By the Commission:

I. INTRODUCTION AND PROCEDURAL HISTORY

On April 4, 2007, the Commission, acting on a Petition filed by TransCanada Keystone Pipeline, LP (“Keystone”), and following issuance of notice to potentially affected landowners and other potentially interested entities, and holding an evidentiary hearing, issued an Order in this docket (the “April 4, 2007 Order” or the “Order”) finding that the public convenience and necessity required issuance of a Certificate in Good Standing, under Section 15-401 of the Public Utilities Act (“Act”), 220 ILCS 5/15-401, to Keystone to operate as a common carrier by pipeline a pipeline (the “Keystone Pipeline”) extending from an entry point into Illinois at the Mississippi River near Hartford, Illinois, and traversing Madison, Bond, Fayette and Marion Counties to a terminus at Patoka, Illinois, along a route more fully described in the Appendix to the Order. The Order also found that the erection, operation and maintenance of the proposed Keystone Pipeline in Illinois, as described in the Order, are necessary and ought reasonably to be made to promote the convenience of the public, and found that, pursuant to Sections 8-503 and 15-401 of the Act (220 ILCS 5/8-503 and 15-401), Keystone should be authorized and directed to construct, operate and maintain the Keystone Pipeline, as described in the Order, in Illinois. Finally, pursuant to Section 8-509 of the Act, 220 ILCS 5/8-509, the Order authorized Keystone to exercise eminent domain to obtain 50 foot wide nonexclusive permanent easements, additional temporary construction easements 60 feet wide along the portion of the pipeline that will be 30 inch diameter pipe and 45 feet wide along the portion of the pipeline that will be 24 inch diameter pipe, and such further temporary construction easements as are needed to accommodate specific design and construction requirements associated with road, river, railway and utility crossings and
other situations involving varying soil, terrain and structure issues, along the route described in the Appendix to the Order and on the tracts of land listed in Keystone Exhibit 9.2 for which Keystone has made an offer to the landowner(s), at the landowner’s last known address of record, to acquire the necessary permanent and temporary easements, but has not acquired such permanent and temporary easements through voluntary negotiations with landowners.

On October 31, 2007, Keystone filed with the Commission a verified “Petition Requesting the Commission to Re-Open the Docket and Issue an Amendatory Order Based on a Change to the Design and Construction of the Proposed Pipeline” (“Petition to Reopen”). The Petition to Reopen stated that subsequent to issuance of the Order, Keystone decided to implement a change to the design and construction of the Keystone Pipeline from the design and construction described in Keystone’s original Petition in this docket and attachments thereto and in the testimony Keystone submitted in the original proceedings in this docket. Specifically, the Petition to Reopen stated Keystone has determined it must increase the diameter of the Keystone Pipeline on the approximately 55-mile segment from Wood River, Illinois to Patoka, Illinois, from 24 inches to 30 inches. The Petition to Reopen stated that this change will not require any change to the route of the Keystone Pipeline in Illinois, and will not result in Keystone requesting or obtaining larger easements from landowners along this portion of the pipeline route than the easements described in the Order. In the Petition to Reopen, Keystone stated that the Petition was filed so that no question would be raised that the change to the design and construction of the Keystone Pipeline takes it outside the scope of the design and construction described in Keystone’s original Petition and its evidence in the original proceedings in this docket, which the Commission considered in issuing the Order and granting the authorizations therein. Therefore, Keystone requested the Commission (i) exercise its authority to reopen the docket to receive evidence on the change to the design and construction of the Keystone Pipeline and (ii) issue an amendatory order confirming that the authorizations granted in the Order remain valid and in effect.

On November 20, 2007, the Commission, in conference, granted the petition to reopen this docket for the purposes stated in the Petition to Reopen.

