STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

Commonwealth Edison Company	**)**	
	)	**Docket No. 10-0467**
Proposed general increase in electric rates	**)**	

ICEA INITIAL BRIEF

The Illinois Competitive Energy Association ("ICEA") is an Illinois not-for-profit corporation established as an Illinois-based trade association to represent the interests of competitive energy suppliers, including licensed Retail Electric Suppliers ("RESs") and others interested in preserving and enhancing opportunities for customer choice and competition in the electric and natural gas industries in Illinois. ICEA's members include some of the largest competitive energy suppliers in Illinois, who have been participated in the Illinois retail electric market since its inception. As such, ICEA has a wealth of knowledge in dealing with the distinct operational and interface issues that exist as a result of the introduction of customer choice in the Commonwealth Edison Company ("ComEd") service territory. ICEA members also have experience dealing with other utilities and other jurisdictions throughout the country.

Based upon its vast experience, ICEA submitted the direct and rebuttal testimony of David I. Fein of Constellation NewEnergy, Inc., one of ICEA's member companies, who offerred recommendations in order to better allow customers to receive the benefits of

competition. ((Fein Direct ("Dir."), ICEA Ex. 1.0; Fein Rebuttal ("Reb."), ICEA Ex. 2.0.))[1] Specifically, ICEA's testimony and focus in this proceeding relates to retail electric suppliers ("RES") service or operational issues, meter reading and billing, development of the competitive retail market, PORCB costs, and investigation into ComEd's current rate design as relates to electric space-heating only. ICEA will therefore confine this Initial Brief to those issues. ICEA's failure to address other issues shall not be meant to suggest a position on those issues.

X. OTHER

A. RES Services Issues

1. ComEd should provide RESs with historical interval data requests within one (1) business day

Traditionally, ComEd provided historical interval data to competitive suppliers the next business day following submission of such a request. However, more recently, ComEd's response time to such requests from competitive suppliers was slower. Receiving historical interval data the next business day following a request is something to which RES have become accustomed to and count on for their day-to-day business operations. As the competitive retail market continues to expand, obtaining data as soon as possible following a request will be increasingly important. (Fein Dir., ICEA Ex. 1.0, pp. 5-6.)

[1] Each member of ICEA expressly reserves the right to petition to intervene to present its own individual position during the course of the instant proceeding.

ComEd has indicated that it will provide the requested data the next business day if a request for historical interval data is submitted by 5 p.m., except as precluded by communications failure or other unforeseen barrier. ComEd has also indicated a willingness to add to its RES handbook language regarding the deadline for submitting requests in order to receive the requested data the next business day (barring the limited exception noted above), which satisfies ICEA's concerns. (Fein Reb., ICEA Ex. 2.0, pp. 4-5.) (Lesniak Surrebuttal, ComEd Ex. 66.0, pp. 2-3.)

2. ComEd should support use by a RES of multiple DUNS +4 numbers

ComEd should allow RESs to have multiple DUNS + 4 numbers, which would allow a RES to separate its load into different sub-accounts at PJM, and therefore better understand and manage the costs to serve different customer classes. (Fein Dir., ICEA Ex. 1.0, pp. 6-7.)

ComEd indicated that, subject to technical limitations and cost recovery, they are open to the idea of implementing this recommendation in 2011, and saw no reason that would preclude using the same framework that PJM does regarding limits on the number of sub-accounts and rules for sub-accounts. ComEd has indicated that they will utilize their best efforts to put this recommendation into effect as soon as possible in 2011, which is acceptable to ICEA. (Fein Reb., ICEA Ex. 2.0, p. 5.) (Lesniak Surrebuttal, ComEd Ex. 66.0, p. 3.)

3. ComEd's initial 814 Change response should include an Effective Date

An accurate effective date should be required for the EDI 814 change request regarding Rider SBO– Single Bill Option ("SBO"), whether the change relates to initial enrollment on Rider SBO or a change to billing under SBO. (Fein Dir., ICEA Ex. 1.0, pp. 7-8.) Previously,

ComEd responded to an 814 enrollment for SBO with an EDI acceptance and effective date, but did not review the requested change until just before the first SBO bill was issued. That initial acceptance was often faulty, as subsequest review would reveal issues with SBO eligibility. ICEA's understanding is that ComEd's Rider SBO eligibility reviews will now take place at the time of the initial enrollment, instead of being delayed until just before the first SBO bill is issued. This earlier eligibility review process described by ComEd satisfies ICEA's concerns regarding confusion regarding effective date for an initial SBO eligibility/enrollment.

The second issue arises when a RES requests a change to a customer's service under Rider SBO other than with an enrollment, for example, if a customer requests a billing change. Previously, the EDI transaction provided by ComEd noted an effective date that was not consistent with the meter reading or billing cycle date, thus requiring manual activity by the RES to identify the appropriate date. To the extent that the new EDI standards do not solve this problem, ComEd should be required to work with RESs to implement automated solutions. (Fein Reb., ICEA Ex. 2.0, pp. 6-7.) Additionally, ComEd has confirmed that it will update the RES Handbook to reflect the new rules that accommodate the new EDI standards. (Lesniak Surrebuttal, ComEd Ex. 66.0, pp. 3-4.)

