

2002 DEC 18 A 11: 26

CHIEF CLERK'S OFFICE
Docket No. 02-0743

ILLINOIS POWER COMPANY)
)
)
PETITION FOR AN ORDER (1) CONCERNING)
CLASSIFICATION OF ILLINOIS POWER)
COMPANY'S TRANSMISSION AND)
DISTRIBUTION FACILITIES AND (2) FOR)
CERTAIN DETERMINATIONS IN)
CONNECTION WITH THE SALE OF ILLINOIS)
POWER COMPANY'S TRANSMISSION)
SYSTEM TO ILLINOIS ELECTRIC)
TRANSMISSION COMPANY, LLC.)

PETITION FOR LEAVE TO INTERVENE

CORN BELT ENERGY CORPORATION, Successor to Corn Belt Electric Cooperative, Inc., and Illinois Valley Electric Cooperative, Inc. pursuant to merger (Corn Belt); CLINTON COUNTY ELECTRIC COOPERATIVE, INC., (Clinton County); MENARD ELECTRIC COOPERATIVE (Menard); MONROE COUNTY ELECTRIC COOPERATIVE, INC., (Monroe); SOUTHWESTERN ELECTRIC COOPERATIVE, INC., (Southwestern); SPOON RIVER ELECTRIC COOPERATIVE, INC. (Spoon River); TRI-COUNTY ELECTRIC COOPERATIVE, INC., (Tri-County); and MJM ELECTRIC COOPERATIVE, INC. (MJM), collectively referred to as Petitioners and/or Cooperatives, by their attorneys, GROSBOLL, BECKER, TICE & REIF, Attorney Jerry Tice of counsel, herewith petition pursuant to 83 Illinois Administrative Code, Section 200.200 for leave to intervene in the above matter and in support thereof, states as follows:

1. The main address and telephone number of each Petitioner/Cooperative seeking leave to intervene is as follows:

Clinton County Electric Cooperative, Inc.
475 North Main Street
P.O. Box 40
Breese, Illinois 62230
Telephone: 618-526-7282

Corn Belt Energy Corporation
P.O. Box 816
Bloomington, Illinois 61702-0816
Telephone: 309-662-5330

Illinois Valley Electric Cooperative
nka Corn Belt Energy Corporation
P.O. Box 816
Bloomington, Illinois 61702-0816
Telephone: 309-662-5330

Menard Electric Cooperative
122 South Sixth Street
P.O. Box 200
Petersburg, Illinois 62675
Telephone: 217-632-7746

Monroe County Electric Co-Operative, Inc.
907 North Illinois Route 3
P.O. Box 128
Waterloo, Illinois 62298
Telephone: 618-939-7171

Southwestern Electric Cooperative, Inc.
525 US Route 40
P.O. Box 549
Greenville, Illinois 62246
Telephone: 618-664-1025

Spoon River Electric Cooperative
930 South Fifth Avenue
P.O. Box 340
Canton, Illinois 61520
Telephone: 309-647-2700

Tri-County Electric Cooperative, Inc.
3906 West Broadway
P.O. Box 309
Mt. Vernon, Illinois 62864-0008
Telephone: 618-244-5151

M.J.M. Electric Cooperative, Inc.
264 North East Street
P.O. Box 80
Carlinville, Illinois 62626-0080
Telephone: 217-854-3137

2. Each of the petitioners is an electric supplier as defined in the *Electric Supplier Act*, 220 ILCS 30/3.5 and each of Corn Belt, Clinton, Menard, Monroe, Southwester, Spoon River, Tri-County, and MJM possess service area agreements with IP which have been approved by the Illinois Commerce Commission (Commission). Each of Petitioners is identified by IP in Part IV of the IP petition as being a party to the service area agreements and thus, have a direct interest in this proceeding. IP, by virtue of the petition filed in this docket, attempts to transfer, alter, or change certain negotiated rights, duties, and obligations of petitioners and IP as set forth in the service area agreements which may or will be detrimental to each petitioner's negotiated rights under such service area agreements. Further, the contemplated transfer of such negotiated rights, to wit: transmission and/or distribution lines of IP to Illinois Electric Transmission Company, L.L.C. (IETC) constitutes a purported transfer of rights, duties, and obligations under such service area agreements to an entity other than an electric supplier as defined in the *Electric Supplier Act* and which transfer is in derogation of the *Electric Supplier Act* and the aforementioned service area agreements entered into and approved by the Commission pursuant to the *Electric Supplier Act*. The particular service area agreements between each of the petitioners and IP are identified as Exhibits 5 through 13 of the Petition filed by IP. The docket number, together with the date of the order approving each of the

aforementioned service area agreements is identified in Exhibit 4, attached to the Petition filed in this docket by IP.

