



1 PROCEEDINGS

2 CHAIRMAN SCOTT: Pursuant to the provisions of  
3 the Illinois Open Meetings Act, I now convene a  
4 Special Open Meeting of the Illinois Commerce  
5 Commission. With me in Springfield are Commissioner  
6 O'Connell-Diaz, Commissioner Colgan, and Commissioner  
7 McCabe. I am Chairman Scott. We have a quorum.

8 Commissioner Ford will be joining us  
9 by phone, but I don't believe she is there yet. Is  
10 that correct, Commissioner, you are not there, are  
11 you?

12 (No response.)

13 Okay. I just wanted to make sure.  
14 When she comes on the line, we will vote to allow her  
15 to participate in the meeting by phone.

16 Before moving into the agenda,  
17 according to Section 1700.10 of Title II of the  
18 Administrative Code, this is the time we allow  
19 members of the public to address the Commission.  
20 Members of the public wishing to address the  
21 Commission must make their wishes known to the Chief  
22 Clerk's Office at least 24 hours prior to the

1 Commission meeting. According to the Chief Clerk's  
2 Office, we have no requests to speak at today's  
3 Special Open Meeting.

4 We will begin today with the approval  
5 of minutes from our prior Commission meetings. Item  
6 1 is the approval of minutes from our October 3  
7 Bench Session. I understand amendments have been  
8 forwarded.

9 Is there a motion to amend the  
10 minutes?

11 COMMISSIONER COLGAN: So moved.

12 CHAIRMAN SCOTT: Is there a second?

13 COMMISSIONER McCABE: Second.

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

15 All in favor say aye.

16 COMMISSIONERS: Aye.

17 CHAIRMAN SCOTT: Any opposed?

18 (No response.)

19 The vote is four to nothing, and the  
20 amendments are adopted.

21 Is there a motion to approve the  
22 minutes as amended?

1 COMMISSIONER O'CONNELL-DIAZ: So moved.

2 CHAIRMAN SCOTT: Is there a second?

3 COMMISSIONER COLGAN: Second.

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

5 All in favor say aye.

6 COMMISSIONERS: Aye.

7 CHAIRMAN SCOTT: Any opposed?

8 (No response.)

9 CHAIRMAN SCOTT: The vote is four to nothing,  
10 and the October 3 Bench Session minutes as amended  
11 are adopted.

12 We will use this four to nothing vote  
13 for the remainder of today's Special Open Meeting  
14 unless otherwise noted, as amended obviously when  
15 Commissioner Ford joins the meeting.

16 Item 2 is Docket Number 11-0114. This  
17 is Ameren's reconciliation case for revenues  
18 collected under its coal tar riders in 2010. ALJ  
19 Jones recommends entry of an Order approving the  
20 reconciliation.

21 Is there any discussion?

22 (No response.)

1 Any objections?

2 (No response.)

3 Hearing none, the Order is entered.

4 Item 3 is Docket Number 11-0601. This  
5 is Thomas Hosek's complaint against ComEd. ALJ  
6 Haynes recommends entry of an Order denying the  
7 complaint.

8 Is there any discussion?

9 (No response.)

10 Any objections?

11 (No response.)

12 Hearing none, the Order is entered.

13 Item 4 is Docket Number 12-0003. This  
14 is Sergio Balderas' complaint against ComEd. ALJ  
15 Hilliard recommends entry of an Order denying the  
16 complaint.

17 Is there any discussion?

18 (No response.)

19 Any objections?

20 (No response.)

21 Hearing none, the Order is entered.

22 Item 5 is Docket Number 12-0154. This

1 is Ameren's petition related to the planned  
2 construction of a new transmission line in  
3 Bloomington, Illinois. The Commission entered its  
4 final Order in this matter on September 6, 2012, and  
5 ALJ Von Qualen now recommends entry of an Amendatory  
6 Order correcting the project's route map and making a  
7 minor change to the Certificate of Service Authority.

