

1 CHAIRMAN FLORES: Pursuant to the Provisions of
2 the Illinois Open Meetings Act, I now convene a
3 regularly scheduled open meeting of the Illinois
4 Commerce Commission.

5 With me in Chicago are
6 Commissioners Ford, O'Connell-Diaz, Elliott and
7 Acting Commissioner Colgan. I am Acting Chairman
8 Flores. 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 we allow for
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 there are no requests to
17 speak at today's meeting.

18 We now move to today's Public Utility
19 Agenda. We have a few sets of minutes to approve.
20 First up are minutes from the April 21st Bench
21 meeting. I understand that amendments have been
22 forwarded.

1 Is there a motion to amend the
2 minutes?

3 COMMISSIONER COLGAN: So moved.

4 CHAIRMAN FLORES: Is there a second?

5 COMMISSIONER ELLIOTT: Second.

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

7 All in favor say "aye."

8 (Chorus of ayes.)

9 CHAIRMAN FLORES: Any opposed?

10 (No response.)

11 CHAIRMAN FLORES: The vote is 5-0 amending the
12 minutes.

13 Is there a motion to approve the
14 minutes, as amended?

15 COMMISSIONER COLGAN: So moved.

16 CHAIRMAN FLORES: Is there a second?

17 COMMISSIONER ELLIOTT: Second.

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

19 All in favor say "aye."

20 (Chorus of ayes.)

21 CHAIRMAN FLORES: Any opposed?

22 (No response.)

1 CHAIRMAN FLORES: The vote is 5-0 approving the
2 April 21st bench session minutes, as amended.

3 We also have minutes to approve from
4 the April 29th Special Open Meeting. Amendments have
5 been forwarded.

6 Is there a motion to amend the
7 minutes?

8 COMMISSIONER O'CONNELL-DIAZ: Chairman, I
9 haven't seen those amendments and I'd like to see
10 those and review them prior to approving the minutes.

11 CHAIRMAN FLORES: Very well.

12 COMMISSIONER O'CONNELL-DIAZ: If we can just
13 hold this till the next time we meet.

14 CHAIRMAN FLORES: Very well.

15 We will be holding -- Commissioner,
16 did you have -- did you have a chance to look at the
17 minutes from the one that you just voted on -- the
18 previous one?

19 COMMISSIONER FORD: April 21st, yeah. She only
20 wants -- you only want to hold April 29 or the 29th
21 and 30th?

22 CHAIRMAN FLORES: The 29th?

1 COMMISSIONER O'CONNELL-DIAZ: Yes, the 29th.

2 COMMISSIONER FORD: 29.

3 CHAIRMAN FLORES: Very well.

4 So we will hold the minutes --
5 approving the minutes for the April 29th Special Open
6 Meeting.

7 Lastly, we have minutes from the
8 April 30th Special Open Meeting. There are no
9 amendments to these minutes. However, I just want to
10 make sure that everyone received a copy of these
11 minutes.

12 COMMISSIONER COLGAN: Yes.

13 CHAIRMAN FLORES: Commissioner Ford?

14 COMMISSIONER FORD: Yes.

15 CHAIRMAN FLORES: O'Connell-Diaz?

16 Very well.

17 Is there a motion to approve the
18 minutes?

19 COMMISSIONER ELLIOTT: So moved.

20 CHAIRMAN FLORES: Is there a second?

21 COMMISSIONER FORD: Second.

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

1 All in favor say "aye."

2 (Chorus of ayes.)

3 CHAIRMAN FLORES: Any opposed?

4 (No response.)

5 CHAIRMAN FLORES: The vote is 5-0 approving the
6 April 30th Special Open Meeting minutes.

7 We will begin with the Electric
8 Agenda. Item E-1 concerns tariffs filed by
9 Commonwealth Edison to revise compensation rates
10 under its Rider POG. Staff recommends that the
11 Commission allow the Company's proposal by not
12 suspending the filing.

13 Is there a motion to not suspend the
14 filing?

15 COMMISSIONER ELLIOTT: So moved.

16 CHAIRMAN FLORES: Is there a second?

17 COMMISSIONER COLGAN: Second.

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

19 All in favor say "aye."

20 (Chorus of ayes.)

21 CHAIRMAN FLORES: The vote is 5-0.

22 Commonwealth Edison's filing is not suspended.

1 We will use this 5-0 roll call vote
2 for the remainder of the public utilities agenda
3 unless otherwise noted.

4 Item E-2 concerns ComEd's proposed
5 tariff sheets to revise its Rider PE and Rate BESH on
6 less than -- on less than the required notice. Staff
7 recommends that that the Commission allow ComEd's
8 proposals by granting special permission.

9 Is there any discussion?

10 (No response.)

11 CHAIRMAN FLORES: Any objections?

12 (No response.)

13 CHAIRMAN FLORES: Hearing none the special
14 permission is granted.

15 Item E-3 is Docket Nos. 09-0306
16 through 09-0311. This is the Ameren Illinois
17 Utilities rate case. The Commission issued its final
18 Order in this case on April 29th and a corrected
19 Order on May 6. Ameren has filed a Motion For a
20 Partial Stay of the Final Order as corrected. Staff,
21 the Attorney General, and IIEC each objected to AIU's
22 motion for a partial stay, and Administrative Law

1 Judges Albers and Yoder recommended that the
2 Commission deny Ameren's motion.

3 Is there any discussion?

4 (No response.)

5 CHAIRMAN FLORES: Is there a motion to deny
6 Ameren's request for a partial stay of the Order?

7 COMMISSIONER ELLIOTT: So moved.

8 CHAIRMAN FLORES: Is there a second?

9 COMMISSIONER COLGAN: Second.

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

11 All in favor say "aye."

12 (Chorus of ayes.)

13 CHAIRMAN FLORES: Any opposed?

14 (No response.)

