

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

COMMONWEALTH EDISON COMPANY :
 :
Petition to request waiver of liability : No. 13-
pursuant to Section 16-125(e) to electric :
service interruptions caused by the June 24, :
2013 and August 30, 2013 storm systems. :

VERIFIED PETITION

Commonwealth Edison Company (“ComEd”) by its attorneys, respectfully petitions the Illinois Commerce Commission (the “Commission” or “ICC”) for a determination that any liability ComEd may have under Section 16-125(e) of the Public Utilities Act (“PUA”), 220 ILCS § 5/16-125(e), for service interruptions caused by the June 24, 2013 Storm System and the August 30, 2013 Storm System that damaged ComEd’s electric delivery system is waived. Absent customers affected by interruptions resulting from “[u]npreventable damage due to weather events or conditions,” no group of 30,000 customers suffered a continuous power interruption of four hours or more as a result of interruptions caused by damage from these storms.

Each of these events was followed by separate storm systems.¹ If the Commission determines based on meteorological evidence that each group of storms was one event, then, alternatively, ComEd petitions the Commission for a determination that any liability ComEd may have under Section 16-125(e) for service interruptions caused by the June 24-26 weather event and the August 30-31 weather event (together, the “Summer 2013 Storm Systems”) that damaged ComEd’s electric delivery system is waived. Similarly, setting aside customers

¹ The June 24 Storm System was followed by separate storm systems on June 25 and June 26, 2013. The August 30 Storm System was followed by a separate storm system on August 31, 2013.

affected by interruptions resulting from “[u]npreventable damage due to weather events or conditions,” no group of 30,000 customers suffered a continuous power interruption of four hours or more as a result of interruptions caused by damage from these storm events.

Despite the severe weather that moved through its service territory, ComEd responded quickly, efficiently and safely to the interruptions caused by these storm systems even though crews were working under adverse conditions as severe storms continued to move through ComEd’s service territory. Crews were mobilized prior to the June 24 and August 30 Storm Systems moving into ComEd’s service territory.

In support of this Verified Petition, ComEd states:

I. JURISDICTION

1. ComEd is a corporation organized and existing under the laws of the State of Illinois with its principal business office in Chicago, Illinois, and operating centers in DuPage and Will counties. ComEd is a public utility within the meaning of Section 3-105 of the PUA (220 ILCS 5/3-105) and an electric utility within the meaning of Article XVI of the PUA (*see* 200 ILCS 5/16-102). ComEd provides electricity and/or electric delivery services to approximately 3.8 million customers in the northern portion of Illinois.

II. INTRODUCTION AND BACKGROUND

2. Severe storm systems struck ComEd’s service territory on June 24 and August 30, 2013. Each system caused significant damage to ComEd’s electric delivery system at multiple locations across ComEd’s service territory and each storm left a group of more than 30,000 of the same customers without electric service for a common period of four hours or more, although no single interruption affected that number of customers.

3. Under the interpretation of Section 16-125(e) adopted by the Commission in *Commonwealth Edison Co.*, ICC Docket No. 11-0588 (Final Order, June 5, 2013) and *Commonwealth Edison Co.*, ICC Docket No. 11-0662 (Final Order, June 5, 2013), both of these storm systems triggered potential liability to customers within those groups. However, as shown herein, pursuant to the Commission's interpretation, customers who suffered interruptions resulting from "unpreventable damage due to weather events or conditions" (220 ILCS 5/16-125(e)(1)) must be counted and aggregated in order for a 30,000-customer group to be affected during any four hour period. Therefore, ComEd is entitled to a waiver of any liability under Section 16-125(e) resulting from interruptions caused by these storms.

4. The storms of June 24, 2013 and August 30, 2013 were followed, respectively, on June 25 and 26, 2013 and August 31, 2013 by meteorologically distinct storm systems that caused additional damage to ComEd's system and additional service interruptions. Because of their close proximity in time, ComEd's restoration and storm communication efforts overlapped and certain ComEd data (*e.g.*, restoration costs) is kept for the storm window beginning on June 24 and the storm window beginning on August 30. As distinct weather events, however, any damage caused by these follow-on storm systems, and any customers who suffered additional or compounded interruptions as a result, would be legally distinct under Section 16-125(e) and the Commission's decisions in ICC Docket Nos. 11-0588 and 11-0662 for the purposes of determining if any potential liability exists. None of these follow-on storm systems caused damage and interruptions that resulted in a common group of more than 30,000 customers to be without electric service for a period of four hours or more. None of these follow-on storms, by themselves, triggered the 30,000 customer threshold of Section 16-125(e) as interpreted and applied by the Commission.

