

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

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

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

The Retail Energy Supply Association (“RESA”), by and through its attorney, Gerard T. Fox, pursuant to 83 Illinois Admin. Code Section 200.220, hereby responds to Commonwealth Edison Company’s (“ComEd”) Request for Declaratory Ruling. For the reasons stated in this Response, ComEd’s Request should be denied.

RESA is a non-profit trade association of independent corporations that are involved in the competitive supply of electricity and natural gas.<sup>1</sup> RESA and its members are actively involved in the development of retail and wholesale competition in electricity and natural gas markets throughout the United States. On October 25, 2018, RESA filed a petition for leave to intervene in this proceeding, in which ComEd is seeking a Declaratory Ruling from the Commission as to

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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).

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.

RESA does not challenge the Commission's authority to hear ComEd's Request. RESA also acknowledges that the Commission's Office of Retail Market Development's ("ORMD") most recent annual report suggests that the Commission should require electric utilities to display the PTC on all bills issued to residential and small commercial customers.

However, the Commission has not made such a requirement. There is no order from the Commission requiring ComEd to display the PTC on all bills issued to residential and small commercial customers. If there had been such an order, there would have been no need for ComEd to file its petition in this proceeding.

ComEd admits that the Integrated Distribution Company Rules prohibit it from promoting, advertising, or marketing with regard to the offering of provision of any retail service. However, ComEd argues that its proposed bill message about the PTC, contained in paragraph 9 of its petition, is the type of "legitimate consumer education effort" permitted by those rules.

While RESA appreciates ComEd's desire to expedite this matter, RESA asserts that the question of whether ComEd's proposed PTC message constitutes a "legitimate consumer education effort" is a question of fact. RESA has participated in a workshop regarding the determination of an appropriate PTC message at the Commission and believes that an appropriate PTC message would be very useful to customers. However, RESA believes that ComEd's proposed message would not be beneficial to customers. In fact, the mere recitation of

ComEd's default price would be misleading to customers. In the absence of some context, customers could draw the conclusion that ComEd is offering the same type of product that the customer may be purchasing from an Alternative Retail Electric Supplier ("ARES") and conclude that he or she is paying more for the same product. In RESA's opinion, this could cause customers to cancel premium products with ARES and resume purchasing a default product from ComEd, resulting in increased sales for ComEd. Under such circumstances, it is clear that the PTC message is, in fact, promoting, advertising and marketing ComEd's default service product, in violation of the Commission's Integrated Distribution Company rules. ComEd would be advised to seek a waiver of the rules.

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.

Dated: November 5, 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 5, 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 5, 2018.

/s/ GERARD T. FOX  
Gerard T. Fox

**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 Response of the Retail Energy Supply Association, 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  
5th day of November, 2018

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NOTARY PUBLIC