

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Power Company	:	
	:	
Proposed general increase in natural gas	:	04-0476
rates. (Tariffs filed on June 25, 2004)	:	

**MOTION FOR LEAVE TO FILE *INSTANTER*
AND FOR ADMISSION INTO EVIDENCE
ICC STAFF EXHIBIT 7.0R AND ICC STAFF EXHIBIT 17.0 2ND REV.**

NOW COMES the Staff of the Illinois Commerce Commission (“Staff”) through its undersigned attorneys and moves for leave to file and for the admission into evidence of the Revised Direct Testimony of Eric Lounsberry, ICC Staff Exhibit 7.0R and the Rebuttal Testimony of Eric Lounsberry, ICC Staff Exhibit 17.0 2nd Rev., *Instanter*. In support thereof, Staff states as follows:

1. Staff previously filed redacted and unredacted versions of the Direct Testimony of Eric Lounsberry, ICC Staff Exhibit 7.0 on November 5, 2004, and the Revised Rebuttal Testimony of Eric Lounsberry, ICC Staff Ex. 17.0R, on January 4, 2005.
2. These exhibits were entered into evidence on January 20 and January 21, 2005 at the evidentiary hearing on this matter.
3. During the evidentiary hearing the Administrative Law Judge, requested Illinois Power Co. (“IP”) and Staff to review the redactions in Mr. Lounsberry’s testimony to confirm that only proprietary or confidential material had been redacted.
4. IP has provided Staff with a list of portions of the direct and rebuttal testimonies of Staff witness Lounsberry that were originally marked as proprietary or confidential but which IP has concluded do not need to be treated as proprietary or confidential.

5. The only revisions to the Revised Direct Testimony of Eric Lounsberry (ICC Staff Ex. 7.0R) and the Second Revised Rebuttal Testimony of Eric Lounsberry (ICC Staff Ex. 17.0 2nd Rev.) from that which was previously filed, is that those portions of the testimony which IP had previously indicated were to be treated as proprietary and confidential, but which IP has now concluded do not need to be treated as proprietary and confidential, are contained in the public redacted versions of the testimony.
6. No party will be prejudiced by the filing and admission into evidence of the Revised Direct Testimony of Eric Lounsberry (ICC Staff Ex. 7.0R) and the Second Revised Rebuttal Testimony of Eric Lounsberry (ICC Staff Exhibit 17.0 2nd Rev.), *instanter*.

Wherefore, Staff respectfully prays that its motion be granted, and that Staff be allowed to file ICC Staff Exhibit 7.0R, the Revised Direct Testimony of Eric Lounsberry, and ICC Staff Exhibit 17.0 2nd Rev., the Second Revised Rebuttal Testimony of Eric Lounsberry, *instanter* and that those exhibits be admitted into evidence.

Respectfully submitted,



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