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BEFORE THE
ILLINOIS COMMERCE COMMISSION

PUBLIC UTILITY REGULAR OPEN MEETING

Chicago, Illinois
September 29, 2009

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

BEFORE:

- MR. CHARLES E. BOX, Chairman
- MS. LULA M. FORD, Commissioner
- MS. ERIN M. O'CONNELL-DIAZ, Commissioner
- MR. SHERMAN J. ELLIOTT, Commissioner
- (telephonically)

SULLIVAN REPORTING COMPANY, by
Tracy L. Overocker, CSR

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1 CHAIRMAN BOX: Is the connection working in
2 Springfield?

3 COMMISSIONER ELLIOTT: It is, Mr. Chairman.

4 CHAIRMAN BOX: As you probably notice, we are
5 changing things around today. We didn't think we
6 would have Commissioner Ford with us and because of
7 the new law, we would have to meet in a very small
8 video conference room and that's not necessary today
9 but she will give us a half-hour of her time before
10 she has a flight out for other Commission business.

11 Pursuant to the provisions of the
12 Illinois Open Meetings Act, I now convene a regularly
13 scheduled open meeting of the Illinois Commerce
14 Commission.

15 With me in Chicago is Commissioner
16 O'Connell-Diaz and Commissioner Ford and joining us
17 by phone eventually will be Commissioner Elliott.
18 I'm Charles Box. We have a quorum.

19 Before moving into the agenda, is
20 there a motion to allow Commission Elliott to join us
21 by phone today?

22 COMMISSIONER O'CONNELL-DIAZ: So moved.

1 CHAIRMAN BOX: Is there a second.

2 COMMISSIONER FORD: Second.

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

4 All in favor say "aye."

5 (Chorus of ayes.)

6 Any opposed?

7 (No response.)

8 Commissioner Elliott, you are now part
9 of this meeting. Before moving into the agenda, this
10 is the time we allow the members of the public to
11 address the Commission. Members of the public
12 wishing to address the Commission must notify the
13 Chief Clerk's office at least 24 hours prior to the
14 bench session. According to the Chief Clerk's
15 Office, we have five requests to speak. Each speaker
16 will be allotted 3 minutes. I think they're all on
17 the same topic and I'd like to invite Twila Yednock
18 to present first and in the past, I've been very
19 liberal but today we will stay and directly tie it to
20 the 3-minute limit because of the time constraints
21 that we have or we'll all have to go into a room
22 which is about one-tenth of this size and I don't

1 think we want to do that.

2 MS. TWILA YEDNOCK: Do you wish me to sit?

3 CHAIRMAN BOX: Either way, as long as the court
4 reporter can hear you or that microphone -- that
5 green light is on, you can push the green light.

6 MS. TWILA YEDNOCK: It's on.

7 My name is Twila Yednock and I live in
8 Ottawa, Illinois at the confluence of the Fox and
9 Illinois Rivers. It is of the utmost importance to
10 the public good and in the public's best interest to
11 have case 06-0706 reopened. Please, review this
12 decision. It took nearly 50 pages to recap the
13 testimony on the LaSalle at that Wedron route, yet
14 only 3 pages are devoted to the Wedron to Ottawa
15 segments. Yes, 3. The bottom line is that a
16 developer's lobbyist lawyer flimflammed the City of
17 Ottawa into a side agreement and then dragged Ameren
18 into it. The cheapest, easiest, least disruptive and
19 least destructive route was discarded.

20 I doubt the ICC has personally seen
21 the various choices, but I assure you that running
22 the lines down a highway right of way is a better

1 choice than the incredible cost of building through
2 the Fox River Valley, running right through a dense
3 forest, sometimes next to and always within a quarter
4 mile of the Fox, 9 miles of trees 100 feet wide must
5 be bulldozed and roads built for both construction
6 and maintenance, it's a valley. Some of the terrain
7 is steeply sloped so denuding it results in erosion,
8 water runoffs, sludging, flooding and then massive
9 herbicide use in order to permanently prevent the
10 right of way from being green. Contrast that to
11 running the lines down a highway. Trucks on that
12 busy road don't care, but it matters to the eagles
13 and the rest of what lives in the forest.

