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BEFORE THE
ILLINOIS COMMERCE COMMISSION
REGULAR OPEN MEETING
TRANSPORTATION
OCTOBER 14, 2020
Chicago, Illinois
and Springfield, Illinois

Met, pursuant to notice, at 1:30 P.M., at 527
East Capitol Avenue, Springfield, Illinois, and by
videoconference with 160 North LaSalle Street,
Chicago, Illinois.

PRESENT:

- CARRIE ZALEWSKI, Chairwoman
- MICHAEL T. CARRIGAN, Commissioner
- D. ETHAN KIMBREL, Commissioner
- MARIE S. BOCANEGRA, Commissioner
- SADZI OLIVA, Commissioner

1 CHAIRMAN ZALEWSKI: Under the Open
2 Meetings Act and in accordance with the
3 Governor's executive orders, I call the
4 October 14th, 2020, regular open meeting to
5 order.

6 Before we proceed, for clarity of the
7 record, I would ask everyone to state their name
8 before speaking and to speak slowly and clearly
9 so that the court reporter can capture everything
10 that is said. I've already checked that we have
11 all five commissioners on so we have a quorum.
12 We have three requests to speak going in the
13 order that they were received. First is Dave
14 Davis; second, Deni Mathews; third, David
15 O'Donnell.

16 Under 2 Ill. Adm. Code Section
17 1700.10, any persons desiring to address the
18 Commission shall be allowed up to three minutes.
19 Only one person may speak on behalf of any
20 organization. Please note that the Commission
21 will not respond directly to any comments.

22 First we have Mr. Dave Davis.
23 Mr. Davis, are you on?

24 MR. DAVIS: I am.

1 CHAIRMAN ZALEWSKI: Great. We can
2 hear you. I will set my timer for three times.
3 If you could state and spell your name for the
4 court reporter, and then I will go ahead and
5 start the timer and let you know when your time
6 is up.

7 MR. DAVIS: Thank you, Commissioner.
8 My name is Dave Davis, D-a-v-e, D-a-v-i-s. I'm
9 the husband of Sandra Davis, and we are board
10 members of 350Kishwaukee. Sandra and I sat
11 through each of the 19-0673 hearings and are
12 quite familiar with the docket.

13 Last year, I addressed the Commission
14 regarding the statutory goals and objectives of
15 the Commission in light of climate change. As we
16 promised then, we have not drafted a bill that
17 will require the ICC to protect Illinoisans from
18 crimeful public utility activities related to
19 global climate change. However, we will not
20 introduce that bill until the passage of TCJA.
21 We all know that public awareness of rapidly
22 changing climate is accelerating with new terms
23 like fire tornadoes, so we would like to, again,
24 remind you of the goals and objectives of the

1 Commission in light of climate change. However,
2 today, we would primarily like to address changes
3 prescribed by Petitioners in 19-0673, and if
4 those changes are, and I quote, necessary and
5 should be erected to promote the security and
6 convenience of the public, closed quote.

7 As you know, the public need for this
8 project is currently missing. Even if that need
9 should return, there is one glaring fact that
10 must be addressed related to the need for
11 19-0673, that is the stated export destination
12 for North Dakota crude oil. Petitioner Glenn
13 Emery in his rebuttal testimony made that
14 destination clear by stating, and I then quote,
15 the transition to and position as an exporter is
16 a good thing, not a bad thing for the U.S.,
17 closed quote. This position is validated by
18 Petitioner's parent organization's decision to
19 construct a offshore export terminal in
20 Nederland. It is unclear to 350Keshawnee how
21 exporting North Dakota crude oil to Illinois
22 enhances the safety and convenience of the
23 Illinois public. Thank you, Chair.

24 CHAIRMAN ZALEWSKI: Thank you. Next

1 we have Deni Mathews. Ms. Mathews, are you
2 there?

3 MS. MATHEWS: I am.

4 CHAIRMAN ZALEWSKI: Go ahead.

5 MS. MATHEWS: All right. For the
6 record, my name that is Deni Mathews, and that is
7 spelled D-e-n-i. Mathews is spelled
8 M-a-t-h-e-w-s. I'm the chairperson of Save Our
9 Illinois Land, one of the interveners in case
10 19-0673. That is a petition by the Dakota Access
11 and ETCO to nearly double the capacity of the
12 Dakota Access and ETCO pipelines.

13 Speaking for myself, the back and
14 forth of legal arguments has been almost
15 overwhelming for one unfamiliar with this
16 process. You, Commissioners, have much to
17 consider as you determine the outcome, some of
18 which I would suggest lies beyond the specifics
19 of statute and legal process. When my colleagues
20 and I first read the applicable parts of the
21 Illinois Administrative Code, we assumed that
22 references in it to the public meant us, the
23 citizens of Illinois and the nation. Then comes
24 Dakota Access referencing shippers as the public.

1 When considering an enterprise fraught with
2 rifts, are not the residents of the state and the
3 nation the public?

4 As our expert testimony has
5 indicated, the risks are greatly increased by
6 pumping almost twice as much oil at much higher
7 speeds.

8 The statutes also reference public
9 necessity. Dakota Access erroneously suggests
10 that the energy that we need can only be provided
11 through oil and relying on dated figures and
12 poorly subscribed focus teams to illustrate the
13 alleged need for greater capacity.

