

1 CHAIRMAN SCOTT: Pursuant to the provisions of
2 the Illinois Open Meetings Act, I now convene a
3 Special Open Meeting of the Illinois Commerce
4 Commission. With me in Chicago is Commissioner Ford.
5 With us in Springfield are Commissioner Elliott and
6 Acting Commissioner Colgan. I'm Chairman Scott. We
7 have a quorum. I believe we have Commissioner
8 O'Connell-Diaz available by phone.

9 Are you there, Commissioner?

10 COMMISSIONER O'CONNELL-DIAZ: Yes, I am.

11 CHAIRMAN SCOTT: Per the Commissioner rules,
12 we'll vote to allow Commissioner O'Connell-Diaz to
13 participate by phone.

14 I move to allow Commissioner
15 O'Connell-Diaz to participate by phone.

16 Is there a second?

17 COMMISSIONER FORD: Second.

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

19 All in favor say "aye."

20 (Chorus of ayes.)

21 CHAIRMAN SCOTT: Any opposed?

22 (No response.)

1 CHAIRMAN SCOTT: The vote is 4 to nothing and
2 Commissioner O'Connell-Diaz may participate in
3 today's Special Open Meeting by telephone.

4 Before moving in to agenda, according
5 to Part 1700.10 of Title 2 of the Illinois
6 Administrative Code, this is the time we allow
7 members of the public to address the Commission.
8 Members of the public wishing to address the
9 Commission must notify the Chief Clerk's Office at
10 least 24 hours prior to the Commission meeting.
11 According to the Chief Clerk's Office, we have one
12 valid request to speak at today's Open Meeting.

13 I believe we have Mr. William Byrne
14 available to speak with us.

15 Mr. Byrne, are you here?

16 MR. WILLIAM BYRNE: Can I switch that to Sue?
17 I'm feeling a little under the weather.

18 CHAIRMAN SCOTT: And Sue's name is --

19 MS. SUSAN PRONOVE: I'm Sue Pronove.

20 CHAIRMAN SCOTT: Sue. Okay. Sure. And I
21 think the Clerk's Office told you you have 3 minutes
22 to make your comments. So, please, when you're

1 ready, feel free to start.

2 MS. SUE PRONOVE: Okay. This is regarding the
3 ComEd Kreutzer Road -- regarding ComEd putting their
4 poles along Kreutzer Road.

5 Reams of paper have been generated and
6 hundreds of thousands of dollars have been spent by
7 both parties as well as the Village of Huntley in
8 this fight to put 75-foot poles along Kreutzer Road.
9 ComEd is pushing through with this plan despite the
10 fact that it's based on erroneous and outdated
11 evidence. They are ignoring the ruling by the Court
12 of Appeals that they must specify exactly what land
13 they are taking and where it is located.

14 The parcels noted in the record
15 encompass most of the land we own. They are ignoring
16 the plans to widen Kreutzer Road and make it a major
17 transportation corridor. These plans were even
18 brought before the ICC.

19 Placing the poles at 50 feet ensures
20 that they will have to be moved in the near future.
21 Will this be another burden on taxpayers? Will ComEd
22 just institute increased electrical rates to pay for

1 the error? No developer will touch this land once
2 the poles are located on it.

3 ComEd has a viable alternative route
4 that is shorter and where they own most of the
5 easements necessary. The record should be reopened
6 to examine this route instead of blocking the only
7 access to our land on the south side of Kreutzer
8 Road, demolishing a historically preserved home and
9 ruining the viable agricultural land.

10 Despite testimony by the Village of
11 Huntley, Commonwealth Edison and ARCADIS both -- they
12 all ignored the fact that improvements to Kreutzer
13 Road were necessary and imminent in their initial
14 study recommending this route. As early as 2008, the
15 ICC was also analyzing improvements to Kreutzer Road
16 regarding the realignment of the railroad crossing.
17 Despite this knowledge, ComEd and the ICC have tried
18 to push through placement of the poles 50 feet from
19 the existing road. This will make it necessary at a
20 cost of about \$4 million in order for the road
21 improvements to be implemented.

