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BEFORE THE  
ILLINOIS COMMERCE COMMISSION  
PUBLIC UTILITIES REGULAR OPEN MEETING  
Thursday, May 12, 2022  
Chicago, Illinois

Met pursuant to notice at 11:30 a.m. at  
160 North LaSalle Street, Chicago, Illinois.

PRESENT:

CARRIE ZALEWSKI, Chair

MARIA BOCANEGRA, Commissioner

ANN McCABE, Commissioner (via Springfield)

D. ETHAN KIMBREL, Commissioner (via Springfield)

MICHAEL T. CARRIGAN, Commissioner (via Springfield)

BRIDGES COURT REPORTING  
BY: Jennifer Orozco,  
Notary Public

1 CHAIR ZALEWSKI: Under the Open Meetings Act, I  
2 call the May 12, 2022, Regular Open Meeting to order.

3 I am in the Chicago office with  
4 Commissioner Bocanegra. Commissioners Carrigan,  
5 Kimbrel, and McCabe are in the Springfield office.

6 We have a quorum.

7 We have no requests to speak.

8 We are moving on to -- first to our  
9 Public Utilities Agenda. There are edits to the April  
10 21st 2022, Regular Open Meeting Minutes.

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

13 (No verbal response.)

14 CHAIR ZALEWSKI: Hearing none, the Minutes are  
15 approved.

16 Under our Electric Items, Item E-1  
17 concerns ComEd's filing to modify its Rider Parallel  
18 Operation of Retail Customer Generating Facilities. As  
19 required by Part 430 of the Commission's rules, the  
20 filing updates rates pertaining to purchases of  
21 electricity from cogeneration and small power. The new  
22 rates would go into effect May 29th of 2022.

23 Commission Staff has reviewed the revisions and  
24 recommends not suspending the filing.

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1                   Are there any objections to not  
2 suspending the filing?

3                   (No verbal response.)

4           CHAIR ZALEWSKI: Hearing none, the filing is not  
5 suspended.

6                   Item E-2 concerns a complaint against  
7 ComEd regarding alleged overcharging. The parties  
8 filed a stipulation and joint motion to dismiss,  
9 stipulating that all matters in dispute have been  
10 resolved and requesting that the Commission dismiss the  
11 complaint with prejudice.

12                   Are there any objections to granting  
13 the motion to dismiss?

14                   (No verbal response.)

15           CHAIR ZALEWSKI: Hearing none, the motion to  
16 dismiss is granted.

17                   Item E-3 concerns a complaint against  
18 ComEd regarding alleged billing errors. The parties  
19 filed a stipulation and joint motion to dismiss,  
20 stipulating that all matters in dispute have been  
21 resolved and requesting that the Commission dismiss the  
22 complaint with prejudice.

23                   Are there any objections to granting  
24 the motion to dismiss?

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1 (No verbal response.)

2 CHAIR ZALEWSKI: Hearing none, the motion to  
3 dismiss is granted.

4 Item E-4 concerns a complaint against  
5 Hudson Energy services alleging the respondent assessed  
6 unreasonable charges. On August 19th of 2021, Hudson  
7 filed a motion to dismiss, arguing that the complaint  
8 fails to meet the requirements for a complaint under  
9 the Public Utilities Act. The order grants the motion  
10 to dismiss, finding that the complainant had failed to  
11 state a cause of action upon which a relief can be  
12 granted.

13 Are there any objections to approving  
14 the order?

15 (No verbal response.)

16 CHAIR ZALEWSKI: Hearing none, the order is  
17 approved.

18 Item E-5 concerns Docket 21-0155, which  
19 is ComEd's 2022 through 2025 Energy Efficiency and  
20 Demand Response Plan and associated stipulation  
21 agreement. The Commission entered a final order in  
22 this proceeding on June 24th of 2021. On March 1st of  
23 2022, ComEd filed a petition to reopen the docket to  
24 consider and approve ComEd's revised plan and revised

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1 stipulation agreement in order to comply with Public  
2 Act 102-0662. On March 17th of 2022, the Commission  
3 granted the petition for reopening. The order on  
4 reopening approves ComEd's revised 2022 through 2025  
5 Energy Efficiency and Demand Response Plan and  
6 associated stipulation agreement.

