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BEFORE THE  
ILLINOIS COMMERCE COMMISSION  
REGULAR OPEN MEETING  
(PUBLIC UTILITY)  
Chicago, Illinois  
Tuesday, November 20, 2012

Met, pursuant to notice, at 10:30 a.m.  
in the Audiovisual Conference Room, 160 North LaSalle  
Street, Chicago, Illinois.

PRESENT:

- MR. DOUGLAS P. SCOTT, Chairman
- MS. LULA M. FORD, Commissioner
- MS. ERIN M. O'CONNELL-DIAZ, Commissioner
- MR. JOHN T. COLGAN, Commissioner
- MS. ANN McCABE, Commissioner

L.A. COURT REPORTERS by  
Kari Wiedenhaupt, Reporter

CSR# 084-004725

1           CHAIRMAN SCOTT: Pursuant to the provisions of  
2 the Open Meetings Act, I now convene a regular open  
3 meeting of the Illinois Commerce Commission. With me  
4 in Springfield is Commissioner Colgan, and with us in  
5 Chicago are Commissioner Ford, Commissioner  
6 O'Connell-Diaz and Commissioner McCabe. I am  
7 Chairman Scott. We have a quorum.

8                       Before moving into the agenda,  
9 according to Section 1700.10 of Title 2 of the  
10 Administrative Code, this is the time we allow  
11 members of the public to address the Commission.  
12 Members of the public wishing to address the  
13 Commission must notify the Chief Clerk's office at  
14 least 24 hours prior to Commission meetings.

15                      According to the Chief Clerk's office,  
16 we have two requests to speak at today's meeting.  
17 Just a quick reminder that under the Commission's  
18 rules, public comment is limited to three minutes per  
19 commenter, and we won't respond to you. So it's not  
20 that we are not interested, but we will just take  
21 your comments and not respond. So it's just a  
22 warning in advance.

1                   We'll start today with Mr. Bart  
2           Ellefritz from the office of Senator Dick Durbin.  
3           Mr. Ellefritz, why don't you take a seat.

4                   MR. ELLEFRITZ: Thank you, Chairman Scott.  
5           Before we begin I wanted to acknowledge that Randy  
6           Pollard from Senator Kirk's office is here as well,  
7           and I will read a joint letter from Senator Durbin's  
8           office and Senator Kirk's office.

9                   CHAIRMAN SCOTT: Very good.

10                   MR. ELLEFRITZ: Dear Chairman Scott and  
11           Commissioners, we offer strong support for the  
12           inclusion of FutureGen in the Illinois Power  
13           Procurement Plan and urge the Commission to approve  
14           the proposed portfolio for energy Docket No. 12-0544.

15                   The ICC is responsible for ensuring  
16           adequate, reliable, affordable, efficient and  
17           environmentally sustainable electricity for the  
18           state. FutureGen will ensure that Illinois remains a  
19           leader in clean generation -- clean coal generation,  
20           research and training, and will boost the local  
21           economy by creating approximately 2,000 direct and  
22           indirect jobs throughout the state.

1                   Through the project FutureGen will  
2 retrofit a 200 megawatt unit at Meredosia with an  
3 advanced oxy-combustion technology. In addition, the  
4 project will sequester carbon dioxide at a regional  
5 sequestration facility in Morgan County.

6                   FutureGen is critically important for  
7 our energy future, for Illinois coal and for our  
8 country. The project includes retrofitting a  
9 shuttered coal-fired power plant with state of the  
10 art oxy-combustion technology and a carbon  
11 sequestration facility. Oxy-combustion burns coal  
12 with a mixture of oxygen and carbon dioxide instead  
13 of air to produce a concentrated carbon dioxide  
14 stream for safe, permanent storage.

15                   The technology also creates near zero  
16 emissions for criteria pollutants by reducing  
17 mercury, sulfur dioxide and other pollutants from the  
18 plant's emissions.

19                   The power procurement plan that you  
20 are considering will ensure a market for the power  
21 generated when the state of the art facility comes  
22 online at Meredosia. The U.S. Department of Energy

1 is finalizing a cooperative agreement with the  
2 FutureGen alliance to transfer the Meredosia plant  
3 formally to the Alliance, at which point the project  
4 will enter the final design and pre-construction  
5 phase.

