

**REPORT OF CHAIRMAN'S
FALL 2001 ROUNDTABLE DISCUSSIONS**

**RE: IMPLEMENTATION OF THE ELECTRIC SERVICE
CUSTOMER CHOICE
AND RATE RELIEF LAW OF 1997**

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November 2001

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FOREWORD

The Electric Service Customer Choice and Rate Relief Law of 1997¹ (“Customer Choice Law”) charged the Illinois Commerce Commission with facilitating fundamental changes in the Illinois electric market. In an on-going effort to evaluate the development of customer choice and to monitor the restructuring of the Illinois electric markets, I recently hosted the third in a series of informal Roundtable discussions² a few weeks before the second anniversary of customers being able to choose to receive power from alternative retail electric suppliers. Like previous Roundtables, these discussions facilitated an open dialogue about electric restructuring in Illinois and included representatives of Illinois electric utilities, retail electric suppliers (RES), alternative retail electric suppliers (ARES), customers, and public sector groups; all of whom provided keen insight into the dynamic place and purpose of the Customer Choice Law and competition in the electric markets in Illinois.

This report is based on discussions that occurred during three days of meetings. Included herein are the observations of the participants drawn from those discussions, as well as statistical data provided to the Commission during past months by ARES, RES, and incumbent electric utilities that detail the measurement of competition. Prior to the Roundtable meetings each participant received a short list of discussion questions. The bulk of this report outlines the major themes discussed in relation to those questions, and summarizes the Roundtable participants’ views of the current status in Illinois’ transition to a restructured electric market. I trust that the following is informative and provides current, practical examples of the changes and the remaining challenges facing Illinois in implementing The Electric Service Customer Choice and Rate Relief Law of 1997.

The contents of this report do not necessarily reflect my views or the views of other Commissioners or the Commission Staff.

Richard L. Mathias
Chairman
Illinois Commerce Commission
November, 2001

¹ 220 ILCS 5/16-101 *et. seq.*

²² Copies of the Chairman’s March, 2000 and Fall, 2000 Electric Roundtable Reports can be accessed at: <http://www.icc.state.il.us/icc/inside/docs.asp#cm>

EXECUTIVE SUMMARY

This report is the third Chairman's Roundtable Report and the fourth in a series of reports that discuss the process and progress of the statutorily mandated restructuring of the Illinois electric industry. It reflects the views of the Fall 2001 Roundtable participants as well as an analysis of statistical data provided by incumbent utilities, retail electric suppliers (RES), and alternative retail electric suppliers (ARES).

The principal conclusion of the Fall 2000 Chairman's Roundtable Report was:

Almost without exception, the [Fall 2000] roundtable participants agreed that, for a variety of reasons, a vibrant competitive environment was not developing in the Illinois retail electric market and that robust retail competition had not developed anywhere in the state. In order to create retail competition, participants emphasized the need for a vibrant, competitive wholesale electric market as well as increasing the amount and availability of power and energy.

The Fall 2001 Roundtable participants were steadfast in their opinion that competition was not developing evenly in Illinois and reiterated their prior Roundtable statements that retail competition would not develop without robust wholesale competition. Most utility and ARES participants generally agreed that Illinois is moving towards a competitive market in the service territory of only one incumbent utility and, at least for the moment, may be stalling elsewhere. For the first time no Roundtable participant even suggested that there was robust competition or that robust competition was developing in Illinois.

Roundtable participants representing customers consistently voiced concern regarding the lack of the development of competition in Illinois. Customer groups called into question the predictability of future energy prices as well as the adequacy of the current transmission and distribution systems. They voiced fears that the future could subject them to the market power of incumbent utilities and their affiliates in a non-competitive environment.

Generally speaking, the Roundtable participants agreed that the analytical tools suggested for measuring competition during prior Roundtables still are appropriate. However, three new measurements also were suggested: the Herfindahl-Hirschman Index, pricing parity and demand elasticity and the number of transmission load relief actions (TLR's). The report discusses these newly suggested measures, as well as other statistical measures included in prior reports such as the number of customers switching to delivery services, the number of RES/ARES registered in and actually serving retail customers in various service territories, and other quantitative measures. These statistical measures indicate that there has been no recent significant increase in either choice or competition in Illinois in all but arguably the ComEd service territory.

2001 Roundtable participants continued to indicate a lack of agreement on the goals of the Customer Choice Law. Customer groups generally agreed that reducing prices was the Law's goal. Utilities stated that competition was the goal and stressed the importance of moving to market based prices. ARES groups largely rallied around the goal of increasing competition.

The 2001 Roundtable marked the first time that most participants agreed that the current transmission system is a barrier to competition. All agreed that a reliable and predictable transmission system could unlock competition. Some examples of the challenges confronting the state included transmission line constraints, the dearth of capital investment in transmission resources and the lack of a functioning regional transmission organization. Participants noted that uncertainty about transmission system rates, rules, cost recovery and governance are significant impediments to investing in new transmission facilities.

The 2001 Roundtable participants noted the diminished regulatory role of the Commerce Commission, which resulted from the enactment of the Customer Choice Law and therefore the diminished role of the Commission to foster competition. The participants also noted the splintered nature of governmental agencies now responsible for regulating differing functions of electric utilities and their affiliates.

As in prior Roundtables, this year's participants urged the Commission to initiate a more active education campaign to familiarize consumers with the provisions of the Customer Choice Law. Some participants again urged the Commission to back legislation eliminating the statutory provision that requires the customer to physically sign a form in order to switch suppliers (i.e., "wet signature"). Other participants again urged the repeal of the reciprocity provisions of the Customer Choice Law.

There was little agreement among the Roundtable participants concerning the impact of the purchase power option (PPO), which is available to customers of the three incumbent utilities that collect transition charges. Most participants believed the PPO has been beneficial by allowing marketers to more easily gain access to customers, allowing customers to receive power at reduced prices and by increasing the awareness of customers to their ability to choose another source of electric supply. However, other participants stated that the PPO frequently established an artificially depressed rate not based on market prices, encouraged customers to continue to receive power from the incumbent utility and, in the opinion of some, was an artificial barrier to the development of competition.

Roundtable participants also noted the uncertain ultimate impact of increasing environmental regulations on utilities and their customers. As noted in the draft of the Illinois Energy Cabinet's Energy Policy, many of the pollutants in Illinois emanate from coal fired generating facilities.

