

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

BEFORE THE
ILLINOIS COMMERCE COMMISSION
REGULAR OPEN MEETING
(PUBLIC UTILITY)
Tuesday, May 12, 2015
Chicago, Illinois

Met, pursuant to notice, at 10:30 A.M.,
at 160 North La Salle Street, Chicago, Illinois.

- PRESENT:
- BRIEN J. SHEAHAN, Chairman
 - ANN MCCABE, Commissioner
 - MIGUEL del VALLE, Commissioner
 - SHERINA E. MAYE, Commissioner
 - JOHN R. ROSALES, Acting-Commissioner

SULLIVAN REPORTING COMPANY, by
PATRICIA WESLEY
CSR NO. 084-002170

1

2 CHAIRMAN SHEAHAN: Good morning. Are we ready to
3 proceed in Springfield?

4 THE CHIEF CLERK: Yes, we are.

5 CHAIRMAN SHEAHAN: Pursuant to the Open Meetings
6 Act, I call the May 12, 2015 Regular Open Meeting of
7 the Illinois Commerce Commission to order.

8 Commissioners McCabe, del Valle, Maye
9 and Rosales are present with me in Chicago. We have
10 a quorum.

11 We have no requests to speak and will,
12 therefore, move into our Regular Open Meeting
13 agenda. We have a number of non-substantive changes
14 to the Minutes of our April 22, 2015 Bench and Open
15 Special Meeting and our April 28, 2015 Bench
16 Session.

17 Are there any objections to making the
18 changes to these sets of minutes?

19 (No response.)

20 Without objection, the edits are
21 approved.

22 Is there a motion to approve the

1 minutes as edited?

2 COMMISSIONER McCABE: So moved.

3 CHAIRMAN SHEAHAN: Is there a second?

4 ACTING-COMMISSIONER ROSALES: Seconded.

5 CHAIRMAN SHEAHAN: All those in favor, say aye.

6 (Chorus of ayes.)

7 Opposed, say nay.

8 (No response.)

9 The motion is approved. The minutes
10 for these three meetings are approved.

11 Item E-1 is an Order on Reopening
12 regarding Caterpillar's Application for a
13 Certificate of Service Authority under the Public
14 Utilities Act.

15 Is there any objection to approving
16 the proposed Order?

17 (No response.)

18 Hearing none, the Order is approved.

19 Items E-2 through E-4 are various
20 applications requesting Certificates of Authority to
21 Operate as Agents, Brokers or Consultants pursuant
22 to the Public Utilities Act.

1 Are there any objections to
2 considering these items together and approving the
3 proposed Orders?

4 (No response.)

5 Hearing none, the Orders are approved.

6 Items E-5 through E-8 are Petitions
7 for the Confidential Treatment of various reports.

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

11 (No response.)

12 Hearing none, the Orders are approved.

13 Item E-9 is Ameren Transmission
14 Company of Illinois' Petition for the Use of Eminent
15 Domain pertaining to the Illinois Rivers Project.

16 I have a number of substantive edits
17 to the proposed Order, which will do four things:
18 First, they clarify that Ameren's routing around the
19 pinch-point near Assumption, Illinois, is consistent
20 with the Certificate and Legal Description approved
21 in Docket 12-0598; two, they remove various
22 superfluous dicta throughout the proposed Order;

1 three, they correct various spellings and
2 punctuation mistakes; four, they grant the
3 Petitioner's Request for Authorization of Eminent
4 Domain for all parcels at issue in the proceeding.

5 Commissioner McCabe also has a number
6 of non-substantive edits, and I will move that these
7 edits be adopted.

8 Is there a second?

9 ACTING-COMMISSIONER ROSALES: Seconded.

10 CHAIRMAN SHEAHAN: Is there any discussion?

11 Commissioner del Valle.

12 COMMISSIONER del VALLE: Mr. Chairman, I agree
13 with most of the edits but disagree with the
14 granting of all 12.

15 I think in this Eminent Domain
16 proceeding the Commission, in settling the siting
17 problem, improving the project segment in question
18 and analysis that the residents are more than 500
19 feet from -- here in the 45-day Eminent Domain
20 Docket, and then ask for discussion to move the line
21 900 feet, Staff in its testimony noted that it is
22 unclear whether all affected parties to this

1 modification received notice in the original
2 Certificate proceedings without any reason to
3 proceed with the developing cost of the properties.

4 As the Commission explained in its
5 recent Docket 14-0522, Ameren's conduct directly
6 undermines the Commission's oversight authority.
7 It further explains that case law only permits the
8 Commission to approve minor modifications that don't
9 affect substantive rights. These edits grant
10 Eminent Domain Authority to infringe on these
11 landowners' substantive rights to participate in the
12 Proposal of Alternative Routes which protects their
13 property from Eminent Domain.

14 It is my belief that this not only
15 raises due process concerns regarding these property
16 rights but it is also an exercise of Commission
17 power beyond that permitted by the courts.

18 The expedited approval process -- and
19 I have been critical of that process in the past --
20 which had been imposed on the Commission by the
21 General Assembly, has left too many unresolved
22 issues for such a large project.

1 The Commission is being asked to
2 resolve them in inappropriate proceedings.
3 Forty-five days is not enough time, and the
4 Commission predicted that an accelerated process may
5 lead to unresolved issues in this final Order, and
6 that's exactly where we are, and I suspect this
7 won't be the end of it. For this reason, I will not
8 support the item.

9 CHAIRMAN SHEAHAN: Thank you, Commissioner.

10 Are there any other comments?

11 COMMISSIONER MAYE: I do have a comment,
12 Mr. Chairman.

13 CHAIRMAN SHEAHAN: Commissioner Maye.

14 COMMISSIONER MAYE: After going through the PEPO,
15 I think I, like some of my colleagues, have some
16 issues with some of the extraneous language --
17 arguments and language in the Order.

