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BEFORE THE  
ILLINOIS COMMERCE COMMISSION

BENCH SESSION  
(TRANSPORTATION)

Springfield, Illinois

Wednesday, August 14, 2013

Met, pursuant to notice, at 10:30 a.m., Illinois  
Commerce Commission, 527 East Capitol Avenue, First  
Floor, Springfield, Illinois.

PRESENT:

MR. DOUGLAS P. SCOTT, Chairman  
MS. ANN McCABE, Commissioner  
MS. SHERINA MAYE, Acting Commissioner  
(Via videoconference)  
MR. MIGUEL DEL VALLE, Acting Commissioner  
(Via videoconference)

MIDWEST LITIGATION SERVICES  
By: Rhonda Rhodes Bentley, Reporter  
License No. 084-002706

1                   CHAIRMAN SCOTT: Pursuant to the provisions  
2 of the Open Meetings Act, I now convene a regularly  
3 scheduled Bench session of the Illinois Commerce  
4 Commission. With me in Springfield is Commissioner  
5 McCabe. With us in Chicago are Acting Commissioner  
6 Del Valle and Acting Commissioner Maye. I am Chairman  
7 Scott. We have a quorum.

8                   Before moving into the agenda,  
9 according to Section 1700.10 of Title 2 of the  
10 Administrative Code, this is the time we allow members  
11 of the public to address the Commission. Members of  
12 the public wishing to address the Commission must  
13 notify the Chief Clerk's office at least 24 hours  
14 prior to Commission meetings. According to the Chief  
15 Clerk's office, we have no requests to speak at  
16 today's Bench session.

17                   Moving first to the Transportation  
18 agenda, Items RR-1 through RR-3 can be taken together.  
19 These items are stipulated agreements seeking  
20 authorization for safety improvement projects at  
21 highway-rail grade crossings in Illinois. In each  
22 case our transportation counsel recommends entry of a

1 Supplemental Order granting each parties' requested  
2 relief.

3 Is there any discussion?

4 (No response.)

5 Is there a motion to enter the  
6 Supplemental Order?

7 COMMISSIONER McCABE: So moved.

8 CHAIRMAN SCOTT: Is there a second?

9 ACTING COMMISSIONER DEL VALLE: Second.

10 CHAIRMAN SCOTT: It's been moved and  
11 seconded. All in favor say aye.

12 (A chorus of ayes.)

13 Any opposed?

14 (No response.)

15 The vote is four to nothing, and the  
16 Supplemental Orders are entered. We will use this  
17 four to nothing vote for the remainder of the  
18 Transportation agenda unless otherwise noted.

19 Items RR-4 and RR-5 can be taken  
20 together. These items are Petitions for authorization  
21 and funding to construct safety improvement projects  
22 at highway rail-grade crossings in Ford and Will

1 Counties. In both cases ALJ Kirkland-Montaque  
2 recommends entry of a Supplemental Order granting the  
3 requested relief.

4 Is there any discussion?

5 (No response.)

6 Any objections?

7 (No response.)

8 Hearing none, the Supplemental  
9 Orders are entered.

10 On to Motor Carriers, Item MC-1 is a  
11 stipulated settlement agreement concerning alleged  
12 violations of the Illinois Commercial Transportation  
13 Law by Town & Country Towing. Our transportation  
14 counsel recommends entry of an Order accepting the  
15 settlement agreement.

16 Is there any discussion?

17 (No response.)

18 Any objections?

19 (No response.)

20 Hearing none, the Order is entered.

21 Item MC-2 is Terrance Smith's  
22 application for an Operator's Employment Permit

1 pursuant to Section 5/18a-403 of the Illinois  
2 Commercial Relocation of Trespassing Vehicles Law.  
3 ALJ Kirkland-Montague recommends entry of an Order  
4 dismissing the proceeding without prejudice.

5 Is there any discussion?

6 (No response.)

7 Any objections?

8 (No response.)