5. In the alternative, based on meteorological evidence, should the Commission treat the June 24-26 Storm Systems as one collective weather event and August 30-31 Storm Systems as a second collective weather event for purposes of determining liability under Section 16-125(e) – which would be contrary to the facts and law – customers affected by interruptions resulting from “unpreventable damage due to weather events or conditions” (220 ILCS 5/16-125(e)(1)) would still have to be counted and aggregated, pursuant to the Commission’s interpretation, in order to reach the statutory 30,000 customer threshold during any common four hour period. The conclusion that a waiver should be granted is unchanged.

6. ComEd has appealed from the Commission’s interpretation and application of Section 16-125(e) in ICC Docket Nos. 11-0588 and 11-0662. In those dockets, like here, the storms damaged different equipment at different times in different manners causing electrically distinct interruptions across dispersed and discontinuous areas of ComEd’s territory. Under those Commission decisions, Section 16-125(e) would nonetheless be triggered by the June 24 and August 30 storms, but ComEd waives no argument made in those appeals that the Commission has interpreted and applied Section 16-125(e) erroneously.

III. THE SUMMER 2013 STORM SYSTEMS²

A. The June Storm Systems

1. The June 24 Derecho

7. On June 24, 2013 at about 3:45 p.m. CDT, a derecho and its associated thunderstorms moving eastward from Iowa entered ComEd’s service territory. A derecho (or “bow echo system”) is an unusual fast-moving, arc-shaped line of thunderstorms that typically

² All of the June 24 – 26, 2013 and August 30-31, 2013 storm systems together are referred to as the “Summer 2013 Storm Systems.”

produces destructive winds between 50 and 100 MPH.³ Moving at approximately 60 MPH, the derecho crossed Illinois in approximately three hours, with the major portions of the storm system leaving ComEd's service territory and passing into northwest Indiana before 8:00 p.m.⁴

8. The June 24, 2013 derecho produced an EF-0 tornado, high winds and gusts, numerous cloud-to-ground lightning strikes, and heavy rain rates over a broad area. The EF-0 tornado touched down in Lee County and traveled approximately four miles on the ground.⁵ Wind speeds were near 100 MPH in Lee County. Wind gusts over 60 MPH were recorded at multiple reporting stations in Cook, DuPage, Grundy, Kane, Kendall, LaSalle, Lee, and Will counties, including 85 MPH wind gusts in Mendota; 80 MPH wind gusts in Mazon; 75 MPH gusts in Elburn; 72 MPH wind gusts in Cortland; 70 MPH wind gusts in Bolingbrook, Crete, Morris, Homewood, Inverness, and Sterling; 66 MPH wind gusts in Aurora, Oswego, and Steward; 65 MPH wind gusts in Homer Glen, Matteson, and Carol Stream; 61 MPH wind gusts in Romeoville; and 60 MPH wind gusts in Arlington Heights, Morton Grove, Elgin, and Oak Lawn. Sustained wind speeds of 47 MPH and wind gusts of 67 MPH were recorded at Chicago's Midway Airport. At Chicago's O'Hare International Airport, wind gusts were recorded at 52 MPH. The system also caused about 2,700 cloud-to-ground lightning strokes in ComEd's service territory.

³ See Information located on the web at <http://www.crh.noaa.gov/lot/?n=13jun24> and <http://www.spc.noaa.gov/misc/AbtDerechos/derechofacts.htm>.

⁴ Derechos "travel quickly in the direction of movement of their associated storms, similar to an outflow boundary (gust front), except that the wind is sustained and increases in strength behind the front, generally exceeding hurricane-force." See <http://en.wikipedia.org/wiki/Derecho> and references therein for a plain language discussion of derechos and what makes them atypical and unusually damaging.

⁵ The June 24 Derecho actually produced a total of three tornados but two occurred outside of ComEd's service territory. The first was an EF-1 tornado that touched down near Atkinson in Henry County and the second was an EF-0 tornado that touched down near Van Orin in Bureau County.

