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I N D E X

PUBLIC UTILITIES

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1           CHAIRMAN BOX: Moving on to the Public Utilities,  
2 we have minutes to approve from September 9th, 2009  
3 pre-bench, a November 12th, 2009 special open  
4 meeting, November 24th, 2009 regular opening  
5 meeting and December 2, 2009 bench session.

6                       Is there a motion to approve the  
7 minutes?

8           COMMISSIONER O'CONNELL-DIAZ: So moved.

9           CHAIRMAN BOX: Is there a second?

10          COMMISSIONER ELLIOTT: Second.

11          CHAIRMAN BOX: Moved and seconded. All in favor  
12 say aye.

13                               (Chorus of ayes.)

14          CHAIRMAN BOX: Opposed? The vote is 5-0  
15 approving the minutes.

16                       Before we begin we will be holding  
17 various items today, including E-1 and G-1. Even  
18 though we are holding E-1, I think there might be  
19 some discussion. Mr. Elliott?

20          COMMISSIONER ELLIOTT: Yes, thank you,  
21 Mr. Chairman. I'm having a little difficulty  
22 trying to put this in context with the last Com Ed

1 rate proceeding that we engaged in, so I'm trying  
2 to go back and refresh my memory so I want to do  
3 that until the next bench session.

4           But what are the implications of the  
5 reduction of 117 million in rate base? Is this --  
6 does this adjustment go back to '04 and are we --  
7 is Com Ed going to adjust the rates? Is there a  
8 credit? Or do we accomplish this in the next rate  
9 proceeding? What is the process here?

10       JUDGE HAYNES: The 117 million has already been  
11 removed from Com Ed's rate base. Pursuant to the  
12 stipulation in the last rate case, Com Ed's  
13 original cost of plant was reduced by that amount  
14 in the 07-0566 case. So this document doesn't  
15 actually change anything, it was just considering  
16 whether or not to have a further reduction based on  
17 the AG's recommendation.

18       COMMISSIONER ELLIOTT: I see. Well, that is a  
19 little context that would have been helpful.

20       CHAIRMAN BOX: You had a sleepless night for  
21 nothing, right?

22       COMMISSIONER ELLIOTT: I've been pouring through

1 the record in the last docket.

2 JUDGE HAYNES: And it is reflected in the last  
3 docket under the section that discusses the  
4 stipulation and part of the 117 million was  
5 reflected in Com Ed's original filing in that case.  
6 And then there was a further reduction to reach the  
7 117 million based on Staff's recommendation and  
8 that was reflected in the final order in that case.

9 COMMISSIONER ELLIOTT: Well, if no one objects, I  
10 would still like to hold this until I look through  
11 the record and as get firmed up as we go forward.

12 THE COURT: We'll hold item E-1. Item E-2 is  
13 Docket 08-0651. This is a determination of  
14 Bio-Energy Partners liability for reimbursement of  
15 tax credits taken by Commonwealth Edison for a  
16 qualified solid waste energy facility.  
17 Administrative Law Judge Albers recommends entering  
18 the order that determines the reimbursement of tax  
19 credits.

20 Any discussion? Any objections?

21 Hearing none, the order is entered.

22 Items E-3 and E-4 will be taken

1 together. These are joint motions to dismiss  
2 complaint cases against Commonwealth Edison  
3 regarding a billing dispute. The administrative law  
4 judges recommended to entering the orders with  
5 prejudice.

6                   Is there any discussion? Any  
7 objections? Hearing none, the orders are entered.

8                   Item E-5 is Docket 05-0549. This is the  
9 complaint by Patrick Allen for RE/MAX Team 2000  
10 against Commonwealth Edison regarding faulty meter  
11 and negligence. The parties have filed a joint  
12 motion to dismiss. Administrative Law Judge Benn  
13 recommends that the Commission dismiss the  
14 complaint with prejudice.

