STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Power Agency	)	
	)	
Petition for Approval of the IPA's	)	ICC Docket No. 23-0714
2024 Long-Term Renewable Resources	)	
Procurement Plan Pursuant to Section	)	
16-111.5(b)(5)(ii) of the Public Utilities Act.	)	

VERIFIED JOINT
BRIEF ON EXCEPTIONS
OF THE NRG COMPANIES

In accordance with Section 16-111.5(b)(5) of the Illinois Public Utilities Act (the "Act") and the filing schedule established by Administrative Law Judges ("ALJs"), Direct Energy Business LLC; Direct Energy Services LLC; Direct Energy Business Marketing LLC; Energy Plus Holdings LLC; Green Mountain Energy Company; NRG Energy, Inc. ("NRG"); Reliant Energy Northwest LLC d/b/a NRG Residential Solutions d/b/a NRG Retail Solutions d/b/a NRG Business d/b/a Reliant-NRG d/b/a NRG Business Solutions d/b/a Reliant d/b/a Reliant Energy; Stream Energy Illinois, LLC; and XOOM Energy, LLC (collectively the "NRG Companies"), by and through their attorneys CJT Energy Law, LLC respectfully submit to the Illinois Commerce Commission ("Commission") the instant Verified Joint Brief on Exceptions to the Administrative Law Judges' January 16, 2024 Proposed Order regarding the Draft 2024 Long-Term Renewable Resources Procurement Plan ("LTRRPP") filed by the Illinois Power Agency ("IPA" or "Agency") and request oral argument on the issues addressed herein.

I. INTRODUCTION

The NRG Companies respectfully request that the Commission modify two (2) portions of the Proposed Order. First, the Commission should revise the Proposed Order to direct the IPA to revise aspects of the self-direct renewable portfolio standard program (the "Self-Direct Program") and correct certain factual errors. Second, the Commission should clarify the Proposed Order discussion regarding the qualifications for "small subscribers" to support community solar project development in Illinois. If these issues are appropriately addressed by the Commission, more private investment will advance State energy policies, additional progress will be made toward achieving the State's RPS goals, the cost for renewable development in Illinois will be reduced and customers will be enabled to participate more fully in the State's clean energy transition.

First, based upon an apparent misunderstanding of both the structure of the Self-Direct Program entails and the positive impact that the program can have upon the State satisfying its RPS goals, the Proposed Order improperly rejects calls from the NRG Companies, Commonwealth Edison Company ("ComEd") and the Illinois Manufacturers' Association ("IMA") to revise the broken Self-Direct Program. The Self-Direct Program does not allow consumers to opt-out of funding the State's RPS goals as implied by the Proposed Order; instead, the program provides a method to redirect and better leverage a portion of a consumers' RPS fees to attract private investment in new renewable energy resources in Illinois. Moreover, the Self-Direct Program requires that the customer provide a contractual guarantee that the entire rebate will be used to help finance new renewable construction, in Illinois, that is built with prevailing wage labor and generates Renewable Energy Credits ("RECs") that are applied to the state's RPS goals. Lastly, and most importantly, contrary to the erroneous finding in the Proposed Order, all RECs secured through the Self-Direct Program are applied against the state RPS goals. In short, this program should be a win-win, with the customer receiving a rebate in return for helping advance the clean energy goals of the State.

Unfortunately, participation in the Self-Direct Program is low due to three factors: an artificially low Self-Direct Program rebate; a highly unstable rebate value that changes over the minimum 10-year contract term; and the failure to proportionately incentivize program participants that fulfill greater than 40% of their annual consumption under the terms of the program. (*See* NRG Objections at 13-15; ComEd Response at 5-7; IMA Response at 2-5.) Correcting these structural deficiencies would allow the Self-Direct Program to contribute material improvement towards the State's statutory RPS goals by providing greater certainty of REC deliveries and accelerating renewable energy deployments in Illinois. (*See* NRG Objections at 13-15; ComEd Response at 5-7; IMA Response at 2-5.) The Commission can and should direct the IPA to make these structural changes to the Self-Direct Program to counter the ongoing failures of the IPA to deliver successful utility-scale RECs, to fulfill meet the state's statutory RPS goals, and to mitigate the effects of projected RPS deficits rising into the billions starting in 2030-2031 program year. (*See* NRG Objections at 2-7; LTRRPP at 59-60, 55-58, 70-71, Appendix B.)

