1	BEFORE THE ILLINOIS COMMERCE COMMISSION
2	THEINOIS COMMERCE COMMISSION
3	PUBLIC UTILITY BENCH SESSION
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7	Chicago, Illinois January 25, 2012
8	Met, pursuant to notice, at 10:30 a.m.
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10	BEFORE:
11	MR. DOUGLAS P. SCOTT, Chairman
12	MS. LULA M. FORD, Commissioner
13	MS. ERIN M. O'CONNELL-DIAZ, Commissioner
14	MR. SHERMAN J. ELLIOTT, Commissioner (via videoconference)
15	MR. JOHN T. COLGAN, Acting Commissioner
16	(via videoconference)
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19	
20	
21	SULLIVAN REPORTING COMPANY, by
22	Auhdikiam Carney, CSR License No. 084-004658

1 CHAIRMAN SCOTT: Before moving into the agenda, according to Section 1700.10 of Title II of the 2 Administrative Code, this is the time we allow 3 4 members of the public to address the Commission. Members of the public wishing to address the 5 Commission must notify the Chief Clerk's Office at б least 24 hours prior to the Bench Session. 7 According to the Chief Clerk's Office we have no requests to 8 speak at today's session. 9 10 Moving on to the Public Utility 11 agenda, we will begin today with approval of minutes 12 from prior Commission meetings. Up first are minutes 13 from our December 21st Bench Session. I understand 14 the amendments have been forwarded. 15 Is there a motion to amend the 16 minutes? 17 COMMISSIONER O'CONNELL-DIAZ: So moved. 18 CHAIRMAN SCOTT: Is there a second? 19 COMMISSIONER FORD: Second. 20 CHAIRMAN SCOTT: It's been moved and seconded. 21 All in favor say "aye." 22 (Chorus of ayes.)

1	Any opposed?
2	(No response.)
3	The vote is 5-0 and the amendments are
4	adopted.
5	Is there a motion to approve the
б	minutes as amended?
7	COMMISSIONER O'CONNELL-DIAZ: So moved.
8	CHAIRMAN SCOTT: Is there a second?
9	COMMISSIONER FORD: Second.
10	CHAIRMAN SCOTT: It's been moved and seconded.
11	All in favor say "aye."
12	(Chorus of ayes.)
13	Any opposed?
14	(No response.)
15	The vote is 5-0 and the December 21st
16	Bench Session minutes are approved.
17	Next up are minutes from our January
18	5th Bench Session. I understand amendments have been
19	forwarded.
20	Is there a motion to amend the
21	minutes?
22	COMMISSIONER O'CONNELL-DIAZ: So moved.

1 CHAIRMAN SCOTT: Is there a second? COMMISSIONER FORD: Second. 2 3 CHAIRMAN SCOTT: It's been moved and seconded. 4 All in favor say "aye." (Chorus of ayes.) 5 6 Any opposed? (No response.) 7 The vote is 5-0 and the amendments are 8 adopted. 9 10 Is there a motion to approve the 11 minutes as amended? 12 COMMISSIONER O'CONNELL-DIAZ: So moved. 13 CHAIRMAN SCOTT: Is there a second? 14 COMMISSIONER FORD: Second. CHAIRMAN SCOTT: It's been moved and seconded. 15 All in favor say "aye." 16 17 (Chorus of ayes.) 18 Any opposed? 19 (No response.) 20 The vote is 5-0 and the January 5th 21 Bench Session minutes as amended are approved. 22 Turning next to the Electric portion

1 of Today's agenda.

Item E-1 concerns commencing annual 2 reconciliation proceedings for a number of Illinois 3 4 utilities regarding revenues collected under coal tar riders. Staff recommends entry of an Order 5 commencing the proceedings. б Is there any discussion? 7 8 (No response.) Is there a motion to enter the Order? 9 10 COMMISSIONER O'CONNELL-DIAZ: So moved. 11 CHAIRMAN SCOTT: Is there a second? 12 COMMISSIONER FORD: Second. 13 CHAIRMAN SCOTT: It's been moved and seconded. 14 All in favor say "aye." 15 (Chorus of ayes.) 16 Any opposed? 17 (No response.) The vote is 5-0 and the Order is 18 19 entered. We will use this 5-0 vote for the remainder 20 of the Public Utility agenda unless otherwise noted. 21 Item E-2 concerns ComEd's proposed revision to its rate BES in light of Public Act 22

