

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

BEFORE THE  
ILLINOIS COMMERCE COMMISSION

Jackson County Emergency            )  
Telephone System Board                )  
  ) No. 13-0669

Petition to Modify 911 Provider for Jackson County  
Emergency Telephone System Board, Jackson County,  
Illinois.

Springfield, Illinois  
February 27, 2014

Met, pursuant to notice, at 1:34 p.m.

BEFORE:

John D. Albers  
Administrative Law Judge

1 APPEARANCES:

2

3 Matthew L. Harvey (by telephone)  
4 Office of General Counsel  
5 Illinois Commerce Commission  
6 160 N. LaSalle Street, Suite C-800  
7 Chicago, Illinois 60601  
8 mharvey@icc.illinois.gov

6

7 Appearing on behalf of the Illinois  
8 Commerce Commission;

8

9 John R. Clemons (by telephone)  
10 Southern Illinois Law Center, LLC  
11 813 W. Main Street  
12 Carbondale, IL 62901  
13 silc@silclaw.net

14 Appearing on behalf of Jackson County  
15 ETSB;

13

14 Patrick J. Lustig (by telephone)  
15 303 N. Robinson Circle  
16 Carbondale, IL 62901  
17 plustig@jc911.org

16

17 Appearing on behalf of Jackson County  
18 9-1-1;

18

19 Richard W. Hird (by telephone)  
20 Petefish, Immel, Heeb & Hird, LLP  
21 842 Louisiana Street  
22 Lawrence, Kansas 66044  
23 rhird@petefishlaw.com

24 Appearing on behalf of NG-911, Inc.;

23

24

1 APPEARANCES:

2

3 Michael Ramsey(by telephone)

4 Appearing on behalf of NG-911, Inc.;

5

6 John H. Kelly(by telephone)  
7 Ottosen, Britz, Kelly, Cooper,  
8 Gilbert & DiNolfo, Ltd.  
9 1804 N. Naper Blvd., Suite 350  
Naperville, IL 60563  
jkelly@ottosenbritz.com

10 Appearing on behalf of NG-911, Inc.;

11 Mark Ortlieb(by telephone)  
12 225 W. Randolph St., Rm. 25D  
13 Chicago, IL 60601  
mo2753@att.com

14 Appearing on behalf of Illinois Bell  
15 Telephone Company and New Cingular  
Wireless PCS, LLC;

16

17 Matt Johnson(by telephone)  
18 PO Box 730  
Springfield, IL 62705

19 Intervenor and Party of Record.

20

21 Court Reporter:  
22 Jennifer L. Crowe, CSR  
23 Illinois CSR #084-003786  
Midwest Litigation Services  
24 15 S. Old State Capitol Plaza  
Springfield, Illinois 62701  
217-522-2211

1		
	I N D E X	
2	EXHIBIT	PAGE
3	Exhibit 7	8
4	Exhibit 11	8
5	Exhibit MN-4A	10
6	Exhibit MN-4B	10
7	Exhibit MN-4C	10
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

PROCEEDINGS

JUDGE ALBERS: Okay. By the authority vested in me by the Illinois Commerce Commission, I now call docket no. 13-0669. This docket was initiated by Jackson County Emergency Telephone System Board and seeks approval of a modification to its 911 plan.

May I have the appearances for the record, please?

MR. CLEMONS: John Clemons, attorney for the Jackson County 9-1-1 Board, and I am present with our Executive Director, Patrick Lustig.

MR. HIRD: Your Honor, this is Richard Hird, counsel for NG-911, Inc. I believe Michael Ramsey, President and CEO, is either on the call or will be joining us.

MR. KELLY: Your Honor, John Kelly of Naperville, Illinois, also on the call on behalf of NG-911, Inc.

MR. HARVEY: Appearing for the staff of the Illinois Commerce Commission, Matthew L. Harvey, 160 North LaSalle Street, Suite C-800, Chicago, Illinois, 60601.

MR. ORTLIEB: On behalf of AT & T

1 Illinois and AT & T Mobility it is Mark Ortlieb,  
2 225 West Randolph Street, Floor 25, Chicago,  
3 Illinois, 60606.

4 MR. JOHNSON: Matt Johnson, PO Box 720,  
5 Springfield, Illinois, 62705.

6 JUDGE ALBERS: Any others wishing to  
7 enter an appearance?

8 MR. HIRD: Your Honor, this is Rick Hird  
9 again. I don't think I gave my address when I  
10 entered my appearance. It is 842 Louisiana Street,  
11 Lawrence, Kansas, 66044.

