

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Commonwealth Edison Company :
 :
Petition for Declaratory Ruling concerning :
the applicability of 83 Ill. Admin. Code 452 : **18-1623**
to the planned provision of Price to :
Compare information on certain customer :
ComEd bills. :

ORDER

By the Commission:

I. INTRODUCTION / STATEMENT OF THE CASE

On October 15, 2018, Commonwealth Edison Company (“ComEd”) filed with the Illinois Commerce Commission (“Commission”) a Verified Petition for Declaratory Ruling (“Petition”) concerning the applicability of 83 Ill. Adm. Code 452 to the planned provision of “Price to Compare” (“PTC”) information on certain customer bills. In it, ComEd asks the Commission to determine whether certain provisions of Part 452 of the Commission’s Rules concerning integrated distribution companies are applicable to ComEd’s plan to include a bill message setting forth PTC information on the customer bills for the majority of residential and commercial accounts that use 15,000 kilowatt-hours (“kWh”) or less annually (excluding only those on the Single Bill Option or the summary bill option).

On November 5, 2018, pursuant to the schedule outlined in Section 200.220 of the Commission’s Rules of Practice, Staff of the Commission (“Staff”), the Illinois Competitive Energy Association (“ICEA”), and the Retail Energy Supply Association (“RESA”) filed Verified Responses to ComEd’s Petition. At a status hearing held in Chicago, Illinois on November 8, 2018, the following parties intervened: the Citizens Utility Board (“CUB”) and the Environmental Law & Policy Center (“ELPC”). The Attorney General of the State of Illinois (“AG”) also appeared.

On November 14, 2018, pursuant to the schedule determined by the Administrative Law Judge, the following parties filed Verified Replies to Responses: ComEd, Staff, AG, CUB, ELPC, RESA and ICEA. On November 16, 2018, the Administrative Law Judge issued a Proposed Order. On November 26, 2018, the following parties filed Briefs on Exceptions: Staff, RESA, ELPC and the AG.

II. APPLICABLE LAW

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). Courts and the Commission have held that the Commission may properly grant declaratory relief in certain circumstances 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 Corp. v. Ill. Commerce Comm'n*, 367 Ill. App. 3d 163, 169 (3rd Dist. 2006) (finding Commission order properly considered a declaratory ruling); *Integrus Energy Services*, Docket No. 09-0165, Order at 7-9 (Nov. 12, 2009) (a declaratory ruling can explore how a provision of law applies to a proposed action). See also *Central Ill. Public Service Co.*, Docket No. 06-0338 (Apr. 18, 2007); *ISG Hennepin, Inc., et al*, Docket No. 02-0549 (Oct. 1, 2002).

III. PETITION FOR DECLARATORY RULING

A. ComEd's Position

ComEd states that it is a public utility within the meaning of Section 3-105 of the Public Utilities Act ("Act"), 220 ILCS 5/3-105, and an electric utility within the meaning of Section 16-102 of the Act, 220 ILCS 5/16-102. ComEd states that it is an Integrated Distribution Company ("IDC") and operates pursuant to a Commission-approved Integrated Distribution Company Implementation Plan. See *Commonwealth Edison Co.*, Docket No. 02-0379, Order (Jul. 2, 2002). 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 ("ARES") 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. Adm. Code 280.50(2)(C), (5)(C)(i); 83 Ill. Adm. Code 410.210(a)(3)(c), (a)(6). Parts 280.50 and 410.120 do not require that the bills of a customer who take electric supply from an ARES include information about the 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 Commission's Office of Retail Market Development ("ORMD") and is publicly displayed on the Commission's website.

ComEd states that in June 2018, the ORMD issued its *Annual Report to the General Assembly, the Governor, and the Illinois Commerce Commission from the Office of Retail Market Development*, ("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 they receive supply from an ARES or from a utility. The Act 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 residential and small commercial customers a website address linking to the Commission's consumer education information. 220 ILCS 5/16-117(g)(1). In addition, although the Commission's Rules provide that 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 Act, and “otherwise engag[e] in legitimate consumer education efforts.” 83 Ill. Adm. Code 452.240(a), (b)(4). In order to implement the recommendations and requests of the ORMD and the AG, ComEd wants to place the following 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.

ComEd seeks a declaratory ruling that the proposed bill message above is the type of “legitimate consumer education effort” expressly authorized by the Commission’s Rules, rather than the types of promotion, advertising, and marketing in which ComEd is not permitted to engage. See 83 Ill. Adm. Code 452.240(a), (b)(4). 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 annual usage of 15,000 kWh or less (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. 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.

In Reply, ComEd states that it is understood that, in the spirit of compromise and in support of the efforts to provide a PTC, ICEA is withdrawing its opposition to the Petition and, in turn, ComEd accepts ICEA’s suggested modifications to the proposed PTC message. Although it opposes the Petition, RESA agrees that an appropriate PTC message would be very useful to customers. Nonetheless, ComEd notes that RESA objects to the Petition based on an apparent misinterpretation of ComEd’s PTC bill message. ComEd states that RESA incorrectly asserts that the PTC bill message is promotional in nature. According to ComEd, a plain reading of the PTC bill message demonstrates otherwise. Nothing in the proposed language above promotes, advertises or markets ComEd’s retail supply service. Rather, it points to where a customer can go to evaluate the various supply service offerings. In this circumstance, referencing the Commission’s PlugInIllinois website is consistent with prior Commission directives

wherein electric utilities were directed to point customers to the website for consumer education purposes. In response to such directives, ComEd has included a reference to the PlugInIllinois website in bill messages, bill inserts, and other education material. As such, ComEd correctly seeks a determination that Section 452.240(a) does not apply. ICEA argues that the Commission should make certain changes to ComEd's PTC bill message. Initially, ComEd notes that it was not seeking Commission approval of the PTC bill message. Nonetheless, it is the understanding that, in the spirit of compromise and in an effort to support a PTC, ICEA is withdrawing its opposition to ComEd's Petition. ComEd is willing to accept the modified PTC message as proposed by ICEA.

