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PROCEEDINGS

CHAIRMAN SCOTT: Pursuant to the provisions of the Illinois Open Meetings Act, I now convene a Regular Open Meeting of the Illinois Commerce Commission. With me in Chicago are Commissioners Ford, O'Connell-Diaz, Elliott and Acting Commissioner Colgan. I'm Chairman Scott. We have a quorum.

Before moving into the agenda, according to Section 1700.10 of Title II of the Administrative Code, this is the time we allow members of the public to address the Commission. Members of the public wishing to address the Commission must notify the Chief Clerk's Office at least 24 hours prior to the Commission meeting. According to the Chief Clerk's Office, we have no requests to speak at today's Open Meeting.

Up first today are the minutes from prior Commission meetings and we begin with consideration of the minutes from our July 27th Bench Session. I understand amendments have been forwarded.

Is there a motion to amend the

1 minutes?

2 COMMISSIONER O'CONNELL-DIAZ: So moved.

3 CHAIRMAN SCOTT: Is there a second?

4 COMMISSIONER FORD: Second.

5 COMMISSIONER ELLIOTT: 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 amendments for the July 27th Bench Session are
13 adopted.

14 Is there a motion to approve the
15 July 27th minutes as amended?

16 COMMISSIONER ELLIOTT: So moved.

17 CHAIRMAN SCOTT: Is there a second?

18 COMMISSIONER O'CONNELL-DIAZ: Second.

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

20 All in favor say, Aye.

21 (Chorus of ayes.)

22 CHAIRMAN SCOTT: Any opposed?

1 (No response.)

2 CHAIRMAN SCOTT: The vote is 5 to nothing and
3 the minutes from our July 27th Bench Session as
4 amended are approved.

5 Next up are minutes from our
6 August 22nd -- excuse me -- August 2nd Regular Open
7 Meeting. I understand amendments have been
8 forwarded.

9 Is there a motion to amend the
10 minutes?

11 ACTING COMMISSIONER COLGAN: So moved.

12 CHAIRMAN SCOTT: Is there a second?

13 COMMISSIONER FORD: Second.

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

15 All in favor 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 amendments for the August 2nd meeting are adopted.

21 Is there a motion to approve the
22 minutes as amended?

1 ACTING COMMISSIONER COLGAN: So moved.

2 CHAIRMAN SCOTT: Is there a second?

3 COMMISSIONER ELLIOTT: Second.

4 COMMISSIONER O'CONNELL-DIAZ: Second.

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

6 All in favor say, Aye.

7 (Chorus of ayes.)

8 CHAIRMAN SCOTT: Any opposed?

9 (No response.)

10 CHAIRMAN SCOTT: The vote is 5 to nothing and
11 the minutes for the August 2nd Regular Open Meeting
12 as amended are approved.

13 Our third item today is Docket
14 No. 11-0425. This is Jacqueline Tetzlaff's customer
15 complaint against ComEd. The parties apparently
16 settled their differences and brought a Joint Motion
17 to Dismiss, which ALJ Hayes recommends we grant.

18 Is there any discussion?

19 (No response.)

20 CHAIRMAN SCOTT: Is there a motion to grant the
21 parties' Joint Motion to Dismiss?

22 COMMISSIONER O'CONNELL-DIAZ: So moved.

1 CHAIRMAN SCOTT: Is there a second?

2 COMMISSIONER FORD: Second.

3 ACTING COMMISSIONER COLGAN: Second.

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

5 All in favor say, Aye.

6 (Chorus of ayes.)

7 CHAIRMAN SCOTT: Any opposed?

8 (No response.)

9 CHAIRMAN SCOTT: The vote is 5 to nothing and
10 the Joint Motion to Dismiss is granted.

11 We will use this 5 to nothing vote for
12 the remainder of today's Regular Open Meeting unless
13 otherwise noted.

14 Items 4 and 5 can be taken together.
15 These are applications filed by Clearview Electric
16 and by Smart Energy for Certificates of Service
17 Authority to Operate as Alternative Retail Electric
18 Suppliers. In each case ALJ Albers recommends entry
19 of an Order granting the Certificates.

