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BEFORE THE
ILLINOIS COMMERCE COMMISSION
PUBLIC UTILITY REGULAR OPEN MEETING
Wednesday, May 27, 2020
Chicago, Illinois

Met pursuant to notice via videoconference
at 10:30 a.m. at 160 North LaSalle Street, Chicago,
Illinois.

PRESENT:

- CARRIE ZALEWSKI, Chairman
- SADZI M. OLIVA, Commissioner
- MARIA S. BOCANEGRA, Commissioner
- D. ETHAN KIMBREL, Commissioner
- MICHAEL T. CARRIGAN, Commissioner

SULLIVAN REPORTING COMPANY
BY: JO ANN KROLICKI, CSR (Via teleconference)
License No. 084-002215

1 CHAIRMAN ZALEWSKI: Good morning. Judge
2 Teague Kingsley, are we ready to proceed?

3 Judge TEAGUE KINGSLEY: Yes, Madam
4 Chairman.

5 CHAIRMAN ZALEWSKI: Under the Open Meetings
6 Act and in accordance with the Governor's Executive
7 Orders, I call the May 27, 2020, Regular Open Meeting
8 to order.

9 Before we proceed, for the clarity of
10 the record and since the court reporter is
11 participating remotely, I would ask everyone to state
12 their name before speaking and to speak slowly and
13 clearly so that she can capture everything that is
14 said.

15 Commissioner Kimbrel is with me in
16 Chicago, and Commission Carrigan is joining us from
17 Springfield, and we already noted that Commissioners
18 Oliva and Bocanegra are calling in, so we have a
19 quorum.

20 We have no requests to speak.

21 Moving on to the Public Utility
22 Agenda.

1 There are no Public Utility Minutes
2 to approve.

3 Item E-1 concerns Docket 18-1540,
4 which is an investigation into LifeEnergy's violation
5 of Part 412 of the Commission's Rules.

6 The Order finds that LifeEnergy
7 violated Sections 412.170(e), 412.210(b), and
8 412.120(g). LifeEnergy has admitted to the
9 violations and forfeited its Certificate of Service
10 Authority to Operate as an Alternative Retail
11 Electric Supplier or ARES in Illinois and has agreed
12 to refund affected customers.

13 The Order finds that LifeEnergy not
14 only harmed Illinois consumers by using methods
15 contrary to Illinois rules and regulations, but also
16 harmed the Illinois retail market, and this is not
17 what competition is supposed to be about.

18 The Commission is charged with
19 applying a sufficient penalty that ensures that the
20 market is adequately protected for both consumers and
21 lawfully operating retail electric suppliers.
22 Accordingly, the substantive edits to the Order

1 impose an additional monetary penalty of \$1 million.

2 I move the edits. Is there a second?

3 COMMISSIONER KIMBREL: Commissioner Kimbrel
4 provides a second.

5 CHAIRMAN ZALEWSKI: Are there any comments
6 from Commissioners?

7 COMMISSIONER BOCANEGRA: This is
8 Commissioner Bocanegra. I have a few remarks on the
9 record. Please let me know, Miss Court Reporter, if
10 you're having trouble hearing me. I'll be happy to
11 speak louder or whatever you need.

12 I will be disagreeing with the
13 majority's opinion here today. We will be filing a
14 dissent. I think that the analysis that we will be
15 providing is a more robust analysis. Albeit, while
16 it meets a sustained conclusion, the way we get there
17 is slightly different.

18 In addition, we disagree with a
19 couple of other items that will be in the majority
20 opinion.

21 That's all I want to say. Thank you.

22 CHAIRMAN ZALEWSKI: Thank you,

1 Commissioner.

2 Are there any other comments?

3 (No response.)

4 CHAIRMAN ZALEWSKI: I would just like to
5 register my disgust for LifeEnergy's wanton disregard
6 for Illinois citizens.

7 And if there are no other comments,
8 I'm going to do a roll call on the approval of the
9 edits to the Order.

10 When your name is called, if you are
11 in favor of approving the edits, please say aye. If
12 you are opposed, please say nay. I'm going to call
13 your names in alphabetical order.