14 The railroad already has derailments
15 due to erosion on the hillside. Imagine the disaster
16 when there are no trees to hold that hillside.
17 Imagine those rail cars tumbling down to the river or
18 worse, rolling into the towers holding 138,000 volts
19 in the air.

20 Is it in the public interest to choose
21 a route that flies in the face of sense and reason
22 that costs more that will always cost more, year

1 after year? Is it in the public interest to set
2 aside the thousands of pages of evidence and let a
3 side deal make that decision? Wrong is always going
4 to be wrong. This mistake once made will not be
5 easily remedied.

6 Old growth forest and the beauty of
7 the Rivers' wooded sandstone bluffs cannot somehow be
8 made to appear somewhere else. They will be gone,
9 replaced with 90-foot poles to view from the river.
10 You will have preserved a truck-laden highway
11 instead. I urge you to reopen. The public interest
12 does require it. This decision makes a travesty of
13 the siting process.

14 The chosen route is a mistake and
15 mistakes are hard to admit, but the bigger one will
16 be letting it stand. No one is living without power,
17 the urgency Ameren's claims is just not there. Power
18 for future subdivisions, for plans, will come and be
19 welcome but you must not sacrifice this beautiful
20 river valley in the name of unneeded and unwarranted
21 haste.

22 Please, I'm asking you reopen 06-0706

1 in honor of the public interest.

2 CHAIRMAN BOX: Thank you very much.

3 The next speaker is Mr. Fred Morelli,
4 Jr.

5 MR. MORELLI: I will wait until after our other
6 two speakers and then I'll go last for our group, if
7 the Commission --

8 CHAIRMAN BOX: That's fine.

9 Mr. Kirk Smith, you have 3 minutes,
10 please.

11 MR. KIRK SMITH: My name is Kirk Smith and I
12 appreciate the opportunity to comment on 06-0706.
13 Specifically, the routing of the Ottawa-Wedron
14 segment. I do live 35 feet from the routing and I
15 own a business that will be affected by the routing;
16 but due to two degrees in electrical engineering and
17 a former employee by Indiana Power, I feel like I can
18 well understand Ameren's needs. I went to the public
19 hearing about this project. I was concerned enough
20 to corner the Ameren project engineers. I asked
21 about the proximity of homes in the Dayton area. I
22 was told it was a horrible problem. Further, I was

1 told they considered the impact on the Fox River
2 Valley. People can be reluctantly relocated but a
3 river valley cannot, it will be destroyed forever. I
4 was told by Ameren employees that this routing was so
5 ridiculous that Ameren would never support it. So I
6 quitely went home and slept well at night until I got
7 my certified letter this spring, conveniently a few
8 days after the appeal period had expired.

9 I understand that you can reopen these
10 cases if it's in the public interest. I think it
11 would be in the public interest to save a river
12 valley. I spent yesterday with IDNR documenting the
13 bald eagle habitat that would be destroyed, she was
14 appalled to hear about this. Saturday I got a chance
15 to speak to Governor Quinn, he didn't seem real happy
16 about it. The Dayton Township Board and the City
17 Council of Ottawa have passed resolutions against it.
18 Every one that I've talked to that's considered the
19 evidence in this case concludes that the public
20 interest would be very well served by routing over
21 farm fields versus destroying a river valley, a
22 tourism destination and an economic resource for the

1 entire community.

