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BEFORE THE
ILLINOIS COMMERCE COMMISSION
REGULAR OPEN MEETING
(PUBLIC UTILITY)
Tuesday, June 16, 2015
Chicago, Illinois

Met, pursuant to notice, at 10:30 A.M.,
at 160 North La Salle Street, Chicago, Illinois.

- PRESENT:
- BRIEN J. SHEAHAN, Chairman
 - ANN McCABE, Commissioner
 - SHERINA E. MAYE, Commissioner
 - MIGUEL DEL VALLE, Commissioner
 - MR. JOHN R. ROSALES, Commissioner

SULLIVAN REPORTING COMPANY, by
CHRISTINE KOWALSKI
CSR NO. 084-004422

1 CHAIRMAN SHEAHAN: Good morning. Are we ready
2 to proceed in Springfield with our regular Bench
3 Session.

4 CHIEF CLRRK: Yes, we are.

5 CHAIRMAN SHEAHAN: Pursuant to the Open
6 Meetings Act, I call the June 16, 2015 Bench Session
7 of the Illinois Commerce Commission to order.

8 Commissioners McCabe, del Valle, and
9 Rosales are -- strike that.

10 Commissioners McCabe, del Valle, and
11 Maye are present with me in Chicago. We have a
12 quorum.

13 We have no requests to speak and will,
14 therefore, move into our regular Public Utility
15 Agenda. We do not have any items for consideration
16 today on our Transportation Agenda.

17 The record will reflect that
18 Commissioner Rosales has just joined us.

19 There are a number of edits to the
20 Minutes of our May 20, 2015 Bench Session.

21 Are there any objections to approving
22 the Bench Session Minutes of May 20, 2015 as edited?

1 (No response.)

2 Hearing none, the Minutes are
3 approved.

4 Item E-1 involves ComEd's Modification
5 of its Administrative Claims Procedure.

6 Are there any objections to granting
7 Staff's recommendation that the Commission not
8 investigate the filing?

9 (No response.)

10 Hearing none, Staff's recommendation
11 that the Commission not investigate the filing is
12 granted.

13 Item E-2 concerns MidAmerican's update
14 to its electric and gas tariffs.

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

17 (No response.)

18 Hearing none, the filings are not
19 suspended.

20 Item E-3 involves a Petition to
21 Determine the Applicability of Section 16-125(e)
22 liability to events caused by the August 23rd, 2007

1 storm.

2 Are there any objections to granting
3 ComEd's Motion to Dismiss?

4 (No response.)

5 Hearing none, the Motion is granted
6 and the case is dismissed.

7 Item E-4 involves Ameren's
8 reconciliation of revenues collected under Riders EDR
9 and GER.

10 Are there any objections to approving
11 the Proposed Orders?

12 (No response.)

13 Hearing none, the Orders are approved.

14 Items E-5 through E-7 involve
15 dismissal of various consumer complaints against
16 ComEd.

17 Are there any objections to
18 considering these items together and granting the
19 parties' Motions to Dismiss?

20 (No response.)

21 Hearing none, the Motions are granted
22 and the Complaints are dismissed.

1 Items E-8 through 12 are Petitions for
2 the confidential treatment of various reports.

3 Are there any objections to
4 considering these items together and approving the
5 Proposed Orders?

6 (No response.)

7 Hearing none, the Orders are approved.

8 Item E-13 is an Order approving a
9 Settlement and Stipulation regarding Nordic Energy's
10 alleged violations of the Public Utilities Act.

11 Are there any objections to approving
12 the proposed Order?

13 (No response.)

14 Hearing none, the Order is approved.

15 Item E-14 concerns Ameren's Petition
16 for a Certificate of Public Convenience and Necessity
17 to Construct, Operate, and Maintain a New High
18 Voltage Electric Service Line in Macon County,
19 Illinois.

20 Are there any objections to approving
21 the Proposed Order?

22 (No response.)

1 Hearing none, the Order is approved.

2 Items E-15 through 19 are various
3 Applications requesting Certificates of Service
4 Authority to Operate as Agents, Brokers, or
5 Consultants pursuant to the Public Utilities Act.

6 Are there any objections to
7 considering these items together and approving the
8 Proposed Orders?

9 (No response.)