9. The June 24 derecho caused extensive damage throughout the ComEd service territory. The damage was consistent with extreme sustained winds, extreme wind gusts, and lightning strikes. In addition to causing damage directly, the high winds also uprooted trees, brought down large tree branches and limbs, and blew debris into ComEd's equipment.. The EF-0 tornado also destroyed numerous utility poles.

10. The impact of the derecho was not limited to ComEd's electric delivery system. Damage to other structures in the regions was also indicative of extreme winds, and not just at or near weather reporting stations. The extreme winds were sufficient to overturn semi-trailer trucks. The storm conditions were sufficiently threatening that Metra stopped trains on several lines, including travel between Aurora and Chicago.⁶ Chicago Transit Authority trains were delayed both because of high winds and blowing debris, including tree branches – also a significant cause of unpreventable electric service interruptions.⁷

2. Subsequent June 25 – 26 Storm Systems

11. At about 1:00 a.m. CDT on June 25, several hours after the derecho and its line of thunderstorms had exited ComEd's service territory to the east, but while restoration from the damage caused by the derecho was still underway, a second complex of strong supercell thunderstorms began to move through ComEd's service territory. This line of thunderstorms moved out of northeast Iowa and southwest Wisconsin into ComEd's service territory and progressed eastward across JoDaviess and Stephenson counties, then along and north of Interstate I-90 ("I-90") out into Lake Michigan by 4:00 a.m. Following this line of

⁶ <http://www.chicagotribune.com/news/local/breaking/chi-flash-flood-watch-on-a-stormy-monday-20130624,0,6325671.story>. *See also*, <http://posttrib.suntimes.com/news/20946102-418/story.html>

⁷ <http://www.chicagotribune.com/news/local/breaking/chi-flash-flood-watch-on-a-stormy-monday-20130624,0,6325671.story>.; *See also*, <http://abclocal.go.com/wls/story?id=9150444>

thunderstorms, an additional small cluster of thunderstorms moved along and north of I-90 until 6:00 a.m. By 6:30 a.m., a new line of thunderstorms was crossing the Mississippi River into ComEd's service territory. The most intense storms associated with this line moved through JoDaviess, Carroll, Stephenson, Winnebago, Boone and McHenry counties before moving into Wisconsin. Another intense cluster of storms associated with this line developed along Interstate I-88 ("I-88") in Whiteside County and moved eastward along I-88, exiting ComEd's service territory over Lake Michigan by 11:00 a.m. The June 25 Storm System produced high wind gusts, numerous cloud-to-ground lightning strikes, heavy rainfall, and hail measuring 0.5 to 1.0 inch in diameter. The highest wind gusts were reported in DuPage County where 60-70 MPH wind gusts were reported in Downers Grove and Naperville. Further, heavy rain brought 1.0 to 2.0 inches to ComEd's service territory. Together with the June 26 Storm System, the June 25-26 Storm Systems caused about 17,500 cloud-to-ground lightning strokes in ComEd service territory. These supercell storms were a distinct weather system from the derecho that passed through the ComEd territory the previous afternoon and early evening.

12. While ComEd continued to repair damage to its electric distribution system and restore customers who were out of service as a result of interruptions caused by the June 24 derecho and the June 25 supercell thunderstorms, a third storm system moved through ComEd's service territory on June 26. A small cluster of thunderstorms developed in Whiteside and Carroll counties a little before 1:00 a.m. By 3:00 a.m., numerous clusters of thunderstorms had developed across ComEd's service territory north of I-88. These thunderstorms primarily produced frequent cloud to ground lightning and torrential rains. At approximately 4:00 a.m., a solid line of heavy thunderstorms extended from the southeast side of Chicago northwestward through central and northern Cook County into Lake, McHenry and Boone counties. These

thunderstorms remained nearly stationary through 6:00 a.m. before slowly weakening and moving out over Lake Michigan by 8:00 a.m. These storms produced intense lightning and flooding rains. The National Weather Service issued numerous Flash Flood Warnings for Lake, McHenry and Cook counties. Over 6.0 inches of rain fell near Cary and northern Boone, McHenry, southern Lake and northern Cook counties received between 3.0 to 5.0 inches of rain. Meanwhile, at approximately 8:00 a.m., a short line of heavy thunderstorms moved into LaSalle and Woodford counties and proceeded through Grundy, Livingston, Kendall, Will, Kankakee and Ford counties before weakening and moving into Indiana by 10:30 a.m. It brought intense lightning and 1.0 to 2.0 inches of rains to those areas. Finally, one last cluster of heavy storms developed around 8:30 a.m. in Ogle County. This cluster moved onto southern Winnebago, northern DeKalb and Boone counties bringing cloud to ground lightning and 1.0 to 2.0 inches of rains. At about 11:00 a.m., it had diminished. This thunderstorm system was distinct from both the June 24 derecho and the June 25 supercell thunderstorms that struck ComEd's service territory in succession the previous two days.

