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BEFORE THE  
ILLINOIS COMMERCE COMMISSION

BENCH MEETING

(PUBLIC UTILITY)

Chicago, Illinois  
Wednesday, July 11, 2012

Met, pursuant to notice, at 10:30 a.m. in  
the Main Room, Eighth Floor, 160 North LaSalle  
Street, Chicago, Illinois.

PRESENT:

DOUGLAS P. SCOTT, Chairman

LULA M. FORD, Commissioner via teleconference

ERIN M. O'CONNELL-DIAZ, Commissioner

JOHN T. COLGAN, Commissioner

ANN McCABE, Commissioner

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PROCEEDINGS

CHAIRMAN SCOTT: Pursuant to the provisions of the Open Meeting Act, I now convene a regularly scheduled Bench Session of Illinois Commerce Commission. With me in Chicago are Commissioner O'Connell-Diaz, Commissioner Colgan and Commissioner McCabe. I'm Chairman Scott. We have a quorum.

We also have Commissioner Ford available by phone.

I move to allow Commissioner Ford to participate in today's meeting by phone.

Is there a second?

COMMISSIONER COLGAN: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

All in favor say, Aye.

(Chorus of ayes.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is 4 to nothing and Commissioner Ford may participate in today's meeting by phone.

Welcome, Commissioner.

1           A VOICE:  Chairman, I don't believe she's  
2 called in yet.

3           CHAIRMAN SCOTT:  Okay.  Would you let us know  
4 when she does.

5           A VOICE:  Yes.

6           CHAIRMAN SCOTT:  Thank you.

7                         Before moving into the agenda  
8 according to Section 1700.10 of Title 2 of the  
9 Administrative Code this is the time we allow members  
10 of the public to address the Commission.  Members of  
11 the public wishing to address the Commission must  
12 notify the Chief Clerk's Office at least 24 hours  
13 prior to the Commission meeting.  According to the  
14 Chief Clerk's Office, we have four requests to speak  
15 at today's Bench Session.

16                         Just a reminder to our speakers, that  
17 under our Commission Rules public comments are  
18 limited to 3 minutes in length and we will not  
19 respond to the comments from the Bench today.  Just  
20 to let you know on how our rules work.

21                         We will start with State Senator  
22 Donne E. Trotter.

1                   Senator Trotter, please, find -- any  
2 microphone is fine and just turn on the mike and  
3 whenever you're ready, sir.

4                   SENATOR TROTTER: Good morning, Mr. Chairman,  
5 Commissioners. I'm Senator Donne E. Trotter from the  
6 17th Legislative District, which represents the  
7 southeast side of Chicago. I want to especially  
8 thank you for the opportunity to address you today,  
9 as I've done before. So thank you for allowing me to  
10 come a second time.

11                   As you know, as I did the last time, I  
12 was here to highlight the numerous benefits of  
13 Chicago Clean Energy Project and encourage you to  
14 follow what, we believe, the clear direction of the  
15 General Assembly and the government to advance that  
16 project. As you're aware, the Chicago Clean Energy  
17 Project has been the subject of a 4-year long process  
18 that started with the State of Illinois sponsoring a  
19 \$10 million study to understand the economics of the  
20 project. The study was independently reviewed by the  
21 Illinois Power Agency and its outside experts.

22                   The conclusion reported to the General

1 Assembly is that this project would save consumers  
2 over \$1.2 billion. With that analysis in hand, the  
3 General Assembly carefully crafted legislation that  
4 gave the ICC two very limited but very important  
5 roles. The Commission was to do more -- to do no  
6 more and no less than accomplish these two tasks.

7 First, the Commission was to establish  
8 a rate of return for the project. This role was  
9 successfully completed in December.

10 Second, the Commission was to perform  
11 the administrative task of inserting rate of return  
12 as well as constructions costs and O&M costs  
13 established by the CDB, Capital Development Board, in  
14 the form of a contract for the Illinois Power Agency  
15 to establish, which they established. So far this  
16 Commission has not acted on the second task.

17 It is not left for the Commission, as  
18 we believe -- it is not left to the Commission to  
19 assess the merits of this project. That process was  
20 done by the General Assembly and the Governor.  
21 Together we have set the policy for the State. We  
22 were not involved in the investigation of its merits.

1 You are not involved in the investigation of its  
2 merits and it would be inappropriate as we as the  
3 General Assembly based on the constitutional  
4 authority given the GA and given to the Commission to  
5 second guess that decision. It was not left to the  
6 Commission to decide what conditions should be  
7 opposed on the developer.

8                   The General Assembly and the Governor  
9 set forth a detailed list of conditions and gave  
10 authority to the Illinois Power Agency to develop the  
11 returns of the sourcing agreement. After the  
12 Illinois Power Agency developed those terms and after  
13 Peoples Gas opted out of the sourcing agreement, the  
14 General Assembly and the Governor enacted a second  
15 law that clearly directed the Commission to accept  
16 the terms that the Illinois Power Agency had  
17 developed with the sole exception of removing  
18 unauthorized early termination revisions that would  
19 kill the project. The Senate and the House each has  
20 passed a resolution that reiterates the limited role  
21 the Commission is to play.

22                   If you accept the Proposed Order on

1 Rehearing that is before you today in Docket No.  
2 11-0710, you will be taking steps to kill the Chicago  
3 Clean Energy Project that are contrary to the  
4 existing law. The Proposed Order would impose  
5 additional obligations upon the developer and it  
6 would change terms that the Illinois Power Agency had  
7 developed. The Commission has not been authorized to  
8 take either of those steps.

9           It is not the role of this Commission  
10 to decide the terms of this project. It is  
11 definitely not the role of this Commission to  
12 terminate this project by inserting uncalled for and  
13 favor provisions into a sourcing agreement.

14           Reject the Proposed Order on  
15 Rehearing. Accept the recommendations of the Chicago  
16 Clean Energy and Economic Development Intervenors.  
17 Those recommendations follow the terms of the laws in  
18 which the General Assembly has passed and the  
19 Governor has signed on behalf of the people of  
20 Illinois.

21           And I thank you for your indulgence.

22           CHAIRMAN SCOTT: Thank you very much, Senator.

1                   Next up is State Representative Marcus  
2     Evans.

3                   Representative Evans, welcome to the  
4     Commission. Also welcome to the General Assembly.

5                   REPRESENTATIVE EVANS: Thank you. Thank you.  
6     Again, thank you, Mr. Chairman, Commissioners.

7                   As it was mentioned, my name is Marcus  
8     Evans, State Representative, 33rd District. I  
9     appreciate the opportunity to address you today about  
10    this issue. Leucadia and the Chicago Clean Energy  
11    Project, I believe it would provide tremendous  
12    benefit to the City of Chicago, surrounding  
13    communities and the State of Illinois.

