



1 CSR #084-002710

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PROCEEDINGS

CHAIRMAN BOX: Pursuant to the provisions of the Illinois Open Meetings Act, I now convene a regularly scheduled bench session of the Illinois Commerce Commission. With me in Springfield are Commissioners Ford, O'Connell-Diaz and Elliott. I am Chairman Box; we do have a quorum.

Before moving into the agenda, 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 bench section. According to the Chief Clerk's office, we have no requests to speak.

Beginning with the Transportation agenda, starting with Item RR-1 is Docket T07-0099. The Village of Oaklawn in Cook County petitions to convert an at-grade crossing of Cook Avenue over tracks owned by the Norfolk Southern and Metra for pedestrian use. No Grade Crossing Protection Funds have been requested. Administrative Law Judge Kirkland-Montague recommends entering the Order

1 granting the petition. Is there a motion to enter  
2 the Order?

3 COMMISSIONER O'CONNELL-DIAZ: So move.

4 CHAIRMAN BOX: Is there a second?

5 COMMISSIONER ELLIOTT: Second.

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

7 All in favor say aye.

8 COMMISSIONERS: Aye.

9 CHAIRMAN BOX: Any opposed?

10 The vote is 4-0. The grant -- I am  
11 sorry, the Order is entered.

12 We will use this 4-0 roll call vote  
13 for the remainder of the Transportation agenda unless  
14 otherwise noted.

15 Item RR-2 is Docket T09-0074. This is  
16 an amended proposal by the Illinois Department of  
17 Transportation to rebuild two I70 bridges over tracks  
18 owned by the Terminal Railroad Association of St.  
19 Louis in St. Clair County. No Grade Crossing  
20 Protection Funds are being used. This is part of a  
21 much larger project to rebuild the I70 bridges over  
22 the Mississippi River. Administrative Law Judge

1 Jackson recommends entering the order granting the  
2 amended petition. Is there any discussion? Any  
3 objections? Hearing none, the Order is entered.

4 Items RR-3 through RR-5 (T09-0096,  
5 T09-0098, T09-0099) will be taken together. These  
6 are stipulated agreements to make rail crossing  
7 improvements throughout Illinois. Over \$450,000 from  
8 the Grade Crossing Protection Fund will be used.  
9 Staff recommends entering the order granting the  
10 stipulated agreements. Is there any discussion? Any  
11 objections? Hearing none, the Orders are entered.

12 Item RR-6 is Docket T09-0099  
13 Supplemental. This is an expansion of a project to  
14 improve an at-grade crossing over tracks owned by the  
15 Elgin, Joliet and Eastern Railway in Frankfort and  
16 Mokena in Will County. The parties have agreed to  
17 allow the railway to build an additional track at the  
18 railway's expense. Administrative Law Judge  
19 Kirkland-Montague recommends entering the First  
20 Supplement Order. Is there any discussion? Any  
21 objections? Hearing none, the First Supplemental  
22 Order is entered.

1                   Item RR-7 is Docket T08-0026 Second  
2 Supplemental. This is a project to improve an  
3 at-grade crossing of the Illinois Central Railroad  
4 Company in Irvington Township, Washington County.  
5 Due to unanticipated expenses, the County seeks an  
6 additional \$10,898 from the Grade Crossing Protection  
7 Fund, as well as an extension of time. Finding the  
8 requests to be reasonable, Staff recommends entering  
9 the Second Supplemental Order approving the requests.  
10 Is there any discussion? Any objections? Hearing  
11 none, the Second Supplemental Order is entered.

12                   Item RR-8 is Docket T08-0010 Seventh  
13 Supplemental. This project would build an at-grade  
14 crossing over tracks owned by the Illinois and  
15 Midland Railway for new property development in  
16 Springfield Township. Because of zoning restrictions  
17 and changing economic conditions the project has  
18 undergone numerous revisions since the Commission  
19 first approved it in 2000. The Commission seeks an  
20 additional extension of time. Staff and Intervenors  
21 have reviewed the latest version of the project and  
22 agree with the request for an extension of time.

1 Administrative Law Judge O'Brien recommends entering  
2 the Second Supplemental Order. Is there any  
3 discussion? Any objections? Hearing none, the  
4 Seventh Supplemental Order is entered.

5 Item RR-9 is Docket T09-0076 Interim.  
6 This is a new at-grade crossing over unused tracks  
7 owned by the BNSF Railway in Canton. As a result of  
8 this project, a road extension for a new medical  
9 manufacturing facility will be built. Because work  
10 on the facility needs to start immediately,  
11 petitioner is seeking an Interim Order before all the  
12 issues have been resolved. No Grade Crossing  
13 Protection Funds will be used. Administrative Law  
14 Judge O'Brien recommends entering the Interim Order.  
15 Is there any discussion? Any objections? Hearing  
16 none, the Interim Order is entered.

17 That concludes the Railroad portion of  
18 today's agenda.

19 Under Motor Carriers, Items MC-1  
20 through MC-5 (#07-1262, #07-1263, #07-1311, #08-1331,  
21 #09-0289) will be taken together. These are  
22 stipulated settlement agreements with for-hire motor

1 carriers operating without Commission authority.  
2 Staff recommends accepting the stipulated settlement  
3 agreements. Is there any discussion? Any  
4 objections? Hearing none, the stipulated agreements  
5 are accepted.

6 Items MC-6 through MC-9 (842 RTV-D,  
7 3291 RTV-O, 3731 RTV-O, 3841 RTV-O) will be taken  
8 together. These are applications for operator's  
9 employment permits or renewals of operator's  
10 employment permits. Administrative law judges  
11 recommend entering the Orders granting the  
12 applications and renewals. Is there any discussion?  
13 Any objections? Hearing none, the Orders are  
14 entered.

15 Item MC-10 (198 RTV-R) is a renewal of  
16 a commercial relocater's license. Staff recommends  
17 granting the renewal. Is there any discussion? Any  
18 objections? Hearing none, the renewal is granted.

19 There is one administrative matter on  
20 today's agenda. AM-1 concerns proposed rules for the  
21 provision, construction and maintenance of sanitation  
22 and shelter facilities for rail carrier employees.



1 On June 3, 2009, the Commission initiated the second  
2 notice period and submitted the proposed rules to the  
3 Joint Committee on Administrative Rules, which has  
4 issued its Notice of No Objection. The rules can now  
5 go into effect. Staff recommends adopting the  
6 resolution, making the rules effective October 1,  
7 2009. Is there any discussion? Any objection?  
8 Hearing none, the resolution is adopted.

9 And that concludes the Transportation  
10 portion of today's agenda. Ms. Kelly, anything else  
11 to come before us today?

12 MS. KELLY: That's all today. Thank you.

13 CHAIRMAN BOX: Thank you. I look forward to  
14 seeing you and Mr. Stead and the others at the Pierce  
15 conference on Monday morning in Chicago.

16 MS. KELLY: Yes. I am looking forward to it.  
17 Thank you.

18 (Whereupon the meeting  
19 concluded matters pertaining to  
20 Transportation.)

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1 (Whereupon the meeting  
2 turned to Public Utility  
3 matters.)

4 CHAIRMAN BOX: We have minutes to approve from  
5 the July 29, 2009, Electric Policy Committee Meeting  
6 and the August 4, 2004, Regular Open Meeting. Is  
7 there a motion to approve the minutes?

8 COMMISSIONER ELLIOTT: So move.

9 CHAIRMAN BOX: Is there a second?

10 COMMISSIONER FORD: Second.

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

13 COMMISSIONERS: Aye.

14 CHAIRMAN BOX: Opposed?

15 The vote is 4-0. The minutes are  
16 approved.

17 For your information Item T-8 has been  
18 withdrawn. Item W-2 is being held, although it will  
19 be discussed during the meeting today. And we are  
20 holding consideration of the triennial report on  
21 electric competition.

