

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

KING'S WALK CONDOMINIUM )  
 )  
 Petitioner, )  
 )  
 v. ) Docket No. 08-0264  
 )  
 COMMONWEALTH EDISON COMPANY, )  
 )  
 Respondent. )

**PETITIONER'S RESPONSE TO THIRD SET OF DATA REQUESTS**

Petitioner, King's Walk Condominium, by its attorneys, Goldin, Hill & Associates, P.C., hereby responds to Respondent's Third Data Requests (the "Requests") as follows:

1. The Requests are improperly vague, ambiguous and defective generally. Accordingly, Petitioner cannot respond to Requests which are not specific to this case, ambiguous, wholly irrelevant, or immaterial to any issues in the within dispute. Petitioner further objects to such Requests to the extent that they contain undue detail, are not restricted to the subject matter of the particular case, or seek discovery of any matters which are subject to any attorney-client privilege, the work product doctrine, or other protected privileges. Petitioner further objects to the Requests to the extent, if any, that they are unduly burdensome or improperly seek irrelevant personal and/or financial information for the purpose of oppression and embarrassment of Petitioner. Petitioner further objects to the Requests to the extent that they attempt to impose obligations on Petitioner beyond those authorized by 83 Ill. Admin. Code 200 *et. seq.*, the Illinois Supreme Court Rules, or other applicable law, or by the rulings of the Administrative Law Judges in this Docket.

2. Petitioner objects to the Requests to the extent that they require Petitioner to produce information that is not within Petitioner's possession or control or to the extent that they require Petitioner to provide information which is publicly available, or to which Respondent has equal access. Petitioner further objects to the Requests to the extent that they seek responses within a shorter period than is required by applicable law. Petitioner further objects to the Requests to the extent that they require production of multiple copies of the same document or documents which are identified herein and have already been produced by Petitioner to Respondent.
3. By responding to any of the Requests, Petitioner does not waive, and expressly preserves, any and all objections which it may make at hearing and to the admissibility into evidence of any information provided pursuant hereto.
4. For purposes hereof, numbered paragraphs correspond to the numbered Requests, and capitalized terms not otherwise defined herein have the meanings ascribed thereto in Petitioner's Amended Formal Complaint (the "Complaint") filed on February 23, 2009, which Complaint is hereby incorporated by this reference.
5. Nothing contained herein shall be deemed to limit Petitioner's right to recover reparations or damages for the period prior to April 11, 2006 or after the filing of the Complaint or constitute a waiver of any other right or remedy available to Petitioner.

Without waiving any of the objections or limitations hereinbefore or hereinafter set forth, Petitioner hereby responds to the Requests as follows:

**Request No. 3.01:** Provide a complete statement of all opinions Mr. Charles O. Prettyman has formed in ICC Docket No. 08-0264, and state the basis and reasons for them.

**3.01. Response:** The opinions formed to date by Mr. Prettyman are set forth in Exhibit A hereto and the basis and reasons for such opinions is as set forth therein and in the other responses thereto. Mr. Prettyman's review of this matter is continuing, and nothing contained herein shall be deemed to preclude Mr. Prettyman from formulating other or additional opinions up to and including the time of hearing on this matter, which opinions may be different from the opinions set forth in Exhibit A hereto.

**Request No. 3.02:** Identify and provide the facts or data considered by Mr. Prettyman in forming any and all opinions in ICC Docket No. 08-0264.

**3.02. Response:** The facts and data considered by Mr. Prettyman in forming his opinions are the Complaint and exhibits thereto, the documents filed in this Docket and the other documents specifically described in Petitioner's Response No. 1.02 and 2.06 and Exhibit A hereto. Mr. Prettyman also inspected the common areas of the Complex on or about July 16, 2012 to verify the nature and type of Petitioner's electric service and other facts set forth in the Complaint. Nothing contained herein shall be deemed to preclude Mr. Prettyman from considering other facts or data in forming any opinions.

**Request No. 3.03:** Provide any exhibits that will be used to summarize or support the opinions formed by Mr. Prettyman in ICC Docket No. 08-0264.

**3.03. Response:** Neither Petitioner nor Mr. Prettyman have yet prepared any exhibits to summarize or support Mr. Prettyman's opinions. Nothing contained herein shall be deemed to limit Petitioner's or Mr. Prettyman's right to prepare or utilize any exhibits to summarize or support Mr. Prettyman's opinions.

**Request No. 3.04:** Provide Mr. Prettyman's resume or *curriculum vitae* and a listing of his qualifications, including a list of all publications authored in the previous 10 years.

**3.04. Response:** A copy of Mr. Prettyman's curriculum vitae is attached as Exhibit B hereto, and his professional qualifications are set forth therein. Mr. Prettyman has not authored any publications in the previous 10 years.

**Request No. 3.05:** Provide a list of all other cases or Commission proceedings in which, during the previous 4 years, Mr. Prettyman has testified as an expert at trial or evidentiary hearing or by deposition and provide any reports and/or analyses produced or used in connection with such testimony.

**3.05. Response:** None

**Request No. 3.06:** Provide a statement of the compensation to be paid for the study and testimony in ICC Docket No. 08-0264 as well as any agreements and invoices that exist in connection with this matter.

**3.06. Response:** Mr. Prettyman has orally agreed with Petitioner's counsel to accept hourly compensation in the amount of \$130/hour (plus reimbursement of out-of-pocket expenses) for actual time incurred by him in connection with this docket. No written agreements or invoices exist with respect thereto.