

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

Illinois Commerce Commission )  
On Its Own Motion )  
Notice of Inquiry regarding )  
retail electric market issues )

14-NOI-01

**WIND ON THE WIRES' REPLY COMMENTS**

Sean R. Brady  
Wind on the Wires  
P.O. Box 4072  
Wheaton, IL 60189  
T: 312-867-0609

December 3, 2014

## WIND ON THE WIRES' REPLY COMMENTS

NOW COMES Wind on the Wires, filing its' Reply Comments in response to the Notice of Inquiry ("NOI") identified as 14-NOI-01 and initiated by the Illinois Commerce Commission on September 30, 2014.

Wind on the Wires' comments below responds to comments submitted by Citizens Utility Board, Retail Energy Supply Association, Ameren Illinois and Janice Thomson on the two questions related to *Renewable or "Green" Energy Offers*.

### Renewable or "Green" Energy Offers

Question 1: Should the Commission define residential marketing terms such as "green" and "renewable" offers? If so, what should form the basis of such definitions?

**RESPONSE OF WIND ON THE WIRES to CITIZENS UTILITY BOARD and AMEREN ILLINOIS:** CUB proposes that the terms "renewable" and "green" should be considered identical and that they be defined as "renewable energy" that is defined in the IPA Act. (CUB Letter, at 4 (Nov. 6, 2014)). Ameren Illinois states that if a definition is to be set that the definition of "renewable energy" from the IPA Act be used. (Ameren Initial Comments, at 1 (Nov. 6, 2014)).

In concept we do not object to there being a uniform definition for "green" and "renewable" and that it be uniform, the issue is that the IPA Act does not apply to Governmental Aggregators and Part 470 has no authority to impose such a term upon the products they seek to offer their customers. If the ORMD/ICC were to adopt such a definition it would require the Aggregation Supplier to determine whether the product the

Aggregation Supplier is providing the Governmental Aggregator conforms to the ICCs definition. While we don't object to the ICC setting a definition that Aggregation Suppliers would use in determining what it needs to report to the ICC, we believe our proposal in our initial set of comments is more efficient and captures a sufficient amount of information:

*Informing the public of these products can be accomplished by having the Aggregate Supplier provide Staff a description of products in which the Governmental Aggregator intends for the product to be environmentally friendly, or sets a requirement for part or all of the electricity to be generated by renewable resources, or requires the procurement of renewable energy credits. (WOW Initial Comments, at 2 (Nov. 6 2014)).*

**RESPONSE OF WIND ON THE WIRES to RESA:** RESA points out that Section 412.190 of the Illinois Commerce Commission's rules prohibits an ARES from marketing a product as 'green', 'renewable energy' or 'environmentally friendly' if it is not used for compliance with the ARES renewable portfolio standard under Section 16-115D. (RESA Initial Comments, at 9 (Nov. 6, 2014)). Part 412 applies to marketing practices **to residential customers**, but it does not apply to Governmental Aggregators and how they "characterize" a product they seek to have offered to their customers. Moreover, the obligation to report on "green" or "renewable" products arises from Part 470, so it only applies to products a Governmental Aggregator seeks to have offered.

**RESPONSE OF WIND ON THE WIRES to JANICE THOMSON:** Ms. Thomson raises two points. First, she recommends that the terms -- "green" and "renewable" --

be defined. Please see our response to CUB, *supra*. (Thomson Letter, at 1 (Nov. 6 2014)).

Second, she recommends some upgrades to the PlugInIllinois website which include -- having a “green energy lexicon” of frequently used terms, an explanation of how renewable energy “delivery” versus purchase of RECs and a Frequently Asked Question sections. (Thomson Letter, at 1-2). Wind on the Wires supports these additions and is willing to provide suggestions on those points, if the ICC/ORMD decides to take further action on those matters.

Question 2: Should a “% renewable” column be added to the supplier offer matrix found on PlugInIllinois.org? If so, is the addition of such a column dependent on a Commission definition of “renewable energy”?

**RESPONSE OF WIND ON THE WIRES to CITIZENS UTILITY BOARD:** CUB recommends that two columns be added to the website -- one column denoting a % of actual renewable energy and one column to indicate the % renewable energy credits. (CUB Letter, at 5). Wind on the Wires understands CUBs proposal to, in effect, direct the Aggregation Supplier to identify the manner in which it is complying with the “green” or “renewable” requirement of the Governmental Aggregator’s product offering by stating what percentage of its energy portfolio is RECs and what percentage is renewable energy. If so, then we support CUBs proposal. This information should not be too burdensome for Aggregation Suppliers to provide.

**RESPONSE OF WIND ON THE WIRES to AMEREN ILLINOIS:** Ameren Illinois

points out that if a column is to be added to the website that this pose an opportunity to provide information differentiating the “% renewable” column from the minimum standards of the Illinois renewable portfolio standard. (Ameren Initial Comments, at 2).

This proposal would seem to be conditioned on the assumption that ORMD Staff decides to define “green” and “renewable” as “renewable energy” is defined in the IPA Act. If the Staff were to adopt that definition then Wind on the Wires does not object to Ameren Illinois’ proposal in conjunction with our proposal -- the Aggregation Supplier provide ORMD a short written narrative or link to the product description would be a better way of informing the public. In the absence of a definition it would seem Otherwise, it would seem to be a difficult to have column that is uniform for each Governmental Aggregator offering listed on the website.

WHEREFORE, Wind on the Wires recommends that the Commission adopt the recommendations contained herein.

Respectfully submitted,

\_\_\_\_s/\_\_\_\_\_  
Sean R. Brady  
Regional Policy Manager and  
Legal Counsel

Wind on the Wires  
P.O. Box 4072  
Wheaton, IL 60189

312.867.0609  
[sbrady@windonthewires.org](mailto:sbrady@windonthewires.org)

DATED: December 3, 2014