

2009 OCT -2 A 10: 43

Commonwealth Edison Company )  
)  
Petition to Approve an Advanced )  
Metering Infrastructure Pilot Program )  
and Associated Tariffs. )

CHIEF CLERK'S OFFICE  
Docket No. 09-0263

**CITY OF ELGIN'S BRIEF ON EXCEPTIONS**

NOW COMES the City of Elgin, a municipal corporation of the State of Illinois, by its attorneys, William A. Cogley, Michael R. Gehrman and Christopher J. Beck, and for its Brief on Exceptions to the Proposed Order of the Administrative Law Judge, does hereby state as follows:

**INTRODUCTION**

In its Petition, Commonwealth Edison Company ("ComEd") has proposed to install approximately 141,000 Advanced Metering Infrastructure meters as part of a pilot program (the "AMI Pilot"). (ALJ Proposed Order at 1). Of these 141,000 AMI meters, approximately 100,500 meters would be located in the I-290 corridor in ComEd's Maywood Operating Center, 30,000 meters in the City of Chicago, 500 meters in the Village of Tinley Park, and 10,000 meters in the City of Elgin ("Elgin"). (ALJ Proposed Order at 1-2, 7-8). Section IV of the Proposed Order concludes that the record does not support cost recovery for the installation of the 10,000 meters to be located in Elgin. (ALJ Proposed Order at 17-19). However, this conclusion essentially ignores testimony demonstrating that the installation of the AMI meters in Elgin would provide valuable information and serve as a model for other communities as to how to incorporate AMI technology into their community-specific energy conservation programs. As set forth below, the ALJ's Proposed Order should be modified to provide for the inclusion of the installation of 10,000 AMI meters in the City of Elgin.

## ARGUMENT

In order to stimulate interest in energy-conserving activities and to engage communities, ComEd, together with the Metropolitan Mayors' Caucus and the Illinois Department of Commerce and Economic Opportunity, sponsored the Community Energy Challenge ("CEC"). (ALJ Proposed Order at 7; ComEd Ex. 7.0 at 5). The CEC challenged twelve communities in Northern Illinois to develop plans that increase energy efficiency in their government operations, local businesses, and residences, while also achieving community goals such as reducing greenhouse gases, helping control residential energy costs, or promoting local green businesses. (ALJ Proposed Order at 7-8; ComEd Ex. 7.0 at 5). As part of its plan, each community included a description of how it would use "smart meters" in its community in order to achieve these goals and enhance the overall performance of its plan. (ALJ Proposed Order at 8; ComEd Ex. 7.0 at 6). After evaluating the submissions by the various communities, ComEd determined that Elgin presented the best plan to integrate AMI meters into energy-conserving programs. (ALJ Proposed Order at 7-8; ComEd Ex. 7.0 at 5-6).

The record in this docket demonstrates that the installation of 10,000 AMI meters in the City of Elgin in connection with an energy conservation plan will provide valuable information and serve as a model for other communities as to how to incorporate AMI technology into their community-specific energy conservation programs. (See ComEd Exs. 7.0, 9.0; Elgin Ex. 1.0). ComEd witness Mr. Val Jansen testified that, similar to the formal customer applications study, the Elgin application will assist in the evaluation of the potential benefits of AMI and will inform ComEd and the Commission as to the potential value of linking the technology with community based programs. (ComEd Ex. 9.0 at 1). Mr. Jensen further testified that it is fully expected that Elgin's experiences with the use of the AMI meters will provide valuable information on how

other communities will be able to leverage the capabilities of AMI in connection with efforts to reduce their communities' energy consumption. (ComEd Ex. 9.0 at 2).

Elgin's winning recommendation, which includes customer satisfaction and user feedback surveys, will help ComEd and other municipalities examine how customers respond to and use the AMI meters. (Elgin Ex. 1.0 at 3). In addition, Elgin's use of smart meters will provide other municipalities and ComEd with measurable information to use in designing and implementing a smart grid system. (Elgin Ex. 1.0 at 2; ComEd Ex. 9.0 at 2). To this end, ComEd, together with Elgin, expects to issue a report of its findings from the Elgin project that will be available to the Commission, other municipalities, the AMI Workshop, and the Statewide Smart Grid Collaborative. (ComEd. Ex. 9.0 at 3). Thus, there is significant testimony in the record setting forth the substantial benefits that will inure both to Elgin and to the region generally through the installation of the 10,000 meters within Elgin.

