

1 MS. ZALEWSKI: Under the Open Meetings Act
2 and in accordance with the Governor's executive
3 orders, I call the October 22nd, 2020 Special Open
4 Meeting to order.

5 Before we proceed, and for clarity
6 of the record, I would ask everyone to state their
7 name before speaking and to speak slowly and
8 clearly so that the court reporter can capture
9 everything that is said. He is participating
10 remotely today, so if the court reporter does have
11 an issue hearing, please speak up.

12 I already checked that we have all
13 five commissioners with us, and so we have a
14 quorum. There are no requests to speak. We have
15 no transportation agenda. We have three items on
16 our Public Utilities agenda.

17 Item 1 concerns Docket 20-0309,
18 which is a Moratorium on Disconnection of Utility
19 Services during the Public Health Emergency.

20 On October 14, 2020, Community
21 Organizing and Family Issues, or COFI, and Allen
22 Cherry filed an Emergency Motion asking the

1 Commission to order all investor-owned utilities to
2 extend the disconnection moratorium and late fee
3 prohibition to include all residential customers
4 through March 31st of 2020.

5 Movants state that the Illinois
6 Department of Public Health, or IDPH, has
7 identified significant increases of COVID-19
8 transmission in eleven regions of the state versus
9 the original five, which was not contemplated in
10 the stipulations signed by the parties in this
11 docket that were approved by the Commission on June
12 18th.

13 The Commission Staff and utilities
14 filed responses opposing the motion. Staff states
15 that what movants seek ignore the terms of the
16 stipulation that the Commission has already
17 approved, and to which the movants themselves were
18 parties and signatories.

19 Joint Utilities also stated that
20 the Commission should deny the Emergency Motion, as
21 it undermines months of work by the stipulating
22 parties and overlooks utilities entitlement to due

1 process and costs recovery.

2 Utilities also noted that an
3 extension on the moratorium until March 31st, 2021,
4 will burden all customers due to the rising costs
5 of uncollectables. Utilities note that movants
6 ignored the Commission approved collaborative
7 process for addressing emerging concerns. The
8 order approving stipulations allowed Staff to
9 request to reopen the docket if the utilities
10 failed to comply with the terms and conditions of
11 the stipulations.

12 Utilities note that movants had
13 four months since the stipulations were entered to
14 request a hearing and did not do so.

15 Consumer advocates, including the
16 AG, CUB, City of Chicago, and LAS filed replies in
17 support of the motion, noting that there have been
18 significant and material changes in the public
19 health crisis since the stipulations of the parties
20 did not contemplate. They also state that the
21 Commission should clarify the consumer protections
22 available under the voluntary extension to ensure

1 that Illinois consumers are fully informed about
2 their rights and options.

3 The administrative law judge on
4 this docket recommends that the Commission deny the
5 Emergency Motion, noting that the Commission and
6 parties are bound by the terms in the June 18, 2020
7 order and stipulations. The order found that the
8 terms of each of the stipulations are reasonable
9 and the Commission approves and adopts the terms of
10 each stipulation as a settlement of the docket when
11 taken together.

12 The judge finds that no health
13 region reverted to Phase 3 and the triggering event
14 has not occurred under the stipulation, allowing
15 for joint requests by the stipulating parties for a
16 status hearing to assess whether the terms of the
17 stipulation need to be revised.

18 The movants claim that the addition
19 of new health regions permits to request a status.
20 The judges note that it is not in the language of
21 the stipulation.

22 I will now call a vote for the

1 Emergency Motion. Are there any objections to
2 denying the motion?

3 MS. BOCANEGRA: Chair Zalewski, this is
4 Commissioner Bocanegra. I have an objection, but
5 I'm not sure if you would want to take the vote
6 first or allow me to make some remarks.

7 MS. ZALEWSKI: If you want to make remarks
8 now, that's fine, and then I can call the vote.

9 MS. BOCANEGRA: Okay. Great. Thank you.
10 For the record, Mr. Court Reporter, this is
11 Commissioner Bocanegra. Thank you, Chair.

12 I just want to express my extreme
13 disappointment that the Commission is not taking
14 this opportunity to get ahead of what is the
15 inevitable. I think that having read the motion
16 and a lot of the briefings, it's pretty clear to me
17 that the Commission is not bound by the
18 stipulation.

19 It may be so for the parties, but
20 the circumstances continue to evolve and are
21 changing, and I think this is a missed opportunity
22 for the Commission to really take advantage of an

1 opportunity to protect, not only consumers, but to
2 also be able to pronounce other portions of this
3 stipulation that are still good, that could remain
4 intact. Alternatively, if that were the case, I'm
5 disappointed that the Commission did not open a new
6 docket or did not, on its own motion, consider
7 this, but I -- for those reasons, I object.

