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BEFORE THE
ILLINOIS COMMERCE COMMISSION
PUBLIC UTILITY REGULAR OPEN MEETING
Wednesday, March 21, 2018
Chicago, Illinois
Met pursuant to notice at 10:30 A.M.,
at 160 North LaSalle Street,
Chicago, Illinois.

- PRESENT:
- BRIEN J. SHEAHAN, Chairman
 - SADZI M. OLIVA, Commissioner
 - JOHN R. ROSALES, Commissioner
 - D. ETHAN KIMBREL, Acting Commissioner
 - ANASTASIA PALIVOS, Acting Commissioner

SULLIVAN REPORTING COMPANY,
CARYL L. HARDY, CSR
LICENSE NO. 84-003896

1 CHAIRMAN SHEAHAN: Pursuant to the Open
2 Meetings Act, I call the March 21st, 2018, Regular
3 Open Meeting to order.

4 CHAIRMAN SHEAHAN: Are we ready in
5 Springfield?

6 CHIEF CLERK: Yes we are.

7 Commissioners Rosales and Oliva and Acting
8 Commissioners Kimbrel and Palivos are with me in
9 Chicago. We have a quorum.

10 We have four requests to speak this morning.
11 As a reminder, you'll have three minutes. We'll let
12 you know when you have two minutes left, one minute,
13 and when your time has expired.

14 Please be aware that while the Commission
15 affords the public an opportunity to comment, we
16 will not respond directly to your comments.

17 Your comments will be made part of the
18 record. However, we cannot rely on them to resolve
19 disputed issues of fact in contested cases.

20 Our first speaker is Shannon Fulton.

21 Ms. Fulton, have a seat. Make sure the
22 mic is on.

1 MS. FULTON: Can you hear me okay?

2 ACTING COMMISSIONER KIMBREL: Yes.

3 MS. FULTON: Good morning. Thank you for
4 this opportunity to address the Commission.

5 My name is Shannon Fulton. I am director
6 of commercial solar development for StraightUp
7 Solar, opened its office in Bloomington, Illinois,
8 in 2015, and was board president of the Illinois
9 Solar Energy Association prior to and through the
10 2016 passage of the Future Energy Jobs Act or FEJA.

11 I have lived my entire life in central
12 Illinois, and my home is situated in a corn belt
13 energy cooperative service area, and I'm a
14 recipient of abstract payments from the Illinois
15 Power Agency for the solar energy production from
16 my solar array in a corn belt energy co-op.

17 Although the solar industry is currently
18 addressing additional important concerns regarding
19 implementation of FEJA, I traveled from our office
20 in Bloomington this morning to provide what I hope
21 will be helpful insight to the Commission as to
22 perhaps unforeseen implications of excluding

1 Illinoisans and Illinois businesses in energy
2 cooperatives and municipal utility service
3 territories from accessing our state's most
4 monumental solar energy incentive and job-creating
5 opportunity.

6 FEJA's clear intent is to provide equal
7 access for all of Illinois to its programs and
8 associated economic development and environmental
9 benefits. This exclusion effectively eliminates,
10 from such benefits, 25 percent of electricity users
11 and their communities in central and southern
12 Illinois, and this effect is concentrated in the
13 most economically challenged areas in southern
14 Illinois which is dominated by cooperatives and
15 municipal utilities and the higher costs associated
16 with energy in these -- with these -- from these
17 entities. There's no other choice for energy
18 delivery for these people.

19 Delivery of Renewable Energy Credit or REC
20 is, by design, the core method by which goals of
21 FEJA will be met. A REC is a REC Com Ed has said
22 up until this late hour, and it has been agreeable

1 thus far, for example, for a REC to be delivered to
2 them by an out-of-state wind farm. To me, it's REC
3 delivery requirement.

4 So likewise and even more so, Com Ed
5 should also accept REC delivery from a homeowner
6 living in an energy co-op or a municipal utility
7 territory in Illinois.

8 StraightUp Solar is currently the largest
9 residential installer operating in Illinois. And
10 we only operate in central and southern Illinois.

