

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

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|--|---|--------------------|
| Commonwealth Edison Company |) | |
| |) | Docket No. 18-1772 |
| Revisions to Rider Residential Real Time |) | |
| Pricing Program (Rider RRTP). |) | |

**VERIFIED INITIAL BRIEF ON BEHALF OF
THE ILLINOIS COMPETITIVE ENERGY ASSOCIATION**

The Illinois Competitive Energy Association, pursuant to Section 200.800 of the Illinois Commerce Commission’s (“Commission”) Rules of Practice (83 Ill. Admin. Code § 200.800) and the case schedule set by the Administrative Law Judge, respectfully submits this Verified Initial Brief in the above-captioned Docket. The Commission should protect the integrity of the competitive retail electric market and its own functional separation rules by stopping ComEd from using interval data without customer consent in a manner that is inconsistent with law and policy.

ICEA has two recommendations: First, the Commission should reject ComEd’s proposed changes to Rate RRTP because ComEd is proposing an anti-competitive program whose justifications do not withstand scrutiny. The proposed program’s fatal legal and policy flaws are independently sufficient for the Commission to reject ComEd’s proposal.

Second, the Commission should order ComEd to use interval data from AMI meters for billing and settlement of all customers. ICEA expects this step to remove the primary barrier to alternative retail electric suppliers (“ARES”) offering more time-of-use and dynamic-priced retail energy products that allow customers to get value from their advanced meters.

I.

INTRODUCTION

There does not appear to be any disagreement in the docket that time-variant supply rates—where a customer’s price per kilowatt-hour depends on when they are using electricity—can

provide substantial benefits to both customers on those rates and all customers. There is also no disagreement that currently there are limited options for time-variant rates in ComEd's service territory other than ComEd's real-time pricing program, known as Rate RRTP. There is no dispute that virtually all residential customers in the ComEd service territory have advanced meters that can record customer usage at least every half hour. The essential dispute is whether ComEd should goose participation in Rate RRTP through unfair and potentially illegal use of data and subsidies on customer bills, or greatly reduce the primary barrier to ARESs offering time-of-use products and services. The former is ComEd's proposal—which the Commission should reject—and the latter is ICEA's proposal—which the Commission should adopt.

All customers in ComEd's service territory take delivery services from ComEd in its role as the distribution utility. Based on the most recent publicly available data identified by ICEA, over 30% of residential customers in the ComEd service territory take supply service from an ARES; the rest take supply service from ComEd. The overwhelming majority of ComEd customers take service on ComEd's "bundled rate" or "Rate BES," a quasi-fixed rate supply service. Generally speaking, wholesale components of Rate BES are procured by the Illinois Power Agency on behalf of ComEd. (*See* 220 ILCS 5/16-111.5.) A small handful of customers—equivalent in size to the customer footprint of a very small ARES—currently take service under Rate RRTP. For both Rate BES and Rate RRTP, ComEd neither profits nor loses money; ComEd is entitled to recover its costs associated with providing supply service, no more and no less.

In the course of providing distribution utility services, ComEd collects and manages massive amounts of data about each customer. One of the primary data sets regarding each customer is their interval usage, which ComEd collects and manages through AMI. In the case of Rate BES, the interval meter data that ComEd collects is irrelevant to its role as a supplier because

Rate BES is the same price during every hour in a billing cycle. Conversely, interval meter data is essential bill customers on a time-variant rate such as real-time pricing offered under Rate RRTP.

As with most of ComEd's functions in its distribution utility role, ComEd's management of interval data is highly regulated. Among others, Sections 16-108.6(d) and 16-122 of the Public Utilities Act restrict when and how ComEd can—and cannot—release interval data. (220 ILCS 5/16-108.6(d) and 16-122.) Through a series of Commission dockets, beginning with ICC Docket No. 13-0506 and including 14-0507, 14-0701, 15-0073, and 17-0123, stakeholders and the Commission have wrestled with the circumstances under which ComEd can release interval data and how that interval data can be used and protected. The discussions have centered around customer consent, and the Commission has repeatedly required high standards for demonstrating consent. While all of these dockets impact ComEd, the transactions contemplated involve ComEd and third parties.

