

1 BEFORE THE
2 ILLINOIS COMMERCE COMMISSION

3
4 BENCH SESSION
5 (PUBLIC UTILITY)

6
7 Springfield, Illinois
8 Thursday, January 20, 2011

9 Met, pursuant to notice, at 10:30 a.m. in the
10 Audiovisual Teleconference Room, Second Floor, Leland
11 Building, 527 East Capitol Avenue, Springfield,
12 Illinois.

13 PRESENT:

14 MR. MANUEL FLORES, Acting Chairman
 (Via teleconference)

15 MS. LULA M. FORD, Commissioner
16 (Via teleconference)

17 MS. ERIN M. O'CONNELL-DIAZ, Commissioner
 (Via teleconference)

18 MR. SHERMAN J. ELLIOTT, Commissioner

19 MR. JOHN T. COLGAN, Acting Commissioner
20

21 SULLIVAN REPORTING COMPANY, by
 Carla J. Boehl, Reporter
22 CSR #084-002710

1 PROCEEDINGS

2 ACTING CHAIRMAN FLORES: Good morning.

3 Pursuant to the provisions of the Illinois Open
4 Meetings Act, I now convene a regularly scheduled
5 Bench Session of the Illinois Commerce Commission.
6 With me in Chicago are Commissioners Ford and
7 O'Connell-Diaz. With us in Springfield are
8 Commissioners Elliott and Colgan. I am Chairman
9 Flores. We have a quorum.

10 Before moving into the agenda,
11 according to Section 1700.10 of the Illinois
12 Administrative Code, this is the time we allow the
13 members of the public to address the Commission.
14 Members of the public wishing to address the
15 Commission must notify the Chief Clerk's Office at
16 least 24 hours prior to the Bench Session. According
17 to the Chief Clerk's Office we have no requests to
18 speak at today's Bench Session.

19 (The Transportation
20 portion of the proceedings
21 was held at this time and
22 is contained in a separate
transcript.)

1 The vote is 5-0 approving the minutes
2 for December 15 as amended.

3 Next up is approval of minutes from
4 the December 21 Regular Open Meeting. I understand
5 that amendments have also been forwarded for these
6 minutes. I will make a motion to amend the minutes.
7 Is there a second?

8 COMMISSIONER O'CONNELL-DIAZ: Second.

9 ACTING CHAIRMAN FLORES: It's been moved and
10 seconded. All in favor say aye.

11 COMMISSIONERS: Aye.

12 ACTING CHAIRMAN FLORES: Any opposed?

13 (No response.)

14 The vote is 5-0 amending the minutes
15 for December 21.

16 I will make a motion to approve the
17 minutes as amended. Is there a second?

18 COMMISSIONER O'CONNELL-DIAZ: Second.

19 ACTING CHAIRMAN FLORES: It's been moved and
20 seconded. All in favor say aye.

21 COMMISSIONERS: Aye.

22 ACTING CHAIRMAN FLORES: Any opposed?

1 (No response.)

2 The vote is 5-0 approving the minutes
3 for December 21 as amended.

4 Turning now to the Public Utility
5 agenda we will begin with the Electric portion. Item
6 E-1 is Docket Number 10-0051. This item concerns a
7 complaint as to service by Beverly J. Carlson against
8 ComEd regarding moving a pole and transformer on the
9 property. Administrative Law Judge Haynes recommends
10 that the Commission enter an Order denying the
11 complaint. Is there a motion to enter an Order
12 denying the complaint?

13 COMMISSIONER O'CONNELL-DIAZ: So moved.

14 ACTING CHAIRMAN FLORES: I will second it.
15 It's been moved and seconded. All in favor say aye.

16 COMMISSIONERS: Aye.

17 ACTING CHAIRMAN FLORES: Any opposed?

18 (No response.)

19 The vote is 5-0 and the Order denying
20 the complaint is entered.

21 We will use this 5-0 vote for the
22 remainder of the Public Utility agenda unless

1 otherwise noted.

2 Item E-2 concerns Docket Number
3 10-0467. This is ComEd's rate case and up before us
4 today is a Petition for Interlocutory Review brought
5 by the REACT Coalition concerning a ruling on
6 discovery requests for certain customer-specific
7 information.

