

**OFFICIAL FILE**  
**ILLINOIS COMMERCE COMMISSION** STATE OF ILLINOIS

**ORIGINAL**

**ILLINOIS COMMERCE COMMISSION**

Commonwealth Edison Company	:		
	:		
Petition for expedited approval of implementation of a market-based alternative tariff, to become effective on or before May 1, 2000, pursuant to Article IX and Section 16-112 of the Public Utilities Act	:	00-0259	
	:		
Central Illinois Public Service Company Union Electric Company	:	00-0395	(Cons.)
	:		
Petition for approval of revisions to market value tariff, Rider MV	:		
	:		
Illinois Power Company	:	00-0461	
	:		
Proposed new Rider MVI and revisions to Rider TC.	:		

**ILLINOIS POWER COMPANY'S EXCEPTIONS**

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Dated: January 12, 2001

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

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ILLINOIS POWER COMPANY'S EXCEPTIONS

Pursuant to § 200.830(b)(2), the following sections provide the replacement language proposed by Illinois Power Company ("Illinois Power," "IPC" or "IP") to the Hearing Examiner's Proposed Order ("HEPO") and are intended as an adjunct to IPC's Brief on Exceptions which accompanies this document. The Exceptions are provided in legislative format to the HEPO and are presented in accordance with the numbering set forth in our accompanying Brief.

1-A. Replacement language for the first two paragraphs on page 112:

The Commission has reviewed the positions of the parties on this issue. In light of the types of concerns summarized above, the Commission is ~~not~~ prepared at this time to authorize the utilities to ~~permanently~~ place their market value tariffs in place, ~~even~~ as modified by the Commission proposals contained in this order. Given that the mandatory transition period ends

January 1, 2005 and that electric utilities may collect transition charges through December 31, 2006 (unless that collection period is extended to no later than December 31, 2008 pursuant to Section 16-108(f) of the Act), the Commission strongly encourages all parties to work together to determine if further revisions to the approved tariffs are warranted. We emphasize to all that we will revisit these tariffs by launching an investigation and, if necessary, a new proceeding if we believe that the tariffs are no longer producing just and reasonable results. We note that utilities such as Illinois Power have stated that they are willing to work with all interested parties in this effort. We take them at their word, but warn that if in fact this does not occur, we will not hesitate to launch an investigation. We disagree with any suggestion that we are not authorized to conduct further proceedings and to modify the MVI tariffs if the record at that time indicates a need for modification. The Staff of the Commission appears satisfied with this type of process and we trust that they will let us know if any party is not working on the issues raised in this order in good faith. We recognize that the result at that time could well be that the NFF process must be re-instated, proposes that the market value tariffs of each utility be modified such that they shall cease to be effective at the conclusion of the customer's May, 2004 billing period. If a utility accepts this proposed modification, it is directed to file a new market value tariff on January 1, 2003. This filing date will provide sufficient time for the parties and Commission to evaluate such proposals. It will also allow time for such other actions as may be utilized in establishing market values, although reestablishing the NFF process is not a scenario the Commission wishes to encourage.

~~— This sunset provision will allow the utilities to implement market index tariffs, as modified by the Commission's proposals herein, for a relatively lengthy period of time. However, it will also allow the utilities, Staff and other interested parties to gain significant experience with the different aspects of the various tariffs and, perhaps, determine which are superior or problematic. While allowing the tariffs approved herein to be effective for a reasonably lengthy period of time, this sunset provision also provides for a review at a stage in Illinois' restructuring process that will allow the Commission to correct serious problems that are observed and for these corrections to be in place for a meaningful period of time. The Commission believes this provision will also serve as an incentive for utilities and other parties to work together, in workshops or other forums, to develop additional improvements to the MVI programs.~~

1-B. Alternative replacement language for the first two paragraphs on page 112, if 1-A is rejected:

