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BEFORE THE
ILLINOIS COMMERCE COMMISSION
REGULAR OPEN MEETING
PUBLIC UTILITY
Wednesday, January 20, 2016
Chicago, Illinois

Met, pursuant to notice, at 10:30 A.M.,
at 160 North La Salle Street, Chicago, Illinois.

- PRESENT:
- BRIEN J. SHEAHAN, Chairman
 - ANN MCCABE, Commissioner
 - SHERINA E. MAYE EDWARDS, Commissioner
 - MIGUEL DEL VALLE, Commissioner
 - JOHN R. ROSALES, Commissioner

SULLIVAN REPORTING COMPANY, by
PATRICIA WESLEY
CSR NO. 084-002170

1 CHAIRMAN SHEAHAN: Good morning. Are we ready to
2 proceed in Springfield?

3 CHIEF CLERK: Yes, we are.

4 CHAIRMAN SHEAHAN: Pursuant to the Open Meetings
5 Act, I call to order the January 20, 2016 Regular
6 Open Meeting of the Illinois Commerce Commission.

7 Commissioners McCabe, del Valle,
8 Edwards, and Rosales are present with me in Chicago.
9 We have a quorum.

10 We have no requests to speak and
11 will, therefore, move into our Regular Public
12 Utility Agenda.

13 There are edits to the Minutes of our
14 December 10, 2015 Policy Session and the
15 December 22, 2015 Regular Open Meeting.

16 Are there any objections to approving
17 the Minutes as edited?

18 (No response.)

19 Hearing none, the Minutes as edited
20 are approved.

21 Items E-1 and 2 concern the
22 reconciliation proceedings for MidAmerican's Energy

1 Efficiency and Cost Recovery Riders.

2 Are there any objections to
3 considering these items together and approving the
4 Orders commencing the reconciliation proceedings?

5 (No response.)

6 Hearing none, the Orders are approved.

7 Item E-3 concerns ComEd's compliance
8 with its energy efficiency standards.

9 Are there any objections to approving
10 the proposed Order?

11 (No response.)

12 Hearing none, the Order is approved.

13 Items E-4 through 8 concern various
14 Joint Motions to Dismiss customer complaints.

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

18 (No response.)

19 Hearing none, the Orders are approved.

20 Item E-9 concerns a Petition for
21 Interlocutory Review filed by Sperian Energy.

22 Is there a motion to grant the

1 Petition for Interlocutory Review and reverse the
2 ALJ's denial of Sperian's Motion for Staff to issue
3 a complaint or more definite statement?

4 COMMISSIONER MAYE EDWARDS: So moved.

5 CHAIRMAN SHEAHAN: Is there a second?

6 COMMISSIONER ROSALES: Second.

7 CHAIRMAN SHEAHAN: Is there any discussion?

8 COMMISSIONER del VALLE: Sperian alleges that it
9 was not provided with adequate notice to satisfy due
10 process at the initiation of this proceeding.

11 Staff, however, provided a detailed 15-page report
12 and 44 pages of supporting documentation. Sperian
13 itself filed a response to the allegations and never
14 raised any objections in its response.

15 The ALJ was correct when she ruled
16 that adequate due process was provided. Also, our
17 Office of General Counsel agrees the Petition for
18 Interlocutory Review should be denied. Accordingly,
19 I will be voting no on this motion.

20 CHAIRMAN SHEAHAN: Thank you, Commissioner
21 del Valle.

22 I would like to say that I'm going to

1 support the petition -- the motion to grant the
2 Petition for Interlocutory Review. As you recall,
3 we initiated this as a show-cause proceeding. The
4 company's Certificate is in jeopardy. I think you
5 all agree this is a very, very serious case.

6 My concern is a legal one and that is
7 that there is an appellate court case that requires
8 that the allegations be silent as a complaint and,
9 from a legal standpoint, in this case, given the
10 seriousness of the allegations and the potential for
11 the loss of the Certificate, I want to make sure
12 that we are just very thorough and careful in the
13 presentation of our case.

14 So I think this is legally the correct
15 path to take. It will only involve I think a short
16 delay in the prosecution of the case by Staff and
17 will simply clarify the elements of the case.

18 I don't want to have us put in a
19 situation where on appeal there's some type of
20 technical issue raised. I think it's more prudent
21 to go ahead and make sure we get this issue dealt
22 with up front, give all the parties a chance to deal

1 with it, and then see how the case proceeds, so I'm
2 going to support it.

3 Is there any other discussion?

4 COMMISSIONER MAYE EDWARDS: Mr. Chairman, I just
5 want to add, I think Commissioner del Valle and we
6 are -- the five of us are on the same page. Staff's
7 report was clear in showing that Sperian is a very,
8 very bad actor, and we do have a process to deal
9 with that, but, again, I won't go into the full
10 realm of it, but I do concur with the Chairman's
11 definition that I fully agree it is a legal issue.
12 We don't want to get into this issue if we decide to
13 rescind the certification.

