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BEFORE THE
ILLINOIS COMMERCE COMMISSION
BENCH SESSION
(SPECIAL OPEN MEETING)
Wednesday, April 1, 2014
Chicago, Illinois

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

- PRESENT:
- BRIEN SHEAHAN, Chairman
 - JOHN ROSARIO, Commissioner
 - ANN MCCABE, Commissioner
 - SHERINA E. MAYE, Commissioner (via video)
 - MIGUEL DEL VALLE, Commissioner

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

1 CHAIRMAN SHEAHAN: Good morning, Commissioner
2 Maye.

3 COMMISSIONER MAYE: Good morning.

4 CHAIRMAN SHEAHAN: How are you.

5 COMMISSIONER MAYE: Good. How are you.

6 CHAIRMAN SHEAHAN: Are we ready to go in
7 Springfield?

8 COMMISSIONER MAYE: Ready to go.

9 CHAIRMAN SHEAHAN: Pursuant to the Open Meetings
10 Act, I call the April 1, 2015 Special Open Meeting
11 of the Illinois Commerce Commission to order.

12 Commissioners McCabe, del Valle, and
13 Rosales are present with me in Chicago.

14 Commissioner Maye is present in Springfield. We
15 have a quorum.

16 We have no requests to speak and,
17 therefore, we will move into our regular agenda.

18 Items 1 and 2 concern the IPA's
19 March 2015 Procurement of Electric Energy Products
20 for Commonwealth Edison and Ameren.

21 Is there a motion to consider these
22 items together and approve the procurement

1 administrator's recommendations?

2 COMMISSIONER McCABE: So moved.

3 CHAIRMAN SHEAHAN: Is there a second?

4 COMMISSIONER McCABE: Seconded.

5 CHAIRMAN SHEAHAN: Is there any discussion?

6 (No response.)

7 All those in favor, say aye.

8 (Chorus of ayes.)

9 Opposed, say no.

10 (No response.)

11 The vote is 5 to 0 and the

12 administrator's recommendations are approved.

13 Item 3 concerns the IPA's 2015 Spring

14 Renewable Energy Credits Procurement for ComEd and

15 Ameren.

16 Is there a motion to approve the

17 procurement administrator's benchmark methodology

18 and report?

19 COMMISSIONER McCABE: So moved.

20 CHAIRMAN SHEAHAN: Is there a second?

21 COMMISSIONER del VALLE: Seconded.

22 CHAIRMAN SHEAHAN: Is there any discussion?

1 (No response.)

2 It's been moved and seconded. All
3 those in favor, say aye.

4 (Chorus of ayes.)

5 Opposed, say no.

6 (No response.)

7 The vote is 5 to 0 and the
8 administrator's benchmark methodology and report is
9 approved.

10 Items 4 and 5 concern complaints by
11 New Jerusalem Pentecostal Ministries against Ameren.

12 Are there any objections to
13 considering these items together and approving the
14 proposed orders?

15 (No response.)

16 Hearing no objection, the Orders are
17 approved.

18 Item No. 6 is Source Power & Gas,
19 LLC's application to operate as an ARES in Illinois.

20 Are there any objections to approving
21 the Proposed Amendatory Order.

22 (No response.)

1 Hearing none, the Amendatory Order is
2 approved.

3 Item 7 concerns our investigation of
4 Standard Terms for Customer Authorization of Access
5 to Interval Usage Data for Non-Billing Purposes.

6 I understand that Commissioner McCabe
7 has some questions for the ALJ.

8 ALJ Kimbrel, just state your name for
9 the record.

10 JUDGE KIMBREL: Ethan Kimbrel.

11 CHAIRMAN SHEAHAN: Thanks for being here.

12 Commissioner.

13 COMMISSIONER McCABE: The customer authorization
14 language that's in the appendix defined in the Order
15 say that the authorization language established by
16 this Order will be used by RESs to access customer
17 interval usage data.

