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BEFORE THE
ILLINOIS COMMERCE COMMISSION
PUBLIC UTILITIES REGULAR OPEN MEETING
Thursday, April 21, 2022
Springfield, Illinois

Met pursuant to notice at 11:30 a.m., at
527 East Capitol Avenue, Springfield, Illinois.

PRESENT:

- CARRIE ZALEWSKI, Chairperson
- MARIA BOCANEGRA, Commissioner
- ANN McCABE, Commissioner
- D. ETHAN KIMBREL, Commissioner
- MICHAEL T. CARRIGAN, Commissioner

BRIDGES COURT REPORTING, by
JENNIFER L. CROWE, CSR
LICENSE NO. 084.003786

1 CHAIRPERSON ZALEWSKI: Under the Open
2 Meetings Act, I call the April 21, 2022, Regular
3 Open Meeting to order. Commissioners Bocanegra,
4 Carrigan, Kimbrel and McCabe are with me in
5 Springfield.

6 We have a quorum.

7 We have no requests to speak.

8 We are moving onto our Public utilities
9 Agenda. There are edits to the March 23, 2022,
10 Regular Open Meeting Minutes.

11 Are there any objections to approving the
12 minutes as edited?

13 (No response.)

14 CHAIRPERSON ZALEWSKI: Hearing none, the
15 minutes are approved.

16 Under our Electric Items, Item E-1 concerns
17 Commission Staff's proposed 2022 Price Index for
18 applications to provide alternative retail electric
19 service for the purpose of setting the amount for
20 guarantees, payment bonds or letters of credit.
21 The Order adopts Staff's recommended index of
22 \$61.77 per MWh hour, which is based on the PJM

1 Day-Ahead Locational Marginal Prices in the
2 Northern Illinois Hub.

3 Are there any objections to approving the
4 order?

5 (No response.)

6 CHAIRPERSON ZALEWSKI: Hearing none, the
7 order is approved.

8 Item E-2 concerns proposed changes by
9 Ameren to its Rider EE - the Energy Efficiency and
10 Demand Response Investment. The changes are
11 necessary to reflect amendments to the Public
12 Schools Carbon-Free Assessment Program under Public
13 Act 102-0662. Staff recommends not suspending the
14 filing.

15 Are there any objections to not suspending
16 the filing?

17 (No response.)

18 CHAIRPERSON ZALEWSKI: Hearing none, the
19 filing is not suspended.

20 Item E-3 concerns a complaint against ComEd
21 for alleged unauthorized equipment installation in
22 complainant's backyard. ComEd has filed a motion

1 to dismiss. ComEd argues the Complaint fails to
2 meet the pleading standard and must be dismissed in
3 its entirety as it does not and cannot identify the
4 conduct that violates the Public Utilities Act or
5 an order or rule of the Commission.

6 The Order grants ComEd's motion to dismiss
7 and dismisses the matter with prejudice, finding
8 that the Complaint failed to state a claim for
9 which relief can be granted and that the Commission
10 cannot grant the requested relief as a matter of
11 law.

12 Are there any objections to approving the
13 Order?

14 (No response.)

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

17 Item E-4 concerns a citation against an
18 alternative retail electric supplier for failure to
19 comply with annual and quarterly filing
20 requirements. The Order assesses a penalty of
21 \$11,750.

22 Are there any objections to approving the

1 Order?

2 (No response.)

3 CHAIRPERSON ZALEWSKI: Hearing none, the
4 Order is approved.

5 Items E-5 and E-6 concern Applications for
6 Certificates of Service Authority to Install,
7 Maintain and Repair Electric Vehicle Charging
8 Stations. The Orders grant the Certificates,
9 finding that the applicants meet the requirements.

10 Are there any objections to considering
11 these items together and approving the Orders?

12 (No response.)

13 CHAIRPERSON ZALEWSKI: Hearing none, the
14 Orders are approved.

15 Items E-7 and E-8 concern requests for
16 proprietary treatment of information in the
17 petitioners' reports. The Orders grant the
18 protections, finding that the information is highly
19 proprietary and confidential.

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

22 (No response.)