B. The August Storm Systems

1. The August 30 Storm System

13. Heat and humidity reached record highs on Friday, August 30, 2013. For the second time in three days, temperatures reached 96 degrees in Chicago, the record for that date. The last time two 96-degree days or higher temperatures occurred after August 27 in Chicago was 53 years earlier. Peak temperatures reached 99 degrees in Alsip, 98 degrees in Downers Grove, 97 degrees in Palos Heights, and 96 degrees in Winnetka, Evergreen Park, Flossmoor, and at both Chicago airports, O'Hare International Airport and Midway International Airport. The peak afternoon heat index reached 104 degrees at O'Hare International Airport, tying a 60-

year record. Peak heat indices measured 113 degrees in DeKalb, and 103 degrees at Midway International Airport.

14. This record heat/humidity complex rendered the atmosphere unstable and set the stage for the destructive thunderstorms that crossed ComEd's service territory on August 30. This storm system entered ComEd's service territory at about 4:30 p.m. CDT and moved southeast across the state exiting into Northwest Indiana at about 7:00 p.m. Meanwhile, a broken string of severe thunderstorms extended from Kankakee County northwestward into Stephenson County. This line of thunderstorms continued to push southward until it weakened and diminished after 11:00 p.m. The August 30 Storm System produced high wind gusts, numerous cloud-to-ground lightning strikes, heavy rain, and hail reaching 1.5-inches in diameter. Wind gusts over 50 MPH were reported in Cook, DuPage, Lake and McHenry counties, including gusts of 84 MPH in Hinsdale; 75 MPH in Skokie; 70 MPH in Evanston and Harwood Heights; 64 MPH in Harvard; 60 MPH in Gurnee; 57 MPH in Oak Lawn; and 55 MPH in Grayslake. The August 30 Storm System also produced heavy rains of 1.0 to 4.0 inches, including 3.29 inches in Harvard and 1.56 inches in Union, and over 20,600 lightning strokes in ComEd's service territory.

15. Damage to ComEd's system was indicative of high winds both near and outside of weather reporting stations. The winds uprooted trees, brought down large tree branches and limbs, blew debris into power lines, and directly damaged equipment. Two people were reported as critically injured as a result of these storms – a woman when her roof collapsed on her and a

man struck by a falling tree.⁸ The wind gusts were sufficiently severe to again cause Metra to suspend service for a time, delaying trains for over two hours.⁹

2. Subsequent August 31 Storm System

16. Just hours after the August 30 Storm System exited ComEd's service territory and while crews were still restoring service, another heavy cluster of thunderstorms began moving through ComEd's service territory. At approximately 2:00 a.m. on August 31, 2013, these thunderstorms, which were along the Wisconsin border and JoDaviess County, moved east-southeast along a frontal zone through Stephenson and Winnebago counties, into Boone County by 5:00 a.m. After 5:00 a.m., additional small clusters of heavy thunderstorms developed north of I-90 in McHenry, Lake and Northern Cook counties and moved out over Lake Michigan by 7:00 a.m. After 7:00 a.m., additional clusters of thunderstorms developed south of I-90 in DeKalb, Kane, DuPage and Cook counties. All of these storms produced occasional to frequent cloud to ground lightning and brief heavy rains. These clusters of storms gradually weakened as they moved east of Interstate I-355 into Cook County. Meanwhile, at approximately 10:00 a.m., a new cluster of storms developed in southern DeKalb County. The most intense of these storms occurred in DeKalb and Kendall counties at approximately 11:15 a.m. with damaging hail, measuring 1.0 to 1.5 inches in diameter. As these storms moved east into Will County they weakened and then diminished by 1:00 p.m.

