

# REPORT OF COMMUNICATIONS WITH THE ILLINOIS POWER AGENCY

This form must be completed and submitted to the Illinois Procurement Policy Board within 30 days for each communication report required by 30 ILCS 500/50-39. Submit reports to:

PROCUREMENT POLICY BOARD  
511 W. CAPITOL AVENUE, SUITE 102  
SPRINGFIELD, IL 62704



Or you may send a signed, scanned copy via email with "IPA Communication Report" in the Subject line to: [ppb@illinois.gov](mailto:ppb@illinois.gov)

Date of Communication: 12/27/2012 Time of Communication: 1:30 pm

**Type of Communication:**

- Telephone
- In Person
- Electronic (Email, Fax, Etc.) – Attach A Complete Copy of the Entire Communication String
- Written – Attach Copy
- Other

**Initiator:**

Initiator of Communication: Kyle Barry  
Representing: FutureGen Industrial Alliance, Inc.  
Location: Springfield IL  
Email Address (if communication was via email): [kbarry@mwcllc.com](mailto:kbarry@mwcllc.com)  
Telephone Number (if telephonic): (217) 527-1282  
Is this person a Lobbyist required to register under the Lobbyist Registration Act:  Yes  No  
Duration of Call or In-Person Communication: 20 minutes

**Recipient(s):** (If there are additional persons involved in the communication, attach an additional sheet that lists the other participants' names, job titles, which entity they represent, email address and/or telephone number, if applicable)

Recipient One Name: see attached addendum  
Recipient Title:  
Representing:  
Location:  
Email Address (if communication was via email):  
Telephone Number (if telephonic):

Recipient Two Name:  
Recipient Title:  
Representing:  
Location:  
Email Address (if communication was via email):  
Telephone Number (if telephonic):

Recipient Three Name:  
Recipient Title:  
Representing:  
Location:  
Email Address (if communication was via email):  
Telephone Number (if telephonic):

If any of these additional participants are lobbyists required to register under the Lobbyist Registration Act, they must submit a written report to be submitted with this communications report to the Procurement Policy Board that memorializes the communication that includes, but is not limited to (i) the date and time of each communication; (ii) the identity of each person from whom the written or oral communication was received, the individual or entity represented by that person, and any action the person requested or recommended; (iii) the identity and job title of the person to whom each communication was made; (iv) if a response is made, the identity and job title of the person making each response; (v) a detailed summary of the points made by each person involved in the communication; (vi) the duration of the communication; (vii) the location or locations of all persons involved in the communication and, if the communication occurred by telephone, the telephone numbers for the callers and recipients of the communication; and (viii) any other pertinent information.

**Communication Details:**

Provide a detailed summary of the points made by each person involved in the communication:  
see attached addendum

Was a response made? If so, complete the following for each person making the response *(attach an additional sheet that lists the other respondents' names, job titles, which entity they represent, email address and/or telephone number, if applicable)*:

Respondent Name: see attached addendum

Respondent Title:

Location:

Telephone Number (if telephonic):

Provide a detailed summary of the response:  
see attached addendum

Other pertinent information:

  
\_\_\_\_\_  
SIGNATURE

Jan. 28, 2013  
\_\_\_\_\_  
DATE

**Addendum to Communications Report with Illinois Power Agency for December 27,  
2012 Teleconference**

On December 27, 2012, Arlene Juracek, Acting Director, and Michael Strong, Chief Counsel for the Illinois Power Agency, participated in a conference call with representatives of the FutureGen Industrial Alliance.

**Teleconference Participants:**

<b>Name</b>	<b>Employer</b>	<b>Party represented</b>
Arlene Juracek	Acting Director, Illinois Power Agency	Illinois Power Agency
Michael Strong	Chief Counsel, Illinois Power Agency	Illinois Power Agency
Kyle Barry	McGuireWoods	FutureGen Industrial Alliance
Paul Champagne	Acting Project Director, FutureGen Industrial Alliance, Inc., and President, PKM Energy Consulting, LLC	FutureGen Industrial Alliance
John Buchovecky	Van Ness Feldman	FutureGen Industrial Alliance

**Summary of Substantive Content of Communication:**

The participants discussed the following substantive matters/issues during the meeting:

- Mr. Champagne thanked the IPA for its assistance and participation regarding the inclusion of the FutureGen sourcing agreement in the IPA's procurement plan.
- Director Juracek stated that benchmarks will be an important open issue to address in the Phase 2 proceeding, especially the annual benchmarks. Director Juracek indicated that although Levitan prepared an initial benchmark for the project, it was not clear how annual, ongoing benchmarks will work. She said that the issue about how the annual benchmarks will work needs to be teed up for Phase 2.
- Mr. Champagne stated that the issue of establishing annual benchmarks is a tricky issue because the initial benchmark was confidential, but there will need to be some transparency for annual benchmarks to discuss them with lenders. He said that lenders will want to know what those benchmarks are, so he said there may be a need to differentiate the annual benchmarks from the initial benchmark.

- Mr. Barry stated that it was his understanding that the Commission would likely open up a Phase 2 proceeding at the next Commission bench session, which was scheduled for January 9, 2013.
- Mr. Barry discussed the potential open issues for the Phase 2 proceeding as identified in the Commission's Final Order. Mr. Barry stated that whether contract requirements enumerated in the IPA Act for clean coal facilities would be an open issue might be up in the air given the language of the Commission's Final Order.
- Mr. Strong advised that in previous proceedings, other parties had filed motions in limine to restrict the issues considered. He said the Alliance might want to consider doing the same to emphasize respect for what is in the Commission's Final Order.
- Mr. Strong advised that feedback he had received from FutureGen opponents on the Final Order was that the Final Order was step one and that they were considering other options.
- Mr. Barry stated that the opponents would likely file requests for rehearing to preserve their options and issues for later appeal, if nothing else.
- Mr. Strong stated that Illinois utilities were historically not very pleased with serving as a billing agent for all Illinois customers. Mr. Strong asked whether the Alliance had reached out to the utilities to discuss the easiest way to implement the sourcing agreement.
- Mr. Champagne advised that the Alliance had talked about the issue with the utilities previously, and that the Alliance would reach out to discuss it further.
- Director Juracek asked whether the Commission's Final Order had proven helpful with the U.S. Department of Energy. Mr. Champagne stated that the Final Order had proven very helpful. He referenced a press release by U.S. Senator Dick Durbin on the Final Order. Mr. Champagne expressed hope that the U.S. Department of Energy would soon render a decision approving the project to allow it to move into its next phase (Phase 2).