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Illinois Power Agency )  
)  
Petition for Approval of the 2014 IPA )  
Procurement Plan Pursuant to Section 16- )  
111.5(d)(4) of the Public Utilities Act )

Docket No. 13-0546

**VERIFIED OBJECTION TO**  
**THE ILLINOIS POWER AGENCY'S 2014 PROCUREMENT PLAN**  
**ON BEHALF OF THE**  
**ILLINOIS DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY**

The Illinois Department of Commerce and Economic Opportunity ("DCEO"), submits the following Objection in response to the Illinois Power Agency's 2014 Procurement Plan pursuant to 220 ILCS 5/16-111.5(d)(3).

DCEO objects to the Illinois Power Authority's (IPA) 2013 Draft Energy Efficiency Procurement Plan. DCEO's objection is in accordance with Section 16-111.5(d)(2) of the Public Utilities Act and is supported by the Agency's cost-effective Potential Study submitted to the IPA on July 15, 2013 and included in this docket's record as Appendix H.

The IPA's decision to exclude DCEO from its 2014 Draft Energy Efficiency Procurement Plan is inconsistent with the intent of the Public Utilities Act. Sections 8-103 and 8-104 of the Public Utilities Act require the utilities and DCEO to work concurrently to administer cost-effective energy efficiency programs to all utility customers. The Public Utilities Act specifically requires DCEO to administer energy efficiency programs that serve two of the most financially challenged utility customer classes, low income residents and the public sector. Low income residents spend a greater percentage of their monthly income on energy and are the least able, in comparison to the other utility customers, to invest in energy efficiency measures that will reduce their energy bills. The potential for energy efficiency in low income housing,

particularly multi-family rental housing is very large. DCEO's current low income energy efficiency programs cannot keep up with the demand in this sector, which is the impetus for DCEO to expand our Energy Savers Program as part of the 2014 IPA Procurement Plan in order to yield 3,769 Mwh in energy savings. Similarly, DCEO seeks to expand our public sector Street Lighting Program via IPA's Draft Procurement Plan which would yield 29,744 Mwh in energy savings. The IPA's exclusion of these programs from its Draft Energy Efficiency Procurement Plan is inconsistent with the Public Utilities Act and prohibits DCEO from performing our statutory duty to serve low income residents and the public sector in conjunction with the utilities programs.

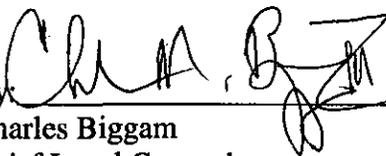
The IPA and DCEO acknowledge that amendments to the Illinois Power Agency Act are silent on how the 2013 Draft Energy Efficiency Procurement Plan applies to DCEO; clearly this omission was not the intent of the General Assembly when passing Senate Bills 1652 and 3811. In the absence of express IPA authority, DCEO believes the Illinois Commerce Commission (ICC) has the authority to bring consistency to the energy efficiency programs under the Public Utilities Act. The ICC has set a precedent by interpreting certain utility directives in the energy efficiency portfolio statute to also apply to DCEO. For example, the ICC has interpreted that provisions of the Public Utilities Act that require the utilities to demonstrate that their programs are cost-effective applies to DCEO as well. The ICC has also determined that provisions of the Public Utilities Act that require the utilities to provide an independent evaluation of their programs also apply to DCEO, even though the Act does not expressly mention DCEO.

As noted by the IPA there was consensus in the Commission-directed workshop process that cost-effective DCEO programs should be included in the procurement of energy efficiency for the IPA's annual portfolio. IPA Plan at 84. In addition, the Office of the Attorney General

(OAG) also believes it is important to incorporate DCEO programs with the IPA 2014 Procurement Plan. OAG Objection at 5.

DCEO respectfully requests the ICC interpret the amendments to the Illinois Power Agency Act to include DCEO's low income and public sector programs as part of the 2014 Draft Energy Efficiency Procurement Plan consistent with the utilities programs

Respectfully submitted,

By: 

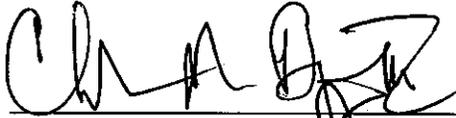
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**VERIFICATION**

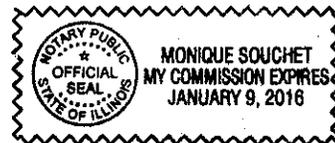
I affirm that I have knowledge of the contents of this Objection which are to the best of my knowledge, true and accurate.



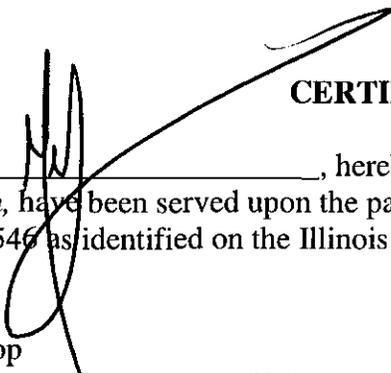
Charlie Biggam, Chief Legal Counsel  
The Illinois Department of Commerce

Notarized this 7<sup>th</sup> day of October, 2013.

  
\_\_\_\_\_  
Notary Public



**CERTIFICATE OF SERVICE**

I,  \_\_\_\_\_, hereby certify that copies of the *Notice of Filing* and *DCEO's Objection*, have been served upon the parties on the service list in Docket No. 13-0546 as identified on the Illinois Commerce Commission *e-Docket* System as follows:

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**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

Illinois Commerce Commission            )  
On its Own Motion                         )  
  )  
Petition of Approval of the 2014 IP A    )  
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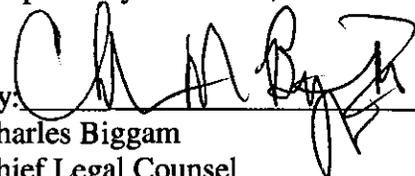
No. 13-0546

**NOTICE OF FILING**

To: All Persons on the Attached Service List

PLEASE TAKE NOTICE that on the 7th day of October, 2013, the Department of Commerce and Economic Opportunity (“DCEO”) filed with the Chief Clerk of the Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois, via U.S. Mail the *DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY’S OBJECTION* in the above-captioned docket, a copy of which is hereby served upon you.

Respectfully submitted,

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