10 Hearing none, the Orders are approved.

11 Items E-20 and 21 are Applications for
12 Electric Installer Authority under the Public
13 Utilities Act.

14 Are there any objections to
15 considering these items together and approving the
16 Proposed Orders?

17 (No response.)

18 Hearing none, the Orders are approved.

19 Item E-22 concerns Clean Line Energy's
20 Grain Belt Transmission Line. The Commission has two
21 issues before it this morning. The first is a
22 request for Oral Argument, and the second is Motions

1 to Dismiss regarding Grain Belt's Application for a
2 Certificate of Public Convenience and Necessity.

3 Is there a Motion to Deny the request
4 for Oral Argument?

5 COMMISSIONER MAYE: So moved.

6 CHAIRMAN SHEAHAN: Is there a second?

7 COMMISSIONER McCABE: Seconded.

8 CHAIRMAN SHEAHAN: It's been moved and
9 seconded.

10 Is there any discussion?

11 (No response.)

12 All those in favor of denying the
13 request for Oral Argument, say aye.

14 (Chorus of ayes.)

15 Opposed, say nay.

16 (No response.)

17 Motion carries and the request for
18 Oral Argument is denied.

19 The second issue before us are Motions
20 to Dismiss made by Concerned Citizens & Property
21 Owners; the Illinois Agricultural Association; and
22 the Landowners Alliance of Central Illinois.

1 I will move that we deny the Motions
2 to Dismiss.

3 Is there a second?

4 COMMISSIONER MAYE: Seconded.

5 CHAIRMAN SHEAHAN: Is there any discussion?

6 Commissioner McCabe?

7 COMMISSIONER McCABE: I want to ask the --
8 Judge Von Qualen a few questions.

9 CHAIRMAN SHEAHAN: Judge, are you with us?

10 CHIEF CLRRK: Yes. She is here.

11 COMMISSIONER McCABE: First, are you aware of
12 any Section 8-406.1 proceeding where the Applicant
13 did not assert that it was a public utility in its
14 Application at the time of Application?

15 JUDGE VON QUALEN: No, I'm not.

16 COMMISSIONER McCABE: And GBX has not asserted
17 that it is a public utility?

18 JUDGE VON QUALEN: That's true. It has not.
19 It asserted that it will be a public utility if the
20 Commission grants the certificate that it is
21 requesting.

22 COMMISSIONER McCABE: Okay. So that may answer

1 my next question.

2 If the Motions to Dismiss are denied,
3 can the Commission address the question of whether
4 Grain Belt is a public utility at any other point in
5 the proceeding?

6 JUDGE VON QUALEN: I didn't -- I think the --
7 what the Motions to Dismiss say is that the --
8 whether or not Grain Belt is a utility is a threshold
9 question.

10 In other words, the question right now
11 before the Commission is whether or not an entity has
12 to be a public utility in order to file the
13 Application.

14 Grain Belt did not say that it was a
15 public utility. It said that it would be a public
16 utility if the certificate was granted.

17 COMMISSIONER McCABE: Okay. Thank you.

18 CHAIRMAN SHEAHAN: Is there any other
19 discussion?

20 (No response.)

21 All those in favor of denying the
22 Motions to Dismiss, say aye.

1 (Chorus of ayes.)

2 Opposed, say no.

3 COMMISSIONER McCABE: No.

4 COMMISSIONER DEL VALLE: No.

5 CHAIRMAN SHEAHAN: The vote is three to two,
6 and the Motions to Dismiss are denied.

7 Moving on to Items G-1 through 4.
8 They're Orders denying Complaints and Motions to
9 Dismiss filed against North Shore/Peoples Gas
10 regarding billing/charges.

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

14 (No response.)

15 Hearing none, the Orders are approved.

16 Item G-5 concerns requests from the
17 Attorney General, City of Chicago, and CUB for the
18 Commission to take Administrative Notice of the Final
19 Liberty Audit Report and to make it part of the
20 record and a Motion to Require Additional Hearings
21 concerning AMRP in Docket No. 14-0496.

22 We'll consider each of these requests

1 separately.

2 Is there a Motion to deny the request
3 to take Administrative Notice of the Final Liberty
4 Audit Report and to make it part of the record in
5 Docket No. 14-0496?

