

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

Illinois Commerce Commission)	
On Its Own Motion,)	
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)	
Consideration of the federal standard on)	Docket No. 06-0525
Interconnection in Section 1254 of the Energy)	
Policy Act of 2005)	
)	

ADMINISTRATIVE LAW JUDGE’S RULING

Background

The Federal Statutory Requirements

On July 26, 2006, this Commission issued an Order commencing the instant docket. It commenced this docket to address federal Energy Policy Act of 2005 (the “EPAAct”). Specifically, the EPAAct requires every state commission to commence consideration of 16 U.S.C. Sec. 2621(d)(15), or, set a hearing date for consideration of this statute by August 8, 2006, and complete its consideration and make a determination concerning whether to implement the federal standard by August 8, 2007. (See, 16 U.S.C. Sec. 2621(a); 16 U.S.C Sec. 2622(b)(5)(B)). The statute to be considered provides, in pertinent part:

(15) Interconnection. – Each electric utility shall make available, upon request, interconnection service *to any electric consumer that the electric utility serves*. For purposes of this paragraph, the term 'interconnection service' means service to an electric consumer under which an on-site generating facility on the consumer’s premises shall be connected to the local distribution facilities. Interconnection services shall be offered based upon the standards developed by the Institute of Electrical and Electronics Engineers: IEEE Standard 1547 for Interconnecting Distributed Resources with Electric Power Systems, as they may be amended from time to time. In addition, agreements and procedures shall be established whereby the services are offered shall promote current best practices of interconnection for distributed generation, including but not limited to practices stipulated in model codes adopted by associations of state

regulatory agencies. All such agreements and procedures shall be just and reasonable, and not unduly discriminatory or preferential.

(16 U.S.C. Sec. 2621(d)(15)). (Emphasis added). IEEE Standard 1547 establishes the technical specifications for, and testing of, interconnection. It sets forth requirements regarding the performance, operation, testing, safety and maintenance necessary for interconnection.

Thus, the EAct required this Commission to consider IEEE Standard 1547 by August 8, 2007. It also requires this Commission to consider the many other aspects involved in interconnection, including, but not limited to, such items as other pertinent technical standards, technical screening standards and standards regarding legal issues, such as insurance, cost allocation and dispute resolution. (16 U.S.C. Sec. 2621(d)(15)).

Commission Action Responding to the Federal Requisites

In an Interim Order that issued on July 25, 2007, the Commission considered IEEE Standard 1547. It concluded that, with one enumerated exception, IEEE Standard 1547 shall apply as the electrical standard for the applicable size of generating facilities. In that Order, the Commission noted that, even after several workshops, the parties remained in the process of developing standards regarding, among other things, technical screening, standardized fees, and legal issues, such as, dispute resolution and insurance, and the method of implementation of the standards. The Commission also noted that, given the complexity and breadth of the issues in this docket, it was unlikely that formal guidelines or practices implementing the federal standard could be developed by August 8, 2007. (Interim Order, July 25, 2007, at 2-4).

After the July 25, 2007 Interim Order, the parties met at several workshops, wherein, they engaged in ongoing discussions regarding the issues mentioned above. Workshops continue to be scheduled through the date of this Order.

The State Statutory Requirements

On August 24, 2007, PA 95-420 became law. It added a new section to the Public Utilities Act, Section 16-107.5, which is entitled "Electricity Net Metering." The articulated purpose of that Statute is that:

The Legislature finds and declares that a program to provide net electricity metering, as defined in this Section, for eligible customers can encourage private investment in renewable energy resources, stimulate economic growth, enhance the continued diversification of Illinois' energy resource mix and protect the Illinois environment.

(220 ILCS 5/16-107.5(a)). The Net Metering Statute requires electric suppliers, such as Commonwealth Edison Company, as well as alternative retail electric suppliers, ("ARES") to provide meters that measures the flow of electricity in both directions at the same rate (net meters). (220 ILCS 5/16-107.5(c)).

An “eligible customer” (a person or entity to whom these meters are to be supplied) is:

a retail customer that owns or operates a solar, wind, or other eligible renewable electrical generating facility with a rated capacity of not more than 2,000 kilowatts that is located on the customer’s premises and is intended primarily to offset the customer’s own electrical requirements.

(220 ILCS 5/16-107.5(b)).