15                   Is there any discussion? Any  
16 objections? Hearing none, the order is entered.

17                   Items E-6 through E-9 and E-11 will be  
18 taken together. These are applications for ABC  
19 licenses. Administrative Law Judge Yoder  
20 recommends entering the orders granting the  
21 applications for the ABC licenses.

22                   Is there any discussion? Any

1 objections? Hearing none, the orders are entered.

2                   Item E-10 is Docket 09-0507. This is a  
3 joint petition by Southwestern Electric  
4 Cooperative, Inc. and AmerenIP for an approval of a  
5 service area agreement. Administrative Law Judge  
6 Tapia recommends entering the order granting the  
7 petition.

8                   Is there any discussion? Any  
9 objections? Hearing none, the orders are entered.

10                   Item E-12 is Docket 09-0515. This is a  
11 complaint by Alfred and Sabrina Miller against  
12 Commonwealth Edison Company regarding a billing  
13 dispute. The parties have filed a joint motion to  
14 dismiss. Administrative Law Judge Kimbrel  
15 recommends dismissing this docket with prejudice.

16                   Is there any discussion? Any  
17 objections? Hearing none, the docket is dismissed  
18 with prejudice.

19                   That concludes the electric portion of  
20 today's agenda.

21                   Once again, we are holding Item G-1.  
22 Item G-2 is Docket 09-0166 and 09-0167

1 consolidated. This is North Shore Gas and The  
2 Peoples Gas Light and Coke Company's proposed joint  
3 increase in natural rate -- gas rates. The  
4 Commission will vote on this matter on  
5 January 21st. However, we would like to open the  
6 floor to the commissioners today, any questions  
7 they have of Judges Moran and Haynes.

8 COMMISSIONER ELLIOTT: Any response to yesterday?

9 JUDGE MORAN: Pardon me?

10 JUDGE HAYNES: Any response?

11 JUDGE MORAN: Oh, yeah, I have some response.

12 Okay, let me --

13 CHAIRMAN BOX: Before, while I have a question  
14 in mind, before you get started because we'll  
15 probably be here for a little while. One question  
16 I have from yesterday, if, in fact, this Rider ICR  
17 is granted, would the amount of money that would be  
18 in the rider be the incremental amount over and  
19 above what they would normally put in replacement?  
20 And if so, how would you determine what the  
21 original cost would be plus the quote/unquote  
22 accelerated extra?

1 JUDGE MORAN: Well, the rider provides just for  
2 that.

3 CHAIRMAN BOX: Just for?

4 JUDGE MORAN: Just for what you have indicated.

5 CHAIRMAN BOX: The incremental amount or the  
6 entire amount?

7 JUDGE MORAN: The amount over and above what they  
8 have put in the test year for --

9 CHAIRMAN BOX: And the test year is a future  
10 test year?

11 JUDGE MORAN: Yes, for the future test year.

12 CHAIRMAN BOX: Okay, so test year is 2010.

13 JUDGE MORAN: Right.

14 CHAIRMAN BOX: And then the rider recovery would  
15 be the amount above what they install in  
16 replacements in the year 2010 and not from dollar  
17 one?

18 JUDGE MORAN: Right.

19 CHAIRMAN BOX: Only the test year.

20 JUDGE MORAN: I'm sorry, I don't have the tariff  
21 with me, but it is specifically in the tariff.

22 COMMISSIONER ELLIOTT: The question remains, is

1 it the -- is it any main replacement or is it the  
2 cost of the accelerated main replacement?

3 CHAIRMAN BOX: That's the question. Is it any  
4 infrastructure investment that they make from the  
5 next --

6 CHAIRMAN BOX: Whatever they make in 2010 is X.

7 JUDGE MORAN: Well, actually the rider doesn't go  
8 in until 2011.

9 CHAIRMAN BOX: The first year it goes in.

10 JUDGE MORAN: Right. But there is specific --  
11 can we hold that question and we'll read it to you  
12 from the rider language itself?

