

Appendix A

Statutory Compliance Index

Recognizing the multiple, overlapping legal requirements for the Procurement Plan, the IPA has assembled an index of the requirements of the Illinois Power Agency Act and the Public Utilities Act and a citation for which section(s) of the plan address each of the requirements and/or standards. The IPA notes that although the list is intended to be broad, it is not comprehensive of every legal requirement related to the Procurement Plan. Omission of a statutory or other requirement should not be interpreted as waiver of the requirement by the IPA or a suggestion that the Commission criteria for review should be altered in any way.

Section	Legal Authority
	<i>Plan Participation</i>
	<i>220 ILCS 5/16-111.5(a)</i>
	"A small multi-jurisdictional electric utility that on December 31, 2005 served less than 100,000 customers in Illinois may elect to procure power and energy for all or a portion of its eligible Illinois retail customers in accordance with the applicable provisions set forth in this Section and Section 1-75 of the Illinois Power Agency Act. This Section shall not apply to a small multi-jurisdictional utility until such time as a small multi-jurisdictional utility requests the Illinois Power Agency to prepare a procurement plan for its eligible retail customers." (a)
	<i>Plan Requirements</i>
	<i>220 ILCS 5/16-111.5(b)</i>
Ch. 1, Ch. 2	"A procurement plan shall be prepared for each electric utility consistent with the applicable requirements of the Illinois Power Agency Act and this Section." (b)
Ch. 3, Ch. 4	"Each procurement plan shall analyze the projected balance of supply and demand for those retail customers to be included in the plan's electric supply service requirements over a 5-year period, with the first planning year beginning on June 1 of the year following the year in which the plan is filed." (b)
2.3, 2.4, Ch. 8	"The plan shall specifically identify the wholesale products to be procured following plan approval" (b)
Ch. 1, Ch. 2	"[The plan] shall follow all the requirements set forth in the Public Utilities Act and all applicable State and federal laws, statutes, rules, or regulations, as well as Commission orders." (b)
2.3, 3.1, 3.2, 3.3, 3.4	"Hourly load analysis. This analysis shall include:
<i>Id.</i>	(i) multi-year historical analysis of hourly loads;
<i>Id.</i>	(ii) switching trends and competitive retail market analysis;
<i>Id.</i>	(iii) known or projected changes to future loads; and
<i>Id.</i>	(iv) growth forecasts by customer class." (b)(1)
2.3, Ch. 3	"Analysis of the impact of any demand side and renewable energy initiatives. This analysis shall include:
<i>Id.</i>	(i) the impact of demand response programs and energy efficiency programs, both current and projected; for small multi-jurisdictional utilities, the impact of demand response and energy efficiency programs approved pursuant to Section 8-408 of this Act, both current and projected; and
Ch. 4	(ii) supply side needs that are projected to be offset by purchases of renewable energy resources, if any." (b)(2)

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2.3, 2.5, Ch. 7	A plan for meeting the expected load requirements that will not be met through preexisting contracts. This plan shall include:
2.3, Ch. 3	(i) definitions of the different Illinois retail customer classes for which supply is being purchased;
2.3, 2.5, 7.4	(ii) the proposed mix of demand-response products for which contracts will be executed during the next year. For small multi-jurisdictional electric utilities that on December 31, 2005 served fewer than 100,000 customers in Illinois, these shall be defined as demand-response products offered in an energy efficiency plan approved pursuant to Section 8-408 of this Act. The cost-effective demand-response measures shall be procured whenever the cost is lower than procuring comparable capacity products, provided that such products shall:
7.4	(A) be procured by a demand-response provider from those retail customers included in the plan's electric supply service requirements;
<i>Id.</i>	(B) at least satisfy the demand-response requirements of the regional transmission organization market in which the utility's service territory is located, including, but not limited to, any applicable capacity or dispatch requirements;
<i>Id.</i>	(C) provide for customers' participation in the stream of benefits produced by the demand-response products;
<i>Id.</i>	(D) provide for reimbursement by the demand-response provider of the utility for any costs incurred as a result of the failure of the supplier of such products to perform its obligations thereunder; and
2.5	(E) meet the same credit requirements as apply to suppliers of capacity, in the applicable regional transmission organization market;
2.3	(iii) monthly forecasted system supply requirements, including expected minimum, maximum, and average values for the planning period;
<i>Id.</i> ; 2.4	(iv) the proposed mix and selection of standard wholesale products for which contracts will be executed during the next year, separately or in combination, to meet that portion of its load requirements not met through pre-existing contracts, including but not limited to monthly 5 x 16 peak period block energy, monthly off-peak wrap energy, monthly 7 x 24 energy, annual 5 x 16 energy, other standardized energy or capacity products designed to provide eligible retail customer benefits from commercially deployed advanced technologies including by not limited to high voltage direct current converter stations, as such term is defined in Section 1-10 of the Illinois Power Agency Act, whether or not such product is currently available in wholesale markets, annual off-peak wrap energy, annual 7 x 24 energy, monthly capacity, annual capacity, peak load capacity obligations, capacity purchase plan, and ancillary services;
2.3	(v) proposed term structures for each wholesale product type included in the proposed procurement plan portfolio of products; and
2.3, Ch. 6	(vi) an assessment of the price risk, load uncertainty, and other factors that are associated with the proposed procurement plan; this assessment, to the extent possible, shall include an analysis of the following factors: contract terms, time frames for securing products or services, fuel costs, weather patterns, transmission costs, market conditions, and the governmental regulatory environment; the proposed procurement plan shall also identify alternatives for those portfolio measures that are identified as having significant price risk and mitigation in the form of additional retail customer and ratepayer price, reliability, and environmental benefits from standardized energy products delivered from commercially deployed advanced technologies, including, but not limited to, high voltage direct current converter

