

OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION
STATE OF ILLINOIS

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COMMISSION

ILLINOIS COMMERCE COMMISSION

2014 AUG 12 P 3:17

COMMONWEALTH EDISON COMPANY :
: Annual formula rate update and revenue :
: requirement reconciliation under :
: Section 16-108.5 of the Public Utilities Act :

No. 14-0301 CHIEF CLERK'S OFFICE
CWA

VERIFIED PETITION TO INTERVENE OF
THE ILLINOIS CHAMBER OF COMMERCE

The Illinois Chamber of Commerce ("the Chamber"), pursuant to 83 Ill. Admin. Code 200.200 of the Illinois Commerce Commission's ("ICC" or "Commission") Rules of Practice (83 Ill. Admin. Code Part 200), hereby petitions the Illinois Commerce Commission to intervene in the above-captioned proceeding. In support of its Petition, the Chamber states:

1. The Illinois Chamber of Commerce is a non-profit organization that promotes and supports the interests, success, and prosperity of our members and the Illinois business community. Our members are comprised of businesses and organizations of all types and sizes across the state of Illinois. The Chamber provides innovative support and services to Illinois businesses in order to strengthen their success and profitability thus promoting opportunity for the citizens of Illinois.

2. This Docket was initiated by Commonwealth Edison Company ("ComEd") in the above-captioned matter to obtain approval of its annual formula rate update and revenue reconciliation under Section 16-108.5 of the Public Utilities Act.

3. The Chamber and its members have an interest in the costs sought to be recovered by ComEd in this Docket, and are interested in the Commission's determinations in this Docket.

4. Among the issues raised by the various parties, the issue of the Annual Incentive Plan

("AIP") is important to the Chamber. The Energy Infrastructure Modernization Act ("EIMA") specifically sets forth certain cost recovery protocols to be included in a participating utility's formula rate. The first of those protocols provides for the "recovery of incentive compensation expense that is based on the achievement of operational metrics, including metrics related to budget controls, outage duration and frequency, safety, customer service, efficiency and productivity, and environmental compliance." 220 ILCS 5/16-108.5(c)(4)(A). Importantly, incentive compensation expense cannot be based on "net income or an affiliate's earnings per share." *Id.*

5. The Chamber believes that this feature of EIMA is good policy. As an organization comprised of a variety of businesses having experience with employee compensation, we understand the value of "pay-at-risk" compensation plans and support them. Instead of fixing an employee's entire annual compensation up front, these plans place a portion of the employee's total market compensation "at risk" each year by tying that portion to the achievement of certain performance metrics. The metrics incent improved performance while guaranteeing the employees only receive their full compensation if they have achieved the metrics.

6. The Chamber's position is that the AG's attempt to disallow the recovery of all of ComEd's annual incentive compensation expense is tantamount to erasing this protocol from EIMA and ComEd's formula rate. While the Chamber does not believe that the AG can rewrite EIMA in this way, it is worth noting that the AG's proposal, if adopted, would harm the Chamber's members and ComEd customers. If a portion of employees' pay is no longer at risk based on performance (and instead paid as a fixed guarantee), then customers will no longer benefit in the form of reduced compensation costs when performance does not meet the metrics. Also gone are the metrics themselves and their benefits of lower costs and better service.

7. The interests of the Chamber and its members are not adequately represented by any other party to this proceeding.

8. The Chamber seeks to intervene and be treated as a party in the proceeding and will accept service by electronic means as provided for in 83 Ill. Admin. Code Section 200.200(a). The Chamber requests that the following information be added to the service list:

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tmaisch@ilchamber.org
jhammer@ilchamber.org

WHEREFORE, the Illinois Chamber of Commerce respectfully petitions the Commission for leave to intervene in the above-captioned proceeding.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jennifer Hammer", written over a horizontal line.

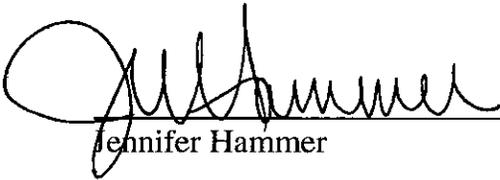
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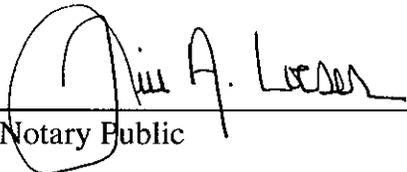
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VERIFICATION

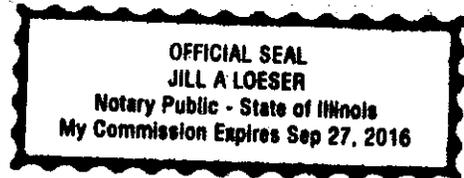
I, Jennifer Hammer, first being duly sworn upon my oath, depose and state that I am the Associate Vice President and Legal Counsel, Government Affairs of the Illinois Chamber of Commerce, that I have read the above and foregoing Petition to Intervene and know the contents thereof, and that said contents are true in substance and in fact.


Jennifer Hammer

Subscribed and sworn to before me this 12th day of August, 2014.


Notary Public

My Commission Expires: 9/27/16



STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

COMMONWEALTH EDISON COMPANY :
: No. 14-0312
Annual formula rate update and revenue :
requirement reconciliation under :
Section 16-108.5 of the Public Utilities Act :

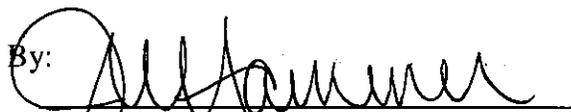
NOTICE OF FILING

TO : Elizabeth Rolando All parties on the Service List in the above-
Chief Clerk listed docket
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62701

PLEASE TAKE NOTICE that on August 12, 2014, we caused to be filed with the Clerk of the Illinois Commerce Commission, 527 E. Capitol Ave., Springfield, Illinois 62701, **ILLINOIS CHAMBER OF COMMERCE VERIFIED PETITION TO INTERVENE**, a copy of which is hereby served upon you.

Respectfully submitted,

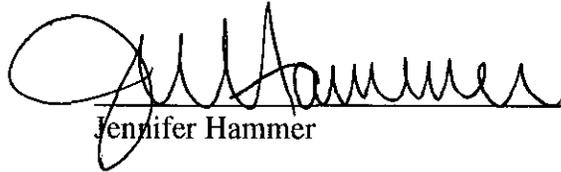
ILLINOIS CHAMBER OF COMMERCE

By: 

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above Notice, together with a copy of the document referred to therein, have been served upon all parties on the attached service list in the above-listed docket by U.S. mail on this 12th day of August, 2014.


Jennifer Hammer

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