

BEFORE THE
ILLINOIS COMMERCE COMMISSION
PUBLIC UTILITIES REGULAR OPEN MEETING
Thursday, October 5, 2023
Chicago, Illinois

Met pursuant to notice at 11:30 a.m. at
160 North LaSalle Street, Chicago, Illinois.

PRESENT:

MR. DOUGLAS P. SCOTT, Chair

MICHAEL T. CARRIGAN, Commissioner

CONRAD REDDICK, Commissioner

ANN McCABE, Commissioner

STACEY PARADIS, Commissioner

MAGNA LEGAL SERVICES

BY: Michael Marciniak, CER

Notary Public

1 (On the record at 11:30 a.m.)

2 CHAIRMAN SCOTT: Good morning. Under the Open
3 Meetings Act, I call the October 5th, 2023, Regular Open
4 Meeting to order.

5 Commissioner Carrigan is with me in
6 Springfield, Commissioners McCabe, Reddick, and Paradis
7 are in Chicago; we have a quorum.

8 We have four requests to speak today from:
9 Ms. Anne Logue, Mr. Derek Eder, Ms. Virginia
10 Woulfe-Beile, and Ms. Laura Derks.

11 Under 2 Ill. Administrative Code Section
12 1700.10, any person desiring to address the Commission
13 shall be allowed up to three minutes. Only one person
14 may speak on behalf of any organization. Please note
15 that the Commission will not respond directly to your
16 comments. We will hear from our speakers in the order
17 just listed beginning with Ms. Logue.

18 Ms. Logue please turn on your mic if you
19 haven't. You have three minutes. Please note I will
20 run a timer and let you know when your time is up.
21 Before you begin, please spell your name for the court
22 reporter.

1 MS. LOGUE: My name is Anne, A-N-N-E; Logue,
2 L-O-G-U-E. I'm an Ameren customer and thank you for the
3 opportunity to make a public comment today. I'm asking
4 that you deny Ameren's request for a rate hike due to
5 their having had a 77 percent rate increase in the last
6 four years. It's the largest utility rate hike in
7 Illinois history. In 2022, Ameren's natural gas segment
8 made second quarter earnings of \$6M. Utilities are
9 wasting money on unnecessary gas infrastructure where
10 they should be investing and planning for the transition
11 to electric, which will enable carbon-free energy.

12 It is a critical -- critical time for us in
13 this climate as the global temperature continues to rise
14 and the higher it gets, the less time we will have to
15 keep that rise from rising. I know that sounds kind of
16 redundant, but it's kind of like if you don't shut it
17 off at a certain point, there's no going back. And
18 these greenhouse gases is coming from natural gas and
19 fossil fuels, et cetera, are continuing to pour into the
20 atmosphere.

21 We have about seven years to dry this back.
22 It really is getting to the point where it's mitigation

1 instead of actually making this not happening. And
2 they're going to be severe consequences, last year we
3 didn't have a winter basically, so it's really clear
4 that something is happening. Right now, customers are
5 struggling to purchase basic needs while Ameren
6 continues to increase the average person's burden. Just
7 because they're asking for a rate increase does not need
8 mean that we need to bend to this corporation's greed.

9 Fossil fuels are a liability to us all and we
10 need to start moving now into clean energy
11 infrastructure. Please reject Ameren's request for this
12 predatory rate height. Thank you.

13 CHAIRMAN SCOTT: Thank you Ms. Logue.
14 Appreciate you being here. Next, we'll hear from Mr.
15 Eder, are you with us online?

16 MR. EDER: Yes I am, hello.

17 CHAIRMAN SCOTT: Very good. You'll have three
18 minutes. I will run a timer and let you know when your
19 time is up, but before we start, could you please spell
20 your name for the court reporter?