20 Is there any discussion?

21 ACTING COMMISSIONER COLGAN: Mr. Chairman, on
22 the Clearview, we had a pretty good discussion on

1 that a couple of weeks ago. And I asked for it to be
2 held, and the ALJ filed a request for more
3 information and it was promptly responded to. And I
4 think it was appropriately responded to. My concerns
5 are resolved on that case.

6 CHAIRMAN SCOTT: Very good.

7 Is there any further discussion?

8 (No response.)

9 CHAIRMAN SCOTT: Any objections?

10 (No response.)

11 CHAIRMAN SCOTT: Hearing none, the Orders are
12 entered and the Certificates are granted.

13 Item 6 through 10 can be taken
14 together. These items are Applications for Licensure
15 of Agents, Brokers and Consultants under
16 Section 16-115(c) of the Public Utilities Act. In
17 each case ALJ Albers recommends entry of an Order
18 granting the Certificates.

19 Is there any discussion?

20 (No response.)

21 CHAIRMAN SCOTT: Any objections?

22 (No response.)

1 CHAIRMAN SCOTT: Hearing none, the Orders are
2 entered and the Certificates are granted.

3 Items 11 and 12 will be held for
4 disposition at a future Commission meeting.

5 Item 13 is Docket No. 11-0524. This
6 is Nicor's Application seeking consent to and
7 approval of Rider 28 for Low-Income Payment
8 Assistance Program and for related tariff charges --
9 excuse me -- tariff changes. The Company has filed a
10 motion to withdraw its petition and ALJ Haynes
11 recommends granting the Company's motion.

12 Is there any discussion?

13 ACTING COMMISSIONER COLGAN: I'm going to
14 recuse myself on this vote. As I've said in the past
15 and to be consistent, I was an advocate for the
16 program. I'm just going to recuse myself on the
17 vote.

18 CHAIRMAN SCOTT: Very good.

19 Any further discussion?

20 (No response.)

21 CHAIRMAN SCOTT: Are there any objections to
22 granting the motion?

1 (No response.)

2 CHAIRMAN SCOTT: Hearing none, the Motion to
3 Withdraw is granted and let the record reflect that
4 it was by a 4 to 0 margin in this case.

5 Item 14 is Docket No. 11-0260. This
6 is Sheila McKinney's complaint as to billing and/or
7 charges against Illinois Bell. Parties have
8 apparently settled this matter and have brought a
9 Joint Motion to Dismiss, which ALJ Jones recommends
10 we grant.

11 Is there any discussion?

12 (No response.)

13 CHAIRMAN SCOTT: Any objections?

14 (No response.)

15 CHAIRMAN SCOTT: Hearing none, the Joint Motion
16 to Dismiss is granted.

17 Item 15 is Docket No. 11-0452. This
18 item is a Joint Petition for Approval of an
19 Interconnection Agreement dated May 18th, 2011,
20 brought by Illinois bill and WilMacTel. ALJ Baker
21 recommends entry of an Order approving the
22 Interconnection Agreement.

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 and the Interconnection Agreement is
7 approved.

8 Item 16 is Docket No. 11-0212. This
9 is Rockwell Utilities' Application under
10 Section 7-204 of the Public Utilities Act for
11 approval of the sale of 100 percent of Rockwell
12 Utilities' membership interest from Kirk Corporation
13 to Rockwell Investments. ALJ Haynes recommends entry
14 of an Order approving the Reorganization Application.

15 Is there any discussion?

16 (No response.)

17 CHAIRMAN SCOTT: Any objections?

18 (No response.)