⁸ http://www.huffingtonpost.com/2013/08/31/chicago-storms_n_3848927.html; *See also,* <http://wgntv.com/2013/08/31/woman-critical-after-roof-collapses-on-north-side/>; <http://www.nbcchicago.com/weather/stories/Storms-Ahead-as-Midwest-Drought-Worries-Rise-221783631.html#ixzz2dYu4OSo9>

⁹ http://articles.chicagotribune.com/2013-08-31/news/ct-met-severe-weather-metra-20130831_1_metra-trains-metra-website-tom-miller

17. The August 31 Storm System produced occasional cloud to ground lightning, brief heavy rains, and large hail. Rainfall measured 1.0 to 2.0 inches in JoDaviess, Stephenson, DeKalb, Kane, Kendall, DuPage, and Cook counties. The system also caused approximately 2,000 cloud-to-ground lightning strokes in ComEd service territory. This system was meteorologically distinct from the August 30 thunderstorm system that caused widespread damage in ComEd's service territory.

IV. SYSTEM DAMAGE AND INTERRUPTIONS RESULTING FROM THE SUMMER 2013 STORM SYSTEMS

18. The Summer 2013 Storm Systems caused damage to ComEd distribution facilities, primarily due to strong winds and their effects on trees, debris, and the system itself, and cloud-to-ground lightning strikes. Strong winds generally damage electrical distribution facilities not only by directly causing the failure of wires and support structures subjected to severe stress or loading, but also by causing foreign material, such as broken tree limbs, to contact or break (damage) lines and other energized equipment. Lightning also causes delivery system outages by both subjecting equipment to voltages and currents outside its design standards and "tripping" protective devices designed to protect equipment from even more serious damage by interrupting power flow. Moreover, winds do not need to exceed the design capabilities of distribution equipment itself in order to break tree branches, limbs, and even uproot or break trees, causing them to strike and damage the electrical system. Maintaining normal and accepted vegetation clearances reduces the risk of tree contact but cannot eliminate it altogether in the case of strong winds, especially where the winds topple trees or cause limbs or major branches to fall. Nor can maintaining vegetation clearances prevent blown debris from contacting ComEd facilities.

19. Table 1 below shows the number of distinct interruptions resulting from Summer 2013 storm-related damage to specific ComEd equipment and facilities. Table 1 also shows the most common causes of electric system damage from each storm system. (For the June 24 Storm System, June 25-26 Storm Systems, August 30 Storm System and the August 31 Storm System, a schedule identifying, by ComEd region and for each interruption, the number of customers interrupted, the duration, time of inception, time of restoration, the equipment and facilities involved, cause interruption and detail, and the interruption remediation is attached as Appendix A through D.)

**Table 1:
Interruptions and Damage to ComEd’s Distribution System
Resulting From the Summer 2013 Storm Systems**

<u>Storm Date(s)</u>	<u>Total Number of Interruptions</u>	<u>Major Causes of Equipment Damage</u>
June 24, 2013	1,101	Tree/Vegetation Related: 644 or 59% Weather Related: 341 or 31% Overhead Equipment Related: 37 or 3%
June 25-26, 2013	884	Tree/Vegetation Related: 331 or 37% Weather Related: 274 or 31% Underground Related: 73 or 8%
August 30, 2013	693	Tree/Vegetation Related: 315 or 46% Weather Related: 261 or 38% Overhead Equipment Related: 44 or 6%
August 31, 2013	307	Tree/Vegetation Related: 114 or 37% Weather Related: 56 or 18% Intentional (Emergency Repairs): 40 or 13%

20. Although tens of thousands of customers lost service at one time or another, Table 2 shows the start and end periods of four hours or more that a common group of over 30,000 customers were without electric service for a common period of four hours or more.

**Table 2:
Time Periods Where A Common Group of Over 30,000 Customers Was
Without Electric Service for Four Hours or More**

<u>Date</u>	<u>Time Period</u>	<u>Maximum Number of Customers</u>
June 24, 2013	First Four Hour Period: June 24 at 5:56 p.m. to June 24 at 9:56 p.m. Last Four Hour Period: June 25 at 10:06 a.m. to 2:06 p.m.	107,637
June 25-26, 2013	None	N/A
June 24-26, 2013 *Alternative	First Four Hour Period: June 24 at 5:56 p.m. to June 24 at 9:56 p.m. Last Four Hour Period: June 25 at 11:56 a.m. to 3:56 p.m.	107,637
August 30, 2013	First Four Hour Period: August 30 at 6:20 p.m. to August 30 10:20 p.m. Last Four Hour Period: August 30 at 9:35 p.m. to August 31 at 1:35 a.m.	39,683
August 31, 2013	None	N/A
August 30-31, 2013 **Alternative	Start of First Four Hour Period: August 30 at 6:20 p.m. to August 30 10:20 p.m. End of Last Four Hour Period: August 30 at 9:35 p.m. to August 31 at 1:35 a.m.	39,683

*Alternative: ComEd has presented data should the Commission treat the June 24-26 Storm Systems as one collective weather event for purposes of determining liability under Section 16-125(e).