Setting aside ComEd's insistence that it can do what it wants with interval data, at first blush it would appear that the question of whether ComEd can without customer consent use the interval data it collects as a distribution utility for the purposes of marketing a supply rate is a question of first impression. However, while true that the Commission has not explicitly addressed this narrow question, the Commission—as required by statute—has addressed limitations on how ComEd's distribution function interacts with others, including ComEd's supply function. This includes Part 452 of the Commission's Rules, highlighted by Section 452.260 (83 Ill. Admin. Code § 452.260.) As described in further detail in Section III *infra*, this longstanding rule prevents ComEd from using customer data obtained in its role as a distribution utility for the purposes of marketing a supply rate.

While ComEd does not use or need this interval data in its supply function to bill Rate BES customers, ComEd in its function as a supplier is planning to use this interval data to market a different supply option (Rate RRTP) to certain customers. ComEd will do this by analyzing all residential Rate BES customers' data without their consent and allowing a third-party RRTP program administrator to send solicitation materials to those customers. For the factual reasons described primarily in Sections II.A, II.B and II.E *infra*, the Commission should reject ComEd's proposal because it does not meet ComEd's own goals and is anti-competitive. For the legal reasons described primarily in Section III *infra*, the Commission should hold that ComEd's proposal would violate the Commission's rules.

II.

BILL PROTECTION EXPERIMENT

A. Overview of the Experiment

ComEd's proposal should be broken down into two components: *what* ComEd proposes to do and *why* ComEd proposes to do it. ComEd has the burden to establish both that its proposal is justified and that it meets legal and policy requirements.

The law and the evidence in this docket establishes that the Commission should prevent ComEd from doing what it seeks to do, namely to use Rate BES customer interval data without consent for marketing purposes. The "what" is addressed in detail Section II.B *infra*, which establishes the anti-competitive nature of ComEd's proposal that will undermine the competitive retail supply market. However, even if the Commission disagrees with ICEA and believes ComEd can do what it seeks to do, the evidence establishes that ComEd has not provided an adequate justification (the "why") for its proposed program. ComEd's justification, at essence, is to study whether subsidizing a customer's bill is an effective marketing tool—with no justification for why

subsidizing the customer's bill should be used as a marketing tool in the first place. As a result, ComEd cannot meet its burden and the Commission should reject ComEd's proposal.

ComEd proposes to study whether subsidizing Rate RRTP customers' bill so they pay no more than what they would have on Rate BES while offering potential savings upside would increase participation on Rate RRTP. (*See* ComEd Ex. 1.0 at 12:219-224.) ComEd only plans to offer this message to customers who are expected to save money without changing their usage patterns. (*See* ComEd Ex. 1.0 at 8:151-156, 10:193-11:204.) ComEd argues that this would increase participation in Rate RRTP, and increased participation in Rate RRTP benefits both participants and all customers. (*See* ComEd Ex. 1.0 at 5:107-111.) Even if ComEd's proposed bill subsidy was extended in the future, ComEd only plans to offer it to customers who are expected to save on Rate RRTP without behavioral changes. (*See* ComEd Ex. 2.0 at 8:160-165.)

The fundamental problem with ComEd's justification is that it does not provide any evidence that marketing Rate RRTP to customers that are expected to save without behavioral changes will lead to any system or environmental benefits. ICEA witness Mr. Gafford testified that time-variant pricing—whether real-time or time-of-use—has very real benefits for both individual customers and the entire grid (all customers), but that the benefits are contingent on customers changing their behavior. (*See* ICEA Ex. 1.0 at 5:82-6:113.) Specifically, the benefits come from customers on time-variant pricing reducing their on-peak usage in response to higher on-peak prices. (*See id.*) However, if customers are pre-selected for savings on real-time pricing without behavioral changes and customers' bills are subsidized, as pointed out by ComEd in Rate RTOUPP and in this docket by Mr. Gafford, then only the individual customer benefits:

It is clear that ComEd's intention with the Rate RRTP pilot is not to change anyone's usage behavior, but to find customers who will get a personal financial benefit from the plan without changing their behavior at all. In other words, they are that first type of customer I described above: one who can save without shifting

usage, because their usage patterns are not typical to the average consumption pattern of a residential customer.

