

THE WIRE

AN ANNUAL PUBLICATION BY THE ILLINOIS COMMERCE COMMISSION

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



WHAT'S INSIDE:

Implementing Illinois' new Clean Energy Law - 3

Priority Rail Crossing Improvement Projects Advance - 7

Centennial & Sesquicentennial Celebrations - 14

ICC Examines Extreme Weather Preparedness - 15

Season's Greetings and Happy New Year!

The old adage of “long days and short years” held particularly true in 2021, as we reflect upon a whirlwind of a year. It seems like yesterday we were putting into place additional historic protections for low-income electric and natural gas consumers to prevent disconnections and help them with their utility bills. Over the summer, we celebrated the ICC’s Centennial Anniversary as Illinois’ public utility regulator, and the Sesquicentennial Anniversary of the agency’s earliest beginnings overseeing rail safety as the Railroad and Warehouse Commission. We concluded the year working tirelessly as we started the implementation process of the recently enacted Climate and Equitable Jobs Act (CEJA), which puts Illinois on the path to 100% clean energy by 2050. In this newsletter, you will find an article prepared by my advisors and me, outlining the ICC’s responsibilities implementing CEJA.

I can’t imagine a more exciting time to lead the ICC, and I’m so grateful for the opportunity. CEJA has raised the level of enthusiasm among the Commissioners and Staff, as we work to meet statutory deadlines and transform the energy landscape in Illinois. If you are interested in clean energy, making an impact, and want to join a team of professionals working toward the same goals, please consider joining the ICC. We are in the process of hiring engineering, legal, and financial experts to help with the implementation of CEJA. You can learn more about the positions available on the employment opportunity page of our [website](#), check back often and share with your friends.

We hope you enjoy our second edition of The Wire and encourage you to follow us on social media to stay apprised of the ICC’s activities throughout the year.

Have a safe, healthy, and happy New Year!



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

Chairman Carrie K. Zalewski

ICC Key to Implementing Illinois' New Clean Energy Law

By: Carrie Zalewski, Jordan Graham, and Tanya Rabczak

On Sept. 15, Illinois Gov. JB Pritzker signed into law a historic bill putting Illinois on the path to decarbonization by 2050. The Climate and Equitable Jobs Act (CEJA) transitions Illinois to clean and renewable forms of generation, with a focus on equitable job creation.

Now that the Governor and legislature have done their jobs, it is up to the state agencies to implement the new provisions of the law – and much of the challenging work in the coming years will fall to the Illinois Commerce Commission (ICC). Over the next two-plus years, the ICC will work under tight statutory deadlines to resolve complex questions about how the distribution grid should be planned and operated in order to achieve the law's aims: accommodating and incentivizing more renewable generation, increasing deployment of customer-owned distributed energy resources (DER), hastening uptake of electric vehicles (EVs), ensuring the reliability of a grid capable of accommodating these resources, and ensuring just and reasonable distribution of the costs and benefits of these transformational efforts.

Acting swiftly, the Commission and Staff have begun the process of initiating dockets, workshops, audits, staff hiring, and studies required under the law. The next few years will be perhaps the most consequential and challenging in the ICC's 100-year history. Here are just some of the new requirements under the new law.

"The next few years will be perhaps the most consequential and challenging in the ICC's 100-year history" said Chairman Carrie Zalewski.



ICC Key to Implementing Illinois' New Clean Energy Law continued

Multi-Year Integrated Grid Plans: Under CEJA, large electric utilities are required to file Multi-Year Integrated Grid Plans. The plans are intended to, among other things, support decarbonization, facilitate DER deployment, enhance reliability and resiliency, reduce grid congestion, improve interconnection, and optimize grid assets. The ICC commissioned a baseline grid assessment in October, will host stakeholder workshops in 2022, and will approve utilities' first multi-year plans by mid-December 2023. In providing strategies to address the grid's long-term needs, the plans must holistically consider the cost effectiveness of numerous options, from time-varying pricing, to energy efficiency programs, to the use of various other non-wires alternatives – including those provided by customers and third parties.

Transportation Electrification: Illinois has set a goal of having 1 million EVs on state roads by 2030. To help meet this goal, the new law requires the ICC to host workshops to address barriers to EV adoption and file a report in spring 2022. Shortly afterward, Ameren Illinois and ComEd must file Transportation Electrification Plans that propose EV time-of-use rates, commercial and fast-charging tariffs, make-ready charging station infrastructure investments, possible charging standards, and plans for increasing EV uptake in low-income communities. The Commission will approve, modify or reject these plans by the end of March 2023.

Energy Storage: The ICC will study storage deployment and related policies, including its value to shift load to off-peak hours, to reduce congestion, and to reduce the costs of generation, distribution and ancillary services, among other benefits. The ICC must submit the study by May 2022 to the General Assembly and Governor with recommendations for additional legislative, regulatory, or



executive actions to help best leverage energy storage. The Commission must also recommend energy storage deployment targets that Illinois's large electric utilities must achieve by the end of 2032.

Performance Based Ratemaking: CEJA requires Illinois' large electric utilities to file for approval of performance-based metrics and incentives that encourage their support of CEJA's core goals. The Commission must approve these metrics, which will be designed to incentivize the utility to achieve incremental improvements over baseline performance values during a performance period of 4-to-10 years.

Low-Income Rates: The ICC is responsible for studying the appropriateness of discounted rates for low-income customers and providing a report on the topic to the state's General Assembly by the start of 2023 detailing potential rate structures, eligibility requirements, utility outreach mechanisms, and the impact on overall rates. Afterward, the Commission also has the authority to require electric and gas utilities to file tariffs establishing low-income rates. While Illinois already provides utility bill assistance – including through programs that base utility bill payment on total household income – low-income rates could create different eligibility standards and would incorporate the discounts to rate structures.

ICC Key to Implementing Illinois' New Clean Energy Law continued



A Lot More: The law also requires the ICC to oversee numerous other filings and undertakings.

- **DG + Storage Tariff:** ComEd must file a tariff for compensating distributed solar systems that are paired with energy storage. The Commission must approve the tariff by Feb. 10.
- **Value of Solar:** The ICC must open a docket by June 2023 to investigate a “value of solar” tariff that would compensate distributed generation and storage for the value they provide to the grid, including location-specific and time-specific values.
- **Renewable Procurement:** CEJA puts Illinois on a path to 100% clean energy by 2050 with escalating intermediate goals along the way. To help meet that aim, ComEd and Ameren Illinois must file tariffs to pay for Renewable Energy Credits (REC) procured specifically from solar facilities paired with generation that have located onsite of certain current and former coal power plants. The ICC must approve the first two “Coal to Solar” REC procurements and the tariffs in 2022.
- **Equitable Energy Access:** The ICC must open a docket to establish the terms and conditions of offerings by Ameren and ComEd to allow on-bill financing of energy projects for homeowners and renters, with no upfront payment required.
- **Interconnection:** The ICC has established a working group to address the interconnection process, including exploring the possibility of minimum requirements to avoid queue clogging, group studies and cost sharing, and how inverter functions could avoid distribution upgrades. The ICC also must create an “Interconnection Ombudsman” position to resolve interconnection disputes.
- **Utility-owned solar:** Under CEJA, Ameren Illinois will be able to construct, own and operate two utility-scale solar farms, capped at a cost of \$20 million per site, in certain “equity investment eligible communities” as a pilot program. These would be the first utility-scale generation Illinois’s large utilities will have owned in roughly two decades, since after the state deregulated its retail energy market in the late 1990s. The ICC will review the reasonableness of facility costs so that they can be included in Ameren’s rate base.
- **Renewable Energy Access Plan:** By mid-2023, the ICC must publish a report detailing zones in the state suitable for renewable generation siting and develop a plan to help cost-effectively transmit this energy in and out of state.
- **Hiring:** The ICC recently established an Integrated Distribution Planning Division and an Ethics and Accountability Division as required by statute. The Commission is in the process of hiring approximately 13 staff members by year’s end and could hire 50-plus staff in total to aid in implementing the new law

The ICC staff is working hard to meet the deadlines under the new legislation. A [webpage](https://www.icc.illinois.gov/programs/Public-Act-1020662-Implementation) on the ICC website has been created to keep stakeholders and other interested parties apprised of implementation efforts and procedures including Notices to Public Utilities, Solicitations for Work, Workshops, and Docketed Proceedings. (<https://www.icc.illinois.gov/programs/Public-Act-1020662-Implementation>). We encourage you to check back regularly for updates.