The Net Metering Statute also provides that:

Within 120 days after the effective date of this amendatory Act . . . the Commission shall establish standards for net metering and, if the Commission has not already acted on its own initiative, standards for the interconnection of eligible renewable generating equipment to the utility system.

(220 ILCS 5/16-107.5(h)). (Emphasis added).

Thus, this Commission is required to establish standards for the interconnection of eligible generating equipment to a utility’s system, within 120 days of the date of enactment of this statute, (August 24, 2007) if the Commission has not already “acted on its own initiative.” (220 ILCS 5/16-107.5(h)).

Subsection (h) of the Net Metering Statute also provides that:

The interconnection standards shall address any procedural barriers, delays, and administrative costs associated with interconnection of customer-generation while ensuring the safety and reliability of the units and the electric utility system. The Commission shall consider the Institute of Electrical and Electronics Engineers (IEEE) Standard 1547 and the issues of (i) reasonable and fair fees and costs, (ii) clear timelines for major milestones in the interconnection process, (iii) nondiscriminatory terms of agreement, and (iv) any best practices for interconnection of distributed generation.

(*Id.*).

Participating in this docket were: Commonwealth Edison Co. (“ComEd”); MidAmerican Energy Co.; (“MidAmerican”) the Ameren Illinois Utilities (collectively, “Ameren”); the Environmental Law and Policy Center (the “ELPC”); and, Commission Staff. The parties and Commission Staff were asked to file comments discussing the issue of whether the 120-day period cited above applies to this docket. The Commission Staff, the ELPC and the utilities filed comments and reply comments addressing the meaning of this language.

The History of the State Legislation

On February 8, 2007, S.B. 680, the precursor to Section 16-107.5 of the Public Utilities Act, was first introduced into the Illinois Senate. An Amendment to that Bill was introduced on March 23, 2007. That Amendment changed S.B. 680 to provide, among other things, that “[W]ithin 120 days after the effective date of the . . . Act, the Illinois Commerce Commission shall establish standards for net energy metering and the interconnection of eligible renewable generating equipment to the utility system.” That bill passed in the Illinois Senate on March 29, 2007. (Emphasis added). (See, Legislative History, attached).

SB 680, with the Amendment described above, was introduced in the Illinois House of Representative on April 9, 2007. On May 22, 2007, another Amendment to the Bill was added. It changed the language cited above in the Senate Amendment to the current language on the issue, which is:

Within 120 days after the effective date of this amendatory Act . . . the Commission shall establish standards for net metering and, if the Commission has not already acted on its own initiative, standards for the interconnection of eligible renewable generating equipment to the utility system.

(Legislative History; 220 ILCS 5/16-107.5(h)). The bill with the new House Amendment passed both houses on May 31, 2007 and was sent to the Governor for his signature on June 29, 2007. It became law on August 24, 2007. (Legislative History, attached).

The Parties’ Positions

The ELPC

The ELPC maintains that the language in 220 ILCS 6/16-107.5(h) requires this Commission to establish all of the standards necessary for interconnection within 120 days from the date, upon which, the Net Metering Statute was enacted. It reasons that the General Assembly required this Commission to both establish net metering standards and interconnection standards within this time period. The ELPC acknowledges that, in the July 25, 2007 Interim Order, this Commission identified IEEE Standard 1547 as a technical basis for any future interconnection standards. It maintains, however, that the Commission has not yet established any standards, and thus, it has not “acted” within the meaning of 220 ILCS 5/16-107.5(h). (ELPC Comments at 3-5).

The ELPC proposes a method, through which, it contends that the 120-day deadline could be fully satisfied. The Commission Staff would develop and proposed an emergency rule for consideration by the parties, based upon discussions that occurred in the workshops. Commission Staff would then issue an emergency rule. Because the law provides that emergency rules are only effective for 150 days, it would be necessary to open a new, second docket and commence a permanent rulemaking proceeding. Commission Staff would then publish a First Notice Order in the permanent rulemaking

docket with language from the emergency rule. At that point in time, the parties and Commission Staff would have the opportunity to thoroughly examine the rule Commission Staff developed as an emergency rule. (*Id.* at 7-9).

The ELPC additionally avers that the language in subsection (h) of the Net Metering Statute does not limit the standards to be developed regarding interconnection to those persons or entities that fit within the statutory definition of “customers.” Instead, according to the ELPC, the new statute requires this Commission to develop interconnection standards for all types of facilities. (*Id.* at 7).

