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BEFORE THE  
ILLINOIS COMMERCE COMMISSION  
PUBLIC UTILITIES REGULAR OPEN MEETING

Wednesday, January 20, 2021  
Chicago, Illinois

Met pursuant to notice via videoconference at  
11:30 a.m.

PRESENT:

- CARRIE ZALEWSKI, Chairwoman  
(via Springfield office)
- D. ETHAN KIMBREL, Commissioner  
(via Chicago office)
- SADZI M. OLIVA, Commissioner  
(via videoconference)
- MARIA S. BOCANEGRA, Commissioner  
(via videoconference)
- MICHAEL T. CARRIGAN, Commissioner  
(via videoconference)

BRIDGES COURT REPORTING  
BY: Valerie Calabria, CSR, RPR  
License No. 084-003928

1 CHAIRWOMAN ZALEWSKI: I'm going to do a sound  
2 check with commissioners and use that as our roll  
3 call as well.

4 Commissioner Bocanegra?

5 COMMISSIONER BOCANEGRA: Good morning, Chair.  
6 I'm here.

7 CHAIRWOMAN ZALEWSKI: Commissioner Carrigan?

8 COMMISSIONER CARRIGAN: Good morning,  
9 Chairman.

10 CHAIRWOMAN ZALEWSKI: Good morning.

11 Commissioner Kimbrel?

12 COMMISSIONER KIMBREL: Good morning, Madam  
13 Chair.

14 CHAIRWOMAN ZALEWSKI: Commissioner Oliva?

15 COMMISSIONER OLIVA: Yes, I'm here.

16 CHAIRWOMAN ZALEWSKI: Great.

17 Judge Teague-Kingsley, are you there?

18 JUDGE TEAGUE-KINGSLEY: Yes, Chairman.

19 CHAIRWOMAN ZALEWSKI: Great.

20 So under the Open Meetings Act and in  
21 accordance with the governor's executive orders, I  
22 call the January 20th, 2021, Regular Open Meeting

1 to order.

2 Before we proceed and for clarity of  
3 the record, I would ask everyone to state their  
4 name before speaking and to speak slowly and  
5 clearly so that the court reporter can capture  
6 everything that is said.

7 I have checked that we have all  
8 commissioners with us, so we therefore have a  
9 quorum.

10 We have no requests to speak, so  
11 we're going to move right on to our agenda.

12 We are going to move on to our Public  
13 Utilities Agenda. There are no public utilities  
14 minutes to approve.

15 Under our electric items, item E-1  
16 concerns ComEd's filing to amend its tariff section  
17 entitled "Provisions for the fixture-included  
18 lighting delivery class" to change the initial  
19 lumen output from 12,000 lumens to 18,200 lumens.  
20 This new LED light fixture will provide more light  
21 on the road surface for municipalities that desire  
22 it to be brighter than typically offered under

1 normal lighting standards. Commission Staff  
2 recommends not suspending the filing.

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

5 (No verbal response.)

6 CHAIRWOMAN ZALEWSKI: Hearing none, the filing  
7 is not suspended.

8 Item E-2 concerns initiation of  
9 Ameren's, ComEd's, Nicor's, North Shore Gas's, and  
10 Peoples Gas's reconciliation of revenues collected  
11 under their respective coal tar riders for the  
12 calendar year of 2020. The order commences the  
13 annual reconciliation proceedings pursuant to  
14 consolidated Dockets 91-0080 through 91-0095.

15 Are there any objections to approving  
16 the order?

17 (No verbal response.)

18 CHAIRWOMAN ZALEWSKI: Hearing none, the order  
19 is approved.

20 Item E-3 concerns an application for  
21 certification to install distributed generation  
22 facilities. The applicant failed to fix the

1 deficiency in its application and has not responded  
2 to repeated requests by Commission Staff to correct  
3 the deficiency. Therefore, the order denies the  
4 application, finding the applicant does not meet  
5 the requirements.

6 Are there any objections to approving  
7 the order?

8 (No verbal response.)