A Note on Agency Expansion from the Executive Director

With 2021 closing behind us, we are entering a new era for the Illinois Commerce Commission while applying the lessons of our past. As the newly appointed Executive Director for this impactful public agency, I stepped into this role during a landmark year for the Commission. With 2021 marking the centennial celebration of public utility oversight in Illinois and the sesquicentennial of rail and warehouse management, this was a year to take stock of the work we have done and the transformation to come.



Michael Merchant

With the collective effort of Governor JB Pritzker's administration and the general assembly, the passage of the Climate and Equitable Jobs Act (CEJA) has already led to great change within the ICC and will be a considerable part of that transformation moving forward. With the creation of key new divisions, and an expanding of our regulatory powers, we have had to grow our staff to accommodate the needs of this legislation. With 38 new hires in 2021 alone, we expect our new and old staff to continue to join forces to make sure we are ushering the residents of Illinois into an empowered future.

Notable hires and promotions this year included:

Public Utilities saw the appointment of **Scott Struck** as the Director of the newly formed Integrated Distribution Planning (IDP) Division, and **Marcy Sherrill** (Office of General Counsel (OGC) was appointed as legal supervisor for IDP issues.

The ICC also welcomed **Natalia Delgado** as our new General Counsel earlier this year, with **Matt Harvey** accepting the role as Deputy General Counsel (OGC), and **Bridget Sheehan** now leads the newly expanded trial division.

Hiring has spanned departments with key new additions to our electrical engineering, legal, transportation, financial and general administrative teams. The ICC continues to grow.



Priority Rail Crossing Improvement Projects Advance

On March 18, 2021 the Commission approved the 2022-2026 Rail Crossing Safety Improvement Plan to begin implementing highway-rail safety capital projects across the state. Under the program, the ICC spends \$341 million from the Grade Crossing Protection Fund (GCPF) to help local communities and railroads pay for safety improvements at nearly 500 crossing locations. The plan also allocates \$78 million from the Rebuild Illinois (RBI) capital program for the installation of grade crossing protection or grade separations not limited to local routes or other restrictions.

“Through the bipartisan Rebuild Illinois capital plan, my administration is making critical investments in infrastructure and safety projects across the state that have been neglected for too long,” said Governor JB Pritzker.

“The allocation of Grade Crossing Protection funds enables priority rail safety projects to advance, and that is good news for the community and all those traversing the crossing,” said ICC Commissioner Michael T. Carrigan.



“These projects exemplify the ICC’s commitment to protecting pedestrians, motorists and rail employees around railroad tracks and preventing train-related collisions.”

Under the five-year plan, projects are prioritized based upon several criteria, including the relative safety of the existing crossing, volume and types of existing train and highway traffic. After a project is prioritized based on engineering requirements, geographic location is also considered to ensure projects are awarded across the state as equitably as possible. The GCPF, appropriated to the

Priority Rail Crossing Improvement Projects Advance continued

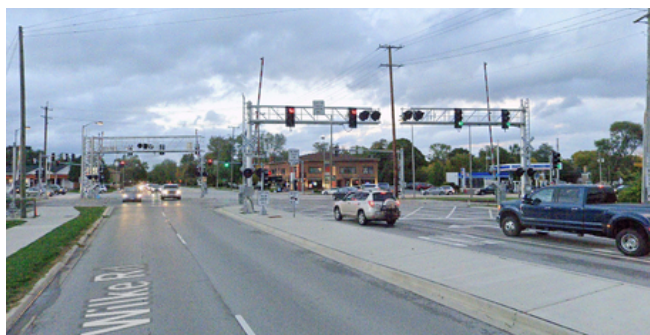
Illinois Department of Transportation, but administered by the ICC, was created by state law to assist local jurisdictions (counties, townships and municipalities) in paying for safety improvements at highway-rail crossings on local roads and streets only. In addition, the Plan includes \$78 million as part of the Rebuild Illinois capital program. These funds have been appropriated to IDOT from the Multi-Modal Transportation Bond Fund for grading crossing protection or grade separation projects as ordered by the ICC. For Fiscal Year 2022, the ICC will consider projects requiring commitments from the GCPF totaling nearly \$49.7 million and the RBI totaling \$34.5 million.

Among the priority projects advanced by the Commission in 2021 include:

- \$24 million towards the Grand Avenue Grade Separation in Elmwood Park;
- \$18 million for construction of City of the Decatur Road Overpass; installation of gates and median barriers at the Illinois Central Railroad Company's highway-rail grade crossing of Faries Parkway 291386B; and the relocation and gating of the IC crossing 291384M on Harrison Avenue.
- \$1.3 million to install automatic flashing lights, signals and gates at the State Line Road, County Highway 52, Metcalf Road and County Road 4000E crossings of the Norfolk Southern Railway Company's Tracks in Kankakee County.
- \$544,308 for the installation of new automatic warning devices at the CR2300N grade crossing located near Thomasboro and the CR 3600N grade crossing near Paxton, both in Champaign County.
- \$411,270 for the installation of new automatic flashing light signals and gates at the Perrine Avenue grade crossing of the Norfolk Southern's track in Centralia, in Marion County.
- \$577,967 for the installation of new automatic warning devices at the Markham Road and Spielman Road grade crossings near Winnebago, Winnebago County.
- \$20 million for the Laraway Road Bridge in Joliet;

Illinois has 7,557 public highway-rail grade crossings in Illinois, of which 749 are on state roads, and 6,808 are on local roads. There are 2,699 public highway-rail grade-separated crossings (bridges) in the state. In 2020, preliminary statistics indicate there were 82 collisions at public highway-rail crossings in Illinois, compared to 104 in 2019, a 21.2% decrease. Total fatalities resulting from collisions at highway rail crossings in Illinois decreased from 19 in 2019 to 17 in 2020.

To obtain the full FY 2022-2026 Crossing Safety Improvement Program 5-Year plan with the full list of projects click [here](#).



Among rail improvement upgrades completed in recent years, the Carpenter Street underpass in Springfield and crossing improvements at Wilke Road in Arlington Heights.

The ICC Celebrates 150 Years of Rail Safety



Railroad and Warehouse Commission - Audience Room, Chicago.

Working to keep motorists, pedestrians, and rail employees safe around trains and tracks is a long-standing tradition of the Illinois Commerce Commission.

Railroad regulation in Illinois began 150 years ago in 1871 when the Illinois General Assembly created the Railroad and Warehouse Commission to investigate the management and business of railroads and warehouses and to prosecute violations of state law. In observance of this Sesquicentennial anniversary, the Illinois Commerce Commission on September 21st, held a Transportation Policy Session to reflect on the past, and highlight policies and improvements that contribute to the agency's ongoing commitment to rail safety.

Rail Safety Program Administrator Brian Vercruysse served as moderator of the Policy Session. His presentation focused on the history of rail safety in Illinois. The Rail Section Manager of Policy and Programs, Steve Laffey, focused on the grade crossing protection fund and rail safety program highlights from 1955-2021. Safety Specialist, Track Inspection Program, Jason FelmeY, highlighted current and new railroad technology and methodology being used to improve train and track safety.



BRIAN VERCRUYSSSE

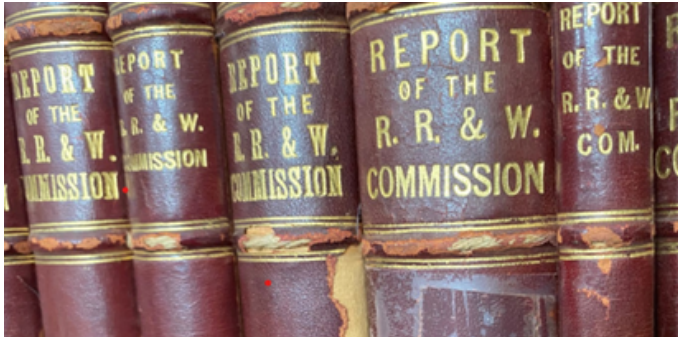


STEVE LAFFEY



JASON FELMEY

The ICC Celebrates 150 Years of Rail Safety continued



From the Start

The ICC's continuing commitment to rail safety efforts can be traced back to its earliest days as the Railroad and Warehouse Commission. Through annual reporting the Commission identified potential railroad safety laws, and listed accidents involving rail worker, passenger and bystander injuries and deaths.