Even though significant challenges remain, the 2001 Roundtable participants representing incumbent utilities and ARES forecast a smooth transition to market based pricing when

the price caps expire in January, 2005. Roundtable participants representing industrial and commercial customers did not necessarily share this optimism.

Roundtable Discussion Questions:

This year as in the prior two Roundtables the participants were asked to consider three questions as follows: 1) has electric competition developed evenly throughout Illinois. If not, why not?; 2) if competition is not developing evenly in Illinois what initiatives can the Illinois Commerce Commission undertake to further electric competition throughout the state; and 3) what will the Illinois retail and wholesale electric markets look like in January, 2005? The Roundtable participants also were asked to define the appropriate quantitative and qualitative measures to determine if retail competition is developing. The answers of the 2001 Roundtable participants to these three questions follow.

DISCUSSION QUESTION #1

Has electric competition developed evenly throughout Illinois? If not, why not?

A resounding NO is the answer to this question. Roundtable participants unanimously agreed that competition is not developing evenly throughout Illinois. The 2001 Roundtable participants noted several reasons for this. In general these are the same reasons stated during prior Roundtables and recounted in previous Roundtable reports.

2001 Roundtable participants stated that competition is more likely to flourish in the larger service territories, in service territories of higher cost utilities, and in service territories that contain a large number of customers of the type targeted for service by the potential competitors. Competition is also more likely to develop in areas where “brand satisfaction” is low.

Several 2001 Roundtable participants again noted the difficulty of competition developing in a few service territories of incumbent utilities because of the anti-competitive impact of specific provisions of the incumbent utilities’ imbalance provisions contained in open access transmission tariffs. They also noted that some utilities had made concentrated efforts to execute special contracts and billing and pricing experiments with the most attractive industrial and commercial customers prior to October, 1999 and in this manner had “locked up” specific customers and eliminated them from being available to solicitation by alternative retail electric suppliers for the duration of the contracts and experiments.

2001 Roundtable participants also were asked if “robust competition” existed in Illinois or if there was “robust development of competition” underway in Illinois. This Roundtable marked the first time that no participant would even argue that Illinois is experiencing robust competition or the robust development of competition.

As in the Fall 2000 Roundtable, this year’s participants generally agreed that there was little significant retail competition outside of ComEd’s service territory, and a few participants again were unwilling to conclude that there was significant competition even

within the ComEd service territory. Most customer and ARES participants generally believed that the movement toward competition is, at least for the moment, stalling everywhere except arguably in the ComEd territory.

While all concurred that competition was not developing evenly or robustly, the participants' level of optimism for future development varied widely. Generally speaking, utilities and some marketers insinuated that progress was being made, particularly in the ComEd service territory. They used phrases such as 'trending in the right direction' and 'good momentum' as well as other soft descriptors to suggest that while competition is not developing evenly and is not robust nor developing robustly, it is developing to a far greater extent in the ComEd service territory than in any other territory. Some participants stated that as we move away from the present artificially set retail prices (i.e. legislatively mandated prices) towards market-based prices, competition will develop. This point will be discussed in a later section.

The 2001 Roundtable marked the first time customer participants clearly voiced growing concern regarding the lack of the development of competition in Illinois. They clearly called into question the predictability of future energy prices and the adequacy of the current transmission and delivery systems to deliver power which they may contract to receive from third party suppliers. They were uneasy with the lack of the development of competition for they feared that they may be subject to the market power of incumbent utilities and their affiliates in a non-competitive environment and thereby forced to pay substantially higher prices than would be available in a more competitive environment.

One customer representative went so far as to suggest that 'competition hasn't showed up at all.' He cited a limited number of suppliers, transmission constraints, and the continuation of utility/affiliate supply purchase agreements as an indication that the 'only thing (we) are doing differently today is shifting money around to differently named players in the same affiliated group'.

DISCUSSION QUESTION #1A

What are the appropriate measures to determine if competition is developing evenly throughout Illinois?

There was general agreement that the measurements outlined in prior Roundtable reports were appropriate for gauging the extent of choice and competition. However, again this year, there remained some variation in the measures favored by the incumbent utilities, the alternative retail suppliers (ARES), customers and others as the most important indicators.

As during the Fall 2000 Roundtable, the quantitative measurements suggested by the ARES/marketers included: 1) the number of retail customers eligible to choose an alternative supplier; 2) the number of retail customers choosing delivery services; 3) the number of competitive suppliers, separating those affiliated with an incumbent utility and not affiliated, which have been certified by the Commission and registered to serve

customers in each incumbent utility's service territory³; 4) the number of retail customers switching service from an incumbent utility to a non-affiliated RES or ARES; 5) the monthly rate at which retail customer are switching to alternative providers; and/or 6) the level of retail electric load being serviced by independent ARES as compared to the retail electric load being serviced by incumbent utilities and/or affiliated RES'.

2001 Roundtable customer participants emphasized the necessity of measuring the number of marketers and suppliers in the Illinois market which are not affiliates of incumbent utilities. They stressed the importance of these non-affiliates in ensuring a competitive market and stated that it was not appropriate to place great emphasis on power supplied to customers in the incumbent service territory by the affiliate of the incumbent utility as a true predictor of the development of a competitive retail electric market.

The most commonly cited measures from the incumbent utility's point of view included: 1) the number of competitive contracts entered into between retail customers and alternative retail electric suppliers in each service territory; 2) the number of contracts entered into between incumbent utilities and retail customers in each service territory; 3) the amount of new generation being announced and built in Illinois; 4) the number of retail customers choosing delivery services as an alternative to traditional bundled electric service;⁴ and/or 5) the monetary value of various types of savings realized by retail customers as a direct result of the implementation of the Customer Choice Law.

Other measurement techniques suggested for the first time during this 2001 Roundtable were: 1) the Herfindahl-Hirschman Index (HHI); 2) wholesale price parity / demand elasticity; 3) transmission line restraints (TLRs).

Herfindahl-Hirschman Index (HHI)

The HHI provides a measure of market share within a defined market for a particular good at a particular time. It was suggested that measuring the change in the HHI over time would provide an indication about whether the market for electricity is becoming more or less competitive, even if it is not currently competitive; for the HHI presumes that over time changes in market share are quantifiable as a linear function. This function or trend line can be moving towards competition or away from competition (i.e. disperse market share or singular market share). However, according to at least one 2001 Roundtable participant, all may not be as simple as it appears.

