

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

ILLINOIS COMMERCE COMMISSION	:	
On Its Own Motion	:	
	:	
v.	:	No. 07-0166
	:	
COMMONWEALTH EDISON COMPANY	:	
	:	
Investigation Pursuant to Section 9-250 of	:	
Commonwealth Edison Company's Rate Design	:	

COMMONWEALTH EDISON COMPANY'S
INITIAL POST-HEARING BRIEF

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Commonwealth Edison Company ("ComEd") hereby submits its Initial Post-Hearing Brief to the Illinois Commerce Commission (the "Commission").

I. Introduction

On March 2, 2007, the Commission entered an Order initiating this Docket to investigate, on an expedited basis, whether "the electric rate design for all of ComEd's customer classes" should be changed in light of the charges being experienced under the new rates applicable beginning January 2, 2007 (the "Post-Transition Rates"). Initiating Order ("Initiating Order"), Docket 07-0166, at 3. These Rates had gone into effect at the expiration of a nine-year rate freeze, which had included a 20% reduction in residential rates. *Id.* at 1. The Commission's Staff ("Staff") subsequently issued a report on March 1, 2007, indicating, among other things, that certain customer groups were being affected more than others under the Post-Transition Rates. *Id.* at 2-3. This Docket was therefore initiated to explore these issues with respect to rate design. *Id.* at 2-4.

In defining this investigation, the Commission made clear that its purpose was not to consider changes to ComEd's revenue requirements as set in ComEd's most recent rate case (Docket 05-0597). Initiating Order at 3. Nor, the Commission added, was this Docket for modifying its conclusions in ComEd's procurement case (Docket 05-0159), other than those conclusions related to rate design. *Id.* at 3.

The record in this Docket shows that only the most limited changes to ComEd's rate design are appropriate. With respect to residential customers, the Commission and ComEd have already taken significant steps to cushion the impact of moving toward cost-based rates. Actions include plans to lower supply charges for certain customer groups facing relatively large bill increases, bill payment options to stabilize or phase in new rates, assistance for low-income customers, and energy efficiency initiatives. In light of these efforts, ComEd does not propose any changes to its residential rate design other than modifying an annual rate increase cap in the Commission-approved mitigation plan already embodied in its tariffs.

Likewise, the evidence shows no need to adjust the rate design for ComEd's non-residential customers in this Docket. The end of the rate freeze, along with movement toward cost-based rates, have together promoted competitive retail supply. Pursuing rate design changes for non-residential customers could thwart this progress toward competition, as well as require unjustified subsidies.

In sum, the Commission need not make many adjustments here. Besides the one rate cap change noted above, as well as a few possible modifications on which ComEd takes no position (as discussed below), ComEd's rate design should remain as is.

II. Residential Customer Rate Design

A. Ongoing Initiatives Are Helping Residential Customers Adjust to New Rates

As the record makes clear, both the Commission and ComEd have been addressing the possible impact of the Post-Transition Rates on residential customers since well before January 2, 2007. Substantial efforts to help these customers make the transition to new cost-based rates include the following:

(1) Mitigation Plan: The “Mitigation Plan,” originally proposed by Staff and approved by the Commission in ComEd’s procurement docket (Docket 05-0159), is designed to smooth out sharp supply charge changes for certain subsets of customer supply groups that would otherwise face larger increases in a given year. Crumrine Info., ComEd Ex. 1.0, 14:296-15:299. These customer supply groups – Residential, Watt-Hour, Small Load, Medium Load, Dusk to Dawn Lighting, and General Lighting – were segmented into eight sub-groups for purposes of the Mitigation Plan. Crumrine Info., ComEd Ex. 1.0, 15:299-316. Under the Mitigation Plan, the supply charges that would result from the “blended segment” of the Illinois Auction were adjusted such that each of these affected customer groups and sub-groups was assigned a revenue increase capped at the greater of 20% over the previous year’s rates or 150% of the system-wide rate increase of all affected customer groups within the blended segment. Crumrine Info., ComEd Ex. 1.0, 15:317-21; Crumrine Dir., ComEd Ex. 3.0, 16:345-48. Supply costs from customer groups and sub-groups with total bill increases that would have exceeded the cap would then be allocated to customer groups and sub-groups with total bill increases that are below the cap. Crumrine Info., ComEd Ex. 1.0, 15:321-25. This Mitigation Plan thus keeps each group and sub-group at or below the cap, while remaining revenue-neutral. Crumrine Info., ComEd Ex. 1.0, 15:321-16:326.

