

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Ameren Illinois Company :
d/b/a Ameren Illinois :
: :
Request for Waiver of Certain : **11-0042**
Provisions of 83 Ill. Admin. Code :
Part 285, Standard Information :
Requirements. :

ORDER

By the Commission:

On January 14, 2011, Ameren Illinois Company d/b/a Ameren Illinois ("AIC") filed with the Illinois Commerce Commission ("Commission") a request for a waiver of certain provisions of 83 Ill. Adm. Code 285, "Standard Information Requirements for Public Utilities and Telecommunications Carriers in Filing for an Increase in Rates," ("Part 285"). AIC is an Illinois corporation duly organized and existing under the laws of the State of Illinois and is a public utility providing electric and gas service within the meaning of the Public Utilities Act ("Act"), 220 ILCS 5/1-101 et seq. AIC plans to file by March 15, 2011 revised tariffs based on a future test year proposing a general increase in electric and gas rates. Assuming that its tariff filings will be suspended and docketed separately, AIC plans to request consolidation of the separate dockets.

Section 285.140 of Part 285 provides for waivers of the standard rate case filing requirements. A request for waiver under Section 285.140 shall be granted upon good cause being shown. Though other factors may be considered, the following factors shall be considered:

- (1) whether other information available in the rate filing permits a review of the rate filing in a complete and timely manner;
- (2) whether other information, that the utility would provide if the waiver is granted, permits a review of the rate filing in a complete and timely manner;
- (3) the degree to which the information that is the subject of the waiver request is maintained by the utility in the ordinary course of business or is available to it from the information that it maintains; and
- (4) the expense to the utility in providing the information that is the subject of the waiver request.

The first waiver AIC seeks pertains to Section 285.7010 of Part 285. Section 285.7010(a) requires the statement of an independent certified public accountant that the forecast used in developing a rate case future test year shall comply with the American Institute of Certified Public Accountants' ("AICPA") Guide for Prospective Financial Information as of April 1, 1999 ("1999 Guide"). Section 285.7010(a) provides further that "[n]o later amendment or edition is included in this incorporation." On March 1, 2009, however, the AICPA issued a revised Guide for Prospective Financial Information ("2009 Guide"), which incorporates certain conforming changes necessary due to the issuance of authoritative pronouncements since the 1999 Guide was issued. Because Section 285.7010(a) requires use of the 1999 Guide, which is out-of-date because of the issuance of the 2009 Guide, AIC requests that the Commission grant a waiver of Section 285.7010(a), applicable to both the gas rate filing and the electric rate filing, so that AIC's independent certified public accountants may use the most up-to-date version of the AICPA Guide.

With respect to factors (1) and (2) in Section 285.140, since it intends to rely upon the more recent 2009 Guide, AIC contends that the Commission's ability to review the rate filing in a complete and timely manner will not be affected. AIC states that factors (3) and (4) do not apply given that no information is being excluded under the waiver request. AIC also notes that the Commission granted the same waiver request for other Illinois utilities and cites the following dockets as examples: Docket No. 07-0370 (Illinois-American Water Company), Docket No. 09-0073 (Illinois-American Water Company), Docket No. 09-0087 (North Shore Gas Company), and Docket No. 10-0107 (Aqua Illinois, Inc.).

The second waiver that AIC requests pertains to Section 285.305 of Part 285. Section 285.305 requires a utility to provide a variety of corporate information. To avoid submitting multiple copies of the same documents, AIC requests a waiver from subsections (d), (g), (j), (k), (m), (n), and (o) with the intention of only filing one copy of the document(s) called for in each subsection. In the absence of this requested waiver, AIC would have to submit identical copies of the documents for its electric and gas operations. AIC contends that doing so would constitute an inefficient and wasteful expenditure of resources for both itself and the Commission. Additionally, AIC seeks a waiver from subsections (c) and (f) of the Section 285.305. These subsections require the filing of monthly managerial reports and labor contracts, respectively. AIC states that certain of its monthly managerial reports and labor contracts relate to only one utility service (electric or gas), while in other such reports and contracts there exists an overlap between gas and electric services. To avoid any omission, AIC states that it would, absent a waiver, file a complete and identical set of electric and gas monthly managerial reports and labor contracts with each individual electric and gas filing. Since the information submitted would be identical in each filing, AIC contends that the provision of two sets of information would be duplicative. Therefore, AIC requests a waiver of subsections (c) and (f) to allow the filing of one set of the required information.

The third waiver that AIC seeks relates to Section 285.310(a), which requires that electric utilities provide three copies of the most recent ILCC Form 21, and Section

285.315(a), which requires that gas utilities provide three copies of ILCC Form 21. For AIC, the ILCC Form 21 provided under Sections 285.310(a) and 285.315(a) would be identical. Because the requirements of Sections 285.310(a) and 285.315(a) would be redundant, AIC requests a waiver of Section 285.315(a). AIC would still provide three copies of the most recent ILCC Form 21 under Section 285.310(a). AIC contends that avoiding redundancy and promoting efficient use of resources are good cause to grant this waiver pursuant to Section 285.140.

In applying factors (1) and (2) of Section 285.140 to its waiver requests pertaining to Section 285.305 and Section 285.315(a), AIC states that the information available will permit a review of the rate filing in a complete and timely manner. AIC explains that it will provide the Clerk's Office one set of all of the information for which a waiver is sought. Because it anticipates that its separately docketed rate proceedings will be consolidated, AIC therefore expects that the single copy of the required information will be available to all interested parties. With respect to factor (3) of Section 285.140, AIC acknowledges that it maintains in the ordinary course of business the information that is the subject of the waiver requests. AIC also recognizes that the information that is the subject of the waiver requests is available to it. But as noted in its filing, however, providing multiple copies of the information would be duplicative. With respect to factor (4) of Section 285.140, AIC states that the expense associated with providing additional copies, while marginal given the scope of the rate filing, is not inconsequential. AIC also notes that similar waivers of Section 285.305 were granted in Docket No. 07-0536 and Docket Nos. 09-0270/09-0271 (cons.) involving AIC's predecessor companies.