18 I was wondering if the language in the
19 appendix is final and will be in place for a certain
20 amount of time or if it can be modified and whether
21 it was tested in any kind of focus groups with
22 actual customers.

1 JUDGE KIMBREL: Commissioner, that language was
2 developed in the workshops, and then the unresolved
3 issues came before me in the docket and then I
4 decided those issues.

5 Regarding whether that language will
6 be permanent, Staff is going to file a report a year
7 from today's Order and see whether or not the
8 language was successful. If it is successful, then
9 there will be measures to make the language
10 permanent in the applicable codes. And if they
11 don't feel that it is, they will recommend an
12 alternative authorization language in Staff's
13 report.

14 COMMISSIONER McCABE: Okay. My only concern if
15 this language is to encourage folks to say, yes, I'm
16 not sure if it can achieve that goal.

17 CHAIRMAN SHEAHAN: Thank you.

18 Any other questions or comments?
19 Commissioner del Valle, do you have --

20 COMMISSIONER del VALLE: I have an edit.

21 CHAIRMAN SHEAHAN: -- an edit?

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

1 First of all, I must say that I fully concur with
2 Commissioner McCabe on the language of the
3 authorization form. I think that it's going to need
4 some work. We were having a real challenge in this
5 business of explaining things to people in plain
6 language, which I realize the lawyers play a role in
7 putting together the language, and it's always the
8 utilities and their representatives. It's been
9 their purpose of making sure that every one is
10 protected, but when you are dealing directly with
11 the customer, we have to find a way of making sure
12 that they understand fully what it is that they are
13 providing their authorization for.

14 So I agree with Commissioner McCabe
15 that it will need some work in some form, but I do
16 have an edit. My edits can be found at Sections G
17 and H of the Order regarding third-party affiliates
18 on Pages 12, 13 and 14.

19 The appendix is amended accordingly
20 and non-substantive edits have also been recommended
21 by myself and Commissioner McCabe as well throughout
22 the document.

1 Section G addresses the authorization
2 language regarding the disclosure of usage
3 information to third parties by RESs.

4 Section 8 addresses the disclosure of
5 RES affiliates. The edits to the conclusion explain
6 that although the authorization should permit
7 disclosure of the data to its contracted third
8 parties and affiliates, it should also clearly
9 foreclose the authorization to sell or license the
10 electric usage information by RESs or its contracted
11 agent to any party contracted or not.

12 Maintaining the principle that these companies
13 should not be able to profit from access to this
14 customer data, it concludes that Staff's language
15 fail to accomplish this, instead the edits adopt the
16 following language. RESs may disclose the EUI to
17 contracted third-party vendors or affiliates for
18 this purpose only.

19 RESs, its affiliates and its
20 contracted third-party vendors, will not sell or
21 license DUI to any party for any purpose. This
22 language explains to the customer the scope of the

1 authorization that is being granted, and, as I
2 indicated earlier, I agree that that will probably
3 need some work down the road and the limits placed
4 on the RESs and its agents by the authorization.

5 With that, I move the adoption of this
6 edit.

7 CHAIRMAN SHEAHAN: Is there a second?

8 COMMISSIONER McCABE: Seconded.

9 CHAIRMAN SHEAHAN: Any discussion on the edits?

10 (No response.)

11 All those in favor of adopting
12 Commissioner del Valle's edits, say aye.

13 (Chorus of ayes.)

14 Opposed, say no.

15 (No response.)

16 Motion carries.

17 So now we come to the Order as
18 amended. Is there any discussion regarding the
19 order as amended?

20 (No response.)

21 Is there a motion to adopt the Order
22 as amended?

1 COMMISSIONER ROSALES: So moved.

2 CHAIRMAN SHEAHAN: Is there a second?

3 COMMISSIONER McCABE: Seconded.

4 CHAIRMAN SHEAHAN: Is there any discussion?

5 (No response.)

6 All those in favor, say aye.

7 (Chorus of ayes.)

8 Opposed, say no.

9 (No response.)

