1	BEFORE THE
2	ILLINOIS COMMERCE COMMISSION
3	
4	BENCH SESSION
5	(PUBLIC UTILITY)
6	Chicago, Illinois
7	Thursday, June 2, 2011
8	
9	
10	Met, pursuant to notice, at 10:30 a.m. in
11	the Main Hearing Room, Eighth Floor, 160 North
12	LaSalle Street, Chicago, Illinois.
13	
14	PRESENT:
15	DOUGLAS P. SCOTT, Chairman
16	LULA M. FORD, Commissioner
17	ERIN M. O'CONNELL-DIAZ, Commissioner
18	SHERMAN J. ELLIOTT, Commissioner
19	JOHN T. COLGAN, Acting Commissioner
20	
21	
22	SULLIVAN REPORTING COMPANY, by Alisa A. Sawka, CSR, RPR License No. 084-004588

- 1 CHAIRMAN SCOTT: 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 us in Chicago are
- 5 Commissioners Ford, O'Connell-Diaz, Elliott and
- 6 Acting Commissioner Colgan. I'm Chairman Scott and
- 7 we have a quorum.
- 8 Before moving into the Agenda,
- 9 according to Section 1700.10 of Title 2 of the
- 10 Administrative Code, this is the time we allow the
- 11 members of the public to address the Commission.
- 12 Members of the public wishing to address the
- 13 Commission must notify the Chief Clerk's Office at
- 14 least 24 hours prior to the Bench Session. According
- 15 to the Chief Clerk's Office we have no requests to
- 16 speak at today's session.
- 17 (Whereupon, the Transportation
- 18 Agenda is contained in a
- separate transcript.)
- 20 CHAIRMAN SCOTT: On to the Public Utility
- 21 Agenda.
- We will start with approval of minutes

- 1 from prior Commission meetings. First are minutes
- 2 from our May 4th Bench Session, but these minutes
- 3 will be held so that the transcript can include
- 4 public comments given at this Commission meeting.
- 5 Next up are minutes from our May 9th
- 6 Special Open Meeting. I understand amendments have
- 7 been forwarded.
- And so I move to amend the minutes.
- 9 Is there a second?
- 10 COMMISSIONER FORD: Second.
- 11 CHAIRMAN SCOTT: It's been moved and seconded.
- 12 All in favor, say "aye."
- 13 (Chorus of ayes.)
- 14 CHAIRMAN SCOTT: Any opposed?
- 15 (No response.)
- 16 CHAIRMAN SCOTT: The vote is 5 to nothing and
- 17 the amendments to the May 9th minutes are adopted.
- I move to approve the minutes, as
- 19 amended.
- Is there a second?
- 21 COMMISSIONER O'CONNELL-DIAZ: Second.
- 22 CHAIRMAN SCOTT: It's been moved and seconded.

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1 All in favor, say "aye."
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- 2 (Chorus of ayes.)
- 3 CHAIRMAN SCOTT: Any opposed?
- 4 (No response.)
- 5 CHAIRMAN SCOTT: The vote is 5 to nothing and
- 6 the May 9th Special Open Meeting Minutes, as amended,
- 7 are approved.
- 8 Last up are minutes from our May 13th
- 9 Special Open Meeting. I understand amendments have
- 10 been forwarded.
- 11 And so I move to amend the minutes.
- 12 Is there a second?
- 13 ACTING COMMISSIONER COLGAN: Second.
- 14 CHAIRMAN SCOTT: It's been moved and seconded.
- All in favor, say "aye."
- 16 (Chorus of ayes.)
- 17 CHAIRMAN SCOTT: Any opposed?
- 18 (No response.)
- 19 CHAIRMAN SCOTT: The vote is 5 to nothing and
- 20 the amendments to the May 13th minutes are adopted.
- 21 And I move to approve the minutes, as
- 22 amended.