14                  This \$3 million investment in Illinois  
15    will create billions of dollars in economic activity  
16    in our State, economic activity that currently goes  
17    to the Gulf Coast states and Canada. This project  
18    will create high-paying construction jobs and  
19    operation jobs using Illinois coal resulting in more  
20    jobs being created downstate implementing enormous  
21    urban brownfield remediation. Brownfield is  
22    currently dangerous and a hazard to surrounding



1 communities; generate 1.5 -- excuse me -- 1.25  
2 billion in new state and local revenues; protect  
3 consumers against volatile natural gas prices and  
4 guarantee savings of homes and businesses. Based  
5 upon the analysis of the Illinois Power Agency this  
6 project will be over a billion dollars in savings  
7 during the life of the contract. Currently the law  
8 requires that the project deliver at least a hundred  
9 million in savings.

10 As of a couple months ago I got the  
11 opportunity to become a state rep and I represent  
12 people in the community where this project will be  
13 built. The project -- the people in the community --  
14 the people in my community strongly support this  
15 project, as do the people throughout the state. And  
16 some of the supporters are represented by the  
17 Economic Development Intervenors in this proceeding.  
18 There are many others as well. This project enjoys  
19 strong support from Democrats and Republicans,  
20 upstate and downstate, in the House and in the Senate  
21 because it is a project that is good for the people  
22 of this state and it's good for our country and it's

1 good for our community.

2                   Therefore, I respectfully but strongly  
3 urge the Commission to enter a final order that  
4 corrects the Proposed Order of Rehearing consistent  
5 with the beliefs -- excuse me -- with the briefs  
6 submitted by the Chicago Clean Energy and Economic  
7 Development Intervenors in this proceeding consistent  
8 with the existing law and consistent with the  
9 resolution that was passed before I entered the  
10 General Assembly and that I supported in my first few  
11 days in the General Assembly.

12                   Thank you.

13                   CHAIRMAN SCOTT: Thank you, Representative  
14 Evans.

15                   Next up is Hoyt Hudson.

16                   Mr. Hudson.

17                   MR. HOYT HUDSON: Mr. Chairman and Commissions,  
18 my name is Hoyt Hudson. I'm representing Chicago  
19 Clean Energy, LLC. Thank you for the opportunity to  
20 speak and address you today.

21                   Currently before the Commission is the  
22 Chief ALJ's Proposed Order on Rehearing. That

1 Proposed Order as issued on April 24th, 2012,  
2 contained provisions that if accepted by you would  
3 prevent the project from going forward. Contrary to  
4 law, the Proposed Order would only allow Chicago  
5 Clean Energy to recover 84 percent of its capital and  
6 O&M costs. The original statute actually allows for  
7 100 percent cost recovery. Without this full cost  
8 recovery there will be no way for Chicago Clean  
9 Energy to provide the savings to customers that are  
10 set out in the statute. The economics of the project  
11 as endorsed by the General Assembly simply will not  
12 work. The ICC has no authority to modify the cost  
13 recovery percentage during this proceeding.

14 The Proposed Order tries to find  
15 authority by advancing a questionable premise, that  
16 there was a scrivener's error, a slip of the pen, if  
17 you will, in the transmittal of the substitute  
18 natural gas contracts from the Illinois Power Agency  
19 to the ICC. The Proposed Order claims that the  
20 contract was supposed to contain 84 percent cost  
21 recovery but accidentally provided full cost  
22 recovery. This is not logical. There was no

1 scrivener's error. The Illinois Power Agency  
2 approved contracts that provided for a compromised  
3 value of full recovery for the project. And the  
4 Proposed Order suggests that you overturn that  
5 approval contrary to law.

6           Beyond this, opponents of this project  
7 are spreading misinformation and outright lies about  
8 the project. Their characterizations of the project  
9 are patently false and not even possible under the  
10 established legislative framework. A few examples:  
11 Our opponents charge that we will raise prices by  
12 over \$170 for an average family. It is matter of law  
13 that our impact cannot be more than \$4 per year, a 2  
14 percent rate cap, which is similar to the rate caps  
15 for solar and wind projects ensures this. This rate  
16 cap applies to both residential and business  
17 customers.

18           The existing law mandates \$100 million  
19 in \$2,010 in guaranteed consumer savings. This is  
20 something that no utility company or any other energy  
21 project has ever put forward. The existing law  
22 establishes a consumer protection reserve account

1 funded up to \$1.5 billion to ensure that the impact  
2 on customers is minimal. The existing law requires  
3 the developer to bear the risk of any cost overruns,  
4 both for construction and for operation of the plants  
5 for the entire life of the project. In fact, the  
6 only credible studies -- most prominently the study  
7 prepared by the Illinois Power Agency itself --  
8 confirmed these consumer savings will occurred.

9 In order for our opponents analysis to  
10 even possibly be true, the price of natural gas would  
11 have to remain the same for the next 35 years. This  
12 will not happen. Just in the past 50 trading days  
13 natural gas prices are up over 60 percent.

14 Our opponents beyond us have said that  
15 we burn coal. It is a matter of fact that we do not  
16 burn coal using the gasification technology. Our  
17 opponents allege that the facility may be dirtier  
18 than a conventional coal plant. Again, it is a  
19 matter of record that a nearly identical plant was  
20 just fully permitted in Indiana and its emissions are  
21 99 percent less than a convention coal plant's. And  
22 our permit is, in fact, more restrictive than that in

1 place at the Art Institute of Chicago.

2 And, remember, that existing law  
3 requires that before the developer receives any money  
4 at all from ratepayers, the developer must spend over  
5 \$20 million out of pocket to clean up a 140 acre  
6 urban brownfield and put it to productive use with  
7 this cutting edge green environmental technology.

8 The bottom line is that most of the  
9 concerns expressed about the project are not accurate  
10 and are, in fact, driven by agendas other than that  
11 of putting Illinois citizens to work and other than  
12 that of encouraging economic investment in the city  
13 and the state.

14 Therefore, I respectfully but strongly  
15 urge the Commission to enter a final order that  
16 corrects the Proposed Order on Rehearing consistent  
17 with the briefs submitted by Chicago Clean Energy and  
18 the Economic Development Intervenors.