The HHI index measures are predicated on a clear definition of the underlying market. For example, the "computer industry" market is not the same as the market for laptops. (Another example would be the market for computer software. Even though Best Buy, CompUSA, etc sell Microsoft Windows, is there competition in the Computer software market? Very little, when examined at the wholesale level.) One also must consider the geographic scope of the market. Some products are traded in national markets, for

³ 220 ILCS 5/16-115

⁴ See; "Restructuring the Electric Industry in Illinois," Richard Mathias, March 30 2000 at p. 29-31; for a more complete discussion of delivery services as compared to bundled services. This report is available on the ICC website at <http://www.icc.state.il.us/icc/inside/docs.asp#cm>.

example, while others are only economically traded in local markets (such as concrete). In short, the HHI requires an accurate definition of the market.

There was general agreement that today's energy markets are very hard to define or segment. The geographic scope of the electricity markets, for example, could be defined as much by what facilities are attached to the physical transmission grid as it is by the amount of power being moved on that grid at any one time. For example, the size of the market and the number of potential competitors will tend to be larger at times of off-peak demand. The picture can look very different during a peak demand period when transmission and distribution facilities are congested such that few suppliers are able to serve a given area. In this case, both the market and the HHI associated with that market would vary by the time of day, making any single HHI less helpful as a definitive measure of market concentration.

In addition to the difficulties of defining the geographic market, there are measurement problems created by the stratified nature of the electricity market. Peaker plants will tend to compete against peakers, shoulder load generation against shoulder load generation, and base load plants against other base load plants. Simply looking at the total amount of generation in an area and the concentration of ownership amongst all that generation may not provide an accurate picture of market concentration in electricity generation. The market concentrations at each level of production are a concern. Even if the peaker market is competitive, centralized base load ownership and a lack of competition may characterize the market at the other levels of production.

Even if it can be agreed on how best to define the market in sub-segments and measure the trends within those sub-segments, it may not be illuminating to aggregate the findings. In the opinion of one participant, the aggregate findings would say very little about the development of competition in the electric market in Illinois.

Pricing Parity / Demand Elasticity

Another new qualitative measurement suggested the importance of gauging pricing parity across services territories in Illinois to measure the demand elasticity of the market. There is a finite amount of electricity demanded in Illinois. How quantity demanded within that market reacts to changes in price is a measure of the demand elasticity of the market. In a purely competitive market, demand will always shift to the low cost provider. In other words, the quantity of energy demanded will drop in the high priced service territories and rise in those territories with low prices⁵. In a competitive market, high priced providers have only two choices: 1) lower prices to a competitive level and regain market share; 2) go out of business.

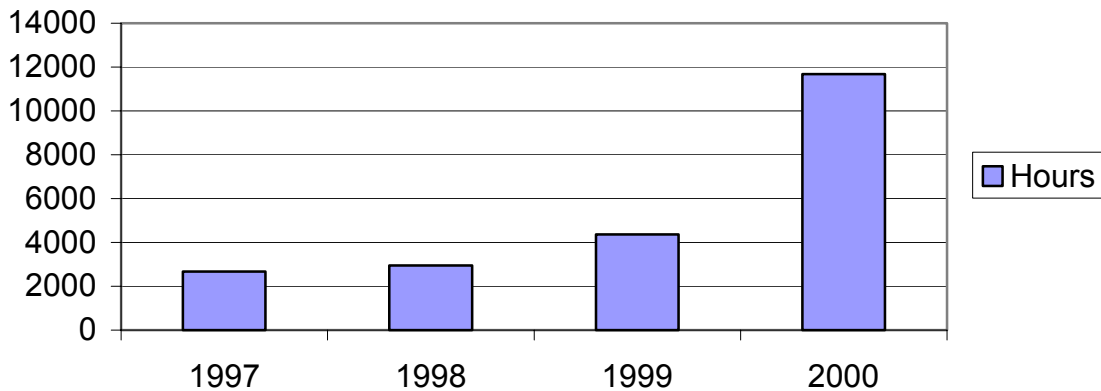
Transmission Load Relief

The limitations of transmission systems built around the concept of local reliability are becoming more apparent. These systems have shown evidence of being pushed to the extremes of their capability during electricity demand peaks, which usually occur during

⁵ This argument is only for the purpose of example and is based on many assumptions, not the least of which is that customer switching is readily available and is a seamless transaction.

summer months. Limitations on the transmission system should be monitored very closely because emergency orders to abort individual power transfers due to potential overloads of the system can be seen as large barriers to competitive entry. These emergency orders, called Transmission Load Relief actions (“TLRs”), attained record levels last year in MAIN⁶. Swelling numbers of TLRs are evidence of a transmission system that might not be prepared to support the large inter- and intra-state wholesale trades required for competition.

Number of TLR hours called in MAIN (Total Duration of TLRs)



Measuring Choice and Competition: The Reported Statistics

A brief review of some of the quantitative measures set forth below buttress the 2001 Roundtable participants’ statements that there is little competition or choice beyond the ComEd service territory and the movement toward competition may be stalling. Since October, 1999 there have been few additional RES/ARES registered to operate in the state or actually serving customers. No customers have switched to delivery services in the service territories of two incumbent utilities and an extremely low percentage of customers are receiving power under delivery services in other than the ComEd service territory.

While the statistical measures in the Illinois Power service territory at first appear to reflect some measure of competition, these statistics are highly sensitive to the largest Illinois Power customer having elected to receive power from a third party supplier as well as one substantial group of public schools having entered into a special contract to receive power from a third party supplier. Elimination of these two supply contracts from the Illinois Power statistics forces a different conclusion regarding the extent of competition.

The statistics also show the substantial number of special contracts in force in the CILCO and Illinois Power service territories. From discussions during prior Roundtables it was

⁶ MAIN is the MidAmerican Interconnected Network

pointed out that many of these special contracts were entered into before October 1999, the date customers could choose to receive power from an ARES. Additionally the statistics reflect the magnitude of ComEd's very substantial billing and pricing experiment contract that was negotiated with the Illinois Retail Merchants Association shortly after the Customer Choice Law was signed. There was no discussion during the Fall 2001 Roundtable whether the incumbent utilities would attempt to renew these special contracts and pricing and billing experiments at the expiration of the agreements.

