[LETTERHEAD]

Chairman Doug Scott
Commissioner John Colgan
Commissioner Lula Ford
Commissioner Erin O'Connell-Diaz
Illinois Commerce Commission
180 N. LaSalle Street
Suite C-800
Chicago, IL 60601

RE: Ameren Illinois Company's March 1, 2012 Tariff Filing (Government Aggregation Services) (labeled item E-025)

Dear Chairman Scott and Commissioners:

On March 1, 2012, Ameren Illinois Company ("AIC") made a tariff filing to revise its Schedule of Rates on file with the Illinois Commerce Commission, to add provisions for Government Aggregation Services (1st Revised Sheet No. 1, 1st Revised Sheet No. 6, and Original Sheet Nos. 6.001-6.006), in order to implement municipal aggregation ("AIC Tariff"). That filing, assigned No. E-025 by the Commission Chief Clerk's Office, will become effective on April 15, 2012, if not suspended by the Commission. For the following reasons, the Retail Energy Supply Association ("RESA")[1] respectfully urges that the Commission suspend AIC's municipal aggregation tariff filing and hold hearings thereon.

The greatest single reason for suspension of the AIC Tariff is that AIC is seeking to "slam" existing customers of Retail Electric Suppliers ("RES"), as part of its provision of

[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.. Many of RESA's members are licensed ARES in Illinois and certified to serve customers in AIC's service territory. The comments expressed in this letter represent the position of RESA as an organization but may not represent the views of any particular member of RESA.

municipal aggregation services. Initially, AIC will provide a preliminary eligible customer list to governmental authorities for all residential customers and non-residential customers using 15,000 kWh or less annually, including customers of RESs. That preliminary list will contain certain information about the customers thereon, including which customers are being served by a RES. Thereafter, AIC will provide a list of "eligible customers" upon request by the governmental authority. That list will include, among other things, the account numbers for all customers on that list, including, upon request by the government authority, account numbers for those customers who being served by RESs. (Original Sheet No. 6.002)

RESA objects to the provision of customer information about customers served by RESs to government authorities and believes that the provision of information for such customers is not authorized by Section 1-92 of the Illinois Power Agency Act ("IPA Act") because customers currently being served by a RES are not eligible retail customers within the meaning of Section 1-92 of the IPA Act. However, the larger problem is that AIC will accept a DASR (Direct Access Service Request) from a government authority (or its winning RES) for a customer currently being served by a RES. That is, AIC will drop the customer from its existing RES (despite the fact that that customer has a contract with its existing RES) and switch the customer to the winning RES, the RES selected by the governmental authority for its municipal aggregation program. (Original Sheet No. 6.005) Because Section 1-92 of the IPA Act does not authorize such switching, AIC will effectively be slamming customers being served by RESs. Aside from the fact that this action illegally interferes with the contractual relations of RESs and their customers, other problems result. For example, many, if not most, of the contracts between RESs and their customers include early termination fees. Those early termination fees, some of which can be substantial, would be triggered by AIC dropping the customers from their existing

RESs and switching them to the winning RES. This is just one of the problems that should be addressed in the proceeding that would result from the Commission's suspension of the AIC tariff.

Suspension of the AIC tariff is particularly important in light of the upcoming March 20 elections, Ameren has indicated that, as of February 3, 2012, 74 government authorities have municipal aggregation referenda on their ballots, representing approximately 425,000 customers. As of February 24, 2012, the switching statistics on the Commission's website indicate that over 46,000 residential commercial customers are being served by RESs in AIC's service territory.[2] While it is not known how many of these customers reside within the jurisdictions of the 74 government authorities with municipal aggregation referenda, there is no doubt a substantial amount of overlap.

In conclusion, nothing in Section 1-92 of the IPA Act suggests that the General Assembly intended to interfere with the existing contracts between those customers and the RESs they have chosen or to sanction an unconstitutional impairment of contracts between a RES and its customers. Contrary to AIC's apparent interpretation, Section 1-92 of the IPA Act does not require the "slamming" of RESs' customers. The Commission should suspend the AIC's March 1, 2012 Tariff Filing and hold hearings on that matter.

Respectfully submitted,

Retail Energy Supply Association

Cc: Mr. Torsten Clausen

[2] It is not possible to tell from the statistics how many non-residential customers using 15,000 kWh or less annually are being served by a RES.