

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

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| Illinois Commerce Commission | : | | |
| On Its Own Motion | : | | |
| | : | | |
| -vs- | : | 20-0738 | : |
| Ameren Illinois Company | : | | |
| d/b/a Ameren Illinois | : | | |
| | : | | |
| Investigation under Section 10-101 | : | | |
| of the Public Utilities Act to determine | : | | |
| whether Rider Net Metering requires | : | | |
| amendment to comport with Section | : | | |
| 16-107.5 of the Public Utilities Act | : | | |

ORDER

By the Commission:

On April 15, 2020, the Illinois Commerce Commission (“Commission”) entered an Order initiating Docket No. 20-0389 to investigate an annual process and formula for calculating the value of distributed generation rebates pursuant to the requirements of Section 16-107.6 of the Public Utilities Act (“Act”). 220 ILCS 5/16-107.6. Section 16-107.6(e) of the Act directs the Commission to conduct such an investigation “[w]hen the total generating capacity of the electricity provider’s net metering customers is equal to 3%[.]” Section 16-107.5(j) provides that “[a]n electricity provider shall provide net metering to eligible customers until the load of its net metering customers equals 5% of the total peak demand supplied by that electricity provider during the previous year[.]”

Section 16-107.5(j) requires that once the load of net metering customers equals 5% of the total peak demand supplied by an electricity provider (“5% threshold”), the utility must provide a rebate equal to the value determined by the Commission. According to Ameren, using the calculation methodology found in Rider NM, the load of net metering customers will exceed 5% of the total peak demand as early as October 2020 and using the methodology found in an ALJ Ruling dated July 7, 2020 will potentially push that date out to 2023.

On September 23, 2020, the Commission issued its Interim Order in this proceeding, which determined that the question of whether Ameren’s tariff correctly implements Section 16-107.5(j) – the 5% threshold - should be investigated in a separate Docket. The Interim Order found that the Commission did not suspend Rider NM when it

was filed and, thus, the Commission has not yet fully addressed the question of whether Ameren's Rider NM correctly implements Section 16-107.5(j). The Interim Order also directed that the separate tariff investigation, pursuant to Section 10-101 be conducted expeditiously.

On October 1, 2020, the Commission entered its Second Interim Order in this proceeding. The Interim Order denied certain emergency relief requested by several of the parties. In doing so, however, it directed Staff to include language in the order initiating an investigation of Rider NM (as required by the September 23 Order) that Ameren be directed to show cause as to why the provisions of Rider NM that are implemented after the 5% threshold is reached should not be stayed. The Commission directed this showing should be made within one week of the Order, by October 15, 2020. The Commission also directed Staff to audit Ameren's data used to calculate the 5% threshold, and directed Ameren to submit sufficient information and cooperate with Staff to enable Staff to conduct an efficient audit, before Ameren proceeds with implementation of the changes resulting from reaching the 5% threshold under Rider NM. The Commission also directed Staff to specify in that Initiating Order the grounds, scope, and nature of the audit directed in the Second Interim Order.

Accordingly, the Commission, having reviewed the entire record in this proceeding and being fully advised in the premises, is of the opinion and finds that:

- (1) Ameren Illinois Company d/b/a Ameren Illinois should be made the respondent to this proceeding;
- (2) the Commission has jurisdiction over the subject matter of and the party to this proceeding;
- (3) the recitals of fact set forth in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact;
- (4) the Commission should initiate an investigation pursuant to Sections 9-201 and 10-101 of the Public Utilities Act to determine whether Ameren's Rider NM correctly implements Section 16-107.5(j) of the Act;
- (5) Ameren ordered to show cause on or prior to October 15, 2020, as to why the provisions of Rider NM that are implemented after the 5% threshold is reached should not be stayed , which proceeding should be conducted expeditiously; and
- (6) Staff should review Ameren's calculation of the ratio of the load of electricity provider's net metering customers to the total peak demand supplied by that electricity provider during the previous year and the related component calculations, inputs, assumptions, and support.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that, pursuant to Sections 9-201 and 10-101 of the Public Utilities Act, an investigation be initiated to determine whether Ameren's Rider NM correctly implements Section 16-107.5(j) of the Act.

IT IS FURTHER ORDERED that Ameren Illinois Company d/b/a Ameren Illinois be made Respondent to this proceeding.

IT IS FURTHER ORDERED that Ameren Illinois Company d/b/a Ameren Illinois is ordered to show cause on or prior to October 15, 2020, as to why the provisions of Rider NM that are implemented after the 5% threshold is reached should not be stayed.

IT IS FURTHER ORDERED that Staff shall verify that Ameren is calculating the threshold correctly and Staff shall review Ameren's calculation of the ratio of the load of electricity provider's net metering customers to the total peak demand supplied by that electricity provider during the previous year and the related component calculations, inputs, assumptions, and support.

IT IS FURTHER ORDERED that the ALJ assigned to the investigation should set a schedule that will enable the Commission to make a final decision by October 23, 2020 on whether the provisions of Ameren's Rider NM should be stayed as well as a final decision by early November of 2020 on whether Ameren's Rider NM correctly implements Section 16-107.5(j) of the Act.

IT IS FURTHER ORDERED that the Respondent provide to the Chief Clerk of the Commission and file on e-Docket, as soon as possible, a complete list of all municipalities within which the Respondent provides service. The list shall include all such municipalities irrespective of whether the municipality itself is a customer of the Respondent, and irrespective of whether all or merely a portion of the residents and other entities within the municipality are customers of the Respondent. The purpose of this ordering paragraph is to allow the Commission to fulfill the notice requirements of Section 10-108 of the Public Utilities Act.

IT IS FURTHER ORDERED that the Chief Clerk be, and is hereby, directed to serve a copy of this Order on the designated agent of the Respondent.

IT IS FURTHER ORDERED that, subject to the provisions of Section 10-113 of the Public Utilities Act and 83 Ill. Adm. Code 200.880, this Order is not final and is not subject to the Administrative Review Law.

By order of the Commission this 8th day of October 2020.

(SIGNED) CARRIE ZALEWSKI

Chairman

Commissioners Bocanegra and Oliva concur.