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BEFORE THE
ILLINOIS COMMERCE COMMISSION

PUBLIC UTILITY BENCH SESSION

Chicago, Illinois
May, 5, 2010

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

BEFORE:

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

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

1 CHAIRMAN FLORES: Is everything ready in
2 Springfield.

3 COMMISSIONER COLGAN: We're good to go here.

4 CHAIRMAN FLORES: Good morning Commissioner.

5 COMMISSIONER COLGAN: Good morning.

6 CHAIRMAN FLORES: Pursuant to the provisions of
7 the Illinois Open Meetings act, I now convene a
8 regularly scheduled bench session of the Illinois
9 Commerce Commission. With me in Chicago are
10 Commissioners Ford, O'Connell-Diaz and Elliot. And
11 with us in Springfield is Acting Commissioner Colgan,
12 I am Acting Chairman Flores. We have a quorum.
13 Before moving into the agenda, according to Section
14 1700.10 of the Illinois Administrative Code, this is
15 the time that we allow for members of public to
16 address the Commission. Members of the public
17 wishing to address the Commission must notify the
18 Chief Clerk's Office at least 24 hours prior to the
19 bench session. According to the Chief Clerk's Office
20 we have no requests to speak at today's bench
21 session.

22 Turning now to the Public Utility

1 Agenda, there are three sets of minutes to approve.
2 We will start with the approval of minutes from the
3 April 6th Policy Committee Meeting. I understand
4 that amendments have been forwarded.

5 Is there a motion to amend the
6 minutes?

7 COMMISSIONER FORD: So moved.

8 CHAIRMAN FLORES: Is there a second?

9 COMMISSIONER ELLIOTT: Second.

10 CHAIRMAN FLORES: Its been moved and seconded.

11 All in favor say "aye."

12 (Chorus of ayes.)

13 Any opposed?

14 (No response.)

15 The vote is 5-0 amending the minutes.

16 Is there a motion to approve the
17 minutes as amended?

18 COMMISSIONER FORD: So moved.

19 CHAIRMAN FLORES: Is there a second?

20 COMMISSIONER ELLIOTT: Second.

21 CHAIRMAN FLORES: Its been moved and seconded.

22 All in favor say "aye."

1 (Chorus of ayes.)

2 Any opposed?

3 (No response.)

4 The vote is 5-0 approving the minutes
5 from April 7th as amended.

6 With respect to minutes for the
7 April 7th Bench Session, I understand the minutes
8 have been forward.

9 Is there a motion to amend the
10 minutes?

11 COMMISSIONER ELLIOTT: So moved.

12 CHAIRMAN FLORES: I'll make a second.

13 Its been moved and seconded.

14 All in favor say "aye."

15 (Chorus of ayes.)

16 Any opposed?

17 (No response.)

18 The vote is 5-0 amending the minutes.

19 Is there a motion to approve the
20 minutes as amended?

21 COMMISSIONER FORD: So moved.

22 CHAIRMAN FLORES: Is there a second?

1 COMMISSIONER O'CONNELL-DIAZ: Second.

2 CHAIRMAN FLORES: Its been moved and seconded.

3 All in favor say "aye."

4 (Chorus of ayes.)

5 Any opposed?

6 (No response.)

7 The vote is 5-0 approving the minutes
8 for April 7th as amended.

9 We also have minutes to approve from
10 the April 13th Special Open Meeting. I understand
11 the amendments have been forwarded.

12 Is there a motion to amend the
13 minutes?

14 COMMISSIONER FORD: So moved.

15 CHAIRMAN FLORES: Is there second?

16 COMMISSIONER ELLIOTT: Seconded.

17 CHAIRMAN FLORES: It's been moved and seconded.

18 All in favor say "aye."

19 (Chorus of ayes.)

20 Any opposed?

21 (No response.)

22 The vote is 5-0 amending the minutes.

1 Is there a motion to approve the
2 minutes as amended?

3 COMMISSIONER ELLIOTT: So moved.

4 CHAIRMAN FLORES: Is there a second?

5 COMMISSIONER FORD: Second.

6 CHAIRMAN FLORES: Any opposed?

7 (No response.)

8 Hearing none, the vote is 5-0
9 approving the minutes for April 13th as amended.

10 Moving on to the Electric Agenda.

11 Items E-1 through E-3 will be taken
12 together. These items involve revisions to portions
13 of the Ameren Illinois Utility's Rider TS tariff.
14 Staff recommends not suspending or investigating the
15 filings.

