

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

Commonwealth Edison Company	)	
	)	Docket No. 18-1725
Verified Petition for Approval of a Revision to	)	
Integrated Distribution Company Implementation	)	
Plan	)	
	)	
Commonwealth Edison Company	)	
	)	Docket No. 18-1824 (cons.)
Creation of Rate Residential Time of Use	)	
Pricing Pilot ("Rate RTOUPP")	)	

**VERIFIED REPLY 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), respectfully submits this Verified Reply Brief in the above-captioned Docket. ICEA has reviewed the Initial Briefs of ComEd, Staff, the AG, and CUB/EDF. Nothing in those Initial Briefs justifies a departure from ICEA’s recommendations. As ICEA recommended in its Initial Brief, the Commission should reject ComEd’s proposed Rate RTOUPP, reject ComEd’s proposed Integrated Distribution Company (“IDC”) rule waiver, and adopt ICEA’s proposed data access approach.

**I.**

**INTRODUCTION**

ICEA’s arguments and conclusions in its Initial Brief were largely reinforced by the Initial Briefs of other parties. While the parties each had different conclusions, there appeared to be minimal debate over the core facts. No party disputed that ComEd has not established that there is any demand for Rate RTOUPP—ICEA and the AG conclude that ComEd has not sufficiently justified Rate RTOUPP, while ComEd and CUB/EDF believe this fact is part of the justification. There is no debate as to how the Purchased Electricity Adjustment (PEA) works mechanically—

ComEd argues that it does not intend to use the PEA in an anti-competitive effort while ICEA established that the PEA will be anti-competitive *despite* ComEd’s best efforts to keep it competitively neutral. There is no debate that ComEd seeks to recover Rate RTOUPP costs from all Rate BESH customers if there is too little interest in Rate RTOUPP—ComEd argues that this is justifiable while ICEA demonstrated it is an anti-competitive effect that is not justified for a voluntarily-offered rate. There is no debate that the competitive retail market does not currently offer many time-variant products—ComEd and CUB/EDF believe this is a justification for Rate RTOUPP, while ICEA demonstrated that Rate RTOUPP is simply another barrier to ARES product development to go along with inadequate access to data.

As explained in ICEA’s Initial Brief and *infra*, ICEA fully addresses the arguments made by ComEd and CUB/EDF in favor of Rate RTOUPP and against ICEA’s proposal that the Commission open an investigation into ComEd using AMI interval data for billing and settlement purposes for all customers. For the reasons in ICEA’s Initial Brief and *infra*, the Commission should reject Rate RTOUPP and instead open an investigation as described in Section IV of ICEA’s Initial Brief.

## II.

### RATE RTOUPP

#### A. Purpose and Benefits

ICEA explained in its Initial Brief that ComEd did not justify its proposed changes to Rate RTOUPP. First, ICEA explained that ComEd did not demonstrate any demand for Rate RTOUPP, instead conceding that ComEd hoped to learn whether or not demand existed. (*See* ICEA Initial Brief at 3.) Second, ICEA explained that Rate RTOUPP as proposed only generated “learnings”

for ComEd—not ARES. (*Id.* at 3-4.) Third, ICEA explained that there are several reasons that the Commission should not approve a utility TOU rate. (*Id.* at 4.)

In addition to ICEA, three other parties—the AG, CUB/EDF, and ComEd—addressed ComEd’s justifications for Rate RTOUPP. Like ICEA, the AG argued that ComEd did not justify Rate RTOUPP. Both CUB/EDF and ComEd argued that Rate RTOUPP was justified, although most arguments presented were already addressed in ICEA’s Initial Brief.

The AG sets out a convincing case that ComEd failed to justify Rate RTOUPP as proposed:

Because this pilot would be paid for by ComEd ratepayers, **the value proposition of the program being piloted must go beyond the edification of the utility.** To warrant the expenditure of ratepayer funds, the pilot must offer benefits to ComEd customers that the utility’s existing programs and investments do not. As proposed by the Company, the TOU pilot is too similar to ComEd’s existing time-variant pricing option, Rate BESH, and would expose participants to much of the same uncertainty and downside risk that has made Rate BESH a less attractive option for customers.

(AG Initial Brief at 6 (emphasis added).) ICEA agrees with the AG that the only learnings of Rate RTOUPP as proposed by ComEd are related to ComEd offering the same or a similar rate in the future. (*See* ICEA Initial Brief at 3-4.) While ICEA does not take a position on the AG’s individual proposed modifications to Rate RTOUPP—other than opposition to a customer bill subsidy—and disagrees that a utility TOU rate is appropriate at this time, ICEA agrees with the AG that ComEd has not justified Rate RTOUPP as proposed.

