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BEFORE THE  
ILLINOIS COMMERCE COMMISSION  
PUBLIC UTILITIES REGULAR OPEN MEETING  
Wednesday, May 25, 2022  
Chicago, Illinois  
Met pursuant to notice at 11:30 p.m. at 160 North  
LaSalle Street, Chicago, Illinois.

PRESENT:

- CARRIE ZALEWSKI, Chairwoman
- ETHAN KIMBREL, Commissioner
- MARIA BOCANEGRA, Commissioner
- MICHAEL CARRIGAN, Commissioner
- ANN MCCABE, Commissioner

BRIDGES COURT REPORTING  
BY: Quinn Dean  
Electronic Reporter

1           CHAIR ZALEWSKI: We're moving on to our  
2 public utilities agenda. There are no edits to the  
3 April 29th, 2022, Special Open Meeting minutes.

4                   Are there any objections to approving  
5 the minutes?

6                   (No verbal response.)

7                   Hearing none, the minutes are approved.

8                   Under electric items, Item E-1 concerns  
9 a complaint against ComEd concerning work performed on  
10 Complainant's property in Oswego, Illinois.  
11 Specifically, Complainant alleges five counts. On  
12 December 13th of 2019, the administrative law judge  
13 issued a ruling dismissing Counts 1, 2, and 4 of the  
14 complaint. For the remaining Counts 3 and 5,  
15 Complainant asserted that in 2017 ComEd did the  
16 following: for Count 3, failed to maintain a minimum  
17 of 24 inches of depth for the secondary service line  
18 and for Count 5, conducted improper construction  
19 practices.

20                   The order grants the complaint in part  
21 and denies in part. The order finds that ComEd did not  
22 adhere to the Commission-approved tariff regarding the

1 appropriate depth of the underground cable and directs  
2 ComEd to reinstall, at ComEd's expense, the portion of  
3 the secondary service line installed in 2017 at the  
4 appropriate depth in accordance with ComEd's standard  
5 practices and tariffs. Other than the improper depth  
6 issue, the complaint is denied.

7 Are there any objections to approving  
8 the order?

9 (No verbal response.)

10 Hearing none, the order is approved.

11 Item E-2 concerns a complaint against  
12 ComEd concerning voltage issues with the three-phase  
13 open delta system on Complainant's property during the  
14 harvest season. The order denies the complaint, noting  
15 that Complainant seeks monetary damage for appliances  
16 she claims were destroyed due to the voltage issues at  
17 her residence.

18 The order finds that the Complainant  
19 has not met the burden of proof in showing that ComEd  
20 is responsible for destroying these items. The order  
21 also directs ComEd to perform a three-month dynamic test  
22 on the electric supply at Complainant's property during

1 the fall harvest period. During the three-month dynamic  
2 test, ComEd directed to provide data of the meter that  
3 services Complainant's residence.

4 ComEd is directed to analyze its  
5 transformer capacity issue and ensure the capacity is  
6 capable of operating the equipment during the harvest  
7 season. If a larger transformer is needed, ComEd is  
8 directed to work with the Complainant. In its brief on  
9 exceptions, ComEd agreed to these requirements.

10 Are there any objections to approving  
11 the order?

12 (No verbal response.)

13 Hearing none, the order is approved.

14 Item E-3 concerns Docket 19-0863, which  
15 is Roger Shekar's complaint against ComEd concerning  
16 property damage in Streamwood. There are two items on  
17 this agenda under this docket. First, Complainant's  
18 petition for interlocutory review, and second, the  
19 order dismissing the complaint.

20 First, we will consider the petition  
21 for interlocutory review. On May 6th of 2022, the  
22 Complainant filed a motion to recuse and disqualify

1 instanter ALJ Glennon Dolan as of Right Pursuant to 735  
2 ILCS 5/2-1001(2). On May 18th of 2022, the ALJ denied  
3 the motion.

4 On May 18 of 2022, the Complainant  
5 filed Petitioner's motion under ICC Rule 200.520, to  
6 vacate the denial of the motion to disqualify Instanter  
7 Hearing Officer Glennon Dolan. The ALJ ruling that the  
8 Complainant seeks to vacate notes that the motion fails  
9 to comply with the requirements in the Commission's  
10 Rules of Practice (Section 200.510) that a motion for  
11 disqualification of an ALJ must contain an affidavit  
12 setting forth the alleged grounds for disqualification.  
13 The Commission agrees with the ALJ.

14 Are there any objections to denying the  
15 petition for interlocutory review?

16 (No verbal response.)