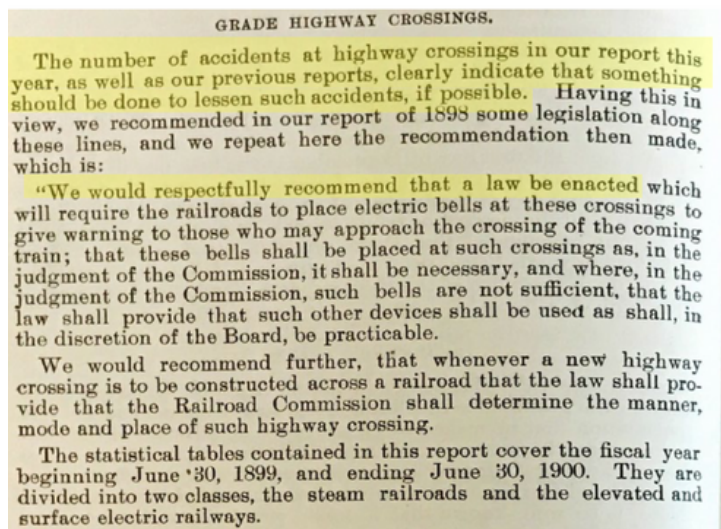
According to injury reporting by the Commission in 1871, most of the injuries involving passengers that year happened while trying to board or disembark moving trains. The report also cites concerns with derailments, conditions near depots, reliability, as well as train-to-train collisions.

Injury reporting of "Persons-Exclusive of Passengers & Employees" listed the fatalities of several individuals reported to have been trespassing on rail property. According to the report, there was limited signage, marking, gates, gate keepers, or watchmen at Crossings and the usefulness of signs posted were questioned.

From the mid-1800s, railroads continued to expand across the prairie spurring economic growth across the state. In 1850 there was 111 miles of track in Illinois, by 1880 the miles of track grew to 9,000. Pedestrian, carriage, wagon, and motor vehicle traffic also began to emerge, prompting the construction of hundreds of local roads. This led to enormous increases in the number of

rail-highway crossings and the potential for collisions. Recognizing the dangers associated with these crossings, the Rail and Warehouse Commission recommended in 1898 and repeated in 1900, that the Illinois General Assembly enact a law requiring the railroads to place electric bells at crossings to warn of the coming train. A second recommendation would require approval for any new highway crossings by the Railroad Commission.

In 1911, the Commission was given the authority to investigate railroad accidents that resulted in injury or death, and to conduct investigations and hearings on the operations of public utilities. In 1913, the 48th General Assembly replaced the Railroad & Warehouse Commission with a five-member State Public Utilities Commission. In addition to its existing authority over railroads, the new Commission was given broad powers over the investor-owned public utilities within the state. 100 years ago, in 1921, the General Assembly enacted the Public Utilities Act which transferred the Public Utilities Commission's powers to the newly created agency named the Illinois Commerce Commission.



*Grade Highway Crossing 1898/1900
1900 IL Railroad & Warehouse Commission Annual Report*

The ICC Celebrates 150 Years of Rail Safety continued

Illinois & Federal Rail Safety - Turn of the 20th Century
 State Regulation (ICC) - Federal Regulation (ICC)

State/Illinois Regulation & Jurisdiction

- 1874 An Act in Relation to Fencing and Operating Railroads
 Crossing surfaces, Not to obstruct highway, brakeman, couplers
- 1889 R. R. & W. Commission - rail-rail level crossings / interlockings
- 1911 R. R. & W. Commission - authorized to investigate railroad accidents that led to injury or death
- 1914 Illinois Public Utility Commission succeeds R.R. & W Com.
 Existing railroad authority; new for investor-owned public utilities
 General Order 3 - railroads clear sight lines at highway crossing and provide indication of train
- 1917 General Order 22 - rules on minimum clearances
- 1921 Public Utility Act
 Illinois Commerce Commission (ICC) created by General Assembly
 1985 Illinois Commercial Transportation Law & IL Adm. Code

Federal Regulation & Jurisdiction

- 1886 *Wabash v. Illinois*
 Supreme Court - Illinois could not restrict the rates
- 1887 Interstate Commerce Act *interstate rates federal Interstate Commerce Commission (ICC)*
 Interstate Rates - Federal Jurisdiction
- 1893 First Safety Appliance Act - Couplers, brakes, handholds
- 1903 Second Safety Appliance Act - Clarify of "Interstate"
- 1910 Third Safety Appliance Act - Strengthen Prior and gives (ICC authority to establish standards)
- 1916 Federal Aid Highway Program
- 1921 Federal Highway Act

ICC Rail Safety Program Highlights 1955-2021

In 1955, the state legislature created the Grade Crossing Protection Fund to help local counties, townships and municipalities pay for warning devices and signs at crossings. The GCPF funding was later expanded to help pay for roadway approaches and grade separations. In 1997 the number of trespass fatalities exceeded crossing fatalities for the first time, a trend that continues to this day. To address this issue, in 2021, the Illinois General Assembly granted the ICC approval to use GCPF funds for trespass prevention programs. Since its inception, the ICC has ordered just over \$1 Billion in GCPF funding to be spent for rail crossing improvements.

Illinois was one of the first states to adopt an Operation Lifesaver rail safety awareness and education program in 1975. That year, there were over 800 rail incidents at public grade crossings and 96 fatalities. In 2020, preliminary statistics indicate there were 82 collisions at public highway-rail crossings in Illinois, and 17 fatalities.

Tragic accidents like the one in 1995 involving a school bus and UP-Metra train in Fox River Grove that left seven dead, and a 1999 Amtrak and truck-trailer accident in Bourbonnais that resulted in 11 fatalities, have led to many rail safety changes across Illinois, as well as the country. Among many bridge projects, crossing closures, and circuitry upgrades, 98 crossings have been upgraded with 4 Quadrant Gates and remote monitors have been installed at 3,069 crossings. The ICC has paid for materials for LED Light Replacements at 2,678 crossings since 2005 and GCPF has been used to replace Crossbuck/Yield signs at 2,521 crossings since 2002.

Also, during this time, the ICC Railroad section began hazardous material inspections; established an incentive program to close crossings and a 2-year pilot program to evaluate automated photo enforcement; and a statewide program to replace incandescent lights with LED lights at crossings.

The ICC Celebrates 150 Years of Rail Safety continued

The ICC Rail Safety Programs currently fall into four categories:

- 1). Inspection: Track, Signal, Hazmat, Operating Practices
- 2). Railroad Worker Safety
- 3). Crossing Safety Improvement Program
- 4). Outreach, Education & Enforcement

In furtherance of rail safety goals, the ICC regularly partners with local and state highway agencies, railroads and industry organizations, the Illinois Department of Transportation, and the Federal Railroad and Highway Administrations.

The Present, and Future



Old Terminal Merchants Bridge – Venice, Illinois 1887



New Terminal Merchants Bridge – Venice, Illinois 2021

According to Jason Felmei, the rail industry continues to make infrastructure improvements and are utilizing ultrasonic rail testing, positive train control (PTC)- interoperability, autonomous track inspection programs, robotic welding to promote increased overall network efficiency and safety. These technologies and methodologies support the ICC's Rail Section goals of protecting infrastructure, the public and rail employees.

PTC is required under federal law by the railroads on all lines carrying passenger and Toxic by Inhalation Hazmat goods. This GPS based technology is designed to provide protection against human error by preventing train-to-train collisions, over-speed derailments, incursions into established work zone limits and movement of a train through a switch left in the wrong position. Interoperability means the ability of a controlling locomotive to communicate with and respond to the railroad's positive train control system.

The autonomous Track Inspection Programs allow track conditions to be monitored every time the car with the autonomous track geometry measurement system moves on the track. The processor allows for data collection and analysis, remote diagnostic capabilities, software enhancements and self-recovery without normal business and traffic having to be interrupted and is more efficient and cost-effective than traditional geometry systems. Ultrasonic rail testing is used to detect surface and subsurface fatigue fractures, material deformations, and weld discontinuities through ultrasound technology.

The ICC Celebrates 150 Years of Rail Safety continued

These and other technological advances will help facilitate improved safety and efficiency. But to move projects forward, challenges remain with budgets, coordination, land acquisition, environmental reviews, engineering, and other elements of project development.

