STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

RAPID RECOVERY, INC. and ROKAITIS INDUSTRIES, INC., Petitioners PROTECTIVE PARKING SERVICE d/b/a LINCOLN TOWING SERVICE, VIC'S TOWING COMPANY and X L TOWING & STORAGE, INC., Intervenors Petition for Relocation Towing and Storage Rate Increase	Docket No. M2023-04412

ORDER

By the Commission:

PROCEDURAL HISTORY

On March 1, 2023, Rapid Recovery, Inc. and Rokaitis Industries, Inc. (Petitioners), filed their Petition for a Light-Duty Relocation Towing and Storage Rate Increase pursuant to the provisions of Section 18a-200(6) of the Illinois Commercial Relocation of Trespassing Vehicles Law, 625 ILCS 5/18a-200(6) ("Law").

On May 22, 2023, Protective Parking Service Corporation d/b/a Lincoln Towing Service, Vic's Towing Company and X L Towing & Storage, Inc. (Intervenors), filed their Agreed Petition for Leave to Intervene and join the Petition for a Light-Duty Relocation Towing and Storage Rate Increase, which Petition was granted to May 31, 2023.

On May 22, 2023, Petitioners and Intervenors filed a Motion for Joint Ruling on Pending Petitions for Rate Increase in this Docket and in Docket No. M2022-01926[1]. The Motion was heard on May 31, 2023. Petitioners and Intervenors were represented by their counsel of record, McGinty Law Offices, P.C. and Perl & Goodsnyder, Ltd., respectively. Donald S. Rothschild appeared on behalf of petitioners in Docket No.

[1] Petition of SMJ Towing, Inc., Joie Enterprises, LLC d/b/a Green Machine Towing, North Shore Towing, Inc., NRI, LLC d/b/a Northwest Recovery, Rendered Services, Inc. and URT E&R Towing, Inc. for Relocation Tow Rate Increase.

M2022-01926. After consideration of the arguments made on behalf of all parties, the Motion for Joint Ruling on Pending Petitions for Rate Increase was denied.

Both Petitioners and Intervenors seek an increase in the maximum light-duty relocation towing rates from $216.00 to $250.00 per tow and in the daily relocation storage rate (after the first 24 hours) from $45 per day to $55.00 per day.

Staff of the Office of Transportation Counsel (Staff) served extensive Data Requests on both Petitioners and Intervenors. Both Petitioners and Intervenors complied with the Data Request and served Answers to Staff's Data Requests. Pursuant to notice given in accordance with the law and the rules and regulations of the Commission, the Petition came on for an evidentiary hearing before the duly authorized Chief Administrative Law Judge ("CALJ") via video-conference on July 19, 2023. Petitioners appeared by counsel, McGinty Law Offices, P.C., and presented testimony of Ashraf Said. Intervenors appeared by counsel, Perl & Goodsnyder, Ltd., and presented testimony of Chris Dennis, Karen Josefowicz, and Sherry DiVito. No petitions to intervene in opposition to the Petitions for a Relocation Towing and Storage Rate Increase were filed. At the conclusion of the hearing, the record was marked as "Heard and Taken."

APPLICABLE LAW

Section 18a-200(6) of the Illinois Commercial Relocation of Trespassing Vehicles Law provides, in pertinent part, that "[t]he Commission shall":

> (6) 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 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. Set reasonable rates for the storage, for periods in excess of 24 hours, of the vehicles in connection with the towing or removal; however, no relocator shall impose charges for storage for the first 24 hours after towing or removal…

625 ILCS 5/18a-200(6).

STATUTORY CEILING

The current maximum relocation light-duty towing rate is $238.20 and was set by Commission Order entered June 11, 2014, in docket RTV-A-54. The Commission has not recalculated the mean the five highest light-duty police tow rates within one calendar year from the date this Petition was filed. Thus, the statutory ceiling has remained unchanged for nine and a half years.