13 CHAIRMAN BOX: I'm sorry to interrupt, go ahead.

14 JUDGE MORAN: I'm sorry, that was one thing we  
15 didn't anticipate.

16 Based on what was argued yesterday, what  
17 I think I need to emphasize most to the Commission,  
18 is that staff says that the same set of facts would  
19 support Rider ICR in staff's own proposal to have  
20 the Commission order accelerated main replacement.  
21 That is absolutely not true.

22 In this case, in this proceeding, you

1 have a company proposal, staff comments on that  
2 proposal, staff suggests modifications to that  
3 proposal, as it has done. In the statutory  
4 proceeding, staff is in the role of a prosecutor,  
5 it has the burden of proof, it has to show you that  
6 there are circumstances that warrant the Commission  
7 taking such action.

8           If you look at the language of that  
9 specific statutory provision, there is language  
10 that says exactly what your order has to do, has to  
11 specify the manner and the timing that all of this  
12 is going to take place. You can't do that from  
13 this record.

14       COMMISSIONER ELLIOTT: Is that 8-503?

15       JUDGE MORAN: Yes, um-hmm, exactly. So staff is  
16 absolutely wrong and I don't want the Commission to  
17 be misled by that. The other thing that struck me  
18 was the AG's argument that Rider ICR is somehow  
19 unprecedented, it's not unprecedented. You have a  
20 water infrastructure rider in this Commission.

21           Furthermore, it is stated in  
22 Mr. Morano's testimony that this is being done all

1 over the country. In other words, aging  
2 infrastructure is a national problem and more and  
3 more commissions are putting in infrastructure  
4 riders. We want to be a world class city, you have  
5 to follow through on that.

6 COMMISSIONER O' CONNELL-DIAZ: A world class safe  
7 city.

8 JUDGE MORAN: Pardon me?

9 COMMISSIONER O' CONNELL-DIAZ: A world class safe  
10 city. Safety is an issue here.

11 JUDGE MORAN: Safety is an issue, reliability is  
12 an issue. Not today, I won't say that because the  
13 record doesn't support that, everything seems to be  
14 in control today. But you can't let things --

15 COMMISSIONER ELLIOTT: Your view of the record in  
16 this case is that a separate 8-503 proceeding would  
17 be necessary for the Commission to engage in an  
18 order to come to the conclusion that staff  
19 recommends?

20 JUDGE MORAN: Absolutely. There is a case  
21 referenced in the conclusion language, it's the  
22 case of Global NAPs. If you remember,

1 Commissioners, that case came to you not long ago.  
2 It was a telecom case, it was a complaint case  
3 brought by AT&T against a carrier.

4           There was plenty of evidence on record  
5 that showed that this carrier should not be  
6 certificated any further. You couldn't do that and  
7 you didn't do that in the complaint case. You  
8 opened a new proceeding. This is the same thing,  
9 this is no different than Global NAPs.

10       CHAIRMAN BOX: Are you saying that we could not  
11 condition this rider and insist in the order that a  
12 plan be produced for --

13       JUDGE WALLACE: Mr. Chairman, we couldn't hear.

14       CHAIRMAN BOX: I asked the judge, from her recent  
15 comments, that we couldn't condition the granting  
16 of this Rider ICR under the condition that a  
17 timetable be laid out as to when these improvements  
18 would be improvements over time. Specifically which  
19 one over a period of time, a timetable.

20       JUDGE MORAN: I believe that you can condition,  
21 but I think there is more I need to tell you about  
22 that. Number one, in fact, I thought that someone

1 would propose that, no one did. You have to be  
2 careful with the language of the condition.  
3 Because, number one, you don't want to micromanage.  
4           Number two, you've got to leave open to  
5 their discretion certain projects. There is  
6 testimony in the record about the zonal approach  
7 and I think you heard about it yesterday. That  
8 means if a city, a developer or someone is already  
9 in the ground and dug the hole, you want to get in  
10 there and replace that infrastructure then and  
11 there. You might not know when that's going to  
12 happen, when you can do it, maybe you're replacing  
13 another pipe that has to go in another location, so  
14 you've got to allow them, you know, their own  
15 business sense, to know when to do what where. So  
16 you have to give them flexibility is what I'm  
17 saying. I mean, I think that's just common sense  
18 at this point.

