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BEFORE THE  
ILLINOIS COMMERCE COMMISSION

BENCH MEETING  
  
(PUBLIC UTILITY)

Chicago, Illinois  
Wednesday, November 2, 2011

Met, pursuant to notice, at 10:30 a.m. in  
N901, Eighth Floor, 160 North LaSalle Street,  
Chicago, Illinois.

PRESENT:

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

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PROCEEDINGS

CHAIRMAN SCOTT: Pursuant to the provisions of the Illinois Open Meetings Act I now convene a regularly scheduled Bench Session of the Illinois Commerce Commission. With me in Chicago is Commissioner Ford. In Springfield are Commissioner Elliott and Acting Commissioner Colgan. I am Chairman Scott. We have a quorum.

Commissioner O'Connell-Diaz is available by phone as well. I will move to allow Commissioner O'Connell-Diaz to participate by phone.

Is there a second?

COMMISSIONER FORD: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

All in favor say, Aye.

(Chorus of ayes.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is 4 to nothing and Commissioner O'Connell-Diaz may participate by phone.

Before moving into the agenda according to Section 1700.10 of Title II of the

1 Administrative Code this is the time we allow members  
2 of the public to address the Commission. Members of  
3 the public wishing to address the Commission must  
4 notify the Chief Clerk's Office at least 24 hours  
5 prior to the Bench Session. According to the Chief  
6 to the Clerk's Office we have four requests to speak  
7 at today's session.

8 Under our procedural rules you'll each  
9 have 3 minutes for your presentation today, and we  
10 will take the requests in the order in which they  
11 were received.

12 I believe we have James and Nancy  
13 Welsh. Mr. Welsh.

14 MR. JAMES WELSH: Well, thank you for the  
15 opportunity to testify today. For 20 years my wife  
16 and I have lived in Camelot and have experienced high  
17 water and sewer rates. Our average monthly bill was  
18 90 to \$100 for years.

19 I went ahead and made some  
20 improvements on my house with new toilets -- new  
21 efficient toilets, shower heads, cut out all watering  
22 the grass and garden water was very reduced and

1 brought it down to about \$75 a month. With the  
2 proposed rate increases this would jump to  
3 approximately \$200 per month or about \$2400 a year,  
4 which we consider outrageous.

5                   Several years ago I researched  
6 surrounding community waters and sewer rates in order  
7 to seek a reduction in the rates that we have been  
8 charged. I found those neighboring communities to be  
9 about \$50 a month for an average family of four,  
10 significantly lower than what we were paying now.

11                   Even with these high fees, the water  
12 quality is quite lacking. We had numerous boilers  
13 over the year, some lasting for several days at a  
14 time. Also the notification for these orders is  
15 completely inadequate. Signs were posted at the  
16 entrance and exit of the neighbors. That's it. No  
17 automated phone messages. And so if a person didn't  
18 leave their house for that day, they were home using  
19 the contaminated water unknowingly. I leave the  
20 neighborhood very early in the morning before the  
21 signs were posted and many times my wife and my  
22 children have been home using the contaminated water

1 on more than one occasion.

2 We also have a problem with rust spots  
3 on our laundry, as I brought this T-shirt along with  
4 a rust spot and we've experienced many of those over  
5 the years, and, you know, with the cost of clothing  
6 it starts to get expensive.

7 Another huge concern is the fire  
8 hydrants that are in our area lack adequate pressure  
9 to be of any use as verified by the Troy Fire  
10 Department. We watched a house burn to the ground on  
11 our street while waiting for a water truck to arrive  
12 to fill a basin to pump from.

13 If Utilities, Inc., has spent 1.4  
14 million in improvements over the last 18 years, as  
15 they stated, why is this still an issue and shouldn't  
16 this be considered a minimum safety standard to have  
17 fully functioning fire hydrants in our residential  
18 neighborhood?

19 For the high cost that we currently  
20 pay and paid for years, we already do not get our  
21 money's worth. We are adamantly opposed to any sewer  
22 rate or water rate increases. We feel as David

1 against Goliath with no one who could help us except  
2 you, the ICC. In the interest of we, as consumers,  
3 and your mission statement interests to provide least  
4 cost services, we would hope that you would leave the  
5 rates as they are. I'm sure you, as taxpayers, can  
6 sense our anguish considering this proposal and its  
7 impact on us. So on our behalf, we just ask that you  
8 please stand up for the little guys in the  
9 neighborhood of Camelot.

