

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

BEFORE THE  
ILLINOIS COMMERCE COMMISSION

PUBLIC UTILITY BENCH SESSION

Chicago, Illinois  
April 7, 2010

Met, pursuant to notice, at 10:30 a.m.

BEFORE:

- MR. MANUEL FLORES, Chairman
- MS. LULA M. FORD, Commissioner (telephonically)
- MS. ERIN M. O'CONNELL-DIAZ, Commissioner
- MR. SHERMAN J. ELLIOTT, Commissioner
- MR. JOHN T. COLGAN, Commissioner

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

1           CHAIRMAN FLORES:   Turning to the Public  
2 Utilities Agenda.

3                           There are minutes to approve from the  
4 March 10, 2010 Bench Session.  I understand that the  
5 amendments have been forwarded.

6                           Is there a motion to amend the  
7 minutes?

8           COMMISSIONER ELLIOTT:  So moved.

9           CHAIRMAN FLORES:  Is there a second?

10          COMMISSIONER COLGAN:  Second.

11          CHAIRMAN FLORES:  Its been moved and seconded.

12                           All in favor say "aye."

13                           (Chorus of ayes.)

14                           Any opposed?

15                           (No response.)

16                           The vote is 5-0 amending the minutes.

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

19          COMMISSIONER COLGAN:  So moved.

20          CHAIRMAN FLORES:  Is there a second?

21          COMMISSIONER ELLIOTT:  Second.

22          CHAIRMAN FLORES:  Its been moved and seconded.

1 All in favor say "aye."

2 (Chorus of ayes.)

3 Any opposed?

4 (No response.)

5 The vote is 5-0 approving the minutes  
6 as amended.

7 We will begin with the Electric  
8 Agenda.

9 Items E-1 through E-9 will be taken  
10 together. Each of these matters involve revisions to  
11 tariffs filed by an Ameren Illinois Utility. In each  
12 instance Staff recommends that the Commission allow  
13 the Company's proposal by not suspending the filing.

14 Is there a motion to not suspend the  
15 filing?

16 COMMISSIONER ELLIOTT: So moved.

17 CHAIRMAN FLORES: Is there a second?

18 COMMISSIONER COLGAN: Second.

19 CHAIRMAN FLORES: Its been moved and seconded.

20 All in favor say "aye."

21 (Chorus of ayes.)

22 The vote is 5-0. The Ameren Illinois

1 Utility's filings are not suspended. We will use  
2 this 5-0 roll-call vote for the remainder of the  
3 Public Utility Agenda unless otherwise noted.

4 Item E-10 concerns the reconciliation  
5 of revenues collected under power procurement riders  
6 with actual costs associated with power procurement  
7 expenditures.

8 Commission Staff believes it is now  
9 appropriate to begin the next series of power  
10 procurement reconciliation proceedings for the Ameren  
11 Illinois Utilities and Commonwealth Edison and Staff  
12 recommends entering an Order commencing  
13 reconciliation proceedings.

14 Is there any discussion?

15 (No response.)

16 Any objections.

17 (No response.)

18 Hearing none, the Order is entered.

19 Item E-11 is Docket No. 08-0179, a  
20 complaint by Level Field and The Philanthropy Group  
21 against ComEd regarding billing and charges. The ALJ  
22 recommends dismissing this docket for want of

1 prosecution.

2 Is there any discussion?

3 (No response.)

4 Any objection?

5 (No response.)

6 Hearing none, the docket is dismissed.

7 Item E-12 is Docket No. 08-0532

8 concerning the investigation of ComEd's rate design  
9 pursuant to Section 9-250 of the Public Utilities  
10 Act. This item will be held.

11 Item E-13 is Docket No. 09-0058 and it  
12 involves a Petition for relief to protect  
13 confidential and/or proprietary information by  
14 Champion Energy. ALJ Kimbrel recommends entry of an  
15 Order granting Proprietary Treatment for two years  
16 subject to certain conditions.

17 Is there any discussion?

18 (No response.)

19 Any objections?

20 (No response.)

21 Hearing none, the Order is entered.

22 Item E-14 is Docket No. 09-0306

1 through 09-0311. This is the Ameren Illinois  
2 Utilities rate case and these dockets are before the  
3 Commission with a drop-dead date of May 1st. We have  
4 oral arguments scheduled for this case on April 13th  
5 at 1:30 p.m. in the Illinois Commerce Commission's  
6 Springfield offices. Any official decision on the  
7 Proposed Order changing electric and gas rates will  
8 be held for disposition at a future Commission  
9 proceeding.

