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BEFORE THE  
ILLINOIS COMMERCE COMMISSION

PUBLIC UTILITY BENCH SESSION

Chicago, Illinois  
April 4, 2012

Met, pursuant to notice, at 2:00 p.m.

BEFORE:

- MR. DOUGLAS P. SCOTT, Chairman
- MS. LULA M. FORD, Commissioner
- MS. ERIN M. O'CONNELL-DIAZ, Commissioner
- MS. ANN McCABE, Acting Commissioner
- MR. JOHN T. COLGAN, Commissioner

SULLIVAN REPORTING COMPANY, by  
Auhdikiam Carney, CSR  
License No. 084-004658

1           CHAIRMAN SCOTT: Pursuant to the provisions of  
2 the Illinois Open Meetings Act, I now convene a  
3 regularly scheduled Bench Session of the Illinois  
4 Commerce Commission. With me in Chicago are  
5 Commissioners O'Connell-Diaz, Colgan and Acting  
6 Commissioner McCabe. I'm Chairman Scott.

7                       We have a quorum.

8                       I would like to thank everyone for  
9 waiting. It says "us," but it's me that's the cause  
10 of the delay. I got caught in air traffic after the  
11 tornado hit Dallas yesterday, so I maneuvered around  
12 and finally got a flight that finally got me back  
13 here to Chicago. So I'm glad to be with you, but I  
14 really appreciate everybody waiting us out and I  
15 apologize for the delay in us getting started.

16                      We also have Commissioner Ford  
17 available by phone. Per the Commission's rules, we  
18 will take a vote to allow participation by phone.

19                      Is there a motion to allow  
20 Commissioner Ford to participate by phone?

21                      COMMISSIONER O'CONNELL-DIAZ: So moved.

22                      CHAIRMAN SCOTT: Is there a second?

1 COMMISSIONER COLGAN: 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 4-0 to allow Commissioner  
8 Ford to participate in today's meeting by phone.

9 Hello, Commissioner.

10 COMMISSIONER FORD: Hello. How are you all?

11 CHAIRMAN SCOTT: Good. How are you?

12 COMMISSIONER FORD: Great.

13 CHAIRMAN SCOTT: Before moving into the agenda,  
14 according to Section 1700.10 of Title II of the  
15 Administrative Code, this is the time we allow  
16 members of the public to address the Commission.  
17 Members of the public wishing to address the  
18 Commission must notify the Chief Clerk's Office at  
19 least 24 hours prior to Commission meetings.  
20 According to the Chief Clerk's Office, we have no  
21 requests to speak at today's Bench Session.

22 Moving on to the Public Utility Agenda. We

1 will begin today with the approval of minutes from  
2 prior Commission meetings. Up first are our minutes  
3 from our March 6th Policy Committee Meeting. I  
4 understand amendments have been forwarded.

5 Is there a motion to amend the  
6 minutes?

7 COMMISSIONER O'CONNELL-DIAZ: So moved.

8 CHAIRMAN SCOTT: Is there a second?

9 COMMISSIONER COLGAN: Second.

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

11 All in favor say "aye."

12 (Chorus of ayes.)

13 Any opposed?

14 (No response.)

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

17 Is there a motion to approve the March  
18 6th minutes as amended?

19 COMMISSIONER COLGAN: So moved.

20 CHAIRMAN SCOTT: Is there a second?

21 COMMISSIONER O'CONNELL-DIAZ: Second.

22 CHAIRMAN SCOTT: All in favor say "aye."

1 (Chorus of ayes.)

2 Any opposed?

3 (No response.)

4 The vote is 5-0 and the March 6th  
5 Policy Committee Meetings as amended are approved.

6 Up next are minutes from our March 7th  
7 Bench Session.

8 Is there a motion to approve the  
9 minutes?

10 COMMISSIONER COLGAN: So moved.

11 CHAIRMAN SCOTT: Is there a second?

12 COMMISSIONER O'CONNELL-DIAZ: Second.

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

14 All in favor say "aye."

15 (Chorus of ayes.)

16 Any opposed?

17 (No response.)

