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BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
DIETER W. FERY)
)
vs.)
)
NORTHERN ILLINOIS GAS COMPANY) No. 14-0670
d/b/a NICOR GAS COMPANY)
)
)
Complaint as to)
billing/charges in Lyons,)
Illinois.)

Chicago, Illinois
April 20, 2015

Met pursuant to notice at 1:00 p.m.

BEFORE:

Douglas E. Kimbrel, Administrative Law Judge

APPEARANCES:

MR. DIETER W. FERY
7935 Ogden Avenue
Lyons, Illinois 60534

Appearing pro se;

1 APPEARANCES (CONT'D):

2 CHILTON YAMBERT & PORTER LLP, by
3 MR. PAUL A. PADRON
4 2000 S. Batavia Avenue
5 2nd Floor
6 Geneva, Illinois 60134

7 Appearing on behalf of Nicor Gas Company.

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SULLIVAN REPORTING COMPANY, by
Christine L. Kowalski, CSR
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1 JUDGE KIMBREL: Pursuant to the authority of
2 the Illinois Commerce Commission, I now call
3 Docket 14-0670, Dieter W. Fery versus Northern
4 Illinois Gas Company doing business as Nicor Gas
5 Company. This is a complaint as to billing and
6 charges in Lyons, Illinois.

7 Will the parties please identify
8 themselves for the record including their address and
9 telephone number.

10 MR. PADRON: Your name and address and phone
11 number.

12 MR. DIETER FERY: Oh, Dieter Fery, 7935 Ogden
13 Avenue 60534. Phone number, (708) 334-4060.

14 MR. PADRON: Paul Padron, P-a-d-r-o-n, for
15 Nicor Gas, Address is 2000 South Batavia Avenue,
16 2nd Floor, Geneva, Illinois 60134. My phone number
17 is (630) 262-7490. And with me from Nicor Gas is
18 Kyra Mitchell. Kyra's the supervisor for the
19 customer relations department.

20 JUDGE KIMBREL: Okay. Well, we're here today
21 on a -- for an evidentiary hearing as to Mr. Fery's
22 complaint as to the billing and charges in Lyons

1 Illinois. His address there at 7935 Ogden Avenue.

2 Is that the correct address?

3 MR. DIETER FERY: Mm-hmm.

4 JUDGE KIMBREL: I think that is Apartment 2R.

5 Okay. Mr. Fery, could you raise your
6 right hand.

7 (Witness sworn.)

8 JUDGE KIMBREL: Well, Mr. Fery, why don't you
9 explain to us the nature of your complaint.

10 MR. DIETER FERY: Well, it's -- what Nicor is
11 charging me, the reading is incorrect.

12 JUDGE KIMBREL: Well, why don't we start like
13 this: What is the address of the -- of the -- of the
14 building at which you have an issue here today?

15 MR. DIETER FERY: The building?

16 JUDGE KIMBREL: Yeah.

17 MR. DIETER FERY: Oh, it's 7935 Ogden Avenue in
18 Lyons, Illinois, and the apartment is 2R.

19 JUDGE KIMBREL: Okay. And you're stating that
20 you have a -- an issue with the gas meter reading?

21 MR. DIETER FERY: Yes.

22 JUDGE KIMBREL: And is there -- can you tell us

1 how long that that -- that has been -- the readings
2 at the 7935 Ogden Avenue, Apartment 2R address have
3 been inaccurate?

4 MR. DIETER FERY: Yeah. I -- I called several
5 times to Nicor that I want another meter, and --

6 JUDGE KIMBREL: Well, what was -- what was the
7 date, though, sir, when you first realized that you
8 had a gas meter reading discrepancy?

9 MR. DIETER FERY: Well, the last reading that I
10 have -- is that the question?

11 JUDGE KIMBREL: When did you initially realize
12 that there was a problem with your gas meter?

13 MR. DIETER FERY: No, that's just -- the
14 Plexiglass, you know, this was really all scratched
15 up. The meter was before -- before -- the meter was
16 out on the street when I came there.

17 So then the meter -- there was --
18 everything was on one meter at this time. Okay?
19 Then the gas line was separated because there's a
20 storefront and there's a little studio apartment up
21 on the second floor. And I live in the back, second
22 floor. It's a two bedroom apartment. Okay?

1 And then downstairs, there is another
2 one, a smaller one, about 800 square feet. So -- but
3 every -- every place has its own gas meter. So
4 there's three -- three meters were installed for the
5 storefront, for -- for the storefront, for
6 upstairs -- no, actually, I got three meters there.

7 JUDGE KIMBREL: Why don't we do it like this,
8 Mr. Fery. I hate to interrupt.

9 Counsel, what -- what questions do you
10 have for Mr. Fery, and then we could --

11 MR. PADRON: Well, I honestly don't know if I
12 have any questions for Mr. Fery.

13 JUDGE KIMBREL: Okay.

14 MR. PADRON: I think -- if I could, Mr. Fery
15 took some photographs and I blew up the photograph
16 that to me is the whole issue of this case. Mr. Fery
17 is disputing a meter read that occurred on June 13th
18 of 2014. We -- Mr. Fery took a picture of the meter
19 on that day which he provided to us, and I -- I've
20 blown it up and we've marked it as Exhibit A.

21 The whole issue really goes on the
22 hundred meter or the second dial. We read that meter

1 on 6/13 as showing gas therms on that date of
2 6,996 therms. And Mr. Fery took this picture and he
3 is insistent that the meter actually shows
4 6,096 therms. So he's arguing that we have
5 overcharged him 900 terms based on this photograph.

6 JUDGE KIMBREL: Mm-hmm.

7 MR. PADRON: The photograph, in my opinion,
8 is -- I could -- I could see why he would think it's
9 a zero, this hundred meter dial. But for all -- all
10 of the reasons that I have here with me, the meter
11 reading history, a test that was done on the meter,
12 as well as the meter itself, the -- the amount on
13 that day was 6,996.

14 I can get into those reasons now if
15 you'd like. But, really, the whole case is based on
16 this photograph from June 13th of 2014.

17 MR. DIETER FERY: So the pictures that I
18 have --

19 JUDGE KIMBREL: Okay. Just a -- just a moment,
20 Mr. Fery.

21 MR. DIETER FERY: Mm-hmm.

22 JUDGE KIMBREL: Did you -- did you tell us when

1 you started to figure that your gas meter was -- was
2 giving a bad reading? Is that what you're saying --
3 stating, that there's a disparate gas meter reading?

4 MR. DIETER FERY: No, because I just -- I
5 thought the meter -- because before -- the years
6 before, I never -- I never got over -- 2012, 2013, my
7 highest reading ever was about in the -- in the
8 colder months, like, you know, December, January, it
9 was never higher than about around 300, 350 therms.
10 And then here they -- they got me with 600 --

11 JUDGE KIMBREL: And when -- what year was that?
12 What month was that where you're saying that you're
13 being charged differently? When did that first
14 occur?

15 MR. DIETER FERY: Well, let's see if I have
16 anything from -- here, for example, this was --
17 here -- no, this was '14. Oh, yeah, here. This is
18 the -- these are the year before. This was the
19 year -- in '13.

20 JUDGE KIMBREL: So what month and year are you
21 saying that you first noticed that your gas meter
22 readings were inaccurate?

1 MR. DIETER FERY: It all started -- I was all
2 paid up -- I was all paid up to the end of '13. And
3 then it really started up dramatically, that was in
4 the beginning then, in January '14.

5 JUDGE KIMBREL: Okay. So in January of 2014,
6 you started to notice that you had --

7 MR. DIETER FERY: Yeah.

8 JUDGE KIMBREL: -- inaccurate gas meter
9 readings?

10 MR. DIETER FERY: Extremely high.

11 JUDGE KIMBREL: And then --

12 MR. DIETER FERY: 65- -- 600, 650 therms, you
13 know.

14 JUDGE KIMBREL: And was 600 --

15 MR. DIETER FERY: And the equipment that I
16 have, it shouldn't -- the equipment that I'm using,
17 it's a -- it's a little space heater that I have in
18 the -- in the front, in the little studio apartment.
19 It's a 20,000 BDU -- one of them little space
20 heaters, you know?

