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

1 ACTING CHAIRMAN FLORES: Good morning.
2 Pursuant to the provisions of the Illinois Open
3 Meeting Act, I now convene a regularly scheduled
4 bench session of the Illinois Commerce Commission.
5 With me in Chicago are Commissioners O'Connell-Diaz,
6 Elliott, Acting Commissioner Colgan and I am Acting
7 Chairman Flores. Commission Ford is available by
8 phone.

9 Good morning, Commissioner.

10 COMMISSIONER FORD: Good morning.

11 ACTING CHAIRMAN FLORES: By rule we are
12 required to vote on allowing Commissioner Ford to
13 participate by telephone.

14 Is there a motion to approve
15 Commissioner Ford's participation by phone?

16 COMMISSIONER ELLIOTT: So moved.

17 ACTING CHAIRMAN FLORES: Is there a second?

18 ACTING COMMISSIONER COLGAN: Second.

19 ACTING CHAIRMAN FLORES: Its been moved and
20 seconded.

21 All in favor say "aye."

22 (Chorus of ayes.)

1 Any opposed?

2 (No Response.)

3 The vote is 4-0 approving Commissioner
4 Ford's participation by phone.

5 Thank you so much, Commissioner Ford.

6 We have a quorum.

7 Before moving into the agenda,
8 according to Section 1700.10 of the Illinois
9 Administrative code, this is the time we allow the
10 members of the public to address the Commission.
11 Members of the public wishing to address the
12 Commission must notify the Chief Clerk's Office at
13 least 24 hours prior to the bench session.

14 According to the Chief Clerk's Office,
15 there are three requests to speak. Speakers are
16 permitted three minutes to address the Commission.
17 Please be advised that the Commission values the
18 public's participation in the public comment period.
19 But according to ex parte laws and other procedural
20 rules, we will be unable to answer any questions or
21 respond. But should you are require any further
22 assistance, please -- we advise that you get in touch

1 -- that you contact the Consumer Services Division of
2 the Illinois Commerce Commission.

3 First we have Trustee Mary Niemiec.

4 MS. MARY NIEMIEC: Good morning. Thank you for
5 granting my the opportunity to address the Commission
6 today. I speak to you as a resident of Homer Glen
7 and a customer of Illinois American, and I would like
8 to address the Proposed Order in Docket 09-0319.

9 I've been told the ruling is all but
10 finalized and that the rest of the process is a
11 formality, so that I'm wasting my time coming here
12 today. But I refuse to be that cynical and ask that
13 you closely look at the recommendations in the
14 Proposed Order. If approved, the cost to rate payers
15 in the Chicago metro area for water, it's the third
16 increase since 2003, which was 44.2 percent, another
17 5.28 in '08, and now a 28.8 percent under the
18 Proposed Order. Wastewater rates have increase
19 overall 17.64 percent with the base portion of the
20 water increasing 42 percent for 1000 gallons.

21 I know you are charged to look at the
22 cost that this company incurs to provide service and

1 to strive to determine a reasonable balance between
2 customer protection and the right of a private
3 enterprise to operate. Reasonable is the operative
4 word and an exception of reasonable is what must be
5 considered. Homer Glen residents pay 218 to
6 500 percent for water more than their surrounding
7 communities. These rates include unsubstantiated
8 stand by fees and capitol improvements driven by a
9 strategy to increase net worth. The Proposed Order
10 to says that is inappropriate to compare rates with
11 surrounding communities.

12 The study Illinois American conducted
13 previously by order of this Commission was a sham.
14 The three communities selected were not true
15 comparisons and a new objective study needs to be
16 ordered. Plainfield, that purchases its water from
17 the same source, American Lake Water, Plainfield
18 customers pay \$4.45 per 1000 gallons while Homer Glen
19 residents for the same amount of water pay \$12.63s
20 the only difference is in the local distribution
21 which Illinois American owns.

22 The study focussed heavily on where

1 the revenue comes from, which is not the issue. The
2 cost of operation should be the issue. Illinois
3 American's own staff stated that the rate structure
4 is determined via the revenue requirement model, 5
5 percent in contempt, 7 percent general tax, 12
6 percent return on equity, 17 percent depreciation, 9
7 percent death cost and 50 percent maintenance and
8 operations. At minimum, rates would be 25 percent
9 higher than a municipality that purchases its water
10 from Chicago, not 200 to 500 percent. And if what
11 we're told by the company that a privately run and
12 held company can operate more efficiently than inept
13 Government? Shouldn't it be even lower? We have no
14 other choice at this time. We don't have the option
15 to look for other providers. This is the clearest
16 case of a sanctioned monopoly and we the consumers
17 need your protection. I plead with you to be true to
18 your mission. Please don't make your consideration
19 simply formality. Please ask and order a comparable
20 study of other communities, a true one. Thank you.

