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BEFORE THE  
ILLINOIS COMMERCE COMMISSION

PUBLIC UTILITY BENCH SESSION

Chicago, Illinois  
October 6, 2010

Met, pursuant to notice, at 10:30 a.m.

BEFORE:

MR. MANUEL FLORES, Acting Chairman

MS. LULA M. FORD, Commissioner (telephonically)

MS. ERIN M. O'CONNELL-DIAZ, Commissioner

MR. SHERMAN J. ELLIOTT, Commissioner (via  
videoconference)

MR. JOHN T. COLGAN, Acting Commissioner (via  
videoconference)

SULLIVAN REPORTING COMPANY, by  
Auhdikiam Carney, CSR  
License No. 084-004658

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2           ACTING CHAIRMAN FLORES: Before moving into the  
3 agenda, according to Section 1700.10 of the Illinois  
4 Administrative Code, this is the time that we allow  
5 for members of the public to address the Commission.  
6 Members of the public wishing to address the  
7 Commission must notify the Chief Clerk's Office at  
8 least 24 hours prior to the bench session. According  
9 to the Chief Clerk's Office, we have no requests to  
10 speak at today's bench session.

11                       We'll start with the approval of the  
12 minutes from the September 9th bench session. I  
13 understand that amendments have been forwarded.

14                       I will make a motion to amend the  
15 minutes.

16                       Is there a second?

17                       COMMISSIONER O'CONNELL-DIAZ: Second.

18                       ACTING CHAIRMAN FLORES: Its been moved and  
19 seconded.

20                       All in favor say "aye."

21                       (Chorus of ayes.)

22                       Any opposed?

1 (No response.)

2 The vote is 5-0 amending the minutes.

3 I will make a motion to approve the  
4 minutes as amended.

5 Is there a second?

6 ACTING COMMISSIONER COLGAN: Second.

7 ACTING CHAIRMAN FLORES: Its been moved and  
8 seconded.

9 All in favor say "aye."

10 (Chorus of ayes.)

11 Any opposed?

12 (No response.)

13 Very good. The vote is 5-0 approving  
14 the minutes from September 9th as amended.

15 We will begin with the Electric  
16 agenda.

17 Item E-1 is Docket No. 09-0378. This  
18 concerns ComEd's Reconciliation of the revenues they  
19 collected under its Rider EDA from June 1st, 2008,  
20 through May 31st, 2009, with a cost imprudently  
21 incurred with respect to energy efficiency and demand  
22 response measures. ALJ Haynes recommends that the

1 Commission adopt an Order approving Reconciliation.

2 Is there a motion to enter an Order  
3 approving the Reconciliation?

4 COMMISSIONER O'CONNELL-DIAZ: So moved.

5 ACTING CHAIRMAN FLORES: I will second it.

6 Its been moved and seconded.

7 All in favor say "aye."

8 (Chorus of ayes.)

9 Any opposed?

10 (No response.)

11 The vote is 5-0 and the Order  
12 approving the Reconciliation is entered. We will use  
13 this 5-0 vote for the remainder of the Public  
14 Utilities agenda unless otherwise noted.

15 Item E-2 is Docket No. 10-0162. This  
16 is Eagle Industrial Power Services' Petition to  
17 protect against disclosure of confidential and/or  
18 proprietary information in its 2009 Kilowatt-Hour  
19 Report and its 2009 Call Center Report. ALJ Jones  
20 recommends entry of an Order granting the requested  
21 relief with respect to the Kilowatt-Hour Report, but  
22 denying the Call Center Report.

1                   Is there any discussion?

2                   (No response.)

3                   Any objections?

4                   (No response.)

5                   Hearing none, the Order is entered and  
6 the requested Relief is granted in part and denied in  
7 part.

