

1 CHAIR ZALEWSKI: Under the Open Meetings Act
2 and in accordance with the governor's Executive
3 Orders, I call the February 18, 2021, Regular Open
4 Meeting to order.

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

10 I have checked that we have all
11 Commissioners with us; we have a quorum.

12 We have no requests to speak.
13 Moving on to the Public Utilities
14 Agenda.

15 There are no edits to the
16 January 20, 2021, Regular Open Meeting minutes.

17 There are edits to the January 20,
18 2021, Policy Session minutes.

19 Are there any objections to
20 approving the minutes as edited?

21 (No verbal response.)

22 CHAIR ZALEWSKI: Hearing none, the minutes
are approved.

1 Under our Electric Items: Item E-1
2 concerns ComEd's filing to make housekeeping
3 changes to its table of contents, and the
4 applicability of Rider Parallel Operation of Retail
5 Customer Generating Resources, or Rider POG.
6 Commission Staff recommends not suspending the
7 filing.

8 Are there any objections to not
9 suspending the filing?

10 (No verbal response.)

11 CHAIR ZALEWSKI: Hearing none, the filing is
12 not suspended.

13 Item E-2 concerns a citation
14 against Chicago Energy, for failure to comply with
15 Part 454 of the Commission rules. The Staff
16 motioned to dismiss this docket because the
17 Commission has already canceled the respondent's
18 Certificate of Service Authority in Docket
19 Number 20-0850.

20 Are there any objections to
21 granting the motion to dismiss?

22 (No verbal response.)

1 CHAIR ZALEWSKI: Hearing none, the motion to
2 dismiss is granted.

3 Item E-3 concerns a citation
4 against Torch Energy Solutions for failure to file
5 a compliance re-certification report, as required
6 by Part 454 of the Commission rules. The
7 respondent failed to appear at the hearing and did
8 not file exceptions to the proposed order. The
9 order suspends respondent's Certificate of Service
10 Authority.

11 Are there any objections to
12 approving the order?

13 (No verbal response.)

14 CHAIR ZALEWSKI: Hearing none, the order is
15 approved.

16 Item E-4 concerns Docket 20-0310,
17 which is a moratorium on in-person marketing of
18 services by alternative retail electric suppliers
19 during the public health emergency. There are
20 several matters for the Commission to decide today.

21 First: Just Energy Solutions,
22 December 14, 2020, motion for modification to allow

1 limited in-person solicitation.

2 Second: Inspire Energy Holding's
3 January 21, 2021, second motion for modification to
4 allow limited in-person solicitation.

5 Third: Vistra's February 2, 2021,
6 petition for interlocutory review of the
7 January 15, 2021, ALJ rulings.

8 And fourth: IGS's February 5,
9 2021, petition for interlocutory review of the
10 same, January 15, 2021, ALJ polling.

11 Out of these four matters, we will
12 hold two for later disposition. You will not be
13 voting on 1st: Inspire Energy's motion, and 2nd:
14 Vistra's petition for interlocutory review.

15 On the other two matters, first, I
16 will call a vote on Just Energy's motion to allow
17 limited in-person solicitation. Just Energy
18 requests that the Commission allow them to engage
19 in in-store marketing and enrollment in retail
20 establishments that have been authorized to reopen
21 by the governor, and the Director of the Illinois
22 Department of Public Health.

1 The Third Interim Order that is
2 before us today grants Just Energy's motion,
3 finding it reasonable and in the public interest to
4 allow Just Energy to conduct in-store marketing and
5 enrollments in open Illinois retail locations. The
6 Commission recently granted a similar release that
7 was requested by Just Energy to other ARES.
8 Reliant Energy is in the same docket.

9 With this Third Interim Order, the
10 Commission now modifies its emergency order solely
11 as requested for the limited purpose described in
12 this Interim Order.

13 Are there any objections to
14 approving the Interim Order?

15 (No verbal response.)

16 CHAIR ZALEWSKI: Hearing none, the order is
17 approved.

18 Next, I will call the vote on IGS's
19 petition for interlocutory review. IGS petitioned
20 the Commission to review the Administrative Law
21 Judge's ruling, dated January 15, 2021, that denied
22 IGS's motion to engage in limited in-person

1 solicitation.