- 1 Is there a second?
- 2 ACTING COMMISSIONER COLGAN: Second.
- 3 CHAIRMAN SCOTT: It's been moved and seconded.
- 4 All in favor, say "aye."
- 5 (Chorus of ayes.)
- 6 CHAIRMAN SCOTT: Any opposed?
- 7 (No response.)
- 8 CHAIRMAN SCOTT: The vote is 5 to nothing and
- 9 the May 13th Special Open Meeting Minutes, as
- 10 amended, are approved.
- 11 We will now turn to the electric
- 12 portion of today's Agenda. Items E-1 and E-2 can be
- 13 taken together. These items concern customer
- 14 complaints regarding billing and/or charges against
- 15 ComEd. In each case the parties have apparently
- 16 settled their differences and have brought a Joint
- 17 Motion to Dismiss, which the ALJ recommends we grant.
- 18 Is there any discussion?
- 19 (No response.)
- 20 CHAIRMAN SCOTT: Is there a motion to grant the
- 21 Joint Motions to Dismiss?
- 22 ACTING COMMISSIONER COLGAN: So moved.

- 1 CHAIRMAN SCOTT: Is there a second?
- 2 COMMISSIONER O'CONNELL-DIAZ: Second.
- 3 CHAIRMAN SCOTT: It's been moved and seconded.
- 4 All in favor, say "aye."
- 5 (Chorus of ayes.)
- 6 CHAIRMAN SCOTT: Any opposed?
- 7 (No response.)
- 8 CHAIRMAN SCOTT: The vote is 5 to nothing and
- 9 the Joint Motions to Dismiss are granted.
- 10 We will use this 5 to nothing vote for
- 11 the remainder of the Public Utility Agenda unless
- 12 otherwise noted.
- 13 Item E-3 is Docket No. 11-0275. This
- 14 is Illinois Gas & Electric's Application for a
- 15 Certificate of Service Authority to operate as an
- 16 Alternative Retail Electric Supplier in Illinois.
- 17 ALJ Tapia recommends that the Commission enter an
- 18 Amendatory Order making certain corrections to the
- 19 Commission's May 4th Order granting the Company's
- 20 Certificate.
- Is there any discussion?
- 22 (No response.)

- 1 CHAIRMAN SCOTT: Any objections?
- 2 (No response.)
- 3 CHAIRMAN SCOTT: Hearing none, the Amendatory
- 4 Order is entered.
- Item E-4 is Docket No. 11-0360. This
- 6 is MC Squared Energy Services' Application to Operate
- 7 as an ARES authorized to serve all eligible
- 8 residential and nonresidential retail customers in
- 9 ComEd's service territory. ALJ Tapia recommends that
- 10 the Commission enter an Order granting this amendment
- 11 to the Company's Certificate.
- 12 Is there any discussion?
- 13 (No response.)
- 14 CHAIRMAN SCOTT: Any objections?
- 15 (No response.)
- 16 CHAIRMAN SCOTT: Hearing none, the Order is
- 17 entered.
- 18 Items E-5 and E-6 can be taken
- 19 together. These items are Applications for Licensure
- 20 as an Agent, Broker and Consultant under
- 21 Section 16-115C of the Public Utilities Act. In each
- 22 case, ALJ Yoder recommends that the Commission enter

- 1 an Order granting the requested Certificate.
- 2 Is there any discussion?
- 3 (No response.)
- 4 CHAIRMAN SCOTT: Any objections?
- 5 (No response.)
- 6 CHAIRMAN SCOTT: Hearing none, the Orders are
- 7 entered and the Certificates are granted.
- 8 Item E-7 is Docket No. 11-0273. This
- 9 is a Petition by Exelon to protect against the
- 10 disclosure of confidential and/or proprietary
- 11 information in its Annual Kilowatt Hour Report. ALJ
- 12 Albers recommends that the Commission reopen the
- 13 record for the purpose of accepting Exelon's
- 14 corrected Petition in this matter and enter an Order
- on Reopening granting the Company's correction.
- 16 Is there any discussion on reopening
- 17 this matter?
- 18 (No response.)
- 19 CHAIRMAN SCOTT: Any objections?
- 20 (No response.)
- 21 CHAIRMAN SCOTT: Hearing none, the record in
- 22 this matter is reopened.

