

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

Rock Island Clean Line LLC)	
)	
Petition for an Order granting Rock Island Clean Line LLC a Certificate of Public Convenience and Necessity pursuant to Section 8-406 of the Public Utilities Act as a Transmission Public Utility and to Construct, Operate and Maintain an Electric Transmission Line and Authorizing and Directing Rock Island Clean Line Pursuant to Section 8-503 of the Public Utilities Act to Construct an Electric Transmission Line.)	Docket No. 12-0560

**ROCK ISLAND CLEAN LINE LLC’S RESPONSE
TO ILLINOIS LANDOWNER ALLIANCE’S MOTION TO STRIKE
ROCK ISLAND’S RESPONSE TO APPLICATIONS FOR REHEARING**

The Illinois Landowner Alliance (“ILA”), Illinois Agricultural Association and Commonwealth Edison filed applications for rehearing of the Commission’s Order in this docket granting a certificate of public convenience and necessity to Rock Island Clean Line LLC (“Rock Island”). Rock Island filed a response to the applications for rehearing (“Response”). ILA filed a motion to strike Rock Island’s Response (“ILA Motion”). ILA is upset that another party has contested ILA’s arguments in support of its request for rehearing. Although ILA claims that allowing Rock Island to file its Response “violates fundamental fairness” (ILA Motion ¶4), ILA seems to believe that the Commission should decide whether to grant rehearing solely based on the assertions in ILA’s application for rehearing, without providing Rock Island an opportunity to contest the arguments for rehearing. ILA’s Motion must be denied.

ILA argues that the Commission’s Rules of Practice do not provide for replies to applications for rehearing. However, ILA can point to nothing that prohibits the filing of responses to applications for rehearing. ILA asserts that the absence of a specific provision on responses to applications for rehearing “demonstrates an intent not to permit responses.” ILA Motion ¶3. To the contrary, if responses to an application for rehearing were prohibited, then the

application for rehearing would be an *ex parte* filing, and the Commission would be making a substantive decision solely based on the *ex parte* filing. This would violate the Public Utilities Act (220 ILCS 5/10-103) and the Illinois Administrative Procedure Act (5 ILCS 100/10-60), and would truly violate due process (*see* ILA Motion ¶4). Further, apart from the prohibition on acting on the basis of *ex parte* filings, Rock Island believes that the Commission should always want to receive the arguments of all parties who wish to be heard, before rendering a decision.

Section 200.190(e) of the Rules of Practice provide that responses to motions shall be filed within 14 days unless the Administrative Law Judge (“ALJ”) specifies a different schedule, which he did not do in this case. Rock Island’s Response was filed 12 days after the applications for rehearing were filed, and was timely. Rock Island recognizes that filing its Response later rather than sooner within the 20-day period for the Commission to act on the applications for rehearing may diminish the time the ALJ and the Commission have to consider the Response, but this does not make the Response untimely.¹

Finally, ILA complains that Rock Island’s Response “points to new matters occurring since the close of the record in support of its position.” ILA Motion, footnote 5. ILA is apparently referring to references in the Response to recent filings by Rock Island and its sister company Grain Belt Express Clean Line LLC at the Iowa and Missouri commissions. These filings are matters of public record and the Response provides the applicable case numbers. A third, upcoming filing is source-cited to the Commission’s own website. Response at 13-14. Further, ILA’s application for rehearing also relies on new matters occurring since the close of the record in this case (ILA Application for Rehearing at 40), so ILA has no grounds to complain on this score.

¹ Although ILA had 30 days to file its application for rehearing, it chose to file it at 2:39 P.M. on the 30th day, which was the Friday following Christmas Day and preceded a week which also includes a holiday. Rock Island had planned to file its Response on Monday, January 5, but when it saw that the applications for rehearing were on the agenda for the January 6 meeting, Rock Island decided not to file its Response on January 5 since the Commissioners might not have time to consider it. When the Commission deferred action on the applications until January 14, Rock Island filed its Response on January 7.

ILA's Motion to Strike should be denied.

Respectfully submitted,

ROCK ISLAND CLEAN LINE LLC

By /s/Owen E. MacBride

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COUNTY OF COOK) SS.

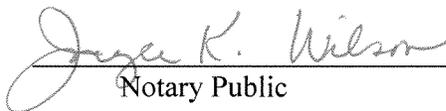
VERIFICATION

Owen E. MacBride, on oath, states that he is an attorney for Rock Island Clean Line LLC (“Rock Island”); that he is authorized to make this verification on behalf of Rock Island; that he is familiar with the contents of the foregoing Rock Island Clean Line LLC’s Response to Illinois Landowner Alliance’s Motion to Strike Rock Island’s Response to Applications for Rehearing (“Rock Island Response”); and that the facts stated in Rock Island’s Response are true and curate to the best of his knowledge, information and belief.



Owen E. MacBride

Subscribed and sworn to before me
this 12th day of January, 2015



Notary Public