11 We expect that this exclusion of co-op and
12 muni customers will mean a 33 to 50 percent drop in
13 our residential sales in 2018 or a loss of about
14 two to \$3 million in revenue.

15 Though we added ten employees in the last
16 12 months because of the expected uptick in the
17 market from the programs associated with FEJA, if
18 this recommendation to exclude such customers
19 stands, we will likely hire six to eight fewer
20 people this year than we would have otherwise.

21 Thank you for listening.

22 CHAIRMAN SHEAHAN: Thank you.

1 Our next speaker is Marilee White.

2 CHIEF CLERK: Chairman, she's here in
3 Springfield.

4 CHAIRMAN SHEAHAN: Okay. Ms. White, go
5 ahead when you're ready.

6 MS. WHITE: (Inaudible.)

7 CHAIRMAN SHEAHAN: Ms. White, I'm sorry to
8 interrupt you. Can you speak a little bit more
9 clearly into the microphone; just a little bit more
10 loudly?

11 MS. WHITE: Long an advocate of solar and
12 wind energy, I am proud to say that both my home
13 and my church are in the process of going solar. I
14 am on the task force at both facilities.

15 I live in a Mennonite residential
16 community in Normal, Illinois. We are on the same
17 property as a Mennonite church, and the residential
18 community and church are working together towards
19 solar energy.

20 We receive our electricity from Ameren,
21 but my church, First Presbyterian Church of Normal,
22 is about three miles east of there and we get this

1 electricity from corn belt electric co-ops.

2 Across the street further east is another
3 church, First Baptist, and they receive their
4 electricity from Ameren.

5 This type of patchwork between Ameren and
6 the co-ops is not uncommon where I live. The First
7 Baptist Church is eligible for benefits through the
8 REC incentives of FEJA, but my church is not just
9 because of where we get our electricity. Does this
10 make sense? I don't think so. Was it the intention
11 of FEJA? Surely not.

12 We are working steadily on solar at the
13 Mennonite church and the residential community, but
14 at First Presbyterian Church, we are on hold because
15 of the uncertainty of the cost of this project.

16 On a broader scale, nearly a quarter of
17 central and southern Illinois residents are
18 serviced by municipal and rural electric
19 cooperatives. Many have no choice where they get
20 their electricity.

21 One of the most beautiful parts of FEJA is
22 that it addresses environment justice for

1 economically disadvantaged communities which
2 certainly include parts of central and much of
3 southern Illinois.

4 Low income mission work is a central tenet
5 of the First Presbyterian Church, and our church
6 supports many neighborhood programs that benefit
7 economically disadvantaged residents in the
8 Bloomington-Normal community. Should we not extend
9 solar for all benefits to the areas of FEJA that
10 were intended to be their beneficiaries?

11 All communities in Illinois, regardless of
12 service providers, should have fair and equitable
13 access to the clean energy benefits made available
14 under FEJA. I hope that you will make that happen.

15 Thank you for giving me this opportunity
16 to speak.

17 CHAIRMAN SHEAHAN: Thank you, ma'am.

18 Our next speaker is Marcella Usery
19 Woodson.

20 CHIEF CLERK: Marcella is unable to join
21 us this morning.

22 CHAIRMAN SHEAHAN: Okay. Our final

1 speaker is Dr. Everton Walters.

2 CHIEF CLERK: Chairman, I think we have
3 one more also, Jennifer Fertaly who's approved as
4 well.

5 CHAIRMAN SHEAHAN: Oh, I'm sorry. That's
6 not on my list. If she's there, why don't we hear
7 from her? Wait. I apologize. Hang on one minute.
8 We have Dr. Walters with us.

9 Sir, why don't you proceed? And then
10 we'll hear from the next speaker.

11 DR. WALTERS: Good morning, ladies and
12 gentlemen. My name is Dr. Everton Walters, a
13 member of the ISEA and also the president and
14 founder of WCP Solar located in Naperville. Thank
15 you for the opportunity to address you today.

16 While the industry -- solar industry has
17 other concerns regarding implementation of the
18 Future New Job Acts, I lend my voice today to the
19 grave concern of the industry regarding the
20 implementation of this act. This relates to the
21 exclusion of key populations from the program,
22 including municipalities, rural electric co-ops,

1 and Mount Carmel service territories.