19 CHAIRMAN SCOTT: Hearing none, the Order is
20 entered and the Application for Reorganization is
21 approved.

22 Item 17 is Docket No. 08-0264. This

1 item concerns a complaint of King's Walk Condominium
2 Association alleging overbilling against ComEd. The
3 Commission recently entered an Interim Order in this
4 matter dismissing a substantial portion of King's
5 Walk's claim and King's Walk has since filed an
6 Application for Rehearing. ALJ Sainsot recommends
7 denying the Application for Rehearing in its
8 entirety.

9 Is there any discussion?

10 (No response.)

11 CHAIRMAN SCOTT: Any objections?

12 (No response.)

13 CHAIRMAN SCOTT: Hearing none, the Application
14 for Rehearing is denied.

15 Items 18 and 19 can be taken together.
16 These items concern the initiation of proceedings to
17 investigate whether Ameren and ComEd have met their
18 Program Year 3 energy efficiency targets as required
19 by Section 8-103 of the Public Utilities Act. In
20 each case Staff recommends entry of an Order
21 initiating the proceedings.

22 Is there any discussion?

1 (No response.)

2 CHAIRMAN SCOTT: Any objections?

3 (No response.)

4 CHAIRMAN SCOTT: Hearing none, the Initiating
5 Orders are entered.

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

8 COMMISSIONER O'CONNELL-DIAZ: Mr. Chairman, I
9 think I was busy looking at something else, but
10 11-0575 and 11-0576 -- I didn't have a numbered
11 version -- are those 11 and 12?

12 ACTING COMMISSIONER COLGAN: Mm-hmm.

13 COMMISSIONER O'CONNELL-DIAZ: Those are being
14 held; is that correct?

15 CHAIRMAN SCOTT: Yes. Correct.

16 COMMISSIONER O'CONNELL-DIAZ: Would it be
17 possible to get a briefing from Staff on this today
18 or do we want to wait and...

19 CHAIRMAN SCOTT: We can. I mean that's --
20 that's fine. We've got -- we do have a memorandum
21 from Staff on this, but if -- I don't know if anyone
22 from Staff is prepared to give us a briefing on that

1 today.

2 JUDGE WALLACE: Yes, we have someone from
3 Staff --

4 COMMISSIONER ELLIOTT: Quick question, Mike.

5 JUDGE WALLACE: -- in the form of Tom Kennedy
6 and Mr. Brightwell.

7 COMMISSIONER ELLIOTT: Mike, I know these are
8 both classified as rate memos and also the docket
9 items, can you tell me which is which? Are these
10 tariff filings that we have the ability to talk to
11 Staff about or are they docketed matters and those ex
12 parte issues come in?

13 JUDGE WALLACE: Well, they are tariff matters.
14 We've been docketing all tariffs that come in for
15 e-Docket purposes -- well, with special
16 permissions -- I'm sorry. Yeah. They're special
17 permission, but we've been docketing these for
18 e-Docket purposes. So there is -- I'm not sure
19 there's any ex parte that would apply right now.

20 CHAIRMAN SCOTT: Would it make sense to try to
21 get that --

22 JUDGE WALLACE: Well, we're in Open Meeting

1 anyway, so...

2 CHAIRMAN SCOTT: Right.

3 COMMISSIONER ELLIOTT: That's true. I was just
4 trying to get a better understanding. I just noticed
5 the docket number and I'm not sure I noticed that
6 before. Just wondered if it made any difference.

7 JUDGE WALLACE: No.

8 COMMISSIONER ELLIOTT: Okay. Thanks.

9 CHAIRMAN SCOTT: Mr. Wallace, I believe you
10 said that Mr. Kennedy and Mr. Brightwell are
11 available?

12 JUDGE WALLACE: Yes.

13 CHAIRMAN SCOTT: Commissioner O'Connell, do you
14 have specific questions you want to ask or you just
15 want him to say -- give an overview?

