

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

COMMONWEALTH EDISON COMPANY)	
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)	
Proposal to implement a competitive procurement)	No. 05-0159
process by establishing Rider CPP, Rider)	
PPO-MVM, Rider TS-CPP and revising Rider)	
PPO-MI. (Tariffs filed February 25, 2005))	

**REPLY BRIEF ON EXCEPTIONS OF
THE COALITION OF ENERGY SUPPLIERS**

COMPRISED OF:

**CONSTELLATION NEWENERGY, INC.
DIRECT ENERGY SERVICES, LLC
MIDAMERICAN ENERGY COMPANY
PEOPLES ENERGY SERVICES CORPORATION
U.S. ENERGY SAVINGS CORP.**

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Constellation NewEnergy, Inc. (“NewEnergy”), Direct Energy Services, LLC (“DES”), MidAmerican Energy Company (“MidAm”), Peoples Energy Services Corporation (“PES”), and U.S. Energy Savings Corp. (“USESC”) (collectively, the “Coalition of Energy Suppliers,” “Coalition,” or “CES”),¹ by their attorneys DLA Piper Rudnick Gray Cary US LLP, pursuant to Section 10-101 of the Public Utilities Act (the “Act”) and Section 200.830 of the Rules of Practice of the Illinois Commerce Commission (“Commission”), hereby submit their Reply Brief on Exceptions responding to the Briefs on Exceptions filed on December 19, 2005 by Commonwealth Edison Company (“ComEd”), the Building Owners and Managers Association (“BOMA”), the Illinois Industrial Energy Consumers (“IIEC”), the U.S. Department of Energy (“DOE”), and the Citizens Utility Board (“CUB”) in the above-referenced matter.

¹ The positions set forth in this Reply Brief on Exceptions represent the positions of the Coalition as a group, but do not necessarily represent the positions of individual CES member companies. DES and USESC will not be filing a Reply Brief on Exceptions, but stand by their Brief on Exceptions that was timely filed on December 19, 2005.

I.

EXECUTIVE SUMMARY:

THE COMMISSION SHOULD REVISE THE PROPOSED ORDER TO FURTHER ENABLE AND PROMOTE COMPETITION

The Commission must be mindful of its statutory obligation to promote the development of competition in the Illinois retail electric market as a means to deliver benefits to all consumers. In so doing, the Commission should rebuff the attacks certain parties have made upon the pro-consumer, pro-competitive aspects of the Proposed Order. Once the rhetoric is stripped away, these attacks do little more than highlight the need for the Commission to be vigilant in evaluating and rejecting proposals that would harm Illinois consumers and frustrate development of a robust, competitive market. The Commission likewise should embrace the modifications to the Proposed Order that would further enable customer choice.

One such attack upon the Proposed Order's pro-competitive conclusions suggests that the Commission realign ComEd's proposed customer groupings for the auction. The record evidence, historical data, long-standing practice regarding metering requirements, and prior Commission rulings regarding the structure of the Illinois retail electric market all strongly support the Proposed Order's conclusions on the appropriate customer groupings.

Likewise, certain parties ask the Commission to essentially abandon its prior determination regarding the competitive declaration for the over 3 MW customers served under ComEd's Rate 6L. The arguments advanced in this regard are stale and are clearly rebutted by the record evidence regarding the state of the Illinois competitive market.

Portions of various parties' Briefs on Exceptions validate concerns raised by the Coalition in the following specific areas:

- (1) **Enrollment Window.** The Coalition disagrees with the Proposed Order’s recommended enrollment window. The Briefs on Exceptions demonstrate that a consensus is building on this issue – the BOMA now joins the Coalition and ComEd in recognizing that an enrollment window of just 40 days is insufficient and harmful for below 3 MW customers. Instead, the Commission should direct ComEd to adopt an enrollment window of not less than 50 days following the initial auction and 45 days for auctions thereafter. To further resolutions of this disputed issue, the Coalition is willing to accept the argument made by the BOMA and the IIEC that a 30-day enrollment window may be reasonable for customers with demands over 3 MW customers.
- (2) **“Migration Risk Factor.”** On this issue as well, a consensus is building in favor of a pro-consumer approach that includes a migration risk factor in ComEd’s translation prism. The CUB now joins the Coalition in recognizing that omission of a migration risk factor very likely would result in an improper cross-subsidization of commercial customers by residential customers. The Proposed Order should be modified to require a migration risk factor so as to encourage an accurate translation mechanism that does not penalize residential customers.
- (3) **Rate Increase Mitigation Plan for Non-residential Customers.** The Coalition agrees with ComEd’s analysis of the problems that would be created if the Commission were to accept the Proposed Order’s recommendation of a rate increase mitigation plan for certain non-residential customers. As with the lack of a migration risk factor, this approach threatens to result in unfair and anti-competitive cross-subsidization.

