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BEFORE THE
ILLINOIS COMMERCE COMMISSION

BENCH SESSION
(PUBLIC UTILITY)

Springfield, Illinois
Wednesday, April 2, 2014

Met, pursuant to notice, at 10:30 a.m. at
527 East Capitol Avenue, Springfield, Illinois.

- PRESENT:
- MR. DOUGLAS P. SCOTT, Chairman
 - MR. JOHN T. COLGAN, Commissioner
 - MR. MIGUEL del VALLE, Commissioner
 - MS. ANN McCABE, Commissioner (by video)
 - MS. SHERINA E. MAYE, Commissioner (by video)

MIDWEST LITIGATION SERVICES, by
Angela C. Turner, Reporter
CSR #084-004122

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PROCEEDINGS

CHAIRMAN SCOTT: Is everything ready in Chicago?

COMMISSIONER MCCABE: Yes.

CHAIRMAN SCOTT: Pursuant to the provisions of the Open Meetings Act, I now convene a regularly scheduled Bench Session of the Illinois Commerce Commission. With me in Springfield are Commissioner Colgan and Commissioner del Valle. With us in Chicago are Commissioner McCabe and Commissioner Maye. I am Chairman Scott and we have a quorum.

Before moving into the agenda, according to Section 1700.10 of Title 2 of the Administrative Code, this is the time we allow members of the public to address the Commission. Members of the public wishing to address the Commission must notify the Chief Clerk's office at least 24 hours prior to Commission meetings. According to the Chief Clerk's office, we have no requests to speak at today's Bench Session.

(The Transportation Agenda was held at this time and is contained in a separate transcript.)

CHAIRMAN SCOTT: Moving on to the Public

1 Utility Agenda. We'll begin with the approval of
2 minutes from our March 5th Bench Session. I
3 understand amendments have been forwarded.

4 Is there a motion to amend the minutes?

5 COMMISSIONER MCCABE: So moved.

6 CHAIRMAN SCOTT: Moved by Commissioner
7 McCabe.

8 Second?

9 COMMISSIONER MAYE: Second.

10 CHAIRMAN SCOTT: Second by Commissioner
11 Maye.

12 All in favor, say aye.

13 (Chorus of ayes.)

14 CHAIRMAN SCOTT: Any opposed?

15 (No response.)

16 CHAIRMAN SCOTT: The vote is five to
17 nothing, and the amendments are adopted.

18 Is there now a motion to approve the minutes
19 as amended?

20 COMMISSIONER COLGAN: So moved.

21 CHAIRMAN SCOTT: Moved by Commissioner
22 Colgan.

23 Second?

24 COMMISSIONER del VALLE: Second.

1 CHAIRMAN SCOTT: Second by Commissioner del
2 Valle.

3 All in favor, say aye.

4 (Chorus of ayes.)

5 CHAIRMAN SCOTT: Any opposed?

6 (No response.)

7 CHAIRMAN SCOTT: The vote is five to
8 nothing, and the minutes from our March 5th Bench
9 Session, as amended, are approved.

10 Turning now to the Electric portion of
11 today's agenda. Item E-1 is ComEd's filing to revise
12 its Rate Government Aggregation Protocols, Rate GAP,
13 pursuant to the Commission's Order in Docket Number
14 13-0506. Staff recommends that we approve the
15 revision by not suspending the filing.

16 Is there any discussion?

17 (No response.)

18 CHAIRMAN SCOTT: Any objections?

19 (No response.)

20 CHAIRMAN SCOTT: Is there a motion to not
21 suspend the filing?

22 COMMISSIONER COLGAN: So moved.

23 CHAIRMAN SCOTT: Moved by Commissioner
24 Colgan.

1 Second?

2 COMMISSIONER MCCABE: Second.

3 CHAIRMAN SCOTT: Second by Commissioner
4 McCabe.

5 All in favor, say aye.

6 (Chorus of ayes.)

7 CHAIRMAN SCOTT: Any opposed?

8 (No response.)