21 MR. EDER: My name is Derek, D-E-R-E-K Eder,
22 E-D-E-R; and I am in Nicor's service area.

1 CHAIRMAN SCOTT: Very good. Go ahead Mr.
2 Eder.

3 MR. EDER: Thank you. Thank you for the
4 opportunity to make this public comment. I'm here to
5 ask the ICC to limit Nicor's spending on fossil fuel
6 infrastructure and protect our children's futures. I'm
7 also here to share what future homes in Illinois will
8 look like; efficient, clean, non-polluting, and fully
9 electric. Recently in my 100 year old home, we have
10 installed solar panels on our roof, giving us a source
11 of free renewable electricity.

12 Switched out our gas furnace with electric
13 heat pumps and replaced all of our gas appliances with
14 electric equivalents. We have shut off our gas service
15 and upgraded our car to an electric vehicle, charging it
16 at home, and eliminating our reliance on fossil fuel
17 energy with its rising costs. In other words, we have
18 fully electrified our home, significantly cutting the
19 harmful emissions that our house and car cause while
20 reducing our utility bills in the long run.

21 This process known as electrification and is
22 one of the most impactful actions any household can do

1 to fight climate change. Why? Because in Illinois, 15
2 percent of our state's emissions come from heating our
3 homes and using the appliances in our homes and
4 businesses. 26 percent come from cars and other forms
5 of transportation like trucks and planes. And 24
6 percent come from the coal, gas, and oil power plants
7 used to produce our power.

8 Our electrified home is no longer directly
9 contributing to any of those, and more homes are joining
10 us every day. We are part of the clean energy
11 transition that is well underway in the United States
12 thanks to legislation like the Inflation Reduction Act
13 and the lowering cost of solar panels, electric
14 vehicles, and electric appliances. While I believe this
15 transition is inevitable, it is crucial that we do what
16 we can to make it happen faster, to get to net zero
17 emissions before 2050 and to avoid the worst effects of
18 climate change.

19 The village of Oak Park where I live recently
20 became the first municipality to stop in Illinois to
21 stop new gas connections. And more cities and towns are
22 starting to follow Our lead; local, state, and federal

1 policy is already moving towards electrifying buildings.
2 But Nicor is continuing to spend rate payer money
3 wastefully on the fossil fuel infrastructure of the
4 past. Many of these projects are built to last over 70
5 years and have allowed to continue, will make it nearly
6 impossible to meet the state and city goals to achieve
7 net zero emissions by 2050.

8 Research has shown that since 2015, most of
9 Nicor's at risk pipes have already been replaced. But
10 Nicor's infrastructure spending remains high by
11 unnecessary replacing low risk pipes. To serve the
12 public good and to preserve our children's future. The
13 ICC should limit Nicor spending only to what is critical
14 for safety rather than investing, investing in
15 short-sighted and wasteful projects. Methane gas is not
16 our future, and if we don't act now to curb our spending
17 on it, our children and grandchildren will pay dearly
18 for it. Thank you for your time.

19 CHAIRMAN SCOTT: Thank you very much Mr. Eder.
20 We'll next go to Ms. Virginia Woulfe-Beile; and I
21 apologize if I mispronounced your name. Again, same
22 rules. You'll have three minutes. Are you there?

1 MS. WOULFE-BEILE: Yes, yes, I'm here.

2 CHAIRMAN SCOTT: Very good. Go ahead.

3 MS. WOULFE-BEILE: I was going to say it's not
4 a phonetic name. And good morning and thank you for
5 this opportunity to comment. My name again is Virginia
6 Woulfe-Beile and I'm an Ameren gas customer and I live
7 in Godfrey, Illinois. So, I'm testifying in front of
8 the Illinois Commerce Commission today in Springfield to
9 urge them to deny Ameren's Illinois preposterous \$148.9M
10 rate hike request. So, Ameren is already profitable and
11 yet they keep requesting rate hikes to raise profits for
12 their shareholders. Meanwhile, even when I cut back on
13 my own usage, turning my thermostat down to
14 uncomfortable levels, the unit price of Ameren gas keeps
15 increasing.

16 I'm especially concerned for customers like my
17 adult children, friends and family members, and people
18 across the state that are struggling to pay their bills.
19 Over 21,000 low income Ameren customers are currently
20 behind on their payments. Since filing the rate case,
21 Ameren has disconnected over 29,000 customers; averaging
22 135 per day. If this rate hike has passed, customer

1 rates will have risen nearly 60 percent since 2018.

