



# THE WIRE

An annual publication by the  
Illinois Commerce Commission

Introducing Illinois Commerce Commission's premier issue of our Commission-wide newsletter, featuring industry updates, regulatory news, and proceeding highlights from the past year.



## Greetings from the Illinois Commerce Commission!

As we plan for the year ahead, I can say with certainty that 2020 is not a year any of us will soon forget. When the novel coronavirus struck, it quickly turned the world upside down and redefined 'normalcy'. Overnight, the ICC Commissioners and Staff were working from home as much as possible with little to no disruption in service and within days we were able to put into place protections ensuring that customers sheltering in place would not lose critical electric, natural gas, water, and sewer service. Working with consumer advocates and the utilities we also established historic bill assistance programs and extended deferred payment arrangements to help low-income individuals and families and those experiencing financial hardship due to COVID-19. I am incredibly proud of my colleagues at the ICC and appreciate the efforts of others outside of the

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## Greetings from the Illinois Commerce Commission continued

Commission for continuously rising to the daily challenges we face in response to this crisis and more.

As you read this year-end newsletter, you will also see that beyond our pandemic response, this has also been a year of expansion and exploration for the Commission. We opened three separate Notice of Inquiries (NOIs) to learn more about the issues of utility service affordability, safety and reliability, and transportation electrification and we expect to issue reports summarizing collected information soon. As a result of an internal analysis of ICC operations, I am proud to announce that we are investing more resources into our regulation of electric safety by the utilities, and deploying more staff to ensure alternative retail electric and gas suppliers and their agents are complying with state law. Additionally, the ICC continues to work with the utilities, energy suppliers, and railroads to further grow supplier diversity spending and to protect infrastructure from cyberattacks and will continue to do so in the new year.



**CHAIRMAN CARRIE ZALEWSKI**

We invite you to take this opportunity to review the past year with the Commission as we turn our collective focus to 2021. The new year will also welcome the Illinois Commerce Commission's centennial and we look forward to showcasing key highlights, historical review, and innovative transformation marked by 100 years.

We hope you enjoy what you learn and wish everyone well as we close out 2020. Stay safe and happy holidays!

A handwritten signature in black ink, appearing to read 'Carrie K. Zalewski'.

Carrie K. Zalewski

## Utility Affordability in a Pandemic and Beyond

In the third week of March 2020, as the initial surge of COVID-19 infections was spreading across Illinois, the Commission acted quickly to protect essential utility services for all customers of regulated utilities from disconnection. Also recognizing the impact that accumulating late fees would have upon an already vulnerable population of residents and businesses, the ICC structured its emergency order to halt those fees temporarily.

That same week in March, the ICC also initiated a deeper exploration of affordability in its first Notice of Inquiry (NOI) of 2020. The language for this NOI had been in development since the previous November, but the important earliest pathways to the topic extend back decades.

Affordability intersects nearly every aspect of public utilities regulation, and that convergence of subject areas is highlighted in the initial and reply comments by stakeholders received in late September and October 2020. The NOI addresses reporting of data, rate structures, collection practices, safety, energy efficiency, renewable energy, access to assistance programs, and retail competition. “Staff of both the ICC’s Consumer Services Division and Public Utilities Bureau are currently reviewing the information and data gathered from the utilities and participating stakeholders in the NOI and are planning summaries as well as potential recommendations going forward,” said Jim Zolnierek, ICC NOI Manager and Public Utilities Bureau Chief.

Many of the commenters also referenced the historic stipulated agreements reached in June by consumer advocates, the utilities and the ICC. These agreements not only established more lenient credit and collection practices, they required the utilities to reconnect customers previously disconnected, and put into place bill payment assistance programs for those eligible for the Low Income Home Energy Assistance Program (LIHEAP) or who self-report to the utility financial



hardship due to COVID 19.

The stipulated agreements also provided first-of-its-kind data reporting on collection practices in Illinois, including information on the numbers of affected consumers by zip codes. “These reporting requirements are offering the Commission and stakeholders the ability to more effectively measure the impacts of the pandemic upon Illinois utility consumers” stated Jim Agnew, Director of the ICC’s Consumer Services Division.

The stipulations also kick-started a non-docketed conversation between stakeholders on how best to tackle the need for greater participation in energy assistance programs and generate and protect appropriate levels of funding for that cause.

And as the pandemic surged again in the fall, the Commission secured voluntary concessions from several regulated utilities to refrain from disconnecting struggling residential consumers through the winter months. The latest voluntary moratorium applies to all residential

customers of Ameren Illinois, ComEd, Liberty Utilities, Nicor, North Shore and Peoples Gas through March 31, 2020. In addition, Aqua Illinois, Illinois American Water and Utility Services of Illinois have agreed to cease disconnections of participants in the State's LIHEAP or Percentage of Income Payment Plan (PIPP) and those who self-report to the utility that they are suffering financial or COVID-19 related hardship until March 31, 2021. The Commission strongly encourages consumers to call their utility immediately and explain their hardship situation. It is also important to note that millions of dollars in LIHEAP funding remains available. To see if you qualify or to apply, call 1-877-411-9276 or visit the Department of Commerce and Economic Opportunity (DCEO) website at [www2.illinois.gov/dceo/CommunityServices/UtilityBillAssistance/Pages/default.aspx](http://www2.illinois.gov/dceo/CommunityServices/UtilityBillAssistance/Pages/default.aspx).

