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BEFORE THE
ILLINOIS COMMERCE COMMISSION
PUBLIC UTILITY REGULAR OPEN MEETING
Thursday, March 3, 2022
Springfield, Illinois

Met, pursuant to notice, at 11:30 a.m.

BEFORE:

- CARRIE ZALEWSKI, Chairperson
- D. ETHAN KIMBREL, Commissioner
- MARIA S. BOCANEGRA, Commissioner
- MICHAEL T. CARRIGAN, Commissioner
- ANN McCABE, Commissioner

Reported by:
Carla J. Boehl
CSR #084-002710

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PROCEEDINGS

CHAIRMAN ZALEWSKI: Good morning. It's 11:30, so under the Open Meetings Act, I call the March 3, 2022, Regular Open Meeting to order. Commissioners Bocanegra, Carrigan, Kimbrel and McCabe are with me in Springfield. We have a quorum.

We have no requests to speak.

Moving on to our Public Utilities agenda, there are edits to the February 3, 2022, Regular Open Meeting minutes. Are there any objections to approving the minutes as amended?

(No response.)

Hearing none, the minutes are approved.

Under Electric items, Item E-1 concerns ComEd's proposed new tariff Rider Carbon-Free Resource Adjustment (or Rider CFRA). The Rider CFRA allows ComEd to recover all of the costs it incurs and to provide bill credits to customers associated with the procurement of carbon mitigation credits required by the Public Utilities Act as amended by Public Act 102-0662. Commission Staff has reviewed the filing and recommends not suspending the filing.

1 Are there any objections to not
2 suspending the filing?

3 (No response.)

4 Hearing none, the filing is not
5 suspended.

6 Item E-2 concerns Ameren's proposal to
7 create a Rider Utility Owned Solar and Storage
8 Adjustment (or Rider USS) that provides for cost
9 recovery from up to two pilot projects consisting of
10 photovoltaic electric generating facilities, and that
11 may include accompanying energy storage facilities.
12 Staff notes that Ameren's Rider USS contemplates an
13 important transition for the electric generation
14 industry, and that stakeholders will have an interest
15 in and may potentially urge the Commission to modify
16 Ameren's Rider USS. Accordingly, Staff recommends
17 the Commission suspend this filing for a formal
18 hearing process. So, the Order suspends the filing.

19 Are there any objections to suspending
20 the filing?

21 (No response.)

22 Hearing none, the filing is suspended.

1 Item E-3 concerns Docket Number 17-0332,
2 which is ComEd's Workforce Development Implementation
3 Plan. On December 16 the Commission granted ComEd's
4 petition to reopen the docket for the purpose of
5 considering and approving modifications to its
6 Workforce Development Implementation Plan to conform
7 to the applicable provisions of PA 102-0662. The
8 provisions direct the Department of Commerce and
9 Economic Opportunity, instead of electric utilities,
10 to implement the workforce development programs and
11 accompanying reporting. On February 10 ComEd filed a
12 Motion for Approval of Stipulation between ComEd and
13 DCEO seeking to establish a structured transition of
14 their respective roles and the funding during the
15 transition so that the workforce development programs
16 are interrupted to the least degree that is
17 practically and reasonably achievable. The Order
18 grants the Motion for Approval of the Stipulation and
19 approves the agreement set forth in the Appendix to
20 the Order.

21 Are there any objections to approving
22 the Order?

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(No response.)

Hearing none, the Order is approved.

Item E-4 concerns proposed modification to the Illinois Power Agency's Revised Long-Term Renewable Resources Procurement Plan to comply with Public Act 102-0662. The Order approves the IPA's proposed modifications, which increases the Illinois Solar for All Program budget allocation for the '21-'22 delivery year up to \$50 million. The IPA states that the increased budget will provide certainty that the program will have sufficient funding to support most eligible projects and will also benefit the wider solar energy market by increasing supply and supporting market growth.

Are there any objections to approving the Order?

(No response.)

Hearing none, the Order is approved.

Item E-5 concerns an application for certification to install, maintain or repair electric vehicle charging station facilities. The Order grants the certificate, finding that the applicant

1 meets the certification requirements.