9 CHAIRMAN SCOTT: The vote is five to
10 nothing, and the filing is not suspended. We will
11 use this five to nothing vote for the remainder of
12 today's Public Utility Agenda unless otherwise noted.

13 Item E-2 is Docket Number 11-0033. This is
14 Amcor Flexibles' complaint against ComEd pursuant to
15 Section 9-250 and 10-108 of the Public Utilities Act
16 and Section 200.170 of the Rules of Practice and
17 request for Oral Argument. ALJ Teague Kingsley
18 recommends entry of an Order denying both the Request
19 for Oral Argument and Amcor's complaint.

20 First, is there a motion to deny the Request
21 for Oral Argument?

22 COMMISSIONER COLGAN: So moved.

23 CHAIRMAN SCOTT: Moved by Commissioner
24 Colgan.

1 Is there a second?

2 COMMISSIONER MCCABE: Second.

3 CHAIRMAN SCOTT: Second by Commissioner
4 McCabe.

5 All in favor, say aye.

6 (Chorus of ayes.)

7 CHAIRMAN SCOTT: Any opposed?

8 (No response.)

9 CHAIRMAN SCOTT: The vote is five to
10 nothing, and the request for Oral Argument is denied.

11 With respect to the Order, my office has
12 some suggested edits. The edits do not change the
13 ultimate result, but clarify that while both ComEd's
14 tariff and the Administrative Rules appear to permit
15 ComEd to impose late charges on a commercial and
16 industrial user like Amcor, but also clarifies that
17 the Commission will not impose those fees in the
18 current proceeding, because it would be prejudicial
19 to Amcor.

20 Certainly, knowing that ComEd planned to
21 pursue late fees would have impacted Amcor's
22 litigation strategy, and perhaps would have impacted
23 their decision to file a Joint Stipulation. Added to
24 that is the fact that the stipulation itself stated

1 it was the "entire evidentiary record in this
2 proceeding" and did not mention late fees.

3 Last, the edits in place -- placed in the
4 findings and ordering paragraph the total amount owed
5 by Amcor to make it clear that they will not be
6 required to pay any late fees.

7 With that, I would move for the adoption of
8 these edits.

9 Is there a second?

10 COMMISSIONER del VALLE: Second.

11 CHAIRMAN SCOTT: Second by Commissioner del
12 Valle.

13 Is there any discussion on the edits?

14 (No response.)

15 CHAIRMAN SCOTT: All in favor, say aye.

16 (Chorus of ayes.)

17 CHAIRMAN SCOTT: Any opposed?

18 (No response.)

19 CHAIRMAN SCOTT: The vote is five to
20 nothing, and the edits are adopted.

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

23 COMMISSIONER del VALLE: So moved.

24 COMMISSIONER COLGAN: So moved.

1 CHAIRMAN SCOTT: Moved by Commissioner del
2 Valle. Second by Commissioner Colgan.

3 Is there any discussion?

4 (No response.)

5 CHAIRMAN SCOTT: All in favor, say aye.

6 (Chorus of ayes.)

7 CHAIRMAN SCOTT: Any opposed?

8 (No response.)

9 CHAIRMAN SCOTT: The vote is five to
10 nothing, and the Order, as amended, is entered.

11 Item E-3 is Docket Number 13-0568. This is
12 Nick Al-Farah of the Great Steak Potato Company's
13 complaint against ComEd as to being charged for the
14 wrong meter from June 2010 to December 2012. It
15 appears that the parties have settled their
16 differences and filed a stipulation and Joint Motion
17 to Dismiss, which ALJ Riley recommends we grant.

18 Is there any discussion?

19 (No response.)

20 CHAIRMAN SCOTT: Any objections?

21 (No response.)

22 CHAIRMAN SCOTT: Hearing none, the Motion to
23 Dismiss is granted.

24 Item E-4 is Docket Number 13-0519. This is

1 Ameren's petition for an Order approving an
2 administrative procedure for resolving and paying
3 claims for damages under Section 16-125(e) and (f) of
4 the Public Utilities Act. ALJ Jones recommends entry
5 of a Post-exceptions Order approving the
6 administrative claims procedures as modified.

