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BEFORE THE  
ILLINOIS COMMERCE COMMISSION  
PUBLIC UTILITIES REGULAR OPEN MEETING  
Wednesday, July 15, 2020  
Chicago, Illinois

Met pursuant to notice via videoconference  
at 1:00 p.m. at 160 North LaSalle Street, Chicago,  
Illinois.

PRESENT:

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

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

1                   CHAIRMAN ZALEWSKI:   Okay.   I have  
2   1:00 o'clock.

3                   Judge Teague Kingsley, are you on as  
4   well?

5                   JUDGE TEAGUE KINGSLEY:   I'm on the line.

6                   CHAIRMAN ZALEWSKI:   Great.   Thank you.

7                   Under the Open Meetings Act and in  
8   accordance with the Governor's Executive Orders, I  
9   call the July 15, 2020, Regular Open Meeting to  
10   Order.

11                   Before we proceed, I just want to  
12   remind everyone to state their name before speaking  
13   and to speak slowly and clearly so that the  
14   court reporter can capture everything that is said.

15                   I already checked that all  
16   Commissioners are with us either remotely or in the  
17   room.   So we have a quorum.

18                   We have one request to speak from  
19   Mr. Daniel Foley.

20                   Mr. Foley, are you on?

21                   MR. FOLEY:   I am.

22                   CHAIRMAN ZALEWSKI:   Great.   Under

1 2 Illinois Administrative Code Section 1700.10, any  
2 person desiring to address the Commission shall be  
3 allowed up to three minutes. Only one person may  
4 speak on behalf of any organization.

5 Please note that the Commission will  
6 not respond directly to any comments.

7 Mr. Foley, you'll have three minutes.  
8 I am going to set my timer. But before you begin,  
9 can you please state and spell your name for the  
10 court reporter?

11 MR. FOLEY: Sure. It's Daniel Foley,  
12 D-a-n-i-e-l, F-o-l-e-y.

13 CHAIRMAN ZALEWSKI: Great. You may begin.

14 MR. FOLEY: Thank you for your time,  
15 Chairman.

16 I'd like to thank the Chairman and  
17 the three Commissioners that signed the letter dated  
18 June 26th regarding the Nextgrid Report. Former  
19 Chairman Sheahan not only admitted that the Open  
20 Meeting Act applies to Nextgrid, but that he violated  
21 the law.

22 During discovery, we found that

1 former Chairman Sheahan and the utilities excluded  
2 individuals and organizations with views that favored  
3 the consumer, including (indiscernible audio) and an  
4 attorney representing RETI customers. It's wrong  
5 that the ICC excludes individuals and organizations  
6 whose views differ from the utilities.

7 It's also wrong for Chairman Sheahan  
8 to have lobbied for a bill, and it is certainly wrong  
9 to punish an individual because they support an open  
10 and transparent process at the ICC.

11 Under the new ICC's leadership and  
12 with greater transparency, I look forward to working  
13 with the ICC to bring lower rates, greater certainty,  
14 and new jobs to Illinois in the energy sector.

15 Thank you very much for your time.

16 CHAIRMAN ZALEWSKI: Thank you, Mr. Foley.

17 That concludes our public comments.  
18 So we will go ahead and continue on with our agenda.

19 We're moving on to our Public Utility  
20 Agenda.

21 There are edits to the June 18, 2020,  
22 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   Under Electric Items.

7   Item E-1 concerns Docket 18-0843,  
8                   which is NextEra Energy's application to provide  
9                   transmission service as a public utility with assets  
10                  purchased from the City of Rochelle.  The application  
11                  also requests approval to enter into agreements with  
12                  affiliated interests and to issue debt and pledge  
13                  assets as collateral.

14    NextEra, Rochelle, and ComEd have  
15                  resolved this proceeding through a settlement and  
16                  have begun implementing steps contemplated by the  
17                  agreed resolution.  Accordingly, NextEra motioned to  
18                  withdraw its application with prejudice.

