

ORIGINAL

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

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DEC 17 2007

Illinois Commerce Commission
RAIL SAFETY SECTION

MARQUIS ENERGY LLC, an)
Illinois Limited Liability Company,)

Petitioner,)

vs.)

ILLINOIS DEPARTMENT OF)
TRANSPORTATION; NORFOLK)
SOUTHERN RAILWAY COMPANY;)
PUTNAM COUNTY, ILLINOIS;)
HENNEPIN TOWNSHIP, PUTNAM)
COUNTY, ILLINOIS;)

T07-0015

Respondents.)

Petition for Supplemental Order)
authorizing an extension of time)
to complete safety improvements)
and authorizing the interim use of)
alternative safety precautions.)

SUPPLEMENTAL PETITION

Now comes the Petitioner, MARQUIS ENERGY LLC, an Illinois Limited Liability Company, and for its Petition for a Supplemental Order states as follows:

1. The Commission entered its Order in this docket on July 25, 2007, and in that order directed that the installation of automatic flashing light signals and gates at the crossing should be completed by December 31, 2007.

2. Although Petitioner promptly ordered the safety devices from the manufacturer after the entry of the Commission's order on July 25, 2007, delivery of the safety devices from the manufacturer is not expected prior to the end of 2007.

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3. Petitioner has completed the installation of the ESK road at grade crossing. The crossing has not been used pending the installation of the automatic flashing light signals and gates.

4. The anticipated date for completion of Petitioner's ethanol plant has been rescheduled from December, 2007 to April, 2008.

5. The Putnam County Highway Commissioner has advised Petitioner that the improvement and relocation of ESK road is now scheduled to occur in the Spring of 2008 and that the road construction schedule will allow Petitioner to relocate the crossing and install automatic flashing light signals and gates at the relocated crossing during May, 2008.

6. Certain equipment and materials necessary to the completion of Petitioner's ethanol plant can only be brought in by rail.

WHEREFORE, Petitioner MARQUIS ENERGY LLC, respectfully requests that the Illinois Commerce Commission enter an order:

A. Authorizing a one-hundred and eighty (180) day extension of time to complete the installation of automatic flashing light signals and gates.

B. Authorizing Petitioner's use of the crossing prior to the installation of the automatic flashing light signals and gates in order to bring equipment and materials necessary to the completion of Petitioner's ethanol plant across ESK Road.

C. Authorizing Petitioner's use of alternative safety measure such as flagmen while using the crossing until the flashing light signals and gates are installed.

D. Granting such other and further relief as the Commission deems appropriate.

MARQUIS ENERGY LLC

By: 
Donald R. Rayfield, Its Attorney

VERIFICATION

D. L. Marquis, being first duly sworn, on oath does depose and state that he has read the foregoing Petition by him subscribed, and that he has personal knowledge of all of the matters therein stated, and that the same are true in substance and in fact to the best of his knowledge, information and belief.



D. L. MARQUIS, President
MARQUIS ENERGY LLC

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

DEC 17 2007
Illinois Commerce Commission
Room 1000, 100 S. Dearborn St., Chicago, IL 60605

MARQUIS ENERGY LLC, an)
Illinois Limited Liability Company,)

Petitioner,)

vs.)

ILLINOIS DEPARTMENT OF)
TRANSPORTATION; NORFOLK)
SOUTHERN RAILWAY COMPANY;)
PUTNAM COUNTY, ILLINOIS;)
HENNEPIN TOWNSHIP, PUTNAM)
COUNTY, ILLINOIS ;)

T07-0015

Respondents.)

Petition for Supplemental Order authorizing)
the extension of time to complete)
safety improvements and authorizing)
the interim use of alternative safety)
precautions.)

PROOF OF SERVICE

I, DONALD R. RAYFIELD, on oath states that on behalf of the Petitioner, MARQUIS ENERGY LLC, I served a copy of the Supplemental Petition on the following named individuals by enclosing the same in sealed envelopes addressed to:

Mr. Thomas W. Ambler
Norfolk Southern Railway Co.
Three Commercial Place
Norfolk, VA 23510-2191

Mr. George P. Meister
Putnam County Highway Engineer
6203 IL Highway 26
Hennepin, IL 61327

Mr. Milton R. Sees
Director of Highways – IDOT
ATTN: JEFF HARPRING, Rm 205

Ms. Ellen J. Schanzle-Haskins
Chief Counsel – IDOT
2300 S. Dirksen Pkwy. Rm 300

2300 S. Dirksen Pkwy.
Springfield, IL 62764

Springfield, IL 62764

Mr. Richard E. Boyle
Gundlach, Lee, Eggmann, Boyle &
Roessler
5000 W. Main St., Box 23560
Belleville, IL 62223-0560

Mr. Richard H. Ray
Administrator Highway Grade
Crossings
Norfolk Southern Railway Co.
1200 Peachtree St., NE
Atlanta, GA 30309-3579

Ms. Nanci K. Scott
Manager, Contract Services
Norfolk Southern Railway Co.
1200 Peachtree St., NE, Suite 1245
Atlanta, GA 30309-3579

Mr. John Urnikis
Hennepin Township Highway
Commissioner
P.O. Box 252
Hennepin, IL 61327

Mr. Neil F. Flynn
Attorney – NS
1035 South Second Street
Springfield, IL 62704

Mr. Lance T. Jones
Special Asst. Attorney General
Illinois Department of Transportation
2300 S. Dirksen Parkway, Suite 311
Springfield, IL 62764

Mr. D.L. Marquis
Marquis Energy LLC
11953 ESK Road
Hennepin, IL 61327

and by depositing the same with postage fully prepaid in a U.S. Post Office Mail Box in Princeton, Illinois, this 11th day of December, 2007.


DONALD R. RAYFIELD

Subscribed and sworn to before me this
11th day of Decembr, 2007.



Notary Public