

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

IN THE SUPREME COURT OF ILLINOIS

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.)	

**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**

By: 
One of Its Attorneys

BROWN, HAY & STEPHENS, LLP
Charles Y. Davis (Reg. No. 6286010)
Claire A. Manning (Reg. No. 3124724)
205 South Fifth Street, Suite 700
P.O. Box 2459
Springfield, IL 62705
(217) 544-8491
Fax: (217) 544-9609
cdavis@bhslaw.com
cmanning@bhslaw.com

CERTIFICATE OF SERVICE

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

Owen E. MacBride
Diana Z. Bowman
Schiff Hardin LLP
233 S. Wacker Dr., Ste. 6600
Chicago, IL 60606
omacbride@schiffhardin.com
dbowman@schiffhardin.com

Mara S. Georges
Michael J. Synowiecki
Daley and Georges, Ltd.
20 South Clark St., Suite 400
Chicago, IL 60603
mgeorges@daleygeorges.com
msynowiecki@daleygeorges.com

E. Glenn Rippie
Carmen L. Fosco
Rooney Rippie & Ratnaswamy LLP
350 W. Hubbard St., Ste. 600
Chicago, IL 60654
glenn.rippie@r3law.com
carmen.fosco@r3law.com

Brett E. Legner
Office of the Attorney General
of the State of Illinois
100 West Randolph St., 12th Floor
Chicago, IL 60601
civilappeals@atg.state.il.us
blegner@atg.state.il.us

Sean R. Brady
Wind on the Wires
P.O. Box 4072
Wheaton, IL 60189
sbrady@windonthewires.org

Patrick K. Shinnars
Schuchat, Cook & Werner
1221 Locust St., 2nd Flr.
St. Louis, MO 63103
pks@schuchatcw.com

John N. Moore
Natural Resources Defense Council
20 North Wacker Drive, Suite 1600
Chicago, IL 60606
jmoore@nrdc.org

Justin Vickers
Environmental Law & Policy Center
35 E. Wacker Drive, Suite 1600
Chicago, IL 60601
jvickers@elpc.org

Matthew E. Price
Jenner & Block LLP
1099 New York Ave. NW, Suite 900
Washington, DC 20001
mprice@jenner.com

Clifford W. Berlow
Jenner & Block LLP
353 North Clark St.
Chicago, IL 60654
cberlow@jenner.com

John C. Martin
MartinSirott LLC
30 N. LaSalle Street, Suite 2825
Chicago, Illinois 60602
jmartin@martinsirott.com

Michael T. Reagan
Law Offices of Michael T. Reagan
633 LaSalle St., Ste. 409
Ottawa, IL 61350
mreagan@reagan-law.com

William M. Shay
Jonathan LA Phillips
John D. Albers
Melissa N. Schoenbein
Shay Phillips, Ltd.
230 S.W. Adams St., Suite 310
Peoria, IL 61602
wshay@shay-law.com
jphillips@shay-law.com
jalbers@shay-law.com
mschoenbein@shay-law.com

Matthew L. Harvey
James E. Wegering
Douglas P. Harvath
Office of General Counsel
Illinois Commerce Commission
160 N. LaSalle St., Ste. C-800
Chicago, IL 60601
mharvey@icc.illinois.gov
jwegering@icc.illinois.gov
[dharvath@icc.illinois.gov](mailto:धारवथ@icc.illinois.gov)

Richard G. Bernet
Clark M. Stalker
Anastasia M. O'Brien
Exelon Business Services Co.
10 South Dearborn, 49th Floor
Chicago, IL 60603
richard.bernet@exeloncorp.com
clark.stalker@exeloncorp.com
anastasia.obrien@exeloncorp.com

David D. Streicker
Paula Kim
Colleen S. Walter
Polsinelli PC
161 N. Clark St., Ste. 4200
Chicago, IL 60601
dstreicker@polsinelli.com
pkim@polsinelli.com
cwalter@polsinelli.com

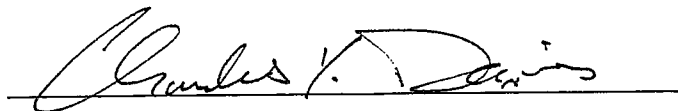
Michael R. Engleman
Squire Patton Boggs (US) LLP
2550 M Street, NW
Washington, D.C. 20037
michael.engleman@squirepb.com

Thomas S. O'Neill
Commonwealth Edison Company
440 S. LaSalle St., Suite 3300
Chicago, IL 60605
thomas.oneill@exeloncorp.com

Jacques LeBris Erffmeyer
Kristin Munsch
Citizens Utility Board
309 W. Washington Street, Suite 800
Chicago, IL 60606-3223
Jerffmeyer@citizensutilityboard.org
Kmunsch@citizensutilityboard.org

via electronic transmission on this 8th 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.



A handwritten signature in black ink, appearing to read "Charles V. Dennis", is written over a horizontal line.