
12 250-dollar charge that we normally assess for theft or
13 tampering. We're very comfortable with the meter
14 readings. We have a complete history which we can
15 introduce into the record of the readings that -- you
16 know, the difference is the amount owed; we can do
17 that.

18 As a prehearing, your Honor, I mean,
19 certainly we'll be more than happy to go through the
20 evidence in an evidentiary hearing. We would bring
21 Peoples Gas representatives here and go through the
22 issues.

23 ADMINISTRATIVE LAW JUDGE RILEY: That would include
24 the individuals who took the photographs?

25 MR. McCARTY: Yes. We will lay a foundation for

1 all the paragraphs.

2 ADMINISTRATIVE LAW JUDGE RILEY: And I would note that
3 it would be Peoples -- since Peoples is alleging
4 tampering, that it would be their burden to go forward
5 first.

6 MR. McCARTY: Well, that would only be to the
7 250-dollar charge. So the actual usage -- again,
8 whether that was theft or tampering -- that was
9 12 months of usage that we properly voiced Mr. Kreith
10 on November 13th. So we only have the burden if we're
11 attempting to establish that Mr. Kreith tampered or
12 stole gas.

13 MR. KREITH: Excuse me. Would I be able to get
14 the procedure on how you figured that out?

15 ADMINISTRATIVE LAW JUDGE RILEY: And that's not
16 necessarily -- I'm sorry. Go ahead.

17 MR. KREITH: I would like to get the procedure on
18 how exactly you figured that out using my meter and
19 comparing it to the number. I'd like to see that.
20 There's got to be something in writing telling you how
21 to calculate that out. So you give me all these
22 numbers, but how do I figure it out? Is there
23 something in writing telling me I need to add this and
24 subtract every number and --

25 MR. McCARTY: That is a history of that meter, all

1 the estimated and actual reads of that meter all the
2 way up to the date that you were invoiced and the meter
3 was removed.

4 MR. KREITH: Okay. I would love to go through it.

5 MR. McCARTY: I think Mr. Kreith's position is
6 that he was not properly charged for service. This
7 isn't a situation where we've estimated occupant usage,
8 and I could see where there -- in order to charge Mr.
9 Kreith for occupant usage or theft of gas where it was
10 unmetered we would have to establish by a preponderance
11 of the evidence that Mr. Kreith tampered with his
12 meter. In this case, we're just relying on actual
13 reads from the meter.

14 ADMINISTRATIVE LAW JUDGE RILEY: So that's what
15 Peoples' position is, is that there was no usage -- it
16 was improperly registered, for whatever reason?

17 MR. McCARTY: Correct, for whatever reason.

18 ADMINISTRATIVE LAW JUDGE RILEY: Not necessarily
19 tampering or anything else, it was just improperly
20 registered --

21 MR. McCARTY: Correct.

22 ADMINISTRATIVE LAW JUDGE RILEY: -- and they just
23 reconfigured the usage --

24 MR. McCARTY: Uh-huh.

25 ADMINISTRATIVE LAW JUDGE RILEY: -- and determined

1 that there's approximately 1,700 of unpaid usage.

2 MR. KREITH: I seen also with that bill you gave
3 me the gas charge for November for therms. So could
4 you actually go through all this and give me the
5 monthly rate for each one?

6 MR. McCARTY: I'm not sure what you mean.

7 MR. KREITH: So when you charged me -- the gas
8 charge for October is 4735 cents per therm. So
9 everything here in October would be 40- --

10 MR. McCARTY: We could get you copies of each and
11 every invoice.

12 MR. KREITH: Right, because it would be cheaper in
13 the summer. I'm going to reject -- I don't want to pay
14 it. I wasn't doing anything to your meter, and that's
15 the story I'm going to stick to; and I certainly didn't
16 put that magnet on it. I know somebody took a picture
17 of it.

