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1 CHAIRMAN BOX: Pursuant to the provisions of
2 the Illinois Open Meetings Act, I now convene a
3 special open meeting of the Illinois Commerce
4 Commission. With me in Chicago our Commissioners
5 Ford, O'Connell-Diaz and Elliot. My name is Chairman
6 Box, and we have a quorum.

7 I'd like to first wish and acknowledge
8 and congratulate our new Commissioner John Colgan.
9 The Commission looks forward to working with him. I
10 think he starts next week and I think the meeting on
11 the 24th will be his first Commission meeting.

12 Before moving into the agenda this is
13 the time we allow the members of the public to
14 address the Commission. Members of the public
15 wishing to address the Commission must notify the
16 Chief Clerk's Office at least 24 hours prior to the
17 bench session.

18 According to the Chief Clerk's Office,
19 there have been no requests to speak.

20 Under the Transportation portion of
21 the agenda Item RR-1 is Docket T09-0042. Tri-City
22 Regional Port District requests authorization to

1 construct two new at-grade crossings at Bissell
2 Street. No Grade Crossing Protection Funds will be
3 used. Administrative Law Judge Kirkland-Montague
4 recommends entering the order granting the petition.

5 Is there a motion to enter the order?

6 COMMISSIONER O'CONNELL-DIAZ: So moved.

7 CHAIRMAN BOX: Is there a second?

8 COMMISSIONER ELLIOT: Second.

9 CHAIRMAN BOX: It's been moved and seconded.

10 All in favor say "aye."

11 (Chorus of ayes.)

12 CHAIRMAN BOX: Any opposed?

13 (No response.)

14 CHAIRMAN BOX: The vote is 4-0. The order is
15 entered. We will use this roll-call vote for the
16 remainder of the Transportation agenda unless
17 otherwise noted.

18 Item RR-2 is Docket T09-0067. This is
19 a citation order requiring Keokuk Junction Railway
20 Company to reconstruct two crossings to meet code
21 requirements. The Railroad also failed to appear at
22 the hearing or otherwise respond to the citation.

1 Administrative Law Judge O'Brien recommends entering
2 the order directing that repairs to the crossings be
3 made in the interests of public safety.

4 Is there any discussion?

5 Mr. Stead, are you available in
6 Springfield?

7 MR. STEAD: Yes.

8 CHAIRMAN BOX: Can you go into what kind of
9 enforcement powers we have. In reading the record I
10 think this company ignored four letters we sent to
11 them and still have not really cooperated. And it's
12 been going on for quite a few years. What
13 enforcement powers do we have?

14 MR. STEAD: Well, to be honest with you,
15 Mr. Chairman, we've never faced this situation
16 before. We're kind of entering into a new territory
17 here. But our intention -- at least my intention, my
18 recommendation would be if they failed to follow the
19 order that -- if you pass it, if it's approved today,
20 we would -- given them time to complete the work, we
21 find they have not completed it, we would recommend
22 that the Railroad be compelled to return and meet

1 with the Administrative Law Judge and discuss
2 possible sanctions against the Railroad.

3 CHAIRMAN BOX: Thank you.

4 Any further discussions.

5 (No response.)

6 CHAIRMAN BOX: Any objections?

7 (No response.)

8 CHAIRMAN BOX: Hearing none, the order is
9 entered.

10 Items RR-3 through RR-6 will be taken
11 together. These stipulated agreements provide for
12 safety improvements to various railway crossings.
13 Over a million dollars in Grade Crossing Protection
14 Funds will be used. Staff recommends entering the
15 orders approving the stipulated agreement.

16 Is there any discussion?

17 (No response.)

18 CHAIRMAN BOX: Any objections?

19 (No response.)

20 CHAIRMAN BOX: Hearing none, the orders are
21 entered.

22 Items RR-7 and RR-8 will be taken

1 together. Petitions request -- Petitioners -- I'm
2 sorry -- request extensions of time to complete rail
3 safety projects. Staff recommends entering the
4 orders granting the first supplemental and the sixth
5 supplemental petitions.

6 Is there any discussion?

7 (No response.)

8 CHAIRMAN BOX: Any objections?

9 (No response.)

