

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

BEFORE THE
ILLINOIS COMMERCE COMMISSION
PUBLIC UTILITIES REGULAR OPEN MEETING
Thursday, August 12, 2021
Chicago, Illinois

Met pursuant to notice at 11:30 a.m.
at 160 North LaSalle Street, Chicago, Illinois.

PRESENT:

- CARRIE ZALEWSKI, Chairwoman
- D. ETHAN KIMBREL, Commissioner
- MARIA S. BOCANEGRA, Commissioner
- MICHAEL T. CARRIGAN, Commissioner
(via Springfield office)

BRIDGES COURT REPORTING
BY: Stephen Mortensen,
Notary Public

1

2

3

4

CHAIRWOMAN ZALEWSKI: So under the Open Meetings Act, I'm going to call the August 12, 2021, Regular Open Meeting to order.

5

6

7

Commissioners Bocanegra and Kimbrel are with me in Chicago. Commissioner Carrigan is in our Springfield office today. We have a quorum.

8

We have no requests to speak.

9

10

So we are moving on to our Public Utilities Agenda.

11

12

13

14

15

There are edits to the July 8, 2021, Public Utilities Regular Open Meeting Minutes and Special Open Meeting Minutes. There are no edits to the July 22, 2021, Public Utilities Regular Open Meeting Minutes.

16

17

Are there objections to approving the minutes as edited?

18

(No verbal response.)

19

20

CHAIRWOMAN ZALEWSKI: Hearing none, the minutes are approved.

21

22

Under the Electric Items, Item M -- excuse me, E-1 concerns the investigation

1 concerning rate effects of ComEd's conduct admitted
2 in the Deferred Prosecution Agreement. Before
3 proceeding on the substance of this case. I'd like
4 to note the following for the record:

5 Following the hearing conducted
6 after the filing of the Deferred Prosecution
7 Agreement last July, Commission Staff issued data
8 requests to determine if the DPA disclosed
9 instances where ratepayer funds were used
10 inappropriately. (Cough.) Excuse me.

11 I have been advised that the
12 responses to the data requests include the name of
13 an individual within second degree of relationship
14 to me. So in consultation with the Commission's
15 General Counsel and Director of Ethics and
16 Accountability and based on applicable statutes,
17 regulations, and rules, I am recusing myself from
18 Item E-1 consistent with 22 ILCS 5/2-108(d). I
19 will be filing a notice of recusal in the docket
20 once opened. So I'm now going to turn the case
21 over to Commissioner Kimbrel, who will be
22 proceeding with the docket.

1 Commissioner Kimbrel?

2 COMMISSIONER KIMBREL: Thank you, Madam
3 Chair.

4 Dr. Zolnierek, are you there in
5 Springfield and available to give us an overview of
6 the Staff Report that Staff seeks in this
7 initiating order as well, as we spoke?

8 DR. ZOLNIEREK: Yes. I am.

9 COMMISSIONER KIMBREL: Thank you.

10 DR. ZOLNIEREK: Good morning, Chairman and
11 Commissioners.

12 COMMISSIONER KIMBREL: You can proceed. I'm
13 sorry.

14 DR. ZOLNIEREK: In mid-July of 2020,
15 Commonwealth Edison entered into a Deferred
16 Prosecution Agreement with the U.S. attorney for
17 the Northern District of Illinois. Attachment A,
18 statement of facts, attached to the Deferred
19 Prosecution Agreement, began statements to the fact
20 that ComEd has agreed to and stipulated are true
21 and accurate. The conduct identified in Attachment
22 A calls into question whether ComEd had improperly

1 recovered costs from its customers in violation of
2 Section 16-108.5 and other applicable provisions of
3 the Public Utilities Act, and the Commission's
4 rules and regulations.

5 Starting late July of 2020, Staff
6 began issuing data requests to the company seeking
7 details regarding, among other things, compensation
8 paid to individuals identified in Attachment A to
9 the Deferred Prosecution Agreement. Staff sent
10 several rounds of data requests to the company.

11 Additionally, a special
12 investigative committee of the Illinois House of
13 Representatives held hearings on September 10 and
14 September 29 of 2020. Related to the hearings, the
15 House of Representatives released numerous
16 documents concerning matters related to the facts
17 contained in the Deferred Prosecution Agreement,
18 which Staff has also reviewed.