18 MR. McCARTY: Just to be clear, Mr. Kreith, you
19 would have to establish that meter was not working
20 properly.

21 MR. KREITH: Well, it's your meter.

22 ADMINISTRATIVE LAW JUDGE RILEY: How would he do that?
23 Did he have access to the meter?

24 MR. McCARTY: I don't know. He's taking the
25 position that he didn't use the gas during the period

1 of time.

2 MR. KREITH: Yes. So now we need to find out how
3 you tested that meter, what proved it, how it was
4 proven.

5 MR. McCARTY: Unfortunately, the complainant has
6 the burden of proof.

7 ADMINISTRATIVE LAW JUDGE RILEY: In other words,
8 they're not saying you tampered, there's just saying
9 there was unregistered usage.

10 MR. KREITH: Well, then I'd like to see the meter.
11 I'd like to see how you guys figured this out, too.
12 You got to do something to this meter to get a reading
13 and say there was a reading prior and now a reading now
14 and this is what I missed. And I don't know --
15 understand how you could do that.

16 ADMINISTRATIVE LAW JUDGE RILEY: Mr. Kreith, is it
17 your position that -- you're contesting how they
18 reconfigured that billing?

19 MR. KREITH: Yes, definitely. And if there was
20 something wrong with the meter, I am not responsible
21 for the meter. It's Peoples Gas meter.

22 MR. McCARTY: Well, to be clear, we have
23 12 months; if there was any unbilled usage, we can bill
24 back 12 months.

25 ADMINISTRATIVE LAW JUDGE RILEY: Right, I understand

1 that.

2 MR. McCARTY: We're permitted to do that. So even
3 if the ERT was not operating properly for whatever
4 reason, we can bill back 12 months.

5 MR. KREITH: And, again, how do you know what it
6 should have been reading?

7 MR. McCARTY: Because we go from the last actual
8 read to the actual read on November 13th and the
9 difference between those two is the amount of gas usage
10 that that meter registered.

11 MR. KREITH: So you should have my meter reading
12 this final number.

13 MR. McCARTY: Actually, I think if you look at the
14 pictures --

15 MR. KREITH: Again, but you'll have the meter.

16 MR. McCARTY: Again, I guess I'm a little
17 confused.

18 Does he want to inspect the meter?

19 MR. KREITH: Sure. Yes.

20 ADMINISTRATIVE LAW JUDGE RILEY: That's what I thought
21 he was getting at, yes.

22 MR. KREITH: Yes, definitely.

23 ADMINISTRATIVE LAW JUDGE RILEY: Is that possible?

24 MR. KREITH: If you're going to charge me
25 \$1,700 ...

1 MR. McCARTY: If he wants to make a formal request
2 and inspect the meter, I'm sure we could consider it.

3 MR. KREITH: Well, they want to charge me \$1,700;
4 yes, I'd definitely formally like to request that.

5 ADMINISTRATIVE LAW JUDGE RILEY: And do you have the
6 engineering skills and the wherewithal to determine
7 whether the right --

8 MR. KREITH: Yes, I do. I'm an engineer, yes,
9 sir, volumetric engineer.

10 ADMINISTRATIVE LAW JUDGE RILEY: All right.

11 MR. McCARTY: So you're familiar with magnets and
12 ERT devices?

13 MR. KREITH: Oh, yes. That's why I know that
14 magnet was five feet away.

15 MR. McCARTY: If he continues to contest it, we
16 may reconsider our position on the theft.

17 MR. KREITH: No problem.

18 ADMINISTRATIVE LAW JUDGE RILEY: All right.

19 MR. McCARTY: Because based on my understanding,
20 he's presenting himself as very knowledgeable with the
21 meters. So the benefit of the doubt is he didn't
22 appreciate the effect that a large magnet would have
23 next to the ERT device --

24 ADMINISTRATIVE LAW JUDGE RILEY: I understand the
25 point.

1 MR. McCARTY: -- so I think he needs to consider
2 that as we move forward.

3 MR. KREITH: It wasn't next to your meter either.
4 It was five feet away.

5 ADMINISTRATIVE LAW JUDGE RILEY: Okay.

6 MR. McCARTY: So it sounds like he wants to engage
7 in discovery.

8 ADMINISTRATIVE LAW JUDGE RILEY: We're going to need a
9 continuance and get some of this sorted out. How much
10 time do the parties think they're going to need?

