BEFORE THE

ILLINOIS COMMERCE COMMISSION

Armor Recovery Solutions, Inc., Superior Towing, Inc., and URT E&R Towing, Inc.	)	Docket No. RTV-A-60
Petitioners.	)	
Petition for a Relocation Towing Rate Increase	)	

ORDER

By the Commission:

PROCEDURAL HISTORY

On October 31, 2018, Armor Recovery Solutions, Inc. (269 RTV-R) and Superior Towing, Inc. (237 RTV-R) filed a Petition with the Illinois Commerce Commission ("Commission") for a towing rate increase pursuant to the provisions of Chapter 625 ILCS 5/18a-200(6) of the Illinois Commercial Relocation of Trespassing Vehicles Law ("Law"). On April 22, 2019, URT E&R Towing, Inc. (278 RTV-R) filed its Motion to Participate as Party Petitioner and Petition for Relocation Towing Rate Increase. Armor Recovery Solutions, Inc. (Armor), Superior Towing, Inc. (Superior), and URT E&R Towing, Inc. (URT) are collectively referred to as "Petitioners." Petitioners seek an increase in the maximum relocation towing rates they are allowed to charge from $170 to $216 per tow. None of the Petitioners is requesting an increase of the relocation storage rate.

Pursuant to notice given in accordance with the law and the rules and regulations of the Commission, the Petition came on for evidentiary hearing before the duly authorized Administrative Law Judge (ALJ) of the Commission at the Commission's offices in Springfield and Chicago, Illinois on October 22, 2019. Prior to hearing there were a number of continuances requested by Petitioners, and a number of preliminary conferences and hearings pertaining to Staff Data Requests which were all resolved.

Petitioners appeared by counsel. Staff of the Commission's Office of Transportation Counsel represented the Commission. There were no Intervenors and no objectors to the Petition. At the conclusion of the October 22, 2019 hearing, the record was held open to attend to matters requiring clarification. Further hearings were held on November 20, 2020 and December 3, 2020. At the conclusion of the hearing on December 3, 2020 the record was marked "Heard and Taken."

APPLICABLE LAW

Section 18a-200(6) of the Illinois Commercial Relocation of Trespassing Vehicles Law (625 ILCS 5/18a-200(6)) provides "[t]he Commission shall":

> Set reasonable rates for the commercial towing or removal of trespassing vehicles from private property. The rates shall not exceed the mean average of the five (5) highest rates for police tows within the territory to which this Chapter applies that are performed under Sections 4-201 and 4-214 of this Code and that are of record at hearing, provided that the Commission shall not re-calculate the maximum specified herein if the order containing the previous calculation was entered within one calendar year of the date on which the new order is entered.

The Law only applies to Cook County and any county which elects to be subject to the Law. Kane, DuPage, Will and Winnebago Counties have elected to be subject to the Law. Thus, not all relocators are subject to the licensing requirement of the Law. Reference in this order to relocators refers to relocator agencies licensed by this Commission.

STATUTORY CEILING

The current maximum rate for light duty relocation towing is $238.20 as set by Commission Order entered June 11, 2014 in docket RTV-A-54.

As noted, Petitioners here each seek an increase from $170.00 to $216.00 for light duty relocation towing, which is less than the maximum set by the Commission.

GRANT OF $216 LIGHT DUTY TOW RATE TO ALL LICENSED RELOCATORS

Although this case was brought by the three Petitioners requesting the rate increase for their businesses, the Commission has on occasion determined in such Petitions that, pursuant to its obligation to set reasonable rates, circumstances justify an increased rate for all relocators. The evidence presented by the three Petitioners will be reviewed below. However, this Order concludes a $216 rate should be granted to all relocators.

An industry wide rate was set by the Commission in 2002 and in 2008. The 2002 Order in RTV-A-36 authorized an increase from $105 to $125. The 2008 Order in RTV-A-45 authorized an increase from $125 to $170 for all relocators.