14 Commissioner Bocanegra?

15 COMMISSIONER BOCANEGRA: Nay.

16 CHAIRMAN ZALEWSKI: Commissioner Carrigan?

17 COMMISSIONER CARRIGAN: Aye.

18 CHAIRMAN ZALEWSKI: Commissioner Kimbrel?

19 COMMISSIONER KIMBREL: Aye.

20 CHAIRMAN ZALEWSKI: Commissioner Oliva?

21 COMMISSIONER OLIVA: Nay.

22 CHAIRMAN ZALEWSKI: And I vote aye, so the

1 three ayes have it, and the edits to the Order are
2 approved.

3 I will now call roll on approval of
4 the Order as edited.

5 The same thing, when I call your
6 name, if you are in favor of approving the Order as
7 edited, please say aye, and if you are opposed, say
8 nay. I'm going to call your names again in
9 alphabetical order.

10 Commissioner Bocanegra?

11 COMMISSIONER BOCANEGRA: Nay.

12 CHAIRMAN ZALEWSKI: Commissioner Carrigan?

13 COMMISSIONER CARRIGAN: Aye.

14 CHAIRMAN ZALEWSKI: Commissioner Kimbrel?

15 COMMISSIONER KIMBREL: Aye.

16 CHAIRMAN ZALEWSKI: Commissioner Oliva?

17 COMMISSIONER OLIVA: Nay.

18 CHAIRMAN ZALEWSKI: I vote aye, so the
19 three ayes have it, and the Order as edited is
20 approved.

21 Moving on to Item E-2, E-2 concerns
22 Docket 20-0023, which is a citation for failure to

1 comply with Part 454 of Commission rules. The
2 Commission Staff has indicated that the Respondent is
3 now in compliance. Commission Staff, thus, motioned
4 to dismiss the matter.

5 Are there any objections to granting
6 the Motion to Dismiss?

7 (No response.)

8 CHAIRMAN ZALEWSKI: Hearing none, the
9 Motion is granted, and the matter is dismissed.

10 Item E-3 concerns Docket 20-0065,
11 which is a citation against EnergySimply, LLC, for
12 failure to comply with Section 454 of the
13 Commission's Rules. EnergySimply failed to appear at
14 proceedings to show cause why the Commission should
15 not take enforcement action against them.
16 Accordingly, the Order suspends EnergySimply's
17 Certificate of Service Authority for a period of 180
18 days.

19 Are there any objections to approving
20 the Order?

21 (No response.)

22 CHAIRMAN ZALEWSKI: Hearing none, the Order

1 is approved.

2 Item E-4 concerns Docket 20-0058,
3 which is a Petition by the Illinois Department of
4 Transportation or IDOT for approval of a permanent
5 easement on certain properties owned by ComEd in Lake
6 County.

7 Although ComEd agrees that IDOT can
8 acquire the property, the parties have so far been
9 unable to reach an agreement for a voluntary transfer
10 of the property. IDOT and ComEd agree that the
11 property sought by IDOT can be acquired through
12 eminent domain proceedings in the circuit court in
13 Lake County.

14 This Order grants IDOT approval to
15 acquire a permanent easement for highway purposes on
16 ComEd's property in Lake County. The Order finds
17 that the work to be done at this location is within
18 the public interests and constitutes a public
19 purpose.

20 Are there any objections to approving
21 the Order?

22 (No response.)

1 CHAIRMAN ZALEWSKI: Hearing none, the Order
2 is approved.

3 Item E-5 concerns an application to
4 install New Utility-Scale Solar Projects in Illinois.
5 The Order grants the Certificate, finding that the
6 applicant meets the requirement.

7 Are there any objections to approving
8 the Order?

9 (No response.)

10 CHAIRMAN ZALEWSKI: Hearing none, the Order
11 is approved.

12 Item E-6 concerns an application for
13 a certificate to install Distributed Generation
14 facilities in Illinois. The Order grants the
15 certificate, finding that the applicant meets the
16 requirements.

17 Are there any objections to approving
18 the Order?

19 (No response.)

20 CHAIRMAN ZALEWSKI: Hearing none, the Order
21 is approved.

22 Item E-7 concerns Docket 20-0292,

1 which is a complaint against Ameren regarding a meter
2 rate change. The parties have filed a Stipulation
3 and Joint Motion to Dismiss, stipulating that all
4 matters in dispute were resolved and requesting that
5 the Commission dismiss the Complaint without
6 prejudice.

7 Are there any objections to granting
8 the Motion to Dismiss?

9 (No response.)

