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BEFORE THE  
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF: )  
 )  
Scott Hubbs )  
 )  
-vs- ) 13-0640  
 )  
Peoples Gas Light and Coke )  
Company )  
 )  
Complaint as to billing/charges )  
in Chicago, Illinois. )

Chicago, Illinois

January 23rd, 2015

Met, pursuant to continuance, at 11:00 o'clock a.m.

BEFORE:  
MS. SONYA TEAGUE KINGSLEY, Administrative Law Judge.

1 APPEARANCES:

2

3 MR. SCOTT HUBBS  
4 7023 South King Drive  
5 Chicago, Illinois 60637  
6 (773) 771-0932  
7 appearing pro se;

6

7 CHICO & NUNES, PC  
8 by MS. SANDY L. MORRIS  
9 333 West Wacker Drive, Suite 1420  
10 Chicago, Illinois 60606  
11 (312) 884-5074  
12 smorris@chiconunes.com  
13 appearing for Peoples Gas Light and Coke  
14 Company.

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22 SULLIVAN REPORTING COMPANY  
Lisa Sheehy, CSR 084-002867

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2 [confidential] and 2 marked for  
3 identification)  
4 (Peoples Gas Exhibits Numbers 1  
5 through 14 marked for identification)

6 JUDGE KINGSLEY: Pursuant to the direction of  
7 the Illinois Commerce Commission, I now call Docket  
8 Number 13-0640, Scott Hubbs versus Peoples Gas Light  
9 and Coke Company. This matter concerns a complaint as  
10 to billing/charges in Chicago, Illinois.

11 Will the parties please identify  
12 themselves for the record. Include your name, your  
13 address, and your telephone number.

14 MR. HUBBS: Okay. My address is -- my name  
15 is Scott Hubbs, 7023 Martin Luther King Drive,  
16 Chicago, Illinois 60637. My phone number is  
17 1 (773) 771-0932.

18 MS. MORRIS: Good morning.

19 Sandy Morris from Chico & Nunes on  
20 behalf of Peoples Gas. My address is 333 West Wacker,  
21 Suite 1420, Chicago, 60606, and my phone number is  
22 (312) 884-5074.

1           JUDGE KINGSLEY: As you all know, our hearing  
2 today is an evidentiary hearing; and for the benefit  
3 of Mr. Hubbs, I'm going to explain what's going to  
4 happen today a little bit.

5           Mr. Hubbs, today is the day you'll be  
6 allowed to present your case to the Commission by  
7 presenting your testimony and your witnesses, if you  
8 have any, to me, the ALJ.

9           You'll be given an opportunity to  
10 testify on your own behalf and offer any documents  
11 that you may have. And you'll testify first.

12           While you're presenting your case in  
13 chief, Ms. Morris, who represents Peoples Gas, will  
14 have an opportunity to ask you questions, and that's  
15 cross-examination.

16           Then Peoples Gas will have an  
17 opportunity to present their documents and the  
18 witnesses that they may have, and you will be allowed  
19 to ask the witnesses questions, not the attorney, but  
20 the witnesses for Peoples Gas.

21           After we finish today, I'm going to  
22 prepare what is called a proposed order, which is a

1 recommendation to the Commission, and then that  
2 proposed order will be mailed to both parties. You'll  
3 have an opportunity to read it, and after that you can  
4 file a written response to that order, which is called  
5 a brief on exceptions, and then we'll have reply  
6 briefs on exceptions.

7                   Then I'll consider all of that,  
8 prepare my final recommended order, which will go to  
9 the Commission, who actually will vote on the order.  
10 Okay?

11                   MR. HUBBS: Okay.

12                   JUDGE KINGSLEY: Just so you know the process  
13 and how it goes.

14                   So with that said, I'm going to swear  
15 Mr. Hubbs in. Okay?

16                   MR. HUBBS: Yes.

17   (Witness sworn)

18                   JUDGE KINGSLEY: Can you make a brief  
19 statement, not your testimony, but just a real brief  
20 statement about your case, like what it's about, like  
21 what your complaint is about, and what you would like  
22 the Commission to do about it, just real briefly, and

1 then we'll get into your testimony.

2 MR. HUBBS: Okay.

3 OPENING STATEMENT

4 BY MR. HUBBS:

5 MR. HUBBS: Well, first of all, the gas --  
6 Peoples Gas took the meters out in '09. I think it  
7 was '09. And I want to know, did they notify me --  
8 they didn't notify me that they was taking the meters  
9 out, and they didn't do -- they disconnected, Peoples  
10 Gas --

11 MS. OKEMA LEWIS: No, no, no.

12 I'm sorry.

13 JUDGE KINGSLEY: Yes. Basically, just a real  
14 brief --

15 MS. OKEMA LEWIS: Right. This (indicating)  
16 is not for this.

17 This is just for you to tell them why  
18 you're here, that you're simply addressing your  
19 concerns for the -- is that allowed?

20 JUDGE KINGSLEY: Well --

21 MS. OKEMA LEWIS: Tell me.

22 JUDGE KINGSLEY: No, that's okay.

1                               Basically --

2                               MS. OKEMA LEWIS: Because he was getting  
3 ready to do his questions.

4                               JUDGE KINGSLEY: No, no. That's okay.

5                               MS. OKEMA LEWIS: He misunderstood.

6                               JUDGE KINGSLEY: I understand, and I hope  
7 counsel for Peoples understands.

8                               MS. OKEMA LEWIS: And so I wanted to stop  
9 him.

10                              JUDGE KINGSLEY: Basically, your complaint  
11 says that the reason for your complaint is that you  
12 received a disconnection notice.

13                              MR. HUBBS: My complaint is because they're  
14 charging me like -- it was \$10,000 they're charging me  
15 for two years, and at that time I thought -- they took  
16 the meters out.

17                              I thought it was over with; I didn't  
18 have to worry about that because I wasn't living  
19 there.

20                              MS. OKEMA LEWIS: Okay. That's --

21                              JUDGE KINGSLEY: Okay.

22                              MR. HUBBS: And all the mail for two years

1 they sent to 7055 Aberdeen. I don't live there.

2 JUDGE KINGSLEY: Okay.

3 MR. HUBBS: Never lived there. But they  
4 should have sent the -- I mean, how did they get my  
5 address of 7023 Martin Luther King Drive?

6 MS. OKEMA LEWIS: Okay. That's fine.

7 JUDGE KINGSLEY: I'm going to ask you some  
8 more questions later about that, but that's a real  
9 good summary of what your complaint is about.

10 And, Ms. Morris, would you like to do  
11 your opening statement.

12 MS. MORRIS: Yes, Judge. Thank you.

13 OPENING STATEMENT

14 BY MS. MORRIS:

15 MS. MORRIS: In June of 2009, Peoples Gas  
16 removed the meter from the home at 7055 South Aberdeen  
17 because of a nonpayment of the bill.

18 The evidence will show that throughout  
19 the relevant period, even though Mr. Hubbs may not  
20 have lived at the residence, he did own the building;  
21 and, in fact, he still holds title to the building to  
22 this day.

1                   In February of 2012, a Peoples Gas  
2 technician named Charles Varnado, who will be here to  
3 testify, was admitted to the basement and discovered  
4 that this was a black pipe steal situation --

5                   JUDGE KINGSLEY: What does that mean? I'm  
6 sorry.

7                   MS. MORRIS: So that is a --

8                   JUDGE KINGSLEY: Is that tampering?

9                   MS. MORRIS: Tampering, yes, your Honor.

10                   And he removed the tampering. And  
11 Ms. Ternipsede will testify that she used the date of  
12 removal of the meter and the date of the removal of  
13 the tampering as the beginning and end date to  
14 calculate projected usage.

15                   JUDGE KINGSLEY: Okay.

16                   MS. MORRIS: All of this, of course, is  
17 permitted under the Commission's rules.

18                   Mr. Hubbs was then --

19                   JUDGE KINGSLEY: I'm sorry. I don't mean to  
20 cut you off, Ms. Morris.

21                   MS. MORRIS: Sure.

22                   JUDGE KINGSLEY: I just wanted a really brief

1 statement.

2 MS. MORRIS: Oh. Sure.

3 Ultimately, the bill was transferred,  
4 and Mr. Hubbs received a disconnection notice because  
5 he did not pay that bill, and that gave rise to the  
6 complaint today, which we ask the Court to deny.

7 JUDGE KINGSLEY: So that bill for Aberdeen  
8 was transferred to Mr. Hubbs's current --

9 MS. MORRIS: Correct.

10 JUDGE KINGSLEY: -- address. Okay.

11 Mr. Hubbs, so we're going to start  
12 with your case. I'd like you to explain your case.

13 I don't know if this will be helpful  
14 to you to help you explain, but I want to know,  
15 exactly how much is Peoples saying you owe them at  
16 this point? Do you know?

17 MR. HUBBS: I think, 10,000-some dollars.

18 JUDGE KINGSLEY: Okay.

19 MR. HUBBS: I paid 10,000-some dollars when I  
20 sold the property the 9th of April, I think it was.

21 JUDGE KINGSLEY: Okay.

22

1                               SCOTT HUBBS,  
2 called as a witness herein, having been first duly  
3 sworn, was examined and testified as follows:

4                               EXAMINATION

5                               BY JUDGE KINGSLEY:

6               Q     So tell me about your complaint.

7                               Like did you ever live at this  
8 property?

9               A     No. I never lived at the property, ma'am.

10              Q     But you own it?

11              A     I was buying it at one time; then I paid for  
12 it; then I sold it.

13              Q     So you did own it at one point, and then you  
14 sold it?

15              A     The 9th of April, I think it was, ma'am, of  
16 '09.

17              Q     Okay. You can tell me about your case. I  
18 just was trying to help.

19                            THE WITNESS: What does she want to know?

20                            MS. OKEMA LEWIS: One minute.

21                            BY JUDGE KINGSLEY:

22              Q     Let's start this way: Do you recall when you

1 bought the property?

2 A I think it was like five years from the time  
3 I purchased, through Mr. Jackson, and I paid for it,  
4 and I got the title to it at that time.

5 Q So about five years from today or --

6 A No. Five years from '09.

7 Q Oh. Okay. So in '04, do you think?

8 MS. OKEMA LEWIS: (Indicating.)

9 THE WITNESS: Like in 1997, I guess it was.

10 BY JUDGE KINGSLEY:

11 Q So you think you bought the property from  
12 Mr. Jackson, and then you sold it.

13 A In '09.

14 Q In '09?

15 A Yeah.

16 Q But you never lived there?

17 THE WITNESS: Was it in '09?

18 MS. OKEMA LEWIS: That was 2012.

19 JUDGE KINGSLEY: What I think might be  
20 helpful is, I'll have you testify.

21 And I think, Ms. Lewis, if you have  
22 personal knowledge of where he lived, maybe I'll have

1 you testify too, if that's okay.

2 MS. MORRIS: Yes. And if I may, I'd just  
3 like to register an objection that it appears that  
4 Ms. Lewis is assisting Mr. Hubbs with his testimony.

5 And I understand that Mr. Hubbs may  
6 have some lapses in memory, which is understandable;  
7 but if he doesn't remember, he should just testify  
8 that he doesn't remember.

9 I would ask Ms. Lewis not to show him  
10 documents or prompt his testimony or cut him off  
11 because she doesn't represent him, as we've discussed.

12 JUDGE KINGSLEY: That's true; she doesn't.

13 So to the extent that he can just  
14 testify --

15 MS. OKEMA LEWIS: Duly noted.

16 JUDGE KINGSLEY: -- on his own --

17 MS. OKEMA LEWIS: Thank you.

18 JUDGE KINGSLEY: -- then we'll -- I recognize  
19 what you're saying.

20 BY JUDGE KINGSLEY:

21 Q Okay. So you sold the property in '09, and  
22 you never lived at that property.

1           A     No.

2           Q     And at the time in question -- so they say  
3 this bill is for -- well, let's start this way: So  
4 you have presented copies of your driver's license  
5 which say you live at a King Drive address?

6           A     That's correct.

7           Q     How long have you lived there?

8           A     Since '97.

9           Q     And do you have service for gas at this  
10 address?

11          A     Yes.

12          Q     With Peoples?

13          A     (No response.)

14          Q     You have it with Peoples Gas?

15          A     Beg your pardon?

16          Q     You have your service with Peoples Gas? You  
17 have an account with Peoples Gas --

18          A     Yes.

19          Q     -- for this address? Okay.

20                     And you've had that account since you  
21 moved there in 1997 --

22          A     We've had it ever --

1 Q -- with Peoples Gas?

2 A -- since 1997.

3 Q Okay.

4 A Yes.

5 Q And initially I think you mentioned that --

6 you said you never lived at that address, and that you

7 weren't aware that there were bills being sent, that

8 bills were sent to another address. Is that what you

9 said initially?

10 A Well, they sent it to the address where --

11 Q The Aberdeen --

12 A Yes, Aberdeen address.

13 Q And you also mentioned that no one ever

14 called you or contacted you about these bills --

15 A No.

16 Q -- during that time.

17 A Nobody called me, ma'am.

18 Q And you own the property on King Drive --

19 A Yes.

20 Q -- the one you've lived at --

21 A Yes.

22 Q -- since -- okay.

1                   And you don't happen to have like a  
2 tax bill or anything like that for this property  
3 today.

4           A     I don't -- I have one at home, ma'am.

5           Q     Okay.

6           A     But I don't have one with me.

7           Q     Is there anything else you want to tell me?

8           A     (No response.)

9           Q     And you'll have a chance to ask some  
10 questions, but if there's anything...

11          A     I don't know what to say.

12                   JUDGE KINGSLEY:  If you don't, that's fine.  
13 Yeah, I don't want to force you, but I just want to  
14 give you an opportunity to.

15                   I guess what we'll do is, first,  
16 admit -- or would you like to offer these exhibits  
17 that you've presented to me?

18                   One I have marked as Hubbs Exhibit 1,  
19 and it's a photocopy of your state ID and your  
20 driver's license for your current address.

21           MR. HUBBS:  Yes.

22                   JUDGE KINGSLEY:  And then, also, you have

1 offered into evidence a Group Exhibit 2, which is a  
2 collection of bills for the Aberdeen address. They  
3 are duplicate bills.

