

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

EVANGER’S DOG AND CAT FOOD CO., INC.,)	
Plaintiff,)	
)	
vs.)	Docket No. 10-0704
)	
NORTHERN ILLINOIS GAS)	
COMPANY d/b/a NICOR GAS COMPANY,)	
Defendant.)	
)	
)	

STIPULATED AGREEMENT FOR EXTENSION OF TIME

This Stipulated Agreement for Extension of Time (“Stipulation”) is entered into by and among Northern Illinois Gas Company d/b/a/ Nicor Gas Company (“Nicor Gas”) and Evanger’s Dog and Cat Food Co., Inc. (“Evanger’s”) (individually referred to herein as “Party” and collectively referred to herein as the “Parties”).

RECITALS

WHEREAS, on December 9, 2010, Evanger’s filed its Complaint initiating Docket No. 10-0704.

WHEREAS, Article 10 of the Public Utilities Act (“Act”) sets forth procedural requirements for proceedings before the Illinois Commerce Commission (“Commission”) and, in particular, Section 10-108 specifies requirements for the filing of complaints and notice to the parties, among other things. 220 ILCS 5/10-108.

WHEREAS, one of the provisions in Section 10-108 imposes a one year statutory deadline for the disposition of certain complaints:

Whenever there shall be filed a complaint under Article IX of this Act regarding the rates, charges, classifications or services of a public utility, the Commission shall make and render findings

concerning the subject matter and facts complained of and enter its order based thereon not later than one year after the filing of such complaint unless all parties to the complaint proceeding under Article IX agree to a period of greater than one year, provided that any agreement to extend the one year period must be in writing and must be for a specified period of time not exceeding 60 days. The parties may enter into more than one agreement to extend time.

Id.

WHEREAS, the Parties previously filed Stipulations on November 14, 2011, February 6, 2012 and April 6, 2012 to extend the one year period by sixty (60) days in accordance with Section 10-108 of the Act.

WHEREAS, the Parties have agreed to enter into this Stipulation to extend the one year period by another sixty (60) days to August 6, 2012 in accordance with Section 10-108 of the Act.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and promises set forth in this Stipulation, the receipt and sufficiency of which is hereby acknowledged, and intending to be legally bound, the Parties hereby agree as follows:

1. **Recitals.** The foregoing Recitals are incorporated in this Stipulation as if fully set forth herein.

2. **Authority.** Each Party hereto represents to the other Party that such Party has the full power and authority to enter into this Stipulation and that this Stipulation constitutes a valid and binding obligation of such Party and all persons or entities represented by such Party, enforceable in accordance with its terms.

3. **Extension of Time.** In order to facilitate the proceeding in Docket No. 10-0704, the Parties hereby agree, in accordance with the provisions of Section 10-108 of the Act, to

extend the one year period of time set forth in Section 10-108 of the Act for the Commission to make and render findings concerning the subject matter and facts complained of in the Complaint for an additional period of sixty (60) days from June 7, 2012 to August 6, 2012. The Parties acknowledge and agree that by entering into this Stipulation, they each waive any right to challenge the extension of time set forth in this Section 3.

4. **Entire Agreement.** This Stipulation constitutes the entire agreement of the Parties.

5. **Construction.** The Parties acknowledge and agree that each Party has been represented by counsel that has reviewed and revised this Stipulation and that no rule of construction that would resolve ambiguities against the drafting Party shall apply in connection with the interpretation of this Stipulation.

Dated: June 14, 2012

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Respectfully submitted,

Northern Illinois Gas Company
d/b/a/ Nicor Gas Company

By: /s/ John E. Rooney
One of its attorneys

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