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BEFORE THE
ILLINOIS COMMERCE COMMISSION
BENCH SESSION
(PUBLIC UTILITY)
Wednesday, January 14, 2015
Chicago, Illinois

Met, pursuant to notice, at 10:30 A.M.,
at 160 North La Salle Street, Chicago, Illinois.

PRESENT:

- JOHN T. COLGAN, Commissioner
- ANN MCCABE, Commissioner
- SHERINA E. MAYE, Commissioner
- MIGUEL DEL VALLE, Commissioner

SULLIVAN REPORTING COMPANY, by
PATRICIA WESLEY
CSR NO. 084-002170

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2 COMMISSIONER COLGAN: Is everything ready in
3 Chicago?

4 COMMISSIONER McCABE: Yes.

5 COMMISSIONER del VALLE: Yes.

6 COMMISSIONER COLGAN: Pursuant to the provisions
7 of the Open Meetings Act, I now convene the
8 regularly scheduled Bench Session of the Illinois
9 Commerce Commission. With us in Chicago are
10 Commissioner McCabe, Commissioner del Valle and
11 Commissioner Maye. I am Commissioner Colgan. We
12 have a quorum.

13 Before moving into the agenda,
14 according to Section 1700.10 of Title 2 of the
15 Administrative Code, this is the time that we allow
16 members of the public to address the Commission.
17 Members of the public wishing to address the
18 Commission must notify the Chief Clerk's office at
19 least 24 hours prior to Commission meetings.

20 According to the Chief Clerk's office,
21 we have eight requests to speak at today's Bench
22 Session, five of which have been granted. Each

1 speaker will have three minutes. As a reminder to
2 the speakers, the Commissioners are not permitted to
3 respond to any of today's speakers. Our speakers
4 are Mr. Nicholas Johnson, Mr. William Hamblin,
5 Ms. Kimberly Mims, Mr. Anthony Morgan and Mr. Curtis
6 Hughes. Are those speakers present?

7 COMMISSIONER McCABE: They are.

8 COMMISSIONER COLGAN: Okay. There's a
9 microphone. Let's start with Mr. Nicholas Johnson.

10 PRESENTATION

11 BY

12 MR. JOHNSON:

13 Hello. Good morning. I am Nick
14 Johnson, a resident of Rogers Park here in Chicago.

15 So Peoples Gas is here today asking
16 for yet another rate increase, a rate increase worth
17 around \$107 million. This is on top of the 18
18 percent increase in profit they enjoyed last year
19 while their company left tens of thousands without
20 heat in one of the worse winters on record.

21 The ICC is a regulatory body and I
22 must say a rather ineffectual one. The ICC is

1 charged with the task of protecting the citizens of
2 this state from predatory monopolies like Peoples
3 Gas and the very fact we are here is proof you
4 failed on that front.

5 A hundred and seven million dollars is
6 an astounding amount of money. If you grant this
7 rate increase, I don't know where the shareholders
8 of Peoples Gas will decide to put all this new found
9 cash, but I do know a few places that the money
10 won't end up.

11 It won't go to the small business
12 owners who need it once they get their new revised
13 gas bills. It won't go back to the schools that
14 apparently there's no money for, and it won't go to
15 repair a crumbling infrastructure because, let's be
16 honest, none of it's going to be taxed.

17 So I ask you as an organization which
18 is suppose to have the best interest of people in
19 the state at heart, what do you perceive the
20 benefits of this rate increase to be?

21 Are you hoping this money might
22 trickle down? Maybe the CEO of Peoples Gas will

1 decide to buy a new yacht and that will help the
2 city's oh-so-important luxury boat building industry
3 or maybe you are counting on the shareholders all
4 buying new luxury condos and that might stimulate
5 the housing market or maybe they'll all build new
6 mansions complete with heated swimming pools full of
7 cash and there will be construction jobs for a
8 couple of weeks. I fail to see the long-term
9 benefits of this plan for the people of Chicago.

10 In a ICC press release last April,
11 Chairman Doug Scott said that the increasing poverty
12 cuts to LIHEAP will cost families to resort to
13 unsafe and life-threatening measures in lieu of
14 utility service.

