

ILLINOIS  
COMMERCE COMMISSION  
APR 24 3 47 PM '02

JOINT PETITION OF CENTRAL ILLINOIS )  
PUBLIC SERVICE COMPANY d/b/a )  
AMERENCIPS AND THE CITY OF )  
ROODHOUSE, ILLINOIS, FOR APPROVAL )  
OF AN AGREEMENT BETWEEN THE )  
PARTIES DEFINING SERVICE AREAS IN )  
GREENE COUNTY, ILLINOIS PURSUANT )  
TO SECTION 5/11-117-6 OF THE ILLINOIS )  
MUNICIPAL CODE. )

CHIEF CLERK'S OFFICE

Docket No. 02-6286

**VERIFIED JOINT PETITION TO ESTABLISH EXCLUSIVE SERVICE TERRITORY**

COME NOW the Petitioners Central Illinois Public Service Company d/b/a AmerenCIPS ("CIPS") and the City of Roodhouse by their respective counsel and pursuant to Section 11-117-6 of the Illinois Municipal Code petition and represent to the Commission the following:

1. CIPS is a corporation organized and existing under and by virtue of the laws of the State of Illinois, owning and operating electric transmission lines and distribution systems in Illinois and is in so doing a public utility within the meaning of "An Act Concerning Public Utilities" approved June 29, 1921 as amended and is an electric supplier within the meaning of the Electric Supplier Act approved July 2, 1965 as amended.

2. The City of Roodhouse is a municipal corporation within the meaning of Section 8-508 of the Public Utility Act (220 ILCS 5/8-508). The City of Roodhouse is also a "municipality" authorized to own and operate a "public utility" and to "purchase...the product or service of any such utility..." within the meaning of Section 11-117-1(1) of the Municipal Code (65 ILCS 5/11-117-1(1)).

3. On January 26, 2001, CIPS and the City of Roodhouse entered into an "Agreement for Purchase and Sale of Certain Assets and Real Estate and Assignment of Easements, Leases and Licenses." A copy of this Agreement is attached as Exhibit 1. The Agreement involves the transfer of customers and territory both within the City limits of Roodhouse ("Territory A") and outside the City limits of Roodhouse ("Territory B").

4. Pursuant to Section 5/8-508 of the Public Utility Act, when a public utility assigns, transfers, leases, or sells, in whole or part, any franchise, license, permit, plant, equipment, business or other property to any political subdivision or municipal corporation, the public utility shall notify the Illinois Commerce Commission. ICC approval of the transaction is not required. In this matter, CIPS provided such notice to the ICC with respect to both Territory A and B. This Notice was filed on February 1, 2001. The Notice was assigned docket no. 01-0119.

5. By pleadings filed by ICC staff subsequent to February 1, 2001 in docket no. 01-0119, ICC staff found that the February 1, 2001 Notice was sufficient only as it related to Territory A customers.

6. Pursuant to Section 5/11-117-6(d) of the Municipal Code, a public utility and municipality may enter into an agreement defining geographic areas in which each party may provide utility services, including the provision for exclusive or non-exclusive service territories. 65 ILCS 5/11-117-6(d). Also pursuant to that section, any agreement under that section is subject to ICC approval. As noted above in paragraph three, CIPS and the City of Roodhouse have executed an agreement regarding the transfer of customers outside the City of Roodhouse currently being served by CIPS to be transferred to the City of Roodhouse (See Exhibit 1). These

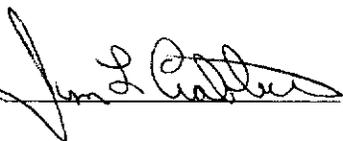
customers are referenced in the Agreement as Territory B customers. A map attached hereto as Exhibit 2 further defines the geographic areas now located within CIPS service territory that will be transferred to the City of Roodhouse upon ICC approval.

7. The current Territory B customers are all situated within a territory designated to CIPS in an existing Service Area Agreement with Illinois Rural Electric Cooperative heretofore approved by the Commission in ESA 108 by Order dated September 3, 1969. Notwithstanding the location of the Territory B customers solely within CIPS territory, CIPS has discussed with IREC its transfer of the Territory B customers to Roodhouse and IREC expressed no interest or intent to negotiate service rights therein.

8. The proposed transfer of territories is compatible with existing facilities and operations of the parties and will avoid duplication of electric facilities as well as minimize future disputes between the parties for which reason the proposed Agreement is in the public interest.

WHEREFORE, Petitioners respectfully request that the Illinois Commerce Commission find that the notice made with respect to the Territory A customers reflected in docket no. 01-0119 is adequate and approve the Agreement between the parties with respect to the Territory B customers and the attached map depicting the geographic areas in which each party may provide service.

THE CITY OF ROODHOUSE

By: 

CENTRAL ILLINOIS PUBLIC SERVICE  
COMPANY, d/b/a AMERENCIPS

By: 

**VERIFICATION**

STATE OF ILLINOIS       )  
  )  
  )       SS  
COUNTY OF SANGAMON )

Robert Mill, as Manager, Regulatory Services of AmerenCIPS, being first duly sworn on oath, deposes and states that he has read the foregoing Verified Joint Petition to Establish Exclusive Service Territory, and the statements made therein are true, correct and complete to the best of his knowledge and belief.

*Robert Mill*

Robert Mill

Subscribed and sworn to before me this 24<sup>th</sup> day of April, 2002.

*Lisa D. Weitekamp*

Notary Public



**VERIFICATION**

STATE OF ILLINOIS       )  
  )  
  )       SS  
COUNTY OF Greene )

Jim D. Cobble, as Mayor of Roodhouse, Illinois, being first duly sworn on oath, deposes and states that he has read the foregoing Verified Joint Petition to Establish Exclusive Service Territory, and the statements made therein are true, correct and complete to the best of his knowledge and belief.

*Jim D. Cobble*

Subscribed and sworn to before me this 13<sup>th</sup> day of March, 2002.

*Charles E. McNeely*

Notary Public

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