12 JUDGE ALBERS: All right. Thank you.

13 MR. CLEMONS: I neglected to do that  
14 also, Judge. This is John Clemons, and I am at 813  
15 West Main Street, Carbondale, Illinois, 62901.

16 JUDGE ALBERS: Any others?

17 Let the record show no response.

18 As far as preliminary matters since we last  
19 met, I have received the petition to intervene of  
20 Matt Johnson. Any objection to that petition?

21 Hearing none it is granted.

22 I also received from Mr. Hird his Rule 707  
23 Compliance Statement, and the ARDC has approved  
24 that, and we also discussed the last time we met

1 the Petitioner's motions for confidential treatment  
2 and the need for confidentiality, for a  
3 confidentiality agreement.

4 Do the parties intend to seek any kind of  
5 general ruling on how confidential information will  
6 be handled?

7 MR. HIRD: Your Honor, this is Rick Hird.  
8 I'm scrambling all of a sudden because I thought  
9 that we had filed a joint motion in that regard,  
10 and I'm going to pull up the e-Docket here. Bear  
11 with me just a moment. The parties did discuss it.  
12 We circulated the -- essentially it was the same  
13 agreement that was used in, I will call it the CSI  
14 docket. It was the terms and conditions governing  
15 protection of confidential information, and I am  
16 scrambling here. I think Mr. Ortlieb, Mr. Johnson  
17 Mr. Harvey -- well, staff really is not impacted by  
18 it like the other parties. I don't see it on, I  
19 don't see it on the e-Docket, your Honor.

20 JUDGE ALBERS: Well, I checked e-Docket  
21 this morning as well. I didn't see it either.  
22 You know, generally from what you have described I  
23 am amenable to that kind of agreement, and we can  
24 just get that on the record officially so I can

1 rule on it.

2 MR. HIRD: I would add one other thing,  
3 your Honor. There was an agreement among the  
4 parties to operate in accordance with the terms and  
5 conditions pending formal approval of the motion,  
6 which was greatly appreciated because it allowed us  
7 to move forward with disseminating confidential  
8 information.

9 So if I have -- I can't really explain why  
10 is not on the e-Docket, but I will make sure that  
11 it gets filed immediately and then ask you to rule  
12 on it.

13 JUDGE ALBERS: Sure. I can check with  
14 our clerk's office to see if they have any record  
15 of that.

16 Who would it have come from, do you know?

17 MR. HIRD: It would have come from me,  
18 Rick Hird.

19 JUDGE ALBERS: Okay. All right. Well, we  
20 can check on that.

21 As far as the particular motions for  
22 confidential treatment, Exhibits 7 and 11, did  
23 anybody want to respond to those specifically?

24 MR. HIRD: Your Honor, this is Rick Hird.

1 If I might again. The information -- we filed  
2 redacted versions of those.

3 JUDGE ALBERS: Right.

4 MR. HIRD: And the information has been  
5 disseminated to -- I think AT & T Illinois  
6 requested confidential documents and executed the  
7 form that is attached to the terms and conditions  
8 governing protection of confidential information,  
9 and so that information has been provided already  
10 because we have all, we all agreed to operate under  
11 that, that agreement. So I think that issue is  
12 moot at this point.

13 JUDGE ALBERS: Well, that's fine. I just  
14 wanted to ask so the record is clear as to how  
15 those motions were addressed. So that's fine.

16 MR. ORTLIEB: This is Mark Ortlieb. Let  
17 me back up what Mr. Hird said. We had received  
18 that information that was marked confidential. We  
19 are treating it as confidential pursuant to  
20 agreement until the order is entered which we  
21 expect will happen shortly.

22 JUDGE ALBERS: Okay. That's fine.  
23 Moving, then, to the documents AT & T filed, I  
24 notice that you had marked confidential exhibits

1 MN-4A and MN-4B and MN-4C. It looked like in all  
2 three instances the entire document was considered  
3 confidential. I would note, though, that MN-4C  
4 appears to be the same as Exhibit 11 for which  
5 there is a redacted and unredacted version of that.  
6 So I would ask AT & T to work with Petitioner and  
7 resubmit those three with both the redacted and  
8 unredacted version, and if you want to use the same  
9 one that was provided for Exhibit 11 earlier,  
10 that's fine, but at least with MN-4A and MN-4B,  
11 that would be useful.