4 My understanding is, you just  
5 ordered --

6 (Brief interruption)

7 JUDGE KINGSLEY: One second. I'm sorry.

8 We can go off the record.

9 (Discussion off the record)

10 JUDGE KINGSLEY: Let the record reflect that  
11 the witness for Peoples Gas that we were waiting for  
12 has just arrived.

13 And back to the Group Exhibit 2, these  
14 are duplicate bills.

15 And, Mr. Hubbs, these are bills that  
16 you requested copies of from Peoples. You didn't --

17 MR. HUBBS: Yes.

18 JUDGE KINGSLEY: -- receive these. These  
19 weren't mailed to you -- okay.

20 And you'd like to offer these into  
21 evidence, have them submitted into evidence?

22 MR. HUBBS: (Nodding head.)

1 JUDGE KINGSLEY: Is there any objection?

2 MS. MORRIS: Yes, your Honor.

3 Before we admit Exhibit 2, I was  
4 hoping I could ask some foundational questions to  
5 determine exactly what they are. Mr. Hubbs hasn't yet  
6 sort of touched on it, as to what they are.

7 JUDGE KINGSLEY: Sure.

8 CROSS-EXAMINATION

9 BY MS. MORRIS:

10 Q Mr. Hubbs, good morning.

11 I'm holding what's been marked as  
12 Group Exhibit 2. Are these bills that you'd like to  
13 offer into evidence?

14 JUDGE KINGSLEY: I just asked --

15 THE WITNESS: Yes.

16 JUDGE KINGSLEY: -- him that.

17 BY MS. MORRIS:

18 Q Yes?

19 And, Mr. Hubbs, how did you get these  
20 bills?

21 A Through the mail, after I requested the  
22 bills. But I don't know why they were sent to

1 Aberdeen, because I didn't live there, and why they  
2 didn't send them to my home address instead of sending  
3 them to Aberdeen.

4 Q And, Mr. Hubbs --

5 A They sent --

6 Q -- do you recall when you received them?

7 A I received them -- I don't know exactly when  
8 I received them, but I received them, the bills for  
9 two years; and they should have been sent to me,  
10 myself, if they're still -- I didn't know the gas was  
11 still on because they had took the meters out.

12 Q I understand that's your testimony, and I'll  
13 ask you questions about that.

14 So the answer is, Mr. Hubbs, you don't  
15 know when you received these bills?

16 A No.

17 MS. MORRIS: Okay. Thanks. I have nothing  
18 else.

19 I don't object to them being admitted.

20 FURTHER EXAMINATION

21 BY JUDGE KINGSLEY:

22 Q But I want to clarify. Did you receive these

1 bills recently?

2 A They were sent to me.

3 Q The last one is --

4 A It was dealing with this case that I received  
5 the bills.

6 Q Well, I can't tell -- I know you don't recall  
7 the date. But, Mr. Hubbs, do you know if you received  
8 these recently?

9 A What did you say?

10 Q Oh. I'm sorry. I talk very low.

11 I said I know, when you were speaking  
12 to Ms. Morris, that you weren't sure exactly when you  
13 got these, but you got them recently.

14 A Okay. I received them Wednesday -- 2013.

15 Q So in 2013?

16 A Peoples Gas statements, it was mailed to me  
17 in this envelope here.

18 Q Oh. Okay. In 2013?

19 A Yes.

20 Q Okay.

21 MS. MORRIS: And what is the date? Is there  
22 a date in 2013?

1 MR. HUBBS: It's got Wednesday, 2013.

2 MS. MORRIS: Does the postmark have a --

3 MR. HUBBS: 8/21?

4 MS. MORRIS: -- date on it?

5 MR. HUBBS: (Tendering.)

6 JUDGE KINGSLEY: The postmark says  
7 August 20th, 2013.

8 MS. MORRIS: Your Honor, I would ask that we  
9 make that envelope part of Group Exhibit 2.

10 JUDGE KINGSLEY: Okay.

11 MS. MORRIS: So if we could make a copy of  
12 that envelope and attach it to the back.

13 JUDGE KINGSLEY: Let's go off the record so I  
14 can make a copy.

15 (Brief recess)

16 JUDGE KINGSLEY: Let the record reflect I  
17 just went out to Xerox a copy of the envelope.

18 I'm going to mark this as Hubbs  
19 Exhibit 3.

20 (Hubbs Exhibit Number 3  
21 marked for identification)

22 JUDGE KINGSLEY: So, Mr. Hubbs, we're going

1 to include this cover of the envelope for the bills  
2 with your exhibits.

3 Ms. Morris has indicated she has no  
4 objection to entering these into evidence, so these  
5 will become part of the evidence in the record.

6 MR. HUBBS: Yes.

7 JUDGE KINGSLEY: And I'm going to grant that,  
8 so we're going to enter these exhibits into the  
9 record.

10 (Hubbs Exhibits Numbers 1  
11 [confidential], 2, and 3  
12 admitted into evidence)

13 JUDGE KINGSLEY: And I want to note that  
14 Exhibit 1, which is a copy of your IDs, will be marked  
15 as "confidential," since it includes personal  
16 information, so other people can't see it.

17 Ms. Morris, you can proceed with any  
18 cross-examination you have of Mr. Hubbs.

19 MS. MORRIS: Okay.

20 CROSS-EXAMINATION (cont'd)

21 BY MS. MORRIS:

22 Q Mr. Hubbs, you testified that you purchased

1 the property at 7055 North Aberdeen -- or South  
2 Aberdeen -- I apologize -- in 1997?

3 A No. I purchased the house where I'm living  
4 at in '97.

5 Q Okay. When did you purchase the house at  
6 7055 South Aberdeen?

7 A Hmm. I don't really know the date right now,  
8 but that was before then.

9 Q I'm handing you what's been marked as Peoples  
10 Gas Exhibit 1.

11 This document states that it's a  
12 warranty deed. Do you see that?

13 A What is that? I don't remember purchasing it  
14 in '97. I --

15 Q Mr. Hubbs, do you see that it's entitled  
16 "warranty deed"?

17 A I think he gave me the warranty deed after I  
18 paid for the building. I'm not sure.

19 Q My question is, simply, do you see that the  
20 title of the document is "warranty deed"?

21 A Evidently, I did.

22 Q I'm sorry. Is that a "yes"?

1           A     It's March 1997. That's what they got down  
2 here, but I --

3           JUDGE KINGSLEY: Oh. Mr. Hubbs, I think what  
4 she's asking you is, do you see that the top says  
5 "warranty deed"? That's all she's asking you.

6           THE WITNESS: (Reviewing exhibit.)

7           JUDGE KINGSLEY: At the top on the left side?

8           THE WITNESS: Where it says "warranty deed"?

9           JUDGE KINGSLEY: Yeah. She just wants to  
10 know if you see that. So if you do, you just...

11          THE WITNESS: I don't know what she's -- what  
12 she means.

13          JUDGE KINGSLEY: I'm sorry, Mr. Hubbs. Let  
14 me try to clarify.

15                    Ms. Morris, she just wanted to know if  
16 you see that.

17          THE WITNESS: Yeah.

18          JUDGE KINGSLEY: You see that.

19          THE WITNESS: Yes.

20          JUDGE KINGSLEY: Okay. That's all.

21          MS. MORRIS: Thank you.

22

1 BY MS. MORRIS:

2 Q And do you see, under the title "warranty  
3 deed," where it says that the grantor is John Jackson?

4 A Yes.

5 Q And that he conveys and warrants to Scott E.  
6 Hubbs, 7137 Martin Luther King Drive, Chicago,  
7 Illinois 60619? Do you see that?

8 A Yes.

9 Q Okay.

10 And did you purchase the property from  
11 Mr. Jackson?

12 A Yes, I did.

13 Q And is that your name and a former address of  
14 yours?

15 A That was a former address that I had at that  
16 time.

17 Q And about halfway down the page, do you see  
18 it says the address of real estate is 7055 South  
19 Aberdeen, Chicago?

20 A (Reviewing exhibit.)

21 MS. MORRIS: May I point it out to him,  
22 Judge?

1 JUDGE KINGSLEY: Can you, please.

2 THE WITNESS: I don't see that.

3 BY MS. MORRIS:

4 Q Address of real estate, 7055 South Aberdeen.

5 A Yes.

6 Q Okay.

7 And does the document, in the next  
8 line down, state that it's dated the 1st day of March  
9 1997?

10 A Yes.

11 Q And in the upper right-hand corner of the  
12 document, do you see a stamp that says "Cook County  
13 Recorder"?

14 A Yes.

15 Q And then did you see the date, that it's  
16 March 7th, 2002, that it was, apparently, recorded?

17 A No. Let's see.

18 The 1st of March '97, what's on this  
19 paper here.

20 MS. MORRIS: May I indicate to him, Judge,  
21 where?

22 JUDGE KINGSLEY: (Nodding head.)

1 MS. MORRIS: Thank you.

2 BY MS. MORRIS:

3 Q Up in the upper right corner, do you see that  
4 the recording stamp is dated March 7th, 2002?

5 A Yes.

6 Q Does this document help refresh your memory  
7 that you had an agreement to purchase, perhaps, around  
8 1997 and that the deed was recorded on March 7th,  
9 2002?

10 A I really don't know, ma'am, right now.

11 Q You don't know?

12 A No.

13 Q Do you have any reason to believe that this  
14 document isn't an accurate document?

15 A It probably is, ma'am.

16 Q It probably is accurate?

17 A Yeah.

18 Q And what type of building is located at  
19 7055 South Aberdeen?

20 A It's a frame two-flat building.

21 Q You said it's two flats?

22 A Yes.

1 Q And how many rooms are in each flat?

2 A Okay. On the second floor, it's three  
3 bedrooms. On the first floor, it's two bedrooms.

4 Q Is there a finished basement?

5 A Yeah, it's a finished basement.

6 Q Is that a separate apartment?

7 A No, it's not a apartment.

8 Q And thinking back to early 2009, was the  
9 building heated by gas?

10 A I don't know because I didn't go over there.

11 Q You didn't go over there?

12 A No.

13 Q What was the heat source in the building, to  
14 your knowledge?

15 A Well, they come up with the -- that's when it  
16 was purchased by Ryishie Robinson, the 9th of April, I  
17 think it was.

18 Q Well, we can go to that. I'll hand you  
19 what's been marked as Peoples Gas Exhibit 2.

20 Do you see that this document is  
21 entitled "articles of agreement for deed"?

22 A Yes.

1 Q Okay. And do you see, in Paragraph 1, the  
2 buyer is Ryishie Robinson?

3 A Yes.

4 Q And the address is 7055 South Aberdeen?

5 A Right.

6 Q And the seller is Scott Hubbs at 7023 South  
7 King Drive?

8 A Yes.

9 Q And the purchase price is \$75,000?

10 A Yes.

11 Q Moving to the second page, do you see, in  
12 Paragraph 2, where it has the statement -- I'll let  
13 you turn the page.

14 In Paragraph Number 2...

15 A Yes.

16 Q It says, "The deed: If the buyer shall  
17 first make all payments and perform  
18 all the covenants and agreements in  
19 this agreement required to be made  
20 and performed by said buyer, at the  
21 time and in the manner hereinafter  
22 set forth, seller shall convey or

1                   cause to be conveyed to buyer (in  
2                   joint tenancy) or his nominee, by a  
3                   recordable, stamped warranty deed  
4                   with release of homestead rights,  
5                   good title to the premises," and it goes  
6 on. But let me ask you what that means.

7                   Does that mean that this document does  
8 not actually transfer title? It is an agreement to  
9 transfer title upon the making of all of the payments?

10                  JUDGE KINGSLEY: I have a question. Are you  
11 asking him a legal question?

12                  MS. MORRIS: I was asking him his  
13 understanding of it. I can establish, you know, that  
14 he's a party to it, so what his understanding of it is  
15 is relevant.

16 BY MS. MORRIS:

17                  Q    Is that what you understand, Mr. Hubbs?

18                                Would you like me to repeat the  
19 question?

20                  A    I really don't understand what you're talking  
21 about.

22                  JUDGE KINGSLEY: I don't understand --

1 MS. MORRIS: Okay.

2 JUDGE KINGSLEY: -- your question either.

3 MS. MORRIS: All right.

4 JUDGE KINGSLEY: Can you repeat it --

5 MS. MORRIS: Well, then we'll move to the  
6 end.

7 BY MS. MORRIS:

8 Q Can you go to the last page of the document,  
9 please. It's Page 10.

10 On Page 10, do you see, at the bottom,  
11 the signature of a Scott Hubbs under "seller"?

12 A Yes.

13 Q Is that your signature?

14 A Yes.

15 Q And under "buyer" does it say "Ryishie  
16 Robinson"?

17 A Yes.

18 Q And above those signatures, is there a date?

19 A Yeah.

20 Q What's that date?

21 A 9th day of April 2012.

22 Q 2012.

1           A     Yeah.

2           Q     So this agreement to sell was made in 2012?

3           A     Yes.

4           Q     Okay.  I thought I heard you testify earlier  
5 that you sold it on April 9th, 2009.  Did I hear you  
6 correctly?

7           A     Well, I didn't know exactly what date it was,  
8 ma'am; but now I see it, what date it was, the 9th day  
9 of April 2012.

10          Q     So earlier if that was your testimony, you  
11 were just mistaken.

12          A     Yes.

13          Q     So on Page 3 of this document, under  
14 Paragraph 3, it appears that -- well, let me read this  
15 and ask you if you see where I'm reading.

16                     Number 3, "Installment purchase:  
17                     Buyer hereby covenants and agrees to  
18                     pay to seller, at 7023 South King  
19                     Drive, Chicago, or to such other  
20                     person or at such other place the  
21                     seller may from time to time  
22                     designate in writing, the purchase

1 all payable in the manner following,  
2 to wit: Buyer has paid \$7,000;  
3 (c) The balance of the purchase  
4 price, to wit: \$68,000 to be paid  
5 in equal 85 installments of \$800  
6 each, commencing on the 1st day of  
7 April 2012, and on the first day of  
8 each month thereafter, until the  
9 purchase price is paid in full  
10 ("installment payments"); (d) The  
11 final payment of the purchase price  
12 and other charges as hereinafter  
13 provided, if not sooner paid, shall  
14 be due on the 1st day of April 2019."