10 CHAIRMAN BOX: Hearing none, the orders are
11 entered.

12 This concludes the Railroad portion of
13 today's agenda.

14 Under the Motor Carrier's Provision
15 Item MC-1 is a transfer of a Public Carrier
16 Certificate and a Certificate of Public Convenience
17 and Necessity from Dalton Transfer, Inc., to Paul M.
18 Brown & Associates, Inc. There are no objections or
19 intervenors. Administrative Law Judge O'Brien
20 recommends entering the order granting the
21 application.

22 Is there any discussion?

1 (No response.)

2 CHAIRMAN BOX: Any objections?

3 (No response.)

4 CHAIRMAN BOX: Hearing none, the order is
5 entered.

6 We have one administrative matter.
7 Item AM-1 is a resolution to transfer regulatory
8 authority over personal property warehouses to the
9 Commission. Staff recommends adopting the
10 resolution. And I think part of that resolution
11 includes emergency rules to be implemented.

12 Is there any discussion?

13 (No response.)

14 CHAIRMAN BOX: Any objections?

15 (No response.)

16 CHAIRMAN BOX: Hearing none, the resolution is
17 adopted.

18 Miss Kelley, anything else to come
19 before us today?

20 MS. KELLEY: That's all today. Thank you.

21 CHAIRMAN BOX: Thank you.

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(Whereupon the meeting
concluded matters pertaining to
Transportation.)

1 (Whereupon the meeting
2 turned to Public Utility
3 matters.)

4 CHAIRMAN BOX: Moving on to the Public Utility
5 agenda. Beginning with the Electric portion of the
6 agenda we have minutes to approve from the
7 September 29th regular open meeting.

8 Is there a motion to approve the
9 minutes?

10 COMMISSIONER O'CONNELL-DIAZ: So moved.

11 CHAIRMAN BOX: Is there a second?

12 COMMISSIONER ELLIOT: Second.

13 CHAIRMAN BOX: It's been moved and seconded.

14 All a favor say "aye."

15 (Chorus of ayes.)

16 CHAIRMAN BOX: Any opposed?

17 (No response.)

18 CHAIRMAN BOX: The vote is 4-0. The minutes
19 are approved.

20 Items E-1 and E-2 will be taken
21 together. These are orders commencing the
22 reconciliation proceedings for Mount Carmel's fuel

1 adjustment charges and the three Illinois Ameren
2 Utilities' Rider EDR and Rider GER. Staff recommends
3 entering the orders commencing the reconciliation
4 proceedings.

5 Is there a motion to enter the orders?

6 COMMISSIONER O'CONNELL-DIAZ: So moved.

7 CHAIRMAN BOX: Is there a second?

8 COMMISSIONER FORD: Second.

9 COMMISSIONER ELLIOT: Second.

10 CHAIRMAN BOX: It's been moved and seconded.

11 All in favor say "aye."

12 (Chorus of ayes.)

13 CHAIRMAN BOX: Any opposed?

14 (No response.)

15 CHAIRMAN BOX: The vote is 4-0. The orders are
16 entered commencing the reconciliation proceedings.
17 We will use this 4-0 roll-call vote for the remainder
18 of the agenda unless otherwise noted.

19 Item E-3 is Docket 09-0165. Integrys
20 Energy Services, Inc., petitions for a declaratory
21 ruling on whether a certain electricity pricing
22 arrangement is prohibited under Subsection

1 16-115A(e)(i) of the Act or Section 2EE of the CFA.
2 Secondly, on whether Section 16-115C of the Act
3 applies to an electricity marketing arrangement
4 between IES and the New Illinois Cooperative Energy,
5 a not-for-profit subsidiary of the Southwestern
6 Electric Cooperative. Administrative Law Judge
7 Gilbert recommends entering the attached order
8 granting declaratory relief in part and denying it in
9 part.

10 Judge Gilbert, would you like to brief
11 us on this matter?

12 JUDGE GILBERT: I'll try to provide the overall
13 architecture of the case and then I'll try to point
14 you to what seem to me is the principal policy
15 question the case presents. And if at any point I'm
16 going over ground you don't want me to cover anymore,
17 just, please, let me know.