Pursuant to due notice, a hearing on reopening was held in this docket on December 20, 2007, before a duly authorized Administrative Law Judge of the Commission at its offices in Springfield, Illinois. The Chief Clerk of the Commission provided notice of the hearing by first class mail, more than ten days prior to the date of the hearing, to the owners of tracts of land along the route of the Keystone Pipeline at their addresses as set forth on Attachment C to the Petition to Reopen. Such notice of the hearing was also provided to the potentially interested pipelines, railroads, electric utilities, telecommunications carriers, county boards, municipalities, and federal, state and local agencies listed on Attachment A to the Petition to Reopen. In addition, on or about September 28, 2007, Keystone mailed a letter by first class mail to the landowners along the route of the Keystone Pipeline notifying them of the change in the diameter of the pipeline on the segment from Wood River to Patoka. Attachment B to
the Petition to Reopen contained the text of Keystone’s letter to the landowners. No
landowners, and none of the potentially interested pipelines, railroads, electric utilities,
telecommunications carriers, county boards, municipalities, and federal, state and local
agencies along the route of the Keystone Pipeline, filed petitions to intervene in the
proceedings on reopening or entered an appearance at the December 20, 2007 hearing. At
the December 20, 2007 hearing, appearances were entered by counsel on behalf of
Keystone and on behalf of the Staff of the Commission (“Staff”).

Robert Jones, Vice-President of Keystone, testified on behalf of Keystone. Mark
Maple, a Gas Engineer in the Engineering Department of the Energy Division of the
Commission testified on behalf of Staff. At the conclusion of the December 20, 2007
hearing, the record on reopening was marked “Heard and Taken.”

Based on the status of the proceedings on reopening as of the conclusion of the evidentiary
hearing, the parties waived the filing of briefs. Keystone submitted a Draft Amendatory Order on
Reopening to which Staff indicated it had no objection. An ALJ’s Proposed Order was issued. No
exceptions were filed to the ALJ’s Proposed Order.

II. EVIDENCE ON REOPENING

A. Keystone’s Evidence on Reopening

Mr. Jones testified that, as presented in Keystone’s testimony in the original proceedings in
this docket, Keystone originally planned that in Illinois, the Keystone Pipeline would be a 30-inch
diameter pipeline from its entry into Illinois at a point on the Mississippi River near Hartford to a
point near Wood River, and would then be a 24-inch diameter pipeline for the remainder of its length
to its terminus near Patoka. He stated that the 30-inch diameter segment of the pipeline was to
have been approximately 1.4 miles long and the 24-inch diameter segment of the pipeline
was to have been approximately 55 miles long. He explained that subsequent to issuance of
the Order, Keystone decided to increase the diameter of the Keystone Pipeline on the
approximately 55-mile segment from Wood River to Patoka from 24 inches to 30 inches. As a
result, the diameter of the Keystone Pipeline will be 30 inches for its entire length in Illinois.
(Keystone Ex. 11.0 (Corrected) at 3.)

Mr. Jones testified that there are two principal reasons for the decision to increase the
diameter of the Keystone Pipeline from 24 inches to 30 inches on the segment from Wood
River to Patoka. First, Keystone has continued to see growth in demand from shippers for
capacity on the Keystone Pipeline. The originally-planned design capacity of the Keystone
Pipeline was 435,000 barrels per day (“bpd”). He stated that, however, as the result of a
recently-completed open season process, contracted demand has increased from 340,000
bpd to 490,000 bpd, greater than the originally-planned design capacity. He testified that,
accordingly, the design capacity of the Keystone Pipeline is being increased to 590,000 bpd.
Second, in connection with the need to increase the pipeline capacity, a review was
conducted of the hydraulic design of the Wood River to Patoka segment. Mr. Jones stated that this review determined a 30-inch pipeline would be a more efficient design for this segment than the original 24-inch design in terms of electric power consumption and the quality of the crude petroleum delivered by the pipeline. He stated that based on the increased throughput that has been contracted for, the larger, 30-inch diameter design for this segment of the Keystone Pipeline will require less electric power for pumping. He also explained that the larger, 30-inch diameter design for this segment will better preserve the quality of the crude petroleum being shipped than would a 24-inch diameter design, as otherwise the increased flow rate would necessitate the use of breakout tankage to move the crude petroleum from the upstream 30-inch diameter pipeline segment into the 24-inch diameter segment. (Keystone Ex. 11.0 (Corrected) at 3-4.)

Mr. Jones testified that the increased diameter of the Keystone Pipeline on the approximately 55-mile segment from Wood River to Patoka would not result in Keystone requesting larger permanent or temporary easements from landowners on this segment of the route than Keystone requested in the original proceedings in this docket and the Commission authorized in the Order. He also stated that the increase in the diameter of the Keystone Pipeline would not require any changes in the route of the pipeline. With respect to the width of permanent easements, Mr. Jones stated that as described in the original proceedings, Keystone requires 50-foot wide easements along the entire route of the pipeline in Illinois, both the segments originally planned to be 30-inch diameter and the segments originally planned to be 24-inch diameter. Therefore, he stated, the increase of the pipeline diameter from 24 inches to 30 inches on the Wood River to Patoka segment does not necessitate any increase in the width of the permanent easements for this segment of the route. (Keystone Ex. 11.0 (Corrected) at 4-5.)