16 COMMISSIONER O'CONNELL-DIAZ: Yeah, maybe they
17 can give us an overview. I understand we're not
18 acting on it today, we wanted to have a little more
19 time. But I thought it would be appropriate, at
20 least for my edification, what we have here. And I
21 actually do have a question. I might hold it till we
22 actually are voting on it, but I'd like to have that

1 in my brain as we move along.

2 CHAIRMAN SCOTT: Okay.

3 MR. BRIGHTWELL: Good morning, Commissioners.

4 CHAIRMAN SCOTT: Good morning.

5 MR. BRIGHTWELL: This is David Brightwell. To
6 provide a summary of what the Petitions are
7 requesting is there's two energy efficiency riders.
8 The first is Rider EEP, which was approved as part of
9 Peoples and North Shore's 2007 rate case. That has
10 about a \$6.4 million budget for Peoples Gas and \$1.1
11 million budget for North Shore Gas.

12 It was scheduled to end on June 30th
13 of this year when Rider EOA came into effect. Rider
14 EOA was approved as part of the energy efficiency
15 dockets as a means of collecting funds to --
16 collecting money to fund the programs for the energy
17 efficiency docket that was required under
18 Section 8-104 of the Public Utilities Act.

19 The Petitioners are requesting to
20 transfer some of the remaining funds that were still
21 available through Rider EEP into the programs that
22 are created for Rider -- under Rider EOA. I believe

1 it was about \$2.6 million. I don't know the exact
2 number offhand --

3 COMMISSIONER FORD: 2.2.

4 MR. BRIGHTWELL: -- \$2.2 million. And,
5 additionally, they were requesting to continue three
6 of the programs under Rider EOA -- under Rider EEP
7 through December 31st of this year.

8 The amendments to Rider EOA are
9 basically to allow the acceptance of the money
10 into -- into it from Rider EEP and to adjust the
11 reconciliations accordingly.

12 Staff recommends to reject -- to
13 reject the Petition. The primary basis for that is
14 that there's differences in the way that the money is
15 collected from customers between the two programs
16 that will make it more beneficial that if the
17 Companies wanted to continue these programs they can
18 do it and just collect the money through Rider EOA.
19 And the second is that the rate cap -- they're within
20 the rate cap to the point if they wish to continue
21 these programs that they can fund them through Rider
22 EOA without being in jeopardy of exceeding the cap.

1 COMMISSIONER O'CONNELL-DIAZ: And just so I
2 understand, that rate cap was pursuant to the
3 Commission's Order in this matter; correct?

4 MR. BRIGHTWELL: The rate cap was enacted as
5 part of 8-104.

6 COMMISSIONER O'CONNELL-DIAZ: Okay. So that's
7 statutory?

8 MR. BRIGHTWELL: Yes.

9 COMMISSIONER ELLIOTT: And to follow up, I
10 mean, you're saying the programs can continue just
11 under EOA instead of EEP?

12 MR. BRIGHTWELL: Yes.

13 COMMISSIONER ELLIOTT: The other question is
14 about the funding mechanism. I think the funding
15 mechanism was changing from per customer to per
16 therm; is that correct?

17 MR. BRIGHTWELL: That is correct.

18 COMMISSIONER ELLIOTT: So going from the EEP to
19 EOA will have a -- will be more efficient, in
20 essence, in Staff's view?

21 MR. BRIGHTWELL: I believe so.

22 COMMISSIONER ELLIOTT: Okay. Thanks.

1 COMMISSIONER FORD: I guess my only other
2 concern was the fact that we paid \$151,000 to a
3 project administrator and we couldn't get reports in
4 a timely fashion. So why would we continue to do
5 that?

6 MR. BRIGHTWELL: The actual budget to the
7 contract administrator, I'm not sure of the figure.
8 The 151,000 that's cited in the memo is to -- for the
9 contract administrator for the period of time going
10 forward. It's not what's been paid to date.