2 Now I know that Ameren has said that
3 reopening this case would delay the provisioning of
4 power to the area. Please remember, though, that
5 this line would form a redundant circuit. The Wedron
6 substation could easily be operational after
7 completion of only the uncontested LaSalle Wedron
8 line providing for all anticipated power needs for
9 the area. True, the redundancy would be delayed a
10 period of time, but the 15 years I've lived in the
11 area, I can't remember any outages due to lack of
12 redundancy in this transmission system. Chances are
13 good that a delay of even a few years would not
14 impact the public at all. In the meantime, alternate
15 routings can be fairly considered to have a much
16 smaller impact to the public.

17 A two-stage deployment of these two
18 lines would simply best serve the public interest and
19 I encourage you to reopen this docket and protect the
20 public interest in this matter. It just seems like,
21 to me, it's the right thing to do. Thank you for
22 giving me the time.

1 CHAIRMAN BOX: Thank you, Mr. Smith.

2 Matthew Nelson. You have 3 minutes or
3 if your information or your comments are similar to
4 the other two and the attorney, we might be able to
5 forgo that. Is it redundant or...

6 MR. MATTHEW NELSON: It is, but I'm speaking on
7 behalf of the business that's there.

8 CHAIRMAN BOX: Okay. That's fine.

9 MR. MATTHEW NELSON: First, I want to thank you
10 for allowing us to speak. My name is Matthew Nelson
11 and I represent Ottawa Airport and the tens of
12 thousands of people that visit the airport each year.
13 Ottawa Airport is home to the largest skydiving
14 center in the Midwest, Skydive Chicago.

15 Now, I would like you to imagine
16 sitting at home relaxing and you hear your phone
17 ring. Without thinking, you obviously walk over to
18 your phone and you pick it up. On the other end, a
19 man's voice starts to tell you that your loved one,
20 with some friends, went for a skydive and
21 unfortunately, he's landed in 90-foot tall, 138,000
22 volt power lines. And, in fact, your loved one isn't

1 going to come home tonight. In fact, we're still
2 trying to figure out how to get him out of these
3 lines that are 90 feet tall. That man's voice would
4 be mine and I would have to live with the fact that
5 these power lines never had to go through our
6 property to begin with. I'd have to live with the
7 fact that meetings sponsored by Ameren stated that we
8 didn't have to worry about the route being chosen
9 because it was the most expensive and least
10 economical route.

11 I would know that I stood before the
12 board of the Illinois Commerce Commission that has
13 the power to reopen and I pleaded my case to them not
14 to choose this route and not cause loss of life. No
15 other route has this damage imposed on it, so why
16 choose this route?

17 Skydive Chicago was a vision of my
18 father, Roger Nelson. We took some vacant farmland
19 adjacent to the Fox River and built his dream. My
20 family sacrificed everything we had to make his dream
21 come true. It took over 3 years and hundreds of
22 thousands of man hours to complete. A few years ago,

1 I was given notice by my neighbor that the meeting
2 was conducted on the south side of the -- in the
3 south side of Ottawa pertaining to these new power
4 lines that needed to be installed. I attended this
5 meeting and spoke to a few Ameren representatives who
6 were very helpful despite the tough arrangement. On
7 the information that was handed out, I saw that we
8 were the second alternate route. The main route up
9 71 was the primary and most likely route to be
10 chosen. Fast forward to 2009, when I received my
11 certified letter in the mail and you can see the
12 surprise that I had.

13 Skydive Chicago is home to the 2002,
14 2007 and the upcoming 2010 U.S. National Skydiving
15 championships. We've set 3 world records there and
16 do an average of 75,000 jumps in a season, including
17 65 first-timers coming mostly from the Chicagoland
18 area. SDC is home of the Golden Knights Army
19 Parachute Team when they visit Chicago. It's been at
20 its location 11 years and the client base is in the
21 tens of thousands.

22 On behalf of Ottawa Airport and

1 Skydive Chicago and the thousands of people that use
2 the facility, I'm asking you to reopen the
3 Docket 06-0706 on your own motion. If not, I worry
4 that someone will die. In fact, I'm so certain that
5 it's not a matter of if, but when. The lines that go
6 through the -- that lines that are going to be routed
7 through the property go through our secondary landing
8 area. We've cleared this area specifically along the
9 river to give people the option to land there instead
10 of choosing the river. When you're skydiving, you're
11 at the mercy of the wind and you have to use that to
12 your advantage. Sometimes students, people learning
13 how to jump, aren't always the best decision makers
14 and we've made this option available to them.

