

1 from prior Commission meetings. Up first are a set
2 of transcripts and meeting minutes from closed
3 sessions that are set to be released. Staff
4 recommends that 36 transcripts and meeting minutes be
5 released.

6 Is there a motion to release these
7 meeting minutes and transcripts?

8 COMMISSIONER ELLIOTT: So moved.

9 CHAIRMAN SCOTT: Is there a second?

10 ACTING COMMISSIONER COLGAN: Second.

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

12 All in favor say, Aye.

13 (Chorus of ayes.)

14 CHAIRMAN SCOTT: Any opposed?

15 (No response.)

16 CHAIRMAN SCOTT: The vote is 5 to nothing and
17 the identified closed session minutes and transcripts
18 will be released.

19 Next up are the approval of minutes
20 from our August 17th Bench Session. I understand
21 amendments have been forwarded.

22 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 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 amendments to the August 17th minutes are
12 adopted.

13 Is there now a motion to approve the
14 minutes as amended?

15 COMMISSIONER ELLIOTT: So moved.

16 CHAIRMAN SCOTT: Is there a second?

17 ACTING COMMISSIONER COLGAN: Second.

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

19 All in favor say, Aye.

20 (Chorus of ayes.)

21 CHAIRMAN SCOTT: Any opposed?

22 (No response.)

1 CHAIRMAN SCOTT: The vote is 5 to nothing and
2 the August 17th Bench Session minutes as amended are
3 approved.

4 Now on to the Electric Portion of
5 today's agenda. Item E-1 concerns a tariff revision
6 filing by Ameren Illinois to incorporate annual
7 reconciliation language into its Power Smart Pricing
8 Rider. Staff recommends that the Commission allow
9 the Company's request by not suspending the filing.

10 Is there any discussion?

11 (No response.)

12 CHAIRMAN SCOTT: Is there a motion to not
13 suspend the filing?

14 COMMISSIONER FORD: So moved.

15 CHAIRMAN SCOTT: Is there second?

16 ACTING COMMISSIONER COLGAN: Second.

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

18 All in favor say, Aye.

19 (Chorus of ayes.)

20 CHAIRMAN SCOTT: Any opposed?

21 (No response.)

22 CHAIRMAN SCOTT: The vote is 5 to nothing and

1 the filing will not be suspended.

2 And we will use this 5 to nothing vote
3 for the remainder of the Public Utility Agenda unless
4 otherwise noted.

5 Item E-2 is a tariff revision filing
6 made by ComEd to revise its retail delivery service
7 rates and incorporate language regarding contract
8 cancellation. Staff recommends that the Commission
9 allow the Company's request by not suspending the
10 filing.

11 Is there any discussion?

12 (No response.)

13 CHAIRMAN SCOTT: Any objections?

14 (No response.)

15 CHAIRMAN SCOTT: Hearing none, the filing will
16 not be suspended.

17 Item E-3 is Docket No. 10-0138. This
18 is ComEd's proposal to create and establish Rider
19 PORCB and to revise other related tariffs. Before us
20 today is an Emergency Motion for Clarification
21 brought by ICEA and RESA which ALJ Sainsot recommends
22 we deny.

1 Is there any discussion?

2 COMMISSIONER O'CONNELL-DIAZ: Chairman, if I
3 might have Judge Sainsot step us through this because
4 this is kind of a little different item than we
5 usually see.

6 CHAIRMAN SCOTT: Judge.

7 JUDGE SAINSOT: Well, as I pointed out in my
8 memo, this -- there's already been a Final Order on
9 Rehearing in this case. I should also point out that
10 Commonwealth Edison has joined in that motion and
11 Dominion has filed a response to that motion. Those
12 were filed after my memo issued.

13 Dominion's arguments were pretty much
14 the same as what is set forth in the memo, which is
15 the Commission doesn't have jurisdiction to entertain
16 substantive changes to an Order.

17 There were two arguments made in the
18 Motion for Clarification. One was -- one cited a
19 portion of the Public Utilities Act that had never
20 been mentioned before. Let me see what the other one
21 was. Oh, the other one juxtaposed two different
22 portions of the Order and said there was an

1 inconstancy. But if you read the Order in its
2 entirety -- in its fullest, it's not inconsistent.

3 So the memo before you recommends
4 denying the Motion for Clarification.

5 CHAIRMAN SCOTT: Discussion? Questions?

6 COMMISSIONER O'CONNELL-DIAZ: Well, you know, I
7 think having gone through this and -- just because
8 it's kind of odd. The movant herein suggests that
9 there is an inconstancy, which you just noted, and
10 that the Commission will revisit this issue at some
11 point in time later. When is that some point in time
12 later? It's in the Order. So...

13 JUDGE SAINSBOT: There is no some point in time
14 later in the Order. The only purpose for that
15 language was to recognize that this is a brand-new
16 program and that things may change and that there may
17 be a legitimate reason in the future to revisit any
18 portion of the PORCB program.

19 COMMISSIONER O'CONNELL-DIAZ: So the statement
20 that appears on Page 26 of the Order, in fact, is a
21 general statement as to all issues in the
22 Commission's decision and that the Commission at any

1 time it chooses could revisit those issues?

2 JUDGE SAINSOT: Yes.

3 CHAIRMAN SCOTT: Follow-up on that point,
4 it's -- in the Order it says could revisit this issue
5 at any time or sometime in the future.

6 JUDGE SAINSOT: Right. The whole idea of
7 having alternative electric suppliers is brand new to
8 the consumers. So that language was only put in
9 there to recognize that 10 years from now, 5 years
10 from now, 20 years from now things may be very
11 different.

12 COMMISSIONER O'CONNELL-DIAZ: I think the term
13 that was used is "not adverse" to revisiting the
14 issue. So I don't think it's a clear "should."

15 Somebody ask a question. I'm looking
16 through this again. I guess I...

17 CHAIRMAN SCOTT: So the recommendation is to
18 deny the motion.

19 If there is no further discussion, are
20 there any objections to denying this motion?

21 (No response.)

22 CHAIRMAN SCOTT: Hearing none, the Motion is

1 denied.

