

**STATE OF ILLINOIS**  
**ILLINOIS COMMERCE COMMISSION**

Ameren Illinois Company d/b/a	)	
Ameren Illinois	)	
	)	Docket No. 14-0097
Petition for Approval of Tariffs Associated with	)	
The Small Volume Transportation Program	)	

**REPLY IN SUPPORT OF MOTION FOR LEAVE TO FILE COMMENTS *INSTANTER***  
**OF**  
**THE RETAIL ENERGY SUPPLY ASSOCIATION**

The Retail Energy Supply Association<sup>1</sup> (“RESA”) by and through its attorney, Gerard T. Fox, pursuant to 83 Illinois Admin. Code Section 200.190 of the Rules of Practice of the Illinois Commerce Commission (“Commission”), hereby respectfully replies to Ameren Illinois Company’s (“Ameren”) response recommending that RESA’s Motion for Leave to File Comments *Instante*r be rejected. Ameren’s response has no merit and RESA’s motion should be granted.

1. On July 8, 2015, the Commission issued its Final Order in Docket No. 14-0097. In its 14-0097 Order, the Commission acknowledged that it generally favors competition over regulation, but rejected the ALJPO’s approval of an SVT Program. Instead, the

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<sup>1</sup> The comments expressed in this filing represent the position of the Retail Energy Supply Association (RESA) as an organization but may not represent the views of any particular member of the Association. Founded in 1990, RESA is a broad and diverse group of more than twenty retail energy suppliers dedicated to promoting efficient, sustainable and customer-oriented competitive retail energy markets. RESA members operate throughout the United States delivering value-added electricity and natural gas service at retail to residential, commercial and industrial energy customers. More information on RESA can be found at [www.resausa.org](http://www.resausa.org).

Commission ordered Ameren Illinois Company (“Ameren”) to conduct workshops with the Commission Staff and interested stakeholders to determine how and when residential gas customers in its service territory will have access to a gas supplier choice program. (14-0097 Order at 33)

2. On December 9, 2015, the Illinois Commerce Commission Staff (“Staff”) and Ameren Illinois Company (“Ameren”) filed the “Residential Gas Choice Workshop Report” (the “Report”), as required by the Commission’s Order in Ill. C. C. Docket 14-0097. The Report resulted from the workshops held pursuant to that Commission Order.
3. RESA participated fully in Docket 14-0097 and in the workshops held pursuant to the Commission’s Order and appreciates the efforts of the Staff and Ameren in both the workshop process and the Report. However, RESA was disappointed by some aspects of the Report. Accordingly, RESA respectfully filed its Motion seeking leave to file Comments on the Report. In its Comments, RESA, among other things, demonstrated that the initial phases of the modified proposals of Ameren and RESA are substantially the same, with one important distinction. RESA also recommended that the Commission adopt a modified version of one of the four options set forth in the Report. In its Motion, RESA noted that in its final Order in this proceeding, the Commission stated: “Upon receipt of the report, the Commission may consider further procedural action.” (Order, p. 33) RESA expressed its belief that its Comments would be helpful in the Commission’s consideration of further action regarding a Choice Program for Ameren.

4. On February 2, 2016, Ameren filed its Response, objecting to the Motion. However, Ameren's Response is completely lacking in merit.
5. Ameren claims that RESA is attempting to bring in "new issues". (Response, p. 1) However, Ameren never identifies what such new issues are—presumably because RESA did not raise any new issues. On the contrary, Ameren repeatedly refers to RESA as rehashing and retreading old arguments.
6. Ameren claims that RESA's complaints about the workshop process should have been raised on appeal. (*Id.*) This claim makes no sense. The workshop process took place after the time period for taking an appeal expired. At any rate, RESA did not complain about the workshop process. The process was fair and all parties, including RESA, had the opportunity to make presentations. RESA's concern, not complaint, expressed in its Comments, was that the Ameren/Staff Report failed to indicate how close the final proposals of Ameren and RESA were to each other and failed to identify all of the options to the Commission.
7. Ameren, for some reason, notes that RESA's Motion was filed nearly six weeks after the Report was filed. (*Id.*, pp. 1-2) There was no date set for filing Comments. That is why RESA filed a motion for leave to file comments *instanter*. RESA also notes that the Commission has not taken any action on the Report. Thus, RESA believes that its Comments are timely.
8. Ameren also apparently believes that RESA's Motion should be denied and its Comments rejected because in Ameren's opinion, RESA's page count is too high—RESA's Comments would bring its "grand total" to 168 pages of argument. (*Id.*, p. 3) First, RESA would not characterize many pages of its Comments as "argument".

Second, RESA is not aware of any page limitation on comments in the Commission's rules, nor in any ruling by the Administrative Law Judge.

9. In its Motion, RESA stated that no party will be prejudiced by the granting of its Motion. Ameren disagrees. (*Id.*, pp. 3-4) However, its arguments are without merit. Contrary to Ameren's arguments, RESA's Comments are productive. They point out that Ameren's final version of a proposed SVT Program and RESA's final version are substantially the same, with one exception, and provide another option for the Commission's consideration. In no way, would acceptance of RESA's Comments undermine the workshop process, as alleged by Ameren. Regarding Ameren's claim that acceptance of RESA's Comments would "force" Ameren and other parties to consider if and how to file responses to those Comments, RESA has no objection to other parties filing Responses to RESA's Comments, nor to their filing their own comments on the Ameren/Staff report.

WHEREFORE, the Retail Energy Supply Association respectfully requests that the Administrative Law Judge grant its Motion for Leave to File Comments *Instantly*. The Response of Ameren to that Motion is absolutely without merit.

Dated: February 9, 2016

Respectfully submitted,

Retail Energy Supply Association

By: /s/Gerard T. Fox  
Gerard T. Fox

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**NOTICE OF FILING**

Please take note that on February 9, 2016 I caused to be filed via e-docket with the Chief Clerk of the Illinois Commerce Commission, the attached Reply in Support of Motion for Leave to File Comments *Instanter* of the Retail Energy Supply Association in this proceeding.

/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 Reply in Support of Motion for Leave to File Comments *Instanter* 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 February 9, 2016.

/s/ Gerard T. Fox  
Gerard T. Fox