

OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

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COMMERCIAL

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COMMERCIAL

DOROTHY GREEN,)
)
Complainant,)
)
vs.) No. 02-0705
)
THE PEOPLES GAS LIGHT)
AND COKE COMPANY)
)
Respondent.)

RESPONDENT'S MOTION TO STRIKE

NOW COMES RESPONDENT, The Peoples Gas Light and Coke Company ("Peoples Gas"), by and through its attorney, Brian J. McCarthy, and pursuant to 83 Ill. Admin. Code Section 200.190, hereby moves this honorable Commission to enter an order which strikes certain allegations in the above captioned cause ("Complaint"), and in support thereof states as follows.

Introduction

1. On November 4, 2002, Complainant filed a formal Complaint with the Illinois Commerce Commission (the "ICC") against Peoples Gas (the "Complaint").
2. That Complaint contains allegations that Complainant is being held responsible by Peoples Gas for incorrect bills for gas service to 4735 S. Forrestville in Chicago and 5214 S. Morgan in Chicago.
3. In the Complaint, Complainant admits that "in 1999, Peoples Gas called me regarding a \$3,000 plus bill for 4735 S. Forrestville." Complaint, P.1.
3. The allegations in Complaint regarding the Forrestville bills should be stricken because they are time-barred by 220 ILCS 5/9-252.1

4. Pursuant to 220 ILCS 5/9-252.1, "complaints related to incorrect billing must be filed with the Commission no more than 2 years after the date that the customer first has knowledge of the incorrect billing."

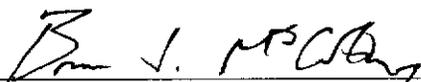
5. Complainant admits on the face of the Complaint that she had knowledge of "incorrect" billing in 1999.

6. Yet the Complainant did not file an informal complaint until July 30, 2002 (see the copy of the informal complaint Peoples Gas received from the ICC at that time attached to this motion as Exhibit A) and did not file a formal complaint until November 4, 2002.

7. Accordingly, the allegations in Complaint related to the gas bills for 4735 S. Forrestville in Chicago should be stricken because they raise billing issues that are time barred by 220 ILCS 5/9-252.1.

WHEREFORE, Peoples Gas respectfully requests that the Administrative Law Judge strike the allegations in the Complaint related to billing for the Forrestville address.

Respectfully Submitted,

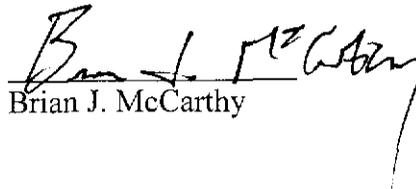

Brian J. McCarthy, for
The Peoples Gas Light and Coke Company

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STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

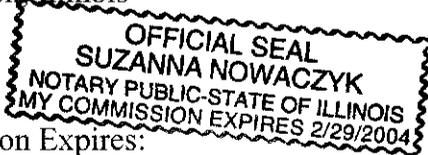
VERIFICATION

I, Brian J. McCarthy, being first duly sworn upon oath, depose and say that I have read the above and foregoing Respondent's Motion To Strike by me subscribed and know the contents thereof; and that said contents are true in substance and in fact.


Brian J. McCarthy

SUBSCRIBED AND SWORN
before me this 25th day
of March, 2003.


Notary Public in and for the
County of Cook, Illinois



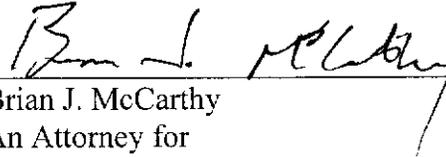
My Commission Expires:

2/29/2004

CERTIFICATE OF SERVICE

I hereby certify that I have this day served this Respondent's Motion to Strike by personal delivery or by causing a copy to be placed in the United States mail with first class postage affixed, addressed to the Complainant and the Administrative Law Judge in Docket No. 02-0705.

Dated at Chicago, Illinois this 25th day of March, 2003.



Brian J. McCarthy
An Attorney for
The Peoples Gas Light
and Coke Company

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NOTICE OF FILING

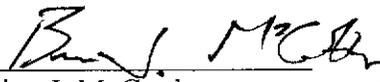
TO: Dorothy Green
1423 S. Prairie Ave.
Chicago, Illinois 60015

Administrative Law Judge Dolan
Illinois Commerce Commission
160 North LaSalle Street, Ste. C-800
Chicago, Illinois 60601-3104

PLEASE TAKE NOTICE that on this date Respondent in the above-captioned case sent by U.S. mail for filing with the Illinois Commerce Commission, 527 East Capital Avenue, P.O. Box 19280, Springfield, Illinois 62701, an original of Respondent's Appearance and an original of Respondent's Motion to Strike.

DATED: March 25, 2003.

THE PEOPLES GAS LIGHT
AND COKE COMPANY

By: 
Brian J. McCarthy,
one of its attorneys

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