

1 CHAIRPERSON ZALEWSKI: Good morning. Thanks
2 for everyone's patience with us this morning.

3 I want to do one more sound check with Judge
4 Teague Kingsley to see if we can hear her.

5 JUDGE TEAGUE KINGSLEY: Good morning, Madam
6 Chairman.

7 CHAIRPERSON ZALEWSKI: Good morning.

8 Then with that, under the Open Meetings Act,
9 I call the August 17th, 2022, Regular Open Meeting to
10 order.

11 Commissioners Kimbrel, Carrigan, and McCabe
12 are with me in the Springfield office. We have a
13 quorum. We're going to move on to our Public Utilities
14 Agenda.

15 Under our Electric Utility Items, item E-1
16 concerns ERM #22-122, which is ComEd's filing to
17 revise its Rider Energy Transition Assistance Charge
18 or "Rider ETAC." With this filing, ComEd now proposes
19 to update the cents per kilowatt-hour rate cap in
20 compliance with the Public Utilities Act. The
21 Commission Staff has reviewed the filing and
22 recommends not suspending it.

1 funds provided by Exelon to pay the US Treasury in
2 November of 2020.

3 The parties also agreed that, and the Order
4 directs, that ComEd shall refund \$31,296,338,
5 \$8,701,009 of which is interest recovered from
6 customers through ICC jurisdictional rates and
7 \$5,019,312, plus the appropriate interest, through
8 FERC jurisdictional rates.

9 The sole disputed issue in the docket is
10 ComEd's capital structure treatment of the \$200
11 million penalty ordered in the DPA. The Order rejects
12 AG/City/CUB's proposal to reduce ComEd's common equity
13 balance, both retroactively and all future rate cases,
14 because, they argue, ComEd's capital structure was
15 permanently affected by the use of Exelon funds to pay
16 the fine associated with the DPA.

17 The Order finds that the argument that
18 ComEd's receipt of the Exelon equity infusion violates
19 the spirit of the DPA is not accurate as the DPA
20 expressly authorizes the equity infusion of funds from
21 ComEd's parent.

22 Because the equity infusions had been fully

1 offset by the payment of the fine by December 31,
2 2020, the equity infusions had no impact on ComEd's
3 year-end 2020 capital structure used to set 2022
4 rates.

5 Before I call this Order to vote, I believe
6 that Commissioner McCabe would like to make a comment.

7 COMMISSIONER McCABE: Thank you,
8 Commissioner Kimbrel.

9 Section 4-605.5(a) of the Public Utility Act
10 states, "It is the policy of this State that public
11 utility ethical and criminal misconduct shall not be
12 tolerated." The item before us is the result of
13 ComEd's unacceptable actions to influence legislators
14 and legislation from 2011 to 2019.

15 Under CEJA and this docket, the Commission
16 has narrow authority to review ComEd's actions
17 detailed in the Deferred Prosecution Agreement.

18 The scope includes whether ratepayer funds
19 were used to pay the \$200 million criminal penalty
20 (no), and whether ratepayer funds were expended in
21 connection with the conduct detailed in the DPA.

22 All parties ultimately agreed that ComEd

1 should refund over \$31 million through ICC-
2 jurisdictional rates.

3 Per the Order, ComEd ratepayers will receive
4 a refund in April of 2023 with a separate line item on
5 their bill. Thank you.

6 COMMISSIONER KIMBREL: Thank you,
7 Commissioner McCabe.

8 Commissioner Carrigan, do you have a
9 comment?

10 COMMISSIONER CARRIGAN: No.

11 COMMISSIONER KIMBREL: I will now call this
12 order to vote. Are there any objections to approving
13 the Order?

14 (No response.)

15 COMMISSIONER KIMBREL: Hearing none, the
16 Order is approved with a 3-0 vote with the Chair
17 abstaining.

18 Madam Chair, I yield the floor.

19 CHAIRPERSON ZALEWSKI: Thank you,
20 Commissioner Kimbrel.

21 Okay. We're going to move on to E-3, which
22 concerns Docket 21-0619, which is a complaint against

1 Ameren Illinois Company alleging that Ameren failed to
2 change Complainant's delivery service rate from a
3 non-residential rate to a residential rate.

4 The Order dismisses the complaint for
5 failure to state a cause of action upon which relief
6 can be granted.

7 Are there any objections to approving the
8 Order?

9 (No response.)

10 CHAIRPERSON ZALEWSKI: Hearing none, the
11 Order is approved.

12 Item E-4 concerns Docket 22-0137, which is a
13 complaint against Ameren Illinois Company regarding
14 overbilling for work to be completed in Murphysboro.
15 The parties have filed a joint motion to dismiss the
16 matter with prejudice, stipulating that all matters in
17 dispute have been resolved.

18 Are there any objections to granting the
19 Joint Motion to Dismiss?

20 (No response.)

21 CHAIRPERSON ZALEWSKI: Hearing none, the
22 Joint Motion to Dismiss is granted.

1 cancel Certificates of Service Authority to install
2 energy efficiency measures. The Orders cancel the
3 Certificates.

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

6 (No response.)

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

9 Items E-9 through E-13 concern applications
10 for authority to install Energy Efficiency Measures.
11 The Orders grant the certificates, finding that the
12 Applicants meet the requirements.

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

15 (No response.)