"The year we are about to leave behind has no doubt been the most uniquely challenging one many of us have experienced, but the work ahead of us in the coming year may prove to be an even greater test of our problem solving creativity as we attempt to address the long-developing issues surrounding affordability that were only magnified by 2020," said ICC Chairman Carrie Zalewski.

For additional information about the ICC's response to COVID 19, please visit our website at [www.icc.illinois.gov/home/covid-19](http://www.icc.illinois.gov/home/covid-19).



## Ensuring Safety and Reliable Service Continuity

With the backdrop of the COVID-19 pandemic, reliable utility service to homes and businesses became more critical than ever. A core function of the Commission is to ensure public utilities provide adequate, efficient, reliable and environmentally safe service. Safe and reliable utility service requires Commission planning and enforcement, as well as the input and investment of public utilities, consumer advocates, and the expertise of Commission Staff. Two highlights in this space in 2020 were the initiation of the Notice of Inquiry ("NOI") regarding Electric and Natural Gas Service Safety and Reliability and the continuing oversight of the Peoples Gas System Modernization Project.

On August 12, 2020 the Commission unanimously approved an NOI regarding Electric and Natural Gas Service Safety and Reliability to evaluate what information is available from utilities and consumer advocates. The Commission asked interested parties to explain any changes that can be made to the Commission's rules and regulations and/or public utilities' practices and procedures to better ensure safe and reliable electric and gas utility service. A variety of

## Ensuring Safety and Reliable Service Continuity continued

stakeholders have provided Initial and Reply comments, including the Office of the Attorney General, The Chicago Area Laborers-Employers Cooperation and Education Trust, and many of Illinois' electric and gas utilities. The NOI is non-decisional in nature, but the Commission may use the NOI as a basis for the initiation of a rulemaking or other docketed matter.

Additionally, the Commission also completed the engineering review of the Peoples Gas System Modernization Program, which details the replacement of all Peoples Gas's cast iron and ductile iron pipes in the city of Chicago. The Program is needed to replace more than 2,000 miles of the aging natural gas pipeline system. The Commission initiated an ongoing proceeding in Docket No. 16-0376 to review the cost, scope and schedule of the project. Docket 18-1092 pertains to the Commission directing Peoples Gas to conduct an engineering study of its cast and ductile iron pipe system in Chicago. In 2019, Peoples Gas hired Kiefner & Associates to perform an updated engineering study of the system which was filed with the Commission on January 31, 2020. The Commission then reopened the Docket so that Peoples Gas could file a response to the Kiefner study and directed Commission Staff to begin workshops with interested parties to discuss the results of the study and Peoples Gas's response. After workshops were completed, Commission Staff filed a report of the workshops and recommended that the Commission accept the results of the Final Kiefner Report. The Commission accepted the Staff recommendations on September 23, 2020, and the Peoples Gas System Modernization Program will continue.

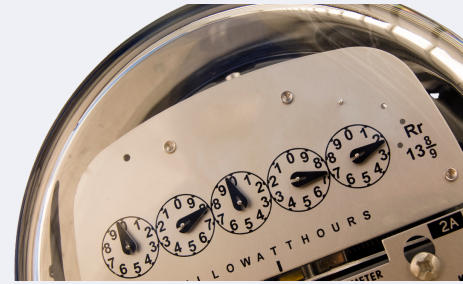
Internally, the Commission has established a new section with Electrical Field Inspectors in its Public Utilities Bureau to further address issues of safety and reliability. The new field support unit will focus on inspecting electric utilities, and the positions will be filled in 2021. "The commission is committed to effectively overseeing comprehensive regulation of safety and reliability of Illinois electric utilities," said Christy George, Executive Director. "The expansion of our internal teams will further ensure that safety and reliability oversight is prioritized."

The Commission will continue its oversight into safety and reliability in 2021. At least every three years, the Commission must assess each electric utility's reliability performance report. The Commission Staff anticipates submitting the next assessments for ComEd and MidAmerican Energy in the coming year for Commission review.



# Fostering a Healthy Electric & Gas Retail Market

As a restructured state, many Illinois electric and gas customers have the opportunity to choose their supplier. One of the responsibilities of the ICC is to ensure that a fair competitive retail market exists in Illinois. In November, the ICC announced the formation of a new enforcement team to ensure alternative retail electric suppliers (ARES) and alternative gas suppliers (AGS), and the sales agents they hire to solicit Illinois utility customers, comply with consumer protection state laws and regulations.