21 ACTING CHAIRMAN FLORES: Next we have Jean
22 smith.

1 MS. JEAN SMITH: My name is Jean Smith and I am
2 a resident of Prairie Grove, Illinois and I want to
3 thank you for letting me speak to you today on behalf
4 of the hundreds of residents and customers of
5 Illinois American Water.

6 I'm very concerned about the proposed
7 rate hike. I recent called around to nine different
8 municipalities in our area and tried to determine
9 what my average consumption would be if were to live
10 in these other areas. And of the nine areas I made
11 and average and my monthly average would be
12 approximately \$71. I current pay \$104 a month on
13 average. And with these proposed rate increase, my
14 rate would go up to \$138 a month. Now, there's only
15 one village or town in the area that was above my
16 current rate, so I made a phone call to them to kind
17 of find out why they would have a higher rate than I
18 would have. And speaking to the lady, she was
19 explaining to me that their small town had to incur a
20 lot of debt. And out of the \$1.3 million it cost
21 them to run their Water and Sewer Division, \$600,000
22 of it was to pay off there debt.

1 In this economic time, she said they
2 really needed to raise their rate a whole lot higher,
3 but they didn't feel like the people in their
4 community could pay for such rate increases. So they
5 want back and they renegotiated their debt and they
6 are continuing the debt so that they only have to
7 have a 3 percent increase this year because they know
8 their people, they know their community, they're
9 involved in it. I believe that whole problem with
10 the Illinois American Water is the fact that they
11 doesn't live in the communities in which they serve
12 and they don't see the pain that people are right now
13 having with the economy. So we are just asking you
14 to be the voice of the people and to be the conscious
15 of the people because right now we can't afford these
16 additional rate hikes and there's things that they
17 can could to keep their cost down that I think they
18 should look at to try to do the same thing as the
19 small communities are to help their people.

20 ACTING CHAIRMAN FLORES: Thank you.

21 MS. JEAN SMITH: Thank you.

22 ACTING CHAIRMAN FLORES: Next we have Lawrence

1 Conrath.

2 MR. LAWRENCE CONRATH: I want to thank the
3 commissioners for allowing me to speak as a resident
4 of Homer Glen and speak about the sexy subject of
5 sewerage. In addition to the water rates going up,
6 we have a very unique situation for 8,000 of our
7 residents, 6,000 of which live within the boundaries
8 of Homer Glen and another 2,000 that live in Orland
9 and Homer Township. We are all customers of Illinois
10 American Water. We are the only customers that have
11 other wastewater treatment through them in the
12 immediate 10-mile radius. All the other villages and
13 cities pretty much do their own wastewater treatment.
14 Within the district that we are under, Illinois
15 American has asked in the Proposed Order to increase
16 their rates with customers that average 8,000 gallons
17 among which we believe is the average. Will see
18 since July of '08, July of '08 being significant
19 because in August of '08 the company decided to
20 change the way they bill wastewater from a flat rate
21 per home, to a flat rate plus volumetric. In July of
22 '08, homeowners were paying \$46 a month for the sewer

1 service. After the Proposed Order increase, the same
2 homeowners less than two years later will be paying
3 \$70 a month. That's a 52 percent increase in our
4 bills in less than two years and I don't understand
5 what's changed in less than two years that would
6 justify such an increase.

7 By comparison, we're paying \$8.75
8 after the Order is implemented per thousands gallons
9 for wastewater. Our neighbors directory to the east,
10 Orland, pay less than \$3; Mokena, to our south,
11 \$3.60; New Lenox, \$4.64, the larger municipalities
12 get the benefits of spreading their affixed costs
13 over larger customer base. Plainfield can treat a
14 thousand gallons of Wastewater for \$1.77. Lockport
15 just finished their study and announced on March 31st
16 that they're going to have to fix their
17 infrastructure, which is the same excuse that
18 Illinois American has given for the increased cost.
19 They're a hundred-year-old village and they're going
20 to be able to do it for \$3.60 per thousand gallons of
21 wastewater. Again, the Proposed Order for the
22 Village of Homer Glen and other neighboring townships

1 are going to send the rates to \$8.75 per thousand
2 gallons, up 52 percent in less than two years.