Second, the Commission should revise the Proposed Order to either reject or clarify how the IPA's proposed cap on subscriptions for "small subscribers" is to be applied. Community solar developers that participate in the Adjustable Block Program ("ABP") must allocate at least 50% of their capacity to residential and small commercial customer ("small subscribers"). The Proposed Order suggests that the Commission should approve an IPA proposal that would limit any residential or small commercial customer account to have only one (1) subscription of less than 25 kW to allow that subscription to count towards the community solar asset owner's 50% "small subscriber" requirement. (*See* Proposed Order at 87.) Several parties have noted that the IPA's proposal is inconsistent with statute and erodes the market value of residential and small commercial customers that can support multiple subscriptions that are less than 25 kW. (*See* NRG Objections at 9; Staff Response at 15; ComEd Response at 9-10.) The Commission should remove the proposed limitation from the Draft LTRRPP; however, if a cap is approved, the Commission should require that the IPA to clarify that the cap would be applied at the utility accounts level only and not to individual persons or corporate entity.

II. EXCEPTION # 1 – THE COMMISSION SHOULD ORDER REVISIONS TO THE SELF-DIRECT RPS PROGRAM (LTRRPP Chapter 6)

The Proposed Order improperly finds that the Self-Direct Program is "performing as intended" and recommends that the Commission refuse to make any changes to the program based on an incorrect belief that the changes that encourage increased participation "would allow self-direct customers to side-step their share as Illinois ratepayers of supporting the State's clean energy goals." (Proposed Order at 32.)

The NRG Companies, ComEd and the IMA all explain that the Self-Direct Program is not performing as intended and recommend that the Commission revamp the failing program to leverage the rebate program in a way that draws in new private investment to advance the State's clean energy goals. (*See* NRG Objections at 13-15; ComEd Response at 5-7; IMA Response at 2-5.) Far from "side-stepping" their obligation to support the State's clean energy goals as the Proposed Order erroneously claims, the Self-Direct program requires customers to enter contracts for new renewable generation resources located within Illinois for a period of no less ten 10 years and constructed using prevailing wage labor. (*See* ILCS 3855/1-75(c)(R).) Further, each REC procured by customers under the Self-Direct Program counts toward satisfying the State's RPS goal. (*See id.*) All of this can be accomplished in a manner that this significantly more cost-effective than the way in which the IPA has administered its other RPS programs.

The Proposed Order does not consider the valid critiques of the Self-Direct Program offered by the NRG Companies, ComEd and the IMA regarding reforming specific aspects of the Self-Direct Program that should be revised to enable greater private sector participation in the fulfillment of the State's RPS goals. Further, the Proposed Order does not consider how the Self-Direct Program could serve to improve the state's lagging RPS compliance which stands at only 7.9% in delivery year 2024-2025 - far below the statutory goal of 23.5%. (*See* LTRRPP Appendix B.) Lastly, factual errors in the Proposed Order regarding the Self-Direct Program should be corrected.

A. The Self-Direct Program is not performing as intended.

The Proposed Order suggests that the Commission enter an Order agreeing with the IPA that "the Self-Direct Program is performing as intended." (Proposed Order at 32.) However, the undisputed numbers demonstrate objectively that the program is failing.

The IPA admits that **only two (2) companies have enrolled in the Self-Direct Program** for an annual REC volume of between 500,000 and 1 million RECs. (*See* IPA Response at 12, fn 18. *See also* Illinois Power Agency Announces Selection of Participants for the Self-Direct Program, dated April 20, 2023.) An estimated 625 customers could participate in the Self-Direct Program. (*See* NRG Reply at 7-8 *citing* ICC "Electric Switching Statistics," accessed Dec. 15, 2023.) Thus, the participation rate in the Self-Direct Program appears to be approximately 0.32% (2 customers participating divided by 625 potential eligible customers). Measured volumetrically, the 500,000 to 1 million RECs secured through the Self-Direct Program appears to be between 0.6% and 1.1% of the potential market represented by eligible Self-Direct Customers (e.g., 500,000 divided by 90 million equals 0.6%; 1,000,000 divided by 90 million equals 1.1%). (*See* NRG Reply at 8 *citing* Illinois Power Agency, "Large Customer Self-Direct RPS Compliance Program, Proposed 2023 Delivery Year Program Size," January 20, 2023, at 3.) Thus, based on the IPA's own data, participation in the Self-Direct Program as measured by either number of customers or number of RECs secured is barely more than a rounding error.

