

Unfortunately, RESA's argument, though constant as the setting sun, ignores both the black-and-white language of Section 1-92 of the IPA Act and the interpretation of "retail customers" provided by the Commission in Docket No. 11-0434 (analyzing ComEd's Rate GAP tariff). Section 1-92 of the IPA Act states in relevant portion as follows:

Notwithstanding Section 16-122 of the Public Utilities Act and Section 2HH of the Consumer Fraud and Deceptive Business Practices Act, **an electric utility** that provides residential and small commercial retail electric service in the aggregate area **must**, upon request of the corporate authorities, township board, or the county board in the aggregate area, **submit to the requesting party**, in an electronic format, **those account numbers, names and addresses of residential and small commercial retail customers in the aggregate area that are reflected in the electric utility's records at the time of the request**; provided, however, that any township board has first provided an accurate customer list to the electric utility as provided for herein.

20 ILCS 3855/1-92(c)(2) (emphasis added). Interesting enough is what this above Section does not do: the Section (1) does not distinguish between customers receiving bundled versus delivery-only service, i.e., customers receiving a RES-provided commodity versus customers receiving a utility-provided commodity, and (2) does not distinguish between opt-out and opt-in aggregation event in mandating the utility's provision of certain customer information. To the contrary, the Section speaks only of "residential and small commercial customers" and states that the utility "must" provide all qualifying records in its possession at the time of a request. Id.

As indicated above, the Commission has previously examined RESA's argument regarding the definition of "retail customers" and has concluded that the "bundled-only" interpretation of "retail customers" is not supported by the language of the IPA Act. Specifically, the Commission examined this issue in ComEd Docket No. 11-0434, finding that under Section 1-92 of the IPA Act "it would be most appropriate for the municipality to have a complete list of customers, a thorough list which contains both delivery and supply customers allows the municipality to contact all potential customers regarding its aggregation program."

See April 4, 2012 Order, p. 13 (Docket No. 11-0434) (for full discussion of the issue, see Order, pp. 7-13, containing the section entitled “Whether the term ‘Retail Customer’ Found in Section 1-92 of the IPA Act Should be Interpreted to Apply Only to ComEd Bundled Service Customers”). The Commission has spoken on this issue.

B. DISCLOSURE OF RES-SERVED CUSTOMER INFORMATION

In addition, RESA argues in its Verified Comments that if the Draft Rule is not revised to adopt RESA’s interpretation of “retail customers” as used in Section 1-92 of the IPA Act, electric utilities should be required to disclose, pursuant to an impending aggregation event, customer-specific information of a RES-served customer to whichever RES is currently serving that entity or individual. See RESA’s Verified Comments, pp. 8-9 (argument Section II.C.).

As Ameren Illinois interprets this comment, RESA’s suggestion would require the electric utility to provide information to a RES specific to customers already served by that RES. This recommendation reflects an improper shifting of burdens from the RES to the utility, given the fact that RES should already be able to identify the customers it currently serves and to obtain, from its own records, the entirety of the information it would otherwise have the utility provide. The Commission should reject RESA’s proposal on these grounds alone.

II. REPLY TO THE INITIAL COMMENTS OF THE ILLINOIS COMPETITIVE ENERGY ASSOCIATION (“ICEA”)

In the Initial Verified Comments of the Illinois Competitive Energy Association, ICEA argues that the Draft Rule should be revised to provide that a GA retains the discretion to decide whether to include its logo on aggregation notices distributed to customers. Initial Verified Comments of ICEA, pp. 3-4. Ameren Illinois supports the Draft Rule as currently written and disagrees with ICEA’s suggestion that government logos should be included on aggregation program disclosures on a purely discretionary basis. Although in support of its position ICEA cites administrative hassle, customer confusion and increased costs related to including logos on

distributions, Ameren Illinois has not seen those concerns play out in practice. Ameren Illinois believes that including a logo or official seal greatly increases the probability that recipients open and review the aggregation literature sent to them. In addition, Ameren Illinois concurs with comments submitted by CNT Energy indicating that based upon its experience, including government logos may help to reduce customer confusion. See Initial Verified Comments of CNT Energy, p. 3 (emphasis added). Ameren Illinois also believes having a logo as opposed to alternative verbiage reduces risk to the success of the long-term competitive market in that the use of a logo or seal may provide less opportunity for manipulation than alternate wording. Ameren Illinois does not believe that providing a logo as opposed to alternative verbiage would create any additional burden on behalf of a GA, and is unaware of any particular GA having raised the issue in the past.

III. REPLY TO THE INITIAL COMMENTS OF COMMONWEALTH EDISON COMPANY (“COMED”)

Beginning on Page 5 of ComEd’s Verified Initial Comments on the Staff of the Illinois Commerce Commission’s Proposed Draft Rule Regarding Municipal Aggregation, ComEd offers three (3) comments in response to Draft Rule Section 470.100, which would govern the transfer of customer information. In specific, ComEd seeks (1) to clarify that a GA may only request customer information following passage of an ordinance authorizing municipal aggregation; (2) to require all GAs to provide the utility with an accurate list of eligible customers prior to obtaining customer-specific information; and (3) to clarify the confidential treatment of information exchanged during the aggregation process. See ComEd’s Verified Initial Comments, p. 5. With the exception of the timing-related comment provided below, Ameren Illinois is generally supportive of these suggestions, as they conform to processes, procedures and tariff provisions currently in place governing Ameren Illinois’ facilitation of the government aggregation process and the transfer of information exchanged during that process.

