

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

I N D E X

	<u>FROM</u>	<u>PAGES</u>	<u>TO</u>
<u>TRANSPORTATION CASES</u>			
RR-1 T07-0091	7		8
RR-2 T08-0149	7		8
RR-3 T09-0002	7		8
RR-4 T09-0041	7		8
RR-5 T09-0056	7		8
RR-6 T09-0102	7		8
RR-7 T09-0109	8		
RR-8 T09-0074 Supp.	9		
RR-9 T04-0064 1st Supp.	9		
RR-10 T06-0069 2nd Supp.	9		10
RR-11 T07-0112 2nd Supp.	9		10
RR-12 T06-0029 5th Supp.	9		10
RR-13 T09-0037	10		
MC-1 08-1516	10		11
MC-2 09-0340	10		11
MC-3 09-0777	10		11
MC-4 09-0874	10		11
MC-5 09-1035	10		11

1	MC-6 159736MC	11		
2	MC-7 63025MC	11		
3	MC-8 219 RTV-R	11		
4	MC-9 220 RTV-R	11		
5	MC-10 244 RTV-R	11		
6	MC-11 3839 RTV-O	11		12
7	MC-12 3738 RTV-O	11		
8	MC-13 90 RTV-R	12		
9	MC-14 122 RTV-R	12		
10	MC-15 141 RTV-R	12		
11	MC-16 150 RTV-R	12		
12	AM-1	13		
13		<u>FROM</u>	<u>PAGES</u>	<u>TO</u>
14	<u>FORMAL CASES</u>			
15	E-1 ERM #193	15		16
16	E-2 08-0170	16		
17	E-3 09-0096	16		17
18	E-4 09-0306	17		
19	E-5 09-0307	17		
20	E-6 09-0308	17		
21	E-7 09-0373	17		22
22	E-8 09-0407	22		26

		<u>PAGES</u>	
		<u>FROM</u>	<u>TO</u>
1			
2			
3	<u>FORMAL CASES</u>		
4	E-9 09-0409	26	
5	E-10 09-0423	27	
6	G-1 08-0363	27	33
7	G-2 08-0576	33	
8	G-3 08-0628	33	34
9	G-4 09-0262	34	
10	G-5 09-0291	34	
11	G-6 09-0309	34	35
12	G-7 09-0310	34	35
13	G-8 09-0311	34	35
14	G-9 09-0312	35	
15	G-10 09-0392	35	
16	T-1 TRM #347	35	36
17	T-2 TRM #348	35	36
18	T-3 TRM #463	36	
19	T-4 TRM #500	36	
20	TRM #501		
21	T-5 TRM #504	36	
22	TRM #505		
	T-6 TRM #506	36	
	T-7 TRM #491	36	

		<u>PAGES</u>	
		<u>FROM</u>	<u>TO</u>
1			
2			
3	<u>FORMAL CASES</u>		
4	T-8 09-0358	36	37
5	T-9 09-0362	36	37
6	T-10 09-0402	37	
7	T-11 09-0326	37	38
8	T-12 09-0329	38	
9	T-13 09-0360	38	
10	T-14 09-0361	38	
11	T-15 09-0372	38	
12	T-16 09-0374	38	
13	T-17 09-0376	38	
14	T-18 09-0377	38	
15	W-1 WRM #020	38	
16	W-2 09-0133	39	
17	W-3 09-0153	39	
18	W-4 09-0154	39	
19	W-5 09-0203	39	40
20	W-6 09-0319	40	
21			
22			

1 CHAIRMAN BOX: Pursuant of the provision of the
2 Illinois Open Meetings Act, I now convene a regularly
3 scheduled bench session of the Illinois Commerce
4 Commission. With me in Chicago are Commissioners
5 Ford, O'Connell-Diaz and Elliot. My name is Chairman
6 Box and we do have a quorum.

7 Before moving into the agenda, this is
8 the time we allow members of the public to address
9 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 the bench session.
12 According to the Chief Clerk's Office, there have
13 been no requests to speak.

14 Beginning with the Railroad's
15 Transportation Section we have minutes from the
16 meeting on August 19th, 2009, September 9th, 2009,
17 and September 10th, 2009. Is there a motion to
18 approve the minutes?

