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BEFORE THE
ILLINOIS COMMERCE COMMISSION
REGULAR OPEN MEETING
Thursday, October 6, 2022
Springfield, Illinois

Met pursuant to notice at 11:30 AM at
527 East Capitol Avenue, Springfield, Illinois.

PRESENT:

- CARRIE ZALEWSKI, Chairman
- D. ETHAN KIMBREL, Commissioner
- MICHAEL T. CARRIGAN, Commissioner

APPEARED REMOTELY:

- ANN McCABE, Commissioner

BRIDGES COURT REPORTING
BY: Michael J. Duffy, CER
Notary Public

1 CHAIR ZALEWSKI: Good Morning. I have 11:30.
2 Are we ready to proceed in Chicago?

3 (No audible response.)

4 CHAIR ZALEWSKI: Is your microphone on?
5 We're not hearing you if someone's speaking. We cannot
6 hear you.

7 UNKNOWN MALE: Hello?

8 CHAIR ZALEWSKI: We can hear you now.

9 UNKNOWN MALE: Can you hear me?

10 CHAIR ZALEWSKI: Now we can hear you.

11 So just to confirm, Chicago, we just
12 want to make sure we can hear you as well. If either
13 Commissioner McCabe can test...

14 COMMISSIONER MCCABE: Can you hear me?

15 CHAIR ZALEWSKI: It quiet but we can hear
16 you. Just make sure the court reporter can hear her.
17 Yes. Okay.

18 All right. Then under the Open
19 Meetings Act, I call the October 6th, 2022, regular
20 open meeting to order. Commissioners Kimbrel and
21 Carrigan are with me in Springfield; Commissioner
22 McCabe is in the Chicago office. We have a quorum.

1 We have two requests to speak, and
2 going in the order that we received the requests to
3 speak, we'll hear from the following two people: First,
4 Ms. Theresa Fernandez; and second, Ms. Brandi Love.
5 Under 2 Ill. Admin. Code Section 1700.10, any person
6 desiring to address the commission shall be allowed up
7 to three minutes. Only one person may speak on behalf
8 of any organization. Please note that the commission
9 will not respond directly to any comments.

10 So first we'll hear from Theresa
11 Fernandez. Ms. Fernandez, are you there?

12 MS. FERNANDEZ: I'm here. Can you hear me?

13 CHAIR ZALEWSKI: We can hear you. I am going
14 to set my clock for three minutes, and then if you
15 could just state and spell your name for the court
16 reporter. And then when you start speaking, I'll start
17 my clock, and then I'll note when there's 30 seconds
18 left. So you may proceed.

19 MS. FERNANDEZ: Great. Fantastic. So my
20 name is Theresa Fernandez. That's T-H-E-R-E-S-A, and
21 then F, as in "Frank," -E-R-N-A-N-D-E-Z.

22 CHAIR ZALEWSKI: You may proceed.

1 MS. FERNANDEZ: Okay. And so my -- you know,
2 I just thank you for letting me speak. I just wanted
3 to express my concerns about the importation of tar
4 sands oil from Canada, in which I know -- I guess you
5 just voted to expand the Dakota Access Pipeline. I'm
6 just a concerned citizen. I don't work with any
7 organizations. And so I just wanted to just state for
8 the record how bad that tar sands oil from Canada is.

9 It's -- a NASA scientist named James
10 Hansen called it the dirtiest fuel on earth. They said
11 -- he said it's game over. It's in "Scientific
12 American." If you Google "NASA scientist, tar sands
13 oil, game over" -- it's double or triple the amount of
14 carbon than regular, you know, crude oil like West
15 Texas Intermediate or something like that.

16 And so we, in Illinois, import a ton of
17 it. We have this little -- I don't know if you can
18 even see it, but it's a map from tar sands oil
19 magazines -- or sorry --
20 oilsandsmagazine/projects/usa-refineries. If you look
21 at this map, there's a very familiar shape on it, and
22 that is the state of Illinois, which refines more tar

1 sands oil from Alberta than any other state in the
2 country.