In the present case, evidence was presented that 74% of all light duty relocator tows are performed by the 12 relocators already authorized to charge $216, and it would be 80.6% if Superior and URT are authorized to charge $216. URT would take over tows reported by E & R which are included in the 74%. Superior's tows raise the 74% to 80.6%. By the evidence reviewed below, Petitioners Superior and URT have established their

need for the $216 rate. There would remain 40 companies authorized to charge $170, one authorized to charge $190, and two authorized to charge $196, for a total of 43 companies charging less than $216. They must share the remaining 20% of the tows. Due to lower average business and revenue, they have relatively limited motivation and ability to pay the price for attorney fees and their time to prepare and pursue their own petitions to increase rates.

If $216 is deemed a reasonable rate to charge for 80% of the tows, it should be deemed reasonable for all tows. Expenses of relocation towing are common to all. The Commission is required to set reasonable rates. It should not be required that these 43 companies each file Petitions to achieve parity within the industry.

All relocators are potential competitors. Yet, it is hard for a company authorized to charge $170 to compete with a company charging $216. A company with a lower authorized rate and fewer tows is disadvantaged in its opportunity to meet the expenses Petitioners here state they must meet to compete. Competition helps to increase the quality of service. As noted below, in the RTV-A-36 Order it was stated that it is in everyone's interest for the companies to have the financial ability to train and retain quality tow truck operators, replace equipment, and properly maintain its equipment and facilities. While Armor's evidence reviewed below falls short of establishing the same need as Superior and URT, it nonetheless has to compete with all other relocators.

Industry Wide Rate Authorization History

In the 2008 RTV-A-45 Order, it was noted that 62% of all tows were performed by relocators authorized to charge the $170 rate sought by the six petitioners. Those six petitioners collectively performed 9% of all tows, as the Order noted that, if the six petitioners were granted a $170 rate, the 62% would increase to 71%. For that reason and since several other rate increase petitions were pending, the Commission concluded the $170 rate should apply to all relocators to avoid substantial litigation and promote judicial economy.

In the 2002 RTV-A-36 Order there were six petitioners. It was not clear what rate they were seeking, but the Order concluded that $105 per tow was not sufficient and a $125 rate was reasonable to allow the relocators to operate at a reasonable profit so they may "retain trained operators, replace equipment," and maintain their facilities. It was ordered the $125 rate would apply to all licensed relocators in Cook, Kane, DuPage and Will Counties, which it appeared were the only counties subject to the Law at the time.

Although there were only six petitioners in RTV-A-36, Commission Staff sent out questionnaires to all 53 relocators who filed annual reports in 2000 to obtain information pertinent to determining a reasonable tow rate. The questionnaires were sent by Doug Trew, the Transportation Division Director of Research and Analysis, who had an accounting degree and a Master of Business Administration degree, and Rosemary Lenaghan, a Transportation Division Policy Analyst who was a Certified Public Accountant. They received responses to the questionnaires from 19 relocators. Those

19 relocators collectively performed 85% of all relocation tows. Mr. Trew and Ms. Lenaghan compiled data from the Annual Reports and the 19 responses as well as other financial information such as government cost and price indices. Based on their testimony and exhibits as well as testimony of the Petitioners, the Order concluded that a rate of $105 per tow was not sufficient and a $125 rate was reasonable and should apply to all relocators.

It should be noted that the present case falls within the prior Commission practice despite an imprecise statement of policy in RTV-A-45. That Order recited there was testimony of a Commission policy to grant an increase to all relocators if the increased rate was going to be granted to Petitioners who collectively performed 85% of all tows.

In fact, neither the six petitioners in RTV-A-36 nor the six petitioners in RTV-A-45 collectively met that criteria. The 85% criteria appear to be incidental as that is based on the tows of those 19 relocators who responded to the questionnaire. The Order did not refer to any 85% precedent and the 19 were not all parties. The testimony of policy in RTV-A-45 was in fact the testimony of Doug Trew, apparently based on the RTV-A-36 case. Yet, in RTV-A-45 the $170 industry wide rate was granted with only 71% of tows performed by those who would be charging $170 if the six petitioners were included. Other pending petitions were noted, but there was no assessment that the pending petitions would be granted or that, if granted, it would increase the percentage to 85%. It was granted on the 71% percentage if the $170 rate were granted to the six petitioners.

In sum, the present case falls within the prior Commission practice.