14 CHAIRMAN SHEAHAN: I think you maybe misspoke. I
15 think it's important that we do not prejudge the
16 facts in the case. Whether Sperian is guilty or not
17 is something that will kind of emerge as the case
18 develops.

19 From a legal standpoint though, I
20 think it's very important that when we have an
21 appellant court case that said that it has to be
22 stylized as some type of stylized complaint, which

1 in a legal context is a very specific kind of
2 document, that that's what we comply with.

3 I hate to see any judgment the
4 Commission makes be overturned, and that's simply my
5 concern that this is not going to involve a great
6 deal of delay. It simply will distill these issues
7 in the very specific counts in the complaint and let
8 the parties deal with those counts in a very orderly
9 and thorough way.

10 COMMISSIONER del VALLE: And I also know that
11 there's a possibility that all the legal maneuvering
12 will result in us not getting what we need to do
13 when we deal with these types of cases.

14 CHAIRMAN SHEAHAN: I think, with all due respect,
15 Commissioner, we are trying to do the opposite of
16 that. We are trying to make sure that doesn't
17 happen by addressing the legal concern with how our
18 case is styled up front given that there is an
19 appellate court case.

20 I think we are trying to get to the
21 same place, but I think that this actually will
22 substantially help your concern.

1 COMMISSIONER del VALLE: I hope that you are
2 right and I'm wrong.

3 CHAIRMAN SHEAHAN: There's certainly no harm in
4 granting the petition. It's not going to put any --
5 it's not going to put Staff certainly at a
6 disadvantage. It just simply forces Staff to, you
7 know, present it in a specific sort of legal form.

8 Any other discussion?

9 (No response.)

10 Okay. There's a motion and second.

11 If there's no further discussion, all those in favor
12 of approving the Petition for Interlocutory Appeal
13 say aye.

14 Aye.

15 COMMISSIONER MAYE EDWARDS: Aye.

16 COMMISSIONER ROSALES: Aye.

17 CHAIRMAN SHEAHAN: Opposed say nay.

18 COMMISSIONER McCABE: Nay.

19 COMMISSIONER del VALLE: Nay.

20 CHAIRMAN SHEAHAN: The vote is 3 to 2 and the
21 Petition for Interlocutory Review is approved.

22 Item E-10 concerns National Gas &

1 Electric's Application requesting a Certificate of
2 Service Authority to operate as an Alternative
3 Retail Electric Supplier.

4 Are there any objections to approving
5 the proposed Order?

6 (No response.)

7 Hearing none, the Order is approved.

8 Item E-11 concerns ComEd's petition
9 requesting a temporary extension of its existing
10 Residential Real-Time Pricing Program Tariff and to
11 approve a program update.

12 Are there any objections to approving
13 the proposed Order?

14 Hearing none, the Order is approved.

15 Item E-12 concerns G3 Group's Petition
16 requesting cancellation of its Certificate of
17 Authority.

18 Are there any objections to approving
19 the proposed Order?

20 (No response.)

21 Hearing none, the Order is approved.

22 Item G-1 concerns Nicor Gas' filing

1 making changes to its Terms and Conditions in
2 compliance with its Part 280 Implementation Plan.

3 Are there any objections to not
4 suspending the filing?

5 (No response.)

6 Hearing none, the filing is not
7 suspended.

8 Items G-2 and 3 concerns North Shore
9 and Peoples' filings requesting the addition of a
10 new service called Rider Purchase of Receivables.

11 Are there any objections to
12 considering these items together and suspending the
13 filings?

14 (No response.)

15 Hearing none, the filings are
16 suspended.

17 Items G-4 and 5 concern customer
18 complaints filed against Peoples Gas.

19 Are there any objections to
20 considering these items together and approving the
21 proposed Orders granting the Joint Motions to
22 Dismiss?

1 (No response.)

2 Hearing none, the Orders are approved.

3 Moving on to Petitions for Rehearing,
4 Item PR-1 concerns Petitions for Rehearing filed in
5 a proceeding regarding Ameren's proposed increase in
6 Gas Delivery Service Rates.

7 Is there a motion to deny the
8 Petitions for Rehearing on the issue of charitable
9 contributions?

10 COMMISSIONER MAYE EDWARDS: So moved.

11 CHAIRMAN SHEAHAN: Is there a second?

12 COMMISSIONER ROSALES: Second.

13 CHAIRMAN SHEAHAN: Any discussion?

14 (No response.)