Petitioners offered into evidence Petitioner's Exhibit A, which included a calculation of the mean average of the five highest police tow rates, as well as proof of rates for the following:

-	Dolton Police Department	$275.00
-	Illinois Secretary of State Police	$250.00
-	Illinois State Police - District Chicago	$250.00
-	Illinois State Police - District 2	$250.00
-	University of Illinois at Chicago Police	$250.00

Portions of Exhibit A were admitted without objection; however, Staff objected to the photographic proof of rates for Chariot Automotive & Towing, which services Illinois State Police – District Chicago and District 2 and JTS Towing, LLC and Wes's Service, which both service Dolton Police Department as hearsay. Thereafter, Ashraf Said, who is President of Rapid Recovery, Inc. and Vice-President of Rokaitis Industries, Inc., testified that his companies conduct police towing operations and also pick up vehicles which have been the subject of police tows on behalf of the vehicle owners and operators. He testified that he has personal knowledge of the five police tow rates set forth above, including the rates for Chariot Automotive & Towing, Wes's Service, and JTS Towing LLC.

Mr. Said testified that the mean average of these police tow rates within the territory subject to regulation by the Commission is $255.00. Petitioners and Intervenors have requested the Commission to recalculate the statutory ceiling to reflect the mean average of the current five highest police tow rates within the territory subject to regulation by the Commission.

When the Commission last adjusted the rate for light duty towing in RTV-A-54, the evidence presented by Petitioners included testimony by a witness who contacted various communities to ascertain their police towing rate. The witness received responses from a majority of the communities and was able to determine the five highest police tow rates from those who responded.

The evidence presented in this case does not establish the mean average of the five highest police tow rates but merely the mean average of five police tow rates. The Law requires that "the rates shall not exceed the mean average of the five 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.[2]" 625 ILCS 5/18a-200(6). Mr. Said testified that he is aware of the tow rates of the above listed police authorities because his tow companies perform tows for those authorities. There was no testimony regarding the police tow rates of any other police authorities to establish the five highest rates. Nor did any of the Intervenors present evidence of the mean average of the five highest police tow rates. In previous rate cases, the Commission was presented with data from multiple

2 625 ILCS 5/4-201 and 625 ILCS 5/4-214 relate to the removal of abandoned and unclaimed vehicles.

communities to locate the five communities with the highest rates. *See* RTV-A-36 (Towing and storage rate data was collected from 222 communities); RTV-A-37 (Sixteen localities were contacted to locate the five communities with the highest tow rates); RTV-A-42/43 (Police tow and storage rates were compiled from eleven communities to determine the mean average of the five highest police tow rates). Accordingly, the Commission finds there is insufficient evidence to support an increase of the current maximum relocation light-duty towing rate from $238.20 to $250.

PETITIONERS' EVIDENCE

Mr. Said testified in support of the exhibits offered and admitted by Petitioners at the hearing. Rapid Recovery/Rokaitis Industries Exhibits B-1 and B-2 contained the most current Relocator Annual Reports filed by Petitioners at the time the Petition was filed. Mr. Said testified that Exhibits B-1 and B-2 were compiled from the books and records of Petitioners kept in the ordinary course of their businesses. Both Exhibits were admitted into evidence.

Rapid Recovery/Rokaitis Industries Exhibits C-1 and C-2 extracted the historical light-duty relocation towing and storage operating expenses and operating revenues from the Annual Reports, and calculated the Petitioners historical light-duty operating ratios. Rapid Recovery, Inc.'s light-duty relocation operating ratio for the year 2021 was 97.63. Rokaitis Industries, Inc.'s light-duty relocation operating ratio was 135.6.

Operating ratios have been used by the Commission to determine whether proposed relocation towing and storage rates are reasonable and compensatory. Operating ratios are calculated by dividing operating expenses by operating revenues. An operating ratio of 100 means the relocator barely broke even. An operating ratio over 100 means the relocator lost money during the year and its relocation operations would necessarily have been subsidized by other business operations. As the Commission noted in Docket No. RTV-A-36, expert testimony in that Docket was that the recommended target operating ratio for a relocator is 85.00.

Rapid Recovery/Rokaitis Industries Exhibits C-1 and C-2 contained re-rated light-duty operating revenues for Petitioners. Exhibit C-1 contained re-rated operating revenues for Rapid Recovery, Inc. Exhibit C-2 contained re-rated operating revenues for Rokaitis Industries, Inc. Both Exhibits were admitted into evidence.

Petitioners each re-rated their light-duty relocation towing operating revenues to more accurately state their total operating revenues for light-duty relocation. First, the portion of refunds to vehicle owners and operators allocable to light-duty relocation was subtracted from total light-duty operating revenues. Second, the portion of revenues from sale of unclaimed vehicles allocable to light-duty relocation was added to total light-duty operating revenues. Petitioners then re-rated light-duty relocation towing operating expenses to more accurately state their total operating expenses for light-duty relocation by showing the effect of dramatic increases in fuel and insurance expenses from 2021 to 2023.

