

# Sunday Sun-Times

\$1.50  
Chicago/Suburbs  
\$1.75 Elsewhere

**PARTLY SUNNY** Pages 2, 87

SUNDAY, SEPTEMBER 28, 1997

**Late Sports Final**



**Sacred Ruins:  
crumbling  
synagogues**

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lose 3rd  
straight**

Sports



**CSO's  
shining  
season**

Daniel Barenboim

Showcase



ASSOCIATED PRESS  
The U.S. space shuttle Atlantis is seen through the docking bay of the Russian space station Mir on Saturday.

## Mir feat: easy linkup

BY TYLER MARSHALL  
LOS ANGELES TIMES

WASHINGTON — Amid public concern about crew safety, the space shuttle Atlantis executed a perfect linkup with the troubled Russian space station Mir Saturday, bringing fresh supplies, repair equipment and a new American astronaut, 41-year-old doctor-engineer David Wolf.

The docking also brought visible relief to those connected with the joint U.S.-Russian space project, who have watched Mir crew members endure a procession of heart-stopping calamities.

"Everything's gone very well," said National Aeronautics and Space Administration spokesman James Hartsfield. "It was a very smooth docking."

Saturday's docking was especially tense because Mir's central guidance control computer, the instrument that keeps it stable, has failed three times during the past three weeks, and any repeat of those

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# State probing cable late fees

By CAM SIMPSON  
BUSINESS REPORTER

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Cable TV companies that charge millions of dollars in late fees are being investigated by the Illinois attorney general's office for possible consumer fraud, the Chicago Sun-Times has learned.

At the same time, the City of Chicago is preparing to get tough on Prime Cable and Chicago Cable TV over their late fees.

Chicago Cable is an affiliate of national

## City also alarmed at possible overcharges

cable giant Tele-Communications Inc., or TCI, which has affiliates throughout the state.

For a monthly payment that is 10 days late, some cable companies charge a fee that equals up to 45 percent of the bill for basic service.

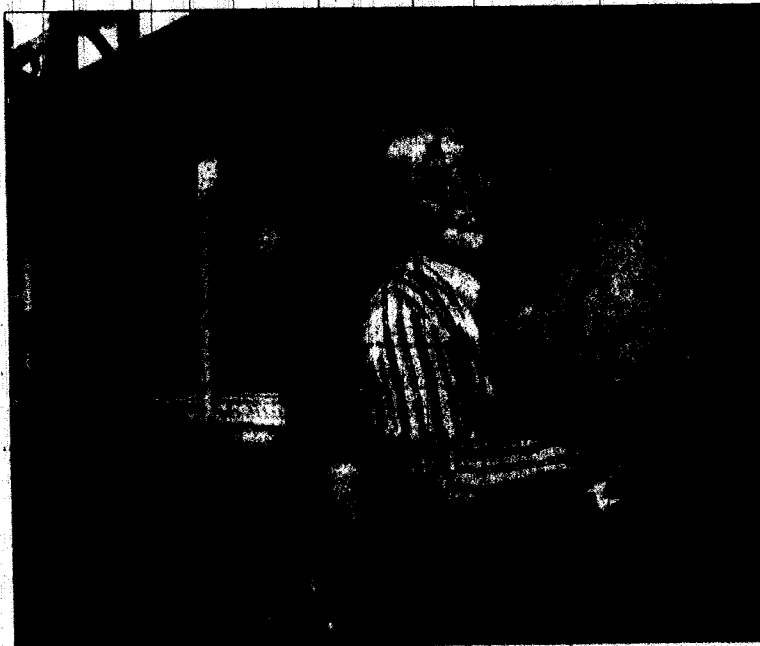
While those fees typically are \$5 to \$7.50 apiece, they bring millions of dollars in revenues annually to cable companies.

By contrast, state law limits utilities, such as ComEd, to late fees that equal 1.5 percent of a customer's bill.

Companies' late fees legally are limited to reasonable expenses caused by tardy payments.

