

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

ILLINOIS
COMMERCE COMMISSION

2011 MAY -6 P 12:09

CHIEF CLERK'S OFFICE

TRI-COUNTY ELECTRIC)
COOPERATIVE, INC.,)

Complainant,)

vs.)

Case No. 05-0767

ILLINOIS POWER COMPANY, d/b/a)
AMEREN IP,)

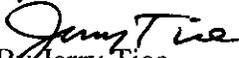
Respondent.)

TRI-COUNTY ELECTRIC COOPERATIVE, INC.
EXHIBIT P

Page 77, Lines 21-25 and Page 78, Lines 1-19 of Keith Malmedal Discovery Deposition
dated December 2, 2009.

TRI-COUNTY ELECTRIC COOPERATIVE, INC.

By GROSROLL BECKER TICE TIPPEY & BARR


By Jerry Tice

GROSROLL BECKER TICE TIPPEY & BARR
Attorney Jerry Tice
101 East Douglas Street
Petersburg, Illinois 62675
Telephone: 217/632-2282
ticej@ticetippeybarr.com

PROOF OF SERVICE

I, JERRY TICE, hereby certify that on the 6th day of May, 2011, 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:

Mr. Scott C. Helmholz
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One North Old State Capitol Plaza
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Shelmholz@baileyglasser.com

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Illinois Commerce Commission
527 East Capitol Avenue
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ljones@icc.illinois.gov


Jerry Tice

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STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

TRI-COUNTY ELECTRIC COOPERATIVE, INC.
vs.
ILLINOIS POWER COMPANY D/B/A AMEREN IP

Cause No. 05-0767

DISCOVERY DEPOSITION OF KEITH MALMEDAL, PHD., P.E.
TAKEN ON BEHALF OF THE COMPLAINANT
DECEMBER 2, 2009

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STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

TRI-COUNTY ELECTRIC)
COOPERATIVE, INC.,)
)
Complainant,)
) Case No. 05-0767
vs.)
)
ILLINOIS POWER COMPANY)
D/B/A AMEREN IP,)
)
Respondent.)
)

DISCOVERY DEPOSITION OF KEITH MALMEDAL,
PHD., P.E., produced, sworn and examined on December
2, 2009, between the hours of eight o'clock in the
forenoon and six o'clock in the afternoon of that day,
at the offices of Tri-County Electric Cooperative,
Inc., 3906 West Broadway, Mount Vernon, Illinois,
62864, before Jenna L. Higgins, a Certified Court
Reporter (MO), Certified Shorthand Reporter (IL), and
a Notary Public within and for the State of Illinois,
in a certain cause now pending with the State of
Illinois, Illinois Commerce Commission, between
TRI-COUNTY ELECTRIC COOPERATIVE, INC., Complainant,
vs. ILLINOIS POWER COMPANY D/B/A AMEREN IP,
Respondent; on behalf of the Complainant.

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A P P E A R A N C E S

Counsel for the Complainant:

GROSBOLL, BECKER, TICE, TIPPEY & BARR

By: Jerry Tice

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(217) 528-1177

Also present: Robert Dew, Jr.

Marcia Scott

Todd Masten

Court Reporter:

Jenna L. Higgins, CSR, CCR

Midwest Litigation Services

711 North Eleventh Street

St. Louis, Missouri 63101

(314) 644-2191

1-800-280-3376

1 IT IS HEREBY STIPULATED AND AGREED by and
2 between counsel for the Complainant and counsel for
3 the Respondent that this deposition may be taken in
4 shorthand by Jenna L. Higgins, a Certified Court
5 Reporter (MO), Certified Shorthand Reporter (IL), and
6 Notary Public, and afterwards transcribed into
7 typewriting; and the signature of the witness is
8 expressly reserved.

9 * * * * *

10 KEITH MALMEDAL, PHD., P.E.,
11 of lawful age, produced, sworn and examined on behalf
12 of the Complainant, deposes and says:

13 EXAMINATION

14 QUESTIONS BY MR. TICE:

15 Q. I will tell you what. You have got your
16 report. Just give that to the court reporter because
17 you have yours already. Would you state your name,
18 please?

