

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

Illinois Commerce Commission)	
On Its Own Motions)	
)	No. 10-0109
)	
Adoption of 83 Ill. Adm. Code 455)	

**REPLY BRIEF ON EXCEPTIONS OF
THE ILLINOIS COMPETITIVE ENERGY ASSOCIATION**

The Illinois Competitive Energy Association (“ICEA”), by and through its counsel, DLA Piper LLP (US), respectfully submits this Reply Brief on Exceptions regarding the Proposed Order on the Proposed Part 455 Rules (“Proposed Rules”) issued by the Illinois Commerce Commission (“Commission”) to implement the requirements set forth under Section 16-115D of the Public Utilities Act (“Act”). (*See* 220 ILCS 5/16-115D.)¹

In its Brief on Exceptions, ICEA indicated that it understood that Staff was evaluating the Renewable Energy Credit (“REC”)/Alternative Compliance Payment (“ACP”) calculation methodology further. (*See* ICEA Br. on Exceptions at 9.) Staff’s Brief on Exceptions reflects Staff’s further evaluation of that issue. (*See* Staff Br. on Exceptions at 2-5.) ICEA is highly appreciative of Staff’s willingness to undertake that evaluation and to provide a thoughtful analysis and proposal, including a proposed REC/ACP compliance spreadsheet. In light of Staff’s stated position, it seems that a mutually acceptable resolution of this important issue has been achieved, and that the matter is appropriately presented to the Commission for its consideration in a “settled” posture.

¹ The positions expressed in this filing represent the position of ICEA as an organization but may not represent the views of any particular member of ICEA.

Accordingly, ICEA respectfully requests that the Commission implement the approach to the REC/ACP compliance calculation articulated by Staff in its Brief on Exceptions. In particular, the Commission should:

- Adopt Staff's proposed language change to the Proposed Rule indicated on page 3 of Staff's Brief on Exceptions;
- Adopt Staff's proposed language change to the Proposed Order's Analysis and Conclusion section indicated on pages 4-5 of Staff's Brief on Exceptions; and
- Adopt the illustrative compliance spreadsheet proposed by Staff and attached to Staff's Brief on Exceptions, which spreadsheet incorporates the calculation methodology as articulated by ICEA, and which is an appropriate form for compliance with the relevant statutory requirements.

Given the above, it appears that there is no need for the Staff to convene a formal workshop or other collaborative process. ICEA is confident that Staff will be available for discussions with any parties that have questions on how to use the compliance spreadsheet.

WHEREFORE, ICEA respectfully requests that the Commission modify the Proposed Order regarding the Part 455 Rules as stated in this Reply Brief on Exceptions.

Respectfully Submitted,

THE ILLINOIS COMPETITIVE ENERGY ASSOCIATION

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