

MAY 16 2016

ILLINOIS COMMERCE COMMISSION  
CHIEF CLERK'S OFFICE

In the Matter of : )  
 )  
 Kamal Hughes, )  
 Complainant )  
 )  
 v. )  
 )  
 People's Gas Light and Coke Company, )  
 Respondent )  
 )  
 )  
 A Complaint as to billing/charges in Chicago, Illinois )

Docket No. 15-0493

**Complainant's Answer to Respondent's Closing Brief**

**I. Refutation of Respondent's Summary and Background**

Respondent (People's Gas) asserts that I, Kamal Hughes, (Complainant), filed a formal complaint against People's Gas "because it took too long to correct an error made by myself and my tenant". I refute this assertion as it is incomplete and a simplistic distillation of a very complex issue. The assertion also fails to point out failures and errors on the part of People's Gas that exacerbated the billing problem.

People's Gas failed to initially attempt to collect on an unpaid balance that was my balance as building owner but technically was not as the bill was not in my name. Typical collection measures should have been initiated such as using service disconnections. These actions would have alerted me in a short time instead of more than a year later that a problem existed. It was never my intent to deny the charges but the actions of People's Gas makes me think they feared that I would and they would be left with an uncollectable charge. However, as I discovered the problem, accepted the gas usage as my responsibility and began solving the problem, I subsequently, after much confusion not caused by me, received an exorbitantly high bill, and disputed it. Then, I was the one who did receive a disconnection notice. I don't know why they were so quick to give me a disconnection notice and not my tenant. The disconnection notice is what finally caused me to seek help and contact the Illinois Commerce Commission. People's Gas never advised me of this option.

In contrast to what is stated by People's Gas in its Closing Brief but in accordance with my official complaint, my assertion is not just that the bill is too high, but also that unresponsive supervisors from People's Gas, contrary to Illinois Commerce rules:

1. Failed to return calls in a timely manner
2. Lost information and records of previous calls requesting help from a supervisor
3. Failed to keep continuity with a single supervisor (instead for months I spoke to a different supervisor each time, with weeks between contacts)
4. Failed to even give me an estimate of my bill for several months
5. Made mistakes that confused a difficult issue even more (mixups on account assignments)
6. Charged me interest on a disputed bill (not removed until well into this Hearing)
7. Included usage of another customer on my account
8. Failed to admit that there was an inexplicable increase in the billing that went against the mild winters and low natural gas prices that we have been experiencing.
9. Started disconnection proceedings while I was in dispute of my bill

The above matters, along with my assertion that the meter is faulty, entitle me to a reduction in the amount owed.

## II. Legal Standard

Contrary to what is stated by the Respondent, I and my witness, presented clear and cohesive arguments to my case, granting my inexperience in court and lack of an attorney. However, one of the principles of the Illinois Commerce Commission is to ensure equitable treatment to consumers. Equity and fairness are universal principles that even novices can express and we did express our desire to seek fairness, giving clear reasons for our request. We also attempted to reach a settlement to this issue where fault could be distributed with equity. We accepted responsibility for service that was issued in another person's name and never claimed that we were not responsible for the service.

I presented the many failures of Peoples Gas to respond to my request for a supervisor's help and intervention, the failure to provide consistent and understandable billing and accounts ( I presented three separate accounts that were assigned to me) and I presented evidence of a strange increase in billing over the time in question compared to previous times that had harsher winters and higher gas prices. The years in question were the mildest years in decades and gas prices were the lowest in decades yet our bills were substantially higher. I presented evidence of exorbitantly higher gas usage in a spring bill compared to an earlier spring bill. It led me to question the veracity of the meter.

People's Gas must admit that their failure to respond promptly and effectively with supervisors was a breach of Illinois Commerce Rules and did cause me harm. They must also admit that their failure to collect on the bill of my tenant for nearly a year exacerbated the problem and created great financial difficulties. When I finally received a bill and disputed it, the first supervisor I spoke with admitted that the bill seemed high and he would look into it. However,

I waited weeks before I reached out again but was given another supervisor. This shuffling of supervisors happened more than once.

It is not fair and equitable for People's Gas to wait out its two year limit before presenting me with a bill and then begin collections as I am disputing the charges that I have seen for the first time. People's Energy knew what they planned to charge me from my first contact with them because they had all of the records but they never gave me even an estimate despite my many attempts over several months to get a figure. I believe they were afraid that I would not accept the responsibility. Then they misallocated the new meter that I installed and took months to correct that problem, all while refusing to give me a bill. There was much confusion over the meter and bill but it certainly was not all on my and my tenant's side.

From the beginning, I have never tried to dodge what I felt was my fair amount of gas usage. It was I, who told People's Gas to start my service at October 2012, not People's Gas. They had no clue what to do when I first contacted them. It seemed that everyone was afraid to handle the situation because they thought I was going to say it was the tenant's bill and not mine. However, the thought of trying to duck my responsibility never entered my mind. Again, as I stated at the hearing, the October date was offered by me as a compromise. My tenant did not start his service on that date. I compromised because they said they did not know how to separate his cooking gas usage from the building usage because it was all on one meter and again, they were very worried that I would try to stick the bill on the tenant who obviously could not pay it.

An expert witness, Mr. Donald Taylor, meter testing supervisor for People's Gas was presented. He admitted that the meter is a mechanical system and I asserted the fact that mechanical systems are prone to failure over time. The meter had never been tested while I owned the building for ten years. The meter was there when I bought the building so it is probably much older than even ten years. People's Gas did not dispute the age of the meter nor the possibility of mechanical system failure, hence the need for testing. People's Gas claims that they are only required to test meters by random sampling however The Illinois Commerce Commission code states:

**Section 500.210 Periodic Tests of Customer Meters**

**No service meter shall be allowed to remain in service more than ten years from the time when last tested without being retested, and, if necessary, readjusted to be correct within the limits set forth in Section 500.190 before being set for use.**

This rule seems sensible as again, it is well known that mechanical systems fail due to use, temperature, moisture, etc. over time. It's like the difference between a windup watch and a digital watch; over time mechanical watches become inaccurate.