19 Thank you.

20 CHAIRMAN SCOTT: Thank you, Mr. Hudson.

21 COMMISSIONER FORD: Chairman, I'm available.

22 This is Commissioner Ford.

1           CHAIRMAN SCOTT: Thank you very much,  
2 Commissioner. Welcome.

3           COMMISSIONER FORD: Thank you.

4           CHAIRMAN SCOTT: And the last person who signed  
5 up for comments today is Linda Ruxton.

6                         Miss Ruxton.

7           MS. LINDA RUXTON: Good morning, Chairman,  
8 Commissioners. My name is Linda Ruxton and I lived  
9 on the Southeast Side of Chicago for 16 years, and,  
10 in fact, about a mile from the site of the proposed  
11 Leucadia coal gasification plant. I attended the  
12 rally yesterday at the Thompson Center where a  
13 petition with the signatures of over 11,000 fellow  
14 Illinoisans requested that Governor Quinn veto the  
15 Leucadia bill.

16                         My opposition to the Leucadia plant is  
17 on many levels. Firstly, this would be an additional  
18 polluting plant in an area that already has amongst  
19 the highest levels of pollution in the city and  
20 state. Leucadia claims that about 85 percent of  
21 emissions from the plant would be captured through  
22 carbon sequestering but that is not a technology that

1 has yet been tested over time. And even if the 85  
2 percent figure is correct that still leaves a lot of  
3 pollution in the area. And the materials to be used  
4 by the plant, the coal and the pet coal have to be  
5 transported in and through our community causing more  
6 pollution and increased coal piles that cause a lot  
7 of particular pollution.

8 And this is not just a health matter  
9 but a quality of life matter for kids to play  
10 healthily outside and for elders to be able to sit in  
11 their backyards and enjoy a breeze.

12 This area suffers from high cancer and  
13 asthma rates, which will only increase and be  
14 augmented by this plant's presence in our community.  
15 In fact, I also suffer from asthma and almost died  
16 four years ago of a severe asthma attack with  
17 resultant heart attack.

18 The fact that this plant proposes to  
19 use coal at all seems contrary to the fact that coal  
20 contributes to global warming, which as now  
21 considered very real by most experts and largely  
22 manmade. To have this plant now come in would be



1 much of which is the precedence -- great outdoors  
2 with minimal reserve seems to counter all that that  
3 would stand for.

4 With natural gas prices at very low  
5 levels now it does not seem prudent to build a plant  
6 to make synthetic natural gas. Leucadia seems to be  
7 betting on -- betting that natural gas prices would  
8 go up dramatically but they are not really betting  
9 with a lot of their own money. It seems almost  
10 incredible that almost all the cost of this plant  
11 will be borne by the two gas companies involved who  
12 would have to pass those costs to their customers.

13 Estimates show that this could cost  
14 every household that they service an additional \$446  
15 per year. If those customers are able to pay that  
16 additional cost and still keep up their other  
17 utilities and rent, mortgage, how might that affect  
18 their other spending? Most persons have some  
19 financial budget if only in their heads and so they  
20 might need or want to reduce spending on other goods  
21 and services, negatively affecting the whole economy.

22 For these reasons I feel that the

1 Leucadia plant is not good, certainly for the  
2 residents near the plant site and surrounding  
3 communities and the ratepayers for Nicor and Ameren  
4 Gas and for the state as a whole. Leucadia, this  
5 should not be the time. This should not be the  
6 place. This should not be the way.

7 Thank you for letting me speak today  
8 and thanks for all you do to protect consumers.

9 CHAIRMAN SCOTT: Thank you, Miss Ruxton.

10 That concludes the public comment  
11 portion of today's agenda.

12 (Whereupon, the Transportation  
13 Agenda is contained in a  
14 separate transcript.)

15 JUDGE WALLACE: Mr. Chairman?

16 CHAIRMAN SCOTT: Yes.

17 JUDGE WALLACE: This is Judge Wallace. I am  
18 not sure that you completed the vote on allowing  
19 Commissioner Ford to participate.

20 CHAIRMAN SCOTT: Oh, I believe we did and then  
21 asked if she was there and then we got told that she  
22 was not. But...

1           JUDGE WALLACE:   Okay.  I wasn't sure if you  
2 went ahead with a vote.  But, okay.

3           CHAIRMAN SCOTT:  Yeah, we did.  Thank you,  
4 Judge.

5                           Moving on to the Public Utility  
6 Agenda.  We'll begin with approval of Minutes from  
7 our June 6th Electric Policy Committee Meeting.  I  
8 understand amendments have been forwarded.

9                           Is there a motion to amend the  
10 Minutes?

11           COMMISSIONER COLGAN:  So moved.

12           CHAIRMAN SCOTT:  Is there a second?

13           COMMISSIONER O'CONNELL-DIAZ:  Second.

14           COMMISSIONER MCCABE:  Second.

15           CHAIRMAN SCOTT:  It's been moved and seconded.

16                           All in favor say, Aye.

17   (Chorus of ayes.)

18           CHAIRMAN SCOTT:  Any opposed?

19   (No response.)

20           CHAIRMAN SCOTT:  The vote is 5 to nothing and  
21 the amendments are adopted.

22                           Is there a motion to approve the June

1 6th Minutes as amended?

2 COMMISSIONER COLGAN: So moved.

3 CHAIRMAN SCOTT: Is there a second?

4 COMMISSIONER O'CONNELL-DIAZ: Second.

5 COMMISSIONER MCCABE: Second.

6 CHAIRMAN SCOTT: It's been moved and seconded.

7 All in favor say, Aye.

8 (Chorus of ayes.)

9 CHAIRMAN SCOTT: Any opposed?

10 (No response.)

11 CHAIRMAN SCOTT: The vote is 5 to nothing and  
12 the June 6th Policy Committee Meeting Minutes as  
13 amended are approved.

14 Next up is the approval of the Minutes  
15 from our June 22nd Special Open Meeting. I  
16 understand amendments have been forwarded.

17 Is there a motion to amend the  
18 minutes?

19 COMMISSIONER O'CONNELL-DIAZ: So moved.

20 COMMISSIONER COLGAN: So moved.

21 CHAIRMAN SCOTT: Is there a second?

22 COMMISSIONER MCCABE: Second.

1 CHAIRMAN SCOTT: It's been moved and seconded.

2 All in favor say, Aye.

3 (Chorus of ayes.)