Rapid Recovery/Rokaitis Industries Exhibits D-1 and D-2 contained re-rated light-duty operating expenses for Petitioners. Exhibit D-1 contained re-rated operating expenses for Rapid Recovery, Inc. Exhibit D-2 contained re-rated operating expenses for Rokaitis Industries, Inc. Both Exhibits were admitted into evidence.

Mr. Said testified that the average price per gallon for gasoline purchased by Rapid Recovery in January 2021 was $2.452/gallon. The average price for diesel fuel in the same time period was $2.681/gallon. In January 2023, the industry average prices had risen to $3.513/gallon and $4.582/gallon, respectively. This dramatic rise in fuel prices produced an increase in Rapid Recovery's annual fuel expense for light-duty relocation of $42,913.43, and increased Rokaitis Industries annual fuel expense for light-duty relocation by $68,201.33.

Similarly, Rapid Recovery's insurance expenses were $54,695.00 in 2021 and had risen to $73,555.00 in 2022, for an increase of $18,860.00. The portion allocable to light-duty relocation was $17,013.04. Rokaitis Industries insurance expenses were $68,367.00 in 2021 and $95,242.00 in 2022 for an increase of $18,860.00. The portion attributable to light-duty relocation was $17,145.81. Mr. Said testified that insurance expenses for Rapid Recovery had been $73,555.00 in 2022 for three tow trucks, and that he had only recently received the bill for 2023 insurance for only two tow trucks, which was nearly $100,000.00.

Rapid Recovery/Rokaitis Industries Exhibits E-1 and E-2 contained re-rated light-duty operating revenues, assuming the light-duty relocation towing rate charged by Rapid Recovery had been $250.00 per tow and the light-duty relocation storage rate charged had been $55.00 per day. This was done to show the impact granting the proposed rate increases would have on Petitioners' light-duty operating revenues. Both Exhibits were admitted into evidence.

Rapid Recovery/Rokaitis Industries Exhibits F-1 and F-2 show Petitioners operating ratios based on the re-rated light-duty relocation operating expenses shown in Exhibits D-1 and D-2, and the re-rated light-duty operating revenues shown in Exhibits E-1 and E-2. The re-rated operating ratio for Rapid Recovery, Inc. was 91.87. The re-rated operating ratio for Rokaitis Industries was 125.13.

Staff questioned Mr. Said extensively based on his testimony and exhibits, and on documents produced in Answer to Staff's written discovery. Staff pointed out several minor calculation errors on Petitioner's Exhibits and a major miscalculation on Exhibits E-1 and E-2. Correction of this error increased Petitioners' light-duty relocation operating revenues on Exhibits E-1 and E-2, and correspondingly improved Rapid Recovery, Inc.'s re-rated operating revenue on exhibit F-1 from 95.8 to 91.87, and improved Rokaitis Industries, Inc.'s re-rated operating ratio on Exhibit F-2 from 127.54 to 125.13.

Mr. Said testified that Petitioners could only continue light-duty relocation operations without the proposed rate increases by subsidizing such operations from other businesses.

Mr. Said further testified that four municipalities of which he is aware have enacted ordinances under which a relocator licensed by the Commission is required to apply online for a permit, and to pay $20.88 plus credit card processing fees, before relocating a trespassing vehicles in the municipality, and that such ordinances are under consideration in other municipalities. Mr. Said testified that similar ordinances are expected to be enacted in other municipalities. Oxcart remits a portion of the fees paid by a relocator to the municipality. Mr. Said testified that, wherever such ordinances are enacted, relocation towing is essentially un-profitable. Petitioners have proposed that relocators be permitted to pass costs imposed by such ordinances on to persons whose vehicles are relocated in municipalities that have enacted such ordinances.

INTERVENORS' EVIDENCE

1. PROTECTIVE PARKING SERVICE COPRORATION d/b/a LINCOLN TOWING SERVICE

Chris Dennis testified on behalf of Protective Parking Service Corporation d/b/a Lincoln Towing Service ("Lincoln Towing"). Mr. Dennis is the President of Lincoln Towing and has been involved in the relocation towing industry for 30 years.

