

# REPORT OF COMMUNICATIONS WITH THE ILLINOIS POWER AGENCY

This form must be completed and submitted to the Illinois Procurement Policy Board within 30 days for each communication report required by 30 ILCS 500/50-39. Submit reports to:

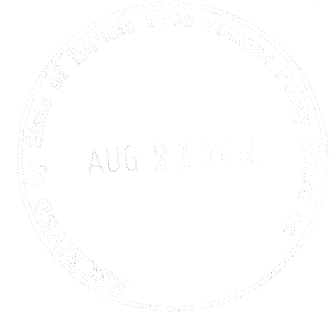
PROCUREMENT POLICY BOARD  
511 W. CAPITOL AVENUE, SUITE 102  
SPRINGFIELD, IL 62704

Or you may send a signed, scanned copy via email with "IPA Communication Report" in the Subject line to: [ppb@illinois.gov](mailto:ppb@illinois.gov)

Date of Communication: 7/16/2012 Time of Communication: 9:44 pm

## Type of Communication:

- Telephone  
 In Person  
 Electronic (Email, Fax, Etc.) – Attach A Complete Copy of the Entire Communication String  
 Written – Attach Copy  
 Other



## Initiator:

Initiator of Communication: Paul Champagne  
Representing: FutureGen Industrial Alliance, Inc.  
Location:  
Email Address (if communication was via email) [ptchampagne@verizon.net](mailto:ptchampagne@verizon.net)  
Telephone Number (if telephonic):  
Is this person a Lobbyist required to register under the Lobbyist Registration Act

Duration of Call or In-Person Communication:  
 Yes  No

**Recipient(s):** *(If there are additional persons involved in the communication, attach an additional sheet that lists the other participants' names, job titles, which entity they represent, email address and/or telephone number, if applicable)*

Recipient One Name: Michael Strong  
Recipient Title: Chief Legal Counsel  
Representing: Illinois Power Agency  
Location: Michael A. Bilandic Building, Suite n-506  
160 N LaSalle St Chicago IL  
Email Address (if communication was via email) [michael.strong@illinois.gov](mailto:michael.strong@illinois.gov)  
Telephone Number (if telephonic):

Recipient Two Name: Arlene Juracek  
Recipient Title: Acting Director  
Representing: Illinois Power Agency  
Location: [arlene.juracek@illinois.gov](mailto:arlene.juracek@illinois.gov)  
Email Address (if communication was via email)  
Telephone Number (if telephonic):

Recipient Three Name: Henry Kelly  
Recipient Title: Outside Legal Counsel  
Representing: Kelley Drye & Warren  
Location: Illinois Power Agency  
Kelley Drye & Warren  
333 W Wacker Dr  
26<sup>th</sup> Floor Chicago IL 60606  
Email Address (if communication was via email) [hkelly@kelleydrye.com](mailto:hkelly@kelleydrye.com)  
Telephone Number (if telephonic):

If any of these additional participants are lobbyists required to register under the Lobbyist Registration Act, they must submit a written report to be submitted with this communications report to the Procurement Policy Board that memorializes the communication that includes, but is not limited to (i) the date and time of each communication; (ii) the identity of each person from whom the written or oral communication was received, the individual or entity represented by that person, and any action the person requested or recommended; (iii) the identity and job title of the person to whom each communication was made; (iv) if a response is made, the identity and job title of the person making each response; (v) a detailed summary of the points made by each person involved in the communication; (vi) the duration of the communication; (vii) the location or locations of all persons involved in the communication and, if the communication occurred by telephone, the telephone numbers for the callers and recipients of the communication; and (viii) any other pertinent information.

