

1 CHAIRMAN FLORES: Pursuant to the provisions of
2 the Illinois Open Meetings Act, I now convene a
3 regularly scheduled Bench session of the Illinois
4 Commerce Commission. With me in Chicago are
5 Commissioners Ford, O'Connell-Diaz and Acting
6 Commissioner Colgan. I am Acting Chairman Flores.

7 We have a quorum.

8 I believe Commissioner Elliott is
9 available by phone in Springfield.

10 Are you there, Commissioner?

11 COMMISSIONER ELLIOTT: Morning. I am. Thank
12 you.

13 CHAIRMAN FLORES: Good morning. I hope you
14 feel better.

15 COMMISSIONER ELLIOTT: Thank you.

16 CHAIRMAN FLORES: Per the Commission's rules we
17 must vote to allow Commissioner Elliott to
18 participate by phone.

19 Is there a motion to allow
20 Commissioner Elliott to participate by phone this
21 morning?

22 COMMISSIONER FORD: So moved.

1 CHAIRMAN FLORES: Is there a second?

2 COMMISSIONER O'CONNELL-DIAZ: Second.

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

4 All in favor, say "aye."

5 (Chorus of ayes.)

6 CHAIRMAN FLORES: All opposed?

7 (No response.)

8 CHAIRMAN FLORES: The vote is 4-0 to allow

9 Commissioner Elliott to participate by phone.

10 Welcome, Commissioner.

11 Before moving into the agenda,

12 according to Section 1700.10 of the Illinois

13 Administrative Code, this is the time that we allow

14 members of the public to address the Commission.

15 Members of the public wishing to address the

16 Commission must notify the Chief Clerk's Office at

17 least 24 hours prior to the Bench session. According

18 to the Chief Clerk's Office, we have no requests to

19 speak at today's Bench session.

20 Turning now to the Public Utility

21 Agenda. There are three sets of minutes to approve.

22 With respect to the minutes for the

1 May 15 Bench meeting, I understand the amendments
2 have been forwarded.

3 Is there a motion to amend the
4 minutes?

5 COMMISSIONER COLGAN: So moved.

6 CHAIRMAN FLORES: I will second it.

7 It's been moved and seconded.

8 All in favor, say "aye."

9 (Chorus of ayes.)

10 CHAIRMAN FLORES: Any opposed?

11 (No response.)

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

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

16 COMMISSIONER FORD: So moved.

17 CHAIRMAN FLORES: Is there a second?

18 COMMISSIONER O'CONNELL-DIAZ: Second.

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

20 All in favor, say "aye."

21 (Chorus of ayes.)

22 CHAIRMAN FLORES: Any opposed?

1 (No response.)

2 CHAIRMAN FLORES: The vote is 5-0 approving the
3 minutes for May 5th, as amended.

4 We also have minutes to approve from
5 the May 5th Special Open Meeting. I understand that
6 amendments have been forwarded.

7 Is there a motion to amend the
8 minutes?

9 COMMISSIONER COLGAN: So moved.

10 CHAIRMAN FLORES: I will second it.

11 It's been moved and seconded.

12 All in favor, say "aye."

13 (Chorus of ayes.)

14 CHAIRMAN FLORES: Any opposed?

15 (No response.)

16 CHAIRMAN FLORES: The vote is 5-0 amending the
17 minutes.

18 Is there a motion to approve the
19 minutes, as amended?

20 COMMISSIONER COLGAN: So moved.

21 CHAIRMAN FLORES: I will second it.

22 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 minutes for the May 6 Special Open Meeting, as
7 amended.

8 Lastly, we have minutes to approve
9 from the May 6 Emergency Special Open Meeting.

10 Is there a motion to approve the
11 minutes?

12 COMMISSIONER COLGAN: So moved.

13 CHAIRMAN FLORES: Is there a second?

14 COMMISSIONER FORD: 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 approving the
21 minutes for the May 6th Emergency Special Open
22 Meeting.

1 We will begin with the Electric
2 Agenda. Item E-1 is Docket No. 09-0597. This is
3 Santanna Natural Gas Corporation's Application For
4 Licensure as an Agent, Broker or Consultant under
5 Section 16-115C of the Public Utilities Act. This
6 was held from last week.

7 Commissioner O'Connell-Diaz, you have
8 the floor.

9 COMMISSIONER O'CONNELL-DIAZ: Thank you.
10 Actually, based on our discussions last week and the
11 fact that Santanna when it was -- or in its
12 activities on the gas side, there were many
13 complaints that were filed that the Commission and
14 other parties had to deal with. And given the fact
15 that that did occur and that they're asking for an
16 expansion of their authority to provide service to
17 our consumers on the electric side, I felt it was
18 prudent to condition their certificate in this matter
19 on their providing our Staff with any consumer
20 complaint information in a very timely fashion.

21 We had circulated amongst the other
22 Commissioners and got additions and Mr. Colgan's

1 office provided some changes that are included in
2 this, which actually conditions their authority that
3 they will provide our Consumer Services Division any
4 reports based on consumer complaints within the next
5 business day.

6 Additionally, it provides that -- I
7 believe this was Commissioner Colgan -- I don't -- do
8 you want to speak to that provision. Commissioner
9 Colgan had a good addition, I think, and that was to
10 provide that the Company, once they are up and
11 running and actually offering service to our
12 customers and our ratepayers in Illinois, that they
13 would be able to petition to have this condition
14 lifted if they showed that they were being, you know,
15 good actors for a period of time -- that the
16 Commission would have comfort in lifting that
17 requirement.

18 But, as Commissioner Colgan has stated
19 succinctly, we are the gatekeepers so it's important
20 that we take these type of actions when we have a
21 company that has had some questionable practices
22 within our State. And I think also we were talking

1 about coming up with some boilerplate standards
2 that -- on a going-forward basis. But, hopefully, we
3 won't have any bad actors coming to our State. But
4 if they do come here, we'll be waiting for them and
5 they'll have to deal with the Commission.

6 So with that, I would look to my
7 colleagues for support with regard to these revisions
8 in this matter.

9 CHAIRMAN FLORES: Commissioner Colgan.

10 COMMISSIONER COLGAN: Yeah, I just think -- I
11 think to limit that to one year is a good standard or
12 for a period of time in which they actually become
13 very active for a period of a year. And then so as
14 to not just single out any one supplier, that we
15 would apply that to other suppliers who come in who
16 have a history of having complaints filed against
17 them, I think, was a fair way to approach it.

18 And I thank you for bringing this to
19 our attention last week.

20 CHAIRMAN FLORES: I also want to thank
21 Commissioner O'Connell-Diaz for bringing this matter
22 to the Commission's attention.

1 As both Commissioners indicated, it's
2 important that we make clear standards and in sending
3 the message that as we continue to see growth in
4 the -- in this area of -- whether it be in the
5 electric retail supply center or gas retail, that we
6 have -- that we have a marketplace where, again, we
7 have good actors. And I think it's important as we
8 continue to see more competition in the marketplace
9 that we maintain the integrity of the industry.

10 So, thank you, Commissioners.

11 And with that, is there a motion to
12 adopt Commissioner O'Connell-Diaz's revision?

13 COMMISSIONER COLGAN: So moved.

14 CHAIRMAN FLORES: I second it.

15 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 and
21 Commissioner O'Connell-Diaz's revisions are adopted.

22 COMMISSIONER O'CONNELL-DIAZ: Thank you.

1 CHAIRMAN FLORES: Thank you, again,
2 Commissioner O'Connell-Diaz.

3 Is there a motion to enter the Order
4 granting the certificate as amended?

5 COMMISSIONER COLGAN: So moved.

6 CHAIRMAN FLORES: I will second it.

7 It's been moved and seconded.

8 All in favor, say "aye."

9 (Chorus of ayes.)

10 CHAIRMAN FLORES: Any opposed?

11 (No response.)

12 CHAIRMAN FLORES: The vote is 5-0 and the Order
13 granting the certificate is entered as amended.

14 We will use this 5-0 vote for the rest
15 of the hearing unless otherwise specified.

16 Item E-2 is Docket No. 09-0608. This
17 is Cambridge Engineering & Energy Solutions'
18 Application for Licensure as an Agent, Broker or
19 Consultant under Section 16-115C of the Public
20 Utility Act. Administrative Law Judge Yoder
21 recommends entering the Order granting the
22 certificate.

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 E-3 and E-4 are Docket Nos. 10-0091
8 and 10-0095. These items are the electric utilities'
9 On-Bill Financing Program approval dockets, and
10 because of the similarity between these dockets and
11 the gas program utility dockets, we will hold these
12 items until we get to the gas utility dockets later
13 in the hearing and address all four dockets and
14 revisions thereto at once.

15 Item E-5 is Docket No. 10-0109. This
16 concerns the Illinois Commerce Commission's
17 rulemaking surrounding of 83 Illinois Administrative
18 Code Section 455. Before us today is authorizing a
19 second notice period, and Administrative Law Judge
20 Moran recommends entry of an Order authorizing this
21 period.

22 Is there any discussion?

1 (No response.)

2 CHAIRMAN FLORES: Any objections?

3 (No response.)

4 CHAIRMAN FLORES: Hearing none, the Order is
5 entered and the second notice period is authorized.

6 Item E-6 is Docket No. 10-0126. This
7 is Hero Enterprises' Application for Licensure as an
8 Agent, Broker and Consultant under Section 16-115C of
9 the Public Utilities Act. Administrative Law Judge
10 Yoder recommends entering an Order granting a motion
11 to withdraw.

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 and the motion to withdraw is granted.

18 Item E-7 is Docket No. 10-0130. This
19 is Nordic Energy Service's petition to protect
20 portions of its report of continued compliance from
21 disclosure. Administrative Law Judge Albers
22 recommends entering an Order granting the Company's

1 petition.

2 Is there any discussion?

3 (No response.)

4 CHAIRMAN FLORES: Any objections?

5 (No response.)

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

8 Item E-8 is Docket No. 10-0138. This
9 is ComEd's proposal to establish Rider PORCB and to
10 revise other related tariffs. Administrative Law
11 Judge Sainsot recommends entry of a Resuspension
12 Order to resuspend the tariffs.

13 Is there any discussion?

14 (No response.)

15 CHAIRMAN FLORES: Any objections?

16 (No response.)

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

19 Items E-9 through E-14 can be taken
20 together. These items constitute applications for
21 Licensure as an Agent, Broker and Consultant under
22 Section 16-115C of the Public Utilities Act. In each

1 instance the Administrative Law Judge recommends
2 entry of an Order granting the certification.

3 Is there any discussion?

4 (No response.)

5 CHAIRMAN FLORES: Any objections?

6 (No response.)

7 CHAIRMAN FLORES: Hearing none, the Orders are
8 entered and the certificates are granted.

9 Items E-15 and E-16 can be taken
10 together. These items constitute petitions for the
11 protection of confidential and/or proprietary
12 information. In each case, the Administrative Law
13 Judge recommends entry of an Order granting the
14 petition.

15 Is there any discussion?

16 (No response.)

17 CHAIRMAN FLORES: Any objections?

18 (No response.)

19 CHAIRMAN FLORES: Hearing none, the Orders are
20 entered and the petitions are granted.

21 Items E-17 through E-19 can be taken
22 together. These items constitute applications for

1 Licensure as an Agent, Broker and Consultant under
2 Section 16-115C of the Public Utilities Act. In each
3 instance, the Administrative Law Judge recommends
4 granting the certification.

5 Is there any discussion?

6 (No response.)

7 CHAIRMAN FLORES: Any objections?

8 (No response.)

9 CHAIRMAN FLORES: Hearing none, the Orders are
10 entered and certificates are granted.

11 E-20 has been pulled, as we addressed
12 it last week.

13 The Item E-21 is Docket No. 10-0302.
14 This is Ronald Tinsey's complaint as to billing and
15 charges against ComEd. The parties have apparently
16 reached a settlement. Administrative Law Judge
17 Kimbrel recommends granting a joint motion to
18 dismiss.

19 Is there any discussion?

20 (No response.)

21 CHAIRMAN FLORES: Any objections?

22 (No response.)

1 CHAIRMAN FLORES: Hearing none, the joint
2 motion to dismiss is granted.

3 Turning to Gas, Item G-1 is Docket
4 No. 08-0156. This concerns the reconciliation of
5 revenues collected under coal tar riders with prudent
6 costs associated with coal tar cleanup expenditures.
7 Administrative Law Judge Haloulos-Baker --

8 I'm sorry, Judge Baker, if I got it
9 wrong.

10 -- recommends entry of an Order
11 approving the schedule as amended by Commission
12 Staff.

13 Is there any discussion?

14 (No response.)

15 CHAIRMAN FLORES: Any objection?

16 (No response.)

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

19 Item G-2 is Docket No. 08-0175. This
20 case concerns CUB, Citizen Action and AARP's
21 complaint against U.S. Energy Savings Corporation.
22 Before us today in this item is consideration of the

1 audit schedule and a petition for confidential
2 treatment. We're scheduled to receive a Staff Report
3 later today. So we're going to be holding this item
4 until the consideration of the Staff Report.

5 Item G-3 is Docket Nos. 09-0166 and
6 09-0167. This is the Peoples Gas and North Shore Gas
7 rate case. And before us today is an order on
8 rehearing.

9 I know that we were going on a 5-0
10 vote, however, I did not vote on this matter
11 initially, if everyone recalls. So I am going to
12 recuse myself from this matter, again, just to remain
13 consistent.

14 Is there any discussion on the order
15 for rehearing?

16 (No response.)

17 CHAIRMAN FLORES: Is there a motion to either
18 approve or deny the motion for rehearing?

19 COMMISSIONER FORD: The Judge recommends
20 denying it.

21 CHAIRMAN FLORES: Okay.

22 JUDGE WALLACE: I'm sorry.

1 COMMISSIONER FORD: I'm sorry, but the Judge --

2 JUDGE WALLACE: This is the Order on rehearing.

3 COMMISSIONER O'CONNELL-DIAZ: This is the Order
4 on rehearing. This is the Rider ICR, the development
5 of the baseline.

6 COMMISSIONER COLGAN: Yeah, and I think there's
7 been -- there's an agreement.

8 JUDGE MORAN: What you have in front of you is
9 the Order on rehearing.

10 COMMISSIONER O'CONNELL-DIAZ: Yeah, this is the
11 Order.

12 JUDGE MORAN: The motion was already heard and
13 granted.

14 COMMISSIONER FORD: So we have to enter it?

15 COMMISSIONER COLGAN: And this is on setting
16 the benchmark for the Rider ICR?

17 JUDGE MORAN: Yes. Yes, the baseline.

18 COMMISSIONER COLGAN: Yes, the baseline.

19 CHAIRMAN FLORES: This is G-3, Dockets 09-0166
20 and 09-0167.

21 COMMISSIONER FORD: So the Judge -- I move that
22 we enter the Order on rehearing adopting the Rider

1 ICR baseline.

2 CHAIRMAN FLORES: Is there a second?

3 COMMISSIONER O'CONNELL-DIAZ: Second.

4 COMMISSIONER ELLIOTT: Second.

5 CHAIRMAN FLORES: I'm sorry?

6 COMMISSIONER ELLIOTT: Second.

7 COMMISSIONER COLGAN: That was Sherman

8 seconded.

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

10 And at this point we'll have a roll call vote.

11 Commissioner Ford?

12 COMMISSIONER FORD: Yes.

13 CHAIRMAN FLORES: Commissioner O'Connell-Diaz?

14 COMMISSIONER O'CONNELL-DIAZ: Yes.

15 CHAIRMAN FLORES: Commissioner Elliott?

16 COMMISSIONER ELLIOTT: Yes.

17 CHAIRMAN FLORES: And Commissioner Colgan?

18 COMMISSIONER COLGAN: Yes.

19 CHAIRMAN FLORES: Very well. The vote is 4-0

20 adopting the Administrative Law Judge's

21 recommendation. Also, please let the record reflect,

22 Acting Chairman Flores did not vote in this matter.

1 Thank you very much.

2 Item G-4 is Docket No. 09-0455. This
3 is WRAMSCO's complaint as to billing and charges
4 against Nicor. The parties have apparently settled
5 their dispute and have brought a joint motion to
6 dismiss, which the Administrative Law Judge -- which
7 Administrative Law Judge Hilliard recommends that we
8 grant.

9 Is there any discussion?

10 (No response.)

11 CHAIRMAN FLORES: Any objections?

12 (No response.)

13 CHAIRMAN FLORES: I want to please let the
14 record reflect that we're going to go back to the
15 original 5-0 favorable vote for the remainder of this
16 section of the agenda unless otherwise noted.

17 So hearing none, the joint motion to
18 dismiss is granted by a 5-0 vote.

19 Items G-5 and G-6 will be taken
20 together and combined with Items E-3 and E-4 from the
21 earlier side of the agenda. So these are Docket
22 Nos. 10-0090, 10-0091, 10-0095 and 10-0096. These

1 items constitute the utilities' On-Bill Financing
2 Program applications, and oral argument was heard
3 jointly on these docketed matters on May 25th. We
4 have a few sets of revisions and note that these
5 revisions will affect all four dockets and all for
6 resulting Orders.