Included as Exhibit (I) are statistics indicating the substantial number of new generating facilities being constructed in Illinois. Most of these are peaker plants and not base load facilities.

Therefore, after reviewing some of the key quantitative measures, it would appear that the conclusions of the 2001 Roundtable participants are validated by these statistical measures.

The Reported Statistics

Number of RES/ARES Registered by Service Territory

Utility	Aug-00	Oct-00	Dec-00	Feb-01
	Count	Count	Count	Count
Ameren CIPS	4	2	2	2
Ameren UE				
CILCO	2	0	1	1
ComEd	9	8	8	8
IP	5	6	7	7
MidAmerican	2	2	2	2
Mt. Carmel	1	0	0	0

Number of RES/ARES Serving Customers by Service Territory

Utility	Aug-00	Oct-00	Dec-00	Feb-01	Apr-01	Jun-01
	Count	Count	Count	Count	Count	Count
Ameren CIPS	1	2	2	2	2	2
Ameren UE						
CILCO	0	0	0	0	0	0
ComEd	8	6	7	7	7	7
IP	2	3	3	4	4	4
MidAmerican	1	1	1	1	1	1
Mt. Carmel	0	0	0	0	0	0

Total Number of Eligible Customers by Utility⁷

Utility	Dec-00	Dec-00	Jan-01	Jan-01	Feb-01	Feb-01	Mar-01	Mar-01	Total number of kWh
	Count	kWh in Dec	Count	KWh in Jan	Count	kWh in Feb	Count	kWh in Mar	
Ameren CIPS	37,422	297	46,502	534	44,747	677	47,273	624	
Ameren UE	534	230	7,436	919	7,351	505	7,443	529	
CILCO	3,943	237	3,917	252	3,917	261	3,917	226	
ComEd	316,818	NA	316,818	NA	316,818	NA	316,818	NA	
IP	7,156	725	91,672	1,079	91,894	1,127	92,073	1,420	
MidAmerican	1,901	60	10,644	101	10,640	96	10,637	99	
Mt. Carmel	0	0	0	0	0	0	0	0	
Utility	Apr-01	Apr-01	May-01	May-01	Jun-01	Jun-01	Aug-01	Aug-01	Total number of kWh
	Count	kWh in Apr	Count	KWh in May	Count	kWh in Jun	Count	kWh in Aug	
Ameren CIPS	47,259	488	47,669	517	45,013	469	NA	NA	5,498
Ameren UE	7,446	163	7,215	475	7,375	255	NA	NA	3,027
CILCO	3,855	266	3,855	256	3,854	269	NA	NA	520
ComEd	524,433	5,048	526,457	4,934	527,450	4,934	NA	NA	57,120
IP	91,403	1,105	91,652	1,138	91,928	1,186	NA	NA	6,728
MidAmerican	10,349	91	10,401	102	10,442	104	NA	NA	592
Mt. Carmel	0	0	0	0	0	0	505	14	14

⁷ Sections labeled NA represent unreliable data received from utilities. All kWh figures are in millions. July-01 figures were consciously omitted due to data integrity issues.

Number of Eligible Customers Switched to Delivery Services⁸

Utility	Dec-00	Dec-00	Jan-01	Jan-01	Feb-01	Feb-01	Mar-01	Mar-01
	Count	kWh in Dec	Count	kWh in Jan	Count	kWh in Feb	Count	kWh in Mar
Ameren CIPS	786	29,081	681	16,597	673	21,232	799	20,132
Ameren UE	18	131	18	309	17	313	18	310
CILCO	0	0	0	0	0	0	0	0
ComEd	9,533	NA	10,599	1,526,000	11,206	1,633,000	12,054	1,491,000
IP	640	279,474	842	284,377	899	321,682	959	323,875
MidAmerican	186	3,978	184	5,379	183	5,247	183	5,049
Mt. Carmel	0	0	0	0	0	0	0	0

Utility	Apr-01	Apr-01	May-01	May-01	Jun-01	Jun-01	Total number of kWh
	Count	kWh in Apr	Count	kWh in May	Count	kWh in Jun	
Ameren CIPS	822	23,230	862	22,765	820	22,739	299,536
Ameren UE	18	320	18	288	18	358	3,640
CILCO	0	0	0	0	0	0	0
ComEd	12,452	1,443,231	12,862	1,492,450	14,165	1,507,172	19,908,660
IP	1,040	363,698	1,037	368,390	1,026	380,693	2,182,598
MidAmerican	182	5,003	180	5,259	45	225	1,456
Mt. Carmel	0	0	0	0	0	0	0

Total Number of Customers and kWhs Switched to the PPO⁹

Utility	Dec-00	Dec-00	Jan-01	Jan-01	Feb-01	Feb-01	Mar-01	Mar-01
	Count	kWh in Dec	Count	kWh in Jan	Count	kWh in Feb	Count	kWh in Mar
Ameren CIPS	555	23,469	477	11,950	458	15,947	580	15,411
Ameren UE	0	0	0	0	0	0	0	0
CILCO	0	0	0	0	0	0	0	0
ComEd	3,248	NA	3,729	625,000	6,605	1,032,000	7,769	951,000
IP	84	99,449	275	96,474	326	105,998	491	123,991
MidAmerican	0	0	0	0	0	0	0	0
Mt. Carmel	0	0	0	0	0	0	0	0

⁸ Sections labeled NA represent unreliable data received from utilities. All kWh figures are in thousands. July-01 figures were consciously omitted due to data integrity issues.

⁹ Sections labeled NA represent unreliable data received from utilities. All kWh figures are in thousands. July-01 figures were consciously omitted due to data integrity issues.

Total Number of Customers and kWhs Switched to the PPO cont.