4 CHAIRMAN SCOTT: Any opposed?

5 (No response.)

6 CHAIRMAN SCOTT: The vote is 5 to nothing and  
7 the amendments are adopted.

8 Is there a motion to approve the  
9 June 22nd Minutes as amended?

10 COMMISSIONER MCCABE: So moved.

11 CHAIRMAN SCOTT: Is there a second?

12 COMMISSIONER O'CONNELL-DIAZ: Second.

13 CHAIRMAN SCOTT: It's been moved and seconded.

14 All in favor say, Aye.

15 (Chorus of ayes.)

16 CHAIRMAN SCOTT: Any opposed?

17 (No response.)

18 CHAIRMAN SCOTT: The vote is 5 to nothing and  
19 the June 22nd Special Open Meeting Minutes as amended  
20 are approved.

21 Turning to the Electric portion of  
22 today's Agenda. Item E-1 is Docket No. 09-0592.

1 This is a rulemaking proceeding for Title 83 Parts  
2 412 and 453 of the Administrative Code concerning  
3 rules governing retail electric suppliers and for  
4 internet enrollment. Before us today is an Order  
5 adopting the amendments to Part 453 and ALJ Benn  
6 recommends entry of an Order adopting those  
7 amendments with an effective date of August 1st.

8 Is there any discussion?

9 (No response.)

10 CHAIRMAN SCOTT: Is there a motion to enter the  
11 Order?

12 COMMISSIONER O'CONNELL-DIAZ: So moved.

13 CHAIRMAN SCOTT: Is there a second?

14 COMMISSIONER MCCABE: Second.

15 CHAIRMAN SCOTT: It's been moved and seconded.

16 All in favor say, Aye.

17 (Chorus of ayes.)

18 CHAIRMAN SCOTT: Any opposed?

19 (No response.)

20 CHAIRMAN SCOTT: The vote is 5 to nothing and  
21 the Order is entered.

22 We will use this 5 to nothing vote for

1 the remainder of the Public Utility Agenda unless  
2 otherwise noted.

3 Items E-2 through E-6 can be taken  
4 together. These items are customer complaints  
5 against ComEd and in one case against ComEd and  
6 Integrys Energy Services. In each case the parties  
7 have apparently settled their differences and brought  
8 a Joint Motion to Dismiss, which the ALJ recommends  
9 we grant.

10 Is there any discussion?

11 (No response.)

12 CHAIRMAN SCOTT: Any objections?

13 (No response.)

14 CHAIRMAN SCOTT: Hearing none, the Joint  
15 Motions to Dismiss are granted.

16 Item E-7 is Docket No. 12-0258. This  
17 is Joan Marek's complaint against ComEd. ALJ Riley  
18 recommends entry of an Order dismissing this matter  
19 without prejudice.

20 Is there any discussion?

21 (No response.)

22 CHAIRMAN SCOTT: Any objections?

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(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered and the matter is dismissed.

Item E-8 is Docket No. 12-0364. This is the Illinois Energy Aggregation LLC's Application for Licensure as an Agent, Broker and Consultant Under Section 16-15 of the Public Utilities Act.

I had asked for this item to be placed back on the docket and request that we would vote to reopen the matter of reapproval for the Application of the Licensure under Section 16-115C of the Public Utilities Act. Last month we authorized the applicant to operate as an agent, broker or consultant engage and assisting endusers to procure electricity and power. A day after we did that -- or two days after we did that, the U.S. Attorney for the Northern District of Illinois charged a person with soliciting bribes. That appears to be one of the principals of the Applicant Company.

It seems that this would make the -- make it incumbent on us to reassess our earlier action to determine at least a couple of things.



1 First, is the person who has been charged the same  
2 person as is listed as a principal by the applicant;  
3 and, second, if it is the same person, how does this  
4 new charge relate to the applicant's ability to  
5 satisfy the requirements of managerial and other  
6 conditions of the Public Utilities Act.

7 Even if it's not the principal, it's  
8 our understanding it is the general counsel of that  
9 company and would raise those questions. That raises  
10 very serious questions, obviously, and would need a  
11 full vetting since the conduct alleged deals with  
12 question of honest integrity of purchasing decisions.  
13 It would obviously cast substantial doubt on the  
14 applicant's viability for the purpose in which  
15 they're seeking licensure from us.

16 So I would ask for your support and  
17 move that we reopen this matter.

18 Is there a second?

19 COMMISSIONER MCCABE: Second.

20 CHAIRMAN SCOTT: Discussion?

21 COMMISSIONER O'CONNELL-DIAZ: Just -- this is  
22 kind of a different situation for to us be in.

1       However, I really don't know too much about  
2       Mr. Merino, but when one is charged, we go through  
3       the due process that our constitution affords us. So  
4       I certainly would not want to be in a position in any  
5       way prejudging an indictment that -- we don't know  
6       the outcome of that. And I don't -- it's troubling  
7       to me to think about that I would need to be looking  
8       at things in that manner.

9                       I think it's certainly appropriate for  
10       us to be really cautious when we are licensing  
11       entities to provide services to our consumers in our  
12       state. But this is -- I don't object to it, but I  
13       just -- I'm not sure. Until there is a verdict in  
14       whatever is going on in the federal case, I'm not  
15       sure that we would be in the appropriate place to  
16       prejudge any -- or cast aspersions on someone. So  
17       that's my concern.

18                   CHAIRMAN SCOTT: I think those are all fair  
19       points. But I think it's incumbent on us to ask for  
20       a vetting of that. Obviously, in so doing, questions  
21       of coordination with the U.S. Attorneys' Office and  
22       what information can be given, those are things that

1 I know will be worked out in the process of doing  
2 that. But I think on our -- from our part, given the  
3 allegations, it's obviously important that we at  
4 least -- at least have that opportunity to take a  
5 second look.

6 COMMISSIONER O'CONNELL-DIAZ: Well, I guess I  
7 would request that our Office of General Counsel  
8 would be riding side saddle with us so that we don't  
9 overstep our bounds within our authority and that we  
10 are not a body of criminal investigation or anything  
11 of that nature. So...

12 CHAIRMAN SCOTT: Nor do we want to be.

13 COMMISSIONER O'CONNELL-DIAZ: No, definitely  
14 not.

15 CHAIRMAN SCOTT: Thank you.

16 Further discussion?

17 (No response.)

18 CHAIRMAN SCOTT: It's been moved and seconded.

19 All in favor say, Aye.

20 (Chorus of ayes.)

