

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

BEFORE THE
ILLINOIS COMMERCE COMMISSION
BENCH SESSION
(TRANSPORTATION)
Springfield, Illinois
Wednesday, May 15, 2013

Met, pursuant to notice, at 10:30 a.m. at 527
East Capitol Avenue, Springfield, Illinois.

PRESENT:

MR. DOUGLAS P. SCOTT, Chairman

MR. JOHN T. COLGAN, Commissioner

MS. ANN McCABE, Commissioner (by videoconference)

MR. MIGUEL del VALLE, Acting Commissioner

MS. SHERINA E. MAYE, Acting Commissioner (by phone)

L.A. COURT REPORTERS by

Kari Wiedenhaupt, Reporter

CSR# 084-004725

1 CHAIRMAN SCOTT: Is everything ready in
2 Chicago?

3 COMMISSIONER MCCABE: Yes.

4 CHAIRMAN SCOTT: Pursuant to the provisions of
5 the Open Meetings Act, I now convene a regularly
6 scheduled Bench Session of the Illinois Commerce
7 Commission. With me in Springfield is Commissioner
8 Colgan and Acting Commissioner del Valle. With us in
9 Chicago is Commissioner McCabe. I am Chairman Scott.
10 We have a quorum. We should also have Acting
11 Commissioner Maye available on the phone.

12 Are you there, Commissioner?

13 ACTING COMMISSIONER MAYE: I am here.

14 CHAIRMAN SCOTT: Very good. Under the
15 Commission's rules, we will have to vote to allow
16 Commissioner Maye to participate by phone.

17 I move to allow Commissioner Maye's
18 participation by phone. Is there a second?

19 COMMISSIONER COLGAN: Second.

20 CHAIRMAN SCOTT: It's been moved and seconded.
21 All in favor, say aye.

22

1 (Chorus of ayes.)

2 CHAIRMAN SCOTT: Any opposed?

3 (No response.)

4 CHAIRMAN SCOTT: The vote is four to nothing,
5 and Commissioner Maye may participate in today's
6 meeting by phone.

7 Before moving into the agenda,
8 according to Section 1700.10 of Title 2 of the
9 Administrative Code, this is the time we allow
10 members of the public to address the Commission.
11 Members of the public wishing to address the
12 Commission must notify the Chief Clerk's Office at
13 least 24 hours prior to Commission meetings.
14 According to the Chief Clerk's Office, we have no
15 requests to speak at today's Bench Session.

16 Moving now to the Transportation
17 agenda, we will begin with the approval of the
18 minutes from our April 3rd and May 1st Bench
19 Sessions. I understand that an amendment has been
20 forwarded for the May 1st minutes.

21 Is there a motion to amend the
22 minutes?

1 COMMISSIONER COLGAN: So moved.

2 CHAIRMAN SCOTT: Is there a second?

3 COMMISSIONER MCCABE: Second.

4 CHAIRMAN SCOTT: It's been moved and seconded.

5 All in favor, say aye.

6 (Chorus of ayes.)

7 CHAIRMAN SCOTT: Any opposed?

8 (No response.)

9 CHAIRMAN SCOTT: The vote is five to nothing,
10 and the amendment is adopted.

11 Is there a motion to approve the April
12 3rd minutes and the May 1st minutes as amended?

13 COMMISSIONER COLGAN: So moved.

14 CHAIRMAN SCOTT: Is there a second?

15 ACTING COMMISSIONER DEL VALLE: Second.

16 CHAIRMAN SCOTT: It's been moved and seconded.

17 All in favor, say aye.

18 (Chorus of ayes.)

19 CHAIRMAN SCOTT: Any opposed?

20 (No response.)

21 CHAIRMAN SCOTT: The vote is five to nothing,
22 and the minutes for the April 3rd Bench Session and

1 May 1st Bench Session as amended are approved.

2 Now on to the Railroad portion of
3 today's agenda. Item RR-1 is Docket No. T12-0163.
4 This is IDOT's petition seeking eminent domain
5 authority in connection with a project to relocate
6 Illinois Route 3 in St. Clair County. ALJ Duggan
7 recommends entry of an Order authorizing eminent
8 domain authority.

9 Is there any discussion?

10 (No response.)

11 CHAIRMAN SCOTT: Is there a motion to enter the
12 Order?

13 ACTING COMMISSIONER DEL VALLE: So moved.

14 CHAIRMAN SCOTT: Is there a second?

15 COMMISSIONER COLGAN: Second.

16 CHAIRMAN SCOTT: It's been moved and seconded.
17 All in favor, say aye.

18 (Chorus of ayes.)

19 CHAIRMAN SCOTT: Any opposed?

20 (No response.)