8 MS. ZALEWSKI: Does anybody else have
9 comments? This is Carrie Zalewski.

10 I have a couple of comments as
11 well. I am going to vote to deny, but I do share
12 concerns. The positivity rate is rising, as has
13 been discussed in the filings. And there are
14 interesting -- there are two executive orders that
15 have been entered since this Emergency Motion was
16 filed on October 21st; Executive Order 60, which
17 addresses Region 5, and Executive Order 61, which
18 addresses Regions 7 and 8 in this state.

19 They refer to new measures as
20 restrictions and mitigation efforts with
21 supplemental Phase 4 guidance, so it's not back to
22 Phase 3, technically. And it also states in the

1 stipulations that the movement of one or more
2 regions to an earlier phase of the plan shall
3 trigger a joint request by the stipulated parties
4 for a status hearing in this proceeding to assess
5 whether the terms of the stipulation need to be
6 revised.

7 I do think the parties took an
8 important step by voluntarily agreeing to extend
9 the moratorium to those who self certify hardship
10 or otherwise qualify for LIHEAP and PIPP programs.
11 There have been concerns raised about help not
12 getting to those who need it. So I do think that
13 the emergency motion is not -- it should not be
14 granted. I do hope that the parties continue a
15 conversation in the spirit of the stipulation as it
16 was entered and to get help to those who are
17 particularly affected by the pandemic, but I'm
18 going to call for a vote.

19 A call for the vote on the
20 emergency motion. I'm going to call it if you are
21 in favor of denying the motion, it's an "aye," and
22 if you're opposed, say "nay." if you're in favor of

1 denying.

2 So Commissioner Bocanegra?

3 MS. BOCANEGRA: Nay.

4 MS. ZALEWSKI: Commissioner Carrigan?

5 MR. CARRIGAN: I am aye, to deny the motion.

6 MS. ZALEWSKI: Thank you. A double negative.

7 I appreciate that. Commissioner Oliva?

8 MS. OLIVA: I am an aye, also to deny.

9 MS. ZALEWSKI: Aye?

10 MS. OLIVA: Yeah.

11 MS. ZALEWSKI: Commissioner Kimbrel?

12 MR. KIMBREL: Aye.

13 MS. ZALEWSKI: I am an aye as well, so the

14 four ayes have it, and the motion is denied.

15 Moving onto Item 2: Docket 20-0738

16 is an investigation under Section 10-101 of the

17 Public Utilities Act to determine whether Ameren's

18 Rider Net Metering requires amendment to comport

19 with Section 16-107.5 of the Public Utilities Act.

20 The rider requires Ameren to

21 provide Net Metering to eligible customers until

22 the load of its Net Metering customers equals 5

1 percent of the total peak demand supplied by Ameren
2 during the previous year. After that, eligible
3 customers that begin taking net metering can only
4 be eligible for netting of energy.

5 In it's July 7, 2020 ruling, an
6 administrative law judge, in Docket 20-0389,
7 determined that Ameren's methodology by calculating
8 a 5 percent threshold might not be consistent with
9 the Act. Following that, the Commission opened
10 this investigation and directed the assigned ALJ to
11 set a schedule that would enable the Commission to
12 decide by October 23rd if the Rider NM provision
13 should be stayed pending this investigation.

14 The Commission directed Ameren to
15 show cause by October 15th as to why the provision
16 of Rider NM that are implemented after the 5
17 percent threshold is reached, should not be stayed.

18 Ameren made its filing, as
19 directed, on October 15th, and on the same date,
20 also filed a petition for a special permission to
21 place into effect, on less than 45-days notice,
22 revisions to its Rider NM in Docket Number 20-0753.

1 That is the next item on today's agenda and will be
2 considered separately.

3 Ameren suggests that the outcome of
4 the Commission's investigation in this proceeding
5 is unknown and that it's proposed revisions for
6 Rider NM would allow for new net metering customers
7 to be made whole after the investigation, if the
8 Commission changes the methodology for calculating
9 the 5 percent threshold.

10 In their response to Ameren's
11 filing, joint NGOs and Joint Solar Parties, state
12 that Ameren's proposals fail to adequately protect
13 its customers and the solar market from continuing
14 harm during the pendency of this investigation and
15 does not remove the uncertainty that new net
16 metering customers and solar companies currently
17 face.

18 The ALJ in the present docket
19 issued an interim order, finding that a stay would
20 have been appropriate if Ameren had not proposed
21 its Special Permission Tariff.