15 Do you see that?

16 A That's -- that was the agreement when I was  
17 selling it, but they haven't paid.

18 Q That was going to be my next question,  
19 Mr. Hubbs. Have they paid you --

20 A No.

21 Q -- the entire amount?

22 A No.

1 Q Have you given them the warranty deed to this  
2 property?

3 A I gave that -- I guess I gave them that when  
4 I sold it. I don't know.

5 Q Okay.

6 A But I'm still holding the mortgage because I  
7 borrowed money on the building.

8 Q I see.

9 We can set that aside. That's my last  
10 question on that document.

11 So now that we've established that you  
12 sold the property on April 9th, 2012, or at least  
13 entered into this articles of agreement in 2012 --

14 A Yes.

15 Q -- when we're thinking back now to June 2009,  
16 when the meter was removed, did you own the property  
17 at that point?

18 A At that time, yes. I did, yeah.

19 Q And so in June of 2009, who was living there?

20 A It wasn't Ryishie Robinson. It was  
21 another -- his mother, I think it was.

22 Q It was Ryishie Robinson's mother?

1           A     Yes.

2           Q     And how long did Mr. Robinson's mother live  
3 at 7055 South Aberdeen?

4           A     Well, I don't know the exact length of time,  
5 but she was there for a long time.

6           Q     Would you say more than --

7           A     Five or six --

8           Q     -- a year?

9           A     Yeah. Five or six years.

10          Q     Okay.

11          A     Or more.

12          Q     When did she first move in?

13          A     Well, I don't have that date, ma'am, but it  
14 goes back.

15          Q     Was it before June of 2009? Do you know?

16          A     Yeah, it was.

17          Q     And so she lived there for a time both before  
18 June 2009 and after.

19          A     Yeah.

20          Q     And did you have a written lease with her?

21          A     Did I what -- no, I didn't have a lease.

22          Q     Did you have an oral agreement about what she

1 would pay?

2 A Yes.

3 Q And do you remember what your agreement was  
4 in 2009?

5 A Well, at that time I think she was paying  
6 like \$700 a month, something like that. But she  
7 didn't pay it, so...

8 Q She didn't pay you?

9 A No.

10 Q And whose responsibility was it, as of June  
11 of 2009, to pay for utilities?

12 A She was supposed to pay her own utilities.

13 Q Okay.

14 And between June of 2009 and February  
15 of 2012, did you visit the building?

16 A No.

17 Q Who was monitoring the building for you?

18 A Who was monitoring the building?

19 Q Yes, to see what was going on at the  
20 property, because you owned it.

21 A Well, I didn't have keys to the basement or  
22 anything, so I couldn't get in the basement.

1 Q Did you try?

2 A They had a lock. I don't have a key, didn't  
3 have a key for the basement.

4 Q Between June 2009 and February 2012, did  
5 anyone other than Mr. Robinson's mother live in the  
6 building?

7 A His grandmother, I think, was living there  
8 for a while.

9 Q Okay.

10 A Which is his mother's mother.

11 Q And did you have any kind of agreement with  
12 her, the grandmother, regarding rent?

13 A There was no -- the grandmother wasn't  
14 involved in that, only the boy's mother.

15 Q And what was her name?

16 A Lori.

17 Q Robinson?

18 A No, I don't think she was married.

19 Q So Lori?

20 A Yeah, Lori.

21 Q So you had an agreement with Lori that she  
22 would pay \$700 per month and she would pay utilities;

1 is that right?

2 A Yes.

3 Q And did you have any other tenants between  
4 June 2009 and February 2012?

5 A Well, her sister lived on the second floor at  
6 one time, but she moved out.

7 Q What was her sister's name?

8 A Hmm. I really can't think of the name right  
9 now. I can't think of names. I forget names now. I  
10 got to the age where I can't remember.

11 Q Understood.

12 Was the sister living there at the  
13 same time as Lori?

14 A Yeah.

15 Q So was the sister paying rent independently?

16 A Her sister paid rent, yes.

17 Q And did you have an oral agreement with her  
18 about what she would pay?

19 A I don't know what it was right now.

20 Q But did you have an agreement?

21 A Yeah.

22 Q Okay.



1           A     Any gas what?

2           Q     Appliances?

3           A     Yeah.  The gas was hooked up at one time.

4           Q     But were there any appliances, other than the  
5 heat and the hot water tank, that used gas?

6           A     I really don't remember.  That kind of  
7 question -- well, I know they had a stove and  
8 refrigerator and all of that, but I don't know what  
9 else they had.

10          Q     Okay.  And you don't know whether the stove  
11 was a gas stove or an electric stove?

12          A     No, it was a gas stove there.  I don't know  
13 whether -- if there was an electric stove in the  
14 basement, but -- I don't know.

15          Q     There was a gas stove then?

16          A     Yeah.

17          Q     And are you familiar with your obligations  
18 under the Chicago Landlord-Tenant Ordinance to provide  
19 utilities to your tenants?

20          A     Yeah.  But they wasn't paying any rent, so  
21 how am I going to pay the utilities?

22          Q     And did your tenants have heat or hot water

1 from June 2009 to February 2012, to your knowledge?

2 A I really don't know. I imagine they did. I  
3 don't know.

4 If they had took the meters out -- I  
5 don't know what date it was now. June? Was it  
6 June 9th or something like that?

7 MS. MORRIS: Just a moment.

8 (Discussion off the record)

9 MS. MORRIS: I don't have anything else.  
10 Thank you.

11 JUDGE KINGSLEY: Mr. Hubbs, did you want  
12 Ms. Lewis to testify?

13 Or did you want to testify? Is there  
14 anything about your personal knowledge that you wanted  
15 to add or --

16 MS. OKEMA LEWIS: Sure.

17 JUDGE KINGSLEY: You don't have to if you  
18 don't want to --

19 MS. OKEMA LEWIS: Due to the age --

20 JUDGE KINGSLEY: Let me swear you in.

21 MS. OKEMA LEWIS: Sure.

22 (Witness sworn)

1 JUDGE KINGSLEY: And, Ms. Morris, do you  
2 object to --

3 MS. MORRIS: No, not at all.

4 JUDGE KINGSLEY: Okay.

5 I'm sorry. Go ahead.

6 OKEMA LEWIS,  
7 called as a witness herein, having been first duly  
8 sworn, was examined and testified as follows

9 DIRECT TESTIMONY

10 BY MS. OKEMA LEWIS:

11 MS. OKEMA LEWIS: Briefly, I've known  
12 Mr. Hubbs for some years now, and I am aware of his  
13 current residence, which is 7023 South King Drive.

14 I'm also aware that at the property at  
15 7055 South Aberdeen, that they had removed the meters,  
16 and that he had not received any mail regarding the  
17 removal; and, subsequently, he was under the  
18 impression that no gas was at that residence and --

19 MS. MORRIS: I would --

20 MS. OKEMA LEWIS: -- was not even sure about  
21 the parties --

22 MS. MORRIS: May I object?

1                   This testimony is more in the form of  
2 argument because it doesn't seem that these are things  
3 that Ms. Lewis has personal knowledge of.

4                   It seems like these are things that  
5 Mr. Hubbs told her. I'm not sure how she would know  
6 these things, other than having heard them from  
7 Mr. Hubbs, which would make them hearsay.

8                   So if she can establish a foundation  
9 for how she has come to know these things, that would  
10 be one thing, and she can testify about her personal  
11 knowledge; but if she's trying to, you know, make a  
12 summary or an argument, then that's not appropriate.

13                   MS. OKEMA LEWIS: Respectfully --

14                   JUDGE KINGSLEY: Your objection is sustained.

15                   MS. OKEMA LEWIS: Okay.

16                   JUDGE KINGSLEY: Essentially --

17                   MS. OKEMA LEWIS: May I rephrase the  
18 statement --

19                   JUDGE KINGSLEY: Well --

20                   MS. OKEMA LEWIS: -- and refer to their  
21 documents? Would that be allowed?

22                   JUDGE KINGSLEY: Well, my first question is,

1 you don't object to her statement about where he  
2 lives, do you?

3 MS. MORRIS: No, not at all.

4 JUDGE KINGSLEY: But the statement about the  
5 meters being removed --

6 MS. MORRIS: Correct.

7 MS. OKEMA LEWIS: Okay.

8 Based upon conversations held with the  
9 Peoples Gas representatives as to the inquiry of him  
10 receiving a bill for said services, Mr. Hubbs gave me  
11 a document in which I was added to be authorized to  
12 speak with Peoples Gas on his behalf.

13 Under that, I would only be addressing  
14 what they have said was done, which would collaborate  
15 [sic] Mr. Hubbs' statement that the meters were  
16 removed.

17 So hearsay would be stating,  
18 respectfully, that, perhaps, the date was not correct  
19 that Peoples Gas gave to me in a conversation with  
20 them, which is also reflected in their documents to  
21 the same time frame.

22 There's no hearsay for me to address,

1 outside of conversations that are documented in  
2 Exhibit 12, in which my name is mentioned in "remarks"  
3 to Peoples Gas, along with statements made in Exhibit  
4 Peoples Gas 13, which I am also referenced, to address  
5 concerns regarding the property in question and the  
6 said removal of meters.

7 JUDGE KINGSLEY: So does that satisfy you,  
8 that she had authority to speak with Peoples Gas  
9 representatives?

10 MS. MORRIS: And, certainly, she can -- we  
11 will stipulate that she did receive that permission at  
12 one point.

13 She can testify, then, that Peoples  
14 Gas told her that the meter was removed in June of  
15 2009; but I believe that the way that Ms. Lewis  
16 initially presented it is, "This is what happened."

17 So my objection is simply that her  
18 testimony be couched in terms of what she knows and  
19 how she knows it because I believe that all of her  
20 knowledge comes from either Peoples Gas or Mr. Hubbs,  
21 and we just want to clarify where that information --

22 JUDGE KINGSLEY: And just testify --

1 MS. MORRIS: -- is coming from.

2 MS. OKEMA LEWIS: And that was my point.

3 JUDGE KINGSLEY: -- as to what you know --

4 MS. OKEMA LEWIS: I stand corrected --

5 JUDGE KINGSLEY: -- about the issue --

6 MS. OKEMA LEWIS: -- in addressing this in  
7 accordance with the standards that would be agreeable  
8 to Attorney Morris.

9 JUDGE KINGSLEY: Okay.

10 MS. OKEMA LEWIS: That being said, from that  
11 foundation of clarity, I supported and communicated  
12 with them because Mr. Hubbs' concerns were that he was  
13 not aware of any gas being used at that property.

14 He had had some illness within those  
15 years and had not been over to that property. He  
16 even -- with no respect to hearsay -- stated that he  
17 was not even sure about the residence of the  
18 individuals.

19 He was not getting any rent from them,  
20 per Mr. Hubbs, and so --

21 JUDGE KINGSLEY: And I think --

22 MS. MORRIS: And I would object --

1 JUDGE KINGSLEY: Yeah.

2 MS. MORRIS: -- at this point.

3 JUDGE KINGSLEY: Yeah. I think, again,  
4 Ms. Lewis --

5 MS. OKEMA LEWIS: Okay.

6 JUDGE KINGSLEY: -- basically, what  
7 Ms. Morris is saying, you can -- I basically  
8 requested, if you wanted to testify --

9 MS. OKEMA LEWIS: Sure.

10 JUDGE KINGSLEY: -- just to sort of establish  
11 his address --

12 MS. OKEMA LEWIS: Okay.

13 JUDGE KINGSLEY: -- and anything you know of  
14 your personal knowledge from communication with  
15 Peoples, but not communicating what Mr. Hubbs has told  
16 you.

17 MS. OKEMA LEWIS: Okay. I stand corrected.

18 JUDGE KINGSLEY: No, that's okay.

19 MS. OKEMA LEWIS: Was there anything in  
20 specific regarding the exhibits that they have  
21 presented? Because, again, my clarity regarding any  
22 of this is because I did communicate with Peoples

1 Gas --

2 JUDGE KINGSLEY: Right.

3 MS. OKEMA LEWIS: -- from statements made by  
4 Mr. Hubbs --

5 JUDGE KINGSLEY: Right.

6 MS. OKEMA LEWIS: -- in order to be assured  
7 that this was the case.

8 JUDGE KINGSLEY: Well, let me ask you some  
9 questions based on --

10 MS. OKEMA LEWIS: Sure.

11 JUDGE KINGSLEY: -- your own personal  
12 knowledge.

13 EXAMINATION

14 BY JUDGE KINGSLEY:

15 Q You've testified that currently you're aware  
16 that he lives at the 7023, I think, King Drive  
17 address.

18 A Yes.

19 Q And do you know about how long, that you  
20 know, personally, that he's lived there?

21 A I met him in 2006 or '7, so he's been at that  
22 address ever since that time frame in which I met him.

1 Q Okay. And I'm trying to think what else.

2 That's all the questions I really  
3 wanted to -- and you're aware, from your calls with  
4 Peoples, that the meter was removed and --

5 A Yes. That was a statement that I had to have  
6 clarified, because of Mr. Hubbs' age, along with other  
7 concerns. And so the documents they presented  
8 collaborate [*sic*] that statement.

9 The communications labeled Exhibit 12,  
10 13, 14, I believe those are the three in which my name  
11 is used in the "remarks."

12 Q Okay.

13 Did you assist Mr. Hubbs in ordering  
14 the duplicate bills?

15 A Yes, I did.

16 JUDGE KINGSLEY: That's all I have.

17 Did you have any questions?

18 MS. MORRIS: Yes, mm-hmm.

19 CROSS-EXAMINATION

20 BY MS. MORRIS:

21 Q Ms. Lewis, do you have any personal knowledge  
22 about whether there was tampering with the gas service

1 at 7055 South Aberdeen?

2 A No.

3 Q Have you ever been to that property?

4 A No.

5 Q Do you have any personal knowledge about  
6 whether and when Mr. Hubbs owned the property at  
7 7055 South Aberdeen?