22 If the poles are not moved, the road

1 would go from five lanes to two lanes after a
2 railroad crossing, a bridge and a curve. This would
3 make Kreutzer Road one of the most dangerous roads in
4 Kane and McHenry Counties. Rain, ice, snow, fog and
5 75-foot poles topped by 138 kV of electricity would
6 only make the hazard worse.

7 Who's responsible for any fatalities
8 on this type of road? Who would pay to move the
9 poles if the risks it presents are deemed too great?
10 No developer will take on this huge expense,
11 especially in the current economic state. It will
12 ultimately be a burden to the taxpayers.

13 The Kreutzer family has been fighting
14 ComEd and the ICC in the attempt to preserve the
15 historical integrity of their land as well as to
16 highlight the financial irresponsibility of the plan.
17 ComEd lost their eminent domain case against the
18 family when they tried to acquire the land by quick
19 take because they failed to negotiate fairly and
20 asked for rights to utilize 225 acres to maintain and
21 enlarge and install communications lines even though
22 the easement was only for 50 feet.

1 The location of easement also takes
2 away the use of the whole frontage of the property,
3 which is the only ingress and egress to the land.
4 The Appellate Court ruled in favor of the Kreutzer
5 family when it stated that the easement must be
6 properly identified by ComEd. This was after ComEd
7 and the ICC arbitrarily changed the footage needed
8 for the poles from 50 feet to 175 feet.

9 There was no testimony or evidence as
10 basis for this change. When an alternate route
11 considered by ComEd located along an industrial
12 commercial route already has easements owned by the
13 Utility as well as some poles installed, according to
14 the official testimony of the Commerce Commission's
15 senior engineer, the route along Kreutzer Road is one
16 of the most costly choices. This was before the
17 legal battles it triggered. This totally disregards
18 the Utility's mandate to provide the best service to
19 the least cost to the consumer. In this climate of
20 rising costs for basic necessities it seems obvious
21 to choose the least expensive route.

22 There are two Kreutzer farms impacted

1 by the ComEd route. Both are designated as
2 centennial farms soon to qualify for susquicentennial
3 status. ComEd has an agreement with the Illinois
4 Department of Agriculture to utilize other land
5 before farmland for their easements. There is also
6 an area that is historically preserved due to the
7 huge impact that Paul Kreutzer had on the community
8 from his arrival in the United States in 1868 until
9 his death in 1934.

10 The historically preserved area is the
11 Paul Kreutzer Farmhouse on Marie Caranci's farm.
12 This farmhouse is only 1 of 33 historically preserved
13 homes in Kane County. It will definitely be
14 demolished at the 50-foot easement.

15 It seems incomprehensible that all
16 this evidence presented in our briefs and the appeal
17 can be completely ignored. It's not just a matter of
18 50 feet versus 175 feet. There are major issues
19 affecting several towns and potentially costing
20 millions of dollars riding on your decision today.
21 Have you honestly read and evaluated all of the
22 evidence? Do you understand the repercussions of

1 this decision? This has become much bigger than
2 ruining one family and their home for almost
3 150 years.

4 This is allowing a major utility to
5 spend millions of dollars to knowingly put up
6 electrical poles that will impeded a planned
7 transportation corridor, only to have someone else
8 have to pay to move them. In these economic times
9 that seems extremely irresponsible. Please do not
10 rush into a decision today. Take the time to
11 reevaluate and reexamine the arguments against this
12 decision. They are compelling and should not be
13 ignored.

14 And then just on a personal note my
15 cousin says, I hope with all my heart that this
16 Commission and the Administrative Judge will put an
17 end to the mental anguish and financial hardship
18 being endured by the Kreutzer/Caranci families. My
19 husband and I have been wanting to build a house and
20 move back to Huntley for years now. Our lives have
21 been on hold because of this horrible situation of
22 possibly having these power lines ruin the family

1 farm. We should already be living in Huntley now so
2 I could be helping my 81-year-old mother on a
3 day-to-day basis.

