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BEFORE THE  
ILLINOIS COMMERCE COMMISSION

PUBLIC UTILITY REGULAR OPEN MEETING

Chicago, Illinois  
February 10, 2010

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

BEFORE:

- MR. MANUEL FLORES, Chairman
- MS. LULA M. FORD, Commissioner
- MS. ERIN M. O'CONNELL-DIAZ, Commissioner
- MR. SHERMAN J. ELLIOTT, Commissioner
- MR. JOHN T. COLGAN, Commissioner

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I N D E X

DOCKET NUMBER PAGE

RR-1 T10-0005  
CSX Transportation, Inc., Woodbury  
Township Road District and the State  
of Illinois, Department of  
Transportation. . . . . 5

RR-2 T-10-0006  
BNSF Railway Company, City of  
Lewistown, and the State of Illinois,  
Department of Transportation. . . . . 5

RR-3 T09-0076  
City of Canton, an Illinois Municipal  
Corporation vs. BNSF Railway Company. . . 6

RR-4 T08-0162 Supp.  
Union Pacific Railroad Company, Lone  
Grove Road District, and the State of  
Illinois, Department of Transportation. 7

MC-1 203 RTV-R Sub 5 141497 MC  
Metro Garage, Inc., an Illinois  
Corporation d/b/a Metro Towing. . . . . 8

MC-2 246 RTV-R 20909 MC  
Lin-Mar Motors, Inc. . . . . 11

MC-3 18269 MC Sub 18  
Hillstrom Moving & Storage Co., Inc.,  
an Illinois Corporation  
Applicant/Transferor. . . . . 11

MC-4 121 RTV-R Sub 6 69375 MC  
Pete's A Towing, Inc.. . . . . 12

1 CHAIRMAN FLORES: Is everything all set in  
2 Springfield?

3 Pursuant to the Open Meetings Act, I  
4 now convene a Regularly Scheduled Bench Session of  
5 the Illinois Commerce Commission. With me in Chicago  
6 are Commissioners O'Connell-Diaz, Ford, Elliot, Colgan  
7 and myself, Chairman Flores.

8 We have a quorum this morning.

9 Before moving into the agenda,  
10 pursuant to Section 1700.10 of the Illinois  
11 Administrative Code, this is the time we allow the  
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, there are no requests to  
17 speak. So we're going to be moving on to the  
18 Transportation agenda.

19 First we have to approve minutes from  
20 the January 6th, 2010 bench session.

21 I understand that amendments have been  
22 circulated. Has everyone received the amendments?

1 (Chorus of yeses.)

2 CHAIRMAN FLORES: Is there a motion to accept

3 the amendments to the minutes?

4 COMMISSIONER ELLIOTT: So moved.

5 CHAIRMAN FLORES: Is there a second?

6 COMMISSIONER COLGAN: Second.

7 CHAIRMAN FLORES: It's been moved and seconded.

8 All in favor say "aye."

9 (Chorus of ayes.)

10 Any opposed?

11 (No response.)

12 The vote is 5-0. The amendments are

13 approved.

14 Is there a motion to approve the

15 minutes as amended?

16 COMMISSIONER COLGAN: So moved.

17 CHAIRMAN FLORES: Is there a second, please?

18 COMMISSIONER ELLIOTT: Second.

19 CHAIRMAN FLORES: 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. The minutes are  
3 approved as amended.

4 Turning to Railroads. Items RR-1 and  
5 RR-2 will be taken together. These are stipulated  
6 agreements for public safety improvements and closure  
7 of a grade crossing; \$189,608 GCPF will be used.  
8 Staff recommends entering the Order.

9 Is there a motion to enter the Order  
10 granting the stipulated agreements?

11 COMMISSIONER ELLIOT: So moved.

12 CHAIRMAN FLORES: Is there a second?

13 COMMISSIONER COLGAN: Second.

14 CHAIRMAN FLORES: It's been moved and seconded.

15 All in favor say "aye."

16 (Chorus of ayes.)

17 Any opposed?

18 (No response.)

19 The vote is 5-0. The Order is  
20 entered.

21 CHAIRMAN FLORES: Let's -- we're going to go  
22 back a little bit. I want to take a roll call at

1 this time so we can use whatever votes to be entered  
2 for the remainder of the agenda. So let's take a  
3 roll call starting on my left with Commissioner  
4 O'Connell-Diaz.

5 COMMISSIONER O'CONNELL-DIAZ: Here.

6 CHAIRMAN FLORES: Commissioner Ford.

7 COMMISSIONER FORD: Aye.

8 CHAIRMAN FLORES: Commissioner Elliott.

9 COMMISSIONER ELLIOTT: Aye.

10 CHAIRMAN FLORES: Commissioner Colgan.

11 COMMISSIONER COLGAN: Aye.

12 CHAIRMAN FLORES: And I, Chairman Flores, vote  
13 aye.

14 We will use this 5-0 roll call vote  
15 for the remainder of the agenda unless otherwise  
16 noted.

17 Item RR-3 is Docket T09-0076. The  
18 City of Canton seeks authorization to construct a new  
19 at-grade crossing. The City will pay for all the  
20 costs estimated at over \$4 million. ALJ O'Brien  
21 recommends entering the Order authorizing  
22 construction of a new grade crossing.

1 Is there any discussion?

2 (No response.)

