STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

ILLINOIS POWER AGENCY	)	
Petition for Approval of the	)	**Docket No. 12-0544**
220 ILCS 5/16-111/5(d) Procurement Plan	)	

OBJECTIONS OF THE RETAIL ENERGY SUPPLY ASSOCIATION TO THE ILLINOIS POWER AGENCY'S DRAFT 2012 POWER PROCUREMENT PLAN

I. INTRODUCTION

The Retail Energy Supply Association ("RESA"), by its attorney, Gerard T. Fox, herewith files its Objections to the Illinois Power Agency's ("IPA") 2013-2018 Power Procurement Plan (the "2013 Plan") filed with the Illinois Commerce Commission on September 28, 2012. RESA is a broad and diverse group of retail energy suppliers who share the common vision that competitive retail energy markets deliver a more efficient, customer-oriented outcome than a regulated utility structure.[1] RESA is devoted to working with all stakeholders to promote vibrant and sustainable competitive retail energy markets for residential, commercial and

[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.

industrial consumers. RESA has been an active participant in all of the Illinois Power Agency's ("IPA") procurement plan proceedings, including the most recent proceeding, Ill. C. C. Docket 11-0660, in which the Illinois Commerce Commission ("Commission") entered its order approving, with modifications, the 2012 procurement plan of the IPA. RESA also, on September 14, 2012, filed Comments on the IPA's Draft 2013 Power Procurement Plan, dated August 15, 2012 (the "Draft Plan").

In these Objections, RESA will address a single issue—the IPA's request for the Commission to approve a sourcing agreement between FutureGen and the electric utilities and all Alternative Retail Electric Suppliers ("ARES") in Illinois, and the IPA's apparent belief that the Commission could bind ARES to enter into such sourcing agreements[2]. The Commission should deny that request and remove the sourcing agreement from the 2013 Plan.

On August 15, 2012, the IPA issued, for comments, its Draft Plan. The Draft Plan noted that there is not currently an "initial clean coal facility", as defined in Section 1-75 (d) of the IPA Act, for the IPA to consider; therefore, the Draft Plan focused on the repowered/retrofitted clean coal facility, popularly known as "FutureGen 2.0".

On September 14, the following parties submitted Comments to the IPA, opposing the inclusion in the 2013 Plan of the FutureGen sourcing agreement, or at least the version of the sourcing agreement set forth in Attachment IV to the Draft Plan: Ameren Illinois Utilities ("AIU"), Commonwealth Edison Company ("ComEd"), Exelon Generation Company and Constellation NewEnergy ("Exelon"), Illinois Commerce Commission Staff ("ICC Staff"),

[2] RESA notes that the IPA's position on this matter is somewhat ambiguous. For example, on page 76, the IPA "assumes" that the Commission does have the authority to bind ARES. However, on page 78, the IPA concludes by requesting Commission approval of the final proposed sourcing agreement once agreed upon by all affected parties. RESA hopes this ambiguity will be cleared up during this proceeding.

Illinois Competitive Energy Association ("ICEA"), Individuals Concerned about the FutureGen Project, Illinois Industrial Energy Consumers ("IIEC"), and RESA. These parties recommended the deletion, or at least the substantial modification, of the FutureGen sourcing agreement on legal, policy and factual grounds. RESA questioned one of the underlying premises of the IPA's proposal—that the Commission has the authority to order ARES to enter into an approved sourcing agreement with FutureGen. RESA stated that the authority for ARES being bound by a Commission-approved sourcing agreement is far from clear and that the proceeding that will result when the IPA files its procurement plan by September 28, 2012 is the appropriate proceeding to address the issue of whether ARES can be bound by a Commission-approved sourcing agreement. RESA stated that it is critical that the IPA, in its procurement plan filed with the Commission by September 28, 2012, the 2013 Plan, should state its position as to whether ARES would be bound to enter into a Commission-approved sourcing agreement and provide an analysis supporting its position. RESA appreciates the IPA's revision of its Draft Plan to state its position in the 2013 Plan. Unfortunately, the IPA's position that the Commission does have such authority is erroneous.