15 You failed to mention that a rate
16 increase you grant makes the rates more
17 unaffordable, and it's a good thing you are not in
18 charge of the state's fire departments. I'm sure
19 the fire fighters will be showing up with hoses full
20 of gasoline.

21 I'm willing to give you the benefit of
22 the doubt though. It's possible you simply weren't

1 aware of the real consequences of continuing to be a
2 rubber stamp for this horrible criminal enterprise,
3 perhaps the members of this Committee have never
4 lost a child to the violence deprivation pawns
5 (sic).

6 Perhaps you don't know anyone with a
7 grandparent who died in a cold, dark house when
8 their social security check no longer keeps up with
9 the most basic costs of living. Maybe not one of
10 your neighbors has been burned alive when a space
11 heater caught fire and the flames spread too quickly
12 for them to escape.

13 If you allow this robbery to continue
14 unabated, you are condemning an untold number of
15 people to an early and miserable death and that
16 makes you accomplices not just for robbery but to
17 outright murder.

18 I imagine you thought it was going to
19 be your children who might be assaulted in the
20 streets for their lunch money or your parents who
21 were going to develop pneumonia because they
22 couldn't afford to see a doctor, then you wouldn't

1 be giving any consideration to this profound greed.

2 We have been victims of profiteering
3 far too long. If you go ahead with this rate
4 increase, you are proving one of two things. You
5 are either obscenely ignorant of the crime being
6 perpetrated against us, and that makes you
7 unqualified for these positions, or you are in on
8 it. Either way it's unacceptable. Reject this rate
9 increase for Peoples Gas. Thank you.

10 COMMISSIONER COLGAN: Thank you, Mr. Johnson.

11 Mr. Hamblin.

12 PRESENTATION

13 BY

14 MR. HAMBLIN:

15 Good morning, Commissioners.

16 COMMISSIONER McCABE: Good morning.

17 MR. HAMBLIN: I would like to start by calling
18 your attention to the Public Utilities Act and the
19 first article about the intent and purpose of the
20 Act, that the General Assembly finds that the
21 health, welfare and prosperity of all Illinois
22 citizens require the provision of adequate,

1 efficient, reliable and environmentally safe at the
2 least cost public utility services at prices which
3 accurately affect the long-term cost of such
4 services and which are equitable to all citizens.

5 As I understand the proposal, it is
6 not an equitable proposal. It is essentially a
7 regressive tax, because it applies equally to
8 anyone and their residents, even if they are not
9 using very much gas, and it makes no allowance for
10 differences in communities. So I would urge you to
11 not allow that kind of a charge to be put forward.

12 As you probably know, a lot of people
13 right now are struggling and this will just increase
14 the problems for those people who will essentially
15 end up with them not being able to pay their bills
16 at all, so that will be to the benefit of no one,
17 neither the general public, the citizens concerned
18 or even the utility.

19 So I would urge you to not allow this
20 kind of a general fee to be imposed. Thank you very
21 much.

22 COMMISSIONER COLGAN: Thank you, Mr. Hamblin.

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Ms. Mims.

PRESENTATION

By

MS. MIMS:

Commissioners, good morning.

COMMISSIONER McCABE: Good morning.

COMMISSIONER COLGAN: Good morning.

MS. MIMS: My name Kimberly Mims. I've been a Chicago resident for 12 years since I moved to the city from graduate school at the University of Chicago, and I'm currently working as an independent art administrator. I am also a ratepayer of Peoples Gas.

My concern, however, is not for me but for the tens of thousands of low-income families who cannot afford to pay for heating gas already and who will only suffer more devastation if you grant yet another rate increase to Peoples Gas.

In the last couple of days I've been helping a friend who's trying to get her heat turned back on. She was disconnected by Peoples Gas in June 2014 with a back bill she couldn't pay then and

1 she can't pay it now, because she's currently
2 unemployed and living on a pension and that just
3 can't keep up with the rising cost of living.

4 In the frigid cold temperatures that
5 hit us in the first week of 2015, five radiators in
6 her house burst. Why? Because she was too poor to
7 pay the profiteering rates you have approved for
8 Peoples Gas.

9 ICC, you are responsible for this
10 situation. Peoples Gas has a monopoly on natural
11 gas delivery in our area and it takes every
12 opportunity to profiteer on this basic requirement
13 for survival, no heat in the winter.