19 COMMISSIONER ELLIOT: So moved.

20 CHAIRMAN BOX: Is a there a second?

21 COMMISSIONER O'CONNELL-DIAZ: Second.

22 CHAIRMAN BOX: Moved and seconded.

1 All in favor say "aye."

2 COMMISSIONER O'CONNELL-DIAZ: Aye.

3 COMMISSIONER FORD: Aye.

4 COMMISSIONER ELLIOT: Aye.

5 CHAIRMAN BOX: Any opposed?

6 The vote is 4-0. The minutes are
7 approved.

8 Turning to the Transportation -- I'm
9 sorry, Items RR-1 through RR-6 will be taken
10 together. These are petitions to make improvements
11 or condemn property of various railroad crossings.
12 No Grade Crossing Protection Funds will be used. The
13 Administrative Law Judges recommend entering the
14 orders.

15 Is there a motion to enter the order?

16 COMMISSIONER O'CONNELL-DIAZ: So moved.

17 CHAIRMAN BOX: Is there a second?

18 COMMISSIONER ELLIOT: Second.

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

20 All in favor say "aye."

21 COMMISSIONER FORD: Aye.

22 COMMISSIONER ELLIOT: Aye.

1 COMMISSIONER O'CONNELL-DIAZ: Aye.

2 CHAIRMAN BOX: Opposed?

3 The vote is 4-0. The orders are
4 entered. We will use this roll call vote for the
5 remainder of the transportation agenda unless
6 otherwise noted.

7 Item RR-7 is Docket T09-0109. This is
8 a stipulated agreement among the Norfolk Southern
9 Railway Company, the City of Mount Vernon and the
10 State of Illinois for safety improvements to the
11 North Chestnut Lane grade crossing in the City of
12 Mount Vernon. \$222,330 in Grade Crossing Protection
13 Funds will be used. Staff recommends entering the
14 order.

15 Is there any discussion?

16 Any objections?

17 Hearing none, the order is entered.

18 Item RR-8 is Docket T09-0074
19 Supplemental. IDOT petitioned for approval to
20 construct two grade separations and a supplemental
21 petition for a taking of certain property. All
22 parties agreed to the supplemental petition for

1 eminent domain. Administrative Law Judge Jackson
2 recommends entering the supplemental order.

3 Is there any discussion?

4 Any objections?

5 Hearing none, the supplemental order
6 is entered.

7 Item RR-9 is Docket T04-0064 first
8 supplemental. Norfolk Southern Railway Company
9 petitions for the reinstatement of Grade Crossing
10 Protection Funds for safety improvements. \$78,881.18
11 will be used to pay a bill received late.

12 Administrative Law Judge Kirkland-Montaque recommends
13 entering the order which reinstates and reimburses
14 \$70,993.06.

15 Is there any discussion?

16 Any objections?

17 Hearing none, that first supplemental
18 order is entered.

19 Items RR-10 through RR-12 will be
20 taken together. These are petitions for extensions
21 of time to complete safety improvement projects.
22 Staff recommends entering the second supplemental

1 orders and fifth supplemental orders granting
2 extensions of time to complete the projects.

3 Is there any discussion?

4 Any objections?

5 Hearing none, the second supplemental
6 orders and fifth supplemental order are entered.

7 Item RR-13 Docket T09-0037, Hennepin
8 Road District amended its petition for approval to
9 relocate a highway rail and grade crossing. The
10 amended petition is uncontested. Administrative Law
11 Judge Jackson recommends entering the order.

12 Is there any discussion? Any
13 objections?

14 Hearing none, the order is entered.

15 That concludes the Railroad agenda.

16 Moving to the Motor Carriers, Items
17 MC-1 through MC-5 will be taken together. These are
18 stipulated settlement agreements concerning various
19 alleged violations of operating as for-hire motor
20 carriers without Commission authority. Staff
21 recommends entering the orders accepting the
22 supplemental agreements.

1 Is there any discussion?

2 Any objections?

3 Hearing none, the orders are entered.

4 Items MC-6 and MC-7 will be taken
5 together. These are petitions for both a temporary
6 certificate and a certificate of public convenience
7 and necessity to be a household goods carrier.
8 Administrative Law Judges Jackson and O'Brien
9 recommend entering the orders granting the temporary
10 certificate and the certificate.

11 Is there any discussion?

12 Any objections?

13 Hearing none, the orders are entered.

14 Item MC-8 through MC-10 and MC-12 will
15 be taken together. These are applications for
16 commercial relocators' licenses. Administrative Law
17 Judge Jackson and Kirkland-Montague recommend
18 entering the orders granting their certificates.

19 Is there any discussion?

20 Any objections?

21 Hearing none, the orders are entered.

22 Item MC-11 is an application for an

1 operator employment permit to operate a relocation
2 towing vehicle. Applicant failed to appear for his
3 hearing. Administrative Law Judge Kirkland-Montague
4 recommends dismissing the application for want of
5 prosecution, without prejudice.