The Commission does not have authority to order ARES to enter into sourcing agreements with FutureGen. Furthermore, even if it did have such authority, there are many reasons why the Commission should not exercise that authority.

II. BACKGROUND

Basically, FutureGen 2.0 is the retrofitting and repowering of one unit at the Ameren Energy Resources' Meredosia Plant in Morgan County, near Jacksonville, Illinois. It is to be

developed as 166 MWe (gross) of near-zero emissions coal-fueled generation, with a targeted date to begin commercial operation in 2017, and a 30 year life. (IPA 2013 Plan, p. 74)

The IPA notes that 2017 is the fifth and last year of the planning horizon for the 2013 Draft Plan and that while its procurement plans typically focus on the first three years of the plan, "inclusion of the FutureGen sourcing agreement in this year's procurement plan is appropriate so that financing for the unfunded portion of the project can be secured and to allow pre-commercial operation date work on the project to proceed". (*Id.*, p. 76) A copy of the sourcing agreement proposed by FutureGen is Appendix IV to the 2013 Plan.

The 2013 Plan states, with regard to a repowered/retrofitted clean coal facility, the IPA Act requires that during the procurement planning process, the IPA "consider sourcing agreements covering electricity generated by power plants that were previously owned by Illinois utilities and that been or will be converted into clean coal facilities". (Section 1-75 (d) (5) of the IPA Act) The Draft Plan states that consideration during the procurement process specifically includes the following step: "the owners of such facilities may propose to the [IPA] sourcing agreements with utilities and alternative retail electric suppliers required to comply with Section (d) of this Section and item (5) of Subsection (d) of Section 16-115 of the Public Utilities Act, covering electricity generated by such facilities. (*Id.*)

The 2013 Plan states that FutureGen has proposed to the IPA a sourcing agreement (Appendix IV to the 2013 Plan), which the IPA is submitting for Commission approval. The 2013 Plan also includes the IPA's position that it assumes that the Commission has the authority to require ARES to enter into a sourcing agreement with FutureGen and states the basis for that position. [*Id.* p. 78] The 2013 Plan also notes that during stakeholder meetings regarding the

sourcing agreement, parties reserved their right to contest whether they may be bound by a Commission-approved sourcing agreement. The IPA states that it defers to the Commission and interested parties as to the most appropriate proceeding for this question, if raised, to be litigated. (*Id.*, p. 77)

The 2013 Plan notes the IPA's understanding that not all potential parties are currently in agreement regarding the terms of the sourcing agreement and that it may change somewhat over the course of this proceeding. Therefore, the IPA requests Commission approval of the final proposed sourcing agreement once agreed upon by all affected parties and inclusion of the resource within the context of approving the 2013 Plan. (*Id.*, p. 78) RESA again notes the ambiguity of the IPA's position here and states that if the IPA is simply requesting that the Commission approve a sourcing agreement agreed upon by all affected parties (apparently referring to both the electric utilities and all Illinois ARES), that position is not objectionable; however, given the comments on the sourcing agreement made by the anticipated counterparties, such agreement appears unlikely.

III. The Commission does not have the authority to order ARES to enter into sourcing agreements with FutureGen.

If it exists, the Commission's authority to require ARES to enter into sourcing agreements with FutureGen would be expressed in the IPA Act. That Act provides the Commission with express authority to require ARES to enter into clean coal sourcing agreements in only one circumstance: when the facility is deemed to be the initial clean coal facility. However, as the IPA has itself noted, FutureGen 2.0 does not qualify as the initial clean coal facility (*Id.*, p. 74). As explained in greater detail below -- and contrary to the IPA's assumption-

the Commission does not have the statutory authority to require ARES to enter into sourcing agreements with FutureGen.

Subsection 1-75 (d) of the IPA Act sets forth the clean coal portfolio standard. Subsections 1-75 (d) (1) – (4) set forth provisions relating to the requirement that utilities enter into one or more sourcing agreements with the **initial clean coal facility**; however, since there is currently no initial clean coal facility FutureGen 2.0 cannot be the initial clean coal facility referred to in these subsections. There is not a comparable requirement for ARES in Subsection 1-75 (d) of the IPA Act.