2 If FEJA is approved with this exclusion,
3 it will have potentially ruinous consequences for
4 more than 50 municipalities and one quarter of
5 southern and central Illinois.

6 WCP has been in operation within the city
7 of Naperville for 11 years and has developed valid
8 relationships within the city. Currently there's
9 over five solar installations in the city that are
10 under threat from this exclusion. In addition,
11 several critics competed within the last year for
12 solar for the significant disadvantaged.

13 Over the years, the Illinois Power Agency
14 incentive programs have been partly funded by
15 repairs of major utilities within Illinois. These
16 moneys have funded rebates and grants for the entire
17 state from there.

18 Under this program, the funds collected by
19 utilities were sent to the treasury department who
20 then, in turn, based on instructions from the IPA,
21 distributed the funds to the project owners --
22 approved project owners.

1 Under FEJA, the major utilities is not
2 tasked with that responsibility. At no time were
3 there any issues as to which population within the
4 state would be included or excluded from these
5 incentives.

6 It is our opinion at WCP Solar and
7 supported by the ISEA that FEJA is a statewide
8 legislation and was never intended to pick winners
9 and losers in the solar industry which is exactly
10 what this new proposal effectively does. Only
11 projects located in Com Ed or Ameren territories
12 would qualify.

13 Which Illinois resident or business
14 contributes to the funding of IPA incentive program
15 was never a factor through the history of the
16 process of incentives through the state and should
17 not be a metric in the ISEA decision-making
18 feature. Clean up our state through renewable
19 energy projects and maximizing solar throughout the
20 entire state, yes, the entire state, for us.

21 Thank you very much for your time.

22 CHAIRMAN SHEAHAN: Thank you, sir.

1 All right. We have one final speaker in
2 Springfield. If you would state your name for the
3 record, you may proceed.

4 MS. FERTALY: Yes, sir. My name is
5 Jennifer Fertaly. And I'd like to thank the
6 Commission for having the opportunity to speak
7 today.

8 I am the director of a small
9 non-for-profit in Carbondale, Illinois -- in
10 southern Illinois, and a lot of the work of the
11 center revolves around economically disadvantaged
12 families and community members and folks who come
13 in from prisons. So when we got engaged in the
14 conversation about the Future Energy Jobs Act, it
15 meant a lot of things for the center and for the
16 folks that we seek to serve which is not just in
17 Carbondale but the Route 13 corridor and extending
18 into the southernmost parts of the southern
19 Illinois corridor.

20 With this proposal, the things that we
21 wish to do to create jobs, to create training
22 opportunities for folks seeking meaningful

1 employment in the work force, so much of southern
2 Illinois is under cooperative utilities that it
3 really presents a struggle with what we're trying
4 to do.

5 Harrisburg in Saline County was one of the
6 most devastated counties following the collapse of
7 the coal industry and coal job loss. Clean energy
8 jobs brought a tremendous potential for economic
9 development in industry, and with this potential
10 proposal for those benefits, the abstract benefit
11 would be removed. It kind of undermines a lot of
12 what we can do to create -- to create beneficial
13 work within the community to bring in solar energy
14 and to train people to work.

15 I respectfully urge the Commission to
16 allow the municipal renewal electric cooperative
17 utility customers to participate fully in the
18 Future Energy Jobs Act as the very purpose we
19 intend to seek out is to ensure the fair,
20 equitable, and geographically dispersed access of
21 all the benefits of clean energy across all the
22 communities in Illinois.

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Thank you.

CHAIRMAN SHEAHAN: Thank you.

That concludes our public comments.

1 We'll move on to our Public Utilities
2 agenda.

3 There are no edits to the Minutes of our
4 February 20th Special Open Meeting. There are
5 edits to the Minutes of our February 28th Regular
6 Open Meeting.

7 Are there any objections to approving the
8 Minutes?

9 (No response.)

10 CHAIRMAN SHEAHAN: Hearing none, the
11 Minutes are approved.

12 Item E-1 concerns Ameren's revisions that
13 options customers will have when requesting system
14 expansions.

15 Are there any objections to not suspending
16 the filing?

17 (No response.)