To advance more quickly its safety improvement projects, the staff recommended to the Commission several contribution changes to GCPF as seen in the chart below:

Grade Crossing Protection Fund (GCPF) Staff Recommended Contribution Changes

Highway-Rail Grade Separations (Currently 60% GCPF with maximum \$12M)	
<i>New Bridge:</i>	Increase to <u>80% GCPF</u> with maximum <u>\$20M</u> .
<i>Reconstructed Bridge:</i>	Increase to <u>80% GCPF</u> with maximum <u>\$20M</u> . [For lower cost bridge reconstruction, \$5M or less, 90% GCPF participation may be considered.]
Pedestrian-Rail Grade Separations (MFT law limit of \$2M/year removed).	
<i>New Bridge:</i>	Increase to <u>80% GCPF</u>
Voluntary Closure Incentive Payment to Highway Agency/Municipality Currently \$50K to \$70K. Increase to <u>\$150,000</u> with review of actual closure costs.	
Highway-Rail Warning Devices – Flashing Lights, Signals & Gates	
Roadway:	Retain <u>95% GCPE</u> , 5% RR with ongoing maintenance [Single or multiple crossing corridor]
Sidewalk/Path:	Retain <u>95% GCPE</u> , 5% Local (pedestrian gates)
Highway Approaches to Grade Crossings – typical <u>95% GCPF</u> , 5% Highway	
Trespass Mitigation Measures – GCPF allowable in 2021.HB 2499 102 nd GA Diagnostic Review and upon agreement of public entity, railroad, Commission Staff	

While the responsibilities of the agency have evolved over the past 150 years, the ICC's commitment to rail safety has only grown stronger and the public, rail passengers and employees are safer than ever before – but the job is not done.

Looking to the future, the rail division is optimistic changes in technology, methodology, ongoing education, and enforcement efforts, as well as a greater investment in trespass prevention programs and infrastructure improvements will continue to lead to fewer incidents and more lives saved.

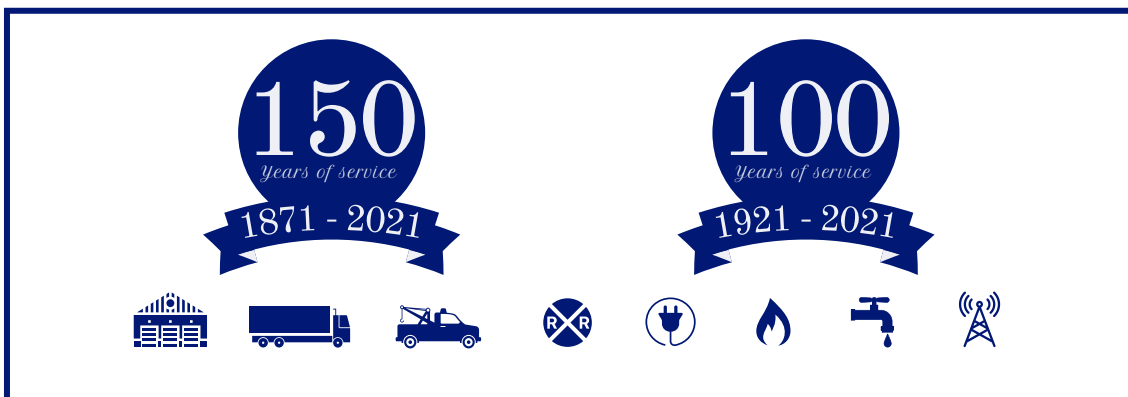
If you are interested in viewing the Transportation Policy Session, the video can be seen on the ICC website by clicking [here](#).

Centennial & Sesquicentennial Celebrations

2021 marked two key milestones for the Illinois Commerce Commission, as the agency celebrated its 100th anniversary as the states' public utility regulator and the 150th anniversary of our agency's earliest beginnings as the Railroad and Warehouse Commission. To celebrate, a special ceremony was held on August 18, 2021, in Springfield.

Chairman Carrie Zalewski opened with welcoming remarks and introduced former ICC Executive Director and First Assistant Deputy Governor, Budget, and Economy, for JB Pritzker, Christy George. Christy presented the Commission with a gubernatorial proclamation celebrating the agency's rich history and anniversaries. The proclamation now hangs in the lobby of the ICC's central Springfield Office. Executive Director Michael Merchant then introduced a commemorative video put together by the Communications Staff and James Harmening showcasing the ICC through interviews with current and former Commissioners and Staff.

You can watch the video and learn more about the history of the agency on the website by clicking [here](#).



ICC Examines Extreme Weather Preparedness

A Notice of Inquiry Report on Extreme Weather Preparedness issued by the Illinois Commerce Commission affirmed that the strength of Illinois' grid is an advantage to handle severe weather events and lessen energy prices spikes.

The NOI was initiated on April 15, 2021 amid the backdrop of an extreme weather storm in the U.S. South Central Region that resulted in reduced energy supply, increased energy demand and higher energy prices. Through the NOI, the Commission sought information to ensure all reasonable efforts are employed in Illinois to prevent widespread outages and dramatic spikes in energy prices during extreme weather events. The full report for 21-NOI-01 as well as all information submitted by the parties are available for review under the heading "NOI schedule and submissions" on the Commission's website at 21-NOI-01 (icc.illinois.gov).

Through the NOI, utility service providers and operators were asked several questions related to the preparations undertaken for continued operations during an extreme weather event to ensure adequate service, the prevention of service interruptions, and the reestablishment of service within a reasonable period of time. Questions were asked about coordination and planning efforts between the various utilities and RTOs to improve reliability and resiliency of the distribution systems during an extreme weather event; and how they communicate with customers, considering scenarios without the availability of Internet or phone service. Respondents were also asked for input on ways to mitigate the financial impact of extreme weather events on the utilities and ratepayers; and identify any possible changes in policies, rules or laws to ensure adequate, uninterrupted service at a reasonable cost during a weather crisis.



ICC Examines Extreme Weather Preparedness continued

Many of the commenters acknowledged that Illinois has many advantages that mitigate the likelihood of an event like the one experienced in Texas in February 2021. The advantages include belonging to two regional transmission organizations (MISO and PJM) that interconnect to multiple states and other RTOs; having access to adequate supply from a diverse supply of sources and natural gas storage facilities; and having facilities that are weatherized and able to withstand Illinois' harsh winter conditions. The public utilities, RTOs, transmission companies and power generators that provided input into the NOI noted multiple policies and procedures in place before, during and after an extreme weather event intended to provide continuous service; quick restoration of all interrupted service, and adequate communication with all affected parties. They pointed to infrastructure improvements and emergency generators (water utilities) and emergency radio or mobile systems that serve as back-up and highlighted partnerships between the utilities and government entities for emergency preparedness.

Some respondents recommended the ICC continue to study changes to its rules and regulations that could facilitate mitigation of extreme weather impacts. Other suggestions include the offering of incentives for specific reliability or resiliency investments as Illinois transitions toward more renewable energy sources; adopting policies that encourage customers to change their power consumption to better match the supply to conserve energy and save money; installing gas safety measures such as excess flow valves and moving customer gas meters outside the home; developing policies that include more flexible payment arrangements for affected customers, waiver of deposit requirements and other fees; and the strengthening or expansion of existing rules to ensure customers enrolled with alternative retail electric suppliers or natural gas suppliers don't face huge price spikes during extreme weather events.

Around 24 various stakeholders participated in the NOI including utility and pipeline companies, regional transmission companies, environmental and consumer advocate groups.

In November, Commissioner Kimbrel with the assistance of his policy advisors hosted and moderated the Commission's annual Winter Policy Session to hear from regional transmission organizations (RTOs) and the state's large public utilities about their readiness to handle extreme winter weather events. If you missed the policy session, you can still watch it [here](#) on the ICC website.

"It is not a matter of "if" a weather crisis occurs, it is a matter of when. In the case of severe weather, customers need assurance that everything possible is being done to keep the lights and heat on, and outages will be brief as possible. It is essential that customers are informed of the steps being taken to mitigate the impacts of severe weather, specifically how extreme spikes in energy costs will be prevented," said ICC Commissioner D. Ethan Kimbrel.

ICC Issues Transportation Electrification Rate Design & Affordability NOI Report



The Illinois Commerce Commission announced the release of a Notice of Inquiry Report on Electric Rate Design Issues for Transportation Electrification and Other Beneficial Electrification. The NOI was initiated on August 19, 2020, to obtain information on the impact of electricity rate design on transportation electrification (TE), TE infrastructure adoption, and beneficial electrification (BE), and explore rate design options. The Commission also sought to identify the impact of rate design on electric service and electric service affordability.

“It’s highly anticipated that the number of EVs on Illinois roadways will continue to grow, and as regulators we initiated the NOI to identify barriers to EV expansion and to further explore the impact rate design has on electric service and affordability,” said ICC Chairman Carrie Zalewski. “This report has been and will continue to be extremely useful for regulators, policymakers and others as we consider rate structures in the future.”

“Widespread adoption of EVs will be key for Illinois and other states to reach de-carbonization goals. The Commission has a key role in encouraging the growth of EVs and ensuring electric rates are affordable for consumers. The information in this report will help us to make informed decisions and keep the discussion and transformation moving forward,” said ICC Commissioner Maria Bocanegra.