97-0497. Staff recommends allowing the Company's 1 request by not suspending the filing. 2 3 Is there any discussion? 4 (No response.) Any objections? 5 б (No response.) Hearing none, the filings will be 7 8 suspended. 9 Item E-3 is Docket No. 07-0566. This 10 is ComEd's 2007 rate case on remand from the 11 Appellate Court. We will be holding this item for disposition at a future Commission meeting. 12 13 Item E-4 is Docket No. 08-0110. This 14 item concerns a petition by the Illinois Department of Transportation seeking eminent domain authority 15 for an easement on property owned by ComEd. 16 ALJ 17 Hilliard recommends entry of an Order granting the 18 petition. 19 Is there any discussion? 20 (No response.) 21 Any objections? 22 (No response.)

б

1 Hearing none, the Order is entered. Item E-5 is Docket No. 10-0655. 2 This is A-Wire Corporation's compliant against ComEd. 3 The 4 parties have apparently settled their differences and brought a Joint Motion to Dismiss, which ALJ Teague 5 б recommends we grant. Is there any discussion? 7 8 (No response.) Any objections? 9 10 (No response.) Hearing none, the Joint Motion to 11 12 Dismiss is granted. 13 Item E-6 is Docket No. 11-0144. This 14 is Peter Fletcher's complaint against ComEd. This 15 item will also be held for disposition at a future Commission meeting. 16 Item E-7 is Docket No. 11-0164. 17 This 18 is Sandra Anderson's complaint against ComEd. ALJ 19 Hilliard recommends entry of an Order denying the 20 complaint. 21 Is there any discussion? 22 (No response.)

1	Any objections?
2	(No response.)
3	Hearing none, the Order is entered and
4	the complaint is denied.
5	Item E-8 is Docket No. 11-0213. This
6	is James Smith's complaint against ComEd. The
7	complainant has filed a Motion to Reopen this docket
8	and ALJ Riley recommends denying that motion.
9	Is there any discussion?
10	(No response.)
11	Any objections?
12	(No response.)
13	Hearing none, the Motion to Reopen is
14	denied.
15	Items E-9 and E-10 can be taken
16	together. These are each complaints against ComEd.
17	In each case the parties have apparently settled
18	their differences and brought a Joint Motion to
19	Dismiss which ALJ Kimbrel recommends that we grant.
20	Is there any discussion?
21	(No response.)
22	Any objections?

1	(No response.)
2	Hearing none, the Joint Motion to
3	Dismiss is granted.
4	Items E-11 through E-15 can be taken
5	together. These items are applications for
6	Certification as an Agent, Broker and Consultant
7	under Section 16-115C of the Public Utilities Act.
8	In each case ALJ Albers recommends entry of an Order
9	granting the Certificate.
10	Is there any discussion?
11	(No response.)
12	Any objection?
13	(No response.)
14	Hearing none, the Orders are entered
15	and the Certificates are granted.
16	Turning now to Natural Gas.
17	Item G-1 is Docket No. 09-0301. This
18	matter concerns Nicor's affiliate agreements and the
19	issues in this docket had previously been merged into
20	Docket 11-0046 concerning Nicor's merger with AGL.
21	As the Commission has entered a final Order in Docket
22	No. 11-0046, Nicor has brought a Motion to Dismiss

1 this docket, which ALJ Dolan recommends that we 2 grant. 3 Is there any discussion? 4 (No response.) 5 Any objections? б (No response.) Hearing none, the Motion to Dismiss is 7 8 granted. 9 Item G-2 is Docket No. 11-0736. This 10 is Kazimierz Kolbrecki's complaint against Peoples 11 The parties have apparently settled their Gas. 12 differences and brought a Joint Motion to Dismiss, 13 which ALJ Kimbrel recommends we grant. 14 Is there any discussion? 15 (No response.) 16 Any objections? 17 (No response.) 18 Hearing none, Joint Motion to Dismiss 19 is granted. Items G-3 and G-4 can be taken 20 21 together. These items concern reconciliation proceedings for North Shore Gas and Peoples Gas 22

concerning revenues collected under coal tar riders.
 In each case ALJ Kimbrel recommends entry of an Order
 approving the reconciliation.

