

# 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: 3/22/2013

Time of Communication: 4:12 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:

Thomas J Russell

Representing:

ComEd

Location:

10 S. Dearborn St., Chicago, IL 60603

Email Address (if communication was via email)

thomas.russell@exelon.corp.com

Telephone Number (if telephonic):

Is this person a Lobbyist required to register under the Lobbyist Registration Act

Duration of Call or In-Person Communication:  
 Yes  No

**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:

Anthony Star; Michael Strong

Recipient Title:

Representing:

IPA

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:

Steven Lesniak

Recipient Title:

Representing:

ComEd

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:  
Inquiry as to the IPA's review of previous e-mail and attached info.



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:

Same

Respondent Title:

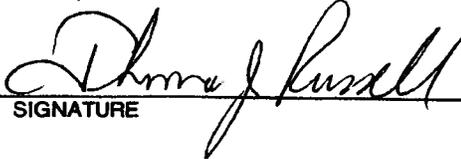
Location:

Telephone Number (if telephonic):

Provide a detailed summary of the response:

See attached e-mail chain.

Other pertinent information:

  
SIGNATURE

  
DATE



## **Grier, Adrienne C:(ComEd)**

---

**From:** Russell, Thomas J.:(BSC)  
**Sent:** Friday, March 22, 2013 1:15 PM  
**To:** Star, Anthony  
**Cc:** Lesniak, Stephen L.:(ComEd)  
**Subject:** RE:

This looks good to me.

---

**From:** Star, Anthony [mailto:Anthony.Star@Illinois.gov]  
**Sent:** Friday, March 22, 2013 1:08 PM  
**To:** Russell, Thomas J.:(BSC)  
**Cc:** Lesniak, Stephen L.:(ComEd)  
**Subject:** RE:

Thanks. I'll use BCC when I email it out just to be safe.

Below is the draft text for the workshop notice. Can you let me know if it looks ok. I wanted to make sure there is distinction between the scope of the workshop (ARES ACP funds) and the hourly ACP purchases which are on the path you've outlined earlier. Please let me know if I've described things correctly or if you would like me to make changes.

-Anthony

### Background

In the December 19, 2012 ICC Final Order in Docket No. 12-0544, the 2013 IPA Procurement Plan, the ICC approved the option for ComEd and Ameren to curtail their long-term renewable purchases that were procured in 2010, subject to a number of terms and conditions. ComEd now intends to curtail their purchases, while Ameren is not planning any curtailments for the upcoming delivery year.

It is the understanding of the IPA that ComEd will provide a number of options to affected suppliers including the use of hourly ACP funds that have been collected by ComEd to purchase RECs from the curtailed contracts. ComEd's hourly ACP funds are not expected to be enough to purchase all the affected RECs.

The IPA would like to receive input from interested parties on a number of issues related to the implementation of its plan to use ACP funds collected from Alternative Retail Electric Suppliers to buy the remaining RECS from the curtailed purchases. These funds are held by the IPA and are not subject to ICC jurisdiction as are the hourly ACP funds discussed above. The workshop will provide a public forum to begin this discussion, and the IPA will subsequently invite written comments for posting on its website and will hold additional workshops if necessary.

### Tentative Agenda

1. REC price to be used
2. Form of contract and other documentation
3. Timing of purchases
4. Other issues

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**From:** [Thomas.Russell@exeloncorp.com](mailto:Thomas.Russell@exeloncorp.com) [mailto:Thomas.Russell@exeloncorp.com]  
**Sent:** Friday, March 22, 2013 1:05 PM  
**To:** Star, Anthony

**Cc:** [stephen.lesniak@ComEd.com](mailto:stephen.lesniak@ComEd.com)

**Subject:** RE:

Attached is the supplier contact info that we have. This is probably confidential info so it should not be shared outside IPA, ICC and us. Thanks

---

**From:** Star, Anthony [<mailto:Anthony.Star@Illinois.gov>]

**Sent:** Thursday, March 21, 2013 11:42 AM

**To:** Russell, Thomas J.:(BSC)

**Cc:** Lesniak, Stephen L.:(ComEd)

**Subject:** RE:

We are planning on sending out our meeting notice to the service list from the IPA procurement docket, but I'm not positive that all the effected suppliers would be on that list. Do you have up to date contact information for all of them?

I've traded email regarding the meeting with Sean Brady who has reached out to the suppliers that are members of Wind on the Wires. It seems that all of them are except TianRun Shady Oaks.

Thanks

-Anthony

---

**From:** [Thomas.Russell@exeloncorp.com](mailto:Thomas.Russell@exeloncorp.com) [<mailto:Thomas.Russell@exeloncorp.com>]

**Sent:** Wednesday, March 20, 2013 2:50 PM

**To:** [Thomas.Russell@exeloncorp.com](mailto:Thomas.Russell@exeloncorp.com); Star, Anthony

**Cc:** [stephen.lesniak@ComEd.com](mailto:stephen.lesniak@ComEd.com)

**Subject:** RE:

Oops. I have been informed that my e-mail below is incorrect and that in fact the curtailment amount is only the REC portion. Sorry for the miscommunication.