The NOI asked respondents a number of questions including whether or not they felt current rate designs prevent single-family, multi-family, and low-to-moderate income residential customers from adopting and using EVs; whether current rate designs prevent businesses and government units from adopting EVs, and installing EV charging infrastructure; and whether or not respondents favor providing incentives through rate design to incentivize the installation of charging infrastructure, and the expansion and use of electric fleets. Respondents were asked to provide examples of rate designs successful in other states and recommend rate design changes for Illinois. In their answers, numerous rate design issues and suggestions were provided by the respondents.

ICC Issues Transportation Electrification Rate Design & Affordability NOI Report continued

The Commission was appreciative of all the participants and their earnest efforts.

Seventeen parties provided initial comments, reply comments, or both, either individually or jointly. The participants included: the Alliance for Transportation Electrification (Alliance); Ameren Illinois Company (AIC); Citizens Utility Board and Environmental Defense Fund (CUB-EDF); Climate Reality Project (CRP); Commonwealth Edison (ComEd); Edison Electric Institute (EEI); Elevate Energy (Elevate); Environmental Law & Policy Center (ELPC); Greenlots; ChargePoint, Inc., EVgo Services LLC, Rivian, and Tesla, Inc. (Joint EV Industry Parties); MidAmerican Energy Company (MEC); Natural Resources Defense Council (NRDC); and Rocky Mountain Institute (RMI). The Office of the Attorney General (OAG) offered reply comments.

The full NOI report for 20-NOI-03 as well as all the information submitted by the parties are available for review under the heading “NOI Schedule and Submissions” on the Commission’s website at <https://www.icc.illinois.gov/notice-of-inquiry/20-noi-03>.

Heightened Scrutiny of ARES/AGS Protects Consumers and Promotes Competitive Market

In 2020, the ICC invested additional staff and resources into boosting efforts to ensure Alternative Retail Electric Suppliers (ARES) and Alternative Gas Suppliers (AGS) are complying with state rules and regulations governing Illinois’ competitive retail electric and gas markets. This year, the Commission approved three settlement agreements with ARES that resulted in a combined total of \$1.725 million in refunds to customers, and \$175,000 in energy assistance for low-income customers, following investigations into allegations the companies violated state marketing and sales rules.

The three companies also voluntarily entered individual Compliance plans imposing bans on marketing and enrollment in Illinois; requiring additional reporting to the ICC; and puts into place further restrictions to ensure compliance with state rules upon reentering the market in the future.



Heightened Scrutiny of ARES/AGS Protects Consumers and Promotes Competitive Market continued**Great American Power, LLC (GAP) Docket No. 18-1773**

• On July 1, 2021 the Commission approved a settlement agreement with the ARES Great American Power, LLC. GAP agreed to pay a total refund of \$200,000 to current and former customers enrolled on or after May 1, 2018 and who received electric supply service for at least 120 days. They also voluntarily agreed to deposit \$125,000 into the Low-Income Home Energy Assistance Program (LIHEAP) and entered a Compliance plan that includes a five-year ban on all marketing and enrollment in Illinois. Other provisions in the Compliance Plan include: The hiring of a corporate compliance officer to ensure compliance with Illinois statutes, rules and regulations as well as the hiring of an independent or internal auditor to prepare quarterly compliance reports; submission of a reengagement plan, marketing and training materials for review by the ICC Staff prior to reentering the market; limitations on third-party vendors hired to market in Illinois; limits on sales and marketing practices, including increased obligations to record all in-person and telephone solicitations; the prohibition of in-person solicitations in multi-unit residential dwellings; monitoring of customer complaints, as well as the development of an enrollment validation confirmation process; in-person training sessions of all sales agents must be conducted by a qualified individual and all virtual and in-person training sessions must be recorded and retained by the company.

**Star Energy Partners, LLC (Docket No. 18-1652)**

• On September 2, 2021 the Commission approved a settlement agreement under which Star Energy Partners, LLC (“Star”) agreed to pay \$275,000 in refunds to customers enrolled with Star between May 1, 2018 and October 25, 2018 and who received electric supply service from the company for at least 30 days during the period. They also agreed to deposit \$25,000 into LIHEAP, and to conduct no sales, marketing, or enrollments in Illinois for two years. Provisions of the Compliance Plan include: a three year stand-down period followed by staggered reentry into the Illinois market; submission of a reengagement plan that demonstrates the company has developed a sales and marketing strategy in Illinois that meets requirements of the compliance plan prior to reentering the market; hiring of personnel to oversee compliance efforts and an internal auditor to prepare quarterly compliance reports for submission to the ICC; submission of company marketing and training materials for review by the ICC Staff; limitations on third-party vendors hired to market in Illinois; limits on sales and marketing practices, including increased obligations to record all in-person and telephone solicitations; the prohibition of in-person solicitation in multi-unit residential dwellings; the monitoring of customer complaints, as well as the development of an enrollment validation confirmation process; all training of sales agents must be conducted in-person by a qualified individual, and all virtual and in-person training must be recorded and retained by the company.

Heightened Scrutiny of ARES/AGS Protects Consumers and Promotes Competitive Market continued

National Gas & Electric, LLC (NGE) Docket No. 18-1653

• On October 21, 2021, the Illinois Commerce Commission voted to approve a settlement agreement under which National Gas & Electric, LLC agreed to pay \$1.25 million in refunds to customers and deposit \$250,000 into LIHEAP. NGE also agreed to a Commission Compliance Plan which includes a three-year limited ban on marketing and enrollments in Illinois, and remediation steps to ensure appropriate behavior upon reentry in the market. During the stand-down period, the company may only maintain a website which customers may use to directly enroll; operate a consumer service line allowing customers to initiate enrollment through inbound calls; and customers may be contacted by mail for renewal of service. The company must report any new enrollments to the ICC during the stand-down period and identify how the customer was enrolled. In addition, NGE must hire an administrator, subject to approval by the Attorney General, to take all reasonable efforts to locate eligible customers, aid in the processing and mailing of checks, and ensure refunds are issued in a timely manner; track refund checks issued and cashed by customers and report back to the AG every 90 days until December 2022. At the end of the period, any remaining funds must be deposited into the State of Illinois Unclaimed Fund and the company must provide the Attorney General with the names, telephone numbers and last known addresses of all eligible customers whose refund checks were not cashed. Among the terms of the Compliance Plan, NGE must hire personnel to oversee compliance efforts; develop policies and procedures to monitor sales activity and compliance with Illinois laws, rules and regulations; submit a Reengagement plan for review by the ICC Staff, including an updated organizational chart, list of third-party vendors, a detailed timeline for reentry, and an enrollment validation confirmation process to prevent unauthorized enrollments or duplication of customer information; submit marketing and advertising messages NGE intends to use; description of targeted media placements; description of the salesforce to be engaged; dates on which training for sales agents will be conducted; and a list of languages, other than English, in which NGE intends to solicit; and submit the company marketing and sales agent training materials for review by ICC Staff. In addition, NGE shall record all telephone conversations with customers and retain the recordings of calls that do not lead to an enrollment for a period of six months and a period of two years for calls that lead to an enrollment. There are also limitations on third-party vendors hired to market in Illinois and all training of sales agents must be conducted by a qualified individual and all training sessions must be recorded and retained by the company.

“The ICC is responsible for ensuring Illinois’ retail electricity and gas markets are competitive and we take very seriously the enforcement of state laws and rules governing the industry. These settlement agreements and compliance plans are further examples of our commitment to protecting consumers while fostering a healthy retail market,” said ICC Executive Director Michael Merchant.

Commitment to Supplier Diversity

The ICC continued its agency commitment to enhanced supplier diversity reporting and advancement, with the hosting of two Supplier Diversity Policy Sessions throughout the year. These sessions allowed the state's large regulated public utilities and Class 1 railroads to report on their supplier diversity efforts in 2020 and identify their procurement goals for 2021. The utilities noted significant progress on their supplier diversity achievements since mandated reporting began in the state six years ago.

In 2020, the largest utilities combined annual supplier diversity spending increased to over \$2 billion. The seven Class 1 railroads doing business in Illinois reported collective diverse spending at \$1.5 billion. These policy sessions are an active result of provisions created by the Illinois General Assembly in both the Public Utilities Act and the Railroad Supplier Diversity Act. Under Section 5-117 of the Public Utility Act, large-regulated utilities, wind, solar and other energy suppliers in the state are required to report on procurement goals and actual spending for the previous calendar year with diverse suppliers. The Railroad Supplier Diversity Act states that Class 1 railroads may submit to the Commission an annual report on supplier diversity and requires the Commission to hold an annual workshop from railroads about solutions to improve supplier diversity.

