

1 MR. HANZLIK: Correct.

2 JUDGE CAILLE: The reasons for my ruling are  
3 as follows:

4 I think it's very dangerous to  
5 introduce this type of testimony into the record  
6 where we have a very narrow issue of looking at the  
7 prudence of the management at the time they were  
8 faced with these decisions.

9 These reports are reports that use  
10 different standards than the standards we use here  
11 at the Commission to determine prudence. I have  
12 given CUB an opportunity to show me the nexus or  
13 the connection between these reports and a specific  
14 outage, and I am not convinced -- well, I feel they  
15 have not met that burden.

16 So, therefore, I do not see how these  
17 are relevant to the issue we have here. So I think  
18 that reliance on company documents, as long as  
19 those documents are not documents that occurred  
20 after the outage and are, therefore, hindsight,  
21 those are acceptable or documents that you -- of  
22 Commonwealth Edison that show they knew of

1 something that caused a particular outage. And  
2 that would be prior to that outage happening.

3 I think that the Commission's prior  
4 rulings regarding what is admissible to determine  
5 the prudence of the company in making its decisions  
6 are supportive of my ruling, and that is it.

7 And now I think we should all take a  
8 break until we can begin the cross examination.  
9 Have I covered everything in the -- I did grant the  
10 motion to strike B.

11 MR. HANZLIK: Yes.

12 JUDGE CAILLE: And C has been taken care of.

13 MR. HANZLIK: C was an Exhibit. A and B were  
14 two that --

15 JUDGE CAILLE: I want to make sure the record  
16 is clear about what is stricken.

17 MR. HANZLIK: All right.

18 Consistent with your ruling, the  
19 exhibits that underlie Exhibit A that we had  
20 objections to for the same reasons that we had  
21 objected to in Exhibit A are STC Exhibits 10, 16,  
22 19, 20, 21, 22, 23, 31, 32, 34, 37, 38, 39, 43, 44,