18 The nominal petitioner is Integrys or
19 IES. They request a declaratory ruling to
20 essentially test the legality of a plan for supplying
21 and marketing gas supply -- retail gas supply to
22 residential and small business customers. The

1 customers would be members of what's called NICE,
2 which is actually the New Illinois -- it's called New
3 Illinois Cooperative Energy or NICE. NICE would do
4 the marketing of this proposed -- of this proposal.
5 IES approves the marketing materials, and then IES
6 would actually provide the gas service and they would
7 contact -- contract, I should say, directly with NICE
8 members who want this service.

9 I think, as the chairman said, there's
10 three statutes involved, 16-115A applies to ARES.
11 16-115C applies to agents, brokers and consultants or
12 ABCs. And Section 2EE of the Consumer Fraud Act
13 applies to electric service providers, which include
14 Integrys.

15 The order finds that the proposed
16 marketing arrangement does not comply with
17 Section 16-115A. It makes no ruling with respect to
18 the Consumer Fraud Act. In other words, declines to
19 issue a declaratory ruling on the ground that there's
20 no real record from which such a ruling can emanate.
21 And it's -- the order finds that Section 115- --
22 16-115C is not applicable to the Petitioner Integrys

1 because that section applies only to ABCs. It does
2 not apply to ARES. And we can't make a ruling with
3 respect to how that section would apply to NICE
4 because NICE is not a petitioner in the case. And
5 our declaratory rulings can only address the
6 petitioning party, and NICE is not a petitioning
7 party.

8 There are several procedural
9 deficiencies, in my view, in the petition. I think
10 the petition could have been denied and, therefore,
11 declaratory ruling could have been denied simply on
12 the basis of those procedural deficiencies.

13 That said, I did go ahead and look at
14 what I thought were the substantive issues framed up
15 for you. And to the extent that I thought the record
16 justified that, recommended a declaratory ruling.
17 And that's principally with respect to 16-115A,
18 having to do with the marketing requirements for an
19 ARES.

20 And I think this points you to the
21 principal policy question in the case. The proposed
22 price for the retail gas service would be simply

1 this: A variable rate. That's all that the contract
2 with customers would provide. And it's the only
3 information provided to customers, and it's the only
4 information alluded to in the marketing -- the sample
5 marketing materials that were presented.

6 I see a range of possibilities. One
7 of which is to say that pricing as something as
8 general and unquantified as a variable rate cannot be
9 successfully -- or, I should say, lawfully marketed
10 under 16-115A.

11 There's sort of a middle position,
12 which I did adopt in the order, which is to say that
13 the Company -- the Petitioner needs to go back and
14 try to provide some indicators, some indicia of how
15 the price would be arrived at so the customer has
16 some sense of what it is he or she is purchasing.

17 The third option, as I see it, is to
18 simply find that a variable rate is a sufficient
19 description of price to meet the statutory standard.
20 My own recommendation is not to do that, but that's
21 the policy question presented for you.

22 So I'll stop there.

1 CHAIRMAN BOX: Any questions for the Judge?
2 (No response.)
3 CHAIRMAN BOX: Commissioner O'Connell-Diaz.
4 COMMISSIONER O'CONNELL-DIAZ: So, Judge
5 Gilbert, your finding under 16-115A(e) is with regard
6 to the -- whether, in fact, the variable rate is
7 adequately disclosed as the price to the consumer,
8 that's kind of the linchpin of your determination?
9 JUDGE GILBERT: Yes.
10 COMMISSIONER O'CONNELL-DIAZ: Okay.
11 JUDGE GILBERT: Yes. Exactly.
12 CHAIRMAN BOX: Is there a motion to enter the
13 order?
14 COMMISSIONER ELLIOT: So moved.
15 CHAIRMAN BOX: Is there a second?
16 COMMISSIONER O'CONNELL-DIAZ: Second.
17 CHAIRMAN BOX: It's been moved and seconded.
18 All in the favor say "aye."
19 (Chorus of ayes.)
20 CHAIRMAN BOX: Any opposed?
21 (No response.)
22 CHAIRMAN BOX: The vote is 4-0. The order is

1 entered. Thank you, Judge.

2 Item E-4 is Docket 09-0185.

3 Constellation New Energy, Inc., seeks protection of
4 portions of its annual net metering report for not
5 less than five years. The order grants the request,
6 but only for two years. Administrative Law Judge
7 Albers recommends entering the order granting the
8 petition in part.

