

## Blount, Will

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**From:** Barry, Kyle [Kyle.Barry@huschblackwell.com]  
**Sent:** Thursday, August 08, 2013 3:16 PM  
**To:** PPB  
**Subject:** FW: Report of Communications with the Illinois Power Agency  
**Attachments:** Report of Communications with the Illinois Power Agency.pdf

Please see attached.

**Kyle C. Barry**  
**Partner**  
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[Kyle.Barry@huschblackwell.com](mailto:Kyle.Barry@huschblackwell.com)

*Effective July 15, 2013, Husch Blackwell is pleased to welcome the attorneys and staff of Texas-based Brown McCarroll, LLP to our firm.*

*To learn more about this exciting new combination and how our firm's expansion into Texas will benefit you, please visit [www.huschblackwell.com](http://www.huschblackwell.com).*

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# 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:

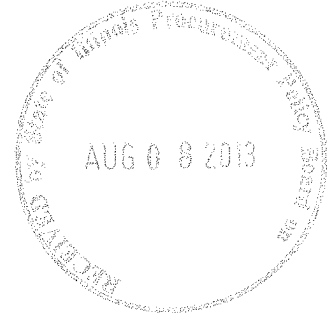
PROCUREMENT POLICY BOARD  
511 W. CAPITOL AVENUE, SUITE 102  
SPRINGFIELD, IL 62704

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: July 12, 2013 Time of Communication: 9:54 a.m.

## 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, Inc.  
Location: Husch Blackwell LLP  
118 S. 4<sup>th</sup> Street, Suite 101  
Springfield, IL 62701

Email Address (if communication was via email)  
Telephone Number (if telephonic): 217-670-1782 Duration of Call or In-Person Communication: 13 minutes  
Is this person a Lobbyist required to register under the Lobbyist Registration Act  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 Counsel  
Representing: Illinois Power Agency  
Location: 160 N. LaSalle Street, Suite C-504  
Chicago, IL 62601

Email Address (if communication was via email)  
Telephone Number (if telephonic): 312-814-4635

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:  
IPA COMM FORM V1 120216

Mr. Barry inquired about how the process for releasing materials used in the development of a benchmark for the FutureGen 2.0 project. Mr. Barry stated that he was unsure how the process would work since some of the materials used might include confidential information. Mr. Strong replied that per the Commission's June 26, 2013 order, ICC Staff will provide the documents underlying the development of the benchmark to intervening parties in the case that had executed the protective order covering the case, and that the parties would have a chance to identify confidential information so that such information could be redacted before the materials are made available to the general public. Mr. Barry stated that he was not certain which parties had signed the protective order, but that he believed only representatives from ComEd and Ameren had executed the protective order. Mr. Barry also advised Mr. Strong that Commissioner McCabe, during the Commission's bench session at which the Commission entered the final order on June 26<sup>th</sup>, stated that she voted against the order, in part on the grounds that the consultant that had developed the benchmark did not conduct an independent analysis but rather had simply adopted the project cost information supplied by the FutureGen Alliance. Mr. Strong indicated that he did not agree with Commissioner McCabe's assessment about the benchmark. Mr. Barry also provided Mr. Strong with an update on the status of the appeals of the Commission's final order in Docket No. 12-544.

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:

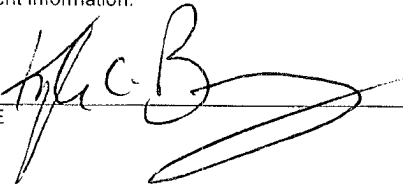
Location:

Telephone Number (if telephonic):

Provide a detailed summary of the response:

Other pertinent information:

SIGNATURE



DATE

Aug. 7, 2013