2 IGS's motion seeks Commission's
3 permission to resume limited in-person
4 solicitation, with a targeted approach, that
5 requires customer's prior consent to first, meeting
6 in-person, and second, at a specific time and place
7 that is agreeable to both the customer and the IGS
8 employee.

9 ALJ's January 15, 2021, ruling
10 denied IGS's motions, finding that it was not
11 appropriate at this time to allow resuming certain
12 in-person solicitations, as requested by IGS, due
13 to the current state of the COVID-19 pandemic.

14 The Commission agrees with the ALJ.
15 The Commission thus denies IGS's petition for
16 interlocutory review.

17 Are there any objections to
18 denying IGS's petition for interlocutory review?

19 COMMISSIONER OLIVA: Yes. For the record,
20 this is Commissioner Sadzi Oliva. And I do have
21 comments, but tell me if you would like to vote on
22 this first or give my comments first.

1 CHAIR ZALEWSKI: You can go ahead with your
2 comments, and if requested I can also do a roll
3 call if that's appropriate.

4 COMMISSIONER OLIVA: Okay. I'll just go
5 ahead with my comments.

6 I'm going to be disagreeing with
7 the majority in this case. The ALJ ruling does not
8 address the merits of IGS's request, nor does it
9 address the IGS specific background relevant to the
10 Commission's consideration of their proposal.
11 Instead, the ALJ ruling lumps together IGS and
12 other retail supplier proposals, and it rejects
13 their motion based on the Commission's rejection of
14 parallel motions from Staff in each docket.

15 Not all alternate suppliers have
16 the same business model. In this case, IGS is
17 requesting a unique and limited form of in-person
18 meetings with clients. They are not unsolicited.
19 They are arranged in advance, with the consent of
20 the consumer, which is consistent with health rules
21 established by the Illinois Department of Public
22 Health and the Department of Commerce and Economic

1 Opportunity.

2 Their motion contains enhanced
3 sales solicitation and enrollment protocols to
4 ensure that the health and safety of customers, and
5 their own salaried employees, are adequately
6 protected. A customer who has not provided prior
7 consent to meeting will not have an in-person
8 meeting with an IGS-employed salesperson at that
9 customer's house or elsewhere. IGS's proposed
10 model is completely different from unscheduled,
11 third-party, door-to-door solicitations that occur
12 without prior contact, and much less, consent of
13 the customer.

14 So I can't think of a more safe way
15 to engage in an alternative retail business than
16 that proposed by IGS in its pleadings. IGS also
17 states that its employees, salespeople, be
18 monitored for compliance with regulatory
19 requirements, as well as health and hygiene, by
20 proprietary software that's uploaded to a tablet
21 and utilized by each employee during the sales
22 meeting.

1 While the emergency orders remain
2 in effect at the Commission, the Commission should
3 grant exceptions on a case-by-case basis and should
4 consider both what ARES, alternate retail electric
5 suppliers, and alternative gas suppliers, plan to
6 do, and whether the Commission believes that they
7 will adhere to those plans.

8 In this particular case, the
9 individual merits of this case warrant a review of
10 their motion, because their business model is
11 different and we can't lump all alternative retail
12 suppliers as engaging in the same exact practices,
13 or allow some retail practices to occur and not
14 others, without a case-by-case analysis. So I will
15 be voting to grant their petition for interlocutory
16 review.

17 CHAIR ZALEWSKI: Thank you.

18 Any other comments from
19 commissioners?

20 (No verbal response.)

21 CHAIR ZALEWSKI: Hearing none, I am going to
22 call the vote.

1 If you are in favor of denying
2 IGS's petition for interlocutory review, say "Aye."
3 And if you are in favor of granting, say "Nay."

