

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

BETTY JOHNSON,

Complainant,

vs.

Docket No. 02-0452

THE PEOPLES GAS LIGHT AND
COKE COMPANY,

)

)

Respondent.

RESPONDENT'S MOTION TO COMPEL DISCOVERY

NOW COMES RESPONDENT, The Peoples Gas Light and Coke Company, by and through its attorney, Peter Brigida, and pursuant to Sections 200.190, 200.370 and 200.420 of the Illinois Commerce Commission ("Commission") Rules of Practice ("Rules"), 83 Ill. Adm. Code 200.10 et seq., hereby requests the Administrative Law Judge to issue a ruling compelling Complainant to answer Respondent's First Set of Data Requests and rescheduling the evidentiary hearing until at least twenty-one days after Complainant completely and adequately responds to Respondent's First Set of Data Requests.

Introduction

1. On July 3, 2002, Complainant Betty Johnson filed a formal Complaint with the Commission against The Peoples Gas Light and Coke Company. A copy of the Complaint is attached hereto as Exhibit A
2. On October 11, 2002 Respondent served its First Set of Data Requests on Complainant. A copy of Respondent's First Set of Data Requests is attached hereto as Exhibit B.

At a status hearing on October 7, 2002 the Administrative Law Judge ordered that discovery be completed by November 8, 2002 and that an evidentiary hearing be held on December 5, 2002.

4. On or about November 6, 2002, Respondent received Complainant's Answer to Respondent's First Set of Data Requests. A copy of Complainant's Answer to Respondent's First Set of Data Requests is

attached hereto as Exhibit C.

5. Complainant's Answer to Respondent's First Set of Data Requests are incomplete and inadequate in that Complainant only responded to four of the twenty-one requests contained in Respondent's First Set of Data Requests, and even the four responses do not contain all the information sought by Respondent in the four corresponding Data Requests.

On November 21, 2002 the undersigned called Complainant. During said telephone conversation the undersigned informed Complainant that Complainant's Answer to Respondent's First Set of Data Requests was incomplete and inadequate and the reasons therefore. Respondent then requested that Complainant provide a complete and adequate response to Respondent's First Set of Data Requests. Complainant then agreed to provide a complete and adequate response to Respondent's First Set of Data Requests by 2:00 PM on November 25, 2002.

7. As of today's date Respondent has not received any additional information or communications from Complainant.

The Administrative Law Judge Should Issue A Ruling Compelling Complainant To Completely And Adequately Answer Respondent's First Set Of Data Requests And Postponing The Evidentiary Hearing Until At Least Twenty-One Days After Complainant Completely and Adequately Answers Respondent's First Set of Data Requests

Pursuant to Sections 200.190, 200.370, and 200.420 of the Rules, Respondent requests the Administrative Law Judge to issue a ruling compelling Complainant to answer Respondent's First Set of Data Requests in the above cause and postponing the evidentiary hearing until at least twenty-one days after Complainant completely and adequately answers Respondent's First Set of Data Requests. In support of its motion, Respondent states as follows:

Complainant has failed to completely and adequately respond to Respondent's First Set of Data Requests as required by the Administrative Law Judge's October 7, 2002 order.

Section 200.340 outlines the Commission's policy to obtain full disclosure of all relevant facts and to encourage voluntary disclosure. 83 Ill. Adm.Code 200.340. The Administrative

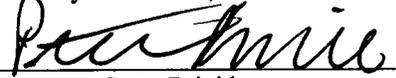
Law Judge set a schedule by mutual assent of the parties, requiring responses to data requests by November 8, 2002 pursuant to Section 200.410(b). Respondent served Data Requests on the Complainant on October 11, 2002. Complainant has failed to completely and adequately respond to Respondent's First Set of Data Requests.

3 As required under Section 200.350, Respondent has consulted with Complainant and reasonably attempted to resolve differences, but Complainant's assurances to provide complete and adequate answers to Respondent's First set of Data Requests not been fulfilled.

4. In order that this proceeding not be unnecessarily delayed and that Respondent not be subjected to unreasonable annoyance, expense and disadvantage, the Administrative Law Judge should issue a ruling pursuant to Section 200.370(b) and 200.420, compelling Complainant to completely and adequately answer Respondent's First Set of Data Requests in the above cause and postponing the evidentiary hearing until at least twenty-one days after Complainant completely and adequately answers Respondent's First Set of Data Requests.

WHEREFORE, Respondent respectfully requests that the Administrative Law Judge issue a ruling compelling Complainant to completely and adequately answer Respondent's First Set of Data Request in the above cause and postponing the evidentiary hearing until at least twenty-one days after Complainant completely and adequately answers Respondent's First Set of Data Requests.

Respectfully submitted,

By 

Peter Brigida

An Attorney for

The Peoples Gas Light and Coke Company

James Hinchliff
Matthew Greene
Peter Brigida
Attorneys for
The Peoples Gas Light and Coke
Company
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Telephone: (312) 240-4461
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Dated this 25th day of
November, 2002, at Chicago, Illinois

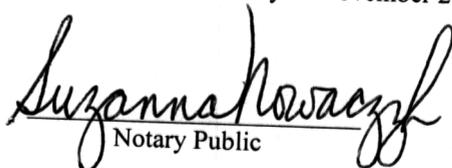
STATE OF ILLINOIS)
) SS
COUNTY OF COOK

VERIFICATION

I, Peter Brigida, being first duly sworn upon oath, depose and say that I have read the above and foregoing Respondent's Motion To Compel Discovery by me subscribed and know the contents thereof; and that said contents are true in substance and in fact.

By 
Peter Brigida
An Attorney or
The Peoples Gas Light and Coke Company

SUBSCRIBED and SWORN to
before me this 25th day of November 2002


Notary Public



STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

BETTY JOHNSON,

Complainant,

vs.

) Docket No. 02-0452
)

THE PEOPLES GAS LIGHT AND
COKE COMPANY,

Respondent.

NOTICE OF FILING

To: Ms. Betty Johnson
3947 West Polk Street
Chicago, Illinois 60624

Administrative Law Judge Riley
Illinois Commerce Commission
State of Illinois Building
160 N. LaSalle, Suite C-800
Chicago, IL 60601

PLEASE TAKE NOTICE that on this 25th day of November, 2002, I have filed with the Chief Clerk of the Illinois Commerce Commission, the Motion Compel Discovery of The Peoples Gas Light and Coke Company, a copy of which is hereby served upon you.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served this Respondent's Motion to Compel Discovery by UPS, by personal delivery of by placing a copy thereof in the United States mail with first class postage affixed, addressed to the Complainant and the Administrative Law Judge in Docket No. 02-0452. Dated at Chicago, Illinois this 25th day of November, 2002.

Respectfully submitted,

By 

Peter Brigida
An Attorney for
The Peoples Gas Light and Coke Company