7 So let's start with Commissioner
8 O'Connell-Diaz.

9 Commissioner.

10 COMMISSIONER O'CONNELL-DIAZ: Yes, Chairman.
11 Actually, I believe these are edits to the provisions
12 for the statewide evaluator based on our discussions
13 at oral argument and the Commission's comments that
14 were had with regard to formalizing a standardized
15 methodology to be used by the various evaluators
16 across our state as they evaluate this program.

17 And this language has been worked on
18 by -- Commissioner, are you going to introduce your
19 changes? Because you did the front part -- we did a
20 combo platter. So -- with Commissioner Flores'
21 office we combined efforts. And actually all these
22 have been circulated among all the Commissioners and

1 we've really had input from everyone with regard to
2 this.

3 But what we do here is we develop a
4 process for the development of standardized
5 evaluation and methodology. And we call for the
6 Staff to initiate a proceeding at the conclusion of
7 this docket that would provide for an ALJ to run a
8 comment and reply period with it reporting back to
9 the Commission based on the evaluation methodology
10 that, first of all, the evaluators will file with --
11 in that docket and then there'll be comments and
12 replies by the parties. And the ALJ will come back
13 to the Commission with a recommendation based on all
14 of those comments and replies.

15 And we have a time line in there
16 and -- because we believe it's very critical that --
17 you know, the issue of whether there should have been
18 one evaluator or all utilities should have their own
19 evaluator, the statute was pretty clear about how
20 that was.

21 And, Judge Haynes, we believe you made
22 the correct call on that, but we just feel that it's

1 important that we go a step further and get that
2 methodology that should be used on a statewide basis
3 formalized. And the only way to do it is to have a
4 process that we prescribe in this revised portion.

5 So with that, I would -- anybody else
6 want to comment because everyone took part in
7 developing this, which was great, and it was nice to
8 have collaboration.

9 CHAIRMAN FLORES: I want to thank again
10 Commissioner O'Connell-Diaz and her staff and all the
11 other staff who worked on this part of the revision.

12 Is there a motion to adopt
13 Commissioner O'Connell-Diaz's revisions?

14 COMMISSIONER FORD: So moved.

15 CHAIRMAN FLORES: Is there a second?

16 COMMISSIONER COLGAN: Second.

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

18 All in favor, say "aye."

19 (Chorus of ayes.)

20 CHAIRMAN FLORES: Any opposed?

21 (No response.)

22 CHAIRMAN FLORES: The vote is 5-0 and

1 Commissioner O'Connell-Diaz's revisions are approved.

2 Commissioner Ford, you spearheaded the
3 effort on the underwriting criteria and the credit
4 check revisions.

5 Commissioner Ford.

6 COMMISSIONER FORD: Certainly along with you,
7 Commissioner Flores, and certainly Commissioner
8 Colgan, but certainly your Staff and my Staff,
9 Chairman, read this.

10 One of the options -- several options
11 were posed and we certainly looked at CUB and City's
12 option to determine the creditworthiness of potential
13 program participants. One of the things we
14 recognized that -- with the On-Bill Financing Program
15 we want a new pool of consumers and many of whom
16 might not have access to financing.

17 So we want to use -- we want to
18 encourage -- because this Commission can -- by
19 statute -- can offer certain discretionary methods.
20 We want to offer a strong word of advice to our
21 utilities to encourage the lenders to urge the --
22 urge the utilities to have the lenders and become

1 more inclusive with their creditworthiness programs
2 and to take into account other concerns without
3 relying totally on traditional credit.

4 And so we want to -- we did listen to
5 what CUB and AG said about the underwriting criteria.

6 Chairman Flores, you might want to
7 expand on that.

8 CHAIRMAN FLORES: Again, I just want to thank
9 Commissioner Ford and the other Commissioners and all
10 the Staff in putting this together.

11 Is there a motion to accept
12 Commissioner Ford's revisions?

13 COMMISSIONER COLGAN: So moved.

14 CHAIRMAN FLORES: I will second it.

15 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 and
21 Commissioner Ford's revisions are approved.

22 We have a couple of other revisions

1 that we worked on collectively. There is an issue of
2 the selection of the lender. The statute is clear
3 that responsibility lies with a utility. But we do
4 propose further language, further encouraging,
5 collaboration updates between utilities and
6 stakeholders on issues surrounding the selection of
7 lender just so that everyone is on the same page and
8 we're working together.

9 And there is another matter with
10 regards to the proposed of program budgets. We do
11 not have the statutory authority to create a cap, but
12 we proposed language that cautions against imprudent
13 expenditures with a concern, again, that this is a
14 pilot program; that at the end of the four years
15 we're going to have to submit a report; and while we
16 do have the reconciliation proceedings, we want to
17 make sure that we are, at the very start, mindful of
18 the costs associated with the administration of these
19 programs.

20 We don't want to send potentially
21 wrong signals and create potentially a chilling
22 effect from -- for moving further with the program at

1 the end of the four years.

2 So that is the additional revisions
3 that have been made to the Order.

4 Is there a motion to accept these
5 revisions?

6 COMMISSIONER COLGAN: So moved.

7 COMMISSIONER O'CONNELL-DIAZ: Chairman, if I
8 just may clarify. These are the revisions that were
9 the kind of more simplified revisions?

10 CHAIRMAN FLORES: These were the last revisions
11 that was -- the most recent revisions that were
12 circulated last night.

13 COMMISSIONER O'CONNELL-DIAZ: Well, I think
14 I'm -- I think there was a simplified version and
15 then there was a more wordy version. And I think
16 that the support was for the more simplified version.
17 So if you could just clarify that.

18 CHAIRMAN FLORES: At the risk of -- I won't --
19 I don't know if I'm going to say -- we won't call it
20 the wordier version because that's my version.

21 COMMISSIONER O'CONNELL-DIAZ: I don't know --
22 it has more words in it.

1 CHAIRMAN FLORES: I'm going to poke fun at
2 myself. I tend to be a little verbose and
3 long-winded. But I suspect --

4 COMMISSIONER O'CONNELL-DIAZ: Well, I think
5 they all get us to the same place --

6 CHAIRMAN FLORES: They do, but I did -- there
7 was language -- again, we changed "excessive" to
8 "imprudent."

9 COMMISSIONER O'CONNELL-DIAZ: Well, that is the
10 more wordy version, and I think the simplified
11 version was --

12 CHAIRMAN FLORES: Well, I think -- I don't
13 know. I think there's a question to it, which is
14 fine. We can do a vote on --

15 COMMISSIONER O'CONNELL-DIAZ: Okay.

16 CHAIRMAN FLORES: Why don't we -- I think
17 there's more consensus on the -- we'll take the first
18 piece then -- the first set of revisions with regards
19 to the responsibility of the lending on the utility.

20 So is there a motion to accept the
21 revisions with regards to this selection of the
22 lender portion?

1 COMMISSIONER O'CONNELL-DIAZ: So moved.

2 CHAIRMAN FLORES: Is there a second?

3 COMMISSIONER COLGAN: Second.

4 CHAIRMAN FLORES: Okay. It's been moved and
5 seconded.

6 All in favor, say "aye."

7 (Chorus of ayes.)

8 CHAIRMAN FLORES: Any opposed?

9 (No response.)

10 CHAIRMAN FLORES: The vote is 5-0.

11 Now, we're moving to the last set of
12 revisions. Again, the issue here is, I think, just
13 one of -- there is additional language, but I thought
14 it was important that we did include the term
15 "imprudent expenditures," again, sending a clear
16 signal in the Order that we want to, again, allow for
17 the utilities to move forward with, you know, prudent
18 costs; but, again, sending the signal earlier rather
19 than later during the reconciliation stage that we
20 want to be cautious and, frankly, smart about the way
21 that we are financing these administrative --
22 administrative aspect of this program.

1 So with regards to the revisions that
2 my office submitted, I'll make a motion.

3 Is there a second to adopt the
4 revisions I submitted?

5 COMMISSIONER COLGAN: I'm not exactly sure --

6 COMMISSIONER O'CONNELL-DIAZ: You know what, I
7 think there's two --

8 COMMISSIONER COLGAN: I think there's some
9 subtle distinctions between different versions.

10 COMMISSIONER O'CONNELL-DIAZ: Yes. That's
11 why one's a little shorter and one's a little longer.

12 COMMISSIONER COLGAN: And I think we're in
13 agreement on the overall concept. So I'm unclear
14 about what we're voting on.

15 CHAIRMAN FLORES: Well, I think there's just an
16 issue of language. The -- what -- if I may ask
17 Commissioner O'Connell-Diaz, what is the --

18 COMMISSIONER FORD: What page are we on?

19 COMMISSIONER O'CONNELL-DIAZ: Well, we've just
20 been back and forth and there's two versions, just so
21 you're clear. There's two versions, and when I
22 referred to the more simplified version I was talking

1 about the version that my office circulated.

2 CHAIRMAN FLORES: Okay.

3 COMMISSIONER O'CONNELL-DIAZ: In response to
4 yours, it kind of took out some of it because I --
5 and I don't mean any disrespect to your language, but
6 it was repetitive and it kind of repeats things from
7 a paragraph before. And I just think the simpler
8 version -- obviously this is a prudency hearing. We
9 will be looking at it. It gets to the same place,
10 but just in a more simplified version. Hence, that's
11 why I called it the simplified version.

12 So I know that we have been back and
13 forth with your office and it was my notion that
14 there was support for this simplified version versus
15 the more dressed up version -- I don't know what else
16 to call it. So I would suggest that the simplified
17 version would be --

18 COMMISSIONER FORD: Let me simplify by reading
19 what I had. The utilities are entitled to recover
20 all prudently incurred expenses through the energy
21 efficient riders -- that's not it?

22 COMMISSIONER O'CONNELL-DIAZ: Maybe we should

1 recess and get the appropriate version so we know
2 what we're voting on. Is that comfortable?

3 CHAIRMAN FLORES: We're going to take a brief
4 recess and we will be right back.

5 (Whereupon, a recess was taken.)

6 CHAIRMAN FLORES: So let the record reflect
7 that we are back from a brief recess where I think we
8 were able to address some minor scrivener issues.
9 And there is now a -- Commissioner O'Connell and my
10 office are submitting the final amendment to -- with
11 respect to the proposed program budgets.

12 And, again, just wanted to make sure
13 the record is clear, we don't have statutory
14 authority to create a cap. But the language, again,
15 is intended to just guard against excessive cost
16 overruns or any other budgetary issues that may
17 negatively impact or adversely affect the program in
18 such a way where people, perhaps -- just again, has a
19 negative impact and continue the program long term.

20 So is there a motion to accept
21 Commissioner O'Connell-Diaz's and my office's
22 revision?

1 COMMISSIONER COLGAN: So moved.

2 COMMISSIONER FORD: Second.

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

4 All in favor, say "aye."

5 (Chorus of ayes.)

6 CHAIRMAN FLORES: Any opposed?

7 (No response.)

8 CHAIRMAN FLORES: The vote is 5-0 and
9 Commissioner O'Connell-Diaz's and my revisions have
10 been adopted.

11 Commissioner O'Connell-Diaz, would you
12 like to -- again, thank you very much to all of the
13 Commissioners and their Staff concerning their work
14 that they've done on this matter. We are -- I think
15 everyone's interested to see how this program unfolds
16 and we'll be taking down and obviously monitoring the
17 results of this program so that we can produce a
18 report.

19 And with regard to the energy
20 efficiency and the protocol that the State of
21 Illinois has developed it -- I think it's an
22 innovative way to continue on the energy efficiency

1 goals that we have established here in the State of
2 Illinois.

3 So moving on now to
4 Telecommunications. We have --

5 JUDGE HAYNES: Excuse me.

6 JUDGE DOLAN: You have to vote on it.

7 CHAIRMAN FLORES: Oh, thank you. We did take a
8 vote.

9 JUDGE DOLAN: You just did --

10 CHAIRMAN FLORES: On the overall -- oh, I'm
11 sorry. Yes.

12 Is there a motion to accept the Orders
13 then as amended?

14 COMMISSIONER COLGAN: So moved.

15 COMMISSIONER FORD: Second.

16 CHAIRMAN FLORES: Is there a second?

17 Very well. It's been moved and
18 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 On-Bill
2 Financing Orders are approved.

3 JUDGE HAYNES: Can I say something?

4 CHAIRMAN FLORES: Yes.

5 JUDGE HAYNES: For these revisions, I would
6 really appreciate it -- I don't know how it's been
7 done -- but if I get the revision to each of the four
8 dockets.

9 And also there have been sometimes
10 issues with the findings and orderings not matching
11 the changes within the body of the Order. And
12 especially in this instance, some workshops were
13 ordered and it sounds like maybe you're changing that
14 workshop process. And I just want to make sure the
15 findings and orderings with the workshops that are --
16 they all match up.

17 So for my ease in getting those out,
18 I'd appreciate it. Thank you.

19 CHAIRMAN FLORES: They will. Very well. Thank
20 you. And, again, thank you. And there's just --
21 there's so many different revisions. So thank you
22 for the reminder of voting on the overall measures.

1 Moving on to Telecommunications. Item
2 T-1 concerns the Illinois Bell Telephone Company's
3 filings to clarify the applicability of the monthly
4 Infrastructure Maintenance Credit for residential
5 customers in MSAs 2, 3, 6, 7, 9 and 15. Staff
6 recommends that we do not suspend the filing.

7 Is there any discussion?

8 (No response.)

9 CHAIRMAN FLORES: Any objections?

10 (No response.)

11 CHAIRMAN FLORES: Hearing none, the filing will
12 not be suspended or investigated.

13 Item T-2 concerns Frontier Citizens
14 Communications of Illinois's filings to change the
15 name of "Frontier Digital Phone Essentials" to
16 "Frontier Digital Phone 100." Staff recommends that
17 we do not suspend the filings.

18 Is there any discussion?

19 (No response.)

20 CHAIRMAN FLORES: Any objections?

21 (No response.)

22 CHAIRMAN FLORES: Hearing none, the filings

1 will not be suspended or investigated.

2 T-3 is Docket No. 10-0234. This is
3 DSI-ITI's application for a certificate to operate as
4 a reseller of telecommunications services in
5 Illinois. Administrative Law Judge Teague recommends
6 entry of an Order granting the certificate.

7 Is there any discussion?

8 (No response.)

9 CHAIRMAN FLORES: Any objections?

10 (No response.)

11 CHAIRMAN FLORES: Hearing none, the Order is
12 entered and the certificate is granted.

13 Item T-4 is Docket No. 10-0036. This
14 is Illinois Bell Telephone Company's Petition For
15 Approval, Without Hearing, of the Transfer of Real
16 Estate. Administrative Law Judge Haloulos-Baker
17 recommends entry of an Order granting the petition.

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 petition is granted.

2 Item T-5 is Docket No. 10-0068. This
3 is Custom TeleConnect's petition for the protection
4 of confidential and/or proprietary information.
5 Administrative Law Judge Yoder recommends entry of an
6 Order granting the requested relief.

7 Is there any discussion?

8 (No response.)

9 CHAIRMAN FLORES: Any objections?

10 (No response.)

11 CHAIRMAN FLORES: Hearing none, the Order is
12 entered and relief is granted.

13 Item T-6 is No. 10-0102. This is
14 DSLnet Connections -- or Communications' Petition For
15 the Protection of Confidential and/or Proprietary
16 Information. Administrative Law Judge Gilbert
17 recommends entering an Order dismissing the
18 proceeding.

19 Is there any discussion?

20 (No response.)

21 CHAIRMAN FLORES: Any objections?

22 (No response.)

1 CHAIRMAN FLORES: Hearing none, the Order is
2 entered and the certificate is granted.

3 Item T-7 and T-8 will be taken
4 together. These are petitions for the protection of
5 confidential and/or proprietary information. In each
6 instance the Administrative Law Judge recommends
7 entering an Order granting protective treatment.

8 Is there any discussion?

9 (No response.)

10 CHAIRMAN FLORES: Any objections?

11 (No response.)

12 CHAIRMAN FLORES: Hearing none, the Orders are
13 entered.

14 Items T-9 through T-12 will be taken
15 together. These are petitions for the approval of
16 interconnection agreements pursuant to Section 47
17 U.S.C. Section 252. In each case, Administrative Law
18 Judge Tapia recommends entry of an Order approving
19 the interconnection agreement.

20 Is there any discussion?

21 (No response.)

22 CHAIRMAN FLORES: Any objections?

1 (No response.)

2 CHAIRMAN FLORES: Hearing none, the Order is
3 entered and the interconnection agreements are
4 approved.

5 We now move to the Water and Sewer
6 portion of today's agenda. Item W-1 is the
7 Illinois-American Water Company's management audit.
8 Before us today is an Order initiating the management
9 audit.