On January 1, 2020, the Home Energy Affordability and Transparency (HEAT) Act, which addresses frequent consumer complaints by putting an end to early termination fees and automatic renewal of contracts took effect in Illinois. The HEAT act further provides protections for LIHEAP eligible customers, sets new bonding and licensing requirements, and strengthens the ICC's enforcement tools, such as allowing it to order companies found in violation of Illinois laws and rules to adhere to compliance plans designed by the Commission. Additionally, the ICC initiated a rule making proceeding to revise Parts 412 and draft Part 512, the rules outlining the obligation of ARES and AGS respectively.

The ORMD hosted a policy session in January with three panels that included both suppliers and consumer advocates to discuss a variety of issues related to the retail market. The first panel provided an update on the implementation of the amended Part 412 rules and the challenges suppliers faced. A second panel focused on consumer education efforts by suppliers, the role of consumer advocates, and the concerns of customers. The third panel focused on marketing practices by suppliers, the pros and cons of telemarketing, door-to-door sales, in-person retail and online sales, as well as the sharing of best practices to better promote competition.

“Staff strives at keeping the lines of communication open between suppliers, consumer advocates and other stakeholders to encourage competition in the marketplace while ensuring consumer protections are upheld,” said Tanya Capellan, ICC Director of The Office of Retail Market Development.

On August 6, 2020 ORMD issued its 13th annual report to the General Assembly and Governor, as required under Section 20-110 of the “Retail Electric Competition Act of 2006.” This report provides an overview of the current state of the market, including alternative retail electric suppliers’ (ARES) and customer switching trends. In the report, ORMD announced that market participation statewide decreased from 2019 to 2020, with a 5% decrease in total customers served by ARES, and a 12.7% decrease in the amount of electricity supplied by ARES to customers in both the Ameren and ComEd territories. Customers interested in learning more about electric choice, the utility’s supply price, comparing offers, and reviewing customer compliant statistics are encouraged to visit the [PlugInIllinois.org](https://www.PlugInIllinois.org) website. A copy of the full ORMD report can be found [here](#).

# Advancing the Discussion of Transportation Electrification

Electrification and decarbonization of Illinois' transportation sector remains a top priority for the state. On January 8, 2020, the Commission kicked off the new year with a policy session on Transportation Electrification (TE). With presentations and discussions led by industry and policy experts from across the country, the session focused on the role, the benefits, and the future of electrification in the transportation sector in Illinois. The presenters also highlighted the following key points about the role of electrification in curbing emissions:

- The transportation sector produces 28.2% of total U.S. greenhouse gas (GHG) emissions, making it the largest contributor of GHG according to the U.S. EPA.
- Electric Vehicles (EVs) are a key to reducing GHG emissions from transportation.
- While numerous states have policies and legislative directives to educate and incentivize consumer EV adoption, no federal policy exists.

“To achieve de-carbonization, the shift to widespread EV adoption is inevitable. Utility regulation will play an important role in shaping the future of transportation electrification in Illinois. As regulators, we must be well informed on this topic and prepared for the challenges that lie ahead,” said Commissioner Bocanegra, who also serves as Chair of NARUC’s EV Working Group. Nationally, Commissioner Bocanegra led a series of commission-only webinars and discussions on EVs with participants from over 26 state utility commissions and prominent public and policy organizations.



As a vehicle to explore rate design around both TE and beneficial electrification (BE), on August 19, 2020, the Commission initiated a Notice of Inquiry (NOI), 20-NOI-03. The NOI aims to acquire information and input from interested stakeholders on potential rate designs and how they will affect the TE and BE landscape, including the impact on adoption and deployment of the infrastructure needed to support TE as well as what rate designs would reduce barriers to adoption and deployment of electric vehicles and the required infrastructure. The NOI is also exploring the impact of rate designs on electric service and electric service affordability. A Commission report on the findings of the NOI will be forthcoming in 2021.

*"Utility regulation will play an important role in shaping the future of transportation electrification in Illinois."*

**Commissioner Maria Bocanegra**



# Protecting Critical Infrastructure from Cyber Attacks



*"Cyber-attacks pose a growing threat to critical infrastructure, like water and electric utilities. Regulators in Illinois and across the nation recognize the importance of engaging with the utilities and are working together to share best practices to eliminate vulnerabilities and thwart cyber-attacks"*

**Commissioner Michael T. Carrigan,  
Member of the NARUC Committee on Critical Infrastructure**

Since 2017, the ICC's Office of Cybersecurity and Risk Management (C&RM) has supported the ongoing efforts of regulated Illinois utilities to improve the resiliency and cybersecurity of critical infrastructure. As one of few dedicated public utility commission (PUC) cybersecurity offices in the nation, ICC's C&RM engages with internal staff and external stakeholders on emerging cybersecurity topics.