19    Are there any objections to granting  
20                  NextEra's motion to withdraw?

21    (No response.)

22                   CHAIRMAN ZALEWSKI:   Hearing none, the

1 motion is granted.

2 Item E-2 concerns Docket 18-1540,  
3 which is an investigation into LifeEnergy's  
4 compliance with Part 412 of the Commission's Rules.  
5 LifeEnergy motioned to stay the enforcement of the  
6 Final Order intending to appeal the Commission's  
7 Order in another venue.

8 The Administration Law Judge  
9 recommends the Commission grant the Motion to Stay.  
10 The ALJ notes that LifeEnergy is in the process of  
11 appealing the Commission's Final Order. The Judge  
12 believes that because LifeEnergy agreed to relinquish  
13 its Certificate of Service Authority and is no longer  
14 operating in Illinois, there is no risk of continued  
15 noncompliance with the Commission's Order.

16 Are there any objections to granting  
17 LifeEnergy's Motion to Stay?

18 (No response.)

19 CHAIRMAN ZALEWSKI: Hearing none, the  
20 Motion is granted.

21 Item E-3 concerns Docket 19-0166,  
22 which is a complaint against ComEd regarding

1 excessive billing for equipment and infrastructure  
2 repair. ComEd petitioned the Commission for  
3 Interlocutory Review, arguing the ALJ has erred in  
4 rejecting its Motion for Summary Judgment and in  
5 granting Vermilion's Motion to Compel the Depositions  
6 of ComEd's representatives.

7 The Commission finds that the ALJ was  
8 correct on both motions. Summary Judgment is not  
9 warranted because there are still disputes of  
10 material facts, and Vermilion's Motion to Compel was  
11 not too cumbersome on ComEd because they have already  
12 identified the witnesses to testify about the issues  
13 in this case. Therefore, the Commission denies the  
14 Petition For Interlocutory Review.

15 Are there any objections to denying  
16 the Petition?

17 (No response.)

18 CHAIRMAN ZALEWSKI: Hearing none, the  
19 Petition is denied.

20 Item E-4 concerns Docket 20-0060,  
21 which is a complaint against Spark Energy related to  
22 billing in Huntley, Illinois. The parties filed a

1 Stipulation and Joint Motion to Dismiss stipulating  
2 that all matters in dispute have been resolved and  
3 requesting that the Commission dismiss the Complaint  
4 with prejudice.

5 Are there any objections to granting  
6 the Joint Motion to Dismiss?

7 (No response.)

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

10 Items E-5 through E-9 concern  
11 applications for Certifications to install  
12 distributed generation facilities in Illinois. The  
13 Orders grant the Certificates, finding that the  
14 applicants meet the requirements.

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 Items E-10 through E-14 concern  
22 citation proceedings for failure to comply with Part



1 454 of the Commission Rules. The Respondents failed  
2 to appear for their hearings to show cause why the  
3 Commission should not revoke or suspend the  
4 Certificates or take any other actions against the  
5 Respondents. The Orders suspend the Certificates of  
6 Service Authority for a period of 90 days, 180 days,  
7 or two years depending on the severity of the  
8 violations.

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

12 (No response.)

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

15 Item E-15 concerns a citation  
16 proceeding against Current Choice, Inc., for failure  
17 to comply with Part 454 of the Commission's Rules.  
18 The Commission Staff recommends cancelling the  
19 Certificate. Current Choice failed to appear to show  
20 cause why the Commission should not revoke or suspend  
21 its Certificate and failed to show that its authority  
22 to transact business in Illinois is reinstated. The

1 Order cancels the Certificate.

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-16 concerns a citation  
8 proceeding against East Gate Energy for failure to  
9 comply with Part 454 of the Commission Rules. The  
10 Commission Staff filed a Motion to Dismiss the matter  
11 with prejudice noting that East Gate has demonstrated  
12 that it is now in compliance with the Commission's  
13 Rules.