8                   Item E-3 is Docket No. 10-0445. This  
9 concerns Titan Energy - New England's Application for  
10 Licensure as an Agent, Broker and Consultant under  
11 Section 16-115C of the Public Utilities Act. ALJ  
12 Yoder recommends entry of and Order granting the  
13 Certificate of Service Authority.

14                   Is there any discussion?

15                   (No response.)

16                   Any objections?

17                   (No response.)

18                   Hearing none, the Order is entered and  
19 the Certificate is granted.

20                   Item E-4 is Docket No. 10-0497. This  
21 concerns Energy Plus Holdings' Application for  
22 Certificate of Service Authority under Section 16-115

1 of the Public Utilities Act to operate as an  
2 alternative retail electric supplier in Illinois.  
3 ALJ Yoder recommends entry of an Order granting the  
4 requested Certificate of Service Authority.

5 Is there any discussion?

6 (No response.)

7 Any objections?

8 (No response.)

9 Hearing none, the Order is entered and  
10 the Certificate is granted.

11 Item E-5 is Docket No. 10-0502. This  
12 item concerns EnerStar and AmerenIP's Joint Petition  
13 for Approval of a Residential Customer Release  
14 allowing for EnerStar to serve a customer in Ameren's  
15 service territory. ALJ Yoder recommends entry of an  
16 Order granting the requested relief.

17 Is there any discussion?

18 (No response.)

19 Any objections?

20 (No response.)

21 Hearing none, the Order is entered and  
22 the Customer Release is approved.

1                   Item E-6 is Docket No. 10-0516. This  
2 concerns Power Brokers' Application for Licensure as  
3 an Agent, Broker, and Consultant under Section  
4 16-115C of the Public Utilities Act. ALJ Yoder  
5 recommends entry of an Order granting the requested  
6 Certificate of Service Authority.

7                   Is there any discussion?

8                   (No response.)

9                   Any objections?

10                  (No response.)

11                  Hearing none, the Order is entered and  
12 the Certificate is granted.

13                  Item E-7 is Docket No. 10-0530. This  
14 item concerns BlueStar's Petition to protect against  
15 disclosure of confidential and/or propriety  
16 information in its 2010 RPS Compliance Report.  
17 ALJ Albers recommends entry of an Order granting the  
18 requested relief.

19                  Is there any discussion?

20                  (No response.)

21                  Any objections?

22                  (No response.)

1                   Hearing none, the Order is entered and  
2 the requested relief is granted.

3                   Item E-8 is Docket No.10-0531. This  
4 item concerns Norris Electric Cooperative and  
5 AmerenCIPS' Joint Petition for Approval of a  
6 Residential Customer Release allowing for Norris to  
7 serve a customer in Ameren's service territory. ALJ  
8 Jones recommends entry of an Order granting the  
9 requested relief.

10                   Is there any discussion?

11                   (No response.)

12

13                   Any objections?

14                   (No response.) Hearing none, the  
15 Order is entered, and the Customer Release is  
16 approved.

17                   Item E-9 is Docket No. 10-0563. This  
18 item concerns the Illinois Power Agency's proposed  
19 Procurement Plan filed with the Commission last week.  
20 By statute we are required to make a determination on  
21 whether a hearing is necessary in our consideration  
22 of the IPA's Procurement Plan. Judge Albers



1 recommends that the Commission not hold a hearing  
2 feeling that the issues raised by the parties  
3 participating in the docket can be addressed fairly,  
4 adequately, and more efficiently without a hearing.

5 Is there any discussion?

6 (No response.)

7 I will make a motion to determine that  
8 a hearing is not necessary.

9 Is there a second?

10 COMMISSIONER ELLIOTT: Second.

11 ACTING CHAIRMAN FLORES: Its been moved and  
12 seconded.

13 All in favor say "aye."

14 (Chorus of ayes.)

15 Any opposed?

16 (No response.)

17 The vote is 5-0 and the Commission's  
18 determination is that a hearing is not necessary in  
19 the procurement docket.