8 Is there any discussion?

9 COMMISSIONER O'CONNELL-DIAZ: Is --

10 CHAIRMAN SCOTT: Commissioner?

11 COMMISSIONER O'CONNELL-DIAZ: Judge Von Qualen?

12 JUDGE VON QUALEN: Yes.

13 COMMISSIONER O'CONNELL-DIAZ: I am concerned  
14 that the correct map now is appropriately noted, so  
15 if anyone looks at the record in this case they won't  
16 have confusion or anything that would lead them not  
17 knowing what we did with regard to this case.

18 JUDGE VON QUALEN: I tried to make the  
19 Amendatory Order as clear as I could. Actually, the  
20 corrected map is attached as an exhibit here, and I  
21 put in the header there "Revised Appendix." I thought  
22 that would help, but it is difficult to read because

1 it is in color printed paper.

2 Does that answer your question?

3 COMMISSIONER O'CONNELL-DIAZ: And were parties  
4 served copies of this revised -- served copies of the  
5 Revised Order?

6 JUDGE VON QUALEN: I did not serve copies of  
7 the Revised Order. It will go out, I believe, from  
8 the Clerk's Office after --

9 CHIEF CLERK: Yes, it will.

10 COMMISSIONER O'CONNELL-DIAZ: I think that  
11 would be important to note so that we are all on the  
12 same page.

13 Thank you, Judge.

14 CHAIRMAN SCOTT: Is there any further  
15 discussion?

16 (No response.)

17 Are there any objections?

18 (No response.)

19 Hearing none, the Amendatory Order is  
20 entered.

21 Items 6 and 7 (12-0161, 12-0310) can  
22 be taken together. These are petitions for the

1 confidential and/or proprietary treatment of the  
2 petitioner's reports. In each case ALJ Jones  
3 recommends entry of an Order granting the relief in  
4 part and denying it in part.

5 Is there any discussion?

6 (No response.)

7 Any objections?

8 (No response.)

9 Hearing none, the Orders are entered.

10 Item 8 is Docket Number 12-0096. This  
11 is RMI Consulting's application for Licensure as an  
12 Agent, Broker and Consultant under Section 16-115C of  
13 the Public Utilities Act. This item will be held for  
14 disposition at a future Commission meeting.

15 Item 9 is Docket Number 12-0499. This  
16 is HIKO Energy's application for a Certificate to  
17 Operate as an Alternative Retail Electric Supplier.  
18 ALJ Von Qualen recommends entry of an Order granting  
19 the requested certificate.

20 Is there any discussion?

21 COMMISSIONER O'CONNELL-DIAZ: Mr. Chairman, I  
22 have some questions and actually will be asking for

1 this to be held. But I have some questions for the  
2 Judge relative to this petition.

3 Judge Von Qualen, I do notice that  
4 this particular company is certificated in our state  
5 to provide service, ARES service, to ComEd's service  
6 territory at this point?

7 JUDGE VON QUALEN: Yes.

8 COMMISSIONER O'CONNELL-DIAZ: And there have  
9 been complaints attendant to that certification,  
10 correct?

11 JUDGE VON QUALEN: Yes, there have been.

12 COMMISSIONER O'CONNELL-DIAZ: My concern here  
13 is this company is requesting expanded certification  
14 throughout our state. And as I look at the record in  
15 this matter, there are some 200 -- over 200  
16 complaints for a period from 2011 and 2012 in the  
17 state of New York. Now, obviously some of those  
18 complaints are dubious, but there still exists this  
19 high level, as I see it, of complaints.

20 And I think the record would -- for my  
21 comfort level I would like to really get into what  
22 that is, what their technical and managerial ability

1 to provide the service within our state based upon a  
2 backdrop of the 200 complaints that are in New York  
3 state. And they are looking for this expanded  
4 authority. They have been in our marketplace. They  
5 have 16 complaints currently. You note that I think  
6 12 are minor complaints, but I am concerned that this  
7 company does not in fact meet the standards of  
8 technical and managerial ability to provide these  
9 extended services.

10 So I would request that we delve into  
11 the existing complaints that are currently in the  
12 ComEd service territory as well as what their call  
13 center looks like. If you go through the 200  
14 complaints in New York, many of the listings suggest  
15 that one person is answering those consumer  
16 complaints. That doesn't seem to be a vibrant  
17 consumer complaint area in a company that is serving  
18 certainly the state of New York and wanting to serve  
19 our entire state.