6 Is there any discussion?

7 Any objections?

8 Hearing none, the application is
9 dismissed without prejudice.

10 Items MC 13 through MC 16 will be
11 taken together. These are applications for renewal
12 of commercial relocation towing licenses. Staff
13 recommends granting the renewals.

14 Is there any discussion?

15 Any objections?

16 Hearing none, the renewals are
17 granted.

18 We have one administrative matter on
19 today's agenda. Item AM-1 is a Transportation
20 Regulatory Fund 2009 Annual Report. Transportation
21 Bureau Chief Kelley recommends the Commission accept
22 this report.

1 Is there a motion to accept the
2 Transportation and Regulatory Fund 2009 Annual
3 Report?

4 COMMISSIONER FORD: So moved.

5 CHAIRMAN BOX: Is there a second?

6 COMMISSIONER O'CONNELL-DIAZ: Second.

7 CHAIRMAN BOX: All in favor say "aye."

8 COMMISSIONER O'CONNELL-DIAZ: Aye.

9 COMMISSIONER FORD: Aye.

10 COMMISSIONER ELLIOT: Aye.

11 CHAIRMAN BOX: Any opposed?

12 The vote is 4-0. The TRF 2009 annual
13 report is accepted.

14 Mrs. Kelley, anything else to come
15 before us today?

16 MRS. KELLEY: That's all. Thank you.

17 CHAIRMAN BOX: Okay. Thank you.

18 (Whereupon, the meeting
19 concluded matters pertaining to
20 Transportation.)

21

22

1 (Whereupon, the meeting turned
2 to Public Utility matters.)

3 CHAIRMAN BOX: Moving on to the Public
4 Utilities agenda. We have minutes to approve from
5 the bench meetings on August 19th, August 25th and
6 September 10th, 2009.

7 Is there a motion to approve the
8 minutes?

9 COMMISSIONER ELLIOT: So moved.

10 CHAIRMAN BOX: Is there a second?

11 COMMISSIONER O'CONNELL-DIAZ: Second.

12 CHAIRMAN BOX: It's been moved and seconded.

13 All in favor say "aye."

14 COMMISSIONER O'CONNELL-DIAZ: Aye.

15 COMMISSIONER FORD: Aye.

16 COMMISSIONER ELLIOT: Aye.

17 CHAIRMAN BOX: Any opposed?

18 The vote is 4-0. The minutes are
19 approved.

20 Next on the agenda is a recommendation
21 by Staff to release to the public minutes and
22 transcripts of 84 closed sessions.

1 Is there any discussion?

2 Is there a motion to release the
3 minutes and transcripts?

4 COMMISSIONER FORD: So moved.

5 CHAIRMAN BOX: Is there a second?

6 COMMISSIONER O'CONNELL-DIAZ: Second.

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

8 All in favor say "aye."

9 COMMISSIONER O'CONNELL-DIAZ: Aye.

10 COMMISSIONER FORD: Aye.

11 COMMISSIONER ELLIOT: Aye.

12 CHAIRMAN BOX: Any opposed?

13 The vote is 4-0. The minutes and
14 transcripts are released.

15 Item E-1 is a tariff by MidAmerican
16 Energy Company to update its Non-Residential Real
17 Time Pricing Rider. Staff recommends not suspend the
18 filing.

19 Is there a motion to not suspend the
20 filing?

21 COMMISSIONER FORD: So moved.

22 CHAIRMAN BOX: Is there a second?

1 COMMISSIONER ELLIOT: Second.

2 CHAIRMAN BOX: All in favor say "aye."

3 COMMISSIONER FORD: Aye.

4 COMMISSIONER O'CONNELL-DIAZ: Aye.

5 COMMISSIONER ELLIOT: Aye.

6 CHAIRMAN BOX: Any opposed?

7 The vote on E-1 was 4-0. The filing
8 will not be suspended.

9 We will use this 4-0 roll call vote
10 for the remainder of the agenda unless otherwise
11 noted.

12 Item E-2 is Docket 08-0170. Commerce
13 Energy, Inc., moves to dismiss with prejudice its
14 petition for emergency relief. The Administrative
15 Law Judge Moran recommends that the Commission
16 dismiss the complaint with prejudice.

17 Is there any discussion?

18 Any objections?

19 Hearing none, the docket is dismissed
20 with prejudice.

21 Item E-3 is Docket 09-0096. The
22 parties have filed a joint motion to dismiss this

1 complaint. All matters have been settled.

2 Administrative Law Judge Gilbert recommends entering
3 the order granting the joint motion to dismiss
4 without prejudice.