1 CHAIRPERSON ZALEWSKI: Hearing none, the
2 Orders are approved.

3 Item E-9 concerns an application for
4 authority to install distributed generation
5 facilities in Illinois. The Order grants the
6 certificate, finding that the applicant meets the
7 requirements.

8 Are there any objections to approving the
9 Order?

10 (No response.)

11 CHAIRPERSON ZALEWSKI: Hearing none, the
12 Order is approved.

13 Items E-10 through E-14 concern proceedings
14 initiated by the Commission against respondents for
15 failure to timely file required compliance reports.
16 Respondents failed to appear to show cause why the
17 Commission should not revoke their license or take
18 other action. Commission Staff recommends that
19 Respondents' Certificates of Service Authority to
20 operate as agent, broker or consultant in Illinois
21 be revoked. The Orders revoke the Certificates.

22 Are there any objections to considering

1 these items together and approving the Orders?

2 (No response.)

3 CHAIRPERSON ZALEWSKI: Hearing none, the
4 Orders are approved.

5 Item E-15 concerns MidAmerican's petition
6 to reconcile revenues collected under its approved
7 tariffs based on EECR, or Energy Efficiency Cost
8 Recovery Adjustment, applicable to electric
9 customers, and EECR, or Energy Efficiency Cost
10 Recovery Adjustment, applicable to natural gas
11 customers, during the 2018 calendar year. The
12 Order approves the reconciliation as set in the
13 Appendices to the Order, finding that the costs
14 during the reconciliation period were prudently
15 incurred.

16 Are there any objections to approving the
17 Order?

18 (No response.)

19 CHAIRPERSON ZALEWSKI: Hearing none, the
20 Order is approved.

21 Items E-16 and E-17 concern joint petitions
22 by Ameren with Eastern Illini Electric Cooperative

1 and with Southern Illinois Electric Cooperative,
2 respectively, for release of residential customers.
3 The Orders grant the petitions, finding that the
4 releases appear to be reasonable and in the public
5 interest.

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

8 (No response.)

9 CHAIRPERSON ZALEWSKI: Hearing none, the
10 Orders are approved.

11 Item E-18 concerns application for a
12 license to operate as a Retail Electric Agent,
13 Broker and Consultant in Illinois. The Order
14 grants the license, finding that the applicant
15 meets the requirements.

16 Are there any objections to approving the
17 Order?

18 (No response.)

19 CHAIRPERSON ZALEWSKI: Hearing none, the
20 Order is approved.

21 Items E-19 through E-26 concern
22 applications for Certifications to install Energy

1 Efficiency Measures in Illinois. The Orders grant
2 the certificates, finding that the applicants meet
3 the requirements.

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

6 (No response.)

7 CHAIRPERSON ZALEWSKI: Hearing none, the
8 Orders are approved.

9 Under our Gas items, Item G-1 concerns
10 North Shore and Peoples Gas's reconciliation of
11 revenues collected under their Riders EOA, which
12 recover costs for their energy efficiency and
13 on-bill financing programs. The Order approves the
14 reconciliations as reflected in the Appendices to
15 the Order, finding that the costs were prudently
16 incurred.

17 Are there any objections to approving the
18 Order?

19 (No response.)

20 CHAIRPERSON ZALEWSKI: Hearing none, the
21 Order is approved.

22 Item G-2 concerns a request for

1 confidential treatment of the petitioner's report.
2 The Order grants the protection, finding that the
3 information is highly proprietary and confidential.

4 Are there any objections to approving the
5 Order?

6 (No response.)

7 CHAIRPERSON ZALEWSKI: Hearing none, the
8 Order is approved.

9 Item G-3 concerns a petition to initiate
10 rulemaking filed by the Attorney General's Office
11 to amend the Commission's rules on natural gas
12 Qualifying Infrastructure Plant, or QIP,
13 surcharge, found in Part 556. The AG asserts that
14 the proposed changes are not intended to and will
15 not impact any party's substantive rights, but
16 instead clarify the reconciliation procedure. The
17 AG further states that the proposed rules should be
18 retroactively applied to reconciliations currently,
19 excuse me, currently pending before the Commission.
20 The AG states that retroactive application of
21 amended rules to clarify process and procedure is
22 consistent with Illinois law.

