

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Ameren Energy Marketing Company :
: **00-0486**
:
Application for Certificate of Service Authority under Section 16-115 of the Public Utilities Act. :

HEARING EXAMINER’S PROPOSED ORDER

By the Commission:

I. PRELIMINARY AND PROCEDURAL MATTERS

On July 7, 2000, Ameren Energy Marketing Company (“Ameren Marketing” or “Applicant”), which is an affiliate of Central Illinois Public Service Company (“Ameren CIPS” or “CIPS”) and Union Electric Company (“Ameren UE” or “UE”), filed a verified application with the Commission requesting a certificate of service authority in order to become an alternative retail electric supplier (“ARES”) in Illinois pursuant to Section 16-115 of the Public Utilities Act (“PUA” or “Act”) and 83 Ill. Adm. Code 451 (“Part 451”). Applicant represents that on July 15, 2000, notice of this application was published in the official state newspaper pursuant to Section 16-115(b) of the Act and 83 Ill. Adm. Code 451.30. However, a certificate of publication has not been filed with the Commission. Accordingly, any grant of authority recommended herein is subject to the condition that Applicant provides, on or before July 31, 2000, a verified demonstration of compliance with this requirement.

In a written notice, the Hearing Examiner requested additional information relating to various provisions of Part 451 and to matters addressed in the application. Thereafter, Applicant filed a verified response (“Response”) thereto. The Hearing Examiner’s proposed order was served on the Applicant.

II. AUTHORITY SOUGHT BY APPLICANT

Applicant seeks authority for the sale of retail electricity and power to eligible nonresidential retail customers with total maximum electric demand of 1 megawatt (“MW”) or more throughout the State of Illinois.

Applicant also indicates that it seeks authority to provide single billing service to customers. Subpart F of Part 451 contains requirements relating to the financial qualifications for the provision of single billing service. The requirements of Subpart F are

in addition to the requirements of Subpart A. Section 451.510 provides that an applicant may demonstrate its creditworthiness in one of four ways. Applicant states that it has opted to demonstrate creditworthiness by means of a money pool agreement. However, such an agreement is not one of the four alternative methods allowed under Section 451.510, and therefore does not satisfy the requirements of Section 451.510. Accordingly, Applicant should not be granted authority to provide single billing services.

III. REQUIREMENTS FOR ALL APPLICANTS UNDER SECTION 16-115 OF THE ACT AND SUBPART A OF 83 ILL. ADM. CODE 451

Applicant states that it is a corporation organized and existing under the jurisdiction of the State of Illinois. However, a Certificate of Incorporation from the Office of the Secretary of State, State of Illinois, has not been provided. Accordingly, any grant of authority recommended herein is subject to the condition that Applicant provides, on or before July 31, 2000, a verified demonstration of compliance with this requirement.

Applicant states that it does not intend to own, control or operate generation, transmission or distribution facilities within the State of Illinois within the meaning of Section 451.20(f)(2).

Applicant states that it will offer power and energy services at wholesale as a power marketer and at retail as an ARES in Illinois. In addition, Applicant states that it will obtain power and energy from Ameren Genco, Inc. at wholesale under a FERC-approved contract. Applicant further states that it will supply power and energy to CIPS under a FERC-approved contract, and to other customers at wholesale and retail.

Applicant has provided notice to each Illinois electric utility in whose service area Applicant intends to provide service.

Applicant has certified that it will comply with all applicable state and federal regulations; that it will provide service only to retail customers eligible to take such services; that it will comply with informational and reporting requirements established by Commission rule; that it will comply with informational and reporting requirements pursuant to Section 16-112 of the Act; and that it will comply with all other applicable laws, regulations, terms and conditions required to the extent they have application to the services being offered by Applicant as an alternative retail electric supplier.

Applicant has agreed to submit good faith schedules of transmission and energy in accordance with applicable tariffs. Applicant has agreed to adopt and follow rules relating to customer authorizations, billing records and retail electric services. Applicant has agreed to confidential treatment of customer data. Applicant is not currently authorized to operate as an ARES in the State of Illinois.