3 And it's -- you know, and it comes in
4 from two pipelines, the Dakota Access Pipeline and then
5 the Line 3 pipeline. The Dakota Access Pipeline comes
6 straight into the state. The Line 3 goes to Lake
7 Superior. And I, for one, just really -- you know, I
8 don't want -- it's almost like all of these climate
9 change bills and this, like, electric -- you know,
10 nothing matters. We keep adding to the tar sands in
11 our state.

12 So we refine the -- the state of
13 Illinois refines five times the amount of tar sands oil
14 than any other state. And you know, it's just
15 something that should not be expanded. It should be
16 stopped. So just to give you some perspective, when
17 you put a gallon of gasoline in your car, you are not
18 -- and use it, you are not spewing 20 pounds of carbon
19 into the air. You are spewing either 40 or 60,
20 depending on which scientist that you believe. And I
21 think we should be doing everything we can to make the
22 refining of this oil illegal or -- or --

1 CHAIR ZALEWSKI: You have 30 seconds.

2 MS. FERNANDEZ: That's pretty much all I
3 have. Thank you for your time. I really appreciate
4 the opportunity.

5 CHAIR ZALEWSKI: Thank you.

6 And second, Ms. Brandi Love. Ms.
7 Love, are you on?

8 MS. LOVE: I am. Good morning.

9 CHAIR ZALEWSKI: Good Morning. So again,
10 please state and spell your name. And then when you
11 start speaking, I'll start the clock for three minutes,
12 and I'll let you know when there's 30 seconds left.
13 You may proceed.

14 MS. LOVE: So it's Brandi, B-R-A-N-D-I,
15 middle initial R, last name L-O-V-E.

16 CHAIR ZALEWSKI: Go ahead, Ms. Love.

17 MS. LOVE: So I am expressing my concern with
18 the BNSF Railroad. I've resided in Berwyn for three
19 years. I've tried to contact them via their website.
20 I've left messages on the voicemail and each number's
21 supervisor, and no one has ever gotten back to me. I
22 shared some concerns in the city of Berwyn; I never did

1 get a response.

2 On June 26th there was an incident of
3 -- I'm sorry, June 26, 2022, there was an incident
4 where the gate almost came down on the hood of my car,
5 and a Metra was coming at full speed and so I had to
6 back up so that I wouldn't get caught on the train
7 track.

8 The second incident was September 4th,
9 2022, where I had to actually speed across the railroad
10 track in order to not get hit.

11 Recently, February 4th, 2022 -- I
12 pulled this from the Riverside-Brookfield Landmark
13 website -- that an African-American woman was actually
14 killed by a train. This situation has got to change
15 immediately. There are children over here where I
16 live, and I need to be alive just to take care of my
17 two boys.

18 CHAIR ZALEWSKI: Thank you, Ms. Love. Does
19 that conclude your comments?

20 MS. LOVE: It does conclude.

21 CHAIR ZALEWSKI: Thank you. We appreciate
22 it.

1 MS. LOVE: Thank you.

2 CHAIR ZALEWSKI: All right. With that, this
3 concludes our public comment section.

4 I note that there's no transportation
5 agenda, and we're moving on to our public utilities
6 agenda.

7 There are edits to each of the
8 September 7th, 2022, special open meeting;
9 September 13th, 2022, supplier diversity policy
10 session; and September 15th, 2022, regular open meeting
11 minutes. Are there any objections to approving the
12 minutes as edited?

13 (No verbal response.)

14 CHAIR ZALEWSKI: Hearing none, the minutes
15 are approved.

16 Moving on to our electric items.
17 Item E-1 concerns Ameren Illinois's filing to revise
18 its Rider Modernization Action Plan - Pricing, or Rider
19 MAP-P, to recognize that future delivery service
20 charges could be established using either Article IX or
21 Section 16-108.18 of the Public Utilities Act. The
22 commission staff recommend the commission does not

1 suspend the filing.

2 Are there any objections to not
3 suspending the filing?

4 (No verbal response.)