17 Hearing none, the petition is denied.

18 Next we will consider the order  
19 dismissing the complaint. On April 14th of 2022, the  
20 ALJ issued a proposed order granting the Respondent's  
21 motion to dismiss. The order finds that the  
22 Complainant failed to state a cause of action on which

1 relief could be granted and the Respondent's motion to  
2 dismiss should be granted, dismissing this matter with  
3 prejudice. The complaint cites to Section 8-505 of the  
4 Public Utilities Act, which deals with the utilities  
5 vegetation management and to Section 11 of the  
6 Underground Act.

7           The order finds that the Respondent was  
8 not in the process of vegetation management, thus  
9 section 8-505 of the act does not apply. The order  
10 also finds that Section 11 is not applicable and  
11 concludes that ComEd's tariff allow it to have access  
12 to its equipment and facilities on the Complainant's  
13 property.

14           Are there any objections to approving  
15 the order?

16           (No verbal response.)

17           Hearing none, the order is approved.

18           Item E-4 concerns a complaint against  
19 Realgy Energy regarding billing. The order dismisses  
20 the proceeding for want of prosecution, without  
21 prejudice. Complainant failed to appear at the two  
22 scheduled hearings in this proceeding and did not

1 otherwise request any continuance of the status hearing  
2 dates.

3 Are there any objections to approving  
4 the order?

5 (No verbal response.)

6 Hearing none, the order is approved.

7 Item E-5 concerns Docket 20-0700, which  
8 is Commission rulemaking to amend Part 466 and 467 of  
9 the Commission rules, which is regarding electric  
10 interconnection of distributed generation facilities.

11 On March 23rd of 2022, the Commission  
12 entered an order authorizing the filing of the second  
13 notice of proposed amendments to Part 466 and Part 467  
14 with the Joint Committee on Administrative Rules, or  
15 "JCAR." JCAR considered the rule making at its May  
16 17th, 2022, meeting and issued a certification of no  
17 objection, ending the second notice period for this  
18 rule making.

19 The Commission may now adopt the  
20 proposed edits. The order adopts the amendments. I'm  
21 sorry, I said edits before. The Commission may now  
22 adopt the proposed amendments and the order adopts the

1 amendments.

2 Are there any objections to approving  
3 the order?

4 (No verbal response.)

5 Hearing none, the order is approved.

6 Items E-6 through E-9 concern requests  
7 for confidential treatment of Petitioner's reports. The  
8 orders grant the protection, finding that the information  
9 is highly proprietary and confidential.

10 Are there any objections to considering  
11 these items together and approving the orders?

12 (No verbal response.)

13 Hearing none, the orders are approved.

14 Item E-10 concerns in order on  
15 rehearing on ComEd's petition for approval of revisions  
16 to Rider POGCS, or Parallel Operation of Retail  
17 Customer Generating Facilities Community Supply and  
18 associated revisions to Rider PORCB, or Purchase of  
19 Receivables With Consolidated Billing.

20 On March 3rd of 2022, the Commission  
21 granted ComEd's application for rehearing for the  
22 limited purpose of adopting a process for the



1 implementation of the community supply credits for  
2 retail electric supplier customers if ComEd is unable  
3 to fully implement the necessary changes to its  
4 information technology systems by May 1st -- or, excuse  
5 me, June 1st of 2022. On the same date, the Commission  
6 also granted ICEA's application for hearing regarding  
7 clarifying the date on which RESs are no longer  
8 required to provide credits to RES supplied  
9 subscribers.

10                   There were no contested issues in this  
11 docket. The parties filed joint verified initial  
12 comments on rehearing, and on May 11th of 2022, ComEd  
13 subsequently filed an agreed draft order that had been  
14 previously reviewed by Staff, ICEA, and Joint Solar  
15 parties and to which there were no objections.

16                   Are there any objections to approving  
17 the order on rehearing?

18                   (No verbal response.)

19                   Hearing none, the order is approved.

20                   Items E-11 through e-19 concern  
21 applications for authority to install distributed  
22 generation facilities in Illinois. The orders grant

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1 the certificates, finding that the applicants meet the  
2 requirements.

3 Are there any objections to considering  
4 these items together and approving the orders?

5 (No verbal response.)

6 Hearing none, the orders are approved.

7 Item E-20 concerns Ameren's proposed  
8 revisions to Rider net metering. On May 2nd of 2022,  
9 Ameren filed a motion to withdraw, requesting to withdraw  
10 proposed Rider NM and dismiss the docket. Ameren states  
11 that it determined in consultation with Staff and  
12 Intervenors that it is appropriate to address any  
13 revisions to Rider NM in Docket Number 22-0208 rather  
14 than in this proceeding.

