

Response to Utilities' Presentations on Establishing CPAS for 2031-2035

Jennifer Morris

ICC Staff

September 30, 2021

ICC Staff Response to Presentations

- No independent analysis or potential study for the Commission to rely upon in establishing goals as contemplated by the statute. Further, the higher evidentiary standard (“clear and convincing evidence”) to establish goals below the lower threshold (i.e., 0.4 and 0.5 annual percentage point increases) cannot be met in the short timeframe and the necessary data contemplated in the statute is lacking. Therefore, impossible at this time to have a proceeding to establish savings goals given the contemplated data to do so is unavailable and the evidentiary standard cannot be met.
- Understand the rationale for establishing goals closer to plan filing date, but at this time, Staff has concerns with abandoning the 11 year in advance requirement language for the establishment of real goals as it appears to go against the plain language and spirit of the statute. Note that Staff is still open to discussion on this point with the utilities and stakeholders but this represents our current position.
- The potential study and stakeholder collaboration on it should be complete in advance of proceedings to establish future CPAS goals (including the statutorily contemplated 2024 proceeding to establish 2036-2040 CPAS goals).
- It is Staff’s opinion that the potential study needs to be performed by an independent entity, and therefore independence provisions, comparable to those for the independent evaluator, needs to be established.

ICC Staff Next Steps

- Send Staff Report to the Commission tomorrow recommending that the Commission order Ameren and ComEd to each file a petition with the Commission no later than June 1, 2023 to establish CPAS goals for the 2031-2035 period. At that time, goals can be adjusted above or below (or at) the defaults in the statute and rely in part on the independent analysis and potential study referenced in the statute.
- Deadlines will be established in the Oct. 14, 2021 Initiating Order for Initial and Reply Comments (Initial Comments likely due before the end of October).
- The Staff Report will acknowledge that Staff is working with other interested parties and the utilities to reach consensus which may be formulated into a stipulation and filed in the docket.
- No ruling requested on goals, so effectively the defaults in the statute will be in effect until the 2023 proceeding concludes.