The ICC's Office of Diversity and Community Affairs is led by Director Jeanine Robinson, who also serves on the National Association of Regulatory Utility Commissioners (NARUC) Staff Subcommittee on Supplier and Workforce Diversity. The work of her department has received emphatic support from our commissioners as well on these necessary endeavors.

"Overall progress is evident, and this important work continues. Reporting by the utilities and railroads helps the Commission to track their progress, and the policy sessions encourage open discussion about ways to expand diverse spending. The ICC is committed to advancing opportunities for minority, women and veteran-owned businesses to access important utility and railroads contracts."

Commissioner Maria Bocanegra



Office of Cybersecurity and Risk Management Working with Utilities Against Cyber Threats

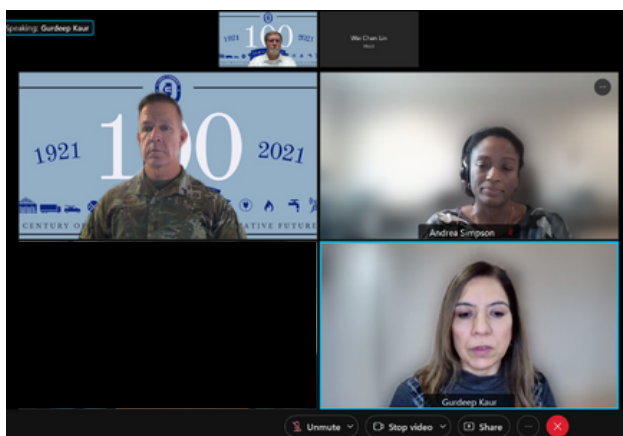
Since 2017, the ICC's Office of Cybersecurity and Risk Management (C&RM) has supported the ongoing efforts of regulated Illinois utilities to improve the resiliency and cybersecurity of critical infrastructure. As one of few dedicated public utility commission (PUC) cybersecurity offices in the nation,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

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. During the year C&RM spoke at the Illinois Municipal League's Annual Meeting and the ICC's Pipeline Safety Conference. C&RM has collaborated with other state PUCs through discussions about cybersecurity strategy as well as contributions to various NARUC projects and publications.

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.

To provide effective oversight and support regulated entities in addressing cyber threats, PUCs are striving to increase their cybersecurity expertise. Notably, the Commission contributed to the development of NARUC's publication in 2021, *A Guide for Public Utility Commissions: Recruiting and Retaining a Cybersecurity Workforce*, to address the shortage of trained cybersecurity professionals in the workforce, PUC budget constraints, and civil service hiring requirements that may impact a PUC's ability to hire and retain qualified staff.

C&RM planned and participated in many exercises this year, including the Electricity Information Sharing and Analysis Center's GridEx, NARUC's Water Security Mini Exercise, the ICC's own 5th annual Cyber Resiliency Joint Exercise, and ICC's Continuity of Operations Exercise.



Top James Harmening, ICC Director of Cybersecurity and Risk Management, Clockwise from Top left Box, Major General Richard Neely, Andrea Simpson, Chief Information Security Officer for the Federal Communication Commission, Gurdeep Kaur, Chief Information Security Officer for Public Service Enterprise Group, Inc.



GridEx VI, State of Illinois participation at the Illinois National Guard Center at the Springfield Airport.



Federal Updates

There are two regional transmission organizations (RTOs) that impact the wholesale sale of energy and transmission in Illinois, ultimately impacting what Illinois customers pay for electricity: 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 and approved by the Federal Energy Regulatory Commission (FERC), which regulates Interstate transmission rates and wholesale energy prices.

The ICC is a member of two regional state committees that allow state regulators to represent state interests before FERC and the two RTOs – the Organization of MISO states (OMS) and the Organization of PJM States (OPSI). Chairman Carrie Zalewski serves as the OMS Board Liaison for the OMS DER work group. Commissioner D. Ethan Kimbrel serves on OPSI's Board of Directors.

In 2021, the FERC continued its focus on addressing numerous issues relevant to Illinois, including: (1) the interdependence of natural gas pipelines and electricity markets; (2) addressing seams issues between PJM, MISO and neighboring RTOs; (3) the production and deliverability of wind and solar energy in the Midwest, Eastern and Southern United States; and (4) improving the integration of smart grid technologies and demand response in electricity markets, including the implementation of FERC Order 2222. The FERC has also continued its focus on addressing issues regarding price formation in the energy and ancillary services markets operated by RTOs/ISOs, as well as the reliability of the bulk power system. The ICC continues to be actively engaged at the FERC, working to ensure that the components of delivery service for which the FERC has regulatory oversight responsibility are provided at rates, terms, and conditions that are appropriate for Illinois' retail direct access program. Similarly, the ICC has been advocating for transparent wholesale electricity markets which are key to providing benefits to Illinois retail customers.

Notable Proceedings Decided in 2021

ELECTRIC

18-1652/18-1653/18-1773 (Consol.) | Illinois Commerce Commission On Its Own Motion -vs- Star Energy Partners LLC, National Gas & Electric LLC, and Great American Power LLC.

The Commission initiated three separate investigations into the marketing practices of alternative retail electric suppliers (“ARES”) - National Gas & Electric, Inc., Star Energy, Inc., and Great American Power, Inc. - alleging violations of the Public Utilities Act and Part 412 of the Commission’s rules addressing the sale and marketing of electricity supply. The three cases were settled and the Commission entered a Compliance Plan in each investigation which included monies to be paid to the Illinois LIHEAP Program.

19-0995 | Illinois Power Agency.

On May 27, 2021, the Commission entered an Order on Reopening that adopted modifications to the Illinois Power Agency’s (“IPA”) Revised Long Term Renewable Resources Procurement Plan to address widespread project energization delays resulting from the COVID-19 pandemic which resulted in a funding deficit for the available renewable portfolio standard budget for the 2021-2022 delivery year.

20-0310 | Illinois Commerce Commission On Its Own Motion.

On March 18, 2020, the Commission entered an Emergency Interim Order prohibiting ARES from conducting in-person marketing for the duration of the COVID-19 pandemic. On September 30, 2021, the Commission entered its Seventh Interim Order, permitting the resumption of in-person sales by ARES provided the sales agent has been vaccinated or produced a negative COVID-19 test prior to each solicitation visit. Agents must also wear face coverings and comply with local and state laws regarding the pandemic.

20-0389 | Illinois Commerce Commission On Its Own Motion -vs- Ameren Illinois Company d/b/a Ameren Illinois.

This proceeding was initiated in response to the statutory mandate that the Commission conduct

an investigation to calculate the “value of rebates” for Ameren Illinois Company d/b/a Ameren Illinois (“Ameren”) retail customers with distributed generation (“DG”) facilities, as provided by Section 16-107.6(e) of the Public Utilities Act. 220 ILCS 5/16-107.6(e). With the signing into law by Governor JB Pritzker of Public Act 10-0662 (“P.A. 102-0662”) on September 15, 2021, the Commission’s stated legal authority for this proceeding was superseded. Among other things, P.A. 102-0662 amends Section 16-107.6(e) of the Public Utilities Act by deleting it in its entirety (with the exception of the words “the Commission shall open an” and “investigation into”) and replacing it with new provisions. Therefore, the Commission dismissed this proceeding by Order dated November 18, 2021.

20-0426 | Ameren Illinois Company d/b/a Ameren Illinois.

On March 4, 2021, the Commission approved Rider MAP-R which provides a mechanism for Ameren to implement reconciliation provisions for the time period after the sunset date of formula rates pursuant to the Public Utilities Act or if Ameren elects to no longer recover its delivery services costs through formula rates prior to the sunset date. Rider MAP-R will become inoperative should Ameren elect not to file an Article IX rate case prior to March 31, 2023.

20-0594 | Swinerton Builders (Inc.).

On April 29, 2021, the Commission approved the application of Swinerton Builders (Inc.) for certification as a utility scale solar project pursuant to Section 16-128A of the Public Utilities Act. The Order found that Swinerton Builders (Inc.) demonstrated that it possesses sufficient certification and experience to provide services as an Installer of Utility-Scale Solar Projects in the State of Illinois.

Notable Proceedings Decided in 2021 continued**20-0710 | Ameren Illinois Company d/b/a Ameren Illinois.**

On July 8, 2021, the Commission approved Ameren's request to create Rider EVCP to encourage the adoption of electric vehicles and the installation of charging stations across central and southern Illinois. Rider EVCP includes six electric transportation programs: (1) Residential Home Charging; (2) Multi-Facility Charging; (3) Education Facility Charging; (4) Transit Facility Charging; (5) Corridor Facility Charging; and (6) Non-Corridor Facility Charging. The Commission is requiring additional reporting by Ameren regarding Rider EVCP, including information about its customer education expenses, copies of customer education marketing collateral, findings from Ameren's evaluation of customer education and outreach efforts, and findings from an independent evaluation of the program.