19           COMMISSIONER O'CONNELL-DIAZ: And Judge Moran,  
20 wouldn't it be that the municipality, City of  
21 Chicago, would have an obligation to, in fact, work  
22 with the Company on the scheduling of work that

1 they were doing? I mean, this is going -- this  
2 project is going to, as you said, modernize our  
3 infrastructure in the City of Chicago which is much  
4 needed and I think all parties agree that it's  
5 needed.

6                   So that orchestration of the actual, you  
7 know, excavation, getting down, when there are  
8 projects that are already out there, so we don't do  
9 it twice, we don't use funds in an irresponsible  
10 way, whether they are ratepayer funds or taxpayer  
11 funds, it must be coordinated and orchestrated so  
12 the City has an obligation, too, to work with the  
13 Company.

14                   And so this format allows that  
15 elasticity to have that work done.

16                   COMMISSIONER FORD: I think that someone  
17 mentioned yesterday that it will be zonal and I was  
18 very happy to hear that there would be  
19 collaboration in that area, because I know how the  
20 streets are when they are torn up in Chicago. As a  
21 matter of fact, Clark is torn up now and that's one  
22 of my routes home.

1                   So having different elements coming in,  
2 I think that's the best approach that I've heard  
3 of. And I sit on the National Pipeline Safety  
4 Board, so I know what's going on all over the  
5 country, although it's not in the record, so I do  
6 know what's happening and it is infrastructure  
7 that's going on.

8           COMMISSIONER ELLIOTT: I think it's important,  
9 the issue of coordination with the City. But as I  
10 questioned Mr. Donnelly on that issue, their  
11 economic circumstances may be dramatically  
12 different than what Peoples are. And I'm  
13 concerned, I mean if we're directing them to do  
14 something, particularly with a final impact, if the  
15 City is unwilling or unable to either participate  
16 at the same pace or to the same degree, I'm not  
17 sure that, you know, from my perspective, that we  
18 should have the Peoples Gas infrastructure  
19 replacement program be contingent upon whether or  
20 not they are functionally able to keep up or to --  
21 so I'm wondering, I like the orchestration part,  
22 but I don't think we need to make --

1           COMMISSIONER FORD: I don't think it's  
2 contingency.

3           COMMISSIONER ELLIOTT: I'm concerned that it's  
4 delayed because of the City's potential inability  
5 to keep pace. That's my concern.

6           COMMISSIONER O' CONNELL-DIAZ: That's the City's  
7 problem then. And as we heard yesterday they are  
8 on board with this, they want it and so they have  
9 an obligation to assure that it goes.

10          COMMISSIONER ELLIOTT: Right. But I don't think  
11 that should lend to delay.

12          JUDGE MORAN: And I think that the City is on  
13 board. I think Peoples Gas can't function without  
14 coordinating with the City. I mean, that's -- sure  
15 they have to get permits and this and that.

16                   I think Mr. Morano had something else in  
17 his testimony that he thought, there was a  
18 regulation or something that he thought could be  
19 changed that would benefit this program and it  
20 seems like they would be working on it.

21                   The other thing that this Commission  
22 needs to know is that there is a plan, okay. Now,

1 people say, well, you don't have the plan for this  
2 pipe X is going to go and when it's going to go.  
3 But what this consulting company did for Peoples  
4 Gas is put in an overall reorganization plan. If  
5 you're going to do a project as big as Rider ICR,  
6 you need a whole global reorganization and that's  
7 what they offered. That plan is in evidence, that  
8 plan is in Mr. Morano's surrebuttal testimony.

9           It's not going to give you the  
10 specifics, you know, Pipeline A is going to be  
11 fixed and so and so, but they've got other  
12 documents that give that assessment, which are the  
13 oldest, which, you know, can be replaced, which are  
14 the projects, those are other lists. But that's  
15 the great thing about this plan, because a lot of  
16 companies think they can just speed up things. If  
17 you don't have a good overall concept of speeding  
18 up, and you just do it, that's where a lot of  
19 companies fail.

