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BEFORE THE
ILLINOIS COMMERCE COMMISSION
PUBLIC UTILITY REGULAR OPEN MEETING
Thursday, October 14, 2021
Springfield, Illinois

Met, pursuant to notice, at 11:30 a.m.

BEFORE:

- CARRIE ZALEWSKI, Chairperson
- D. ETHAN KIMBREL, Commissioner
- MARIA S. BOCANEGRA, Commissioner
- MICHAEL T. CARRIGAN, Commissioner

Reported by:
Carla J. Boehl
CSR #084-002710

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PROCEEDINGS

CHAIRMAN ZALEWSKI: Good morning. I have 11:30, so I'm going to go ahead and begin. Under the Open Meetings Act, I call the October 14, 2021, Regular Open Meeting to order. Commissioners Bocanegra, Carrigan and Kimbrel are with me in Springfield. We have a quorum.

We have no requests to speak.

Moving on to our Public Utilities Agenda, there are edits to the September 15 Public Utility Regular Open Meeting minutes and to the September 16 Public Utility Special Open Meeting minutes.

Are there any objections to approving the minutes as edited?

(No response.)

CHAIRMAN ZALEWSKI: Hearing none, the minutes are approved.

Under our Electric items, Items E-1 and E-2 concern items necessary to comply with the requirements of Public Act 102-0662 with respect to an assessment of the distribution grid. The Orders,

1 first, initiate independent baseline assessment
2 audits of Ameren and ComEd as required by the newly
3 enacted statute; second, grant the Executive Director
4 authority to bind the agency into a contract with the
5 selected vendors; and, third, direct the utilities
6 to, at the request of Staff, enter into a Memorandum
7 of Understanding to effectuate direct payment from
8 each utility to the vendors.

9 Are there any objections to considering
10 these items together and approving the Orders?

11 (No response.)

12 CHAIRMAN ZALEWSKI: Hearing none, the Orders
13 are approved.

14 Item E-3 concerns an item necessary to
15 comply with the requirements of Public Act 102-0662
16 with respect to an accelerated refund of the excess
17 deferred income taxes. The Order, first, initiates a
18 proceeding with respect to repayment of the excess
19 deferred income taxes, or EDIT, which Ameren and
20 ComEd are now required to do so by December 31, 2025;
21 second, directs Ameren and ComEd to file in the EDIT
22 proceeding within three weeks of the initiating order

1 a direct testimony which sets forth the utilities'
2 proposal for effectuating the accelerated repayment
3 of EDIT; and, third, directs that within four weeks
4 of the initiating order, a prehearing conference be
5 held in the EDIT proceeding for purposes of setting a
6 further procedural schedule.

7 Are there any objections to approving
8 the Order?

9 (No response.)

10 CHAIRMAN ZALEWSKI: Hearing none, the Order is
11 approved.

12 Item E-4 concerns an item necessary to
13 comply with requirements of Public Act 102-0662 with
14 respect to the ComEd investigation. Specifically, it
15 concerns the investigation concerning rate effects of
16 ComEd's conduct admitted in the Deferred Prosecution
17 Agreement. For the same reasons explained in the
18 record when I recused myself in Docket 21-0607, I
19 will be recusing myself from the docket today and
20 will be filing my Notice of Recusal later today.
21 Therefore, I now turn it over to Commissioner Kimbrel
22 who will be proceeding with the docket.

1 COMMISSIONER KIMBREL: Thank you, Madam Chair.

2 As the Chairman stated, Item E-4
3 concerns an investigation of misconduct by
4 Commonwealth Edison Company pursuant to Section
5 4-604.5 of the Public Utilities Act. In a Staff
6 report dated September 30, 2021, Staff recommends the
7 Commission initiate an investigation as to whether
8 ComEd collected, spent, allocated, transferred,
9 remitted or caused in any other way ratepayer funds
10 to be expended in connection with the conduct
11 detailed in the Deferred Prosecution Agreement dated
12 July 16, 2020, between the United States attorney for
13 the Northern District of Illinois and Commonwealth
14 Edison. The investigation is to be conducted as a
15 contested docket and shall conclude no later than 330
16 days from the date of the initiating order.