21 CHAIRMAN SCOTT: Any opposed?

22 (No response.)

1           CHAIRMAN SCOTT:  The vote is 5 to nothing and  
2  the matter is reopened.

3                       Item E-9 is Docket No. 12-0383 --

4           JUDGE ALBERS:  Mr. Chairman?

5           CHAIRMAN SCOTT:  Yes, sir.

6           JUDGE ALBERS:  Mr. Chairman, this is Judge  
7  Albers --

8           CHAIRMAN SCOTT:  Hello, Judge.

9           JUDGE ALBERS:  -- I have a quick question for  
10 you on E-8 if you don't mind.

11          CHAIRMAN SCOTT:  Yes, sir.

12          JUDGE ALBERS:  Will there be any specific  
13 questions regarding the managerial resources you'd  
14 like directed to the applicant or will it be  
15 forthcoming?

16          CHAIRMAN SCOTT:  I think that's something that  
17 we can -- that we can do by memo subsequently to  
18 this.

19          JUDGE ALBERS:  That's fine --

20          CHAIRMAN SCOTT:  And I understand your  
21 predicament in conjunction with the comments that  
22 Commissioner O'Connell-Diaz made.  We want to have

1 the Office of General Counsel involved in that as  
2 well.

3 JUDGE ALBERS: Oh, yes, I understand.

4 CHAIRMAN SCOTT: Thank you. Appreciate  
5 your views on that.

6 JUDGE ALBERS: Thank you.

7 CHAIRMAN SCOTT: Item E-9 is Docket  
8 No. 12-0383. This is ResCom Energy's application for  
9 a Certificate to operate as an alternative retail  
10 electric supplier. ALJ Yoder recommends entry of an  
11 Order granting the Certificate.

12 Is there any discussion?

13 (No response.)

14 CHAIRMAN SCOTT: Are there any objections?

15 (No response.)

16 CHAIRMAN SCOTT: Hearing none, the Order is  
17 entered.

18 Turning now to Natural Gas. Item G-1  
19 is Docket No. 09-0128. This is Ming Zhang's  
20 complaint against North Shore Gas. ALJ Baker  
21 recommends entry of an Order denying the complaint.

22 Is there any discussion?

1 (No response.)

2 CHAIRMAN SCOTT: Any objections?

3 (No response.)

4 CHAIRMAN SCOTT: Hearing none, the Order is  
5 entered and the complaint is denied.

6 Items G-2 and G-3 can be taken  
7 together. These are customer complaints against  
8 Nicor. In each case the parties have apparently  
9 settled their differences and have brought a Joint  
10 Motion to Dismiss, which the ALJ recommends we grant.

11 Is there any discussion?

12 (No response.)

13 CHAIRMAN SCOTT: Are there any objections?

14 (No response.)

15 CHAIRMAN SCOTT: Hearing none, the Joint  
16 Motions to Dismiss are granted.

17 Item G-4 is Docket No. 10-0511. This  
18 is a Depreciation Petition filed by Ameren in 2010.  
19 The Company has made a Motion to Withdraw its  
20 petition as moot in light of the Commission's Order  
21 in its most recent gas rate case and ALJ Jones  
22 recommends we grant that motion.

1                   Is there any discussion?

2                                   (No response.)

3           CHAIRMAN SCOTT: Any objections?

4                                   (No response.)

5           CHAIRMAN SCOTT: Hearing none, the Motion to  
6 Withdraw is granted.

7                   Item G-5 is Docket No. 10-0609. This  
8 is a citation proceeding against Shawneetown,  
9 Illinois, alleging violations of federal rules  
10 incorporated by the Commission in Title 83 Part 590  
11 of the Administrative Code as well as violations of  
12 Part 520's training provisions. ALJ Wallace  
13 recommends entry of an Order imposing a \$5,000  
14 penalty on the municipality.

15                   Is there any discussion?

16                                   (No response.)

17           CHAIRMAN SCOTT: Are there any objections?

18                                   (No response.)

19           CHAIRMAN SCOTT: Hearing none, the Order is  
20 entered.

21                   Item G-6 is Docket No. 11-0671. This  
22 is a rulemaking for Title 83 Part 596 of the

1 Administrative Code concerning public availability of  
2 pipeline inspection information. ALJ Teague  
3 recommends entry of a Second Notice Order authorizing  
4 submission of the proposed amendments to JCAR.

5 Is there any discussion?

6 (No response.)

7 CHAIRMAN SCOTT: Any objections?

8 (No response.)

9 CHAIRMAN SCOTT: Hearing none, the Second  
10 Notice Order is entered.

11 Item G-7 is Docket No. 11-0710. This  
12 item concerns the sourcing agreements for Chicago  
13 Clean Energy's Proposed coal gasification facility.  
14 ALJ Wallace recommends entry of an Order on Rehearing  
15 approving the sourcing agreement, making a set of  
16 changes from the Order entered by the Commission back  
17 in January.

18 Is there any discussion?

19 I have a few comments that I would  
20 like to make and I expressed some of these thoughts  
21 when we first ruled on this matter back in January,  
22 but in light of the amount and nature of the comments



1 since then, I feel the need to state them again.

2 In my five and a half years as  
3 director of the State's EPA I've come in contact with  
4 a number of next generation energy projects. I've  
5 said on a number of occasions that it's important to  
6 look at what our fuel needs will be in the future and  
7 I certainly understand the importance of using coal  
8 going forward as economically important to the State.

9 As a former mayor, I absolutely  
10 understand doing projects that make use of abandoned  
11 buildings, reclaim brownfield sights and provide  
12 jobs. And it's absolutely proper for the General  
13 Assembly to decide the structure for new projects  
14 and/or to do job creation programs. So I certainly  
15 come to the issue understanding the thought behind  
16 projects such as CCE. But that's not really our  
17 statutory responsibility.

18 Our responsibility comes from the law  
19 that was passed as well as from the Public Utilities  
20 Act. And a large part of our responsibility is  
21 looking out for the ratepayer, implementing the  
22 statutory duties but doing so while trying to

1 minimize the impacts on ratepayers where possible.

2                   This, of course, is a new Act and all  
3 of us involved are trying to best interpret the law  
4 in conjunction with the Public Utilities Act. I  
5 voted for the original Order as I believed it  
6 balanced the will of the legislature with the  
7 responsibilities under the PUA. I agreed with the  
8 rehearing because as this is a new Act I thought that  
9 there would be an opportunity to take a second look  
10 at these issues of first impression. And that's  
11 what's happened.

