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BEFORE THE
ILLINOIS COMMERCE COMMISSION

PUBLIC UTILITY REGULAR OPEN MEETING

Chicago, Illinois
February 1, 2011

Met, pursuant to notice, at 10:30 a.m.

BEFORE:

MR. MANUEL FLORES, Acting Chairman

MS. LULA M. FORD, Commissioner

MS. ERIN M. O'CONNELL-DIAZ, Commissioner
(telephonically)

MR. SHERMAN J. ELLIOTT, Commissioner
(via videoconference)

MR. JOHN T. COLGAN, Acting Commissioner
(via videoconference)

SULLIVAN REPORTING COMPANY, by
Auhdikiam Carney, CSR
License No. 084-004658

1 ACTING CHAIRMAN FLORES: Are we ready to go in
2 Springfield?

3 COMMISSIONER ELLIOTT: Yes, sir.

4 ACTING CHAIRMAN FLORES: Pursuant to the
5 provisions of the Illinois Open Meetings Act, I now
6 convene a Regular Open Meeting of the Illinois
7 Commerce Commission. With me in Chicago is
8 Commissioner Ford, and with us in Springfield is
9 Commissioners Elliott and Colgan. I am Acting
10 Chairman Flores.

11 We have a quorum.

12 Commissioner O'Connell-Diaz is
13 available by phone and we will have to vote her in to
14 allow her to participate.

15 I will make a motion to allow
16 Commissioner O'Connell-Diaz to participate by phone.

17 Is there a second?

18 COMMISSIONER FORD: Second.

19 ACTING CHAIRMAN FLORES: Its been moved and
20 seconded.

21 All in favor say "aye."

22 (Chorus of ayes.)

1 Any opposed?

2 (No response.)

3 The vote is 4-0 and Commissioner
4 O'Connell-Diaz will participate in the meeting by
5 phone.

6 Before moving into the agenda,
7 according to Part 1700.10 of Title 2 of the Illinois
8 Administrative Code, this is the time we allow the
9 members of the public to address the Commission.
10 Members of the public wishing to address the
11 Commission must notify the Chief Clerk's office at
12 least 24 hours prior to the Commission meeting.
13 According to the Chief Clerk's office we have no
14 requests to speak at today's Regular Open Meeting.

15 Moving into today's agenda, we'll
16 start with minutes from previous Commission meetings.
17 Item 1 today is the approval of minutes from our
18 January 5th Bench session.

19 I will make a motion to approve the
20 minutes.

21 Is there a second?

22 COMMISSIONER FORD: Second.

1 ACTING CHAIRMAN FLORES: Its been moved and
2 seconded.

3 All in favor say "aye."

4 (Chorus of ayes.)

5 Any opposed?

6 (No response.)

7 The vote is 5-0 approving the minutes
8 from January 5th.

9 Item 2 concerns setting the price
10 index to be used for the dollar amounts of any
11 unconditional guarantee, payment, bond, or letter of
12 credit pursuant a Title 83, Part 451 of the
13 Administrative Code. Staff recommends that the
14 Commission enter an Order adopting the index price
15 proposed by Staff.

16 I will make a motion to enter the
17 Order.

18 Is there a second?

19 COMMISSIONER FORD: Second.

20 ACTING CHAIRMAN FLORES: Its been moved and
21 second.

22 All in favor say "aye."

1 (Chorus of ayes.)

2 Any opposed?

3 The vote is 5-0 and the Order is
4 entered. We will use this 5-0 vote for the remainder
5 of today's open meeting unless otherwise noticed.

6 Item 3 is Docket No. 08-0316. This
7 item concerns Commonwealth Edison Company's 2008
8 request to obtain loans, issue bonds, and sell notes
9 up to an aggregate principal amount of \$700 million.
10 ComEd has filed a Petition to Reopen this docket, and
11 ALJ Haynes recommends that the Commission grant that
12 petition.

13 Any discussion?

14 (No response.)

15 Any objections?

16 (No response.)