While FutureGen 2.0 is not the initial clean coal facility, it is, however, a retro-fitted coal-fired power plant. Subsection 1-75 (d) (5) of the IPA Act sets forth the requirements relating to retrofitted plants:

> (5) Re-powering and retrofitting coal-fired power plants previously owned by Illinois utilities to qualify as clean coal facilities. During the 2009 procurement planning process and thereafter, the [IPA] and the Commission shall consider sourcing agreements covering electricity generated by power plants that were previously owned by Illinois utilities and that have been or will be converted into clean coal facilities, as defined by Section 1-10 of this Act.[3] Pursuant to such procurement planning process, the owners of such facilities may propose to the [IPA] sourcing agreements with utilities and alternative retail electric suppliers required to comply with subsection (d) of this Section and item (5) of subsection (d) of Section 16-115 of the Public Utilities Act, covering electricity generated by such facilities. In the case of sourcing agreements that are power purchase agreements, the contract price for electricity sales shall be established on a cost of service basis. In the case of sourcing agreements that are contracts for differences, the contract price from which the reference price is subtracted shall be established on a cost of service basis. The [IPA] and the Commission may approve any such utility sourcing agreements that do not exceed cost-based benchmarks developed by the procurement administrator, in consultation with the Commission staff, [IPA] staff and the procurement monitor, subject to Commission review and approval. The Commission shall have authority to

[3] Section 1-10 of the IPA Act defines "Clean coal facility" as "an electric generating facility that uses primarily coal as a feedstock and that captures and sequesters carbon emissions at the following levels… at least 70% of the total carbon emissions that the facility would otherwise emit if, at the time construction commences, the facility is scheduled to commence operation during 2016 or 2017…

inspect all books and records associated with these clean coal facilities during the term of any such contract. (emphasis added)

While the above subsection provides that the Commission "may approve" utility sourcing agreements that do not exceed benchmarks, it provides no authority for the Commission to require that ARES enter into sourcing agreements in the first place. An ARES is not a utility. If the General Assembly intended to provide the Commission with authority to require ARES to enter into sourcing agreements, it could have – and would have – done so expressly. However, it did not, and such authority cannot be assumed.

Section 16-115 of the Public Utilities Act sets forth the requirements for the certification of ARES. Subsection 16-115 (d) (5) requires, among other things, ARES to source electricity from clean coal facilities, in amounts at least equal to the percentages set forth in subsection (d) of Section 1-75 of the IPA. Subsection 1-75 (d) (1) of the IPA Act requires utilities to purchase at least 5% of their total supply to serve the load of eligible retail customers in 2015 and each year beyond from the initial clean coal facility, however that does not apply here. There are no percentages set forth in Subsection 1-75 (d) (5) relating to retrofitted facilities. While Subsection 1-75 (d) (1) also states that it is the goal of the State of Illinois that by January 1, 2025, 25% of the electricity used in the State shall be generated by cost-effective clean coal facilities, a "goal" does not have the same effect as a statutorily mandated percentage.

Subsection 16-115 (d) (5) (iv) of the Public Utilities Act requires all ARES to execute a sourcing agreement with the **initial clean coal facility**. Supporting this express authority, the law provides clear enforcement for this authority. Subsection 16-115 (d) (5) (vi) requires the Commission to revoke the certification of any ARES that fails to execute a sourcing agreement

with the initial clean coal facility. Again, however, **FutureGen 2.0 is not the initial clean coal facility.**

Section 1-75 (d) (5) allows owners of retrofitted coal plants to propose to the IPA sourcing agreements with the utilities and ARES required to comply with Section 1-75 (d) and Section 16-115 (d) (5) of the Public Utilities Act. FutureGen is a retrofitted coal plant within the meaning of Section 1-75 (d) (5) and has submitted such a sourcing agreement to the IPA.

Section 1-75 (d) (5) states that the IPA and the Commission **may** approve any such **utility** sourcing agreement that does not exceed certain cost-based benchmarks. However, Section 1-75 (d) (5) does not state that the IPA and the Commission may approve any **ARES** sourcing agreement that does not exceed certain cost-based benchmarks.