5 Is there any discussion?

6 Any objections?

7 Hearing none, the order is entered.

8 Items E-4 through E-6 will be taken
9 together. These are resuspension orders of the three
10 Ameren Illinois Utility Companies' electric rate
11 cases. Staff recommends entering the resuspension
12 orders.

13 Is there any discussion?

14 Any objections?

15 Hearing none, the resuspension orders
16 are entered.

17 Item E-7 is Docket 09-0373. The
18 Illinois Power Agency petitions for approval of its
19 procurement plan. The Act requires a Commission
20 determination if hearings are necessary after the IPA
21 files its initial procurement plan. Administrative
22 Law Judge Jones recommends that no hearing be

1 required.

2 Is there any discussion?

3 Judge Jones, are you with us?

4 JUDGE JONES: Yes, I am, Mr. Chairman.

5 CHAIRMAN BOX: Do you want to brief us on this
6 matter?

7 JUDGE JONES: I'll be happy to. Thank you.

8 Steve Hickey is here also. I'll be
9 brief.

10 The question is where the IPA filed
11 its plan on October -- or I'm sorry -- September the
12 30th. As with the previous plan filed last year it
13 proposes a procurement strategy for eligible retail
14 customers, the ComEd and Ameren utilities. It again
15 proposes use of an RFP bid process to meet residual
16 load requirements, which are those not already under
17 contract by one means or another.

18 The time horizon is five years. The
19 first annual period within that longer period is the
20 June 2010 to -- through May 2011 period. The IPA,
21 again, proposes use of a three-year ladder approach
22 for procurement where 35 percent of the needs would

1 be procured two years in advance of the year of
2 delivery; the rest, one year in advance; and then the
3 year itself.

4 The IPA indicates there were a limited
5 number of areas where it made what it called primary
6 changes. Most of those related to the procurement of
7 demand response and renewables. By statute, parties
8 were required to submit their written objections and
9 file them with the Commission. Several did so on
10 late October -- late afternoon on October the 5th
11 this week. The issues addressed included the demand
12 response procurement and our renewable procurement
13 issues mentioned above. On the renewable front that
14 concerned in part the proposed procurement of
15 renewables for Ameren and ComEd on a simultaneous
16 basis, also involved long-term agreements with
17 renewable producers. Then some objections also went
18 to the demand response procurement process that
19 pertained in part to timing, whether that would be in
20 the spring as well as in the fall, as well as PJM in
21 the -- PJM process in the procurement of demand
22 response. And then also the term to apply to those

1 procurements.

2 Other issues addressed concerned
3 hedging ratios in July and August, which has come up
4 in prior dockets, the laddered approached to
5 procurement as mentioned above. And there were also
6 some questions raised with respect to the process as
7 discussed in the plan, including review time by the
8 Commission, but also other elements of process to
9 occur after the Commission's approval of the process.

10 The question before you today -- or
11 next week as the case may be, is a determination of
12 whether a hearing is necessary within the meaning of
13 the statute. Comments of the parties are summarized
14 briefly in the memo.

15 In the last procurement docket,
16 08-0519 the Commission determined no hearing was
17 necessary and it said that parties were permitted --
18 encouraged to address the issues through responses to
19 objections. Well, that would include responses by
20 IPA and parties to each other and then a round of
21 replies to those responses and then after a proposed
22 order briefs on exceptions and reply briefs on

1 exceptions.

2 My recommendation is the same process
3 be followed here to make an adequate record in the
4 case through response opportunities or reply
5 opportunities forwarded to the parties in the manner
6 that I believe will be more efficient in proceeding
7 through a hearing process.

8 In any event, the Commission has until
9 October 15th to make that determination, whether
10 that's today or next week. And, of course, the
11 deadline for Commission entering an order confirming
12 or modifying the procurement plan is December 29th.

13 Thank you.

14 CHAIRMAN BOX: Thank you.

15 Any questions of the Judge?

16 COMMISSIONER O'CONNELL-DIAZ: No. Thank you.

17 CHAIRMAN BOX: Is there a motion to -- I think
18 the Judge's recommendation that hearings not be
19 required. Is there a motion to determine that no
20 hearings are required for the IPA's Initial
21 Procurement Plan?

