

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

Illinois Commerce Commission)	
On Its Own Motion)	
)	Docket No. 13-0077
-vs-)	
)	
Ameren Illinois Company d/b/a Ameren)	
Illinois, Commonwealth Edison Company,)	
The Peoples Gas Light and Coke Company,)	
North Shore Gas Company, and Northern)	
Illinois Gas Company d/b/a Nicor Gas)	
Company)	
)	
Adoption of Policies Concerning the Illinois)	
Statewide Technical Reference Manual for)	
Energy Efficiency)	

EXPEDITED APPLICATION FOR REHEARING TO CLARIFY TRM POLICIES

Pursuant to 220 ILCS 5/10-113(a) and 83 Ill. Admin. Code Part 200.880, Ameren Illinois Company (“Ameren Illinois”), Commonwealth Edison Company (“ComEd”), The Peoples Gas Light and Coke Company and North Shore Gas Company (“Peoples Gas/North Shore Gas” or “PG/NSG”), and Northern Illinois Gas Company d/b/a Nicor Gas Company (“Nicor Gas”) (collectively, referred to herein as “Petitioners”) hereby request that the Illinois Commerce Commission (“Commission”) grant this application and provide clarification on certain policies set forth in the Illinois Statewide Technical Reference Manual for Energy Efficiency (“TRM”) approved by the Commission in its March 27, 2013 Final Order (“Final Order”)¹ in this docket. As explained further below, Petitioners request that rehearing be conducted on an expedited basis to provide clarity and certainty regarding the application of TRM policies and values to the Petitioners’ energy efficiency portfolios as originally intended.

¹ The Final Order was served on the Parties on March 28, 2013. (See 03/28/13 Aff. of Service).

In its Final Order, the Commission approved the policy section of the TRM (“TRM Policies,” Attachment A to Staff Report filed October 25, 2012), which had been developed by the TRM Administrator with input from the Petitioners and other Illinois Energy Efficiency Stakeholder Advisory Group (the “SAG”) participants, including the Staff of the Commission (“Staff”).² (Final Order at 2.) Although Petitioners believe that the Final Order is well-reasoned and supported by the record, the SAG participants have since come to understand that a fundamental disagreement did in fact exist among them regarding three core questions of the TRM’s application:

(1) Does the TRM cease to be effective at the end of each Plan Year?

(2) Should an existing measure in the TRM be removed entirely if there is disagreement over any subcomponent of the measure during the update process?

(3) Should measure level non-consensus issues that have been properly raised and then resolved by the Commission be applied retroactively to the beginning of the current plan year or prospectively (and if prospectively, how)?

As explained in more detail in Section II *infra*, these three questions reveal that participants did not agree on certain key applicability issues. In order to move forward with the application of the TRM, it is imperative that the Commission address and answer these questions as expeditiously as possible.

I. BACKGROUND

The first portion of the TRM – the “Technical TRM” – was developed by the TRM Administrator with input from the SAG and finalized on September 14, 2012. The purpose of

² As explained by Staff in its December 18, 2012 report filed in this docket, “the SAG was first defined in the electric utilities’ first energy efficiency Plan Orders to include ‘the Utility, DCEO, Staff, the Attorney General, SOMA and CUB and representation from a variety of interests, including residential consumers, business consumers, environmental and energy advocacy organizations, trades and local government ... [and] a representative from the ARES (alternative retail electric supplier) community should be included.’ Docket No. 07-0540, Final Order at 33 (February 6, 2008).”

the TRM is to provide a transparent and consistent basis for calculating energy and capacity savings generated by the State of Illinois' EE programs, which are administered by DCEO and the Petitioners. (Final Order at 3.) On January 9, 2013, the Commission approved the Technical TRM in Docket No. 12-0528.