7 Commissioner del Valle, I believe you had
8 some edits to propose.

9 COMMISSIONER del VALLE: Yes. Thank you,
10 Mr. Chairman.

11 I believe that it is reasonable to
12 standardized the notice requirement established in
13 Docket 11-0588 in ComEd's waiver proceeding as part
14 of Ameren's administrative claims procedure.

15 My edits adopt Staff's proposed eighth
16 recommendation into modification adopting Staff's
17 interpretation of Administrative Code 411. We find
18 that Ameren's arguments about cost and administrative
19 burden are unpersuasive, because the notice
20 requirement would only come into effect in a narrow
21 set of circumstances. The task of identifying the
22 affected customers would be completed as part of the
23 Section 125 litigation. And the number of customers
24 to be notified are only those deemed not to be

1 covered by waiver.

2 The edits also direct Ameren to prepare a
3 sample notice letter with involvement and approval of
4 the Commission's Consumer Services Division to be
5 included in the administrative claim procedures. It
6 further conditions approval of the administrative
7 claim procedures and a compliance file to be made
8 within 60 days of this Order.

9 With that, I move the adoption of these
10 edits.

11 CHAIRMAN SCOTT: The edits have been moved.

12 Is there a second?

13 COMMISSIONER COLGAN: Second.

14 CHAIRMAN SCOTT: Second by Commissioner
15 Colgan.

16 Discussion on the edits?

17 (No response.)

18 CHAIRMAN SCOTT: All in favor, say aye.

19 (Chorus of ayes.)

20 CHAIRMAN SCOTT: Any opposed?

21 (No response.)

22 CHAIRMAN SCOTT: The vote is five to
23 nothing, and the edits are adopted.

24 Is there now a motion to enter the Order as

1 amended?

2 COMMISSIONER MCCABE: So moved.

3 CHAIRMAN SCOTT: Moved by Commissioner
4 McCabe.

5 Second?

6 COMMISSIONER MAYE: Second.

7 CHAIRMAN SCOTT: Second by Commissioner
8 Maye.

9 Any discussion?

10 (No response.)

11 CHAIRMAN SCOTT: All in favor, say aye.

12 (Chorus of ayes.)

13 CHAIRMAN SCOTT: Any opposed?

14 (No response.)

15 CHAIRMAN SCOTT: The vote is five to
16 nothing, and the Order, as amended, is entered.

17 Items E-5 through E-10 can be taken
18 together. These items are Applications for
19 Certification as an Installer of Distributed
20 Generation Facilities pursuant to Section 16-128A of
21 the Public Utilities Act. In each case, ALJ Baker
22 recommends entry of Order granting the requested
23 certificate.

24 Is there any discussion?

1 (No response.)

2 CHAIRMAN SCOTT: Any objections?

3 (No response.)

4 CHAIRMAN SCOTT: Hearing none, the Orders
5 are entered.

6 Items E-11 and E-12 can be taken together.
7 These items are petitions for the confidential and/or
8 proprietary treatment of petitioners' various
9 compliance reports. In each case, ALJ Teague
10 Kingsley recommends entry of an Order granting the
11 requested relief.

12 Is there any discussion?

13 (No response.)

14 CHAIRMAN SCOTT: Any objections?

15 (No response.)

16 CHAIRMAN SCOTT: Hearing none, the Orders
17 are entered.

18 Turning now to Natural Gas. Items G-1 and
19 G-2 can be taken together. These items are
20 complaints against Nicor as to discontinuation of
21 service or billing and/or charges. It appears all
22 the parties have settled their differences and filed
23 Stipulations and Joint Motions to Dismiss; and in
24 both cases, ALJ Riley recommends we grant those

1 motions.

2 Is there any discussion?

3 (No response.)

4 CHAIRMAN SCOTT: Any objections?

5 (No response.)