Application of Industry Wide Rate in the Present Case

If $216 is deemed a reasonable rate for those that perform 80% of the annual tows, it should be deemed reasonable for all. The 2002 order noted the need to earn a sufficient profit to retain qualified operators and maintain equipment and facilities. The 2008 Order authorizing $170 for all stated it was granted to avoid substantial litigation and promote judicial economy. The same considerations apply here where there are approximately 40 relocators which could rightfully petition to charge the $216 rate deemed reasonable for their competitors. The Commission is required to set reasonable rates for all relocators.

PRELIMNARY CONTEXT AND ISSUES

Distinct Petitioner Circumstances

Although three companies are joined as Petitioners in this case, this does not mean that the needs of one have any bearing on the others, any more than any three random relocators. Each also has a unique circumstance pertaining to its claimed need.

Armor Recovery Solutions, Inc. contends its need for a light duty tow rate increase is established by significant losses on its light duty tows alone, although need in prior rate cases has been premised upon the revenue and expenses of all relocator operations. While Armor's reported light duty tow expenses exceeded its revenue substantially, its

total operations show a significant profit. Relocator operations include storage and sales of unclaimed vehicles. Rate increase needs for Superior and URT were also presented on a showing that their light duty tows alone produced insufficient revenue. However, unlike Armor, their entire relocation operations also indicated losses or insufficient profit.

URT E&R Towing, Inc.'s unique circumstance is that it has never operated as a relocator. URT proposes to prove a need on the premise that it intends to take over the business of E & R Towing and Garage, Inc. (E & R) and that it would have operated at a loss if it had operated in the shoes of E & R but charged at a $170 rate rather than E & R's $216 rate. URT obtained its relocator license in April 3, 2019 and joined in this Petition later that month.

Superior Towing, Inc. presents its case showing overall revenue less than expense even though it erroneously charged for a number of tows in 2018 at a $196 rate. Superior has already acknowledged and been penalized for the error.

Petitioners Unique Reliance On Light Duty Tow Only

Petitioners seeking a rate increase routinely do so by submitting reports of their revenue and expenses to show they are not making a sufficient profit. The revenue and expense information is required to be reported to the Commission in an Annual Report by categories of light, medium and heavy duty towing and categories of storage of vehicles in each of the light, medium and heavy duty categories, as well as miscellaneous revenue from sources such as salvage and sales of unclaimed vehicles. The pertinent Annual Reports were admitted as exhibits into evidence.

Here Petitioners at the initial hearing made their arguments for a light duty tow rate increase premised on light duty tow expenses and revenues as reported and as submitted in a spreadsheet. However, it was noted that prior rate dockets relied upon all relocator revenue and expenses, not just light duty tow revenue and expenses. All revenue includes that derived from medium and heavy duty towing as well as light duty, and revenue from storage of light, medium and heavy duty vehicles, and miscellaneous revenue.

After the initial hearing, Petitioners submitted a spreadsheet containing the revenue derived from all relocator operations and all corresponding expenses, and calculations based thereon. However, Petitioners continued to make their claims for a rate increase based upon the light duty information alone.

Light Duty Tow Only versus All Relocator Revenue and Expenses

Using only the light duty tow information and operating ratio, each Petitioner was shown to have operated at a loss in 2018. However, the calculations based on all relocator revenue and expenses show that Armor made a significant profit, which would mean that Armor would have failed to establish a need for a rate increase.

The spreadsheet submitted by Petitioners to include the total of all relocator

derived revenue and corresponding expenses did not include a breakdown of the revenue and expenses by the categories of light, medium or heavy duty tow. Therefore, there was no information to indicate whether light duty tow information only or all revenue and expense information was more representative of the need for a light duty tow rate increase. Staff had noted at hearing that one reason all revenue and expenses were useful in determining the financial health of the company was that the miscellaneous revenue and expenses were not required to be broken down by light, medium or heavy duty categories.

Although Petitioners presented their case in reliance on the proposition that only the light duty tow category of revenue and expenses was necessary to determine the need for a light duty tow rate increase, Petitioners did not present any argument to support that position. However, as the premise seems reasonable on the surface, and as the profit or loss for Armor differed substantially depending upon which information was utilized, the ALJ examined the underlying data and prepared spreadsheets with a breakdown of revenue and expenses by all categories. The revenue and expenses and operating ratios stated herein are those as represented in the Annual Reports and the ALJ spreadsheets.

