

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

**THE PEOPLE OF THE STATE OF ILLINOIS,**  
*ex rel.* **LISA MADIGAN, Attorney General of the**  
**State of Illinois**

**Complainants**

**vs.**

**COMMONWEALTH EDISON COMPANY**  
**Complaint to investigate and modify the Formula**  
**Rate Tariff established under Section 16-108.5**  
**of the Act**

**Docket No. 13-**

**VERIFIED COMPLAINT OF THE PEOPLE OF THE STATE OF ILLINOIS  
TO INVESTIGATE AND MODIFY THE FORMULA RATE TARIFF  
ESTABLISHED UNDER SECTION 16-108.5(c) OF THE PUBLIC UTILITIES ACT**

The People of the State of Illinois, *ex rel.* Lisa Madigan, Attorney General of the State of the Illinois (“AG” or “the People”), pursuant to sections 9-101, 9-250 and 16-108.5 of the Public Utilities Act (“the PUA”), 220 ILCS 5/9-101, 9-250, and 16-108.5, request that the Illinois Commerce Commission (“Commission”) investigate and modify the revised formula rate tariff filed by Commonwealth Edison Company (“ComEd”) on May 30, 2013 in ICC Docket No. 13-0386 (“Revised Formula Rate Tariff”), in response to the General Assembly’s enactment of Public Act 98-0015 (“P.A. 98-0015”), to (1) correct ComEd’s calculation of unauthorized interest on its reconciliation balance, (2) correct recent changes to ComEd’s calculation of the Section 16-108.5(c)(5) return on equity (“ROE”) collar that were not authorized by law, (3) expressly reflect the appropriate tax treatment in calculating interest on the reconciliation balance

in the formula rate tariff, and (4) establish just and reasonable rates pursuant to the formula modifications requested herein.

### **Summary of Complaint**

1. P.A. 98-0015, which amended Section 16-108.5 of the PUA, authorized specific changes to the formula rate tariff originally approved by the Commission in ICC Docket No. 11-0721<sup>1</sup>. 220 ILCS 5/16-108.5(k). Among other modifications, P.A. 98-0015 authorized two changes to the actual revenue requirement for the prior rate year specified in Section 16-108.5(d): a change from average rate base to year-end rate base for calculating the actual reconciliation revenue requirement for the prior rate year<sup>2</sup> and a change of interest rate on the over- or under-collection of the actual reconciliation revenue requirement for the prior rate year<sup>3</sup>.

2. The modifications in ComEd's Revised Formula Rate Tariff also included unauthorized changes: (i) an unauthorized adjustment to the weighted average cost of capital ("WACC") interest rate to gross it up for taxes, increasing the interest rate on the reconciliation balance from the 6.91% WACC interest rate to 9.67%; and (ii) an unauthorized change to the rate base used in the calculation of the ROE "collar" specified in Section 16-108.5(c)(5) of the Act. *See* ICC Docket 13-0318, ComEd Ex. 3.18, Schedule FR D-1, lines 22-25 and Schedule FR A-4, line 2; and Schedule FR A-3, line 1, referencing Schedule FR A-1 REC line 12, attached as Exhibits 1, 2, 3 and 4, respectively.

3. In addition, in order to properly apply the interest rate authorized by P.A. 98-0015, the Commission should determine the "net-of-tax" reconciliation balance. To the extent that the Commission concludes that the "net-of-tax" adjustment requires a modification to the formula

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<sup>1</sup> *Commonwealth Edison Company -- Tariffs and charges submitted pursuant to Section 16-108.5 of the Public Utilities Act*, ICC Docket No. 11-0721, Order of May 29, 2012, Order on Rehearing of October 3, 2012.

<sup>2</sup> 220 ILCS 5/16-108.5(d)(1).

