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BEFORE THE  
ILLINOIS COMMERCE COMMISSION  
PUBLIC UTILITIES REGULAR OPEN MEETING  
Thursday, March 4, 2021  
Chicago, Illinois

Met pursuant to notice via videoconference  
at 11:30 a.m.

BEFORE:

- CARRIE ZALEWSKI, Chairperson  
(via Chicago Office)
- MARIA BOCANEGRA, Commissioner  
(via videoconference)
- MICHAEL CARRIGAN, Commissioner  
(via Springfield Office)
- D. ETHAN KIMBREL, Commissioner  
(via Chicago Office)
- SADZI MARTHA OLIVA, Commissioner  
(via videoconference)

BRIDGES COURT REPORTING  
By: Lydia B. Pinkawa, CSR  
License No. 84-002342

1 CHAIR ZALEWSKI: I did check all the  
2 commissioners. I know we're looking at a video with  
3 Commissioner Kimbrel's chair empty, but he is dialed  
4 in. So we'll do roll call and phone text as well.

5 Commissioner Bocanegra.

6 COMMISSIONER BOCANEGRA: Good morning, Carrie.

7 CHAIR ZALEWSKI: Commissioner Carrigan.

8 COMMISSIONER CARRIGAN: Good morning, Chairman.

9 CHAIR ZALEWSKI: Thank you. Commissioner  
10 Kimbrel.

11 COMMISSIONER KIMBREL: Good morning, Madam Chair.  
12 I apologize for the video feed. I need to work that  
13 out.

14 CHAIR ZALEWSKI: No worries. Commissioner Oliva.

15 COMMISSIONER OLIVA: Yes, I'm here. Good  
16 morning.

17 CHAIR ZALEWSKI: Judge Teague-Kingsley, can you  
18 hear us?

19 JUDGE TEAGUE-KINGSLEY: Yes, I can hear you,  
20 Madam Chairman.

21 CHAIR ZALEWSKI: Great. Under the Open Meetings  
22 Act and in accordance with the governor's executive

1 orders, I call the March 4, 2021 regular open meeting  
2 to order. Before we proceed, for clarity of the  
3 record, I would ask everyone to state their name  
4 before speaking and to speak slowly and clearly so  
5 that the court reporter can capture everything that  
6 is said. I have already checked, we have all five  
7 commissioners on with us. We have no requests to  
8 speak.

9 We are going to go on to our public utilities  
10 agenda. There are edits to the February 4, 2021  
11 regular open meeting minutes. Are there any  
12 objections to approving the minutes as edited?

13 (No response.)

14 CHAIR ZALEWSKI: Hearing none, the minutes are  
15 approved.

16 Under our electric items, Item E-1 concerns  
17 Commission staff's assessment of MidAmerican Energy  
18 Company's reliability report and performance for  
19 calendar year 2019. Staff reviewed MidAmerican's  
20 2019 reliability report for compliance with the  
21 requirements of Part 411 of the Commission rules and  
22 assessed the company's report and reliability

1 performance against the Section 411.140 criteria.  
2 Staff also inspected a number of circuits in the  
3 MidAmerican distribution system. The assessment  
4 recommends actions that MidAmerican could undertake  
5 to improve system reliability. The order adopts  
6 staff's assessment. Are there any objections to  
7 approving the order?

8 (No response.)

9 CHAIR ZALEWSKI: Hearing none, the order is  
10 approved.

11 Item E-2 concerns Commission's investigation  
12 to determine whether ComEd's rider POGNM and rider  
13 POGCS correctly implements Section 16-107.5 of the  
14 Public Utilities Act. The Commission staff  
15 recommends initiating this investigation in light of  
16 the Commission's findings and conclusions made in  
17 its recent order in docket number 20-0738. ComEd  
18 notified the Commission that on December 23rd of 2020  
19 the company's, quote, "total generating capacity for  
20 net metering customers reached three percent", end  
21 quote. The order initiates the investigation and  
22 directs staff to verify that ComEd is calculating the

1 three percent threshold figure correctly. Are there  
2 any objections to approving the order?

3 (No response.)