12                   The Proposed Order on Rehearing  
13 contains a number of changes from our original Order  
14 to the benefit of CCE. And while I believed that our  
15 original Order was correct in its interpretation of  
16 issues, I likewise believe that the Proposed Order  
17 before us today offers alternatives to some of these  
18 issues that were raised by the petitioner that are  
19 also reasonable. And for that reason, I'm going to  
20 support the Proposed Order on Rehearing and  
21 compliment Judge Wallace and the others for their  
22 time and work that has been put in on this.

1 I believe the Proposed Order on  
2 Rehearing strikes the balance of carrying out the new  
3 law and the PUA and looking out for the interest of  
4 the ratepayer. So the changes to the issues in the  
5 annual output of the facility, the third party  
6 guarantee, elimination of Section 1.2H from the  
7 Sourcing Agreement, are all to the benefit of the  
8 project.

9 But here's what we can't do, we can't  
10 recreate a new formula that's different from what's  
11 in the law. I believe that's what CCE would have us  
12 do in this case with the issue of the 84 percent.

13 The allocations of costs must be  
14 commensurate with the output purchase. Any other  
15 reading to me strains credulity and I'm very  
16 confident that we're on firm ground in continuing to  
17 reach that conclusion on that point.

18 I support this Order and would move to  
19 enter the Order on Rehearing.

20 Is there a second?

21 COMMISSIONER FORD: Second.

22 CHAIRMAN SCOTT: Moved and seconded.

1 Further discussion?

2 JUDGE WALLACE: Mr. Chairman?

3 CHAIRMAN SCOTT: Yes, sir.

4 JUDGE WALLACE: Before you vote, if I might --

5 CHAIRMAN SCOTT: Judge Wallace.

6 JUDGE WALLACE: As of today, I believe we have  
7 5,870 letters opposed to the project. These were  
8 submitted by the Sierra Club and a group called the  
9 CREDO Action as well as some individuals that appear  
10 not to be affiliated with either of those two groups.

11 CHAIRMAN SCOTT: Okay. Thank you, Judge.

12 JUDGE WALLACE: Thank you.

13 CHAIRMAN SCOTT: Further discussion?

14 COMMISSIONER O'CONNELL-DIAZ: I just have a  
15 question.

16 Judge Wallace, was CUB involved in  
17 this case at all? I didn't see their --

18 JUDGE WALLACE: CUB?

19 COMMISSIONER O'CONNELL-DIAZ: Yes. Were they a  
20 party or...?

21 JUDGE WALLACE: They were a party. They did  
22 not take a real active role in the case.

1 COMMISSIONER O'CONNELL-DIAZ: Thank you.

2 CHAIRMAN SCOTT: Further discussion?

3 Commissioner Colgan.

4 COMMISSIONER COLGAN: Well, I don't have any  
5 prepared comments, but I'd just like to say that all  
6 of you know that when this issue came up back in  
7 January I voted "no," and I cited my -- based my no  
8 vote on concern about legislative intent and cited  
9 some of the -- what I have identified as -- and  
10 you've just reiterated some of that -- there are  
11 potential rate benefits to a project like this in my  
12 mind.

13 So in that -- as I made that vote I  
14 encouraged parties to request rehearing. And I  
15 believe that this rehearing process has vetted these  
16 issues extensively. But I still can't find a way to  
17 get past what the statute says and the IPA memo says  
18 in terms of no utility could be required to provide  
19 more than 42 percent of the cost.

20 And, you know, I think that that issue  
21 came about -- that the problem here came about when  
22 the statute leaves the door open for utilities to opt

1 out in a couple bids and that created a problem. But  
2 then the statute is silent in terms of what we should  
3 do, any of the parties, because the IPA and the  
4 Capital Development Board were very involved in this  
5 process too, that there's no instructions as to how  
6 we should follow up in terms of that.

7 I know there was a trailer bill  
8 passed, but nowhere does it ever say that the Company  
9 can recover 95 percent of the costs from these -- the  
10 participating utilities. So with a lot of in-depth  
11 searching and discussions with some of you  
12 individually over the last few weeks, I've come to  
13 the conclusion that I'm going to support the Order on  
14 Rehearing.

15 CHAIRMAN SCOTT: Further discussion?

16 (No response.)

17 CHAIRMAN SCOTT: It's been moved and seconded  
18 to support the Proposed Order on Rehearing.

19 All in favor say, Aye.

20 (Chorus of ayes.)

21 CHAIRMAN SCOTT: Any opposed?

22 (No response.)

1           CHAIRMAN SCOTT: The vote is 5 to nothing. The  
2 Order on Rehearing is entered.

3                   And, once again, Judge Wallace, thank  
4 you very much, you and the others who worked on this,  
5 for all the work that you put on here, we really  
6 appreciate it. Thank you very much.

7                   On to Telecommunication. Items T-1  
8 and T-2 can be taken together. These items are  
9 filings by Frontier Affiliates concerning tariffs to  
10 bundling out options. In each case Staff recommends  
11 granting the request by not suspending the filing.

12                   Is there any discussion?

13                                   (No response.)

14           CHAIRMAN SCOTT: Are there any objections?

15                                   (No response.)

16           CHAIRMAN SCOTT: Hearing none, the filings will  
17 not be suspended.

18                   Item T-3 is Docket No. 12-0331. This  
19 is a CAL Communications Petition to Withdraw  
20 Certificates previously granted in Docket 05-0620.  
21 ALJ Baker recommends entering an Order granting the  
22 Company's petition.

1                   Is there any discussion?

2                                   (No response.)

3           CHAIRMAN SCOTT: Any objections?

4                                   (No response.)

5           CHAIRMAN SCOTT: Hearing none, the Order is  
6 entered.

7                   Item T-4 is Docket No. 12-0335. This  
8 is America Broadband and Telecommunications Company's  
9 Application for Certificates of Service Authority  
10 under Sections 13-403, 13-404 and 13-405 of the  
11 Public Utilities Act. ALJ Benn recommends entry of  
12 an Order granting the Certificates.

13                   Is there any discussion?

14                                   (No response.)

15           CHAIRMAN SCOTT: Any objections?

16                                   (No response.)

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

19                   Item T-5 is Docket No. 12-0382. This  
20 is a petition by the Village of Libertyville to  
21 modify its 911 emergency service by transferring its  
22 dispatch serviceability to the Village of Vernon



1 Hills. ALJ Hilliard recommends entry of an Order  
2 granting the petition.

3 Is there any discussion?

4 (No response.)