14 2013, you know, it increased its
15 profits by 18 percent and it continues to pay out,
16 "eye-popping dividend yields" as a reporter in
17 Crain's Chicago Business put it. Yet, The Peoples
18 Gas refuses to arrange a payment plan for this
19 low-income person until she pays the entire back
20 bill, plus a reconnection fee.

21 Yesterday a Peoples Gas representative
22 explained to me that he couldn't help this woman

1 because their computer system automatically
2 determines a budget plan based not on her actual
3 income but rather on her average usage of gas over a
4 12-month period.

5 Now how is this a reasonable solution?
6 How can this person be expected to keep up with her
7 payments if the budget plan Peoples Gas proposes
8 takes no account of her actual income? You know,
9 she's going to end up back in the same situation in
10 a few months, and she's just one example of a cruel
11 and dysfunctional cycle that Peoples Gas perpetuates
12 with the backing of the Illinois Commerce
13 Commission.

14 I remind you, Commissioners, of what
15 you continue to ignore over and over again. The
16 Public Utilities Act of 2001 declares that, "It is
17 the policy of the state that public utilities shall
18 be regulated effectively. The goals and objectives
19 of such a regulation shall be to insure the rates
20 for utility service are affordable and, therefore,
21 preserve the availability of such services to all
22 citizens."

1 For more and more people, rising
2 utility rates are unaffordable and, therefore, these
3 basics of survival are unavailable.

4 Commissioners, you have abandoned your
5 duty to the People of Illinois and it's time to
6 change that right now. Lives depend on it. I
7 demand that you, the ICC, reject this profiteering
8 rate increase request for Peoples Gas.

9 I further demand that you direct
10 Peoples Gas to reconnect service to all of those who
11 have been disconnected because they were unable to
12 pay their bills and work with each person to
13 establish a realistic budget of a plan, a payment
14 plan, immediately based on income.

15 I demand that you stop the shutoff for
16 good and reconnect service without charge for those
17 who cannot afford to pay, but, like all human
18 beings, need heat to survive. Thank you.

19 COMMISSIONER COLGAN: Thank you, Ms. Mims.

20 Mr. Anthony Morgan.

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PRESENTATION

BY

MR. MORGAN:

Good morning. My name is Anthony Morgan. I'm a Chicagoan born and bred and currently a student at U of I.

I'm here today to speak on behalf of the Cook County Workers' Benefit Council, a delegate body that represents the needs and interests of service workers and other low paid workers in Cook County.

The Illinois General Assembly's Public Utilities Act of 2001 states that the ICC is the state agency to regulate utilities and that the goals and objectives of such regulations shall be to insure the rates of utility services are affordable and, therefore, preserve the availability of such services to all citizens.

We demand that you, the ICC, do your duty and deny any rate increase to Peoples Gas and that you further stop the shutoffs and take a

1 ways-and-means approach to making utilities
2 affordable and available to all per your mandate.

3 I have in my hands over 1000
4 signatures of people who back our demands. Heating
5 gas is not affordable and available to all in our
6 state right now. By your own numbers, as of
7 December 2013, over 80,000 families in the state
8 have been disconnected from heating gas service in
9 the previous year alone.

10 Every fall Peoples Gas sends fleets of
11 trucks through low-income neighborhoods to
12 disconnect households who cannot keep up with the
13 increasing rates even as many of them work longer
14 hours for less pay.

15 Members of our council have heard
16 reports of families being disconnected for back
17 bills of less than a hundred dollars. The rate
18 increases you grant Peoples Gas hit low-income
19 working families the hardest. We are forced to
20 choose between food and heat, short our landlords on
21 rent and cut back on medications.

22 Families who have their gas service

1 shut off suffer through subfreezing temperatures and
2 get sick or they turn to other means of staying
3 warm.

4 According to an article in the Chicago
5 Tribune just last week, over 30 people died from the
6 cold last winter and 10 people died already this
7 winter season because of the cold.

8 In the first week of January last year
9 one of our members, who spoke at this body in 2012
10 and demanded then that you stop the shutoffs, had to
11 run out of a burning building on the coldest day of
12 the year and lost everything because her downstairs
13 neighbor knocked over a space heater he was using to
14 stay warm because he could not afford gas.