6 The ICC's approval of the inclusion of  
7 FutureGen in the state's power procurement plan will  
8 provide a necessary finance mechanism to ensure that  
9 this project can get up and running. We strongly  
10 urge the Commission to approve the inclusion of  
11 FutureGen in the proposed power purchase agreement.  
12 Sincerely, U.S. Senator Dick Durbin and U.S. Senator  
13 Mark Kirk.

14 CHAIRMAN SCOTT: Thank you, Mr. Ellefritz.  
15 Thank you very much.

16 Next up is Mr. Timothy Drea. Mr. Drea  
17 today is representing the Illinois AFL-CIO.

18 MR. DREA: Good morning. Thank you, Mr.  
19 Chairman, Commissioners, Director. My name is  
20 Timothy Drea from the Illinois AFL --  
21 Secretary/Treasurer of the Illinois AFL-CIO. We  
22 represent the people who -- skilled tradesmen and

1 women that want to build FutureGen. So it's all  
2 about the jobs, and as a -- actually a laid off  
3 coalminer myself, I know firsthand the importance of  
4 coal mining jobs in central Illinois and the economic  
5 impact they can have on our communities.

6           So we are happy to join with Senator  
7 Durbin and Senator Kirk to endorse this project and  
8 hope that the Commission will as well. Illinois has  
9 a unique opportunity to advance clean coal technology  
10 and spur economic growth through FutureGen 2.0. In  
11 addition to investing more than a billion dollars in  
12 central and southern Illinois economy creating an  
13 estimated 700 to 1,000 construction jobs, creating an  
14 additional 700 to 1,000 indirect jobs during the  
15 construction period and providing long-term good  
16 paying employment opportunities in plant operation,  
17 FutureGen 2.0 will create economic development for  
18 job starved areas of the state, increase protection  
19 for the environment and public health and establish  
20 Illinois as a national model of simultaneously  
21 pro-jobs, pro-environment and a pro-consumer state.  
22 Developing clean coal power is a win-win-win for

1 Illinois, good for our economy, good for the  
2 environment, good for consumers and good for  
3 everybody.

4 We urge you to include the clean coal  
5 power in the Illinois Power Agency's 2013 Electricity  
6 Procurement Plan by approving the power purchase  
7 agreement for FutureGen's 2.0 project. Thank you,  
8 Mr. Chairman.

9 CHAIRMAN SCOTT: Thank you, Mr. Drea. That  
10 concludes the public comment portion of today's  
11 regular open meeting, and on behalf of the  
12 Commission, I would like to thank the commenters for  
13 their remarks today.

14 Moving on to the agenda for today's  
15 meeting, Item 1 concerns the approval of minutes from  
16 our October 24th Special Open Meeting. I understand  
17 amendments have been forwarded.

18 Is there a motion to amend the  
19 minutes?

20 COMMISSIONER COLGAN: So moved.

21 CHAIRMAN SCOTT: Is there a second?

22 COMMISSIONER MCCABE: Second.

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

2 All in favor, say aye.

3 (Chorus of ayes.)

4 CHAIRMAN SCOTT: Any opposed?

5 (No response.)

6 CHAIRMAN SCOTT: The vote is five to nothing,  
7 and the amendments are adopted.

8 Is there a motion to approve the  
9 October 24th minutes as amended?

10 COMMISSIONER FORD: So moved.

11 CHAIRMAN SCOTT: Is there a second?

12 COMMISSIONER O'CONNELL-DIAZ: Second.

13 CHAIRMAN SCOTT: It's been moved and seconded.  
14 All in favor, say aye.

15 (Chorus of ayes.)

16 CHAIRMAN SCOTT: Any opposed?

17 (No response.)

18 CHAIRMAN SCOTT: The vote is five to nothing  
19 and the October 24th minutes as amended are approved.  
20 We will use this five to nothing vote for the  
21 remainder of today's regular open meeting unless  
22 otherwise noted.





1 Is there any discussion?

2 (No response.)

3 CHAIRMAN SCOTT: Any objections?

4 (No response.)

5 CHAIRMAN SCOTT: Hearing none, the Joint

6 Motions to Dismiss are granted.

7 Item 11 is Docket No. 12-0244. This  
8 is Ameren's AMI deployment plan currently on  
9 rehearing. We'll hold entry of the Order concerning  
10 plan approval for disposition at a future Commission  
11 proceeding, but also before the Commission today is a  
12 Petition for Interlocutory Review filed by the  
13 Attorney General concerning an evidentiary ruling  
14 striking discussion of certain customer impact  
15 metrics.