<sup>3</sup> *Id.*

rate tariff, the People request that the Commission make that modification and the other modifications requested in this complaint docket no less than 30 days before the entry of the January 1, 2014 rates to be set in Docket 13-0318. *See* 220 ILCS 5/16-108.5(c)(6) (“Any change ordered by the Commission shall be made at the same time new rates take effect ... provided that the new rates take effect no less than 30 days after the date on which the Commission issues an order adopting the change.”)

4. If permitted to remain in place, the unauthorized formula rate tariff changes approved in the Revised Formula Rate Tariff, as well as that tariff’s failure to determine the “net of tax” reconciliation balance, would unjustly enrich ComEd in the pending and future annual reconciliation proceedings under sections 16-108.5(d) of the Act. The Revised Formula Rate Tariff approved by the Commission included formula rate protocols that were overbroad and improperly changed provisions of the formula that P.A. 98-0015 did not address. As a result, the Revised Formula Rate Tariff produced rates that are excessive, unjust, unreasonable and unlawful under section 9-101 and 16-108.5 of the PUA.

5. The People request that the Commission, upon investigation under Section 9-250 of the Act, modify the formula rate tariff and apply the modified tariff to establish new rates for ComEd consistent with the evidence produced in this investigation and the formula rate reconciliation proceeding pending in ICC Docket No. 13-0318, and consistent with the provisions of section 9-101 and 16-108.5(c) of the Act that require just and reasonable rates.

6. The issues raised in this complaint are also issues in ICC Docket No. 13-0318 (*ComEd -- Petition to Initiate an Annual Formula Rate Update and Revenue Requirement Reconciliation Under Section 16-108.5 of the Act*). The People are filing a Motion to Consolidate this complaint with Docket No. 13-0318. In that docket, ComEd requests a revenue increase of \$353

million from its customers<sup>4</sup>, which includes application of provisions of the Revised Formula Rate Tariff that improperly increase the size of the requested revenue requirement.

In support of this Complaint, the People state as follows:

### Jurisdiction

7. Section 9-101 of the PUA provides that all utility rates shall be just and reasonable.

220 ILCS 5/9-101.

8. Section 9-250 of the PUA authorizes Commission investigations of a public utility's rates. This section provides:

“whenever the Commission, after a hearing had upon its own motion or upon complaint, shall find that the rates or other charges, or classifications, or any of them, demanded, observed, charged or collected by any public utility for any service or product or commodity, or in connection therewith... are unjust, unreasonable, discriminatory or preferential, or in any way in violation of any provisions of law, or that such rates or other charges or classifications are insufficient, the Commission shall determine the just, reasonable or sufficient rates or other charges, classifications, rules, regulations, contracts or practices to be thereafter observed and in force, and shall fix the same by order as hereinafter provided.”

220 ILCS 5/9-250.

9. Section 9-250 also provides that the “Commission shall have power, upon a hearing, had upon its own motion or upon complaint, to investigate a single rate or other charge, ...or the entire schedule or schedules of rates or other charges, classifications, rules, regulations, contracts and practices, or any thereof of any public utility, and to establish new rates or other charges, classifications, rules, regulations, contracts or practices or schedule or schedules, in lieu thereof.”

220 ILCS 5/9-250.

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<sup>4</sup> See ICC Docket No. 13-0318, ComEd Ex. 14.01, Schedule FR A-1, line 38.

10. Section 16-108.5(c) of the Energy Infrastructure Modernization Act (“EIMA”) establishes Commission authority “under Article IX and other provisions of this Act to initiate an investigation of a participating utility’s performance-based formula rate tariff, provided that any such changes shall be consistent with paragraphs (1) through (6) of ...subsection (c).”<sup>5</sup> This provision also provides that “[a]ny change ordered by the Commission shall be made at the same time new rates take effect following the Commission’s next order pursuant to subsection (d) of this Section, provided that the new rates take effect no less than 30 days after the date on which the Commission issues an order adopting the change.” 220 ILCS 5/16-108.5(c).