6 CHAIRMAN SCOTT: Hearing none, the Motions
7 to Dismiss are granted.

8 Items G-3 and G-4 can be taken together.

9 These items are North Shore and Peoples Gas' verified
10 petitions for waiver of a provision of 83 Illinois
11 Administrative Code Part 285. In both cases, ALJs
12 Kimbrel and Hilliard recommend entry of an Order
13 granting the requested relief.

14 Is there any discussion?

15 (No response.)

16 CHAIRMAN SCOTT: Any objections?

17 (No response.)

18 CHAIRMAN SCOTT: Hearing none, the Orders
19 are entered.

20 On to Telecommunications. Item T-1 is
21 Docket Number 13-0594. This is our amendment of 83
22 Illinois Administrative Code 705, which will set
23 forth various requirements for maintaining and
24 preserving records of telecommunications carriers.

1 ALJ Haynes recommends entry of a Second Notice Order.

2 Is there any discussion?

3 (No response.)

4 CHAIRMAN SCOTT: Any objections?

5 (No response.)

6 CHAIRMAN SCOTT: Hearing none, the Order is
7 entered.

8 Item T-2 is Docket Number 14-0124. This is
9 MetroPCS Michigan's Application for Certificate of
10 Wireless Authority to operate as a provider of
11 Commercial Mobile Radio Service in Illinois. ALJ
12 Riley recommends entry of an Order granting the
13 requested certificate.

14 Is there any discussion?

15 (No response.)

16 CHAIRMAN SCOTT: Any objections?

17 (No response.)

18 CHAIRMAN SCOTT: Hearing none, the Order is
19 entered.

20 Items T-3 and T-4 can be taken together.
21 These items are petitions for the confidential and/or
22 proprietary treatment of petitioners' various
23 compliance reports. In each case, the ALJ recommends
24 entry of an Order granting the requested relief.

1 Is there any discussion?

2 (No response.)

3 CHAIRMAN SCOTT: Any objections?

4 (No response.)

5 CHAIRMAN SCOTT: Hearing none, the Orders
6 are entered.

7 Items T-5 through T-7 can be taken together.
8 These items are Applications for State-issued
9 Authority to provide cable service pursuant to
10 Section 401 of the Cable and Video Competition Law of
11 2007. In each case, the Applicant has filed a motion
12 to withdraw their Application, which ALJ Riley
13 recommends we grant.

14 Is there any discussion?

15 (No response.)

16 CHAIRMAN SCOTT: Any objections?

17 (No response.)

18 CHAIRMAN SCOTT: Hearing none, the Motions
19 to Withdraw are granted.

20 On to Water and Sewer. Item W-1 is Docket
21 Number 13-0595. This is Aqua Illinois' Petition for
22 a Certificate of Public Convenience and Necessity to
23 operate a water supply and distribution system in
24 McHenry County, Illinois; and for the Issuance of

1 Order approving rates, accounting entries and tariff
2 language. ALJ Riley recommends entry of an Order
3 granting the requested relief.

4 Is there any discussion? Commissioner
5 McCabe.

6 COMMISSIONER MCCABE: Yes. I want to
7 commend Staff who's worked on this a long time and
8 Aqua. While the rates for McHenry Shore's customers
9 will increase, they should be commensurate with
10 similar utilities. And in return, they will have a
11 number of improvements over the next few years,
12 including water main replacements, improvements to
13 their storage tank, removing iron from their water,
14 emergency power generation to ensure reliable
15 service, and all meters eventually will have remote
16 read capability. Hopefully, it's a win-win and we
17 have one less troubled water utility on our hands.

18 CHAIRMAN SCOTT: Completely agree with those
19 comments.

20 Any further discussion?

21 (No response.)

22 CHAIRMAN SCOTT: Are there any objections to
23 entering the Order?

24 (No response.)

1 CHAIRMAN SCOTT: Hearing none, the Order is
2 entered.

3 Item W-2 is Docket Number 14-0094. This is
4 Kevin Plunkett's complaint against Aqua as to billing
5 and/or charges in Chicago. It appears the parties
6 have settled their differences and filed a
7 Stipulation for Dismissal. ALJ Riley recommends
8 dismissal of the proceeding.