10 We also have a motion to add issues  
11 for oral argument before the Commission. The notice  
12 containing an issue list for oral argument was sent  
13 to the parties on the afternoon of April 6th after  
14 this motion was filed. The notice sent yesterday  
15 accommodates issues raised in this motion, which  
16 renders the motion to have issues for oral argument  
17 moot.

18 Item E-15 is Docket No. 09-0557, a  
19 Joint Motion to Dismiss brought by Julie Murray and  
20 Commonwealth Edison company. ALJ Kimbrel recommends  
21 that the docket be dismissed with prejudice.

22 Is there any discussion?

1 (No response.)

2 Any objections?

3 (No response.)

4 Hearing none, the motion is granted

5 and the docket is dismissed.

6 E-16 and E-17 will be take together.

7 These items concern the Applications for Licensure

8 for Agents, Brokers, and Consultants under Section

9 16-115C of the Public Utilities Act. In both dockets

10 ALJ Yoder recommends approving the Order granting the

11 requested certificate of service authority.

12 Is there any discussion?

13 (No response.)

14 Any objections?

15 (No response.)

16 Hearing none, the Orders are entered.

17 E-18 is Docket 09-0587. This is a

18 Joint Motion to Dismiss brought by Linda Cottle and

19 Commonwealth Edison Company. The ALJ recommends that

20 the docket be dismissed with prejudice.

21 Is there any discussion?

22 (No response.)

1 Any objections?

2 (No response.)

3 Hearing none, the Motion is granted  
4 and the docket is dismissed.

5 E-19 through E-22 will be taken  
6 together. These items concern Applications for  
7 Licensure for Agents, Brokers and Consultants under  
8 Section 16-115C of the Public Utilities Act. In each  
9 docket, ALJ Yoder recommends approving the Order  
10 granting the requested certificates of service  
11 authority.

12 Is there any discussion?

13 (No response.)

14 Any objection?

15 (No response.)

16 Hearing none, the Orders are entered.

17 Item E-23 is Docket 10-0033, a  
18 Stipulation and Joint Motion to Dismiss brought by  
19 Willie Green and Commonwealth Edison Company. ALJ  
20 Benn recommends that the docket be dismissed with  
21 prejudice.

22 Is there any discussion?



1 (No response.)

2 Any objection?

3 (No response.)

4 Hearing none, the Motion is granted  
5 and the docket is dismissed.

6 Items E-24 and E-25 will be taken  
7 together. These items concern the Applications for  
8 Licensure of Agents, Brokers and Consultants under  
9 Section 16-115C of the Public Utilities Act. In both  
10 dockets ALJ Yoder recommends approving the Order  
11 granting the requested certificate of service  
12 authority.

13 Is there any discussion?

14 (No response.)

15 Any objections?

16 (No response.)

17 Hearing none, the orders are entered.

18 That concludes the Electric portion of  
19 today's Agenda.

20 Turning to Natural Gas.

21 Item G-1 (10-0276) concerns a  
22 Suspension Order for a proposed general increase in

1 natural gas rates by Consumers Gas Company. Staff  
2 recommends in order to determine the reasonableness  
3 of the proposed increase to natural gas rates, the  
4 filing be suspended and set for hearing.

5 Is there any discussion?

6 (No response.)

7 Any objections?

8 (No response.)

9 Hearing none, the Suspension Order is  
10 entered.

11 Item G-2 through G-7 will be taken  
12 together. Each of these matters involve revisions to  
13 tariffs filed by Ameren Illinois Utility. In each  
14 instance, Staff recommends that the Commission allow  
15 the Company's proposal by not suspending the filing.

16 Is there any discussions?

17 (No response.)

18 Any objections?

19 (No response.)

20 Hearing none, the filings are not  
21 suspended.

22 Item G-8 is Docket No. 08-0175. This

1 case concerns complaints brought by Citizen's Utility  
2 Board, Citizen Action/Illinois and AARP against U.S.  
3 Energy Savings Corporation, an alternative gas  
4 supplier. We're going to hold G-8 for disposition at  
5 a future hearing.