### **Parties**

11. ComEd is a corporation organized and existing under the laws of the State of Illinois, with its principal office in Chicago, Illinois. ComEd provides electric delivery services and, in some cases, electric power and energy to approximately 3.8 million customers in the northern portion of Illinois. ComEd is a public utility within the meaning of Section 3-105 of the Act, 220 ILCS 5/3-105; is an electric utility within the meaning of Section 16-102 of the Act, 220 ILCS 5/16-10; and is currently regulated pursuant to Section 16-108.5 of the Act.

12. Section 6.5(c) of the Attorney General Act establishes the Consumer Utilities Unit, consisting of Assistant Attorneys General appointed by the Attorney General, who, together with such other staff as is deemed necessary by the Attorney General, shall have the power and duty on behalf of the people of the State to intervene in, initiate, enforce, and defend all legal proceedings on matters relating to the provision, marketing, and sale of electric... service whenever the Attorney General determines that such action is necessary to promote or protect the

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<sup>5</sup> Paragraphs (1) through (6) of subsection (c) establish the ratemaking protocols for the revenue requirement established by the Commission annually. 220 ILCS 5/16-108.5(c).

rights and interests of all Illinois citizens, classes of customers, and users of electric... services.  
15 ILCS 205/6.5(c).

**Count I-Unauthorized Interest Charges**

13. Petitioners incorporate by reference as though expressly set out each and every allegation contained in paragraphs 1 through and including 12 above.

14. Section 16-108.5 of the Act authorizes annual formula rates and grants the utility the right to reconcile the revenue requirement set for the prior year with actual costs incurred in that year, and to either apply a surcharge or a credit to consumers' bills to provide the utility with "what the revenue requirement would have been had the actual cost information for the applicable calendar year been available at the time of filing." 220 ILCS 5/16-108.5(c)(6). In general, the formula is supposed to:

Provide for the recovery of the utility's actual costs of delivery services that are prudently incurred and reasonable in amount consistent with Commission practice and law. The sole fact that a cost differs from that incurred in a prior calendar year or that an investment is different from that made in a prior calendar year shall not imply the imprudence or unreasonableness of that cost or investment.

*Id.* at (c)(1).

15. On April 29, 2013, ComEd filed a petition presenting its second annual formula rate update and revenue requirement reconciliation tariffs as provided under Section 16-108.5(d), which initiated Docket No. 13-0318. The Commission suspended the tariffs and initiated a hearing to review the prudence and reasonableness of the utility's costs reflected in the inputs to

the formula. Section 16-108.5(d) requires the Commission to enter its final order, in this case, no later than 240 days after filing, or by December 25, 2013.

16. On May 22, 2013, P.A. 98-0015 became law and made specific formula rate tariff changes in subsections (c) and (d) of Section 16-108.5. These changes related to the Commission's calculation of the formula rate revenue requirement, including the annual reconciliation of revenues with actual costs incurred over the applicable rate year as follows:

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|-------------------|---|
| 16-108.5(c)(2)    | The formula shall reflect the utility's actual <u>year-end</u> capital structure for the applicable calendar year, excluding goodwill, subject to a determination of prudence and reasonableness consistent with Commission practice and law. |
| 16-108.5(c)(4)(D) | Investment return on pension assets described.  |
| 16-108.5(d)(1)    | Actual revenue requirement for the prior rate year <u>determined using a year-end rate base;</u>  |
| 16-108.5(d)(1)    | Interest on actual revenue requirement for the prior rate year <u>calculated at a rate equal to the utility's weighted average cost of capital approved by the Commission for the prior rate year;</u>  |

Subsection (k) set out the procedure for changing the utility's formula rate tariff to incorporate the changes made to subsections (c) and (d). 220 ILCS 5/16-108.5(c),(d) and (k).

17. Subsection (k) specifies that the tariff changes resulting from the P.A. 98-0015 amendments "shall relate only to, and be consistent with, ... paragraph (2) of subsection (c) regarding year-end capital structure, subparagraph (D) of paragraph (4) of subsection (c) regarding pension assets, and subsection (d) regarding the reconciliation components related to year-end rate base and interest calculated at a rate equal to the utility's weighted average cost of capital." 220 ILCS 5/16-108.5(k).

