

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

Illinois Commerce Commission)	
On Its Own Motion)	
Adoption of 83 Ill. Adm. Code 412)	No. 09-0592
And Amendment of Ill. Adm. Code 453)	

**THE RETAIL ENERGY SUPPLY ASSOCIATION
MOTION FOR CLARIFICATION OF THE POST PROHIBITION ORDER**

In accordance with 83 Ill. Adm. Code Section 200.190, this Motion for Clarification of the Illinois Commerce Commission’s (“Commission”) Post Prohibition Order (“PPO”) is submitted on behalf of the Retail Energy Supply Association (“RESA”).¹

On October 3, 2012, the Commission entered the PPO in this proceeding, authorizing the submission of proposed rules to the Joint Committee on Administrative Rules of the Illinois General Assembly. There appears to be both a scrivener’s error on page 27 of the PPO, as well as an inconsistency between the PPO and the proposed rules attached as Appendix A to the PPO.

On page 27 of the PPO, the final sentence of the section labeled “Commission Analysis & Conclusion” states:

Given the fact that, as ComEd recognized, Section 16-115C of the Act requires the RES to disclose they are not an agent of the electric utility and the proposed language is an appropriate and beneficial exercise of the Commission’s authority, the Commission will adopt Dominion’s proposal to discard the Uniform Disclosure Statement in favor of

¹ RESA’s members include: Champion Energy Services, LLC; ConEdison *Solutions*; Constellation NewEnergy, Inc.; Direct Energy Services, LLC; Energetix, Inc; Energy Plus Holdings, LLC; Exelon Energy Company; GDF SUEZ Energy Resources NA, Inc.; Green Mountain Energy Company; Hess Corporation; Integrys Energy Services, Inc.; Just Energy; Liberty Power; MC Squared Energy Services, LLC; Mint Energy, LLC; NextEra Energy Services; Noble Americas Energy Solutions LLC; PPL EnergyPlus, LLC; Reliant; Stream Energy; TransCanada Power Marketing Ltd.; and TriEagle Energy, L.P.. The comments expressed in this filing represent the position of RESA as an organization but may not represent the views of any particular member of RESA.

creating a minimum set of standards for the RES sales contract.

The scrivener's error is that there is no connection between ComEd's recognition that Section 16-115C of the Act requires a RES to disclose that it is not an agent of the electric utility and Dominion's proposal to eliminate the uniform disclosure statement in favor of minimum requirements for a sales contract. The inconsistency is that while the PPO states that the Commission adopts Dominion's proposal to discard the Uniform Disclosure Statement in favor of creating a minimum set of standards for the RES sales contract, this decision of the Commission is not reflected in Proposed Section 412.110 of Appendix A to the PPO, which still requires a Uniform Disclosure Statement.

RESA takes no position regarding how the Commission should treat the ComEd matter, other than that it should be clarified. However, RESA agrees with Dominion's recommendation regarding the elimination of the uniform disclosure statement and the Commission's apparent acceptance of that recommendation. Accordingly, the title of preamble to Proposed Section 412.110 should be revised as follows:

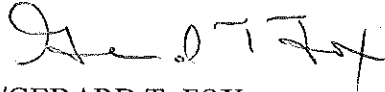
Section 412.110 ~~Uniform Disclosure Statement~~ Minimum Contract Terms and Conditions

~~In addition to providing the customer with a copy of t~~ The sales contract, RES agents must disclose the following information to the customer, ~~prior to any enrollment for electric service,~~ regardless of the form of marketing use. The sales contract, ~~written Uniform Disclosure statement~~ must use 12 10 point font or larger, and if it is a separate document, ~~it must not exceed two pages in length.~~²

WHEREFORE, RESA respectfully requests that the Commission clarify its Post Prohibition Order in the manner described above.

² The quoted language reflects Dominion's proposed language, as cited at page 26 of the PPO, modified to reflect the PPO's acceptance of the use of 10 point font or larger and to eliminate the last clause, which appears to be unnecessary since there would be no separate document.

Respectfully Submitted;

A handwritten signature in black ink, appearing to read "Gerard T. Fox". The signature is fluid and cursive, with the first name "Gerard" being the most prominent.

/s/GERARD T. FOX

Gerard T. Fox
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Supply Association

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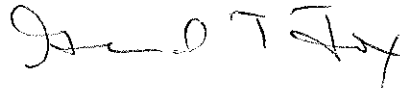
STATE OF ILLINOIS)

) SS

COUNTY OF COOK)

VERIFICATION

Gerard T. Fox, being first duly sworn, on oath deposes and says that he is an attorney for the Retail Energy Supply Association, that he has read the foregoing Motion for Clarification, that he knows of the contents thereof, and that the same is true to the best of his knowledge, information, and belief.

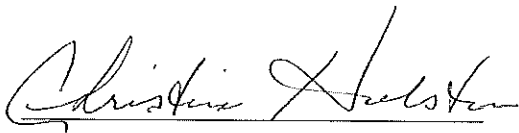


/s/GERARD T. FOX

Gerard T. Fox

Subscribed and sworn to me

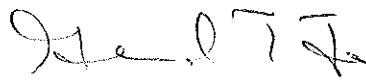
This 1st day of November, 2012



NOTICE OF FILING

Please take note that on November 1, 2012, I caused to be filed via e-docket with the Chief Clerk of the Illinois Commerce Commission, the Retail Energy Supply Association's Motion for Clarification of the Post Prohibition Order in this proceeding, ILL. C. C. Docket 09-0592.

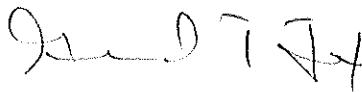
Dated: November 1, 2012



/s/GERARD T. FOX
Gerard T. Fox

CERTIFICATE OF SERVICE

I, Gerard T. Fox, certify that I caused to be served copies of the the Retail Energy Supply Association's Motion for Clarification of the Post Prohibition Order upon the parties on the service list maintained on the Illinois Commerce Commission's eDocket system in ILL. C. C. Docket 09-0592 via electronic delivery on November 1, 2012.



/s/ GERARD T. FOX
Gerard T. Fox