3 Now what has that done for Illinois
4 American? I've done a study and I've looked at the
5 schedules that were submitted by the Company for the
6 commissioners to look at in their Proposed Order to
7 determine whether or not what they're asking for is
8 reasonable. I've read the Proposed Order in this
9 matter and believe that the rate-making formulas need
10 to be revised to reflect current economic conditions.
11 On. Appendix D, Page 1, Illinois American details the
12 impact that the granted new rates will make in the
13 Chicago-metro wastewater collection and treatment
14 district. The revenues are going to increase in that
15 district by \$2 million with net post-tax income
16 rising from \$2.5 million to \$3.7 million. And
17 they'll increase on the percent of revenues from a 22
18 percent bottom line to a 29 percent bottom line. Why
19 the Company should enjoy a 6 percent increase in
20 their net profits because they say they need to cover
21 fixed costs is beyond me. Again, we were paying just
22 \$46 a month less than two years ago and now we're

1 faced with this 50-something percent increase in our
2 wastewater rates on top of the increase that we're
3 getting in our water.

4 One of the comments that one of your
5 commissioners made was that they rejected the request
6 to conduct an independent audit into the high cost
7 for sewer because "it was not clear that any such
8 study or audit would produce a meaningful
9 cost-effective result". I've looked at exhibit --
10 appendix D, Page 1, which outlines exactly what the
11 Company states is their cost of operations and their
12 revenues in our area. And it masks the fact that the
13 entire increase that they're requesting is going to
14 only be impacted by the 8,000 customers in Homer Glen
15 and Homer Township. They say they're only increasing
16 the rates 17.64 percent, but they use the entire
17 revenue for the district to come up with that number.
18 The real impact is closer the 50 percent on the
19 customers that are going to have their bills
20 increased. The same schedule, if they were to just
21 break out their wastewater treatment and collection
22 from that district number would reveal this much

1 larger increase that they're going to enjoy.

2 They've always made the argument that
3 when we compare our rights with surrounding
4 municipalities, it's not an apples, apples comparison
5 because we're comparing municipalities that can
6 charge these rate to their customers on a monthly
7 bill or in their real estate tax bill. If we were
8 given the cost of this district and how many
9 wastewater gallons that they actually treated in the
10 last year, it would give us a meaningful number in
11 terms of their true cost to provide wastewater
12 service for Homer Glen. And with that analysis, we
13 can then compare it to our sister communities and
14 give you specific numbers that you can rely on to
15 show whether or not this monopoly water company is
16 providing the lowest cost service in our area. I
17 suspect --

18 ACTING CHAIRMAN FLORES: If you can just rap it
19 up, please.

20 MR. LAWRENCE CONRATH: Okay. And in summary, I
21 just wanted to say that we're heavily dependant on
22 this Commission to represent our quality of life out

1 in the area in which we leave. Appear we're hoping
2 that you will look at this carefully and cut some of
3 this tremendous increase in the cost from the
4 Proposed Order. Thank you very much for your time.

5 ACTING CHAIRMAN FLORES: Thank you very much,
6 Mr. Conrath, and thank you to all of the individuals
7 what took time from their schedules to appear before
8 the Commission today to provide their testimony.

9 That concludes the public comment
10 portion of today hearing.

11 Turning to the Public Utilities
12 Agenda.

13 There are minutes to approve from the
14 March 10, 2010 Bench Session. I understand that the
15 minutes have been forwarded.

16 Is there a motion to amend the
17 minutes?

18 COMMISSIONER ELLIOTT: So moved.

19 ACTING CHAIRMAN FLORES: Is there a second?

20 ACTING COMMISSIONER COLGAN: Second.

21 ACTING CHAIRMAN FLORES: Its been moved and
22 seconded.

1 All in favor say "aye."

2 (Chorus of ayes.)

3 Any opposed?

4 (No response.)

5 The vote is 5-0 amending the minutes.

6 Is there a motion to approve the
7 minutes as amended?

8 ACTING COMMISSIONER COLGAN: So moved.

9 ACTING CHAIRMAN FLORES: Is there a second?

10 COMMISSIONER ELLIOTT: Second.

11 ACTING CHAIRMAN FLORES: Its been moved and
12 seconded.

13 All in favor say "aye."

14 (Chorus of ayes.)

