

Nos. 121302, 121304, 121305 & 121308 (Cons.)

IN THE SUPREME COURT OF ILLINOIS

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ILLINOIS LANDOWNERS ALLIANCE, NFP,	)	Petition for Leave to Appeal
ILLINOIS AGRICULTURAL ASSOCIATION	)	from the Appellate Court of
a/k/a ILLINOIS FARM BUREAU, and	)	Illinois, Third District, Nos.
COMMONWEALTH EDISON CO.,	)	3-15-0099, 3-15-0103 &
	)	3-15-0104 (consolidated)
Respondents-Appellees,	)	There Heard on Review of
	)	Orders of the Illinois
vs.	)	Commerce Commission in its
	)	Docket No. 12-0560
ILLINOIS COMMERCE COMMISSION,	)	
ROCK ISLAND CLEAN LINE LLC, <i>et al.</i>	)	
	)	
Petitioners-Appellants.	)	

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**ILLINOIS AGRICULTURAL ASSOCIATION a/k/a ILLINOIS FARM BUREAU'S  
RESPONSE TO COMMONWEALTH EDISON COMPANY'S MOTION TO DISMISS  
APPEAL AND VACATE LEAVE TO APPEAL AS IMPROVIDENTLY GRANTED**


NOW COMES Respondent-Appellee, ILLINOIS AGRICULTURAL ASSOCIATION a/k/a ILLINOIS FARM BUREAU (the "Farm Bureau"), by and through its attorneys, Brown, Hay & Stephens, LLP, and as and for its Response to Commonwealth Edison Company's ("ComEd") Motion to Dismiss Appeal and Vacate Leave to Appeal as Improvidently Granted, hereby states as follows:

1. ComEd's Motion to Dismiss raises serious issues that warrant consideration by this Court.
2. The facts presented by ComEd in Steven T. Naumann's Affidavit bring to light that not only has the Project changed since Rock Island's application and the CPCN being awarded by the Commission, but also that the facts presented to this Court as recently as ComEd's Reply Brief do not square with reality. (See Rock Island Reply Br., pp. 16, 21).

3. The Farm Bureau supports ComEd's Motion to Dismiss and the relief it requests. See *U.S. Bancorp Mort. Co. v. Bonner Mall Partnership*, 513 U.S. 18, 115 S.Ct. 386 (1994). Alternatively, the Farm Bureau requests that further briefing be ordered on ComEd's Motion to Dismiss so that a full and informed decision can be reached by this Court.

**WHEREFORE**, Respondent-Appellee, ILLINOIS AGRICULTURAL ASSOCIATION a/k/a ILLINOIS FARM BUREAU, respectfully requests that an Order be entered granting ComEd's Motion to Dismiss Appeal and Vacate Leave to Appeal as Improvidently Granted, or alternatively ordering further briefing on ComEd's Motion.

**ILLINOIS AGRICULTURAL ASSOCIATION  
a/k/a ILLINOIS FARM BUREAU, Respondent-  
Appellee**

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**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing instrument was served upon:

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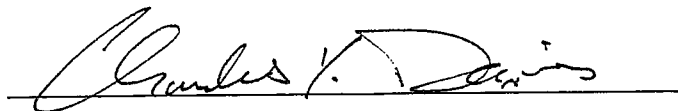
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via electronic transmission on this 8<sup>th</sup> day of May, 2017.

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this Certificate of Service are true and correct.



Charles V. Dennis