2 Thank you, Judge.

3 Item E-4 is Docket No. 10-0662. This
4 is a customer complaint brought by Lauren
5 Baggett-Shine against ComEd. Parties have apparently
6 settled their differences and brought a Joint Motion
7 to Dismiss which ALJ Kimbrel recommends we grant.

8 Is there any discussion?

9 (No response.)

10 CHAIRMAN SCOTT: Any objections?

11 (No response.)

12 CHAIRMAN SCOTT: Hearing none, the Joint Motion
13 to Dismiss is granted.

14 Item E-5 is Docket No. 11-0480. This
15 is a complaint regarding vegetation trimming brought
16 by Steven and Cynthia Nance against Ameren. Both
17 parties have made motions to dismiss this matter and
18 ALJ Albers recommends that the matter be dismissed.

19 Is there any discussion?

20 (No response.)

21 CHAIRMAN SCOTT: Any objections?

22 (No response.)

1 CHAIRMAN SCOTT: Hearing none, the matter is
2 dismissed.

3 Items E-6 through E-8 can be taken
4 together. These items are Applications for License
5 as an Agent, Broker and Consultant under Section
6 16-15(c) of the Public Utilities Act. In each case
7 ALJ Yoder recommends that the Commission enter an
8 Order granting the requested Certificate.

9 Is there any discussion?

10 (No response.)

11 CHAIRMAN SCOTT: Any objections?

12 (No response.)

13 CHAIRMAN SCOTT: Hearing none, the Orders are
14 entered and the Certificates are granted.

15 Item E-9 is Docket No. 11-0493. This
16 is Recourse Advisors' Application for Licensure under
17 Section 16-15(c) of the Public Utilities Act. ALJ
18 Albers recommends entry of an Order denying the
19 requested Certificate.

20 Is there any discussion?

21 (No response.)

22 CHAIRMAN SCOTT: Any objections?

1 (No response.)

2 CHAIRMAN SCOTT: Hearing none, the Order is
3 entered and the Certificate is denied.

4 Items E-10 and E-11 can be taken
5 together. These items are Petitions For Confidential
6 Treatment of ABC Recertification Reports. In both
7 instances ALJ Yoder recommends entry of an Order
8 granting confidential treatment.

9 Is there any discussion?

10 (No response.)

11 CHAIRMAN SCOTT: Any objections?

12 (No response.)

13 CHAIRMAN SCOTT: Hearing none, the Orders are
14 entered.

15 Item E-12 is Docket No. 11-0577. This
16 is Loyalton Group's Petition seeking cancellation of
17 a Certificate of Service Authority issued in Docket
18 No. 09-0508. ALJ Yoder recommends entry of an Order
19 granting the requested cancellation.

20 Is there any discussion?

21 (No response.)

22 CHAIRMAN SCOTT: Any objections?

1 (No response.)

2 CHAIRMAN SCOTT: Hearing none, the Order is
3 entered and the Certificate is canceled.

4 Item E-13 is Docket No. 11-0582. This
5 is a joint petition filed by Southwestern Electric
6 Cooperative and Ameren seeking release allowing for
7 SWEC to serve the American Farm Heritage Museum
8 property in Greenville. ALJ Jones recommends entry
9 of an Order granting release.

10 Is there any discussion?

11 (No response.)

12 CHAIRMAN SCOTT: Any objections?

13 (No response.)

14 CHAIRMAN SCOTT: Hearing none, the Order is
15 entered and the customer release is approved.

16 Item E-14 is Docket No. 11-0550. This
17 is Sustainable Star's Application for a Service
18 Authority to Operate as an ARES in Illinois and for
19 associated relief. ALJ Yoder recommends entry of an
20 Order granting the Certificate and the requested
21 confidential treatment.

22 Is there any discussion?

1 (No response.)

2 CHAIRMAN SCOTT: Any objections?

3 (No response.)

4 CHAIRMAN SCOTT: Hearing none, the Order is
5 entered.

6 Item E-15 is Docket No. 11-0435. This
7 matter concerns ComEd's filing regarding
8 uncollectible rate -- uncollectible tariffs changes.
9 Before us today is a Resuspension Order to suspend
10 the filing for another six months' time.

11 Is there any discussion?

12 (No response.)

13 CHAIRMAN SCOTT: Any objections?

14 (No response.)

15 CHAIRMAN SCOTT: Hearing none, the Resuspension
16 Order is entered.

17 JUDGE DOLAN: Mr. Chairman?

18 CHAIRMAN SCOTT: Yes.

19 JUDGE DOLAN: I'm looking at the agenda that we
20 just pulled up over here and it's totally different
21 than what you're reading off. Are we -- I didn't see
22 either one of those -- none of those cases that you

1 were talking about.

2 Oh, okay. Never mind. You know,
3 what, the top of the agenda says "8/17," but on the
4 front page it says "9/8." So I think that's why I
5 was a little confused.

6 I think everybody that's got the copy
7 that we pulled off of here has the wrong copy. So...

8 CHAIRMAN SCOTT: I'm glad you said something,
9 though. We're okay then, you think?

10 All right. We'll turn now to Natural
11 Gas. Items G-1 and G-2 are Docket Nos. 11-0575 and
12 11-0576, and they can be taken together. These items
13 are filings by North Shore Gas and Peoples Gas
14 requesting special permission to revise energy
15 efficiency-related tariffs to allow for the extension
16 of their non-statutorily mandated energy efficiency
17 programs through the end of 2011. Staff recommends
18 denying the Company's request.

19 Is there any discussion?

20 COMMISSIONER O'CONNELL-DIAZ: Chairman, yes, I
21 have just --

22 CHAIRMAN SCOTT: Yes, Commissioner.

1 COMMISSIONER O'CONNELL-DIAZ: -- I go along
2 with -- I think based on our conversation last week,
3 I think it's clear where I stand with regard to
4 Staff's recommendation, which I agree with. But as I
5 have said all along with regard to these many new
6 programs that we're rolling out, I think that we --
7 we are the gatekeepers, if you will. And it is
8 ratepayer money that is being utilized in these new
9 programs.