During the development of the technical portion of the TRM, the SAG participants concluded that a consistent set of TRM policies should be adopted by the Commission in order to ensure that the recorded TRM values and calculation of energy savings are applied and calculated consistently across the state. (Final Order at 3.) The TRM policies would also provide transparency of and consistency in the applicability of TRM values so that all stakeholders would have a common reference document for measure, program and portfolio savings. (*Id.* at 3.) On January 24, 2013, the Commission issued an order initiating this proceeding to consider adoption of policies concerning the TRM. Pursuant to that initiating order, Petitioners were made respondents. The Attorney General of the State of Illinois ("AG") and the Citizens Utility Board ("CUB") also appeared. Collectively, the utilities (Petitioners herein), Commission Staff, the AG and CUB have been referred to in this docket as the "Parties."

The purpose of Commission approval of the TRM Policies in this docket was to eliminate the inefficiencies of litigating these policies in each of the utilities' separate three-year EE Plan dockets and to provide certainty regarding the use and application of the TRM on an on-going basis. (Final Order at 3.) At the time of the Final Order, the Parties believed that a consensus view had been reached regarding the TRM Policies, and that such view was represented in the TRM Policies attached to the Staff Report in this proceeding.

II. ISSUES ON REHEARING

Since the Final Order issued, certain SAG participants have determined that, while the TRM Policies still reflect a consensus document, there existed a disagreement on three key issues regarding the interpretation and application of it. Although limited to three issues, the Petitioners request that the Commission expeditiously address the following questions to dispel confusion and restore the intended certainty:

(1) Does the TRM cease to be effective at the end of each Plan Year?

(2) Should an existing measure in the TRM be removed entirely if there is disagreement over any subcomponent of the measure during the update process?

(3) Should measure level non-consensus issues that have been properly raised and then resolved by the Commission be applied retroactively to the beginning of the current plan year or prospectively (and if prospectively, how)?

Petitioners request that the Commission grant their request so that the Commission can amend its Final Order or issue an Order on Rehearing that provides clarity to the SAG with respect to these issues. Granting Petitioners' request would allow for the record to accurately reflect the Parties' positions in this docket with respect to the TRM Policies. More importantly, it would also provide the Commission with the opportunity to review the record, the Final Order, and any additional evidence and argument and then provide clarity with respect to the interpretation and application of the TRM Policies approved by way of the Final Order.

Finally, clarity and certainty regarding how the TRM should be interpreted and applied affects issues involving the Illinois Power Agency's procurement plan for 2014, each Petitioner's program plan for the final year of its current three-year EE program, which begins June 1, 2013, and the filing of Petitioners' next three-year EE Plans, which are currently being developed by each Petitioner for submission to the Commission on September 1, 2013. Accordingly,

Petitioners request that the Commission grant their request and set a schedule that expeditiously resolves the three issues set forth above.

III. CONCLUSION

For the reasons set forth above, Petitioners respectfully request that the Commission grant their application on the limited issues identified above and set a schedule that expeditiously resolves them.

Dated: April 29, 2013

Respectfully submitted,

AMEREN ILLINOIS COMPANY

By: 
Mark W. DeMonte
One of its attorneys

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Date: April 29, 2013

Respectfully submitted,

COMMONWEALTH EDISON COMPANY

By: _____

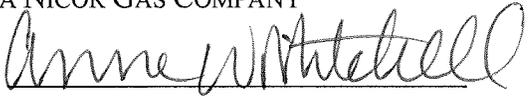


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Date: April 29, 2013

Respectfully submitted,

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RESPECTFULLY SUBMITTED,

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STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

VERIFICATION

I, Mark W. DeMonte, certify that: (1) I am counsel for Ameren Illinois Company (“Ameren Illinois”); (2) I have read the foregoing “Expedited Application for Rehearing to Clarify TRM Policies”; (3) I am familiar with the facts stated therein with respect to Ameren Illinois; and (4) the facts are true and correct to the best of my knowledge and belief.



