

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

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<b>Illinois Commerce Commission</b>	)	
<b>on its own motion</b>	)	
	)	
<b>Northern Illinois Gas Company</b>	)	<b>Docket No. 01-0705</b>
<b>d/b/a/NICOR</b>	)	
<b>Gas Company</b>	)	
<b>Reconciliation of Revenues collected under</b>	)	
<b>Gas Adjustment Charges with Actual Costs</b>	)	
<b>prudently incurred</b>	)	
	)	
	)	
<b>Illinois Commerce Commission</b>	)	
<b>on its own motion</b>	)	
	)	
<b>Northern Illinois Gas Company d/b/a</b>	)	<b>Docket No. 02-0067</b>
<b>NICOR</b>	)	<b>On Reopening</b>
<b>Gas Company</b>	)	
<b>Proceeding to review Rider 4, Gas Cost,</b>	)	
<b>pursuant to Section 9-244(c) of the Public</b>	)	
<b>Utilities Act</b>	)	
	)	
	)	
<b>Illinois Commerce Commission</b>	)	
<b>on its own motion</b>	)	
	)	
<b>Northern Illinois Gas Company d/b/a</b>	)	<b>Docket No. 02-0725</b>
<b>NICOR Gas Company</b>	)	
<b>Reconciliation of Revenues collected under</b>	)	
<b>Gas Adjustment Charges with Actual Costs</b>	)	
<b>prudently incurred</b>	)	

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**CITIZENS UTILITY BOARD’S  
MOTION TO REOPEN THE RECORD FOR THE PURPOSE OF  
ADMITTING CERTAIN LATE FILED EXHIBITS**

NOW COMES the Citizens Utility Board (“CUB”), through its counsel, Julie L. Soderna, and hereby request the Administrative Law Judges (“ALJs”), pursuant to the Illinois Commerce Commission (“Commission”) Rules of Practice (“Rules”), 83 Illinois Administrative Code

Section 200.190, to reopen the record to admit certain late filed exhibits into the evidentiary record in this proceeding. In support of this Motion, CUB states as follows:

**I. Stipulated Exhibits 1, 4, 8 and 9**

1. On August 14, 2009, Commission Staff filed Direct Testimony on Reopening, including Staff Exhibit 2.0 with Attachments A through N. Attachment A to Staff Ex. 2.0 was the Inventory Value Team Report. Attachment C to Staff Ex. 2.0 was the response of Northern Illinois Gas Company d/b/a Nicor Gas Company (“Nicor Gas” or “the Company”) to Staff data request ENG 1.1 in ICC Docket 99-0127. Attachment J to Staff Ex. 2.0 was Nicor’s response to Staff data request POL 1.2 in ICC Docket 99-0127. Attachment K to Staff Ex. 2.0 was Nicor’s response to Staff data request POL 2.1 in ICC Docket 99-0127.

2. On October 9, 2009, Nicor Gas filed a Motion to Strike Portions of the Direct Testimony submitted by Staff, including Staff Ex. 2.0 Attachment A.

3. On April 2, 2010, prior to an ALJ ruling on the Motion to Strike, Nicor Gas entered into two stipulations with Staff and CUB. In those stipulations, the Company agreed to the admission of Stipulated Exhibit (“SE”) 1, the Inventory Value Team Report previously filed as Staff Ex. 2.0 Attachment A; SE 4, previously filed as Staff Ex. 2.0 Attachment C; SE 8, previously filed as Staff Ex. 2.0 Attachment J; and SE 9, previously filed as Staff Ex. 2.0 Attachment K without further evidentiary foundation. Accordingly, Nicor Gas withdrew its previous objection to SE 1.

4. Staff revised and re-filed Staff Ex. 2.0 on November 23, 2010. Staff did not re-file the previously-filed Attachments to Staff Ex. 2.0, instead only referencing the Stipulated Exhibits in their narrative testimony. That testimony was further revised and re-filed on March 9, 2011.

5. Nicor Gas and Staff entered into a stipulation on February 16, 2012, wherein the Company agreed not to object to the admission of Staff Ex. 2.0 as revised and filed on March 9,

2011. In that stipulation, Nicor Gas and Staff resolved all matters between them related to the Company's operation of the Gas Cost Performance Program.

6. On February 29, 2012, the ALJs admitted Staff Ex. 2.0 Revised into the record, with the understanding that it would be filed later that week on e-Docket pursuant to the ALJs' instruction to make the testimony public. On March 5, 2012, Staff Ex. 2.0 Revised was filed on e-Docket.

7. The Stipulated Exhibits referenced in Staff Ex. 2.0 Revised were not moved or admitted into the record, as they were no longer attached to Staff Ex. 2.0 Revised.

## **II. Nicor Gas Exhibits 13, 14, 15, 16, 17 18 and 19**

8. Nicor Gas Exhibits 13 through 19 are excerpts from certain Deposition Transcripts. On March 1, 2012, Nicor Gas moved for the admission of those exhibits, and CUB objected on procedural grounds. The ALJs ruled to not admit those exhibits into the record.

## **III. Nicor Gas-CUB Stipulation**

9. Nicor Gas and CUB have entered into a stipulation whereby Stipulated Exhibits 1, 4, 8 and 9, and Nicor Gas Exhibits 13, 14, 15, 16, 17, 18 and 19 may be admitted into evidence without objection from either party. That Stipulation is being filed concurrently with this Motion.

10. Nicor Gas has no objection to this motion. Counsel for CUB also has contacted counsel for Commission Staff, the Illinois Attorney General's Office and the Retail Energy Supply Association, and no party has an objection to this motion. Accordingly, no party would be prejudiced by the ALJs granting this motion, reopening the record and admitting into evidence as

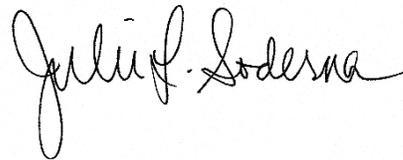
late-filed exhibits those exhibits identified in paragraph 9 above. All documents referenced above are attached to this Motion.

**WHEREFORE**, CUB respectfully requests that the ALJs reopen the record to admit as late-filed exhibits Stipulated Exhibits 1, 4, 8 and 9, and Nicor Exhibits 13, 14, 15, 16, 17, 18 and 19.

Respectfully submitted,

CITIZENS UTILITY BOARD

Dated: March 22, 2012



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