

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

Illinois Commerce Commission)
On Its Own Motion)

02-0509

Revisions of 83 Ill. Adm. Code Part 285
And Adoption of 83 Ill. Adm. Code Parts
286 and 287)

**ILLINOIS POWER COMPANY'S
BRIEF ON EXCEPTIONS TO THE
ADMINISTRATIVE LAW JUDGE'S PROPOSED ORDER**

Illinois Power Company ("Illinois Power," "Company," or "IP") submits this Brief on Exceptions to the Administrative Law Judge's Proposed Second Notice Order ("Proposed Order") dated February 4, 2003. Generally, Illinois Power does not oppose the Proposed Order, subject to the following exception.

In its Comments, Illinois Power suggested that the information being sought under Proposed Section 285.6010 was not necessary in a case involving only delivery services. Illinois Power's Comments, p. 6. The Proposed Order recognizes Illinois Power's concerns regarding this issue and the resulting rules reflect Illinois Power's proposed language on this issue. See Proposed Order, p. 28. However, Illinois Power also noted that providing five years of certain information on electric interchange transactions was unduly burdensome and, in any event, the benefit of having five years of data would be outweighed by the burden of having to collect and submit the data. Illinois Power's Comments, p. 6. MidAmerican also noted that the information requested in

Proposed Section 285.6005, 285.6010, 285.6020, 285.6200, 285.6210, 285.6305, and 285.6315 was not relevant. See MidAmerican's Comments, p. 10. The Proposed Order recognizes that Staff agreed with Illinois Power that only two years of data was necessary in Proposed Section 285.6010. Proposed Order, p. 28. The Proposed Order also notes the possible inconsistencies with Staff's comments regarding MidAmerican's concerns of the relevancy of the information. Proposed Order, p. 28. Illinois Power supports MidAmerican's concerns and believes that two years of data for the above sections would be adequate. Illinois Power notes that if additional information was necessary for a particular case, Staff could request such information. Thus, the Commission's concerns of Staff having adequate information may be alleviated with this understanding. Accordingly, Illinois Power recommends the following change to the Proposed Order:

~~While the Commission certainly appreciates the value of historic information in identifying trends, it is puzzled by the inconsistency in Staff's responses to MEC's and IP's respective concerns. In response to MEC's objections, Staff argues that historic information is invaluable and recommended retaining the "five year" requirement. When IP raises similar objections, however, Staff quickly accepts IP's recommendation that the amount of historic information be reduced to the two years preceding the test year. it also recognizes the concerns of MEC and IP. The Commission can not reconcile these responses. In light of~~ considering the importance that the Commission places on Staff having adequate information to review proposed rate increases, including the identification of trends, and the concerns of MEC and IP, the Commission will ~~not~~ decrease the number of years for which a utility must provide information. If Staff finds it necessary to seek additional information, it may do so through specific data request in response to the utility's rate filing. ~~If a utility finds the obligation to provide information for the test year and the five years preceding the test year unduly burdensome, it may seek a waiver of the requirement under Section 285.140. As for IP's suggestion that the information being sought is not necessary in a delivery services rate case, the Commission finds the proposal reasonable and will adopt it.~~

Proposed Order, p. 28.

Illinois Power recommends the following corresponding change to the Proposed

Rules:

Section 285.6010 Schedule F-2: Electric Interchange Transactions

Schedule F-2 shall contain information on electric interchange transactions of electric utilities for the test year and ~~five~~ two consecutive years immediately preceding the test year when a utility is seeking a rate increase other than a delivery services rate increase. Information to be provided shall include . . .

Furthermore, Illinois Power supports corresponding changes to the proposed section referred to in MEC's comments. Specifically, Illinois Power recommends the following changes to the Proposed Rules:

Section 285.6005 Schedule F-1: Electric Generating Station Data

Schedule F-1, for electric utilities that own generating stations, shall contain the electric generating station data listed below for the ~~five~~ two consecutive years immediately preceding the test year and the test year, by generating unit, or by station if unit data is unavailable:

Section 285.6020 Schedule F-3.1: Distribution System Maintenance Expense

c) Provide the maintenance expense for the test year and ~~five~~ two previous years for all distribution equipment other than distribution substations.

Section 285.6200 Schedule F-5: Fossil Fuel Inventory - Electric Utilities

a) For each of the ~~five~~ two consecutive years immediately preceding the test year and the test year, electric utilities that own generating assets shall provide information on fuel inventory, including all primary, secondary, and start-up fuel inventories, for each generating unit and fuel type as described in subsection (b) ~~below~~. If the same fuel is burned by more than one unit at a station, indicate the affected units and provide the information for the combination of units.

Section 285.6210 Schedule F-7: Fossil Fuel Supply Interruptions - Electric Utilities

a) Electric utilities that own generating assets shall provide ~~Provide~~ the information described in subsection (b) below concerning each fossil fuel

supply interruption when coal, oil or natural gas could not be delivered to a generating unit during the previous ~~five~~ two years.

Section 285.6305 Schedule F-9: Underground Gas Storage Activity - Gas Utilities

a) Provide information, if applicable, for the portion of all underground gas storage facilities either owned or leased by the utility for each of the ~~five~~ two consecutive years immediately preceding the test year and the test year. Where the underground storage is provided by a natural gas pipeline pursuant to a purchased storage service on file with the Federal Energy Regulatory Commission, the utility shall note this on the schedule and provide the information that is available.

Section 285.6315 Schedule F-11: Propane, Liquefied Natural Gas, and Synthetic Natural Gas Facilities - Gas Utilities

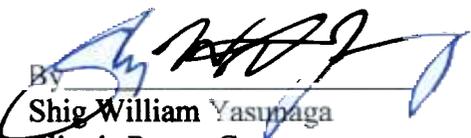
b)5) Date and reason for any instances where the withdrawal capacity of a facility was limited due to unforeseen circumstances, such as equipment breakdowns, within the last ~~five~~ two years.

CONCLUSION

For the reasons stated in this Brief on Exceptions, Illinois Power Company respectfully requests that the Commission revise the Proposed Order in accordance with Illinois Power's exception as set forth herein, and as so revised, that the Commission adopt the Proposed Order as the Final Order in this case.

Respectfully submitted,

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Dated: February 19, 2003

CERTIFICATE OF SERVICE

I, Shig William Yasunaga, certify that on the 19th day of February 2003, I served a copy of Illinois Power Company's Comments by electronic means or first class mail to the individuals on the service list attached.


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