16 Is there any discussion on the  
17 petition for interlocutory review?

18 (No response.)

19 CHAIRMAN SCOTT: Is there a motion with respect  
20 to the petition?

21 I would move to grant the petition and  
22 reverse the evidentiary ruling.

1 Is there a second?

2 COMMISSIONER COLGAN: Second.

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

4 Is there further discussion on that motion?

5 COMMISSIONER O'CONNELL-DIAZ: Mr. Chairman,  
6 could I understand your rationale for that, please?

7 CHAIRMAN SCOTT: Because I believe that the  
8 evidence was put -- it was actually placed into  
9 evidence at the time of the hearing, and I believe it  
10 was on Page 31 of the testimony from the witness from  
11 the AG's office asking that those metrics be included  
12 in this particular -- or testified they thought that  
13 those metrics should be included in this proceeding  
14 as it was in the ComEd proceeding as well.

15 And I think that procedurally,  
16 properly -- and not commenting on whether I think  
17 what the merit or the weight should be for that  
18 particular testimony as it pertains to the final  
19 Order, but I think clearly that that testimony was in  
20 place. I think it clearly pertains to this docket as  
21 it did in the docket where we found that it did  
22 pertain in the Commonwealth Edison case, and if the

1 company had wanted to eliminate that testimony or  
2 that line of testimony at that time, it could have  
3 filed a Motion to Strike the testimony, which they  
4 didn't do.

5 So I think to remove that at this  
6 point would be improper, and again, not attributing  
7 any particular weight to that particular testimony.  
8 That's for us to decide in the upcoming Order, but I  
9 think it would be improper to remove that testimony  
10 at this time, and that argument.

11 COMMISSIONER COLGAN: I agree with what you  
12 just said, and if for no other reason, I think for  
13 consistency between this AMI deployment and the ComEd  
14 AMI deployment it's really important. So I support  
15 granting the interlocutory review.

16 COMMISSIONER MCCABE: I was -- I am concerned  
17 about consistency between our Orders as well, but I  
18 found the ALJ's motion persuasive given some of the  
19 procedural issues in this case.

20 COMMISSIONER FORD: That is exactly what I was  
21 going to say, Commissioner McCabe. Thank you. I  
22 certainly found those procedural issues. And I have

1 always been told that in order to grant an  
2 interlocutory review we have to have a preponderance  
3 of the evidence. Not being a lawyer and being on  
4 this Commission, that's what I was always told. So I  
5 cannot agree with that.

6 COMMISSIONER O'CONNELL-DIAZ: I would agree  
7 with my two colleagues seated with me, and I am quite  
8 concerned given the fact that we do have appropriate  
9 procedural policies in place, and coming at the back  
10 end of this, even though Chairman Scott, I understand  
11 the point that you have made, I just think it's -- it  
12 really does deny the full development of this issue,  
13 since it was not brought out earlier in the  
14 proceedings, and so at that point you kind of get  
15 into the due process requirements that I think we  
16 should always have at play in our proceedings.

17 So I believe that the ALJ did make the  
18 right call on this, and so I would go along with what  
19 her ruling was.

20 CHAIRMAN SCOTT: And the only thing I would  
21 say -- and I appreciate your comments. The only  
22 thing I would say in response to that is if you are

1 the party that's putting in the testimony, what else  
2 are you supposed to do besides put the testimony in  
3 and then be able to argue off of testimony that's  
4 already there? I'm not sure -- you know, at the time  
5 the company had every right to offer other testimony,  
6 to offer other arguments, to do other things based on  
7 the testimony that's already there.

8           It's not like they were surprised that  
9 that issue just -- if it had just come up in a brief  
10 and hadn't been put into testimony at the beginning,  
11 I'd wholeheartedly agree with what you're saying, but  
12 this -- to me this isn't any different than any other  
13 testimony that ends up in the case that people then  
14 will argue that should take -- that that testimony  
15 should be part of the formulation of what goes into  
16 the final Order.

17           I'm not sure from a -- from the AG's  
18 standpoint, it was their testimony that was  
19 introduced. I'm not sure what else they were  
20 supposed to do, and I'm not sure how having that  
21 testimony in denies the company of -- because they  
22 had full knowledge that it was in. It was in the

1 testimony of the case. I'm not sure how we are just  
2 denying them due process.

