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BEFORE THE  
ILLINOIS COMMERCE COMMISSION

PUBLIC UTILITY BENCH SESSION

Chicago, Illinois  
May 4, 2011

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

BEFORE:

MR. DOUGLAS P. SCOTT, Chairman

MS. LULA M. FORD, Commissioner

MS. ERIN M. O'CONNELL-DIAZ, Commissioner

MR. SHERMAN J. ELLIOTT, Commissioner

MR. JOHN T. COLGAN, Acting Commissioner

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

1           CHAIRMAN SCOTT: Pursuant to the provisions of  
2 the Illinois Open Meetings Act, I now convene a  
3 regularly scheduled bench session of the Illinois  
4 Commerce Commission.

5                       With me in Chicago are Commissioners  
6 Ford, O'Connell-Diaz, Elliott, Acting Commissioner  
7 Colgan. I'm Chairman Scott.

8                       We have a quorum.

9                       Before moving into the agenda,  
10 according to Section 1700.10 of the Illinois  
11 Administrative Code, this is the time to allow the  
12 members of the public to address the Commission.  
13 Members of the public wishing to address the  
14 Commission must notify the Chief Clerk's Office at  
15 least 24 hours prior to the Bench Session. According  
16 to the Chief Clerk's Office, we have one request to  
17 speak at today's bench session. I believe we have  
18 Mr. Raymond Gerard with us today representing the  
19 Ivanhoe Country Club.

20                       Is Mr. Gerard here?

21                       MR. GERARD: Yes.

22                       CHAIRMAN SCOTT: Mr. Gerard, if you want to go

1 to one of the microphones and turn them on, you will  
2 have 3 minutes to make your comments.

3 MR. GERARD: Thank you, sir.

4 I'm an attorney representing the  
5 Ivanhoe Country Club. I'm here today speaking in  
6 regard to some rate hike requests --

7 MR. MATRISCH: I'm sorry -- we can't hear him  
8 in Springfield.

9 CHAIRMAN SCOTT: Push the button there. Thank  
10 you, sir.

11 MR. GERARD: I'm here today -- my name is  
12 Raymond Gerard. I'm speaking on behalf of the  
13 Ivanhoe Country Club in relation to certain rate hike  
14 requests that have been made by Aqua Illinois, Inc.  
15 The water and sewer system served by that entity  
16 services the Ivanhoe Country Club Subdivision.

17 The country club that I represent  
18 operates the golf course that is part of the  
19 Subdivision. Many of its members are residents in  
20 that subdivision. A number of residents did not get  
21 notice of the pending rate hike request except with  
22 their May bills, which they're just receiving now.

1 The initial 45-day period ends May 21st. So they  
2 wouldn't have had any opportunity to be here today,  
3 on all practical purposes, so I'm here to speak for  
4 their interests as well. The Country Club also was  
5 the prior owner, as a matter of fact, of the water  
6 and sewer system and it has knowledge about both of  
7 those systems.

8 The purpose for my coming here this  
9 morning is to simply suggest and request and  
10 recommend that the rate hikes be suspended and that  
11 the appropriate investigative period follow  
12 thereafter. We do not have sufficient information on  
13 the improvements that have been made.

14 The rate hike requests deal with a  
15 number of -- seeks to recover costs on a number of  
16 capital improvements. We need further information on  
17 those improvements; potential cost savings; the  
18 reasonableness of any costs. Also there are other  
19 revenue sources from other properties in the area  
20 that are potentially going to be connected to this  
21 system in the not too distant future so we need to  
22 know whether or not those possibilities have been

1 considered in deferring the cost of the life span of  
2 the capital improvements.

3 So that is, in essence, my comments.  
4 We would like to have the rate hikes suspended. The  
5 country club then would defer and intends to  
6 intervene in the proceedings thereafter.

7 And I thank you for your time this  
8 morning.

9 CHAIRMAN SCOTT: Thank you very much,  
10 Mr. Gerard.

11 Turning now to the Public Utility  
12 agenda, we will start with the approval of minutes  
13 from our April 5 Regular Open Meeting.