20-0832 | Commonwealth Edison Company.

On May 27, 2021, the Commission entered an Order approving revenue-neutral tariff changes related to cost allocation and rate design for Commonwealth Edison Company ("ComEd"). The Commission adopted a modified formula for calculating the railroad class flow-through adjustment, directed ComEd to evaluate and present a proposal in its next rate case on how to reduce or phase-out the flow-through adjustment if warranted, and directed ComEd to initiate a working group to determine the appropriate compensation for prior use of railroad facilities. The Commission ordered ComEd to take the next planned step towards full revenue responsibility for the railroad class. The Commission further directed Commission Staff to prepare a report describing the issues and setting forth parameters of a possible future proceeding regarding Commission Staff's recommendation that ComEd initiates a process to take over ownership of residential customer-owned primary overhead facilities. Subsequently, Commission Staff prepared such a report and the Commission initiated Docket No. 21-0719, which is still pending.

21-0155 | Commonwealth Edison Company.

On June 24, 2021, the Commission entered an Order approving ComEd's Energy Efficiency Plan for Years 2022 through 2025. ComEd's Plan 6 introduces new and innovative programs and dedicates the largest budget in an energy efficiency plan to assist ComEd's low-income customers.

21-0158 | Ameren Illinois Company d/b/a Ameren Illinois.

On July 22, 2021, the Commission entered an Order approving Ameren's 2022 Energy Efficiency and Demand-Response Plan. Ameren, Commission Staff, the Attorney General, Citizens Utility Board, Community Organizing and Family Issues, and the Natural Resources Defense Council all participated in this docket and entered into a Stipulation reflecting agreements to be incorporated into the 2022 Plan. The Commission found the terms of the Stipulation to be reasonable, consistent with Section 8-103B of the Public Utilities Act, supported by the evidence in the record, and the Commission approved the Stipulation and Ameren's 2022 Plan.

21-0365 | Ameren Illinois Company d/b/a Ameren Illinois.

On December 13, 2021, the Commission entered an Order establishing updated delivery service charges for Ameren customers. The Commission established Ameren's 2022 Rate Year Net Revenue Requirement and reconciled the revenue requirement in effect for 2020 with actual costs for 2020. The Commission approved annual tariffed operating revenues of \$1,018,854,000. Updated charges are applicable to delivery services provided by Ameren beginning in January 2022.

Notable Proceedings Decided in 2021 continued**21-0367 | Commonwealth Edison Company.**

On December 1, 2021, the Commission entered an Order establishing updated delivery service charges for ComEd customers. The Commission determined ComEd's 2022 Rate Year Net Revenue Requirement and the original costs of the electric plant in service as of December 31, 2020. The Commission approved annual tariffed operating revenues of \$2,711,705,000. Updated charges are applicable to delivery services provided by ComEd beginning in January 2022.

21-0368 | Commonwealth Edison Company.

On September 30, 2021, the Commission entered an Order approving ComEd's reconciliation of actual costs as to 2020 and Net Distributed Generation ("DG") Rebate Revenue Requirement and updated DG Rebate Adjustments applicable to customer bills for the 2022 Application Year under Rider DG Rebate Adjustment and pursuant to Section 16-107.6 of the Public Utilities Act. The Commission further approved an overall Net Revenue Requirement for the 2022 Application Year of \$8,313,000.

21-0467 | Ameren Illinois Company d/b/a Ameren Illinois.

On December 1, 2021, the Commission entered an Order approving Ameren's updated cost inputs for the Rider EE – Energy Efficiency and Demand Response formula rate and the reconciliation and revenue requirement. Ameren achieved 2,410,405 megawatt hours ("MWh") of cumulative persisting annual savings, which is 103% of the 2020 cumulative persisting annual savings goal of 2,331,191 MWh and 243,809 MWh of savings applicable toward the 2020 applicable annual incremental goal of 172,011 MWh, which is 142% of the applicable annual incremental goal. Ameren's EE rate base as of December 31, 2021, is \$202,269,000 and the rate of return Ameren should be allowed on its EE rate base is 5.783% for the filing year and 6.206% for the reconciliation year with a total revenue effect of return of 7.294% and 7.886%. The reconciliation year contains an 83 basis point Annual Performance Modifier.

21-0472 | Commonwealth Edison Company.

On November 18, 2021, the Commission entered an Order approving ComEd's updated cost inputs for the Rider EE formula rate and the Company's reconciliation and revenue requirement. ComEd achieved 8,676,070 MWh of cumulative persisting annual savings, which is 501,593 MWh above the applicable cumulative persisting annual savings goal of 8,174,477 MWh, or 106.1% and 1,162,045 MWh of savings toward the calendar year 2020 applicable annual incremental goal of 1,021,810 MWh, which is 113.7% of such goal. ComEd's EE rate base is \$719,428,000 for the 2020 Reconciliation Year Revenue Requirement and the rate of return the Company should be allowed on its EE rate base is 6.26% and 5.72% with a total revenue effect of return of 8.46% and 7.83%.

21-0547 | Commonwealth Edison Company.

ComEd filed a Petition in compliance with Rider Non-AMI Metering which governs the provision of metering service to retail customers whose service is not measured by advanced metering infrastructure ("AMI") metering. The Commission's Order found the investigation and reevaluation of Rider NAM to be just and reasonable and approved ComEd's proposed tariff amendments.

21-0717 | Illinois Power Agency.

On November 4, 2021, the Commission entered an Order approving the IPA's 2022 Power Procurement Plan. The Commission found the 2022 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.

Notable Proceedings Decided in 2021 continued

21-0718 | Illinois Power Agency.

On November 10, 2021, the Commission entered an Order approving the IPA's Carbon Mitigation Credit Procurement Plan ("CMC Plan"), which sets forth the IPA's proposals for the procurement of CMCs – tradable credits, each of which represents the carbon emission reduction attributes of one megawatt-hour ("MWh") of energy produced from a carbon-free energy resource – through a competitive procurement process to secure five-year CMC delivery contracts between carbon-free energy resources and ComEd. The Order found that the IPA's CMC Procurement Plan is likely to result in the procurement of cost-effective carbon mitigation credits and should be approved without modification pursuant to Section 1-75(d-10)(3)(E) of the Illinois Power Agency Act.

GAS

19-0294 | Northern Illinois Gas Company d/b/a Nicor Gas Company.

Northern Illinois Gas Company d/b/a Nicor Gas Company ("Nicor") filed its annual reconciliation of Qualifying Infrastructure Plant ("QIP") to review the prudence and accuracy of Nicor's QIP expenses in calendar year 2018. The Order approved Nicor's expenditures of various capital improvements as prudent and reasonable, and appropriately accounted for.

20-0308 | Ameren Illinois Company d/b/a Ameren Illinois.

On January 13, 2021, the Commission approved approximately \$76 million in additional revenue for Ameren for natural gas delivery service. Ameren originally requested an approximate \$102 million increase. The Commission rejected Ameren's request for a 10.50% return on equity and instead found that a 9.67% return on equity is reasonable, supported by the record, and consistent with the governing legal standard. The Commission further adopted a common equity ratio of 52%.

20-0311 | Illinois Commerce Commission On Its Own Motion.

On March 18, 2020 the Commission entered an Emergency Order prohibiting alternative gas suppliers ("AGS") from conducting in-person marketing for the duration of the COVID-19 pandemic. In 2021, the Commission entered several Interim Orders modifying the initial Emergency Order on behalf of specific AGS. On September 30, 2021, the Commission entered a Fifth Interim Order that modified the Emergency Order by allowing in-person solicitation by all AGS in Illinois subject to certain conditions.

20-0606 | Northern Illinois Gas Company d/b/a Nicor Gas Company.

Nicor filed tariffs to revise its Transportation program in compliance with the Commission's directive in its 2018 rate case based on a study assessing the implications of how Transportation customers currently use storage. The Commission approved Nicor's proposed tariff changes, with some modifications, finding that adjustments were warranted to prevent a degradation in Nicor's storage assets.

20-0810 | North Shore Gas Company.

On November 5, 2020, North Shore Gas Company ("North Shore") filed with the Commission proposed amended tariffs establishing revised rates and other terms and conditions for gas delivery service. The Commission's Final Order, which was entered on September 8, 2021 (Amendatory Final Order September 15, 2021), found a just and reasonable return which North Shore should be allowed to earn on its net original cost rate base is 6.63%. This rate of return incorporates a return on common equity of 9.67%, on long-term debt of 4.01%, and on short-term debt of 0.88%. The Commission authorized an annual base rate revenue of \$94,982,000 and net annual operating income of \$23,430,000, which represents a gross increase of \$4,084,000.