10 And as I, you know, read through what
11 Staff had in their memo to us, it is with great
12 concern that it seemed that the -- there were large
13 sums of money -- and by my calculation and based on
14 Staff's memo -- the updated memo that we got --
15 there's close to a million dollars that are being
16 paid to a contract administrator which I'm not really
17 quite clear -- I understand. I've actually looked at
18 things on the Website of the contract administrator,
19 which talks about what that entity does. It seems to
20 be an entity of the one person that probably hires
21 other people as the case may be. But it's a million
22 dollars and that's like 300,000 a year that is being

1 paid to a contract administrator.

2 And from what I understand this is --
3 these contract administrators, which all of our
4 programs have. Obviously they don't come for free.
5 But in this economy -- and it's ratepayer money --
6 that seems to be a significant chunk of change. And
7 given what Staff reported to us with regard to the
8 shortcomings of the administrator in this particular
9 situation that is before us today, it -- that's what
10 caused me to look at all of this.

11 And I did look at the reconciliation
12 proceedings from the first year of the program. I
13 think there was a 7 percent disallowance because of
14 some sort of an insulation that was part of the
15 program that this was recommended, I guess. And --
16 but, again, this is ratepayer money.

17 And I think it's critical that the
18 ratepayers get a refund from anything that's left as
19 opposed to giving more money to this contract
20 administrator that our Staff suggests has not done
21 what needed to be done in the time period that was
22 defined by statute. We have two more years of this.

1 And so in the next -- there's an
2 ongoing reconciliation and I think -- at least I will
3 be issuing some data requests with regard to what
4 exactly is going on and what -- what are we looking
5 at when we have these contract administrators and
6 what are they doing for what I think are large sums
7 of money, at least on -- in this economy that we're
8 in for an entity to get that kind of money. And I
9 don't see that it's -- it's not like it's a group of
10 people. It seems that it's just one entity.

11 So it gave me pause and so I really
12 kind of dug in and looked at it.

13 COMMISSIONER FORD: I certainly concur with my
14 Commissioner. Because I, too, had concerns about the
15 amount of money that this sole -- seemed to have been
16 sole sourced to one individual. And I can see that
17 this is close to a million dollars in my estimation.

18 That, in this economy, we need jobs
19 and certainly in the energy efficiency piece I could
20 see several jobs being allocated to people but one
21 person to do this. And then not bring reports in in
22 a timely fashion, to me there is no excuse for that.

1 So I concur with you wholeheartedly.
2 And I will be certainly issuing data requests myself
3 along with you.

4 Thank you, Chairman.

5 CHAIRMAN SCOTT: Further discussion?

6 I have a slightly different take than
7 that. I appreciate and certainly respect the
8 opinions of my colleagues here.

9 But it's not additional money that
10 we're talking about. It's the continuation of money.
11 And I understand what you're saying about it being
12 ratepayer money, but it's not additional funds that
13 are being sought here. The administrative fee was
14 anticipated at the time of the actual order from this
15 Commission going forward which established this --
16 these programs. And by my calculation I don't see
17 that they're exceeding that amount of dollars that
18 are there.

19 I think that's a nonissue going
20 forward because the money gets transferred. It gets
21 transferred into other programs that have different
22 administrators. So I don't think you're looking at

1 an additional sum of money necessarily for this
2 particular person unless they would be awarded a
3 contract by somebody else.

4 The Board that's responsible for
5 administering these programs was unanimous in their
6 support of this particular request and that includes
7 a couple of entities whose mission it is to also look
8 out for ratepayers. I think these programs are
9 valuable programs. They're especially valuable for
10 low income folks in our state. I think that that's
11 something that we shouldn't overlook at all as well
12 as the fact that when we asked questions a couple of
13 weeks ago when we were on the Bench about these
14 programs we were told that our Staff didn't think
15 that the utilities would continue with these programs
16 even though they could in another setting through
17 38-104.

18 So I -- for those reasons I think that
19 the rationale of the Commission in establishing these
20 programs well before I got here was a good one. And
21 that much as we do with other places where we've got
22 programs that have time limits that haven't finished

1 their work in the time that we have, we frequently
2 grant extensions. I believe we did it today in a
3 couple of programs that hadn't spent the money that
4 was allocated to them.

5 And so for those reasons I
6 respectfully disagree with my colleagues on that
7 point.

8 COMMISSIONER O'CONNELL-DIAZ: I just want to
9 clarify about the additional moneys. I wasn't -- it
10 wasn't additional moneys. The problem here is they
11 did not finish their work within the statutory time
12 period. Furthermore, the -- it was reported to the
13 Board that the work was going to be done. So in my
14 estimation I would seriously be looking at in the
15 reconciliation proceeding whether, in fact, there
16 should be a refund from the contract administrator
17 because they didn't finish their contractual
18 obligation to the Board during the time that is set
19 by statute.

20 What they're asking for is to roll
21 over those amounts into this other program and it
22 disadvantages ratepayers because it will go back on a

1 per-term basis as opposed to a refund on their bill.
2 And that is not fair to ratepayers who are paying for
3 this.

4 And, again, I go back to what the
5 contract administrator is being paid. It's a large
6 sum of money. A person that has, I think, an office
7 in her home and we're talking about ratepayer money.

8 So that is my trouble with doing this.
9 I think that, you know, the program's going to -- the
10 other program's going to start in a couple months and
11 the ratepayers will be refunded from this appropriate
12 time period that was based on statute and this is a
13 fair thing.

14 I don't think it's going to disrupt
15 anything except -- you know, I'm going to be really
16 looking at this. And I have said that all along with
17 regard to these moneys that are -- you know, at some
18 point if it's a gravy train, we're the one that's
19 letting it out of the station and we need to be
20 really looking at those dollars. And if the other
21 consumer -- consumer representatives that are on that
22 Board don't see this, well, that's fine, well and

1 good. This Commission's obligation by statute is to
2 ensure that ratepayer funds are being appropriately
3 spent, and that's why we have the prudence review.

