

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

Illinois Power Agency)
) ICC Docket No. 20-_____
Petition for Approval of the 2021 IPA)
Electricity Procurement Plan Pursuant to)
Section 16-11.5(d)(4) of the)
Public Utilities Act.)

**VERIFIED PETITION FOR APPROVAL OF THE ILLINOIS POWER AGENCY’S 2021
ELECTRICITY PROCUREMENT PLAN PURSUANT TO 220 ILCS 5/16-111.5(d)(4)**

Pursuant to the authority granted by the Illinois Power Agency Act, 20 ILCS 3855/1-5, *et seq.*, and the Illinois Public Utilities Act, 220 ILCS 5/1-101, *et seq.*, the Illinois Power Agency (“IPA” or “Agency”) hereby submits to the Illinois Commerce Commission (“Commission” or “ICC”) for consideration and approval its proposed plan for the procurement of electricity for certain customers of Ameren Illinois Company (“Ameren Illinois”), Commonwealth Edison Company (“ComEd”), and MidAmerican Energy Company (“MidAmerican”) (collectively referred to as the “Utilities”) through the Electricity Procurement Plan for the period of June 2021 through May 2026 (the “2021 Plan” or “Plan”) accompanying this Verified Petition. The 2021 Plan sets forth recommendations related to the procurement of electricity, capacity, and associated transmission services to meet the load requirements and supply needs of eligible retail customers¹ served by the Utilities. The Plan is designed to meet the statutory mandate “to ensure adequate, reliable, affordable, efficient, and environmentally sustainable electric service at the lowest total cost over time, taking into account any benefits of price stability.” 220 ILCS 5/16-111.5(d)(4).

¹ “Eligible retail customers” are defined in Section 16-111.5(a) of the Public Utilities Act as “those retail customers that purchase power and energy from the electric utility under fixed-price bundled service tariffs, other than those retail customers whose service is declared or deemed competitive under Section 16-113 and those other customer groups specified in this Section, including self-generating customers, customers electing hourly pricing, or those customers who are otherwise ineligible for fixed-price bundled tariff service.” 220 ILCS 5/16-111.5(a).

In accordance with Section 16-111.5(d)(3) of the Illinois Public Utilities Act (“PUA”), the Commission is required to enter its order confirming or modifying the Plan on or before December 28, 2020.² The IPA respectfully requests that the Commission confirm and approve the 2021 Plan submitted contemporaneously with this Petition.

PROCEDURAL BACKGROUND

In accordance with Section 16-111.5(d)(2) of the PUA, and after timely receipt of the Utilities’ load forecasts on or before July 15, 2020, the IPA posted its draft of the 2021 Electricity Procurement Plan to its website on August 14, 2020 (hereinafter the “Draft Plan”). *See* 220 ILCS 5/16-111.5(d)(2). Utilities and other interested parties were given thirty days following the date of the posting to provide comments to the IPA on the Draft Plan, with such comments required to be “specific, supported by data or other detailed analyses, and if objecting to all or a portion of the procurement plan, accompanied by specific alternative wording or proposals.” 220 ILCS 5/16-111.5(d)(2). The IPA had fourteen days following the end of the 30-day review period to revise the Draft Plan as necessary based on the comments and to file the Plan with the Commission. *See* 220 ILCS 5/16-111.5(d)(2). The accompanying Plan represents that filing.

Following submission of the 2021 Plan, within five days, any person objecting to the Plan may file its objection with the Commission. 220 ILCS 5/16-111.5(d)(3). Objections to the 2021 Plan are thus required to be filed with the Commission in the resulting docketed proceeding by Monday, October 5, 2020, and any party seeking to appear or intervene should do so prior to submitting objections.

² The Commission must enter an order confirming or modifying the Plan within 90 days after it is filed by the IPA. Because the ninetieth day would fall on a Sunday, the deadline for Commission to enter an order would fall on the following Monday. Please note that the current ICC calendar indicates the last scheduled meeting prior to that deadline is scheduled for Thursday, December 16, 2020. (See 220 ILCS 5/16-111.5(d)(3)).