14 Are there any objections to granting  
15 the Motion to Dismiss?

16 (No response.)

17 CHAIRMAN ZALEWSKI: Hearing none, the  
18 Motion is granted.

19 Item E-17 concerns a Joint Petition  
20 for approval to release a nonresidential customer  
21 from Ameren Service to the MJM Electric Cooperative.  
22 There is no dispute between the parties as to the

1 Commission approving the customer release. The Order  
2 grants the Petition.

3 Are there any objections to approving  
4 the Order?

5 (No response.)

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

8 Item E-8 concerns MidAmerican's  
9 request to reconcile revenues under its Power  
10 Procurement Riders for the 12-month period from June  
11 1, 2018, to May 31, 2019. The Order approves the  
12 reconciliation as set in the Appendix to the Order,  
13 finding that the costs during the reconciliation  
14 period were prudently incurred.

15 Are there any objections to approving  
16 the Order?

17 (No response.)

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

20 Items E-19 through E-21 concern  
21 requests for proprietary treatment of information in  
22 the petitioners' reports.

1                   These items will be held for later  
2 disposition.

3                   Item E-22 concerns requests for  
4 proprietary treatment of information in the  
5 petitioner's report. The Order grants the  
6 protection, finding that the information is highly  
7 proprietary and confidential.

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-23 concerns a Petition for  
14 confidential treatment of the Petitioner's report.  
15 The petitioner motioned to withdraw its application  
16 because it already filed an unredacted version of the  
17 report.

18                   Are there any objections to granting  
19 the Motion to Withdraw?

20   (No response.)

21                   CHAIRMAN ZALEWSKI: Hearing none, the  
22 Motion to Withdraw is granted.

1                   Item E-24 concerns a Petition to  
2                   cancel a license to operate as an Alternative Retail  
3                   Electric Supplier. The Petitioner notes that it sold  
4                   its book of business to Exelon Generation Company,  
5                   LLC, and the remaining customers were returned to  
6                   default service. The Order cancels the Certificate  
7                   of Service Authority, finding that the cancellation  
8                   of the license will not deprive Illinois residents of  
9                   any necessary electric service and is not otherwise  
10                  contrary to public interest.

11                   Are there any objections to approving  
12                  the Order?

13   (No response.)

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

16                   Items E-25 through E-30 concern  
17                  Petitions to Cancel Certificates of Authority to  
18                  Install Energy Efficiency Measures in Illinois. The  
19                  Orders cancel the certificates, finding that the  
20                  cancellation will not deprive any Illinois customers  
21                  of service.

22                   Are there any objections to

1 considering these items together and approving the  
2 Orders?

3 (No response.)

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

6 Items E-31 through E-44 concern  
7 applications for authority to install Energy  
8 Efficiency Measures in Illinois. The Orders grant  
9 the certificates, finding that the applicants meet  
10 the requirements.

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

14 (No response.)

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

17 Under our Gas Items.

18 Item G-1 concerns Nicor's petition  
19 for an exemption from the Commission's Rules Part  
20 280.50(d)(3) to permit Nicor Gas to conduct a pilot  
21 program in which it would be allowed to automatically  
22 enroll certain customers in paperless billing.

1                   The Commission Staff does not object  
2                   to granting the temporary exemption because the pilot  
3                   program is limited in size and duration. The Order  
4                   grants the petition.

5                   Are there any objections to approving  
6                   the Order?

7                   (No response.)

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

10                  Item G-2 concerns a petition for  
11                  confidential treatment of the petitioner's report.  
12                  The Order grants the protection, finding that the  
13                  information is proprietary and confidential.

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 our Telecommunications Items.

20                  Items T-1 and T-2 concern requests  
21                  for proprietary treatment of information in the  
22                  petitioners' reports. The Orders grant the

1 protection, finding that the information is highly  
2 proprietary and confidential.

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

6 (No response.)

