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BEFORE THE
ILLINOIS COMMERCE
SPECIAL OPEN MEETING
(PUBLIC UTILITY)
Thursday, June 4th, 2020
Chicago, Illinois

Met, pursuant to notice (via teleconference), at
1:00 P.M., at 160 North LaSalle Street, Chicago, Illinois.

PRESENT (telephonically):

CARRIE ZALEWSKI, Chairman

MICHAEL T. CARRIGAN, Commissioner

D. ETHAN KIMBREL, Commissioner

SADZI M. OLIVA, Commissioner

MARIA S. BOCANEGRA, Commissioner

SULLIVAN REPORTING COMPANY, by
Devan J. Moore, CSR
License No. 084-004589

1 CHAIRMAN ZALEWSKI: Under the Open Meetings Act, and in
2 accordance with the Governor's Executive Orders, I call the
3 June 4th, 2020 Special Open Meeting to order.

4 Before we begin, for clarity of the record,
5 and since the court reporter is participating remotely, I would
6 ask everyone to state their name before speaking and to speak
7 slowly and clearly so that she can capture everything that is
8 said.

9 I've checked that all four Commissioners are
10 on and able to participate remotely. I've already checked that
11 the Commissioners are on. Therefore, we have a quorum.

12 Sonya, are you on?

13 JUDGE TEAGUE-KINGSLEY: Yes, I am.

14 CHAIRMAN ZALEWSKI: Thank you so much.

15 I realize that this meeting coincides with
16 George Floyd's Memorial Service. So in recognition of that,
17 before we begin, I would like to take a brief moment of
18 silence, please.

19 (Whereupon, there was a brief pause.)

20 CHAIRMAN ZALEWSKI: Moving on to the Public Utilities
21 Agenda, there are edits to the May 13th, 2020 Regular Open
22 Meeting Minutes.

1 Are there any objections to approving the
2 Minutes as edited?

3 (No response.)

4 CHAIRMAN ZALEWSKI: Hearing none, the Minutes are
5 approved.

6 Item E-1 concerns ERM 20-054, which is a ComEd
7 filing, to revise its Rider POGNM -- or Rider Parallel
8 Operation of Retail Customer Generating Facilities. The filing
9 amends the Rider to include any retail customer with a
10 qualifying distributed generating facility with a Power
11 Purchase Agreement to be considered an eligible customer for
12 net metering, in compliance with the Commission's Order in
13 Docket 19-0995. The Commission Staff recommends not suspending
14 the filing.

15 Are there any objections to not suspending the
16 filing?

17 (No response.)

18 CHAIRMAN ZALEWSKI: Hearing none, the filing is not
19 suspended.

20 Items E-2 through E-5 concern applications for
21 certification to install Distribution Generation Facilities.
22 The Orders grant the certificates.

1 Are there any objections to considering these
2 items together and approving the Orders?

3 (No response.)

4 CHAIRMAN ZALEWSKI: Hearing none, the Orders are
5 approved.

6 Item E-6 concerns Docket 20-0264, which
7 concerns Gridliance Heartland's petition for a declaratory
8 ruling from the Commission finding that its ownership and
9 operation of certain assets does not make it a public utility
10 under Section 3-105 of the Public Utilities Act.

11 Ameren contested this Petition, arguing that
12 the petition is procedurally unfair because a declaratory
13 ruling cannot be appealed. The Commission agrees with this
14 assessment.

15 Given the parties' prior proceedings at the
16 Commission and Ameren's pending Complaint against Gridliance,
17 it would be inappropriate to follow a procedural path that does
18 not allow for appeals or the development of a full record. The
19 Order thus denies the Petition. There are minor
20 non-substantive edits to the Order.

21 Are there any objections to approving the
22 edits to the Order?

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(No response.)

CHAIRMAN ZALEWSKI: Hearing none, the edits are approved.

Item E-7 concerns an application for a license to operate as a Retail Electric Agent, Broker, and Consultant in Illinois. The Order grants the license, finding that the applicant meets the requirements.

Are there any objections to approving the Order?

(No response.)

CHAIRMAN ZALEWSKI: Hearing none, the Order is approved.

Items E-8 through E-10 concern requests for confidential treatment of petitioners' reports. The Orders grant the protection, finding that the information is proprietary and confidential.

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

(No response.)

CHAIRMAN ZALEWSKI: Hearing none, the Orders are approved.

Item E-11 concerns an application for Certification to install Energy Efficiency Measures in Illinois. The Applicant indicated that it no longer wishes to

1 pursue the requested certification and moved to withdraw its
2 application.

3 Are there any objections to granting the
4 Motion to Withdraw?

5 (No response.)

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

7 Items E-12 through E-17 concern applications
8 for Certifications to install Energy Efficiency Measures in
9 Illinois. The Orders grant the certificates, finding that the
10 applicants meet the requirements.