Applicant is an affiliate of CIPS and UE. These utilities own and control electric transmission and distribution facilities for public use and for delivery of electricity to end

users in defined geographic regions in Illinois, and UE also owns and controls electric transmission and distribution facilities for public use and for delivery of electricity to end users in defined geographic regions in Missouri. Applicant represents that it is in compliance with the reciprocity-related requirements of Section 16-115(d)(5) of the Act; will remain in compliance with such requirements; and will annually certify such compliance to the Commission within 30 days after the anniversary date of its certification. The reciprocity issue is addressed more fully below.

IV. TECHNICAL, FINANCIAL AND MANAGERIAL REQUIREMENTS OF SECTION 16-115 AND SUBPART B OF PART 451

Applicant asserts that it meets the financial qualifications set forth in Section 16-115(d)(1). For purposes of demonstrating compliance with the provisions of Section 451.110(a) of Part 451, a copy of Applicant's license and permit bond was provided in Attachment D to the application. The authority granted in this order is subject to the condition that Applicant uses the license and permit bond contained in Attachment D.

With respect to the requirements of Section 451.110(c)(2) of Part 451, Applicant submitted a copy of a borrowing agreement with Ameren Corp. This agreement, identified as a money pool agreement, was provided as part of Attachment D to the application. Ratings reports for Ameren Corp. were also provided.

Applicant represents that it meets the technical and managerial qualifications set forth in Section 16-115(d)(1) of the Act and Sections 451.120 and 451.130 of Part 451. Applicant identified the personnel who purportedly meet these qualifications, and Applicant provided biographical information for these individuals.

With respect to Section 451.120(b), however, Applicant has not made the necessary demonstration relating to reserve implementation. Accordingly, any grant of authority recommended herein is subject to the condition that Applicant provides, on or before July 31, 2000, a verified demonstration of compliance with this requirement.

V. 83 ILL. CODE 450.120

Applicant, CIPS, UE, Ameren Corp. and CIPSCO Investment Company are affiliated interests as that term is defined in Section 7-101(2) of the Act and in the Commission's non-discrimination rule, 83 Ill. Adm. Code 450 ("Part 450"). Section 450.120(b) of 83 Ill. Adm. Code 450 reads in pertinent part:

In connection with an application for a certificate of service authority filed by an affiliated interest of an electric utility, pursuant to Section 16-115 of the Act, the affiliated interest shall provide a copy of a Commission approved services and facilities or affiliated interest agreement that explicitly addresses the cost allocation and valuation methodology to be applied to any transfer of goods and services: between the electric utility and its

affiliated interests in competition with ARES; between the utility and its other affiliated interests; and between the utility's other affiliated interests and its affiliated interests in competition with ARES. In the event that there is no Commission approved agreement addressing these issues, the applicant shall submit such an agreement for approval as part of its application.

Applicant states that transfers of goods and services between affiliates are governed by a General Services Agreement, dated January 1, 1998, and that this agreement was approved by the Commission in Docket No. 95-0551. A copy of that agreement was attached to the application in the instant case as Appendix F. Applicant states that this agreement sets forth the cost allocation guidelines and accounting conventions to be applied to any transactions between Applicant, Ameren Corp., CIPS, UE and CIPSCO Investment Company. The Commission observes that if and to the extent the General Services Agreement does not address all issues identified in 83 Ill. Adm. Code 450.120(b), the action taken herein does not waive any requirements relating thereto.

VI. RECIPROCITY ISSUES UNDER 16-115(d)(5)

A. Background

Applicant is an affiliate of Central Illinois Public Service Company and Union Electric Company, also known as Ameren companies. These utilities own and control electric transmission and distribution facilities for public use and for delivery of electricity to end users in defined geographic regions in Illinois, and, Ameren UE also owns and controls electric transmission and distribution facilities for public use and for delivery of electricity to end-use customers in defined geographic regions in the State of Missouri. Ameren UE's electric service territories in Missouri are not open to retail electric competition and customer choice at the time of the instant application. Hence the reciprocity provisions of Section 16-115(d)(5) must be considered.

Section 16-115 of the Act states in part:

(d) The Commission shall grant the application for a certificate of service authority if it makes the findings set forth in this subsection based on the verified application and such other information as the applicant may submit:

...

