

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission)	
on its own motion)	
)	Docket No. 01-0705
Northern Illinois Gas Company d/b/a NICOR)	
Gas Company)	
)	
Reconciliation of Revenues collected under)	
Gas Adjustment Charges with Actual Costs)	
prudently incurred)	
)	
Illinois Commerce Commission)	
on its own motion)	
)	Docket No. 02-0067
Northern Illinois Gas Company d/b/a NICOR)	
Gas Company)	
)	
Proceeding to review Rider 4, Gas Cost, pursuant)	
to Section 9-244(c) of the Public Utilities Act)	
)	
Illinois Commerce Commission)	
on its own motion)	
)	Docket No. 02-0725
Northern Illinois Gas Company d/b/a NICOR)	
Gas Company)	
)	
Reconciliation of Revenues collected under)	
Gas Adjustment Charges with Actual Costs)	
prudently incurred)	

MEMORANDUM OF LAW IN SUPPORT OF VERIFIED MOTION FOR RULING ON USE OF DISCOVERY DEPOSITION TRANSCRIPTS IN PRE-FILED TESTIMONY

Northern Illinois Gas Company d/b/a Nicor Gas Company (“Nicor Gas” or the “Company”) hereby respectfully submits this Memorandum of Law in Support of its Verified Motion for Ruling on Use of Discovery Deposition Transcripts in Pre-Filed Testimony.

I.
Introduction

As a show of good faith and in the interest of full disclosure, Nicor Gas agreed to and facilitated 13 depositions of current and former employees in this proceeding. Staff selected the

deponents, who included Nicor Gas's chief executive officer and other executives and managers with some connection to the Gas Cost Performance Program (the "GCPP") or the gas cost supply reconciliations that are the subject matter of this docket. Staff sought and obtained leave from the Administrative Law Judges (the "ALJs") to examine these individuals on the basis that the examinations conducted would be discovery depositions. Staff counsel designated each deposition as a discovery deposition at the outset of the examination. The deponents appeared and participated on this basis and with this understanding.

On November 21, 2003, Staff and the Intervenors pre-filed their direct testimony.¹ Over the Company's strenuous objection, these parties pre-filed testimony for certain witnesses that improperly quotes directly and extensively from the discovery deposition transcripts—as if the underlying examinations had been conducted under the evidentiary protections of the hearing room and the information elicited was unbiased, objective, and competent for presentation to the Commission as factual matter.

Specifically, the pre-filed testimony submitted by Staff on behalf of its witnesses Richard J. Zuraski (Staff Ex. 1.0) and Mark Maple (Staff Ex. 2.0) and by the Intervenors on behalf of their witness Jerome D. Mierzwa (GCI Ex. Ex. 1.0) includes a total of 77 pages of testimony and exhibits devoted to quotations from the discovery depositions.² This testimony, if allowed to be admitted in its current form, presents the inescapable and outrageous image of a party opinion witness literally reading page after page of otherwise inadmissible hearsay into the evidentiary record.

¹ As referenced herein, "Intervenors" refers to Citizens Utility Board and the Cook County State's Attorney's Office.

² For the ALJs' convenience, Nicor Gas has attached to this Memorandum the pages from these witnesses' pre-filed testimony and exhibits that contain quotations from the discovery depositions marked as Exhibits A (Mr. Zuraski), B (Mr. Maple), and C (Mr. Mierzwa). The quotations have been highlighted for purposes of clarity. Limited additional pages from these witnesses' pre-filed testimony also have been attached to provide context.

In discussions with Nicor Gas counsel, counsel for Staff and the Intervenors have offered no legal support whatsoever for the extensive verbatim use of the discovery deposition transcripts in their opinion witnesses' pre-filed testimony. The Company is aware of none. Staff counsel simply has asserted that the discovery depositions in its view are no different from "ordinary" discovery in Commission proceedings (*i.e.*, written discovery responses) and, therefore, may be quoted without limitation in its witnesses' pre-filed testimony. This assertion not only improperly states the general rule for the use of hearsay in evidence before the Commission but also directly contradicts the Commission's express recognition of depositions as extraordinary discovery.