20 So I would like to have more  
21 information in the record. And I have looked at the  
22 record and it doesn't seem to be vibrant with that

1 information. I do know it is because of the timeline  
2 on these, but I would request that we get more  
3 information relative to that.

4 JUDGE WALLACE: Commissioner O'Connell-Diaz, I  
5 am not sure we have time. I believe our deadline is  
6 October 29 and our next meeting is not until November  
7 8, so.

8 COMMISSIONER COLGAN: I was going to make that  
9 same point. I do share the concerns that  
10 Commissioner O'Connell-Diaz has raised. I have taken  
11 a look at this, and I noticed that the approval was  
12 conditioned on them implementing the sorts of  
13 managerial and technical checkpoints that have been  
14 put in place in New York.

15 But I also noticed that -- so maybe we  
16 have a couple options here. One would be with those  
17 conditions on the approval, we could approve this, or  
18 I did notice that the Maryland Commission had  
19 actually denied their application without prejudice  
20 and had recommended that they come back in six months  
21 with a better record in terms of what their complaint  
22 history has been, so.

1           COMMISSIONER O'CONNELL-DIAZ: Judge Wallace,  
2 you know this better than I. I should have checked  
3 this before we got up here.

4                     Under the statute, if we do not act on  
5 it, is there a period of time that the Commission can  
6 move forward with a further inquiry? Isn't there a  
7 90-day period?

8           JUDGE WALLACE: That's on gas; not the  
9 electric, yeah.

10           COMMISSIONER O'CONNELL-DIAZ: Well, at this  
11 point in time I would respectfully request that we  
12 deny this application without prejudice. They can  
13 come in and file and provide the information that we  
14 have alluded to in our meeting today. It just has  
15 not given me a great comfort level with these  
16 existing complaints as well as the -- not that we  
17 look to other commissions for what we should be  
18 doing, but this record to me is not -- is not  
19 sufficient for us to be able to expose our consumers  
20 to this potential behavior of a company that has not  
21 done well in other jurisdictions.

22                     So at this point I would recommend

1 that we deny the application without prejudice.

2 COMMISSIONER COLGAN: I will second that, and  
3 with the idea that we are doing this without  
4 prejudice, and it gives us the opportunity to take a  
5 closer look, and it also gives -- maybe give them an  
6 opportunity to provide some of the feedback that you  
7 are requesting.

8 JUDGE WALLACE: Well, it could also come back  
9 up on rehearing, too, which would give another 150  
10 days to work on it.

11 COMMISSIONER O'CONNELL-DIAZ: Well, there you  
12 go. That's great.

13 JUDGE WALLACE: It would be up to them to file  
14 and set the --

15 COMMISSIONER O'CONNELL-DIAZ: Okay. And they  
16 have 30 days within the date that we deny the  
17 application to do that?

18 JUDGE WALLACE: Yes.

19 CHAIRMAN SCOTT: Further discussion?

20 (No response.)

21 The motion which has been seconded on  
22 the floor is to deny the application without

1 prejudice. All in favor say aye.

2 COMMISSIONERS: Aye.

3 CHAIRMAN SCOTT: Any opposed?

4 (No response.)

5 The vote is four to nothing, and the  
6 motion carries.

7 Thank you, Judge.

8 JUDGE VON QUALEN: Thank you.

9 CHAIRMAN SCOTT: Items 10 through 12 (12-0539,  
10 12-0559, 12-0561) can be taken together. These are  
11 applications to be certified as an Agent, Broker and  
12 Consultant under Section 16-115C of the Public  
13 Utilities Act. In each case ALJ Albers recommends  
14 entry of an Order granting the certificate.

15 Is there any discussion?

16 (No response.)

17 Are there any objections?

18 (No response.)

19 Hearing none, the Orders are entered.

20 Item 13 is Docket Number 12-0182.

21 This is the Illinois Bell Telephone Company's

22 complaint against Halo Wireless alleging that Halo

1 breached the companies' Interconnection Agreement.  
2 ALJ Von Qualen recommends entry of an Order finding  
3 in favor of AT&T and granting the requested relief.

