

OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

ORIGINAL

ILLINOIS
COMMERCE COMMISSION

Illinois Commerce Commission
On Its Own Motion

-vs-

KMS Morris Power, Inc.

Investigation of compliance with Order
granting QSWEF status.

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03-0607

2004 APR 23 A 10:30

CHIEF CLERK'S OFFICE

**RESPONDENT'S OBJECTION TO
STAFF'S MOTION TO REOPEN THE RECORD**

Respondent, KMS Morris Power, Inc., by and through its Receiver LePetomane VI, Inc., not individually but solely in its capacity as Receiver, by and through its attorneys Gould & Ratner, objects to Staff's Motion to Reopen the Record as follows:

Respondent objects to Staff's Motion to Reopen the Record for purposes of introduction of an "updated" exhibit purporting to reflect the total amount of tax credit reimbursement owed by KMS Morris to the State. As fully addressed in Respondent's Response to Staff's Post-Hearing Brief filed on March 25, 2004 and Brief on Exceptions to Proposed Order filed on April 5, 2004, Respondent objects to the adjudication and assessment of credits owed to the State as a monetary judgment was never requested by Staff in its Staff Report dated July 30, 2003 or in the Commission's Initiating Order for this proceeding. The Staff Report and the Initiating Order only put revocation of KMS Morris' QSWEF status at issue -- those pleadings only requested, and threatened, revocation of KMS Morris' QSWEF status as a sanction upon a finding that KMS Morris failed to abide by the qualifying order. Respondent refers to and incorporates the

arguments from its Brief on Exceptions to Proposed Order and Response to Staff's Post-Hearing Brief.

WHEREFORE, Respondent respectfully requests that the Commission deny Staff's Motion to Reopen the Record and grant such other and further relief in Respondent's favor as deemed appropriate.

Respectfully Submitted,

**LE PETOMANE VI, INC., not
individually, but solely as the
duly appointed Receiver**

By: Theodore F. Kommers
One of its Attorneys

Louis D. Bernstein
Theodore F. Kommers
Gould & Ratner
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**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

Illinois Commerce Commission	:	
On Its Own Motion	:	
-vs-	:	
KMS Morris Power, Inc.	:	
	:	03-0607
Investigation of compliance with Order	:	
granting QSWEF status and with	:	
Sec. 8-403.1 of the Public Utilities Act	:	

NOTICE OF FILING

To: See Attached
Certificate of Service List

Please take notice that on April 22, 2004, we forwarded for filing with the Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois 62701, the attached **Respondent's Objection to Staff's Motion to Reopen Record**, in the above captioned matter.

Respectfully Submitted,

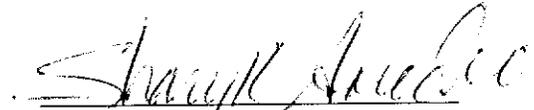
**LE PETOMANE VI, INC., not
individually, but solely as the duly
appointed Receiver**

By: 
One of its Attorneys

Louis D. Bernstein
Theodore F. Kommers
Gould & Ratner
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CERTIFICATE OF SERVICE

I, Sharyl L. Amodeo, a non-attorney, state, pursuant to §1-109 of the Code of Civil Procedure, that I caused copies of **Respondent's Objection to Staff's Motion to Reopen Record** upon the ICC located at 527 East Capitol Avenue, Springfield, Illinois 62701, via overnight mail, and to the remaining persons on the service list via electronic mail and regular mail, this 22nd day of April, 2004, before the hour of 5:00 p.m.


Sharyl L. Amodeo

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