

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
NATIONAL TELEPHONE COMPANY, L.L.C.)
Application for a Certificate of) No. 02-0003
Service Authority to provide)
customer-owned pay telephone service)
(COPTS) within the state of Illinois.)
Chicago, Illinois
May 1, 2002

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

BEFORE:
MR. JOHN T. RILEY, Administrative Law Judge.

APPEARANCES:
MR. RYAN BARTULA
Appearing for the Applicant
(via telephone).
SULLIVAN REPORTING COMPANY, by
Christine L. Kowalski, RPR, CSR

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

I N D E X

Re- Re- By
Witnesses: Direct Cross direct cross Examiner

(None.)

E X H I B I T S

Number For Identification In Evidence

(None so marked.)

1 JUDGE RILEY: Pursuant to the direction of the
2 Illinois Commerce Commission, I now call
3 Docket 02-0003. This is an application by National
4 Telephone Corporation -- excuse me, National
5 Telephone Company, L.L.C., for a Certificate of
6 Service Authority to provide customer-owned pay
7 telephone service within the State of Illinois.

8 MR. RYAN BARTULA: Operations?

9 JUDGE RILEY: Yes. Good morning. This is Judge
10 Riley. Who am I speaking to, please?

11 MR. RYAN BARTULA: This is Ryan.

12 JUDGE RILEY: Mr. Bartula?

13 MR. RYAN BARTULA: Yes, sir?

14 JUDGE RILEY: I'm -- this is a hearing session
15 that I have convened in the matter of National
16 Telephone Company's Application for a Certificate of
17 Service Authority to provide customer-owned pay
18 telephone service.

19 MR. RYAN BARTULA: Yes, sir?

20 JUDGE RILEY: I have repeatedly directed the
21 company to file an amended application in this
22 matter because the application that I have -- that

1 we have on file is not complete.

2 MR. RYAN BARTULA: It is not complete?

3 JUDGE RILEY: No.

4 MR. RYAN BARTULA: Okay.

5 JUDGE RILEY: I've told this to Mr. Albert Mokry,
6 Jr., the managing partner, at least once, maybe two
7 or three times.

8 MR. RYAN BARTULA: Okay.

9 JUDGE RILEY: And he keeps saying that he will
10 check with Staff and --

11 MR. RYAN BARTULA: Okay.

12 JUDGE RILEY: I want to know for the -- for your
13 information, though, that we are on the record. I
14 have a court reporter here. There will be no sworn
15 testimony.

16 MR. RYAN BARTULA: Okay.

17 JUDGE RILEY: But just to recap, I have informed
18 you that I convened a hearing session today. I
19 thought that there would be an amended application
20 on file and the current application is incomplete.
21 There are no docket numbers or dates on it.

22 Are you familiar with this matter

1 at all?

2 MR. RYAN BARTULA: No, sir, I am not, but I can
3 get on top of it right now.

4 JUDGE RILEY: All right.

5 MR. RYAN BARTULA: The application is incomplete.

6 Okay.

7 JUDGE RILEY: And notice had been sent of this
8 hearing on May 1st. It was sent on April 16, and it
9 was sent to Mr. Mokry, Jr., and to Hamilton Rial.

10 MR. RYAN BARTULA: Okay. What do I need to do?
11 Is there anything that I can do?

12 JUDGE RILEY: Well, one is that -- can you tell
13 me if Mr. Mokry is available?

14 MR. RYAN BARTULA: No, sir, he is not at this
15 time. But I can look into this matter and get on
16 top of it.

17 JUDGE RILEY: Okay.

18 MR. RYAN BARTULA: And whenever he is available,
19 I can corner him and work on this.

20 JUDGE RILEY: Okay. Well, just for your
21 information, I mean, this is the same thing I've
22 been told repeatedly session after session.