17 All in favor of issuing an Order
18 initiating an investigation of ComEd say "Aye."

19 (Chorus of Ayes.)

20 COMMISSIONER KIMBREL: All opposed?

21 (No response.)

22 COMMISSIONER KIMBREL: With Chair recusing, the

1 vote is three to zero.

2 Madam Chair?

3 CHAIRMAN ZALEWSKI: Thank you, Commissioner
4 Kimbrel.

5 Item 5, E-5, excuse me, concerns the
6 initiation of MidAmerican's and Mt. Carmel's
7 reconciliation proceeding for its fuel adjustment
8 charges. The Order initiates the next round of
9 annual reconciliation proceedings for the calendar
10 year of 2021.

11 Are there any objections to approving
12 the Order?

13 (No response.)

14 CHAIRMAN ZALEWSKI: Hearing none, the Order is
15 approved.

16 Item E-6 concerns a complaint against
17 Spark Energy. The parties filed a Stipulation and
18 Joint Motion to Dismiss, stipulating that all matters
19 in dispute have been resolved and requesting that the
20 Commission dismiss the complaint. The Order
21 dismisses the complaint.

22 Are there any objections to granting the

1 Motion to Dismiss?

2 (No response.)

3 CHAIRMAN ZALEWSKI: Hearing none, the motion is
4 granted.

5 Items E-7 through E-9 concern requests
6 for confidential treatment of petitioners' reports.
7 The Orders grant the protection, finding that the
8 information is highly proprietary and confidential.

9 Are there any objections to considering
10 these items taken together and approving the Orders?

11 (No response.)

12 CHAIRMAN ZALEWSKI: Hearing none, the Orders
13 are approved.

14 Items E-10 and E-11 concern applications
15 for certification to operate as an installer of
16 distributed generation facilities in Illinois. The
17 Orders grant the certificates, finding that the
18 applicants meet the requirements.

19 Are there any objections to considering
20 these items together and approving the Orders?

21 (No response.)

22 CHAIRMAN ZALEWSKI: Hearing none, the Orders

1 are approved.

2 Item E-12 concerns Vanguard Power
3 Services' petition to cancel its Alternative Retail
4 Electric Supplier Certificate. Petitioner no long
5 has customers in Illinois and seeks to cancel its
6 certificate. The Order cancels the certificate.

7 Are there any objections to approving
8 the Order?

9 (No response.)

10 CHAIRMAN ZALEWSKI: Hearing none, the Order is
11 approved.

12 Items E-13 through E-18 concern
13 applications for certifications to install energy
14 efficiency measures in Illinois. The Orders grant
15 the certificates, finding that the applicants meet
16 the requirements.

17 Are there any objections to considering
18 these items together and approving the Orders?

19 (No response.)

20 CHAIRMAN ZALEWSKI: Hearing none, the Orders
21 are approved.

22 Moving on to our Gas items, Item G-1

1 concerns the initiation of reconciliation proceedings
2 for gas adjustment charges for the gas utilities
3 regulated by the Commission. The Order initiates the
4 next round of annual reconciliation proceedings for
5 the calendar year of 2021.

6 Are there any objections to approving
7 the Order?

8 (No response.)

9 CHAIRMAN ZALEWSKI: Hearing none, the Order is
10 approved.

11 Item G-2 concerns a request for
12 confidential treatment of petitioner's report. The
13 Order grants the protection, finding that the
14 information is highly proprietary and confidential.

15 Are there any objections to approving
16 the Order?

17 (No response.)

