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BEFORE THE
ILLINOIS COMMERCE COMMISSION

PUBLIC UTILITY BENCH SESSION

Chicago, Illinois
February 16, 2012

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

BEFORE:

MR. DOUGLAS P. SCOTT, Chairman

MS. LULA M. FORD, Commissioner

MS. ERIN M. O'CONNELL-DIAZ, Commissioner

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

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

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

1 CHAIRMAN SCOTT: Before moving into the agenda,
2 according to Section 1700.10 of Title 2 of the
3 Administrative Code, this is the time we allow
4 members of the public wishing to address the
5 Commission. Members of the public wishing to address
6 Commission must notify the Chief Clerk's Office at
7 least 24 hours prior to Commission meetings.
8 According to the Chief Clerk's Office, we have no
9 request to speak at today's Bench Session.

10 We will begin today with the approval
11 of minutes from prior Commission meetings. First are
12 our January 10th Regular Open Meeting. I understand
13 amendments have been forwarded.

14 Is there a motion to amend the
15 minutes?

16 COMMISSIONER O'CONNELL-DIAZ: So moved.

17 CHAIRMAN SCOTT: Is there a second?

18 COMMISSIONER FORD: Second.

19 CHAIRMAN SCOTT: It's been moved and seconded.

20 All in favor say "aye."

21 (Chorus of ayes.)

22 Any opposed?

1 (No response.)

2 The vote is 5-0 and the amendments are
3 adopted.

4 Is there a motion to approve the
5 January 10th minutes as amended?

6 COMMISSIONER FORD: So moved.

7 CHAIRMAN SCOTT: Is there a second?

8 COMMISSIONER O'CONNELL-DIAZ: Second.

9 CHAIRMAN SCOTT: It's been moved and seconded.

10 All in favor say "aye."

11 (Chorus of ayes.)

12 Any opposed?

13 (No response.)

14 The vote is 5-0 and the January 10th
15 Regular Open Meeting minutes as amended are approved.

16 Turning next to the Electric portion
17 of today's agenda.

18 Item E-1 concerns the price index for
19 setting dollar amounts for any unconditional
20 guarantee for any payment bond letter of credit in
21 connection with the certification of Alternative
22 Retail Electric Suppliers. Staff recommends entry of

1 an Order setting the index.

2 Is there any discussion?

3 (No response.)

4 Is there a motion to enter the Order?

5 COMMISSIONER O'CONNELL-DIAZ: So moved.

6 CHAIRMAN SCOTT: Is there a second?

7 COMMISSIONER FORD: Seconded.

8 CHAIRMAN SCOTT: It's been moved and seconded.

9 All in favor say "aye."

10 (Chorus of ayes.)

11 Any opposed?

12 (No response.)

13 The vote is 5-0 and the Order is
14 entered. We will use this 5-0 vote for the remainder
15 of the Public Utility Agenda unless otherwise noted.

16 Item E-2 is Docket No. 07-0566. This
17 is Commonwealth Edison's 2000 rate case on remand
18 from the Appellate Court. We will be holding this
19 item for disposition at our February 23rd Bench
20 Session.

21 Item E-3 is Docket No. 11-0116. This
22 is ComEd's 2010 coal tar rider reconciliation case.

1 ALJ Kimbrel recommends entry of an Order approving
2 the reconciliation.

3 Is there any discussion?

4 (No response.)

5 Any objections?

6 (No response.)

7 Hearing none, the Order is entered.

8 Item E-4 is Docket No. 11-0144. This
9 is Peter Fletcher's complaint against ComEd. This
10 item will also be held for disposition at a future
11 Commission meeting.

12 Item E-5 is Docket No. 11-0416. This
13 is Valerie Saunders Davis' complaint against ComEd.

14 ALJ Hilliard recommends entry of an Order denying the
15 complaint.

16 Is there any discussion?

17 (No response.)

18 Any objections?

19 (No response.)

20 Hearing none, the Order is entered and
21 the complaint is denied.

22 Item E-6 is Docket No. 11-0572. This

1 is Jewel Turner's complaint against ComEd. ALJ
2 Kimbrel recommends entry of an Order dismissing the
3 complaint without prejudice.

4 Is there any discussion?

5 (No response.)

6 Any objections?

7 (No response.)

8 Hearing none, the Order is entered and
9 the complaint is dismissed without prejudice.

10 Items E-7 through E-9 can be taken
11 together. These are each customer complaints against
12 ComEd. In each case ALJ Benn recommends entry of an
13 Order dismissing the complaint without prejudice for
14 want of prosecution.

15 Is there any discussion?

16 (No response.)

17 Any objections?

18 (No response.)

