

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

ILLINOIS COMMERCE COMMISSION	:	
On Its Own Motion	:	
	:	
Initiation of investigation regarding the	:	
Hourly Price Section of the Illinois Auction	:	
under Commonwealth Edison Company's	:	
Rider CPP, and under Rider MV of	:	Docket No. 06-0624
Central Illinois Public Service Company	:	
d/b/a AmerenCIPS, of Central Illinois	:	
Light Company d/b/a AmerenCILCO, and	:	
of Illinois Power Company d/b/a	:	
AmerenIP	:	

STAFF OF THE ILLINOIS COMMERCE COMMISSION
REPLY TO MOTION TO DISMISS

Pursuant to Section 200.190 of the Rules of Practice of the Illinois Commerce Commission ("Commission"), 83 Ill. Adm. Code Section 200.190, and in accordance with the Administrative Law Judges' Ruling of September 18, 2007, the Staff of the Illinois Commerce Commission ("Staff"), through its undersigned counsel, respectfully submits this Reply to the Motion to Dismiss ("Motion") filed by Commonwealth Edison Company. In response to the Motion Staff states as follows:

1. The Commission initiated this proceeding to investigate the Hourly Price Section of the Illinois Auction held in September 2006 pursuant to the Illinois Public Utilities Act, the Commission's orders in the Procurement Dockets, Docket No. 05-0159 (ComEd Docket) and Docket Nos. 05-0160, 05-0161 and 05-0162 (Consolidated) (Ameren Dockets), Commonwealth Edison Company's ("ComEd") Rider CPP and the Ameren Companies' (Central Illinois Public Service Company d/b/a AmerenCIPS, Central Illinois Light Company d/b/a AmerenCILCO, and Illinois Power Company d/b/a

AmerenIP) Rider MV to identify a means to better meet the needs of hourly priced customers.

2. As discussed by ComEd in its Motion, on August 28, 2007, Public Act 95-0481 (Senate Bill 1592) became law. Public Act 95-0481 amends the Illinois Public Utilities Act to replace the auction process with an alternative form of planned competitive procurement process. See 220 ILCS 5/16-111.5. The law specifically provides that, instead of employing the Illinois Auction process, major utilities "... shall procure power and energy for its eligible retail customers in accordance with the applicable provisions set forth in Section 1-75 of the Illinois Power Agency Act and this Section." 220 ILCS 5/16-111.5(a). (Motion, p. 2)

3. Given that Public Act 95-0481 replaces the auction process and provides that ComEd and the Ameren Companies shall procure power and energy for their eligible retail customers in accordance with the applicable provisions set forth in Section 1-75 of the Illinois Power Agency Act and this Section, Staff agrees with ComEd that this proceeding to identify a means to better meet the needs of hourly priced customers is now moot. Those customers' needs will be met through the procedures established by Public Act 95-0481.

4. In addition with regard to any current need, as further set forth in the ComEd Motion, currently ComEd's hourly priced customers are being served by revised tariffs filed by Special Permission which the Commission approved on October 25, 2006.

5. With regard to any current need of the Ameren Companies' hourly priced customers, although the Ameren Companies' special permission requests for certain

tariff changes regarding procurement and recovery of costs in the event of rejection of an Hourly Price Section of the Illinois Auction were denied by the Commission on December 20, 2006, the Ameren Companies are also procuring the electric power and energy supply necessary to serve their hourly service customers under and/or consistent with their existing tariff provisions. (Staff Response to Position Statements of ComEd and Ameren, filed January 18, 2007, pp. 2-3)

WHEREFORE, for all the foregoing reasons, Staff has no objection to the Motion to dismiss this proceeding.

Respectfully submitted,

John C. Feeley
Carmen L. Fosco
Office of General Counsel
Illinois Commerce Commission
160 North LaSalle St., Suite C-800
Chicago, IL 60601-3104
Phone: (312) 793-2877
Fax: (312) 793-1556
jfeeley@icc.illinois.gov
cfosco@icc.illinois.gov

September 25, 2007

*Counsel for the Staff of the
Illinois Commerce Commission*