21 JUDGE KIMBREL: Mm-hmm.

22 MR. DIETER FERY: And then I have a water

1 heater, a 40-gallon water heater.

2 JUDGE KIMBREL: Mm-hmm.

3 MR. DIETER FERY: That water heater is never
4 higher than warm, you know. I never crank it up to
5 hot. And then I have a gas -- a 100,000 BDU -- input
6 BDU furnace that heats the second floor.

7 JUDGE KIMBREL: So what were your meter
8 readings prior to January 2014?

9 MR. DIETER FERY: I think I have them all here.

10 MR. PADRON: If you want -- I mean, not to get
11 off track here, but one of the exhibits that I
12 planned on offering was a -- the final bill for the
13 meter at issue. This meter that -- with the
14 photograph that was taken of in June of 2014, that
15 meter number is 2832462. We have the final bill when
16 we removed that meter, 2832462 -- which we removed
17 that in -- July 7th --

18 MR. DIETER FERY: 7th --

19 MR. PADRON: -- of 2014.

20 MR. DIETER FERY: Correct.

21 MR. PADRON: And we installed a new meter,
22 which is -- let me see the meter number here. The

1 new meter is 4621867.

2 MR. DIETER FERY: Mm-hmm.

3 MR. PADRON: So -- and then this -- this bill
4 that we generated was issued on July 30th of 2014,
5 and it shows the reads from the first meter, 2832462,
6 as well as the install read on the new meter.

7 This --

8 MR. DIETER FERY: That's correct.

9 MR. PADRON: -- exhibit has reads going back to
10 October of 2013 -- I'm sorry -- yeah, October 28th of
11 2013. There was an actual read of that meter.

12 There was another actual read in
13 March, March 21st of 2014. And then an actual read
14 on 6/13/2014. And, finally, an actual read when we
15 removed -- when we removed the meter on 7/7/2014. So
16 it looks like from this bill, you could see four
17 actual reads if I counted correctly. One, two,
18 three, four. Yeah.

19 MR. DIETER FERY: Going back to --

20 MR. PADRON: October 28th of 2013.

21 MR. DIETER FERY: October 28th? I don't have
22 that one, October 28th.

1 I have -- okay. I got two -- I got
2 two readings here. I got the -- one time I was
3 complaining about the \$90.14. That was -- that was
4 the reading on May 27th, 2014, the reading of 5,389.
5 So -- and then -- okay.

6 JUDGE KIMBREL: Mr. Fery, so you're telling --
7 your complaint says that you have this -- this gas
8 meter reading issue, and you're telling me it began
9 in January of 2014. And you're saying this is the
10 result of an old meter and faulty washers.

11 MR. DIETER FERY: Right here. And so --

12 JUDGE KIMBREL: So I -- but I need you to tell
13 me -- you're saying that this reading has been
14 inaccurate since January of 2014.

15 MR. DIETER FERY: The last -- the last -- the
16 last reading --

17 JUDGE KIMBREL: Until this -- until this day,
18 until today, you've been getting a faulty reading?

19 MR. DIETER FERY: No. I got a new meter now,
20 so this is fine.

21 JUDGE KIMBREL: Okay.

22 MR. DIETER FERY: This is correct. I have no

1 problem with that.

2 JUDGE KIMBREL: The faulty readings have been
3 from January of 2014 at your 7935 Ogden Avenue
4 apartment in Lyons, Illinois, until what day?

5 MR. DIETER FERY: No. I -- I don't know
6 anything earlier, but --

7 JUDGE KIMBREL: When did you -- when did --
8 you're telling me you have faulty readings though
9 beginning in January of 2014, and those readings were
10 faulty until when? Until your new meter was
11 installed?

12 MR. DIETER FERY: This, I don't know. I
13 never -- I never looked at it. I -- what happened
14 when the meter was taken out, the guy, he wanted to
15 run away with it right away. And --

16 JUDGE KIMBREL: Mr. Fery, this meter that was
17 taken out, that's the old meter?

18 MR. DIETER FERY: That's the old meter.

19 JUDGE KIMBREL: And when was that --

20 MR. DIETER FERY: And this is when that -- this
21 when I -- because I had a reading --

22 JUDGE KIMBREL: Mr. Fery, I need -- I need you

1 to work with me.

2 MR. DIETER FERY: Okay. I will.

3 JUDGE KIMBREL: I just need you to answer like
4 my specific questions.

5 MR. DIETER FERY: Okay.

6 JUDGE KIMBREL: So when was the old meter taken
7 out? What date was that?

8 MR. DIETER FERY: On July 7th.

9 JUDGE KIMBREL: July 7th?

10 MR. DIETER FERY: '14. 2014.

11 JUDGE KIMBREL: Okay. So you're saying from
12 January of 2014 until July 7th of 2014, you had
13 faulty meter readings?

14 MR. DIETER FERY: The last -- I'm complaining
15 about the last reading when the meter was taken out.

16 JUDGE KIMBREL: Okay. What date --

17 MR. DIETER FERY: On July 7th.

18 JUDGE KIMBREL: So you're only complaining
19 about one reading; is that right?

20 MR. DIETER FERY: I'm just saying my -- no.
21 What I'm saying here is the -- how is it possible
22 when I have a reading in May 27 -- okay --

1 JUDGE KIMBREL: Of what year?

2 MR. DIETER FERY: 2014.

3 JUDGE KIMBREL: Okay.

4 MR. DIETER FERY: Okay? I can read it for you.

5 Recently, you had a question about your bill for
6 \$90.14 for service through May 27th, 2014. This bill
7 was based on a meter reading of 5,389.

8 Then: We feel your bill is correct.

9 On June 24, 2014, we read your meter again to ensure
10 first reading was accurate. The most recent reading
11 was 7,001.

12 Then: The amount of natural gas
13 measured by the meter between the two dates is a
14 normal level of usage.

15 So I would have used then from May --

16 JUDGE KIMBREL: What are you reading from,
17 Mr. Fery?

18 MR. DIETER FERY: A Nicor bill.

19 JUDGE KIMBREL: Can you -- what's the date on
20 that letter? And who is the letter from?

21 MR. DIETER FERY: June 24th.

22 JUDGE KIMBREL: June 24th?

1 MR. DIETER FERY: Yes.

2 JUDGE KIMBREL: And who is that letter from?

3 MR. DIETER FERY: Nicor Gas.

4 JUDGE KIMBREL: And it's addressed to you?

5 MR. DIETER FERY: It was addressed to me. See
6 it?

7 JUDGE KIMBREL: You can admit that, if you
8 choose to, as an exhibit.

9 So what are you -- so you're telling
10 me that from what time to what time is when you have
11 an issue with the meter reading? What is the date?

12 MR. DIETER FERY: I'm saying -- I'm saying here
13 again, so Nicor tells me here in this letter that the
14 reading was 5,389. And then in June, it was read
15 again to confirm this reading. And then -- they come
16 out then on the 7th --

17 JUDGE KIMBREL: The 7th --

18 MR. DIETER FERY: 7/7.

19 JUDGE KIMBREL: -- of July?

20 MR. DIETER FERY: They come up with a reading
21 of 6,009 -- what was it, 9? 9. What Nicor --
22 actually, I got a different number, but this is only

1 a few therms apart. Okay?

2 And then -- oh, here. I got 70- --
3 7,001. Okay? And then Nicor tells me this amount
4 between these two readings would be a normal usage.
5 That would be totally normal. There's nothing wrong
6 with the meter. So I would have -- according to this
7 letter here, I would have used -- in 28 days, I would
8 have used 1,612 therms of gas. This is --

9 JUDGE KIMBREL: So is that -- are these the
10 dates we're talking about? There's only 28 days that
11 we're talking about?

12 MR. DIETER FERY: This -- yeah. We're --

13 JUDGE KIMBREL: Mr. Fery, that's the subject
14 here of your complaint, 28 days? You're unhappy with
15 your meter readings for 28 days? Is that what you're
16 telling me?

17 I need -- Mr. Fery, I need you to tell
18 me -- you have to be able to explain to me the first
19 day you had a faulty meter reading until the last
20 day. What block of time is that? You have to be
21 able to tell me what that date is; otherwise, I'm --
22 we don't know what we're arguing about.