4. Changes to the PowerPath website

ICEA recommended that ComEd reinstate the display of certain information on its PowerPath website, and that it develop a test site for future PowerPath changes, with releases during non-business hours and not over a holiday weekend. (Fein Dir., ICEA Ex. 1.0, pp. 10-12.) Based on ComEd representations, the bill estimator tool may well resolve concerns regarding access to information on the PowerPath website.

Alteration to the PowerPath site, with little advance notice and during peak business hours, creates operational issues for RESs on a number of fronts. A test site is the best mechanism to evaluate the effect that potential changes to the Power Path site may cause. ComEd has agreed to the formation of a technical working group to discuss the Power Path site as well as ICEA's proposal for an external password-protected site. (Lesniak Surrebuttal, ComEd Ex. 66.0, p. 4.) ComEd has also committed to a minimum of twenty (20) days advance notice regarding future changes to the Power Path site (Id.), with notification and discussion on each of the RES operational calls. Such notice, as well as the technical working group, may be acceptable. However, additional notice should be provided when more significant changes to the Power Path site are being contemplated. (Fein Reb., ICEA Ex. 2.0, pp. 10-12.)

D. Meters and Meter Reading

Over the past six (6) months preceding the filing of Direct Testimony, ICEA members were subject to a significant number of meters for which current usage data was not provided by ComEd, or which was substantially delayed. (Fein Dir., ICEA Ex. 1.0, pp. 8-9.) Failure to timely provide that information to RESs prevents proper billing, which causes significant problems for both the RES and the customer. This causes problems for customers in placing them under greater financial strain when the meter(s) is finally billed, and on RESs, as they do not receive payment for service provided at the time, and will no doubt be confronted with increased level of calls from customers, and potential complaints stemming from the delay and the necessarily higher “make-up” bill. If the customer has changed RESs during the time period in which the meter has been unread or the customer brought current, those problems for the RES

are compounded and they will likely be faced with an increase in uncollectibles that would not have occurred had billing been timely and accurate.

ComEd has indicated informally that it has established processes and developed a plan to resolve the problem, but a comprehensive, detailed written plan for resolving this issue has not to ICEA's knowledge been provided in this proceeding. In addition to resolving the underlying backlog and issues, ComEd should: (1) send out communications to affected customers indicating that ComEd has experienced difficulties that have prohibited it (and may continue to prohibit it) from providing the necessary data to ARES from which an ARES bills its customers; and (2) enhance its update to ARES, providing a weekly report regarding progress in resolving the issue, as well as expectations for the coming weeks, specifically identifying those situations in which meter readings are delayed based on restricted access to the meter. (Fein Reb., ICEA Ex. 2.0, pp. 8-10.)

E. Competitive Retail Market Development Issues

Consistent with the legislative goals of promoting the development of competition for residential customers, ComEd should develop and/or provide a simple and straightforward Price-to-Compare (PTC) (Fein Dir., ICEA Ex. 1.0, p. 12.) and work toward creation of an "Eligible Customer List" of residential customers (Fein Dir., ICEA Ex. 1.0, p. 12.) ComEd has indicated a willingness to determine and provide fixed price supply charges under Rate BES for customers with demands under 100kW. In large measure that resolves ICEA's concerns, provided that the customer choice page is easy to find on ComEd's web site, and the PTC is prominently displayed on that page. This recommendation is not meant to foreclose or in any way supplant the Office of Retail Market Development's "Plugged In Illinois" efforts, or its desire to establish a

Commission-based PTC site. (Fein Reb., ICEA Ex. 2.0, pp. 12-13.) As to the second recommendation, ICEA recognizes that there may be legal questions involved in producing such a list, and recommends that the issue be discussed further with the Commission Office of General Counsel and the Attorney General's Office and other interested stakeholders. (Fein Reb., p. 14.)

F. New Section 9-250 Investigation of ComEd's electric rate design

ICEA supports ORMD's efforts to develop a more robust competitive market in the ComEd service territory. (Fein Reb., ICEA Ex. 2.0, p. 16.)

G. Other

PORCB

The costs associated with changes that are new and specific to PORCB service alone are theoretically appropriate for inclusion for recovery in PORCB (if approved in the appropriate docket, and found by the Commission to be just and reasonable). However, to the extent that the changes or upgrades were made that are not specific to PORCB service itself, or that benefit ComEd and its customers in other ways, the associated costs are more appropriate for rate base recovery. (Fein Dir., ICEA Ex. 1.0, pp. 6-7; Fein Reb., ICEA Ex. 2.0, pp. 14-15.)

CONCLUSION

As set forth above, ICEA and ComEd have worked collaboratively to address a number of the operational, meter reading, billing and competitive market retail issues raised by ICEA in its testimony. A number of these issues have been resolved or, at the very least, agreement has been reached on a path to move forward hopefully to resolution. For those issues which a path has been set, ICEA looks forward to continued collaborative efforts with ComEd and the ORMD's office to reach mutually satisfactory conclusions. In addition, ICEA supports the ORMD's efforts to develop a more robust competitive market in the ComEd service territory through its proposed Section 9-250 investigation. As outlined above, ICEA also believes that costs preliminarily identified as PORCB related costs should be closely examined by the Commission and appropriately allocated between base rates and the PORCB tariff cost recovery mechanisms.

Respectfully Submitted,

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