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BEFORE THE
ILLINOIS COMMERCE COMMISSION
SPECIAL OPEN MEETING
Wednesday, September 7, 2022
Chicago, Illinois

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

PRESENT:

- CARRIE ZALEWSKI, Chair (via Chicago Office)
- ANN McCABE, Commissioner (via Chicago Office)
- D. ETHAN KIMBREL, Commissioner (via Chicago Office)
- MICHAEL T. CARRIGAN, Commissioner (via Springfield Office)

BRIDGES COURT REPORTING
BY: Jennifer Orozco,
Notary Public

1 CHAIR ZALEWSKI: Good morning. Are we ready to
2 proceed in Springfield?

3 COMMISSIONER CARRIGAN: Yes, Chair. We're ready.

4 CHAIR ZALEWSKI: Great. Then under the Open
5 Meetings Act, I call the September 7, 2022, Special
6 Meeting to order. Commissioner Carrigan is in the
7 Springfield office and Commissioners Kimbrel and McCabe
8 are with me in the Chicago office. We have a quorum.

9 We have no requests to speak. We have
10 no transportation agenda. We have three items on
11 today's public utilities agenda.

12 Item 1 concerns requests for oral
13 argument in Docket 22-0063, which is Ameren's petition
14 for approval of performance and tracking metrics. The
15 Attorney General's office and Solar Intervenors filed
16 request for oral arguments in their briefs on
17 exceptions.

18 The AG requests oral arguments on
19 Commission's authority to approve penalty-only metrics
20 and on rejection of Metrics 1, 7, and 8. Solar
21 Intervenors request oral argument on the
22 cost-effectiveness standard and their proposed

1 distributed energy resources, interconnection, and
2 utilization of value metric, and rejection of tracking
3 metrics 10 through 19.

4 Neither party asserts that oral
5 argument is mandatory under the circumstances, and the
6 ALJs note that this is not a proceeding initiated under
7 Section 9-201 of the Act so the Commission does have
8 discretion whether to grant it.

9 The ALJs recommend that the Commission
10 grant the request since this docket will establish
11 Ameren's performance and tracking metrics for the next
12 four years and involves novel issues.

13 Are there any objections to granting
14 the request for oral argument with the requested scope?

15 (No verbal response.)

16 CHAIR ZALEWSKI: Hearing none, the oral argument
17 is granted -- the request is granted. And a due notice
18 of oral argument will be issued shortly. The plan is
19 to get it out by the end of today.

20 Item 2 concerns requests for oral
21 argument in Docket 22-0067, which is ComEd's petition
22 for oral -- approval of performance and tracking

1 metrics. The Attorney General's office and Solar
2 Interveners filed a request for oral argument in briefs
3 on exceptions.

4 The AG requests oral argument on
5 Commission's authority to approve penalty-only metrics
6 and on rejection of Metrics 1, 2, and 3. Solar
7 Interveners request oral arguments on the
8 cost-effectiveness standard and their proposed
9 distributed energy resources, interconnection, and
10 utilization for value metric and rejection of tracking
11 metrics 10 through 19.

12 As in the previous docket, neither
13 party asserts that oral argument is mandatory. The
14 ALJs similarly would recommend that the Commission
15 grant the request for oral argument since the docket
16 establishes metrics for the next four years and
17 involves novel issues.

18 Are there any objections to granting
19 the oral argument -- the request for oral argument with
20 the requested scope?

21 (No verbal response.)

22 CHAIR ZALEWSKI: Hearing none, the requests are

1 granted. Again, a due notice of oral argument will be
2 issued shortly before close of business day.

3 Item 3 is a non-voting,
4 information-only item and concerns Staff's report
5 regarding the notice of inquiry by the Infrastructure
6 Investment and Jobs Act. The Commission issued this on
7 June 9 of 2022 to collect stakeholder input on
8 available federal grants, loans, and programs under the
9 Act that Illinois public utilities are eligible for,
10 and actions for the Commission to take to allow
11 Illinois to take full advantage of this funding.

