

1 BEFORE THE
2 ILLINOIS COMMERCE COMMISSION

3 BENCH (OPEN) SESSION
4 (PUBLIC UTILITY)

5 Thursday, November 12, 2015

6 Chicago, Illinois

7 Met pursuant to notice at 10:30 a.m. at
8 160 North LaSalle Street, Chicago, Illinois.

9 PRESENT:

10 BRIEN J. SHEAHAN, Chairman

11 ANN McCABE, Commissioner

12 SHERINA E. MAYE EDWARDS, Commissioner

13 MIGUEL DEL VALLE, Commissioner

14 JOHN R. ROASLES, Commissioner

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21 SULLIVAN REPORTING COMPANY, by
22 Tracy L. Overocker, CSR

1 CHAIRMAN SHEAHAN: Good morning.

2 Are we ready to proceed in
3 Springfield.

4 CHIEF CLERK: Yes, we are.

5 CHAIRMAN SHEAHAN: Pursuant to the Open
6 Meetings Act, I call to order the November 12th, 2015
7 Bench Meeting of the Illinois Commerce Commission.

8 Commissioners McCabe, Del Valle --
9 Maye Edwards?

10 COMMISSIONER MAYE EDWARDS: Sure.

11 CHAIRMAN SHEAHAN: -- and Rosales --
12 congratulations -- are present with me in Chicago.
13 We have a quorum.

14 COMMISSIONER ROSALES: The congratulations was
15 for Edwards, not for Rosales.

16 CHAIRMAN SHEAHAN: We have no requests to speak
17 and will therefore move into our Regular Public
18 Utility Agenda.

19 There are edits to the minutes of our
20 October 14, 2015 Special Opening Meeting. Are there
21 any objections to approving the minutes as edited?

22 (No response.)

1 Hearing none, the minutes as edited
2 are approved.

3 Items E-1 through 4 concern various
4 complaints filed against ComEd. Are there any
5 objections to considering these items together or
6 granting the Motions to Dismiss?

7 (No response.)

8 Hearing none, the Motions to Dismiss
9 are granted and the complaints are dismissed.

10 Item E-5 involves CUB and ELPC's
11 petition to initiate a rulemaking proceeding to amend
12 portions of Part 466 and Part 467 of the Illinois
13 Administrative Code.

14 I believe Commissioner Del Valle would
15 like to make a statement.

16 Commissioner.

17 COMMISSIONER DEL VALLE: Thank you,
18 Mr. Chairman. As we begin first notice of this
19 rulemaking, I ask the parties to give thought and
20 comment on a couple of areas from the Order.

21 First, regarding Part 466.70(h) and
22 the emergency disconnection switches, parties should

1 add comments on the merits of requiring an EDS only
2 in the absence of an alternative, like a meter which
3 could be pulled. I believe it would also be
4 beneficial to have the utilities submit data on
5 whether these devices have been used in the past and
6 under what circumstances. Safety is, of course,
7 paramount, but we should not be adding significant
8 costs to these projects if sufficient alternatives
9 are available, placing more barriers in the
10 development of residential solar.

11 Second, regarding the supplemental
12 review, I ask parties to comment on the possibility
13 and likelihood that substantial numbers of customers
14 in the Ameren zone would automatically fail the
15 supplemental review due to AMI covering only
16 62 percent of its territory.

17 Further, if the Commission were to
18 allow the use of estimates in calculating the
19 100 percent minimal load screening in the
20 supplemental review of Level 2, what should be the
21 methodology for estimating the load?

22 Thank you.

1 CHAIRMAN SHEAHAN: Thank you. I believe
2 Commissioner McCabe also had some nonsubstantive
3 edits to the Order.

4 Are there any objections to approving
5 the proposed Order as edited?

6 (No response.)

7 Hearing none, the Order as edited is
8 approved.

9 Item E-6 involves the authorization of
10 the second notice period regarding an amendment to
11 the Illinois Administrative Code Part 465 net
12 metering. I believe Commissioner Del Valle would
13 like to make a comment.