At the heart of the controversy is one issue: Do the cable companies' fees cover real costs incurred for late payments, or are they excessive charges used to pad the profitability of

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PATY O. MARTINEZ MONSIVAYS/SUN-TIMES  
Patty Szerlong (with daughter Annie, 15) says tax caps helped her keep her home in unincorporated Itasca. Since caps were approved, double-digit property tax hikes are a thing of the past.

## Tax caps saving residents millions

By ALEX RODRIGUEZ  
BUSINESS REPORTER

It hasn't been easy. Patty Szerlong says. She put three kids through college on one income, in a house where property taxes soared 41 percent from 1986 to 1991.

Then the tax cap kicked in. Since then, the taxes on her modest ranch house in unincorporated Itasca have risen 9 percent. Last year, they went down \$77, to \$3,994.

The tax cap, Szerlong said, kept her from scouring for a cheaper place to live. "It's been tight, but the (tax cap) made it possible," she said. "It's allowed me to stay where I am and raise my children."

Tax caps have become a homeowners' best friend in the last six years.

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# State digs into cable fees

Continued from previous page

virtual monopolies.  
Class-action lawsuits filed in Cook County Circuit Court two years ago against Prime and TCI allege the late fees are illegal, excessive and amount to consumer fraud. Evidence emerging from those cases is spurring the current action by the city and the attorney general's office.

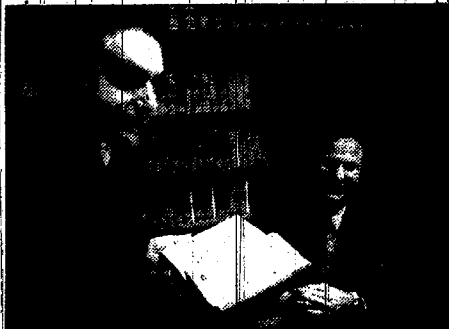
The cable operators deny the allegations. Prime declined to comment on the investigation or the issue, citing the lawsuit. Calls to TCI's Chicago manager were directed to a regional spokeswoman, who did not return calls Friday.

Affidavits filed two weeks ago in the class-action suit against TCI disclosed the investigation by officials in the consumer fraud division of Attorney General Jim Ryan's office. In separate sworn statements, local cable regulators in Schaumburg and Northbrook said they were cooperating with Ryan's investigators.

Patricia Kelly, who heads Ryan's consumer fraud division, declined to comment. But sources close to the investigation confirmed its existence. It has been under way since at least April, according to one of the suburban affidavits.

The Chicago lawsuits are part of a nationwide battle. Refunds are being sought for Prime's Chicago customers and for TCI subscribers statewide. Last week, TCI was hit with a statewide class-action suit in Indiana.

"They're doing the same thing everywhere ripping off consumers with an overcharge," said



PABLO MARTÍNEZ MONSIVAIS, SUN-TIMES  
Attorneys Vincent DiTommaso (left) and Peter Lubin filed suit against local cable operators.

Peter Lubin, an attorney with the Oak Brook law firm of DiTommaso & Associates, which filed the Chicago suits.

A Baltimore judge ruled two weeks ago in an almost identical case against TCI that the company used illegally excessive fees "to swell its coffers of profitability at the expense of the public."

Judge Gary Strausberg, however, did not find consumer fraud. He ordered TCI to pay \$5.4 million in refunds locally and to slash its late fee. TCI is appealing the decision. Strausberg found TCI's actual expense for each late payment was about 38 cents, while the company charges a \$5

late fee in Maryland and virtually everywhere else.

In Chicago, TCI's \$5 late fee equals almost 39 percent of its bill for basic service—\$12.91 a month. Prime charges \$7.50 for late payment of a basic monthly service bill of \$16.50. That equals a fee of more than 45 percent.

A TCI executive who set the \$5 late fee for Illinois, after it already was levied in Chicago, said in a sworn statement that she did not do a formal study of late-fee costs. Ava Whaley said the fee was based on calculations she made "on the back of an envelope" or on scrap paper, which she has since thrown away or misplaced.

A TCI executive testifying in the Baltimore case said he couldn't produce support for a cost study he did before implementing the fee because the paperwork was misplaced or destroyed.