20 Turning to gas Items.

21 G-1 is Docket No. 10-0159. This item  
22 is Nordic Energy Service's Petition to Protect

1 against disclosure of confidential and/or proprietary  
2 information in its AGS Compliance Report. ALJ Jones  
3 recommends entry of an Order granting the requested  
4 relief for a period of two years.

5 Is there any discussion?

6 (No response.)

7 Any objections?

8 (No response.)

9 Hearing none, the Order is entered and  
10 the requested relief is granted.

11 Item G-2 is Docket No. 10-0276. This  
12 item concerns Consumers Gas Company's Proposed  
13 general increase in natural gas rates. There are no  
14 remaining contested issues in the case and ALJ Yoder  
15 recommends the Commission enter an Order approving  
16 the Company's new rates.

17 Is there any discussion?

18 (No response.)

19 Any objections?

20 (No response.)

21 Hearing none, the Order is entered.

22 Item G-3 is Docket No. 10-0490. This

1 concerns a Complaint by Tony Iweagwu against Peoples  
2 Gas concerning billing/charges. The parties have now  
3 apparently settled their differences and brought a  
4 Joint Motion to Dismiss which ALJ Riley recommend  
5 that we grant.

6 Is there any discussion?

7 (No response.)

8 Any objections?

9 (No response.)

10 Hearing none, the Joint Motion to  
11 Dismiss is granted.

12 Item G-4 is Docket No. 10-0532. This  
13 item concerns Nicor seeking authorization for the  
14 issuance and sale of up to \$75 million in bonds  
15 pursuant to Section 6-102(d) of the Public Utilities  
16 Act. ALJ Teague recommends that the Commission enter  
17 an Order authorizing the proposed financial  
18 arrangement.

19 Is there any discussion?

20 (No response.)

21 Any objections?

22 (No response.)

1                   Hearing none the Order is entered.

2                   Moving now to the Telecommunications  
3 part of the agenda.

4                   Item T-1 is Docket No. 09-0418. This  
5 item concerns Lifeconnex Telecom's Application for  
6 certificate of local and interexchange authority to  
7 operate as resale and facilities based carrier of  
8 telecommunications services. The Amendatory Order  
9 before us today also includes a certificate for  
10 resold interexchange authority pursuant to Section  
11 13-404 of the Public Utilities Act. ALJ Baker  
12 recommends that we enter this Amendatory Order.

13                   Is there any discussion?

14                   (No response.)

15                   Any objections?

16                   (No response.)

17                   Hearing none, the Amendatory Order is  
18 entered.

19                   Item T-2 is Docket No. 10-0380. This  
20 item concerns an Application by McLeod USA  
21 Telecommunications Services LLC doing business as  
22 PAETEC Business Service -- let me repeat that

1 again -- PAETEC Business Services seeking a  
2 Certificate of Interexchange Service Authority, a  
3 Certificate of Service Authority, and a Certificate  
4 of Exchange Service Authority pursuant to Sections  
5 13-403, 13-404, and 13-405 of the Public Utilities  
6 Act and seeking cancellation of the same Certificates  
7 issued to McLeod USA Telecommunications Services  
8 Incorporated in Docket No. 97-0638. ALJ Riley  
9 recommends that the Commission enter an Order  
10 granting the requested relief.

11 Is there any discussion?

12 (No response.)

13 Any objections?

14 (No response.)

15 Hearing none, the Order is entered.

16 Item T-3 is Docket No. 10-0457. This  
17 item concerns an Application by WiMacTel for  
18 Certificate of the Interexchange Authority to Operate  
19 as a Provider of Telecommunications Services pursuant  
20 to Sections 13-404, and 13-405 of the Public  
21 Utilities Act. ALJ Teague recommends that the  
22 Commission enter an Order granting the requested

1 Authority.

2 Is there discussion?

3 (No response.)

4 Any objections?

5 (No response.)

