

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

THE 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

**WIND ON THE WIRES' REPLY to BRIEFS ON EXCEPTIONS**

DATED: December 2, 2013

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**WIND ON THE WIRES’ REPLY to BRIEFS ON EXCEPTIONS**

NOW COMES Wind on the Wires through its Reply Brief on Exceptions, under Section 200.830 of the Rules and pursuant to the Administrative Law Judge’s cover letter to the Proposed Order, dated November 14, 2012. Wind on the Wires’ brief reply’s to the briefs on exceptions filed by Renewable Suppliers, Retail Electric Supplier Association (“RESA BOE” and “RESA”) and Exelon Generation Company’s (“ExGen’s BOE” and “ExGen”).

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**I. Parties Should be Given an Opportunity to Comment on the Accuracy of Switching Data in a Utilities Updated Load Forecast**

In its BOE, the Renewable Suppliers argue that Parties should be given the opportunity to comment on the Utilities' Spring 2014 load forecast. Wind on the Wires' agrees with the Renewable Supplier's brief on exceptions. Municipal Aggregation started in 2011, but a vast majority of municipalities opted to switch suppliers in 2012. Most of those initial contracts had durations or delivery periods of one or two years. Therefore, a large portion of municipalities that have migrated from the utilities will be given the opportunity to stay with an alternative retail electric supplier or return to ComEd or Ameren Illinois within the 2014-2015 delivery period. As the Renewable Suppliers point out, the issue isn't the model, but the load volume that will be switching. (Renewable Suppliers BOE, at 11) Accuracy of that load volume is not based on models or experience, but on the latest information regarding whom a local government's selects as their retail electric supplier during 2014-2015 – an ARES or a utility. (see id.) Any party in the case can have information on that switching and should be given the opportunity to comment on the validity and accuracy of the data that is within the utilities updated load forecast.

**II. The Commission Should Not Delay Improvements to the Transparency of Alternative Compliance Payment Rates**

The Proposed Order should resolve ExGen's and RESA's concerns regarding the need for a transparent process for notifying the public of changes in the estimated and maximum Alternative Compliance Payment rate. In its Objections to the 2014 Procurement Plan, ExGen and RESA both propose that the method for computing the alternative compliance payment ("ACP") rate be changed so that changes in factors

used to calculate the ACP rate are applied prospectively and not in the current compliance period. (RESA Objections, at 7-9; ExGen Objections, at 9-10). In its Objection, ExGen included (what we understood to be) an alternative/secondary proposal which was to have “all available components of this calculation be published/updated on a monthly basis, to enable ARES to make their own assessments and appropriately take into account those factors within their respective portfolios.” (ExGen Objections, at 9-10).

Wind on the Wires’ position has not changed from its Response to Objections – RESA’s and ExGen’s primary proposals are in conflict with the statute, however, the alternative/secondary proposal is not in conflict with the Public Utilities Act. Therefore, we believe the Proposed Order correctly rejected their primary proposal, however, it did not address the merits of ExGen’s alternative/secondary proposal. (Proposed Order, at 153). In their BOEs, both RESA and ExGen continue their advocacy of that alternative position. (RESA BOE, at 3-4; ExGen BOE, at 7-9).

The most important aspect of the estimated and maximum ACP rates is that it be as accurate as possible, otherwise it has the potential to adversely affect their business – as RESA and ExGen have enumerated in their pleadings. (Id.) Since the accuracy of estimated and maximum ACP rates impact the contracts the ARES offer to Illinois electric customers and Illinois’ local governments, there should be little to no delay in resolving this matter. Moreover, there should be little need to delay since Staff did not

object to ExGen's alternative proposal nor did Staff deny a need for the estimated and maximum ACP rates to be accurate.<sup>1</sup>

## **CONCLUSION**

WHEREFORE, Wind on the Wires recommends that the Commission adopt the recommendations contained herein.

Respectfully submitted,

\_\_\_\_\_/s\_\_\_\_\_  
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<sup>1</sup> Staff's response to RESA was that the assumption that was inaccurate did not result in a large difference in the overall increase in the ACP rate. Staff Response, at 9-10.