15 Each rate hike means we all have less
16 money to spend in our communities and local
17 businesses have fewer customers. The Chicago
18 economy can ill afford another \$107 million taken
19 out of workers' pockets.

20 This rate increase request is clearly
21 a profit grab. In 2013 after you, the ICC, granted
22 Peoples Gas a \$56 million rate increase in June, the

1 company increased profits by 18 percent.

2 The parent company of Peoples Gas,
3 Integrys, increased profits by 24.7 percent, so over
4 \$354 million. They don't need more profits.

5 Low-income workers need safe, reliable heat we can
6 afford in our homes.

7 ICC, we call on you to fulfill the
8 mandate of the Public Utilities Act of 2001. Deny
9 any rate increase for Peoples Gas, shut the
10 shutoffs, roll back the rates, reconnect service to
11 all. Thank you.

12 Questions?

13 (No response.)

14 Who do I give these petitions to?

15 (Whereupon, Commissioner
16 Maye accepted the
17 petitions.)

18 COMMISSIONER COLGAN: Mr. Curtis Hughes.

19 PRESENTATION

20 BY

21 MR. HUGHES:

22 Good morning. My name is Curtis

1 Hughes. I live in Englewood. My wife and I -- my
2 wife and I were shut off from gas before and we
3 wouldn't want to see this happen to other people.

4 At the time we were shutoff, I was
5 working at O'Hare Airport and I was being paid \$5 an
6 hour and my pay check was 200 per week. My rent was
7 500 at the time, then there was my gas -- my gas
8 bill, plus I had three children at the time.

9 Today my wife and I are making less
10 than 1500 a month and my 14 and my 16-year old had
11 to eat and my food stamps were cut from 600 to 200.

12 My kids need school supplies -- I mean
13 supplies for school. How can I pay for this gas
14 bill? ICC, you said you make gas for everyone. Do
15 your job. Thank you.

16 COMMISSIONER COLGAN: Thank you, Mr. Hughes.

17 Moving on to the Public Utility
18 agenda, we'll begin with the approval of Minutes
19 from the December 17th Bench Session. I understand
20 amendments have been forwarded.

21 Is there a motion to approve the
22 amendments?

1 COMMISSIONER MAYE: So moved.

2 COMMISSIONER COLGAN: Is there a second?

3 COMMISSIONER McCABE: Seconded.

4 COMMISSIONER COLGAN: It's been moved and
5 seconded.

6 All in favor, say aye?

7 (Chorus of ayes.)

8 Any opposed?

9 (No response.)

10 The vote is 4 to nothing and the
11 amendments to the December 17th Bench Session are
12 approved.

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

15 COMMISSIONER McCABE: So moved.

16 COMMISSIONER COLGAN: Is there a second?

17 COMMISSIONER del VALLE: Seconded.

18 COMMISSIONER COLGAN: It's been moved and
19 seconded.

20 All in favor, say aye.

21 (Chorus of ayes.)

22 Any opposed?

1 (No response.)

2 The vote is 4 to nothing and the
3 December 17th Bench Session Minutes, as amended, are
4 approved.

5 Turning now to the electric portion of
6 today's agenda, Item E-1 is our annual
7 reconciliation of revenues collected under Ameren,
8 ComEd, Nicor, North Shore and Peoples Gas's coal tar
9 riders with prudent costs associated with coal tar
10 cleanup expenditures. Staff recommends the entry of
11 an Order commencing the reconciliation proceedings.

12 Is there any discussion?

13 (No response.)

14 Is there a motion to enter the Order?

15 COMMISSIONER del VALLE: So moved.

16 COMMISSIONER COLGAN: Is there a second?

17 COMMISSIONER McCABE: Seconded.

18 COMMISSIONER COLGAN: It has been moved and
19 seconded.

20 All in favor, say aye.

21 (Chorus of ayes.)

22 Any opposed?

1 (No response.)

2 The vote is 4 to nothing and the Order
3 is entered.

4 We will use this 4 to nothing vote for
5 the remainder of today's Public Utility agenda,
6 unless otherwise noted.

7 Item E-2 is Docket No. 14-0358. This
8 is Ameren's petition for approval of the
9 reconciliation of revenues collected under its Rider
10 TS - Transmission Service. ALJ Von Qualen
11 recommends entry of an Order approving the
12 reconciliation.