11 COMMISSIONER FORD: Okay.

12 COMMISSIONER O'CONNELL-DIAZ: Who is the
13 contract administrator, Mr. Brightwell?

14 MR. BRIGHTWELL: I'm sorry?

15 COMMISSIONER O'CONNELL-DIAZ: Who is the
16 contract administrator?

17 MR. BRIGHTWELL: Her name is Annette Beitel.
18 It may technically be Future Energy Enterprises. I'm
19 not sure how the contract is set up. It's either
20 Future Energy Enterprises or Annette Beitel, though.
21 She's the cofounder of Future Energy Enterprises.

22 COMMISSIONER FORD: Cofounder.

1 COMMISSIONER O'CONNELL-DIAZ: How was this
2 contract administrator picked? Is this a Council
3 vote or how does that work?

4 MR. BRIGHTWELL: I believe that the Council --
5 that the Board selected the contract administrator.

6 COMMISSIONER O'CONNELL-DIAZ: But these are
7 ratepayer moneys that are being used for this
8 project; correct?

9 MR. BRIGHTWELL: Yes.

10 CHAIRMAN SCOTT: Is the amount that's paid to
11 the administrator capped by dollar or by a percentage
12 of the program dollars that are expended?

13 MR. BRIGHTWELL: The order in the 2007 rate
14 case capped administrative expenses at 5 percent.
15 That was for all administrative expenses not just for
16 the contract administrator, is my understanding.

17 CHAIRMAN SCOTT: 5 percent of the total amount
18 of dollars in the program?

19 MR. BRIGHTWELL: Yes.

20 CHAIRMAN SCOTT: Okay.

21 MR. KENNEDY: But just going forward, since
22 there is this -- her salary going forward is a

1 portion of the -- the limited number of the projects
2 that are going forward would tend to exceed -- exceed
3 that cap.

4 COMMISSIONER FORD: This looks like
5 5.5 percent -- it's already been paid out.

6 MR. KENNEDY: No. No. No. This is all
7 prospective.

8 COMMISSIONER FORD: Okay.

9 MR. KENNEDY: If the Commission grants the
10 petition, then Miss Beitel would presumably earn that
11 salary for what she does between now and the -- or
12 whenever the Commission makes a determination to
13 grant the Petition and the end of the year. So that
14 money has not been spent as yet.

15 COMMISSIONER FORD: Good to know.

16 COMMISSIONER O'CONNELL-DIAZ: And do we have a
17 total amount of what this -- has been expended of
18 ratepayer funds for this administration by this
19 Company?

20 MR. BRIGHTWELL: I'm not sure I understood the
21 question.

22 COMMISSIONER O'CONNELL-DIAZ: How much money

1 for administrative costs to the Future Energy
2 Enterprises -- or whatever the name of it -- how much
3 has been expended so far?

4 MR. BRIGHTWELL: I don't know. I don't know
5 that, ma'am.

6 COMMISSIONER O'CONNELL-DIAZ: I guess I'd like
7 to know what that number is.

8 COMMISSIONER FORD: And I'd like to certainly
9 know if -- the track record of this company. Is this
10 a new company or do we have data of some previous
11 work that this company has done?

12 MR. BRIGHTWELL: This is not new to the
13 Chicagoland program. The Future Energy Enterprises
14 and Miss Beitel have been a contract administrator
15 since the program began. I don't know the background
16 prior to that.

17 ACTING COMMISSIONER COLGAN: I'm not clear on
18 how we would exceed the administrative costs if
19 they're legislatively capped. If we go forward,
20 wouldn't there be in there some "-- some demarkation
21 where you can't pay out more administrative costs
22 than would have to go to program and not to the

1 administration of the program?

2 MR. BRIGHTWELL: There's two different tariffs
3 here. There's Rider EEP at a 5 percent
4 administrative cap that was placed by the Commission
5 as part of the approval of Rider EEP, that Miss
6 Beitel is a contract administrator for the programs
7 that were funded under Rider EEP.