CUB/EDF alleges that “97% of [residential] customers would have saved an average of \$86” on Rate RRTP compared to Rate BES. (*See* CUB/EDF Initial Brief at 4-5.) As the AG notes, “Rate BESH has been available to customers for several years, yet less than 1% of ComEd residential customers take service under that rate.” (AG Initial Brief at 6 (citing ComEd Ex. 7.0).) If CUB’s results are directionally accurate—ICEA did not review the study so it is unable to take a position—it is unclear why Rate RTOUPP is needed. Instead, this suggests that Rate RRTP

simply needs better marketing to attract 97% of all ComEd residential customers who would save relative to Rate BES.

It appears that CUB/EDF's response to the apparent marketing failure of Rate RRTP is to create a separate rate to market without any evidence suggesting that marketing conception or execution would be more effective. CUB/EDF simply alleges without support that: "A TOU rate, which offers predictable, set prices for set hours, may appeal to a broader range of customers if they were hesitant to participate in hourly pricing because the prices were not as predictable." (CUB/EDF Initial Brief at 5.) Similar to ComEd, CUB/EDF cited no evidence that any actual customers prefer a TOU rate—especially one with capacity and transmission broken out separately and a PEA mechanism—to a real-time rate such as Rate RRTP and Rate BES.

Finally, ICEA notes that ComEd argued that "[n]o party disputed the benefits that Rate RTOUPP will make available to customers." (See ComEd Initial Brief at 4.) ICEA did argue that the PEA mechanism is likely confusing to customers and may lead to inconsistent price signals. (See ICEA Initial Brief at 6-7.) However, the AG—which, unlike ICEA, is charged by statute to represent the interests of ratepayers—strongly rebutted ComEd's presumption:

As proposed by ComEd, the TOU pilot would not achieve the goal of simplifying hourly pricing and providing sufficient incentives to achieve savings. While the pilot is intended to incentivize load-shifting to reduce system costs, the Company's proposed rate design—particularly the monthly capacity charge—imposes on its customers rate volatility and uncertainty in calculating the bill impact of their usage, an uncertainty that risks obviating the purpose of a nominally "fixed" time-variant rate.

(AG Initial Brief at 7.) At minimum, ComEd's argument that "[n]o party disputed the benefits . . . to customers" is not reflected by Initial Briefs.

## **B. Rate Structure**

ICEA used this section to generally register its opposition to Rate RTOUPP as proposed and as modified by other parties but to also praise ComEd's proposed energy procurement strategy.

(See ICEA Initial Brief at 5.) ICEA recommended that the Commission memorialize ComEd's proposal to procure energy from hourly PJM markets. (See *id.*) ICEA did not identify any opposition to ComEd's proposal to procure energy in hourly PJM markets for Rate RTOUUP or ICEA's support for ComEd's proposal.

1. Eligibility and Size of Pilot
2. Pricing Periods
3. Revenue Shift
4. Capacity Costs
5. True-Up through Purchased Energy Adjustment

ICEA explained in its Initial Brief why the Purchased Electricity Adjustment (“PEA”) has anti-competitive effects despite also serving a perfectly reasonable purpose of ensuring ComEd's costs match their revenues. First, ICEA explained that customers would be confused by the PEA and its impact on Rate RTOUUP. (See ICEA Initial Brief at 6-7.) Second, ICEA explained why this confusion hurts ARESs' ability to compete with Rate RTOUUP. (See *id.* at 7-8.) ICEA emphasized that these effects are the result of the PEA's structure *despite* ComEd's best efforts to preserve competitive neutrality. (See *id.* at 8.)

Besides ICEA, only ComEd addressed this issue in Initial Briefs. It appears that ComEd has misunderstood ICEA's position on the PEA. ComEd states in its Initial Brief that “ComEd will not use the PEA to make Rate RTOUUP more attractive.” (ComEd Initial Brief at 17.) To the extent ComEd is arguing it will not purposefully manipulate Rate RTOUUP to compete with ARES, ComEd's intentions were never subject to dispute. As ICEA explained in its Initial Brief:

ICEA has no reason to believe—and did not allege—that ComEd would somehow game or distort the PEA as a way to compete with ARES. To the contrary: the anti-competitive effects testified to by Mr. Gafford would still happen despite ComEd's best efforts for competitive neutrality.

