

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

AMEREN ILLINOIS COMPANY)	
Proposed general increase in electric delivery service rates.)	Docket No. 11-0279
)	
)	(cons.)
)	
AMEREN ILLINOIS COMPANY)	
Proposed general increase in gas delivery service rates.)	Docket No. 11-0282
)	

**RESPONSE OF THE COMMERCIAL GROUP OPPOSING
AIC’S MOTION TO WITHDRAW ELECTRIC TARIFF SHEETS
AND SEVER AND TERMINATE DOCKET NO. 11-0279**

On the eve of the issuance by the Administrative Law Judges (“ALJs”) of their proposed order, Ameren Illinois Company (“AIC”) filed to terminate the electric rate case. AIC’s basis for doing so is that certain pending legislation (HB 3036) – if it goes into law – would “mandate the dismissal of Docket No. 11-0279, with prejudice, upon AIC’s filing of PBR tariffs.” AIC Motion, ¶11. AIC also states that “no party has an interest in seeing those specific rates [proposed by AIC in Docket 11-0279] adopted.” *Id.* ¶17. AIC’s motion should be denied because the docket has nearly run its course, AIC’s current rates are not just and reasonable, those unjust and unreasonable rates could continue for at least five months if the motion is granted, and class allocation and rate design issues being decided in this case would form a better basis for any formula rates that may later go into effect.

In their proposed order of November 15, 2011, the ALJs determined on the basis of an extensive record that “AIC’s electric delivery rates. . . presently in effect for Rate Zones 1 and 3 are inappropriate and generate operating income in excess of the amount necessary to permit the company the opportunity to earn a fair and reasonable return” and “these rates should be permanently canceled and annulled.” Ordering ¶ 20. According to the Proposed Order, AIC’s rates in the three rate zones produce approximately \$41 million more revenue than is just and

reasonable. *Id.* at Ordering ¶¶ 23-25. Certainly, ratepayers have an interest in seeing rates reduced to just and reasonable levels, even if the new rates may later be replaced by formula rates. This is particularly true where AIC admits that any mandated dismissal of Docket 11-0279 is at this point conjectural. Indeed, SB 1652 currently provides that formula rates would not take effect prior to May 31, 2012 at the earliest, whereas, rates adopted at the conclusion of this Docket 11-0279 would go into effect in January of 2012. Why should ratepayers be forced to pay excessive charges during this period?

So also, the ALJs have addressed in their proposed order a number of knotty issues involving rate design, class cost of service, and revenue apportionment. Notably, the rate formula plan provides that “rate design and cost allocation across customer classes [for new formula rates] shall be consistent with the Commission’s most recent order regarding the participating utility’s request for a general increase in its delivery service rates.” Senate Bill 1652, p. 88. Accordingly, ratepayers have an interest in ensuring that the rate design and cost allocation conclusions being made in this “most recent” Commission Order involving AIC are implemented.

WHEREFORE, the Commercial Group respectfully requests that AIC’s Motion to Withdraw be denied.

Respectfully submitted this 17th day of November, 2011.

/S/ Alan R. Jenkins
Alan R. Jenkins
Jenkins at Law, LLC
2265 Roswell Road
Suite 100
Marietta, GA 30062
Tel. No. (770) 509-4866
Email: aj@jenkinsatlaw.com

Attorneys for The Commercial Group