(2) CARE Program: ComEd's Customers' Affordable Reliable Energy ("CARE") program is a multi-faceted group of programs outside formal ratemaking that ComEd has developed and implemented to help customers manage their current electric bills. Crumrine Info., ComEd Ex. 1.0, 19:396-402. These programs include rate stabilization, bill payment options, financial assistance to low-income and senior customers, and energy efficiency initiatives. Crumrine Info., ComEd Ex. 1.0, 19:399-22:467. ComEd's overall commitment to CARE programs is substantial, totaling more than \$39 million. Crumrine Info., ComEd Ex. 1.0, 22:468-69.

(3) Rider RRS: Under ComEd's Rider RRS – Residential Rate Stabilization Program ("Rider RRS"), ComEd's customers are given the choice to adjust to Post-Transition Rates over time. Crumrine Info., ComEd Ex. 1.0, 18:376-77. This rider, approved by the Commission in Docket 06-0411 (Order, December 20, 2006), permits a participating residential customer to receive adjustments on his or her bills that are determined based on limiting average annual bill increases for residential customers as a whole to 10 percent per year from 2007 through 2009, and calling for repayment of deferred amounts from 2010 through 2012, along with interest calculated at a below-market rate of 3.25%. Crumrine Info., ComEd Ex. 1.0, 18:274-19:383.

(4) Rate Relief and Assistance Program: Under ComEd's Rate Relief and Assistance Program, ComEd proposed and the Commission approved modifications of the treatment of customer groups experiencing larger increases in Post-Transition Rates. These modifications included revising rates applicable to space heating customers and common area customers to promote gradualism and reduce the impact of 2006-07 rate increases experienced by these customers. *See Commonwealth Edison Co.*, Dockets 07-0285, 07-0286 (Special Permission Letter, May 16, 2007) (approving modifications).

B. Changes in ComEd's Residential Rate Design Are Largely Unnecessary

A number of potential changes relating to residential customers' rate design have been considered in this Docket. They generally fall into one of three distinct categories – residential electric space heating, the Mitigation Plan, and common area accounts (for common areas in residential buildings with more than six units). As discussed below, ComEd recommends only one change in these areas; other suggestions are unwarranted, though on some, ComEd takes no position.

1. Changes To Residential Electric Space Heating Rate Design Are Not Needed

Staff proposes to levelize monthly bills for residential electric space heating customers through additional rate design changes, beginning with the October 2007 billing period. Lazare Dir., Staff Ex. 1.0, 8:183-89; Crumrine Reb., ComEd Ex. 4.0, 4:93-94. Although ComEd is neutral on this proposal, the data in the record shows that it is largely unnecessary and, in any event, should be evaluated carefully. Crumrine Reb., ComEd Ex. 4.0, 2:23-28.

As the record shows, ComEd already offers a budget billing program that permits customers to levelize payments throughout the year. Crumrine Reb., ComEd Ex. 4.0, 5:105-11, 7:162-8:164, 8:173-75. Under this program, customers pay a pre-arranged amount each month based on their usage during the prior twelve-month budget cycle, and the amount is adjusted every six months to reflect actual billing. Crumrine Info., ComEd Ex. 1.0, 17:354-56. Electric space heating customers who may be experiencing a disruption in their monthly budgets because their electricity bills are now higher in the winter and lower during the summer, or who simply prefer the certainty of a fixed monthly utility bill, can particularly benefit from this program. Crumrine Reb., ComEd 4.0, 5:107-11. Staff, therefore, is essentially attempting to accomplish

through rate re-design what is already available through ComEd's budget billing option. Crumrine Reb., ComEd Ex. 4.0, 5:105-07.

In an effort to achieve the type of levelized billing that the budget billing program already allows customers to obtain, Staff originally proposed to reduce the average increase for residential electric space heating customers during the upcoming non-summer period (relative to 2006 non-summer period bills) to an increase of roughly 25%. Lazare Dir., Staff Ex. 1.0, 8:183-89; Crumrine Reb., ComEd Ex. 4.0, 5:99-103. This would increase the average summer rate for these customers by almost 36%. Crumrine Reb., ComEd Ex. 4.0, 6:130-32, 6:138-7:140. However, in rebuttal, Staff modified its proposal to reduce the average non-summer rate increase by 4.6%, which would have the effect of increasing the average summer rate by 15%. Lazare Reb., Staff Ex. 2.0, 2:43-3:51; Crumrine Reb., ComEd Ex. 4.0, 7:146-53. This scenario produces a more reasonable result than Staff's original proposal. Crumrine Reb., ComEd Ex. 4.0, 7:156-59. Nevertheless, the Commission should consider whether the benefit of a 4.6% reduction in the non-summer months is worth the cost of an additional 15% rate increase next summer, and whether such a reduction would upset any balance established after this summer. Crumrine Reb., ComEd Ex. 4.0, 7:159-62.