4 So I don't mean to disrespect your
5 opinion. I understand, but I just wanted to clarify
6 it wasn't additional --

7 CHAIRMAN SCOTT: We can disagree.

8 COMMISSIONER FORD: Absolutely.

9 COMMISSIONER O'CONNELL-DIAZ: -- it was the
10 moneys from this pot. And we've had other situations
11 where we've had contractors come into the Commission,
12 start doing work, not do the work that they're being
13 paid for and I have always -- I said, We need to
14 refund that.

15 COMMISSIONER FORD: I simply -- I'm looking at
16 Staff's report. And I always give the analogy of
17 when I was in a school and I had reports that had to
18 come to the district office. I could not tell my
19 superintendent that I -- two days before that I could
20 not give a report. That shows me signs of
21 incompetence. And when a contract administrator
22 tells her Board eight days before that she cannot

1 complete something, then that gives me pause also.

2 And the fact that -- the inability to
3 properly account for money, that certainly gives me
4 pause in this economy. And especially for the City
5 of Chicago with all the low-income people we have in
6 this city, I'm just certainly very upset about this
7 incompetency in my opinion.

8 So we can disagree without being
9 disagreeable.

10 CHAIRMAN SCOTT: Absolutely.

11 Commissioner Elliott.

12 COMMISSIONER ELLIOTT: Well, I think there's
13 points on each side that are -- that are well taken.
14 And I think that my view of this is that the original
15 program here that's being asked to be continued was a
16 Commission-generated efficiency through an Order,
17 which I think at this point has been superceded by
18 legislation. And there is less than four months
19 remaining on this.

20 I think it's reasonable to make the
21 transition to the legislative base program. I think
22 points regarding the administration and lending are,

1 arguments. There's some arguments in two directions
2 here.

3 One's about the administrative costs.
4 The other's about a program for low-income people.
5 And it kind of puts me torn one way or the other.
6 But, you know, I'm thinking that there's a case made
7 for, you know, what Commissioner Elliot just said for
8 moving forward on programs and the money will be
9 refunded and the refund will be in a better situation
10 with this recommendation than in the future.

11 So I -- you know, I think there's
12 really good arguments both directions here, but I'm
13 going to support the Staff recommendation.

14 CHAIRMAN SCOTT: Is there a motion to that
15 effect to deny the special permission?

16 COMMISSIONER ELLIOTT: So moved.

17 COMMISSIONER FORD: Second.

18 CHAIRMAN SCOTT: All in favor say, Aye.

19 (Chorus of ayes.)

20 CHAIRMAN SCOTT: Opposed?

21 (Response of no.)

22 CHAIRMAN SCOTT: No.

1 The vote is 4-1 and the Staff
2 recommendation of denying the special request is
3 approved.

4 Items G-3 and G-4 can be taken
5 together. These items are Martinez Auto Repair's
6 complaints against Nicor and Raymond Ruiz's complaint
7 against Peoples Gas. In each case the parties have
8 apparently settled their differences and brought a
9 Joint Motion to Dismiss which the ALJ recommends that
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
16 Motions to Dismiss are granted.

17 Item G-5 is Docket No. 11-0190. This
18 is Brian Berry's complaint as to billing and/or
19 charges against Peoples Gas. ALJ Riley recommends
20 that the Commission enter an order denying the
21 complaint.

22 Is there any discussion?

1 (No response.)

2 CHAIRMAN SCOTT: Any objections?

3 (No response.)

4 CHAIRMAN SCOTT: Hearing none, the Order is
5 entered and the complaint is denied.

6 Item G-6 is Docket No. 11-0223. This
7 matter is a rulemaking proceeding for amendments to
8 Title 83, Part 595 of the Administrative Code
9 concerning gas pipeline accident reporting. ALJ
10 Haynes recommends entry of an Order authorizing the
11 submission of the proposed amendments to the Joint
12 Committee on Administrative Rules.

13 Is there any discussion?

14 (No response.)

15 CHAIRMAN SCOTT: Any objections?

16 (No response.)

17 CHAIRMAN SCOTT: Hearing none, the Order is
18 entered and the proposed rules will be sent to JCAR.

19 Moving on to Telecommunications. Item
20 T-1 is Docket No. 10-0701. This is Bullseye
21 Telecom's Application for a Certificate of Service
22 Authority under Section 13-401 of the Public

1 Utilities Act. ALJ Riley recommends entry of an
2 Order denying the requested certificate.

3 I believe we have some revisions to
4 this Order?

5 COMMISSIONER O'CONNELL-DIAZ: Yes, Chairman.
6 Working with Commissioner Elliott's office we have
7 made revisions to the Order that, in fact, change the
8 Order to omit the analysis with regard to managerial,
9 financial and -- what's the third one -- technical.
10 As we are precluded due to federal legislation --
11 federal law to make that inquiry and also condition
12 the approval of such a certificate on that.

13 So I do understand where Judge Riley
14 was coming from. I think he asked for this
15 information and it was a no-go and stonewalling from
16 the company. And out of respect for the Commission I
17 think I would have been probably maybe in your same
18 shoes in your recommendation. But, unfortunately,
19 under the laws that stand the Commission doesn't have
20 jurisdiction over that. We cannot require them to
21 file that with us.

22 So the changes that have been

1 circulated I believe among all the Commissioners from
2 Commissioner Elliott and myself reflect that reality
3 bite.

4 And that's -- I don't know if
5 Commissioner Elliott --

6 COMMISSIONER ELLIOTT: I agree with everything
7 you said. I just would point out that I appreciate
8 the work that Tom Stanton did as our legal assistant
9 in the case and brought a lot of institutional memory
10 and history and context to this issue, which I think
11 has sort of been bounced around in a lot of different
12 ways over the years. And hopefully we can, with this
13 Order, provide a consistent approach to addressing
14 these 13-401 certificate cases going forward.

15 So I would move the Order as amended.

16 CHAIRMAN SCOTT: Move the revisions first.

17 COMMISSIONER ELLIOTT: Yes.

18 CHAIRMAN SCOTT: Very good.

19 Is there a second?

20 COMMISSIONER O'CONNELL-DIAZ: Second.

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

22 All in favor say, Aye.

1 (Chorus of ayes.)