10 Vote is 5 to 0 and the Order as
11 amended is approved.

12 Items 8 through 11 concern petitions
13 for confidential/proprietary treatment of various
14 reports.

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

18 (No response.)

19 Hearing none, the Orders are approved.

20 Item 12 is Spark Energy, LLC's
21 petition to change its corporate form.

22 Are there any objections to granting

1 Spark Energy's motion to withdraw its petition?

2 (No response.)

3 Hearing none, the motion is granted.

4 Item 13 is Sustain-A-Building, LLC's
5 application for DG installer authority.

6 Are there any objections to approving
7 the proposed Order?

8 (No response.)

9 Hearing none, the Order is approved.

10 Items 14 and 15 are applications for
11 authority to operate as an Agent, Broker and
12 Consultant.

13 Are there any objections to approving
14 the proposed orders?

15 (No response.)

16 Hearing none, the Orders are approved.

17 Items 16 is going to be held for
18 disposition at a future meeting.

19 Items 17 and 18 are petitions for
20 confidential/proprietary treatment of reports by
21 Prairie Point Energy, LLC, d/b/a Nicor Advanced
22 Energy, LLC's.

1 Are there any objections to
2 considering these items together and granting the
3 motion to reopen?

4 (No response.)

5 Hearing none, the motions are granted.

6 Item 19 will be held for disposition
7 at a future Commission proceeding.

8 Item 20 is a complaint against Peoples
9 Gas as to billing and/or charges.

10 Are there any objections to granting
11 the parties' joint motion to dismiss?

12 (No response.)

13 Hearing none, the motion is granted.

14 Item 21 concerns Ameren's Petition for
15 Temporary and Permanent Certificate of Public
16 Convenience and Necessity to Construct, Operate, and
17 Maintain a Natural Gas Distribution Main and Related
18 Facilities in Madison County.

19 Are there any objections to approval
20 of the Interim Order?

21 (No response.)

22 Hearing none, the Interim Order is

1 approved.

2 Item 22 is Spark Energy Gas, LLC's
3 petition to change its corporate form.

4 Are there any objections to granting
5 the petitioner's motion to withdraw?

6 (No response.)

7 Hearing none, the motion is granted.

8 Item 23 is TeleManagement Systems'
9 petition to cancel its authority.

10 Are there any objections to approval
11 of an Amendatory Order to correct minor scrivener's
12 errors?

13 (No response.)

14 Hearing none, the Amendatory Order is
15 approved.

16 Item 24 is Illinois Consolidated
17 Telephone Company's petition for
18 confidential/proprietary treatment of its annual
19 report.

20 Are there any objections to approving
21 the proposed Order?

22 (No response.)

1 Hearing none, the Order is approved.

2 Items 25 through 27 are joint
3 petitions for approval of amendments to
4 interconnection agreements.

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

8 (No response.)

9 Hearing none, the Orders are approved.

10 Item 28 through 30 are petitions for
11 approval of annual reconciliations of revenues
12 collected and costs incurred through surcharges for
13 purchased water or sewage treatment.

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

17 (No response.)

18 Hearing none, the Orders are approved.

19 Item 31 is Aqua Illinois' Petition for
20 Issuance of a Certificate of Public Convenience and
21 Necessity to Operate a Water Distribution System and
22 Wastewater Collection System in Cook County, and for

1 the issuance of an Order Approving the Rate Base,
2 Rates and Accounting Entries.

3 Are there any objections to approving
4 the proposed Order?

5 (No response.)

6 Hearing none, the Order is approved.

7 Item 32 is our resolution regarding
8 "Call Before You Dig Month." I believe Commissioner
9 McCabe is going to handle this.

10 Commissioner McCabe.

11 COMMISSIONER McCABE: Thank you. April is "Call
12 Before you Dig Month." Illinois is a leader in the
13 campaign to spread awareness of the one-call number,
14 811.

