



and operates pursuant to a Commission-approved Integrated Distribution Company Implementation Plan. *See Commonwealth Edison Co.*, ICC Docket No. 02-0379, Order (July 2, 2002);

2. Section 200.220(a) of the Commission’s Rules states that “[w]hen requested by the affected person, the Commission may in its sole discretion issue a declaratory ruling with respect to: 1) the applicability of any statutory provision enforced by the Commission or of any Commission rule to the person(s) requesting a declaratory ruling ....” 83 Ill. Adm. Code § 200.220(a)(1).

3. Courts and the Commission have held that the Commission may properly grant declaratory relief in circumstances such as this Petition describes and, in particular, that a question of whether the law authorizes or bars a specific utility action is within the scope of the Commission’s jurisdiction to issue a declaratory ruling on the law’s applicability to a person and proposed action. *MidAmerican Energy Corporation v. Illinois Commerce Comm’n*, 367 Ill. App. 3d 163, 169 (3<sup>rd</sup> Dist. 2006) (finding ICC order properly considered a declaratory ruling); *Integrus Energy Services*, ICC Docket No. 09-0165 (Nov. 12, 2009) at 7-9 (a declaratory ruling can explore how a provision of law applies to a proposed action). *See also Central Illinois Public Service Co.*, ICC Docket No. 06-0338 (Apr. 18, 2007); *ISG Hennepin, Inc., et al*, ICC Docket No. 02-0549 (Oct. 1, 2002).

### **Circumstances Warranting the Declaratory Ruling**

4. In order to provide electric utility services to its customers, ComEd issues bills that include all of the information required by 83 Ill. Adm. Code §§ 280.50 and 410.210, including, among other items of information (i) the name and contact information of any alternative retail electric supplier with whom the customer has contracted; and (ii) the cost of

energy supplied to the customer, including any change in the per-unit price. 83 Ill. Admin. Code 280.50(2)(C), (5)(C)(i); 83 Ill. Admin. Code § 410.210(a)(3)(c), (a)(6).

5. Parts 280.50 and 410.120 does not require that the bills of a customer who take electric supply from an Alternative Retail Electric Supplier (“ARES”) include information about the Price to Compare (“PTC”). The PTC is the monthly Electric Supply Charge plus the Transmission Services Charge (in cents/kWh) that a customer would be charged if they received supply from a utility. The PTC is calculated by the ICC S and is publicly displayed on the Commission’s website.<sup>1</sup>

6. In June 2018, the Commission’s Office of Retail Market Development (“ORMD”) issued its *Annual Report to the General Assembly, the Governor, and the Illinois Commerce Commission from the Office of Retail Market Development*, attached hereto as Exhibit A (“ORMD Report”). The ORMD Report suggests that the Commission should require electric utilities to prominently display the PTC on all bills issued to residential and small commercial customers. The ORMD Report explains that such a requirement would increase the visibility of the PTC to all consumers, whether receive supply from an ARES or from a utility.

7. The PUA requires the Commission to “maintain consumer education information to help residential and small commercial retail customers understand their service options in a competitive electric services market,” and enables the Commission to require ARES to submit disclosures “enabling consumers to compare prices, terms and conditions offered by such suppliers.” 220 ILCS 5/16-117(b), (h). In turn, utilities are required to include on bills sent to

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<sup>1</sup> <https://www.pluginillinois.org>

residential and small commercial customers a website address linking to the Commission's consumer education information. 220 ILCS 5/16-117(g)(1).

8. In addition, although the Commission's Rules provide that Integrated Distribution Companies ("IDCs"), such as ComEd, "shall not promote, advertise, or market with regard to the offering or provision of any retail electric supply service," the rules explicitly authorize IDCs to meet the obligations set forth in Section 16-117 of the PUA, and "otherwise engag[e] in legitimate consumer education efforts." 83 Ill. Admin. Code 452.240(a), (b)(4).

### **ComEd's Proposal**

9. In order to implement the recommendations and requests of the ORMD and the OAG, ComEd will place the following bill message within the bill message section of the customer bills for residential and commercial accounts that have the premises attribute of 15,000 kWh or less annual usage (except for those on the Single Bill Option or the summary bill option).

PRICE TO COMPARE: The ComEd electric supply price to compare is x.xxx cents per kWh. For more information and supplier offers visit <https://www.pluginillinois.org>. This price does not include a monthly purchased electricity adjustment factor that may range between +\$0.005 and -\$0.005 per kWh. For more information on ComEd bill line items go to [ComEd.com/UnderstandBill](http://ComEd.com/UnderstandBill).

10. ComEd seeks a declaratory ruling that the proposed bill message as set forth within paragraph 9 above is the type of "legitimate consumer education effort" expressly authorized by the Commission Rules, rather than the types of promotion, advertising, and marketing in which ComEd is not permitted to engage. See 83 Ill. Admin. Code 452.240(a), (b)(4).

11. It is ComEd's intent that the proposed bill message concerning the PTC function to even-handedly inform customers regarding their supply options. The bill message will appear on all customer bills for residential and commercial accounts that have the premises attribute of 15,000 kWh or less annual usage (except for those on the Single Bill Option or the summary bill option), regardless of whether the PTC is higher or lower than the price each customer pays for supply. The bill message does not make any comparison between the PTC and the price the individual customer pays for supply, instead allowing customers to draw their own conclusions nor does the bill message make a comparison between the PTC and the value of any supply services provided (e.g. green offering product, term of contracts, gift card, etc.). It is ComEd's position that the Commission's consumer education platform is the appropriate venue for this information.

12. The ORMD has expressed its desire in the ORMD Report for information such as what is proposed in this message be placed on customer bills in a timely fashion. ComEd is prepared to place the proposed message on customer bills as noted in this Petition in time for such message to be placed on the December 2018 customer bills.

13. In order to allow ComEd to include the subject bill message on bills starting in December 2018, ComEd requests that the Commission expedite consideration of this Verified Petition and further requests the entry of Final Order by December 4, 2018.

WHEREFORE, ComEd respectfully requests that the Commission declare that the information set forth in the proposed message detailed in paragraph 9 of this Petition is the type of "legitimate consumer education effort" expressly authorized by the Commission Rules, rather than the types of promotion, advertising, and marketing in which ComEd is not permitted to engage, pursuant to Commission Rule 452.240.

Dated: October 15, 2018

Respectfully submitted,  
COMMONWEALTH EDISON COMPANY

By: /s/ Pedro Cervantes  
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Counsel For Commonwealth Edison Company

**VERIFICATION**

STATE OF ILLINOIS            )  
  )  ss.  
COUNTY OF COOK            )

I, Christine M. Brinkman, being first duly sworn, state that I am the Vice President of Customer Revenue Assurance of Commonwealth Edison Company; that I have read the foregoing Verified Petition; that I am knowledgeable of the facts stated therein personally and through my knowledge of the policies and records of Commonwealth Edison Company maintained in the ordinary course of ComEd’s public utility business; and that, based upon such knowledge, the facts stated therein are true and correct to the best of my knowledge and belief.

Christine Brinkman

Subscribed and sworn to before  
me this 15 day of October, 2018.

Linda Anderson  
Notary Public

