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TRI-COUNTY ELECTRIC )  
COOPERATIVE, INC., )

Complainant, )

vs )

Case No. 05-0767

ILLINOIS POWER COMPANY, d/b/a )  
AMERENIP, )

Respondent. )

**TRI-COUNTY ELECTRIC COOPERATIVE, INC. MOTION FOR THE ILLINOIS  
COMMERCE COMMISSION AND ADMINISTRATIVE LAW JUDGE TO TAKE  
JUDICIAL NOTICE OF CERTAIN DOCUMENTS**

TRI-COUNTY ELECTRIC COOPERATIVE, INC. (Tri-County) by it attorneys,  
GROSBOLL, BECKER, TICE, TIPPEY & BARR, files herewith its motion for the Illinois  
Commerce Commission and Administrative Law Judge to take judicial notice of certain  
documents and in support thereof states as follows:

1. An administrative agency may take notice of matters which circuit courts of this State may take judicial notice of (Ill Adm Proc Act 5 ILCS 100/10-40(c); Ekco Glaco Corp v Illinois Environmental Protection Agency 186 Ill App 3d 141; 542 NE2d 147; 134 Ill Dec 147, 152-153 (1<sup>st</sup> Dist 3d Div 1989)). The courts of this State may take judicial notice of public records of the Illinois Secretary of State and Missouri Secretary of State regarding corporations In Re W.S. Jr., a minor 81 Ill 2d 252; 408 NE2d 718; 42 Ill Dec 140, 143 (1980) and may take judicial notice of Illinois Commerce Commission orders regarding Service Area Agreements Rural Electric Convenience Cooperative Company vs Illinois Commerce Commission 118 Ill App 3d 647; 454 NE 2d 1200; 73 Ill Dec 951, 953 (4<sup>th</sup> Dist 1983). Courts may also take notice of facts not subject

to reasonable dispute and either generally known or capable of accurate determination by resort to sources whose accuracy cannot reasonably be questioned (Illinois Rules of Evidence Article II, Rule 201(b)).

2. Citation witnesses testified to alternative retail electric supplier contracts with Alternative Retail Electric Suppliers (ARES) in this docket. One of those ARES contracts was with Ameren Energy Marketing Company. The corporate records of the Illinois Secretary of State, the Missouri Secretary of State, Bloomberg Businessweek, January 13, 2012 Edition and Ameren Corporation website show that Ameren Energy Marketing Company is a subsidiary of Ameren Energy Resources Company LLC, which in turn is a subsidiary of Ameren Corporation. In turn, Illinois Power Company, defendant in this docket now known as AmerenIllinois, is a subsidiary of Ameren Corporation. In order to properly show the relationship of Illinois Power Company with Ameren Energy Marketing, it is appropriate for the Illinois Commerce Commission and the Administrative Law Judge to take judicial notice of the attached records from the Illinois Secretary of State Corporation Division, Missouri Secretary of State Corporation Division, Bloomberg Businessweek January 13, 2012 Edition and Ameren Corporation's website explaining the relationship between the foregoing companies.

3. Accordingly, Tri-County requests the Administrative Law Judge and Illinois Commerce Commission to take judicial notice of the following documents, copies of which are attached to this Motion:

A. Illinois Commerce Commission Order in ESA 138 entered August 4, 1971 approving MJM Electric Cooperative, Inc. and Illinois Power Company Service Area Agreement dated March 18, 1971.

B. The Service Area Agreement between MJM Electric Cooperative, Inc. and Illinois

Power Company dated March 18, 1971 and approved by the Commission August 4, 1971.

C. Illinois Commerce Commission Order in ESA 88 entered July 3, 1968 approving the Wayne-White Counties Electric Cooperative and Central Illinois Public Service Company Service Area Agreement dated May 14, 1968.

D. Illinois Commerce Commission Order in ESA 171 entered March 12, 1975 approving the Wayne-White Counties Electric Cooperative and Central Illinois Public Service Company Service Area Agreement dated October 15, 1974.

E. The Service Area Agreements between Wayne-White Counties Electric Cooperative and Central Illinois Public Service Company dated May 14, 1968 and October 15, 1974 and approved by Commission Orders in ESA 88 July 3, 1968 and ESA 171 March 12, 1975 respectively.

F. The Missouri Secretary of State Business Services records showing the corporate status of Ameren Corporation.

G. Ameren Corporation website record showing Ameren Energy Marketing Company is a subsidiary of Ameren Energy Resources Company LLC which is a subsidiary of Ameren Corporation.

H. Illinois Secretary of state Corporation Division records showing the corporate status of Ameren Energy marketing Company and Ameren Energy Resources Company LLC.

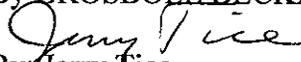
I. Bloomberg Businessweek January 13, 2012 Edition listing Ameren Energy Marketing Company as a subsidiary of Ameren Energy Resources Company LLC and listing Ameren Energy Resources Company LLC as a subsidiary of Ameren Corporation.

Wherefore, Tri-County Electric Cooperative, Inc. requests the Illinois Commerce Commission and the Administrative Law Judge to take judicial notice of the foregoing

documents and for such other relief as is deemed appropriate.

Respectfully submitted,  
TRI-COUNTY ELECTRIC COOPERATIVE, INC.  
Complainant,

By GROSBOLL BECKER TICE, TIPPEY & BARR

  
By Jerry Tice  
One of Its Attorneys

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**PROOF OF SERVICE**

I, JERRY TICE, hereby certify that on the 13th day of February, 2012, I e-mailed a copy of the attached "Tri-County Electric Cooperative, Inc. Motion for the Illinois Commerce Commission and Administrative Law Judge to Take Judicial Notice of Certain Documents" addressed to the following persons at the e-mail addresses set opposite their names:

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Jerry Tice