The Proposed Order minimizes or ignores these benefits in concluding that the Elgin project should not be included in the AMI Pilot. Specifically, the Proposed Order states that there is "no evidence" that ComEd's other ratepayers will benefit from Elgin's use of the AMI meters. (ALJ Proposed Order at 19). However, this conclusion disregards Mr. Jensen's testimony that the information gathered from Elgin's experiences will provide valuable information other municipalities and serve as a model in implementing their own programs. (ComEd Ex. 7.0 at 6-7, Ex. 9.0 at 2-3). Similarly, the Proposed Order states that there is "no indication" that ComEd will test or evaluate the Elgin project in "any way, shape or form." (ALJ Proposed Order at 19-20). However, Mr. Jensen's testimony described the report that would be issued setting forth the lessons learned from the Elgin project, and stated that the report would be widely available for examination and use in further applications. (ComEd Ex. 9.0 at 3). Based

on the foregoing, the record demonstrates that the Elgin program and its experiences therefrom will provide a significant benefit to such other communities and their ratepayers, and the Proposed Order's conclusion that the Elgin program will not provide any such benefits cannot be sustained.

## **EXCEPTIONS**

### **Exception No. 1**

The City of Elgin proposes that the text under the heading "Analysis and Conclusions" in Section IV of the Proposed Order be deleted in its entirety, and the following substituted therefore:

The Commission concludes that it is appropriate to deploy up to 10,000 AMI meters in the City of Elgin. We agree that Elgin's experiences with the use of these meters, specifically in connection with its own municipal energy conservation plan, will provide valuable information on how other units of local government and community-based organizations will be able to leverage the capabilities of AMI in connection with efforts to reduce their communities' energy consumption. We further agree that this study of a community-based approach to the utilization of AMI technology will provide a benefit to ComEd's ratepayers.

### **Exception No. 2**

The City of Elgin further proposes that the text set forth at subparagraph (4) in Section XX of the Proposed Order be deleted in its entirety, and the following substituted therefore:

- (4) the AMI Pilot, as described herein, deploying advanced meters and related technology in the I-290 Corridor in the Maywood Operating Center, the City of Chicago, the City of Elgin, and the City of Tinley Park, is approved;

## **CONCLUSION**

The City of Elgin respectfully requests that the Commission revise the Proposed Order, consistent with the City of Elgin's Brief on Exception and its Initial Brief, to provide for the

installation of 10,000 meters in the City of Elgin within the scope of the Advanced Metering Infrastructure Pilot Program.

Dated: September 30, 2009

Respectfully submitted,

CITY OF ELGIN, an Illinois Municipal Corporation,

By   
Christopher J. Beck, One of Its Attorneys

WILLIAM A. COGLEY      No. 06187453  
MICHAEL R. GEHRMAN    No. 06192207  
CHRISTOPHER J. BECK    No. 06271931  
Attorneys for City of Elgin  
150 Dexter Court  
Elgin, Illinois 60120-5555  
Telephone: (847) 931-5655  
Facsimile: (847) 931-5665  
cogley\_w@cityofelgin.org  
gerhrman\_m@cityofelgin.org  
beck\_c@cityofelgin.org

STATE OF ILLINOIS     )  
  )  
COUNTY OF KANE        )

**VERIFICATION**

I, Christopher J. Beck, being duly sworn upon oath, deposes and states that I have read the City of Elgin’s Brief on Exceptions in Illinois Commerce Commission Docket No. 09-0263, and that the contents therein are true and accurate to the best of my knowledge, information and belief.

Dated: September 30, 2009

CITY OF ELGIN, an Illinois Municipal Corporation,

By Christopher J. Beck  
Christopher J. Beck, One of Its Attorneys

Subscribed and sworn to before me  
This 30th day of September, 2009

Mary Giffort  
Notary Public



WILLIAM A. COGLEY     No. 06187453  
MICHAEL R. GEHRMAN   No. 06192207  
CHRISTOPHER J. BECK   No. 06271931  
Attorneys for City of Elgin  
150 Dexter Court  
Elgin, Illinois 60120-5555  
Telephone: (847) 931-5655  
Facsimile: (847) 931-5665  
cogley\_w@cityofelgin.org  
gerhrman\_m@cityofelgin.org  
beck\_c@cityofelgin.org

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

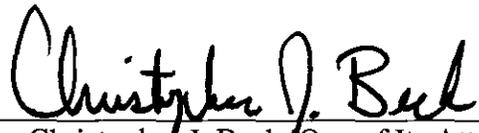
Commonwealth Edison Company	)	
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**NOTICE OF FILING**

To: Attached Service List

Please take notice that on this 30th day of September, 2009, I caused to be filed the City of Elgin's Brief on Exceptions in the above-captioned proceeding by mailing a copy of the same to the Chief Clerk, Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois 62701, and depositing the same in the United States mail at Elgin, Illinois at 4:00 p.m. on September 30, 2009 with proper postage prepaid.