19 The amount of information obtained
20 by Staff is voluminous, and Staff has spent
21 considerable time reviewing this and all other
22 available information related to these matters.

1 Based upon its review, Staff recommends the
2 Commission initiate a proceeding to investigate
3 whether the conduct detailed in the Deferred
4 Prosecution Agreement resulted in ComEd recovering
5 costs through rates that were not properly
6 recoverable under the Public Utilities Act and the
7 Commission's rules and regulations, and to
8 determine what, if any, appropriate remedial action
9 should be taken in response to the recovery of such
10 costs and the conduct which caused it. Thank you.

11 COMMISSIONER KIMBREL: Commissioners, do you
12 have any questions or comments for Dr. Zolnierek?

13 COMMISSIONER BOCANEGRA: I do not. Thank
14 you.

15 COMMISSIONER KIMBREL: Commissioner
16 Carrigan?

17 COMMISSIONER CARRIGAN: Thank you,
18 Commissioner.

19 All I wanted to say is, preparing
20 this -- again, an item for today, I just want to
21 thank you, Dr. Zolnierek; your office, your people,
22 have been available and have helped immensely to

1 understand what's going on here. So thank you very
2 much.

3 DR. ZOLNIEREK: Thank you.

4 COMMISSIONER KIMBREL: Okay. Thank you,
5 Commissioner Carrigan, and thank you as well,
6 Dr. Zolnierrek.

7 As the Chair stated, she will be
8 recusing herself from this matter. So the vote
9 here will only include myself and Commissioners
10 Bocanegra and Carrigan.

11 Are there any objections to
12 approving Staff's order initiating an
13 investigation?

14 (No verbal response.)

15 COMMISSIONER KIMBREL: Hearing none, the
16 order is approved, 3-0, with the Chair recusing
17 herself.

18 Madam Chair, I relinquish the floor
19 to you so that you may proceed with the remainder
20 of today's agenda items.

21 CHAIRWOMAN ZALEWSKI: Thank you,
22 Commissioner.

1 Item E-2 concerns MidAmerican's
2 filing to modify its Rate QF, which is the Rate
3 Qualifying Facility, Cogeneration & and Small Power
4 Production Facilities. This filing, which modifies
5 the per-Kilowatt-hour rate paid to cogeneration and
6 small power production facilities is an annual
7 adjustment made in accordance with the Commission's
8 rules. Commission Staff reviewed the filing and
9 recommends not suspending.

10 Are there any objections to not
11 suspending the filling?

12 (No verbal response.)

13 CHAIRWOMAN ZALEWSKI: Hearing none, the
14 filing is not suspended.

15 Item E-3 concerns a complaint
16 against ComEd by Vermilion Quarry, regarding the
17 respondent's failure to restore electrical service
18 for the complainant, excessive billing during the
19 loss of electrical service, and failure to comply
20 with record-keeping requirements. The parties
21 filed a Stipulation and Joint Motion to Dismiss,
22 stipulating that all matters in dispute have been

1 resolved and requesting that the Commission dismiss
2 the complaint with prejudice.

3 Are there any objections to
4 granting the Joint Motion to Dismiss?

5 (No verbal response.)

6 CHAIRWOMAN ZALEWSKI: Hearing none, the
7 motion is granted.

8 Item E-4 concerns a complaint
9 regarding improperly installed distributed
10 generation projects. The complainants filed a
11 motion to voluntarily dismiss the complaint without
12 prejudice.

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

15 (No verbal response.)

16 CHAIRWOMAN ZALEWSKI: Hearing none, the
17 motion is granted.

18 Item E-5 concerns a citation for
19 failure to file compliance re-certification reports
20 for 2017 and 2018, in violation of the Commission's
21 rules. Staff filed a Motion to Dismiss the
22 proceeding with prejudice because the respondent

1 has filed the missing reports.

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

4 (No verbal response.)

5 CHAIRWOMAN ZALEWSKI: Hearing none, the
6 motion is granted.

7 Item E-6 concerns Docket 20-0700,
8 which is a rulemaking proceeding to amend
9 Commission rules in Part 466, the electric
10 interconnection of distributed generation
11 facilities and Part 467, the electric
12 interconnection of large, distributed generation
13 facilities. Combined, these rules set standards
14 for the interconnection of eligible renewable
15 generating equipment into the utilities system.
16 The Commission entered a First Notice Order in this
17 proceeding on November 12 of 2020, and pursuant to
18 that order, the first notice was published in the
19 Illinois Register on January 4, and the ALJ issued
20 a proposed Second Notice Order on May 28.