Led by Director James Harmening, C&RM supports the ICC through consulting on rate cases, agency-wide education on various cybersecurity issues, and developing and maintaining the Continuity of Operations Plan.

Externally, the Commission's efforts involve regulatory oversight, best practices sharing, and support of NARUC policy initiatives. Staff serve on several national policy making and advisory committees, including the Cybersecurity Advisory Team for State Solar (CATSS) of the National Association of State Energy Officials (NASEO) and the NARUC Staff Subcommittee on Critical Infrastructure. Notably, the Commission contributed to the development of the NARUC Cybersecurity Tabletop Exercise Guide, published in 2020, to help PUCs through designing and conducting exercises to examine planning for, responding to, and recovering from critical infrastructure cybersecurity incidents.

In late 2020 C&RM, with the help of industry partners, designed, facilitated, hosted, and conducted the fourth annual cross-sector cyber resiliency joint exercise with 180 participants from over 50 critical infrastructure entities throughout Illinois and across the country. Participants included private sector employees from multiple industries, as well as public sector employees from federal, state, and local jurisdictions.

"These types of cross sector exercises are vital to making sure the utilities are taking all necessary precautions to protect consumers from data exposure and our critical infrastructure from malicious attacks," said Harmening.

C&RM undertakes numerous other collaborative efforts both internally and externally to further the ICC's mission and improve critical infrastructure reliability, resiliency, and security.



## Strides in Supplier Diversity

The ICC began monitoring diverse spending of regulated investor-owned utilities five years ago and of Class 1 Railroads three years ago. Per Section 5-117, the Public Utilities Act requires the large, regulated utilities to report on their diverse supplier goals and actual diverse spending in the previous calendar year. In addition to the reporting, the ICC holds an annual policy session to publicly discuss the reporting with the CEOs of the five largest utility companies. Similarly, Section 10 of the Railroad Supplier Diversity Act, Public Act 100-0423, effective January 1, 2018, states that Class I railroads may submit to the Commission an annual report on supplier diversity. The Act further requires the ICC to hold an annual policy session to hear from the railroads and/or advocates about solutions to further diversify their respective supply chains.

Illinois is only one of three states that require reporting from utilities in this critical space. We are seeing exactly the type of progress the General Assembly envisioned when it enacted these reporting requirements, but important work remains. Statistical data demonstrates that, during the last five years, spending with Minority, Women and Veteran Owned Businesses has grown from an average of 15% to almost one third of all utility spending, with some utilities reporting nearly 40% of diverse spending. While this data reflects historic accomplishments, the ICC has identified an area for opportunity and encourages utilities to increase contractual opportunities with Illinois-based small businesses. "The ICC remains committed to finding new ways to increase participation of diverse owned businesses in the energy and transportation sectors to better reflect the diversity of our state. Diversity encourages innovation, stronger companies, and fosters competition," said Jeanine Robinson, Director of the Office of Diversity and Community Affairs.



*"Public utilities across the country should reflect the diversity of its customers. This Committee is having important discussions and sharing best practices between regulators, stakeholders and industry leaders to increase diversity, equality and inclusion"*

**Commissioner Sadzi M. Oliva**

To improve the landscape for small and diverse businesses in Illinois, ICC staff have participated in local workshops designed to solicit opportunities from diverse vendors. Additionally, ICC staff continues to work closely with grass roots organizations in diverse communities, including the Hispanic American Construction Industry Association (HACIA), the Chicago Minority Supplier Development Council (CMSDC) and the Women Business Development Center (WBDC).

Further, the Commission has spearheaded supplier diversity efforts at NARUC, by encouraging adoption of an amended NARUC constitution to elevate the Subcommittee on Supplier and Workforce Diversity to the Select Committee on Regulatory and Industry Diversity and requiring the NARUC president to be a member, an effort led by the Committee's Chair, Commissioner

### Strides in Supplier Diversity continued

Sadzi Martha Oliva. “Public utilities across the country should reflect the diversity of its customers. The Committee is having important discussions and sharing best practices between regulators, stakeholders and industry leaders to increase diversity, equality and inclusion,” said Commissioner Oliva. The Committee focuses on breaking barriers for minority and women owned businesses in the utility industry. Our ICC Director of Diversity and Community Affairs, Jeanine Robinson, serves on the NARUC Staff Subcommittee for Supplier and Workforce Diversity.

Looking forward, the Commission will explore ways to render our user interface more accessible and align ICC staff with utility procurement teams to ensure coordination of goals and objectives.

## A Strong Past Leading into a Safer Future

While the Illinois Commerce Commission will celebrate its 100th anniversary in 2021, it will also mark the 150th anniversary of addressing rail safety concerns in Illinois that started with our predecessor, the Railroad and Warehouse Commission of 1871. This anniversary will mark great advancement, and greater potential across the industry. Since 1871, the industry has seen railroad expansion, contraction, mergers as well as better regulation and oversight. During this time, we also saw the arrival of the automobile in the 1920's, with the subsequent expansion of the highway network further fostered by the construction of the Interstate System in the 1950's. With all the changes and complexities borne from growth, one constant has remained since the initial tracks were set and first intersected with a highway – the need for public safety. Today the ICC retains its jurisdiction and mission to provide for safety at public highway-rail crossings in Illinois.