1 MR. RYAN BARTULA: Okay.

2 JUDGE RILEY: So I don't know how much longer I'm
3 going to have it on the docket.

4 MR. RYAN BARTULA: Yes, sir. So the application
5 is incomplete. What -- what needs to be -- do you
6 mind holding while I try to find that file --

7 JUDGE RILEY: Sure, go ahead.

8 MR. RYAN BARTULA: -- so that I can at least get
9 familiar with the paperwork that was filed with your
10 office?

11 JUDGE RILEY: No, that's fine.

12 MR. RYAN BARTULA: Thank you, sir.

13 JUDGE RILEY: Thank you.

14 (Discussion off the record.)

15 JUDGE RILEY: We are back on the record as a
16 matter of fact.

17 MR. RYAN BARTULA: Okay.

18 JUDGE RILEY: Okay. You do have the National
19 Telephone file for the Certificate of Authority in
20 Illinois?

21 MR. RYAN BARTULA: That's what I am looking for.
22 I show a sample that was sent to us. So according

1 to the notes of somebody who was working on this at
2 the time, it said we will have to file a sample
3 tariff.

4 JUDGE RILEY: Right.

5 MR. RYAN BARTULA: Okay. And leave the dates
6 blank. All right. Okay. So it looks like what
7 happened here is she didn't put a docket number on
8 there is what you're saying, correct?

9 JUDGE RILEY: Are you looking at the application?

10 MR. RYAN BARTULA: Yes, sir, Application for
11 Certificate of Service under the Public Utilities
12 Act. And it's dated effective August 21st is what
13 she --

14 JUDGE RILEY: I'm not -- see, I don't -- I don't
15 know what you're looking at there.

16 MR. RYAN BARTULA: Okay. All right. Let me
17 see --

18 JUDGE RILEY: That's a different document.

19 MR. RYAN BARTULA: Okay. Let me see if I can
20 find something else.

21 JUDGE RILEY: Because the one that I'm looking
22 at --

1 MR. RYAN BARTULA: Yes, sir?

2 JUDGE RILEY: -- it says -- it's headed State of
3 Illinois, Illinois Commerce Commission, Application
4 for a Certificate of Service under the Public
5 Utilities.

6 MR. RYAN BARTULA: Okay.

7 JUDGE RILEY: And then to the lower left of that
8 is the National Telephone Company L.L.C. Does the
9 front page of the document you're looking at have
10 six numbered paragraphs?

11 MR. RYAN BARTULA: Yes, sir, it does.

12 JUDGE RILEY: All right. Then we are looking at
13 the same thing.

14 MR. RYAN BARTULA: Okay. So it says, To the
15 Illinois Commerce Commission, Springfield, Illinois.
16 It says the Petitioner herein respectfully shows --

17 JUDGE RILEY: Right.

18 MR. RYAN BARTULA: Okay. All right.

19 JUDGE RILEY: And then it has Paragraphs 1
20 through 6.

21 MR. RYAN BARTULA: Okay. So --

22 JUDGE RILEY: Now, does yours -- does your

1 document show that it was filed January 3rd?

2 MR. RYAN BARTULA: No, sir. So I wonder if
3 someone has worked on this since.

4 JUDGE RILEY: It doesn't have a stamp in the
5 upper right corner that says --

6 MR. RYAN BARTULA: No, sir.

7 JUDGE RILEY: All right. Well, then -- no, it
8 wouldn't. I take that back.

9 MR. RYAN BARTULA: Okay. So is this document
10 sufficient? If it is not, what should I do?

11 JUDGE RILEY: Well, this is the problem. This is
12 what I've been repeatedly asking the Company to do,
13 is that if you look at those -- those six enumerated
14 paragraphs --

