

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission	:	
On its Own Motion	:	
-vs-	:	
Commonwealth Edison Company	:	
	:	
	:	
Investigation Regarding Progress in	:	Docket No. 13-0285
Implementing the Advanced Metering	:	
Infrastructure Deployment Plan	:	
	:	

DRAFT ORDER

By the Commission:

I. Procedural History

This proceeding is a statutory investigation commenced on April 9, 2013 by the Illinois Commerce Commission (“Commission” or “ICC”) under Section 16-108.6(e) of the Public Utilities Act (“Act”) for the purpose of investigating Commonwealth Edison Company’s (“ComEd”) progress in implementing its Advanced Metering Infrastructure (“AMI”) Implementation Plan (“AMI Plan”) and ComEd’s 2013 Smart Grid Advanced Metering Annual Implementation Progress Report (“Annual Report” or “Progress Report”) filed on April 1, 2013. See ComEd, ICC Order Docket No. 13-0285 (April 9, 2013).

The Commission approved ComEd’s AMI Plan in Docket No. 12-0298. See ComEd, ICC Order Docket No. 12-0298 (June 22, 2012) (“Smart Grid Order”). ComEd sought rehearing of the Smart Grid Order, which the Commission granted. See ComEd, ICC Notice of Commission Action Docket No. 12-0298 (July 12, 2012). On rehearing, ComEd submitted a “Revised AMI Plan” which the Commission approved on December 5, 2012. See ComEd, ICC Order on Rehearing Docket No. 12-0298 (December 5, 2012) (“Smart Grid Order on Rehearing”).

Section 16-108.6(e) of the Public Utilities Act (“Act”) requires ComEd, after consultation with the Smart Grid Advisory Council (“SGAC”), to file a report by April 1 of each year beginning in 2013 regarding “the progress it has made toward completing implementation of its AMI Plan.” 220 ILCS 5/16-108.5(e). ComEd consulted with the

SGAC regarding its Annual Report at a meeting held on March 14, 2013. (ComEd Ex. 1.0 at 5-6.) Thereafter, ComEd timely filed its Annual Report titled “Smart Grid Advanced Metering Annual Implementation Progress Report” on April 1, 2013. The annual report includes supporting Exhibits, Attachments and Appendices. See generally ComEd Exs. 1.0 through 4.0, Attachments 1 through 3, Appendices A and B, and Revised Smart Grid Advanced Metering Infrastructure Deployment Plan (“Updated AMI Plan”).

A status hearing was convened before duly appointed Administrative Law Judges (“ALJs”) at the Commission’s Chicago offices on April 22, 2013. The Illinois Attorney General (“AG”) filed an appearance on April 12, 2013, and the City of Chicago (“Chicago”) filed appearances on April 16 and April 26, 2013. The Citizens Utility Board (“CUB”) and the Environmental Law and Policy Center (“ELPC”) filed petitions to intervene which were duly granted. (Tr. at 6-7, April 22, 2013.) A schedule was adopted for the submission of Verified Initial Comments (“Initial Comments”) and Verified Reply Comments (“Reply Comments”). See Notice of Continuance of Hearing and Notice of Schedule, ICC Docket No. 13-0285 (April 24, 2013). Thereafter, the Staff of the Commission (“Staff”), Chicago, and jointly CUB and ELPC (“CUB/ELPC”) filed Verified Initial Comments on May 7, 2013.

On May 22, 2013 Public Act 98-0015 (eff. May 22, 2013) (amending 220 ILCS 5/16-108.5) (“PA 98-0015”) became law. PA 98-0015 requires the Commission, after notice and hearing, to enter an Order in this proceeding to “accelerate the commencement of the meter deployment schedule approved in the final Commission order on rehearing entered in Docket No. 12-0298.” 220 ILCS 5/16-105.5(l)(1)(A). On May 22, 2013, ComEd filed a Statement of Position (“SOP”) proposing the adoption of the Staff Alternative – Adjusted accelerated deployment schedule described in its Annual Report and associated testimony. (See ComEd SOP at 5; Annual Report App. B at 8-10; ComEd Ex. 1.0 at 7; ComEd Ex. 2.0 at 2, 7-13; ComEd Ex. 3.0 at 10.) At a status hearing held May 24, 2013, it was determined that the sole issue of the accelerated deployment schedule pursuant to PA 98-0015 would be addressed via an evidentiary hearing to be held on May 28, 2013 and subsequent Commission Interim Order, with all other issues to be addressed via the previously adopted Verified Comments schedule. Accordingly, this Order does not address the issue of the accelerated deployment schedule pursuant to PA 98-0015. At the May 28, 2013 hearing, ComEd submitted into the record the direct testimony and supporting affidavits of four witnesses and Appendix B of its Annual Report. No parties conducted cross-examination of ComEd’s witnesses.