5 CHAIRMAN SCOTT: Any objections?

6 (No response.)

7 CHAIRMAN SCOTT: Hearing none, the Order is  
8 entered.

9 Item T-6 concerns initiating a  
10 citation proceeding against Pay Phone Company for  
11 failure to maintain its corporate status. Staff  
12 recommends entry of an Initiating Order to begin the  
13 citation proceeding.

14 Is there any discussion?

15 (No response.)

16 CHAIRMAN SCOTT: Any objections?

17 (No response.)

18 CHAIRMAN SCOTT: Hearing none, the Initiating  
19 Order is entered.

20 Item T-7 is Docket No. 10-0453. This  
21 is Cricket Communications' Application for  
22 Designation as an Eligible Communications Carrier.

1 ALJ Riley recommends entry of an Order granting the  
2 Company's application subject to certain terms and  
3 conditions.

4 Is there any discussion?

5 (No response.)

6 CHAIRMAN SCOTT: Is there any objections?

7 (No response.)

8 CHAIRMAN SCOTT: Hearing none, the Order is  
9 entered.

10 Item T-8 is Docket No. 11-0567. This  
11 is CenturyLink's Petition for an Arbitration in  
12 connection with a dispute of an interconnection  
13 agreement it entered into with NTS Services. ALJ  
14 Yoder recommends entry of an arbitration decision  
15 resolving the dispute.

16 Is there any discussion?

17 (No response.)

18 CHAIRMAN SCOTT: Any objections?

19 (No response.)

20 CHAIRMAN SCOTT: Hearing none, the arbitration  
21 decision is entered.

22 On to Water and Sewer. Item W-1

1 concerns a filing made by Eastwood Manor Water  
2 Company seeking to increase its water rates using a  
3 simplified rate case procedure. Staff recommends  
4 granting the requested relief by not suspending the  
5 filing.

6 Is there any discussion?

7 (No response.)

8 CHAIRMAN SCOTT: Are there any objections?

9 (No response.)

10 CHAIRMAN SCOTT: Hearing none, the filing will  
11 not be suspended.

12 Item W-2 is Docket No. 09-0151. This  
13 is Illinois-American Water Company's reconciliation  
14 proceeding concerning its purchased water and sewer  
15 treatment surcharges for 2008. We'll be holding  
16 final disposition of this matter, but we do have a  
17 request for oral argument made by the Attorney  
18 General that we can address today.

19 Is there any discussion on the oral  
20 argument request?

21 (No response.)

22 CHAIRMAN SCOTT: Is there any objection to

1 denying the oral argument request?

2 (No response.)

3 CHAIRMAN SCOTT: Hearing none, the oral  
4 argument request is denied.

5 We have four petitions for rehearing  
6 before the Commission today.

7 Item PR-1 is Docket Nos. 11-0561  
8 through 11-0566. This is the rate case for Charmar,  
9 Cherry Hill, Clarendon, Killarney, Ferson Creek and  
10 Harbor Ridge Water or Water and Sewer Companies.  
11 Before us today is an Application for Rehearing  
12 brought by the company seeking a rehearing on the  
13 issue of rate case expense and also a request for a  
14 stay on the Commission-approved rate phasing plan.  
15 ALJ Dolan recommends granting the rehearing and also  
16 granting the stay.

17 Is there any discussion?

18 I think that the -- given the fact  
19 that the parties hadn't briefed the approach the  
20 Commission adopted in its final Order makes very good  
21 sense to grant the rehearing on the rate case  
22 expense.

1                   But with respect to the stay -- let me  
2 ask the judge --

3                   Has the tariff already been filed in  
4 this matter?

5           JUDGE DOLAN: Yes, it was, Chairman.

6           CHAIRMAN SCOTT: So in other words, if we  
7 granted the stay, they would have to undo that tariff  
8 filing in the anticipation of doing it again? So  
9 they would change it twice in other words then?

10          JUDGE DOLAN: That's correct.

11          CHAIRMAN SCOTT: In that case I also request  
12 that we deny the Company's request for a stay.

13                   So let's deal with the issues  
14 separately. I would move to grant the Company's  
15 rehearing request on the issue of rate case expense.

16                   Is there a second?

17          COMMISSIONER COLGAN: Second.

18          CHAIRMAN SCOTT: It's been moved and seconded.

19                   Any discussion?

20                                   (No response.)

21          CHAIRMAN SCOTT: All in favor say, Aye.

22                                   (Chorus of ayes.)

1 CHAIRMAN SCOTT: Any opposed?

2 (No response.)

3 CHAIRMAN SCOTT: The vote is 5 to nothing and  
4 the hearing is granted on the issue of the Company's  
5 rate case expense.

6 I would then move to deny the  
7 Company's request that the phase-in plan be  
8 postponed.

9 Is there a second on that?

10 COMMISSIONER O'CONNELL-DIAZ: I just have a  
11 question --

12 CHAIRMAN SCOTT: Sure.

13 COMMISSIONER O'CONNELL-DIAZ: -- and maybe a  
14 resolution. I think there will be customer confusion  
15 if we have two. Is there a way we can expedite the  
16 rehearing so that we get this done quickly and we  
17 have one -- you know, one new rate that goes out?

18 CHAIRMAN SCOTT: Except the new rate's  
19 already --

20 COMMISSIONER O'CONNELL-DIAZ: Out.

21 CHAIRMAN SCOTT: It's already out. So what I'm  
22 worried about is going back and having a second

1 change down the road to create even more confusion.

2 JUDGE DOLAN: As I said -- as I indicated in my  
3 memo that unfortunately the timing of their filing  
4 we -- there wasn't a Bench Session before the  
5 deadline that was already proposed in the Order. I  
6 think that's where the problem is. As far as -- I'm  
7 not -- I mean, we can certainly do what we can to  
8 expedite the rehearing. But, again, as far as I  
9 know, the Company's setting itself up to issue new  
10 billings. I haven't looked at the tariffs in detail,  
11 but I'm assuming that they're already going into  
12 effect.

13 CHAIRMAN SCOTT: In motion.

14 JUDGE DOLAN: So...

15 CHAIRMAN SCOTT: Is there a second for the  
16 motion to deny the stay?

17 COMMISSIONER COLGAN: Second.

18 CHAIRMAN SCOTT: Is there further discussion on  
19 the motion to deny the stay?

20 (No response.)

21 CHAIRMAN SCOTT: All in favor say, Aye.

22 (Chorus of ayes.)