10 Thank you.

11 CHAIRMAN SCOTT: Thank you, Mr. Welsh. Thank  
12 you, Miss Welsh.

13 Next up is Don Gould.

14 Mr. Gould.

15 MR. DON GOULD: Thank you, Mr. Chairman. Good  
16 morning, members of the Commission. My name's Don  
17 Gould. I'm a member of the Will County Board. The  
18 County Board passed a resolution on October 20th in  
19 opposition to these proposed increases. And I have a  
20 copy of that resolution, if I could ask that be made  
21 into the record.

22 The proposed increases minimally would

1 be 29 to \$90 a month for water, 41 to \$77 a month for  
2 sewer. We believe this is tremendously excessive and  
3 would create a financial burden for the residents in  
4 general, particularly a hardship for those senior  
5 citizens who are on a fixed income. Under current  
6 economic conditions there are a number of people who  
7 are obviously -- are unemployed and are having a hard  
8 enough time as it is. This would be literally a --  
9 could force them to lose their homes.

10 I resided in this particular  
11 subdivision for 16 years. I can tell you kind of  
12 what Jim said, there is no water storage tank there.  
13 There's no water tower. So if there's a fire and I  
14 had -- I saw two house fires when I lived there --  
15 they had to call neighboring fire departments through  
16 mutual aid. They run a cascade system and bring  
17 tankers in in order to out the water (sic). Well, by  
18 the time you have that -- like in your situation on  
19 your street, that house burned to the ground before  
20 the mutual aid fire departments could come out with  
21 water.

22 The pressure's so bad, there's

1 probably three or four times when I lived there where  
2 you'd go in in the morning to take a shower and no  
3 water would come out. There's just -- there's no  
4 pressure at all. None.

5                   And so the utility company really did  
6 nothing to address these problems over the years.  
7 They've known repeatedly -- I've gone to Homeowner's  
8 Association meetings from time to time. I was on the  
9 Homeowner's Board when I lived there, and nothing was  
10 ever done with respect to starting a water tower or  
11 addressing these problems with the pressure and the  
12 hydrants.

13                   I would respectfully ask that this  
14 Commission reject the Proposed Order. And if you do  
15 decide to make any increase, to decrease it to some  
16 amount that is reasonable that consumers would bear.

17                   Last point, the quality is bad.  
18 People generally drink, you know, bottled water or  
19 have water delivered to their homes. They don't  
20 drink the water in the subdivision. And this is a  
21 small subdivision. It's only 200 homes. So to give  
22 you an idea just -- you know, the impact of this,



1 it's not a large planned unit development or any  
2 means. It was platted in 1965. It's been around a  
3 long time.

4 If I could ask this be introduced,  
5 Mr. Chairman.

6 CHAIRMAN SCOTT: If you want to just leave it  
7 there, that would be fine, Mr. Gould. Thank you.

8 MR. DON GOULD: Thank you for the opportunity  
9 to be here.

10 CHAIRMAN SCOTT: Next up is Mille Dodge.

11 MR. TIM DODGE: My name's Tim Dodge. My wife  
12 is -- she came down sick.

13 CHAIRMAN SCOTT: That's fine, Mr. Dodge. Okay.

14 MR. TIM DODGE: We've lived in this subdivision  
15 for approximately eight years and we live down in the  
16 beginning of the subdivision. And same with Don,  
17 what he represented. The water pressure in the  
18 morning -- there's hardly any water pressure in the  
19 morning. We've got a huge odor of chlorine based --  
20 they're trying to cover up something. You know,  
21 just -- we don't drink the water.

22 I'm just asking the Commission to

1 stand behind us, the ICC, to not raise our rates.  
2 They're high enough already. I went around and  
3 collected the finances and talked to everybody and  
4 people, unfortunately, could not have time to take  
5 off from work to come down to represent. And they  
6 just kept on telling me, Tim, just do your best down  
7 there. Like everybody -- Don and Nancy and Jim came  
8 down. There's a couple other dates. We just ask  
9 that the ICC really listen to our helpful stories  
10 that this water system down there is not what they  
11 represent.

