BEFORE THE

ILLINOIS COMMERCE COMMISSION PUBLIC UTILITY REGULAR OPEN MEETING Wednesday, January 03, 2024 Chicago, Illinois

Met pursuant to notice at 11:30 a.m. 160 North Lasalle Street, Chicago, Illinois.

PRESENT: MR. DOUGLAS P. SCOTT, Chairman MICHAEL T. CARRIGAN, Commissioner CONRAD REDDICK, Commissioner STACEY PARADIS, Commissioner(Remote) ANN McCABE, Commissioner

MAGNA LEGAL SERVICES BY: Michael Marciniak, CER Notary Public



Page 2 CHAIRMAN SCOTT: Good Morning and Happy 1 New Year to everyone. Under the Open Meetings Act, I 2 call the January 3rd, 2024 Regular Open Meeting to 3 order. Commissioners Carrigan, McCabe, and Reddick are 4 5 with me in Chicago; We have a guorum. Commissioner 6 Paradis, are you there? 7 COMMISSIONER PARADIS: I am. Good morning. 8 CHAIRMAN SCOTT: Are there any objections to allowing Commissioner Paradis to participate remotely? 9 10 (No verbal response.) 11 CHAIRMAN SCOTT: Hearing none, Commissioner 12 Paradis is granted permission to participate remotely. 13 We will now move on to our 14 Public Utility Agenda. 15 16 Items E-1 through E-4 concern requests from ComEd and Ameren to reconcile revenues under 17 18 various riders. The Orders approve the reconciliations, as 19 set forth in the appendices to the Orders, finding that 20 the costs were prudently incurred. 21 Are there any objections to hearing these items 22 together and approving the Orders?



Page 3 1 (No verbal response.) CHAIRMAN SCOTT: Hearing none, the Orders are 2 3 approved. Item E-5 concerns a citation 4 5 proceeding for the termination of an abandoned license. The Order suspends the respondent's Certificate of Service 6 7 Authority to operate as a retail electric agent, broker, and consultant for two years. 8 Are there any objections to approving the Order? 9 10 (No verbal response.) CHAIRMAN SCOTT: Hearing none, the Orders is 11 approved. 12 13 Item E-6 concerns a Petition for Interlocutory Review from Good Energy in Docket 23-0285. 14 Good Energy filed a Motion to Dismiss in this docket on 15 September 15, 2023 and the ALJ denied the Motion on 16 17 October 27, 2023. In their decision, the ALJ determined that Respondent did not present an appropriate basis upon 18 which to dismiss the proceeding. 19 20 Are there any objections to affirming the  $ALJ\hat{a}\in \mathbb{M}s$ 21 decision and denying the Petition? 22 (No verbal response.)



Page 4 CHAIRMAN SCOTT: Hearing none, the Petition is 1 denied. 2 3 Item E-7 concerns an application for certification as an installer of new utility-scale solar 4 projects. The Order grants the certificate, finding that 5 the applicant meets the requirements. 6 7 Are there any objections to approving the Order? (No verbal response.) 8 CHAIRMAN SCOTT: Hearing none, the Order is 9 10 approved. Item E-8 concerns an application for a 11 certificate of service authority to act as a retail 12 13 electric agent, broker and consultant in Illinois. The Order grants the certificate finding that the applicant 14 meets the requirements. 15 Are there any objections to approving the Order? 16 17 (No verbal response.) CHAIRMAN SCOTT: Hearing none, the Order is 18 19 approved. 20 Item E-9 concerns a Petition from the Will County Department of Transportation to acquire 21 22



Page 5 property from ComEd through the use of Eminent Domain. 1 The Order grants the Petition. 2 3 Are there any objections to approving the Order? (No verbal response.) 4 CHAIRMAN SCOTT: Hearing none, the Order is 5 approved. Â 6 7 Item E-10 concerns an Application for Certificate of Service Authority to Install, Maintain and 8 9 Repair Electric Vehicle Charging Stations. The Order grants the Certificate, finding that the applicant meets 10 the requirements. 11 Are there any objections to approving the Order? 12 13 (No verbal response.) 14 CHAIRMAN SCOTT: Hearing none, the Order is approved. 15 Items E-11 and E-12 concern 16 applications for Certification to operate as an Installer 17 of Distributed Generation Facilities in Illinois. The 18 Orders grant the certificates, finding that the applicants 19 20 meet the requirements. Are there any objections to considering these 21 22 items together and approving the Orders?