Also, April 3 for the workshop is fine with us.

---

**From:** Russell, Thomas J.:(BSC)

**Sent:** Wednesday, March 20, 2013 2:39 PM

**To:** 'Star, Anthony'

**Cc:** Lesniak, Stephen L.:(ComEd)

**Subject:** RE:

We estimate that we will be collecting about \$4 million in ACP funds for the June 2012 through May 2013 period. Also, keep in mind that there is a difference in the two numbers. The curtailment amount is the cost of the bundled energy and REC product, whereas we are only buying back the REC at its imputed cost.

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**From:** Star, Anthony [<mailto:Anthony.Star@Illinois.gov>]

**Sent:** Wednesday, March 20, 2013 11:45 AM

**To:** Russell, Thomas J.:(BSC)

**Cc:** Lesniak, Stephen L.:(ComEd)

**Subject:** RE:

Thanks.

Does this sound right?

ComEd is reducing the contracts by \$4.2 million. According to the comments on the procurement plan you have about \$1.7 million in hourly ACP you can use. That leaves about \$2.5 million that the IPA needs to look at picking up (assuming we use the same REC price.) Ameren won't be curtailing this year, so with our \$8 million appropriation from the RERF, we have sufficient funds.

For next year you are reducing \$6.6 million, so the amount the IPA would need to pick up would be \$6.6 million minus whatever you collect in hourly ACPs over the next year? We are having our appropriations hearings soon so we need to paint a bit of a picture of what is ahead for us.

Also, we are looking at the morning of April 3<sup>rd</sup> to hold a workshop on the IPA's role and process for purchasing curtailed RECs. Would that time/date work for you?

-Anthony

---

**From:** [Thomas.Russell@exeloncorp.com](mailto:Thomas.Russell@exeloncorp.com) [<mailto:Thomas.Russell@exeloncorp.com>]  
**Sent:** Wednesday, March 20, 2013 10:54 AM  
**To:** Star, Anthony  
**Cc:** [stephen.lesniak@ComEd.com](mailto:stephen.lesniak@ComEd.com)  
**Subject:** RE:

Anthony,

Below is a table from the Excel spreadsheet we provided on Friday, entitled Forecast March 2013 Update Tables. Click on the tab in the lower left called Appendix E. You will find this table there. It is the forecasted curtailments for the 5-year period June 2013 through May 2018. You will see we are forecasting a significant increase in curtailments for next year to 28.3%.

Planning Year	Contract Quantity REC Cost (\$)	Planning Year RPS Budget (\$)	LT Renewables Contract Quantity REC Cost Reduction (\$)	LT Renewables Contract Quantity REC Cost (\$)	LT Renewables Quantity Reduction (%)
2013-14	24,139,243	19,970,878	4,168,365	22,366,000	18.6%
2014-15	24,269,174	17,700,503	6,568,672	23,189,000	28.3%
2015-16	23,156,402	16,933,934	6,222,468	22,613,000	27.5%
2016-17	23,479,909	16,626,968	6,852,941	22,676,000	30.2%
2017-18	23,772,628	16,501,696	7,270,932	23,139,000	31.4%

We are working on the amount of ACP funds available for next year and will get back to you as soon as possible on that.

---

**From:** Star, Anthony [<mailto:Anthony.Star@Illinois.gov>]  
**Sent:** Tuesday, March 19, 2013 11:52 AM  
**To:** Russell, Thomas J.:(BSC)  
**Subject:** RE:

Tom,

This is getting a bit ahead of the issue currently at hand, but I'm currently looking at some budgeting issues that go out a year.

Assuming this all moves forward and you spend the amount listed from Hourly ACPs, what will happen next year if this process continues as is with no significant changes? Do you have any rough sense of what the level of curtailment would be and what Hourly ACP balance would be?

We are trying to figure out some sense of what we might need to plan for in terms of use of the RERF to pick up the balance next year. I suspect you may not have enough data at this time to be able to give me an answer, but if you have any thoughts on this I'd really appreciate it.

Thanks.

-Anthony

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**From:** [Thomas.Russell@exeloncorp.com](mailto:Thomas.Russell@exeloncorp.com) [<mailto:Thomas.Russell@exeloncorp.com>]  
**Sent:** Monday, March 18, 2013 3:27 PM  
**To:** [rzuraski@icc.illinois.gov](mailto:rzuraski@icc.illinois.gov); Feeley, John; Star, Anthony; Strong, Michael; [HKelly@KelleyDrye.com](mailto:HKelly@KelleyDrye.com)  
**Cc:** [william.mcneil@ComEd.com](mailto:william.mcneil@ComEd.com); [stephen.lesniak@ComEd.com](mailto:stephen.lesniak@ComEd.com); [glenn.rippie@r3law.com](mailto:glenn.rippie@r3law.com); [Carmen.Fosco@R3Law.com](mailto:Carmen.Fosco@R3Law.com); [Caitlin.Shields@R3Law.com](mailto:Caitlin.Shields@R3Law.com)  
**Subject:** RE:

All,

Attached please find a spreadsheet showing: 1) the Annual Contract Quantities and Applicable Percentages under each of the long-term renewable agreements with each supplier; 2) the revised Annual Contract Quantities and Applicable Percentages for each agreement determined in accordance with March 2013 Load Forecast update that we submitted to you on March 15, 2013; and 3) the quantity and price for RECs that can be procured from each long-term renewable supplier with the available alternative compliance payment funds that ComEd has available as described in the IPA's Procurement Plan and in the Order of December 19, 2012 in Docket No. 12-0544 (pp. 111-5).