6 COMMISSIONER MAYE: So moved.

7 CHAIRMAN SHEAHAN: Is there a second?

8 COMMISSIONER ROSALES: Seconded.

9 CHAIRMAN SHEAHAN: Is there any discussion?

10 (No response.)

11 All those in favor of denying the
12 request to make the report part of the record -- to
13 take Notice of it and make it part of the record, say
14 aye.

15 (Chorus of ayes.)

16 Opposed, say no.

17 COMMISSIONER DEL VALLE: No.

18 CHAIRMAN SHEAHAN: The Motion is four to one,
19 and the request for Administrative Notice and having
20 it become part of the record is denied.

21 Is there a Motion to deny GCI's Motion
22 to Require Additional Hearings regarding AMRP?

1 COMMISSIONER ROSALES: So moved.

2 CHAIRMAN SHEAHAN: Is there a second?

3 COMMISSIONER MAYE: Seconded.

4 CHAIRMAN SHEAHAN: Is there any discussion?

5 (No response.)

6 All those in favor of denying the
7 Motion to Require Additional Hearings, say aye.

8 (Chorus of ayes.)

9 Opposed, say no.

10 COMMISSIONER DEL VALLE: No.

11 CHAIRMAN SHEAHAN: Motion is four to one, and
12 the Motion Requiring Additional Testimony is denied.

13 Item G-6 concerns Peoples Gas's
14 Petition for authority to issue up to \$125 million in
15 long-term debt.

16 Are there any objections to approving
17 the Proposed Order?

18 (No response.)

19 Hearing none, the Order is approved.

20 Item G-7 concerns Agera Energy's
21 Application for a Certificate of Service Authority.

22 Are there any objections to approving

1 the Proposed Order?

2 (No response.)

3 Hearing none, the Order is approved.

4 Items T-1 and 2 are Orders regarding
5 the withdrawal or cancellation of Certificates of
6 Service Authority.

7 Are there any objections to
8 considering these items together and approving the
9 Proposed Orders?

10 (No response.)

11 Hearing none, the Orders are approved.

12 Items T-3 and 4 are --

13 JUDGE KIMBREL: Excuse me, Mr. Chairman. Are
14 you going to hold the Order approving the Application
15 in Docket 14-0496?

16 CHAIRMAN SHEAHAN: Now, which item is that on
17 the Agenda?

18 COMMISSIONER MAYE: G-5.

19 JUDGE KIMBREL: G-5, Mr. Chairman.

20 CHAIRMAN SHEAHAN: I'm sorry, Judge. Can you
21 explain that again.

22

1 (Whereupon, a discussion was had
2 off the record.)

3 CHAIRMAN SHEAHAN: Oh, okay. My apologies.
4 Thanks for the clarification.

5 Is there a Motion to hold the Order?

6 COMMISSIONER McCABE: So moved.

7 CHAIRMAN SHEAHAN: Is that what we need, Judge,
8 a Motion to hold the Order? We're not going to deal
9 with it today.

10 JUDGE KIMBREL: Right.

11 CHAIRMAN SHEAHAN: Yeah. Okay.

12 Is there a second?

13 COMMISSIONER ROSALES: Seconded.

14 CHAIRMAN SHEAHAN: All those in favor, say aye.

15 (Chorus of ayes.)

16 Opposed, say no.

17 (No response.)

18 Okay. The Order is held.

19 Moving back to Items T-1 and 2, Orders
20 regarding the withdrawal or cancellation of
21 Certificates of Authority.

22 Are there any objections to

1 considering these items together and approving the
2 Proposed Orders?

3 (No response.)

4 Hearing none, the Orders are approved.

5 Items T-3 and 4 are Petitions for the
6 confidential treatment of various reports.

7 Are there any objections to
8 considering these items together and entering the
9 Proposed Orders?

10 (No response.)

11 Hearing none, the Orders are entered.

12 Item T-5 is a Modification of a 9-1-1
13 Emergency Telephone Numbering System for Dolton,
14 Illinois.

15 Are there any objections to approving
16 the Proposed Order?

17 (No response.)

