

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Commonwealth Edison Company)
) Docket No. 19-0386
Petition for Declaratory Ruling)

VERIFIED 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 unless ComEd provides more specificity regarding its proposed plan for communications between customers of Retail Electric Suppliers ("RES") and ComEd's Customer Service Representatives ("CSRs").

RESA is a non-profit trade association of independent corporations that are involved in the competitive supply of electricity and natural gas.¹ RESA and its members are actively involved

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.

in the development of retail and wholesale competition in electricity and natural gas markets throughout the United States.

On April 16, 2019, RESA filed a petition for leave to intervene in this proceeding, in which ComEd is seeking a Declaratory Ruling from the 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 allow its CSRs to discuss the Price to Compare ("PTC") with its customers, who are also customers of RESs. Specifically, ComEd requests that the "Commission declare that the communications detailed in paragraph 13 of this Petition are the type of 'legitimate consumer education effort' expressly authorized by the Commission's Rules. (ComEd Petition, p. 7)

The basic problem with ComEd's petition is that the communications between ComEd's CSRs and the customers of RESs are not "detailed" in paragraph 13 of ComEd's petition. Paragraph 13 states that "ComEd proposes to direct CSRs to discuss the PTC with customers". (*Id.*, p. 5) ComEd then provides some examples of what such discussions may entail, including informing customers of "frequently asked questions which may be helpful to discuss with ARES". However, ComEd has not provided a list of frequently asked questions and responses, nor has it provided a script that CSRs would follow in discussions regarding the PTC. Finally, ComEd has not explained how it will train several hundred CSRs to handle PTC discussions with customers of RESs.

ComEd refers to its petition in Docket 18-1623 in which the Commission found that the PTC message ComEd proposed to put on its bills, as modified by the Commission, constituted a legitimate customer education effort. (*Id.*, p. 4) However, that is very different from what ComEd is requesting in this proceeding. In Docket 18-1623, the Commission prescribed very

specific language to be placed on bills. In contrast, in this proceeding, RESs have no way of knowing what ComEd's CSRs would be telling their customers because, as stated previously, ComEd has not provided frequently asked questions, a script that its CSRs would use, or the training program that CSRs would take.

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. (*Id.*, p. 3) ComEd also states that those rules allow Integrated Distribution Companies, like ComE, to engage in legitimate consumer education efforts. (*Id.*) While RESA understands ComEd's desire to expedite this matter, RESA asserts that the question of whether ComEd's proposal regarding PTC discussions with RES customers constitutes a "legitimate consumer education effort" is a question of fact. It is certainly possible that the discussions between ComEd's CSRs and RES customers may constitute a legitimate consumer education effort: It is also possible that the discussions between those CSRs and RES customers may promote, advertise or marketing ComEd's supply service to RES customers in violation of Part 452 of the Commission's rules. What is not possible is to know whether such unexplained discussions violate the Commission's rules unless and until ComEd provides greater information as to the scope and content of those discussions, including the provision of frequently asked questions, scripts and training materials.

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 plan to have its Customer Service Representatives discuss the PTC does not violate the Commission's Integrated Distribution Company rules unless and until it provides sufficient detail regarding the scope and content of those discussions.

Dated: April 26, 2019

Respectfully submitted,

Retail Energy Supply Association

By: /s/GERARD T. FOX
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NOTICE OF FILING

Please take note that on April 26, 2019, I caused to be filed via e-docket with the Chief Clerk of the Illinois Commerce Commission, the attached Verified 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 Verified 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 April 26, 2019.

/s/ GERARD T. FOX
Gerard T. Fox

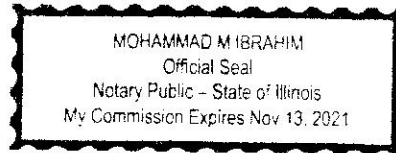
VERIFICATION

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 Verified 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
25th day of April, 2019



NOTARY PUBLIC