3 COMMISSIONER COLGAN: I absolutely agree with  
4 what you just said, and also, the company had an  
5 opportunity to question the witness on this, and they  
6 decided to pass that opportunity up. So I absolutely  
7 agree.

8 CHAIRMAN SCOTT: And again, I'm not talking  
9 about the weight of the testimony. I am just talking  
10 about whether or not the testimony is in there, and  
11 somebody ought to be able to argue off of it, because  
12 that's all that this Motion for Interlocutory Review  
13 is doing, is saying that people should have the  
14 ability to argue about that particular testimony that  
15 was in and say that it should be part of the final  
16 Order, which obviously we get to decide a little bit  
17 later on, but --

18 COMMISSIONER FORD: Mr. Chairman, not being a  
19 lawyer, but I thought the due process issue was the  
20 one that we were discussing because the Commission  
21 has consistently found that consideration of  
22 evidence, it should always have cross-examination and

1 a response. So that is my issue with the procedure  
2 that was taken in this issue. Even though it was in  
3 there -- I'm not going to argue in the case. I have  
4 already said that I was not going to vote for it.

5 CHAIRMAN SCOTT: Yeah. I just don't know that  
6 the parties didn't have an opportunity to do that. I  
7 don't find that from any of the documents that we  
8 have got that that opportunity to cross-examine and  
9 present alternative testimony or rebuttal type  
10 testimony wasn't there. I don't see that.

11 COMMISSIONER FORD: I think the ALJ said it was  
12 already heard and taken. The record had been marked  
13 heard and taken.

14 CHAIRMAN SCOTT: Well, the record was marked  
15 heard and taken.

16 COMMISSIONER FORD: Right.

17 CHAIRMAN SCOTT: This came in as part of the  
18 testimony for that record that was heard and taken.  
19 That's why I don't -- that's why, I guess, I'm just  
20 confused by that.

21 COMMISSIONER FORD: I'm not confused by the  
22 fact that the ALJ struck it, so --



1 CHAIRMAN SCOTT: Well, they struck it, but we  
2 also know that the ALJ didn't tell us why they struck  
3 it. It just was struck. So we don't -- we are  
4 not --

5 COMMISSIONER O'CONNELL-DIAZ: Well, that's  
6 normally how --

7 CHAIRMAN SCOTT: -- the beneficiaries of what  
8 the rationale was for striking the argument. We just  
9 found that it was struck. We are left to guess what  
10 that rationale was.

11 COMMISSIONER O'CONNELL-DIAZ: Well, that  
12 normally is how that occurs in cases. Very rarely  
13 will you see a supporting memo from the ALJ when they  
14 do such a ruling. So I agree with my colleagues  
15 here. So maybe we will just agree to disagree.

16 CHAIRMAN SCOTT: That's fine. We can do that.

17 Is there any further discussion?

18 (No response.)

19 CHAIRMAN SCOTT: The motion and the second is  
20 to grant the petition to reverse the evidentiary  
21 ruling.

22 All in favor of that motion, say aye.

1 COMMISSIONER COLGAN: Aye.

2 CHAIRMAN SCOTT: Aye.

3 Opposed?

4 COMMISSIONER O'CONNELL-DIAZ: Nay.

5 COMMISSIONER FORD: Nay.

6 COMMISSIONER MCCABE: Nay.

7 CHAIRMAN SCOTT: The vote is two to three and  
8 that motion fails.

9 And I believe -- Mr. Wallace, I  
10 believe procedurally then that would be dispositive  
11 of that particular issue. We wouldn't have to have a  
12 second motion that would grant or -- that would deny  
13 the petition, correct?

14 JUDGE WALLACE: That's a trick question. I  
15 don't think we have had that come up.

16 CHAIRMAN SCOTT: That's why I asked.

17 JUDGE WALLACE: I really -- I haven't looked  
18 into that. So I don't know.

19 COMMISSIONER O'CONNELL-DIAZ: Mr. Chairman, I  
20 will make a motion to support the ruling of the ALJ  
21 relative to this issue.

22 COMMISSIONER FORD: I'll second.

1 CHAIRMAN SCOTT: Okay. I assume we don't need  
2 any more discussion.

3 All in favor, say aye.

4 COMMISSIONER O'CONNELL-DIAZ: Aye.

5 COMMISSIONER MCCABE: Aye.

6 COMMISSIONER FORD: Aye.

7 CHAIRMAN SCOTT: Opposed?

8 COMMISSIONER COLGAN: Nay.

9 CHAIRMAN SCOTT: No.

10 So that motion carries and the ruling  
11 of the ALJ is supported in this particular case, and  
12 again, the rest of the issue will be held for a  
13 further Commission proceeding.