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

9 Item T-3 concerns a petition to  
10 cancel Certificates of Service Authority to provide  
11 resold prepaid and non-prepaid interexchange  
12 telecommunications service and the pay public  
13 telephone services. The petitioner will no longer  
14 transact business in Illinois, and there are no  
15 customers impacted. The Order cancels the  
16 certificates.

17 Are there any objections to approving  
18 the Order?

19 (No response.)

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

22 There are no Water and Sewer Items.



1 Under our Miscellaneous Items.

2 Item M-1 concerns the Commission  
3 Notice of Inquiry or NOI Regarding Energy  
4 Affordability. The original schedule of comments  
5 adopted by the Commission was benchmarked to the date  
6 the Governor announced the end of the COVID-19 state  
7 of public health emergency.

8 The Commission Staff recommends that  
9 the schedule be revised to align more closely with  
10 the Governor's Restore Illinois Plan adopted after  
11 the NOI was approved. The new recommended schedule  
12 will have the submission of initial comments due  
13 September 30, 2020, and the submission of the reply  
14 comments due October 30, 2020.

15 Are there any objections to adopting  
16 the revised schedule for the submission of Initial  
17 and Reply Comments?

18 (No response.)

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

21 Item M-2 concerns Docket 17-0855,  
22 which is a rulemaking proceeding initiated by the

1 Commission to consider amendments to the Commission's  
2 Rules relating to the regulatory accounting treatment  
3 of cloud-based solutions.

4 There are substantive edits to the  
5 Order that decline to adopt the proposed second  
6 notice rule and close the docket.

7 The Order notes that cloud-computing  
8 solutions are undeniably an important tool to propel  
9 the Illinois utilities forward that can provide many  
10 efficiencies, improve reliability and significantly  
11 cut costs. However, the proposed rule as written  
12 fails to achieve the proposed task of, quote-unquote,  
13 leveling the playing field for cloud-based services.

14 The Commission finds that the  
15 proposed new rule lacks necessary consumer protection  
16 mechanism and is not timely in light of the global  
17 COVID-19 pandemic. The Order further finds that the  
18 80/20 percent split of the costs of cloud computing  
19 proposed by the parties to be arbitrary and not  
20 supported by the record.

21 The Order notes that FASB's or  
22 Financial Accounting Standards Board's existing

1 accounting standards remain available to the  
2 utilities to recover their cloud-based solutions'  
3 costs. The proposed rule also fails to adequately  
4 contemplate and quantify the impacts on consumers  
5 charged by the Joint Committee on Administrative  
6 Rules. Therefore, the Order closes the docket.

7 I move the edits. Is there a second?

8 COMMISSIONER KIMBREL: Second.

9 CHAIRMAN ZALEWSKI: Are there any comments  
10 from Commissioners?

11 COMMISSIONER BOCANEGRA: Chairman Zalewski,  
12 this is Commissioner Bocanegra. I have a few remarks  
13 I would like to say.

14 Before I begin, Miss Court Reporter,  
15 if you have trouble hearing me, please don't hesitate  
16 to interrupt me.

17 So what began almost three years ago  
18 and then began again as an effort to explore  
19 innovative ways to encourage responsible and prudent  
20 investments into cloud-based computing solutions has  
21 dwindled down to nothing more than a circular and  
22 futile exercise in failed logic.

1 I am disappointed in today's decision  
2 because it sets us back as a state because we have a  
3 unique opportunity to ensure to supply more  
4 effective, beneficial utility services to our  
5 citizens. Especially in a time when person-to-person  
6 interactions are challenging, this is the exact sort  
7 of technology that will bring both benefits and  
8 safety to our workers and to our consumers.

9 The closure of the NOI signals that  
10 we are essentially denying the technological process  
11 that our system and our society will depend on more  
12 and more heavily from 2020 and onward.

13 On behalf of my office, I would like  
14 to thank our staff, our utilities, our consumer  
15 advocates, and every other participant in this docket  
16 that took the time and resources and effort to  
17 attempt to better align utility regulation with our  
18 future grid.

