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BEFORE THE
ILLINOIS COMMERCE COMMISSION
REGULAR OPEN MEETING
(PUBLIC UTILITY)
Chicago, Illinois
Tuesday, January 29, 2013

Met, pursuant to notice, at 10:30 a.m. in the
Main Conference Room, 160 North LaSalle Street,
Chicago, Illinois.

PRESENT:

- MR. DOUGLAS P. SCOTT, Chairman
- MS. LULA M. FORD, Commissioner
- MS. ERIN M. O'CONNELL-DIAZ, Commissioner
- MR. JOHN T. COLGAN, Commissioner
- MS. ANN McCABE, Commissioner

L.A. COURT REPORTERS by
Kari Wiedenhaupt, Reporter, CSR# 084-004725

1 CHAIRMAN SCOTT: Is everything ready in
2 Springfield?

3 JUDGE WALLACE: Yes, Mr. Chairman.

4 CHAIRMAN SCOTT: Thank you. Pursuant to the
5 provisions of the Open Meetings Act, I now convene a
6 Regular Open Meeting of the Illinois Commerce
7 Commission. With me in Chicago are Commissioner
8 Ford, Commissioner O'Connell-Diaz, Commission Colgan
9 and Commissioner McCabe. I am Chairman Scott. We
10 have a quorum.

11 Before moving into the agenda
12 according to Section 1700.10 of Title 2 of the
13 Administrative Code, this is the time we allow
14 members of the public to address the Commission.
15 Members of the public wishing to address the
16 Commission must notify the Chief Clerk's office at
17 least 24 hours prior to Commission meetings.
18 According to the Chief Clerk's office, we have no
19 requests to speak at today's meeting.

20 Moving on to the agenda for today,
21 Item 1 is the approval of minutes from our
22 January 9th Bench Session. I understand amendments

1 have been forwarded.

2 Is there a motion to amend the
3 minutes?

4 COMMISSIONER MCCABE: So moved.

5 CHAIRMAN SCOTT: Is there a second?

6 COMMISSIONER O'CONNELL-DIAZ: Second.

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

8 All in favor, say aye.

9 (Chorus of ayes.)

10 CHAIRMAN SCOTT: Any opposed?

11 (No response.)

12 CHAIRMAN SCOTT: The vote is five to nothing,
13 and the amendments are adopted. Is there now a
14 motion to approve the minutes as amended?

15 COMMISSIONER COLGAN: So moved.

16 CHAIRMAN SCOTT: Is there a second?

17 COMMISSIONER MCCABE: Second.

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

19 All in favor, say aye.

20 (Chorus of ayes.)

21 CHAIRMAN SCOTT: Any opposed?

22

1 (No response.)

2 CHAIRMAN SCOTT: The vote is five to nothing and
3 the January 9th minutes as amended are approved. We
4 will use this five to nothing vote for the remainder
5 of today's Regular Open Meeting unless otherwise
6 noted.

7 Item 2 is the approval of minutes from
8 our January 15th Regular Open Meeting. Is there any
9 discussion?

10 (No response.)

11 CHAIRMAN SCOTT: Are there any objections to
12 approving the minutes?

13 (No response.)

14 CHAIRMAN SCOTT: Hearing none, the January 15th
15 minutes are approved.

16 Item 3 is Docket No. 12-0645. This is
17 MidAmerican's petition for a waiver under Section
18 8-408(c) of the Public Utilities Act. This item will
19 be held for disposition at a future Commission
20 proceeding.

21 Item 4 is Docket No. 12-0677. This is
22 CCES's application for a certificate of service

1 authority to operate as an alternative retail
2 electric supplier. ALJ Von Qualen recommends entry
3 of an Order granting the certificate.

4 Is there any discussion?

5 (No response.)

6 CHAIRMAN SCOTT: Are there any objections?

7 (No response.)

8 CHAIRMAN SCOTT: Hearing none, the Order is
9 entered.

10 Items 5 and 6 can be taken together.
11 These items concern applications for licensure as an
12 agent, broker and consultant under Section 16-115C of
13 the Public Utilities Act. In each case, ALJ Albers
14 recommends entry of an Order granting the
15 certificate.

16 Is there any discussion?

17 (No response.)

18 CHAIRMAN SCOTT: Are there any objections?

19 (No response.)

20 CHAIRMAN SCOTT: Hearing none, the Orders are
21 entered.

22 Item 7 is Docket No. 10-0567. This is

1 Nicor's 2010 reconciliation proceeding for revenues
2 collected under its energy efficiency program rider.
3 The company has made a motion for an Amendatory Order
4 which would provide a mechanism for the disbursement
5 of a customer credit, ALJ Hilliard recommends that
6 the Commission reopen this matter on its own motion
7 to consider the Amendatory Order.

8 Is there any discussion?

9 (No response.)

10 CHAIRMAN SCOTT: Are there any objections to
11 reopening the matter?

12 (No response.)

13 CHAIRMAN SCOTT: Hearing none, the matter is
14 reopened.

15 Item 8 is Docket No. 12-0413. This is
16 Consolidated Communications' petition for a
17 declaratory ruling concerning Section 13-901 of the
18 Public Utilities Act and Title 83, Part 770 of the
19 Administrative Code. Before us today is a Petition
20 for Interlocutory Review filed by Securus concerning
21 a Motion to Strike granted by the ALJ.

22 Is there any discussion?

1 (No response.)

2 CHAIRMAN SCOTT: Are there any objections to
3 denying the petition for interlocutory review?

4 (No response.)

