STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

| Jane Genzel -vs- Central Illinois | : |
| Light Company d/b/a AmerenCILCO | : |
| Complaint as to requesting a waiver from the ICC to allow master metered service for a 79-unit apartment building leasing to very low-income individuals in Peoria, Illinois. | : |
|                                         |   |

ORDER

By the Commission:

On March 5, 2007, Jane Genzel filed a formal complaint against Central Illinois Light Company d/b/a AmerenCILCO (“Respondent”) seeking relief pursuant to Section 410.130(c) of 83 Illinois Administrative Code 410, “Standards of Service for Electric Utilities and Alternative Retail Electric Suppliers,” (“Part 410”). On April 2, 2007, the Commission received a “Motion for Leave to File First Amended Complaint and Add Additional Complainants.” The amended complaint adds the South Side Office of Concern (“SSOC”), an Illinois not-for-profit corporation, the Peoria Opportunities Foundation (“POF”), also an Illinois not-for-profit corporation, and New Hope Apartments, L.P., an Illinois limited partnership, as complainants along with Ms. Genzel (Ms. Genzel and the three entities are hereinafter collectively referred to as “Complainants”). The amended complaint also refers to that portion of Respondent’s tariffs concerning separate metering requirements. On April 4, 2007, Respondent filed an answer to the complaint.

Pursuant to due notice, a hearing was held in this matter before a duly authorized Administrative Law Judge of the Commission at its offices in Springfield on March 21, 2007. Counsel for Complainants and counsel for Respondent each entered an appearance. No petitions for leave to intervene were received. The record was marked “Heard and Taken” on April 5, 2007.

As the name implies, Part 410 sets forth minimum service requirements for regulated electric utilities and alternative retail electric suppliers operating within Illinois. Subpart B of Part 410 addresses electric metering standards. Generally, Section 410.130(a) requires separate metering for each individual unit within any new or newly remodeled building. Subsections (c) and (e) of Section 410.130, however, provide for exceptions to and a waiver from this requirement for individual meters. Specifically, subsection (c) sets forth five situations in which separate metering and billing of electricity shall not be required. In the
event that subsection (c) does not cover a specific situation, subsection (e) provides for a waiver from the requirements of subsection (a). Subsection (e) states:

Waiver – Any applicant for electric service who is refused master metered service by an entity, and who has exhausted his remedies in the informal complaint process set forth by the Commission (83 Ill. Adm. Code 200.160), may file a formal complaint (83 Ill. Adm. Code 200.170) with the Commission seeking a waiver from the requirements of this Section or the corresponding rules of the entity. The complaint shall comply with the Commission’s Rules of Practice (83 Ill. Adm. Code 200) and shall name the entity as a Respondent. The complaint shall allege that the long-run benefits of separate metering are outweighed by the associated costs or that separate metering would otherwise be impractical or unreasonable.

Before filing the formal complaint initiating this docket, Ms. Genzel indicates that she filed an informal complaint with the Commission’s Consumer Services Division and that that informal complaint has been closed. The relevant sheet of Respondent’s tariffs is found at Ill. C. C. No. 18, 1st Revised Sheet No. 4.021. Respondent’s tariff language indicates that separate meters shall be installed in any new or newly remodeled building except as otherwise provided in Part 410.

Ms. Genzel is the Executive Director of POF. POF and SSOC have entered into a partnership forming New Hope Apartments, L.P. Through New Hope Apartments, L.P., POF and SSOC plan to renovate the former home of the Young Women’s Christian Association, better known as the YWCA, at 301 NE Jefferson Street, Peoria. SSOC currently owns the property at 301 NE Jefferson Street. SSOC and POF plan to transfer ownership of the property to New Hope Apartments, L.P. by the end of April, 2007. The renovation calls for the construction of 79 apartment units to be known as New Hope Apartments. Plans also include common areas and office space for POF and SSOC. As the general partners, SSOC and POF will own and operate the New Hope Apartments. New Hope Apartments will serve homeless or formerly homeless individuals through a permanent supportive housing program operated on site under the supervision of POF and SSOC. Complainants state that financing for the renovation, permanent supportive housing program, and on site services will be from a series of grants and low income tax credits. They note further that the development will be operated in accordance with all applicable regulations of the United States Department of Housing and Urban Development as well other applicable regulations of the local, state, and federal governments.

Complainants assert that many of the residents will not be able to properly manage and timely pay utility bills separately sent to each of their units. To address this concern, SSOC and POF plan to pay for all utilities in the building and avoid the need for separate utility charges being assessed on each resident. Complainants also aver that the additional cost of installing separate meters for each apartment will significantly increase the cost of the renovation and as well as the ongoing cost of managing and maintaining the permanent
supportive housing programs at the building. Complainants contend that there will be few if any long-term benefits derived from separately metering the apartments. To Complainants’ dismay, however, Part 410 appears to require separate metering for each apartment since the development does not fall within any of the exceptions described in Section 410.130(c). Because they believe that such a requirement creates an unnecessary burden on development costs and operating personnel, Complainants seek a waiver from this requirement under Section 410.130(e).

In its answer to the amended complaint, Respondent indicates that it does not object to the Commission waiving the requirements of separate metering pursuant to Section 410.130 and its tariffs for the purpose of allowing master metered service at New Hope Apartments.

The Commission knows of no reason why Complainants’ request for a waiver from the requirements of Section 410.130(a) should not be granted. Although Complainants also seek a waiver from the metering provisions found at Ill. C. C. No. 18, 1st Revised Sheet No. 4.021, the Commission does not believe that any express waiver is necessary since the tariff language itself contemplates waivers as provided for in Part 410. The Commission commends the parties for working together on this matter.

The Commission, having considered the record herein, is of the opinion and finds that:

1) the Commission has jurisdiction over the parties hereto and the subject matter hereof;

2) the facts recited and conclusions reached in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact and law;

3) Complainants request pursuant to Section 410.130(e) of Part 410 a waiver from the requirement that each apartment within the New Hope Apartments be separately metered and billed for electricity usage;

4) Respondent does not object to Complainants’ request for a waiver; and

5) Complainants’ request for a waiver from the requirements for separate metering pursuant to Section 410.130(a) should be granted.
IT IS THEREFORE ORDERED by the Illinois Commerce Commission that Jane Genzel, the South Side Office of Concern, the Peoria Opportunities Foundation, and New Hope Apartments, L.P. are hereby granted a waiver pursuant to 83 Ill. Adm. Code 410.130(e) from the separate metering requirements of 83 Ill. Adm. Code 410.130(a) for the New Hope Apartments located at 301 NE Jefferson Street, Peoria, Illinois.

IT IS FURTHER ORDERED that subject to the provisions of Section 10-113 of the 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 18th day of April, 2007.

(SIGNED) CHARLES E. BOX

Chairman