4 Commissioner Bocanegra?

5 COMMISSIONER BOCANEGRA: Aye.

6 CHAIR ZALEWSKI: Commissioner Carrigan?

7 COMMISSIONER CARRIGAN: Aye.

8 CHAIR ZALEWSKI: Commissioner Kimbrel?

9 COMMISSIONER KIMBREL: Aye.

10 CHAIR ZALEWSKI: Commissioner Oliva?

11 COMMISSIONER OLIVA: Nay.

12 CHAIR ZALEWSKI: I vote, "Aye," so the four
13 ayes have it and the interlocutory review is
14 denied.

15 Items E-5 and E-6 concern
16 applications for certification to operate as an
17 installer of distributed generation facilities in
18 Illinois. The orders grant the certificates,
19 finding that the applicants meet the requirement.

20 Are there any objections to
21 considering these items together and approving the
22 orders?

1 (No verbal response.)

2 CHAIR ZALEWSKI: Hearing none, the orders are
3 approved.

4 Items E-7 and E-8 concern
5 applications for licenses to operate as electric
6 retail agents, brokers, and consultants in
7 Illinois. The orders grant the certificates,
8 finding that the applicants meet the requirements.

9 Are there any objections to
10 considering these items together and approving the
11 orders?

12 (No verbal response.)

13 CHAIR ZALEWSKI: Hearing none, the orders are
14 approved.

15 Items E-9 through E-10 concern
16 applications for certification to install energy
17 efficiency measures in Illinois. The orders grant
18 the certificates, finding that the applicants meet
19 the requirements.

20 Are there any objections to
21 considering these items together and approving the
22 orders?

1 (No verbal response.)

2 CHAIR ZALEWSKI: Hearing none, the orders are
3 approved.

4 Moving on to our Gas Items: Item
5 G-1 concerns Docket 19-0892, which is a complaint
6 against North Shore Gas as to mandatory
7 installation demand of the new 5G meter.

8 Respondent filed a motion to dismiss. The order
9 finds that the motion to dismiss should be granted
10 because the Commission-approved tariffs clearly
11 allow North Shore to use remote reading devices.

12 Are there any objections to
13 approving the order?

14 (No verbal response.)

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

17 Item G-2 concerns Docket 20-0581,
18 which is a complaint against Nicor Gas as to
19 alleged excessive amounts charged for the voluntary
20 disconnection of gas services. The complainant
21 requested voluntary disconnection due to intended
22 demolition of the building. Complainant was

1 informed by Nicor Gas that the fee to voluntarily
2 disconnect gas service for pipes under two inches
3 was increased from \$962 to \$1506 in April of 2020.

4 The complainant proceeded with the
5 authorization of the disconnection with the
6 intention of disputing the fee later. The order
7 denies the complaint, finding that the complainant
8 has not demonstrated that the charge discussed for
9 voluntary disconnection by Nicor Gas was improper
10 or unreasonable.

11 Are there any objections to
12 approving the order?

13 (No verbal response.)

14 CHAIR ZALEWSKI: Hearing none, the order is
15 approved.

16 Item G-3 concerns North Shore Gas'
17 and Peoples Gas' reconciliation of revenues
18 collected under Rider EOA, which recover costs from
19 their energy efficiency and on-bill financing
20 programs for 2019.

21 The order approves the
22 reconciliation as set in the appendix to the order,

1 finding that the costs were prudently incurred.

2 Are there any objections to
3 approving the order?

4 (No verbal response.)

5 CHAIR ZALEWSKI: Hearing none, the order is
6 approved.

7 Items G-4 through G-6 concern
8 Nicor Gas', Peoples Gas', and North Shore Gas'
9 reconciliation under Rider 1, for utility
10 assessment recovery charge, Rider ICTA, or Invested
11 Capital Tax Adjustment, and Rider 1-PUAC, for the
12 additional charges for taxes and customer charge
13 adjustments, public utility assessment charge.

14 The orders approve the
15 reconciliation as set in the appendices to the
16 orders, finding the costs during the reconciliation
17 period were prudently incurred.

18 Are there any objections to
19 considering these items together and approving the
20 orders?

21 (No verbal response.)

22 CHAIR ZALEWSKI: Hearing none, the orders are

1 approved.

2 Item G-7 concerns Docket 20-0311,
3 which is a moratorium on in-person marketing of
4 services by alternative gas suppliers during the
5 Public Health Emergency. We have several matters
6 for the Commission to decide today.