Page 6 (No verbal response.) 1 CHAIRMAN SCOTT: Hearing none, the Orders are 2 3 approved. Item E-13 concerns a petition to 4 5 cancel a Certificate of Service Authority to Install Energy Efficiency measures. The Order cancels the 6 7 certificate. Are there any objections to approving the Order? 8 (No verbal response.) 9 CHAIRMAN SCOTT: Hearing none, the Order is 10 approved.Â 11 12 Items E-14 through E-19 concern applications for authority to install Energy Efficiency 13 Measures. The Orders grant the certificates, finding that 14 15 the applicants meet the requirements. Are there any objections to considering these 16 items together and approving the Orders? 17 18 (No verbal response.) CHAIRMAN SCOTT: Hearing none, the Orders are 19 20 approved. 21 Moving on to our Gas items.Â 22



Page 7 Item G-1 concerns a petition for 1 confidential treatment of the Petitioner's Annual 2 Recertification Report. The Order grants the protection, 3 finding that the information is highly proprietary and 4 5 confidential. Are there any objections to approving the Order? 6 7 (No verbal response.) CHAIRMAN SCOTT: Hearing none, the Order is 8 9 approved. 10 Items G-2 and G-3 concern petitions from Ameren requesting waivers of certain provisions of 11 Part 285 of the Illinois Administrative Code. The Orders 12 grant the waiver requests with the modifications proposed 13 by Commission Staff. 14 15 Are there any objections to hearing these items together and approving the Orders? 16 17 (No verbal response.) CHAIRMAN SCOTT: Hearing none, the Orders are 18 19 approved. 20 Moving on to our Telecommunications items. 21 Â Item T-1 concerns a petition for 22 confidential treatment of the Petitionerâ $\in$ <sup>IM</sup>s Annual Report.



Page 8 The Order grants the protection, finding that the 1 information is highly proprietary and confidential. 2 Are there any objections to approving the Order? 3 (No verbal response.) 4 CHAIRMAN SCOTT: Hearing none, the Order is 5 approved. 6 7 Item T-2 concerns a petition to cancel certificates of service authority to provide 8 9 interexchange services. The Order cancels the Certificates. 10 Are there any objections to approving the Order? 11 12 (No verbal response.) 13 CHAIRMAN SCOTT: Hearing none, the Order is 14 approved. Â 15 Moving on to our Water and Sewer items. 16 Item W-1 concerns a request from Aqua 17 Illinois to reconcile revenues under its Volume Balancing Adjustment Rider (Rider VBA) for the 2022 calendar year. 18 19 The Order approves the reconciliation as set forth in the 20 appendices to the Order. 21 Are there any objections to approving the Order? 22 (No verbal response.)



Page 9 CHAIRMAN SCOTT: Hearing none, the Order is 1 2 approved. 3 Item W-2 concerns a petition from Illinois American Water requesting a waiver for certain 4 provisions of Part 285 of the Illinois Administrative 5 Code. The Order grants the Waiver. 6 7 Are there any objections to approving the Order? (No verbal response.) 8 CHAIRMAN SCOTT: Hearing none, the Order is 9 10 approved. Moving on to our Miscellaneous items. 11 12 Item M-1 concerns a Motion to Withdraw from Wolf Carbon Solutions in Docket 23-0475. Wolf Carbon 13 requests leave to withdraw its Application without 14 prejudice, and the ALJ recommends granting the Motion. 15 Are there any objections to granting the Motion? 16 17 (No verbal response.) CHAIRMAN SCOTT: Hearing none, the Motion is 18 granted. 19 20 Moving on to our Petitions for Rehearing. 21 Item PR-1 concerns 4 items in Docket 23-0066 which is Nicor Gasâ $\in$ <sup>TM</sup>s 2023 rate case. The items 22