14 Item 12 is Docket No. 12-0566. This  
15 is Resolution Power's application for a certificate  
16 to operate as an alternative retail electric  
17 supplier. ALJ Von Qualen recommends entry of an  
18 Order granting the certificate.

19 Is there any discussion?

20 (No response.)

21 CHAIRMAN SCOTT: Are there any objections?

22

1 (No response.)

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

4 Items 13 and 14 can be taken together.  
5 These concern the initiation of citation proceedings  
6 against Peoples Gas in connection with pipeline  
7 safety issues. In each case Staff recommends  
8 entry of an Order initiating the citation proceeding.

9 Is there any discussion?

10 COMMISSIONER MCCABE: Mr. Chairman, I just want  
11 to commend the Staff for their reports on the alleged  
12 violations, and I think pipeline safety is a crucial  
13 issue both for human life and property as we have  
14 seen in Indianapolis recently, and we have got an  
15 aging infrastructure. So I wanted to commend them  
16 for the work they did on this.

17 COMMISSIONER FORD: I too, because on  
18 December 10th, I go to Washington DC to sit in on my  
19 last pipeline safety Commission meeting, and so I am  
20 very pleased with what our Staff has done with this  
21 issue.

22 CHAIRMAN SCOTT: I wholeheartedly agree.

1           COMMISSIONER O'CONNELL-DIAZ: I would just  
2 comment that I agree and just as Commissioner McCabe  
3 noted, gas pipeline safety is such an issue. It's an  
4 issue across this country, and we know it's an issue  
5 in our service territories. And so it is important  
6 that our Staff is active and when we meet with our  
7 colleagues from other states we can share the stories  
8 of how our Staff is out there ensuring that we  
9 have -- without reconstruction we have the safest  
10 pipelines that we can afford our folks in Illinois.

11                       So it is great to know that our Staff  
12 is out there ensuring that our companies are doing  
13 the right thing. Thank you.

14           CHAIRMAN SCOTT: Are there any objections to  
15 the entry of the Orders initiating the citation  
16 proceeding?

17                                       (No response.)

18           CHAIRMAN SCOTT: Hearing none, the initiating  
19 Orders are entered.

20                       Item 15 is Docket No. 12-0595. This  
21 is a filing by Ameren seeking special permission for  
22 a change to its purchased gas adjustment rider.

1 Staff recommends granting the company's request for  
2 special permission.

3 Is there any discussion?

4 (No response.)

5 CHAIRMAN SCOTT: Are there any objections?

6 (No response.)

7 CHAIRMAN SCOTT: Hearing none, special  
8 permission for the requested tariff changes is  
9 granted.

10 Item 16 is Docket No. 12-0243. This  
11 is Nicor's petition for the confidential and/or  
12 proprietary treatment of its annual report. Nicor  
13 has moved to dismiss this matter, and ALJ Hilliard  
14 recommends entry of an Order granting that motion.

15 Is there any discussion?

16 (No response.)

17 CHAIRMAN SCOTT: Are there any objections?

18 (No response.)

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

21 Item 17 is Docket No. 12-0325. This  
22 is Nicor's petition seeking a waiver of certain

1 provisions of Section 7-102 of the Public Utilities  
2 Act. The company has moved to withdraw its petition,  
3 and ALJ Jorgenson recommends granting that Motion to  
4 Withdraw.

5 Is there any discussion?

6 (No response.)

7 CHAIRMAN SCOTT: Any objections?

8 (No response.)

9 CHAIRMAN SCOTT: Hearing none, the Motion to  
10 Withdraw is granted.

11 Item 18 is Docket No. 12-0476. This  
12 is Barbara Taylor's complaint against Nicor. The  
13 parties have apparently settled their differences and  
14 brought a Joint Motion to Dismiss, which ALJ Haynes  
15 recommends granting.

16 Is there any discussion?

17 (No response.)

18 CHAIRMAN SCOTT: Are there any objections?

19 (No response.)