Meanwhile, long term REC contracts are being secured by large energy users in Illinois outside of the Self-Direct Program and represent a missed opportunity for the state to count more utility scale RECs towards the statewide RPS goals. For instance, the Double Black Diamond Solar project in Virden, Illinois is an 800 MW installation that holds offtake agreements with major public and private entities including the City of Chicago, Cook County, Loyola University, and State Farm. (*See* ComEd Response at 6-7.) Most of these entities could participate in the Self-Direct Program but do not. (*See id.*) If they were to participate in the Self-Direct Program, then the IPA could have realized as much as 970,000 in annual REC volumes in 2024 toward satisfying the RPS goal. (*See id.*) This single project would have likely doubled the total volume of the current Self-Direct Program and demonstrates that the potential for the Self-Direct Program is much larger than what the IPA asserts.

ComEd and the IMA agree with the NRG Companies' position that the lack of interest in the Self-Direct Program is largely due to the inappropriately low rebate value established by the IPA. (*See* NRG Response at 4-5; ComEd Response at 5-7; IMA Response at 3-5.) Thus, in addition to the statistical data, the Commission has evidence from the largest utility in the state, the largest statewide association of manufacturers and a group of companies that are retail suppliers and renewable energy developers that the miniscule size of the rebate is a problem. The NRG Companies, ComEd and the IMA each support changing the LTRRPP in a manner that aligns the value of the Self-Direct Program rebate with the prices paid for RECs by the utilities under the IPA's utility scale procurements. (*See* NRG Response at 5; ComEd Response at 5; IMA Response at 5.) Each party supports a rebate valuation that is equal to the lesser of (i) the fixed RPS credit amount; or (2) the cost of IPA procurement of similarly situated RECs. (*See* NRG Response at 5; ComEd Response at 1, 4-5; IMA Response at 4.)

Further, the IMA and the NRG Companies recommend that the Commission require that the value of the Self-Direct rebate credit be established each year and "remain fixed for the entire term of the qualifying contracts that are entered into that year" and allow the rebate value to increase for Self-Direct Program participants that procure more than 40% of their supply needs under the terms of the Self-Direct Program. (*See* IMA Response at 5; NRG Reply at 13.) As noted by IMA, while statute does not mandate that the rebate be scaled based on purchased volume, there is nothing in statute that would prohibit such a structure. (*See id.*) The fundamental purpose of the Self-Direct Program is to provide an alternative to the IPA's failed procurement approaches by allowing incentives for private sector investment in renewable energy deployments in Illinois. As IMA notes, under the IPA's current approach a participating Self-Direct Program customer has no incentive to procure more renewable energy resources than the minimum 40% of its supply needs under the terms of the Self-Direct Program. (*See id.*)

The IPA does not deny that the State is failing to meet the statutory RPS goals by a wide margin and currently projects a nearly $20 billion deficit in RPS funding between delivery years 2028-2029 and 2042-2043. (*See* NRG Reply at 6 *citing* LTRRPP, Appendix B.) Given the clear need for additional REC sources and funding to support progress towards RPS goals, providing an incentive to participants in the Self-Direct Program to increase their REC purchases beyond the statutory 40% minimum only makes sense. The NRG Companies respectfully request that the Commission modify the Proposed Order direct the IPA to make recommended changes to the LTRRPP to reflect those recommendations.

B. The Self-Direct Program does not divert resources from advancing the State's RPS Goals.

The Proposed Order makes factual errors regarding the impact that the Self-Direct Program has on the RPS, the RPS budget, and the various RPS programs that are managed by the IPA:

- "[T]he Commission is guided by the fact that every dollar refunded back through the Self-Direct Program to large customers constitutes a dollar that is no longer available to support new renewable energy project development through IPA programs and procurements"
- "Under ComEd's proposal, as clarified by the IPA, the self-direct customers would provide little or no funding for the overall RPS budget, while only paying for the least expensive RECs (which they keep and retire for their own purposes)."
- "The proposal from ComEd, NRG, and IMA, however, would allow self-direct customers to side-step their share as Illinois ratepayers of supporting the State's clean energy goals."

(Proposed Order at 32.) The Commission should revise the Proposed Order to correct each of these erroneous assertions.