18 The vote is 5-0 and the March 7th  
19 Bench Session minutes are approved.

20 Turning to the Electric portion of  
21 today's agenda, Item E-1 concerns a filing by Ameren  
22 to establish its Government Aggregation Services

1       Tariff for the provision of municipal aggregation.

2       Staff recommends not suspending the filing.

3                       Is there any discussion?

4                       (No response.)

5                       Is there a motion to not suspend the  
6       filing?

7               COMMISSIONER COLGAN:   So moved.

8               CHAIRMAN SCOTT:   Is there a second?

9               COMMISSIONER O'CONNELL-DIAZ:   Second.

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

11                      All in favor say "aye."

12                      (Chorus of ayes.)

13                      Any opposed?

14                      (No response.)

15                      The vote is 5-0 and the filing will  
16       not be suspended.   We will use this 5-0 vote for the  
17       remainder of the Public Utility Agenda unless  
18       otherwise noted.

19                      Item E-2 is Docket No. 11-0218.   This  
20       is Prospect Resources' petition for confidential  
21       and/or proprietary treatment of its annual report.  
22       ALJ Benn recommends entry of an Order granting the

1 requested relief for a period of two years.

2 Is there any discussion?

3 (No response.)

4 Any objections?

5 (No response.)

6 Hearing none, the Order is entered.

7 Item E-3 is Docket No. 11-0721. This  
8 is ComEd's formula rate filing under Section 16-108.5  
9 of the Public Utilities Act. We've got a couple of  
10 things up for consideration today. Up first is the  
11 entry of a Resuspension Order extending the  
12 investigation of the proposed tariffs to May 31st,  
13 2012.

14 Is there any discussion on the  
15 Resuspension Order?

16 (No response.)

17 Any objections to entering the  
18 Resuspension Order?

19 (No response.)

20 Hearing none, the Resuspension Order  
21 is entered.

22 Next up is a Petition for

1 Interlocutory Review filed by ComEd regarding an  
2 evidentiary ruling made by the ALJ in the matter and  
3 over which ComEd seeks partial reversal.

4 Is there any discussion?

5 ACTING COMMISSIONER McCABE: I'm going to  
6 abstain from this petition.

7 CHAIRMAN SCOTT: Thank you, Commissioner.

8 Are there any objections to denying  
9 the Petition for Interlocutory Review?

10 (No response.)

11 Hearing none, the Petition for  
12 Interlocutory Review is denied by a 4-0 vote.

13 Item E-4 is Docket No. 11-0434. This  
14 is an investigation of ComEd's rate GAP concerning  
15 protocols for admissible aggregation. ALJ Baker  
16 recommends entry of an Order which, among other  
17 things, address certain issues of statutory  
18 construction of this matter and thus makes tariff  
19 modifications.

20 Is there any discussion?

21 ACTING COMMISSIONER McCABE: I would abstain  
22 from this one also.



1 CHAIRMAN SCOTT: Thank you, Commissioner.

2 Any objections?

3 (No response.)

4 Hearing none, the Order is entered by  
5 a 4-0 vote.

6 JUDGE WALLACE: Mr Chairman?

7 CHAIRMAN SCOTT: Yes.

8 JUDGE WALLACE: We were unable to hear  
9 everything. Maybe the mic is not on.

10 CHAIRMAN SCOTT: Can you not hear me or just  
11 the other Commissioners?

12 JUDGE WALLACE: The other Commissioner.

13 CHAIRMAN SCOTT: Okay. Thank you.

14 Just to note for you in Springfield  
15 that Acting Commissioner McCabe abstained from the  
16 last item -- from Item E-4 and also from Item E-3.

17 JUDGE WALLACE: Thank you, sir.

18 CHAIRMAN SCOTT: Thank you.

19 Item E-5 is Docket No. 11-0772. This  
20 is ComEd's filing under Section 16-108.5(f) and (f-5)  
21 of the Public Utilities Act regarding multi-year  
22 performance metrics. ALJ Dolan recommends entry of

1 an Order approving ComEd's metrics plan. I have some  
2 revisions on this matter addressing CUB and the  
3 City's proposals regarding additional metrics.

