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BEFORE THE
ILLINOIS COMMERCE COMMISSION
PUBLIC UTILITIES REGULAR OPEN MEETING
Tuesday, June 30, 2020
Chicago, Illinois

Met pursuant to notice via videoconference
at 10:30 a.m. at 160 North LaSalle Street, Chicago,
Illinois.

PRESENT:

- CARRIE ZALEWSKI, Chairman
- D. ETHAN KIMBREL, Commissioner
- MARIA S. BOCANEGRA, Commissioner
- SADZI M. OLIVA, Commissioner
- MICHAEL T. CARRIGAN, Commissioner

SULLIVAN REPORTING COMPANY
BY: JO ANN KROLICKI, CSR
License No. 084-002215

1 CHAIRMAN ZALEWSKI: I have 10:30, so under
2 the Open Meetings Act and in accordance with the
3 Governor's Executive Orders, I am now calling the
4 June 30, 2020, Regular Open Meeting to order.

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

11 I have already confirmed that
12 Commissioners Bocanegra, Carrigan -- Kimbrel is with
13 me here -- and Oliva are on and able to hear, and
14 we're able to hear them as well. So we have a
15 quorum.

16 We have no requests to speak.

17 So we're moving on to our Public
18 Utilities Agenda.

19 There are edits to the May 27, 2020,
20 Regular Open Meeting Minutes and Policy Session
21 Minutes. There are no edits to the May 29th and June
22 4, 2020, Special Open Meeting Minutes.

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

3 (No response.)

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

6 Moving on to our Electric Items.

7 Item E-1 concerns ERM 20-078, which
8 is ComEd's filing to revise its Rider Renewable
9 Energy Adjustment or Rider REA to adjust a
10 ministerial error in the description of the Balancing
11 Amount used to calculate the tariff charges. The
12 incorrect tariff language states that there will be
13 no balancing amounts calculated from June 2017
14 through May 2020. The filing will correct the
15 language to state that there will be no Balancing
16 Amount calculated from June 2017 through May 2021.
17 The Commission Staff recommends not suspending the
18 filing.

19 Are there any objections to not
20 suspending the filing?

21 (No response.)

22 CHAIRMAN ZALEWSKI: Hearing none, the

1 filing is not suspended.

2 Item E-2 concerns a Petition for
3 Confidential Treatment of the Petitioner's Report.
4 The Petitioner filed as an Alternative Retail
5 Electric Supplier while it is only authorized to
6 operate in Illinois as an alternative gas supplier
7 and not electric.

8 The Petitioner failed to respond to
9 the Administrative Law Judge's request to clarify
10 whether its Petition was in error or meant for retail
11 gas operations. The Order, therefore, dismisses the
12 proceeding without prejudice for want of prosecution.

13 Are there any objections to approving
14 the Order?

15 (No response.)

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

18 Item E-3 through E-5 concern requests
19 for proprietary treatment of information in the
20 Petitioners' reports. The Order grants the
21 protections, finding that the information is highly
22 proprietary and confidential.

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

4 (No response.)

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

7 Item E-6 concerns Docket 19-0400,
8 which is a complaint against ComEd regarding improper
9 billing. The parties have filed a Stipulation and
10 Joint Motion to Dismiss with Prejudice, indicating
11 that all issues have been resolved.

12 Are there any objections to granting
13 the Joint Motion to Dismiss?

14 (No response.)

15 CHAIRMAN ZALEWSKI: Hearing none, the
16 Motion is granted.

17 Item E-7 concerns Docket 19-0740,
18 which is a complaint against ComEd regarding
19 termination of service. ComEd motioned to dismiss
20 the complaint with prejudice because complainant
21 failed to file the complaint within the statute of
22 limitations.

1 The complainant's data response
2 revealed that he knew of the incorrect billing
3 address since 2016 and filed a complaint in July
4 2019. Therefore, the complainant did not file the
5 complaint within the Commission's two-year statute of
6 limitations. The Order grants ComEd's motion to
7 dismiss the complaint with prejudice.

8 Are there any objections to approving
9 the Order?

10 (No response.)

11 CHAIRMAN ZALEWSKI: Hearing none, the Order
12 is approved.

13 Item E-8 concerns Docket 19-0808,
14 which is a complaint against ComEd alleging that its
15 smart meter refusal fee is arbitrary and improper.
16 The Order dismisses the complaint because the
17 Commission cannot grant the complainant's requested
18 relief as a matter of law.