2 And I also agree that Ameren needs to put its
3 resources to clean renewable energy sources, not into
4 dirty fossil fuels. Ameren's request is unreasonable,
5 excessive, and unjust, and I urge the Commission to re
6 reject the rate hike. Thank you very much.

7 CHAIRMAN SCOTT: Thank you Ms. Woulfe-Beile.
8 And last we'll hear from Mr. Dirks. Mr. Dirks, are you
9 there? Oh, I'm sorry Ms. Dirks, I'm sorry. It's Laura
10 Dirks, are you there? She's not. Okay.

11 This concludes our request to speak.

12 Moving onto our Public Utilities Agenda.

13 There are edits to the September 14, Public
14 Utility Regular Open Meeting Minutes and September 21,
15 Public Utility Special Open Meeting Minutes.

16 Are there any objections to approving the
17 Minutes as edited?

18 (No verbal response.)

19 CHAIRMAN SCOTT: Hearing none, the minutes are
20 approved as edited.

21 Item E-1 concerns an investigation into Switch
22 Energy LLC regarding alleged violations of the Public

1 Utilities Act and Parts 410 and 412 of the Commission's
2 Rules.

3 The Order finds that Switch violated Section
4 16-115A(e) (i) of the Act and 8 provisions within the
5 Commission's Rules. The Order directs Switch to pay
6 \$205,813 in penalties and revokes Switch's Certificate
7 of Service Authority.

8 There are substantive edits to the Order.

9 First, the edits increase the fine of
10 violation 6 from \$1 to \$100 per violation. Violation 6
11 concerns the finding that Switch's customer agents
12 stayed on the line during customers' engagement with a
13 third-party verification system to confirm a customer's
14 enrollment. This is a violation of Section 412.130(e)
15 of the Commission's rules. Staff identified 14,513
16 violations which results in \$1,451,300 in penalties.

17 Second, the edits increase the fine for
18 Violation 8 from \$100 per violation to \$1,000 per
19 Violation. Violation 8 relates to Switch's failure to
20 document the training of its customer service agents and
21 provide the Commission with certification confirming the
22 completion of such training. These failures are

1 violations of Section 412.170(e) of Commission's rules.
2 The Commission agrees with Staff that Switch violated
3 this section of the rules for 562 days which results in
4 \$562,000 in penalties for this violation.

5 These edits increase the total penalty to
6 \$2.157M.

7 Third, the edits incorporate language that
8 further supports the rationale for these increased
9 penalties, pointing to their systemic role in causing
10 other violations. The edits further note Switch's lack
11 of managerial competency and ability to comply with
12 relevant Commission Rules. Specifically, given the lack
13 of competency and ability, the edits raise the question
14 of whether Switch can be a good faith actor in retail
15 electric markets.

16 Finally, the edits identify Switch's potential
17 alteration of customer call recordings that were
18 provided to Staff as evidence in this Docket of
19 egregious behavior.

20 I move the edits. Is there a second?

21 COMMISSIONER CARRIGAN: Second.

22 Are there any objections to approving the

1 edits?

2 (No verbal response.)

3 CHAIRMAN SCOTT: Hearing none, the edits are
4 approved.

5 Are there any objections to approving the
6 Order as edited?

7 (No verbal response.)

8 CHAIRMAN SCOTT: Hearing none, the Order is
9 approved as edited.

10 Item E-2 concerns a petition seeking
11 confidential treatment of the Petitioner's Annual Rate
12 Report. The Order denies the petition, finding that
13 recent legislation requires ARES to make current rate
14 information available to the public.

15 Are there any objections to approving the
16 Order?

17 (No verbal response.)

