

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Ameren Illinois Company :
d/b/a Ameren Illinois :
: **11-0279**
Proposed general increase in :
electric delivery service rates. :

ORDER

On February 18, 2011, Ameren Illinois Company d/b/a Ameren Illinois ("AIC") filed with the Illinois Commerce Commission ("Commission") new and amended tariffs establishing revised rates and other terms and conditions of service, testimony, and other required information, pursuant to Section 9-201 of the Public Utilities Act ("Act"), 220 ILCS 5/1-101 et seq., and Sections 285.305 and 285.310 of 83 Ill. Admin. Code 285, "Standard Information Requirements for Public Utilities and Telecommunications Carriers in Filing for an Increase in Rates." The proposed general increase in electric delivery services was assigned Docket No. 11-0279 and the proposed general increase in natural gas delivery services was assigned Docket No. 11-0282.

The Administrative Law Judges consolidated Docket Nos. 11-0279 and 11-0282 on April 8, 2011. Pursuant to due notice, status hearings were held in this matter before duly authorized Administrative Law Judges of the Commission at its offices in Springfield, Illinois on April 18 and September 7, 2011. Thereafter, evidentiary hearings were held September 12 through September 16, 2011. Following the evidentiary hearings, the various parties to this proceeding filed Initial and Reply Briefs outlining their positions.

On November 10, 2011, AIC filed a "Motion to Withdraw Electric Tariff Sheets and Sever and Terminate Docket No. 11-0279." In the motion, AIC requests the Commission sever Docket No. 11-0279 from Docket No. 11-0282, grant authority to AIC to withdraw its tariff sheets filed February 18, 2011 for a general increase in electric delivery service rates, and for the entry of an Order dismissing Docket No. 11-0279.

AIC indicates in its motion that it is seeking the relief requested due to actions by the General Assembly which rendered the proposed electric delivery service tariffs obsolete. AIC states that the General Assembly has established a new regulatory regime for electric delivery service rates and service standards, by the enactment of Public Act 97-0616 ("PA 97-0616"). AIC notes that on October 26, 2011, the Illinois General Assembly overrode the Governor's veto of Senate Bill 1652 ("SB 1652"), which caused SB 1652 to become law, and has now been designated as PA 97-0616.

AIC also references in its motion House Bill 3036 ("HB 3036"), a trailer bill to SB 1652, which amends SB 1652 in several significant ways, including changes to the calculation of return on equity, changes to certain service metrics and penalties, as well

as requiring the dismissal of AIC's current electric delivery services rate case, Docket No. 11-0279.

AIC states in its motion that it intends to file tariffs pursuant to SB 1652, irrespective of whether HB 3036 becomes law, and suggests the purpose of Docket No. 11-0279 has now been superseded by SB 1652. AIC recommends the Commission honor the new regulatory scheme established by SB 1652 and not wait until HB 3036 becomes law to dismiss Docket No. 11-0279. AIC suggests it would be a waste of all parties' resources to continue to litigate Docket No. 11-0279.

The Commission, having reviewed AIC's arguments in its motion, agrees that the most appropriate course of action at this stage of the proceedings would be to grant AIC's motion, severing the two dockets, and allow AIC to withdraw the electric delivery service tariff sheets it filed February 18, 2011. While the Commission recognizes that all of the parties have expended a great deal of resources to bring the case to the point it is presently at, the Commission believes it must also recognize the new regulatory scheme the General Assembly has decided to institute going forward.

The Commission, having given due consideration to the entire record herein and being fully advised in the premises, 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) Docket No. 11-0279, the electric delivery service rate case for AIC, and Docket No. 11-0282, the gas delivery service rate case for AIC, should be severed and no longer be consolidated;
- (5) AIC should be allowed to withdraw the tariff sheets filed February 18, 2011 for a general increase in electric delivery service rates;
- (6) Docket No. 11-0279 should be dismissed with prejudice;
- (5) all motions, petitions, objections, and other matters in this proceeding which remain unresolved should be disposed of consistent with the conclusions herein.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that Docket No. 11-0279, the electric delivery service rate case for Ameren Illinois Company

d/b/a Ameren Illinois, and Docket No. 11-0282, the gas delivery service rate case for Ameren Illinois d/b/a Ameren Illinois, are hereby severed.

IT IS FURTHER ORDERED that Ameren Illinois Company d/b/a Ameren Illinois is allowed to withdraw the tariff sheets filed February 18, 2011 for a general increase in electric delivery service rates.

IT IS FURTHER ORDERED that Docket No. 11-0279 is hereby dismissed with prejudice.

IT IS FURTHER ORDERED that all motions, petitions, objections, and other matters in this proceeding which remain unresolved are disposed of consistent with the conclusions herein.

IT IS FURTHER ORDERED that subject to the provisions of Section 10-113 of the 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 22nd day of November, 2011.

(SIGNED) DOUGLAS P. SCOTT

Chairman