7 First: Just Energy Solutions'
8 December 14, 2020, motion for modification to
9 allow limited in-person solicitation.

10 Second: Vistra's February 2, 2021,
11 petition for interlocutory review of the
12 January 15, 2021, ALJ ruling.

13 And third: IGS's February 5, 2021,
14 petition for interlocutory review of the same
15 January 15, 2021, ALJ ruling.

16 Out of these three matters, we will
17 hold one for later disposition. We will not be
18 voting today on Vistra's petition for interlocutory
19 review.

20 On the other two matters, first, I
21 will call a vote on Just Energy's motion to allow
22 limited in-person solicitation. Just Energy

1 requests that the Commission allow them to engage
2 in in-store marketing and enrollment in retail
3 establishments that have been authorized to reopen
4 by the governor and the Director of the Illinois
5 Department of Public Health, or IDPH.

6 The Interim Order that is before us
7 today grants Just Energy's motion, finding it
8 reasonable and in the public interest to allow Just
9 Energy to conduct in-store marketing and
10 enrollments in open Illinois retail locations.

11 With this Interim Order, the Commission now
12 modifies its emergency orders solely as requested
13 for the limited purpose described in this Interim
14 Order.

15 Are there any objections to
16 approving the Interim Order?

17 (No verbal response.)

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

20 Now, I will call a vote on IGS's
21 petition for interlocutory review. IGS petitioned
22 the Commission to review the administrative law

1 judge's ruling, dated January 15 of 2021, that
2 denied IGS's motion to engage in limited in-person
3 solicitation. IGS's motion seeks Commission's
4 permission to resume targeted in-person
5 solicitations approach that requires customers
6 prior consent to first, meeting in person; and
7 second, at a specific time and place that's
8 agreeable to both the customer and the IGS
9 employee.

10 ALJ's January 15, 2021, ruling
11 denied IGS's motions, finding that it is not
12 appropriate at this time to allow resuming certain
13 in-person solicitations as requested by IGS, due to
14 the current state of the COVID-19 pandemic. The
15 Commission agrees with ALJ. The Commission thus
16 denies IGS's petition for interlocutory review.

17 Are there any comments before the
18 vote?

19 COMMISSIONER OLIVA: Yes. Again for the
20 record, this is Sadzi Oliva. And I'm just going to
21 say that I am restating what I said earlier. And I
22 will be voting to grant the petition.

1 CHAIR ZALEWSKI: Any other comments?

2 (No verbal response.)

3 CHAIR ZALEWSKI: Okay. So the vote that I'm
4 calling is if you are in favor of denying IGS's
5 petition for interlocutory review, please say,
6 "Aye."

7 Commissioner Bocanegra?

8 COMMISSIONER BOCANEGRA: Aye.

9 CHAIR ZALEWSKI: Commissioner Carrigan?

10 COMMISSIONER CARRIGAN: Aye.

11 CHAIR ZALEWSKI: Commissioner Kimbrel?

12 COMMISSIONER KIMBREL: Aye.

13 CHAIR ZALEWSKI: Commissioner Oliva?

14 COMMISSIONER OLIVA: Nay.

15 CHAIR ZALEWSKI: I vote, "Aye," and the four
16 ayes have it and the interlocutory review is
17 denied.

18 Item G-8 concerns North Shore Gas'
19 proposed increase in rates for gas distribution
20 service. On November 5, 2020, the Commission
21 suspended the proposed increase in rates through
22 March 13 of 2021. The Commission's investigation

1 in this matter has not concluded and the order
2 resuspends the filing until September 13 of 2021.

3 Are there any objections to
4 approving the resuspension order?

5 (No verbal response.)

6 CHAIR ZALEWSKI: Hearing none, the order is
7 approved.

8 Item G-9 concerns an application
9 for Certificate of Service Authority to operate as
10 an alternative gas supplier. The order grants the
11 certificate, finding that the applicant meets the
12 requirements.

13 Are there any objections to
14 approving the order?

15 (No verbal response.)

16 CHAIR ZALEWSKI: Hearing none, the order is
17 approved.

18 Item G-10 concerns a request for
19 proprietary treatment of information in the
20 petitioner's annual filing. The order grants the
21 protection, finding that the information is highly
22 proprietary and confidential.