9 CHAIRWOMAN ZALEWSKI: Hearing none, the order  
10 is approved.

11 Items E-4 through E-9 concern  
12 applications for certification to install  
13 distributed generation facilities. The orders  
14 approve the applications, finding that the  
15 applicants meet the requirements.

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

19 (No verbal response.)

20 CHAIRWOMAN ZALEWSKI: Hearing none, the orders  
21 are approved.

22 Item E-10 concerns MidAmerican's

1 request to reconcile revenues under its Rider TS,  
2 or transmission service, for calendar year 2019.

3 The order approves the reconciliation as set in the  
4 appendix of the order, finding that the costs  
5 during the reconciliation period were prudently  
6 incurred.

7 Are there any objections to approving  
8 the order?

9 (No verbal response.)

10 CHAIRWOMAN ZALEWSKI: Hearing none, the order  
11 is approved.

12 Item E-11 concerns Mt. Carmel's  
13 request to reconcile revenues under its Rider  
14 EPUFDC, or electric public utility fund deficit  
15 charge, and Rider GPUFDC, or gas public utilities  
16 fund deficit charge, for the period of July 1st of  
17 2019 to June 30th of 2020. The order approves the  
18 reconciliation as set in the appendices to the  
19 order, finding that the costs during the  
20 reconciliation period were prudently incurred.

21 Are there any objections to approving  
22 the order?

1 (No verbal response.)

2 CHAIRWOMAN ZALEWSKI: Hearing none, the order  
3 is approved.

4 Item E-12 concerns a petition for  
5 confidential treatment of petitioner's report. The  
6 petitioner filed a motion to withdraw the petition.

7 Are there any objections to granting  
8 the motion to withdraw?

9 (No verbal response.)

10 CHAIRWOMAN ZALEWSKI: Hearing none, the motion  
11 to withdraw is granted.

12 Item E-13 concerns Ameren's petition  
13 for the Commission to review and approve its energy  
14 savings goals for program years 9 through 7 which  
15 covers a period from June 1st of 2014 to May 31st  
16 of 2017 and the transition period which covers the  
17 period from June 1st of 2017 through December 31st,  
18 2017. Ameren also requested that the Commission  
19 approve the energy savings values calculated by the  
20 independent evaluator. The order finds that Ameren  
21 has exceeded its statutory savings goals in a  
22 cost-effective manner.

1                   Are there any objections to approving  
2 the order?

3                   (No verbal response.)

4           CHAIRWOMAN ZALEWSKI: Hearing none, the order  
5 is approved.

6                   Item E-14 concerns a citation for  
7 failure to comply with Section 454 of the  
8 Commission's rules. The respondent has shown they  
9 are now in compliance with Section 454, and the  
10 Commission Staff requested that the matter be  
11 dismissed with prejudice.

12                   Are there any objections to granting  
13 the motion to dismiss?

14                   (No verbal response.)

15           CHAIRWOMAN ZALEWSKI: Hearing none, the motion  
16 is granted.

17                   Item E-15 concerns ComEd's request to  
18 incur indebtedness through various financial  
19 instruments. The Commission Staff has reviewed the  
20 request and has no objection. The order approves  
21 the request to incur debt.

22                   Are there any objections to approving



1 the order?

2 (No verbal response.)

3 CHAIRWOMAN ZALEWSKI: Hearing none, the order  
4 is approved.

5 Item E-16 concerns ComEd's petition  
6 to enter into transactions with affiliated interest  
7 and to take other related actions. This petition  
8 is in connection with the request in item E-15 and  
9 is necessary to incur debt. The Commission Staff  
10 has reviewed the request and has no objections.

11 The order grants the petition.

12 Are there any objections to approving  
13 the order?

14 (No verbal response.)

15 CHAIRWOMAN ZALEWSKI: Hearing none, the order  
16 is approved.

17 Item E-17 and E-18 concern  
18 applications for certification to install energy  
19 efficiency measures. The applicants have failed to  
20 fix the deficiency in their applications and have  
21 not responded to repeated requests by Commission  
22 Staff to correct the deficiencies. Therefore, the

1 orders deny the applications, finding that the  
2 applicants do not meet the requirements.

