

Response to Commonwealth Edison Company
Second Set of Data Requests to Staff
Docket No. 07-0566 (on Remand)
Response of Staff Witness Harden

ICC Person Responsible: Cheri Harden
Title: Rate Analyst, Financial Analysis Division
Business Address: Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

Request ComEd 2.07

Is Ms. Harden aware of any final order in which Commission has held that Section 9-253 of the Public Utilities Act applies to a circumstance where [sic] a retroactive refund was paid pursuant to a court order (what Mr. Ostrander terms a "judicial refund) for charges imposed correctly under the rate that was on file and in force at the time? If so, please identify such decisions by Docket number and date and, if prior to January 1, 2000, please produce a copy of the Commission's order.

Response

Staff objects to the characterization of Ms. Harden's testimony. Ms. Harden does not use the term "retroactive refund".

Without waiving that objection, Ms. Harden is not aware of a final order that was issued by the Commission that applied 9-253 of the Public Utilities Act.

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Request ComEd 2.09

Mr. [sic] Harden recommends that any refunds should be paid more rapidly than twelve months if required to keep such refunds at “an amount no less than 1.0¢/kwh per month...” (Staff Ex. 23.0, 5:107) Is Ms. Harden aware of any final order in a judicial refund case in which Commission has established such a minimum refund? If so, please identify such decisions by Docket number and date and, if prior to January 1, 2000, please produce a copy of the Commission’s order.

Response

Ms. Harden is not aware of any final order in a judicial refund case in which the Commission has established such a minimum refund.

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If Ms. Harden's recommendation that any refunds should be paid at a rate of "no less than 1.0¢/kwh per month...." (Staff Ex. 23.0, 5:107) were to result in a very short refund period, *i.e.*, 2-3 months, would this change her recommendation? If not, how would Ms. Harden propose to adjust for the required recalculation and to allow for the addition to the refund pool of "any amount remaining from the money set aside for former customers" (Staff Ex. 23.0, 8:161-62) in such a short time period?

Response

No. "[A]ny amount remaining from the money set aside for former customers" could either be refunded to current customers after the 120 day period from the final order on remand or it could be added to the amount left over from the 2-3 month refund payout period, all of which if de minimis could be donated to an energy assistance program.