12 Thank you very much for your time.

13 CHAIRMAN SCOTT: Thank you, Mr. Dodge.

14 And last up we have Arthur -- is it  
15 Sebek?

16 MR. ARTHUR SEBEK: Sebek, yes.

17 CHAIRMAN SCOTT: -- Sebek. Mr. Sebek.

18 MR. ARTHUR SEBEK: I feel like my thunder's  
19 been stolen.

20 CHAIRMAN SCOTT: There's good things and bad  
21 things about going last.

22 MR. ARTHUR SEBEK: Good morning, ladies and

1 gentlemen of the Commission. Again, I think it's all  
2 been said here. I've been a resident of Camelot for  
3 about six years now, and I can attest to the water  
4 quality being very poor. Low water pressure, which  
5 typically, it comes up with yellow water. I mean,  
6 you really can't do laundry during that time. The  
7 drinkability is absolutely terrible. We have bottled  
8 water and it costs us about an extra 30 to \$40 just  
9 to have bottled water every month.

10 And, again, this water quality plays  
11 havoc with our appliance. Dishwashers, we're on our  
12 second dishwasher now and the scaling that's occurred  
13 because of this water had been terrible.

14 We previously lived in the Joliet area  
15 and the water quality in Joliet was superior to this,  
16 which isn't saying a lot. I mean, I don't think  
17 Joliet water was all that great coming from the  
18 Chicago area, but it was superior to what we're  
19 getting in Camelot and I was very surprised and  
20 shocked by the cost of the water. I mean, it's  
21 literally double what we were paying in Joliet. And,  
22 again, nowhere near the quality that we had.

1                   Again, we're a small subdivision. You  
2 know, there's not that many people, not that many  
3 houses and this just seems like an extraordinary rate  
4 increase for the amount of houses that they are  
5 supposedly going to beef up the infrastructure.

6                   Camelot Utilities in my opinion is  
7 really not a good steward of this infrastructure.  
8 The six years I've been there they've done nothing to  
9 improve the quality. It's gotten worse, in my  
10 opinion. So I'd respectfully ask the Commission to  
11 take a serious look at this rate increase. I mean,  
12 it's a serious rate increase here. And a lot of our  
13 people in this subdivision have been there a long  
14 time. They're retirees on a fixed income and it's  
15 really going to hurt them if this full rate increase  
16 goes through.

17                   Thank you very much for your time.

18                   CHAIRMAN SCOTT: Thank you, Mr. Sebek.

19                   And thank you very much to all of our  
20 public participants. And that would conclude today's  
21 public comment portion of the agenda.

22

1 (Whereupon, the Transportation  
2 is contained in a separate  
3 transcript.)

4 CHAIRMAN SCOTT: Moving on to the Public  
5 Utility Agenda. We'll begin today with the approval  
6 of minutes from prior Commission meetings. Up first  
7 are minutes from the October 5th Bench Session. I  
8 understand amendments have been forwarded.

9 Is there a motion to amend the  
10 minutes?

11 COMMISSIONER FORD: So moved.

12 CHAIRMAN SCOTT: Is there a second?

13 ACTING COMMISSIONER COLGAN: Second.

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

15 All in favor say, Aye.

16 (Chorus of ayes.)

17 CHAIRMAN SCOTT: Any opposed?

18 (No response.)

19 CHAIRMAN SCOTT: The vote is 5 to nothing and  
20 the amendments to the October 5th minutes are  
21 adopted.

22 Is there a motion to approve the

1 minutes as amended?

2 ACTING COMMISSIONER COLGAN: So moved.

3 CHAIRMAN SCOTT: Is there a second?

4 COMMISSIONER O'CONNELL-DIAZ: Second.

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

6 All in favor say, Aye.

7 (Chorus of ayes.)

8 CHAIRMAN SCOTT: Any opposed?

9 (No response.)

10 CHAIRMAN SCOTT: The vote is 5 to nothing and  
11 the October 5th Bench Session minutes as amended are  
12 approved.

13 Turning next to the Electric Portion  
14 of today's Agenda. Items E-1 and E-2 can be taken.  
15 These items concern possible citation proceedings  
16 against entities licensed as retail energy agents,  
17 brokers and consultants for failure to file 2010  
18 Compliance Recertification Reports. In each case  
19 Staff recommends entry of an Order initiating a  
20 citation proceeding.

21 Is there any discussion?

22 (No response.)

