

1 CHAIRMAN ZALEWSKI: Are we ready to proceed in
2 Springfield?

3 THE CLERK: Yes, we're ready.

4 CHAIRMAN ZALEWSKI: Okay. I appreciate everyone's
5 flexibility and patience during this time. And I just want to
6 remind the Staff that is calling in but not speaking to please
7 mute your phones during the meeting.

8 Under the Opening Meetings Act, and in
9 accordance with the Governor's Executive Orders, I call the
10 April 15th, 2020 Regular Open Meeting to order.

11 Before we proceed, I would like to indicate
12 that, due to the emergency measures implemented in response to
13 the COVID-19 pandemic, the Governor's Executive Orders, we
14 expect more remote participation from the general public and
15 the Commissioners.

16 The court reporter is also calling in; and,
17 for clarity of the record, I would ask every Commissioner to
18 state their name every time they speak. Thank you. And with
19 that, we will proceed.

20 Commissioner Kimbrel is with me in Chicago.
21 Commissioner Carrigan is joining us from Springfield.
22 Commissioners Oliva and Bocanegra are calling. I've already

1 checked that Commissioners Oliva and Bocanegra are on the line
2 with us. So we have a quorum.

3 We're now moving on to the Public Utilities
4 Agenda. There are edits to the April 1st, 2020 Open Meeting
5 Minutes. Are there any objections to approving the minutes as
6 edited?

7 (No response.)

8 CHAIRMAN ZALEWSKI: Hearing none, the minutes are
9 approved.

10 Item E-1 concerns an investigation into
11 Ameren's annual process and formula for calculating the value
12 of distributed generation rebates.

13 On April 2nd, 2020, Ameren Illinois sent a
14 notice to the Commission that Ameren's total net metering
15 capacity has now reached the 3 percent level, triggering the
16 need for an investigation under the Section 16-107.6(E) of the
17 Public Utilities Act.

18 Earlier, on March 26th, 2020, ELPC, NRDC, Vote
19 Solar, Solar Energy Industries Association, and the Illinois
20 Solar Energy Association sent a letter recommending, quote,
21 "that the Commission initiate a process to clarify the
22 appropriate methods for calculating the 3 percent and 5 percent

1 trigger dates as soon as reasonably possible”, end quote.

2 On April 8th, 2020, the Commission Staff
3 issued a Staff report recommending that the Commission adopt an
4 order initiating the investigation required by
5 Section 16-107.6(e) of the Act. The Order before us initiates
6 the proceeding -- initiated the proceeding, leaving Ameren as a
7 respondent and directs that the Staff report be made a part of
8 the record in this proceeding.

9 Are there any objections to approving the
10 Order initiating the proceeding?

11 (No response.)

12 CHAIRMAN ZALEWSKI: Hearing none, the Order is
13 approved.

14 Item E-2 concerns an investigation into Life
15 Energy's violation of Part 412 of the Commission's Rules.
16 We're going to be holding this for later disposition.

17 Items E-3 through E-6 concern applications for
18 certifications to install distributed generation facilities in
19 Illinois. The Orders grant the certificates, finding that the
20 applicants meet the requirements.

21 Are there any objections to considering these
22 items together and approving the Orders?

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(No response.)

CHAIRMAN ZALEWSKI: Hearing none, the Orders are approved.

Item E-7 concerns a complaint against Spark Energy as to billing and charges in Illinois -- excuse me -- in Chicago. The parties have filed a stipulation and joint motion to dismiss, noting that they resolved all of the disputes and asking the Commission to dismiss the complaint with prejudice.

Are there any objections to granting the motion?

(No response.)

CHAIRMAN ZALEWSKI: Hearing none, the motion is granted.

Items E-8 through E-12 concern citations for failure to comply with Part 454 of the Commission Rules. The Commission Staff indicated that the respondents are now in compliance. Staff does recommend that the docket be dismissed with prejudice.

Are there any objections to considering these items together and granting the motions to dismiss?

(No response.)

CHAIRMAN ZALEWSKI: Hearing none, the motions are granted.