22 We will begin with the Electric

1 agenda. Item E-1 is Docket 09-0042. This is a  
2 complaint against AmerenIP that has been settled.  
3 The parties have moved jointly to dismiss.  
4 Administrative Law Judge Yoder recommends granting  
5 the joint stipulation to dismiss. Is there a motion  
6 to grant the joint stipulation to dismiss?

7 COMMISSIONER O'CONNELL-DIAZ: So moved.

8 CHAIRMAN BOX: Is there a second?

9 COMMISSIONER ELLIOTT: Second.

10 CHAIRMAN BOX: It's been moved and seconded.

11 All in favor say aye.

12 COMMISSIONERS: Aye.

13 CHAIRMAN BOX: Opposed? The vote is 4-0. The  
14 joint stipulation to dismiss is granted.

15 We will use this 4-0 vote roll call  
16 vote for the remainder of the Public Utilities agenda  
17 unless otherwise noted.

18 E-2 is Docket 09-0076. This is a  
19 reconciliation of expenditures by AmerenIP associated  
20 with asbestos litigation. Administrative Law Judge  
21 Albers recommends entering the Order approving the  
22 reconciliation. Is there any discussion? Any

1 objection? Hearing none, the Order is entered.

2                   Item E-3 is Docket 09-0206. This is a  
3 billing dispute by Ted Wrobel against Commonwealth  
4 Edison Company. The Order finds that the complainant  
5 failed to prove his case. Administrative Law Judge  
6 Riley recommends entering the Order denying the  
7 complaint. Is there any discussion? Any objections?  
8 Hearing none, the Order is entered.

9                   Items E-4 (09-0218), E-6 (09-0325) and  
10 E-8 (09-0356) will be taken together. These are  
11 complaints against Commonwealth Edison that have been  
12 settled. The administrative law judges recommend  
13 granting the joint motions to dismiss with  
14 prejudices. Is there any discussion? Any  
15 objections? Hearing none, the motions to dismiss are  
16 granted with prejudice.

17                   Items E-5 is Docket 09-0263. This is  
18 a petition for interlocutory review by the  
19 Commonwealth Edison Company to review an  
20 administrative law judge decision in the AMI pilot  
21 proceeding. The Commission discussed this matter at  
22 yesterday's pre-bench session. Administrative Law

1 Judge Sainsot recommends denying the petition. Is  
2 there any further discussion?

3 Commissioner O'Connell-Diaz.

4 COMMISSIONER O'CONNELL-DIAZ: Yeah, I think it  
5 was clear that the Commission is concerned about we  
6 have these two dockets that are pending and how that  
7 all plays into the federal stimulus grant plan that  
8 is out there. And I think that we had a full  
9 discussion with regard to the other docket, the  
10 deadlines.

11 And looking at the Commission's  
12 schedule, I would propose that it would be an  
13 appropriate thing if we could keep the dockets on the  
14 same schedule as they are currently, with the  
15 exception of 09-0263. And looking at our Commission  
16 schedule for voting that out on the 14th of October,  
17 which would mean moving up the current briefing  
18 schedule, I know that the briefs were filed  
19 yesterday, initial briefs were filed yesterday on  
20 that. And so adjusting that briefing schedule such  
21 that a proposed order would be issued by the ALJs on  
22 9/25, briefs on exceptions would be on the 2nd of

1     October, and a proposed order to the Commission or  
2     recommended order from the ALJs coming to the  
3     Commission on the 6th of October, so that the  
4     Commission could vote that matter out on a meeting on  
5     the 14th.

6                     And then the other proceeding would  
7     continue on the track that it -- I don't even think a  
8     schedule has been set in that but with the, not the  
9     notion, but that it would be completed by the end of  
10    this calendar year. And that way we would be able to  
11    move forward and not have confusion with the two  
12    dockets.

13                    So I guess my question is to the ALJ  
14    whether that would be the Commission's -- well,  
15    actually, I would ask my other Commissioners to  
16    comment on that.

17                    CHAIRMAN BOX: I think if we can get that  
18    schedule working, we would have to get a response  
19    from the judges. But going back through the record  
20    also, I think even in Commonwealth Edison's petition  
21    for the interlocutory review they talk about the  
22    federal Department of Energy process. And I think on

1 page 2 it clearly states that if projects are in the  
2 works, what can be submitted with their plans,  
3 letters from this Commission and others that can be  
4 put in the application showing the timeline they are  
5 all on, especially since we started this process long  
6 before the federal moneys available and when do we  
7 think the decision would be made. And I agree we  
8 want to keep these two things separate. I think if  
9 we go this route, it should be incumbent upon the  
10 companies to put together that information that they  
11 would like to have filed with their application or  
12 with the plans so that we would have time to look at  
13 that in case the Department of Energy makes its  
14 decision in mid-November or early November or  
15 whenever they make it.

16 But I too believe that for clarity we  
17 should keep these two processes separate. Once  
18 again, I should have prefaced what I was saying. We  
19 still have to do our job to review those documents  
20 and review the judges' decisions to see if in fact  
21 there is cost recovery, and we will do that. But I  
22 think in order to fully comply with the Department of

1 Energy rules and make our companies as competitive as  
2 possible, we should take advantage of the fact that  
3 we can proceed correspondence, letting them know what  
4 we are doing, when we hope to make a decision, so  
5 that would not negatively affect their applications  
6 for the \$175 million.

7 So I agree that we should keep these  
8 processes separate, have a full blown hearing on the  
9 second as we have on the first. And not to be a  
10 negative person, I think we should do it also  
11 because, for whatever reason, if the Department of  
12 Energy does not select Commonwealth Edison, we would  
13 like to think that the AMI that we started with over  
14 200,000 meters would continue. That's why I think it  
15 is clear to keep the proceedings separate.

16 COMMISSIONER ELLIOTT: Well, I would support as  
17 expeditious a process as we can get. And also any  
18 correspondence that we can send that would outline to  
19 DOE what our process is and timelines are, just for  
20 informational purposes, that could provide any  
21 support to those types of inquiries would be helpful  
22 as well.



1           CHAIRMAN BOX:   And not that we want to put a  
2   lot of pressure on Judge Sainsot, but the schedule  
3   Commissioner O'Connell-Diaz laid out with the final  
4   vote coming by October 14, I would like to think that  
5   would be somewhat do-able.

6           JUDGE SAINSOT:   I think it is do-able.   I will  
7   point out that there are a lot of issues in this  
8   docket.   However, I started working on the HEPO the  
9   day after trial.   So and some of the issues have to  
10   do with whether this tariff language should be in  
11   this docket or in the other docket.

12          CHAIRMAN BOX:   I think you have already  
13   stricken it, and I think if we rule from what I think  
14   the Commissioners are saying here this morning, that  
15   we will -- hopefully, the motion would be to deny the  
16   motion for interlocutory review, let both petitions  
17   stand on their own, and this language for the second  
18   tariff would not be in the original proceeding.   You  
19   will just be given what was filed earlier for the  
20   200,000 meters.   And the other proceeding that  
21   Commonwealth Edison filed, the '07 number, will have  
22   there are own separate hearing, evidence, briefs and

1 order.

2 JUDGE SAINSOT: Right, I am glad you said that.  
3 I just didn't want to be presumptuous and assume  
4 that's what the ruling was.