14 Is there a motion to approve the  
15 minutes?

16 COMMISSIONER FORD: So moved.

17 CHAIRMAN SCOTT: Is there a second?

18 COMMISSIONER O'CONNELL-DIAZ: Second.

19 CHAIRMAN SCOTT: Its been moved and seconded.

20 All in favor say "aye."

21 (Chorus of ayes.)

22 Any opposed?

1 (No response.)

2 The vote is five to nothing and the  
3 minutes from April 5th are approved.

4 Next up are the minutes from the  
5 April 12th Regular Open Meeting.

6 Is there a motion to approve the  
7 minutes?

8 COMMISSIONER FORD: So moved.

9 CHAIRMAN SCOTT: Is there a second?

10 COMMISSIONER O'CONNELL-DIAZ: Second.

11 CHAIRMAN SCOTT: Its been moved and seconded.

12 All in favor say "aye."

13 (Chorus of ayes.)

14 Any opposed?

15 (No response.)

16 The vote is five to nothing and the  
17 minutes from the April 12th ROM are approved.

18 Last up are the minutes from the  
19 April 12th Emergency Special Open Meeting.

20 Is there a motion to approve the  
21 minutes?

22 COMMISSIONER O'CONNELL-DIAZ: So moved.

1 CHAIRMAN SCOTT: Is there a second?

2 ACTING COMMISSIONER COLGAN: Second.

3 CHAIRMAN SCOTT: All in a favor say "aye."

4 (Chorus of ayes.)

5 Any opposed?

6 (No response.)

7 The vote is five to nothing and the  
8 minutes from the April 12th Special Open Meeting are  
9 approved.

10 Moving now to the electric portion of  
11 today's agenda.

12 Item E-1 is Docket No. 10-0467. This  
13 is ComEd's proposed general increase in electric  
14 rates. We will have oral argument on this matter  
15 later today and, I believe, the ALJ is available  
16 right now for a briefing as well.

17 JUDGE DOLAN: Thank you, Chairman.

18 Just to start off -- we didn't really  
19 make too many changes to the Post Exception Order.  
20 The revenue changed a little bit and the percentage  
21 of revenue also changed slightly, but there was just  
22 minor adjustments through the Order. There really

1 was not a whole lot of contested issues.

2                   The AMI pilot funding was pretty much  
3 uncontested, long-term debt, there was an agreement  
4 between ComEd and the AG/CUB about a reduction to the  
5 distribution project; but for the most part, most of  
6 the issues were pretty contested.

7                   Some of the more notable ones that I  
8 dealt with were the straight fixed variable; the rate  
9 of return; cash working capital; and then the  
10 adjustments to the rate of return, and then the  
11 reasonableness of ComEd's 2009 contributions which is  
12 pretty much a lot of your subjects of oral argument  
13 later today. Above and beyond that, Judge Sainsot  
14 has a few that she wants to talk about.

15                   JUDGE SAINSOT: And before I forget, we're  
16 required by law to tell you how many comments there  
17 are. Currently as of about 10:00 o'clock, there were  
18 about 273 comments in the e-Docket regarding this.

19                   Some of the issues that I dealt with  
20 were the pro forma capital additions. The Post  
21 Exceptions Order doesn't change anything with regard  
22 to pro forma capital additions, but it does set forth



1 more clearly that the accumulated depreciation and  
2 the ADIT are only to offset the pro forma capital  
3 additions and nothing more and nothing less. That's  
4 something that came up in the post exceptions -- or  
5 in the briefs on exceptions -- there were various  
6 arguments made one way or the other. Some people  
7 wanted accumulated depreciation and add it as of June  
8 30th, 2011, and then you had the other situation  
9 where it would have been too early. So that Order  
10 did -- I think the Post Exceptions Order did make it  
11 clear that we're just doing -- we're just evening it  
12 off, nothing more and nothing less.