10 Is there any discussion?

11 (No response.)

12 CHAIRMAN FLORES: Is there a motion to enter
13 the initiating management audit?

14 COMMISSIONER COLGAN: So moved.

15 CHAIRMAN FLORES: I will second it.

16 All in favor, say "aye."

17 (Chorus of ayes.)

18 CHAIRMAN FLORES: All opposed?

19 (No response.)

20 CHAIRMAN FLORES: The vote is 5-0, and the
21 Order initiating the management audit is entered.

22 Item W-2 is Docket No. 09-0400. This

1 is Illinois-American Water Company's petition for
2 approval of a change in the method of accounting for
3 pension and other post-employment benefit costs.
4 Before us today is a motion to dismiss the proceeding
5 without prejudice made by the Company, which
6 Administrative Law Judge Jones recommends that we
7 grant.

8 Is there any discussion?

9 (No response.)

10 CHAIRMAN FLORES: Any objections?

11 (No response.)

12 CHAIRMAN FLORES: Hearing none, the proceeding
13 is dismissed without prejudice.

14 Item W-3 is Docket No. 09-0451. This
15 is Illinois-American Water Company's application for
16 the purchase of assets and operating rights within
17 the Stever District Improvement Association Water
18 Treatment and Distribution System and for a
19 certificate to provide water services in Peoria
20 County in accordance with Section 8-408 of the Public
21 Utilities Act. Administrative Law Judge Riley
22 recommends entering an Order granting the

1 certificates.

2 Is there any discussion?

3 COMMISSIONER COLGAN: We're granting the Order
4 for the temporary certificate or for both? Wasn't
5 there a request for a temporary and a permanent?

6 CHAIRMAN FLORES: Administrative Law Judge
7 Riley?

8 COMMISSIONER COLGAN: Or maybe I'm ahead of --
9 no. I'm sorry. That's the next one. That's the
10 Apple Canyon -- that's the Apple Canyon Order.

11 CHAIRMAN FLORES: Judge, where are you going?

12 COMMISSIONER O'CONNELL-DIAZ: He's escaping.

13 COMMISSIONER COLGAN: I just answered my own
14 question. I'm sorry.

15 CHAIRMAN FLORES: We wanted to say "Hi."

16 JUDGE RILEY: Good morning.

17 CHAIRMAN FLORES: Is there any further
18 discussion?

19 COMMISSIONER COLGAN: No.

20 CHAIRMAN FLORES: Hearing none, the Order is
21 entered and the certificates are granted.

22 Thank you, Judge.

1 Commissioner Colgan, are you ready?

2 COMMISSIONER COLGAN: I'm ready.

3 CHAIRMAN FLORES: Docket No. W-4 --

4 COMMISSIONER COLGAN: It's a busy agenda.

5 COMMISSIONER FORD: Yes, it is.

6 CHAIRMAN FLORES: -- Docket No. 10-0215. This
7 is Apple Canyon's petition for issuance of
8 certificates to provide water services in Jo-Daviess
9 County in accordance with Section 8-408 of the Public
10 Utilities Act and for approval of a related contract.
11 Administrative Law Judge Kimbrel recommends entry of
12 an Order granting a temporary certificate.

13 Is there any discussion?

14 (No response.)

15 CHAIRMAN FLORES: Any objections?

16 (No response.)

17 CHAIRMAN FLORES: Hearing none, the Order is
18 entered and the temporary certificate is granted.

19 Miscellaneous items now, we have a few
20 petitions for rehearing for -- to address today. The
21 first is Docket No. 08-0175. We will -- we're going
22 to hold on to this a little bit until the Staff

1 Report on the management audit. So if we could --

2 The second item is Docket No. 09-0319.

3 This concerns the Application For Rehearing on the

4 Illinois-American Water Company's rate case.

5 Administrative Law Judge Jones recommends denying the

6 party's petitions for rehearing.

7 Is there any discussion on the

8 rehearing applications?

9 (No response.)

10 CHAIRMAN FLORES: Is there a motion to deny the

11 rehearing applications?

12 I will make the motion to deny the

13 rehearing applications.

14 Is there a second?

15 COMMISSIONER FORD: Second.

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

17 All in favor, say "aye."

18 (Chorus of ayes.)

19 CHAIRMAN FLORES: Any opposed?

20 (No response.)

21 CHAIRMAN FLORES: The vote is 5-0 and the

22 Applications for Rehearing are denied.

1 Other business now --

2 COMMISSIONER COLGAN: Mr. Chairman?

3 CHAIRMAN FLORES: Yes, sir.

4 COMMISSIONER COLGAN: Do we need to vote to
5 extend the deadline on the Citizens Utility Board?

6 CHAIRMAN FLORES: We're going to be dealing
7 with that.

8 COMMISSIONER COLGAN: Okay.

9 CHAIRMAN FLORES: Is there -- now the -- in the
10 other business we have an Annual Report on Cable and
11 Video Service Deployment by providers who have been
12 granted state-issued cable and video service
13 authorization. Do we have a report from Staff?

14 MR. ZOLNIEREK: Yes, we do. This is Jim
15 Zolnierenek from Telecom Staff, Commissioner.

16 CHAIRMAN FLORES: How are you, Mr. Zolnierenek?

17 MR. ZOLNIEREK: Pretty good.

18 CHAIRMAN FLORES: Very well.

19 MR. ZOLNIEREK: The Cable Video Services
20 Competition Law of 2007 permits cable and/or video
21 service providers to obtain from the Commission state
22 issued authorization to offer and provide cable or

1 video service. As a condition of the state issued
2 authorization providers are required by April 1st of
3 each year to report to the Commission on deployment
4 status in each of the service areas. The Commission
5 is required by July 1st of each year to submit the
6 information reported by providers to the General
7 Assembly.

8 As of year end 2009 the Commission had
9 authorized only one provider to provide cable or
10 video services, Illinois Bell Telephone Company,
11 which does business as AT&T Illinois. AT&T Illinois
12 was authorized to provide service on October 24th,
13 2007.

14 On April 1st of this year AT&T
15 Illinois submitted to the Commission documents
16 entitled AT&T Illinois' Second Annual Video Service
17 Access Report. This document is an attachment to the
18 draft report submitted to you by Staff. The
19 information in the report is largely self-explanatory
20 and summarizes the extent of AT&T Illinois' video
21 service deployment as of year end 2010 -- 2009.
22 Excuse me.

1 There are, however, three statistics
2 that are of particular interest with respect to the
3 requirements and the law. First, by October 23rd of
4 2010 AT&T Illinois must, pursuant to the law, provide
5 access to video service to 35 percent of the
6 households in its incumbent local exchange carrier
7 service area. As of the year end 2009, AT&T Illinois
8 reported that it deployed service to 31 percent of
9 households in the service area.

10 By October 20th the second -- the
11 second statistic of interest concerns deployment to
12 households that have low income. By October 23rd,
13 2010, 30 percent of the households provided access to
14 video service by AT&T Illinois must be low income.
15 At year end 2009, AT&T Illinois reported that
16 26 percent of households that it provided access to
17 were low-income households.

18 And, finally, by October 23rd, 2010,
19 the percentage of low-income households provided
20 access to video services in each exchange must equal
21 or exceed the percent of low-income households in the
22 exchange as a whole. As of year end 2009, AT&T

1 reported that the criteria were met and 65 percent of
2 the exchanges were provided service in 63 of the 97
3 exchanges. So AT&T has not met the thresholds yet,
4 but it still has time until October to do so.

5 With your approval, the Office of
6 Governmental Affairs will format and print the
7 report, including the information that AT&T Illinois
8 submitted to the Commission to the General Assembly.

9 CHAIRMAN FLORES: Is there anything further?

10 MR. ZOLNIEREK: Nothing further from Staff.

11 CHAIRMAN FLORES: Very well. Thank you so
12 much.

13 Is there any discussion? Any
14 questions for Staff on this matter?

15 (No response.)

16 CHAIRMAN FLORES: Very well.

17 I'll make a motion to submit this
18 report on to the General Assembly.

19 Is there a second?

20 COMMISSIONER O'CONNELL-DIAZ: Second.

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

22 All in favor, say "aye."

1 (Chorus of ayes.)

2 CHAIRMAN FLORES: Any opposed?

3 (No response.)

4 CHAIRMAN FLORES: The vote is 5-0 and the
5 report will be sent over to the General Assembly.

6 Mr. Zolnierek, again, thank you so
7 much for your outstanding work in this matter.

8 Our second item brings us back to
9 Docket No. 08-0157, the Just Energy complaint case.
10 We've got a number of different items to address on
11 this matter and that's why we've held onto this issue
12 to the very -- to the end here.

13 There's the -- first, we have the
14 selection of the Auditor; there's entering an updated
15 schedule; there's addressing alleged confidentiality
16 concerns; and then there are a number of rehearing
17 requests -- matters for rehearing.

18 And before getting to these -- each of
19 these items, I want to make sure that we're going to
20 hear a Supplemental Report from Staff.

21 Mr. Randy Nehrt, are you available?

22 MR. NEHRT: Yes, I am.

1 CHAIRMAN FLORES: Very well. And, Judge
2 Wallace, are you nearby?

3 JUDGE WALLACE: Yes.

4 CHAIRMAN FLORES: Very well. Because I suspect
5 we're going to need the both of you.

6 So we'll start with Mr. Nehrt.

7 MR. NEHRT: Yes, at the last open meeting the
8 Commission had a few questions that they wanted Staff
9 to look into and provide some answers for and Staff
10 has provided some materials to the Commission that
11 hopefully answer your questions.

12 One of the questions the Commission
13 had was whether the proposed auditor that was
14 recommended by Staff for approval met the State's
15 Business Enterprise Program Standards. And the short
16 answer to that is that they don't currently, but they
17 were willing to investigate changes to the audit
18 proposal necessary to comply. I believe that they --
19 the Company is willing and able to do that.

20 And so Staff would recommend that the
21 Commission approve the Auditor subject to compliance
22 with the State's Business Enterprise Program.

1 CHAIRMAN FLORES: Very well. Is there any
2 discussion on this matter on what was just provided.

3 COMMISSIONER FORD: Yes.

4 CHAIRMAN FLORES: Commissioner Ford.

5 COMMISSIONER O'CONNELL-DIAZ: Mr. Nehrt, I
6 noticed in this report that there was a question of
7 that -- they would be complying with what the
8 Commission has requested would cost more money.
9 There was a concern raised by the Company that there
10 would be more money that would be required. I'm kind
11 of missing why that...

12 MR. NEHRT: Yeah, and I think that -- to try to
13 answer your question there -- and Staff inquired
14 about that with the Auditor -- until they've been
15 able to prepare a contract with the firm that is
16 certified by CMS to BEP guidelines, they don't know
17 specifically what the cost will be for the use of
18 that firm in the audit. And I think there may be
19 some other costs as well in --

20 COMMISSIONER O'CONNELL-DIAZ: So
21 essentially what we have here is we have one company
22 that is going to be a -- like a general contractor

1 and then the other company that would be a
2 subcontractor, is that how that works?

3 MR. NEHRT: That's correct. And Staff inquired
4 with CMS about that and they indicated that process
5 is used quite often.

6 COMMISSIONER FORD: Mr. Nehrt, as a former
7 assistant director of Central Management Services and
8 head of BEP, we do not -- subcontracting is often
9 used, but it is not at an additional cost to the
10 ratepayer.

11 And I would move -- and hope my
12 Commission would approve -- that we go back to the
13 table with Just Energy and ask for an additional --
14 some more information -- some more people to do this
15 work for more auditors because this is totally
16 unsatisfactory to me.

17 COMMISSIONER O'CONNELL-DIAZ: I agree. And
18 also by virtue of the fact that we really are the
19 first to -- for reasons I won't go into, but are in
20 the report -- they don't qualify. And so we're left
21 with this general contractor who obviously is going
22 to be paid funds. And that's why I would surmise

1 that there's going to be the need for more money.

2 I find it really hard to believe that
3 there is not an audit company out there that could be
4 utilized that could qualify under our guidelines. So
5 I think we need to take some more time, as
6 Commissioner Ford stated, and go back to the table
7 and get some more candidates -- I think would be
8 probably a better idea.

9 COMMISSIONER COLGAN: Doesn't the Order say
10 that if we can't -- if the company can't recommend a
11 sufficient number of acceptable auditing firms that
12 the Staff then can go out on its own and find that?

13 And is that what you're kind of aiming
14 at here, is that maybe rather than subcontracting --

15 COMMISSIONER FORD: Absolutely.

16 COMMISSIONER COLGAN: -- we would just go
17 straight -- especially since the --

18 COMMISSIONER FORD: RFP.

19 COMMISSIONER COLGAN: -- additional costs
20 associated with the subcontracting, that we maybe try
21 to find an original -- just a straight-on contract
22 with an auditing firm that can meet the -- satisfy

1 the requirements of the Order?

2 COMMISSIONER FORD: Sounds good to me.

3 Chairman?

4 CHAIRMAN FLORES: Mr. Nehrt, I see that you've
5 been joined by --

6 MS. NAUGHTON: Hi, Commissioners. I just want
7 to mention if you think you're --

8 CHAIRMAN FLORES: Do you want to identify
9 yourself for the record.

10 MS. NAUGHTON: I'm sorry. This is Nora
11 Naughton.

12 If you would like to go the route
13 where Staff would choose another auditor, we might
14 have to do an RFP, just to let you know.

15 COMMISSIONER O'CONNELL-DIAZ: I think our Order
16 might have been too ambitious in the time frame that
17 we thought that this would be concluded. And so,
18 obviously, we're going to need some time to do this.

19 MS. NAUGHTON: That process is a little bit
20 more lengthy.

21 COMMISSIONER O'CONNELL-DIAZ: Absolutely.

22 CHAIRMAN FLORES: I think that's going to be --

1 that's going to have to be the approach given the
2 results that we've seen at this point.

3 Judge Wallace?

4 JUDGE WALLACE: Yes.

5 CHAIRMAN FLORES: That's why we knew we were
6 going to be needing your sage counsel. What does
7 that mean then in terms of time and how -- the effect
8 on deadlines? That was an issue that was raised in
9 the last committee meeting -- or, excuse me -- the
10 last meeting.

11 JUDGE WALLACE: I think it will be necessary
12 for the Commission to alter the schedule set forth in
13 the Order in 08-175 to allow Mr. Nehrt to complete
14 the reprocess. I'm not sure how much time that
15 would --

16 CHAIRMAN FLORES: Okay. Mr. Nerht.

17 MR. NEHRT: If the Commission desires for Staff
18 to use the State's RFP process to obtain an auditor,
19 I think Staff laid out a time line for that in the --
20 in its filing in the case. And I believe, if I can
21 recall correctly, that that time frame to select an
22 auditor to do that process was around six months.

1 CHAIRMAN FLORES: Very well. Well, then, Judge
2 Wallace, are we going to have -- is that going to
3 then require an amendment, though, to the initial
4 Order that we voted on?

5 JUDGE WALLACE: That would -- well, we could --
6 the Commission could extend the deadline -- no,
7 you're right. An amendment would be in order to
8 reflect going to do an RFP and then extending that
9 deadline for that six-month period.

10 CHAIRMAN FLORES: Very well. Should -- from a
11 timing perspective, we have to do that today; isn't
12 that correct?

13 JUDGE WALLACE: If you want to keep the process
14 moving, yes. If you want to take some time to work
15 on the amendment, no. We can extend the current
16 deadline until the next meeting, June 23rd, and go
17 from there again. I know it represents delay, but --

18 CHAIRMAN FLORES: You know what, I'm going to
19 do that because I just want to make sure that
20 whatever amendment that we make, that it's done
21 thoughtfully and that we all have the opportunity to
22 review the language.

1 So let the record reflect then at this
2 time we're going to continue this matter then -- this
3 particular part of the Order till June 23rd.

4 JUDGE WALLACE: All right. And --

5 COMMISSIONER O'CONNELL-DIAZ: Judge Wallace,
6 just a question is do we have a concern that the
7 Company then is going to be in noncompliance with our
8 Order as of today's date? Do we need to affirm from
9 the Bench that we will not hold them in noncompliance
10 due to the Commission addressing this at our next
11 Bench session?

12 JUDGE WALLACE: All right. The current Order
13 requires certain acts to be done by today's date. I
14 think that continuing that schedule to June 23rd
15 would take the Company out of the noncompliance for
16 that period of time from today until June 23rd.

17 COMMISSIONER COLGAN: So we do need then an
18 official motion to extend the deadline to the 23rd at
19 which time the Staff would give us a full report
20 about the time frame that we need and a
21 recommendation for what we should do at that point?

22 JUDGE WALLACE: That's correct, and whatever

1 amendment to the Order may be necessary to accomplish
2 what you want to do.

3 COMMISSIONER COLGAN: I would move for that.

4 CHAIRMAN FLORES: Very well.

5 Is there a second on Commissioner
6 Colgan's motion to continue this matter for the
7 purposes of rescheduling on June 23rd?