19 Thank you.

20 CHAIRMAN ZALEWSKI: Thank you.

21 Are there any other comments?

22 COMMISSIONER CARRIGAN: Yes. Chairman,

1 Michael Carrigan. If I could, please?

2 CHAIRMAN ZALEWSKI: Go ahead.

3 COMMISSIONER CARRIGAN: Did Commissioner  
4 Oliva want to make some comments?

5 COMMISSIONER OLIVA: Yes, I'll be making  
6 comments, also, but go ahead.

7 COMMISSIONER CARRIGAN: Thank you,  
8 Chairman, for recognizing me.

9 Thank you to our extremely  
10 knowledgeable staff members for their dedication and  
11 expertise in assisting the Commission with its  
12 rulemaking. This is a very complex issue, and,  
13 unfortunately, I'm unpersuaded that the proposed rule  
14 does an appropriate job balancing the interests of  
15 all parties.

16 However, while I will be joining in  
17 the vote to close the docket for reasons already  
18 stated by the Chairman and enumerated in this Order,  
19 I would like to reiterate, consistent with the edits  
20 to this Order, that utilities are able to seek  
21 recovery for cloud-based computing costs and services  
22 in their respective rate cases, of course, subject to

1 the regulatory standards and review applicable to all  
2 investments and expenses.

3 Thank you.

4 CHAIRMAN ZALEWSKI: Thank you, Commissioner  
5 Carrigan.

6 Commissioner Oliva?

7 COMMISSIONER OLIVA: Yes, thank you.

8 For the record, this is Commissioner  
9 Sadzi Oliva.

10 I disagree with the majority.  
11 Amazingly, it has only taken 20 days for the majority  
12 to contradict themselves. Earlier today, you heard  
13 public comments praising and giving thanks to a  
14 message from my colleague. In that message to the  
15 public issued on June 26th, less than three weeks  
16 ago, my work colleagues wrote, "Rest assured, grid  
17 modernization and innovation, among others, remain of  
18 tremendous importance to the Commission." That  
19 message is in direction contradiction to the majority  
20 decision today.

21 The Illinois Commerce Commission has  
22 a long history and global reputation for fostering

1 innovation. This includes being one of the first  
2 states to deploy smart meters resulting in countless  
3 consumer benefits. Forward thinking rate-based  
4 structure such as performance-based ratemaking,  
5 deregulated energy markets, and water system  
6 privatization laws have all resulted in lowered  
7 utility rates for Illinois consumers.

8 Smart thermostats and energy  
9 efficiency incentives are more examples of what  
10 utilities in Illinois through regulation have  
11 committed to helping consumers better manage their  
12 energy seeing greater control over their monthly  
13 bills and help Illinois reach its energy -- clean  
14 energy and energy efficiency goals. Illinois has  
15 consistently worked to develop processes that  
16 allow utilities to experiment with new technology to  
17 not delay innovation necessary for grid  
18 modernization. That is, until now.

19 The majority's decision today sets  
20 Illinois back as a state progressive in its approach  
21 to innovation. The utilities provide a critical  
22 service, and it's important that they be able to make

1 sound investments in modernizing their  
2 infrastructure.

3 The proposed rulemaking would have  
4 created the regulatory certainty needed for capital  
5 investments. Without the regulatory certainty of the  
6 proposed rule, there is less incentive for utilities  
7 to invest in cloud-based software.

8 The history of this rulemaking,  
9 beginning with a Notice of Inquiry in 2016, reflects  
10 the countless hours of Staff and stakeholders' time  
11 and efforts.

12 The ALJ correctly found that Staff  
13 and stakeholders have come to a consensus on the  
14 language for Part 289 and that the Commission should  
15 approve the Second Notice Order and Appendix for  
16 Part 289 comporting with the consensus reached in  
17 this proceeding. That consensus and collaboration of  
18 stakeholders highlights the positive reception of  
19 this proposed rule and the thoughtfulness that went  
20 into redrafting in a manner consistent with the  
21 concerns raised by the Commission and JCAR  
22 previously, and for these reasons and those that are



1 in my written dissent with Commissioner Bocanegra, I  
2 respectfully dissent.