- 1 Is there any discussion on entering
- 2 the Order on Reopening?
- 3 (No response.)
- 4 CHAIRMAN SCOTT: Any objections?
- 5 (No response.)
- 6 CHAIRMAN SCOTT: Hearing none, the Order on
- 7 Reopening is entered and the corrections to the
- 8 Company's Petition are made.
- 9 Item E-8 is Docket No. 11-0379. This
- 10 is Direct Energy Services' Petition for the
- 11 confidential treatment for portions of its ARES
- 12 Compliance Report. ALJ Albers recommends the
- 13 Commission enter an Order granting in part and
- 14 denying in part the Company's request.
- 15 Is there any discussion?
- 16 (No response.)
- 17 CHAIRMAN SCOTT: Any objections?
- 18 (No response.)
- 19 CHAIRMAN SCOTT: Hearing none, the Order is
- 20 entered.
- 21 Items E-9 through E-15 can be taken
- 22 together. These items concern Petitions to protect

- 1 against the disclosure of confidential and/or
- 2 proprietary information in the Petitioners' reports
- 3 filed with the Commission. In each case, ALJ Albers
- 4 recommends entry of an Order granting the requested
- 5 protective relief.
- 6 Is there any discussion?
- 7 (No response.)
- 8 CHAIRMAN SCOTT: Any objections?
- 9 (No response.)
- 10 CHAIRMAN SCOTT: Hearing none, the Orders are
- 11 entered.
- 12 Item E-16 is Docket No. 11-0395. This
- is Constellation NewEnergy's Petition to protect
- 14 against the disclosure of confidential information in
- 15 the dockets surrounding the amendment of its ARES
- 16 Certificate of Service Authority. ALJ Albers
- 17 recommends that the Commission grant the Company's
- 18 Motion to Withdraw its Petition in the present
- 19 docket.
- Is there any discussion?
- 21 (No response.)
- 22 CHAIRMAN SCOTT: Any objections?

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1 (No response.)
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- 2 CHAIRMAN SCOTT: Hearing none, the Motion to
- 3 Withdraw is granted.
- 4 Item E-17 is Docket No. 11-0402. This
- 5 is Glenview Consulting Group's Petition for
- 6 Confidential Treatment of Information in its Annual
- 7 Report. ALJ Albers recommends that the Commission
- 8 dismiss this docket as the confidential treatment
- 9 being sought is already expressly authorized by
- 10 statute.
- Is there any discussion?
- 12 (No response.)
- 13 CHAIRMAN SCOTT: Any objections?
- 14 (No response.)
- 15 CHAIRMAN SCOTT: Hearing none, the docket is
- 16 dismissed.
- 17 We have one Natural Gas item today.
- 18 Item G-1 is Docket No. 11-0067. This a Rosie Lacy's
- 19 complaint as to billing and/or charges against Nicor.
- 20 The parties have apparently settled their differences
- 21 and brought a Joint Motion to Dismiss, which ALJ
- 22 Kimbrel recommends that we grant.

- 1 Is there any discussion?
- 2 (No response.)
- 3 CHAIRMAN SCOTT: Any objections?
- 4 (No response.)
- 5 CHAIRMAN SCOTT: Hearing none, the Joint Motion
- 6 to Dismiss is granted.
- 7 Moving on to Telecommunications.
- 8 Item T-1 is Docket No. 11-0312. This
- 9 is G3 Telecom USA's Application for a Certificate of
- 10 Prepaid Calling Service Provider Authority statewide
- 11 across Illinois. The Company has filed a Motion to
- 12 Withdraw its application, and ALJ Riley recommends
- 13 that we grant this Motion.
- 14 Is there any discussion?
- 15 (No response.)
- 16 CHAIRMAN SCOTT: Any objections?
- 17 (No response.)
- 18 CHAIRMAN SCOTT: Hearing none, the Motion to
- 19 Withdraw is granted.
- 20 Item T-2 is Docket No. 11-0298. This
- 21 is Safari Communications' Application for a
- 22 Certificate of Wireless Authority to Operate as a