9 Is there any discussion?

10 (No response.)

11 CHAIRMAN BOX: Any objections?

12 (No response.)

13 CHAIRMAN BOX: Hearing none, the order is
14 entered.

15 E-5 is Docket 09-0189. Integry's
16 Energy Services, Inc., requests confidential and
17 proprietary treatment of various aspects of its
18 annual net metering report for two years. The order
19 finds that the applicant failed to justify its entire
20 request and only grants priority treatment of its
21 total peak demand for 2008. Administrative Law Judge
22 Albers recommends entering the order granting the

1 petition in part.

2 Is there any discussion?

3 (No response.)

4 CHAIRMAN BOX: Any objections?

5 (No response.)

6 CHAIRMAN BOX: Hearing none, the order is
7 entered.

8 Item E-6 and E-7 will be taken
9 together. They are complaints involving Commonwealth
10 Edison Company that have settled. The Administrative
11 Law Judges recommend granting the stipulations and
12 motions to dismiss.

13 Is there any discussion?

14 (No response.)

15 CHAIRMAN BOX: Any objections?

16 (No response.)

17 CHAIRMAN BOX: Hearing none, the motions and
18 stipulations are granted.

19 We'll be holding Item E-8, which is
20 Docket 09-0373.

21 Item E-9 is Docket 09-0422. The three
22 Illinois Ameren Utility Companies and Commonwealth

1 Edison jointly petition for approval of a partial
2 service agreement. Administrative Law Judge Benn
3 recommends entering the order approving the partial
4 service agreement.

5 Is there any discussion?

6 (No response.)

7 CHAIRMAN BOX: Any objections?

8 (No response.)

9 CHAIRMAN BOX: Hearing none, the order is
10 entered.

11 That concludes the Electric portion of
12 the agenda.

13 Under Natural Gas Item G-1 is an order
14 commencing purchased gas reconciliations for various
15 utilities. Staff recommends entering the order
16 commencing the reconciliation proceedings.

17 Is there any discussion?

18 (No response.)

19 CHAIRMAN BOX: Any objections?

20 (No response.)

21 CHAIRMAN BOX: Hearing none, the order is
22 entered.

1 Item G-2 is Docket 08-0576. John
2 Wichert filed a complaint against Peoples Gas Light
3 and Coke Company regarding a billing dispute.
4 Administrative Law Judge Benn recommends entering the
5 order granting the complaint.

6 Commissioner O'Connell-Diaz, you
7 circulated some amendments?

8 COMMISSIONER O'CONNELL-DIAZ: Yes, I have,
9 Chairman.

10 With all due respect to Judge Benn as
11 I look through this complaint and looked at the
12 record and the information in the complaint as well
13 as the testimony, I believe that this is a situation
14 where we have a landlord who has not had the -- he
15 was the customer of record for all periods of time
16 during the relevant period of the complaint.

17 I think I would find it hard to not
18 employ our rules which state that the customer of
19 record is the one that is responsible for the
20 billing. Again, this is a landlord situation. He
21 had a month-to-month lease with the tenants. He
22 never took his name off of the account, which is what

1 he should have done when he sold the property. And
2 to find otherwise would require our companies to have
3 to be aware of every property transaction that
4 occurred on a forward-looking basis. I don't think
5 those are the -- that's the intent of our rules.

6 So I've circulated language, which,
7 you know, sets this out and shows that the
8 complainant in this instance was the customer of
9 record, remained the customer of record, and what he
10 failed to do was he failed to contact the company to
11 advise them that he no longer was the customer of
12 record until, I think, some two years after he had
13 sold the property. So his cause of action really is
14 against the current owners of the building, which I
15 believe are the family that lived there when he had
16 the tenancy relationship.

17 And I think important in this -- and
18 as we look at it, important in this is that if we
19 were to decide otherwise, other ratepayers would be
20 paying for this landlord to not have paid his
21 responsibility. So I think it's important that we
22 follow the rules and that all landlords follow the

1 rules. And so I have circulated language that would
2 deny the complaint for the reasons that I have stated
3 and would entertain any comments or questions from my
4 colleagues.

5 CHAIRMAN BOX: Questions or comments?

6 (No response.)

