

ComEd's position. Likewise, the fourth issue - - SFV rate design - - finds at least six parties¹ opposing both ComEd's position and the Proposed Order (which only partially accepted ComEd's proposal).

3. The inevitable effect of the scheduling allocation set forth in the April 26 Notice is that ComEd will not be arguing on a level playing field and the Commission will not benefit from a balanced argument. The parties opposing ComEd and, in most cases, the Proposed Order as well, will have a total of 1 hour and 45 minutes to devote to their arguments. ComEd will be limited to a total of 15 minutes on all issues, including both its initial argument and rebuttal. This is both unfair and prejudicial to ComEd, and will result in an oral argument that unfairly emphasizes efforts to overturn the Proposed Order. For example, Staff could spend its entire 15 minutes on the 2009 pension; CUB could spend its entire 15 minutes on incentive compensation; the AG and IIEC could each spend 15 minutes on return on equity; and the remaining parties could spend a total of 45 minutes attacking ComEd's SFV proposal and the modest movement towards SFV made by the proposed Order. ComEd, by contrast, would have a total of 15 minutes to support its position, and address all of the other parties' arguments, on those issues. This allocation is not only inequitable to ComEd, but will also virtually guarantee that the Commission itself will not have the opportunity to hear a balanced presentation on the issues it has selected for oral argument.

4. As an alternative, ComEd suggests that, if the Commission decides to permit two hours for oral argument, it should divide that time among the issues equally or as it otherwise sees fit, and then specify that of the total allowed for any issue, ComEd should have a minimum of one-third of that time, with the remainder to be divided between Staff, on one hand, and the

¹ Staff, the AG, CUB, the Environmental Law & Policy Center, City of Chicago, and the Natural Resources Defense Council.

remaining parties on the other. Thus, if The Commission decides to allocate 45 minutes to return on equity, ComEd would have 15 minutes, Staff would have 15 minutes and the remaining parties who wish to be heard on that issue would divide the residual 15 minutes among themselves as they may agree.

WHEREFORE, for the foregoing reasons, ComEd respectfully requests that the April 26 Notice Scheduling Oral Argument be modified consistent with the suggestion set forth in paragraph 4 hereof.

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Respectfully submitted,

COMMONWEALTH EDISON COMPANY



By: _____
One of its Attorneys

E. Glenn Rippie
John E. Rooney
John P. Ratnaswamy
Carla Scarsella
ROONEY RIPPIE & RATNASWAMY LLP
350 W. Hubbard Street, Suite 430
Chicago, IL 60654
(312) 447-2800
glenn.rippie@r3law.com
john.ratnaswamy@r3law.com
john.rooney@r3law.com
carla.scarsella@r3law.com

G. Darryl Reed
SIDLEY AUSTIN LLP
One South Dearborn
Chicago, IL 60603
(312) 853-7766
greed@sidley.com

Thomas S. O'Neill
Senior Vice President & General Counsel
COMMONWEALTH EDISON COMPANY
440 S. LaSalle Street, Suite 3300
Chicago, IL 60605
312-394-7205
thomas.oneill@comed.com

Richard G. Bernet
Eugene M. Bernstein
Bradley R. Perkins
10 S. Dearborn, Suite 4900
Chicago, IL 60603
(312) 394-5400
richard.bernet@exeloncorp.com
eugene.bernstein@exeloncorp.com
brad.perkins@exeloncorp.com

Counsel for Commonwealth Edison Company