11 MR. McCARTY: We're ready to move forward.

12 MR. KREITH: Probably a week. I would just need
13 to give you guys all my -- I'm going to need all your
14 witnesses, the guys that planted that, and -- Yep. So
15 I'm going to need all that.

16 MR. McCARTY: I'm sorry. My witnesses?

17 MR. KREITH: Yeah, the four guys that came to my
18 house and pretty much assaulted me.

19 MR. McCARTY: Are you requesting depositions?

20 MR. KREITH: Pardon me?

21 MR. McCARTY: I'm a little unclear.

22 MR. KREITH: I'm going to call them to the -- Yes,
23 we're going to go under oath and go to trial. Right,
24 I'm going to call them as witnesses.

25 MR. McCARTY: At the hearing?

1 MR. KREITH: At the hearing, yes.

2 ADMINISTRATIVE LAW JUDGE RILEY: You'll produce them
3 at hearing?

4 MR. McCARTY: Yes. We don't have an issue.

5 ADMINISTRATIVE LAW JUDGE RILEY: Then our next step is
6 to --

7 MR. McCARTY: Although we don't control Guardian
8 Security, so he would have to -- We would have the
9 Peoples Gas employees.

10 ADMINISTRATIVE LAW JUDGE RILEY: All right. Is that
11 sufficient?

12 MR. KREITH: Yes, sir. Yes.

13 ADMINISTRATIVE LAW JUDGE RILEY: All right. You said
14 that you can get the information you need, you think
15 in --

16 MR. KREITH: In a week. Yeah, I have almost
17 everything here that I want.

18 ADMINISTRATIVE LAW JUDGE RILEY: And the parties are
19 going to go to hearing on this. All right. We need a
20 date.

21 MR. McCARTY: Okay.

22 ADMINISTRATIVE LAW JUDGE RILEY: Today is the 25th.
23 I'm always looking at roughly 30 days out.

24 MR. McCARTY: I can do March 25th.

25 ADMINISTRATIVE LAW JUDGE RILEY: March 25th?

1 MR. KREITH: I'm bringing mine up now. The 25th
2 works for me, Tuesday.

3 ADMINISTRATIVE LAW JUDGE RILEY: That's fine.
4 10:00 a.m.?

5 MR. KREITH: Yes, sir. And at that time, I don't
6 need to bring any witnesses yet, just --

7 ADMINISTRATIVE LAW JUDGE RILEY: Well, this will be an
8 evidentiary hearing. This will be for all evidence.

9 MR. KREITH: Discovery and --

10 ADMINISTRATIVE LAW JUDGE RILEY: Yes.

11 MR. KREITH: Okay. And I can keep this?

12 MR. McCARTY: Sure.

13 ADMINISTRATIVE LAW JUDGE RILEY: I'll leave the
14 parties to work out the discovery in --

15 MR. McCARTY: I just ask that he formally
16 request --

17 ADMINISTRATIVE LAW JUDGE RILEY: Right.

18 MR. KREITH: Can I get your information, I mean,
19 who I would be going through?

20 MR. McCARTY: It's on the service list.

21 MR. KREITH: Okay. Thank you, your Honor.

22 ADMINISTRATIVE LAW JUDGE RILEY: You're welcome.

23 I will have formal notice sent from the
24 Office of the Chief Clerk's office that we will
25 reconvene on March 25, 2014, at 10:00 a.m. for a

1 hearing.

2 Thank you very much, gentlemen.

3 (WHEREUPON, the hearing was
4 adjourned at 11:00 a.m. to
5 11:22 a.m., February 25, 2014.)

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