On January 20, 2011, the Administrative Law Judge ("ALJ") issued a ruling asking whether there would be any objection to an order in this matter permitting, or possibly requiring, AIC to submit its initial rate case testimony, exhibits, and/or Part 285 schedules (excluding tariff sheets) on both sides of a sheet of paper, in contrast to the requirements of Section 200.110(a) of 83 Ill. Adm. Code 200, "Rules of Practice," ("Part 200"). Section 200.30 of Part 200 allows any provision of Part 200 to be waived, suspended, or modified by the Commission, for good cause shown, either upon its own motion or upon motion by any person to the extent permitted by law. On January 25, 2011, AIC filed a response to the ALJ ruling indicating that it had no objection to an order either permitting or requiring the use of both sides of a sheet of paper when it is feasible to do so. AIC explains that limiting the ordering language permitting or requiring it to submit the referenced documents on both sides of a sheet of paper only "where feasible" will allow it to submit the documents on one side of a sheet of paper should unforeseen technical difficulties make it infeasible to submit the documents on both sides of a sheet of paper. On January 26, 2011, Commission Staff ("Staff") responded to the ALJ ruling strongly in favor of permitting AIC to print on both sides of a sheet of paper when submitting its rate case testimony, exhibits, and schedules (excluding tariff sheets). Staff cites Governor Pat Quinn's Executive Order 11 ("EO 11") and the Green Governments Illinois Act ("GGIA"), 20 ILCS 3954/1 et seq., which clearly favor the submission of double-sided documents.

Also on January 26, 2011, Staff filed a response to AIC's waiver request. The next day, however, Staff filed an amended response to the request. In its January 27, 2011 amended response, Staff relates that it concurs with AIC's request regarding the use of the 2009 Guide. Staff also indicates that it has no objection to AIC's request for a waiver of the requirements to provide duplicative copies of the above identified information and documents.

The Commission has reviewed the record and finds that good cause exists for a waiver of the Part 285 filing requirements at issue. With regard to Section 285.7010(a), AIC is correct that use of the 2009 Guide will not impact the Commission's ability to review the rate filing in a complete and timely manner. The Commission also agrees with AIC that the third and fourth factors under Section 285.140 do not apply since no information would be excluded under the waiver request. As for the waiver requests pertaining to Sections 285.305 and 285.315 seeking to avoid redundancy in the rate filing, the Commission finds that granting the waivers will not impair the ability to review the rate filing in a complete and timely manner. Concerning the third factor under Section 285.140, the information at issue is obviously regularly maintained by AIC, but there is simply no need for multiple copies of the same information. Expense considerations under factor (4) are not significant, but again, the Commission finds no reason to require AIC to submit multiple copies of the same information even if the cost of doing so is not prohibitive. The Commission therefore finds that the requested waivers should be granted. In coming to this conclusion, however, the Commission in no way wishes to suggest or imply approval of the number of separate revenue requirements or cost of service studies that AIC plans to submit as part of its rate case filing. These and other filing requirements are at issue in Docket No. 10-0517 and shall be resolved therein.

In addition, the Commission considers it reasonable and appropriate to allow AIC to submit its rate case testimony, exhibits, and/or Part 285 schedules (excluding tariff sheets) on both sides of a sheet of paper where feasible. There is no legal impediment to using both sides a sheet of paper. Doing so is consistent with both EO 11 and the GGIA.

The Commission, having considered the record herein, is of the opinion and finds that:

- (1) AIC is an Illinois corporation engaged in the distribution and sale of electricity and natural gas to the public in Illinois, and is a public utility as defined in Section 3-105 of the Act;
- (2) the Commission has jurisdiction over the parties hereto and the subject matter herein;
- (3) the recitals of fact and conclusions of law reached in the prefatory portion of this Order are supported by the evidence of record, and are hereby adopted as findings of fact and conclusions of law;

- (4) the relief requested by AIC should be granted; and
- (5) in addition to the requested relief, AIC should be permitted and encouraged to the maximum extent feasible to submit its rate case testimony, exhibits, and/or Part 285 schedules (excluding tariff sheets) on both sides of a sheet of paper.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the request of Ameren Illinois Company for a waiver of 83 Ill. Admin. Code 285.7010(a), good cause having been shown, is hereby granted.

IT IS FURTHER ORDERED that a waiver of 83 Ill. Adm. Code 285.305(c), (d), (f), (g), (j), (k), (m), (n), and (o), good cause having been shown, is hereby granted.

IT IS FURTHER ORDERED that a waiver of 83 Ill. Adm. Code 285.315(a), good cause having been shown, is hereby granted.

IT IS FURTHER ORDERED that under 83 Ill. Adm. Code 200.30, Ameren Illinois Company is permitted and encouraged to the maximum extent feasible to submit its rate case testimony, exhibits, and/or Part 285 schedules (excluding tariff sheets) on both sides of a sheet of paper.

IT IS FURTHER ORDERED that subject to the provisions of Section 10-113 of the Public Utilities Act and 83 Ill. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

By order of the Commission this 9th day of March, 2011.

(SIGNED) DOUGLAS P. SCOTT

Acting Chairman