

**STATE OF ILLINOIS**  
**ILLINOIS COMMERCE COMMISSION**

COMMONWEALTH EDISON COMPANY :  
: :  
Application for a Certificate of Public Convenience : No. 13-0657  
and Necessity, pursuant to Section 8-406.1 of the :  
Illinois Public Utilities Act, and an Order pursuant :  
to Section 8-503 of Illinois Public Utilities Act, to :  
Construct, Operate and Maintain a new 345 kilovolt :  
transmission line in Ogle, DeKalb, Kane and :  
DuPage Counties, Illinois :

**SCHOOL DISTRICT U-46’S MOTION TO ADMIT THE DIRECT TESTIMONY  
OF CHIEF OPERATIONS OFFICER JEFFREY KING INTO THE RECORD**

NOW COMES the Board of Education of School District U-46 (“School District U-46”), by and through their attorneys, Franczek Radelet P.C., and moves the Administrative Law Judge to admit the “Direct Testimony on behalf of the Board of Education of School District U-46” into the record in this proceeding, *instanter*. In support thereof, the School District U-46 states as follows:

1. On February 3, 2014, School District U-46 filed its Petition for Leave to Intervene in this proceeding.
2. On February 14, 2014, the “Direct Testimony on behalf of the Board of Education of School District U-46” was filed on E-Docket. The narrative portion of the testimony (Exhibit 1.0) was prepared by School District U-46’s Chief Operations Officer, Mr. Jeffrey King. Two exhibits were referenced in Mr. King’s narrative testimony, an aerial photograph of Otter Creek Elementary School (Exhibit 1.1) and a document available on the United States Environmental Protection Agency website (Exhibit 1.2).
3. On April 13, 2014, counsel for Commonwealth Edison Company (“ComEd”) sent

an e-mail to the parties of record regarding a proposed hearing schedule. Administrative Law Judge Hilliard and Administrative Law Judge Jorgenson were copied on the e-mail. Said e-mail stated in pertinent part that, "My understanding is that the parties will also be seeking leave from ALJs Hilliard and Jorgenson to admit the 'no cross' witnesses' testimony based on Affidavits."

4. No party sought to cross-examine Mr. King.

5. Based upon the foregoing, the undersigned counsel believed that the pre-filed direct testimony of Mr. King would be admitted into the record with the filing of Mr. King's affidavit. Upon reviewing the transcripts from the hearing, it appears that additional action was required to have said testimony formally admitted into the record.

6. Attached hereto is the Affidavit of Mr. King, a copy of which is being filed on E-Docket with the filing of this motion.

7. School District U-46 does not seek to admit Exhibit 1.2 to the testimony of Mr. King as proof of any of the underlying facts referenced therein, but rather to demonstrate the basis for some of the concerns expressed in Mr. King's testimony.

8. The undersigned counsel has communicated with counsel for ComEd, who has indicated that ComEd does not oppose this motion provided that the admission of Exhibit 1.2 is limited as described in the preceding paragraph.

9. School District U-46 believes that no undue prejudice will inure to any party as a result of the granting of this motion.

10. This motion is not filed with the intent to delay or hinder the underlying proceedings, but rather to provide a complete record.

WHEREFORE, the Board of Education of School District U-46 respectfully requests the Administrative Law Judge admit the “Direct Testimony on behalf of the Board of Education of School District U-46” into the record in this proceeding, *instanter*.

Respectfully submitted,

BOARD OF EDUCATION OF ELGIN SCHOOL  
DISTRICT U-46,

By: Scott R. Metcalf  
One of Their Attorneys

J. Todd Faulkner  
Scott R. Metcalf  
Franczek Radelet P.C. 300 South  
Wacker Drive – Suite 3400  
Chicago, Illinois 60606  
Telephone: (312) 986-0300  
Facsimile: (312) 986-9192  
jtf@franczek.com  
srm@franczek.com

Dated: May 5, 2014