8 JUDGE SAINSOT: I just wanted to update you. I
9 didn't mean to interrupt you.

10 ACTING CHAIRMAN FLORES: Very well, Judge.

11 JUDGE SAINSOT: Because certain developments
12 have taken place since the time that that memo was
13 written and they took place fairly recently. We
14 thought things were going along smoothly, and there
15 was a nice stack of documents that was tendered over
16 pursuant to our Ruling requiring ComEd to turn over
17 documents. They were not all the documents regarding
18 this particular class of customers. However, it
19 appears, and I don't think anybody really knew at the
20 time when we issued that Ruling, that the rest of the
21 documents are quite voluminous. There are maps.
22 There are drawings that engineers make initially to

1 formulate the build out and then there are the
2 preliminary estimates when ComEd first goes out to
3 make the build out, and those were not included.

4 However, there is a fourth set of
5 documents that was included regarding just about all
6 of these extra large load customers, and there is
7 only about 70 of them, and those were pretty much all
8 tendered over. REACT moved yesterday or the day
9 before -- they are kind of melding in my mind right
10 now -- seeking to compel the other documents that I
11 talked about, the maps and other things, and we
12 denied that motion. We denied that motion because
13 REACT really didn't give us any indication that it
14 would serve a useful purpose to REACT to tender all
15 of those documents over. Some of them, the maps, are
16 pretty secret. We also didn't get an indication that
17 without those documents REACT would be punished.

18 Also, this is the last day of the
19 trial. It's too late for REACT now to come in and
20 bring new evidence in its case-in-chief at least,
21 because the other parties have to have notice. Not
22 to say that maybe REACT couldn't use evidence for

1 cross examination, and we pointed that out to REACT
2 at the time, that it was free to use what it had for
3 cross examination.

4 So, anyway, that's the saga.

5 JUDGE DOLAN: The information was based on the
6 witness Terhune, as we mentioned in here, for REACT,
7 and Mr. Terhune last worked for ComEd in 1998, and
8 there was some indication that the procedures have
9 changed in the last 12 years, too. So they just --
10 we really reached the point where there was really no
11 indication of what the parties could do. I know
12 REACT did ask us for leave to file, you know,
13 additional direct testimony on the record which, of
14 course, ComEd vehemently opposed and we denied that
15 request.

16 So we feel that with the information
17 that they have received at this point, you know, they
18 can do with it what they can. But it is very late in
19 the process for them to ask for any additional
20 information that would be, you know, beneficial to
21 them at this point in the hearing.

22 ACTING CHAIRMAN FLORES: Any questions?

1 COMMISSIONER ELLIOTT: Well, I guess when was
2 this request initially proffered? How far back do
3 these DRs go?

4 JUDGE DOLAN: It appears the first one was on
5 December 10.

6 JUDGE SAINSOT: The first one that we know
7 about is on December 10. We should point out that
8 Mr. Terhune, the witness in question, wasn't even
9 hired until October.

10 COMMISSIONER O'CONNELL-DIAZ: And discovery had
11 been ongoing since the case was filed in, is it, June
12 or May?

13 JUDGE SAINSOT: June 30.

14 JUDGE DOLAN: Yes.

15 COMMISSIONER O'CONNELL-DIAZ: And when one
16 intervenes in a case, they take the record as they
17 find it.

18 JUDGE SAINSOT: Well, I think REACT has been in
19 the case all along. It is just Mr. Terhune.

20 COMMISSIONER O'CONNELL-DIAZ: Their expert.

21 JUDGE DOLAN: Their expert, yes.

22 COMMISSIONER ELLIOTT: Does it appear we are

1 going to have another interlocutory request on the
2 most recent refusal?

3 JUDGE DOLAN: Well, what they did do is they
4 did accept the information that ComEd provided and
5 then they did cross-examine the ComEd witness
6 yesterday with the information that, again, it is a
7 confidential exhibit in our record. So I think they
8 have as much information as they possibly could have
9 received.

10 You know, they did have one other set
11 of data requests that technically they are still
12 within the time to file another interlocutory appeal.
13 But, again, I am not sure what the information is
14 going to lead to at this point of the proceedings,
15 anyway.

16 COMMISSIONER O'CONNELL-DIAZ: Which in your
17 opinion does not -- these documents that are the
18 subject of this in your estimation would not lead to
19 relevant information for them to -- since they have
20 already gotten all these other documents, that would
21 assist them in their cause or their argument?