18. New Section 16-108.5(k)(1) of the PUA, provides in pertinent part:

No earlier than 5 business days after the effective date of ... [PA 98-0015], each participating utility shall file any tariff changes necessary to implement th[at] amendatory language ... and a revised revenue requirement under the participating utility's performance-based formula rate. The Commission shall enter a final order approving such tariff changes and revised revenue requirement within 21 days after the participating utility's filing.

220 ILCS 5/16-108.5(k)(1). On May 30, 2013, ComEd filed with the Commission revisions to Rate DSPP and the formula rate templates<sup>6</sup> (“Revised Formula Rate Tariff”). Six days later, the Commission approved the proposed formula rate template tariff and the rates established under the proposed tariff, and the new rates in question by this Complaint took effect on June 6, 2013.

19. On May 31, 2013, ComEd filed a Verified Amended Petition to its April 29, 2013 Formula Rate Petition, which if implemented, would “govern how the 2014 Rate Year Net Revenue Requirement, and (subject to future amendment) all subsequent revenue requirements under EIMA formula ratemaking, will be determined.” ComEd Amended Petition, filed May 31, 2013, at 4.

20. While P.A. 98-0015 authorized ComEd to change its formula rate tariff to reflect the WACC as the interest rate to apply to the over- or under-recovery of the reconciliation of the revenue requirement that was in effect for the prior rate year with the actual revenue requirement for the prior rate year, ComEd’s Revised Formula Rate Tariff included several lines to gross up that interest rate for taxes. These provisions were not found in ComEd’s initially filed formula rate in Docket 13-0318 nor in its original formula rate tariff proposed to the Commission in its first formula rate proposal in Docket 11-0721, nor were they authorized by P.A. 98-0015.

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<sup>6</sup> ICC Docket No. 13-0386, *Commonwealth Edison Company - Implementation of Section 16-108.5(k) of the Public Utilities Act as it relates to the rates of Commonwealth Edison Company*, Order of June 5, 2013.

21. The Company's WACC is calculated at lines 17-21 of ComEd Ex. 3.18, Schedule FR D-1 in ICC Docket No. 13-0318. This calculation combines the weighted costs of equity, long-term debt, short-term debt and credit facility costs, resulting in an overall WACC of 6.91 percent. ComEd labeled its WACC, at line 21 of Schedule FR D-1, as its "Pre-Tax Wtd Avg Cost of Capital (5)". *See* Exhibit 1, attached to this Complaint.

22. Notwithstanding this calculation, ComEd has applied a much higher annual interest rate of 9.67 percent to its reconciliation balance. ComEd Exhibit 3.18, Schedule FR D-1, line 25 in Docket No. 13-0318 highlights a "Total Revenue Effect of Return," which references a 9.67 percent return on equity that is carried forward to the reconciliation Schedule FR A-4, shown at Exhibit 2 attached to this Complaint. At line 2 of Schedule FR A-4, the 9.67 percent is used to compute "Interest" in column (F) of that Schedule. *See* Exhibits 1 and 2, attached to this Complaint.

23. The People request that Schedule FR A-4, Line 2 of ComEd's Revised Formula Rate Tariff be modified so that the interest rate references ComEd's calculation of its weighted average cost of capital on Schedule FR D-1, Col. D. Line 21 and the "gross up for taxes" shown in lines 22 to 25 is eliminated. This would be consistent with ComEd's originally requested interest rate in Dockets 11-0721 and 12-0321 and Section 16-108.5(d)(1) of the PUA, and the intent of P.A. 98-0015 to grant ComEd the interest rate it had requested in its original formula rate tariff filing in ICC Docket No. 11-0721 (ComEd Ex.4.1, Schedule FR D-1). The proposed changes to Sch. FR D-1 are shown on Exhibit 5 to this Complaint, and the proposed changes to Sch. FR A-4 are shown on Exhibit 6 to this Complaint.