14 And as you are well aware, the view
15 from the docket has changed considerably over the
16 last seven months. The pandemic has depressed
17 demand and prices to the point where producers
18 are claiming bankruptcy and production is down 40
19 percent. With a vaccine six months or more away,
20 it seems likely that more companies will fail,
21 abandoning their wells and commitments to ship.
22 Dakota Access and Echo are even offering reduced
23 rates to keep shippers on their pipelines.

24 In the meantime, Americans' concerns

1 about the climbing prices and its impact on our
2 communities have heightened. Many have become
3 aware that we can't continue with business as
4 usual. Business as usual is seductive. It's the
5 path of least of resistance, the path of
6 nonchallenges and rewards. Approving this
7 petition may seem to have positive outcomes in
8 the short term, but in doing so, you support at
9 least another 50 years of increased pipeline use.

10 This is not the time for business as
11 usual. This is the time for the forward thinking
12 public servants to take a critical step in
13 addressing the climbing crisis. This is the
14 unknown and politically unpopular path, but you
15 are selected for your positions to make tough
16 decisions on the part of us, the public, not the
17 pipeline companies.

18 The Dakota Access petition is all
19 risks and few rewards for the residents of this
20 state, this country and the larger global
21 community. I ask you to deny this petition.
22 Thank you.

23 CHAIRMAN ZALEWSKI: Thank you. And
24 then finally, Mr. David O'Donnell.

1 Mr. O'Donnell, are you on?

2 MR. O'DONNELL: Yes, I am. Can you
3 hear me?

4 CHAIRMAN ZALEWSKI: I'll set my timer
5 as well if you can state and spell your name and
6 then you can begin.

7 MR. O'DONNELL: Hello, my name is
8 David O'Donnell. I'm a resident of Illinois and
9 a member of Extinction Rebellion in Chicago. My
10 name is spelled David O-'-D-o-n-n-e-l-l. Thank
11 you so much for the opportunity to speak and
12 address the Commission today. I've been to most
13 of the hearings for this docket over the many
14 months that they've happened and many more people
15 much more qualified than myself have spoken
16 against the approval of doubling the capacity of
17 the Dakota Access pipeline.

18 However, the proposed order as
19 written has not taken into consideration all of
20 the effort and all of the words and all of the
21 testimony. So I'd actually like to offer a
22 moment of silence for the Commission because
23 perhaps you'll listen to those.

24 I'd like to take a moment of silence

1 for this opportunity to take Illinois into the
2 next century rather than doubling down on
3 technology and fuels of the past.

4 (Moment of silence taken.)

5 MR. O'DONNELL: I'd like to take a
6 moment of silence for all of the landowners who
7 have been affected by spills and errors from
8 energy transfer partners and their other partners
9 and their capacity lines.

10 (Moment of silence taken.)

11 MR. O'DONNELL: I'd like to take a
12 moment of silence for all of the people impacted
13 by runaway climate change, in particular those
14 impacted on our southern coast and our western
15 coast. And while we take this moment of silence,
16 I would like you to imagine the ashes blowing
17 across the destroyed homes of California.

18 (Moment of silence taken.)

19 MR. O'DONNELL: And I'd like to take
20 a moment of silence for the children of the
21 Commissioners and their great grandchildren and
22 my own children and the struggles they will face
23 in a climate changed world.

24 (Moment of silence taken.)

1 MR. O'DONNELL: Thank you for your
2 time.

3 CHAIRMAN ZALEWSKI: Thank you,
4 Mr. O'Donnell. This concludes our public
5 comments so we're moving onto our agenda. Under
6 our Transportation Agenda, the transportation
7 minutes for September 23rd, 2020, are combined
8 with the Public Utilities Agenda and we will vote
9 on them under the Public Utilities Agenda.

10 Under our Railroad items, Item RR-1
11 through RR-8 concern various public safety
12 improvement projects at railway crossings. The
13 Orders authorized the projects construction or
14 extend project timelines and approve project
15 costs apportionment.

16 Are there any objections to
17 considering these items together and approving
18 the Orders?

19 (No response.)

20 CHAIRMAN ZALEWSKI: Hearing none, the
21 Orders are approved.

22 Under our Motor Carrier items, item
23 MC-1 concerns an application for a Commercial
24 Relocator's License. The Commission Staff has

1 reviewed the Application and finds that the
2 applicant meets the requirements. The Order
3 grants the license.

4 Are there any objections to approving
5 the Order?

6 (No response.)

7 CHAIRMAN ZALEWSKI: Hearing none, the
8 Order is approved. This concludes our
9 Transportation Agenda.

10 (End of Transportation Agenda at 1:12
11 p.m.)

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1 CERTIFICATE OF REPORTER

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3 I, ERIKIA SCHUSTER, a Certified Shorthand
4 Reporter (IL), do hereby certify that the proceedings
5 were taken by me to the best of my ability and
6 thereafter reduced to typewriting under my direction;
7 that I am neither counsel for, related to, nor
8 employed by any of the parties to the action in which
9 this hearing was taken, and further that I am not a
10 relative or employee of any attorney or counsel
11 employed by the parties thereto, nor financially or
12 otherwise interested in the outcome of the action.

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18 Certified Court Reporter

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