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

20 Item E-3 concerns a Petition for Interlocutory
21 Review in Docket 23-0061.

22 We will hold this item for later disposition.

1 Item E-4 concerns MidAmerican's request to
2 reconcile revenues under its Electric Rider TERM, or its
3 Tax Expense Revision Rider, for the twelve month period
4 from April 1, 2022 through March 31, 2023. The Order
5 approves the reconciliation as set in the Appendix to
6 the Order, finding that the costs incurred during the
7 reconciliation period were prudent.

8 Are there any objections to approving the
9 Order?

10 (No verbal response.)

11 CHAIRMAN SCOTT: Hearing none, the Order is
12 approved.

13 Item E-5 concerns a citation for failure to
14 comply with Part 454 of the Commission rules. The
15 Respondent has since appeared before the Commission to
16 show that it is now compliant with the Commission's
17 Rules. The Order suspends the Respondent's Certificate
18 of Service Authority for one month.

19 Are there any objections to approving the
20 Order?

21 (No verbal response.)

22 CHAIRMAN SCOTT: Hearing none, the Order is

1 approved.

2 Items E-6 and E-7 concern Applications for
3 Certification to operate as an Installer of Distributed
4 Generation Facilities in Illinois. The Orders grant the
5 Certificates, finding that the Applicants meet the
6 requirements.

7 Are there any objections to considering these
8 items together and approving the Orders?

9 (No verbal response.)

10 CHAIRMAN SCOTT: Hearing none, the orders are
11 approved.

12 Item E-8 concerns a complaint against ComEd in
13 Yorkville, Illinois. The Parties have filed a
14 Stipulation and Joint Motion to Dismiss, indicating that
15 all matters in the dispute have been resolved. The ALJ
16 recommends dismissing the Complaint with prejudice.

17 Are there any objections to dismissing the
18 Complaint with prejudice?

19 (No verbal response.)

20 CHAIRMAN SCOTT: Hearing none, the Complaint
21 is dismissed with prejudice.

22 Items E-9 through E-11 concern applications

1 for Certifications to install Energy Efficiency Measures
2 in Illinois. The Orders grant the certificates, finding
3 that the applicants meet the requirements.

4 Are there any objections to considering these
5 items together and approving the Orders?

6 (No verbal response.)

7 CHAIRMAN SCOTT: Hearing none, the Orders are
8 approved.

9 Moving onto our Gas items.

10 Item G-1 concerns a complaint against Peoples
11 Gas in Chicago. The Order denies the complaint, finding
12 that the complainant was unable to prove that the
13 contested bill in the proceeding was improperly
14 transferred to her.

15 Are there any objections to approving the
16 Order?

17 (No verbal response.)

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

20 Item G-2 concerns a complaint against Ambit
21 Illinois LLC in Chicago. The Parties have filed a
22 Stipulation and Joint Motion to Dismiss, indicating that

1 all matters in the dispute have been resolved. The ALJ
2 recommends dismissing the Complaint with prejudice.

3 Are there any objections to dismissing the
4 Complaint with prejudice?

5 (No verbal response.)

6 CHAIRMAN SCOTT: Hearing none, the Complaint
7 is dismissed with prejudice.

8 Items G-3 and G-4 concern petitions to
9 reconcile revenues under gas adjustment charges by
10 Illinois Gas and Nicor for the 2022 calendar year. The
11 Orders approve the reconciliations as set in the
12 Appendices to the Orders, finding that the costs during
13 the reconciliation period were prudently incurred.

14 Are there any objections to considering these
15 items together and approving the Orders?

16 (No verbal response.)

17 CHAIRMAN SCOTT: Hearing none, the Orders are
18 approved.

19 Item G-5 concerns MidAmerican's petition to
20 reconcile revenues under its Gas Tax Expense Revision
21 Mechanism Recovery Adjustment (Gas Rider TERM) for the
22 period from April 1, 2022 through March 31, 2023. The

1 Order approves the reconciliation as set in the Appendix
2 to the Order, finding that the costs during the
3 reconciliation period were prudently incurred.

4 Are there any objections to approving the
5 Order?

6 (No verbal response.)