The Commission has reviewed the positions of the parties on this issue. In light of the types of concerns summarized above, the Commission is not prepared at this time to authorize the utilities to permanently place their market value tariffs in place, even as modified by the Commission proposals contained in this order. Given that the mandatory transition period ends January 1, 2005 and that electric utilities may collect transition charges through December 31, 2006 (unless that collection period is extended to no later than December 31, 2008 pursuant to Section 16-108(f) of the Act), the Commission proposes that the market value tariffs of each utility be modified such that they shall cease to be effective at the conclusion of the customer's December ~~May~~, 2004 billing period. If a utility accepts this proposed modification, it is directed

to file a new market value tariff ~~by July~~ on January 1, 2003. This filing date will provide sufficient time for the parties and Commission to evaluate such proposals. It will also allow time for such other actions as may be utilized in establishing market values, although reestablishing the NFF process is not a scenario the Commission wishes to encourage.

This sunset provision will allow the utilities to implement market index tariffs, as modified by the Commission's proposals herein, for a relatively lengthy period of time. However, it will also allow the utilities, Staff and other interested parties to gain significant experience with the different aspects of the various tariffs (including for a sufficient period after residential customers become eligible for choice) and, perhaps, determine which are superior or problematic. While allowing the tariffs approved herein to be effective for a reasonably lengthy period of time, this sunset provision also provides for a review at a stage in Illinois' restructuring process that will allow the Commission to correct serious problems that are observed and for these corrections to be in place for a meaningful period of time. The Commission believes this provision will also serve as an incentive for utilities and other parties to work together, in workshops or other forums, to develop additional improvements to the MVI programs.

2. Replacement language for the last paragraph beginning on page 120 and continuing onto page 121:

Illinois Power has demonstrated that the *reduction* it uses to reach non-firm values is based on considerations concerning the value of reserves. Because no party has presented any evidence to refute this or IP's showing of the clear double count involved, we will not approve this adjustment at this time. As with other adjustments, should the ongoing discussions of the parties indicate that a different result is warranted in the future, we are willing to reconsider this matter then.

~~Inasmuch as IP has suggested that it does not require a planning reserve if a RES uses financially firm agreements to meet retail load (See IP brief at 21), the Commission proposes that IP modify its tariffs to explicitly set forth such information. Given that IP has the statutory authority to reject a Commission proposed modification to its tariff and instead return to the NFF to establish market values, the Commission offers an alternative proposal to IP. In the event IP declines to modify its tariffs to accept financially firm agreements to meet retail load without requiring planning reserves, then the Commission proposes that IP adjust upward its market value calculations to reflect costs associated with acquiring planning reserves. In that event, the Commission proposes that IP increase the market value of power and energy by \$0.61 per megawatt hour as recommended by CILCO witness Lancaster to reflect the cost associated with acquiring planning reserves. (See CILCO Ex. 2.0 at 5)~~

3-A. Replacement language for the second and third full paragraphs on page 124:

The Commission believes that ~~while~~ even as few as eight days will prove ~~may be~~ sufficient time for ~~some~~ customers to make such a decision, ~~all non-residential delivery services customers are eligible for delivery services and the Commission has the responsibility to ensure~~

~~that all eligible customers may reasonably take advantage of this opportunity. Furthermore, under the existing NFF, all utilities effectively publish market values and transition charges for a one-year period when the annual NFF report is issued. In addition, under the Applicable Period A/B methodology, market values and transition charges are, in some circumstances, published months before they may be used by customers. IP's complaints of incurring additional risk are unconvincing in the face of the narrow decision window its proposal would impose on customers. RESs (all of whom are sophisticated marketing and sales organizations, and many of whom are affiliated with Illinois utilities) and consultants will undoubtedly quickly learn how to advise customers under IP's proposal and ensure that customers are able to take advantage of known prices. We note that IP made several concessions throughout this proceeding to increase the amount of time available to customers while shortening the amount of time available to IP to calculate and publish market values. If in fact IP's method unduly burdens customers and is a roadblock to the development of competition, we should be able to determine this given the alternative process we are accepting for Ameren and CE, and as with other issues in this case, we will not hesitate to use our power to investigate and open new proceedings to rectify any unjust or unreasonable circumstances that become apparent upon implementing these tariffs, regardless of whether they involve this issue or some other.~~