4 My revisions do not change the  
5 conclusion regarding additional metrics, but no blank  
6 or big picture coordination between the various  
7 dockets opened as a result of last year's  
8 legislation. Thus the revisions suggest both  
9 consideration of some of the identified metrics as  
10 part of the upcoming ComEd/AMI deployment plan docket  
11 and also discuss a possible investigation after the  
12 conclusion of these dockets to ensure full  
13 legalization of the consumer, environment, and  
14 societal benefits of our grade modernization programs  
15 and related investments. I want to thank and should  
16 note that these revisions reflect the very useful  
17 feedback and edits from Commissioner O'Connell and  
18 Commissioner McCabe as well.

19 Any discussion on the revisions?

20 (No response.)

21 I'll move to adopt the revisions.

22 Is there a second?

1           ACTING COMMISSIONER McCABE:    Second.

2           CHAIRMAN SCOTT:   All in favor say "aye."

3                           (Chorus of ayes.)

4                           Any opposed?

5                           (No response.)

6                           The vote is 5-0 and the revisions are  
7 adopted.

8                           Are there any further discussion on  
9 this matter?

10           COMMISSIONER COLGAN:   I have one question.   I  
11 just wanted to be sure, Judge Dolan, if the Part 280  
12 rules that are in effect will still be in effect  
13 related to disconnections?

14           JUDGE DOLAN:   Well, right now there's a  
15 rulemaking taking place.   Judge Hilliard is handling  
16 it and is -- I don't know how that's going to come  
17 out.   The way I looked at this, this is just  
18 approving a plan.   The compliance is going to be  
19 either in the reconciliation docket or it's going to  
20 be addressed in the AMI docket or possibly, you know,  
21 in the Part 280.

22                           But I was just trying to word it in a

1 way that said the Company is expected to comply with  
2 the rules that they are currently, and if they don't,  
3 the Commission won't take the appropriate action when  
4 the time comes.

5 COMMISSIONER COLGAN: Okay. That's what I  
6 thought. Thanks.

7 CHAIRMAN SCOTT: Thank you, Judge.

8 Further discussion on the matter?

9 (No response.)

10 Is there a motion to enter the Order  
11 as amended?

12 COMMISSIONER O'CONNELL-DIAZ: So moved.

13 CHAIRMAN SCOTT: Is there a second?

14 COMMISSIONER COLGAN: Second.

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

16 All in favor say "aye."

17 (Chorus of ayes.)

18 Any opposed?

19 (No response.)

20 The vote is 5-0 and the Order as  
21 amended is entered.

22 Item E-6 is Docket No. 11-0323. This

1 is Alusia Stuart's complaint against ComEd. ALJ  
2 Kimbrel recommends entry of an Order denying the  
3 complaint.

4 Is there any discussion?

5 (No response.)

6 Any objections?

7 (No response.)

8 Hearing none, the Order is entered.

9 Item E-7 is Docket No. 11-0614. This  
10 is Ken Patel's complaint against MidAmerican. ALJ  
11 Riley recommends entry of an Order dismissing the  
12 complaint due to a lack of jurisdiction over the  
13 matter.

14 Is there any discussion?

15 (No response.)

16 Any objections?

17 (No response.)

18 Hearing none, the Order is entered and  
19 the complaint is dismissed.

20 Items E-8 and E-9 can be taken  
21 together. These items are customer complaints  
22 against ComEd. In each case the parties have

1       apparently settled their differences and brought a  
2       Joint Motion to Dismiss, which the ALJ recommends we  
3       grant.

4                       Is there any discussion?

5                       (No response.)

6                       Any objections?

7                       (No response.)

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

10                      Item E-10 is Docket No. 12-0105. This  
11       is Smart Energy's application for a Certificate of  
12       Service Authority to operate as an alternative retail  
13       electric supplier. We previously granted a  
14       certificate in this matter and before us today is an  
15       Amendatory Order which also grants single billing  
16       option authority to the company. ALJ Yoder  
17       recommends entry of this Amendatory Order.

18                      Is there any discussion?

19                      (No response.)

20                      Any objections?

21                      (No response.)

22                      Hearing none, the Amendatory Order is

1 entered.

2                   Item E-11 is Docket No. 12-0167. This  
3 is Public Power's application for a Certificate of  
4 Service Authority to operate as an alternative retail  
5 electric supplier. We will be holding this item for  
6 disposition in a future Commission proceeding and  
7 today, I believe, Commissioner Colgan has a few  
8 questions for ALJ Albers and would like an update on  
9 the matter.

