

134 FERC ¶ 61,166  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Jon Wellinghoff, Chairman;  
Marc Spitzer, Philip D. Moeller,  
John R. Norris, and Cheryl A. LaFleur.

Commonwealth Edison Company	Docket Nos.	ER10-209-000
Commonwealth Edison Company of Indiana, Inc.		ER10-209-001
		ER10-209-002
		EL10-12-000
		EL10-12-001
		EL10-12-002
Midwest Independent Transmission System Operator, Inc.	Docket No.	ER10-640-000
		ER10-640-001

ORDER STAYING EFFECTIVENESS OF INITIAL DECISION  
AND INSTITUTING RULE 712 REVIEW PROCEDURES

(Issued March 4, 2011)

1. On February 22, 2011, Commonwealth Edison Company and Commonwealth Edison Company of Indiana, Inc. (collectively, ComEd) submitted a notice of termination of the rate schedule effectuating the assignment of transmission credits to the Ameren Companies<sup>1</sup> (collectively, Ameren), that was accepted in part, rejected in part, and made effective subject to refund by the Commission's earlier order in these proceedings.<sup>2</sup> In the February 22, 2011 notice of termination, ComEd and Ameren jointly move to withdraw their filings, applications and other submissions in the above-captioned dockets. Based upon the foregoing, ComEd and Ameren also jointly move to vacate the

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<sup>1</sup> The Ameren Companies are Ameren Services, acting as agent, and its principals Union Electric Company, Ameren Illinois Company (as successor to Central Illinois Public Service Company, Central Illinois Light Company and Illinois Power Company, as a result of the merger of those companies approved in Docket No. EC10-52, *et al.*) and Ameren Energy Marketing Company.

<sup>2</sup> *Commonwealth Edison Co.*, 129 FERC ¶ 61,298, at P 27 (2009).

initial decision issued on January 20, 2011,<sup>3</sup> which ComEd and Ameren argue will be moot upon the termination of the rate schedule and withdrawal of the filings, applications and other submissions. The comment period for the notice of termination runs through March 15, 2011.<sup>4</sup>

2. No party to this proceeding has submitted a brief on exceptions to the Initial Decision pursuant to Rule 711 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.711 (2010). Thus, after ten days the Initial Decision would become a final Commission decision absent a stay, 18 C.F.R. § 385.708(d) (2010). Good cause exists, however, to stay the effectiveness of the Initial Decision pending the end of the comment period on the notice of termination and withdrawal of the filings, applications, and other submissions, and to provide the Commission the opportunity to review the Initial Decision under Rule 712 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.712 (2010), in light of the notice of termination and withdrawal of the filings, applications and other submissions. Accordingly, the effectiveness of the Initial Decision is stayed and the Initial Decision in this proceeding will not become a final Commission decision under Rule 708(d) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.708(d) (2010).

By the Commission.

( S E A L )

Nathaniel J. Davis, Sr.,  
Deputy Secretary.

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<sup>3</sup> *Commonwealth Edison Co.*, 134 FERC ¶ 63,004 (2010) (Initial Decision).

<sup>4</sup> Notice of ComEd's notice of termination was published in the *Federal Register*, 76 Fed. Reg. 12,100 (2011), with interventions and protests due on or before March 15, 2011. Pursuant to Rules 213(d) and 216(b) of the Commission's Rules of Practice and Procedure, 18 C.F.R. §§ 385.213(d), 216(b) (2010), answers to the motion to vacate the initial decision, and motions in opposition to the notice of withdrawal of pleadings, respectively, must be filed within fifteen days, or by March 9, 2011.