1 Items E-13 and E-14 concern requests for
2 confidential treatment of petitioners' reports. The Orders
3 grant the protection, finding that the information is highly
4 proprietary and confidential.

5 Are there any objections to considering these
6 items together and approving the Orders?

7 (No response.)

8 CHAIRMAN ZALEWSKI: Hearing none, the Orders are
9 approved.

10 Item E-15 concerns ComEd's petition for
11 special permission to file and put into effect tariff revisions
12 on less than 45 days' notice to reduces certain fees to zero
13 during the COVID-19 public health emergency.

14 This filing is a response to the Commission's
15 order in Docket 20-0309, which require Illinois utilities to
16 cease disconnections for nonpayment and to suspend new late
17 fees and penalties until May 1st, 2020, or until the Governor
18 announces the end of the COVID-19 public health emergency, if
19 the emergency continues past May 1st.

20 This filing will modify ComEd's General Terms
21 and Conditions regarding reconnection fees and deferred payment
22 arrangements to comply with the Order. The Commission Staff

1 recommends granting these special permissions.

2 Are there any objections to granting the
3 special permission?

4 (No response.)

5 CHAIRMAN ZALEWSKI: Hearing none, the special permission
6 is granted.

7 Item E-16 concerns an application for
8 Certification to Install Energy Efficiency Measures in
9 Illinois. The applicant indicated that it no longer wishes to
10 pursue the certification; and the Order dismisses the
11 application.

12 Are there any objections to approving the
13 Order?

14 (No response.)

15 CHAIRMAN ZALEWSKI: Hearing none, the Order is
16 approved.

17 Items E-17 through E-34 concern applications
18 for a Certification to Install Energy Efficiency Measures in
19 Illinois. The Orders grant the certificates, finding that the
20 applicants meet the requirements.

21 Are there any objections to considering these
22 items together and approving the Orders?

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(No response.)

CHAIRMAN ZALEWSKI: Hearing none, the Orders are approved.

Now, moving on to our Gas Items, Item G-1 concerns Nicor Gas's petition to determine the accuracy of the reconciliation statement under Rider 3, the variable tax cost adjustment for a 1-year cost period of 2017 and a revenue of recovery period of July 1st, 2018 through June 30th of 2019.

The purpose of Rider 3 is to allow the Company to cover the costs associated with the invested capital tax. The Order approves the reconciliation, as set in the appendix of the Order, finding that the costs during the reconciliation were prudently incurred.

The Order also finds reasonable Nicor's request to revise its tariffs to include an internal audit requirement to change the name of the rider to Invested Capital Tax Adjustment and to update the informational filing fees.

Are there any objections to approving the Order?

(No response.)

CHAIRMAN ZALEWSKI: Hearing none, the Order is approved.

Item G-2 concerns Nicor Gas's petition to

1 determine the accuracy of the reconciliation statement under
2 Rider 36, the variable income tax adjustment for the period of
3 July 1st, 2018 through June 30th, 2019.

4 The Order approves the reconciliation as set
5 in the appendix to the Order, finding that the costs during the
6 reconciliation period were prudently incurred. The Order also
7 adopts a revision to Rider 36 proposed by Staff that adds a
8 requirement to file the Company's direct testimony at the same
9 time it filed its petition for annual reconciliation.

10 Are there any objections to approving the
11 Order?

12 (No response.)

13 CHAIRMAN ZALEWSKI: Hearing none, the Order is approved.
14 Items G-3 through G-6 concern requests for confidential
15 treatment of petitioners' reports. The Orders grant the
16 protection, finding that the information is highly proprietary
17 and confidential.

18 Are there any objections to considering these
19 items together and approving the Orders?

20 (No response.)

21 CHAIRMAN ZALEWSKI: Hearing none, the Orders are
22 approved.

1 Item G-7 concerns Energy Harbor's Petition for
2 a Certificate of Service Authority to Operate as an Alternative
3 Gas Supplier. The Order grants a certificate finding that the
4 applicant meets the requirement and grants the petitioner's
5 request for confidential treatment of some information in the
6 petitioner's application.

7 Are there any objections to approving the
8 Order?

9 (No response.)