Lincoln Towing offered into evidence Lincoln Towing's Exhibit A-1, which consisted of the company's 2021 Annual Report. Mr. Dennis testified that he prepared the 2021 Annual Report and that the contents contained therein were accurate and complete. Lincoln Towing's Exhibit A-1 was admitted into evidence. Mr. Dennis further testified that as of the filing of his 2021 Annual Report, Lincoln Towing had two locations; however, to account for rising operating costs, Lincoln closed one of its lots in April of 2022.

Lincoln Towing also offered into evidence Lincoln Towing's Exhibit B-1, which exhibit consisted of four subparts: (1) 2021 Operating Expenses and Operating Revenues; (2) Re-rated Light-Duty Relocation Expenses, accounting for increased cost of fuel and insurance; (3) Re-rated Light-Duty Relocation Operating Revenues, and (4) Re-rated Operating Ratio. Lincoln Towing's Exhibit B-1 was admitted into evidence.

Per Exhibit B-1, Lincoln's operating ratio based on its 2021 operating revenues and operating expenses was 112.20, which means that Lincoln Towing spent $112.20 for every $100.00 in revenue. These numbers establish that Lincoln Towing operated at a loss. Mr. Dennis testified that Lincoln does not perform any business other than relocation towing and that relocation towing revenues have been declining for years, citing various factors including real estate development, COVID-19, the rise in remote employment, and increased popularity of ride sharing. Mr. Dennis further testified that, despite the decline in revenues, operating expenses in all areas, including fuel, labor, and insurance, have increased significantly.

Exhibit B-1, recalculated Lincoln Towing's operating ratio accounting for the rising cost of fuel and insurance, specifically. Mr. Dennis testified that the average price per gallon for gasoline in Chicago per the U.S. Energy Administration was $2.452 in January 2021

and $3.513 in January 2023. According to Mr. Dennis's testimony, the rise in the cost of fuel resulted in a $4,305.83 increase in the light-duty fuel expense. Similarly, Mr. Dennis testified that his 2020 relocation insurance expense was $62,717.50 at 22 employees, $83,084.86 in 2021 at 17 employees, and $78,608.70 in 2022 at 15 employees. According to Mr. Dennis's testimony, the rise in the price of insurance resulted in a rise in the cost of light-duty relocation insurance expense of $3,943.28. Mr. Dennis then testified that if the re-rated operating costs were compared to the revenues if the rate increase were granted, Lincoln Towing's operating ratio would be 97.93. Staff subsequently noted a minor calculation error that, when corrected, resulted in a new operating ratio of 97.28.

Staff questioned Mr. Dennis extensively on his testimony and exhibits, and on documents produced in Answer to Staff's written discovery. Mr. Dennis testified that Lincoln Towing's last rate increase was in 2014. He further testified that Lincoln Towing could not continue to operate at the current rates.

2. VIC'S TOWING COMPANY

Karen Josefowicz testified on behalf of Vic's Towing Company. Ms. Josefowicz owns Vic's Towing Company along with her husband, Victor Josefowicz.

Vic's Towing offered into evidence Vic's Towing Exhibit A-3, which consisted of the company's 2021 and 2022 Annual Reports. Ms. Josefowicz testified that she prepared the Annual Reports and that the contents contained therein were accurate and complete. Vic's Towing Exhibit A-3 was admitted into evidence. Ms. Josefowicz further testified that Vic's Towing has one location from which it operates its small relocation towing business.

Vic's Towing also offered into evidence Vic's Towing's Exhibit B-3, which exhibit consisted of four subparts: (1) 2022 Operating Expenses and Operating Revenues; (2) Re-rated Light-Duty Relocation Expenses, accounting for increased cost of fuel and insurance; (3) Re-rated Light-Duty Relocation Operating Revenues, and (4) Re-rated Operating Ratio. Vic's Towing's Exhibit B-3 was admitted into evidence.

Per Exhibit B-3, Vic's Towing's operating ratio based on its 2022 operating revenues and operating expenses was 98.99, which means that Vic's Towing spent $98.99 for every $100.00 in revenue.

Vic's Towing also offered into evidence Vic's Towing's Exhibit E-3, which consisted of W-2 and/or 1099 payments for Vic's Towing's employees and independent contractors. Per Exhibit E-3, Vic's Towing paid Victor Josefowicz $21,700 in 2020, $26,000 in 2021, and $24,000 in 2022 for his work. Exhibit E-3 further provides that Karen Josefowicz was paid $9,100.00 in 2022. Ms. Josefowicz testified that both she and her husband worked excessive hours in 2022; however, due to the lack of funds, they were unable to pay themselves sufficient income.