2 Are there any objections to approving
3 the Order?

4 (No response.)

5 Hearing none, the Order is approved.

6 Item E-6 concerns ComEd's reconciliation
7 of revenues collected under Rider UF (or
8 Uncollectible Factors) for the period of June 1 of
9 2020 through May 31 of 2021. The Order approves
10 reconciliation as reflected in the Appendix to the
11 Order, finding that the costs were prudently
12 incurred.

13 Are there any objections to approving
14 the Order?

15 (No response.)

16 Hearing none, the Order is approved.

17 Item E-7 concerns an application for a
18 certificate to install new utility scale solar
19 Projects. The Order grants the certificate, finding
20 that the applicant meets the requirements.

21 Are there any objections to approving
22 the Order?

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(No response.)

Hearing none, the Order is approved.

Item E-8 concerns Ameren's and Adams Electric Cooperative's joint petition to release a residential customer from Ameren's service. The Order grants the petition.

Are there any objections to approving the Order?

(No response.)

Hearing none, the Order is approved.

Item E-9 concerns a petition to cancel a license to operate as an Alternative Retail Electric Supplier. The petitioner states it wishes to cancel its certificate, as its customers were assigned to another ARES or returned to default utility supply service. The Order cancels the Certificate of Service Authority, finding that the cancellation of the license will not deprive Illinois residents of any necessary electric service and is not otherwise contrary to the public interest.

Are there any objections to approving the Order?

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(No response.)

Hearing none, the Order is approved.

Items E-10 through E-12 concern applications for certifications to install energy efficiency measures in Illinois. The Orders grant the certificates, finding that the applicants meet the requirements.

Are there any objections to considering these items together and approving the Orders?

(No response.)

Hearing none, the Orders are approved.

Under our Gas items, Item G-1 concerns approval of an agreed penalty against Ameren for violation of a gas safety requirement regarding an Ameren employee's initial failure to determine the extent of an identified gas leak in violation of federal regulations. The Order approves a proposed penalty of \$31,500 and corrective actions for the company to undertake.

Are there any objections to approving the Order?

(No response.)

1 Hearing none, the Order is approved.

2 COMMISSIONER McCABE: Madam Chair, I just want
3 to commend the members of the ICC Pipeline Safety
4 team who detected the gas issue and stayed on site
5 until it was resolved. It was back in 2016, but
6 kudos to them.

7 CHAIRMAN ZALEWSKI: I agree. Thank you.

8 Item G-2 concerns Nicor's filing
9 regarding revisions to its terms and conditions to
10 comply with Public Act 102-0662. Commission Staff
11 recommends not suspending the filing.

12 Are there any objections to not
13 suspending the filing?

14 (No response.)

15 Hearing none, the filing is not
16 suspended.

17 G-3 concerns Nicor's reconciliation of
18 revenues collected under its purchased gas adjustment
19 for the calendar year 2020. The Order approves the
20 reconciliation as set in the Appendix to the Order,
21 finding that the costs were prudently incurred.

22 Are there any objections to approving

1 the Order?

2 (No response.)

3 Hearing none, the Order is approved.

4 Items G-4 and G-5 concern motions to
5 withdraw petitions for emergency relief to protect
6 confidential versions of company reports. According
7 to the motions, the confidential reports were already
8 posted to the Commission's website, rendering the
9 petitions moot.

10 Are there any objections to considering
11 these items together and granting the motions to
12 withdraw?

13 (No response.)

14 Hearing none, the motions are granted.

15 Item G-6 concerns a complaint against
16 Nicor Gas alleging various issues regarding gas
17 service connection in Lake Villa, Illinois.
18 Complainant has filed a Petition for Interlocutory
19 Review, asking the Commission for the review of the
20 Administrative Law Judge's ruling on the Nicor Gas'
21 motion for entry of a Protective Order, the
22 Complainant's motion for opposing any Protective

1 Order and Motion to Compel; and, finally, Nicor Gas'
2 Motion to Dismiss. Complainant also alleges the
3 Commission should overturn the ALJ's ruling and
4 remand for further proceedings because the ALJ
5 allegedly did not allow the Complainant to speak at a
6 hearing on January 13.