15 CHAIRMAN FLORES: The vote is --

16 COMMISSIONER O'CONNELL-DIAZ: Nay.

17 COMMISSIONER FORD: Nay.

18 CHAIRMAN FLORES: -- let's do a roll call vote.

19 COMMISSIONER O'CONNELL-DIAZ: Chairman, if I
20 might before we vote.

21 CHAIRMAN FLORES: Yes.

22 COMMISSIONER O'CONNELL-DIAZ: I just want to --

1 I just want to make a couple comments.

2 Normally it's not the occasion for the
3 Commission to enter stays. However, in this instance
4 there's just -- for lack of a better of word -- a
5 mountain of confusion and error surrounding this
6 proceeding. And I believe the Company has been put
7 in a -- somewhat of a hazmat situation.

8 As I look at this I see standards of
9 irreparable harm, not just to the Company, but to the
10 ratepayers. And so I really am put in a tough
11 position to vote yes on this. But I think that given
12 the circumstances it is really the only route to
13 continue to try to correct the Order that has been
14 entered here.

15 So I just wanted to say that for the
16 record.

17 COMMISSIONER FORD: I'm simply going to echo
18 the fact that I think the Company -- once again, and
19 the consumers will suffer irreparable harm. And I
20 think this matter needs to come back up to us so that
21 we can certainly rectify some of the changes that we
22 see -- that we feel is omitted. And I'll have to

1 vote nay.

2 COMMISSIONER COLGAN: Mr. Chairman.

3 CHAIRMAN FLORES: Any further discussion?

4 COMMISSIONER COLGAN: Yeah, I just think that
5 the stay doesn't --

6 JUDGE WALLACE: Excuse me. We're unable to
7 hear the Commissioner.

8 COMMISSIONER COLGAN: Sorry. Can you hear me
9 now? Is that better?

10 JUDGE WALLACE: Yes.

11 COMMISSIONER COLGAN: Okay.

12 -- that I think the -- I think there
13 is, you know, a lot going on with this case. And I
14 think that the Company certainly has indicated in the
15 media that they're going to ask for rehearing on this
16 case. And if we were to grant that, I think these
17 issues can be discussed at that point.

18 CHAIRMAN FLORES: Any further discussion?

19 (No response.)

20 CHAIRMAN FLORES: Let's take a roll call vote.

21 Commissioner Ford.

22 COMMISSIONER FORD: Nay.

1 CHAIRMAN FLORES: Commissioner O'Connell-Diaz.

2 COMMISSIONER O'CONNELL-DIAZ: We're voting to
3 grant the stay?

4 CHAIRMAN FLORES: The vote is to deny the
5 motion.

6 COMMISSIONER O'CONNELL-DIAZ: Okay. Nay.

7 CHAIRMAN FLORES: Commissioner Elliott.

8 COMMISSIONER ELLIOTT: Aye.

9 CHAIRMAN FLORES: Acting Commissioner Colgan.

10 COMMISSIONER COLGAN: Aye.

11 CHAIRMAN FLORES: And Acting Chairman Flores
12 votes aye.

13 Let the record reflect that the vote
14 is 3-2 for the denial of Ameren's motion. The motion
15 is denied. Ameren's motion is denied.

16 Items E-4 through E-7 will be taken
17 together. These items concern the application for
18 Licensure of Agents, Brokers & Consultants under
19 Section 16-115C of the Public Utilities Act. In each
20 case, the Administrative Law Judge recommends entry
21 of an Order granting the requested certificate of
22 services authority.

1 Is there any discussions?

2 (No response.)

3 CHAIRMAN FLORES: Any objections?

4 (No response.)

5 CHAIRMAN FLORES: Hearing none the Orders are
6 entered and the requested certificates of service
7 authority are granted.

8 Items E-8 and E-9 are Docket Nos.
9 10-0091, -0095. These are the two utility electric
10 on-bill financing dockets and oral argument is
11 scheduled on these dockets for 1:00 p.m. this
12 afternoon. Consequently, they will be held for
13 disposition at a future hearing.

14 Item --

15 COMMISSIONER O'CONNELL-DIAZ: Chairman --
16 excuse me -- if I may. Could we go back to E-5?

17 CHAIRMAN FLORES: Yes. E-5.

18 COMMISSIONER O'CONNELL-DIAZ: Is Judge Yoder
19 there, please?

20 JUDGE YODER: Yes, Commissioner.

21 COMMISSIONER O'CONNELL-DIAZ: Yeah, Judge, I
22 couldn't help but notice the name of the applicant

1 here, Santana Natural Gas Corporation. And if my
2 recollection serves me properly, I think we looked at
3 some of the orders that emanated having to do with
4 the activities of that Company in our state just
5 recently in the CUB matter/U.S. Energy case. And so
6 it gave me pause as I was going through this request
7 for certificate of authority -- certificate of
8 service authority on the electric side.

9 Can you tell me -- I know that we
10 entered an Order giving Santana certain conditions.
11 Was there inquiry in this particular certificate case
12 with regard to assurances that the Commission will
13 have on a going-forward basis with regard to this
14 company and the appropriateness of the -- of how they
15 will conduct their operations in our state on the
16 electric side?

17 JUDGE YODER: Well, I'm not sure exactly how to
18 address that question. Based on the Commission's
19 inquiry in sessions past I've changed my inquiry and
20 the ALJ rulings sent out to the agents, brokers and
21 consultants and inquired of them if they are licensed
22 in any other jurisdictions similar to our agent,

1 broker and consultants certification in Illinois and
2 whether they have any history of complaints filed
3 against them in either the electric or gas
4 industries. Based on my --

5 COMMISSIONER O'CONNELL-DIAZ: Judge Yoder,
6 could you get closer to the mike because I'm having a
7 hard time hearing you, please.

8 JUDGE YODER: I thought I was too close.

9 So I inquired of Santana their
10 licensing in other jurisdictions as an agent, broker,
11 consultant also their complaint history --

12 COMMISSIONER O'CONNELL-DIAZ: Judge Yoder, I
13 don't mean to interrupt you, but we're having a hard
14 time hearing you. You might need to switch
15 microphones.