People's Gas did state that they are only required to test a statistical sample of their meters as outlined in Section 500.215 of which part c states:

**In the ninth and subsequent years that meters are in service, they shall be tested in accordance with Inspection Level II of MIL-STD 105-D of the Department of Defense (see also Supply and Logistics Handbook H-105).**

My point in using these two rules is to show the significance given to the testing of a meter ten years in use. The possibility of a ten year old meter being inaccurate is not unlikely; otherwise these rules would not be in place.

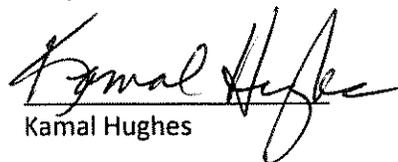
I will say however, that it is not in the best financial interests of People's Gas to test all meters every ten years as they stated in the hearing, nor is it in its financial interest to find fault in a meter that has been claimed faulty by the consumer. In my case, it could cost People's Gas a few thousand dollars but multiplied by thousands of customers and it could be a considerable problem. It's unfortunate that businesses and people don't have a good history of policing themselves. Recent events involving multiple automobile companies, the city of Flint Michigan, sports teams, and even in my field, the clergy, show that it is extremely difficult to police oneself; especially when there are many layers of individuals involved. It only takes a couple to decide to skirt the rules and they tarnish everyone else. I believe Mr. Taylor is probably a good and honest man but I cannot say that I trust everyone in his department nor those that are above him. I think in a case where there is suspicion of a faulty meter there should be checks and balances in place; an independent tester for example. I don't think that a test for accuracy given by the company that would not benefit the test discovering faulty equipment is an objective and fair test. The test lacks objectivity and integrity. In my questioning of Mr. Taylor, he stated that the **meter could be recalibrated within seconds** if found faulty. That information only increased my doubts. Again, I do not cast any aspersions on Mr. Taylor, I just cannot trust the integrity of a company that has a complaint against itself, doing the testing that absolves it of that complaint and also having the ability to correct the faulty equipment within seconds. We have a system of laws and courts because human nature is not always filled with integrity. Therefore, I reject the veracity of the test on my meter based on its age and the lack of objective integrity of the test.

I have demonstrated that People's Gas made several mistakes and broke rules of the Illinois Commerce Commission in regards to my gas service. I did accept my mistake but tried quickly and valiantly to correct the problem. However, People's Gas did not admit their many mistakes that exacerbated the situation and did not try to correct the problem in a timely manner. In fact, again, they exacerbated the problem as I was attempting to correct it. Once I finally received a bill from People's Gas, I immediately disputed its correctness. People's Gas has a record of this and has not denied it. It was my request, during the hearing, to have the late charges and interest removed from my bill as well as to have the meter tested. There is a pattern in this case of People's Gas skirting rules and conventions of general business practice and those of The Illinois Commerce Commission. I gave testimony that the bills given to me were unusually high; a supervisor at People's Gas stated the same. I even showed evidence of bills from different years supporting my claim. Finally, I must reject the test done by People's Gas as having no integrity on a meter that is claimed by the customer to be faulty. These meters should be tested by an impartial third party, not the party that stands to gain from a favorable result.

I ask that the court rule in my favor by accepting what I offered as a fair settlement and remove \$8,000.00 from the \$17,187.70 bill of People's Gas.

Dated at Flossmoor, Illinois on this 12<sup>th</sup> day of April, 2016.

Respectfully Submitted,

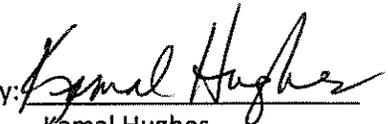
  
Kamal Hughes

Kamal Hughes  
1238 Western Ave.  
Flossmoor, IL 60422  
Telephone: (773) 802-9520

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served **CLAIMANT Kamal Hughes's response to RESPONDENT PEOPLES GAS LIGHT AND COKE COMPANY'S BRIEF** by placing a copy thereof in the United States mail with first class postage affixed or electronic mail addressed to each of the parties of record in Ill. C. C. Docket No. 15-0493.

Dated in Flossmoor, Illinois on this 12<sup>th</sup> day of April, 2016.

By:   
Kamal Hughes

Glennon P. Dolan  
Administrative Law Judge  
Illinois Commerce Commission  
160 North LaSalle, Suite C-800  
Chicago, IL 60601-3104  
[gdolan@icc.illinois.gov](mailto:gdolan@icc.illinois.gov)

Thomas G. Aridas, Director  
Gas Regulatory Policy  
Peoples Gas Light and Coke Company  
200 E. Randolph Dr., 23<sup>rd</sup> Fl.  
Chicago, IL 60601

Mark W. Wallin, Esq.  
[mwallin@chiconunes.com](mailto:mwallin@chiconunes.com)  
Chico & Nunes, P.C.  
333 West Wacker Drive, Suite 1420  
Chicago, Illinois 60606

M. Gavin McCarty, Assoc. General Counsel  
Legal and Governance Services  
WEC Business Services, LLC  
200 E. Randolph St.  
Chicago, IL 60601

Koby A. Bailey, Council  
Legal and Governance Services  
WEC Business Services, LLC  
200 East Randolph Street  
Chicago, IL 60601