6 Moving on, G-9 is Docket No. 08-0597.  
7 This item will be held.

8 G-10 is Docket No. 09-0061. Before  
9 the Commission is Interstate Gas Supply of Illinois  
10 Petition for proprietary treatment of certain  
11 portions of its Compliance Report. ALJ Kimbrel  
12 recommends entering an Order granting proprietary  
13 treatment for a period of two years subject to  
14 certain conditions.

15 Is there any discussion?

16 (No response.)

17 Any objections?

18 (No response.)

19 Hearing none, the order is entered.

20 Item G-11 is Docket No. 09-0128. This  
21 item will be held.

22 Item G-12 is Docket No. 09-0195

1 concerning a complaint as to billing and charges by  
2 Warren and Celeste Tukes against Peoples Gas. ALJ  
3 Kimbrel recommends entering an Order dismissing the  
4 complaint with prejudice.

5 Is there any discussion?

6 (No response.)

7 Any objections?

8 Hearing none, the Order is entered.

9 Item G-13 is Docket No.09-0571. This  
10 Docket concerns Ambit Illinois' Application for  
11 Certificate of Service Authority under Section 19-110  
12 of the Public Utilities Act. ALJ Sainsot requests  
13 that the Commission reopen the record in this docket  
14 on its own motion for the limited purposes of  
15 entertaining Ambit's Petition for confidential  
16 treatment of it's logo.

17 Is there any discussion?

18 (No response.)

19 Any objections?

20 (No response.)

21 Hearing none, the Motion is accepted  
22 and the docket is reopened.

1                   Item G-14 is Docket No. 10-0042, a  
2     Joint Motion to Dismiss brought by Teresa Berry and  
3     Nicor. ALJ Benn recommends that the docket be  
4     dismissed with prejudice.

5                   Is there any discussion?

6                   (No response.)

7                   Any objections?

8                   (No response.)

9                   Hearing none, the motion is granted  
10    and the docket is dismissed.

11                  Item G-15 is Docket No. 10-0129  
12    Integrys Energy Service's Application for Certificate  
13    of Service Authority under Section 19-110 of the  
14    Public Utilities Act. ALJ Sainsot recommends  
15    entering an Order granting this request and allowing  
16    Integrys to operate as an alternative gas supplier.

17                  Is there any discussion?

18                  (No response.)

19                  Any objection?

20                  (No response.)

21                  Hearing none, the Order is approved.

22                  Item G-16 is Docket No. 10-0163

1 involving Glacial Natural Gas' Application for  
2 Certificate of Service Authority under Section 19-110  
3 under the Public Utilities Act. Glacial has made a  
4 motion to withdraw its application. ALJ Sainsot  
5 recommends granting this motion dismissing the docket  
6 with prejudice.

7 Is there any discussion?

8 (No response.)

9 Any objection?

10 (No response.)

11 Hearing none, the motion is granted  
12 and the docket is dismissed with prejudice. That  
13 concludes the Natural Gas position of today's agenda.

14 Starting with the Telecommunications  
15 Agenda.

16 Items T-1 through T-5 will be taken  
17 together. These items concern filings for  
18 modification in the nature of services offered by  
19 telecommunication providers. In each instance Staff  
20 recommends not suspending or investigating the  
21 filings.

22 Is there any discussion?

1 (No response.)

2 Any objections?

3 (No response.)

4 Hearing none, the filings will not be  
5 suspended or investigated.

6 JUDGE DOLAN: Chairman, going back to G-16,  
7 it's supposed to be according to -- Judge Sainsot's  
8 recommendations should be without prejudice and not  
9 with prejudice since they didn't have a hearing on  
10 the merits.

11 CHAIRMAN FLORES: Very well. The record should  
12 reflect that the matter will be dismissed without --  
13 I'm sorry. I misread that -- that this motion is  
14 granted and docketed without prejudice. I'm sorry.  
15 I misspoke.

16 JUDGE DOLAN: Thank you.

17 CHAIRMAN FLORES: Going back to  
18 Telecommunications, we are at Item T-6 involves an  
19 Application by Innovative Security Information  
20 Systems for a Certificate to provide pay telephone  
21 service within the State of Illinois. ALJ Riley  
22 recommends entering the Order granting the

1 Certificate.

2 It there any discussion?

3 (No response.)