16 JUDGE YODER: I'll try that again.

17 Based on the Commission's inquiry in
18 sessions past I inquire of agents, brokers and
19 consultants of their licensees in other jurisdictions
20 other than --

21 COMMISSIONER O'CONNELL-DIAZ: Judge, I'm just
22 going to cut this short. I'm not worried about their

1 activities in other jurisdictions. I'm worried about
2 their activities in our state. We had problems with
3 this company on the gas side, so I'm --

4 JUDGE YODER: Well -- so, yes, I inquire of
5 agents -- or ABCs of their complaint history in
6 either the electric or gas industry. And Santana
7 responded that -- in their response indicated I
8 believe they had six complaints filed against them
9 since 19- -- I'm sorry -- 2002. Each of those had
10 been dismissed by Commission action, mostly by joint
11 agreement by the parties. And another '02 docket was
12 dismissed by CUB.

13 They also indicated they had an
14 Attorney General suit following Hurricane Katrina
15 when Santana attempted to get out of basically their
16 fixed price contracts by declaring force majeure.
17 The Attorney General had filed an action against them
18 which was resolved by Santana and the Attorney
19 General by settlement, and that was in 2006.

20 COMMISSIONER O'CONNELL-DIAZ: Are you aware of
21 what the settlements were? Did they involve money or
22 what -- do we have any information with regard to

1 those settlement with CUB and the AG?

2 JUDGE YODER: Yes. The settlement terms
3 were -- of total about 8 million of moneys reimbursed
4 or not going to be collected. About \$3 million in
5 restitution to fixed price customers. Santana agreed
6 not to collect a refund or not to collect an
7 administrative fee. Santana agreed to reduce the
8 cost of natural gas for its fixed price customers and
9 agreed to make a contribution to the Attorney
10 General's Consumer Education Fund as part of that
11 settlement.

12 So based on my review of that and the
13 fact that Santana was -- is still licensed as an AGS
14 or alternative gas supplier --

15 COMMISSIONER O'CONNELL-DIAZ: What about on the
16 CUB side?

17 JUDGE YODER: The only complaint I could find
18 by CUB against Santana -- whether they were part of
19 that Attorney General suit -- the one complaint by
20 CUB I could find was dismissed by CUB. They filed a
21 motion to dismiss that complaint.

22 COMMISSIONER O'CONNELL-DIAZ: And was that

1 based on a settlement?

2 JUDGE YODER: I don't believe the -- if it was,
3 it was not indicated in the motion to dismiss filed
4 by CUB.

5 COMMISSIONER O'CONNELL-DIAZ: So these six
6 complaints happened after those two particular ones
7 that you've just noted?

8 JUDGE YODER: Well, they had six complaints
9 between 2002 and 2006 -- or I'm sorry, in 2008. And
10 the Attorney General suit which was in 2006. Their
11 response and my checking our e-Docket system does not
12 show any complaints filed against Santana since 2008.

13 COMMISSIONER O'CONNELL-DIAZ: Thank you.

14 CHAIRMAN FLORES: Any further discussion?

15 COMMISSIONER O'CONNELL-DIAZ: I just have a
16 concern about granting certificate of authority to
17 this company.

18 COMMISSIONER COLGAN: In reading the Order I --
19 it kind of stuck out on my radar as well, the six
20 complaints. I decided to defer to the ALJ's point of
21 view on it and support it. But, you know, I do think
22 that -- that there is some reason to have some

1 concern about this company.

2 COMMISSIONER FORD: Well, we certainly can
3 support it, but we can ask Staff to do due diligence
4 with it. And if anything else comes up at all, we
5 still have jurisdiction. So we can come back and
6 revisit this.

7 COMMISSIONER COLGAN: Exactly. Yes.

8 COMMISSIONER O'CONNELL-DIAZ: Judge Yoder, I
9 see that the deadline is June 2nd.

10 JUDGE YODER: Yes, I believe that's correct.

11 COMMISSIONER O'CONNELL-DIAZ: Can we put this
12 over till June 2nd and -- going along with what
13 Commissioner Ford suggested, maybe we could address
14 that in the Order itself with regard to -- I mean,
15 Staff always would be looking at anyone that's
16 operating in our area. But I would feel better if
17 there was something in the Order itself memorializing
18 that and setting that forth.

19 So since we have another meeting that
20 we can meet this deadline, I prefer to hold it until
21 then and see what the Commission's pleasure would be
22 on that date.

1 CHAIRMAN FLORES: I want the record to reflect
2 then that we are going to hold E-5 and move forward
3 with E-4, E-6 and E-7, but that we will be holding
4 E-5. Again, let the record reflect that Orders are
5 being entered and the requested certificates of
6 service authority are granted for E-4, E-6 and E-7.
7 E-5 will be held. Thank you.

8 COMMISSIONER O'CONNELL-DIAZ: Thank you. Sorry
9 for the confusion.

10 CHAIRMAN FLORES: Again, Items E-8 and E-9,
11 Docket No. 10-0091 and 10-0095 will be held.

12 Item E-10 is Docket No. 10-0104. This
13 is Bradley Lewis's application for Licensure as an
14 Agent, Broker and Consultant under Section 16-115C of
15 the Public Utilities Act. Administrative Law Judge
16 Yoder recommends entry of an Order granting the
17 requested certificate of service authority.

18 Is there any discussion?

19 (No response.)

20 CHAIRMAN FLORES: Any objections?

21 (No response.)

22 CHAIRMAN FLORES: Hearing none, the Order is

1 entered and the requested certificate of service
2 authority is granted.

3 Item E-11 is Docket No. 10-0221. This
4 is Direct Energy Business, LLC's petition to protect
5 against the disclosure of confidential and/or
6 proprietary information. Administrative Law Judge
7 Haynes recommends entry of an Order protecting the
8 information from disclosure for a period of two
9 years.

10 Is there any discussion?

11 (No response.)

12 CHAIRMAN FLORES: Any objections?

13 (No response.)

14 CHAIRMAN FLORES: Hearing none, the Orders --
15 the Order is entered.

16 Item E-12 is Docket No. 10-0293. This
17 involves a complaint as to billing and charges
18 against ComEd. A motion to dismiss has been filed by
19 the Complainants indicating that the matter has been
20 settled. Administrative Law Judge Hilliard
21 recommends granting the motion to dismiss with
22 prejudice.