9 Hearing none, the Order is entered,  
10 and the proceeding is dismissed.

11 On to Collateral Recovery, Item CR-1  
12 is Theodore DuFour's application for a Class "E"  
13 Recovery Permit pursuant to Section 45 of the  
14 Collateral Recovery Act. ALJ Kirkland-Montague  
15 recommends entry of an Order granting the permit.

16 My office with the assistance of the  
17 offices of Commissioner McCabe and Acting Commissioner  
18 Maye had proposed some edits to the Order.

19 As you may have seen in past weeks,  
20 we've been carefully examining each applicant's  
21 background to determine if they're fit to hold a  
22 repossession permit. The applicant in this case has

1 an extensive criminal history, which involves very  
2 serious offenses as well as offenses which relate  
3 directly to his work as a reposessor. The Commission  
4 understands that many of the offenses were committed a  
5 long time ago and appreciates that the applicant wants  
6 to work as a reposessor to support his family.  
7 However, when making a decision as to whether to grant  
8 a Recovery Permit, it's impossible for us to ignore a  
9 list of offenses that includes aggravated battery,  
10 illegal possession of a weapon, resisting a police  
11 officer, possession of a stolen vehicle, grand  
12 larceny, and insurance fraud, which involved the  
13 destroying of property in order to file a fraudulent  
14 insurance claim. In addition, the applicant was  
15 convicted of three additional offenses since his  
16 release from prison, all of which directly relate to  
17 the job of repossession. While the applicant provided  
18 explanations for each of these offenses, they did not  
19 provide sufficient assurance to the Commission that  
20 the applicant will not continue this behavior. As a  
21 result, these revisions would recommend changing the  
22 ultimate conclusion and recommending that the

1 application be denied.

2 With that, I would move for the  
3 adoption of these edits.

4 COMMISSIONER McCABE: Second.

5 CHAIRMAN SCOTT: It's been moved and  
6 seconded. Any discussion on the edits?

7 (No response.)

8 All in favor say aye.

9 (A chorus of ayes.)

10 Any opposed?

11 (No response.)

12 The vote is four to nothing, and the  
13 revisions are adopted.

14 Any other discussion on this matter?

15 (No response.)

16 Is there then a motion to enter the  
17 Order as amended?

18 ACTING COMMISSIONER MAYE: So moved.

19 CHAIRMAN SCOTT: Is there a second?

20 COMMISSIONER McCABE: Second.

21 CHAIRMAN SCOTT: It's been moved and  
22 seconded. All in favor say aye.

1 (A chorus of ayes.)

2 Any opposed?

3 (No response.)

4 The vote is four to nothing, and the  
5 Order as amended is entered.

6 Item CR-2 is Marcus D. Harris'  
7 application for a Class "EE" Recovery Permit pursuant  
8 to Section 45 of the Collateral Recovery Act. ALJ  
9 Kirkland-Montague recommends entry of an Order  
10 granting the permit.

11 Is there any discussion?

12 (No response.)

13 Any objections?

14 (No response.)

15 Hearing none, the Order is entered.

16 We have one administrative matter on  
17 the agenda today, Item AM-1 is a resolution  
18 designating a new member to the Merit Advisory Board  
19 for purposes of interviewing and recommending new  
20 Commerce Commission police officers.

21 Is there any discussion?

22 (No response.)



1                                   Is there any objection to adopting  
2 the resolution?

3                                   (No response.)

4                                   Hearing none, the resolution is  
5 adopted.

6                                   Mr. Matrisch, is there any further  
7 Transportation business to come before the Commission  
8 today?

9                                   MR. MATRISCH: No, Mr. Chairman. Thank you  
10 very much.

11                                   CHAIRMAN SCOTT: Thank you, sir.

12                                   Hearing none, that concludes today's  
13 Transportation agenda.

14                                   (Which were all the proceedings had  
15 for the Transportation agenda.)

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