

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

| | | |
|---|---|---------|
| Aqua Illinois, Inc. | : | |
| | : | |
| | : | 04-0362 |
| Petition for Issuance of a Certificate of | : | |
| Public Convenience and Necessity to | : | |
| Operate a Water Supply Distribution | : | |
| System in Champaign County, Illinois; and | : | |
| For the Issuance of an Order Approving | : | |
| Rates, Accounting Entries and Tariff | : | |
| Language. | : | |

CORRECTED MOTION TO MODIFY THE SCHEDULE

NOW COMES the Staff of the Illinois Commerce Commission (“Staff”), through its undersigned counsel, pursuant to Section 200.190 of the Rules of Practice (83 Ill. Adm. Code 200.190) and moves for a modification to the schedule in this proceeding. In support of this corrected motion, Staff states as follows:

1. On April 29, 2004, Aqua Illinois, Inc. (“Aqua” or “Company”) filed a Petition seeking issuance of a certificate of public convenience and necessity to operate water supply and distribution system in Champaign County. Supporting testimony was filed on July 21, August 9, August 13, and August 31, 2004.
2. On August 16, 2004 the Administrative Law Judge issued a ruling setting a schedule in this docket.
3. The schedule provides for Staff to file direct testimony on October 8, 2004; Company to file rebuttal testimony on October 21, 2004; and a status hearing to be held on October 28, 2004 at 9:00 am.

4. On October 7, 2004, Staff filed a Motion to Modify the Schedule, which proposed that the schedule be modified as follows: Staff to file direct testimony on November 9, 2004; Company to file rebuttal testimony on December 7, 2004; and status hearing to be held on December 14, 2004 at 9:00 am.

5. On November 1, 2004, the Administrative Law Judge granted Staff's Motion to Modify Schedule.

6. At the June 30, 2004 Prehearing Conference, Aqua committed to using best efforts for a two-week turn around on responding to Staff's data requests.

7. Staff has either not received or has not timely received responses from the Company to its data requests. For example, the following is a partial list of Staff data requests due dates and when responses were actually received:

| | Due Date | Date Received |
|-----------------------------|----------|-------------------------------|
| WD 3.01 through 3.06 | 10/22/04 | 10/28/04 |
| ML-8 | 10/19/04 | Not Received |
| ML-9 | 10/19/04 | 10/22/04 |
| ML-10 | 10/19/04 | 10/26/04 |
| MHE 3.01 through 3.04(Aqua) | 10/27/04 | <u>11/8/04</u> ¹ |
| MHE 1.01 and 1.02 (IAWC) | 11/05/04 | <u>11/3/2004</u> ² |

8. Further, based on the above late-received responses, Staff sent out follow-up data requests MHE 4.01 through 4.10, which are due November 17, 2004, well after the due date of Staff's direct testimony.

¹ Aqua's responses to MHE 3.01 through 3.04 were received as Staff was filing its Motion to Modify the Schedule on November 8, 2004.

² IAWC's responses to MHE 1.01 and 1.02 were inadvertently listed as "Not Received" when in fact Staff received the responses on 11/3/04.

9. As a result of the delay in receiving responses to its data requests, Staff has determined that additional time is needed before it can complete its analysis and file direct testimony.

10. Staff proposes the following modifications to the schedule:

| | Current Schedule | Proposed Schedule |
|--------------------------|------------------|-------------------|
| Staff/Intervenor Direct: | 11/9/04 | 12/10/04 |
| Company Rebuttal | 12/7/04 | 1/7/2004 |
| Status: | 12/14/04 at 9 am | 1/13/05 at 9 am |

11. No party will be prejudiced by the allowance of the above modifications to the schedule in this docket.

WHEREFORE, for the foregoing reasons Staff respectfully requests that the schedule be amended as set forth above.

November 9, 2004

Respectfully submitted,



JANIS E. VON QUALEN
CARLA SCARSELLA, Staff Attorneys

Counsel for the Staff of the
Illinois Commerce Commission

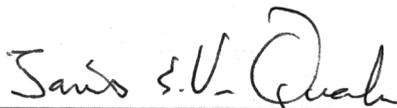
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STATE OF ILLINOIS)
) SS.
COUNTY OF SANGAMON)

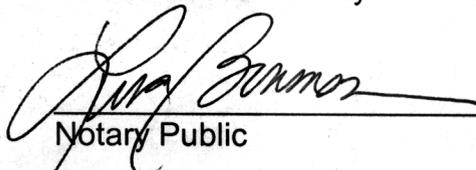
VERIFICATION

I, Janis E. Von Qualen, am employed as Staff Counsel at the Illinois Commerce Commission. I hereby affirm that I have knowledge of the contents of the preceding Corrected Motion to Modify Schedule and that it is true and accurate to the best of my knowledge information and belief.



Janis E. Von Qualen
Staff Counsel

Notarized this 9th day of November, 2004



Notary Public

