Procedural History

On April 4, 2005, the Petitioners requested that the Commission initiate this rulemaking proceeding to amend 83 Ill. Admin. Code (“the Code”) §§ 280.40 (Definitions), 280.50 (Applicants for Service), 280.60 (Present Customers), 280.70 (Deposits) and 280.130 (“Sections 280.40, 280.50, 280.60, 280.70 and 280.130 (“Discontinuance of Service”).

Petitions to Intervene were subsequently filed by the Citizen’s Utility Board (“CUB”), the Illinois Attorney General (“AG”), the City of Chicago (“City”), Community Action for Fair Utility Practice (“CAFFUP”), the Legal Assistance Foundation of Metropolitan Chicago (“LAF”) and Dynegy Inc. (“Dynegy”). All petitions to intervene were granted. Pursuant to a schedule set by the ALJ, direct testimony was subsequently filed by the Petitioners and the Interveners.
On March 17, 2006, the South Austin Community Council and Community Action for Fair Utility Practice (jointly, “Low Income Residential Consumers” or “LIRC”), one of the Interveners in Docket No. 05-0237, filed a Petition To Initiate Rulemaking With Notice and Comment for Approval of Certain Amendments to Illinois Administrative Code Part 280. The Commission initiated a rulemaking, Docket No. 06-0202. On April 11, 2006, the LIRC filed a Motion to Consolidate Docket Nos. 05-0237 and 06-0202. The Administrative Law Judge (“ALJ”) denied the consolidation on May 3, 2006. (See Docket No. 06-0202, Notice of Administrative Law Judge’s Ruling, dated May 3, 2006)

Finally, on May 10, 2006, the Citizens Utility Board and the People of the State of Illinois, Interveners in Docket Nos. 05-0237 and 06-0202, also filed a Petition To Initiate Rulemaking With Notice and Comment for Approval of Certain Amendments to Illinois Administrative Code Part 280. The Commission initiated a rulemaking, Docket No. 06-0379. On May 12, 2006, the Government and Consumer Parties filed a Motion to Consolidate Docket Nos. 05-0237, 06-0202 and 06-0379. The ALJ consolidated Docket Nos. 06-0202 and 06-0379 on July 21, 2006.

On August 4, 2006, the Citizens Utility Board, the People of the State of Illinois and the City of Chicago (individually, “AG”, “CUB” and “City” and jointly, the “Government and Consumer Parties” or “GCP”) and the LIRC filed their Joint Motion for Simultaneous Oral Arguments and For a Single Final Order (“Motion”) for Docket Nos. 06-0202/0379 (Cons.) and 05-0237.

Subsequently, the Staff of the Consumer Services Division of the Illinois Commerce Commission ("Commission") distributed a Staff Report dated October 25, 2006 advocating the initiation of a rulemaking docket in order to revise 83 Ill. Adm. Code 280, "Procedures for Gas, Electric, Water and Sanitary Sewer Utilities Governing Eligibility for Service Deposits, Payment Practices, and Discontinuance of Service". In support of its contention, Staff noted that there are currently four open dockets in which there have been proposed or in which the Commission is considering amendments to Part 280.

On the basis of the recent Staff report and its recommendations, the Commission initiated Docket 06-0703 because the Commission is of the opinion that administrative economy dictates that one, coordinated, proceeding be initiated to overhaul Part 280. It is the Commission’s intention that the proceeding initiated by this Order produce an internally consistent set of rules that will balance the interests of the public utilities regulated by the rules and the customers of those utilities.

The Commission directed the Consumer Services Division to set up a series of workshops to examine all issues relevant to these rules with the goal of producing draft rules for consideration by the Commission. For any issues still in contention at the end of this workshop process, the Commission expects Staff and parties to support their positions with testimony and evidence of the record.
The Commission directed the Chief Clerk of the Commission to place the initiating Order and the supporting Staff Report into the records of Dockets 05-0237, 06-0112, 06-0202, and 06-0379 and to serve that Order and the Staff Report on the parties to those proceedings. The Commission further directed the Administrative Law Judge for each of those proceedings to prepare a proposed order dismissing the proceeding on the grounds that the Commission has initiated this instant proceeding to comprehensively review all issues involved in eligibility for service, deposits, payment practices, and discontinuance of service, leading to the repeal of the current Part 280 and the adoption of new rules as the new Part 280.

In the initiating order in Docket 06-0703, the Commission, pursuant to 83 Ill. Adm. Code 200.640(a)(2), took administrative notice of the filings in the proceedings in Dockets 05-0237.

Findings and Ordering Paragraphs

The Commission, having considered the entire record and being fully advised in the premises, is of the opinion and finds that:

(1) the Commission has jurisdiction over the subject matter herein;

(2) the Staff Report dated October 25, 2006 should be filed in this docket and made a part of the record of 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) as indicated above Docket 06-0703 has been initiated to revise all of 83 Ill. Adm. Code 280;

(5) this proceeding should be dismissed on the grounds that the new comprehensive 83 Ill. Adm. Code 280 proceeding has been initiated, superseding this docket.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that this proceeding be dismissed, but pursuant to 83 Ill. Adm. Code 200.640(a)(2), the Commission will take administrative notice of the filings in this proceeding in Docket 06-0703.

IT IS THEREFORE ORDERED that this Docket is dismissed without prejudice.
IT IS FURTHER ORDERED that a copy of the initiating order from Docket 06-0703 and the Staff Report dated October 25, 2006 be placed in the records of Docket 05-0237.

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 final, it is not subject to the Administrative Review Law.
By Order of the Commission this 10\textsuperscript{th} day of January, 2007.

(SIGNED) CHARLES E. BOX

Chairman