CITY OF ELGIN, an Illinois Municipal  
Corporation,

By   
Christopher J. Beck, One of Its Attorneys

WILLIAM A. COGLEY      No. 06187453  
MICHAEL R. GEHRMAN    No. 06192207  
CHRISTOPHER J. BECK    No. 06271931  
Attorneys for City of Elgin  
150 Dexter Court  
Elgin, Illinois 60120-5555  
Telephone: (847) 931-5655  
Facsimile: (847) 931-5665  
cogley\_w@cityofelgin.org  
gerhrman\_m@cityofelgin.org  
beck\_c@cityofelgin.org

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

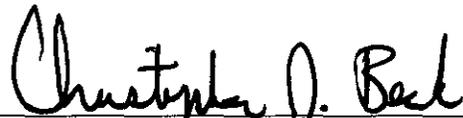
Commonwealth Edison Company	)	
	)	
Petition to Approve an Advanced	)	Docket No. 09-0263
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and Associated Tariffs.	)	

**CERTIFICATE OF SERVICE**

I, Christopher J. Beck, hereby certify that a copy of the City of Elgin's Brief on Exceptions in the above-captioned proceeding was served upon the parties listed in the service list for this docket, by electronic mail, in accordance with the Rules of Practice of the Illinois Commerce Commission.

Dated: September 30, 2009

CITY OF ELGIN, an Illinois Municipal  
Corporation,

By   
Christopher J. Beck, One of Its Attorneys

WILLIAM A. COGLEY      No. 06187453  
MICHAEL R. GEHRMAN    No. 06192207  
CHRISTOPHER J. BECK    No. 06271931  
Attorneys for City of Elgin  
150 Dexter Court  
Elgin, Illinois 60120-5555  
Telephone: (847) 931-5655  
Facsimile: (847) 931-5665  
cogley\_w@cityofelgin.org  
gerhrman\_m@cityofelgin.org  
beck\_c@cityofelgin.org



**SERVICE LIST**

Barbara Alexander, Consumer Affairs  
Consultant for AARP  
83 Wedgewood Dr.  
Winthrop, ME 04364  
E-Mail: [barbalex@ctel.net](mailto:barbalex@ctel.net)  
Intervenor and Party of Record  
Added to Service List on 06/19/2009

Kavita Athanikar  
Citizens Utility Board  
309 W. Washington, Ste. 800  
Chicago, IL 60606  
E-Mail: [kchopra@citizensutilityboard.org](mailto:kchopra@citizensutilityboard.org)  
Intervenor and Party of Record  
Added to Service List on 06/11/2009

Richard C. Balough, Atty. for Chicago Transit  
Authority  
Balough Law Offices, LLC  
1 N. LaSalle St., Ste. 1910  
Chicago, IL 60602  
E-Mail: [rbalough@balough.com](mailto:rbalough@balough.com)  
Intervenor and Party of Record  
Added to Service List on 07/08/2009

Christine Baranowski, Senior Legal Analyst  
Exelon Business Services  
10 S. Dearborn St., 35th  
Chicago, IL 60603  
E-Mail: [christine.baranowski@exeloncorp.com](mailto:christine.baranowski@exeloncorp.com)  
Miscellaneous  
Added to Service List on 06/09/2009

Juana Barrera  
Legal Dept.  
Chicago Transit Authority  
567 W. Lake St.  
Chicago, IL 60661  
E-Mail: [jbarrera@transitchicago.com](mailto:jbarrera@transitchicago.com)  
Intervenor and Party of Record  
Added to Service List on 07/08/2009

Christopher J. Beck  
Asst. Corporation Counsel  
City of Elgin  
150 Dexter Court,  
Elgin, IL 60120  
E-Mail: [beck\\_c@cityofelgin.org](mailto:beck_c@cityofelgin.org)  
Intervenor and Party of Record  
Added to Service List on 08/03/09