13                   The other thing that the Post  
14 Exceptions Order goes into more detail about is rate  
15 case expense. I think most of the parties would  
16 agree that the \$8.5 million in rate case expense was  
17 in large part undocumented. The Order concludes  
18 essentially that because there's been a change in the  
19 law requiring specific assessment of justness and  
20 reasonableness of rate case expense, there has to be  
21 some documentation as to rate case expense now in  
22 order for us to make that assessment and that

1 conclusion. So the Order continues to have an  
2 opening of a rulemaking regarding that issue.

3 And, finally, the Long-Term Incentive  
4 Compensation Program, the LTIP. Just briefly, Staff  
5 sought a disallowance of 17 percent regarding that  
6 program and CUB sought a disallowance of 50 percent,  
7 and the Order before you doesn't disallow anything  
8 because the metrics -- all of the metrics benefit  
9 ratepayers. And Staff's original conclusion which  
10 was that emissions reductions and Smart Grid are not  
11 part of delivery services is true, but they still  
12 benefit ratepayers.

13 Okay. Any questions?

14 COMMISSIONER FORD: I did like your note that  
15 you sent to the people about the pro forma issue and  
16 the case that was already in the court, that they  
17 should not come in and act as if we had to go with  
18 the law. So I did note that.

19 COMMISSIONER O'CONNELL-DIAZ: I will reserve my  
20 questions for this afternoon.

21 CHAIRMAN SCOTT: Thank you, Judges. I  
22 appreciate that.

1                   Item E-2 is Docket No. 10-0527. This  
2 is ComEd's alternative regulation proposal under  
3 Section 9-244 of the Public Utilities Act. Oral  
4 argument requests have been made and have since been  
5 withdrawn in this matter, and the Commission plans to  
6 enter an Order in this docket at its May 24th Regular  
7 Open Meeting.

8                   For today, I believe we have Judge  
9 Haynes available for a briefing.

10                  JUDGE HAYNES: Good morning. This case  
11 concerns ComEd's request for approval of its proposed  
12 Alternative Regulation Program, Rate ACEP. Under the  
13 proposal, ComEd would pick a project, for instance,  
14 in this case the Electric Vehicle Project and set a  
15 budget for the project. That budget would then be  
16 submitted to the Commission for approval. Once the  
17 budget is approved, ComEd begins to recover its  
18 actual capital costs through Rate ACEP as long as the  
19 costs are within plus or minus 5 percent of the  
20 budget. If actual costs are over 105 percent of the  
21 budget, ComEd must wait for its next rate case to  
22 seek recovery. If costs are below 95 percent, ComEd

1 and ratepayers share the so-called savings 50/50.

2 For O&M costs, ComEd immediately  
3 recovers them through its Rate ACEP and under its  
4 proposal it would recover its actual O&M costs  
5 reduced by 5 percent. ComEd would never recover more  
6 than the budgeted amounts of the O&M, but the 5  
7 percent reduction is capped at \$2 million for all  
8 projects, including any future projects.

9 The Order before the Commission finds  
10 that the Company's proposal does not meet the  
11 requirements of Section 9-244 of the Act mainly  
12 because it's based on easily manipulated budgets and  
13 always results in higher rates for ratepayers with no  
14 ratepayer benefit from the actual Rate ACEP mechanism  
15 itself. And the Post Exceptions Order before you has  
16 very minimal word changes from the initial Proposed  
17 Order.

18 CHAIRMAN SCOTT: Any questions?

19 (No response.)

20 Commissioner Elliott?

21 COMMISSIONER ELLIOTT: Not yet. I still need  
22 to do a little more review. I'm sure there will be

1 in the future.

2 CHAIRMAN SCOTT: Anyone?

3 (No response.)

4 Thank you very much.

5 Moving on, Item E-3 is Docket

6 No. 10-0570. This is ComEd's Year 4 through 6 Energy

7 Efficiency Plan filed under 8-103 of the Public

8 Utilities Act.

9 We had a rehearing in this matter  
10 concerning language related to the Commission's  
11 jurisdiction over DCEO's Efficiency Plan with the  
12 goal of ensuring the consistency between language in  
13 the ComEd and Ameren Efficiency Orders and clarifying  
14 our jurisdiction over DCEO's filing.