15 All those in favor say aye.

16 COMMISSIONER McCABE: Aye.

17 COMMISSIONER MAYE EDWARDS: Aye.

18 CHAIRMAN SHEAHAN: Aye.

19 COMMISSIONER ROSALES: Aye.

20 CHAIRMAN SHEAHAN: Opposed say nay.

21 COMMISSIONER del VALLE: Nay.

22 CHAIRMAN SHEAHAN: The vote is 4 to one and the

1 Petitions for Rehearing on the issue of Charitable
2 Contribution are denied.

3 Is there a motion to deny petitions
4 regarding the issue of the Residential Rate Design?

5 COMMISSIONER MAYE EDWARDS: Move.

6 CHAIRMAN SHEAHAN: Is there a second?

7 COMMISSIONER ROSALES: Second.

8 CHAIRMAN SHEAHAN: Any discussion?

9 (No response.)

10 All those in favor of denying the
11 Petitions for Rehearing say aye.

12 COMMISSIONER McCABE: Aye.

13 COMMISSIONER MAYE EDWARDS: Aye.

14 CHAIRMAN SHEAHAN: Aye.

15 COMMISSIONER ROSALES: Aye.

16 CHAIRMAN SHEAHAN Opposed say nay.

17 COMMISSIONER del VALLE: Nay.

18 CHAIRMAN SHEAHAN: The vote is 4 to one and the
19 Petitions for Rehearing on the issue of Residential
20 Rate Design are denied.

21 Is there a motion to deny the
22 Applications for Rehearing on all other issues?

1 COMMISSIONER McCABE: So moved.

2 CHAIRMAN SHEAHAN: Is there a second?

3 COMMISSIONER ROSALES: Second.

4 CHAIRMAN SHEAHAN: Any discussion?

5 (No response.)

6 All those in favor of denying the
7 Petitions for Rehearing on all other issues say aye.

8 (Chorus of ayes.)

9 Opposed say nay.

10 (No response.)

11 The vote is 5 to zero and the
12 Petitions for Rehearing on all other issues are
13 denied.

14 Item PR-2 concerns Petitions for
15 Rehearing filed in a proceeding regarding ComEd's
16 Annual Formula Rate Update.

17 Is there a motion to deny the
18 Petitions for Rehearing?

19 COMMISSIONER McCABE: So moved.

20 CHAIRMAN SHEAHAN: Is there a second?

21 COMMISSIONER ROSALES: Second.

22 CHAIRMAN SHEAHAN: Any discussion?

1 (No response.)

2 All those in favor of denying the
3 Petitions for Rehearing say aye.

4 (Chorus of ayes.)

5 Opposed say nay.

6 (No response.)

7 The vote is 5 to zero and the
8 petitions are denied.

9 Item PR-3 concerns Petitions for
10 Rehearing filed in a proceeding regarding Ameren's
11 Modernization Action Plan-Pricing Annual Update
12 Filing.

13 Is there a motion to deny the
14 Petitions for Rehearing?

15 COMMISSIONER MAYE EDWARDS: So moved.

16 CHAIRMAN SHEAHAN: Is there a second?

17 COMMISSIONER ROSALES: Second.

18 CHAIRMAN SHEAHAN: Any discussion?

19 (No response.)

20 All those in favor say aye.

21 (Chorus of ayes.)

22 Opposed say nay.

1 (No response.)

2 The Petitions for Rehearing are
3 denied.

4 The last item on our agenda is the
5 2015 Annual Report on Electricity, Gas, Water and
6 Sewer Utilities. There are non-substantive edits.

7 Is there a motion to approve the
8 report as edited?

9 COMMISSIONER MAYE EDWARDS: So moved.

10 CHAIRMAN SHEAHAN: Is there a second?

11 COMMISSIONER ROSALES: Second.

12 CHAIRMAN SHEAHAN: Any discussion?

13 COMMISSIONER del VALLE: Mr. Chairman, have all
14 of the edits offered by the offices -- the different
15 offices been included in these edits that are part
16 of this report?

17 CHAIRMAN SHEAHAN: Yes. There were edits from
18 your office and Commission McCabe's office.

19 COMMISSIONER del VALLE: Thank you.

20 COMMISSIONER McCABE: And we will see the final
21 edits.

22 CHAIRMAN SHEAHAN: And we will see the final

1 edits.

2 Any other discussion?

3 (No response.)

4 All those in favor of approving the
5 Annual Report as edited say aye.

6 (Chorus of ayes.)

7 Opposed say nay.

8 (No response.)

9 The ayes have it and the Annual Report
10 is approved.

11 Judge Kimbrel, do we have any other
12 matters to come before the Commission?

13 JUDGE KIMBREL: There's nothing further,
14 Mr. Chairman.

15 CHAIRMAN SHEAHAN: Commissioners, do we have any
16 other business to bring before the Commission?

17 (No response.)

18 Seeing none, the meeting stands
19 adjourned. Thank you.

20 (Whereupon, the above
21 matter was adjourned.)

22