8 A Per his documents would be the only things I  
9 could utilize and not any other personal statement.

10 Q Okay. Thank you.

11 And do you have any personal knowledge  
12 about -- I apologize. Strike that.

13 I don't have anything else.

14 JUDGE KINGSLEY: Thank you so much,  
15 Ms. Lewis.

16 MS. MORRIS: At this point, could I move that  
17 we admit Exhibits 1 and 2 into evidence.

18 JUDGE KINGSLEY: You want to do a little bit  
19 at a time?

20 MS. MORRIS: Or if you prefer, I can do --

21 JUDGE KINGSLEY: No, no, no.

22 MS. MORRIS: -- all of them at the end.

1 JUDGE KINGSLEY: No, no. That's fine.

2 MS. MORRIS: Whichever way you --

3 JUDGE KINGSLEY: That's fine. That's fine.

4 So, Mr. Hubbs, do you have any  
5 objection to Ms. Morris entering these two documents,  
6 Exhibits 1 and 2, into the record?

7 Exhibit 1 is the warranty deed, and  
8 Exhibit 2 is the agreement with Mr. Robinson for the  
9 Aberdeen property.

10 MR. HUBBS: I don't know what she said. What  
11 does she mean by that?

12 JUDGE KINGSLEY: Oh. What I mean is that,  
13 because it's an evidentiary hearing, a trial -- just  
14 like you had these documents you wanted to have in the  
15 record, they want to enter this into the record, just  
16 to --

17 MR. HUBBS: I have no objection.

18 JUDGE KINGSLEY: All right. Then Exhibits 1  
19 and 2 are admitted into the record.

20 (Peoples Gas Exhibits Numbers 1 and 2  
21 admitted into evidence)

22 JUDGE KINGSLEY: So now, Mr. Hubbs, we're

1 going to rest your case, and we're going to proceed  
2 with Peoples Gas's case in chief. And so, you know,  
3 feel free to write down any questions that come to you  
4 as you're listening to them.

5 After each witness testifies, you'll  
6 have an opportunity to ask them questions as well, but  
7 not the attorney, just the witness. Okay?

8 MR. HUBBS: Okay.

9 JUDGE KINGSLEY: Ms. Morris, would you like  
10 to call your first witness.

11 MS. MORRIS: Yes. Thank you.

12 We'd like to call Charles Varnado.

13 JUDGE KINGSLEY: How do you spell the last  
14 name?

15 MS. MORRIS: V-a-r-n-a-d-o.

16 Is that right?

17 MR. CHARLES VARNADO: Yes.

18 JUDGE KINGSLEY: You know what? I want to  
19 swear in all your witnesses at one time so we'll be  
20 done.

21 MS. MORRIS: That makes sense.

22 JUDGE KINGSLEY: That's the three women

1 behind you too?

2 MS. MORRIS: Two of them.

3 JUDGE KINGSLEY: Oh. Two? Okay.

4 (Three witnesses sworn)

5 JUDGE KINGSLEY: You can proceed.

6 MS. MORRIS: Thanks.

7 CHARLES VARNADO,

8 called as a witness herein, having been first duly

9 sworn, was examined and testified as follows:

10 DIRECT EXAMINATION

11 BY MS. MORRIS:

12 Q Mr. Varnado -- and am I pronouncing that  
13 correctly?

14 A Yes, you are.

15 Q Could you state your name for the record,  
16 please.

17 A Charles Varnado.

18 Q And we got the spelling. It's V-a-r-n-a-d-o?

19 A Yes.

20 Q And by whom are you employed?

21 A Peoples Energy.

22 Q What is your job title?

1           A     Senior service specialist #2.

2           Q     How long have you been employed by Peoples  
3 Gas?

4           A     I started in May of '92.

5           Q     And before you were a service technician, did  
6 you have any other jobs with Peoples?

7           A     I was a meter reader a long time ago.

8           Q     Okay.

9                         How long have you been a service  
10 technician?

11          A     Ooph, about 17 -- maybe about 19 years.

12          Q     Have you received any training for your job  
13 with Peoples Gas?

14          A     Extensive, yes.

15          Q     What kind of training have you done?

16          A     For each upgrade, we have to qualify and test  
17 into it, and I've had three upgrades since I've been a  
18 service person.

19                         And, also, we have to re-qualify every  
20 three years; and once a year we go to what's called  
21 tech training, so it's kind of like a refresher  
22 course. So there's constant training and refreshing.

1 Q And do those trainings help you understand  
2 utility hookup?

3 A Yes.

4 Q And can you generally describe what your  
5 duties are as a service technician.

6 A Well, currently, at the time, I'm primarily  
7 an emergency responder; however, if need be, they do  
8 ask me to fill in with the routes, "routes" being  
9 customer requests for gas service.

10 Q And when you do emergency calls, what kinds  
11 of calls are those?

12 A Gas leaks, carbon monoxide.

13 Q And so can you estimate how many service  
14 calls you've handled with Peoples Gas?

15 Everyone laughs when I ask this  
16 question.

17 A I -- no. I think --

18 Q In the --

19 A -- a thousand --

20 Q -- hundreds?

21 A A thousand, yeah.

22 Q In the thousands? Okay.

1                   So back in 2012, you handled a service  
2 call at 7055 South Aberdeen; is that correct?

3           A     Yes.

4           Q     And I'm going to hand you what's been marked  
5 as Peoples Gas Exhibit 3.

6           A     Mm-hmm.

7                   MS. MORRIS:  And, Mr. Hubbs, just for your  
8 reference, it's entitled "request for investigation of  
9 unmetered gas."

10   BY MS. MORRIS:

11           Q     And, Mr. Varnado, do you recognize this  
12 document?

13           A     Yes, I do.

14           Q     Did you write the handwriting on this  
15 document?

16           A     Yes, I did.

17           Q     Except for the handwriting in the little box  
18 there, right?

19           A     Right.

20           Q     Okay.  So what is this document?

21           A     This is a document that we are --  
22 procedurally, we fill out when we find that the

1 meter's either been tampered or altered or bypassed.

2 Q I see.

3 And so can you tell, by looking at  
4 this document, why you went to 7055 South Aberdeen?

5 A Yes. We were called on a Job Code 70.

6 Job Code 70 is when the customer has  
7 requested gas service and the meter needs to be  
8 installed, which means there's no meter there.

9 Q And can you tell, from looking at this  
10 document, what date you made that visit?

11 A February 3rd, 2012.

12 Q What did you discover when you arrived at the  
13 house at 7055 South Aberdeen on February 3rd, 2012?

14 A That the meter had been removed, and there  
15 was a makeshift device.

16 The description would be two three-  
17 quarter shutoff valves, which are valves used to  
18 control the flow of gas, two elbows, and a union which  
19 connects the gas. All this is common, a common setup  
20 when the meter's being bypassed.

21 Q Have you seen cases of tampering before this  
22 situation?

1           A     Yes.  It's a very common occurrence.

2           Q     And were those shutoffs and elbows and the  
3 union Peoples Gas equipment?

4           A     No.

5           Q     So customer equipment was installed on  
6 Peoples Gas supply pipes --

7           A     Yeah.

8           Q     -- is that correct?

9           A     Yes.

10          Q     And at that point, what did you do with that  
11 customer equipment?

12          A     I removed it and took it with me.

13          Q     Okay.  Why did you remove it?

14          A     Because it was installed and placed to  
15 illegally flow -- allow the flow of gas through the  
16 customer's piping.

17          Q     Is there any danger posed by customer  
18 equipment attached to Peoples Gas equipment?

19          A     Absolutely.

20          Q     What kind of danger is that?

21          A     More often than not, when we find these  
22 illegal connections, there's a gas leak involved.

1                   Appliances aren't as professionally  
2 inspected as we do, so there could be a malfunction in  
3 an appliance that a customer doesn't have the  
4 knowledge to recognize, so it could cause carbon  
5 monoxide, like I said, explosions, gas leaks --  
6 there's numerous things that could happen if someone's  
7 not qualified, you know.

8           Q     So in addition to the reason that you  
9 mentioned, that you removed it because it was an  
10 illegal bypass of the meter, additionally you removed  
11 it because it was dangerous. Is that right?

12          A     Yes. It presented a dangerous condition,  
13 absolutely.

14          Q     Okay.

15                   And did you notice that any appliances  
16 were connected to this bypass equipment?

17          A     Yes, I did.

18          Q     What did you find?

19          A     There was a 100,000-BTU furnace and a  
20 50-gallon hot water tank.

21          Q     And what did you do after you discovered this  
22 situation?

1           A     Once we discovered it, it's a cease-and-  
2 desist, and I immediately notified the revenue  
3 protection agency.

4           Q     And that's a unit within Peoples Gas --

5           A     Yes.

6           Q     -- is that right?

7           A     Yes.

8           MS. MORRIS:   Just one minute.  I'm making  
9 sure I asked everything.

10                           I don't have anything else.  Thank  
11 you.

12           JUDGE KINGSLEY:  Mr. Hubbs, do you have any  
13 questions for the service tech?

14           MR. HUBBS:  No.

15           JUDGE KINGSLEY:  No?  Okay.

16                           Sorry.  I'm just making sure I have  
17 everything.

18                           I don't have any questions for you  
19 either.  So thank you very much.  You're dismissed.

20           MS. MORRIS:  Thank you so much.  I appreciate  
21 it.

22                           And may Mr. Varnado be excused?

1 JUDGE KINGSLEY: Sure.

2 (Discussion off the record)

3 JUDGE KINGSLEY: Would you like to move this  
4 into --

5 MS. MORRIS: Yes, please.

6 May I move Exhibit 3 into evidence,  
7 please.

8 JUDGE KINGSLEY: Mr. Hubbs, do you object to  
9 Exhibit 3, having Exhibit 3 entered into the record?

10 MR. HUBBS: What's that?

11 JUDGE KINGSLEY: Ms. Lewis can help you find  
12 that.

13 MS. OKEMA LEWIS: (Indicating.)

14 JUDGE KINGSLEY: Yeah, that's the one.

15 MR. HUBBS: I don't know what it means.

16 JUDGE KINGSLEY: It's a document entitled  
17 "request for investigation of unmetered gas," so...

18 MR. HUBBS: What am I supposed to say? I  
19 don't know what they're talking about.

20 JUDGE KINGSLEY: If you don't have an  
21 objection, it's okay.

22 MR. HUBBS: I don't know.

1 I'm not a plumber or anything like  
2 that. I don't know.

3 JUDGE KINGSLEY: No, I know. I know.

4 MR. HUBBS: But I couldn't get into the  
5 basement.

6 JUDGE KINGSLEY: No, I know. I know.

7 I just want to know if you are okay  
8 with them putting this document in the record.

9 MR. HUBBS: Go right ahead.

10 JUDGE KINGSLEY: Okay. Then Exhibit 3 is  
11 admitted into the record.

12 (Peoples Gas Exhibit Number 3  
13 admitted into evidence)

14 JUDGE KINGSLEY: You can proceed with your  
15 next witness.

16 MS. MORRIS: Thank you.

17 Our next witness is Kim Ternipsede.

18 JUDGE KINGSLEY: How do you spell the last  
19 name? Sorry.

20 MS. KIM TERNIPSEDE: That's okay.  
21 Ternipsede.

22 MS. MORRIS: It's T-e-r-n-i-p-s-e --

1 MS. KIM TERNIPSEDE: D-e.

2 MS. MORRIS: -- d-e.

3 MS. KIM TERNIPSEDE: Just s-e-d-e at the end.

4 MS. MORRIS: Oh. No "e" at the end?

5 MS. KIM TERNIPSEDE: T-e-r-n-i-p-s-e-d-e.

6 (Discussion off the record)

7 KIM TERNIPSEDE,

8 called as a witness herein, having been first duly

9 sworn, was examined and testified as follows:

10 DIRECT EXAMINATION

11 BY MS. MORRIS:

12 Q Ms. Ternipsede, could you please state your  
13 full name for the record.

14 A Kim Ternipsede.

15 Q And by whom are you employed?

16 A Integrys Energy.

17 Q Okay. And through your work with Integrys,  
18 do you work with its subsidiary, Peoples Gas?

19 A Yes.

20 Q What is your job title?

21 A Senior account representative.

22 Q How long have you been employed by Peoples

1 Gas?

2 A 33 years.

3 Q And are you assigned in any particular unit?

4 A Yes, the revenue protection billing unit.

5 Q Okay. How long have you been with the  
6 revenue protection billing unit?

7 A About ten years.

8 Q And prior to your assignment to the revenue  
9 protection unit, have you had any other jobs with  
10 Peoples Gas?

11 A Yes: credit, collections, collection  
12 agencies, high-bill -- high-volume/large-volume  
13 accounts, and I was a supervisor for ten years.

14 Q And have you received any training for your  
15 job at Peoples Gas?

16 A Lots of training.

17 Q What kinds of training have you received?

18 A Cancel re-billing, investigations, billing  
19 investigations, research; and we've also -- I've had  
20 classes for, you know, management-related classes, how  
21 to, you know, deal with disputes, how to deal with --  
22 basically, how to deal with customers, how to resolve

1 inquiries.

2                   It's a variance of different trainings  
3 that we've had. We have on-line and like maintenance  
4 type of classes when new systems -- different systems  
5 are changing and, basically, how we process our work,  
6 do our work.

7           Q     And have you received training in reported  
8 tampering accounts?

9           A     Yes.

10          Q     And have you received training in following  
11 the ICC regulations regarding the estimated billing  
12 for tampering?

13          A     Yes.

14          Q     How many unauthorized gas usage cases would  
15 you estimate you've handled in your career?

16          A     Thousands.

17          Q     And back in 2012, you handled a reported  
18 tampering case at 7055 South Aberdeen; is that  
19 correct?

20          A     Yes, it is.

21          Q     Okay. And how did you become aware of the  
22 case?

1           A     I received the request for investigation, the  
2 actual billing ticket, from the service person.

3           Q     And was that Exhibit 3?

4           A     Yes.

5           Q     (Tendering exhibit.)

6           A     Yes.

7           Q     I'm handing you Exhibit 3.

8           A     Yes. Our department receives notifications  
9 from field service personnel like this on a daily  
10 basis.

11          Q     I'm handing you what's been marked as Peoples  
12 Exhibit 4. Could you tell me what that is.

13          A     This would be the service person's completion  
14 upon leaving the premises, February 3rd, at 7055 South  
15 Aberdeen, where he notes exactly what it is, the  
16 condition that he found and/or left --

17          Q     And is --

18          A     -- the property.

19          Q     Okay. And would you have access to that as  
20 part of your investigation?

21          A     Yes.

22          Q     Would this be described as part of Peoples

1 Gas's books and records as kept for the account at  
2 7055 South Aberdeen?

3 A Yes.

4 Q Is this the kind of document that's kept in  
5 the ordinary course of Peoples Gas's business?

6 A Yes.

7 Q Can you read for me the report in the notes  
8 section.

9 A Sure. The crew number, which is -- that  
10 would have been Mr. Varnado's number -- found steal in  
11 the basement for the building. Removed it and secured  
12 the header. Completed Form 270, which is -- Exhibit 3  
13 is considered the 270 -- and turned in removed items  
14 to supervisor #320 per #8504, which is -- these are  
15 radio numbers for -- that identify the other service  
16 parties involved.

