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BEFORE THE
ILLINOIS COMMERCE COMMISSION
PUBLIC UTILITY OPEN MEETING
Thursday, October 19, 2017
Chicago, Illinois

Met pursuant to notice at 10:30 A.M.,
at 160 North LaSalle Street, Chicago, Illinois.

PRESENT:

- BRIEN J. SHEAHAN, Chairman
- SADZI M. OLIVA, Acting Commissioner
- SHERINA MAYE EDWARDS, Commissioner
- MIGUEL del VALLE, Commissioner
- JOHN R. ROSALES, Commissioner

SULLIVAN REPORTING COMPANY, by
BRAD BENJAMIN, CSR
LICENSE NO. 084-004805

1 CHAIRMAN SHEAHAN: Good morning, are we ready
2 to proceed in Springfield?

3 CHIEF CLERK: Yes, we are

4 CHAIRMAN SHEAHAN: Pursuant to the Open
5 Meetings Act, I call the October 19th, 2017, Regular
6 Open Meeting to order. Commissioners Del Valle,
7 Rosales, Edwards, and Acting Commissioner Oliva are
8 with me in Chicago. We have a quorum.

9 We have no requests to speak, and
10 therefore will move into our Regular Public Utility
11 Agenda.

12 There are edits to the meeting of
13 September 27th.

14 Are there any objection to approving
15 the Minutes as edited?

16 (No response.)

17 CHAIRMAN SHEAHAN: Hearing none, the Minutes
18 are approved.

19 Moving on to our Electricity Agenda.
20 Item E-1 concerns Ameren's filing to reflect updated
21 sample bill forms.

22 Are there any objections to suspending

1 the filing?

2 (No response.)

3 CHAIRMAN SHEAHAN: Hearing none, the filing is
4 not suspended.

5 Item E-2 concerns an amendment to Code
6 Parts 412 and 453. I would move that we approve the
7 Proposed Order adopting the rules as amended.

8 Is there a second?

9 COMMISSIONER ROSALES: Second.

10 CHAIRMAN SHEAHAN: We're going to have some
11 discussion; I'd like to begin.

12 These amendments to the Commission's
13 Rules regarding the marketing practices of
14 alternative retail electric suppliers represent a
15 significant victory for the Commission and public
16 interest advocates to ensure that consumers have
17 adequate information to make good choices regarding
18 their energy needs.

19 While JCAR required a number of
20 compromises, including the elimination of our idea to
21 have third-party verification of door-to-door sales,
22 I believe the final product is a huge victory for

1 consumers and our ability to protect them from
2 unscrupulous marketing tactics.

3 I want to thank David Kolata and the
4 Citizens Utility Board and Attorney General Madigan
5 for their steadfast assistance in crafting these
6 rules. They deserve much credit for their strong and
7 consistent advocacy on behalf of utility customers in
8 Illinois.

9 I also want to thank the ARES that
10 played a constructive role in the process.

11 Commissioner, del Valle, I believe you
12 also had some comments.

13 COMMISSIONER del VALLE: Thank you,
14 Mr. Chairman.

15 First of all, I would like to thank
16 you for your leadership on this issue. From the very
17 beginning you demonstrated that you were committed to
18 making change, and so I certainly respect that.

19 In this action, we are considering
20 adoption of the consumer protection rules that I
21 think have been weakened by JCAR's substantive
22 recommendations.

1 Among the several changes to the
2 Second Notice Order Rule, I believe the most
3 significant is removing the requirement that retail
4 electricity suppliers must use third-party
5 verification before enrolling someone through an
6 in-person solicitation or inbound call.

7 In the original proposal to update
8 Part 412, more than two years ago, our staff
9 introduced Third-Party Verification as a critical
10 consumer protection to address problems of
11 misrepresentation and deceptive marketing practice by
12 sales agents in the retail market. And the record
13 reflects that communities of color, specifically
14 those that do not speak English as a primary
15 language, are often targets of these practices.

16 I've gotten lots of door-to-door
17 visits myself over the last couple of years.

18 Including the Notice of Inquiry that
19 began in 2014, there have been six rounds of
20 transparent comments addressing problems and issues
21 in the retail market. The Commission thoroughly
22 analyzed this record and presented reasoned

1 conclusions, while twice unanimously voting to
2 include third-party verifications in Part 412. The
3 Commission explained in its First Notice Order the
4 "Third-Party Verification is the best way to ensure
5 that a customer who enrolls understands exactly what
6 they are enrolling in and the important terms of the
7 contract."