13 Is there any discussion?

14 (No response.)

15 Are there any objections?

16 (No response.)

17 Hearing none, the Order is entered.

18 Item E-3 is Docket No. 13-0657. This
19 is ComEd's application for a Certificate of Public
20 Convenience and Necessity, pursuant to Section
21 8-406.1 of the Public Utilities Act, and an Order
22 pursuant to Section 8-503 of the Public Utilities

1 Act, to Construct, Operate, and Maintain a new 345
2 kilovolt transmission line in Ogle, DeKalb, Kane and
3 DuPage Counties. Ms. Ellen Roberts Vogel has filed
4 a Motion for the Commission to Reconsider and
5 Reverse Granting Rehearing to the Muirhead Group
6 which ALJs Hilliard and Jorgenson recommend we deny.

7 Is there any discussion?

8 (No response.)

9 Are there any objections?

10 (No response.)

11 Hearing none, the Motion is denied.

12 Item E-4 is Docket No. 14-0715. This
13 is Dominion Retail's petition to cancel its
14 Certificate of Service Authority to Operate as an
15 ARES in Illinois pursuant to Section 16-115 of the
16 Public Utilities Act. ALJ Riley recommends entry of
17 an Order granting the requested relief.

18 Is there any discussion?

19 (No response.)

20 Are there any objections?

21 (No response.)

22 Hearing none, the Order is entered.

1 Item E-5 is Docket No. 14-0723. This
2 is Source Power's Application for a Certificate of
3 Authority under Section 16-115 of the Public
4 Utilities Act. The applicant has filed a Motion to
5 Withdraw in anticipation of a change in its
6 corporate structure as well as a request for
7 confidential treatment of previously submitted
8 exhibits which contain information related to the
9 applicant's credit supplier's guaranty.
10 ALJ Von Qualen recommends entry of an Order granting
11 the confidential treatment and that we grant the
12 Motion to Withdraw.

13 Is there any discussion?

14 (No response.)

15 Are there any objections?

16 (No response.)

17 Hearing none, the Order is entered and
18 the Motion to Withdraw is granted.

19 Item E-6 is Docket No. 14-0192. This
20 is JABN Construction's Application for Certification
21 to Install, Maintain or Repair Electric Vehicle
22 Charging Station Facilities under Section 16-128A of

1 the Public Utilities Act. It appears the applicant
2 has fallen ill and that the Commission has been
3 unable to contact him. ALJ Benn recommends entry of
4 an Order withdrawing the application without
5 prejudice.

6 Is there any discussion?

7 (No response.)

8 Are there any objections?

9 (No response.)

10 Hearing none, the Order is entered.

11 Items E-7 through E-10 can be taken
12 together. These items are Applications for
13 Certification to Install, Maintain or Repair
14 Electric Vehicle Charging Station Facilities under
15 Section 16-128A of the Public Utilities Act. In
16 each case ALJ Benn recommends entry of an Order
17 granting the requested certificate.

18 Is there any discussion?

19 (No response.)

20 Are there any objections?

21 (No response.)

22 Hearing none, the Orders are entered.

1 Item E-11 is Docket No. 14-0651. This
2 is the IPA's Petition for Approval of the IPA's
3 Supplemental Procurement Plan pursuant to Section
4 1-56(i) of the Illinois Power Agency Act.

5 This item will be held for disposition
6 in a future Commission proceeding.

7 Item E-12 is Docket No. 14-0451. This
8 is Karen and John Covington's complaint against
9 ComEd as to billing/charges. ALJ Riley recommends
10 entry of an Order dismissing the complaint.

11 Is there any discussion?

12 (No response.)

13 Are there any objections?

14 (No response.)

15 Hearing none, the Order is entered.

16 Turning now to the Natural Gas Agenda,
17 Item G-1 is Docket No. 12-0601. This is our
18 reconciliation of revenues collected under Nicor's
19 Rider 30 with the actual costs associated with
20 energy efficiency and on-bill financing programs.
21 The AG has filed a Petition for Interlocutory Review
22 of the ALJ's grant of Nicor's Motion to Strike a

1 portion of the AG's initial brief.

