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CHIEF CLERK'S OFFICE

Village of Burr Ridge, Illinois)
) 01-0274
Petition for 9-1-1 Emergency)
Telephone System Plan)

**MOTION TO DISMISS DUPAGE COUNTY
EMERGENCY TELEPHONE SYSTEM BOARD'S PETITION TO INTERVENE**

NOW COMES the Village of Burr Ridge, Illinois, and moves to dismiss DuPage County Emergency Telephone System Board's Petition to Intervene or, as an alternative thereto, moves to have the Illinois Commerce Commission deny the DuPage County Emergency Telephone System Board leave to file said Petition to Intervene. In support thereof, the Village of Burr Ridge states as follows:

1. As admitted in the Petition to Intervene, the DuPage County Emergency Telephone System Board was notified on July 26, 2000 that the Village of Burr Ridge was terminating its membership in the DuPage County Emergency Telephone System Board effective April 30, 2001. DuPage Emergency Telephone System Board was well aware that the Village of Burr Ridge was withdrawing from the Darien Area Dispatch Center as well as the DuPage County Emergency Telephone System Board and, pursuant to its rights, switching to the Southwest Central 911 System. However, despite the notice on July 26, 2000, and the notice provided regarding the Village's application which is the subject of this proceeding, and the fact that the DuPage County Emergency Telephone System Board knew that the Village of Burr Ridge was switching emergency telephone systems, the DuPage County Emergency

Telephone System Board sat back and made no objections and raised no questions regarding the intentions of the Village of Burr Ridge until one day before the Illinois Commerce Commission was to meet on the petition for the emergency telephone system plan of the Village of Burr Ridge. Thus, DuPage County Emergency Telephone System Board should be estopped from being able to intervene in the instant proceedings by virtue of their lack of timely action, and their failure to give the Village of Burr Ridge timely notice of their Petition to Intervene.

2. Moreover, DuPage County Emergency Telephone System Board should be estopped from making any demands of the Village of Burr Ridge for payments. As indicated above, the Village of Burr Ridge has given the DuPage County Emergency Telephone System Board notice on July 26, 2000 of their intent to withdraw from membership in the DuPage County Emergency Telephone System Board and to instead join the Southwest Central 911 System. Subsequent to the time of giving notice, the Village of Burr Ridge concluded negotiations with Southwest Central 911 System whereby it is obligated to make the necessary payments to the Southwest Central 911 System. To allow DuPage County Emergency Telephone System Board to raise objections at this point would be contrary to all equitable principles. DuPage County Emergency Telephone System Board does not come with clean hands to this proceeding.

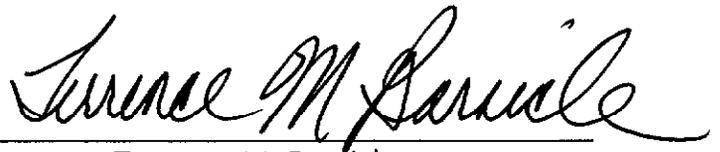
3. There is no showing in the Petition to Intervene that the intervenor is in the same position as the Village of Burr Ridge or any party and the proceeding in which it seeks intervention. Under the Illinois Administrative Code, Title 83, Chapter 1, subchapter F, part 766, subpart a, section 766.20, 20(a) intervention "will be allowed only upon a showing that the

entity filing a petition to intervene is in the same position as either the complainant or the respondent in the proceeding in which it is attempting to intervene."

4. That the Petition to Intervene is not signed by an officer of the Emergency Telephone System Board as required under the Administrative Code, Title 83, Chapter I, subchapter B, part 200, subpart B, section 201.130.

Respectfully submitted,

VILLAGE OF BURR RIDGE, ILLINOIS BY ITS
ATTORNEYS, KLEIN, THORPE AND JENKINS, LTD.



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