21 There are substantive edits to the
22 order. The edits retain some of the language of

1 the First Notice proposed amendments to the rules
2 the ALJ suggested deleting in the Second Notice
3 Order. These edits concerned the following:

4 First: The determination of when
5 an interconnection application is deemed complete.

6 Second: Utilities obligation to
7 provide a breakdown of cost increases when the
8 final cost estimates exceed the initial estimate by
9 a certain percentage.

10 And third: Utilities obligation to
11 disclose in the pre-application reports whether
12 certain aggregate contingent upgrade costs of the
13 system earlier in the application queue exceed
14 certain dollar thresholds.

15 I move the edits. Is there a
16 second?

17 COMMISSIONER BOCANEGRA: I'll second, Chair.

18 CHAIRWOMAN ZALEWSKI: Thank you.

19 Are there any objections to
20 approving the edits to the order?

21 (No verbal response.)

22 CHAIRWOMAN ZALEWSKI: Hearing none, the

1 edits are approved.

2 Are there any objections to
3 approving the order as edited?

4 (No verbal response.)

5 CHAIRWOMAN ZALEWSKI: Hearing none, the
6 order is approved.

7 Item E-7 concerns ComEd's proposed
8 revisions to Rider NS, the Nonstandard Services and
9 Facilities, regarding the treatment of the
10 replacement costs of an automatic throw-over switch
11 at the end of its useful life. ComEd filed a
12 Motion to Withdraw its tariff filing, stating that
13 it had determined that proceeding with this docket
14 could be burdensome and unproductive. ComEd states
15 that the proposed tariff is for optimal services
16 not required by the Public Utility Act and that
17 were proposed voluntarily by ComEd. The ALJ
18 recommends the Commission grant the Motion to
19 Withdraw without prejudice.

20 Are there any objections to
21 granting the Motion to Withdraw?

22 (No verbal response.)

1 CHAIRWOMAN ZALEWSKI: Hearing none, the
2 motion is granted.

3 Item E-8 concerns MidAmerican's
4 Request to Reconcile Revenues under its Power
5 Procurement Riders for the 12-month period from
6 June 1 of 2019, to May 31 of 2020. The order
7 approves the reconciliation as set in the appendix
8 to the order, finding that the costs during the
9 reconciliation period were prudently incurred.

10 Are there any objections to
11 approving the order?

12 (No verbal response.)

13 CHAIRWOMAN ZALEWSKI: Hearing none, the
14 order is approved.

15 Item E-9 concerns Ameren's Request
16 to Reconcile Revenue under its Hazardous Materials
17 Adjustment Clause Rider for the 2020 calendar year.
18 The order approves the reconciliation as set in the
19 appendix to the order, finding that these costs
20 were prudently incurred.

21 Are there any objections to
22 approving the order?

1 (No verbal response.)

2 CHAIRWOMAN ZALEWSKI: Hearing none, the
3 order is approved.

4 Items E-10 and E-11 concern
5 Applications for Licenses to Operate as Retail
6 Electric Agents, Brokers, and Consultants in
7 Illinois. The orders grant the licenses, finding
8 that the applicants meet the requirements.

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

12 (No verbal response.)

13 CHAIRWOMAN ZALEWSKI: Hearing none, the
14 orders are approved.

15 Item E-12 concerns an application
16 for Certification to install distributed generation
17 facilities in Illinois. The order grants the
18 certificate, finding that the applicant meets the
19 requirements.

20 Are there any objections to
21 approving the order?

22 (No verbal response.)

1 CHAIRWOMAN ZALEWSKI: Hearing none, the
2 order is approved.

3 Items -- excuse me. Item E-13
4 concerns a request for confidential treatment of
5 the 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
9 approving the order?

10 (No verbal response.)

11 CHAIRWOMAN ZALEWSKI: Hearing none, the
12 order is approved.

13 Items E-14 through E-16 concern
14 Petitions to cancel certificates of authority to
15 install energy efficiency measures in Illinois.
16 The orders cancel the certificates, finding that
17 the cancellations will not deprive any Illinois
18 customers of service.

