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BEFORE THE
ILLINOIS COMMERCE COMMISSION

PUBLIC UTILITIES BENCH SESSION

Chicago, Illinois
March 7th, 2012

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

BEFORE:

MR. DOUGLAS P. SCOTT, Chairman

MS. LULA M. FORD, Commission

MS. ERIN M. O'CONNELL-DIAZ, Commissioner

MR. SHERMAN J. ELLIOTT, Commissioner

MR. JOHN T. COLGAN, Commissioner
(via telephone)

SULLIVAN REPORTING COMPANY, by
Amy M. Spee, CSR, RPR
License No. 084-004559

1 CHAIRMAN SCOTT: Pursuant to the provisions of
2 Illinois Open Meetings Act, I now convene a regularly
3 scheduled Bench Session of the Illinois Commerce
4 Commission. With me in Springfield is Commissioner
5 Elliott, via telephone is Commissioner Colgan and
6 with us in Chicago are Commissioners Ford and
7 O'Connell-Diaz. I am Chairman Scott. We have a
8 quorum.

9 Before moving into the agenda,
10 according to Section 1700.10 of Title III of the
11 Administrative Code, this is the time 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 Commission meetings.
16 According to the Chief Clerk's Office we have no
17 requests to speak at today's Bench Session.

18 (The Transportation portion of the
19 proceedings was held at this time
20 and is contained in another
21 transcript.)

22 CHAIRMAN SCOTT: Moving on to the Public

1 Utility agenda, we will begin today with approval of
2 minutes from our February 16th Bench Session. I
3 understand that amendments have been forwarded.

4 Is there a motion to amend the
5 amendments?

6 COMMISSIONER O'CONNELL-DIAZ: So moved.

7 CHAIRMAN SCOTT: Is there a second?

8 COMMISSIONER ELLIOTT: Second.

9 CHAIRMAN SCOTT: It's been moved and seconded.

10 All in favor say "aye."

11 (Chorus of ayes.)

12 Any opposed?

13 (No response.)

14 The vote is 5-0 and the amendments are
15 adopted.

16 Is there a motion to approve the
17 February 16th minutes as amended?

18 COMMISSIONER ELLIOTT: So moved.

19 CHAIRMAN SCOTT: Is there a second?

20 COMMISSIONER O'CONNELL-DIAZ: Second.

21 CHAIRMAN SCOTT: It's been moved and seconded.

22 All in favor say "aye."

1 (Chorus of ayes.)

2 Any opposed?

3 (No response.)

4 The vote is 5-0 and the February 16th
5 Public Utility Bench Session minutes as amended are
6 approved.

7 Turning next to the Electric portion
8 of today's agenda, Item E-1 is Docket Nos. 10-0141
9 through 10-0143 consolidated. These items concern
10 petitions previously filed by ComEd requesting
11 authority to enter into certain agreements with
12 affiliated interests.

13 The Commission had entered Orders in
14 these dockets in 2010 and ComEd now seeks to reopen
15 these dockets to extend that authority. ALJs
16 Hilliard and Benn recommend granting the reopening
17 request.

18 Is there any discussion?

19 (No response.)

20 Is there a motion to grant reopening?

21 COMMISSIONER FORD: So moved.

22 CHAIRMAN SCOTT: Is there a second?

1 COMMISSIONER O'CONNELL-DIAZ: Second.

2 CHAIRMAN SCOTT: It's been moved and seconded.

3 All in favor say "aye."

4 (Chorus of ayes.)

5 Any opposed?

6 (No response.)

7 The vote is 5-0 and these dockets will
8 be reopened. We will use a 5-0 vote for the
9 remainder of the Public Utility agenda unless
10 otherwise noted.

11 Item E-2 is Docket No. 11-0435. This
12 item concerns ComEd's proposed tariff language
13 pertaining to the purchase of uncollectible
14 receivables. ALJ Sainsot recommends entry of an
15 Order approving ComEd's tariffs with an adjustment to
16 the monthly administration fee.

17 Is there any discussion?

18 (No response.)

19 Any objections?

20 (No response.)

21 Hearing none, the Order is entered.

22 Items E-3 through E-6 can be taken

1 together. These items concern customer complaints
2 against ComEd. In each case the parties have
3 apparently settled their differences by a Joint
4 Motion to Dismiss, which the ALJ recommends we grant.

5 Is there any discussion?

6 (No response.)

7 Any objections?

8 (No response.)

