

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission :
On Its Own Motion :
-vs- :
MidAmerican Energy Company : 12-0132
: :
Evaluation of MidAmerican Energy :
Company Energy Efficiency Pro- :
grams :

ORDER

By the Commission:

Section 8-408(d) of the Public Utilities Act reads in relevant part:

A public utility that offers approved energy efficiency programs in the State may do so through at least December 31, 2012. The Commission shall monitor the performance of the energy efficiency programs and, on or before October 31, 2012, the Commission shall make a determination regarding whether the programs should be continued beyond calendar year 2012. The Commission shall also file a written report with the General Assembly explaining the basis for that determination and detailing the results of the energy efficiency programs, including energy savings, participation numbers, and costs.

In a Staff Report dated February 14, 2012, the Energy Division of the Illinois Commerce Commission ("Commission") has laid out the statutory and regulatory basis for initiating a proceeding regarding MidAmerican Energy Company ("MEC"). As detailed in the Staff Report, MEC received approval for its energy efficiency plan in Docket Nos. 08-0107/08-0108 (Consol.). As required by Section 8-408(d) of the Act, the Commission is required to make a determination by October 31, 2012 whether the programs should be continued beyond calendar year 2012.

In the Staff Report, the Commission Staff has made the following observation:

Staff hereby recommends that a docket be initiated to: (1) review the performance of MidAmerican's EE Programs implemented in Illinois; and (2) make a determination regarding whether the EE Programs should be continued beyond calendar year 2012. Staff further recommends that the Commission direct that MidAmerican must show that its EE Programs have provided net benefits to its Illinois customers.

In order to proceed efficiently, Staff recommends that the initiating order direct the Company to work with Staff to ensure that the information necessary for the Commission to make a fully-informed decision on this matter is made available in a timely manner. In addition, Staff recommends that the initiating order make it clear that all data used in the evaluation shall be made available to Commission Staff upon request.

The Commission considers these recommendations to be well-taken. The Commission expects MEC to cooperate completely with Commission Staff so that this proceeding will be completed as required by Section 8-408(d) of the Act. Additionally, the Commission particularly considers the request that MEC be required to show that its energy efficiency programs are providing a net benefit to its Illinois customers to be most reasonable. Staff makes a number of recommendations in the Staff Report concerning the estimation of net benefits through an impact evaluation. The Commission agrees with these recommendations. The Commission directs that MEC shall provide, within the time constraints of this proceeding, such an impact evaluation as recommended by Commission Staff.

In order to remove another potential issue from contention, the Commission also directs MEC to move forward with the burden of evidence in this proceeding.

The Commission, being fully advised in the premises, is of the opinion and finds that:

- (1) that MidAmerican Energy Company should be made respondent to this proceeding;
- (2) the Commission has jurisdiction over the subject matter in and the respondent to this proceeding;
- (3) the recitals of fact set forth in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact;
- (4) the Staff Report dated February 14, 2012 should be made a part of the record of this proceeding;
- (5) the Commission should initiate a proceeding to review the energy efficiency programs of respondent previously approved by the Commission and to determine whether these programs should continue beyond calendar year 2012;
- (6) in order for the energy efficiency programs previously approved by the Commission to continue beyond calendar year 2012, respondent should be required to show that these programs provide a net benefit to its Illinois customers;

- (7) respondent has the burden of evidence in this proceeding;
- (8) this proceeding should be completed in such timely fashion that the Commission is able to enter a final order before the statutory deadline of October 31, 2012.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that a proceeding be initiated to determine whether the energy efficiency programs of MidAmerican Energy Company should be continued beyond calendar year 2012.

IT IS FURTHER ORDERED that MidAmerican Energy Company is made a respondent to this proceeding.

IT IS FURTHER ORDERED that the Staff Report dated February 14, 2012 is made a part of the record of this proceeding.

IT IS FURTHER ORDERED that respondent appear at the offices of the Commission at the time and date specified by the Administrative Law Judge assigned to this proceeding.

IT IS FURTHER ORDERED that failure of the respondent to appear as ordered may result in a finding that the energy efficiency programs of respondent previously approved by the Commission shall not continue beyond calendar year 2012, pursuant to Section 8-408(d) of the Public Utilities Act and the imposition of penalties pursuant to Section 5-202 of the Public Utilities Act.

IT IS FURTHER ORDERED that this Order is not final; it is not subject to the Administrative Review Law.

By Order of the Commission this 23rd day of February, 2012.

(SIGNED) DOUGLAS P. SCOTT

Chairman