**LIEEAC Facilitator Independence Policy**

**Final Draft**

**Policy:**

Staff shall submit the final but not yet executed contract and scope of work with the independent LIEEAC Facilitator to the Commission, containing its assessment of the contract and scope of work and describing its recommendations to the Commission. Alternatively, if a utility agrees to hold the contract, a utility shall submit the final but not yet executed contract and scope of work with the independent LIEEAC Facilitator to the Commission by letter to the Executive Director, and then Staff will submit a report to the Commission containing its assessment of the contract and scope of work and describing its recommendations to the Commission. Commission Staff will use reasonable efforts to submit its report to the Commission within 5 business days of receiving the finalized but not yet executed contract from the Program Administrator containing its assessment of the contract and/or scope of work and describing its recommendations for Commission action, if any. Absent a Commissioner request for a longer review time, no later than 15 business days after the submittal of the Staff Report to the Commission, Staff will notify the Program Administrator as to whether it may move forward with contract execution. In the event a Commissioner requests a longer review time, Staff will notify the Program Administrator that the contract is still under review by the Commission and provide an estimated date the review may be complete by.

In addition, the utility will submit any fully executed contract and scope of work with the independent LIEEAC Facilitator as a compliance filing in the most current Policy Manual approval proceeding, within fourteen (14) days of execution. Such compliance filing will be treated as public information, subject to redactions by the Commission of provisions deemed confidential.

The independent LIEEAC Facilitator contract will provide that the Commission has the right to terminate (or direct a utility to terminate) the LIEEAC Facilitator contract, if the Commission determines the LIEEAC Facilitator was not abiding by the requirement in Section 8-103B(c) to be fair and responsive to the needs of all stakeholders involved in the Committee and/or was not acting independently.

If a LIEEAC Committee member believes that the LIEEAC Facilitator is not acting independently and/or is not being fair and responsive to the needs of all stakeholders involved in the Committee, that member is encouraged to raise the concern with the LIEEAC Statewide Leadership Committee or Regional Subcommittee Leadership, as appropriate, and ICC Staff. In the event that the concern cannot be resolved through such conversations, the party may file a petition with the Commission requesting that the Commission order ComEd to terminate the contract. The LIEEAC Facilitator contract will automatically terminate upon a Commission finding that the contract should be terminated, after issuance of notice and hearing and an opportunity for interested parties to be heard, including through Commission resolution of any filed applications for rehearing. All due process rights guaranteed by the PUA and the Commission’s rules shall apply.

**Effective Date:** TBD