5 COMMISSIONER ELLIOTT: If it helps, I will make  
6 a motion that we deny the interlocutory.

7 CHAIRMAN BOX: Is there a second?

8 COMMISSIONER FORD: Second.

9 CHAIRMAN BOX: It has been moved and seconded  
10 to deny the petition for interlocutory review. All  
11 in favor say aye.

12 COMMISSIONERS: Aye.

13 CHAIRMAN BOX: Any opposed?

14 The vote is 4-0. The petition for  
15 interlocutory review is denied. And the other case,  
16 the 07, I can't remember the exact number, 07 will  
17 stand by itself. And hopefully, Judge, maybe at our  
18 meeting on the 29th we can just get a little status  
19 report as to this timetable so that we will know  
20 going into October where we stand.

21 JUDGE SAINSOT: A status report on both cases?

22 CHAIRMAN BOX: No, just the first one.

1 JUDGE SAINSBOT: Just the first one?

2 COMMISSIONER O'CONNELL-DIAZ: My intent was to  
3 establish that as the deadline date for Commission  
4 purposes so that all the parties can move forward  
5 with their briefing schedules in accordance with --  
6 they are going to have to be working a little quicker  
7 than they would have been. So I think it would  
8 improve the process if we --

9 CHAIRMAN BOX: What we are trying to do is  
10 trying to make sure that we do our job, the judges do  
11 their job and analyze all these cases and make a  
12 decision, but also taking note of the Department of  
13 Energy's filing deadline. And that's why it is  
14 important for us to have those other documents laying  
15 out as part of their application, not saying what we  
16 are going to do when we get the stuff that matters,  
17 so that we can tell the Department of Energy that  
18 this is where we are and this is what we think the  
19 timetable will be.

20 And, of course, as you know, we have  
21 been changing some of our meetings around, so that's  
22 why the October 14 date is so important, because it's

1       timed in with the decision timetable of the  
2       Department of Energy.

3               JUDGE WALLACE:   Mr. Chairman, Judge Sainsot  
4       could bring back the schedule for -0407 on the 29th,  
5       if that's what you are looking for.

6               CHAIRMAN BOX:    The second case.

7               COMMISSIONER ELLIOTT:   No, we are talking about  
8       -0263.

9               JUDGE WALLACE:   Well, you have already outlined  
10      the schedule.   There is nothing --

11              CHAIRMAN BOX:    We are asking if she could meet  
12      that.   And it would be fine to have an update on the  
13      07 case at that time.   But I am more concerned about  
14      the original filing where a decision will be due  
15      sometime in November, but the Department of Energy's  
16      decision also is due about that time.

17              JUDGE WALLACE:   Well, you said a status.   There  
18      is really no status.   She will be working on writing  
19      the order and getting it to you.

20              CHAIRMAN BOX:    Well, that's fine, as long as, I  
21      think Commissioner O'Connell-Diaz said, we need to  
22      have this established as the timetable for the first

1 case.

2 JUDGE WALLACE: As the new schedule for the  
3 first case.

4 CHAIRMAN BOX: Yes.

5 JUDGE SAINSOT: Okay. I am a little unclear as  
6 to what I will be reporting on, on the 29th.

7 CHAIRMAN BOX: Just forget that. Forget the  
8 status on the 29th.

9 JUDGE SAINSOT: Okay. And maybe just so it is  
10 clear and fair as to the parties, I will issue a  
11 ruling setting out the schedule that Judge -- excuse  
12 me, Commissioner O'Connell-Diaz laid out so that the  
13 parties will all have notice, and I will do it right  
14 away.

15 COMMISSIONER O'CONNELL-DIAZ: That will be  
16 great.

17 CHAIRMAN BOX: That would be great. Thank you.

18 Moving on to Item E-7, this is Docket  
19 09-0341. This is a petition by HSBC Technology and  
20 Services (USA), Inc., for a certificate of authority  
21 to sell electricity and power to non-residential  
22 customers one megawatt or larger in Commonwealth

1 Edison's service territory. Administrative Law Judge  
2 Yoder recommends entering the Order granting the  
3 petition.

4 I think Commissioner Elliott has  
5 circulated revisions and has some concerns about the  
6 Order. Commissioner?

7 COMMISSIONER ELLIOTT: Yes, I do. Judge Yoder,  
8 if you could join us, please. My concerns with this  
9 case stem from our recent decision in Docket 08-0364  
10 which is a verified complaint regarding Lower  
11 Electric for Blue Star, the issue there being whether  
12 or not they were in compliance with our ABC law. And  
13 in the docket before us, -0341, you indicate -- well,  
14 it appears to be a stipulation of facts that the  
15 company that they are utilizing to meet their  
16 financial, technical and managerial requirements have  
17 been managing applicant's electricity procurement for  
18 six years.

19 And my question is, from the period of  
20 time October 11, 2007, until this filing, it is  
21 unclear to me whether these companies Jones Lang  
22 LaSalle and EMC are in fact in compliance with

1 16-115C. And it is unclear from the document before  
2 me whether that is in fact the case.

3 JUDGE YODER: Whether they are certificated as  
4 an agent/broker consultant?

5 COMMISSIONER ELLIOTT: Whether they are in fact  
6 in compliance with the law. I don't know if that was  
7 elucidated in the --

8 JUDGE YODER: Well, it wasn't because we have  
9 not had any applicants or received any applications  
10 by parties yet to become certificated as an  
11 agent/broker consultant under that legislation.

12 COMMISSIONER ELLIOTT: Right. It appears to me  
13 that these two companies are clearly operating in  
14 that context.

15 JUDGE YODER: Could be, uh-huh.

16 COMMISSIONER ELLIOTT: I think from that  
17 perspective it is difficult for me to say, with the  
18 question of whether the companies underlying their  
19 technical qualifications are in fact in compliance  
20 with our law, to agree to approval of this without  
21 that information somehow being in the record.

22 JUDGE YODER: Well, I mean, this being a 45-day

1 case and not really a record being over run but in  
2 this case --

3 COMMISSIONER ELLIOTT: Yeah, and that's the  
4 other issue. The deadline here doesn't lend itself  
5 to --

6 JUDGE YODER: This is a self-serve ARES that's  
7 been hiring out to procure their electricity.

8 COMMISSIONER ELLIOTT: Yeah, it is not so much  
9 what they are doing going forward. It's what's been  
10 going on in the past from the period of when the  
11 16-115C became law. So it seems to me that we want  
12 to clarify and make a determination that the  
13 companies that they are using to support their  
14 application going forward are in fact in compliance  
15 with our laws.

16 And to the extent that they are or are  
17 not, I just don't know from the stage of where we are  
18 at. And, unfortunately, the timeline with the  
19 deadline in two days, it doesn't give us any  
20 opportunity to, I don't believe, procedurally to go  
21 back and ask the parties to clarify this issue.

22 JUDGE YODER: Right. I think -- Mr. Hickey,



1 clarify, but I think the ARES law allows parties to  
2 contract out servicing of parts of their requirements  
3 under the ARES.

4 COMMISSIONER ELLIOTT: Going forward.

5 JUDGE YODER: Yes. The question becomes, if  
6 they don't become a self-served ARES, I guess, it is  
7 kind of a question of if they are not an ARES, than  
8 the ECM is not an Illinois --

9 COMMISSIONER ELLIOTT: Before we get to the  
10 ARES issue, what I want to establish is whether the  
11 two companies, Jones Lang LaSalle and ECM, are in  
12 compliance with 16-115.

13 MR. HICKEY: Well, I am not sure we know the  
14 answer to that.

15 COMMISSIONER ELLIOTT: Exactly.

16 MR. HICKEY: And it is a little bit complicated  
17 because the applicant here is a huge corporation  
18 operating all over the globe. And it is clear to us  
19 that Jones Lang and ECM has been acquiring energy,  
20 electricity, outside of Illinois, probably doing what  
21 would constitute ABC work outside of Illinois.