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

6 Item E-3 concerns Commission staff's proposed  
7 2021 price index for applications to provide  
8 alternative retail electric service for the purposes  
9 of setting the amount for guarantees, payment bonds  
10 or letters of credit. The order adopts staff's  
11 recommended index of \$2.22 per megawatt hour, which  
12 is based on the PJM day ahead locational marginal  
13 prices for the northern Illinois hub. Are there any  
14 objections to approving the order?

15 (No response.)

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

18 Item E-4 concerns a petition for  
19 interlocutory review of an ALJ order, excuse me, ALJ  
20 ruling to strike Count 2 of a complaint against ComEd  
21 which is an alleged failure to honor a contractual  
22 agreement. Complainant asserts that the ALJ ruling

1 contains incorrect statements and analysis and  
2 engages in speculation without the benefit of fact  
3 finding. ComEd maintains that the ALJ ruling  
4 comports with Commission rules and there is no legal  
5 basis for complainant's petition for interlocutory  
6 review.

7 The ALJ ruling grants ComEd's motion to  
8 strike and finds that the amended Count 2 violates  
9 Section 200.170(c) of Commission rules and improperly  
10 raises new allegations. The ALJ ruling further notes  
11 that complainant's demands are not part of the final  
12 written agreement and it is not clear if there was an  
13 oral contract that the parties relied upon. The  
14 Commission agrees with the ALJ ruling. Are there any  
15 objections to denying the petition for interlocutory  
16 review?

17 (No response.)

18 CHAIR ZALEWSKI: Hearing none, the petition is  
19 denied.

20 Item E-5 concerns docket 20-0201, which is a  
21 complaint against RPA Energy for switching  
22 complainant's account from ComEd to RPA without

1 authorization. Respondent filed a motion to dismiss.  
2 The order finds that the motion to dismiss should be  
3 granted because the complainant does not intend to  
4 proceed with the matter and the parties appear to  
5 have settled the matter. Are there any objections to  
6 approving the order?

7 (No response.)

8 CHAIR ZALEWSKI: Hearing none, the order is  
9 approved.

10 Item E-6 concerns a complaint against ComEd  
11 for not providing information on LIHEAP and  
12 residential special hardship programs on time to  
13 allegedly stop the complainants from receiving the  
14 assistance. ComEd filed a motion to dismiss,  
15 asserting that ComEd did not violate any law,  
16 Commission rule or tariff. The order dismisses the  
17 complaint with prejudice, noting that the Commission  
18 does not have jurisdiction over the administration of  
19 LIHEAP funds. The order finds that the complainants  
20 failed to state any statutory provision or Commission  
21 rule that ComEd has violated. Are there any  
22 objections to approving the order?

1 (No response.)

2 CHAIR ZALEWSKI: Hearing none, the order is  
3 approved.

4 Item E-7 concerns docket 20-0441, which is a  
5 complaint against ComEd regarding tampering with a  
6 meter. The complainant was billed from January 2018  
7 to October 2019 for back billing and tampering fees.  
8 The order denies the complaint, finding that ComEd  
9 proved by the preponderance of evidence that the  
10 tampering did take place, the customer benefited from  
11 the tampering and that the utility's billing was  
12 reasonable. Are there any objections to approving  
13 the order?

14 (No response.)

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

17 Item E-8 concerns docket 20-0823, which is a  
18 complaint against Nexamp regarding improperly  
19 installed distributed generation projects. The  
20 complainants filed a motion to voluntarily dismiss  
21 the complaint without prejudice. Are there any  
22 objections to granting the motion to dismiss?



1 (No response.)

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

4 Item E-9 concerns docket 20-0310, which is a  
5 moratorium on in-person marketing of services by  
6 alternative retail electric suppliers during the  
7 public health emergency. We have several matters for  
8 the Commission to decide today. First, Inspire  
9 Energy Holding's January 21, 2021 second motion for  
10 modification to allow limited in-person solicitation.  
11 Second, Vistra's January 19, 2021 second verified  
12 motion to allow limited in-person solicitation. And  
13 third, Vistra's February 2, 2021 petition for  
14 interlocutory review of the January 15, 2021 ALJ  
15 ruling.

16 First, I will call a vote on the Inspire  
17 Energy's motion to allow limited in-person  
18 solicitation. Inspire Energy requests that the  
19 Commission allow them to engage in in-store marketing  
20 and enrollments in retail establishments that have  
21 been authorized to reopen by the governor and the  
22 director of the Illinois Department of Public Health

1 or IDPH. Inspire also requests to resume in-person  
2 solicitation of non-residential customers resulting  
3 from prior appointments.