9 Is there any discussion?

10 (No response.)

11 CHAIRMAN SCOTT: Any objections?

12 (No response.)

13 CHAIRMAN SCOTT: Hearing none, the
14 proceeding is dismissed.

15 We have two sets of Petitions for Rehearing
16 to consider today. Item PR-1 is Docket Number
17 10-0635. This is the Commission's determination
18 under Section 5 of the Illinois Gas Pipeline Safety
19 Act regarding United States Steel's plan for the
20 inspection and maintenance of its pipeline facilities
21 in and near its Granite City Works. U.S. Steel and
22 the Industrial Associations have both filed Petitions
23 for Rehearing of the Commission's Interim Order,
24 which ALJ Wallace recommends we deny.

1 Is there any discussion?

2 JUDGE WALLACE: Mr. Chairman.

3 CHAIRMAN SCOTT: Yes.

4 JUDGE WALLACE: I would just like to note
5 that United States Steel has also filed an additional
6 motion, and that will be dealt with. The parties and
7 I set a schedule for responses to that. U.S. Steel
8 wanted to try to have the Motion for Stay and the
9 Petition for Rehearing together. But statutorily, I
10 don't see any way to do that.

11 CHAIRMAN SCOTT: This is pretty much our
12 last chance to deal with a Petition for Rehearing.

13 JUDGE WALLACE: Yes.

14 CHAIRMAN SCOTT: Is there a motion to deny
15 both Petitions for Rehearing?

16 COMMISSIONER del VALLE: So moved.

17 COMMISSIONER MAYE: So moved.

18 CHAIRMAN SCOTT: Moved by Commissioner del
19 Valle. Second by Commissioner Maye.

20 Is there any discussion on that motion?

21 (No response.)

22 CHAIRMAN SCOTT: Moved and seconded.

23 All in favor, say aye.

24 (Chorus of ayes.)

1 CHAIRMAN SCOTT: Opposed?

2 (No response.)

3 CHAIRMAN SCOTT: The vote is five to
4 nothing, and the Petitions for Rehearing are denied.

5 Item PR-2 is Docket Number 12-0598. This is
6 Ameren Transmission Company of Illinois' Petition for
7 a Certificate of Public Convenience and Necessity
8 pursuant to Section 8-406.1 of the Illinois Public
9 Utilities Act, and an Order pursuant to Section 8-503
10 of the Public Utilities Act to construct, operate and
11 maintain a new high voltage electric service line and
12 related facilities in counties across Illinois.

13 The Macon County Property Owners, William,
14 Patricia and Jamie Garrett and Donald and Shirley
15 McWard, Edward Corley and the Edward Corley Trust and
16 the Lockhart Living Trust have all filed Petitions
17 for Rehearing concerning the Second Order on
18 Rehearing. ALJs Albers and Yoder recommend that we
19 deny the Applications for Rehearing concerning the
20 Second Order on Rehearing.

21 Is there any discussion?

22 (No response.)

23 CHAIRMAN SCOTT: Is there a motion to deny
24 the Petitions for Rehearing?

1 COMMISSIONER MCCABE: So moved.

2 CHAIRMAN SCOTT: Moved by Commissioner
3 McCabe.

4 Is there a second?

5 COMMISSIONER COLGAN: Second.

6 CHAIRMAN SCOTT: Second by Commissioner
7 Colgan.

8 Is there any discussion?

9 (No response.)

10 CHAIRMAN SCOTT: All in favor, say aye.

11 (Chorus of ayes.)

12 CHAIRMAN SCOTT: Opposed?

13 (No response.)

14 CHAIRMAN SCOTT: The vote is five to
15 nothing, and the Petitions for Rehearing are denied.

16 We have three items of other business to
17 consider today. Given that the first item is a FERC
18 matter concerning pending litigation, we will take
19 that item last, because it requires us to go into
20 closed session to address it.

