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FOUNDED 1866

May 26, 2009

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

Re: Commonwealth Edison Ministerial Revision to Formula Transmission Rate;
Docket No. ER09-

Dear Secretary Bose:

Pursuant to Section 205 of the Federal Power Act (“FPA”)¹ and Part 35 of the Federal Energy Regulatory Commission’s (“FERC” or “Commission”) regulations,² Commonwealth Edison Company (“ComEd”), on behalf of itself and its wholly-owned subsidiary Commonwealth Edison Company of Indiana, Inc. (“ComEd”) submits for a ministerial revision to Attachment H-13 (Network Integration Transmission Service for the ComEd Zone) of the PJM Interconnection, L.L.C. (“PJM”) Open Access Transmission Tariff (“OATT”). ComEd requests a waiver of the sixty day notice requirement and requests an effective date of June 1, 2009, as this change merely corrects a typographical error in the protocols, to the CFR citation for the Commission’s interest requirements, and does not affect the rates.

I. Background

ComEd, an Illinois corporation, is a principal subsidiary of Exelon Corporation, a Pennsylvania corporation. ComEd maintains more than 91,000 miles of overhead and underground transmission and distribution lines in Northern Illinois and provides delivered electric power to more than 3.8 million customers. ComEd does not own any generation facilities. ComEd’s retail electric service is regulated by the Illinois Commerce Commission (“ICC”), while its transmission and sales for resale of electric energy in interstate commerce are regulated by this Commission. ComEd transferred operational control over its transmission facilities to PJM Interconnection, L.L.C. (“PJM”) on May 1, 2004.

¹ 16 U.S.C. 824d (2006).

² 18 C.F.R. Part 35 (2008).

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Since 2007, ComEd has provided network and point to point transmission service under the PJM Tariff pursuant to a cost of service formula rate (“Formula Rate”).³ On January 18, 2008, The Commission approved a Settlement with ComEd’s customers concerning the rate and its implementation protocols.⁴

II. Persons to Whom Correspondence Should be Addressed

<p>Stan Berman Sidley Austin LLP 701 Fifth Avenue, Suite 4200 Seattle, WA 98104 (206) 262-7681 (P) (415) 772-7400 (F) sberman@sidley.com</p> <p>Heather Curlee Sidley Austin LLP 1501 K Street NW Washington, DC 20005 (202) 736-8838 (P) hcurlee@sidley.com</p>	<p>Peter J. Thornton Asst. General Counsel Exelon BSC - Legal Regulatory 10 South Dearborn- 49 NE Chicago, IL 60603 (312) 394-4989 (P) peter.thomton@exeloncorp.com</p> <p>Kathryn Houtsma Vice President, Regulatory Projects Commonwealth Edison Three Lincoln Center Oakbrook Terrace, IL 60181-4260 (630) 437-2334 (P) kathryn.houtsma@exeloncorp.com</p> <p>A. Karen Hill Vice President Federal Regulatory Affairs Exelon Corporation 101 Constitution Ave., N.W. Ste. 400 East Washington, D.C. 2001 (202) 347-7500(P) karen.hill@exeloncorp.com</p>
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III. Statement of Nature, Reasons and Basis for Filing

ComEd is filing a ministerial change to its transmission Formula Rate Template, set forth as Attachment H-13 to the PJM OATT. ComEd seeks to revise Sheet No. 314A.27 to correct an incorrect reference to the Commission regulation for determining interest for refunds.

³ Sixth Revised Sheet 245 et al to FERC Electric Tariff Sixth Revised Volume 1, Docket No. ER07-583.

⁴ *Commonwealth Edison Co.* 122 FERC ¶ 61,030 (2008).

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On September 29, 2008, the Division of Audits within the Office of Enforcement (“OE”) completed an audit of Exelon Corporation and its affiliates, for the period from January 1, 2006 to January 31, 2008. Audit staff noted that ComEd’s tariff sheet number 314A.27 incorrectly references the Commission’s interest requirements under suspension orders as 18 C.F.R. §38.19a rather than 18 C.F.R. §35.19a. ComEd committed to revise this typographical error, and does so here in this filing.