Conclusion that Light Duty Tow Data Alone is Not Sufficient

A review of the revenue and expense information for all relocator operations, as required to be contained in the Annual Report, shows that light duty tow revenue and expense alone is not a sufficient basis upon which to determine the need for a light duty towing rate increase when relying upon the allocations in Annual Reports. Rather, the operations of towing and storage and certain miscellaneous revenue go hand in hand.

The financial relation between the tow and storage and sales is demonstrated fully in the review of Armor's individual circumstances below. Any revenue received from the sale of unclaimed light duty vehicles is only included in the "All Other" relocator revenue category which, as Staff noted, is not broken down by weight categories. Yet, storage and sales revenue would not be received were it not for the tow.

Additionally, it should be noted that the allocation expenses to a particular category has reliability issues when used as proof of need since there is no prescribed method to determining what expenses are attributable to each category. Also, there is no prescribed method to allocate expenses between relocation operations and revenue generated by non-relocator businesses of the company.

Operating Ratio

All of the revenue and expenses relied upon were obtained from Annual Reports required to be filed with the Commission. In URT's case, Petitioners relied upon E & R's 2018 Annual Report with a conversion to show what URT's revenue and expense would be if it conducted E & R's operations at a $170 light duty tow rate.

Spreadsheets admitted into evidence contained the underlying revenue and

expense information and a percentage known as an operating ratio obtained by dividing the expense by the revenue. This ratio was introduced early on in the history of the Commission's endeavors to determine when a rate increase was justified.

The operating ratio is stated as a percentage and simply allows a quick method of noting if a company made a profit or loss. A percentage under 100 reflects a profit. A percentage over 100 reflects a loss. The percentage is the amount that is spent to earn $100 dollars. 85% means $85 was spent to earn $100 dollars. The lower a percentage under 100, the greater the percentage of profit returned on the expenses. 127% means $127 was spent to earn $100 dollar. The higher a percentage is over 100%, the greater the loss as a factor of the expenses. Doug Trew, who testified in Dockets RTV-A-36 and RTV-A-45 stated in the latter docket that the recommended operating ratio rate of return for relocation towing companies is approximately 85%. While the operating ratio indicates a relatively greater or lesser rate of return on expense, the rate of return on expenses is calculated differently.

PETITIONERS' EVIDENCE

A. Superior Towing, Inc.

Petitioner Superior Towing, Inc. presented the testimony of Matthew Ebert, Superior's President. Superior's Annual Report states that its business includes general towing and used car sales as well as relocation towing. From 2016 to 2018, Superior's relocation towing expenses rose from $870,854 to $1,355,475 to $1,356,548. It operated at losses of $1,555,571 in 2016, $2,662,747 in 2017 and $2,449,875 in 2018 with corresponding operating ratios (expenses divided by revenue) of 127%, 104% and 124% reflecting those losses.

Superior reported 5,539 light duty tows for 2018 and another 147 tows of medium and heavy duty vehicles. An increase of $46 from $170 to $216 per light duty tow for the 5,539 light duty tows would produce $254,794 additional revenue if all were paid.

Superior had mistakenly been charging $196 rate rather than $170 in 2018. The reported revenue was not adjusted to make these calculations as an adjustment would only have shown lower revenues resulting in greater losses.

Mr. Ebert testified that expenses such as gasoline, insurance, real estate taxes, and lease payments have increased. Ebert stated that he has few options for insurance companies that will provide coverage for Superior's size with 36 trucks.

There are extra expenses applicable to its towing relocation operations in the City of Chicago. Chicago ordinances require Superior to store digital photos of tows and provide paid sick leave and pay the prescribed minimum wage to those employees who work in Chicago. No evidence was presented stating what percentage of its business or operators was subject to these regulations.

Mr. Ebert testified that it is difficult to retain qualified drivers since other relocation

companies who are already authorized to charge $216 can offer better compensation. Also, competition is strong among all relocators who seek to contract with owners of parking lots within a 10 mile radius of each of Superior's storage lots. Relocators often contract with the lot owners to keep the lots clear of unauthorized vehicles. A relocator's storage yard cannot be more than 10 miles from the location of a tow.

