

1                               BEFORE THE  
2                               ILLINOIS COMMERCE COMMISSION

3                               BENCH SESSION

4                               (PUBLIC UTILITY)

5                               Chicago, Illinois

6                               Wednesday, October 2nd, 2013

7  
8                               Met, pursuant to notice, at 10:30 a.m., at the  
9                               Illinois Commerce Commission, 160 North LaSalle Street,  
10                              Main Hearing Room, 8th Floor, Chicago, Illinois 60601.

11

12                              PRESENT:

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15                              MR. DOUGLAS P. SCOTT, Chairman;

16                              MS. ANN McCABE, Commissioner;

17                              MR. JOHN T. COLGAN, Commissioner;

18                              MR. MIGUEL DEL VALLE, Acting Commissioner;

19                              MS. SHERINA E. MAYE, Acting Commissioner  
20                              (Via phone).

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23

24                              MIDWEST LITIGATION SERVICES

                            Thomas A. Manno, C.S.R.

                            License No. 84-1174

1                   CHAIRMAN SCOTT: Everything ready in  
2 Springfield?

3                   A VOICE: Yes, it is, Chairman.

4                   CHAIRMAN SCOTT: Very good. Thank you.

5                   Pursuant to the provisions of the Open Meetings  
6 Act, I now convene a regularly scheduled Bench session of  
7 the Illinois Commerce Commission.

8                   With me in Chicago are Commissioner Colgan,  
9 Commissioner McCabe, Acting Commissioner Del Valle. I'm  
10 Chairman Scott. We have a quorum.

11                  We should also have Acting Commissioner Maye on  
12 the phone.

13                  Commissioner Maye, are you there?

14                  ACTING COMMISSIONER MAYE: Good morning. I'm here.

15                  CHAIRMAN SCOTT: Good morning.

16                  Under the commission's rules, we'll have to  
17 vote to allow Commissioner Maye to participate by phone,  
18 so I move to allow Commissioner Maye's participation by  
19 phone. Is there a second?

20                  COMMISSIONER COLGAN: Second.

21                  CHAIRMAN SCOTT: Seconded by Commissioner  
22 Colgan. It's been moved and seconded. All in favor say  
23 aye.

24   (Chorus of ayes.)

1 Any opposed?

2 (No response.)

3 The vote is four to nothing, and  
4 Commissioner Maye may participate in today's meeting by  
5 phone.

6 We're moving into the agenda according to  
7 Section 1700.10 of Title 2 of the Administrative Code.  
8 This is the time we allow members of the public to  
9 address the Commission. Members of the public wishing to  
10 address the Commission must notify the Chief Clerk's  
11 office at least 24 hours prior to Commission meetings.  
12 According to the Chief Clerk's office, we have no  
13 requests to speak at today's Bench session.

14 Moving on to the Public Utility agenda, we'll  
15 begin with the approval of minutes from our August 30th  
16 Special Open Meeting. I understand amendments have been  
17 forwarded.

18 Is there a motion to amend the minutes?

19 COMMISSIONER McCABE: So moved.

20 CHAIRMAN SCOTT: Is there a second?

21 COMMISSIONER COLGAN: Second.

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

23 All in favor say aye.

24 (Chorus of ayes.)

1 Any opposed?

2 The vote is five to nothing and the amendments  
3 are adopted.

4 Is there now a motion to approve the minutes as  
5 amended?

6 COMMISSIONER McCABE: So moved.

7 CHAIRMAN SCOTT: Is there a second?

8 COMMISSIONER COLGAN: Second.

9 CHAIRMAN SCOTT: Moved and seconded. All in  
10 favor, say aye.

11 (Chorus of ayes.)

12 Any opposed?

13 The vote is five to nothing and the minutes to  
14 our August 30th Special Open Meeting as amended are  
15 approved.

16 Also on today's agenda is the transcript from  
17 our August 30th Joint Electricity and Consumer Affairs  
18 Policy Committee meeting. I understand amendments have  
19 been forwarded.

20 Is there a motion to amend the transcript?

21 COMMISSIONER COLGAN: So moved.

22 CHAIRMAN SCOTT: Is there a second?

23 ACTING COMMISSIONER DEL VALLE: Second.

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

1 All in favor say aye.

2 (Chorus of ayes.)

3 Any opposed?

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

6 Is there now a motion to approve the transcript  
7 as amended?

8 COMMISSIONER COLGAN: So moved.

9 CHAIRMAN SCOTT: Is there a second?

10 COMMISSIONER McCABE: Second.

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

12 All in favor say aye.

13 (Chorus of ayes.)

14 Any opposed?

15 The vote is five to nothing, and the transcript  
16 to August 30th Joint Committee meeting as amended is  
17 approved.