21 CHAIRMAN SCOTT: The vote is five to nothing,
22 and the Order is entered. We will use this five to

1 nothing vote for the remainder of today's
2 Transportation agenda unless otherwise noted.

3 Item RR-2 is Docket No. T12-0167.
4 This is Union Pacific Railroad's petition seeking
5 authority for construction of a pedestrian underpass
6 under a railway corridor in DuPage County. ALJ
7 Kirkland-Montague recommends entry of an Order
8 granting the petition.

9 Is there any discussion?

10 (No response.)

11 CHAIRMAN SCOTT: Any objections?

12 (No response.)

13 CHAIRMAN SCOTT: Hearing none, the Order is
14 entered.

15 Items RR-3 and RR-4 can be taken
16 together. These items are petitions by IDOT seeking
17 eminent domain authority in connection with a project
18 to relocate Illinois Route 3 in St. Clair County. In
19 both cases, ALJ Duggan recommends entry of an Order
20 authorizing eminent domain authority.

21 Is there any discussion?

22

1 (No response.)

2 CHAIRMAN SCOTT: Any objections?

3 (No response.)

4 CHAIRMAN SCOTT: Hearing none, the Orders are
5 entered.

6 Item RR-5 is Docket No. T13-0041.

7 This is the County of Lake's petition seeking
8 permission for the construction of public safety
9 improvements at a highway-rail grade crossing in Lake
10 County. ALJ Kirkland-Montague recommends entry of an
11 Interim Order granting the petition.

12 Is there any discussion?

13 (No response.)

14 CHAIRMAN SCOTT: Any objections?

15 (No response.)

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

18 Item RR-6 is Docket No. T13-0042,
19 which is IDOT's petition seeking authorization to
20 construct two highway grade separation structures in
21 connection with a project to relocate Illinois Route
22 3 in St. Clair County. ALJ Duggan recommends entry

1 of an Order authorizing the construction.

2 Is there any discussion?

3 (No response.)

4 CHAIRMAN SCOTT: Any objections?

5 (No response.)

6 CHAIRMAN SCOTT: Hearing none, the Order is
7 entered.

8 Item RR-7 is Docket No. T12-0071.

9 This is BNSF, Knox County, Cedar Township Road
10 District and IDOT's stipulated agreement for public
11 safety improvements at a highway-rail grade crossing
12 in Knox County. The parties have requested
13 additional time to complete the project, and our
14 transportation counsel recommends entry of a
15 Supplemental Order approving that extension of time.

16 Is there any discussion?

17 (No response.)

18 CHAIRMAN SCOTT: Any objections?

19 (No response.)

20 CHAIRMAN SCOTT: Hearing none, the Supplemental
21 Order is entered.

22 On to Motor Carriers. Items MC-1

1 through MC-8 can be taken together. These items are
2 stipulated settlement agreements for alleged
3 violations of the Illinois Commercial Transportation
4 Law. In each case, our transportation counsel
5 recommends entry of an Order adopting the settlement
6 agreement.

7 Is there any discussion?

8 I just want to make a comment on
9 these, that this is National Moving Month, and we did
10 a press conference in Chicago yesterday; myself,
11 Officer Bryan Strand from our police force and Tina
12 Burgess who works on this program on our behalf,
13 really trying to alert the public to watch out for
14 scam movers, people that you might find on the
15 internet on Craigslist, other places that are not
16 licensed by us.

17 And also for those that are licensed
18 by us, to make sure you get all the information that
19 you can. Go on our website. Locate the mover in
20 your area. Find out what rates they charge to make
21 sure all the information that you are getting is the
22 correct information.

1 So it's part of a campaign. I think
2 this is the time of year when a lot of people are
3 moving for various reasons and may be distracted and
4 so there is a large effort to try to help these folks
5 get protected from the scam artists that are out
6 there.

7 So it's a message that's worth
8 repeating, and we were joined by members of the
9 industry, the associations of movers that do this on
10 a regular basis, and so it's a -- it was a good
11 chance to kind of share that information. I just
12 wanted to lift that up to you.

13 Any further discussion on these items?

14 (No response.)

15 CHAIRMAN SCOTT: Are there any objections to
16 the settlement agreements?

17 (No response.)

18 CHAIRMAN SCOTT: Hearing none, the Orders are
19 entered.

20 Item MC-9 is Docket No. 181495 MC.
21 This is Campus Cardboard's application for household
22 goods property motor carrier authority under the

1 Illinois Commercial Transportation Law. ALJ Duggan
2 recommends entry of an Order granting the
3 application.

4 Is there any discussion?

5 (No response.)

6 CHAIRMAN SCOTT: Any objections?

7 (No response.)