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

13 (No response.)

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

16 Items E-12 through E-17 concern applications
17 for Certifications to install Energy Efficiency Measures in
18 Illinois. The Order grants the certificates, finding that the
19 applicants meet the requirements.

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

22 (No response.)

1 CHAIRMAN ZALEWSKI: Hearing none, the Orders are
2 approved.

3 Under our Gas Items, Item G-1 concerns GRM No.
4 20-127 which is Nicor's filing to revise its Rider 38 - Volume
5 Balancing Adjustment ("Rider VBA"). Nicor's Rider VBA is aimed
6 to recover variable distribution revenues due to variances in
7 volumes of gas service used by residential customers. The VBA
8 rate represents a charge to customers when customer volumes
9 decline and a credit when customer volumes increase, as
10 compared to the volumes relied upon in the most recent rate
11 proceeding.

12 With this filing, Nicor makes clarifying
13 changes to the language describing the initiation of the annual
14 reconciliation process and amends the rate period and
15 reconciliation period to be 9 months, instead of 12 months.
16 The Commission Staff recommends not suspending the filing.

17 Are there any objections to not suspending the
18 filing?

19 (No response.)

20 CHAIRMAN ZALEWSKI: Hearing none, the filing is not
21 suspended.

22 Item G-2 concerns Docket 20-0322, which is a

1 complaint against RPA Energy regarding a refund request in
2 Joliet. The parties filed a Stipulation and Joint Motion to
3 Dismiss, noting that they resolved all the disputes and asking
4 the Commission to dismiss the Complaint with prejudice.

5 Are there any objections to granting the Joint
6 Motion and dismissing the complaint with prejudice?

7 (No response.)

8 CHAIRMAN ZALEWSKI: Hearing none, the Motion to Dismiss
9 is granted.

10 Moving on to our Telecommunications Items,
11 Item T-1 concerns DCT Telecom Group, LLC's application for
12 authority to provide resold interexchange telecommunications
13 services in Illinois. The Order grants the certificate,
14 finding that the applicant meets the requirements. The Order
15 also grants the applicant's requests regarding its books and
16 records and confidential treatment of some application
17 information.

18 Are there any objections to approving the
19 Order?

20 (No response.)

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

22 Item T-2 concerns a petition to withdraw DCT

1 Telecom Group, Inc.'s certificate of Service Authority. The
2 certificate is no longer necessary as a new certificate has
3 been issued in another docket to DCT Telcom's new entity, DCT
4 Telecom Group, LLC. The Order cancels the certificate.

5 Are there any objections to approving the
6 Order?

7 (No response.)

8 CHAIRMAN ZALEWSKI: Hearing none, the Order is approved.

9 Item T-3 concerns a request for proprietary
10 treatment of information in the petitioner's annual report.
11 The Order grants the protection, finding that the information
12 is highly proprietary and confidential.

13 Are there any objections to approving the
14 Order?

15 (No response.)

16 CHAIRMAN ZALEWSKI: Hearing none, the Order is approved.

17 Under our Water and Sewer items, Item W-1
18 concerns Docket 20-0114, which is Illinois American Water's
19 application for a Variance from Part 600.370 of the
20 Commission's rules and from Illinois American Water's Tariffs.
21 The Variance is needed in response to a service request from
22 customers in Monroe County.

1 The Commission Staff has reviewed the request
2 and determined it necessary for Illinois American Water to
3 service its customers. The Order grants the Variance.

4 Are there any objections to approving the
5 Order?

6 (No response.)

7 CHAIRMAN ZALEWSKI: Hearing none, the Order is approved.

8 Under our Miscellaneous Items, Item M-1
9 concerns Docket 19-0673, which is Dakota Access and Energy
10 Transfer's joint petition to install additional pumping
11 stations and pumping facilities on existing certificated
12 pipelines.

13 On March 26th, 2020, SOIL and Sierra Club
14 (SOIL-SC) filed a Motion to Stay the Proceeding and Take
15 Additional Evidence. Specifically, SOIL-SC are asking the
16 Commission to stay the issuance of the proposed order and to
17 order a supplemental evidentiary hearing to allow additional
18 evidence on two things:

19 First, the impact of the COVID-19 pandemic on
20 the need for and the public interest in the proposed project;
21 and, second, the impact of the forthcoming federal court
22 decision in Standing Rock on the continued operation of the

1 pipelines and the timing of the proposed expansion.

2 ALJ Dolan denied SOIL-SC's Motion on April
3 23rd, 2020, ruling that this information was not necessary for
4 the Commission to approve the Joint Petitioner's Petition. On
5 May 14th, 2020, SOIL-SC filed its Petition for Interlocutory
6 Review of ALJ Dolan's ruling.