Further, by offering a price guarantee, those customers who otherwise used less at peak times are even insulated from the consequences of doing the “wrong” thing: using more on-peak energy. There is no reason to believe any customers participating in the program would do anything to shave the peak.

(ICEA Ex. 1.0 at 6:115-123.)

ComEd witness Mr. Garcia did not provide any evidence that customers who are expected to save on Rate RRTP without changing their behavior will, in fact, change their behavior in a way that reduces peak consumption. ComEd witness Mr. Garcia argues that customers on Rate RRTP reduce their usage because they receive customer education, but Mr. Garcia does not generally address the effect of the bill subsidy and marketing only to customers who save without behavioral changes. (*See, e.g.*, ComEd Ex. 3.0 at 4:72-80.) The closest ComEd comes to addressing Mr. Gafford’s testimony is Mr. Garcia’s statement that:

ICEA focuses on the fact that BPG customers are protected from downside risk (although only for a limited time), but ignores the fact that BPG customers have full capability to shift load to lower-priced hours, and a financial incentive to do so because it would reduce their bills.

(ComEd Ex. 2.0 at 3:60-63.) ComEd provides no evidence that customers who are expected to save on Rate RRTP without behavioral change have the ability or inclination to further reduce or shift consumption—a fundamental assumption of Mr. Garcia and Mr. Gafford’s assessments of the benefits of time-variant pricing. (*See* ICEA Ex. 2.0 at 2:35-3:63 (explaining that ComEd witness Mr. Garcia’s testimony did not address this issue).)

In addition, the flaws in ComEd’s position are well described by the words of ComEd testifying witnesses in a separate docket discussing how bill subsidies impact time-variant price signals. In ICC Docket No. 18-1725/-1824 (cons.), which remains pending before the Commission, ComEd seeks approval for a time-of-use rate labeled Rate RTOUPP. In that docket,

a witness for an intervening party suggested that if customers pay more on Rate RTOUPP than the customer would have paid on Rate BES, ComEd should refund the customer 90% of that payment. ComEd witness Mr. Martin Fruehe provided a principled and well-reasoned disagreement with this proposal:

Obviously, when a customer transitions from a flat rate to a time-variant rate, there is an element of risk that the customer may pay more, but one of the goals of this pilot is to influence behavior. If the customer does not believe there is a risk and reward, they may not be incentivized to respond to the price signal. As this pilot is voluntary, we expect that the customers who enroll will be those who believe Rate RTOUPP could potentially benefit them, being fully aware of the risk.

(ICC Docket No. 18-1725/-1824 (cons.), ComEd Ex. 4.0 dated May 10, 2019 at 8:132-9:187.) ICEA notes that ComEd explicitly disclaimed use of customers' historic interval usage data in marketing Rate RTOUPP. (ICC Docket No.18-1725/-1824 (cons.) ComEd Ex. 4.0 dated May 10, 2019 at 13:282-284.)

ICEA notes the stark contrast between ComEd witness Mr. Fruehe's testimony from the RTOUPP docket quoted above and ComEd witness Mr. Garcia's testimony in this docket—both the statement quoted above and the following:

The primary goal of the Experiment is to address customer risk aversion as an obstacle to RRTP adoption.

* * *

Another goal of the Bill Protection Experiment is to develop understanding of customer behavior in order to identify potential future modifications to RRTP. For example, once enrolled in RRTP, do customers who receive the BPG offer behave the same as those customers that are fully exposed to pricing risk?

(ComEd Ex. 1.0 at 8:161-9:171.) As explained by ComEd witness Mr. Fruehe in the Rate RTOUPP docket, "If the customer does not believe there is a risk and reward, they may not be incentivized to respond to the price signal."