8 COMMISSIONER FORD: Second.

9 CHAIRMAN FLORES: Very well.

10 All in favor, say "aye."

11 (Chorus of ayes.)

12 CHAIRMAN FLORES: Any opposed?

13 (No response.)

14 CHAIRMAN FLORES: Let the record reflect that
15 the vote is 5-0 to continue the time line for this
16 matter until June 23rd, at which time Staff will
17 provide a report letting us know the time frame by
18 which we can expect the Auditor to be selected and
19 then when the report can be generated.

20 The second item is taken care of then
21 as well.

22 We have now -- there is an issue

1 concerning the confidentiality concerns alleged by
2 the Petitioners. Staff takes the position that
3 confidential treatment of the aspects on the issues
4 that have been raised for the audit is -- are
5 inappropriate. Administrative Law Judge Gilbert
6 recommends either denying any motion for
7 clarification or granting clarification to state that
8 the audit-related documents are public records unless
9 the Commission specifically deems otherwise.

10 Is there any discussion or any
11 questions, Commissioners, on this matter?

12 COMMISSIONER COLGAN: Well, I think the Order
13 says that the Company didn't make a case for exactly
14 why any aspects of the audit should be held
15 confidential. I think its probably is their --
16 within their purview to make that request.

17 So, I mean, if there are things that
18 are in the audit that they consider to be of a
19 confidential nature that would be disclosing, you
20 know, some business practices or confidential
21 information that should be held by the -- just for
22 the Commission's use only, I think they can make

1 that.

2 So I'm not sure either one of those
3 options -- I think that the second one may be --

4 CHAIRMAN FLORES: I think at this point,
5 looking at what Administrative Law Judge Gilbert
6 recommends, denying the motion at this time for
7 confidential treatment is the appropriate approach.
8 We still haven't even resolved the issue of who's
9 going to be doing the audit. So if other issues come
10 up later on down the road, I think they can be
11 addressed.

12 So at this time I'd like to make a
13 motion to deny the Company's motion for confidential
14 treatment of the audit and to also clarify that the
15 audit-related documents are public records unless the
16 Commission specifically deems otherwise. That's the
17 motion.

18 COMMISSIONER O'CONNELL-DIAZ: Chairman, if I
19 might. I think that both gentlemen are correct.
20 This Commission is fully informed and as a routine
21 matter goes through confidentiality requests on a
22 regular basis. This -- what has been filed before us

1 is not ripe. There's nothing before us with regard
2 to confidentiality.

3 If -- just as Commissioner Colgan has
4 noted, if there are items that the Company deems
5 should be protected, we would -- as we do in any
6 case, we would invite them to make that case and we
7 would hear argument on that request when it is
8 specific and when it was before us.

9 And to request this blanket covering
10 over anything that may come out of this process is
11 inappropriate. We have a mechanism to do it. I
12 invite everybody to come on in. I'm sure Judge
13 Gilbert will enjoy the motion practice relative to
14 these issues, but that's how we do it.

15 So I'm really kind of surprised that
16 one would make such a blanket request.

17 COMMISSIONER COLGAN: As a part of a request
18 for rehearing.

19 COMMISSIONER O'CONNELL-DIAZ: Yeah. It's just
20 inappropriate. So it's not that we're saying that
21 everything is going to be out there. If you come in
22 and make your case and the Judge rules that it should

1 be protected, then the Commission will be advised
2 with regard to those issues.

3 So we have already a procedure in
4 place in our rules to provide for that, and so it's
5 just not ripe before us today.

6 COMMISSIONER FORD: I'll second the Chairman's
7 motion.

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

9 All in favor, say "aye."

10 (Chorus of ayes.)

11 CHAIRMAN FLORES: Any opposed?

12 (No response.)

13 CHAIRMAN FLORES: The vote is 5-0 to deny the
14 Motion for Confidential Treatment.

15 The last thing we have, we have a
16 number of matters for -- regarding rehearing requests
17 for the same case. On each of these issues
18 Administrative Law Judge Gilbert makes no
19 recommendation -- well, there are a number of issues.

20 The first one, he makes no
21 recommendation on the certificate of revocation
22 issue. You know, I don't know if we want to take --

1 there are eight issues here. I don't know if we want
2 to take all of them together or we want to go -- my
3 preference would be that we look at one each
4 individually. I just referenced one with regards to
5 the revocation of the certification.

6 Any comments, discussion on that?

7 COMMISSIONER COLGAN: You're asking for what?

8 CHAIRMAN FLORES: Well, we're going to have to
9 ultimately be deciding on each one of these issues as
10 to whether or not --

11 COMMISSIONER COLGAN: Let's take them
12 individually, just walk through them.

13 CHAIRMAN FLORES: Very well. So the first one
14 is the issue of revoking the certificate.

15 Are there any votes for granting
16 rehearing on that matter?

17 (No response.)

18 CHAIRMAN FLORES: So is there a motion to deny
19 the motion for rehearing on that issue?

20 COMMISSIONER O'CONNELL-DIAZ: So moved.

21 CHAIRMAN FLORES: Is there a second?

22 COMMISSIONER FORD: Second.

1 CHAIRMAN FLORES: I just want the record to
2 reflect that I -- while I certainly understand and
3 appreciate the arguments posited by all the parties
4 and also the legal rationale and conclusions reached
5 by my colleagues on this matter, that I do not agree
6 with the majority.

7 I'm going to make a motion to grant
8 rehearing on that matter.

9 Is there a second?

10 (No response.)

11 CHAIRMAN FLORES: Anyone?

12 (No response.)

13 CHAIRMAN FLORES: I don't hear a second. I
14 just want the record to reflect that it's chilly, but
15 there's no second on that motion.

16 So the motion is not moved.

17 COMMISSIONER COLGAN: Mr. Chairman --

18 CHAIRMAN FLORES: We still have to -- someone
19 has to make a motion, though, because the matter is
20 still pending.

21 So is someone going to make a motion
22 on whether or not --

1 COMMISSIONER COLGAN: I move that we not have a
2 rehearing on the Deceptive Fraud --

3 COMMISSIONER O'CONNELL-DIAZ: I second that.

4 COMMISSIONER COLGAN: -- and consumer Fraud and
5 Deceptive Practices Act.

6 COMMISSIONER O'CONNELL-DIAZ: Second that.

7 CHAIRMAN FLORES: It's been moved and seconded.
8 I will not be joining in that second so I'm going to
9 ask that we do a roll call vote.

10 Commissioner Ford?

11 COMMISSIONER FORD: Aye.

12 CHAIRMAN FLORES: Commissioner O'Connell-Diaz?

13 COMMISSIONER O'CONNELL-DIAZ: Aye.

14 CHAIRMAN FLORES: Commissioner Elliott?

15 COMMISSIONER ELLIOTT: Aye.

16 CHAIRMAN FLORES: Commissioner Colgan?

17 COMMISSIONER COLGAN: Aye.

18 CHAIRMAN FLORES: And I, Acting Chairman
19 Flores, votes no.

20 COMMISSIONER COLGAN: Mr. Chairman, just let me
21 make a brief comment here. I voted -- I did not vote
22 with the majority on the Final Order in this case.

1 And I continue to reserve my right to file a
2 Dissenting Opinion, which I've already drafted.

3 And I didn't think there was enough to
4 revoke the certificate. And I didn't agree that
5 there was a violation that we could find them in
6 violation of Deceptive -- the Consumer Fraud and
7 Deceptive Practices Act; but I did think there was
8 sufficient evidence in the records of violations of
9 the Alternative Gas Supplier Law that we could have
10 modified their certificate.

11 So that's just my overall position and
12 I know I don't have probably any votes to support
13 that position, but I continue to reserve my right to
14 file my dissent.

15 CHAIRMAN FLORES: Well, we're not done.

16 COMMISSIONER FORD: I would like to read it,
17 John.

18 CHAIRMAN FLORES: We're not done with all of
19 the various points. But, you know -- I'll reserve my
20 comments to the very end.

21 The next matter is -- there's some
22 language in the Order concerning the various roles

1 regarding the complainants. I don't know if anyone
2 wants to speak on this issue.

3 COMMISSIONER FORD: Well, the Judge said it's
4 not substantive nor procedure. So I guess it's
5 rhetorical.

6 CHAIRMAN FLORES: John.

7 COMMISSIONER COLGAN: Well, on this case I --
8 you know, I was in error. I thought that we had
9 actually modified that language and I thought when I
10 voted in favor of it that it had been modified, but
11 should I file my Dissenting Opinion, I will clarify
12 that language in that modification that I'm going to
13 recommend.

14 CHAIRMAN FLORES: The next matter is the -- the
15 allowing the Company's request on clarification over
16 reporting customer complaints proposal to clarify.
17 So I don't know if there's -- how the Commissioners
18 feel about this particular issue.

19 COMMISSIONER COLGAN: Do you need a motion?

20 I would move that we not rehear that
21 issue.

22 CHAIRMAN FLORES: I'll second it.

1 All in favor -- it's been moved and
2 seconded.

3 All in favor, say "aye."

4 (Chorus of ayes.)

5 CHAIRMAN FLORES: All opposed?

6 (No response.)

7 CHAIRMAN FLORES: The vote is 5-0 to deny the
8 Motion for Rehearing on this issue.

9 The second matter is -- it's an issue
10 of price depictions on sales material issue. The
11 Judge's recommendation is to deny rehearing on this
12 issue.

13 I'm going to make a motion to follow
14 the Judge's recommendations and deny rehearing on the
15 price depictions on the sales material issue.

16 Is there a second?

17 COMMISSIONER COLGAN: Second.

18 CHAIRMAN FLORES: It's moved and seconded.

19 All in favor, say "aye."

20 (Chorus of ayes.)

21 CHAIRMAN FLORES: All opposed?

22 (No response.)

1 CHAIRMAN FLORES: The vote is 5-0 to deny the
2 hearing on the price depiction sales material issue.

3 The next matter is reduction of
4 customer complaints matter.

5 I'm going to make a motion to deny
6 hearing on this matter.

7 Is there a second?

8 COMMISSIONER COLGAN: Second.

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

10 All in favor, say "aye."

11 (Chorus of ayes.)

12 CHAIRMAN FLORES: All opposed?

13 (No response.)

14 CHAIRMAN FLORES: The vote is 5-0 to deny
15 rehearing on the reduction of customer complaints
16 issue.

17 The last and final -- the final matter
18 is the violation of 19-115C issue.

19 I make a motion to deny hearing on
20 this matter.

21 Is there a second?

22 COMMISSIONER COLGAN: Second.

1 CHAIRMAN FLORES: It's been moved and seconded.
2 All in favor, say "aye."
3 (Chorus of ayes.)
4 CHAIRMAN FLORES: All opposed?
5 (No response.)
6 CHAIRMAN FLORES: The vote is 5-0 to deny
7 rehearing on the motion of Section 19-115C.
8 COMMISSIONER COLGAN: Mr. Chairman, I don't
9 think we voted on the issue of the language.
10 COMMISSIONER O'CONNELL-DIAZ: No, we didn't.
11 COMMISSIONER COLGAN: We made a comment and I
12 think we moved on it and didn't vote.
13 I would move that we rehear that
14 issue. I'm sure I don't have the support of the
15 majority, but I would move that.
16 CHAIRMAN FLORES: Any further discussion?
17 COMMISSIONER COLGAN: Well, was there a second?
18 CHAIRMAN FLORES: Is there a second?
19 COMMISSIONER FORD: No.
20 CHAIRMAN FLORES: There's no second.
21 But there still has to be a motion to
22 deny.

1 So is there a motion to deny hearing
2 on the language issue?

3 COMMISSIONER O'CONNELL-DIAZ: So moved.

4 COMMISSIONER FORD: Second.

5 CHAIRMAN FLORES: All in favor, say "aye."

6 (Chorus of ayes.)

7 CHAIRMAN FLORES: All opposed?

8 COMMISSIONER COLGAN: No.

9 CHAIRMAN FLORES: All right.

10 COMMISSIONER O'CONNELL-DIAZ: Chairman, if I
11 might, with regard to the customer -- reporting
12 customer complaints, I believe that was an issue of
13 clarification and maybe -- I think the ALJ's not
14 recommending rehearing, but just that we clarify
15 that -- that the Company be permitted to submit each
16 day's complaint in a single batch on the following
17 business day as opposed to potentially if there are
18 many complaints, which, you know, that -- hopefully
19 that doesn't happen -- but this -- I think the ALJ
20 gave us a good recommendation, but we don't need to
21 rehear the issue. We just need to clarify.

22 So I think it's more of a language

1 clarification.

2 CHAIRMAN FLORES: I know this was an issue
3 that -- that we worked on closely. So are you -- do
4 you have any thoughts in terms of the recommendation
5 made by the Judge?

6 COMMISSIONER O'CONNELL-DIAZ: Well, I think we
7 just need to clarify that. And I agree with what
8 Judge Gilbert has given us, that we clarify the
9 meaning of that, for purposes of the filing of
10 those -- hopefully none of the customer
11 complaints that your Company will be having in our
12 state -- but --

13 CHAIRMAN FLORES: But you're okay --

14 COMMISSIONER O'CONNELL-DIAZ: Yeah. So it's
15 not a rehearing issue, it's a clarification issue.
16 So --

17 And how would we do that? Would we do
18 that with a ruling from the Bench or would we just
19 issue --

20 JUDGE WALLACE: We could -- if the Commission
21 decides to amend the Order next session, we could
22 stick it on that Amendatory Order.

1 CHAIRMAN FLORES: That's what we'll do.
2 We'll -- in there was a section that Commissioner
3 O'Connell-Diaz was working on. That's why I asked
4 her if she may have had some other ideas to
5 incorporate.

6 So we'll clarify this through the
7 Order on the 23rd, but we denied the motion for the
8 rehearing on the issue.

9 And not to belabor the issue; but,
10 again, my big concern with our ruling on the CFA and
11 DTPA matter was even if hypothetically we were to
12 find that there was no finding of violation of those
13 two acts, this Commission went further than that and
14 basically concluded that we didn't have the authority
15 to invoke the CFA and DTPA and that -- I just don't
16 agree with that reading of the statute and of the
17 law.

18 And that's one of the reasons why,
19 again, I remain steadfast in my dissent of that point
20 and also, in my view, makes some of our other
21 reasoning somewhat tenuous when we are asking for
22 others to engage the -- this Commission in the

1 investigation of complaints that are made before us.
2 And so that's one of the reasons why -- again, why I
3 did not join the majority on that matter.

4 That being said, any further
5 discussion on these matters?

6 (No response.)

7 CHAIRMAN FLORES: Very well.

8 JUDGE WALLACE: Mr. Chairman?

9 CHAIRMAN FLORES: Yes, sir.

10 JUDGE WALLACE: It's Judge Wallace in
11 Springfield. Just as a matter of procedure, Docket
12 08-175 is now closed. The petitions for rehearing
13 have been denied.

14 I would suggest that if the parties
15 wish to file any further pleadings, that --
16 especially in regard to confidentiality -- that they
17 consider filing a brand-new docket for someone to
18 consider those in. That might work better than
19 trying to have Judge Gilbert -- you know, since the
20 docket's closed we really can't operate on it.

21 So that's a suggestion. You don't
22 have to act on anything. It's up to the parties to

1 bring that new docket, but I think it might move
2 moderately smoother.

3 CHAIRMAN FLORES: Very well. All the
4 parties --

5 JUDGE WALLACE: It would be in the nature of a
6 new petition for confidential treatment of the audit
7 materials. And then we can hash -- you know, whoever
8 gets assigned to it can hash that out with the
9 parties down the road.

10 CHAIRMAN FLORES: Thank you, Judge.

11 Yes, Judge?

12 JUDGE GILBERT: For what it's worth -- and I
13 think you did vote on it, you know, but there is a
14 separate freestanding petition for confidentiality
15 that was filed in this docket.

16 JUDGE WALLACE: I think that they voted on
17 that.

18 JUDGE GILBERT: Yeah. Yeah. They did.

19 The point I wanted to make is because
20 the case wasn't reopened. It really wasn't teed up
21 correctly. It was, in fact, another blanket request
22 for confidentiality. So I think on the substance you

1 would have reached the same result even if it had
2 been appropriately teed up procedurally.

3 But you really didn't have it before
4 you in that sense. So you're free to deny it just
5 because of procedural defects. And I agree with
6 Judge Wallace, it would be -- were I assigned to
7 receive additional matters in this case, it would
8 be -- my role would be much clearer if I knew I had
9 the authority even to review the filings. And until
10 the case is reopened, that's a little unclear to me.

11 COMMISSIONER O'CONNELL-DIAZ: Not only that,
12 how would we send notice or anything if we don't have
13 a docket to do all that?

14 JUDGE GILBERT: Yes. Exactly.

15 COMMISSIONER COLGAN: Mr. Chairman?

16 CHAIRMAN FLORES: Yes, sir.

17 COMMISSIONER COLGAN: Just to kind of close out
18 on this issue. This has been a tough case, I think,
19 for everybody. There's been just a lot of
20 deliberation and we're still not totally done with
21 it.

