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ILLINOIS COMMERCE COMMISSION

Tony Fulk,)
)
)
-vs-) Case No. 16-0432
)
Ameren Illinois Company,)
d/b/a Ameren Illinois)
)
Complaint as to)
overpayment of electrical)
charges for delivery and)
consumption during a)
period covering September)
2014 through February 2015)
in Mattoon, Illinois.)

ILLINOIS COMMERCE COMMISSION HEARING

The following ICC Hearing was taken before
Administrative Law Judge Stephen Yoder on October 6,
2016, between the hours of 9:00 a.m. and 9:11 a.m. of
that day, at the offices of the Illinois Commerce
Commission, 527 East Capitol Avenue, Springfield,
Illinois, before Susan Hymes, Certified Shorthand
Reporter, License No. 084-003240, for the State of
Illinois.

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EXHIBITS

(No exhibits marked)

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A P P E A R A N C E S

For the ILLINOIS COMMERCE COMMISSION
ILLINOIS COMMERCE COMMISSION
ALJ Mr. Stephen Yoder, Esq.
527 East Capitol Avenue
Springfield, Illinois 62701
(217) 785-3966

For JUSTRITE MANUFACTURING COMPANY
CRAIG & CRAIG
Mr. Gregory C. Ray, Esq. - via phone
1807 Broadway Avenue
Mattoon, Illinois 61938
(217) 234-6481

For AMEREN ILLINOIS COMPANY
AMEREN ILLINOIS
Mr. Jeffrey Grammer, Esq. - via phone
1901 Chouteau Avenue
St. Louis, Missouri 63166

ALSO PRESENT: Trish Spinner
Sara Reynolds

COURT REPORTER:
Susan Hymes, CSR
Illinois CSR #084-003240
Midwest Litigation Services
711 N. Eleventh Street
St. Louis, Missouri 63101
Phone: (314) 644-2191

1 IT IS HEREBY STIPULATED AND AGREED by and
2 between counsel for JUSTRITE and counsel for AMEREN
3 that this hearing may be taken in shorthand by Susan
4 Hymes, Certified Shorthand Reporter, and afterwards
5 transcribed into typewriting.

6 * * * * * *

7 JUDGE YODER: By the authority vested in me
8 by the Illinois Commerce Commission, I will now call
9 Docket 16-0432 as a complaint filed by Justrite
10 Manufacturing against Ameren Illinois Company.

11 The complaint as to overpayment of
12 electrical charges for delivery and consumption in
13 Mattoon, Illinois.

14 Can I have the appearances for the record,
15 please? And you can go first, Mr. Ray.

16 MR. RAY: Thank you. This is Greg Ray,
17 Craig & Craig Attorneys in Mattoon on behalf of
18 Justrite.

19 JUDGE YODER: All right. And go ahead and
20 just give the court reporter your address.

21 MR. RAY: Oh, okay. P.O. Box 689, Mattoon,
22 61938, GCR at Craig law dot net.

23 JUDGE YODER: Thank you. For the Company.

24 MR. GRAMMER: Appearing on behalf of Ameren

1 Illinois Company, d/b/a Ameren Illinois, this is
2 Jeffrey Grammer. My business address is 1901 Chouteau
3 Avenue, St. Louis, Missouri, 63166.

4 JUDGE YODER: All right. I guess I
5 shouldn't have said the company since they are both
6 companies here.

7 Is there anyone else wishing to enter their
8 appearance in this docket?

9 MR. RAY: No, your Honor, but it does occur
10 to me there is a point, a procedural point to take up
11 if I may.

12 The complaint was originally filed by an
13 individual, an engineering employee of Justrite, and
14 he put his personal name on rather than the company
15 name.

16 JUDGE YODER: Right.

17 MR. RAY: I then filed a motion to correct
18 that. I'm not sure that's been addressed yet.

19 JUDGE YODER: No, that was my next course of
20 business here.

21 MR. RAY: Thank you.

22 JUDGE YODER: All right. The record will
23 reflect no additional appearances.

24 We had a discussion before going on the

1 record which indicated first that Ameren would be able
2 to file a formal answer by October 28, 2016.

