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ILLINOIS COMMERCE COMMISSION

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

APPLICATION FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY

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ILLINOIS COMMERCE COMMISSION

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CHIEF CLERK'S OFFICE

In the Matter of the Application of )  
 Illinois-American Water Company for )  
 Certificates of Public Convenience and )  
 Necessity to Provide Water and/or )  
 Sanitary Sewer Service to Parcels in )  
 Cook, DuPage and Will Counties, Illinois )  
 Pursuant to Section 8-406 of the Public )  
 Utilities Act and a Variance from )  
 Part 600.370 of the Commission's Rules )

Docket No. 03-0362

**AMENDED APPLICATION FOR CERTIFICATE OF  
 CONVENIENCE AND NECESSITY**

TO THE ILLINOIS COMMERCE COMMISSION, SPRINGFIELD, ILLINOIS:

Illinois-American Water Company, Petitioner herein, respectfully shows:

1. This amended petition is being filed to revise the certificate requested for Parcel G (identified on Exhibit A of the original petition filed on May 30, 2003). Originally certification was requested for water only. The petition is now being amended to request certification for water and sewer. It is also being filed to withdraw the request for a certificate to provide water service to Parcel C of the Southwest Suburban service area, Hiller Development, and Parcel A of the Santa Fe service area, Extreme Express, as the Company already has certificates for water service to each of these areas. In addition, the Amended Application requests a variance from Part 600.370, 83 Ill. Admin. Code 600.370, with regards to refunds to developers in the Santa Fe service area.

2. It is a duly incorporated company, incorporated under the laws of the State of Illinois on August 15, 1916, and is duly authorized to do business in the State of Illinois. It is a public utility within the meaning of the Act of the General Assembly of the State of Illinois entitled "An

Act Concerning Public Utilities", approved June 29, 1916, and enforced July 1, 1921, as amended, and is now engaged in the business of furnishing potable water service to the public of the State of Illinois.

3. The post office address of Petitioner is 300 North Water Works Drive, P. O. Box 24040, Belleville, Illinois 62223-9040.

3. Petitioner provides water and sanitary sewer services in several counties in Illinois, including certain areas in Cook, DuPage and Will Counties.

4. The areas for which Petitioner seeks certification are generally contiguous to seven areas currently served by Illinois-American's Chicago-Metro Division. The seven service areas of Petitioner are identified as Chicago Suburban, DuPage, Forest Estates, Santa Fe, Southwest Suburban, Valley View, and West Suburban.

5. Petitioner has entered into or is in the process of entering into nineteen water and/or sanitary sewer service agreements ("Service Agreements") with property developers and/or owners to serve the parcels for which certification is requested. Pursuant to these Service Agreements, the developer or owner agrees to take from Petitioner, and Petitioner agrees to provide (subject to the terms and conditions set forth in the Service Agreements), water or water and sewer service. The areas to be certified are arranged by Petitioner's service areas. The areas for which Petitioner seeks certification are shown in red on the maps attached hereto as **Exhibit A** and are more specifically legally described on **Exhibit B** attached hereto. **Exhibit C** identifies the type of certificate that is being requested for each parcel.

6. No other water or sanitary sewer utility presently serves the parcels for which certification is requested.

7. In Docket No. 51771, the Commission approved an agreement for construction of water and sewer facilities in the area now known as the Santa Fe service area between Citizens Utilities Company of Illinois ("Citizens") and Chanslor-Western Oil Development Company ("Santa Fe Agreement"). Since that time through mergers and asset purchases, Illinois-American has assumed Citizens' position to the Santa Fe Agreement and Catellus Development Corporation ("Catellus") has assumed Chanslor's position. Pursuant to the Santa Fe Agreement, Catellus, and any party receiving service through Catellus, waived their rights to refunds and recapture payments as contemplated by Part 600.370 (b)(5) of the Commission's rules, 83 Ill. Admin. Code 600.270(b)(5). The Commission's approval of the Santa Fe Agreement, which included a prescribed revenue sharing arrangement, was entered prior to the codification of Part 600.370. Therefore, acknowledgment of the existing variance from such Part is requested for the parcels located in the Company's Santa Fe service area.