Mark W. DeMonte

SUBSCRIBED and SWORN to
Before me this 29th day of
April 2013.



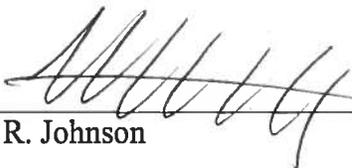
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STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

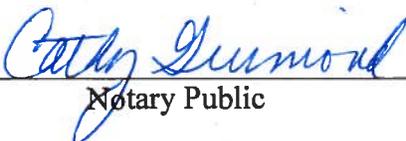
VERIFICATION

I, Mark R. Johnson, first being duly sworn, state that I have read the foregoing "Expedited Application for Rehearing to Clarify TRM Policies", and that the facts stated therein are true and correct to the best of my knowledge and belief.

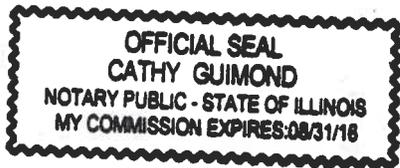


Mark R. Johnson

Subscribed and sworn to before
me this 29 day of April, 2013.



Notary Public



STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

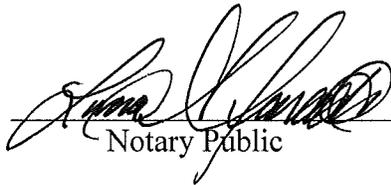
VERIFICATION

I, Anne W. Mitchell, first being duly sworn, state that I have read the foregoing Expedited Application for Rehearing to Clarify TRM Policies, and that the facts stated therein are true and correct to the best of my knowledge and belief.



Anne W. Mitchell

Subscribed and sworn to before me
this 29th day of April, 2013.



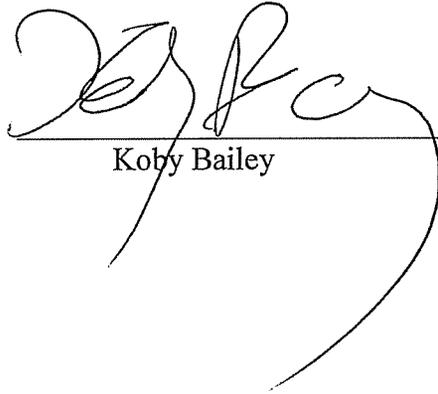
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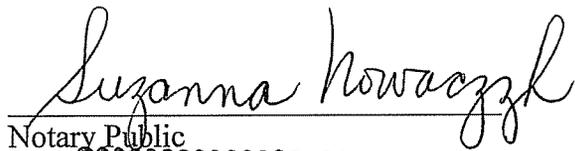
VERIFICATION

I, Koby Bailey, being first duly sworn, state that I am authorized to sign this verification on behalf of The Peoples Gas Light and Coke Company and the North Shore Gas Company, that I have read the foregoing Expedited Application For Rehearing To Clarify TRM Policies made jointly by Commonwealth Edison Company, The Peoples Gas Light and Coke Company, North Shore Gas Company, Ameren Illinois Company and Northern Illinois Gas Company, that I am knowledgeable of the facts stated therein, and that the same are true and correct to the best of my knowledge and belief.

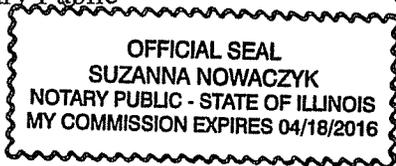


Koby Bailey

Subscribed and sworn to before
me this 29th day of April, 2013.



Notary Public



CERTIFICATE OF SERVICE

I, Mark W. DeMonte, an attorney, certify that on April 29, 2013, I served a copy of the foregoing Expedited Application for Rehearing to Clarify TRM Policies by electronic mail to the individuals on the Commission's Service List for Docket No. 13-0077.

/s/ Mark W. DeMonte
Mark W. DeMonte
Attorney for Ameren Illinois Company