5 CHAIR ZALEWSKI: Hearing none, the filing is
6 not suspended.

7 Item E-2 concerns MidAmerican Energy
8 Company's reconciliation of revenues collected under
9 its Energy Efficiency and Cost Adjustment Rider, or
10 Rider EECR, for both its electric and gas service. The
11 order initiates the annual reconciliation proceeding
12 for the 2019 calendar year.

13 Are there any objections to approving
14 the order?

15 (No verbal response.)

16 CHAIR ZALEWSKI: Hearing none, the order is
17 approved.

18 Item E-3 concerns Ameren's request to
19 reconcile revenue under its Hazardous Materials
20 Adjustment Clause Rider, or HMAC Rider, for the 2021
21 calendar year. The ALJ recommends approving the
22 reconciliation. The order approves the reconciliation

1 as set in the appendix to the order, finding that these
2 costs were prudently incurred.

3 Are there any objections to approving
4 the order?

5 (No verbal response.)

6 CHAIR ZALEWSKI: Hearing none, the order is
7 approved.

8 Item E-4 concerns Ameren's request to
9 reconcile uncollectible costs under its Utility
10 Consolidated Billing, or UCB, and Purchase of
11 Receivables, or POR, program for the 2021 calendar
12 year. The ALJ recommends approving the reconciliation.

13 The order approves the reconciliation as set in the
14 appendix to the order, finding that the costs during
15 the reconciliation period were prudently incurred.

16 Are there any objections to approving
17 the order?

18 (No verbal response.)

19 CHAIR ZALEWSKI: Hearing none, the order is
20 approved.

21 Item E-5 concerns a petition submitted
22 by the Village of Forest View for approval of eminent

1 domain to acquire certain property owned by a public
2 utility in Cook County. The Village and County came to
3 an agreement for the Village to acquire the subject
4 property by eminent domain. The staff reviewed the
5 filing and had no opposition to the agreement. The
6 order approves the petition and gives the Village the
7 right of eminent domain.

8 Are there any objections to approving
9 the order?

10 (No verbal response.)

11 CHAIR ZALEWSKI: Hearing none, the order is
12 approved.

13 Item E-6 concerns a petition submitted
14 by the Illinois Department of Transportation, or IDOT,
15 for approval of eminent domain to acquire certain
16 properties owned by a public utility in Kane County.
17 The order finds that Section 20-5-5 and Section
18 5-5-5(a) of the Eminent Domain Act and Section 4-501 of
19 the Illinois Highway Code provide statutory authority
20 for the commission to grant approval to IDOT pursuant
21 to Section 10-5-10(a), and as required by Section
22 10-5-10(g) of the Eminent Domain Act, for IDOT to

1 acquire title to the subject property by exercise of
2 the right of eminent domain and quick-take authority.
3 The order grants the petition.

4 Are there any objections to approving
5 the order?

6 (No verbal response.)

7 CHAIR ZALEWSKI: Hearing none, the order is
8 approved.

9 Items E-7 through E-9 concern
10 applications for certification to install distributed
11 generation facilities in Illinois. The orders grant
12 the certificates, finding that the applicants meet the
13 requirements.

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

16 (No verbal response.)

17 CHAIR ZALEWSKI: Hearing none, the orders are
18 approved.

19 Item E-10 concerns an application for a
20 certification to install, maintain, or repair electric
21 vehicle charging facilities -- charging station
22 facilities, rather. The order grants the certificate,

1 finding that the applicant meets the requirements.

2 Are there any objections to approving
3 the order?

4 (No verbal response.)

5 CHAIR ZALEWSKI: Hearing none, the order is
6 approved.

7 Item E-11 concerns CPV Retail Energy
8 LP's application for certificate of service authority
9 to operate as an alternative retail energy supplier.
10 The order grants the certificate, finding that the
11 applicant meets the requirements.

12 Are there any objections to approving
13 the order?

14 (No verbal response.)

15 CHAIR ZALEWSKI: Hearing none, the order is
16 approved.

17 Items E-12 through E-14 concern
18 applications for authority to install energy efficiency
19 measures. The orders grant those certificates, finding
20 that the applicants meet the requirements.