16 Is there a motion to not suspend the
17 filings?

18 COMMISSIONER ELLIOTT: So moved.

19 CHAIRMAN FLORES: Is there a second?

20 COMMISSIONER FORD: Second.

21 CHAIRMAN FLORES: Its been moved and seconded.

22 All in favor say "aye."

1 (Chorus of ayes.)

2 Any opposed?

3 (No response.)

4 The vote is 5-0, the filings will not
5 be suspended. We will use this 5-0 vote for the
6 remainder of the Public Utility Agenda unless
7 otherwise noted.

8 Item E-4 is Docket No. 09-0331. This
9 is Rhonda Schilling's Compliant as to billing and
10 charges against ComEd. This item will be held for
11 disposition at a future hearing.

12 Item E-5 is Docket No. 09-0458. This
13 is Tad and Paige Whitten's Complaint as to billing
14 and charges against AmerenIP. The parties have
15 apparently resolved the matter and have brought a
16 Joint Motion to Dismiss.

17 Is there any discussion?

18 (No response.)

19 Any objections?

20 (No response.)

21 Hearing none, the Joint Motion to
22 Dismiss is granted.

1 Item E-6 is Docket No. 10-0030. This
2 is AmerenIP's verified Petition for Approval of a
3 Territorial Service Agreement with a Municipality for
4 the Purchase and Sale of Claude Bailey's Subdivision
5 in Princeton, Illinois pursuant to
6 Section 11-117-6(d) of the Illinois Municipal Code.
7 ALJ Tapia recommends entry of an Order recommending
8 approval of the Territorial Agreement.

9 Is there any discussion?

10 (No response.)

11 Any objections?

12 (No response.)

13 Hearing none, the Order is entered and
14 the Agreement is approved.

15 Item E-7 is Docket No. 10-0166. This
16 constitutes Spark Energy's Petition for relief to
17 protect its Annual Kilowatt-Hour Report from
18 disclosure. ALJ Tapia recommends entry of an
19 Amendatory Order in the matter to correct an item
20 from Paragraph 7 of the Order we originally entered
21 on March 24th.

22 Is there any discussion?

1 (No response.)

2 Any objections?

3 (No response.)

4 Hearing none, the Amendatory Order is
5 approved.

6 Item E-8 is Docket No. 10-0168. This
7 is Champion Energy's Application to Amend its
8 Certified of Service Authority -- excuse me --
9 Application to Amend its Certificate of Service
10 Authority. ALJ Yoder recommends entry of an Order
11 granting the requested Certificate.

12 Is there there any discussion?

13 (No response.)

14 Any objections?

15 (No response.)

16 Hearing none, the Order is approved.

17 Item E-9 is Docket No. 10-0171. This
18 is National Utility Service's Petition for
19 Confidential Treatment of its verified financial
20 statements. ALJ Kimbrel recommends granting the
21 Petition for Confidential Treatment for a period of
22 two years.

1 Is there any discussion?

2 (No response.)

3 Any objections?

4 (No response.)

5 Hearing none, the Petition is granted.

6 E-10 is Docket No. 10-0209. This is
7 Public Power & Utility of Illinois, LLC's Application
8 for Certificate of Service Authority under Section
9 16-115 of the Public Utilities Act. After review,
10 ALJ Yoder recommends entry of an Order denying the
11 requested Certificate of Service Authority.

12 Is there any discussion?

13 (No response.)

14 Any objections?

15 (No response.)

16 Hearing none, the Order is entered and
17 the petition is denied.

18 Item E-11 and E-12 will be taken
19 together. These items are Petitions for Confidential
20 and/or Proprietary Treatment from Exelon and Optimal
21 Facility Management Solutions respectively. In each
22 case the ALJ recommends entry of an Order granting

1 the petition.

2 Is there any discussion?

3 (No response.)

4 Any objections?

5 Hearing none, the Orders are entered
6 and the Petitions are granted.

7 Item E-13 is Docket No. 10-0294. This
8 concerns Corn Belt Energy Corporation and AmerenIP's
9 Joint Petition for Approval of Amendments No. 12 to
10 the Service Area Agreements dated October 21, 1970,
11 and March 9th, 1973, between the parties. ALJ Tapia
12 recommends entry of an Order granting the Petition.

13 Is there any discussion?

14 (No response.)

15 Any objections?

16 (No response.)

17 Hearing none, the Petition is granted.

18 Items E-14 and E-15 will be taken
19 together. These Items concern filings for the
20 Approval of an On-Bill Financing Program made
21 pursuant to Section 16-111.7 of the Public Utilities
22 Act. We have a request for oral argument across

1 these dockets and we're set to vote on these requests
2 here today.

3 Is there any discussion?

4 (No response.)