1           CHAIRMAN SCOTT:  Is there a motion to enter the  
2  initiating Orders?

3           COMMISSIONER FORD:  So moved.

4           CHAIRMAN SCOTT:  Is there a second?

5           COMMISSIONER O'CONNELL-DIAZ:  Second.

6           ACTING COMMISSIONER COLGAN:  Second.

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

8                           All in favor say, Aye.

9   (Chorus of ayes.)

10          CHAIRMAN SCOTT:  Any opposed?

11   (No response.)

12          CHAIRMAN SCOTT:  The vote is 5 to nothing and  
13  the Orders are entered.  We will use this 5 to  
14  nothing vote for the remainder of the Public Utility  
15  Agenda unless otherwise noted.

16                           Items E-3 through E-5 can be taken  
17  together.  These items are filings for minor tariff  
18  changes filed by ComEd and MidAmerican.  In each case  
19  Staff recommends that we allow the companies' request  
20  by not suspending the filing.

21                           Is there any discussion?

22   (No response.)

1           CHAIRMAN SCOTT: Any objections?

2                                   (No response.)

3           CHAIRMAN SCOTT: Hearing none, the filings will  
4 not be suspended.

5                           Items E-6 and E-7 can be taken  
6 together. These items each concern customer  
7 complaints against ComEd. In each case the parties  
8 have apparently settled their differences and brought  
9 a Joint Motion to Dismiss, which ALJ Gilbert  
10 recommends we grant.

11                           Is there any discussion?

12                                   (No response.)

13           CHAIRMAN SCOTT: Any objections?

14                                   (No response.)

15           CHAIRMAN SCOTT: Hearing none, the Joint  
16 Motions to Dismiss are granted.

17                           Items E-8 through E-11 can be taken  
18 together. These items are Applications for Licensure  
19 as an Agent, Broker and Consultant under  
20 Section 16-115(c) of the Public Utilities Act. In  
21 each case the ALJ recommends entry of an Order  
22 granting the requested Certificate.



1                   Is there any discussion?

2                                 (No response.)

3           CHAIRMAN SCOTT: Any objections?

4                                 (No response.)

5           CHAIRMAN SCOTT: Hearing none, the Orders are  
6 entered and the Certificates are granted.

7                   Item E-12 is Docket No. 11-0681. This  
8 is a Joint Petition by Southeastern Illinois Electric  
9 Cooperative and Ameren for approval of a Commercial  
10 Customer Release allowing the customer to be served  
11 by SIEC. ALJ Jones recommends entry of an Order  
12 granting the release.

13                   Is there any discussion?

14                                 (No response.)

15           CHAIRMAN SCOTT: Any objections?

16                                 (No response.)

17           CHAIRMAN SCOTT: Hearing none, the Order is  
18 entered.

19                   Turning now to Natural Gas.

20                   Item G-1 concerns initiating a  
21 proceeding for determining the appropriate rate of  
22 return to be recovered under the sourcing agreements

1 between the proposed Leucadia Coal Gasification  
2 Facility and Illinois Gas Utilities Ameren and Nicor.  
3 Staff recommends entry of an Order calling for a  
4 public hearing to be held in Springfield on  
5 November 14th at 2:00 o'clock p.m.

6 Is there any discussion?

7 (No response.)

8 CHAIRMAN SCOTT: Any objections?

9 (No response.)

10 CHAIRMAN SCOTT: Hearing none, the Initiating  
11 Order is entered.

12 Item G-2 I understand is to be held to  
13 a disposition at a future Commission meeting.

14 Item G-3 is Docket No. 11-0046. This  
15 is Nicor/AGL, merger case. This item will also be  
16 held for disposition at a future Commission meeting.

17 But does anyone have questions for  
18 Judge Gilbert on this matter?

19 (No response.)

20 CHAIRMAN SCOTT: Okay. Thank you.

21 Item G-4 is Docket No. 11-0464. This  
22 is Brian Agrella's complaint against Nicor. The

1 parties have apparently settled their differences and  
2 brought a Joint Motion to Dismiss, which ALJ Gilbert  
3 recommends we grant.

4 Is there any discussion?

5 (No response.)

6 CHAIRMAN SCOTT: Any objections?

7 (No response.)