- 1 Reseller of Telecommunications Services throughout
- 2 Illinois. ALJ Riley recommends that the Commission
- 3 enter an Order granting the requested Certificate.
- 4 Is there any discussion?
- 5 (No response.)
- 6 CHAIRMAN SCOTT: Any objections?
- 7 (No response.)
- 8 CHAIRMAN SCOTT: Hearing none, the Order is
- 9 entered and the Certificate is granted.
- 10 Item T-3 is Docket No. 11-0322. This
- is Stand Up Wireless's Application for Authority to
- 12 Operate as a Facilities-Based Wireless Application
- 13 Carrier throughout Illinois. ALJ Riley recommends
- 14 the Commission enter an Order granting the requested
- 15 Certificate.
- Is there any discussion?
- 17 (No response.)
- 18 CHAIRMAN SCOTT: Any objections?
- 19 (No response.)
- 20 CHAIRMAN SCOTT: Hearing none, the Order is
- 21 entered and the Certificate is granted.
- 22 Item T-4 is Docket No. 11-0401. This

- is Macon County's Petition for Approval of a
- 2 Modification to its 9-1-1 system to add an additional
- 3 backup answering point. ALJ Albers recommends that
- 4 the Commission enter an Order approving the
- 5 modification.
- 6 Is there any discussion?
- 7 (No response.)
- 8 CHAIRMAN SCOTT: Any objections?
- 9 (No response.)
- 10 CHAIRMAN SCOTT: Hearing none, the Order is
- 11 entered.
- 12 Item T-5 is Docket No. 10-0721. This
- is Illinois Consolidated Telephone Company's Petition
- 14 for Approval of an Equipment Location Agreement with
- 15 US Signal Company. ALJ Jones recommends that the
- 16 Commission enter an Order granting the Petition,
- 17 subject to certain conditions agreed to between the
- 18 Companies and the Staff.
- 19 Is there any discussion?
- 20 (No response.)
- 21 CHAIRMAN SCOTT: Any objections?
- 22 (No response.)

- 1 CHAIRMAN SCOTT: Hearing none, the Order is
- 2 entered.
- 3 Item T-6 is Docket No. 11-0417. This
- 4 is ANPI's Petition requesting an Order authorizing
- 5 ANPI, Incorporated, to transfer its Certificates of
- 6 Service Authority to the newly created ANPI, LLC.
- 7 ALJ Albers recommends that the Commission enter an
- 8 Order granting the requested relief.
- 9 Is there any discussion?
- 10 (No response.)
- 11 CHAIRMAN SCOTT: Any objections?
- 12 (No response.)
- 13 CHAIRMAN SCOTT: Hearing none, the Order is
- 14 entered.
- On to Water and Sewer.
- 16 Item W-1 is Docket No. 11-0340. This
- 17 is Aqua Illinois' Rate Case. Before us today is a
- 18 Petition by Aqua Illinois requesting a waiver of
- 19 certain provisions of Title 83, Part 285, of the
- 20 Administrative Code by allowing independent
- 21 accountants engaged by the Company to use the
- 22 currently effective quide for prospective financial

- 1 information. ALJ Jones recommends that the
- 2 Commission enter an Order granting the requested
- 3 waiver.
- 4 Is there any discussion?
- 5 (No response.)
- 6 CHAIRMAN SCOTT: Any objections?
- 7 (No response.)
- 8 CHAIRMAN SCOTT: Hearing none, the Order is
- 9 entered and the requested waiver is granted.
- 10 We have one Petition for Rehearing up
- 11 today.
- 12 Item PR-1 is Docket No. 07-0310. This
- is ComEd's Application seeking authorization to
- 14 construct new transmission lines in Kane and McHenry
- 15 Counties. After the Commission entered its recent
- 16 Order in this matter, the Kreutzer Road parties filed
- 17 a Request for Rehearing. ALJ Dolan recommends that
- 18 the Commission deny the Request for Rehearing.
- 19 Is there any discussion?
- 20 (No response.)
- 21 CHAIRMAN SCOTT: Any objections?
- 22 (No response.)

- 1 CHAIRMAN SCOTT: Hearing none, the party's
- 2 Request for Rehearing in this matter is denied.
- 4 CHAIRMAN SCOTT: Yes, Commissioner
- 5 O'Connell-Diaz.
- 6 COMMISSIONER O'CONNELL-DIAZ: Thank you.
- 7 I just have one comment. First of
- 8 all, I'd like to thank Judge Dolan for a complete and
- 9 thorough memo and also Staff for presenting really
- 10 kind of what the Commission's case is in this point.
- But I just think it's important to
- 12 point out that as I look at this proceeding -- and it
- 13 has been with us since 2007. It is now four years
- 14 later. It's a transmission line. It is -- the
- 15 transmission line at issue in this is to be to
- 16 reinforce an area that underwent massive growth.
- 17 And the growth in that area was
- 18 occasioned by the development permits that were
- 19 issued by the various municipalities that turned
- 20 farmland into sprawling suburban highways and byways.
- 21 And I find it quite remarkable that the Village of
- 22 Huntley is saying the Commission is not doing their