24. If permitted to retain this unauthorized modification to the Revised Formula Rate Tariff and interest rate, ComEd consequently would collect revenues that do not reflect the

Company's actual costs, resulting in customer rates that are not just and reasonable under Section 9-101 and 16-108.5(c) of the PUA.

25. The People request that the Commission open an investigation and hold a hearing on the changes to Sch. FR D-1 and Sch. FR A-4 recommended herein, and assure that the Revised Formula Rate Tariff complies with the law and results in just and reasonable rates.

**Count II – Unauthorized Change in the ROE Collar Calculation**

26. The People incorporate by reference as though expressly set out each and every allegation contained in paragraphs 1 through and including 19 above.

27. The ROE collar calculation in Section 16-108.5(c)(5) provides that if the participating utility's earned ROE for the prior rate year is more than 50 basis points higher than the ROE calculated pursuant to Section 16-108.5(c)(3), then the utility shall apply a credit through the formula rate that reflects an amount equal to the value of that portion of the earned ROE that is more than 50 basis points higher than the ROE calculated pursuant to paragraph (3) of subsection (c) for the prior rate year, adjusted for taxes. Likewise, that subsection states that if the participating utility's earned ROE for the prior rate year is more than 50 basis points less than the ROE calculated pursuant to Section 16-108.5(c)(3), then the utility shall apply a charge through the formula rate that reflects an amount equal to the value of that portion of the earned ROE that is more than 50 basis points less than the ROE calculated pursuant to paragraph (3) of subsection (c). 220 ILCS 5/16-108.5(c)(3).

28. When ComEd changed the reconciliation rate base from average to year-end, the formula coincidentally changed Schedule FR A-3 relative to the calculation of the ROE collar calculation described in Section 16-108.5(c)(5). While P.A. 98-0015 amended Section 16-

108.5(c)(2) to require use of the year-end capital structure in the formula, it did not authorize the use of year-end rate base in the ROE collar calculation. 220 ILCS 5/16-108.5(c)(5).

29. As a result of modification to Schedule FR A-1 REC, referenced in Schedule FR A-3, ComEd proposes that the ROE collar adjustment for rate year 2012 under Section 16-108.5(c)(3) be unlawfully reduced by \$18,913,000, to ComEd ratepayers' detriment. If permitted to retain this unauthorized modification to the Revised Formula Rate Tariff, ComEd would collect revenues that do not reflect the Company's actual costs, resulting in customer rates that are not just and reasonable under Section 9-101 and 16-108.5(c) of the PUA.

30. ComEd's Revised Formula Rate Tariff should be changed to restore the calculation of the ROE collar under Section 16-108.5(c)(5) to the terms established by the Commission in ICC Docket 11-0721, where the formula rate template tariff was initially approved.

31. In order to restore the collar calculation to its originally approved terms, ComEd's Revised Formula Rate Tariff Schedule FR A-3, Line 1 should describe the calculation and use of average rate base in the ROE collar calculation under Section 16-108.5(c)(5) rather than refer to Schedule FR A-1 REC wherein year-end rate base is used for determining the actual revenue requirement for the prior rate year pursuant to P.A. 98-0015.

32. The People request that the Commission change ComEd's Revised Formula Rate Tariff Schedule FR A-3, Line 1 to eliminate the reference to Schedule FR A-1 REC, Line 12, and instead to insert the following at Schedule FR A-3, Line 1: "(Sch FR B-1, Ln 28 + Prior Year Sch FR B-1, Ln 28)/2". This modification is identical to the language in ComEd's formula rate tariff approved by the Commission in Docket 11-0721. The proposed changes to Schedule FR A-3 are shown on Exhibit 7 to this Complaint. The change proposed above removes the

unauthorized change that resulted when the reference in the Section 16-108.5(c)(5) ROE collar schedule (Schedule FR A-3, Line 1) was changed as a consequence of implementing the changes to Section 16-108.5(d) authorized by P.A. 98-0015. This change is required to base the ROE collar calculation on the appropriate, actual rate base in the prior year and to eliminate the ComEd's Revised Formula Rate Tariff changes that were not authorized by P.A. 98-0015.