Commission records show Superior has storage yards in New Lenox, and along I-80 in South Holland and Frankfort, in Elk Grove Village, in Naperville and on W. Cermak Road in Chicago. Elk Grove Village, South Holland and Cermak are within Cook County.

B. URT E&R Towing, Inc.

Petitioner URT E&R Towing, Inc. presented the testimony of Michael Kroeger, URT's Compliance Manager. URT was authorized as a licensed relocator by Commission Order of April 3, 2019. At its licensing hearing, it was stated that the general manager, Kevin Corcoran, would run the day to day relocator operations. All the shares of the corporation URT E & R Towing, Inc. are owned by URT United Road Towing, Inc.

URT was authorized to charge a light duty tow rate of $170 as all relocators have been authorized by the Commission to charge a light duty tow rate of $170, although some have been granted authority to charge a higher rate.

URT intends to acquire the assets and assume relocation towing operations of E & R Towing & Garage, Inc. Since relocator licenses are not transferable, URT obtained its own relocator's license so it could take over E & R's operations. E & R is authorized to charge a $216 rate. URT engages in towing other than non-relocation towing. It has not commenced relocation towing operations as it determined that it could not profitably pursue E & R's relocation towing operations at URT's $170 tow rate.

As URT intends to retain the same employees and equipment with the same expenses as E & R, URT bases its demonstration of need for a rate increase by utilizing E & R's operation information as reported in E & R's Annual Reports and adjusting the revenue information for light duty tows from E & R's rate of $216 to URT's rate of $170. The adjustment is performed by dividing E & R's light duty tow revenue by the $216 rate to obtain the number of tows paid at $216, and then multiplying that number by $170. E & R has 37 drivers, all licensed as relocator operators, but only uses four tow trucks in its relocation operation.

E & R's relocation towing expenses from 2016 to 2018 rose from $572,995 to $678,990 to $829,574. At a $170 light duty tow rate the operation would have had losses of $94,825 in 2016, $102,730 in 2017 and $146,000 in 2018 with corresponding operating ratios (expenses divided by revenue) of 120%, 118% and 121% reflecting those losses. Mr. Kroeger stated E & R's relocation operations have been made viable by economies of engaging in other non-relocation towing operations such as Motor Club towing and municipal towing.

URT projects that its revenues at a $216 rate would be equal to E &R's actual

revenues at its $216 rate. E & R reports that it broke even in 2018 with its actual revenue equal to expenses. However, this was explained as a function of complying with a bankruptcy court requirement to pass through funds to URT. E & R reported 3,709 light duty tows for 2018. Its actual light duty tow revenue divided by its rate of $216 indicates it was only paid for 3,168 tows. He noted that E & R's number of tows has been increasing each year.

Mr. Kroeger has experience in the relocation industry and familiarity with the expenses as he has been E & R's compliance manager for several years and completed its Annual Reports. He testified that it is challenging to find competent drivers because competitors who operate at a higher towing rate can offer better compensation to tow truck drivers. Kroeger also testified that expenses to maintain vehicles, insurance, and lease payments increase annually.

Mr. Kroeger testified that if URT is granted the requested rate increase, then E&R will wind down its operations and the business will continue under URT's name. No evidence was presented of any contractual obligations to transfer assets or the business. However, Petitioners' attorney represented that E & R's corporate owners were in bankruptcy and E & R was operating pursuant to a reorganization plan which is to culminate in URT acquiring the business.

C. Armor Recovery Solutions, Inc.

Petitioner Armor Recovery Solutions, Inc. ("Armor") presented the testimony of its president, Santino Datoli. Armor is engaged in the business of vehicle repossessions in addition to its relocation towing business. Mr. Datoli testified that relocation towing expenses for all weights rose from $82,280 to $144,200 to $163,070 respectively from 2016 to 2018, although the correct 2018 amount shown in its Annual Report is $189,330. The expenses for all towing weights combined exceeded its towing revenue for all weights by 85% in 2016, 64% in 2017 and 56% in 2018, with respective operating ratios of 185%, 164% and 156%. For light duty tows the revenue and expenses reported show losses of 86% in 2016, 82% in 2017 and 78% in 2018, reflected by the respective operating ratios of 186%, 182% and 178%.

