

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

ILLINOIS COMMERCE COMMISSION     )  
    On Its Own Motion                     )  
   ) Docket 15-0073  
Investigation into the Customer         )  
Authorization Required for Access by    )  
Third Parties Other Than Retail Electric  )  
Suppliers to Advanced Metering         )  
Infrastructure Interval Meter Data        )

**REPLY TO BRIEFS ON EXCEPTIONS OF  
AMEREN ILLINOIS COMPANY**

**COMES NOW** Ameren Illinois Company d/b/a Ameren Illinois (Ameren Illinois, AIC, or the Company) and, pursuant to 83 Ill. Admin. Code § 200.830, provides its reply to the Briefs on Exceptions filed by parties on January 15, 2016. In providing this reply, AIC in no way waives its request for this docket to be stayed pending the resolution of Docket 14-0507 (the Open Data Access Framework Docket), as requested in Ameren Illinois’ January 15, 2016 motion. Likewise, failure to address a particular argument, point or exception raised by another party in their January 15, 2016 filing should not be construed as an endorsement of the same. For sake of clarity, Ameren Illinois has elected to present this reply on a topic-by-topic basis, as follows:

**The “Warrant Process” and Docket 14-0507**

In its Brief on Exceptions and Verified Motion to Stay, Ameren Illinois cited concerns about the Proposed Order comingling this docket and Docket 14-0507, and the complications that comingling may pose. AIC argued that the “Proposed Order’s failure to render a decision on [certain] important ‘warrant’ topics leaves AIC in somewhat of an implementation purgatory as it evaluates when and how to fully roll-out

the Green Button [Connect My Data functionality] or comply with any order resulting from this docket until such time as Green Button is available.” BOE of AIC at 8. AIC explained that it likely cannot efficiently make the Green Button “Connect My Data” functionality available until such time as the “warrant” issues are resolved<sup>1</sup> and that complying with the Proposed Order absent this functionality would be problematic. *Id.*

AIC recognized three options to address its concerns: (1) resolve the warrant and overarching Green Button implementation issues in this docket; (2) stay further consideration of this docket until such time as Docket 14-0507 is resolved; or (3) expressly condition any final order or the sharing of data with non-RES third-parties on the resolution of Docket 14-0507. *Id.* Ameren Illinois, while indicating that it had no preference between these options, offered exceptions in support of option number three and also a motion to stay this proceeding in support of option number two. See *id.* at 6-9; 11.

Ameren Illinois was not the only party to voice concerns about the Proposed Order’s election to defer certain issues to the Open Data Access Framework docket. The Illinois Competitive Energy Association (ICEA), like Ameren Illinois, offered specific exception language seeking to expressly condition the provision of interval data to non-RES third-parties on the resolution of Docket 14-0507 “or any successor docket.”<sup>2</sup> BOE of ICEA at 4. Ameren Illinois agrees that this is a viable approach and would harbor no

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<sup>1</sup> Including the process issues raised by the Mission:data Coalition (Mission:data) in their third exception. See BOE of Mission:data at 5. Setting aside the in “minimum” versus “best” practices discussion, Ameren Illinois is unable to efficiently implement *any* process until these issues are resolved.

<sup>2</sup> Commonwealth Edison Company (ComEd) likewise appears to have no objection per se to considering certain unresolved issues in another docket, but does offer that Docket No. 14-0507 may not be the best candidate. BOE of ComEd at 10. In this respect, ComEd appears to endorse ICEA’s other “successor docket” approach. AIC has no preference on where these issues ultimately land, provided they are resolved prior to the existence of any obligation to provide interval data to non-RES third-parties.

objection to ICEA's suggestion or its exception language, which was similar in intent to the "option three" exception language offered by AIC in its BOE.

The Citizens Utility Board (CUB) and Environmental Defense Fund (EDF) also state no objection to certain "warrant" issues being further considered in Docket 14-0507, subject to some clarification from the Commission as to what that "consideration" should entail.<sup>3</sup> BOE of CUB and EDF at 4-6. AIC has no objection to that approach, to CUB and EDF's request for further clarification on the "consideration" expectations, or to CUB and EDF's clarifying exception language. However, if approved, said exception language should work in tandem with the exception language offered by AIC or ICEA, so as to clarify any data sharing expectations until such time as Docket 14-0507 or some "successor docket" has concluded.<sup>4</sup>

### **Prospective Authorization Period**

In their BOE CUB and EDF argue that instead of being held to the fixed, 24-month prospective data period adopted in the Proposed Order for residential and small business customers that *all* customers and non-RES third-parties should be permitted to negotiate a longer data release term if they so choose. BOE of CUB and EDF at 2 (emphasis added). On a related note, Mission:data argues that small businesses, in addition to commercial customers, should be exempt from the 24-month requirement, and that said requirement should apply only to the residential class. BOE of Mission:data at 2-3.

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<sup>3</sup> CUB and EDF also acknowledge that the Commission could approve a "warrant" process in this docket, Docket No. 15-0073. BOE of CUB and EDF at 2.