Utility	Apr-01	Apr-01	May-01	May-01	Jun-01	Jun-01	Total number of kWh
	Count	kWh in Apr	Count	kWh in May	Count	kWh in Jun	
Ameren CIPS	602	14,510	636	14,519	594	14,696	189,170
Ameren UE	0	0	0	0	0	0	0
CILCO	0	0	0	0	0	0	0
ComEd	9,546	939,826	8,159	647,724	9,583	682,409	9,145,101
IP	680	145,467	685	150,086	697	148,369	899,562
MidAmerican	0	0	0	0	0	0	0
Mt. Carmel	0	0	0	0	0	0	0

Number of Contracts Authorized § of IL Public Utilities Act¹⁰

Utility	Dec-00	Dec-00	Jan-01	Jan-01	Feb-01	Feb-01	Mar-01	Mar-01
	Count	kWh in Dec	Count	kWh in Jan	Count	kWh in Feb	Count	kWh in Mar
Ameren CIPS	22	56,834	31	147,811	31	142,007	31	142,007
Ameren UE	0	0	0	0	0	0	0	0
CILCO	910	NA	1,092	145,630	1,092	140,095	1,092	140,046
ComEd	30	NA	33	213,255	33	213,255	33	213,255
IP	498	69,440	1,516	123,190	1,489	157,036	1,479	156,583
MidAmerican	186	3,978	184	5,379	183	5,247	183	5,049
Mt. Carmel	0	0	0	0	0	0	0	0

Utility	Apr-01	Apr-01	May-01	May-01	Jun-01	Jun-01	Total number of kWh
	Count	kWh in Apr	Count	kWh in May	Count	kWh in Jun	
Ameren CIPS	28	134,241	28	137,244	28	134,241	1,621,223
Ameren UE	0	0	0	0	1	2,299	75,267
CILCO	1,004	125,332	1,000	134,566	867	127,002	746,594
ComEd	36	213,255	36	213,255	36	213,255	2,559,061
IP	1,471	155,471	1,470	152,925	1,471	152,032	900,816
MidAmerican	182	5,003	180	5,259	45	225	1,456
Mt. Carmel	0	0	0	0	0	0	0

¹⁰ Sections labeled NA represent unreliable data received from utilities. All kWh figures are in thousands. July-01 figures were consciously omitted due to data integrity issues.

Number of Customers and kWhs Switched to Delivery Services but not the PPO¹¹

Utility	Dec-00	Dec-00	Jan-01	Jan-01	Feb-01	Feb-01	Mar-01	Mar-01
	Count	kWh in Dec	Count	kWh in Jan	Count	kWh in Feb	Count	kWh in Mar
Ameren CIPS	231	5,612	204	4,646	215	5,285	219	4,721
Ameren UE	18	131	18	309	17	313	18	310
CILCO	0	0	0	0	0	0	0	0
ComEd	6,285	NA	6,870	901,000	4,601	601,000	4,285	540,000
IP	556	180,026	567	187,903	573	215,684	468	199,884
MidAmerican	186	3,978	184	5,379	183	5,247	183	5,049
Mt. Carmel	0	0	0	0	0	0	0	0

Utility	Apr-01	Apr-01	May-01	May-01	Jun-01	Jun-01	Total number of kWh
	Count	kWh in Apr	Count	kWh in May	Count	kWh in Jun	
Ameren CIPS	220	8,720	226	8,247	226	8,043	110,365
Ameren UE	18	0	18	0	18	0	3,640
CILCO	0	0	0	0	0	0	0
ComEd	2,906	503,405	4,703	844,726	4,582	824,763	10,763,559
IP	360	218,231	352	218,304	329	232,324	1,283,036
MidAmerican	182	0	180	0	45	0	1,456
Mt. Carmel	0	0	0	0	0	0	0

¹¹ Sections labeled NA represent unreliable data received from utilities. All kWh figures are in thousands. July-01 figures were consciously omitted due to data integrity issues.

DISCUSSION QUESTION #2

If competition is not developing evenly in Illinois, what initiatives can the Illinois Commerce Commission undertake to further electric competition throughout the state?

Illinois Commerce Commission Jurisdictional Authority

Most participants agreed that the regulatory role of the Illinois Commerce Commission has diminished considerably as a direct result of the provisions of the Customer Choice Law. Before the Customer Choice Law was enacted, the ICC oversaw the electric utility, including the generation, transmission, and distribution assets, plant and transmission siting and gauged customer satisfaction with each. This is no longer the case. The ICC's regulatory authority is now concentrated primarily on the distribution function of almost all Illinois utilities. Therefore, the authority of the Commission to foster competition may be severely limited as well. Indeed, one participant from a public policy group stated that there was such uncertainty about the nature of the Commission's authority that the Commission should undertake and publish an internal analysis of the legal scope of its authority under the new law.

Jurisdictional Authority of Others

In addition to the diminished role of the ICC, participants noted the splintered nature of governmental regulatory authority in general. The Federal Energy Regulatory Commission appears to have an ever-increasing role, and can directly impact Illinois' wholesale and retail competition. The Federal and State Environmental Protection Agencies as well as several other federal and state agencies also have significant roles. Some participants noted that local governments, through their exercise of zoning authority, now have significant control over siting of electric power plants

Consumer Education

A suggestion that was generally agreed upon was increasing the Commission's public education efforts to inform the customer of their ability to select an alternative electric supplier. As one marketer espoused, the vast majority of customers – in his opinion 80% of the light industrial electric customers (100-350 employees, usually with no dedicated energy buyer) - have little idea about their ability to choose another supplier, of the choices available, or the legislation that set electric restructuring into motion. From the marketers' perspective, this makes the acquisition of customers incredibly time consuming and very expensive. While participants stated that the largest and most desirable customers usually are aware of their choices and many have chosen alternative suppliers, it would be helpful in the marketing to mid and small sized customers if the Commission promoted this awareness, i.e. 'that the Commission create a buzz'. A multi faceted approach was suggested, including encouraging mass media involvement and initiating local, event-driven grass roots programs.

A public education program recounting customer choices allows them to better understand that choices are available to them.. If educated customers seek lower prices and better service, suppliers will follow. But, as one member of the Commission staff noted, creating a ‘buzz’ without the presence of profit margins likely will be ineffective. In other words, competition will increase only if marketers can make money while supplying power.

Legislative Change - Wet Signatures

Once again this year participants involved in the marketing of power encouraged the Commission to back legislation that would eliminate the requirement that customers can only switch to an RES/ARES after executing a “wet signature,” i.e. actually physically signing a form.¹² Some participants, particularly ARES that target smaller electric users, stated that the wet signature requirement was one of the primary barriers to moving into the small commercial and residential markets. As they stated, ‘there is not enough profit margin (in small/residential markets) to support door-to-door’ selling; a necessity in order to comply with the wet signature rule.

Reciprocity

Some participants again urged the Commission to support legislation, which would repeal the “reciprocity” provisions of the current law. It was noted that the interpretation of the provision is currently being litigated in a state court.