18 CHAIRMAN SHEAHAN: Hearing none, the
19 filing is not suspended.

20 Item E-2 concerns MidAmerican's filing to
21 create a new rider to reflect state and federal tax
22 rate changes.

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

3 (No response.)

4 CHAIRMAN SHEAHAN: Hearing none, the
5 filing is not suspended.

6 Items E-3 and 4 concern consumer
7 complaints against Ameren and Com Ed respectively.

8 Are there any objections to considering
9 these items together and granting the Joint Motions
10 to Dismiss?

11 (No response.)

12 CHAIRMAN SHEAHAN: Hearing none, the Joint
13 Motions are granted.

14 Item E-5 concerns Krause's Application for
15 Authority to Install and Maintain and Repair
16 Electric Vehicle Charging Stations.

17 Are there any objections to approving the
18 Proposed Order approving the application?

19 (No response.)

20 CHAIRMAN SHEAHAN: Hearing none, the Order
21 is approved.

22 Items E-6 through 12 concern applications

1 for authority to install Distributed Generation
2 Facilities.

3 Are there any objections to considering
4 these items together and approving the Proposed
5 Orders?

6 (No response.)

7 CHAIRMAN SHEAHAN: Hearing none, the
8 Orders are approved.

9 Item E-13 concerns Maverick Energy
10 Consulting's Application for Authority to operate
11 as an Agent, Broker, or Consultant.

12 Are there any objections to approving the
13 Proposed Order approving the application?

14 (No response.)

15 CHAIRMAN SHEAHAN: Hearing none, the Order
16 is approved.

17 Item E-14 concerns HSBC Technology &
18 Services' Petition to cancel its authority to
19 operate as an Alternative Retail Electric Supplier.

20 Are there any objections to approving the
21 Proposed Order approving the petition?

22 (No response.)

1 CHAIRMAN SHEAHAN: Hearing none, the Order
2 is approved.

3 Item E-15 concerns Ameren's motion to
4 extend the deadline for construction of a
5 transmission line in McLean County.

6 Are there any objections to granting the
7 Motion?

8 (No response.)

9 CHAIRMAN SHEAHAN: Hearing none, the
10 Motion is granted.

11 Items E-16 and 17 concern petitions for
12 the confidential treatment of annual reports.

13 Are there any objections to considering
14 these items together and approving the Proposed
15 Orders?

16 (No response.)

17 CHAIRMAN SHEAHAN: Hearing none, the Order
18 is approved.

19 Items E-18 through E-101 concern
20 Applications for Authority to install Energy
21 Efficiency Measures.

22 Are there any objections to considering

1 these items together and approving the Proposed
2 Orders?

3 (No response.)

4 CHAIRMAN SHEAHAN: Hearing none, the
5 Orders are approved.

6 Moving on to our Gas agenda, item G-1
7 concerns Ameren's filing to revise one of the
8 options consumers have when requesting system
9 expansions.

10 Are there any objections to not suspending
11 the filing?

12 (No response.)

13 CHAIRMAN SHEAHAN: Hearing none, the
14 filing is not suspended.

15 Item G-2 concerns MidAmerican's filing to
16 create a new rider to reflect state and federal tax
17 rate changes.

18 Are there any objections to not suspending
19 the filing?

20 (No response.)

21 CHAIRMAN SHEAHAN: Hearing none, the
22 filing is not suspended.

1 Item G-3 concerns Verde Energy's Petition
2 to Cancel its authority to operate as an Alternative
3 Gas Supplier.

4 Are there any objections to approving the
5 Proposed Order approving the petition?

6 (No response.)

7 CHAIRMAN SHEAHAN: Hearing none, the Order
8 is approved.

9 Item G-4 concerns XOOM Energy's
10 application seeking confidential treatment of
11 certain financial reports.

12 Are there any objections to approving the
13 Proposed Order approving the application?

14 (No response.)