21 So go to Item 2 is our Resolution in support
22 of 811, the number to call before you dig to locate
23 utility lines. I'm going to read the parts of the
24 Resolution.

1 Whereas, every eight minutes in our nation,
2 an underground utility line is damaged with serious
3 consequences ranging from personal injury or death to
4 service interruptions because someone decided not to
5 call 811 before digging; and whereas, public
6 awareness of underground infrastructure is key to
7 protecting vital utility resources that we rely on to
8 operate our homes and businesses every day.

9 There are four more whereas clauses. The
10 resolved clause reads: Now therefore be it resolved
11 that the Illinois Commerce Commission joins Governor
12 Pat Quinn and Public Utility Commissions across the
13 country in emphasizing the importance of pipeline
14 safety and recognizing April as "Call Before You Dig
15 Month" on this second day of April 2014.

16 Is there any discussion on the Resolution?

17 (No response.)

18 CHAIRMAN SCOTT: Is there a motion to adopt
19 the Resolution?

20 COMMISSIONER COLGAN: So moved.

21 CHAIRMAN SCOTT: Moved by Commissioner
22 Colgan.

23 Is there a second?

24 COMMISSIONER MCCABE: Second.

1 CHAIRMAN SCOTT: Second by Commissioner
2 McCabe.

3 Any discussion?

4 (No response.)

5 CHAIRMAN SCOTT: All in favor of the
6 Resolution, say aye.

7 (Chorus of ayes.)

8 CHAIRMAN SCOTT: Opposed?

9 (No response.)

10 CHAIRMAN SCOTT: The vote is five to
11 nothing, and the Resolution is adopted.

12 Item 3 is our Resolution in support of Low
13 Income Home Energy Assistance Program Funding.
14 Commissioner Colgan.

15 COMMISSIONER COLGAN: Thank you, Chairman.

16 Adequate utility service is vital to the
17 health and safety of all Illinois households.
18 Unfortunately, the need for energy assistance
19 continues to grow during the current economic hard
20 times. And at the same time, we have some severe
21 constraints on state budgets and the increased strain
22 on the nation's support system provided by
23 not-for-profits, faith-based groups, and other
24 community organizations that have limited resources

1 available for energy assistance.

2 As many of you know, the Low Income Home
3 Energy Assistance Program, or the acronym LIHEAP, is
4 the main federal program that helps low income
5 households, people with special needs, and seniors
6 with their energy bills, providing vital assistance
7 during the cold winter, and to a lesser extent, the
8 summer months.

9 Although the number of households eligible
10 for LIHEAP continues to exceed those receiving
11 assistance, this funding has been a lifeline during
12 the economic downturn and rising energy costs,
13 helping to ensure that people do not have to choose
14 between paying their energy bills, paying for food,
15 medicine or other important household needs.

16 The U.S. Census Bureau recently reported
17 that 46.5 million people lived in poverty in 2012,
18 which is the largest number in the 56-year history of
19 the published poverty estimates.

20 The increasing poverty rate, coupled with
21 underfunding of energy assistance programs, produces
22 an increase in arrearages and service disconnections
23 that cause families to resort to unsafe and sometimes
24 life-threatening measures in lieu of utility

1 services.

2 According to NEADA, which is the National
3 Energy Assistance Director's Association, last year,
4 LIHEAP provided vital energy assistance to 6.7
5 million households, which was a decrease of 1.3
6 million households since 2010.

7 The number of veteran households served by
8 LIHEAP increased by more than 150 percent during the
9 same period from about 700,000 in Fiscal Year 2008 to
10 1.78 million in Fiscal Year 2011, which represents an
11 increase from 12 percent of the total LIHEAP
12 recipients to 20 percent since 2008.

13 The Administration's proposed \$674 million
14 cut, which would be an 18 percent cut to the LIHEAP
15 program in its Fiscal Year 2015 federal budget,
16 threatens to reduce the overall number served by over
17 one million households.