Page 10 1 concern: 1) Nicor Gas's Motion for Clarification, 2 ICEA's Motion for Clarification, 3 3) LAC-COFI's Motion for Leave to File Instanter, and 4 4) Nicor Gas's petition for rehearing. 5 We will address these issues with 4 separate 6 7 votes. Regarding Nicor Gas's Motion for Clarification, 8 9 the Commission grants clarification. A proposed Amendatory 10 Order addresses the three issues raised by Nicor in its 11 Motion. First, the Amendatory Order clarifies that the 12 Total Bill Discount adopted by the Commission in its Final 13 14 Order applies to the Delivery Charge, Supply charge, and any taxes and fees on the bills of customers receiving 15 16 delivery and supply service from Nicor as well as AGS 17 customers who receive a consolidated bill from Nicor. 18 For AGS customers who receive a separate supply and delivery, the discount shall only apply to the delivery 19 20 charge. 21 Second, the Amendatory Order amends the Final 22 Order to direct Nicor to collaborate with stakeholders to



Page 11 establish a re-certification process for customers 1 receiving the tier 5 low-income discount. The Amendatory 2 Order directs Nicor to include this process in its 60-day 3 LIDR implementation filing. 4 5 Third, the Amendatory Order clarifies that the Rider LIDA Charge will apply to all customers, including 6 7 those customers who also receive the low-income discount. 8 Are there any objections to granting Nicor's Motion and approving the Amendatory Order? 9 10 (No verbal Response.) CHAIRMAN SCOTT: Hearing none, the Motion is 11 granted and the Amendatory Order is approved. 12 Second, regarding ICEA's Motion for 13 Clarification, the ALJ recommends directing Nicor Gas to 14 work with Staff and interested stakeholders on 15 16 implementation issues related to LAC-COFI's LIDR proposal. 17 With the Amendatory Order approved in response to Nicor's Motion for Clarification, the Commission finds that the 18 issues raised in ICEA's motion are now moot. 19 20 Are there any objections to denying ICEAâ $\in$ <sup>m</sup>s 21 Motion? 22 (No verbal response.)



Page 12 CHAIRMAN SCOTT: Hearing none, the Motion is 1 denied. 2 Third, regarding LAC-COFI's Motion for Leave to 3 Final Instanter, the ALJ recommends the Commission grant 4 this request, finding that no party opposes it. 5 Are there any objections to granting LAC-COFI's 6 7 Motion? 8 (No verbal response.) 9 CHAIRMAN SCOTT: Hearing none, the Motion is 10 granted. Fourth regarding Nicor's Application for 11 Rehearing, the ALJs recommend that the Commission deny 12 Application for rehearing in its entirety. 13 Are there any objections to denying Nicor's 14 Application for Rehearing in its entirety? 15 16 (No verbal response.) 17 CHAIRMAN SCOTT: Hearing none, the Application is denied. 18 Item PR-2 concerns 3 applications for 19 20 rehearing from IIEC/FEA, IFCUP, and Ameren in Docket 23-0067 which is Amerenâ $\in$ <sup>IM</sup>s 2023 Gas Rate Case. The ALJ in this 21 docket recommends denying all 3 Applications for rehearing 22



Page 13 in their entirety, finding that the Commission has already 1 considered the arguments raised by Ameren, IIEC/FEA, and 2 IFCUP. 3 Based on the  $ALJ\hat{a}\in \mathbb{T}$ s recommendations, are there 4 any objections to denying the Applications for Rehearing 5 in this docket in their entirety? 6 7 (No verbal response.) CHAIRMAN SCOTT: Hearing none, the Applications 8 from IIEC/FEA, IFCUP, and Ameren are denied in their 9 10 entirety. 11 Item PR-3 concerns a Motion to Correct the Final Order and an Application for Rehearing both from 12 Peoples Gas and North Shore in Docket 23-0068 23-0069 13 which is Peoples Gas and North Shore's 2023 Rate Case. The 14 Commission will address the Motion and the Application 15 with 2 votes. 16 17 First, regarding the Motion to Correct the Final Order, The ALJ recommends granting the Motion. No party 18 19 objected to the Motion to address double counting issues in the Final Order. The Amendatory Order adopts the 20 Companies' proposed replacement language and technical 21 22 corrections to Appendix B.