17 Hearing none, the petition is granted
18 and the docket is reopened.

19 Item 4 is Docket No. 10-0650. This is
20 MXenergy Electric's Application for a Certificate of
21 Service Authority pursuant to Section 16-115 of the
22 Public Utilities Act. ALJ Tapia recommends that the

1 Commission enter an Order granting the requested
2 certificate.

3 Any discussion?

4 (No response.)

5 Any objections?

6 (No response.)

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

9 Item 5 is Docket No. 10-0715. This
10 item is a Joint Petition for Approval of a
11 Residential Customer Release brought by Western
12 Illinois Electric Co-Op and Ameren Illinois
13 concerning a current Ameren customers in Hancock
14 County. ALJ Jones recommends that the Commission
15 enter an Order granting the Joint Petition.

16 Any discussion?

17 (No response.)

18 Any objections?

19 (No response.)

20 Hearing none, the Order is entered and
21 the Joint Petition is granted.

22 Item 6 is Docket No. 10-0741. This is

1 Nordic Energy Services' Application to expand its
2 current authority to serve all eligible residential
3 and nonresidential customers in the service
4 territories of ComEd and Ameren and to provide single
5 billing services in the Ameren services territories.
6 ALJ Tapia recommends that the Commission enter an
7 Order granting the requested modifications to the
8 company's certificate.

9 Is there any discussion?

10 (No response.)

11 Any objections?

12 (No response.)

13 Hearing none, the Order is entered.

14 Item 7 through 17 can be taken
15 together. These items each concern potential
16 citations proceedings against telecommunications
17 carriers for failure to file their 2009 Annual
18 Reports to the Commission. In each case Staff
19 recommends the Commission enter an Order initiating a
20 citation proceeding against the company.

21 Is there any discussion?

22 (No response.)

1 Any objections?

2 (No response.)

3 Hearing none, the Orders are entered
4 and the citation proceedings are initiated.

5 Item 18 is Docket No. 10-0138. This
6 is ComEd's PORCB case, and before us today are a
7 couple of Petitions for Rehearing, one from ComEd,
8 and one from Dominion Retail. ALJ Sainsot recommends
9 that the Commission deny ComEd's Petition for
10 Rehearing, but grant Dominion's retail Petition for
11 Rehearing concerning the blended uncollectibles rate
12 and the \$.50 per bill fixed charge.

13 Is there any discussion?

14 COMMISSIONER FORD: Yes, Chairman. I also
15 propose we deny Dominion's Petition for Rehearing.
16 However, Dominion was correct that the final Order
17 omitted a discussion of the blended order and
18 therefore I would like -- and it was inadvertently
19 left out -- and I would support issuing an Amendatory
20 Order to address the blended uncollectible rates
21 issue.

22 ACTING CHAIRMAN FLORES: Very well.

1 Any further discussion on these
2 motions -- these petitions?

3 ACTING COMMISSIONER COLGAN: I support
4 Commissioner Ford's motion to do an amended order.

5 ACTING CHAIRMAN FLORES: I think we can do
6 that --

7 COMMISSIONER O'CONNELL-DIAZ: As do I.

8 ACTING CHAIRMAN FLORES: We can do that without
9 making a motion for that. I think we have the
10 authority to issue an amendment on our own. The
11 motion before us, however, is to deny the Petitions
12 for Rehearing, which is a motion that Commissioner
13 Ford has made.

14 I will second that motion.

15 All in favor say "aye."

16 (Chorus of ayes.)

17 Any opposed?

18 The vote is 5-0 and the Petitions for
19 Rehearing are denied. Again, just so that the record
20 is clear, Commissioner Ford with support of the other
21 four Commissioners will amend the Order to address
22 the issue that Dominion Retail raised before us

1 today.

2 Item 19 is --

3 JUDGE WALLACE: Mr. Chairman?

4 ACTING CHAIRMAN FLORES: Yes.

5 JUDGE WALLACE: The language is not ready
6 today, right, so we'll bring this back up for the 9th
7 for a vote on the Amendatory Order itself.

8 ACTING CHAIRMAN FLORES: Yes, sir.

9 JUDGE WALLACE: Okay.

10 ACTING CHAIRMAN FLORES: Thank you, Judge.

11 ACTING CHAIRMAN FLORES: Item 19 is Docket --

12 COMMISSIONER FORD: Judge Wallace, I think the
13 language is already available, it's just that we're
14 going to put a paragraph back in.