¹² see The Chairman’s Report on Roundtable Discussions; Richard Mathias. March 30, 2000 for a further discussion of the wet signatures. This report may be downloaded at <http://www.icc.state.il.us/icc/inside/cc/ops/000404cmroundtable.doc>

DISCUSSION QUESTION #3

What will the Illinois electric retail and wholesale markets look like on January 2005?

Most 2001 Roundtable participants were reluctant to forecast what the wholesale and retail markets would look like in January, 2005 when the price caps contained in the Customer Choice Law expire because that date is still more than two years away. However, they seemed quite sanguine in forecasting a successful end to the price caps. Most were satisfied with the progress to date in transitioning to a more competitive electric market. They noted that Illinois had not experienced the electric market disruptions of other states, principally California, and restated the theme that Illinois was trending in the right direction.

The incumbent utility Roundtable participants urged the necessity of quickly moving to market based prices for supply. They suggested that the power purchase option available in some service territories should be terminated well before the end of 2004 and that other measures should be taken to allow supply at market based prices to flourish.

As noted earlier, 2001 Roundtable participants representing several of the customers were not so sanguine about 2005. They noted the lack of transmission capacity, the lack of competition in most incumbent utility service territories and the concern that, without third party suppliers unaffiliated with incumbent utilities, customers may become captives of the incumbent utility and their affiliates with few alternatives available to them. They characterized today's electric market as 'unruly' and 'undisciplined' and, while acknowledging that customers were going to bear the price risk in the future, they raised the importance of adequate supply and reliability of delivering power as primary issues. However, the customer participants' views were definitely in the minority.

Other Matters Discussed

Goals of Customer Choice and Rate Relief Law

Following the Spring 2000 Roundtable, I wrote to the President and/or CEO of each incumbent Illinois electric utility, ARES and RES certified as of May 1, 2000¹³. These letters requested that each state in writing what he thought was the goal(s) of the Customer Choice Law from the customer's perspective and that he also state what quantitative and qualitative measures he believed should be used to determine the success of achieving that goal(s).¹⁴ The responses indicated that each incumbent utility had developed a unique interpretation of the goals of the Customer Choice Law and there was little agreement among incumbent utility CEO's on the Law's goals. Similarly, the responses provided by the ARES indicated that little agreement exists among these companies as well.

¹³ A list of Illinois incumbent electric utilities and certified Illinois retail electric suppliers, which is periodically updated, is available on the ICC website at: www.icc.state.il.us.

¹⁴ A copy of this letter was appended to the Spring 2000 Roundtable report and can be found at: www.icc.state.il.us.

One year later, there appears to be continued disagreement about the goals of the Customer Choice Law. A few of the 2001 Roundtable participants representing customers largely focused on the issue of price; that the goal of the Law was to reduce price: i.e. “the ultimate goal was to lower prices NOT spur competition”. Another customer representative agreed, yet added that as a goal of the Law we must worry about competition “because the power purchase option (PPO) is not going to last forever and when the PPO goes away prices are going to rise significantly”. A participant representing marketers stated that “choice is not the issue here, we have choice...and the choice today simply is the PPO”. Rather, he stated that the goal was to increase competition and the way to do so was through increasing access to the transmission system and stimulating investment in construction of new supply and transmission lines, “however, this is not an insurance that prices will fall”. The participants representing incumbent utilities also stated that competition was the goal, but stressed the move to market based pricing as the necessary next step.

On the eve of another anniversary of ‘choice’, participants remain at odds as to the goals of the Customer Choice Law. This presents a vexing problem for the Illinois Commerce Commission for it is difficult to focus the efforts of the Commission in an environment in which there appears to be a fundamental disagreement among the market participants on the goals of the Customer Choice Law.

Adequacy of Transmission System

Uncertainty regarding the adequacy of the transmission system has been mentioned in all three Roundtables. The 2001 Roundtable, however, marked the first time that this issue was brought to the forefront for extensive discussion. Many 2001 Roundtable participants are nervous about the systems’ adequacy. All participant groups agreed that an adequate transmission system is one of the keys that will help unlock competition and is a necessary requirement for a competitive marketplace; not a resulting end of a competitive market.

Participants noted that the transmission system has evolved beyond its historical importance. The transmission system as one utility participant stated, ‘was designed for reliability.... (Today’s system) is about moving electrons.’ In a restructured market, it allows access to markets for both customers and competitors. Multiple competitors in the electric market presuppose a transmission system that allows electrons to flow predictably, reliably and cost effectively. A system lacking such characteristics represents one of the largest barriers to competition in Illinois. In fact, one marketer stated that the transmission issue “must be resolved first and foremost,” and that a regional transmission organization “must not only be established, it must be up and running and have measurable success.”

The 2001 Roundtable marked the first time that most participants also agreed that the current transmission system is a barrier to competition on the wholesale level. Several 2001 Roundtable participants stated that competition at the wholesale level must work for

the retail market to work. They went on to say that transmission constraints are a barrier to competition in the wholesale market “because the RTO issue is still unresolved.”

On the retail level, transmission system uncertainty, specifically access to transmission for the retail customer is a barrier to competition insofar as it stifles innovation. Without predictable and seamless access to the transmission system, ‘no innovation in self-generation or self-sufficiency is going to happen at the retail level if (you) can’t move power around!’ The example given suggested that capital investment in alternative generation is foolish if power cannot be moved easily, cheaply, and predictably.

It should be noted that at least one downstate incumbent utility representative stated during the Fall 2000 Roundtable and again during the Fall 2001 Roundtable that he believed the wholesale market is competitive. Other Roundtable participants did not necessarily share this view.

Cost Recovery

Transmission system cost recovery was a central Roundtable theme of utilities and marketers. Their shared concerns questioned the ability to recover capital investment dollars. Utilities are unwilling to invest in transmission systems because the ability to recover investment cost is very hard to predict. All incumbent utility and many ARES participants agreed that uncertainty concerning cost recovery is a major barrier to investment. “Utilities aren’t investing because of regulatory uncertainty on a national and state level,” stated one participant. “How do we get recovery in transmission investment during the transition from utility to ARTO system?” stated another.