Critically, Nicor Gas has no objection *a priori* to any party's use of information obtained in the discovery depositions to develop and to support its witnesses' pre-filed testimony, subject to appropriate and well-established limitations governing the reliance on and admission of hearsay by opinion witnesses under Illinois law. If such use marked the extent of Staff's and the Intervenors' design, this Motion would not be required. The wholesale incorporation of excerpts from the discovery depositions in these parties' pre-filed testimony, however, flaunts the narrow exception to the hearsay rule under which an opinion witness may disclose to the fact-finder out-of-court matters. The Company can discern no proper purpose for such use of hearsay by Staff's and Intervenors' witnesses, which raises grave concerns for the integrity of the process and the record in this proceeding.

Finally, Nicor Gas notes that each of the persons who sat for what at least was designated by Staff as a discovery deposition has been identified by Staff and the Intervenors as a potential adverse witness in this proceeding.³ Thus, Staff and the Intervenors not only seek to introduce

³ On behalf of the deponents, some of whom are individually represented by counsel, Nicor Gas expressly reserves any and all objections to whether such persons properly may be called to testify at hearing in this matter.

the discovery depositions in evidence in a manner in which these materials would be indistinguishable from substantive evidence but to call the various deponents to testify “live” as to the same subject matter. In the event Staff and the Intervenors intend to call these persons to testify at hearing, their witnesses’ verbatim use of the discovery deposition transcripts not only is improper but cumulative and inherently subject to confusion.

A fair process and a record based upon competent evidence are essential to a determination on the merits. Accordingly, Nicor Gas seeks a ruling from the ALJs to limit the use of direct quotations from the discovery depositions in the parties’ pre-filed testimony in accordance with the standards for use of discovery depositions in opinion testimony under Illinois law, as set forth herein. Further, Nicor Gas seeks a ruling directing Staff and the Intervenors to re-file the direct testimony of their witnesses Messrs. Zuraski, Maple and Mierzwa in accordance with such standards.

II.

Legal Standards Governing Use of Discovery Depositions in Evidence

A. The Discovery Depositions Are Hearsay And Inadmissible For Any Purpose Absent An Exception To The Hearsay Rule

The discovery depositions are classic hearsay. The untested out-of-court statements they contain are inadmissible in evidence, including in the administrative setting, for any purpose absent an exception to the hearsay rule. *See Jackson v. Bd. of Review of Dep’t of Labor*, 105 Ill. 2d 501, 507, 475 N.E.2d 879, 883 (1985); *Grand Liquor Co., Inc. v. Dep’t of Revenue*, 67 Ill. 2d 195, 199, 367 N.E.2d 1238, 1240 (1977); *Novick v. Dep’t of Finance*, 373 Ill. 342, 344, 26 N.E.2d 130, 131 (1940); *see also* 2 Am. Jur. 2d Admin. Law § 348 n.29 (stating that “[i]n Illinois, hearsay evidence is generally inadmissible in administrative hearings unless it satisfies the requirements of an exception to the rule excluding hearsay”).

Exceptions to the hearsay rule are available under the Commission's Rules of Practice and other applicable law. *See* 83 Ill. Admin. Code § 200.610(b); 5 ILCS 100/10-40(a); *see also* Fed. R. Evid. 703. These exceptions are narrowly construed to protect against the admission of unreliable and/or prejudicial evidence. While Section 200.610(b) provides an independent basis for the admission of hearsay before the Commission, which is unavailable in the circuit courts, it does not open a floodgate to the use of hearsay in evidence. *In re Commonwealth Edison Co.*, Docket No. 90-0038, 1990 WL 508139, at *18 (Ill. Commerce Comm'n Dec. 12, 1990) (Rule 200.610(b) to be narrowly construed).

The purpose for which the proponent seeks to offer the out-of-court matter directly affects the availability and the scope of such hearsay exceptions. This question forms the crux of the issue presented for determination on the Company's Motion.

B. Hearsay May Be Used To Support Opinion Testimony Subject To A Showing That Its Use Is Reliable And More Probative Than Prejudicial

Even though classic hearsay, facts or data obtained from the discovery depositions are not necessarily inadmissible in the form of pre-filed testimony, if used for the limited purpose of supporting a party witness's opinions. *See Wilson v. Clark*, 84 Ill. 2d 186, 193-96, 417 N.E.2d 1322, 1326-27 (1981), cert. denied 454 U.S. 836, 102 S. Ct. 140 (1981) (adopting Fed. R. Evid. 703 as Illinois law); *see also City of Chicago v. Anthony*, 136 Ill. 2d 169, 185-86, 554 N.E.2d 1381, 1389 (1990). A supporting role marks the only possible lawful use of the discovery depositions by Staff's and the Intervenors' opinion witnesses, who would be incompetent to offer the discovery deposition transcripts or the information contained therein as substantive factual evidence.