3. Based upon the allegations of Part III and Part IV of the petition, the proposed transfer by IP of certain of IP's transmission lines to IETC and which transmission lines give rise to certain rights to serve customers otherwise located in the service areas designated to be served by the respective Cooperatives which rights are set forth in the service area agreements, will or may be detrimental to the negotiated rights and obligations of each of the aforementioned Petitioners and IP as established by the aforementioned service area agreements and as approved by the Commission in one or more of the following ways:

A. IP seeks to abandon all rights, duties, and obligations pursuant to Section 8-508 of the Public Utilities Act, 200 ILCS 5/8-508 and will possess no further duties or obligations with respect to the lines creating the "Large Line Corridor Rights" (LLC) in each of the aforementioned service area agreements, such lines being transferred to IETC, a non-electric supplier under the Electric Supplier Act and a non-party to such service area agreements with each of the aforementioned Petitioners.

B. The transfer of the IP rights under the Service Area Agreements as they exist with respect to the lines creating the "Large Line Corridors" established by the aforementioned service area agreements creates different ownership thereof and accordingly negates the contractual rights existing under the service area agreements between petitioners and IP that created such Large Line Corridor rights.

C. IP does not possess the right to transfer any of the negotiated rights, duties or obligations of which each of the petitioners negotiated their respective rights and duties as to the same service area agreement without consent of each of the petitioners.

D. IP, by transferring the lines creating such "Large Line Corridors" in return for monies and other consideration, no longer has any investment therein which is the justification for the creation of such "Large Line Corridors" in each of the aforementioned service area agreements and such sale thereby defeats the consideration for such "Large Line Corridors" and any rights to IP created by the service area agreements. Accordingly, the consideration provided by IP for the creation of such "Large Line Corridors" in each of the aforementioned service area agreements now fails by reason of the purported transfer to IETC and thereby defeating the purpose for such "Large Line Corridors" and creating a material change in the aforementioned service area agreement requiring the consent of each of the petitioners in order for IP to retain such large line corridor rights.

E. Each of the petitioners has a right to tap the lines creating the "Large Line Corridors" for obtaining service to customers of each of the respective petitioners pursuant to such lines in the "Large Line Corridor", each of the petitioners being "eligible customers" for purposes of being provided transmission service over such lines. Accordingly, each of the petitioners have a right equal with IP or any other service provider to provide electric service from, to use, and/or operate from the aforementioned transmission lines creating such "Large Line Corridors", thereby defeating the consideration for such "Large Line Corridors" and eliminating the need therefore thereby causing a material change in the aforementioned service area agreements.

4. Each of the petitioners has or takes electric service transmitted over some or all of the lines purported to be transferred by IP to IETC thereby altering the financial obligations of each of the petitioners for transmission services pursuant to their existing contracts or tariffs with IP which based upon the consideration paid may or will create financial hardship for each

of the petitioners.

WHEREFORE, each of the petitioners request the following relief from this

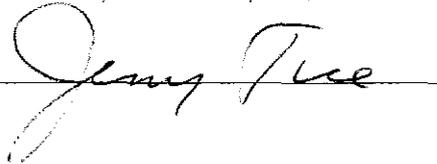
Commission:

- A. To give notice of this Petition to Intervene to all parties of record;
- B. To enter an order authorizing each of the following petitioners to intervene in this matter;
- C. To set this petition for hearing and to give notice thereof;
- D. For such other and further relief as the Illinois Commerce Commission deems appropriate and equitable.

