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BEFORE THE
ILLINOIS COMMERCE COMMISSION

BENCH SESSION
(PUBLIC UTILITY)

Springfield, Illinois
Wednesday, October 19, 2011

Met, pursuant to notice, at 10:30 a.m.
in Hearing Room A, First Floor, Leland Building, 527
East Capitol Avenue, Springfield, Illinois.

PRESENT:

MR. DOUGLAS P. SCOTT, Chairman
MS. LULA M. FORD, Commissioner
MS. ERIN M. O'CONNELL-DIAZ, Commissioner
MR. SHERMAN J. ELLIOTT, Commissioner
MR. JOHN T. COLGAN, Acting Commissioner

SULLIVAN REPORTING COMPANY, by
Carla J. Boehl, Reporter
CSR #084-002710

1 PROCEEDINGS

2 CHAIRMAN SCOTT: Pursuant to the provisions of
3 the Illinois Open Meetings Act, I now convene a
4 regularly scheduled Bench Session of the Illinois
5 Commerce Commission. With me in Springfield are
6 Commissioners O'Connell-Diaz, Ford, Elliott and
7 Acting Commissioner Colgan. I am Chairman Scott. We
8 have a quorum.

9 Before moving into the agenda,
10 according to Section 1700.10 of Title II of the
11 Administrative Code this is the time we allow members
12 of the public to address the Commission. Members of
13 the public wishing to address the Commission must
14 notify the Chief Clerk's Office at least 24 hours
15 prior to the Bench Session. According to the Chief
16 Clerk's Office we have no requests to speak at
17 today's session.

18 (The Transportation
19 portion of the proceedings
20 was held at this time and
21 is contained in a separate
22 transcript.)

1 CHAIRMAN SCOTT: Moving on to the Public
2 Utility agenda, we begin today with approval of
3 minutes from prior Commission meetings. Up first are
4 minutes from our September 21 Bench Session. I
5 understand amendments have been forwarded.

6 Is there a motion to amend the
7 minutes?

8 COMMISSIONER ELLIOTT: So moved.

9 CHAIRMAN SCOTT: Is there a second?

10 COMMISSIONER O'CONNELL-DIAZ: Second.

11 CHAIRMAN SCOTT: It's been moved and seconded.

12 All in favor say aye.

13 COMMISSIONERS: Aye.

14 CHAIRMAN SCOTT: Any opposed?

15 (No response.)

16 The vote is five to nothing, and the
17 amendments to the September 21 minutes are adopted.

18 Is there a motion to approve the
19 minutes as amended?

20 COMMISSIONER ELLIOTT: So moved.

21 CHAIRMAN SCOTT: Is there a second?

22 COMMISSIONER O'CONNELL-DIAZ: Second.

1 CHAIRMAN SCOTT: It's been moved and seconded.

2 All in favor say aye.

3 COMMISSIONERS: Aye.

4 CHAIRMAN SCOTT: Any opposed?

5 (No response.)

6 The vote is five to nothing, and the
7 September 21 Bench Session minutes as amended are
8 approved.

9 Turning next to the Electric portion
10 of today's agenda, Item E-1 (11-0687) concerns
11 initiating a reconciliation proceeding for Year 3 of
12 Ameren's Energy Efficiency and Demand Response
13 Programs. Staff recommends entry of an Order
14 commencing the reconciliation proceeding.

15 Is there any discussion?

16 (No response.)

17 Is there a motion to enter the Order?

18 COMMISSIONER FORD: So moved.

19 CHAIRMAN SCOTT: Is there a second?

20 COMMISSIONER O'CONNELL-DIAZ: Second.

21 CHAIRMAN SCOTT: It's been moved and seconded.

22 All in favor say aye.

1 COMMISSIONERS: Aye.

2 CHAIRMAN SCOTT: Any opposed?

3 (No response.)

4 The vote is five to nothing, and the
5 Initiating Order is entered.

6 We will use this five to nothing vote
7 for the remainder of the Public Utility agenda,
8 unless otherwise noted.

9 Item E-2 is Docket Number 11-0089.
10 This is Loretta Schoeny's complaint as to service
11 against ComEd. The complainant no longer wishes to
12 pursue her complaint, and ALJ Gilbert recommends
13 dismissal without prejudice.

14 Is there any discussion?

15 (No response.)

16 Any objections?

17 (No response.)

18 Hearing none, the matter is dismissed.

19 Item E-3 is Docket Number 11-0162.

20 This is BlueStar's complaint for declaratory relief
21 regarding ComEd's PORCB tariff. The parties have
22 apparently settled their differences and brought a

1 Joint Motion to Dismiss which ALJ Gilbert recommends
2 that we grant.

3 Is there any discussion?

4 (No response.)

5 Any objections?

6 (No response.)

7 Hearing none, the matter is dismissed.

8 Items E-4 and E-5 (11-0607, 11-0610)

9 can be taken together. These are petitions
10 requesting confidential and/or proprietary treatment
11 for petitioner's reports filed with the Commission.
12 In each case ALJ Yoder recommends entry of an Order
13 granting the requested protective treatment.

