

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

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COMMERCE COMMISSION

2009 OCT 19 A 10:39

Docket No. **09-0373**
CLERK'S OFFICE

ILLINOIS POWER AGENCY)
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)
Petition for Approval of Initial)
Procurement Plan)

**RESPONSE OF EXELON GENERATION COMPANY, LLC TO OBJECTIONS AND
RESERVATION OF RIGHT TO OBJECT TO ANY REVISED OR AMENDED
PROCUREMENT PLAN THE ILLINOIS POWER AGENCY MAY FILE**

Exelon Generation Company, LLC ("ExGen") submits this Response to the Objections submitted by various parties and provides this brief notice that it reserves its right to file objections to any revised or amended procurement plan the Illinois Power Agency ("IPA") may file with the Illinois Commerce Commission ("Commission" or "ICC"). On September 30, 2009, IPA, pursuant to Section 16-111.5(d)(3) of the Illinois Public Utilities Act (220 ILCS 5/16-111.5(d)(3)), submitted a procurement plan ("Plan") referred to by IPA, including in the Plan itself, as "final." ExGen submitted timely objections to the Plan. The ICC Staff, Ameren Illinois Utilities and Commonwealth Edison Company also submitted Objections to the Plan's proposal to procure long-term renewable energy. It is ExGen's understanding that in response to these Objections, the IPA intends to provide greater details about its proposal.

The relevant statute does not provide for IPA filing any subsequent revisions or amendments to the Plan and explicitly reserves the right to "confirm[] or modify[]" a procurement plan to the Commission, not IPA. 220 ILCS 5/16-111.5(d)(3). Nor does the approval timeline in the Plan allow for any revisions or amendments by IPA. Should IPA itself decide to revise or amend the Plan, the only interpretation compatible with the statute is to deem such a filing a new plan. This would re-trigger ExGen's statutory right to file objections.

For the above stated reasons, ExGen reserves the right to object to any revised or amended procurement plan IPA may file.

Respectfully submitted,

EXELON GENERATION COMPANY, LLC

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VERIFICATION

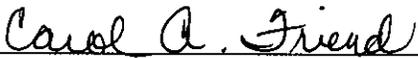
I, Bradley A. Klein, an attorney for Exelon Generation Company, LLC, being sworn on oath, hereby state that the facts stated in the forgoing Response of Exelon Generation Company, LLC to Objections and Reservation of Right to Object to Any Revised or Amended Procurement Plan the Illinois Power Agency May File are true and accurate to the best of my knowledge, information, and belief.

FURTHER AFFIANT SAYETH NOT.



Bradley A. Klein
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SUBSCRIBED AND SWORN to before me
this 16th day of October, 2009.



Notary Public

CAROL A. FRIEND
A Notary Public of District of Columbia
My Commission Expires 2/28/14

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

ILLINOIS POWER AGENCY

**Petition for Approval of Initial
Procurement Plan**

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Docket No. 09-0373

NOTICE OF FILING

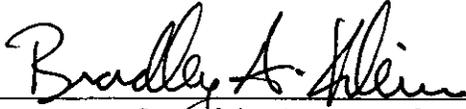
To: All Persons on the Attached Service List

Please take notice that on October 16, 2009, the undersigned has caused to be filed with the Clerk of the Illinois Commerce Commission, 527 E. Capitol Avenue, Springfield, Illinois 62701, the Response of Exelon Generation Company, LLC to Objections and Reservation of Right to Object to Any Revised or Amended Procurement Plan the Illinois Power Agency May File, copies of which are hereby served upon you.

Dated: October 16, 2009

Respectfully submitted,

EXELON GENERATION COMPANY, LLC

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CERTIFICATE OF SERVICE

I hereby certify that on this 16th the day of October, 2009, copies of the above Notice, together with copies of the documents referred to therein, have been served upon all parties on the attached service list by first-class mail, postage pre-paid and by electronic mail.

A handwritten signature in black ink that reads "Bradley A. Klein". The signature is written in a cursive style and is positioned above a horizontal line.

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