18 MR. FEIPEL: Mr. Chairman, very quickly. This  
19 is Feipel in Springfield. We're having a hard time  
20 picking up some of the seconds on motions. If you can  
21 make those clearer, that would be great.

22 CHAIRMAN SCOTT: Okay.

23 MR. FEIPEL: Thanks.

24 CHAIRMAN SCOTT: Very good. Thank you.

1           Finally we have the approval of minutes from  
2 our September 10th Regular Open Meeting.

3           Is there a motion to approve the minutes?

4           COMMISSIONER McCABE: So moved.

5           CHAIRMAN SCOTT: Is there a second?

6           ACTING COMMISSIONER DEL VALLE: Second.

7           CHAIRMAN SCOTT: So moved and seconded. All  
8 those in favor say aye.

9                               (Chorus of ayes.)

10          Any opposed?

11          The vote is five to nothing and the minutes are  
12 approved.

13          Item E-1 is ComEd's submission of a new tariff,  
14 Rider NAM, to be applicable to customers who refuse an  
15 AMI meter to be installed, or for customers for whom  
16 ComEd is unable to gain access to the premises to install  
17 the AMI meters. Staff was unable to determine that the  
18 proposed charges to customers are appropriate, or that  
19 allowing customers to refuse meters is consistent with  
20 legislative intent.

21          Accordingly, staff recommends the filing to be  
22 suspended and the matter set for hearing.

23          Is there any discussion on this matter?

24          Commissioner McCabe.

1                   COMMISSIONER McCABE: I support suspending the  
2 tariff and I hope that staff can handle this in an  
3 expedited fashion. So if there is a price (inaudible),  
4 it can be implemented sooner rather than later.

5                   I also ask staff and the parties to address  
6 the company's position that it is impractical to install  
7 AMI meters on the one hand, but it is practical to  
8 install non-AMI meters on the other hand, especially when  
9 the goal in eight or 10 years is for everyone to have  
10 Smart Meters.

11                   And so I hope the record will be fully  
12 developed on those points.

13                   CHAIRMAN SCOTT: Further discussion?

14                   ACTING COMMISSIONER MAYE: Chairman Scott, this is  
15 Commissioner Maye. Consistent with Commissioner McCabe  
16 and also staff report to the Commission, I also expect  
17 that this case can be completed in an expedited manner,  
18 and I'm hoping that we can do this without the need for  
19 resuspension beyond the original 105-day suspension  
20 period. And if at all possible, I'm hoping that we could  
21 complete this as early as possible--

22                   CHAIRMAN SCOTT: Commissioner Maye,  
23 Commissioner Maye, if you could, it's difficult for the  
24 court reporter to hear you, so maybe if you can speak up.

1           ACTING COMMISSIONER MAYE: Is this better?

2           CHAIRMAN SCOTT: Yes. And if it's possible to  
3 do it a little more slowly, it'll be easier for him to  
4 pick up.

5           ACTING COMMISSIONER MAYE: My apologies.

6           I stated that, in consistency with what  
7 Commissioner McCabe stated and also staff report to the  
8 Commission, I am hoping that this case will be completed  
9 without the need for an additional resuspension period  
10 beyond the 105-day suspension. And that would run up to  
11 and including February 16th, 2014.

12           And an additional hope is that this proceeding  
13 could be completed as early as possible. That there is a  
14 (inaudible) in place to address the cost of AMI meter  
15 refusal on the ComEd system, and on other customers, as  
16 well as to determine how to notify customers who have  
17 refused an AMI meter of this process.

18           CHAIRMAN SCOTT: Okay. Thank you. Further  
19 discussion?

20           I agree with the two comments that have been  
21 made. I think there are a number of issues here.

22           One is, is an opt out even admissible under the  
23 law. The law in ComEd's case requires that all customers  
24 have a Smart Meter within 10 years. If so, if they are



1 going to be leased for some period of time, some opting  
2 out, what are the conditions for that, what's the  
3 information that's given to the customers, as well as  
4 what the cost is going to be for that.

5 I think the issue raised by Commissioner McCabe  
6 is a very good one because we've seen the injection into  
7 this discussion of new meters that are not Smart meters  
8 and kind of mixing of the two concepts here, and I think  
9 that's another good issue to sort out through a hearing  
10 process because that's obviously not something that, at  
11 least at first reading, looks like it was contemplated by  
12 the Energy and Construction Modernization Act.

13 And again, I think that we're going to see it  
14 later on with a special permission request. I think that  
15 that can't really be done with special permission. It  
16 needs to be done with the parties weighing in in a  
17 hearing process.

18 And so, I also agree with trying to do this as  
19 quickly as possible so that if the end result is that  
20 there's some tariff, that it would be done as quickly as  
21 possible to set a market price that can be reacted to by  
22 consumers as well. So, I support the suspension as well.