1 Is there any discussion?

2 (No response.)

3 CHAIRMAN FLORES: Any objections?

4 (No response.)

5 CHAIRMAN FLORES: Hearing none, the motion to
6 dismiss is granted.

7 Item E-13 is Docket No. 10-0315. This
8 is ComEd's application for authority pursuant to
9 Section 6-102(d) of the Public Utilities Act to do
10 the following: First, enter into one or more loan
11 agreements with one or more banks or other lending
12 institutions or governmental authorities and to incur
13 loans, borrowings or extensions of credit thereunder;
14 second, to issue and sell First Mortgage Bonds in one
15 or more series; and, third, to issue and sell notes
16 in one or more series; all in an aggregate principal
17 or stated amount not to exceed \$400 million which
18 will be used for purposes of refunding, redeeming or
19 refinancing outstanding borrowings, notes or other
20 evidences of indebtedness. Staff and Administrative
21 Law Judge Hilliard both recommend entry of an Order
22 approving ComEd's application.

1 Is there any discussion?

2 (No response.)

3 CHAIRMAN FLORES: Any objections?

4 (No response.)

5 CHAIRMAN FLORES: Hearing none, the Order is
6 entered and ComEd's application is approved.

7 That concludes the Electric portion of
8 today's agenda.

9 Turning to Natural Gas, Item G-1 is
10 Docket No. 06-0751 and 07-0311. This concerns North
11 Shore Gas and Peoples Gas' reconciliation of revenues
12 collected under gas adjustment charges with actual
13 costs prudently incurred. Staff and the companies
14 have agreed to a set of recommendations, and
15 Administrative Law Judge Baker recommends entry of an
16 Order approving reconciliation that reflects these
17 changes.

18 Is there any discussion?

19 (No response.)

20 CHAIRMAN FLORES: Any objections?

21 (No response.)

22 CHAIRMAN FLORES: Hearing none, the Order is --

1 the Order approving reconciliation is approved.

2 Item G-2 is Docket No. 08-0157. This
3 involves Peoples Gas's reconciliation of revenues
4 collected under Coal Tar rides with prudent costs
5 associated with coal tar clean up expenditures.
6 According to Administrative Law Judge Baker there are
7 no contested issues in this docket, and she
8 recommends entry of an Order approving
9 reconciliation.

10 Is there any discussion?

11 (No response.)

12 CHAIRMAN FLORES: Any objections?

13 (No response.)

14 CHAIRMAN FLORES: Hearing none, the Order
15 approving reconciliation is approved.

16 Item G-3 is Docket No. 08-0175. This
17 case concerns a complaint brought by the Citizens
18 Utility Board, Citizens Action Illinois, and AARP
19 against U.S. Energy Savings Corporation, an
20 alternative gas supplier. We've also got a Staff
21 Report to hear today on this docket, and we'll hold
22 this motion until we've heard Staff's Report.

1 Items G-4 and G-5 are Docket Nos.
2 10-0090 and 10-0096. These constitute the two
3 natural gas on-bill financing dockets. Oral argument
4 on these dockets will be held today at 1:00 p.m., and
5 these items will be held for disposition at a future
6 hearing.

7 Item G-6 is Docket No. 10-0264. This
8 is Tamela Milan-Wolf's complaint as to billing and
9 charges against Peoples Gas. The dispute has been
10 resolved and Administrative Law Judge Riley
11 recommends that the Commission grant the parties'
12 joint motion to dismiss the complaint with prejudice.

13 Is there any discussion?

14 (No response.)

15 CHAIRMAN FLORES: Any objections?

16 (No response.)

17 CHAIRMAN FLORES: Hearing none, the joint
18 motion to dismiss is granted.

19 That concludes the Natural Gas portion
20 of today's agenda.

21 We now move to the Telecommunication
22 portion.

1 Item T-1 is Docket No. 09-0580. This
2 is Steve Sack's complaint against Illinois Bell
3 Telephone Company as to installation of a cable. The
4 parties have brought a joint motion to dismiss, and
5 Administrative Law Judge Hilliard recommends the
6 Commission grant the motion.

7 Is there any discussion?

8 (No response.)

9 CHAIRMAN FLORES: Any objections?

10 (No response.)

11 CHAIRMAN FLORES: Hearing none, the joint
12 motion to dismiss is granted.

13 Item T-2 is Docket 10-0120. This item
14 concerns New Communications Online and Long Distance
15 Incorporated's application for a certificate of
16 interexchange authority to operate as a reseller of
17 telecommunications services in the service areas of
18 Verizon North and Verizon South in the State of
19 Illinois. Administrative Law Judge Teague recommends
20 entry of an Order granting the certificate.

21 Is there any discussion?

22 (No response.)

1 CHAIRMAN FLORES: Hearing none, the Joint
2 Applicants' request for approval is granted.

3 Item T-4 through T-8 will be taken
4 together. These items each involve joint petitions
5 surrounding resale and interconnection agreements
6 under 47 U.S.C. Section 252. In each docket the
7 Administrative Law Judge recommends an Order
8 approving a new agreement or an amendment to an
9 existing agreement.

10 Is there any discussion?

11 (No response.)

12 CHAIRMAN FLORES: Any objections?

13 (No response.)

14 CHAIRMAN FLORES: Hearing none, the Orders are
15 entered.

16 Items T-9 -- or Item T-9, rather, is
17 Docket No. 10-0228. This concerns Bestel's U.S.A.'s
18 application for a certificate of service authority
19 allowing it to serve as a prepaid calling service
20 provider in the State of Illinois. Administrative
21 Law Judge Riley recommends entry of an Order granting
22 the certification.

1 Is there any discussion?

2 (No response.)

3 CHAIRMAN FLORES: Any objections?

4 (No response.)