This jurisdiction oversees a great number of public highway-rail grade crossing infrastructure, with a current Illinois inventory of 7,595 at-grade crossings and 2,667 bridges. There are also 323 pedestrian grade crossings and 104 pedestrian bridges. Illinois is second only to Texas in the total number of highway-rail crossings, nationwide. With 53 railroad companies operating on approximately 7,400 miles of railroad track, our rail system is the country's second largest, including the nation's largest rail freight hub in Chicago with approximately 1,200 trains passing per day. In 2019, Illinois ranked fourth in the United States for crashes with 122 occurring at public highway-rail crossings. This is a significant improvement from nearly 50 years ago when there were over 850 crashes per year. Increased inspections, greater education and enforcement, and state and federal funding programs have led to this fortunate decrease in Illinois and around the country.

“The Commission prioritizes safety across all industries we regulate, and railway crossings are no different. We are grateful that legislators, railroad companies, and citizens have all seen the need to address the issues facing railway crossings with the necessary funding and oversight capacity that has resulted in fewer crashes,” said Commissioner Michael Carrigan.

In 1955, the State of Illinois passed legislation creating one of these programs – the Grade Crossing Protection Fund – to assist local agencies in paying for safety improvements at highway-rail crossings on local roads and streets. Funding levels have increased since 1955, and today \$42 million is annually allocated towards safety improvements at public highway-rail crossings. As we move into a new year, funds from the Rebuild Illinois Capital Plan passed in 2019 will provide an additional \$78M towards projects planned over the next five years. The array of projects completed, and now planned, include warning device upgrades, bridges, traffic signal interconnects, highway approaches, crossing closures, surface renewals, and research and development. With this funding, there are renewed opportunities to improve upon our infrastructure and address safety concerns at public highway-rail crossings. With advancements in data sharing, remote monitoring, artificial intelligence, detection methods, autonomous vehicles, connected infrastructure, and Positive Train Control there is more room for advancement to address safety concerns that have been more challenging, such as the limitations of traditional track circuits, railroad trespass and suicide prevention. We look forward to supporting this development and implementation.

“Railway safety has advanced greatly in 150 years with the dedication of many, and with dedicated funding. With the continued use of technology and innovative research, the ICC looks forward to the next level of safety at highway-rail crossings and for rail safety overall,” said Brian Vercruysse, Rail Safety Program Administrator.

## Nationwide News: Federal Updates

The Federal Energy Regulatory Commission (FERC) regulates interstate transmission rates and wholesale energy prices that ultimately impact what Illinois customers pay for electricity. There are two regional transmission organizations (RTOs) that impact the wholesale sale of energy and transmission in Illinois: PJM Interconnection, L.L.C. (PJM) which includes the ComEd territory, and the Midcontinent Independent System Operator, Inc. (MISO) which covers the areas serviced by Ameren Illinois and MidAmerican Energy. PJM and MISO exercise functional control over transmission lines and the wholesale markets through their tariffs that serve as a proxy for what would otherwise be regulated cost-based, just and reasonable rates. These tariffs must be filed with and approved by FERC. One aspect of PJM’s tariff is the minimum offer price rule (“MOPR”). The MOPR began in 2007 as a mechanism to prevent a limited group of electricity sellers, primarily new, natural gas generators, from offering into PJM’s markets at artificially low prices. In 2016 certain generators filed a complaint with FERC claiming PJM’s MOPR did not go far enough – that it should be expanded to apply to all new and existing generation resources that received state subsidies. On June 29, 2018, FERC issued





*“The Commission maintains its mission with our opposing stance on the expanded MOPR. We are tasked with overseeing the regulation of utility services and this includes promoting generation that is also efficient, cost-effective and innovative.”*

*Commissioner D. Ethan Kimbrel*

an order greatly expanding PJM’s MOPR. FERC’s expanded MOPR goes far beyond the original intent to mitigate market power abuse. On December 19, 2019, FERC issued a related order and affirmed the expanded MOPR. The ICC and many others believe the expanded MOPR violates states’ rights to promote certain types of electricity generation such as Illinois did in the Future Energy Jobs Act that compensates nuclear generators for the environmental attributes, zero carbon emission, of the energy they produce. FERC’s December 2019 Order also discriminates against states and certain generators by applying the MOPR to state-subsidized resources but exempting those receiving federal subsidies. Illinois and several other parties are challenging the MOPR order in the Seventh Circuit Court of Appeals.