7 The Commission notes that the ALJ has
8 not ruled on Nicor's Motion to Dismiss and, instead,
9 on the January 13 hearing just noted to the parties
10 that a Proposed Order will be issued recommending the
11 Commission to grant Nicor's Motion to Dismiss. So,
12 because no ruling has been issued by the ALJ on the
13 Motion to Dismiss, the issue is not ripe for the
14 Commission to review. Once the ALJ issues a Proposed
15 Order, the Complainant will have an opportunity to
16 file its exceptions to the Order before the
17 Commission makes any decision on the Motion to
18 Dismiss. The Commission also notes that, as evident
19 from the January 13 transcript, the ALJ did provide
20 an opportunity for the Complainant to speak at the
21 hearing.

22 Now, with respect to the ALJ's ruling on

1 Nicor's motion for a Protective Order and
2 Complainant's motion in opposition and related
3 motions to strike and for leave to respond to Nicor's
4 reply, the ALJ ruled on these issues at the September
5 14, 2021, hearing. The Complainant filed its
6 Petition for Interlocutory Review on January 24 of
7 2022, more than four months after the ALJ's ruling.
8 Commission rules in 83 Illinois Administrative Code
9 200.520(a) require that parties seeking interlocutory
10 review of ALJ rulings to file requests for review
11 within 21 days of the ruling, unless good cause is
12 shown or unless otherwise ordered by the Hearing
13 Examiner or the Commission. The Commission finds
14 that no good cause was shown here, and no Order was
15 issued by the Commission or the ALJ to waive the
16 requirement. Thus, the Commission finds that the
17 petition was not filed timely.

18 The ALJ denied Complainant's motion
19 during the hearing on September 14, noting that
20 responses opposing a Protective Order for a large
21 part were not relevant to the motion for a Protective
22 Order and beyond the scope of request for a

1 Protective Order and, instead, mostly discussed
2 substantive matters regarding the complaint. The
3 Commission finds that the Complainant failed to show
4 that the ALJ erred in its ruling to grant the
5 Protective Order. The Commission thus denies the
6 Complainant's Petition for Interlocutory Review.

7 Are there any objections to denying the
8 Petition for Interlocutory Review?

9 (No response.)

10 Hearing none, the petition is denied.

11 Items G-7 through G-14 concern requests
12 for confidential treatment of petitioner's reports.
13 The Orders grant the protection, finding that the
14 information is highly proprietary and confidential.

15 Are there any objections to considering
16 these items together and approving the Orders?

17 (No response.)

18 Hearing none, the Orders are approved.

19 Moving on to our Telecommunication
20 items, Items T-1 through T-3 concern requests for
21 confidential treatment of petitioner's reports. The
22 Orders grant the protection, finding that the

1 information is highly proprietary and confidential.

2 Are there any objections to considering
3 these items together and approving the Orders?

4 (No response.)

5 Hearing none, the Orders are approved.

6 Moving on to our Water and Sewer items,
7 Item W-1 concerns Utility Services of Illinois'
8 petition to reconcile revenues collected under its
9 Volume Balancing Adjustment Rider tariff for the 2020
10 calendar year. The Order approves the reconciliation
11 as summarized in the Appendix to the Order, finding
12 that the costs during the reconciliation period were
13 prudently incurred.

14 Are there any objections to approving
15 the Order?

16 (No response.)

17 Hearing none, the Order is approved.

18 Under our Miscellaneous items, Item M-1
19 concerns an update to two policy documents on energy
20 efficiency, first, the policy document from the
21 Illinois Statewide Technical Reference Manual for
22 Energy Efficiency, Version 3.1, dated December 6 of

1 2021, and, second, the Illinois Energy Efficiency
2 Policy Manual, Version 2.1, dated December 2 -- or,
3 excuse me, December 7 of 2021. The most recent
4 versions of these policy documents have been revised
5 to reflect changes made by Public Act 102-0662. The
6 Order approves and adopts the updated energy
7 efficiency policy documents, noting consensus between
8 and among all non-financially interested parties.