12 Initial comments were due on June 30 of
13 this year and reply comments were due by July 14. On
14 September 1 of 2022, Commission staff issued a report
15 summarizing stakeholder comments and providing
16 recommendations. The report will be available on the
17 Commission's website shortly. And we're grateful today
18 to have Joy Nicdao-Cuyugan from the Commission Bureau
19 of Public Utilities to give us a brief overview and to
20 answer Commissioners' questions.

21 Joy, thank you for joining us and on
22 short notice as well. If you're there -- I believe you

1 have some -- a recap that you'd like to start with and
2 then we can turn to Commissioners' questions.

3 MS. NICDAO-CUYUGAN: Good morning, Madam Chairman
4 and Commissioners.

5 As it is noted, on June 9, 2022, the
6 Commission issued a notice of inquiry to collect
7 information on the available federal grants, loans, and
8 programs under the Bipartisan Infrastructure Investment
9 and Jobs Act, or IIJA, that Illinois public utilities
10 are eligible to apply for, and that utilities intend to
11 apply for, or may have already applied. The NOI also
12 sought information on action -- actions that the
13 Commission, individually or in cooperation with other
14 Illinois state agencies, could or should take to
15 facilitate Illinois public utilities' ability to avail
16 of the funding opportunities under the IIJA.

17 Initial comments, which were due on
18 June 30, 2022, were submitted by 15 parties. Reply
19 comments which were due on July 14, were submitted by
20 three parties. The comments and recommendations are
21 summarized in Staff's report that has been provided to
22 you and as noted, will be shortly posted on the ICC

1 website. And a brief shout-out at this point to
2 Jim Harmening, the ICC director of cybersecurity and
3 risk management, for his assistance in preparing this
4 report.

5 One example of an IIJA funding
6 opportunity is the Section 40101 formula grant
7 called -- and it's a mouthful -- "Preventing Outages
8 and Enhancing the Resilience of the Electric Grid"
9 program. The grant is applied for by the State of
10 Illinois, and once awarded, the State will seek project
11 proposals through a competitive process and provide
12 sub-awards. Federal law lists eligible Section 40101,
13 sub-award recipients which includes electric
14 distribution providers, electric grid operators,
15 electric transmission owners or operators, and electric
16 generators.

17 Federal law also lists eligible Section
18 40101 projects which include weatherization
19 technologies and management; vegetation management;
20 construction of distributed energy resources to enhance
21 the system's adaptive capacity during disruptive events
22 such as microgrids and battery storage components.

1 Also included on this list: Hardening of power lines,
2 facilities, substations or other systems; monitoring
3 and control technologies; and undergrounding of
4 electrical equipment.

5 ICC staff has been working with DCEO
6 and the IEPA's Office of Energy to prepare the State of
7 Illinois' Section 40101 grant application, which is now
8 due in March 2023. To illustrate just how fluid the
9 grant application environment is, before last Friday,
10 we were all working very hard towards the September 30
11 due date, or so we thought, for this Section 40101
12 grant but, thankfully, has now been extended three
13 months -- I'm sorry -- six months to March of next
14 year. And as of last Friday, we also learned that the
15 implementation of the Section 40101 grant will now be
16 combined with two other IIJA grant programs: one under
17 Section 40107 for Smart Grid grants and one under
18 Section 40103 for Grid Innovation grants. The
19 Department of Energy has issued a request for
20 information to the public for input on implementation
21 strategy for the now combined three grant programs, and
22 it's due on October 14. That was just to give you a

1 brief example of the kind of grants that are out there.

2 Several funding opportunities are
3 expected to be open for applications in 2023. The
4 majority of public utilities who responded indicated
5 they are still evaluating funding opportunities that
6 may be beneficial to their operations, while some are
7 assisting other state agencies with their funding
8 applications on behalf of the State of Illinois. It
9 was thus suggested by more than one party that the
10 Commission require the public utilities to continue to
11 monitor IIJA funding opportunities and periodically
12 report to the Commission on the status of potential or
13 actual applications and the deployment of funds
14 received. Such information could then be made
15 available to the public by the Commission on its
16 website.