- 1 job right. They're not looking at this issue right.
- 2 The time to look at this would have
- 3 been way before they issued the permits to build
- 4 these large tract situation developments. And they
- 5 should have also gotten together with the neighboring
- 6 municipalities to come up with a plan to deal with
- 7 the absolute eventuality of the need for more
- 8 electrical transmission services to serve these many
- 9 homes.
- 10 These are -- many of these are in the
- 11 utility right of way, right of ways that have been
- 12 there for years and years and years. So this is
- 13 really a village's or a municipality's planning
- 14 opportunity when they let it go and make these large
- developments, they will end up at the Commission
- 16 because we need to make sure that there is a reliable
- 17 supply of electricity in that area.
- So I know I always make this speech
- 19 when I see these cases; but the municipalities really
- 20 need to do a better job of planning together so that
- 21 the lines go through in the least offensive way,
- because the lines do need to go through to supply the

- 1 new homes that are out there.
- 2 So I'd like to thank all the
- 3 participants of the case. Again, it's gone on for
- 4 four years.
- 5 And thank you, Judge Dolan.
- 6 JUDGE DOLAN: Hopefully, we won't see it again.
- 7 COMMISSIONER FORD: Hopefully.
- 8 CHAIRMAN SCOTT: Thank you, Commissioner.
- 9 Thank you, Judge.
- 10 Lastly, we have one other item of
- 11 business for today. This item is our Annual Report
- 12 on Cable and Video Service Deployment by Providers
- 13 Granting State Issued Cable and Video Service
- 14 Authorization.
- Is there someone from Staff who's
- 16 available to brief us on this Report?
- 17 MR. McCLERREN: Yes, Chairman. My name is Sam
- 18 McClerren. I'm in the Telecommunications Group. And
- 19 Dr. Zolnierek is here with me. We're here to make a
- 20 brief presentation and answer any questions you might
- 21 have about the Report.
- 22 CHAIRMAN SCOTT: Go right ahead.

- 1 MR. McCLERREN: The Cable and Video Services
- 2 Law of 2007 permits cable and video providers to
- 3 receive Commission-authorized State-issued permits.
- 4 The condition of the state-issued authorized
- 5 providers are required by April 1st of each year to
- 6 provide a report basically indicating their
- 7 deployment status. The Commission is required by
- 8 statute to report to the Legislature by July 1st of
- 9 each year regarding the information provided. We're
- 10 here today seeking Commission approval of the report
- 11 we've developed.
- Some background, we've had two
- 13 companies as of the reporting period that are
- 14 actually -- that have received a Commission permit.
- 15 Illinois Bell AT&T Illinois received their permit on
- October 24th of 2007. Wide Open West, WOW, was
- 17 authorized to provide service on April 21st of 2010.
- 18 We have had had a third provider, Highland
- 19 Communication Services, receive Commission approval
- 20 but that was in February of this year. So they do
- 21 not report -- they're not included in this particular
- 22 report.

- 1 AT&T Illinois' report, there is three
- 2 particular items we want to bring to your attention.
- 3 By October 23rd of 2010 there were three requirements
- 4 that they were statutorily required to attain.
- 5 One, was that they would provide
- 6 access to video service at 35 percent of households
- 7 in its incumbent local exchange carrier service area.
- 8 As of year-end 2010, AT&T Illinois reported it
- 9 employed service to 42 percent. So it had attained
- 10 that benchmark.
- Also by October 23rd, 2010, 30 percent
- 12 of the households provided access to video services
- 13 by AT&T Illinois were to be low income. Relative to
- 14 that 30 percent, AT&T Illinois reported that as of
- 15 year-end 2010 they had attained 30 percent.
- 16 Finally, by October 23rd of 2010, the
- 17 percentage of low income households provided access
- 18 to video services in each exchange was to equal or
- 19 exceed the percentage of low income households in the
- 20 exchange. AT&T Illinois reported that out of its 105
- 21 service exchanges, they had attained that criterion.
- There were two footnote exceptions,