2 Is there any discussion?

3 (No response.)

4 This item will be held for disposition
5 at a future Commission proceeding.

6 Item G-2 is Docket Nos. 14-0224 and
7 14-0225 (cons.) This is North Shore Gas Company and
8 The Peoples Gas, Light and Coke Company's proposed
9 general increase in gas rates. ALJs Hilliard and
10 Kimbrel recommend entry of an Order approving the
11 increase in rates.

12 In addition, the AG has filed a motion
13 for oral argument which ALJs Hilliard and Kimbrel
14 recommend we deny.

15 Starting with the request for oral
16 argument, is there any discussion?

17 (No response.)

18 Any objections to denying oral
19 argument?

20 (No response.)

21 Hearing none, the AG's motion for oral
22 argument is denied.

1 The remainder of this item will be
2 held for disposition at a future Commission
3 proceeding.

4 On to the Telecommunications agenda,
5 Item T-1 is Docket No. 09-0268. This is Frontier
6 Communications, Verizon Communications and New
7 Communications of the Carolina's Joint Application
8 for the approval of a Reorganization pursuant to
9 Section 7-204 of the Public Utilities Act; the
10 Issuance of Certificates of Exchange Service
11 Authority pursuant to Section 13-405 to New
12 Communications of the Carolinas, Incorporated; the
13 Discontinuance of Service for Verizon South,
14 Incorporated, pursuant to Section 13-406; the
15 Issuance of an Order Approving Designation of New
16 Communications of the Carolinas, Incorporated, as an
17 Eligible Telecommunications Carrier Covering the
18 Service Area Consisting of the Exchanges to be
19 Acquired from Verizon South, Incorporated, upon the
20 Closing of the Proposed Transaction and the Granting
21 of All Other Necessary and Appropriate Relief.

22 Frontier has filed a petition to

1 reopen the proceeding to explore whether conditions
2 imposed in the approved reorganization have been
3 satisfied or otherwise served their purpose. ALJ
4 Yoder recommends that we grant the petition to
5 reopen to consider the conditions at issue.

6 Is there any discussion?

7 (No response.)

8 Are there any objections?

9 (No response.)

10 Hearing none, the petition is granted.

11 Item T-2 is Docket No. 12-0375. This
12 is Millennium 2000, Incorporated's, Application for
13 Designation as a Wireless Eligible
14 Telecommunications Carrier for Purposes of Receiving
15 Federal Universal Service Support pursuant to
16 Section 214(e)(2) of the Telecommunications Act of
17 1996. ALJ Riley recommends entry of an Order
18 granting the application.

19 I believe that Commissioner del Valle
20 and Commissioner McCabe have some joint edits to
21 propose. Commissioners?

22 COMMISSIONER del VALLE: Thank you, Mr. Chairman.

1 I'm proposing joint edits prepared from Commissioner
2 McCabe in addition to several non-substantive edits.
3 The substantive edit comments are at the bottom of
4 Page 33. These edits adopt Staff's recommendation
5 and reverse the conclusion of the proposed Order
6 denying Eligible Telecommunications Carrier
7 Designation.

8 The edits agree with Staff that the
9 FCC Lifeline Reform Order recommended that state
10 designating authority engage in a more thorough
11 vetting process of Lifeline Designation. The edits
12 therefore adopt all of Staff's recommendations and
13 engage in the analysis of addressing eight issues.

14 After review of the record, the edits
15 find that the applicant failed to satisfy six of the
16 eight required demonstrations and denies the ETC
17 Designation. Accordingly, I move the adoption of
18 these edits.

19 COMMISSIONER McCABE: Seconded.

20 COMMISSIONER COLGAN: Is there any discussion on
21 the edits?

22 (No response.)

1 There is a motion and second to
2 adopt the edits. All in favor of the edits, say
3 aye.

4 (Chorus of ayes.)

5 Opposed?

6 (No response.)

7 The vote is 4 to nothing and the edits
8 are adopted.

9 Is there now a motion to enter the
10 Order as amended?

11 COMMISSIONER MAYE: So moved.

12 COMMISSIONER COLGAN: Is there a second?

13 COMMISSIONER McCABE: Seconded.

14 COMMISSIONER COLGAN: It's been moved and
15 seconded.

16 All in favor, say aye.

17 (Chorus of ayes.)

