

e-Tariff Workshop #2
Friday, October 7, 2016
10:00 a.m. to 2:00 p.m.
ICC Chicago and Springfield Offices
Springfield Main Hearing Room
Chicago Hearing Room N808

Agenda (Discussion of Issues Raised in Staff and Stakeholder First Workshop Comments):

1. Filing Date/Acceptance Date/Effective Date

- a. Staff: Explains that a tariff is “accepted” for purposes of determining effective date when Chief Clerk designates tariff as accepted. Tariffs designated as accepted as of 5 p.m. are accepted as of that date; at or after 5 p.m. as of the next business day. This is same process used currently, with key dates being acceptance date and effective date – example, a 45 day tariff that lists an effective date of 11/15/2016 must be stamped as accepted by Chief Clerk on or before 10/1/2016. Does not believe further language/edits necessary.
- b. NS/PGL: Proposes guaranteed acceptance filing time of 3 p.m. Suggests a post-dated date for acceptance that is not in conflict with 255.30(e)(6).
- c. ComEd: Notes confusion caused by use of word “file” and “filing” – states understanding that a utility submits schedules for filing, but those schedules are not deemed “filed” until they are accepted by Chief Clerk. Proposes replacing subsection (e) of “Submission of Tariffs Electronically” section with new language:
 - i. 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 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.
- d. Nicor: Suggests a guaranteed acceptance filing time of 3 p.m. Suggests clarification of “approved” designation vs. filings that are timely received and accepted. Suggests notice of rejection should provide basis for rejection.
- e. IAWC: Notes ambiguity about what constitutes “accepted”. Suggests something like: “An electronically filed tariff is deemed accepted at such time as the Chief Clerk’s Office designates the tariff as accepted on the electronic filing system.”
- f. Liberty: Liberty asked two questions that pertained to this topic:
 - i. Is a utility required to put the filing date on its tariff pages (we all do), and if so, does it need to use the accepted date or the date it is submitted (via e-tariff or by delivery for that matter)?
 - ii. Can we request an accepted date that is, for example, the next business day if we want to make sure the accepted date and filing date are the same?

2. What Filings Are Accepted

- a. Staff: Staff emphasizes that tariff filings currently accepted by Clerk’s office and posted daily under the tariff filings section of ICC’s website (except telecom) will continue to be accepted under e-Tariff. Staff believes any definition of tariff is more likely to create confusion or disputes

or render the rule too inflexible. The Clerk's office should be contacted to discuss any filings that are of concern.

- b. NS/PGL: Proposes that to the extent a definition of tariff is required it should allow for filing of tariffs and information sheets. Proposes definition – tariff to have same meaning as schedule.
- c. ComEd: Proposes replacing “tariff” with “schedule”.
- d. Nicor: Suggests clarifying filings will include all filings to provide notice as provided in 9-201 of Act except general rate case filings. Also recommends in future e-filing of annual reports (e.g. Part 220).

3. Tariff Withdrawal

- a. Staff: withdrawals will be accepted in same manner as under current process, clarifying language unnecessary.
- b. NS/PGL: Proposes process using tracking number and suggest language “An authorized user may withdraw an electronic tariff filing by filing a transmittal letter identifying the electronic tariff to be withdrawn.”
- c. ComEd: Supports clarification on tariff withdrawal – no suggested language.
- d. Nicor: Supports clarification that withdrawal handled in same manner as initial filing of same tariff – no suggested language.

4. Tariff Signature

- a. Staff: Wet signature currently required due to setup of system, but will evaluate enhancements that would allow for use of “/s” electronic signature in future. Proposed modification to subsection (g) of “Electronic Tariff Filing Accounts” section to eliminate ambiguity between signature on tariff and e-signature of the authorized user. Does not believe additional language is necessary.
- b. NS/PGL: Proposes using /s if written signature on file with Commission; otherwise hand written signature affixed to cover letter.
- c. ComEd: Understanding is that e-signature is acceptable as long as the signer has external user account and is individual making filing. Would like consideration of process that allows use of e-signature for those signing filing but not making the filing, and whether e-signatures acceptable in subsection (b)(3) of “Required Information” section.
- d. Nicor: Advocates for e-signatures on any eTariff filings.
- e. IAWC: States more clarify needed on signature.

5. Confidentiality (subsection (d)(4) of “Required Information” Section)

- a. NS/PGL: Proposes alternative language: “Be considered, for the sole purposes of ensuring confidentiality of the work papers, the property of the Commission. Notwithstanding, nothing herein shall limit the filing Public Utility's use of the contents of those Work Papers for any purpose.”
- b. ComEd: Proposes alternate language: “Be retained by the ICC as confidential and proprietary in accordance with 4-404 of the Act.”
- c. IAWC: Proposes alternate language: “Be kept confidential by the ICC.”

6. Internal User Account

- a. Staff: Proposed modifications designed to allow for future electronic application for account: “A completed ICC external user account application must be delivered to the Chief Clerk's Office in accordance with the instructions provided on the form.” Also believes rule is clear that Clerk's office should be contacted immediately to revoke an account and no further language needed.

- b. NS/PGL: Agrees with Staff that language should be modified to allow for future electronic application for account. Supports either email or phone call from utility representative for revocation.
- c. ComEd: Requests clarification on whether utility is notified when user accounts are created/revoked, and how quickly. Proposes substituting “timely” for “immediately” in contacting Clerk’s office to request revocation.
- d. Nicor: Agrees rule should be revised to allow for future electronic application for account. Suggests rule should include language explaining necessary steps for revoking existing user account.

7. Other/Misc.

- a. Staff: Changed CST to Illinois local time and deleted definition of Schedule.
- b. NS/PGL: Additional minor proposed edits to rule. Proposes adding additional numbered subsection to subsection (b) under “Required Information” section “If considered relevant by the public utility, a description of the filing.”
- c. ComEd: Seeks clarification of why subsection (c) of “Required Information” section only references 83 Ill. Adm. 255.30(a)-(l)(1) and not (a)(1) through (l)(4). Suggests addition of some minor additional wording to “Overview of Electronic Tariff Filing” section. Suggests using “letter of transmittal” and deleting term “cover page.” Proposes revisions to subsection (a) of “Notification of Acceptance or Rejection of Filing” section.
- d. Nicor: Suggests deleting definition of “schedule” and adding definition for “letter of transmittal” and replace references to “cover letter” with “letter of transmittal.”
- e. IAWC: Suggests several minor edits to rule language for consistency.