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

22 (No verbal response.)

1 CHAIRWOMAN ZALEWSKI: Hearing none, the
2 orders are approved.

3 Items E-17 through E-25 concern
4 applications for certification to install energy
5 efficiency measures in Illinois. The orders grant
6 the certificates, finding that the applicants meet
7 the requirements.

8 Are there any objections to
9 considering these items together and approving the
10 orders?

11 (No verbal response.)

12 CHAIRWOMAN ZALEWSKI: Hearing none, the
13 orders are approved.

14 Under Gas Items. Item G-1 concerns
15 the initiation of Ameren's reconciliation of
16 revenues collected under Rider Gas Efficiency Costs
17 Recovery for the 2020 calendar year. The order
18 commences the annual reconciliation proceeding
19 under the rider.

20 Are there any objections to
21 approving the order?

22 (No verbal response.)

1 CHAIRWOMAN ZALEWSKI: Hearing none, the
2 order is approved.

3 Item G-2 concerns the initiation
4 of North Shore's and Peoples Gas' reconciliation of
5 revenues collected under Rider EOA, Energy
6 Efficiency and On-Bill Financing Adjustment, for
7 the calendar year of 2020. The order commences the
8 annual reconciliation proceeding under the rider.

9 Are there any objections to
10 approving the order?

11 (No verbal response.)

12 CHAIRWOMAN ZALEWSKI: Hearing none, the
13 order is approved.

14 Item G-3 concerns the initiation
15 of Nicor's reconciliation of revenues collected
16 under Rider 30 -- Energy Efficiency Plan Cost
17 Recovery -- for the calendar year of 2020. The
18 order commences the annual reconciliation
19 proceeding under the rider.

20 Are there any objections to
21 approving the order?

22 (No verbal response.)

1 CHAIRWOMAN ZALEWSKI: Hearing none, the
2 order is approved.

3 Item G-4 concerns Docket 20-0810,
4 which is North Shore's approval to increase rates
5 for gas distribution services. In its Brief on
6 Exceptions, Nicor requests that the Commission
7 grant Oral Argument pursuant to Section 9-201(c) of
8 the Public Utilities Act regarding the topic of
9 return on equity.

10 Are there any objections to
11 granting the requests for oral argument?

12 (No verbal response.)

13 CHAIRWOMAN ZALEWSKI: Hearing none, the
14 request for Oral Argument is granted. A due notice
15 of the Oral Argument will be issued shortly.

16 Item G-5 concerns Illinois Gas
17 Company's request to reconcile revenues under their
18 Gas Adjustment Charges for the 2020 calendar year.
19 The order approves the reconciliation as set in the
20 appendix to the order, finding that the costs
21 during the reconciliation period were prudently
22 incurred.

1 Are there any objections to
2 approving the order?

3 (No verbal response.)

4 CHAIRWOMAN ZALEWSKI: Hearing none, the
5 order is approved.

6 Item G-6 and G-7 concern requests
7 for confidential treatment of the petitioner's
8 reports. The orders grant the protections, finding
9 that the information is highly proprietary and
10 confidential.

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

14 (No verbal response.)

15 CHAIRWOMAN ZALEWSKI: Hearing none, the
16 orders are approved.

17 Under Telecommunications Items.
18 Item T-1 concerns Consolidated Communications of
19 Illinois Company's Petition for approval of the
20 mortgaging and granting of security interests in
21 assets and the guaranteeing of certain loans and
22 obligations. Petitioner filed a Motion to Withdraw

1 their complaint, noting that there are no
2 intervenors and no prejudice will be caused as --
3 to any party as a result.

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

6 (No verbal response.)

7 CHAIRWOMAN ZALEWSKI: Hearing none, the
8 motion is granted.

9 Item T-2 concerns A-G NetworX's
10 petition for confidential treatment of its 2020
11 annual report. The order grants the protections,
12 finding that the information is highly proprietary
13 and confidential.

14 Are there any objections to
15 approving the order?

16 (No verbal response.)

17 CHAIRWOMAN ZALEWSKI: Hearing none, the
18 order is approved.

19 Item T-3 concerns Credo Long
20 Distance's application for a certificate of
21 wireless authority to operate as resellers of
22 telecommunications services throughout Illinois.

