IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

VILLAGE OF OLD MILL CREEK, et al.,		
)	
Plaintiffs,)	
)	
v.)	Case No. 17-cv-01163
)	
ANTHONY M. STAR, in his official capacity)	Judge Manish Shah
as Director of the Illinois Power Agency,)	
)	Magistrate Judge Susan Cox
Defendant.)	
)	

MOTION TO DISMISS

The defendant, Anthony Star, the director of the Illinois Power Agency, by his attorney, Lisa Madigan, Attorney General of Illinois, moves the Court, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, to dismiss the complaint for failure to state a claim upon which relief can be granted.

In support of this motion, defendant states as follows:

1. Plaintiffs, consumers of electric power through Illinois utilities, challenge the

constitutionality of recent amendments to the Illinois Power Agency Act, 20 ILCS 3855, in

Public Act 099-0906, effective June 1, 2017.

2. Plaintiffs allege that the amendments, which create a program for the procurement of Zero Emission Credits, are preempted by federal law, are contrary to the dormant Commerce Clause, and violate the Equal Protection Clause.

3. For the reasons stated in more detail in the attached memorandum of law, defendants submit that these claims should be dismissed as a matter of law.

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4. Accordingly, defendants request that their motion to dismiss be granted.

Respectfully submitted,

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