9 Are there any objections to approving
10 the Order?

11 (No response.)

12 Hearing none, the Order is approved.

13 Under our Petitions for Rehearing, Item
14 PR-1 concerns petitions for rehearing in Docket
15 Number 21-0851 which is regarding ComEd's revisions
16 to Rider POGCS (or Parallel Operation of Retail
17 Customer Generating Facilities Community Supply) and
18 associated revisions to Rider PORCB (or Purchase of
19 Receivables with Consolidated Billing). The
20 Commission issued a Final Order in this docket on
21 January 13 of 2022, and on February 14 applications
22 for rehearing were filed by ComEd and Illinois

1 Competitive Energy Association (or ICEA). ComEd
2 seeks rehearing on the Commission's adoption of the
3 Staff proposal that ComEd update its IT systems by
4 June 1 of 2022 to provide the new community supply
5 credit value or, if the updates are not yet complete,
6 to track the difference between the existing and new
7 credit values and apply a retroactive adjustment when
8 the IT updates are complete.

9 ComEd asserts that the Commission should
10 grant rehearing to adopt a revised implementation
11 date of December of 2022 or, in the alternative, to
12 determine whether Staff's proposal can be implemented
13 and, if so, prescribe how the adjustments will be
14 calculated for RES-supplied customers.

15 ICEA seeks rehearing only for
16 clarification from the Commission that RESs no longer
17 must provide solar bill credits to subscribers
18 starting on June 1, 2022, meaning ComEd is required
19 to take on the exclusive obligation to either provide
20 community solar bill credits or track the bill
21 credits not provided starting that day.

22 The ALJ recommends granting ComEd's

1 petition for rehearing only to adopt a process for
2 implementing the credits for RES-supplied customers
3 if ComEd is unable to fully implement the necessary
4 IT changes by June 1 of 2022. The ALJ also
5 recommends that rehearing should be granted to
6 consider the clarification requested by ICEA.
7 However, the ALJ recommended the Commission not
8 reconsider the implementation deadline and not
9 reconsider the Commission's decision on whether
10 Staff's proposal can be implemented.

11 The Commission agrees with the ALJ and
12 grants both applications for rehearing with the
13 limited scope recommended by the ALJ.

14 Are there any objections to granting the
15 applications for rehearing as recommended by the ALJ?

16 (No response.)

17 Hearing none, the rehearing is granted
18 as prescribed.

19 Moving on to Other Business, Item O-1
20 concerns approval of batches, contracts and
21 confirmations under the Adjustable Block Program.

22 Are there any objections to approving

1 the program administrator's submissions?

2 (No response.)

3 Hearing none, the submissions are
4 approved.

5 Item O-2 concerns April 2022
6 solicitation of bids to sell standard energy products
7 to Ameren, ComEd and MidAmerican.

8 Are there any objections to approving
9 the procurement administrator's benchmark
10 methodology?

11 (No response.)

12 Hearing none, the methodology is
13 approved.

14 Item O-3 concerns the Commission's
15 comments to be filed with the FERC in Docket Number
16 ER22-995-000 regarding the MISO long-range
17 transmission plan cost allocation proposal to plan
18 and build new MVP transmission lines to address
19 potential reliability impacts associated with
20 increasing penetration of renewable generation
21 resources and state public policy goals. The
22 comments state that MISO and FERC should commit to

1 developing a more granular approach for allocating
2 the costs under the long-range transmission plan.

3 Are there any objections to approving
4 the submission of the Commission's comments?

5 (No response.)

6 Hearing none, the comments are approved.

7 This concludes our Public Utilities
8 agenda. Judge Teague Kingsley, do we have other
9 matters to come before the Commission today?

10 JUDGE TEAGUE-KINGSLEY: No, Madam Chairman.

11 CHAIRMAN ZALEWSKI: Do the Commissioners have
12 other business to discuss?

13 (No response.)

14 Hearing none, without objection the
15 meeting is now adjourned. Thank you.

16 MEETING ADJOURNED AT 11:50 A.M.

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