4 There are substantive edits to the second  
5 interim order that is before us today. The edits  
6 grant both Inspire Energy's requests, finding that  
7 it's reasonable and in the public interest to allow  
8 Inspire Energy to resume in-store marketing and  
9 appointment-based, non-commercial solicitations  
10 except for soliciting small commercial customers.

11 The second interim order modifies  
12 Commission's emergency order solely as requested for  
13 the limited purpose described in the second interim  
14 order. I move the edits. Is there a second?

15 COMMISSIONER KIMBREL: Commissioner Kimbrel  
16 seconds.

17 CHAIR ZALEWSKI: Thank you. I am going to call  
18 a roll for this vote. So if you are in favor of  
19 approving edits to the second interim order, please  
20 say aye. And if you are opposed, please say nay.

21 Commissioner Bocanegra.

22 COMMISSIONER BOCANEGRA: I vote nay. Because I

1 do not agree with the outcome on this matter imposing  
2 limitations, I must vote nay as I would instead grant  
3 Inspire Energy's motion in full without any carve out  
4 excepting small commercial customers of any kind as  
5 defined in the Public Utilities Act. Thank you.

6 CHAIR ZALEWSKI: Thank you. Commissioner  
7 Carrigan.

8 COMMISSIONER CARRIGAN: Aye.

9 CHAIR ZALEWSKI: Commissioner Kimbrel.

10 COMMISSIONER KIMBREL: Aye.

11 CHAIR ZALEWSKI: Commissioner Oliva.

12 COMMISSIONER OLIVA: This is Commissioner Oliva,  
13 for the record. And I would grant Inspire's request  
14 to engage in limited in-person solicitation for  
15 in-store marketing and enrollment in retail  
16 establishments that have been authorized to reopen by  
17 the governor and the director of the Illinois  
18 Department of Public Health and non-residential  
19 appointment-based in-person solicitation. I would  
20 have granted their motion in full without the edits  
21 and without the carve out. So I will be voting nay  
22 for the edit.

1 CHAIR ZALEWSKI: Okay. I vote aye. So the three  
2 ayes have it and the edits are approved. So now I'm  
3 going to call a vote on approving the order as  
4 edited. If you are in favor of approving the second  
5 interim order as edited, please say aye. And if you  
6 are opposed, please say nay.

7 Commissioner Bocanegra.

8 COMMISSIONER BOCANEGRA: Nay.

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. So the three ayes  
16 have it and the second interim order is approved.

17 So next I am going to call a vote on  
18 Vistra's -- Vistra Retailers' January 19, 2021 second  
19 verified motion to allow limited in-person  
20 solicitations. The fourth interim order that is  
21 before us grants the motion, finding it in the public  
22 interest to allow Vistra Retailers to resume in-store

1 marketing subject to conditions stated in the fourth  
2 interim order that require compliance with health and  
3 safety requirements and oversight of the employees  
4 and agents. Are there any objections to approving  
5 the fourth interim order?

6 (No response.)

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

9 Next I will call the vote on Vistra's  
10 petition for interlocutory review. Vistra Retailers  
11 petitioned the Commission for interlocutory review of  
12 the administrative law judge ruling dated January 15,  
13 2021 which denied Vistra Retailers' motion to engage  
14 in limited in-person solicitations. The relief that  
15 Vistra Retailers are seeking is to conduct in-person  
16 solicitation at non-residential business customers'  
17 premises for the purpose of soliciting that business  
18 itself where in-person business is allowed by Restore  
19 Illinois guidelines issued by the Illinois Department  
20 of Commerce and Economic Opportunity or DCEO. Vistra  
21 Retailers specifically committed to following DCEO  
22 guidelines without further action by the Commission.

1           The petitioners also note that to the extent  
2 that the Commission is concerned because Vistra  
3 Retailers did not explicitly carve out solicitation  
4 of small commercial retail customers or small  
5 commercial customers, Vistra Retailers are willing to  
6 add that as a condition of approval.