15 ALJ Haynes recommends that the  
16 Commission enter an Order on rehearing reflecting  
17 those changes.

18 Is there any discussion?

19 (No response.)

20 Is there a motion to enter the Order?

21 COMMISSIONER ELLIOTT: So moved.

22 CHAIRMAN SCOTT: Is there a second?

1           ACTING COMMISSIONER COLGAN:    Second.

2           CHAIRMAN SCOTT:    Its been moved and seconded.

3                           All in favor say "aye."

4                           (Chorus of ayes.)

5                           Any opposed say "nay."

6                           (No response.)

7                           The vote is five to nothing and the  
8   Order is entered.  We will use this five to nothing  
9   vote for the remainder of the Public Utilities Agenda  
10 unless otherwise noted.

11                           Item E-4 is Docket No. 10-0666.  This  
12 is Tonya Nunn's complaint as to billing and/or  
13 charges against Ameren.  ALJ Tapia recommends that  
14 the Commission enter an Order dismissing the  
15 complaint without prejudice for a lack of  
16 prosecution.

17                           Is there any discussion?

18                           (No response.)

19                           Any objection?

20                           Hearing none, the Order is entered and  
21 the docket is dismissed.

22                           Item E-5 is Docket No. 10-0724.  This

1 is Joseph Schmidt's complaint as to billing and/or  
2 charges against Ameren.

3 The Company has filed a motion to  
4 dismiss the case for lack of jurisdiction, and ALJ  
5 Tapia recommends that the Commission enter an Order  
6 dismissing the complaint with prejudice on those  
7 grounds.

8 Is there any discussion?

9 (No response.)

10 Any objections?

11 (No response.)

12 Hearing none, the Order is entered and  
13 the docket is dismissed.

14 Items E-6 and E-7 can be taken  
15 together. These items concern customer complaints  
16 against ComEd.

17 In each case the parties have  
18 apparently resolved their differences and brought a  
19 Joint Motion to Dismiss, which the ALJs recommend  
20 that we grant.

21 Is there any discussion?

22 (No response.)

1 Any objections?

2 (No response.)

3 Hearing none, the Joint Motions to  
4 Dismiss are granted.

5 Items E-8 through E-14 can be taken  
6 together. These items concern applications for the  
7 licensure of Agents, Brokers, and Consultants under  
8 Section 16-115C of the Public Utilities Act.

9 In each case ALJ Yoder recommends that  
10 the Commission enter an Order granting the requested  
11 certificate.

12 Is there any discussion?

13 (No response.)

14 Any objections?

15 (No response.)

16 Hearing none, the Orders are entered  
17 and the certificates are granted.

18 Item E-15 is Illinois Gas & Electric's  
19 request for a Certificate of Service Authority to  
20 Operate as an Alternative Retail Electric Supplier in  
21 Illinois. ALJ Tapia recommends that the Commission  
22 enter an Order granting the requested certificate.



1                   Is there any discussion?

2                   ACTING COMMISSIONER COLGAN: I have a question  
3 for Judge Tapia.

4                   Is she available?

5                   CHAIRMAN SCOTT: Judge Tapia, are you  
6 available?

7                   JUDGE TAPIA: Good morning.

8                   ACTING COMMISSIONER COLGAN: I noticed that  
9 there had been twelve complaints filed against this  
10 applicant in each of the last two years. And the  
11 Attachment 20, which I reviewed, said -- all it said  
12 was that the Company couldn't avoid anything --  
13 there's nothing they could have done to avoid these  
14 complaints.

15                   I'm just wondering if there's any  
16 other information about that that we should know  
17 about.

18                   JUDGE TAPIA: No, Commissioner. There's no  
19 other information other than what they stated in  
20 their application.

21                   ACTING COMMISSIONER COLGAN: That's all they  
22 stated, is they couldn't avoid these complaints?

1 JUDGE TAPIA: Correct.

2 MR. HICKEY: Commissioner?

3 ACTING COMMISSIONER COLGAN: Yes.

4 MR. HICKEY: This is Steve Hickey.

5 I have Attachment 20 in front of me  
6 and it also states that the complaints were filed in  
7 regards to customer service inquiries and rate  
8 issues.