**Alternative: ComEd has presented data should the Commission treat August 30-31 Storm Systems as one collective weather event for purposes of determining liability under Section 16-125(e).

V. COMED'S RESPONSE TO THE SUMMER 2013 STORM SYSTEMS

21. ComEd responded effectively to each of the Summer 2013 Storm Systems. ComEd repaired damage to its system and restored service to its customers rapidly, efficiently, and safely. Crews, consisting of ComEd employees, crews from other utilities, and contractors were dispatched efficiently and in accordance with appropriate priorities, working 16 hour shifts, with 8 hours of rest between shifts. Contractor/Mutual Assistance crews were called upon to assist in restoration efforts in all storms. The size and intensity of the restoration effort scaled

with the severity of the storm, and was limited principally by the available resources and the crews' ability to access the damage. Table 3 demonstrates the number of Full-Time Equivalents ("FTEs") dispatched in response to each storm

**Table 3:
FTEs Deployed in Response to Summer 2013 Storm Systems**

<u>Storm Window</u>	<u>FTEs Deployed</u>
June 24-26, 2013	ComEd deployed 540 Construction FTEs, 180 Other Construction FTEs, 130 Service FTEs, 137 Overhead Electrician Specialists FTEs (first responders/overhead facility trouble shooters), 615 Vegetation FTEs, 338 Patrollers and Wire Watchers FTEs, 751 Contractor/Mutual Assistance FTEs, and 552 Back Office/Management FTEs.
August 30-31, 2013	ComEd deployed 421 Construction FTEs, 76 Other Construction FTEs, 70 Service FTEs, 125 Overhead Electrician Specialists FTEs (includes first responders/overhead facility trouble shooters), 237 Vegetation FTEs, 123 Patrollers and Wire Watchers FTEs ¹⁰ , 343 Contractor/Mutual Assistance FTEs, and 362 Back Office/Management FTEs.

Because the June 24 and August 30 Storm Systems were each closely followed by additional storm systems, the crews responding to the June 24 and August 30 Storm Systems, respectively, continued on duty and also responded to interruptions caused by the follow-on storms.

22. ComEd promptly responded to each storm system and the resulting interruptions. Details of ComEd's response and restoration efforts for the storms occurring during both the June 24-26 storm window and August 30-31 storm window, as well as the approximate cost of the restoration efforts during those windows, are provided in Table 4. Prompt restoration was accomplished despite the fact that the various storm systems within each window primarily

¹⁰ Line patroller and wire watcher FTEs consisted of 52 ComEd FTE line patrollers; 5 Contractor FTE line patrollers; 49 ComEd FTE wire watchers; and 22 Contractor FTE wire watchers.

affected different geographic portions of ComEd’s system, adding travel and logistical challenges to already daunting restoration efforts.

**Table 4:
Restoration Times and Cost of Restoration**

<u>Storm Window</u>	<u>Restoration Cost</u>	<u>Customers Restored</u>
June 24, 2013	\$20.6 million	43.64% of all interrupted customers were restored within 4 hours of losing power, 72.94% within 12 hours of losing power, and 91.49% within 24 hours of losing power.
June 25-26, 2013	(1)	73.57% of all interrupted customers were restored within 4 hours of losing power, 93.37% within 12 hours of losing power, and 98.51% within 24 hours of losing power.
August 30, 2013	\$10.3 million	63.28% of all interrupted customers were restored within 4 hours of losing power, 83.34% within 12 hours of losing power, and 96.33% within 24 hours of losing power.
August 31, 2013	(2)	86.18% of all interrupted customers were restored within 4 hours of losing power, 97.07% within 12 hours of losing power, and 99.15% within 24 hours of losing power.
(1) Restoration costs for the June 24-26 Storm Systems appear on the June 24, 2013 line.		
(2) Restoration costs for the August 30-31 Storm Systems appear on the August 30, 2013 line.		

