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BEFORE THE
ILLINOIS COMMERCE COMMISSION

PUBLIC UTILITY SPECIAL OPEN MEETING

Chicago, Illinois
August 30, 2010

Met, pursuant to notice, at 10:30 a.m.

BEFORE:

MR. MANUEL FLORES, Acting Chairman

MS. ERIN M. O'CONNELL-DIAZ, Commissioner

MS. LULA. M. FORD, Commissioner

MR. SHERMAN J. ELLIOTT, Commissioner
(via videoconference)

MR. JOHN T. COLGAN, Acting Commissioner
(via videoconference)

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1 ACTING CHAIRMAN FLORES: Is everyone ready in
2 Springfield?

3 COMMISSIONER ELLIOTT: We are.

4 ACTING CHAIRMAN FLORES: Pursuant to the
5 provisions of the Illinois Open Meetings Act, I now
6 convene this Special Open Meeting of the Illinois
7 Commerce Commission. With me in Chicago are
8 Commissioners Ford and O'Connell-Diaz, and with us in
9 Springfield are Commissioners Elliott and Colgan. I
10 am Acting Chairman Flores.

11 We have a quorum.

12 Before moving into the agenda,
13 according to Section 1700.10 of the Illinois
14 Administrative Code, this is the time we allow for
15 the members of the public to address the Commission.
16 Members of the public wishing to address the
17 Commission must notify the Chief Clerk's Office at
18 least 24 hours prior to the Commission's Open
19 Meeting. According to the Chief Clerk's Office, we
20 have no requests to speak at today's Special Open
21 Meeting.

22 We have five items on the agenda for

1 today's meeting. The first two items can be taken
2 together. These items concern investigations by the
3 Commission regarding compliance with the Energy
4 Efficiency Standard Requirement of Section 8-103 of
5 the Public Utilities Act for both ComEd and Ameren.

6 Pursuant to the Commission's Orders in
7 Docket Nos. 07-0539 and 07-0540, Staff is requesting
8 that the Commission enter and issue Orders so that
9 proceedings maybe initiated ensuring the utility's
10 compliance with their statutory energy efficiency
11 requirements for year two of the Energy Efficiency
12 Programs.

13 Is there any discussion?

14 (No response.)

15 Is there a motion to enter the
16 Initiating Orders?

17 COMMISSIONER O'CONNELL-DIAZ: So moved.

18 ACTING CHAIRMAN FLORES: I will second that.

19 Its been moved and seconded.

20 All in favor say "aye."

21 (Chorus of ayes.)

22 Any opposed?

1 (No response.)

2 The vote is 5-0 and the Initiating
3 Orders are entered.

4 Up next is the Commission's Report to
5 the General Assembly regarding the proposed Tenaska
6 Taylorville Energy Center. The Commission held a
7 Joint Policy Committee Meeting on this subject on
8 August 12th and must send its analysis of Tenaska's
9 Facility Cost Report to the General Assembly by this
10 Thursday September 2nd. We have developed a
11 comprehensive report through input from our Staff,
12 from our consultant, Boston Pacific, and its
13 subcontractor, MPR Associates and from individual
14 Commissioners and their offices.

15 While we are voting to send the report
16 to the General Assembly today, the actual Report will
17 not be provided to the General Assembly until
18 September 1st. So copies will not be made available
19 for the general public until at least at that time.

20 Is there any discussion on the Tenaska
21 Report?

22 COMMISSIONER O'CONNELL-DIAZ: Chairman, I just

1 have one question and I think it will go to Staff.

2 Is Mr. Feeley or --

3 MR. FEELEY: Yes.

4 COMMISSIONER O'CONNELL-DIAZ: You may be the
5 person that I need to grill. With regard to this
6 report, I noticed that there are confidential items
7 that have been looked at and could you describe for
8 me the process that that information was, in fact,
9 marked confidential or determined to be confidential.

10 MR. FEELEY: As part of BP and MPR's report,
11 the only thing confidential from them is these
12 workpapers that, I think, are tabbed 9. In the
13 report there were three footnotes that cited some
14 confidential workpapers of BP's and we have reworked
15 the wording on that so that we're not relying upon
16 anything that is not public. So there were some
17 final edits done over the weekend --

18 COMMISSIONER O'CONNELL-DIAZ: Are these
19 documents relying upon information that Tenaska has
20 marked confidential at any point in time?

21 MR. FEELEY: For the BP workpapers, that would
22 be my guess. And Tenaska and BP came to an agreement

1 on what would be confidential. There was certain
2 information that just had to be confidential and that
3 has been redacted out of BP's redacted report that
4 will be an attachment to the --

5 COMMISSIONER O'CONNELL-DIAZ: So the progeny of
6 the confidential information could, in some
7 instances, be information that Tenaska has marked and
8 they've come to some agreement with BP with regard to
9 keeping that confidential?

10 Would that be fair?

11 MR. FEELEY: Yeah, but the Report is written in
12 such a way that anything that's being relied upon is
13 public. There isn't a public and private
14 confidential version of the Commission Report, it's
15 all public. And they were able to narrow it down to
16 a small set of workpapers.

