

ICC Docket No. 09-0263

**Commonwealth Edison Company's Response to
MC Squared Energy Services and Constellation New Energy ("MC-CNE") Data Request
MC-CNE 2.01 – 2.02
Dated: July 21, 2009**

REQUEST NO. MC-CNE 2.02:

With regards to ComEd's Response to MC-CNE 1.12 (a.) and (c.), please answer the following:

- A. ComEd's Response 1.12a states "ComEd did not want to utilize a RES due to concerns raised by "slamming" or "cramming" as a reason to not consider third party alternatives to an IDC waiver. Please provide a list of any and all "slamming and cramming" complaints that have been substantiated against alternative retail electric suppliers since the retail market opened up to competition on October 1, 1999.
- B. In ComEd's Response to 1.12a, ComEd cites the "opt-out" rider as a reason that they did not consider third party alternatives to an IDC waiver. Does ComEd believe that ComEd is the only party that could administer an "opt-out" marketing approach? If yes, please explain why.

RESPONSE:

- A. ComEd is not aware of, nor does it track, any informal or formal complaints filed with the ICC in regards to switching to RES service. Further, to clarify the statement quoted from ComEd's response to MC-CNE 1.12, the concerns expressed regarding "slamming and cramming" should not be construed as an implication on ComEd's part that RESs are (or are not) engaging in such practices. Rather, the point of that statement was that in light of the goal to deploy AMI meters and customer applications by the summer of 2010 and the need to employ an opt-out dynamic supply rate, it is unclear to ComEd if an opt-out dynamic supply rate could be provided by a RES without raising issues related to slamming and cramming. For example, customer confusion concerning who the supplier is and what prices (rates) should be charged would be detrimental to the study results.
- B. ComEd objects to this data request on the grounds it calls for a legal conclusion.

OFFICIAL FILE
I.C.C. DOCKET NO. 09-0263
~~ICEA X~~ Exhibit No. 7
Witness _____
Date 8/19/09 Reporter CC