16 CHAIRPERSON ZALEWSKI: Hearing none, the
17 Orders are approved.

18 Moving on to our Gas Utility items, item G-1
19 concerns a complaint against People's Gas regarding
20 threats to disconnect service in Chicago. The Order
21 finds that the Complainant is no longer at risk of
22 disconnection and that the rest of its issues have

1 been resolved. Therefore, the Order grants the Motion
2 to Dismiss the Complaint.

3 Are there any objections to approving the
4 Order?

5 (No response.)

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

8 Item G-2 concerns a complaint against
9 People's Gas as to overcharging for services in
10 Chicago. The Order denies the complaint, finding that
11 the alleged overcharging was the result of a
12 misclassification for which the customer was
13 responsible.

14 Are there any comments on this Docket?

15 COMMISSIONER McCABE: I commend People's for
16 providing two years of refund in this case but note
17 that the customer was put on an incorrect rate after
18 installing a dryer in 2004.

19 Customers are often at a disadvantage in not
20 knowing the PUA, rate structures, and complaint
21 procedures. They are frustrated when told that, under
22 PUA Section 9-252.1, "Any complaint relating to an

1 incorrect billing must be filed with the Commission no
2 more than two years after the date the customer first
3 had knowledge of the incorrect billing."

4 This complaint and others are a reminder of
5 how difficult it is for individuals to represent
6 themselves. Thank you.

7 CHAIRPERSON ZALEWSKI: Anybody else?

8 (No response.)

9 CHAIRPERSON ZALEWSKI: Are there any
10 objections to approving the Order?

11 (No response.)

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

14 Under Telecommunications Items, Item T-1
15 consent to request for a partial waiver by the three
16 Local Exchange Carriers, or LECs. The waiver they
17 seek would permit them to substitute the printed paper
18 directories that are statutorily required to be
19 delivered to customers with an online copy instead.

20 The Order grants the request, finding that
21 no harm to customers would result from the partial
22 waiver.

1 Are there any objections to approving the
2 Order?

3 (No response.)

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

6 Item T-2 concerns a petition by Alliant
7 Technologies to cancel its Certificate of Service
8 Authority to provide Commercial Mobile Radio Service.

9 The Order finds that there is no harm to
10 Illinois consumers from the requested relinquishment
11 as it will not result in any Illinois customers
12 experiencing a discontinuance of service. The Order
13 grants the petition and cancels the Certificate.

14 Are there any objections to approving the
15 Order?

16 (No response.)

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

19 Item W-1 concerns Aqua Illinois' Application
20 for a Certificate of Public Convenience and Necessity
21 to Provide Water and Waste Water Service in DuPage and
22 Cook Counties. In addition, Aqua seeks approval of

1 the purchase of certain assets between Aqua and the
2 Village of Oakbrook.

3 The Order grants the certificate, finding
4 that the Applicant meets the certification
5 requirements. The Order also approves the Asset
6 Purchase Agreement and the proposed rates and the
7 terms and conditions of service.

8 Are there any objections to approving the
9 Order?

10 (No response.)

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

13 This concludes our agenda. Judge Teague
14 Kingsley, do you have other matters to come before the
15 Commission today?

16 JUDGE TEAGUE KINGSLEY: No, Madam Chairman.

17 CHAIRPERSON ZALEWSKI: Do other
18 commissioners have business to discuss?

19 COMMISSIONER CARRIGAN: My office is
20 currently transitioning advisors, and I would like to
21 acknowledge that we have said farewell last month and
22 good luck to my first advisor, Sarah Cronin, as she

1 embarks on a new role as an attorney at Power and
2 Cronin Law Firm. Sarah was an invaluable, outstanding
3 advisor and team player.

4 Ashley and I -- Ashley, my other assistant,
5 and I appreciate her thoughtful advice, insight, and
6 utmost professionalism. Sarah left the ICC having
7 served as an advisor for over three years. We will
8 miss her, and we wish her the best personally and
9 professionally.

10 And then on a second item, I'd like to
11 announce that I, we welcome Noah Berman as my new
12 advisor. Noah started yesterday. Noah is very
13 familiar with the ICC, having interned with the
14 Chair's office last winter. Noah is a graduate of the
15 University of Chicago, having received a Master's of
16 Public Policy with honors and certificates in energy
17 policy and data analysis.

18 We are very excited and thankful to have
19 Noah on board, and we look forward to working with
20 him. Thank you.

21 CHAIRPERSON ZALEWSKI: Thank you. Anything
22 else?

1 (No response.)

2 CHAIRPERSON ZALEWSKI: I want to echo your
3 congratulations to both Sarah and Noah. We wish Sarah
4 the best, and we are glad to have Noah back.

5 I just want to note that, speaking of
6 interns, this is the last week that we have one of our
7 interns, Sydney Weiss, who did an incredible job
8 interning in my office over the summer. She is a 2L
9 night student at Kent Law and also a full-time water
10 expert at the US EPA Water Division.

11 I don't know when she sleeps, but I am
12 grateful for all of her help and the time she has
13 given us. She's done a great job and has exemplified
14 and demonstrated great aptitude for an obviously
15 complex subject matter in a short time.

16 So I think there are going to be big things
17 for her ahead in her future. We wish her luck and
18 thank her for her service.

19 If there are no other comments then and no
20 objections, the meeting will now be adjourned. Thank
21 you.

22 (Meeting adjourned at 11:56 a.m.)