Notable Proceedings Decided in 2021 continued

20-0848/ 20-0849 (Cons.) | North Shore Gas Company, The Peoples Gas Light and Coke Company.

On December 1, 2020, North Shore Gas Company and The Peoples Gas Light and Coke Company each filed a verified Petition seeking a limited exemption from Section 501.240 of the Commission's rules to facilitate a pilot program to deploy Single-Path Ultrasonic gas meters -- specifically, the Intelis Meters -- instead of diaphragm meters. The Commission entered an Order on November 4, 2021, granting the requested exemption and finding that the proposed waiver sought for the pilot program is technically sound and will not compromise safety, reliability, or service.

20-0851 | Consumers Gas Company.

On August 18, 2021, the Commission entered an Order approving Consumers Gas Company's increase in gas service rates as stipulated by the parties. The Commission found that the Stipulation's revenue increase of \$191,633 is fair and reasonable for Consumers Gas Company based on the substantial evidence in the record.

21-0098 | Northern Illinois Gas Company d/b/a Nicor Gas Company.

On November 18, 2021, the Commission approved a rate increase of approximately \$240 million for Nicor for natural gas delivery service. A typical residential customer will experience an average increase of approximately \$3.70 per month. The Commission rejected Nicor's request for a return on equity of 10.35% and instead found a return on equity of 9.75% as just and reasonable and supported by the evidentiary record. The Commission approved a common equity ratio of 54.459%. Additionally, the Commission approved Nicor's proposed new Rider 40 – TotalGreen (“Rider 40”). Rider 40 is intended to provide Nicor Gas customers with a way to offset the environmental effects of their natural gas use through the acquisition of environmental commodities, including renewable natural gas environmental attributes. The Commission found Rider 40 provides a unique opportunity to offer an innovative service in Illinois.

WATER & SEWER

21-0198 | Utility Services of Illinois, Inc.

On February 4, 2021, Utility Services of Illinois, Inc. (“USI”) filed with the Commission revised tariff sheets proposing rate increases for USI's water and sewer service. Contested issues related to the inclusion in USI's rate base of interest during construction for one project, operating revenues and expenses, return on equity, rate design, and certain issues related to USI's proposed low-income rate. On December 1, 2021, the Commission entered an Order approving an increase in USI's water and sewer rates.

TELECOMMUNICATIONS

20-0824 | Grafton Technologies, Inc.

On March 18, 2021, the Commission approved the Application of Grafton Technologies, Inc. for designation as an Eligible Telecommunications Carrier for the sole purpose of qualifying for Lifeline support for the provision of high-speed Internet access and traditional voice telephone services in a designated service area pursuant to Section 214(e)(2) of the Telecommunications Act of 1996, Sections 54.101 through 54.207 of the rules of the Federal Communications Commission, and the rules and regulations of the Commission.

MISCELLANEOUS

20-0309 | Illinois Commerce Commission On Its Own Motion.

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, and water and sewer utilities that are subject to the Commission's jurisdiction during the COVID-19 public health emergency. 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 March 18, 2021, the Commission issued an Order on Reopening approving two stipulations filed by the utilities, various consumer groups, and Commission Staff. In those stipulations, the respondent utilities agreed to various commitments and undertakings with regard to the

Notable Proceedings Decided in 2021 continued

continuation of utility services, the recovery of associated costs, customer assistance, and other pertinent matters related to the provision of essential utility services during the public health emergency.

RAIL SAFETY SECTION**T19-0069 | City of Springfield, Petitioner v. Norfolk Southern Railway Company, Union Pacific Railroad.**

Respondents Petition for an Order for a separation of grades to carry the existing tracks of Norfolk Southern Railways Company's crossing, designated as AAR/DOT #479336X, milepost 414.71 and to permanently close the railroad crossing, designated as AAR/DOT #479334J, milepost 414.55 in the City of Springfield. On January 6, 2021 the Commission issued a Final Order authorizing the construction of new bridges at South Grand Avenue and Cook Street as well as other modifications to improve and repair the existing underpass at these locations.

T20-0058 | Illinois State Toll Highway Authority, Petitioner v. Soo Line Railroad Company, d/b/a Canadian Pacific, Union Pacific Railroad Company, Northeast Illinois Regional Commuter Railroad Corporation, known as Metra, Illinois Department of Transportation, Village of Franklin Park, Village of Bensenville, City of Chicago.

Respondents Petition for an Order requesting permission to relocate the existing Union Pacific Railroad Company's Tracks including grade separation structure, designated as AAR/DOT #174050J railroad milepost 3.81 and construct two new highway bridges to carry Interstate 490 over the CP Bensenville Yard and Metra tracks designated AAR/DOT #976076C, CP milepost 15.79 Metra milepost 15.80 located in the Village of Franklin Park and City of Chicago. On May 27th and September 30, 2021 the Commission entered Interim Orders authorizing major Tollway Rail bridge projects associated with the Elgin O'Hare Western Access project. For Count I, the Commission gave authority to reconstruct and widen two existing highway bridges that carry

Interstate 294 ("I-294") over the UP's tracks and construct two new highway bridges to carry roadway ramps for Interstate 490 ("I-490") over the UP's tracks located on the UP's Milwaukee Subdivision, in the Village of Franklin Park, Cook County. Count II Bensenville Yard Improvements authorized the removal and relocation of existing UP's Milwaukee Subdivision tracks, associated grade separation structures and earthen embankment designated as AAR/DOT #174050J, railroad milepost 3.81, construction of the new UP Bridge over Franklin Avenue, the Yard, Metra Tracks and the O'Hare radar tower access road, and construction of the I-490 Bridge over the CP's Yard and Metra Tracks located in Franklin Park and Chicago. The Illinois State Toll Authority is responsible for all costs of the project.

T21-0129 | Norfolk Southern Railway Company, Kankakee County Highway Department, Momence Township Road District, Bourbonnais Township Road District, and State of Illinois, Department of Transportation.

Stipulated Agreement regarding improving public safety at four highway-rail grade crossings of the Norfolk Southern Railway Company's track in Kankakee County. On November 4, 2021 the Commission entered an Order to provide an amount not to exceed \$1,380,943 in GCPF to pay for the installation of new automatic flashing light signals and gates at the State Line Road, County Highway 52, Metcalf Road and County Road 4000E crossings of the Norfolk Southern Railway Company Tracks. Norfolk Southern will pay all remaining signal design, installation costs and future maintenance costs.

T21-0136 | Village of Elmwood Park, Northeast Illinois Regional Commuter Railroad Corporation, d/b/a Metra, State of Illinois, Department of Transportation.

Stipulated Agreement regarding improving public safety at the W Grand Avenue (AAR/DOT #372131E, railroad milepost 10.45) highway-rail grade crossing of the Northeast Illinois Regional Commuter Railroad Corporation, d/b/a Metra tracks, located in Elmwood Park, Cook County, Illinois. On December 1, 2021 the Commission

Notable Proceedings Decided in 2021 continued

entered an Order approving the Stipulated Agreement authorizing the use of \$3.1 million from the Multi-Modal Transportation Bond Fund, part of Governor Pritzker’s bipartisan Rebuild Illinois Capital Bill, to pay for Phase 2 Engineering costs to develop plans for a grade separation at the West Grand Avenue highway-rail crossing in Elmwood Park.

T18-0082 | City of Decatur, Illinois, Petitioner v. Norfolk Southern Railway Company, Illinois Central Railroad Company, State of Illinois, Department of Transportation.

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 Crossing Protection Funds. On December 16, 2021, the Commission entered a Final Order authorizing the use of \$12 million in GCPF and \$6 million from the Multi-Modal Transportation Bond Fund (Rebuild Illinois Capital Bill) to assist the City of Decatur pay construction costs for a road overpass over Norfolk Southern Railway Company Track near Brush College Road. The funds will also help pay for the installation of gates and median barriers at the Illinois Central Railroad Company’s highway-rail grade crossing of Faries Parkway 291386B; and the relocation and gating of the IC crossing 291384M on Harrison Avenue. The Commission also approved the City’s construction plan to begin implementation of the project.

CONTACT US

ICC OPERATOR

(312) 814-2850

CONSUMER COMPLAINT HOTLINE

(800) 524-0795

TOWING COMPLAINTS

(847) 294-4326

STAY CONNECTED



Sending you wishes for good health and happiness in the New Year!