First, the Self-Direct Program does not reduce funding for other RPS programs. Instead, the Self-Direct Program maintains total RPS funding. (*See* LTRRPP, Appendix B.) The Self-Direct program simply allows RPS funds to flow to utility-scale renewable energy resources that are selected by eligible Self-Direct customers instead of those selected by the IPA. Given the documented ongoing failures in the IPA's utility-scale REC procurements (*see* LTRRPP at 55-60) the Self-Direct Program could only improve the utilization of RPS funds over the IPA alternative.

Second, the Self-Direct Program does not allow consumers to take resources from the RPS for their own purposes. As noted above, the Self-Direct Program redirects – not reduces – RPS funds. Additionally, the statute clearly states that all RECs secured by Self-Direct Program participants from qualified projects are counted towards the State's RPS goals. (*See* ILCS 3855/1-

75(c)(R).) Given that compliance with the RPS for program year 2024-2025 stands at approximately 8% instead of statutory goals of 23.5%, applying any incremental RECs to the RPS should be welcomed and promoted instead of being disincentivized. In contrast, Self-Direct Program requires that participants contractually commit that for the next ten (10) years they will meet at least 40% of their load with renewable resources – a compliance level that the IPA does not even contemplate anytime in this decade. (*See id.*; LTRRPP at Appendix B.)

Third, the Self-Direct Program does not allow consumers to "side-step" their responsibilities to contribute to the State's RPS. As noted above, the Self-Direct Program requires a decade-long contractual commitment to support new renewable generation, constructed using prevailing wage labor while providing an opportunity for the State to leverage private funding to accelerate RPS compliance. The table below illustrates how the Self-Direct Program meets the same standards of RECs procured through the various IPA REC procurement processes (Key Elements A through G), but actually delivers a dramatically higher level of renewables as a proportion of consumer load (Key Element H).

Table 1. Comparison of Self-Direct Program to Other IPA REC Programs

Key Elements	**IPA REC Programs**	**Self-Direct Program**
A. Created by statute	YES	YES
B. Supported by consumer RPS charges	YES	YES
C. Supports new wind and solar resources	YES	YES
D. Preference for Illinois-based renewables	YES	YES
E. Requires diverse workforce development	YES	YES
F. Requires minimum labor standards	YES	YES
G. Volumes apply towards statutory RPS goals	YES	YES
H. % of consumer load offset by renewables in program year 2024-2025	8% (projected)	40% (guaranteed minimum)

The facts concerning the non-performance of the Self-Direct Program along with the IPA's demonstrated lack of serious attention to planning and managing the program should provide a sufficient basis for the Commission to take the steps needed to correct the dysfunctional program structure. The NRG Companies respectfully request that the Commission modify the Proposed Order to direct the IPA to incorporate the following changes to Section 6 of the current LTRRPP:

- The value for the Self-Direct Program rebate should be increased to "the lesser of the fixed RPS credit amount or the cost of IPA procurement of similarly situated RECs".
- The value of the Self-Direct Program rebate should be calculated annually to reflect a rolling three-year average and that will remain fixed for the entire term of the qualifying contracts that are entered into that year.
- The value of the Self-Direct Program rebate should increase for Self-Direct Program participants that procure more than 40% of their supply needs under the terms of the Self-Direct Program.

Proposed Replacement Language

The NRG Companies respectfully request that the Commission modify page 32 of the Proposed Order as follows:

Commission Analysis and Conclusion

The Commission ~~declines to direct~~ **directs** the IPA to revise the Self-Direct Program. ~~Rather than the principles that the NRG Companies want the Commission to adhere to, the~~ **The** Commission is guided by the fact that the Self-Direct Program is**: i) co-equal to REC procurement methods and programs managed by the IPA to meet the state's Renewable Portfolio Standard goals; ii) leverages private sector investments into additional renewable energy and therefore *increases* overall funding to meet the state's Renewable Portfolio Standard; and iii) can serve to offset past and future instances where the IPA's procurement events do not result in utility scale REC contracts or when contracts secured through the IPA's procurement events are terminated.** ~~every~~**Every** dollar **rebated** ~~refunded back through~~ **to** the Self-Direct Program **participants** ~~to large customers~~ constitutes an acceleration in progress in utility scale renewables development~~ in Illinois dollar that is no longer available to support new renewable energy project development through IPA programs and procurements~~.

