



1 APPEARANCES:

2

3 Appearing pro se:

4

5 Mr. Robert Spells(by telephone)  
6 23 S. 53rd, Apt. 13  
7 Belleville, IL 62226  
8 618-222-6869

9

10

11

12

13

14

15 Appearing on behalf of  
16 Illinois-American Water Company:

17

18 Kenneth C. Jones(by telephone)  
19 Corporate Counsel  
20 300 N. Water Works Drive  
21 Belleville, IL 62223  
22 kenneth.jones@amwater.com  
23 618-239-3222

24

25

26

27 Court Reporter:  
28 Jennifer L. Crowe, CSR  
29 Illinois CSR #084-003786  
30 Midwest Litigation Services  
31 15 S. Old State Capitol Plaza  
32 Springfield, Illinois 62701  
33 217-522-2211

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

I N D E X

WITNESSES	PAGE
Mr. Spells	6

E X H I B I T S

(None)

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: By the authority vested in me by the Illinois Commerce Commission, I now call docket number 14-0278. This docket was initiated by Robert Spells against Illinois-American Water Company and concerns his complaint regarding overcharges for his water service in Belleville, Illinois.

May I have the appearances for the record, please?

MR. SPELLS: Robert Spells, Belleville, Illinois.

JUDGE ALBERS: And could you state your address and phone number, please?

MR. SPELLS: I can. 23 South 53rd Street, Apartment 13, Belleville, Illinois, 62226, phone number 618-222-6869.

JUDGE ALBERS: Thank you.

MR. JONES: And for the company, your Honor, Kenneth Jones, 300 North Water Works Drive, Belleville, Illinois, 62223, and the phone number is 618-239-3222.

JUDGE ALBERS: Thank you both. Let the record reflect there are no others wishing to enter

1 an appearance.

2 As far as preliminary matters, I, again,  
3 want to apologize for the lack of a court reporter  
4 when we tried this on April 15th. I also want to  
5 know that we may discuss some of the same things we  
6 discussed last time, but now that we have a court  
7 reporter we will just, we will make a record of  
8 what we discussed.

9 MR. SPELLS: Okay.

10 JUDGE ALBERS: Before we go any further do  
11 either of you have any questions about the process  
12 or anything?

13 MR. SPELLS: No, sir.

14 JUDGE ALBERS: Okay.

15 MR. JONES: No, your Honor.

16 JUDGE ALBERS: I hope today to set a  
17 schedule for the submission of testimony, but  
18 before doing so I have a couple of questions for  
19 Mr. Spells.

20 As I indicated on the 15th, I wanted to  
21 swear him in and ask him a couple background  
22 questions I think to better help frame this for me.  
23 When it comes time for an evidentiary hearing,  
24 Illinois-American is free to question him on the

1 questions that I have asked him but, again, just  
2 background questions.

3 So do you have any concerns about that,  
4 Mr. Jones?

5 MR. JONES: No, your Honor.

6 JUDGE ALBERS: Okay. Mr. Spells, I'm going  
7 to swear you in first. Mr. Spells, can you raise  
8 your right hand, please?

9 MR. SPELLS: Yes, sir.

10 (Whereupon Mr. Spells was placed under oath.)

11 JUDGE ALBERS: Thank you. First question,  
12 do you live in the apartment at the service address  
13 in Belleville listed in your complaint?

14 MR. SPELLS: Yes, I do.

15 JUDGE ALBERS: All right. And typically is  
16 the water bill that you receive there just for the  
17 water that you use in your apartment?

18 MR. SPELLS: Yes, sir.

19 JUDGE ALBERS: And there is no other  
20 apartment units tied to that bill?

21 MR. SPELLS: No, sir.

22 JUDGE ALBERS: Okay. And is the water  
23 service account in your name?

24 MR. SPELLS: Yes, sir.

1 JUDGE ALBERS: And is anyone else's name on  
2 the account?

3 MR. SPELLS: No, sir.

4 JUDGE ALBERS: And do you own the apartment  
5 building?

6 MR. SPELLS: No, I do not.

7 JUDGE ALBERS: Okay. Who is the owner,  
8 then, if you know?

9 MR. SPELLS: His name is Ron Wodarczyk.

10 JUDGE ALBERS: Can you spell the last name?

11 MR. SPELLS: It is kind of complicated.

12 It's got like four consonants in it. Let me grab  
13 the letter real quick.

14 All right. First name Ron, R-O-N, last name  
15 Wodarczyk, W-O-D-A-R-C-Z-Y-K.

16 JUDGE ALBERS: I'm going to spell that back  
17 to you just to make sure I got it right.  
18 W-O-D-A-C-Z-Y-K.

19 MR. SPELLS: W-O-D-A-R-C-Z-Y-K.

20 JUDGE ALBERS: Thank you. I got -- I missed  
21 the R the first time.

22 Okay. And then to your knowledge did the  
23 owner pay to have the leak fixed?

24 MR. SPELLS: Yes, he did. He was the one

1 who brought it to my attention.