7           Having considered the petition, the  
8 Commission finds it is reasonable -- it is just and  
9 reasonable and in the public interest to allow Vistra  
10 Retailers to resume appointment-based solicitation of  
11 non-residential customers except for small commercial  
12 retail customers or small commercial customers as  
13 defined by the Public Utilities Act and subject to  
14 the same condition as indicated in the fourth interim  
15 order. Vistra Retailers' petition for interlocutory  
16 review is thus granted as noted and the ALJ's January  
17 15, 2021 ruling is reversed.

18           I'm going to call a roll on this vote as  
19 well. If you are in favor of granting Vistra's  
20 petition for interlocutory review as noted, please  
21 say aye. And if you are opposed and want to deny it,  
22 please say nay.

1 Commissioner Bocanegra.

2 COMMISSIONER BOCANEGRA: Yes, I will be voting  
3 nay for similar reasons. Because I don't agree with  
4 the outcome on this matter imposing limitations, I  
5 must vote nay as I would instead grant the motion in  
6 full without any carve outs excepting any kind of  
7 small commercial customers as defined in the Public  
8 Utilities Act since the Act itself clearly sets out  
9 that these classes are not considered residential.  
10 Thank you.

11 CHAIR ZALEWSKI: Commissioner Kimbrel. Or excuse  
12 me, Commissioner Carrigan. I'm sorry.

13 COMMISSIONER CARRIGAN: Aye.

14 CHAIR ZALEWSKI: Commissioner Kimbrel.

15 COMMISSIONER KIMBREL: Aye.

16 CHAIR ZALEWSKI: Commissioner Oliva.

17 COMMISSIONER OLIVA: I will also be voting nay  
18 because of the outcome. I think it is just and  
19 reasonable and in the public interest to allow Vistra  
20 Retailers to resume appointment-based solicitation of  
21 non-residential customers, but I don't think there  
22 needs to be an exception for small commercial retail

1 customers or small commercial customers as defined in  
2 the Public Utilities Act. So for these reasons, I  
3 will be voting nay.

4 CHAIR ZALEWSKI: I vote aye. So the three ayes  
5 have it and the interlocutory review is granted as  
6 noted.

7 Fourth and finally, in light of the current  
8 state of the public health and the Commission's  
9 recent practice of allowing limited in-person  
10 solicitations, the Commission directs staff to file,  
11 within five business days from today, a motion to  
12 modify the emergency order in this docket to allow  
13 for in-store solicitations and appointment-based  
14 non-residential customer solicitations by all  
15 alternative retail suppliers in the same manner as  
16 the Commission previously granted to several  
17 alternative retail suppliers in this docket.

18 So I will now call a roll on this vote. If  
19 you are in favor of directing staff to file a motion  
20 as noted, please say aye. And if you are opposed and  
21 want to deny it, please say nay.

22 Commissioner Bocanegra.



1           COMMISSIONER BOCANEGRA: Yes, I will be voting  
2 aye but I do have a brief comment. Given my prior  
3 vote today on both Vistra and Inspire, I would like  
4 and encourage the parties to brief the issue of  
5 whether it is in fact necessary to impose carve outs  
6 for Aries and/or AGS as to small commercial and small  
7 commercial retail customers as defined in the Public  
8 Utilities Act. Thank you.

9           CHAIR ZALEWSKI: Thank you. All right,  
10 Commissioner Carrigan.

11           COMMISSIONER CARRIGAN: Aye.

12           CHAIR ZALEWSKI: Commissioner Kimbrel.

13           COMMISSIONER KIMBREL: Aye.

14           CHAIR ZALEWSKI: Commissioner Oliva.

15           COMMISSIONER OLIVA: Aye.

16           CHAIR ZALEWSKI: I vote aye as well. So the five  
17 ayes have it. And the staff is directed to file the  
18 motion as noted.

19           Item E-10 concerns Ameren's proposed creation  
20 of Rider Modernization Action Plan Reconciliation or  
21 Rider MAP, dash, R. Section 16-108.5 of the Public  
22 Utilities Act requires that the formula rate for

1 Ameren shall be inoperative after December 31st of  
2 2022. The Act requires that at such time, the then  
3 current rates shall remain in effect until such time  
4 as new rates are set pursuant to Article IX of this  
5 Act, subject to retroactive adjustment, with  
6 interest, to reconcile rates charged with actual  
7 costs.