8 CHAIRMAN SCOTT: Hearing none, the Order is
9 entered.

10 Item MC-10 is Docket No. 192 RTV-R Sub
11 4, 111780 MC. This is Stat Towing's application for
12 renewal of its authority to operate as a commercial
13 vehicle relocater pursuant to Section 401 of the
14 Illinois Commercial Relocation of Trespassing
15 Vehicles Law. Our transportation counsel recommends
16 entry of an Order granting the request.

17 Is there any discussion?

18 (No response.)

19 CHAIRMAN SCOTT: Any objections?

20 (No response.)

21 CHAIRMAN SCOTT: Hearing none, the Order is
22 entered.

1 Moving on to Collateral Recovery.

2 Item CR-1 is Docket No. 182185 MC. This is Sherman
3 George Gin Walker Jr.'s application to serve as a
4 reposessor under the Collateral Recovery Act. ALJ
5 Kirkland-Montaque recommends entry of an Order
6 granting the application.

7 Is there any discussion?

8 (No response.)

9 CHAIRMAN SCOTT: Any objections?

10 (No response.)

11 CHAIRMAN SCOTT: Hearing none, the Orders are
12 entered.

13 Item CR-2`is James Donatelli's
14 application to serve as a reposessor under the
15 Collateral Recovery Act. ALJ Kirkland-Montaque
16 recommends entry of an Order granting the
17 application.

18 Is there any discussion?

19 I just wanted to say a couple things
20 about these types of cases in general, and Mr.
21 Donatelli's case in particular. I think all of us
22 find these to be somewhat challenging cases with our

1 responsibility to the public, ensuring that those to
2 whom we issue these licenses to perform collateral
3 recovery will do so in a way that protects the
4 public, and we also have a responsibility to the
5 applicants to make sure that they have an opportunity
6 for employment, so long as the public is protected.

7 The General Assembly has provided some
8 guidance by setting out those types of offenses in
9 the backgrounds of applicants that require at least a
10 more detailed investigation by us, but ultimately we
11 have to decide, and sometimes with a fairly limited
12 record -- not anyone's fault, but just because we
13 have a fairly limited record on these cases that's a
14 lot of times made up with police reports, court
15 records and the testimony of the applicants
16 themselves, which sometimes leaves us asking
17 additional questions that -- where the answers aren't
18 always readily apparent.

19 Just so -- for the record, to kind of
20 put out there what I am looking at in these cases, I
21 am looking at several factors; the recency of the
22 crime, severity of the crime, type of crime itself

1 and the type of crime in relation to the type of work
2 that's being sought to be licensed here. Also, I'm
3 looking at the actions of the applicant since the
4 crime was committed, and it's necessarily a case by
5 case review.

6 In Mr. Donatell's case, his crime is
7 very recent. In fact, he's going to be on probation
8 for about another year. However, if he successfully
9 completes the probation, he will be deemed to have
10 not committed a crime under the Cannabis Control Act,
11 and while the crime is serious, it's arguably
12 unconnected from the type of work that Mr. Donatelli
13 is seeking to do.

14 In addition, he has done everything
15 that's been required of him by probation, by the
16 terms of his sentence including community service,
17 completing his education program, the paying off of
18 his fines and court costs, and for those reasons, I
19 supported his application. In the future, it's my
20 hope we get as much information as we possibly can in
21 order to make these decisions and that that way we
22 are able to sort through all that we need to in the

1 way that best protects the public and the applicants.

2 So I appreciate your indulgence in
3 hearing me out on that. Is there any other
4 discussion on Mr. Donatelli's case?

5 COMMISSIONER MCCABE: Mr. Chairman, I just
6 wanted to say I agree with your comments. Thank you.

7 COMMISSIONER COLGAN: Yeah, well said.

8 CHAIRMAN SCOTT: Thanks, thanks. Further
9 discussion?

10 (No response.)

11 CHAIRMAN SCOTT: Are there any objections?

12 (No response.)

13 CHAIRMAN SCOTT: Hearing none, the Order is
14 entered.

15 Item CR-3 is Docket No. 181757 MC.
16 This is Mark Harris' application to serve as a
17 reposessor under the Collateral Recovery Act. ALJ
18 Duggan recommends entry of an Order dismissing the
19 application without prejudice for failure to appear.

20 Is there any discussion?

21 (No response.)

22 CHAIRMAN SCOTT: Are there any objections?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Mr. Matrisch, is there any further Transportation business to come before the Commission today?

MR. MATRISCH: No, Chairman. Thank you very much.

CHAIRMAN SCOTT: Thank you, sir. Hearing none, that concludes today's Transportation agenda.