While neither the Procurement Plan nor the ICC Order require your written acceptance of the attached information, we would appreciate receiving such from you, or if you could at least let us know of any issues, concerns or questions that you have relating to the attached information. It is currently our intent to include the individual supplier information in the notice that we are contractually required to provide to each supplier.

We are revising the agreement used in the most recent REC procurement for use for purchase of these RECs. We should be able to have a copy of that draft to you by mid-week. If we able to get consensus on the agreement in time, we would propose to send it out with notice to the suppliers. Otherwise, we will simply note that we will provide the suppliers with a copy of the agreement once we reach a consensus with you.

If you have any questions or concerns, please let us know.

---

**From:** Russell, Thomas J.:(BSC)  
**Sent:** Friday, March 15, 2013 1:04 PM  
**To:** [rzuraski@icc.illinois.gov](mailto:rzuraski@icc.illinois.gov); Feeley, John; [anthony.star@illinois.gov](mailto:anthony.star@illinois.gov); Strong, Michael; Kelly, Henry T.  
**Cc:** McNeil, William P:(ComEd); Lesniak, Stephen L.:(ComEd); Rippie, Glenn E.; 'Carmen Fosco'; 'Caitlin M. Shields'  
**Subject:**

All,

Pursuant to the Commission's Order of December 19, 2012 in Docket No. 12-0544 (p. 110), attached please find the following documents:

- "Forecast March 2013 Update Tables.xlsx" – This is ComEd's March 2013 load forecast update. In addition, as provided for in the Illinois Power Agency's 2013 Electricity Procurement Plan (Final Plan, pp. 87-8), this document includes updated tables showing the overall amount of the necessary reductions in purchases under the long-term renewable contracts necessary to keep the purchase of renewables under the statutory cap, as well as a determination of the percentage amount that each long-term contract will need to be reduced.
- "Forecast Mar-13 Summary of Changes.doc" – This is a short memo describing the major changes since the November 2012 forecast update.
- "Forecast Mar 13 Muni Agg Community List (2).xlsx" – This is a list of the municipalities, counties and townships that have municipal aggregation referendums on the upcoming April 2013 general election ballot.
- "Forecast Mar 13 ProcurementBlocks2012 PY2013-PY2017 March 2013 Update (3).xlsx" – These are workpapers supporting the updated forecast.

These documents are also being distributed to all parties in the 12-0544 proceeding.

Please provide your written acceptance of this forecast and the curtailments. A response to this e-mail would be sufficient. Once we have that response, we will notify each supplier as to the amount that supplier's contract will be curtailed. The suppliers will have 30 days to notify ComEd as to their choice of one of 3 options specified in the contracts. The curtailments will take effect June 1, 2013.

If there are any questions you have or additional information that you would like, please let us know. We would appreciate your prompt attention to this matter so that we may meet the tight timeline outlined above.

Thank you.

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## **Grier, Adrienne C:(ComEd)**

---

**From:** Russell, Thomas J.:(BSC)  
**Sent:** Friday, March 22, 2013 4:12 PM  
**To:** Star, Anthony; 'Strong, Michael'  
**Cc:** Lesniak, Stephen L.:(ComEd)  
**Subject:** FW: ComEd forecast update, LR renewable curtailment, new REC purchases and contract docs

Anthony and Michael,

We received staff's written acceptance of our forecast today. We were wondering if you had any further questions we could help answer, or when you think we might be expecting a response from the IPA. Besides the notice we need to send to the suppliers, we also need to submit to the ICC our revised Retail Purchased Energy Charges based on these curtailments, which the ICC directed us to submit as soon as practical after providing our updated forecast. Thanks for your assistance.

---

**From:** Zuraski, Richard [mailto:rzuraski@icc.illinois.gov]  
**Sent:** Friday, March 22, 2013 2:55 PM  
**To:** Russell, Thomas J.:(BSC)  
**Cc:** McNeil, William P:(ComEd); Lesniak, Stephen L.:(ComEd); Rippie, Glenn E.; @ Fosco, Carmen; @ Shields, Caitlin; Feeley, John; @ Star, Anthony; @ Strong, Michael R; @ Kelly, Henry; Andrew Gisselquist (agisselquist@bostonpacific.com); Katherine Gottshall; Kennedy, Tom; Phipps, Rochelle  
**Subject:** ComEd forecast update, LR renewable curtailment, new REC purchases and contract docs

Tom,

With respect to ComEd's revised March 2013 load forecast, LR renewable contract curtailment quantities, and the quantities and prices for RECs to be procured with the available alternative compliance payment funds, Staff has no issues.