15 Trusting in the reassurance that I'd
16 got from Ameren engineers, I wasn't at the last ICC
17 meeting where the Fox River Route was chosen. I'm
18 curious what other people's arguments were when
19 fighting to move it to the rail net route. Did they
20 say lives were of at stake? Did they say thousands
21 of trees were going to be destroyed? Is it going to
22 disrupt bald eagle nesting grounds? They had to have

1 some good reason to choose this route. For some
2 strange reason, I can't think about -- I can't think
3 what putting power lines alongside a road would do.
4 I'm not trying to fool anybody and say I'm a power
5 line engineer, but isn't that where most power lines
6 are? Along the roads?

7 The evidence is clear and the facts
8 are in front of you. I'm asking you to reopen this
9 case and allow us to be heard. I'm asking you to
10 save lives that would be lost. I'm asking you to
11 spare me from making a phone call to a jumper's loved
12 one. I have the confidence now that after hearing us
13 today, the decision will be easy for you. I thank
14 you for your time.

15 CHAIRMAN BOX: Mr. Nelson, thank you very much.
16 Katie Troccoli.

17 MS. KATIE TROCCOLI: I appreciate the
18 opportunity to comment today on Docket 06-0706. My
19 name is Katie Troccoli.

20 The routing of Illinois Power Company
21 doing business as Ameren IP, Ameren Illinois
22 Transmission Company is what we're discussing. I

1 live in Ottawa where the route will devastate my
2 community. I attended a meeting in April 6th of 2006
3 where Ameren employees told me the route up Champaign
4 Street and the Fox River would never be selected. I
5 believe they were sincere in their remarks. I
6 believe that they told me what they felt was the
7 truth.

8 After years of doing environment work,
9 I was relieved until I got my registered letter from
10 Ameren wanting to purchase an easement. The problems
11 with this route are many: Lack of consideration of
12 evidence, much higher costs in the engineering
13 estimates compared to other routes, loss of tourism
14 revenue to the community, endangered species along
15 the route, bald eagles, Indiana bats and more,
16 destruction of 100 to 150 foot (sic) of forest, and
17 future defoliant weed killer run off into the Fox
18 River and the Illinois River, erosion problems, train
19 derailments, potentially, Skydiver deaths at Skydive
20 Chicago, which is just a few miles from my home.

21 I beg your consideration to reopen the
22 Docket 06-0706. Please do your best to protect the

1 public interests.

2 CHAIRMAN BOX: Thank you very much.

3 MS. KATIE TROCCOLI: May I give you these
4 letters?

5 CHAIRMAN BOX: It's ex-parte. I would think if
6 you -- you can leave them there, the attorneys will
7 get them and we'll put them into the record.

8 COMMISSIONER O'CONNELL-DIAZ: Those have to be
9 filed with our clerk.

10 MS. KATIE TROCCOLI: Thank you.

11 CHAIRMAN BOX: Mr. Morelli.

12 MR. MORELLI: Thank you. I think most
13 everything has been said, so I'm not going to be
14 lengthy. What I want to show you is a photograph
15 from the Dayton Street bridge, Dayton Road bridge
16 looking north along the Fox River. If you look on
17 this side of the photo, all of those trees will be
18 gone. How many people, if you might, how many people
19 here stand up --

20 CHAIRMAN BOX: Excuse me. Your presentation is
21 just -- we're not in court, we're not at a hearing,
22 we're just hearing your public statement.