22 JUDGE SAINSBOT: Well, I wouldn't say wouldn't,

1 they wouldn't lead to relevant information. Rather,
2 I would say that we need to hear --

3 COMMISSIONER O'CONNELL-DIAZ: Right, to say why
4 they --

5 JUDGE SAINSOT: Right.

6 JUDGE DOLAN: And then it is also dealing with
7 Rider NS which, according to Mr. Alongi yesterday,
8 doesn't go to the revenue requirement, anyway.

9 I guess the other thing, too, that we
10 should point out is that they have filed an Offer of
11 Proof with Mr. Terhune's interpretation of the
12 documents that it did receive that we haven't ruled
13 on yet, so. So you looked at that, right?

14 JUDGE SAINSOT: Yes, I am not sure we really
15 have to rule on that. It is just part of the record
16 for you all to consider later on.

17 COMMISSIONER O'CONNELL-DIAZ: So you may be
18 back next week with another interlocutory review.

19 JUDGE DOLAN: Quite possible.

20 ACTING CHAIRMAN FLORES: Any other questions?

21 (No response.)

22 And, again, just so that I am clear in

1 terms of the timeline, you talked about that there
2 was some documents that were submitted and that there
3 were then questions concerning those additional
4 documents that were then tendered as a part of
5 discovery?

6 JUDGE SAINCOT: Right, there was another Motion
7 to Compel the additional documents, the additional
8 Rider NS documents, but that was yesterday or the day
9 before. Normally, motions to compel don't go 'til
10 the trial, newly discovered evidence or something.

11 JUDGE DOLAN: Well, just to clarify, the
12 original ruling that ComEd did produce the documents
13 was from January 7 on a status date that we had, the
14 status before we started trial. We ruled on that
15 day. ComEd did work diligently and produced 46
16 documents containing -- you know, redacted
17 information concerning customer-specific -- but they
18 did provide a lot of the documentation that REACT was
19 looking for. But, again, REACT is still not
20 satisfied with what they have received. And, again,
21 it's past their rebuttal time so it was really a
22 question of what they could do with these additional

1 documents at this point in time.

2 ACTING CHAIRMAN FLORES: I just want to make
3 sure, though, and this is what I am trying to wrap my
4 arms around here, is that there wasn't a delay in
5 submitting documents that had been requested of in
6 the course of discovery, occasioned this delay to
7 where now we are where parties don't have adequate
8 time to then be able to build their case based on,
9 you know, the delay in releasing documents. Is that
10 the case here or am I --

11 JUDGE SAINSBOT: Well, there may have been some
12 delay on ComEd's part. There was certainly a
13 reluctance to turn them over initially. That's why
14 we granted ComEd's Motion to Compel in part, at
15 least. However, REACT -- I am sorry, REACT's. It's
16 been a long two weeks. However, REACT started out
17 late. So there is lateness upon lateness here. And
18 I should point out that the stack of documents that
19 ComEd did provide are pretty detailed.

20 ACTING CHAIRMAN FLORES: So it would not have
21 deprived the parties from important information by
22 which to build their cases upon?

1 JUDGE SAINSOT: I haven't heard anything to
2 indicate that the other documents would make a
3 difference, no.

4 ACTING CHAIRMAN FLORES: Okay. That was my
5 main concern.

6 All right, very well. Any further
7 discussion?

8 (No response.)

9 So then any objections?

10 (No response.)

11 Hearing none, the Motion for
12 Interlocutory Review is denied.

13 Item E-3 is Docket Number 10-0483.

14 Thank you, Judges.

15 This item is Global Energy Partners'
16 application for licensure as an Agent, Broker and
17 Consultant under Section 16-115C of the Public
18 Utilities Act. Administrative Law Judge Yoder
19 recommends that the Commission enter an Order
20 granting the requested certificate. Is there any
21 discussion?

22 (No response.)

1 Any objections?

2 (No response.)

3 Hearing none, the Order is entered and
4 the certificate is granted.

5 Item E-4 is Docket Number 10-0494.
6 This is Felipe "Phil" Gomez's complaint as to billing
7 and/or charges against ComEd. The parties have
8 apparently settled their differences and brought a
9 Joint Motion to Dismiss which Administrative Law
10 Judge Hilliard recommends that we grant. Any
11 discussion?

12 (No response.)

13 Any objections?

14 (No response.)