B. Staff's Position

Staff supports ComEd's proposal to add language to its bills including the PTC. Staff finds this recommendation enables all customers to have ready access to the PTC and educates and enables such customers to make informed decisions regarding whether to take electric supply from an ARES or from the incumbent utility. Staff is of the opinion that including the PTC on electric utility bills will be useful, and may be necessary, to improve the state of electric competition in Illinois. Staff states that the proposed disclosure of the PTC is neutral and unlikely to harm the interests of any ARES.

Staff states that the bill message that ComEd proposes to include in customer bills, as described above, is a "legitimate consumer education effort" within the meaning of 83 Ill. Adm. Code 452.240(b)(4). The General Assembly has found that "electricity consumers [should] be provided with sufficient and reliable information so that they are able to compare and make informed selections of products and services provided in the electricity market[.]" 220 ILCS 5/16-117(a).

Staff notes that amendments to the Commission's Part 412 Rules, which took effect on May 1, 2018, require that an ARES seeking to enroll a residential customer provide that customer with a Uniform Disclosure Statement ("UDS") or depending on the type of marketing the ARES is utilizing, verbally disclose the rates, terms and conditions of the offer the ARES is making to the customer. 83 Ill. Adm. Code 412.215. More specifically, an ARES is required to make several disclosures in the UDS, or verbally to the customer if the solicitation is telemarketing, regarding the rate or price it will charge. 83 Ill. Adm. Code 412.115(b)(4)-(6); 83 Ill. Adm. Code 412.130(c). The purpose of the UDS is to "enabl[e] consumers to compare prices, terms and conditions offered by [ARES]", 220 ILCS 5/16-117(h), while the disclosures serve the same function in a telemarketing solicitation. Accordingly, if the PTC is disclosed on the ComEd customer bill in the manner proposed by ComEd, customers will have, by consulting their ComEd bill and the ARES UDS, or their ComEd bill and the information given in required disclosures, key pieces of the information they need to make a meaningful and informed price comparison regarding the ARES offer. Since a customer must give his or her account number to an ARES in the course of enrollment, the customer is likely to be in possession of both the bill and UDS at the time the customer makes the decision of whether or not to enroll with the ARES.

Staff finds that public policy goals will be further advanced by inclusion of the PTC on ComEd customer bills. The bill message that ComEd proposes provides a short-term solution enabling customers to gain better access at the point of potential sale to

information necessary to make informed decisions on price. Further, the Commission itself has recognized the importance of “potential customers [being] given consistent information ... [that] assists the average consumer to ‘readily evaluate’ the market.” See, e.g., *Ill. Commerce Comm’n On Its Own Motion: Amendment of 83 Ill. Adm. Code 412 and 83 Ill. Adm. Code 453*, Docket No. 15-0512, First Notice Order at 41 (Sep. 22, 2016).

Staff notes that it convened a workshop in October of 2018, in which stakeholders had been invited to participate, for the purpose of determining a longer-term, generally-applicable approach to be taken to disclosing the PTC on electric utility bills. Nonetheless, a Commission declaration that disclosure of the PTC on utility bills utilizing language proposed by ComEd is a “legitimate consumer education effort” that will add short-term certainty to the process while Staff continues to pursue with stakeholders a long-term approach to prominently display the PTC on utility bills.

In Reply, Staff states that both ICEA and RESA assert in their Responses that the disclosure of the PTC will interfere with the existing ARES customers, such that an existing customer might be induced by the disclosure to terminate a contract with the ARES and instead take service at the default price listed on the PTC. ICEA and RESA allege that it would cause a disparagement of ARES service, result in increased sales for ComEd, and interference and termination of an existing contract. Both Responses seem to allege interference with a contract, if one exists, between an ARES and an ARES customer due to the disclosure of the PTC. Staff states that these arguments should be rejected as contrary to Illinois law.

Staff states that first of all, it is established in Illinois that a party may breach a contract provided that he is prepared to put his counterparty in the position it would have been in had the contract been performed. *Album Graphics, Inc. v. Beatrice Foods Co.*, 87 Ill. App. 3d 338, 350 (1st Dist. 1980). In Illinois, such damages are liquidated at \$50 for residential customers and \$150 for small commercial customers. 220 ILCS 5/16-119. Accordingly, a breach or termination by a customer is both contemplated and sanctioned by statute, and is the ARES’ remedy. ICEA and RESA therefore cannot be heard to argue that disclosing the PTC on a utility bill is somehow contrary to public policy, even to the extent it might result in a customer determining, based solely on the disclosed PTC, that termination might be advantageous. Such termination is clearly sanctioned by law, provided that the customer is prepared to pay the liquidated costs.

Second, Staff notes that while it is well established that malicious interference by inducing the breaking of lawful contracts or by actions that make the performance of the contracts impossible may result in liability in tort, 34 Ill. Law and Prac. Torts § 11, it is extremely difficult to show tortious interference. To prevail on such a claim, an aggrieved party must allege and prove, in addition to the existence of a contract, knowledge of that contract by the alleged intermeddler, and its intentional and unjustified inducement to breach the contract, as well as a breach resulting from the intentional and unjustified inducement. *Guice v. Sentinel Techs., Inc.*, 294 Ill. App. 3d 97, 102, 689 N.E.2d 355, 359 (1st Dist. 1997).