9 ACTING COMMISSIONER COLGAN: Right.

10 MR. HICKEY: That's all they said.

11 ACTING COMMISSIONER COLGAN: Okay. Thank you.

12 CHAIRMAN SCOTT: Any further discussion?

13 (No response.)

14 Any objections?

15 (No response.)

16 Hearing none, the Order is entered and  
17 the certificate is granted.

18 Item E-16 is Adagio Energy's request  
19 for a Certificate of Service Authority to Operate as  
20 an Alternative Retail Electric Supplier in Illinois.  
21 ALJ Tapia recommends that the Commission enter an  
22 Order granting the requested certificate.

1                   Is there any discussion?

2                   Any objections?

3                   Hearing none, the Order is entered and  
4 the certificate is granted.

5                   Items E-17 through E-20 can be taken  
6 together. These items concern petitions to protect  
7 against the disclosure of confidential and/or  
8 proprietary information in the petitioner's report  
9 filed with the Commission. In each case the ALJ  
10 recommends entry of an Order granting the requested  
11 protective relief.

12                   Is there any discussion?

13                   (No response.)

14                   Any objections?

15                   (No response.)

16                   Hearing none, the Orders are entered.

17                   Turning to Gas, Item G-1 is Docket  
18 No. 08-0627. This is AmerenIP's reconciliation case  
19 concerning revenues collected under gas adjustment  
20 charges. ALJ Albers recommends that the Commission  
21 enter an Order approving the reconciliation.

22                   Is there any discussion?

1 (No response.)

2 Any objections?

3 (No response.)

4 Hearing none, the Order is entered.

5 Items G-2 and G-3 can be taken  
6 together. These items each concern customer  
7 complaints against Peoples Gas. In each case the  
8 parties have apparently settled their differences and  
9 brought a Joint Motion to Dismiss, which ALJ Riley  
10 recommends that we grant.

11 Is there any discussion?

12 (No response.)

13 Any objections?

14 (No response.)

15 Hearing none, the Joint Motion to  
16 Dismiss are granted.

17 Item G-4 is Docket No. 11-0207. This  
18 is Nordic Energy Services' Petition for Confidential  
19 and/or Proprietary treatment for its 2010 Annual  
20 Dekatherm Report. ALJ Yoder recommends that the  
21 Commission enter an Order granting the Company's  
22 requested protective relief.

1 Is there any discussion?

2 (No response.)

3 Any objections?

4 (No response.)

5 Hearing none, the Order is entered and  
6 the relief is granted.

7 Item G-5 is Docket No. 11-0269. This  
8 matter concerns an informational statement filed by  
9 Peoples Gas in connection with its proposed issuance  
10 of up to \$50 million in bonds or notes. ALJ Hilliard  
11 recommends that the Commission enter an Order  
12 granting authority for the issuance of the securities  
13 and also directing Peoples to file petitions under  
14 Section 7-102 of the Act for further approval of the  
15 purchase and resale of the bonds.

16 Is there any discussion?

17 (No response.)

18 Any objections?

19 (No response.)

20 Hearing none, the Order is entered.

21 Moving now to Telecommunications.

22 Item T-1 concerns a filing by Frontier North

1 regarding a tariff change to delete references to  
2 central office rooftop placement of microwave towers  
3 for pole location as the Company does not allow  
4 central office rooftop placement of microwave towers.  
5 Staff recommends that the Commission allow the  
6 Company's proposal by not suspending the filing.

7 Is there any discussion?

8 (No response.)

9 Any objections?

10 (No response.)

11 Hearing none, the filing will not be  
12 suspended.

13 Item T-2 is Docket No. 10-0218. This  
14 is WideOpenWest Illinois' Application For a  
15 State-Issued Authorization to Provide Cable Service  
16 Pursuant to Section 401 of the Cable Law of 2007.

17 Is there any discussion on this  
18 matter?

19 (No response.)

20 No Commission action is required on  
21 this matter. We will note for the record that the  
22 Statutory Notification has been filed.