3 CHAIRMAN ZALEWSKI: Thank you.

4 Commissioner Kimbrel?

5 COMMISSIONER KIMBREL: Sure. This is  
6 Commissioner Kimbrel.

7 I think what seems to be lost here is  
8 that the -- which the Chair mentioned, that the  
9 proposed rule does not adequately contemplate and  
10 quantify the impact on the consumers charged by JCAR.  
11 That did not occur. No one seems to be mentioning  
12 it.

13 I know that this Commission through  
14 two administrations has grappled with this  
15 rulemaking, but I do not think that as the rule  
16 before us stands, that we're in any better position  
17 than we were before this docket initiating it --  
18 before this docket was initiated.

19 CHAIRMAN ZALEWSKI: Thank you.

20 I have a couple of comments. I see  
21 the issue very different than Commissioner Oliva. In  
22 fact, nothing in the record indicates that there are

1 any barriers for utilities to use cloud-based  
2 solutions. In fact, it's quite the opposite.  
3 Utilities indicated in the record that they are  
4 already using cloud-based solutions more and more  
5 because of the efficiencies and cost savings that  
6 they bring, and credit is due to the utilities for  
7 taking these steps.

8 In fact, I'm concerned that having  
9 government micromanaging the change would get in the  
10 way of market transformation. The world is very  
11 different from what it was in 2017 when the rule was  
12 initiated. The record includes outdated information,  
13 and basing a rule on old data regarding a  
14 rapidly-changing industry would be imprudent for this  
15 Commission to do.

16 I believe that cloud-based solutions,  
17 contrary to what Commissioner Oliva has stated, are  
18 the future for this industry and will transform the  
19 utilities' day-to-day operations and cost structure  
20 in a way that we cannot even predict today. We need  
21 to let technology and markets thrive by getting out  
22 of the way with an overly-prescriptive, unnecessary

1 regulation.

2 So now I'm going to do a roll call  
3 for approval of the edits. When I call your name, if  
4 you are in favor of approving the edits, please say  
5 aye, and if you are opposed, please say nay.

6 Commissioner Bocanegra?

7 COMMISSIONER BOCANEGRA: Nay.

8 CHAIRMAN ZALEWSKI: Commissioner Carrigan?

9 COMMISSIONER CARRIGAN: Aye.

10 CHAIRMAN ZALEWSKI: Commissioner Kimbrel?

11 COMMISSIONER KIMBREL: Aye.

12 CHAIRMAN ZALEWSKI: Commissioner Oliva?

13 COMMISSIONER OLIVA: Nay.

14 CHAIRMAN ZALEWSKI: I vote aye. The three  
15 ayes have it, and the edits to the Order are  
16 approved.

17 I will now call the roll on the  
18 approval of the Order as edited. If you're in favor  
19 of approving the Order as edited, please say aye, and  
20 if you are opposed, please say nay.

21 Commissioner Bocanegra?

22 COMMISSIONER BOCANEGRA: Nay.

1 CHAIRMAN ZALEWSKI: Commissioner Carrigan?

2 COMMISSIONER CARRIGAN: Aye.

3 CHAIRMAN ZALEWSKI: Commissioner Kimbrel?

4 COMMISSIONER KIMBREL: Aye.

5 CHAIRMAN ZALEWSKI: Commissioner Oliva?

6 COMMISSIONER OLIVA: Nay.

7 CHAIRMAN ZALEWSKI: I vote aye. The three  
8 ayes have it, and the Order as edited is approved.

9 Under our Petitions For Rehearing.

10 Item PR-1 concerns Docket 20-0264,  
11 which is the Gridliance Heartland's petition for  
12 declaratory ruling from the Commission finding that  
13 its ownership and operation of certain assets does  
14 not make it a public utility under Section 3-105 of  
15 the Public Utilities Act.