18 Hearing none, the Proposed Order is
19 approved.

20 Item T-6 is Business Telecom's
21 Petition to Change Corporate Form.

22 Are there any objections to approving

1 the Proposed Order?

2 (No response.)

3 Hearing none, the Order is approved.

4 Item T-7 is Frontier and Adams

5 TelSystems' Joint Petition for Approval of an

6 Agreement Amending the Terms of an Interconnection

7 Agreement.

8 Are there any objections to approving

9 the Proposed Order?

10 (No response.)

11 Hearing none, the Order is approved.

12 Item W-1 concerns Aqua Illinois'

13 update to its water and sewer tariffs.

14 Are there any objections to not

15 suspending the filing?

16 (No response.)

17 Hearing none, the filing is not

18 suspended.

19 Item W-2 concerns Aqua Illinois'

20 Petition for approval of the issuance of \$23 million

21 in long-term debt.

22 Are there any objections to approving

1 the Proposed Order?

2 (No response.)

3 Hearing none, the Order is approved.

4 Items M-1 through 3 are Orders
5 initiating proceedings to determine liability for
6 alleged violations under the Illinois Underground
7 Utility Facilities Damage Prevention Act.

8 I believe we have some questions.
9 Commissioner del Valle.

10 COMMISSIONER DEL VALLE: Thank you,
11 Mr. Chairman. I have some process questions because
12 we have three of these Orders and this is the first
13 time I've seen these on the Agenda.

14 And so my question is, given the dates
15 on some of these reported violations -- one of them
16 goes back to 2008 and another was 2011. And I'm
17 talking about the three orders here -- I'm sorry --
18 not just the first one here.

19 What is our process for dealing with
20 these -- these problems? Because I was kind of taken
21 aback by the number of years that have passed
22 since -- since these violations took place.

1 CHAIRMAN SHEAHAN: I believe we have Staff in
2 Springfield to answer that.

3 Bill, are you available?

4 MR. BILL RILEY: Yes, Mr. Chairman. This is
5 Bill Riley, Manager of One-Call Enforcement.

6 To answer the Commissioner's question,
7 a lot of our focus -- I have two investigators that
8 work for me. We handle about 300 reported incidents
9 a year, and a lot of our focus has been on the
10 initial investigation of those reported incidents and
11 giving a Staff review, making our findings, and then
12 going through the Advisory Committee appeal process
13 if that is necessary.

14 So the -- getting to the third stage
15 of the enforcement proceeding, which is a hearing
16 before the Commission, has been kind of put on the
17 back burner. What has brought these specific cases
18 to the forefront is continued violations.

19 We've received another four reported
20 incidents from Lammers and Gleeson Asphalt. Gleeson
21 has not been cooperative with Staff's investigations,
22 so our thought is by bringing these old cases before

1 the Commission, hopefully we can -- we can bring
2 these more to the attention of Gleeson and get some
3 cooperation from them.

4 The same goes with CJ Now. Again,
5 that -- again, that -- the initial case is pretty
6 old, but we had another violation recently. That's a
7 2013 case that we want to, I guess, bring these to
8 the attention of CJ and try to bring them to
9 compliance with the Act.

10 COMMISSIONER DEL VALLE: So you say enforcement
11 has kind of been put on the back burner in the past.
12 Are we still going to continue to prioritize the
13 multiple offenses?

14 MR. BILL RILEY: Yeah. We'll probably -- we'll
15 be bringing those first. We have another -- another
16 company that we'll be sending a Staff report to you
17 shortly. I think there's three or four violations.

18 And, again, I wouldn't necessarily
19 characterize it that enforcement has been put on the
20 back burner. Like I said, we're -- we're reviewing
21 all of -- all of the cases we receive with a Staff
22 review and through the Advisory Committee process if

1 that's necessary.

2 Again, the cases that are being
3 brought before you have been reviewed twice, once by
4 Staff and also by the Advisory Committee. So there
5 has been a force of action taken. But by and large,
6 we've been ignored, so that's why we're -- we're
7 going to the -- to the third stage of the process
8 with these.

9 COMMISSIONER DEL VALLE: So you think that by
10 taking action, then some of these folks will think
11 twice about the ignoring the initial position that we
12 take -- or the initial investigation and the results?

