

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

ROCK ISLAND CLEAN LINE LLC :
 :
Petition for an Order granting Rock Island Clean Line LLC a : No. 12-0560
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 pursuant to Section 8-503 of the Public Utilities Act :
to construct an electric transmission line. :

COMMONWEALTH EDISON COMPANY'S
MOTION TO STRIKE ROCK ISLAND CLEAN LINE LLC'S
RESPONSE TO APPLICATIONS FOR REHEARING

Commonwealth Edison Company (“ComEd”) moves, pursuant to Section 200.190 of the Rules of Practice (“Rules”) of the Illinois Commerce Commission (“Commission”), 83 Ill. Admin. Code § 200.190, to strike the Response to Applications for Rehearing (“Response”) filed by Rock Island Clean Line LLC (“RI”). ComEd states:

1. The Commission’s final Order was served on the parties on November 26, 2014. ComEd and other parties timely filed verified Applications for Rehearing on December 26, 2014. On January 7, 2015, RI filed a “Response” to those Applications making a variety of claims about those Applications, and the arguments and evidence they cite.

2. Neither the Public Utilities Act (“PUA”) nor Commission’s Rules authorize a response to rehearing applications. Rehearing is a statutory remedy under Section 10-113 of the PUA, and while the PUA specifies that the “Commission shall *receive and consider such application* ... within 20 days from the date of the receipt thereof” (220 ILCS 5/10-113 (emphasis added)), there is no provision for a “response” in either the PUA or the Commission’s Rules implementing it (83 Ill. Admin. Code § 200.880).

3. Rehearing applications are not generic “motions,” and the 14/7 briefing schedule that would apply if they were cannot be squared with the 20-day statutory deadline for decision. If rehearing applications were covered by those rules, a “response” could be timely filed only six days before the expiration of the 20-day deadline – often, even less than six days before the relevant Commission meeting – leaving little or no practical opportunity for both a reply and Commission deliberations. The rules cannot be reasonably read to permit that result.

4. Lacking any authority to file a response to the rehearing applications, RI nonetheless filed without seeking leave of the Commission or the Administrative Law Judge.

5. It is no answer that ComEd could seek special leave to file a “reply” in this case. RI’s response was unauthorized, and ComEd should not be required to take such steps when RI disregarded the Commission’s Rules.

WHEREFORE, ComEd respectfully requests that the Commission strike RI’s Response.

Dated: January 13, 2015

Respectfully submitted,

COMMONWEALTH EDISON COMPANY

By:



One of its Attorneys

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