1 The order grants the certificate, finding that the
2 applicant meets the requirements.

3 Are there any objections to
4 approving the order?

5 (No verbal response.)

6 CHAIRWOMAN ZALEWSKI: Hearing none, the
7 order is approved.

8 Under the Water and Sewer Items,
9 Item W-1 concerns Illinois-American Water Company's
10 Petition requesting a variance from the meter
11 testing schedule and approval of a meter testing or
12 replacement program. The petitioner has filed a
13 Motion to Withdraw its petition and close the
14 docket. No other party has participated in the
15 proceeding.

16 Are there any objections to
17 granting the Motion to Withdraw?

18 (No verbal response.)

19 CHAIRWOMAN ZALEWSKI: Hearing none, the
20 motion is granted.

21 Under Petitions for Rehearing, Item
22 PR-1 concerns CUB's and NRDC's Joint Application

1 for Rehearing in Docket 20-0722, which is Nicor
2 Gas's Renewable Gas Interconnection Pilot Program.
3 The ALJ recommends that the Commission deny the
4 rehearing, noting that the issues identified by the
5 petitioners have been discussed at length during
6 the proceeding and have been considered and
7 explained in the order. The petitioners have not
8 offered any additional arguments, facts, testimony,
9 witnesses, or evidence to support their
10 application.

11 Are there any objections to denying
12 the Application for Rehearing?

13 (No verbal response.)

14 CHAIRWOMAN ZALEWSKI: Hearing on the
15 application is denied.

16 Under Other Business, Item O-1
17 concerns approval of batches, contracts, and
18 confirmations under the Illinois Adjustable Block
19 Program.

20 Are there any objections to
21 approving the program administrator's submissions?

22 (No verbal response.)

1 CHAIRWOMAN ZALEWSKI: Hearing none, the
2 submission is approved.

3 This concludes our Public Utilities
4 Agenda.

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

8 THE COURT: No, Madam Chairman.

9 CHAIRWOMAN ZALEWSKI: Do any other
10 Commissioners you have other business to discuss?

11 (No verbal response.)

12 CHAIRWOMAN ZALEWSKI: I have a couple of
13 comments. First, I want to remind customers that
14 if you do receive a disconnection notice that you
15 can avoid being shut off from your service if you
16 act quickly. Call your utility and work out a
17 deferred payment arrangement. The utility can also
18 tell you whether you qualify for bill payment
19 assistance to reduce what you owe in arrearages.

20 I would also like to remind
21 customers that the ICC stands ready to assist
22 customers navigate their options. The ICC has both

1 English- and Spanish-speaking consumer counselors
2 who can help you file a complaint Monday through
3 Friday, 8:30 to 5:00. The number to call is 1
4 (800) 524-0795. There's also additional
5 information on our website at icc.Illinois.gov
6 under the consumer's tab.

7 Third, I want to highlight that
8 last month, Governor J.B. Pritzker signed into law
9 Senate Bill 0265. This bill protects funding for
10 the state's low income heating and energy assistant
11 program or LIHEAP. The bill also prioritizes
12 access to LIHEAP for families with young children
13 and also expands access to LIHEAP to Illinois'
14 undocumented residents. If you believe you are
15 eligible for LIHEAP and are not currently signed up
16 for the program, please call your LIHEAP agency to
17 see if you qualify. To find your local LIHEAP
18 agency, you can call DCEO's dedicated Help Illinois
19 Families hotline at (833) 711-0374 or visit
20 www.helpillinoisfamilies.com.

21 Lastly, I'd like to thank my two
22 summer interns, Mehrdad Alvandi and Hannah Bucher

1 for their excellent work. This is their final week
2 in their internships. We've thrown a lot of really
3 hard work at them and they have done an incredible
4 job in helping us, and hopefully, they've learned a
5 lot along the way.

6 Hannah is a rising 3L at
7 Chicago-Kent College of Law and Mehrdad is a rising
8 2L at the Northwestern Pritzker School of Law, and
9 we hope and expect that they'll both do amazing
10 things and we hope that they stay in touch.

11 With no other comments or
12 objections, the meeting is now adjourned. Thank
13 you.

14 (Whereupon, the above-entitled
15 matter was adjourned.)
16
17
18
19
20
21
22