Eugene Bernstein  
Exelon Business Services  
10 S. Dearborn St., 49th Fl.  
Chicago, IL 60603  
E-Mail: [eugene.bernstein@exeloncorp.com](mailto:eugene.bernstein@exeloncorp.com)  
Petitioner and Party of Record  
Added to Service List on 06/01/2009

Darryl Bradford, Senior Vice President &  
General Counsel  
Commonwealth Edison Company  
440 S. LaSalle, 33rd Fl.  
Chicago, IL 60605  
E-Mail: [darryl.bradford@comed.com](mailto:darryl.bradford@comed.com)  
Petitioner and Party of Record  
Added to Service List on 06/01/2009

Mike Brosch  
Utilitech, Inc.  
PO Box 481934  
Kansas City, MO 64148-1934  
E-Mail: [mbrosch@utilitech.net](mailto:mbrosch@utilitech.net)  
Miscellaneous and Party of Record  
Added to Service List on 06/26/2009

Ron Cerniglia, Director - National Advocacy  
Governmental & Regulatory Affairs  
Direct Energy Services, LLC  
40 Columbine Dr.  
Glenmont, NY 12077-2966  
E-Mail: ron.cerniglia@directenergy.com  
Intervenor and Party of Record  
Added to Service List on 07/27/2009

John B. Coffman, Atty. for AARP  
John B. Coffman, LLC  
871 Tuxedo Blvd.  
St. Louis, MO 63119-2044  
E-Mail: john@johncoffman.net  
Intervenor and Party of Record  
Added to Service List on 06/19/2009

William A. Cogley  
Corporation Counsel  
City of Elgin  
150 Dexter Court,  
Elgin, IL 60120  
E-Mail: cogley\_w@cityofelgin.org  
Intervenor and Party of Record  
Added to Service List on 08/03/09

Janice A. Dale, Assistant Attorney General  
Public Utilities Bureau  
100 W. Randolph St., 11th Fl.  
Chicago, IL 60601  
E-Mail: jdale@atg.state.il.us  
Intervenor and Party of Record  
Added to Service List on 06/03/2009

Elizabeth Davies, Paralegal  
Citizens Utility Board  
309 W. Washington, Ste. 800  
Chicago, IL 60606  
E-Mail: edavies@citizensutilityboard.org  
Intervenor and Party of Record  
Added to Service List on 06/11/2009

Michael Dover, Atty. for Illinois Power  
Agency  
Kelley Drye & Warren LLP  
333 W. Wacker Dr.  
Chicago, IL 60606  
E-Mail: mdover@kelleydrye.com  
Intervenor and Party of Record  
Added to Service List on 06/18/2009

David J. Effron  
12 Pond Path  
North Hampton, NH 03862  
E-Mail: djeffron@aol.com  
Intervenor and Party of Record  
Added to Service List on 06/03/2009

John Feeley  
Office of General Counsel  
Illinois Commerce Commission  
160 N. LaSalle, Ste. C-800  
Chicago, IL 60601  
E-Mail: jfeeley@icc.illinois.gov  
Miscellaneous and Party of Record  
Added to Service List on 06/08/2009

David I. Fein, Vice President  
Energy Policy - Midwest/MISO  
Constellation NewEnergy, Inc.  
550 W. Washington Blvd., Ste. 300  
Chicago, IL 60661  
E-Mail: david.fein@constellation.com  
Intervenor and Party of Record  
Added to Service List on 06/10/2009

Cynthia A. Fonner, Senior Counsel  
Constellation Energy Resources, LLC  
550 W. Washington St., Ste. 300  
Chicago, IL 60661  
E-Mail: cynthia.a.fonner@constellation.com  
Intervenor and Party of Record  
Added to Service List on 06/10/2009

Carmen Fosco  
Office of General Counsel  
Illinois Commerce Commission  
160 N. LaSalle St., Ste. C-800  
Chicago, IL 60601-3104  
E-Mail: cfosco@icc.illinois.gov  
Miscellaneous and Party of Record  
Added to Service List on 06/08/2009

Michael R. Gehrman  
Asst. Corporation Counsel  
City of Elgin  
150 Dexter Court,  
Elgin, IL 60120  
E-Mail: gehrman\_m@cityofelgin.org  
Intervenor and Party of Record  
Added to Service List on 08/03/09

Roman Gold  
Metra Law Dept.  
547 W. Jackson Blvd.  
Chicago, IL 60661  
E-Mail: rgold@metrarr.com  
Intervenor and Party of Record  
Added to Service List on 07/23/2009