Michael W. Scott Sr., Prime's Chicago manager, said in a deposition this summer that he couldn't substantiate some of the claims his company made to the office of Joyce Gallagher, Mayor Daley's cable administrator, about the \$7.50 fee. Prime told the city its costs may be greater than 45 percent of the bill for basic monthly service.

Prime alone, which had about 145,000 Chicago customers in 1995, billed subscribers here for late fees totaling \$1.4 million in 1995, according to evidence Prime divulged in the lawsuit.

The Chicago Cable Commission, which Gallagher chairs, plans an Oct. 14 hearing. Gallagher said revelations in the Baltimore case were "alarming," and she wants to force Prime and TCI to provide detailed studies justifying their late fees.

## Caps

Continued from previous page

staving off the double-digit property tax increases of the 1980s.

But they've also become the hated enemy of cash-strapped taxing authorities weary of seeing referendum after referendum lose.

The Bensenville Public Library, which director Jill Rodriguez says is understaffed and showing its age, has held 10 tax increase referendums in the last six years.

"We've lost every time," Rodriguez said. "Who's going to vote yes to increase their taxes?"

Enacted in 1991 for the collar

Ellyn, according to an analysis released by county Clerk Gary King.

"Over the last two years, the volume of calls from people saying, 'Why are my tax bills going up so high?' has decreased dramatically," said Bonnie Kelstrom, King's chief deputy clerk.

But the caps also have forced school superintendents, park district directors and village managers to make some hard decisions about service cutbacks and layoffs.

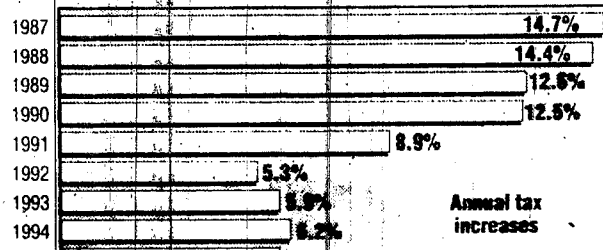
Usually those decisions are made after a taxing authority has built an extended losing streak at the polls. More often than not, a taxing district that asks voters to approve higher taxes goes home empty-handed.

Since tax caps were enacted in the six-county region, 694 tax in-

## TAX INCREASES

### COLLAR COUNTIES

The General Assembly approved tax caps for the collar counties (DuPage, Kane, Lake, McHenry and Will) in 1991. The caps limit tax increases to 5 percent or the rate of inflation, whichever is less. Voter-approved referendums allow taxing bodies to exceed the cap. Also, taxing bodies can exceed the cap to allow for new construction within their borders and recently annexed land.



## Weather



Mostly cloudy today, highs in the lower 70s, lows in the low 50s. Partly sunny Monday, highs in the high 60s, lows in the low 50s. Mostly sunny Tuesday, highs in the low 60s. Details on Page 47. Chicago Sun-Times InfoLine (312) 321-2211 Weather Category 2500 and Time Category 4663 (TIME).

## Lotteries

For tickets dated Saturday, Sept. 27, 1997

### Illinois

MIDDAY Pick 3—104  
MIDDAY Pick 4—9108  
EVENING Pick 3—667  
EVENING Pick 4—5319

### Lotto—

9 19 22 29 44 51  
Grand prize: \$12 million  
Lotto replay on Page 44A

### The Big Game

Grand prize: \$8 million

### Indiana

Pick 3—680 Pick 4—2428  
Lucky 5—7 17 18 25 34  
Lotto—10 14 19 29 36 48  
Lotto grand prize: \$8 million

### Michigan

MIDDAY Daily 3—200  
MIDDAY Daily 4—0250  
EVENING Daily 3—220  
EVENING Daily 4—6812  
Lotto—5 8 17 32 34 36  
Lotto grand prize: \$2.1 million

### Wisconsin

Pick 3—273  
Super Cash—  
18 23 24 31 33 35  
Megabucks—  
15 29 32 37 41 48  
Jackpot: \$2.4 million

### Powerball

6 14 16 31 41  
Powerball No. 6  
Jackpot: \$8 million  
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