

Docket No.: 06-0800
Bench date: 09-26-07
Deadline: None

MEMORANDUM

TO: The Commission

FROM: Michael L. Wallace and Larry Jones
Administrative Law Judges

DATE: September 12, 2007

SUBJECT: Illinois Commerce Commission
On Its Own Motion

Investigation of Rider CPP of Commonwealth Edison Company ("ComEd"), and Rider MV of Central Illinois Light Company d/b/a AmerenCILCO, of Central Illinois Public Service Company d/b/a AmerenCIPS, and of Illinois Power Company d/b/a AmerenIP ("Ameren Utilities"), pursuant to Commission Orders regarding the Illinois Auction.

STATUS: A Proposed Order was served July 12, 2007.

PENDING MOTION: Joint Motion to Dismiss Proceeding as Moot, filed on behalf of ComEd, the Ameren Utilities, and the People of the State of Illinois.

RECOMMENDATION: Grant Joint Motion to Dismiss Proceeding as Moot, filed on September 4, 2007 on behalf of ComEd, et al. (No order is attached.)

As the Commission is aware, in its "Procurement Orders" entered in Dockets 05-0160, 05-0161 and 05-0162 (consolidated) and 05-0159, the Commission approved use by ComEd and the Ameren Utilities of a vertical tranche descending clock auction process to obtain electric supply to meet retail load requirements after January 1, 2007.

In the instant docket, 06-0800, the Commission initiated the proceeding to determine whether changes should be made to improve the auction process. The next auction was tentatively scheduled to be held in January, 2008.

There were numerous parties and contested issues in 06-0800. A proposed order was issued on July 12, 2007, and briefs on exception were filed.

On August 28, 2007, Senate Bill 1592, as amended, was signed by the Governor and enacted into law as Public Act 95-0481 ("PA 95-0481").

On August 30, 2007 a ruling was issued setting forth a schedule for motions or other filings addressing the effect of PA 95-0481 on the instant docket.

On September 4, 2007, ComEd, the People of the State of Illinois ex rel. Lisa Madigan, Attorney General of Illinois, and the Ameren Utilities (collectively, "Movants") filed a "Joint Motion to Dismiss [the] Proceeding as Moot" based upon the enactment of PA 95-0481.

According to Movants, PA 95-0481 requires that future procurements of power and energy be made in accordance with the procedures established by PA 95-0481, and such procedures do not include the Illinois Auction process. Therefore, they assert, further consideration of the issues raised in this docket is unnecessary. As a result, the Movants agree that this proceeding should be dismissed as moot.

In its reply filed September 6, 2007, the Commission Staff agrees that the instant proceeding is moot. Staff explains, on pages 1-2, "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."

No other party replied to the Joint Motion to Dismiss or otherwise objected to dismissal of the proceeding as moot.

Having reviewed the assertions of the parties and pertinent provisions of PA 95-0481, it is our recommendation that the Joint Motion to Dismiss be granted by Commission action. No order is being submitted with this memorandum.

MLW/LMJ/lw