10 CHAIRMAN ZALEWSKI: Hearing none, the Order is approved.

11 Under our Telecommunication Items, Items T-1
12 through T-8 concern requests for confidential treatment of
13 petitioners' reports. The Orders grant the protection, finding
14 that the information is highly proprietary and confidential.

15 Are there any objections to considering these
16 items together and approving the Orders?

17 (No response.)

18 CHAIRMAN ZALEWSKI: Hearing none, the Orders are
19 approved.

20 Item T-9 concerns Illinois Telecommunication's
21 Access Corporation's, or ITAC, petition for annual line charge
22 determination. The Commission Staff has reviewed the filings

1 and finds no reason to contest the proposed line charges.

2 ITAC is a non-for-profit corporation formed
3 under the Commission's direction to implement
4 telecommunications access programs that distribute assistive
5 telecommunications devices to persons with hearing and speech
6 disabilities and provides telecommunications for relay service
7 as a need for individuals using such devices to communicate
8 over the telecommunications networks.

9 The Order approves ITAC's proposed annual line
10 charges, finding them supported by evidence, and directs all
11 local exchange carriers to file a tariff or to update their web
12 site's postings in compliance with this Order.

13 Are there any objections to approving the
14 Order?

15 (No response.)

16 CHAIRMAN ZALEWSKI: Hearing none, the Order is approved.

17 Under our Water and Sewer Items, Items W-1
18 through W-3 concern Illinois-American's application for
19 Certificates of Public Convenience and Necessity to provide
20 water service to areas in LaSalle and Jersey Counties, waste
21 water service to Jersey County, and waste water collection
22 service in Claire County.

1 In addition, Illinois-American is seeking
2 approval of the purchase of certain assets of the Village of
3 Leonore, the City of Jerseyville, and the Village of Shiloh.
4 The Orders grant the certificates for the provision of service
5 in LaSalle and St. Claire Counties, approve the purchase of
6 assets in the Leonore Water System and Shiloh Water System --
7 Waste Water System, and improve the engagement agreement for
8 the appraisal of water and waste water system of assets in the
9 city of Jerseyville, in Jersey County.

10 The Orders find that the Company does
11 demonstrate a need for service to the proposed certificated
12 areas. The Orders also find that the Company is capable of
13 efficiently managing and supervising the provision of service.
14 The Commission Staff has reviewed all of the applications, the
15 asset purchase agreements, and recommends approving the Orders.

16 Are there any objections to considering these
17 items together and approving the Orders?

18 (No response.)

19 CHAIRMAN ZALEWSKI: Hearing none, the Orders are
20 approved.

21 There are no Miscellaneous Items.

22 Under our Petitions for Rehearing, Item PR-1

1 is an application for a rehearing concerning Docket 16-0458,
2 which is Nicor's request for reconciliation of revenues
3 collected under Nicor Gas's Rider 30, the Energy Efficiency
4 Plan Cost Recovery, from June 2015 to May 2016.

5 Nicor requests a rehearing, stating that the
6 Commission did not sufficiently consider the evidence
7 demonstrating customer benefits derived from incentive
8 compensation based on financial metrics.

9 The Administrative Law Judge recommends that
10 the Commission deny the application for rehearing because Nicor
11 Gas offered no new arguments and no further evidence to support
12 its position. The Commission agrees with those
13 recommendations.

14 As stated in the final Order, the Commission
15 finds that Nicor Gas did not provide adequate justification
16 for the Commission to deviate from its long-standing practice
17 to disallow recovery of incentive compensation costs based on
18 financial goals; and Nicor has not presented any new arguments
19 or any new evidence to merit a rehearing on this issue.

20 Are there any comments from any Commissioners?

21 (No response.)

22 CHAIRMAN ZALEWSKI: If not, I'm going to do a roll call

1 on this case. So when I say your name, if you are in favor of
2 denying the application for a rehearing, please say, "aye". If
3 you are opposed, please say, "nay".