19 Hearing none, the Orders are entered
20 and the complaints are dismissed without prejudice.

21 Item E-10 is Docket No. 11-0676. This
22 is Paul Yudys' complaint against ComEd. The parties

1 have apparently settled their differences and brought
2 a Joint Motion to Dismiss, which ALJ Benn recommends
3 we grant.

4 Is there any discussion?

5 (No response.)

6 Any objections?

7 (No response.)

8 Hearing none, the Joint Motion to
9 Dismiss is granted.

10 Item E-11 is Docket No. 11-0218. This
11 item has since been withdrawn.

12 Item E-12 is Docket No. 11-0707. This
13 is an eminent domain petition by the Illinois
14 Department of Transportation in connection with a
15 roadway improvement project in McHenry County. ALJ
16 Hilliard recommends entry of an Order granting the
17 petition.

18 Is there any discussion?

19 (No response.)

20 Any objections?

21 (No response.)

22 Hearing none, the Order is entered.

1 Item E-13 is Docket No. 11-0738. This
2 is a petition by Mt. Carmel Public Utility Company
3 seeking necessary authorization for issuing notes and
4 for the execution of documents securing property to
5 refinance prior borrowing. ALJ Yoder recommends
6 entry of an Order granting the requested relief.

7 It there any discussion?

8 (No response.)

9 Any objections?

10 (No response.)

11 Hearing none, the Order is entered.

12 Item E-14 is Docket No. -- I'm
13 sorry -- E-14 and E-15 can be taken together. These
14 are applications for licensure as an Agent, Broker
15 and Consultant and under Section 16-115C of the
16 Public Utilities Act. In each case the ALJ
17 recommends entry of an Order granting the requested
18 relief.

19 Is there any objection?

20 (No response.)

21 Any objections?

22 (No response.)

1 Hearing none, the Orders are entered.

2 Turning now to Natural Gas.

3 Item G-1 is Docket No. 07-0577. This
4 is the Peoples Gas reconciliation proceeding for
5 revenues collected under gas adjustment charges in
6 2007. ALJ Baker recommends entry of an Order
7 approving the reconciliation.

8 It there any discussion?

9 (No response.)

10 Any objections?

11 (No response.)

12 Hearing none, the Order is entered.

13 Items G-2 through G-5 can be taken
14 together. These items each concern customer
15 complaints against Peoples Gas or NICOR. In each
16 case the parties have apparently resolved their
17 differences and brought a Joint Motion to Dismiss
18 which the ALJ recommends we grant.

19 Is there any discussion?

20 (No response.)

21 Any objections?

22 (No response.)

1 Hearing none, the Joint Motions to
2 Dismiss are granted.

3 Item T-1 is Docket No. 11-0731. This
4 is Total Access Telecom's application for a
5 Certificate of Interexchange Authority to operate as
6 a reseller of telecommunications services within the
7 State of Illinois. The company had made a request to
8 withdraw the application without prejudice and ALJ
9 Benn recommends granting the withdrawal.

10 Is there any discussion?

11 (No response.)

12 Any objections?

13 (No response.)

14 Hearing none, the application is
15 withdrawn.

16 Item T-2 is Docket No. 12-0027. This
17 is Virgin Mobile's application for a Certificate of
18 wireless authority to operate as a facilities-based
19 carrier of telecommunications services in Illinois.
20 ALJ Riley recommends entry of an Order granting the
21 requested certificate.

22 Is there any discussion?

1 (No response.)

2 Any objections?

3 (No response.)

4 Hearing none, the Order is entered.

5 Items T-3 through T-10 can be taken
6 together. These items are requests for confidential
7 and/or proprietary treatment of the Petitioner's
8 annual reports. In each case the ALJ recommends
9 entry of an Order granting the requested treatment.

10 Is there any discussion?

11 (No response.)

12 Any objections?

13 (No response.)

14 Hearing none, the Orders are entered.

15 Moving on to Water and Sewer.

16 Item W-1 is Docket No. 11-0258. This
17 is Aqua Illinois' reconciliation proceeding for its
18 2010 purchase water surcharges. ALJ Kimbrel
19 recommends entry of an Order approving the
20 reconciliation.

21 Is there any discussion?

22 (No response.)

1 Any objections?

2 (No response.)

3 Hearing none, the Order is entered.

4 Item W-2 is Docket No. 11-0436. This
5 is Aqua Illinois' proposed general increase in water
6 and sewer rates. ALJ Jones recommends entry of an
7 Order setting new rates for the Company's customers.

8 Is there any discussion?

9 (No response.)

10 Are there any objections to entering
11 the Order?

12 (No response.)

13 Hearing none, the Order is entered.

14 We have one Petition for Rehearing
15 today. Item PR-1 is Docket No. 11-0710. This
16 petition will be held for disposition at a future
17 Commission proceeding.