Page 14 Are there any objections to approving the Amendatory 1 Order? 2 3 (No verbal response.) CHAIRMAN SCOTT: Hearing none, the Amendatory 4 Order is approved. 5 Second, regarding Peoples and North Shore's 6 7 Application for Rehearing, the Commission is interested in granting the Companies  $\hat{a} \in \mathbb{T}^{M}$  application with a limited scope. 8 9 First, the Commission grants a limited rehearing related to Peoplesâ $\in$ <sup>TM</sup> System Modernization Program (â $\in$  @SMPâ $\in$  ). 10 Rehearing will focus exclusively on 2023 SMP work-in-11 progress and emergency work, specifically addressing: 12 13 1) the extent to which works in progress must be permitted to continue in 2024 14 15 2) whether and to what extent emergency work is part of 16 SMP. 17 Peoples' petition lacks a "statement of proposed additional evidence, if any, and an explanation why such 18 evidence was not previously adduced,†Â as required by the 19 20 Commission's rules on rehearing. 83 Ill. Admin Code 200.880. In particular, Peoples did not explain why 21 information on SMP sub-program costs was not provided 22



Page 15 during the principal docketed proceeding. This and other 1 detailed information should have been provided during the 2 principal case. That said, the Commission recognizes 3 that completing ongoing work and providing 4 emergency service could be necessary to avoid unintended 5 safety or reliability impacts and service interruptions 6 7 during the SMP pause. Thus, the Commission grants rehearing on 2023 8 9 SMP work-in-progress to determine whether, and to what 10 extent, Peoples' revenue requirement should increase to account for this work. The Commission also grants 11 rehearing on emergency work to determine whether emergency 12 work is part of SMP and, if so, to what extent  $PGL\hat{a}\in \mathbb{T}$ s 13 14 revenue requirement should increase to account for this 15 work. At a minimum, Peoples must provide itemized 16 documentation of the work within the scope of rehearing. 17 Specific information on 2023 SMP works in progress must 18 19 include, at a minimum: 20 1) neighborhood location; 2) neighborhood description, such as how many blocks it 21 22 contains;



Page 16 3) actual start date in 2023 by neighborhood and block; 1 4) estimated completion date by neighborhood and block; 2 5) cost-to-date per neighborhood and block; and 3 6) cost-to-complete by neighborhood and block. Peoples 4 must separately itemize the following by block with clear 5 distinction between completed and incomplete work: 6 7 1) the cast iron or ductile iron being retired or replaced in feet retired compared to feet replaced; 8 9 2) the meters relocated by block; 10 3) pressurization; and 4) any other work Peoples has completed or intends to 11 complete at the in-progress site. 12 13 Peoples must also provide information related to emergency work including, at a minimum: 14 1) explanation of emergency work, i.e., what events or 15 16 types of events rise to emergency level; 2) emergency work estimates and/or forecasting for 2023 17 and 2024; 18 3) emergency work funding/budgeting surplus for 2023 and 19 20 previous three years; and 4) explanation of the relationship between emergency work 21 and SMP. 22



The Commission recognizes that in assessing the 1 prudence of utility planning and investment decisions, 2 hindsight review is prohibited. A Accordingly, the 3 Commission is permitted to consider only contemporaneous 4 evidence and decision-making processes underlying PGL's 5 investment decisions. That evidence should identify the 6 7 specific safety and reliability objectives and supporting information that informed particular planning and 8 investment decisions. 9

Page 17

10 Second, the Commission grants rehearing on the time line of implementation for North Shore to perform 11 necessary upgrades to revert its billing system back to 12 monthly billing. North Shore must provide the Commission 13 with a scope of work and time line that identifies the 14 15 investments and system changes that will be required to implement monthly billing. North Shore must also provide a 16 17 time line for implementation of these system changes to support the Company's assertion that it cannot implement 18 19 the proposed billing changes before May 1, 2024. The 20 Commission recognizes the timeliness of this issue and expects an expeditious proceeding that will produce a 21 22