Staff agrees with ComEd that the proposed PTC disclosure even-handedly informs customers regarding their supply options, because ComEd’s proposed 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. While ComEd might be imputed with knowledge of contracts between ARES and customers, the display of the PTC on the consumer's bill would not be an intentional and unjustified inducement of the third party to breach. ComEd proposes to neutrally disclose the PTC regardless of whether the customer has enrolled with an ARES or not. It is further telling that the disclosure does not draw any comparisons regarding the PTC and the price that the customer is paying for supply or any additional services that may be provided by the ARES. This allows for the customer to make an informed decision regarding cost and the choice of supplier. Further, disclosing the PTC is not a disparagement as Illinois law has established commercial disparagement exists when the quality of goods is demeaned. *Crinkley v. Dow Jones & Co.*, 67 Ill.App.3d 869, 876, 24 Ill.Dec. 573, 385 N.E. 2d 714 (1979). ComEd is not seeking to demean or criticize the quality of the goods or services offered by the ARES; rather, ComEd is neutrally disclosing the PTC on all customer bills without offering comparisons or criticisms. Additionally, a consumer may ultimately decide to terminate the contract with an ARES for a multitude of reasons not relating to the disclosure of the PTC. Therefore, the disclosure of the PTC on ComEd's bill does not result in intentional interference with a contract or disparagement.

Finally, Staff states that Illinois courts have recognized that what might otherwise be interference with contracts is lawful if it "takes a socially sanctioned form, such as lawful competition." See, e.g., *Dowd & Dowd, Ltd. v. Gleason*, 181 Ill.2d 460, 485, 230 Ill.Dec. 229, 693 N.E.2d 358, 371 (1998); *Film & Tape Works, Inc. v. Junetwenty Films, Inc.*, 368 Ill. App. 3d 462, 468, 856 N.E.2d 612, 618-19, 305 Ill.Dec. 807, 813 (1st Dist. 2006). ORMD Staff, a Staff office created by statute to "promote retail [electric] competition in Illinois to benefit all Illinois consumers," 220 ILCS 5/20-110, is of the opinion that the disclosure of the PTC is useful, may be necessary to improve the state of electric competition in Illinois and that ComEd's proposed disclosure of the PTC is neutral and unlikely to harm the interests of any ARES. Moreover, the PTC has been displayed on the Commission's PlugInIllinois website since 2011 and is calculated in precisely the same way ComEd proposes. Accordingly, the disclosure ComEd proposes is very clearly socially sanctioned – indeed, proposed by ORMD, responsible for monitoring and promoting competition – and thus as a matter of law not interference with contract.

Staff argues that a contract that is terminable at will does not provide a future legal right, but only an expectancy, "when the contract is terminated by the choice of the third person, there is no breach of it." Restatement (Second) of Torts §768, Comment *i*, at 44 (1979). "Conduct must not only qualify as improper interference, it must also actually induce the third party to terminate its relationship." Restatement (Second) of Torts §766B (1979). ICEA acknowledges that a customer may choose to terminate early for many reasons, including to switch to another supplier. As such, the disclosure of the PTC may not induce the customer to terminate its relationship as the customer may already be contemplating the termination prior to viewing the disclosure. As ICEA states, a customer may choose to terminate for a variety of reasons. Thus, a termination by the choice of the customer does not cause a breach or interference with an existing contract.

Staff states that although ICEA's proposal to modify ComEd's proposed bill language is not ill-taken, consideration of it is not within the scope of the proceeding. The question before the Commission is whether ComEd's proposed message detailed in ComEd's Petition is a "legitimate consumer education effort" expressly authorized by the Commission Rules. This is the narrowly defined request before the Commission. Thus, the proposed modifications by ICEA are outside the scope of the declaratory ruling requested by ComEd. Staff states that if the Commission decides to consider proposed modifications, however, Staff considers ICEA's proposed messaging acceptable, although ComEd's proposal is Staff's preferred one. Staff prefers the messaging that ComEd proposes as it is a neutral message that educates customers and is more effective than what ICEA proposes.

C. ICEA's Position

ICEA recommends that the Commission provide ComEd with the ultimate relief ComEd seeks—permission to put a PTC on certain customers' bills—but hold that a waiver of the IDC rules are necessary and immediately grant such a waiver in this docket. ICEA fully supports ComEd putting the PTC on the bills of residential customers and non-residential customers with an annual usage of under 15,000 kWh. Nevertheless, ICEA respectfully notes that ComEd's request is more complicated than simply approving ComEd's PTC proposal—ComEd also requests a ruling that the IDC rules do not apply. The general rule for electric utilities that operate as an IDC is that the IDC "shall not promote, advertise or market with regard to the offering or provision of any retail electric supply service." See 83 Ill. Adm. Code 452.240(a). However, the same rule enumerates several exceptions to this general ban on advertising and marketing, including an exception for: "meeting its obligations for consumer education programs as set forth in Section 16-117 of the Act, or otherwise engaging in legitimate consumer education efforts." 83 Ill. Adm. Code 452.240(b)(4). ComEd argues that this exemption should apply to ComEd's proposal, specifically that ComEd's proposal is a "legitimate consumer education effort[]." In addition to the advertising and marketing ban imposed on IDCs, ICEA notes that the same section includes the following requirement: "No IDC employee or agent shall affirmatively prompt customer inquiries about the quality of the IDC's retail electric supply services. No IDC shall disparage the quality of an alternative retail electric supplier's services." 83 Ill. Adm. Code 452.240(d.) Unlike subsection 452.240(a), subsection 452.240(d) is not subject to the exceptions in subsection (b). ICEA recommends that the Commission hold that ComEd's PTC proposal does not fall within subsection 452.240(b)(4) but immediately in this docket grant such a waiver. Such an approach would avoid a precedent expanding the interpretation of 452.240(b)(4) but would still allow ComEd to go forward with an important program.