1 The Administrative Law Judge recommends
2 denying the petition, noting that the AG
3 participated in the full rulemaking proceeding that
4 established Part 556 rules. The AG also
5 participated in various reconciliation proceedings
6 since the rules were established. The ALJ notes
7 that the AG is requesting amendments inconsistent
8 with the Commission's prior decisions and does not
9 present any new arguments that would challenge the
10 Commission's prior ruling. The ALJ suggests that
11 while a rulemaking may resolve ambiguities, those
12 same ambiguities may be resolved through the
13 pending reconciliation proceedings. As more of the
14 past pending reconciliations are decided, certain
15 contested issues, or ambiguities, will be resolved.

16 Before I call the vote, are there any
17 comments?

18 COMMISSIONER McCABE: Madam Chair.
19 Qualified Infrastructure Plant began in 2013,
20 recognizing the importance of infrastructure
21 replacement and modernization and the accompanying
22 safety. Such riders provide a level of certainty

1 and reduce regulatory lag for gas and water
2 utilities. They have resulted in significant
3 authorized investments, over \$2 billion.

4 Staff did not oppose a rulemaking and
5 recommended workshops.

6 Irrespective of the AG's petition, after
7 nine years' experience, a review and discussion of
8 the methodology may have led to greater consensus,
9 clarity and transparency which could reduce the
10 time it takes to resolve the reconciliation backlog
11 while informing future dockets, particularly if the
12 gas sunset gets extended.

13 As the ALJ suggests, some of the
14 ambiguities may be resolved in pending
15 reconciliation proceedings. Thank you.

16 CHAIRPERSON ZALEWSKI: I will just add, I
17 would be willing to grant the petition.

18 Regardless of whether I support the AG's
19 conclusions in their petition on how to amend the
20 rules or their requests to retroactively apply the
21 amended rule to pending filed reconciliations, I
22 believe initiating a rulemaking would be worthwhile

1 in order to re-examine and clarify the rules to
2 ensure that there is appropriate transparency in
3 QIP dockets and to have more methodological
4 consistency across QIP dockets.

5 I also think it would be appropriate for
6 the ICC to host workshops to receive stakeholder
7 input prior to a potential First Notice Period for
8 this rulemaking.

9 That process could help ensure everyone has
10 a say in amending these rules to achieve the
11 greater clarity and transparency.

12 Are there other comments?

13 COMMISSIONER KIMBREL: Yes, Madam Chair. I
14 think, based upon the record before us and the
15 Administrative Law Judge's recommendation here,
16 which is pretty thorough, I just don't see any
17 reason why we would grant a rulemaking here,
18 especially in light of the fact that we can handle
19 these dockets, whatever issues that the AG seems to
20 believe exist, we can handle that in the dockets
21 before us, so --

22 CHAIRPERSON ZALEWSKI: Any other comments?

1 (No response.)

2 CHAIRPERSON ZALEWSKI: Okay. I'm going to
3 call a roll on this vote. So if you are in favor
4 of granting the petition, please say aye, and if
5 you are opposed, say nay.

6 Commissioner Bocanegra?

7 COMMISSIONER BOCANEGRA: Nay.

8 CHAIRPERSON ZALEWSKI: Commission Carrigan?

9 COMMISSIONER CARRIGAN: Nay.

10 CHAIRPERSON ZALEWSKI: Commissioner

11 Kimbrel?

12 COMMISSIONER KIMBREL: Nay.

13 CHAIRPERSON ZALEWSKI: Commissioner McCabe?

14 COMMISSIONER McCABE: Aye.

15 CHAIRPERSON ZALEWSKI: I vote aye. So the
16 three nays have it, and the Petition is denied.

17 So Item G-4 concerns Nicor's Petition to
18 Approve, on Less Than 45 Days' Notice and Without
19 Suspension, revisions to Transportation Tariff
20 Sheets. Nicor seeks a special permission to delay
21 until May 1st of 2023, the implementation of
22 certain tariff changes to its natural gas

1 transportation program, which was approved in
2 Docket No. 20-0606.

