

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

ILLINOIS COMMERCE COMMISSION)
 On Its Own Motion,)
)
)
 vs.)
)
 UTILITIES UNLIMITED, INC.,)
 Respondent.)
)
 An Investigation into the rates for disposal of)
 sewerage of the Respondent and the setting of)
 temporary rates for its sewerage service.)

No. 00-0151

OFFICE OF THE
 CLERK OF THE COMMISSION
 100 SOUTH MICHIGAN STREET
 CHICAGO, ILLINOIS 60604

RESPONSE TO RESPONDENT'S LATE FILE EXHIBIT #1

NOW COMES THE COUNTY OF WILL, a body corporate and politic, as party
 intervenor, through James W. Glasgow, State's Attorney of Will County, by his assistant,
 Dawn R. Underhill, and hereby submits to the Commission their Response to Respondent's Late
 File of Exhibit #1 and in support states as follows:

1. On May 16, 2000, after hearing all oral testimony by all parties, the hearing
 officers instructed Tim Petreikis, son of the respondent, that respondent would be allowed to file
 late exhibits on or before May 23, 2000.

2. That on May 30, 2000, the Will County State's Attorney's Office received a copy
 of respondent's late filing exhibit which was postmarked May 27, 2000, four days late. (Exhibit

A)

3. The Will County State's Attorney's Office objects to the entry of this evidence based on the fact that it was filed past the permitted time as ordered by the Hearing Officers on May 16, 2000.

4. A person without any interest in Utilities Unlimited and without a license to practice law in the State of Illinois is representing the defunct utility company asking for the Commission to enter into evidence documents submitted by him personally. The County makes a motion to object to all the documents since Charles Petreikis, as the respondent, is the only person with standing in this case and should be the only person asking for the entry of this evidence.

5. That Tim Petreikis submits the document to the Illinois Commerce Commission under the guise of counsel. {Page 2, enumerated section 2 of the document} Tim Petreikis' actions are illegal under the Illinois Rules of Professional Conduct, Rule 5.5, Unauthorized Practice of Law, and this complete document, which was signed by Tim Petreikis for Utilities Unlimited should not be entered into evidence. Therefore, the County objects to this document being entered into evidence.

6. As calculated, it is suggested that for office expenses Utilities Unlimited needs to pay for postage and bill cost. This amount comes to a total of \$216.24, \$134.64 for postage and \$81.60 for the bills.

7. The County does not dispute the cost of postage that has been suggested.

8. Enclosed by Tim Petreikis are photocopies of check numbers 3757 and 3773. Under evidentiary rules, this is not proof of a canceled check. Additionally, there are no receipts to state what expenses these checks were written for. There is a lack of foundation for these checks, and the County objects to them being entered into evidence.

9. The County objects to the remaining costs since there is no other proof of paying for these expenses other than a hypothetical submitted by the respondent's son. Further, there is no documentation for any personnel hired to do office work, therefore, any assumptions made should be disregarded and any request for any increase should be denied since there is no proof of expenses nor any foundation as to actual cost for employees or overhead.

10. Respondent has not submitted any receipts of overhead for the operation of the company. Additionally there are no pay stubs, record keeping, or tax information regarding the hiring of an employee for office work.

11. As to the request for the submission of the checks for the phone bill, the County objects to these documents being brought into evidence for these reasons;

- A. The phone number provided on the copy of the checks is the same phone number that is used for the personal use of Charles Petreikis Sr.
- B. There are no bills submitted to prove that this phone number is specifically used for that of only the defunct utility company, sewerage division.
- C. There is no foundation as to what these checks were written for.
- D. The checks are only written for January 24, 1999, February 16, 1999, February 26, 1999, March 25, 1999, and July 13, 1999. The question comes as to why a full year of phone bills were not paid, and why there would be two phone bills paid in one month.
- E. If the customers are within four blocks of the company and all calls are local, then the check amount far exceeds the amount that would be used in one hour per day to the customers.

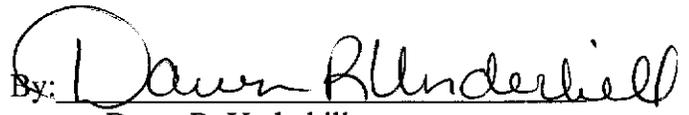
12. The checks from Sand Ridge Bank would be stipulated as canceled checks. Yet again, the County objects to these checks on the basis that no foundation has been brought forward to state as to what these checks are for. There are no bookkeeping receipts, records, bills, or documents that this money was used for business purposes or an itemization as to what

was purchased with the money. Further, there is a commingling of the funds for both business and personal use, and there is no break down for the costs of any of these separate bills.

13. Proof of administrative work should not be taken into consideration from the Commerce Commission since it is something that the party is only requesting at this time without going through the proper procedure, and this was not an expense prior to the filing of these documents.

WHEREFORE, the County of Will, as party intervenor, requests this Honorable Commission to deny the request for these documents to be admitted into evidence on the basis of not filing in a timely manner, lack of foundation, and unauthorized practice of law.

Respectfully submitted,
JAMES W. GLASGOW
Will County State's Attorney

By: 
Dawn R. Underhill
Assistant State's Attorney

JAMES W. GLASGOW
Will County State's Attorney
By: Dawn R. Underhill
Attorneys for Intervenor
14 W. Jefferson St.
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Exhibit A

RECEIVED

00 MAY 30 PM 1:21

STATES ATTORNEY'S OFFICE
WILL COUNTY, ILLINOIS

Utilities Unlimited
25714 S. Leslie Ln
Crete, IL 60417



Dawn Underhill

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VERIFICATION

Dawn R. Underhill, being first duly sworn on oath, deposes and says that she is an Assistant State's Attorney for the County of Will, and that she is the duly authorized agent of the Intervenor for the purposes of making this verification; that she has read the above and foregoing Petition and has knowledge of the contents thereof, and that the matters set out therein are true in substance and in fact.


DAWN R. UNDERHILL
Assistant State's Attorney
Will County

Subscribed and sworn to before
me on this 6th day of June,
2000.


Notary Public



JAMES W. GLASGOW
State's Attorney of Will County
By: Dawn R. Underhill
14 W. Jefferson Street, Room 200
(815) 727-8872

SERVICE LIST

Docket 00-0151

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