

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

Illinois Power Agency)
) ICC Docket No. 23-_____
Petition for Approval of the 2024 IPA)
Electricity Procurement Plan Pursuant to)
Section 16-111.5(d)(4) of the)
Public Utilities Act)

**VERIFIED PETITION FOR APPROVAL OF THE ILLINOIS POWER AGENCY’S 2024
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 2024 through May 2029 (the “2024 Plan” or “Plan”) accompanying this Verified Petition.

The 2024 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

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).

stability.”²

In accordance with Section 16-111.5(d)(3) of the Illinois Public Utilities Act (“PUA” or the “Act”), the Commission is required to enter its Order confirming or modifying the Plan within 90 days after filing, on or before December 26, 2023.³ The IPA respectfully requests that the Commission confirm and approve the 2024 Plan submitted 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, 2023, the IPA posted its draft of the 2024 Electricity Procurement Plan to its website on August 15, 2023 (hereinafter the “Draft Plan”).⁴ Utilities and other interested parties were given 30 days following the date of the posting to provide comments to the IPA on the Draft Plan; the Act requires such comments 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.”⁵ Under the Act, the IPA had 14 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. The accompanying Plan fulfills that filing.

Following submission of the 2024 Plan, within five days, any person objecting to the Plan may file its objection with the Commission.⁶ Objections to the 2024 Plan are thus required to be filed with the Commission in the resulting docketed proceeding by Monday, October 2, 2023, and any party seeking to appear or intervene should do so prior to submitting objections.

² 220 ILCS 5/16-111.5(d)(4).

³ Pursuant to Section 16-111.5(d)(3) of the PUA, the Commission must enter its order confirming or modifying the Electricity Plan within 90 days of this filing. The December 26, 2023 deadline has been computed in accordance with the provisions of Section 1.11 of the Illinois Statute on Statutes (5 ILCS 70/1.11).

⁴ See 220 ILCS 5/16-111.5(d)(2).

⁵ Id.

⁶ 220 ILCS 5/16-111.5(d)(3).

COMMENTS ON THE DRAFT PLAN

The PUA requires the IPA to hold at least one public hearing within each utility's service area to receive public comment on the Draft Plan.⁷ Consistent with the Agency's practice since 2020 and in accordance with the Act, the IPA held these three public hearings virtually over the Zoom platform on September 8, 2023, 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 on the Draft Plan were only received from one concerned individual, on their own behalf, offering typographic corrections to the Draft Plan that the IPA has largely adopted in the filed version of the 2024 Plan.

PROCEDURAL STEPS

As discussed above, any person objecting to the Plan must file an objection with the Commission within five days of the filing of the Plan, on or before Monday, October 2, 2023.⁸ 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.⁹ At this time, the IPA does not believe a hearing is necessary for the Commission consider or approve the 2024 Plan.

⁷ 220 ILCS 5/16-111.5(d)(2).

⁸ 220 ILCS 5/16-111.5(d)(3).

⁹ In the past, the Commission has interpreted Section 16-111.5(d)(3) as requiring a Commission determination within 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 12, 2023.

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 2024 Plan, the IPA proposes the following briefing schedule:

- Responses to objections must be filed and served by Monday, October 16, 2023;
- Replies to Responses shall be filed and served by Thursday, October 26, 2023;
- The expected date for the ALJ's Proposed Order is Tuesday, November 14, 2023;
- Briefs on Exceptions must be filed and served by Tuesday, November 21, 2023; and
- Reply Briefs on Exception must be filed and served by Thursday, November 30, 2023.

This proposed schedule largely mirrors the schedules utilized for prior annual IPA procurement plan approval proceedings, including most recently Docket No. 22-0590, approving the 2023 IPA's Electricity Procurement Plan. This proposed schedule allows the Commission sufficient time to review the matter prior to its December 14, 2023 Regular Open Meeting, which is the Commission's last scheduled meeting prior to the statutory deadline for approval of the 2024 Plan.

CONCLUSION

The Illinois Power Agency's 2024 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 2024 Plan, and respectfully requests the Plan's approval in this proceeding.

Dated: September 25, 2023

Respectfully submitted,

Illinois Power Agency

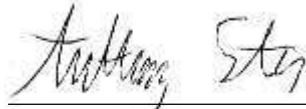


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STATE OF ILLINOIS)
)
COUNTY OF COOK)

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 2024 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
Bureau Chief, Planning & Procurement,
Illinois Power Agency

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NOTICE OF FILING

Please take notice that on September 25, 2023, the undersigned, an attorney, caused the Illinois Power Agency's Verified Petition for Approval of the IPA's 2024 Electricity Procurement Plan Pursuant to 220 ILCS 5/16-111.5(d)(4), the 2024 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.



Kelly A. Turner