2 CHAIRMAN SCOTT: Any opposed?

3 (No response.)

4 CHAIRMAN SCOTT: The vote is 5 to nothing and
5 the revisions are adopted.

6 Is there further discussion on this
7 matter?

8 (No response.)

9 CHAIRMAN SCOTT: Is there then a motion to
10 enter an Order granting the Certificate as per the
11 revisions?

12 COMMISSIONER ELLIOTT: So moved.

13 CHAIRMAN SCOTT: Is there a second?

14 COMMISSIONER O'CONNELL-DIAZ: Second.

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

16 All in favor say, Aye.

17 (Chorus of ayes.)

18 CHAIRMAN SCOTT: Any opposed?

19 (No response.)

20 CHAIRMAN SCOTT: The vote is 5 to nothing and
21 the Order as amended is entered and the Certificate
22 is granted.

1 And I appreciate all the work that
2 both your offices did.

3 COMMISSIONER ELLIOTT: Mr. Chairman, I'd
4 like if for the next three Orders --

5 CHAIRMAN SCOTT: Yes.

6 COMMISSIONER ELLIOTT: -- as well, I might as
7 well wrap this up in a package.

8 CHAIRMAN SCOTT: Let me introduce them --

9 COMMISSIONER ELLIOTT: Sure.

10 CHAIRMAN SCOTT: -- and then we'll get --

11 Items T-2 through T-4 will be taken
12 together. These are Applications for Certificates of
13 Service Authority under Sections 13-401 through
14 13-405 of the Public Utilities Act. In each case the
15 ALJ recommends entry of an Order granting the
16 requested Certificates.

17 Commissioner Elliott, I know you've
18 got some revisions here.

19 Commissioner O'Connell-Diaz --

20 COMMISSIONER ELLIOTT: Right. Consistent with
21 the prior Order with regard to the 13-401
22 Certificates, these Orders have been revised to

1 reflect that and consistency with the prior Order.

2 And I would move those amendments.

3 CHAIRMAN SCOTT: Very good.

4 Is there a second?

5 COMMISSIONER O'CONNELL-DIAZ: Second.

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

7 All in favor say, Aye.

8 (Chorus of ayes.)

9 CHAIRMAN SCOTT: The vote is 5 to nothing and
10 the revisions are adopted.

11 Is there any further discussion on
12 these matters?

13 (No response.)

14 CHAIRMAN SCOTT: Is there a motion to enter the
15 Orders as revised?

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 (Chorus of ayes.)

2 CHAIRMAN SCOTT: The vote is 5 to nothing and
3 the Orders as amended are approved and the
4 Certificates are granted.

5 Items T-5 through T-12 can be taken
6 together. These items concern proposed rulemaking
7 proceedings for Parts 730, 732, 737, 745, 755, 756,
8 791 and 793 of Title 83 of the Administrative Code as
9 contemplated in Staff Telecom Reports. Staff
10 recommends entry of orders initiating the
11 proceedings.

12 Is there any discussion?

13 (No response.)

14 CHAIRMAN SCOTT: Any objections?

15 (No response.)

16 CHAIRMAN SCOTT: Hearing none, the Orders are
17 entered and the proceedings are initiated.

18 Items T-13 through T-16 can be taken
19 together. These items are Petitions requesting
20 confidential and/or proprietary treatment of the
21 Petitioners' Annual Reports. In each case the ALJ
22 recommends entry of an Order granting the requested

1 relief.

2 Is there any discussion?

3 (No response.)

4 CHAIRMAN SCOTT: Any objections?

5 (No response.)

6 CHAIRMAN SCOTT: Hearing none, the Orders are
7 entered and the requested protective treatment is
8 granted.

9 Items T-17 through T-20 can be taken
10 together. These items are each citation proceedings
11 against telecommunications carriers for failure to
12 file their 2009 Annual Report. In each case ALJ
13 Baker recommends entry of an Order dismissing the
14 proceeding as the Company has now filed its report
15 and is in compliance.

16 Any discussion?

17 (No response.)

18 CHAIRMAN SCOTT: Any objections?

19 (No response.)

20 CHAIRMAN SCOTT: Hearing none, the Orders are
21 entered and the citation proceedings are dismissed.

22 Moving on to Water and Sewer. Item

1 W-1 is Docket No. 11-0569. This is a filing by
2 Illinois-American Water Company seeking waiver for
3 the Company's accounts to use the Guide For
4 Prospective Financial Information issued by the
5 American Institute of Certified Public Accountants in
6 preparation for a rate filing. ALJ Jones recommends
7 entry of an Order granting the waiver.

8 Is there any discussion?

9 (No response.)

10 CHAIRMAN SCOTT: Any objections?

11 (No response.)

12 CHAIRMAN SCOTT: Hearing none, the Order is
13 entered.

14 Lastly, we have a few items of other
15 business for today. First up is a report from Staff
16 concerning summer storms and some of the resulting
17 outages and reliability challenges.

18 Is there someone there from Staff just
19 to give us a briefing on that?

20 MR. BEYER: Good morning. This is Gene Beyer.

21 CHAIRMAN SCOTT: Good morning, Gene.

22 MR. BEYER: Is this on? Oh, I'm sorry. I

1 thought it was on.

2 This is Gene Beyer. Good morning.

3 Today Staff and I will provide an
4 overview of our inquiries regarding the outages
5 experienced in ComEd service territory as a result of
6 the July 11th storms.

7 Before getting to that I will identify
8 the major electric outages experienced in Illinois
9 this summer. Then I will refer to the Administrative
10 Code Part 411 that specifies when and how those
11 outages are reported to the ICC. I will then
12 identify the Staff guidelines for deciding when to
13 inquire into and study a particular outage.

14 Before I continue, please be aware
15 that on August 18th ComEd filed a petition for
16 determination that ComEd is not liable for damages
17 resulting from service interruptions caused by six
18 storms that affected ComEd's system this summer.
19 That open Docket No. 11-0588 may affect Staff's
20 ability to respond to some of your questions today.