7 In their Answer, in Opposition to the Petition
8 for Interlocutory Review, Joint Petitioners argue that the
9 ALJ's ruling was correct in denying SOIL-SC Motion. Joint
10 Petitioners indicate that the impacts of the pandemic are
11 short-term effects on the demand for crude oil and will have no
12 bearing on the long-term need for the proposed pumping
13 facilities, which will not enter service until the second
14 quarter of 2021, at the earliest.

15 Joint petitioners also note that none of the
16 shippers with long-term capacity contracts on the Dakota Access
17 pipeline have attempted to cancel their contracts, nor would
18 they have a contractual basis to do so.

19 Before I take a vote, do other Commissioners
20 have any comments?

21 COMMISSIONER CARRIGAN: This is Commissioner Carrigan.
22 I'd like to make a statement.

1 CHAIRMAN ZALEWSKI: Go ahead.

2 COMMISSIONER CARRIGAN: I have a couple of comments.

3 I will be abstaining from voting on this
4 particular Agenda item because of a motion to disqualify me --
5 again, on this particular item -- was filed with the ICC this
6 morning. I'm abstaining until the motion is ruled upon. Thank
7 you.

8 CHAIRMAN ZALEWSKI: Thank you. This is Chairman
9 Zalewski. I have a couple comments.

10 I am voting to deny the Petition for
11 Interlocutory Review because in this instance I believe that
12 the movants have not established that the pending Standing Rock
13 case or the possible effects of the COVID-19 crisis on oil
14 demand warrant such a stay.

15 However, I would like to reiterate my comments
16 that I made while dissenting during the April 1st, 2020 Regular
17 Open Meeting -- and remind that the Commission has not yet
18 determined the issue of whether Joint Petitioners should obtain
19 certification under Section 8-503 or Section 15-401; and, also,
20 that the burden is on the Joint Petitioners to meet the
21 appropriate burden of proof in order to receive a certificate
22 of public convenience and necessity for the proposed pipeline

1 expansion.

2 Do any other Commissioners have any other
3 comments before I take a vote?

4 COMMISSIONER KIMBREL: I actually do. This is
5 Commissioner Kimbrel. I just think it's unfortunate that these
6 repeated petitions for interlocutory review are being filed. I
7 do understand the attorney's attempt to do his job for his
8 client. I get that. But now we have a Commissioner who is
9 being faced with his judgment and his ability -- they're
10 questioning his ability to do the job. So it's disappointing.
11 But that's the extent of my comment.

12 CHAIRMAN ZALEWSKI: Thank you. Any other comments?

13 (No response.)

14 CHAIRMAN ZALEWSKI: Okay. I'm going to go ahead and
15 call the roll on this. I'm going to ahead in order.

16 If you are in favor of denying the Petition
17 for Interlocutory Review, please say "Aye"; and if you are
18 opposed and believe that the Interlocutory Review should be
19 granted, please say "Nay."

20 Commissioner Bocanegra?

21 COMMISSIONER BOCANEGRA: Commissioner Bocanegra. Aye.

22 CHAIRMAN ZALEWSKI: And Commissioner Carrigan is

1 abstaining.

2 Commissioner Kimbrel?

3 COMMISSIONER KIMBREL: Aye.

4 CHAIRMAN ZALEWSKI: Commissioner Oliva?

5 COMMISSIONER OLIVA: This is Commissioner Oliva. Aye.

6 CHAIRMAN ZALEWSKI: Okay. This is Chairman Zalewski
7 voting aye. So the four ayes have it, and the Petition for
8 Interlocutory Review is denied.

9 Item M-2 concerns a Second Interim Order in
10 the Docket 20-0309, Moratorium on Disconnection of Utility
11 Services during the Public Health Emergency.

12 The parties requested more time to conclude
13 their negotiations; therefore, we will be holding this docket
14 today. There are no petitions for rehearing.

15 Moving on to Other Business Items, Item 0-1
16 concerns approval of Batches, Contracts, and Confirmations
17 under the Adjustable Block Program.

18 Are there any objections to approving the
19 Program Administrator's Submissions?

20 (No response.)

21 CHAIRMAN ZALEWSKI: Hearing none, the Submissions are
22 approved.

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This concludes our Public Utilities Agenda.

Judge Teague-Kingsley, do we have any other matters to come before the Commission today?

JUDGE TEAGUE-KINGSLEY: No, Madam Chairman.

CHAIRMAN ZALEWSKI: Thank you. Do any of the Commissioners have any other business to discuss?

COMMISSIONER BOCANEGRA: Chair Zalewski, this is Commissioner Bocanegra. I just want to wish Commissioner Kimbrel a belated -- happy belated birthday. That's all.

COMMISSIONER KIMBREL: Commissioner Bocanegra, Thank you.

CHAIRMAN ZALEWSKI: If there's no other business to discuss, and without objection, the meeting is adjourned. Thank you. Everyone stay safe.

(Whereupon, the above entitled matter was adjourned.)