ComEd’s Position

ComEd contends that, if the General Assembly meant to require the Commission complete the rulemaking process regarding interconnection within 120 days, there would be no need to place the conditional language “if the Commission has not already acted on its own initiative” in the statute. When issuing the Interim Order on July 25, 2007, ComEd asserts, the Commission “acted on its own initiative.” (ComEd Comments at 3).

ComEd looks to the history of the Net Metering Statute. It points out that the bill passed the General Assembly on May 31, 2007. It was sent to the Governor for his signature on June 29, 2007. After the language in the bill was set, on July 25, 2007, this Commission adopted the Interim Order in this docket. That Order adopted IEEE Standard 1547, with a specified condition. Also, in that Order, the Commission found that the parties to this docket and Commission Staff have been engaged in workshops to discuss and reach consensus regarding ancillary issues concerning interconnection, such as fair fees and costs, timelines for major milestones in the interconnection process, non-discriminatory terms of Agreement and any best practices for interconnection. ComEd asserts that when issuing this Order, the Commission “acted” to consider and adopt IEEE Standard 1547 as the technical standard for interconnection and it also “acted” when conducting workshops addressing the many other factors the EAct requires this Commission to consider. ComEd concludes that thus, the Commission proceeded toward the very results contemplated by the language in subsection (h) of the Net Metering Statute. (ComEd Comments at 2).

ComEd further posits that the 120-day period in subsection (h) of the new Act, at most, applies to the potential net metering situations defined in the Act, that is, renewable generators with no larger than 2,000 kilowatt capacity, located on the customer’s premises and intended to primarily offset the customer’s load. (*Id.* at 3).

MidAmerican’s Position

MidAmerican concurs with ComEd.

Ameren’s Position

Ameren points out that at the time S.B. 680 was sent to the Governor, (June 29, 2007) the parties in this proceeding had submitted two rounds of comments regarding

interconnection best practices. Workshops were ongoing at that time, and, in fact, workshops are still ongoing. Ameren additionally notes that in the Interim Order, the Commission expressed its intention that the workshops addressing the many issues surrounding interconnection should continue. Ameren concurs with ComEd's contention that, by the time the Interim Order was entered, but, before S.B. 680 became law, the Commission had already "acted" within the meaning of the statute, to address the interconnection standards by adopting IEEE Standard 1547 and by conducting workshops. (Ameren Comments at 2).

Ameren maintains, additionally, that the Net Metering Statute does not require the promulgation of any regulations or rules. This is so, Ameren maintains, because there is no language in that statute stating that the Commission is authorized to promulgate rules. In support, Ameren cites several statutes, in which, the General Assembly specifically stated that it authorized the Commission to promulgate rules or regulations. (Ameren Reply Comments at 3-4).

Ameren further notes that, while workshops in this docket have been productive, and should continue, the workshops have not approximated consensus on several major issues. It avers that reasonable resolution of important policy issues, such as those in this docket, come from the amicable cooperation of otherwise adverse parties. It concludes that thus, the ELPC's contention that this Commission should implement an emergency rule based on confidential discussions amongst the parties contravenes sound public policy. (*Id.* at 5-6).

Ameren additionally asserts that 220 ILCS 5/16-107.5(h) must be interpreted within the limited context of the Net Metering Statute. Subsection (h), it avers, calls for the development of standards related to the interconnection of "eligible generating renewable equipment to the utility system." It provides that net metering services are only available for "eligible customers." The Net Metering Statute defines an "eligible customer" as one that operates a facility that is generator-powered by energy from the sun, wind and other renewable sources to offset that customer's own electrical requirements. Ameren reasons that, given the limited scope of this statutory language, even if the 120-day limitation were to be applied to this docket, it would only concern the interconnection of facilities that fit within the statutory definition of "eligible customers." Also, while the Net Metering Statute implicates ARES, the ARES do not operate the electric distribution wires that are subject to interconnection. Therefore, Ameren concludes, subsection (h) of the Net Metering Statute only has meaning in relation to the terms and conditions of the new net metering services, as a part of regulated utilities' electric delivery service. (*Id.* at 2-3). Ameren posits that the Net Metering Statute is intended to mandate net metering services for a select number of customers that operate small, renewable generating facilities. It points out that no clause in the Net Metering Statute suggests that the Commission, utilities or ARES should establish any charge or do anything else regarding customers who generate more than 2,000 kilowatts of electricity. (Ameren Reply Comments at 2).