5 CHAIRMAN FLORES: Hearing none, the Order is
6 entered and the certificate is granted.

7 Item T-10 is Docket 10-0245. This
8 item concerns Illinois Telecommunications Access
9 Corporation's petition for annual line change
10 determination. The Company has filed an application
11 for rehearing seeking to have the Order amended to
12 reflect that, one, only carriers who do not have
13 tariffs on file must file new tariffs; and, two,
14 carriers filing new tariffs must include language for
15 charges for T-1 and other advanced services.
16 Administrative Law Judge Hilliard recommends granting
17 the application for rehearing and entering an Order
18 on Rehearing that incorporates the changes requested
19 by the Applicant.

20 Is there any discussion?

21 (No response.)

22 CHAIRMAN FLORES: Any objections?

1 (No response.)

2 CHAIRMAN FLORES: Hearing none, the application
3 is granted and the Order incorporating the requested
4 change is entered.

5 Item T-11 is Docket No. 10-0284. This
6 is Dollar Phone Enterprise's petition to protect
7 against the disclosure of confidential and/or
8 proprietary information. Administrative Law Judge
9 Tapia recommends Order -- entry of an Order exempting
10 the company's Report from disclosure for a period of
11 two years.

12 Is there any discussion?

13 (No response.)

14 CHAIRMAN FLORES: Any objections?

15 (No response.)

16 CHAIRMAN FLORES: Hearing none, the Order is
17 entered.

18 Item T-12 is Docket No. 10-0299. This
19 item concerns MTI's application for Designation as an
20 Eligible Telecommunications Carrier for Purposes of
21 Receiving Federal Universal Service Support pursuant
22 to Section 214(e)(2) of the Telecommunications Act of

1 1996. MTI has made a motion to withdraw its
2 application without prejudice, and Administrative Law
3 Judge Riley recommends granting that motion.

4 Is there any discussion?

5 (No response.)

6 CHAIRMAN FLORES: Hearing none, the motion to
7 withdraw is granted.

8 Item T-13 is Docket No. 10-0306. This
9 concerns the Village of Oak Lawn's petition for
10 modification of 911 Emergency Telephone Number
11 System. Specifically, the Village seeks to add a
12 remote answering center to its existing system.
13 Administrative Law Judge Haynes recommends entering
14 an Order approving of this modification.

15 Is there any discussion?

16 (No response.)

17 CHAIRMAN FLORES: Any objections?

18 (No response.)

19 CHAIRMAN FLORES: Hearing none, the Order is
20 entered.

21 We now move to Water and Sewer Service
22 items.

1 Item W-1 is Docket No. 09-0369. This
2 item concerns an Asset Purchase Agreement between
3 Aqua Illinois, Incorporated, and Northern Illinois
4 Investment Group and granting to Aqua Illinois,
5 Incorporated, a Certificate of Public Convenience and
6 Necessity to operate a water production and
7 distribution system. The Commission entered an Order
8 in this docket on May 5th, and Administrative Law
9 Judge Riley recommends the entry of an Amendatory
10 Order that addresses some minor changes.

11 Is there any discussion?

12 (No response.)

13 CHAIRMAN FLORES: Any objections?

14 (No response.)

15 CHAIRMAN FLORES: Hearing none, the Amendatory
16 Order is entered.

17 Item W-2 is Docket No. 10-0110. This
18 is a Whispering Hills Water Company's proposed
19 general increased in water rates. Before us today is
20 a Resuspension Order that would serve to extend the
21 period of suspense of the proposed increase to
22 including December 3, 2010.

1 Is there any discussion?

2 (No response.)

3 CHAIRMAN FLORES: Any objections?

4 (No response.)

5 CHAIRMAN FLORES: Hearing none, the
6 Resuspension Order is entered.

7 This concludes the Water and Sewer
8 portion of today's agenda.

9 We have a couple of other matters for
10 disposition today. The first concerns a Staff Report
11 on the Independent Management Audit of Just Energy
12 undertaken pursuant to our order is Docket
13 No. 08-0175.

14 Staff, would you please brief us on
15 this matter.

16 MR. NEHRT: Yes. This is Randy Nehrt in
17 Springfield.

18 CHAIRMAN FLORES: Good morning.

19 MR. NEHRT: Good morning.

20 Staff submitted a Staff Report to the
21 Commission recommending an auditor pursuant to the
22 Commission's Order in 08-0175. Just to summarize

1 that report briefly, on April 13 the Commission
2 ordered Just Energy to undergo an in-depth audit of
3 the sales program. The Order required Just Energy to
4 propose three potential auditors within two weeks of
5 the order.

6 On April 28th the Company submitted
7 two proposed auditors and indicated that two other
8 auditors that they had solicited or contacted had
9 declined to submit proposals. On May 11th the
10 Company provided the name of a third auditor that it
11 felt was willing to submit a proposal, and on May
12 13th the third auditor submitted a proposal to Staff.

13 Staff interviewed the three auditors
14 on May 10th and May 13th. Staff believed that the
15 Commission's Order requires an audit that does two
16 things, one, measures compliance with the Alternative
17 Gas Supplier Law and Commission Order; and, two,
18 provides an assessment that results in
19 recommendations for improvements in business
20 practices that will reduce customer complaints.

21 One of the three proposed auditors
22 was -- submitted a proposal to engage in a compliance

1 audit but said that it was unwilling to engage in the
2 second aspect of the audit that would provide
3 recommendation for these complaints. The other two
4 auditors proposed submitted proposals that would
5 engage in both of the aspects of the Commission
6 Order -- Commission Order audit.

7 After interviewing the companies,
8 reviewing their proposals, submitting to all
9 questions, receiving answers and checking references,
10 Staff recommends that the Commission approve
11 McGladrey & Pullen to perform the Just Energy audit
12 subject to finalizing an audit plan and contract. If
13 the Commission approves McGladrey, Staff will begin
14 working with McGladrey and Just Energy to provide an
15 executable contract for the Commission for approval
16 as is required in the Commission order.

17 CHAIRMAN FLORES: Mr. Nehrt?

18 MR. NEHRT: Yes.

19 CHAIRMAN FLORES: I hate to interrupt you. But
20 there's a question that's pending. Commissioner Ford
21 has a --

22 COMMISSIONER FORD: Yes. Is this an Illinois

1 company?