4 Now that spring is here and I'm at the
5 farm more often to do yard work, every year I enjoy
6 taking in the views across the field and spotting
7 various wildlife, birds, butterflies and deer. As I
8 take in the beautiful views I keep thinking, is this
9 the last year to enjoy this?

10 CHAIRMAN SCOTT: Thank you. If you could say
11 and then spell your last name, too, so we have it for
12 the court reporter.

13 MS. SUSAN PRONOVE: My name is Susan Pronove,
14 P-r-o-n-o-v-e. I am the daughter of Marie Caranci,
15 and it's the majority of her land that will be
16 affected by this.

17 CHAIRMAN SCOTT: Thank you, Miss Pronove.

18 Moving in to today's agenda we will
19 start with minutes from the previous Commission
20 meetings. Item 1 today is the approval of minutes
21 from our March 23rd Bench Session. I understand
22 amendments have been forwarded.

1 Is there a motion to amend the
2 minutes?

3 COMMISSIONER FORD: So moved.

4 CHAIRMAN SCOTT: Is there a second?

5 COMMISSIONER ELLIOTT: Second.

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

7 All in favor say "aye."

8 (Chorus of ayes.)

9 CHAIRMAN SCOTT: Any opposed?

10 (No response.)

11 CHAIRMAN SCOTT: The vote is 5 to nothing
12 amending the minutes from March 23rd.

13 Is there a motion to approve the
14 minutes as amended?

15 COMMISSIONER FORD: So moved.

16 CHAIRMAN SCOTT: Is there a second?

17 COMMISSIONER COLGAN: Second.

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

19 All in favor say "aye."

20 (Chorus of ayes.)

21 CHAIRMAN SCOTT: Any opposed?

22 (No response.)

1 CHAIRMAN SCOTT: The vote is 5 to nothing
2 approving the minutes from March 23rd as amended.

3 Item 2, 11-0356, 11-0355, 11-0356,
4 11-0357, concerns initiating power procurement
5 reconciliation proceedings from the Ameren Illinois
6 Utilities and ComEd. Staff recommends that the
7 Commission enter an Order commencing the
8 reconciliation proceedings.

9 I move to enter an Order commencing
10 the proceedings.

11 Is there a second?

12 COMMISSIONER FORD: Second.

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

14 All in favor say "aye."

15 (Chorus of ayes.)

16 CHAIRMAN SCOTT: Any opposed?

17 (No response.)

18 CHAIRMAN SCOTT: The vote is 5 to nothing and
19 the Order is entered.

20 We will use this 5 to nothing vote for
21 the remainder of today's Special Open Meeting unless
22 otherwise noted.

1 Item 3, 11-0358, concerns proposed
2 tariffs filed by Ameren adding a new section to its
3 supplier terms and conditions regarding the purchase
4 of uncollectible receivables. In order to determine
5 the reasonableness of the proposed language, Staff
6 recommends that the filing be suspended through entry
7 of a Suspension Order and set for hearing.

8 Is there any discussion?

9 (No response.)

10 CHAIRMAN SCOTT: Any objections?

11 (No response.)

12 CHAIRMAN SCOTT: Hearing none, the Suspension
13 Order is entered.

14 Item 4 is Docket No. 07-0310. This is
15 ComEd's Application for a Certificate of Public
16 Convenience and Necessity to construct a 138,000-volt
17 transmission line in Kane and McHenry Counties. This
18 matter is on remand from the Appellate Court and
19 Administrative Law Judge Dolan recommends that the
20 Commission enter an Order adopting a 50-foot width
21 right of way adjacent to Kreutzer Road for
22 construction of the previously approved transmission

1 line.

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 Items 5 and 6 can be taken together.
9 These items are customer complaints as to billing
10 and/or charges against ComEd. In each case the
11 parties have apparently settled their differences and
12 brought Joint Motions to Dismiss, which the ALJs
13 recommend that we grant.

14 Is there any discussion?

15 (No response.)

16 CHAIRMAN SCOTT: Any objections?

17 (No response.)