Commission Staff's Position

Commission Staff, like ComEd and Ameren, asserts that the qualifying language “if the Commission has not already acted on its own initiative” is an exception to the 120-day requirement in subsection (h) of the Net Metering Statute. Staff points out that subsection (h) requires Commission action, but there is no language in the statute requiring completion of that action. (Staff Comments at 9-11). Staff contends that, when issuing the Inter Order on July 25, 2007, in which, the Commission adopted IEEE Standard 1547, the Commission “acted” within the meaning of 220 ILCS 5/16-107.5(h). Further, Staff argues, the General Assembly’s articulated policy for enactment of this statute, subsection (a), does not refer to interconnection at all. Rather, the language therein only refers to net metering. This articulated goal of the General Assembly, Staff continues, further supports the contention that, when enacting this statute, the General Assembly viewed interconnection as a separate matter from interconnection. (Staff Comments at 19).

Staff asserts further that Mt. Carmel Public Utility Co, the only Illinois utility that does not fit within the federal threshold in the federal EPCAct, as well as the ARES, could be affected by the Net Metering Statute. Staff notes that, in order to provide Mt. Carmel and the ARES with due process, these entities would be required to receive notice of the Commission interconnection docket, which would further delay proceedings. (Staff Comments at 16-17).

Staff also concurs with ComEd’s and Ameren’s argument that the Net Metering Statute only concerns customers that generate 2,000 kilowatts, or less, through renewable sources. Thus, if the Commission were to determine that the 120-day period applies to interconnection, it would only apply to interconnection of persons or entities that fall within this statute’s definition of “eligible customers.” (Staff Reply Comments at 7-9).

Analysis and Conclusions

What Kind of Interconnection is Governed by the Net Metering Statute

Interconnection is a process, through which, a person or entity that owns mechanisms that generate electricity can, in effect, sell that electricity to their electricity provider. A “net meter” keeps track of the electricity that such a person or entity sells to its electric provider, as well as the electricity that the electric provider sells to that customer.

In a very general sense, there are two kinds on “interconnectors.” There are large institutions and commercial enterprises that own generators, or that own assets, like wind farms, that generate electricity. There are also persons and businesses that have invested in assets that use renewable sources of energy, such a solar panels, to offset the amount of electricity they purchase from electric suppliers. At issue is whether the interconnection requirements in the Net Metering Statute apply to both types of “interconnectors,” or, whether these requirements only apply to the latter type, renewable energy used to offset the cost of electricity from an electric supplier.

The Net Metering Statute mandates the development of interconnection standards. (220 ILCS 5/16-107.5(h)). It also requires electric utilities and the ARES to provide net meters. (220 ILCS 16-107.5(c)). Those meters must be provided to “eligible customers.” The statute defines an “eligible customer” as:

a retail customer that owns or operates a solar, wind, or other eligible renewable electrical generating facility with a rated capacity of not more than 2,000 kilowatts that is located on the customer’s premises and is intended primarily to offset the customer’s own electrical requirements.

(220 ILCS 5/16-107.5(b)). The interconnection standards to be developed are “for the interconnection of eligible renewable generating customers.” (220 ILCS 5/16-107.5(h)). An “eligible renewable generating facility” is a:

generator powered by solar electric energy, wind, dedicated crops grown for electricity generation, anaerobic digestion of livestock or food process waste, fuel cells or microturbines powered by renewable fuels, or hydroelectric energy.

(220 ILCS 5/16-107.5(b)).

When construing a statute, one must determine and give effect to the General Assembly’s intent. (*Murray v. Chicago Youth Center*, 224 Ill. 2d 213, 235, 864 N.E.2d 176 (2007)). The language in the statute is the best indication of that intent. (*Id.*). Unless a statute is ambiguous, the statutory language must be given its plain and ordinary meaning; courts are not free to construe a statute in a manner that alters that meaning. (*See, e.g., People v. Vincent*, 223 Ill 2d 569, 581, 861 .E.2d 967 (2007)).