4 Is there any discussion?

5 (No response.)

6 Are there any objections?

7 (No response.)

8 Hearing none, the Order is entered.

9 Items 14 and 15 (12-0271, 12-0288) can  
10 be taken together. These items are petitions for the  
11 confidential and/or proprietary treatment of the  
12 petitioner's reports. In each case ALJ Jones  
13 recommends entry of an Order granting the requested  
14 relief for a period of two years.

15 Is there any discussion?

16 (No response.)

17 Is there any objections?

18 (No response.)

19 Hearing none, the Orders are entered.

20 Items 16 is Docket Number 12-0467.

21 This is Aqua Illinois' petition for a Certificate to  
22 Operate a Water Supply and Distribution System in

1 Kane County and for related relief. ALJ Haynes  
2 recommends entry of an Order granting the requested  
3 relief.

4 Is there any discussion?

5 COMMISSIONER O'CONNELL-DIAZ: Mr. Chairman, I  
6 would just note for the record that this is an  
7 instance of a foreclosure of a water system which is  
8 really troubling for the businesses and residents  
9 that this company did provide service. It is a  
10 beneficial thing that Aqua has come in to stand in  
11 the stead of this company that has a water service  
12 area that can no longer provide this essential  
13 service. So this is just one of those situations  
14 that we find in our state, and some of our larger  
15 companies step into that void and will enable people  
16 to stay in their homes and be able to have that  
17 essential water service that is so critical.

18 So I would just like to thank the  
19 company for stepping up to the plate.

20 CHAIRMAN SCOTT: Very good. Further  
21 discussion?

22 (No response.)

1                   Are there any objections to the  
2 Proposed Order?

3                                   (No response.)

4                   Hearing none, the Order is entered.

5                   Item 17 is Docket Number 11-0732.

6 This is Loni Slothower's complaint against NICOR.

7 This matter had previously been dismissed for want of  
8 prosecution, and the complainant has since filed a  
9 Petition for Rehearing. ALJ Benn recommends granting  
10 the petition to allow the complainant to pursue her  
11 complaint.

12                   Is there any discussion?

13                                   (No response.)

14                   Are there any objections to granting  
15 the petition?

16                                   (No response.)

17                   Hearing none, the petition for  
18 rehearing is granted.

19                   Item 18 is Docket Number 11-0767.

20 This is Illinois-American Water Company's rate case  
21 filed in 2011. The Commission entered its Final  
22 Order in this matter on September 19, and the

1 Attorney General has filed a petition to re-hear a  
2 set of issues in this case. ALJ Jones recommends  
3 denying the AG's petition for rehearing.

4 Is there any discussion? Other than  
5 the siren, is there any discussion?

6 (No response.)

7 Are there any objections to denying  
8 the petition?

9 (No response.)

10 Hearing none, the Attorney General's  
11 petition for rehearing is denied.

12 Item 19 is a FERC matter that concerns  
13 pending litigation, so we will go into Closed Session  
14 to address it. Is there a motion to go into Closed  
15 Session?

16 COMMISSIONER COLGAN: So moved.

17 CHAIRMAN SCOTT: Is there a second?

18 COMMISSIONER McCABE: Second.

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

20 All in favor say aye.

21 COMMISSIONERS: Aye.

22 CHAIRMAN SCOTT: Any opposed?

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

(No response.)

The vote is four to nothing, and the Commission will now go into Closed Session. Please let us know when the room is ready in Chicago.

(Whereupon at this point pages 20 - 27 of the proceedings are contained in a separate closed transcript.)

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

CONTINUATION OF PROCEEDINGS

CHAIRMAN SCOTT: Back now to Item 19, in Closed Session the Commission discussed making a filing in FERC Docket Number IN12-7.

Is there a motion to make the filing with FERC?

COMMISSIONER COLGAN: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER McCABE: 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 four to nothing, and the comments will be filed with FERC.

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

JUDGE WALLACE: No, that's all, Mr. Chairman.

CHAIRMAN SCOTT: Thank you, sir. Hearing none, this meeting stands adjourned. Thanks, everyone.

MEETING ADJOURNED