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BEFORE THE
ILLINOIS COMMERCE COMMISSION

BENCH SESSION
(PUBLIC UTILITY)

Thursday, January 23, 2014
Chicago, Illinois

Met, pursuant to notice, at 10:30 a.m. at
160 North LaSalle Street, 8th Floor, Chicago, Illinois.

PRESENT:

- MR. DOUGLAS P. SCOTT, Chairman
- MR. JOHN T. COLGAN, Commissioner
- MS. ANN McCABE, Commissioner
- MR. MIGUEL DEL VALLE, Commissioner
- MS. SHERINA E. MAYE, Commissioner

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PROCEEDINGS

CHAIRMAN SCOTT: Pursuant to the provisions of the Open Meetings Act, I now convene a regularly scheduled Bench session of the Illinois Commerce Commission. With me in Chicago are Commissioner Colgan, Commissioner McCabe, Commissioner del Valle, and Commissioner Maye. I am Chairman Scott. We have a quorum.

Before moving into the agenda, according to Section 1700.10 of Title 2 of the Administrative Code, this is the time we allow members of the public to address the Commission. Members of the public wishing to address the Commission must notify the Chief Clerk's office at least 24 hours prior to Commission meetings. According to the Chief Clerk's office, we have no requests to speak at today's Bench session.

On to the public utility agenda. We will begin with the electric portion. Item E-1 is Docket No. ERM 13-092. This is ComEd's filing to revise its bill format tariff to reflect changes in residential bills based on customer preference research. Staff recommends we approve the revision by not suspending the filing.

Is there any discussion?

(No response.)

1 CHAIRMAN SCOTT: Is there a motion to approve the
2 revision by not suspending the filing?

3 COMMISSIONER DEL VALLE: So moved.

4 CHAIRMAN SCOTT: Moved by Commissioner del Valle.

5 Is there a second?

6 COMMISSIONER COLGAN: Second.

7 CHAIRMAN SCOTT: Seconded by Commissioner Colgan.

8 All in favor say aye.

9 (Ayes heard.)

10 CHAIRMAN SCOTT: Any opposed?

11 (No response.)

12 CHAIRMAN SCOTT: The vote is five to nothing, and
13 the filing is not suspended.

14 We will use this five-to-nothing vote for the
15 remainder of today's public utility agenda unless
16 otherwise noted.

17 Item E-2 is Docket ERM No. 13-100. This is
18 MidAmerican Energy Company's filing for a general rate
19 increase for electric service. Staff recommends that
20 the filing be suspended and the matter set for hearings.

21 Is there any discussion?

22 (No response.)

23 CHAIRMAN SCOTT: Are there any objections to
24 suspending the filing?

1 (No response.)

2 CHAIRMAN SCOTT: Hearing none, the filing is
3 suspended and the matter will be set for hearings.

4 Item E-3 is our reconciliation of revenues
5 collected under coal tar riders with prudent costs
6 associated with coal tar cleanup expenditures for
7 Ameren, ComEd, Nicor Gas, North Shore Gas, and Peoples
8 Gas Light and Coke Company. Staff recommends entry of
9 an Order commencing the proceedings.

10 Is there any discussion?

11 (No response.)

12 CHAIRMAN SCOTT: Any objections?

13 (No response.)

14 CHAIRMAN SCOTT: Hearing none, the Order is
15 entered.

16 Item E-4 is our review and assessment of
17 ComEd's report concerning its 2011 reliability
18 performance. Staff recommends entry of an Order
19 adopting the report.

20 Is there any discussion?

21 (No response.)

22 CHAIRMAN SCOTT: Any objections?

23 (No response.)

24 CHAIRMAN SCOTT: Hearing none, the Order is

1 entered.

2 Item E-5 is our investigation into ComEd's
3 compliance with the efficiency standard requirement of
4 Section 8-103 of the Public Utilities Act for Plan
5 Year 5. Staff recommends entry of an Order initiating
6 the proceeding.

7 Is there any discussion?

8 (No response.)

9 CHAIRMAN SCOTT: Are there any objections?

10 (No response.)

11 CHAIRMAN SCOTT: Hearing none, the Order is
12 entered.

13 Item E-6 is Docket No. 13-0453. This is John
14 Kelly's complaint against ComEd as to billing and/or
15 charges in Calumet City. The parties have apparently
16 settled their differences and have filed a stipulation
17 and joint Motion to Dismiss, which ALJ Haynes recommends
18 we grant.

19 Is there any discussion?

20 (No response.)

21 CHAIRMAN SCOTT: Any objections?

22 (No response.)