ICEA witness Mr. Gafford summed up the flaws in ComEd's justification noting that:

Without demonstrating that such customers are good candidates for load shifts or reductions, ComEd cannot establish why these customers should be specifically targeted in the first place—much less provided with a billing guarantee.

(ICEA Ex. 2.0 at 4:69-72.) Unless and until ComEd can make this showing, the Commission should reject any attempts to market only to customers who save without behavioral changes.

B. Marketing to Customers

ComEd seeks to leverage residential customer interval data collected in its capacity as the distribution utility to market one of its retail rates. ComEd will, without customer consent, examine the interval usage patterns of each customer. From there, ComEd—either itself or through the RRTP program administrator—will determine which customers on ComEd Rate BES would have saved money if the customers had been on Rate RRTP instead. The RRTP program administrator will receive at minimum the names and addresses of each customer that qualify under these criteria, and the RRTP program administrator will send such customers direct mail to solicit enrollment on Rate RRTP. Some portion of these customers will be offered a bill subsidy.

For the reasons explained in Section II.A *supra*, there is no justification for this program to seek enrollment of customers who would save on Rate RRTP without changing their behavior. For the reasons explained in Section II.E *infra*, these steps are anti-competitive and should be rejected on policy grounds. For the reasons explained in Section III *infra*, the Commission should hold that Section 452.260 prohibits ComEd from using customer interval data, customer name, and customer address—or, in the alternative, at minimum customer name and address—to market Rate RRTP.

C. Evaluation and Reporting

D. Cost

ComEd posits that the program cost will be approximately \$200,000. (ICEA Ex. 1.0 at 14 (ComEd Response to Data Request AG 1.06).) ICEA notes that ComEd anticipates \$15,000 in

bill subsidies over approximately 8,400 customers-months (700 customers maximum, each with a 12-month bill subsidy period). In other words, ComEd anticipates that each customer on average will lose approximately \$2/month on Rate RRTP—even though the customers are hand-picked of nearly all Rate BES customers to save over 16% against Rate BES. (*See, e.g.*, ComEd Ex. 1.0 at 11:200-202 (16% customer anticipated savings target).) This suggests to ICEA that ComEd is not confident that its hand-picked customers will continue to use energy in a way that would continue to save compared to Rate BES—much less increasingly shift away from peak usage.

E. Impact on Competition

ComEd’s proposed changes to Rate RRTP are anti-competitive. As an initial matter, ICEA does not contest ComEd offering Rate RRTP as it exists today (i.e. without the bill subsidy or using interval data to market without customer consent), even though real-time pricing is offered by ARES in other states, including Texas. (*See* ICEA Ex. 2.0 at 10:231 (noting ARES-provided real-time pricing in Texas).) ICEA is not requesting Commission action on the substantial subsidies that benefit the current Rate RRTP program.¹ (*See id.* at 10:216-221.) However, Rate RRTP with a bill subsidy will compete with ARES products—both fixed and time-variant products—making ComEd’s competitive advantages relevant currently and related to future time-variant product development. (*See, e.g., id.* at 13:279-287.)

Both ComEd’s bill subsidy and use of customer interval data without consent for marketing purposes are fundamentally and irredeemably anti-competitive. As ICEA witness Mr. Gafford summarized: “ComEd will be using money collected from all ratepayers (at least within certain delivery classes) and a resource that only ComEd has access to (interval data from all customers

¹ ICEA initially argued that Rate RRTP enjoyed a competitive advantage with regard to capacity and transmission cost allocation methodology. ComEd witness Mr. Garcia identified an update in ComEd’s methodology, which has caused ICEA to withdraw this concern.

without authorization) to target the lowest cost-to-serve customers.” (ICEA Ex. 2.0 at 9:194-196.)