Armor asserts these losses demonstrate the need for a light duty tow rate increase. Mr. Datoli explained that the towing operated at a loss because the company's relocation towing consisted of "mostly abandoned vehicles at dealerships." A vehicle owner may fail to retrieve the vehicle from a dealership lot due to various circumstances. The dealers do not pay towing fees. Therefore, Armor has towing expenses without corresponding revenue.

However, the dealers do pay for storage, and some vehicles are claimed by an owner or finance company after being towed and stored by Armor. Payment of tow and storage fees is required before a vehicle is released. Mr. Datoli's description of the financial arrangement for tows requested by dealers did not detail all obligations but presumably the dealer is charged only for storage not otherwise paid. Armor also makes money from the sale of unclaimed vehicles as scrap or otherwise.

Thus, while the towing is reported to operate at a loss, when the towing and storage revenue and expenses are combined Armor has a significant profit each year in each weight category. For light duty tow and storage Armor netted a 2016 profit of $170,887 after expenses of $80,280, a 2017 profit of $124,530 after expenses of. $134,700, and a 2018 profit of $142,556 after expenses of $224,070. Its corresponding light duty tow and storage operating ratios were 32%, 52% and 61%, where the lower the percentage means a greater return on the investment.

The essence is that Armor has made the choice to tow vehicles without charge knowing it will make money off the storage of vehicles, and that sometimes when a vehicle is claimed it will get paid for the tow, and that an unclaimed vehicle will produce revenue from its sale. In sum, towing for dealers is a loss leader, as borne out by combined storage and towing profit return rates.

It is difficult to argue a rate increase is needed when Armor does not charge for the tows. While Mr. Datoli did not say that "abandoned vehicles at dealerships" was Armor's only relocation business, he did state it was "mostly" the business and did state the tows of abandoned vehicles at dealerships was the reason the towing operates at a loss.

Yet, in 2018 Armor performed 642 light duty tows and reported revenue of $91,800 for those tows, which indicates it was paid for 540 or 84% of its tows. No relocator gets paid for all of its tows. E & R's reported 2018 light duty revenue divided by its rate shows a similar paid tow rate of 85%. Thus, the non-charged tows may not entirely explain its tow losses.

On the other hand, Armor reported it had zero storage related expenses for any weight category in 2016 and 2017, so its approximately $200,000 light duty storage revenue in both years is all profit. In 2018 Armor again shows a light duty storage profit of $200,000 on reported expenses of $61,000, and an all weight storage profit of $218,000 on expenses of $70,480.

With its storage profit, despite reported losses in its towing operations, Armor's combined towing and storage all weights profit from 2016 to 2018 is reflected by operating ratios of 32%, 50% and 63% respectively. When the "all other" category of relocation revenue and expenses are added in, the operating ratios for 2016 to 2018 for all weights are, respectively, 49%, 68% and 70%.

In sum, every category of Armor's relocation operation is reported to be making a significant return on its investment other than its towing. There is no prescribed protocol for allocating expenses on the Annual Report. The allocations affect every calculation of net profit or loss in every category. For that reason, to the extent the Annual Report allocations are relied upon as proof that a rate increase is needed, the total revenue and expenses must be considered. The company may allocate expenses as it sees fit, but the categories of the operations go hand in hand.

Armor's operating ratio for all relocation towing in 2018 is 70%. Armor's reported revenue of $559,766 exceeds its expenses of $393,465 by $166,301, which is a 42% return on its expenses.

Evidence Applicable to All Petitioners

Petitioners presented evidence that, based on the number of tows shown in the Annual Reports filed by all relocators, there has been an almost steady annual decline in light duty relocation tows each year from 2005 until 2018. In 2014 the number of tows declined too as 62% of the number of 2005 tows and in 2018 the number of tows was 70% of the number of tows in 2005. Petitioners note that companies such as Uber and Lyft are partially responsible for less vehicles driven, parked and subject to tows. Less cars to be towed means less revenue for relocators.