7 CHAIRMAN BOX: Is there a motion to adopt the
8 Commissioner O'Connell-Diaz's amendment?

9 COMMISSIONER FORD: Second.

10 COMMISSIONER ELLIOT: So moved.

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

12 Any further discussion?

13 (No response.)

14 CHAIRMAN BOX: All in favor say "aye."

15 (Chorus of ayes.)

16 CHAIRMAN BOX: Opposed?

17 (No response.)

18 CHAIRMAN BOX: The vote is 4-0. The amendment
19 is adopted. I'm sorry. The amendment is adopted.

20 Is there a motion to enter the order
21 as amended?

22 COMMISSIONER ELLIOT: So moved.

1 CHAIRMAN BOX: Second? Is there a second?

2 COMMISSIONER FORD: Second.

3 CHAIRMAN BOX: Moved and seconded.

4 All in favor say "aye."

5 (Chorus of ayes.)

6 CHAIRMAN BOX: Opposed?

7 (No response.)

8 CHAIRMAN BOX: The vote is 4-0. The order as
9 amended is adopted and entered.

10 Item G-3 is Docket 08-0648. Maurice
11 Perkins filed a complaint against Peoples Gas Light
12 and Coke Company regarding a billing dispute. The
13 order finds that Mr. Perkins failed to meet his
14 evidentiary burden. Administrative Law Judge
15 Hilliard recommends entering the order dismissing the
16 complaint.

17 Is there any discussion?

18 (No response.)

19 CHAIRMAN BOX: Any objections?

20 (No response.)

21 CHAIRMAN BOX: Hearing none, the order is
22 entered.

1 Item G-4 through G-8 will be taken
2 together. These are joint motions to dismiss billing
3 disputes. The parties have resolved their
4 differences. Administrative Law Judges Benn and
5 Gilbert recommend granting the joint motions to
6 dismiss, with prejudice.

7 Is there any discussion?

8 (No response.)

9 CHAIRMAN BOX: Any objections?

10 (No response.)

11 CHAIRMAN BOX: Hearing none, the motions are
12 granted.

13 Turning to Telecommunications, Item
14 T-1 is a filing by Illinois Bell Telephone Company
15 amending the wholesale CompleteLink 2.0 optional
16 access and usage volume discount plan. Staff
17 recommends not suspending the filing.

18 Is there any discussion?

19 (No response.)

20 CHAIRMAN BOX: Any objections?

21 (No response.)

22 CHAIRMAN BOX: Hearing none, the filing will

1 not be suspended.

2 Items T-2 through T-5 will be taken
3 together. These are applications for certificates to
4 provide various telecommunications services. The
5 Administrative Law Judges recommend entering the
6 orders.

7 Is there any discussion?

8 (No response.)

9 CHAIRMAN BOX: Any objections?

10 (No response.)

11 CHAIRMAN BOX: Hearing none, the orders are
12 entered granting the applications.

13 Item T-6 is Docket 09-0366. This is
14 an amendatory order correcting the applicant's name
15 throughout the order. Administrative Law Judge
16 Haloulos recommends entering the amendatory order.

17 Is there any discussion?

18 (No response.)

19 CHAIRMAN BOX: Any objections?

20 (No response.)

21 CHAIRMAN BOX: Hearing none, the amendatory
22 order is entered.

1 Item T-7 is Docket 09-0404. SNG
2 Communications, LLC, petitions to cancel
3 certificates. Administrative Law Judge Benn
4 recommends entering the order granting the petition.

5 Is there any discussion?

6 (No response.)

7 CHAIRMAN BOX: Any objections?

8 (No response.)

9 CHAIRMAN BOX: Hearing none, the order is
10 entered.

11 Item T-8 is Docket 08-0668. Illinois
12 Bell Telephone Company moved to dismiss Ron J.
13 Krush's complaint due to want of prosecution. The
14 order finds that Mr. Krush refused to show up for a
15 continuance. Administrative Law Judge Haynes
16 recommends entering the order granting the motion to
17 dismiss, without prejudice.

18 Is there any discussion?

19 (No response.)

20 CHAIRMAN BOX: Any objections?

21 (No response.)

22 CHAIRMAN BOX: Hearing none, the order is

1 entered.