16 Gridliance has filed an application  
17 for rehearing arguing that the Commission is bound by  
18 precedent in a previous Declaratory Order proceeding,  
19 the facts in this proceeding have not changed, and  
20 that the declaratory ruling is the better avenue to  
21 provide relief for affected parties versus the Ameren  
22 Complaint in Docket 20-0263.

1                   Gridliance, however, fails to offer  
2 any new arguments or facts that merit a rehearing.

3                   Are there any objections to denying  
4 the Application for Rehearing?

5                   (No response.)

6                   CHAIRMAN ZALEWSKI: Hearing none, the  
7 Application for Rehearing is denied.

8                   We have no Other Business Items.

9                   This concludes our Public Utilities  
10 Agenda.

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

13                  JUDGE TEAGUE KINGSLEY: No, Madam Chairman.

14                  CHAIRMAN ZALEWSKI: Do any of the  
15 Commissioners have any other business to discuss?

16                  COMMISSIONER OLIVA: Yes. This is  
17 Commissioner Sadzi Oliva.

18                  CHAIRMAN ZALEWSKI: Go ahead.

19                  COMMISSIONER OLIVA: I just do have a quick  
20 comment to make. You know, whether to allow public  
21 comments is fully within the Chairman's discretion.  
22 This morning's request to speak was granted by the

1 Chairman, and that resulted in the Commission  
2 becoming a platform and stage for personal attacks  
3 and misrepresentation, and it only serves to diminish  
4 the Commission as small and petty.

5 This was presented to us in the  
6 summary of presentation as a thanking the Commission  
7 for its public messages on NextGrid, but it went  
8 beyond that. And the silver lining in all of this  
9 petty grandstanding is that the attention given to it  
10 has resulted in more people learning about the report  
11 that was prepared by the University of Illinois and  
12 that they have the right to publish.

13 So I just wanted to make that  
14 observation.

15 CHAIRMAN ZALEWSKI: Okay. Thank you.

16 COMMISSIONER BOCANEGRA: I have one remark  
17 to make. Thank you, Chair. This is Commissioner  
18 Maria Bocanegra.

19 I just wanted to take a moment to  
20 thank our legal and policy fellow.  
21 William Decurry (phonetic) joined my office back in  
22 January. Today is his last day. He's a recent

1 graduate from the University of Chicago's Harris  
2 School of Public Policy.

3 I have to say Will brought an  
4 enthusiastic balance and thorough approach to some of  
5 the issues, projects, and topics which my office is  
6 particularly interested in bringing awareness to. It  
7 was great to see Will work well both in a group  
8 setting, but also independently when working on  
9 research, policy, and stakeholder engagement.

10 I along with my advisors wish Will  
11 all the best in both his personal and professional  
12 endeavors. Thanks.

13 CHAIRMAN ZALEWSKI: Thank you. Best of  
14 luck to Will, and we did appreciate his service at  
15 the Commission.

16 COMMISSIONER KIMBREL: Madam Chair, I just  
17 would like to respond to Commissioner Oliva.

18 I think that it's important to note  
19 that these requests for public comments are liberally  
20 granted. We may not agree with the comments that are  
21 being made, but nevertheless, the public has the  
22 right to make these comments.

1 I know that the prior administration  
2 also liberally granted them. I have been here 13  
3 years tomorrow, and I don't recall public comments  
4 being denied -- the requests being denied unless you  
5 had a person from the same agency wishing to give  
6 comments.