8 Proposed Rider MAP-R is intended to provide a  
9 mechanism for reconciliation of the costs under the  
10 Act upon the sunset of the formula rates. The order  
11 approves Rider MAP-R, finding it just and reasonable.  
12 Rider MAP-R will become inoperative should Ameren not  
13 elect to file an Article IX rate case prior to  
14 March 31st of 2023. Are there any objections to  
15 approving the order?

16 (No response.)

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

19 Item E-11 concerns an application for  
20 certification to operate as an installer of  
21 distributed generation facilities in Illinois. The  
22 order grants the certificate, finding that the

1 applicant meets the requirements. Are there any  
2 objections to approving the order?

3 (No response.)

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

6 Items E-12 through E-15 concern citations for  
7 failure to file compliance recertification reports as  
8 required by Section 454 of the Commission rules.  
9 Respondents failed to appear at the hearings and did  
10 not file exceptions to the proposed orders. The  
11 orders suspend respondent's certificates of service  
12 authority to operate as agents, brokers and  
13 consultants. Are there any objections to considering  
14 these items together and approving the orders?

15 (No response.)

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

18 Item E-16 concerns ComEd's revenue neutral  
19 tariff changes related to rate design. On November  
20 18, 2020 the Commission suspended the proposed tariff  
21 changes through March 20th of 2021. The Commission's  
22 investigation has not concluded and the order

1 resuspends the filing until June 21st of 2021. Are  
2 there any objections to approving the resuspension  
3 order?

4 (No response.)

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

7 Item E-17 concerns Ameren's petition for  
8 approval of the program administrator for the retail,  
9 excuse me, the residential retail real-time pricing  
10 and the program administrator's compensation. The  
11 Public Utilities Act requires Ameren to establish a  
12 program administered by a non-affiliated program  
13 administrator under which residential retail  
14 customers can opt for real-time pricing for their  
15 electricity needs.

16 The order approves Hughes Leahy and Karlovic,  
17 Inc. as the program administrator and approves  
18 proposed compensation. Are there any objections to  
19 approving the order?

20 (No response.)

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

1           Item E-18 concerns an application for  
2 certificate to service, excuse me, certificate of  
3 service authority to install, maintain and repair  
4 electric vehicle charging stations. The order grants  
5 the certificate, finding that the applicant meets the  
6 requirements. Are there any objections to approving  
7 the order?

8           (No response.)

9           CHAIR ZALEWSKI: Hearing none, the order is  
10 approved.

11           Item E-19 concerns an application for  
12 certificate of service authority to operate as an  
13 electric retail agent, broker or consultant. The  
14 order grants the certificate, finding that the  
15 applicant meets the requirements. Are there any  
16 objections to approving the order?

17           (No response.)

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

20           Item E-20 concerns an application for  
21 certification to install energy efficiency measures  
22 in Illinois. The order denies the certificate,

1 finding that the applicant did not meet the  
2 requirements by failing to file a proper certificate  
3 of insurance. Are there any objections to approving  
4 the order?

5 (No response.)

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

8 Items E-21 and E-22 concern petitions to  
9 cancel certificates of service authority to install  
10 energy efficiency measures. The orders cancel the  
11 certificates. Are there any objections to  
12 considering these items together and approving the  
13 orders?

14 (No response.)

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

17 Items E-23 through E-33 concern applications  
18 for certifications to install energy efficiency  
19 measures in Illinois. The orders grant the  
20 certificates, finding that the applicants meet the  
21 requirements. Are there any objections to  
22 considering these items together and approving the

1 orders?

2 (No response.)

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

5 Moving on to our gas items. Item G-1  
6 concerns Nicor's reconciliation of revenues collected  
7 under purchase gas adjustment or PGA for 2019. The  
8 order approves reconciliations as set in the appendix  
9 to the order, finding that the costs were prudently  
10 incurred. Are there any objections to approving the  
11 order?

12 (No response.)

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

15 Item G-2 concerns docket 19-1070, which is a  
16 complaint against Nicor Gas regarding the removal of  
17 a meter in Oak Forest. Nicor Gas filed a motion to  
18 dismiss. Complainant has failed to file his response  
19 to the motion by the deadline. Therefore, the order  
20 grants Nicor's motion to dismiss the matter for want  
21 of prosecution without prejudice. Are there any  
22 objections to approving the order?

1 (No response.)