4 Any objections?

5 Hearing none, the order is granted.

6 T-7 concerns TDS Long Distance  
7 Corporation's Application for Certificate to Operate  
8 as a Reseller of Telecommunications Services in the  
9 State of Illinois. The Commission entered an order  
10 on March 24 approving TDS's Certificate, but an  
11 Amendatory Order is required to cure deficiencies  
12 with that previous Order. ALJ Benn recommends that  
13 the Commission approve this Amendatory Order.

14 Is there any discussion?

15 (No response.)

16 Any objections?

17 (No response.)

18 Hearing none, the Amendatory Order is  
19 approved.

20 Item T-8 concerns Triarch Marketing's  
21 Application for a Certificate to operate as resale  
22 and facilities based carrier of telecommunication



1 services throughout the State of Illinois. The  
2 Applicant filed a request to withdraw the application  
3 without prejudice. ALJ recommends that the  
4 Commission approve withdraw without prejudice.

5 Is there any discussion?

6 (No response.)

7 Any objections?

8 (No response.)

9 Hearing none, the application is  
10 withdrawn.

11 Items T-9 through T-11 will be taken  
12 together. These items involve the Illinois Commerce  
13 Commission's initiating citation proceedings on its  
14 own initiative against UStel, Loop Telecom and  
15 Midwestern Telecommunications. In each instance,  
16 Staff recommends entry of an Order initiating  
17 proceeding.

18 Is there any discussion?

19 (No response.)

20 Any objections?

21 (No response.)

22 Hearing none, the Orders are approved.

1                   Item T-12 is Docket No. 09-0268, the  
2 Verizon Frontier merger case. This item will be held  
3 for disposition at a future hearing.

4                   Items T-13 through T-25 will be taken  
5 together. These items each involve Petitions for  
6 relief to protect confidential and/or proprietary  
7 information. In each instance the ALJ recommends  
8 entering an Order approving the Petition. This  
9 includes Item T-19, which indicates a recommendation  
10 of denial in our agenda; but in which the ALJ  
11 actually recommends approval in the supporting  
12 memorandum and suggests the Order.

13                   Is there any discussion?

14                   (No response.)

15                   Any objections?

16                   (No response.)

17                   Hearing none, the Orders as drafted by  
18 the ALJs are entered and the Petitions are approved.

19                   Per Judge Wallace's request, Item T-26  
20 will be held.

21                   Item T-27 is AT&T's Petition for  
22 relief to protect confidential and/or proprietary

1 information. ALJ Moran recommends entering an Order  
2 approving the Petition.

3 Is there any discussion?

4 (No response.)

5 Any objections?

6 Hearing none, the Order is entered.

7 Items T-28 through T-39 will be taken  
8 together. These Items each involve Joint Petitions  
9 surrounding Resale and Interconnection Agreements  
10 under 47 U.S.C. Section 252. In each docket the ALJ  
11 recommends an Order approving a new Agreement or  
12 amendment to an existing Agreement.

13 Is there any discussion?

14 (No response.)

15 Any objections?

16 (No response.)

17 Hearing none, the Orders are entered.

18 That concludes the Telecommunications  
19 portion of today's agenda.

20 Water and Sewer.

21 Items W-1 (10-0280) concerns a  
22 Suspension Order for a Proposed General Increase in

1 water and sewer rates by Galena Territory Utilities.  
2 Staff recommends that in order to determine the  
3 reasonableness of the proposed increase of water and  
4 sewer rates, the filing be suspended and set for  
5 hearing.

6 Is there any discussion?

7 (No response.)

8 Any objections?

9 (No response.)

10 Hearing none, the Suspension Order is  
11 entered.

12 Item W-2 is Docket No. 09-0319,  
13 Illinois-American Water's case. Oral argument was  
14 heard on this matter on March 23rd and this matter  
15 will be held for disposition at a future hearing.

16 Item W-3 is Docket No. 10-0182 Sundale  
17 Utilities seeks an Order in connection with its  
18 financing of indebtedness of up to \$107,755.02 to be  
19 repaid over a period of 12 months for the purpose of  
20 refinancing outstanding indebtedness. ALJ Tapia  
21 recommends entering the Order granting the requested  
22 relief.

1 Is there any discussion?

2 (No response.)

3 Any objections?

4 (No response.)

5 Hearing none, the Order is entered.

6 This concludes the Water and Sewer  
7 portion of today's agenda.

8 We have miscellaneous matter for  
9 disposition today. This matter concerns the  
10 Initiation of a Rulemaking Proceeding on 83 Illinois  
11 Admin. Code at 300. Staff recommends entry of an  
12 Order initiating a Rulemaking Proceeding and  
13 Authorizing a First Notice Period.