8 Rider EOA funds the legislatively
9 mandated programs. Under Rider EOA there is no
10 legislative cap on administrative expenses; that the
11 Company is allowed to collect all reasonably --
12 reasonable prudently incurred expenses associated
13 with energy efficiency up to a spending limit that
14 was prescribed within the statute.

15 COMMISSIONER ELLIOTT: Okay. If I recall in
16 the original EEP case the cap on the administrative
17 costs was a significant bone of contention -- if
18 my -- or what the cap was, if my memory serves.

19 COMMISSIONER O'CONNELL-DIAZ: And these
20 moneys -- because the program ended at the end of
21 June, any moneys -- those would be refunded to
22 ratepayers; correct?

1 MR. BRIGHTWELL: Yes.

2 CHAIRMAN SCOTT: And they'd be refunded under
3 which mechanism? We talked about it changing, but
4 how would they be refunded?

5 MR. BRIGHTWELL: If the Commission denies the
6 Petition, Rider EEP effectively ended and there'll be
7 a final reconciliation in which the remaining funds
8 will be refunded through Rider EEP.

9 MR. KENNEDY: And it would be refunded with --
10 on the same basis upon which the funds were
11 collected.

12 ACTING COMMISSIONER COLGAN: Which was a per
13 customer charge.

14 MR. KENNEDY: Per customer charge. So it would
15 be a per customer refund.

16 ACTING COMMISSIONER COLGAN: Okay.

17 COMMISSIONER ELLIOTT: But the programs
18 themselves can carry on under EOA?

19 COMMISSIONER FORD: Right. Because according
20 to this very little money would be requested to go --
21 to remain in the EEP Program. It seems this is just
22 an additional for a -- an administrator.

1 So -- since we're not voting on it,
2 I'm just voicing some opinions.

3 CHAIRMAN SCOTT: What are the programs that are
4 still remaining to be completed?

5 MR. BRIGHTWELL: There's three programs. One
6 is called an Energy Savers Program in which an
7 outside company does audits of low to moderate income
8 housing. Based on the audits they make
9 recommendations. And then from my understanding from
10 what the Company sent on this program, that all the
11 actual costs of the energy efficiency are paid for by
12 the owners of the properties. What the Energy Savers
13 does is it does the audit. It does some project
14 management. It verifies that things were installed
15 and then it does billing analysis to determine that
16 the savings were what they were projected.

17 COMMISSIONER ELLIOTT: And a quick question,
18 doesn't -- maybe someone else knows this. Isn't
19 DCEO -- aren't they in charge of home modification
20 for low income? Don't they have federal funding for
21 that? Are we duplicating services or is this a
22 different cohort that we're talking about that's...?

1 ACTING COMMISSIONER COLGAN: Well, it would be
2 for low income programs and he said low and moderate
3 income. And I think the weatherization program was
4 expanded -- eligibility was expanded for stimulus
5 funding to 200 percent of poverty. So, yeah -- and
6 do you know who the contractor is who's doing the
7 energy audits?

8 MR. BRIGHTWELL: I believe it's CNT Energy.

9 ACTING COMMISSIONER COLGAN: Okay.

10 COMMISSIONER ELLIOTT: I just wonder if
11 there's -- if we're coordinating these efforts here
12 and -- DCEO is involved in those energy efficiency to
13 the tune of 25 percent; correct?

14 MR. BRIGHTWELL: I don't know what DCEO's doing
15 in this area.

16 COMMISSIONER ELLIOTT: We should just
17 inquire --

18 COMMISSIONER FORD: I guess --

19 CHAIRMAN SCOTT: I think so.

20 CHAIRMAN COLGAN: Is it a 75/25 split on that?
21 Yeah.

22 COMMISSIONER ELLIOTT: Yeah, but I don't know

1 that -- the 25 percent I don't know -- I don't know
2 if this is going to fund DCEO's home weatherization
3 or if that's a completely separate program and
4 this -- the DCEO's adjacent to something else. I'm
5 just interested in seeing -- or learning more about
6 doing what with what money.