No party disputes the appropriateness of the principles of “Customer Focus” and “Market Reliance” that the Coalition has consistently advocated as the fundamental guides for the instant proceeding. Those principles are at the heart of the Electric Customer Choice and Rate Relief Law of 1997 (“Choice Law”).

The Commission should revise the Proposed Order to appropriately address these issues in a manner that is focused upon the customers’ interests and a belief that the market will deliver

benefits to customers. Likewise, the Commission should resist any temptation to backslide from the reasonable and appropriate customer groupings recommendation by the Proposed Order.

II.

THE COMMISSION SHOULD ADOPT THE CUSTOMER GROUPINGS ENDORSED BY THE PROPOSED ORDER

The Proposed Order appropriately endorses ComEd's proposal; grouping together large industrial and commercial customers – those with demands of greater than 400 kW – with other, larger commercial and industrial customers for purposes of conducting the auction. Because they each focus upon their own self-interest and ignore the evidence, the BOMA and the IIEC come to different conclusions while criticizing what groupings should be used. The BOMA argues that all customers between 400 kW and 3 MW should be offered the CPP-B product under the ComEd auction proposal and has claimed that providing such an offering will “not impact the development of competition.” (*See* BOMA BOE at 14, 16.) The IIEC alleges that the load characteristics of 400 kW to 1 MW and 1 MW to 3 MW customers are sufficiently different as to justify separate auctions. (*See* IIEC BOE at 10.) These allegations are incorrect, and the Commission should stand by the Proposed Order's conclusion.

A. THE PROPOSED ORDER PROPERLY RECOMMENDS THAT THE COMMISSION GROUP CUSTOMERS BASED UPON THEIR PROPENSITY TO SWITCH SUPPLIERS

The Proposed Order appropriately concludes that ComEd's CPP-A customer grouping should include all customers with demands greater than 400 kW whose rate classification has not been declared competitive. (*See* Proposed Order at 118-19.) The BOMA and the IIEC take issue with this conclusion, asserting that the record in the instant proceeding is insufficient to support ComEd's proposed customer grouping structure. (*See* BOMA BOE at 14-15; IIEC BOE at 10-11.) These assertions simply ignore the substantial evidence in the record.

The evidence in the record demonstrates that: (1) customers between 400 kW and 3 MW have a high propensity to migrate; (2) ComEd's rules of operation historically have required customers over 400 kW to have interval meters; and (3) historical data demonstrates that the over-400 kW customer class is likely to obtain a competitive declaration.

1. The Evidence In The Record Supports ComEd's Customer Groupings Based Upon The Propensity Of Customers Over 400 kW To Switch Suppliers

The unrefuted record evidence demonstrates that customers with peak demands of over 400 kW have shown a considerably greater propensity to switch suppliers than have those below that level. (*See* CES Ex. 1.0 at lines 314-18; CES Init. Br. at 23, 24-26.) For example, at the end of calendar year 2004, in the ComEd service territory, 63% of all load in the 400 kW to 1 MW group was on RES, PPO, and ISS service. (*See* CES Ex. 4.0 at lines 515-17.) Similarly, of the 1 to 3 MW customers in ComEd's service territory, 71.8% are served by competitive supply. (*See id.* at lines 558-62.) Because the 400 kW to 1 MW customers in ComEd's service territory have had a propensity to migrate more akin to that of the 1-3 MW customers in ComEd, such similarly situated customers undoubtedly should be grouped together. (*See id.* at lines 535-40.)

