

FILED ✓

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
SANGAMON COUNTY, ILLINOIS

APR 18 2003 CIV-4

Deborah P. ...

Clerk of the
Circuit Court

SOYLAND POWER COOPERATIVE, INC.)
)
Plaintiff,)
)
vs.)
)
ILLINOIS COMMERCE COMMISSION,)
CENTRAL ILLINOIS PUBLIC SERVICE)
COMPANY (AMERENCIPS), FREEMAN)
UNITED COAL MINING COMPANY)
and RURAL ELECTRIC CONVENIENCE)
COOPERATIVE CO.)
Defendants)

2002-MR-482

ORDER

THIS CASE comes before the court on the Motions to Dismiss filed by FREEMAN UNITED COAL MINING COMPANY ("FREEMAN"), CENTRAL ILLINOIS PUBLIC SERVICE COMPANY ("CIPS"), and the ILLINOIS COMMERCE COMMISSION, as well as the Motion for Stay of SOYLAND POWER COOPERATIVE, INC. ("Soyland"), and the Court being fully advised in the premises and having heard the arguments of counsel, finds as follows:

1. On October 8, 2002, SOYLAND filed a Complaint for Administrative Review in this court from a decision of the Illinois Commerce Commission denying Soyland's Petition for Reconsideration of the denials of Soyland's Petition for Leave to Intervene in the proceeding before the Illinois Commerce Commission in Docket No. 01-0675.

2. All of the Defendants' Motions to Dismiss argue that the decision of the Illinois Commerce Commission, which Soyland seeks this Court to review, is not an

“administrative decision” or “decision” pursuant to 735 ILCS 5/3-101, which defines “administrative decision” or “decision” as:

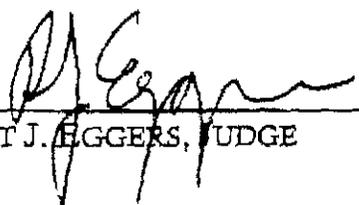
[A]ny decision, order or determination of any administrative agency rendered in a particular case, which affects the legal rights, duties or privileges of parties and which terminates the proceedings before the administrative agency.

3. Soyland responds that the proceeding below is terminated as to Soyland and that the language in 83 Ill. Adm. Code 200.520(b) permits it to seek immediate administrative review of the Commission’s decision denying Soyland’s Petition for Reconsideration.

4. All Motions to Dismiss should be granted, and in light of that ruling, Soyland’s Motion for Stay is moot.

It is therefore ordered that the Motions to Dismiss of Freeman United Coal Mining Company, Central Illinois Public Service Company, and the Illinois Commerce Commission Soyland are hereby granted and Soyland Power Cooperative Inc.’s Complaint in Administrative Review is dismissed with prejudice.

CAUSE STRICKEN.



ROBERT J. EGGERS, JUDGE

ENTERED: 4/16/03, 2003