

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

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The Citizens Utility Board and	:	
The Environmental Law and Policy Center.	:	
	:	Docket No. 14-0135
Petition to Initiate a Rulemaking for	:	
Approval of Certain Amendments to Illinois	:	
Administrative Code Parts 466 and 467	:	
Concerning Interconnection Standards for	:	
Distributed Generation.	:	

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**REPLY BRIEF ON EXCEPTIONS OF THE STAFF  
OF THE ILLINOIS COMMERCE COMMISSION**

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The Staff of the Illinois Commerce Commission (“Staff”), by and through its undersigned counsel, pursuant to Section 200.830 of the Illinois Commerce Commission’s (“Commission” or “ICC”) Rules of Practice (83 Ill. Adm. Code 200.830), respectfully submits its Reply Brief on Exceptions to the Proposed Order (“ALJPO”) issued by the Administrative Law Judge (“ALJ”) on August 21, 2015, in the above-captioned matter.

**I. Introduction**

Pursuant to the order of the ALJ, the Citizens Utility Board (“CUB”), Environmental Law & Policy Center (“ELPC”), and Interstate Renewable Energy Council, Inc. (“IREC”) (jointly, the “Petitioners”), Ameren Illinois Company (“Ameren”), Commonwealth Edison Company (“ComEd”), and Staff all filed Briefs on Exceptions (“BOEs”) on September 11, 2015. Staff files this Reply Brief on Exceptions (“RBOE”) in order to respond to the

arguments raised by the Petitioners and Intervenors in their respective BOEs. Except where specifically noted below, Staff continues to support the positions and exceptions expressed in its BOE. In the event that this RBOE does not address any position previously raised by Staff in its BOE, the failure to address that position does not constitute a waiver of the same.

## **II. Section 466.20: Definition of Minor System Modification**

The ALJPO adopts Petitioners' proposed definition for a "Minor System Modification." ComEd does not object to the inclusion of a Minor System Modification definition for applications requiring construction between the service tap on the distribution circuit and the customer's meter. (ComEd BOE, 2.) However, ComEd believes that the part of the definition that specifies that modifications that take "less than four hours work and \$1000 in materials" also comply with the definition is confusing and frustrating, because ComEd asserts that no work on its network can satisfy this restriction. ComEd recommends that this part of the definition be stricken. (ComEd BOE, 4.) Staff does not object to the definition as proposed in the ALJPO. Even though it may be unlikely for the condition to occur, its inclusion in the definition does no harm. Accordingly, Staff urges that ComEd's exception be rejected.

## **III. Section 466.70(h): External Disconnect Switch**

The ALJPO directs ComEd and Ameren to report to the Commission how often and in what circumstances customer external disconnect switches ("EDS") are utilized. (ALJPO, 19.) Staff does not take exception to this portion of the ALJPO. The Petitioners support the ALJPO's reporting requirement to help the Commission make a more informed decision about its EDS policy in the future. (Petitioners BOE, 5-6.)

Ameren complains that the Proposed Order (ALJPO) provides no guidance as to the formatting, frequency or duration of the report. (Ameren BOE, 1.) ComEd points out that language implementing the referenced report about use of EDS is not incorporated into the Draft Rule. (ComEd BOE, 4-5.) ComEd recommends a reporting mechanism that aggregates instances where ComEd requires applicants to install an EDS, rather than calling for reporting of individual instances where ComEd requires installation of an EDS for safety reasons. Id.

Though Staff does not object to the ALJPO's conclusion that utilities should report on how often and in what circumstances they use the EDS, Staff does agree with Ameren and ComEd that further guidance as to the reporting requirements would be helpful. To eliminate confusion regarding required reporting, Staff suggests that the Commission's Final Order specify the information the utilities are to report and the frequency of the reports. Further, Staff is not aware of any reason for the reporting to continue indefinitely. Staff suggests that the Commission consider an annual report date of January 31 of each year for five years, with the first report due on January 31, 2017. This timeframe allows the utilities the opportunity to develop procedures to begin recording data on January 1 for the entire 2016 calendar year. Finally, Staff suggests that the Commission should limit the information included in the report to: (a) the reason(s) the utility operated an EDS during the calendar year, and (b) the number of times the utility operated an EDS for each of the listed reasons.

Staff does not support ComEd's recommendation for a reporting mechanism which would provide the number of EDSs installed, rather than the number utilized. Staff believes that the ALJPO provides sound reasoning for requesting information as to how

often and in what circumstances customer EDS are utilized. (ALJPO, 19.) Provision of only the number of EDSs installed, as proposed by ComEd, would not be as valuable to the Commission in any potential future consideration of the EDS issue. Instead, the number of EDSs utilized and the reason for such utilization should be provided, as indicated above.

