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October 4, 2016

Via e-Mail

Mr. John Sagone
Office of General Counsel
Illinois Commerce Commission
160 North LaSalle Street - Suite C-800
Chicago, IL 60601-3104
jsagone@icc.illinois.gov

Re: ICC Workshop - e-Tariff Electronic Filing System

Dear Mr. Sagone:

Thank you for hosting the e-Tariff Electronic Filing System pre-rulemaking workshop at the Illinois Commerce Commission ("ICC") on September 23, 2016. We fully support this endeavor and we appreciate the opportunity we've been given to provide informal comments on the draft rule. The following comments primarily reflect our feedback on the high-level items identified in the initial workshop and potential inconsistencies between the draft rule and Section 255 of the Commission's rules. These comments are not intended to reflect all of ComEd's line-by-line edits, which we'll gladly offer once the stakeholders address these central issues.

Comment 1. ComEd proposes the following minor revisions to the Overview of Electronic Tariff Filing section to clarify the scope of what may be filed and that electronic filing would be in lieu of and not in addition to a paper filing.

Section XXX.XX Overview of Electronic Tariff Filing

One of the stated purposes of the Electronic Commerce Security Act is *to facilitate electronic filing of documents with State and local government agencies, and promote efficient delivery of government services by means of reliable electronic records.* [5 ILCS 175/1-105(3)] The Electronic Commerce Security Act authorizes State agencies to send and receive electronic records and electronic signatures. In addition, the Commission has the authority over its process and proceedings pursuant to Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101]. To that end, the Commission is committed to facilitating the filing, distributing, and accessing of tariffs electronically through its Electronic Tariff Filing System. Any public utility, subject to the provisions of this rule, may **elect to file a tariff and all associated documents** in an electronic format **instead of filing in hard copy.** However, nothing in this Part should be construed to require any public utility to file any tariff in an electronic format.

Comment 2. In order to provide consistency with 83 Ill. Admin. Code Sec. 255, ComEd proposes the stakeholders consider replacing the word “tariff” in this document with “Schedule”.

Comment 3. ComEd is concerned that the use of the words “file” and “filing” may cause some confusion in the proposed rule. It is our understanding that the utility *submits* schedules for filing, but those schedules are not deemed filed until they are *accepted* for filing by the ICC Chief Clerk’s office.

Comment 4. ComEd proposes the following minor revisions to the Required Information section for consistency with 83 Ill. Admin. Code Sec. 255.30.

Section XXX.XX Required Information

- a) Tariffs filed electronically shall consist of a **letter of transmittal** ~~cover letter~~, tariff pages, and work papers (if applicable). Cover letters and tariff pages will be publicly viewable. Work papers will be viewable only by the public utility representatives that filed the work papers and Staff. The work papers represent information the public utility believes is necessary to facilitate the understanding of the affected tariff.
- b) The ~~cover letter or~~ letter of transmittal shall contain the following information:
 - 1) The name of the public utility on record with the ICC.
 - 2) The tariff pages that are being changed.
 - 3) A signature of a representative of the public utility.

Comment 5 – Required Information. ComEd seeks clarification on why paragraph (c) in the Required Information section references only 83 Ill. Admin. Code 255.30(a) through (l)(1), instead of 83 Ill. Admin. Code 255.30(a) through (l)(4). ComEd also proposes the following revision to the Required Information section to clarify the confidentiality obligation.

Section XXX.XX Required Information

- d) The work papers (if applicable) shall:
 - 4) **Be retained by the ICC as confidential and proprietary in accordance with 4-404 of the Act.** ~~Remain the confidential property of the ICC.~~

Comment 6. ComEd proposes paragraph (e) in the Submission of Tariffs Electronically section be replaced with the language below to addresses concerns raised by stakeholders regarding the timing of filings and when they may be accepted. The revised language also clarifies the responsibilities of the public utility.

Section XXX.XX Submission of Tariffs Electronically

- e) In order for an electronically submitted tariff to be considered filed on a particular date, it must be accepted by the ICC Chief Clerk's Office before five o'clock p.m. (5:00 p.m. local Illinois time) on such date. It is the responsibility of the public utility to ensure that its submission is made in such a manner that acceptance of the submission by the ICC Chief Clerk's Office for filing occurs on the date that is shown on the applicable tariff documents the public utility submitted for filing.

Comment 7. ComEd proposes to the following revision the Notification of Acceptance or Rejection of Filing section.

Section XXX.XX Notification of Acceptance or Rejection of Filing

- a) An authorized user will be able to create an e-mail notification list for each electronic tariff filing. The user **and any associated e-mail notification list** will be notified automatically by email for each electronic tariff filing. ~~The user may also include additional email addresses for notifications to be sent to for each electronic tariff filing.~~

Comment 8 - e-signature of the tariff/transmittal letter. ComEd's understanding from the initial workshop is that an e-signature on the tariff sheet/letter would be acceptable so long as the signer has an ICC External User Account and he/she is the one making the e-filing. However, it wouldn't be unusual for an officer of the company to sign the tariff/transmittal letter and then have someone else file the tariff. In order to permit e-signatures through the whole process, ComEd would like the stakeholders to consider an e-signature application process for those that will be signing the filing/transmittal letter but will not be making the e-filing. The parties should also consider clarifying whether e-signatures are acceptable in (b)(3) of the Required Information section.

Comment 9 - Electronic Tariff Filing Accounts. It isn't clear to ComEd whether utilities would be notified by the Clerk when a new Authorized User Account is created or revoked. It's also not clear how quickly the utility would be notified. ComEd would appreciate clarification on these points. Notification would assist utilities in managing and controlling its list of authorized users. ComEd also proposes the following revisions to paragraph (d) of the Electronic Tariff Filing Accounts section.

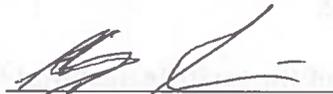
Section XXX.XX Electronic Tariff Filing Accounts

- d) The public utility shall ~~immediately~~ **timely** contact the Chief Clerk's Office to request the revocation of an authorized user account if a person is no longer authorized to submit tariffs electronically on behalf of the public utility, or if the public utility becomes aware of a security breach associated with the person or the account. **Requests may be submitted in writing or electronically.**

Comment 10 – Tariff Withdrawal. ComEd supports adding language to clarify that a party may withdraw a tariff filing by e-filing a withdrawal. ComEd is willing to work with the stakeholders to propose language.

Again, we appreciate the opportunity we've been provided to comment on the draft rule and we look forward to further discussions. As noted above, these comments are non-exhaustive and preliminary and ComEd reserves the right to supplement and amend its comments throughout the workshop process and any subsequent proceeding.

Sincerely,



Bradly R. Perkins,
Assistant General Counsel