3 Nicor states that implementation of new
4 parameters has taken a significant amount of work,
5 including extensive modification of information
6 technology systems, and the necessary systems
7 transitions will not be complete before May 1st of
8 2022, the effective date currently included in the
9 tariffs. Nicor wants to ensure that the transition
10 to the new transportation program rules goes
11 smoothly for all parties, and as a result seeks to
12 delay the implementation of some of the changes
13 until the beginning of the next injection season.

14 Commission Staff recommends granting the
15 Special Permission.

16 Are there any objections to granting the
17 Special Permission?

18 (No response.)

19 CHAIRPERSON ZALEWSKI: Hearing none, the
20 Special Permission is granted.

21 Under Telecommunication items, Items T-1
22 and T-2 concern proceedings initiated by the

1 Commission against respondents for failure to
2 maintain the required managerial resources and
3 abilities. Respondents failed to appear to show
4 cause why the Commission should not revoke their
5 license or to take other actions. Commission Staff
6 recommends that Respondents' Certificates of
7 Service Authority be revoked. The Orders revoke
8 the Certificates.

9 Are there any objections to considering
10 these items together and approving the Orders?

11 (No response.)

12 CHAIRPERSON ZALEWSKI: Hearing none, the
13 Orders are approved.

14 Items T-3 --

15 JUDGE TEAGUE KINGSLEY: Excuse me, Madam
16 Chairman, for Item G-3, the petition to initiate
17 rulemaking, are the Commissioners also voting to
18 issue the Notice of Commission Action with the
19 reasons for denying the petition?

20 CHAIRPERSON ZALEWSKI: I guess I will look
21 to the majority.

22 COMMISSIONER KIMBREL: Yes.

1 CHAIRPERSON ZALEWSKI: Thank you for the
2 follow-up.

3 We called a vote on T-1 and T-2.

4 So Items T-3 through T-5 concern requests
5 for confidential treatment of the petitioners'
6 reports. The Orders grant the protection, finding
7 that the information is highly proprietary and
8 confidential.

9 Are there any objections to considering
10 these items together and approving the Orders?

11 (No response.)

12 CHAIRPERSON ZALEWSKI: Hearing none, the
13 Orders are approved.

14 Item T-6 concerns a Petition for an annual
15 line charge determination. The Order grants the
16 Petition, finding that the Petitioner's annual line
17 charge filing is supported by the required
18 schedules and properly utilizes a projection period
19 of January 1st through December 31st of 2022. The
20 charges should take effect with bills rendered on
21 or after July 1st of 2022, or at the beginning of
22 the first cycle after July 1st of 2022.

1 Are there any objections to approving the
2 Order?

3 (No response.)

4 CHAIRPERSON ZALEWSKI: Hearing none, the
5 Order is approved.

6 Under our Water and Sewer items, Item W-1
7 concerns a petition to initiate rulemaking filed by
8 the Attorney General's Office to amend the
9 Commission's rules on water and sewer Qualifying
10 Infrastructure Plant, or QIP, charges found in Part
11 656.

12 Similar as with the gas QIP rulemaking
13 petition, the AG proposal seeks to clarify the
14 reconciliation procedure and requests to
15 retroactively apply amendments to previous QIP
16 reconciliation dockets and QIP reconciliation
17 dockets currently pending before the Commission.

18 The ALJ recommends denying the petition,
19 noting that the AG is requesting amendments
20 inconsistent with the Commission's prior decisions
21 and does not present any new arguments that would
22 challenge the Commission's prior ruling.

1 I'll just note that I'm going to vote to
2 grant this petition as well.

3 Just echoing a lot of the sentiments from
4 my comments in G-3, I believe that initiating a
5 rulemaking would be helpful to re-examine and
6 clarify the rules to ensure appropriate
7 transparency and methodological consistency across
8 QIP dockets.

9 I will note unlike the gas QIP, the water
10 QIP does not have a sunset date which I believe
11 provides, arguably, greater need for aforementioned
12 clarity.

13 Similarly I would recommend the ICC host
14 workshops to receive stakeholder input prior to the
15 potential First Notice Period for this rulemaking.

16 Are there other comments?

17 COMMISSIONER KIMBREL: I just, again,
18 reiterate the fact that these are arguments made by
19 the AG in prior dockets that have failed, and I
20 strongly support the ALJ's recommendation.