7 Are there any comments from the  
8 Commissioners?

9 COMMISSIONER MCCABE: Madam Chair?

10 CHAIR ZALEWSKI: Yes.

11 COMMISSIONER MCCABE: I just wanted to say that  
12 the approval of the plans and associated stipulation  
13 today represents a massive step toward optimizing  
14 electricity in Northern Illinois. The plan is  
15 innovative and cost-effective, recognizing energy  
16 efficiency, customer bills, society, and the  
17 environment. It focuses on affordability, including  
18 nearly tripling ComEd's CEJAs spending target for  
19 income-eligible households and a commitment to  
20 community engagement, equity, and diversity  
21 initiatives. I also recognize the stakeholders for  
22 their significant contributions to the stipulation.  
23 Thank you.

24 CHAIR ZALEWSKI: Thank you, Commissioner McCabe.

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1 Last call for other comments.

2 (No verbal response.)

3 CHAIR ZALEWSKI: Hearing nothing, are there any  
4 objections to approving the order on reopening?

5 (No verbal response.)

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

8 Item E-6 through E-10 concern  
9 applications for authority to install distributed  
10 generation facilities in Illinois. The order grants  
11 certificates, finding that applicants meet the  
12 requirements.

13 Are there any objections to considering  
14 these items together and approving the orders?

15 (No verbal response.)

16 CHAIR ZALEWSKI: Hearing none, the orders are  
17 approved.

18 Item E-11 concerns an application for a  
19 certificate to operate as an alternative retail  
20 electric supplier. The order grants the certificate,  
21 finding that the applicant meets the requirements.

22 Are there any objections to approving  
23 the order?

24 (No verbal response.)

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1 CHAIR ZALEWSKI: Hearing none, the order is  
2 approved.

3 Item E-12 concerns ICEA's petition for  
4 the Commission to open an investigation of ComEd's  
5 Rider Parallel Operation of Generation Community Supply  
6 -- or Rider POGCS. The Commission approved Rider POGCS  
7 in Docket Number 21-0851 on January 13th of 2022. That  
8 docket is currently on rehearing.

9 ICEA is requesting that the Commission  
10 strike, or in the alternative, order ComEd to remove  
11 the requirement for Rider POGCS that alternative retail  
12 electric suppliers, or "ARES," make payments to ComEd  
13 when that ARES' customer is taking service under Rider  
14 POGCS. ICEA requests the Commission open an  
15 investigation, on an accelerated timeline, into whether  
16 ComEd's proposed charges to ARES under POGCS are  
17 consistent with the law and Commission policies.

18 ICEA explains that Public Act 102-0662,  
19 or CEJA, rewrote Section 16.107.5(1) of the Public  
20 Utilities Act to now require that the utility credit  
21 the community solar subscriber, no matter whether the  
22 subscriber is on utility or ARES supply. The utility  
23 is also the only beneficiary of any reduction in  
24 wholesale load obligation. CEJA further states that

1 any shortfall that the utility experiences between the  
2 reduced wholesale load obligation and the energy supply  
3 credits may be recovered through the utility's  
4 Multi-Year Rate Plan. ICEA states that Rider POGCS,  
5 however, allows ComEd to recover the shortfall from  
6 ARES.

7 Staff agrees with ICEA that an  
8 investigation should be opened to determine if Rider  
9 POGCS conflicts with the Act. Staff also raises the  
10 filed rate doctrine. ICEA clarifies in its reply that  
11 it's not requesting that Rider POGCS be amended without  
12 a hearing.

13 The administrative law judge recommends  
14 that the Commission grant the petition, noting that  
15 ICEA raises an issue that the Commission has not  
16 considered and that requires interpretation of  
17 P.A. 102-0662. The ALJ also notes that the Commission  
18 can act expeditiously to consider whether ComEd should  
19 remove the disputed language, but only after notice and  
20 hearing.