2 MR. NEHRT: They are an international company,
3 I believe, that has offices and staff in Illinois.

4 COMMISSIONER FORD: And they meet all our
5 diversity standards MWBE?

6 MR. NEHRT: Excuse me?

7 COMMISSIONER FORD: And they meet all the
8 diversity standards MWBE?

9 MR. NEHRT: I can't answer that question. I'm
10 sorry. Staff did not check that.

11 COMMISSIONER FORD: I need that checked.

12 MR. NEHRT: Okay.

13 COMMISSIONER FORD: I'd like to hold this.

14 CHAIRMAN FLORES: We're going to hold -- did
15 we --

16 Randy, were you finished with your
17 overall briefing, though?

18 MR. NEHRT: If I could maybe just lay out the
19 time line as I see it as provided in the Commission
20 Order.

21 The next step -- if the Commission
22 were to approve the recommended auditor, the next

1 step according to the Commission Order would be for
2 the Commission to specifically approve the audit
3 contract and for the audit plan to be developed and
4 for Staff to approve the audit plan.

5 The Commission Order called for the
6 audit to commence on June 1st. Given the time frame
7 of when the third auditor was submitted to Staff to
8 review and interview and the fact that we have about
9 three business days between now and June 1st, Staff
10 would request an extension of the commencement date
11 in order to ensure that we get the audit contract
12 language and the audit plan -- the audit contract
13 language submitted sufficient for approval in a
14 format that the Commission -- that we're comfortable
15 recommending. And also to get an audit plan in place
16 and approved by Staff that we will be effective in
17 meeting the Commission's Order.

18 It's important to note that we have
19 tried to start to work out some of the scope of the
20 contract, the audit plan and some issues that the
21 Company is concerned about with regard to the audit
22 in advance based on the time line. That -- it's

1 important to note that Staff and Just Energy are not
2 necessarily on the same page on some of those issues,
3 including an issue of confidentiality of the actual
4 audit report and audit materials.

5 The reason that this is an important
6 issue is its critical to the language of the audit
7 contract and the audit plan. Staff recommends that
8 the Commission direct that the Just Energy audit be
9 made public with confidential information be redacted
10 according to the provisions of the Public Utility Act
11 and other relevant law.

12 COMMISSIONER O'CONNELL-DIAZ: Mr. Nehrt, what's
13 the value of this contract?

14 MR. NEHRT: The value of the audit contract?

15 COMMISSIONER O'CONNELL-DIAZ: Yes.

16 MR. NEHRT: You mean amount?

17 COMMISSIONER O'CONNELL-DIAZ: Yep.

18 MR. NEHRT: I might just check with -- maybe
19 OGC to see if that's proprietary in any way. We
20 don't have a contract submitted at this point. That
21 would be the next step to try to get that worked out
22 and submitted to the Commission for their approval

1 once the Commission approves the auditor.

2 MS. NAUGHTON: Commissioner, we are having --
3 we have had some discussions with the Company. They
4 do believe that even the audit amount -- it's my
5 understanding the audit amount is confidential. And,
6 frankly, we're still trying to work that out, which
7 is part of the reason we're looking for some guidance
8 from you. They believe really everything ought to be
9 confidential. We're somewhat concerned even about
10 the auditors' names being made public.

11 COMMISSIONER ELLIOTT: I can see some value to
12 not releasing that information at least until the
13 contract is signed, certainly.

14 But, Randy, one question with regard
15 to the extension, what extension are you looking for?
16 And, you know, procedurally how does the Commission
17 go about granting that?

18 MR. NEHRT: Well, if the Commission wanted to
19 approve that contract in an open meeting I -- you
20 know, I note that there's a prebench on June 1st and
21 2nd. I think Staff would ask for a commensurate
22 amount of time roughly equal to the amount of time

1 that the -- Just Energy needed to propose a third
2 auditor, which is roughly two weeks. So looking at
3 the Commission schedule, the next opportunity if you
4 took that into account for the Commission to approve
5 a contract if it were set in an open meeting would be
6 probably June 23rd.

7 COMMISSIONER FORD: But for us to send an RFP
8 out it should have been a range of dollars. We just
9 can't open up -- when I came to this Commission, we
10 had a blood bath with auditors and the amount of
11 money being spent. And I have a problem with this if
12 we are going to open up a contract and have an RFP
13 and we don't know the price we're going to pay these
14 people. We have no idea? That's --

15 MR. NEHRT: Well, again, Staff has -- in a
16 proposal to Staff has reviewed it has -- we have been
17 provided a range in the cost of the audit. This
18 audit is not -- per the Commission's Order was not
19 directed through an RFP process, but it was directed
20 in a fashion the Company would submit three auditors
21 to Commission Staff to review and recommend one of
22 the three to the Commission for approval.

1 COMMISSIONER COLGAN: And, Mr. Nehrt, don't we
2 have three now?

3 MR. NEHRT: We do, and Staff has interviewed
4 all three and reviewed their proposals and made a
5 recommendation to the Commission.

6 COMMISSIONER COLGAN: So the motion to grant
7 more time to find the third auditor has become a moot
8 issue at this point?

9 JUDGE WALLACE: Commissioner Colgan, this is
10 Judge Wallace. U.S. Energy's motion for an extension
11 of time to find a third auditor is essentially moot
12 because they have provided a third auditor. The
13 motion for an extension of time remains somewhat
14 viable because the position that puts Staff in.

15 The extension of time would not be for
16 U.S. Energy to provide another auditor but the
17 extension of time would be commensurate to allow
18 Staff time to complete the process.

19 COMMISSIONER COLGAN: But, Judge Wallace, what
20 we have in front of us is a motion to grant
21 additional time for the third auditor, but I don't
22 think we have anything in front of us requesting an

1 extension -- can we do that --

2 JUDGE WALLACE: Yes. Yes. You can --

3 COMMISSIONER COLGAN: -- on our own motion?

4 MR. WALLACE: -- you can alter the schedule
5 which you set forth in the April 13th Order on your
6 own motion. And it would just simply be an amendment
7 to the schedule that was laid out. You can do that
8 on your own motion to -- and then, you know, notice
9 would be sent out by the Chief Clerk's Office.