22 What is not clear is whether or not

1 that's happening in Illinois, okay. And that's the  
2 reason, if you look at that language on page 3 of the  
3 Order that Judge Yoder put before you, it basically  
4 says the question of whether or not ECM and Jones  
5 Lang are ABCs is not reached here. We think there is  
6 a possibility that they will start doing that  
7 activity once the banking entity gets its certificate  
8 here.

9 And, again, as Judge Yoder said, the  
10 Commission don't have rules in place yet, have not  
11 had applications, and that's the reason -- again, I  
12 don't know what language you put forward, but that  
13 was the rationalities.

14 The Illinois Commerce Commission needs  
15 to make sure that ECM/Jones Lang LaSalle are  
16 following the ABC law/rules. But it appeared, based  
17 upon our existing rules in the statute, that the  
18 applicant here had met the requirements. And we just  
19 felt that the appropriate thing to do was to deal  
20 with the ABC issue subsequent to the certification.  
21 That was our --

22 COMMISSIONER ELLIOTT: Yeah, and that's my

1 problem. The timing of this is clearly -- I mean,  
2 they are relying on these companies to meet their  
3 technical requirements, and I am unclear as to  
4 whether those companies being relied upon are in  
5 compliance with our laws.

6 And so, you know, normally if we had  
7 enough time in the record, I would request that you  
8 go back to the parties and clarify this issue for us.  
9 Seeing as the deadline is two days from now, I am  
10 hard pressed to come up with an administrative  
11 solution, other than to deny the application until we  
12 can clarify this. I mean, I would be open to parties  
13 filing a rehearing application to --

14 CHAIRMAN BOX: Could that be accomplished on  
15 rehearing?

16 JUDGE YODER: I am not sure. The parties,  
17 meeting the technical requirements, are not  
18 necessarily --

19 COMMISSIONER ELLIOTT: What I am looking for is  
20 the easiest, least administratively burdensome  
21 solution to answering this question.

22 CHAIRMAN BOX: It will have to be answered

1 eventually.

2 COMMISSIONER O'CONNELL-DIAZ: I will throw this  
3 out there. Would an interim order give them a  
4 certain amount of time to comply or is rehearing  
5 easier? And also since this is a --

6 JUDGE WALLACE: The deadline was kind of goofy.  
7 It doesn't really give us any leeway.

8 COMMISSIONER ELLIOTT: It doesn't indicate  
9 whether it is up or down, either, does it?

10 MR. HICKEY: Well, as I understand it, it seems  
11 like the order would have to be a final order. It  
12 has to be an order granting or denying the  
13 application.

14 COMMISSIONER ELLIOTT: That's what I thought.

15 MR. HICKEY: As you probably know, we have had  
16 rehearings on ARES cases before. I just -- you know,  
17 Judge Yoder and I were talking about this. It just  
18 kind of struck me as peculiar that of all the ARES  
19 cases we have worked on over the last ten years, here  
20 we are looking at this particular one where it's a  
21 self-serving ARES application.

22 COMMISSIONER ELLIOTT: Well, part of the issue

1 here in trying to determine this is, I don't think  
2 this is a particularly unusual situation. There are  
3 probably many companies out there like ECM and Jones  
4 Lang LaSalle that I am not sure are aware of our ABC  
5 rules or whether they are in fact in compliance.  
6 That's another reason for trying to determine just  
7 exactly what's going on in the marketplace and  
8 putting people on notice that somehow we need to be  
9 assured that everyone is in compliance, particularly  
10 if they are being relied upon to meet the  
11 qualifications for --

12 JUDGE YODER: I don't know if Judge Wallace  
13 would have an opinion whether it would be possible to  
14 put a provision in the order that HSBC is not to  
15 obtain power as an ARES until the certification issue  
16 as an ABC of ECM or Jones Lang LaSalle has been  
17 addressed. I know parties can have technical  
18 requirements filled by it which doesn't necessarily  
19 make those an ABC. But in looking at this, it seemed  
20 to me that ECM probably was an ABC under our laws,  
21 once they started buying, trying to procure the  
22 power, once HSBC --

1           COMMISSIONER ELLIOTT: Well, it states that  
2 they have been procuring power for them for six  
3 years.

4           JUDGE YODER: Well, I don't think that that's  
5 in the order.

6           COMMISSIONER ELLIOTT: The question is whether  
7 it is in Illinois. There is a lot of lack of clarity  
8 here in terms of relying on these two companies to  
9 meet their qualifications. So I don't think that we  
10 can qualify their certification in that manner. I  
11 mean, to me it just seems like the alternative is to  
12 deny and open the door for a rehearing application to  
13 provide clarity.

14          COMMISSIONER O'CONNELL-DIAZ: And at that  
15 rehearing, just so we are clear, could it be done by  
16 affidavit or would we be taking testimony or how  
17 would you envision it?

18          JUDGE YODER: We can probably do it by  
19 testimony, having a longer time frame.

20          COMMISSIONER ELLIOTT: I think an affidavit  
21 would suffice, if there is --

22          MR. HICKEY: I think there are provisions in

1 the rules to make this happen, whether it is through  
2 a paper hearing or verified filings or something. I  
3 think Judge Yoder can probably find a way to get the  
4 information. But the issue to me, the difficult  
5 issue is the rules for the ABC, the Commission rules,  
6 won't probably be established until next month. So  
7 we will -- hopefully next month. Hopefully we will  
8 have rules.

9 COMMISSIONER ELLIOTT: To the extent that there  
10 is a verified statement in the record that we have  
11 been in fact in compliance with the law and intend to  
12 continue that compliance going forward, that would be  
13 sufficient to at least take care of the concerns with  
14 regard to meeting the technical and management  
15 criteria, I would think.

16 COMMISSIONER FORD: Well, I guess I have an  
17 issue with the fact that our rules are coming into  
18 effect next month and without making a decision  
19 today. Wouldn't that --

20 COMMISSIONER ELLIOTT: Well, that's sort of the  
21 issue that we dealt with in Blue Star. We came to  
22 the conclusion in Blue Star that the law was in

1 effect from October of 2007. And the fact that the  
2 licensing rules are not in effect was not the issue.  
3 So it was compliance with the law from 2007 forward  
4 that we resolved in that case.

5 COMMISSIONER FORD: And also, not being a  
6 lawyer, but I always thought that we still had  
7 jurisdiction over this issue. So even if we granted  
8 it, we could still come back and rescind it.

9 COMMISSIONER ELLIOTT: That's true. But I  
10 don't think by granting it we are going to have any  
11 more information.

12 COMMISSIONER FORD: Yes, that would be a  
13 condition of.

14 COMMISSIONER O'CONNELL-DIAZ: That's why I  
15 would suggest possibly an interim order and then they  
16 would be able to come in and provide the information  
17 that you are concerned about.

18 COMMISSIONER ELLIOTT: Yeah, whatever.

19 COMMISSIONER FORD: Then come back to us with  
20 that in a certain number of days.

21 COMMISSIONER ELLIOTT: I will look to the  
22 judges to offer a solution.



1 JUDGE YODER: Sir?

2 COMMISSIONER ELLIOTT: I will look to you to  
3 offer a solution.

4 CHAIRMAN BOX: You just wanted to hear that  
5 again.

6 JUDGE YODER: Well, I mean, obviously my  
7 thought first was to grant the ARES authority to HSBC  
8 with the implicit direction to ECM to come in under  
9 our incoming rules for the ABC consultants, to seek  
10 their ABC certification.

