RETAIL ENERGY SUPPLY ASSOCIATION
COMMENTS ON PROPOSED REVISIONS TO COMED RATE GAP

On August 8 and 9, 2011,Commonwealth Edison Company ("ComEd") and the Illinois Competitive Energy Association ("ICEA") submitted proposed revisions to ComEd's Rate GAP, Government Aggregation Protocols, which is the subject of Ill. C. C. Docket 11-0434. Pursuant to agreements made at the July 28, 2011 meeting regarding this proceeding, the Retail Energy Supply Association ("RESA")[1] hereby comments on those proposed revisions. In general, RESA believes that the proposed revisions will help resolve most of the issues in this proceeding and thank ComEd and ICEA for their efforts.

Response to ComEd

RESA supports the proposed revisions of ComEd, with one exception. In particular, RESA supports the language which sets forth expiration dates for the customer lists provided to Government Authorities by ComEd. Establishing such expiration dates will help avoid confusion because a stale list would contain information about customers who have moved and customers who have switched service to a Retail Electric Supplier ("RES").

The one modification RESA requests is with respect to language proposed by ComEd to address Issue No. 4—Further protections of the customer-specific information received by the

[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; MXenergy; NextEra Energy Services; Noble Americas Energy Solutions LLC; PPL EnergyPlus, LLC; Reliant Energy Northeast LLC 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.

requesting municipality. In particular, RESA proposes a modification to the second to last paragraph on Original Sheet No. 410 which ComEd proposes to read:

> The Government Authority warrants that any customer-specific information provided by the Company in accordance with the provisions of this tariff is treated as confidential information. Such Government Authority also warrants that any such information is used only to effectuate the provisions of Section 1-92 of the IPA Act. Such Government Authority is responsible for ensuring the confidentiality of such customer-specific information and the limitation of the use of such customer-specific information to only effectuate the provisions of Section 1-92 of the IPA Act.

While this modified paragraph is a major improvement to Rate GAP, RESA recommends that what is implicit in the paragraph should be made explicit, namely that the Government Authority will require the RES with the winning bid to serve the municipality's citizens to maintain the confidentiality of customer data. To accomplish this, RESA recommends adding the following sentence to the end of the quoted paragraph:

> Specifically, the Government Authority will require, by contract, the RES it has selected to procure the aggregated electric power and energy supply service to eligible customers within the boundaries of the Government Authority, to maintain the confidentiality of customer-specific information and to use such customer-specific information only to effectuate the provisions of Section 1-92 of the IPA Act.

As an association representing RESs, RESA is obviously concerned with the winning RES having lists of customers' names and addresses who have already switched to RES service, without a binding requirement to maintain the confidentiality of such information and use it only for the purposes of Section 1-92 of the IPA Act. If there is no such restriction, such lists are extremely valuable marketing tools for the winning RES to utilize. Further, only the RES serving the municipality's aggregated customers would have access to this commercially sensitive information.

Response to ICEA

RESA completely agrees with the proposed revisions to Rate GAP offered by ICEA, with one technical exception. Because customers who are already receiving service from a RES are not eligible to be switched to the municipal aggregator under the terms of Rider GAP, there is no reason that the Government Authority and the winning RES should receive customer-specific information about such customers. However, RESA understands ComEd's interpretation of the IPA Act to require the provision of information about such customers. ICEA's proposed revisions provide a reasonable compromise. The customer-specific information about customers already receiving service from a RES would only be provided if the Government Authority specifically requests such information The technical exception is that ICEA has not excluded all of the classes of retail customers that should have the provision of customer-specific information limited to where there is a specific request by the Government Authority. Retail customers to which the Watt-Hour Delivery Class is applicable taking service under Rate RDS should also be excluded (numbered paragraph 11 (originally ComEd's numbered paragraph 15) on Original Sheet No. 408). Conforming changes would have to be made to the numbering of the remaining paragraphs (11-15 rather than 12-16), "thirteen" would become "twelve" in last two numbered paragraphs on Original Sheet No. 409, and the "Watt-Hour Delivery Class" should be added to the new paragraph added by ICEA to Original Sheet No. 409.

Conclusion

RESA thanks ComEd and ICEA for their efforts to help resolve issues in this proceeding. RESA looks forward to discussing these matters at the next scheduled meeting in this proceeding.

Respectfully submitted,

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