5 CHAIRMAN SCOTT: Hearing none, the
6 interlocutory review petition is denied.

7 Item 9 is Docket No. 12-0607, and this
8 item has been withdrawn.

9 Item 10 is Docket No. 13-0051. This
10 is Gridley Communications' petition for the
11 confidential and/or proprietary treatment of its
12 annual report. ALJ Hilliard recommends entry of an
13 Order granting the requested protective treatment.

14 Is there any discussion?

15 (No response.)

16 CHAIRMAN SCOTT: Are there any objections?

17 (No response.)

18 CHAIRMAN SCOTT: Hearing none, the Order is
19 entered.

20 Item 11 is Docket No. 12-0575. This
21 is Gregg Sanders' complaint against Aqua Illinois.
22 ALJ Yoder recommends entry of an Order dismissing

1 this proceeding without prejudice for want of
2 prosecution.

3 Is there any discussion?

4 (No response.)

5 CHAIRMAN SCOTT: Are there any objections?

6 (No response.)

7 CHAIRMAN SCOTT: Hearing none, the Order is
8 entered.

9 Item 12 is Docket No. 12-0321. This
10 is ComEd's 2012 annual formula rate update filing
11 under Section 16-108.5 of the Public Utilities Act.
12 Before us today are rehearing applications from ComEd
13 and from the Attorney General, and ALJs Sainsot,
14 Kimbrel and Jorgenson recommend denying those
15 petitions in their entirety.

16 Is there any discussion?

17 (No response.)

18 CHAIRMAN SCOTT: I make a motion to deny the
19 rehearing applications.

20 Is there a second?

21 COMMISSIONER FORD: Second.

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

1 All in favor, say aye.

2 (Chorus of ayes.)

3 CHAIRMAN SCOTT: Any opposed?

4 (No response.)

5 CHAIRMAN SCOTT: The vote is five to nothing,
6 and the petitions for rehearing are denied.

7 Item 13 is Docket No. 12-0544. This
8 is the proceeding for our approval of the 2013
9 Illinois Power Agency procurement plan. We've got a
10 few filings up for consideration today, and we will
11 begin with the four applications for rehearing filed
12 by ComEd, the Coalition of Energy Suppliers, the
13 Retail Energy Supply Association and the Illinois
14 Competitive Energy Association and Illinois
15 Industrial Energy Consumers.

16 Is there any discussion on the
17 rehearing applications?

18 (No response.)

19 CHAIRMAN SCOTT: I make a motion to deny the
20 rehearing applications.

21 Is there a second?

22 COMMISSIONER COLGAN: Second.

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

2 All in favor, say aye.

3 COMMISSIONER COLGAN: Aye.

4 CHAIRMAN SCOTT: Aye.

5 COMMISSIONER FORD: Aye.

6 CHAIRMAN SCOTT: Any opposed?

7 COMMISSIONER O'CONNELL-DIAZ: Nay.

8 COMMISSIONER MCCABE: No.

9 CHAIRMAN SCOTT: The vote is three to two, and
10 the petitions for rehearing are denied.

11 Next up is a joint motion for
12 clarification filed by ComEd, Ameren and FutureGen
13 seeking language clarification on two parts of our
14 Final Order related to the FutureGen sourcing
15 agreement.

16 Is there any discussion on this
17 motion?

18 (No response.)

19 CHAIRMAN SCOTT: I would move to grant the
20 motion for clarification and enter an Amendatory
21 Order making the requested clarifications.

22 Is there a second?

1 COMMISSIONER O'CONNELL-DIAZ: Second.

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

3 All in favor, say aye.

4 (Chorus of ayes.)

5 CHAIRMAN SCOTT: Any opposed?

6 (No response.)

7 CHAIRMAN SCOTT: The vote is five to nothing.

8 The motion for clarification is granted, and the

9 Amendatory Order is entered.

10 And just as a note, we want to give
11 our appreciation to the folks who got together and
12 actually worked on those issues and brought them back
13 to us. We think that's a very good thing, and we
14 appreciate that.

15 Item 14 concerns our 2012 Annual
16 Report on Electric, Gas, Water and Sewer utilities as
17 required under Section 4-304 of the Public Utilities
18 Act. Staff recommends adopting the report for
19 delivery to the Governor and General Assembly.

20 Is there any discussion on the 2012
21 Annual Report?

22 (No response.)

1 CHAIRMAN SCOTT: Is there any objection to
2 adopting the 2012 Annual Report?

3 (No response.)

4 CHAIRMAN SCOTT: Hearing none, the 2012 Annual
5 Report is adopted and will be delivered to the
6 Governor and General Assembly.

7 Item 15 concerns the Commission's 2007
8 investigation into Ameren's service restoration
9 efforts after inclement weather events in the summer
10 and early winter of 2006. Staff requests
11 authorization to post Liberty's final verification
12 report on the Commission website.

13 Is there any discussion?

14 (No response.)

15 CHAIRMAN SCOTT: Are there any objections to
16 approving this report for posting on the Commission's
17 website?

18 (No response.)

19 CHAIRMAN SCOTT: Hearing none, the report is
20 approved for posting.

21 Judge Wallace are there any other
22 matters to come before the Commission today?

1 JUDGE WALLACE: No. That's all, Mr. Chairman.

2 CHAIRMAN SCOTT: Thank you, sir.

3 Hearing none, this meeting stands
4 adjourned.

5 (END OF PROCEEDINGS.)

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