~~As a condition of approving IP's 12-month rolling average methodology, the Commission proposes, pursuant to Section 16-112(m) of the Act, that IP expand the decision window by moving the index sampling intervals back one month as proposed by Unicom witness Braun. (See Unicom Ex. 1.0 at 8) Furthermore, Also, the Commission accepts IP's proposal to modify its PPO notification requirement. Under IP's modified notice requirement, the notice provision will be the lesser of either 30 days or the length of time between the 10<sup>th</sup> business day of a month and the scheduled meter read date for the next calendar month. The Commission believes that this modification ~~these two modifications~~ will provide PPO customers and all other delivery services customers with a sufficient opportunity to review published market values and transition charges without causing an undue burden on IP.~~

3-B. Alternative replacement language for the second and third full paragraphs on page 124, if 3-A is rejected:

The Commission believes that while eight days may be sufficient time for some customers to make such a decision, all non-residential delivery services customers are eligible for delivery services and the Commission has the responsibility to ensure that all eligible customers may reasonably take advantage of this opportunity. Furthermore, under the existing NFF, all utilities effectively publish market values and transition charges for a one-year period when the annual NFF report is issued. In addition, under the Applicable Period A/B methodology, market values and transition charges are, in some circumstances, published months before they may be used by customers. IP's complaints of incurring additional risk are unconvincing in the face of the narrow decision window its proposal would impose on customers.

As a condition of approving IP's 12-month rolling average methodology, the Commission proposes, pursuant to Section 16-112(m) of the Act, that IP expand the decision window by

updating values on a bi-monthly basis, so that values would be updated six times a year and applicable to those customers whose anniversary dates or beginning dates fall in the next two succeeding bill-cycle months, moving the index sampling intervals back one month as proposed by Unicom witness Braun. (See Unicom Ex. 1.0 at 8) We believe that this modification adequately balances concerns over decision times, staleness of data, customer confusion and gaming opportunities raised by any change to IP's proposal (including those raised by Unicom's affiliate, CE, with respect to Unicom's modification). It also permits those customers who can decide more quickly the ability to obtain the benefits of doing so, while affording all customers more than 30 days to make a decision with respect to whether to take delivery services. With this change (and because the issue of decision making time is really only an issue when the customer is first deciding whether to take delivery services), IP's modifications on PPO notification and moving the date of publishing values (from the 15<sup>th</sup> day of each month to the 8<sup>th</sup> Business Day) are no longer necessary since all customers will have over 30 days to make a decision. We will permit IP to file revised tariffs rescinding these two changes if it so desires. Furthermore, the Commission accepts IP's proposal to modify its PPO notification requirement. Under IP's modified notice requirement, the notice provision will be the lesser of either 30 days or the length of time between the 10<sup>th</sup> business day of a month and the scheduled meter read date for the next calendar month. The Commission believes that these two modifications will provide PPO customers and all other delivery services customers with a sufficient opportunity to review published market values and transition charges without causing an undue burden on IP and without causing customer confusion or creating unwarranted gaming opportunities.

Respectfully submitted,

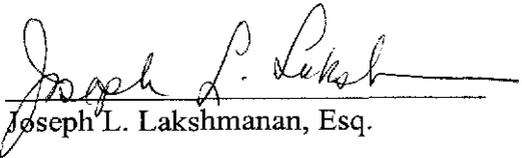


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Dated: January 12, 2001

**CERTIFICATE OF SERVICE**

I, Joseph L. Lakshmanan, certify that on the 12<sup>th</sup> day of January, 2001, I served a copy of Illinois Power Company's Response to Motion for Reopening the Record & Conducting Additional Hearings, Illinois Power Company's Exceptions and Illinois Power Company's Brief on Exceptions by electronic mail and by first class mail, from Decatur, Illinois, postage prepaid to the individuals on the service list attached.

  
\_\_\_\_\_  
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