15 MR. RYAN BARTULA: Yes, sir.

16 JUDGE RILEY: -- in Paragraphs 3, 4, and 5 --

17 MR. RYAN BARTULA: Okay.

18 JUDGE RILEY: -- it has blanks where it says
19 Docket. Then it says, Of blank day of blank 2001.

20 MR. RYAN BARTULA: Correct.

21 JUDGE RILEY: Okay. Those have to be filled in,
22 all those blanks.

1 MR. RYAN BARTULA: Okay.

2 JUDGE RILEY: And it's the same thing on the
3 second page under Paragraph 8 -- or below
4 Paragraph 8 --

5 MR. RYAN BARTULA: Yes, sir.

6 JUDGE RILEY: Wherefore, Petitioner prays, and
7 then it's subparagraphs A and B.

8 MR. RYAN BARTULA: Okay.

9 JUDGE RILEY: And in Subparagraph A, there's more
10 blanks.

11 MR. RYAN BARTULA: Okay. Do you have a docket
12 number?

13 JUDGE RILEY: Our docket number is 02-0003.

14 MR. RYAN BARTULA: 02-0003?

15 JUDGE RILEY: Right. That is not the docket
16 number that is supposed to go into those blanks,
17 though.

18 MR. RYAN BARTULA: Oh, okay. All right.

19 JUDGE RILEY: In other words, the Commission
20 years ago -- and I believe it was a 1984 docket --

21 MR. RYAN BARTULA: Okay.

22 JUDGE RILEY: Authorized payphone certificates,

1 for lack of a better explanation.

2 MR. RYAN BARTULA: Okay. Yes, sir?

3 JUDGE RILEY: And that's the docket number that
4 you want, whatever that docket number is. And I
5 think you can either get that from our Clerk's
6 Office --

7 MR. RYAN BARTULA: Okay. All right. So that
8 would also include the blank paragraph right under
9 the header that says docket number with a blank?

10 JUDGE RILEY: No, no. That docket number is
11 02-0003.

12 MR. RYAN BARTULA: All right. Should I go ahead
13 and put that in there.

14 JUDGE RILEY: Put that in there, right.

15 MR. RYAN BARTULA: Okay. I will.

16 All right. So this docket number
17 I should get from the Clerk. And what Clerk is
18 that, the State Clerk?

19 JUDGE RILEY: That would be the Clerk of the
20 Illinois Commerce Commission.

21 MR. RYAN BARTULA: Clerk of Illinois Commerce
22 Commission. Okay.

1 JUDGE RILEY: And that would be -- let me see if
2 I've got the address here.

3 MR. RYAN BARTULA: Okay. Donna --

4 JUDGE RILEY: Donna Caton.

5 MR. RYAN BARTULA: -- Caton?

6 JUDGE RILEY: Right.

7 MR. RYAN BARTULA: I have a PO Box number and a
8 phone number.

9 JUDGE RILEY: Okay. That will be fine.

10 MR. RYAN BARTULA: Okay. So I contact Donna
11 Caton.

12 JUDGE RILEY: Right.

13 MR. RYAN BARTULA: Okay. And I need to fill that
14 in on those blanks --

15 JUDGE RILEY: Right.

16 MR. RYAN BARTULA: -- for docket number.

17 All right. And what date should I
18 use?

19 JUDGE RILEY: Well, it would have been the date
20 of that -- the date that that particular docket
21 number was -- that order was entered. And they'll
22 have that, but I don't have that available here now.

1 MR. RYAN BARTULA: Their order, which is --

2 JUDGE RILEY: Hold on. Just slow down.

3 MR. RYAN BARTULA: Okay.

4 JUDGE RILEY: See, the thing is, in the body of

5 that application, in those numbered paragraphs that

6 I pointed out --

7 MR. RYAN BARTULA: Yes, sir?

8 JUDGE RILEY: It says, In docket blank of blank

9 day of 2001. And this was not a 2001 docket, this

10 was like a 1994 docket or 1984 -- '84 docket as a

11 matter of fact.

