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BEFORE THE  
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF: )  
 )  
John Friedberg, )  
 )  
-vs- ) No. 15-0339  
 )  
Ambit Illinois, LLC. )  
 )  
Complaint as to over charge in )  
Cook County, Illinois. )

Chicago, Illinois  
August 4, 2016

Met pursuant to notice at 10:00 a.m.

BEFORE:  
JOHN T. RILEY, Administrative Law Judge.

APPEARANCES:

EIMER STAHL LLP, by  
MS. RONIT C. BARRETT  
224 South Michigan Avenue, Suite 1100  
Chicago, Illinois 60604-2516  
(312) 660-7611  
rbarrett@eimersthal.com

Appearing on behalf of Ambit  
Illinois, LLC.

SULLIVAN REPORTING COMPANY, by  
Brad Benjamin, CSR  
License No. 084-004805

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I N D E X

<u>Witnesses:</u>	<u>Direct</u>	<u>Cross</u>	<u>Re-</u> <u>direct</u>	<u>Re-</u> <u>cross</u>	<u>By</u> <u>Examiner</u>
None.					

E X H I B I T S

<u>Number</u>	<u>For Identification</u>	<u>In Evidence</u>
None so marked or admitted.		

1           JUDGE RILEY: Pursuant to the direction of the  
2 Illinois Commerce Commission, I call Docket No.  
3 15-0339. This a complaint by John Friedberg versus  
4 Ambit Illinois, LLC, as to over charge in Chicago,  
5 Illinois.

6                   Counsel for Ambit, would you enter an  
7 appearance for the record, please.

8           MS. BARRETT: Yes.

9                   On behalf of Ambit Illinois, LLC,  
10 Ronit Barrett of Eimer Stahl, LLP, 224 South Michigan  
11 Avenue, Suite 1100, Chicago, Illinois 60604.

12           JUDGE RILEY: Thank you.

13                   Let the record reflect that on  
14 April 13, 2016, notice of this hearing was sent to  
15 both parties, served electronically, that it was  
16 to -- has been continued to August 4, 2016, at the  
17 offices of the -- Chicago offices of the Commission  
18 at the hour of 10:00 a.m. for evidentiary hearing.

19                   Complainant -- it is now 10:42 and  
20 Complainant has not appeared. No one has appeared on  
21 his behalf and we have no explanation for why he has  
22 not appeared. At this time, I'm going to attempt to

1 call him and get an explanation.

2 And let the record reflect he has two  
3 numbers here, so I'll try them both.

4 (Dialing.)

5 RECEPTIONIST: FJ Development. How can I help  
6 you?

7 JUDGE RILEY: Good morning. I'm trying to  
8 reach Mr. John Friedberg.

9 RECEPTIONIST: Mr. John Friedberg is an  
10 unavailable at the moment. Anything I can help you  
11 with?

12 JUDGE RILEY: No. Do you know when he will be  
13 available?

14 MR. JOHN FRIEDBERG: I would say it'd be a  
15 half-hour, 45 minutes or so.

16 JUDGE RILEY: Does he have a cell phone where  
17 he can be contacted?

18 RECEPTIONIST: You can try him. I don't know  
19 if he'll pick up.

20 JUDGE RILEY: The other thing I was going to  
21 ask you is, is he on his way downtown for a hearing,  
22 do you know?

1 RECEPTIONIST: I -- I wouldn't know.

2 JUDGE RILEY: Okay.

3 All right. Would you -- does he have  
4 voicemail at his office?

5 RECEPTIONIST: Yes.

6 JUDGE RILEY: All right. I'll leave him a  
7 voicemail.

8 RECEPTIONIST: Okay. Let me transfer you to  
9 his voicemail. Here you go. Hold on one second.

10 MS. BARRETT: I got the same hold music when I  
11 left a message before. It sounds like they were  
12 trying --

13 MR. JOHN FRIEDBERG (VOICE): I'm away from my  
14 desk. Please leave a message.

15 AUTOMATED VOICE: Please leave your message  
16 after the tone. When done, hang up or press the  
17 pound key.

18 JUDGE RILEY: Mr. Friedberg, this is Judge  
19 Riley from the Illinois Commerce Commission. I am  
20 here with Ronit Barrett from the -- from Ambit. We  
21 had an evidentiary hearing scheduled this morning at  
22 10:00 a.m.; it is now 10:45. We have not heard from

1 you.