9 Hearing none, the Joint Motions to
10 Dismiss are granted.

11 Item E-7 is Docket No. 11-0144. This
12 is Peter Fletcher's complaint against ComEd and
13 ALJ Haynes recommends granting ComEd's Motion to
14 Dismiss this docket.

15 Is there a discussion?

16 Commissioner Elliott?

17 COMMISSIONER ELLIOTT: Yeah, Mr. Chairman, I've
18 gone through this record extensively over the last
19 few weeks and I do have some concerns with this. And
20 I think what we have before us is a Motion to Dismiss
21 that we need to act on. And I would prefer not to
22 dismiss this case and to see what further procedural

1 opportunities we have with regard to this case and
2 this issue.

3 So, Judge, can you tell us what the
4 next steps would be?

5 CHAIRMAN SCOTT: Judge Haynes.

6 JUDGE HAYNES: Sure.

7 As I say in the Order, I think that
8 ComEd is procedurally correct that if the Commission
9 has a problem with the underlying substantive issue
10 about how the capacity charge is calculated, this
11 isn't the docket to do it because any change to how
12 that charge is calculated would affect multiple
13 customers.

14 And if the Commission wanted to look
15 at those charges, I think that it would need to be a
16 wider proceeding. And I -- I've had another case
17 where a consumer complaint has wanted to address
18 wider issues. And I think that the way that that
19 could be done would be opening an investigation into
20 how these charges are calculated; but, of course,
21 that would require notice and a broader docket than
22 that one.

1 COMMISSIONER ELLIOTT: Well, I think what this
2 is calling for, at least my interpretation of this,
3 is this is essentially an interpretation of the
4 methodology of the tariff. And I think that -- to me
5 this is a case of first impression where a
6 complainant and the Company are disagreeing and
7 there's no clear indications, particularly in the
8 tariff, that explains the methodology about how this
9 is achieved. And I think in this case the
10 complainant has a legitimate issue here and a
11 legitimate position.

12 JUDGE HAYNES: I'm not disagreeing with that.
13 I just -- the outcome would affect more people.
14 And --

15 COMMISSIONER ELLIOTT: I understand that, but
16 it's his complaint that's before us. And to me,
17 it's -- if the Commission interprets the tariff in
18 favor of what happens to be the complainant's
19 interpretation of the methodology, why wouldn't that
20 hold for the interpretation of the tariff itself in
21 any future proceeding?

22 I mean, it may be that the Company,

1 given a Commission decision in that regard, might
2 want to file something to clarify their tariffs if
3 they disputed the Commission's interpretation.

4 JUDGE HAYNES: But there is no factual dispute
5 about how they're applying it. It's just whether
6 they're doing it the right way -- or the best way.

7 COMMISSIONER ELLIOTT: But there is a dispute
8 about the methodology?

9 JUDGE HAYNES: Not a factual dispute, but just
10 whether that is the way it should be done.

11 COMMISSIONER ELLIOTT: Well, there's two
12 different approaches. ComEd wants to do it one way
13 and the complainant wants to do it this way.

14 JUDGE HAYNES: ComEd is doing it -- for all
15 their customers, they're doing it the exact same way.

16 COMMISSIONER ELLIOTT: Right. But this is the
17 first complaint we've had with regards to it. ComEd
18 may have been doing whatever they want. We are now
19 being asked to interpret this via this complaint.

20 JUDGE HAYNES: And I'm not saying it's not
21 something that should be looked into. It's just I
22 think that a broader -- I just don't think it's the

1 proper procedural mechanism to look at how -- because
2 it would -- what the result would be would be a
3 change in ComEd's methodologies, not just how --

4 COMMISSIONER ELLIOTT: No, I disagree.

5 JUDGE HAYNES: -- his bill would be changed.

6 COMMISSIONER ELLIOTT: I don't think the
7 methodology is spelled out in their tariff at all.

8 JUDGE HAYNES: I agree, but ComEd does lots
9 of -- has lots of internal procedures that aren't in
10 their tariffs.

11 COMMISSIONER O'CONNELL-DIAZ: Well, just from a
12 kind of practical standpoint, this is a consumer
13 complaint. And I noticed in the record that there
14 were no exceptions filed to the proposed order. And
15 the onus, obviously, is on the complainant to come
16 forward in this kind of very, I think, technical
17 discussion, if you will. And I think that's hard for
18 that particular complainant to --

