

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
MOTION FOR LEAVE FOR ALL PARTIES
TO FILE SUPPLEMENTAL BRIEFS**

Commonwealth Edison Company (“ComEd”), pursuant to Section 200.190 of the Rules of Practice of the Illinois Commerce Commission (the “Commission”), 83 Ill. Admin. Code 200.190, requests the Administrative Law Judge (the “ALJ”) to grant leave to all parties to file a simultaneous supplemental brief of no more than seven pages in length addressing the effect of legislation adopted by the Illinois General Assembly and now awaiting signature by the Governor implementing the recently announced multi-party agreement concerning electric procurement and rate relief. ComEd asks that this brief be due seven days after the effective date of such legislation. In support of this Motion, ComEd states as follows:

1. On March 2, 2007, the Commission initiated this Docket to consider whether the design of ComEd’s electric rates applicable beginning January 2, 2007 (the “Post-Transition Rates”) should be changed. Initiating Order, Docket 07-0166, at 3. These Rates included supply charges that were set in the 2006 Illinois Auction approved in ComEd’s procurement case (Docket 05-0159). *Id.* at 1-2.

2. During this Docket, parties conducted discovery and submitted testimony regarding various aspects of ComEd's rate design for both residential and nonresidential customers. After cross-examination was waived, testimony was admitted into evidence, and the record was marked "heard and taken." Parties thereafter filed initial post-hearing briefs on June 29, 2007, and reply briefs on July 10, 2007.

3. Both houses of the Illinois General Assembly have now approved legislation implementing the recently announced multi-party agreement concerning electric procurement and rate relief. *See* S.B. 1592, House Amendments 5 & 6.¹ The Governor has publicly stated that he will sign it into law. The legislation makes significant changes in the system by which major Illinois utilities procure energy, as well as in rates and characteristics of utility service available to various groups of customers. As a result of these changes, many of the issues in this Docket – which assumed the continuing use of the auction procurement process and the Post-Transition Rates – may now be either moot or materially altered.

4. Given these new circumstances, it would aid the Commission if the parties had the opportunity to file a supplemental brief regarding the impact of the new legislation on the issues in this Docket. These filings would be brief; ComEd suggests that each such filing be limited to no more than seven pages of text.

5. Counsel for ComEd has discussed this Motion with counsel for Staff and the Ameren companies, and with the Office of the Attorney General (who has not yet formally intervened). None have any objection to this Motion.

¹ Legislative action by both houses is reflected on the General Assembly's official website at the URL: <http://www.ilga.gov/legislation/BillStatus.asp?DocNum=1592&GAID=9&DocTypeID=SB&LegId=29675&SessionID=51&GA=95>.

6. No party would be prejudiced by the granting of this Motion, as each party would have an opportunity to file a supplemental brief of the same length within the same substantive parameters on the same schedule.

WHEREFORE, Commonwealth Edison Company respectfully requests that the ALJ grant this Motion and allow all parties leave to file a supplemental brief of no more than seven pages in length discussing the effect of the above-described legislation within seven days of its effective date.

Dated: July 27, 2007

Respectfully submitted,

Commonwealth Edison Company



By: _____
One of the Attorneys for
Commonwealth Edison Company

Darryl M. Bradford
Senior Vice President & General Counsel
COMMONWEALTH EDISON COMPANY
440 South LaSalle Street, Suite 3300
Chicago, Illinois 60605
(312) 394-7541
darryl.bradford@exeloncorp.com

Anastasia M. Polek-O'Brien
Eugene Bernstein
10 South Dearborn Street, Suite 4900
Chicago, Illinois 60603
anastasia.obrien@exeloncorp.com
eugene.bernstein@exeloncorp.com

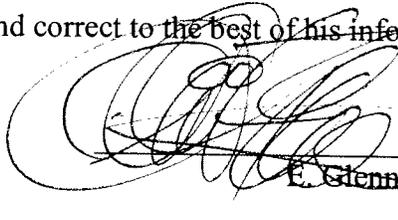
E. Glenn Rippie
John P. Ratnaswamy
Bruce W. Doughty
FOLEY & LARDNER LLP
321 North Clark Street, Suite 2800
Chicago, Illinois 60610
(312) 832-4500
grippie@foley.com
jratnaswamy@foley.com
bdoughty@foley.com

Counsel for Commonwealth Edison Company

AFFIDAVIT

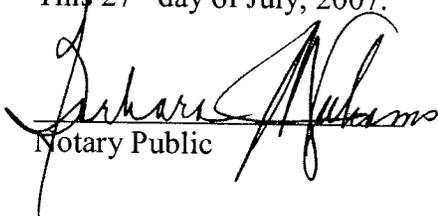
STATE OF ILLINOIS)
)
COUNTY OF COOK) ss.

E. Glenn Rippie, being first duly sworn upon oath, states that he is one of the attorneys for Commonwealth Edison Company, an Illinois corporation; that he is authorized to make this affidavit; and that he has read the foregoing Commonwealth Edison Company's Motion for Leave for All Parties to File Supplemental Briefs, that he is familiar with the facts and matters set forth therein, and that the same are true and correct to the best of his information and belief.



E. Glenn Rippie

Subscribed and sworn to before me
This 27th day of July, 2007.



Notary Public

My commission expires:

1-8-2009