10 CHAIRMAN ZALEWSKI: Hearing none, the
11 Motion is granted, and the Complaint is dismissed
12 without prejudice.

13 Items E-8 through E-21 concern
14 applications for Certifications to install Energy
15 Efficiency Measures in Illinois. The Orders grant
16 the Certificates, finding that the applicants meet
17 the requirements.

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

21 (No response.)

22 CHAIRMAN ZALEWSKI: Hearing none, the

1 Orders are approved.

2 Under our Gas Items.

3 Item G-1 concerns Docket 19-1105,
4 which is Nicor's petition to approve on less than 45
5 days notice and without suspension filings of tariff
6 amendments to allow voluntary participation of
7 certain nonresidential customers in its Energy
8 Efficiency Programs.

9 Nicor had previously filed this
10 petition on December 10, 2019, and the Commission
11 voted to enter an initiating Order that denied
12 Nicor's request and initiated an investigation into
13 the consequences of the filing.

14 In this proceeding, Commission Staff
15 and the Attorney General's Office argued that the
16 plain language of Section 8-104(n) of the Public
17 Utilities Act prohibited Nicor's filing. The
18 Commission agrees with this interpretation.

19 The Order denies Nicor's petition.

20 Are there any objections to approving
21 the Order?

22 (No response.)

1 CHAIRMAN ZALEWSKI: Hearing none, the Order
2 is approved.

3 Item T-2 concerns an application for
4 a Certificate of Authority to provide
5 Facilities-Based Interexchange Telecommunication
6 Services in Illinois. The Order grants the
7 Certificate, finding that the applicant meets the
8 requirements.

9 Are there any objections to approving
10 the Order?

11 (No response.)

12 CHAIRMAN ZALEWSKI: Hearing none, the Order
13 is approved.

14 Item T-3 concerns a request for
15 confidential treatment of the petitioner's report.
16 The Order grants the protection, finding that the
17 information is highly proprietary and confidential.

18 Are there any objections to approving
19 the Order?

20 (No response.)

21 CHAIRMAN ZALEWSKI: Hearing none, the Order
22 is approved.

1 Item T-4 and T-5 concern petitions
2 for voluntary cancellation of Certificates of Service
3 Authority to provide resold and facilities-based
4 local and interexchange telecommunications services.
5 The Orders cancel the certificates, finding that the
6 cancellations will not deprive any Illinois customers
7 of necessary telecommunications service and are not
8 otherwise contrary to the public interest.

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

12 (No response.)

13 CHAIRMAN ZALEWSKI: Hearing none, the
14 Orders are approved.

15 Under our Water and Sewer Items.

16 Item W-1 concerns Docket 19-1078,
17 which is Illinois-American Water's petition to revise
18 tariffs to comply with the Commission's Order in
19 Docket 18-1830. The Commission had voted to suspend
20 the filing on November 26, 2019, so that the
21 Commission could conduct a hearing about the tariff
22 changes. During this proceeding, Illinois-American

1 motioned to voluntarily withdraw its tariffs without
2 prejudice.

3 Are there any objections to granting
4 the motion to withdraw without prejudice?

5 (No response.)

6 CHAIRMAN ZALEWSKI: Hearing none, the
7 Motion is granted.

8 Item W-2 concerns Aqua Illinois'
9 petition to issue a long-term debt through various
10 financial transactions. Staff has reviewed Aqua
11 Illinois' petition and testimony and recommends
12 approving it. The Order authorizes Aqua Illinois'
13 issuance of debt to Essential Utilities, Inc.

14 Are there any objections to approving
15 the Order?

16 (No response.)

17 CHAIRMAN ZALEWSKI: Hearing none, the Order
18 is approved.

19 Under our Miscellaneous Items.

20 Item M-1 concerns a Commission
21 Resolution to appoint two members to the Underground
22 Damage Prevention Advisory Committee. Based on the

1 recommendation of Commission Staff, the Resolution
2 appoints Daniel Cempel of Peoples/North Shore Gas to
3 the Advisory Committee to represent the utilities and
4 reappoints Michael Reynolds of the Village of
5 Buffalo Grove as the municipality representative.

6 Are there any objections to adopting
7 the Resolution?

8 (No response.)