15 Hearing none, the motion is granted
16 and the docket is dismissed.

17 Item E-5 is Docket Number 10-0509.
18 This is Donald Mulder's application for licensure as
19 an Agent, Broker and Consultant under Section 16-115C
20 of the Public Utilities Act. Administrative Law
21 Judge Yoder recommends that the Commission enter an
22 Order denying the requested certificate for an

1 insufficient showing that the applicant had met the
2 financial, managerial and technical requirements
3 necessary to obtain a certificate. Any discussion?

4 (No response.)

5 Any objections?

6 (No response.)

7 Hearing none, the Order is entered and
8 the certificate is denied.

9 Item E-6 is Docket Number 10-0510.

10 This is Stephen Battersby's complaint against ComEd
11 regarding alleged improper routing of overhead wires.
12 Administrative Law Judge Gilbert recommends that the
13 Commission enter an Order dismissing the complaint
14 without prejudice for want of prosecution. Any
15 discussion?

16 (No response.)

17 Any objections?

18 (No response.)

19 Hearing none, the Order is entered and
20 the complaint is dismissed without prejudice.

21 Item E-7 is Docket Number 10-0587.

22 This is Anand Zaveri's complaint as to billing and/or

1 charges against Liberty Power Holdings. The parties
2 have apparently settled their differences and brought
3 a Joint Motion to Dismiss which Administrative Law
4 Judge Gilbert recommends that we grant. Is there any
5 discussion?

6 (No response.)

7 Any objections?

8 (No response.)

9 Hearing none, the motion is granted
10 and the docket is dismissed.

11 Item E-8 -- strike that. Items E-8
12 through E-12 (10-0614, 10-0616, 10-0629, 10-0632,
13 10-0663) can be taken together. These items are
14 applications for licensure as an Agent, Broker and
15 Consultant under Section 16-115C of the Public
16 Utilities Act. In each case Administrative Law Judge
17 Yoder recommends that the Commission enter an Order
18 granting the requested certificate. Any discussion?

19 (No response.)

20 Any objections?

21 (No response.)

22 Hearing none, the Orders are entered

1 and the certificates are granted.

2 Item E-13 is Docket Number 10-0706.

3 This is Bedford Park Public Library District's
4 complaint against ComEd surrounding damages incurred
5 from a power surge. Bedford Park has made a Motion
6 to Withdraw its complaint without prejudice, and
7 Administrative Law Judge Kimbrell recommends that the
8 Commission grant the motion. Any discussion?

9 (No response.)

10 Any objections?

11 (No response.)

12 Hearing none, the complaint is
13 withdrawn.

14 Item E-14 is Docket Number 10-0710.

15 This is James Marousis' complaint as to billing
16 and/or charges against ComEd. The parties have
17 apparently settled their differences and brought a
18 Joint Motion to Dismiss which Administrative Law
19 Judge Hilliard recommends that we grant. Any
20 discussion?

21 (No response.)

22 Any objections?

1 (No response.)

2 Hearing none, the motion is granted
3 and the docket is dismissed.

4 Moving on to Telecommunications, Item
5 T-1 (11-0057) concerns an inquiry into the status of
6 deployment of telecommunication services to consumers
7 under Section 13-407 of the Public Utilities Act.
8 Staff recommends entry of an Order requiring
9 telecommunication carriers offering local services to
10 provide the Commission with information specified in
11 the Competition Data Request Form developed by the
12 Telecommunications Division. Any discussion?

13 (No response.)

14 Any objections?

15 (No response.)

16 Hearing none, the Order is entered.

17 Item T-2 is Docket Number 10-0634.

18 This is a petition by the Universal Telephone
19 Assistance Corporation for redetermination of the
20 amount of supplemental assistance provided by local
21 exchange telecommunication carriers. Administrative
22 Law Judge Riley recommends that the Commission enter

1 an Order granting the petition for redetermination.

2 Any discussion?

3 (No response.)

4 Any objections?

5 (No response.)

6 Hearing none, the Order is entered and
7 the petition is granted.

8 Moving on to the Water and Sewer
9 portion of today's agenda, Item W-1 (11-0058)
10 concerns Illinois-American Water Company's proposed
11 demand study as called for in our Docket Number
12 09-0319. Staff recommends that the Commission enter
13 an Order allowing the company to move forward with
14 its planned direct demand study. Any discussion?

15 (No response.)

16 Any objections?

17 (No response.)