Staff does not think it is necessary, at the present time, to resolve the issue of whether curtailments in *later* years should be based on the original contract quantity maximums or whatever contract quantity maximums prevail at the time of the later curtailments. However, if it *is* resolved, now, then the process needs to be described to suppliers. If it is *not* resolved now, then suppliers should be told that the issue is unresolved. Will ComEd be doing that? Finally, Boston Pacific has put together a spreadsheet that illustrates one way to implement curtailments based on the original contract quantity maximums. Perhaps they would share it with the group, at some point prior to any further discussion on the topic.

With respect to the draft contract documents:

- Unless ComEd has a good reason for dropping them, Staff has a strong preference for retaining collateral requirements and minimum delivery obligations. The thinking here is that the original prices (and hence the new REC-only prices) presumably include a premium for these requirements and obligations.
- In addition, Boston Pacific brought to our attention the following two edits for your consideration:
  - p. 3 - do not delete "Delivery Date". This term is used in the Confirmation
  - Exhibit B – needs to be edited to match the new revised Confirmation

Thank you for your attention.

Richard J. Zuraski  
Phone: 217-785-4150  
[rzuraski@icc.illinois.gov](mailto:rzuraski@icc.illinois.gov)

---

**From:** @ Russell, Thomas  
**Sent:** Wednesday, March 20, 2013 2:01 PM  
**To:** @ Russell, Thomas; Zuraski, Richard; Feeley, John; @ Star, Anthony; @ Strong, Michael R; @ Kelly, Henry  
**Cc:** [william.mcneil@ComEd.com](mailto:william.mcneil@ComEd.com); [stephen.lesniak@ComEd.com](mailto:stephen.lesniak@ComEd.com); @ Rippie, Glenn; @ Fosco, Carmen; @ Shields, Caitlin  
**Subject:** RE: REC Contracts

All,

Attached please find the draft contract documents for the purchase of the RECs associated with the curtailed purchases under the long-term renewable agreements. As indicated in the Commission's Order, we started with the contracts used for the 2012 annual REC procurement and made only such changes as were necessary to implement this program. The only documents to which substantive changes were made are the Confirmation and the Cover Sheet. Changes to the other documents consisted solely of removing the header indicating the posting date. Also, please note that while we have provided a complete set of the relevant documents, we do not believe that it will be necessary to send all of them to the suppliers as we are not proposing to impose any collateral requirements. Thus, the collateral annex, Par. 10, the letter of credit documents and the guarantor documents would not be necessary if you agree with our proposal. All that would be necessary would be the Master Agreement, the Cover Sheet and the Confirmation.

We made revisions to allow the suppliers to provide the RECs at any time during the June 2013 through May 2014 period (as indicated in the Commission's Order); to make this a unit specific REC purchase, since the purpose is to procure the curtailed RECs; to eliminate any collateral requirements; and to require separate delivery of the RECs so we are able to track them accurately. We also have not imposed any minimum delivery obligations on the suppliers and will just pay them for what they deliver, and roll over any resulting ACP funds to next year if any supplier does not deliver its maximum allowed quantity.

If you have any questions, let us know. We will forward to the suppliers once we hear back from you that you are ok with the documents.

---

**From:** Russell, Thomas J.:(BSC)  
**Sent:** Monday, March 18, 2013 3:27 PM  
**To:** 'rzuraski@icc.illinois.gov'; 'Feeley, John'; 'anthony.star@illinois.gov'; 'Strong, Michael'; 'Kelly, Henry T.'  
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## Grier, Adrienne C:(ComEd)

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**Subject:** ComEd forecast update, LR renewable curtailment, new REC purchases and contract docs

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  - Exhibit B – needs to be edited to match the new revised Confirmation

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Richard J. Zuraski  
Phone: 217-785-4150  
rzuraski@icc.illinois.gov

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**From:** @ Russell, Thomas  
**Sent:** Wednesday, March 20, 2013 2:01 PM  
**To:** @ Russell, Thomas; Zuraski, Richard; Feeley, John; @ Star, Anthony; @ Strong, Michael R; @ Kelly, Henry  
**Cc:** william.mcneil@ComEd.com; stephen.lesniak@ComEd.com; @ Rippie, Glenn; @ Fosco, Carmen; @ Shields, Caitlin  
**Subject:** RE: REC Contracts

All,

Attached please find the draft contract documents for the purchase of the RECs associated with the curtailed purchases under the long-term renewable agreements. As indicated in the Commission's Order, we started with the contracts used for the 2012 annual REC procurement and made only such changes as were necessary to implement this program.

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If you have any questions, let us know. We will forward to the suppliers once we hear back from you that you are ok with the documents.