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

20 Item 7 is Docket No. 10-0709. This is
21 Eloisa Ochoa's metering complaint against ComEd. ALJ
22 Riley recommends that the Commission enter an Order

1 dismissing the Complaint with prejudice.

2 Is there any discussion?

3 Actually, I have a little bit of
4 discussion, if I could.

5 The question I have is, this seems to
6 be an unusual thing to come before the Commission.
7 And I guess being new I'm asking these questions a
8 lot. I mean, is this the kind of thing where it's
9 really a dispute with the Utility over the
10 information concerning when a meter was installed?
11 Is that an unusual occurrence?

12 JUDGE RILEY: It's the first of its kind that
13 I've encountered. I've been here going on 13 years
14 now. It was not clear from the transcript from going
15 back through it what the town of Cicero's requirement
16 was that the -- that Miss Ochoa try and determine
17 when the meters were first installed in the house
18 that she purchased.

19 CHAIRMAN SCOTT: All right.

20 JUDGE RILEY: I never understood what the --
21 what the necessity was.

22 CHAIRMAN SCOTT: And the nature of the

1 complaint is it's a -- is it a one-family or a
2 two-family and that seemed to be part of the
3 contention that Miss Ochoa had.

4 JUDGE RILEY: It was a two-family when she
5 bought it. It's a one-family now. She plans to make
6 it a two-family again because she wants to get the
7 basement repaired and rented out and then there's
8 just a single story up above.

9 CHAIRMAN SCOTT: Okay. I appreciate that.

10 JUDGE RILEY: Sure.

11 CHAIRMAN SCOTT: Thank you. Thanks for the
12 clarification.

13 Is any other discussion on this?

14 (No response.)

15 CHAIRMAN SCOTT: Any objections?

16 (No response.)

17 CHAIRMAN SCOTT: Hearing none, the Order is
18 entered and the Complaint is dismissed.

19 Item 8 is Docket No. 11-0310. This is
20 Nordic Energy Services' Petition for confidential
21 treatment of portions of its Annual Agent, Broker,
22 Consultant Recertification Report. ALJ Albers

1 recommends that the Commission enter an Order
2 granting the requested relief.

3 Is there any discussion?

4 (No response.)

5 CHAIRMAN SCOTT: Any objections?

6 (No response.)

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

9 Item 9 is Docket No. 08-0521. This
10 item is Henry Graham's complaint alleging the
11 unauthorized switching of his service against Santana
12 Energy Services. Parties have apparently resolved
13 their differences and brought a Joint Motion to
14 Dismiss which ALJ Baker recommends that we grant.

15 Is there any discussion?

16 (No response.)

17 CHAIRMAN SCOTT: Any objections?

18 (No response.)

19 CHAIRMAN SCOTT: Hearing none, the Joint Motion
20 to Dismiss is granted.

21 Item 10 is Docket No. 11-0031. This
22 is D.D.D. Calling's Petition to Withdraw its

1 Certificate of Local Authority to Operate as a
2 Facilities-Based Carrier of Telecommunications
3 Services previously issued in Docket No. 96-0238.
4 ALJ Baker recommends that the Commission enter an
5 Order granting the Petition.

6 Is there any discussion?

7 (No response.)

8 CHAIRMAN SCOTT: Any objections?

9 (No response.)

10 CHAIRMAN SCOTT: Hearing none, the Order is
11 entered and the Certificate is withdrawn.

12 Item 11 is Docket No. 11-0034. This
13 is Ridley Telephone Company's Petition for the
14 withdrawal of its Certificate of Interexchange
15 Service Authority previously granted in Docket
16 No. 02-0407. ALJ Baker recommends that the
17 Commission enter an Order granting the Petition.

18 Is there any discussion?

19 (No response.)

20 CHAIRMAN SCOTT: Any objections?

21 (No response.)

22 CHAIRMAN SCOTT: Hearing none, the Order is

1 entered and the Certificate is withdrawn.

2 Item 12 is Docket No. 11-0073. This
3 is K-Wireless's Application for designation as an
4 eligible telecommunications carrier in Illinois for
5 offering lifeline service to qualified households.
6 ALJ Riley recommends that the Commission enter an
7 Order granting the Application.