19 COMMISSIONER ELLIOTT: The complainant's come
20 forward with a very technical --

21 COMMISSIONER O'CONNELL-DIAZ: Well -- but I'm
22 saying, I --

1 COMMISSIONER ELLIOTT: -- and very credible.

2 COMMISSIONER O'CONNELL-DIAZ: However, he filed
3 no exceptions, which I think goes to the point that
4 there -- this is a difficult road for that -- the
5 complainant and for -- possibly the appropriate way
6 would be a wider docket that brings this issue to the
7 floor and is addressed by many parties and -- that
8 have more resources to be able to --

9 COMMISSIONER ELLIOTT: Yeah. And I guess --

10 COMMISSIONER O'CONNELL-DIAZ: -- you know,
11 examine this.

12 COMMISSIONER ELLIOTT: At this point, the only
13 party that we have is the complainant.

14 JUDGE HAYNES: And there's nothing to say that
15 you have to dismiss his complaint. I mean, if the
16 Commission wanted to look at it further, you could
17 initiate an investigation and this could be
18 consolidated with that investigation so that
19 Mr. Fletcher would still be able to participate; but
20 like Commissioner O'Connell-Diaz raised, then Staff
21 would be involved and -- you know, if they were
22 interested in this issue or whoever would be able to

1 have a say in it.

2 COMMISSIONER ELLIOTT: Yeah, I think my concern
3 here is dismissing this docket.

4 JUDGE HAYNES: I'm sorry.

5 COMMISSIONER ELLIOTT: I don't believe it
6 should be dismissed.

7 JUDGE HAYNES: I didn't mean to say -- when I
8 said that about an investigation, I don't think you'd
9 have to dismiss this. I would just think that you
10 have to start another one that would be broader and
11 then they can be considered together.

12 COMMISSIONER ELLIOTT: Yeah, that would be fine
13 and we can solicit --

14 COMMISSIONER O'CONNELL-DIAZ: Because, you
15 know, if we just leave it the way it is, then it's
16 the complainant with the Company and I just think
17 that's a real difficult burden for this complainant.

18 And so if we do want to like look at
19 it in a more holistic manner, then I think what Judge
20 Haynes is suggesting is probably the way we would
21 like to address it.

22 COMMISSIONER ELLIOTT: Yeah, and I don't know

1 how to go about this; but, I mean, I'm assuming there
2 are other consumers out there in a similar situation
3 with Peter Fletcher.

4 How would we go about eliciting their
5 participation?

6 JUDGE HAYNES: There'd be -- there would have
7 to be an initiating order and notice would have to be
8 served on -- I don't know if it would have to go to
9 all the ComEd municipalities. I'm not sure who
10 notice would be served on, but there would have to be
11 notice because other customers would be affected.

12 And Mr. Fletcher's complaint, I don't
13 believe, would have to be dismissed then. If you
14 think there's -- if you want to look at the
15 underlying policy question, you can leave his
16 complaint open and consolidate it with the broader
17 complaint.

18 COMMISSIONER ELLIOTT: Yeah, I think that's the
19 position I would like to take. I would like to bring
20 Staff into this, at least on the policy matter; but I
21 would prefer to, you know, not leave this all on
22 Peter Fletcher.

1 COMMISSIONER O'CONNELL-DIAZ: Well, that's the
2 point of having an --

3 COMMISSIONER ELLIOTT: So, I mean, to the
4 degree that we can --

5 COMMISSIONER O'CONNELL-DIAZ: -- initiating
6 docket.

7 COMMISSIONER ELLIOTT: -- to a degree that we
8 can expand -- and I'm sure posting it in the
9 newspaper is not going to generate a sufficient
10 response from similarly-situated customers. I don't
11 know how we go about --

12 COMMISSIONER O'CONNELL-DIAZ: We would direct
13 OGC, I think, to draft an initiating order for us
14 with regard to an examination of the issues that are
15 presented here. And by virtue of the fact that the
16 Commission puts that forward, then notice would go
17 out to all parties affected by that. So that would
18 be --

19 COMMISSIONER ELLIOTT: So could we direct
20 Commonwealth Edison to contact customers of a similar
21 situation to participate or at least make them aware
22 that this is going on, give them an opportunity as

1 opposed to the general notice that we engage in?

2 I mean, what I'm trying to get at is
3 I'm sure there's probably more than one Peter
4 Fletcher out there in terms of customer. I mean,
5 it's a very specific customer type.

6 JUDGE HAYNES: Well -- and I think that would
7 be perfect -- appropriate to put in an initiating
8 order that ComEd provide a list of customers that
9 would be affected or something.