ComEd filed Reply Comments on May 30, 2013. No other parties filed Reply Comments.

II. Staff Position

Staff concludes that ComEd’s Annual Report, with the addition of information related to AMI investment, addresses the statutory requirements contained in Section

16-108.6(e) of the Act, and the directives contained in the Commission's Smart Grid Order and Smart Grid Order on Rehearing (together "Smart Grid Orders"). (Staff Initial Comments at 9.)

As an initial matter, Staff observes that Section 16-108.6(e) of the Act requires ComEd, as a participating utility,¹ after consultation with the SGAC, to file a report by April 1 of each year beginning in 2013 regarding "the progress it has made toward completing implementation of its AMI Plan." Id. at 3-4. Staff notes that ComEd consulted with the SGAC regarding its Annual Report at a meeting held on March 14, 2013, and timely filed its Annual Report on April 1, 2013.

Staff observes that Section 16-108.6(e) requires that ComEd's Annual Report must:

- (1) describe the AMI investments made during the prior 12 months and the AMI investments planned to be made in the following 12 months;
- (2) provide sufficient detail to determine the utility's progress in meeting the metrics and milestones identified by the utility in its AMI Plan; and
- (3) identify any updates to the AMI Plan.

Id. at 4; 220 ILCS 5/16-108.6(e)(1)-(3). In addition, Staff observes that the Commission's Smart Grid Orders directed ComEd to report on updates to technical standards, such as standards relating to interoperability, the outcome of stakeholder discussions regarding a Time of Use ("TOU") tariff, the identification and tracking of vulnerable customers, and development of a suitability map for distributed generation ("DG") facilities.² Id. at 3-4, 6, 8-9.

With respect to the Section 16-108.6(e)(1) requirement, Staff interprets this as requiring ComEd to produce a list of AMI investments that it undertook in 2012, is scheduled to complete in 2013, and the amount of each investment. Id. at 5. Staff notes that although ComEd's Annual Report contains an updated budget for 2012 and a budget for 2013 and following years, it does not include a list of AMI investments. Id. ComEd provided this information in response to a Staff Data Request attached to Staff's Initial Comments as Attachment A. Staff recommends that this information be included in ComEd's Annual Report to ensure compliance with Section 16-108.6(e). Id. In addition, Staff recommends that future Annual Reports include a list of AMI investments that were completed during the reporting year and that are scheduled for the following year.³

¹ "Participating Utility" is defined in Section 16-108.5(b) of the Act.

² Staff also points out that the Commission's Smart Grid Orders directed ComEd to report on its efforts to accelerate AMI deployment; however, as previously noted, pursuant to PA 98-0015 this Order does not address the issue of an accelerated AMI deployment schedule.

³ ComEd states in its Reply Comments that it does not object to inclusion of the Data Request Response in the Annual Report, attached to its Reply Comments as Appendix A, and that it will include presentation of the data in the form requested in the Data Request in future Annual Reports. (See ComEd Reply Comments at 9; Appendix A).

With respect to the Section 16-108.6(e)(2) requirement, Staff observes that ComEd's Annual Report includes data on approximately sixty metrics, including numerous metrics and milestones that ComEd, after discussions with stakeholders, agreed to track and report. Id. Staff notes that the Annual Report states that data will be provided with each annual report. Id. at 6. Staff also states that it has no objection to ComEd's proposal to use 2012 data as a baseline for each agreed-upon measure, and that it does not disagree with the Annual Report's statement that "[n]one of the data points captured indicate an inability for ComEd to execute the deployment according to the approved plan." Id.

With respect to the Section 16-108.6(e)(3) requirement, Staff observes that ComEd's Updated Annual Plan includes an updated budget and information about the discussions with stakeholders regarding vulnerable customers. Id. Staff also observes that the Annual Report includes an updated budget. Id.

With respect to the directives contained in the Commission's Smart Grid Orders, Staff observes that concerning technical standards, the Annual Report notes that with the exception of a supplemental standard, none of the standards in the AMI Plan have been updated or superseded. Id. at 9. Staff notes that concerning the TOU tariff, the Annual Report documents the outcome of stakeholder discussions regarding TOU rates and also describes ComEd's position that it does not favor offering a TOU rate at this time. Id. Concerning vulnerable customers, Staff notes that the Annual Report and associated appendices document ComEd's stakeholder discussions regarding the identification of vulnerable customers. Id. Finally, concerning the DG suitability map, Staff notes that the Annual Report documents ComEd's efforts to develop a mapping tool to identify DG sites. Id.

Staff concludes that ComEd's Annual Report, with the addition of information related to AMI investment, addresses the statutory requirements contained in Section 16-108.6(e) of the Act, and the directives contained in the Commission's Smart Grid Orders. Id.