Second, ICEA recommends that the Commission make minor modifications to ComEd's proposed language. ICEA has supported and continues to support ComEd placing the PTC on customer bills, and ICEA believes that ComEd's proposed approach (subject to ICEA's proposed changes) is generally a good approach. However, on bills that go to a current supply customer of an ARES, ICEA believes that the disclosure is not "otherwise engaging in legitimate consumer education efforts." The essential issue is the distinction between consumer education and promotion or marketing. ICEA argues that consumer education provides background information about the market itself and

perhaps a framework for comparing one product to another. Consumer education empowers the customer by identifying material information and helping the customer make their choice. Advertising and promotion highlights a specific product or service, either in isolation or in comparison to competing products. By providing the value and disclosing the calculation for the PTC, ComEd is essentially advertising default service. By stating its default rate pricing on every bill—including bills of current ARES customers and real-time pricing customers—ComEd will be at least indirectly inducing customers to consider and purchase service through ComEd’s default rate. While perhaps counterintuitive to think about the PTC and default service in terms of marketing because of statutory requirements in Section 16-111.5 that prevent ComEd from earning a return on supply costs, the PTC proposal is advertising the price of ComEd’s default rate. If an ARES presented customers with a message about how their product pricing was calculated and directed the customer to a website with more product information (the comed.com link in ComEd’s language), it would correctly be characterized as an advertising piece. An ARES certainly could not claim that such a communication is “consumer education,” for instance, to avoid application of Section 16-115A(e)(i) and (iii) of the Act applicable to marketing materials. ICEA states that ComEd’s own explanation of the rationale behind its PTC proposal belies its foundation in marketing and promotion, not education. ComEd argues that adding the PTC to bills “allow[s] customers to draw their own conclusions” about default rate pricing relative to the value the customer receives from their current product (which could be the default rate). This is the essence of marketing—presenting information about your own product in proximity to another, allowing customers who perceive greater value to gravitate toward your product. By placing the PTC on the bill, ComEd is not providing a decision-making framework, it is juxtaposing its product against the consumer’s product.

ICEA argues that PlugInIllinois.org includes offers from other suppliers that could in some cases be a disparagement of the quality of ARES services that is prohibited in all circumstances by an IDC. ICEA believes this to be the case for two reasons. First, ARES are not required to post their products to PlugInIllinois.org. The language as currently written could easily be misinterpreted as suggesting all ARES offers are on PlugInIllinois.org. The upshot, of course, is that a customer may incorrectly perceive something is wrong with the ARES or offer if their current product is not listed on pluginillinois.org. Second, ICEA is concerned by any suggestion by the utility that a customer that is a current ARES customer should be shopping for other ARES service during the customer’s contract. While ICEA understands that a customer may choose to terminate early for many reasons, including to switch to another supplier, it is inappropriate for the utility to suggest to a current ARES customer to look at PlugInIllinois.org to look at other ARES offers. In addition to these potential IDC concerns, ICEA also recommends that ComEd explain the Purchased Electricity Adjustment (“PEA”) in the second sentence before offering links to additional explanations. ICEA believes this will allow the customer to see a fuller explanation before looking to the resources ComEd has properly made available. ICEA recommends the following changes to address these issues:

PRICE TO COMPARE: The ComEd electric supply price to compare is x.xxx cents per kWh. **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 and supplier offers visit <https://www.pluginillinois.org/fixedrate.aspx>. 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.~~

ICEA notes that the significance of the change to the PlugInIllinois.org website is that the modified link goes directly to an explanation of the utility PTC. With these changes, ComEd will simply be disclosing its own rate (and how to calculate it) and not other supply options to customers who are already using a different supplier.

In Reply, ICEA states that based on a review of the other Responses and conversations with ComEd, ICEA no longer recommends that the Commission deny ComEd's Petition and immediately grant a waiver of IDC rules. Based ICEA's understanding that ComEd accepts ICEA's proposed language changes to the message on customer bills, ICEA no longer opposes ComEd's Petition.

D. RESA's Position

RESA argues that ComEd's Petition should be denied. RESA does not challenge the Commission's authority to hear ComEd's Petition. RESA also acknowledges that the ORMD 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. RESA notes that if there had been such an order, there would have been no need for ComEd to file its Petition in this proceeding.

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 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 IDC rules. RESA argues that ComEd should instead seek a waiver of those rules.

In Reply, RESA supports ICEA's position that ComEd's proposal violates Subsection 452.240 (a) and does not fall within the Subsection 452.240 (b). While RESA originally took the position that ComEd should not be granted a waiver in this proceeding, RESA will not oppose ICEA's position that ComEd be granted an immediate waiver in this

proceeding. Further, RESA encourages the Commission to consider a comprehensive review of the validity of the PTC, as currently structured, as a shopping comparison tool for customers as well as a measuring stick of market performance for stakeholders. RESA requests that the Commission deny ComEd's request for a declaratory ruling that its proposed PTC bill message does not violate the Commission's IDC rules, but does not oppose the granting of an immediate waiver in this proceeding.

E. ELPC's Position

ELPC requests that the Commission grant ComEd's Petition. However, ELPC states that the proposed language does not adequately address consumer protection concerns. Consistent with Staff's Response, ELPC argues that the Commission's Order should allow for future revisions to the specific language and planned placement of the notice. ELPC states that the plain language of Section 452.240(a) and (b)(4) prohibits ComEd from competing in the supply market by making its own offer. It does not prevent ComEd from clearly identifying the price customers pay for their supply so that they understand that element of the bill. ELPC agrees with Staff that the inclusion of PTC information on ComEd bills is a "legitimate consumer education effort" and is not prohibited by the ban on promotion, advertising and marketing by IDCs. ELPC further agrees that the inclusion of this information is important for the advancement of public policy goals.