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**From:** Russell, Thomas J.:(BSC)  
**Sent:** Monday, March 18, 2013 3:27 PM  
**To:** 'rzuraski@icc.illinois.gov'; 'Feeley, John'; 'anthony.star@illinois.gov'; 'Strong, Michael'; 'Kelly, Henry T.'  
**Cc:** McNeil, William P:(ComEd); Lesniak, Stephen L.:(ComEd); Rippie, Glenn E.; 'Carmen Fosco'; 'Caitlin M. Shields'  
**Subject:** RE:

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## **Grier, Adrienne C:(ComEd)**

---

**From:** Zuraski, Richard [rzuraski@icc.illinois.gov]  
**Sent:** Tuesday, March 26, 2013 11:32 AM  
**To:** Lesniak, Stephen L.:(ComEd)  
**Cc:** McNeil, William P.:(ComEd); Rippie, Glenn E.; @ Fosco, Carmen; @ Shields, Caitlin; Feeley, John; @ Star, Anthony; @ Strong, Michael R; @ Kelly, Henry; Andrew Gisselquist (agisselquist@bostonpacific.com); Katherine Gottshall; Kennedy, Tom; Phipps, Rochelle; Russell, Thomas J.:(BSC)  
**Subject:** RE: ComEd forecast update, LR renewable curtailment, new REC purchases and contract docs

Steve,

Thank you for your call last Friday concerning the issue of collateral requirements and minimum delivery obligations that I brought up in my Friday email (below).

After further discussion on our end, Staff is now amenable to your proposal to eliminate those requirements and obligations in the new REC contracts, as long as we all understand that this decision is limited to this particular instance. That is, we would like to reassess the situation every year. Can you please confirm that, as far as ComEd is concerned, we are setting a precedent?

Richard J. Zuraski  
Phone: 217-785-4150  
rzuraski@icc.illinois.gov

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**Sent:** Friday, March 22, 2013 2:55 PM  
**To:** @ Russell, Thomas  
**Cc:** william.mcneil@ComEd.com; stephen.lesniak@ComEd.com; @ Rippie, Glenn; @ Fosco, Carmen; @ Shields, Caitlin; Feeley, John; @ Star, Anthony; @ Strong, Michael R; @ Kelly, Henry; Andrew Gisselquist (agisselquist@bostonpacific.com); 'Katherine Gottshall'; Kennedy, Tom; Phipps, Rochelle  
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Tom,

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Staff does not think it is necessary, at the present time, to resolve the issue of whether curtailments in **later** years should be based on the original contract quantity maximums or whatever contract quantity maximums prevail at the time of the later curtailments. However, if it **is** resolved, now, then the process needs to be described to suppliers. If it is **not** resolved now, then suppliers should be told that the issue is unresolved. Will ComEd be doing that? Finally, Boston Pacific has put together a spreadsheet that illustrates one way to implement curtailments based on the original contract quantity maximums. Perhaps they would share it with the group, at some point prior to any further discussion on the topic.

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(and hence the new REC-only prices) presumably include a premium for these requirements and obligations.

- In addition, Boston Pacific brought to our attention the following two edits for your consideration:
  - p. 3 - do not delete "Delivery Date". This term is used in the Confirmation
  - Exhibit B – needs to be edited to match the new revised Confirmation

Thank you for your attention.

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**Grier, Adrienne C:(ComEd)**

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**From:** Zuraski, Richard [rzuraski@icc.illinois.gov]  
**Sent:** Tuesday, March 26, 2013 11:36 AM  
**To:** Lesniak, Stephen L.:(ComEd)  
**Cc:** McNeil, William P.:(ComEd); Rippie, Glenn E.; @ Fosco, Carmen; @ Shields, Caitlin; Feeley, John; @ Star, Anthony; @ Strong, Michael R; @ Kelly, Henry; Andrew Gisselquist (agisselquist@bostonpacific.com); Katherine Gottshall; Kennedy, Tom; Phipps, Rochelle; Russell, Thomas J.:(BSC)  
**Subject:** RE: ComEd forecast update, LR renewable curtailment, new REC purchases and contract docs

**See correction below.**

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**From:** Zuraski, Richard  
**Sent:** Tuesday, March 26, 2013 11:32 AM  
**To:** 'stephen.lesniak@ComEd.com'  
**Cc:** 'william.mcneil@ComEd.com'; @ Rippie, Glenn; @ Fosco, Carmen; @ Shields, Caitlin; Feeley, John; @ Star, Anthony; @ Strong, Michael R; @ Kelly, Henry; Andrew Gisselquist (agisselquist@bostonpacific.com); 'Katherine Gottshall'; Kennedy, Tom; Phipps, Rochelle; @ Russell, Thomas  
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## **Grier, Adrienne C:(ComEd)**

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**From:** Zuraski, Richard [rzuraski@icc.illinois.gov]  
**Sent:** Thursday, March 28, 2013 1:49 PM  
**To:** Russell, Thomas J.:(BSC); McNeil, William P:(ComEd); Lesniak, Stephen L.:(ComEd)  
**Cc:** Rippie, Glenn E.; @ Fosco, Carmen; @ Shields, Caitlin; Feeley, John; @ Star, Anthony; @ Strong, Michael R; @ Kelly, Henry; agisselquist@bostonpacific.com; kgottshall@bostonpacific.com; Kennedy, Tom; Phipps, Rochelle  
**Subject:** RE: ComEd forecast update, LR renewable curtailment, new REC purchases and contract docs

Thank you for the confirmation on the bullet-point issues. Also, thanks for your explanation of the Delivery Date issue. We accept the explanation.