14 Is there any discussion?

15 (No response.)

16 Any objections?

17 (No response.)

18 Hearing none, the Orders are entered.

19 Item E-6 is Docket Number 11-0618.

20 This is ComEd's petition under Section 7-101 of the
21 Public Utilities Act for consent to enter into a
22 credit agreement to which interest affiliated through

1 a common board member are parties. ALJ Dolan
2 recommends entry of an Order granting the petition
3 for consent.

4 Is there any discussion?

5 COMMISSIONER O'CONNELL-DIAZ: Chairman, if I
6 might.

7 CHAIRMAN SCOTT: Sure.

8 COMMISSIONER O'CONNELL-DIAZ: I would just note
9 that the credit agreement here involves a bank that's
10 located in Chicago, Seaway Bank, which is an
11 African-American minority-owned bank. And in light
12 of the Commission's, as well as the companies that we
13 regulate, opportunities to move outside the
14 traditional credit arrangements with the big, you
15 know, the big banks and move into our communities and
16 include minority-owned banks is something that, you
17 know, we cannot dictate, but we certainly encourage.

18 And I just wanted to note that for the
19 record, that this is one of those situations that we
20 would like to see, I would like to see, more of and I
21 am sure my other colleagues would, too. But these
22 are things that make our communities better because

1 they bring to the fore institutions that heretofore
2 were not represented in these type of credit
3 arrangements with our large utilities.

4 COMMISSIONER FORD: I certainly echo those
5 sentiments and I, too, applaud the company for their
6 reach out efforts.

7 CHAIRMAN SCOTT: Okay. Thank you,
8 Commissioners.

9 Did we vote on that already?

10 COMMISSIONER ELLIOTT: I don't believe so.

11 CHAIRMAN SCOTT: Is there any discussion,
12 further discussion, on E-6?

13 (No response.)

14 Any objections?

15 (No response.)

16 Hearing none, the Order is entered,
17 and the petition is granted.

18 Items E-7 and E-8 (11-0515, 11-0620)
19 can be taken together. These items are Energent and
20 SIMEC's applications for licensure as Agents, Brokers
21 and Consultants. In each case ALJ Albers recommends
22 entry of an Order granting the requested certificate.

1 Is there any discussion?

2 (No response.)

3 Any objections?

4 (No response.)

5 Hearing none, the Orders are entered.

6 Turning now to Natural Gas, Item G-1

7 is Docket Number 10-0571. This is Roger Hotza's

8 complaint against Integrys. ALJ Kimbrel recommends

9 entry of an Order denying the complaint.

10 Is there any discussion?

11 (No response.)

12 Any objections?

13 (No response.)

14 Hearing none, the Order is entered,

15 and the complaint is denied.

16 Item G-2 is Docket Number 11-0465.

17 This is Victor Arrocha's complaint against Nicor.

18 ALJ Sainsot recommends entry of an Order dismissing

19 this matter without prejudice for want of

20 prosecution.

21 Is there any discussion?

22 (No response.)

1 Any objections?

2 (No response.)

3 Hearing none, the Order is entered,
4 and the matter is dismissed.

5 Items G-3 and G-4 (11-0495, 11-0591)
6 can be taken together. These are each customer
7 complaints against Nicor. In each case the parties
8 have settled their differences and brought a Joint
9 Motion to Dismiss which the ALJ recommends we grant.

10 Is there any discussion?

11 (No response.)

12 Any objections?

13 (No response.)

14 Hearing none, the Joint Motions to
15 Dismiss are granted.

16 Item G-5 is Docket Number 11-0244.
17 This is Atmos Energy Corporation's application
18 seeking approval to issue up to 2.2 million shares of
19 common stock for its long-term incentive plan. ALJ
20 Wallace recommends entry of an Order approving the
21 application.

22 Is there any discussion?

1 (No response.)

2 Any objections?

3 (No response.)

4 Hearing none, the Order is entered.

5 Item G-6 is Docket Number 11-0616.

6 This is Atmos Energy's petition seeking either a
7 declaratory ruling or the Commission's approval of
8 arrangements between Atmos and ADM in connection with
9 the lease of pipeline capacity. ALJ Wallace
10 recommends entry of an Order approving the
11 arrangements and granting the petition.

12 Is there any discussion?

13 (No response.)

14 Any objections?

15 (No response.)

16 Hearing none, the Order is entered.

17 Moving now to Telecommunications,

18 Item T-1 is Docket Number 11-0523. This is VMC
19 Telecom's application for a certificate to provide
20 resold interexchange telecommunication services in
21 Illinois. ALJ Benn recommends entry of an Order
22 granting the requested certificate.

1 Is there any discussion?

2 (No response.)

3 Any objections?

4 (No response.)