22 COMMISSIONER ELLIOT: So moved.

1 CHAIRMAN BOX: Is there a second?

2 COMMISSIONER O'CONNELL-DIAZ: Second.

3 CHAIRMAN BOX: Any discussion?

4 It's been moved and seconded.

5 All in favor say "aye."

6 COMMISSIONER O'CONNELL-DIAZ: Aye.

7 COMMISSIONER FORD: Aye.

8 COMMISSIONER ELLIOT: Aye.

9 CHAIRMAN BOX: Any opposed?

10 The vote is 4-0. There will not be
11 hearings for the IPA's Initial Procurement Plan.

12 Thank you, Judge.

13 JUDGE JONES: Thank you, Chairman.

14 CHAIRMAN BOX: Item E-8 is 09-0407. This is a
15 request for an extension of time to consider
16 Commonwealth Edison's proposed Federal Stimulus
17 Project and associated tariffs. Administrative Law
18 Judge Sainsot has no recommendation.

19 Judge, you want to brief us?

20 JUDGE SAINSHOT: Sure.

21 At the meeting of September 10th, this
22 Commission indicated that it would prefer to conclude

1 this docket by the end of the year. We, therefore --
2 when this matter first arose we, therefore, informed
3 the parties that the final determination should be
4 made by the Commission and not us.

5 The joint motion to extend the
6 schedule was filed by the AG, the CTA, IIEC and
7 Metra. It seeks to extend the schedule from having a
8 final resolution date of December 22nd, 2009, to
9 sometime in April of 2010.

10 To be sure the current schedule, which
11 allows three months, is a tight but not impossible
12 schedule, a longer time frame would increase the
13 amount of discovery that the parties could conduct.
14 It would also give the lawyers more time to prepare
15 briefs and like items and it would give Judge Kimbrel
16 and myself more time. Having said that, ComEd has
17 argued that the United States Department of Energy
18 has reported receiving 431 grant proposals totaling
19 \$24.6 billion. The Department of Energy only has \$4
20 billion.

21 We took a look at who was eligible for
22 these grants. The parties submitted the Department

1 of Energy guidelines. The eligible applicants,
2 according to what the DOE guidelines are -- among
3 other parties -- electric power companies, state,
4 county, local or municipal governmental agencies,
5 universities, colleges, electrical equipment
6 manufacturers, software providers, retail electricity
7 suppliers and many other non-regulated entities.

8 It appears that these entities, the
9 ones that are not utilities, therefore, would only
10 need a corporate board approval before they -- or
11 city counsel approval before they could get up and
12 running on their projects.

13 The DOE, as ComEd has pointed out, has
14 a preference for projects that can get up and running
15 quickly. And, I guess, what I'm saying is the
16 non-regulated businesses seem to have a distinct
17 advantage in terms of getting the funds over ComEd.
18 And there's a limited amount of money available.
19 Therefore, it's possible that the four-month delay
20 could jeopardize ComEd's ability to receive these
21 funds. And we'll remind you it's \$175 billion --
22 million dollars -- excuse me -- that they're asking

1 for when you include the other Docket 09-0263 and
2 this docket together.

3 CHAIRMAN BOX: Thank you.

4 Any questions of the Judge?

5 I think -- before I ask for a motion,
6 I think it's -- the Proposed Federal Stimulus
7 Project -- I mean, the name is there for a reason, to
8 stimulate the economy, which means -- over projects
9 that are ready to go. I think -- I don't want us to
10 jeopardize the Company's chances of recouping some of
11 these dollars for the State of Illinois and for our
12 systems. We also will have enough time for various
13 riders and others to determine if, in fact, there's
14 cost recovery on the State's half of those funds.

15 So I'd like to think that we can -- if
16 you said that deadline by the yearend is doable, I
17 think we ought to try to do that to give the
18 company -- not an advantage, don't do anything to --
19 in detriment of them being in full competition for
20 these funds.

21 Is there a motion to deny or grant the
22 request for the extension of time?

1 COMMISSIONER ELLIOT: I'll make the motion to
2 deny.

3 CHAIRMAN BOX: There's a motion to deny the
4 request for extension of time. Is there a second?

5 COMMISSIONER O'CONNELL-DIAZ: Second.

6 COMMISSIONER FORD: Second.

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

8 Any discussions?

9 All in favor say "aye."

10 COMMISSIONER O'CONNELL-DIAZ: Aye.

11 COMMISSIONER FORD: Aye.

12 COMMISSIONER ELLIOT: Aye.

13 CHAIRMAN BOX: Any opposed?

14 The vote is 4-0. The request for the
15 extension of time is denied.

16 Item E-9 is Docket 09-0409.

17 Commonwealth Edison Company's petition for a
18 conditional exemption from Section 410.210(a)(5)
19 requiring certain information on billing statements.
20 Administrative Law Judge Benn recommends entering the
21 order exempting the company from the requirements.