Exhibit B-3 recalculated Vic's Towing's operating ratio accounting for the rising cost of fuel and insurance. Ms. Josefowicz testified that the average price per gallon for gasoline in Chicago per the U.S. Energy Administration was $2.452 in January 2021 and

$3.513 in January 2023. According to Ms. Josefowicz's testimony, the rise in the cost of fuel resulted in a $2,860.62 increase in the light-duty fuel expense. Similarly, Ms. Josefowicz testified that her 2020 relocation insurance expense was $18,927.00, $21,828.00 in 2021, and $23,003.00 in 2022. According to Ms. Josefowicz's testimony, the rise in the price of insurance resulted in a rise in the cost of light-duty relocation insurance expense of $1,049.15. Ms. Josefowicz then testified that if the re-rated operating costs were compared to the revenues if the rate increase were granted, Vic's Towing's operating ratio would be 84.45.

Staff questioned Mrs. Josefowicz extensively on her testimony and exhibits, and on documents produced in Answer to Staff's written discovery. Ms. Josefowicz testified that Vic's Towing could not continue to operate without the requested rate increases.

3. X L TOWING & STORAGE, INC.

Sherry DiVito testified on behalf of XL Towing & Storage, Inc ("XL Towing"). Ms. DiVito is the President of XL Towing, and has been involved in the relocation towing industry since approximately 2009.

XL Towing offered into evidence XL Towing's Exhibit A-2, which consisted of the company's 2021 Annual Report. Mrs. DiVito testified that her office manager prepared the 2021 Annual Report under her supervision and that the contents contained therein were accurate and complete. XL Towing's Exhibit A-2 was admitted into evidence.

XL Towing also offered into evidence XL Towing's Exhibit B-2, which exhibit consisted of four subparts: (1) 2021 Operating Expenses and Operating Revenues; (2) Re-rated Light-Duty Relocation Expenses, accounting for increased cost of fuel and insurance; (3) Re-rated Light-Duty Relocation Operating Revenues, and (4) Re-rated Operating Ratio. XL Towing's Exhibit B-2 was admitted into evidence.

Per Exhibit B-2, XL Towing's operating ratio based on its 2021 operating revenues and operating expenses was 100.02, which means that XL Towing spent $100.02 for every $100.00 in revenue. These numbers establish that XL Towing operated at a loss. Ms. DiVito further testified that because XL Towing does business other than relocation towing, relocation towing expenses are determined based on relocation towing's percentage of total income. Ms. DiVito testified that regardless of whether XL Towing was doing other towing or only relocation towing, XL Towing would still be incurring the full expenses, so the percentage method results in understated operating expenses. Accordingly, XL Towing is likely spending more for every $100.00 earned than the 2021 operating ratio suggests.

Ms. DiVito further testified that the lack of profitability is due to the significant rise in business operating expenses including fuel, insurance, equipment purchase, repair costs due to inability to purchase new equipment, borrowing, and labor costs.

Exhibit B-2 recalculated XL Towing's operating ratio accounting for the rising cost of fuel and insurance, specifically. Ms. DiVito testified that the average price per gallon for

gasoline in Chicago per the U.S. Energy Administration was $2.452 in January 2021 and $3.513 in January 2023 and the average price for diesel per the U.S. Energy Administration was $2.681 in January 2021 and $4.582 in January 2023. According to Ms. DiVito's testimony, the rise in the cost of fuel resulted in a $21,724.44 increase in the light-duty fuel expense. Similarly, Ms. DiVito testified that the rise in the price of insurance resulted in an increase in the cost of XL Towing's light-duty relocation insurance expense of $25,599.63. Ms. DiVito further testified that the increase XL experienced in operating expenses, including fuel and insurance, was actually much higher than the calculations suggest because she had to take only a percentage of the cost as XL Towing does not only work in relocation towing. Ms. DiVito then testified that if the re-rated operating costs were compared to the revenues if the rate increase were granted, XL Towing's operating ratio would be 95.34.

Staff questioned Ms. DiVito extensively on her testimony and exhibits, and on documents produced in Answer to Staff's written discovery. Ms. DiVito testified that XL Towing & Storage, Inc, could not continue to operate in relocation towing without the requested rate increases.