18 Hearing none, the Order is entered.

19 Item W-2 (11-0059) concerns Great
20 Northern Utilities' proposed general increase in
21 water rates. In order to determine the
22 reasonableness of the proposed increase Staff

1 recommends that the Commission enter a Suspension
2 Order suspending the filing and setting it for
3 rehearing. Any discussion?

4 (No response.)

5 Any objections?

6 (No response.)

7 Hearing none, the Suspension Order is
8 entered.

9 Item W-3 is Docket Number 10-0298.

10 This is Northern Hills Water and Sewer Company's
11 proposed increase in water rates. Administrative Law
12 Judge Riley recommends that the Commission enter an
13 Order approving the rate increase as adjusted by
14 Staff. Any discussion?

15 (No response.)

16 Any objections?

17 (No response.)

18 Hearing none, the Order is entered.

19 Item W-4 is Docket Number 10-0737.

20 This is a petition by Illinois-American Water Company
21 under Section 7-101 regarding the issuance and sale
22 of over \$66 million of long term indebtedness to an

1 affiliated interest. Administrative Law Judge Jones
2 recommends that the Commission enter an Order
3 granting the petition and approving the transaction.
4 Any discussion?

5 (No response.)

6 Any objections?

7 (No response.)

8 Hearing none, the Order is entered.

9 Item W-5 is Docket Number 10-0738.

10 This item concerns the same Illinois-American Water
11 Company transaction as Item W-4 but seeking
12 authorization for the transaction under Section
13 6-102(d) of the Public Utilities Act. Administrative
14 Law Judge Jones recommends that the Commission enter
15 an Order approving the proposed financing. Any
16 discussion?

17 (No response.)

18 Any objections?

19 (No response.)

20 Hearing none, the Order is entered.

21 Petitions for rehearing, we have one
22 matter featuring petitions for rehearing and also

1 request for clarification. Item PR-1 is Docket
2 Number 10-0568. This is the Ameren Illinois
3 Utilities' petition for approval of their Integrated
4 Electric and Natural Gas Energy Efficiency Plan.
5 Administrative Law Judge Yoder recommends that the
6 Commission enter an Amendatory Order providing
7 clarification in certain aspects of the original
8 Order approved by the Commission but denying all
9 requests for rehearing.

10 There are Commissioners who have a
11 couple of minor changes to the Amendatory Order
12 suggested by Judge Yoder. We will address those now.

13 COMMISSIONER O'CONNELL-DIAZ: Excuse me, is
14 Judge Yoder there?

15 JUDGE WALLACE: Yes. He was just hiding out of
16 camera range.

17 COMMISSIONER O'CONNELL-DIAZ: Yes, he really
18 was. Judge Yoder, this morning I was on e-Docket and
19 I noticed that there is a new filing from Staff.
20 This came in like late yesterday.

21 JUDGE YODER: Yes. Yesterday Staff filed a
22 Motion for Clarification on the Order, on the portion

1 of the Order regarding the DCEO's plan. Staff
2 believes there is an inconsistency between the
3 Order -- the Order increased Ameren's therms they are
4 required to save and Staff believes that the Order
5 should have also increased the therm requirement for
6 DCEO's plan. DCEO is required to save approximately
7 20 percent of the total therms, and Staff believes
8 that, as DCEO's plan is written, it would be about 17
9 percent of the total therms ordered by the Commission
10 to be saved.

11 My thought on that matter is it is not
12 a deadline matter, so to set a schedule for responses
13 and replies by the various parties, and after those
14 are received, then to present that to the Commission.

15 COMMISSIONER O'CONNELL-DIAZ: So, I mean, if
16 the Commission were inclined to look favorably on
17 Staff's new request, then we would enter an
18 Amendatory Order reflecting that?

19 JUDGE YODER: Or a Clarifying Order.

20 COMMISSIONER O'CONNELL-DIAZ: A clarifying, but
21 it would have to be an amendatory. So, I guess --

22 ACTING CHAIRMAN FLORES: Could we just hold

1 this then?

2 COMMISSIONER O'CONNELL-DIAZ: Well, the problem
3 is then we have two Amendatory Orders. So we would
4 hold the whole matter.

5 ACTING COMMISSIONER COLGAN: We hold the whole
6 matter, yeah.

7 JUDGE WALLACE: Commissioner, you can hold
8 everything but the petition for rehearing.

9 ACTING CHAIRMAN FLORES: Okay. So --

10 COMMISSIONER O'CONNELL-DIAZ: Yeah, we would
11 have to do that.

12 ACTING CHAIRMAN FLORES: There is a
13 recommendation by Judge Yoder to deny the petition
14 for rehearing. So we can rule on that today.