Is there any discussion?

5 (No response.)

6 Any objections?

4

7 (No response.)

8 Hearing none, the Orders are entered.

9 Moving now to Telecommunications.

10 Items T-1 through T-4 can be taken 11 together. These items are filings by Frontier 12 affiliates seeking special permission for tariff 13 changes on less than 45 days' notice related to 14 identification and rating of Voice Over Internet 15 Protocol public-switched telephone network traffic. With each affiliate company's request, Staff 16 recommends that the Commission allow the new tariff 17

18 language by granting special permission.

19 Is there any discussion?

20 (No response.)

21 Any objections?

22 (No response.)

1 Hearing none, the special permission 2 requests are granted. Item T-5 is Docket No. 11-0739. 3 This 4 is Q Link Wireless' application for Certificate of 5 Authority to operate as a prepaid wireless provider throughout Illinois. ALJ Riley recommends entry of б an Order granting the requested Certificate. 7 Is there any discussion? 8 (No response.) 9 10 Any objections? 11 (No response.) 12 Hearing none, the Order is entered. 13 Item T-6 is Docket No. 11-0785. This 14 is WiMac Tel's application for a Certificate of 15 Wireless Authority to operate as a reseller of telecommunication services throughout Illinois. 16 ALJ 17 Riley recommends entry of an Order granting the 18 requested Certificate. 19 Is there any discussion? 20 (No response.) 21 Any objections? 22 (No response.)

1 Hearing none, the Order is entered. Item T-7 is Docket No. 12-0002. 2 This is the County of Grundy's petition to modify its 3 4 9-1-1 telephone system. ALJ Haynes recommends entry of an Order granting the petition and approving the 5 modification. б Is there any discussion? 7 8 (No response.) 9 Any objections? 10 (No response.) 11 Hearing none, the Order is entered. Item T-8 is Docket No. 11-0726. 12 This 13 is Illinois Bell and Alltel's Joint Petition for 14 approval of an amendment to their existing 15 interconnection agreement. ALJ Baker recommends 16 entry of an Order approving the amendment to the 17 agreement. Is there any discussion? 18 19 (No response.) 20 Any objections? 21 (No response.) 22 Hearing none, the Order is entered.

Item T-9 is Docket No. 11-0727. This 1 is Illinois Bell and Netrino's Joint Petition for 2 approval of an interconnection agreement. ALJ Baker 3 4 recommends approving the agreement. Is there any discussion? 5 б (No response.) Any objections? 7 8 (No response.) 9 Hearing none, the Order is entered. 10 Item T-10 concerns a Commission 11 inquiry requiring telecommunication carriers offering local services to provide the Commission with data on 12 13 competition pursuant to Section 13-407 of the Public 14 Utilities Act. Staff recommends entry of an Order 15 requiring the disclosure of this information. Is there any discussion? 16 17 (No response.) 18 Any objections? 19 (No response.) 20 Hearing none, the Order is entered. Items T-11 through T-16 can be taken 21 22 together. These items are petitions by

1 telecommunications carriers seeking confidential 2 and/or proprietary treatment of the petitioner's annual report. In each case the ALJ recommends entry 3 4 of an Order granting the requested protective 5 treatment. Is there any discussion? б (No response.) 7 8 Any objections? 9 (No response.) 10 Hearing none, the Orders are entered. 11 Moving on to Water and Sewer. 12 Item W-1 is Docket Nos. 11-0059, 13 11-0141, and 11-0142 consolidated. This is the rate 14 case for Great Northern Utilities, Camelot Utilities, 15 and Lake Holiday Utilities Corporation. The 16 Commission had previously entered a final Order in 17 this matter and has granted rehearing on the issue of rate shock litigation. 18 19 Before us today are motions for a stay 20 or suspension of the recently approved rates filed by 21 the Attorney General's Office and by the Camelot 22 Homeowner's Association. ALJ Teague recommends

1 denying the motions.