11 COMMISSIONER FORD: That's it.

12 JUDGE YODER: That was my thought. That's why  
13 that was included in the order, to put them on  
14 notice.

15 CHAIRMAN BOX: Either way it would be brought  
16 to a head. You're way is probably quicker than a  
17 rehearing because that's 20 days. I could live with  
18 that.

19 COMMISSIONER ELLIOTT: I hope so. I hope they  
20 are in compliance.

21 COMMISSIONER FORD: We will work on that  
22 compliance.

1           CHAIRMAN BOX:   And they are recommending  
2           granting the requested certificate of service  
3           authority.

4           COMMISSIONER ELLIOTT:   I would think just for  
5           going forward purposes, again, if this is going to be  
6           the case, that obviously we would want to know, we  
7           will be assured that they are in compliance and are  
8           taking steps as the licensing rules come into effect  
9           to stay in compliance.

10          MR. HICKEY:   Yeah, I suspect it will be easier  
11          to deal with once the rules are in place.

12          COMMISSIONER ELLIOTT:   I would agree.   I was  
13          just trying to reconcile this case with the Blue Star  
14          case, and it was very difficult to do, particularly  
15          when they are being relied upon to meet the  
16          qualifications.

17          CHAIRMAN BOX:   Any further discussion?   Any  
18          objections?   Hearing none, the Order is entered.

19                           Item E-9 is Docket 09-0368.   This is  
20          an uncontested service territory adjustment between  
21          Corn Belt Energy Corporation and AmerenIP.  
22          Administrative Law Judge Tapia recommends entering

1 the Order granting the requested relief. Is there  
2 any discussion? Any objections? Hearing none, the  
3 Order is entered.

4 Item E-10 is Docket 09-0370. Energy  
5 International Power Marketing Corp. has petitioned to  
6 cancel its certificate of service authority.  
7 Administrative Law Judge Yoder recommends entering  
8 the Order cancelling the certificate. Is there any  
9 discussion? Any objections? Hearing none, the Order  
10 is entered.

11 That concludes the Electric portion of  
12 today's agenda.

13 Under Natural Gas, Items G-1 (GRM  
14 #239) and G-2 (GRM #240) will be taken together.  
15 These are tariff filings by the North Shore Gas  
16 Company and Peoples Gas Light and Coke Company to  
17 correct an error found in their Rider EEP. Staff  
18 recommends that the tariffs not be suspended. Is  
19 there any discussion? Any objection? Hearing none,  
20 the tariffs are not suspended.

21 Item G-3 is Docket 09-0066. Atmos  
22 Energy Company has petitioned to reopen proceedings

1 involving financing authority. Administrative Law  
2 Judge Wallace recommends granting the petition and  
3 entering the Order on reopening. Is there any  
4 discussion? Any objections? Hearing none, the  
5 docket is reopened and the Order on reopening is  
6 entered.

7 Item G-4 is Docket 09-0250. This is a  
8 complaint by Deborah Ying-Thomas against NICOR Gas  
9 Company. The parties have settled and moved to  
10 dismiss. Administrative Law Judge Hilliard  
11 recommends dismissing the complaint with prejudice.  
12 Is there any discussion? Any objections? Hearing  
13 none, the complaint is dismissed with prejudice.

14 Item G-5 is Docket 09-0355. Family  
15 Energy, Inc., has petitioned for a service authority  
16 as an alternative gas supplier. Finding that  
17 applicant failed to provide sufficient information to  
18 analyze the applicant's qualifications, the Order  
19 denies the request. Administrative Law Judge Yoder  
20 recommends entering the Order. Is there any  
21 discussion? Any objections? Hearing none, the Order  
22 is entered.

1                   That concludes the Natural Gas portion  
2 of today's agenda.

3                   Turning to the Telecommunications,  
4 Items T-1 through T-7 (TRM #342, TRM #356, TRM #407,  
5 TRM #408, TRM #454/456, TRM #462, TRM #462) will be  
6 taken together. These are tariff filings by the  
7 Illinois Bell Telephone Company to modify competitive  
8 retail and non-competitive wholesale services. Staff  
9 recommends that these filings not be investigated  
10 and/or suspended. Is there any discussion? Any  
11 objections? Hearing none, the filings will not be  
12 investigated or suspended.

13                   Item T-8 (09-0285) has been withdrawn.

14                   Items T-9 (09-0287) and T-10 (09-0345)  
15 will be taken together. These are petitions for new  
16 certifications of authority to provide various  
17 telecommunications services or to transfer existing  
18 certificates. The administrative law judges  
19 recommend entering the Orders granting the requests.  
20 Is there any discussion? Any objections? Hearing  
21 none, the Orders are entered.

22                   Items T-11 (09-0302) and T-12

1 (09-0346) will be taken together. These are  
2 petitions to withdraw certificates of service  
3 authority. Administrative Law Judge Benn recommends  
4 entering the Orders granting the requests. Is there  
5 any discussion? Any objections? Hearing none, the  
6 Orders are entered.

7 Item T-13 through T-15 (09-0415,  
8 09-0416, 09-0417) will be taken together. These  
9 orders initiate citation proceedings against various  
10 telecommunications service providers for failure to  
11 maintain corporate status. Staff recommends entering  
12 the Order initiating the citation proceedings. Is  
13 there any discussion? Any objections? Hearing none,  
14 the Orders are entered.

15 Item T-16 is Docket 09-0351. This is  
16 a petition by Cellular Properties, Inc., for  
17 confidential and proprietary treatment of its 2008  
18 and 2009 annual reports. Administrative Law Judge  
19 Benn recommends entering the Order exempting the  
20 reports from disclosure for five years. Is there any  
21 discussion? Any objections? Hearing none, the Order  
22 is entered.

1                   Item T-17 is Docket 09-0107. This is  
2                   an application by Delta Communications, LLC, for  
3                   designation as an eligible telecommunications  
4                   carrier. Administrative Law Judge Riley recommends  
5                   entering the Order granting the application. Is  
6                   there any discussion? Any objections? Hearing none,  
7                   the Order is entered.

8                   Item T-18 is Docket 09-0910. This is  
9                   a petition by Illinois Bell Telephone Company for  
10                  confidential and proprietary treatment of Exhibit K  
11                  of its alternative regulation plan. Administrative  
12                  Law Judge Dolan recommends entering the Order  
13                  granting the relief for five years. Is there any  
14                  discussion? Any objections? Hearing none, the Order  
15                  is entered.

16                  Item T-19 is Docket 09-0213. This is  
17                  a petition by TracFone Wireless for designation as an  
18                  eligible telecommunications carrier. Administrative  
19                  Law Judge Riley recommends entering the Order  
20                  granting the petition. Is there any discussion? Any  
21                  objections? Hearing none, the Order is entered.

22                  Items T-20 through T-22 (09-0336,

1 09-0337, 09-0340) will be taken together. These are  
2 interconnection agreements or amendments to  
3 interconnection agreements. The administrative law  
4 judges recommend entering the Orders approving the  
5 agreements and the amendments to the agreements. Is  
6 there any discussion? Any objections? Hearing none,  
7 the Orders are entered.

8 That concludes the Telecommunications  
9 portion of today's agenda.

10 Turning to the Water and Wastewater  
11 items, Item W-1 is Docket 08-0218. This amendatory  
12 order makes minor changes to an Order entered on  
13 August 19, 2009. Administrative Law Judge Riley  
14 recommends entering the amendatory order. Is there  
15 any discussion? Any objections? Hearing none, the  
16 amendatory Order is entered.