20           So that -- you've got to remember that  
21 that plan is there. And it certainly doesn't stop  
22 staff from meeting with Peoples Gas and say, talk

1 to us more about this plan. Doesn't have to be a  
2 formal proceeding, they can certainly have  
3 conversations.

4 COMMISSIONER ELLIOTT: Wasn't many of the  
5 arguments raised related to the late filing of that  
6 specificity at the surrebuttal stage? It limited  
7 the --

8 JUDGE MORAN: It was, but it came in in enough  
9 time to ask questions. I think the AG asked a few  
10 questions about it. Staff didn't ask many  
11 questions, but staff could have, it wasn't that  
12 kind of detailed --

13 COMMISSIONER ELLIOTT: What would staff's  
14 opportunity at surrebuttal be to reply in the  
15 record?

16 JUDGE MORAN: Well, they couldn't reply to the  
17 plan itself, but they certainly could have asked  
18 questions of Mr. Morano, they could have spent a  
19 whole day on the plan, no one was stopping them.

20 COMMISSIONER ELLIOTT: But discovery testimony,  
21 that type of thing, certainly not something that  
22 could have been --

1 JUDGE MORAN: I don't think you need that for the  
2 plan itself. I don't think you need discovery on  
3 the plan. I mean, do you know what I mean?

4 COMMISSIONER ELLIOTT: Well, weren't those  
5 questions raised by staff in their briefs about the  
6 late filing and the inability to essentially assess  
7 the plan?

8 JUDGE MORAN: And I'm saying, they didn't attempt  
9 to do that. If I want to know about something and  
10 I have the witness, I have the witness in front of  
11 me, it could have been the most general question,  
12 explain the plan to me, okay. We don't have a  
13 question like that. We don't have Mr. Morano  
14 explaining the plan in detail.

15 COMMISSIONER ELLIOTT: But if you had 9 months to  
16 prepare your case on other issues and at the 10th  
17 month they file surrebuttal. I mean, it doesn't --

18 JUDGE MORAN: I don't know why there was a delay.  
19 I mean, when they hired the expert and stuff, I  
20 don't think it was unreasonable. I'm saying there  
21 was an opportunity, okay. It might not have been  
22 the best opportunity, but it was certainly an

1 opportunity that could have been -- that could have  
2 been taken.

3 COMMISSIONER ELLIOTT: In your mind it was a  
4 sufficient opportunity?

5 JUDGE MORAN: Yes, in my mind it was. There were  
6 many times when this Commission or the ALJ's have  
7 to work on an expedited fashion on a million things  
8 and we all pull together and do it, it's not that  
9 unusual. And like a said, you could have asked the  
10 most general question.

11 CHAIRMAN BOX: Okay, I think you made your  
12 point.

13 JUDGE MORAN: All right, now, I want to draw your  
14 attention to AG/CUB oral argument Exhibit 8. I  
15 don't know if you still have it, but it's a bunch  
16 of quotes from a bunch of other cases.

17 The first one is a quote from Nicor Gas  
18 Company's rate case, which actually isn't the full  
19 quote of your language. And I think that that was  
20 alluded to yesterday. But just for the moment  
21 let's take the language there.

22 The Commission was talking about Nicor

1 not providing enough evidence on the replacement of  
2 its current system or whatever items it wanted to  
3 recover on.

4                   And as I'm reading this language, I'm  
5 thinking to myself, they've always talked about  
6 need, you know, we don't -- the Company hasn't  
7 shown a need for Rider ICR. Well, where does the  
8 word need apply? Does the word need apply to the  
9 subject matter of the rider or to the mechanism of  
10 the rider? I submit to you that in Nicor, that  
11 language or that term need applies to the subject  
12 matter, because the Commission is saying here that  
13 Nicor has provided us with no reason to impose the  
14 additional cost in better keeping pace upon  
15 ratepayers. And we conclude that Nicor hasn't met  
16 its burden of proof and there is also missing  
17 language here where you say they didn't follow the  
18 standards that were identified by this Commission  
19 in the last Peoples case. And which the proposed  
20 order evaluates for you one by one by one.