15 Any opposed?

16 (No response.)

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

19 We will begin with the Electric
20 Agenda.

21 Items E-1 through E-9 will be taken
22 together. Each of these matters involve revisions to

1 tariffs filed by an Ameren Illinois Utility. In each
2 instance Staff recommends that the Commission allow
3 the Company's proposal by not suspending the filing.

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

6 COMMISSIONER ELLIOTT: So moved.

7 ACTING CHAIRMAN FLORES: Is there a second?

8 ACTING COMMISSIONER COLGAN: Second.

9 ACTING CHAIRMAN FLORES: Its been moved and
10 seconded.

11 All in favor say "aye."

12 (Chorus of ayes.)

13 The vote is 5-0. The Ameren Illinois
14 Utility's filings are not suspended. We will use
15 this 5-0 roll-call vote for the remainder of the
16 Public Utility Agenda unless otherwise noted.

17 Item E-10 concerns the reconciliation
18 of revenues collected under power procurement riders
19 with actual costs associated with power procurement
20 expenditures.

21 Commission Staff believes it is now
22 appropriate to begin the next series of power

1 procurement reconciliation proceedings for the Ameren
2 Illinois Utilities and Commonwealth Edison and Staff
3 recommends entering an Order commencing
4 reconciliation proceedings.

5 Is there any discussion?

6 (No response.)

7 Any objections.

8 (No response.)

9 Hearing none, the Order is entered.

10 Item E-11 is Docket No. 08-0179, a
11 complaint by Level Field and The Philanthropy Group
12 against ComEd regarding billing and charges. ALJ
13 recommends dismissing this docket for want of
14 prosecution.

15 Is there any discussion?

16 (No response.)

17 Any objection?

18 (No response.)

19 Hearing none, the docket is dismissed.

20 Item E-12 is Docket No. 08-0532
21 concerning the investigation of ComEd's rate design
22 pursuant to Section 9250 of the Public Utilities Act.

1 This item will be held.

2 Item E-13 is Docket No. 09-0058 and it
3 involves a Petition for relief to protect
4 confidential and/or proprietary information by
5 Champion Energy. ALJ Kimbrel recommends entry of an
6 Order granting Proprietary Treatment for two years
7 subject to certain conditions.

8 Is there any discussion?

9 (No response.)

10 Any objections?

11 (No response.)

12 Hearing none, the Order is entered.

13 Item E-14 is Docket No. 09-0306
14 through 09-0311. This is the Ameren Illinois
15 Utilities rate case and these dockets are before the
16 Commission with a drop-dead date of May 1st. We have
17 oral arguments scheduled for this case on April 13th
18 at 1:30 p.m. in the Illinois Commerce Commission's
19 Springfield offices. Any official decision on the
20 Proposed Order changing electric and gas rates will
21 be held for disposition at a future Commission
22 proceeding.

1 We also have a motion to add issues
2 for oral argument before the Commission. The notice
3 containing an issue list for oral argument was sent
4 to the parties on the afternoon of April 6th after
5 this motion was filed. The notice sent yesterday
6 accommodates issues raised in this motion, which
7 renders the motion to have issues for oral argument
8 moved.

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

13 Is there any discussion?

14 (No response.)

15 Any objections?

16 (No response.)

17 Hearing none, the motion is granted
18 and the docket is dismissed.

19 E-16 and E-17 will be take together.
20 These items concern the Applications for Licensure
21 for Agents, brokers, and Consultants under Section
22 16-115C of the Public Utilities Act. In both dockets

1 ALJ Yoder recommends approving the Order granting the
2 requested certificate of service authority.

3 Is there any discussion?

4 (No response.)

5 Any objections?

6 (No response.)

7 Hearing none, the Orders are entered.

8 E-18 is Docket 09-0587. This is a
9 Joint Motion to Dismiss brought by Linda Cottle and
10 Commonwealth Edison Company. ALJ recommends that the
11 docket be dismissed with prejudice.

12 Is there any discussion?

13 (No response.)

14 Any objections?

15 (No response.)

16 Hearing none, the Motion is granted
17 and the docket is dismissed.

18 E-19 through E-22 will be taken
19 together. These items concern Applications for
20 Licensure for Agents, Brokers and Consultants under
21 Section 16-115C of the Public Utilities Act. In each
22 docket, ALJ Yoder recommends approving the Order

1 granting the requested certificates of service
2 authority.