Thus, while the first part of Section 1-75 (d) (5) refers to sourcing agreements with utilities and ARES, the latter part of Section 1-75 (d) (5) provides only that the IPA and the Commission may approve sourcing agreements with utilities. It does not say that the IPA and the Commission may approve sourcing agreements with ARES.

Limiting the authority of the IPA and the Commission to approve sourcing agreements with utilities makes sense for the following reasons. First, the purpose of the IPA's procurement plan is to obtain the Commission's approval of a procurement plan for the utilities' default customers, the customers purchasing delivery services and commodity from Ameren and ComEd. The IPA does not have the authority to propose procurement plans for the ARES, nor does the Commission have the authority to approve procurement plans for ARES. Second, the Commission has authority over the rates of utilities, not charges of ARES (see Section 9-201 of the Public Utilities Act). Third, the Commission's approval of sourcing agreements of the

utilities basically constitutes approval of the utilities' recovery of the costs incurred under such agreements from ratepayers. Neither the IPA nor the Commission has any authority over the prices ARES charge to their customers—these are negotiated between the ARES and their customers. Moreover, unlike utilities, ARES are not required to demonstrate the prudence of their commodity purchases in reconciliation proceedings. (see Section 9-220 of the Public Utilities Act)

Finally, the provisions of Subsection 16-115 (d) (5) are clearly different with respect to the initial clean coal facility, which FutureGen 2.0 is not, and any other clean coal facility, including a retrofitted clean coal facility, like Future Gen 2.0. Subsection 16-115 (d) (5) (iv) requires all ARES to execute a sourcing agreement with the initial clean coal facility. There is no comparable provision with respect to a retrofitted clean coal facility. Subsection 16-115 (d) (5) (vi) requires the Commission to revoke the certification of any ARES that fails to execute a sourcing agreement with the initial clean coal facility, which FutureGen is not. There is no comparable penalty for failing to execute a sourcing agreement with a retrofitted clean coal facility. The reason why the Public Utilities Act fails to provide an enforcement mechanism for ARES' failure to enter into a sourcing agreement with a retrofitted coal plant is obvious—the Commission does not have the authority to require ARES to enter into sourcing agreements with a retrofitted coal plant.

In conclusion, under Subsection 1-75 (d) (5) of the IPA Act, owners of retrofitted clean coal facilities **may propose** to the IPA sourcing agreements with utilities and ARES. Under that same subsection, the IPA and the Commission **shall consider** such agreements and the IPA and the Commission **may approve utility sourcing agreements** that do not exceed cost-based benchmarks developed by the procurement administrator, in consultation with the Commission

Staff, IPA Staff and the procurement monitor, subject to the Commission review and approval. However, neither the IPA Act nor the Public Utilities Act gives the IPA and/or the Commission the authority to order ARES to enter into a sourcing agreement with a retrofitted clean coal facility. There are neither enforcement provisions nor express authority for ARES to enter into the sourcing agreements in the first place.

IV. The IPA's inclusion of the FutureGen sourcing agreement in the 2013 Plan ignores the Comments of numerous parties opposed to that inclusion.

As previously stated, numerous parties objected to the inclusion of the FutureGen sourcing agreement, or at least the sourcing agreement set forth in Appendix IV to the Draft Plan, on legal, policy, and factual bases.

The Commission Staff noted the exclusion of a clean coal sourcing requirement in the Commission's Order in Ill. C. C. Docket 11-0660, the IPA's last procurement plan proceeding. In particular, the Staff noted that the Order found that the IPA failed to meet the standard set forth in Section 16-111.5 (d) (4) of the Public Utilities Act which requires a demonstration that the proposed procurement will result in electric service that is the lowest costs over time-- that the proposed procurement will "ensure adequate, reliable, efficient, and environmentally sustainable electric service at the lowest cost over time, taking into account any benefits of price stability". Staff recommended that the IPA, when it filed its 2013 Plan, clarify its position whether the sourcing agreement meets this standard. (Staff Comments on IPA Draft Plan, pp. 21-22) However, despite the Staff's recommendation, the 2013 Plan fails to address this standard.