COMMENTS ON THE DRAFT PLAN

As required by the PUA, the IPA was required to hold at least one public hearing within each utility's service area to receive public comment on the Draft Plan. 220 ILCS 5/16-111.5(d)(2). Due to the ongoing COVID-19 global health pandemic, these three public hearings were held virtually over the WebEx platform on September 4, 2020, with the participation links for those hearings published within the notice of the Draft Plan's release. As with many past years, no parties provided public comments at the three public hearings held by the IPA. Written comments were received from Ameren Illinois,³ which offered a typographic correction to the Draft Plan that has adopted in full in the filed version of the 2021 Plan.

PROCEDURAL STEPS

As discussed in the Procedural Background section above, within five days of the filing of the Plan, any person objecting to the Plan may file an objection with the Commission.⁴ 220 ILCS 5/16-111.5(d)(3). As with past years, parties may file objections based on alternative policy recommendations or legal arguments, and the Commission may take those written objections into consideration in approving or modifying the Plan in accordance with its authority under Section 16-111.5 of the PUA. In addition, the Commission has ten days from the filing of objections to determine if a hearing is necessary.⁵ 220 ILCS 5/16-111.5(d)(3). At this time, based on the

³ Comments received on the Draft Plan can be found on the IPA's website: <https://www2.illinois.gov/sites/ipa/Pages/2021-Electricity-Procurement-Plan-Comments.aspx>.

⁴ Objections to the Plan are thus due by Monday, October 5, 2020.

⁵ In the past, the Commission has interpreted Section 16-111.5(d)(3) as requiring a Commission determination by 10 days after Objections are due (see, e.g., Docket No. 12-0544, Notice of Administrative Law Judge Ruling dated October 10, 2012, wherein the determination came 12 days after the filing of the annual procurement plan and 7 days after objections were due); if the Commission determines that this is the appropriate deadline, it must rule on a hearing by Thursday, October 15, 2020.

comments that were submitted in response to the Draft Plan, the IPA does not believe a hearing is necessary to consider or approve the 2021 Plan.

PROPOSED BRIEFING SCHEDULE

In prior years, the presiding Administrative Law Judge has instituted a briefing schedule by issuing a Notice to all parties approximately one week after the commencement of the docket.

For consideration of the 2021 Plan, the IPA proposes the following briefing schedule:

- Responses to objections must be filed and served by Tuesday, October 20, 2020;
- Replies, if any, shall be filed and served by Thursday, October 29, 2020;
- The expected date for the ALJ's Proposed Order is Friday, November 13, 2020;
- Briefs on Exceptions must be filed and served by Friday, November 20, 2020; and
- Reply Briefs on Exception, if any, must be filed and served by Wednesday, December 2, 2020.

This proposed schedule largely mirrors the schedules utilized for prior annual IPA procurement plan approval proceedings, including Docket No. 19-0951, approving the 2020 IPA Electricity Procurement Plan; Docket No. 18-1564, approving the 2019 IPA Electricity Procurement Plan; and Docket No. 17-0392, approving the 2018 IPA Electricity Procurement Plan.

CONCLUSION

The Illinois Power Agency's 2021 Annual Electricity Procurement Plan is consistent with the requirements of the Public Utilities Act and the Illinois Power Agency Act, meets the needs of the customers it serves, and should be approved by the Commission. The IPA reserves the right to file responsive comments and any corresponding edits to its 2021 Plan, and respectfully requests the Plan's approval in this proceeding.

Dated: September 28, 2020

Respectfully submitted,

Illinois Power Agency

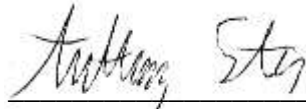
By: /s/ Kelly Armstrong Turner

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STATE OF ILLINOIS)
)
COUNTY OF COOK)

VERIFICATION

Pursuant to 83 Ill. Admin. Code 200.130 and 735 ILCS 5/1-109, under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this Verified Petition for Approval of the Illinois Power Agency's 2021 Electricity Procurement Plan are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.



Anthony M. Star

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ILLINOIS COMMERCE COMMISSION**

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Procurement Plan Pursuant to Section 16-)	
111.5(d)(4) of the Public Utilities Act)	

NOTICE OF FILING

Please take notice that on September 28, 2020, the undersigned, an attorney, caused the Illinois Power Agency’s Verified Petition for Approval of the 2021 Procurement Plan Pursuant to 220 ILCS 5/16-111.5(d)(4), the 2021 Plan itself, and the Appendices thereto to be filed via e-Docket with the Chief Clerk of the Illinois Commerce Commission in a new proceeding:

September 28, 2020

/s/ Kelly A. Turner
Kelly A. Turner