2 CHAIR ZALEWSKI: Hearing none, the order is  
3 approved.

4 Item G-3 concerns a complaint filed against  
5 Direct Energy Services. The parties filed a  
6 stipulation and joint motion to dismiss, stipulating  
7 that all matters in dispute have been resolved and  
8 requesting that the Commission dismiss the complaint.  
9 Are there any objections to granting the joint motion  
10 to dismiss?

11 (No response.)

12 CHAIR ZALEWSKI: Hearing none, the motion is  
13 granted.

14 Item G-4 concerns docket 20-0311, which is a  
15 moratorium on in-person marketing of services by  
16 alternative gas suppliers during the public health  
17 emergency. We have several matters for the  
18 Commission to decide today, first on Vistra's  
19 January 19, 2021 second verified motion to allow  
20 limited in-person solicitation, and second, Vistra's  
21 February 2, 2021 petition for interlocutory review of  
22 the January 15, 2021 ALJ ruling.



1 First, I will call the vote on Vistra  
2 Retailers' January 19, 2021 second verified motion to  
3 allow limited in-person solicitation. The second  
4 interim order before us grants the motion, finding it  
5 is in the public interest to allow Vistra Retailers  
6 to resume in-store marketing subject to conditions  
7 stated in the order that require compliance with the  
8 healthy and safety requirements and oversight of the  
9 employees and agents. Are there any objections to  
10 approving the second interim order?

11 (No response.)

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

14 Next, I will call a vote on Vistra's petition  
15 for interlocutory review. Vistra Retailers  
16 petitioned the Commission for interlocutory review of  
17 the administrative law judge's ruling dated January  
18 15th of 2021 which denied Vistra Retailers' motion to  
19 engage in limited in-person solicitation.

20 The relief that Vistra Retailers are  
21 seeking is to conduct in-person solicitation at  
22 non-residential business customers' premises for the

1 purpose of soliciting that business itself where  
2 in-person business is allowed by Restore Illinois  
3 guidelines issued by the Illinois Department of  
4 Commercial and Economic Opportunity or DCEO. Vistra  
5 Retailers specifically committed to following DCEO  
6 guidelines without further action by the Commission.  
7 The petitioners also note that to the extent that the  
8 Commission is concerned because Vistra Retailers did  
9 not explicitly carve out solicitation of small  
10 commercial retail customers or small commercial  
11 customers, Vistra Retailers are willing to add that  
12 as a condition of approval.

13           Having considered the petition, the  
14 Commission finds it is just and reasonable and in the  
15 public interest to allow Vistra Retailers to resume  
16 appointment-based solicitation of non-residential  
17 customers except for small commercial retail  
18 customers or small commercial customers as defined by  
19 the Public Utilities Act and subject to the same  
20 conditions as indicated in the second interim order  
21 in this docket.

22           Vistra Retailers' petition for interlocutory

1 review is thus granted as noted and the ALJ's  
2 January 15, 2021 ruling is reversed. So I will now  
3 call a roll on this vote. If you are in favor of  
4 granting Vistra's petition for interlocutory review  
5 as noted, please say aye. And if you are opposed and  
6 want to deny, please say nay.

7 Commissioner Bocanegra.

8 COMMISSIONER BOCANEGRA: Yes, similar to my  
9 previous vote, I will be voting nay on this one as  
10 well for the same reasons. Because I don't agree  
11 with the outcome in this matter imposing these  
12 limitations, I must vote nay and instead I would have  
13 granted a review in full without any carve out  
14 excepting small commercial customers as defined in  
15 the Public Utilities Act since the Public Utilities  
16 Act clearly sets out that this class is not  
17 considered residential. Thanks.

18 CHAIR ZALEWSKI: Thank you. Commissioner  
19 Carrigan.

20 COMMISSIONER CARRIGAN: Aye.

21 CHAIR ZALEWSKI: Commissioner Kimbrel.

22 COMMISSIONER KIMBREL: Aye.

1 CHAIR ZALEWSKI: Commissioner Oliva.

2 COMMISSIONER OLIVA: Nay for the reasons stated  
3 earlier.

4 CHAIR ZALEWSKI: I vote aye. So the three ayes  
5 have it and the interlocutory review is granted as  
6 noted.

7 Finally, in light of the current state of the  
8 public health and the Commission's recent practice of  
9 allowing in-person solicitation, the Commission  
10 directs staff to file, within five business days from  
11 today, a motion to modify the emergency order in this  
12 docket to allow for in-store solicitations and  
13 appointment-based non-residential customer  
14 solicitations by all alternative gas suppliers in the  
15 same manner as the Commission previously granted to  
16 several alternative gas suppliers in this docket.