1                   Item T-3 is Docket No. 11-0051. This  
2 is Telefonía USA's Application for a Certificate of  
3 Local Exchange, Interexchange and Wireless Authority  
4 to Operate as a Reseller of Telecommunications  
5 Services in Illinois. ALJ Teague recommends that the  
6 Commission enter an Order granting the requested  
7 certificate.

8                   Is there any discussion?

9                   (No response.)

10                  Any objections?

11                  (No response.)

12                  Hearing none, the Order is entered.

13                  Item T-4 is Docket No. 11-0220. This  
14 is Master Call's Application for a Certificate of  
15 Interexchange Authority to Operate as a Reseller and  
16 Facilities-Based Carrier of Telecommunication  
17 Services throughout Illinois. ALJ Tapia recommends  
18 that the Commission enter an Order granting the  
19 requested authority.

20                  Is there any discussion?

21                  (No response.)

22                  Any objections?

1 (No response.)

2 Hearing none, the Order is entered.

3 Items T-5 and T-6 can be taken  
4 together. These items are petitions by Marshall  
5 County and Putnam County requesting authorization for  
6 minor modifications to their 9-1-1 Emergency Systems  
7 coverage. In each case ALJ Jones recommends that the  
8 Commission enter an Order granting the petitions and  
9 approving the County's request.

10 Is there any discussion?

11 (No response.)

12 Any objections?

13 (No response.)

14 Hearing none, the Orders are entered.

15 Item T-7 is this Docket No. 11-0110.  
16 This item concerns a Joint Petition by Illinois Bell  
17 Telephone Company and CenturyLink Wholesale seeking  
18 approval of the 3rd Amendment to their  
19 Interconnection Agreement dated January 26th, 2011,  
20 pursuant to 47 U.S.C. Section 252. ALJ Baker  
21 recommends that the Commission enter an Order  
22 approving the amendment to the Interconnection



1 Agreement.

2 Is there any discussion?

3 (No response.)

4 Any objections?

5 (No response.)

6 Hearing none, the Order is entered.

7 Item T-8 concerns a potential citation  
8 proceeding with Movida Communications for failure to  
9 maintain its corporate status. Staff recommends that  
10 the Commission enter an Order initiating the citation  
11 proceeding against the Company.

12 Is there any discussion?

13 (No response.)

14 Any objections?

15 (No response.)

16 Hearing none, the Initiating Order is  
17 entered.

18 Item T-9 is Docket No. 09-0381. This  
19 item concerns a rulemaking for a revision of Title  
20 83, Part 730, of the Administrative Code to update  
21 the standards of service for local exchange carriers.  
22 ALJ Hilliard recommends that the Commission enter an

1 Order adopting the Proposed Amendments with an  
2 effective date of June 1st, 2011.

3 Is there any discussion?

4 (No response.)

5 Any objections?

6 (No response.)

7 Hearing none, the Order is entered.

8 Item T-10 is Docket No. 10-0578. This  
9 concerns a repeal of Title 83, Part 792, of the  
10 Administrative Code in light of the repeal of Section  
11 13-505.1 of the Public Utilities Act. ALJ Kimbrel  
12 recommends that the Commission enter an Order  
13 repealing the rules with an effective date of June  
14 1st, 2011.

15 Is there any discussion?

16 (No response.)

17 Any objections?

18 (No response.)

19 Hearing none, the Order is entered.

20 Item T-11 is Docket No. 10-0512. This  
21 is Telrite's Application for Designation of Eligible  
22 Telecommunications Carrier Under the

1 Telecommunications Act of 1996. ALJ Riley recommends  
2 that the Commission enter an Order granting the  
3 application.

4 Is there any discussion?

5 (No response.)

6 Any objections?

7 (No response.)

8 Hearing none, the Order is entered.

9 Item T-12 is Docket No. 11-0056. This  
10 is Assurance Home Phone Services' Application For  
11 Designation as an Eligible Telecommunications Carrier  
12 Under the Telecommunications Act of 1996. The  
13 Applicant has filed a Motion to Withdraw its  
14 application and ALJ Riley recommends that we grant  
15 the motion.