10 COMMISSIONER ELLIOTT: Or similarly --

11 COMMISSIONER O'CONNELL-DIAZ: Provide a list to
12 the Clerk's Office and then the Clerk's Office sends
13 out this initiating order that we have ordered.

14 And then this particular complaint, I
15 think, would be generally continued until the
16 conclusion of that proceeding. And the complainant
17 would have to sign an agreement, you know, to file
18 that in this particular docket. Because, you know,
19 you've got the year deadline issue. And --

20 COMMISSIONER ELLIOTT: I mean, he may be the
21 only customer that's in this situation. I don't
22 know. And if that's the case, then, you know, do we

1 need a general applicable -- or can we just decide
2 to -- I don't know.

3 JUDGE HAYNES: Well, I think it would have to
4 be a general case because it would be changing the
5 Company's procedures.

6 COMMISSIONER ELLIOTT: Well, again, I disagree.
7 We're not changing anything in the tariff. The
8 tariff is not explanatory on this issue.
9 Commonwealth Edison may feel that they've been doing
10 it this way all along. I don't know how many
11 customers. I don't know how many people have
12 complained. I don't know anything other than what is
13 before me here. And there's nothing that says in
14 their tariff that this is the appropriate approach.

15 So we're not changing anything. What
16 we're doing is determining whether the methodology
17 that they're employing is correct.

18 JUDGE HAYNES: I agree you're not changing the
19 tariff and you'd be looking at the methodology, yes.

20 COMMISSIONER ELLIOTT: Right. So, yeah, if we
21 can -- if we cannot dismiss this, carry it forward
22 and open an investigation and consolidate this case.

1 If you could whip something up and -- and have it
2 before the end of the -- no.

3 JUDGE HAYNES: I'll have to figure out how that
4 initiating order -- I think it's Conrad Rubinkowski,
5 but...

6 COMMISSIONER ELLIOTT: Okay. Any further
7 direction that you need from us on this?

8 CHAIRMAN SCOTT: Okay.

9 JUDGE HAYNES: No. Great.

10 COMMISSIONER ELLIOTT: Great.

11 CHAIRMAN SCOTT: Thank you, Judge.

12 COMMISSIONER ELLIOTT: Thanks.

13 CHAIRMAN SCOTT: Items E-8 through E-13 can be
14 taken together. These items are an Application for
15 Licensure as an agent, broker and consultant under
16 Section 16-115C of the Public Utilities Act. In each
17 case, ALJ Albers recommends entry of an Order
18 granting the Certificate.

19 Is there any discussion?

20 (No response.)

21 Any objections?

22 (No response.)

1 Hearing none, the Orders are entered.

2 Item E-14 is Docket No. 12-0077. This
3 concerns an eminent domain petition by the Illinois
4 Department of Transportation in conjunction with a
5 highway improvement project in Kendall County.

6 ALJ Riley recommends entry of an Order
7 granting the petition.

8 Is there any discussion?

9 (No response.)

10 Any objections?

11 (No response.)

12 Hearing none, the Order is entered.

13 Items E-15 and E-16 can be taken
14 together. These items are petitions for the
15 confidential and/or proprietary treatment of the
16 petitioners' reports. In each case ALJ Albers
17 recommends entry of an Order granting the requested
18 protective treatment.

19 Is there any discussion?

20 (No response.)

21 Any objections?

22 (No response.)

1 Hearing none, the Order is entered.

2 Turning now to Natural Gas.

3 Item G-1 is a filing by Ameren to
4 revise its Rider S for system gas service in response
5 to provisions contained in the Commission's Order in
6 its rate case.

7 Staff recommends granting the
8 Company's request by not suspending the filing.

9 Is there any discussion?

10 (No response.)

11 Any objections?

12 (No response.)

13 Hearing none, the filing will not be
14 suspended.

15 Item G-2 is a filing by Peoples Gas
16 for Special Permission to revise its Rider ICR for
17 infrastructure cost recovery to acknowledge the
18 recent Appellate Court decision on Rider ICR and
19 pending remand.

20 Staff recommends granting the
21 Company's Special Permission request.

22 Is there any discussion?

1 (No response.)

2 Any objections?

3 (No response.)

4 Hearing none, the Special Permission
5 request is granted.

6 Items G-3 and G-4 can be taken
7 together. These items concern reconciliation cases
8 for North Shore Gas and Peoples Gas regarding
9 revenues collected under gas adjustment charges in
10 2008.

11 In each case, ALJ Haynes recommends
12 entry of an Order approving the reconciliation.

13 Is there any discussion?

14 (No response.)