Specifically, the Commission directs the IPA to adopt the method for calculating the rebate for Self-Direct Program customers as detailed in the ~~Under~~ ComEd's proposal**.** ~~, as clarified by the IPA, the self-direct customers would provide little or no funding for the overall RPS budget, while only paying for the least expensive RECs (which they keep and retire for their own purposes). IPA Rep. at 16-17. It is necessarily more expensive to procure RECs from programs like Illinois Shines and Illinois Solar for All, which support smaller projects that incur substantially higher per-kW costs or pursue worthy social objectives such as equity and low-income customer support. The~~ proposal from ComEd, NRG, and IMA**.**~~, however,would~~ **This will** allow self-direct customers to **supplement the IPA's failing utility scale REC procurements and allow the Agency to focus on managing the Illinois Solar for All and Illinois Shines programs.** ~~side-step their share as Illinois ratepayers of supporting the State's clean energy goals.~~

The Commission **disagrees** ~~agrees~~ with the IPA that the Self-Direct Program is performing as intended. **In the original Self-Direct Program design, the** ~~The~~ LTRRPP set~~s~~ the credit amount **below what is** ~~as~~ required by statute: the Agency **must set a rebate value equal to the lesser of such as increasing credit values to the lesser of the fixed RPS credit amount or the cost of IPA procurement of similarly situated RECs. Additionally, the value of the Self-Direct Program rebate should be calculated annually to reflect a rolling three-year average and that will remain fixed for the entire term of the qualifying contracts that are entered into that year. Lastly, the value of the Self-Direct Program rebate should increase for Self-Direct Program participants that procure more than 40% of their supply needs under the terms of the Self-Direct Program.** ~~looks at the percentage of the RPS budget that is used for utility-scale procurements (whether that is 5% or 50%) and reduces the customers' RPS charge by that percentage. No changes to the~~ **The above changes to the** LTRRPP are adopted.

III. EXCEPTION # 2 – THE COMMISSION SHOULD EITHER REJECT OR CLARIFY THE CHANGES TO "SMALL PARTICIPANT" COMMUNITY SOLAR SUBSCRIPTIONS (LTRRPP – Section 7.9.6.2)

The Proposed Order improperly suggests that the Commission adopt the IPA's proposal to apply a single 25 kW subscription contract cap on community solar subscriptions held by residential and small commercial customers to qualify those purchases under the "small subscriber" obligation under the Adjustable Block Program ("ABP"). The NRG Companies, ComEd, Joint Solar Parties ("JSP") and Illinois Commerce Commission Staff ("Staff") explain that the imposition of a cumulative 25 kW cap is unnecessary, overbroad and possibly damaging to residential and small commercial customers. (*See* NRG Objections at 9; ComEd Response at 9-10; JSP Response at 12; Staff Response at 16.) Further, Staff agrees that the IPA's proposal is inconsistent with the statute. (*See* Staff Response at 14.) The IPA asserts that the proposed 25 kW cap is a clarification of an existing requirement and is necessary to better facilitate residential and small commercial customer participation opportunities. (*See* IPA Response at 5.)

To be clear, the IPA's rationale for a cap is dubious. Data from the IPA indicates that the actual number of multiple subscriptions being held by customers is low. (*See* NRG Reply at 16 *citing* Attachment C, Response to Data Request 1.05, including attached spreadsheet.) Additionally, there are no large customers securing multiple small subscriptions and crowding out actual residential and small commercial customers. Indeed, **none** of the "small subscriber" customers identified in the IPA data are medium or large industrial accounts. (*See id.*) Lastly, utility tariff and prohibit any account from securing one or more subscriptions that represent more than 110% of the account's prior year consumption, so even the residential and small commercial customers that secure multiple subscriptions are not crowding out other residential and small commercial customers. Based on the IPA data, it is apparent that the consumers that the IPA has labeled as being "problematic" are simply residential and small commercial customers who choose to spread their subscriptions across multiple community solar farms or are endeavoring to secure multiple small subscriptions that would enable them to match their annual consumption. (*See id.*) It would seem that the IPA's proposal is "a solution in search of a problem."

However, if a cap must be applied, then its application should be clear and understood by all parties. In its Reply Comments, the IPA suggests that its proposal may have been misunderstood by parties to the proceeding, including the NRG Companies and ICC Staff. (*See* IPA Reply at 36-37.) The IPA explained how it intends to administer the program if its revision is approved by the Commission:

> The Program Administrator will review the community solar subscriptions by account number or a unique customer identifier, both of which are tied to the utility meter, and use that information to determine whether the customer may count as a valid small subscriber under the original REC Contracts.

