

**OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION**

ILLINOIS COMMERCE COMMISSION **ORIGINAL**

STATE OF ILLINOIS COMMERCE COMMISSION
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CHIEF CLERK'S OFFICE

LATESSA SALONE,)
JANET DEMARINIS,)
ANDREA RAILA,)
PAT QUINN, and)
the petition signers of)
the CUSTOMER UTILITY)
CONVENTION)
Petitioners.)
Petition to the Members of the)
Illinois Commerce Commission)
Pursuant to Section 5-145(b), 5-35,)
and 5-45 of the Illinois Administrative)
Procedure Act.)

Docket No. 01-0321

VERIFIED MOTION TO DISMISS OF ILLINOIS POWER COMPANY

Pursuant to 83 Ill. Admin. Code § 200.190 and the schedule set in the above-referenced docket, Illinois Power Company ("Illinois Power") hereby moves to dismiss the Second Amended Petition for an Emergency Rule to Prohibit Illinois Gas and Electric Utility Companies from Disconnecting Service to any Residential Customer in the Next 150 Days ("second amended petition") filed by the petitioners in the above-captioned proceeding. In support of this motion, Illinois Power states the following:

On April 12, 2001, the petitioners in this proceeding filed a petition for an emergency rule prohibiting Illinois gas utility companies from shutting off gas service for the next 150 days to residential heating customers due to their financial inability to pay. An amended petition in this proceeding was filed on May 7, 2001, seeking a rule prohibiting electric and gas utilities from disconnecting service to all residential customers for the next 150 days. On May 16, 2001, the

petitioners filed a second amended petition seeking a rule prohibiting the discontinuance of gas or electric service to residential customers for non-payment of a deposit or a bill curing the period from June 1, 2001 to October 28, 2001.

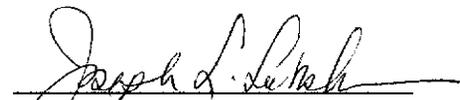
Illinois Power does not wish to unnecessarily burden the record with another overview of the history in this proceeding. (*See* Motion to Dismiss of Central Illinois Public Service Company and Union Electric Company, filed May 25, 2001.) Illinois Power generally agrees with Ameren's viewpoint. (*See* Illinois Power Company's Response to Motion to Dismiss of Central Illinois Public Service Company and Union Electric Company, filed May 31, 2001.)

Rather, Illinois Power wishes to emphasize two points. *First*, the petitioners have not yet justified the issuance of an emergency rule. The Illinois Administrative Code sets specific standards to determine an emergency situation. *See* 5 ILCS 100/5-45. The petitioners do not fully explain how their situation meets those standards. *Second*, the petitioners do not allege anywhere any specific problems or concerns with Illinois Power's practices. The examples set forth in the second amended petition cite to Peoples Gas. *See* Second Amended Petition for an Emergency Rule to Prohibit Illinois Gas and Electric Utility Companies from Disconnecting Service to any Residential Customer in the Next 150 Days, pg. 2-3. Illinois Power has not been specifically cited as to any alleged wrongdoings. The petitioners have not alleged that Illinois Power has jeopardized the safety and health of its consumers. Therefore, Illinois Power should not be included in this proposed rulemaking.

WHEREFORE, for the reasons stated above, Illinois Power Company respectfully requests that the Illinois Commerce Commission dismiss with prejudice the Second Amended Petition for

an Emergency Rule to Prohibit Illinois Gas and Electric Utility Companies from Disconnecting Service to any Residential Customer in the Next 150 Days in the above-captioned proceeding. In the event this emergency rulemaking proceeds, Illinois Power Company requests this rulemaking be limited so as to exclude it and that Illinois Power be exempted from any rules issued.

Respectfully submitted,



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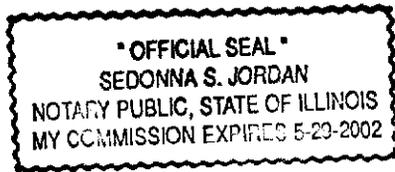
Dated: June 28, 2001

VERIFICATION

I, Roseanna J. Wiegand, being sworn on oath, state that the foregoing Verified Motion to Dismiss of Illinois Power Company is true and accurate to the best of my knowledge, information and belief.

Roseanna J. Wiegand
Roseanna J. Wiegand

Subscribed and sworn to before me this 28th day of June, 2001.



Sedonna S. Jordan
Notary Public

CERTIFICATE OF SERVICE

I, Joseph L. Lakshmanan, certify that on the 28th day of June, 2001, I served a copy of the foregoing Verified Motion to Dismiss of Illinois Power Company by first class mail, from Decatur, Illinois, postage prepaid to the individuals on the service list attached.



Joseph L. Lakshmanan, Esq.

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