Power Purchase Option: Helpful or Harmful to Competition

During this 2001 Roundtable there was extensive discussion concerning whether the power purchase option (PPO) should be continued for several years in the service territories of the three incumbent utilities which have transition charges. Most participants agreed that the PPO has been beneficial by allowing marketers to more easily gain entry to the service territories of those incumbent utilities. In many cases the PPO also allowed industrial and commercial customers to receive power at a reduced price and increased the awareness of those customers of their ability to choose another source of electricity. At the same time participants noted that the PPO frequently established an artificially depressed rate which was not based on market prices, encouraged customers to continue to receive power from the incumbent utility and, in the opinion of some participants, was an artificial barrier to competition.

Most of the incumbent utility participants firmly believe that the PPO soon should be discontinued for those customers not paying a transition charge. This would allow supply prices at market rates to be charged to customers and encourage customers now to seek the supplies of lower priced power.

It was also pointed out that the PPO was originally intended not only to provide an advantageous price to customers but also to be a counterpoint to the market value determination of utilities charging a transition charge. Several of the utility participants

believe that this counterpoint to the market value determination would be maintained if the PPO were still available to customers who paid a transition charge.

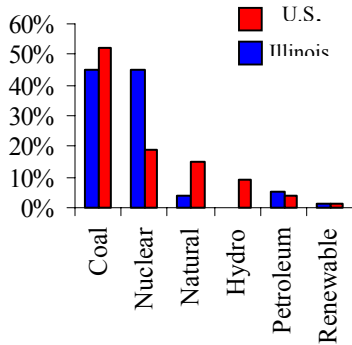
Interestingly, more than one 2001 Roundtable customer participant indicated that the PPO provided a form of security to the customer while at the same time providing a lower price. These customer participants said that in times of peak demand it was sometimes doubtful whether third party power suppliers could actually transmit power to the customer due to the constrained nature of the transmission and distribution system. However, by electing the PPO, the incumbent utility is responsible for supplying the power to this customer, and therefore there is a much higher likelihood that power actually will be delivered in the peak times of demand.

Interconnection with Grid

Predictable and seamless interconnection with the grid is vital to moving power. Marketers and customers alike stressed the importance of creating uniform interconnection standards. Some marketers considered uniform operational access to the transmission system one of the keys for retail competition. Some of the larger customers agreed that uniform interconnection was vital to spurring retail competition. Specifically, they commented that uniform interconnection standards likely would release a flood of innovative generation alternatives at the retail level.

Environmental Concerns

The “Illinois Energy Policy” of the Governor’s Energy Cabinet details the considerable environmental challenges created by our needs for energy. It notes that approximately 54 percent of Illinois’ electricity supply is generated by fossil fuel-fired power plants.¹⁵



In 1996, electricity generation was responsible for roughly 66 percent of total United States SO₂ emissions and nearly 9 percent of PM-10 emissions.

The Policy notes that the EPA also identified four specific categories that account for about 80 percent of the total anthropogenic sources: coal-fired power plants, 33 percent; municipal waste incinerators, 18 percent; commercial and industrial boilers, 18 percent; and medical waste incinerators, 10 percent. Additionally, of the major greenhouse gases, over 80% are attributable to CO₂, followed by Methane and Nitrous Oxide. The primary sources of CO₂ are fossil-fuel combustion and transportation.

All 2001 Roundtable participants agreed that no one is able to accurately predict the future of environmental legislation nor the scope and severity of its impact on electric generation facilities. The Governor’s “Illinois Energy Policy” states that, “despite the many successful emission reduction programs in place, further air quality improvements should be sought in order to address future environmental regulations including regional

¹⁵ “Illinois Energy Policy” draft version 4.0 pg.32

haze, 8-hour ozone, fine particulate matter, and mercury emissions from fossil fuel fired power plants. To meet the power demands of our state, we will need to find new ways to further reduce existing power generation emissions...find cleaner sources of new power generation, or utilize some combination of these, to meet the additional power needs of the citizens of Illinois, while continuing to meet the environmental challenge that the public demands be addressed.”¹⁶ The utilities, marketers, and customers all agreed that meeting environmental challenges is very expensive, and that funding for these indefinite environmental challenges likely will manifest in higher rates for customers.

The Perfect Storm

During the 2001 roundtable discussions, the participants were asked if inadvertently we have created the conditions for the “perfect storm” to occur when residential rate caps expire in January, 2005.

For instance, like California, Illinois is an island surrounded by other states that have not restructured their electric markets. Like California, residential electric rates for retail customers have been capped for several years while there is no cap on wholesale rates. Like California, Illinois is facing some severe concerns about the environmental impacts of both its fossil and nuclear generators.

Additionally, the retail rates for a very large proportion of Illinois’ residential customer will have been reduced 20% since 1997, and this likely inhibits competition for residential customers. Many industrial and commercial customers in three of the largest incumbent utility service territories can opt for the power purchase option, which encourages customers to receive electricity from the incumbent utility at artificially determined (i.e. lower) prices.

The metrics of competition in Illinois show that there is very limited competition in providing supply from an entity not affiliated with the incumbent utility in all but one service territory and that the pace of competitive activity appears to have slowed. These same metrics graphically illustrate that many industrial and commercial customers were signed to special contracts or billing and pricing experiments by incumbent utilities before or at about the time the customers first had the choice of electing to receive electricity from an alternative retail electric supplier. While this is an example of customer choice, it undeniably reduced the opportunity for competition for customers.

As was noted in prior Roundtable Reports, the energy imbalance provisions of the federally sanctioned open access transmission tariffs of several incumbent utilities severely limit the competitive import of electricity into the service territories of these incumbent utilities. The uncertainty of earning an adequate return on capital invested in new transmission assets inhibits the construction of new transmission capacity and fosters the continuation of the existing transmission constraints and load pockets. The lack of a functioning regional transmission organization with seamless transmission pricing adds

¹⁶ IBID pg. 59

to the uncertainty. Furthermore, there is genuine disagreement among the market participants as to the goal(s) of the Customer Choice Law.

In spite of these concerns, most of the 2001 Roundtable participants discounted these factors, predicted no perfect storm and saw a smooth transition to market based pricing in 2005 when the price caps expire for many customers. These participants continued to taut the adequacy of supply and the ability to enter into long term supply contracts as the major reasons for their optimism. They opined that Illinois now has adequate supply and additionally, has more generation plants under construction than almost any other state. The fact that most of these facilities are peaker plants did not dampen their optimism. They also stated that they were confident that a regional transmission organization soon would be functioning, and this would enhance the competitiveness of the wholesale electric market.