18 I think it's extremely inappropriate
19 to use an Order as an avenue to express dislike, or
20 discontent, or opposition for a particular
21 legislation. Our Order needs to be based on facts
22 in the record and have a legal basis, and I did make

1 comments similar to this on December 18th of 2013.
2 I'm repeating them, because I don't think they were
3 heard. I think that, as a Commission, we must
4 maintain professionalism and not condone such
5 language used in the Order.

6 CHAIRMAN SHEAHAN: Thank you, Commissioner. I
7 certainly share those sentiments.

8 COMMISSIONER del VALLE: What I just heard is I'm
9 being unprofessional; is that correct?

10 CHAIRMAN SHEAHAN: No. No. No.

11 COMMISSIONER MAYE: No.

12 CHAIRMAN SHEAHAN: The remarks are --

13 COMMISSIONER MAYE: Based on the Order.

14 CHAIRMAN SHEAHAN: -- directed to the ALJ.

15 COMMISSIONER del VALLE: Of the ALJ?

16 COMMISSIONER MAYE: Yes.

17 COMMISSIONER del VALLE: Then I agree with the
18 ALJ.

19 CHAIRMAN SHEAHAN: What I think -- I don't mean
20 to speak for Commissioner Maye. I think what
21 Commissioner Maye is referring to is the tendency of
22 the ALJ in this case, and maybe other cases, to sort

1 of seed the opinion on the proposed Order with his
2 own opinion rather than an objective sort of
3 statement of the facts.

4 COMMISSIONER del VALLE: Okay. Well, I just want
5 to be clear that at this level we are here to give
6 our opinions also --

7 CHAIRMAN SHEAHAN: Absolutely.

8 COMMISSIONER del VALLE: -- which is what I will
9 continue to do.

10 COMMISSIONER MAYE: That's fine. That's fine.

11 As the Chairman stated, it was
12 directed to the Administrative Law Judge and the
13 Orders should be based on legal Orders and facts.

14 CHAIRMAN SHEAHAN: We can have an honest --

15 COMMISSIONER del VALLE: I disagree with how the
16 ALJ has expressed --

17 CHAIRMAN SHEAHAN: Right, of the results, but I
18 think what Commissioner Maye and I are talking about
19 are the superfluous dicta in the case.

20 Any other discussion?

21 (No response.)

22 All those in favor of adopting the

1 proposed edits, say aye.

2 COMMISSIONER McCABE: Aye.

3 CHAIRMAN SHEAHAN: Aye.

4 COMMISSIONER MAYE: Aye.

5 ACTING-COMMISSIONER ROSALES: Aye.

6 CHAIRMAN SHEAHAN: Opposed, say nay.

7 COMMISSIONER del VALLE: No.

8 CHAIRMAN SHEAHAN: Motion carries 4 to 1.

9 Item E-10 is a Joint Motion to Dismiss
10 a Complaint Against Independence Energy Group.

11 Are there any objections to granting
12 the Motion to Dismiss?

13 (No response.)

14 Hearing none, the motion is granted
15 and the complaint is dismissed.

16 MR. HICKEY: Mr. Chairman --

17 CHAIRMAN SHEAHAN: Yes.

18 MR. HICKEY -- I hate to interrupt you, but I
19 don't think you voted on the Order in E-9.

20 CHAIRMAN SHEAHAN: Just on the edits. Okay.
21 Thanks for pointing that out.

22 I will move for the Adoption of the

1 Order as edited. Is there a second?

2 ACTING-COMMISSIONER ROSALES: Seconded.

3 CHAIRMAN SHEAHAN: Any discussion on that motion?

4 (No response.)

5 All those in favor, say aye.

6 COMMISSIONER McCABE: Aye.

7 CHAIRMAN SHEAHAN: Aye.

8 COMMISSIONER MAYE: Aye.

9 ACTING-COMMISSIONER ROSALES: Ayes.

10 CHAIRMAN SHEAHAN: Opposed, say no.

11 COMMISSIONER del VALLE: No.

12 CHAIRMAN SHEAHAN: Motion to pass the Order is
13 approved 4 to 1.

14 Moving on to E-10, E-10 is a Joint
15 Motion to Dismiss a Complaint Against Independence
16 Energy Group.

17 Is there any objection to granting the
18 Motion to Dismiss?

19 (No response.)

20 Hearing none, the Motion is granted
21 and the complaint is dismissed.

22 Items E-11 and E-12 are Orders

1 Approving Reconciliation of Revenues Collected under
2 the Energy Efficiency Cost Recovery Adjustment
3 Charges for MidAmerican Energy Company.

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

7 (No response.)

8 Hearing none, the Orders are approved.

9 Item G-1 is Integrys Energy
10 Services - Natural Gas Petition for the Confidential
11 Treatment of its Annual Dekatherm Report.

12 Are there any objections approving the
13 proposed Order?

14 (No response.)

15 Hearing none, the Order is approved.

16 Items T-1 through 5 are Petitions for
17 the Confidential Treatment of various reports.

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

21 (No response.)

22 Hearing none, the Orders are approved.

1 Judge Kimbrel, do we have any other
2 matters to come before the Commission this morning?

3 JUDGE KIMBREL: No, Mr. Chairman.

4 CHAIRMAN SHEAHAN: Do any of the Commissioners
5 have any other business to discuss this morning?

6 (No response.)

7 Hearing none, the meeting is
8 adjourned. Thank you.

9 (Whereupon, the above matter
10 was adjourned.)

11

12

13

14

15

16

17

18

19

20

21

22