15 Any objections?

16 (No response.)

17 Hearing none, the Orders are entered.

18 Item G-5 is Docket Nos. 11-0280 and
19 11-0281 consolidated. This is the North Shore Gas
20 and Peoples Gas rate case. And we have a couple of
21 items up for consideration today.

22 We will start with an Amendatory Order

1 to correct the typographical which ALJs Hilliard and
2 Kimbrel recommend we enter.

3 Is there any discussion on that point?

4 (No response.)

5 Any objections?

6 (No response.)

7 Hearing none, the Amendatory Order is
8 entered.

9 Next up is a Motion to Stay filed by
10 the Office of the Attorney General. On this motion
11 ALJs Hilliard and Kimbrel recommend we modify the
12 Order as to reflect that ratepayers or the companies
13 would be entitled to a refund or recovery of any
14 surcharges if Rider VBA is found to be illegal.

15 With respect to a discussion on that,
16 Judge, thank you for being here. What would we do to
17 give effect to that language? Because there isn't an
18 Order to that effect. So...

19 JUDGE HILLIARD: I think I would try to draft
20 language for the Commission's approval. It would
21 kind of basically track the recommendation just
22 contingent upon a finding that there was money due

1 and owing, then it would be -- if the money's
2 collected, it could be identified. And if there's a
3 court decision that determines it ought to go back to
4 somebody, then we've just made that a possibility.
5 That's all.

6 CHAIRMAN SCOTT: Is there any objection to that
7 approach?

8 (No response.)

9 And is there a time line that we're
10 dealing with here or...?

11 JUDGE HILLIARD: Well, I think the only time
12 line that I'm aware of is April 12th of 2013.

13 CHAIRMAN SCOTT: So we hold disposition of this
14 until the March 21st meeting?

15 JUDGE HILLIARD: I don't think there would be a
16 problem with it at all.

17 CHAIRMAN SCOTT: Very good.

18 Thank you, Judge.

19 Item G-6 is Docket No. 11-0223. This
20 item concerns a rulemaking for amending Title 83,
21 Part 595 of the Administrative Code regarding
22 pipeline accident reporting.

1 ALJ Haynes recommends entry of an
2 Order adopting the proposed amendment with an
3 effective date of April 1st, 2012.

4 Are there any objections?

5 (No response.)

6 Is there any discussion?

7 (No response.)

8 Any objections?

9 (No response.)

10 Hearing none, the Order is entered.

11 Item G-7 is Docket No. 11-0006. This
12 is Malgorzata Szayna's complaint against Nicor.

13 ALJ Hilliard recommends entry of an
14 Order sustaining the complaint and waiving the
15 outstanding balance on the customer's account.

16 Is there any discussion?

17 (No response.)

18 Any objections?

19 (No response.)

20 Hearing none, the Order is entered.

21 Item G-8 is Docket No. 11-0725. This
22 is Lisa Seaton's complaint against Nicor. The

1 parties have apparently settled their differences and
2 brought a Joint Motion to Dismiss, which ALJ Haynes
3 recommend we grant.

4 Is there any discussion?

5 (No response.)

6 Any objections?

7 (No response.)

8 Hearing none, the Joint Motion to
9 Dismiss is granted.

10 Telecommunications.

11 Items T-1 and T-2 can be taken
12 together. These items are filed by Frontier
13 Affiliates seeking tariff changes to introduce the
14 Versaline Centrex Service for business customers.

15 In each case Staff recommends granting
16 the Company's request by not suspending the filing.

17 Is there any discussion?

18 (No response.)

19 Any objections?

20 (No response.)

21 Hearing none, the filings will not be
22 suspended.

1 Item T-3 concerns a filing by Frontier
2 Citizens Communications of Illinois seeking tariff
3 changes to clarify how it will determine the
4 appropriate Voice Over Internet Protocol, Public
5 Switched Telephone Network Traffic.

6 Staff recommends granting the
7 company's request by not suspending the filing.

8 Is there any discussion?

9 (No response.)

10 Any objections?

11 (No response.)

12 Hearing none, the filings will not be
13 suspended.

14 Item T-4 concerns a similar filing by
15 Frontier North also seeking tariff changes to clarify
16 how it will determine appropriate rates for Voice
17 Over Internet Protocol, Public Switched Telephone
18 Network Traffic.