(ICEA Initial Brief at 8.) Thus, ComEd’s contention that “Rate RTOUPP is designed to keep the PEA as close as possible to zero” is a noble but unattainable goal due to the structure of the PEA. (See ComEd Initial Brief at 16.) ComEd did not rebut that if ComEd makes an honest mistake and prices Rate RTOUPP too low, the PEA will make up the difference between cost to serve and ComEd’s revenue—reconciling revenues to costs is, in fact, the entire point of the PEA. (See, e.g., ComEd Initial Brief at 16.) ComEd also does not rebut that it seeks the option to offload costs that would otherwise be borne by Rate RTOUPP customers through the PEA on all Rate BES customers. (See ComEd Initial Brief at 16-17.)

## 6. Bill Protection

ICEA opposed the AG’s proposal for a bill subsidy equal to 90% of the amount a customer on Rate RTOUPP paid above what they would have paid on Rate BES. (See ICEA Initial Brief at 8-10.) ICEA supported ComEd’s argument that a bill subsidy would diminish the effect of price signals. (See *id.* at 9.) ICEA established that a better approach would be full and accurate disclosures in marketing materials—which, as noted both in ICEA’s Initial Brief and *infra*, ComEd has not provided. (See *id.* at 9-10.)

ComEd, the AG, and CUB/EDF addressed this issue in respective Initial Briefs. ComEd continues to oppose the AG’s recommendation because of its impact on price signals. (See ComEd Initial Brief at 17-18.) ComEd also notes that the AG does not address recovery of those costs. (See *id.* at 19.) ICEA opposes Rate RTOUPP generally and a bill subsidy specifically, but ICEA would not argue for a Commission Order that imposed a non-recoverable cost on ComEd for a modification directed by the Commission.

The AG argues that “customers, in fact, would not be ‘fully aware’ of the risks of pilot participation and the once-a-year possibility of a partial refund does not remove customers’

incentive to shift usage to reduce costs.” (AG Initial Brief at 19.) ICEA notes that ComEd’s failure to provide marketing materials to directly rebut the AG’s argument is a self-inflicted problem. However, ICEA disagrees with the AG’s solution to ComEd’s lack of upfront disclosure. ICEA recommends denial of ComEd’s IDC waiver (without prejudice) for failure to provide sufficient information for the Commission to evaluate ComEd’s request. In addition, ICEA already addressed this issue in testimony and its Initial Brief: If a customer feels misled, ICEA is not aware of any barriers to that customer seeking redress through appropriate channels. (*See* ICEA Initial Brief at 10.)

CUB/EDF appears to argue that strong price signals are necessary to change customer behavior in generally opposing a bill subsidy. (*See* CUB/EDF Initial Brief at 10.) CUB/EDF proceeds to argue the necessity of understanding how low-income customers “who most need the bill savings” change behavior. (*See id.* at 11.) CUB/EDF then argues that low-income customers need a bill subsidy. (*See id.*) These statements, taken together, are logically inconsistent. ICEA appreciates that CUB/EDF may be making a more nuanced argument, but it is not clear to ICEA how to reconcile these apparently conflicting arguments.

**C. Pilot Evaluation and Reporting**

**D. Information for Participants**

ICEA recommended that if the Commission does approve Rate RTOUPP, the Commission should direct ComEd to follow Sections 412.165(f) and (g). (*See* ICEA Initial Brief at 10-12.) ComEd opposed ICEA’s proposal in its Initial Brief. (*See* ComEd Initial Brief at 23.) ICEA addressed in its Initial Brief all of the arguments presented by ComEd. However, ICEA wishes to reemphasize two items in particular. First, ComEd argues that “These sections of the Commission’s Rules [i.e. 412.165(f) and (g)] do not apply to regulated utilities.” (ComEd Initial

Brief at 23.) ICEA agrees, and notes that ICEA’s argument is based on the value of ComEd demonstrating how a time-variant product would comply with these rules rather than an argument that ComEd is legally required to follow these sections.

In addition, ComEd argues that “ComEd’s rates already are available on the ComEd.com web page and annual rate information statements are provided with bills, in compliance with other Commission rules.” (ComEd Initial Brief at 23.) While ComEd does not explicitly cite to a section of Part 412, ICEA believes ComEd is attempting to argue that ComEd already substantially complies with the requirements that would be imposed under 412.165(f) if they applied to ComEd. ComEd’s presentation of this information—which for Rate RTOUPP is not just the three time periods but also the actual PEA and the line items for capacity and transmission—will provide great information for ARES (who are obligated to comply with Part 412) to think about how to present a similar product under 412.165(f).