STAFF'S POSITION

Staff expressed its opinion that the proposed tow rate increase to $250.00 would not be reasonable. Staff further noted that, if the Commission was to grant a tow rate increase, the rate should be set at the statutory ceiling of 238.20 set by the Commission on June 11, 2014 in docket RTV-A-54.

Staff did not express any objections at the hearing regarding an increase in the storage rate for Petitioners and Intervenors.

Staff argued that passing fees imposed by a municipality through to the owner or operator of the relocated vehicle is an issue that is not ripe for consideration as none of the Petitioners or Intervenors are currently being charged such fees from any municipality. Staff further stated that the current Law does not permit the pass-through of municipal fees and that doing so would require a rulemaking proceeding.

PROPOSED ORDER

A Proposed Order was served on the Parties on August 7, 2023. Staff filed a Brief on Exceptions and Petitioners and Intervenors filed Replies to Staff's Exceptions, the contents of all are considered herein.

COMMISSION ANALYSIS AND CONCLUSION

This case concerns the request of five relocators for an increase in maximum light duty towing rates from $216 to $250.00 per tow and in the daily relocation storage rate (after the first 24 hours) from $45 to $55.00 per day.

The Law prohibits the relocation towing rates prescribed by the Commission from exceeding the mean average of the five highest police tow rates. The mean average

towing rate for the five highest police tow rates was previously established in 2014 and set out in RTV-A-54 as $238.20. The evidence presented at hearing failed to establish, consistent with the law and methodology used in prior cases, that the current mean average towing rate for the five highest police tow rates is $255.00. Petitioners and Intervenors also did not produce evidence to support a recalculation of the current maximum storage rate of $45 per day after the first twenty-four (24) hours.

Information acquired from Petitioners and Intervenors and the testimony of record as well as evidence submitted via Administrative Notice, indicate that the costs to perform relocation tows have increased dramatically since the prior rate increase and are continuing to increase. Moreover, the data establishes that the Petitioners' and Intervenors' expenses are outpacing their revenues. Finally, the operating ratios, while they vary a bit due to the particular nature of each relocator's business, are below industry standards.

Petitioners' and Intervenors' request to be allowed to pass-through municipal fees to the owners of vehicles should be denied because none of the Petitioners or Intervenors are currently being charged such pass-throughs. In the event Petitioners or Intervenors face such charges in the future, they may initiate a rule making proceeding to address the issue.

In summary, an increase to the current maximum light-duty tow rate of $238.20 to $250 is factually unsupported and does not fall within the parameters of the Law. Petitioners and Intervenors, however, have shown actual economic hardship, and the potential for continued economic hardship, should the rate increase not be granted. For these reasons, the Commission denies the Petitioners' and Intervenors' request to recalculate the current maximum light-duty relocation tow rate of $238.20; approves an increase in Petitioners' and Intervenors' maximum light duty towing rates to $238.20; denies the requested increase in the daily relocation storage rate (after the first 24 hours); and denies the request to pass-thru the cost of municipal fees on to vehicle owners.

FINDINGS AND ORDERING PARAGRAPHS

The Commission, after reviewing the entire record and being fully advised in the premises, is of the opinion 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 record evidence is this proceeding is insufficient to recalculate the mean average of the five (5) highest rates for police tows within the territory to which the Law applies;

4. the record evidence in this proceeding establishes that the rate of $216.00 per tow is not sufficient to allow the holders of relocation towing licenses to operate at a reasonable profit or to manage a loss; it is fair and reasonable to increase the towing fee paid by those who trespass on private property to $238.20;

5. the record evidence in this proceeding fails to establish, in accordance with past precedent, the mean average of the five highest storage rates for police tows for which the Commission can determine the reasonableness of the requested increase;

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that, pursuant to 625 ILCS 5/18a-200(6) of the Illinois Commercial Relocation of Trespassing Vehicles Law, the reasonable rate for light-duty relocation towing for each of the Petitioners and the Intervenors is henceforth $238.20/tow;

IT IS FURTHERED ORDERED that the Appendix hereto is made a part of this Order to provide information required by 5 ILCS 100 of the Illinois Administrative Procedure Act;

IT IS FURTHERED ORDERED that this is a final Order 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 Relocation of trespassing Vehicles Law, 625 ILCS 5/18a-103.

By Order of this Commission this 14th day of September 2023.

(signed) DOUGLAS P. SCOTT
CHAIRMAN

APPENDIX to M2023-04412 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:

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