17 So I'm going to call a roll on this vote as  
18 well. If you are in favor of directing staff to file  
19 a motion as noted, please say aye. And if you are  
20 opposed and want to deny, please say nay.

21 Commissioner Bocanegra.

22 COMMISSIONER BOCANEGRA: Again I will be voting

1 aye on this one as well. But given the prior votes,  
2 again I would encourage the parties to brief the  
3 issue whether in fact carve outs are necessary.  
4 Thank you.

5 CHAIR ZALEWSKI: Thank you. Commissioner  
6 Carrigan.

7 COMMISSIONER CARRIGAN: Aye.

8 CHAIR ZALEWSKI: Commissioner Kimbrel.

9 COMMISSIONER KIMBREL: Aye.

10 CHAIR ZALEWSKI: Commissioner Oliva.

11 COMMISSIONER OLIVA: Aye.

12 CHAIR ZALEWSKI: I vote aye as well. The five  
13 ayes have it and the staff is directed to file the  
14 motion as noted.

15 Item G-5 concerns a petition for confidential  
16 treatment of the petitioner's 2020 continuing  
17 compliance report for a period of not less than two  
18 years. The order grants the protection, finding that  
19 the information is highly proprietary and  
20 confidential. Are there any objections to approving  
21 the order?

22 (No response.)

1 CHAIR ZALEWSKI: Hearing none, the order is  
2 approved.

3 Under our telecommunications items, Item T-1  
4 concerns a request for proprietary treatment of  
5 information in the petitioner's reports. The order  
6 grants the protections, finding that the information  
7 is highly proprietary and confidential. Are there  
8 any objections to approving the order?

9 (No response.)

10 CHAIR ZALEWSKI: Hearing none, the order is  
11 approved.

12 Under the water and sewer items, Item W-1  
13 concerns utility services' filing to propose rate  
14 increases for water and sewer services. The order  
15 suspends the file pending hearing until July 3rd of  
16 2021. Are there any objections to approving the  
17 suspension order?

18 (No response.)

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

21 Under miscellaneous items, item M-1 concerns  
22 CableOne's notice of transfer and application for

1 state issued authorization to provide cable and video  
2 services. Staff's review concluded that the notice  
3 complied with the requirements of completeness and  
4 contained the assurances required by the law. Are  
5 there any objections to granting the requested  
6 authorization?

7 (No response.)

8 CHAIR ZALEWSKI: Hearing none, the authorization  
9 is granted.

10 Under the petitions for rehearing, Item PR-1  
11 concerns application for rehearing in the docket  
12 19-0892, which is a complaint against North Shore Gas  
13 as to a mandatory installation demand of the 5G  
14 meter. The issues raised in complainant's  
15 application for rehearing provide no new facts or  
16 evidence to support the complainant's position, but  
17 instead concern another docket regarding a different  
18 type of meter still under review by another  
19 administrative law judge that has not been approved  
20 by the Commission yet. Complainant has raised no new  
21 evidence or case law on any issue that should cause  
22 the Commission to revisit these issues. The ALJ

1 recommends denying the rehearing. Are there any  
2 objections to denying the application for rehearing?

3 (No response.)

4 CHAIR ZALEWSKI: Hearing none, the application  
5 for rehearing is denied.

6 Item PR-2 concerns an application for  
7 rehearing in the docket 20-0308, which is Ameren's  
8 proposed general increase in rates and revisions to  
9 other terms and conditions of service. On  
10 February 16, 2021, IIEC, CUB and FEA jointly filed an  
11 application for rehearing. IIEC and FEA also filed a  
12 joint application for rehearing.

13 IIEC/CUB/FEA and IIEC/FEA seek rehearing on  
14 various issues. First, the order's denial of an  
15 independent audit of Ameren Service Company costs.  
16 Second, the Commission's adoption of the averaging  
17 method for determining the authorized return on  
18 equity. Third, rate for GDS-4 Rider T greater than  
19 60 psig customers. And fourth, denial of IIEC/FEA's  
20 recommended equal percent allocation of the revenue  
21 requirement.