“The Commission maintains its mission with our opposing stance on the expanded MOPR,” said Commissioner D. Ethan Kimbrel, Board Member, Organization of PJM States, Inc. (OPSI). “We are tasked with overseeing the regulation of utility services and this includes promoting generation that is also efficient, cost-effective and innovative.”

On September 17, 2020, FERC issued Order No. 2222 which removed barriers to distributed energy resource (“DER”) aggregators from participating in RTO markets including PJM and MISO. DERs are any resource on the distribution system, in front of or behind a customer meter. These resources include electric storage resources, distributed generation, demand response, energy efficiency, thermal storage, and electric vehicles. Order 2222 requires RTOs to

modify their tariffs to facilitate participation of DER aggregations.

The ICC is a member of two regional state committees – the Organization of MISO States (OMS) and the Organization of PJM States (OPSI). Both OMS and OPSI are actively exploring ways to assist the MISO and PJM RTO’s to properly implement these important rule changes. Chairman Carrie Zalewski serves as the OMS Board Liaison for the OMS DER work group. OMS has taken a lead role in establishing the new MISO DER Task Force in which stakeholders will discuss the best approaches to implement Order 2222. Commissioner Kimbrel serves on OPSI’s Board of Directors. OPSI is also actively engaged with stakeholders and examining the best methods to implement Order 2222.

“We look forward to continuing the discuss the ways in which Order 2222 can be successfully implemented, which will benefit utility companies as well as Illinois citizens with measures that will innovate market operations,” said Chairman Zalewski.

## Notable Proceedings Decided in 2020

### ELECTRIC

#### **18-1624 | CITY OF MASCOUTAH, AN ILLINOIS MUNICIPAL CORPORATION.**

On October 16, 2018, the City of Mascoutah (“Mascoutah” or “the City”) filed a Petition with the Commission seeking a grant of eminent domain authority to enable the City to acquire easements across two parcels of land for construction of a new 138 kilovolt (“kV”) transmission line. On September 23, 2020, the Commission entered a final Order denying the Petition. The City of Mascoutah filed a Notice of Appeal on November 25, 2020.

#### **19-0673 | DAKOTA ACCESS, LLC AND ENERGY TRANSFER CRUDE OIL COMPANY, LLC.**

On June 14, 2019, Dakota Access, LLC (“Dakota Access”), and Energy Transfer Crude Oil Company, LLC (“ETCO”), filed a Joint Petition with the Commission for an order authorizing Dakota Access and ETCO to install additional pumping station facilities on their existing certificated common carrier pipelines in Illinois. On October 14, 2020, the Commission entered an Order granting the Joint Petition.

#### **19-0995 | ILLINOIS POWER AGENCY REVISED LONG-TERM RENEWABLE RESOURCES PROCUREMENT PLAN.**

On October 21, 2019, the Illinois Power Agency (“IPA”) filed for Commission approval of its Long-Term Renewable Resources Procurement Plan (“LTRRPP”). The LTRRPP covers the IPA’s proposals for procurements and programs for 2020 and 2021. The Commission approved a revised version of the LTRRPP on February 18, 2020.

#### **19-1121 | COMMONWEALTH EDISON COMPANY-PETITION.**

On November 12, 2019, Commonwealth Edison Company (“ComEd”) filed with the Commission proposed revisions to Rider Parallel Operation of Retail Customer Generating Facilities Community Supply. On September 23, 2020 the Commission entered an Order denying ComEd’s proposed revisions.

#### **20-0061 | BORREGO SOLAR SYSTEMS, INC. – APPLICATION FOR CERTIFICATION.**

On January 17, 2020, Borrego Solar Systems, Inc. filed an Application for Certification as an Installer of New Utility-Scale Solar Projects. The Commission approved the Application on May 27, 2020. This was the first Application for Utility-Scale solar approved by the Commission.

#### **20-0393 | COMMONWEALTH EDISON COMPANY – PETITION TO INITIATE FORMULA RATE UPDATE AND REVENUE REQUIREMENT RECONCILIATION.**

This docket pertains to Commonwealth Edison Company’s (“ComEd”) annual rate update and revenue requirement reconciliation. Staff of the Commission, the Illinois Attorney General, Illinois Industrial Energy Consumers and the Citizens Utility Board participated in this docket. On December 9, 2020, the Commission approved a revenue requirement of \$2,679,191,000 for ComEd.

#### **20-0475 | Commonwealth Edison Company – Energy Efficiency Formula Rate Update and Revenue Requirement Reconciliation.**

On December 2, 2020, the Commission entered an Order approving Commonwealth Edison Company’s (“ComEd”) updated cost inputs for the Rider EE formula rate and the Company’s reconciliation and revenue requirement. The Commission authorized ComEd to begin reflecting the Energy Efficiency revenue requirement on retail customers’ bills beginning with the January 2021 monthly billing period and continuing through the December 2021 monthly billing period.