3 Next, we have the motion for leave to file,
4 I'm sorry, motion for leave to amend the complaint on
5 its face. As indicated by Mr. Ray, the complaint was
6 initially filed by Tony Fulk. He has filed a motion
7 to amend the complaint on its face to indicate that it
8 should be, the proper complainant would be Justrite
9 Manufacturing Company, LLC.

10 Is there any objection to granting that
11 motion?

12 MR. GRAMMER: No objection from the Company,
13 your Honor.

14 JUDGE YODER: All right. Then the motion
15 will be granted.

16 And it's Justrite with just the capital J;
17 is that correct, Mr. Ray?

18 MR. RAY: Correct. It's a single word.

19 JUDGE YODER: Okay. Thank you.

20 And the parties have indicated they are
21 commencing the discovery process and anticipate
22 completing that, along with any possible discovery
23 depositions.

24 They have requested a continued status

1 hearing to January 26th, 2017 at 9 a.m. That works
2 for you, Mr. Ray?

3 MR. RAY: It does. Thank you.

4 JUDGE YODER: And that works for you, Mr.
5 Grammer?

6 MR. GRAMMER: Yes, it does, your Honor.

7 JUDGE YODER: All right. We will continue
8 this docket to that time.

9 If the parties wish to appear by telephone
10 at that hearing, that would be fine. If Ameren can
11 set up a calling number as they did today, that would
12 be appreciated.

13 MR. GRAMMER: Yes.

14 JUDGE YODER: We kind of discussed before we
15 went on the record, Mr. Ray, the Commission's general
16 practice with, I don't think, we didn't discuss
17 discovery, but generally the Commission encourages
18 informal discovery between the parties as I think you
19 and Mr. Grammer have started. And then also the
20 filing of testimony with the pre-filed testimony of
21 witnesses by you and Ameren. You, obviously, having
22 the burden of proof and the opportunity to go last.
23 And then at the evidentiary hearing we would actually
24 have the parties put their evidence into the record

1 and then each party will be able to cross-examine the
2 other witnesses. Just that general overview.

3 Do you have any questions about the
4 practice here at the Commission right now?

5 MR. RAY: I do not. Thank you, though.

6 JUDGE YODER: Okay. All right. Then with
7 that is there anything further from the Complainant,
8 Mr. Ray?

9 MR. RAY: Not today. Thank you very much.

10 JUDGE YODER: All right. Anything further
11 from Ameren?

12 MR. GRAMMER: Not from the Company, your
13 Honor.

14 JUDGE YODER: All right. Thank you. We
15 will talk to you again in January. Thank you.

16 MR. RAY: All right.

17 MR. GRAMMER: Thanks.

18 (Deposition concluded at 9:11 a.m.)

19 (Deponent is excused.)

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1 STATE OF ILLINOIS)
) SS
2 COUNTY OF MORGAN)

3 I, SUSAN M. HYMES, Certified Shorthand
4 Reporter for the State of Illinois, do hereby certify
5 that the foregoing hearing came before me in the
6 aforementioned cause of action.

7 That the foregoing hearing was taken on
8 October 6, 2016.

9 That said hearing was taken down in
10 stenograph notes and afterwards reduced to typewriting
11 under my instruction and said transcription is a true
12 record of the testimony given.

13 I do hereby certify that I am a
14 disinterested person in this cause of action; that I
15 am not a relative of any party or any attorney of
16 record in this cause, or an attorney for any party
17 herein, or otherwise interested in the event of this
18 action, and am not in the employ of the attorneys for
19 either party.

20 In witness whereof, I have hereunto set my
21 hand this 10th day of October, 2016.

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24 _____
Susan M. Hymes, CSR
License #084-003240

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