Is there any discussion? 2 3 (No response.) 4 Are there any objections to denying 5 the motions? б (No response.) Hearing none, the motions are denied. 7 Item W-2 is Docket No. 11-0257. 8 This item concerns Aqua Illinois' reconciliation 9 10 proceeding regarding qualifying infrastructure plan 11 charges. ALJ Kimbrel recommends entry of an Order 12 approving the reconciliation. 13 Is there any discussion? 14 (No response.) 15 Any objections? Hearing none, the Order is entered. 16 17 We have two Petitions for Rehearing Item PR-1 is Docket 11-0046. today. This is the 18 19 Nicor/AGL merger case and we've received a Petition 20 for Rehearing in this matter from the Citizens 21 Utility Board and the Attorney General's Office. ALJ 22 Dolan recommends denying the rehearing request.

1	Is there any discussion?
2	(No response.)
3	Is there any objection to denying
4	rehearing?
5	(No response.)
6	Hearing none, rehearing is denied.
7	Item PR-2 is Docket No. 11-0066. This
8	is Peggy Wilkens' complaint against Illinois Bell.
9	The complainant has filed a Request for Rehearing on
10	this matter and ALJ Hilliard recommends denying that
11	request.
12	Is there any discussion?
13	(No response.)
14	Any objections to denying rehearing?
15	(No response.)
16	Hearing none, the rehearing is denied.
17	We have a few items of other business
18	on the agenda for today and we'll begin with the
19	approval of our 2011 Annual Report on Electricity,
20	Gas, Water, and Sewer Utilities.
21	Is anyone from Staff to quickly brief
22	us on this report?

1 MS. BOSCH: Well, I think you've seen this before -- or most of you have -- and we've gotten a 2 few edits to make which we'll make this week before 3 4 it's sent to the General Assembly. I don't have 5 anything to offer. If you have any questions, I'll б be glad to answer them. CHAIRMAN SCOTT: Are any of the edits 7 8 substantive in any way or are they typos, scrivener 9 error kind of things? 10 MS. BOSCH: Yes. 11 CHAIRMAN SCOTT: Any questions? 12 (No response.) 13 Any further discussion? 14 (No response.) 15 Are there any objections to approving 16 the report and having it sent to the Governor in the 17 General Assembly? 18 (No response.) 19 Hearing none, the report is approved. 20 Thank you. 21 Next up we have another one of those 22 bittersweet moments. We have a resolution honoring

1 Tim Anderson for the time he spent as the Executive Director of the Commission. 2 Tim -- is he hiding back there 3 4 somewhere? Front and center, sir. I have a 5 б resolution that I'm going to read and then I'm sure we'll all have some comments to make. 7 Whereas, the Illinois Commerce 8 Commission hired Tim Anderson as its Executive 9 10 Director in July of 2006. 11 Whereas, Tim brought to this role 12 extensive legislative experience and educational 13 credentials earned at the University of Kansas at 14 Lawrence and the University of Illinois at 15 Urbana-Champaign. 16 Whereas, his regulatory initiation 17 began at the end of a nine-year freeze on electric rates and the transformation of the electric utility 18 industry in Illinois including major restructuring of 19 the electric markets, integration of new renewable 20 21 energy sources and energy efficiency standards and 22 strategic initiatives focusing on the Smart Grid and

1 electric vehicles.

2	And whereas, he helped to guide the
3	Commission's response to legislative mandates
4	established in the Illinois Power Agency, the Office
5	of Retail Market Development, and new laws to enhance
6	consumer protections in public utilities and
7	transportation.
8	And whereas, Tim provided expert
9	insight in dealing with new transportation
10	regulations and the rewrite of the Telecommunications
11	Article, the Public Utilities Act, as well as
12	supporting interstate and intrastate partnerships
13	that allowed other agencies to use electronic systems
14	developed by the ICC Staff.
15	And where Tim was unwavering in his
16	service to the Commission and in leadership of its
17	Staff throughout his tenure and maintained public
18	utilities regulatory operations throughout the agency
19	during a time of fiscal uncertainty.
20	Now, therefore be it resolved that the
21	Illinois Commerce Commission extends the profound
22	gratitude, deep respect, and sincere appreciation to

Tim Anderson for all of his work at the Commission
 and conveys best wishes for continued success as he
 enters the next phase of his career with the State of
 Illinois.