23 Further discussion? Is there a motion to  
24 suspend the filing?

1 COMMISSIONER COLGAN: So moved.

2 CHAIRMAN SCOTT: Is there a second?

3 COMMISSIONER McCABE: Second.

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

5 All in favor say aye.

6 (Chorus of ayes.)

7 CHAIRMAN SCOTT: Any opposed?

8 (No response.)

9 The vote is five to nothing and the filing is  
10 suspended. We will use this five to nothing vote for the  
11 remainder of today's public utility agenda unless  
12 otherwise noted.

13 Item E-2 is our reconciliation of revenues  
14 collected under Ameren's Rider EDR with the actual costs  
15 associated with energy efficiency and demand-response  
16 plan and Ameren's Rider GER with actual costs associated  
17 with natural gas energy efficiency plans. ALJ Jones  
18 recommends entry of an Order approving the  
19 reconciliation.

20 Is there any discussion? Are there any  
21 objections?

22 Hearing none, the Order is entered.

23 Item E-3 is Docket No. 12-0456. This is our  
24 rulemaking proceeding to develop and adopt rules

1 concerning municipal aggregation. This item will be held  
2 for disposition in a future Commission proceeding.

3 Item E-4 is Docket No. 13-0034. This is  
4 Phase 2 of the initial approvals for FutureGen.  
5 FutureGen has filed a motion to preserve a confidential  
6 designation of certain information contained in its  
7 benchmark materials. ALJ Jones recommends that we reopen  
8 the proceedings solely to consider that motion.

9 Is there any discussion? Any objections?

10 Hearing none, the proceeding is reopened to  
11 consider the motion.

12 Item E-5 is Docket No. 13-0077. This is our  
13 proceeding initiated to address adoption of policies  
14 concerning the Illinois Statewide Technical Reference  
15 Manual for Energy Efficiency. ALJ Kimbrel recommends  
16 entry of an Order on Rehearing.

17 I have some proposed edits to this. The issues  
18 on rehearing, there are really three of them that were  
19 dealt with.

20 Our edits only deal with the issue about  
21 whether or not we should measure the level -- should the  
22 measure level non-consensus issues that have been  
23 properly raised, and then resolved by the Commission, be  
24 applied retroactively to the beginning of the current

1 program year or prospectively.

2 And if prospectively, replying how.

3 So, our edits involved the case where the ALJ  
4 adopted it. The AJL's suggestion is that a prospective  
5 application shall begin within 60 days of the  
6 Commission's final Order. And that this was deemed a  
7 reasonable compromise in the parties' positions.

8 While I would agree that, on its face, looking  
9 at the 60-day grace period after values are settled to  
10 reach out to trade allies and work with the program seems  
11 to be reasonable, from a policy perspective, I don't  
12 really think it helps to address -- really help the  
13 utilities to continue to offer a consistent message  
14 instead of programs to participants in their programs.

15 Sixty days is a pretty short period of time to  
16 reach out to the group of building owners or contractors  
17 who may have invested significant capital in the program  
18 just to be told that the program will either cease to be  
19 funded or the incentive will be decreasing.

20 So, I think in order to further facilitate the  
21 energy efficiency programs that are innovative in  
22 hard-to-reach populations, we think that the  
23 non-consensus values should be applied in the following  
24 year.

1           And that will allow the utilities to offer  
2 programs which don't provide energy savings to the -- put  
3 in some language to encourage that the utilities be  
4 proactive and take that information to account for the  
5 next year to begin in a way that will not be detrimental  
6 to the involving program.

7           And I think in doing that, (inaudible), we will  
8 do some of the things that we talked about in our policy  
9 committee meeting, which is to try to encourage the  
10 utilities to be proactive in terms of the programs that  
11 they're putting out and not constantly be having kind of  
12 a gotcha look-back at these particular programs. And I'd  
13 ask them to take those into account. If the programs are  
14 not performing, certainly to take them into account in  
15 the next program year.

16           So those are the edits that I am recommending,  
17 and I move their approval. Is there a second?

18           COMMISSIONER COLGAN: Second.

19           CHAIRMAN SCOTT: Moved and seconded to approve  
20 the edits.

21           Is there any discussion on the edits? All in  
22 favor say aye.

23   (Chorus of ayes.)

24           Any opposed?

1                   The vote is five to nothing and the edits are  
2 adopted.

3                   Is there now a motion to enter the Order as  
4 amended?

5                   ACTING COMMISSIONER DEL VALLE: So moved.

6                   CHAIRMAN SCOTT: Is there a second?

7                   COMMISSIONER McCABE: Second.

8                   CHAIRMAN SCOTT: It's been moved and seconded.  
9 All in favor say aye.

10   (Chorus of ayes.)