Under Section 200.610(b), hearsay may be admitted in support of a witness's expert opinion before the Commission in much the same manner as in the circuit courts. *See Metro*

Utility v. Ill. Commerce Comm'n, 193 Ill. App. 3d 178, 184-86, 549 N.E.2d 1327, 1331-32 (2d Dist. 1990) (admission of hearsay in form of letter prepared by another state agency was not in error because witness reasonably relied upon the information to form his opinion).

Whether before the Commission or in the courts, reliance on hearsay in expert testimony does not obviate the protections of the hearsay rule. *City of Chicago*, 136 Ill. 2d at 185-86, 554 N.E.2d at 1388-89; *accord Commonwealth Edison Co.*, 1990 WL 508139, at *18 (rejecting party's argument that the Commission could consider evidence under Rule 200.610(b) where evidence did not "possess a high degree of reliability" and was not "of the type that a reasonably prudent person would rely on").

In either setting, hearsay used to form an expert's opinion will not be admitted and disclosed to the fact-finder absent a showing that (1) the information is of a type customarily relied upon and reasonably trustworthy, and (2) the information does not run afoul of other evidentiary requirements. *See City of Chicago*, 136 Ill. 2d at 185-86, 554 N.E.2d at 1388-89. In particular, the forum should not allow the admission of hearsay in support of opinion testimony where its prejudicial effect or tendency to create confusion outweighs its probative value in explaining the testimony. *Rios v. City of Chicago*, 331 Ill. App. 3d 763, 770-72, 771 N.E.2d 1030, 1036-38 (1st Dist. 2002); *see Commonwealth Edison Co.*, 1990 WL 508139, at *18 (excluding hearsay in expert testimony on prejudice grounds).

Importantly, even in the event hearsay is admitted through opinion testimony, it is not and cannot be relied upon as substantive evidence.⁴ *City of Chicago*, 136 Ill. 2d at 185-86, 554

⁴ In this respect, the limited opportunity for a party to admit hearsay in support of opinion testimony is not technically an exception to the hearsay rule but rather an accommodation to the modern practice of allowing opinion testimony even where such testimony is unsupported by admissible facts. *See Wilson*, 84 Ill. 2d at 193-96, 417 N.E.2d at 1326-27; *City of Chicago*, 136 Ill. 2d at 185-86, 554 N.E.2d at 1389.

N.E.2d at 1388-89; *Rios*, 331 Ill. App. 3d at 770-72, 771 N.E.2d at 1036-38; *Commonwealth Edison Co.*, 1990 WL 508139, at *18.

C. Illinois Distinguishes Between Discovery And Evidence Depositions And Expressly Limits The Use Of Discovery Deposition Testimony In Evidence

Unlike many states, Illinois distinguishes between the proper uses for discovery and evidence depositions. *See Ainsworth Corp. v. Cenco Inc.*, 158 Ill. App. 3d 639, 646, 511 N.E.2d 1149, 1153-54 (1st Dist. 1987) (Illinois is “unique” in distinguishing between discovery and evidence depositions). This distinction recognizes that a discovery deposition takes place outside the courtroom and is intended as a fact-finding tool—while an evidentiary deposition is used to preserve testimony. *Id.*; *In re Estate of John D. Rennick*, 181 Ill. 2d 395, 401, 692 N.E.2d 1150, 1154 (1998) (“The purpose of a discovery deposition is to explore the facts of the case, and for this reason wide latitude is given in the scope and manner of questioning. In contrast, an evidentiary deposition is generally used for the purpose of preserving testimony for trial, and questioning is therefore limited by the rules of evidence.”) (citations omitted).