23 CHAIRMAN SCOTT: Hearing none, the joint Motion to
24 Dismiss is granted.

1 Item E-7 is Docket No. 13-0495. This is
2 ComEd's petition for approval of its energy efficiency
3 and demand response plan pursuant to Section 8-103(f) of
4 the Public Utilities Act. ALJ Haynes recommends entry
5 of an Order directing ComEd to file a modified plan
6 consistent with the findings contained therein within
7 30 days of the date of the Order.

8 This item will be held for disposition at a
9 future Commission proceeding.

10 Item E-8 is Docket No. 13-0498. This is
11 Ameren's petition for approval of its energy efficiency
12 and demand response plan pursuant to 220 ILCS
13 Section 5/8-103 and 220 ILCS Section 5/8-104. ALJ Yoder
14 recommends entry of an Order conditionally approving the
15 energy efficiency and demand response plan.

16 This item will be held for disposition at a
17 future Commission proceeding.

18 Item E-9 is Docket No. 13-0499. This is the
19 Illinois Department of Commerce and Economic
20 Opportunity's petition for approval of its energy
21 efficiency portfolio and demand response plan pursuant
22 to Sections 8-103(e) and (f) and 8-104(e) and (f) of the
23 Public Utilities Act. ALJ Haynes recommends entry of an
24 Order directing DCEO to file a revised plan.

1 This item also will be held for disposition at
2 a future Commission proceeding.

3 Item E-10 is our investigation of the
4 applicability of Sections 16-122 and 16-108.6 of the
5 Public Utilities Act. ALJ Teague-Kingsley recommends
6 entry of an Order confirming the Commission's original
7 conclusions on the issue.

8 Commissioner McCabe may have some questions.

9 COMMISSIONER McCABE: Yes.

10 CHAIRMAN SCOTT: Good morning, Judge.

11 COMMISSIONER McCABE: Good morning.

12 JUDGE TEAGUE-KINGSLEY: Good morning, Commissioner.

13 COMMISSIONER McCABE: I have some questions on the
14 sections on interval data access. One issue is whether
15 or not additional authorization is required before
16 interval data used for nonbilling purposes is released
17 by an ARES. And the PEPO agrees with staff and ComEd
18 that it is. Does this apply to both RES customers who
19 signed up directly and to Muni-Ag customers of an
20 aggregation supplier?

21 JUDGE TEAGUE-KINGSLEY: Yes. That authorization
22 requirement applies to both. The Order declines to
23 adopt the position that simple possession of an account
24 number or a contract is sufficient. Instead, it adopts

1 staff's position that additional authorization is
2 required. So in the context of when an ARES or a RES
3 signs up a customer directly, they have to provide a
4 disclosure during the sign-up that they're going to be
5 able to get that information. But if they don't, then
6 they have to do a separate verification, you know, for
7 the authorization. And in the -- in the municipal
8 aggregation setting, they have to include that
9 information in the opt-out disclosure and they have
10 to -- they do have to get an authorization.

11 COMMISSIONER McCABE: And given that smart meter
12 rollout has just begun, is it fair to say that in most
13 cases additional authorization is going to be needed?

14 JUDGE TEAGUE-KINGSLEY: It's fair to say if the RES
15 wants that information, yes.

16 COMMISSIONER McCABE: And also that with, I think,
17 about one-third of the municipal aggregation contracts
18 coming up this spring and more later this year plus
19 changes in Chicago status that there will be
20 opportunities for the RES's to notify customers and get
21 additional authorization?

22 JUDGE TEAGUE-KINGSLEY: Exactly, yes.

23 COMMISSIONER McCABE: Okay.

24 JUDGE TEAGUE-KINGSLEY: That is true. So they

1 won't have to do all these random authorizations.

2 COMMISSIONER McCABE: All right. Thank you.

3 CHAIRMAN SCOTT: Thank you, Commissioner.

4 Thank you, Judge.

5 Any further questions?

6 (No response.)

7 CHAIRMAN SCOTT: Is there any further discussion?

8 (No response.)

9 CHAIRMAN SCOTT: This item will be held for
10 disposition at a future Commission proceeding.

11 Turning now to natural gas, Item G-1 is Docket
12 No. 13-0192. This is Ameren's proposed general increase
13 in gas rates. ALJ Jones recommends entry of an
14 Amendatory Order modifying a sentence to comport with
15 the Commission's overall findings.

16 Is there any discussion?

17 (No response.)

18 CHAIRMAN SCOTT: Any objections?

19 (No response.)

20 CHAIRMAN SCOTT: Hearing none, the Amendatory Order
21 is entered.

22 On to telecommunications, Item T-1 is TRM
23 No. 13-599. This is an Illinois Consolidated Telephone
24 Company's filing to implement a name change and flat

1 rate for Vacation Service. Staff recommends we approve
2 the name change and rate by not suspending the filing.