- 1 that I need to report. For the Skokie exchange AT&T
- 2 Illinois reported it was unable to obtain access to
- 3 public rights of way due to a fee dispute with the
- 4 Village of Skokie. So they reported the Skokie
- 5 exchange, the area outside of the Village of Skokie.
- 6 And when looking at it that way, they attained that
- 7 low income criterion.
- 8 For the Huntley exchange, AT&T
- 9 Illinois did not attain the requirement. And it was
- 10 basically due to the rapid growth within the Huntley
- 11 exchange. Essentially during the decade of 2000-2010
- 12 Huntley experienced a 400 percent increase in
- 13 population growth. And much of that growth was in
- 14 population at centers distant from AT&T's network
- 15 nodes. So basically they were not able to keep up
- 16 with the growth in the Huntley exchange.
- 17 On Wide Open West, they reported
- 18 within their exchanges basically they were providing
- 19 service to everyone within their service territories.
- 20 There was no -- they passed every household, every
- 21 business. So they obviously met the criterion set up
- 22 by the Legislature.

- 1 So with your approval of this report
- 2 today, the Office of Governmental Affairs will format
- 3 and print the report; submit it along with the
- 4 reports from AT&T Illinois and Wide Open West to the
- 5 Legislature; and we're here to answer any questions
- 6 you might have about the report.
- 7 CHAIRMAN SCOTT: Are there any questions from
- 8 the Commission?
- 9 COMMISSIONER FORD: Yes. My only question is I
- 10 see where AT&T said that they had built-out -- they
- 11 had 10 nodes in the low income percentage. It would
- 12 still remain at 9 percent even if they were to deploy
- 13 U-Verse to all 62 nodes. And, I guess, I'm
- 14 interested because I must be in one of those low
- income nodes that they have not reached. And even
- 16 if -- they said that even if they were to deploy, it
- 17 would still only reach 9 percent. I'm wondering how
- 18 is that?
- MR. McCLERREN: 9 percent.
- 20 COMMISSIONER FORD: Yes. That's on Page 3 of
- 21 9, Attachment A --
- 22 MR. McCLERREN: All right.

- 1 COMMISSIONER FORD: -- first paragraph of --
- 2 sixth sentence from the bottom.
- 3 MR. McCLERREN: Within the Huntley exchange?
- 4 COMMISSIONER FORD: No. It's right under the
- 5 Huntley exchange.
- 6 CHAIRMAN SCOTT: I believe it's the last two
- 7 sentences of the first paragraph on that page.
- 8 COMMISSIONER FORD: It is.
- 9 CHAIRMAN SCOTT: It starts with "Therefore,
- 10 AT&T."
- 11 COMMISSIONER FORD: "Therefore AT&T."
- 12 MR. McCLERREN: I believe, Commissioner, that
- 13 paragraph refers to the Huntley exchange.
- 14 COMMISSIONER FORD: Okay. All right. It said
- 15 something about -- I thought it said -- sorry.
- 16 MR. McCLERREN: They have -- I guess their
- deployment, they have not hit every household in all
- 18 exchanges to answer your overall question.
- 19 COMMISSIONER FORD: I quess since it said
- 20 Skokie I was a little confused.
- 21 MR. McCLERREN: Oh, yeah. Skokie was a dispute
- 22 about the tax, the SMTT tax.

- 1 COMMISSIONER FORD: But if AT&T paid them all
- 2 that money -- I guess they paid them 26 percent or
- 3 28 percent I saw somewhere -- and then they still
- 4 didn't allow them to do the infrastructure? Imposed
- 5 a 6 percent tax. That's what I'm -- percentage --
- 6 it's in the next paragraph.
- 7 MR. McCLERREN: My understanding --
- 8 COMMISSIONER FORD: Were they going to get the
- 9 money back?
- 10 MR. McCLERREN: My understanding is that AT&T
- 11 contended that since it was paying the SMTT -- the
- 12 Simplified Municipal Telecommunications Tax, they
- were not obligated to provide anything more than that
- 14 for the build-out --
- 15 COMMISSIONER FORD: Okay.
- 16 MR. McCLERREN: -- rights of way permits. And
- 17 then I gather the Village of Skokie was of the mind
- 18 that they -- regardless of the SMTT, they were
- 19 still -- AT&T were still liable. And that's our
- 20 understanding.
- 21 COMMISSIONER FORD: Okay. Thank you.
- 22 CHAIRMAN SCOTT: Is there a resolution of that