17 Q Thank you.

18 I'm handing you now what has been  
19 marked as Peoples Gas Exhibit 5. Can you tell me what  
20 that is.

21 A Okay. This would be the meter remove. This  
22 is part of the process of the steal billing, so when

1 the account was billed -- I billed the account.

2 We have to put a -- put, you know, the  
3 meter -- you activate it in order to put the amount of  
4 cubic feet of gas used, and then you remove it.

5 So this document shows the remove  
6 itself, that the order was complete, the meter removed  
7 with the completed order, with the current reading,  
8 which would be the CCFs used, as an actual reading,  
9 and just tells you that we found it on, but we left  
10 the meter removed.

11 Q And what is the date of that document?

12 A February 3rd, 2012.

13 Q Okay. And is February 3rd, 2012, the day  
14 that Peoples Gas would consider the termination of the  
15 tampering period?

16 A Yes.

17 Q And this document, would this be described as  
18 part of Peoples Gas's books and records as kept for  
19 the account at 7055 South Aberdeen?

20 A Yes.

21 Q Is this the kind of document that's kept in  
22 the ordinary course of Peoples Gas business?

1           A     Yes, it is.

2           Q     Now, when you're handling this type of  
3 calculation -- what kind of account were you dealing  
4 with at 7055 South Aberdeen?

5           A     A residential heating account.

6           Q     Okay.

7           A     Based on the Exhibit 3, you know, we look at  
8 those notes. So what did he find?

9                     If he finds a furnace and it's a --  
10 you know, a three or less dwelling unit, it's  
11 residential heating.

12          Q     And when was the meter at 7055 South Aberdeen  
13 originally removed? Do you know that?

14          A     June of 2009.

15          Q     I'm handing you what's been marked as Peoples  
16 Gas Exhibit 6, and I'll direct you to the middle. The  
17 middle section says -- well, let me direct you to the  
18 top where it says "Service orders, Hubbs, Scott,  
19 7055 South Aberdeen."

20                     So does that indicate to you that this  
21 record is for the 7055 South Aberdeen property?

22          A     Yes.

1 Q And do you see, in the upper right-hand  
2 corner, where it says "compl" and there's a date  
3 June 25th, 2009?

4 A Yes.

5 Q And is that the date that the event in this  
6 service order would have been completed?

7 A Yes.

8 Q And what is the service that was completed on  
9 June 25th, 2009?

10 A A cutoff completed with the meter removed.

11 It has the reading of 7,444 --

12 Q Okay.

13 A -- an actual.

14 Q Thank you.

15 So that tells you then that the  
16 presumed start date of the tampering is June 25th,  
17 2009.

18 A From this?

19 Q Correct.

20 A June 26th.

21 Q June 26th.

22 A Right. Because this was billed up to

1 June 25th.

2 Q I see. Okay.

3 JUDGE KINGSLEY: Can I interrupt for a  
4 second.

5 MS. MORRIS: Sure.

6 JUDGE KINGSLEY: The June 26th, 2009, you  
7 lost me. I don't see where that is.

8 Where are you getting that date?

9 MS. MORRIS: In the upper right-hand corner,  
10 next to "compl," it says June 25th, 2009.

11 JUDGE KINGSLEY: Is this Exhibit 5 or --

12 MS. MORRIS: It is 6.

13 JUDGE KINGSLEY: 6. Okay.

14 And when is this Exhibit 6?

15 MS. MORRIS: This is when the meter was  
16 initially removed prior to the period when there was  
17 no meter on the premises.

18 JUDGE KINGSLEY: So June 2009 or --

19 MS. MORRIS: Correct.

20 JUDGE KINGSLEY: Okay.

21 MS. MORRIS: So from June 26th, 2009, until  
22 the tampering was discovered on February 3rd, 2012,

1 there was no meter on the premises, but there was a  
2 tampering situation.

3 JUDGE KINGSLEY: Okay.

4 BY MS. MORRIS:

5 Q And can you tell me why you used the  
6 June 26th, 2009, the date after the meter was removed,  
7 as the start date.

8 A Yes. In revenue protection billing, what we  
9 do is establish what type of service was here and what  
10 was needed and if anyone called to say they didn't  
11 have any type of service.

12 We used the next day because there was  
13 still -- even though there was no heating, there was  
14 still hot water that supplied the building. There was  
15 no one calling saying, "I don't have hot water."

16 So we billed from the day after the  
17 remove up until the day that the theft condition was  
18 removed from the premise as the billing dates, which  
19 is our normal practice.

20 Q And it's our understanding that there were  
21 people living at the premises --

22 A Yes.

1 Q -- in June of 2009.

2 A The building was occupied.

3 JUDGE KINGSLEY: And I don't know if you can  
4 testify to this: So there aren't any records or  
5 Peoples doesn't have any record of anyone requesting  
6 service until 2012, like from the day the meter was  
7 taken out in '09? Or is that someone else who --

8 MS. MORRIS: Ms. Harris might --

9 JUDGE KINGSLEY: -- will testify as to that?

10 MS. MORRIS: -- be in a better position.

11 JUDGE KINGSLEY: What's Ms. Harris's  
12 position?

13 MS. MORRIS: She's a senior account  
14 representative in customer care.

15 JUDGE KINGSLEY: I have a lot of questions.  
16 I just want to make sure I have the right person.

17 MS. MORRIS: And they won't leave on you. If  
18 you need to recall them, they will be here.

19 JUDGE KINGSLEY: Okay.

20 BY MS. MORRIS:

21 Q So I'm handing you what's been marked as  
22 Peoples Gas Exhibit 7.

1           A     Okay.

2           Q     This document is entitled "meter index  
3 worksheet for heating DTOs." Do you recognize this  
4 document?

5           A     Yes.

6           Q     Is this from the file for the investigation  
7 that you did at 7055 South Aberdeen in 2012?

8           A     Yes.

9           Q     And would this be described as part of  
10 Peoples Gas books and records as kept for the account  
11 at 7055 South Aberdeen?

12          A     Yes.

13          Q     And is this the type of document kept in the  
14 ordinary course of Peoples Gas business?

15          A     Yes.

16                MS. MORRIS: And I'll ask a leading question  
17 just to move things along. Please let me know if  
18 that's objectionable.

19 BY MS. MORRIS:

20          Q     Is this document used to calculate the  
21 estimated usage for a tampering period pursuant to  
22 ICC-approved regulations?

1 A Yes.

2 Q And is this the document that you used?

3 A Yes, it is.

4 Q Okay. So I'm going to ask you to please walk  
5 me through it.

6 So could you explain what the non-  
7 heating factor is. At the top it says "Basis I,  
8 calculation of the non-heating factor." What is that?

9 A Non-heating factor just -- it takes into  
10 account the number of days of usage on non-heating  
11 appliances on the premise.

12 Q So this is for the one-year period prior to  
13 the meter removal, correct?

14 A Yes.

15 Q So you're using this to gauge historical  
16 usage as an indicator of what the usage during the  
17 non-metered period would have been; is that right?

18 A Right.

19 Q And what non-heating factor did you arrive at  
20 using this calculation?

21 A 4.833 CCFs per day.

22 Q Okay. Thank you.

1                   And then did you also calculate the  
2 heating factor for that period?

3           A     Yes.

4           Q     And that's for the period of the one year  
5 prior to the meter removal; is that right?

6           A     Yes.

7           Q     And this takes into account both the  
8 historical usage and the temperature, the degree  
9 days --

10          A     Yes.

11          Q     -- during that previous year because the  
12 heating would be affected by that. Is that right?

13          A     That is correct.

14          Q     So what calculation did you get when you  
15 calculated the heating factor?

16          A     And that was 0.485 cubic feet per day.

17          Q     Per degree day.

18          A     Per degree day, yes.

19          Q     And then taking those two numbers, did you  
20 use that to make a projection of what the usage would  
21 have been from June 26th, 2009, to February 3rd, 2012?

22          A     Yes.

1 Q And what estimate did you get?

2 A 12,215 cubic feet of gas for that three-year  
3 period.

4 Q Okay. And what did you do with that 12,215  
5 figure?

6 A I entered that into the system, the actual  
7 billing portion of the system, and entered it into --  
8 just billed the account in our system where it creates  
9 the bill that night, and the next day the bill is  
10 actually produced.

11 Q And did you see that bill that was produced?

12 A Yes.

13 Q I'm handing you what's been marked as Peoples  
14 Gas Exhibit 8, and it's a group exhibit.

15 It has -- I wouldn't even want to  
16 guess -- maybe 20 or 25 pages?

17 A Mm-hmm.

18 Q And can you tell me if this is the bill that  
19 was generated based on your estimate of 12,215.

20 A Yes.

21 Q All right.

22 A For the billing period, yes, with the dates

1 of the billing period.

2                   This is the amount that -- with the  
3 applicable taxes and all the other charges, the  
4 service charges, gas charge. This is the amount of  
5 the bill. That was \$9,869.98.

6                   JUDGE KINGSLEY: I'm going to interrupt you  
7 for a second --

8                   THE WITNESS: Sure.

9                   JUDGE KINGSLEY: -- just so I understand.

10                   So are you saying that Exhibit 7  
11 reflects the calculation that was used to come up with  
12 an estimate of how much gas would have been used  
13 during that time?

14                   THE WITNESS: Yes.

15                   It projects -- once I put in the prior  
16 use, the prior year's usage, then I place the dates in  
17 that, you know, I'm looking to bill the account from,  
18 and it projects what the CCFs would be.

19                   JUDGE KINGSLEY: So this calculation is based  
20 on prior usage? Is that what you're saying?

21                   THE WITNESS: Historical usage, yes.

22                   JUDGE KINGSLEY: Historical usage.

1 THE WITNESS: Yes.

2 There was already a history on the  
3 account year to year, so we try to use the closest  
4 time frame because the entered basis on Exhibit 7 --  
5 it's going to basically pick up the -- like with the  
6 degree days, it's still going to pick up how many  
7 degree days were between the particular time frame  
8 that you're looking for.

9 JUDGE KINGSLEY: And if I understand you  
10 correctly, when projecting and using historical usage,  
11 is it looking at from 6/08 to 6/09? Is that --

12 THE WITNESS: Mm-hmm.

13 JUDGE KINGSLEY: Okay.

14 THE WITNESS: Yes.

15 JUDGE KINGSLEY: I'm sorry. You can proceed,  
16 Ms. Morris.

17 MS. MORRIS: Sure. If you'd like, we can go  
18 into the detail of how it's calculated or --

19 JUDGE KINGSLEY: No, no. That's fine.

20 MS. MORRIS: Okay.

21 JUDGE KINGSLEY: I just wanted to be clear on  
22 that.

1 MS. MORRIS: Okay. Great.

2 BY MS. MORRIS:

3 Q So Peoples Group Exhibit 8, I believe I heard  
4 you say that that's the bill that was generated based  
5 on your --

6 A Yes.

7 Q -- 12,215 estimate.

8 A Mm-hmm.

9 Q And it looks like this is not just one  
10 statement for the whole period of June 26th, '09, to  
11 February 3rd, 2012. Is it?

12 A Yes.

13 Q Or is it --

14 A That's where the multiple pages come in.

15 Q Or is it broken down --

16 A Each month.

17 Q -- month by month?

18 A It's broken down.

19 It's for the full period, but the  
20 billing itself is broken down from June 26th of '09  
21 all the way, for each month, up until the close-off  
22 date of February 3rd of '12.

1 Q So just so I understand, so if I look at the  
2 last page of this -- and the last page is a bill for  
3 usage from June 26th, '09, to July 28th, '09.

4 A Mm-hmm.

5 Q That bill didn't get sent out to Mr. Hubbs on  
6 July 28th, '09, did it?

7 A No.

8 Q Because it was not created until  
9 February 2012, correct?

10 A Absolutely.

11 Q So all of these, this whole packet, would  
12 have been sent out in 2012.

13 A One time in 2012.

14 Q Okay. All right.

15 And this document, Peoples Gas  
16 Exhibit 8, would this be described as part of Peoples  
17 books and records as kept for the account at  
18 7055 South Aberdeen?

19 A Yes.

20 Q And is this the type of document kept in the  
21 ordinary course of Peoples Gas business?

22 A Yes.

1 Q I'm not sure if I asked you those two  
2 questions with respect to Exhibit 7.

3 So could you just tell me, with  
4 respect to Exhibit 7, would these be part of your  
5 books and records as kept for the account?

6 A Yes.

7 Q And it's kept in the ordinary course?

8 A Yes.

9 Q Okay. Thanks.

10 JUDGE KINGSLEY: And so --

11 MS. MORRIS: Just a housekeeping matter.

12 JUDGE KINGSLEY: Oh. I'm sorry. I didn't  
13 mean to cut you off.

14 MS. MORRIS: I'm all set.

15 JUDGE KINGSLEY: So the total amount that's  
16 outstanding towards Mr. Hubbs with respect to this  
17 property, is that the 9,800? Is that the total?