#### **E. Marketing to Customers**

ComEd argued in its Initial Brief that ICEA’s concern on Direct Testimony that ComEd might use interval data to target customers is “ill founded.” (ComEd Initial Brief at 24.) ICEA addressed this issue at some length in Section III of its Initial Brief; to summarize, ICEA witness Mr. Gafford in Rebuttal Testimony noted ComEd’s commitment to not use interval data to acquire customers. Mr. Gafford suggested that the Commission memorialize this commitment in its Final Order. While ComEd’s Initial Brief did not acknowledge ICEA’s Rebuttal Testimony, fortunately ComEd’s Surrebuttal Testimony did and provided a proposed way for the Commission to memorialize ComEd witness Mr. Fruehe’s commitment in Rebuttal Testimony. (*See* ICEA Initial Brief at 17 (citing ComEd Ex. 7.0 at 7:137-140.)) ICEA did not object to Mr. Fruehe’s proposal in

ICEA's Initial Brief. ICEA recommends that the Commission adopt the recommendation of ComEd witness Mr. Fruehe on Surrebuttal Testimony.

The AG recommends that low income customers be excluded from the Rate RTOUUP pilot program. (*See* AG Initial Brief at 27-30.) If the Commission accepts ICEA's recommendation to reject Rate RTOUUP, the AG's concern is moot. However, if the Commission does accept RTOUUP, ICEA notes that industry (including ICEA) supported the LIHEAP and PIPP switching bans in Senate Bill 651. ICEA does not have a position on other low-income customers, but supports the AG's recommendation if Rate RTOUUP at least for LIHEAP and PIPP customers.

#### **F. Impact on Competition**

ICEA described at length the negative impact of Rate RTOUUP on the competitive retail market. First, ICEA explained that the Commission has long sought an evaluation of barriers to ARES offering time-variant products and services before permitting utility intrusion. Second, ICEA noted that the Purchased Electricity Adjustment design on Rate RTOUUP would have a negative impact—not because of bad intentions by ComEd, but in spite of ComEd's best efforts. Third, ICEA raised concerns that ComEd requested the option to recover costs from all Rate BESH customers in the event that Rate RTOUUP failed to generate sufficient interest. Independently or taken together, ICEA presented more than sufficient reasons for the Commission to reject Rate RTOUUP.

Two other parties addressed the impact of Rate RTOUUP on competition: ComEd and CUB/EDF. None of their arguments rebut ICEA's extensive discussion of the barriers to competition.

First, both ComEd and CUB/EDF argue that existing data access is sufficient. (*See* ComEd Initial Brief at 25; CUB/EDF Initial Brief at 14-15.) ICEA witness Mr. Gafford explained in great

detail why this was not the case, and why ARES specifically need customer interval data to offer time-variant products and services. (*See* ICEA Initial Brief at 19.) To provide the Commission with additional context, Mr. Gafford explained in his Rebuttal Testimony why interval data is so important to ARES to offer a time-variant product or service:

**Q: If ComEd does not use AMI interval data to target customers, would ARES products and Rate RTOUPP be on a level playing field?**

A: No. Unlike ComEd, ARES need interval data to offer time-of-use products.

**Q: Why do ARES need interval data to offer time-of-use products?**

A: Because ARES are not guaranteed cost recovery by the regulatory scheme, ARES must either price customers based on historic usage patterns or only serve customers whose expected cost to serve (including overhead and margin) is less than anticipated revenue.

**Q: Does ComEd face the same concerns?**

A: No. ComEd has a purchased electricity adjustment built into the rate that recovers or refunds the difference between ComEd's costs to serve and revenue.

(ICEA Ex. 3.0 at 6:123-7:132 (emphasis in original).) ICEA witness Mr. Gafford also explained why it is at minimum not practical for ARES to use the same PEA mechanism as ComEd to make up the difference between revenues and cost to serve. (*See* ICEA Ex. 3.0 at 7:134-146.)

Given that background—which was not rebutted or even addressed in testimony by ComEd or CUB/EDF—ICEA witness Mr. Gafford explained the interplay between the need for interval data and the existing regulatory structure:

ARES face high costs of customer acquisition if ARES must make customer contact, obtain permission to obtain customer data, and only then discover how to price the customer (or whether the customer is even a good candidate for time-of-use products). These high costs of customer acquisition negatively impact ARES's ability to offer competitive pricing.