Based upon the Coalition's experience in the Illinois retail electric market and the observed pattern of migration between PPO and RES service for most customer groups in most years, the Coalition presented unrefuted evidence that customers are willing to choose the least cost available service, regardless of whether it is supplied by a utility or a RES. (*See* Init. Br. at 37; CES Ex. 3.0 at lines 161-76.) However, the propensity of these customers to switch supply also imposes risks upon the wholesale suppliers, who are bidding upon tranches which are a percentage of ComEd's total bundled load. Numerous expert witnesses testified on behalf of ComEd, the Coalition, and customer groups that wholesale suppliers will make assumptions about migration risk, and that these assumptions will be informed by the observations and

experiences of the prior switching behavior of the customers in the ComEd service territory. (See CES Init. Br. at 35-41; O'Connor Tr. at 267; IIEC Init. Br. at 42-43; ComEd Ex. 3.0 at 797-877.) Assuring that customers with a similar propensity to switch supply are grouped and priced comparably allows suppliers to appropriately allocate pricing premiums based on a customer's likelihood of migration.

Without the kind of customer groupings recommended by the Proposed Order, the residential and smallest commercial customers with little propensity to migrate would unfairly bear pricing premiums equal to those larger customers with a high likelihood of migration. (See CES BOE at 10-14; CUB BOE at 32.) Therefore, in order to ensure that such a misallocation of migration risk and pricing premiums does not occur, the Commission should support the customer groupings recommended by the Proposed Order.²

The customer groupings endorsed by the Proposed Order should stand.

2. The Structure Of Other Relevant Competitive Market Rules Supports The Proposed Order's Use Of A 400 kW Threshold

Since the commencement of the mandatory transition period, the 400 kW demand level has been an important benchmark. As noted by Coalition witness Dr. Philip O'Connor, the 400 kW level has become a threshold in the competitive market in ComEd's service territory as the point above which customers: (1) have been required to have interval meters; (2) would be assigned individual CTCs; and (3) have been allowed to enter into multi-year supply arrangements with RESs to match the multi-year CTCs that were also made available. (See CES

² For similar reasons, the Commission should reject the suggestion in the Proposed Order that a rate mitigation plan be applied to all non-residential space-heat customers. This proposal would negate the customer groupings that are endorsed in the Proposed Order by creating an entirely new and separate supply group of non-residential space-heat customers regardless of their widely varying size. As addressed in greater detail below in Section V of the instant Reply Brief on Exceptions, the Proposed Order should be revised so as to reject, rather than accept, the non-residential space-heat proposal.

Ex. 1.0 at lines 365-74.) Thus, the 400 kW threshold is a natural point of reference. No party has refuted this testimony or presented any good reason for the Commission to retreat from the Proposed Order's conclusion.

3. The Customer Groupings Endorsed By The Proposed Order Would Facilitate Competitive Declarations

The customer groupings endorsed by the Proposed Order would enable future competitive declarations of service to additional customer classes – as was envisioned by the General Assembly in the Choice Law. (*See* CES Ex. 1.0 at 321-23.)

One of the most important sections in the Choice Law provides that an electric utility may petition the Commission to have a rate declared “competitive.” (*See* 220 ILCS 5/16-113.) Under this provision, the utility may be relieved of the obligation to provide a bundled service supply product to a certain class of customers once the competitive market available to those customers had developed to the point that such customers could reliably expect to find comparable and alternative energy service products in the market. (*See* CES Ex. 4.0 at 743-48.) The Commission already has approved one competitive declaration; in ICC Docket No. 02-0479, customers with demands over 3 MW who were taking service under ComEd's Rate 6L were declared “competitive.” As a result of that competitive declaration, ComEd no longer has an obligation to provide a bundled service supply product to such customers, other than an hourly-priced default product.

As time passes, it is likely that service to customers with demands between 400 kW and 1 MW will be declared competitive before service to those below 400 kW. (*See id.*) As a result, given that the obligation to provide other than hourly service could be lifted three (3) years after the competitive declaration, it simply makes sense that the larger customers would not be included in a grouping that is served in part by contracts with a term of five (5) years (and

actually longer than that for the initial auction). The Proposed Order’s recommended customer groupings, therefore, comport with ComEd’s stated goal of limiting its exposure as a wires company to price and supply risk resulting from continuing energy obligations. These groupings also minimize the likelihood that ComEd would be “middled” by potentially being subjected to the cross-pressures of either conforming to Choice Law’s expectations regarding competitive declarations or satisfying the interests of wholesale suppliers, including affiliates. (*See* CES Init. Br. at 26-27.)

The Commission should direct ComEd to adopt the customer groupings endorsed by Proposed Order because those groupings further the goals of the General Assembly regarding future competitive declarations.