21 Are there any objections to considering
22 these items together and approving the orders?

1 (No verbal response.)

2 CHAIR ZALEWSKI: Hearing none, the orders are
3 approved.

4 Moving on to our gas items. Item G-1
5 concerns Peoples Gas's petition for approval of the
6 proposed issuance of up to \$200 million in bonds or
7 notes in one or more series to provide funds for
8 general corporate utility purposes, including capital
9 expenditures. Commission staff has reviewed the
10 petition and agreed that the proceeds of the borrowing
11 are reasonably required for these purposes. The order
12 grants the petition.

13 Are there any objections to approving
14 the order?

15 (No verbal response.)

16 CHAIR ZALEWSKI: Hearing none, the order is
17 approved.

18 Moving on to our telecommunications
19 items. Item T-1 concerns Summit Infrastructure Group's
20 application for a Certificate of Authority to operate
21 as a reseller and facilities-based carrier of local
22 exchange and interexchange long-distance

1 telecommunication services throughout the state of
2 Illinois. The order grants the certificate, finding
3 that the applicant meets the requirements.

4 Are there any objections to approving
5 the order?

6 (No verbal response.)

7 CHAIR ZALEWSKI: Hearing none, the order is
8 approved.

9 Moving on to our water and sewer items.
10 Item W-1 concerns Aqua Illinois's petition for
11 reconciliation under the VBA Rider, or Volume Balancing
12 Adjustment, for the 2020 calendar year. The order
13 approves the reconciliation as summarized in the
14 appendix to the order, finding that the costs were
15 prudently incurred.

16 Are there any objections to approving
17 the order?

18 (No verbal response.)

19 CHAIR ZALEWSKI: Hearing none, the order is
20 approved.

21 Moving on to our miscellaneous items.
22 Item M-1 concerns the annual update to the Illinois

1 Statewide Technical Reference Manual for Energy
2 Efficiency. The proposed version, Version 11.0, was
3 developed by the TRM Administrator with input from the
4 stakeholder participants and is intended to reflect a
5 consensus among the participants. The order initiates
6 an expedited proceeding for the final order to be
7 issued before the TRM needs to take effect on
8 January 1st, 2023. The order accepts Staff's proposed
9 schedule with the Staff's comments due on October 19th,
10 2022, and any responses to those comments due on October
11 28th, 2022.

12 Are there any objections to approve the
13 order?

14 (No verbal response.)

15 CHAIR ZALEWSKI: Hearing none, the order is
16 approved.

17 Moving on to our petitions for
18 rehearing. Item PR-1 concerns a petition for rehearing
19 in Docket 21-0607 and 21-0739. Given that I have
20 recused myself from the docket as previously stated, I
21 will pass the floor to Commissioner Kimbrel to proceed
22 with the item. And I want to note that I am abstaining

1 from this vote.

2 COMMISSIONER KIMBREL: Okay. Thank you,
3 Madam Chair.

4 On September 16th, 2022, the Illinois
5 Attorney General's Office, the City of Chicago, and the
6 Citizens Utility Board filed an application for the
7 hearing in this matter. In their application, the
8 parties seek rehearing on the commission's order
9 regarding the accounting mechanism for the \$200 million
10 that ComEd received from its parent company, Exelon
11 Corporation, which ComEd reported as an equity
12 infusion. The company used Exelon's equity
13 contribution to pay a criminal penalty in connection
14 with the deferred prosecution agreement.

15 The AG, City, and CUB requested that
16 the commission grant rehearing, correcting what they
17 claim is the unjust and unreasonable collection by
18 ComEd of ratepayer funds stemming from a capital
19 infusion used to pay a criminal penalty -- penalty and
20 contravention of Section 4-604.5 of the Public
21 Utilities Act.

22 The administrative law judge recommends

1 the commission deny the application for rehearing
2 because the final order considers the AG, City, and
3 CUB's arguments at length and rejects them. And no new
4 information or argument has been offered which will
5 justify granting rehearing.

