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## Court ruling could lower utility bills

Illinois Commerce Commission was wrong to allow ComEd to pass on certain costs to customers, decision says

October 06, 2010 | By Julie Wernau, Tribune reporter

Illinoisans could see lowered natural gas and electric bills as a result of a court ruling last week that determined the Illinois Commerce Commission wrongly allowed Commonwealth Edison to pass on certain costs to residential customers for years.

Attorney General Lisa Madigan said the court decision — which establishes a new precedent for how utility rates are determined that takes into account how certain assets depreciate — would mean that not just ComEd, but all utilities in the state, will not be able to pass on to consumers the cost of "doing business." The ruling would also apply to public utilities such as water and sewer.

For ComEd's customers, the ruling also means they could be in store for a possible rebate — upward of \$48 million, according to a company regulatory filing. That would amount to a little more than \$12 each when averaged across ComEd's 3.8 million customers. The commission will ultimately decide if and how a rebate is issued, said spokesman Brian Sterling, who added that the commission is reviewing the court's decision.

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David Kolata, executive director of the Citizens Utility Board, a non-profit consumer advocacy group, hailed the court's decision on how rates are determined. "This part of the decision is good news for consumers, and it will lead to lower rates. This is a big ticket item for consumers."

However, Kolata said he was worried that another part of the court ruling could stall ComEd's efforts to test "smart" devices and technology aimed at allowing consumers to manage energy usage and thereby reduce bills. The court ruled that the commission overstepped its authority in 2008 when it allowed a \$5 million rider to be tacked onto all customers' bills to pay for a pilot program in the Chicago area.

"We don't want to have to end the pilot after getting halfway through it because of the court decision," said Kolata. "The smart grid pilot is going well. We think it's important, and we wouldn't want to see it jeopardized."

ComEd said the court decision places ComEd's smart meter pilot in jeopardy, but it said it is looking at other ways to pay for completion of the project.

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