8 CHAIRMAN SCOTT: Hearing none, the Joint Motion  
9 to Dismiss is granted.

10 Moving now to Telecommunications.

11 Item T-1 is Docket No. 11-0597. This item will be  
12 held for disposition at a future Commission  
13 Proceeding.

14 Item T-2 is Docket No. 11-0573. This  
15 is a Joint Petition by Illinois Bell and Verizon  
16 Access Transmission Services seeking approval of an  
17 amendment to an Interconnection Agreement. ALJ Baker  
18 recommends entry of an Order approving the amendment.

19 Is there any discussion?

20 (No response.)

21 CHAIRMAN SCOTT: Any objections?

22 (No response.)

1           CHAIRMAN SCOTT: Hearing none, the Order is  
2 entered.

3                   Item T-3 is Docket No. 11-0585. This  
4 is Joint Petition by Frontier and Birch  
5 Communications seeking approval of an Interconnection  
6 Agreement. ALJ Baker recommends entry of an Order  
7 approving the Agreement.

8                   Is there any discussion?

9                               (No response.)

10           CHAIRMAN SCOTT: Any objections?

11                               (No response.)

12           CHAIRMAN SCOTT: Hearing none, the Order is  
13 entered.

14                   Item T-4 is Docket No. 11-0125. This  
15 matter concerns a citation proceeding against  
16 NETTALK.COM for failure to file its Annual Report.  
17 This matter is on rehearing and ALJ Baker recommends  
18 entry of an Order vacating the Commission's prior  
19 decision to revoke the company's Certificate finding  
20 the company is now in compliance and dismissing the  
21 matter.

22                   Is there any objection -- any

1 discussion first?

2 (No response.)

3 CHAIRMAN SCOTT: Any objection?

4 (No response.)

5 CHAIRMAN SCOTT: Hearing none, the Order is  
6 entered.

7 Moving on to Water and Sewer. Item  
8 W-1 is Docket Nos. 11-0059, 11-0141, and 11-0142  
9 consolidated. This is the rate case for Great  
10 Northern Utilities, Camelot Utilities and Lake  
11 Holiday Utilities. This item will be held for  
12 disposition at our November 8th Regular Open Meeting.

13 Are there any questions for ALJ Teague  
14 at this time?

15 (No response.)

16 CHAIRMAN SCOTT: Hearing none, thank you.

17 Item W-2 is Docket No. 11-0369. This  
18 is Aqua Illinois' Petition for Certificates to build  
19 and operate new water and wastewater systems in Will  
20 County. ALJ Kimbrel recommends entry of an Order  
21 granting the company's Permanent Certificates under  
22 Section 8-406 of the Public Utilities Act.

1                   Is there any discussion?

2                                   (No response.)

3           CHAIRMAN SCOTT: Any objections?

4                                   (No response.)

5           CHAIRMAN SCOTT: Hearing none, the Order is  
6 entered and the Certificates are granted.

7                   Item W-3 is Docket Nos. 11-0561  
8 through 11-0566 consolidated. This is the rate cases  
9 for Charmar Water Company, Cherry Hill Water Company,  
10 Clarendon Water Company, Killarney Water Company,  
11 Ferson Creek Utilities Company and Harbor Ridge  
12 Utilities, Inc. Before us today is a Resuspension  
13 Order suspending the filing for another six months.

14                   Is there any discussion?

15                                   (No response.)

16           CHAIRMAN SCOTT: Any objections to entering the  
17 Resuspension Order?

18                                   (No response.)

19           CHAIRMAN SCOTT: Hearing none, the Resuspension  
20 Order is entered.

21                   We have one miscellaneous item today.  
22 Item M-1 concerns initiating a rulemaking proceeding

1 for helping guide parties as to what evidence is  
2 needed to establish attorney fees and expert witness  
3 fees under Section 9-229 of the Public Utilities Act  
4 as called for in our Order in Docket No. 10-0467.  
5 Staff recommends entry of an Order initiating the  
6 rulemaking.

7 Is there any discussion?

8 (No response.)

9 CHAIRMAN SCOTT: Any objections?

10 (No response.)