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	stations, as such term is defined in Section 1-10 of the Illinois Power Agency Act, whether or not such product is currently available in wholesale markets.” (b)(3)
2.3, 6.4	“The procurement plan shall include, for load requirements included in the procurement plan, the process for
<i>Id.</i>	(i) hourly balancing of supply and demand and
<i>Id.</i>	(ii) the criteria for portfolio re-balancing in the event of significant shifts in load.” (b)(4)
	220 ILCS 5/16-111.5(b-10)
1.3; Ch. 9	“[T]he procurement plan shall also include the procurement of energy, capacity, environmental attributes, resource adequacy attributes, or some combination thereof intended to serve all retail customers.” (b-10)
Ch. 9	“Any procurements proposed under this subsection (b-10) shall feature long-term contracts, shall be structured to facilitate new and additive supply resources, and shall be sized to ensure that the substantial majority of any load-serving entity’s supply portfolio is not composed of contracts awarded under this subsection (b-10). Any procurement should consider the value of higher capacity resources that aid in resource adequacy. The Agency shall propose contract structures that do not create contractual obligations on utilities that are not contingent on full and timely cost recovery, that avoid negative financial impacts on the utilities, and that are implemented through contracts that are agreed upon by the utilities.” (b-10)
<i>Id.</i>	“Facilities eligible for long-term contracts under this subsection (b-10) must be new clean energy resources, as defined in Section 1-10 of the Illinois Power Agency Act, including clean generation associated high voltage direct current transmission facilities, and must qualify as an accredited capacity resource within the service areas of PJM Interconnection, LLC, or Midcontinent Independent System Operator, Inc. For purposes of this subsection (b-10), “new” means energized on or after the effective date of this amendatory Act of the 104th General Assembly.” (b-10)(1)
<i>Id.</i>	“Contracts may take the form of a sourcing agreement, power purchase agreement, or other instrument as determined by the Commission in approving the plan, and may feature fixed or variable pricing structures, including utilization of a contract for differences in pricing structure. Contracts may feature both electric utilities and alternative retail electric suppliers as counterparties. In approving the contract structure utilized for any contract awards made pursuant to this subsection (b-10), the Commission shall prioritize structures that ensure stable, reliable, and competitively neutral allocations of costs and responsibilities.” (b-10)(2)
<i>Id.</i>	“Purchases made under contracts awarded through this subsection (b-10) shall be funded in a competitively neutral manner as determined by the Commission in approving the plan. To meet contract obligations, the Commission may order collections from all retail customers or from all load-serving entities, including alternative retail electric suppliers as defined in Section 16-102 of this Act, as a means of ensuring a fair and competitively neutral allocation of contract costs. In establishing collections, the Agency may propose and the Commission may approve adjustments for load-serving entities that have contracts entered into before the effective date of this amendatory Act of the 104th General Assembly for energy, capacity, or environmental attributes to ensure customers are not double-billed for the same service.” (b-10)(3)
<i>Id.</i>	“The Agency may propose and the Commission may approve additional terms, conditions, and requirements applicable to this procurement process through development and approval of the Agency’s annual electricity procurement plan.” (b-10)(4)
<i>Id.</i>	“The manner and form for developing contracts, qualifying potential counterparties, and awarding contracts shall be proposed as part of the annual electricity procurement plan described in this subsection (b-10). However, to the extent practicable, the proposed

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	approach for contract development and award should endeavor to follow the provisions of subsections (c) and (e) through (i) of this Section.” (b-10)(5)
<i>Id.</i>	“As further outlined in Section 16-115A, compliance with any procurement process proposed under this subsection (b-10) shall be considered a condition of service for alternative retail electric suppliers.” (b-10)(6)
	20 ILCS 3855/1-20(c)
Ch. 8	“In conducting the procurement of electricity or other products, beginning January 1, 2022, the Agency shall not procure any products or services from persons or organizations that are in violation of the Displaced Energy Workers Bill of Rights, as provided under the Energy Community Reinvestment Act at the time of the procurement event or fail to comply the labor standards established in subparagraph (Q) of paragraph (1) of subsection (c) of Section 1-75.”