18 We have a few items of other business
19 on the agenda today. We will begin with the first
20 two of these items. These concerned approval of the
21 results of recent rate stability energy RFP for both
22 Ameren and ComEd.

1 Is there any discussion?

2 (No response.)

3 Are there any objections to accepting
4 the recommendations of the procurement administrator
5 on the RFP results?

6 (No response.)

7 Hearing none, the RFP results are
8 accepted in accordance with the procurement
9 administrator's recommendations.

10 Next up we have a Resolution
11 designating Janis Von Qualen previously from our
12 Office of General Counsel as an Administrative Law
13 Judge.

14 Is there any discussion?

15 (No response.)

16 Are there any objections to adopting
17 the Resolution designating Janis Von Qualen as an
18 Administrative Law Judge?

19 COMMISSIONER ELLIOTT: She's right here,
20 Chairman.

21 CHAIRMAN SCOTT: Hearing none, the Resolution
22 is unanimously adopted. Congratulations.

1 MS. VON QUALEN: Thank you.

2 Last up for discussion is the
3 Commission's potential membership in the Independent
4 State Agencies Committee established to advise PJM on
5 inputs and scenarios for transmission planning
6 studies.

7 Commissioner Ford.

8 COMMISSIONER FORD: Thank you, Chairman.

9 Last October the OPSI Board adopted a
10 resolution to create the Independent State Agencies
11 Committee. However, ISAC is not an OPSI Committee,
12 nor a PJM Committee. The Independent State Agencies
13 Committee is a voluntary, independent committee that
14 consists of members from the Regulatory Commission of
15 other states within the PJM service territory. The
16 purpose of this independent committee is to provide
17 PJM with inputs and scenarios for transmission
18 planning studies. Therefore, I propose that we
19 become a member of ISAC.

20 CHAIRMAN SCOTT: Is that in the form of a
21 motion?

22 COMMISSIONER FORD: Yes.

1 CHAIRMAN SCOTT: Is there a second?

2 COMMISSIONER O'CONNELL-DIAZ: Second.

3 CHAIRMAN SCOTT: Is there any discussion?

4 COMMISSIONER ELLIOTT: I just had one question.

5 COMMISSIONER FORD: I hope I can answer it.

6 COMMISSIONER ELLIOTT: Having worked on the
7 EISPC process and we've had the Governor's Office
8 involved in that and certain representatives there,
9 and reading through the materials, it appears that
10 not only the Commission is involved; but other state
11 agencies. And I just wondered if I can work with you
12 in order to reach out to the Governor's Office and
13 get the appropriate people involved in this
14 organization that are also involved in the EISPC.

15 COMMISSIONER FORD: Well, we had our first
16 meeting and our representatives are Chris Vaughn,
17 Heather Jorgenson, Christine Ericson and Randy
18 Rismiller. We've had a first meeting, but they have
19 not asked for this yet. But I will certainly work
20 with you to make sure we get the right people
21 involved.

22 COMMISSIONER ELLIOTT: Yeah.

1 COMMISSIONER FORD: I am the regulatory person
2 that's on the Board.

3 COMMISSIONER ELLIOTT: Right.

4 COMMISSIONER FORD: Sure.

5 Are they good people?

6 COMMISSIONER ELLIOTT: They're learning how
7 complex this issue is.

8 COMMISSIONER FORD: Okay. Thank you.

9 CHAIRMAN SCOTT: Further questions? Further
10 discussion?

11 (No response.)

12 It's been moved and seconded.

13 All in favor say "aye."

14 (Chorus of ayes.)

15 Any opposed?

16 (No response.)

17 The vote is 5-0 and the Commission has
18 voted affirmatively to join the Independent State
19 Agencies Committee.

20 Thank you, Commissioners.

21 Judge Wallace, are there any other
22 matters to come before the Commission today?

1 JUDGE WALLACE: No, that's all today, sir.

2 CHAIRMAN SCOTT: Two quick things we want to
3 note, we just want to bring to everyone's attention
4 the Commission has canceled its March 14 Regular Open
5 Meeting, but we will still meet for our regularly
6 scheduled Bench Session on March 7th and March 21st.

7 And I also want to congratulate
8 Commission Colgan who was confirmed by the Senate.

9 Congratulations.

10 COMMISSIONER COLGAN: Thank you, Chairman.

11 COMMISSIONER O'CONNELL-DIAZ: John, now you can
12 stop doing all that acting you were doing.

13 CHAIRMAN SCOTT: That's right. You never had
14 your Screen Actors Guild card.

15 COMMISSIONER COLGAN: Yeah, I should get an
16 award for that.

17 CHAIRMAN SCOTT: Nothing more to come before
18 the Commission, this meeting stands adjourned. Thank
19 you, everyone.

20 (And those were all the
21 proceedings had.)

22