12 MR. ORTLIEB: This is Mark Ortlieb. Just  
13 so I'm following you, you would like us to submit a  
14 redacted version of 4A, B and C?

15 JUDGE ALBERS: Right. I think 4C has  
16 already been taken care of. I think it is, I think  
17 it is the same thing as Exhibit 11.

18 MR. ORTLIEB: So that would just leave 4A  
19 and 4B?

20 JUDGE ALBERS: Right, because I think  
21 when 4A and 4B were filed, I think the entire thing  
22 is redacted.

23 MR. ORTLIEB: That is how we filed it.

24 JUDGE ALBERS: So I would ask that you

1 work with Petitioner and NG-911 to see really what  
2 in those two documents really need to be kept from  
3 the public as opposed to, you know, a blanket  
4 redaction.

5 MR. ORTLIEB: I see, yes. Yes, your  
6 Honor. I will give them a call off line and see  
7 what we can work out.

8 JUDGE ALBERS: Okay. Did anybody have  
9 any other preliminary matters or questions that  
10 they wanted to ask at this time?

11 All right. Turning to the schedule then, I  
12 gave a brief review of the testimony that was  
13 submitted, and there appears to be some statements  
14 that I imagine Petitioner and NG-911 would probably  
15 want to respond to. So I imagine there will be  
16 interest in rebuttal from the Petitioner and  
17 NG-911; is that's correct?

18 MR. HIRD: That is correct, your Honor.  
19 This is Rick Hird. Yes, that is correct.

20 MR. CLEMONS: The Petitioner, Jackson  
21 County Emergency Telephone System Board will  
22 present some rebuttal also. This is John Clemons,  
23 attorney for Jackson County.

24 JUDGE ALBERS: All right. We can go off

1 the record, then, look at our calendars, and we can  
2 figure out when that might be.

3 (Discussion off the record.)

4 JUDGE ALBERS: All right. Back on the  
5 record. Discussing our scheduling needs Petitioner  
6 and NG-911 can file their rebuttal on March 19th.  
7 Others would file their rebuttal on March 28th.  
8 Surrebuttal from Petitioner and NG-911 would come  
9 on April 4th, and we would all come back together  
10 again for an evidentiary hearing on April 23rd at  
11 ten a.m.

12 Anybody have any questions or concerns about  
13 any of that?

14 MR. ORTLIEB: Your Honor, this is Mark  
15 Ortlieb for AT & T. On the evidentiary hearing  
16 April 23rd, that sounds like a good provisional  
17 date, works for my schedule. I do, however, need  
18 to check with my client, Mark Neinast, who is a  
19 witness in this matter just to make sure.

20 JUDGE ALBERS: That's fine.

21 MR. CLEMONS: This is John Clemons for  
22 Jackson County. Judge, we are fine with all of  
23 those dates.

24 JUDGE ALBERS: Thank you.

1           MR. HIRD: Your Honor, this is Rick Hird  
2 for NG-911, Inc. We are fine with the dates.

3           Will the hearing be in Springfield?

4           JUDGE ALBERS: Yes.

5           MR. HIRD: Okay. Thank you.

6           MR. HARVEY: Your Honor, Matt Harvey for  
7 staff.

8           JUDGE ALBERS: Matt -- you are -- did you  
9 move away from the phone again?

10          MR. HARVEY: Your Honor, I will try to --  
11 those dates are acceptable to the staff.

12          JUDGE ALBERS: All right. Thank you.

13          MR. JOHNSON: Your Honor, this is Matt  
14 Johnson. Those dates all work for me as well.  
15 Thank you.

16          JUDGE ALBERS: All right. Thank you,  
17 everyone. Well, if there is nothing further for  
18 today, then I will continue this to April 23rd at  
19 ten a.m.

20          (Hearing continued to April 23, 2014, 10:00 a.m.)

21

22

23

24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

CERTIFICATE OF REPORTER

I, JENNIFER L. CROWE, a Certified Shorthand Reporter within and for the State of Illinois, do hereby certify that proceeding was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this proceeding was taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

---

License No. 084.003786