According to the ORMD Report:

On average, residential ARES customers in the ComEd territory paid around \$10.2 million more per month during the last twelve months when compared to the ComEd Price-to-Compare (PTC) and \$11.5 million more per month during the last twelve months when compared to the ComEd PTC including the Purchased Electricity Adjustment (PEA). In terms of cents per kWh, residential ARES customers in the ComEd territory paid about 1.289 cents/kWh more when compared to the ComEd PTC only, and about 1.445 cents/kWh more when including the PEA.

ORMD Report at 7. ELPC states that these findings reflect customers' lack of understanding about how the retail electric market works and what their options are. Many utility customers likely have no idea what price per kWh they currently pay when they are presented an ARES offer. Similarly, many customers who receive supply from ARES likely do not know how that price per kWh compares to what they would be paying if they received supply from the default utility. A basic understanding of options and pricing is critical for a well-functioning retail market, whether a customer is on utility service and considering an ARES, or is currently an ARES customer and is evaluating the value of the service that they receive. The PTC provides fundamental information that should be readily available to all customers, and constitutes a critical element of customer education.

It is unclear to ELPC why RESA believes the relevant question at issue in this docket in ComEd's Petition is one of fact, and ELPC notes that the Commission may determine questions of either fact or law in a declaratory ruling. Further, ELPC states

that it is clear that the question is actually a question of law. Whether ComEd's proposed bill message is promotion, advertising, or marketing is not an empirical question, the answer to which could be obtained by consulting the right resource or witness; rather, it requires a legal interpretation of the regulations. RESA argues that disclosing 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 ARES. As an initial matter, ComEd and ARES are necessarily offering the same type of product: provision of electric service to the customer. Although an ARES may offer additional items or services, such as Renewable Energy Credits, smart thermostats, set monthly price, or airline miles, the underlying product—electrons—is the same. An ARES can easily make customers aware that it offers additional items or services above and beyond ComEd's basic supply alternatives. For example, customers know that they do not receive airline miles as part of their default utility service. Simply providing information about default utility service pricing in no way suggests that ComEd is offering the exact same additional “perks” as any ARES.

ELPC states that ICEA's position is flawed. ICEA states that ComEd “requests a ruling that the IDC rules do not apply,” and argues that while the Commission should ultimately allow ComEd's proposal, it must first grant a “waiver” of the IDC rules against promoting, marketing, and advertising. First, ComEd is not requesting a ruling that the IDC rules “do not apply,” but rather that its proposal does not violate the rules. ComEd acknowledges that the IDC rules do apply to it, but explains that the proposed information falls under 83 Ill. Adm. Code 452.240(b)(4), which allows ComEd to further “legitimate consumer education efforts.” ELPC states that the Commission need not issue a waiver because the proposed information is squarely within the bounds of legitimate consumer education efforts, especially in light of the findings of the ORMD Report. Indeed, the legislature acknowledged that legitimate consumer education efforts might superficially look like “advertising” when it explicitly noted that consumer education efforts did not constitute impermissible advertising. ICEA's concerns about the specific proposed language referring the customer to PlugInIllinois.org for “more information and supplier offers,” are also misplaced. A reasonable reading of the proposed bill message in no way reveals “disparagement of the quality of ARES services.” Indeed, ComEd's proposal to include a link to information about other supplier offers, including on bills for customers who currently receive electric supply from ComEd, demonstrates that the message is for the purpose of legitimately educating customers.

ELPC states that ComEd's proposal does not adequately address the public interest and consumer protection concerns raised. ComEd states in its Petition that it plans to include the proposed PTC message in order to implement the recommendations and requests of the ORMD and AG. It is not clear whether ComEd plans the proposed message and placement as an immediately implementable but temporary solution, or whether it plans its recommendation as a permanent solution. While ELPC supports the Commission determining that the proposed language does not violate marketing rules, in order to allow ComEd to move forward with immediately including a PTC message on its bill, the Commission should explicitly find that the specific message wording and placement should be improved. ELPC states that there are several flaws in the proposed message.

First, ELPC finds the sentence about the monthly purchased electricity adjustment is problematic. This disclaimer is confusing, and potentially misleading, as the PEA is expected to average at or near zero, meaning there is virtually no overall impact on what customers pay. Information about the PEA will still be available at PlugInIllinois.org, which is referenced in the notice. If the Commission determines that a disclaimer about the PEA must be included, the language should note that over time, the PEA is expected to average to zero, with no meaningful impact on payments overall. While it is unclear from the filings thus far where the “bill message section” of ComEd’s bill is located, the PTC information should be located as prominently as possible on the front page.

ELPC also believes that a more salient presentation of the information would be for ComEd bills for ARES customers to include the total supply price that a customer would have paid, had they been receiving default electricity supply from ComEd. As noted in the ORMD Report, many ARES customers pay more for electricity supply than they would for ComEd supply, and many are unlikely to understand the impact that a few cents per kWh can have on their total bill. What matters to customers is the total dollar amount that they pay per month, and the comparison should be made in those terms. Finally, ELPC argues that the Commission’s Order should clearly leave open the option for ComEd to modify the specific language and placement of the bill message in the future to increase clarity and salience.

F. CUB’s Position

CUB supports ComEd’s proposed bill language. CUB states that there is not one single more important piece of information in the evaluation of an unregulated supply rate than the comparison of that rate to the regulated utility rate. The two “products” simply cannot be appropriately compared without that information. CUB’s experience in consumer advocacy leads to the same concerns about consumer understanding that are contained within the ORMD Report. Namely, not only is the residential customer base inexperienced and under-educated about electric choice, but ARES sales agents have often proven to be inept and, at times, deliberately fraudulent. Customers are repeatedly provided misleading and incomplete information and as a result, fail to make informed, well-educated decisions regarding electric supply. This problem – a lack of education and information – is pervasive across the electric supply market in Illinois, and is not solely a complaint of so-called “bad actor” ARES. The existing regulatory scheme fails to adequately address this problem. ComEd’s proposal to include certain PTC information in the bill message, while imperfect, is a step in the right direction to correcting this failure. While an ongoing workshop process has been convened to address this issue and bring a more uniform and prominent PTC message to all electric utility bills statewide, in the interim of the development of that solution, either by consensus or Commission directive, CUB fully supports the inclusion of the bill message proposed by ComEd. The more information that customers have at their fingertips to assist them in an electric marketing situation, the better-informed their decisions will be, and the result will only improve customer education and strengthen the marketplace.