Tim, I know there's a lot of words 5 there and a lot of things that you went through, but б I don't know that it could possibly sum up all of the 7 things that you had to deal with during your time 8 here as Executive Director. You and I actually go 9 10 way back to our lives before we ended up in the 11 Commission. When I was approached to be appointed to 12 this position, one of the things that was very 13 exciting to me about that was the fact that you were 14 the Executive Director and I knew what a quality 15 individual you were and how well you knew the 16 legislative process and what a quality job you always 17 did in promoting everything that you were responsible for and that's certainly been the case in the ten 18 19 months that I've been here.

It's been a real pleasure to be able to work with you and I know we're all sad that you're moving on; but as I told you yesterday, just think of

all the times I can call you about Senate business
now in your new position. That's a great spot for
you given your background, and we know you're going
to do a fantastic job there as you did for us here at
the Commission and in your pursuits before you got
here.

So congratulations and best of luck to you, and most of all, thank you for everything that you have done and will continue to do for the citizens here in Illinois.

11 Commissioners?

12 COMMISSIONER O'CONNELL-DIAZ: Well, I just 13 would like to thank Tim. Tim came at a time that we were under siege and he had to peel us off the 14 15 ceiling, particularly me, a lot; but always brought 16 me back down to earth. We formulated a plan to deal 17 with what was ever in front of us and it was based upon an excellent foundation of understanding when 18 state government works, how it works, and he had 19 20 those credentials and he helped us to learn those 21 foundational principles throughout all the work he did here at the Commission with the so many programs 22

1 that we were in charge of and a lot of them were new 2 and we were under fire from outside, but Tim kept the 3 rudder straight and kept us on course.

4 I know you're not going far away so I 5 don't feel that sad because you are going to something better and complementary to your expertise б and we look forward to working with you more as you 7 move into your new role. You will always have a 8 place in our hearts at this Commission, and thank you 9 10 very much for such great service you provided to us. 11 COMMISSIONER FORD: I certainly want to echo 12 what my fellow Commissioners have already said. And 13 I remember the battle we had when we were trying to 14 get you and certainly you have wrestled with an ebony 15 and ivory woman, so I know you've had your challenges 16 with us. And when you came, you brought your young 17 son along, you had a little baby. How old is that

18 baby now?

19 MR. ANDERSON: 5.

20 COMMISSIONER FORD: Oh, you have been here too 21 long. No, Tim, it's been a joy. I was talking to 22 Mary about some issues and she said when we had the

1 blizzard in 2011, you didn't leave the Leland

2 Building until everybody was out of the building. So
3 you are truly a captain. You did not abandon your
4 ship.

5 MR. ANDERSON: That might not have been the 6 wisest thing.

COMMISSIONER FORD: You're abandoning us now,
but we wish you well in all of your future endeavors
over at the Senate.

10 MR. ANDERSON: Thank you.

11 ACTING COMMISSIONER COLGAN: Tim, it's 12 bittersweet to say goodbye to you; but as others have said, you're going all of three blocks away and we 13 14 know where you live. I recall you when you were in 15 the Senate, but we never really worked together on much there. But our first endeavor was when he 16 showed up at those marathon sessions on Senate Bill 17 18 And during those meetings I think we both kind 1918. of got to know each other a little bit and I 19 appreciated your candor in those meetings at times 20 21 when you seemed to have to swim upstream against just 22 about everybody else in the room especially on the

1 revolving door issue that came up in that

2 negotiation.

But then just a few months after that 3 4 I was appointed as a new Commissioner and came here 5 and you welcomed me and you've had an open door and I've really enjoyed the interactions that we've had, б the discussions we've had about different things, 7 your willingness to tutor me a little bit in terms of 8 what the job was and how to stay on track with it. 9 10 So I've enjoyed your friendship. I've enjoyed your professionalism and I'm sure you're 11 12 going to be successful. I think it's a great 13 opportunity for you and I congratulate you. I give 14 you my very best wishes.