22 Is there any discussion?

1 Any objections?

2 Hearing none, the order is entered.

3 Item E-10 is Docket 09-0423. Egyptian
4 Electrical Cooperative Association and AmerenIP
5 petitioned for a partial service area agreement
6 between them. Administrative Law Judge Tapia
7 recommends entering the order granting the requested
8 relief.

9 Is there any discussion?

10 Any objections?

11 Hearing none, the order is entered.

12 That concludes the electric portion of
13 today's agenda.

14 Turning now to the Natural Gas, Item
15 G-1 is Docket 08-0363. This is the rehearing order
16 of the Northern Illinois Gas Company a/k/a Nicor rate
17 case. The question presented was how much short-term
18 debt should be included in the capital structure, if
19 any. Administrative Law Judge Sainsot and Kimbrel
20 recommends entering the order on rehearing.

21 We discussed this matter at the
22 prebench session yesterday and my office has

1 circulated various revisions to the order. Several
2 of the commissioners and their assistants have been
3 working on these revisions as well. And I move that
4 those amendments be adopted.

5 COMMISSIONER FORD: So moved.

6 CHAIRMAN BOX: Is there a second?

7 COMMISSIONER O'CONNELL-DIAZ: Second.

8 CHAIRMAN BOX: It's moved and seconded that the
9 proposed amendments be adopted.

10 Is there any discussion?

11 COMMISSIONER ELLIOT: Chairman, I -- at this
12 point I'd like to but I can't support the changes. I
13 was willing to grant the request for rehearing
14 because this was a significant change from past
15 practice. I was interested in seeing further
16 development of the record with regard to this issue.
17 And in my review of the record on the reopening I saw
18 little to no additional support provided for the
19 Company to change my determination of my vote on the
20 order.

21 So I would stand in support of my
22 position from the original order on this issue.

1 CHAIRMAN BOX: Further discussion?

2 I propose some of these changes and
3 I'll go through my rationale. First of all, this is
4 a very, extremely tough case I think for the
5 Commission and all the Commissioners echo that.

6 On one side, I agree with
7 Commissioner Elliot that -- in fact, I voted against
8 the order initially. And then on rehearing I, too,
9 was hoping for more information from the Company on
10 this issue. And I was disappointed that more
11 evidence was not introduced. But also I think that
12 the position taken by our Staff was somewhat extreme,
13 especially given these circumstances, as the Judge
14 talked about yesterday about these are accounting
15 issues and admitting that various things existed like
16 the whole issue of a zero balance on three months,
17 which means some other funds had to be used somewhere
18 along the line. Our Staff acknowledging the fact
19 that yes, moneys had to come from other sources, but
20 they didn't know just exactly how much.

21 So this is a very, very tough case for
22 me. But when you look at the Statute of Section

1 1-102 one of the objectives that we, as regulators,
2 have is to do equity, especially towards the
3 consumers and investors. And also Section 6 talks
4 about the whole issue of make regulations that does
5 not result in undue or sustained adverse impact on
6 utility earnings. And when you take a look at this
7 particular case and our other cases on short-term
8 debt, they range from zero percent for some
9 utilities, 5 percent on some. In this particular
10 case I think it's a little short of 19 percent
11 short-term debt. Five years ago it was zero. In the
12 last three cases it was zero.

13 And I think it's pretty much kind of a
14 shock to the system to go from zero percent to
15 19 percent especially in light of the fact we're
16 talking about accounting issues and both the Judge
17 acknowledging -- Judges acknowledging that there were
18 some moneys there from other sources, the Staff
19 acknowledging that, not knowing exactly how much.

20 But one thing that really drove me to
21 make some of these changes was the whole issue of
22 Nicor since 1981 they're -- the capitalization was

1 between 87 and 93 percent. And if you include this
2 entire 255 mill in short-term debt, their
3 capitalization would be 105 percent of their rate
4 base, which I think is a little high, and I think
5 that some changes are proposed.

6 Another issue is the whole issue of
7 the three months where no moneys were available.
8 Moneys -- come from some other source. So I think
9 that it was incumbent upon us to find something that
10 was more in line with this particular case, once
11 again, given the facts of the Company not coming
12 forth during the case or on rehearing putting forth a
13 clear road map as to where these funds were from.
14 But also the Staff acknowledging that some moneys
15 were there, but I don't think really making an effort
16 to come down on something that was reasonable.

