

State of Illinois
Illinois Commerce Commission

CENTRAL ILLINOIS PUBLIC SERVICE)	Docket No. 02-0656
COMPANY and UNION ELECTRIC COMPANY)	
)	
Petition for approval of tariff sheets implementing)	
revised Market Value Index methodology.)	
)	
COMMONWEALTH EDISON COMPANY)	Docket No. 02-0671
)	
Proposed revision of Rider PPO (Power Purchase)	
Option – Market Index), Rate CTC (Customer)	
Transition Charge) and Rider ISS (Interim Supply)	
Services), and to establish Rider CTC – MY (Customer)	
Transition Charge – Multi-Year Experimental) (Tariffs)	
filed on October 1, 2002))	
)	
ILLINOIS POWER COMPANY)	Docket No. 02-0672
)	
Proposed establishment of Rider MVI II, Market)	
Value Index II. (Tariff filed October 1, 2002))	
)	
ILLINOIS POWER COMPANY)	Docket No. 02-0834
)	(Cons.)
Proposed revisions to Rider TC (Transition Charge for)	
Customers), Rider PPO (Power Purchase Option)	
Service) and Rider MVI (Market Value Index))	

**BRIEF ON EXCEPTIONS TO THE REVISED PROPOSED ORDER OF
THE STAFF OF THE ILLINOIS COMMERCE COMMISSION**

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March 24, 2003

NOW COMES the Staff of the Illinois Commerce Commission (“Staff”) and pursuant to Section 200.830 of the Illinois Commerce Commission Rules of Practice (83 Ill. Adm. Code 200.830), respectfully submits this brief on exceptions to the Administrative Law Judge’s Revised Proposed Order¹ (“RPO”) issued on March 20, 2003.

In this brief on exceptions, Staff has limited its exceptions to the revised portions of the Administrative Law Judge’s RPO. Staff addresses the issue of Limitation on Load Eligible for Multi-year TC contracts as to ComEd.

I. Exceptions

Section IV.B. Limitation on Load Eligible for Multi –year TC Contracts

The RPO states that ComEd will make Rider CTC-MY available to any retail customer, subject to the limited requirements shown in IP Cross Exhibit A. The “limited requirements” are in fact quite restrictive. Staff’s understanding is that Rider CTC-MY would be available to any customer eligible for individually calculated CTCs and those customers that were receiving RES-flowed electricity on December 31, 2002 (see subsection (i) of the Availability section of Rider CTC-MY). The vast majority of ComEd’s customers will not be eligible to receive a multi-year transition charge (although the proportion of ComEd’s load eligible for a multi-year transition charge is likely to be significantly greater than the percentage of customers because of the share of ComEd’s load represented by customers whose peak demands equal or exceed 400 kilowatts, who will be eligible for multi-year CTC calculations). Thus, to be more accurate, Staff recommends the RPO be revised as follows.

¹ Staff’s new language is underlined. ~~Staff’s proposed deleted language has strikethrough.~~ The ALJ’s revised language (whether Staff proposes deleting it or not) is bolded.

Proposed Modification
(RPO, p. 62)

* * *

ComEd states that due to the risks involved with offering this rate, ComEd is not willing to make Rider CTC-MY available for an unlimited amount of total load.

Exhibit P of IP Cross Exhibit A indicates that in conjunction with its March 6, 2003 Motion, ComEd now proposes to eliminate the 500 megawatt limit. It appears that, ~~subject to the limited requirements shown in IP Cross Exhibit A, ComEd now proposes to make Rider CTC-MY available to (1) any retail customer-~~ “eligible for individually calculated CTCs” as well as, (2) “customers subject to class-based CTCs who were receiving RES-flowed electricity on December 31, 2002.”

II. Conclusion

WHEREFORE, for the reasons set forth above, the Staff of the Illinois Commerce Commission respectfully requests that its modifications to the Administrative Law Judge's Revised Proposed Order be adopted along with those previously set forth in Staff's brief on exceptions to the first Proposed Order.

Respectfully submitted,

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