1 MR. PADRON: Can we go off the record for a
2 second?

3 JUDGE KIMBREL: Sure can.

4 (Whereupon, a discussion was had
5 off the record.)

6 JUDGE KIMBREL: Okay. Mr. Fery, we are --
7 we're back on the record. We took a moment to kind
8 of organize our thoughts. And my understanding is
9 that from May 27th of 2014 until July 7th of 2014
10 when you had a new meter installed --

11 MR. DIETER FERY: Yeah.

12 JUDGE KIMBREL: -- that is the time period
13 where you feel that you had faulty meter readings --

14 MR. DIETER FERY: Yes.

15 JUDGE KIMBREL: -- is that correct?

16 MR. DIETER FERY: Correct.

17 JUDGE KIMBREL: Okay. Now, can you tell me how
18 the meter readings were faulty? What's the
19 discrepancy? What should the -- what were your meter
20 readings prior to that?

21 MR. DIETER FERY: Prior?

22 JUDGE KIMBREL: Yeah, because --

1 MR. DIETER FERY: On the 27th, for example?

2 JUDGE KIMBREL: Yeah. That was your last
3 correct meter reading, May 27th?

4 MR. DIETER FERY: Mm-hmm. Yeah. I have it
5 right here. This was 6,013.

6 JUDGE KIMBREL: Okay. And that was on May 27th
7 of 2014?

8 MR. PADRON: No. He's -- he's looking at --

9 MR. DIETER FERY: This was -- no, June --
10 June 27th.

11 JUDGE KIMBREL: Of 2014?

12 What was -- what was the last correct
13 meter reading that you had? That was sometime around
14 May 27th, no, of 2014?

15 MR. DIETER FERY: I didn't took a picture in
16 May. Nicor took -- Nicor took that reading, but I
17 did not take a picture on --

18 JUDGE KIMBREL: Okay. What was the reading on
19 May 27th of 2014?

20 MR. DIETER FERY: On May 27th? 5,389.

21 JUDGE KIMBREL: And you're saying that was a
22 correct reading?

1 MR. DIETER FERY: That was a correct reading.

2 JUDGE KIMBREL: Okay.

3 MR. DIETER FERY: Because it says, We feel your
4 bill is correct. On June 24, '14, we read your meter
5 again to ensure first reading was accurate.

6 JUDGE KIMBREL: Okay. And on July 7th, you had
7 a correct meter reading on that date when you had a
8 new meter installed?

9 MR. DIETER FERY: Yes.

10 JUDGE KIMBREL: And what was the --

11 MR. DIETER FERY: That was --

12 JUDGE KIMBREL: -- meter reading on July 7th?

13 MR. DIETER FERY: My reading then was 6,016.

14 JUDGE KIMBREL: And that was the meter reading
15 on July 7th, 2014?

16 MR. DIETER FERY: Correct.

17 JUDGE KIMBREL: Okay. So you had a
18 May 27th, 2014 meter reading of 5,389 that you're
19 saying was correct? And then you had a meter reading
20 on July 7th, 2014 of 6,016 that you're saying was
21 correct?

22 MR. DIETER FERY: Mm-hmm.

1 JUDGE KIMBREL: Is that true?

2 MR. DIETER FERY: Yes.

3 JUDGE KIMBREL: Okay. So it's the meter
4 readings between May 27th of 2014 and July 7th of
5 2014 at your address at 7935 Ogden Avenue in Lyons,
6 Illinois --

7 MR. DIETER FERY: Mm-hmm.

8 JUDGE KIMBREL: -- that you're saying were
9 incorrect? Those readings from May 27th to July 7th
10 of 2014?

11 MR. DIETER FERY: Mm-hmm.

12 JUDGE KIMBREL: Okay. And what were your meter
13 readings in between May 27th and July 7th that you're
14 saying were incorrect?

15 MR. DIETER FERY: Again, what I'm --

16 JUDGE KIMBREL: Let me ask the question for you
17 one more time, Mr. Fery.

18 You said you had incorrect meter
19 readings from May 27th -- or May 28th, rather -- of
20 2014 through July 6th of 2014. What were the
21 incorrect meter readings that you had?

22 MR. DIETER FERY: The last one on --

1 JUDGE KIMBREL: Tell me -- tell me the date and
2 what the --

3 MR. DIETER FERY: On 7/7/14.

4 JUDGE KIMBREL: No. You said on July 7th of
5 2014, you had a correct meter reading of 6,016.

6 What were your incorrect meter
7 readings?

8 MR. DIETER FERY: Oh, on -- oh, wait a minute.
9 Here. Here.

10 JUDGE KIMBREL: Let me know what your incorrect
11 meter readings were during that time span --

12 MR. DIETER FERY: At the end. At the end.
13 When the meter was taken --

14 JUDGE KIMBREL: What date?

15 MR. DIETER FERY: On the 7th, 7/7/2014 when the
16 meter was taken out, the old meter was taken out.

17 JUDGE KIMBREL: Okay. And what was that meter
18 reading on that --

19 MR. DIETER FERY: That meter reading on that
20 day was -- what I have here is 6,016.

21 JUDGE KIMBREL: So you're saying on July 7th,
22 2014, the meter reading of 6,016 was incorrect? That

1 was not an accurate meter reading, that's what you're
2 telling me?

3 MR. DIETER FERY: No. My reading -- was
4 correct, what I just gave you now, Judge. But Nicor
5 comes out with a different reading.

6 JUDGE KIMBREL: What was that reading?

7 MR. DIETER FERY: Nicor come out with --

8 MR. PADRON: We had a read, Judge, on 7/7/2014
9 of 7,006.

10 JUDGE KIMBREL: Can you repeat that one more
11 time.

12 MR. PADRON: 7,006 was the read on 7/7/2014.

13 MR. DIETER FERY: Okay.

14 JUDGE KIMBREL: And that was from the old
15 meter?

16 MR. PADRON: Correct.

17 JUDGE KIMBREL: Okay.

18 MR. DIETER FERY: So now -- Mr. Padron, so
19 where is -- where's the dial? You go with the
20 lower -- you go with the lower number. You go with
21 the 6 and not with the 7.

22 JUDGE KIMBREL: Mr. Fery, you're going to have

1 your opportunity to question --

2 MR. DIETER FERY: Okay.

3 JUDGE KIMBREL: -- Counsel's witness. You're
4 going to definitely be able to ask those questions.

5 MR. DIETER FERY: Okay.

6 JUDGE KIMBREL: So when was your first accurate
7 reading with the new meter? What date was that?

8 THE WITNESS: I think I took a -- it was one --
9 I don't know exactly from that.

10 JUDGE KIMBREL: That's okay. That's okay. You
11 gave us the time span. It was from May.

12 MR. DIETER FERY: But it was 1,000 -- around
13 1,000 -- 1,000 or 1 or something like that, you know.

14 JUDGE KIMBREL: Mr. Fery --

15 MR. DIETER FERY: 1,100.

16 JUDGE KIMBREL: Mr. Fery, so can you tell us
17 how many therms you believe you were overcharged from
18 May 27th of 2014 to July 7th of 2014 when you had the
19 new meter installed?

20 MR. DIETER FERY: From May 27th to then?

21 JUDGE KIMBREL: Yes.

22 MR. DIETER FERY: Well, it would be

1 1,612 therms in 20 -- these are 28 days from May 27th
2 to 7/7. Yeah.

3 JUDGE KIMBREL: Okay. So --

4 MR. DIETER FERY: 1,612 therms. Okay? And
5 this is an impossible thing because nobody uses heat
6 or anything at this time of the year.

7 JUDGE KIMBREL: Okay. So, Mr. Fery, so you're
8 saying that from May 27th, 2014, to July 7th of 2014,
9 you were overcharged 1,612 therms? Is that what
10 you're saying?

11 MR. DIETER FERY: Well, according to this,
12 there's a difference -- there's a difference of --
13 yeah. There's a difference from -- of 1,612 therms
14 from May 27th.

15 JUDGE KIMBREL: So that's why we're here? Over
16 1,612 therms that you feel like you should be
17 reimbursed for? Is that right?