Illinois Supreme Court Rule 212 codifies and restates the proper purposes for which the two types of depositions may be used.⁵ Outside a role in supporting opinion testimony, a party generally only may use discovery deposition testimony for impeachment of the deponent or as an admission by a party, its officer, or agent. Ill. Sup. Ct. R. 212(a). *See Skonberg v. Owens-Corning Fiberglas Corp.*, 215 Ill. App. 3d 735, 749, 576 N.E.2d 28, 36-37 (1st Dist. 1991) (trial court did not err by barring defendant from reading portions of plaintiff’s discovery deposition where statements were not admissions or already had been explored during live direct or cross-examination of plaintiff).

⁵ Because Ill. Sup. Ct. Rule 212 deals with the use of discovery depositions in evidence, the rule reasonably falls within the scope of the Section 200.610(b), which adopts Illinois’ rules of evidence in Commission proceedings. *See* 83 Ill. Admin. Code § 200.610(b). In any event, Ill. Sup. Ct. Rule 212 is persuasive authority.

III.
Application Of Legal Standards
To Staff's And The Intervenors' Use Of The Discovery Depositions

The determination of whether hearsay matter may be admitted into evidence before the Commission is discretionary and for the ALJs. *See* 83 Ill. Admin. Code § 200.500 (concerning ALJs' authority). Outside the above-described legal parameters, however, admission of the discovery deposition transcripts as part of Staff's and the Intervenors' witnesses' pre-filed testimony would be in error. *Rios*, 331 Ill. App. 3d at 770-72, 771 N.E.2d at 1036-38; *see Commonwealth Edison Co.*, 1990 WL 508139, at *18.

To repeat, Nicor Gas has no objection *a priori* to the use of facts or data obtained from the discovery depositions in support of Staff's and the Intervenors' witnesses' opinion testimony. In agreeing to and facilitating the discovery depositions, Nicor Gas intended to ensure that the parties had the opportunity to discover and make use of all relevant and material facts prior to hearing. Staff obtained Nicor Gas's agreement, and the voluntary appearance of the individual deponents, based on its representations, including to the ALJs, that the examinations would be conducted as discovery depositions.

It was implicit in these representations that Staff—and the other parties who participated in the discovery depositions—would use the testimony elicited appropriately. Proper use of the discovery depositions in pre-filed testimony does not contemplate extensive untested hearsay statements being read into the record by opinion witnesses. Illinois law expressly limits the use of discovery depositions in evidence, and the Company is aware of no Illinois case that would support Staff's and the Intervenors' improper use of hearsay matter.

A. Illinois Law Recognizes That The Discovery Deposition Transcripts Present A Biased And Unreliable Version Of The Subject Matter Addressed

Under Illinois law, hearsay used in support of opinion testimony will not be disclosed to the fact-finder unless the party offering the otherwise inadmissible matter demonstrates that the information is of a type customarily relied upon and reasonably reliable. (*See* discussion *supra*). The Commission has determined that it will not expand upon this well-considered limitation under the provisions of Section 200.610(b). *Commonwealth Edison Co.*, 1990 WL 508139, at *18.

Discovery depositions are not customarily relied upon in practice or in evidence in Commission proceedings. Staff counsel's assertion that the discovery depositions are "ordinary" discovery finds no support in Commission custom and practice or the agency's rules. *See* 83 Ill. Admin Code § 200.340 (expressly discouraging use of formal discovery procedures, including depositions).

More pointedly, the discovery depositions are wholly unreliable for the purposes offered by Messrs. Zuraski, Maple and Mierzwa. Rather than rely upon this discovery to support admissible opinions, these witnesses devote 77 pages of testimony and exhibits to excerpts from the discovery deposition transcripts—as if the selected quotations somehow represent an objective and unbiased presentation of the subject matter addressed. These examinations, however, took place outside the hearing room and the evidentiary protections expressly adopted by the Commission to ensure the integrity of the record in its proceedings. 83 Ill. Admin Code § 610(b); *Commonwealth Edison Co.*, 1990 WL 508139, at *18. The Company is aware of no Commission proceeding (other than the instant case) in which a party has sought to admit extensive untested out-of-court statements from discovery depositions in the guise of opinion testimony.