17 So I think equity requires me to take
18 a look at these numbers. Obviously, the 62
19 million -- 62-plus million that the company wanted in
20 short-term debt is not sufficient. But I think --
21 nor is it proper to have the entire 255 million in
22 short-term debt. And so hopefully in equity I've

1 amended it to say that, I think, 200 -- or 127--some
2 million dollars would be in short-term debt, which
3 hopefully brings the capitalization down into the 90s
4 where it should be. But also it brings the
5 short-term debt down from -- a little short of 19
6 percent, 18, and some percentages down to between 8
7 and 9 percent.

8 I think equity requires that type of
9 decision, and I feel very comfortable in making that.
10 Once again, being disappointed on both sides of the
11 case before us. But that is the nature of the
12 amendments that I have put forth.

13 COMMISSIONER FORD: Second.

14 CHAIRMAN BOX: It's already been seconded.
15 It's just for discussion.

16 COMMISSIONER FORD: Oh, wondered where we were.

17 CHAIRMAN BOX: Any other discussions?

18 All of favor of the proposed amendment
19 say "aye."

20 COMMISSIONER FORD: Aye.

21 COMMISSIONER O'CONNELL-DIAZ: Aye.

22 CHAIRMAN BOX: Opposed?

1 COMMISSIONER ELLIOT: No.

2 CHAIRMAN BOX: The vote is 3-1. The amendments
3 are adopted. Is there a motion to adopt the order as
4 amended?

5 COMMISSIONER O'CONNELL-DIAZ: So moved.

6 CHAIRMAN BOX: Is there a second?

7 COMMISSIONER FORD: Second.

8 CHAIRMAN BOX: It's been moved and seconded to
9 adopt the order as amended.

10 All in favor say "aye."

11 COMMISSIONER O'CONNELL-DIAZ: Aye.

12 COMMISSIONER FORD: Aye.

13 CHAIRMAN BOX: Opposed?

14 COMMISSIONER ELLIOT: No.

15 CHAIRMAN BOX: The vote is 3-1. The order as
16 amended is adopted.

17 I've been asked to hold Item G-2 until
18 next week in Springfield.

19 Item G-3 is Docket 08-0628. This is a
20 PGA reconciliation for MidAmerican Energy Company.
21 Staff has no adjustment to the reconciliation.
22 Administrative Law Judge Yoder recommends entering

1 the order approving the reconciliation.

2 Is there any discussion?

3 Any objections?

4 Hearing none, the order is entered.

5 Items G-4 and G-5 will be taken
6 together. These are billing disputes against
7 Northern Illinois Gas Company. The parties have
8 settled. Administrative Law Judges Benn and Gilbert
9 recommend entering the orders dismissing the
10 complaints with prejudice.

11 Is there discussion?

12 Any objections?

13 Hearing none, the orders are entered
14 dismissing the complaint with prejudice.

15 Item G-6 through G-8 will be taken
16 together. These are resuspension orders for the
17 three Ameren Illinois Utility Companies' gas rate
18 cases. Staff recommends entering the resuspension
19 orders.

20 Is there any discussion?

21 Any objections?

22 Hearing none, the resuspension orders

1 are entered.

2 Item G-9 is Docket 09-0312. This is a
3 resuspension order in the MidAmerican Energy Company
4 Gas Rate Case. Staff recommends entering the
5 resuspension order.

6 Is there any discussion?

7 Any objections?

8 Hearing none, the resuspension order
9 is entered.

10 Item G-10 is Docket 09-0392. UGI
11 Energy Services, Inc., petitions for a certificate of
12 service authority. Administrative Law Judge Yoder
13 recommends entering the order granting the
14 certificate.

15 Is there any discussion?

16 Any objections?

17 Hearing none, the order is entered.

18 That concludes the Natural Gas portion
19 of today's agenda.

20 Turning now to the telecommunications
21 item, Items T-1 and T-2 will be taken together.

22 These are competitive filings for Verizon North,

1 Inc., and Verizon South, Inc., for an increase in the
2 rate for Local Directory Assistance. Staff
3 recommends that the filings not be investigated.

4 Is there any discussion?

5 Any objections?

6 Hearing none, the filings will not be
7 investigated.

8 Items T-3 through T-7 will be taken
9 together. These are tariff filings by Illinois Bell
10 Telephone Company to revise competitive retail and
11 noncompetitive wholesale services. Staff recommends
12 that these filings not be suspended or investigated.

13 Is there any discussion?

14 Any objections?

15 Hearing none, the filings will not be
16 suspended or investigated.

17 Items T-8 and T-9 will be taken
18 together. These are applications for certificates of
19 interexchange authority to operate as resellers of
20 telecommunications services and to provide pay
21 telephone service. Administrative Law Judge Riley
22 recommends entering the orders granting the

1 certificates.