14 Is there any discussion?

15 (No response.)

16 Any objections?

17 (No response.)

18 Hearing none, the Order is entered.

19 Other business, we have a few other  
20 matters on the agenda for today. First off is our  
21 consideration of the Ameren Illinois Utility's 2010  
22 Capacity Request For Proposal.

1                   Is there a motion to approve the  
2 Ameren Illinois Utility's 2010 Capacity Request for  
3 Proposal?

4           COMMISSIONER ELLIOTT:   So moved.

5           CHAIRMAN FLORES:   Is there a second?

6           COMMISSIONER COLGAN:   Second.

7           CHAIRMAN FLORES:   Its been moved and seconded.

8                   All in favor say "aye."

9                   (Chorus of ayes.)

10                   Any opposed?

11                   (No response.)

12                   The vote is 5-0.   The Ameren Capacity  
13 RFP is approved.

14                   Next up are a couple of FERC matters  
15 that require us to go into closed session.

16                   Is there a motion to go into closed  
17 session?

18           COMMISSIONER ELLIOTT:   So moved.

19           CHAIRMEN FLORES:   Is there a second?

20           COMMISSIONER COLGAN:   Second.

21           CHAIRMAN FLORES:   Its been moved and seconded.

22                   All in favor say "aye."

1 (Chorus of ayes.)

2 Any opposed?

3 (No response.)

4 The vote is 5-0 to go into closed  
5 session. Please let me know when the room is clear  
6 in Springfield, please.

7 JUDGE WALLACE: We're set down here,  
8 Mr. Chairman.

9 (Whereupon, the following  
10 proceedings were had in closed  
11 session.)

12

13

14

15

16

17

18

19

20

21

22

1 (Whereupon, the following  
2 proceedings were had in open  
3 session.)

4 CHAIRMAN FLORES: Now returning back to open  
5 session.

6 In closed session the Commission  
7 discussed filings in two FERC cases. First is Docket  
8 No. AD09-10-000. Staff proposes filing comments  
9 regarding FERC's National Action Plan on Demand  
10 Response.

11 Is there a motion to file the comments  
12 with FERC?

13 COMMISSIONER ELLIOTT: Mr. Chairman,  
14 Commissioner O'Connell-Diaz offered an amendment to  
15 the language for Staff to include and I will support  
16 that and move that we amend the comments to that  
17 affect.

18 CHAIRMAN FLORES: Is there a second?

19 COMMISSIONER COLGAN: Second.

20 CHAIRMAN FLORES: All in favor say "aye."

21 (Chorus of ayes.)

22 Any opposed?



1 (No response.)

2 The vote is 5-0 accepting Commissioner  
3 O'Connell-Diaz's amendments to the comments.

4 Now voting to then accept the comments  
5 as amended with the FERC.

6 Is there a motion?

7 COMMISSIONER ELLIOTT: So moved.

8 CHAIRMAN FLORES: Is there a second.

9 COMMISSIONER COLGAN: Second.

10 CHAIRMAN FLORES: All in favor say "aye."

11 (Chorus of ayes.)

12 Any opposed?

13 (No response.)

14 The vote is 5-0, the comments as  
15 amended will be filed with FERC.

16 The next item is FERC Docket  
17 ER10-863-000. Staff has proposed filing comments on  
18 the Midwest ISO's March 11th filing of the Midwest  
19 ISO's Transmission Owners' Agreement.

20 Is there a motion to file the comments  
21 with FERC?

22 COMMISSIONER O'CONNELL-DIAZ: So moved.

1 CHAIRMAN FLORES: Is there a second?

2 COMMISSIONER ELLIOTT: Second.

3 CHAIRMAN FLORES: Its been moved and seconded.

4 All in favor say "aye."

5 (Chorus of ayes.)

6 Any opposed?

7 (No response.)

8 The vote is 5-0, the comments will be

9 filed with FERC.

10 Judge Wallace, are there any other

11 matters to come before the Commission today?

12 JUDGE WALLACE: No, Mr. Chairman.

13 CHAIRMAN FLORES: Thank you very much. I hope

14 all of you are doing well in Springfield.

15 And hearing none, this meeting stands

16 adjourned. Thank you folks.

17 (And those were all the

18 proceedings had.)

19

20

21

22