

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

Blue Star Energy Services, Inc. d/b/a	)	
“BlueStar Energy Solutions”	)	
Complainant	)	
	)	Docket No. 11-0145
v.	)	
	)	
Commonwealth Edison Company d/b/a	)	
ComEd, Ameren Illinois Company d/b/a	)	
Ameren	)	
	)	
Verified Complaint for Declaratory and	)	
Injunctive Relief	)	

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**STAFF OPPOSITION TO BLUESTAR MOTION FOR SUMMARY JUDGMENT**

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The Staff of the Illinois Commerce Commission (“Staff”), through its attorneys, hereby submits its response to BlueStar Energy Services, Inc.’s (“BlueStar”) Motion for Summary Judgment (“Motion”).

Staff recommends that the BlueStar Motion be denied as being pre-mature. It appears to Staff that the Motion, if granted, would circumvent the Commission’s rules regarding Answers to Complaints in a reasonable amount of time. The Motion could also deny the ALJ the opportunity to make an initial ruling whether the Complaint itself meets minimal standards of clarity, scope, and whether it is founded in fact and law.

Section 200.180(a) of the Commission’s rules provides that:

Whenever the Hearing Examiner issues a ruling that a complaint provides a clear statement on the subject matter, scope of complaint, and basis thereof, answers to formal complaints shall be filed with the Commission within 21 days after the date on which the Commission serves notice of

the Hearing Examiner's ruling upon the respondent, unless otherwise ordered.

83 Ill. Admin. Rules 200.180; see generally *Malry v. The Peoples Gas Light and Coke Co.*, ICC Docket No. 05-0793, 2007 WL 1373755 (Jan. 24, 2007).

Because the Motion could circumvent the Commission's rules, Staff recommends that it be denied.

Respectfully submitted,

/s/ \_\_\_\_\_

MICHAEL J. LANNON  
JESSICA L. CARDONI

Office of General Counsel  
Illinois Commerce Commission

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Michael J. Lannon  
Jessica L. Cardoni  
Office of General Counsel  
Illinois Commerce Commission  
160 N. LaSalle St., Suite C-800  
Chicago, Illinois 60601  
(312) 814-4368  
[mlannon@icc.illinois.gov](mailto:mlannon@icc.illinois.gov)  
[jcardoni@icc.illinois.gov](mailto:jcardoni@icc.illinois.gov)