The evidence further shows that the impact of the Mitigation Plan on residential electric space heating customers relative to other residential customers is consistent with the rate cap prescribed in such Plan and therefore addresses the Citizens Utility Board's ("CUB's") recommendation that the Commission "... correct the rate design issues that lead to disproportionate impacts on residential space heat customers." Crumrine Info., ComEd Ex. 1.0, 31:640-32:650; Crumrine Reb., ComEd Ex. 4.0, 4:77-79; Thomas Dir., CUB Ex. 1.0, 2:41-43. The Mitigation Plan has moderated the rate impacts on the residential electric space heating

customers compared to the significantly higher increases that those customers would have faced in the absence of the Mitigation Plan. Crumrine Reb., ComEd Ex. 4.0, 4:80-84. Notwithstanding the current benefits, ComEd believes that as a part of this proceeding, the cap in the Mitigation Plan should be revisited and reduced, as described below, creating a more gradual transition to cost-based rates for these and other customers during the coming years. Crumrine Reb., ComEd Ex. 4.0, 4:84-86.

2. The Mitigation Plan Should Be Modified To Use a 5% Rate Cap, But Otherwise Need Not Be Changed

ComEd recommends that the Mitigation Plan be modified for the period June 2008 through July 2009, to provide that annual rate increases for the eight supply groups and sub-groups in the blended segment of the Illinois Auction be capped at the higher of a 5% (rather than the current 20%) increase over the previous year's rates or 150% of the system-wide increases in rates. Crumrine Reb., ComEd Ex. 4.0, 2:33-35, 9:193-96. This 5% cap proposal would provide a more gradual progression towards cost-based rates for electric space heating and dusk-to-dawn lighting customers. Crumrine Reb., ComEd Ex. 4.0, 9:194-96.

ComEd's proposal is superior to Staff's 100% "across-the-board" approach, wherein the average rates for all supply groups and sub-groups within the blended auction segment would be increased or decreased by the same percentage depending on the auction clearing price, for the 2008 auction and each successive auction. Lazare Dir., Staff Ex. 1.0, 16:384-17:395; Crumrine Dir., ComEd Ex. 3.0, 23:501-04. The evidence shows, among other things, that Staff's recommendation would have the effect of continuing lighting and electric space heating discounts, at the expense of other blended auction segment customers, indefinitely – a result about which ComEd has serious reservations. Crumrine Dir., ComEd Ex. 3.0, 24:521-24. Moreover, the annual cost of the subsidy under such an approach would be approximately the

same as it is today (\$77.1 to \$83.5 million), which would be difficult to sustain in a competitive market. Crumrine Dir., ComEd Ex. 3.0, 24:526-30.

The record further demonstrates that ComEd's proposal to reduce the rate cap is consistent with CUB's recommendation that residential customers "not see any additional increases in their bills when the Commission redesigns rates." Thomas Dir., CUB Ex. 1.0, 2:44-45; Crumrine Reb., ComEd Ex. 4.0, 9:197-201. Considering only the impact of the subsidy that would be borne by residential customers (multi-family and single-family customers without electric space heating) under the various approaches to reducing the rate increase cap proposed or presented in this proceeding, residential customers would be no worse off with this limited redesign. Crumrine Reb., ComEd Ex. 4.0, 9:204-10:213. At the same time, however, the Commission should be aware that the more that is done to reduce charges for electric space heating and dusk-to-dawn lighting customers in the blended auction segment, discussed below, the more other residential (and non-residential) customers will have to bear. Crumrine Reb., ComEd Ex. 4.0, 10:216-21.

The Commission also should consider the effects of non-residential customers' switching to alternative suppliers. Such switching affects the Accuracy Assurance Factor ("AAF") (which helps assure that over time supply charge revenues match supply costs), as well as the amount of subsidies borne under the Mitigation Plan by customers who remain on ComEd supply. Crumrine Info., ComEd Ex. 1.0, 9:175-77; Crumrine Reb., ComEd Ex. 4.0, 10:225-31. As ComEd noted, one way that the Commission could address this situation would be converting the existing funding structure for the Mitigation Plan into a non-bypassable charge. Crumrine Reb., ComEd Ex. 4.0, 11:232-38. Such a charge could be limited to blended auction segment customers, or expanded to include all customers. Crumrine Reb., ComEd Ex. 4.0, 11:232-38.

