May 28, 2002

Rural Electric Convenience Cooperative, Co. and Soyland Power Cooperative, Inc. -vs- Central Illinois Public Service Company (AmerenCIPS)	:	
	:	01-0675
Complaint pursuant to the Illinois Electric Supplier Act 220 ILCS 30/1 et. seq.	:	**SERVED ELECTRONICALLY**

NOTICE OF ADMINISTRATIVE LAW JUDGE'S RULING

TO ALL PARTIES OF INTEREST:

Notice is hereby given that the Administrative Law Judge, having reviewed the pleadings relating to the Motion to Dismiss Count VII through and including Count XI of the Complaint in the above captioned matter, hereby grants said Motion to Dismiss, strikes Count VII through and including Count XI of the Complaint and dismisses putative co-complainant Soyland Power Cooperative as a party to this matter.

Notice is also given that in reaching this conclusion, the Administrative Law Judge has determined that Soyland is without standing to prosecute this claim under the Electric Supplier Act. The complaint here asks that the Commission determine the party entitled to serve a customer. Soyland has not alleged any facts that would allow the Commission to enter an order granting it the right to serve that customer and, based upon the pleadings, is not possessed of any material facts not in the possession of complainant Rural Electric Convenience Cooperative that will assist the Commission in reaching a decision on the merits.

Accordingly, Soyland has asserted no matters that would allow the Commission to find that it should be allowed to participate in this matter. While Soyland has asserted that it has an economic interest in the outcome of this docket, that assertion (which is accepted as true for the purposes of this ruling) is insufficient to confer standing.

Sincerely,

Donna M. Caton
Chief Clerk

cfr
Administrative Law Judge Woods

cc: Mr. Rockrohr - Engineering

REPORT TO THE COMMISSION
PURSUANT TO SECTION 200.520 OF THE RULES OF PRACTICE
OF THE ILLINOIS COMMERCE COMMISSION

Docket No.: 01-0675
Bench Date: 08-07-02
Deadline: N/A

REPORT

TO: The Commission

FROM: Donald L. Woods, Administrative Law Judge

DATE: July 24, 2002

SUBJECT: Rural Electric Convenience Cooperative, Co. and Soyland Power Cooperative, Inc.
-vs-
Central Illinois Public Service Company (AmerenCIPS)

Complaint pursuant to the Illinois Electric Supplier Act 220 ILCS 30/1 et. seq.

RECOMMENDATION: Deny the petition for interlocutory review.

This case is a complaint under the Electric Supplier Act ("ESA") and involves a new mine portal of a mine to which AmerenCIPS has previously been granted service rights by the Commission. The Complaint was filed jointly by the Rural Electric Convenience Cooperative ("RECC") and Soyland Power Cooperative, Inc. ("Soyland"). RECC and Soyland have entered into an all requirements contract calling for Soyland to provide power to RECC. The joint complaint asserted the existence of this contract and requested an order granting various forms of relief to both RECC and Soyland. The relief sought was essentially the same in each case.

AmerenCIPS filed a pleading that, *inter alia*, sought the dismissal of the counts alleged by Soyland and the dismissal of Soyland as a co-complainant. The pleading asserted that standing under the ESA is limited to parties to whom the Commission could grant service rights and that, because Soyland has not alleged that it intends to serve the customer, it lacked standing to join the claim. On May 28, 2002, I agreed with AmerenCIPS and struck the counts of the complaint relating to Soyland and struck Soyland as a party. Soyland filed a Petition for interlocutory review of that ruling. The Commission denied the Petition on July 10, 2002.

Following the May 28th ruling striking Soyland as a party complainant, Soyland filed a Petition for Leave to Intervene. That Petition was denied on June 26, 2002. On July 16, 2002, Soyland filed a Petition for interlocutory review of that decision. Both the Petition to Intervene and the Petition for interlocutory review raise the all requirements contract as the basis for Soyland's interest in this matter. Soyland makes a number of factual assertions in support of its interest *to wit*: (1) Soyland has an interest in knowing the load that it will be required to provide RECC because it based its rates upon projected loads; (2) Soyland is required to build transmission facilities to carry any and all load required by RECC; and (3) Soyland is required by the contract to assist RECC in planning, load forecasting and other engineering requirements for RECC to serve the load at issue.

CIPS opposed intervention arguing that Soyland had not shown that its participation would be anything but cumulative to RECC's and that its participation would likely impose additional, unnecessary burdens upon CIPS and the Commission's resources by adding a party that was not in possession of any material evidence not in the possession of RECC.

I agree with CIPS that Soyland is in possession of no relevant evidence not in the possession of RECC and that its participation will only complicate this otherwise rather straightforward case. The cumulative pleadings that Soyland has filed so far in this docket seem to prove the point. I would recommend that the Petition for Interlocutory review be denied.

DLW/lw

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

August 8, 2002

Rural Electric Convenience Cooperative, Co.	:	
and	:	
Soyland Power Cooperative, Inc.	:	
-vs-	:	
Central Illinois Public Service Company	:	
(AmerenCIPS)	:	
	:	01-0675
Complaint pursuant to the Illinois Electric	:	
Supplier Act 220 ILCS 30/1 et. seq.	:	

CERTIFICATE OF COMMISSION ACTION

TO ALL PARTIES OF INTEREST:

This is to certify that the Commission in conference on August 7, 2002, HAS ENTERED AN ORDER TO DENY the Petition for Interlocutory Review of Administrative Law Judge's Ruling filed on July 16, 2002 on behalf of Soyland Power Cooperative.

Related memorandums will be available on our web site (eweb.icc.state.il.us/e-docket) in the docket number referenced above.

Donna M. Caton
Chief Clerk

cp
Administrative Law Judge Woods

cc: Mr. Rockrohr - Engineering