2 JUDGE ALBERS: Okay. And I assume -- well,  
3 I shouldn't assume anything. Are there multiple  
4 units in this apartment building?

5 MR. SPELLS: Yes, sir, I believe that there  
6 are, oh, I want to say 17, 17 or 18 units in the  
7 building.

8 JUDGE ALBERS: And do you know if anyone  
9 else in your apartment building received a similar  
10 bill from Illinois-American for this, for the water  
11 lost through this leak?

12 MR. SPELLS: I do not.

13 JUDGE ALBERS: Okay.

14 MR. SPELLS: I believe, I believe he said it  
15 was just my unit that was affected.

16 JUDGE ALBERS: So by your unit being  
17 affected, do you mean --

18 MR. SPELLS: Right. I believe he said that  
19 my, the pipe that was going to my unit was the only  
20 one that ruptured. I asked if anybody else had a  
21 spike in their bill, and he said mine was the only  
22 one that was affected. So I am assuming it was  
23 only tied to my unit.

24 JUDGE ALBERS: Okay. Thank you. Okay.

1 That was it.

2 Did you have any questions that you wanted  
3 to ask Mr. Jones -- sorry, Mr. Jones, did you have  
4 any questions that you wanted to ask Mr. Spells in  
5 light of -- today in light of the questions that I  
6 just asked him?

7 MR. JONES: No, your Honor.

8 JUDGE ALBERS: Okay. Okay. And then just  
9 generally, Mr. Spells, was there any other  
10 testimony that you'd want to present in writing  
11 before we hear from the company's witness?

12 MR. SPELLS: Would I have to present that  
13 for today's status hearing?

14 JUDGE ALBERS: No, no, I would give you some  
15 time to prepare that if you wanted to.

16 MR. SPELLS: Okay. I would need some time.  
17 I would have something else if it goes any further  
18 than this.

19 JUDGE ALBERS: Okay. That's fine. How much  
20 time would you like to put that together?

21 MR. SPELLS: I would probably need maybe a  
22 week.

23 JUDGE ALBERS: That's fine. Mr. Jones, do  
24 you have any concerns about that?

1           MR. JONES: No. We'd obviously want to file  
2 rebuttal testimony.

3           JUDGE ALBERS: Sure, sure. I just wanted to  
4 give Mr. Jones time to get all of his direct in.

5           Today is Monday the 28th. Do you think you  
6 can have that to us in by Monday, May 5th?

7           MR. SPELLS: Yes, sir.

8           JUDGE ALBERS: Do you want to email that to  
9 us or send it to us by mail, regular mail?

10          MR. SPELLS: Would I be able to send it by  
11 fax?

12          JUDGE ALBERS: I don't know my fax number  
13 off the top of my head, but I can get that to you.

14          Mr. Jones, how do you prefer to accept  
15 delivery of that?

16          MR. JONES: You know, I would prefer it  
17 electronic, but, you know, whatever Mr. Spells is  
18 able to do is fine.

19          JUDGE ALBERS: Unfortunately, Mr. Spells, my  
20 own business cards don't even have the fax number  
21 on it anymore. We don't use them that often. I  
22 can get that to you.

23          And then Mr. Jones, you say you are willing  
24 to accept the direct testimony by fax?

1           MR. JONES: Yes, fax is fine. I think I do  
2 have my fax number.

3           JUDGE ALBERS: Okay. You can go ahead, give  
4 that to him.

5           MR. SPELLS: I think I have it on your  
6 email. Is it the 1-618-236-1186?

7           MR. JONES: That is correct.

8           MR. SPELLS: Okay.

9           JUDGE ALBERS: Okay. If it is okay with  
10 you, I can give you a call after this hearing or I  
11 can email it to you if that's okay with you. You  
12 do have an email address on your complaint.

13          MR. SPELLS: Yes, sir. I have your email as  
14 well. I told you I have call blocker, and if you  
15 call my number, it will block your call. I won't  
16 get it.