18 MR. DIETER FERY: This thing is so confusing.

19 JUDGE KIMBREL: Is that -- is that an accurate
20 statement, though, Mr. Fery?

21 MR. DIETER FERY: No, because this is --

22 JUDGE KIMBREL: Well, if it's not 1,612 therms,

1 how many therms do you feel like you were
2 overcharged?

3 MR. DIETER FERY: Well, I'm just -- the
4 difference from my reading that I had on the 7th --
5 on the 7th when the meter was taken out, the
6 difference from 6,000 -- the difference from 6,016, I
7 think it is -- it's not really clear here -- okay --
8 to what Nicor wants -- what the Nicor read was 7,006.
9 Okay?

10 JUDGE KIMBREL: 7,006?

11 MR. DIETER FERY: That's what Nicor wants.
12 Okay?

13 JUDGE KIMBREL: Okay. So are you saying that
14 we just need to deduct 6,016 from 7,006 and that's
15 the amount of therms we're fighting over here today?

16 MR. DIETER FERY: Yes.

17 MR. PADRON: 990.

18 JUDGE KIMBREL: Thanks.

19 MR. PADRON: I had to use my calculator.

20 JUDGE KIMBREL: Okay. Mr. Fery, so after we
21 made that calculation, it's actually 990 therms --

22 MR. DIETER FERY: Okay.

1 JUDGE KIMBREL: -- that you feel like you were
2 overcharged --

3 MR. DIETER FERY: Right.

4 JUDGE KIMBREL: -- from that period of May 27,
5 2014, to --

6 MR. DIETER FERY: Correct.

7 JUDGE KIMBREL: -- July 7, 2014.

8 MR. DIETER FERY: Yes.

9 JUDGE KIMBREL: Okay. So what -- what amount
10 of money are you seeking --

11 MR. DIETER FERY: I don't know --

12 JUDGE KIMBREL: -- for the --

13 MR. DIETER FERY: -- what these 990 -- what
14 these therms --

15 JUDGE KIMBREL: Okay.

16 MR. DIETER FERY: -- how Nicor calculates the
17 money for these therms.

18 JUDGE KIMBREL: Okay. But basically -- okay.
19 So that's -- I think I'm finished.

20 That's all you have, Mr. Fery?

21 MR. DIETER FERY: That's it. That's it.

22 JUDGE KIMBREL: Okay. You just want to be

1 compensated for whatever the dollar amount is for 990
2 therms?

3 MR. DIETER FERY: Exactly.

4 JUDGE KIMBREL: Okay. Mr. Padron?

5 Could you -- I'm sorry to interrupt.

6 Mr. Fery --

7 MR. DIETER FERY: Yep.

8 JUDGE KIMBREL: -- if you want to admit any
9 evidence, you can do that now or later.

10 MR. DIETER FERY: Okay.

11 JUDGE KIMBREL: But --

12 MR. DIETER FERY: Do you want to see the
13 pictures that I have here?

14 JUDGE KIMBREL: Why don't we do it at the end?
15 Is that okay?

16 MR. DIETER FERY: What?

17 JUDGE KIMBREL: After Mr. Padron --

18 MR. DIETER FERY: Okay. Yeah.

19 JUDGE KIMBREL: -- is finished questioning you.

20 MR. DIETER FERY: Sure.

21 JUDGE KIMBREL: Go ahead, Mr. Padron.

22 MR. PADRON: Okay. I don't have any questions

1 for Mr. Fery.

2 DIETER W. FERY,
3 called as a witness herein, having been first duly
4 sworn, was examined and testified as follows:

5 CROSS-EXAMINATION

6 BY

7 MR. PADRON:

8 Q I mean, I guess quickly, the reading that
9 you have on 7/7/14 of the 6,016 therms, that's based
10 on your photograph and your own belief, your own
11 reading of what the gas therms should be --

12 A Mm-hmm.

13 Q -- is that correct?

14 A Mm-hmm. Mm-hmm.

15 Q Is that a "yes"?

16 A That's what I have, yeah.

17 Q If you could just answer the question. And
18 she can't take down "mm-hmm" or "uhn-uhn." You need
19 to actually answer with a "yes" or a "no" or an "I
20 don't know."

21 A Yes. Okay.

22 Q Okay. So the -- the 6,016 number that

1 Mr. Fery is claiming is based on just your own
2 subjective picture -- or your own subjective belief
3 based on the photograph you took on 7/7?

4 A Yes.

5 MR. PADRON: Okay. All right. That's --
6 that's all I have for Mr. Fery.

7 I'll have Kyra Mitchell sworn in,
8 please.

9 (Witness sworn.)

10 KYRA MITCHELL,
11 called as a witness herein, having been first duly
12 sworn, was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY

15 MR. PADRON:

16 Q Could you please let us know what you do at
17 Nicor Gas.

18 A Sure. I'm the supervisor of customer
19 relations and quality assurance.

20 Q Okay. How long have you been with Nicor?

21 A 12 years.

22 Q Okay. You have studied the facts and the

1 issues surrounding this case with Mr. Fery?

2 A Yes, I have.

3 Q Okay. I'm going to show you what -- I'm
4 not going to mark them right now, just because I know
5 we're going to deal with this later; but I do have an
6 exhibit which is the -- well, here, I'm just going to
7 show you this exhibit.

8 One for the Judge.

9 Do you recognize what this is,
10 Ms. Mitchell?

11 A Yes, I do.

12 Q Okay. And was this record made by Nicor or
13 by a person with knowledge at Nicor of or made from
14 information transmitted by a person with knowledge of
15 the acts or events appearing on this document?

16 A Yes.

17 Q And was it made at or near the time of the
18 acts and events appearing on it?

19 A Yes.

20 Q And is it the regular practice of Nicor to
21 make such a record?

22 A Yes.

1 Q And was the record kept in the course of
2 regularly conducted business activity?

3 A Yes.

4 Q Okay. Can you briefly explain to Mr. Fery
5 and the Judge what this is?

6 A This is a bill issued on July 30th of 2014.
7 The billing dates -- it looks like the billing period
8 goes from September 24th of 2013 through July 26th of
9 2014.

10 Q Okay. And why -- can you explain why --
11 how that works?

12 A Yes. Mr. Fery's meter is -- there's a
13 fence that prohibits us from reading the meter every
14 month. So when we do get actual reads, we go in and
15 we make corrections based on the reads -- it's
16 usually after the fact, which is why this bill is for
17 305 days.

18 Q Okay. So -- and what was it that
19 necessitated the -- the issuing of this bill?

20 A This bill was generated as a result of the
21 actual read that we got on July -- or actually the
22 actual read we got on July 7th.

1 Q And was that for the meter that was
2 removed?

3 A That is correct.

4 Q Okay. So is it fair to say that this bill
5 is essentially a final bill for the meter at issue?

6 A Yes, it is.

7 Q Okay. And is there anywhere on that bill
8 that shows actual reads taken on this meter?

9 A Yes, it is.

10 Q And could you point it out where it --
11 where on the bill?

12 A Sure. It's on Page 3 and on Page 4.

13 Q All right. So when -- can you tell us on
14 Page 3 and Page 4 of the bill, when was the first
15 actual read on this bill for this meter?

16 A The first actual read on this bill is
17 October 28th, 2013.

18 Q And what's the -- the number of therms?

19 A The meter read --

20 Q Or the usage, yeah.

21 A -- is 4,652.

22 Q Okay. And then when is the next actual

1 read?

2 A The next actual read is March 21st, 2014.

3 Q Okay.

4 A And that read is 6,720.

5 Q All right. How about the next one after
6 that?

7 A The next actual read is July 13th, 2014.

8 Q Okay.

9 A And that read is 6,996.

10 Q All right.

11 A The next read is 7- -- or July -- excuse
12 me -- the 7th of 2014, and that read is 7,006.

13 Q Okay. And that -- that last date, the
14 7/7/2014, that's the date that Nicor removed this
15 original meter, Meter No. 2832462; correct?

16 A Correct.

17 Q Okay. All the estimates in between
18 those -- those meter -- the actual reads, can you
19 explain again why do we use those estimates?