With respect to temporary construction easements, Mr. Jones testified that Keystone originally planned to obtain temporary construction easements of an additional 60-foot width along the portion of the Keystone Pipeline that will be 30-inch diameter pipe and an additional 45-foot width along the portion of the pipeline that will be 24-inch diameter pipe. He stated, however, that even though the pipeline segment from Wood River to Patoka will now be 30-inch diameter pipe rather than 24-inch diameter pipe, Keystone will not request the larger, 60-foot wide additional temporary construction easements along this segment of the pipeline. Rather, Keystone will continue to request and obtain additional temporary construction easements of 45-foot width along the Wood River to Patoka segment. Mr. Jones testified that although managing construction within the narrower temporary construction easements along this portion of the pipeline route will result in additional construction costs, Keystone decided it would be inappropriate at this stage of the land acquisition process to request larger temporary construction easements along the Wood River to Patoka segment of the route than were originally proposed and requested. He stated that Keystone will continue to obtain 60-foot wide additional temporary construction easements on the segment of the Keystone Pipeline in Illinois that was originally planned to be, and still will be, 30-inch diameter pipe, from the Mississippi River to Wood River. Mr.
Jones also testified that, as described in the original proceedings in this docket, there will be some locations at which larger additional temporary construction workspace easements will be needed to accommodate specific design and construction requirements associated with road, river, railway and utility crossings and other situations involving varying soil, terrain and structure issues. He stated that the need for larger additional temporary construction easements at such locations is not a function of the pipeline diameter. Mr. Jones stated that in all cases, once construction is completed, the additional temporary construction easements will revert back to the landowners and Keystone will have no further rights to utilize this land. (Keystone Ex. 11.0 (Corrected) at 5-6.)

Mr. Jones testified that the increase in the pipeline diameter along a portion of the route of the Keystone Pipeline did not necessitate any changes to the authorization granted to Keystone in the Order to use eminent domain to acquire easements, so as to allow Keystone to acquire wider easements for the portion of the route from Wood River to Patoka. However, Mr. Jones stated that in light of Keystone’s intention to continue to request only 50-foot wide permanent easements and 45-foot wide additional temporary construction easements along the Wood River to Patoka segment, even though the pipeline diameter for this segment would now be 30 inches, Keystone would not object if the authorization to use eminent domain granted in the Order were modified to state:

TransCanada Keystone Pipeline, LP is authorized to take and condemn 50 feet wide nonexclusive permanent easements, additional temporary construction easements 60 feet wide along the portion of the pipeline from the Mississippi River to Wood River, Illinois and 45 feet wide along the portion of the pipeline from Wood River to Patoka, Illinois, and such further temporary construction easements as are needed to accommodate specific design and construction requirements associated with road, river, railway and utility crossings and other situations involving varying soil, terrain and structure issues, along the route described in the Appendix to this Order and on the tracts of land listed in Keystone Exhibit 9.2 in this Docket for which TransCanada Keystone Pipeline, LP has not acquired the necessary permanent and temporary easements through voluntary negotiations with the landowners. (Keystone Ex. 11.0 (Corrected) at 6-7.)