III. Commission Analysis and Conclusion

Having carefully reviewed the Comments of the parties and the arguments contained therein, the Commission finds that ComEd's Annual Report, with the inclusion of the information contained in Appendix A of ComEd's Reply Comments, complies with the requirements of Section 16-108.6(e) of the Act, and further with the directives contained in the Commission's June 22, 2012 Order and December 5, 2012 Order on Rehearing in Docket No. 12-0298.

Section 16-108.6(e) requires that ComEd, after consultation with the SGAC, file a report by April 1 of each year beginning in 2013 regarding its progress in implementing its AMI Plan. ComEd consulted with the SGAC on March 14, 2013 and timely filed its Annual Report on April 1, 2013.

Subsections (1) through (3) of Section 16-108.6(e) further require that ComEd's Annual Report:

- (1) describe the AMI investments made during the prior 12 months and the AMI investments planned to be made in the following 12 months;
- (2) provide sufficient detail to determine the utility's progress in meeting the metrics and milestones identified by the utility in its AMI Plan; and
- (3) identify any updates to the AMI Plan.

220 ILCS 5/16-108.6(e)(1)-(3).

ComEd's Annual Report contains an updated budget for 2012 and a budget for 2013 and following years. In addition, ComEd has included a list of AMI Investments and associated amounts undertaken in 2012 and scheduled for 2013 as Appendix A to its Reply Comments, and has further agreed to present this information in the same form in future Annual Reports. Therefore, the Commission finds that ComEd's Annual Report satisfies the Section 16-108.6(e)(1) requirement.

ComEd's Annual Report includes data on approximately sixty metrics, including numerous metrics and milestones that ComEd, after discussions with stakeholders, agreed to track and report. ComEd states that data will be provided with each annual report. Further, ComEd's proposal to use 2012 data as a baseline for each agreed-upon measure is reasonable. Therefore, the Commission finds that ComEd's Annual Report satisfies the Section 16-108.6(e)(2) requirement.

ComEd's Updated Annual Plan includes an updated budget and information about the discussions with stakeholders regarding vulnerable customers. In addition, the Annual Report includes an updated budget. Therefore, the Commission finds that ComEd's Annual Report satisfies the Section 16-108.6(e)(3) requirement.

The Commission in its June 22, 2012 Order and December 5, 2012 Order on Rehearing directed ComEd to report on updates to technical standards, the outcome of stakeholder discussions regarding a TOU tariff, the identification and tracking of vulnerable customers, and development of a suitability map for DG facilities. The Annual Report notes that with the exception of a supplemental standard, none of the standards in the AMI Plan have been updated or superseded. The Annual Report documents the outcome of stakeholder discussions regarding TOU rates and ComEd's position that it does not favor offering a TOU rate at this time. The Annual Report and associated appendices document ComEd's stakeholder discussions regarding the identification of vulnerable customers. Finally, the Annual Report documents ComEd's efforts to develop a mapping tool to identify DG sites. Therefore, the Commission finds that ComEd's Annual Report complies with the directives contained in the Commission's June 22, 2012 Order and December 5, 2012 Order on Rehearing in Docket No. 12-0298.

IV. Findings and Ordering Paragraphs

The Commission, having given due consideration to the entire record herein and being fully advised in the premises, is of the opinion and finds that:

- (1) the Commission has jurisdiction over the parties hereto and the subject matter herein;
- (2) 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;
- (3) on April 1, 2013, Commonwealth Edison Company timely filed with the Commission its Smart Grid Advanced Metering Annual Implementation Progress Report after consultation with the Smart Grid Advisory Council;
- (4) the Smart Grid Advanced Metering Annual Implementation Progress Report, as modified by Appendix A to ComEd's Reply Comments, complies with the requirements of Section 16-108.6(e) of the Act;
- (5) the Smart Grid Advanced Metering Annual Implementation Progress Report complies with the directives contained in the Commission's June 22, 2012 Order and December 5, 2012 Order on Rehearing in Docket No. 12-0298;
- (6) Commonwealth Edison Company is to include the information contained in Appendix A of its Reply Comments in the same form in all future Smart Grid Advanced Metering Annual Implementation Progress Reports.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that Commonwealth Edison Company's Smart Grid Advanced Metering Annual Implementation Progress Report, as modified herein, complies with the requirements of Section 16-108.6(e) of the Act and is hereby approved.

IT IS FURTHER ORDERED that all motions, petitions, objections, and other matters in this proceeding which remain unresolved are to be disposed of in a manner consistent with the conclusions herein.

IT IS FURTHER ORDERED that, subject to the provisions of Section 10-113 of the Public Utilities Act and 83 Ill. Adm. Code 200.800, this Order is final; it is not subject to the Administrative Review Law.

By Order of the Commission this XX day of June, 2013.

(SIGNED) DOUGLAS P. SCOTT

Chairman