21 Let me first refer to Part 411.
22 Administrative Code Part 411.120 specifies the

1 requirements for reporting outages. Utilities are
2 required to report an event that causes service
3 interruptions to 10,000 or more customers for 3 or
4 more hours. Once the reporting begins reports
5 continue every 2 hours until service is restored to
6 all customers.

7 Some of the information required by
8 Part 411, and many -- I believe we all see those
9 notices that come to the Commission -- some of that
10 information includes an estimate of the number of
11 customers the interruptions affect; the starting date
12 of the interruptions; the starting time of the
13 interruptions; the duration of the interruptions; the
14 locations; description of the causes; dates and times
15 when the entity expects to restore electric service;
16 the call volume to the jurisdictional entity during
17 the interruptions as compared to normal call volume;
18 and the steps that the utility's taking to address
19 that call volume. So there are about nine pieces of
20 information that Part 411 requires to be filed for
21 each reportable outage.

22 This summer beginning in June Ameren

1 reported 2 outages to us. One that began on June 1st
2 and lasted until June 2nd. And it affected about
3 18,000 customers in Southern Illinois, primarily the
4 Mount Vernon and Benton areas. On July 27th lasting
5 till July 29th Ameren experienced the effects of
6 severe storms in Western Illinois, primarily Adams
7 County and Quincy requiring restoration of service to
8 about 68,000 customers.

9 Also beginning in June ComEd reported
10 a June 21st outage. That affected all ComEd regions
11 and affected over 400,000 customers. June 30th ComEd
12 reported on another storm. It lasted for a couple of
13 days -- at least the effects lasted for a couple days
14 affecting over 90,000 customers in their north and
15 south regions. July 11th storm, that affected all of
16 ComEd's regions, interrupted power to over 800,000
17 customers. July 27th another storm affected over a
18 100,000 customers in Rockford, Chicago and all of
19 their other regions. July 28th, another storm
20 affected ComEd's regions, primarily the south region;
21 required customer restoration to about 57,000
22 customers. And on August 2nd another storm hit the

1 Chicago region affecting over 140,000 customers.

2 In addition to those reportable
3 outages MidAmerican Energy reported one storm in June
4 to us as a courtesy that affected 4,000 customers on
5 their system near the quad cities.

6 Staff monitors these events and
7 contacts the utilities whenever we have questions.
8 That contact may be a phone call or an e-mail or it
9 may be more extensive and require a detailed set of
10 questions as in the case of the July 11-related
11 outages. When determining whether or not to make
12 inquiries and then deciding whether an inquiry is
13 brief or extended our general considerations include
14 the impact of the outage upon customers and the
15 utility's system; whether there are customer notice
16 and other customer service issues; the duration of
17 the outage; concerns regarding service restoration;
18 and whether there have been recent events of a
19 similar nature or at the same company.

20 We are also watchable for
21 circumstances suggesting that deficiencies in
22 practices within the utility's control, such as

1 construction, maintenance or tree trimming, may have
2 contributed to the outages. Those guidelines capture
3 large and small events.

4 Sometimes we learn of outages through
5 the media. Sometimes customers or companies give us
6 courtesy calls on outages that aren't otherwise
7 reportable. So we're able to inquire on most of the
8 outages on the Company's system.

9 Our inquiries into the ComEd July 11th
10 outage were prepared by three divisions within the
11 agency: the Energy Division, the Financial Analysis
12 Division and the Consumer Services Division. The
13 extensive and detailed inquiries cover the following
14 areas: 1, system condition, maintenance and
15 inspection before the storms; 2, identifying each
16 distribution circuit and substation that experienced
17 service interruptions as a consequence of the storms;
18 3, characteristics of the storms and their effect on
19 the system; 4, emergency plans; 5, restoration
20 efforts; 6, the costs associated with restoring
21 service; and 7, customer service and communication.

22 Staff's review of the Company's

1 responses is ongoing. We are prepared today to
2 discuss our questions and the areas into which we
3 inquired. Our next steps are to continue our review
4 of the responses, follow up with the Company as
5 needed, and then summarize our review and findings in
6 a report.

7 That concludes my remarks and await
8 any questions you may have.

9 CHAIRMAN SCOTT: Commissioner Elliott.

10 COMMISSIONER ELLIOTT: Thanks, Chairman.

11 Gene, do you look at the -- whether
12 the events are repeated for similar distribution and
13 substation circuits? I mean, year after year do
14 events -- is there some pattern or is that looked at
15 at all in the Staff's analysis?

16 MR. BEYER: I'm going to have John Stutsman
17 respond to that question. He is coordinating the
18 Energy Division's inquiry into this outage and has
19 done so on other outages as well.

20 MR. STUTSMAN: If I understand your inquiry, we
21 do -- in the analysis of data that we get annually
22 from the companies we look at repeating worst

1 performing circuits to see if there's some
2 commonality of cause that could be contributing to
3 those repeaters or if it's just a random occurrence.

4 COMMISSIONER ELLIOTT: Okay. Thanks.

5 COMMISSIONER O'CONNELL-DIAZ: And just -- I
6 know I've -- I understand that our -- some of our
7 Staff have been at the -- for lack of a better word,
8 the City meetings, the regional meetings that
9 ComEd -- where different mayors and municipal leaders
10 and State reps have called. And so the Commission
11 has been available for information to, you know, help
12 that process and help everyone understand that we
13 are, in fact, doing our fact-gathering at this point.
14 Is that a correct assumption?

15 MR. STUTSMAN: Yes, that's true.

16 CHAIRMAN SCOTT: Anyone else?

17 (No response.)

18 CHAIRMAN SCOTT: Gene, John, thank you very
19 much. Appreciate it.

20 MR. BEYER: Thank you.

21 CHAIRMAN SCOTT: Next up is a resolution
22 concerning Lifeline Awareness Week.

1 Commissioner Colgan.

2 ACTING COMMISSIONER COLGAN: Thank you,
3 Chairman.

4 Yeah, we're today kicking off and
5 announcing Lifeline Awareness Week in cooperation
6 with the Governor's Office, with NARUC and NASUCA and
7 the Federal Communications Commission on a national
8 basis, and we've had a series of meetings internally
9 to organize this effort. Consumer Services Division
10 was -- been very involved. Jim Zolnierек, here
11 today, from Telecom has been really helpful and his
12 staff. Beth Bosch from Public Information has been
13 kind of coordinating this effort for all of us.