15 Are there any objections to granting  
16 the motion to withdraw?

17 (No verbal response.)

18 Hearing none, the motion is granted.

19 Items 20 -- excuse me, Items E-21 and  
20 E-22 concern ComEd's and Ameren's resuspension of proposed  
21 new Rider RBA, or Revenue Balancing Adjustment. The  
22 Commission investigation has not concluded, and the orders

1 resuspend the filing until December 11th of 2022.

2 Are there any objections to considering  
3 these items together and approving the orders?

4 (No verbal response.)

5 Hearing none, the orders are approved.

6 Item E-23 concerns MidAmerican's  
7 application for an order authorizing the issuance and  
8 sale of up to 500 million dollars of preferred stock and  
9 up to 2.2 billion dollars aggregate principal amount of  
10 long term debt. Staff reviewed the filing and finds  
11 that the proceeds from MidAmerican's proposal are  
12 reasonably required to fund the Company's multiyear  
13 capital projects and to refund outstanding debt. The  
14 order approves the application.

15 Are there any objections to approving  
16 the order?

17 (No verbal response.)

18 Hearing none, the order is approved.

19 Item E-24 concerns Commission's  
20 proceeding to examine specific programs, mechanisms, and  
21 policies that could support the deployment of energy  
22 storage systems in Illinois. The order adopts the

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1 final report that is to be submitted to the general  
2 assembly by May 31st of 2022. The order finds that it  
3 is premature to recommend a target for energy storage  
4 deployment prior to the completion of any of the  
5 pilots, the effective date of interconnection rules  
6 updates, and an opportunity for many of the energy  
7 storage provisions provided for in P.A. 102-0662 to be  
8 fulfilled.

9           The order does not adopt the market  
10 accelerator program pilot, instead, agrees with Staff  
11 that the potential cost of ratepayers is troubling.  
12 The order also finds that the final report contains a  
13 balanced statement regarding the issue of utility  
14 ownership of storage.

15           There are substantive edits to the  
16 order. The edits expand the recommendations in the  
17 final report, adding a pilot program to study the  
18 interconnection process for storage paired with  
19 community solar and a market acceleration pilot to the  
20 list of potential pilots, and also make a proposal for  
21 appropriation authority that will allow the Commission  
22 to engage a technical consultant to run models and

1 manage analysis and collection of stakeholder input to  
2 evaluate the future role of storage in Illinois. I  
3 move the edits.

4 Is there a second?

5 COMMISSIONER KIMBREL: Second.

6 CHAIR ZALEWSKI: Commissioner Kimbrel seconds.

7 Before I call the vote, is there any  
8 discussion from Commissioners?

9 (No verbal response.)

10 Hearing none, with that, if you are in  
11 favor of approving the edits to the order, please say  
12 "Aye," and if you are opposed, please say "Nay."

13 Commissioner Kimbrel?

14 COMMISSIONER KIMBREL: Aye.

15 CHAIR ZALEWSKI: Commissioner Bocanegra?

16 COMMISSIONER BOCANEGRA: Aye.

17 CHAIR ZALEWSKI: Commission Carrigan?

18 COMMISSIONER CARRIGAN: Nay.

19 CHAIR ZALEWSKI: Commissioner McCabe?

20 COMMISSIONER MCCABE: Aye.

21 CHAIR ZALEWSKI: I vote aye. The four "ayes"  
22 have it and the edits to the order are approved. Now,

1 if you -- I will call the vote. If you are in favor of  
2 approving the order as edited, please say "Aye," and if  
3 you are opposed, please say "Nay."

4 Commissioner Kimbrel?

5 COMMISSIONER KIMBREL: Aye.

6 CHAIR ZALEWSKI: Commissioner Bocanegra?

7 COMMISSIONER BOCANEGRA: Aye.

8 CHAIR ZALEWSKI: Commission Carrigan?

9 COMMISSIONER CARRIGAN: Nay.

10 CHAIR ZALEWSKI: Commissioner McCabe?

11 COMMISSIONER MCCABE: Aye. I vote aye. The four  
12 "ayes" have it and the order is approved.

13 Item E-25 concerns ComEd's petition for  
14 approval of the portfolio of third party electric  
15 energy efficiency programs. ComEd seeks Commission  
16 approval of the third party programs portfolio  
17 assembled by the independent bid evaluator for its 22  
18 through 25 energy efficiency and demand response plan.  
19 There were no contested issues in this docket. Staff  
20 reviewed ComEd's portfolio and recommends approving it.  
21 The order approves the proposed portfolio.