**20-0477 | Ameren Illinois Company – Petition for Approval of Annual Update to Cost Inputs for Rider EE – Energy Efficiency and Demand Response Investment.**

On December 2, 2020, the Commission entered an Order approving Ameren Illinois Company d/b/a Ameren Illinois' ("Ameren") updated cost inputs for the Rider EE formula rate and the Company's reconciliation and revenue requirement. The Commission authorized Ameren to begin reflecting the Energy Efficiency revenue requirement for the January 1, 2021 to December 31, 2021 period on retail customers' bills beginning with the January 2021 monthly billing period and continuing through the December 2021 monthly billing period. The Commission further directed Ameren to present its proposed budget plan flexibility to the Stakeholder Advisory Group for further consideration.

**20-0717 | Illinois Power Agency– 2021 Electricity Procurement Plan.**

On September 28, 2020, the Commission entered an Order approving the Illinois Power Agency's 2021 Power Procurement Plan. The Commission found the 2021 Plan and load forecasts were appropriate and will ensure adequate, reliable, affordable, efficient, and environmentally sustainable electric service at the lowest total cost over time, taking into account any benefits of price stability.

**20-0738 | ILLINOIS COMMERCE COMMISSION, ON ITS OWN MOTION V. AMEREN ILLINOIS COMPANY. INVESTIGATION REGARDING RIDER NET METERING.**

On October 8, 2020, the Commission initiated this docket to investigate the interpretation of Section 16-107.5(j) of the Public Utilities Act ("Act") as contained in Ameren Illinois Company d/b/a Ameren Illinois' ("Ameren") Rider Net Metering ("Rider NM"). Section 16-107.5(j) of the Act contains a threshold that signifies when full net metering ends for new residential distributed generation customers.

In an Order dated December 2, 2020, the Commission found that Rider NM incorrectly interpreted the statute because it failed to properly calculate the 5% threshold contained in Section 16-107.5(j) of the Act. The Commission directed Ameren to amend Rider NM to calculate the 5% threshold in a manner that accurately reflects distributed generation penetration.

**20-0264 | GRIDLIANCE HEARTLAND LLC – PETITION FOR DECLARATORY RULING.**

On March 9, 2020, GridLiance Heartland LLC ("GridLiance") filed a Petition for Declaratory Ruling requesting that the Commission find that GridLiance is not a public utility. On June 4, 2020, the Commission entered an Order finding that although GridLiance's request seems suited for a declaratory ruling, the procedural history prior to this docket makes a declaratory ruling improper. The Commission noted GridLiance's application in 2018 for a Certificate of Public Convenience and Necessity (Docket No. 18-1617) and the on-going Ameren v. GridLiance Complaint (Docket No. 20-0263) addressing the same question as further reasons for not granting GridLiance's Declaratory Ruling request.

**GAS****20-0407 | NORTHERN ILLINOIS GAS COMPANY D/B/A NICOR GAS COMPANY – PETITION REGARDING ENERGY EFFICIENCY PLAN YEARS 4 THROUGH 6.**

On August 12, 2020, the Commission entered an Order approving Northern Illinois Gas Company d/b/a Nicor Gas Company's ("Nicor Gas") Energy Efficiency Plan for Plan Years 4-6. Nicor Gas achieved 43,448,921 net therms of energy savings for Plan Years 4-6, exceeding its savings goal by 10,607,923 net therms. Nicor Gas' energy efficiency portfolio achieved a cost-effectiveness ratio of 1.32.

**MISCELLANEOUS****17-0855 | ILLINOIS COMMERCE COMMISSION ON ITS OWN MOTION. INITIATING PROPOSED RULEMAKING RELATING TO THE REGULATORY ACCOUNTING TREATMENT OF CLOUD-BASED SOLUTIONS.**

On December 6, 2017, the Commission initiated this rulemaking to consider amendments to the Commission's rules relating to the regulatory accounting treatment of cloud-based solutions. The Commission issued a First Notice Order on May 31, 2018 and the proposed Part 289 was published in the Illinois Register on July 6, 2018. The Commission later issued a Second Notice Order and Part 289 was submitted to the Joint Committee on Administrative Rules ("JCAR"). JCAR objected to the proposed rulemaking explaining that the rule "ha[d] not yet received sufficient information regarding the economic impact of the rulemaking on affected ratepayers." On June 26, 2019, the Commission issued an Order withdrawing the rulemaking to allow for time to address JCAR's objections. Subsequently, the Commission entered a second First Notice Order on October 10, 2019, initiating another first notice period. On July 15, 2020, the Commission entered an Order finding that the proposed Part 289 should not be adopted and closing the proceeding. The Commission determined that proposed Part 289, failed to adequately contemplate and quantify the impacts on the consumers as charted by JCAR's Statement of Objection. The Commission further found that the timing of the rulemaking was not appropriate given the current crisis that Illinois faces during the COVID-19 pandemic.