(5) That if the applicant, its corporate affiliates or the applicant's principal source of electricity (to the extent such source is known at the time of the application) owns or controls facilities, for public use, for the transmission or distribution of electricity to end-users within a defined geographic area to which electric power and energy can be physically and economically delivered by the electric utility or utilities in whose service area or areas the proposed service will be offered, the applicant, its corporate affiliates or

principal source of electricity, as the case may be, provides delivery services to the electric utility or utilities in whose service area or areas the proposed service will be offered that are reasonably comparable to those offered by the electric utility, and provided further, that the applicant agrees to certify annually to the Commission that it is continuing to provide such delivery services and that it has not knowingly assisted any person or entity to avoid the requirements of this Section. For purposes of this subparagraph, "principal source of electricity" shall mean a single source that supplies at least 65% of the applicant's electric power and energy, and the purchase of transmission and distribution services pursuant to a filed tariff under the jurisdiction of the Federal Energy Regulatory Commission or a state public utility commission shall not constitute control of access to the provider's transmission and distribution facilities;

B. Applicant's Position

1. Overview

The Applicant states that under the reciprocity provisions of Section 16-115(d)(5), the Commission is charged to determine (1) what constitutes physical and economical delivery; (2) what constitutes a "defined geographic area"; and (3) whether the reciprocal delivery services are "reasonably comparable." According to the Applicant, the statute contains no definition of "reasonably comparable" nor guidelines to assist the Commission in its determination of comparability, the physical and economical delivery of power or defined geographic area, and consequently, the Commission's factual determination in a particular case inherently involves a statutory interpretation of these terms.

Applicant asserts that reciprocity provisions generally risk being unconstitutional as an impermissible burden on interstate commerce, and that pursuant to statutory construction principles, the Commission is obligated to interpret and apply the statute in such a manner to preserve its constitutionality. More significantly, Applicant argues, preserving the constitutionality of this particular provision is necessitated because the Customer Choice Law contains a non-severability clause, and that if Section 16-115 is held unconstitutional, the entire Customer Choice Law risks being struck down.

Applicant says the Commission should further interpret and apply the provision to give meaning to the legislative intent of the statute. According to the Applicant, the Commission and the General Assembly have both clearly expressed their intent that the wires and the generation/marketing functions of Illinois electric utilities be separated, and that consistent with their policy promoting functional separation, this Commission approved, in Docket No. 99-0398, the transfer of all wholesale and retail marketing responsibility to Applicant and all generation responsibility to another affiliate, Ameren Energy Generation Company, resulting in AmerenCIPS operating solely as a transmission and distribution company.

If Applicant were unable to obtain certification as an ARES, Applicant claims its corporate purpose -- to serve the marketing function -- would be eliminated, and that it would have to choose from two alternative courses of action: (1) stay out of the competitive retail market; or (2) return the Illinois competitive retail marketing function to AmerenCIPS. However, under a proper interpretation and application of Section 16-115(d)(5), Applicant argues, it will have met the reciprocity condition to qualify for ARES certification.

2. Physical and Economic Delivery

Applicant says the first criterion to determine whether the "reciprocity condition" attaches to Applicant's certification application. Applicant has two corporate affiliates, AmerenUE and AmerenCIPS, that own transmission and distribution facilities that serve retail end users. However, Applicant argues, the "second criterion" to be met before reciprocity attaches as a condition of certification is not applicable to Applicant as a practical matter because neither ComEd nor Illinois Power, which have the two largest electric service territories in the state and in whose service areas Applicant might consider offering retail sales service, are in a position to physically and economically delivery energy and power to AmerenUE or AmerenCIPS' service areas.

Applicant next states that the Commission's determination as to the second criterion's applicability to Applicant should be limited to the facts involving only the reciprocating electric utilities. The Section specifically states that the "electric utility" must be able to "physically and economically" deliver power to the service areas of the Applicant or its corporate affiliate(s). The statute does not state that the "electric utility or its affiliates must be able to deliver power." "Electric utility" is defined in the Customer Choice Law as a "public utility . . . that has a franchise, license, permit or right to furnish or sell electricity to retail customers within a service territory." Consequently, Applicant argues, only ComEd, and not Unicom, and only IP, and not Dynegy, should be considered in the Commission's factual determination.