19 A. Keith Malmedal.

20 Q. Spell that for me, please.

21 A. K-e-i-t-h M-a-l-m-e-d-a-l.

22 Q. Have you -- where are you from,
23 Mr. Malmedal?

24 A. Denver, Colorado.

25 Q. Okay. And your age?

21 Q. Did you consider where the boundaries were
22 located in rendering your conclusion in this case?

23 A. I think where the boundaries are are
24 irrelevant to this particular case.

25 Q. And why is that?

1 A. But I did consider where the boundaries --
2 I understand that some of the loads served are outside
3 of what would typically be the boundaries for a new
4 customer.

5 Q. Why are the boundaries irrelevant in your
6 opinion in this case?

7 A. Because this is not a new customer, so the
8 boundaries would -- because the agreement -- I'm not a
9 lawyer. But it appears to me the agreement says that
10 an existing customer could continue to be served even
11 if they are outside of the boundaries.

12 Q. And to get to the existing customer, you
13 have to define delivery point, don't you?

14 A. Yes.

15 Q. Okay. So when you define delivery point as
16 being its Texas substation, you've just concluded
17 territory boundary means nothing in this case?

18 A. Well, in this -- to relate to this, yes, it
19 isn't important.

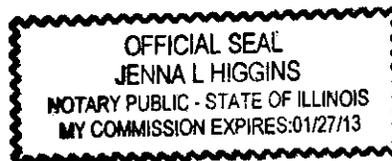
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CERTIFICATE OF REPORTER

I, JENNA L. HIGGINS, a Certified Shorthand Reporter (IL), and a Notary Public within and for the State of Illinois, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

Jenna L. Higgins

Notary Public within and for
the State of Illinois
IL CSR #084-004398



1 STATE OF)
)
2 COUNTY OF)
3

I, KEITH MALMEDAL, PHD., P.E., do hereby certify:

4 That I have read the foregoing deposition;
That I have made such changes in form and/or
5 substance to the within deposition as might be
necessary to render the same true and correct;

6 That having made such changes thereon, I hereby
subscribe my name to the deposition.

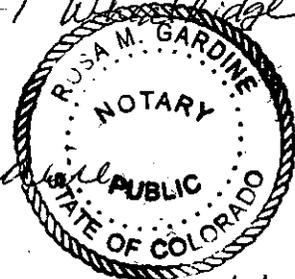
7 I declare under penalty of perjury that the
foregoing is true and correct.

8 
9

KEITH MALMEDAL, PHD., P.E.

10
11 Executed this 28th day of December
12 2009, at 5191 WARD Road Unit 1 Wheat Ridge
13 Colorado

14
15 Notary Public: Rosa M. Gardine
16 My Commission Expires: 1/10/13



My Commission Expires 1/10/13

17
18 Signature page to: Matthew Frey

19
20 Jh/KEITH MALMEDAL, PHD., P.E., 12/02/2009

21
22 TRI-COUNTY ELECTRIC COOPERATIVE, INC. Vs. ILLINOIS
POWER COMPANY D/B/A AMEREN IP

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WITNESS ERRATA SHEET

Witness Name: KEITH MALMEDAL, PHD., P.E.
Case Name: TRI-COUNTY ELECTRIC COOPERATIVE, INC. vs.
ILLINOIS POWER COMPANY D/B/A AMEREN IP

Date Taken: DECEMBER 2, 2009

Page # 8 Line # 16

Should Read: SCADA design

Reason for Change: SCADA is misspelled

Page # 15 Line # 24

Should Read: No. They use it too-- they use it to

Reason for Change: Too is misspelled

Page # 17 Line # 23

Should Read: it's a very old power plant designed to deliver power to

Reason for Change: designed is misspelled

Page # 58 Line # 8

Should Read: the time they are apprentices so

Reason for Change: their apprentices is misspelled

Page # _____ Line # _____

Should Read: _____

Reason for Change: _____

Witness Signature: *Keith Malmedal*