---

**From:** @ Russell, Thomas  
**Sent:** Thursday, March 28, 2013 1:25 PM  
**To:** william.mcneil@ComEd.com; stephen.lesniak@ComEd.com  
**Cc:** Zuraski, Richard; @ Rippie, Glenn; @ Fosco, Carmen; @ Shields, Caitlin; Feeley, John; @ Star, Anthony; @ Strong, Michael R; @ Kelly, Henry; agisselquist@bostonpacific.com; kgottshall@bostonpacific.com; Kennedy, Tom; Phipps, Rochelle  
**Subject:** RE: ComEd forecast update, LR renewable curtailment, new REC purchases and contract docs

Richard,

As for the other points you raise:

- ComEd will include in its notice to suppliers a statement that the determination of curtailments in future years for those suppliers electing a permanent reduction is unresolved at this point.
- ComEd will revise Ex. B to track the actual Confirmation more closely.

As to the Delivery Date issue, ComEd is proposing to delete the revision to the definition of Delivery Date that is in the Cover Sheet. With this deletion, the original definition of Delivery Date within the Master Agreement would govern, which is more appropriate for this procurement. So, we would propose to retain that deletion.

Thanks for your comments. If you have any additional ones, let us know.

---

**From:** McNeil, William P:(ComEd)  
**Sent:** Tuesday, March 26, 2013 1:49 PM  
**To:** Lesniak, Stephen L.:(ComEd)  
**Cc:** Richard Zuraski; Rippie, Glenn E.; @ Fosco, Carmen; @ Shields, Caitlin; Feeley, John; @ Star, Anthony; @ Strong, Michael R; @ Kelly, Henry; agisselquist@bostonpacific.com; Katherine Gottshall; Kennedy, Tom; Phipps, Rochelle; Russell, Thomas J.:(BSC)  
**Subject:** Re: ComEd forecast update, LR renewable curtailment, new REC purchases and contract docs

Richard,

ComEd agrees this is unique to this one situation and does not set a precedent.

Bill

*Sent from my Verizon Wireless 4G LTE DROID*

"Lesniak, Stephen L.:(ComEd)" <[stephen.lesniak@ComEd.com](mailto:stephen.lesniak@ComEd.com)> wrote:

Richard:

Thank you. This approach makes sense.

Steve

Stephen L. Lesniak

Director, ComEd Energy Acquisition

(630) 684-3567

[stephen.lesniak@comed.com](mailto:stephen.lesniak@comed.com)

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**Sent:** Tuesday, March 26, 2013 11:36 AM

**To:** Lesniak, Stephen L.:(ComEd)

**Cc:** McNeil, William P:(ComEd); Rippie, Glenn E.; @ Fosco, Carmen; @ Shields, Caitlin; Feeley, John; @ Star, Anthony; @ Strong, Michael R; @ Kelly, Henry; Andrew Gisselquist ([agisselquist@bostonpacific.com](mailto:agisselquist@bostonpacific.com)); Katherine Gottshall; Kennedy, Tom; Phipps, Rochelle; Russell, Thomas J.:(BSC)

**Subject:** RE: ComEd forecast update, LR renewable curtailment, new REC purchases and contract docs

**See correction below.**

---

**From:** Zuraski, Richard

**Sent:** Tuesday, March 26, 2013 11:32 AM

**To:** 'stephen.lesniak@ComEd.com'

**Cc:** 'william.mcneil@ComEd.com'; @ Rippie, Glenn; @ Fosco, Carmen; @ Shields, Caitlin; Feeley, John; @ Star, Anthony; @ Strong, Michael R; @ Kelly, Henry; Andrew Gisselquist ([agisselquist@bostonpacific.com](mailto:agisselquist@bostonpacific.com)); 'Katherine Gottshall'; Kennedy, Tom; Phipps, Rochelle; @ Russell, Thomas

**Subject:** RE: ComEd forecast update, LR renewable curtailment, new REC purchases and contract docs

Steve,

Thank you for your call last Friday concerning the issue of collateral requirements and minimum delivery obligations that I brought up in my Friday email (below).

After further discussion on our end, Staff is now amenable to your proposal to eliminate those requirements and obligations in the new REC contracts, as long as we all understand that this decision is limited to this particular instance. That is, we would like to reassess the situation every year. Can you please confirm that, as far as ComEd is concerned, we are **NOT** setting a precedent?

Richard J. Zuraski  
Phone: 217-785-4150  
[rzuraski@icc.illinois.gov](mailto:rzuraski@icc.illinois.gov)

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**From:** Zuraski, Richard  
**Sent:** Friday, March 22, 2013 2:55 PM  
**To:** @ Russell, Thomas  
**Cc:** [william.mcneil@ComEd.com](mailto:william.mcneil@ComEd.com); [stephen.lesniak@ComEd.com](mailto:stephen.lesniak@ComEd.com); @ Rippie, Glenn; @ Fosco, Carmen; @ Shields, Caitlin; Feeley, John; @ Star, Anthony; @ Strong, Michael R; @ Kelly, Henry; Andrew Gisselquist ([agisselquist@bostonpacific.com](mailto:agisselquist@bostonpacific.com)); 'Katherine Gottshall'; Kennedy, Tom; Phipps, Rochelle  
**Subject:** ComEd forecast update, LR renewable curtailment, new REC purchases and contract docs

Tom,

With respect to ComEd's revised March 2013 load forecast, LR renewable contract curtailment quantities, and the quantities and prices for RECs to be procured with the available alternative compliance payment funds, Staff has no issues.