21 CHAIRPERSON ZALEWSKI: Any other comments?

22 Again, I guess just so I can keep the

1 record clear, should I call two separate votes,
2 Judge Teague Kingsley, on whether to grant or deny,
3 and then your question before was whether we would
4 issue an order closing the docket?

5 Do you mind repeating so I can call the
6 vote appropriately? Yeah.

7 JUDGE TEAGUE KINGSLEY: Sure. Sure. If
8 the vote is to deny the petition, then I think it
9 would be wise to do a vote on whether or not to
10 issue the Notice of Commission Action that was
11 attached to the memo.

12 CHAIRPERSON ZALEWSKI: Thank you.

13 JUDGE TEAGUE KINGSLEY: That supports the
14 reason.

15 CHAIRPERSON ZALEWSKI: Thank you.

16 Okay. So the first vote I'm going to call
17 is this: I'm going to call a vote on whether you
18 are in favor of granting the petition. If you are
19 in favor of granting the petition, please say aye.
20 If you are opposed, say nay.

21 Commissioner Bocanegra?

22 COMMISSIONER BOCANEGRA: Nay.

1 CHAIRPERSON ZALEWSKI: Commission Carrigan?

2 COMMISSIONER CARRIGAN: Nay.

3 CHAIRPERSON ZALEWSKI: Commissioner

4 Kimbrel?

5 COMMISSIONER KIMBREL: Nay.

6 CHAIRPERSON ZALEWSKI: Commissioner McCabe?

7 COMMISSIONER McCABE: Aye.

8 CHAIRPERSON ZALEWSKI: I vote aye. So the
9 three nays have it, and the Petition is denied.

10 So now the vote I'm going to call is the
11 vote to approve the Commission action that was
12 attached to the Order. So if you are in favor of
13 voting to approve --

14 COMMISSIONER KIMBREL: Excuse me, it was
15 the ALJ's recommendation.

16 CHAIRPERSON ZALEWSKI: What did I say?

17 COMMISSIONER KIMBREL: I think you said
18 order.

19 CHAIRPERSON ZALEWSKI: The ALJ's
20 recommendation that was attached to the proposed --

21 COMMISSIONER KIMBREL: The ALJ's memo, then
22 Notice of Action was attached to that memo.

1 CHAIRPERSON ZALEWSKI: Okay. So the vote
2 is Commission action of the ALJ -- Commission
3 action, am I saying it right?

4 JUDGE TEAGUE KINGSLEY: Notice of
5 Commission Action.

6 CHAIRPERSON ZALEWSKI: Notice of Commission
7 Action.

8 JUDGE TEAGUE KINGSLEY: Right. Yes.

9 CHAIRPERSON ZALEWSKI: Sorry. Thank you.
10 I do not have it in front of me. Thank you. Sorry.

11 So if you are voting to approve the Notice
12 of Commission Action, say aye. If you are voting
13 against it, say nay.

14 Commissioner Bocanegra?

15 COMMISSIONER BOCANEGRA: Aye.

16 CHAIRPERSON ZALEWSKI: Commissioner
17 Carrigan?

18 COMMISSIONER CARRIGAN: Aye.

19 CHAIRPERSON ZALEWSKI: Commissioner
20 Kimbrel?

21 COMMISSIONER KIMBREL: Aye.

22 CHAIRPERSON ZALEWSKI: Commissioner McCabe?

1 COMMISSIONER McCABE: Nay.

2 CHAIRPERSON ZALEWSKI: I vote nay. So the
3 three ayes have it, and the Notice of Commission
4 Action is approved.

5 COMMISSIONER BOCANEGRA: Chair, if I may
6 briefly, I think maybe out of an abundance of
7 caution, I appreciate my colleague, Commissioner
8 Kimbrel's remarks on G-3 with respect to Notice of
9 Commission Action. I would feel more comfortable
10 if we would consider taking a full vote on the
11 Notice of Commission Action with respect to Item
12 G-3.