**20-0309 | ILLINOIS COMMERCE COMMISSION ON ITS OWN MOTION. IN THE MATTER OF MORATORIUM ON DISCONNECTION OF UTILITY SERVICES DURING THE PUBLIC HEALTH EMERGENCY DECLARED ON MARCH 9, 2020.**

In an Emergency Interim Order entered on March 18, 2020, the Commission imposed a moratorium on the disconnection of utility services and the imposition of late fees by electric, natural gas, water, and sewer utilities subject to the Commission's jurisdiction during the public health emergency declared by Governor Pritzker on March 9, 2020, as a result of the COVID -19 pandemic. In the same Order, the Commission directed the subject utilities to formulate and follow, on a temporary basis, more flexible credit and collection procedures and to submit those plans to the Commission for its consideration and approval.

On June 18, 2020, the Commission entered an Order adopting two Stipulations, one for large utilities and one for smaller utilities, which received unanimous support of the utilities, consumer groups, and Staff of the Commission. In addition to the provision of consumer protections including extended deferred payment arrangements, reconnection of previously disconnected customers, new bill payment assistance programs and other consumer protections, the Stipulations extended the moratorium on disconnections until the earlier of: (1) the day on which all Restore Illinois Health Regions have moved to Phase 4 (Revitalization) under the Governor's May 5, 2020 Restore Illinois plan; or (2) in the absence of a Commission order to the contrary, August 1, 2020. On September 22, 2020, the Stipulating utility parties agreed to extend the disconnection moratorium for low-income customers to March 31, 2021.

**RAIL SAFETY SECTION**

**T12-0100 | BNSF Railway Company, Henry County Highway Department, Galva Township Road District and the State of Illinois, Department of Transportation. Stipulated Agreement regarding improving public safety at the highway-rail grade separation that carries E. 1850th Street over the Company's track near Galva, Henry County, Illinois, designated as AAR/DOT #079 765W, railroad milepost 141.64-LS1. On June 30, 2020, the Commission entered an Order providing for \$2,428,600 in assistance from the Grade Crossing Protection Fund for reconstruction of the 1850th Street bridge.**

**T18-0082 | City of Decatur, Illinois, Petitioner v. Norfolk Southern Railroad, Canadian National Railroad, d/b/a/ Illinois Central Railroad, State of Illinois, Department of Transportation, Macon County, Illinois and Decatur Township, Illinois, Respondents. Petition for an Order authorizing construction of a new grade separation structure, permanent closure of two existing highway-rail grade crossings and pedestrian grade crossings, installation of a new highway and pedestrian grade crossing, and expenditure of grade protection crossing funds. On January 21, 2020, the Commission entered an Interim Order providing for \$2,950,000 in assistance from the Grade Crossing Protection Fund for engineering and utility relocation costs for the proposed bridge at Brush College Road and Faries Parkway intersection with the Norfolk Southern.**

**T18-0121 | Village of Mundelein, Illinois, a municipal corporation, Petitioner, v. Wisconsin Central, Ltd., Respondent. Petition for an order to permit the construction and maintenance of a pedestrian-rail grade separated crossing of the Wisconsin Central Ltd.'s track south of Hawley Street adjacent to the existing pedestrian-rail grade crossing, AAR/DOT #840464X, railroad milepost 39.60-M, in the Village of Mundelein, Lake County, Illinois. On June 30, 2020, the Commission entered an Order providing for \$1,100,000 in assistance from the Grade Crossing Protection Fund for the construction of a pedestrian-rail bridge at the Mundelein Metra station.**

**T20-0017 | Illinois Central Railroad Company, and the State of Illinois, Department of Transportation. Stipulated Agreement concerning safety improvements and demonstration project of shunt enhancement at the Fayette Avenue and other highway-rail grade crossing of the Illinois Central's track near LaCleda, Fayette County, Illinois. On March 18, 2020, the Commission entered an Order providing for \$639,729 in assistance from the Grade Crossing Protection Fund for the development, testing, and reporting of technology to address Loss Of Shunt associated with traditional track circuits.**

**T20-0023 | Village Of Western Springs, an Illinois Municipal Corporation, Petitioner, v. State Of Illinois, Department Of Transportation, Division Of Highways, and BNSF Railway Company, a Delaware Corporation, Respondents. Petition for an Order to upgrade, replace and close BNSF Railway Company's crossing and permit construction and maintenance of a new Pedestrian Underpass Crossing. On May 27, 2020, the Commission entered an Order providing for \$900,000 in assistance from the Grade Crossing Protection Fund for the construction of a pedestrian-rail bridge.**

**T20-0028 | Norfolk Southern Railway Company and the State of Illinois, Department of Transportation. Stipulated Agreement regarding improving safety at 433 public highway-rail grade crossings in central and southern Illinois. On June 30, 2020, the Commission entered an Order providing for \$1,566,00 in assistance from the Grade Crossing Protection Fund for upgrading flashers to LED for the railroad warning devices.**



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