13 MR. BILL RILEY: Yeah, I hope so, as well as
14 being in line with compliance in the future.

15 COMMISSIONER DEL VALLE: All right. Thank you.

16 COMMISSIONER MAYE: Bill, is there any type of
17 statute of limitations, so to speak, under the Act or
18 there's no --

19 MR. BILL RILEY: There is with regard to the
20 initial investigations. All -- the initial
21 investigation has to start within two years of a
22 suspected violation.

1 COMMISSIONER MAYE: Oh. So as long as the
2 investigation occurred within that time period, then
3 it's okay to -- then we're good to go? Is that what
4 you're saying?

5 MR. BILL RILEY: Yes. That's correct.

6 COMMISSIONER MAYE: Okay. All right. Thank
7 you.

8 COMMISSIONER McCABE: And, Mr. Riley, I noticed
9 in all three cases, they had ignored the penalties
10 that had been assessed so far.

11 In this proceeding, in addition to
12 bringing them into compliance, might it also entail
13 greater penalties or fines?

14 MR. BILL RILEY: If possible. That would --
15 that would be up to the -- to the ALJ to decide and
16 the Commission ultimately to decide that.

17 COMMISSIONER McCABE: Okay. Thanks.

18 CHAIRMAN SHEAHAN: Any other questions?

19 (No response.)

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

1 (No response.)

2 Hearing none, the Orders are approved.

3 We have an item on our agenda

4 regarding potential litigation, which is FERC

5 Docket No. ER10-1791.

6 Is there a Motion to enter Closed

7 Session?

8 COMMISSIONER McCABE: So moved.

9 CHAIRMAN SHEAHAN: Is there a second?

10 COMMISSIONER ROSALES: Seconded.

11 CHAIRMAN SHEAHAN: All those in favor, say aye.

12 (Chorus of ayes.)

13 Opposed, say nay.

14 (No response.)

15 The Motion carries and we will enter

16 into closed session.

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1 CHAIRMAN SHEAHAN: We are back in Open Session.
2 Our last item on the Agenda is the Annual Report on
3 Cable and Video Service Deployment by Providers
4 Granted State-Issued Cable and Video Service
5 Authorization.

6 Is there a Motion to approve the
7 Report?

8 COMMISSIONER McCABE: So moved.

9 CHAIRMAN SHEAHAN: Is there a second?

10 COMMISSIONER ROSALES: Seconded.

11 CHAIRMAN SHEAHAN: Any discussion?

12 (No response.)

13 All those in favor, say aye.

14 (Chorus of ayes.)

15 Opposed, say nay.

16 (No response.)

17 The ayes have it and the Report is
18 approved.

19 Judge Kimbrel, do we have any other
20 matters to come before the Commission today?

21 JUDGE KIMBREL: No, there's nothing further,
22 Mr. Chairman.

1 MR. BILL VANDERLAAN: Excuse me, Mr. Chairman.

2 You need to vote on the FERC Docket.

3 CHAIRMAN SHEAHAN: Oh, thank you. Thank you.

4 MR. BILL VANDERLAAN: Thank you.

5 CHAIRMAN SHEAHAN: I had forgotten.

6 So we'll move back to FERC Docket

7 ER10-1791.

8 Is there a Motion to approve comments
9 regarding that Docket and to forward those comments
10 to FERC?

11 COMMISSIONER McCABE: So moved.

12 CHAIRMAN SHEAHAN: Is there a second?

13 COMMISSIONER MAYE: Seconded.

14 CHAIRMAN SHEAHAN: Any discussion?

15 (No response.)

16 All those in favor, say aye.

17 (Chorus of ayes.)

18 Opposed, say nay.

19 (No response.)

20 The Motion passes and you're
21 authorized, Bill, to forward those comments to FERC.

22 MR. BILL VANDERLAAN: Thank you, sir.

1 CHAIRMAN SHEAHAN: Thank you for pointing that
2 out.

3 Judge Kimbrel, do we have any other
4 items before us?

5 JUDGE KIMBREL: Nothing further, Mr. Chairman.

6 CHAIRMAN SHEAHAN: Commissioners, any other
7 business to discuss?

8 (No response.)

9 Hearing none, the meeting is
10 adjourned. Thank you.

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