3 Are there any objections to  
4 considering these items together and approving the  
5 orders?

6 (No verbal response.)

7 CHAIRWOMAN ZALEWSKI: Hearing none, the orders  
8 are approved.

9 Items E-19 through E-22 concern  
10 applications for certifications to install energy  
11 efficiency measures in Illinois. The orders grant  
12 the certificates, finding that the applicants meet  
13 the requirements.

14 Are there any objections to  
15 considering these items together and approving the  
16 orders?

17 (No verbal response.)

18 CHAIRWOMAN ZALEWSKI: Hearing none, the orders  
19 are approved.

20 Under our gas items, item G-1  
21 concerns Ameren's request to reconcile revenues  
22 under its Rider ICTA, or invested capital tax

1 adjustment, for the 2018 tax period. The order  
2 approves the reconciliation as set in the appendix  
3 to the order, finding that the costs during the  
4 reconciliation period were prudently incurred.

5 Are there any objections to approving  
6 the order?

7 (No verbal response.)

8 CHAIRWOMAN ZALEWSKI: Hearing none, the order  
9 is approved.

10 Item G-2 concerns Nicor and North  
11 Shore Gas Company's joint petition requesting  
12 consent and approval of the execution and  
13 acceptance of a firm transportation agreement  
14 between the two companies. The Staff of the  
15 Commission has reviewed the agreement and  
16 recommends approving the petition. The order  
17 grants the joint petition.

18 Are there any objections to approving  
19 the order?

20 (No verbal response.)

21 CHAIRWOMAN ZALEWSKI: Hearing none, the order  
22 is approved.

1                   There are no telecommunications  
2 items.

3                   Under our water and sewer items,  
4 item W-1 concern's Aqua's filing to implement a  
5 franchise fee for the Village of Peotone by adding  
6 language to its water and sewer tariffs. This  
7 franchise fee is pursuant to a franchise agreement  
8 between Aqua and Peotone. Staff recommends not  
9 suspending the filing.

10                   Are there any objections to not  
11 suspending the filing?

12                   (No verbal response.)

13                   CHAIRWOMAN ZALEWSKI: Hearing none, the filing  
14 is not suspended.

15                   Under our miscellaneous items,  
16 item M-1 concerns a Commission resolution pursuant  
17 to Illinois Underground Utility Facilities Damage  
18 Prevention Act that establishes a five-member  
19 underground damage prevention advisory committee.

20                   Are there any objections to adopting  
21 the resolution?

22                   (No verbal response.)

1 CHAIRWOMAN ZALEWSKI: Hearing none, the  
2 resolution is adopted.

3 Under our petitions for rehearing,  
4 item PR-1 concerns Attorney General's Office, or  
5 AG, application for rehearing in Docket 20-0381  
6 which is Ameren's formula rate update. The AG  
7 seeks rehearing on the issue of the amortization of  
8 excess deferred income taxes, arguing that  
9 additional evidence is needed to evaluate the  
10 impact of the COVID-19 pandemic on the issue.

11 The ALJ recommends that the  
12 Commission deny the application for rehearing as  
13 the Commission has thoroughly considered the  
14 argument that the AG makes and that the evidence  
15 the AG requested would constitute a relitigation of  
16 the case.

17 I'm going to do a roll call. And if  
18 you are in favor of denying the application for  
19 rehearing, please say "aye." And if you are  
20 opposed and you want to grant the application for  
21 rehearing, please say "nay."

22 Commissioner Bocanegra?

1 COMMISSIONER BOCANEGRA: Aye.

2 CHAIRWOMAN ZALEWSKI: Commissioner Carrigan?

3 COMMISSIONER CARRIGAN: Aye.

4 CHAIRWOMAN ZALEWSKI: Commissioner Kimbrel?

5 COMMISSIONER KIMBREL: Aye.

6 CHAIRWOMAN ZALEWSKI: Commissioner Oliva?

7 COMMISSIONER OLIVA: Aye.

8 CHAIRWOMAN ZALEWSKI: I would grant the  
9 petition for rehearing, so I am going to be voting  
10 nay. So the four ayes have it, and the application  
11 for rehearing is denied.