21 The Commission agrees with the ALJ.  
22 Are there any objections to granting  
23 the petition?

24 (No verbal response.)



1 CHAIR ZALEWSKI: Hearing none, the petition is  
2 granted.

3 Item E-13 concerns a request for  
4 confidential treatment of petitioner's report. The  
5 order grants the protection, finding that the  
6 information is highly proprietary and confidential.

7 Are there any objections to approving  
8 the order.

9 (No verbal response.)

10 CHAIR ZALEWSKI: Hearing none, the order is  
11 approved.

12 Item E-14 concerns ComEd's petition for  
13 special permission to revise Rider Carbon-Free Resource  
14 Adjustment on less than 45-days' notice. ComEd's  
15 proposed tariff amendments would change the Carbon-Free  
16 Resource Adjustment from a flat adjustment for an  
17 entire billing year to one that varies between the  
18 summer and non-summer billing periods. ComEd states  
19 that this proposed change would better align the costs  
20 and revenues from the purchase and sale of Carbon  
21 Mitigation Credits with actual energy market prices.  
22 Commission Staff recommends granting the special  
23 permission.

24 Are there any objections to granting

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1 the special permission?

2 (No verbal response.)

3 CHAIR ZALEWSKI: Hearing none, the special  
4 permission is granted.

5 Item E-15 concerns a petition to cancel  
6 a certificate to install energy efficiency measures in  
7 Illinois. The order cancels the certificate.

8 Are there any objections to approving  
9 the order?

10 (No verbal response.)

11 CHAIR ZALEWSKI: Hearing none, the order is  
12 approved.

13 Items E-16 through E-19 concern  
14 applications for certifications to install energy  
15 efficiency measures in Illinois. The orders grant the  
16 certificates, finding that the applicants meet the  
17 requirements.

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

20 (No verbal response.)

21 CHAIR ZALEWSKI: Hearing none, the orders are  
22 approved.

23 Moving onto our Gas Items. Item G-1  
24 through G-3 concern motions to withdraw petitions for

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1 confidential treatment of petitioners' reports. The  
2 petitioners all note that their natural gas rates  
3 reports were filed electronically and both the public  
4 and confidential versions were posted on the  
5 Commission's website. Given that the reports already  
6 have been made public, the petitioners all respectively  
7 filed motions to withdraw the petitions and to close  
8 the dockets.

9 Are there any objections to considering  
10 these items together and granting the motions to  
11 withdraw?

12 (No verbal response.)

13 CHAIR ZALEWSKI: Hearing none, the motions are  
14 granted.

15 Item G-4 concerns a complaint against  
16 Peoples Gas alleging it disconnected service at the  
17 complainant's rental property without adequate notice  
18 and then improperly charged her a \$500 reconnection  
19 fee. The complainant has requested that the Commission  
20 order Peoples to waive the \$500 reconnection fee and  
21 all related taxes and any other relief the Commission  
22 deems just and equitable. The order grants the  
23 complaint and directs Peoples to waive the \$500  
24 reconnection fee and all related taxes, finding that

1 Peoples' disconnection of gas service at the  
2 respondent's property on April 2, 2021, violated  
3 Commission rules.

4 Are there any objections to approving  
5 the order?

6 (No verbal response.)

7 CHAIR ZALEWSKI: Hearing none, the order is  
8 approved.

9 Item G-5 concerns a complaint against  
10 Peoples Gas regarding alleged billing errors. The  
11 complainant alleges that she was charged by Peoples Gas  
12 for bills that had already been paid. The order denies  
13 the complaint, finding that the complainant has failed  
14 to meet the burden of proof to support her claim.

15 Are there any objections to approving  
16 the order?

17 (No verbal response.)