3 Is there any discussion?

4 (No response.)

5 Any objection?

6 (No response.)

7 Hearing none, the Orders are entered.

8 Item E-23 is Docket 10-0033, a
9 Stipulation and Joint Motion to Dismiss brought by
10 Willie Green and Commonwealth Edison Company. ALJ
11 Benn recommends that the docket be dismissed with
12 prejudice.

13 Is there any discussion?

14 (No response.)

15 Any objection?

16 (No response.)

17 Hearing none, the Motion is granted
18 and the docket is dismissed.

19 Items E-24 and E-25 will be taken
20 together. These items concern the Applications for
21 Licensure of Agents, Brokers and Consultants under
22 Section 16-115C of the Public Utilities Act. In both

1 docket ALJ Yoder recommends approving the Order
2 granting the requested certificate of service
3 authority.

4 Is there any discussion?

5 (No response.)

6 Any objections?

7 (No response.)

8 Hearing none, the orders are entered.

9 That concludes the Electric portion of
10 today's Agenda.

11 Turning to Natural Gas.

12 Item G-1 concerns a Suspension Order
13 for a proposed general increase in natural gas rates
14 by Consumers Gas Company. Staff recommends in order
15 to determine the reasonableness of the proposed
16 increase to natural gas rates, the filing be
17 suspended and set for hearing.

18 Is there any discussion?

19 (No response.)

20 Any objections?

21 (No response.)

22 Hearing none, the Suspension Order is

1 entered.

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

7 Is there any discussions?

8 (No response.)

9 Any objections?

10 (No response.)

11 Hearing none, the filings are not
12 suspended.

13 Item G-8 is Docket No. 08-0175. This
14 case concerns complaints brought by Citizen's Utility
15 Board, Citizen Action/Illinois and AARP against U.S.
16 Energy Savings Corporation, an alternative gas
17 supplier. We're going to hold G-8 for disposition at
18 a future hearing.

19 Moving on, G-99 is Docket No. 08-0597.
20 This item will be held.

21 G-10 is Docket No. 09-0061. Before
22 the Commission is Interstate Gas Supply of Illinois

1 Petition 440 proprietary treatment of certain
2 portions of its Compliance Report. ALJ Kimbrel
3 recommends entering an Order granting proprietary
4 treatment for a period of two years subject to
5 certain conditions.

6 Is there any discussion?

7 (No response.)

8 Any objections?

9 (No response.)

10 Hearing none, the order is entered.

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

13 Item G-12 is Docket No. 09-0195
14 concerning a complaint as to billing and charges by
15 Warren and Celeste Tukes against Peoples Gas. ALJ
16 Kimbrel recommends entering an Order dismissing the
17 complaint with prejudice.

18 Is will any discussion?

19 (No response.)

20 Any objections?

21 Hearing none, the Order is entered.

22 Item G-13 is Docket No.09-0571. This

1 Docket concerns Ambit Illinois' Application for
2 Certificate of Service Authority under Section 19-110
3 of the Public Utilities Act. ALJ Sainsot requests
4 that the Commission reopen the record in this docket
5 on its own motion for the limited purposes of
6 entertaining Ambit's Petition or confidential
7 treatment of it's logo.

8 Is there any discussion?

9 (No response.)

10 Any objections?

11 (No response.)

12 Hearing none, the Motion is accepted
13 and the docket is reopened.

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

18 Is there any discussion?

19 (No response.)

20 Any objections?

21 (No response.)

22 Hearing none, the motion is granted

1 and the docket is dismissed.

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

8 Is there any discussion?

9 (No response.)

10 Any objection?

11 (No response.)

12 Hearing none, the Order is approved.

13 Item G-16 is Docket No. 10-0163
14 involving Glacial Natural Gas' Application for
15 Certificate of Service Authority under Section 19-110
16 under the Public Utilities Act. Glacial has made a
17 motion to withdraw its application. ALJ Sainsot
18 recommends granting this motion dismissing the docket
19 with prejudice.

20 Is there any discussion?

21 (No response.)

22 Any objection?

1 (No response.)

2 Hearing none, the motion is granted
3 and the docket is dismissed with prejudice. That
4 concludes the Natural Gas position of today's agenda.