- 1 particular issue or is that one that's just going to
- 2 keep going on?
- 3 MR. McCLERREN: To my knowledge, it has not
- 4 been resolved and it would be a legal matter, and I
- 5 do not know the answer.
- 6 CHAIRMAN SCOTT: Okay. Any other --
- 7 ACTING COMMISSIONER COLGAN: I did have a
- 8 question yesterday that I forwarded to the Staff.
- 9 And that was about, you know, how would a cable and
- 10 video service provider actually have knowledge of how
- 11 many low income customers they were serving. And
- 12 they provided a good response to that. Basically
- 13 it's -- AT&T uses some sort of a formula to look at
- 14 census data and census tract poverty data to
- 15 determine that calculation.
- 16 And then for the other provider that
- 17 reported, the WOW, they basically provide access to
- 18 everybody in the territory so they automatically meet
- 19 that criterion.
- 20 So thanks to Staff for that response.
- MR. McCLERREN: You're welcome.
- 22 CHAIRMAN SCOTT: Commissioner O'Connell-Diaz.

- 1 COMMISSIONER O'CONNELL-DIAZ: I appreciate that
- 2 it's a -- just, actually, it's the legislation under
- 3 which we operate is kind of broken out so that we do
- 4 take care of our low income sector.
- 5 But as I view this issue, it's not --
- 6 it's really not to me a low income/high income. It's
- 7 access issue. And I just wait for the day where
- 8 there is 100 percent coverage for folks in the rural
- 9 areas. I mean, everybody has kids and these services
- 10 are how we live these days. And to -- and everybody
- 11 knows I'm in the digital --
- But, you know, it's a real hardship
- when you cannot get access to how you bank from your
- 14 home. And, you know, unless you put up your own T-1
- line for a great expense every month... So if
- 16 there's a way that we can figure this out so that
- 17 everybody can be covered, this would be, I think --
- 18 maybe we could invent something and retire to our
- 19 villas in the south of France.
- 20 But it's an access issue as opposed to
- 21 just an income issue. And it's really important that
- 22 we solve that.

- 1 CHAIRMAN SCOTT: I have one last question, and
- 2 this may not be answerable by you.
- 3 But in terms of the build-out in the
- 4 Huntley area, it didn't make sense to me reading
- 5 through it that the build-out in the area like that
- 6 would somehow inhibit the reach to low income
- 7 households. Because I'm not assuming that most of
- 8 the build-out now is low income in the Huntley
- 9 region. So -- and it's not really contained in the
- 10 body of the report.
- So I'm not sure if that's something
- 12 that, Mr. McClerren -- if you can answer that or not.
- 13 Or it may be worthwhile to follow back up with them
- 14 to get a few more details of that.
- MR. McCLERREN: I can't really answer how that
- 16 affected the low income. I know the growth is
- 17 extraordinary and affected their ability to respond.
- 18 But I would like to follow up on that and get back to
- 19 you directly if I could.
- 20 CHAIRMAN SCOTT: Appreciate that. Thank you.
- 21 Any further discussion?
- (No response.)

- 1 CHAIRMAN SCOTT: Gentlemen, thank you for the
- 2 Report -- for the briefing on the report.
- 3 Are there any objections to approving
- 4 the Report and having it prepared for distribution to
- 5 the General Assembly?
- 6 (No response.)
- 7 CHAIRMAN SCOTT: Hearing no objections, the
- 8 Report is hereby approved and will be sent to the
- 9 General Assembly.
- Judge Wallace, are there any other
- 11 matters to come before the Commission today?
- 12 JUDGE WALLACE: No, there are not,
- 13 Mr. Chairman.
- 14 CHAIRMAN SCOTT: Thank you, sir.
- 15 Hearing none, this meeting stands
- 16 adjourned.
- 17 (Meeting adjourned.)
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