11                   CHAIRMAN SCOTT: Any opposed?

12                   The vote is five to nothing and the Order as  
13 amended is entered.

14                   Item E-6 is Docket No. 13-0418. This is  
15 Anthony Dotson's complaint against ComEd as to identity  
16 theft in Chicago.

17                   It appears that the parties have settled their  
18 differences and have filed a Joint Stipulation and Joint  
19 Motion to Dismiss, which ALJ Sainsot recommends we grant.

20                   Is there any discussion? Any objections?

21                   Hearing none, the motion is granted and the  
22 complaint is dismissed.

23                   Items E-7 and E-8 can be taken together. These  
24 are Applications for licensure of agents, brokers and

1 consultants under Section 16-115C of the Public Utilities  
2 Act. In both cases, ALJ Kimbrel recommends entry of an  
3 order granting the certificate.

4 Is there any discussion? Any objection?

5 Hearing none, the Order is entered.

6 Item E-9 is Docket No. 13-0489. This is  
7 Community Housing Partners and Chicago Community  
8 Development Corp.'s complaint against ComEd as to denial  
9 of a request for master meter electrical service at a  
10 senior housing complex in Chicago.

11 ALJ Kimbrel recommends entry of an Order  
12 granting the requested Certificate of Service Authority.

13 Is there any discussion? Any objections?

14 Hearing none, the Order is entered.

15 Item E-10 is Docket No. 13-537. This is  
16 ComEd's petition to approve, on less than 45 days' notice  
17 and without suspension, tariffs addressing refusals of  
18 AMI meter installation.

19 Staff recommends that the Request for Special  
20 Permission be denied and ComEd not be allowed to file a  
21 the proposed tariffs on less than 45 days' notice.

22 Is there any discussion? Are there any  
23 objections to the denial?

24 Hearing none, the petition is denied.

1                   Item E-11 is our investigation to determine  
2 whether tariffs filed by ComEd and approved in Docket No.  
3 13-3086 are in compliance with Public Act 98-15. The  
4 staff recommends entry of an Order initiating the  
5 proceeding.

6                   Is there any discussion? Any objections?

7                   Hearing none, the Order is entered and the  
8 proceeding is initiated.

9                   Turning now to Natural Gas, Item G-1 is our  
10 motion to initiate a proceeding against Ameren to  
11 determine whether the company has violated the Illinois  
12 Gas Pipeline Safety Act and Federal rules adopted by the  
13 Commission as to minimum safety standards.

14                   Is there any discussion? Any objections?

15                   Hearing none, the Order initiating the citation  
16 proceeding is entered.

17                   Item G-2 is Docket No. 12-0602. This is our  
18 motion concerning Peoples Gas and North Shore Gas  
19 Company's reconciliation of revenues elected under Riders  
20 EOA with the actual costs associated with Energy  
21 Efficiency and On-Bill Financing Programs.

22                   ALJ Jorgenson recommends entry of an Order  
23 approving the reconciliation.

24                   Is there any discussion? Any objections?



1                   Hearing none, the Order is entered.

2                   Item G-3 is Docket No. 13-0362. This is  
3 Liberty Utilities Company and affiliates application for  
4 approval of a proposed reorganization, which ALJ  
5 Jorgenson recommends we grant.

6                   Is there any discussion? Any objections?

7                   Hearing none, the Order is entered.

8                   Item G-4 is Docket No. 13-0482. This is  
9 Consumer Gas Company's petition pursuant to Section 7-101  
10 of the Public Utilities Act seeking authority to enter  
11 into a lease of office space in which an affiliated  
12 interest exists. ALJ Yoder recommends entry of an  
13 Interim Order granting the requested relief.

14                   Is there any discussion? Any objections?

15                   Hearing none, the Interim Order is entered.

16                   Onto Telecommunications, Items T-1 through T-6  
17 can be taken together. These are the Commission's  
18 motions to initiate rulemaking proceedings and authorize  
19 first notice periods on amendments to 83 Illinois  
20 Administrative Code Parts 210, 220, 710, 711, 712 and  
21 715.

22                   Is there any discussion? Any objections?

23                   Hearing none, the Orders initiating the  
24 rulemakings and authorizing submission of the first

1 notice periods are entered.

2 Items T-7 through T-9 can be taken together.

3 These are petitions to cancel certificates of authority  
4 by various carriers in Illinois. In each case, ALJ Baker  
5 recommends entry of an Order granting the petition.

6 Is there any discussion? Any objections?

7 Hearing none, the Orders are entered.

8 Item T-10 is Docket No. 13-0427. This is  
9 Ameritech's petition of cancellation of its certificate  
10 of authority to provide pay telephone service outside of  
11 Illinois Bell Telephone Company's territories in  
12 Illinois. ALJ Baker recommends entry of an Order  
13 withdrawing the certificate.