12 Item PR-2 concerns two applications  
13 for rehearing of ComEd's formula rate update filed  
14 by the Attorney General's Office and filed jointly  
15 by the Illinois Industrial Electrical Consumers and  
16 the Citizen's Utility Board. Both petitions argue  
17 that the Commission should grant rehearing on the  
18 amortization of excess deferred income taxes and  
19 updated depreciation rates. The AG also seeks  
20 rehearing on excess projected plant.

21 The parties seek rehearing because  
22 they argue that the Commission committed legal

1 error, abused its discretion, and ignored their  
2 record evidence. The ALJ recommends denying both  
3 applications for rehearing as the Commission has  
4 thoroughly considered the arguments raised by the  
5 parties.

6 I am now going to call a roll on this  
7 as well. And similar to the last case, if you are  
8 in favor of denying both applications for rehearing  
9 please say "aye," and if you're opposed and want to  
10 grant them, please say "nay."

11 Commissioner Bocanegra?

12 COMMISSIONER BOCANEGRA: Aye.

13 CHAIRWOMAN ZALEWSKI: Commissioner Carrigan?

14 COMMISSIONER CARRIGAN: Aye.

15 CHAIRWOMAN ZALEWSKI: Commissioner Kimbrel?

16 COMMISSIONER KIMBREL: Aye.

17 CHAIRWOMAN ZALEWSKI: Commissioner Oliva?

18 COMMISSIONER OLIVA: Aye.

19 CHAIRWOMAN ZALEWSKI: As in the previous  
20 docket, I would grant the petition for rehearing,  
21 so I'm voting nay. So the four ayes have it, and  
22 the application for rehearing are denied.

1                   Item PR-3 concerns Ameren's  
2 application for rehearing in Docket 20-0738 which  
3 is the Commission's investigation into amendments  
4 of Ameren's Rider Net Metering. Ameren argues that  
5 the Commission incorrectly stated that Rider NM had  
6 not previously been found to be just and  
7 reasonable. The Commission disregards the plain  
8 language of the statute, the Commission incorrectly  
9 relied on legislative intent, and that the order is  
10 not supported by the record evidence.

11                   The ALJ recommends that the  
12 Commission deny Ameren's application because no new  
13 arguments or evidence is raised and because the  
14 Commission has thoroughly considered the issues  
15 brought up in the application for rehearing.

16                   I am calling again a roll count. And  
17 if you are in favor of denying the application for  
18 rehearing, please say "aye." And if you are  
19 opposed and want to grant the application for  
20 rehearing, please say "nay."

21                   Commissioner Bocanegra?

22                   COMMISSIONER BOCANEGRA: Aye.



1 CHAIRWOMAN ZALEWSKI: Commissioner Carrigan?

2 COMMISSIONER CARRIGAN: Aye.

3 CHAIRWOMAN ZALEWSKI: Commissioner Kimbrel?

4 COMMISSIONER KIMBREL: Nay.

5 CHAIRWOMAN ZALEWSKI: Commissioner Oliva?

6 COMMISSIONER OLIVA: I vote nay. I would  
7 grant the petition for rehearing.

8 CHAIRWOMAN ZALEWSKI: I am voting aye. So the  
9 three ayes have it, and the application for  
10 rehearing is denied.

11 Under our other business items,  
12 item O-1 concerns the Commission's 2020 annual  
13 report to the governor and the General Assembly on  
14 electricity, gas, water, and sewer utilities. The  
15 annual report is required by Section 4-304 of the  
16 Public Utilities Act. The report includes a review  
17 of the Commission's 2020 activities and the state  
18 of the Illinois utility industry in 2020, among  
19 other topics.

20 Are there any objections to approving  
21 the report?

22 (No verbal response.)