10                   Commissioner.

11                   COMMISSIONER COLGAN: Is Judge Albers  
12 available?

13                   JUDGE ALBERS: I am here.

14                   COMMISSIONER ELLIOTT: Okay. I've asked for  
15 this to be held and I worked with Commissioner  
16 O'Connell-Diaz on this issue. We filed a  
17 Commissioner data request that came back that seemed  
18 to me that there were some parts that were missing in  
19 our requests. And I was wondering if you would be  
20 available to just give us an update on where this  
21 issue stands right now.

22                   JUDGE ALBERS: I can try, sir.

1                   I'm aware of a couple discrepancies  
2     within the response to the Commissioners' data  
3     request. One concerns a reference to some undocketed  
4     correspondence dated November 1st, that's referenced  
5     on the first page of the response. I do not see that  
6     correspondence anywhere in their response. And then  
7     later in their response to the Commissioner's DRs,  
8     there is a set of questions from the Connecticut  
9     Public Utility Agency seeking responses and there  
10    does not appear to be any answers to those included  
11    in Public Power's response to this Commission's DRs.  
12    So I would be happy to direct Public Power on behalf  
13    of the Commissioners to provide those two pieces of  
14    information and to provide anything else that the  
15    Commissioners might see fit.

16                COMMISSIONER ELLIOTT: Okay. That does address  
17    the issues that I found were lacking and I appreciate  
18    your offer to request for those documents to be  
19    submitted to us.

20                CHAIRMAN SCOTT: Commissioner O'Connell-Diaz.

21                COMMISSIONER O'CONNELL-DIAZ: Yes.

22                         Judge Albers, thank you very much for,



1 number one, effectuating the Commissioners' data  
2 request, which is not something we do quite often, so  
3 to me it's kind of a big deal if the Commissioners  
4 are making a data request of a petitioner. So I  
5 thank you for making sure that that was sent out in  
6 due deliberate speed once the Commission had this on  
7 our agenda. I think you were very kind when you  
8 suggested that these were discrepancies in the  
9 documents that were filed in response to the  
10 Commissioners' data request. What I would call them  
11 is deficiencies. And as we look at this company, we  
12 are looking at whether they have the financial,  
13 managerial, and technical ability to provide the  
14 suggested service that they're seeking to be licensed  
15 for in our state. And by virtue of the fact that now  
16 we are on an Easter egg hunt for the information that  
17 we requested in the first Commissioners' data request  
18 and we -- it is not on our desk for us to be able to  
19 look at it, it does go, as least in my mind, to the  
20 managerial ability of this company to provide the  
21 proposed services in our state.

22 I think it's really important that the

1 management understands that when the Commissioners  
2 are looking at -- you know, we could very easily  
3 suggest that this is not a company that we would like  
4 to have in business in our state; but we're going the  
5 extra mile by asking them some questions relative to  
6 their activities in other states that affect the  
7 consumers. So I think it behooves them to respond  
8 quickly and completely to the next request that we  
9 now are giving them with regard to what the  
10 Commission is looking at.

11 And so I think we await that; but,  
12 again, I think we need to look at this in terms of  
13 their managerial ability and their attention to their  
14 case they have pending here. So we will, again, wait  
15 for an appropriate response to our initial request.

16 Thank you.

17 CHAIRMAN SCOTT: Thank you, Commissioner.

18 Further discussion?

19 COMMISSIONER COLGAN: Well, I agree with those  
20 comments. This Commission is solidly on record for  
21 wanting the creation of a competitive market in this  
22 state. And as that is starting to really start to

1 roll out in Illinois, it looks like there's been a  
2 lot going on and a lot more is being cued up. I  
3 think it's really important for us to make sure that  
4 when we allow players to come into this market, that  
5 we know who they are and we can expect that they're  
6 going to be good players in the market.

7 CHAIRMAN SCOTT: Further discussion?

8 (No response.)

9 Thank you, Judge. Thank you,  
10 Commissioners. And, again, that will be held for  
11 disposition at a future meeting.

