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BEFORE THE

ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
SERGIO GARCIA)
-VS-) No. 13-0542
COMMONWEALTH EDISON COMPANY)
)
Complaint as to false)
accusations of tampering)
with meters and)
billing/charges in)
Chicago, Illinois)

Chicago, Illinois

July 10, 2014

Met, pursuant to notice, at

11 o'clock a.m.

BEFORE:

MR. JOHN RILEY,
Administrative Law Judge

APPEARANCES:

EL MOSA & ASSOCIATES, by
MR. MOSA A. EL MOSA
7265 West 87th Street
Bridgeview, Illinois
appearing for plaintiff,
Sergio Garcia

MR. MARK L. GOLDSTEIN
3019 Province Circle
Mundelein, Illinois
appearing for defendant,
Commonwealth Edison Company

1 APPEARANCES (continued):

2 MS. REBECCA GRAHAM and
3 MS. ERIN BUECHLER
4 115 South La Salle Street
5 Chicago, Illinois
6 appearing for Commonwealth Edison Company
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18 SULLIVAN REPORTING COMPANY, by

19 PATRICIA WESLEY

20 License No. 084-002170

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1 JUDGE RILEY: Pursuant to the direction of the
2 Illinois Commerce Commission, I call Docket 13-0542.
3 This is a complaint by Sergio Garcia versus
4 Commonwealth Edison Company as to false accusations
5 of tampering with meters and billing/charges in
6 Chicago, Illinois.

7 Mr. El Mosa, you are here on behalf of
8 Mr. Garcia?

9 MR. EL MOSA: Correct.

10 JUDGE RILEY: And could you state your name and
11 your office address for the record, please.

12 MR. EL MOSA: Mosa El Mosa on behalf of Sergio
13 Garcia, office address 7265 West 87th Street,
14 Bridgeview, Illinois.

15 JUDGE RILEY: Thank you.

16 And for Commonwealth Edison.

17 MR. GOLDSTEIN: Yes. Mark L. Goldstein,
18 3019 Province Circle, Mundelein, Illinois, 60060.
19 My telephone number is 847-949-1340.

20 JUDGE RILEY: Thank you. Now I have in my
21 notes -- I'm sorry.

22 MS. GRAHAM: Rebecca Graham, 115 South La Salle,

1 Suite 2600, Chicago, Illinois, 60603. My phone
2 number is 312-505-8154, and I appear this morning
3 with Erin Buechler.

4 JUDGE RILEY: All right. Thank you.

5 And I have in my notes here that the
6 parties were going to exchange data requests and
7 responses over the last five weeks or so. And what
8 can they tell me about the status of that?

9 MR. EL MOSA: Well, we have tendered -- both our
10 sides have tendered data requests, and ComEd has
11 replied. I haven't had a chance to look them over.
12 We got them back today. I have yet to respond to
13 their data requests.

14 JUDGE RILEY: What's the delay?

15 MR. EL MOSA: The delay is Mr. Garcia has not
16 been available for the past two weeks and I am
17 waiting for the final report from our expert that
18 went out and did the inspection I think in early
19 June. He should have it hopefully say within the
20 next week.

21 JUDGE RILEY: So, in other words, you have to
22 have Mr. Garcia available to file responses to data

1 requests?

2 MR. EL MOSA: Yes, just to go over the data
3 requests and go over the information.

4 JUDGE RILEY: Why hasn't he been available for
5 two weeks?

6 MR. EL MOSA: He was on vacation. That's all I
7 can say, and I do apologize. I told him the urgency
8 and I explained to him I would have it two weeks
9 ago, and I'm still waiting on that, and I explained
10 that to the inspector yesterday that I hope they
11 would have it by the 14th.

12 JUDGE RILEY: There's no way you can answer the
13 data requests yourself without --

14 MR. EL MOSA: If I don't, I will just have to
15 answer myself with him by the phone. I just wanted
16 to go over them with him.

17 JUDGE RILEY: If he's not available, that should
18 not be a cause for delay. I don't understand why
19 that -- how soon can you get the responses back to
20 Commonwealth Edison?

21 MR. EL MOSA: Well, I can get the responses back
22 in regards to everything hopefully by the 14th. In

1 regards to the report by the inspector, I'm hoping
2 to get them within a week. If I don't have them, I
3 will submit what I have before then.