<sup>4</sup> Mission:data also appears to suggest that the Commission has been presented with enough evidence to approve a "warrant" process in this docket, but, to the extent the Commission disagrees, urges them to rule on the remaining implementation issues in Docket No. 14-0507. See BOE of Mission:data at 4-5.

Ameren Illinois respectfully disagrees with these suggestions and urges the Commission to adopt a standard, 24-month prospective data authorization period, regardless of customer class or type.

As emphasized by Ameren Illinois in its underlying comments, any authorization received should expire no longer than two years later. See Final (4<sup>th</sup> Round) Comments of AIC at 4. Even at a two-year period a non-RES third-party would be entitled to up to four years of data (two historical and two going forward). This is a substantial amount of information, and any related decision carries consumer protection implications. Ameren Illinois recommends the Commission establish a conservative, two-year period that protects customers and helps ensure that the customers' data access expectations are being met. Final (4<sup>th</sup> Round) Comments of AIC at 5. Ameren Illinois is also mindful that two years is the authorization period applicable to RES and approved in Docket 14-0701. Harmony in this regard is good. Two years is an appropriate prospective authorization term and should be adopted for all customers, regardless of type or class.

AIC recognizes that parties may have a legitimate need for more data. Final (4<sup>th</sup> Round) Comments of AIC at 5. But nothing should preclude them from reinitiating contact with customers to obtain authorization for another two year period. Or another two-year period. The point of this docket is to ensure that utilities and non-RES third-parties alike are properly effectuating decisions made by customers and that customers are fully informed about those decisions. Id. A shorter authorization period is more in line with those goals. Id.

As stressed by Ameren Illinois in its Final (4<sup>th</sup> Round) Comments, "what the Commission should not do is leave the authorization term open ended and subject to

unchecked discretion.” Final (4<sup>th</sup> Round) Comments of AIC at 5. Unfortunately, this is the result reached in the Proposed Order for commercial (non-residential or small business) customers, and that Mission:data would have the Commission extend to other non-residential classes. Proposed Order at 13; BOE of Mission:data at 2-3. There is no support in the record for the proposition that the non-residential classes are sophisticated enough to warrant erosion or elimination of the consumer protection measures cited above and adopted in the Proposed Order for residential and “business” customers.

Ameren Illinois recommends the Commission adopt a standard, two-year prospective data authorization period, regardless of customer type or class, and reject the exceptions offered by CUB, EDF, and Mission:data. To be clear, Ameren Illinois also recommends the language of the Proposed Order be revised so as to eliminate any carve-out for commercial (non-residential or small business) customers.

### **Prohibitions on Sharing**

Ameren Illinois agrees with Commonwealth Edison Company (ComEd) that any language approved in this case, like the language approved in Docket 14-0701, should contain a prohibition on third-party data recipients selling customer-specific information. See BOE of ComEd at 3-5. AIC frankly isn’t sure how to “fix” this issue given the Proposed Order’s [mis]characterization of the data authorization transaction as involving exclusively customers and utilities, and its related failure to recognize the legal or practical importance of third parties. See BOE of AIC at 4-6 (including footnote 3). But certainly, the Commission cannot intend to endorse an outcome whereby non-RES third-parties are allowed to sell customer-specific information provided by customers or

utilities. AIC recommends the Commission look to ComEd's suggested exception language as one mechanism that may be used to address this shortcoming in the Proposed Order. AIC further agrees with ComEd that the Proposed Order should do better to recognize the roles of third-parties in the authorization process. See BOE of ComEd at 6-8. At the very least, the Proposed Order should refrain from any commentary on the status / contractual nature of the relationship between a customer and a non-RES third-party. Id. at 6.

### **Commentary Associated with Jurisdiction over Non-RES Third-Parties**

In its BOE ComEd recommends that the Proposed Order avoid any unnecessary commentary about the Commission's jurisdiction over non-RES third-parties. BOE of ComEd at 10. As reflected in its second initial exception, Ameren Illinois completely agrees. This commentary is not necessary and may have unintended consequences. The Commission's decision should refrain from citing or relying upon any lack of jurisdiction over non-RES third-parties to the extent practicable.

### **Statements of Purpose**

Like Ameren Illinois, several other parties also commented in their initial exceptions about the effects of non-standardized / configurable statements of purpose that may be included or inserted in any approved authorization forms. See e.g. BOE of ComEd at 1-3. To be clear, Ameren Illinois plans to play no active role in the substantive shaping or defining of configurable statements of purpose. That is an issue for the customer. Or the non-RES third-party. Or the customer and the non-RES third-party. The Commission in this case should endorse the well-reasoned statements presented in the Docket 14-0701 Order (which the Proposed Order in the instant docket

cites as influential) and avoid an outcome whereby utilities are thrust into an interaction that primarily involves non-utility entities and placed in a position of contributing to, evaluating, or interpreting documents or statements intended to be used by those parties in that transaction.

**WHEREFORE**, Ameren Illinois Company d/b/a Ameren Illinois offers the above reply for the Commission's consideration.

DATED: January 26, 2016

Respectfully submitted,

AMEREN ILLINOIS COMPANY  
d/b/a Ameren Illinois

A handwritten signature in blue ink, appearing to read "Eric Dearmont", is positioned above the typed name.

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