18 THE WITNESS: That was.

19 MS. MORRIS: It was, and it --

20 THE WITNESS: When the bill generated, that  
21 was the amount.

22 JUDGE KINGSLEY: Okay.

1 THE WITNESS: In February.

2 JUDGE KINGSLEY: Like when the disconnection  
3 notice went out -- I don't know if this is a question  
4 for this witness, but --

5 MS. MORRIS: It's for Ms. Harris --

6 JUDGE KINGSLEY: Okay.

7 MS. MORRIS: -- because I believe that there  
8 were late fees that may have accrued.

9 JUDGE KINGSLEY: And she would know if it  
10 includes a tampering fee. Okay.

11 MS. MORRIS: And I'm -- no, I don't have any  
12 other questions. Mr. Hubbs might have some questions  
13 for you.

14 JUDGE KINGSLEY: Mr. Hubbs, do you have any  
15 questions? Do you have any questions for this  
16 witness?

17 MR. HUBBS: No.

18 MS. MORRIS: Your Honor, I'd move to admit  
19 Exhibits 4 through 8.

20 JUDGE KINGSLEY: Mr. Hubbs, do you have any  
21 objection to admitting Exhibits 4 through 8 into the  
22 record?

1 MR. HUBBS: No.

2 JUDGE KINGSLEY: Then Exhibits 4 through 8  
3 are admitted into the record.

4 (Peoples Gas Exhibits Numbers 4  
5 through 8 admitted into evidence)

6 JUDGE KINGSLEY: Thank you.

7 MS. MORRIS: Your Honor, could we take about  
8 a ten-minute recess at this point?

9 It's almost 1:00 o'clock. We've been  
10 going about two hours --

11 JUDGE KINGSLEY: Okay.

12 MS. MORRIS: -- and I was hoping we might  
13 take a little break.

14 JUDGE KINGSLEY: That's fine. Ten minutes is  
15 fine.

16 (Recess)

17 MS. MORRIS: Thank you, Judge.

18 We'd like to call our last witness,  
19 Diane Harris.

20 DIANE HARRIS,  
21 called as a witness herein, having been first duly  
22 sworn, was examined and testified as follows:

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DIRECT EXAMINATION

BY MS. MORRIS:

Q Good afternoon, Ms. Harris.

A Good afternoon.

Q Thank you.

Could you state your name for the record and spell your last name.

A Diane Harris, H-a-r-r-i-s.

Q And by whom are you employed?

A Peoples Gas, Integrys Energy.

Q What is your job title?

A My job title currently is senior account representative, associate representative.

Q And what department do you work in?

A I work in customer care.

Q Okay. Can you generally describe what your duties are.

A My duties currently, how to be courteous, polite, be professional in handling our customers, the customer complaints/inquiries; explaining 280 or tariffs, if needed, to the customer; define the actual gas bill, meter readings, and components of the bill

1 that the customer may have a question of, being able  
2 to explain it to them.

3 Q Now, I heard the word "senior" in your title.  
4 So does that mean you handle more complex issues?

5 A Yes, that could be.

6 Q Okay. And how long have you worked for  
7 Peoples Gas?

8 A 27 years in total.

9 Q And before you were assigned as a senior  
10 account representative in customer care, have you had  
11 any other jobs with Peoples Gas?

12 A I've held other jobs.

13 I started with the company as a  
14 customer service representative, and I started also --  
15 after that I worked in the transportation department  
16 where we handle large-volume accounts, and now I also  
17 became --

18 JUDGE KINGSLEY: Ms. Harris, I don't mean to  
19 interrupt you, but can you talk a little louder. I'm  
20 not sure if we all can hear you.

21 THE WITNESS: Yes. Okay.

22 And then after I became a

1 transportation specialist, I was then a lead, where  
2 you handle representatives. You explain to them the  
3 process, the procedures, how to handle customer  
4 inquiries, how to handle customer complaints, data  
5 that's compiled as far as representatives, how their  
6 calls are handled, how -- the speed of answering,  
7 things like that.

8 BY MS. MORRIS:

9 Q And you mentioned that you explain the 280  
10 and the tariff. And by "280," do you mean the ICC  
11 regulations?

12 A That's correct.

13 Q And by "the tariff," you mean the terms and  
14 conditions for service?

15 A Yes.

16 Q So have you received training for your job at  
17 Peoples Gas, both on the 280 and the tariff and on  
18 dealing with customers?

19 A Yes.

20 Q Okay. And does that include keeping records  
21 of certain actions that you take with respect to  
22 customers?

1           A     Yes.

2           Q     Did there come a time that you became aware  
3 of the Hubbs account at 7055 South Aberdeen?

4           A     Yes.

5           Q     And were you assigned to handle that account  
6 at some point?

7           A     Yes.

8           Q     Have you reviewed the file?

9           A     Yes.

10          Q     And just getting back to something that we  
11 sort of touched on earlier, when you looked at the  
12 file, did you see whether there has ever been a turn-  
13 on order for the building after June 25th, 2009?

14          A     No turn-on.

15          Q     So looking now at Peoples Gas Exhibit 8, do  
16 you recognize this?

17          A     Yes.

18          Q     What is it?

19          A     It's a bill, duplicate bill, that would be  
20 issued to the customer, and what it consists of is the  
21 to and from dates of the bill.

22          Q     Gotcha.

1                   And is this a final bill?

2           A     This is -- let me look at the last page.

3                   Yes, this is your final bill.  It  
4 states that here.

5           Q     And that's on Page 2?

6           A     Yes, it is.  That's correct.

7           Q     Okay.

8                   What is the service classification for  
9 this bill?

10          A     Residential heating.

11          Q     And that's Rate 1?

12          A     That's correct.

13                 JUDGE KINGSLEY:  Ms. Harris, can I jump in  
14 there real quick.

15                   You said there was no turn-on order?

16                 THE WITNESS:  For the building.

17                 JUDGE KINGSLEY:  For the building from

18 2009 --

19                 THE WITNESS:  That's correct.

20                 JUDGE KINGSLEY:  -- until 2012?  Is that --

21                 THE WITNESS:  That's correct.

22                 JUDGE KINGSLEY:  Okay.  I'm sorry.

1 MS. MORRIS: Thanks.

2 BY MS. MORRIS:

3 Q Now, you said that a final bill was issued.

4 According to Peoples records, was that  
5 final bill paid?

6 A No.

7 Q And do you know what happened after the final  
8 bill was not paid?

9 A (No response.)

10 Q Was the matter referred to collections?

11 A The matter is referred to collections, yes.

12 Q I'm handing you what's been marked as Peoples  
13 Exhibit 11. Do you recognize that?

14 A Yes.

15 Q What is that?

16 A This lets us know that the bill has been  
17 assigned to a collection agency.

18 Q And can you tell from looking at that what  
19 date the matter was referred to collections?

20 A Yes. June 16th, 2012.

21 Q And at that point, would the collection  
22 agency, based on your experience, attempt to locate

1 the owner of the property?

2 A Yes.

3 Q Is this a document that would be described as  
4 part of Peoples Gas books and records as kept for the  
5 account at 7055 South Aberdeen?

6 A Yes.

7 Q Is this the kind of document that's kept in  
8 the ordinary course of Peoples business?

9 A Yes.

10 JUDGE KINGSLEY: Which exhibit are you  
11 looking at?

12 MS. MORRIS: I was on 11.

13 JUDGE KINGSLEY: Okay.

14 MS. MORRIS: It's like an Excel chart.

15 JUDGE KINGSLEY: Okay.

16 MS. MORRIS: It's two pages.

17 JUDGE KINGSLEY: You're going a little fast  
18 for me.

19 MS. MORRIS: Would you like me to dial it  
20 down?

21 JUDGE KINGSLEY: Just a little bit. You're  
22 going a little fast.

1 MS. MORRIS: Okay. I will do that.

2 BY MS. MORRIS:

3 Q So after the matter was referred to  
4 collections, looking at Exhibit Number 11, can you  
5 tell, was collections ever successful?

6 A No.

7 Q Was the account referred back to Peoples?

8 A Yes.

9 Q Now, later was the balance that existed of  
10 9,869.98 on the 7055 South Aberdeen account  
11 transferred to another account?

12 A Yes.

13 Q I'm handing you what's been marked as Peoples  
14 Exhibit 9.

15 Exhibit 9 is a duplicate bill, and  
16 that's dated October 4th, 2013. Is that correct?

17 A Yes.

18 Q And what is the service address for --

19 A The --

20 Q -- that bill?

21 A The service address is 7023 South King Drive,  
22 1st Floor.

1 Q And is this a different account than the  
2 account we saw in Exhibit 8 on the February 14th, 2012  
3 bill?

4 A Yes.

5 Q Does this indicate that the balance from the  
6 7055 South Aberdeen bill was transferred to the  
7 7023 South King Drive bill?

8 A Yes.

9 Q And how do you know that that's what's  
10 happening?

11 A I know that that's occurring because when you  
12 look on the bill dated October 4, 2013, it actually  
13 said "transfer from" in the body of the bill, and it  
14 has the account number of 9 5000 6325 5476 with the  
15 amount.

16 Q And that is the account number that's on  
17 Exhibit 8.

18 A Yes.

19 Q So can you tell, from looking at this bill,  
20 when the transfer occurred?

21 A The actual date, no, not looking at the bill.

22 We can see the bill date; but to see

1 the actual transferred-in date, we would have to look  
2 at another panel.

3 Q Okay.

4 It does say here that the previous  
5 balance was zero, right?

6 A Yes.

7 Q So that would indicate that the transfer  
8 occurred within the billing period --

9 A Yes.

10 Q -- of a month.

11 A Yes.

12 Q So it happened at some point after  
13 September 4th, 2013.

14 A Yes.

15 Q And then a bill was generated.

16 A Yes.

17 Q And this bill includes not only the 9,869.98  
18 from 7055 South Aberdeen, but also a reconnection  
19 charge and a deposit installment, making this total  
20 bill 10,120.16. Is that right?

21 A Yes.

22 Q So does that indicate to you that those other

1 charges are for activity at 7023 South King and not at  
2 7055 South Aberdeen?

3 A Two part -- yes. It would be for activity  
4 from the previous address of 7055 South Aberdeen  
5 because of the transferred-in charge.

6 Q So it includes both.

7 A Yes.

8 Q This bill includes both.

9 A Yes.

10 Q Okay. But the \$250.18 of other charges,  
11 that's for activity at 7023 South King.

12 A At 7023 South King, yes.

13 Q So the amount that Peoples Gas is seeking for  
14 the unauthorized gas usage at 7055 South Aberdeen is  
15 9,869.98. Is that right?

16 A Yes.

17 JUDGE KINGSLEY: You said 9,000...

18 THE WITNESS: 9,869.98.

19 JUDGE KINGSLEY: Thank you.

20 BY MS. MORRIS:

21 Q And so to the extent Mr. Hubbs's account has  
22 charges in addition to 9,869.98, those charges are for

1 usage at 7023 South King; is that right?

2 A Yes.

3 Q Okay.

4 JUDGE KINGSLEY: Can I ask a quick question.

5 THE WITNESS: Yes.

6 JUDGE KINGSLEY: Does this 9,869.98 include  
7 tampering charges?

8 THE WITNESS: Yes.

9 JUDGE KINGSLEY: That's all I have.

10 BY MS. MORRIS:

11 Q And can you tell me, is the service  
12 classification for the 7023 South King Drive address  
13 the same as the service classification for the  
14 7055 South Aberdeen address?

15 A Yes.

16 Q And what is that service classification?

17 A Residential heating.

18 Q Now, is Exhibit 9 part of Peoples Gas books  
19 and records as kept for the account at 7055 South  
20 Aberdeen?

21 A Yes.

22 Q Is it the kind of document that's kept in the

1 ordinary course of Peoples Gas business?

2 A Yes.

3 Q Okay.

4 So I think we've established that the  
5 transfer would have had to have occurred after  
6 September 4th, 2013. Is that right?

7 A Yes.

8 Q Now, looking through the file, do you have  
9 any indication that Mr. Hubbs was aware of the balance  
10 on his account prior to the transfer?

11 A (No response.)

12 Q Do you recall, from looking at the file?

13 A Yes.

14 Q I'll hand you what's been marked as Peoples  
15 Exhibit 13, skipping ahead.

16 Exhibit 13 appears to be a print  
17 screen from a Peoples Gas computer, and it's dated  
18 August 16th, 2013. Is that correct?

19 A Yes.

20 Q Can you tell me what Exhibit 13 is.

21 A Exhibit 13 is explaining what the actual bill  
22 total amount would be due when the customer makes a

1 payment on the bill.

2                   This is a CUB complaint that we  
3 received; and when we received the CUB complaint, it's  
4 disputing bills or asking for an explanation of the  
5 bill that was issued to the customer.

6       Q     And at that point, do you recall whether you  
7 spoke with anyone regarding this complaint?

8       A     Yes.

9       Q     Who did you speak with?

10      A     Ms. Okema Lewis.

11      Q     And is that Ms. Lewis who's here?

12      A     Yes.

13      Q     And what did you talk to her about?

14      A     We discussed -- and I usually put it in the  
15 inquiry. It's noted she's inquiring about the  
16 billing, and I note it here, about the billing.

17      Q     Okay. Does it say "Explained in detail  
18 bills, balances"?

19      A     Yes.

20      Q     So does that mean that you explained all of  
21 the history of the account and the current --

22      A     Yes.

1 Q -- amount due?

2 A Yes.

3 Q And does this indicate to you that you had  
4 that conversation on a particular date?

5 A Yes.

6 Q What date did you have that?

7 A The date that it was closed, August 16th,  
8 2013.

9 Q And do you recall whether or not you had any  
10 other conversations with Ms. Lewis --

11 A Yes.

12 Q -- prior to September 4th?

13 A Prior to September the 4th, yes.

14 Q I'm handing you what's been marked as Peoples  
15 Gas Exhibit 12.

16 This is another print screen. It has  
17 "date closed, August 28th, 2013." Can you tell me  
18 what this is.

19 A This is also in reference to an Illinois  
20 Commerce Commission complaint that's filed.

21 Q And did you talk to Ms. Lewis on August 28th,  
22 2013?

1 A Yes.

2 Q And is that your name there under "assigned  
3 to"?

4 A Yes, it is.

5 Q So, again, did you have a conversation with  
6 Ms. Lewis about the amount due and how that was  
7 calculated?

8 A Yes.

9 Q And handing you what's been marked as Peoples  
10 Gas Exhibit 14, this is another comment screen.

11 It says "last updated September 17th,  
12 2013." Does that indicate to you that this  
13 conversation that's described occurred on that date?

14 A Yes.

15 Q Okay. And can you tell me what conversation  
16 you had.

17 A Yes. Based on the notes, it says, "Per  
18 Mr. Hubbs, Ms. Lewis is authorized to obtain info on  
19 his accounts."

20 Then the note says Ms. Lewis is  
21 calling to let us know -- "to say new owner purchased  
22 the property approximately a year ago. Deed has never

1 been recorded. New owners state they have hot water.  
2 Mr. Hubbs isn't responsible" and then "Referred to  
3 RPU," meaning that I will refer this account for  
4 further investigation.