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

9 Moving onto our Water items.

10 Item W-1 concerns a petition by Illinois
11 American Water to reconcile revenues under its Bad Debt
12 Expense Rider (Rider BDE) for the period beginning on
13 April 1, 2022, and ending on March 31, 2023. The Order
14 approves the reconciliation as set forth in the appendix
15 to the Order.

16 Are there any objections to approving the
17 Order?

18 (No verbal response.)

19 CHAIRMAN SCOTT: Hearing none, the Order is
20 approved.

21 Moving onto Other items.

22 Items O-1 and O-2 concern approval of Batches,

1 Contracts, and Confirmations under the Illinois
2 Adjustable Block Program and Illinois Solar For All
3 Program.

4 Are there any objections to considering these
5 items together and to approving the Program
6 Administrator's Submissions?

7 (No verbal response.)

8 CHAIRMAN SCOTT: Hearing none, the Submissions
9 are approved.

10 This concludes our Public Utilities agenda.

11 Judge Teague Kingsley, do we have any other
12 matters to come before the Commission today?

13 JUDGE KINGSLEY: No Mr. Chairman.

14 CHAIRMAN SCOTT: Thank you. Other
15 Commissioners have business to discuss? Commissioner
16 McCabe.

17 COMMISSIONER MCCABE: Thank you. Cassandra
18 Hadwen joined my office as a legal and policy advisor on
19 October 2nd. Cassandra has a BA in English from
20 University of Illinois, Chicago. In May of 2020, she
21 received a J.D. with a certificate in Environmental and
22 Energy Law from Chicago Kent College of Law. For two

1 years as a fellow at Kent's Greater Chicago Legal
2 Clinic, she explored environmental justice CEJA, PFAS,
3 Clean Air Act, and other issues.

4 She comes to us after working as an
5 environmental litigator at DiCello Levitt, handling
6 environmental contamination for individual class, and
7 public clients. She worked with co-counsel on state's
8 attorneys general in statewide actions against large
9 PFAS manufacturers.

10 She served as a contract attorney at Paladin
11 Law Group, handling environmental and energy matters on
12 behalf of both plaintiff and defendants, and did stints
13 as a law clerk, legal extern at OpenLands, and legal
14 fellow.

15 Her coursework, clinical experiences at
16 Chicago-Kent, and subsequent legal experiences ignited
17 her passion for environmental and sustainability issues.
18 We're ex we're excited to have Cassandra join us. Thank
19 you.

20 CHAIRMAN SCOTT: Thank you Commissioner
21 McCabe. And on a similar note, I'm excited to welcome
22 Zoe Lanier to our team. She just started with the

1 Commission on Monday as my legal and policy advisor and
2 has already hit the ground running. Zoe joins us most
3 recently from the Illinois Power Agency where she served
4 as legislative counsel and as a special advisor to the
5 director.

6 She also has experienced working with a
7 greater Chicago legal clinic and is a graduate of
8 Chicago Kent Law School. Zoe brings a wealth of
9 knowledge and experience to the Commission and I know
10 she's going to excel during her time here. Welcome Zoe,
11 and I look forward to working with you. And just want
12 to say that we've got, I think we're fully staffed on
13 our advisors now, and it's a tremendous team and we're
14 really looking forward to working with the entire team.

15 Do any other commissioners have anything else
16 to add?

17 (No verbal response.)

18 CHAIRMAN SCOTT: Any other business to come
19 before the Commission?

20 (No verbal response.)

21 CHAIRMAN SCOTT: Hearing none and without
22 objection, this meeting is adjourned. Thank you all.

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(Which were all the proceedings had in
the above-entitled cause on this date.)

STATE OF ILLINOIS)

) SS:

COUNTY OF COOK)

I, Michael Marciniak, CER, Notary Public,
reported the proceedings that were held on the date,
time and place set out on the title page hereof; and
that the foregoing is a true and correct transcript of
report of proceedings so taken aforesaid.

I further certify that I am not related to any
of the parties, and I have no financial interest in the
outcome of this matter.

Michael R. Marciniak

MICHAEL R. MARCINIAK.

Certified Electronic Reporter, CER-2316

Notary Public



Magna

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