19 Under ComEd's Commission approved
20 Rider NAM, a customer may refuse an AMI meter
21 installation, but is then subject to a smart meter
22 refusal charge. The Commission does not have the

1 statutory authority to deviate from the tariff
2 language; therefore, the Order grants ComEd's motion
3 to dismiss with prejudice.

4 Are there any objections to approving
5 the Order?

6 (No response.)

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

9 Item E-9 concerns Docket 19-0868,
10 which is a complaint against ComEd regarding improper
11 billing in Chicago. Complainant has failed to appear
12 at the proceedings and has not filed any motions to
13 extend the proceedings. It is apparent that the
14 complainant does not wish to proceed with the matter,
15 and ComEd's motion to dismiss for want of prosecution
16 should be granted. The Order, therefore, grants
17 ComEd's motion to dismiss without prejudice.

18 Are there any objections to approving
19 the Order?

20 (No response.)

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

1 Item E-10 concerns Docket 19-1126,
2 which is a complaint against Ameren regarding
3 termination of service. Complainant failed to
4 respond to Ameren's initial motion to dismiss, and
5 then did not respond to Ameren's subsequent motion to
6 dismiss. It is the Commission's understanding that
7 complainant did not wish to proceed in this matter,
8 and Ameren's motion to dismiss should be granted.

9 The Order grants Ameren's motion to
10 dismiss without prejudice for want of prosecution.

11 Are there any objections to approving
12 the Order?

13 (No response.)

14 CHAIRMAN ZALEWSKI: Hearing none, the Order
15 is approved.

16 Item E-11 concerns PrairiePower's
17 Petition for authority to exercise their right of
18 eminent domain. PrairiePower has reached a
19 settlement with all outstanding landowners and
20 obtained an easement from the landowners required for
21 the project. PrairiePower now motions to dismiss the
22 proceeding as moot.

1 Are there any objections to granting
2 the Motion to Dismiss?

3 (No response.)

4 CHAIRMAN ZALEWSKI: Hearing none, the
5 Motion is granted.

6 Items E-12 and E-13 concern petitions
7 by the Illinois Department of Transportation or IDOT
8 for approval of easements on certain property owned
9 by ComEd in Will County and McHenry County. Although
10 ComEd agrees that IDOT can establish a property right
11 on the properties, the parties have so far been
12 unable to reach an agreement for voluntary transfers
13 of the property.

14 IDOT and ComEd agree that the
15 properties sought by IDOT can be acquired through
16 eminent domain proceedings in the Circuit Courts of
17 Will County and McHenry County. The Order grants
18 IDOT's Petition and authorizes IDOT to acquire
19 easements for highway purposes on ComEd's property in
20 Will and McHenry Counties.

21 Are there any objections to
22 considering these items together and approving the

1 Orders?

2 (No response.)

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

5 Item E-14 concerns Rock Creek
6 Electric's Petition to cancel its authority to
7 install energy efficiency measures in Illinois and
8 authority to install distributed generation
9 facilities. The Order cancels both certificates of
10 service authority, finding that the cancellation of
11 the certificates will not deprive any Illinois
12 customers of service.

13 Are there any objections to approving
14 the Order?

15 (No response.)

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

18 Items E-15 through E-22 concern
19 applications for Certifications to install
20 distributed generation facilities in Illinois. The
21 Order grants the Certificates, finding that the
22 applicants meet the requirements.

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

4 (No response.)

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

7 Item E-23 concerns a citation
8 proceeding against National Utilities Refund, LLC,
9 for failure to comply with the Commission's rules in
10 Part 454. National Utilities Refund failed to show
11 cause why the Commission should not suspend its
12 license. The Order suspends the license for a period
13 of 90 days.

14 Are there any objections to approving
15 the Order?

16 (No response.)

17 CHAIRMAN ZALEWSKI: Hearing none, the Order
18 is approved.

19 Item E-24 concerns an application for
20 Certification to Install, Maintain, or Repair
21 Electric Vehicle Charging Station Facilities. The
22 Order grants the Certificate, finding that the

1 applicant meets the requirements.

2 Are there any objections to approving
3 the Order?

4 (No response.)

5 CHAIRMAN ZALEWSKI: Hearing none, the Order
6 is approved.

7 Item E-25 concerns a request for a
8 waiver of the Commission's rules and Ameren's tariff
9 language to allow each apartment within the
10 redeveloped property owned by the applicant to be
11 separately metered and billed for electricity usage.
12 The applicant agrees to not make any adjustments in
13 charges to tenants that would make it a reseller
14 under the Ameren tariff language. The Order grants
15 the waiver.

