

**STATE OF ILLINOIS**  
**ILLINOIS COMMERCE COMMISSION**

R.H. Donnelley )  
 ) Docket No. 07-\_\_\_\_\_  
Petition for Variance of Section 735.180 )  
of the Illinois Administrative Code )

**PETITION FOR VARIANCE**  
**AND REQUEST FOR EXPEDITED RELIEF**

R.H. Donnelley (“RHD” or the “Company”), by its attorneys, hereby petitions the Illinois Commerce Commission (the “Commission”) for a variance from certain requirements of the Illinois Administrative Code (“Code”), specifically Part 735 of the Code. 83 Ill. Adm. Code Part 735. In addition, pursuant to Section 200.25 of the Commissions Rules of Practice, RHD requests expedited treatment of this Petition. 83 Ill. Adm. Code § 200.25. In support thereof, RHD states as follows:

1. The Illinois Commerce Commission (“Commission”) is authorized to grant variances from Part 735. In particular, Section 735.50 provides:

The Commission, on application of a company, customer, applicant, or user or on its own motion, may grant a temporary or permanent variance from this Part in individual cases where the Commission finds that:

- a) The provision from which the variance is granted is not statutorily mandated;
- b) No party will be injured by the granting of the variance; and
- c) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome

83 Ill. Adm. Code § 735.50

2. On September 1, 2004, RHD acquired from Illinois Bell Telephone Company (“AT&T Illinois”) the directory services license agreement to publish AT&T Illinois’ Yellow Pages and White Pages directories in Illinois. The agreement characterizes RHD as the agent of AT&T Illinois for the purpose of publishing White Pages directories. Pursuant to the agreement, RHD is responsible for all aspects of publishing the AT&T-branded directories, including sales, marketing, printing, and delivery. Further, RHD is contractually obligated to comply with all of AT&T Illinois’ legal obligations related to directories, including the applicable regulations of the Commission.

3. RHD specifically seeks a variance from Sections 180(a)(1) and (d) of Part 735.83 Ill. Adm. Code § 735.180(a)(1) and (d). RHD proposes to deliver to all City of Chicago residential customers a copy of their local Neighborhood directory as well as distribute the city-wide Chicago Residential White Pages upon request. As further described in the Direct Testimony of Mr. David Kelly, the variance is necessary to allow RHD to implement its proposed distribution plan.

4. As described in Mr. David Kelly’s direct testimony, the requested variance is appropriate and should be granted.

5. Due to the amount of lead time required prior to the production of the 2008 directories, RHD requests the Commission afford this petition expedited treatment and render its final order by December 1, 2007.

WHEREFORE, R.H. Donnelly respectfully requests a variance from the requirement of Sections 735.180(a)(1) and 735.180.180(d) of the Code and for such other and further relief as the Commission deems appropriate.

Dated: August 8, 2007

Respectfully submitted,

By: \_\_\_\_\_  
An Attorney for  
R.H. DONNELLEY

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**VERIFICATION**

I, David Kelly, being first duly sworn, state that I am the Director of Marketing of R.H. Donnelley and that I have read the foregoing Verified Petition for Variance Pursuant to Part 735 of the Commission's Rules and Request for Expedited Relief and that I am familiar with the facts stated therein, and that to the best of my information and belief, the facts are true and correct.

*David Kelly*

David Kelly  
Director of Marketing  
R.H. Donnelley  
200 E, Randolph Dr.  
Chicago, IL 60601

Subscribed to and sworn before me  
this 8 day of August, 2007

*Susan D. Mahon*  
\_\_\_\_\_  
Notary Public

