

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

Commonwealth Edison Company)	
)	ICC Docket No. 10-0467
Proposed General Increase in Electric Rates.)	

**VERIFIED REPLY IN SUPPORT OF THE
VERIFIED PETITION TO INTERVENE OF THE
COALITION TO REQUEST EQUITABLE ALLOCATION OF COSTS TOGETHER**

The Coalition to Request Equitable Allocation of Costs Together (“REACT”), by and through its attorneys, DLA Piper LLP (US), pursuant to 83 Illinois Administrative Code Sections 200.190 and 200, hereby respectfully files the instant Reply in support of REACT’s Verified Petition to Intervene in the instant proceeding, responding to the Objection filed by Commonwealth Edison Company (“ComEd”) on August 17, 2010, and states as follows:

As explained in its Petition to Intervene, REACT is an *ad hoc* group, with diverse members, including some of the largest of ComEd’s commercial, governmental, and industrial delivery service customers as well as retail energy suppliers that are interested in providing service to residential and small commercial customers. REACT’s members are committed to advocating that the Commission ensure accurate, appropriate, and equitable allocation of ComEd’s costs – both among its customer classes and between the supply and delivery services components of ComEd’s rates. That is, the REACT members collectively **Request Equitable Allocation of Costs Together**.

ComEd’s Objection omits information that is basic to an evaluation of whether REACT should be permitted to intervene in the instant proceeding. ComEd’s Objection first implies that REACT attempted unsuccessfully to intervene in the 2008 Special Investigation of ComEd conducted in ICC Docket No. 08-0532 or that REACT’s initial Petition to Intervene was ruled

deficient. (*See* ComEd Objection at 1.) That is false and misleading – in fact, REACT’s original Petition in that docket, which was substantively identical to its Petition in the instant proceeding, was granted, and REACT participated actively in all facets of that proceeding. (For convenience, a copy of that original Petition and the Administrative Law Judges’ Ruling are attached hereto as Attachment 1 and Attachment 2, respectively.) ComEd did object to REACT’s intervention in that docket (on grounds virtually identical to those in the instant Objection), but that objection was summarily overruled by the Administrative Law Judges. (*See* ICC Docket No. 08-0532, April 8, 2009 Notice of Administrative Law Judges’ Ruling.) In fact, REACT offered an amended Verified Petition to Intervene with its Response to ComEd’s Objection, but the Administrative Law Judges granted REACT’s original petition. (*See id.*)

Furthermore, ComEd’s Objection omits the fact that REACT intervened in and participated actively in all facets of the 2007 ComEd Rate Case, ICC Docket No. 07-0566. This information is important because REACT’s advocacy in the 2007 ComEd Rate Case dealt with certain of the precise issues on which the Illinois Commerce Commission (“Commission”) required investigation in the 2008 Special Investigation Proceeding, ICC Docket No. 08-0532, and which now are the subject of the instant proceeding. In other words, REACT intervened in and participated fully in both the 2007 ComEd Rate Case and the subsequent Special Investigation Proceeding. REACT’s participation in both proceedings was vigorous and engaged – the implication in ComEd’s Objection that REACT is some sort of mysterious, unknown entity creates a false impression of REACT and the course of events in those two proceedings.

At most, ComEd’s Objection calls for the identification of REACT members. As indicated in its Verified Petition to Intervene in the instant proceeding, REACT is an *ad hoc* coalition that includes large commercial, governmental, and industrial customers of ComEd as

well as competitive retail electric suppliers that are authorized to provide electric power and energy in ComEd's service territory.

REACT's customer members currently are: A. Finkl & Sons Company; Aux Sable Liquid Products, LP; the City of Chicago; Flint Hills Resources, LP; FutureMark Paper Company (formerly known as the Alsip Paper Condominium Association); the Metropolitan Water Reclamation District of Greater Chicago; PDV Midwest Refining LLC; United Airlines, Inc.; and Wells Manufacturing Company. All of these REACT members participated in the 2007 ComEd Rate Case and the 2008 ComEd Special Investigation Proceeding as REACT members.

REACT's supplier members currently are Commerce Energy, Inc. ("Commerce"); Integrys Energy Services, Inc. ("Integrys"); and Interstate Gas Supply of Illinois, Inc. ("IGS"). Commerce and Integrys both participated in the 2007 ComEd Rate Case and the 2008 ComEd Special Investigation Proceeding as REACT members.

Since filing its Verified Petition to Intervene in the instant proceeding on August 13, 2010, IGS has also joined REACT as a supplier member. IGS is currently licensed by the Commission as an Alternative Gas Supplier and is an active participant in the Illinois competitive natural gas market, providing service to residential and commercial customers in northern Illinois. IGS is also an active participant in competitive energy markets in six other states and in a total of fourteen public utility service areas. As a provider of service to residential and commercial retail gas customers in Illinois, IGS has a strong interest in the continued fair and consistent development of an efficient and robust competitive energy marketplace in Illinois, particularly with respect to fairness and consistency between the rules regulating both electric and natural gas markets. As such, IGS has a substantial interest in this proceeding, and no other party to this proceeding can adequately represent IGS's interests.

REACT's members have a substantial interest in the instant proceeding.¹ This would be clear even if REACT had not participated in the 2007 Rate Case (ICC Docket No. 07-0566) and the subsequent Special Investigation Proceeding (ICC Docket No. 08-0532), which, as discussed above, it did. ComEd's Objection omits and/or misstates the record regarding REACT's participation serve no useful purpose and inappropriately and falsely seek to portray REACT as some sort of improper participant in this Commission proceeding. ComEd's tactics should be overruled summarily, just as they were when ComEd sought to exclude REACT from participation in the 2008 Special Investigation Proceeding.

WHEREFORE, for the reasons set forth in its Verified Petition to Intervene and in the instant filing, the Coalition to Request Equitable Allocation of Costs Together respectfully requests that the Commission grant its request to intervene in this proceeding and grant such further additional relief as it deems appropriate.

Respectfully submitted,

**THE COALITION TO REQUEST EQUITABLE
ALLOCATION OF COSTS TOGETHER**

By: /s/ Christopher J. Townsend
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¹ ComEd's Objection erroneously states that REACT's Verified Petition to Intervene in the instant proceeding does not assert that REACT has a "substantial" interest in the instant proceeding. (See ComEd Objection at 2.) In fact, REACT's Verified Petition to Intervene asserts a "substantial" interest in paragraph 3 in the first line on page 4.

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

VERIFICATION

Christopher J. Townsend, being first duly sworn, on oath deposes and says that he is one of the attorneys for the Coalition to Request Equitable Allocation of Costs Together (“REACT”), that he has read the above and foregoing Verified Reply in Support of the Verified Petition to Intervene of REACT, knows of the contents thereof, and that the same is true to the best of his knowledge, information, and belief.

Christopher J. Townsend

Subscribed and sworn to me
this __th day of August , 2010.