5 Starting with the Telecommunications
6 Agenda.

7 Items T-1 through T-5 will be taken
8 together. These items concern filings for
9 modification in the nature of services offered by
10 telecommunication providers. In each instance Staff
11 recommends not suspending or investigating the
12 filings.

13 Is there any discussion?

14 (No response.)

15 Any objections?

16 (No response.)

17 Hearing none, the filings will not be
18 suspended or investigated.

19 JUDGE DOLAN: Chairman, going back to G-16,
20 it's supposed to be according to -- Judge Sainsot's
21 recommendations should be without prejudice and not
22 with prejudice since they didn't have a hearing on

1 the merits.

2 ACTING CHAIRMAN FLORES: Very well. The record
3 should reflect that the matter will be dismissed
4 without -- I'm sorry. I misread that -- that this
5 motion is granted and docketed without prejudice.
6 I'm sorry. I misspoke.

7 JUDGE DOLAN: Thank you.

8 ACTING CHAIRMAN FLORES: Going back to
9 Telecommunications, we are at Item T-6 involves an
10 Application by Innovative Security Information
11 Systems for a Certificate to provide pay telephone
12 service within the State of Illinois. ALJ Riley
13 recommends entering the Order granting the
14 Certificate.

15 It there any discussion?

16 (No response.)

17 Any objections?

18 Hearing none, the order is granted.

19 T-7 concerns TDS Long Distance
20 Corporation's Application for Certificate to Operate
21 as a Reseller of Telecommunications Services in the
22 State of Illinois. The Commission entered an order

1 on March 24 approving TDS's Certificate, but an
2 Amendatory Order is required to cure deficiencies
3 with that previous Order. ALJ Benn recommends that
4 the Commission approve this Amendatory Order.

5 Is there any discussion?

6 (No response.)

7 Any objections?

8 (No response.)

9 Hearing none, the amendatory Order is
10 approved.

11 Item T-8 concerns Triarch Marketing's
12 Application for a Certificate to operate as resale
13 and facilities based carrier of telecommunication
14 services throughout the State of Illinois. The
15 Applicant filed a request to withdraw the application
16 without prejudice. ALJ recommends that the
17 Commission approve withdraw without prejudice.

18 Is there any discussion?

19 (No response.)

20 Any objections?

21 (No response.)

22 Hearing none, the application is

1 withdrawn.

2 Items T-9 through T-11 will be taken
3 together. These items involve the Illinois Commerce
4 Commission's Initiating Citation Proceedings on its
5 own initiative against UStel, Loop Telecom and
6 Midwestern Telecommunications. In each instance,
7 Staff recommends entry of an Order initiating
8 proceeding.

9 Is there any discussion?

10 (No response.)

11 Any objections?

12 (No response.)

13 Hearing none, the Orders are approved.

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

17 Items T13 through T-25 will be taken
18 together. These items each involve Petitions for
19 relief to protect confidential and/or proprietary
20 information. In each instance the ALJ recommends
21 entering an Order approving the Petition. This
22 includes Item T-19, which indicates a recommendation

1 of denial in our agenda; but in which the ALJ
2 actually recommends approval in the supporting
3 memorandum and suggests the Order.

4 Is there any discussion?

5 (No response.)

6 Any objections?

7 (No response.)

8 Hearing none, the Orders as drafted by
9 the ALJs are entered and the Petitions are approved.

10 Per Judge Wallace's request, Item T-26
11 will be held.

12 Item T-27 is AT&T's Petition for
13 relief to protect confidential and/or proprietary
14 information. ALJ Moran recommends entering an Order
15 approving the Petition.

16 Is there any discussion?

17 (No response.)

18 Any objections?

19 Hearing none, the Order is entered.

20 Items T 28 through T 39 will be taken
21 together. These Items each involve Joint Petitions
22 surrounding Resale and Interconnection Agreements

1 under 47 U.S.C. Section 252. In each docket the ALJ
2 recommends an Order approving a new Agreement or
3 amendment to an existing Agreement.

4 Is there any discussion?

5 (No response.)

6 Any objections?

7 (No response.)

8 Hearing none, the Orders are entered.

9 That concludes the Telecommunications
10 portion of today's agenda.

11 Water and Sewer.

12 Items W-1 concerns a Suspension Order
13 for a Proposed General Increase in water and sewer
14 rates by Galena Territory Utilities. Staff
15 recommends that in order to determine the
16 reasonableness of the proposed increase of water and
17 sewer rates, the filing be suspended and set for
18 hearing.

