

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

TRI-COUNTY ELECTRIC)	
COOPERATIVE, INC.,)	
)	
Complainant,)	
)	
v.)	Case No. 05-0767
)	
ILLINOIS POWER COMPANY,)	
d/b/a AMEREN IP,)	
)	
Respondent.)	

CONCURRENCE IN SUPPORTING MEMORANDA

NOW COMES Citation Oil & Gas Corp. (“Citation”), by its attorneys, Loewenstein, Hagen & Smith, P.C., and hereby concurs and joins AmerenIP’s Memoranda in Support of the Motions to Strike the following:

1. AmerenIP’s Motion to Strike Portions of the Direct Testimony of Bradley Dale Grubb, Tri-County Exhibit C.
2. AmerenIP’s Motion to Strike Portions of the Direct Testimony of Dennis R. Ivers, Tri-County Exhibit B.
3. AmerenIP’s Motion to Strike Portions of the Direct Testimony of Marcia K. Scott, Tri-County Exhibit A.
4. AmerenIP’s Motion to Strike Portions of the Rebuttal Testimony of Marcia K. Scott, Tri-County Exhibit E.
5. AmerenIP’s Motion to Strike Portions of the Supplemental Rebuttal Testimony of Marcia K. Scott, Tri-County Exhibit H.
6. AmerenIP’s Motion to Strike Portions of Expert Report of Robert E. Dew, Jr.

7. AmerenIP's Motion to Strike Portions of the Supplemental Rebuttal Testimony of Robert E. Dew, Jr.

8. AmerenIP's Motion to Strike Portions of the Rebuttal Testimony of Robert E. Dew, Jr.

9. With respect to Citation's Motion to Strike Robert E. Dew's Testimony on page 10, line 9 of Tri-County Exhibit F, the testimony is misleading and there is no evidence whatsoever in the record that the power belongs to IP after it moves past the Texas substation. In fact, elsewhere Mr. Dew admitted that title to the electricity had been transferred past the sale point at the Texas substation (R. 850-851). Therefore, the testimony on page 10, line 9 of Exhibit F should be stricken.

10. Citation joins in and concurs in the legal arguments in Ameren's Memoranda in Support of the Motions to Strike.

WHEREFORE, Citation Oil & Gas Corp. respectfully prays that the forgoing Motions to Strike be granted, and for such other and further relief as is deemed just.

Respectfully submitted,

LOEWENSTEIN, HAGEN & SMITH, P.C.

/s/ Gary L. Smith

Gary L. Smith

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon all parties to the above cause at their address as follows:

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via e-mail on this 8th day of June, 2011.

/s/ Gary L. Smith

Gary L. Smith