In contrast, Mr. Gafford also summarized the pathway for an ARES would have to do to offer the same product:

An ARES would have to cover the ComEd area by zip code with purchases of general mailing lists to obtain the warrant necessary for consent to even look at a customer’s individual usage. Then, the ARES would take whatever customers (if any) respond, would need to individually request those customers’ information from the utility, and from there analyze which fit into the parameters of an offer based on usage profile. It would be very difficult and expensive for an ARES to create a data set as large and rich as the one ComEd proposes to provide to [RRTP program administrator] Elevate Energy. I note again that ComEd is doing all of this without the initial first step of [obtaining] customer consent [for] both the data and the mailing information. In contrast, I understand that ComEd has argued in other contexts that legal issues stop it from even providing customer mailing information to an ARES.

(ICEA Ex. 1.0 at 8:154-164.) In other words, an ARES could not recreate ComEd’s process at any price, because ARES must currently obtain explicit customer consent to receive the customer’s interval data for marketing (non-billing) purposes.

While ComEd’s anti-competitive advantages are worthy of Commission attention even in a vacuum, they provide an even greater risk to competitive retail market development given the nascent ARES time-of-use and time-variant product market. “The Illinois Commerce Commission should act to promote the development of an effectively competitive electricity market that operates efficiently and is equitable to all consumers.” (220 ILCS 5/16-101A(d).) The Commission should reject ComEd’s proposed changes to Rate RRTP because they are anti-competitive.

ICEA identified substantial benefits for expanded ARES-offered time-of-use products. (*See, e.g.*, ICEA Ex. 1.0 at 9:174-181.) ComEd witness Mr. Garcia generally agreed that increased penetration of time-of-use products is a positive. (*See* ComEd Ex. 3.0 at 4:67-68 (“I do agree that benefits will likely arise to the system generally if enough customers shift load away from high-

priced periods and/or reduce their overall usage”).) However, as Mr. Gafford testified, ARESs need customer interval data to offer time-of-use products and the current process for obtaining customer interval data is a barrier to adoption. (See ICEA Ex. 1.0 at 8:154-164, 10:195-200, 10:205-11:215.)

In contrast with Illinois, Mr. Gafford testified (and ComEd did not dispute) that “Texas has much better data access for retail suppliers and far higher adoption rates of time-of-use products despite the lack of a subsidized utility option.” (ICEA Ex. 2.0 at 5:89-90.) ICEA certainly understands the vast differences between Illinois and Texas—regulatory and otherwise—but does note that better data access for ARES, not utility-subsidized time-of-use rates of questionable benefit, are the best pathway for increasing the number and participation levels on ARES-offered time-of-use products.

As a result, ICEA proposed a far superior option to unlock benefits of customer participation in time-variant pricing than ComEd’s proposal: Require ComEd to use interval data for billing and settlement purposes. (ICEA Ex. 1.0 at 9:183-185.) This would only impact an ARES’s current customers and would not be a comprehensive solution, but would substantially reduce a highly problematic barrier to ARES offering time-of-use products. The Commission should order ComEd to use interval data as the standard for billing and settlement purposes for all customers, either in the present docket or in the alternative in a new docket.

Either independently or taken together with the legal concerns addressed in Section III *infra* and/or the flaws in ComEd’s justification explained in Sections II.A.2 and II.B *supra*, these competitive concerns are sufficient basis for the Commission to reject ComEd’s proposal.

III.

INTEGRATED DISTRIBUTION COMPANY PLAN

ComEd cannot leverage its role as the distribution utility to acquire supply customers because of legal protections within the Commission's rules. ARES are the intended beneficiaries of the applicable rules, which are intended to prevent anti-competitive behavior by the utility. Despite the legal prohibition, in this docket ComEd seeks to use information uniquely available to the distribution utility to its advantage. The Commission should uphold the protections in its rules and stop ComEd from using customers' interval data without consent to market real-time pricing.

Section 452.260(b) of the Commission's Rules provides in whole that:

No IDC employee shall use the information described in subsection (a) to sell, promote, market or advertise any retail electric supply service or to attempt to obtain or retain any customer for any retail electric supply service; provided that information received from a retail customer of the IDC that is necessary to the continued provision of retail electric supply service to that customer may be used by the IDC for that purpose.