8 Is there any discussion?

9 (No response.)

10 CHAIRMAN SCOTT: Any objections?

11 (No response.)

12 CHAIRMAN SCOTT: Hearing none, the Order is
13 entered and the Application is granted.

14 Item 13 is Docket No. 11-0176. This
15 is GC Pivotal's Application for a Certificate of
16 Service Authority to Operate as a Resale Carrier of
17 Telecommunications Services throughout Illinois. ALJ
18 Teague recommends that the Commission enter an Order
19 granting the requested Certificate.

20 Is there any discussion?

21 (No response.)

22 CHAIRMAN SCOTT: Any objections?

1 (No response.)

2 CHAIRMAN SCOTT: Hearing none, the Order is
3 entered and the Certificate is granted.

4 Item 14 is Docket No. 11-0181. This a
5 Joint Petition for Approval of an Interconnection
6 Agreement between Illinois Bell Telephone Company and
7 IQ Telecom. ALJ Baker recommends that the Commission
8 enter an Order approving the Interconnection
9 Agreement.

10 Is there any discussion?

11 (No response.)

12 CHAIRMAN SCOTT: Any objections?

13 (No response.)

14 CHAIRMAN SCOTT: Hearing none, the Order is
15 entered and the Interconnection Agreement is
16 approved.

17 Item 15 is Docket No. 11-0182. This
18 is a Joint Petition for the approval of a 10th
19 Amendment to an Interconnection Agreement between
20 Illinois Bell Telephone Company and Sage Telecom.
21 ALJ Baker recommends that the Commission enter an
22 Order approving the amendment to the Interconnection

1 Agreement.

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 and the amendment is approved.

8 Item 16 is Ivie Clay's complaint to
9 service against Peoples Gas. The complainant has
10 filed a Petition for Rehearing in this case. ALJ
11 Benn recommends that the Commission deny the Petition
12 for Rehearing for failure to allege any new facts or
13 legal basis for which rehearing would be appropriate.

14 Is there any discussion?

15 Actually, I have a little discussion,
16 Judge Benn.

17 JUDGE BENN: Yes, good morning.

18 CHAIRMAN SCOTT: Good morning.

19 And I just want to do this for
20 clarification. In your memorandum, you state that
21 the petitioner hasn't given any new evidence or
22 anything new being brought forward, but you didn't

1 really recommend -- you didn't make a recommendation
2 in the memorandum that we deny the Petition for
3 Rehearing. So is my assumption correct that that
4 would be your recommendation?

5 JUDGE BENN: Yes. Yes, that's correct. It's
6 my understanding that we could no longer recommend
7 regarding the Petition for Rehearing so that's why I
8 didn't include it.

9 CHAIRMAN SCOTT: Okay. Fine. Thank you very
10 much.

11 JUDGE BENN: You're welcome.

12 CHAIRMAN SCOTT: Thank you.

13 Is there any discussion?

14 (No response.)

15 CHAIRMAN SCOTT: Any objections?

16 (No response.)

17 CHAIRMAN SCOTT: Hearing none, the Petition for
18 Rehearing is denied.

19 Item 17 concerns Commission
20 consideration of the RFP results for the recent June
21 Ameren capacity IPA procurement event.

22 I move to approve the Ameren capacity

1 RFP results.

2 Is there a second?

3 COMMISSIONER FORD: Second.

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

5 All in favor say "aye."

6 (Chorus of ayes.)

7 CHAIRMAN SCOTT: Any opposed?

8 (No response.)

9 CHAIRMAN SCOTT: The vote is 5 to nothing and
10 the June 2011 Ameren capacity RFP results are
11 approved by the Commission.

12 Judge Wallace, are there any other
13 matters to come before the Commission today?

14 JUDGE WALLACE: No, that's it, Mr. Chairman.

15 CHAIRMAN SCOTT: Thank you, sir.

16 Hearing none, this meeting stands
17 adjourned.

18 MEETING ADJOURNED

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