

WAYNE-WHITE COUNTIES ELECTRIC)
COOPERATIVE and the CITY OF)
MCLEANSBORO, ILLINOIS)
)
Joint Petition for Approval of a Territorial)
Agreement that Provides for Exclusive)
Electric Service Areas in Hamilton County, Illinois)

CHIEF CLERK'S OFFICE

Docket No. 14-0366

BRIEF ON EXCEPTIONS BY WAYNE-WHITE COUNTIES ELECTRIC COOPERATIVE TO THE ADMINISTRATIVE LAW JUDGE'S PROPOSED ORDER SERVED JUNE 24, 2014

WAYNE-WHITE COUNTIES ELECTRIC COOPERATIVE, an Illinois not-for-profit corporation (Wayne-White), by its attorneys, GROSBOLL BECKER TICE & BARR, Attorney Jerry Tice of counsel, and FYIE & HAWKINS, Jay H. Fyie of counsel, files herewith its Brief on Exceptions to the Administrative Law Judge's Proposed Order Served June 24, 2014, and in support thereof states as follows:

I. INTRODUCTION

Wayne-White does not take exception to the Proposed Order of the Administrative Law Judge (ALJ) and the ultimate finding that the proposed service area agreement between Wayne-White and the City of McLeansboro is reasonable and in the public interest and is approved. However, Wayne-White does take exception to the ALJ's proposed order to the extent the proposed order incorrectly recites testimony of Mr. Daryl Donjon regarding the transfer of electric service from Wayne-White to McLeansboro for two customers listed on Exhibit A-B, to wit: Gary Nalley and Misty K. Welch.

II. WAYNE-WHITE'S EXCEPTION TO THE ALJ'S PROPOSED ORDER AND ARGUMENT IN SUPPORT OF EXCEPTIONS

EXCEPTION NO. 1

IV. POSITIONS OF THE PARTIES

A. WAYNE-WHITE

The last paragraph on page 11 continuing to the top of page 12 commencing with the first full sentence beginning on line 5 of the paragraph as continued on page 12 of the Order reads as follows:

“Mr. Donjon notes that two of the customers being transferred from Wayne-White to McLeansboro are not identified on the W-W Exhibit 2 map.”

Wayne-White suggests the foregoing sentence should read as follows:

“Mr. Donjon notes that two of the customers **listed on Exhibit A-B** ~~being transferred from Wayne-White to McLeansboro~~ are not identified on the W-W Exhibit 2 map.”

The paragraph of the Order commencing at the bottom of page 11 and continuing through the top of page 12 would therefore read as follows with the above suggested change:

“Mr. Donjon presents Wayne-White Exhibits 2 ("W-W Exhibit 2") and 2-A ("W-W Exhibit 2-A") to identify the current geographic boundaries of the premises of each of Wayne-White's electric customers identified on Exhibit A-B of the Agreement. He states these customers, who are currently served by Wayne-White, will continue to be served by the Cooperative after approval of the Agreement. Mr. Donjon states W-W Exhibit 2 consists of a map which identifies the premises of six of the eight listed customers. He testifies that, in addition, W-W Exhibit 2 identifies the premises of Coy Webb, an electric service customer of Wayne-White listed on Exhibit A-C of the Agreement, whose electric service will be transferred from Wayne-White to McLeansboro upon approval of the proposed Agreement. In W-W Exhibit 2-A, Mr. Donjon provides the legal descriptions and real estate tax parcel numbers for each of the eight Wayne-White customers listed on Exhibit A-B. **Mr. Donjon notes that two of the customers listed on Exhibit A-B are not identified on the W-W Exhibit 2 map.** He asserts that the premises of customers Gary Nalley and Misty K. Welch are not located near the map area. Mr. Donjon explains that the Gary Nalley premises is located beyond the W-W Exhibit 2 map area, near the McLeansboro Airport. Mr. Donjon explains that the Misty K. Welch premises is located north of the Shopping Center area the map attached to his testimony as Wayne-White Exhibit 4 ("W-W Exhibit 4") and beyond the W-W Exhibit 2 map area.”

ARGUMENT REGARDING EXCEPTION NO. 1

The above sentence as stated in the Proposed Order states that Wayne-White will transfer the electric service it currently is providing to Gary Nalley and Misty K. Welch, who are two customers listed on Exhibit A-B, to McLeansboro. This sentence in the Proposed Order appears

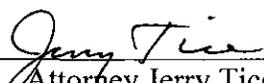
to be in conflict with an earlier statement in the same paragraph stating that all the customers listed on Exhibit A-B are currently served by Wayne-White and will continue to be served by Wayne-White after approval of the Agreement. Also, the testimony of Daryl Donjon found at page 9 of the Prepared Testimony of Daryl Donjon commencing with lines 172 through 177 in substance state Wayne-White is the current electric service provider for all of the customers listed on Exhibit A-B and Wayne White will remain so under the Service Area Agreement. In essence, the testimony of Daryl Donjon was that Wayne-White customers Gary Nalley and Misty K. Welch are listed on Exhibit A-B and are customers presently served by Wayne-White and that Wayne-White will continue to serve Gary Nalley and Misty K. Welch after approval of the Service Area Agreement. In addition, Daryl Donjon explained that the premises of Gary Nalley and Misty K. Welch are not located on Wayne-White Exhibit 2, which does not identify the Nalley and Welch premises, because the premise of Gary Nalley is located off the Exhibit 2 map area and near the McLeansboro airport and the premise of Misty K. Welch is located north of and beyond the map area showing the shopping center area as depicted on Wayne-White Exhibit 4.

WHEREFORE, Wayne-White Counties Electric Cooperative request the Proposed Order be modified in accordance herewith.

Respectfully submitted,

Wayne-White Counties Electric Cooperative
An Illinois Not-for-Profit Corporation and
an electric cooperative

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PROOF OF SERVICE

I, JERRY TICE, hereby certify that on the 26 day of June, 2014, I e-mailed a copy of the BRIEF ON EXCEPTIONS BY WAYNE-WHITE COUNTIES ELECTRIC COOPERATIVE TO THE ADMINISTRATIVE LAW JUDGE'S PROPOSED ORDER SERVED JUNE 24, 2014 and attached hereto, addressed to the following persons at the e-mail addresses set opposite their names:

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