



aggregate area that were reflected in the electric utility's records at the time of the request. As subsequently modified by Public Act 97-0338, effective August 12, 2011, an electric utility is now required to submit to a requesting Governmental Authority the names, addresses and account numbers of such customers.

2. To bridge the gap between the law and ComEd's switching processes and enable the first wave of aggregation programs to proceed in the spring of 2011, ComEd filed with the Commission ILL. C. C. No. 10, Original Sheet Nos. 406-411 on March 3, 2011. The Commission did not suspend the filing at its April 12, 2011 meeting, and Rate GAP took effect April 17, 2011. Subsequently, the Commission initiated an investigation of Rate GAP pursuant to Section 9-250 of the Public Utilities Act. *See generally* ICC Docket No. 11-0434. The order initiating the proceeding was issued on May 18, 2011. On April 4, 2012, the Commission issued its Final Order in that proceeding requiring ComEd to file tariff changes within 10 days of the effective date of the order. On April 11, 2012, ComEd filed revisions to Rate GAP to conform to the Final Order.

3. Subsequently, Public Act 97-0823 amended Section 1-92 of the IPA Act and became effective on July 18, 2012. The amendment explicitly added townships as a Governmental Authority.

4. On July 31, 2012, the Commission entered its Initiating Order in Docket No. 12-0456 commencing a rulemaking regarding municipal aggregation. To date, the Commission's Staff have held several workshops regarding development of the proposed rules. A variety of stakeholders are participating in the workshop process, including ComEd.

**I. Providing Customer Information to Governmental Authorities**

5. ComEd’s Rate GAP defines the circumstances when and the terms and conditions under which ComEd provides retail customer data to a Governmental Authority to allow the Governmental Authority to aggregate retail customer electric power and energy requirements in accordance with Section 1-92 of the IPA Act. In defining ComEd’s obligations, Rate GAP establishes a two-step process for providing the information. First, Rate GAP requires ComEd to provide the names and addresses of residential and small commercial retail customers in the aggregated area at the request of the Governmental Authority. Second, ComEd later provides the account numbers of those applicable customers who have not opted out of an aggregation program or are identified as receiving service from a retail electric supplier (“RES”) or are supplied under ComEd Rate BESH—Basic Electric Service Hourly Pricing (“Rate BESH”). *See* ILL. C. C. No. 10, 1st Revised Sheet Nos. 407-409 and Orig. Sheet Nos. 409.1-409.2.

6. As explained in ComEd’s Initial Verified Comments in Docket No. 11-0434, the list of account numbers is provided separately without the associated customer names and addresses in order to help preserve the privacy of customer specific data, because an account number is all that is required to access historic customer-specific usage data on ComEd’s website. Furthermore, the account number is the only information that is required to enable a customer to be switched from one supplier to another. Therefore, while the list of names and addresses is organized in a manner to help the Government Authority identify which customers have already affirmatively selected an alternative to ComEd’s default fixed-price supply service and address such customers accordingly for proper notification as required under Section 1-92, the list of account numbers provided to the Governmental Authority is limited to those of customers that are not taking service from a RES in order to help avoid disrupting existing

supply arrangements and avoid unnecessary release of these account numbers. This is the process set forth in Rate GAP and approved by the Commission in Docket No. 11-0434.

7. Based on comments made by participants during the workshop process being conducted in Docket No. 12-0456, ComEd understands that it would increase operational efficiencies if this two-step process were collapsed into a one-step process, whereby all names and addresses and the corresponding account numbers of such customers are provided in a single list, including those of customers that are served by a RES or under ComEd's Rate BESH. Furthermore, it is believed that a Governmental Authority and its associated RES could handle the transition process in subsequent aggregation rounds while maintaining customer confidentiality.

8. This one-step approach is consistent with the municipal aggregation tariff filed by Ameren Illinois Company d/b/a/ Ameren Illinois ("Ameren"), which became effective on April 15, 2012. Rate GA – Government Aggregation Services ("Rate GA") specifically provides that "[Ameren] shall provide a list of eligible Customers electronically which shall include, at a minimum, account numbers, names, service addresses, mailing address if difference from service address, account bill group and additional information to be used by the GA for aggregation purposes." *See* ILL. C. C. No. 1, Original Sheet No. 6.002.

9. Relatedly, ComEd also proposes to delete Rate GAP's provision that the Governmental Authority require the RES (or a participating entity) to delete and destroy customer-specific information within 60 days after the information is provided. Although this provision was agreed to and uncontested in the Rate GAP investigation, ComEd understands that it presents a conflict for the Governmental Authority and its ability to work with RESs and

participating entities to administer municipal aggregation programs and conduct a second round of aggregation.

## **II. Applicability to Townships**

10. As a result of Public Act 97-0823, Section 1-92 of the IPA Act now includes townships within its purview, and provides that “[t]he corporate authorities of a municipality, *township board*, or county board of a county may adopt an ordinance under which it may aggregate....” 20 ILCS 3855/1-92 (emphasis added). Accordingly, ComEd’s proposed revisions to Rate GAP include appropriate references to township boards.

11. Public Act 97-0823 also requires that townships verify the accuracy of the names and addresses of retail customers provided by the utility. Consistent with Ameren’s implementation of this requirement in its Rate GA, ComEd proposes that this verification requirement apply uniformly to all Governmental Authorities in order to streamline the data provisioning process for account numbers for applicable Governmental Authorities.

## **III. Request for an Expedited Schedule**

12. Based on comments received during the workshop process in Docket No. 12-0456, ComEd understands that the provision of account numbers is an important and time-sensitive issue to Governmental Authorities and RESs. This is because the supply contracts for most of the 20 communities who participated in the first wave of municipal aggregation expire during the spring of 2013, at which time the opt-out processes in those communities will be re-run. It is also an important issue with respect to the protections afforded to those customers that have made their own supply choices and to the RESs serving such customers under contract. As a result, while the provision of account numbers will likely be an issue in Docket No. 12-0456,

ComEd seeks resolution of this issue in a timelier manner than the rulemaking is likely to provide.

13. Accordingly, ComEd requests that this matter be placed on an expedited schedule such that an order could be issued by March 6, 2013 and the tariff changes placed into effect shortly thereafter, which will ensure that the changes are applicable to the anticipated spring municipal aggregation activity.

14. ComEd has also attached its List of Municipalities as Attachment C to this Verified Petition in order to further expedite the setting of the initial status.

WHEREFORE, Commonwealth Edison Company respectfully requests that the Illinois Commerce Commission enter an Order approving the tariff modifications set forth herein and grant ComEd leave to file the tariff sheets contained in Attachment A, to be effective immediately upon filing.

Dated this 31st day of October, 2012.

Respectfully submitted,

COMMONWEALTH EDISON COMPANY

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