

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

**IN RE ENBRIDGE PIPELINES )  
(ILLINOIS) LLC, )  
)  
) **07-0446**  
)  
**Petition pursuant to Section 8-503, 8-509, )  
15-101 and 15-401 of the Public Utilities Act )  
for a certificate by pipeline, and for entry of )  
an order authorizing and directing construction )  
and operation of a petroleum pipeline and )  
requesting authority to exercise eminent domain )****

**MOTION TO STRIKE OR ALTERNATIVELY MOTION TO  
AMEND THE SCHEDULING ORDER**

NOW COME the various Intervenors known as “Pliura Intervenors”, by and through their counsel, Thomas J. Pliura, M.D., J.D., P.C., and pursuant to Section 200.190 of the Rules of Practice (83 Ill. ADM. Code 200.190), respectfully move to strike the testimony submitted by the American Petroleum Institute or in the alternative move to amend the scheduling order in this matter. In support of this motion, Pliura Intervenors respectfully state as follows:

1. On April 4, 2008, without leave of the Administrative Law Judge and prior to any ruling approving its intervention, API filed a Petition to Intervene in this matter and filed the testimony of John C. Felmy, described as the Chief Economist of API, said testimony being filed long after the deadline for submitting direct testimony in this matter.
2. The ICC Practice Rules at Section 200.200 mandate that all intervenors accept the status of the proceedings at the time of intervention and they shall be bound by the rulings and orders theretofore entered.

3. On December 31, 2007, a scheduling order (attached herewith as Exhibit A) was established by the Honorable Administrative Law Judge requiring the filing of direct testimony by all intervenors on or before January 7, 2008.
4. Approximately four (4) months after the deadline for the submission of direct testimony by intervenors and prior to any ruling by the Honorable Administrative Law Judge as to whether its petition to intervene would be allowed, API has attempted to submit direct testimony in this pending matter.
5. It would be fundamentally unfair to ignore the prior scheduling order and ignore the ICC practice rules by allowing API to intervene and submit untimely direct testimony in this matter without amending the scheduling order and offering the other intervenors a reasonable opportunity to respond to the API testimony.

WHEREFORE, by reason of the forgoing, Pliura Intervenors respectfully request the API filing of direct testimony be stricken from the record as untimely, or in the alternative that the scheduling order be amended to allow all intervenors an opportunity to file rebuttal testimony to the untimely filings of the API direct testimony.

Respectfully,



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**PROOF OF SERVICE**

The undersigned certifies that on this 10th day of April, 2008, he served a copy of the foregoing document upon counsel of record for the parties via electronic mail.



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