1 MR. MORELLI: Very good. This photo is from
2 the east side of the Dayton Street bridge showing the
3 west bank of the Fox river. All of these trees will
4 be gone. I have a photo showing the alternate
5 landing area for skydivers and I'm going to leave
6 these photos with you. The areas just touching the
7 Fox River that are clear are where skydivers land
8 when they are not going to be able to make it back to
9 the airport. The poles will be along the railroad
10 tracks. That will leave a skydiver, who perhaps made
11 a bad judgment in deciding to try to get back to the
12 airport, a choice of either landing in the river or
13 trying to avoid 138,000 volts, not a good choice by
14 anyone's imagination.

15 I also have a photo from the Dayton
16 Street bridge showing the east bank of the Fox River
17 and the like, limestone formations and I have that to
18 show you how scenic that area is. I can think of
19 nothing more in the public interest than preserving
20 the Fox River and preserving the ecology. National
21 Geographic this month has an article about the tall
22 trees in California and what was done to save those

1 trees. The National Geographic channel is showing
2 episodes of the preservation of the national parks
3 and how that was fought by commercial interest and
4 how commercial interest attempted to degrade it.
5 That's the same thing that's happening here. I adopt
6 everything that Kirk Smith said. He said, This is a
7 redundant line. It isn't the essential line, a
8 redundant line has to be built but delaying the
9 redundant line isn't going to delay the power.

10 I also have a photo of the Ottawa
11 Airport that shows where the paved runway is. It
12 shows where the grass runway is and it, likewise,
13 along the river shows open areas where skydivers land
14 if they can't make it back to the airport. We have
15 six or seven people a year who land in that area.
16 That's six or seven people a year who would have to
17 decide whether to land in the water or land -- or try
18 to avoid the power lines.

19 I think had the Commission known, had
20 Judge Albers known of the existence of the airport
21 and the magnitude of its operation, had he known of
22 the plan to clear-cut 150 feet or 100 feet of trees,

1 I'm not sure which, his decision would have been
2 different. It's clear the decision was made because
3 the Route 71 objectors objected and it's clear that
4 it is not the preferred route, it wasn't even
5 Ameren's preferred route.

6 Thank you very much.

7 CHAIRMAN BOX: Thank you very much. I hated to
8 rush people along, but I think we'll need time to
9 discuss this matter. And in light of the fact we
10 have a lot of people here, I will take Items 1 -- we
11 will skip Item 2, what you're here for, and then
12 we're going to hold Item 6 and we'll come back for a
13 discussion on Item No. 2. It should only take me
14 about 5 minutes to do the rest of the agenda, so
15 there won't be a mass exodus once that's over.

16 Let's start at the beginning. Item 1
17 is a suspension order for Commonwealth Edison
18 Company's tariff to comply with the new provisions of
19 the Public Utility Act governing uncollectible
20 accounts. Staff recommends entering the suspension
21 order. Is there a motion to enter the suspension
22 order?

1 COMMISSIONER O'CONNELL-DIAZ: So moved.

2 CHAIRMAN BOX: Is there a second?

3 COMMISSIONER FORD: Second.

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

5 All in favor say "aye."

6 (Chorus of ayes.)

7 Opposed?

8 (No response.)

9 The vote is 4-0. The suspension order
10 is entered and we will use this 4-0 roll call for the
11 remainder of the agenda unless otherwise noted.

12 As I said, we'll skip over Item No. 2.
13 Item No. 3 is Docket 08-0548. This is a rule
14 implementing the new requirements in the Act
15 governing agents, brokers and consultants, a/k/a the
16 ABC rules. The Joint Committee on Administrative
17 rules has issued its certificate of no objection
18 concluding the second notice period. Administrative
19 Law Judge Yoder recommends entering the order
20 adopting the rules effective November 1st, 2009.

21 Is there any objections -- any
22 discussions, I'm sorry.

1 (No response.)

2 Any objections?

3 (No response.)