18 Opposed?

19 (No response.)

20 The vote is 4 to nothing and the
21 Order, as amended, is entered.

22 Item T-3 is Docket No. 14-0682. This

1 is Senior Tech LLC's Application for a Certificate
2 of Wireless Authority to Operate as a Reseller of
3 Telecommunications Services throughout the State of
4 Illinois. ALJ Riley recommends entry of an Order
5 granting the requested certificate.

6 Is there any discussion?

7 (No response.)

8 Are there any objections?

9 (No response.)

10 Hearing none, the Order is entered.

11 Item T-4 is Docket No. 14-0432. This
12 is American Broadband and Telecommunications
13 Company's Petition for a Partial Waiver of its
14 Agreed Joint Stipulation as a Condition of its ETC
15 Designation. ALJ Riley recommends entry of an Order
16 denying the request for partial waiver.

17 I believe Commissioner McCabe's office
18 had some suggested edits to this Order.

19 Commissioner McCabe.

20 COMMISSIONER McCABE: Thank you. These edits
21 (assisted by Commissioner del Valle's office) do not
22 change the conclusion of the Order, which denies the

1 petition.

2 In both the American Broadband and
3 Millennium dockets, we remove confidential
4 information from the Commission's Orders. The
5 Commission should explain its decisions clearly to
6 the public even when those decisions rely on
7 confidential information. (Confidential information
8 does not provide any additional authority to a
9 Commission decision when it cannot be disclosed to
10 the public.) In the Millennium docket, Commission
11 Staff recommended that the Applicant maintain a
12 minimum threshold of 20 percent non-Lifeline
13 customers. The same requirement was agreed to as
14 part of a joint stipulation when American Broadband
15 was designated as an ETC by the ICC, and is the
16 subject of its current petition.

17 The stated purpose of this minimum
18 threshold is to assure the carrier's financial and
19 technical capability to provide Lifeline service and
20 to provide some assurance that its business plan
21 does not entirely rely upon the Federal Lifeline
22 Fund. This minimum threshold is the result of

1 (Chorus of ayes.)

2 Opposed?

3 (No response.)

4 The vote is 4 to nothing and the edits
5 are adopted.

6 Is there now a motion to enter the
7 Order as amended?

8 COMMISSIONER del VALLE: So moved.

9 COMMISSIONER COLGAN: Is there a second?

10 COMMISSIONER McCABE: Seconded.

11 COMMISSIONER COLGAN: It's been moved and
12 seconded.

13 All in favor, say aye.

14 (Chorus of ayes.)

15 Any opposed?

16 (No response.)

17 The vote is 4 to nothing and the
18 Order, as amended, is entered.

19 Items T-5 and T-6 can be taken
20 together. These items are petitions for
21 confidential/proprietary treatment of petitioners'
22 annual reports for not less than two years. In both

1 cases ALJ Albers recommends entry of an Order
2 granting the requested relief.

3 Is there any discussion?

4 (No response.)

5 Are there any objections?

6 (No response.)

7 Hearing none, the Orders are entered.

8 Items T-7 through T-10 can be taken
9 together.

10 These items are Joint Petitions for
11 Approval of Amendments to the Terms of the
12 Interconnection Agreements pursuant to 47 U.S.C.
13 Section 252. In each case ALJ Riley recommends
14 entry of an Order approving the amendment to the
15 agreement.

16 Is there any discussion?

17 (No response.)

18 Are there any objections?

19 (No response.)

20 Hearing none, the Orders are entered.

21 We have one miscellaneous item on the
22 agenda today. Item M-1 is Docket No. 11-0711 which

1 is our rulemaking to develop and adopt rules
2 concerning rate case expense. ALJ Sainsot
3 recommends entry of a Second Notice Order.