(83 Ill. Admin. Code § 452.260(b).) In relevant part, Section 452.260(a) states:

The information covered by this Section shall include any data or information provided to the IDC in its role as a provider of transmission and distribution services by . . . [a] retail customer of the IDC.

(83 Ill. Admin. Code § 452.260(a).) As demonstrated below, this section prohibits ComEd from using interval data gathered in its distribution utility function to market a supply rate.

A. Rate RRTP is Retail Supply Service

The term "retail electric supply service" is defined as "the retail sale of electricity, whether bundled or unbundled." (83 Ill. Admin. Code § 452.200.) This term clearly refers to utility supply rates, or at minimum includes utility supply rates. Thus, Section 452.260(b) refers to ComEd supply rates such as RRTP.

B. Customer Name And Address is Provided to ComEd by the Customer

At minimum, the retail customer furnishes to ComEd the name and address related to the account. Neither the customer's name nor address is ComEd generated—the retail customer must provide that information to ComEd as part of obtaining an account with ComEd. Thus, at most, ComEd may provide the RRTP program administrator with customer interval data and account numbers, ComEd is prohibited from providing the customer's name and address associated with that usage. At most, ComEd is allowed to provide data with an account number but no other identifying features.

C. Customer Interval Data is Provided to ComEd by the Customer

Interval data collected by ComEd is also provided to ComEd by the Customer. While ComEd uses its device to record a customer's usage, the data itself belongs to the customer. As the Commission found in ICC Docket No. 15-0073: “The Commission agrees with Ameren that **the utility is the holder of the Customer's AMI data** and the utility should manage the release of it, subject to the customer's direction to share that data with third parties for non-utility-related purposes.” (ICC Docket No. 15-0073, Final Order dated March 23, 2016 at 27 (emphasis added, internal quotations omitted).) The capitalization of “Customer” but not “data” demonstrates that the Commission intended to indicate ownership of interval data by the customer, not label something owned by the utility as “Customer AMI Data.”

D. Section 16-107 Does Not Modify the Functional Separation Rules

In testimony, ComEd cited to Section 16-107(b-15), which reads in relevant part: “The electric utility shall provide the program administrator with all information and assistance necessary to perform the program administrator's duties, including, but not limited to, customer, account, and energy use data.” (220 ILCS 5/16-107(b-15).) ComEd attempts to read this section

as allowing ComEd to provide whatever information is in its possession to the RRTP program administrator if that information is useful. The Commission should reject ComEd's interpretation.

As an initial matter, the Commission should read Section (b-15) in totality. The program administrator's duties include:

develop and implement a program to provide consumer outreach, enrollment, and education concerning real-time pricing and to establish and administer an information system and technical and other customer assistance that is necessary to enable customers to manage electricity use.

(*Id.*) Obtaining customer interval data before the customer has enrolled on Rate RRTP is not necessary for any of these functions. While interval data would be useful—as it would be to ARES—it is not necessary to perform these tasks.

However, even to the extent that the Commission determines that interval data from all ComEd residential customers on Rate BES, the program administrator's duties are limited to implementing a tariff authorized pursuant to Section 16-107(b-5). This proceeding cannot have been initiated under Section 16-107(b-5), because “[a] proceeding under this subsection (b-5) may not exceed 120 days in length”—an endpoint that was long ago exceeded. To the extent that ComEd's proposed tariff modification is not authorized by subsection (b-5), it does not expand the program administrator's duties.

In addition, because subsection (b-15) does not explicitly provide that ComEd shall provide information to the RRTP program administrator notwithstanding other requirements of law, the Commission should read the obligations in subsection (b-15) to be consistent with other legal obligations imposed upon ComEd. For instance, if ComEd determined it was useful to provide the RRTP program administrator with bidder and supplier information related to IPA Procurement Plan procurements, ComEd should not be able to share that information. (*Cf.* ILL C.C. No. 10, 1st Revised Sheet No. 329.1 (requiring such information to be kept confidential).) Nor should

ComEd be able to provide ARES pricing information to the RRTP program administrator simply because ComEd believes it would be a good comparison for marketing. (See 83 Ill. Admin. Code 450.90 (“Electric utilities shall treat all information obtained from an ARES as confidential information, and shall not provide such information to its affiliated interests or to unaffiliated entities unless the alternative retail electric supplier provides authorization to do so.”) In other words, subsection (b-15) allows ComEd to provide necessary information but does not provide ComEd with *carte blanche* to provide the RRTP program administrator with any piece of information ComEd might believe is useful.