17 COMMISSIONER O'CONNELL-DIAZ: I just get
18 concerned when there's information that needs to be
19 relied upon and it's in a confidential situation. I
20 just needed to understand how that was derived.
21 Thank you.

22 MR. FEELEY: Sure.

1 ACTING CHAIRMAN FLORES: Very well.

2 Before I make a motion to proceed in
3 sending the Report to the General Assembly, are there
4 any other questions or comments?

5 (No response.)

6 Very well.

7 I wanted to thank everyone who has
8 participated in this effort and wanted to thank,
9 again, Commissioner Ford for moving forward in
10 convening the Policy Committee Meeting that we held
11 earlier this month in August.

12 I believe it is worth mentioning,
13 again, and underscoring that our Report is an
14 analysis focusing on a comparison of the costs
15 associated with the electricity generated by the
16 initial clean coal facility to the costs associated
17 with electricity generated by other types of
18 generation facilities; an analysis of rate impacts on
19 residential and small business customers over the
20 life of the sourcing agreement; and an analysis of
21 likelihood that the initial clean coal facility will
22 commence commercial operation by and be delivering

1 power to the facilities busbar by 2016. I was
2 quoting directly from the Section 1-75(d)4(i)(i) of
3 the IPA Act which has given us the direction and
4 instructions by which to develop this Report.

5 Now, it is also important to note that
6 we were not just limited to those factors, that we
7 also had the jurisdiction to consider other matters
8 and at that one of particular importance to this
9 Commission was, again, looking at the importance of
10 inclusion and making sure that we had a diverse
11 workforce as well as a diverse contractor force in
12 whatever project moves forward.

13 In addition to that, our Report
14 provides an analysis. It is not intended to be -- it
15 should not be considered as either an endorsement or
16 as a statement of nonsupport or an opposition. We
17 were tasked with providing an analysis on what
18 Tenaska presented to the ICC for review based on our
19 legislative mandate. So I want to make sure that
20 that is also clear. We are not here for providing a
21 thumbs up or thumbs down. We have undertaken a very
22 thorough analysis.

1 I also want to, at this time, thank
2 all of our staff for their hard work. I want to
3 thank Richard Zuraski, John Feeley, Gene Beyer, and
4 all of the many others who did a great job. And we
5 are very fortunate that the ICC has so many talented
6 people to be able to provide the level of expertise
7 that we all believe here was included in the Report.

8 So with that being said, I'm making a
9 motion to send the report to the General Assembly.

10 Is there a second?

11 COMMISSIONER FORD: Second.

12 ACTING CHAIRMAN FLORES: It's been moved and
13 seconded.

14 All in favor say "aye."

15 (Chorus of ayes.)

16 Any opposed?

17 (No response.)

18 The vote is 5-0 and the Report will be
19 sent to the General Assembly.

20 As I indicated earlier, this Report
21 is -- we are acting on this Report so that we make
22 our deadline as requested by the General Assembly.

1 This report is not going to be made available until
2 September 1st indifference to the General Assembly as
3 they have not received a copy of this report at this
4 point.

5 Moving on, our final two items for
6 today's Special Open Meeting are both FERC items and
7 the Commission may go into closed session to consider
8 these matters.

9 I will make a motion to go into closed
10 session.

11 Is there a second?

12 COMMISSIONER FORD: Second.

13 ACTING CHAIRMAN FLORES: It's been moved and
14 seconded.

15 All in favor say "aye."

16 (Chorus of ayes.)

17 Any opposed?

18 (No response.)

19 The vote is 5-0 and now we will go
20 into closed session.

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1 (Whereupon, the following
2 proceedings were had in a
3 closed session.)

4 (Whereupon, the following
5 proceedings were in an open
6 session.)

7 ACTING CHAIRMAN FLORES: Let me know when we're
8 ready to go in Springfield.

9 COMMISSIONER ELLIOTT: We are ready.

10 ACTING CHAIRMAN FLORES: In closed session the
11 Commission discussed a pair of FERC matters. The
12 first of these items concerns a Motion for
13 Clarification to be filed in Docket No. ER10-1361.

14 Is there a motion to file the Motion
15 for Clarification?

16 COMMISSIONER O'CONNELL-DIAZ: So moved.

17 COMMISSIONER ELLIOTT: Second.

18 ACTING CHAIRMAN FLORES: Its been moved and
19 seconded.

20 All in favor say "aye."

21 (Chorus of ayes.)

22 Any opposed?

1 (No response.)

2 The vote is 5-0 and the Motion for
3 Clarification will be filed with the FERC.

4 The second item concerns filing
5 comments in Docket No. EL10-80.

6 I will make a motion to file these
7 comments.

8 Is there a second?

9 COMMISSIONER O'CONNELL-DIAZ: Second.

10 ACTING CHAIRMAN FLORES: Its been moved and
11 seconded.

12 All in favor say "aye."

13 (Chorus of ayes.)

14 Any opposed?

15 (No response.)

16 The vote is 5-0 and the comments will
17 be filed with FERC.

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

20 JUDGE WALLACE: No, there are not.

21 ACTING CHAIRMAN FLORES: Hearing none, this
22 meeting stands adjourned.

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(And those were all the
proceedings had.)