7 But I just think that's important to  
8 note.

9 CHAIRMAN ZALEWSKI: Thank you.

10 Okay. Moving on, the ICC is fully  
11 transitioning back to the workplace, and with that,  
12 beginning today, we are reopening the Chief Clerk's  
13 Office and the Transportation Walk-in Center in our  
14 Springfield Office by appointment only. We have also  
15 reopened our DesPlaines office by appointment only as  
16 well. For more information on how to schedule an  
17 appointment and other updates about the Commission's  
18 response to COVID-19, please visit our COVID-19  
19 website at [www.icc.illinois.gov/home/covid-19](http://www.icc.illinois.gov/home/covid-19).

20 I'd also like to take a moment to  
21 thank the ICC staff members who have spent the last  
22 two months preparing for the return of visitors and



1 employees, participating in work groups, developing  
2 guidelines, ordering materials, and making changes to  
3 our physical workplace and creating communication  
4 materials.

5                   So specifically, I'd like to thank --  
6 I have a list, and I'm sorry if I miss anyone. But  
7 special thanks to Karen Weathers, Brad Smith,  
8 Kiersten Neswick, Joy Nicdao-Cuyugan, Liz Rolando,  
9 Georgette Varner-Haynes, Paul Razor, Bridget Sheehan,  
10 Phil Kosanovick, Jim Zolnierek, Sonya  
11 Teague-Kingsley, Latrice Kirkland-Montaque, Brian  
12 Vercruysse, Steve Weatherford, Eric Lounsberry,  
13 Denysha Crawford, Vicki Crawford, Vanessa Knapp, and  
14 Christy George.

15                   And then finally, it is with a heavy  
16 heart that I'd like to report that two former  
17 Commissioners have recently passed away, and I would  
18 like to honor them by saying a couple of words about  
19 both of them.

20                   First, we remember Commissioner  
21 Charles Gary Stalon, who was appointed to the ICC by  
22 Governor James Thompson in 1977. He served until

1 1984 when he went on to serve as a Commissioner with  
2 the Federal Energy Regulatory Commission or FERC.  
3 Commissioner Stalon was also a Navy veteran, an  
4 Associate Professor of Economics at Southern Illinois  
5 University and the Director of Michigan State  
6 University's Institute of Public Utilities. He  
7 passed away on June 28th in his hometown of Cape  
8 Girardeau, Missouri. Commissioner Stalon was known  
9 as an intellectual force behind deregulatory  
10 initiatives and a proponent of markets.

11                   Also, Former Chairman Edward C.  
12 Hurley passed away last Friday, July 10th. While  
13 Governor Blagojevich appointed him Chairman in 2003,  
14 Chairman Hurley was initially appointed to the  
15 Commission by Governor Ryan in 1999 and had  
16 previously served the Commission as an Administrative  
17 Law Judge in the 1980s.

18                   While at the Commission, Chairman  
19 Hurley dealt with complex issues including the  
20 deregulation of the electric energy market. In 2005,  
21 Chairman Hurley left the ICC to serve as Special  
22 Director of the Office of Emergency Energy Assistance

1 where he helped implement the Keep Warm Illinois and  
2 Keep Cool Illinois campaign.

3 Since leaving the State, Chairman  
4 Hurley has been a partner at various law firms in  
5 Chicago, most recently associated with the law firm  
6 of Quarles and Brady. Chairman Hurley was remembered  
7 for his love of the City of Chicago where he grew up  
8 and lived his whole life, quick wit, and for his love  
9 of his time working at the Commission.

10 We thank them for their service and  
11 send our thoughts to Charles and Ed's loved ones at  
12 this time.

13 Do any Commissioners have any other  
14 business to discuss?

15 COMMISSIONER KIMBREL: I would like to make  
16 a short comment. I'm struggling to get it out, but I  
17 just want to say, God rest your soul, Ed, and I look  
18 forward to the time when we're all able to raise a  
19 glass in your honor and laugh about some of the wild  
20 stuff you did. But we all miss you, and God bless  
21 you.

22 CHAIRMAN ZALEWSKI: Thank you.

1                   Hearing none and without any other  
2       objections, the meeting stands adjourned. Thank you.

3                               (WHEREUPON, the above-entitled  
4                               matter was adjourned.)

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