16 Are there any objections to approving
17 the Order?

18 (No response.)

19 CHAIRMAN ZALEWSKI: Hearing none, the Order
20 is approved.

21 Item E-26 and E-27 concern denials of
22 applications for authority to install Energy

1 Efficiency Measures. The Orders deny the
2 certifications, finding that the applicants do not
3 meet the requirements.

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

7 (No response.)

8 CHAIRMAN ZALEWSKI: Hearing none, the
9 Orders are approved.

10 Item E-28 concerns a Petition to
11 cancel the authority to install energy efficiency
12 measures in Illinois. The Petitioner states that it
13 filed an application with the Commission for a new
14 certificate as an LLC due to restructuring and seeks
15 to cancel its current certificate. The Order grants
16 the Petition and cancels the certificate.

17 Are there any objections to approving
18 the Order?

19 (No response.)

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

22 Items E-29 through E-39 concern

1 applications for authority to install Energy
2 Efficiency Measures. The Orders grant the
3 certificates, finding that the applicants meet the
4 requirements.

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

8 (No response.)

9 CHAIRMAN ZALEWSKI: Hearing none, the
10 Orders are approved.

11 Under our Gas Items.

12 Item G-1 concerns Liberty's request
13 to reconcile revenues under its Rider Gas
14 Uncollectible Adjustment or Rider GUA for the 2017
15 reporting period. The Order approves the
16 reconciliation as set in the Appendix to the Order,
17 finding that the costs during the reconciliation
18 period were prudently incurred.

19 Are there any objections to approving
20 the Order?

21 (No response.)

22 CHAIRMAN ZALEWSKI: Hearing none, the Order

1 is approved.

2 Item G-2 concerns Consumer Gas'
3 request to reconcile revenues under its Rider Gas
4 Public Utility Fund Deficit Charge or Rider GPUFDC
5 during the 2018 through 2019 Fiscal Year. The Order
6 approves the reconciliation as set in the Appendix to
7 the Order, finding that the costs during the
8 reconciliation period were prudently incurred.

9 Are there any objections to approving
10 the Order?

11 (No response.)

12 CHAIRMAN ZALEWSKI: Hearing none, the Order
13 is approved.

14 Item G-3 concerns Docket 19-0914,
15 which is a complaint against Peoples Gas regarding
16 improper billing. Peoples Gas agreed that there was
17 a billing discrepancy but corrected the error in
18 December 2018. The Order denies the complaint,
19 finding that the complainant failed to produce
20 evidence showing that re-billing was inaccurate or
21 that Peoples Gas otherwise violated any Commission
22 rules.

1 Are there any objections to approving
2 the Order?

3 (No response.)

4 CHAIRMAN ZALEWSKI: Hearing none, the Order
5 is approved.

6 Item G-4 is Nicor's Petition for a
7 declaratory ruling as to whether certain temperature
8 and winter disconnection restrictions in the Public
9 Utilities Act and Part 280 of the Commission rules
10 are applicable when the disconnection is ordered due
11 to reasons unrelated to the weather.

12 While Nicor has the statutory right
13 to ask for a declaratory ruling, the Commission is
14 concerned that Nicor is not the only affected person
15 with respect to the applicable statutes and rules,
16 while a declaratory ruling in this docket will not
17 allow those other parties to appeal it. The
18 Commission finds that a more appropriate path would
19 be a rulemaking that will allow all relevant
20 stakeholders to participate, and, thus, declines to
21 grant the Petition.

22 There are substantive edits to the

1 Order that incorporates Staff's Exception Number 1.

2 Are there any comments from the Commissioners?

3 (No response.)

4 CHAIRMAN ZALEWSKI: Okay. I'm going to go
5 forward with a roll call for approving the edits to
6 the Order. If you're in favor of adopting the edits,
7 please say aye, and if you're opposed, say nay.

8 Commissioner Bocanegra?

9 COMMISSIONER BOCANEGRA: Aye.

10 CHAIRMAN ZALEWSKI: Commissioner Carrigan?

11 COMMISSIONER CARRIGAN: Aye.

12 CHAIRMAN ZALEWSKI: Commissioner Kimbrel?

13 COMMISSIONER KIMBREL: Aye.

14 CHAIRMAN ZALEWSKI: Commissioner Oliva?

15 COMMISSIONER OLIVA: Nay.

16 This is Commissioner Oliva. I would
17 like to make a comment once we've gone through all of
18 the roll calls. Thank you.