22 But I just want to, for the record,

1 make it clear that any objections I've had to the
2 majority's vote on this has not been in any way to be
3 viewed as a -- as being opposed to the development of
4 a good competitive alternative gas market in the
5 state.

6 This is a specific case. I believe
7 that we have the responsibility, clearly given to us
8 by the General Assembly, to be the gatekeeper on
9 that. And I think my voting in the minority is only
10 in the case of this specific case and what the record
11 reflected in my opinion on that on this specific
12 case.

13 So I am in -- very much in favor of
14 the creation of a strong competitive alternative gas
15 market in Illinois. And I think we need to have good
16 players in that market developing that market.

17 CHAIRMAN FLORES: Is there any further
18 discussion or comments?

19 (No response.)

20 CHAIRMAN FLORES: Thank you so much. Thank
21 you, everybody. Thank you to all the judges. Thank
22 you, Springfield.

1 We're going to be taking a recess and
2 then we're going to follow that up with our
3 administrative year concerning fiscal year 2011
4 budget. So we will be reconvening shortly. 10
5 minutes -- make that 15 minutes.

6 (Whereupon, a recess was taken.)

7 (Whereupon, the administrative
8 meeting was convened.)

9 CHAIRMAN FLORES: Let the record reflect that
10 we are back in session now from recess.

11 MR. ANDERSON: All right. We thought we needed
12 to, as soon as possible, after the General Assembly
13 maybe wrapped up, maybe didn't -- but I think they're
14 wrapped up in terms of things that could affect us.
15 Even though I don't want to -- obviously, could
16 change -- but the budget and then also a couple of
17 other bills that passed to implement the budget.

18 One, we have, you know, fairly
19 positive news and that's the actual budget itself.
20 The other one, the -- it's referred to as the
21 Emergency Budget Act has a lot of tough stuff in it.
22 And this is what Karl was able to pull out of it that

1 he thinks may affect us and we wanted to make sure
2 that we were aware of that.

3 Also the Emergency Budget Act could
4 make the general good news of our budget change. The
5 number one thing -- and let's just start with that
6 one, which is the bills that directly affect ICC FY11
7 Document Senate Bill 3660. The Governor is allowed
8 to send contingency reserves from any special funds
9 for the fiscal year. We have no idea if or what he
10 will do there. The power in this bill is pretty
11 broad and pretty general.

12 MR. POUND: Right.

13 MR. ANDERSON: The Governor can borrow from
14 special funds, which means instead of doing specific
15 sweeps that we knew about when they passed the bill
16 when the numbers were listed, it's just -- he can
17 take them. The positive difference is they have to
18 be repaid when he takes them so hopefully there's a
19 limit on what he'll do and our two main funds are not
20 in shape to sweep. We can get to that in a little
21 bit. But we would strongly -- and I think we've
22 already strongly made the case to the Budget Office

1 that PUF especially have no room for a sweep.

2 You guys are included in a provision
3 that includes all the other state officers, including
4 the legislature to do -- I think the way they put it,
5 this is a furlough day mandate.

6 COMMISSIONER FORD: Will they take it out of
7 your check?

8 MR. ANDERSON: I'm not sure how they'll do
9 that. I would assume they would have to do that.
10 Because it seems to me that that's the way they've
11 written it because it's one day of compensation each
12 month calculated at -- and I don't know why they used
13 1/261, but I think that's taking weekends or holidays
14 out or something.

15 MR. POUND: Probably.

16 COMMISSIONER COLGAN: I think it includes those
17 days -- well, I've told you before, when I first --
18 the day I showed up on the job there was a letter on
19 my desk from Governor Quinn --

20 COMMISSIONER O'CONNELL-DIAZ: Send a check.

21 COMMISSIONER COLGAN: -- saying give me one day
22 a month? It was from -- signed by Jerry Stermer and

1 I've been doing that, but --

2 COMMISSIONER FORD: You have?

3 COMMISSIONER COLGAN: Yeah.

4 COMMISSIONER FORD: Bless your heart.

5 COMMISSIONER COLGAN: -- but here's -- the

6 letter says that the calculation that they laid out

7 was you take the number of days that you work in the

8 month and that includes holidays because you're paid

9 for holidays.

10 MR. ANDERSON: Right.

11 COMMISSIONER COLGAN: And it's like a -- we

12 don't really have a workweek.

13 COMMISSIONER O'CONNELL-DIAZ: Vacation.

14 COMMISSIONER COLGAN: But they told us -- the

15 instructions were like a five-day workweek. And so

16 how many days you got paid for on that five-day

17 workweek basis, you divide that into your total

18 pay -- not your gross pay -- but your net pay and

19 that's the number you owe to the man.

20 MR. ANDERSON: Well, the reason I say I

21 assume --

22 COMMISSIONER FORD: I never paid a dollar.

1 COMMISSIONER O'CONNELL-DIAZ: I didn't either
2 because you -- accounting-wise they asked us to write
3 a check to the State of Illinois.

4 COMMISSIONER COLGAN: Yeah.

5 COMMISSIONER O'CONNELL-DIAZ: So you would not
6 get dollar for dollar. It's a deduction of your
7 wages really. And when you go and do your taxes you
8 don't get dollar for dollar --

9 COMMISSIONER COLGAN: When I did my taxes I
10 asked my accountant if I could --

11 COMMISSIONER O'CONNELL-DIAZ: No. So...

12 COMMISSIONER COLGAN: -- take that as a
13 deduction and he said, Sorry, he didn't think --

14 COMMISSIONER FORD: I had to do it at CMS, but
15 I only wrote a check for two days.

16 COMMISSIONER O'CONNELL-DIAZ: And it was
17 voluntary.

18 MR. ANDERSON: And I assume that that's the
19 reason it said it has not considered a change in
20 salary and should not affect pension or other
21 benefits was, you know, written in --

22 COMMISSIONER FORD: I see that.

1 MR. ANDERSON: -- because I think they had to
2 do other legislation for that last -- last year and
3 also this year to protect that.

4 And the reason I say that you're
5 probably right and they'll probably deduct it is --

6 COMMISSIONER FORD: I hope they do because I'll
7 forget.

8 MR. ANDERSON: -- we don't -- we don't touch
9 you guys. I mean, we don't see anything. We don't
10 have anything to do with it at all. It happens
11 however it happens. So we wouldn't know what to do.
12 So I would assume -- I don't know.

13 COMMISSIONER O'CONNELL-DIAZ: Who can you tell
14 us that --

15 COMMISSIONER COLGAN: Dan Hines.

16 MR. ANDERSON: The Comptroller's Office.

17 COMMISSIONER O'CONNELL-DIAZ: -- like, will it
18 be --

19 MR. POUND: They're the ones that cut the
20 check.

21 COMMISSIONER COLGAN: Christine Buell or Bell.

22 MR. ANDERSON: She's been there forever.

1 COMMISSIONER O'CONNELL-DIAZ: Because writing a
2 check tax-wise you get screwed.

3 COMMISSIONER COLGAN: It's a painful
4 experience.

5 COMMISSIONER O'CONNELL-DIAZ: Well, right.
6 It's like you're making a donation to the State at
7 that point and you never get the whole value of
8 whatever that donation is. So that was why --

9 COMMISSIONER FORD: Tim, can you find out for
10 us?

11 MR. ANDERSON: Can you call Christine?

12 MR. POUND: Yeah.

13 MR. ANDERSON: Find out how the mechanics of
14 how that will work.

15 The rest of these things are
16 management kind of things. They're extending the
17 lapse period, which normally ends in August. They're
18 extending it to December, which gives you longer to
19 hold your bills. It's basically a way of moving
20 money from one fiscal year to another. The
21 Governor's going to provide budget statements.
22 There's got to be an Appropriations Committee

1 reviewing -- a lot of this is -- I don't want to say
2 cosmetic, but it's review kind of stuff.

3 The Governor's going to set
4 performance goals. Each agency has to develop
5 strategies for meeting these goals. We'll see how
6 that -- we'll see what that means. And we have to
7 review and modify -- review each contract and modify
8 a rebid as necessary in the best interest of the
9 State between Ken and Mary and -- I don't know who
10 else you guys involve in that, but we'll do that.
11 That should not be a huge thing for us because we've
12 been reviewing these things already. So we should be
13 up to speed with any possibilities there.

14 And then also I guess somewhat
15 connected to the -- this must have been a
16 Compensation Review Board year.

17 MR. POUND: Yeah, I think so.

18 MR. ANDERSON: They've basically prohibited the
19 Compensation Review Board from doing anything
20 which -- you know, normally there would be COLAs and
21 recommended increases and that was -- it looks like
22 suspended. So...

1 COMMISSIONER FORD: So we're on another freeze.

2 COMMISSIONER O'CONNELL-DIAZ: We haven't had a
3 raise in three years.

4 COMMISSIONER FORD: I didn't get one last year.

5 MR. ANDERSON: Two years ago there was kind of
6 a cumulative one because there had been before that a
7 long period, but --

8 COMMISSIONER O'CONNELL-DIAZ: I see the unions
9 get raises, though.

10 MR. ANDERSON: Yes, the Union, I think has
11 negotiated a reduction in those. Was there a change
12 in that when they made their deal with --

13 MR. POUND: Yeah, their COLAs were basically
14 spread out further. They planned for a -- one of
15 them is 2 percent on July 1 and 2 percent on
16 January 1. And it's been changed to 1 percent July 1
17 and 1 percent January 1 and then 2 percent June 1.
18 So they pushed their COLAs back to the end of the
19 year -- or spread them out. So --

20 MR. ANDERSON: But no layoffs. The underside
21 of that was no layoffs through until 2011.

22 MR. POUND: Right.

1 MR. ANDERSON: Calendar 2011.

2 So that's Senate Bill 3660. That
3 is -- the things we kind of went over more at length
4 are the things that we know. Most of the things that
5 I mentioned, we won't know until the Governor or the
6 Budget Office determines them.

7 And it could have -- generally our
8 budget is the way we introduced it, it's what we got.
9 So I would normally say it's a good budget for us.
10 If you remember, we were down quite a bit from last
11 year. We got some of that stuff back. If you look
12 at why it's an overall decrease, it's mainly because
13 of that one line, Wireless Services Emergency Fund.
14 And that was we had to overdo -- because they
15 under-appropriated two years ago, so we made it up
16 this year. So we were able to cut that back to
17 normal this year, which gave our budget a better
18 look. But most of our meaningful lines went up,
19 which can mainly be seen from the AFSME raises.

20 I got to figure out what my -- so
21 anyway, while we are in good shape with
22 appropriations, we are not in good shape with the

1 Public Utility Fund Balance. If we were to spend all
2 of our PUF appropriation, it would be gone end of
3 May.

4 MR. POUND: Yeah.

5 MR. ANDERSON: So we're going to have to figure
6 out some ways to cut back in areas to the extent of
7 about 1- --

8 MR. POUND: It's 1.8 with -- depending on
9 whether -- how you count the million dollars --

10 MR. ANDERSON: We were able -- one of the
11 things we were able to do -- and this was kind of
12 brought to us in a way that worked to our advantage.
13 The Digital Divide Infrastructure Fund, you guys
14 issued an Order in 2006, and we spent all of the
15 money that was due at the beginning of this year,
16 last July. There really was no other -- the law
17 changed and there was really no other money that was
18 going to come out of that fund. So there was about
19 3 1/2 million left in that.

20 The Governor's Office came and asked
21 if we would be okay with transferring a million
22 dollars to one of the DCEO funds for one of their

1 broadband programs. And we said, Well, thanks for
2 asking -- because they didn't really officially need
3 to -- could we get a million in PUF to kind of shore
4 that up? And they were fine with that and that
5 happened in the BIMP Bill and in the budget. So that
6 helps a little bit. We've only got to find enough
7 money now to -- instead of finding 1.8, we only have
8 to find 8 -- .8 -- 800,000.

9 COMMISSIONER O'CONNELL-DIAZ: Just so I have
10 the numbers, we're short like 800,000? Is that --

11 MR. ANDERSON: If everything stays even. I
12 mean, you never know. I mean, we're never sure if --
13 you know, we have retirements. We have people leave.
14 We have -- you know, we manage through things
15 throughout the year. But one of the things that
16 happened last year was all of a sudden companies'
17 taxes that we normally got and estimated to a certain
18 level were down. And I think it was Peoples that was
19 way down.

20 MR. POUND: Right. I think it was about a
21 \$580,000 refund credit.

22 MR. ANDERSON: So all of a sudden that's a

1 pretty large hit. And then we didn't get the -- what
2 are those things called that we use?

3 MR. POUND: Security authorizations.

4 MR. ANDERSON: -- security authorizations that
5 sometimes have been very large this year.

6 COMMISSIONER O'CONNELL-DIAZ: Yeah, we love
7 that.

8 MR. POUND: And they've been really low this
9 year.

10 MR. ANDERSON: So the revenues have been
11 affected. The sweeps over the years have hurt. I
12 mean, there's been a lot of things. So we can manage
13 this, but we're going to have to do some things to do
14 it. And when I know what those things are -- Karl's
15 given me a list of things, and I just got to pick
16 some out -- when I know what those are, we'll
17 let you -- you know, we'll inform you guys what we're
18 looking at.

19 Furlough days are probably going to be
20 a part of it. Right now we've been doing a voluntary
21 program, which has gotten, you know, decent response.
22 But, obviously, it's not going to get the response a

1 mandatory program gets. The Union has a voluntary
2 program. We kind of match that. I think we'll have
3 to adjust that. That will probably end up being most
4 of it. But when I know -- and which would obviously
5 affect, you know, people under you guys.

6 So when I know for sure what our
7 mixture of things to cut is -- and the other question
8 is, the Governor's stuff and whether that makes it --
9 if he decides to say, Okay, I'm going to use my
10 emergency powers to reduce these lines, well, maybe
11 that takes care of us. I mean, we won't know until
12 that -- so those are the things we're looking at.

13 COMMISSIONER O'CONNELL-DIAZ: And he has how
14 much time to do that? 60 days?

15 MR. POUND: I think he has until January 1st to
16 make -- to set his reserves.

17 MR. ANDERSON: It's not helpful to the agencies
18 the way this is structured because it's hard to plan.

19 So, anyway, that is the highlights of
20 the budget, and you guys can take a look at the
21 details here at your convenience and if you have any
22 questions about what anything means, you know, Karl

1 can point you to them. The budget documents really
2 aren't any different from where we started. So --

3 COMMISSIONER FORD: So the furlough days for
4 the Staff are not mandatory, but for us, they are?

5 MR. ANDERSON: Yeah.

6 COMMISSIONER FORD: That's why I hadn't sent
7 any money. Now that I know they are mandatory, he'll
8 tell me what to do.

9 MR. ANDERSON: Well, during the last year we
10 didn't read them as mandatory for anybody and --

11 COMMISSIONER O'CONNELL-DIAZ: That was a
12 contribution.

13 COMMISSIONER COLGAN: Well, it said "voluntary"
14 in that letter.

15 MR. ANDERSON: To be honest with you, we
16 implemented a voluntary program because we wanted
17 to -- I mean, we wanted to --

18 COMMISSIONER COLGAN: But our contributions
19 don't come out of this budget; right?

20 MR. ANDERSON: No, you guys are GRF. You're
21 the only GRF at the Commission.

22 MR. POUND: Your Staff's out of our budget but

1 your salaries aren't.

2 CHAIRMAN FLORES: So SB-3662 --

3 MR. ANDERSON: That was a BIMP Bill, Budget
4 Implementation Act.

5 CHAIRMAN FLORES: Okay. Tell us about that.
6 Has that been -- is that a proposal or is that --

7 MR. ANDERSON: No, this is passed. Everything
8 on here has passed.

9 CHAIRMAN FLORES: So --

10 MR. ANDERSON: The transfer from Grade Crossing
11 Protection is kind of a normal kind of transfer.
12 It's not something weird. And Grade Crossing
13 Protection after the passage of the Capital bill last
14 year is in good shape. We would still resist any --
15 strongly any sweeps to it because it's -- we don't
16 want it to go back where it got a year ago, which was
17 dire.

18 The 2 million from the Digital Divide
19 Infrastructure Fund, what I mentioned earlier, is
20 where we got a million into PUF for that. And
21 interest to vendors for late payments is accrued -- I
22 don't understand that one.

1 MR. POUND: That's fairly minimal. Basically
2 if we used to pay a voucher late, which RHC doesn't
3 have too much of a problem with, we have to pay
4 interest on that. And they changed the law so if the
5 interest you owe is less than \$50, you pay it once a
6 year instead of when you issue the voucher.

7 MR. ANDERSON: That will come into play I would
8 think really in Medicaid and those big numbers where
9 they owe them a lot of money. So...