33. The People request that the Commission open an investigation and hold a hearing on the change to Schedule FR A-3 recommended herein, and assure that the Formula Rate Tariff complies with the law and results in just and reasonable rates.

### **Count III – Interest on Net of Tax Reconciliation Balance**

34. The People incorporate by reference as though expressly set out each and every allegation contained in paragraphs 1 through and including 19 above.

35. Section 16-108.5 provides that the formula rate tariff must “[p]rovide for an annual reconciliation, as described in subsection (d) of this Section, with interest, of the revenue requirement reflected in rates for each calendar year, ...with what the revenue requirement would have been had the actual cost information for the applicable calendar year been available at the filing date.” 220 ILCS 5/16-108.5(c)(6).

36. In order to apply interest to the under-recovered (or over-recovered) revenue requirement in the prior year based on actual cost information, the Commission needs to reflect the tax effect of the under- (or over-) collection of the actual revenue requirement for the prior year. Because the utility pays income taxes based on revenues actually received in the tax year, the tax savings from receiving fewer revenues in the prior year represent an actual cost savings that should be reflected in assessing interest on the reconciliation balance. Similarly, if the utility received greater revenues in the prior year that will be refunded later, the utility will have

a higher income tax bill, and that effect should be reflected in assessing interest on the refund amount.

37. ComEd has recorded an Accumulated Deferred Income Taxes (“ADIT”) liability as of December 31, 2012 captioned “Regulatory (Asset/Liab: Distribution Formula Rate”) in the amount of \$34.077 million for federal income taxes and \$10.22 million for state income taxes for 2012, totaling \$44.297 million. Docket No. 13-0318, ComEd Exhibit 3.02, page 26, line 95. The delayed collection of reconciliation revenues under formula ratemaking creates a book/tax timing difference where the Company’s estimated 2012 reconciliation revenue entitlement has been recorded within book revenues, even though such revenues are not presently taxable. Notably, even though this ADIT liability balance results entirely from jurisdictional ratemaking reconciliation requirements, ComEd has treated this \$44.297 million ADIT balance (which represents non-investor supplied capital) as not delivery service related in determining its test year rate base, thereby effectively retaining all tax deferral benefits stemming from the reconciliation for its shareholders. The formula rate tariff should be amended to recognize the effect of the ADIT balance when applying interest to the reconciliation balance.

38. In Dockets 11-0721 and 12-0321, the Commission applied the short term interest rate, which was less than 1 percent, on the reconciliation balance.<sup>7</sup> While the Commission did not incorporate a net-of-tax adjustment to the reconciliation balance, due to the low interest rate, the effect was minimal.

39. With the application of the much larger WACC as the interest rate on the annual reconciliation, as directed by P.A. 98-0015, the effect of applying the interest rate on the gross reconciliation balance irrespective of income tax deferral benefits, is unjust and unreasonable

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<sup>7</sup> See ICC Docket No. 11-0721, Order on Rehearing of October 3, 2012 at 36; ICC Docket No. 12-0321, Order of December 19, 2012 at 86.

and will result in the utility receiving more than its actual costs for the prior year, in violation of sections 9-101 and 16-108.5(c) and (d) of the PUA.

40. While the application of interest to the net of income tax reconciliation balance is necessary to reflect actual costs to the utility and should not need to be specifically provided for in the formula rate tariff, ComEd has argued that the absence of this provision in the formula rate tariff precludes an adjustment to apply interest on the net-of-tax reconciliation balance. See Docket 13-0318, ComEd Exhibit 13.0 at 9-10.

