

Docket No: 13-0495/13-0498/13-0499

R.O.M.: 9/28/16

Deadline: N/A

MEMORANDUM

TO: The Commission

FROM: Leslie Haynes, Administrative Law Judge

DATE: September 22, 2016

SUBJECT: Commonwealth Edison Company

Approval of the Energy Efficiency and Demand Response Plan Pursuant to Section 8-103(f) of the Public Utilities Act.

Ameren Illinois Company d/b/a Ameren Illinois

Approval of the Energy Efficiency and Demand-Response Plan pursuant to 220 ILCS 5/8-103 and 220 ILCS 5/8-104.

Illinois Department of Commerce and Economic Opportunity (DCEO)

Approval of its Energy Efficiency Portfolio and Plan Pursuant to Sections 8-103(e) and (f) and 8-104(e) and (f) of the Public Utilities Act.

RECOMMENDATION: Enter attached Order on Reopening.

I. PROCEDURAL HISTORY

On January 28, 2014, the Commission entered a Final Order in Docket No. 13-0499, approving the Department Of Commerce and Economic Opportunity's ("DCEO") Energy Efficiency ("EE") Portfolio and Plan ("Plan") effective for the period June 1, 2014 through May 31, 2017. On June 10, 2016, DCEO filed a Verified Petition for Reopening and Motion for Clarification ("Petition to Reopen"). On July 20, 2016, the Commission granted DCEO's Petition to Reopen. Additionally, the Commission reopened the plan dockets for Commonwealth Edison Company ("ComEd") and Ameren Illinois Company d/b/a Ameren Illinois ("Ameren"), Docket No. 13-0495 and Docket No. 13-0498 respectively, and consolidated the three dockets.

Ameren, ComEd, Staff and DCEO filed Initial Comments on August 12, 2016. On August 19, 2016, Ameren, ComEd, Staff, IIEC, the City of Chicago ("City") and the AG filed Responsive Comments. Upon reviewing the initial and responsive briefs, Counsel for DCEO, Ameren, ComEd, Staff, the AG and the City (collectively the "Parties") agreed

that the issues were sufficiently narrow that further briefing was unnecessary but rather the Parties could collaborate on an agreed draft order.

II. ISSUE

A. EE Funds

Pursuant to Section 8-103 of the Act, electric utilities, including ComEd and Ameren, are required to design, oversee and implement EE measures and demand response programs to reduce delivery load. Specifically, each electric utility is required to implement 100% of demand response measures and 75% of energy efficiency measures in its respective Plan as approved by the Commission. The remaining 25% of energy efficiency measures approved by the Commission are to be implemented by DCEO.

Due to an unprecedented State budget impasse during EPY8, DCEO was without a budgetary appropriation and thus determined that it was not authorized to enter into agreements, grants or contracts for energy efficiency programs. As a result, although the Utilities collected all the funds necessary to fund EE measures in EPY8, approximately \$52.7 million of the money remains unspent.

DCEO has now received an appropriation and is working to implement not only the programs originally planned for EPY8, but also the programs currently planned for EPY9 (June 1, 2016 to May 31, 2017). DCEO plans to spend approximately twice as much as originally anticipated in EPY9 to make up for the lack of spending in EPY8.

The attached Order allows EE funds to be rolled over from EPY8 to EPY9, within the same 3-year planning period, and finds that this is consistent with Section 8-103(b). The Order specifically limits this decision to the facts on reopening.

III. CONCLUSION

Accordingly, I recommend the Commission adopt the attached Order to allow DCEO to implement its Section 8-103 energy efficiency measures.

LH:jt