

OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

ORIGINAL

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.)

DOCKET NO. 02-0286

ILLINOIS
COMMERCE COMMISSION
2002 SEP 23 A 11:06
CHIEF CLERK'S OFFICE

OBJECTIONS TO PETITION FOR RECONSIDERATION
OF ILLINOIS RURAL ELECTRIC COOPERATIVE

COMES NOW the Joint Petitioner herein, Central Illinois Public Service Company d/b/a AmerenCIPS ("CIPS"), by and through its attorneys, Sorling, Northrup, Hanna, Cullen & Cochran, Ltd., and Scott C. Helmholz, and for its Objections to the Petition for Reconsideration of Illinois Rural Electric Cooperative ("IREC"), states as follows:

IREC's "Petition for Reconsideration" lacks any merit whatsoever and proceeds in the face of plain and concise statutory language that IREC does not even attempt to characterize as ambiguous or susceptible of alternate meanings. Although CIPS has pointed out IREC's erroneous interpretation of §11-117-1(2) in two (2) previous briefs¹, IREC has wholly failed to respond to these points. Nonetheless, without citation of authority or even a reference to a canon of statutory construction, IREC inexplicably continues to argue that

IREC retains its right to provide electric service in all of Territory B as provided by the Electric Supplier Act, other than the eight named customers, unless it [IREC] provides written consent to Roodhouse under Illinois Municipal Code Section 11-117-1. IREC Petition for Reconsideration, p. 9.

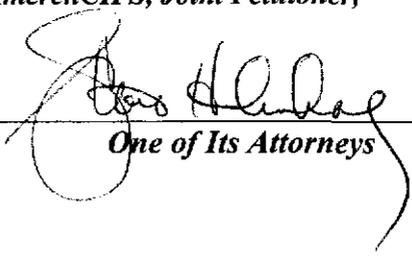
¹ Objections to Petition To Intervene Of Illinois Rural Electric Cooperative, Inc. at pages 4-5, filed herein on July 9, 2002, and Objections to Petition For Interlocutory Review Of Illinois Rural Electric Cooperative, Inc. at page 4, filed herein on August 21, 2002.

IREC acknowledges that the territory CIPS and Roodhouse seek Commission approval to designate as the exclusive service territory of Roodhouse is currently the exclusive service territory of CIPS under the CIPS/IREC service area agreement. IREC does not claim that it possesses any existing right or entitlement, contractual or statutory, to serve any customer, premises or location in Territory B. IREC does not allege any facts that would now, or in the future, defeat CIPS' exclusive service rights in Territory B under the service area agreement. IREC does not allege that it has any lines or facilities in Territory B or even any plans to construct lines or facilities in Territory B. IREC does not deny that §11-117-6(d) expressly authorizes municipal providers and electric utilities to designate exclusive service territory and grants the Commission jurisdiction and authority to review and approve such agreements. Under these circumstances, IREC lacks any meritorious, tangible or identifiable interest in the Commission's exercise of its jurisdiction under §11-117-6(d) of the Municipal Code.

IREC's contention that CIPS is somehow "abandoning" service territory also lacks merit. CIPS has consistently sought Commission approval for the proposed agreement that would allow Roodhouse to take over service to the affected customers and area without any interruption in service. CIPS has no intention of abandoning its rights or obligations to serve the area in the future under its service area agreement with IREC, the ESA or the Public Utilities Act in the event Roodhouse should cease to operate a municipal electric system. (See attached Affidavit of Scott C. Helmholtz, ¶5, attached hereto as Exhibit A).

CENTRAL ILLINOIS PUBLIC SERVICE COMPANY
d/b/a AmerenCIPS, Joint Petitioner,

By: _____


One of Its Attorneys

Scott C. Helmholz, Esq.
Sorling, Northrup, Hanna,
Cullen & Cochran, Ltd.
Suite 800 Illinois Building
P.O. Box 5131
Springfield, IL 62705
Telephone: 217.544.1144

PROOF OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **Objections to Petition for Reconsideration of Illinois Rural Electric Cooperative** was by **electronic transmission** and/or served by placing same in a sealed envelope addressed:

John Albers, Esq. - **Electronic**
Administrative Law Judge
Illinois Commerce Commission
527 E. Capitol Street
Springfield, IL 62701

Janis Von Qualen, Esq. - **Electronic**
Illinois Commerce Commission
Office of General Counsel
527 E. Capitol Street
Springfield, IL 62701

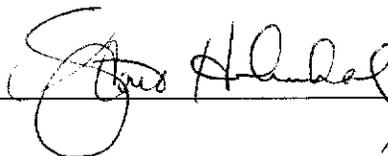
Steve Matrisch, Esq. - **Electronic**
Illinois Commerce Commission
Office of General Counsel
527 E. Capitol Street
Springfield, IL 62701

Jerry Tice, Esq.
Grosboll, Becker, Tice & Reif
101 East Douglas
Petersburg, IL 62675

Mr. Charles E. McNeely, Esq.
THOMSON McNEELY & TOBIN
226 West State Street, P.O. Box 988
Jacksonville, IL 62651-0988

Mr. James L. Crabtree, Mayor
City of Roodhouse
119 W. Palm Street
Roodhouse, IL 62082-1033

and by depositing same in the United States mail in Springfield, Illinois, on the **20th** day of **September, 2002**, with postage fully prepaid.



A handwritten signature in cursive script, appearing to read "John Albers", is written over a horizontal line.