14 Is there any discussion? Any objections?

15 Hearing none, the Order is entered.

16 Item T-11 is Docket No. 13-0438. This is a  
17 joint petition for approval of amendment to the  
18 Interconnection Agreement between AT&T and Bullseye  
19 Telecom pursuant to 47 USC 252. ALJ Baker recommends  
20 entry of an Order approving the amendment.

21 Is there any discussion? Any objections?

22 Hearing none, the Order is entered.

23 Item T-12 and T-13 can be taken together.

24 These are petitions for approval of modifications of

1 existing 911 Emergency Telephone Systems in Lincolnshire  
2 and Lake County. In both cases, ALJ Haynes recommends of  
3 an entry of an Order approving the modification.

4 Is there any discussion? Any objections.

5 Hearing none, the Orders are entered.

6 Onto Water and Sewer, Item W-1 is Dockets  
7 No. 09-0548 and 09-0549 concerning the Apple Canyon  
8 Utility Company and Lake Wildwood Utilities Corporation's  
9 proposed general increases in water rates.

10 The ALJ considered previously stricken comments  
11 and all public comments to the extent allowed by law, but  
12 affirms the rates that recover the revenue requirements  
13 set forth in the Commission's final Order entered on  
14 September 9th, 2010.

15 ALJ Kimbrel now recommends entry of an Order on  
16 remand.

17 Is there any discussions? Any objections?

18 Hearing none, the Order on Remand is entered.

19 There is one miscellaneous item on today's  
20 agenda, Docket No. 13-0389, concerns suggested changes to  
21 clarify the rule and fix ministerial errors in the  
22 Commission's proposed amendments to 83 Administrative  
23 Code 302, Guidelines for Carbon Dioxide Transportation  
24 and Sequestration.

1           The mandated first notice period has ended, and  
2 accordingly, ALJ Haynes recommends entry of a second  
3 notice order and appendix.

4           Is there any discussion? Any objections?

5           Hearing none, the second notice is entered.

6           We have a Petition for Rehearing, Item PR-1 is  
7 Docket No. 12-0598. This is Ameren's Petition for a  
8 Certificate of Public Convenience and Necessity pursuant  
9 to Section 8-0406.1 of the Public Utilities Act, and an  
10 order pursuant to Section 8-503 of the Public Utilities  
11 Act to construct, operate and maintain a new high voltage  
12 electric service line and related facilities in counties  
13 across Illinois.

14           Ameren Transmission Company, ATXI; PDM  
15 Coalition & Channon Family Trust; MISO; Morgan, Sangamon  
16 and Scott Counties Land Preservation Group; Adams County  
17 Property Owners and Tenant Farmers; and Edgar County  
18 Citizens who are Entitled to Due Process, have all filed  
19 Petitions for Rehearing.

20           Based on the arguments made by petitioners in  
21 their applications, ALJ Albers and Yoder recommend  
22 granting rehearing for ATXI, MISO, and PDM Coalition and  
23 Channon Family Trust.

24           Accordingly, the ALJs recommend denying

1 rehearing for ACPO, MSSCLPG and Edgar DP.

2 First, Judge Albers and Yoder, is there any new  
3 information or any new filings since the time of the  
4 memos that you've sent to us on this case?

5 JUDGE ALBERS: Good morning, Chairman. We  
6 received our second memo on Monday. Since then, we've  
7 received two filings from a group calling itself Edgar  
8 County Citizens who are Entitled to Due Process.

9 Yesterday we received from them a response to  
10 ATXI's objections to their intervention, motion to strike  
11 and rehearing request. And we also received a collection  
12 of affidavits from its members asserting they didn't  
13 receive service.

14 The ALJ did not learn of this until this  
15 morning when we checked E-Docket because they did not  
16 serve us with the documents.

17 We also received a filing from the Rural Clark  
18 and Edgar County Concerned Citizens last night, asserting  
19 that all of the members of the Edgar County Citizens who  
20 are Entitled to Due Process, received notice of this  
21 docket.

22 The fact that we have -- Judge Yoder has  
23 (inaudible) as well.

24 JUDGE YODER: Yes, Commissioners.

1           Since the August 20th meeting when the Order  
2 was entered, I think Judge Albers indicated that there  
3 285 public comments that have been filed.

4           Since that date, there have been 12 additional  
5 public comments.

6           CHAIRMAN SCOTT: Okay. Thank you, Judges. Any  
7 questions for the Judges on those issues?

8           Commissioner Del Valle?

9           ACTING COMMISSIONER DEL VALLE: Yes. On Edgar County,  
10 those individuals were properly noticed. Were they?