8 This Order, however, accepts changes
9 sent by JCAR that were based on an agreement,
10 referenced by JCAR, between unnamed stakeholders.
11 These changes are unsupported by any reasoning or
12 explanation. And neither the Order nor the record
13 identify who participated in, and subsequently,
14 agreed to these changes. This non-transparent
15 process removed third-party verification, which will
16 take us back to the system that necessitated this
17 rulemaking in the first place.

18 Pursuant to JCAR's Rules, the
19 Commission may refuse to accept this recommendation.
20 That's what we should be doing here. The Rule
21 approved today will not address the most significant
22 problem, which is consumers not understanding the

1 terms and nature of these transactions.

2 Therefore, I will be voting no on this
3 Order, and I'll be filing a dissent.

4 CHAIRMAN SHEAHAN: Thank you, Commissioner.

5 I just want to make it clear from the
6 record that these changes were not optional for the
7 Commission. JCAR is requiring that we make these
8 changes. And no commissioner is any -- any more
9 unhappy than I am about having to make them.

10 But the essence, I think, of the
11 effort was to get consumers more information, which
12 the Uniform Disclosure of Terms achieves, and there
13 are some aspects of what we tried to achieve that we
14 could not include in the final version, and that's
15 disappointing.

16 But nonetheless, this effort
17 represents an enormous victory, I think, for the
18 Commission and consumers and will help ensure that
19 they, in fact, get access to more information than
20 they currently have for sure.

21 So, any other discussion?

22 COMMISSIONER EDWARDS: Mr. Chairman, if I may,

1 Commissioner del Valle wanted to commend your
2 comments. I share your sentiment, but I do also
3 understand, as the Chairman did say, that our hands
4 were pretty tied. You know, we were all very much so
5 in favor of the rule as we had it, and I think, as
6 the Chairman noted, we are making some change. It's
7 unfortunate that this piece will be eliminated, but
8 we did not have a choice. But I did want to commend
9 you on your comments and let you know that I also
10 agree with you.

11 COMMISSIONER del VALLE: Mr. Chairman, I'd just
12 like to reiterate that I think we did have a choice.

13 CHAIRMAN SHEAHAN: We did not have a choice,
14 Commissioner.

15 COMMISSIONER del VALLE: We could have voted
16 this down and forced JCAR to act, to do a recorded
17 vote on this particular provision. It's something
18 that we should have fought for.

19 I appreciate the fact that there are
20 lots of good provisions still in this rule and that
21 some people will be helped by this. But the folks
22 that I was primarily concerned about will continue to

1 fall victim to door-to-door sales, people who get
2 them to sign on without them understanding exactly
3 what they're getting into. And it will be years, I
4 predict, before this Commission revisits this issue,
5 if it does at all.

6 CHAIRMAN SHEAHAN: That's simply not correct.

7 But all those in favor of approving
8 the Proposed Order Adopting the Rules as amended, say
9 aye.

10 (Chorus of ayes.)

11 CHAIRMAN SHEAHAN: Opposed, say nay.

12 COMMISSIONER del VALLE: Nay.

13 CHAIRMAN SHEAHAN: The vote is 4 to 1, the ayes
14 have it, and the Order is approved.

15 Items E-3 and 4 concern applications
16 for licenses as Agents, Brokers, and Consultants.

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

20 (No response.)

21 CHAIRMAN SHEAHAN: Hearing none, the Orders are
22 approved.

1 Moving on to our Gas Agenda. Item G-1
2 concerns Ameren's filing to lengthen the annual
3 enrollment period for customers under Riders S and
4 T -- S or T.

5 Are there any objections to not
6 suspending the filing?

7 (No response.)

8 CHAIRMAN SHEAHAN: Hearing none, the filing is
9 not suspended.

10 Item G-2 concerns Ameren's filing to
11 reflect updated sample bill forms.

12 Are there any objections to not
13 suspending the filing?

14 (No response.)

15 CHAIRMAN SHEAHAN: Hearing none, the filing is
16 not suspended.

17 Item G-3 concerns Consumer [sic] Gas's
18 filing for general increase in gas rates.

19 Are there any objections to the
20 Proposed Order suspending the filing?

21 (No response.)