12 MR. RYAN BARTULA: Okay.

13 JUDGE RILEY: So it was much earlier.

14 MR. RYAN BARTULA: They're looking at -- what

15 Ms. Ford was looking at was the docket -- she was

16 thinking it was the docket of the day that we would

17 have a hearing --

18 JUDGE RILEY: Oh.

19 MR. RYAN BARTULA: -- instead of -- okay.

20 JUDGE RILEY: No, it's the date that the Illinois

21 Commerce Commission issued its order --

22 MR. RYAN BARTULA: Okay.

1 JUDGE RILEY: -- in a particular docket.

2 MR. RYAN BARTULA: So I need to get the date that
3 order was issued for that particular docket?

4 JUDGE RILEY: Exactly.

5 MR. RYAN BARTULA: Okay. All right.

6 JUDGE RILEY: And once you get that, you should
7 be able to fill in the rest of those blanks on that
8 application. And then that application with the
9 filled in blanks --

10 MR. RYAN BARTULA: Yes, sir.

11 JUDGE RILEY: -- should be filed as an amended
12 application to this one.

13 MR. RYAN BARTULA: Filed as amended to this
14 application. Is there anything that I need to tie
15 it to the original or just say National Telephone's
16 amended application for a Certificate of Service?

17 JUDGE RILEY: Exactly, that's what it should say.
18 But use that same 02-0003 docket number.

19 MR. RYAN BARTULA: Okay. I will do that. And
20 where does this need to be mailed to?

21 JUDGE RILEY: To that -- to the Chief Clerk's
22 Office.

1 MR. RYAN BARTULA: Chief Clerk. So to Ms.
2 Caton's office?
3 JUDGE RILEY: Exactly.
4 MR. RYAN BARTULA: Okay. All right. And I have
5 a PO Box in Springfield.
6 JUDGE RILEY: Let me see if I can't find you a
7 street address. I know it's --
8 MR. RYAN BARTULA: Okay. Thank you.
9 JUDGE RILEY: I have the street address. What I
10 don't have is the --
11 MR. RYAN BARTULA: ZIP code.
12 JUDGE RILEY: -- their ZIP code. Yeah, let me --
13 hold on a minute.
14 MR. RYAN BARTULA: Okay. Thank you.
15 JUDGE RILEY: Okay. Here it is.
16 MR. RYAN BARTULA: Okay.
17 JUDGE RILEY: It's the Chief Clerk's Office,
18 Illinois Commerce Commission.
19 MR. RYAN BARTULA: Okay.
20 JUDGE RILEY: 527 East Capitol Avenue --
21 MR. RYAN BARTULA: Capitol, okay.
22 JUDGE RILEY: -- Springfield, Illinois --

1 MR. RYAN BARTULA: Okay.

2 JUDGE RILEY: -- 62701.

3 MR. RYAN BARTULA: 62701?

4 JUDGE RILEY: Right.

5 MR. RYAN BARTULA: Okay. And if I get this typed
6 up, I can get it signed. Is there anything else I
7 would need to bring before you or the Court -- or
8 the Commission, sorry?

9 JUDGE RILEY: As of right now, no.

10 MR. RYAN BARTULA: Okay.

11 JUDGE RILEY: That's the main thing we've got to
12 get done, is to get that completed application as
13 amended on file.

14 MR. RYAN BARTULA: Okay.

15 JUDGE RILEY: The only other thing I wanted to
16 mention to you was that today is May 1st, and I want
17 to set this for another status on a specific day in
18 May just to make sure that the matter is filed. And
19 then at that point, we can set a hearing date.

20 MR. RYAN BARTULA: Okay. Would someone have to
21 be present?

22 JUDGE RILEY: No, no. We do these

1 telephonically.

2 MR. RYAN BARTULA: On the telephone?

3 JUDGE RILEY: Right.

4 MR. RYAN BARTULA: Okay. So you just want to do
5 a status? You'll verify that it is at the
6 Commission sometime this month?

7 JUDGE RILEY: Right.

8 MR. RYAN BARTULA: Okay.

9 JUDGE RILEY: Why don't I do this. Why don't I
10 set this is for a status on Monday, May 20. And
11 that will give us just about a full three weeks.

12 MR. RYAN BARTULA: Okay. Would I have to be
13 available?

14 JUDGE RILEY: Either you or Mr. Mokry.

15 MR. RYAN BARTULA: Okay. Do you mind -- do you
16 mind holding to make sure that I will be in town? I
17 know I'll be out of town the week before.