11          JUDGE ALBERS: I assume you're referring to  
12 Edgar County Citizens who are Entitled to Due Process?

13          ACTING COMMISSIONER DEL VALLE: Yes.

14          JUDGE ALBERS: We were able to determine by  
15 looking at the service list from the Clerk's office that  
16 all but three of them appear on that list were clearly --  
17 I'm looking through my notes on that right now. Here it  
18 is.        The names identified on their Motion to Strike  
19 Application for Rehearing, most of those did in fact  
20 appear on the Clerk's office service list. There are a  
21 few that did not confirm clearly.

22          There were a couple of name variations that I  
23 believe are the same individuals that appear on the  
24 group's list, but given the state of Ameren's original

1 list of landowners, it's confusing as to some of those  
2 names and had to be corrected by the Clerk's office.

3 But I believe that the addresses were accurate  
4 for those couple of individuals, and the name of this is  
5 slightly off. But there were, from my reckoning, one,  
6 two (inaudible) married couple, and three and four. So,  
7 three households altogether. I'm sorry. Two households  
8 altogether I could not find on the service list.

9 But again, Rural Edgar County Concerned  
10 Citizens believe, as they look at the information, that  
11 everyone had in fact received notice. So (inaudible)  
12 there's some discrepancy there.

13 COMMISSIONER COLGAN: They determined that they  
14 had received notice?

15 JUDGE ALBERS: Yes. In the filing made by  
16 Rural Edgar County Concerned Citizens, Rural Edgar and  
17 Clark County Concerned Citizens, in their review of the  
18 information, they reported everyone on the member list  
19 for the most recent intervenor group did in fact receive  
20 notice of some sort.

21 CHAIRMAN SCOTT: Further questions for the  
22 Judges on this or any other issue? Commissioner McCabe?

23 COMMISSIONER McCABE: Did the most recent  
24 petitions change any of your recommendations?

1 JUDGE YODER: No, I don't believe so.

2 JUDGE ALBERS: No. And I agree with  
3 Judge Yoder.

4 COMMISSIONER McCABE: Okay. Thanks.

5 CHAIRMAN SCOTT: Further questions?

6 Let's take each Applications for Rehearing  
7 individually. We'll begin with ATXI and the  
8 recommendation as to grant rehearing.

9 Is there any discussion on that? Commissioner  
10 McCabe?

11 COMMISSIONER McCABE: I support ATXI's Petition  
12 for Rehearing. I would like to direct ATXI to consider a  
13 direct line segment from Pawnee to Mount Zion, through  
14 Kincade. And if they determine that route is not  
15 feasible, then to present additional evidence on why a  
16 Pana upgrade is unnecessary as part of this project.

17 I also encourage staff to propose the Kincade  
18 route as an alternative route on rehearing, if that is  
19 still staff's position.

20 CHAIRMAN SCOTT: Further discussion on ATXI's  
21 petition? Is there any objection to granting ATXI's  
22 Petition for Rehearing? Hearing none, the request for  
23 rehearing is granted.

24 Next is PDM Coalition and Channon Family Trust.



1 The recommendation is to grant rehearing.

2 Is there any discussion on this issue? Is  
3 there any objection to granting rehearing on the PDM  
4 Coalition and Channon Family Trust?

5 Hearing none, the request for rehearing is  
6 granted.

7 The recommendation for ACPO is to deny  
8 rehearing.

9 Is there any discussion on this matter? Is  
10 there any objection to denying rehearing?

11 Hearing none--

12 ACTING COMMISSIONER MAYE: I'm sorry, Chairman Scott.  
13 Which one was that?

14 CHAIRMAN SCOTT: ACPO, Commissioner Maye.

15 ACTING COMMISSIONER MAYE: I don't recognize that one.

16 CHAIRMAN SCOTT: Right. The recommendation is  
17 to deny, and I was just asking if there are any  
18 objections--

19 ACTING COMMISSIONER MAYE: Oh.

20 CHAIRMAN SCOTT: --to denial. Any objections  
21 to denial?

22 Hearing none, the request for rehearing is  
23 denied.

24 Now we'll go to Edgar DP. The recommendation

1 there is to deny rehearing. Any discussion on this one?  
2 Commissioner Del Valle?

3 ACTING COMMISSIONER DEL VALLE: Well, given the  
4 response to my question, and the fact that there is some  
5 doubt about whether or not everyone received notice and  
6 the possibility that a couple of households were not on  
7 the served list, I would vote to grant this one.

8 CHAIRMAN SCOTT: Is there any other discussion  
9 on this particular item?

10 COMMISSIONER COLGAN: I think I would agree  
11 with that. I think that that should be definitive that  
12 they receive notice.

13 And if we can't say without any concern or  
14 question that they did receive notice, I think the due  
15 process issue probably would -- I would have to agree  
16 with that.