19 CHAIRMAN ZALEWSKI: No problem.

20 So I'm an aye as well, so the four
21 ayes have it, and the edits are approved.

22 So now I'm going to call for

1 approving the Order as edited. If you are in favor
2 of approving the Order, please say aye, and if you
3 are opposed, please say nay.

4 Commission Oliva, did you want to
5 speak now or after the vote? It's unclear.

6 COMMISSIONER OLIVA: I can speak now.

7 This is Commissioner Oliva for the
8 record.

9 Today I am dissenting from the
10 majority's decision. After a review of the briefs
11 presented in this case and the relevant rules, it's
12 my view that granting the requested declaratory
13 ruling is within the Commission's authority and is
14 consistent with past rulings. It's also consistent
15 with applicable safety regulations.

16 As Staff observed in their brief,
17 here, Nicor is clearly seeking a declaration as to
18 the manner in which statutes and rules enforced and
19 administered by the Commission apply to Nicor,
20 itself, which I find to be believable use of the
21 declaratory ruling provision. Nicor is asking for an
22 interpretation to avoid a potential safety issue and

1 to be in regulatory compliance.

2 While there is a need for
3 confirmation regarding the applicability of certain
4 statutes and rules to Nicor, those issues are not
5 highly contested from a regulatory perspective.

6 No interested parties intervened in
7 this Petition to contest the issues raised, so the
8 majority's proposal that a rulemaking is more
9 appropriate wherein all gas utilities, staff, and
10 consumer groups could participate is not a basis to
11 deny a legal request for declaratory judgment for an
12 ongoing issue where the Commission has already
13 adopted rules and the disconnection risks presented
14 are largely safety related.

15 Declining to grant this request
16 results in regulatory inaction by the Commission,
17 unnecessary regulatory lags, and unnecessarily
18 litigation for future compliance issues. So for
19 these reasons and those in my written dissent, I
20 believe the Commission should grant the declaratory
21 ruling.

22 Thank you.

1 CHAIRMAN ZALEWSKI: Thank you,
2 Commissioner.

3 Do any other Commissioners have
4 comments?

5 (No response.)

6 CHAIRMAN ZALEWSKI: Hearing none, I'm going
7 to go ahead and proceed with the roll call. Again,
8 if you are in favor of approving the Order as edited,
9 please say aye. If you are opposed, please say nay.

10 Commissioner Bocanegra?

11 COMMISSIONER BOCANEGRA: Aye.

12 CHAIRMAN ZALEWSKI: Commissioner Carrigan?

13 COMMISSIONER CARRIGAN: Aye.

14 CHAIRMAN ZALEWSKI: Commissioner Kimbrel?

15 COMMISSIONER KIMBREL: Aye.

16 CHAIRMAN ZALEWSKI: Commissioner Oliva?

17 COMMISSIONER OLIVA: Nay.

18 CHAIRMAN ZALEWSKI: I'm an aye as well, so
19 the four ayes have it, and the Order as edited is
20 approved.

21 Item G-5 concerns Ameren's proposed
22 general rate increase and revisions to other terms

1 and conditions of service. The Commission's
2 investigation is still ongoing so the filing needs to
3 be resuspended. The Order resuspends the filing.

4 Are there any objections to
5 resuspending the filing?

6 (No response.)

7 CHAIRMAN ZALEWSKI: Hearing none, the
8 filing is resuspended.

9 Item G-6 and G-7 concern Peoples Gas
10 and Nicor's petitions to issue long-term debt through
11 various financial instruments. The Commission's
12 Staff has reviewed the filings and does not object to
13 granting the petitions. The Orders grant the
14 petitions.

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

18 (No response.)

19 CHAIRMAN ZALEWSKI: Hearing none, the
20 Orders are approved.

21 Item G-8 concerns Ameren's Petition
22 to file via special permission an information sheet

1 in Rider GFC, Rider Gas Facility Damage and Loss
2 Charges. Rider GFC is applicable to customers or
3 persons that damage Ameren's gas distribution system
4 or service facilities. Ameren states that special
5 permission is needed to allow Rider to take effect
6 July 1, 2020, and is warranted because the proposed
7 information filing and accompanying work papers are
8 in accordance with the approved tariff. Commission
9 Staff recommends granting the permission.