**IV. Section 466.90(b): Refining Level 2 Size Limit by Incorporation of a Table**

ComEd takes exception to the upper limits used in the table to determine Level 2 eligibility. (ComEd BOE, 5.) ComEd advocates setting the threshold for the 5 kV to 15 kV voltage band at 3MW rather than 2 MW. Id. ComEd argues that large solar projects between 2 MW and 3 MW are unlikely to meet all Level 2 screens without additional analysis or upgrades. Id. at 6. Staff continues to support the 3 MW level for determining Level 2 Review eligibility for the 5 kV to 15 kV voltage band for the reasons provided in the ALJPO. As Staff explained in its Supplemental Comments, where certain distributed generation interconnections do not qualify under Level 2, the safety and reliability screens are working appropriately. (Staff Supp. Ver. Comments, 6.) Accordingly, Staff believes that the ALJPO correctly adopted the two column table with a 2MW threshold for the 5 kV to 15 kV voltage band, and urges the Commission to reject ComEd's exceptions on this issue.

**V. Sections 466.110(b)(4)(B); 466.110(c)(3); 466.120(b)(3): Expedited Review Application Response Times**

ComEd points out in its Exception 5 that three entries in Appendix A to the ALJPO refer to "days" rather than "business days". (ComEd IB, 6.) Staff agrees with ComEd that

Sections 466.100(b)(4)(B), 466.110(c)(3), and 466.120(b)(3) should refer to business days, and accordingly requests ComEd's fifth exception be adopted.

#### **VI. Section 466.110(f): Supplemental Review**

Petitioners object to the ALJPO's conclusion that actual load data, rather than estimates of minimum load, must be used with regard to the "100% of minimum load" screen within the supplemental review process. (Petitioners BOE, 8-10.) The Petitioners' objection emphasizes that disagreements remain about the appropriateness of specific screens within Petitioners' complex supplemental review process. (Staff Supp. Ver. Reply Comments, 6-7; Staff BOE, 8-16; ComEd BOE, 6-9, 2-5.) The existing language in Section 466.110(f) simply and successfully accomplishes what Petitioners' complex and confusing supplemental review is intended to accomplish. The Commission should not replace the existing Section 466.110(f), which is working well, with Joint Petitioners' needlessly complex supplemental review. (Staff BOE, 9-14; ComEd BOE, 9.)

If the Commission is persuaded to adopt Petitioners' supplemental review, despite Staff's recommendation that it not do so, Ameren points out a potentially confusing entry in Section 466.110(f)(5), wherein an applicant could receive approval for the interconnection prior to paying for facility upgrades made necessary by that interconnection. (Ameren BOE, 2.) Staff does not object to Ameren's proposed modification to Section 466.110(f)(5), which would adequately eliminate this potential confusion. (Ameren BOE, 3.)

Additionally, Ameren objects to Sections 466.110(f)(A)(ii) and (ii), stating these subsections create a conflict in the screens used in Section 466.110(a). (Ameren BOE, 5.) Ameren's objection is another indication that the Commission should not include

Petitioners' overly complex supplemental review process in Section 466.110(f).

Petitioners' proposed subsections (ii) and (iii) are copied below:

- ii) Only the net injection into the EDC's electric system will be considered as part of the aggregate generation.
- iii) For evaluating this screen, the EDC will not include as part of the aggregate generation any existing distributed generating capacity already reflected in the minimum load data.

Staff understands subsection (ii) to indicate that only the export from all existing generators into the EDC's electrical system will be considered as part of aggregate generation on the distribution circuit. Ameren apparently understands subsection (ii) to allow an EDC to only consider the applicant's generation. (Ameren BOE, 5.) Staff understands subsection (iii) to state that the amount of existing generation that is exported onto the EDC's electrical system should not be double-counted. That is, if exports from existing generation are already reflected in the EDC's determination of minimum load for a given distribution circuit, the EDC shall not further reduce the minimum load value to account for that same generation when evaluating the minimum load screen. Ameren states that subsection (iii) requires the utility to disregard any existing generation and use only the output of the applicant's generator when reviewing the impact of distributed generation on a particular circuit or circuit section. (Ameren BOE, 5.) Ameren's exception regarding Sections 466.110(f)(A)(ii) and (iii) appears to be based upon an interpretation that differs substantially from Staff's interpretation. Staff does not believe Ameren's interpretation is correct, and accordingly does not support with its exception with respect to Sections 466.110(f)(4)(A)(ii) and (iii).

**VII. Conclusion**

The Staff recommends that the Commission enter an order consistent with the positions expressed by the Staff in this Reply Brief on Exceptions and as reflected in its Brief on Exceptions.

WHEREFORE Staff of the Illinois Commerce Commission respectfully requests that its recommendations be adopted in their entirety consistent with the arguments set forth herein.

Respectfully submitted,

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