3 Any objections?

4 (No response.)

5 Hearing none, the Order is entered.

6 Item RR-4 is Docket T08-0162 Supp.

7 BNSF (sic) Railway Company requests an extension of  
8 time to install automatic flashing light signals and  
9 gates at a rail grade crossing. Staff recommends  
10 entering the supplemental order for an extension of  
11 time.

12 Is there any discussion?

13 (No response.)

14 Any objections?

15 COMMISSIONER ELLIOTT: Chairman, I have Union  
16 Pacific on RR-4.

17 CHAIRMAN FLORES: I'd like to strike that. I  
18 also have Union Pacific Railroad Company. So we can  
19 just strike that. Item RR-4 is Docket T08-0162 Supp.  
20 Union Pacific Railroad Company and Lone Grove Road  
21 District and the State of Illinois, Department of  
22 Transportation.

1                   There is a stipulated agreement  
2    regarding improving public safety at the TR 571B  
3    highway-rail grade crossing of the Company's tracks  
4    near St. Peter, Fayette County, Illinois, designated  
5    as crossing AAR/Dot #167 900E, Railroad Milepost  
6    237.170-CC.

7                   Is there any discussion regarding this  
8    matter?

9                   (No response.)

10                  Any objections?

11                  (No response.)

12                  Hearing none, the supplemental order  
13    is entered. Thank you, Commissioner, for bringing  
14    that to our attention.

15                  That concludes the Railroad agenda.

16                  I'd like to go to the Motor Carriers.

17                  Item MC-1 is Metro Garage

18    Incorporated's application for renewal of a  
19    commercial vehicle relocater's license. Staff  
20    recommends denial because the evidence reveals that  
21    there was an unlawful transfer of ownership. ALJ  
22    Kirkland-Montague recommends entering the Order



1 denying the renewal application.

2 ALJ Kirkland-Montaque, would you  
3 please brief us on this matter.

4 JUDGE KIRKLAND-MONTAQUE: Yes, Chairman. This  
5 Order arises because the Applicant filed their  
6 application for renewal of their license, which  
7 typically is automatic. The Commission doesn't  
8 normally hear these cases. However, in certain  
9 circumstances Staff may identify certain issues and  
10 in those cases the renewal is not automatic and that  
11 has to go to a hearing.

12 So in this matter, that's what  
13 happened, the Applicant had to go to a hearing. And  
14 in the hearing process they have the same showing as  
15 a brand new applicant. So basically they have to  
16 prove that they're fit, willing and able to hold a  
17 relocater's license. Staff had initially identified  
18 in their application and their annual filings several  
19 inconsistencies in their ownership information. At  
20 the hearing the Applicant failed to clarify those  
21 inconsistencies. The Applicant did not present any  
22 evidence indicating who actually owns the company.

1                   In addition to that, the Applicant  
2 failed to meet their burden of proving that they're  
3 fit, willing and able. They presented basically no  
4 information on their fitness as a new applicant  
5 would. So based on that, I drafted an Order  
6 recommending the denial of the automatic renewal.

7                   CHAIRMAN FLORES: Based on those  
8 representations and the information by the  
9 Administrative Law Judge, are there any questions or  
10 is there a discussion here by members of the  
11 Commission?

12                   COMMISSIONER O'CONNELL-DIAZ: I'll just say  
13 that I believe that ALJ Kirkland-Montague has given  
14 us a very well-drafted order. This is not a normal  
15 circumstance and obviously there has been due  
16 diligence by our staff as well as the Judge of safety  
17 through an unusual circumstance where we would be  
18 denying an application. So I'm satisfied and I want  
19 to thank her and the Staff for their good work on  
20 this.

21                   CHAIRMAN FLORES: Any other discussion?

22                                           (No response.)

1                   At this time the following hearing on  
2 the Order is entered denying the renewal of the  
3 application.

4                   Thank you, ALJ Montaque.

5                   Item MC-2 is Lin-Mar Motors,  
6 Incorporated's application for a commercial  
7 relocater's license. ALJ Kirkland-Montaque  
8 recommends entering the Order granting the  
9 application.

10                   Is there any discussion on this  
11 application?

12                   (No response.)

13                   Any objections?

14                   (No response.)

15                   Hearing none, the Order is entered  
16 granting the application.

17                   Item MC-3 is Hillstrom Moving &  
18 Storage Company, Inc.'s application for certificate  
19 of convenience and necessity. The Amended Order  
20 corrects an inadvertent omission of the service area.  
21 ALJ Kirkland-Montaque recommends entering the Amended  
22 Order.

1                   Is there any discussion on this  
2 matter?

3                   (No response.)

4                   Any objections?

5                   (No response.)

6                   Hearing none, the Amended Order is  
7 entered.

8                   Item MC-4 is Pete's A Towing, Inc.'s  
9 application for renewal of a commercial relocation  
10 towing license. Staff recommends granting the  
11 renewal.

12                   Is there any discussion?

13                   (No response.)

14                   Any objections?

15                   (No response.)

16                   Hearing none, the renewal is granted.

17                   Mr. Matrisch, is there any other  
18 matter coming before the Commission?

19                   MR. MATRISCH: Nothing further, Chairman.

20 Thank you.

21                   CHAIRMAN FLORES: Thank you, Mr. Matrisch.

22                   That concludes the Railroad agenda.