6 Hearing none, the Order is entered.

7 Item T-4 is Docket No. 10-0464. This  
8 item concerns ComNet's Application for Certificate to  
9 provide resold Interexchange and local exchange  
10 Telecommunications Services pursuant to Section  
11 13-404 of the Public Utilities Act. ALJ Kimbrel  
12 recommends that the Commission enter an Order  
13 granting the requested Authority.

14 Is there any discussion?

15 (No response.)

16 Any objections?

17 (No response.)

18 Hearing none, the Ordered is entered.

19 Items T-5 and T-6 will be taken  
20 together. These items concern Petitions by Logical  
21 Telecom and Tri-City Regional Port District for  
22 Withdrawal or Cancellation of their Certificate of

1 Service Authority. In each case the ALJ recommends  
2 that the Commission enter an Order granting the  
3 Petition.

4 Is there any discussion?

5 (No response.)

6 Any objections?

7 (No response.)

8 Hearing none, the Orders are entered.

9 Items T-7 and T-8 will be taken  
10 together. These items each involve Joint Petitions  
11 surrounding Interconnection Agreements under 47  
12 U.S.C. Section 252. In each docket the ALJ  
13 recommends entering an Order approving an amendment  
14 to an existing Agreement.

15 Is there any discussion?

16 (No response.)

17 Any objections?

18 (No response.)

19 Hearing none, the Orders are entered.

20 Item T-9 concerns Part 792 Title 83 of  
21 the Illinois Administrative Code. This portion of  
22 the code concerns imputation and the underlying

1 statutory authority of Part 792 which was removed by  
2 recent change to our Telecommunications Law via  
3 Public Act 96-0927. Staff recommends that the  
4 Commission enter an Order initiating a Rulemaking  
5 Proceeding and Authorizing a First Notice Period to  
6 begin repealing this part of the Administrative Code.

7 Is there any discussion?

8 (No response.)

9 Any objections?

10 (No response.)

11 Hearing none, the Order is entered.

12 Item T-10 is Docket No. 09-0383 and it  
13 also concerns Title 83 Part 792 of the Illinois  
14 Administrative Code. This docket concerns a  
15 Rulemaking Proceeding started in 2009 to make  
16 amendments to Part 792 of the code. But this docket  
17 has been rendered statutorily moot due to the  
18 previously referenced changes to our  
19 telecommunications law. ALJ Kimbrel recommends that  
20 the Commission dismiss this Rulemaking docket with  
21 prejudice.

22 Is there any discussion?



1 (No response.)

2 Any objections?

3 (No response.)

4 Hearing none, the docket is dismissed.

5 Items T-11 and T-12 may be taken  
6 together. These items concern Petitions by US  
7 Xchange of Illinois and Peerless Network to protect  
8 against disclosure of confidential and/or proprietary  
9 information in their annual reports. In each case  
10 the ALJ recommends entry of an Order granting the  
11 requested relief for a period of two years.

12 Is there any discussion?

13 (No response.)

14 Any objections?

15 (No response.)

16 Hearing none, the Orders are entered  
17 and the requested relief is granted for two years.

18 We now move to the Water and Sewer  
19 portion of today's agenda. Items W-1 and W-2 will be  
20 taken together. These items concern Petitions by  
21 Harbor Ridge Utilities and Charmar Water Company  
22 pursuant to Section 9-220.2 of the Public Utilities

1 Act and Part 200 of the Administrative Code for  
2 Approval of each company's annual reconciliation of  
3 revenues collected and cost incurred through its  
4 surcharge for purchased sewer and purchased water.  
5 In each case ALJ Benn recommends entry of an Order  
6 approving the Annual Reconciliation.

7 Is there any discussion?

8 (No response.)

9 Any objections?

10 (No response.)