Page 18 record that allows for the parties to recommend action by 1 the Commission prior to the 150 day rehearing deadline. 2 Are there any objections to granting Peoples and 3 North Shore's Application for Rehearing with the limited 4 scope just described? 5 6 (No verbal response.) 7 CHAIRMAN SCOTT: Hearing none, the Applications are granted. 8 Before we continue, I have a comment on the decision to 9 rehear a limited portion of Peoples Gas's proposed SMP 10 budget. The Commission is rehearing this topic in part 11 because Peoples Gas provided information in its Motion for 12 Emergency Relief and subsequent Application for Rehearing 13 that it chose not to include in this docket even after the 14 Commission and parties requested it. 15 Further this unexplained new information raises 16 questions as to the breadth and scope of SMP that the 17 Commission finds necessary to address. The Commission's 18 decision to grant rehearing should not be misconstrued to 19 imply that future withholding of information in dockets 20 will allow any utility to exploit any sort of procedural 21 advantage or simply to get another shot at your case. 22



Page 19 Rather, the Commission is granting rehearing to ensure 1 that the Company maintains safe and reliable service, 2 while the Commission investigates the SMP program. 3 Item PR-4 concerns ComEd's Application for Rehearing in 4 Docket 23-0345 which is the Company's annual formula rate 5 update. ComEd requests rehearing on the capital structure 6 7 approved by the Commission in the Final Order. The ALJs recommend denying the Application, finding that the 8 9 Company fails to present new evidence. 10 Are there any objections to denying the Application for Rehearing? 11 12 (No verbal response.) 13 CHAIRMAN SCOTT: Hearing none, the Application is denied. 14 15 Moving on to Other Business. Items O-1 and O-2 concern 16 approval of Batches, Contracts, and Confirmations under 17 the Illinois Adjustable Block Program and Solar For All 18 Program. 19 20 Are there any objections to considering these items together and approving the Program Administrator's 21 22 Submissions?

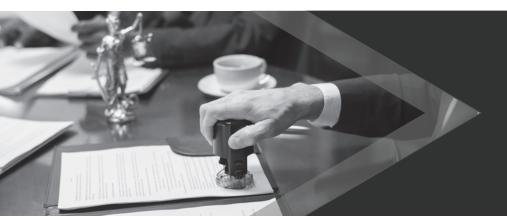


	Page 20
1	(No verbal response.)
2	CHAIRMAN SCOTT: Hearing none, the Submissions
3	are approved.
4	This concludes our Agenda.
5	Judge Teague Kingsley, do we have any other
6	matters to come before the Commission today?
7	JUDGE KINGSLEY: No, Mr. Chairman.
8	CHAIRMAN SCOTT: Do the Commissioners have any
9	other business to discuss?
10	(No verbal response.)
11	CHAIRMAN SCOTT: I want to welcome back our new
12	executive director, our former executive, we won't say
13	old, but former executive director Jonathan Feipel. You
14	come to us at a time, It's just nothing much going on and
15	it's very calm. But I, we want to welcome you back. We're
16	thrilled to have you back and, and look forward to working
17	with you. Thank you. If there are no further comments and
18	without objections, this meeting is adjourned. Thank you.
19	(Which were all the proceedings had in
20	the above-entitled cause on this
21	date.)
22	



Page 21 1 STATE OF ILLINOIS ) 2 ) SS: COUNTY OF COOK ) 3 I, Michael Marciniak, CER, Notary Public, 4 electronic reporter doing business in the State of 5 Illinois; reported the proceedings that were held on 6 the date, time and place set out on the title page 7 8 hereof; and that the foregoing is a true and correct transcript of report of proceedings so taken aforesaid. 9 I further certify that I am not related 10 to any of the parties, and I have no financial interest 11 in the outcome of this matter. 12 13 14 Michael Marciniak 15 MICHAEL R MARCINIAK Certified Electronic Reporter, CER-2316 16 17 Notary Public 18 19 20 21 22





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