19 Is there any discussion?

20 (No response.)

21 Any objections?

22 (No response.)

1 Hearing none, the Suspension Order is
2 entered.

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

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

14 Is there any discussion?

15 (No response.)

16 Any objections?

17 (No response.)

18 Hearing none, the Order is entered.

19 This concludes the Water and Sewer
20 portion of today's agenda.

21 We have miscellaneous matter for
22 disposition today. This matter concerns the

1 Initiation of a Rulemaking Proceeding on 83 Illinois
2 Admin. Code at 300. Staff recommends entry of an
3 Order initiating a Rulemaking Proceeding and
4 Authorizing a First Notice Period.

5 Is there any discussion?

6 (No response.)

7 Any objections?

8 (No response.)

9 Hearing none, the Order is entered.

10 Other business, we have a few other
11 matters on the agenda for today. First off is our
12 consideration of the Ameren Illinois Utility's 2010
13 Capacity Request For Proposal.

14 Is there a motion to approve the
15 Ameren Illinois Utility's 2010 Capacity Request for
16 Proposal?

17 COMMISSIONER ELLIOTT: So moved.

18 ACTING CHAIRMAN FLORES: Is there a second?

19 ACTING COMMISSIONER COLGAN: Second.

20 ACTING CHAIRMAN FLORES: Its been moved and
21 seconded.

22 All in favor say "aye."

1 (Chorus of ayes.)
2 Any opposed?
3 (No response.)
4 The vote is 5-0. The Ameren Capacity
5 RFP is approved.
6 Next up are a couple of FERC matters
7 that require us to go into closed session.
8 Is there a motion to go into closed
9 session?
10 COMMISSIONER ELLIOTT: So moved.
11 CHAIRMEN FLORES: Is there a second?
12 ACTING COMMISSIONER COLGAN: Second.
13 ACTING CHAIRMAN FLORES: Its been moved and
14 seconded.
15 All in favor say "aye."
16 (Chorus of ayes.)
17 Any opposed?
18 (No response.)
19 The vote is 5-0 to go into closed
20 session. Please let me know when the room is clear
21 in Springfield, please.
22 JUDGE WALLACE: We're set down here,

1 Mr. Chairman.

2 (Whereupon, the following
3 proceedings were had in closed
4 session.)

5 (Whereupon, the following
6 proceedings were had in open
7 session.)

8 ACTING CHAIRMAN FLORES: Now returning back to
9 open session.

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

15 Is there a motion to file the comments
16 with FERC?

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

22 ACTING CHAIRMAN FLORES: Is there a second?

1 ACTING COMMISSIONER COLGAN: Second.

2 ACTING CHAIRMAN FLORES: All in favor say

3 "aye."

4 (Chorus of ayes.)

5 Any opposed?

6 (No response.)

7 The vote is 5-0 accepting Commissioner

8 O'Connell-Diaz's amendments to the comments.

9 Now voting to then accept the comments
10 as amended with the FERC.

11 Is there a motion?

12 COMMISSIONER ELLIOTT: So moved.

13 ACTING CHAIRMAN FLORES: Is there a second.

14 ACTING COMMISSIONER COLGAN: Second.

15 ACTING CHAIRMAN FLORES: All in favor say

16 "aye."

17 (Chorus of ayes.)

18 Any opposed?

19 (No response.)

20 The vote is 5-0, the comments as

21 amended will be filed with FERC.

22 The next item is FERC Docket

1 ER10-863-000. Staff has proposed filing comments on
2 the Midwest ISO's March 11th filing of the Midwest
3 ISO's Transmission Owners' Agreement.

4 Is there a motion to file the comments
5 with FERC?

6 COMMISSIONER O'CONNELL-DIAZ: So moved.

7 ACTING CHAIRMAN FLORES: Is there a second?

8 COMMISSIONER ELLIOTT: Second.

9 ACTING CHAIRMAN FLORES: Its been moved and
10 seconded.

11 All in favor say "aye."

12 (Chorus of ayes.)

13 Any opposed?

14 (No response.)

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

17 Judge Wallace, are there any other
18 matters to come before the Commission today?

19 JUDGE WALLACE: No, Mr. Chairman.

20 ACTING CHAIRMAN FLORES: Thank you very much.

21 I hope all of you are doing well in Springfield.

22 And hearing none, this meeting stands

1 adjourned. Thank you folks.

2 (And those were all the
3 proceedings had.)

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