14 COMMISSIONER DEL VALLE: Yes. Thank you,
15 Mr. Chairman.

16 I agree with the outcome of this
17 Second Notice Order. Section 16-107.5 was added to
18 the PUA on August 24th, 2007 and Part 465, the
19 subject of this proceeding was first adopted in May
20 of 2008. As of December 31st, 2014, even though
21 seven years had passed and net metering was used as
22 one of the selling points for the 2011 Smart Grid

1 Law, only 424 customers had been able to take
2 advantage of net metering in ComEd's territory. It
3 would seem the original Net Metering Program has
4 struggled even as ComEd has publically supported it.

5 This past week, ComEd's President and
6 CEO Anne Pramaggiore delivered the keynote address at
7 the International Energy Conference hosted by The
8 Energy Times here in Chicago. She spoke of the
9 utility's role in delivering clean energy solutions
10 and providing customers with more choice.

11 The majority of ComEd's customers are
12 not able to place solar panels on top of where they
13 live, especially low-income, renters, multi-unit
14 condo association and homeowners that happen to have
15 unsuitable roofs. Meter aggregation has been
16 identified as a key means of delivering clean energy
17 solutions for these customers. Yet ComEd's position
18 in this docket was to block this clean energy option
19 and customer choice. The company explains that its
20 current policies do not allow such services and it
21 proposed language for this code part that would stop
22 areas from providing it. Additionally, the company

1 has moved to reduce transparency for these customers
2 or for those customers it would deny a meter
3 aggregation application.

4 Further, the company's reasons for
5 trying to reject the ability for anyone to
6 participate in these programs are vague, unsupported
7 by any evidence and seem to fundamentally
8 misunderstand the benefits of distributed generation.
9 Thank you.

10 CHAIRMAN SHEAHAN: Thank you. Are there any
11 other comments?

12 (No response.)

13 Are there objections to approving the
14 Second Notice Order?

15 (No response.)

16 Hearing none, the Order is approved.

17 Item E-7 involves Grain Belt Express
18 Clean Line application seeking a Certificate of
19 Public Convenience and Necessity pursuant to
20 Section 8-406.1 of the Public Utilities Act.

21 I move to grant the Certificate of
22 Public and Convenience -- Public Convenience and

1 Necessity.

2 Is there a second?

3 COMMISSIONER ROSALES: Second.

4 CHAIRMAN SHEAHAN: Is there any discussion?

5 COMMISSIONER McCABE: (Indicating.)

6 CHAIRMAN SHEAHAN: Commissioner McCabe.

7 COMMISSIONER McCABE: I am voting no on this
8 Order and will be filing a dissent because only a
9 public utility may use the 406.1 expedited process
10 for a transmission CPCN and Grain Belt Express has
11 not provide sufficient evidence to convince me that
12 it was a public utility in Illinois at the time of
13 its April 10th, 2015 application.

14 This docket is an application for
15 expedited approval of a high-voltage direct current
16 HVDC transmission line that would pass through
17 approximately 200 miles of Illinois from west to
18 east, with electricity withdrawn at the very end of
19 the line.

20 The Commission previously approved
21 Clean Line's Rock Island HVDC transmission line in
22 Docket 12-0560. The applications are distinct. Rock

1 Island applied for its CPCN under a different statute
2 that one, allowed the Commission to fully develop a
3 record and; two, did not include the 406.1
4 prerequisite that the applicant be a public utility.

5 I want to emphasize that the
6 Commission had an opportunity early in this docket to
7 properly dismiss this application because the
8 applicant was not a public utility as required by
9 statute.

10 Both the ALJ and Commission Staff
11 recommended that the Commission grant the Motion to
12 Dismiss. On July 28th, 2015, the Commission denied a
13 Motion to Dismiss on these grounds in a 3 to 2 vote.
14 I was one of the two votes to dismiss.

15 I am, therefore, voting no and will be
16 filing a dissent. Commissioner Del Valle will join
17 me in the dissent.

18 Thank you.

19 CHAIRMAN SHEAHAN: Commissioner Del Valle, I
20 believe you also have some comments?

21 COMMISSIONER DEL VALLE: Yes. Thank you,
22 Mr. Chairman.

1 Climate change will continue to be a
2 significant issue that will affect all of us. I
3 fully support the goal of building infrastructure for
4 the purpose of moving electricity from renewable
5 generation in sparsely-populated areas which are rich
6 in wind resources to areas with larger loads and
7 higher local prices, especially when new market
8 participants are able to construct these projects at
9 no additional expense to consumers.

