

ILLINOIS COMMERCE COMMISSION

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CHIEF CLERK'S OFFICE

Northern Illinois Gas Company)
d/b/a Nicor Gas Company)
Proposed General Increase) Docket No. 04-0779
in Natural Gas Rates)
)

**COOK COUNTY STATE'S ATTORNEY'S OFFICE
RESPONSE TO NICOR'S PROPOSED CASE
MANAGEMENT PLAN AND SCHEDULE**

Pursuant to the Administrative Law Judges ("ALJs") ruling on January 4, 2005, the Cook County State's Attorney's Office, ex. rel. Richard A. Devine, State's Attorney of Cook County ("CCSAO"), submits the following response to Nicor's Proposed Interim Order Establishing Case Management Plan and Schedule ("CMPS"):

Objection 1: Form and Service of Documents other than Discovery

Since the Commission rules do not require parties to file pleadings with the Commission electronically, CCSAO requests that electronic filing be permissive rather than mandatory.

CCSAO also believes that when parties provide copies of cases and administrative decisions to the ALJs, the only portions of these documents that should be highlighted are the portions cited in the brief. CCSAO is concerned that "relevant portions" may allow parties to highlight material in cases and decisions to the ALJs without revealing these relevant portions to all parties.

In addition, with respect to briefs, CCSAO believes that there is no uniform citation of record testimony and hearing transcripts. Accordingly, CCSAO objects to the ALJs striking briefs for improper citations. CCSAO understands the following to be the appropriate citation of record testimony – Ex. x at p. xx (witness name), or (witness name) Tr. xx, unless otherwise clarified.

Based on these objections, CCSAO proposes the following revisions to the CMPS on pages 1-2:

1. Form and Service of Documents Other Than Discovery

Documents filed in this proceeding, including pre-filed testimony, shall conform to the formatting requirements prescribed by 83 Ill. Adm. Code 200.110. Documents in excess of 30 pages shall include a table of contents.

All pleadings, including but not limited to motions, briefs, and testimony, shall may be filed with the Commission electronically, in accordance with the provisions of Title 83 of the Illinois Administrative Code ("Title 83"), Section 200.1000 *et seq.*

By agreement of the parties, filed documents shall be served electronically on Nicor Gas, Staff and Intervenors in accordance with Title 83, Section 200.1050. Service must be received in-hand by 3:00 p.m. on the date of the filing deadline, unless otherwise specified. Electronic file names should not contain more than one period for electronic service to be effective. All items served via e-mail shall contain the docket number (04-0779) within the subject line.

The Administrative Law Judges must be served with a paper copy and an electronic copy in Microsoft Word format of all pleadings.

Parties shall provide each Administrative Law Judge with all cases and administrative decisions relied upon in support of their arguments. Each source shall be separately stapled or bound, or separately indexed and tabbed in a combined volume, and shall have the relevant cited portions highlighted. ~~indicated where not expressly specified in the argument itself.~~ Failure to provide said materials will be grounds to strike the citation and the portion of the argument that it supports. Electronic service of these materials is also acceptable. If hard copies of the foregoing are being delivered to the Administrative Law Judges, the copies must be received no later than 3:00 p.m. of the day following the electronic filing of the pleading to which they relate.

Notwithstanding 83 Ill. Adm. Code 200.800, ~~For each contested issue,~~ initial post-trial briefs must contain a separately labeled statement of facts, with appropriate record citations, and a separately labeled argument, with appropriate legal and record citations. ~~Briefs that do not comply with these requirements may be stricken.~~

Objection 2: Discovery Parameters

CCSAO objects to parties having 14 or 21 days to respond to a data request. This rate case is on an expedited schedule. By allowing Nicor 21 days to respond, parties timely filing of initial testimony may be jeopardized. Since Nicor has filed a rate case within the last ten years, Nicor is aware of the documents that will likely be sought in discovery. Accordingly, a discovery response of no more than 14 days should not prejudice any party.

Accordingly, based on this objection, CCSAO proposes the following revisions to the CMPS on pages 3-4:

ii. Discovery Parameters

As to data requests served prior to ~~March 1, 2005~~, parties shall, notwithstanding Title 83, Section 200.410, absent good cause, use their best efforts to respond to such data requests within ~~14~~ 10 days, but in no event later than ~~21~~ 14 calendar days from the service date of such data request, unless such response time is shortened or extended by the Administrative Law Judges or by agreement of the requesting and responding parties.

~~On and after March 1, 2005, for data requests relating to pre-filed testimony, if the requests are served within 7 days of receiving that testimony, parties shall respond within 14 calendar days from the service date of the data request, notwithstanding Title 83, Section 200.410, unless such response time is shortened or extended by the Administrative Law Judges or by agreement of the requesting and responding parties. Data requests relating to pre-filed testimony that are served after 7 days of receiving that testimony shall be responded to within the time allowed by Title 83, Section 200.410, unless such response time is shortened or extended by the Administrative Law Judges or by agreement of the requesting and responding parties.~~

Data requests and responses will not be made a part of the evidentiary record of the proceeding unless marked and admitted into evidence at hearing, or if made an offer of proof, in accordance with Title 83, Sections 200.690 and 200.700.