Roundtable participants representing industrial and commercial customers did not necessarily share this optimism.

EXHIBIT I

The attached exhibit was prepared for the April 19, 2001 Special Open Meeting of the Illinois Commerce Commission considering the adequacy of Illinois electric utilities' supply for Summer - 2001. This information was in large measure provided to the Commission by five of the major Illinois electric utilities and by Illinois municipal and cooperative electric energy providers.

The exhibit lists by service territory (a) various generation facilities that have come on line since September 15, 2000, (b) facilities under construction that have yet to come on line and (c) generation facilities which have been announced but are not yet under construction. The utilities, municipals and cooperatives and Commission staff cited various public and other sources as the basis of this information, i.e. journals, articles, etc., and therefore, while the Commission believes the information is generally accurate, the Commission can not warrant its accuracy.

**Status of New Generation Facilities & Capacity Since
September 15, 2000**

Service Territory by Utility	New Generation Facilities That Have Come On Line Since 9/15/2000	New Generation Facilities Under Construction Since 9/15/2000 Including Holding Company, Location, Primary Fuel & the Facilities Forecasted Generating MW Capacity ¹⁷				Announced New Generation Facilities Which Have Yet to Come Under Construction Since 9/15/2000 Including Holding Company, Location, Primary Fuel & the Facilities Forecasted Generating MW Capacity ¹⁸				
		Holding Company	Location: City or County	Primary Fuel/Use ¹⁹	MW Capacity	Holding Company	Location: City or County	Primary Fuel/Use ²⁰	MW Capacity	
Ameren	NONE	Ameren Corp.	Kindmundy	Natural Gas/P	234MW	Spectrum Energy	<u>St. Peter</u>	Natural Gas/P	45MW	
		Ameren Corp.	Pinkneyville	Natural Gas/P	144MW	Enerstar	<u>Newman</u>	Natural Gas/P	362MW	
		Ameren Corp.	Grand Tower	Natural Gas/I	326MW	Entergy	<u>Flora</u>	Natural Gas/P	600MW	
						Entergy	<u>Thompsonville</u>	Natural Gas/P	588MW	
						Entergy	<u>Louisville</u>	Natural Gas/P	588MW	
						Utilcorp	<u>Flora</u>	Natural Gas/P	300MW	
						Reliant Energy	<u>Neoga</u>	Natural Gas/P	135MW	
		Constellation Power	Holland Township	Natural Gas/I	680MW	Cinergy	<u>Levan</u>	Natural Gas/P	330MW	
						Utilcorp	<u>Flora</u>	Natural Gas/P	200MW	
						Ameren Corp.	<u>Meredosia</u>	Natural Gas/I	306MW	
						Ameren Corp.	<u>Unknown</u>	Natural Gas/P	330MW	
						TXU	<u>Benton</u>	Coal/B	1,000MW	
						Enviropower	<u>Benton</u>	Coal Waste/B	500MW	
						Southern Illinois Power Coop.	<u>Marion</u>	Waste Coal/B	120MW	
		Total:					1,384MW	Total:		
						5,404MW				

¹⁷ Note, all MW capacity varies depending upon ambient weather conditions.

¹⁸ Note, all MW capacity varies depending upon ambient weather conditions.

¹⁹ The primary use for the facilities are denoted as either: P/Peak Load Generation Facilities; I/Intermediate Load Generation Facilities; B/Base Load Generation Facilities; C/Combined Cycle Generation Facilities.

²⁰ The primary use for the facilities are denoted as either: P/Peak Load Generation Facilities; I/Intermediate Load Generation Facilities; B/Base Load Generation Facilities; C/Combined Cycle Generation Facilities.

**Status of New Generation Facilities & Capacity Since
September 15, 2000**

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		Holding Company	Location: City or County	Primary Fuel/Use ²⁸	MW Capacity	Holding Company	Location: City or County	Primary Fuel/Use ²⁹	MW Capacity
Illinois Power	None	None	None	None	None	Aquila Aquila PSEG PP&L Panda Energy Corn Belt North American Hydro	<u>Piatt</u> <u>Washington</u> <u>Champaign</u> <u>Vermilion</u> <u>Jefferson</u> <u>Logan</u> <u>LaSalle</u>	Natural Gas/P Natural Gas/P Natural Gas/C Natural Gas/C Natural Gas/C Coal/B Hydro/B	350-500MW 300MW 580MW 528MW 1,070MW 91MW 5MW
						<i>Total:</i> 2,294MW ~ 3,074MW			
MidAmerican	None	MidAmerica Holding Co.	Cordova	Natural Gas/I	500MW	None	None	None	None
Cooperatives	None	None	None	None	None	SIPC	No Info	Natural Gas	150MW
Municipalities	23MW	22MW	No Info	No Info	No Info	No Info	No Info	No Info	No Info

²⁶ Note, all MW capacity varies depending upon ambient weather conditions.

²⁷ Note, all MW capacity varies depending upon ambient weather conditions.

²⁸ The primary use for the facilities is denoted as either: P/Peak Load Generation Facilities; I/Intermediate Load Generation Facilities; B/Base Load Generation Facilities; C/Combined Cycle Generation Facilities.

²⁹ The primary use for the facilities is denoted as either: P/Peak Load Generation Facilities; I/Intermediate Load Generation Facilities; B/Base Load Generation Facilities; C/Combined Cycle Generation Facilities.

EXHIBIT II

Fall 2001 Roundtable Participants

- ❖ AES/New Energy
- ❖ AES/CILCO
- ❖ AmerenCIPS
- ❖ AmerenUE
- ❖ Blackhawk Energy
- ❖ Building Owners & Managers Association (BOMA)
- ❖ Caterpillar Corporation
- ❖ City of Chicago
- ❖ Citizens Utility Board
- ❖ Commonwealth Edison
- ❖ Courtesy Corporation
- ❖ Dynegy Corporation
- ❖ Enron Corporation
- ❖ Exelon Corporation
- ❖ Illinois Commerce Commission
- ❖ Illinois Power
- ❖ Illinois Chamber of Commerce
- ❖ Illinois Retail Merchants Association
- ❖ Illinois Industrial Energy Consumers
- ❖ Illinois Attorney General Office
- ❖ Nicor Energy
- ❖ WPS Energy