According to Applicant, ComEd has informed the Commission unequivocally that it is exiting the generation and marketing business; ComEd has sold all of its fossil generation to third parties; and ComEd has also notified the Commission of its intent to transfer (i) its remaining generation (i.e. its nuclear plants); (ii) its contractual rights under wholesales supply contract; and (iii) its wholesale marketing business to a "genco" affiliate upon or shortly after the closing of the Unicom-PECO merger, which is expected by fall of this year. Additionally, Applicant states, ComEd has already ceded retail marketing to its affiliated ARES, Unicom Energy, and all marketing functions will be handled by affiliates. Consequently, Applicant asserts, ComEd has no generation physically interconnected with any transmission or distribution facilities within Illinois that could be delivered to either service areas of Applicant's corporate affiliates. Where ComEd has no generation resources at all at this time, Applicant claims the Commission cannot affirmatively find at this time that power could be economically delivered by ComEd to either of AmerenCIPS or AmerenUE's service areas.

Applicant says Illinois Power is similarly not positioned to act as an out-of-state retail marketer. Applicant states that IP sold the Clinton generating unit to AmerGen and transferred all of its remaining generation to an affiliate, WESCO. In Applicant's view, IP has made clear that it does not envision an active in-state (much less out-of-state) retail marketing role for itself, and it is reasonable for the Commission to conclude that IP will not be delivering power and energy to end users in Missouri.

In Applicant's opinion, there is no factual evidence to support a finding that either ComEd or IP are able, at the time of this filing, economically or physically to deliver power to AmerenCIPS or AmerenUE. Rather, Applicant argues the current factual circumstances of these two utilities as set forth above evidence a contrary finding that would support Applicant's application.

3. Comparable Delivery Service Criterion; Other Arguments

Applicant next addresses what it refers to as the "comparable delivery service requirement." According to the Applicant, "[e]ven should the reciprocity condition attach to Applicant's ARES certification under the two criterion discussed above, Applicant satisfies the condition." Both of its affiliate electric utilities, AmerenCIPS and AmerenUE's delivery services are available to all eligible retail customers under Illinois Customer Choice law and therefore should be deemed "comparable." An applicant must certify in its application that, as an ARES, it would "only provide service to retail customers in an electric utility's service area that are eligible to take delivery services under this Act." 220 ILCS 5/16-115(d)(5). Where an ARES is restricted by the statute to provide service only to eligible retail customers in a non-affiliated utility's service area, Applicant argues, the reciprocating obligation of the ARES and its affiliated utilities to offer comparable delivery services should be determined based on whether delivery services are available to any and all eligible retail customers on their distribution facilities. AmerenCIPS owns transmission and distribution facilities in Illinois on which it provides delivery services to its eligible Illinois customers. Applicant says AmerenUE owns transmission and distribution services in Missouri and Illinois on which AmerenUE provides delivery services to its eligible Illinois customers. This, Applicant argues, should be sufficient for a finding of comparability.

Further, Applicant argues, the geographic area, under the facts of this case, should be defined in terms of the "total integrated service area" and then evaluated according to the delivery services offered to any and all eligible retail customers on the integrated system. Applicant says the criteria discussed earlier require reciprocity where the Applicant's corporate affiliates owns or controls facilities for the transmission and distribution of electricity to end-users within a "defined geographic area." Applicant states that since the merger of AmerenCIPS and AmerenUE, their systems have been operated as one integrated system, and that this Commission approved a Joint Dispatch Agreement that provides for such integrated operation. In Applicant's view, the geographic area should therefore be defined as one integrated system for determining comparable delivery services.

In this section of its filing, Applicant next argues that for the Commission to determine the comparability requirement by distinguishing two geographic areas drawn according to state boundaries would render the statute facially unconstitutional. Applicant says the statute on its face requires only reciprocity from the applicant's affiliates, wherever they are located, and that the Commission should avoid an interpretation and application of the reciprocity provision that would jeopardize the statute's constitutional status by drawing state boundaries within service territories or, rather, by defining "geographic areas" along state lines. Such result, Applicant asserts, would create an impermissible burden on interstate commerce with no legitimate local purpose. According to Applicant, Illinois has no local interest in seeing Missouri customers benefit from competition in the retail electric market, and the only arguable interests Illinois would have in such a requirement would be to (1) open up "foreign" markets in which Illinois electric utilities can compete, and (2) keeping foreign competitors out. According to Applicant, neither is a legitimate local interest, and both involve interstate commerce, which the State may not unreasonably burden in violation of the Constitution.