15 JUDGE WALLACE: I think we'll bring you back an
16 amendatory Order the next meeting.

17 COMMISSIONER FORD: Okay, Judge. Thank you.

18 ACTING CHAIRMAN FLORES: Item 19 is Docket
19 No. 10-0568. This is the energy efficiency case for
20 the Ameren Illinois Utilities and before us today are
21 two Petitions for Rehearing, one filed by DCEO and
22 one filed by the Environmental Law & Policy Center.

1 We will be holding ELPC's Petition for Rehearing for
2 disposition at the February 9th Bench session.

3 ALJ Yoder recommends that the
4 Commission deny DCEO's Petition for Rehearing.

5 Is there any discussion regarding the
6 DCEO petition?

7 (No response.)

8 I have a statement that I would like
9 to make. I personally agree with ALJ Yoder's
10 recommendation that we deny rehearing over the
11 language we've used regarding Commission approval of
12 DCEO's plans. That said, I do want to make it clear
13 that the Commission does not claim jurisdiction over
14 DCEO generally, and that our decision is narrowly
15 limited to only what's been specifically prescribed
16 as the Commission's responsibility under
17 Sections 8-103 and 8-104 of the Public Utilities Act.

18 I believe here that the statute is
19 clear that DECO's measures are to be approved by the
20 Commission and that our ordering paragraphs are, as
21 required, consistent with the statute.

22 I will make a motion to deny both

1 DCEO's Petitions for Rehearing.

2 Is there a second?

3 COMMISSIONER FORD: Second.

4 ACTING CHAIRMAN FLORES: Its been moved and
5 seconded.

6 All in favor say "aye."

7 (Chorus of ayes.)

8 Any opposed?

9 (No response.)

10 The vote is 5-0 and DCEO's Petition
11 for Rehearing is denied.

12 Item 20 is FERC Docket No. ER11-2288.
13 According to Bill VanderLaan from our team working on
14 this matter, an Order from FERC was issued yesterday
15 in this case, so this item has been rendered moot.

16 Item 21 is FERC Docket No. ER11-2622.
17 This matter concerns pending litigation and we will
18 go into closed session to address it.

19 I will make a motion to go into closed
20 session.

21 Is there a second?

22 COMMISSIONER FORD: Second.

1 ACTING CHAIRMAN FLORES: Its been moved and
2 second.

3 All in favor say "aye."

4 (Chorus of ayes.)

5 Any opposed?

6 (No response.)

7 The vote is a 5-0 to go into closed
8 session.

9 Please let me know when we're ready to
10 go in Springfield folks.

11 COMMISSIONER ELLIOTT: We are ready.

12 ACTING CHAIRMAN FLORES: That was fast.

13 (Whereupon, at this point the
14 following pages 14 - 19 are
15 contained in a separate closed
16 transcript.)

17
18 (Whereupon, at this point the
19 following two pages of the
20 proceeding are contained in
21 this open transcript.)

22

1 ACTING CHAIRMAN FLORES: Okay. It looks like we're
2 ready to go.

3 In closed session the Commission
4 discussed making a filing with FERC in FERC Docket
5 No. ER11-2622.

6 I will make a motion to make a filing
7 with FERC.

8 Is there a second?

9 COMMISSIONER FORD: Second.

10 ACTING CHAIRMAN FLORES: Its been moved and
11 second.

12 All in favor say "aye."

13 (Chorus of ayes.)

14 Any opposed?

15 (No response.)

16 The vote is 5-0 and the filing will be
17 made with FERC.

18 Judge Wallace, are there any other
19 matters to come before the Commission today?

20 JUDGE WALLACE: No, not today. We're saving
21 them all for the 9th.

22 ACTING CHAIRMAN FLORES: Very good. Thank you,

1 sir.

2 Hearing none, this meeting stands
3 adjourned, and I hope that you guys are okay with
4 this blizzard.

5 (And those were all the
6 proceedings had.)

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