While the Commission unsurprisingly has not addressed this question directly, the Alaska Public Utility Commission recently faced the strikingly similar situation of a party seeking to place entire discovery deposition transcripts into evidence. *In re Matter of Tariff Revision*, Docket No. U-01-108, 2002 Alas. PUC LEXIS 469, at * 6-11 (Alaska Pub. Util. Comm’n Sept. 24, 2002). The Alaska Commission struck the deposition testimony offered, because “discovery depositions represent a one-sided presentation of the issues addressed,” in which the proponent of the witness ordinarily makes no effort “to rehabilitate [the] witness[] or to develop [its] affirmative case.” *Id.* As the Alaska Commission noted, the reliability of such testimony suffers because the fact-finder is not present at the examination and unavailable to observe the deponent’s demeanor, to cross-examine the witness, or otherwise to assess the credibility of the exam.⁶ *Id.* The Alaska Commission determined that the use of information “gleaned” from such discovery in pre-filed testimony is the proper practice. *Id.*

In the circuit courts—where use of depositions in discovery is as frequent as it is infrequent before the Commission—resistance to the introduction of unreliable discovery deposition testimony in evidence is codified in Illinois Supreme Court Rule 212. It is unimaginable in the circuit court setting that an opinion witness would be allowed to read page-after-page of discovery deposition testimony to the fact-finder on the dubious grounds that the admission of these extensive untested out-of-court statements was needed to support the witness’s opinions. Rather, at most, some limited reference to such unreliable hearsay may be allowed. *See, e.g., Wingo v. Rockford Memorial Hospital*, 292 Ill. App. 3d 896, 901-02, 908, 686 N.E.2d 722, 726, 730 (2d Dist. 1997) (holding that expert properly was allowed to testify at

⁶ Nicor Gas notes that the “extraordinary” nature of the discovery depositions in this proceeding adversely affected the credibility of these examinations which, as even a cursory review of the transcripts reflects, are replete with facially and admittedly improper questions and lengthy colloquy. Over 13 depositions and 2,500 pages of transcripts, not a single exhibit was marked by examining counsel for identification, although hundreds of pages of documents were shown to the deponents who were examined on their contents.

trial regarding deposition testimony relied upon in arriving at opinion where the expert merely referred to testimony given in the deposition).⁷

B. Introduction Of Verbatim Excerpts From The Discovery Depositions Through Staff's And The Intervenors' Pre-Filed Opinion Testimony Is More Prejudicial Than Probative

In addition to reliability concerns, Illinois law recognizes that hearsay used in support of opinion testimony should not be admitted and disclosed to the fact-finder where its prejudicial effect or tendency to create confusion outweighs its probative value. *Rios*, 331 Ill. App. 3d at 770-72, 771 N.E.2d at 1036-38. The Commission has relied upon prejudice grounds to exclude hearsay from opinion testimony. *See Commonwealth Edison Co.*, 1990 WL 508139, at *18.

The use of verbatim excerpts from the discovery depositions in Staff's and the Intervenors' witnesses' pre-filed testimony presents a high likelihood of prejudice and confusion. By quoting directly and extensively from the deposition transcripts—rather than relying upon the underlying information to explain their witnesses' opinions—these parties create significant confusion as to the purpose for which the hearsay information is being offered. In particular, the selected excerpts from the transcripts could be (and, with all due respect, apparently are intended to be) mistaken for substantive evidence, although they are not and cannot be considered as such. *City of Chicago*, 136 Ill. 2d at 185-86, 554 N.E.2d at 1389; *Rios*, 331 Ill. App. 3d at 770-72, 771 N.E.2d at 1036-38; *Commonwealth Edison Co.*, 1990 WL 508139, at *18.

While brevity prevents an exhaustive review of the discovery deposition testimony incorporated into Staff's and the Intervenors' pre-filed testimony, an example from Mr. Zuraski's

⁷ Even in jurisdictions where discovery and evidence depositions are not distinguished, experts summarize rather than read from deposition transcripts. *See Wolfe v. Wilmington Shipyard, Inc.*, 522 S.E.2d 306, 312 (N.C. Ct. App. 1999) (holding that summaries of depositions were “admissible under Rule 703 for the limited purpose of demonstrating to the jury facts [the expert] relied upon when forming his opinion”); *District of Columbia v. Banks*, 646 A.2d 972, 980 (App. D.C. 1994) (concluding that depositions were admissible to show the basis upon which the plaintiff's expert reached his conclusions where expert had “summarized the depositions rather than reading them to the jury verbatim”).

pre-filed testimony drives this point home. In connection with his recommendation that the Company be required to refund to ratepayers approximately \$20.8 million related to savings achieved under the GCPP through the availability of low-cost storage gas recorded on the Company's books under the last-in, first-out ("LIFO") accounting method, Mr. Zuraski testifies as follows:

In fact, internal memoranda reveal that the Company was keen to keep this information from the Staff, and was worried that the Staff might figure out the LIFO strategy on its own.