12 Item E-12 is Docket No. 12-0184. This  
13 is Major Energy Electric Services' application for a  
14 Certificate of Service Authority to operate as an  
15 alternative retail electric supplier. ALJ Albers  
16 recommends entry of an Order granting the requested  
17 certificate.

18 Is there any discussion?

19 (No response.)

20 Is there any objections to the Order?

21 (No response.)

22 Hearing none, the Order is entered.

1                   Item E-13 through E-18 can be taken  
2 together. These items are applications for licensure  
3 as an Agent, Broker, and Consultant under Section  
4 16-115C of the Public Utilities Act. In each case  
5 ALJ Albers recommends entry of an Order granting the  
6 requested certificate.

7                   Is there any discussion?

8                   (No response.)

9                   Any objections?

10                  (No response.)

11                  Hearing none, the Orders are entered.

12                  Turning now to Natural Gas.

13                  Item G-1 is Docket No. 10-0398. This  
14 concerns the ongoing audit of Just Energy related to  
15 the retail natural gas sales and other business  
16 practices. The Company has filed a Petition for  
17 Interlocutory Review contesting the ruling made by  
18 ALJ Sainsot allowing the Citizens Utility Board  
19 access to a copy of the audit report.

20                  Is there a discussion on the petition?

21                  COMMISSIONER COLGAN: I'd like to ask Judge  
22 Sainsot a couple of questions, if I could.

1                   I notice that Just Energy has filed a  
2 compliance filing saying that it agrees to implement  
3 the audit report recommendations. However, their  
4 compliance filing does not include an agreement by  
5 Just Energy to comply with the audit's recommendation  
6 implementation time frames and designated priorities  
7 for that compliance.

8                   And I also noticed that Staff filed a  
9 response to their compliance filing and made certain  
10 recommendations for keeping the current docket open.  
11 Staff's recommendations were several; but just to  
12 summarize a little bit, Just Energy either  
13 voluntarily agreed or the Commission should order  
14 Just Energy to comply with the audit recommendation  
15 implementation time frames and priorities. That Just  
16 Energy files a schedule of compliance dates including  
17 dates for progressive and concurrent implementation  
18 of all audit recommendations including interim final  
19 estimated dates of implementation. And the  
20 parties -- they suggest that the parties to the  
21 existing docket should be given an opportunity to  
22 respond to Just Energy's proposed plan of action and

1 the Commission or ALJ approve such a schedule and  
2 plan of action before the docket is closed.

3 So my question to you is that, what  
4 would the procedure be for keeping this docket open  
5 so that we can track Just Energy's compliance with  
6 the audit recommendations per Staff's  
7 recommendations?

8 JUDGE SAINSOT: Well, there are various courses  
9 that could be taken. Just to back up a little bit,  
10 just to give you a brief history, how we got here was  
11 that I -- when Just Energy filed a Proposed Order  
12 dismissing the case and compliance filing, I asked  
13 the parties -- which at that time were Staff and CUB,  
14 to respond to that. And it was at that point that  
15 CUB was denied access to the full audit report.

16 So we are kind of at a limbo until  
17 there's a ruling from the Commission as to how we're  
18 going to proceed for sure. But probably the easiest  
19 way is just to leave the docket open and have status  
20 hearings. I could just have status hearings  
21 regularly like I do in other cases. That's kind of a  
22 procedure that I'm comfortable with and then when

1 there's full compliance or there's periodic updates  
2 that the Commission would like, we can certainly  
3 advise you more fully. That's one way. Another way  
4 is you can close the docket out and have them report.  
5 I just think it's easier to just leave it open and  
6 proceed like you would in litigation in general.

7 CHAIRMAN SCOTT: Okay.

8 Commissioner.

9 COMMISSIONER COLGAN: Well, I think that sounds  
10 good to me that -- I thought that their response,  
11 their compliance filing was totally inadequate. All  
12 they said is they would agree to do what the audit  
13 said to do. That is not sufficient. From my point  
14 of view, there are many, many things in that audit  
15 report that they're going to be asked to do; but I  
16 think that it would behoove us to make sure that  
17 there are time frames and schedules in place by which  
18 they are going to comply with that audit and that we  
19 make sure that those things happen.