23. As a result of ComEd’s response and because of the design and condition of its distribution system, ComEd’s restoration efforts were effective, even given the high wind gusts, number of lightning strikes, flooding rain and hail that occurred during the storm restoration efforts.

VI. SECTION 16-125(E) AND WAIVER

24. Section 16-125(e) of the PUA can impose potential liability on ComEd, in derogation of the common law, for certain actual damages and certain incremental municipal

costs resulting from extraordinary interruptions. But, that liability can only arise under circumstances specified in the law, which provides, in pertinent part:

In the event that more than 30,000 customers of an electric utility are subjected to a continuous power interruption of 4 hours or more that results in the transmission of power at less than 50% of the standard voltage, or that results in the total loss of power transmission, the utility shall be responsible for compensating customers affected by that interruption for 4 hours or more for all actual damages, which shall not include consequential damages, suffered as a result of the power interruption. The utility shall also reimburse the affected municipality, county, or other unit of local government in which the power interruption has taken place for all emergency and contingency expenses incurred by the unit of local government as a result of the interruption.

220 ILCS 5/16-125(e).

25. As stated above, the Commission has determined that this statute is triggered when over 30,000 customers are simultaneously subjected to a four hour or longer electric service interruption. *See* ICC Docket No. 11-0588, Order (dated June 5, 2013) at 29. ComEd has appealed the Commission's interpretation of when Section 16-125(e) is triggered. The Appellate Court decision has not yet been issued. As such, ComEd continues to believe that "interruption" as used in the Section 16-125(e) refers to customers affected by one single continuous interruption and reserves any rights to raise this argument in the future.

26. In addition, Section 16-125(e) provides that, even where a triggering continuous power interruption has occurred, the Commission may grant a waiver of any potential liability if the interruption was caused by "[u]npreventable damage due to weather events or conditions." *See* 220 ILCS 5/16-125(e)(1). A utility seeking such a waiver need not prove that such unpreventable damage caused every interruption or affected every customer. Rather, Section 16-125(f) provides, in pertinent part, that "Customers with respect to whom a waiver has been

granted by the Commission pursuant to subparagraphs (1)-(4) of subsections (e) and (f) shall not count toward the 30,000 customers required therein.”

27. In order to be granted a waiver, a utility must demonstrate “whether the facilities involved with the interruptions were appropriately designed, constructed and maintained; if the weather conditions or events in question occurred at or near outage locations that exceeded the standards to which the utility’s system were appropriately designed, constructed, and maintained; whether the particular outages at issue were caused by damage resulting from the weather events or conditions that exceeded appropriate design standards; and whether the company’s restoration effort was reasonable and did not contribute to the number or length of interruptions.” *See* ICC Docket No. 11-0588, Order (June 5, 2013) at 28.

VII. THE SUMMER 2013 STORM SYSTEMS CAUSED UNPREVENTABLE EQUIPMENT DAMAGE

28. The Commission should grant ComEd a waiver of any liability under the present circumstances. 220 ILCS 5/16-125. Section 16-125(e) provides that, even where a triggering continuous power interruption has occurred, the Commission may grant a waiver of liability if the interruption was caused by “[u]npreventable damage due to weather events or conditions.” *See* 220 ILCS 5/16-125(e)(1) (emphasis added). ComEd’s request for a waiver is timely filed pursuant to 220 ILCS 5/16-125.

29. The damage to ComEd’s distribution system as a result of the June 24 and August 30 Storm Systems, or alternatively, the Summer 2013 Storm Systems, was a direct result of severe weather events that were outside of ComEd’s control. With strong wind gusts and numerous lightning strokes, the extreme weather that gripped the ComEd service territory resulted in unpreventable damage due to weather events or conditions.

30. ComEd designs, constructs and maintains its delivery system in accordance with accepted and appropriate standards, including those adopted by the Commission. The design and construction of ComEd's distribution system conforms to a detailed set of written standards. ComEd's standards incorporate applicable portions of the National Electric Safety Code, which Section 305 of the Commission's Rules adopts (83 Ill. Admin. Code § 305). Other Commission rules also establish design and construction requirements that are incorporated in ComEd's standards. In addition, ComEd's standards are based on applicable American National Standards Institute standards and Institute of Electrical and Electronics Engineers standards, which are accepted by utilities and regulators across the United States. ComEd also maintains planning standards that guide its engineers in assessing when and where system reinforcement is required. ComEd's standards are regularly reviewed to ensure that they meet these national and state standards and requirements.