18 JUDGE RILEY: Okay.

19 MR. RYAN BARTULA: Hold, please.

20 JUDGE RILEY: Okay. Sure.

21 (Brief recess taken.)

22 MR. RYAN BARTULA: Okay. Sorry to keep you

1 holding.

2 JUDGE RILEY: Okay.

3 MR. RYAN BARTULA: Okay. I will be back in the
4 office on the 20th.

5 JUDGE RILEY: Okay. And like I said, that will
6 be a very brief status just to discuss whether or
7 not the amended application has been filed.

8 MR. RYAN BARTULA: Yes, sir. And do you need my
9 extension?

10 JUDGE RILEY: That would be very helpful.

11 MR. RYAN BARTULA: Okay. You can reach us at
12 (972) 991-7877, extension 27.

13 JUDGE RILEY: That's yours?

14 MR. RYAN BARTULA: Yes, sir.

15 JUDGE RILEY: Okay. Great.

16 MR. RYAN BARTULA: And I will get the paperwork
17 rolling, get it to the Office of the Commission.

18 JUDGE RILEY: Right, to that Chief Clerk's
19 Office.

20 MR. RYAN BARTULA: Okay. And we'll set a status
21 and we'll then do a -- you say we'll do a
22 telephonic --

1 JUDGE RILEY: Right. Once we have our status
2 session, we can set a hearing date very shortly
3 thereafter for a telephonic hearing.

4 MR. RYAN BARTULA: Would legal counsel need to be
5 present?

6 JUDGE RILEY: It's not mandatory, but that's a
7 judgment call.

8 MR. RYAN BARTULA: Okay.

9 JUDGE RILEY: I have talked to Mr. Rial.

10 MR. RYAN BARTULA: Okay.

11 JUDGE RILEY: And he said that he was not a
12 participant. I don't know what his status is now,
13 but this was back in February.

14 MR. RYAN BARTULA: Okay.

15 JUDGE RILEY: But if the Company wants to have
16 counsel present, that's certainly their entitlement.

17 MR. RYAN BARTULA: Okay. Who would I need to
18 contact if I had any other questions?

19 JUDGE RILEY: I would -- come to me directly.

20 MR. RYAN BARTULA: Okay. And how do I reach you,
21 sir?

22 JUDGE RILEY: I'm at area code (312) 814-2274.

1 MR. RYAN BARTULA: Okay.

2 JUDGE RILEY: And that's at my desk. And if I
3 can't answer the question, we can find someone who
4 can.

5 MR. RYAN BARTULA: Okay. And, again, sir, it was
6 John Riley; is that correct?

7 JUDGE RILEY: That's correct.

8 MR. RYAN BARTULA: Okay. All right, sir. I will
9 get this rolling and get it out. Would there be any
10 additional application fees for the amendment?

11 JUDGE RILEY: To my knowledge, no.

12 MR. RYAN BARTULA: Okay. I will contact the
13 Clerk's Office first to find out --

14 JUDGE RILEY: Sure.

15 MR. RYAN BARTULA: -- and get it straight with
16 them.

17 JUDGE RILEY: All right.

18 MR. RYAN BARTULA: Is there any other questions
19 that you all have for me?

20 JUDGE RILEY: Not right now.

21 MR. RYAN BARTULA: Okay.

22 JUDGE RILEY: Once we get that -- like I said,

1 the main thing is to get the amended application
2 filed. And once that's done, we can proceed.

3 MR. RYAN BARTULA: Yes, sir.

4 JUDGE RILEY: All right?

5 MR. RYAN BARTULA: Have a good day, sir.

6 JUDGE RILEY: Thank you, Mr. Bartula.

7 MR. RYAN BARTULA: You're welcome.

8 JUDGE RILEY: Take care.

9 MR. RYAN BARTULA: Good-bye.

10 JUDGE RILEY: Good-bye.

11 This matter is continued to May 20
12 at 10:00 a.m. for status.

13 (Whereupon, further proceedings
14 in the above-entitled matter
15 were continued to May 20, 2002,
16 at 10:00 a.m.)

17

18

19

20

21

22