## Communication Details:

IPA COMM FORM V1 120216

Provide a detailed summary of the points made by each person involved in the communication:

Was a response made? If so, complete the following for each person making the response *(attach an additional sheet that lists the other respondents' names, job titles, which entity they represent, email address and/or telephone number, if applicable)*:

Respondent Name:

Respondent Title:

Location:

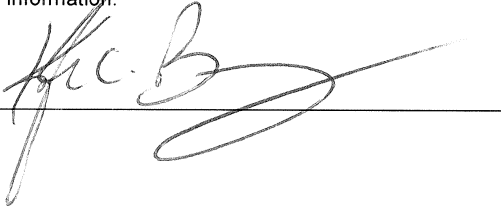
Telephone Number (if telephonic):

Provide a detailed summary of the response:

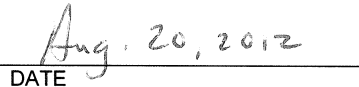
see attached email string

Other pertinent information:

SIGNATURE

A handwritten signature in black ink, appearing to be "K.C. B.", written over a horizontal line.

DATE

A handwritten date "Aug. 20, 2012" written in black ink over a horizontal line.

<b>Name</b>	<b>Employer</b>	<b>party represented</b>	<b>email</b>
Kyle Barry	McGuireWoods	FutureGen Industrial Alliance	kbarry@mwcllc.com
John Buchovecky	Van Ness Feldman	FutureGen Industrial Alliance	jjb@vnf.com

**Barry, Kyle C.**

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**From:** Paul Champagne [ptchampagne@verizon.net]  
**Sent:** Monday, July 16, 2012 9:44 PM  
**To:** Juracek, Arlene; Michael; Henry T.  
**Cc:** John Buchovecky; Barry, Kyle C.  
**Subject:** Revised FutureGen Power Purchase Agreement  
**Importance:** High  
**Attachments:** FutureGen Power Purchase Agreement Final 7-16-12.docx

Dear Acting Director Juracek,

Attached please find a revised form of Power Purchase Agreement (PPA) proposed by the FutureGen Industrial Alliance, Inc. for use with the FutureGen project. The draft seeks to capture the comments and suggestions from the July 3 stakeholder meeting organized by the Illinois Power Authority (IPA). Two aspects of the attached draft deserve some additional explanation.

First, as discussed at the stakeholder meeting, we have restructured the PPA to include the clean coal rate adjustment mechanism that was reviewed. As presented this approach is forward looking using actual retail load data and incorporates an initial and final settlement similar to how MISO and PJM settle wholesale energy transactions. Buyer's net payment to the Alliance is calculated on a per MWh basis as the difference between the PPA (cost of service) contract price and the revenue from sales into MISO at the nodal energy price divided by the total retail load served in the State. In thinking about how to implement this payment mechanism, we have concluded that this structure is significantly less complex for all parties if rather than requiring buyers to schedule the FutureGen plant's energy through MISO on a continual basis with fluctuating load requirements, payments are simply made based on initial and final settlements using the appropriate project costs, total energy sales and retail loads. Therefore, we have eliminated the option of buyers requiring the Alliance delivering energy via MISO schedules. The Alliance has been in contact with both ComEd and Ameren Illinois regarding their ability to provide the necessary load data and have received favorable responses from both entities.

Second, as you may be aware, the Commodity Futures Trading Commission issued a rule last week dealing with the definition of "swaps" and exclusions from swap regulation under the Dodd-Frank Act. In addition, there are petitions pending at the CFTC to further clarify the applicability of certain Dodd-Frank Act provisions to various types of electricity transactions. While we believe these issues will be favorably clarified by the CFTC, we felt it was still prudent to include a savings clause in the PPA that allows the parties to make amendments to the PPA, if necessary, to minimize the potential for application of the Dodd-Frank Act.

We have not prepared a redline comparison of the PPA because of the extent of the structural changes, and only a clean version is enclosed.

I look forward to discussing any questions of comments you might have regarding this agreement.

Sincerely,

Paul Champagne  
Chief Development Officer  
FutureGen Industrial Alliance, Inc.  
[ptchampagne@verizon.net](mailto:ptchampagne@verizon.net)  
Cell: (610) 295-7268

8/20/2012