15 CHAIRMAN SHEAHAN: Hearing none, the Order
16 is approved.

17 Items G-5 and 6 concern applications for
18 authority to operate as alternative gas suppliers.

19 Are there any objections to considering
20 these items together and approving the Proposed
21 Orders?

22 (No response.)

1 CHAIRMAN SHEAHAN: Hearing none, the
2 Orders are approved.

3 Items T-1 through 5 concern petitions for
4 cancellation of authority to provide various
5 telecommunications services.

6 Are there any objections to considering
7 these items together and approving the Proposed
8 Orders?

9 (No response.)

10 CHAIRMAN SHEAHAN: Hearing none, the
11 Orders are approved.

12 Items T-6 through 9 concern various
13 petitions for the confidential treatment of annual
14 reports.

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

18 (No response.)

19 CHAIRMAN SHEAHAN: Hearing none, the
20 Orders are approved.

21 Under our Water and Sewer agenda,
22 item W-1 concerns Illinois-American's application

1 to purchase assets and operate facilities in the
2 city of Farmington.

3 Are there any objections to approving the
4 Proposed Order approving the applications?

5 (No response.)

6 CHAIRMAN SHEAHAN: Hearing none, the Order
7 is approved.

8 Item W-2 concerns Aqua Illinois' Proposed
9 Rate Increase.

10 Are there any objections to approving the
11 Amendatory Order correcting numerical errors?

12 (No response.)

13 CHAIRMAN SHEAHAN: Hearing none, the
14 Amendatory Order is approved.

15 Item W-3 concerns a complaint against
16 Illinois-American.

17 Are there any objections to affirming the
18 ALJ's decision and denying the Petition for
19 Interlocutory Review?

20 (No response.)

21 CHAIRMAN SHEAHAN: Hearing none, the ALJ's
22 decision is affirmed and the Petition for

1 Interlocutory Review is denied.

2 Under Petitions for Rehearing, item PR-1
3 concerns a consumer complaint against Ameren.

4 Are there any objections to denying the
5 Petition for Rehearing?

6 (No response.)

7 CHAIRMAN SHEAHAN: Hearing none, the
8 Petition is denied.

9 Item PR-2 concerns NICOR's proposed rate
10 increase.

11 Are there any objections to denying all of
12 the Petitions for rehearing?

13 (No response.)

14 CHAIRMAN SHEAHAN: Hearing none, the
15 Petitions are denied.

16 We have four items of other business. The
17 first item concerns the March 2018 Solicitation of
18 Bids to Sell Renewable Energy Credits from New
19 Solar and Brownfield PV Projects to Ameren, Com Ed,
20 and MidAmerican.

21 Are there any objections to approving the
22 Procurement Administrator's Recommendations on the

1 Selection of Winning Bids?

2 (No response.)

3 CHAIRMAN SHEAHAN: Hearing none, the
4 Procurement Administrator's Recommendations are
5 approved.

6 The second item concerns the April 2018
7 Solicitation of Bids to Sell Zonal Resource Credits
8 to Ameren.

9 Are there any objections to approving the
10 Procurement Administrator's Benchmark Methodology?

11 (No response.)

12 CHAIRMAN SHEAHAN: Hearing none, the
13 Procurement Administrator's Benchmark Methodology
14 is approved.

15 The third item concerns the April 2018
16 Solicitation of Bids to Sell Standard Energy
17 Products to Ameren, Com Ed, and MidAmerican.

18 Are there any objections to approving the
19 Procurement Administrator's Benchmark Methodology?

20 (No response.)

21 CHAIRMAN SHEAHAN: Hearing none, the
22 Procurement Administrator's Benchmark Methodology

1 is approved.

2 The last item we have concerns FERC
3 docket EL 16-49. We have Christine Ericson to
4 present this item.

5 Christine, good morning.

6 MS. ERICSON: Good morning, Mr. Chairman
7 and Commissioners.

8 So before you is a matter that's related
9 to a complaint case of FERC. You referenced
10 docket EL 16-49.

11 In this case some power suppliers are
12 seeking to expand the Minimum Offer Price Rule, or
13 the MOPR, mitigation mechanism in PJM's tariff.