1 CHAIRWOMAN ZALEWSKI: Hearing none, the report  
2 is approved.

3 Item 0-2 concerns approval of  
4 batches, contracts, and confirmations under the  
5 Illinois Solar for All Program.

6 Are there any objections to approving  
7 the program administrator's submissions?

8 (No verbal response.)

9 CHAIRWOMAN ZALEWSKI: Hearing none, the  
10 submissions are approved.

11 Item 0-3 concerns approval of  
12 batches, contracts, and confirmations under the  
13 Adjustable Block Program.

14 Are there any objections to approving  
15 the program administrator's submissions?

16 (No verbal response.)

17 CHAIRWOMAN ZALEWSKI: Hearing none, the  
18 submissions are approved.

19 This concludes our Public Utilities  
20 Agenda.

21 Judge Teague-Kingsley, do we have any  
22 other matters to come before the Commission today?

1 JUDGE TEAGUE-KINGSLEY: Yes, Madam Chairman.

2 I just wanted to take a moment to say  
3 on behalf of the ALJ division that we're very sad  
4 to hear that Steve Hickey passed away. Steve  
5 provided technical assistance and advice to the  
6 administrative law judges for many years. He was a  
7 pleasure to work with. Always extremely  
8 knowledgeable, professional, patient, and kind. We  
9 will miss him, and our thoughts and prayers are  
10 with his family. Thank you.

11 CHAIRWOMAN ZALEWSKI: Thank you, Sonya. I'm  
12 sorry to hear that as well.

13 Do any commissioners have any other  
14 business to discuss?

15 COMMISSIONER KIMBREL: Madam Chair --

16 COMMISSIONER OLIVA: Yes.

17 COMMISSIONER KIMBREL: Oh, I'm sorry,  
18 Commissioner Oliva.

19 COMMISSIONER OLIVA: Okay. This is  
20 Commissioner Oliva, for the record. And I just  
21 wanted to announce that I hope all of you watching  
22 now come back at 1:00 p.m. this afternoon and join

1 us for a policy session on low carbon resources for  
2 decarbonization. I think it's a really great --  
3 it's really great for the Illinois Commerce  
4 Commission to start off the year hearing about this  
5 topic.

6 The topic is going to be presented by  
7 EPRI, E-P-R-I, which is the Electric Power Research  
8 Institute, and the presenter is Neva Espinoza.  
9 Neva is the vice president of energy supply and low  
10 carbon resources at EPRI.

11 So, again, I hope you come back at  
12 1:00 and join us because we're really looking  
13 forward to kick off this year learning about low  
14 carbon resources or decarbonization. Thank you.

15 CHAIRWOMAN ZALEWSKI: Thank you, Commissioner.  
16 And I'll note just to piggyback on that that I did  
17 confirm with our executive director it will be  
18 recorded and up on our website after the fact. I  
19 know it's a very busy news day.

20 And, Commissioner Kimbrel, did you  
21 have something you wanted to say?

22 COMMISSIONER KIMBREL: Yes. Thank you, Madam

1 Chair. I'd just like to thank chief ALJ  
2 Teague-Kingsley for raising Steve's death for us.  
3 Again, he was a tremendous asset to the ALJ  
4 division. I know that personally he helped me with  
5 my first rate case in 2008 when I transitioned to  
6 the role of chief ALJ in I think 2015. He was  
7 there to hold my hand. He was just a true  
8 professional, a great asset to this Commission.

9 For those who never met him, I think  
10 I would say he was -- for those who knew Randy  
11 Rismiller, he was the Randy Rismiller of the ALJ  
12 division. So, again, I just wanted to thank the  
13 chief for mentioning that, and our thoughts and  
14 prayers are with his family.

15 CHAIRWOMAN ZALEWSKI: Thank you.

16 Any other business from other  
17 commissioners?

18 (No verbal response.)

19 CHAIRWOMAN ZALEWSKI: Hearing none and without  
20 objection, this meeting is adjourned. Thank you.

21  
22