5 Hearing none, the Order is entered,
6 and the certificate is granted.

7 Item T-2 is Docket Number 11-0598.

8 This is Budget Phone's application for a certificate
9 to provide resold prepaid commercial radio service in
10 Illinois. ALJ Riley recommends entry of an Order
11 granting the requested certificate.

12 Is there any discussion?

13 (No response.)

14 Any objections?

15 (No response.)

16 Hearing none, the Order is entered,
17 and the certificate is granted.

18 Item T-3 is Docket Number 10-0441.

19 This is Kintetsu World Express' complaint against
20 Illinois Bell. The parties have apparently settled
21 their differences and brought a Joint Motion to
22 Dismiss which ALJ Haynes recommends that we grant.

1 Is there any discussion?

2 (No response.)

3 Any objections?

4 (No response.)

5 Hearing none, the Joint Motion to
6 Dismiss is granted.

7 Item T-4 is Docket Number 11-0544.

8 This is a Joint Petition by Illinois Consolidated
9 Telephone Company and Windstream KDL for approval of
10 a Negotiated Interconnection Agreement. ALJ Baker
11 recommends entry of an Order approving the agreement.

12 Is there any discussion?

13 (No response.)

14 Any objections?

15 (No response.)

16 Hearing none, the Order is entered.

17 Item T-5 is Docket Number 11-0554.

18 This is a Joint Petition by Illinois Bell Telephone
19 Company and Harrisonville Telephone Company seeking
20 approval of a stand-alone agreement. ALJ Baker
21 recommends entry of an Order approving the agreement.

22 Is there any discussion?

1 (No response.)

2 Any objections?

3 (No response.)

4 Hearing none, the Order is entered.

5 Item T-6 (11-0688) concerns initiating
6 a rulemaking proceeding for Title 83, Part 735 of the
7 Illinois Code. Staff recommends entry of an Order
8 initiating the rulemaking proceeding.

9 Is there any discussion?

10 (No response.)

11 Any objections?

12 (No response.)

13 Hearing none, the Initiating Order is
14 entered.

15 Item T-7 is Docket Number 11-0668.

16 This item has been withdrawn.

17 Moving on to Water and Sewer, Item W-1
18 is Docket Number 11-0250. This is Aqua Illinois'
19 petition for approval of a new water pollution
20 control agreement with the Village of Monee. ALJ
21 Jones recommend entry of an Order approving the
22 agreement.

1 Is there any discussion?

2 (No response.)

3 Any objections?

4 (No response.)

5 Hearing none, the Order is entered.

6 Moving on to Miscellaneous items, Item
7 M-1 concerns the initiation of a Notice of Inquiry
8 into the existing consumer education information for
9 residential and small commercial electric customers
10 and whether updates are necessary. Staff recommends
11 initiating the Notice.

12 Is there any discussion?

13 (No response.)

14 Any objections?

15 (No response.)

16 Hearing none, the Notice of Inquiry is
17 initiated.

18 Item M-2 concerns initiating a
19 rulemaking proceeding on rate case expenses. This
20 item will be held today and addressed at our November
21 2 Bench Session.

22 Item M-3 (11-0689) concerns initiating

1 a proceeding to develop standard on-bill financing
2 methodology and criteria required by prior Commission
3 Orders. Staff recommends entry of an Order
4 initiating this proceeding.

5 Is there any discussion?

6 (No response.)

7 Any objections?

8 (No response.)

9 Hearing none, the Order is entered.

10 We have a few FERC items left to
11 handle today, and as these concern pending
12 litigation, we will go into Closed Session to address
13 them.

14 Is there a motion to go into Closed
15 Session?

16 COMMISSIONER ELLIOTT: So moved.

17 CHAIRMAN SCOTT: Is there a second?

18 COMMISSIONER O'CONNELL-DIAZ: Second.

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

20 All in favor say aye.

21 COMMISSIONERS: Aye.

22 CHAIRMAN SCOTT: Any opposed?

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(No response.)

The vote is five to nothing, and the Commission will go into Closed Session.

Please let me know when the room is ready in Chicago.

CHICAGO: We are ready.

(Whereupon at this point pages 18 - 37 of the proceedings are contained in a separate closed transcript.)

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CONTINUATION OF PROCEEDINGS

CHAIRMAN SCOTT: We are now back in Open Session. While we were in Closed Session, the Commission discussed proposed actions in connection with FERC Docket Numbers ER11-4628, EL05-121-006 and ER10-1791-001 and ER10-1791-02.

Is there a motion to authorize the actions that were recommended?

COMMISSIONER ELLIOTT: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER O'CONNELL-DIAZ: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

All in favor say aye.

COMMISSIONERS: Aye.

CHAIRMAN SCOTT: Any opposed?

(No response.)

The vote is five to nothing, and the recommended actions are authorized.

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

JUDGE WALLACE: Nothing further, Mr. Chairman.

CHAIRMAN SCOTT: Thank you, sir. Hearing none,

1 **this meeting stands adjourned.**

2 **BENCH SESSION ADJOURNED**

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