E. The Policy Behind Section 452.260 Supports Denying ComEd’s Request

The plain language of Section 452.260 makes clear the Commission’s underlying policy in promulgating the rules: The distribution utility should not use the information it receives as a distribution utility to gain an unfair advantage. In this case, ComEd is marketing a supply service using interval data that it collected in its distribution function and that is not necessary in any way for ComEd as a supplier to offer Rate BES. This is exactly the type of action Section 452.260 was intended to prevent.

IV.

CONCLUSION

ComEd’s proposal to use customer interval data without consent is anti-competitive and therefore should be rejected. The Commission should reject ComEd’s proposal out of hand because it not only presents a significant risk of negatively impacting the competitive retail market, but also is inconsistent with Section 452.260 of the Commission’s rules. In addition, ComEd has not met its burden to justify the change to Rate RRTP, because ComEd did not establish that there are any systemic benefits to targeting individual customers who are expected to save money

without changing their behavior. For any or all of the foregoing reasons—the anti-competitive impact on retail markets, conflicts with Commission rules, and ComEd’s failure to carry its evidentiary burden—the Commission should reject ComEd’s proposed changes to Rate RRTP.

No party disagreed that time-variant rates or products have systemic and individual customer benefits. Instead of ComEd’s proposed approach to drive more customers to Rate RRTP (without evidence that the customers ComEd would seek to enroll would provide systemic benefits), ICEA recommends that the Commission instead spur the competitive retail market to offer time-variant products. The Commission can do so by removing the primary barrier to ARESs offering time-variant products through improved ARES access to customer interval data for billing and settlement purposes. While not a full solution, ICEA believes requiring ComEd to use interval data as the standard for billing and settlement purposes would be a marked improvement and lead to increases in ARES time-of-use products for customer consideration.

WHEREFORE ICEA respectfully requests that the Commission reject ComEd’s proposed modifications to Rate BES and instead adopt ICEA’s proposal to require ComEd to use interval data as the standard data for billing and settlement of current ARES customers.

June 19, 2019

Illinois Competitive Energy Association

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STATE OF ILLINOIS)
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COUNTY OF SANGAMON)

VERIFICATION

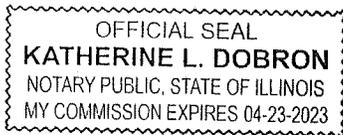
Kevin Wright, being first duly sworn, on oath deposes that he is President of the Illinois Competitive Energy Association, that the above Verified Initial Brief on Behalf of the Illinois Competitive Energy Association was prepared by him or under his direction, he knows the contents thereof, and that the same is true and correct to the best of his knowledge, information, and belief.

Kevin Wright

Kevin Wright

Subscribed and sworn to me
This 19th day of June, 2019

Katherine J. Dobron



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NOTICE OF FILING

Please take notice that on June 19, 2019, the undersigned, an attorney, caused the Verified Initial Brief on Behalf of the Illinois Competitive Energy Association to be filed via eDocket with the Chief Clerk of the Illinois Commerce Commission in the above-captioned proceeding:

June 19, 2019

/s/ Michael R. Strong
Michael R. Strong

CERTIFICATE OF SERVICE

I, Michael R. Strong, an attorney, certify that copies of the foregoing document(s) were served upon the parties on the Illinois Commerce Commission's service list as reflected on eDocket via electronic delivery from 55 W. Monroe Street, Suite 2300, Chicago, IL 60603 on June 19, 2019.

/s/ Michael R. Strong
Michael R. Strong