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BEFORE THE
ILLINOIS COMMERCE COMMISSION
PUBLIC UTILITIES EMERGENCY OPEN MEETING
Friday, May 20, 2022
Chicago, Illinois
Met pursuant to notice via videoconference at
11:00 a.m. at 160 North LaSalle Street, Chicago,
Illinois.
PRESENT:
CARRIE ZALEWSKI, Chairwoman
ETHAN KIMBREL, Commissioner
MARIA BOCANEGRA, Commissioner
MICHAEL CARRIGAN, Commissioner (via Springfield)
ANN MCCABE, Commissioner (via videoconference)
BRIDGES COURT REPORTING
BY: Quinn Dean
Electronic Reporter

1 CHAIR ZALEWSKI: Under the Open Meetings Act,
2 I call this May 20th, 2022, Emergency Open Meeting to
3 order. I am in the Chicago office with Commissioners
4 Bocanegra and Kimbrel. Commissioner Carrigan is in
5 Springfield. We have a quorum. Commissioner McCabe
6 has requested to participate remotely.

7 Are there any objections to allowing
8 Commissioner McCabe to participate remotely?

9 (No verbal response.)

10 Hearing none, Commissioner McCabe can
11 participate in today's meeting remotely.

12 Commissioner McCabe, can you hear us?
13 Can we make sure we can hear you?

14 COMMISSIONER MCCABE: Yes, I can.

15 CHAIR ZALEWSKI: Great. Thanks.

16 Okay. We are going to proceed to the
17 agenda, and we do -- I want to note we have a quorum.
18 But we are going to recess until 1:00 p.m. today. So
19 with that, we'll go into recess and reconvene at one
20 o'clock today. Thanks.

21 (Recess.)

22 CHAIR ZALEWSKI: Then we are -- as a reminder,

1 this is the Emergency Open Meeting for May 20th. I am
2 in the Chicago office with Commissioners Bocanegra and
3 Kimbrel.

4 And I guess, Commissioner Carrigan, I
5 should have started with are you ready to proceed in
6 Springfield?

7 COMMISSIONER CARRIGAN: We're ready to proceed if
8 you are.

9 CHAIR ZALEWSKI: Great. We have a quorum. I
10 believe we already called for Commissioner McCabe to be
11 dialed in from the previous call; is that correct? I'm
12 looking at my --

13 COMMISSIONER KIMBREL: Yes, Madam Chairman.

14 CHAIR ZALEWSKI: Great. Okay. So we're not
15 going to recall that vote. Okay.

16 So we're going to proceed with our
17 agenda -- our emergency agenda, and we have two items
18 on the agenda. And then I wanted to note just a little
19 bit of the procedure. Last night at Commission close
20 of business, ComEd filed a verified statement regarding
21 the May 16th, 2022, supplemental solicitation of bids
22 to sell standard energy products to Ameren, Comed, and

1 MidAmerican that was noticed as Item 2 on Commission's
2 May 20th Special Open Meeting. ComEd filed this
3 statement in Docket Number 21-0717. The Commissioners
4 only maintain -- or obtained, excuse me, the
5 confidential unredacted version of this statement this
6 morning.

7 In response, this morning, the
8 Commission Staff filed its verified response to
9 ComEd's statement in the same docket. Docket 21-0717
10 was not noticed on the May 20th, '22, Special Open
11 Meeting to consider ComEd's filing or Staff's response.
12 The Commission, therefore, scheduled this emergency
13 meeting.

14 Item 1 concerns Docket 21-0717, which
15 is the docket in which the Commission approved the 2022
16 IPA electricity procurement plan. And last night ComEd
17 filed a motion to -- for leave to file a verified
18 statement regarding the May 16th, 2022, supplemental
19 solicitation of bids. ComEd notes that the verified
20 statement contains information regarding undisclosed
21 auction results such that the entirety of the document
22 should be held confidential, and accordingly is

1 submitted entirely under seal with no public version
2 provided.

3 Staff notes that, given the statutory
4 requirement that the Commission vote or accept or
5 reject the procurement on Friday, May 20th, 2022, and
6 further, given the fact that ComEd's statement cannot
7 be evaluated by the Commission, the procurement
8 administrator or the procurement monitor in the time
9 available by law, the Commission should not consider
10 ComEd's statement in determining whether to approve the
11 procurement. The ALJ notes that because the Docket was
12 closed on May 4th of 2021, the Commission would have to
13 rule on the motion for leave to file before considering
14 the information filed by ComEd.