John Gomoll  
Direct Energy Services, LLC  
1111 W. 22nd St., 8th Fl.  
Oak Brook, IL 60523  
E-Mail: john.gomoll@directenergy.com  
Intervenor and Party of Record  
Added to Service List on 07/27/2009

Edward R. Gower, Atty. for Metra  
Hinshaw & Culbertson LLP  
400 S. Ninth St., Ste. 200  
Springfield, IL 62701  
E-Mail: egower@hinshawlaw.com  
Intervenor and Party of Record  
Added to Service List on 07/23/2009

Sharon M. Hillman  
MC Squared Energy Services, LLC  
10 S. Riverside Plaza, Ste. 1800  
Chicago, IL 60606  
E-Mail: sharon.hillman@gmail.com  
Intervenor and Party of Record  
Added to Service List on 06/17/2009

Ronald D. Jolly, Senior Counsel  
Dept. of Law  
City of Chicago  
30 N. LaSalle, Ste. 900  
Chicago, IL 60602-2580  
E-Mail: rjolly@cityofchicago.org  
Intervenor and Party of Record  
Added to Service List on 06/30/2009

Henry T. Kelly, Atty. for the Illinois Power  
Agency  
Kelley Drye & Warren LLP  
333 W. Wacker Dr., Ste. 2600  
Chicago, IL 60606  
E-Mail: hkelly@kelleydrye.com  
Intervenor and Party of Record  
Added to Service List on 06/18/2009

Daniel Kowalewski  
Commonwealth Edison Company  
Three Lincoln Centre, 2nd Fl.  
Oakbrook Terrace, IL 60181  
E-Mail: daniel.kowalewski@exeloncorp.com  
Miscellaneous  
Added to Service List on 06/09/2009

Richard G. Kozal  
Asst. City Manager  
City of Elgin  
150 Dexter Court,  
Elgin, IL 60120  
E-Mail: kozal\_r@cityofelgin.org  
Intervenor and Party of Record  
Added to Service List on 08/03/09

Brian Loomis  
Business Representative  
IBEW, Local 15  
6330 Belmont Rd., Ste. 1  
Downers Grove, IL 60516  
E-Mail: loomis@ibewlocal15.org  
Intervenor and Party of Record  
Added to Service List on 06/17/2009

Kevin Loughlin  
Chicago Transit Authority  
567 W. Lake St.  
Chicago, IL 60661  
E-Mail: kloughlin@transitchicago.com  
Intervenor and Party of Record  
Added to Service List on 07/08/2009

Karen L. Lusson  
Illinois Attorney General's Office  
100 W. Randolph, 11th Fl.  
Chicago, IL 60601  
E-Mail: klusson@atg.state.il.us  
Intervenor and Party of Record  
Added to Service List on 06/03/2009

Mark J. McGuire, Atty. for MC Squared  
Energy Services, LLC  
Atty. for ICEA  
10 S. Riverside Plz., Ste. 1800  
Chicago, IL 60606  
E-Mail: mj53hcky@yahoo.com  
Intervenor and Party of Record  
Added to Service List on 06/17/2009

Kristin Munsch, Asst. Attorney General  
Public Utilities Bureau  
Illinois Attorney General's Office  
100 W. Randolph St., 11th Floor  
Chicago, IL 60601  
E-Mail: kmunsch@atg.state.il.us  
Intervenor and Party of Record  
Added to Service List on 06/03/2009

Michael A. Munson, Atty. for The  
Building Owners and Managers Association  
Law Office of Michael A. Munson  
810 W. Washington Blvd.  
Chicago, IL 60607  
E-Mail: michael@michaelmunson.com  
Intervenor and Party of Record  
Added to Service List on 08/17/2009

Julie Musselman Oost, Economic Analyst  
for the Illinois Power Agency  
Kelley Drye & Warren LLP  
333 W. Wacker Dr.  
Chicago, IL 60606  
E-Mail: jmusselman@kelleydrye.com  
Intervenor and Party of Record  
Added to Service List on 06/18/2009

Scott Musser  
AARP Illinois  
300W. Edwards St., 3rd Fl.  
Springfield, IL 62704  
E-Mail: smusser@aarp.org  
Intervenor and Party of Record  
Added to Service List on 06/19/2009

Michael S. Pabian  
10 S. Dearborn St., 49th FL  
Chicago, IL 60603  
E-Mail: michael.pabian@exeloncorp.com  
Petitioner and Party of Record  
Added to Service List on 06/01/2009