22 Are there any objections to approving

1 the order?

2 (No verbal response.)

3 Hearing none, the order is approved.

4 Items E-26 through E-29 concern

5 petitions to cancel energy efficiency installer

6 certificates. The order cancels the certificates.

7 Are there any objections to consider

8 these items together and approving the orders?

9 (No verbal response.)

10 Hearing none, the orders are approved.

11 Items E-30 through E-38 concern

12 applications for certifications to install energy

13 efficiency measures in Illinois. The orders grant the

14 certificates, finding that the applicants meet the

15 requirements.

16 Are there any objections to considering

17 these items together and approving the orders?

18 (No verbal response.)

19 Hearing none, the orders are approved.

20 Moving on to our gas items. Item G-1

21 concerns rulemaking adopting amendments to Part 590 of

22 the Commission rules, minimum safety standards for

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1 transportation of gas and for gas pipeline facilities.

2 On January 20th of 2022, the Commission  
3 entered an order authorizing the filing of the second  
4 notice of proposed amendments to Part 590 with the  
5 Joint Committee on Administrative Rules, or "JCAR."  
6 JCAR considered the rulemaking at its meeting in March  
7 and issued a certification of no objection. The order  
8 now adopts the proposed amendments.

9 Are there any objections to approving  
10 the order?

11 (No verbal response.)

12 Hearing none, the order is approved.

13 Item G-2 concerns Liberty Utilities'  
14 reconciliation under Rider GUA or Gas Uncollectible  
15 Adjustment for 2019. The order finds that the  
16 reconciliation is accurate and should be approved as  
17 set forth in the appendix to the order.

18 Are there any objections to approving  
19 the order?

20 (No verbal response.)

21 Hearing none, the order is approved.

22 Item G-3 concerns Nicor Gas's

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1 reconciliation under Rider 38 or volume balancing  
2 adjustment for period of October 1st of 2020 through  
3 June 30th of 2021. The order finds that the  
4 reconciliation is accurate and should be approved as  
5 set forth in the appendix to the order.

6 Are there any objections to approving  
7 the order?

8 (No verbal response.)

9 Hearing none, the order is approved.

10 Items G-4 and G-5 concerns requests for  
11 confidential treatment of Petitioner's reports. The  
12 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 Hearing none, the orders are approved.

18 Item G-6 concerns complaints against  
19 Nicor Gas regarding its pipeline. Parties filed a  
20 stipulation and joint motion to dismiss, stipulating  
21 that all matters in dispute have been resolved and  
22 requesting that the Commission dismiss the complaint

1 with prejudice.

2 Are there any objections to granting  
3 the joint motion to dismiss?

4 (No verbal response.)

5 Hearing none, the motion is granted.

6 Moving on to telecommunications items.

7 Items T-1 and T-2 concern Commission rulemaking  
8 authorizing second notice period for amendments to  
9 Part 710 of the uniform system of accounts for  
10 telecommunications carriers and 736 or the service  
11 quality requirements applicable to wireless eligible  
12 telecommunications carriers of the Commission rules.

13 Through Part 710, the Commission has  
14 adopted the uniform system of accounts contained in  
15 rules of the federal communications Commission. The  
16 proposed amendment would update the incorporation  
17 provision of Section 710.10 to adopt the most recent  
18 version of the FCC's rules. The proposed amendment to  
19 Part 736 would give wireless eligible  
20 telecommunications carriers the option of defining  
21 their service areas on the basis of census blocks. The  
22 orders adopt the proposed amendments and authorize

1 their submission to JCAR to begin the second notice  
2 period.

3 Are there any objections to consider  
4 these items together and adopting the orders?

5 (No verbal response.)

6 Hearing none, the orders are adopted.

7 Item T-3 concerns a request for  
8 confidential treatment of Petitioner's report. The  
9 order grants the protection, finding that the  
10 information is highly proprietary and confidential.

11 Are there any objections to approving the order?

12 (No verbal response.)

13 Hearing none, the order is approved.

14 Items T-4 and T-5 concern application  
15 for certificates of wireless authority to operate as  
16 a reseller of telecommunication services. The orders  
17 grant those certificates, finding that the applicant  
18 meets the requirements.

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

21 (No verbal response.)

22 Hearing none, the orders are approved.

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1                   Moving onto our water and sewer items.

2                   Item W-1 concerns Illinois American  
3 Water's application for the issuance of a certificate  
4 of public convenience and necessity to provide water  
5 service to areas in Hardin County, Illinois, and for  
6 the approval of the purchase of certain assets of the  
7 city of Rosiclare, Illinois.