Mr. Jones also testified that in advance of Keystone’s first annual status report on the Keystone Pipeline project, which pursuant to the Order is required to be filed with the Commission by January 31, 2008, it was appropriate to bring to the Commission’s attention that Keystone has obtained a special permit from the Pipeline Hazardous Materials Safety Administration (“PHMSA”), U.S. Department of Transportation, issued on April 30, 2007, authorizing Keystone to design and construct the Keystone Pipeline within the United States to 80% (0.80) of the specified minimum yield strength (“SMYS”) of the steel pipe used in the pipeline, rather than 0.72 SMYS as specified in PHMSA’s regulations at 49 C.F.R. §195.106. He stated that PHMSA is authorized to issue special permits for operation at different design factors than those specified in its regulations if PHMSA finds the authorization granted by the special permit is “not inconsistent with pipeline safety.” Mr. Jones testified
that in its original Petition in this proceeding, Keystone stated the portion of the pipeline that would be 30-inch diameter pipe would have a 0.375-inch minimum pipe wall thickness (based on an X80 steel grade) and the portion of the pipeline that would be 24-inch diameter pipe would have a 0.343-inch minimum pipe wall thickness. He stated that under the special permit, the portion of the pipeline that will be 30-inch diameter pipe (which will now be the entire length of the pipeline in Illinois) will have a 0.386-inch minimum pipe wall thickness (based on an X70 steel grade). He testified that both X80 and X70 are high strength steel grades. He also stated that the special permit does not authorize any change in the maximum allowable working pressure of the pipeline. Mr. Jones testified that the special permit issued by PHMSA allows Keystone to depart somewhat from the specific design requirements in the Part 195 regulations, but that the design, construction and operation of the Keystone Pipeline in accordance with the special permit as authorized by PHMSA, including the detailed exceptions, conditions and limitations in the special permit, continue to constitute compliance with Part 195 as well as other applicable rules, regulations and standards. He stated that this was consistent with Keystone’s testimony in the original proceedings in this docket that the Keystone Pipeline will be designed, constructed, tested and operated in accordance with all applicable requirements included in the PHMSA regulations at 49 CFR Part 195, and other applicable federal and state regulations, which are intended to ensure the safe delivery of crude oil. (Keystone Ex. 11.0 (Corrected) at 8-9.)

Keystone stated in its Petition to Reopen that it requested issuance of the special permit to be applicable to the entire length of the Keystone Pipeline within the U.S., from the U.S.-Canadian border at Cavalier County, North Dakota to Patoka, Illinois, including the Cushing Extension from Jefferson County, Nebraska to Cushing, Oklahoma. However, the special permit issued by PHMSA stated that it is applicable to the Keystone Pipeline from the U.S.-Canada border to Wood River, Illinois, and the Cushing Extension, with no explanation as to why the entire route of the pipeline in the U.S. is not covered. (Petition to Reopen at 7, note 5.) Mr. Jones testified that Keystone believes an unintended clerical error was made in the special permit with respect to the description of the portion of the Keystone Pipeline to which the special permit applies, and that Keystone has requested a corrected special permit from PHMSA. (Keystone Ex. 11.0 (Corrected) at 8.)

B. Position of Staff on Reopening

Mark Maple, Gas Engineer in the Engineering Department of the Energy Division of the Commission, testified on behalf of Staff at the December 20, 2007 hearing. Mr. Maple stated that Staff reviewed Keystone’s petition to amend the Order. He testified that, given that the change involved is limited to the size of the pipeline; no additional land will be needed for the easements; no additional landowners will be affected; and there is no opposition from any intervenors, Staff does not oppose Keystone’s request for an amendatory order. Mr. Maple stated that Staff recommends that the Commission amend the Order as requested by Keystone.
III. COMMISSION CONCLUSION

Keystone is requesting that the Commission issue an Amendatory Order on reopening confirming the authorizations granted in the Order issued April 4, 2007 in this docket, in light of Keystone’s decision to increase the diameter of the Keystone Pipeline from 24 inches to 30 inches on the approximately 55-mile segment of the pipeline from Wood River, Illinois to Patoka, Illinois. Keystone states that although it is increasing the pipeline diameter on the Wood River-to-Patoka segment of the Keystone Pipeline, it will continue to request and obtain only 50-foot wide permanent easements and 45-foot wide additional temporary construction easements on this segment of the pipeline, as authorized in the Order. The only matters for consideration and determination by the Commission in this reopening are (1) whether the authorizations granted in the April 4, 2007 Order continue to be valid in light of the increase in the diameter of the Keystone Pipeline from 24 inches to 30 inches on the Wood River-to-Patoka segment, and (2) whether any modifications should be made to the text of any of those authorizations in light of the change in diameter of a portion of the Keystone Pipeline.