3 Is there any discussion?

4 (No response.)

5 CHAIRMAN SCOTT: Any objections?

6 (No response.)

7 CHAIRMAN SCOTT: Hearing none, the filing is not
8 suspended.

9 Items T-2 through T-4 can be taken together.
10 These items are our motions to initiate rulemaking
11 proceedings and authorize first notice periods on
12 amendments to 83 Illinois Administrative Code
13 Section 736, 737, and 763. In each case, staff
14 recommends entry of an Order authorizing submission of
15 the first notice period.

16 Is there any discussion?

17 (No response.)

18 CHAIRMAN SCOTT: Any objections?

19 (No response.)

20 CHAIRMAN SCOTT: Hearing none, the Orders are
21 entered.

22 Item T-5 is Docket No. 13-0091. This is
23 Michael Effiong's complaint against Frontier North as to
24 billing and/or charges in Bloomington. ALJ Yoder

1 recommends entry of an Order dismissing the complaint
2 with prejudice.

3 Is there any discussion?

4 (No response.)

5 CHAIRMAN SCOTT: Any objections?

6 (No response.)

7 CHAIRMAN SCOTT: Hearing none, the Order is entered
8 and the complaint is dismissed.

9 Item T-6 is Docket No. 13-0627. This is A-G
10 Long Distance's petition for emergency relief from
11 the -- for the confidential and/or proprietary treatment
12 of their annual report for not less than two years.
13 ALJ Haynes recommends entry of an Order granting the
14 petition.

15 Is there any discussion?

16 (No response.)

17 CHAIRMAN SCOTT: Any objections?

18 (No response.)

19 CHAIRMAN SCOTT: Hearing none, the Order is
20 entered.

21 Items T-7 and T-8 can be taken together.
22 These are applications for state-issued authorization to
23 provide cable service pursuant to Section 401 of the
24 Cable and Video Competition Law of 2007. In both cases

1 ALJ Riley recommends entry of an Order granting the
2 authorization.

3 Is there any discussion?

4 (No response.)

5 CHAIRMAN SCOTT: Are there any objections?

6 (No response.)

7 CHAIRMAN SCOTT: Hearing none, the Orders are
8 entered.

9 We have Petitions For Rehearing. Item PR-1 is
10 Docket No. 06-0741. This is the reconciliation of
11 revenues collected under Atmos Energy's gas adjustment
12 charges with actual costs prudently incurred. Atmos has
13 filed an application for rehearing and a motion
14 requesting a partial stay of the Order, both of which
15 ALJ Yoder recommends we deny.

16 Is there a discussion on rehearing?

17 (No response.)

18 CHAIRMAN SCOTT: Are there any objections to
19 denying rehearing?

20 (No response.)

21 CHAIRMAN SCOTT: Hearing none, the application for
22 rehearing is denied.

23 Is there a discussion on the Motion to Stay
24 the Order?

1 (No response.)

2 CHAIRMAN SCOTT: Are there any objections to
3 denying the stay?

4 (No response.)

5 CHAIRMAN SCOTT: Hearing none, the motion for a
6 partial stay of the Order is denied.

7 Item PR-2 is Docket No. 13-0301. This is
8 Ameren Illinois's Rate MAP-P, Modernization Action
9 Plan - Pricing, Annual Update Filing. Ameren has filed
10 an application for rehearing which ALJ Albers and Yoder
11 recommend we deny.

12 Is there any discussion?

13 (No response.)

14 CHAIRMAN SCOTT: Are there any objections to
15 denying rehearing?

16 (No response.)

17 CHAIRMAN SCOTT: Hearing none, the application for
18 rehearing is denied.

19 We have several items of other business on
20 today's agenda. The first is the Commission's Annual
21 Report on Electricity, Gas, Water, and Sewer Utilities.
22 Staff has requested approval to send the report to the
23 Governor and the General Assembly.

24 Is there any discussion?

1 COMMISSIONER McCABE: Yes.

2 CHAIRMAN SCOTT: Commissioner McCabe?

3 COMMISSIONER McCABE: I just wondered if we have
4 the opportunity to give any comments in the next day
5 here, if we have any, since we just got the report
6 earlier this week.

7 CHAIRMAN SCOTT: Yeah. Well --

8 COMMISSIONER McCABE: Okay.

9 CHAIRMAN SCOTT: -- we can hold it also if that --

10 COMMISSIONER McCABE: No.

11 CHAIRMAN SCOTT: -- if that would make more sense.

12 COMMISSIONER McCABE: No. I'll -- I can get any
13 comments I have --

14 CHAIRMAN SCOTT: Okay.

15 COMMISSIONER McCABE: -- within the next day.

16 CHAIRMAN SCOTT: Okay.

17 Any other discussion?

18 (No response.)