(*Id.* at 39.) The term "unique customer identifier" is ambiguous and is not defined by the IPA, the Act or the Commission's rules; as a result, it could be open to different interpretations by different parties. For example, it is unclear whether a multi-unit residential facility, a day-care company with multiple locations, or multiple companies with a common corporate parent would have a single "unique customer identifier." If any limitation is included in the LTRRPP, it would be more appropriate to simply refer to the utility's customer account number. Clarity on this issue is needed to ensure that market participants (*e.g.*, community solar project owners, retail suppliers, consumers) understand whether subscriptions held by residential and small commercial customers qualify as "small subscribers" under the ABP.

The NRG Companies respectfully request that the Commission modify the Proposed Order to direct the IPA to clarify that the proposed 25 kW cap in Section 7.9.6.2 of the Draft LTRRPP be applied at the utility account level.

<u>Proposed Replacement Language</u>

The NRG Companies respectfully request that the Commission modify page 87 of the Proposed Order as follows:

Commission Analysis and Conclusion

> The IPA Act states that "… a minimum of 50% of subscribers to the project's nameplate capacity be residential or small commercial customers with subscriptions of below 25 kilowatts in size." 20 ILCS 3855/1-75(c)(1)(G)(iv)(3)(E)(ii); Staff Resp. at 14. NRG Companies **<u>appropriately</u>** rely on the phrase "subscriptions of below 25 kilowatts in size" to aver that a customer could have multiple subscriptions and still allow the facility to count as a residential or small commercial customer. **<u>Staff agrees with NRG's interpretation of the Act.</u>** ~~The Commission notes, however, that this phrase is attached to the word "customers" which is plural and therefore each of these multiple customers must have their own subscription. The NRG Companies' interpretation does not consider the entire phrase.~~
>
> ~~Also, it is clear that nowhere in the LTRRPP is the IPA prohibiting a customer from having multiple subscriptions. The LTRRPP merely does not allow a facility to count multiple subscriptions from one customer to count toward the requirement in Section 1-75(c)(1)(G)(iv)(3)(E)(ii) that 50% of subscriptions to a community solar project must be from small commercial or residential customers.~~ **<u>The IPA shall continue to allow customers to have multiple subscriptions that amount to less than 25 kW to count towards the 50% small subscriber requirement.</u> [Alternative: <u>Going forward, the IPA shall review the community solar subscriptions by utility customer account number to determine whether the customer may count as a valid small subscriber.</u>]**

IV. ORAL ARRGUMENT REQUESTED

Pursuant to Section 200.850(a)(3) of the Commission's Rules of Practice, the NRG Companies respectfully request that the Commission grant oral argument regarding the Self Direct Program and the ability of customers to obtain multiple "small subscriber" community solar subscriptions. (83 Ill. Admin Code § 200.850(a)(3).) Oral argument on these issues may assist the Commission in reaching a decision consistent with applicable law based upon the arguments presented.

V. CONCLUSION

WHEREFORE, the NRG Companies respectfully request that the Commission direct the IPA to revise the LTRRPP consistent with the arguments set forth herein and in the NRG Companies' Reply, Response and Objections and grant any further relief as it deems appropriate.

Dated: January 26, 2024

Respectfully Submitted,

Direct Energy Business LLC; Direct Energy Services LLC; Direct Energy Business Marketing LLC; Energy Plus Holdings LLC; Green Mountain Energy Company; NRG Energy, Inc.; Reliant Energy Northwest LLC d/b/a NRG Residential Solutions d/b/a NRG Retail Solutions d/b/a NRG Business d/b/a Reliant-NRG d/b/a NRG Business Solutions d/b/a Reliant d/b/a Reliant Energy; Stream Energy Illinois, LLC; and XOOM Energy, LLC

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VERIFICATION BY CERTIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in the document are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

Dated: January 26, 2024

Isl Mark J. Pruitt
Mark J. Pruitt

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NOTICE OF FILING

Please take note that on January 26, 2024, I caused to be filed via e-docket with the Chief Clerk of the Illinois Commerce Commission the Verified Joint Brief on Exceptions of the NRG Companies in the above-referenced proceeding.

Dated: January 26, 2024

Isl Christopher J Townsend
Christopher J. Townsend

CERTIFICATE OF SERVICE

I, Christopher J. Townsend, certify that copies of the Verified Joint Brief on Exceptions of the NRG Companies were served upon the parties on the Illinois Commerce Commission's service list as reflected on e-docket via electronic delivery on January 26, 2024.

Isl Christopher J Townsend
Christopher J. Townsend