4 I believe Commissioner McCabe's office
5 had some suggested edits.

6 Commissioner McCabe.

7 COMMISSIONER McCABE: The proposed edits to the
8 PEPO and Rule make clear that affiliate expenses may
9 not be recovered outside of the Section 9-229
10 procedure. This is consistent with our first notice
11 Order which found that 9-229 and the Madigan
12 decision do not distinguish where these expenditures
13 come from (i.e., whether by an affiliate or external
14 firm). While this may add to accounting work, a
15 few points:

16 1. This rule covers only attorneys,
17 technical experts, and their support staff. One
18 company brief mentioned internal auditors, tax
19 accountants, treasurers, and controllers. It is my
20 opinion that these types of expenses would not fit
21 the definition in the rule and thus can be recovered
22 in the normal course.

1 2. Section 9-229 is a relatively new
2 law, and we are finalizing the rules supporting it.
3 New laws can create new burdens both for the utility
4 and the Commission which challenge the business as
5 usual approach. This one is no exception.

6 3. This law places the ultimate
7 burden of review upon the Commission. It states
8 that the "Commission shall specifically assess. . ."
9 these expenses and the Commission shall "expressly
10 address" it in the final Order. To do so, we need
11 this expense information up front rather than in
12 administrative and general expenses.

13 These edits also incorporate changes
14 from Commissioner del Valle's office to refine
15 definition of a utility affiliate counsel.

16 I thank all the parties involved and
17 ALJ Sainsot for their work, both in the workshops
18 and throughout the docket, on this tough issue. I
19 thank Commissioner Maye for her assistance on this
20 rulemaking.

21 With that, I move the edits be
22 adopted.

1 COMMISSIONER COLGAN: Is there any discussion on
2 the edits?

3 (No response.)

4 There's been a motion to adopt the
5 edits. Is there a second?

6 COMMISSIONER MAYE: Seconded.

7 COMMISSIONER COLGAN: It's been moved and
8 seconded.

9 All in favor, say aye.

10 (Chorus of ayes.)

11 Opposed?

12 (No response.)

13 The vote is 4 to nothing and the edits
14 are adopted.

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

17 COMMISSIONER McCABE: So moved.

18 COMMISSIONER COLGAN: Is there a second?

19 COMMISSIONER MAYE: Seconded.

20 COMMISSIONER COLGAN: It's been moved and
21 seconded.

22 All in favor, say aye.

1 (Chorus of ayes.)

2 Opposed?

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

5 On to Petitions for Rehearing,
6 Item PR-1 is Docket No. 12-0560. This is Rock
7 Island Clean Lines's Petition for an Order for a
8 Certificate of Public Convenience and Necessity
9 pursuant to Section 8-406 of the Public Utilities
10 Act as a Transmission Public Utility and to
11 Construct, Operate and Maintain an Electric
12 Transmission Line and Authorizing and Directing Rock
13 Island pursuant to Section 8-503 of the Public
14 Utilities Act to Construct an Electric Transmission
15 Line. The Illinois Landowners Alliance, the
16 Illinois Agricultural Association and ComEd have all
17 filed petitions for rehearing, which ALJ Jones
18 recommends we deny.

19 Is there any discussion on the
20 petitions?

21 (No response.)

22 Is there a motion to deny all three

1 Petitions for Rehearing?

2 COMMISSIONER MAYE: So moved.

3 COMMISSIONER COLGAN: Is there a second?

4 COMMISSIONER McCABE: Seconded.

5 COMMISSIONER COLGAN: It's been moved and

6 seconded.

7 All in favor, say aye.

8 (No response.)

9 Opposed?

10 (No response.)

11 The vote is 4 to nothing and all three

12 Petitions for Rehearing are denied.

13 Item PR-2 is Docket 14-0316. This is

14 ComEd's Petition to Make Housekeeping Revisions and

15 a Compliance Change to its Filed Rate Formula.

16 ComEd has filed a Petition for Rehearing which ALJs

17 Haynes and Teague-Kingsley recommend we deny.

18 Is there any discussion?

19 (No response.)

20 Are there any objections?

21 (No response.)

22 Hearing none, the petitions for

1 rehearing are denied.

2 Judge Dolan, are there any other
3 matters to come before the Commission today?

4 JUDGE DOLAN: No, Commissioner.

5 COMMISSIONER COLGAN: Thank you sir.

6 Hearing none, this meeting stands
7 adjourned.

8 (Whereupon, the above matter
9 was adjourned.)

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