

1 BEFORE THE
2 ILLINOIS COMMERCE COMMISSION

3 BENCH SESSION

4 (TRANSPORTATION UTILITY)

5
6 Chicago, Illinois
7 Wednesday February 9, 2011

8
9 Met, pursuant to notice, at 10:30 a.m. in
10 the Room N801, Eighth Floor, 160 North LaSalle
11 Street, Chicago, Illinois.

12
13 PRESENT:

14 MANUEL FLORES, Acting Chairman

15 LULA M. FORD, Commissioner

16 ERIN M. O'CONNELL-DIAZ, Commissioner

17 SHERMAN J. ELLIOTT, Commissioner
18 via teleconference

19 JOHN T. COLGAN, Acting Commissioner
20 via teleconference

21 SULLIVAN REPORTING COMPANY, by
22 Alisa A. Sawka, CSR, RPR
 License No. 084-004588

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1 PROCEEDINGS

2 ACTING COMMISSIONER FLORES: Pursuant to the
3 provisions of the Illinois Open Meeting Act I now
4 convene a regularly scheduled Bench Session of the
5 Illinois Commerce Commission. With me in Chicago are
6 Commissioners Ford and O'Connell-Diaz, and with us in
7 Springfield are Commissioners Elliott and Colgan. I
8 am Chairman Flores. We have a quorum.

9 Before moving into the agenda,
10 according to Section 1700.10 of the Illinois
11 Administrative Code, this is the time that we allow
12 members of the public to address the Commission.
13 Members of the public wishing to address the
14 Commission must notify the Chief Clerk's Office at
15 least 24 hours prior to the Bench Session. According
16 to the Chief Clerk's Office, we have two requests to
17 speak at today's Bench Session. We have Mr. Thomas
18 Harle and Miss Pilar Vargas. We will begin with
19 Mr. Thomas Harle.

20 Now, before, Mr. Harle, you begin with
21 your comments, please be advised that the Commission
22 cannot answer any questions or comment on the

1 testimony that you provide as we are bound by ex
2 parte rules and other regulations concerning our
3 communications as Commissioners.

4 Mr. Harle.

5 MR. THOMAS HARLE: Good morning. My name is
6 Thomas Harle. I'm a resident here in Chicago. I
7 live on the South Side. I'm a missionary. I have
8 been a missionary for 25 years serving in the
9 Catholic Church. And I'm coming here this morning to
10 speak in behalf of the poor in our neighborhood.

11 As I said, I live on the South Side
12 and I'm very much aware of the people who are living
13 with me in the area, who are very poor. And I think
14 that it's not advisable, I don't think it's a good
15 idea, to raise the rates -- the electric rates that
16 the electric company wants to raise.

17 First of all, raising the rates will
18 hinder and even hurt more of the poor who are already
19 poor and not able to make -- not able to meet their
20 own particular needs. I've been aware of recent
21 months of how the poor have been affected. They have
22 to pay their -- if they pay their utility bills, they

1 have to go without -- sometimes without food,
2 sometimes go without shelter and also medical care.

3 We live in a society which should be
4 free and if we can keep big companies like ComEd from
5 continuing to want to raise their rates when there's
6 really no particular need to raise their rates, then
7 the poor will be able to have their needs met, be
8 able to meet the needs -- their health needs, their
9 spiritual needs and their emotional needs.

10 I feel that this is an issue related
11 to the ethics -- good ethics would help -- would help
12 the people, especially the poor people that I've come
13 to represent and speak in behalf of.

14 Thank you for your time and listening
15 to me this morning and I hope that through what I
16 have said that it will influence your decision not to
17 raise -- not to allow ComEd to raise their rates.

18 Thank you.

19 ACTING COMMISSIONER FLORES: Thank you,
20 Mr. Harle.

21 Now, we have Miss Pilar Vargas.

22 MISS PILAR VARGAS: Good morning. My name is

1 Pilar Vargas and I am a Chicago resident. I am here
2 today to speak on behalf of the Cook County Workers
3 Benefit Council, a delegate body that represents the
4 needs and interests of service workers and other
5 low-paid workers in Cook County.

6 We demand that you, the ICC, deny any
7 rate increase to ComEd. The state law clearly
8 defines this as your duty. The Illinois General
9 Assembly's Public Utilities Act of 2001 states that
10 the ICC is a State agency to regulate utilities and
11 that -- and I quote, the goals and objectives of such
12 regulation shall be to ensure the rates for utility
13 services are affordable and therefore preserve the
14 availability of the such services to all citizens.

