

CENTRAL ILLINOIS PUBLIC SERVICE)
COMPANY d/b/a AmerenCIPS,)
Complainant/Counter Respondent.)
vs.) CASE NO. 08-0371
SOUTHERN ILLINOIS ELECTRIC)
COOPERATIVE,)
Respondent/Counter Complainant,)

CHIEF CLERK'S OFFICE

2008 MAY - 4 11 A 8:39

ILLINOIS
COMMERCE COMMISSION

MOTION FOR LEAVE TO FILE AMENDED COUNTER COMPLAINT

SOUTHERN ILLINOIS ELECTRIC COOPERATIVE (SIEC) by its attorneys
GROSBOLL BECKER TICE TIPPEY & BARR, Jerry Tice of counsel, herewith files its Motion
for Leave to File Amended Counter Complaint and in support thereof states as follows:

1. On or about June 9, 2008, Central Illinois Public Service Company dba AmerenCIPS (CIPS) filed its complaint under the Electric Supplier Act, 220 ILCS 30/1 et seq (the Act) against SIEC seeking the sole and exclusive right and authority to furnish all electric requirements to Homer Cissell with respect to a tract of real estate located in Union County, Illinois.
2. On or about June 23, 2008, SIEC filed a Counter Complaint under the Act seeking the sole and exclusive right and authority to provide electric service to Homer Cissell at the aforesaid tract of real estate in Union County Illinois.
3. The parties have reached a tentative agreement with respect to electric service to the aforesaid tract of real estate at issue in this docket. As a result of that proposed agreement, SIEC requests permission to file its Amended Counter Complaint in one count seeking the right to provide the electric service to Homer Cissell at the aforesaid tract by reason of SIEC's grandfathered rights under Section 1 of the Service Area Agreement entered into by and between SIEC and CIPS on or about February 27, 1970 and approved by the Illinois Commerce

Commission by Order entered December 9, 1970 in Docket No. ESA 126.

4. In conjunction with SIEC filing its Amended Counter Complaint, SIEC seeks permission to withdraw its original Counter Complaint filed in this docket.

WHEREFORE, Southern Illinois Electric Cooperative requests the following relief:

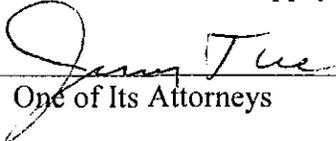
A. That the Administrative Law Judge grant SIEC permission to file its Amended Counter Complaint setting forth SIEC's claim of right to provide electric service to the Homer Cissell tract of real estate in Union County Illinois on the basis of SIEC's grandfathered rights under the Service Area Agreement between SIEC and CIPS;

B. To withdraw SIEC's original Counter Complaint filed in this cause;

C. For such other and further relief as the Administrative Law Judge and/or Illinois Commerce Commission deems just and equitable in the above docket.

SOUTHERN ILLINOIS ELECTRIC COOPERATIVE
Respondent, Counter Complainant

By Grosboll Becker Tice Tippey & Barr

By  _____
One of Its Attorneys

GROSBOLL, BECKER, TICE, TIPPEY & BARR
Attorney Jerry Tice
101 East Douglas Street
Petersburg, IL 62675
Telephone: 217-632-2282

RONALD E. OSMAN & ASSOCIATES, LTD.
Attorney Ronald E. Osman
1602 W Kimmel
P.O. Box 939
Marion, IL 62959

PROOF OF SERVICE

I, JERRY TICE, hereby certify that on the 4 day of May, 2010, I deposited in the United States mail at the post office at Petersburg, Illinois, postage fully paid, a copy of the document attached hereto and incorporated herein, addressed to the following persons at the addresses set opposite their names:

Scott C. Helmholz
Bailey & Glasser LLP
One North Old State Capitol Plaza
Suite 560
Springfield, IL 62701

Larry Jones
Administrative Law Judge
Illinois Commerce Commission
527 E. Capital Ave.
Springfield, IL 62701