Administrative Notice was taken of what was identified as Chapter 1-24 and 9-84 of Chicago's Municipal Code, Chicago's sales tax rate of 10.25% and its unemployment rate decrease from 2016 to 2018. Chapter 1-24 sets a minimum wage and requires sick leave for employees who work in Chicago. Chapter 9-84 requires on board cameras on all tow trucks and retention of video records for one year. Petitioners contend these increase their expenses and the unemployment rate decrease makes it more difficult to find qualified operators. Petitioners presented no evidence regarding their need for employees from Chicago or what percentage of their employees or operations are subject to these Chicago requirements.

STAFF'S POSITION

Staff does not oppose the request for an increase of light duty towing rate from $170 to $216 for each Petitioner.

COMMISSION ANALYSIS AND CONCLUSION

For the reasons stated above, the Commission believes all licensed relocators should be authorized to charge $216 for light duty tows.

FINDINGS AND ORDERING PARAGRAPHS

The Commission, after reviewing the entire record and being advised in the premises, is of the opinion and finds that:

1. the Commission has jurisdiction of the subject matter and the Parties;

2. the recitals of fact set forth in the prefatory portion of this Order are supported by the evidence of record and are hereby adopted as findings of fact;

3. the evidence in this proceeding establishes that it is fair and reasonable for all holders of relocator licenses to charge and, for those who trespass on

private property, to pay, $216 for each light duty tow performed, for the reasons stated in the prefatory portion of this Order.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that, pursuant to Chapter 625 ILCS 5/18a-200(6) of the Illinois Commercial Relocation of Trespassing Vehicles Law the reasonable rate for the removal of trespassing vehicles from private property is $216 per tow and all relocators licensed by the Commission are hereby authorized to charge $216 tow each light duty tow performed.

IT IS FURTHER ORDERED that the Commission retains jurisdiction over Petitioners and the subject-matter of this proceeding for the purpose of issuing such other Orders as it may deem appropriate.

IT IS FURTHER ORDERED that the Appendix hereto is made a part of this Order to provide information required by Section 10-50 of the Illinois Administrative Procedure Act (5 ILCS 100).

IT IS FURTHER ORDERED that this is a final Order subject to subject to 83 Ill. Adm. Code 200.880(d) which provides that no appeal shall be allowed unless an application for rehearing shall first have been filed and disposed of by the Commission, and subject to the Administrative Review Law, 735 ILCS 5/3-101 *et seq.*, as adopted by Section 103 of the Illinois Commercial Relocators of Trespassing Vehicles Law, 625 ILCS 5/18a-103.

By Order of the Commission this 16th day of December 2020.

(Signed) CARRIE ZALEWSKI
CHAIRMAN

APPENDIX to 260-A-RTV Order

Pursuant to Section 10-50 of the Illinois Administrative Procedure Act (5 ILCS 100).

Parties of record and addresses as known to the Commission:

URT E & R Towing, Inc. (278 RTV-R)
c/o Kevin Corcoran
16325 S. Crawford Ave.
Markham, IL 60428

URT E & R Towing, Inc.
c/o Donald Rothschild
Goldstine, Skrodzki, Russian, Nemec and Hoff, Ltd.
835 McClintock Drive - Second Floor
Burr Ridge, IL 60527

URT E & R Towing, Inc.
c/o Illinois Corporation Service Company
801 Adlai Stevenson Drive

Armor Recovery Solutions, Inc. (269 RTV-R)
531 West Winthrop
Addison, IL 60101 Telephone: 630-543-6176

Superior Towing, Inc. (237 RTV-R)
290 E. Lincoln Highway
New Lenox, IL 60451 Telephone: 815-463-8888

Martin Burzawa
Transportation Counsel
Illinois Commerce Commission
160 N. LaSalle Street, Suite C-800
Chicago, IL 60601
Email: martin.burzawa@illinois.gov

Process Agent for all Relocators:

Donald S. Rothschild
Goldstine, Skrodzki, Russian,
Nemec and Hoff, Ltd.
835 McClintock Drive, Second Floor
Burr Ridge, IL 60527
Telephone: (630) 655-6000
Email: DSR@GSRNH.COM