20 So I thank you.

21 CHAIRMAN SCOTT: Commissioner O'Connell Diaz.

22 COMMISSIONER O'CONNELL-DIAZ: I just have one

1 question with regard to the interlocutory review part  
2 of this.

3 JUDGE SAINSOT: Sure.

4 COMMISSIONER O'CONNELL-DIAZ: Did CUB execute  
5 the Protective Order -- agree to it?

6 JUDGE SAINSOT: Well, I issued the Protective  
7 Order and then Just Energy filed a Petition for  
8 Interlocutory Review. And then they filed something  
9 asking me, in effect, to stay that ruling and I did  
10 because then the whole issue is moot and that's not  
11 fair to Just Energy. So that's how that happened.

12 COMMISSIONER O'CONNELL-DIAZ: But there's a  
13 Protective Order that I read in -- I have the file  
14 here -- I read that there is a Protective Order that  
15 will bind CUB from, for instance, taking information  
16 from the audit report and publicizing it.

17 JUDGE SAINSOT: Right. And CUB signed off on  
18 it and then I issued it, but it's in limbo right now.

19 COMMISSIONER O'CONNELL-DIAZ: We have had  
20 instances where we have a party that will not agree  
21 to a Protective Order and -- especially in  
22 circumstances like this, there might be commercially



1 sensitive information or whatever; but CUB did agree  
2 to abide by that. So I'm really quite surprised at  
3 the Company's position here. It's pretty clear from  
4 the Order that this is their -- in the docket they  
5 signed the Protective Order. They have a right to  
6 that information. They might not like what's in  
7 there, but that's why are doing an audit.

8 JUDGE SAINSOT: And just so you know, it was  
9 CUB's idea. CUB moved for entry of a Protective  
10 Order in order to take a look at the information.

11 CHAIRMAN SCOTT: I agree with the comments that  
12 Commissioner Colgan made, too. And then there's a  
13 number of instances, I think it's good to leave the  
14 docket open and have some periodic updates. I  
15 appreciate your suggestion there.

16 There are a number of places in that  
17 audit also where they talked about here are the  
18 things you need to do and then there are some other  
19 issues here. But without some specific  
20 recommendations about how to deal with some of those  
21 things, I think those are also good for us as a  
22 Commission to look at as well because there are some

1 things that aren't addressed with the specific  
2 recommendations that are in the audit.

3 Commissioner McCabe, did you wish to  
4 abstain on this one?

5 ACTING COMMISSIONER McCABE: Yes.

6 CHAIRMAN SCOTT: Thank you.

7 Is there a motion to deny the Petition  
8 for Interlocutory Review?

9 COMMISSIONER COLGAN: I move to deny it.

10 CHAIRMAN SCOTT: Is there a second?

11 COMMISSIONER O'CONNELL-DIAZ: Second.

12 CHAIRMAN SCOTT: Any further discussion?

13 (No response.)

14 All in favor of the motion signify by  
15 saying "aye."

16 COMMISSIONER O'CONNELL-DIAZ: Aye.

17 COMMISSIONER COLGAN: Aye.

18 COMMISSIONER FORD: Aye.

19 CHAIRMAN SCOTT: Aye.

20 Any opposed?

21 (No response.)

22 Hearing none, the petition is denied

1 by a 4-0 vote.

2 Thank you, Judge.

3 Item G-2 is Docket No. 12-0120. This  
4 is Champion Energy's petition for a certificate to  
5 operate as an alternative gas supplier. ALJ Yoder  
6 recommends entry of an Order granting the requested  
7 certificate.

8 Is there any discussion?

9 (No response.)

10 Any objections?

11 (No response.)

12 Hearing none, the Order is entered.

13 Items G-3 and G-4 can be taken  
14 together. These items are petitions for confidential  
15 and/or proprietary treatment of the petitioner's  
16 reports. In each case the ALJ recommends entry of an  
17 Order granting the requested protective treatment.

18 Is there any discussion?

19 (No response.)

20 Any objections?

21 (No response.)

22 Hearing none, the Orders are entered.

1 Moving on to Telecommunications.

2 Item T-1 is Docket No. 12-0083. This  
3 is TeleMate's application for a Certificate of  
4 Prepaid Calling Service Provider Authority. ALJ  
5 Riley recommends entry of an Order granting the  
6 certificate.

