

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

Illinois Extension Pipeline Company, L.L.C	)	
	)	
Application Pursuant to Section 8-503, 8-509 and	)	07-0446
15-401 of the Public Utilities Act/The Common	)	Upon Reopening
Carrier by Pipelines Law to Construct and Operate	)	
a Petroleum Pipeline and When Necessary to Take	)	
Private Property As Provided by the Law of	)	
Eminent Domain.	)	

**PLIURA INTERVENORS REPLY TO IEPC’S RESPONSE TO  
MOTION FOR ORAL ARGUMENT**

NOW COME the Intervenor herein who throughout these proceedings for convenience purposes have been identified as “Pliura Intervenor”, by and through their mutual counsel, Thomas J. Pliura, M.D., J.D., and pursuant to 83 ILL. ADM. CODE 200.850(a)(2) respectfully offer the following Reply to the Response of Applicant, IEPC to Intervenor’s motion for Oral Argument.

Without repeating the long road that has brought us to this point in the proceedings, it is important for Pliura Intervenor to offer the following points in reply to the arguments raised by Applicant, IEPC in its response in opposition to oral argument before the Commission.

Firstly, IEPC is yet again wrong with its tired and rejected assertion that the “limited scope” of these proceedings prevents a thorough review of all relevant issues. That assertion was clearly rejected in the Proposed Order at pages 45 and 46. There, the Proposed Order finds the current purpose and need for the line is found to be within the scope of the reopened proceeding as well as the issue of “public need” within the meaning of Section 15-0401, or whether the line would instead be a “private pipeline” given Marathon’s 35% ownership interest and the large amount of capacity committed to Marathon.

Secondly, the fact that oral argument was not requested in 2009 in the underlying proceeding is of no consequence to a movant's right to request it here. IEPC offers no authority under the rules for this assertion, nor can it because there is no such authority.

Next, the assertion that oral argument should not be permitted because Pliura Intervenors cite no new argument in their motion is absurd. It would have been improper (and undoubtedly the subject of yet another IEPC objection) if Pliura Intervenors attempted to argue a point for the first time in support of oral argument at the Commission. There is no requirement, nor should there be, that oral argument before the commission is only available to allow a party to wait until that stage to raise a new issue. IEPC's position is wholly without merit and must be rejected.

Similarly, there is no basis for IEPC's position that oral argument should not be allowed because, in the opinion of IEPC's counsel, the issues were fully addressed in the Proposed Order. With all due respect, Pliura Intervenors disagree substantially with the Proposed Order and deserve the right to raise these issues before the Commission. We are cognizant of the fact IEPC's counsel was previously an attorney with the ICC, prior to being hired by the Applicant to assist in spirit the application along through the regulatory process. There is no support in the regulations for the position of IEPC that oral argument is only appropriate where the Administrative Law Judge has failed to adequately address an issue in the Proposed Order. Applicant is without the authority to rewrite the regulations to impose additional requirements upon a party seeking Oral Argument.

Finally, Pliura Intervenors have not sought oral argument for purpose of delay and any accusation to that effect is groundless. It is further a rather curious assertion when the largest delays with respect to this project have come as a result of the unilateral business decision of the Applicant to sit idle from 2009 through 2013 when, due to the "great recession". During that

time period, Applicant determined that it was no longer interested in pursuing the approved project. And from 2013 to the present, Applicant elected to proceed with an amended project without approval so as to not derail its efforts to obtain eminent domain authority in the 13-0446 proceeding. Applicant could have filed the instant motion to amend much earlier and allowed the amendment and the eminent domain proceedings to proceed simultaneously, but unilaterally elected not to do so. Any delay in the final conclusion of this project from the granting of the motion for oral argument is insignificant in light of the delays voluntarily assumed by Applicant's unilateral action.

WHEREFORE, Pliura Intervenors respectfully pray this honorable Commission grants oral argument prior to issuance of a final order herein.

Respectfully submitted this 9th Day of December, 2014.

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## PROOF OF SERVICE

The undersigned certifies that on this 9th day of December, 2014 he served a copy of the foregoing document upon the individuals on the attached service list, by electronic mail.

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