10 I have expressed in the past cases my
11 concern that these expedited cases do not allow for a
12 full record to be developed and the rushed process
13 frustrates landowners' abilities to adequately
14 participate and propose alternatives. To avail
15 themselves of the expedited process, utilities and
16 merchant lines have to follow the process'
17 requirements.

18 I've voted no when we've voted on the
19 Motions to Dismiss. I do not believe that a
20 non-public utility may use the expedited process.
21 That is why I'm joining the dissent. Thank you.

22 CHAIRMAN SHEAHAN: Thank you.

1 Are there any other comments?

2 (No response.)

3 We have a motion and second to grant
4 the Certificate.

5 All those in favor, say "aye."

6 (Chorus of ayes.)

7 Opposed, say "nay."

8 (Chorus of nays.)

9 The ayes have it and the motion
10 passes.

11 Item E-9 involves Ameren Transmission
12 Company of Illinois' petition for Certificate of
13 Public --

14 COMMISSIONER MAYE EDWARDS: Mr. Chairman,
15 that's E-8, for the record.

16 CHAIRMAN SHEAHAN: Oh, I'm sorry, E-8
17 involves Ameren Transmission's petition for a
18 Certificate of Public Convenience and Necessity to
19 construct and operate and maintain a high-voltage
20 electric service line in Adams County.

21 Are there any objections to approving
22 the proposed Order?

1 (No response.)

2 Hearing none, the Order is approved.

3 Item E-9 involves Aventine Power's
4 petition seeking an order canceling its Certificate
5 of Service Authority to operate as an alternative
6 retail electric supplier.

7 Are there any objections to approving
8 the proposed Order?

9 (No response.)

10 Hearing none, the Order is approved.

11 Item E-10 involves Rock Island's and
12 Clean Line's application seeking a determination
13 whether a transaction is a reorganization pursuant to
14 Section 7-204 of the Public Utilities Act.

15 Are there any objections to approving
16 the proposed Order?

17 (No response.)

18 Hearing none, the Order is approved.

19 Items E-11 and 12 involve various
20 petitions to authorize the use of eminent domain
21 pursuant to the Public Utilities Act.

22 Are there any objections to

1 considering these items together and approving the
2 proposed Orders?

3 (No response.)

4 Hearing none, the Orders are approved.

5 Items G-1 and 2 involve billing
6 complaints filed against Peoples Gas.

7 Are there any objections to
8 considering these items together and granting the
9 Joint Motions to Dismiss?

10 (No response.)

11 Hearing none, the Joint Motions to
12 Dismiss are granted and the complaints are dismissed.

13 Item T-1 involves Sprint's petition to
14 discontinue its basic local exchange service in
15 Illinois.

16 Are there any objections to approving
17 the proposed Order?

18 (No response.)

19 Hearing none, the Order is approved.

20 Item T-2 involves China Telecom's
21 application for a Certificate of Service Authority to
22 operate as a reseller of telecommunications services

1 in Illinois.

2 Are there any objections to approving
3 the proposed Order?

4 (No response.)

5 Hearing none, the Order is approved.

6 Under other business, we do have a
7 discussion of a case that involves litigation. It's
8 a PJM cost allocation settlement in FERC Doc ELO
9 05-121-009. We'll enter closed discussion -- closed
10 session for this discussion.

11 Is there a motion to enter closed
12 session?

13 COMMISSIONER ROSALES: So moved.

14 CHAIRMAN SHEAHAN: Is there a second?

15 COMMISSIONER McCABE: Second.

16 CHAIRMAN SHEAHAN: All those in favor, say
17 "aye."

18 (Chorus of ayes.)

19 All those opposed, say "nay."

20 (No response.)

21 The ayes have it and we'll enter
22 closed session. If we could clear the rooms both in

1 Springfield and Chicago, please.

2 (Whereupon, Closed Session.

3 commenced from Pages 16 - 30.)

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(Whereupon, Closed Session
ended from Pages 16 - 30.)

CHAIRMAN SHEAHAN: We're back in open session.
Judge Kimbrel, do you have any other matters to come
before the Commission today?

JUDGE KIMBREL: No, Mr. Chairman.

CHAIRMAN SHEAHAN: Commissioners, do any of you
have any other business to discussion this morning?

(No response.)

Seeing none, the meeting without
objection stands adjourned.

(Whereupon, the above matter
was adjourned.)