To be clear, Ameren Illinois does not construe the Section 470.100, as currently drafted, to conflict with Ameren Illinois' municipal aggregation procedures or tariffs; however, the Company does concur that inclusion of the language suggested by ComEd may help to confirm this understanding and to solidify a process, which, as a practical matter, has been working rather well for Ameren Illinois.

As stated above, ComEd seeks, among two other items, to clarify that a GA may only request "customer information" following passage of an ordinance authorizing municipal aggregation. Id. Ameren Illinois' agreement or disagreement with ComEd's first suggestion may very well hinge upon ComEd's use of the phrase of "customer information." Ameren Illinois currently employs a two-step process reflected in its Government Aggregation Services tariff. Under the first step of this process Ameren Illinois creates and distributes a list of premises to the GA for the GA to review and verify as containing premises eligible for the aggregation event (i.e. within the GA's aggregation-eligible boundaries). In conjunction with this first step, the GA has the option of obtaining preliminary, aggregate load data and a preliminary customer list. Ameren Illinois will provide this information upon receiving information indicating that an ordinance or referendum has been certified to be placed on an upcoming ballot, but before the vote pertaining to the aggregation event. Upon receiving the certified results of the ordinance or referendum approving aggregation, Ameren Illinois will then engage in the second step of its two-step process and transmit to the GA what Ameren Illinois terms as "customer information," and which includes but is not limited to customer account numbers and other billing-related data and information.

To the extent ComEd defines "customer information" to include information provided by Ameren Illinois during the first step of its process (i.e. a customer list), Ameren Illinois cannot agree that this information cannot be transmitted until the utility has received the certified results of the aggregation-related ordinance or referendum. Ameren Illinois does not interpret the IPA

Act to preclude transfer of this information at this point in time. To the extent ComEd defines “customer information” as containing the type of information provide by Ameren Illinois during the second step of its aggregation process (account numbers, etc.) Ameren Illinois would support ComEd’s suggestion, which, if interpreted in this manner would fall in line with Ameren Illinois’ Municipal Aggregation Services tariff and its interpretation of the IPA Act.

IV. REPLY TO THE INITIAL COMMENTS OF PRAIRIE POINT ENERGY, L.L.C. D/B/A NICOR ADVANCED ENERGY LLC (“NAE”)

In the Initial Comments of Prairie Point Energy, L.L.C. d/b/a Nicor Advanced Energy LLC to Staff’s Proposed Rule, NAE recommends that the Draft Rule be revised to include additional language intended to protect the use of customer-specific information transferred by and between entities facilitating an aggregation event. See Initial Comments of NAE, pp. 1-2. In specific, NAE suggests that Section 470.100 be amended to include language “provid[ing] that the RES will not use the customer-specific information to market products other than RES service.” Id. at 1.

Ameren Illinois concurs with this goal and supports NAE’s proposed language, amended to include language “provid[ing] that the RES will not use the customer-specific information to market products other than **the service the RES has contracted to provide the GA under the applicable aggregation program.**” Ameren Illinois believes that the proposal as amended will help protect customer information by limiting the exposure of such information to the use for which it was originally provided and intended.

V. REPLY TO THE INITIAL COMMENTS OF THE METROPOLITAN MAYOR’S CAUCUS

On Page 12 of the Initial Comments of Metropolitan Mayors Caucus to the Staff Proposed Draft Rule on Municipal Aggregation, the Metropolitan Mayors Caucus correctly points out that Subsection (c) of Draft Rule Section 470.300 currently “requires provision of a toll free number for customers to call, but does not specify who must provide and pay for the toll

free number or the call center that will receive and respond to the calls.” Initial Comments of Metropolitan Mayors Caucus to the Staff Proposed Draft Rule on Municipal Aggregation, p. 12 (Comment 4).

Ameren Illinois concurs in the recognition of this issue and requests that in order to avoid any confusion, the Draft Rule be amended to provide that the toll-free number (and the customer service tied to that number) be provided by the GA or whichever RES successfully procures the aggregation load. Ameren Illinois believes this understanding and interpretation to be implicit, seeing as how those entities are the beneficiaries of the aggregation; however, the Company believes that the above-language may be of assistance in clearing up any confusion that may arise in the future.

WHEREFORE, Ameren Illinois Company d/b/a Ameren Illinois respectfully submits this filing for consideration and requests relief consistent with the opinions expressed herein.

Dated: December 12, 2012

Respectfully Submitted,

AMEREN ILLINOIS COMPANY
d/b/a Ameren Illinois

By 

Eric Dearmont
Associate General Counsel
AMEREN SERVICES COMPANY
1901 Chouteau Avenue
PO Box 66149 (MC 1310)
St. Louis, Missouri 63166-6149
314.554.3543, *direct*
314.554.4014, *facsimile*
edearmont@ameren.com