14 They are seeking to prevent an artificial
15 suppression of prices in the PJM reliability
16 pricing model capacity market by below-cost offers
17 for existing resources whose continued operation is
18 being subsidized by state-approved, out-of-market
19 payments similar to the Zero Emissions Credit, or
20 ZEC, payments here in Illinois.

21 Before you is the answer of the Illinois
22 Commerce Commission to a Motion to Lodge filed by

1 Electric Power Supply Association, or EPSA, on
2 March 14th.

3 EPSA seeks to lodge as evidence the
4 PSEG form 8-K that they filed with the Securities
5 and Exchange Commission on March 2nd.

6 EPSA states that PSEG's form 8-K
7 illustrates the way in which PSEG and other
8 utilities are pressuring state legislatures to
9 subsidize existing generation thereby eroding
10 confidence in the wholesale markets of FERC.

11 The ICC answer opposes the motion and
12 explains that the public form is a routine business
13 matter regarding discretionary plant investments.
14 It's irrelevant and doesn't substantiate claims of
15 industry or legislative scheming to disrupt markets
16 as EPSA would have FERC believe.

17 So Staff is seeking approval is due file
18 the answer -- the answers to March 29th.

19 CHAIRMAN SHEAHAN: Great. Thank you.

20 Any questions for Christine?

21 (No response.)

22 CHAIRMAN SHEAHAN: Okay. Are there any

1 objections to approving the Commission's answer to
2 the Motion to Lodge?

3 (No response.)

4 CHAIRMAN SHEAHAN: Hearing none, the answer
5 is approved.

6 MS. ERICSON: Thank you.

7 CHAIRMAN SHEAHAN: Thank you.

8 Commissioner Oliva, I believe you have
9 one announcement?

10 COMMISSIONER OLIVA: Yes. I do have
11 one announcement.

12 This week March 19th through 25th, 2018,
13 is the ninth anniversary of National Fix a Leak
14 Week. The Commission would like to thank the U.S.
15 Environmental Protection Agency for its WaterSense
16 initiative which has brought national awareness to
17 water efficiency and conservation since 2008.

18 Ten percent of homes have leaks that waste
19 90 gallons or more per day according to the EPA,
20 yet most of these leaks are inexpensive to fix.

21 The Illinois Commerce Commission endorses
22 this EPA initiative by also recognizing this as Fix

1 a Leak Week in Illinois. Along with the National
2 Association of Regulatory Utility Commissioners,
3 the ICC encourages all Illinois residents to learn
4 more about the simple fixes that can be done today
5 that will cost little or no money, yet could save
6 the average household from paying for more than
7 10,000 gallons of wasted water annually.

8 For more information, please visit the
9 Illinois Commerce Commission website.

10 CHAIRMAN SHEAHAN: Thank you, Commissioner.

11 Obviously the ICC has a deep, deep
12 commitment to diversity, and so we can also
13 recognize that it's Women's History Month this
14 month.

15 Judge Teague Kingsley, do you have any
16 other matters to bring before the Commission this
17 morning?

18 JUDGE TEAGUE KINGSLEY: No, Mr. Chairman.

19 CHAIRMAN SHEAHAN: All right.

20 Commissioners, do any of you have any other matters
21 to bring before the Commission?

22 COMMISSIONER OLIVA: Just one quick one.

1 I just wanted to introduce my new legal
2 and policy advisor Janel Haretoun. She previously
3 served as an assistant general counsel and FOIA
4 officer at the Illinois Department of Financial and
5 Professional Regulation where she advised the
6 director, staff, and professional boards on legal
7 and policy matters.

8 Prior to that, Janel held several positions
9 at the IDFPR, including dental prosecutor, labor
10 law clerk to the chief ALJ, and lastly law clerk
11 for health-related prosecution.

12 She received her law degree from the John
13 Marshall Law School.

14 Welcome, Janel.

15 COMMISSIONER ROSALES: Welcome aboard.

16 CHAIRMAN SHEAHAN: If there's nothing
17 else, we stand adjourned.

18 (No response.)

19 CHAIRMAN SHEAHAN: Thank you.

20 (Whereupon, the above matter was
21 adjourned.)

22