Based on its review of the verified Petition to Reopen and the evidence of record submitted by Keystone, and the testimony of Staff at the evidentiary hearing on reopening, the Commission concludes that the authorizations granted to Keystone in the Order remain valid in light of the increase in the diameter of the Keystone Pipeline from 24 inches to 30 inches on the Wood River-to-Patoka segment, and that the authorizations granted in the Order should be modified in only one respect as suggested by Keystone. The record shows Keystone determined it is necessary to increase the pipeline diameter on the Wood River-to-Patoka segment in Illinois because of increased contracted capacity for shipment of crude petroleum on the pipeline. The record shows the contracted capacity now exceeds the original design capacity of the Keystone Pipeline. Therefore, there continues to be a public need for the Keystone Pipeline, and for the common carrier service to be provided by Keystone, at the increased diameter of the pipeline. The record also shows that the increase in pipeline diameter from 24 inches to 30 inches on the Wood River-to-Patoka segment will result in a more efficient design in terms of electric power required for pumping and the quality of the crude petroleum delivered by the Keystone Pipeline. Therefore, taking into account the change in design and construction plans that is the subject of the reopening, the public convenience and necessity continues to require issuance of a certificate in good standing to Keystone to operate the proposed Keystone Pipeline, and Keystone should continue to be authorized and directed to construct and operate the proposed pipeline for the transportation of crude petroleum in interstate commerce, along the route described in the Appendix to the Order with delivery points at the Wood River Refinery in Wood River, Illinois, and at the terminus of the pipeline at Patoka, Illinois, pursuant to Section 15-401 of the Act.

For the same reasons stated above, Keystone should continue to be authorized and directed, pursuant to Section 8-503 of the Act, to construct, install and maintain the proposed Keystone Pipeline along the route described in the Appendix to the Order with delivery
points at the Wood River Refinery in Wood River, Illinois, and at the terminus of the pipeline at Patoka, Illinois. The record shows that construction and operation of the Keystone Pipeline in Illinois, at the increased diameter on the approximately 55-mile segment from Wood River to Patoka, will promote the security and convenience of the public and will secure adequate service and facilities for the transportation of additional supplies of Western Canadian crude petroleum for which an unfilled demand exists in Illinois and the surrounding area. None of the facts and considerations on which the Commission relied in making these determinations pursuant to Sections 15-401 and 8-503 of the Act in the Order are materially impacted by the change in the diameter of the Keystone Pipeline from 24 inches to 30 inches on the Wood River-to-Patoka segment of the pipeline route.

With respect to the authorization granted to Keystone in the Order to exercise the power of eminent domain to acquire permanent easements for construction and operation of the Keystone Pipeline and temporary construction workplace easements for construction of the pipeline, Keystone was authorized in the Order to exercise eminent domain to acquire 50-foot wide permanent easements and additional temporary construction easements 60 feet wide along the portion of the Keystone Pipeline that would be 30-inch diameter pipe and 45 feet wide along the portion of the pipeline that would be 24-inch diameter pipe. Keystone has committed that although it is increasing the diameter of the pipeline from 24 inches to 30 inches along the approximately 55-mile segment from Wood River to Patoka, Keystone will continue to request and obtain only 50-foot wide permanent easements and 45-foot wide additional temporary construction easements on this segment of the route. Therefore, the increase in the diameter of the Keystone Pipeline on the Wood River-to-Patoka segment of the route will not affect the amount of land of any landowner that Keystone would exercise eminent domain to obtain for a permanent easement or an additional temporary construction easement. Based on the evidence presented on reopening, the Commission concludes that the authorization for Keystone to enter upon, take or damage private property, in the manner provided for by the law of eminent domain, along the route of the proposed Keystone Pipeline as shown in Appendix A to the Order (as modified by any Compliance Filing or Filings as specified in the Order) and to the extent of the permanent and additional temporary easements described in this Amendatory Order, continues to be necessary for the construction and operation of the Keystone Pipeline and continues to be warranted pursuant to Section 8-509 of the Act. However, for clarity in light of the change in construction plans that is the subject of this reopening, the Commission concludes that, as suggested by Keystone, the authorization granted to Keystone to exercise eminent domain should be modified to be stated as follows:

TransCanada Keystone Pipeline, LP is authorized to take and condemn 50 feet wide nonexclusive permanent easements, additional temporary construction easements 60 feet wide along the portion of the pipeline from the Mississippi River to Wood River, Illinois and 45 feet wide along the portion of the pipeline from Wood River to Patoka, Illinois, and such further temporary construction easements as are needed to accommodate specific design and construction requirements associated with road,
river, railway and utility crossings and other situations involving varying soil, terrain
and structure issues, along the route described in the Appendix to this Order and on
the tracts of land listed in Keystone Exhibit 9.2 in this Docket for which TransCanada
Keystone Pipeline, LP has not acquired the necessary permanent and temporary
easements through voluntary negotiations with the landowners.

