

**STATE OF ILLINOIS**

**ILLINOIS COMMERCE COMMISSION**

Commonwealth Edison Company	)	
	)	Docket No. 18-1623
Petition for Declaratory Ruling	)	

**REPLY OF  
THE RETAIL ENERGY SUPPLY ASSOCIATION  
TO RESPONSES TO COMMONWEALTH EDISON COMPANY’S  
REQUEST FOR DECLARATORY RULING**

The Retail Energy Supply Association (“RESA”)<sup>1</sup>, by and through its attorney, Gerard T. Fox, pursuant to 83 Illinois Admin. Code Section 200.220 and the Administrative Law Judge’s Ruling , hereby replies to the Responses of parties to Commonwealth Edison Company’s (“ComEd”) Request for Declaratory Ruling.

On October 15, 2018, ComEd filed its Request for a Declaratory Ruling from the Illinois Commerce Commission (“Commission”) as to whether certain provisions of 83 Ill. Admin. Code Part 452, Standards of Conduct and Functional Separation are applicable to ComEd’s plan to include a bill message setting forth a “Price to Compare” (“PTC”) message on ComEd’s bills to the majority of its residential and small commercial customers. Specifically, ComEd is requesting a declaratory ruling that its proposed bill message is authorized by the Commission’s rules.

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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).

On November 5, 2018, Responses were filed by Commission Staff, the Illinois Competitive Energy Association, and RESA. RESA took the position that ComEd's proposed bill message was not a "legitimate consumer education effort" within the meaning of the Commission's Integrated Distribution Rules (83 Ill. Admin. Code Part 452). RESA recommended that the Commission deny the petition and that ComEd file for a waiver of the rules.

Staff's Response supported ComEd's petition and requested that the Commission issue a declaratory ruling. (Staff Response, p.6) ICEA's Response took the position that ComEd's proposal violates Subsection 452.240 (a) of the Commission's rules and does not fall into the exception under Subsection 452.240 (b). ICEA recommends that the Commission deny the petition, but grant ComEd an "immediate waiver" to allow it to utilize its proposed bill message on customers' bills. (ICEA Response, p. 2)

RESA agrees with ICEA that ComEd's proposal violates Subsection 452.240 (a) and does not fall within the Subsection 452.240 (b). While RESA originally took the position that ComEd should not be granted a waiver in this proceeding, RESA will not oppose ICEA's position that ComEd be granted an immediate waiver in this proceeding. Further, in the aftermath of the resolution of ComEd's proposal to publish a PTC message on the customer bill, RESA encourages the Commission to consider a comprehensive review of the validity of the TC, as currently structured, as a shopping comparison tool for customers as well as a measuring stick of market performance for stakeholders.

WHEREFORE, for the foregoing reasons, the Retail Energy Supply Association requests that the Commission deny Commonwealth Edison Company's request for a declaratory ruling that its proposed PTC bill message does not violate the Commission's Integrated Distribution Company rules, but does not oppose the granting of an immediate waiver in this proceeding.

Dated: November 14, 2018

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 November 14, 2018, I caused to be filed via e-docket with the Chief Clerk of the Illinois Commerce Commission, the attached Response 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 Response 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 November 14, 2018.

/s/ GERARD T. FOX  
Gerard T. Fox