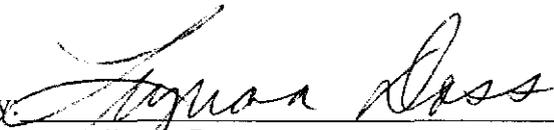
CONCLUSION

For all the foregoing reasons, CCSAO requests that its proposed revisions be adopted by the Administrative Law Judges.

Respectfully submitted,

RICHARD A. DEVINE
State's Attorney of Cook County

Dated: January 6, 2005

By: 
Lejuana Doss
Assistant State's Attorney
Environment & Energy Division

MARK N. PERA
Assistant State's Attorney
Supervisor, Environment & Energy Division

MARIE SPICUZZA
Assistant State's Attorney
Deputy Supervisor, Environment & Energy Division

LEIJUANA DOSS
Assistant State's Attorney
Environment & Energy Division
Cook County State's Attorney's Office
69 W. Washington, Suite 3130
Chicago, IL 60602
Telephone: (312) 603-8600
Fax: (312) 603-9835
E-mail: ldoss@cookcountygov.com

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

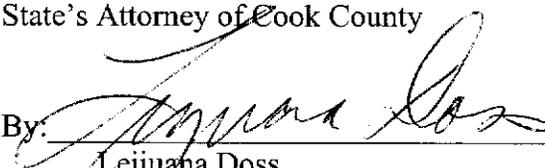
Northern Illinois Gas Company)
d/b/a Nicor Gas Company)
Proposed General Increase) Docket No. 04-0779
in Natural Gas Rates)
)

NOTICE OF FILING

TO: See Attached Service List

PLEASE TAKE NOTICE that on this date January 6, 2005, we have filed by sending by Federal Express today to the Chief Clerk of the Illinois Commerce Commission the enclosed the Cook County State's Attorney's Office Response to Nicor's Proposed Case Management Plan and Schedule in the above-captioned docket.

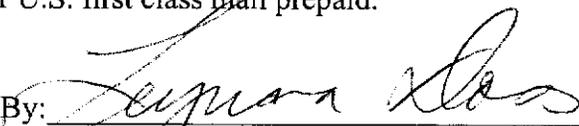
RICHARD A. DEVINE
State's Attorney of Cook County

By: 

Leijuana Doss
Assistant State's Attorney
Environment & Energy Division
69 W. Washington Street, Suite 3130
Chicago, IL 60602
Telephone: (312) 603-8600
Fax: (312) 603-9835
E-mail: ldoss@cookcountygov.com

CERTIFICATE OF SERVICE

I, **LEIJUANA DOSS**, hereby certify that a copy of the enclosed the Cook County State's Attorney's Office Response to Nicor's Proposed Case Management Plan and Schedule was served on all parties on the attached list on the 6th day of January 2005 by hand delivery, or Federal Express, or electronic mail, or U.S. first class mail prepaid.

By: 

Leijuana Doss
Assistant State's Attorney

**REVISED
SERVICE LIST**

ICC DOCKET NO. 04-0779

Thomas Aridas
Administrative Law Judge
Illinois Commerce Commission
160 N. LaSalle St., Ste. C-800
Chicago, IL 60601-3104
taridas@icc.state.il.us

Janice A. Dale
Assistant Attorney General
Public Utilities Bureau
100 W. Randolph Street, 11th Fl.
Chicago, IL 60601
jdale@atg.state.il.us

Jennifer Bontrager
Paralegal
Citizens Utility Board
208 S. LaSalle, Suite 1760
Chicago, IL 60604
jbbontrager@citizensutilityboard.org

Leijuana Doss
Assistant State's Attorney
Cook County State's Attorney's Office
Environment and Energy Division
69 W. Washington Street, Suite 3130
Chicago, IL 60602
ldoss@cookcountygov.com

Ian Brodsky
Administrative Law Judge
Illinois Commerce Commission
160 N. LaSalle St., Ste. C-800
Chicago, IL 60601-3104
ibrodsky@icc.state.il.us

Theresa Ebrey
Case Staff
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, IL 62701
tebrey@icc.state.il.us

Nancy Brucher
Nicor Gas Company
1844 Ferry Road
Naperville, IL 60563
nbruche@nicor.com

Darcy A. Fabrizio
Constellation NewEnergy-Gas Division, LLC
N16 W23217 Stone Ridge Dr.
PO Box 2226
Waukesha, WI 53187-2226
darcy.fabrizius@constellation.com

Faith E. Bugel
Environmental Law and Policy Center
35 E. Wacker Drive, Suite 1300
Chicago, IL 60601
fbugel@elpc.org

Richard Favoriti
Office of General Counsel
Illinois Commerce Commission
160 N. LaSalle Street, Suite C-800
Chicago, IL 60601-3104
rfavorit@icc.state.il.us

**REVISED
SERVICE LIST**

ICC DOCKET NO. 04-0779

John Feeley
Office of General Counsel
Illinois Commerce Commission
160 N. LaSalle St., Ste. C-800
Chicago, IL 60601
jfeeley@icc.state.il.us