4 MR. GOLDSTEIN: Is that July 14 we are talking
5 about?

6 MR. EL MOSA: Yes.

7 JUDGE RILEY: That's Monday. What's ComEd's
8 position?

9 MR. GOLDSTEIN: Obviously, Judge, ComEd has
10 filed a motion to compel the responses to the data
11 requests and Mr. El Mosa has responded, as of this
12 morning, stating that there is no response as of
13 yet.

14 I guess what we need -- we need two
15 things actually. First of all, there is a large
16 outstanding balance, which we believe is undisputed
17 in this matter, of over \$20,000. We need payment on
18 that undisputed amount, and, obviously, we also need
19 the responses to the data requests.

20 JULY RILEY: Obviously, the 14th to get the
21 responses in?

22 MR. EL MOSA: Yes.

1 JUDGE RILEY: And how soon will you be able to
2 get the report from the inspector?

3 MR. EL MOSA: When I talked to him yesterday, he
4 said he is working on it, so I'm hoping he would
5 give it to me within a week.

6 JUDGE RILEY: See if you can pin him down, Press
7 him on it. We will move forward one day or the
8 other.

9 MR. GOLDSTEIN: Is there a possibility of
10 getting a substantial payment on the undisputed
11 amount?

12 MR. EL MOSA: I haven't spoken to him. I know
13 he's making the monthly statements. He is making
14 the monthly utility bills. He's still current on
15 those. I haven't checked since the last hearing. I
16 will ask him about the 23,000 and see what his
17 position is in terms of payment on that, so maybe
18 I'll send an e-mail.

19 MR. GOLDSTEIN: When we were here with the prior
20 attorney, as you may recall, Judge, there was a
21 payment made on the undisputed balance. We would
22 like more payment, obviously, because there was only

1 a \$5,000 payment.

2 JUDGE RILEY: It's my understanding from the
3 complaint that it's a tampering charge that's in
4 dispute; is that correct?

5 MS. BUECHLER: My understanding of the complaint
6 and our prior discussions on the record was for a
7 tampering charge and there was a re-billing of
8 service which was part of the disputed portion of
9 the bill. Everything since that re-bill, so about
10 15 months of service now up through today's date,
11 was what was discussed and that's what Mark was
12 referring to as the little over \$24,000 -- \$23,000.

13 JUDGE RILEY: All right. I will go one more
14 status on this thing, but, quite frankly, we are
15 either going to have to go to hearing or not go to
16 hearing. This has dragged out for ten months now.
17 I understand your involvement as comparatively
18 recent, and we will take that into account, but we
19 have got to move forward one way or the other.

20 September 24, 2014 is the deadline for
21 a resolution of this matter one way or the other and
22 I would be hard pressed to meet that deadline now.

1 might be that we may need additional time for
2 discovery, and I would like to make it somewhat
3 clear that perhaps we should set it over for 30 days
4 for the next status, but it may require at least one
5 more status after that. If that is the case, I will
6 provide Mr. El Mosa with an extension agreement --

7 JUDGE RILEY: All right.

8 MR. GOLDSTEIN: -- to satisfy the Commission's
9 needs.

10 JUDGE RILEY: Is that satisfactory, Mr. El Mosa?

11 MR. EL MOSA: No objection. I haven't had a
12 chance to review their answers.

13 JUDGE RILEY: All right.

14 MR. GOLDSTEIN: They may need some time for
15 additional discovery.

16 JUDGE RILEY: Do you want to go beyond 30 days?
17 As long as the parties use the time to get done what
18 needs to be done, I don't have any objection to
19 building in more time.

20 MR. EL MOSA: I need some time.

21 MR. GOLDSTEIN: How is the 19th, 20th, or 21st
22 look, Judge?

1 JUDGE RILEY: I just put one down for the 19th.
2 How about the 20th? That's a Wednesday.

3 MR. EL MOSA: August 20th at 11 o'clock, that's
4 fine.

5 JUDGE RILEY: Okay. Anything further we need to
6 go over?

7 MR. GOLDSTEIN: I have nothing else, Judge.

8 MR. EL MOSA: I have nothing else, Judge.

9 JUDGE RILEY: All right. Then I will continue
10 this matter for another status to August 20 at
11 11 a.m., and I urge the parties to get the
12 paperwork done as thoroughly and as soon as
13 possible, and we will go from there.

14 MR. EL MOSA: Thank you very much.

15 JUDGE RILEY: Thank you.

16 (Whereupon, the above matter
17 was adjourned, to be
18 continued to August 20, 2014
19 at 11 o'clock a.m.)
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