11 Hearing none, the Orders are entered  
12 and the Annual Reconciliations are approved.

13 We have one miscellaneous matter.

14 Item M-1 is Docket No. 10-0538. This  
15 docket concerns a Rulemaking on Chapter 2 Part 1700  
16 of the Illinois Administrative Code. Staff  
17 recommends entry of an Amendatory Order that would  
18 change the effective date of the previously approved  
19 amendment to Part 1700 to October 15, 2010.

20 Is there any discussion?

21 (No response.)

22 Any objections?

1 (No response.)

2 Hearing none, the Amendatory Order is  
3 entered and the effective date is changed.

4 We also have a couple of other matters  
5 to address today. The first concerns a 20-year  
6 Renewable Energy Resource RFP. Initially this item  
7 was placed on the agenda for us to consider bidding  
8 results, but we've seen some changes to the schedule  
9 with this process and hopefully the Staff can update  
10 us on the current status of this process.

11 Do we have Staff available?

12 COMMISSIONER ELLIOTT: It doesn't appear to be  
13 anybody right at hand.

14 ACTING CHAIRMAN FLORES: Well, I think maybe we  
15 can move forward with this matter. I think everyone  
16 has been briefed already. Unless there are any  
17 additional questions, we're not taking a vote on this  
18 matter today for the sake of moving the meeting  
19 along. I would recommend that if any of the  
20 Commissioners have any questions, that they can get  
21 in touch with our Staff on an interim basis.

22 COMMISSIONER ELLIOTT: That sounds reasonable.

1           ACTING CHAIRMAN FLORES: Moving on, we have two  
2 FERC matters to address today. These matters concern  
3 pending litigation and will require us to go into  
4 closed session.

5                       I'm going to make a motion to go into  
6 closed session.

7                       Is there a second?

8           COMMISSIONER O'CONNELL-DIAZ: Second.

9           ACTING CHAIRMAN FLORES: It's been moved a  
10 seconded.

11                      All in favor say "aye."

12                      (Chorus of ayes.)

13                      Any opposed?

14                      (No response.)

15                      The vote is 5-0 to go into closed  
16 session. Please let me know when the room is clear  
17 in Springfield.

18           COMMISSIONER ELLIOTT: We're ready.

19                               (Whereupon, at this point pages  
20                               21 - 50 of the proceedings are  
21                               contained in a separate closed  
22                               transcript.)

1 (Whereupon, the following  
2 proceedings were had in open  
3 session.)

4 ACTING CHAIRMAN FLORES: In closed session the  
5 Commission discussed filing comments with FERC  
6 regarding FERC Docket No. RM10-23, the FERC's  
7 Transmission Planning and Cost Allocation Notice of  
8 Proposed Rulemaking.

9 I will make a motion to file the  
10 comments with the FERC.

11 Is there a second?

12 COMMISSIONER O'CONNELL-DIAZ: Second.

13 ACTING CHAIRMAN FLORES: Its been moved and  
14 seconded.

15 All in favor say "aye."

16 (Chorus of ayes.)

17 Any opposed?

18 (No response.)

19 The vote is 5-0 and the comments will  
20 be filed with FERC.

21 The Commission also discussed filing  
22 comments with FERC regarding FERC Docket No.

1 ER10-2545 specifically as to ComEd's Proposed  
2 Attachment H-13C to the PJM Transmission Tariff.

3 I will make a motion to file the  
4 comments with the FERC.

5 Is there a second?

6 COMMISSIONER O'CONNELL-DIAZ: Second.

7 ACTING CHAIRMAN FLORES: Its been moved and  
8 seconded.

9 All in favor say "aye."

10 (Chorus of ayes.)

11 Any opposed?

12 (No response.)

13 The vote is 5-0 and the comments will  
14 be filed with FERC.

15 Judge Wallace, are there any other  
16 matters to come before the Commission today?

17 JUDGE WALLACE: No, sir.

18 ACTING CHAIRMAN FLORES: Very good. Thank you  
19 very much. Hearing none, this meeting stands  
20 adjourned.

21 (And those were all the  
22 proceedings had.)