Mark Pruitt, Director  
Illinois Power Agency  
James R. Thompson Center  
Floor 3, Ste. 3-355  
Chicago, IL 60601  
E-Mail: mark.pruitt@illinois.gov  
Intervenor and Party of Record  
Added to Service List on 06/18/2009

Erica Randall, Paralegal  
Office of the Illinois Attorney General  
100 W. Randolph St., 11th Fl.  
Chicago, IL 60601  
E-Mail: erandall@atg.state.il.us  
Intervenor  
Added to Service List on 06/03/2009

Conrad Reddick, Special Asst. Corporation  
Counsel  
Dept. of Law  
City of Chicago  
1015 Crest  
Wheaton, IL 60187-6271  
E-Mail: conradreddick@aol.com  
Intervenor and Party of Record  
Added to Service List on 06/30/2009

Teresa L. Ringenbach, Regulatory Analyst  
Midwest  
Integrays Energy Services, Inc.  
300 W. Wilson Bridge Rd., Ste. 350  
Worthington, OH 43085  
E-Mail: tlingenbach@integraysenergy.com  
Intervenor and Party of Record  
Added to Service List on 07/27/2009

E. Glenn Rippie, Atty. for Commonwealth  
Edison Company  
Foley & Lardner LLP  
321 N. Clark St., Ste. 2800  
Chicago, IL 60610  
E-Mail: grippie@foley.com  
Petitioner and Party of Record  
Added to Service List on 06/01/2009

Eric Robertson  
Lueders, Robertson, Konzen  
1939 Delmar Ave.  
P.O. Box 735  
Granite City, IL 62040  
E-Mail: erobertson@lrklaw.com  
Intervenor and Party of Record  
Added to Service List on 06/23/2009

Ryan Robertson  
Lueders Robertson & Konzen  
PO Box 735  
1939 Delmar Ave.  
Granite City, IL 62040  
E-Mail: ryrobertson@lrklaw.com  
Intervenor and Party of Record  
Added to Service List on 06/23/2009

Scott J. Rubin  
Law Office of Scott J. Rubin  
333 Oak Lane  
Bloomsburg, PA 17815  
E-Mail: scott.j.rubin@gmail.com  
Intervenor and Party of Record  
Added to Service List on 06/03/2009

Claudia Sainsot, Administrative Law Judge  
Illinois Commerce Commission  
160 N. LaSalle St., Ste. C-800  
Chicago, IL 60601-3104  
E-Mail: csainsot@icc.illinois.gov  
Miscellaneous and Party of Record  
Added to Service List on 06/02/2009

Carla Scarsella, Atty. for Commonwealth  
Edison Company  
Foley & Lardner  
321 N. Clark St., Ste. 2800  
Chicago, IL 60602  
E-Mail: cscarsella@foley.com  
Petitioner and Party of Record  
Added to Service List on 06/01/2009

Eric Schlaf, Case Manager  
Illinois Commerce Commission  
527 E. Capitol Ave.  
Springfield, IL 62701  
E-Mail: eschlaf@icc.illinois.gov  
Miscellaneous and Party of Record  
Added to Service List on 06/03/2009

Rochelle G. Skolnick  
Schuchat, Cook & Werner  
1221 Locust St., 2nd Flr.  
St. Louis, MO 63103  
E-Mail: rgs@schuchatew.com  
Intervenor and Party of Record  
Added to Service List on 06/17/2009

Julie Soderna, Director of Litigation  
Citizens Utility Board  
309 W. Washington, Ste. 800  
Chicago, IL 60606  
E-Mail: jsoderna@citizensutilityboard.org  
Intervenor and Party of Record  
Added to Service List on 06/11/2009

Marilyn S. Teitelbaum, Atty.  
for IBEW Local 15  
Schuchat Cook & Werner  
1221 Locust St., 2nd Fl.  
St. Louis, MO 63103  
E-Mail: mst@schuchatew.com  
Intervenor and Party of Record  
Added to Service List on 06/17/2009

Christopher C. Thomas, Sr. Policy Analyst  
Citizens Utility Board  
309 W. Washington, Ste. 800  
Chicago, IL 60606  
E-Mail: cthomas@citizensutilityboard.org  
Miscellaneous  
Added to Service List on 06/17/2009

Kevin Wright, President  
Illinois Competitive Energy Association  
1601 Clearview Dr.  
Springfield, IL 62704  
E-Mail: wright2192@sbcglobal.net  
Intervenor and Party of Record  
Added to Service List on 07/27/2009