15 A call to JULIE, Inc., which is the
16 Joint Utility Locating Information for Excavators,
17 provides excavators and underground utility owners a
18 one-call message handling and delivery service to
19 protect our underground pipelines, cables and
20 wiring, as well as the health and safety of those
21 working or living near them.

22 JULIE, Inc., covers the state outside

1 of the city limits of Chicago, has nearly 100
2 employees, and receives 1.2 million locate calls
3 annually.

4 Illinois law requires all homeowners
5 and contractors, prior to digging, to call 811, so
6 that underground utility lines can be marked,
7 whether you are planting trees or doing major
8 construction.

9 In 2014, ICC Staff issued 125 warnings
10 and 86 citations resulting in almost \$83,000 in
11 penalties for not having a valid locate request, not
12 digging carefully around marked underground utility
13 facilities and for utilities failing to mark their
14 facilities in a timely manner.

15 A proclamation from Governor Rauner
16 declaring April "Call Before you Dig Month" in
17 Illinois is on display on the first floor of the
18 Commission office in Springfield.

19 The Commission supports safety around
20 utility lines and urges excavators and homeowners to
21 call 811 before digging.

22 I move the adoption of a resolution

1 recognizing April 2015 as "Call Before You Dig
2 Month" in Illinois.

3 CHAIRMAN SHEAHAN: Is there a second?

4 COMMISSIONER ROSARIO: Seconded.

5 CHAIRMAN SHEAHAN: Is there any discussion?

6 (No response.)

7 All those in favor, say aye.

8 (Chorus of ayes.)

9 Opposed, say no.

10 (No response.)

11 Motion carries 5 to 0.

12 Item 33 concerns pending litigation,
13 so we'll go into closed session to address it.

14 Are there any objections to entering
15 closed session?

16 (No response.)

17 Hearing none, we will go into closed
18 session now and we'll clear the room here in Chicago
19 and in Springfield.

20 (Whereupon, Pages 18 thru 22

21 are contained in a separate

22 transcript for Closed Session.)

1 (The following proceedings
2 are in Open Session.)

3 So we are back into open session. We
4 will go ahead and invite people to rejoin us.

5 (A brief pause.)

6 COMMISSIONER MAYE: We are ready.

7 CHAIRMAN SHEAHAN: Thank you. In closed session,
8 the Commission discussed FERC Docket ER15-1232-000:
9 Illinois Municipal Electric Agency's March 11, 2015,
10 Request for Waiver of Certain PJM tariff
11 restrictions.

12 Is there a motion to adopt the
13 comments?

14 COMMISSIONER McCABE: So moved.

15 CHAIRMAN SHEAHAN: Is there a second?

16 COMMISSIONER del VALLE: Seconded.

17 CHAIRMAN SHEAHAN: Is there any discussion?

18 (No response.)

19 All those in favor, say aye.

20 (Chorus of ayes.)

21 Opposed, say no.

22 (No response.)

1 The motion carries 5 to 0.

2 We have no administrative matters to
3 discuss today.

4 Judge Wallace, are there any other
5 matters to come before the Commission?

6 JUDGE WALLACE: No, Mr. Chairman.

7 CHAIRMAN SHEAHAN: Commissioners, are there any
8 other new business?

9 Commissioner del Valle.

10 (A brief pause.)

11 Commissioner del Valle reminds me that
12 this is Nicole Luckey's last day. Forgive me, for I
13 commented on this yesterday, but she and Suzanne
14 were very, very gracious in helping me through the
15 transition from one chairman to another, and I'm
16 grateful for their service and their help, and so we
17 just want to thank you again for your service to the
18 Commission and the People of Illinois. Thank you
19 for everything you have done.

20 Is there any other new business before
21 the Commission?

22 COMMISSIONER ROSARIO: Excuse me. I would like

1 to thank Nicole as well. She's been phenomenal.

2 Thank you, Nicole.

3 CHAIRMAN SHEAHAN: Terrific. Without objection,
4 we are adjourned.

5 (Whereupon, the above matter
6 was adjourned.)

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