8                   The Company seeks Commission approval  
9 of the engagement agreements for the appraisals who  
10 will determine the market value of the portions of the  
11 water system to be acquired from Rosiclare. Staff  
12 reviewed the agreements and recommends that the  
13 Commission issue an interim order approving them. The  
14 interim order approves the company's requests.

15                   Are there any objections to approving  
16 the interim order?

17                   (No verbal response.)

18                   Hearing none, the interim order is  
19 approved.

20                   Under the petitions for rehearing, Item  
21 PR-1 concerns a petition for hearing the complaint  
22 against Nicor as to severance of services without prior

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1 notification. The Commission dismissed the complaint  
2 and ruled on Complainant's pending motions to file a  
3 second amended complaint, finding that the underlying  
4 operative facts alleged in those motions had not  
5 effectively changed and therefore do not provide a  
6 basis for granting the motions.

7 Complainant seeks rehearing and asserts  
8 that Nicor Gas violated its tariffs by fraudulently  
9 claiming the that Complainant's property is a, quote,  
10 "single premises."

11 Complainant further seeks rehearing on  
12 its motion to file a second amended complaint.

13 Complainant asserts that the Commission must hold a  
14 public hearing on its motion before the Commission may  
15 legitimately dismiss his case. The ALJ recommends  
16 denying the petition for rehearing. The ALJ notes that  
17 motions may be considered and ruled upon during status  
18 and evidentiary hearings via written ALJ rulings or  
19 via an order or docketed decision by the Commission.

20 In this proceeding, the multiple  
21 motions to file a second amended complaint were ruled  
22 upon by the Commission in its order, which was

1 considered and voted upon during a public hearing.

2 Are there any objections to denying the  
3 petition for rehearing?

4 (No verbal response.)

5 Hearing none, the petition for  
6 rehearing is denied.

7 Under other business, Items 0-1 and 0-2  
8 concern approval of batches contracts and confirmations  
9 under the Illinois Solar For All Program and Illinois  
10 Adjustable Block Program.

11 Are there any objections to considering  
12 these items together and approving the program  
13 administrator submissions?

14 (No verbal response.)

15 Hearing none, the submissions are  
16 approved.

17 Item 0-3 concerns approval to submit  
18 nuclear decommissioning funding assurance status  
19 reports to the General Assembly. Public Act 101-44  
20 that amended section 8-501 -- excuse me, 508.1 of the  
21 Public Utilities Act requires that, beginning on May  
22 1st of 2020, and every two years thereafter, the owner

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1 or operator of each nuclear power plant in Illinois  
2 must provide the Commission with a copy of the nuclear  
3 decommissioning funding assurance status report  
4 submitted to The Nuclear Regulatory Commission and as  
5 applicable to The Federal Energy Regulatory Commission.

6 Beginning June 1st of 2020 and every  
7 two years thereafter, the Commission must provide the  
8 general assembly with a copy of the nuclear  
9 decommissioning funding assurance status report for  
10 shutdown units as submitted by the owner or operator.

11 In response to this requirement, the  
12 Commission received two reports for shutdown units.  
13 First, Constellation Energy Generation, LLC or  
14 Constellation filed report with respect to Dresden  
15 Nuclear Power Station Unit 1 that was shut down in  
16 October of 1978, and second, Zion Solutions, LLC or  
17 Zion Solutions with respect to Zion Nuclear Power  
18 Station Units 1 and 2, which has been shut down since  
19 February 13th of 1998 as required by the PUA -- these  
20 status reports received by the Commission are now being  
21 transmitted with the Commission report to the General  
22 Assembly.

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1                   Are there any objections to approving  
2 submission of the nuclear decommissioning funding  
3 assurance status reports to the General Assembly?

4                   (No verbal response.)

5                   Hearing none, the submission of the  
6 reports is approved.

7                   Item 04 concerns approving submission  
8 of comments to the Illinois Commerce Commission in the  
9 Midcontinent Independent System Operator Docket Number  
10 ER22-1640-0000.

11                   Are there any objections to approving  
12 submission of Commission's comments?

13                   (No verbal response.)

14                   Hearing none, the submission of the  
15 comments is approved.

16                   This concludes our agenda. Judge  
17 Teague Kingsley, do we have other matters to come  
18 before the Commission today?

19                   JUDGE TEAGUE KINGSLEY: No, Madam Chairman.

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

22                   (No verbal response.)

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1                                   Hearing none, and without objection,  
2   the meeting is adjourned.

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

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