(ICEA Ex. 3.0 at 6:118-122; *see also* ICEA Initial Brief at 19 (quoting the same language).) Taken together, ICEA provided extensive and unrebutted evidence that current data access pathways are

insufficient to provide ARES with the interval data needed to offer competitive time-variant products and services.

As a corollary, ComEd and CUB/EDF both make some variant of the argument that nothing prohibits an ARES from offering a time-variant product. (*See* ComEd Initial Brief at 25; CUB/EDF Initial Brief at 15.) ICEA has never argued to the contrary—instead, ICEA explained at great length *supra* and in its Initial Brief that there are barriers to offering a time-variant product.

CUB/EDF argues that “Mr. Gafford offered no explanation of why Rider RMUD and the current AMI data sharing protocols are inadequate to facilitate alternative suppliers’ ability to offer TOU rates now.” (CUB/EDF Initial Brief at 15.) CUB/EDF apparently missed ICEA’s Rebuttal Testimony, quoted above, which demonstrates why current AMI data sharing protocols are inadequate. ICEA explained in its Initial Brief that Rider RMUD only applies to customers already on time-variant supply products—the challenge for ARES is pricing the customer *before* they enroll. (*See* ICEA Initial Brief at 20.<sup>1</sup>) As CUB should recall, Part 412 generally requires disclosure of price during marketing of a product—long before a customer is actually being billed. ICEA further imagines that CUB would strenuously object if an ARES changed product pricing a few months in to reflect actual interval usage.

### III.

#### **INTEGRATED DISTRIBUTION COMPANY PLAN**

ICEA addressed ComEd’s proposed waiver of its Integrated Distribution Company (“IDC”) Plan by noting ComEd has provided insufficient information to evaluate its proposed waiver. (*See* ICEA Initial Brief at 16-18.) Neither Staff nor the AG addressed ComEd’s proposed waiver. ComEd and CUB/EDF supported ComEd’s proposed IDC waiver. The Commission

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<sup>1</sup> ICEA’s Initial Brief incorrectly referred to Rider RMUD as “Rate RMUD.”

should adopt ICEA's position and reject ComEd's waiver unless ComEd provides sufficient information for the Commission to make a decision.

ComEd appears to correctly identify that ICEA does not have a remaining concern regarding ComEd's use of interval data, at least if the Commission memorializes ComEd's commitment consistent with ComEd's recommendation on Surrebuttal Testimony. (*See* ComEd Initial Brief at 27; ICEA Initial Brief at 17 (agreeing with ComEd's position in Surrebuttal Testimony).) However, ICEA did not concede that ComEd provided adequate information to support an IDC waiver. As ICEA witness Mr. Gafford argued in Direct Testimony, ComEd's commitment to not directly use interval data to market customers:

. . . would resolve that particular concern, but I have additional concerns. Another concern is ComEd does not explain how it plans to market Rate RTOUPP, including whether it will contrast Rate RTOUPP with ARES products and services.

(ICEA Ex. 1.0 at 9:195-197.) ComEd provided some information in Rebuttal Testimony, but made clear that samples of marketing materials had not been drafted and would not be made available. (*See* ComEd Ex. 6.0 at 3:44-47.) Without regard to whether Mr. Gafford addressed this issue in Rebuttal Testimony, the evidence provided by ComEd—which, at most, provides vague statements about similarities to other marketing programs—is insufficient to carry ComEd's burden to justify an IDC waiver.

CUB/EDF essentially argue that because they believe Rate RTOUPP will be beneficial, a waiver should be granted. (*See* CUB/EDF Initial Brief at 16.) ICEA notes that CUB/EDF seem to have little concern about how ComEd will market Rate RTOUPP, because the only description ComEd provides is that it will be marketed similar to other ComEd services. CUB/EDF's lack of concern strikes ICEA as odd given that, as noted in Section II.A *supra*, part of their justification for Rate RTOUPP is that ComEd has failed to market the massive savings CUB/EDF believe Rate RRTP will generate for 97% of ComEd residential customers.

#### IV.

#### **ICEA'S ALTERNATIVE PROPOSAL**

ICEA urged the Commission to open a time-limited proceeding to investigate making AMI interval data the standard data for billing and settlement. ICEA explained why interval data is necessary for ARES to offer time-variant products and services. (*See* ICEA Initial Brief at 18-19.) ICEA then fully described its proposal for a full but time-limited investigation to address ComEd using AMI interval data for billing and settlement purposes for all customers. (*See* ICEA Initial Brief at 19-20.) ICEA also rebutted arguments from CUB/EDF in testimony that ARES are somehow uninterested in offering time-variant products and services. (*See* ICEA Initial Brief at 20-21.)