22 Before I call a vote on the Interim

1 Order, do any of the commissioners have any
2 comments?

3 MR. KIMBREL: Madam Chair, this is
4 Commissioner Kimbrel.

5 MS. ZALEWSKI: Go ahead.

6 MR. KIMBREL: Thank you. In lieu of the
7 ALJ's interim order, I move that Ameren Illinois
8 Company has demonstrated why its Rider Net Metering
9 should not be stayed when considered, in light of
10 the verified petition for special permission to
11 place tariff sheets into effect on less than
12 45-days notice, filed in Docket Number 20-0753,
13 which is Item Number 3 on today's agenda, and our
14 next vote.

15 MS. ZALEWSKI: Thank you. Is there a second
16 on Commissioner Kimbrel's motion?

17 MR. CARRIGAN: I will. Commissioner
18 Carrigan, I will second the motion.

19 MS. ZALEWSKI: Okay. Are there any other
20 comments?

21 (No verbal response.)

22 MS. ZALEWSKI: Okay. I'm now calling to vote

1 Commissioner Kimbrel's motion, to deny the stay of
2 Ameren's Rider NM provisions in light of Ameren's
3 verified Petition for Special Permission that is on
4 Item E3 on today's agenda.

5 So if you are in favor of denying
6 the stay, please say, "aye," and if you are opposed
7 and believe the stay should be granted, say "nay."
8 Commissioner Bocanegra?

9 MS. BOCANEGRA: With respect to the motion by
10 Commissioner Kimbrel, I vote aye.

11 MS. ZALEWSKI: Commissioner Carrigan?

12 MR. CARRIGAN: Aye.

13 MS. ZALEWSKI: Commissioner Kimbrel?

14 MR. KIMBREL: Aye.

15 MS. ZALEWSKI: Commissioner Oliva?

16 MS. OLIVA: Aye to the motion.

17 MS. ZALEWSKI: I am voting no on denying the
18 stay for the Rider NM provisions and instead would
19 grant the stay.

20 I share the concerns that the
21 Special Permission Tariff does not go far enough to
22 avoid potential disruption in the solar industry.

1 The special permission is a step in
2 the right direction, but in my opinion, does not go
3 far enough.

4 Judge Haynes determined that the
5 Commission has the authority to grant the stay and
6 I agree.

7 So the four ayes have it and the
8 stay of Ameren's Rider NM is denied; therefore,
9 we're not voting on the Interim Order.

10 Item 3 concerns Docket 20-0753,
11 which is Ameren's Verified Petition for Special
12 Permission to place tariff sheets into effect on
13 less than 45-days notice. By this filing, Ameren
14 addresses the 5 percent threshold under the Rider
15 Net Metering on an interim basis.

16 Ameren proposes to add language to
17 Rider NM that states the Company will implement
18 revisions to the timing of the Rider NM billing
19 methodologies if, and to the extent, required by
20 the Commission's Order in Docket 20-0738,
21 consistent with applicable law. This language
22 serves to ensure customers taking service under

1 Rider NM are billed in accordance with Commission's
2 decision on the methodology for calculating the 5
3 percent threshold in that docket, including, if
4 applicable, a receipt of delivery service credits
5 for excess generation pushed back onto the grid for
6 the period October 2nd, 2020, through the time any
7 revised tariff takes place, and the ability to
8 receive delivery service net metering for excess
9 generation pushed back onto the grid as if the
10 customer began taking net metering before the 5
11 percent threshold was reached.

12 Under such a revision, residential
13 and small non-residential rooftop solar customers
14 who complete construction of their generation and
15 become net metering customers after October 1st,
16 2020, will receive credits for their delivery
17 charges in the event the Commission orders changes
18 to the Net Metering Program.

19 Ameren customers who completed
20 their generation installations prior to October 1st
21 are continuing to receive full net metering
22 benefits and are not impacted by the proposed

1 tariff.

2 Commission Staff recommends
3 granting the special permission.

4 During oral arguments in our Docket
5 20-0738, Ameren clarified the purpose of the
6 language of the special permission, and the
7 Commission thus considers Ameren's request for a
8 special permission with the clarification in mind.

9 So I'm now calling to vote on
10 Ameren's Petition for a Special Permission to place
11 tariff sheets into effect on less than 45-days
12 notice.

13 Are there any objections to
14 granting the special permission?

15 (No verbal response.)

16 MS. ZALEWSKI: Hearing none, the special
17 permission is granted.

18 This concludes our Public Utilities
19 Agenda.

20 Judge Teague Kingsley, do we have
21 other matters to come before the Commission today?

22 JUDGE TEAGUE KINGSLEY: No, Madam Chairman.

1 MS. ZALEWSKI: Do any of the other
2 commissioners have any other business to discuss?

3 (No verbal response.)

4 MS. ZALEWSKI: Hearing none, and without
5 objection, the meeting is adjourned. Thank you.

6 (Whereupon the meeting was
7 adjourned.)

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