Both AIU and ComEd opposed the sourcing agreement in the form set forth in Appendix IV to the 2013 Draft Plan. AIU stated that the FutureGen sourcing agreement does not provide

adequate protection for AIU or its customers. (AIU Comments on Draft Plan, pp. 3-4) ComEd, at length, stated that the FutureGen sourcing agreement is unfair, unreasonable and inconsistent with the IPA Act in many respects, including that it is unclear that the Commission has any authority to compel an ARES to sign the sourcing agreement. In addition, ComEd pointed out a large number of deficiencies in the sourcing agreement, including:

- The sourcing agreement is incomplete, containing a number of blank spaces that need to be filled in before it can be evaluated for reasonableness and compliance with law
- The sourcing agreement must be revised to be brought into compliance with the IPA Act.
- Numerous provisions of the sourcing agreement are unreasonable and should be revised.

(ComEd Comments on Draft Plan, pp. 2-14)

ICEA is an Illinois-based trade association of active ARES. ICEA also opposed the inclusion of the FutureGen sourcing agreement. ICEA's Comments on the 2013 Draft Plan included a detailed legal analysis showing that there is no statutory support for requiring ARES to enter into sourcing agreements with FutureGen. In addition to the lack of legal support, ICEA pointed out the lack of any factual support. Absent statutory requirements, sound public policy dictates that ARES be free to enter into contracts with the power producers of their choice. ICEA concludes that he IPA's proposal for a sourcing agreement between FutureGen and ARES should be rejected. (ICEA Comments on Draft Plan, pp. 3-9)

IIEC, an informal association of large industrial electric and gas consumers, also opposed the inclusion of the FutureGen sourcing agreement. IIEC's Comments stated that neither the IPA nor the Commission has authority to order ARES to enter into sourcing agreements with FutureGen. Moreover, the Draft Plan did not provide any cost and pricing data that would allow the Commission to make the determination that the plan will ensure electric service at the lowest total cost over time. IIEC concluded that the FutureGen sourcing agreement should be removed

from the 2013 Plan. (IIEC Comments on Draft Plan, pp. 1-5) RESA notes that the 2013 Plan suffers from the same infirmity as the Draft Plan—it does not provide cost and pricing data that would allow the Commission to make the determination that the plan will ensure electric service at the lowest total cost over time.

Individuals Concerned about the FutureGen Project is a group of citizens, located in communities close to where the FutureGen plant would be located, who oppose the inclusion of the FutureGen sourcing agreement. Its comments consisted of a number of emails from many individuals and groups opposing the FutureGen project on a cost basis, as well as concerns that the FutureGen Project would put many people in the area at risk. This group requested that the FutureGen Project be excluded from the 2013 Plan.

Exelon Generation and Constellation NewEnergy filed joint comments on the Draft Plan. Exelon Generation owns approximately 35,000 mW of generation, including nuclear, fossil, hydroelectric, solar, landfill gas and wind generation assets. Constellation NewEnergy provides electricity and energy-related services to retail customers in Illinois as well as 15 other states and the District of Columbia. While they took no position on the legal authority of the Commission to require ARES to enter into sourcing agreements with FutureGen; they stated that the sourcing agreement is unworkable in its current form. Generally, the sourcing agreement appears to have been drafted with a focus on the relationship between FutureGen and regulated utilities. Also, the sourcing agreement shows an obvious bias toward FutureGen. In addition, they pointed out numerous specific problems with the sourcing agreement, including that the agreement contains numerous blanks that need to be filled in. (Exelon Comments on Draft Plan, pp. 4-9)

V. IPA'S LEGAL ANALYSIS DOES NOT SUPPORT ITS CONCLUSION THAT THE COMMISSION HAS AUTHORITY TO REQUIRE ARES TO ENTER INTO SOURCING AGREEMENTS WITH FUTUREGEN.