16 Is there any discussion?

17 (No response.)

18 Any objections?

19 (No response.)

20 Hearing none, the motion is granted  
21 and the application is withdrawn.

22 The Item T-13 is Docket No. 11-0079.

1 This is Mail Holdings and Gridley Telephone's Joint  
2 Application for approval of change in the ownership  
3 of the majority of Gridley's voting capital stock  
4 pursuant to Section 7-204 of the Public Utilities Act  
5 and for all other appropriate relief. ALJ Tapia  
6 recommends that the Commission enter an Order  
7 approving the stipulation agreed to by the parties in  
8 this matter, including Staff, and granting the  
9 requested relief.

10 Is there any discussion?

11 (No response.)

12 Any objections?

13 (No response.)

14 Hearing none, the Order is entered.

15 Items T-14 through T-22 can be taken  
16 together. These items each concern citation  
17 proceedings against telecommunications carriers for  
18 failure to file an Annual Report with the Commission.  
19 In each case the Company is now apparently in  
20 compliance with the reporting requirements and a  
21 Motion to Dismiss has been filed, which the ALJ  
22 recommends we grant.

1                   Is there any discussion?

2                   (No response.)

3                   Any objections?

4                   (No response.)

5                   Hearing none, the motions are granted  
6 and the citation proceedings are dismissed.

7                   Item T-23 is Docket No. 11-0296. This  
8 is a Petition by Covad Communications for  
9 Confidential and/or Proprietary Treatment of the  
10 Company's 2101 Annual Report. ALJ Tapia recommends  
11 that the Commission enter an Order granting the  
12 requested protective relief.

13                   Is there any discussion?

14                   (No response.)

15                   Any objections?

16                   (No response.)

17                   Hearing none, the Order is entered and  
18 the relief is granted.

19                   Items T-24 through T-29 can be taken  
20 together. These items each concern citation  
21 proceedings against telecommunications carriers for  
22 failure to file an Annual Report with the Commission.

1 In each case ALJ Tapia recommends entering an Order  
2 revoking the Company's certificate for failure to  
3 file its Annual Report.

4 Is there any discussion?

5 (No response.)

6 Any objections?

7 (No response.)

8 Hearing none, the Orders are entered  
9 and the certificates are revoked.

10 Moving on to Water and Sewer, Item W-1  
11 concerns tariffs filed by the Illinois-American Water  
12 Company to revise the public fire protection rate for  
13 customers in South Beloit, establish public fire  
14 protection rates for customers in Rockton Township,  
15 and establish public fire protection rates for eleven  
16 customers in the Harlem-Roscoe Fire Protection  
17 District. Staff recommends that the Commission allow  
18 the Company's proposal by not suspending the filing.

19 Is there any discussion?

20 (No response.)

21 Any objections?

22 (No response.)

1                   Hearing none, the filing will not be  
2 suspended.

3                   Item W-2 is Docket Nos. 06-0669 and  
4 06-0685 consolidated. This item concerns a dispute  
5 between the Village of Monee and Aqua Illinois  
6 surrounding sewage service. The parties have  
7 apparently resolved their differences and brought a  
8 Joint Motion to Dismiss, which ALJ Yoder recommends  
9 we grant.

10                   Is there any discussion?

11                   (No response.)

12                   Any objections?

13                   (No response.)

14                   Hearing none, the Joint Motion to  
15 Dismiss is granted.

16                   Item W-3 is Docket No. 11-0059. This  
17 is Great Northern Utilities' proposed general  
18 increase in water rates. Tariffs were filed in this  
19 matter on December 22nd, 2010, and we'll need to  
20 enter a Resuspension Order to continue the rate case  
21 for another six months' time.

22                   Is there any discussion?

1 (No response.)

2 Any objections?

3 (No response.)

4 Hearing none, the Resuspension Order  
5 is entered.

6 Our first miscellaneous item today  
7 concerns a draft letter from the ICC in support of  
8 the Federal Legislation concerning transmission  
9 allocation.