Only ComEd addressed this section in its Initial Brief. However, none of ComEd's responses appear to oppose the arguments or ultimate conclusion of ICEA's Initial Brief.

First, ComEd provides a "point of clarification" regarding use of AMI data versus AMI *interval* data. (*See* ComEd Initial Brief at 28.) As ICEA witness Mr. Gafford's Rebuttal Testimony and ICEA's Initial Brief made clear, ICEA is referring to AMI *interval* data. (*See, e.g.,* ICEA Initial Brief *passim*; ICEA Ex. 3.0 at 2:30-32 ("ComEd witness Mr. Fruehe . . . correctly deduced that I meant ComEd should use interval data from AMI billing and settlement".).)

Second, ComEd argues that the Commission has already ruled in ICC Docket No. 13-0506 regarding ARES access to interval data. (*See* ComEd Initial Brief at 28.) As an initial matter, the Commission's Final Orders entered in its quasi-legislative function are not subject to *res judicata*. (*See, e.g., Peoples Gas Light & Coke Co. v. Ill. Commerce Comm'n*, 175 Ill.App.3d 39, 52, 529 N.E.2d 679 (Ill. App. Ct. 1st Dist. 1988).) Simply because the Commission did not provide ARES with full access to interval data for prospective or current customers in ICC Docket No. 13-0506

does not mean the Commission cannot and should not reassess in this docket (or a subsequent docket) whether AMI-generated interval data should be the standard billing and settlement data.

However, even to the extent that ComEd is correct, the entire purpose of ICEA's proposed time-limited investigation is to allow stakeholders a full opportunity to vet exactly these types of issues. (*See* ICEA Initial Brief at 20.) With a full factual record and briefings on the legal issues, the Commission can then direct ComEd to begin using AMI interval data for billing and settlement purposes for all customers.

Third, ComEd stated that "ComEd would be open to further discussions of this matter outside of this docket" although recommended that Rate RTOUPP should not be delayed to accommodate those discussions. (ComEd Initial Brief at 28.) An investigation to be opened by the Commission's direction in this proceeding would certainly qualify as "outside of this docket."<sup>2</sup> While ICEA has provided several reasons for the Commission to reject Rate RTOUPP, ICEA's alternative proposal itself is not one of them. In addition, granting ICEA's proposal to open an investigation can be granted without regard to whether the Commission accepts or rejects Rate RTOUPP.

## V.

### CONCLUSION

As described above, there is little dispute over the core facts in this docket—only the conclusions to be drawn from those facts. ICEA demonstrated that the best interpretation of these core facts is that ComEd has not justified Rate RTOUPP, Rate RTOUPP is premature because the Commission has not investigated barriers to the competitive retail market offering time-variant products and services, Rate RTOUPP as proposed by ComEd is anti-competitive, and ComEd has

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<sup>2</sup> For the sake of completeness, ICEA wishes to emphasize that it is willing to work with any interested stakeholder on the substance of ICEA's alternative proposal in ICEA's proposed formal investigation or any other context.

not provided sufficient evidence to support an IDC waiver. ICEA also demonstrated that the Commission should open a full but time-limited investigation into ComEd using AMI interval data for billing and settlement of all customers. While ICEA continues to recommend that the Commission reject Rate RTOUPP, ICEA's proposed investigation should be granted whether or not the Commission rejects Rate RTOUPP. Finally, if the Commission does adopt Rate RTOUPP with modifications, the Commission should not require a bill subsidy of any customers.

WHEREFORE ICEA respectfully requests that the Commission reject Rate RTOUPP and in its Final Order and instead order a new, time-limited proceeding to investigate changes to ComEd's standard billing and settlement data to require use of AMI interval data.

July 17, 2019

Illinois Competitive Energy Association

By: /s/ Michael R. Strong

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**VERIFICATION**

Kevin Wright, being first duly sworn, on oath deposes that he is President of the Illinois Competitive Energy Association, that the above Verified Reply 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 K. Wright*  
\_\_\_\_\_  
Kevin K. Wright

Subscribed and sworn to me  
This 17th day of July, 2019

*Katherine J. Dobron*  
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**NOTICE OF FILING**

Please take notice that on July 17, 2019, the undersigned, an attorney, caused the Verified Reply 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:

July 17, 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 July 17, 2019.

/s/ Michael R. Strong  
Michael R. Strong