

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

BLUESTAR ENERGY SERVICES, INC.)	
)	
vs.)	
)	Docket No. 09-0460
CENTRAL ILLINOIS LIGHT COMPANY)	
d/b/a AmerenCILCO)	
CENTRAL ILLINOIS PUBLIC SERVICE)	
COMPANY d/b/a AmerenCIPS)	
ILLINOIS POWER COMPANY)	
d/b/a AmerenIP)	
)	
Verified Complaint for Expedited Declaratory)	
Relief pursuant to 220 ILCS 5/10-108 and 83)	
Ill. Adm. Rules 200.170, 200.190(d) and)	
200.220)	

**THE AMEREN ILLINOIS UTILITIES’ REPLY AND RESPONSE TO
BLUESTAR’S CROSS-MOTION FOR JUDGEMENT ON THE PLEADINGS**

COMES NOW Central Illinois Light Company d/b/a AmerenCILCO

(“AmerenCILCO”), the Central Illinois Public Service Company d/b/a AmerenCIPS (“AmerenCIPS”), and the Illinois Power Company d/b/a AmerenIP (“AmerenIP”) (collectively, the “Ameren Illinois Utilities” or “AIUs”) and offer their collective Reply and Response to Bluestar’s Verified Response to Motion to Dismiss and Cross-Motion for Judgment on the Pleadings dated January 5, 2010, by stating as follows:

1. The AIUs will not repeat the arguments contained in its Motion to Dismiss in response to Bluestar’s Response and Cross-Motion and by not restating such arguments in this reply does not concede any points made therein. Additionally, the AIUs note that the Staff of the Illinois Commerce Commission (“Staff”) has raised additional arguments and authorities effectively supporting the AIUs’ Motion to Dismiss. Having already been stated in the administrative record, the AIUs will not repeat those

arguments and authorities and further incorporates same as part of this Reply and Response.

2. The AIUs agree that nothing compelled Bluestar's participation in Docket No. 09-0619. However, regardless of Bluestar's discretion as whether to intervene in that proceeding, it cannot sustain an argument that the Final Order should be revisited months after issuance to conform the resulting tariffs to newly raised concerns. A cursory review of the tariffs filed and those that were approved in Docket No. 08-0619 would indicate that the AIUs were required to revise the structure of its Supplier Terms and Conditions to accommodate the new service mandated by SB 1299. *See* 220 ILCS 5/16-118. The law mandated new options for Alternative Retail Electric Suppliers ("RES") and facilitating those options required revision to the business and administrative processes required of the utility. To the extent that Bluestar had intervened in the proceeding, it could have made the Illinois Commerce Commission ("Commission") aware of the unique *facts* related to its business plans.

3. The footnote in the Commission's Final Order cited by Bluestar as a controlling declaration of applicability only appears to be noting that the 220 ILCS 5/16-118 subsection (b) pertaining to "Single Bill Service" had already been implemented and that the newly amended part (c) pertaining to Utility Consolidated Billing and Purchase of Receivables was being added as a service by the AIU. Bluestar does not venture to offer an explanation as to why the Commission approved the generally applicable revisions to its Supplier Terms and Conditions tariffs if it did not intend those provisions to be enforced as drafted.

4. It is in fact the case that all provisions of 220 ILCS 5/16-118 address billing for residential and small commercial customers, or “mass market” customers, that take supply service from a RES. Just as the legislature placed all provisions regarding mass market billing for RES customers within one statute, the AIUs placed all procedures and business process rules within common tariff provisions. Mass market customer billing, and service administration requires automation, standardization, and uniformity. By creating commonly applicable rules, such as a rescission period, the AIUs minimize costs, reduce complexity, and eliminate disparate treatment of customers who may accept different varieties of third-party services. Moreover, it establishes a common set of rules for participating RES. Thus, public policy favors uniformly applicable and standardized rules for AIUs’ services to RES regardless of the particularities of the service offerings provided by various suppliers.

5. Further, the AIUs did not “unilaterally” change its tariff, it did so after consultation with stakeholders in a workshop proceeding and after the testimony, hearing, and approval of the Commission in a docketed proceeding. Nothing barred Bluestar from participating in the docketed proceeding. The Office of Retail Marketing and Development (“ORMD”) workshops began long before the AIUs ever filed their SB 1299 compliant tariffs. It is incumbent upon Bluestar to investigate more than the mere caption of a docket or general subject matter of a proceeding before it makes a decision with respect to whether a new tariff filing affects its particular business plans. It is Bluestar’s obligation to avail itself of appropriate procedures to timely inform the Commission of its specific concerns.