15 JUDGE WALLACE: Yes.

16 ACTING CHAIRMAN FLORES: So, you know, we are
17 using the last most favorable vote which is 5-0. Is
18 there any discussion on that portion of the rehearing
19 issue?

20 COMMISSIONER O'CONNELL-DIAZ: Wait, wait, wait.
21 Okay. So the motion for clarification, we are going
22 to hold that?

1 ACTING CHAIRMAN FLORES: On the Motion for
2 Clarification, we are going to hold on that because
3 of this most recent filing made by Staff. So for
4 purposes of the clarification order, we will hold off
5 on that, and we will only decide on the Motion for
6 Rehearing. And there is already a 5-0 vote that we
7 have used. And so focusing on the Motion for
8 Rehearing is there any discussion?

9 COMMISSIONER O'CONNELL-DIAZ: Chairman, I find
10 that there is -- I have questions about what is
11 contained in the record, particularly the stipulation
12 issue which we discussed last week at the Bench. So
13 I would be inclined to grant rehearing on that
14 because I think that there is -- I just don't agree
15 with it, and I did abstain from the Order. But I
16 would request -- or I am in agreement with some of
17 the points that were raised by the company for
18 rehearing, so I would vote for rehearing.

19 ACTING CHAIRMAN FLORES: Any other discussion?

20 (No response.)

21 Why don't we --

22 COMMISSIONER FORD: I will abstain again.

1 COMMISSIONER ELLIOTT: I will make a motion to
2 accept the Administrative Law Judge's recommendation.

3 ACTING CHAIRMAN FLORES: Very well. Let's take
4 a roll call vote on the issue of the rehearing.

5 There is a motion to accept Judge Yoder's
6 recommendation to deny the petition for rehearing.

7 Commissioner Ford?

8 COMMISSIONER FORD: Well, I abstain because I
9 have some late additions that I want to look back
10 through that again this week. So I will abstain
11 again.

12 ACTING CHAIRMAN FLORES: Commissioner
13 O'Connell-Diaz?

14 COMMISSIONER O'CONNELL-DIAZ: Nay.

15 ACTING CHAIRMAN FLORES: Commissioner Elliott?

16 COMMISSIONER ELLIOTT: Aye.

17 ACTING CHAIRMAN FLORES: Commissioner Colgan?

18 ACTING COMMISSIONER COLGAN: Aye.

19 ACTING CHAIRMAN FLORES: Chairman Flores votes
20 aye.

21 Again, let the record reflect that
22 that is only on the Petition for Rehearing, that on

1 the Order on the issue of clarification we will
2 continue this matter so that we give the Commission
3 the opportunity to review this most recent filing and
4 obviously to allow the parties to also respond to the
5 filing made by Staff yesterday evening. Thank you.

6 JUDGE WALLACE: Mr. Chairman?

7 ACTING CHAIRMAN FLORES: Yes, Judge.

8 JUDGE WALLACE: I may have missed it, but you
9 might want to ask for a second on that motion.

10 ACTING CHAIRMAN FLORES: Very well.

11 COMMISSIONER O'CONNELL-DIAZ: Second.

12 ACTING CHAIRMAN FLORES: Very well. It's been
13 moved and second. All in favor say aye.

14 COMMISSIONERS: Aye.

15 ACTING CHAIRMAN FLORES: Very good. So now
16 that I am -- we are going to go to AMI. We are now
17 -- just give me a second here.

18 (Pause.)

19 We have a couple of items left to
20 address on the agenda today. The first concerns
21 approving our 2010 Annual Report on Electricity, Gas,
22 Water and Sewer Utilities. Do we have someone

1 available from our Staff to quickly give us a
2 briefing on the 2010 Annual Report?

3 MS. BOSCH: I guess that would be me.

4 ACTING CHAIRMAN FLORES: All right.

5 MS. BOSCH: Hello. The report needs to be
6 delivered to the General Assembly by the 31st, so
7 this was the closest meeting. If any of you have any
8 comments or questions, we will be glad to take those
9 up. Or any edits, we can make those edits before we
10 print the document. We haven't received any to date
11 from anyone, so.

12 ACTING CHAIRMAN FLORES: Very well. You know,
13 it's a pretty long record and, you know, the Staff
14 does an outstanding job of putting these records
15 together. So I wanted just to say thank you to
16 Staff.