2 I'm going to attempt to get a hold of  
3 you at another number, but under any circumstances if  
4 I'm unable to complete the call, I want you to  
5 contact me at 8- -- excuse me. Area code  
6 (312) 814-4274.

7 Thank you.

8 (Whereupon the call was  
9 disconnected.)

10 JUDGE RILEY: And we also a cell phone number  
11 for Mr. --

12 MS. BARRETT: Yes.

13 JUDGE RILEY: -- Mr. Friedberg?

14 Let me dial that.

15 (Dialing.)

16 AUTOMATED VOICE: Your call has been forwarded  
17 to an automated voice message system: (847) 274-1788  
18 is not available. At the tone, please record your  
19 message. When you have finished recording, you may  
20 hang up or press 1 for more options.

21 JUDGE RILEY: Mr. Friedberg, this is Judge  
22 Riley again. I'm here with Ronit Barrett from Ambit.

1 We're attempting to get a hold of you. We were  
2 scheduled to begin an evidentiary hearing this  
3 morning at the Chicago offices of the Commission, at  
4 10:00 a.m. It's now after 10:45 and we have not  
5 heard from you.

6 Again, please call me at area code  
7 (312) 814-4274 at the earliest possible time.

8 Thank you.

9 (Whereupon the call was  
10 disconnected.)

11 JUDGE RILEY: Let the record reflect that we  
12 have tried to get a hold of Mr. Friedberg at the  
13 number, (847) 674-4464, at on his cell phone at  
14 (847) 274-1788.

15 Just to make sure that we have covered  
16 all bases, I'm going to try his office phone, and I  
17 will see what response we can get.

18 (Dialing.)

19 AUTOMATED VOICE: Thank you calling FJ  
20 Development Corporation. This call may be recorded  
21 for quality assurance.

22 Press 1 for Customer Support, press 2

1 for Accounting, press 3 for Estimating, press 9 for  
2 directory, or if you know your party's extension, you  
3 may dial it now.

4 (Dialing.)

5 AUTOMATED VOICE: Please wait as we attempt to  
6 contact your party.

7 MS. BARRETT: This is the number I called.

8 JUDGE RILEY: Okay.

9 MR. JOHN FRIEDBERG (VOICE): I'm on the phone  
10 or away from my desk. Please leave a message.

11 AUTOMATED VOICE: Please leave your message  
12 after the tone. When done, hang up, or press the  
13 pound key.

14 JUDGE RILEY: Mr. Friedberg, Judge Riley again.  
15 Again, we were scheduled to proceed to evidentiary  
16 hearing this morning at 10:00 a.m. It is now almost  
17 10 minutes to 11:00, and we have not heard from you  
18 and no one has appeared on your behalf.

19 Please call me, area code (312)  
20 814-4274.

21 Thank you.

22

1 (Whereupon the call was  
2 disconnected.)

3 Let the record reflect that we  
4 attempted to get a hold of Mr. Friedberg at all three  
5 numbers: his cell, his office, and his home. His  
6 home phone -- his cell phone is (847) -- excuse me --  
7 his office phone was (847) 679-4300, Extension 120.

8 We have left messages at all three of  
9 those that he should contact the administrative law  
10 judge as soon as possible.

11 Counsel, what's Ambit's stance on this  
12 now?

13 MS. BARRETT: Well, Ambit would move for -- to  
14 dismiss for want of prosecution. However, I  
15 understand the Commission may wish to give  
16 Mr. Friedberg one more chance.

17 JUDGE RILEY: I'll take the motion under  
18 advisement.

19 I think the best procedure for this  
20 right now would be to find out from Mr. Friedberg as  
21 soon as possible why he did not choose to appear this  
22 morning insofar as this was the day for him to make

1 his case.

2 Other than that, what I'm going to do  
3 is just leave it a general continuance, wait until I  
4 hear from him, and then we will at that time, barring  
5 any other -- any intervening circumstances, set a  
6 final date for hearing. And that would be the -- as  
7 that stands right now, that would be the last date he  
8 will get for hearing.

9 So we're going to have to just leave  
10 it at that, continue it generally.

11 MS. BARRETT: Okay.

12 JUDGE RILEY: All right. Thank you very much.

13 SINE DIE.

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