15 Is there a motion to reopen
16 Docket 21 -- at least to consider the motion, Docket
17 21-0717, for the limited scope of considering ComEd's
18 motion to file a verified statement and Staff response?

19 COMMISSIONER KIMBREL: So moved, Madam Chair.

20 CHAIR ZALEWSKI: Thank you, Commissioner.

21 THE COURT REPORTER: Sorry, Commissioner, could
22 you please repeat that? I didn't understand that.

1 CHAIR ZALEWSKI: Go ahead. I thought I heard
2 someone speaking. Okay. I'm going to now move on --

3 THE COURT REPORTER: I'm sorry, Commissioner,
4 could you repeat what you said? I didn't hear what
5 the -- was it Commissioner Carrigan who spoke?

6 CHAIR ZALEWSKI: Commissioner Kimbrel.

7 COMMISSIONER CARRIGAN: Yeah. I seconded the
8 motion.

9 THE COURT REPORTER: Okay. Thank you.

10 CHAIR ZALEWSKI: Thank you. Thank you,
11 Commissioner.

12 Okay. So now I'm going to open up to
13 comments. I have a couple of comments I'd like to
14 make. First, I want to commend the Staff for
15 responding to ComEd's last-minute, end-of-day filing and
16 for producing a thorough response on such short notice.
17 And I'd like to highlight that Staff noted its filing
18 that Staff is willing to work with stakeholders on the
19 solutions going forward and will consider ways in which
20 future procurement events can be designed consistent
21 with the law, taking into account any concerns ComEd or
22 other parties have and taking into account all

1 necessary information to secure reliable and least cost
2 energy for Illinois customers.

3 I'd also like to note that ComEd had
4 ample opportunity to raise this concern many times,
5 including but not limited to when the procurement plan
6 was approved by the Commission in November of 2021 and
7 when the supplemental procurement was announced on
8 April 26th of this year on the IPA website. The manner
9 in which ComEd filed their concern with the Commission
10 without giving stakeholders meaningful opportunity to
11 respond by filing late in the day before a 10:00 a.m.
12 open meeting while ComEd had long been aware of the
13 hedging strategies under the adopted program, shows
14 lack of good faith in bringing their concern before the
15 Commission.

16 Now, I just want to mention, despite my
17 distaste for the manner in which ComEd filed their
18 verified statement, I am going to vote today to open
19 the docket in the spirit of allowing ComEd to have
20 their voice heard within the docket.

21 Are there other comments?

22 COMMISSIONER BOCANEGRA: Chair, if I may. This

1 is Commissioner Bocanegra for the record. I just have
2 a comment. I'm not going to be voting in favor of
3 reopening for a few reasons. And most of it's
4 procedural, purely procedural in nature. And I can get
5 to the substantive stuff in a moment, but...

6 I don't think that it is the
7 Commission's job at this juncture to be ruling on their
8 motion. I think that this -- I think ComEd needed to
9 file a motion to reopen before the duly authorized ALJ
10 assigned to that docket before we even get to their
11 current pending motion. Moreover, I'm not even sure
12 this is being filed in the correct docket. I've read
13 the motion. I share the Chairman's concerns about the
14 substantive issues raised in that motion. However, I
15 will note that in the latest IPA filing, the long-term
16 procurement plan specifically says, and I'll just read
17 it for the record, that there were items not included
18 in the latest resource procurement plan, including the
19 CMC credits. The statement reads, "However, as they do
20 not fall within the scope and jurisdiction of what the
21 IPA may propose and what the Commission may approve as
22 part of this plan, specific proposals related to the

1 above-listed topics, and there are numerous, were not
2 made within that document."

3 Nevertheless, I do agree with the Chair
4 that ComEd has had ample time to participate in
5 whatever manner it so chose. So again, my vote today
6 is purely procedural, not in favor of reopening. Thank
7 you.

8 COMMISSIONER CARRIGAN: Chair --

9 CHAIR ZALEWSKI: Any other comments?

10 COMMISSIONER CARRIGAN: Commissioner Carrigan, if
11 I may speak.

12 CHAIR ZALEWSKI: Absolutely.

13 COMMISSIONER CARRIGAN: Certainly respect
14 Commissioner Bocanegra's comments, but I just want to
15 echo what you said. You know, after close of business
16 day yesterday, there was a filing. In my opinion, it's
17 just simply poor planning and does not constitute an
18 emergency on the part of the ICC in this hearing. So
19 I'll be supporting you with an "aye" vote.