41. The People request that the Commission consider in its review of ComEd's proposed formula rate tariff being investigated by the Commission in Docket No. 13-0318 whether the formula rate tariff should include a calculation of the net-of-tax reconciliation balance to which interest applies. The Formula Rate Tariff can expressly provide that interest be applied to the net-of-tax reconciliation balance by the following Formula Rate Tariff change: Schedule FR A-4, Reconciliation Computation, should be amended to insert new lines 1f and 1g above existing line 2, so that the Variance with Collar at existing line 1e is reduced by associated incremental accumulated deferred income taxes arising from the reconciliation balance. New line 1f would apply the Company's composite Effective Income Tax Rate, which is derived on Sch. FR C-4, at line 4 to the Variance with Collar (on line 1e) to quantify the offsetting "Accumulated Deferred Tax at Tax Rate" shown on new line 1f. Summing the Variance with Collar amount on existing line 1e with the calculated offsetting Accumulated Deferred Tax at Tax Rate on new line 1f yields the Net of Income Tax Variance with Collar at new line 1g to which the Monthly Interest Rate at Line 2 would apply, as set forth in the monthly amounts in Column C under a revised "Net Variance" column heading. Finally, it is necessary to insert new line 30a to Restore Deferred Income Taxes to the principal amount to be carried forward as the "Reconciliation with

Interest” on line 31. The proposed changes to Sch. FR A-4 are shown on Exhibit 6 to this Complaint.

42. Without such modification to the Revised Formula Rate Tariff, ComEd would collect revenues that do not reflect the Company’s actual costs, resulting in customer rates that are not just and reasonable under sections 9-101 and 16-108.5(c) of the PUA.

43. The People request that the Commission open an investigation and hold a hearing on the change to FR A-4 recommended herein, and assure that the Formula Rate Tariff complies with the law and results in just and reasonable rates.

**Relief Requested**

44. Pursuant to sections 9-101, 9-250 and 16-108.5 of the PUA, Complainants, the People of the State of Illinois, request the following relief:

- a) Investigate the appropriate rates and charges for Commonwealth Edison Company;
- b) Consolidate this matter with ICC Docket No. 13-0318, pursuant to motion;
- c) Modify the formula rate protocols, approved by the Commission on June 5, 2013 pursuant to ComEd’s Revised Formula Rate Tariff and in the pending formula rate tariff filed in Docket No. 13-0318, to reflect the changes listed in Counts I through III above, and ensure that the new rates take effect no less than 30 days after the date on which the Commission issues an order adopting these changes;
- d) Reduce ComEd’s delivery service rates to reflect the just and reasonable rates that result from the changes to the formula rate protocols sought in this Complaint;

e) Order such relief as the Commission deems just and reasonable.

Respectfully submitted,

THE PEOPLE OF THE STATE OF ILLINOIS  
Lisa Madigan, Attorney General

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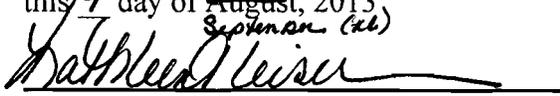
Dated: September 4, 2013

VERIFICATION

STATE OF ILLINOIS        )  
  )  
COUNTY OF COOK         )

Karen L. Lusson states that she is a Senior Assistant Attorney General in the Public Utilities Bureau in the Illinois Attorney General’s Office, that she has read the foregoing **Complaint Of The People Of The State Of Illinois To Investigate And Modify The Formula Rate Tariff Established Under Section 16-108.5 Of The Public Utilities Act**, that she knows the contents there of, and that to the best of her knowledge, information and belief, based upon reasonable inquiry, the contents are true and correct.

  
\_\_\_\_\_  
Karen L. Lusson  
Senior Assistant Attorney General  
Public Utilities Bureau  
Illinois Attorney General's Office

Signed and sworn to before me  
this 4 day of ~~August~~, 2013  
September (21)  
  
\_\_\_\_\_  
Notary Public