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

20 Moving on to our Telecommunications
21 items, Item T-1 concerns an application for a
22 Certificate of Local and Interexchange Authority to

1 operate as a reseller of telecommunication services
2 in Illinois. The Order grants the certificate,
3 finding that the applicant meets the requirements.

4 Are there any objections to approving
5 the Order?

6 (No response.)

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

9 Moving on to our Miscellaneous items,
10 Item M-1 concerns the 9th annual update to the
11 Illinois Statewide Technical Reference Manual for
12 Energy Efficiency. The proposed version was
13 developed by the Technical Reference Manual
14 administrator and the stakeholder participants. The
15 Commission Staff recommends that the proceedings for
16 its formal approval be conducted on the expedited
17 basis so that it takes effect on January 1 of 2022.
18 The Order initiates the proceeding. Staff comments
19 are due by October 20 of 2021 and responses to those
20 comments are due by October 29 of 2021.

21 Are there any objections to approving
22 the Order?

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(No response.)

CHAIRMAN ZALEWSKI: Hearing none, the Order is approved.

Moving on to other business, Item O-1 concerns items necessary to comply with the requirements of Public Act 102-0662 regarding the required multi-year integrated grid plan workshops and the renewable energy access plan. The Commission directs Staff, subject to available appropriation, first, to conduct a competitive solicitation to hire a third-party facilitator to facilitate the multi-year integrated grid plan workshop process; second, to conduct a competitive solicitation to hire an auditor who can assist Staff with the distribution planning process as well as in related docketed proceedings; and, third, to conduct a competitive solicitation to hire technical and policy experts to support the Commission in the development of a renewable energy access plan.

Are there any objections to approving these Staff directions?

(No response.)

1 CHAIRMAN ZALEWSKI: Hearing none, the
2 directions are approved.

3 Item 0-2 concerns items necessary to
4 comply with the requirements of Public Act 102-0662
5 regarding the ComEd management audit. And for the
6 same reasons explained on the record when I recused
7 myself in Docket 21-0607, I will be recusing myself
8 from this docket today and will be filing my Notice
9 of Recusal later today. Therefore, I am now turning
10 the case over again to Commissioner Kimbrel, who will
11 be proceeding with the docket.

12 COMMISSIONER KIMBREL: Thank you, Madam Chair.

13 Item 0-2 concerns an October 4, 2021,
14 Staff report. In the report Staff recommends action
15 concerning the management audit of Commonwealth
16 Edison Company. Pursuant to Section 4-604(g), the
17 Commission is required to perform a management audit
18 of any public utility that has entered into a
19 Deferred Prosecution Agreement for a felony offense.
20 Commonwealth Edison entered into a Deferred
21 Prosecution Agreement with the United States attorney
22 for the Northern District of Illinois on July 7,

1 2020. Accordingly, the Commission must perform a
2 management audit on Commonwealth Edison.

3 The Staff recommends the Commission
4 direct Staff to conduct the competitive solicitation
5 to hire a management audit of Commonwealth Edison
6 pursuant to Subsection (g) of Section 4-604 of the
7 Public Utilities Act.

8 All in favor of approving Staff's
9 recommendation say "Aye."

10 (Chorus of Ayes.)

11 COMMISSIONER KIMBREL: All opposed?

12 (No response.)

13 COMMISSIONER KIMBREL: And the Chair has
14 recused herself, so the vote is three to zero.

15 Thank you, Madam Chair.

16 CHAIRMAN ZALEWSKI: Thank you, Commissioner.

17 So, this concludes our Public Utility
18 Agenda. Judge Teague-Kingsley, do we have any other
19 matters to come before the Commission today?

20 JUDGE TEAGUE-KINGSLEY: No, Madam Chairman.

21 CHAIRMAN ZALEWSKI: Do the Commissioners have
22 anything that they want to discuss?

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(No response.)

CHAIRMAN ZALEWSKI: Hearing none and without objection, this meeting is now adjourned. Thank you.

MEETING ADJOURNED AT 11:45 A.M.