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BEFORE THE
ILLINOIS COMMERCE COMMISSION
BENCH SESSION
(SPECIAL OPEN MEETING)
Monday, March 9, 2015
Chicago, Illinois

Met, pursuant to notice, at 10:30 A.M.,
at 160 North La Salle Street, Chicago, Illinois.

PRESENT:
BRIEN J. SHEAHAN, Chairman
ANN MCCABE, Commissioner (by video)
SHERINA E. MAYE, Commissioner
MIGUEL DEL VALLE, Commissioner

SULLIVAN REPORTING COMPANY, by
PATRICIA WESLEY
CSR NO. 084-002170

1 CHAIRMAN SHEAHAN: Good morning.

2 Are we ready to proceed in
3 Springfield?

4 MR. MATRISCH: Yes, we are.

5 CHAIRMAN SHEAHAN: Pursuant to the Open Meetings
6 Act, I call March 9, 2015 Special Open Meeting of
7 the Illinois Commerce Commission to order.

8 Commissioners del Valle and Maye are
9 present with me in Chicago, and we have a quorum.
10 We should also have Commissioner McCabe available on
11 the phone.

12 Commissioner, are you with us?

13 COMMISSIONER McCABE: I am.

14 CHAIRMAN SHEAHAN: Thank you.

15 I would like to move that we allow
16 Commissioner McCabe to participate by phone.

17 Is there a second?

18 COMMISSIONER del VALLE: Seconded.

19 CHAIRMAN SHEAHAN: All those in favor, say aye.

20 (Chorus of ayes.)

21 Opposed, say no.

22 (No response.)

1 Motion carries. Thank you.

2 We have no public comments and,
3 therefore, we will move right into our agenda. We
4 have one item on our Special Open Meeting agenda
5 which concerns the Village of Elmwood's Petition for
6 the Installation of a Highway Grade Crossing and the
7 Closure of the Existing Grade Crossing in Will
8 County. Both IDOT and CenterPoint Intermodal, LLC,
9 have filed a petition for rehearing of the ALJ's
10 Interim Order in this case.

11 I would like to make a motion to grant
12 IDOT's Petition for Rehearing in part for the
13 purpose of taking additional evidence from IDOT and
14 to deny IDOT's request to withdraw the Proposed
15 Interim Order until the rehearing is complete.

16 Given the legitimate safety concerns
17 relating to the crossing that were raised during the
18 initial hearings, we don't believe it's appropriate
19 to reopen the crossing at this time.

20 Is there a second?

21 COMMISSIONER MAYE: Seconded.

22 CHAIRMAN SHEAHAN: Is there any further

1 discussion?

2 Commissioner del Valle.

3 COMMISSIONER del VALLE: Thank you, Mr. Chairman.

4 I agree with the parties and the ALJ
5 that argue that the rehearing request should be
6 denied. The alleged new evidence of traffic
7 outcomes at the crossing's closure was addressed or
8 raised in the rider, and IDOT had an opportunity to
9 raise the issue and to cross-examine on the issue.
10 IDOT elected not to do so.

11 The Interim Order with this evidence
12 in the record still follow the safety needs and
13 merit the closing or closure of the crossing. I do
14 not believe that the requirements for rehearing have
15 been met, and we will be voting on it.

16 CHAIRMAN SHEAHAN: Any further discussion?

17 (No response.)

18 Okay. All those in favor of granting
19 IDOT's petition for rehearing in part and denying in
20 part, say aye.

21 (Chorus of ayes.)

22 Opposed, say no.

1 COMMISSIONER del VALLE: No.

2 CHAIRMAN SHEAHAN: Motion's 3 to 1. It passes.

3 We also have CenterPoint's
4 request. I would like to entertain a motion to deny
5 CenterPoint's petition for rehearing.

6 COMMISSIONER MAYE: So moved.

7 CHAIRMAN SHEAHAN: Is there a second?

8 COMMISSIONER del VALLE: Seconded.

9 CHAIRMAN SHEAHAN: Any discussion?

10 (No response.)

11 All those in favor, say aye.

12 (Chorus of ayes.)

13 Motion carries 4 to 0, and that motion
14 to deny passes.

15 We have no further business this
16 morning, and so, therefore, we are adjourned. Thank
17 you.

18 (Whereupon, the above matter
19 was adjourned.)

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