4 CHAIRMAN ZALEWSKI: Commissioner Oliva?

5 COMMISSIONER OLIVA: Nay.

6 CHAIRMAN ZALEWSKI: Commissioner Bocanegra?

7 CHAIRMAN BOCANEGRA: Aye.

8 CHAIRMAN ZALEWSKI: Commissioner Carrigan?

9 COMMISSIONER CARRIGAN: Aye.

10 CHAIRMAN ZALEWSKI: Commissioner Kimbrel?

11 COMMISSIONER KIMBREL: Aye.

12 CHAIRMAN ZALEWSKI: I vote aye as well. The four "ayes"
13 have it, and the application for a rehearing is denied.

14 Under our Other Business Items, Item 0-1
15 concerns approval of batches, contracts, and confirmations
16 under the Illinois Adjustable Block Program.

17 Are there any objections to approving the
18 program administrator's submissions?

19 (No response.)

20 CHAIRMAN ZALEWSKI: Hearing none, the submissions are
21 approved. Item 0-2 concerns the Commission's petition for
22 review of the FERC's December 19th, 2020 Order in consolidated

1 Docket EL 18-178-000, which expands PJM's minimum offer price
2 rule.

3 On January 21st, 2020, the Commission filed a
4 request for rehearing of the FERC's Order; and, on February
5 18th, 2020, the FERC issued its tolling order, tolling the
6 Commission's request for rehearing. FERC's authority to issue
7 tolling orders, however, is currently subject to litigation in
8 the U.S. Court of Appeals in the D.C. Circuit. The outcome of
9 that litigation may impact the due dates to the Commission's
10 filing of its petition for review of the FERC's December 19th
11 Order in the U.S. Court of Appeals.

12 The Commission's Office of General Counsel
13 does recommend, in order to preserve the Commission's rights,
14 regardless of the outcome of that litigation, to file the
15 Commission's petition for review of the FERC December 19th
16 Order in the U.S. Court of Appeals for the 7th Circuit by April
17 17th, 2020.

18 Are there any objections to authorizing the
19 filing of the Commission's petition for review of the FERC
20 order?

21 (No response.)

22 CHAIRMAN ZALEWSKI: Hearing none, the filing of a

1 petition for review is authorized.

2 This concludes our Public Utilities Agenda.

3 Judge Teague-Kingsley, do we have any other matters to come

4 before the Commission today?

5 JUDGE TEAGUE-KINGSLEY: No, Madam Chairman.

6 CHAIRMAN ZALEWSKI: Thank you.

7 Do any of the Commissioners have any other

8 business to discuss?

9 COMMISSIONER OLIVA: Yes. This is Commissioner Oliva.

10 CHAIRMAN ZALEWSKI: Yes. Go ahead. Thank you.

11 COMMISSIONER OLIVA: So I just wanted to give a heartfelt

12 farewell and thank you to Janel Haretoun. She was my legal and

13 policy advisor. Her last day was March 31st. We worked

14 together here for 2 years, and we also worked together at the

15 Illinois Department of Financial and Professional Regulations.

16 Janel is a hard-working, intelligent, and

17 dedicated lawyer. Her no-nonsense attitude and sense of humor

18 and her ability to quickly grasp complicated matters will be

19 incredibly missed.

20 Janel has returned to the Illinois Department

21 of Financial and Professional Regulations as an Assistant

22 General Counsel handling professional licensing and regulatory

1 matters. Her knowledge and hard work ethics couldn't be more
2 needed at the Illinois Department of Financial and Professional
3 Regulations, as professional licensing in the medical field is
4 so essential and necessary now during this pandemic.

5 I wish her all the best. I miss her every day
6 and her advice in legal matters, policy matters, and fashion
7 matters. I'm happy that she's just across the street. And
8 when we can all get back to work, I look forward to seeing her
9 soon. Thank you.

10 CHAIRMAN ZALEWSKI: Thank you. We'll certainly miss
11 Janel for her intellect and wit, and wish her the best; but
12 they are lucky to have her across the street.

13 Do any of the other Commissioners have
14 anything else to say?

15 (No response.)

16 CHAIRMAN ZALEWSKI: Hearing nothing, and without
17 objection, the meeting is adjourned.

18 (Whereupon, the above entitled matter
19 was adjourned.)

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