B. THE COMMISSION SHOULD NOT REVISIT ITS PRIOR DETERMINATION REGARDING THE TREATMENT OF GREATER THAN 3 MW CUSTOMERS

The Proposed Order properly rejects the suggestion that the Commission force ComEd to offer 3 MW and larger customers formerly served under ComEd’s Rate 6L with a fixed-price product and/or include them within the CPP-A customer class. The Commission should stand by the Proposed Order and not placate any parties’ desires to revisit issues decided previously by the Commission. The IIEC and the DOE each complain that the Proposed Order gives short shrift to the concept of providing the 3 MW and greater customers with a fixed-price product. (*See* DOE BOE at 3; IIEC BOE at 15-22.) These arguments are stale and refuted by the evidence in the record.

In support of its argument to include over 3 MW customers in CPP-A, the IIEC alleges that: (1) ComEd’s Rider CPP “is not just and reasonable;” (2) the Rate 6L “service” rather than the over 3 MW customer “group” was declared competitive in ICC Docket No. 02-0479; (3) no customer representatives have supported the Proposed Order’s recommendation to have over 3

MW customers default to hourly service. (See IIEC BOE at 17-20.) Similarly, the DOE alleges that the “market for large customers is not fully mature and there is a need for a fixed-price POLR option.” (DOE BOE at 3.) Neither the allegations of the IIEC nor those of the DOE should sway the Commission from supporting the Proposed Order’s recommendations regarding over 3 MW customers.

**1. The Proposed Order Is Supported By
The Commission's Prior Rulings In ICC Docket No. 02-0479**

In ICC Docket No. 02-0479, the Commission determined the appropriate treatment of certain ComEd customers with demands of 3 MW or greater. The Commission need not, and should not, revisit or reverse its prior determination.

When the competitive declaration for certain ComEd customers with demands of 3 MW or greater became effective, the Commission decided that ComEd should be required to offer these customers service only under Rate HEP. (See Ill. Commerce Comm’n, *Commonwealth Edison Company, Petition for Declaration of Service Currently Provided Under Rate 6L to 3 MW and Greater Customers as Competitive*, ICC Docket No. 02-0479, Final Order (March 28, 2003).) Like the Proposed Order in the instant proceeding, the Final Order in Docket No. 02-0479 refused to accept the IIEC’s arguments that would require ComEd to offer an annual product to 3 MW and over customers. In doing so, the Commission correctly determined that the competitive market has developed to the point that, with limited exceptions, customers with demands greater than 3 MW could reliably expect to find comparable and alternative energy service products from RESs in the market. (See *id.*)

The IIEC and the DOE each objected to the Commission’s original decision to declare service under ComEd’s Rate 6L competitive. Now, in the instant proceeding, each party suggests that the Commission, in effect, reverse that prior decision. (See IIEC Init. Br. at 32-33;

DOE Init. Br. at 3.) However, these arguments amount to little more than improper collateral attacks against the Commission's Order in ICC Docket No. 02-0479. (*See Illini Coach Co. v. Commerce Comm'n*, 408 Ill. 104, 111-12, 96 N.E.2d 518, 522 (1951) (holding that a prior judgment rendered by a court with proper jurisdiction is not open to attack in any collateral action so long as it stands unreversed and in force); *City of Chicago v. O'Connell*, 278 Ill. 591, 608, 116 N.E. 210, 216 (1917).)

The Proposed Order correctly concludes that the Commission should not revisit its prior rulings.

2. The Record Demonstrates That Customers With Demands Greater Than 3 MW Are Able To Procure Supply

As previously determined by the Commission in ICC Docket No. 02-0479, large customers in the ComEd service territory participate in a vibrant competitive market with sufficient avenues for the procurement of power. Despite the allegations of the IIEC and the DOE, the record does not support a proposition to the contrary. The IIEC and the DOE have provided no new information to support their assertion that over 3 MW customers are not adequately supplied by the market and that the hourly product is not sufficient to act as a default rate for this customer class. In fact, the IIEC relies only on general information regarding the number of over 3 MW customers taking hourly service (without exploring the reasons that over 3 MW customers are making their decisions) while the DOE provides no evidence at all. (*See* IIEC BOE at 20-21; DOE BOE at 3.)³

³ Similarly, instead of relying on evidence to support its argument, the IIEC inappropriately lashes out at the Coalition's support of the competitive ideals underlying the Proposed Order's decision, by claiming that the Coalition's objective simply is to "make service from ComEd as unattractive as possible." (IIEC BOE at 20.) Such an attack ignores the reality of the competitive market, in which RESs compete against not only ComEd's bundled prices but also against each other.

