

# 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: 3/15/13

Time of Communication: 3:39 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: Kyle Barry  
Representing: FutureGen Industrial Alliance  
Location: Springfield IL  
Email Address (if communication was via email) [kyle.barry@huschblackwell.com](mailto:kyle.barry@huschblackwell.com)  
Telephone Number (if telephonic): 314-345-6265  
Is this person a Lobbyist required to register under the Lobbyist Registration Act  Yes  No  
Duration of Call or In-Person Communication: 11 mins

**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: See attached addendum  
Recipient Title:  
Representing:  
Location:  
Email Address (if communication was via email)  
Telephone Number (if telephonic):

Recipient Two Name:  
Recipient Title:  
Representing:  
Location:  
Email Address (if communication was via email)  
Telephone Number (if telephonic):

Recipient Three Name:  
Recipient Title:  
Representing:  
Location:  
Email Address (if communication was via email)  
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:

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

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:

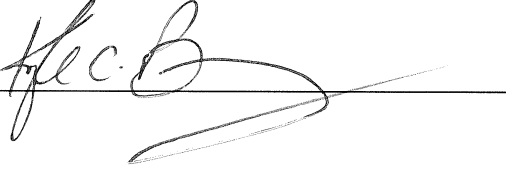
Telephone Number (if telephonic):

Provide a detailed summary of the response:

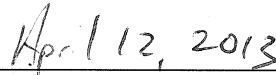
See attached addendum

Other pertinent information:

SIGNATURE

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

DATE

A handwritten date "April 12, 2013" written in black ink over a horizontal line.

**Addendum to Communications Report with Illinois Power Agency for March 15,  
2013 Teleconference**

On March 15, 2013, Michael Strong, Chief Counsel for the Illinois Power Agency, participated in a conference call with representatives of the FutureGen Industrial Alliance.

**Teleconference Participants:**

<b>Name</b>	<b>Employer</b>	<b>Party represented</b>
Michael Strong	Chief Counsel, Illinois Power Agency	Illinois Power Agency
Kyle Barry	Husch Blackwell	FutureGen Industrial Alliance
John Buchovecky	Van Ness Feldman	FutureGen Industrial Alliance

**Summary of Substantive Content of Communication:**

The participants discussed the following substantive content during the teleconference:

- Mr. Buchovecky advised that he requested the call to discuss the benchmarking plan and the FutureGen Alliance's approach with respect to that plan in its initial comments in Docket No. 13-0034 to make sure that the Alliance as not off base on the comments.
- Mr. Strong recommended that Mr. Buchovecky call ICC Staff to discuss the benchmarking issues, indicating that he believed that ICC Staff had a clear vision about what ICC Staff wanted to see with respect to the benchmarking process. Mr. Strong suggested that Mr. Buchovecky talk to John Feeley or Richard Zuraski at the ICC Staff. Mr. Strong stated that the IPA did not disagree with ICC Staff's approach relating to the benchmarking process.
- Mr. Strong suggested that the Alliance might consider referencing the workshops hosted by the IPA on the sourcing agreement and to emphasize the consensus developed at those workshops and to ask the ALJ to follow the consensus.
- Mr. Buchovecky indicated that he agreed with the IPA's recommended approach.
- For the limited number of issues where consensus might not have been reached via the workshops, Mr. Strong suggested that the Alliance identify those issues in the initial comments and explain how those issues should be resolved.
- Mr. Buchovecky said that he would talk to ICC Staff about how to reach a decision on the utilization of the benchmark. He said he would probably talk to John Feeley.
- Mr. Buchovecky asked about requesting an order from the ICC requiring the utilities file a tariff by June 14<sup>th</sup>. Mr. Strong suggested that the tariff issues might be rolled into a discussion of the contract terms.
- Mr. Strong advised that the IPA had not yet begun to formulate its initial comments. He indicated that the IPA's comments would likely be short and presented at a high level.