CUB states that ICEA seeks relief which is outside the scope of this proceeding. Also, in arguing that ComEd’s proposed bill message is not a consumer education effort, ICEA contradicts itself. ICEA argues that the distinction between education and advertising arises where a promotion “highlights a specific...product or service, either in

isolation or in comparison to competing products.” As ICEA explains it, consumer education can provide a framework for comparing one product to another, but where a comparison is provided, suddenly the information becomes an advertisement. This argument is illogical and must be rejected. CUB states that providing information about the utility’s default price is not an advertisement, it is not marketing, nor is it even a promotion. It is simply the provision of the utility’s supply charge. The bill message proposed by ComEd does not compare the “product” offered by an ARES with the default supply of the utility. It does not infer that either the utility or an alternative supplier provides a superior product at a lower rate any more so than it infers that the other provides an inferior product at a higher rate. CUB states that without the default PTC, a customer cannot evaluate a product that they are either considering or already purchasing from an alternative supplier. There is nothing in the proposed bill message that does not provide legitimate customer education information, either under ICEA’s definition of such language or otherwise. CUB points out that ComEd’s proposal directs customers to a web address where customers can obtain more information about understanding their bill, which is clearly customer education. The language contained in the proposal makes this exceptionally clear: “For more information on ComEd bill line items go to ComEd.com/UnderstandBill.”

CUB notes that ICEA further argues that customers who receive supply service from an ARES should not receive the bill message containing PTC information, as it is “presenting information about [ComEd’s] own product in proximity to another, allowing customers who perceive greater value to gravitate towards [ComEd’s] product.” Perhaps getting to the heart of ICEA’s concerns, no mention is made of any type of issue where the utility PTC may be “advertising” a higher rate than the ARES rate. It is clear from the ORMD Report why this issue is never addressed by ICEA: on average, residential ARES customers in the ComEd territory paid around \$10.2 million more *per month* when compared to the ComEd PTC and \$11.5 million more *per month* when compared to the PTC including the PEA. ORMD Report at 7. Ignoring the fact that ICEA is concerned only about advertising PTC which indicates the utility supply charge is lower than an ARES’ rate, ICEA’s argument regarding the “proximity” of the utility PTC fails because it is based upon a flawed premise. The argument presupposes that the need for consumer education is extinguished when the customer elects to take service from a supplier. CUB states that ICEA’s argument ignores the responsibility its members have in educating their own customers. A well-informed, educated customer will not question the difference in price, as she or he will understand the supplier choice made. An educated ARES customer is fully aware that she or he is paying a premium for a different “product,” and including the relevant utility PTC should not and would not sway this customer. The educated customer understands that she or he is paying a higher price because the service they receive is superior to the utility default service. It is only where an uneducated or ill-informed customer believes she or he is purchasing the same product from an ARES that they could receive at a lower price from the utility that ICEA is concerned about potential marketing violations. When a customer fails to understand the difference in the “product” – namely, the electrons – that it purchases from an ARES, the customer will certainly inquire about the nature of the price difference. As ARES routinely assert, their “products” purport to provide added benefits to customers that are not accounted for in the price per kWh comparison. CUB points out that when customers

contact their supplier regarding the higher rate, the ARES has the opportunity to educate the customer about the difference between the services. Assuming that an ARES is legitimately providing its customers with premium or value-added services that warrant the increased cost, the result will be more well-informed customers who will remain satisfied with their alternative supply service. Where an educated customer fails to find value in the “product” it receives from an ARES, the bill message provides the customer the “decision-making framework” to determine whether search for another supplier or resume taking supply from the utility.

G. AG’s Position

The AG notes that according to the ORMD Report, consumers are not benefiting from price competition in the residential and small commercial markets when the prices they pay are so much higher than the market prices obtained by the Illinois Power Agency’s procurement process. The AG claims that a lack of readily available and understandable price information makes consumers susceptible to fraudulent and misleading savings and pricing claims made by ARES representatives at their door or over the phone. Sales techniques that for example, emphasize “savings” and “low-risk;” relegate prices to the small print; and base variable prices on unspecified, private indices, deprive consumers of sufficient information to evaluate the ARES offers and consumers end up paying charges that grossly exceed market prices and the utility default price. The AG points out that electricity bills are very complicated, with multiple sections and charges, some based on usage and some not. Usage levels vary by month, affected primarily by weather. The AG states that it is not surprising that most consumers have difficulty finding and understanding how the utility’s supply rate and total electric supply charges compare to the total ARES charge.

The AG has long asserted that, in order to properly educate consumers about electric supply choices and to protect consumers from price gouging, electric supply cost comparisons should be conspicuously disclosed to consumers. In particular, the AG has advocated that price comparison information be prominently displayed on every residential customer’s utility bill. Because public utilities produce single billing for ARES, they have access to both the price the ARES charges and the price the customer would have been charged if the customer received supply service from the utility.

The AG argues that providing Illinois consumers with basic rate comparison information is a fair, common sense, and simple improvement that utilities can make to educate their customers. To that end, on September 5, 2018, Attorney General Lisa Madigan wrote to ComEd (and Ameren Illinois Company d/b/a Ameren Illinois (“Ameren Illinois”)) requesting that the utility follow the ORMD’s recommendation and prominently display the utility PTC, as well as the total charge comparison, on each customer’s electric bill.