14 I think we all understand how in this
15 highly connected world that we live in, how important
16 it is to be connected with telephone service
17 especially because it links us up with our community,
18 with the government programs that are important, with
19 family, friends, in case of emergencies. And we know
20 that not everybody can afford these services. So
21 that's why these programs are available.

22 And so, you know, we've huddled up

1 with internally as well as with a bigger network of
2 organizations across the state, with several State
3 departments, Human Services and with Illinois
4 Community Action Association and all the LIHEAP
5 outlets, with CUB, with AARP, all pitching in and
6 trying to make this program much more visible and how
7 for people to get involved in the program.

8 So, you know, I've drafted this
9 resolution saying that we're, as a Commission, in
10 support of Lifeline Awareness Week and the activities
11 that are happening in conjunction with that.

12 And if you have questions, I'd be glad
13 to answer those; but I ask for your support of the
14 Resolution.

15 CHAIRMAN SCOTT: Are you moving to adopt the
16 Resolution?

17 ACTING COMMISSIONER COLGAN: I move to adopt
18 the Resolution.

19 CHAIRMAN SCOTT: Is there a second?

20 COMMISSIONER O'CONNELL-DIAZ: Second.

21 COMMISSIONER FORD: Second.

22 CHAIRMAN SCOTT: Any further discussion?

1 COMMISSIONER O'CONNELL-DIAZ: I'd just like to
2 thank Commissioner Colgan and also I know that NARUC
3 has been very instrumental in getting this out there.
4 And I think it's no -- no story -- I'm going to
5 say -- that no one doesn't understand today with the
6 economic situation.

7 There's a whole new group of people
8 that are in that low-income situation, unfortunately.
9 So this program has a whole new host of people that
10 it can benefit. And it's good that we are getting --
11 being part of a team that gets the word out and helps
12 people understand that they're not alone. That there
13 is some support. And it's a tough world out there
14 and this is one of those programs that can really
15 help people when they need it most.

16 So thank you, John, for leading this
17 up. And I know there's a press event later this
18 afternoon and -- so I'll be looking for you on the
19 6:00 o'clock news.

20 ACTING COMMISSIONER COLGAN: Thank you.

21 CHAIRMAN SCOTT: Any further discussion?

22 (No response.)

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

2 All in favor say, Aye.

3 (Chorus of ayes.)

4 CHAIRMAN SCOTT: Any opposed?

5 (No response.)

6 CHAIRMAN SCOTT: The vote is 5 to nothing and
7 the Resolution is adopted.

8 Thank you, Commissioner Colgan.

9 ACTING COMMISSIONER COLGAN: You're welcome.

10 CHAIRMAN SCOTT: Up next is a Report to be sent
11 to the General Assembly pursuant to 13-407 of the
12 Public Utilities Act concerning communications
13 markets. I believe we have someone from Staff who's
14 available to take us through this.

15 Mr. Zolnierek.

16 MR. ZOLNIEREK: Good morning. This is the
17 tenth Report that we will be submitting to the
18 General Assembly pursuant to Statute 13-407 of the
19 Public Utilities Act. As you know, in previous years
20 we've collected telephone information and broadband
21 information. More and more broadband information is
22 being collected by -- through DCEO and group -- a

1 nonprofit organization, Broadband Illinois. And
2 we've been working with them and communicating with
3 them in their collection efforts. And I think the
4 broadband collections are really improving. And
5 you'll see some of that information in the Report.

6 The report reflects the first --
7 really the first round of collections from Broadband
8 Illinois and we expect to see improvements over time.
9 We've been pointing some holes where, you know, we
10 know carriers may not be providing all the
11 information they should and things like that. So
12 it's been a relatively cooperative effort and we
13 appreciate their efforts, and I think the data looks
14 a lot better. It's more consumer-friendly.
15 Consumers can now go and type in their address and
16 see who providers in their area are and I think
17 that's very helpful. And that's all reflected in the
18 Report.

19 Regarding the telecommunications
20 information, I think we see a lot of what we've seen
21 in the past. I think the trends have continued,
22 fewer wirelines being reported, an increase in CLEC

1 market share over previous years.

2 The one other new thing I think in the
3 Report to note is that we are seeing better and
4 better wireless substitution information also. In
5 the past we've seen -- oddly enough, the Center for
6 Disease Control seems to be the best source of
7 wireless information. They've been doing a survey
8 and gathering some health information. And at one
9 point they realized they had some pretty valuable
10 wireless substitution information. And they've been
11 putting that out, thankfully, to everybody that's
12 interested. And recently they started actually
13 breaking it down by state. So now we even have a
14 state-level information on substitution and we've
15 incorporated that into our Report.

16 Their Report estimates that 24.4
17 percent of the adult population in Illinois live in
18 households with only wireless service. That's pretty
19 significant analysis in terms of the wireless
20 substitution. All that is reflected in the Report
21 and the rest of it, I think, is pretty
22 self-explanatory from reading it.

1 The one thing I would note, the
2 Chairman actually caught a typo and we would correct
3 that. In Table 2 the number of retail providers was
4 reported as 124 and it should actually be 123. So
5 we'd like to correct that before we pass it on.

6 With that, if you have any other
7 questions, I'd be happy to answer them.

8 CHAIRMAN SCOTT: Any questions?

9 COMMISSIONER O'CONNELL-DIAZ: I'm just glad to
10 see that the reporting for the wireless carriers is
11 up. So I don't have to chase those people down the
12 hallway when I see them -- Get that stuff to Jim. So
13 that's really good because that's kind of the really
14 significant number. And it's important for you to
15 have that in order for you to give a full report to
16 us and for us to give a full report to the General
17 Assembly. So I'm really glad on your efforts in
18 achieving that success.