Applicant further argues that the result of requiring comparable delivery services on the Missouri portion of the Ameren's integrated system goes beyond the legitimate interest of Illinois. Applicant says such a result would provide MidAmerican and the Alliant companies retail access in the Missouri portion of the Ameren control area, while not providing necessarily comparable access to those companies' retail service areas.

In conclusion, Applicant claims it has satisfied the requirements of Section 16-115(d)(5). Applicant argues that this Section does not require Applicant's affiliates to offer delivery services to any greater extent than they are under the terms of the Customer Choice Law. According to Applicant, to find otherwise would be to frustrate the goals of both the General Assembly and the Commission, and to unconstitutionally deny Applicant access to the Illinois retail market, when it has satisfied all other requirements for certification.

C. Conclusions

As explained above, Applicant is an affiliate of Union Electric Company and Central Illinois Public Service Company, also known as AmerenUE and AmerenCIPS, respectively. Both AmerenUE and AmerenCIPS own and control electric transmission and distribution facilities for public use and for delivery of electricity to end-use customers in defined geographic regions in the State of Illinois. AmerenUE also owns and controls electric transmission and distribution facilities for public use and for delivery of electricity to end-use customers in defined geographic regions in the State of Missouri. AmerenUE's electric service territory in Missouri is not open to retail electric competition and customer choice at the time of the instant application. Hence, the applicability of the reciprocity provisions in Section 16-115(d)(5) must be considered.

16-115(d)(5) provides, among other things, that the application for an ARES certificate may not be granted if (1) a utility affiliated with the applicant ("affiliated utility")

owns or controls facilities, for public use, for the transmission or distribution of electricity to end users within a defined geographic area, (2) electric power and energy can be physically and economically delivered, to the areas served by the affiliated utilities, by the Illinois utilities in whose service areas the proposed service will be offered, and (3) the affiliated utilities do not provide delivery services in the area in which the applicant's proposed service will be offered that are reasonably comparable to those offered by the electric utility. Whenever these three circumstances are present, the application may not be granted. If an applicant demonstrates that any one of these three circumstances are not present, then the above-referenced reciprocity provisions do not preclude the issuance of an ARES certificate.

With respect to the first criterion, both AmerenUE and AmerenCIPS do in fact own or control facilities, for public use, for the transmission or distribution of electricity to end users within a defined geographic area in Illinois, and AmerenUE owns or controls facilities, for public use, for the transmission or distribution of electricity to end users within a defined geographic area in Missouri.

As for the second criterion, the Applicant claims, without adequate support, that electric power and energy cannot be physically and economically delivered by the Illinois utilities to the areas served by the affiliated utilities. Applicant provided no quantitative analysis on this issue. Further, Applicant failed to even discuss the issue with respect to any Illinois electric utilities other than ComEd and Illinois Power. In the Commission's opinion, the Applicant has failed to show that electric power and energy cannot be physically and economically delivered by the Illinois utilities to the areas served by the affiliated utilities.

The third criterion is whether the affiliated utilities provide delivery services which are "reasonably comparable" within the meaning of Section 16-115(d)(5). If so, then the Applicant's request for an ARES certificate is not precluded by the reciprocity restrictions in Section 16-115(d)(5). However, given the findings made above regarding the first two criteria, if the Applicant's affiliated utilities do not provide delivery services which are reasonably comparable, then the Applicant's request for an ARES certificate must be denied.

Applicant argues that it has met what it refers to as the "comparable delivery service requirement." Applicant asserts, in part, that both of its affiliated electric utilities offer delivery services which are available to all eligible retail customers under the Illinois Customer Choice law and therefore should be deemed "comparable." According to the Applicant, where an ARES is restricted by statute to provide service only to eligible retail customers in a non-affiliated utility's service area, the reciprocating obligation of the ARES and its affiliated utilities to offer comparable delivery services should be determined based on whether delivery services are available to any and all eligible retail customers on their distribution facilities. Applicant states that AmerenCIPS owns transmission and distribution facilities in Illinois on which it provides delivery services to its eligible Illinois customers, and that AmerenUE owns transmission and distribution services in Missouri

and Illinois on which AmerenUE provides delivery services to its eligible Illinois customers. This, Applicant argues, should be sufficient for a finding of comparability.