17 Staff recognize these periodic reports
18 will provide the Commission with an awareness of IIJA
19 actions being taken by the public utilities and also
20 serve as an additional means to communicate to
21 stakeholders the available IIJA funding opportunities.
22 Therefore, Staff plans to work with the public

1 utilities regarding status reporting and expects that
2 the utilities will voluntarily cooperate in that
3 regard. In addition, Staff plans to continue to
4 collaborate with other state agencies to assist in
5 obtaining IIJA grants available to Illinois.

6 That concludes my statement, and I'm
7 available for questions.

8 CHAIR ZALEWSKI: Joy, thank you for that recap.
9 And thank you to you and to Staff for putting together
10 this report, for receiving the comments, and putting
11 together the report. It's very helpful. I also want
12 to thank the 15 parties that filed comments. This
13 information, I think, is helpful and useful, and it's
14 nice to have it in the public domain -- in one place;
15 so thank you for everyone's participation.

16 I have one question I'm going to ask
17 and then, you know, obviously I'll see if my colleagues
18 have questions as well. So we know that CEJA has
19 requirements to modernize the grid and to decrease fees
20 and renewable resources, and we also know that there is
21 ample federal fundings through IIJA that aim to do the
22 very same thing and potentially decrease impacts and

1 repairs.

2 So my question is did the participants
3 speak to how federal funding can be incorporated into
4 the implementation of CEJA?

5 MS. NICDAO-CUYUGAN: No, it was not directly
6 addressed. However, we are aware of at least three
7 things going on with whether there is an overlap
8 between the CEJA and the federal goals. And, if I may,
9 I would just like to describe what they are.

10 With respect to CEJA's policy goal to
11 increase reliance on clean energy, we note that the
12 Department of Energy's State Energy Program, also
13 referred to as SEP has -- I'm sorry. Back up. With
14 respect to CEJA's policy goal to enhance electric grid
15 reliability, that overlaps with the Section 40101 grant
16 goals that I just discussed earlier.

17 Next, with respect to the policy goal
18 in CEJA to increase reliance on clean energy, we note
19 that the Department of Energy's State Energy Program,
20 or SEP, has a similar goal, and funding was increased
21 under the IIJA from about 25 million to 425 million
22 dollars. And this will include funding for things like

1 energy efficiency upgrades, building solar canopies,
2 and charging stations. Now, the grants don't -- also
3 have to be applied for by the states. And it's my
4 understanding the State Energy Program office of the
5 IEPA is managing this particular grant.

6 And a third thing I'd like to touch
7 on -- it's a -- in CEJA, as a policy goal, was to
8 improve public health customers and the prioritization
9 of communities who have been subject to
10 disproportionate levels of pollution and/or have
11 disproportionately experienced negative public health
12 outcomes. And we note that several IIJA funding
13 programs are covered by what is referred to as the
14 federal Justice40 Initiative. The Justice40 Initiative
15 establishes a goal that 40 percent of benefits of
16 climate and clean energy investments flow to
17 disadvantaged communities that have faced disinvestment
18 and underinvestment. The Section 40101 grant I
19 mentioned earlier is covered by this Justice40
20 Initiative, and the grant application is being written
21 so that it addresses both the CEJA and the Justice 40's
22 overlapping goals.

1 So I hope it gives you a general idea
2 of how we're trying to mesh these two separate laws'
3 goals together.

4 CHAIR ZALEWSKI: It does. Thank you very much.
5 I'm going to open up the floor to the other
6 Commissioners and other Commissioner questions.

7 (No verbal response.)

8 CHAIR ZALEWSKI: Okay. Hearing none, I -- as I
9 noted earlier, this is an informational item and no
10 Commission action will be taken on this item. So this
11 does conclude our agenda.

12 Again, thank you, Joy, for being here.
13 We really appreciate it.

14 Judge Teague Kingsley, do we have other
15 matters to come before the Commission today?

16 JUDGE RAGUE KINGSLEY: No, Madam Chairman.

17 CHAIR ZALEWSKI: Do any of the Commissioners have
18 other business to discuss?

19 (No verbal response.)

20 CHAIR ZALEWSKI: Hearing none and without
21 objection, the meeting is now adjourned. Thank you.

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(Which were all the proceedings had at
this time, date and place.)