15 Electricity is not affordable and
16 available to all in our city. CBS News reported that
17 over 67,000 households in the Chicago area had no
18 electricity in October 2009. Even when we manage to
19 keep the lights on, the sky-high utility rates for
20 ComEd hit low-income working families the hardest as
21 more and more of us are trying to support our
22 families on just that pay minimum wage or not much

1 when we have work at all. We are forced to cut back
2 on food, short our landlord on rent and go without
3 necessary medications.

4 Each rate hike means we'll have less
5 money to spend in our communities and local
6 businesses are happy with customers. Chicago area
7 businesses are already suffering from the effects of
8 high unemployment and more of us working for lower
9 wages cannot afford to have \$396 million more taken
10 out of our pockets. This rate increase request is
11 clearly a profit brag. ComEd increased profits by
12 24 percent in 2009 after you, the ICC, approved a
13 \$274 million rate increase for ComEd.

14 John W. Rowe, the CEO of ComEd's
15 parent company Exelon, received compensation of
16 nearly \$6 million in 2010. For you, the ICC, to
17 grant this rate increase could be a clear abandon of
18 your duty. The Cook County Workers Benefit Council
19 calls on you to fulfill the mandate of the Public
20 Utilities Act of 2001 to ensure you deliver service
21 that is affordable and available to all.

22 We demand that the ICC direct ComEd to

1 suspend shutoffs and reconnect service without charge
2 to households whose income is 300 percent or less
3 than the Federal Poverty line whose service was
4 terminated due to nonpayment of arrears. We demand
5 that the ICC direct ComEd to work out reasonable
6 payment plans for customers unable to pay their bills
7 in full at time of received. We demand that the ICC
8 direct ComEd to cease all future shutoffs for those
9 whose income are 300 percent or lower than the
10 Federal Poverty Level.

11 Again, we demand the State of Illinois
12 through the ICC fulfill the mandate of the Public
13 Utilities Act of 2001, that utilities will be
14 affordable and available to all and reject ComEd's
15 \$396 million rate increase request. ICC, do your
16 duty, please.

17 Thank you very much.

18 ACTING COMMISSIONER FLORES: Thank you,
19 Miss Vargas.

20 COMMISSIONER FORD: Thank you.

21 ACTING COMMISSIONER FLORES: Very well. Those
22 are the only two speakers that we have for today's

1 session -- section of the public statements.

2 So we will be moving on now to the
3 Transportation Agenda. We will begin with approval
4 of minutes from January -- the January 5th Bench
5 Session.

6 I will make a motion to approve the
7 minutes.

8 Is there a second?

9 COMMISSIONER FORD: Second.

10 ACTING COMMISSIONER FLORES: It's been moved
11 and seconded.

12 All in favor say "aye."

13 (Chorus of ayes.)

14 ACTING COMMISSIONER FLORES: Any opposed?

15 (No response.)

16 ACTING COMMISSIONER FLORES: The vote is 5-0
17 approving the minute for January 5th.

18 Moving to Railroads, Items RR-1
19 through RR-3 will be taken together. These items
20 concern petitions for the construction of grade
21 separation structures and crossings at various
22 locations in Illinois. In each case the

1 Administrative Law Judge recommended entry of an
2 Order granting the petition for the project.

3 I will make a motion to enter the
4 Orders.

5 Is there a second?

6 COMMISSIONER COLGAN: Second.

7 ACTING COMMISSIONER FLORES: It's been moved
8 and seconded.

9 All in favor say "aye."

10 (Chorus of ayes.)

11 ACTING COMMISSIONER FLORES: Any opposed?

12 (No response.)

13 ACTING COMMISSIONER FLORES: The vote is 5-0
14 and the Orders are entered. We will use this 5-0
15 vote for the remainder of the Transportation Agenda
16 unless otherwise noted.

17 Items RR-4 through RR-6 can be taken
18 together. These items concern stipulated agreements
19 regarding public safety improvements at highway-rail
20 grade crossings across Illinois. In each case Staff
21 recommends entry of an Order authorizing the project.

22 Any discussion?

1 (No response.)

2 ACTING COMMISSIONER FLORES: Any objections?

3 (Chorus of ayes.)