8. The municipalities, arranged by Petitioner's service areas, whose corporate boundaries lie within one and one-half miles of the areas for which Petitioner seeks certification are:

Chicago Suburban Area – Wheeling, Northbrook, Glenview, Des Plaines, Mt. Prospect, Prospect Heights;

DuPage Area – Lisle, Downers Grove, Woodridge, Naperville;

Forest Estates Area – Palatine, Rolling Meadows, Schaumburg;

Santa Fe Area – Woodridge, Lemont, Bolingbrook, Romeoville;

Southwest Suburban Area – Lockport, Orland Park, Palos Park, Lemont;

Valley View Area – Wheaton, Downers Grove, Glen Ellyn, Lombard, Lisle;

West Suburban Area – Naperville, Woodridge, Romeoville, Plainfield.

Each of these municipalities has been served with a copy of the Petition, as required by 83 Ill. Admin. Code 200.150(b). The following municipalities were served with a copy of this Amended Petition because they are affected by the amendment:

Santa Fe Area - Woodridge, Lemont, Bolingbrook, Romeoville;

Southwest Suburban Area - Lockport, Orland Park, Palos Park, Lemont.

9. Petitioner proposes to serve the customers located within the parcels for which certification is requested under its Chicago-Metro Division's standard rates, rules and regulations in effect from time to time. Petitioner is prepared to serve all potential customers located within these parcels, subject to the provisions of its rate schedules.

10. Petitioner's construction, operation, and maintenance of the water and/or sanitary sewer facilities, as contemplated in the Service Agreements, and as will be described in the testimony and exhibits supporting this Petition, are necessary to provide adequate, reliable, and efficient water and/or sanitary sewer service to the customers to be located within the areas for which certification is sought. In addition, Petitioner's construction constitutes the least-cost means of satisfying the service needs of those customers.

11. Petitioner is capable of efficiently managing and supervising the construction necessary to serve all the parcels.

12. Petitioner is capable of financing the construction necessary to serve all of the parcels in accordance with the Santa Fe Agreement without adverse financial consequences to Petitioner or its customers.

13. The construction, operation, and maintenance by Petitioner of the water and/or sanitary sewer facilities necessary and appropriate to serve the parcels for which certification is requested, and Petitioner's provision of water and/or sanitary sewer service to the public in those

parcels, will promote the public convenience and is necessary thereto, and the interest of the public will be served thereby.

WHEREFORE, Petitioner requests that the Commission issue Certificates of Public Convenience and Necessity authorizing it to own, operate, and maintain the facilities necessary and appropriate to serve the parcels in Cook, DuPage and Will Counties shown on Exhibit A and legally described on Exhibit B; to transact the business of furnishing water and/or sanitary sewer service to the public therein, as summarized on Exhibit C; to acknowledge the existing variance from Part 600.370 with respect to parcels located in the Santa Fe service area; and grant such further relief as may be just, reasonable and appropriate.

Respectfully submitted,

ILLINOIS-AMERICAN WATER COMPANY

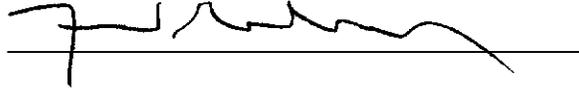
By:  \_\_\_\_\_  
Vice President

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618-236-1180

STATE OF ILLINOIS        )  
                                  ) ss.  
COUNTY OF ST. CLAIR    )

I, Fred L. Ruckman, being first duly sworn on oath, depose and state that I am a Vice President of Illinois-American Water Company, an Illinois corporation; that I have read the above and foregoing Petition by me subscribed and know the contents thereof; and that said

contents are true in substance and in fact, except as to those matters stated upon information and belief, and, as to those, I believe same to be true.



Subscribed and sworn to before me, a Notary Public, this 5<sup>TH</sup> day of August,  
2003.

Patricia A. Barnett  
Notary Public

(SEAL)