2 Is there any discussion?

3 Any objections?

4 Hearing none, the orders are entered
5 granting the certificates.

6 Item T-10 is Docket 09-0402. The
7 Village of Grayslake, Illinois, petitions to modify
8 an existing 911 Emergency Telephone Numbering System.
9 Administrative Law Judge Hilliard recommends entering
10 the order approving the requests.

11 Is there any discussion?

12 Any objections?

13 Hearing none, the order is entered.

14 Item T-11 is Docket 09-0326. Verizon
15 North, Inc., and Verizon South, Inc., and New
16 Dimension Wireless Limited filed a joint petition for
17 approval of an interconnection agreement and later
18 moved to dismiss the current docket. Administrative
19 Law Judge Haloulos recommends that this matter be
20 dismissed without prejudice.

21 Is there any discussion?

22 Any objections?

1 Hearing none, the docket is dismissed
2 without prejudice.

3 Items T-12 through T-18 will be taken
4 together. These are interconnection agreements and
5 amendments to interconnection agreements. The
6 Administrative Law Judges recommend entering the
7 orders approving their agreements and the amendments
8 to the agreements.

9 Is there any discussion?

10 Any objections?

11 Hearing none, the orders are entered.

12 That concludes the telecommunications
13 portion of today's agenda.

14 Now turning to the Water and
15 Wastewater items, Item W-1 is a filing by
16 Illinois-American Water Company to establish public
17 fire protection rates. Staff recommends not
18 suspending the filing.

19 Is there any discussion?

20 Any objections?

21 Hearing none, the filing will not be
22 suspended.

1 Item W-2 is Docket 09-0133, Aqua
2 Illinois, Inc., petitions for the issuance of a
3 certificate of public convenience and necessity to
4 operate a water distribution system in Kankakee
5 County. Administrative Law Judge Dolan recommends
6 entering the order granting the petition.

7 Is there any discussion?

8 Any objections?

9 Hearing none, the order is entered.

10 Items W-3 and W-4 will be taken
11 together. These are purchased water reconciliations
12 for Del Mar Water Company and Harbor Ridge Utilities,
13 Inc. Administrative Law Judge Benn recommends
14 entering the orders approving the reconciliations.

15 Is there any discussion?

16 Any objections?

17 Hearing none, the orders are entered.

18 Item W-5 is Docket 09-0203. This is a
19 billing dispute against Aqua Illinois, Inc. The
20 parties have settled. Administrative Law Judge
21 Kimbrel recommends dismissing the docket with
22 prejudice.

1 Is there any discussion?

2 Any objections?

3 Hearing none, the docket is dismissed
4 with prejudice.

5 Item W-6 is docket 09-0319. This is a
6 resuspension order for the Illinois-American Water
7 Company's proposed general rate increase in water and
8 wastewater rates.

9 Is there any discussion?

10 Any objection?

11 Hearing none, the resuspension order
12 is entered.

13 That concludes the portion of today's
14 Water and Wastewater portion of today's agenda.

15 We have one miscellaneous item. This
16 is Liberty's Third Annual Report and Final Report on
17 the Verification of Commonwealth Edison's progress to
18 implement commitment stemming from the 2005 Downers
19 Substation Fire Investigations. Staff recommends
20 acceptance of the reports.

21 Is there a motion to accept the
22 reports and have Staff post the reports on the

1 Commission website?

2 COMMISSIONER O'CONNELL-DIAZ: So moved.

3 CHAIRMAN BOX: Is there a second?

4 COMMISSIONER ELLIOT: Second.

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

6 All in favor say "aye."

7 COMMISSIONER O'CONNELL-DIAZ: Aye.

8 COMMISSIONER FORD: Aye.

9 COMMISSIONER ELLIOT: Aye.

10 CHAIRMAN BOX: Any opposed?

11 The vote is 4-0. The reports are
12 accepted and will be posted on the Commission
13 website.

14 Judge Wallace, anything else to come
15 before us today?

16 JUDGE WALLACE: No, sir.

17 CHAIRMAN BOX: My understanding is we have a
18 regular open meeting next Wednesday the 14th.

19 JUDGE WALLACE: Yes, that's correct.

20 CHAIRMAN BOX: And all matters that need to be
21 attended to between the 14th of October and I would
22 say the 14th of November should be on that particular

1 agenda. And I think we should remind the judges and
2 any other Staff if there's anything else we need to
3 do, it has to be done at that meeting next week.

4 Anything further?

5 The meeting stands adjourned.

6 (Whereupon, the meeting
7 concluded matters pertaining to
8 Public Utilities.)

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