19 COMMISSIONER FORD: And I was wondering -- when
20 I was perusing the Report, I saw the CDC and I said,
21 How did that get in here? I'm glad you clarified
22 that issue. That's interesting to know.

1 MR. ZOLNIERЕК: Thank you.

2 ACTING COMMISSIONER COLGAN: Yes. As I was
3 reading through the report, I was -- I wanted to
4 thank you for the comprehensive report. There's
5 really good comprehensive data in there, but there's
6 also a good narrative for how things have evolved and
7 how -- you know, where we were versus where we are
8 and how we got there. I think it's really
9 informative for somebody who, you know, would be
10 looking for an explanation of how things have
11 evolved. It's well documented in that report.

12 MR. ZOLNIERЕК: Thanks. And credit goes to my
13 staff, too.

14 ACTING COMMISSIONER COLGAN: Sure.

15 COMMISSIONER ELLIOTT: It's nice that they --
16 they wouldn't give the data to us, but at least
17 they're giving it to somebody and we can -- we can
18 incorporate it in our reports.

19 CHAIRMAN SCOTT: Is there a motion to approve
20 the Report and have it sent to the General Assembly?

21 COMMISSIONER O'CONNELL-DIAZ: So moved.

22 CHAIRMAN SCOTT: Is there a second?

1 COMMISSIONER FORD: Second.

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

3 All in favor say, Aye.

4 (Chorus of ayes.)

5 CHAIRMAN SCOTT: Any opposed?

6 (No response.)

7 CHAIRMAN SCOTT: The vote is 5 to nothing and
8 the Report will be sent to the General Assembly.

9 Jim, thanks very much. It's very good
10 Report. We appreciate it. Thank you.

11 Next up are a couple of FERC matters
12 for which we'll go into closed session to address.

13 Is there a motion to go into closed
14 session?

15 COMMISSIONER ELLIOTT: So moved.

16 CHAIRMAN SCOTT: Is there a second?

17 COMMISSIONER FORD: Second.

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

19 All in favor say, Aye.

20 (Chorus of ayes.)

21 CHAIRMAN SCOTT: Any opposed?

22 (No response.)

1 CHAIRMAN SCOTT: The vote is 5 to nothing.

2 We'll go into closed session.

3 (Whereupon, at this point Pages
4 53-64 of the proceeding are
5 contained in a separate closed
6 transcript.)

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CONTINUATION OF PROCEEDINGS

CHAIRMAN SCOTT: During closed session the Commission discussed filing Comments in FERC Docket No. RM11-26-000.

Is there a motion to file the Comments with FERC?

COMMISSIONER FORD: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER O'CONNELL-DIAZ: Second.

COMMISSIONER ELLIOTT: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

All in favor say, Aye.

(Chorus of ayes.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is 5 to nothing and the Comments will be filed with FERC.

The Commission also discussed filing Comments with FERC Docket No. ER11-4081-000.

Is there a motion to file the Comments with FERC?

COMMISSIONER ELLIOTT: So moved.

1 CHAIRMAN SCOTT: Is there a second?

2 COMMISSIONER O'CONNELL-DIAZ: 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 Comments will be filed with FERC.

11 One last note, the Commissioners will
12 meet for an administrative meeting directly following
13 this meeting to address the schedule for the 2012
14 Commission calendar, but I believe we do that in the
15 videoconference room, if I understand that correctly.

16 Judge Wallace -- oh, I'm sorry.

17 Commissioner Colgan.

18 ACTING COMMISSIONER COLGAN: One thing I failed
19 to mention in relation to the Lifeline Awareness Week
20 is I forgot to mention my legal policy advisor, Linda
21 Wagner, who has done a lot of work in connection with
22 this, and I wanted to recognize her and give her our

1 thanks and the Commission's thanks for the record.

2 CHAIRMAN SCOTT: Very good. Thanks.

3 Judge Wallace, any other matters to
4 come before the Commission today?

5 JUDGE WALLACE: That's all, Mr. Chairman.

6 CHAIRMAN SCOTT: Very good.

7 Hearing none, this meeting stands
8 adjourned.

9 JUDGE WALLACE: No. Recess.

10 CHAIRMAN SCOTT: I'm sorry. Recess.

11 (Whereupon, a recess was taken
12 and the Administrative Meeting
13 is contained in a separate
14 transcript.)

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CONTINUATION OF PROCEEDINGS

CHAIRMAN SCOTT: Okay. We were in recess so we will reconvene now as an administrative meeting to discuss the 2012 calendar. I understand everybody got a memo and a couple of calendar choices from Judge Wallace.

Everybody had a chance to look at that?

It seems to me -- I'm going out on a limb here that everybody is okay -- or could be okay with the traditional calendar as it was set forth by Judge Wallace.

John, I know you had raised an issue about whether or not to move some things to Thursdays, but I know that --

ACTING COMMISSIONER COLGAN: Yeah.

CHAIRMAN SCOTT: -- creates a conflict for Commissioner Ford.

COMMISSIONER FORD: And I told him that.

ACTING COMMISSIONER COLGAN: Yeah. I'm good. Yeah.

CHAIRMAN SCOTT: Okay. Is there a motion then

1 to adopt --

2 COMMISSIONER ELLIOTT: So moved.

3 CHAIRMAN SCOTT: -- the 2012 traditional
4 calendar?

5 COMMISSIONER O'CONNELL-DIAZ: So moved.

6 CHAIRMAN SCOTT: Okay. Second?

7 COMMISSIONER ELLIOTT: Second.

8 CHAIRMAN SCOTT: All in favor say, Aye.

9 (Chorus of ayes.)

10 CHAIRMAN SCOTT: Any opposed?

11 (No response.)

12 CHAIRMAN SCOTT: The vote is 5 to nothing and
13 the traditional 2012 calender as submitted by Judge
14 Wallace is approved.

15 Any other business to come before this
16 meeting, Judge?

17 JUDGE WALLACE: No, that's all.

18 CHAIRMAN SCOTT: Okay. In this case now the
19 meeting stands adjourned.

20 MEETING ADJOURNED

21

22