2 Item T-9 is Docket 09-0430. This is a
3 complaint by Carlos Reyes against Illinois Bell
4 Telephone Company that has been resolved.
5 Administrative Law Judge Riley recommends dismissing
6 the complaint, with prejudice.

7 Is there any discussion?

8 (No response.)

9 CHAIRMAN BOX: Any objections?

10 (No response.)

11 CHAIRMAN BOX: Hearing none, the complaint is
12 dismissed with prejudice.

13 Item T-10 is Docket 09-0425. White
14 County petitions for approval to modify its 911
15 emergency telephone number system. Administrative
16 Law Judge Benn recommends entering the order granting
17 the petition.

18 Is there any discussion?

19 (No response.)

20 CHAIRMAN BOX: Any objections?

21 (No response.)

22 CHAIRMAN BOX: Hearing none, the order is

1 entered.

2 Items T-11 through T-16 will be taken
3 together. These are interconnection agreements or
4 amendments to interconnection agreements. The
5 Administrative Law Judges recommend entering the
6 orders approving the agreements or the amendments to
7 the agreements.

8 Is there any discussion?

9 (No response.)

10 CHAIRMAN BOX: Any objections?

11 (No response.)

12 CHAIRMAN BOX: Hearing none, the orders are
13 entered.

14 Item T-17 initiates a citation
15 proceeding against GEH Technologies, LLC. The
16 Illinois Secretary of State has revoked the Company's
17 admission to conduct business in the State. Staff
18 recommends entering the order initiating a citation
19 proceeding.

20 Is there any discussion?

21 (No response.)

22 CHAIRMAN BOX: Any objections?

1 (No response.)

2 CHAIRMAN BOX: Hearing none, the order is
3 entered.

4 Item T-18 is Docket 09-0300. Illinois
5 Bell Telephone Company petitions for a waiver of
6 deposit requirement regulation that requires an
7 Applicant with unsatisfactory credit history to
8 proffer a deposit to AT&T. Administrative Law Judge
9 Sainsot recommends entering the order granting the
10 waiver.

11 Is there any discussion?

12 (No response.)

13 CHAIRMAN BOX: Any objections?

14 (No response.)

15 CHAIRMAN BOX: Hearing none, the order is
16 entered.

17 Item T-19 is Docket 09-0352.
18 Petitioners seek protection of their Annual Report
19 for 2006, 2007, 2008 and 2009. Administrative Law
20 Judge Riley recommends entering the order granting
21 the requested relief.

22 JUDGE WALLACE: Mr. Chairman?

1 CHAIRMAN BOX: Yes.

2 JUDGE WALLACE: This is Judge Wallace. Could
3 we pull this off, please?

4 CHAIRMAN BOX: T-19?

5 JUDGE WALLACE: Yes, sir.

6 CHAIRMAN BOX: Just hold it?

7 JUDGE WALLACE: Yes.

8 CHAIRMAN BOX: Okay. Once again, Item T-19 is
9 Docket 09-0352, and we will hold that as requested by
10 Chief Judge.

11 That concludes the Telecommunications
12 portion of the agenda.

13 Under Water and Wastewater Item W-1 is
14 a tariff filing by Illinois-American Water Company.
15 The Company wants to revise certain rules,
16 regulations and conditions of service. Staff
17 recommends not suspending the filing.

18 Is there any discussion?

19 (No response.)

20 CHAIRMAN BOX: Any objections?

21 (No response.)

22 CHAIRMAN BOX: Hearing none, the filing will

1 not be suspended.

2 Item W-2 is Apple Canyon Utility
3 Company's proposed general rate case. Staff
4 recommends entering the order suspending the filing.

5 Is there any discussion?

6 (No response.)

7 CHAIRMAN BOX: Any objections?

8 (No response.)

9 CHAIRMAN BOX: Hearing none, the suspension
10 order is entered.

11 Item W-3 is a Lake Wildwood Utilities
12 Corporation proposed general rate case. Staff
13 recommends entering the order suspending the filing.

14 Is there any discussion?

15 (No response.)

16 CHAIRMAN BOX: Any objections?

17 (No response.)

18 CHAIRMAN BOX: Hearing none, the suspension
19 order is entered.

20 Item W-4 is Docket 08-0335. This is
21 an amendatory order that corrects the date from 2008
22 to 2009. Administrative Law Judge Haloulos -- I'm

1 sorry. Administrative Law Judge Hilliard recommends
2 entering the amendatory order.