The evidence establishes that converting to a non-bypassable charge would make the allocation of any subsidy to residential and other supply groups and sub-groups more certain.¹ Crumrine Reb., ComEd Ex. 4.0, 11:238-39. This greater certainty, in turn, could help prevent residential customers from incurring additional costs from rate design changes made in this proceeding. Crumrine Reb., ComEd Ex. 4.0, 11:240-44.

Although ComEd is neutral on conversion to a non-bypassable charge, it recognizes that other parties are not. Crumrine Reb., ComEd Ex. 4.0, 11:240-44. Constellation NewEnergy, Inc. (“Constellation”) and the Illinois Industrial Energy Consumers (“IIEC”) reject this approach, along with any suggestion that responsibility for the subsidy be spread over a larger customer base, including non-residential customers with demands over 400 kW. Domagalski/Papadimitriou Reb., Constellation Ex. 1.0, 14:282-15:318; Stephens Reb., IIEC Ex. 1.0, 7:130-9:177. Despite its neutrality on such a conversion, ComEd does object to Constellation’s claim that “competitive supply customers would pay twice for supply services”, as well as implications that the subsidies are supply-related. Domagalski/Papadimitriou Reb., Constellation Ex. 1.0, 14:300-15:318; Stephens Reb., IIEC Ex. 1.0, 7:148-8:160, 8:167-9:177. Such contentions mischaracterize the Mitigation Plan, which compares old and new bundled rates and then caps the increase in the total bill. Crumrine Info., ComEd Ex. 1.0, 15:317-21; Crumrine Dir., ComEd Ex. 3.0, 16:345-48. While supply charges are thereby reduced, such reduction cannot be definitively traced to

¹ The subsidy cost figures presented by ComEd are estimates, as are the subsidy allocations among the supply groups and sub-groups in the blended auction segment. Crumrine Reb., ComEd Ex. 4.0, 11:239 n.1. Therefore, a true-up mechanism would be required to ensure that ComEd recovers its costs, no more and no less. Crumrine Reb., ComEd Ex. 4.0, 11:239 n.1.

distribution, transmission, or supply because the pre-January 2, 2007 Transition Period rates were bundled.²

Moreover, Constellation does not explain why only those customers that choose ComEd supply should be forced to continue to bear the burden of an interclass subsidy, regardless of its purpose. Crumrine Dir., ComEd Ex. 3.0, 9:198-12:248. Nor does IIEC explain why customers with demands of 400 kW or more should be exempt from sharing responsibility for the Mitigation Plan subsidies (which both residential and non-residential customers with demands under 400 kW must bear), especially when such larger demand customers themselves are beneficiaries of delivery service subsidies (which non-residential customers with demands under 400 kW also must bear). *See Commonwealth Edison Co.*, Docket 05-0597 (Order, July 26, 2006, at 196, and Order on Rehearing, December 20, 2006, at 67).

Alternatively, ComEd proposed to employ historical switching data in setting supply charges as part of the Mitigation Plan, beginning with the June 2008 through May 2009 application. Crumrine Dir., ComEd Ex. 3.0, 15:332-16:341. Such a change would reduce the amount of the subsidy recovered through the AAF and thereby reduce customer confusion concerning monthly AAF charges. Crumrine Dir., ComEd Ex. 3.0, 15:322-28.

CUB claims that the Commission should ensure that "... no single customer is facing a rate increase significantly above the members of other customers in the same rate class." Thomas Dir., CUB Ex. 1.0, 3:46-49. CUB's suggestion should be rejected. CUB provides no detail behind this notion, nor explains how that Commission could accomplish this, given the inherent variations in millions of customers' use. The record demonstrates that this proposition

² No party has attempted to unbundle the pre-January 2, 2007 Transition Period rates, including the 20% residential rate reductions, to determine which charges were supply, - distribution-, or transmission-related, and, in turn, which charges are actually being mitigated under the Mitigation Plan.