4 Hearing none, the order is entered
5 adopting the rules.

6 Item 4 is Docket 09-0065. On its own
7 motion, the Commission reopened this docket to
8 address the appropriate time period for confidential
9 treatment of FirstEnergy Solution Corp.'s 2008
10 Kilowatt-Hour Report. Confidentiality will be
11 granted for 2 years instead of 5 years.
12 Administrative Law Judge Yoder recommends entering
13 the order on reopening.

14 Is there are any discussion?

15 (No response.)

16 Any objections?

17 (No response.)

18 Hearing none, the order on reopening
19 is entered.

20 Item 5 is Docket 09-0324. This is a
21 stipulation and joint motion to dismiss submitted by
22 Catherine Gerin and Commonwealth Edison Company

1 regarding a disputes over billing. The parties have
2 settled all outstanding issues. Administrative Law
3 Judge Sainsot recommends entering the stipulation and
4 the joint motion to dismiss. Is there any
5 discussion?

6 (No response.)

7 Any objections?

8 (No response.)

9 Hearing none, the stipulation and
10 joint motion to dismiss is entered.

11 We are going to hold Item 6 to next
12 Tuesday and Wednesday.

13 Item 7 and 8 will be taken together.
14 These are two new PURPA standards on energy
15 efficiency and rate design for gas utilities. The
16 Illinois General Assembly and the Commission have
17 already implemented gas energy efficiency programs
18 and rate design modifications, thus removing the need
19 to consider these federal standards. Administrative
20 Law Judge Sainsot recommends that the Commission
21 dismiss these dockets.

22 Any discussion?

1 (No response.)

2 Any objections?

3 (No response.)

4 Hearing none, the dockets are

5 dismissed.

6 Item 9 is Docket 09-0222. The parties

7 have settled a complaint against MxEnergy, Inc., for

8 switching of service. The Administrative Law Judge,

9 Sainsot, recommends entering the motion to dismiss.

10 Is there any discussion?

11 (No response.)

12 Any objections?

13 (No response.)

14 Hearing none, the motion to dismiss is

15 granted.

16 Item 10 is Docket 00-0233 and 00-0335

17 consolidated. Illinois Independent Telephone

18 Association petitioned the Commission to investigate

19 the necessity of establishing an Illinois General

20 Service Fund. Administrative Law Judge Albers

21 recommends entering the order denying the motion to

22 initiate a new phase of this consolidated docket and

1 dismissing the proceeding. Is there any
2 discussion?

3 (No response.)

4 Any objections?

5 (No response.)

6 Hearing none, the motion to dismiss is
7 granted.

8 Item 11 is Docket 09-0285. MCC
9 Telephony of Illinois, Inc., Petitions to transfer
10 Certificate of Service to Mediacom Telephony of
11 Illinois, Inc. Administrative Law Judge Riley
12 recommends entering the order granting the requested
13 certificates to the applicant and cancelling the same
14 certificates in Docket 04-0601.

15 Is there any discussion?

16 (No response.)

17 Any objections?

18 (No response.)

19 Hearing none, the order is entered.

20 Item 12 is Docket 09-0348. Rock
21 Island County ETSB petitions to modify its 911
22 emergency telephone number system. Staff recommends

1 approval of the order. Administrative Law Judge
2 Haynes recommends entering the order granting the
3 petition. Is there any discussion?

4 (No response.)

5 Any objections?

6 (No response.)

7 Hearing none, the order is entered.

8 Item 13 is Docket 08-0463. This is a
9 dismissal of the Commission's 9-250 proceedings
10 investigating Illinois-American Water Company's
11 cost-of-service study. The company has offered a new
12 cost-of-service study within a new rate case, which
13 the parties agree satisfies the pending
14 investigation. Administrative Law Judges Albers and
15 Tapia recommend entering the order dismissing the
16 proceeding.