5 Q So at this point in 2013, Ms. Lewis told you  
6 that Mr. Hubbs was aware that the new owner had hot  
7 water at the location.

8 A He's -- what she's saying here is that he  
9 won't be responsible if there is hot water there.

10 Q I see. Okay.

11 Now, if Mr. Hubbs had called in 2011,  
12 would there be a note in the file?

13 A Yes.

14 Q And do you have any record that Mr. Hubbs  
15 called between 2009 and 2012 and reported that he  
16 wasn't responsible?

17 A No.

18 Q So after this October 4th, 2013 bill was  
19 issued, Peoples Gas Exhibit Number 9, did Mr. Hubbs  
20 pay the transferred balance?

21 A No.

22 Q What happened next?

1           A     The account was disconnected for nonpayment  
2 at the home address.

3           Q     So Mr. Hubbs' personal residential gas was  
4 disconnected?

5           A     Yes.

6           Q     Do you know approximately when that occurred?

7           A     Not from this panel.

8           Q     Okay.

9                           And did there come a time that Peoples  
10 Gas reconnected the gas at Mr. Hubbs' residence?

11          A     Yes. I spoke with Mr. Hubbs, and, as a  
12 courtesy, we reconnected the service.

13          Q     And Peoples Gas was not required to reconnect  
14 the service under the circumstances, was it?

15          A     No.

16          Q     And, yet, it was done as a courtesy?

17          A     Yes.

18          Q     And so the current account that we are seeing  
19 here, Account Number 7728, that account is sort of in  
20 suspense right now because of this pending complaint.  
21 Is that right?

22          A     Yes.

1 Q And so, as a courtesy to Mr. Hubbs, an  
2 additional account was opened so that he can have  
3 residential service at his house.

4 A Yes.

5 MS. MORRIS: Okay. I don't have anything  
6 else. Thank you.

7 JUDGE KINGSLEY: Mr. Hubbs, do you have any  
8 questions for this witness -- I'm sorry.

9 Before we do that, did you want to  
10 move your evidence into the record?

11 MS. MORRIS: You know, I would. And I  
12 realize I didn't do my business records questions for  
13 the last three, the print screens.

14 BY MS. MORRIS:

15 Q So for Exhibits 12 through 14, were those  
16 records that are kept in the ordinary course of  
17 Peoples business?

18 A Yes.

19 Q And that would be kept as part of the file?

20 A Yes.

21 MS. MORRIS: Thank you.

22 Yes, I would move -- and, in addition,

1 I would ask that we admit Exhibit 10, which is a  
2 summary of the City of Chicago Residential Landlord  
3 and Tenant Ordinance.

4 JUDGE KINGSLEY: Okay.

5 MS. MORRIS: It will be part of my argument.

6 JUDGE KINGSLEY: So 9, 10, 11, 12, 13, and  
7 14?

8 MS. MORRIS: Right.

9 JUDGE KINGSLEY: Is there any objection to  
10 admitting these exhibits into the record, Exhibits 9  
11 through 14?

12 MR. HUBBS: What is 14?

13 MS. OKEMA LEWIS: (Tendering document.)

14 JUDGE KINGSLEY: 9 is a duplicate bill; 10 is  
15 entitled "City of Chicago Residential Landlord and  
16 Tenant Ordinance."

17 THE WITNESS: Is that 10,000-some dollars?

18 MS. OKEMA LEWIS: (Indicating.)

19 JUDGE KINGSLEY: Do you have a question for  
20 me?

21 MS. OKEMA LEWIS: (Indicating.)

22 JUDGE KINGSLEY: This is the bill. This is

1 just a duplicate bill.

2 Do you have any objections to these  
3 documents going into the record as evidence?

4 MR. HUBBS: What do I say now?

5 JUDGE KINGSLEY: If you don't have an  
6 objection --

7 MR. HUBBS: What should I say?

8 JUDGE KINGSLEY: Oh. Ms. Lewis can't testify  
9 or help you.

10 MR. HUBBS: I don't know what to say. I know  
11 I don't have no \$10,000.

12 JUDGE KINGSLEY: No, no. This is just the  
13 bill. This is just the bill, a copy of a bill that  
14 they had issued.

15 So do you have any objections --

16 MR. HUBBS: No.

17 JUDGE KINGSLEY: -- to admitting these  
18 documents in the record?

19 Okay. Then Exhibits 9 through 14 are  
20 admitted.

21 (Peoples Gas Exhibits Numbers 9  
22 through 14 admitted into evidence)

1 JUDGE KINGSLEY: Do you have any questions,  
2 Mr. Hubbs, for this witness?

3 I think you might have had a list of  
4 questions that you had.

5 CROSS-EXAMINATION

6 BY MR. HUBBS:

7 Q How does Peoples Gas monitor the residence  
8 where the meter's been removed?

9 A Is it --

10 JUDGE KINGSLEY: I'm sorry. I didn't --

11 THE WITNESS: Is that for me?

12 JUDGE KINGSLEY: You said, "How do they..."

13 THE REPORTER: Do you want me to read it  
14 back?

15 JUDGE KINGSLEY: Read it back.

16 (Record read)

17 MS. MORRIS: I'll object.

18 This is outside the scope of direct,  
19 and Ms. Harris is not an expert in every department of  
20 Peoples. She handles customer inquiries. She  
21 wouldn't handle the field technician monitoring, if  
22 there is --

1 JUDGE KINGSLEY: Is that a field technician  
2 monitoring question?

3 MS. MORRIS: I'm not sure --

4 JUDGE KINGSLEY: Can you read the question  
5 back again.

6 (Record read)

7 JUDGE KINGSLEY: Can you rephrase the  
8 question? Are you asking -- what, exactly, are you  
9 asking?

10 Like are you asking when a meter has  
11 been removed --

12 MR. HUBBS: Yeah. How do they monitor gas?

13 JUDGE KINGSLEY: Like how do they know how  
14 much has been used or --

15 MR. HUBBS: Yeah.

16 JUDGE KINGSLEY: Okay. I think another  
17 witness answered that question.

18 Actually, it was Ms. Harris or --

19 THE WITNESS: Kim answered.

20 MS. MORRIS: Yeah. It was --

21 JUDGE KINGSLEY: I'm confused. Sorry.

22 MS. MORRIS: No problem. Ms. Ternipsede --

1 yes, I try to avoid saying her last name as well.

2 She testified about the usage

3 estimate. I believe that was Exhibit 7.

4 (Discussion off the record)

5 JUDGE KINGSLEY: Is that what you're asking,  
6 how do they know the gas has been used? Is that what  
7 you said?

8 MR. HUBBS: Yeah. I want to know, how do  
9 they monitor it after the meter's been removed.

10 JUDGE KINGSLEY: Like how do they know that  
11 gas has been used?

12 MR. HUBBS: Well, do they check or anything  
13 like that?

14 JUDGE KINGSLEY: I think that's a good  
15 question.

16 Is that more a question for you?

17 THE WITNESS: Either of us can answer.

18 JUDGE KINGSLEY: Can you answer it?

19 THE WITNESS: Yes, I can.

20 JUDGE KINGSLEY: Okay.

21 THE WITNESS: There's different ways that  
22 it's monitored. Number one, once the meter has been

1 removed, it's the company's assumption that no gas is  
2 being used or should be used.

3                   However, if a technician is sent out  
4 and finds that there is an illegal connection, then it  
5 will be removed for the safety of the customer, to  
6 supply safe service.

7                   The other thing is that there are no  
8 readings on the account once the meter is removed.  
9 However, technicians are sent at various times when  
10 they're in the area to attempt to gain entry, and  
11 we're not always able to or allowed entry into a  
12 building.

13                   Being that it's the owner's property,  
14 they have to supply us with entry into the premises.

15                   JUDGE KINGSLEY: Well, again, I'm not sure if  
16 you're the correct witness, and I'm glad that -- this  
17 is a good question.

18                   So are there any records that there  
19 was an attempt to go on this property to monitor it,  
20 to see if there was any usage after it was removed?

21                   THE WITNESS: I would -- without looking at  
22 our records, I wouldn't know that.

1                   We don't just automatically go out and  
2 look to see.

3                   JUDGE KINGSLEY: I'm sorry. I thought you  
4 said when your technicians are out, they may check;  
5 and I thought they might have a record if they  
6 checked.

7                   THE WITNESS: Only if, generally -- it's just  
8 a general -- there are so many properties that they  
9 don't go back to see whether or not that customer is  
10 still using gas --

11                  MS. MORRIS: And if I can --

12                  THE WITNESS: -- on every occasion.

13                  MS. MORRIS: And if I can interject, does the  
14 ICC --

15                  THE WITNESS: It's random.

16                  MS. MORRIS: Does the ICC require that  
17 Peoples go to disconnected buildings to determine if  
18 someone has illegally hooked up gas again?

19                  THE WITNESS: That -- I don't know if that's  
20 a rule.

21                  MS. MORRIS: All right.

22                                 In your experience, is it the owner's

1 responsibility to know what's going on in a building  
2 that the owner owns?

3 THE WITNESS: Yes.

4 JUDGE KINGSLEY: And what are you basing that  
5 on, that response?

6 THE WITNESS: The owner, it's his property;  
7 and, normally, the owner will check their property.

8 JUDGE KINGSLEY: But, also, you're indicating  
9 that you're not aware if Peoples has records if they,  
10 during their process of --

11 THE WITNESS: It's not something --

12 JUDGE KINGSLEY: -- going around --

13 THE WITNESS: -- we normally do.

14 JUDGE KINGSLEY: -- checked that property.

15 Okay. Thank you.

16 Do you have another question,

17 Mr. Hubbs?

18 MR. HUBBS: I think that's all, ma'am.

19 JUDGE KINGSLEY: I have several questions.

20 THE WITNESS: Okay.

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EXAMINATION

BY JUDGE KINGSLEY:

Q The first is, I see, in Exhibit 8, this bill that was generated based on your calculation for that time period of the alleged tampering, that it has Mr. Hubbs' name on there.

A Yes.

Q Can you tell me, is there a record that shows that Mr. Hubbs asked for service at this address at some point, at this Aberdeen address? Like why is his name on this?

A He's the owner of the property, and there would have been a request prior to showing that he had service here at this address.

MS. MORRIS: Ms. Ternipsede could testify that she, in order to generate this bill, looked at the ownership records.

JUDGE KINGSLEY: Okay. That's why I was asking who was going to testify, because I really wanted to know if there was ever a phone call by Mr. Hubbs saying, "I want service at this address," at the --

1 MS. MORRIS: At 7055.

2 JUDGE KINGSLEY: -- Aberdeen address.

3 I don't know which witness can testify  
4 to that.

5 THE WITNESS: You mean after the June --

6 BY JUDGE KINGSLEY:

7 Q No, no. I'm talking about period. I'm  
8 talking about --

9 A At any time?

10 Q -- before the meter was taken out in 2009,  
11 like before that.

12 A Yes.

13 Q Before that, was there ever a phone call  
14 where he said -- I'm just trying to figure out how his  
15 name came to be the name at this property if, in  
16 fact --

17 A At any time?

18 Q -- he's saying someone else lived there.

19 A At any time? That's what you're referring  
20 to?

21 We would receive --

22 Q Before the --

1           A     -- a call from an applicant, and an applicant  
2 would request service at that address.

3           Q     But you don't have any record -- because I  
4 guess I'm confused.

5                     It sounded like there was testimony  
6 that ownership records were looked at. So I'm trying  
7 to figure out if this bill has been attributed to him  
8 because his name appears as the owner or because  
9 there's some record that he, in fact, called for  
10 service at this address.

11          A     He had called previously for service at this  
12 address.

13          Q     But we don't know when?

14                 MS. MORRIS: We could have testimony on that  
15 from Ms. Ternipsede or...

16                 JUDGE KINGSLEY: Okay.

17                 MS. MORRIS: Or as an offer of proof.

18                 THE WITNESS: When service was requested, we  
19 have it.

20                 JUDGE KINGSLEY: And I apologize for the  
21 confusion. I thought you were the correct witness to  
22 ask that.

1 MS. MORRIS: And that's my fault, Judge.  
2 Sorry. I didn't know where you were going to go.

3 Can we go off the record?

4 JUDGE KINGSLEY: Sure. Let's go off the  
5 record.

6 (Discussion off the record)

7 BY JUDGE KINGSLEY:

8 Q I think the question we were talking about is  
9 if you have any record or, you know, if you can  
10 explain how Mr. Hubbs' name became attached to this  
11 Aberdeen address, like if there was a call or how.

12 A Okay. Mr. Hubbs' name became attached to the  
13 building because Scott Hubbs requested service on  
14 April 2nd of 1997, and at that time he had an account  
15 number.

16 Q And you have some indication in your records  
17 that he called?

18 A Yes.

19 Q So it's not like this generally happens.  
20 It's like --

21 A No.

22 Q -- there is --

1           A     No, there would have to be a call from an  
2 applicant.

3           Q     So you're saying, I guess, you don't have a  
4 record --

5           A     He would have --

6           Q     -- that he called --

7           A     -- been applying for service.

8           Q     You don't have any record --

9           A     Those records are purged. No, we don't have  
10 the records anymore.

11          Q     But you're saying in order for him to have  
12 gotten an account, he must have requested it.

13          A     Yes.

14          Q     Okay. I gotcha now.

15                     Must have requested it -- and that was  
16 done in April of 1997?

17          A     Yes.

18          Q     And do you know if there's anything in the  
19 record that indicates that he requested to disconnect  
20 the service at any time at this Aberdeen address?

21          A     No.

22          Q     And, also, I don't know, again, if you're the

1 right witness, but would your records reflect like who  
2 called to request service in 2012, that being the call  
3 that generated the tech to come out and see that there  
4 was tampering? Do your records indicate like who  
5 called?

6 A (No response.)

7 Q If you know.

8 A I don't know.

9 Q Okay. That's fine.

10 Also, again, I'm not sure if you're  
11 the right witness for this, but is there anything in  
12 the record showing that Mr. Hubbs had service at  
13 another address, namely this King Drive address, from  
14 2009 to 2012?

15 A What date he started service at King Drive?

16 Q Yes.

17 A No, I didn't pull the exact turn-on date.

18 Q But if you can recall, is it your  
19 understanding that he has had service in his name at  
20 another address, King Drive?