21                   So I would not focus on the word need in  
22 the same way as the intervenors have focused on and

1 the way staff has focused on.

2                   So now they quote language from Ameren  
3 here --

4           JUDGE WALLACE: Mr. Chairman?

5           CHAIRMAN BOX: Yes.

6           JUDGE WALLACE: It might be more fruitful for the  
7 Commission to ask specific questions of the judges,  
8 rather than to have Judge Moran and Judge Haynes  
9 try to respond to the oral argument. That sort of  
10 gets out of our bailiwick of what we're presenting  
11 to the Commission.

12          CHAIRMAN BOX: I don't understand. It's their  
13 writing, product, they should be able to explain  
14 it. I think it might be clearer if it was in  
15 response to questions, but I think the opening  
16 question which was to have her reaction, I think  
17 she is responding to some of the points that were  
18 made that she happened to disagree with.

19          JUDGE WALLACE: Mr. Chairman, if that's what the  
20 Commission wants, that's fine. I didn't want to  
21 put us in a position of arguing with the parties.

22          CHAIRMAN BOX: Oh, I understand that. I don't

1 think the judge has to argue the parties, it's her  
2 order.

3 JUDGE WALLACE: Well, if you're satisfied, then  
4 I'm sorry for the interruption.

5 CHAIRMAN BOX: Okay, no problem.

6 JUDGE MORAN: Okay, I'll be quick. Again, what  
7 we're talking about when they quote the Ameren  
8 case, the subject matter is different. They are  
9 not talking about infrastructure here, they're  
10 talking about tree trimming, pole replacement,  
11 those are the kinds of expenses that are not  
12 similar to main replacement. So you have to read  
13 that very differently.

14 And the third quoted language is out of  
15 the old Peoples case, it doesn't talk about the  
16 standards, doesn't quote the standards and it only  
17 focuses on single issue ratemaking. The single  
18 issue ratemaking is a problem with every single  
19 rider, every single rider that this Commission has  
20 imposed, whether it went on appeal, whether it  
21 didn't go on appeal, it's always a consideration.

22 And yet you have the water structure,

1 water infrastructure rider and the mechanism, the  
2 mechanism of Rider ICR, is such that it would not  
3 violate single issue ratemaking.

4 CHAIRMAN BOX: Get back to the original question  
5 I asked Judge Haynes, because to me that goes  
6 directly to the need issue. If they are saying  
7 that they are going to put in X number of dollars  
8 and miles per year and they want to be accelerated,  
9 the question goes back to would the rider include  
10 all the dollars or just the incremental?

11 Judge, what we can do is if there are  
12 any other questions, because I think on the 12th  
13 this matter will be discussed again, then a  
14 decision will be on the 21st, I think. So we  
15 don't -- if you can't find it this morning or --

16 JUDGE HAYNES: There is specific language in the  
17 rider that says it's only replacements not included  
18 in the test year rate base. And so we're not  
19 necessarily clear on what your question is.

20 CHAIRMAN BOX: What year does it start?

21 JUDGE HAYNES: 2011.

22 CHAIRMAN BOX: So the amount they spend in 2010

1 will be the base amount that they are spending on  
2 replacements.

3 JUDGE HAYNES: In that year.

4 THE COURT: So the first rider would be any  
5 amount they spend above whatever that X is?

6 JUDGE HAYNES: Well, I think we're having --

7 COMMISSIONER ELLIOTT: I think the question is,  
8 if it's main, you go out and buy a main and put  
9 this in, are they putting in the main costs and the  
10 costs to put the main in or are they putting the  
11 costs of accelerating this program of an additional  
12 10 or 15 percent of main replacement in a year that  
13 they would not normally do, is it the incremental  
14 increase that is being put in above and beyond what  
15 the normal level is.