10 COMMISSIONER COLGAN: So then a motion to
11 extend the time and to hold the decision would meet
12 Commission Ford's request as well as the Staff's
13 request at this point?

14 JUDGE WALLACE: It would seem to give Staff
15 additional time to perform the inquiry for
16 Commissioner Ford.

17 MR. NEHRT: Staff's concern might be then it
18 would be difficult to finalize a contract and not a
19 plan until the Commission's actually approved the
20 auditor.

21 MS. NAUGHTON: If I may, Commissioners and
22 Chairman, Staff will probably need an additional two

1 weeks after you've approve the auditor. So if you're
2 holding your approval pending the information that
3 Commissioner Ford has asked, we're probably looking
4 for an additional two weeks once that auditor was
5 approved, just to be clear.

6 COMMISSIONER O'CONNELL-DIAZ: I just remind
7 everyone that these costs are going to be flowed back
8 to the ratepayers. And this is why audits, in my
9 mind, are very extremely troubling because it's an
10 extra layer of costs. I know that the Order was
11 entered. And with regard to Commission Ford's point,
12 it's extremely well taken.

13 And any kind of contracts -- at least
14 since Commissioner Ford and I have been there looking
15 at, you know, the wide spectrum of our universe here
16 in our state with regard to giving those types of
17 contracts out, it has always been an issue that we
18 look at minority and women hiring. And so by virtue
19 of the fact that that's not even on the radar screen
20 is quite disturbing to me. We can go to other
21 commissions and hear about how forward-looking
22 Illinois has been with regard to, you know, getting

1 more people to -- from the minority sector to share
2 in what we do here at the Commission.

3 And I, too, am concerned about what
4 kind of money we're talking about. I understand it
5 might be a proprietary number, but we all can recall
6 the \$52 million telecom fiasco that went on for,
7 what, six years. I think three companies split off
8 on that one. I don't want to get into something like
9 that ever, ever again. So...

10 COMMISSIONER COLGAN: Can somebody refresh my
11 memory. I was thinking that this audit was to be at
12 the expense of the Company and not the ratepayers.

13 COMMISSIONER O'CONNELL-DIAZ: That was an
14 issue.

15 MR. NEHRT: The Order calls for the Company to
16 pay for the audit. What I might suggest is I would
17 be happy to try to get an answer for Commissioner
18 Ford -- to Commission Ford's question right away.
19 And if we could get an answer to that and maybe
20 resubmit that Staff Report including that information
21 to the Commission maybe to -- for approval in the
22 June 2nd meeting. And at that point then Staff -- if

1 the Commission approved, the auditor could begin
2 working on the audit contract and the audit plan.

3 CHAIRMAN FLORES: That's fine. But we still
4 have to resolve the issue of the timing because then
5 that would -- it would put potentially the party in
6 noncompliance, even though it's an issue of some
7 questions that have yet to be answered.

8 And so I'd like to suggest that we
9 control this matter, that we entertain -- I'd like to
10 make a motion at this time that we, at the minimum,
11 extend the schedule for two weeks. And that by then
12 we will have the opportunity to further review and
13 answer these questions. And then at that time we may
14 also have to, again, extend the timing to allow Staff
15 and the parties to work together in order to make the
16 Order functional.

17 COMMISSIONER COLGAN: Mr. Chairman.

18 CHAIRMAN FLORES: So I'd like to make a
19 motion --

20 Yes, sir.

21 COMMISSIONER COLGAN: I think the next time we
22 meet after we meet next week, which is not enough

1 time, but I think then the next time we meet is the
2 22nd for prebench and the 23rd for bench. So maybe
3 we can just extend it till the next time we meet.

4 CHAIRMAN FLORES: Well, I just heard Mr. Nehrt
5 say --

6 Can I get some clarification. How
7 much time do you need, Mr. Nehrt?

8 MR. NEHRT: I think that if we can
9 appropriately answer the question for the --
10 Commissioner Ford put forward and the Commission were
11 able to approve the auditor that Staff recommends on
12 June 2nd, that we could have a contract before the
13 Commission for approval on June 23rd. And, likely,
14 the audit plan and the audit contract would be
15 developed together and they would be able to
16 implement the audit starting about that time as well.

17 CHAIRMAN FLORES: So in terms of timing I'd
18 like to make a motion that we extend the deadline
19 here to the next hearing, which you said is June --

20 I'm sorry -- June what again?

21 MR. NEHRT: 23rd.

22 CHAIRMAN FLORES: No. No. No. The first one

1 coming up is June...?

2 COMMISSIONER COLGAN: June 2nd.

3 CHAIRMAN FLORES: 2nd.

4 MR. NEHRT: Yeah, there's a prebench meeting on
5 June 1st and a bench meeting on June 2nd.

6 CHAIRMAN FLORES: So we'll give you until
7 June 2nd. And then we'll -- if we have to reextend
8 the time line then, we'll do so. Okay.

9 So there's is a motion.

10 Is there a second?

11 COMMISSIONER FORD: Second.

12 JUDGE WALLACE: Mr. Chairman, could I
13 interject? If you would include in your motion that
14 you're amending the schedule in 08-0175, I think that
15 will tie things up.

16 CHAIRMAN FLORES: Very well.

17 So in the matter of 08-0175 we are
18 extending the deadline to June 2nd. And at that time
19 we will revisit the time line again to accommodate
20 Staff and all the other parties.

21 Is there a second?

22 COMMISSIONER FORD: Second.

1 range, that would also be helpful.

2 Any other comments?

3 (No response.)

4 CHAIRMAN FLORES: Very well.

5 Next we have a FERC matter that
6 requires us to go into closed --

7 COMMISSIONER ELLIOTT: One quick question with
8 regard to the -- have we discussed with the filing
9 before us that we held --

10 CHAIRMAN FLORES: Well, the motion to reopen
11 the docket for a limited purpose and grant a motion
12 for additional time, we're just going to hold that.
13 But we're going to act on the motion that was passed.