17          JUDGE ALBERS: How do you want me to get you  
18 my fax number, then?

19          MR. SPELLS: You can do it through email.

20          JUDGE ALBERS: So rcspells1@yahoo.com?

21          MR. SPELLS: Yes, sir.

22          JUDGE ALBERS: All right. That's what I  
23 will do then.

24          Then as far as format, the way you presented

1 it in your attachment to your direct testimony is  
2 fine. I would just suggest including at the top of  
3 it just a statement of who you are and your contact  
4 information just so it is all there on the same  
5 piece of paper or same document when you have it  
6 done.

7 MR. SPELLS: All right.

8 JUDGE ALBERS: And if we have Mr. Spells'  
9 testimony by May 5th, Mr. Jones, what would you  
10 like for preparing your rebuttal?

11 MR. JONES: Can we have two weeks, your  
12 Honor, May 19th, Monday, May 19th?

13 JUDGE ALBERS: Okay. That will be all  
14 right. And then typically after we hear from the  
15 company in cases like this, Mr. Spells, the  
16 complainant gets another shot at rebutting what the  
17 company says.

18 So would you like to just meet again --  
19 would you like to take a chance to look at what the  
20 company says and then meet again to see if you want  
21 to file some rebuttal testimony to that, or do you  
22 want to go ahead and plan on filing rebuttal  
23 testimony and just set a date for it?

24 MR. SPELLS: I would like, I would like to

1 see what they have to say first.

2 JUDGE ALBERS: Okay. So if we get their  
3 rebuttal on May 19th, would you like to meet again  
4 for another phone hearing like this later that week  
5 and then you can decide if you want to file  
6 rebuttal testimony to it?

7 MR. SPELLS: Yes, sir.

8 JUDGE ALBERS: What would be a good day for  
9 you that week? You, too, Mr. Jones. What works  
10 for your schedule?

11 MR. SPELLS: I am available any day as long  
12 as it is around this time, 10, 10 to 11:00.

13 JUDGE ALBERS: That's fine. 10:00 is fine  
14 with me.

15 Mr. Jones, is there a day that's good or  
16 better or worse for you that week?

17 MR. JONES: We are talking about the week of  
18 the 19th?

19 JUDGE ALBERS: Yes.

20 MR. JONES: You know, that Tuesday or  
21 Wednesday or Friday morning looks fine, the 20th,  
22 21st or 23rd.

23 MR. SPELLS: The 21st then at 10:00?

24 JUDGE ALBERS: That's fine. All right.

1 Just writing this down. All right. Well, we will  
2 have another status hearing that day.

3 One other thought occurred to me, Mr. Jones,  
4 or sorry, Mr. Spells. Just still being under oath  
5 I have one more question for you that occurs to me.

6 Do you know, you know, physically in your  
7 building where was the leak, or was it outside of  
8 the building?

9 MR. SPELLS: It was outside of the building  
10 in the parking lot. I'm on the right hand of the  
11 building. It was right in the middle of the unit  
12 out in the parking lot.

13 JUDGE ALBERS: Okay. So under the pavement?

14 MR. SPELLS: Yes, sir.

15 JUDGE ALBERS: Okay. All right. That was  
16 it. Thank you. That just helps me frame the  
17 situation. All right.

18 So is there anything else, then, before we  
19 continue?

20 We have got a date for Mr. Jones or sorry,  
21 we have a date for Mr. Spells' petition direct  
22 testimony on May 5th. We will get that by fax.  
23 And we have a date for Illinois-American's rebuttal  
24 testimony on May 19th. And are you going to send

1 that by email, Mr. Jones, or how?

2 MR. JONES: I would like to if that is okay,  
3 Mr. Spells.

4 Are you getting my emails?

5 MR. SPELLS: That will be fine. I got the  
6 last one.

7 MR. JONES: Okay.

8 JUDGE ALBERS: Then we will meet again for a  
9 status hearing on May 21st at 10:00, and we will  
10 decide then, learn if Mr. Spells would like to  
11 submit additional rebuttal testimony in writing.

12 Is that -- everybody, is that the same  
13 understanding for everyone?

14 MR. SPELLS: Yes, sir, sound goods.

15 MR. JONES: Yes.

16 JUDGE ALBERS: Well, I thank you all for  
17 your time, and we will meet at 10:00 on May 21st.

18 MR. SPELLS: Thank you.

19 MR. JONES: Very good. Thank you.

20 MR. SPELLS: Are we going to be using the  
21 same number?

22 JUDGE ALBERS: Excellent question.

23 MR. JONES: We can use this number.

24 JUDGE ALBERS: Okay. Great.

1           MR. SPELLS: All right. Talk to you on the  
2 21st.

3           JUDGE ALBERS: I will send you an email  
4 shortly with my fax number.

5           MR. SPELLS: All right. Thank you.

6           (Hearing continued to May 21, 2014.)

7

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

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