10 CHAIRMAN FLORES: Let's go back to the
11 transfer, the \$2 million, what -- and I just, you
12 know, when going through the telecommunications
13 rewrite I -- you know, I thought our team did a
14 really good job on the consumer protection issue, but
15 I also thought that they held their own on the
16 broadband policy. And my fear is that -- and I'm not
17 trying to -- and I know DCEO has work to do, but I
18 have a concern giving a million dollars from our fund
19 to another agency.

20 I have not -- and I have not been
21 around that long, so I'd like some input and feedback
22 from some of the other Commissioners here. And,

1 again, not to put anyone in a negative light, but I
2 don't see a lot of interfacing between DCEO and our
3 Commission. And it just may be that perhaps we may
4 not be seeing that interfacing because we're not
5 Staff.

6 But if we're going to be committing
7 that much money, I think it would be worthwhile for
8 us to be sitting with DCEO and figure out how we are
9 collaborating in a strategic fashion, in a way where
10 they know what our priorities are, what our mission
11 is here and how we are delivering and how we're
12 utilizing these dollars to make an impact with
13 broadband deployment.

14 But, that being said --

15 COMMISSIONER FORD: The only thing I can say is
16 for the last two years they never asked before.

17 MR. ANDERSON: Two years ago they took 4 1/2
18 million from this fund --

19 COMMISSIONER FORD: And they didn't give us a
20 dollar.

21 MR. ANDERSON: -- without telling us about it.

22 CHAIRMAN FLORES: I have a problem with that.

1 COMMISSIONER FORD: I'm glad.

2 CHAIRMAN FLORES: I mean, look -- I have a
3 problem with that.

4 COMMISSIONER O'CONNELL-DIAZ: Everyone has a
5 problem with it --

6 COMMISSIONER FORD: Yes.

7 CHAIRMAN FLORES: Commissioner O'Connell-Diaz,
8 do you have a problem with it?

9 COMMISSIONER O'CONNELL-DIAZ: -- there
10 was nobody listen- -- and we voiced our concern then,
11 but there was nobody listening.

12 CHAIRMAN FLORES: Commissioner O'Connell-Diaz
13 is not happy.

14 COMMISSIONER FORD: I'm not happy.

15 CHAIRMAN FLORES: Commissioner Ford, are you
16 happy?

17 COMMISSIONER FORD: No.

18 CHAIRMAN FLORES: Commissioner Colgan, are you
19 happy with that?

20 COMMISSIONER COLGAN: Well --

21 CHAIRMAN FLORES: I mean, I don't mean to put
22 you on the spot; but the point I'm trying to make

1 here is --

2 COMMISSIONER COLGAN: -- the overall --

3 MR. ANDERSON: We don't really have a statutory
4 way to use that money now anyway.

5 CHAIRMAN FLORES: That may be the case, Tim.
6 That may be the case. That does not mean that we
7 shouldn't, though, develop some internal policy about
8 how it is that we could utilize that money. That's a
9 lot of money. And just to say that we don't have the
10 statutory -- look, if there is no statute or law that
11 speaks on it, that means that there is no language on
12 it, which --

13 MR. ANDERSON: No, that's not what I meant.

14 CHAIRMAN FLORES: Okay.

15 MR. ANDERSON: The Digital Divide Act that
16 created that fund in 2001 came from the last rewrite
17 of the Telecommunications Act. That's all AT&T
18 money -- Ameritech, SBC, whatever it was at the
19 time money. They were required to put in --

20 MR. POUND: 15 million to our fund.

21 MR. ANDERSON: \$15 million.

22 MR. POUND: 15 million to DCEO's fund.

1 MR. ANDERSON: 15 million to that fund. And we
2 then attempted at the time to get a program to
3 distribute this -- I mean, this is grant money. This
4 isn't -- I can't pay people with this.

5 CHAIRMAN FLORES: I know. I know.

6 MR. ANDERSON: And I can't do anything with it
7 other than give grants to other people. We're not
8 very good at that. And there's not a lot of things
9 that I say we're not very good at because I think
10 we're pretty good at most things. Giving grants out
11 to people is not our strength.

12 What we ended up doing was created a
13 docket and going through a case in which people came
14 in and made the case for getting their money and then
15 you guys had to vote on an Order to disburse this
16 money and then Staff oversaw the disbursal. And it
17 was -- I don't know -- not smooth, not the way you
18 would normally do grants.

19 The General Assembly wasn't pleased
20 even though I would say about half of it, if not
21 more, was their fault. They changed the law several
22 times. We had to start back up with rules and stuff

1 in the middle. I mean, there was -- this was not
2 something that was all -- it would have -- it's
3 better to do this more efficiently than we chose to
4 do it.

5 I don't know what we would use this
6 money for if we were given back the authority. I
7 mean, there's a statute that said, do this.

8 CHAIRMAN FLORES: Right.

9 MR. ANDERSON: We did that and --

10 CHAIRMAN FLORES: Well, how much money --

11 MR. ANDERSON: -- subsequently the statute was
12 to say DCEO, do this.

13 CHAIRMAN FLORES: How much money do we have
14 left?

15 MR. ANDERSON: Well, we now have a million in
16 PUF where we can actually spend it and use it and
17 it -- without the million going to DCEO, we wouldn't
18 have gotten the million in PUF.

19 COMMISSIONER O'CONNELL-DIAZ: Because that was
20 the trade-off.

21 CHAIRMAN FLORES: That's fine. But how much
22 money for -- let's go back to my original -- how much

1 money do we have left?

2 MR. ANDERSON: There's 300,000 left. So that
3 300,000 statutorily goes to Jesse White's Braille
4 Library at the State Library by an automatic
5 transfer. We figured this would get 10 more years
6 because it's about \$75,000 a year that automatically
7 goes to that fund. So that's what we have left in
8 there.

9 CHAIRMAN FLORES: So that money's earmarked?

10 MR. ANDERSON: Yeah, I mean, you can take it --
11 you can take all of it, but somebody's going to have
12 to figure out a way to pay the Braille Library every
13 year. We didn't want to -- we didn't want to deal
14 with that one.

15 CHAIRMAN FLORES: And that may be fine -- so
16 that's all the money we have left. Basically all the
17 money is accounted for, in other words; right?

18 MR. POUND: Right.

19 MR. ANDERSON: Yes.

20 CHAIRMAN FLORES: In terms of it's going
21 somewhere.

22 MR. ANDERSON: And all the rest of it either

1 went to our Order or they took it out of --

2 MR. POUND: Got swept a couple times.

3 MR. ANDERSON: -- or the legislature took it
4 out last year.

5 COMMISSIONER FORD: Took all of our money.

6 COMMISSIONER O'CONNELL-DIAZ: They swept it.

7 COMMISSIONER FORD: The Senate approved it.

8 MR. ANDERSON: So -- and that's what happens.
9 The speaker and the Senate president, whoever they
10 happen to be, come to a budget agreement and you can
11 oppose it all you want --

12 COMMISSIONER O'CONNELL-DIAZ: They're looking
13 in every cookie jar.

14 MR. ANDERSON: -- but it's done.

15 COMMISSIONER O'CONNELL-DIAZ: If you got money,
16 they're going to come and get it. That's just the
17 way it is.

18 MR. ANDERSON: I mean, you don't go to a
19 committee on this kind of stuff. I mean, you can put
20 in a slip for -- you know, speak to them; but by the
21 time they put this stuff in a committee, it's done.

22 COMMISSIONER FORD: The deals.

1 MR. ANDERSON: They either got the votes or
2 they don't and --

3 CHAIRMAN FLORES: I would -- for what it's
4 worth, I would like to propose that there would be
5 more collaboration between DCEO and our Commission.
6 And I think it's important from a policy
7 perspective --

8 MR. ANDERSON: Let me know how you guys want
9 that to be because we collaborate quite a bit with
10 them. They depend on us for a lot of technical
11 stuff. And, in fact --

12 COMMISSIONER O'CONNELL-DIAZ: Like the ARRA
13 money.

14 MR. ANDERSON: A lot of that. And, in fact, we
15 reviewed most of their stuff. They've got all of the
16 ARRA money. It's like \$50 million. This million is
17 going in with that 50. So they've got a big thing.
18 They come to us all the time. Pete Wagner who worked
19 for us in Telecom and just left is going there. It's
20 what he's going to do because he was doing most of it
21 I think anyway.

22 CHAIRMAN FLORES: So now they're taking our

1 people, too.

2 COMMISSIONER O'CONNELL-DIAZ: Jonathan Feipel.

3 CHAIRMAN FLORES: First they took our money --

4 COMMISSIONER FORD: And now they're taking our
5 people.

6 CHAIRMAN FLORES: -- and now they're taking our
7 people.

8 COMMISSIONER FORD: Yeah, it's sad.

9 MR. ANDERSON: But if you guys want to have --
10 I mean, we talk to them. I don't, but, I mean, our
11 Telecom people talk to them a lot.

12 CHAIRMAN FLORES: And maybe we need to have
13 this conversation at another point. I don't want to
14 belabor the issue. I want to respect everyone's
15 time.

16 It would be nice, though, to see more
17 of DCEO in the meetings that we have. You may be --
18 and it's great that we're having this interface with
19 the Staff, but I would like for DCEO to have more of
20 a presence when we hold policy committee meetings and
21 when we hold other notice-type hearings.

22 MR. ANDERSON: Well, if they're not a party in

1 the case, the only thing you can do is invite them.

2 I mean, but you can invite them --

3 CHAIRMAN FLORES: We will.

4 MR. ANDERSON: -- and some of them will show
5 up.

6 CHAIRMAN FLORES: I would just ask for your --
7 okay. I would just ask for your help in terms of --
8 again, to facilitate more collaboration and
9 coordination.

10 And I'm going to tell you why. This
11 is an example. They are working on Smart Grid stuff.
12 They are working on Smart Grid initiatives. And if
13 we're not talking to one another, we may end up with
14 divergent policies. We may end up with proposals
15 that just don't make sense or are not congruous.
16 They're also working on energy efficiency. They're
17 also working on electric plug-in vehicle initiatives.
18 They're working with everything that we are dealing
19 with. And if we don't have more coordination and if
20 we're not in sync, it could be problematic.

21 COMMISSIONER O'CONNELL-DIAZ: Well, let me just
22 tell you that we have tried to be more in sync with

1 them. And I can recall us, like, knocking on the
2 door with various people that we knew there as the
3 Commission and the door wasn't open real far for us.
4 That was --

5 MR. ANDERSON: That's gotten a little better.
6 I mean, it's gotten a little better since then.

7 COMMISSIONER O'CONNELL-DIAZ: Maybe -- yeah,
8 but there was kind of just -- and I don't know if
9 that's changed, but they do have a lot of the --

10 COMMISSIONER COLGAN: Warren Ribley.

11 MR. ANDERSON: No, it's the Governor's -- it's
12 Warren Ribley who's --

13 COMMISSIONER COLGAN: I know him well.

14 COMMISSIONER O'CONNELL-DIAZ: It was
15 personality issues. They didn't want to share. And
16 I agree. I mean, that's what we thought, but it
17 was -- we got a different drift.

18 MR. ANDERSON: I met with the director, Feipel
19 and some other people working with some of the
20 universities on the Smart Grid and basically told
21 them what you just said. We invited them into the
22 Smart Grid collaborative early on --

1 COMMISSIONER O'CONNELL-DIAZ: Right.

2 MR. ANDERSON: -- and said, Please come. Have
3 somebody monitor this. Know what we are doing and
4 then tell us what you're doing. We're not after
5 credit or any -- we're not going to make -- you know,
6 there's no interest in making anybody look bad, but
7 this has to be streamlined or it's going to get
8 confusing and it's not going to work.

9 They kind of put it that, Well, we
10 don't want to get into your stuff. Well, we're
11 asking you to get into our stuff --

12 COMMISSIONER FORD: Right.

13 MR. ANDERSON: -- it's the way our stuff works.

14 COMMISSIONER COLGAN: The issue is their stuff
15 and our stuff --

16 CHAIRMAN FLORES: I mean, first of all, it's
17 the People's stuff. It's the People's stuff. Like
18 you just said, it's the State's stuff. You know --

19 MR. ANDERSON: So this recent meeting with
20 their director, Warren Ribley -- who's really good --
21 was, We think we made a mistake. We think we should
22 be more involved. We're going to start doing that.

1 They sent us some of the people they were talking to.

2 COMMISSIONER O'CONNELL-DIAZ: Dismissive, I
3 guess that would be the word.

4 MR. ANDERSON: And I think they've turned on
5 that. They realize that it's a big thing they want
6 to do and that we can be a benefit, not a --

7 CHAIRMAN FLORES: But, Tim, with all due
8 respect, it's great that you met with him. He hasn't
9 met with any of us. You know, he hasn't met with any
10 of us. And I'm not going to go into --

11 MR. ANDERSON: But you've got to be a little
12 careful on that because you guys are going to be
13 making a lot of decisions.

14 CHAIRMAN FLORES: That may be the case, but
15 there are different settings in which he can meet
16 with us, Tim. And maybe what we have to do --

17 MR. ANDERSON: It's not the setting. It's what
18 you're going to talk about. I mean, it depends on --

19 CHAIRMAN FLORES: There's no reason why he
20 couldn't offer himself -- all right -- an explanation
21 to the Commission about what is going on with Korea
22 and Smart Grid.

1 MR. ANDERSON: I'm sure he would do that.

2 CHAIRMAN FLORES: And I think it would be
3 helpful because I think he would also be able then to
4 interface directly with the Commission -- the
5 Commissioners and to hear questions from the
6 Commissioners, not necessarily a point of view that
7 may be misperceived as bias or in some way, you know,
8 knock us out of the box, so to speak, in terms of
9 being able to decide in the future in the event that
10 there's something that comes before us in a docketed
11 matter.

12 But they have to understand -- and I
13 think in a healthy kind of a way. Not in a way where
14 we're trying to exert our influence over him and his
15 authority as the, you know, the top economic
16 development policymaker for the Governor's Office and
17 for the State, but to make sure that we are jelling.
18 I mean, I think there's a lot of -- I don't have to
19 say this to you -- there's a lot of excitement in the
20 Commission here.

21 And it just seems to me that it would
22 be an exercise well worth the time. So to send also

1 a positive message to the rest of the players, the
2 rest of the industry so that they see that both
3 agencies are working collectively.

4 How often do we hear about when
5 companies go to DCEO but then they may come over here
6 and they're hearing something else? That happens.
7 And I think it would -- if nothing else, it would set
8 a very good signal to other folks who are looking at
9 Smart Grid not only from a policy perspective but
10 from a market perspective. People want to invest
11 more money in this area. People want to expand. And
12 I think it would send a positive message to have the
13 economic development group, you know -- DCEO for the
14 State and then the Commission interfacing. I'd
15 like --

16 COMMISSIONER FORD: John says he knows him so I
17 think that's an avenue -- that's an entree.

18 COMMISSIONER COLGAN: If we can get a meeting
19 with Warren -- like you say, I think we'd have to be,
20 you know, careful about the topics; but --

21 COMMISSIONER O'CONNELL-DIAZ: Cautious.

22 MR. ANDERSON: They don't know.

1 COMMISSIONER COLGAN: Because they don't
2 know -- they are the economic development agency.
3 And, you know, like a lot of the -- some of the
4 things we've talked about -- like the electric car is
5 a good example. I know you've having a big interest
6 in that. That is our turf in the sense that the
7 tariffs that need to be dealt with and those kind of
8 go like this with the whole economic development
9 issue.

10 So there is -- you know, it's the --
11 and I think we just see this in general in all kinds
12 of ways how in the modern culture many, many of these
13 siloed issues -- and it's like, No, I'm focused on
14 what's right in front of me rather than kind of
15 looking around to see how you can bring about better
16 outcomes --

17 MR. ANDERSON: The other thing is we're set up
18 to talk to a lot of people. I mean, that's the way
19 all of our processes run. Everybody has an open
20 forum to come in here and make their case to the
21 Commission and deal with the Commission. I mean, not
22 other -- other places aren't necessarily like that.

1 And it's foreign to them and they don't understand
2 it. And they get nervous about what they can talk to
3 us about because they don't understand ex parte and
4 they think, Well, I just can't talk to them.

5 So, I mean, you're dealing with that,
6 too. It's a -- there aren't too many people in the
7 State government who understand the Commerce
8 Commission's ways, and they don't take the time to
9 understand them. So that all was a -- inclined to go
10 up. It's not out of malice, I don't think, most of
11 the time. It's just misunderstanding.

12 COMMISSIONER O'CONNELL-DIAZ: You know, I think
13 there was a turf situation here because I can recall
14 being at a conference over at the McCormick Place and
15 they introduced everybody. DCEO got introduced. The
16 Chairman of the Commission was not introduced and it
17 was our docket that provided for any of that stuff
18 happening. And it just was -- I was just like
19 shocked. I thought it was just so rude and so -- and
20 hopefully that has changed and there's a different
21 kind of group in there. But I just had the sense
22 that there was this -- you know, We're DCEO and we're

1 in charge of this and you guys have some kind of
2 tangential position. And it was -- I can't think of
3 a better word than "dismissive." And I -- it
4 shouldn't be like that. It should be that we should
5 all be working together.