17 JUDGE ALBERS: Mr. Chairman, this is  
18 Judge Albers, if I may interject for a moment.

19 CHAIRMAN SCOTT: Sure. Go ahead.

20 JUDGE ALBERS: FYI, according to our Commission  
21 Rules, 200.150, they do provide that one or two  
22 landowners are not covered in such a notice, that it  
23 wouldn't invalidate the entire process.

24 CHAIRMAN SCOTT: I'm sorry. Could you say that

1 one more time, Judge?

2 JUDGE ALBERS: Our rules provide that if one or  
3 two landowners are missed in such a notice, that it  
4 doesn't invalidate the process.

5 ACTING COMMISSIONER DEL VALLE: Mr. Chairman, I  
6 understand what the rules say, but I stand by my  
7 decision.

8 CHAIRMAN SCOTT: Further discussion on this?  
9 Do one of you want to make a motion to grant it then?

10 ACTING COMMISSIONER DEL VALLE: I move to grant it.

11 CHAIRMAN SCOTT: Is there a second?

12 COMMISSIONER COLGAN: Second.

13 CHAIRMAN SCOTT: Okay. Any further discussion  
14 on this? All in favor say aye.

15 COMMISSIONER COLGAN: Aye.

16 CHAIRMAN SCOTT: Opposed?

17 COMMISSIONER McCABE: No.

18 ACTING COMMISSIONER MAYE: No.

19 CHAIRMAN SCOTT: So, the request for rehearing  
20 is voted down by a two to three. So I think we need to  
21 affirmatively move to deny it then. So I'll make a  
22 motion to deny rehearing then in this case.

23 Is there a second?

24 COMMISSIONER McCABE: Second.

1           CHAIRMAN SCOTT: All in favor of denial say  
2 aye.

3           COMMISSIONER McCABE: Aye.

4           ACTING COMMISSIONER MAYE: Aye.

5           CHAIRMAN SCOTT: Opposed?

6           ACTING COMMISSIONER DEL VALLE: No.

7           COMMISSIONER COLGAN: No.

8           CHAIRMAN SCOTT: Motion to deny rehearing  
9 passes on a three to two vote.

10           The next is MISO. The recommendation is to  
11 grant rehearing.

12           Is there any discussion on this one?

13           I understand MISO, and their (inaudible) to us  
14 and their place in our everyday life here. But the issue  
15 -- they did two things.

16           One is they raised an issue that's already  
17 covered by ATXI in their petition. They don't suggest a  
18 new issue. They don't really suggest any new facts or  
19 information.

20           And the other issue that they bring up in the  
21 course of their petition is something that has already  
22 been decided in their favor. That being the need to have  
23 an entire -- need to have an entire property, entire  
24 line, to comply with the reliability.

1                   And they're asking to talk again about the  
2 reliability and the necessity for the line, but that's  
3 something that -- that's an issue that's already been  
4 decided in their favor.

5                   So I guess I'm just not sure what MISO, adding  
6 a Petition to Rehearing and granting that, what's new or  
7 different it brings in either terms of facts, law, issues  
8 or anything else.

9                   So, I wouldn't be in favor of granting  
10 rehearing. The recommendation, by the way, is to grant  
11 rehearing.

12                   COMMISSIONER COLGAN: I think I'm going to  
13 support it.

14                   I understand that ATXI, having been granted  
15 rehearing, that MISO's issues will probably be folded in  
16 there. But if they had something to offer there, I'm  
17 going to be okay with that.

18                   ACTING COMMISSIONER DEL VALLE: Mr. Chairman,  
19 Commissioner Colgan, I might learn something here. So,  
20 I'd like to grant rehearing.

21                   CHAIRMAN SCOTT: Any further discussion on this  
22 item?

23                   The recommendation is to grant rehearing. So,  
24 other than my own, is there any objection to granting

1 rehearing? Commissioner McCabe.

2 COMMISSIONER McCABE: I'm just agreeing with  
3 the Chairman.

4 CHAIRMAN SCOTT: Well, let's take a vote then.  
5 So, is there a motion to approve rehearing?

6 COMMISSIONER COLGAN: So moved.

7 CHAIRMAN SCOTT: Is there a second?

8 ACTING COMMISSIONER DEL VALLE: Second.

9 CHAIRMAN SCOTT: Moved and seconded to approve  
10 MISO's request for rehearing.

11 All in favor say aye.

12 COMMISSIONER COLGAN: Aye.

13 ACTING COMMISSIONER DEL VALLE: Aye.

14 ACTING COMMISSIONER MAYE: Aye.

15 CHAIRMAN SCOTT: Opposed? No.

16 COMMISSIONER McCABE: No.

17 CHAIRMAN SCOTT: No. The ayes have it, and  
18 MISO's Application for Rehearing is approved on a three  
19 to two vote.

20 And finally we have the recommendation for  
21 MSSCLPG. That recommendation from the Judges is to deny  
22 rehearing.