Staff does not think it is necessary, at the present time, to resolve the issue of whether curtailments in **later** years should be based on the original contract quantity maximums or whatever contract quantity maximums prevail at the time of the later curtailments. However, if it **is** resolved, now, then the process needs to be described to suppliers. If it is **not** resolved now, then suppliers should be told that the issue is unresolved. Will ComEd be doing that? Finally, Boston Pacific has put together a spreadsheet that illustrates one way to implement curtailments based on the original contract quantity maximums. Perhaps they would share it with the group, at some point prior to any further discussion on the topic.

With respect to the draft contract documents:

- Unless ComEd has a good reason for dropping them, Staff has a strong preference for retaining collateral requirements and minimum delivery obligations. The thinking here is that the original prices (and hence the new REC-only prices) presumably include a premium for these requirements and obligations.
  
- In addition, Boston Pacific brought to our attention the following two edits for your consideration:
  - p. 3 - do not delete "Delivery Date". This term is used in the Confirmation
  - Exhibit B – needs to be edited to match the new revised Confirmation

Thank you for your attention.

Richard J. Zuraski  
Phone: 217-785-4150  
[rzuraski@icc.illinois.gov](mailto:rzuraski@icc.illinois.gov)

---

**From:** @ Russell, Thomas  
**Sent:** Wednesday, March 20, 2013 2:01 PM  
**To:** @ Russell, Thomas; Zuraski, Richard; Feeley, John; @ Star, Anthony; @ Strong, Michael R; @ Kelly, Henry  
**Cc:** [william.mcneil@ComEd.com](mailto:william.mcneil@ComEd.com); [stephen.lesniak@ComEd.com](mailto:stephen.lesniak@ComEd.com); @ Rippie, Glenn; @ Fosco, Carmen; @ Shields, Caitlin  
**Subject:** RE: REC Contracts

All,

Attached please find the draft contract documents for the purchase of the RECs associated with the curtailed purchases under the long-term renewable agreements. As indicated in the Commission's Order, we started with the contracts used for the 2012 annual REC procurement and made only such changes as were necessary to implement this program. The only documents to which substantive changes were made are the Confirmation and the Cover Sheet. Changes to the other documents consisted solely of removing the header indicating the posting date. Also, please note that while we have provided a complete set of the relevant documents, we do not believe that it will be necessary to send all of them to the suppliers as we are not proposing to impose any collateral requirements. Thus, the collateral annex, Par. 10, the letter of credit documents and the guarantor

documents would not be necessary if you agree with our proposal. All that would be necessary would be the Master Agreement, the Cover Sheet and the Confirmation.

We made revisions to allow the suppliers to provide the RECs at any time during the June 2013 through May 2014 period (as indicated in the Commission's Order); to make this a unit specific REC purchase, since the purpose is to procure the curtailed RECs; to eliminate any collateral requirements; and to require separate delivery of the RECs so we are able to track them accurately. We also have not imposed any minimum delivery obligations on the suppliers and will just pay them for what they deliver, and roll over any resulting ACP funds to next year if any supplier does not delivery its maximum allowed quantity.

If you have any questions, let us know. We will forward to the suppliers once we hear back from you that you are ok with the documents.

---

**From:** Russell, Thomas J.:(BSC)  
**Sent:** Monday, March 18, 2013 3:27 PM  
**To:** 'rzuraski@icc.illinois.gov'; 'Feeley, John'; 'anthony.star@illinois.gov'; 'Strong, Michael'; 'Kelly, Henry T.'  
**Cc:** McNeil, William P:(ComEd); Lesniak, Stephen L.:(ComEd); Rippie, Glenn E.; 'Carmen Fosco'; 'Caitlin M. Shields'  
**Subject:** RE:

All,

Attached please find a spreadsheet showing: 1) the Annual Contract Quantities and Applicable Percentages under each of the long-term renewable agreements with each supplier; 2) the revised Annual Contract Quantities and Applicable Percentages for each agreement determined in accordance with March 2013 Load Forecast update that we submitted to you on March 15, 2013; and 3) the quantity and price for RECs that can be procured from each long-term renewable supplier with the available alternative compliance payment funds that ComEd has available as described in the IPA's Procurement Plan and in the Order of December 19, 2012 in Docket No. 12-0544 (pp. 111-5).

While neither the Procurement Plan nor the ICC Order require your written acceptance of the attached information, we would appreciate receiving such from you, or if you could at least let us know of any issues, concerns or questions that you have relating to the attached information. It is currently our intent to include the individual supplier information in the notice that we are contractually required to provide to each supplier.

We are revising the agreement used in the most recent REC procurement for use for purchase of these RECs. We should be able to have a copy of that draft to you by mid-week. If we able to get consensus on the

agreement in time, we would propose to send it out with notice to the suppliers. Otherwise, we will simply note that we will provide the suppliers with a copy of the agreement once we reach a consensus with you.