6 And we had tried to reach out to them
7 in many of our different forums that we had. And, in
8 fact, you know, we had some people from our
9 Commission that had gone there. So we thought, Hey,
10 there, this is great, you know, someone -- and, boy,
11 it was a different tenure. And maybe that's changed
12 now. Maybe there's a different director, but...

13 MR. ANDERSON: I think to some extent some of
14 it is small pea political, too.

15 COMMISSIONER O'CONNELL-DIAZ: Yeah.

16 MR. ANDERSON: I mean, we're just not going to
17 be part of that equation --

18 COMMISSIONER O'CONNELL-DIAZ: No.

19 MR. ANDERSON: -- I mean, I got to get a
20 project going for --

21 CHAIRMAN FLORES: I hear you.

22 MR. ANDERSON: -- certain reasons. Well, we're

1 not going to -- we're not an enabler on that. I
2 mean, that's not what we do.

3 COMMISSIONER FORD: We're toxic, huh?

4 CHAIRMAN FLORES: I don't like being toxic.

5 No, I hear you. We hear you.

6 MR. ANDERSON: No, I don't think we're toxic.
7 I think there was a period where we were -- or at
8 least we were viewed that way. But I think that's
9 over.

10 CHAIRMAN FLORES: We're not toxic.

11 MR. ANDERSON: I mean, I don't think -- for
12 example, I don't think that Telecom bill gets done
13 this year without the amount of time and effort that
14 our guys put into that.

15 COMMISSIONER O'CONNELL-DIAZ: But, you know
16 what, our people just don't ever get the credit for
17 really being the up-front work that they do. They
18 just don't --

19 MR. ANDERSON: Even though on the House floor
20 on that bill this year we did.

21 CHAIRMAN FLORES: Okay.

22 COMMISSIONER O'CONNELL-DIAZ: That's good.

1 MR. ANDERSON: And it was over and over and
2 over again for --

3 CHAIRMAN FLORES: The Telecom?

4 MR. ANDERSON: Yeah. From what I was told
5 about 30 minutes from Chairman -- Kevin McCarthy.

6 CHAIRMAN FLORES: That may be in the House. I
7 don't know about the Senate.

8 COMMISSIONER O'CONNELL-DIAZ: Usually
9 somebody's got their steel-toed boots on for us.

10 CHAIRMAN FLORES: But that's a whole nother
11 issue.

12 I think -- I would just, again -- I
13 don't mean to belabor this issue; but I think it
14 would -- we have to figure out a way, though, to set
15 up a meeting and --

16 MR. ANDERSON: I have no -- I mean, I have no
17 problem if you guys want to meet with them. I mean,
18 that's completely fine.

19 CHAIRMAN FLORES: No. No.

20 MR. ANDERSON: As long as it's okay with Mary.

21 COMMISSIONER O'CONNELL-DIAZ: I just don't know
22 whether they want to really have a lot to do with us.

1 MS. STEPHENSON-SCHROEDER: Tim brings up some
2 very valid points. A lot of the times we don't know
3 what they're going to be involved in, so we do always
4 need to be cognizant of that. And beware -- and the
5 onus falls on us. It really does. We have to, you
6 know...

7 CHAIRMAN FLORES: Do you want me to send a
8 subpoena -- send them a subpoena, Mary?

9 MS. STEPHENSON-SCHROEDER: I'm just saying it
10 always falls on us to be careful of the areas.

11 COMMISSIONER O'CONNELL-DIAZ: Yeah, because, I
12 mean, your name -- your name will be on a subpoena
13 and it will be from the office across the -- no, I'm
14 not kidding you. Is that true?

15 When -- in the past -- and I hate to
16 keep -- but it's astounding to me where we should all
17 be working together, we have different factions of
18 State government and they're -- you know, gotcha --
19 and to the point that subpoenas were issued with
20 Commissioners' names on them for having conversations
21 with utility executives about different programs that
22 they had. They were seen at a conference talking.

1 So subpoenas were issued.

2 Now, that's the kind of crud that you
3 got to deal with. And so Mary is right, we need to
4 be really cognizant that -- you know, it's all not
5 Raggedy Ann and Andy. You know, it's kind of -- can
6 be ugly.

7 MR. ANDERSON: We've never been criticized for
8 not talking to groups enough. You guys aren't -- you
9 guys aren't talking to enough people, you know,
10 involved in your industry area. It's always, Why
11 were you talking to them? Why were you talking to
12 them? Why were you talking to them? That's what
13 it's always been as long as I've been here.

14 COMMISSIONER O'CONNELL-DIAZ: In
15 Philadelphia -- you heard at the conference in
16 Washington that you and I were at -- you heard the
17 Chairman of the Commission there telling us about
18 that he had made a commercial to educate consumers
19 about this new thing called Choice, and he was with
20 the president of the utility on TV. And it took them
21 all day to film this and he was joking around about
22 it. But, you know, you go to other places and that's

1 okay. Why? Because they're educating the consumers.
2 If we ever did something like that, well, I think
3 we'd be down next to the ex-governor on trial in the
4 Dirksen Building.

5 MR. ANDERSON: Well, an example of that would
6 be, I mean, if you, as the chairman, and -- and there
7 was -- standing on a --

8 COMMISSIONER O'CONNELL-DIAZ: Street corner.

9 MR. ANDERSON: -- staging a commercial with
10 Frank Clark, I think the response would be
11 interesting. I think it would be an interesting
12 response.

13 COMMISSIONER O'CONNELL-DIAZ: It would not be a
14 good response.

15 CHAIRMAN FLORES: I hear you.

16 COMMISSIONER O'CONNELL-DIAZ: But in other
17 states you can do this. And so we're really -- we're
18 like this. This is how we find ourselves a lot of
19 times.

20 But with regard to DCEO, we did
21 make -- we used to -- we did make that entree and it
22 was just kind of -- well, you were around. It was

1 kind of like a freeze tone --

2 COMMISSIONER COLGAN: Was that when Jack --

3 COMMISSIONER FORD: I think it was before Jack.

4 COMMISSIONER O'CONNELL-DIAZ: It was before
5 Jack. It was -- somebody else was there.

6 COMMISSIONER FORD: It was before Jack.

7 MR. ANDERSON: Jack was the first one. I mean,
8 with --

9 COMMISSIONER O'CONNELL-DIAZ: But then he left
10 and there was someone else there, and there was
11 just -- for the last couple years has been --

12 COMMISSIONER COLGAN: And then Warren came in
13 when Jack left.

14 COMMISSIONER O'CONNELL-DIAZ: And, actually, I
15 have to say the then Lieutenant Governor was very
16 involved with the broadband stuff and so there was
17 a --

18 MR. ANDERSON: And that's why Quinn is
19 funneling it to DCEO. It's one of his pet projects.
20 I mean, we get --

21 CHAIRMAN FLORES: I hear you. I hear you.
22 But --

1 COMMISSIONER O'CONNELL-DIAZ: They don't want
2 to share.

3 CHAIRMAN FLORES: -- we're not chopped liver
4 here.

5 COMMISSIONER O'CONNELL-DIAZ: Well, you know,
6 when you do make the hand across the aisle, if you
7 will, of any kind you get scared about going -- not
8 scared, but you kind of --

9 MR. ANDERSON: In this Telecom Bill we had
10 broadband -- we were going to get a bunch of the
11 information on broadband and that got separated
12 completely. We kept the phone stuff but we lost all
13 the broadband stuff to DCEO. And that was coming not
14 from DCEO, not from the legislature, that was coming
15 from cable. I mean, cable did a number on that bill
16 for the last two weeks of it. I mean, this thing was
17 done and they --

18 COMMISSIONER FORD: Well, I want U-verse, too.

19 COMMISSIONER O'CONNELL-DIAZ: Don't even talk
20 to me about it. I want broadband.

21 COMMISSIONER COLGAN: Well, I think the
22 toughest work there is to do is collaboration. I

1 mean, even if you don't have the ex parte and the
2 Open Meeting Act and all that stuff to deal with,
3 collaboration is really hard work to do.

4 CHAIRMAN FLORES: And that's what we're trying
5 to do.

6 COMMISSIONER COLGAN: And it takes cooperative
7 agreements. It doesn't mean we to have even be all
8 on the same page. It just means that we all have to
9 understand that we are trying to work together. So
10 if we want to have that -- a meeting with DCEO and I
11 thought maybe even EPA is kind of -- is out there on
12 issues that we touch on.

13 I think you have to have a clear
14 agenda for the meeting and that would have to be run
15 by you. And we would have to be really open at the
16 beginning of the meeting that this is the agenda and
17 we're not going to just sit around and rap about how
18 we could work together. You know, clear issues and
19 proposals for how we can do things.

20 CHAIRMAN FLORES: Well, I think it would be
21 maybe helpful to hear from them on what issues that
22 they're working on that may have an impact or

1 connection to what we're doing. And I think that
2 maybe a policy -- that might be a policy committee
3 meeting.

4 COMMISSIONER FORD: Oh, yeah.

5 MR. ANDERSON: The last thing dealing with this
6 stuff is that at this point in time every year we --
7 Karl has to, prior to July 1st when the new budget
8 takes effect, allocate the appropriations. We do it
9 within each of the six bureaus and the other areas,
10 and then we do it with you guys.

11 With you guys it's always been kind of
12 rote before -- it was just always a kind of -- you
13 know, divided up four ways and then all the extra --
14 or five ways and then all the extra goes under the
15 Chairman and it's usually the Auditor and, you know,
16 Carol and things like that -- it used to be Billy.

17 Things are different. So it's not as
18 simple of an allocation. I don't want to put Karl in
19 a position to guess as to how to allocate you guys's
20 funds. Because I don't think he would -- I think
21 that would be difficult.

22 So I guess I'm just wondering how you

1 want to go about approaching that.

2 COMMISSIONER FORD: Do you divide it five ways?

3 MR. ANDERSON: Normally we've done that, but
4 there's -- it's not -- what would we do if we divided
5 it five ways? Some people have would more than they
6 needed and some people wouldn't have enough.

7 MR. POUND: Yeah.

8 COMMISSIONER FORD: But it still should be
9 equal if you divide it five ways. That's the only
10 equal way I see it.

11 CHAIRMAN FLORES: How have we done it in the
12 past? Isn't that how we've done it in the past?

13 COMMISSIONER O'CONNELL-DIAZ: Then why would it
14 be unequal?

15 MR. ANDERSON: There's different levels of --

16 COMMISSIONER FORD: Salaries?

17 MR. ANDERSON: Yes.

18 We're going to have to figure -- I
19 mean --

20 COMMISSIONER FORD: I want it done five ways.

21 MR. ANDERSON: Well, why don't we put together
22 a draft and we can send out -- we can send a draft.

1 COMMISSIONER FORD: If somebody wants to borrow
2 some money, I'd loan them some. That has happened in
3 the past --

4 MR. ANDERSON: And that would be fine.

5 COMMISSIONER FORD: -- and I had no problem
6 with that.

7 COMMISSIONER COLGAN: Yeah.

8 MR. ANDERSON: I don't want to guess wrong is
9 what I'm saying.

10 COMMISSIONER FORD: Okay. Then --

11 CHAIRMAN FLORES: Show us what the numbers are
12 because I don't think anyone knows what the numbers
13 are. I mean, I think we probably all individually
14 have an idea of what we'd used up individually,
15 but --

16 MR. ANDERSON: I will just -- and we're talking
17 about next year. I mean, this year we're not talking
18 about.

19 COMMISSIONER FORD: Just divide it up and send
20 it.

21 MR. ANDERSON: We've got three weeks left in
22 this year. And that's fine. We will put together a

1 draft allocation and we will send it out to the five
2 of you and you guys can review it and then let us
3 know how close we are.

4 I mean, and there's some moving
5 pieces. So it's -- I don't want to get it -- this is
6 always a sandy surface. I don't like to get into you
7 guys's budget area.

8 COMMISSIONER FORD: If I'm not able to send
9 anybody to school this time, I won't do it.

10 MR. ANDERSON: So, I just wanted you to know
11 where we're coming from.

12 COMMISSIONER FORD: I understand. Took a lot
13 out of my budget --

14 COMMISSIONER COLGAN: Well, it's a first for
15 me, so --

16 MR. ANDERSON: Also at this point our
17 recommendation --

18 COMMISSIONER COLGAN: -- I'd like to have a
19 maybe a little tutorial. I'm sure I can call on
20 you --

21 MR. POUND: That's fine.

22 COMMISSIONER COLGAN: -- to get an explanation

1 for what --

2 COMMISSIONER O'CONNELL-DIAZ: I mean, what,
3 there's X amount of dollars and we split it five ways
4 and so then we each have to manage that money and out
5 of that comes our travel, our assistants' pay and
6 what else?

7 MR. POUND: Telecommunications, which is
8 usually a pretty minor part of it. Those are the
9 main elements.

10 MR. ANDERSON: Your travel and your assistants
11 are your main chunk. I mean, that's -- and I think
12 we got the travel back in terms of --

13 MR. POUND: Yeah, we did.

14 MR. ANDERSON: You know how we were down? I
15 think we got that back.

16 COMMISSIONER FORD: Good.

17 COMMISSIONER COLGAN: What do you mean we got
18 that back?

19 MR. ANDERSON: We lost it in last year's
20 budget. They did an indiscriminate cut without
21 really explaining or telling us they were doing it.
22 So you guys were pretty tight on travel this year

1 compared to previous years. And now that --

2 COMMISSIONER COLGAN: Is that why we have to
3 get approval from the Governor's Office?

4 MR. ANDERSON: No, that's the case --

5 COMMISSIONER FORD: That was because of
6 Blagojevich, travel ban.

7 MR. ANDERSON: That's been the case as far
8 as -- as long as I've been here.

9 COMMISSIONER FORD: But usually -- before even
10 Staff could go. When I first came to this
11 Commission --

12 COMMISSIONER O'CONNELL-DIAZ: You signed up --

13 COMMISSIONER FORD: -- 15 people were going to
14 go to NARUC and then they would -- they ended up
15 sending 2. I remember I had to pay my own fare. The
16 first year I missed my tutorial in Michigan because
17 that was the travel ban.

18 MR. ANDERSON: They'll still reject NARUC
19 fairly quickly.

20 COMMISSIONER FORD: I think the Chairman can go
21 over there and help us out with that one.

22 CHAIRMAN FLORES: Well, I think our Staff --

1 unfortunately our Staff has been put at a
2 disadvantage.

3 COMMISSIONER FORD: They have. They have.

4 COMMISSIONER O'CONNELL-DIAZ: We used to
5 have -- in the heyday we'd have 20 people go on
6 NARUC --

7 CHAIRMAN FLORES: I think it's a shame --

8 COMMISSIONER O'CONNELL-DIAZ: -- we were such a
9 leader and we just lost all of that.

10 MR. ANDERSON: I think that goes back well
11 before I got here. That was probably when you --

12 COMMISSIONER FORD: It does. Probably when I
13 came in 2000.

14 CHAIRMAN FLORES: These are not, you know,
15 junkets --

16 COMMISSIONER FORD: No, they are not.

17 CHAIRMAN FLORES: These are not junkets.

18 COMMISSIONER FORD: Intensive work.

19 CHAIRMAN FLORES: Very intensive work.

20 COMMISSIONER COLGAN: And if we expect the
21 Staff to kind of be --

22 CHAIRMAN FLORES: Let me ask maybe --

1 COMMISSIONER COLGAN: Well, wait a minute. I
2 was talking.

3 CHAIRMAN FLORES: I'm sorry. I apologize.

4 COMMISSIONER FORD: I'm sorry.

5 COMMISSIONER COLGAN: If we expect our Staff to
6 be in sync with, you know, progressive movement
7 forward there is just a lot going on in -- you know,
8 Smart Grid, all those things are happening. If we
9 expect them to be in sync with where the Commission
10 wants to go, we have to figure out a way to get them
11 to meetings.

12 And I remember I saw Eve Moran at the
13 NARUC meeting and I was saying, Well, I'm really glad
14 you got to come to the meeting and she had told me
15 she came there on her own -- at her own expense.

16 MR. ANDERSON: Eve does that a lot.

17 COMMISSIONER O'CONNELL-DIAZ: And she had to
18 take vacation time to do that.

19 COMMISSIONER FORD: Yeah, that's terrible.

20 COMMISSIONER O'CONNELL-DIAZ: Back in the day I
21 used to pay my own way because I -- if I was the head
22 person there, I wanted someone else to go so I'd say,

1 Okay. I'll pay my way. The Commission never paid
2 for me to go. And even when I became a Commissioner
3 because they wouldn't let us go and I knew that in
4 order to, you know, have -- participate you have to
5 go to NARUC. I mean, you can't just say, Oh, I'm
6 going to go once a year. You have to go. If you
7 want to serve on the committee, you've got to be
8 there.