1 CHAIRMAN SCOTT: Any opposed?

2 (No response.)

3 CHAIRMAN SCOTT: The vote is 5 to nothing and  
4 the phase-in plan will not be postponed.

5 Moving on to Item PR-2. This is  
6 Docket No. 12-0244 concerning the Ameren's AMI  
7 deployment plan. The Commission entered an Order  
8 denying the Company's plan and the Company has filed  
9 a Petition for Rehearing seeking not only rehearing  
10 on that decision but also requesting that the  
11 Commission hold the rehearing on an expedited  
12 schedule. ALJs Yoder and VonQualen recommend  
13 granting rehearing but not adopting a specific  
14 schedule or timeline for the rehearing process.

15 Is there any discussion?

16 COMMISSIONER O'CONNELL-DIAZ: Mr. Chairman, I  
17 would agree with letting the ALJs -- I think they're  
18 best suited to be able to do that schedule with the  
19 thought in mind that the Commission would like to see  
20 it move as quick as possible. So just putting that  
21 bee in the bonnet. But certainly that's their --  
22 they're the pros at that, not us.



1           CHAIRMAN SCOTT: Is there a motion to grant  
2 rehearing but not on an expedited schedule?

3           COMMISSIONER COLGAN: So moved.

4           CHAIRMAN SCOTT: Okay. Is there second?

5           COMMISSIONER MCCABE: Second.

6           COMMISSIONER O'CONNELL-DIAZ: I think it was  
7 with the caveat that we'd like to see --

8           CHAIRMAN SCOTT: We'd like to see, of course.  
9 As I would I -- everybody involved in the case, I'm  
10 sure.

11          COMMISSIONER O'CONNELL-DIAZ: Well, the  
12 parties -- and they'll all put that together. So...

13          CHAIRMAN SCOTT: Right. And I think you're  
14 right. The parties are best suited to figure out how  
15 all that should work along with the ALJ.

16                           Further discussion?

17   (No response.)

18          CHAIRMAN SCOTT: All in favor say, Aye.

19   (Chorus of ayes.)

20          CHAIRMAN SCOTT: Any opposed?

21   (No response.)

22          CHAIRMAN SCOTT: The vote is 5 to nothing and

1 the Rehearing is granted.

2 Item PR-3 is Docket No. 12-0089. This  
3 is Ameren's Petition for the Approval of its  
4 Multi-Year Performance Metrics. The Company seeks  
5 rehearing on this matter to revisit the starting date  
6 for the metrics in light of the fact that Ameren's  
7 AMI plan was initially rejected by the Commission and  
8 a revised plan has now been proposed for rehearing.  
9 ALJ Albers recommends denying the Company's Petition  
10 for Rehearing but reopening a docket on the  
11 Commission's own motion to change the starting date.

12 Is there any discussion?

13 (No response.)

14 CHAIRMAN SCOTT: Are there objections to  
15 denying rehearing but reopening a docket on our own  
16 motion to change the starting date?

17 (No response.)

18 CHAIRMAN SCOTT: Hearing none, the Company's  
19 Petition for Rehearing is denied, but the matter will  
20 be reopened to address the starting date issue.

21 Item PR-4 is Docket No. 12-0298. This  
22 is ComEd's Petition for approval of its AMI plan, and

1 before us today is a request for rehearing filed by  
2 the company seeking rehearing on its deployment  
3 schedule language in the order concerning on-site  
4 visits prior to disconnection and on issues related  
5 to vulnerable populations. ALJ Haynes recommends  
6 rehearing on the deployment schedule issue.

7 Is there any discussion?

8 I would make a motion that we grant  
9 rehearing on the deployment schedule.

10 COMMISSIONER COLGAN: I'll second that.

11 CHAIRMAN SCOTT: Is there discussion on that  
12 issue by itself?

13 (No response.)

14 CHAIRMAN SCOTT: All in favor of granting  
15 rehearing on deployment schedule 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 rehearing is granted on that issue.

21 Is there a motion to grant rehearing  
22 on other issues?

1           COMMISSIONER COLGAN: I'll make a motion to  
2 deny rehearing on the door knock and metrics issue.

3           CHAIRMAN SCOTT: Is there a second?

4                   I'll second that for purposes of  
5 discussion.

6                   Is there discussion on that particular  
7 issue?

8                                   (No response.)

9           CHAIRMAN SCOTT: All in favor of the motion to  
10 deny rehearing on those two issues say, Aye.

11                                   (Chorus of ayes.)

12           CHAIRMAN SCOTT: Opposed?

13           COMMISSIONER O'CONNELL-DIAZ: No.

14           CHAIRMAN SCOTT: Commissioner Ford, I didn't  
15 hear which one you were on that one.

16           JUDGE WALLACE: I believe she just left us,  
17 Mr. Chairman.

18           CHAIRMAN SCOTT: Okay. Then the Motion to Deny  
19 is granted 3 to 1.

20                   We have one other item of business to  
21 take up today. This is a FERC item and we'll go into  
22 closed session to address it.

1                   Is there a motion to go into closed  
2 session?

3           COMMISSIONER COLGAN:   So moved.

4           CHAIRMAN SCOTT:   Is there a second?

5           COMMISSIONER MCCABE:   Second.

6           CHAIRMAN SCOTT:   It's been moved and seconded.

7                   All in favor say, Aye.

8                                   (Chorus of ayes.)

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1 CHAIRMAN SCOTT: Any opposed?

2 (No response.)

3 CHAIRMAN SCOTT: The vote is 4 to nothing and  
4 the Commission will now go into closed session.

5 (Whereupon, at this point Pages  
6 55-64 of the proceeding are  
7 contained in a separate closed  
8 transcript.)

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CONTINUATION OF PROCEEDINGS

CHAIRMAN SCOTT: In closed session the Commission discussed making a file in FERC Docket No. ER12-0285.

Is there a motion to file the Comments with FERC with the proviso that Legal Staff be allowed to add the appropriate number of projects given that a new project just came in and adjust the dollar amounts commensurate?

COMMISSIONER MCCABE: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER COLGAN: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

All in favor say, Aye.

(Chorus of ayes.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is 4 to nothing and the Comments will be filed with FERC.

Judge Wallace, are there any other matters to come before the Commission today?

JUDGE WALLACE: No, that's all, Mr. Chairman.

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CHAIRMAN SCOTT: Thank you, sir.

Hearing none, this meeting stands  
adjourned.

MEETING ADJOURNED