CORN BELT ENERGY CORPORATION
CLINTON COUNTY ELECTRIC COOPERATIVE,
INC., MENARD ELECTRIC COOPERATIVE,
MONROE COUNTY ELECTRIC COOPERATIVE,
INC., SOUTHWESTERN ELECTRIC COOPERATIVE,
INC., SPOON RIVER ELECTRIC COOPERATIVE,
INC., TRI-COUNTY ELECTRIC COOPERATIVE,
INC., MJM ELECTRIC COOPERATIVE, INC.

By GROSBOLL, BECKER, TICE & REIF

By



GROSBOLL, BECKER, TICE & REIF
Attorney Jerry Tice
101 E. Douglas
Petersburg, IL 62675
Telephone: 217-632-2282

cornbeltpetleaveintervene/jtelea

STATE OF ILLINOIS)
 : SS
COUNTY OF MCLEAN)

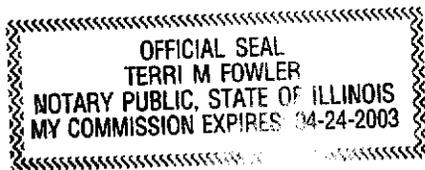
JEFFREY D. REEVES, being first duly sworn upon his oath, deposes and states that he is the President/CEO of Corn Belt Energy Corporation and that he has read the above and foregoing Petition for Leave to Intervene and that the same is true to the best of his knowledge, information and belief.

Jeffrey D. Reeves

Subscribed and Sworn to before me this

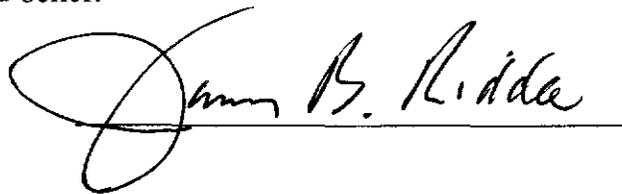
3th day of December, 2002

TERRI M. FOWLER
Notary Public



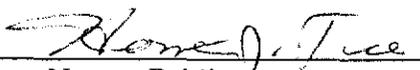
STATE OF ILLINOIS)
 : SS
COUNTY OF CLINTON)

JAMES B. RIDDLE, being first duly sworn upon his oath, deposes and states that he is the President/Chief Operative Officer of Clinton County Electric Cooperative, Inc. and that he has read the above and foregoing Petition for Leave to Intervene and that the same is true to the best of his knowledge, information and belief.



Subscribed and Sworn to before me this

10 day of December, 2002



Notary Public



STATE OF ILLINOIS)
 : SS
COUNTY OF MENARD)

LYNN FRASCO, being first duly sworn upon his oath, deposes and states that he is the
Manager of Menard Electric Cooperative and that he has read the above and foregoing Petition
for Leave to Intervene and that the same is true to the best of his knowledge, information and
belief.

Lynn Frasco

Subscribed and Sworn to before me this

10 day of December, 2002

Homer J. Tice
Notary Public



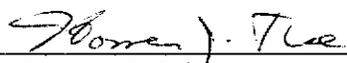
STATE OF ILLINOIS)
 : SS
COUNTY OF MONROE)

Alan Wattles, being first duly sworn upon his oath, deposes and states that he is the President/CEO of Monroe County Electric Co-Operative, Inc. and that he has read the above and foregoing Petition for Leave to Intervene and that the same is true to the best of his knowledge, information and belief.

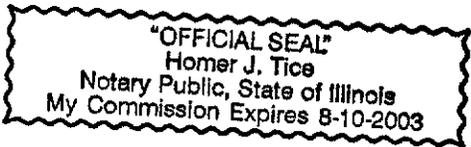
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Subscribed and Sworn to before me this

10 day of Dec, 2002

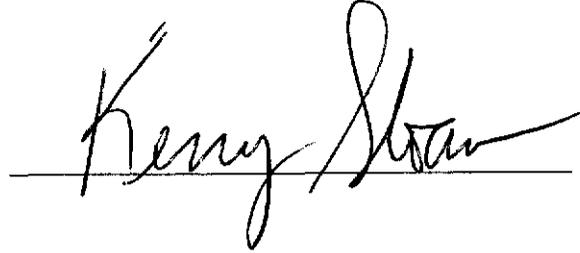


Notary Public



STATE OF ILLINOIS)
 : SS
COUNTY OF BOND)