14 COMMISSIONER ELLIOTT: Okay.

15 CHAIRMAN FLORES: So we have to go into closed
16 session because we have a FERC matter.

17 Is there a motion to go into closed
18 session?

19 COMMISSIONER O'CONNELL-DIAZ: So moved.

20 COMMISSIONER ELLIOTT: So moved.

21 CHAIRMAN FLORES: Is there a second?

22 COMMISSIONER FORD: Second.

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

2 All in favor say "aye."

3 (Chorus of ayes.)

4 CHAIRMAN FLORES: Any opposed?

5 (No response.)

6 CHAIRMAN FLORES: The vote is 5-0 to go into
7 closed session.

8 (Whereupon, the following
9 proceedings were had in closed
10 session.)

11

12

13

14

15

16

17

18

19

20

21

22

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

4 CHAIRMAN FLORES: In the closed session the
5 Commission discussed the filing comments in FERC
6 Docket No. EL05-121-006. These comments concern
7 PJM's April 13th filing and the transmission cost
8 allocation case that was remanded by the Seventh
9 Circuit.

10 Is there a motion to file the comments
11 with the FERC?

12 COMMISSIONER ELLIOTT: So moved.

13 CHAIRMAN FLORES: Is there a second?

14 COMMISSIONER COLGAN: Second.

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

16 All in favor say "aye."

17 (Chorus of ayes.)

18 CHAIRMAN FLORES: Any opposed?

19 (No response.)

20 CHAIRMAN FLORES: The vote is 5-0. The
21 comments will be filed with FERC.

22 Judge Wallace, are you there, sir?

1 JUDGE WALLACE: Yes, I am.

2 CHAIRMAN FLORES: Are there any other matters
3 to come before the Commission today?

4 JUDGE WALLACE: Well, I hesitate to bring this
5 up, but we might want to revisit the minutes. We are
6 approaching -- in fact, the 30 days will expire
7 before the next meeting for approval of transcripts.

8 CHAIRMAN FLORES: Okay.

9 COMMISSIONER COLGAN: Can we approve the
10 minutes and then at the next meeting if we want to
11 make corrections, do that?

12 JUDGE WALLACE: I suppose so. I don't see any
13 prohibition against that.

14 COMMISSIONER O'CONNELL-DIAZ: It's just I know
15 there's corrections in this and I did not see the
16 corrections. So I don't know if it's been corrected.
17 So...

18 Can we recess and take this up at our
19 1:00 o'clock oral argument item -- keep this item out
20 until we meet again at 1:00 o'clock and just go back
21 and check?

22 JUDGE WALLACE: Actually, I don't think you can

1 because the oral argument is -- unless you -- well,
2 unless you reconvene this meeting -- recess this
3 meeting and then reconvene this meeting.

4 COMMISSIONER O'CONNELL-DIAZ: Right. So we can
5 recess and then reconvene and take this up before we
6 start the oral argument.

7 JUDGE WALLACE: Yes, you can do that.

8 [!EZ SPEAKER 01]: Okay. That's fine.

9 CHAIRMAN FLORES: So let the record reflect
10 that we're going to recess this meeting and that we
11 will reconvene promptly at 1:00 p.m.

12 (Whereupon, a recess was taken.)

13 (Whereupon, the above
14 matter reconvened at
15 1 o'clock p.m.)

16 ACTING CHAIRMAN FLORES: Springfield?

17 (No response.)

18 Springfield?

19 A VOICE: Yes, we are here.

20 ACTING CHAIRMAN FLORES: Is Judge Wallace still
21 there?

22 JUDGE WALLACE: Yes.

1 ACTING CHAIRMAN FLORES: Okay. Very good. Let
2 the record reflect that we are still here. We are
3 reconvening from a recess that we took earlier this
4 morning of the regularly scheduled meeting on the
5 agenda for today.

6 There was a request to review the
7 Minutes of the Special Open Meeting of Thursday,
8 April 29th, of this year, 2010. I wanted to make
9 sure that all the Commissioners had an opportunity to
10 review the Minutes. I believe that everyone has had
11 an opportunity to review the Minutes. I also believe
12 that there was a motion to amend the Minutes.

13 Is there a motion to amend the Minutes
14 of the April 29th Special Open Meeting?

15 COMMISSIONER O'CONNELL-DIAZ: So move.

16 ACTING CHAIRMAN FLORES: Is there a second?

17 COMMISSIONER ELLIOTT: Second.

18 ACTING CHAIRMAN FLORES: It's been moved and
19 seconded. All in favor say aye.

20 COMMISSIONER O'CONNELL-DIAZ: Aye.

21 COMMISSIONER ELLIOTT: Aye.

22 COMMISSIONER FORD: Aye.

1 ACTING COMMISSIONER COLGAN: Aye.

2 ACTING CHAIRMAN FLORES: Aye.

3 Opposed?

4 (No response.)

5 The vote is 5 to zero amending the
6 Minutes.

7 I would like to make a motion to approve
8 the Minutes as amended. Is there a second?

9 COMMISSIONER O'CONNELL-DIAZ: Second.

10 ACTING CHAIRMAN FLORES: It's moved and
11 seconded.

12 All in favor say aye.

13 COMMISSIONER O'CONNELL-DIAZ: Aye.

14 ACTING COMMISSIONER COLGAN: Aye.

15 COMMISSIONER FORD: Aye.

16 COMMISSIONER ELLIOTT: Aye.

17 ACTING CHAIRMAN FLORES: Aye.

18 Opposed?

19 (No response.)

20 The vote is 5 to zero approving the
21 April 29th Special Open Meeting Minutes as amended.

22 Judge Wallace, correct me if I'm wrong,

1 but that was the only matter that was still
2 outstanding from this morning; is that correct?

3 JUDGE WALLACE: Yes, that's correct.

4 ACTING CHAIRMAN FLORES: Very well.

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

7 JUDGE WALLACE: No.

8 ACTING CHAIRMAN FLORES: Very well. Then
9 hearing none, the meeting stands adjourned.

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

12

13

14

15

16

17

18

19

20

21

22