21 A Yes.

22 Q But you don't know how long or --

1           A     I didn't look up the start date.  That wasn't  
2 where the complaint was.

3                     It was not the King Drive but the  
4 Aberdeen property that was established.  That's where  
5 he was complaining about the bill, about the  
6 unauthorized use.  However, as owner of the building  
7 and because it is residential, the owner supplies hot  
8 water and heat to the tenants.

9           MS. MORRIS:  You're talking now about the  
10 Aberdeen --

11           THE WITNESS:  The Aberdeen address, yes.

12           MS. MORRIS:  So that's how his name got  
13 attached, that as the building owner, he had to be the  
14 one who --

15           THE WITNESS:  As the building owner, yes.

16           JUDGE KINGSLEY:  Oh.  We're back to that?  
17 Okay.

18           MS. MORRIS:  That was a little non sequitur.

19 BY JUDGE KINGSLEY:

20           Q     So I guess what I'm struggling with, you say,  
21 as the owner, he had to be.  But if he purchased it  
22 and immediately someone else lived there, then they

1 would call, you know, if they lived there.

2 A Not on the hot water and heat.

3 Q Okay. So that's what I'm trying to specify.

4 You're talking about the hot water and  
5 heat.

6 A Exactly. The building supplies heat and hot  
7 water to the tenants. It was separate from the  
8 building. There's a first- and second-floor meter  
9 where it's cooking gas only.

10 Q Wait. You said the owner would provide the  
11 hot water and heat.

12 So you're saying if you lease a  
13 property from someone and it had gas, that you  
14 wouldn't pay your own heat?

15 A If it's -- if it's the agreement between the  
16 tenant and the owner.

17 However, in this case, it was a first  
18 and a second floor, and it only shows "range."  
19 Cooking only is what those two tenants would pay. It  
20 would be the owner that supplied the building meter,  
21 the heat and hot water.

22 Q I think I'm getting a little lost there, the

1 assumption --

2 MS. MORRIS: Because of the way the accounts  
3 were set up --

4 THE WITNESS: Correct.

5 MS. MORRIS: -- in this particular building,  
6 it would have been the owner because there were  
7 separate accounts for the tenants in their units. But  
8 this is the building account.

9 THE WITNESS: Exactly.

10 MS. MORRIS: But there really was no  
11 assumption here. I mean, I think the testimony was  
12 that in 1997, he called and established service.

13 THE WITNESS: Yes.

14 BY JUDGE KINGSLEY:

15 Q I guess I'm getting a little bit confused,  
16 and I hope you can help me.

17 A Okay.

18 Q If it's something particular to this  
19 building -- because I know, myself, I've rented before  
20 from someone, and I paid my own heat and my own gas;  
21 so I'm trying to figure out what's different about  
22 this property that you know for sure that he had to

1 provide heat.

2           A     The cooking, it's two -- it's a cooking meter  
3 that supplies the range and -- I'm sorry -- not just a  
4 cooking meter. The meter will show that it supplied  
5 the range only --

6           MS. MORRIS: I think the underlying  
7 assumption --

8           THE WITNESS: -- for each tenant --

9           MS. MORRIS: -- that you may be trying to get  
10 at is that the Chicago Landlord-Tenant Ordinance  
11 requires the owner to provide heat and hot water,  
12 so --

13           JUDGE KINGSLEY: I thought it was to provide  
14 the ability to have heat. I guess that's what I'm  
15 confused about, that you have to provide --

16           MS. MORRIS: That's right. The ability --

17           JUDGE KINGSLEY: -- heat, not pay for it.

18           MS. MORRIS: Well, right, not necessarily pay  
19 for it.

20                         But if the landlord doesn't have any  
21 indication that his tenant is paying for the building  
22 heat and hot water, he's abdicating his

1 responsibilities under the Landlord-Tenant Ordinance  
2 to make sure that they have heat and hot water because  
3 regardless -- I mean, his testimony earlier was,  
4 "Well, they didn't pay their rent, so I didn't care if  
5 they had heating or hot water" --

6 JUDGE KINGSLEY: He didn't say that.

7 MS. OKEMA LEWIS: That's not what he said.

8 JUDGE KINGSLEY: He didn't say that.

9 And you know what? I'm not going to  
10 let you testify, like with Ms. Lewis --

11 MS. OKEMA LEWIS: I'm sorry.

12 JUDGE KINGSLEY: -- you know, you didn't want  
13 her to testify.

14 MS. MORRIS: I understand.

15 MS. OKEMA LEWIS: He never said that.

16 JUDGE KINGSLEY: And I guess I'll have to get  
17 that theory in your --

18 MS. MORRIS: Sure.

19 JUDGE KINGSLEY: You know, I'll have to maybe  
20 do a draft order. I don't know. I'll have to figure  
21 out your reasoning there because I'm not quite --

22 THE WITNESS: Are you asking us what brought

1 us to the building that day?

2 BY JUDGE KINGSLEY:

3 Q No. No, I'm not.

4 You keep saying that the owner is  
5 responsible for paying the heat. And I guess my  
6 confusion is, I thought -- my confusion is that if  
7 they had an agreement that the tenant was going to pay  
8 their own utilities, then if the tenant's going to pay  
9 their own utilities -- you know what I mean?

10 I don't understand this assumption  
11 that the owner is going to pay for the heat. That's  
12 what I'm not getting.

13 A Okay. I don't know that.

14 We can't say that that was an  
15 agreement between --

16 Q But I thought that's --

17 A -- him and the tenant.

18 Q -- what you were saying. Maybe that's why --

19 A No.

20 Q -- we have confusion.

21 I thought you all were testifying -- I  
22 thought I heard two witnesses sort of imply that:

1 "Well, he's the owner, so he's the one who has to pay  
2 for the hot water and the heat."

3 A He has the building meter which supplied the  
4 hot water and the heat previously, so he requested  
5 service on the building meter.

6 The question had been asked, "Had  
7 there been any other tenants to apply for the building  
8 meter?" No.

9 Q No, I understand that. I'm just -- okay.

10 And so this account that we're talking  
11 about is for gas service for hot water and heat.

12 A Yes.

13 Q And then there's another meter that supplies  
14 cooking gas.

15 A Yes.

16 Q And that's not part of this.

17 A No.

18 Q Okay. Thank you.

19 A Yes.

20 Q That was helpful.

21 And we covered that you don't know  
22 exactly when Mr. Hubbs had service at this other

1 address, but, generally --

2 A At 7023 --

3 Q -- you know he had some service there.

4 A Yes.

5 Q And so this Exhibit 8 shows that this new  
6 bill that was generated based on the calculation was  
7 sent to the Aberdeen address, the service address; but  
8 then after the collection activity, there was another  
9 bill generated that was sent to Mr. Hubbs' address on  
10 King Drive.

11 I think you testified to this. But  
12 how did you guys get this address, this King Drive  
13 address? Because previously all the bills were going  
14 to the service address, and then this one was sent to  
15 King Drive.

16 A Because residential service -- what occurs is  
17 that when you have two like classifications of  
18 service, residential heating -- and it is written in  
19 Illinois Commerce Commission rules that you are able  
20 to transfer residential heating to another residential  
21 heating account.

22 Q Okay.

1           A     So if the customer has not paid the  
2 residential heating and they have been allowed a  
3 substantial amount of time, you can transfer that bill  
4 over to the residential heating account that exists.

5           Q     I'm sorry. I don't think I phrased the  
6 question correctly.

7           A     Okay.

8           Q     I was trying to figure out, is it through  
9 your collection agency activities? Like how did you  
10 connect the Aberdeen with his King Drive address?

11          A     (No response.)

12          Q     You know what I mean? That that was the same  
13 person, to send the bill there? That's what I was  
14 trying to figure out.

15          A     He's just the customer of record at the King  
16 Drive address, same name, information.

17          Q     Okay.

18                MS. MORRIS: And I believe that that may have  
19 been when Ms. Ternipsede -- are you talking about how  
20 it got transferred or how --

21                JUDGE KINGSLEY: No. I was just trying to  
22 figure out -- we have this bill; it's been sent to

1 this address; no one's responding to the Aberdeen; and  
2 then it's sent to King Drive.

3 BY JUDGE KINGSLEY:

4 Q I'm just trying to figure out, how did you  
5 figure out that that's the same person? You know what  
6 I'm saying?

7 A Because the information that we have on the  
8 account will match.

9 Q Okay. Thank you.

10 A You're welcome.

11 Q And this, again, I don't know if you can  
12 testify to this; and if you can't, just let me know.

13 A Okay.

14 Q But in your experience, like if you have a  
15 situation where someone owns a building and they have  
16 tenants and things like that, and the tenant doesn't  
17 call for service, what does Peoples normally do?

18 Do they, you know, normally -- once  
19 the owner has indicated that they're renting it or  
20 they're not living there, does Peoples normally try to  
21 find out who the tenant is there, or do they normally  
22 just go to the owner since they're the account holder,

1 the person of record? I don't know if that was clear.

2 A It's clear. But it varies.

3 Q Okay.

4 A Tenants apply daily. Owners apply daily.

5 Q Yeah.

6 A So each circumstance is different.

7 JUDGE KINGSLEY: I don't think I have any  
8 more questions for you. Sorry, all these questions.

9 THE WITNESS: That's okay.

10 JUDGE KINGSLEY: You didn't have any  
11 redirect, did you, Ms. Morris?

12 MS. MORRIS: No, I don't.

13 JUDGE KINGSLEY: We moved all of these into  
14 the record, right?

15 MS. MORRIS: Right.

16 JUDGE KINGSLEY: I have three quick questions  
17 for Mr. Hubbs. Sorry. I just want to do it quick  
18 before we finish up, really short questions.

19 SCOTT HUBBS,  
20 recalled as a witness herein, having been previously  
21 duly sworn, was examined and testified as follows:

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FURTHER EXAMINATION

BY JUDGE KINGSLEY:

Q I just wanted to confirm that your oral agreement with the people who lived there was that they would pay their utilities, that that's what you said earlier.

A Yeah.

Q And I wanted to confirm that you testified that you didn't have a key to the basement --

A Right.

Q -- in the building.

And also -- that was it. Those were the two questions that I wanted to confirm that I understood and I had written down correctly.

MS. MORRIS: May I ask a question following up on your question?

JUDGE KINGSLEY: Sure.

FURTHER CROSS-EXAMINATION

BY MS. MORRIS:

Q So, Mr. Hubbs, when we talked about the tenants agreeing to pay, did the tenants agree to open their own accounts?

1           A     Yeah.  They agreed to it, but they didn't do  
2  it.

3           Q     Okay.  And do you recall that starting in  
4  1997, you had an account in your name at 7055 South  
5  Aberdeen?

6           A     In '97 I moved to 7023 King Drive.  That's  
7  the only time I remember having an account with the  
8  gas.  Now, I don't remember opening an account in '97  
9  at Aberdeen.

10          Q     Did you ever call Peoples Gas to let them  
11  know, prior to 2012, that you were not responsible for  
12  gas usage at the property you owned at 7055 South  
13  Aberdeen?

14          A     No, I never called Peoples Gas.  But I  
15  thought that when they took the meters out, I thought  
16  I was through with it.

17          Q     How did you know they took the meters out?

18          A     They said they put the -- they took the  
19  meters out.

20          Q     But how do you know that they --

21          A     Well, that's what the tenants said, that they  
22  took the meters out.  I don't know.

1 MS. MORRIS: I have nothing else.

2 FURTHER EXAMINATION

3 BY JUDGE KINGSLEY:

4 Q You're basing the fact that the meter was out  
5 from calls, from a phone call?

6 How do you -- well, that's okay.

7 Strike that question.

8 My final question: Once you moved  
9 from Aberdeen, did you --

10 A I never lived there.

11 Q Oh. You never, ever, ever lived there?

12 A That's correct.

13 JUDGE KINGSLEY: Okay. You never, ever lived  
14 there. Okay. That's all.

15 So now both parties have presented  
16 their cases, and we can just do closing statements,  
17 just really, really brief closing statements.

18 Just sum up your case, just really  
19 quickly, like what you'd like the Commission to do or  
20 something like that.

21 MR. HUBBS: I don't know what to say, ma'am.

22 JUDGE KINGSLEY: Okay. That's okay. That's

1 okay.

2 CLOSING ARGUMENT

3 BY MS. MORRIS:

4 MS. MORRIS: We would ask the Commission to  
5 deny Mr. Hubbs' complaint because Peoples Gas didn't  
6 violate the Public Utilities Act or any order or rule  
7 of the Commission.

8 It properly calculated the estimated  
9 usage. It properly billed it to Mr. Hubbs because he  
10 had an account at that address and because he's the  
11 owner of record and benefited from the usage.

12 We've met our burden of proof with  
13 respect to tampering, that tampering occurred, the  
14 customer benefited, and that the billing is  
15 reasonable.

16 We've established that the transfer  
17 was appropriate and that the disconnection was  
18 appropriate for nonpayment. So we would ask that the  
19 complaint be denied.

20 JUDGE KINGSLEY: Thank you.

21 And before we end, it would be really  
22 helpful -- if you don't want to do it, you don't have

1 to do it, but if I could get draft orders or summaries  
2 of positions so -- if you want to. You don't have to  
3 do it -- which is just like, you know, a brief summary  
4 of your argument, if you could do that.

5 And, Peoples, if you could do, you  
6 know, a draft order, that would be helpful.

7 MS. MORRIS: Would you like to give me a page  
8 limitation so I don't go crazy?

9 JUDGE KINGSLEY: Well, in a complaint case,  
10 don't make it too long. You know, I don't think I've  
11 seen one more than 15, 20 pages.

12 MS. MORRIS: Okay.

13 JUDGE KINGSLEY: But it would be helpful in  
14 both cases to get that. And, you know, I know there's  
15 a lot of information and it's -- you know what? Yeah,  
16 I know it's a lot of information; it's complex.

17 If you want to give it to me like in  
18 the next month or so or if you think you need a little  
19 bit more time --

20 MS. MORRIS: Well, can we say by the end of  
21 February, by the last day?

22 JUDGE KINGSLEY: Okay.

1                   So at this time I'm going to mark this  
2 matter heard and taken.

3                                 (Due date for draft order  
4                                 changed to "mid March" in  
5                                 post-hearing discussion)

6                                 HEARD AND TAKEN....

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