9 CHAIRMAN ZALEWSKI: Hearing none, the
10 Resolution is adopted.

11 There are no petitions for rehearing.

12 Moving on to other business, Item O-1
13 concerns the Commission's 2019 Annual Report to the
14 General Assembly on the Cable and Video Service
15 Deployment by Providers that were Granted
16 State-Issued Cable and Video Service Authorization.
17 Each provider is required to report on its Cable
18 service and video service and metrics regarding its
19 low-income household customers. The Commission then
20 reports this information in its annual report.

21 Any there any objections to approving
22 the Report?

1 (No response.)

2 CHAIRMAN ZALEWSKI: Hearing none, the
3 Report is approved.

4 Item 0-2 concerns approval of
5 Batches, Contracts, and Confirmations under the
6 Illinois Adjustable Block Program.

7 Are there any objections to approving
8 the Program Administrator's Submissions?

9 (No response.)

10 CHAIRMAN ZALEWSKI: Hearing none, the
11 Submissions are approved.

12 Finally, 0-3 concerns approval to
13 submit the 2019 Nuclear Decommissioning Funding
14 Assurance Status Reports to the General Assembly.
15 The owner or operator of each shut down nuclear
16 power plant in Illinois is required to provide the
17 Commission with a copy of the Nuclear
18 Decommissioning Funding Assurance Status Report
19 submitted to the Nuclear Regulatory Commission. The
20 Commission then reports this information in the
21 Commission report.

22 Are there any objections to approving

1 the Report?

2 (No response.)

3 CHAIRMAN ZALEWSKI: Hearing none, the
4 Report is approved.

5 This concludes our Public Utilities
6 Agenda.

7 Judge Teague Kingsley, do you have
8 any other matters to come before the Commission
9 today?

10 JUDGE TEAGUE KINGSLEY: No, Madam Chairman.

11 CHAIRMAN ZALEWSKI: Are there any other
12 comments from Commissioners?

13 COMMISSIONER CARRIGAN: Chairman, this is
14 Commissioner Carrigan. I'd like to make a couple of
15 announcements.

16 CHAIRMAN ZALEWSKI: Go ahead.

17 COMMISSIONER CARRIGAN: I'd like to take
18 this opportunity to introduce to everyone listening
19 or attending that I have a new Legal and Policy
20 Advisor on my team. Her name is Ashley Renkor, and
21 she will be joining me at the Illinois Commerce
22 Commission in the Springfield office.

1 She attended Eastern Illinois
2 University for her undergraduate degree and is a
3 recent graduate of Chicago Kent College of Law. She
4 has very impressive experience in the private and
5 government sectors and a particular focus in energy
6 and environmental law. Hopefully, everyone will get
7 a chance to meet her in person very soon.

8 And then I also have another
9 individual who joined our office. Both Ashley and
10 now Dylan McDonough came to work on Monday, May 18th.
11 So I'd like to introduce Dylan McDonough to the
12 Illinois Commerce Commission as a team's summer
13 extern.

14 He graduated with an undergrad degree
15 from the University of Notre Dame, and he just
16 concluded his second year of law school at
17 Notre Dame. He will be stationed in the ICC Chicago
18 office, and just like Ashley, we are all looking
19 forward to working with him this summer.

20 This completes my staff. When I
21 arrived nearly four months ago, Policy Advisor Sara
22 Cronin was already on staff. She has been extremely

1 impressive, very professional, forward looking, knows
2 her way around the ICC. So with Sara, Ashley, and
3 Dylan, I now have a complete team, and this will make
4 me a better Commissioner.

5 Thank you.

6 CHAIRMAN ZALEWSKI: Thank you. And welcome
7 to both Ashley and Dylan.

8 Do any other Commissioners have
9 comments?

10 COMMISSIONER OLIVA: Yes. Chairman
11 Zalewski, this is Sadzi Oliva, and I would just like
12 to introduce on my team as an extern, Greta
13 Gangestad. She is a law student at Northwestern, and
14 she earned her Bachelor of Arts from Wellesley
15 College.

16 She has worked at the Institute for
17 Social Research and Data Innovation. She also worked
18 at the Center for Cross-Cultural Learning. I'm
19 looking forward to working with her. We've now
20 worked together for two weeks under the stay-at-home
21 order, but I'm looking forward to working with her in
22 person soon.

1 Session starts at 11:30, and we're all looking
2 forward to it.

3 Hearing nothing else and without
4 objection, the meeting is now adjourned. Thank you.

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

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