22 The Commission finds that the applicants have



1 not offered any new evidence on these issues to  
2 warrant rehearing but instead reiterate their  
3 previous arguments. The administrative law judge  
4 recommends that the Commission deny rehearing on  
5 these issues. Are there any objections to denying  
6 both applications for rehearing?

7 (No response.)

8 CHAIR ZALEWSKI: Hearing none, the applications  
9 for rehearing are denied.

10 Under the other business, Item O-1 concerns  
11 approval of batches, contracts and confirmations  
12 under the Illinois Adjustable Block Program. Are  
13 there any objections to approving the program  
14 administrator's submissions?

15 (No response.)

16 CHAIR ZALEWSKI: Hearing none, the submissions  
17 are approved.

18 Item O-2 concerns approval of batches,  
19 contracts and confirmations under the Illinois Solar  
20 for All Program. Are there any objections to  
21 approving the program administrator's submissions?

22 (No response.)

1 CHAIR ZALEWSKI: Hearing none, the submissions  
2 are approved.

3 Item 0-3 concerns approval of the new ICC  
4 executive director contract. Are there any  
5 objections to approving the contract?

6 (No response.)

7 CHAIR ZALEWSKI: Hearing none, the contract is  
8 approved.

9 This concludes our public agenda. Judge  
10 Teague-Kingsley, do we have any other matters to come  
11 before the Commission today?

12 JUDGE TEAGUE-KINGSLEY: No, Madam Chairman.

13 CHAIR ZALEWSKI: Thank you. I have a couple of  
14 announcements. First, I would like to welcome a new  
15 intern to our office. Her name is Sarah Soleiman.  
16 Sarah is in her third year of law school at the  
17 University of Illinois College of Law. During her  
18 time in law school, she was a research assistant for  
19 the Illinois Sustainable Technology Center,  
20 conducting research on state and municipal solar  
21 panel recycling regulations. She is a Climate  
22 Reality Leadership Corps member and a Jenner and

1 Block diversity scholar. We have already given Sarah  
2 plenty to do to help with Tanya and I's growing  
3 workloads and we are very appreciative of her help  
4 and we're glad she's here.

5 Also, I would like to welcome Michael  
6 Merchant as the new executive director of the  
7 Illinois Commerce Commission. Michael comes to the  
8 ICC with a wealth of experience, having dedicated his  
9 career to public service. Michael most recently  
10 served as the acting assistant director at the  
11 Central Management Services or CMS, leading the  
12 business enterprise program and also leading the  
13 agency in its COVID-19 response. Michael has also  
14 served in a variety of important positions at the  
15 city of Chicago, including CEO at the Chicago Housing  
16 Authority, building commissioner and as deputy  
17 director in the mayor's office of intergovernmental  
18 affairs.

19 Michael has his B.S. from Morehouse College  
20 and a J.D. from DePaul College of Law. Mr. Merchant  
21 also served as a Peace Corps volunteer in Namibia,  
22 further showcasing his commitment to service.

1 Mr. Merchant will start in his new role on March 16.

2 Michael, welcome to the Commission. We are  
3 so glad to have you here to help us carry out the  
4 important mission of the Illinois Commerce  
5 Commission.

6 And for the third time in the last two years,  
7 we have to yet again thank Dr. Jim Zolnierek for  
8 stepping into the role as interim executive director.  
9 Jim, now you can go back to having only one of your  
10 two important jobs that you have had to juggle. We  
11 continuously appreciate your commitment to the  
12 Commission.

13 Do any commissioners have any other business  
14 to discuss?

15 COMMISSIONER KIMBREL: Madam Chair, this is  
16 Commissioner Kimbrel.

17 CHAIR ZALEWSKI: Sure.

18 COMMISSIONER KIMBREL: I'd just like to take the  
19 opportunity to also welcome Mr. Merchant to the  
20 Commission. We look forward, the entire Commission  
21 looks forward to working with him and we're grateful  
22 that he's here and again to reiterate your point

1 that, Jim, you no longer have to be the interim ED.

2 CHAIR ZALEWSKI: Yes, we owe him another round of  
3 beer for sure. Any other comments?

4 Okay, hearing nothing and without objection,  
5 the meeting is adjourned. Thank you.

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