20 A Those estimates are utilized mostly to try
21 and fill in the gaps there because we do have broken
22 periods of the billing. So we utilize the estimates,

1 which is based off of history as well as the actual
2 read. So the actual reads serve as the beginning and
3 the end, and we know how much gas should have been
4 utilized in between.

5 Q All right. So this -- this final bill, if
6 you will, for \$1,567.54, is that bill generated from
7 actual reads or estimated reads?

8 A Actual reads.

9 Q Okay. I have one more exhibit here which,
10 again, we're not going to mark for now just because
11 we're going to have a few of these -- and I don't --
12 maybe I should mark them. I don't know. It's...

13 JUDGE KIMBREL: Maybe you should.

14 MR. PADRON: Maybe -- all right. So then that
15 first bill is going to be Exhibit A.

16 (Whereupon, a discussion was had
17 off the record.)

18 (Whereupon, Respondent's
19 Exhibits A and B were marked
20 for identification, as of this
21 date.)

22

1 BY MR. PADRON:

2 Q So Exhibit B, which you have --

3 Here you go, Mr. Fery.

4 And, Ms. Mitchell, do you recognize

5 Exhibit B?

6 A Yes.

7 Q And was this record made by a person with
8 knowledge of or made from information transmitted by
9 a person with knowledge of the acts and events
10 appearing on it?

11 A Yes.

12 Q Was the record made at or near the time of
13 the acts and events appearing on it?

14 A Yes.

15 Q And is it the regular practice of Nicor Gas
16 to make such a record?

17 A Yes.

18 Q And, finally, was that record kept in the
19 course of a regularly conducted business activity?

20 A Yes.

21 Q Okay. Could you tell us what that is?

22 A Sure. It's a screen shot of our meter

1 display. It displays all of the history about a
2 meter.

3 Q Okay. Which meter is that regarding? Does
4 it say on the report?

5 A Yes, it does. It's for Meter No. 2832462.

6 Q And is that the meter that was removed from
7 Mr. Fery's -- or I should say the residence at issue
8 on July 7th, 2014?

9 A Yes, it is.

10 Q And does it indicate anywhere on the report
11 if an actual reading was taken of the meter when they
12 did this report?

13 A Yes, it is.

14 Q Where is that?

15 A That's actually listed in multiple places.
16 Up at the top, right underneath where it says "Read,"
17 you have 7,006.

18 Q Okay.

19 A And it's also under -- near the left under
20 "Reading," under "Division," "Intest," and "Meter
21 Shop" --

22 Q Okay.

1 A -- those are the three reads there.

2 Q And you say there's three reads: Division,
3 Intest, and Meter Shop. What does that mean?

4 A This meter was removed by someone out in
5 the -- we call it division. So a field tech would
6 have removed the meter. That's that first number.

7 Q So when he -- when the field tech removed
8 the meter, he would have taken an actual read at that
9 time?

10 A That is correct.

11 Q Okay. And his read was...?

12 A 7,006.

13 Q Okay.

14 A And that second read is the read upon our
15 meter shop receiving that meter. We read the meter
16 again just as a double check.

17 Q Okay. And that was -- what was the result
18 of that read?

19 A That intest is 7,006.

20 Q All right.

21 A And the third meter is a meter read that we
22 give at the actual meter location, our meter shop,

1 when we test the meter.

2 Q All right. And what was that meter read?

3 A 7,006.

4 Q Okay. And when they test the meter, what
5 are they testing for?

6 A They're testing to make sure that the meter
7 is functioning properly.

8 Q All right. What was the result of this
9 meter test?

10 A The average test came out to 100.8 percent.

11 Q So does that mean that this meter was
12 working within eight hundredths accuracy or something
13 like that?

14 MR. DIETER FERY: Mm-hmm.

15 THE WITNESS: That is correct.

16 MR. DIETER FERY: I see it right here.

17 MR. PADRON: I'm going to have one more
18 exhibit. This is going to be C. It's a group.

19 (Whereupon, Respondent's Group
20 Exhibit C was marked for
21 identification, as of this
22 date.)

1 JUDGE KIMBREL: Off the record.

2 (Whereupon, a discussion was had
3 off the record.)

4 JUDGE KIMBREL: Mr. Padron, why don't you
5 continue.

6 We're back on the record.

7 BY MR. PADRON:

8 Q Okay. The last exhibit here, Exhibit C,
9 are you -- do you -- it's a group exhibit. It's
10 got -- let's see -- one, two, three, four, five
11 pages.

12 Can you take a minute and just look at
13 those five pages. No hurry.

14 A Okay.

15 Q Do you recognize the exhibit?

16 A Yes, I do.

17 Q And was this exhibit -- record made by a
18 person with knowledge of or made from information
19 transmitted by a person with knowledge of the acts
20 and events appearing on it?

21 A Yes.

22 Q Was the record made at or near the time of

1 the acts and events appearing on it?

2 A Yes.

3 Q Is it the regular practice of Nicor to make
4 such a record?

5 A Yes.

6 Q And was the record kept in the course of
7 regularly conducted business activity?

8 A Yes.

9 Q Could you tell us what this group exhibit
10 is?

11 A Sure. It is screen shots of what we call
12 Customer Contacts, which essentially is a note that
13 we're able to put on each customer's account.

14 Q All right. So these Customer Contacts
15 then, is it fair to say when a customer calls, Nicor
16 would then make a note of it via this Customer
17 Contact?

18 A That is correct.

19 Q All right. And what do these -- if you can
20 briefly tell us, what do these five pages indicate
21 for the Customer Contacts with Mr. Fery?

22 A Each one has an interaction in which it

1 looks like a meter read was given, it was called into
2 dispute, then an order was placed to have the meter
3 read again. We went over the history with the
4 customer.

5 Q Why don't we start on the first -- the
6 first entry.

7 What's the date of the first entry?

8 A The first entry is June 5th, 2014.

9 Q And what occurred on June 5th, 2014?

10 A The note reads that Mr. Fery called in with
11 a read of 7,093.

12 Q Okay. How about the next contact?

13 A The next contact is dated June 11th, 2014.

14 Q Okay.

15 A And the note reads that Mr. Fery
16 rescheduled his miscellaneous meter work, the date
17 being June 13th, noon until 4:00 p.m.

18 Q All right. How about the next entry?

19 A The next entry is June 16th, 2014.

20 Q And what happened on that date?

21 A Mr. Fery called to check to see if the read
22 had posted. He was advised that we did get a read on

1 June 13th. That read was 6,996. He states he has a
2 picture that shows the read is 6,006. We offered to
3 send the tech out again and advised him that the read
4 provided -- or the read that we have is correct. He
5 was not happy with that and hung up.

6 Q Okay. The next contact?

7 A The next contact is dated June 26th, 2014.

8 Q Okay. And what happened on that day?

9 A Mr. Fery is calling in to dispute the bill
10 that was issued on 6/25. He states that his read of
11 6,006 is correct and that our read of 6,996 is
12 incorrect.

13 Q Okay. Anything else?

14 A Yes. We then had -- this one's got a lot
15 of entries here. We had another department get
16 involved to go out to try and further assist
17 Mr. Fery.

18 Q Okay.

19 A And that department listed a Customer
20 Contact on August 14th, 2014. And that one indicates
21 that this other department, Billing Quality
22 Assurance, went out and adjust- -- and took a look at

1 the bill, adjusted the bill due to the actual reads
2 that were taken.

3 Mr. Fery sent a picture dated 7/7/14,
4 the date of the meter read exchange, with a read of
5 6,996. It was okay to credit him 10 cubic feet. He
6 was still unhappy with that adjustment.

7 We advised him that we took the meter
8 in, we tested the meter, and we would give him a
9 12-month payment arrangement.

10 Q Okay. A 12-month payment arrangement on
11 the amount he owed?

12 A Correct.

13 Q All right. Are there any more entries?
14 Was there any more Contacts? One more maybe or is
15 that it?

16 A On the 6/26 page, there are multiple ones.
17 7/30, we left a voice mail for him to call back. He
18 returned the call -- or, no, we tried to call him
19 again on 7/30/2014. On 7/31/2014, we spoke to him.
20 He claims his pictures are correct for the date the
21 meter was removed.