6 I will now take a roll call. If you
7 wish to grant the petition for a rehearing, please say
8 aye. If you wish to deny the petition, please say nay.

9 Commissioner Carrigan?

10 COMMISSIONER CARRIGAN: Nay to deny.

11 COMMISSIONER KIMBREL: Commissioner McCabe?
12 Commissioner McCabe, we -- we couldn't really hear you.

13 COMMISSIONER MCCABE: I vote aye.

14 COMMISSIONER KIMBREL: Okay. You have that,
15 Mr. Court Reporter?

16 (No verbal response.)

17 COMMISSIONER KIMBREL: Okay. Thank you. And
18 I vote nay.

19 The vote is 2-1 in favor of denying the
20 petition. Because there is a vacancy on the
21 commission, and the chair has recused herself, our vote
22 of 2-1 does not render a decision on this matter.

1 However, pursuant to Section 10-113(a) of the Public
2 Utilities Act, where the commission fails to grant or
3 deny an application for a hearing within 20 days from
4 the receipt thereof, the application for a hearing
5 shall be deemed to have been denied and finally
6 disposed of.

7 Today, October 6th, is the 20th day
8 from which the petition for a rehearing was filed with
9 the commission's clerk's office. And because we have
10 failed to take action today, the petition is deemed
11 denied.

12 Madam Chair, I yield the floor.

13 CHAIR ZALEWSKI: Thank you. So we're moving
14 on to other business items. Item O-1 concerns approval
15 of batches, contracts, and confirmations under the
16 Adjustable Block Program.

17 Are there any objections to approving
18 the Program Administrator submissions?

19 (No verbal response.)

20 CHAIR ZALEWSKI: Hearing none, the
21 submissions are approved.

22 Item O-2 concerns approval of the

1 commission's 2023 calendar.

2 Are there any objections to you
3 approving the calendar?

4 (No verbal response.)

5 CHAIR ZALEWSKI: Hearing none, the calendar
6 is approved.

7 So this concludes our public utility
8 agenda.

9 Judge Teague Kingsley, do we have other
10 matters to come before the commission today?

11 JUDGE TEAGUE KINGSLEY: No, Madam Chairman.

12 CHAIR ZALEWSKI: Thank you. Do other
13 commissioners have other business to discuss?

14 COMMISSIONER CARRIGAN: Chairman, if I may.
15 Thank you.

16 I'm very happy to announce that James
17 O'Brien has joined my staff. A little bit about James
18 -- and we're very glad to have him. But James was born
19 and raised in Chicago, and from the Sauganash
20 neighborhood on the Northwest Side of the city. He
21 worked for the House staff. In fact, he was the lead
22 staffer for the statewide education funding reform in

1 the Illinois General Assembly.

2 James then changed career paths to work
3 on the climate crisis and achieved a certificate in
4 environmental and energy law from Kent -- from
5 Chicago-Kent College of Law. And James, in his former
6 employment, was the Director of Budget and Policy for
7 Commissioner Cam Davis of the Metropolitan Water
8 Reclamation District.

9 And James started Monday, October 3rd.
10 He was very happy, very excited. I thought it was
11 because of me, but then I found out that he recently
12 got engaged to his fiancÃ©e just last month, and they
13 dated for three and a half years, and they're very
14 happy together. James is ecstatic. So it wasn't me.

15 So we're very glad to have James on
16 board. And our office is now up to two assistants, and
17 I am delighted to have both of them, both -- both James
18 and Noah Berman. Thank you.

19 CHAIR ZALEWSKI: Thank you. James comes with
20 a great reputation. We're really excited to have him
21 at the ICC, and we're always welcoming of Kent Law
22 alum. I have to plug that as well.

1 Any other comments or other -- any
2 other thing to add by commissioners?

3 (No verbal response.)

4 CHAIR ZALEWSKI: Okay. Then without
5 objection and hearing no further comments, the meeting
6 is now adjourned. Thank you.

7 (Whereupon the meeting was adjourned at
8 11:52 AM.)

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