17 Item W-2 is Docket 08-0490 and 08-0491  
18 Consolidated. RME Illinois, LLC, has filed petitions  
19 for certificates of public convenience and necessity  
20 to build wastewater systems to the Falcon Crest and  
21 Eastgate developments in Lake County. Finding that  
22 the proposed rates would be abnormally high and that



1 the petitioner's initial investment would be  
2 insufficient, the Order denies the petitions.  
3 Administrative Law Judge Riley recommends entering  
4 the Order.

5 Judge Riley, you are available?

6 JUDGE RILEY: Yes, I am.

7 CHAIRMAN BOX: Could you just brief us on this?  
8 As indicated earlier, we will not be voting on this  
9 but we just want to be briefed on it at this meeting.

10 JUDGE RILEY: Sure. What it comes down to,  
11 this is RME's second attempt to obtain these  
12 certificates of public convenience and necessity for  
13 these two subdivisions up in Lake County, Falcon  
14 Crest and Eastgate Estates. And the principal issue  
15 that arose in this matter that forms the basis for  
16 the denial is the proposed amount of investment.

17 Staff has proposed that the company  
18 invest upwards of approximately \$638,000 to be held  
19 in escrow, and that would enable the company to earn  
20 a return sufficient to properly maintain the system  
21 over time. The problem is that the petitioner does  
22 not have the necessary capital and does not plan to

1 borrow it. And Staff also acknowledged that if the  
2 petitioner investigated such a sum of money, they  
3 would have to charge \$181 a month to a Falcon Crest  
4 customer and nearly \$200 a month to an Eastgate  
5 Estates customer, and that would cause a violation of  
6 Section 8-406(b)3 which requires service be provided  
7 without significant adverse financial consequences  
8 for the utility or its customers. And staff on that  
9 basis recommended that the petitions be denied.

10 The petitioner countered that it would  
11 invest funds via refunds to the developers of \$934  
12 for each Falcon Crest customer and 936 for each  
13 Eastgate Estate customer as they attach over ten  
14 years. However, this would result in an investment,  
15 a total investment, of just under \$50,000. And what  
16 petitioner states is that it would also result in a  
17 rate of only \$52.30 per customer per month under a  
18 single tariff pricing format. Staff's objection to  
19 that is that the amount of return on an investment  
20 that small wouldn't allow them to properly maintain  
21 the system. So that is what forms the basis of the  
22 denial.

1 CHAIRMAN BOX: Questions of the judge? Okay.

2 Thank you very much.

3 Moving on to Item W-3, Docket 09-0251.

4 This is a resuspension order in a case involving a  
5 request by the Illinois-American Water Company for  
6 implementation of a qualifying infrastructure plan  
7 surcharge rider. Also the City of Champaign has  
8 petitioned for interlocutory review of an  
9 administrative law judge's decision not to  
10 consolidate this case with IAWC's pending rate case.  
11 Administrative Law Judge Yoder recommends denying the  
12 petition for interlocutory review.

13 Judge Yoder, could you brief us on  
14 this matter?

15 JUDGE YODER: Yes, Chairman. As indicated,  
16 this matter filed by Illinois-American Water Company  
17 is seeking to implement their QIP rider in additional  
18 districts. The City of Champaign and the Attorney  
19 General have intervened in the docket. Both are  
20 supporting consolidation of this matter with the  
21 Illinois-American rate case. The City of Champaign  
22 initially filed a motion to consolidate which was

1 denied by the administrative law judge. Champaign  
2 then filed their petition for interlocutory review,  
3 citing some additional information reasons they think  
4 the petition should be granted, did not really  
5 address the initial reasons for the denial of the  
6 motion to consolidate.

7           Staff of the Commerce Commission and  
8 Illinois-American both argue against consolidating,  
9 indicating that the rate case and the QIP riders are  
10 two completely separate cases and it would not be  
11 helpful to consolidate them; there will be different  
12 issues addressed. Additionally, the rate case has a  
13 deadline, I believe, of April 25. This matter has a  
14 deadline of, I believe, March 20. So if you  
15 consolidate these, I believe the only result would be  
16 to knock about five weeks off the rate case deadline  
17 which has already had a schedule set which has many  
18 more parties than this QIP has, has I believe about a  
19 week or four days of testimony set. To consolidate  
20 these matters would not be in the best interests of  
21 any of the parties, in my opinion.

22           CHAIRMAN BOX: Any questions of the judge? Is

1       there a motion to deny the petition for interlocutory  
2       review?

3               COMMISSIONER ELLIOTT:    So moved.

4               CHAIRMAN BOX:    Is there a second?

5               COMMISSIONER O'CONNELL-DIAZ:    Second.

6               CHAIRMAN BOX:    It has been moved and seconded.

7       All in favor say aye.

8               COMMISSIONERS:    Aye.

9               CHAIRMAN BOX:    Any opposed?

10                       The vote is 4-0.    The petition for  
11       interlocutory review is denied.

12                       Now turning to the resuspension order.

13       Is there a motion to enter the resuspension order.

14               COMMISSIONER ELLIOTT:    So moved.

15               CHAIRMAN BOX:    Is there a second?

16               COMMISSIONER O'CONNELL-DIAZ:    Second.

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

18       All in favor say aye.

19               COMMISSIONERS:    Aye.

20               CHAIRMAN BOX:    Any opposed?

21                       Vote is 4-0.    The resuspension order  
22       is entered.

1                   That concludes the Water and  
2 Wastewater portion of today's agenda.

3                   There are three other matters on  
4 today's agenda. First of all, as indicated the  
5 fourth triennial report on the state of retail and  
6 wholesale competition in the electric markets will be  
7 held.

8                   The other two, the first one is the  
9 annual report on the telecommunication markets in  
10 Illinois. Staff recommends approving the report and  
11 forwarding to the General Assembly. Is there a  
12 motion to approve the report and sending it to the  
13 General Assembly?

14                   COMMISSIONER O'CONNELL-DIAZ: So moved.

15                   CHAIRMAN BOX: Is there a second?

16                   COMMISSIONER ELLIOTT: Second.

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

18 All in favor say aye.

19                   COMMISSIONERS: Aye.

20                   CHAIRMAN BOX: Opposed?

21                   The vote is 4-0. The report is  
22 approved and it will be forwarded to the General

1 Assembly.

2                   The last item on today's agenda is a  
3 FERC item, proposed ICC comments on the proposal by  
4 FirstEnergy Service Company to leave MISO and to join  
5 PJM, Docket ER09-1589-000. This requires the  
6 Commission to go into closed session. Is there a  
7 motion to go into closed session?

8           COMMISSIONER O'CONNELL-DIAZ: So moved.

9           CHAIRMAN BOX: Second?

10          COMMISSIONER ELLIOTT: Second.

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

12 All in favor say aye.

13          COMMISSIONERS: Aye.

14          CHAIRMAN BOX: Opposed?

15                   The vote is 4-0. We will now go into  
16 closed session. Please let me know when the room is  
17 clear in Chicago.

18                                   (Whereupon the proceedings  
19 contained in pages 47  
20 through 52 were considered  
21 proprietary and are  
22 contained in a separate  
transcript.)

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CONTINUATION OF PROCEEDINGS

CHAIRMAN BOX: You want to let me know when everybody is back in the room in Chicago.

CHICAGO: Anyone that came back is back, Chairman.

CHAIRMAN BOX: Anyone that came back is back. Can I use that in the future?

CHICAGO: Because everybody left that left at open session.

CHAIRMAN BOX: In closed session the Commission discussed the proposed comments to FERC regarding the proposal by FirstEnergy Service Company to leave MISO and join PJM, Docket ER09-1589-000. Is there a motion to file the comments?