6. Bluestar's arguments that the inclusion of the 10-day rescission period in the Companies' compliance tariff filings was in violation of the Final Order is a contention without merit. The particular portion of the order where this directive was issued was in response to arguments advanced by the Citizens Utility Board ("CUB") and the Illinois Office of the Attorney General ("AG") who argued that the tariffs did not provide adequate consumer protections. (*See* Final Order, Docket No. 08-0619, p. 39-49) Specifically, CUB asked that the consumer protections be put in place prior to the approval of the tariff. (*Id.*) The AG argued additional consumer protections and education efforts were warranted. (*Id.*) The Commission agreed that these areas were important and should be addressed by the ORMD. (*Id.*) The Order cannot reasonably be interpreted to mean that all consumer protection related issues that may be the subject of workshop discussions be stripped from the compliance tariff and set aside for consideration later. In the experience of the AIUs, the Commission generally does not give directives in its Final Orders asking the utility or other parties to use subjectivity in removing unspecified provisions within compliance tariff filings. Rather, it is clear from the context provided within the Final Order, the Commission was addressing consumer protection issues raised by CUB and AG and concluded that those initiatives should be reviewed further.

7. In keeping with the intent of the Order, the parties discussed the options and the AIUs filed two sets of tariffs: (1) Compliance tariffs containing the provisions specifically granted approval for in the Commission's Final Order, and (2) a separate 45-day filing containing *additional* tariff terms with consumer protections in place (see

Attachment A hereto).¹ The Commission did not suspend those tariffs and they were approved by operation of law.

8. Finally, from a pragmatic standpoint, The AIUs believe they must simply incorporate business practices that are necessary to the administration of the services it provides to RES and its delivery service customers in as non-discriminatory and uniform manner as possible. With regard to third-party services to mass market customers, the AIUs simply must have some reasonable window of time whereby a customer can call and inform the AIUs as delivery service provider it does not want the IDC to switch its service from company supply or RES to some other supplier. While Bluestar characterizes the issue as a disputed *consumer protection* matter in its Response, the AIUs would note that from its perspective, the issue presents important ramifications for AIUs' ability to effectively administer third-party service to mass market customers in an effective and efficient manner. As such it is an appropriate tariff provision, was thoroughly vetted in a docketed proceeding before the Commission, and may be changed as appropriate pursuant to the final outcome of Docket 09-0592 after consideration is given to *all* stakeholder perspectives.

WHEREFORE, The Ameren Illinois Utilities respectfully request that the Illinois Commerce Commission dismiss this complaint with prejudice, direct the parties to discuss all relevant issues in current ORMD workshops as necessary, and grant any other relief the Commission deems just and reasonable.

¹ As noted in the letter attached hereto as Attachment A, the AIUs did initially file all changes as compliance tariffs, but later corrected the filing to make a separate 45-day filing to address the consumer protection additions to the tariffs. This way, the Commission could suspend the tariff changes for consideration in a docket proceeding as needed. Suspension was not needed and instead the parties are taking up additional consumer protections in Docket No. 09-0592.

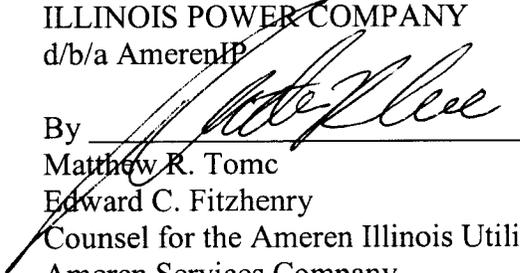
Dated: January 12, 2010

Respectfully submitted,

CENTRAL ILLINOIS LIGHT
COMPANY d/b/a AmerenCILCO

CENTRAL ILLINOIS PUBLIC
SERVICE COMPANY
d/b/a AmerenCIPS

ILLINOIS POWER COMPANY
d/b/a AmerenIP

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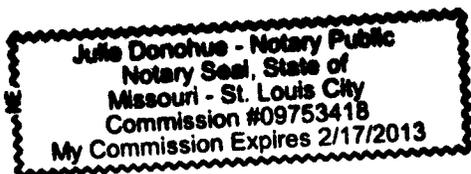
VERIFICATION

I, Matthew R. Tomc, certify that: i) I am an attorney for the Ameren Illinois Utilities; ii) I have read the foregoing *Reply and Response to Bluestar's Cross-Motion for Summary Judgment on the Pleadings*; iii) I am familiar with the facts stated therein; and iv) the facts are true to the best of my knowledge, information and belief.


Matthew R. Tomc

STATE OF MISSOURI)
) SS
CITY OF ST. LOUIS)

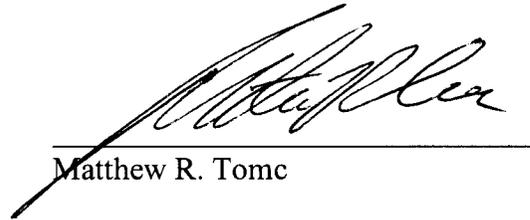
Subscribed and SWORN to before me this 12th day of January, 2010.




Notary Public

CERTIFICATE OF SERVICE

I, hereby certify that a copy of the foregoing *Ameren Illinois Utilities' Reply and Response to BlueStar's Cross-Motion for Summary Judgment on the Pleadings* was filed electronically on the Illinois Commerce Commission's e-Docket website and served and to all parties of record on this 12th day of January, 2010.



Matthew R. Tomc