As Commission Staff points out, the Net Metering Statute was intended to, among other things “encourage private investment” in renewable energy resources. (220 ILCS 5/16-107.5(a)). The statute requires the development of standards for “eligible renewable generating equipment.” “Eligible equipment” is equipment that uses renewable sources of energy. (220 ILCS 5/16-107.5(b)). Moreover, this statute only concerns those persons or entities that are “eligible customers.” (*Id.*). The statutory definition of “eligible customers” does not include large commercial generators of electricity. (*Id.*). It only concerns persons or entities that use renewable sources to offset the electricity supplied by a utility or an ARES. (*Id.*). Thus, the Net Metering Statute does not concern meters for, or the interconnection of, the generation equipment of those persons or entities that do not fall within the statutory definition of “eligible customer.”

If the General Assembly intended to require the development of standards regarding interconnection to extend beyond the definition of “eligible customer” set forth in subsection (b) of the Net Metering Statute, it would have placed language in this statute stating that the interconnections standards to be developed would concern entities other than those defined in the statute’s definition of “eligible customer.” It did not.

Therefore, to satisfy the Net Metering Statute, the standards to be developed need not concern those persons or entities that have sources of electric generation that are not renewable sources that are intended primarily to offset the customers' own electrical requirements. It is illogical, and beyond the language contained in the Net Metering Statute, to extend any requirement regarding development of interconnection standards that are enumerated in subsection (h) of the statute beyond the statutory definition of the persons or entities, to whom, the Statute applies, which is defined in subsection (b), quoted above.¹ Such construction of the Net Metering Statute also ignores one of the articulated purposes of this statute, which is to "encourage private investment in renewable energy resources. (220 ILCS 5/16-107.5(a)).

Whether the Net Metering Statute Requires this Commission to Establish Standards for Interconnection within 120 Days from the Date of the Statute's Enactment

At issue is the meaning of certain language in subsection (h) of the Statute, which provides that:

Within 120 days after the effective date of this amendatory Act . . . the Commission shall establish standards for net metering and, if the Commission has not already acted on its own initiative, standards for the interconnection of eligible renewable generating equipment to the utility system.

(220 ILCS 5/16-107.5(h)). (Emphasis added). As was stated before, when construing this provision, one must give effect to determine and give effect to the General Assembly's intent. (*Murray*, 224 Ill. 2d at 235). The language in the statute is the best indication of that intent. (*Id.*).

The plain language of the phrase "and, if the Commission has not already acted on its own initiative" creates an exception to the remaining portion of the sentence, which is: "Within 120 days after the effective date of this amendatory Act . . . the Commission shall establish standards for . . . the interconnection of eligible renewable generating equipment to the utility system." (220 ILCS 5/16-107.5(h)). Therefore, if the Commission has "acted," the 120-day mandate is not applicable to this docket.

The question then becomes, what is Commission action? The General Assembly's use of this term is not defined in the statute.

The utilities and Commission Staff contend, essentially, that a reasonable construction of the word "acted" is "to do something." Thus, they reason that certain events happened after the statutory language was "set," but before the Net Metering Statute became law. These events, in their view, are Commission actions, rendering the 120-day time period inapplicable. Only the ELPC asserts that Commission "action"

¹ However, as was stated before, the federal EPA Act requires this Commission to consider developing standards for all types of persons or entities that desire interconnection. (*See, e.g.*, 16 U.S.C., Sec. 2621(a); (d)(15)).

requires completion of an emergency rule. Both constructions of the statutory language are fair interpretations of the General Assembly's use of the word "acted."

An ambiguity exists when a statute is capable of being understood in two or more different sense by reasonably well-informed persons. (*People v. Askew*, 341 Ill. App. 3d 548, 552, 793 N.E.2d 56 (1st Dist. 2003)). Because reasonably well-informed persons could construe this word to mean different things, it is ambiguous.

When statutory language is ambiguous, a trier of fact may consider extrinsic aids for construction, including the legislative history of that statute, to resolve the ambiguity and determine the legislative intent. (*People v. Whitney*, 188 Ill. 2d 91, 97-8, 720 N.E.2d 225 (1999)). Moreover, an ambiguity caused by a literal and confined construction of a statute may be rejected, in order to conform to an otherwise clear legislative intent. (*In re Application of the County Treasurer*, 214 Ill. 2d 253, 259, 824 N.E.2d 614 (2005)). It is also presumed that, when enacting a statute, the legislature did not intend absurdity, inconvenience or injustice. (*Id.*).