4 ACTING COMMISSIONER FLORES: Hearing none, the
5 Orders are entered.

6 Item RR-7 is Docket No. T10-0015.

7 This item concerns a petition for authorizing the
8 replacement of an overpass structure in Wabash
9 County. Administrative Law Judge Kirkland-Montaque
10 recommends entry of an amended Order correctly
11 describing the project and granting the petition.

12 Any discussion?

13 (No response.)

14 ACTING COMMISSIONER FLORES: Any objections?

15 (No response.)

16 ACTING COMMISSIONER FLORES: Hearing none, the
17 Amendatory Order is entered.

18 Item RR-8 is Docket No. T06-0027.

19 This item concerns a petition to reconstruct a
20 crossing in Will County. Administrative Law Judge
21 Kirkland-Montaque recommends entry of a Supplemental
22 Order granting an extension of time for the project's

1 completion.

2 Any discussion?

3 (No response.)

4 ACTING COMMISSIONER FLORES: Any objections?

5 (No response.)

6 ACTING COMMISSIONER FLORES: Hearing none, the
7 Amendatory Order is entered.

8 Item RR-9 is Docket No. T 07-0005.

9 This item concerns a petition for permission to
10 construct 16 railroad crossings associated with a new
11 ethenol plant. The petitioner has filed a motion to
12 withdraw the original petition and Administrative Law
13 Judge Kirkland-Montaque recommends that the
14 Commission enter a Supplemental Order granting the
15 motion to withdraw and vacating the Commission's
16 initial 2007 Order.

17 Any discussion?

18 (No response.)

19 ACTING COMMISSIONER FLORES: Any objections?

20 (No response.)

21 ACTING COMMISSIONER FLORES: Hearing none, the
22 Supplemental Order is entered and the original

1 petition is withdrawn.

2 Item RR-10 is Docket No. T 09-0051.

3 This item concern a petition for permission to
4 construct sidewalk crossings in Lake County.

5 Administrative Law Judge Kirkland-Montague recommends
6 that the Commission enter a Supplemental Order
7 granting an extension of time associated with the
8 project.

9 Any discussion?

10 (No response.)

11 ACTING COMMISSIONER FLORES: Any objections?

12 (No response.)

13 ACTING COMMISSIONER FLORES: Hearing none, the
14 Supplemental Order is entered.

15 Items RR-11 through RR-14 can be taken
16 together. These items concern stipulated agreements
17 regarding public safety improvements at highway-rail
18 grade crossings across Illinois. In each case, Staff
19 recommends entry of a Supplemental Order authorizing
20 additional time for the project completion.

21 Any discussion?

22 (No response.)

1 Judge Kirkland-Montague recommends approving the
2 application.

3 Any discussion?

4 (No response.)

5 ACTING COMMISSIONER FLORES: Any objections?

6 (No response.)

7 ACTING COMMISSIONER FLORES: Hearing none, the
8 Order is entered and the application is granted.

9 Item MC-5 is Vic Towing Company's
10 application for a commercial relocater's license
11 under the Illinois Commercial Relocation of
12 Trespassing Vehicles Law. Administrative Law Judge
13 Duggan recommends that the Commission enter an Order
14 approving the application.

15 Any discussion?

16 (No response.)

17 ACTING COMMISSIONER FLORES: Any objections?

18 (No response.)

19 ACTING COMMISSIONER FLORES: Hearing none, the
20 Order is entered and the application is granted.

21 Item MC-6 is Lake Auto Rebuilders'
22 application for renewal of a commercial relocation

1 towing license pursuant to the provisions of Section
2 401 of the Illinois Commercial Relocation of
3 Trespassing Vehicles Law. Staff recommends entry of
4 an Order granting the application for renewal.

5 Any discussion?

6 (No response.)

7 ACTING COMMISSIONER FLORES: Any objections?

8 (No response.)

9 ACTING COMMISSIONER FLORES: Hearing none, the
10 Order is entered and the renewal is granted.

11 Mr. Matrisch, are there any other
12 matters or business to come before the Commission
13 today, sir?

14 MR. MATRISCH: Nothing further, Mr. Chairman.
15 Thank you.

16 ACTING COMMISSIONER FLORES: Thank you very
17 much, gentlemen. That concludes today's
18 Transportation Agenda.

19 (The Public Utility portion of
20 the proceedings was held at
21 this time and is contained in a
22 separate transcript.)