1 Are there any objections to
2 approving the order?

3 (No verbal response.)

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

6 Item T-1 concerns a complaint
7 against First Communications, LLC, regarding a
8 default judgment against Petranek's Pharmacy in
9 Ohio and a false affidavit, claiming that Petranek
10 was the successor to Higze, which are two separate
11 entities.

12 The order dismisses the complaint
13 with prejudice, finding that the Commission does
14 not have jurisdiction over events that occurred in
15 Ohio, and as such, does not have jurisdiction over
16 the matters in this complaint.

17 Are there any objections to
18 approving the order?

19 (No verbal response.)

20 CHAIR ZALEWSKI: Hearing none, the order is
21 approved.

22 Items T-2 through T-5 concern

1 requests to cancel Certificates of Service
2 Authority to provide telecommunications services.
3 The order is to cancel the certificates, finding
4 the cancellation will not deprive any Illinois
5 customers of necessary telecommunications service
6 and is not otherwise contrary to public interest.

7 Are there any objections to
8 considering these items together and approving the
9 orders?

10 (No verbal response.)

11 CHAIR ZALEWSKI: Hearing none, the orders are
12 approved.

13 Items T-6 through T-15 concern
14 requests for proprietary treatment of information
15 in the petitioner's report. The orders grant the
16 protections, finding that the information is highly
17 proprietary and confidential.

18 Are there any objections to
19 considering these items together and approving the
20 orders?

21 (No verbal response.)

22 CHAIR ZALEWSKI: Hearing none, the orders are

1 approved.

2 Under our Water and Sewer Items:
3 Item W-1 and W-2 concern Illinois-American
4 petitions for reconciliation under the Utility
5 Assessment Charge Riders, or the UAC Riders, for
6 the period of April through June 2019, and July
7 2019 through June 2020. The orders approve the
8 reconciliation, as set in the appendices to the
9 orders, finding that the costs during the
10 reconciliation were prudently incurred.

11 Are there any objections to
12 considering these items together and approving the
13 orders?

14 (No verbal response.)

15 CHAIR ZALEWSKI: Hearing none, the orders are
16 approved.

17 Item W-3 concerns Aqua Illinois'
18 petition for approval of an asset purchase
19 agreement, and issuance of a certificate of public
20 convenience and necessity to operate a wastewater
21 system in Kankakee County.

22 Illinois-American seeks Commission

1 approval of the engagement agreements for the
2 appraisal approval to determine the market value of
3 the portions of the water system to be acquired
4 from the Village of Bourbonnais.

5 Commission Staff reviewed the
6 agreements and recommend that the Commission issue
7 an Interim Order approving them. The Interim Order
8 approves the company's request.

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

11 (No verbal response.)

12 CHAIR ZALEWSKI: Hearing none, the order is
13 approved.

14 There are no Miscellaneous Items.

15 There are no petitions for
16 re-hearing under Other Business.

17 Item O-1 concerns approval of
18 batches, contracts, and confirmations under the
19 Illinois Adjustable Block Program.

20 Are there objections to approving
21 the program administrator's submissions?

22 (No verbal response.)

1 CHAIR ZALEWSKI: Hearing none, the
2 submissions are 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
7 approving the program administrator's submissions?

8 (No verbal response.)

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

11 Item 0-3 concerns solicitations of
12 bids to sell renewable energy credits from New
13 Utility-Scale Wind Projects.

14 Are there any objections to
15 approving the procurement administrator's benchmark
16 methodology?

17 (No verbal response.)

18 CHAIR ZALEWSKI: Hearing none, the
19 methodology is approved.

20 This concludes our Public Utilities
21 Agenda.

22 Judge Teague-Kingsley, do we have

1 any other matters to come before the Commission
2 today?

3 THE COURT: No, Madam Chairman.

4 CHAIR ZALEWSKI: Thank you.

5 Do Commissioners have any other
6 business to discuss?

7 (No verbal response.)

8 CHAIR ZALEWSKI: Hearing none, and without
9 objections, the meeting is adjourned.

10 Thank you.

11 (WHEREUPON, the above-entitled
12 matter was adjourned.)

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