A redlined copy of the tariff sheet is enclosed as Appendix A, and a clean copy is enclosed as Appendix B.

IV. Impact on Rates

This revision will not have an effect on rates.

V. Compliance with Commission Requirements

A. List of Documents Submitted

ComEd submits herewith an original and six copies of:

1. This transmittal letter;
2. Redlined Attachment H-13 tariff pages (Appendix A);
3. Clean Attachment H-13 tariff pages (Appendix B).
4. Notice of Filing (Appendix C)

B. Proposed Effective Date

Pursuant to Section 35.11 of the Commission’s regulations,⁵ ComEd requests waiver of the sixty day notice requirement and an effective date of June 1, 2009. ComEd requests that the Commission accept these revised tariff sheets without suspension or a hearing.

Waiver is justifiable to allow ComEd to correct a minor typographical error which does not have an effect on rates. Thus, good cause exists to grant the waiver of the sixty day notice requirement.

⁵ 18 C.F.R. §35.11.

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C. Names and Addresses of Person to Whom a Copy of this Filing has been Mailed

Pursuant to Section 35.2(d) of the Commission's regulations, a copy of this filing is being served on representatives of PJM, the ICC and the Indiana Utility Regulatory Commission. Copies of this filing are also available for inspection at ComEd's office. ComEd has also served a copy of this filing on all PJM members by requesting PJM to post this filing electronically, and requests waiver of the requirement to post by mailing paper copies to PJM members.

D. Description of the Filing

A description of the filing is set forth above.

E. Statement of the Reasons for the Tariff Change

This transmittal letter and enclosed materials explain the reasons for the proposed changes to the ComEd Formula Rate.

F. Requisite Agreement

No agreement is required by contract for the filing of proposed changes.

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G. Statement Regarding Inclusion of Any Expense of Costs in Cost of Service Statements that Have Been Alleged or Adjudged Illegal, Duplicative, or Unnecessary Costs that are Demonstrably the Product of Discriminatory Employment Practices

There are no costs included in this filing that have been alleged or adjudged in any administrative or judicial proceeding to be illegal, duplicative, or unnecessary costs, nor has any expense or cost been demonstrated to be the product of discriminatory or employment practices, within the meaning of Section 35.13(d)(3) of the Commission's regulations.

H. Cost of Service and Revenue Information to Support Filing and Request for Waiver

The cost of service, rate design information, and illustrative revenue calculations that support this filing are set forth in ComEd's Formula Rate. This filing merely corrects a typographical error and does not affect the cost of service, rate design information, or revenue calculations. ComEd believes that it has provided sufficient information for the Commission to determine the reasonableness of the proposed change. To the extent that this filing requires waivers of Section 35.13 of the Commission's regulations, ComEd respectfully requests such waivers, including waivers of Section 35.13(c), (d), (e), and (h) of the Commission's regulations, 18 C.F.R. §§ 35.13(c), (d), (e), and (h). To the extent that this filing fails to contain any information otherwise required for technical compliance with the Commission's regulations, ComEd respectfully requests that compliance with such regulations be waived.

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VI. Conclusion

WHEREFORE, for the foregoing reasons, ComEd respectfully requests the Commission accept the ministerial tariff revisions, effective June 1, 2009.

Respectfully submitted,

/s/ Stan Berman
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Attorney for Commonwealth Edison Company