9 And I paid my own way for about two
10 years. Two years because they would never let us
11 travel. But when we would go, there was always a
12 large contingent of our Staff that was allowed to go
13 and they participated in, like -- they would be
14 leaders in telecom because our Staff were on all
15 those Staff subcommittees and they brought all that
16 knowledge back to the dockets. They also had now
17 colleagues all over the country that they could talk
18 to about different issues.

19 And now even more so with the Smart
20 Grid and all that we're doing with that, it just kind
21 of begs for participation from our people. And that
22 we have people that volunteer to pay and then they

1 have to take a vacation day to do it. I mean, that
2 is just like -- it's a double insult. So, you know,
3 we just haven't been a player in that game.

4 MR. ANDERSON: And that's a legal requirement.

5 MS. STEPHENSON-SCHROEDER: That's a legal -- I
6 mean, that comes -- unfortunately, having to take a
7 vacation day is a legal because then you're getting
8 into workers' comp issues. If somebody should get
9 hurt or injured while they're traveling and they're
10 paying their own dime, I mean, I don't know --

11 MR. ANDERSON: We don't do that to be mean. We
12 don't make them.

13 MS. STEPHENSON-SCHROEDER: We don't. But that
14 came down because, you know, we're not covering them.
15 They haven't been approved to go. So I -- again, I
16 don't know the personnel enough to know what we can
17 and can't do. I mean, that's Tim and Leanne's
18 domain. But, actually, telling people they can pay
19 and then just go off, we just can't from a legal
20 perspective.

21 COMMISSIONER COLGAN: So that's the -- the
22 issue is if they are paying their own way, then it

1 becomes an issue of taking the time off; but if the
2 Commission was paying for them to go --

3 MR. ANDERSON: Oh, yeah.

4 COMMISSIONER COLGAN: -- it's fine.

5 MS. STEPHENSON-SCHROEDER: Tim, I don't know
6 this, this is just my lack of knowledge. I don't
7 know if somebody puts in -- because I know we've had
8 this before. For instance, they might get a fund
9 from another entity that will pay it out the State
10 and they had that approved from the Governor's
11 Office, then that's a different scenario because then
12 they don't need to use vacation time.

13 MR. ANDERSON: The key is the approval.

14 MS. STEPHENSON-SCHROEDER: Right. That's --

15 MR. ANDERSON: And we do that a lot. In fact,
16 since the tightening of the budget, we've been trying
17 to do that a whole lot where, you know... Railroad
18 almost always gets their stuff paid for. MISO -- I
19 mean, Randy hardly ever has to -- Randy's group
20 hardly ever has to pay because they usually pick
21 up -- you know, either MISO or PJM.

22 COMMISSIONER O'CONNELL-DIAZ: Well, NARUC has

1 the stipends which the Commissioners take advantage
2 of. I mean, I never go and have to pay anymore.
3 Really almost all the time I got my stuff paid for.
4 You got to go to conferences and whatnot --

5 MR. ANDERSON: I tend to not --

6 COMMISSIONER O'CONNELL-DIAZ: No, but I'm
7 saying that some of our Staff could participate in
8 some of those stipend opportunities and -- so I don't
9 know --

10 MS. STEPHENSON-SCHROEDER: Which would be
11 excellent.

12 And also, for instance, in the
13 instance of we brought up ALJ Moran, if she would
14 have turned in and filled out the paperwork and
15 turned in a request to her supervisor and then it
16 goes to Tim, then we submit that and it shows, no,
17 there's not going to be any State funds and then it
18 gets approved, then she wouldn't need to use vacation
19 time because it's been approved by the State.

20 The problem is when people don't turn
21 it in and don't go through the approval process,
22 that's where our hands are tied.

1 MR. ANDERSON: And it's a pain in the butt.

2 COMMISSIONER FORD: Do you have to -- if the
3 State's not paying, why do we have to send it in?

4 MR. ANDERSON: Because if you don't, you're
5 not -- it's a liability, I guess --

6 MS. STEPHENSON-SCHROEDER: Yes, it is.

7 MR. ANDERSON: It's a liability question.

8 MS. STEPHENSON-SCHROEDER: If somebody is
9 off -- not tech- -- and again, that's something, you
10 know, we can talk about, but we need to cover
11 ourselves. For instance, as I said, you know,
12 sometimes I had -- and I'm just using me as an
13 example -- I had a person go out to NARUC, pay their
14 own way, didn't tell me. They just said they were
15 going to take vacation days. I didn't even know they
16 were out there. I can't cover them if something were
17 to happen to them. You know, if they were -- God
18 forbid -- to be injured or something in an
19 accident -- technically, when you're all out there,
20 if you're in an accident, you're on State time -- you
21 would be covered under the Workers' Compensation.

22 COMMISSIONER FORD: But if she's on vacation

1 she's still not covered?

2 MS. STEPHENSON-SCHROEDER: No. No. She's not.
3 So that's why when the individual did it --

4 COMMISSIONER FORD: What about personal
5 business? It seems to me I would take -- it's better
6 to take personal business. At the Board we took
7 personal business for those kind of things.

8 MS. STEPHENSON-SCHROEDER: What I'm saying is
9 it has to go through approval.

10 COMMISSIONER FORD: It shouldn't have to go
11 through, should it?

12 MS. STEPHENSON-SCHROEDER: Well, we would still
13 need to approve it through our agency in order to
14 approve the person being out there on business time.

15 MR. ANDERSON: And the difficulty is when
16 you've done that, when you've put in and it's
17 denied --

18 COMMISSIONER O'CONNELL-DIAZ: And they say no.

19 MR. ANDERSON: -- then you decide to go --

20 COMMISSIONER O'CONNELL-DIAZ: Then you're --
21 then you're in harm's way.

22 MR. ANDERSON: I think it's natural. I don't

1 think it's any lack of human nature that you ask
2 three times and you get denied three times, you're
3 going to stop asking. I mean...

4 COMMISSIONER O'CONNELL-DIAZ: And the other
5 thing, too, is it didn't matter -- in days gone by we
6 would put in for approval, even though it was being
7 paid, they would say no. Just to say no.

8 COMMISSIONER FORD: And we still went.

9 MR. ANDERSON: But let me just --

10 COMMISSIONER O'CONNELL-DIAZ: That's a bad
11 thing.

12 MR. ANDERSON: Let me just point this out.
13 Yesterday the Governor was asked what he's going to
14 use his emergency budget powers for and he didn't say
15 anything other than reduce legislators' salaries and
16 travel restrictions for State employees.

17 COMMISSIONER FORD: Again?

18 MR. ANDERSON: So be prepared. I mean, that's
19 already been thrown out there. And, you know, that
20 can be reserved under the Emergency Budget Act. And
21 I don't know how broad that's going to be. But, I
22 mean, that could easily happen. He can't reduce

1 legislators' salaries. I don't know why he said
2 that, but he said it.

3 COMMISSIONER O'CONNELL-DIAZ: Well, but, I
4 mean --

5 COMMISSIONER COLGAN: Just to make friends.

6 COMMISSIONER FORD: I guess so.

7 COMMISSIONER O'CONNELL-DIAZ: -- as if we have
8 like, NARUC stipends to go to these events. I mean,
9 is there -- I'm missing what that would be when you
10 have this national organization paying for you to go
11 so you can bring that knowledge --

12 MR. ANDERSON: Well, it's very similar to what
13 happened in the mid -- early to mid '90s and then
14 again in the late '90s and early 2000s when political
15 and economic things -- I mean, I worked at the
16 legislature for a lot of years. We used to always
17 go -- Staff and legislators used to always go to
18 NCSL, which was the legislative version of NARUC. I
19 don't think they've gone for 12 years. I don't think
20 there's been a Staff member there for 12 years. And
21 it's just because it became too -- it became -- you
22 know, the scales of being worth the effort changed.

1 So, I mean, that's what happened in
2 that area. Now, I think the legislators that are
3 into it and involved still go; but they're kind of
4 more like you guys, they make their own -- they're
5 not part of the larger stuff.

6 COMMISSIONER O'CONNELL-DIAZ: Yeah; but, I
7 mean, we were put in the position of having to ask
8 permission even though everything was paid and if we
9 were told no, then you couldn't go. I mean, then --
10 like, in my mind, if they say, no, you can't go, then
11 kind of like you have to go against their permission,
12 which is ridiculous.

13 MR. ANDERSON: Right. Like you're 16 and
14 you're sneaking out the back.

15 COMMISSIONER O'CONNELL-DIAZ: Well, and also it
16 begs the issue of the independence of the Commission.
17 Because actually the Governor's not supposed to be
18 able to tell us what to do. We get a budget and we
19 have to stay within that budget and that's what our
20 rules are. Not that, you know, we need to feel like
21 we're 16 years old and being -- and just as Manny
22 said, you know, these are not junkets.

1 I mean, trust me, I'd rather -- at
2 7:30 in the morning I'd rather not be at a breakfast
3 with a bunch of other regulators. I'd rather be, you
4 know, with my head on a pillow maybe or sightseeing,
5 but that's not what goes on at those things. I mean,
6 it's just not...

7 CHAIRMAN FLORES: Commissioner O'Connell-Diaz,
8 do you know -- in your new role with -- on the Board
9 of NARUC, would you be kind of enough to find out --
10 or we can do this too, but I thought maybe because
11 you had more -- within your position there -- can you
12 tell us how much money they can offer us in terms of
13 stipends?

14 COMMISSIONER O'CONNELL-DIAZ: Well, it's
15 just -- I can answer that for you right now. What
16 happens with the stipends is that they are sent out.
17 Everyone gets notice from NARUC and sometimes it's
18 just for Commissioners only. Sometimes it's for
19 Staff, but it -- more often than not it's for
20 Commissioners only.

21 CHAIRMAN FLORES: And we can't, let's say,
22 apply that to Staff, offer that funding? They

1 won't --

2 COMMISSIONER O'CONNELL-DIAZ: No, because it's
3 NARUC's money. And it's the Commissioners -- it
4 depends though. Sometimes there are funds available.

5 There's also some other -- Bob G. at
6 the -- that was for everybody. There's different
7 ones and everyone gets -- you get sent that
8 information. So it's not really just something that
9 NARUC -- and also they never really know, you know,
10 what they're going to offer. So you've got to be
11 like mindful. Carol Weller's really good about, you
12 know, finding -- just like Mark. We're all getting a
13 stipend and we have to go on that steel-toed boot
14 place -- I don't know what we're doing.

15 COMMISSIONER FORD: Right. It's a tour.

16 COMMISSIONER O'CONNELL-DIAZ: But I'm always
17 just like, Sign me up for everything. I'll go to
18 everything if I can get more money.

19 MR. ANDERSON: Is there a brochure for that?

20 COMMISSIONER O'CONNELL-DIAZ: As long as
21 there's no pictures.

22 So you really -- Carol does keep us

1 well informed with regard to it. But they generally
2 tend to be for Commissioners. Although there are
3 some that are for Staff. And I know that a lot of
4 our folks -- because Bob G. had the thing in Chicago
5 and it was two nights at a hotel. So that was a good
6 amount of money.

7 It never covers registration though.
8 None of that stuff ever covers -- so there's also
9 that 495 that you got to pay out of somewhere. So
10 there are those opportunities for -- but, you know,
11 and NARUC never knows till a couple weeks maybe
12 before, but you need to like be --

13 MR. ANDERSON: On it.

14 COMMISSIONER O'CONNELL-DIAZ: On it. Right.
15 Yeah. So...

16 COMMISSIONER COLGAN: Well, I think we need to
17 take advantage of all of those opportunities. But I
18 think we also need to just keep in mind that we are
19 in extraordinarily tough economic times. You know,
20 it's just --

21 MR. ANDERSON: Compared to what's going on -- I
22 would almost say most agencies, we are -- I think we

1 would have to consider ourselves fortunate.

2 COMMISSIONER O'CONNELL-DIAZ: Very lucky.

3 MR. ANDERSON: Extremely lucky.

4 COMMISSIONER COLGAN: Yeah, they're calling it
5 the great recession. I've been through a lot of
6 recessions and none of them have been called "great."

7 COMMISSIONER O'CONNELL-DIAZ: Because they
8 don't want to put the "D" word on it.

9 COMMISSIONER COLGAN: You're right.

10 MR. ANDERSON: California is the only state
11 that's worse off than us from a state government
12 standpoint.

13 COMMISSIONER COLGAN: And we can spend the rest
14 of the day assigning blame -- there's plenty of it to
15 go around -- but a lot of it actually just has to do
16 with the overall economy. I mean, I don't think
17 we've -- even within that context, I don't believe
18 that we have dealt with it appropriately.

19 But still, I mean, we're dealing with
20 the fallout from that and the fact that we got our
21 budget approved for what we requested is a --

22 COMMISSIONER O'CONNELL-DIAZ: It's big.

1 COMMISSIONER FORD: It's miraculous.

2 COMMISSIONER COLGAN: -- is like a miracle.

3 CHAIRMAN FLORES: Good job, guys.

4 COMMISSIONER COLGAN: We just need the cash to
5 back it up.

6 COMMISSIONER O'CONNELL-DIAZ: I think it's a
7 recognition about the really -- the important work
8 that this Commission does. I mean, we get a lot of
9 flak but we just -- we do this pivotal work that --
10 it's not friendly. It's not fun. It's tough and --
11 but somebody's got to do it.

12 MR. ANDERSON: And, you know, something I
13 didn't mention when I was telling you guys that you
14 guys should know because I don't think you hear this
15 very often, when we were -- I sent out e-mails when
16 they were doing amendments to the budget and they
17 struck your entire salaries out of the budget.

18 COMMISSIONER COLGAN: Oh, God.

19 COMMISSIONER FORD: Oh my God.

20 MR. ANDERSON: For about two days we were
21 spending a lot of time down at the Capitol. And
22 after talking -- you know, the first thing we did is

1 we went to as many legislators as we could and talked
2 to them about what it was, you know, how this
3 isn't -- first of all, we don't think it's legal;
4 second of all, it's not good.

5 We finally got with the house budget
6 director who said, that isn't even supposed to be you
7 guys. It's supposed to be the Civil Service
8 Commission because we're hitting all the part-time
9 boards. Oh, okay. Well, can you fix it? Yeah,
10 we'll fix it. So they fixed it.

11 But there were numerous members of the
12 House who were very helpful and very sympathetic and
13 kind of even publicly when they didn't realize that
14 it had been fixed were still going after it as an
15 unfair thing. So I'd say there were --

16 COMMISSIONER COLGAN: That's good to hear.

17 COMMISSIONER FORD: Was Monique on board?

18 MR. ANDERSON: No, she wasn't on board. I
19 don't think she was one of the ones that was --

20 COMMISSIONER O'CONNELL-DIAZ: Well, I was
21 calling it a fumigation act, too.

22 MR. ANDERSON: It was nice to find out that was

1 a mistake.

2 COMMISSIONER O'CONNELL-DIAZ: I know.

3 MR. ANDERSON: Frank Mautino, who was from
4 Spring Valley, he was still going off. He says, I
5 think this is terrible what you're doing to the
6 Illinois Commerce Commission. And the staff had to
7 come over, We're not doing it anymore. Oh, okay.
8 Sorry.

9 COMMISSIONER O'CONNELL-DIAZ: Well, good.

10 COMMISSIONER FORD: Is that your Congressman,
11 Mautino?

12 MR. ANDERSON: Mautino is from down --

13 COMMISSIONER O'CONNELL-DIAZ: M-a-u-t-i-n-o,
14 Mautino.

15 MR. ANDERSON: Mautino.

16 COMMISSIONER FORD: Well, I'll have to see if
17 mine said a word, Will Burns -- or is it Ken Dunkin?

18 MR. ANDERSON: Will wasn't in the -- it never
19 got to Will.

20 COMMISSIONER FORD: See, I just moved from Will
21 to Ken.

22 MR. ANDERSON: Neither one of them were in the

1 Approp Committee, so it didn't get to them. I'm sure
2 Will would have been helpful.

3 And, by the way, these are -- this is
4 West Publishing, which is our on-line research and is
5 replacing LexisNexis.

6 COMMISSIONER O'CONNELL-DIAZ: Lula needs to do
7 that. She's become such a lawyer.

8 MR. ANDERSON: And it's -- we're saving some
9 money there.

10 And the other one is Sullivan
11 Reporting, which is a two-year thing. I don't know
12 if it's okay to talk about it in front of them. But
13 we have a statutory mandate, so we needed this --

14 COMMISSIONER O'CONNELL-DIAZ: Yeah, how much is
15 that extra costing us with regard to the reporting
16 that's going on now in all the Bench sessions?

17 MR. ANDERSON: That's extra. I mean --

18 COMMISSIONER O'CONNELL-DIAZ: Significant? In
19 the days of the economy I think that would be
20 something that should be looked at because you can't
21 use that stuff. It's -- I don't know why it's there.

22 COMMISSIONER FORD: Put it in the legislation.