22 On August 7th, we advised him the

1 pictures -- we advised him that we received the
2 pictures and we spoke to him via e-mail --

3 Q Okay.

4 A -- to advise him that the reads were
5 correct.

6 Q All right. Is that it or one more?

7 A Yep. I have one more. The last one is
8 dated August 29th, 2014.

9 Q Okay.

10 A And that Customer Contact -- we spoke to
11 Mr. Fery on August 28th and tried to explain to him
12 that 6,996 is the correct meter read for Meter
13 No. 2832462. Mr. Fery would not allow the -- allow
14 the rep to explain the read to him. He insists that
15 the read is 6,006.

16 He said the readings were off because
17 he found a gas leak on his new meter. They tried to
18 advise the read was on the new meter and he had only
19 used 11 therms of gas. They also tried to advise the
20 previous read (sic) had been tested and there was
21 nothing wrong with it. He was just repeating we are
22 wrong and did not let him discuss in detail.

1 We had a meter reading supervisor,
2 Raul Torres, get involved. He went to Mr. Fery's
3 house while they exchanged the meter and explained
4 the meter read to him. Tom advised -- the meter
5 reading supervisor advised he'd received the same
6 results; the customer becomes agitated and doesn't
7 understand.

8 Q Okay. So based on everything that you've
9 looked at and your knowledge and experience at being
10 at Nicor Gas, what was the correct read of the meter
11 on 7/7/2014?

12 A That would be the 7,006.

13 MR. PADRON: Okay. That's all I have in terms
14 of the first meter. If we're going to be -- if
15 Mr. Fery is going to be insisting that the gas leak
16 that was found on the new meter was somehow -- I'm
17 just going to admit these things. I'm sorry. I'm
18 jabbering. I have two more things here. So these
19 will be D -- D and E.

20 (Whereupon, Respondent's
21 Exhibits D and E were marked
22 for identification, as of this

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date.)

BY MR. PADRON:

Q Did you take a look at Exhibit D?

A Yes.

Q Do you recognize it?

A Yes.

Q Was it made by a person with knowledge of
or made from information transmitted by a person with
knowledge of the acts or events appearing on it?

A Yes.

Q Was the record made at or near the time of
the acts and events appearing on it?

A Yes.

Q Is it the regular practice of Nicor to make
such a record?

A Yes.

Q And was the record kept in the course of
regularly conducted business activity?

A Yes.

Q All right. Can you tell us what it is?

A Sure. It's a screen shot of the field

1 activities for a Trouble Order for Mr. Fery.

2 Q And what's the date of the Trouble Order?

3 A The date of the Trouble Order is July 23rd,
4 2014.

5 Q And what meter did Mr. Fery have at his
6 home servicing -- I'm sorry. I don't know even if it
7 was his home. What meter number -- strike that.

8 What meter was located at the
9 7935 Ogden Avenue address on that date?

10 A On that date, it would be 4621876.

11 Q All right. So that's then the new meter
12 that was installed on July 7th of 2014?

13 A Correct.

14 Q Okay. What happened -- what was the
15 Trouble Order for on 7/23?

16 A On 7/23, we got a call from Mr. Fery who
17 stated the meter was leaking and please talk to him
18 before leaving. The tech went out and the tech note
19 reads, Found leak on swivels of meter, repaired leak,
20 replaced washer, and tightened swivels. Checked with
21 soap and sensit. All clear. Did not find leak --
22 did find leak -- excuse me -- on other meter on the

1 header, No. 4509191, leaking from elbow coming out of
2 outlet union on customer's piping.

3 Q Okay. So can you break down that note for
4 us?

5 Was there a leak on the meter at --
6 the newly installed meter at the 7935 Ogden Avenue
7 address?

8 A Yes. There was a leak at the swivel.

9 Q All right. Was there another meter and
10 another leak?

11 A Yes. This particular residence has
12 three meters.

13 Q Okay.

14 A And the other meter, which was Meter
15 No. 4509191, had a leak on the elbow.

16 Q All right. So that -- that latter meter is
17 not at issue today?

18 A Correct.

19 Q Okay. And then Exhibit E, do you recognize
20 this?

21 A Yes, I do.

22 Q And was this record made by a person with

1 knowledge or made from information transmitted by a
2 person with knowledge of the acts and events
3 appearing on it?

4 A Yes.

5 Q Was the record made at or near the time of
6 the acts and events appearing on it?

7 A Yes.

8 Q Is it the regular practice of Nicor to make
9 such a record?

10 A Yes.

11 Q And was that record kept in the course of a
12 regularly conducted business activity?

13 A Yes.

14 Q Can you tell us what it is?

15 A Sure. It's the meter reading history
16 for -- of Meter No. 4621867.

17 Q All right. And could you tell us what does
18 that have to do with the leak discovered on
19 7/23/2014?

20 A Sure. The original meter was placed at
21 this location on 7/7/2014. That meter read was
22 1,018.

1 Q Okay.

2 A The date in question, the 7/23/2014, that
3 meter read was 1,029.

4 Q For a difference of...?

5 A For a difference of 11 therms.

6 Q Okay. So from the time period of the
7 new -- the newly installed meter on 7/7/2014 to the
8 time that the leak was found and repaired on
9 7/23/2014, all of 11 therms of gas had been used at
10 that time?

11 A That's correct.

12 MR. PADRON: Okay. I have nothing further.

13 MR. DIETER FERY: Okay. So both of these
14 washers she can look at them, they were hard and --

15 JUDGE KIMBREL: Mr. Fery --

16 MR. DIETER FERY: Yes.

17 JUDGE KIMBREL: -- you have an opportunity to
18 ask questions of the witness so that --

19 MR. DIETER FERY: Yeah, because -- well, I just
20 wanted to say over time --

21 JUDGE KIMBREL: Well, Mr. Fery, what I'm trying
22 to explain to you, you can have an opportunity to

1 have a closing remark where you'll be able to speak.
2 But right now if you have any questions of the
3 witness, you should ask those questions.

4 Do you have any questions of the
5 witness? You can make -- you can make whatever
6 comments you want to make at the end.

7 MR. DIETER FERY: Oh, at the end? Okay. All
8 right.

9 JUDGE KIMBREL: But if you have --

10 MR. DIETER FERY: I have no questions.

11 JUDGE KIMBREL: Okay.

12 MR. DIETER FERY: No, because this is all
13 senseless. Whatever I say, whatever I show, it won't
14 make a difference.

15 JUDGE KIMBREL: Okay. I have a couple of
16 questions for you.

17 EXAMINATION

18 BY

19 JUDGE KIMBREL:

20 Q What was the old meter number?

21 A The old meter number?

22 MR. DIETER FERY: It was a waste of my time to

1 come here.

2 THE WITNESS: It was 28324- -- I'm sorry.

3 BY JUDGE KIMBREL:

4 Q I'm sorry. 2832...?

5 A 462.

6 Q 462?

7 And what's the new meter number?

8 A 4621867.

9 Q Okay. And, actually, the address that
10 we're speaking about, it is 7935 Ogden Avenue, but
11 it's Apartment 2 and it's in the rear?

12 A Correct.

13 JUDGE KIMBREL: Okay. I think those are --
14 those are all of the questions that I have for you.
15 I just wanted to clear up the record a little bit.

16 Okay. Mr. Fery, if you would like to
17 make a --

18 MR. DIETER FERY: Yeah, I just want to go back.
19 See, with these washers, when the meter was changed
20 out and -- so the new meter was leaking on the inlet
21 and on the outlet. Okay? So he tightened -- tried
22 to tighten the slipknots smaller, but they were tight

1 already. She went out, got a pipe wrench.

2 JUDGE KIMBREL: You said on the new meter.

3 MR. DIETER FERY: On the new meter.

4 JUDGE KIMBREL: And when was that?

5 MR. DIETER FERY: That was after I called
6 for -- for gas leak.

7 JUDGE KIMBREL: Yeah, but that was --

8 MR. DIETER FERY: I don't remember what the
9 date was.

10 JUDGE KIMBREL: -- outside of July 7, 2014,
11 wasn't it? That was after July --

12 MR. DIETER FERY: That was after July 7th,
13 yeah. Okay?

14 JUDGE KIMBREL: That's -- I -- I mean, you can
15 speak on this if you'd like, but that is outside of
16 the time frame that you're complaining about.