Enclosures

APPENDIX A

- d. Subject to judicial review of FERC orders, each Annual Update shall become final as to the Annual Transmission Revenue Requirement calculated for the Rate Year for which the Annual Update was calculated and no longer subject to challenge pursuant to these Annual Review-Protocols or by any other means by the FERC or any other entity on the later to occur of (i) passage of the twenty-one (21) day period (or extended period, if applicable) for making a Formal Challenge if no such challenge has been made and the FERC has not initiated a proceeding to consider the Annual Update, or (ii) a final FERC order issued in response to a Formal Challenge or a proceeding initiated by the FERC to consider the Annual Update.
- e. Except as specifically provided herein, nothing herein shall be deemed to limit in any way the right of ComEd to file unilaterally, pursuant to FPA Section 205 and the regulations thereunder, to change the Formula Rate or any of its inputs (including, but not limited to, rate of return and transmission incentive rate treatment), or to replace the Formula Rate with a stated rate, or the right of any other party to request such changes pursuant to Section 206 of the Federal Power Act and the regulations thereunder.
- f. Subject to Section 2(e) above, it is recognized that resolution of Formal Challengers concerning Material Accounting Changes or related to the Uniform System of Accounts or FERC Form No. 1 as described, above, may necessitate adjustments to the Formula Rate input data for the applicable Annual Update or changes to the Formula Rate to achieve a just and reasonable end result consistent with the intent of the Formula Rate.
- g. In making or resolving any Preliminary or Formal Challenge under this Section, a party may rely on all information provided by ComEd, including information provided under the terms of a confidentiality agreement or protective order; provided, however, that parties receiving such information pursuant to a confidentiality agreement or protective order shall be bound by the restrictions placed by such agreement or order on disclosure or use of confidential information.

Section 4 Changes to Annual Informational Filings

Any changes to the data inputs, including but not limited to revisions to ComEd's FERC Form No. 1, or as the result of any FERC proceeding to consider the Annual Update, or as a result of the procedures set forth herein, shall be incorporated into the Formula Rate and the charges produced by the Formula Rate (with interest determined in accordance with 18 C.F.R. § ~~3835~~.19a) in the Annual Update for the next effective Rate Period. This reconciliation mechanism shall apply in lieu of mid-Rate Year adjustments and any refunds or surcharges. However, actual refunds or surcharges (with interest determined in accordance with 18 C.F.R. § ~~3835~~.19a) for the then current rate year shall be made in the event that the Formula Rate is replaced by a stated rate for ComEd.

Issued By: Craig Glazer
Vice President, Federal Government Policy
Issued On: May 26, 2009

Effective: June 1, 2009

APPENDIX B

- d. Subject to judicial review of FERC orders, each Annual Update shall become final as to the Annual Transmission Revenue Requirement calculated for the Rate Year for which the Annual Update was calculated and no longer subject to challenge pursuant to these Annual Review-Protocols or by any other means by the FERC or any other entity on the later to occur of (i) passage of the twenty-one (21) day period (or extended period, if applicable) for making a Formal Challenge if no such challenge has been made and the FERC has not initiated a proceeding to consider the Annual Update, or (ii) a final FERC order issued in response to a Formal Challenge or a proceeding initiated by the FERC to consider the Annual Update.
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- g. In making or resolving any Preliminary or Formal Challenge under this Section, a party may rely on all information provided by ComEd, including information provided under the terms of a confidentiality agreement or protective order; provided, however, that parties receiving such information pursuant to a confidentiality agreement or protective order shall be bound by the restrictions placed by such agreement or order on disclosure or use of confidential information.

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Issued By: Craig Glazer
Vice President, Federal Government Policy
Issued On: May 26, 2009

Effective: June 1, 2009

APPENDIX C
NOTICE OF FILING

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

Commonwealth Edison Company)
Commonwealth Edison Company of Indiana, Inc.) Docket No. ER09 - ____

NOTICE OF FILING
(May __, 2009)

Take notice that on May 26, 2009, Commonwealth Edison Company (“ComEd”), on behalf of itself and its wholly-owned subsidiary Commonwealth Edison Company of Indiana, Inc. (“ComEd”) filed, pursuant to section 205 of the Federal Power Act, 16 USC 824(d), and Part 35 of the Commission’s regulations, an application to make a ministerial revision to a reference to the section of the Commission’s regulations pertaining to the calculation of interest in its cost of service formula rate (“Formula Rate”) previously accepted for filing by the Commission in Docket No. ER07-583.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission’s Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the “eFiling” link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the “eLibrary” link and is available for review in the Commission’s Public Reference Room in Washington, D.C. There is an “eSubscription” link on the web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date:

Kimberly D. Bose,
Secretary.

CERTIFICATE OF SERVICE

In accordance with 18 C.F.R. § 385.2010(f) (2008), I hereby certify that I have, on this day, served a copy of the foregoing on the official service list in ER07-583-000 and have provided a copy to PJM to post on its website.

Dated this 26th day of May, 2009.

/s/ Heather Curlee

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