20 CHAIR ZALEWSKI: Thank you.

21 Any other comments?

22 (No verbal response.)

1 Okay. So I am going to call the vote.
2 If you are in favor of reopening Docket 21-0717 for the
3 noted limited scope, please say "Aye," and if you are
4 opposed, please say "Nay."

5 Commissioner Bocanegra.

6 COMMISSIONER BOCANEGRA: Nay.

7 CHAIR ZALEWSKI: Commissioner Carrigan.

8 COMMISSIONER CARRIGAN: Aye.

9 CHAIR ZALEWSKI: Commissioner Kimbrel.

10 COMMISSIONER KIMBREL: Aye.

11 CHAIR ZALEWSKI: Commissioner McCabe.

12 COMMISSIONER MCCABE: Aye.

13 CHAIR ZALEWSKI: I vote aye.

14 So the four "Ayes" have it and
15 Docket 21-0717 is reopened.

16 So I'm now going to call a vote to
17 consider ComEd's motion and Staff's response. And the
18 vote -- I'll mention the vote that I will be calling
19 that if you are in favor of granting ComEd's motion to
20 file the verified statement and to consider Staff's
21 response, please say "Aye," and if you're opposed, say
22 "Nay."

1 I'll do another call for comments if
2 anyone has any before I call the vote.

3 (No verbal response.)

4 No. Okay.

5 So just to repeat, if you are in favor
6 of granting ComEd's motion to file the verified
7 statement and to consider Staff as a response, please
8 say "Aye," and if opposed, say "Nay."

9 Commissioner Bocanegra.

10 COMMISSIONER BOCANEGRA: Consistent with my
11 rationale for the first vote, I will be voting nay.

12 CHAIR ZALEWSKI: Commissioner Carrigan.

13 COMMISSIONER CARRIGAN: I vote aye.

14 CHAIR ZALEWSKI: Commissioner Kimbrel.

15 COMMISSIONER KIMBREL: Aye.

16 CHAIR ZALEWSKI: Commissioner McCabe.

17 COMMISSIONER MCCABE: Aye.

18 CHAIR ZALEWSKI: I vote aye.

19 The four "Ayes" have it and ComEd's
20 motion is granted.

21 So moving on to Item 2. Item 2
22 concerns the May 16th, 2022, supplemental solicitation

1 of bids to sell standard energy products to Ameren,
2 ComEd, and MidAmerican for the months of June through
3 September of 2022.

4 I have just a couple of brief comments
5 just to highlight that this procurement, in my
6 understanding, has been held -- and belief, has been
7 held in accordance with Commission rules and the 2022
8 power procurement plan approved by the Commission in
9 November of 2021. Commission Bocanegra read a couple
10 of those points that were contained in the plan. That
11 was very much appreciated.

12 In the IPA and the procurement monitor
13 and the procurement administrator followed the statute
14 and the Commission rules, and they approved a
15 procurement plan to comply with the hedging strategy to
16 protect consumers from the price volatility.

17 So I am going to be voting yes to
18 approve the procurement administrator's procurement.

19 I don't know if there's any other
20 comments.

21 (No verbal response.)

22 Okay. So I'm calling for a vote. If

1 you are in favor of approving the procurement
2 administrator's recommendation on selection of the
3 winning bids, please say "Aye," and if you are opposed,
4 please say "Nay."

5 Commissioner Bocanegra.

6 COMMISSIONER BOCANEGRA: Aye.

7 CHAIR ZALEWSKI: Commissioner Carrigan.

8 COMMISSIONER CARRIGAN: Aye.

9 CHAIR ZALEWSKI: Commissioner Kimbrel.

10 COMMISSIONER KIMBREL: Aye.

11 CHAIR ZALEWSKI: Commissioner McCabe?

12 COMMISSIONER MCCABE: Aye.

13 CHAIR ZALEWSKI: I vote aye.

14 The five "Ayes" have it and the
15 recommendations are approved. This concludes our
16 agenda.

17 Judge Teague Kingsley, do we have other
18 matters to come before the Commission today?

19 JUDGE TEAGUE KINGSLEY: No, Madam Chairman.

20 CHAIR ZALEWSKI: Do any of the other
21 Commissioners have other business to discuss?

22 (No verbal response.)

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Hearing none, and without objection,
the meeting is adjourned. Thank you.

(WHEREUPON, the above-entitled matter
was adjourned.)