Tom Griffin
Case Staff
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, IL 62701
tgriffin@icc.state.il.us

David I. Fein
Senior Counsel
Constellation Energy Group, Inc.
550 W. Washington Blvd., Ste 300
Chicago, IL 60661
david.fein@constellation.com

Cheri Harden
Case Manager
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62701
charden@icc.state.il.us

Cynthia A. Fonner
Atty. for Respondent
Foley & Lardner LLP
321 N. Clark Street, Suite 2800
Chicago, IL 60610
cfonner@foleylaw.com

Albert E. Harms
Manager Rate Research
Northern Illinois Gas Company
d/b/a Nicor Gas Company
1844 W. Ferry Rd.
PO Box 190
Aurora, Illinois 60507-0190
aharms@nicor.com

Carmen Fosco
Office of General Counsel
Illinois Commerce Commission
160 N. LaSalle St., Ste. C-800
Chicago, IL 60601-3104
cfosco@icc.state.il.us

Gary A. Jeffries
Senior Counsel
Dominion Retail, Inc.
1201 Pitt St.
Pittsburgh, PA 15221
gjeffries@dom.com

Paul Gracey
Nicor Gas Company
1844 W. Ferry Road
Naperville, IL 60563
pgracey@nicor.com

Mark G. Kaminski
Assistant Attorney General
Public Utilities Bureau
100 W. Randolph St., 11th Fl.
Chicago, IL 60601
mkaminski@atg.state.il.us

**REVISED
SERVICE LIST**

ICC DOCKET NO. 04-0779

Robert J. Kelter
Director of Litigation
Citizens Utility Board
208 S. LaSalle, Suite 1760
Chicago, IL 60604
robertkelter@citizensutilityboard.org

John W. McCaffrey
Atty. for Respondent
Foley & Lardner LLP
321 N. Clark Street, Suite 2800
Chicago, IL 60610
jmccaffrey@foley.com

Howard A. Learner
Environmental Law and Policy Center
33 E. Wacker Drive, Suite 1300
Chicago, IL 60601-2110
hlearner@elpc.org

Michael McNally
Case Staff
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62701
mmcnally@icc.state.il.us

Mike Luth
Case Staff
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, IL 62701
mluth@icc.state.il.us

Daniel McNamara
Nicor Gas Company
1844 W. Ferry Road
Naperville, IL 60563
dmcnama@nicor.com

Neil J. Maloney
Nicor Gas Company
1844 Ferry Road
Naperville, IL 60563
nmalone@nicor.com

Stephen J. Moore
Atty. for Intervenors
Rowland & Moore LLP
200 W. Superior Street, Suite 400
Chicago, IL 60610
steve@telecomreg.com

Mark Maple
Case Staff
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, IL 62701
mmaple@icc.state.il.us

Mark N. Pera
Assistant State's Attorney
Cook County State's Attorney's Office
Environment and Energy Division
69 W. Washington Street, Suite 3130
Chicago, IL 60602
mpera@cookcountygov.com

**REVISED
SERVICE LIST**

ICC DOCKET NO. 04-0779

Leslie Pugh
Case Staff
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, IL 62701
lpugh@icc.state.il.us

Elizabeth A. Rolando
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701
erolando@icc.state.il.us

John P. Ratnaswamy
Atty. for Respondent
Foley & Lardner LLP
321 N. Clark Street, Suite 2800
Chicago, IL 60610
jratnaswamy@foleylaw.com

Carla Scarsella
Office of General Counsel
Illinois Commerce Commission
160 N LaSalle St., Ste. C-800
Chicago, IL 60601
cscarsel@icc.state.il.us

John J. Reichart
Office of General Counsel
Illinois Commerce Commission
160 N LaSalle St., Ste. C-800
Chicago, IL 60601
jreichar@icc.state.il.us

Marie Spicuzza
Assistant State's Attorney
Cook County State's Attorney's Office
Environment and Energy Division
69 W. Washington Street, Suite 3130
Chicago, IL 60602
mspicuz@cookcountygov.com

E. Glenn Rippie
Atty. for Respondent
Foley & Lardner LLP
321 N. Clark Street, Suite 2800
Chicago, IL 60610
grippie@foley.com

Scott Struck
Case Staff
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, IL 62701
sstruck@icc.state.il.us

Eric Robertson
Atty. For Caterpillar, Inc.
Lueders, Robertson, Konzen
1939 Delmar Avenue
P.O. Box 735
Granite City, IL 62040
erobertson@lrklaw.com

Chris Thomas
Sr. Policy Analyst
Citizens Utility Board
208 S. LaSalle, Suite 1760
Chicago, IL 60604
cthomas@citizensutilityboard.org

**REVISED
SERVICE LIST**

ICC DOCKET NO. 04-0779

Christopher W. Zibart
Atty. for Respondent
Foley & Lardner LLP
321 N. Clark Street, Suite 2800
Chicago, IL 60610
czibart@foleylaw.com