The IPA's position that the Commission has the authority to require ARES to enter into sourcing agreements with FutureGen appears to be the following. First, Section 16-111.5 (d) (5) "does not restrict the Commission's review of the proposed sourcing agreement; the permissive 'may approve' allows the Commission the latitude to review the provisions of the proposed sourcing agreement for compliance with Illinois law and Commission Orders and Policy". (IPA 2013 Plan, p. 76)

In order for the Commission or the IPA to exercise authority, it must be expressly provided by the General Assembly. Regulatory authority, and enforcement, cannot be assumed or based in ambiguous language. It also cannot be created by way of agreements between regulatory agencies. It must come from the General Assembly. So what has the General Assembly provided in the way of authority for the Commission? It has authority to require utilities and ARES to enter into clean coal sourcing agreements with the initial clean coal facility. But, FutureGen is not the initial clean coal facility. The General Assembly also provided the Commission with supervisory authority over clean coal sourcing agreements entered into between utilities and retro-fitted coal facilities with the express limit that no such agreements can exceed cost-based benchmarks.

Second, the IPA states:

> As a corollary to the Commission's wide-ranging review powers over the sourcing agreement, the IPA believes the Commission has the authority to determine whether it should require that the facility's output be divided amongst utilities and ARES in a competitively neutral manner. That outcome would be consistent with long-standing Commission policies supporting competition, which the Commission has specifically

applied to consideration of clean coal sourcing agreement. (See, e.g., ICC Docket No. 11-0710, Final Order on Rehearing dated July 11, 2012 at 30 (applying costs causation principles to clean coal sourcing agreement).

(*Id.*)

It is RESA's position that the IPA has erroneously assumed that the ICC has the authority to require ARES to enter into sourcing agreements with FutureGen. Once making that major assumption, additional assumed authority naturally flows and this is but one example. RESA does not oppose competitive neutrality. RESA opposes that which requires the Commission to apply it in the first place – the assumption of authority to require ARES to enter into these agreements with FutureGen. At any rate, RESA sees no relevance of the Commission's Order on rehearing in Docket 11-0710, regarding the allocation of the costs of the Leucadia plant between Ameren Illinois Company and Nicor Gas Company, to the question of the Commission's authority over ARES in the instant proceeding.

Third, the IPA states: "In addition, the IPA assumes that the Commission does have the authority to bind non-utility counterparties, based on Section 16-115 (d) (5) of the Public Utilities Act." As an example, the IPA, in a footnote, refers to the requirement that ARES "will source electricity from clean coal facilities, as defined in Section 1-10 of the Illinois Power Agency Act, in amounts at least equal to the percentages set forth in subsections (c) and (d) of Section 1-75 of the Illinois Power Agency Act". The IPA notes that this requirement is not restricted to the "initial clean coal facility". (*Id.*)

However, as previously pointed out, the only mandatory percentage contained in Subsection 1-75 (d) of the IPA Act is to requirement to purchase 5% of total supply from the initial clean coal facility, which FutureGen 2.0 is not. The only other percentage stated in Subsection 1-75 (d) is the goal of the State of Illinois to have 25% of the electricity in Illinois generated by clean coal facilities by January 1, 2025. However, a goal is not the same as a statutorily mandated percentage and ARES are free to choose how to meet that goal.

VI. CONCLUSION

In conclusion, neither the IPA Act nor the Public Utilities Act gives the IPA and/or the Commission the authority to order ARES to enter into a sourcing agreement with FutureGen. Moreover, the sourcing agreement fails to meet the statutory "least cost" test and suffers from numerous other deficiencies. The Commission should not approve the sourcing agreement.

Respectfully submitted,

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October 3, 2012

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 Objections, 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 3rd day of October, 2012

OFFICIAL SEAL
CHRISTINA V. HOLSTON
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES NOV. 18, 2012

NOTICE OF FILING

Please take note that on October 3, 2012, I caused to be filed via e-docket with the Chief Clerk of the Illinois Commerce Commission, the attached Objections of the Retail Energy Supply Association in this proceeding.

Dated: October 3, 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 foregoing Objections of the Retail Energy Supply Association upon the parties on the service list maintained on the Illinois Commerce Commission's eDocket system for the instant docket via electronic delivery on October 3, 2012.

/s/ GERARD T. FOX
Gerard T. Fox