18 CHAIR ZALEWSKI: Hearing none, the order is  
19 approved.

20 Item G-6 concerns Nicor's petition for  
21 special permission to file tariff changes on less than  
22 45-days' notice to its rate for non-residential  
23 customers, referenced in Section F -- Implementation of  
24 New Base Rates. The Commission approved the rate in

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1 Nicor's last general rate case proceeding. Nicor  
2 states that the rate was incorrectly calculated. The  
3 proposed change to the tariff sheet corrects the rate  
4 for nonresidential customers in Section F from \$0.97  
5 per monthly equivalent bill to \$0.94. Commission Staff  
6 recommends granting the special permission.

7 Are there any objections to granting  
8 the special permission?

9 (No verbal response.)

10 CHAIR ZALEWSKI: Hearing none, the special  
11 permission is granted.

12 Under our Telecommunication Items, Item  
13 T-1 concerns an application for a certificate of a  
14 reseller of telecommunications services in Illinois.  
15 The order grants the certificate, finding that the  
16 applicant meets the requirements.

17 Are there any objections to approving  
18 the order?

19 (No verbal response.)

20 CHAIR ZALEWSKI: Hearing none, the order is  
21 approved.

22 Item T-2 concerns a request to cancel  
23 certificates of service authority to provide  
24 telecommunications services. The order cancels the

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1 certificates, finding that the cancellation will not  
2 deprive any Illinois customers of necessary  
3 telecommunications service and is not otherwise  
4 contrary to the public interest.

5 Are there any objections to approving  
6 the order?

7 (No verbal response.)

8 CHAIR ZALEWSKI: Hearing none, the order is  
9 approved.

10 Items T-3 through T-11 concern requests  
11 for confidential treatment of petitioners' reports.  
12 The orders grant the protection, finding that the  
13 information is highly proprietary and confidential.

14 Are there any objections to considering  
15 these items together and approving the orders?

16 (No verbal response.)

17 CHAIR ZALEWSKI: Hearing none, the orders are  
18 approved.

19 Under Other Business, Item O-1 concerns  
20 April 20202 solicitations of bids to sell indexed  
21 renewable energy credits from New Utility-Scale Solar,  
22 New Utility-Scale Wind, and New Brownfield Photovoltaic  
23 Projects to Ameren, ComEd, and MidAmerican.

24 Are there any objections to approving

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1 the procurement administrator's recommendations on  
2 selection of winning bids?

3 (No verbal response.)

4 CHAIR ZALEWSKI: Hearing none, the  
5 recommendations are approved.

6 Item 0-2 concerns the initiation of  
7 Equitable Energy Upgrade Program workshops to ensure  
8 timely compliance with deadlines prescribed by Public  
9 Act 102-0662. Public Act 102-0662 directs the  
10 Commission to "open an investigation into and direct  
11 all electric public utilities in this State to adopt an  
12 Equitable Energy Upgrade Program that permits customers  
13 to finance the construction of energy projects through  
14 an optional tariff payable directly through their  
15 utility bill, modeled after the Pay-As-You-Save system,  
16 developed by the Energy Efficiency Institute." In  
17 particular, the Commission is to establish program  
18 guidelines that electric utilities must abide by when  
19 implementing the program and shall adopt all rules  
20 necessary for the administration of the program.

21 The Commission directs Staff to  
22 initiate a workshop process, beginning in June of this  
23 year to enable interested parties to discuss and  
24 comment on the Equitable Energy Upgrade Program

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1 guidelines for the electric utilities. The Commission  
2 also directs Staff to, at the conclusion of these  
3 workshops, prepare recommendations for how these  
4 guidelines should be administered and put into effect.

5 Are there any objections to approving  
6 this Staff direction?

7 (No verbal response.)

8 CHAIR ZALEWSKI: Hearing none, the direction is  
9 approved.

10 Item 0-3 and 0-4 concern approval of  
11 batches, contracts, and confirmations under the  
12 Illinois Solar For All Program and Illinois Adjustable  
13 Block Program.

14 Are there any objections to considering  
15 these items together and approving the program  
16 administrator's submissions?

17 (No verbal response.)

18 CHAIR ZALEWSKI: Hearing none, the submissions  
19 are approved.

20 This concludes our Public Utilities  
21 Agenda.

22 (Whereupon, the proceedings concluded  
23 at 11:48 a.m.)

24