17 MR. DIETER FERY: Yeah. What I'm -- what I'm
18 trying to explain --

19 JUDGE KIMBREL: Okay.

20 MR. DIETER FERY: So this man, he never changed
21 the washers. Okay?

22 JUDGE KIMBREL: Okay.

1 MR. DIETER FERY: So he used the same -- these
2 old washers, they were on my old meter all this time.

3 JUDGE KIMBREL: Mm-hmm.

4 MR. DIETER FERY: So -- okay. So he puts the
5 new meter on. It was leak- -- they were leaking. So
6 they were tight. So the way I had the leaks with the
7 new meter, they're just the same way the old meter
8 was leaking. I was losing gas. And then this is
9 when she then went out and she had to put new gaskets
10 in.

11 JUDGE KIMBREL: Okay.

12 MR. DIETER FERY: Yeah.

13 JUDGE KIMBREL: Now, do you have any -- I
14 should have asked you before. We discussed it a
15 little earlier. But do you have any exhibits that
16 you would like to move into the record?

17 MR. DIETER FERY: Well, the only thing, I -- 0I
18 only found that one washer, you know, but both of
19 them were the same way. And you can -- you can
20 really see, you know, the -- the gaskets in -- on the
21 inside, and this is where the gas came out because we
22 put some -- I put some bubble spray on there and they

1 were gurgling, you know.

2 JUDGE KIMBREL: Do you have the letter, for
3 instance, that you referred to earlier when you
4 testified? Do you want to move that letter into the
5 record? Do you want to identify that letter as an
6 exhibit and move that into the record, Mr. Fery?

7 MR. DIETER FERY: Well, this is all I can say.
8 I have nothing else to say anymore. So I don't know
9 how much gas I lost over the years.

10 JUDGE KIMBREL: There was a letter, though. Do
11 you remember the letter you were referring to? You
12 were reading from a letter. Do you remember that?
13 The letter had the May 27th, 2014 date.

14 MR. DIETER FERY: Oh, yeah. Yeah, I got that.

15 JUDGE KIMBREL: Where is that letter?

16 MR. DIETER FERY: I put it --

17 JUDGE KIMBREL: I think you might.

18 MR. DIETER FERY: Right here.

19 JUDGE KIMBREL: Okay. Do you want to identify
20 that. Maybe we can make a copy of that for you.

21 MR. DIETER FERY: Yeah.

22 JUDGE KIMBREL: Do you want to move that into

1 the record?

2 MR. DIETER FERY: Oh, yeah.

3 JUDGE KIMBREL: Okay. Let me -- let me make a
4 copy for you.

5 Okay. Let's go off the record.

6 (Whereupon, a discussion was had
7 off the record.)

8 (Whereupon, Complainant's
9 Exhibits A, B, and C were
10 marked for identification, as
11 of this date.)

12 JUDGE KIMBREL: We're back on the record.

13 Mr. Fery, I think you have Exhibit A,
14 which is the letter that you referred to earlier in
15 your testimony from Nicor Gas dated June 24th, 2014,
16 to yourself regarding Account 82-27-98-0219 for your
17 address at 7535 Ogden Avenue, Apartment 2R.

18 Would you like to move -- are you
19 moving this exhibit into the record, Exhibit A?

20 MR. DIETER FERY: Yeah.

21 JUDGE KIMBREL: Mr. Padron, is there any
22 objection to the admission of Exhibit A into the

1 record?

2 MR. PADRON: No. I mean, I'm not crazy about
3 his handwritten notes on it, but that's fine.

4 JUDGE KIMBREL: Okay. That being the case,
5 this record -- or this exhibit is admitted into the
6 record.

7 (Whereupon, Complainant's
8 Exhibit A was admitted into
9 evidence.)

10 JUDGE KIMBREL: Mr. Fery, would you like to
11 move Exhibit B, which is a washer --

12 MR. DIETER FERY: Yeah.

13 JUDGE KIMBREL: Are you moving that into the
14 record?

15 MR. DIETER FERY: Yes.

16 JUDGE KIMBREL: Is there any objection to the
17 admission of Exhibit B into the record?

18 MR. PADRON: Yeah, for a whole list of reasons
19 besides foundation. He's trying to admit a washer
20 into evidence. You need to show, you know, that --
21 where it came from, where it's been, everything else.

22 MR. DIETER FERY: How much gas can you lose,

1 what do you think, over -- over months and months?

2 Oh, God. Oh, man.

3 JUDGE KIMBREL: Okay. Based on your
4 objection --

5 MR. DIETER FERY: This thing was bubbling
6 though.

7 JUDGE KIMBREL: -- that exhibit will not be
8 admitted into the record.

9 Okay. You also have Group Exhibit C,
10 Mr. Fery, that I believe you are trying to move into
11 the record. And they are pictures of your meter.
12 The first picture is dated June 13th, 2014; the
13 second picture is dated June 27th, 2014; your third
14 picture is dated July 7th, 2014; and these are all of
15 your meter, No. 2832462.

16 Counsel, is there any objection into
17 the admission of Group Exhibit C?

18 MR. PADRON: Can I just took a quick look? I
19 know I don't have a problem with the first two. I
20 just want to make sure -- no, that's fine, Judge.
21 They're all fine.

22 JUDGE KIMBREL: Okay. Mr. Fery, your Group

1 Exhibit C is admitted into the record without
2 objection.

3 (Whereupon, Complainant's Group
4 Exhibit C was admitted into
5 evidence.)

6 JUDGE KIMBREL: Do you have any further
7 exhibits that you would like to move into the record,
8 Mr. Fery?

9 MR. DIETER FERY: No, Judge. This is it.

10 JUDGE KIMBREL: Okay. Mr. Padron, do you have
11 exhibits that you would like to move into the record?

12 MR. PADRON: We do: A through E, which we've
13 already discussed. A is the final bill that was
14 issued when the meter was removed -- when the first
15 meter was removed and the second meter was installed.

16 Group B is the report issued when they
17 tested the first meter.

18 Exhibit C is a group exhibit. It
19 contains five pages of Customer Contact with
20 Mr. Fery.

21 Exhibit D is the Trouble Order for the
22 leak on the new meter that was -- that was repaired

1 on 7/23/2014.

2 And then Exhibit E, which is the --
3 shows the meter -- I'm sorry -- shows the gas usage
4 on the new meter, being 11 therms, during that time
5 period.

6 JUDGE KIMBREL: Okay. Mr. Fery, do you have
7 any objection to the admission of the Company's
8 Group -- excuse me, the Company's Exhibits A, B, C,
9 D, and E into the record?

10 MR. DIETER FERY: No.

11 JUDGE KIMBREL: Okay. That being the case,
12 Nicor Exhibits A, B, C, D, and E are admitted into
13 the record without objection.

14 (Whereupon, Respondent's
15 Exhibits A through E were
16 admitted into evidence.)

17 MR. PADRON: Judge, I have one more thing, if I
18 could. Given that Mr. Fery has admitted his
19 Complainant Exhibit A, the letter issued from Nicor
20 on June 24th, 2014 --

21 JUDGE KIMBREL: Yes.

22 MR. PADRON: -- I would like to have

1 Ms. Mitchell give some testimony on the letter and
2 then offer one more exhibit.

3 JUDGE KIMBREL: Okay.

4 REDIRECT EXAMINATION

5 BY

6 MR. PADRON:

7 Q Ms. Mitchell, just to remind you, you're
8 still under oath.

9 Are you familiar with this letter
10 that -- it's marked as Complainant's Exhibit A?

11 A Yes.

12 Q Can you tell us -- tell us about it.

13 A This is a system-generated letter that goes
14 out when a customer requests a meter read. When we
15 think the meter reads are in line, we generate a
16 letter that automatically goes out with that meter
17 read saying that the reads are in line.

