

The AG argues that two Ordering Paragraphs of the Proposed Order be modified to more accurately reflect the Commission's Initiating Order in Docket No. 06-0703. (AG BOE at 2-3.) Specifically, the AG suggests that the words "Docket 06-0202 and Docket 06-0379" be added to the First and Second Ordering Paragraphs¹ to indicate that the Commission will be taking administrative notice of these proceedings and will be placing copies of the Initiating Order and Staff Report from Docket No. 06-0703 into the records of those proceedings. (Id.) Staff does not believe this additional language referring to two other Commission dockets (i.e., 06-0202 and 06-0379) is necessary or relevant to the instant proceeding, Docket No. 05-0237.

Staff notes that its Brief on Exceptions filed on November 21, 2006 ("Staff BOE") incorrectly stated that the Initiating Order in Docket No. 06-0703 did not suggest taking administrative notice of the four previous proceedings regarding 83 Ill. Adm. Code 280 ("Part 280"). (Staff BOE at 2.) As the AG correctly points out (AG BOE at 2), the Initiating Order contains this language (Initiating Order at 1). Therefore, Staff no longer recommends the two deletions regarding administrative notice suggested in its BOE. (Staff BOE at 3.)

However, as Staff stated in its BOE and in its Staff Report that was the basis of the Commission's Order initiating Docket No. 06-0703, its intention is to repeal the existing Part 280 and replace it with entirely new rules. In fact, Staff plans to begin the workshop process with a clean slate, eliminating all existing sections. As such, the substance of the filings in the four prior Part 280 proceedings will be irrelevant to the new proceeding. (Staff BOE at 2.) While in Docket No. 06-0703 the Commission has

¹ While the heading on page 2 of the AG's BOE refers to the Second and Third Ordering Paragraphs, the AG's narrative refers to the First and Second Ordering Paragraphs.

taken administrative notice of the filings in the prior proceedings, it has not, and should not incorporate these filings into the record of the new proceeding.

For the reasons set forth above, Staff respectfully requests that the Commission adopt the Administrative Law Judge's Proposed Order issued on November 6, 2006, as its Final Order in this proceeding.

Respectfully submitted,



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