STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission On Its Own Motion	)	
Amendment of 83 Ill. Adm. Code 465	)	Docket No. 15-0273

VERIFIED INITIAL COMMENTS OF
THE RETAIL ENERGY SUPPLY ASSOCIATION

The Retail Energy Supply Association[1] ("RESA"), by and through its attorney, Gerard T. Fox, pursuant to Illinois Administrative Procedure Act, 83 Illinois Admin. Code Part 200 and the Administrative Law Judge's Ruling, hereby submits the following Initial Comments in the above-captioned proceeding, the Illinois Commerce Commission's ("Commission") rulemaking proceeding to amend 83 Illinois Code Part 465, Net Metering. Specifically, RESA is commenting on the First Notice Rules attached to the Commission's Order in Docket 15-0273, dated April 8, 2015.

RESA participated in the informal process utilized by the Commission Staff during 2013 and 2014, both by the submission of comments on draft rules prepared by the Commission Staff and during the workshops held by the Commission Staff. Generally, with two exceptions, RESA

[1]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.

is satisfied that the First Notice Rules strike an appropriate balance of the needs of electric utilities, Alternative Retail Electric Suppliers ("ARES"), and net metering customers.

First, RESA proposes a revision to a new subsection that is not addressed in the Staff Report dated March 23, 2015, but which should have been identified in the Staff report as a "non-consensus" proposed amendment to Part 465". The new subsection is Subsection 465.35 (k) which states:

> With respect to any customer that has been authorized for net metering that is switching from one electricity supplier to another, the new electricity supplier shall inform the customer within 15 calendar days after the date the electric utility accepts the enrollment request of any steps that are necessary to apply for net metering with the new supplier.

The problem with this subsection is that it is not clear that the requirement in Subsection 465.35 (j) of the First Notice Rules that the electric utility notify an ARES of a switched customer's net metering status applies in the situation when a customer switches from one ARES to another ARES, as opposed to the situation when a customer switches from the electric utility to an ARES (note that under the First Notice Rules, an "electricity supplier" can be either an electric utility or an ARES). If the electric utility does not notify the new electricity supplier when a net metering customer is switched from one ARES to another ARES, the ARES that is the new electricity supplier has no way of knowing that the switched customer is a net metering customer.

This problem can be resolved by revising Subsection 465.35 (k) to read as follows:

> With respect to any customer that has been authorized for net metering that is switching from one electricity supplier to another, the new electricity supplier shall inform the customer within 15 calendar days after the date the electric utility <u>provides the notice to the new electricity supplier pursuant to Subsection 465.35 (j),</u> ~~accepts the enrollment request~~ of any steps that are necessary to apply for net metering with the new supplier.

Second, proposed Section 465.90, Meter Aggregation, goes far beyond the requirements of Section 16-107.5 (l) of the Public Utilities Act by requiring an electricity supplier which

determines not to allow "meter aggregation" for a net metering applications to "provide an explanation of its determination, based on the facts and circumstances presented in the application, in a written documents simultaneously filed with the Chief Clerk of the Commission and provided to the applicant within 30 days after receiving the application".

In contrast, Section 16-107.5 (l) of the Public Utilities Act only requires an electricity provider to **consider** whether to allow meter aggregation for the purposes of net metering for certain types of properties. There has been no justification for the additional burdens regarding meter aggregation created by proposed Section 465.90 and that section should be omitted from the Second Notice Rules to be submitted to the Joint Committee on Administrative Rules at the conclusion of the first notice period.

Respectfully submitted,

Retail Energy Supply Association

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

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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 Verified Initial Comments, 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 24th day of June, 2015

OFFICIAL SEAL
CLAUDIA A GUNDERSON
NOTARY PUBLIC-STATE OF ILLINOIS
MY COMMISSION EXPIRES 08/23/2016

NOTICE OF FILING

Please take note that on June 24, 2015, I caused to be filed via e-docket with the Chief Clerk of the Illinois Commerce Commission, the attached Verified Initial Comments 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 Verified Initial Comments 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 June 24, 2015.

/s/ GERARD T. FOX
Gerard T. Fox