During workshops convened by the ORMD, the AG again advocated for ComEd and Ameren Illinois to provide electric supply price and cost comparison information on its customers’ electric utility bills so that consumers could be educated about both the rate for supply and the effect of the supply rate on their bills.

The AG states that as an initial matter, ComEd’s proposal is not a promotion, advertisement, or marketing. The AG states that in its argument, ICEA creates its own

definition of “advertising and promotion” and sweeps ComEd’s proposal under a made-up definition (“[a]dvertising and promotion highlights a specific product or service, either in isolation or in comparison to competing products”). At the same time, ICEA ignores that Part 452 already defines “advertising” and “marketing” as “any communication through any medium, except direct (e.g., in-person or telephonic) contact for the purpose of requesting or retaining patronage from a customer or prospective customer.” 83 Ill. Adm. Code 452.200. Here, neither the purpose nor the effect of the PTC disclosure is to request or retain patronage from customers. ComEd’s proposal does not express ComEd’s preference for any electric supply service, let alone default service, and ComEd’s proposal certainly does not urge customers to select any one electric supply service over another. Further, the AG points out that ComEd’s proposal seeks to address requests made by both the AG and ORMD to provide a key data point, the utility’s default supply rate, to consumers so that consumers may make informed choices about their electric supply service, whatever that choice may be.

The AG states that ICEA claims, with no supporting citation, data, or argument, that ComEd’s proposal “will be at least indirectly inducing customers to consider and purchase service through ComEd’s default rate.” But this is not the standard for a prohibited advertisement. ICEA reads an “indirect” effect into the proposed language to reach the dubious and unsupported conclusion that it somehow has “the purpose of requesting or retaining patronage.” ICEA fails to show how ComEd’s proposal constitutes advertising or marketing as defined by the Commission.

The AG notes that RESA concludes that ComEd’s proposal is promoting, advertising, and marketing simply because a customer might cancel an ARES service after learning ComEd’s default price. Consumers often take action based on relevant information. If consumers cancel an ARES service once they understand their pricing options, then that is simply how a market with symmetrical information functions. RESA similarly fails to show how ComEd’s proposal falls within the Commission’s definition of prohibited advertising or marketing and its objections should be rejected.

The AG states that in deregulating the electric supply market, the General Assembly found the following: “[c]onsumer protections must be in place to ensure that all customers continue to receive safe, reliable, affordable, and environmentally safe electric service,” 220 ILCS 5/16-101A(d); consumers must “receive sufficient information to make informed choices among suppliers and services,” 220 ILCS 5/16-101A(e); and consumers must be “provided with sufficient and reliable information so that they are able to compare and make informed selections of productions and services provided in the electricity market.” 220 ICLS 5/16-117(a). To this end, the Commission’s Rules are clear that an IDC like ComEd is not precluded from “meeting its obligations for consumer education programs as set forth in Section 16-117 of the Act [220 ILCS 5/16-117], or otherwise engaging in legitimate consumer education efforts.” 83 Ill. Adm. Code 452.240(b)(4). Accordingly, the AG argues that not only is ComEd’s proposal not advertising or marketing, ComEd’s proposal constitutes a “legitimate consumer education effort” intended to provide consumers with material information to enable them to make fully informed decisions about their electric service.

The AG strongly supports providing to consumers easily identifiable price information on their monthly bills so that they may use that information to make informed

decisions about cost effective electric supply choices. The AG finds that ComEd's current proposal falls short of providing fulsome price information to its customers; however, in the interest in getting the PTC on consumers' ComEd bills in an expedited manner, the AG does not oppose the content of ComEd's current proposed bill message.

In her September 5, 2018 letter to ComEd, Attorney General Lisa Madigan recommended how ComEd should display price information on customers' electric utility bills so that consumers can see how the supply charge affects their bill. The AG requested that ComEd prominently display in the summary section on the face of each customer's bill the customer's current total supply charge, and the total supply charge had the consumer obtained electric supply from ComEd. The back of the bill, where ComEd currently displays a breakdown of charges, should include a breakdown of the current ARES supply charges, including both the kWh used and the rate (in cents). The AG recommended that the current ComEd PTC should be displayed immediately below or near the customer's current supply charge so that the relevant numbers to compare are clear to the customer. Given that the ComEd residential bill currently has about 14 line items, it is necessary to break out the supply charge and show how it affects a consumer's bill by displaying both the total supply charge under the PTC and the rate in the supply section of the bill. As Attorney General Lisa Madigan requested in her September 5, 2018 letter to ComEd, it is critical for ComEd to configure its customer bills to display the default supply price as described above so that consumers are as fully informed as possible.

The AG requests that the Commission issue a declaratory ruling that the PTC disclosure proposed by ComEd in paragraph 9 of its Petition is not prohibited promotion, advertisement, or marketing and is a "legitimate consumer education effort" within the meaning of 83 Ill. Adm. Code 452.200 and 452.240 and allow ComEd to include its proposal in its bill messages in an expedited fashion. However, the AG further requests that the Commission retain jurisdiction of this matter to consider further PTC disclosures as laid out in Attorney General Lisa Madigan's September 5, 2018 letter to ComEd. While the PTC disclosure proposed by ComEd is a good beginning, the AG urges the Commission to direct ComEd to adopt the price comparison proposal in the September 5, 2018 letter in order to provide consumers with the most valuable and effective price comparison information.