Because the term "acted" is ambiguous, it is necessary to review the legislative history of this statute, compared to the chain of events in this docket.² The first version of the 120-day period, the Senate Amendment, required that "[W]ithin 120 days after the effective date of the . . . Act, the Illinois Commerce Commission shall establish standards for . . . the interconnection of eligible renewable generating equipment to the utility system." (Legislative History, attached). (Emphasis added). Thus, in April of 2007, when this Amendment was introduced in the Senate, S.B. 680 evinced a clear intent to require this Commission to promulgate standards regarding interconnection within 120 days. This language, however, was changed in the House Amendment to the present version of subsection (h). (Legislative History).

There would be no need to change the language in the Senate Amendment, if, as ELPC contends, the General Assembly meant to require this Commission to promulgate standards regarding interconnection within 120 days from the date of enactment. The original version of this 120-day restriction clearly required the establishment of standards within 120 days. There simply would be no point in changing the language from a clear articulation in the Senate Amendment, which required the Commission to develop interconnection standards within 120 days from the date of enactment, if the General Assembly intended the language in the House Amendment to require this Commission to complete those standards within 120 days. Thus, Commission "action" cannot mean completion of those standards within that 120-day period.

The construction posed by the utilities and Commission Staff is a reasonable one, given that, at the time the House Amendment was introduced in the House, May of 2007, the Commission had not taken any formal steps regarding development of

² The General Assembly is presumed to know the events, about which, it legislates. (See, e.g., *Vuagniaux v. Dept. of Professional Regulation*, 208 Ill. 2d 173, 199, 802 N.E.2d 1156 (2003)).

interconnection standards. That situation changed, however, in July of 2007, when the Commission issued the Interim Order.

It is also noteworthy that other language in subsection (h) also addressed situations that were mooted by the Interim Order. Subsection (h) also requires the Commission to “consider” IEEE Standard 1547. (220 ILCS 5/16-107.5(h)). Commission “consideration” of IEEE Standard 1547 is also mandated by the federal EAct, the very Act that the Commission initiated this docket to address. (See, Interim Order). Since the Interim Order “considered” IEEE 1547, the issue of such consideration became moot after that Order issued. The presence of this language regarding “consideration” of IEEE Standard 1547 is further indicia of the fact that the term “acted” means “to do something” and the Commission fully satisfied this condition by the time the Net Metering Statute became law. The Net Metering Statute’s requirement regarding IEEE Standard 1547, also, became moot after the time the Commission issued the Interim Order.

Moreover, the realities are that the scenario set forth by the ELPC regarding Commission Staff devising an emergency rule within the 120-day period and later initiating a permanent rulemaking, would only create unnecessary delay in the creation of standards, through which, persons or entities with renewable sources of energy may interconnect with utilities and ARES. This proposal would provide the first meaningful opportunity to examine the emergency rule developed by Staff upon examination of the emergency rule after the First Notice Order issued in a second, permanent rulemaking proceeding. Given the procedural requirements in a rulemaking proceeding, it is highly likely that such examination would occur after the 120-day period had passed. In all likelihood, such a process would create a substantial delay in the process of creating standards regarding interconnection. Such unnecessary delay in the creation of permanent standards does not further the articulated purposes of the statute. (See, 220 ILCS 5/15-107.5(a)).

Such a process would also delay the “opportunity to be heard” by the utilities, thereby delaying the utilities’ right to due process pursuant to the United States and Illinois constitutions. There is no indication that the General Assembly deemed such delay to be necessary, and, this Commission will not assume that it is necessary, without some stated articulation by the General Assembly, especially given the public interest goals articulated in the statute. (*Id.*). Such a literal and confined construction may be rejected, when as is the case here, it contravenes the articulated goal of the statute. (*People v. Fitzgibbons*, 184 Ill. 2d 320, 325, 704 N.E.2d 366 (1988)).

In summation, the Net Metering Statute only requires the development of standards regarding the interconnection of the Statute’s definition of “eligible customers.” It also requires the standards to be developed within 120 days, if the Commission has not “acted.” However, the Commission “acted” within the meaning of the Act, when it issued the Interim Order and it continues to “act” by conducting ongoing workshops. Therefore, the 120-day period articulated in the Net Metering Act does not apply to interconnection.

Dated: October 1, 2007

Claudia E. Sainsot³

Administrative Law Judge

Illinois Commerce Commission

³ Bradley A. Bertkau, a legal extern, participated in the preparation of this ruling.