

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

Central Illinois Light Company	)	
d/b/a AmerenCILCO	)	
	)	05-0160
Proposal to implement a competitive procurement	)	
process by establishing Rider BGS, Rider BGS-L,	)	
Rider RTP, Rider RTP-L, Rider D, and Rider MV	)	
(Tariffs filed on February 28, 2005)	)	(Cons.)
	)	
Central Illinois Public Service Company	)	
d/b/a AmerenCIPS	)	
	)	05-0161
Proposal to implement a competitive procurement	)	
process by establishing Rider BGS, Rider BGS-L,	)	
Rider RTP, Rider RTP-L, Rider D, and Rider MV	)	
(Tariffs filed on February 28, 2005)	)	
	)	
Illinois Power Company d/b/a AmerenIP	)	
	)	05-0162
Proposal to implement a competitive procurement	)	
process by establishing Rider BGS, Rider BGS-L,	)	
Rider RTP, Rider RTP-L, Rider D, and Rider MV	)	
(Tariffs filed on February 28, 2005)	)	

**RESPONSE OF  
COMMONWEALTH EDISON COMPANY  
TO MOTION TO DISMISS**

Commonwealth Edison Company (“ComEd”), through undersigned counsel, respectfully submits this Response to the Motion to Dismiss (the “Motion”) filed by the People of the State of Illinois, the Citizens Utility Board, and the Environmental Law and Policy Center.

In Docket 05-0159, the Commission is reviewing tariffs filed by ComEd that would implement an auction and cost allocation process substantively similar to the one at issue in these consolidated dockets. A motion, which is substantively similar to the

Motion, was filed in Docket 05-0159 and ComEd has submitted a response in opposition to that motion (“05-0159 Response”). Consistent with efforts to coordinate these consolidated dockets and Docket 05-0159, ComEd attaches hereto and incorporates by reference its 05-0159 Response. The Motion is without merit and should be denied for the reasons set forth in ComEd’s 05-0159 Response.

WHEREFORE, ComEd respectfully requests that the Motion be denied.

Respectfully submitted,

COMMONWEALTH EDISON COMPANY

By: \_\_\_\_\_/s/\_\_\_\_\_  
Counsel for Commonwealth Edison Company

*Of Counsel:*

David W. DeBruin  
Iris Bennett  
JENNER & BLOCK, LLP  
601 Thirteenth Street, N.W.  
Washington, D.C. 20005  
202-639-6015  
ddebruin@jenner.com

Paul F. Hanzlik  
E. Glenn Rippie  
FOLEY & LARDNER LLP  
321 North Clark Street, Suite 2800  
Chicago, Illinois 60610  
312-832-4500  
phanzlik@foley.com  
grippie@foley.com

Darryl M. Bradford  
Vice President & General Counsel  
COMMONWEALTH EDISON COMPANY  
One Financial Place  
440 South LaSalle Street, Suite 3300  
Chicago, Illinois 60603  
312-394-7541  
[darryl.bradford@exeloncorp.com](mailto:darryl.bradford@exeloncorp.com)

Anastasia M. O’Brien  
Richard Bernet  
EXELON BUSINESS SERVICES COMPANY  
EXELON CORPORATION  
10 South Dearborn Street, 35th Floor  
Chicago, Illinois 60603  
312-394-5400  
anastasia.obrien@exeloncorp.com  
richard.bernet@exeloncorp.com

DATED: May 25, 2005

Counsel for Commonwealth Edison Company