10 Do we have someone from Staff to brief  
11 us on this letter?

12 Anyone?

13 MR. VANDERLAAN: Yes, sir. This is Bill  
14 VanderLaan in Springfield.

15 I essentially drafted the letter in  
16 support of a Senate Bill 400 known as the Electric  
17 Transmission Customer Protection Act. What it is, is  
18 it's a proposed amendment to Section 205 of the  
19 Federal Power Act. Its intent is to strengthen  
20 Section 205 by requiring that any electric  
21 transmission rate that would be approved by FERC --  
22 that includes the cost of the new transmission



1 facilities -- be based on an allocation of costs that  
2 is reasonably proportionate to measurable economic or  
3 reliability benefits at the facilities projected to  
4 provide to ratepayers.

5 In sum, S.400 intends to ensure that  
6 electricity consumers are not forced to pay for new  
7 transmission lines that do not provide them an  
8 measurable and proportionate benefit. This is  
9 consistent with the Seventh Circuit decision in the  
10 ICC versus FERC.

11 The letter also goes on to give a  
12 little bit of history or background as to the issues  
13 that we've had with RTOs and cost allocation and some  
14 of the impact that they've had on Commonwealth Edison  
15 territory and PJM and in the middle class as well as  
16 with the order that FERC approved establishing the  
17 MVP Transmission Project Category. Then it basically  
18 concludes urging Senators Durbin and Kirk to support  
19 the amendment.

20 As far as status, check the Thomas  
21 letter to Congress and basically the bill was read  
22 and introduced to the Energy and Natural Resources

1 Committee and not much has happened since then, as I  
2 understand it. The word on the street, if you will,  
3 is that a lot of the energy legislation is waiting  
4 for FERC to issue some of these pending orders that  
5 they've had on these issues.

6 I would also note that the letter was  
7 drafted in two forms. One is that it would be either  
8 from all the Commissioners that are willing to  
9 support it or a letter from the Chairman  
10 individually.

11 So that concludes my summary and if  
12 you have any questions, I'll try and answer them.

13 CHAIRMAN SCOTT: Any questions?

14 COMMISSIONER FORD: The letter is straight to  
15 the point. Excellent letter.

16 CHAIRMAN SCOTT: Is there a motion to approve  
17 the letter?

18 COMMISSIONER ELLIOTT: So moved.

19 CHAIRMAN SCOTT: Is there a second?

20 COMMISSIONER O'CONNELL-DIAZ: Second.

21 CHAIRMAN SCOTT: Any further discussion?

22 (No response.)

1 All in favor say "aye."

2 (Chorus of ayes.)

3 Any opposed?

4 (No response.)

5 The "ayes" have it and the letter will  
6 be sent -- we can circulate that and if you want to  
7 sign on to it, you can do so.

8 Lastly, we have four sets of  
9 Benchmarks to approve and we will take those  
10 together. The Benchmarks to be approved today are  
11 the Ameren Energy Products Benchmarks, the ComEd  
12 Standard Products Benchmarks, the Ameren Renewable  
13 Energy Certificate Benchmarks, and the ComEd  
14 Renewable Energy Certificate Benchmarks.

15 Is there a motion to approve these  
16 Benchmarks?

17 COMMISSIONER FORD: So moved.

18 CHAIRMAN SCOTT: Is there a second?

19 COMMISSIONER ELLIOTT: Second.

20 CHAIRMAN SCOTT: Its been moved and seconded.

21 All in favor say "aye."

22 (Chorus of ayes.)

1 Any opposed, say "nay."

2 (No response.)

3 The vote is five to nothing and the  
4 Benchmarks for these four procurements are approved.

5 Judge Wallace, any other matters to  
6 come before the Commission today?

7 JUDGE WALLACE: No, I believe that's it,  
8 Mr. Chairman.

9 CHAIRMAN SCOTT: Thank you, sir.

10 Hearing none, this meeting stands  
11 adjourned. We'll return at 1:00 with oral arguments  
12 in the ComEd rate case.

13 (And those were all the  
14 proceedings had.)

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