If you have any questions or concerns, please let us know.

---

**From:** Russell, Thomas J.:(BSC)  
**Sent:** Friday, March 15, 2013 1:04 PM  
**To:** [rzuraski@icc.illinois.gov](mailto:rzuraski@icc.illinois.gov); Feeley, John; [anthony.star@illinois.gov](mailto:anthony.star@illinois.gov); Strong, Michael; Kelly, Henry T.  
**Cc:** McNeil, William P.:(ComEd); Lesniak, Stephen L.:(ComEd); Rippie, Glenn E.; 'Carmen Fosco'; 'Caitlin M. Shields'  
**Subject:**

All,

Pursuant to the Commission's Order of December 19, 2012 in Docket No. 12-0544 (p. 110), attached please find the following documents:

- "Forecast March 2013 Update Tables.xlsx" – This is ComEd's March 2013 load forecast update. In addition, as provided for in the Illinois Power Agency's 2013 Electricity Procurement Plan (Final Plan, pp. 87-8), this document includes updated tables showing the overall amount of the necessary reductions in purchases under the long-term renewable contracts necessary to keep the purchase of renewables under the statutory cap, as well as a determination of the percentage amount that each long-term contract will need to be reduced.
- "Forecast Mar-13 Summary of Changes.doc" – This is a short memo describing the major changes since the November 2012 forecast update.
- "Forecast Mar 13 Muni Agg Community List (2).xlsx" – This is a list of the municipalities, counties and townships that have municipal aggregation referendums on the upcoming April 2013 general election ballot.
- "Forecast Mar 13 ProcurementBlocks2012 PY2013-PY2017 March 2013 Update (3).xlsx" – These are workpapers supporting the updated forecast.

These documents are also being distributed to all parties in the 12-0544 proceeding.

Please provide your written acceptance of this forecast and the curtailments. A response to this e-mail would be sufficient. Once we have that response, we will notify each supplier as to the amount that supplier's contract will be curtailed. The suppliers will have 30 days to notify ComEd as to their choice of one of 3 options specified in the contracts. The curtailments will take effect June 1, 2013.

If there are any questions you have or additional information that you would like, please let us know. We would appreciate your prompt attention to this matter so that we may meet the tight timeline outlined above.

Thank you.

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## **Grier, Adrienne C:(ComEd)**

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**From:** Russell, Thomas J.:(BSC)  
**Sent:** Monday, April 01, 2013 9:14 AM  
**To:** Bohorquez, Mario  
**Cc:** Star, Anthony; Strong, Michael  
**Subject:** RE: REC Contracts

No, that is correct. There is a lag between when the renewable energy is generated and RECs are created and transferred to the ComEd account in the PJM and MISO systems.

---

**From:** Bohorquez, Mario [mailto:Mario.Bohorquez@Illinois.gov]  
**Sent:** Monday, April 01, 2013 6:39 AM  
**To:** Russell, Thomas J.:(BSC)  
**Cc:** Star, Anthony; Strong, Michael  
**Subject:** FW: REC Contracts

Good Morning Tom,

Is the July 10, 2014 date on the Cover Sheet correct? One would think that it should be May 31, 2014.

Mario Bohorquez

IPA - 410 353-7540

The following is added to the Agreement as Section 1.22.1

“Delivery Season” means the time contained within any of four periods wherein the Summer Season is the period June 1, 2013 through August 31, 2013, the Fall Season is the period September 1, 2013 through November 30, 2013, the Winter Season is the period December 1, 2013 through February 28, 2014, and the Spring Season is the period March 1, 2014 through July 10, 2014.

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**From:** [Thomas.Russell@exeloncorp.com](mailto:Thomas.Russell@exeloncorp.com) [mailto:Thomas.Russell@exeloncorp.com]  
**Sent:** Wednesday, March 20, 2013 2:01 PM  
**To:** [Thomas.Russell@exeloncorp.com](mailto:Thomas.Russell@exeloncorp.com); [rzuraski@icc.illinois.gov](mailto:rzuraski@icc.illinois.gov); Feeley, John; Star, Anthony; Strong, Michael; [HKelly@KelleyDrye.com](mailto:HKelly@KelleyDrye.com)  
**Cc:** [william.mcneil@ComEd.com](mailto:william.mcneil@ComEd.com); [stephen.lesniak@ComEd.com](mailto:stephen.lesniak@ComEd.com); [glenn.rippie@r3law.com](mailto:glenn.rippie@r3law.com); [Carmen.Fosco@R3Law.com](mailto:Carmen.Fosco@R3Law.com); [Caitlin.Shields@R3Law.com](mailto:Caitlin.Shields@R3Law.com)  
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**Cc:** McNeil, William P.:(ComEd); Lesniak, Stephen L.:(ComEd); Rippie, Glenn E.; 'Carmen Fosco'; 'Caitlin M. Shields'  
**Subject:** RE:

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**Cc:** McNeil, William P.:(ComEd); Lesniak, Stephen L.:(ComEd); Rippie, Glenn E.; 'Carmen Fosco'; 'Caitlin M. Shields'  
**Subject:**

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