

**Illinois Power Agency Spring 2020 Procurement Events**

**Invitation to Comment on the Standard Contract Forms  
Procurement of Energy Blocks  
for the AIC Portfolio, the ComEd Portfolio, and the MEC Portfolio  
Procurement of Capacity for the AIC Portfolio**

**Background and Proposed Contract Forms**

On September 30, 2019, the Illinois Power Agency (“IPA”) submitted its Procurement Plan (“Plan”) to the Illinois Commerce Commission (“ICC”) in compliance with Public Act 095-0481 (the “Act”), which includes the Illinois Power Agency Act (“IPA Act”). The ICC issued its Order with regards to the Plan on December 19, 2019. The IPA issued a final Plan to confirm with the ICC’s Order on January 17, 2020. The Plan provides for the procurement of energy supply to meet the supply needs of eligible retail customers of Ameren Illinois Company (“AIC”), of Commonwealth Edison Company (“ComEd”) and of MidAmerican Energy Company (“MEC”) through a Request for Proposals (“RFP”), as well as the procurement of capacity for AIC. The RFP will seek to procure: (i) on-peak and off-peak blocks of monthly and/or multi-month durations for the period June 1, 2020 to May 31, 2023 for AIC, ComEd, and MEC; and (ii) capacity for AIC to satisfy a portion of its forecast requirement in the 2021-2022 and 2022-2023 planning years.

**The Procurement Administrator is proposing to use:**

- the 2019 energy contract for AIC;
- the 2019 capacity contract for AIC;
- the 2019 energy contract for ComEd with a change to Appendix A of Schedule 2 to the Collateral Annex (the Guaranty); and
- the 2019 energy contract for MEC.

**The Procurement Administrator invites interested parties to submit comments under the guidelines provided below.**

**Guidelines for Comments**

***ComEd Energy Contract***

Comments are solicited on the proposed change made relative to the previously used 2019 energy contract, namely the change to Appendix A of Schedule 2 to the Collateral Annex (the Guaranty). The portion of Appendix A that contains the change is provided below:

**Spring 2020 Procurement Events (BEC RFP)**  
**03 MAR 2020**

Change to Appendix A

Guarantor and Guaranteed Party agree that the obligations of Seller under the following Agreement(s) constitute Guaranteed Obligations covered by this Guaranty:
Description of Agreement(s)
The maximum aggregate liability of the Guarantor found in Section 1 of this Guaranty shall be applicable to the Guaranteed Obligations under each of the Agreement(s) listed above.
<u>Upon execution by the parties, this Appendix A <del>supersedes</del> terminates and replaces</u> earlier dated Appendix A <u>to a Schedule 2 to Collateral Annex Guaranty</u> executed by the Parties <u>for the listed agreements above</u> . This Appendix A (i) may be amended by the Parties through their execution and delivery of a subsequently dated Appendix A, and (ii) shall be deemed amended to the extent contemplated by Section 11 of this Guaranty.

**Comments on this proposed change may be submitted using the Comment Form** appended to this Invitation to Comment. **This form must be submitted by email to [Illinois-RFP@nera.com](mailto:Illinois-RFP@nera.com).**

Comments are not solicited on other portions of the energy contract for ComEd. However, the Procurement Administrator seeks comments on whether there are any recent changes in law or regulations that require modification to the terms of the ComEd energy contract. In particular, the Procurement Administrator invites interested parties to comment on whether, under the terms of the International Swaps and Derivatives Association (“ISDA”) U.S. Stay Protocol (<https://www.isda.org/protocol/isda-2018-us-resolution-stay-protocol/>), “Regulated Entities” (as this term is defined in the ISDA U.S. Stay Protocol) require an amendment to the terms of the ComEd energy contract or an additional form of agreement to be in compliance with this protocol. In the affirmative, please provide a draft of such amendment or additional form of agreement. ComEd is an Adhering Party to the ISDA U.S. Stay Protocol (<https://www.isda.org/protocol/isda-2018-us-resolution-stay-protocol/adhering-parties>). **Comments** on how recent changes in law or regulations may affect the ComEd energy contract and comments on any required modifications or additional form of agreement that may be required by Regulated Entities under the ISDA U.S. Stay Protocol **must be submitted by email to [Illinois-RFP@nera.com](mailto:Illinois-RFP@nera.com).**

***AIC Energy Contract, AIC Capacity Contract, and MEC Energy Contract***

There are no changes to these contracts and no comments are solicited on the specific terms of these contracts. However, the Procurement Administrator seeks comments on whether there are any recent changes in law or regulations that require modification to the terms of these contracts. In particular, the Procurement Administrator invites interested parties to comment on whether, under the terms of the ISDA U.S. Stay Protocol (<https://www.isda.org/protocol/isda-2018-us-resolution-stay-protocol/>), “Regulated Entities” (as this term is defined in the ISDA U.S. Stay Protocol) require an amendment to the terms of these contracts or an additional form of agreement to be in

**Spring 2020 Procurement Events (BEC RFP)**  
**03 MAR 2020**

compliance with this protocol. In the affirmative, please provide a draft of such amendment or additional form of agreement. AIC and MEC are Adhering Parties to the ISDA U.S. Stay Protocol (<https://www.isda.org/protocol/isda-2018-us-resolution-stay-protocol/adhering-parties>).

**Comments must be submitted by email to [Illinois-RFP@nera.com](mailto:Illinois-RFP@nera.com).**

**Deadline and Review**

**The deadline to submit comments is 6 PM CPT on March 11, 2020. Please include a telephone number in the event that the Procurement Administrator seeks clarification regarding your comments. All comments submitted in response to this Invitation to Comment will be reviewed by representatives from the, the Procurement Administrator, the Procurement Monitor, Staff of the Illinois Commerce Commission, and the utility concerned. Please direct any questions regarding this comment process to the Procurement Administrator at [Illinois-RFP@nera.com](mailto:Illinois-RFP@nera.com).**