22 CHAIRMAN SHEAHAN: Hearing none, the Order is

1 approved.

2 Moving on to our Telecommunications
3 Agenda.

4 Item T-1 concerns Tri-Com's
5 application for a certificate to operate as a
6 reseller of telecommunications services.

7 Are there any objections to the
8 Proposed Order granting the certificate?

9 (No response.)

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

12 Item W-1 concerns Illinois-American's
13 filing to initiate Invested Capital Tax Rider.

14 Are there any objections to not
15 suspending the filing.

16 (No response.)

17 CHAIRMAN SHEAHAN: Hearing none, the filing is
18 not suspended.

19 Item W-2 concerns Illinois-American's
20 application for a Variance from Part 600.370(c)(2)
21 and part of its Tariff.

22 Are there any objections to the

1 Proposed Order approving the application?

2 (No response.)

3 CHAIRMAN SHEAHAN: Hearing none, the Order is
4 approved.

5 Item W-3 concerns Illinois-American's
6 application to Provide Water and Wastewater Services
7 to Champaign County, and an Asset Purchase Approval.

8 Are there objections to the Interim
9 Order approving the Applications?

10 (No response.)

11 CHAIRMAN SHEAHAN: Hearing none, the Order is
12 approved.

13 We're now into our Miscellaneous
14 Agenda. Item M-1 concerns the Adoption of various
15 Energy Efficiency Policies for State manuals.

16 Are there objections to approving the
17 Proposed Order Adopting the Policies?

18 (No response.)

19 CHAIRMAN SHEAHAN: Hearing none, the order is
20 approved.

21 Moving on to Other Business, we have
22 two items. The first concerns the October 2017

1 Solicitation of Bids to Sell Renewable Energy Credits
2 to Ameren and ComEd.

3 Are there any objections to approving
4 the Procurement Administrator's Recommendations on
5 the Selection of Winning Bids?

6 (No response.)

7 CHAIRMAN SHEAHAN: Hearing none, the Report is
8 approved.

9 The second item concerns the ICC's
10 Comments on FERC Docket No. RM18-1. The item
11 involves potential litigation, and therefore we'll
12 enter into Closed Session for our discussion.

13 Is there a motion to move into Closed
14 Session?

15 COMMISSIONER ROSALES: So moved.

16 CHAIRMAN SHEAHAN: Is there a second?

17 COMMISSIONER OLIVA: Second.

18 CHAIRMAN SHEAHAN: All those in favor of moving
19 into Closed Session, say eye.

20 (Chorus of ayes.)

21 CHAIRMAN SHEAHAN: Opposed, say nay.

22 (No response.)

1 CHAIRMAN SHEAHAN: The ayes have it, and we
2 would like to invite our public guests to exit the
3 room at this time.

4 (Whereupon the Open
5 Meeting moved into Closed
6 Session.)

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1 (Whereupon the Open
2 Meeting returned to Open
3 Session.)

4 CHAIRMAN SHEAHAN: It is there a motion to
5 approve the ICC's comments regarding FERC Docket
6 RM18-1?

7 COMMISSIONER ROSALES: So moved.

8 CHAIRMAN SHEAHAN: Is there a second?

9 COMMISSIONER EDWARDS: Second.

10 CHAIRMAN SHEAHAN: All those in favor, say aye.

11 (Chorus of ayes.)

12 CHAIRMAN SHEAHAN: Opposed, say nay.

13 (No response.)

14 CHAIRMAN SHEAHAN: The ayes have it, and the
15 Comments are approved.

16 Judge Kimbrel, do you have any other
17 matters to bring before the Commission?

18 JUDGE KIMBREL: No, Mr. Chairman.

19 CHAIRMAN SHEAHAN: Commissioners, do any of you
20 have any other business you'd like to discuss?

21 COMMISSIONER OLIVA: Just a reminder that our
22 Policy Session --

1 CHAIRMAN SHEAHAN: Commissioner, your
2 microphone isn't on.

3 COMMISSIONER OLIVA: Just a reminder that our
4 Policy Session meeting is at 11:00 a.m.

5 CHAIRMAN SHEAHAN: Okay. Thank you.

6 With that, and without objection, the
7 Meeting stands adjourned. Thank you.

8 (Whereupon the above
9 matter was
10 adjourned.)

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