In short, those parties that advocate that the Commission require ComEd to offer additional products to customers with demands equal to or greater than 3 MW have failed to demonstrate that such customers are unable to obtain these products in the competitive market. As Dr. O'Connor observed, "Burdening the auction process with unnecessary obligations serves no purpose when the needs of customers otherwise can be met." (CES Ex. 4.0 at 777-78.) For the reasons noted herein and in its Initial Brief and Reply Brief the Coalition respectfully asks the Commission to reject any effort to improperly revisit the issues that it decided in ICC Docket No. 02-0479. (*See* CES Init. Br. at 10; CES Reply Br. at 16-17.)

Consistent with the goals of the Choice Law and the principle of Market Reliance, given the level of competition for larger customers in the ComEd service territory, the Commission should not force ComEd to offer 3 MW and larger customers with a fixed-price product or include them within the CPP-A customer class.

III.

THE BOMA PROPERLY RECOMMENDS THAT THE COMMISSION DIRECT COMED TO ADOPT A LONGER ENROLLMENT WINDOW

The BOMA appropriately requests that the Commission accept the agreed position of ComEd and the Coalition to establish a 50-day enrollment window following the initial auction and 45-day enrollment windows following subsequent auctions. (*See* BOMA BOE at 17-18.)

The Proposed Order's recommendation of a 40-day enrollment window for customers with demands of less than 3 MW would not provide those customers with a sufficient amount of time to evaluate offers from competitive suppliers and make important decisions regarding their supply. (*See* CES BOE at 4-5; BOMA BOE at 17-18.) This truncated enrollment window would hinder the continued development of the competitive retail electric market in Illinois. The

Commission should reject the Proposed Order's enrollment window recommendation and adopt the 50-day / 45-day enrollment window, now supported by ComEd, customers, and competitive retail electric suppliers.

The BOMA suggests that the Proposed Order appropriately limits the enrollment window to 30 days for customers with demands greater than 3 MW. (*See* BOMA BOE at 18; Proposed Order at 176.) To further limit the number of issues in dispute, the Coalition is willing to accept the argument made by the BOMA and the IIEC that a 30-day enrollment window may be reasonable for customers with demands over 3 MW customers.

IV.

THE CUB PROPERLY NOTES THAT COMED SHOULD BE REQUIRED TO INCLUDE A MIGRATION RISK FACTOR IN ITS TRANSLATION TARIFF

The CUB appropriately criticizes the Proposed Order's failure to acknowledge the benefits of the migration risk factor. (*See* CUB BOE at 32.) As discussed at length in the Coalition's Brief on Exceptions, failure to include a migration risk factor in the translation tariff would virtually guarantee that residential customers will cross-subsidize the CPP-B rate charged to commercial customers. (*See* CES BOE at 10-15.)

In support of the migration risk factor proposal, the CUB explains that “[w]ithout the specific inclusion of a migration risk factor, residential customers, who are least likely to migrate, will bear the risk premium associated with the propensity that commercial and industrial customers have to migrate.” (CUB BOE at 32.) This argument echoes the concern that the Coalition has explained throughout the instant proceeding. (*See* CES Init. Br. at 35-39; CES Reply Br. at 21-24; CES BOE at 10-15.) The Commission should acknowledge the need to implement a migration risk factor as part of developing an accurate translation mechanism for

the ComEd procurement auction. As presented by the Coalition and others in this proceeding, the goal of the translation mechanism is to properly allocate costs to those customers who caused those costs. (*See* CES Init. Br. at 35; IIEC Init. Br. at 42-43; ComEd Init. Br. at 143-42.) The CUB now explicitly joins that position.

Although the Proposed Order acknowledges that wholesale suppliers will include migration premiums, it does not appreciate the need to distinguish the switching propensity of the customer classes that comprise the CPP-B customer group. (*See* Proposed Order at 183.) Because the wholesale suppliers bid on the entire CPP-B – not specific customer classes within that group – wholesale suppliers *cannot* allocate the migration risk *within* the CPP-B customer group. (*See* CES BOE at 12.)

The Commission should not shy away from this issue. The Commission must set the parameters for allocating migration risk within the CPP-B group, because it cannot be properly accounted for by the market alone. The Commission should revise the Proposed Order on this issue and require ComEd to include a migration risk factor in the translation CPP-B auction price.