5 Is there a motion to grant oral
6 argument on these dockets?

7 COMMISSIONER FORD: So moved.

8 CHAIRMAN FLORES: I will second it.

9 Its moved and seconded.

10 All in favor say "aye."

11 (Chorus of ayes.)

12 Any opposed?

13 (No response.)

14 The vote is 5-0 and oral argument is
15 granted.

16 At the moment the Commission does not
17 have a date set for oral argument. We will try to
18 get that date and time as soon as possible. Also for
19 the sake of efficiency, we're looking to consolidate
20 these oral arguments with those concerning the other
21 On-Bill Financing dockets as these issues are the
22 same across all documents --

1 (Fire drill announcement.)

2 Also, I was indicating, for the sake
3 of efficiency we're going to be consolidating --

4 (Fire alarm sounding.)

5 These matters will be consolidated as
6 matters that are being addressed are consistent with
7 the matters that have been addressed in these cases.

8 So turning to Gas Item G-1, this is an
9 Amendatory Order in Docket No. 08-0175. This item
10 will be held.

11 Item G-2 is Docket No. 08-0626. This
12 item concerns Illinois Gas Company's reconciliation
13 of revenues collected under gas adjustment charges
14 with actual costs prudently incurred. ALJ Tapia
15 recommends entry of an Order approving the
16 reconciliation.

17 Is there any discussion?

18 (No response.)

19 Any objections?

20 (No response.)

21 Hearing none, the Order is entered and
22 the reconciliation is approved.

1 Item G-3 is Docket No. 09-0571. This
2 is Ambit Illinois' Application for Certificate of
3 Service Authority under Section 19-110 of the Public
4 Utilities Act. The docket was reopened on April 7th
5 and ALJ Sainsot now recommends entry of an Order
6 granting confidential treatment to the company's
7 logo.

8 Is there any discussion?

9 (No response.)

10 Any objections?

11 (No response.)

12 Hearing none, the Order is entered.

13 Item G-4 is Docket No. 10-0037. This
14 concerns Illinois Gas Company's Petition pursuant to
15 Section 7-101 of the Public Utilities Act seeking
16 Authority to Enter a Service and Facilities Agreement
17 in which an Affiliated Interest Exists. ALJ Albers
18 recommends entry of an Order granting the requested
19 relief.

20 Is there any discussion?

21 (No response.)

22 Any objections?

1 (No response.)

2 Hearing none, the Order is entered.

3 Item G-5 is Docket No. 10-0167. This
4 is Ambit Energy's Petition for Confidential Treatment
5 for one of its reports. ALJ Tapia recommends entry
6 of an Order granting the Petition.

7 Is there any discussion?

8 (No response.)

9 Any objections?

10 (No response.)

11 Hearing none, the Order is entered.

12 Items G-6 and G-7 will be taken
13 together. These items concern Approval of On-Bill
14 Financing Programs made pursuant to Section 16-111.7
15 of the Public Utilities Act. Before us today are
16 request for oral argument in the natural gas side of
17 the On-Bill Financing dockets.

18 Is there any further discussions on
19 these oral arguments requested?

20 (No response.)

21 Any objections to granting oral
22 arguments once again?

1 (No response.)

2 Oral argument will be granted on these
3 dockets, and as indicated earlier, consolidated with
4 the oral arguments on the dockets on the electric
5 side of the On-Bill Financing cases. We'll get a
6 notice to this once a date and time for oral argument
7 is set.

8 Moving on to Telecommunications.

9 T-1 concerns Illinois Bell Telephone
10 Company's modification to its Business Local Calling
11 Assurance product. Staff recommends not suspending
12 or investigating the filings.

13 Is there any discussion?

14 (No response.)

15 Any objections?

16 (No response.)

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

19 Item T-2 through T-4 will be taken
20 together. These items concern Applications for
21 Certificate of Service Authority. In each case the
22 ALJ recommends entry of an Order granting the

1 Certificate.

2 Is there any discussion?

3 (No response.)

4 Any objections?

5 (No response.)

6 Hearing none, the Orders are entered
7 and the Certificates are granted.

8 Items T-5 and T-6 will be taken
9 together. These items are compliant cases, and in
10 both cases we have a Joint Motion to Dismiss filed
11 after agreement was reached by the parties. In each
12 case the ALJ recommends granting the Joint Motion.

13 Is there any discussion?

14 (No response.)

15 Any objections?

16 (No response.)

17 Hearing none, the Motions to Dismiss
18 are granted.

19 Items T-7 through T-13 will be taken
20 together. These items concern Petitions for the
21 protection of confidential and/or proprietary
22 information. In each case the ALJ recommends entry

1 of an Order granting the Petition.