17 Is there any discussion?

18 COMMISSIONER ELLIOTT: Mr. Chairman?

19 CHAIRMAN BOX: Yes, Commission Elliott.

20 COMMISSIONER ELLIOTT: My office circulated a
21 relatively minor edit to eliminate some -- what I
22 consider to be unnecessary verbiage in the order and

1 I would submit that for Commission approval.

2 CHAIRMAN BOX: It's more scrivener's errors.

3 That's the motion. Is there a second?

4 COMMISSIONER O'CONNELL-DIAZ: Second.

5 CHAIRMAN BOX: All in favor say "aye".

6 (Chorus of ayes.)

7 Any opposed?

8 (No response.)

9 The amendments to the order is
10 entered. Is there a motion to accept the order as
11 amended?

12 COMMISSIONER O'CONNELL-DIAZ: So moved.

13 CHAIRMAN BOX: Is there a second?

14 COMMISSIONER ELLIOTT: Second.

15 CHAIRMAN BOX: It's been moved and seconded to
16 adopt the order as amended. All in favor say "aye."

17 (Chorus of ayes.)

18 Opposed?

19 (No response.)

20 The vote is 4-0. The order as amended
21 is dismissed.

22 Item 14 is Docket 08-0490 and 08-0491

1 consolidated. RME Illinois, LLC petitioned for a
2 certificate to serve parcels in Lake Villa and Long
3 Grove in Lake County. The order finds that the rates
4 are exorbitant and would not -- and would have
5 significant adverse financial consequences on the
6 customers. Administrative Law Judge Riley recommends
7 entering the order denying the petition for a
8 certificate. Is there any discussion?

9 COMMISSIONER O'CONNELL-DIAZ: Chairman, I was
10 the person that held this last time and I'm --
11 because it's not the Commission's normal situation
12 where we deny certificates but having read through
13 the testimony and Judge Riley's order, I very much
14 support the conclusion that he reached. This would
15 have adverse effect on the customers down the road of
16 this developing area and I think the most important
17 thing here, too, is the company did not file with the
18 Commission in accordance with what the law is. So
19 I'd like to thank Judge Riley for his work on this
20 and I support the order.

21 CHAIRMAN BOX: Any further discussions?

22 (No response.)

1 Any objections?

2 (No response.)

3 Hearing none, the order is entered
4 denying the certificates.

5 We have one matter -- FERC matter
6 which will require closed session, but we'll take
7 that up after we deal with Item No. 2, which is
8 Docket 06-0706, a petition to reopen the docket
9 granting a certificate for Ameren IP and Ameren
10 Illinois Transmission Company to construct a new 138
11 kv electric transmission line. Administrative Law
12 Judge Albers recommends reopening the docket for the
13 limited purpose of considering the impact of the
14 Ottawa-Wedron route.

15 Judge Albers, are you with us in
16 Springfield?

17 JUDGE ALBERS: Yes, I am.

18 CHAIRMAN BOX: Can you give us a very brief
19 overview of the issues in this case?

20 JUDGE ALBERS: Very briefly, then, this route
21 was eventually adopted, the one in dispute, in the
22 March order because after a testimony problem that

1 Ameren had, the parties came in with a stipulation
2 agreeing to change the preferred route to the Fox
3 River route and in absence of any objections for the
4 Fox River route, I recommended the Commission go
5 ahead and adopt that. There's language on Page 65 of
6 the order, though, expressing concerns about the lack
7 of a full record on that particular route. So here
8 we are today, though, to potentially get a full
9 record on that particular route.

10 CHAIRMAN BOX: Judge, it's your recommendation
11 that we reconsider the impact of the Ottawa-Wedron
12 route?

13 JUDGE ALBERS: I would recommend that we reopen
14 this to reconsider whether or not the adopted route
15 is the best route or if another route that had been
16 proposed earlier is a better route. So I guess,
17 specifically, this one or the Route 71.

18 CHAIRMAN BOX: Okay. But my understanding from
19 your order is that the LaSalle to Wedron route would
20 not be impacted and that can continue and it will be
21 testimony on the Ottawa and Wedron parcel alone?