is incomplete, inappropriate, and tantamount to completely overhauling the Mitigation Plan. Crumrine Reb., ComEd Ex. 4.0, 12:249-50. Not only is a “significant increase” undefined and subjective, but more generally, CUB has offered no specific rate design proposal at all – just ambiguous aspirations. Crumrine Reb., ComEd Ex. 4.0, 12:250-54. Moreover, attempting to levelize the rate impact for the customers in the same supply group and/or delivery class would require that charges be reduced based solely on the estimated rate increases over 1996 rates – not accounting for the actual costs to serve customers or changes based on increased usage. Crumrine Reb., ComEd Ex. 4.0, 12:250-54, 12:261-13:278. ComEd’s just and reasonable costs would remain, and some group of customers still would have to bear the cost of this rate mitigation effort. Crumrine Reb., ComEd Ex. 4.0, 12:254-57. Although CUB rules out residential customers’ bearing such a cost, it fails to identify which non-residential customers would bear it. Thomas Dir., CUB Ex. 1.0, 3:44-45; Crumrine Reb., ComEd Ex. 4.0, 12:257-60.

CUB’s proposal also fails to appreciate fully the importance of customer usage level. For example, the record shows that single-family, non-electric space heating customers that have experienced a rate increase of less than 25% use an average of 7,889 kWh per year, while customers in that same class that have experienced a rate increase of 25% or more use an average of 17,394 kWh per year. Crumrine Reb., ComEd Ex. 4.0, 12:263-70. CUB’s proposal would have the perverse effect of reducing the rate increase (costs) for the higher-use customers, and of shifting those costs to lower-use customers. Crumrine Reb., ComEd Ex. 4.0, 12:271-13:273. Shifting costs this way ignores cost causation principles, and would discourage energy efficiency and demand management. Crumrine Reb., ComEd Ex. 4.0, 2:39-41, 13:273-78. Moreover, issues related to the rate impacts on high-use customers have already been resolved by the

Commission's recent approval of tariff changes filed by ComEd. Crumrine Reb., ComEd Ex. 4.0, 2:42-43.

3. Common Area Accounts Do Not Need Further Reclassification

CUB's recommendation that the Commission "reclassify accounts with common areas in residential buildings with more than 6 units as residential," also should be rejected. Thomas Dir., CUB Ex. 1.0, 8:179-81. As the record shows, it is unnecessary and might actually harm these customers. Crumrine Reb., ComEd Ex. 4.0, 2:44-3:47, 14:296-15:316. It is unnecessary because under the rate revisions approved in response to ComEd's Petition for Special Permission (Docket 07-0285, Order, May 16, 2007), these non-residential customers whose demands are less than 400 kW will continue to pay the lower applicable non-residential charges for delivery service. Crumrine Reb., ComEd Ex. 4.0, 14:307-15:312. Simultaneously, they will be incorporated into the residential electric space heating supply group and their supply costs will be reduced accordingly, gradually making the transition over time to rates that reflect the full costs to serve them as part of the overall Mitigation Plan. Crumrine Reb., ComEd Ex. 4.0, 15:313-16.

Moreover, reclassifying these common-area accounts as residential could potentially harm, rather than benefit, those customers. Reclassification would result in Distribution Facilities Charges that would be roughly 25% higher, on average, than the ones that they are currently charged as non-residential customers. Crumrine Reb., ComEd Ex. 4.0, 14:298-99. In addition, reclassifying these accounts as residential would dramatically limit the competitive supply options for these customers and possibly disrupt the contracts that they have already entered into with Retail Electric Suppliers ("RESs"). Crumrine Reb., ComEd Ex. 4.0, 14:299-302.

III. Non-Residential Customer Rate Design

Nothing in the record justifies altering ComEd's non-residential customer rate design in this Docket. BOMA proposes that ComEd be directed to reduce non-summer electricity demand charges for non-residential electric space heating customers in the 400-1,000 kW, 1,000-10,000 kW, and 10,000+ kW delivery service classes (those previously served under ComEd's Rider 25 and heating with light service) by an amount equal to the average percentage of total non-summer demand from electric space heating for the non-residential space heating customers in each class. Brookover-Childress Dir., BOMA Ex. 1.0, 12:245-50. BOMA's proposal, which attempts to obtain what BOMA estimates to be an 78% discount on non-summer delivery service for non-residential electric space heating customers, should be rejected, as have been similar past efforts by BOMA to obtain free delivery service for eight months a year. Crumrine Reb, ComEd Ex. 4.0, 3:48-50, 15:332-16:341. *See Commonwealth Edison Co.*, Docket 05-0597 (Order, July 26, 2006, at 218-19).