2 Is there any discussion?

3 (No response.)

4 Any objections?

5 (No response.)

6 Hearing none, the Orders are entered
7 and the petitions are granted.

8 Item T-14 is Docket No. 10-0245. This
9 is Illinois Telecommunications Access Corporation's
10 Petition for an annual line charge determination
11 pursuant to 83 Illinois Administrative Code 755.500.
12 ALJ Hilliard recommends entry of an Order granting
13 the petition.

14 Is there any discussion?

15 (No response.)

16 Any objections?

17 (No response.)

18 Hearing none, the Order is entered and
19 the Petition is Granted.

20 We now move to the Water and Sewer
21 portion of today's agenda.

22 Item W-1 is Docket No. 09-0319, which

1 is Illinois-American Water Company's rate case. On
2 the agenda today is the entry of an Amendatory Order
3 which amends the Order we originally ordered in this
4 case on April 13.

5 This Amendatory Order concerns
6 Pages 48 through 49 of the April 13th Order and
7 specifically replaces five paragraphs on the audit
8 referenced therein with three new paragraphs.

9 Commissioner Elliott, is there
10 anything you would like to say on this?

11 COMMISSIONER ELLIOTT: Thank you, Mr. Chairman.
12 I believe the amendments clarify Staff's role in
13 managing the audit and I believe that they do amend
14 it in a positive fashion and provide the clarity for
15 Staff and the company to go forward.

16 CHAIRMAN FLORES: Is there any further
17 discussion?

18 (No response.)

19 Very well.

20 Is there a motion to amend the
21 Amendatory Order?

22 COMMISSIONER ELLIOTT: I'll move to make a

1 motion.

2 CHAIRMAN FLORES: I will second it.

3 All in a favor say "aye."

4 (Chorus of ayes.)

5 Any opposed?

6 COMMISSIONER FORD: Nay.

7 COMMISSIONER O'CONNELL-DIAZ: Nay.

8 Very well. Let's take a roll call so
9 the record is clear.

10 Commission Ford?

11 COMMISSIONER FORD: Nay.

12 CHAIRMAN FLORES: Commissioner O'Connell-Diaz?

13 COMMISSIONER O'CONNELL-DIAZ: Nay.

14 COMMISSIONER FLORES: Commissioner Elliott?

15 COMMISSIONER ELLIOTT: Aye.

16 CHAIRMAN FLORES: Acting Commissioner Colgan?

17 COMMISSIONER COLGAN: Aye.

18 CHAIRMAN FLORES: Acting Chairman Flores votes
19 aye.

20 Let the record reflect the vote is 3-2
21 on the motion to enter the Amendatory Order.

22 Item W-2 is Docket No. 09-0369. This

1 is Aqua Illinois and Northern Illinois Investment
2 Group's Petition for Approval of Proposed
3 Reorganization and a Approval of Asset Purchase
4 Agreement; Petition for Issuance of Certificate of
5 Public Convenience and Necessity to Operate Water
6 Production and Distribution System; and Approval of
7 Rates and Accounting Entries.

8 ALJ Riley recommends that the
9 Commission enter an Order granting the Certificate of
10 Public Convenience and necessity.

11 Is there any discussion?

12 COMMISSIONER O'CONNELL-DIAZ: Chairman, I would
13 just like to point out that I know we have a lot of
14 discussions about municipally owned and privately
15 owned companies and the differences in the rates and
16 we hear that a lot in our arguments. And in this
17 instance, it's quite clear that the regulated
18 entities are going to provide service to the
19 customers in this area at the least cost.

20 It's going to be less than what a
21 municipality could provide services, so I just wanted
22 to thank Judge Riley for going through that exercise

1 and making the determinations that is you did. This
2 does result in the consumers of this area getting the
3 best deal versus a municipal rate, which is something
4 that is read into many of the dockets that we have.
5 So thank you very much.

6 JUDGE RILEY: Sure.

7 CHAIRMAN FLORES: Is there any further
8 discussion on this matter?

9 (No response.)