23 Is there any discussion on that matter?  
24 Initially I'd like to raise on that one.

1                   MSSCLPG has indicated that they have  
2 information that supports their claim that the MSCLTF --  
3 we gotta do something with these acronyms -- is actually  
4 the least cost option for the Meredosia to Pawnee  
5 segment.

6                   Granting rehearing would allow for a comparison  
7 of the MSCLTF route and the previously-approved  
8 stipulated route based on key factors needed to determine  
9 the least cost option.

10                  It's MSSCLPG's and the staff's opinion in the  
11 Order that the MSCLTF route is actually the least cost  
12 route.

13                  Granting rehearing will allow the evidence to  
14 be brought to light on that subject and will give us the  
15 opportunity to equitably examine the route's performance  
16 based on all the criteria that we used to determine these  
17 costs.

18                  So, I believe the gathering of missing evidence  
19 on the MSCLTF route will allow the Commission to make a  
20 better-informed decision on the least cost route for the  
21 Meredosia to Pawnee segment of the line.

22                  So I would actually support rehearing on the  
23 MSSCLPG application.

24                  COMMISSIONER COLGAN: I'll agree with you on

1 that.

2 CHAIRMAN SCOTT: Further discussion?

3 I would make a motion then that the MSSCLPG  
4 Application for Rehearing is approved.

5 Is there a second?

6 COMMISSIONER McCABE: Second.

7 COMMISSIONER COLGAN: Second.

8 CHAIRMAN SCOTT: All in favor say aye.

9 (Chorus of ayes.)

10 CHAIRMAN SCOTT: Any opposed?

11 ACTING COMMISSIONER MAYE: No.

12 CHAIRMAN SCOTT: The vote is four to one, and  
13 the application for MSSCLPG for rehearing is approved.

14 I believe that we've gotten to all of them.  
15 Judges, have I missed anything there?

16 JUDGE ALBERS: No. I think you got everything.  
17 We have rehearing granted on the segments from Meredosia  
18 to Kansas.

19 CHAIRMAN SCOTT: I believe that's correct.

20 JUDGE ALBERS: All right. Thank you.

21 CHAIRMAN SCOTT: We have two other items of  
22 business today.

23 The first is the 2014 Commission calendar. Are  
24 there any proposed edits to the calendar?



1 Is there a motion to approve the calendar?

2 COMMISSIONER COLGAN: So moved.

3 CHAIRMAN SCOTT: Is there a second?

4 ACTING COMMISSIONER DEL VALLE: Second.

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

6 Any discussion?

7 In all in favor say aye.

8 (Chorus of ayes.)

9 CHAIRMAN SCOTT: Any opposed?

10 The vote is five to nothing and the calendar is  
11 approved.

12 The second item of other business concerns  
13 pending litigation, so we'll go into closed session to  
14 address it.

15 Is there a motion to go into closed session?

16 COMMISSIONER McCABE: So moved.

17 CHAIRMAN SCOTT: Is there a second?

18 COMMISSIONER COLGAN: Second.

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

20 All in favor say aye.

21 (Chorus of ayes.)

22 Any opposed? The vote is five to nothing. The  
23 Commission will now go into closed session.

24 Please let me know when the room is ready in

1 Springfield.

2 (WHEREUPON, a closed session was had and  
3 is transcribed under a separate  
4 transcript.)

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1 (The following proceedings were had in open session:)

2 JUDGE WALLACE: We are ready.

3 CHAIRMAN SCOTT: We're now back in open  
4 session.

5 In closed session, the Commission discussed the  
6 Petition for Writ of Certiorari in the Supreme Court of  
7 the United States regarding the Court of Appeals for the  
8 Seventh Circuit decision issued June 7th, 2013, Case  
9 Number 11-3421.

10 I would make a motion that we take no action  
11 with respect to the Writ of Certiorari at this time.

12 Is there a second?

13 COMMISSIONER COLGAN: Second.

14 CHAIRMAN SCOTT: Is there any further  
15 discussion on that motion?

16 All in favor say aye.

17 (Chorus of ayes.)

18 CHAIRMAN SCOTT: Any opposed? The vote is five  
19 to nothing and the motion carries.

20 The Commission will take no action with respect  
21 to the Petition for Writ at this time.

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

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

1                   CHAIRMAN SCOTT: Thank you, sir. Hearing none,  
2 this meeting stands adjourned. Thank you, everyone.

3                                   (Bench session adjourned at 11:25 a.m.)

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CERTIFICATE OF REPORTER

I, THOMAS A. MANNO, C.S.R. and Notary Public  
within and for the State of Illinois, do hereby certify  
that the meeting aforementioned was held at the time and  
in the place previously described, and was transcribed to  
the best of my ability, and contains all of the  
proceedings given at said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand  
and seal.

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