

**REPLY TO THE SUPPLEMENTAL TESTIMONY FILED IN RESPONSE
TO THE LIBERTY INTERIM REPORT
OF
HAROLD STOLLER**

**Director, Safety & Reliability Division
Illinois Commerce Commission Staff**

**Application pursuant to Section 7-204 of the Public Utilities Act for authority to
engage in a Reorganization, to enter into an agreement with affiliated interests
pursuant to Section 7-101, and for such other approvals as may be required
under the Public Utilities Act to effectuate the Reorganization**

Docket No. 14-0496

January 29, 2015

1 **Q. Please state your name and business address.**

2 **A.** My name is Harold L. Stoller. My business address is 527 East Capitol Avenue,
3 Springfield, Illinois, 62701.

4 **Q. Are you the same Harold Stoller who previously provided direct and**
5 **rebuttal testimony in this proceeding?**

6 **A.** Yes. My direct testimony is ICC Staff Ex. 1.0 and my rebuttal testimony is ICC
7 Staff Ex. 8.0.

8 **Q. What is the purpose of your rebuttal testimony?**

9 **A.** I am responding to Mr. Coppola's testimony, AG Ex. 5.0 at pages 15-16, lines
10 330-340, where he attempts to support his position that the end date for AMRP
11 should be modified by pointing to wording, or, more accurately, the absence of
12 wording, in the Liberty Consulting Group's ("Liberty") Interim Report. Mr.
13 Coppola interprets Liberty's not mentioning the end date for AMRP in its Interim
14 Report as support for his contention that the end date for AMRP was never in
15 fact firmly established and should be modified. Mr. Coppola claims that Liberty's
16 not mentioning 2030 is some sort of "reluctance" to address the end date for
17 AMRP and that it is somehow "noteworthy." However, Mr. Coppola is not

18 correct. It is irrelevant that Liberty did not mention the end date of AMRP in its
19 Interim Report.

20 **Q. Why is it irrelevant that Liberty did not refer to a specific AMRP end date in**
21 **its Interim Report?**

22 **A.** First, although I am a licensed attorney, I am not testifying in that capacity, and I
23 understand that the interpretation of contract language is a matter for the court
24 or tribunal. With that in mind, I note that the context of the passage cited by Mr.
25 Coppola demonstrates that Liberty is in fact not demonstrating any reluctance to
26 address the end date for completing the AMRP. In fact, Liberty is merely
27 quoting paragraph 1.2 of the Commission's Request for Proposal (RFP) for the
28 audit that Liberty is conducting. That paragraph reads, in part:

29 **SUPPLIES AND/OR SERVICES REQUIRED:** Vendor [in
30 this case Liberty, the winning bidder] will conduct an
31 investigation with two phases. Phase 1 will be the
32 investigation of Peoples' AMRP with a length of no more
33 than one (1) year (365 days). Phase 1 will result in Vendor
34 findings, conclusions, and recommendations to improve
35 Peoples' AMRP and help ensure that Peoples completes its
36 AMRP *in the shortest reasonable time and at the lowest*
37 *reasonable cost.* (italics added)

38 (State of Illinois Request for Proposal, Illinois Commerce
39 Commission, Peoples Gas Light and Coke Company, IPB Ref #
40 22032146, Section 1.2, page 18)

41
42 **Q. Does the RFP govern the time period in which People is required to**
43 **complete the AMRP?**

44 A. No, it does not. The RFP was issued as a result of the Commission's Order in
45 Docket Nos. 12-0511/0512, in which it determined that:

46 [Staff witness Roy] Buxton avers: "There is no reason for the Commission
47 to believe that Peoples can complete its AMRP in 20 years as it convinced
48 the Commission it should back in 2009 and no way for the Commission to
49 know what the completed AMRP will cost... The AMRP is behind schedule
50 and will fall further behind in 2013." [citation]

51
52

...

53 For reasons detailed in [Mr.] Buxton's rebuttal testimony [citation] and
54 immediately above, this Commission adopts Staff's proposed two-phase
55 investigation of the AMRP under Section 8-102 of the Act (220 ILCS 5/8-
56 102) ending in a public document report. This Order directs Staff to
57 conduct the tasks outlined on pages 3-8 of Staff Ex. 20.0 and directs
58 Peoples to comply with the same.

59 Order at 61, Docket Nos. 12-0511/0512 (consol.) (June 11, 2013)

60 It is therefore clear that Mr. Coppola is simply wrong. Liberty's task is not to
61 determine whether Peoples should complete the AMRP by 2030, but rather to
62 investigate why it is behind schedule in completing the AMRP, and to make
63 recommendations regarding how it can get back on schedule to complete AMRP
64 by 2030.

65

66 **Q. What is your response to Mr. Coppola's contention about the AMRP**
67 **end date?**

68 **A.** Liberty is complying with the terms of the RFP as it was written. Liberty's not
69 mentioning the AMRP end date is neither a "reluctance" to do so and it is

70 certainly not “noteworthy.” It is simply evidence that Liberty is performing the
71 task that it was asked to do.

72 **Q. Does that conclude your reply testimony?**

73 **A. Yes, it does.**