10 Are there any objections to granting
11 the special permission?

12 (No response.)

13 CHAIRMAN ZALEWSKI: Hearing none, the
14 permission is granted.

15 Under our Telecommunications Items.
16 Item T-1 concerns Bluerock
17 Communications' Petition to cancel a certificate as a
18 prepaid calling service provider. Bluerock has no
19 customers in Illinois and is no longer providing
20 telecommunications services. The Order cancels the
21 certificate.

22 Are there any objections to approving

1 the Order?

2 (No response.)

3 CHAIRMAN ZALEWSKI: Hearing none, the Order
4 is approved.

5 Item T-2 concerns Best Buy Health's
6 application for a certificate of authority to operate
7 as a reseller of wireless telecommunication services.
8 The applicant commits to complying with all
9 applicable Commission, State, and Federal laws, rules
10 and regulations. The Order grants the certificate,
11 finding that the applicant meets the requirement.

12 Are there any objections to approving
13 the Order?

14 (No response.)

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

17 Item T-3 concerns a Petition by
18 several Local Exchange Carriers for relief from the
19 requirements to deliver printed paper telephone
20 directories to customers. Commission Staff has
21 reviewed the filing and finds that the requested
22 partial waivers of the Commission rules will not

1 harm customers or impede the development or operation
2 of a competitive market. The Order grants the
3 Petition.

4 Are there any objections to approving
5 the Order?

6 (No response.)

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

9 Under our Water and Sewer Items.

10 Item W-1 concerns Illinois American's
11 filing to amend its tariffs for the Concordia Service
12 Area. The Commission Staff recommends suspending the
13 filing to hold a hearing and to establish a record
14 providing necessary assurances that the proposed rate
15 structure balances ratepayer and utility interests.
16 The Order suspends the filing.

17 Are there any objections to approving
18 the Order?

19 (No response.)

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

22 Item W-2 concerns Aqua Illinois'

1 application for a Certificate of Public Convenience
2 and Necessity to Provide Water and Wastewater Service
3 in Lake County. In addition, Aqua seeks approval of
4 the purchase of certain assets between Aqua and
5 Rockwell Utilities.

6 The Order grants the certificate and
7 approves the purchase of assets from Rockwell
8 Utilities. The Order finds that the company
9 demonstrated a need for the service to the proposed
10 certificated areas.

11 The Order also finds that the company
12 is capable of sufficiently managing and supervising
13 the provision of service.

14 Are there any objections to approving
15 the Order?

16 (No response.)

17 CHAIRMAN ZALEWSKI: Hearing none, the Order
18 is approved.

19 Under Miscellaneous Items.

20 Item M-1 concerns Docket 19-0673,
21 which is Dakota Access and Energy Transfer's joint
22 Petition for authority to install additional pumping

1 facilities on existing pipelines in Illinois. Save
2 Our Illinois Land or SOIL and William J. Klingele
3 filed a Motion to Disqualify pursuant to Section
4 200.190 of the Commission Rules of Practice,
5 requesting that Commissioner Michael T. Carrigan
6 disqualify himself and not participate in this docket
7 due to his previous employment with labor unions.

8 The Administrative Law Judge in this
9 matter submitted an informational memorandum for the
10 Commission's review. The memorandum will be filed in
11 the docket.

12 The Commission acknowledges that the
13 motion as filed does not require a Commission action,
14 but rather a decision by Commissioner Carrigan.
15 Thus, there will be no Commission vote on this item
16 today.

17 There are no Petitions for Rehearing.

18 Under Other Business.

19 Item O-1 concerns approval of
20 Batches, Contracts, and Confirmations under the
21 Illinois Adjustable Block Program.

22 Are there any objections to approving

1 the Program Administrator's Submissions?

2 (No response.)

3 CHAIRMAN ZALEWSKI: Hearing none, the
4 Submissions are approved.

5 This concludes our Public Utilities
6 Agenda.

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

9 JUDGE TEAGUE KINGSLEY: No, Madam Chairman.

10 CHAIRMAN ZALEWSKI: Thank you.

11 Do any of the other Commissioners
12 have any other business to discuss?

13 (No response.)

14 CHAIRMAN ZALEWSKI: Hearing none and
15 without objection, this meeting stands adjourned.
16 Thank you.

17 (WHEREUPON, the above-entitled
18 matter was adjourned.)

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