BOMA based its proposal on a purportedly random sample of only 20 customers, which does not provide sufficient information to assess whether, and if so, to what extent, there exists a legitimate concern regarding bill impacts for non-residential space heating customers. Crumrine Reb., ComEd Ex. 4.0, 17:366-72; Lazare Reb., Staff Ex. 2.0, 8:172-9:204. In fact, ComEd's analysis suggested that rate increases experienced by former Rider 25 customers with demands over 400 kW were not markedly higher than those experienced by non-electric space heating customers, and were reasonable given the elimination of the no longer justified discount for electric space heating customers. Crumrine Reb., ComEd Ex. 4.0, 17:359-65; ComEd Exs. 2.2, 2.3.

Moreover, not many of the former Rider 25 customers are actually experiencing the bundled rate increases that BOMA claims. Crumrine Reb., ComEd Ex. 4.0, 17:373-75. As the

record shows, the vast majority of these customers – almost 86% as of April 2007 – have already mitigated their electricity bills by switching to a RES for energy supply and are therefore not incurring the increased supply charges on which BOMA is predicating its request for nearly free delivery service. Crumrine Reb., ComEd Ex. 4.0, 17:375-81, 18:388-92.

Further, BOMA's claims that former Rider 25 customers with demands over 400 kW have experienced a 47.1% increase in bills following a switch to RES supply are not sustainable. Brookover-Childress Dir., BOMA Ex. 1.0, 11:224-12:239. Once again, BOMA has used an extremely small (ten-customer) sample, which is not readily verifiable, and has chosen not to offer an analysis based on its entire membership. Crumrine Reb., ComEd Ex. 4.0, 18:395-19:406. More fundamentally, these bill increases are not even relevant to reviewing BOMA's proposal here, as customers with demands over 400 kW, including former Rider 25 customers, were included in the separate annual segment of the Illinois Auction, where they were exposed to greater market-price volatility, given their propensity for switching, as well as timing and terms and conditions of contracts. Crumrine Reb., ComEd Ex. 4.0, 19:407-19.

The effect of BOMA's proposal would be for other non-residential customers – such as those who made business decisions to use natural gas – to subsidize non-residential electric space heating customers. Crumrine Reb., ComEd Ex. 4.0, 16:342-52. IIEC similarly objects to BOMA's proposed cross-subsidy, as among other things, it would be inconsistent with the Commission's adherence to cost-causation principles in delivery services rates. Stephens Reb., IIEC Ex. 1.0, 10:200-06. Furthermore, unlike the temporary Mitigation Plan for customers with demands under 400 kW, which transitions affected customers to cost-based rates over time, BOMA offers no time frame for terminating the subsidy it seeks or moving toward cost-based

rates. Crumrine Reb., ComEd Ex. 4.0, 16:352-55. Thus, it asks for essentially free delivery service for eight months of every year – forever. Crumrine Reb., ComEd Ex. 4.0, 355-56.

Finally, BOMA's attempt to reduce the rates of former Rider 25 customers with demands over 3 MW is misplaced in this proceeding, which is limited to addressing the rate design resulting from changes ordered in Dockets 05-0159 and 05-0597. Brookover-Childress Dir., BOMA Ex. 1.0, 12:247; Initiating Order at 1-4; Crumrine Reb., ComEd Ex. 4.0, 20:450-52. Service to non-residential customers with demands of 3 MW and greater was declared competitive pursuant to the provisions of Section 16-113 of the Public Utilities Act (220 ILCS 5/16-113) in November 2002 (*see generally* Docket 02-0479, Interim Order). Crumrine Reb., ComEd Ex. 4.0, 21:457-61. As a result, the availability of Rider 25 to any such customers still remaining on ComEd bundled service was scheduled to end no later than the December 2006 billing period (Docket 02-0479, Interim Order, at 71-72), and its expiration is not the result of any rate or rate design adopted in Docket Nos. 05-0159 and 05-0597. Crumrine Reb., ComEd Ex. 4.0, 21: 461-63. Moreover, any rate impact comparisons for these customers based on Rider 25 rates are inappropriate; the only valid comparison would be to Rate BES-H, which is the only utility supply service available to such customers. Crumrine Reb., ComEd Ex. 4.0, 21:471-75. The evidence shows that the rate impact on these customers would be small. Crumrine Reb., ComEd Ex. 4.0, 19:423-25.

IV. Conclusion

ComEd's positions on the issues are set forth in this Initial Post-Hearing Brief and, for the reasons explained herein, ComEd urges the Commission to enter an order consistent with those positions.

Dated: June 29, 2007

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