

1 BEFORE THE
2 ILLINOIS COMMERCE COMMISSION
3 PUBLIC UTILITIES REGULAR OPEN MEETING
4 Thursday, November 18, 2021
5 Chicago, Illinois

6
7 Met pursuant to notice via videoconference
8 at 11:30 a.m. at 160 North LaSalle Street, Chicago,
9 Illinois.

10
11 PRESENT:

- 12 CARRIE ZALEWSKI, Chairwoman
13 D. ETHAN KIMBREL, Commissioner
14 MARIA S. BOCANEGRA, Commissioner
15 MICHAEL T. CARRIGAN, Commissioner

16
17
18
19
20
21 BRIDGES COURT REPORTING
22 BY: Jennifer Orozco,
 Notary Public

1 CHAIR ZALEWSKI: Good morning, Commissioner
2 Carrigan. Are we ready to proceed in Springfield?

3 COMMISSIONER CARRIGAN: We are.

4 CHAIR ZALEWSKI: Great. Then, under the
5 Open Meetings Act, I call the November 18th, 2021,
6 Regular Open Meeting to order. Commissioners
7 Bocanegra and Kimbrel are with me in Chicago, and
8 Commissioner Carrigan is in the Springfield office.
9 All commissioners are present. We have a quorum.
10 We have no requests to speak. We're going to move
11 right on to our agenda.

12 Under our Public Utilities agenda,
13 there are no edits to the October 21st Regular Open
14 Meeting minutes.

15 Are there any objections to
16 approving the minutes?

17 (No verbal response.)

18 CHAIR ZALEWSKI: Hearing none, the minutes
19 are approved.

1 Under Electric Items, Item E-1
2 concerns ComEd's proposal of new tariff pages to
3 provide the conditions under which it would provide
4 additional rebates to retail customers with paired
5 photovoltaic and energy storage facilities to
6 implement the Rider SPWS Rebate or Solar Paired
7 With Storage Rebate, as required by Public Act
8 102-0662. The Commission Staff recommends
9 suspending this filing to conduct a hearing on the
10 process. The order suspends the filing. Are there
11 any objections to approving the order?

12 (No verbal response.)

13 CHAIR ZALEWSKI: Hearing none, the order
14 is approved.

15 Item E-2 concerns Ameren's filing
16 to update the language in its Rider Modernization
17 Action Plan -- Reconciliation, or Rider MAP-R, to
18 reflect requirements of the Public Act 102-0662 to
19 ensure that the Rider MAP-R works in conjunction
20 with the multi-year rate plan. The Commission
21 Staff has reviewed this filing and recommends not
22 suspending it. Are there any objections to not

1 suspending the filing?

2 (No verbal response.)

3 CHAIR ZALEWSKI: Hearing none, the filing
4 is not suspended.

5 Item E-3 concerns ComEd's proposal
6 of new tariff pages to allow it to reconcile its
7 delivery service rates charged and determined
8 pursuant to its formula rate update filings during
9 the time periods prior to the effective date of new
10 rates approved through Article 9 or Sec 16-108.18
11 of the Public Utilities Act following termination
12 of formula rates, as directed by Public
13 Act 102-0662. Staff recommends the Commission
14 suspend this filing for a hearing process. So the
15 order suspends the filing. Are there any
16 objections to approving the order?

17 (No verbal response.)

18 CHAIR ZALEWSKI: Hearing none, the order is
19 approved.

20 Item E-4 concerns an allegation
21 that ComEd improperly denied complainant's net
22 metering application in violation of the Public

1 Utilities Act. The complainant alleges that
2 ComEd's 110 percent rule violates the Public
3 Utilities Act. The order finds that ComEd's 110
4 percent rule is a policy it enforces to implement
5 the terms of Rider POGNM and is consistent with
6 Rider POGNM. And because the 110 percent rule is
7 applied uniformly to many different types of
8 generating facilities that would be eligible for
9 net metering and not just PV systems, the order
10 finds that the rule appears reasonable and
11 consistent with Rider POGNM.

12 Accordingly, the order grants the
13 motion for summary judgment filed by ComEd and
14 denies the complaint. Are there any objections to
15 approving the order?

16 (No verbal response.)

17 CHAIR ZALEWSKI: Hearing none, the order is
18 approved.

19 Item E-5 concerns a complaint
20 against ComEd alleging that ComEd improperly
21 assessed a tampering fee against the complainant.
22 The complainant failed to appear at any of the

1 hearings, and so the order dismisses the complaint
2 without prejudice for want of prosecution. Are
3 there any objections to approving the order?

4 (No verbal response.)

5 CHAIR ZALEWSKI: Hearing none, the order is
6 approved.

7 Item E-6 concerns a pro se
8 complaint against ComEd alleging that complainant
9 requires financial assistance and that ComEd should
10 have informed her of a grant. Complainant requests
11 that ComEd give her a \$500 deduction from her total
12 outstanding balance due. The complainant failed to
13 appear at the hearing. The order dismisses the
14 complaint without prejudice for want of
15 prosecution. Are there any objections to approving
16 the order?

17 (No verbal response.)

18 CHAIR ZALEWSKI: Hearing none, the order is
19 approved.

20 Item E-7 concerns a proceeding
21 initiated in response to the statutory mandate that
22 the ICC conduct an investigation to calculate the

1 value of rebates for retail customers with
2 distributed generation facilities to replace the
3 full net metering, as provided by the Public
4 Utilities Act.

5 The Commission Staff filed a motion
6 to dismiss explaining the impact of Public
7 Act 102-0662 on this investigation. The order
8 concludes that the Commission's stated legal
9 authority for this proceeding has been superseded
10 by Public Act 102-0662 and therefore be dismissed.
11 Are there any objections to approving the order?

12 (No verbal response.)

13 CHAIR ZALEWSKI: Hearing none, the order is
14 approved.

15 Item E-8 concerns Docket
16 Number 20-0700, which is a rulemaking to amend
17 Commission's DER interconnection rules in Parts 466
18 and 467. Staff motioned to withdraw the previously
19 adopted first notice and initiate a new first
20 notice period in reference to a previously adopted
21 second notice order authorizing filing of the
22 proposed amendments with the joint committee on

1 administrative rules.

2 Public Act 102-0662 addresses
3 electric interconnection in a manner that cannot be
4 reconciled with the Commission's previously adopted
5 second notice amendments. Staff requests the
6 Commission issue a new first notice order adopting
7 the proposed rules attached to Staff's motion. The
8 order withdraws the first notice and initiates a
9 new first notice period. Are there any objections
10 to approving the order?

11 (No verbal response.)

12 CHAIR ZALEWSKI: Hearing none, the order is
13 approved.

14 Item E-9 concerns reconciliation of
15 revenues collected by MidAmerican under the fuel
16 adjustment charges for 2020. The order approves
17 the reconciliation as set in the appendix to the
18 order. Are there any objections to approving the
19 order?

20 (No verbal response.)

21 CHAIR ZALEWSKI: Hearing none, the order is
22 approved.

1 Item E-10 concerns reconciliation
2 of revenues collected by Mt. Carmel under fuel
3 adjustment charges for 2020. The order approves
4 the reconciliation as set in the appendix to the
5 order. Are there any objections to approving the
6 order?

7 (No verbal response.)

8 CHAIR ZALEWSKI: Hearing none, the order is
9 approved.

10 Item E-11 concerns ComEd's
11 reconciliation of revenues collected under coal tar
12 riders for 2020. The order approves reconciliation
13 as set in the appendix to the order. Are there any
14 objections to approving the order?

15 (No verbal response.)

16 CHAIR ZALEWSKI: Hearing none, the order is
17 approved.

18 Item E-12 concerns MidAmerican's
19 reconciliation for Rider EUA or Electric Utility
20 Assessment for the reconciliation period of
21 August 2020 through July 2021. Staff recommended
22 no adjustments to MidAmerican's reconciliation.

1 The order agrees with MidAmerican's plan to
2 implement the newly calculated rider EUA factors.
3 Are there any objections to approving the order?

4 (No verbal response.)

5 CHAIR ZALEWSKI: Hearing none, the order is
6 approved.

7 Item E-13 concerns Docket
8 Number 21-0196, which is an investigation under
9 Section 9-201 and 10-101 of the Public Utilities
10 Act to determine whether ComEd's Rider POGNM and
11 Rider POGCS correctly implement Section 16-107.5(j)
12 of the Public Utilities Act.

13 ComEd has filed an unopposed motion
14 to dismiss asking the Commission to dismiss the
15 complaint with prejudice. ComEd states that Public
16 Act 102-0662 materially amended and revised the net
17 metering provisions of the Act, such that the
18 operative language in Section 16-107.5(j) no longer
19 exists. The administrative law judge recommends
20 granting ComEd's motion and dismissing the
21 proceeding with prejudice. Are there any
22 objections to granting the motion to dismiss?

1 (No verbal response.)

2 CHAIR ZALEWSKI: Hearing none, the motion is
3 granted.

4 Item E-14 concerns a motion to
5 withdraw a previously filed petition for
6 confidential treatment of petitioner's report.
7 There are no other parties participating in this
8 docket, and all issues have been resolved. Are
9 there any objections to granting the motion to
10 withdraw?

11 (No verbal response.)

12 CHAIR ZALEWSKI: Hearing none, the motion is
13 granted.

14 Item E-15 concerns a petition for
15 confidential treatment of petitioner's reports.
16 The order grants the requested relief, finding the
17 information highly proprietary and confidential.
18 Are there any objections to approving the order?

19 (No verbal response.)

20 CHAIR ZALEWSKI: Hearing none, the order is
21 approved.

22 Item E-16 concerns ComEd's annual

1 energy efficiency formula rate update and revenue
2 requirement reconciliation. The order approves the
3 inputs supporting the 2022 Application Year Net EE
4 revenue requirements and finds that they are
5 prudent and reasonable, supported by substantial
6 evidence and uncontested. Are there any objections
7 to approving the order?

8 (No verbal response.)

9 CHAIR ZALEWSKI: Hearing none, the order is
10 approved.

11 Item E-17 concerns ComEd's request
12 to incur indebtedness through various financial
13 instruments. The Commission Staff has reviewed the
14 request and has no objections. The order approves
15 the request to incur debt. Are there any
16 objections to approving the order?

17 (No verbal response.)

18 CHAIR ZALEWSKI: Hearing none, the order is
19 approved.

20 Item E-18 concerns ComEd's petition
21 requesting authority to engage in transactions with
22 affiliated interests and to take certain actions in

1 connection therewith. The Commission Staff has
2 reviewed the request and has no objections. The
3 order approves the request to incur debt. Are
4 there any objections to approving the order?

5 (No verbal response.)

6 CHAIR ZALEWSKI: Hearing none, the order is
7 approved.

8 Items E-19 and E-20 concern
9 applications for certifications to install
10 distributed generation facilities. The orders
11 grant the certificates, finding that the applicants
12 meet the licensing requirements. Are there any
13 objections to considering these items together in
14 approving the orders?

15 (No verbal response.)

16 CHAIR ZALEWSKI: Hearing none, the orders
17 are approved.

18 Items E-21 and E-22 concern
19 applications for certificates to install, maintain,
20 and repair electric vehicle charging stations. The
21 orders grant the certificates, finding that the
22 applicants meet the licensing requirements. Are

1 there any objections to considering these items
2 together and approving the orders?

3 (No verbal response.)

4 CHAIR ZALEWSKI: Hearing none, the orders
5 are approved.

6 Item E-23 concerns an application
7 for authority to operate as a retail electricity
8 supply agent, broker, or consultant. The order
9 grants the certificate, finding that the applicant
10 meets the licensing requirements. Are there any
11 objections to approving the order?

12 (No verbal response.)

13 CHAIR ZALEWSKI: Hearing none, the order is
14 approved.

15 Item E-24 concerns Mt. Carmel's
16 petition pursuant for approval of debt that had
17 been previously issued without the consent of the
18 Commission. The order approves the petition,
19 finding it reasonable. The order directs the
20 company to first pay a \$14,312 fee pursuant to
21 Section 6-108 of the Act; second, pay a \$7,500
22 penalty pursuant to Section 6-105 of the Act; and

1 third, file reports relating to the issuance of the
2 securities approved in this order pursuant to 83
3 Illinois Administrative Code 240, as recommended by
4 Staff. Are there any objections to approving the
5 order?

6 (No verbal response.)

7 CHAIR ZALEWSKI: Hearing none, the order is
8 approved.

9 Item E-25 concerns a petition
10 requesting that the Commission cancel Sunwave USA
11 Holdings Inc.'s Certificate of Service Authority to
12 operate as an alternative retail electric supplier
13 in Illinois. Sunwave states that, due to changes
14 within its organization, Sunwave no longer serves
15 any customers in Illinois. The order grants their
16 petition and cancels the certificate. Are there
17 any objections to approving the order?

18 (No verbal response.)

19 CHAIR ZALEWSKI: Hearing none, the order is
20 approved.

21 Item E-26 concerns a petition
22 seeking to cancel D & R Building Group LLC's

1 Certificate of Service Authority to install energy
2 efficiency measures in Illinois. The order grants
3 the requested petition and cancels the petitioner's
4 certificate. Are there any objections to approving
5 the order?

6 (No verbal response.)

7 CHAIR ZALEWSKI: Hearing none, the order is
8 approved.

9 Items E-27 through E-31 concern
10 applications for certification to install energy
11 efficiency measures in Illinois. The orders
12 approve the applications, finding that the
13 applicants meet the licensing requirements. Are
14 there any objections to considering these items
15 together and approving the orders?

16 (No verbal response.)

17 CHAIR ZALEWSKI: Hearing none, the orders
18 are approved.

19 We are now moving on to our Gas
20 Utility Items.

21 Item G-1 concerns Docket 20-0467,
22 which is Elwood Energy's motion to reopen the

1 record regarding conditions imposed by a previous
2 order that granted Elwood a waiver to operate a
3 segment of natural gas pipeline at its power
4 generation plant near Elwood, Illinois, at a higher
5 maximum allowable operating pressure following the
6 reclassification of the pipeline segment. The
7 motion seeks to modify the condition requiring the
8 pipeline segment to be retired by December 31st
9 of 2021. The order finds Elwood's reason for seeking
10 to operate the pipeline segment in question beyond
11 December 31st, 2021, reasonable. The order grants
12 the motion to reopen the record and modifies the
13 conditions of the waiver. Are there any objections
14 to approving the order?

15 (No verbal response.)

16 CHAIR ZALEWSKI: Hearing none, the order is
17 approved.

18 Item G-2 concerns a complaint
19 against Nicor Gas for a damaged irrigation system
20 in Country Club Hills, Illinois. Complainant
21 requests that Nicor Gas be ordered to repair the
22 damaged irrigation system and pay all expenses

1 incurred due to the damage. Nicor argues that the
2 Commission does not have the authority to grant
3 monetary awards for damages and that such
4 jurisdiction rests in the circuit courts. The
5 order agrees with Nicor Gas and finds that the
6 respondent's motion to dismiss should be granted.
7 Are there any objections to approving the order?

8 (No verbal response.)

9 CHAIR ZALEWSKI: Hearing none, the order is
10 approved.

11 Item G-3 concerns a complaint
12 against Nicor alleging Nicor Gas denied
13 complainant's request for a medical disability
14 accommodation to retain an analog gas meter at her
15 residence due to the medical condition of her
16 daughter. The order finds that the complainant
17 failed to identify any provision in Nicor Gas's
18 tariff. The Commission's rules or state law that
19 requires Nicor Gas to offer its customers the
20 ability to retain analog meters and report monthly
21 readings to the company and that any claims that
22 complainant's daughter's health rights were

1 violated fall outside the jurisdiction of the
2 Commission. The order dismisses the complaint.
3 Are there any objections to approving the order?

4 (No verbal response.)

5 CHAIR ZALEWSKI: Hearing none, the order is
6 approved.

7 Item G-4 concerns Mt. Carmel's
8 reconciliation of revenues collected under its
9 purchase gas adjustment for 2020. The order
10 approves the reconciliation as set in the appendix
11 to the order, finding that the costs during the
12 reconciliation period were prudently incurred. Are
13 there any objections to approving the order?

14 (No verbal response.)

15 CHAIR ZALEWSKI: Hearing none, the order is
16 approved.

17 Item G-5 concerns Docket 21-0098,
18 which is Nicor Gas's proposed general increase in
19 rates and revisions to other terms and conditions
20 of service. The order approves the rate increase
21 based on the adjustments specified in the appendix
22 to the order. The order approves a 6.96 percent

1 rate of return on Nicor's net original costs base,
2 excuse me, cost rate base. This rate of return
3 incorporates a 9.75% return on common equity
4 of 54.459%, with a 3.69% return on long-term debt
5 and a 0.13% on short-term debt.

6 There are substantive edits to the
7 order that approve Nicor's proposed TotalGreen
8 program or Rider 40, as a unique opportunity to
9 offer an innovative service in Illinois. The order
10 notes that the service is entirely voluntary and
11 only affects rate payers who opt in and provide no
12 risk to the rate payers because the company has
13 committed not to pass on costs to non-participating
14 customers and those who opt in can leave the
15 program effective the next month. Are there any
16 objections to approving the edits to the order?

17 (No verbal response.)

18 CHAIR ZALEWSKI: Hearing none, the edits are
19 approved.

20 Are there any objections to
21 approving the order as edited?

22 (No verbal response.)

1 CHAIR ZALEWSKI: Hearing none, the order is
2 approved.

3 Item G-6 concerns MidAmerican's
4 reconciliation for Rider GUA or Gas Utility
5 Assessment for the reconciliation period of
6 August 2020 through July 2021. The order approves
7 the reconciliation as set in the appendix to the
8 order, finding that the costs during the
9 reconciliation period were prudently incurred. Are
10 there any objections to approving the order?

11 (No verbal response.)

12 CHAIR ZALEWSKI: Hearing none, the order is
13 approved.

14 We're now moving on to our
15 Telecommunications Items.

16 Item T-1 concerns the petition to
17 protect portions of petitioner's annual report from
18 disclosure. The reporter, excuse me, the
19 petitioner was made aware of the deficiency of its
20 application and failed to correct the filing. The
21 order dismisses the petition for want of
22 prosecution. Are there any objections to approving

1 the order?

2 (No verbal response.)

3 CHAIR ZALEWSKI: Hearing none, the order is
4 approved.

5 Item T-2 concerns Verizon's
6 petition to recognize GTE Wireless's merger into
7 Verizon and to cancel GTE Wireless's certificate of
8 service authority to provide commercial mobile
9 radio service, telecommunication services. The
10 order grants the petition and cancels the
11 certificate. Are there any objections to approving
12 the order?

13 (No verbal response.)

14 CHAIR ZALEWSKI: Hearing none, the order is
15 approved.

16 Item T-3 concerns a petition to
17 cancel City of Rock Falls' certificates of service
18 authority. No petitions to intervene were filed in
19 this matter, and there are no contested issues.
20 The order cancels the certificate and directs the
21 petitioner to file its 2021 annual report. Are
22 there any objections to approving the order?

1 (No verbal response.)

2 CHAIR ZALEWSKI: Hearing none, the order is
3 approved.

4 Moving on to our Water and Sewer
5 Matter.

6 Item W-1 concerns Illinois-American
7 Water Company's application for a certificate of
8 public convenience and necessity to expand its
9 service area in DuPage County, Illinois. The order
10 grants the certificate, finding that Illinois-American
11 is capable of financing the proposed construction
12 without significant adverse financial consequences
13 for the company or its customers. Are there any
14 objections to approving the order?

15 (No verbal response.)

16 CHAIR ZALEWSKI: Hearing none, the order is
17 approved.

18 We have no Miscellaneous Items, no
19 petitions for rehearing.

20 We have one item under Other
21 Business.

22 Item O-1 concerns approval of

1 batches, contracts, and confirmations under the
2 Illinois Solar For All Program. Are there any
3 objections to approving the program administrator's
4 submissions?

5 (No verbal response.)

6 CHAIR ZALEWSKI: Hearing none, the
7 submissions are approved.

8 This concludes our Public Utilities
9 agenda.

10 Judge Teague Kingsley, do we have
11 other matters to come before the Commission today?

12 JUDGE TEAGUE KINGSLEY: No, Madam Chairman.

13 CHAIR ZALEWSKI: Are there any other
14 business to discuss from other commissioners?

15 (No verbal response.)

16 CHAIR ZALEWSKI: Just one announcement.
17 Starting September 16th of this year, state law
18 prohibits electric utilities from charging
19 late-payment fees or charges to low income
20 customers. So if you're a low-income customer and
21 you've been charged a late-payment fee on a recent
22 electric bill, please contact your electric utility

1 to find out whether the fee can be taken off your
2 bill.

3 State law now also prohibits gas
4 and electric utilities from requiring low-income
5 customers to pay a deposit to have service
6 connected, reconnected, or to continue to receive
7 service. Gas and electric utilities must also
8 refund deposits to low-income customers who have
9 paid them. So if you are a low-income customer and
10 have been charged a deposit by a electric or gas
11 utility, please contact the utility to find out
12 whether the deposit can be refunded. And, of
13 course, the Commission's Consumer Services Division
14 is always available to help and can be reached
15 between 8:30 a.m. and 5:00 p.m., Monday through
16 Friday, by calling 1-800-524-0795.

17 And with no other business to
18 discuss, this meeting is now adjourned. Thank you.

19 (Whereupon, the above-entitled
20 matter adjourned at 11:55 a.m.)

21

22