V.

COMED SHOULD NOT BE REQUIRED TO INCLUDE A RATE MITIGATION PLAN FOR NON-RESIDENTIAL SPACE HEAT CUSTOMERS

Instead of simply being limited to CPP-B customers as originally proposed by Staff, the Proposed Order inappropriately suggests that the mitigation plan apply to all “nonresidential space heat customers under 3 MW.” (Proposed Order at 228; Staff Init. Br. at 196-200.) This suggestion in the Proposed Order comes in response to the BOMA proposal that non-residential space heat customers receive both a discount in their delivery services rate and a cap on the

increase in the commodity component of their bundled service rate from ComEd. In its Brief on Exceptions, ComEd explains why the Commission should reject any proposal to revise Staff's rate mitigation proposal to extend it beyond customers in the CPP-B customer group, and summarizes the undesirable aspects of the commodity element of the BOMA's mitigation plan for non-residential space-heat customers. (*See* ComEd BOE at 42-46.) The Coalition concurs with ComEd on these points. Whereas Staff's original rate mitigation plan would have been limited to CPP-B customers, the revised plan recommended by the Proposed Order would upset the simplicity of the Staff's proposal, with inequitable and inefficient results. (*See* Proposed Order at 225-27.)

The BOMA proposal should be rejected as being adverse to the majority of customers and, if adopted, likely to produce other unintended adverse consequences, as it is inconsistent with other features of the Proposed Order.

First, adoption of the BOMA proposal would, at a minimum, lump together all non-residential space-heat customers below 3 MW of demand into a single group for mitigation purposes even though the Proposed Order adopts a customer grouping model for other customers based on a break-point of 400 kW of demand. The Proposed Order appropriately endorsed a customer grouping structure that divided customers at the 400 kW level for purposes of the auction. (*See* Proposed Order at 118-19.) Adopting the BOMA proposal would run counter to the structure outlined by the Proposed Order in that it would blur the lines of delineation and would require bidders in each auction to evaluate the potential impact of treating all non-residential space heat customers below 3 MW of demand as one customer group for mitigation purposes.

Second, given the thousands of space-heat customers, the dollar cross-subsidy from other customers could be significant and represent a substantial cost shift not in keeping with the principles of proper pricing.

Last, adoption of the BOMA proposal, no matter how well-intentioned, would perpetuate a legacy of market distortions dating back several decades that have no place in a competitive market place for choice by business customers.

The Coalition agrees with ComEd that since Rider 25 customers are not customers under a single rate, but rather under multiple rates, giving any non-residential customers in the CPP-A group special treatment within Staff's migration proposal is unjustified. If the Commission adopts Staff's mitigation plan, it should ensure that the Final Order restricts the application of that plan, as originally proposed, to those customers within the CPP-B customer group.

VI.

CONCLUSION:

THE COMMISSION SHOULD ENTER AN ORDER THAT BENEFITS CONSUMERS BY PROMOTING THE DEVELOPMENT OF THE COMPETITIVE RETAIL ELECTRIC MARKET

The Coalition respectfully requests that the Commission enter an Order consistent with the replacement language attached to the Coalition's Brief on Exceptions and the arguments contained herein. Such an Order would adopt proper customer groupings, would enable CPP-A eligible customers an appropriate amount of time to evaluate and negotiate their supply offers, would send the proper price signals to the CPP-B eligible customers, and would avoid cross-subsidization.

Specifically, the Commission should enter an Order that directs ComEd to:

- (1) adopt a 50-day enrollment window for its PPO-MVM and CPP-A rates for the initial enrollment period and a 45-day enrollment window in subsequent years for customers with demands of 3 MW or less;
- (2) include a “migration risk factor” in its translation of the CPP-B auction price;
- (3) include only customers with demands of less than 400 kW in the CPP-B auction group;
- (4) continue to treat the customers with demands of greater than 3 MW consistent with the Commission’s Order in ICC Docket No. 02-0479; and
- (5) apply the rate increase mitigation plan within the parameters originally suggested by Staff.

Accordingly, the Coalition of Energy Suppliers respectfully request that the Commission order ComEd to modify its proposed tariffs to conform with the Coalition’s proposals, as set forth and explained in the Coalition’s Initial Brief, Reply Brief, Brief on Exceptions, and the instant Reply Brief on Exceptions.

Respectfully submitted,

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