

A Proposed Path Forward for Confidential and Productive SAG Discussions Regarding the Next Three Year Planning Period



General Goals

- To maximize productive dialogue concerning the development, approval and implementation of the next three-year plan, SAG Discussions should take place in an open yet protected environment that fosters collaboration and consensus by key stakeholders.
- SAG Discussions should be focused on finding common ground upon which foundational issues can be resolved, thereby minimizing the number of contested issues to be resolved by the Commission.
- Process and protocols needed to allow sharing of sensitive or confidential information, as well as to explore settlement or compromise positions, which can guide the SAG Discussions toward consensus.
- Interested parties should acknowledge and agree, in writing, the rules governing the SAG Settlement Discussions and the use of any materials or information shared.
- With rules in place, interested parties who choose to participate through written acknowledgement and agreement can exchange ideas, proposals and positions through structured framework designed to build consensus around foundational issues and, if possible, specific issues.

Process

- Participating stakeholders would acknowledge and agree, in writing, to the rules governing the SAG Settlement Discussions and the use of any materials or information shared so that sensitive or confidential information, as well as settlement or compromise positions, can be explored, discussed and agreed upon with appropriate protections.
- Acknowledgment and Agreement would set forth the conditions under which a participating party's statements, materials or positions may and may not be used in Commission proceedings:
 - Set forth clear and easy-to-follow protocols for invoking protections , including clear designations
 - Provide framework analogous to treatment of settlement communications under Illinois Rules of Evidence
 - Generally prohibit use of information designated as confidential or settlement material for impeachment purposes in subsequent proceedings
 - Allow use of information that may already be in public domain (e.g., underlying studies) or to prevent delayed, surprise or bad-faith attacks during Commission proceedings
 - Provide mechanism to resolve disputes over use of information as well
- SAG Settlement Discussions would be separate, focused discussions involving key policy stakeholders in an effort to build consensus.
- Plan development could still be generally discussed with the SAG.

Framework to Achieve Stipulations

- With rules in place to allow for the open exchange of ideas, proposals and positions, a structured framework can be designed to build consensus, with a goal of stipulation on foundational issues upon which further agreement on specific issues can be reached.
- Draft Stipulation Framework could include the following attributes:
 - Interdependent and conditional on Commission approval of all issues
 - Partial approval would invalidate stipulation and free parties to take whatever positions they want (subject to Acknowledgement and Agreement)
 - However, stipulating parties would agree to support and defend stipulations and seek their approval
 - Would be designed so that stipulating parties could resolve issues that can build upon each other, and at each stage reach agreement so that work and efforts can be leveraged towards future consensus
 - For example, participating parties could address, in steps, rate limit calculations, total three-year budgets, percentages for plan and program costs, residential/C&I split, savings goals, etc.
 - If consensus is reached on an issue, Utility would commit to use stipulation as foundation for Plan development, thereby eliminating a contested issue from the Plan approval docket (hopefully).

Path Forward

- Development of two parts in progress and will be discussed with key stakeholders.
- Goal will be to share resulting draft documents with broader SAG upon completion.
- QUESTIONS?
 - Please reach out to Kristol Whatley