10 I would just ask that we take another
11 roll call vote given that we have gone out of order
12 in the previous vote.

13 Commissioner Ford -- strike that.

14 Is there a motion to grant the Order?

15 COMMISSIONER O'CONNELL-DIAZ: So moved.

16 CHAIRMAN FLORES: Is there a second?

17 COMMISSIONER ELLIOTT: Second.

18 CHAIRMAN FLORES: Commissioner Ford?

19 COMMISSIONER FORD: Yes.

20 CHAIRMAN FLORES: Commissioner O'Connell-Diaz?

21 COMMISSIONER O'CONNELL-DIAZ: Aye.

22 CHAIRMAN FLORES: Commissioner Elliott?

1 COMMISSIONER ELLIOTT: Aye.

2 CHAIRMAN FLORES: Acting Commissioner Colgan?

3 COMMISSIONER COLGAN: Aye.

4 CHAIRMAN FLORES: Acting Chairman Flores votes
5 aye.

6 The vote is 5-0 granting the Order
7 allowing -- following ALJ Riley's recommendation. We
8 will use that -- strike that.

9 We have a few petitions for rehearing
10 left in today's agenda. The first is Docket
11 No. 09-0251. This is Illinois-American Water
12 Company's Proposed Implementation of a Qualifying
13 Infrastructure Plan or QIP Surcharge Rider.

14 Before us today is an application for
15 rehearing filed on April 15th by the Attorney
16 General. ALJ Yoder recommends that the application
17 for rehearing be denied.

18 Is there a motion to adopt ALJ Yoder's
19 recommendation?

20 COMMISSIONER ELLIOTT: So moved.

21 CHAIRMAN FLORES: Is there a second?

22 COMMISSIONER FORD: Second.

1 CHAIRMAN FLORES: The motion has been moved and
2 seconded.

3 All in favor say "aye."

4 (Chorus of ayes.)

5 Any opposed?

6 (No response.)

7 The vote is 5-0 to follow ALJ Yoder's
8 recommendation that the application for rehearing be
9 denied.

10 Our second item is Docket No. 10-0129.
11 This docket concerns Integrys Energy Services Natural
12 Gas, LLC's Application for Certificate of Service
13 Authority under Section 19-110 of the Public
14 Utilities Act.

15 Integrys believes that the initial
16 Order granting its application was erroneous and is
17 seek a rehearing to brief a specific issue of
18 statutory interpretation in the application. ALJ
19 Sainsot recommends granting the application for
20 rehearing in order to brief this issue.

21 Is there any discussion?

22 (No response.)

1 Are there any objections to the
2 application for rehearing?

3 (No response.)

4 Is there a motion --

5 COMMISSIONER FORD: So moved.

6 CHAIRMAN FLORES: Is there a second?

7 COMMISSIONER ELLIOTT: Second.

8 CHAIRMAN FLORES: The motion has been --
9 there's been a motion and its been seconded, that is
10 to allow ALJ -- that is to follow ALJ Sainsot's
11 recommendation granting the application for rehearing
12 in this order.

13 All in favor say "aye."

14 (Chorus of ayes.)

15 Any opposed?

16 (No response.)

17 Hearing none, the vote is 5-0 to grant
18 the application for rehearing.

19 We also have a FERC matter to address
20 on today's agenda. This matter requires us to go
21 into closed session.

22 Is there a motion to go into closed

1 session?

2 COMMISSIONER ELLIOTT: So moved.

3 CHAIRMAN FLORES: I second it.

4 It's been moved and seconded.

5 All in favor say "aye."

6 (Chorus of ayes.)

7 Any opposed?

8 (No response.)

9 The vote is 5-0 to go into closed
10 session. Please let me know when we're ready to go
11 in Springfield.

12 COMMISSIONER COLGAN: We're ready to go.

13 (Whereupon, the following
14 proceedings were had in closed
15 session.

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1 (Whereupon, the following
2 proceedings were had in
3 open session.)

4 CHAIRMAN FLORES: Please let me know when we're
5 ready to go in Springfield.

6 COMMISSIONER COLGAN: I think we're ready to
7 go.

8 CHAIRMAN FLORES: In closed session the
9 Commission discussed filing comments to FERC
10 regarding Demand Response Compensation in Organized
11 Wholesale Markets.

12 Is there a motion to file the comments
13 with the FERC?

14 COMMISSIONER ELLIOTT: So moved.

15 CHAIRMAN FLORES: Is there a second?

16 COMMISSIONER FORD: Seconded.

17 CHAIRMAN FLORES: All in favor say "aye."

18 (Chorus of ayes.)

19 Any opposed?

20 (No response.)

21 The vote is 5-0, the comments will be
22 filed with the FERC.

1 Judge, Wallace, are there any other
2 matters to come before the Commission today?

3 JUDGE WALLACE: None today, sir. We have a
4 Special Open Meeting tomorrow.

5 CHAIRMAN FLORES: Very well. Thank you very
6 much.

7 Hearing none the meeting stands
8 adjourned.

9 (And those were all the
10 proceedings had.)

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