

**ACKNOWLEDGEMENT AND AGREEMENT GOVERNING
PARTICIPATION IN PLAN FOUR SAG DISCUSSIONS**

The Illinois Commerce Commission (“Commission”) established the Illinois Energy Efficiency Stakeholder Advisory Group (“SAG”) in the Final Orders approving the first three-year electric plan filings under 220 ILCS 5/8-103. The roles and responsibilities of the SAG include reviewing utility progress towards achieving the energy efficiency and demand response goals set forth by 220 ILCS 5/8-103 and 220 ILCS 5/8-104, identifying innovative ways to strengthen the utilities’ portfolios, and serving as a forum for discussions, including settlement discussions, intended to minimize the contested issues that must be resolved in Commission dockets.

The SAG is open to all interested participants, and it is an advisory body, not a decision-making body. It is a forum that allows parties to express different opinions, better understand the opinions of others, and foster collaboration and consensus, where possible and appropriate. The participants in SAG discussions concerning the development and implementation of the next three-year plan to be approved by the Commission pursuant to 220 ILCS 5/8-103 and 220 ILCS 5/8-104 [**the Plan**] believe that the purposes and objectives of the SAG will be aided by a clear understanding of the circumstances under which information exchanged in SAG discussions concerning the next energy efficiency Plan (“Plan SAG Discussions”) will be admissible in Commission proceedings, and the circumstances under which it will not.

Accordingly, this Acknowledgement and Agreement is intended to govern participation in the Plan SAG Discussions. Any party or representative with authority who provides an executed version of this document may participate in the Plan SAG Discussions and thereby become a “Participating Party” for purposes of this document. A Participating Party may invoke these procedures and protections by clearly designating a document or communication “SAG Confidential,” or by declaring orally or in writing that a communication, statement or position is made in the nature of “Plan Settlement Discussions.” The term SAG Confidential means a communication, statement or position introduced during Plan Settlement Discussions to which a Participating Party seeks to invoke the protections and protocols contained herein.

The undersigned agrees that a Participating Party’s designation of material as SAG Confidential or a part of Plan Settlement Discussions shall trigger the following protections and procedures:

1. Written and/or oral positions or statements made during SAG Discussions which are designated SAG Confidential or are made as a part of Plan Settlement Discussions shall not be used by any party to contradict or impeach another party’s position, or to prove a party’s position, in a Commission proceeding.
2. This Acknowledgement and Agreement does not require the exclusion of any publicly available facts or information otherwise admissible in a Commission proceeding merely because it is presented in the course of SAG Discussions, regardless of whether it is designated SAG Confidential or made in the course of Plan Settlement Discussions. Moreover, this Acknowledgement and Agreement does not provide a right or entitlement to any particular set of facts or

information. The Participating Parties further agree that information that requires additional protection, including but not limited to confidential or proprietary information, may be subject to separate requirements and protections as afforded by law or otherwise.

3. A party may introduce written and/or oral positions or statements made during SAG Discussions in a Commission proceeding, regardless of whether it is designated SAG Confidential or made in the course of Plan Settlement Discussions, for any purpose not expressly prohibited by Paragraph 1, including but not limited to proving or negating an assertion of delay, bad faith, surprise, or failure to take a position during Plan SAG Discussions.

However, before any written and/or oral position or statement made during Plan SAG Discussions can be used in a Commission proceeding consistent with this Paragraph 3, the following procedures must be followed:

- (A) The party seeking to use the written and/or oral position or statement made during Plan SAG Discussions in a Commission proceeding (“Using Party”) must provide reasonable notice to the party against whom such written and/or oral position or statement is intended to be used (“Responding Party”) of the Using Party’s intent to introduce the material, and of the non-prohibited purpose for which the Using Party intends to use the material.
- (B) If the Responding Party objects to the Using Party’s introduction of the material, the Using Party must first seek and obtain a ruling from the Administrative Law Judge presiding over the Commission proceeding allowing the material question.

This Acknowledgement and Agreement is the only and entire agreement governing participation in the SAG Discussions. Any disputes regarding the contents of this Acknowledgement and Agreement will be addressed within the confines of the SAG.

[PARTICIPATING PARTY]

By: _____
Name:
Position:
Date: