

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

BEFORE THE
ILLINOIS COMMERCE COMMISSION
REGULAR OPEN MEETING
(PUBLIC UTILITIES)
Springfield, Illinois
Wednesday, November 13, 2013

Met, pursuant to notice, at 10:30 a.m. at
527 East Capitol Avenue, Springfield, Illinois.

PRESENT:

- MR. DOUGLAS P. SCOTT, Chairman
- MR. JOHN T. COLGAN, Commissioner (by phone)
- MS. ANN McCABE, Commissioner (by video)
- MR. MIGUEL del VALLE, Acting Commissioner (by video)
- MS. SHERINA E. MAYE, Acting Commissioner (by video)

MIDWEST LITIGATION SERVICES, by
Angela C. Turner, Reporter

CSR #084-004122

1 CHAIRMAN SCOTT: Pursuant to the provisions
2 of the Open Meetings Act, I now convene a Regular
3 Open Meeting of the Illinois Commerce Commission.
4 With us in Chicago are Commissioner McCabe,
5 Commissioner del Valle and Commissioner Maye. In
6 Springfield, I am Chairman Scott. We have a quorum.
7 We should also have Commissioner Colgan available on
8 the phone.

9 Are you there, Commissioner?

10 COMMISSIONER COLGAN: Yes, sir, I am here.

11 CHAIRMAN SCOTT: Very good.

12 Under the Commission's rules, we will have
13 to vote to allow Commissioner Colgan to participate
14 by phone.

15 I move to allow Commissioner Colgan's
16 participation by phone. Is there a second?

17 COMMISSIONER MCCABE: Second.

18 CHAIRMAN SCOTT: Second by Commissioner
19 McCabe.

20 All in favor say "aye".

21 ("Ayes" heard.)

22 CHAIRMAN SCOTT: Any opposed?

23 (No response.)

24 CHAIRMAN SCOTT: The vote is four to nothing

1 and Commissioner Colgan may participate in today's
2 meeting by phone.

3 Before moving into the agenda, according to
4 Section 1700.10 of Title 2 of the Administrative
5 Code, this is time for all members of the public to
6 address the Commission. Members of the public
7 wishing to address the Commission must notify the
8 Chief Clerk's office at least 24 hours prior to
9 Commission meetings. According to the Chief Clerk's
10 office, we have no requests to speak at today's
11 meeting.

12 First item of business on today's agenda is
13 the approval of minutes from the October 23rd Bench
14 Session. I understand amendments have been
15 forwarded.

16 Is there a motion to amend the minutes?

17 COMMISSIONER MAYE: So moved.

18 CHAIRMAN SCOTT: Moved by Commissioner Maye.

19 COMMISSIONER MCCABE: Second.

20 CHAIRMAN SCOTT: Second by Commissioner
21 McCabe.

22 All in favor say "aye".

23 ("Ayes" heard.)

24 CHAIRMAN SCOTT: Any opposed?

1 (No response.)

2 CHAIRMAN SCOTT: The vote is five to nothing
3 and the amendments are adopted.

4 Is there now a motion to approve the minutes
5 as amended?

6 COMMISSIONER MAYE: So moved.

7 COMMISSIONER DEL VALLE: Second.

8 CHAIRMAN SCOTT: Moved by Commissioner Maye,
9 second by Commissioner del Valle.

10 COMMISSIONER DEL VALLE: Correct.

11 CHAIRMAN SCOTT: All in favor say "aye."

12 ("Ayes" heard.)

13 CHAIRMAN SCOTT: Any opposed?

14 (No response.)

15 CHAIRMAN SCOTT: The vote is five to nothing
16 and the October 23rd Bench Session minutes, as
17 amended, are approved.

18 Moving on to Item 2, Docket Number 12-0648.

19 This is our reconciliation of revenues collected by
20 MidAmerican Energy Company under fuel adjustment
21 charges with actual costs prudently incurred. ALJ
22 Hilliard recommends entry of an Order approving the
23 reconciliation.

24 Is there any discussion?

1 (No response.)

2 CHAIRMAN SCOTT: Is there a motion to enter
3 the Order?

4 COMMISSIONER MCCABE: So moved.

5 CHAIRMAN SCOTT: Moved by Commissioner
6 McCabe. Is there a second?

7 COMMISSIONER MAYE: Second.

8 CHAIRMAN SCOTT: Second by Commissioner
9 Maye.

10 All in favor say "aye".

11 ("Ayes" heard.)

12 CHAIRMAN SCOTT: Any opposed?

13 (No response.)

14 CHAIRMAN SCOTT: The vote is five to nothing
15 and the Order is entered.

16 We will use this five to nothing vote for
17 the remainder of today's Regular Open Meeting Agenda
18 unless otherwise noted.

19 Items 3 and 4 can be taken together. These
20 are complaints against ComEd as to billing and/or
21 charges. In each case, it appears that the parties
22 have settled their differences and have filed a Joint
23 Motion to Dismiss, which the ALJ in each case
24 recommends we grant.

1 Is there any discussion?

2 (No response.)

3 CHAIRMAN SCOTT: Are there any objections?

4 (No response.)

5 CHAIRMAN SCOTT: Hearing none, the Joint
6 Motions to Dismiss are granted.

7 Item 5 is Docket Number 13-0511. This is
8 the People of the State of Illinois' complaint
9 against ComEd regarding their Formula Rate Tariff
10 established under Section 16-108.5 of the Public
11 Utilities Act. The People have since filed a Motion
12 to Withdraw their complaint. ALJs Dolan and Kimbrel
13 recommend that we grant the motion and dismiss the
14 docket without prejudice.

15 Is there any discussion?

16 (No response.)

17 CHAIRMAN SCOTT: Any objections?

18 (No response.)

19 CHAIRMAN SCOTT: Hearing none, the Motion to
20 Withdraw is granted and the proceeding is dismissed.

21 Items 6 and 7 can be taken together. These
22 items are Applications for Licensure as an Agent,
23 Broker and Consultant under Section 16-115C of the
24 Public Utilities Act. In each case, ALJ Kimbrel

1 recommends entry of an Order granting the requested
2 certificate.

3 Is there any discussion?

4 (No response.)

5 CHAIRMAN SCOTT: Are there any objections?

6 (No response.)

7 CHAIRMAN SCOTT: Hearing none, the Orders
8 are entered.

9 Item 8 is Docket 13-0571. This is HIKO
10 Energy's Application for a Certificate of Service
11 Authority to operate as an alternative retail
12 electric supplier in Illinois pursuant to Section
13 16-115 of the Public Utilities Act. HIKO has filed a
14 Motion to Withdraw its application. ALJ Jorgenson
15 recommends that we grant the Motion to Withdraw and
16 dismiss this proceeding without prejudice.

17 Is there any discussion?

18 (No response.)

19 CHAIRMAN SCOTT: Any objections?

20 (No response.)

21 CHAIRMAN SCOTT: Hearing none, the Motion to
22 Withdraw is granted and the proceeding is dismissed.

23 Item 9 is Docket Number 06-0741. This is
24 our reconciliation of revenues collected under Atmos

1 Energy's gas adjustment charge with actual costs
2 prudently incurred. Atmos has filed a request for
3 oral argument, which ALJ Yoder recommends we deny.

4 Is there any discussion?

5 (No response.)

6 CHAIRMAN SCOTT: Are there any objections to
7 denying oral argument?

8 (No response.)

9 CHAIRMAN SCOTT: Hearing none, the request
10 for oral argument is denied.

11 Item 10 is Docket 13-0120. This is Peoples'
12 filing of an Informational Statement pursuant to
13 Section 6-102(d) of the Public Utilities Act on
14 reopening in connection with the proposed issuance
15 and sale of up to \$180 million aggregate principal
16 amount of bonds or notes, or a combination thereof,
17 in one or more series. ALJ Hilliard recommends entry
18 of an Order on Reopening.

19 Is there any discussion?

20 (No response.)

21 CHAIRMAN SCOTT: I'll just briefly say that
22 I appreciate Staff's diligence on this matter.
23 Obviously, it is important that the proceeds from
24 sales are used for the purposes that are set out in

1 our Orders, and acknowledge that Peoples disagrees
2 with Staff in this case. But we appreciate the fact
3 that in spite of that, they've come to an agreement
4 on this Order.

5 Is there any other discussion?

6 (No response.)

7 CHAIRMAN SCOTT: Is there any objections to
8 the proposed Order on Reopening?

9 (No response.)

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

12 Items 11 through 15 can be taken together.
13 These items are petitions to withdraw and cancel
14 Certificates of Authority to provide various forms of
15 telecommunication service in the state of Illinois.
16 In each case, ALJ Baker recommends entry of an Order
17 granting the requested relief.

18 Is there any discussion?

19 (No response.)

20 CHAIRMAN SCOTT: Are there any objections?

21 (No response.)

22 CHAIRMAN SCOTT: Hearing none, the Orders
23 are entered and the certificates are cancelled.

24 Items 16 is Docket Number 13-0539. This is

1 Ready Wireless's Application for a Certificate of
2 Service Authority pursuant to Section 13-401 of the
3 Public Utilities Act to provide resold prepaid and
4 resold non-prepaid commercial mobile radio service in
5 Illinois. ALJ Riley recommends entry of an Order
6 granting the requested relief.

7 Is there any discussion?

8 (No response.)

9 CHAIRMAN SCOTT: Are there any objections?

10 (No response.)

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

13 Items 17 and 18 can be taken together.
14 These are Joint Petitions for approval of
15 interconnection agreements. In each case, ALJ Baker
16 recommends entry of an Order approving the agreement.

17 Is there any discussion?

18 (No response.)

19 CHAIRMAN SCOTT: Any objections?

20 (No response.)

21 CHAIRMAN SCOTT: Hearing none, the Orders
22 are entered.

23 Items 19 and 20 can be taken together.

24 These items are requests by Illinois-American Water

1 Company for approval of and consent to enter into
2 financial transactions with an affiliated interest.
3 In both cases, the ALJ recommends entry of an Order
4 granting the requested relief.

5 Is there any discussion?

6 (No response.)

7 CHAIRMAN SCOTT: Any objections?

8 (No response.)

9 CHAIRMAN SCOTT: Hearing none, the Orders
10 are entered.

11 Item 21 is Docket Number 12-0212. This item
12 concerns a rulemaking proceeding to establish
13 certification requirements applicable to vendors that
14 install electric vehicle charging stations. Now that
15 the second notice period has ended, ALJ Wallace
16 recommends entry of an Order adopting 83 Illinois
17 Administrative Code 469, Certification for the
18 Installation, Maintenance or Repair of Electric
19 Vehicle Charging Stations.

20 Is there any discussion?

21 (No response.)

22 CHAIRMAN SCOTT: Any objections?

23 (No response.)

24 CHAIRMAN SCOTT: Hearing none, the Order is

1 entered and the adopted rules will be submitted to
2 the Secretary of State.

3 Item 22 is Docket Number 06-0703. This item
4 concerns our rulemaking proceeding to revise 83
5 Illinois Administrative Code 280, Procedures for Gas,
6 Electric, Water, and Sanitary Sewer Utilities
7 Governing Eligibility for Service Deposits, Payment
8 Practices and Discontinuance of Service.

9 I'd just like to state that Commissioner
10 Colgan, at our last meeting, formally recused himself
11 from discussion of this matter.

12 I know all the offices have been working
13 very diligently on this for the past few weeks and on
14 proposed edits to the rules. And I really appreciate
15 all of their hard work.

16 In the interest of moving through the edits
17 in the most expeditious manner possible, we will
18 propose them one office at a time and move through
19 all the offices one by one. This may take a few
20 minutes, but bear with us. After seven years, what
21 is a few more minutes anyway?

22 With that, I will start. I have amendments
23 to eight separate parts. I'll have a brief
24 description of each of them and then we will move on

1 each of them and then move through the various
2 offices after that.

3 First set of edits appears on page 73 of the
4 PEPO with corresponding edits on page 11 of the rule.
5 These edits require that when a utility refuses to
6 offer an applicant a restoration or a new activation
7 of service for an applicant who owes the utility an
8 unpaid debt that they provide the customer with the
9 rationale for that refusal.

10 The second set of edits appear on page 76 of
11 the PEPO with corresponding edits on page 11 of the
12 rule. These edits remove the duplicative language
13 "within two business days" from Section 2 of the
14 rule. That deadline is already noted in Section 1.

15 Third set of edits appear on page 79 of the
16 PEPO with corresponding edits on page 12 of the rule.
17 I believe that there's very little reason, especially
18 with the advent of AMA technology in many places for
19 utilities to fail to meet the timelines for service
20 activation. In any case, where those timelines are
21 not met, we have added language to require the
22 utility to report that to CSD, as well as report
23 quarterly on the frequency of the exceptions in the
24 rule as exercised.

1 The fourth set of edits appear on page 145
2 of the PEPO with corresponding edits on page 28 of
3 the rule. These edits change the section of the rule
4 to require an actual meter reading every billing
5 cycle where remote reading devices have been
6 installed. Again, very little reason we can think of
7 for continuing the practice of estimated billing
8 where those devices exist.

9 The fifth set of edits appear on page 185 of
10 the PEPO with corresponding edits on page 40 of the
11 rule. It's my opinion that if the customer and the
12 utility have agreed to electronic communication, the
13 utility should be obligated to notify the customer by
14 electronic means in addition to paper. If the
15 customer has until now received all bills or
16 communication from the utility electronically, they
17 would expect to receive this type of notification
18 using the same delivery method.

19 The sixth set of edits appear on pages 196
20 to 197 of the PEPO with the corresponding edits of
21 page 42 of the rule. These edits require that if the
22 first warning call provided a minimum of 48 hours in
23 advance of disconnection does not reach a person or
24 answering machine, another call is required 24 hours

1 in advance of disconnection. It's my belief that a
2 two-call rule provides an extra layer of protection
3 and gives the utility an additional opportunity to
4 make actual contact with the customer prior to
5 disconnection.

6 The seventh set of edits appear on pages 223
7 to 224 of the PEPO with corresponding edits on page
8 52 of the rule. These edits increase the penalty
9 amounts to the utility if they fail to make a timely
10 reconnection of service after a customer has remedied
11 the issue for disconnection. The penalty for making
12 -- for failing to make a timely reconnection has been
13 changed from one to two non-prorated monthly customer
14 charges to provide an incentive to the utility to act
15 promptly. If the disconnection was made in error,
16 the penalty has been changed to be equal to three
17 non-prorated monthly customer charges, in addition to
18 any reconnection fees made for non-timely
19 reconnections.

20 And finally, the eighth set of edits appear
21 on page 242 of the PEPO with corresponding edits on
22 page 62 of the rule. These edits strike Subsection
23 280.220(i)(1) from the rule and explain in the PEPO,
24 our rationale, for not requiring that the utilities

1 state directly to the customer that they may escalate
2 their complaint to a supervisor. The concern here is
3 that mandating the utility to tell customers they can
4 escalate their complaint to a supervisor will
5 encourage more escalations without necessarily
6 increasing customer satisfaction. More calls,
7 obviously, lead to more expense to the utility, which
8 will be passed on to ratepayers. Obviously, if a
9 customer asked to escalate, that will be afforded to
10 them.

11 So those are the edits that my office is
12 proposing. And with that, I would move their
13 approval.

14 Is there a second?

15 COMMISSIONER MAYE: Second.

16 CHAIRMAN SCOTT: Second by Commissioner
17 Maye.

18 Is there any discussion on these proposed
19 edits?

20 (No response.)

21 CHAIRMAN SCOTT: All in favor of these
22 propose edits, vote "aye".

23 ("Ayes" heard.)

24 CHAIRMAN SCOTT: Any opposed?

1 (No response.)

2 CHAIRMAN SCOTT: The vote is four to nothing
3 and the edits are adopted.

4 Commissioner McCabe.

5 COMMISSIONER MCCABE: I have two edits. The
6 first are joint edits with the Chairman to Sections
7 280.15 and 280.2. The rule is pages 4 to 5, and the
8 proposed Order page 32. These sections outline how
9 the utilities will comply with the new requirements
10 proposed by the revised rules. The edits proposed
11 provide for the following:

12 They require each utility to submit to the
13 Commission within 60 days of the effective date an
14 initial implementation plan that will outline how the
15 utility will complete each new requirement of the
16 revised rule. They require the utility to submit
17 updates of the plan to CSD, the Consumer Services
18 Division, every 120 days until full compliance is
19 achieved. They provide definitions of implementation
20 plan and checklists so both the Commission and the
21 utilities know what is expected.

22 The second set of edits pertain to
23 280.3(j)(7), Timely Reconnection of Service. They
24 add "unforeseeable" along with "unanticipated" and

1 "temporary", and require that the Consumer Services
2 Division approve temporary exceptions in place of
3 notice. They modify the rule on page 12 and the
4 Order on pages 81 to 82.

5 As this is the first notice of this large
6 rulemaking, all parties, including CSD, should review
7 and comment on these changes. And I move for the
8 adoption of these amendments.

9 CHAIRMAN SCOTT: It's been moved.

10 Is there a second?

11 COMMISSIONER DEL VALLE: Second.

12 CHAIRMAN SCOTT: Second by Commissioner del
13 Valle.

14 Any discussion on these proposed edits?

15 (No response.)

16 CHAIRMAN SCOTT: All in favor of the edits
17 say "aye."

18 ("Ayes" heard.)

19 CHAIRMAN SCOTT: Any opposed?

20 (No response.)

21 CHAIRMAN SCOTT: The vote is four to nothing
22 and the edits are adopted.

23 Commissioner del Valle.

24 COMMISSIONER DEL VALLE: Thank you.

1 The first edit is a clarification of what
2 the definition is of government issue photo ID to
3 include the consular identification document. That
4 is in Section 280.30(d)(1). And basically, what that
5 allows for is for what is currently done at the state
6 level by state agencies that accept documents such as
7 Matrícula Consular as identification. And the form
8 of that identification is defined in state statute.

9 The second edit -- second, third and fourth
10 edit involves Section 280.14, pages 48 through 51,
11 requiring that building managers be contacted or that
12 an attempt to contact building managers be made by
13 the utility in the process of a multi-metered
14 disconnection. It adjusts the inconvenience
15 compensation credits to those innocent parties to a
16 multi-meter premise disconnection and it requires the
17 gathering of data on multi-meter premise
18 disconnections.

19 The next edit is on page 70 of Appendix A.
20 And basically, just reorganizes the presentation of
21 the information in a disconnection notice to
22 emphasize consumer rights.

23 The last edit is to Appendix C, page 73. It
24 clarifies that there will be access to Spanish

1 language copies of public notices of the rules.

2 CHAIRMAN SCOTT: Commissioner del Valle, are
3 you moving these edits?

4 COMMISSIONER DEL VALLE: The adoption of
5 these edits.

6 CHAIRMAN SCOTT: Very good.

7 Is there a second?

8 COMMISSIONER MAYE: Second.

9 CHAIRMAN SCOTT: Second by Commissioner
10 Maye.

11 Is there any discussion on Commissioner del
12 Valle's edits?

13 (No response.)

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

15 ("Ayes" heard.)

16 CHAIRMAN SCOTT: Any opposed?

17 (No response.)

18 CHAIRMAN SCOTT: The vote is four to nothing
19 and the edits are adopted. Thank you, Commissioner.
20 Commissioner Maye.

21 COMMISSIONER MAYE: I would like to propose
22 revisions to Part 3, Subsection 160, which deals with
23 the medical certification. These edits relate to
24 page 215 of the PEPO with corresponding edits to page

1 51 of the rule.

2 I am proposing that we add a data collection
3 and maintenance requirement to the section of the
4 rule, because I do believe at this time the
5 Commission lacks relevant data regarding the medical
6 certification process. With this information, we
7 would like to know how many requests the utilities
8 are actually receiving for medical certification and
9 also how many requests the utilities are therefore
10 denying. We would like that information to be
11 submitted to our office of Consumer Services.

12 And I would like to move the adoption of
13 these edits at this time.

14 CHAIRMAN SCOTT: Very good. It's been
15 moved.

16 Is there second?

17 COMMISSIONER DEL VALLE: Second.

18 CHAIRMAN SCOTT: Second by Commissioner del
19 Valle.

20 Any discussion on the proposed edit?

21 (No response.)

22 CHAIRMAN SCOTT: All in favor say "aye".

23 ("Ayes" heard.)

24 CHAIRMAN SCOTT: Any opposed?

1 (No response.)

2 CHAIRMAN SCOTT: The "ayes" have it. And by
3 a four to nothing vote, the revisions are adopted.

4 Now that all of the revisions have been
5 adopted, is there a motion to enter the Order as
6 amended?

7 COMMISSIONER MCCABE: So moved.

8 CHAIRMAN SCOTT: Moved by --

9 COMMISSIONER DEL VALLE: Second.

10 CHAIRMAN SCOTT: -- Commissioner McCabe and
11 second by Commissioner del Valle.

12 Any further discussion on this matter?

13 (No response.)

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

15 ("Ayes" heard.)

16 CHAIRMAN SCOTT: Any opposed?

17 (No response.)

18 CHAIRMAN SCOTT: The vote is four to nothing
19 and the Order, as amended, is entered.

20 Thank you very much to all the offices and
21 also to Judge Hilliard for all of his work and all
22 the people that worked on this matter. And although
23 we're not done, but there's a tremendous amount of
24 work that's been done on this. And I second

1 Commissioner McCabe's call for everybody to take a
2 look at what we have done today and to comment on
3 that as it moves through the rest of the process.
4 Again, thank you to everyone for their work on this.

5 Further comments on this item?

6 (No response.)

7 CHAIRMAN SCOTT: Judge Wallace, are there
8 any other matters to come before the Commission
9 today?

10 JUDGE WALLACE: No. That's all, Mr.
11 Chairman.

12 CHAIRMAN SCOTT: Thank you, sir.

13 Hearing none, this meeting stands adjourned.
14 Thank you everyone.

15 MEETING ADJOURNED.

16

17

18

19

20

21

22

23

24