IV. FINDINGS AND ORDERING PARAGRAPHS

The Commission, having considered the verified Petition to Reopen and the entire
record on reopening, is of the opinion and finds that:

(1) Petitioner, TransCanada Keystone Pipeline, LP, is a limited partnership
organized under the laws of the State of Delaware and authorized to conduct
business in the State of Illinois;

(2) the Commission has jurisdiction over Petitioner and the subject matter hereof;

(3) on April 4, 2007, the Commission issued an Order in this docket granting
certain authorizations to TransCanada Keystone Pipeline, LP, pursuant to
Sections 15-401, 8-503 and 8-509 of the Public Utilities Act with respect to the
construction and operation of, and exercise of eminent domain to acquire
permanent easements and additional temporary construction easements for,
the Keystone Pipeline in Illinois, as set forth in such Order;

(4) on October 31, 2007, TransCanada Keystone Pipeline, LP, filed with the
Commission a verified “Petition Requesting the Commission to Re-Open the
Docket and Issue an Amendatory Order Based on a Change to the Design and
Construction of the Proposed Pipeline”, which the Commission granted on
November 20, 2007;

(5) the recitals of fact and conclusions reached in the prefatory portion of this
Amendatory Order are supported by the record and are hereby adopted as
findings of fact;

(6) the authorization granted to TransCanada Keystone Pipeline in Finding (8) of the April
4, 2007 Order is modified to state as follows: Pursuant to Section 8-509 of the Act,
Petitioner is authorized to exercise eminent domain to obtain 50 feet wide nonexclusive
permanent easements, additional temporary construction easements 60 feet wide along
the portion of the pipeline from the Mississippi River to Wood River, Illinois and 45 feet wide along the portion of the pipeline from Wood River to Patoka, Illinois, and such further temporary construction easements as are needed to accommodate specific design and construction requirements associated with road, river, railway and utility crossings and other situations involving varying soil, terrain and structure issues, along the route described in the Appendix to the Order;

(7) upon due consideration by the Commission of the increase in the diameter of the Keystone Pipeline from 24 inches to 30 inches along the approximately 55-mile segment from Wood River, Illinois to Patoka, Illinois, that is the subject of this proceeding on reopening, Findings (4), (5), (6), (7), (9), (10) and (11) of the April 4, 2007 Order in this docket continue to be valid and in effect;

(8) any objections, motions or petitions filed in this proceeding on reopening that remain unresolved should be disposed of in a manner consistent with the ultimate conclusions contained in this Amended Order.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the fourth ordering paragraph in the Order issued by the Commission on April 4, 2007 in this docket is modified to state as follows:

IT IS FURTHER ORDERED, pursuant to Section 8-509 of the Act that, in the manner provided for by the law of eminent domain, TransCanada Keystone Pipeline, LP is authorized to take and condemn 50 feet wide nonexclusive permanent easements, additional temporary construction easements 60 feet wide along the portion of the pipeline from the Mississippi River to Wood River, Illinois and 45 feet wide along the portion of the pipeline from Wood River to Patoka, Illinois, and such further temporary construction easements as are needed to accommodate specific design and construction requirements associated with road, river, railway and utility crossings and other situations involving varying soil, terrain and structure issues, along the route described in the Appendix to this Order and on the tracts of land listed in Keystone Exhibit 9.2 in this Docket for which TransCanada Keystone Pipeline, LP has not acquired the necessary permanent and temporary easements through voluntary negotiations with the landowners.

IT IS FURTHER ORDERED that upon due consideration by the Commission of the increase in the diameter of the Keystone Pipeline from 24 inches to 30 inches along the approximately 55-mile segment from Wood River, Illinois to Patoka, Illinois, that is the subject of this proceeding on reopening, all other ordering paragraphs in the Order issued by the Commission on April 4,
2007, in this docket continue to be valid and in effect.

IT IS FURTHER ORDERED that any objections, motions, or petitions filed in this proceeding on reopening that remain unresolved are hereby disposed of in a manner consistent with the ultimate conclusions contained in this Amendatory Order.

IT IS FURTHER ORDERED that subject to the provisions of Section 10-113 of the Act and 83 Ill. Admin. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

By order of the Commission this 30th day of January, 2008.

(SIGNED) CHARLES E. BOX

Chairman