

DOCKET 05-0160, 05-0161, 05-0162 (CONSOL.) / ISSUES OUTLINE

- I. Executive Summary (*Optional*)
- II. Need for Commission action
- III. Legal issues
 - A. Background: the Illinois Electric Service Customer Choice and Rate Relief Law of 1997
 - B. ICC authority under Article IX and Article XVI to approve the filed tariffs
Potential issues by parties under sub-points 1 and 2 include, without limitation: authority under PUA Art. IX and under Art. XVI, especially §§ 16-101, -102, -103, -111, and -112; and the history of sale and divestiture of former utility generation assets.
 - C. Relationship of Illinois and federal law and jurisdiction
 - D. References to Post 2006 Initiative reports and results
Potential issues identified by parties include both evidentiary matters and the substantive role and significance, if any, of the Initiative.
 - E. Evidentiary issues
 - F. Other legal issues
- IV. Sufficiency of the competitive market
 - A. Markets' relationship to auction process
 - B. Other jurisdictions' experiences with competitive electricity procurement
 - C. Retail market conditions
 - D. Relevant product market
 - 1. Required products
 - 2. Physical vs. financial markets
 - 3. MISO capacity market
 - E. Relevant geographic market
 - 1. Significance of political boundaries
 - 2. MISO /PJM seam & Joint Operating Agreement
 - F. Market characteristics, including supplier concentration
 - G. Transmission constraints
 - H. Limitations on generator entry
 - I. Relationship to service to small commercial and residential customers

- J. Market rules and monitoring
 - 1. MISO market rules
 - 2. MISO Market Monitoring Unit (“MMU”)
 - 3. Proposed Illinois Market Monitor
 - K. Other competitive market issues
- V. Auction design issues
- A. General effectiveness and suitability
 - B. Full requirements product
 - C. Multiple round descending clock format
 - 1. General effectiveness and suitability
 - 2. Load caps
 - 3. Starting prices
 - 4. Bid decrements
 - 5. Auction volume reductions
 - 6. Portfolio rebalancing
 - 7. Association and confidential information rules
 - 8. Tranche size
 - 9. “Price taker” proposal
 - 10. Other format concepts and issues
 - D. Clearing price: uniform vs. pay-as-bid
 - E. Auction management
 - 1. Auction manager
 - 2. Role of Ameren
 - 3. Role of Staff
 - 4. Representation of consumer interests / separate consumer observer
 - F. Date of initial auction
 - G. Common vs. parallel auction
 - 1. Among fixed price products and hourly products
 - 2. Between fixed price and hourly products
 - 3. Between Ameren and ComEd products
 - 4. Common deliverability test

- H. Blended, Fixed Price Auction Products for Small Customers
 - 1. Proposed blends for residential and small commercial customer supply
 - a. 3-year agreements
 - b. Percentage of supply acquired at subsequent auctions
 - 2. Proposed 1-year fixed price product for 400kW-1MW customers
 - 3. Proposed Monthly and Quarterly products
 - I. Fixed price auction product and tariffed services for larger customers
 - 1. Nature of auction product and tariffed services for 1 MW and over customers
 - 2. Prequalification of BGS-LFP load
 - 3. Demand charge component for ≥ 1 MW customers
 - 4. Other
 - J. Regulatory oversight and review
 - 1. Nature of Commission review before, during, and after Auction
 - 2. Post auction Commission review of results
 - 3. Post-auction workshop process
 - 4. Formal proceeding(s) to consider process
 - 5. Other processes and proceedings
 - K. Supplier forward contracts
 - 1. Uniformity in general
 - 2. Credit requirements
 - 3. Proposed clarifications and modifications accepted by Ameren
 - 4. Proposed clarifications and modifications not accepted by Ameren
 - L. Other auction design issues
- VI. Procurement processes alternatives
- A. Active portfolio management
 - B. Request for proposal
 - C. Affiliate contract
 - D. Other competitive procurement mechanisms
 - E. Other procurement processes alternatives

- VII. Tariff and rate design issues
 - A. General tariff and rate design issues
 - B. Matters concerning Rider MV
 - 1. Rider MV – Organization
 - 2. Rider MV – Definitions
 - a. Customer Supply Group definitions
 - b. Peak and Off-Peak Period definitions
 - 3. Rider MV – Specification of Competitive Procurement Process
 - 4. Rider MV – Retail customer switching rules
 - a. Enrollment window
 - i. Duration of window
 - ii. Opt in vs. opt out
 - b. Other switching rule issues
 - 5. Rider MV – Limitations and Contingencies
 - 6. Rider MV – Translation to retail charges
 - a. Customer Supply Group Migration Risk Factor
 - b. Market cost information – Market Energy Costs
 - 7. Rider MV – Supply Procurement Adjustment
 - 8. Rider MV – Market Value Adjustment Factor
 - a. Accounting reconciliations
 - 9. Rider MV – Subsequent review / Contingencies
 - 10. Alternative proposals re interruptible service
 - 11. Other
 - C. Additional tariff and rate design issues
 - 1. Staff’s rate increase mitigation proposal
 - 2. Uniform BGS pricing across Ameren Footprint, regardless of rate mitigation proposal
 - 3. Rider D – Default Supply Service Availability Charge
 - 4. “Default” BGS Rate for Large customers during Initial Open Enrollment Period, Company and Staff BGS-4, Coalition RTP
 - 5. Inclusion of non-residential rate risk or migration premium as a factor in rate prism for larger BGS-FP customers

6. Treatment of Uncollectibles
7. Credit risk and other administrative costs
8. Integrated Distribution Company issues

VIII. Conclusions and mixed legal/factual issues

- A. Legality of Rider MV
- B. Issues concerning compliance of auction process details with Illinois law
Potential issues identified by parties and which may be discussed here relate, without limitation, to the Illinois Open Meetings Act, the Illinois Ethics Law, regulation of public records, and requirements of law relating to ex parte communication and decisions of the ICC being based on record evidence
- C. Other conclusions and mixed legal/factual issues

IX. Other issues

- A. Renewable energy and energy efficiency issues (not already addressed above)
- B. Additional other issues