22 JUDGE ALBERS: Correct.

1 COMMISSIONER O'CONNELL-DIAZ: Is that,
2 engineering-wise a doable thing where we -- we
3 usually don't pars out a route. I mean...

4 JUDGE ALBERS: The two routes -- there's a
5 2-mile stretch at the end of -- towards the Wedron
6 end where there's a double circuit on the poles.
7 From an engineering perspective, I believe the poles
8 would be different depending on if it's a double
9 circuit, but generally, the majority of the
10 Wedron-LaSalle route could be worked on and
11 constructed during this period, that wouldn't change.

12 CHAIRMAN BOX: Judge, what would be your time
13 line to address the impact of the Ottawa-Wedron
14 route?

15 JUDGE ALBERS: I would try to do it as soon as
16 I could. We have the Ameren rate cases coming up,
17 though, so I hopefully can work that in there.

18 CHAIRMAN BOX: Do you think it would benefit
19 every one concerning -- especially the public
20 interest to reopen the docket?

21 JUDGE ALBERS: I do.

22 COMMISSIONER FORD: Mr. Chairman, I move that

1 we reopen the docket between Ottawa and Wedron.

2 COMMISSIONER O'CONNELL-DIAZ: Second.

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

4 Any further discussion?

5 (No response.)

6 And with that motion, I think the
7 order says that the other part can continue rolling,
8 that one section.

9 COMMISSIONER FORD: That's correct.

10 CHAIRMAN BOX: Any further discussion?

11 (No response.)

12 All in favor say "aye."

13 (chorus of ayes.)

14 Opposed?

15 (No response.)

16 The vote is 4-0. The docket is
17 reopened.

18 (Applause.)

19 The one item I refer to earlier is a
20 FERC matter requiring the Commission to go into
21 closed session. Is there a motion to go into closed
22 session.

1 COMMISSIONER FORD: So moved.

2 CHAIRMAN BOX: Is there a second?

3 COMMISSIONER ELLIOTT: Second.

4 CHAIRMAN BOX: Moved and seconded going into
5 closed session. All in favor say "aye."

6 (Chorus of ayes.)

7 Opposed?

8 (No response.)

9 The vote is 4-0. The meeting will
10 go into closed session and could you leave please and
11 let me know when the room is clear in Springfield and
12 I hated to rush through, but I want to -- I
13 appreciate the people who attended for your comments.
14 Thank you.

15 Applause.

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1 Whereupon, the following
2 proceedings were had in
3 open session.)

4 COMMISSIONER BOX: Let me know when the room is
5 ready in Springfield.

6 COMMISSIONER ELLIOTT: We're ready.

7 CHAIRMAN BOX: The Commission went into closed
8 session to discuss comments to submit to FERC
9 regarding PJM's September 1st, 2009 RPM compliance
10 filing. Is there a motion to file the comments out
11 of time with FERC?

12 COMMISSIONER ELLIOTT: So moved.

13 CHAIRMAN BOX: Is there a second?

14 COMMISSIONER O'CONNELL-DIAZ: Seconded.

15 CHAIRMAN BOX: Moved and seconded to file
16 comments out of time with FERC. All in favor say
17 "aye."

18 (Chorus of ayes.)

19 Opposed?

20 (No response.)

21 The vote is 4-0. The comments will
22 be filed with FERC out of time.

1 Judge Wallace, is there anything else
2 to come before us today?

3 JUDGE WALLACE: Not today, sir.

4 CHAIRMAN BOX: We have of pre-bench on the 6th
5 and bench on the 7th. I think we have a gas policy
6 meeting on the 6th and did we switch the -- no, we
7 didn't switch those around. One is at 1:30 for
8 pre-bench and 2:30 for the gas policy?

9 COMMISSIONER FORD: Right.

10 CHAIRMAN BOX: Anything else to come before us?

11 (No response.)

12 The meeting stands adjourned.

13 (Whereupon, the public utility
14 regular open meeting was
15 adjourned.)

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