7 Is there any discussion?

8 (No response.)

9 Any objections?

10 (No response.)

11 Hearing none, the Order is entered.

12 Item T-2 is Docket No. 12-0140. This  
13 is South Elgin's Emergency Telephone System Board's  
14 petition seeking authority to modify its 9-1-1  
15 emergency response system. ALJ Haynes recommends  
16 entry of an Order granting the requested  
17 modifications.

18 Is there any discussion?

19 (No response.)

20 Any objections?

21 (No response.)

22 Hearing none, the Order is entered.

1                   Item T-3 is Docket No. 11-0442. This  
2 is Frontier North and Frontier Communication of the  
3 Carolinas' Petition for confidential and/or  
4 proprietary treatment of its 2010 annual report. ALJ  
5 Baker recommends entry of an Order granting the  
6 requested protective treatment.

7                   Is there any discussion?

8                   (No response.)

9                   Any objections?

10                  (No response.)

11                  Hearing none, the Order is entered.

12                   Item T-4 is Docket No. 11-0626. This  
13 is a rulemaking proceeding for Title 83, Part 755 of  
14 the Administrative Code concerning telecommunications  
15 access for persons with disabilities. ALJ Riley  
16 recommends entry of an Order authorizing submission  
17 of second notice of the proposed amendments to JCAR.

18                   Is there any discussion?

19                   (No response.)

20                   Any objections?

21                   (No response.)

22                   Hearing none, the Order is entered.

1                   Items T-5 and T-6 can be taken  
2 together. These are petitions for the confidential  
3 and/or proprietary treatment of the petitioner's  
4 annual report. In each case the ALJ recommends entry  
5 of an Order granting the requested protective  
6 treatment.

7                   Is there any discussion?

8                   (No response.)

9                   Any objections?

10                  (No response.)

11                  Hearing none, the Orders are entered.

12                  We have one miscellaneous item up for  
13 consideration today.

14                  Item M-1 concerns the appointment of  
15 representatives to the Underground Damage Prevention  
16 Advisory Committee. Staff recommends the adoption of  
17 a Resolution appointing Ted Anderson, Michael  
18 Reynolds, and Michael Parilac to the Committee.

19                  Is there any discussion?

20                  (No response.)

21                  Any objections to adopting this  
22 Resolution?

1 (No response.)

2 Hearing none, the Resolution is  
3 adopted.

4 We have one Petition for Rehearing  
5 today.

6 Item PR-1 is Docket No. 11-0436. This  
7 is Aqua Illinois' 2011 rate case. The Commission  
8 entered an Order in this matter on February 16th and  
9 before us today is a Petition for Rehearing filed by  
10 Viscofan. ALJ Jones recommends entry granting  
11 Viscofan's Petition for Rehearing.

12 Is there any discussion?

13 ACTING COMMISSIONER McCABE: Mr. Chairman, I  
14 abstain from this one.

15 CHAIRMAN SCOTT: Thank you.

16 Are there any objections to granting  
17 Viscofan's Petition for Rehearing.

18 (No response.)

19 Hearing none, the Company's Petition  
20 for Rehearing is granted by a 4-0 vote.

21 We have two items of other business  
22 scheduled for today. Up first is a Resolution

1 supporting 8-1-1 and the Commission's ongoing "Call  
2 Before You Dig" efforts also done in honor of April  
3 2012 the natural safe digging month. Commissioner  
4 Ford is our resident gas and pipeline expert.

5 Did you have something you would like  
6 to say about this resolution?

7 COMMISSIONER FORD: I'm more than happy about  
8 this Resolution. As a matter of fact, we're having a  
9 meeting on it, but I would like to -- is Darin Burk  
10 there -- just give us a brief --

11 JUDGE WALLACE: I think you get Bill Riley  
12 instead.

13 COMMISSIONER FORD: Okay. Bill Riley, our  
14 manager of enforcement -- I'm sorry.

15 MR. BILL RILEY: That's all right.

16 Basically what we're just trying to do  
17 is get the word out that as excavators get out and  
18 start digging more -- not that they really slowed  
19 down this year since there wasn't much snow -- but as  
20 they get out and homeowners as well, as they start  
21 doing those projects to make sure that they follow  
22 the law "call before you dig," wait 48 hours to get



1 the facilities marked, and dig carefully.

