

**OFFICIAL FILE**  
**ILLINOIS COMMERCE COMMISSION**

STATE OF ILLINOIS

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**ORIGINAL**

ILLINOIS  
COMMERCE COMMISSION

2004 DEC 30 A 11:07

CHIEF CLERK'S OFFICE

Recycling Services (RSI) )  
 )  
-vs- ) 04-0614  
 )  
The Peoples Gas Light and Coke )  
Company )  
 )  
Complaint as to People's refusing to )  
supply natural gas service as requested )  
by RSI in Chicago, Illinois )

**RESPONDENT'S OBJECTIONS TO**  
**COMPLAINANT'S REQUEST TO PRODUCE**

Now come the Respondent, THE PEOPLES GAS LIGHT AND COKE COMPANY, by its counsel, MARK L. GOLDSTEIN, and objects to Complainant's Request to Produce Number 1, 2, 3, 4, and 5, and seeks a ruling from the Administrative Law Judge ("ALJ") and the Illinois Commerce Commission ("ICC") that it need not provide the requested data and documents, as follows, and in support thereof states::

Request No. 1: Please provide a list of all locations where People's Gas provides gas services to customers (residential or business) within a ten-mile radius of Petitioner's place of business at 3152 S. California Avenue, Chicago, Illinois.

Objection: Request No. 1 is overly broad and burdensome. A ten-mile radius of Complainant's place of business covers hundreds of thousands of customers and locations. Such information is irrelevant and immaterial and could not lead to any probative evidence in this matter.

Request No. 2: Please provide a list of all businesses that have, in the last five years, been denied gas services by People's Gas for reasons unrelated to past payment of bills for services from People's

- (a) Please identify the potential customer, address and type of customer (e.g., residential or business).

- (b) Please identify the specific reason for the denial of services, including the statutory or tariff provisions upon which such denial was allegedly based.
- (c) Please identify any businesses that have been denied gas service, by People's because of "lack of reasonable access." Please explain the circumstances regarding any and each such denial.
- (d) Please specifically identify which, if any, denials of gas service resulted in a denial of gas service to a third-party business because of a dispute over the specific terms of an easement agreement between the property owner and People's.

Objection: Request No. 2 is overly broad and burdensome. Respondent does not maintain records in the manner requested by Complainant. Such information is irrelevant and immaterial because Respondent has not denied Complainant gas service. Additionally, under the ICC's Rules, the potential customers are "Applicants for Service" and Complainant is requesting confidential information.

Request No. 3: Please provide all easement agreements, if any, entered into between People's and a gas or electric customer (of People's) who merely leases the property that is the subject of the easement. If there are no such agreements, please indicate so.

Objection: Request No. 3 is overly broad and burdensome. It would require Respondent to review the thousands of easements it has entered into since its inception. Such information is not kept by Respondent in a manner that is conducive to responding to such a request. Moreover, Respondent has no electric customers.

Request No. 4: Please provide all easement agreements, executed for the purpose of rendering as services, that have been entered into between People's and any unit of government, including but not limited to: the Metropolitan Water Reclamation District of Greater Chicago (MWRD), the State of Illinois, and the City of Chicago.

Objection: Request No. 4 is overly broad and burdensome. It would require Respondent to review thousands of easements it has entered into since its inception.

Request No. 5: Please provide any and all communication, not otherwise protected by attorney-client privilege, including e-mails or other electronic data or documents, that concern RSI's request for gas service from People's at the subject property and/or People's position on such request and/or its position concerning MWRD's standard easement agreement.

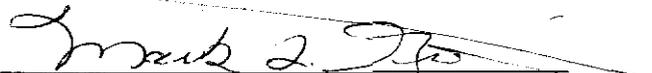
Objection: Request No. 5 is overly broad and burdensome. It covers a three-year period, 2001 to date. A review of documents and e-mails or other electronic data would require a search of computers for many Peoples' employees who have retired or left its employ. Moreover, Complainant is well aware of Respondent's position on the MWRD easement. The attachments to Complainant's Verified Amended Formal Complaint chronicle Respondent's position regarding RSI's request for gas service and Respondent's position concerning MWRD's standard easement agreement.

Finally, it is clear from the Complainant's Request to Produce that Complainant merely seeks to enter into an unfounded, irrelevant and burdensome "fishing expedition" at the expense of Respondent, which is barred by Section 200.340 of the ICC's Rules. The ALJ and ICC should not permit such an abuse of the discovery process.

WHEREFORE, Respondent, The Peoples Gas Light and Coke Company respectfully request that the Administrative Law Judges issue an Order that Respondent need not produce the documents and data requested by the Complainant's Notice to Produce, Requests Nos. 1, 2, 3, 4, and 5.

Respectfully submitted,

The Peoples Gas Light and Coke Company



Mark L. Goldstein, Attorney for Respondent  
3710 Commercial Avenue, Suite 1  
Northbrook, IL 60062  
(847) 564-5573

**CERTIFICATE OF SERVICE**

I hereby certify that on December 27, 2004, I served Respondent's Objections to Complainant's Notice to Produce, by causing a copy thereof to be placed in the U.S. Mail, first class postage prepaid, addressed to each of the active parties indicated below:

Ms. Elizabeth A. Rolando  
Chief Clerk  
Illinois Commerce Commission  
27 East Capitol Avenue  
Springfield, IL 62701

Ms. Claire Manning  
Posegate & Denes, P.C.  
111 N. 6<sup>th</sup> St., Suite 200  
Springfield, IL 62701

Mr. Terrence Hilliard  
Administrative Law Judge  
Illinois Commerce Commission  
160 N. LaSalle St., Ste. C-800  
Chicago, IL 60601

  
Mark L. Goldstein

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NOTICE OF FILING

TO: Parties on Certificate of Service

PLEASE TAKE NOTICE that on December 27, 2004, I filed with the Chief Clerk of the Illinois Commerce Commission a copy of the Respondent's Objections to Complainant's Request to Produce, attached hereto, a copy of which is hereby served upon you.



Mark L. Goldstein, Attorney for Respondent  
3710 Commercial Avenue, Suite 1  
Northbrook, IL 60062  
(847) 564-5573  
mlglawoffices@aol.com