3 Is there any discussion?

4 (No response.)

5 CHAIRMAN BOX: Any objections?

6 (No response.)

7 CHAIRMAN BOX: Hearing none, the amendatory
8 order is entered.

9 Item W-5 is Docket 09-0427.

10 Illinois-American Water Company petitions to issue
11 \$39 million of long-term debt to an affiliated
12 interest. Administrative Law Judge Hilliard
13 recommends entering the order approving the petition.

14 Is there any discussion?

15 (No response.)

16 CHAIRMAN BOX: Any objections?

17 (No response.)

18 CHAIRMAN BOX: Hearing none, the order is
19 entered.

20 And that concludes the Water and
21 Wastewater portion of the agenda.

22 There are several miscellaneous items.

1 First is the Fourth Triennial Report on Retail and
2 Wholesale Competition in the Illinois Electric
3 Utility.

4 Commissioner Elliot has circulated
5 some revisions to the report.

6 COMMISSIONER ELLIOT: Yes, I did. Thank you,
7 Mr. Chairman.

8 Most of the revisions were related to,
9 I think, better explaining the history of the
10 Customer Choice Act and where we've come from since
11 1996, particularly with the --

12 COMMISSIONER O'CONNELL-DIAZ: I think that
13 could be a movie.

14 COMMISSIONER ELLIOT: If you weren't there --
15 you had to be there.

16 In addition, I made some changes to
17 some of the legislative recommendations, and I have
18 a -- a lot of work with the assistants.

19 And I would move the amendments to the
20 Triennial Report for your approval.

21 CHAIRMAN BOX: Is there a second?

22 COMMISSIONER FORD: Second.

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

2 All in favor say "aye."

3 (Chorus of ayes.)

4 CHAIRMAN BOX: Any opposed?

5 (No response.)

6 CHAIRMAN BOX: The vote is 4-0. The amendments
7 are adopted.

8 Is there a motion to accept the
9 Triennial Report as amended and submit it to the
10 General Assembly?

11 COMMISSIONER FORD: So moved.

12 CHAIRMAN BOX: Is there a second?

13 COMMISSIONER O'CONNELL-DIAZ: Second.

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

15 All in favor say "aye."

16 (Chorus of ayes.)

17 CHAIRMAN BOX: Opposed?

18 (No response.)

19 CHAIRMAN BOX: The vote is 4-0. The Triennial
20 Report as amended is adopted and will be submitted to
21 the Illinois General Assembly.

22 Next we have Liberty Consulting's

1 Third Quarter Report on the verification of the
2 Peoples Gas' implementation of recommendations.
3 Staff recommends adopting the report.

4 COMMISSIONER FORD: I had a --

5 CHAIRMAN BOX: Commissioner Ford.

6 COMMISSIONER FORD: I think Mr. Burk is -- was
7 it Burk who gave us the review? Darin Burk, or was
8 that with the pipeline? I think it was Burk. Is he
9 available to go through this with us?

10 MR. BURK: Yes, I'm here in Springfield,
11 Commissioner Ford.

12 COMMISSIONER FORD: Thank you. Would you just
13 walk us through this for me.

14 MR. BURK: Yes. This would be the Third
15 Quarter Report ending in August of 2009. Liberty
16 verification has been completed for 11
17 recommendations. That's up from 3 the last quarter.
18 Liberty has checked progress toward implementation of
19 36 recommendations, up from 22 last quarter. Liberty
20 has determined unacceptable progress toward
21 implementation of 5 recommendations. That is up from
22 3 last quarter. Liberty has not determined progress

1 toward implementation of 30 recommendations, which is
2 down from 38.

3 I discussed this issue with Ed Doerk
4 of Peoples Gas Vice President of Operations. He
5 considers 44 recommendations per completed, which is
6 up from 29. Liberty has left several of the
7 recommendations open for further review and
8 follow-up, and that accounts for the discrepancy in
9 the completed numbers.