Section	Legal Authority
	<i>Approval Procedure</i>
	220 ILCS 5/16-111.5
2.2	“Approval and implementation of the procurement plan shall be subject to review and approval by the Commission according to the provisions set forth in this Section.” (b)
3.1, 3.2, 3.3, 3.4	“[E]ach Illinois utility procuring power pursuant to this Section shall annually provide a range of load forecasts to the Illinois Power Agency by July 15 of each year, or such other date as may be required by the Commission or Agency. The load forecasts shall cover the 5-year procurement planning period for the next procurement plan and shall include hourly data representing a high-load, low-load, and expected-load scenario for the load of the eligible retail customers. The utility shall provide supporting data and assumptions for each of the scenarios.” (d)(1)
2.2, 2.3	“[T]he Illinois Power Agency shall prepare a procurement plan by August 15th of each year, or such other date as may be required by the Commission. The procurement plan shall identify the portfolio of demand-response and power and energy products to be procured.” (d)(2)
2.2	“Copies of the procurement plan shall be posted and made publicly available on the Agency’s and Commission’s websites, and copies shall also be provided to each affected electric utility.” (d)(2)
<i>Id.</i>	“An affected utility shall have 30 days following the date of posting to provide comment to the Agency on the procurement plan. Other interested entities also may comment on the procurement plan. . . . All comments shall be posted on the Agency’s and Commission’s websites.” (d)(2)
<i>Id.</i>	“During this 30-day comment period, the Agency shall hold at least one virtual or in-person public hearing for each utility’s service area for the purpose of receiving public comment on the procurement plan.” (d)(2)
<i>Id.</i>	“Within 14 days following the end of the 30-day review period, the Agency shall revise the procurement plan as necessary based on the comments received and file the procurement plan with the Commission and post the procurement plan on the websites.” (d)(2)
<i>Id.</i>	“The Commission shall approve the procurement plan, including expressly the forecast used in the procurement plan, if the Commission determines that it will 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.” (d)(4)
	20 ILCS 3855/1-75

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<i>Id.</i>	"The draft procurement plans are subject to public comment, as required by Section 16-111.5 of the Public Utilities Act." (e)
<i>Id.</i>	"The Agency shall submit the final procurement plan to the Commission." (f)

Section	Legal Authority
	<i>Clean Coal Portfolio Standard, Generally</i>
	<i>20 ILCS 3855/1-75(d)</i>
2.6, 7.5	"The procurement plans shall include electricity generated using clean coal." (d)(1)
<i>Id.</i>	"It is the goal of the State that by January 1, 2025, 25% of the electricity used in the State shall be generated by cost-effective clean coal facilities." (d)(1)
7.5	"For purposes of this subsection (d), 'cost-effective' means that the expenditures pursuant to such sourcing agreements do not cause the limit stated in paragraph (2) of this subsection (d) to be exceeded and do not exceed cost-based benchmarks, which shall be developed to assess all expenditures pursuant to such sourcing agreements covering electricity generated by clean coal facilities, other than the initial clean coal facility, by the procurement administrator, in consultation with the Commission staff, Agency staff, and the procurement monitor and shall be subject to Commission review and approval." (d)(1)
<i>Id.</i>	"Notwithstanding the requirements of this subsection (d), the total amount paid under sourcing agreements with clean coal facilities pursuant to the procurement plan for any year shall be reduced by an amount necessary to limit the annual estimated average net increase due to the costs of these resources included in the amounts paid by eligible retail customers in connection with electric service to: . . . (E) . . . the total amount paid under sourcing agreements with clean coal facilities pursuant to the procurement plan for any single year shall be reduced by an amount necessary to limit the estimated average net increase due to the cost of these resources included in the amounts paid by eligible retail customers in connection with electric service to no more than the greater of (i) 2.015% of the amount paid per kilowatthour by those customers during the year ending May 31, 2009 or (ii) the incremental amount per kilowatthour paid for these resources in 2013. These requirements may be altered only as provided by statute." (d)(2)