(Staff Ex. 1.0, p. 19, lines 367-69) (*emphasis provided*).

Mr. Zuraski is an *opinion* witness. He is not offering any facts for consideration by the Commission in this proceeding—particularly facts selected from the discovery depositions. Yet, Mr. Zuraski follows the purportedly factual assertion noted above with a two-page footnote quoting from the discovery deposition transcripts of four witnesses—as if the quoted selections from the deposition testimony can be considered for the truth of the matters asserted. (Staff Ex. 1.0, n. 6, pp. 19-20). This fast-and-loose use of the discovery depositions, which marks Mr. Zuraski's pre-filed testimony, as well as that offered by Messrs. Maple and Mierzwa, presents real and material prejudice to the integrity of the record and the fact-finding process in this proceeding.

The Illinois Appellate Court's decision in *Rios* is instructive in this respect. *See* 331 Ill. App. 3d at 770-72, 771 N.E.2d at 1036-38. In that case, discovery deposition testimony was admitted through an expert witness, although the referenced deposition testimony was not of a type customarily relied upon or reliable for the purpose offered. *Id.* Compounding this error, the proponent of the expert witness repeatedly and improperly referenced the discovery deposition testimony in argument to the fact-finder—as if it were affirmative evidence—despite the

proponent's counsel's repeated assurances to the court that the hearsay statements, if allowed, would not be put to improper use. *Id.* This combination of errors resulted in reversal of the trial court. *Id.*

Counsel for the Cook County State's Attorney's Office has asserted in discussions with Nicor Gas counsel that the dangers presented in *Rios* are not present in this proceeding, because the ALJs and the Commission can discern between quoted deposition testimony offered in support of witness opinion and substantive facts. Neither the ALJs nor the ultimate fact-finder, however, should be required to parse the record to figure out which "facts" are substantive or merely supportive of a witness's opinions. The transparency of the record is essential to a determination on the merits, because the Commission must base its decision "exclusively on the record for decision." 220 ILCS 5/10-103; *see also Bus. & Prof'l People for Pub. Interest v. Ill. Commerce Comm'n*, 136 Ill. 2d 192, 233-34, 555 N.E.2d 693, 712 (1990) (holding that Commission's order was reversible where it was not supported by substantial evidence based on the record).

Finally, Nicor Gas notes that each person who sat for a discovery deposition in this proceeding has been identified by Staff and the Intervenors as a potential adverse witness to be called at hearing. Because Staff and the Intervenors may call these persons to testify at hearing, their verbatim use of the discovery deposition transcripts in their witnesses' pre-filed opinion testimony is improper, cumulative, and inherently subject to confusion.

IV. **Conclusion**

Nicor Gas, without objection, facilitated numerous discovery depositions in this proceeding in the interest of full disclosure. Just as the parties have had occasion to obtain this extraordinary discovery, they have the obligation to use the discovery depositions in a manner

that is responsible and consistent with binding law. Staff's and the Intervenors' unilateral determination to include extensive verbatim excerpts from the discovery depositions in their witnesses' pre-filed opinion testimony does not meet this obligation. As shown above, the request by Nicor Gas to limit the use of verbatim excerpts from the discovery deposition transcripts will protect all parties' interest in a fair and efficient proceeding and in development of a record based upon competent evidence. For these reasons, Nicor Gas respectfully asks the ALJs to grant its Verified Motion for Ruling on Use of Discovery Deposition Transcripts in Pre-Filed Testimony.

Dated: February 4, 2004

Respectfully submitted,

NORTHERN ILLINOIS GAS COMPANY
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CERTIFICATE OF SERVICE

I, Thomas A. Andreoli, hereby certify that I served a copy of Northern Illinois Gas Company d/b/a Nicor Gas's Memorandum of Law in Support of Verified Motion for Ruling on Use of Discovery Deposition Transcripts in Pre-Filed Testimony upon the service list in consolidated Docket Nos. 01-0705/02-0067/02-0725 by email on February 4, 2004.

Thomas A. Andreoli