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ILLINOIS COMMERCE COMMISSION

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

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ILLINOIS COMMERCE COMMISSION
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CLERK'S OFFICE
Docket No: 09-0373

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

PETITION FOR LEAVE TO INTERVENE OF APX, INC.

Now comes APX, Inc. (“APX”), and submits this Petition to Intervene¹ in the above-captioned proceeding pursuant to 83 Ill. Admin. Code 200.200. In support hereof, APX states as follows:

1. On August 17, 2009, the Illinois Power Agency (“IPA”) submitted its procurement plan (“Plan”) as required by ILCS 5/16-111.5(d)(2). Pursuant to the Illinois Power Agency Act, 20 ILCS 3855/1-1, *et seq.*, and the Illinois Public Utilities Act, 220 ILCS 5/1-101, *et seq.*, the IPA submitted an electricity procurement plan designed “to ensure adequate, reliable, affordable, efficient, and environmentally sustainable electric service at the lowest total cost over time....” The Plan lays out a procurement strategy for both ComEd and Ameren for the period of June 2010 through May 2015 based on detailed five-year demand forecasts.

2. APX is the leading infrastructure provider for United States environmental and energy markets in renewable energy and greenhouse gases, including renewable energy certificates (“RECs”), energy efficiency and conservation certificates and carbon offset certificates such as voluntary emissions reductions.

3. With a singular focus on providing trust, transparency, and integrity for environmental markets, APX is the solution of choice for every major renewable market in North

¹ APX is simultaneously filing its Comments along with this Petition to Intervene.

America and greenhouse gas markets worldwide. In 2009, more than 1,300 corporations across the United States and internationally will rely on APX for integrity in environmental markets.

4. APX has designed the North American Renewables Registry™ (“NAR”) which provides REC origination for states and facilities across North America, enabling generators, utilities and market participants in States, Provinces and regions to originate, track, transfer and retire RECs. APX developed NAR using the same APX market infrastructure that provides REC tracking in all U.S. REC markets, two of which, M-RETS and NEPOOL GIS, are also administered by APX.

5. APX has direct and substantial interests in the subject matter of this proceeding, which could be significantly and adversely affected without its participation. The Plan as currently drafted considers PJM-GATS and M-RETS as eligible renewable energy certificate tracking registries for Illinois RPS. APX believes, however, that NAR should be available to market participants in addition to PJM-GATS and M-RETS for meeting the REC registry portion of the Plan, including registration of RECs from other states that qualify under the Illinois rules. Thus, the Commission’s decisions regarding the Plan will have a significant impact on the rights and interests of APX, as well as the Illinois renewable energy market in which APX participates.

6. Intervention in this proceeding is the only means available to APX to protect fully its interests. Accordingly, APX must be permitted to intervene in this proceeding, with full rights of party representation in the proceeding, including the right to submit briefs and participate in hearings.

7. APX’s intervention will not impede the timely completion of this proceeding and APX agrees to accept the record of proceedings as it currently stands.

8. APX also agrees to accept service by electronic means as provided in Section 200.1050 of the Commission's Rules of Practice. (83 Ill. Adm. Code 200.1050).

9. For purposes of receiving service in the proceedings, APX requests that the following persons² be placed on the official service list:

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WHEREFORE, for the foregoing reasons APX has demonstrated a real and substantial interest in this proceeding. Accordingly, APX respectfully requests that the Commission grant this Petition to Intervene.

² Both Gregory K. Lawrence and Jose Ibietatorremendia are in the process of obtaining *pro hac vice* admission to practice in Illinois for this matter on a temporary basis.

Dated: October 27, 2009

Respectfully Submitted,

APX, INC.

By: *Greg Lawrence /s/*
One of its Attorneys

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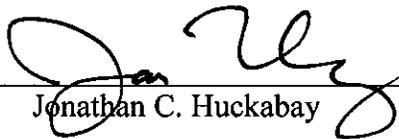
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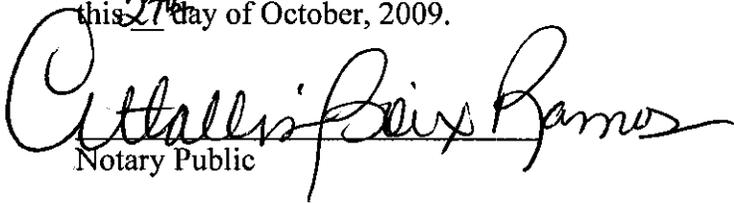
VERIFICATION

I, Jonathan C. Huckabay, an attorney for APX, Inc., being sworn on oath, hereby state that the facts stated in the foregoing Petition to Intervene of APX, Inc. are true and accurate to the best of my knowledge, information, and belief.

FURTHER AFFIANT SAYETH NOT.


Jonathan C. Huckabay

SUBSCRIBED AND SWORN to before me
this 27th day of October, 2009.


Notary Public



**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

ILLINOIS POWER AGENCY)	
)	Docket No. 09-0373
Petition for Approval of Initial)	
Procurement Plan)	

NOTICE OF FILING

To: Elizabeth Rolando, Chief Director
Illinois Commerce Commission
527 E. Capitol Ave.
Springfield, Illinois 62701

PLEASE TAKE NOTICE that on the 27th day of October, 2009, APX, Inc. filed with the Chief Clerk of the Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois, a **Petition for Leave to Intervene** in the above-captioned docket, a copy of which is hereby served upon you.

Respectfully Submitted,

APX, INC.

By: 
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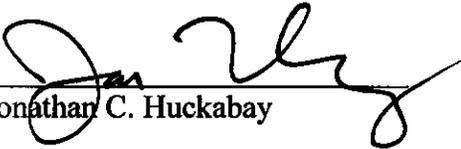
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Attorneys for APX, Inc.

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that true and correct copies of the foregoing documents were served this 27th day of October 2009, by electronic mail or via U.S. mail upon the persons on the attached service list.


Jonathan C. Huckabay

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Case No. 09-0373

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