COMMISSIONER FORD: So moved.

CHAIRMAN BOX: Is there a second?

COMMISSIONER O'CONNELL-DIAZ: Second.

CHAIRMAN BOX: It's been moved and seconded to file comments. All in favor say aye.

COMMISSIONERS: Aye.

CHAIRMAN BOX: Opposed?

Vote is 4-0. The comments will be



1 filed with FERC.

2 Judge Wallace, anything else to come  
3 before us today?

4 JUDGE WALLACE: Not today. We have the admin  
5 meeting.

6 CHAIRMAN BOX: The admin meeting, we will  
7 recess until 11:30. It is 11:20 now, give everybody  
8 time. We meet again on the 29th in Chicago.

9 JUDGE WALLACE: Yes.

10 CHAIRMAN BOX: Anything further? Meeting is  
11 adjourned.

12 MEETING ADJOURNED

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1 MR. ANDERSON: We will start with the calendar.  
2 Mike, do you want to --

3 JUDGE WALLACE: With the assistance of my able  
4 assistants we put together a calendar proposal for  
5 you. It essentially mirrors last year's except for  
6 March and April. And the reason it looks really  
7 heavy is that we have a lot of cases coming due and I  
8 didn't know if you would want extra time or not.  
9 That's the reason that it looks like I am overworking  
10 you. But the reason is the Illinois-American,  
11 MidAmerican, Ameren.

12 MR. ANDERSON: When does Peoples come due?  
13 Because it comes due first, right? I think it is  
14 January.

15 JUDGE WALLACE: I do, too.

16 MS. STEPHENSON-SCHROEDER: It is January -- is  
17 it the 26th or the 23rd, 26th? Does that sound  
18 right, Mike?

19 COMMISSIONER O'CONNELL-DIAZ: They filed in  
20 February so January sounds right.

21 MR. ANDERSON: So, yes, starting with that one  
22 and then the other ones all come at once. Everything

1 else got filed pretty much at the same time.

2 JUDGE WALLACE: And I relied on -- for the  
3 NARUC and the Mark dates, I relied on the websites.  
4 The Mark website, at least the one I went to, doesn't  
5 seem to be very much up-to-date, so I don't know if  
6 you have additional information.

7 CHAIRMAN BOX: I know it is Kansas City in  
8 June.

9 COMMISSIONER ELLIOTT: It is usually in the --

10 CHAIRMAN BOX: Is it NARUC in July?

11 JUDGE WALLACE: The one I found was Mark in  
12 Kansas City.

13 COMMISSIONER ELLIOTT: There is also the Mark  
14 in San Antonio which is January. That may not have  
15 been on the website.

16 JUDGE WALLACE: That was not. Because someone  
17 asked me aren't there two Mark meetings and I said,  
18 well, I can't find the second one.

19 COMMISSIONER ELLIOTT: It is usually the first  
20 or second week in January, and I think it is okay  
21 with this calendar, so.

22 MR. ANDERSON: Does this generally look okay?

1           CHAIRMAN BOX:  The State Fair is the 13th of  
2 August?  I mean, Lu always wants to be --

3           COMMISSIONER FORD:  I love the State Fair.  We  
4 have got a new leader.

5           MR. ANDERSON:  But she is not stepping down.

6           COMMISSIONER FORD:  I want to see how that  
7 works.  They fired a friend of mine.  She said she  
8 wasn't stepping down, but if they don't force her --  
9 they will be sued, the State will be sued.

10          JUDGE WALLACE:  I am not sure on the state fair  
11 date.

12          CHAIRMAN BOX:  I think I had Carol look at it.  
13 I think it is the 13th through the 22nd.  It is  
14 usually in August.

15          COMMISSIONER ELLIOTT:  That's always when it  
16 is.

17          CHAIRMAN BOX:  So we will be down here.

18          JUDGE WALLACE:  I think that's what we intended  
19 to do.  I don't know where I left my notes.  When you  
20 rely on your memory, that's --

21          COMMISSIONER O'CONNELL-DIAZ:  Dangerous.

22          COMMISSIONER FORD:  That's deadly.

1 CHAIRMAN BOX: Okay.

2 COMMISSIONER O'CONNELL-DIAZ: Looks good.

3 CHAIRMAN BOX: You will get this out today?

4 JUDGE WALLACE: Yes.

5 MR. ANDERSON: Did you want it out today?

6 CHAIRMAN BOX: Or tomorrow, I don't care. I  
7 will be here tomorrow. Some of us stay here and  
8 work.

9 MR. ANDERSON: All right. Mary and I were  
10 talking, and with NARUC being in Chicago in November,  
11 there has been a lot of questions about, you know,  
12 what -- if there is a rule lined up or if staff  
13 should be doing something that we are not aware of or  
14 if anybody knows.

15 Mary, you might have had some other  
16 thoughts.

17 MS. STEPHENSON-SCHROEDER: Well, I received a  
18 lot of inquiries from people within my division, as  
19 well as some other divisions, as well as some  
20 external government agencies. You know, a lot of  
21 them would like to participate in the NARUC. There  
22 has been some questions about if there is any waiver

1 of fees. I just don't know that.

2 We think it would be beneficial to  
3 have a strong presence of Commission people there.  
4 Obviously, we all know we do have some budgetary  
5 constraints. So that is all my questions, as far as  
6 what type of presence would we like the Commission to  
7 have. You know, I can work with what I have to make  
8 sure I can get as many people there as possible.

9 CHAIRMAN BOX: Give me a number. How many  
10 people do you think might be interested in going to  
11 the sessions?

12 COMMISSIONER ELLIOTT: Well, one problem is the  
13 registration fees. I mean, that's the only thing  
14 that never waives.

15 CHAIRMAN BOX: We have an executive meeting in  
16 Washington the 22nd and I can bring that up or I  
17 could call Michelle Malloy if we need answers before  
18 that, to see what they can do or what they require.

19 MR. ANDERSON: Going back several years ago  
20 when I was still with the legislature, the NCSL would  
21 usually do some different things for host people if  
22 they volunteered to do things. I don't know whether



1 it is volunteer to work or do things. I don't know  
2 if NARUC does anything like that.

3 CHAIRMAN BOX: We can find out.

4 MR. ANDERSON: That would help us.

5 COMMISSIONER ELLIOTT: What I remember from  
6 NARUC is they will offer travel, hotel stipends, but  
7 they don't cover registration fees.

8 COMMISSIONER O'CONNELL-DIAZ: And since our  
9 people will most likely be located where they can  
10 travel to and from their home, what we would be  
11 looking for really is the registration fee pickup.

12 COMMISSIONER ELLIOTT: Some sort of waiver,  
13 yeah. To my knowledge they just don't do that. They  
14 may do it for the host state, but I don't know.

15 CHAIRMAN BOX: Let me talk to them because I  
16 know they did it, not for the whole state, but --

17 MR. ANDERSON: Because ideally we would like to  
18 be aggressive in terms of allowing staff to attend  
19 and be part of things.

20 COMMISSIONER O'CONNELL-DIAZ: Exactly.

21 JUDGE WALLACE: What does registration cost?

22 COMMISSIONER O'CONNELL-DIAZ: I think it is

1 495.

2 COMMISSIONER ELLIOTT: For November I think it  
3 was \$500.

4 MR. ANDERSON: That would -- I don't think  
5 we've got it. I don't think we have it.

6 CHAIRMAN BOX: Let me talk to them, see what we  
7 can do. How soon -- if we let you know on the 29th,  
8 would that be soon enough?

