

**Docket No.:** 12-0001  
**Bench Date:** 09-19-12  
**Deadline:** 09-29-12

## MEMORANDUM

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**TO:** The Commission

**FROM:** John D. Albers, Administrative Law Judge  
J. Stephen Yoder, Administrative Law Judge

**DATE:** September 13, 2012

**SUBJECT:** Ameren Illinois Company d/b/a Ameren Illinois  
Rate MAP-P Modernization Action Plan-Pricing Filing.

**REGARDING:** Petition for Interlocutory Review filed on September 11, 2012  
by Ameren Illinois Company.

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On January 3, 2012, Ameren Illinois Company d/b/a Ameren Illinois ("AIC") filed with the Illinois Commerce Commission ("Commission") a verified petition under Section 16-108.5 of the Public Utilities Act ("Act"), 220 ILCS 5/1-101 et seq., requesting approval of its Modernization Action Plan-Pricing tariff ("Rate MAP-P") as well as changes to other tariffs affected by such. Rate MAP-P represents AIC's efforts to implement recent revisions to the Act permitting it and Commonwealth Edison Company ("ComEd") to upgrade and modernize their respective electric transmission and distribution ("T&D") infrastructure through development of a "smart grid."

On September 7, 2012, the Illinois Industrial Energy Consumers ("IIEC") and Commercial Group ("CG") jointly filed a motion to strike portions of AIC's Brief on Exceptions ("Joint Motion"). IIEC/CG note that AIC cites to and makes arguments based on a Resolution adopted by a single chamber of the General Assembly, HR 1157, 97<sup>th</sup> General Assembly, Regular Session, Illinois, 2012 ("HR 1157").

As background, on July 30, 2012, IIEC/CG filed a motion to strike portions of AIC's Reply Brief because it relied on HR 1157, which at the time had been passed by a Committee of the Illinois House of Representatives. On August 22, 2012, after reviewing the motion, the responses thereto, and replies to responses, the Administrative Law Judges granted IIEC/CG's motion and struck portions of AIC's Reply Brief referencing HR 1157.

In the September 7, 2012 Joint Motion, IIEC/CG state that the Resolution is not part of the evidentiary record in this proceeding and that the Commission can not take administrative/judicial notice of the Resolution. (Joint Motion at 1) On September 10, 2012, AIC filed a response to the Joint Motion. In its response, AIC contends that the

Resolution is legal authority, not evidence, which the Commission may rely upon. On September 11, 2012, IIEC/CG filed a reply to AIC's response. Among other things, IIEC/CG argue that HR 1157 does not represent an action or interpretation of the entire General Assembly. Later on the same day, the Administrative Law Judges granted IIEC/CG's Joint Motion striking portions of AIC's Brief on Exceptions.

Shortly after the Administrative Law Judges' ruling was served, AIC filed on September 11, 2012 a Petition for Interlocutory Review of the ruling striking portions of its Brief on Exceptions. AIC argues that HR 1157 is a formal expression of the Illinois House of Representatives' intent with respect to the Energy Infrastructure Modernization Act and is proper legal authority in support of its arguments about that intent.

There is no deadline to act on the Petition for Interlocutory Review; however, the deadline for Commission action on this case is September 29, 2012.

JDA/JSY