18 Congress, last year, was able to restore
19 funding to the Fiscal Year 2014 appropriation to
20 approximately \$3.5 billion, representing a
21 significant cut from Fiscal Year 2011's appropriation
22 of \$4.7 billion, and less than Fiscal Year 2010
23 funding of \$5.1 billion. And interestingly enough,
24 that increase that Congress was able to put into the

1 budget last year was pretty much entirely consumed by
2 propane customers because of the increased costs. I
3 think we all noticed the huge increase spike in
4 propane costs this past winter.

5 So today, I am sponsoring a Resolution
6 stating that the Illinois Commerce Commission not
7 only understands that Congress, the Administration
8 and our nation confront challenging fiscal decisions,
9 but we also recognize the need to work cooperatively
10 to address our country's deficit in a manner that
11 will promote job growth and economic recovery.

12 The Resolution concludes by urging the
13 Administration to request and Congress to fund the
14 Low Income Home Energy Assistance Program at \$5.1
15 billion.

16 I am asking the Commission's support for
17 this Resolution. And Mr. Chairman and Commissioners,
18 I move that the Commission adopt the Resolution in
19 support of the LIHEAP funding and to send that
20 Resolution to the Illinois Congressional Delegation
21 and to the leaders of Congress in Washington, D.C.

22 CHAIRMAN SCOTT: Is there a second?

23 COMMISSIONER del VALLE: Second.

24 CHAIRMAN SCOTT: Second by Commissioner del

1 Valle.

2 Discussion? Commissioner del Valle.

3 COMMISSIONER del VALLE: Thank you,
4 Mr. Chairman. I strongly support this Resolution. I
5 thank Commissioner Colgan for bringing it to us. I
6 was shocked, Commissioner, when I saw those numbers.
7 I didn't realize that the cut was so deep for the
8 current fiscal year. And then on top of that, we're
9 talking about another 18 percent cut of \$640 million.

10 The timing couldn't be worse for this. I
11 can't tell you the number of people that I have
12 talked to that are not knowing at this point how
13 they're going to pay their heating bills. The need
14 is tremendous out there.

15 So I hope that in that letter that goes to
16 our Congressional Delegation and the leaders of
17 Congress that we use some language that is forceful,
18 if you will, because we need to convey to them the
19 fact that what we have, in effect, is an emergency
20 situation right now. And it has to be addressed.
21 Lots of folks are relying on LIHEAP. And we just
22 can't accept these cuts.

23 COMMISSIONER COLGAN: I thank you for those
24 comments, Commissioner.

1 And I know, as I was working on this -- as
2 my assistant Linda Wagner and I worked on this
3 Resolution through the week, I was reminded that I
4 was working on poverty issues back in the 1980's in
5 Peoria. And at that time, we started talking about a
6 group of people that we called the new poor.

7 Well, those same groups of people are now
8 still in the same situation, and even bigger groups
9 of people, and they're no longer newly poor. What is
10 happening is we're seeing an erosion of the American
11 middle class and that the movement is down.

12 And this is going to be an ongoing problem.
13 It's not just a problem for the people that are
14 affected by it who can't pay their utility bills.
15 It's also a problem for the utilities, because it
16 continues to mount the arrearages that people have
17 and the uncollectible debts that they're achieving.

18 So in addition to our movement and our
19 efforts to do something to support the LIHEAP
20 program, I would support our regulated utilities in
21 Illinois to do the same.

22 CHAIRMAN SCOTT: Further discussion?

23 (No response.)

24 CHAIRMAN SCOTT: I can't agree more with all

1 the comments that both these gentlemen have made.
2 And I have gotten to see it from helping to
3 administer LIHEAP through the City of Rockford back
4 when I worked there on a couple of different
5 occasions and the numbers of people and the types of
6 issues and problems that they were having that LIHEAP
7 actually assisted them with.

8 And you know, we spend a great deal of time
9 trying to make sure that we achieve that proper
10 balance between the utility's interest and being able
11 to provide the service and the customer's interest in
12 being able to pay for the service. But when you see
13 something like this and you understand how basic
14 these needs are, and that there is such a huge number
15 of people who aren't able to access what a lot of us
16 take for granted in terms of being able to heat our
17 homes, that you see how really important a program
18 like LIHEAP is.