10 I would be able to ask -- answer any
11 questions the Commission may have at this time.

12 CHAIRMAN BOX: Any questions?

13 COMMISSIONER FORD: Thank you, Mr. Burke.

14 MR. BURK: Thank you.

15 CHAIRMAN BOX: Is there a motion to accept the
16 Liberty's Third Quarter Report?

17 COMMISSIONER ELLIOT: So moved.

18 CHAIRMAN BOX: Is there a second?

19 COMMISSIONER O'CONNELL-DIAZ: Second.

20 CHAIRMAN BOX: It's been moved and seconded.

21 All in favor say "aye."

22 (Chorus of ayes.)

1 CHAIRMAN BOX: Any opposed?

2 (No response.)

3 CHAIRMAN BOX: The vote is 4-0. The Liberty's
4 Third Quarter Report is adopted.

5 And we have three FERC items on the
6 agenda requiring the Commission to go into closed
7 session.

8 But before I do, I'd just like to
9 acknowledge some people who spent a lot of time down
10 here who decided to come back and visit us. We have
11 former Commissioner -- what's his name --
12 Commissioner Kevin Wright -- he hasn't been gone that
13 long. And also we have another member of the
14 Staff -- former member of the Staff and a former
15 assistant to Commissioner Lieberman, we have Sean who
16 joined us again today. We appreciate it.

17 Is there a motion to go into closed
18 session?

19 COMMISSIONER FORD: So moved.

20 COMMISSIONER ELLIOT: So moved.

21 CHAIRMAN BOX: Is there a second?

22 COMMISSIONER O'CONNELL-DIAZ: Second.

1 CHAIRMAN BOX: It's been moved and seconded to
2 go into closed session.

3 All in favor say "aye."

4 (Chorus of ayes.)

5 CHAIRMAN BOX: Any opposed?

6 (No response.)

7 CHAIRMAN BOX: The vote is 4-0. We will go
8 into closed session.

9 (Whereupon, the following
10 proceedings were had in closed
11 session.)

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1 (Whereupon, the following
2 proceedings were had in open
3 session.)

4 CHAIRMAN BOX: In the closed session we
5 discussed three items. The first was FERC Docket
6 EL10-6-000 ICC Comments on FirstEnergy Company's
7 October 19th, 2009 complaint.

8 Is there a motion to file comments
9 with the FERC today?

10 COMMISSIONER ELLIOT: So moved.

11 CHAIRMAN BOX: Is there a second?

12 COMMISSIONER O'CONNELL-DIAZ: Second.

13 CHAIRMAN BOX: It's been moved and seconded.

14 All in favor say "aye."

15 (Chorus of ayes.)

16 CHAIRMAN BOX: Opposed?

17 (No response.)

18 CHAIRMAN BOX: The vote is 4-0. The comments
19 will be filed with the FERC today.

20 The second item is FERC Docket
21 EL05-121-000 ICC Answer to Exelon's October 29th,
22 2009 motion.

1 Is there a motion to submit an answer
2 to the FERC?

3 COMMISSIONER ELLIOT: So moved.

4 CHAIRMAN BOX: Is there a second?

5 COMMISSIONER O'CONNELL-DIAZ: Second.

6 CHAIRMAN BOX: It's been moved and seconded.

7 All in favor say "aye."

8 (Chorus of ayes.)

9 CHAIRMAN BOX: Opposed?

10 (No response.)

11 CHAIRMAN BOX: The vote is 4-0. The answer
12 will be submitted to the FERC.

13 The last item is FERC Docket
14 AD09-8-000 Comments to the FERC on Commission
15 Planning Processes under Order No. 890. And Staff is
16 not requesting any action at this time.

17 Judge Wallace, anything else to come
18 before the Commission today?

19 JUDGE WALLACE: No, Mr. Chairman, not today.

20 CHAIRMAN BOX: Okay. Just to once again remind
21 everyone that the NARUC Annual Meeting starts here in
22 Chicago next Saturday for some and then Sunday

1 through Wednesday.

2 Hopefully we'll have -- my
3 understanding is we'll have a great number of people
4 there. I think people are really looking forward to
5 coming to the City of Chicago and really -- not only
6 learning a lot but also enjoying themselves. So I'll
7 have my police scanner working. Tell them to have a
8 good time, but not too good a time.

9 Anything further?

10 (No response.)

11 CHAIRMAN BOX: This meeting stands adjourned.

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