18 Q All right. So Mr. Fery keeps arguing that
19 he had a meter read on May 27th, 2014 of 5,389.

20 Is that -- is that an actual read? Is
21 it a read at all?

22 MR. DIETER FERY: I was there. It was an

1 actual read. I was there. I had to let --

2 JUDGE KIMBREL: Mr. Fery, after Counsel asks
3 questions --

4 MR. DIETER FERY: Okay.

5 JUDGE KIMBREL: -- you'll be able to follow up
6 and ask --

7 MR. DIETER FERY: All right.

8 JUDGE KIMBREL: -- questions. Okay?

9 MR. DIETER FERY: Okay.

10 THE WITNESS: No. May 27th was not an actual
11 read.

12 BY MR. PADRON:

13 Q All right. And you know what? If I'm not
14 mistaken -- let me see if I have that bill -- our
15 Exhibit A that -- you've already given testimony to
16 our Exhibit A, Pages 3 and 4.

17 If there was an actual read on
18 May 27th of 2014, would that actual read have shown
19 on the final bill which is the Respondent's
20 Exhibit A?

21 A Yes, it would have.

22 Q Okay. And is there a entry for an actual

1 read on that final bill from May 27th, 2014?

2 A No, there is not.

3 (Whereupon, Respondent's Group
4 Exhibit F was marked for
5 identification, as of this
6 date.)

7 BY MR. PADRON:

8 Q Okay. So I'm going to hand you what we've
9 marked as Complainant's -- I'm sorry -- Respondent's
10 Exhibit F, Group Exhibit F.

11 Take a quick look and tell us if
12 you're familiar with -- with that exhibit.

13 A Yes, I am.

14 Q All right. Was that record made by a
15 person with knowledge of or made from information
16 transmitted by a person with knowledge of the acts
17 and events appearing on it?

18 A Yes.

19 Q Was the record made at or near the time of
20 the acts and events appearing on it?

21 A Yes.

22 Q Is it the regular practice of Nicor to make

1 such a record?

2 A Yes.

3 Q And was that record kept in the course of a
4 regularly conducted business activity?

5 A Yes.

6 Q All right. What is Group Exhibit F?

7 A Group Exhibit F is the bill issued on
8 June 30th of 2014.

9 Q All right. And what does that have to do
10 with the May 27, 2014 read or lack thereof?

11 A The letter that was generated on May 24th
12 indicated the estimated read was correct. But based
13 on the actual read we got, the system -- we went in
14 to the system and double-checked those reads --

15 Q All right.

16 A -- to verify that that read was indeed
17 correct. It was determined that that read that was
18 indicated on the letter was incorrect. It was
19 underestimated.

20 Q All right. So essentially, May 27, 2014
21 was an estimated read generated by the system or --

22 A Correct.

1 Q It was an estimated read?

2 A It was an estimated read, correct.

3 Q And this bill corrected the estimated read?

4 A That is correct.

5 Q So can you tell us on what page you're
6 looking at it and how we can -- how we can know it
7 was corrected?

8 A Sure. Page 5 of 5, it is the second to
9 last square. It gives a current reading, May 27th,
10 2014, estimated. That read is 6,982.

11 MR. PADRON: Okay. I have nothing further.

12 JUDGE KIMBREL: Okay. Mr. Fery, do you have
13 any questions?

14 MR. DIETER FERY: This is absolutely not true.
15 I let that -- I let that lady in. I had to let
16 her -- I have a -- I have a gate that's always
17 locked. So she made an appointment -- okay -- so
18 I --

19 JUDGE KIMBREL: What are you saying is not
20 true?

21 MR. DIETER FERY: That this is -- this was an
22 actual read here.

1 JUDGE KIMBREL: On what day?

2 MR. DIETER FERY: On May 27th.

3 JUDGE KIMBREL: Okay.

4 MR. DIETER FERY: That was an actual read. I

5 let that woman in. She was -- she was a black lady

6 and she said, Oh, I got to -- I got to read your

7 meter. Boom. She had this device she had -- boom --

8 and that was it.

9 JUDGE KIMBREL: Do you have any questions --

10 MR. DIETER FERY: And I asked her, What's my

11 reading, and then she told me what's on the paper.

12 JUDGE KIMBREL: Do you have any questions about

13 the exhibits --

14 MR. DIETER FERY: I'm not lying about that.

15 JUDGE KIMBREL: -- or of the witness?

16 MR. DIETER FERY: No, nothing. No. Nothing

17 further. So this is just a hopeless case.

18 JUDGE KIMBREL: Did you move Exhibits A, B, C,

19 D, and E? I know you added F.

20 MR. PADRON: I did, yes.

21 JUDGE KIMBREL: Did I rule upon it? Okay.

22 MR. PADRON: Yes.

1 Now we would move for Exhibit F, Group
2 Exhibit F.

3 JUDGE KIMBREL: Do you have any objection to --
4 do you have any objection to Nicor Gas Group
5 Exhibit F being entered into the record?

6 MR. DIETER FERY: Nothing further, Judge. I'm
7 done.

8 JUDGE KIMBREL: Okay. That exhibit is entered
9 into the record without objection.

10 (Whereupon, Respondent's Group
11 Exhibit F was admitted into
12 evidence.)

13 JUDGE KIMBREL: Mr. Fery, do you have any
14 closing comments?

15 MR. DIETER FERY: No, nothing.

16 JUDGE KIMBREL: No?

17 MR. DIETER FERY: No.

18 MR. PADRON: Mr. Padron, do you have any
19 comments?

20 MR. DIETER FERY: The only thing is I wasted my
21 time to come here twice. That's the only comment I
22 have.

1 JUDGE KIMBREL: Okay. Mr. Fery --

2 MR. DIETER FERY: That's the truth. I think
3 the truth doesn't count.

4 Okay. This is it?

5 JUDGE KIMBREL: Mr. Padron, do you have any
6 closing remarks?

7 MR. PADRON: I feel for you, Mr. Fery, but
8 you -- you've got to understand that from -- the only
9 thing I'm doing is looking at what is in front of me.
10 I understand you think that the picture on June 13th,
11 2014 shows a zero on the hundred dial --

12 MR. DIETER FERY: The pictures don't lie,
13 Mr. Padron.

14 MR. PADRON: But what I --

15 MR. DIETER FERY: I cannot manipulate them.

16 MR. PADRON: Pictures don't lie and neither do
17 reports and neither do actual reads. I --

18 MR. DIETER FERY: The meters don't lie either.
19 Okay. This is --

20 MR. PADRON: So my closing comments are the
21 report and the reads by the professionals at Nicor
22 don't lie. I'm sorry that you have a problem reading

1 these meters.

2 But it's -- it's clear that Mr. Fery
3 has an issue reading meters. That's it.

4 JUDGE KIMBREL: Okay. Well, Mr. Fery, I will
5 have to draft a Proposed Order and that will be sent
6 out to both you and to the Company. And you'll have
7 an opportunity to file something in response to that
8 Proposed Order. We call it a -- off the record.

9 (Whereupon, a discussion was had
10 off the record.)

11 JUDGE KIMBREL: So, Mr. Fery, I'll issue a
12 Proposed Order and then you'll get a chance to
13 respond to that Order in writing. And you'll file it
14 at the Clerk's Office in Springfield here at the
15 Commission. You'll send a copy to Mr. Padron as
16 well.

17 So if there's -- if neither one of
18 you -- do you understand the process, Mr. Fery?

19 MR. DIETER FERY: So this is -- yeah. So this
20 is what I have to pay now here?

21 JUDGE KIMBREL: Well, I have to issue a ruling.

22 MR. DIETER FERY: Okay.

1 JUDGE KIMBREL: I issue the ruling and then,
2 like I said, you can file --

3 MR. DIETER FERY: I know what this is going to
4 be.

5 JUDGE KIMBREL: You'll file a brief in response
6 to the ruling. Mr. Fery, I mean, you have -- you
7 have an opportunity to prove your case, Mr. Padron
8 has an opportunity to prove his case, and then I have
9 to look at all the evidence.

10 MR. DIETER FERY: My proof didn't count.
11 That's all I can say.

12 JUDGE KIMBREL: Well, I mean, I have -- I have
13 the evidence and I have to make a ruling.

14 But anyways, so I'll issue the
15 Proposed Order and then you'll have a chance to file
16 a response to the Proposed Order.

17 So if there's nothing further --

18 MR. DIETER FERY: No.

19 JUDGE KIMBREL: -- then I'll mark this matter
20 heard and taken.

21 HEARD AND TAKEN

22