11 CHAIRMAN SCOTT: Hearing none, the Initiating  
12 Order is entered.

13 We also have one Petition for  
14 Rehearing to consider. Item PR-1 is Docket No.  
15 11-0552. This item concerns Verizon South's Petition  
16 for the Cancellation of its Certificate of  
17 Interexchange Service Authority. We'd entered an  
18 Order canceling their Certificate in this matter on  
19 October 5th. Before us today is a Petition for  
20 Rehearing filed by the company seeking clarification  
21 on the effective date of the cancellation and whether  
22 another Annual Report filing is required. ALJ Baker

1 recommends granting rehearing as requested by the  
2 company.

3 Is there any discussion?

4 COMMISSIONER O'CONNELL-DIAZ: Mr. Chairman?

5 CHAIRMAN SCOTT: Yes, go ahead.

6 COMMISSIONER O'CONNELL-DIAZ: I would just like  
7 to -- I don't have any objection to what the ALJ has  
8 recommended, but just to bring to light the -- what  
9 is the subject of this rehearing, which will -- is  
10 not extensive, but it was a -- I think, kind of a  
11 clerical error. But it has to do with the Verizon  
12 Frontier case that the Commission entered an Order in  
13 and it is -- as you and I -- we had a meeting with  
14 the head of the Illinois Telephone Association last  
15 week and we are hearing about the deployment of  
16 broadband services in our rural communities based  
17 upon the actions that the Commission took in that  
18 Frontier-Verizon matter, which is referenced in this.

19 And I just -- this is one of those  
20 good things that the Commission has done to  
21 effectuate deployment of these essential services to  
22 our rural communities. And Frontier is a company



1 that has taken over the Verizon system in Illinois,  
2 is, in fact, delivering those services, which Verizon  
3 never seemed to be able to do.

4 So just -- it kind of caught my eye  
5 and based upon that Order that we entered last year,  
6 we're having an effect on these essential services  
7 that are now being delivered to our rural  
8 communities.

9 CHAIRMAN SCOTT: Thank you, Commissioner.

10 Is there any further discussion?

11 (No response.)

12 CHAIRMAN SCOTT: Any objections?

13 (No response.)

14 CHAIRMAN SCOTT: Hearing none, the Request for  
15 Rehearing is granted.

16 We have two additional items on  
17 today's Agenda. As they involve pending litigation,  
18 we'll go into closed session to address them.

19 Is there a motion to go into closed  
20 session?

21 COMMISSIONER FORD: So moved.

22 CHAIRMAN SCOTT: Is there a second?

1 COMMISSIONER O'CONNELL-DIAZ: Second.

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

3 All in favor say, Aye.

4 (Chorus of ayes.)

5 CHAIRMAN SCOTT: Any opposed?

6 (No response.)

7 CHAIRMAN SCOTT: The vote is 5 to nothing. The  
8 Commission will now go into closed session.

9 Please let me know when the room is  
10 ready in Springfield.

11 (Whereupon, at this point Pages  
12 27-39 of the proceeding are  
13 contained in a separate closed  
14 transcript.)

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CONTINUATION OF PROCEEDINGS

CHAIRMAN SCOTT: In closed session the Commission discussed sending a letter to MISO's Board of Directors regarding its 2011 Transmission Plan.

Is there a motion to send the letter?

COMMISSIONER FORD: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER ELLIOTT: Second.

COMMISSIONER O'CONNELL-DIAZ: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

All in favor say, Aye.

(Chorus of ayes.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is 5 to nothing and the letter will be sent.

Again in closed session the Commission discussed appellate litigation concerning the appeal of Commission's Orders in Docket Nos. 09-0166 and 09-0167.

Is there a motion to give Staff its

1 requested authorization?

2 COMMISSIONER FORD: So moved.

3 CHAIRMAN SCOTT: Is there a second?

4 COMMISSIONER O'CONNELL-DIAZ: Second.

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

6 All in favor say, Aye.

7 (Chorus of ayes.)

8 CHAIRMAN SCOTT: Any opposed?

9 (No response.)

10 CHAIRMAN SCOTT: The vote is 5 to nothing and  
11 Staff is given its requested authorization.

12 Judge Wallace, any other matters to  
13 come before the Commission today?

14 MR. WALLACE: I think that's all, Mr. Chairman.

15 CHAIRMAN SCOTT: Okay. Thank you, Judge.

16 Anything else from the Commissioners?

17 (No response.)

18 CHAIRMAN SCOTT: Hearing nothing, the meeting  
19 stands adjourned.

20 MEETING ADJOURNED

21

22