17 I will make a motion to approve the
18 2010 Annual Report and have it forwarded to the
19 General Assembly. Is there a second?

20 COMMISSIONER FORD: Second.

21 ACTING CHAIRMAN FLORES: It's been moved and
22 seconded. All in favor say aye.

1 COMMISSIONERS: Aye.

2 ACTING CHAIRMAN FLORES: Any opposed?

3 (No response.)

4 The vote is 5-0 and the 2010 Annual
5 Report is approved.

6 COMMISSIONER O'CONNELL-DIAZ: Mr. Chairman, if
7 I might, I just think, following up on your comment,
8 this is kind of like our report card of what we have
9 done in the previous year. And when one reviews all
10 the different dockets that this Commission has gotten
11 out the door as well as the various workshops and all
12 the different work that's gone on, and this is on the
13 utility side obviously, it is pretty amazing. We
14 don't have a staff of 4,000. And the work that the
15 Commission does is contained in this report, and it
16 is something that I think we can all be proud of.
17 And it does go to the Legislature so they can be well
18 advised as to the expertise and the hard work that
19 goes on here.

20 So I also thank Staff and colleagues
21 for doing the work that's reflected in this report.

22 ACTING COMMISSIONER COLGAN: Yeah, I agree with

1 those comments. I spent some time yesterday
2 afternoon going through the report and I think it is
3 one of the good reasons why everybody should do
4 reports. Because you get caught up in the everyday
5 activity and you lose sight of the bigger high level
6 perspective of what's happening. And when you look
7 through that report and you see all the things that
8 have happened in a one-year period, it is pretty
9 impressive.

10 So I thank the Staff for putting that
11 together, and I didn't see any need to revise or
12 change any part of it.

13 MS. BOSCH: Thank you.

14 ACTING CHAIRMAN FLORES: You know, and we are
15 just starting out 2011 and hitting the ground
16 running. There are a number of initiatives that are
17 continuing that are very exciting and I think will
18 also keep the Illinois Commerce Commission as one of
19 the leading commissions in the country in terms of
20 helping, you know, not only in obviously the
21 ratemaking cases that we are involved in but also in
22 evaluating the different policies that we are now all

1 confronted with, whether it be in the area of smart
2 grid or energy efficiency or other issues that are
3 confronting us. We have the electric car initiative
4 that we are beginning, and I think it is a real
5 testament to the outstanding leadership and Staff
6 that we have at the Commission. So, again, thank you
7 to all involved.

8 So, again, the vote is 5-0, and the
9 2010 Annual Report is approved.

10 Our last item today is a FERC matter
11 that concerns pending litigation. So we must go into
12 closed session to deal with this matter. I will make
13 a motion to go into closed session. Is there a
14 second?

15 COMMISSIONER O'CONNELL-DIAZ: I will second.

16 ACTING CHAIRMAN FLORES: It's been moved and
17 seconded. All in favor say aye.

18 COMMISSIONERS: Aye.

19 ACTING CHAIRMAN FLORES: Any opposed?

20 (No response.)

21 The vote is 5-0 to go into closed
22 session. Let me know when we are ready in

1 Springfield.

2 (Whereupon at this point
3 pages 34 - 39 of the
4 proceedings are
5 contained in a separate
6 closed transcript.)

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CONTINUATION OF PROCEEDINGS

ACTING CHAIRMAN FLORES: Springfield?

COMMISSIONER ELLIOTT: They are rushing back
in.

(Pause.)

ACTING CHAIRMAN FLORES: Very well. In closed
session the Commission discussed making filings with
FERC in FERC Docket Number RM10-10-000. I will make
a motion to file comments with FERC. Is there a
second?

COMMISSIONER O'CONNELL-DIAZ: Second.

ACTING CHAIRMAN FLORES: It's been moved and
seconded. All in favor say aye.

COMMISSIONERS: Aye.

ACTING CHAIRMAN FLORES: Any opposed?

(No response.)

The vote is 5-0. The comments will be
filed with FERC.

Judge Wallace, any other matters to
come before the Commission today?

JUDGE WALLACE: No, that's all, Mr. Chairman.

ACTING CHAIRMAN FLORES: Very well, sir. Thank

1 you so much. Hearing none, this meeting stands
2 adjourned.

3 MEETING ADJOURNED

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