IV. COMMISSION ANALYSIS AND CONCLUSION

ComEd requests the Commission find that its proposed bill language on the utility PTC is considered the type of "legitimate consumer education effort" expressly authorized by the Commission Rules, rather than the type of promotion, advertising, and marketing in which ComEd is not permitted to engage. 83 Ill. Adm. Code 452.240(a), (b)(4). No party disputes the Commission's authority to consider ComEd's Petition. A review of all pleadings indicates that no party disagrees that the ORMD Report urges the utilities to present information about the utility PTC on their bills to further increase the visibility of the PTC to all consumers, whether they receive supply from an ARES or from a utility. It appears only RESA claims that ComEd's proposal violates Section 452.240(a) and does not fall within Section 452.240(b). While RESA objects to ComEd's Petition, it recommends ComEd be granted an immediate waiver of the IDC rules in this proceeding.

The Commission disagrees with RESA that ComEd's proposal violates Section 452.240(a), and also disagrees that it does not fall within subsection (b). No party disputes that ComEd is an IDC. Therefore, Section 452.240 applies to ComEd. The plain language of ComEd's proposed language (and ICEA's suggested modifications) do not promote, advertise, or market supply service, as prohibited by Section 452.240(a). On the contrary, the language is a statement of what the price actually is. Because the bill goes to all residential and commercial customers, the language does not target ARES customers and encourage them to switch back to utility service. Moreover, the Commission finds that subsection (b)(4) applies. The language states ComEd's supply price and directs customers to a Commission-maintained website. The Commission is obligated to provide customers with neutral information regarding price for both utility and ARES service, which it does through its website PlugInIllinois. ComEd's proposal, as recommended in the ORMD report, expressly furthers the goals of Section 16-117 of the Act, specifically:

The Commission shall maintain consumer education information to help residential and small commercial retail customers understand their service options in a competitive electric services market, and their rights and responsibilities.

220 ILCS 5/16-117.

The second issue presented for the Commission's determination is the language ComEd should present in its bills. The Commission notes that ComEd and ICEA support (or do not oppose) ICEA's proposed edits to ComEd's PTC language. Staff prefers ComEd's proposed language as "more effective" than ICEA's proposal but does not oppose it. Both the AG and ELPC support ComEd's proposed language as a temporary measure and suggest continued workshops to potentially improve the PTC message to customers. The Commission agrees that ICEA's language is an acceptable compromise, with one caveat. The Commission agrees with ICEA that moving the sentence: "This price does not include a monthly purchased electricity adjustment factor that may range between +\$0.005 and -\$0.005 per kWh" to the beginning of the disclosure provides more clarity about what the electric price to compare is comprised of. The Commission also agrees that adding the subpage "fixedrate.aspx" to the cite to PlugInIllinois provides clear direction to customers who wish to understand the utility's electric supply price. Moreover, that page also allows customers to pursue other ARES offers and utility programs. Ultimately, this furthers the goal of ensuring that ratepayers understand not only what supply charges they pay to utilities but what they pay to ARES, whether they are current ARES customers or potential customers.

The Commission disagrees, however, with ICEA's rejection of ComEd's proposal that directs customers to PlugInIllinois to see "supplier offers". On the contrary, the purpose of the PlugInIllinois website is to allow customers the opportunity to see the various choices they have in electric supply. Customers may not understand the purpose of being directed to the PlugInIllinois website and it is twofold: both understanding the way current utility bills function and seeing what other options exist from a neutral unbiased source. Therefore, the Commission recommends the following language be added to ComEd's bills:

PRICE TO COMPARE: The ComEd electric supply price to compare is x.xxx cents per kWh. 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 and supplier offers visit <https://www.pluginillinois.org/fixedrate.aspx>. For more information on ComEd bill line items go to ComEd.com/UnderstandBill.

Finally, the Commission agrees with ELPC that there may be ways to improve this language. Specifically, ELPC opines that the reference to the PEA may be misleading or confusing. ELPC also notes that ComEd does not describe where explicitly on the bill this language will be presented. The AG also comments that the ComEd PTC should be displayed immediately below or near the customer's current supply charge so that the relevant numbers to compare are clear to the customer. To that end, the Commission requests the ORMD and the parties to continue workshops to discuss how the language can be improved. The ORMD is directed to file a report to the Commission within 180 days and, should the parties suggest changes to the language described above, ComEd should file a petition in a new docket to litigate the matter.

V. FINDINGS AND ORDERING PARAGRAPHS

The Commission, having reviewed the entire record, is of the opinion and finds that:

- (1) Commonwealth Edison Company is an Illinois corporation engaged in the transmission, sale, and distribution of electricity to the public in Illinois, and is a public utility as defined in Section 3-105 of the Public Utilities Act;
- (2) the Commission has jurisdiction over Commonwealth Edison Company and the subject matter of this proceeding;
- (3) the recitals of fact and conclusions reached in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact;
- (4) the ORMD is directed to file a report to the Commission within 180 days and, should the parties suggest changes to the language described above, Commonwealth Edison Company should file a petition in a new docket to litigate the matter; and
- (5) Commonwealth Edison Company's Petition should be granted and Commonwealth Edison Company should be granted leave to include PTC information on customer bills as discussed herein.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the Verified Petition for Declaratory Ruling is granted and Commonwealth Edison Company is granted leave to include Price to Compare information on customer bills as discussed herein.

IT IS FURTHER ORDERED that the Illinois Commerce Commission's Office of Retail Market Development is directed to file a report to the Commission within 180 days

and, should the parties suggest changes to the language described above, Commonwealth Edison Company should file a petition in a new docket to litigate the matter.

IT IS FURTHER ORDERED that the parties shall comply with all applicable Commission rules and orders now and as hereafter amended.

IT IS FURTHER ORDERED that pursuant to Section 10-113(a) of the Public Utilities Act and 83 Ill. Adm. Code 200.880, any application for rehearing shall be filed within 30 days after service of the Order on the party.

IT IS FURTHER ORDERED that, subject to the provisions of Section 10-113 of the Public Utilities Act and 83 Ill. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

By Order of the Commission this 4th day of December, 2018.

(SIGNED) BRIEN SHEAHAN
Chairman