Having reviewed the record in this proceeding, the Commission finds that Applicant meets the statutory requirement that its affiliates provide delivery services which are “reasonably comparable” to those offered by the Illinois electric utilities. While the Commission does not agree with a number of the Applicants’ arguments on this issue, Applicant has demonstrated that AmerenCIPS and AmerenUE serve a large number of customers in Illinois and derive significant electric operating revenues from their operations in Illinois and, consistent with statutory requirements, a considerable number of their customers are eligible for delivery services. Thus, the facts presented here warrant a finding that the reciprocity requirements of Section 16-115(d)(5) of the Act do not preclude the issuance of an ARES certificate to Applicant.

The Commission has another observation to make regarding the reciprocity provisions of Section 16-115(d)(5). It is the Commission’s belief that these provisions are primarily intended to protect Illinois electric utilities from unfair competition by electric utilities outside of Illinois and by affiliates of those out-of-state utilities. If the Commission denied the application pending in this proceeding it would not, as a practical matter, provide any protection to Illinois electric utilities. As Applicant states, it is possible for AmerenCIPS to compete directly with other Illinois electric utilities. Furthermore, AmerenUE has the same statutory authority to compete throughout Illinois. Therefore, denying the application would apparently do nothing more than affect the organizational structure under which such competition could occur. Additionally, the organizational structure that would be available to allow the Ameren utilities to compete in the event the application were denied would, from the perspective of protecting the interests of retail electric customers in Illinois, appear to be inferior to that which will occur if this Application is granted.

As noted above, Applicant has also made certain arguments challenging the constitutionality of the reciprocity provisions in Section 16-115(d)(5). Although it is not necessary to reach and dispose of this issue given the determinations made above, the Commission finds that Applicant’s arguments are unpersuasive. For the Illinois Commerce Commission to declare a section of the recently enacted Customer Choice Law unconstitutional based on the arguments contained in Applicant’s filing, which consist primarily of conclusions unsupported by detailed legal analysis, would be an inappropriate exercise of the Commission’s authority.

VII. COMMISSION’S CONCLUSIONS AND CERTIFICATE OF SERVICE AUTHORITY

The Commission has reviewed the application and attachments along with the supplementary information provided by Applicant and finds, subject to the conditions and to the extent set forth herein, that the application is in order and satisfies the requirements of the Public Utilities Act and Part 451. The Commission concludes, therefore, that the

application for certification as an ARES should be granted, subject to the conditions and to the extent set forth herein, and that the certificate should read as follows:

CERTIFICATE OF SERVICE AUTHORITY

IT IS CERTIFIED that Ameren Energy Marketing Company is granted service authority to operate as an Alternative Retail Electric Supplier as follows:

SERVICES TO BE PROVIDED: (1) The sale of electricity and power.

CUSTOMERS TO BE SERVED: All eligible nonresidential retail customers with total maximum electric demand of 1 MW or more.

GEOGRAPHIC REGION(S) SERVED: The State of Illinois.

VIII. FINDINGS AND ORDERING PARAGRAPHS

The Commission, having reviewed the entire record, is of the opinion and finds that:

- (1) Applicant, which is organized under the laws of the State of Illinois, seeks authority to become an Alternative Retail Electric Supplier under Section 16-115 of the Act;
- (2) the Commission has jurisdiction of the parties hereto and the subject matter hereof;
- (3) the facts recited and conclusions reached in the prefatory portion of this order are supported by the record and are hereby adopted as findings of fact;
- (4) as required by 220 ILCS 16-115(d)(1), and subject to the conditions set forth herein, Applicant possesses sufficient technical, financial and managerial resources and abilities to provide power and energy to eligible non-residential retail customers throughout the area certificated herein;
- (5) subject to the conditions set forth herein, Applicant has complied with 220 ILCS 16-115(d)(2) through (5) and (8);
- (6) subject to the conditions set forth herein, Applicant should be granted the Certificate of Service Authority set out in Section VII of this Order and shall thereafter comply with all applicable Commission rules and orders and any applicable amendments thereto.

IT IS THEREFORE ORDERED by the Commission that Applicant is hereby granted the Certificate of Service Authority set out in Section VII of this Order, subject to the conditions set forth herein.

IT IS FURTHER ORDERED that, subject to the provisions of Section 10-110 of the Public Utilities Act and 83 Ill. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

By proposed order of the Hearing Examiner this 27th day of July, 2000.

Hearing Examiner