13 CHAIRPERSON ZALEWSKI: Do you want me to
14 recall the vote?

15 COMMISSIONER BOCANEGRA: I think only
16 Commissioner Kimbrel spoke as to the Notice of
17 Commission Action.

18 COMMISSIONER KIMBREL: I understand what
19 Commissioner Bocanegra is saying.

20 COMMISSIONER BOCANEGRA: We never took a
21 vote on that particular docket item with respect to
22 whether we want to issue a Notice of Commission

1 Action. I think rather what happened is
2 Commissioner Kimbrel spoke on all of our behalves
3 and said that it would be done, but I think it
4 would be more prudent to probably just take a roll
5 call, if that's okay.

6 CHAIRPERSON ZALEWSKI: Happy to do it.
7 Just want to make sure I understand. You want me
8 to call the vote on the Commission action, Notice
9 of Commission Action?

10 COMMISSIONER BOCANEGRA: For Item G-3.

11 CHAIRPERSON ZALEWSKI: Oh, to go back to
12 gas?

13 COMMISSIONER BOCANEGRA: Gas. Yes. I
14 apologize.

15 CHAIRPERSON ZALEWSKI: Thank you.

16 COMMISSIONER BOCANEGRA: Yes.

17 CHAIRPERSON ZALEWSKI: Okay. Okay. So
18 let's go back to G-3.

19 COMMISSIONER BOCANEGRA: Again, please, if
20 someone else understood that portion of the record
21 differently, feel free to chime in but --

22 COMMISSIONER KIMBREL: No.

1 CHAIRPERSON ZALEWSKI: Yep. Thank you.

2 All right. So I'm going back to Item G-3,
3 and I am calling a vote to approve Commission
4 action. If you are in favor of voting to approve
5 the Commission action, please say aye. If you are
6 opposed, say nay. Commissioner Bocanegra?

7 COMMISSIONER BOCANEGRA: Aye.

8 CHAIRPERSON ZALEWSKI: Commissioner
9 Carrigan?

10 COMMISSIONER CARRIGAN: Aye.

11 CHAIRPERSON ZALEWSKI: Commissioner
12 Kimbrel?

13 COMMISSIONER KIMBREL: Aye.

14 CHAIRPERSON ZALEWSKI: Commissioner McCabe?

15 COMMISSIONER McCABE: Nay.

16 CHAIRPERSON ZALEWSKI: I vote nay.

17 The three ayes have it, and the vote
18 carries for to approve Commission action.

19 Thank you for cleaning that up. Thanks for
20 everyone's help. It is a group effort.

21 Okay. Other business: Item O-1 concerns
22 April 2022 Solicitations of Bids to sell Standard

1 Energy Products to Ameren, ComEd and MidAmerican.

2 Are there any objections to approving the
3 Procurement Administrator's Recommendations on
4 Selection of Winning Bids?

5 (No response.)

6 CHAIRPERSON ZALEWSKI: Hearing none, the
7 recommendations are approved.

8 Items 0-2 concern approval of Batches,
9 Contracts, and Confirmations under the Illinois
10 Adjustable Block Program.

11 Are there any objections to approving the
12 Program Administrator's Submissions?

13 (No response.)

14 CHAIRPERSON ZALEWSKI: Hearing none, the
15 Submissions are approved.

16 Item 0-3 concerns approval of the execution
17 of a third-party consulting services contract for
18 the Adjustable Block Program Administrator role
19 between Energy Solutions, Inc. and the IPA, as
20 required by CEJA. The IPA evaluated submissions
21 for Program Administrator, using a scoring system
22 based on several criteria, including cost.

1 Are there any objections tp approving the
2 execution of a third-party consulting services
3 contract?

4 (No response.)

5 CHAIRPERSON ZALEWSKI: Hearing none, the
6 approval is granted.

7 This concludes our Public Utilities Agenda.
8 Judge Teague Kingsley, do we have other
9 matters to come before the Commission today?

10 JUDGE TEAGUE KINGSLEY: No, Madam Chairman.

11 CHAIRPERSON ZALEWSKI: Do the Commissioners
12 have any other business?

13 (No response.)

14 CHAIRPERSON ZALEWSKI: Hearing none and
15 without objection, this meeting is adjourned.
16 Thanks.

17 (Whereupon the above matter was adjourned.)

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