31. Further, ComEd's reliability and maintenance programs are designed to improve the distribution system's reliability performance, with emphasis on reducing the System Average Interruption Frequency Index ("SAIFI") and Customer Average Duration Index ("CAIDI"). The reliability and maintenance programs consist of: Preventative Maintenance Programs and Corrective Maintenance programs. ComEd also maintains a four calendar year tree trimming cycle. Additionally, in ICC Docket No. 11-0662, the Commission found that "[t]he evidence in this case demonstrates that, at the time the February 1, 2011 Storm System occurred, ComEd's distribution system was designed, constructed and maintained in accordance with good utility practice, applicable design and construction standards, as well as applicable national and state rules and regulations." ICC Docket No. 11-0662, Order at 23. The Commission has also recognized that

there is no evidence of a systematic failure by ComEd in its duty to provide adequate, reliable, and safe service. ICC Docket No. 11-0588, Order at 29.

32. The resulting interruptions were not caused by any omission or defects in ComEd's distribution system, but were unpreventable consequences of the June 24 and August 30 Storm Systems, or alternatively, the Summer 2013 Storm Systems. ComEd could not reasonably and prudently have prevented the damage to its distribution system caused by the June 24 and August 30 Storm Systems, or alternatively, the Summer 2013 Storm Systems, or the resulting interruptions. Any actual damages incurred by ComEd's customers, municipalities, counties, and other local governments in the wake of the June 24 and August 30 Storm Systems, or alternatively, the Summer 2013 Storm Systems, were the result of the extreme weather systems, and not because of any action that ComEd took or improperly failed to take, and the damage caused by the storm system was not preventable by ComEd.

33. ComEd timely restored its customers following the Summer 2013 Storm Systems even though crews were working under difficult conditions as severe storms continued to move through ComEd's service territory. ComEd timely mobilized and utilized the appropriate resources in its restoration effort, deploying Construction crews, Other Construction crews, Overhead Electrician Specialists, Vegetation Management crews, Patrollers and Wire Watchers, Contractor crews, and Back Office and Management personnel. ComEd also called upon Mutual Assistance crews in its restoration efforts. These facts would entitle ComEd to a waiver of liability under the relevant provisions of the PUA.

VIII. CONCLUSION

34. For the reasons stated herein, ComEd requests that the Commission find that it is not liable under Section 16-125(e)(1) of the PUA as a result of the June 24 and August 30 Storm

Systems because ComEd is entitled to a waiver of any liability. Alternatively, if the Commission determines that based on meteorological evidence that each group of storms was one event, ComEd requests that the Commission find that ComEd is not liable under Section 16-125(e)(1) of the PUA as a result of the Summer 2013 Storm Systems because ComEd is entitled to a waiver of any liability.

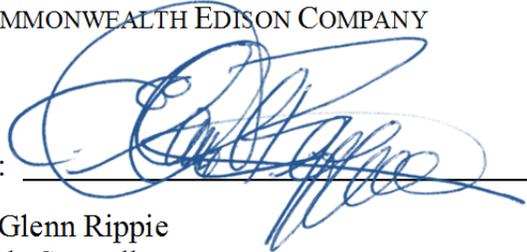
WHEREFORE, Commonwealth Edison Company respectfully requests that the Commission enter an Order granting ComEd a waiver of any potential liability under Section 16-125(e) of the PUA (220 ILCS 5/16-125(e)) for interruptions resulting from the June 24 and August 30 Storm Systems, or alternatively, the Summer 2013 Storm Systems.

Dated: November 15, 2013

Respectfully submitted,

COMMONWEALTH EDISON COMPANY

By: _____


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VERIFICATION

Cheryl M. Maletich, being first duly sworn, states that she is the Vice President, Distribution Operations, for Commonwealth Edison Company, that she has read the foregoing Petition, is knowledgeable of the facts stated therein, and the facts stated therein are true and correct to the best of her information and belief.



Cheryl M. Maletich
Cheryl M. Maletich

SUBSCRIBED AND SWORN to
Before me on this 15th day of
November, 2013.



Linda Williams-Travis
Notary Public