7 CHAIRMAN SCOTT: Right, me, too; and what the
8 programs are and if there is any overlap with other
9 programs that are being done through other state
10 agencies.

11 COMMISSIONER ELLIOTT: Right. Right. And I
12 think we can spend the money --

13 ACTING COMMISSIONER COLGAN: And my concern
14 would be about the program. And I hear the concerns
15 about the administrative cost. My concern would be
16 about are we going to hurt a program that's well
17 intended? And I'm still really concerned about why
18 the money hasn't been spent. I mean, what is -- the
19 hang up is with why you can't get the money out the
20 door to make the program?

21 CHAIRMAN SCOTT: And procedurally if I can ask
22 one more question of David or Tom.

1 The difference between EEP and EOA,
2 with EOA that's got to be initiated by the utility;
3 correct? So we're talking about a difference in
4 whether -- we say it's easy to shift the moneys and
5 those programs can go on under EOA, but that would
6 require an affirmative action on the part of the
7 utilities to make that happen, wouldn't it?

8 MR. KENNEDY: That's correct.

9 MR. BRIGHTWELL: That's correct.

10 CHAIRMAN SCOTT: Anybody else?

11 COMMISSIONER ELLIOTT: Have they indicated any
12 reluctance to that? Or is there any indication
13 whether or not --

14 CHAIRMAN SCOTT: Whether or not they would or
15 wouldn't --

16 COMMISSIONER ELLIOTT: -- yeah. Would or
17 wouldn't, or have you had those discussions?

18 MR. KENNEDY: I don't think -- if this is
19 passed I don't think -- I think they were planning to
20 just let these things expire. So I don't know --

21 CHAIRMAN SCOTT: Can you make those inquiries
22 in the interim, Tom, bring some clarity to that for

1 us?

2 MR. KENNEDY: We can find that out.

3 COMMISSIONER ELLIOTT: Thanks.

4 CHAIRMAN SCOTT: Thanks.

5 MR. KENNEDY: You asked about why these
6 programs weren't completed. We -- the Board met on
7 this shortly before the program was to expire and
8 were told that they weren't -- that the money -- that
9 they weren't as far along as they had -- were
10 supposed to be and the money wasn't going to be spent
11 and these things wouldn't necessarily -- and they
12 weren't going to continue. That was the first that
13 we had heard about this. And --

14 COMMISSIONER O'CONNELL-DIAZ: And was that the
15 June 20th meeting when this --

16 MR. KENNEDY: Yes.

17 COMMISSIONER O'CONNELL-DIAZ: -- was to expire
18 on June 30th?

19 MR. KENNEDY: Right. That was the first the
20 Board had heard about this.

21 COMMISSIONER O'CONNELL-DIAZ: And you were
22 assured that the completion of the projects would

1 occur in a timely manner at that time?

2 MR. KENNEDY: Yes.

3 COMMISSIONER O'CONNELL-DIAZ: That didn't
4 happen.

5 MR. KENNEDY: When they did that we had
6 expressed -- Staff is a nonvoting participant in
7 those Board meetings, and we'd expressed concerns
8 about some of these programs and whether they would
9 be able to be completed when they were added on.

10 But our position was this program's
11 winding down, that they shouldn't necessarily be
12 starting new programs. Not all these were new
13 programs, but this air ceiling was a program that was
14 put in rather late in the program. And we expressed
15 concerns about doing that and it turned out that they
16 weren't able to get it going in time.

17 CHAIRMAN SCOTT: Anything else?

18 Tom, David, thank you very much. We
19 appreciate it.

20 Judge Wallace, anything else? Any
21 other matters to come before the Commission?

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