16 JUDGE MORAN: Let us review this for the next  
17 session, because there is language in here that I  
18 recall that may have been different than what was  
19 said yesterday. Is that fair?

20 CHAIRMAN BOX: Is there any other questions that  
21 we want to put on the judges minds for the next  
22 session? Commissioner Colgan?

1           COMMISSIONER COLGAN: Yeah, I had a question,  
2 just about how the rider works. If the Company  
3 were to replace a million dollars and, not  
4 considering the previous question of whether or not  
5 that is an accelerated expenditure or just a normal  
6 replacement expenditure, how does the Company --  
7 what's the mechanism, how do they go about, do they  
8 do it retrospectively after they have already done  
9 the replacement? Or do they begin collecting for  
10 it because they've planned to do a replacement?

11          CHAIRMAN BOX: Once it's done, money has spent,  
12 hopefully, in operation, after the fact, completely  
13 done. Unless I'm wrong.

14          JUDGE MORAN: Let us give you something on the  
15 whole mechanism for next session.

16          CHAIRMAN BOX: Something brief, compact. Okay.

17          JUDGE MORAN: All right.

18          CHAIRMAN BOX: Any other questions for the  
19 judges? Thank you, very much.

20                   Item G-3 is Docket 09-0233 the three  
21 Illinois Ameren utilities petition for approval to  
22 enter into an affiliate agreement. Administrative

1 Law Judge Yoder recommends entering the order  
2 granting the petitioner authority to enter into the  
3 subject affiliate agreement.

4           Is there any discussion? Any  
5 objections? Hearing none the order is entered.

6           Item G-4 is Docket 09-0286. This is  
7 complaint by Robin Martin against the Peoples Gas  
8 Light and Coke Company. The parties have filed a  
9 joint motion to dismiss the complaint with  
10 prejudice. Administrative Law Judge Hilliard  
11 recommends entering an order granting the joint  
12 motion to dismiss the complaint with prejudice.

13           Is there any discussion? Any  
14 objections? Hearing none, the docket is dismissed  
15 with prejudice.

16           Item G-5 is Docket 09-0365. Atmos  
17 Energy Corporation petition for approval of  
18 affiliated interest transaction in connection with  
19 the release of AEM pipeline capacity,  
20 Administrative Law Judge Albers recommends entering  
21 the order granting the petition.

22           Is there any discussion? Any

1 objections? Hearing none, the order is entered.

2                   Item G-6 is Docket 09-0571. Ambit  
3 Illinois, LLC petitions for a certificate of  
4 service authority to operate as an alternative gas  
5 supplier. Administrative Law Judge Sainsot  
6 recommends entering the order granting the  
7 certificate of service authority of service  
8 authority.

9                   Is there any discussion? Any  
10 objections? Hearing none, the order is entered.

11                   That concludes the natural gas portion  
12 of today's agenda.

13                   Turning to the telecommunications  
14 agenda. Item T-1 is Illinois Bell Telephone  
15 Company's filing to modify the \$5 residence access  
16 line retention offer. Staff recommends not  
17 suspending the filing.

18                   Is there any discussion? Any  
19 objections? Hearing none, the filing will not be  
20 suspended.

21                   Item T-2, Docket 09-0472, Rivers Edge  
22 Telecom, Inc. petitions for a certificate of local

1 and interexchange authority to operate as a  
2 reseller or facilities based carrier of  
3 telecommunications services to portions of Madison  
4 County, Illinois. Administrative Law Judge Moran  
5 recommends entering the order granting the  
6 requested authority.

7                   Is there any discussion? Any objection?  
8 Hearing none, the order is entered.

9                   Items T-3 and T-4 will be taken  
10 together. These are telecommunications providers  
11 seeking to cancel their certificates.  
12 Administrative Law Judge Benn recommends entering  
13 the orders granting the petitions.