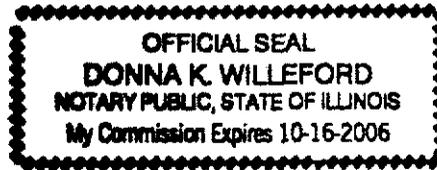
KERRY SLOAN, being first duly sworn upon his oath, deposes and states that he is the Chief Executive Officer of Southwestern Electric Cooperative, Inc. and that he has read the above and foregoing Petition for Leave to Intervene and that the same is true to the best of his knowledge, information and belief.



Subscribed and Sworn to before me this

13 day of December, 2002

Donna K. Willeford
Notary Public



STATE OF ILLINOIS)
 : SS
COUNTY OF FULTON)

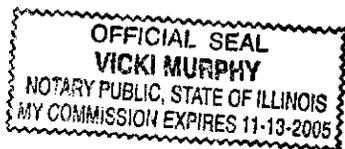
W. EDWARD COX, being first duly sworn upon his oath, deposes and states that he is the President/CEO of Spoon River Electric Cooperative. and that he has read the above and foregoing Petition for Leave to Intervene and that the same is true to the best of his knowledge, information and belief.

W. Edward Cox

Subscribed and Sworn to before me this

16th day of December, 2002

Vicki Murphy
Notary Public



STATE OF ILLINOIS)
 : SS
COUNTY OF JEFFERSON)

MARCIA SCOTT, being first duly sworn upon her oath, deposes and states that she is the General Manager of Tri-County Electric Cooperative, Inc. and that she has read the above and foregoing Petition for Leave to Intervene and that the same is true to the best of her knowledge, information and belief.

Marcia Scott

Subscribed and Sworn to before me this

10 day of Dec., 2002

Homer J. Tice
Notary Public



STATE OF ILLINOIS)
 : SS
COUNTY OF MACOUPIN)

DENNIS A. KEISER, being first duly sworn upon his oath, deposes and states that he is the President/CEO of M.J.M. ELECTRIC COOPERATIVE, INC. and that he has read the above and foregoing Petition for Leave to Intervene and that the same is true to the best of his knowledge, information and belief.

Dennis A. Keiser

Subscribed and Sworn to before me this
13th day of December, 2002
Deborah L. Elliott
Notary Public



PROOF OF SERVICE

I, JERRY TICE, hereby certify that on the 17 day of Dec, 2002, I deposited in the United States mail at the post office at Petersburg, Illinois, postage fully paid, a copy of the document attached hereto and incorporated herein, addressed to the following persons at the addresses set opposite their names:

Joseph L. Lakshmanan
Assistant General Counsel
Illinois Power Company
500 South 27th Street
Decatur, IL 62521

Owen E. MacBride
Schiff Hardin & Waite
6600 Sears Tower
Chicago, Illinois 60606

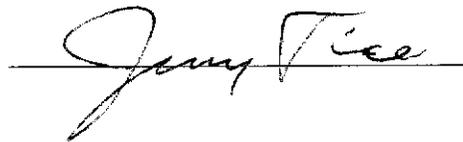
Linda M. Buell
Office of General Counsel
Illinois Commerce Commission
527 E. Capitol Ave.
Springfield, IL 62701

Edward C. Fitzhenry
Lueders, Robertson & Konzen
1939 Delmar Ave.
P.O. Box 735
Granite City, IL 62040

Paul F. Hanzik
Foley & Lardner
321 N. Clark St. Ste. 1500
Chicago, IL 60610

Steven Matrisch
Illinois Commerce Commission
527 E. Capitol Ave.
Springfield, IL 62701

Tom Smith
Illinois Commerce Commission
527 E. Capitol Ave.
Springfield, IL 62701

A handwritten signature in cursive script, reading "Jerry Tice", is written over a horizontal line.

GROSBOLL, BECKER, TICE & REIF
Attorney Jerry Tice
101 E. Douglas
Petersburg, IL 62675
Telephone: 217-632-2282

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