19 CHAIRMAN SCOTT: Are there any objections to
20 submitting the report to the Governor and General
21 Assembly?

22 (No response.)

23 CHAIRMAN SCOTT: Hearing none, the request for
24 approval is granted.

1 The second item of other business concerns our
2 approval of the IPA's selection of a -- selection of a
3 Procurement Administrator for the IPA's upcoming
4 electricity procurements. The IPA has selected NERA
5 Economic Consulting.

6 Is there any discussion on this item?

7 (No response.)

8 COMMISSIONER McCABE: Just a question.

9 Is this a change in their provider?

10 (No verbal response.)

11 COMMISSIONER McCABE: No; the same one. Okay.

12 Thank you.

13 CHAIRMAN SCOTT: Is there a motion to approve the
14 IPA's choice?

15 COMMISSIONER DEL VALLE: So moved.

16 CHAIRMAN SCOTT: Moved by Commissioner del Valle.

17 Is there a second?

18 COMMISSIONER COLGAN: Second.

19 CHAIRMAN SCOTT: Seconded by Commissioner Colgan.

20 All in favor say aye.

21 (Ayes heard.)

22 CHAIRMAN SCOTT: Any opposed?

23 (No response.)

24 CHAIRMAN SCOTT: The vote is five to nothing, and

1 IPA's selection of a Procurement Administrator is
2 approved.

3 The final item is a FERC matter concerning
4 pending litigation, so we'll go into closed session to
5 address it.

6 Is there a motion to go into closed session?

7 COMMISSIONER COLGAN: So moved.

8 COMMISSIONER McCABE: So moved.

9 CHAIRMAN SCOTT: Moved by Commissioner Colgan.

10 Seconded by Commissioner --

11 COMMISSIONER McCABE: McCabe.

12 CHAIRMAN SCOTT: -- McCabe.

13 All in favor say aye.

14 (Ayes heard.)

15 CHAIRMAN SCOTT: Any opposed?

16 (No response.)

17 CHAIRMAN SCOTT: The vote is five to nothing, and
18 the Commission will now go into closed session.

19 Please let me know when the room is ready in
20 Springfield.

21 (At this point pages 17-24 of the
22 proceedings are contained in a
23 separate closed transcript.)

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CONTINUATION OF PROCEEDINGS

JUDGE WALLACE: We're ready.

CHAIRMAN SCOTT: Okay.

JUDGE WALLACE: The cold weather probably kept the crowd down.

CHAIRMAN SCOTT: Here too, yeah.

In closed session, the Commission discussed FERC Docket Nos. ER13-607-000, -001, and -002 concerning comments on a proposed settlement offer regarding abandoned project cost recovery for the Mid-Atlantic Power Pathway Project.

Is there a motion to file the comments with FERC?

COMMISSIONER COLGAN: So moved.

CHAIRMAN SCOTT: Moved by Commissioner Colgan.

Is there a second?

COMMISSIONER MAYE: Second.

CHAIRMAN SCOTT: Seconded by Commissioner Maye.

All in favor say aye.

(Ayes heard.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is five to nothing, and the filing will be made with FERC.

1 Judge Wallace, are there any other matters to
2 come before the Commission today?

3 JUDGE WALLACE: Not today, Mr. Chairman. We have
4 the Special Open Meeting scheduled for January 28th.

5 CHAIRMAN SCOTT: Very good.

6 COMMISSIONER McCABE: I just want to wish
7 Judge Wallace a happy Robert Burns Day.

8 CHAIRMAN SCOTT: That's right.

9 JUDGE WALLACE: And you guys missed some great
10 films by changing to Chicago.

11 CHAIRMAN SCOTT: The main question, Judge, is: Are
12 you wearing the kilt today?

13 JUDGE WALLACE: No. I couldn't. It was -- It
14 was --

15 CHAIRMAN SCOTT: Too cold?

16 Nothing further to come before the body, the
17 meeting stands adjourned.

18 Thank you, everyone.

19 END OF PUBLIC UTILITY AGENDA

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CERTIFICATE OF REPORTER

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, Cheryl A. Goetsch, a Registered Professional Reporter and Certified Shorthand Reporter within and for the State of Illinois, do hereby certify that the foregoing proceedings were taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which these proceedings were taken; and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

CHERYL A. GOETSCH, CSR, RPR
Illinois CSR No. 084-003502