14                   Is there any discussion? Any  
15 objections? Hearing none, the orders are entered.

16                   Item T-5 is Docket 09-0595, Randolph  
17 County petitions to modify its existing Randolph  
18 E-9-1-1 ETSB system plan. Administrative Law Judge  
19 Tapia recommends entering the order approving the  
20 petition.

21                   Is there any discussion? Any  
22 objections? Hearing none, the order is entered.

1                   Item T-6 is an initiation of an  
2 investigation proceeding. The issue is whether the  
3 reclassification of Illinois Bell Telephone  
4 Company's MSA-1 as competitive for residential  
5 service is proper. Staff recommends entering the  
6 order initiating proceeding?

7                   Is there any discussion? Any  
8 objections? Hearing none, the order is entered.

9                   This concludes the telecommunications  
10 portion of today's agenda.

11                   Under water and wastewater, Item W-1 is  
12 Docket 09-0335, Aqua Illinois, Inc. petitions for a  
13 certificate of public convenience and necessity to  
14 operate wastewater system, approval of an asset  
15 purchase agreement and approval of rates and  
16 accounting entries.

17                   Administrative Law Judge Riley  
18 recommends entering the order granting the  
19 petition.

20                   Is there any discussion? Any  
21 objections? Hearing none, the order is entered.

22                   That concludes the water and wastewater

1 portion of today's agenda.

2                   We have one matter FERC matter that we  
3 will go into closed session on, but before we can  
4 do that, if I could refer back to the minutes of  
5 earlier today, I've been informed that we need to  
6 amend the minutes of the November 24th, 2009 bench  
7 session. There was a substantive error on Page 10,  
8 Line 18. The speaker should be Commissioner Ford  
9 instead of Commissioner O'Connell-Diaz. And the  
10 minutes of December 2nd, 2009 bench session, there  
11 is a substantive error on Page 16, Line 1 where it  
12 reads issued DOEs were filed by 7 parties,  
13 although, in quotes, it should read BOE, instead of  
14 DOE.

15                   Is there a motion to accept these  
16 corrections to the minutes?

17           COMMISSIONER FORD: So moved.

18           THE COURT: Second?

19           COMMISSIONER ELLIOTT: Second.

20           CHAIRMAN BOX: Move and seconded to make these  
21 corrections to the December 2nd and November 22nd  
22 bench session minutes. All in favor say aye

1 (Chorus of ayes.)

2 CHAIRMAN BOX: Opposed? Now for the motion to  
3 accept these minutes as amended.

4 COMMISSIONER COLGAN: So moved.

5 CHAIRMAN BOX: Second?

6 COMMISSIONER ELLIOTT: Second.

7 CHAIRMAN BOX: So moved and seconded to accept  
8 these minutes as approved. All in favor say aye.

9 (Chorus of ayes.)

10 CHAIRMAN BOX: Opposed? The vote is 5-0. The  
11 minutes are approved as amended and as corrected.

12 (Whereupon those were all the  
13 proceedings had in the  
14 above-entitled matter on this  
15 date.)

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1 CHAIRMAN BOX: We have one FERC matter on the  
2 agenda and we will go into closed session to  
3 discuss FERC Docket 09-13-000. Is there a motion  
4 to go into closed session.

5 COMMISSIONER ELLIOTT: So moved.

6 CHAIRMAN BOX: Second.

7 COMMISSIONER COLGAN: Second.

8 CHAIRMAN BOX: So moved and seconded to go into  
9 closed session. All those in favor say aye.

10 (Chorus of ayes.)

11 CHAIRMAN BOX: Opposed? Vote is 5-0, we will now  
12 go into closed session. You let me know when the  
13 room is clear in Springfield.

14 JUDGE WALLACE: It's cleared, Mr. Chairman.

15 \* \* \* \* \*

16 (Whereupon the following  
17 proceedings were had in open  
18 session.)

19 CHAIRMAN BOX: In closed session the Commission  
20 discussed filing comments with FERC regarding the  
21 independent mark monitor's November 30th report on  
22 PJM's regulation on service market.