19 And while there is great recognition that
20 that's necessary, it always strikes me that there is
21 not recognition as to the depth of what the problem
22 is. So you see this kind of dance every year
23 federally with this program where, you know, money
24 will be proposed to be taken out by one side or

1 another. It's not just a Congress or Administration
2 thing. And then the other will fight to put it back
3 in.

4 It would be a much more honest discussion
5 just to assess what the levels of need actually are,
6 because even at the levels that we're recommending in
7 this Resolution, we're not coming close to what the
8 need is throughout the country. And that would be
9 the next step and an even greater public debate and a
10 necessary public debate.

11 But I appreciate the efforts that you made
12 to bring this Resolution to us. And I wholeheartedly
13 support it.

14 COMMISSIONER COLGAN: Thank you for those
15 comments. And you make a really good point that even
16 back in 2010, when the program was funded at
17 \$5.1 billion, it still only was enough money to serve
18 a little bit less than 40 percent of the eligible
19 population.

20 CHAIRMAN SCOTT: Right.

21 Further discussion?

22 (No response.)

23 CHAIRMAN SCOTT: It's been moved and
24 seconded to adopt the Resolution.

1 All in favor, say aye.

2 (Chorus of ayes.)

3 CHAIRMAN SCOTT: Any opposed?

4 (No response.)

5 CHAIRMAN SCOTT: The vote is five to
6 nothing, and the Resolution is adopted.

7 Now, we go back to Item 1, which is FERC
8 Docket Number ER14-1461-000 concerning the ICC's
9 comments on PJM's March 10 filing proposing revisions
10 to the Reliability Pricing Model.

11 This is a FERC matter concerning pending
12 litigation, so we will need to go into closed session
13 to address it.

14 Is there a motion to go into closed session?

15 COMMISSIONER MCCABE: So moved.

16 COMMISSIONER COLGAN: So moved.

17 CHAIRMAN SCOTT: Moved by Commissioner
18 McCabe. Second by Commissioner Colgan.

19 All in favor, say aye.

20 (Chorus of ayes.)

21 CHAIRMAN SCOTT: Any opposed?

22 (No response.)

23 CHAIRMAN SCOTT: The vote is five to
24 nothing, and the Commission will now go into closed

1 session.

2 Please let me know when the room is ready in
3 Chicago.

4 (At this point, pages 32 - 58 of
5 the proceeding are contained in a
6 separate closed transcript.)

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CONTINUATION OF PROCEEDINGS

CHAIRMAN SCOTT: In closed session, the Commission discussed FERC Docket Number ER14-1461-000 concerning the ICC's comments on PJM's March 10 filing proposing revisions to the Reliability Pricing Model to address purported speculative offers submitted by market participants in the base residual auctions.

Is there a motion to file the comments with FERC?

COMMISSIONER MCCABE: So moved.

CHAIRMAN SCOTT: Moved by Commissioner McCabe.

Is there a second?

COMMISSIONER MAYE: Second.

CHAIRMAN SCOTT: Second by Commissioner Maye.

All in favor, say aye.

(Chorus of ayes.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is five to nothing, and the filing will be made with FERC.

Judge Wallace, any other matters to come

1 before the Commission today?

2 JUDGE WALLACE: No. That's all, Mr.
3 Chairman.

4 CHAIRMAN SCOTT: Thank you.

5 So hearing none, this meeting stands
6 adjourned. Thank you, everyone.

7 BENCH SESSION ADJOURNED.

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CERTIFICATE OF REPORTER

I, Angela C. Turner, a Certified Shorthand Reporter within and for the State of Illinois, do hereby certify that the Bench Session aforementioned was held on the time and in the place previously described.

IN WITNESS WHEREOF, I have hereunto set my hand and seal.

Angela C. Turner
IL CSR #084-004122