2 We want everyone to be safe on all  
3 their projects and jobs that they're doing and  
4 everybody to go home safe and sound.

5 COMMISSIONER FORD: Thank you, Bill.

6 And I think Chicago is the only one  
7 that doesn't have it, 8-1-1.

8 MR. BILL RILEY: They have 8-1-1. Well, when  
9 you call 8-1-1, within the City, you get DIGGER  
10 instead of getting JULIE when you call from outside  
11 the City.

12 COMMISSIONER FORD: Thank you.

13 MR. BILL RILEY: Okay.

14 CHAIRMAN SCOTT: Thank you.

15 Is there further discussion on the  
16 Resolution?

17 COMMISSIONER O'CONNELL-DIAZ: I just really  
18 thank Commissioner Ford and everybody that worked on  
19 this Resolution. This is such an important thing as  
20 we head into our -- even though we've had warmer  
21 weather, but I always think of the homeowners that  
22 are out there that don't bother to call. And so what

1 I say to my neighbors is call 8-1-1 before you have  
2 to call 9-1-1 because you never know what you're  
3 going to hit and also it will cost you a lot of  
4 money. So it's important not just for professional  
5 folks out there, but for the Home Depot warriors to  
6 act in accordance with what the resolution states.

7 Thank you.

8 COMMISSIONER COLGAN: I would just like to say  
9 that I actually had the opportunity to utilize this  
10 service last year around this time. I was going to  
11 put a fence around my yard and I was going to work  
12 with my son and do it myself. So I called JULIE and  
13 I was impressed with how the whole -- you know, I got  
14 to see hands on how that worked. They showed up and  
15 they went around and put the little flags all over  
16 the yard. I wasn't happy with where some of the  
17 flags did show up, so much so that I actually hired a  
18 professional to do it because I wasn't going to be  
19 the person who showed up having to call 9-1-1. Then  
20 they used that service again and, bingo, it just  
21 happened, you know. Like within a day and a half,  
22 they were out there and all the flags were put down.

1 COMMISSIONER FORD: Smart move, John.

2 CHAIRMAN SCOTT: It's an important public  
3 safety message that can't be stressed enough.

4 Any further discussion on the  
5 resolution?

6 (No response.)

7 Is there any objections to adopting  
8 the resolution?

9 (No response.)

10 Hearing none, the Resolution is  
11 adopted and remember, call before you dig.

12 One final item concerns the approval  
13 of the price benchmark for Ameren's upcoming electric  
14 capacity procurement.

15 Is there any discussion on the price  
16 benchmark?

17 (No response.)

18 Is there any objections to approving  
19 the benchmark?

20 (No response.)

21 Hearing none, the Ameren's capacity  
22 benchmark is approved.

1                   Lastly I would like to congratulate  
2 Commissioner Colgan on his designation as our MISO  
3 representative liaison. So, John, congratulations  
4 and we're going to be expecting frequent reports  
5 about all the activity there.

6           COMMISSIONER COLGAN: All right. I'll do my  
7 best.

8           CHAIRMAN SCOTT: Very good.

9           COMMISSIONER COLGAN: It's some big shoes to  
10 fill, though. Commissioner Elliott leaving -- he was  
11 my go-to guy when it came to regional transmission  
12 issues, so those are some big shoes to fill; but I  
13 will do my best.

14          CHAIRMAN SCOTT: You will do fine. Thank you  
15 for picking that up. We really appreciate that.

16                   Judge Wallace, any other matters to  
17 come before the Commission today?

18          JUDGE WALLACE: No. I just hope you make it  
19 home, Mr. Chairman.

20          CHAIRMAN SCOTT: Now I get to fly to Milwaukee  
21 to pick up my car. The fun continues.

22                   But thank you, again, everybody for

1 waiting us out today and we really appreciate  
2 everybody doing that.

3 Hearing nothing else to come before  
4 the Commission, the meeting stands adjourned.

5 Thanks, everyone.

6 (And those were all the  
7 proceedings had.)

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