9 MS. STEPHENSON-SCHROEDER: Oh, I believe so.  
10 Would you like from us -- you know, I can talk with  
11 Mike and Jane to see, maybe try and get a total  
12 number of people from the Commission that may have an  
13 interest so that you have some sort of idea of a  
14 number. I mean, it wouldn't be a solid number but  
15 just so you have some --

16 MR. ANDERSON: My guess is that, cost aside,  
17 that the level would be high.

18 CHAIRMAN BOX: Well, the cost. But I think if  
19 you take out the receptions, there is, what, the  
20 commissioners-only lunch. Do they have a lunch for  
21 the regular non-commissioners? I don't think so. So  
22 you are only really looking at the reception and --

1           COMMISSIONER O'CONNELL-DIAZ:  The thing,  
2    though, too, is that if we have folks coming from  
3    Springfield, then we are going to have hotel fees  
4    that have to be thought about because --

5           COMMISSIONER FORD:  You register to get a  
6    hotel, in the host hotel.

7           COMMISSIONER O'CONNELL-DIAZ:  Well, but they  
8    could be in another hotel.

9           CHAIRMAN BOX:  You ought to have -- since we  
10   are talking about that, I don't know if Carol got you  
11   in, but I am going in.  Because we are going to be  
12   meeting on the 13th, I have got an executive meeting  
13   on the 14th, so I am in there the 12th, 13th, 14th.  
14   And the rates we got are cheaper than the conference  
15   rates.  I am with the Marriott and our rate we got is  
16   cheaper than the conference rate.

17                           Let me talk to them.  I think we can  
18   work out something on that.  Because Harvard did it  
19   for us when our lawyers wanted to go to that.  They  
20   all charged us a --

21           MR. ANDERSON:  I think it might be interesting  
22   if people were expected to do some work at it to get

1 that. Then that would also probably focus the people  
2 that really wanted to be there, too.

3 COMMISSIONER ELLIOTT: Sure. There are some  
4 voluntary activities that our staff could perform for  
5 them, administrative. I know they do a lot of back  
6 office stuff.

7 CHAIRMAN BOX: All right. Let me talk to them.

8 MR. ANDERSON: In that case then you would get  
9 the staff people that are really interested.

10 COMMISSIONER ELLIOTT: One other FYI, I was at  
11 the February NARUC because -- well, the Smart Grid  
12 collaborative back then, I don't know if any of you  
13 went back then, but they did sort of a tour of the  
14 Smart House. They had buses and that was sort of a  
15 gee whiz thing they did for the collaborative. And I  
16 was talking to ComEd after that and we had been  
17 trying to figure out a way to do a plug-in hybrid car  
18 and connect to the PJM system so that everybody could  
19 look at it. So I don't know if that's going to  
20 happen, but I have been talking to them about it and  
21 they are trying to work things out with PJM and the  
22 hotel. They are trying to get one of the Teslas.

1 Tesla has opened a dealership in Chicago, a really  
2 nice sports car, a couple hundred grand. But they  
3 are trying to get one of those.

4 MR. ANDERSON: But you don't have to buy any  
5 gas.

6 COMMISSIONER O'CONNELL-DIAZ: You couldn't buy  
7 gas.

8 COMMISSIONER ELLIOTT: Right. So, I don't know  
9 if that would happen, but that would be in some way  
10 through the Smart Grid collaborative. Other than  
11 that, I haven't talked to anybody about specifically  
12 Illinois.

13 COMMISSIONER O'CONNELL-DIAZ: Well, you know,  
14 the other thing is that for purposes of when we had  
15 the visitor from Kosovo, we do have that Smart House  
16 thing at --

17 CHAIRMAN BOX: Museum of Science and Industry.

18 COMMISSIONER O'CONNELL-DIAZ: That could be  
19 something that we could do.

20 COMMISSIONER ELLIOTT: Also, one of the backup  
21 plans that was suggested was the Illinois Institute  
22 of Technology which has a little smart conclave with

1 ComEd. But that's a serious bus trip away.

2 COMMISSIONER FORD: Ten hours.

3 COMMISSIONER ELLIOTT: I don't know if that  
4 would --

5 MR. ANDERSON: Just as a heads up, something  
6 that is kind of related to that, the governor and his  
7 staff is putting together a group, an energy group,  
8 to look at things going from Smart Grid to energy  
9 efficiency to climate. You know, it's a fairly broad  
10 thing. But we have been asked to participate in that  
11 and that's going to start tomorrow.

12 So that could be a very helpful thing  
13 with making sure that maybe the state does a little  
14 bit better job of making sure that everybody is on  
15 the same page policy-wise, especially if we tell the  
16 legislature about it. Because some of these things  
17 get passed and they don't make sense between the left  
18 and right hand.

19 So I think we view that as a very  
20 positive development. Hopefully, it's got some  
21 potential. So we will keep you advised as to how  
22 that goes.

1                   And then the last one, this is a  
2 review of the minutes.

3           CHAIRMAN BOX: Right. Carol came to me. Liz  
4 has agreed to go through the minutes that are taken  
5 for minor spellings and minor corrections. She  
6 wouldn't know of any substantive changes or things  
7 that were substantively not correct. We need to set  
8 up a system for one of our assistants to take one  
9 meeting and rotate it, rotate it to go through and  
10 make sure that things are there substantively.

11           COMMISSIONER ELLIOTT: I know they do that for  
12 the transportation agenda. Maybe we can just add  
13 that onto that.

14           CHAIRMAN BOX: I can make a copy of my script  
15 and whoever has it, have Tiffany and Louis make an  
16 extra copy and they can rotate it.

17           COMMISSIONER O'CONNELL-DIAZ: Everybody takes  
18 turns.

19           CHAIRMAN BOX: Because I will have Louis and  
20 Tiffany start setting up the schedule. It shouldn't  
21 take them very long to go through it.

22           COMMISSIONER ELLIOTT: That means that they

1 will have to pay attention at the actual meeting.

2 CHAIRMAN BOX: Yeah. We are not questioning  
3 your accuracy, miss. My suspend or not to suspend  
4 might get mixed up.

5 That's all I have.

6 JUDGE WALLACE: Do you have any problem getting  
7 the transcripts or is Liz going to forward them to  
8 you?

9 COMMISSIONER FORD: We have got them.

10 CHAIRMAN BOX: They are always in the package  
11 when we come down here. They are always here two or  
12 three days before the meeting and staff will have  
13 them.

14 Mary, could you give me, say, some  
15 ballpark figure, going back to that second topic, of  
16 how many people? What, 20 people maybe, lawyers,  
17 engineers, all different categories?

18 MS. STEPHENSON-SCHROEDER: I would say 20 would  
19 probably be a good estimate. I would say from OGC I  
20 would think about six persons, six to seven might. I  
21 don't know from the ALJ division how many you are  
22 thinking.



1 JUDGE WALLACE: If you are talking interest,  
2 probably all of them would be interested.

3 CHAIRMAN BOX: But they all wouldn't go every  
4 day, so it is more rotating. But 20 is a ballpark  
5 figure?

6 MS. STEPHENSON-SCHROEDER: Uh-huh.

7 CHAIRMAN BOX: That I don't think they will  
8 object to. Now, when Brandy went to -- you had to  
9 pay registration?

10 COMMISSIONER O'CONNELL-DIAZ: Uh-huh.

11 CHAIRMAN BOX: But then we have had other  
12 people go to various conferences. Mary Collins went  
13 to one in D.C. I think Charlotte went to one.

14 MS. STEPHENSON-SCHROEDER: Yeah, and I have  
15 been to one.

16 CHAIRMAN BOX: They all had to pay. Okay.  
17 Thank you.

18 MEETING ADJOURNED

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