19 Staff recommends that this filing be
20 suspended through the entry of a Suspension Order.

21 Is there any discussion?

22 COMMISSIONER ELLIOTT: Yes, I just think it --

1 I just want to point out that Staff did a great job
2 in their tariff memos where it meant something and
3 where it didn't in particularly this case.

4 So for a similar issue, we're not
5 suspending one and suspending another. I just want
6 to clarify that Staff actually nailed this one pretty
7 good.

8 CHAIRMAN SCOTT: Very good.

9 Any further discussion?

10 (No response.)

11 Any objections?

12 (No response.)

13 Hearing none, the Suspension Order is
14 entered.

15 Items T-5 through T-7 can be taken
16 together. These items concern Joint Petitions by
17 telecommunications carriers for the approval of
18 Interconnection Agreements.

19 In each case, the ALJ recommends entry
20 of an Order approving an amendment to an existing
21 Interconnection Agreement.

22 Is there any discussion?

1 (No response.)

2 Any objections?

3 (No response.)

4 Hearing none, the Orders are entered.

5 Item T-8 is Docket No. 11-0628. This
6 item concerns a rulemaking for amendments to
7 Title 83, Part 791 of the Administrative Code
8 regarding cost of service rules.

9 ALJ Riley recommends entry of an Order
10 authorizing submission of the proposed amendments to
11 JCAR.

12 Is there any discussion?

13 (No response.)

14 Any objections?

15 (No response.)

16 Hearing none, the Order is entered.

17 Items T-9 through T-12 can be taken
18 together. These items are petitions for the
19 confidential and/or proprietary treatment of the
20 petitioners' annual reports.

21 On each case the ALJ recommends entry
22 of an Order granting requested protective treatment.

1 Is there any discussion?

2 (No response.)

3 Any objections?

4 (No response.)

5 Hearing none, the Orders are entered.

6 We have one item of other business
7 scheduled today, which concerns the Commission's
8 Initiative on Plug-In Elective Vehicles and
9 associated report, but that item was addressed at
10 yesterday's Policy Committee Meeting.

11 And, again, we did it yesterday, but
12 we really want to thank Ambika Dalal and Anthony
13 Star, who worked very hard on that report, and
14 Jennifer Hinman, who worked on a report. And thank
15 you also to Commissioner O'Connell-Diaz.

16 I think that group made a tremendous
17 amount of progress, all stakeholders that
18 participated and a very good product that will be
19 sounding off.

20 COMMISSIONER O'CONNELL-DIAZ: Absolutely. And
21 it also is something that -- as I suggested
22 yesterday, that we are really again ahead of the pack

1 nationwide of looking at these issues. Because as I
2 talked to our fellow Commissioners across the
3 country, they're not -- they haven't done this. So
4 we have provided that for the country.

5 So it's really a good thing for our
6 state to have had this process. And the process
7 doesn't end. We will continue to work together with
8 the EVAC Council on moving forward. So it's just an
9 excellent -- excellent time spent and thanks to all
10 the stakeholders, too, because they made it happen.

11 CHAIRMAN SCOTT: I just want to remind folks
12 that our meeting that was scheduled for next week on
13 the 13th has been canceled. We announced that
14 before. We just want to remind folks.

15 So the next meeting will follow the
16 calendar after that.

17 Judge Wallace, are there any other
18 matters to come before the Commission today?

19 JUDGE WALLACE: No, I think that's it.

20 CHAIRMAN SCOTT: All right. Thank you.

21 JUDGE DOLAN: Wait a minute.

22 CHAIRMAN SCOTT: Yes.

1 JUDGE DOLAN: On E-7, do we -- are we not
2 voting? Are you just holding E-7? That's the Peter
3 Fletcher. You guys didn't ever vote, you didn't...

4 CHAIRMAN SCOTT: Do we need to vote to --

5 COMMISSIONER ELLIOTT: Deny the Motion to
6 Dismiss?

7 CHAIRMAN SCOTT: Well, no, we don't want to --
8 need to do that because that was going to be
9 continued generally. But to do the initiating order
10 or --

11 JUDGE WALLACE: Mr. Chairman.

12 CHAIRMAN SCOTT: Yes, Judge.

13 JUDGE WALLACE: Why don't you just hold it and
14 allow OGC time to draft up an initiating order.

15 CHAIRMAN SCOTT: Perfect.

16 JUDGE DOLAN: That's what I was going to
17 suggest.

18 CHAIRMAN SCOTT: Very good.

19 Thank you very much.

20 With nothing else to come before the
21 Commission, this meeting stands adjourned.

22 Thanks, everyone.