COMMISSIONER ELLIOTT: 15 What's left? I came 16 in -- actually when you came in, I was out twisting 17 in the winds because of all of the flurry of activity down the street regarding the auction -- the 18 post-auction process. And having sat out a year and 19 20 observed all that, I can't imagine having to steer 21 the boat -- this Commission through all those rocky shoals. As have others have alluded to, I'll keep 22

1 with the (unintelligible) hopefully somehow you and your family will get that place operating again. 2 3 That would be very good. It's been a pleasure. I 4 know you'll do a wonderful job down there. Continued success and I wish you the best. 5 CHAIRMAN SCOTT: I'm will move for adoption of б the resolution. 7 Is there a second? 8 9 COMMISSIONER FORD: Second. 10 CHAIRMAN SCOTT: Is there any further 11 discussion? 12 (No response.) 13 All in favor of the resolution say "aye." 14 15 (Chorus of ayes.) 16 Any opposed? 17 (No response.) The "ayes" have it, the resolution is 18 19 adopted. 20 Tim, thank you very much for 21 everything. 22 MR. ANDERSON: I just want to thank the

Commission and the five Commissioners here and the 1 other ones I worked with who are no longer here who 2 have made anything we've been able to do here 3 4 possible. The support and the constant assistance has been great. I was a little leery at first 5 when -- I think it is within the first year when б Chairman Box and I had to spend a day and night and 7 early morning down at the Legislature until, I think 8 it was, 3:00 in the morning and I said, Wow. 9 I don't 10 know if this is going to be that great, and it has improved since. It got better and better and you 11 12 guys all made that possible.

13 And the Staff here at this Commission 14 who does an enormous amount of work under an enormous 15 amount of pressure and always comes through with 16 high-quality work and has supported what we do here, 17 and I can't say enough about how great they've been. And also the groups and offices and companies that 18 spend their time here who have made things 19 20 interesting at times and pleasurable at times; but 21 this whole community that the Commission is, is what 22 makes it an interesting place to be and a fun place

1 to be and I just want to thank everybody. Bittersweet is a way to put it. I hate to leave 2 here. I'm excited about what's coming up, but I hate 3 4 to leave here. 5 Thank you all. CHAIRMAN SCOTT: Thanks, Tim. б Our final item is a FERC matter which 7 we will address in closed session. 8 9 Is there a motion to go into closed 10 session? 11 COMMISSIONER O'CONNELL-DIAZ: So moved. 12 CHAIRMAN SCOTT: Is there a second? 13 COMMISSIONER FORD: Second. 14 CHAIRMAN SCOTT: It's been moved and seconded. 15 All in a favor say "aye." 16 (Chorus of ayes.) 17 Any opposed? 18 (No response.) 19 The vote is 5-0 and we'll head into closed session. 20 21 Let me know when you guys are ready in 22 Springfield.

1	(Whereupon, this portion of the	
2	transcript was had in closed	
3	session.)	
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1	(Whereupon, the following
2	proceedings were had in open
3	session.)
4	CHAIRMAN SCOTT: In closed session the
5	Commission discussed making a filing in FERC Docket
6	No. ER12-749.
7	Is there a motion to make the filing
8	with FERC?
9	COMMISSIONER O'CONNELL-DIAZ: So moved.
10	CHAIRMAN SCOTT: Is there a second?
11	COMMISSIONER FORD: Second.
12	CHAIRMAN SCOTT: It's been moved and seconded.
13	All in favor say "aye."
14	(Chorus of ayes.)
15	Any opposed?
16	(No response.)
17	The vote is 5-0 and the filing will be
18	made with FERC.
19	Judge Wallace, is there any other
20	matters to come before the Commission today?
21	JUDGE WALLACE: No, that's all.
22	You guys missed a lot of scones this

1 morning.

2	COMMISSIONER O'CONNELL-DIAZ: You're the scone
3	maker, aren't you?
4	JUDGE WALLACE: Yes.
5	CHAIRMAN SCOTT: Will they keep until Tuesday?
6	COMMISSIONER O'CONNELL-DIAZ: They will be
7	hockey pucks by then.
8	CHAIRMAN SCOTT: Seeing no further business to
9	come before the Commission, this meeting stands
10	adjourned.
11	Thanks, everybody.
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