20 CHAIRMAN SCOTT: Hearing none, the Joint Motion  
21 to Dismiss is granted.

22 Item 19 is Docket No. 11-0597. This

1 is Infotelecom's complaint against Illinois Bell.  
2 The parties have brought a Joint Motion to Dismiss  
3 this matter, and ALJ Riley recommends entry of an  
4 Order granting the Motion to Dismiss and allocating  
5 the costs of this proceeding evenly between the  
6 parties.

7 Is there any discussion?

8 (No response.)

9 CHAIRMAN SCOTT: Is there any objections?

10 (No response.)

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

13 Item 20 is Docket No. 12-0411. This  
14 is Gwenesther Manning's complaint against Illinois  
15 Bell. The complainant has moved to withdraw her  
16 complaint, and ALJ Benn recommends granting that  
17 Motion to Withdraw.

18 Is there any discussion?

19 (No response.)

20 CHAIRMAN SCOTT: Any objection?

21 (No response.)

22 CHAIRMAN SCOTT: Hearing none, the Motion to



1 Withdraw is granted.

2 Item 21 is Docket No. 11-0668. This  
3 is DexOne's petition for a variance from certain  
4 requirements of Title 83, Section 785.180 of the  
5 Administrative Code. ALJ Riley recommends entry of  
6 an Order granting in part and denying in part the  
7 requested relief.

8 Commissioner Colgan, I believe you  
9 added some revisions?

10 COMMISSIONER COLGAN: Yeah. Thank you,  
11 Chairman. I am proposing amendment today to the post  
12 exceptions analysis and conclusions section of the  
13 Order. These amendments do not alter the ultimate  
14 conclusion of the Order, which remain to grant the  
15 petition in part and deny the petition in part. The  
16 edits that I am offering are intended to, No. 1,  
17 clarify the waivers the petitioner requested in this  
18 proceeding, what waiver petitioner received in the  
19 prior docket and what the Commission is granting and  
20 denying in this case.

21 No. 2, to specify the notice  
22 requirements to ensure that consumers are properly

1 notified when the residential portion of any white  
2 pages directory will no longer be delivered; 3, to  
3 continue the conditions imposed in Docket 07-0434 and  
4 impose commitments made by petitioner in the course  
5 of the instant proceedings; and 4, to grant the  
6 waiver request for the City of Chicago and deny the  
7 waiver request for outside Chicago as premature based  
8 on a lack of specifics with respect to a schedule.  
9 Petitioner should apply in a separate docket  
10 proceeding when it actually proposes removal of the  
11 core directory's residential white pages outside  
12 Chicago.

13 Mr. Chairman and Commissioners, I  
14 request your support for these edits and move that  
15 they be approved.

16 CHAIRMAN SCOTT: I will second those.

17 Is there discussion on the revisions?

18 (No response.)

19 CHAIRMAN SCOTT: All in favor of the revisions,  
20 say aye.

21 (Chorus of ayes.)

22 CHAIRMAN SCOTT: Any opposed?

1 (No response.)

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

4 Is there any further discussion on the  
5 Order?

6 (No response.)

7 CHAIRMAN SCOTT: I would move to enter the  
8 Order as revised.

9 Is there a second?

10 COMMISSIONER COLGAN: Second.

11 It's been moved and seconded. Any  
12 discussion?

13 (No response.)

14 CHAIRMAN SCOTT: All in favor, say aye.

15 (Chorus of ayes.)

16 CHAIRMAN SCOTT: Any opposed?

17 (No response.)

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

20 Item 22 is Docket No. 12-0514. This  
21 is a joint petition for the approval of an amendment  
22 to an interconnection agreement between Frontier and

1 Comcast. ALJ Jorgenson recommends entry of an Order  
2 approving the amendment.

3 Is there any discussion?

4 (No response.)

5 CHAIRMAN SCOTT: Are there any objections?

6 (No response.)

7 CHAIRMAN SCOTT: Hearing none, the Order is  
8 entered.

9 Item 23 is Docket No. 12-0517. This  
10 is a joint petition for the approval of an amendment  
11 to an interconnection agreement between Frontier and  
12 American Cellular Corporation. The parties have  
13 filed a Joint Motion to Dismiss this matter, and ALJ  
14 Jorgenson recommends granting that motion.

15 Is there any discussion?

16 (No response.)

17 CHAIRMAN SCOTT: Are there any objections?

18 (No response.)

19 CHAIRMAN SCOTT: Hearing none, the Joint Motion  
20 to Dismiss is granted.

21 Items 24 and 25 can be taken together.

22 These items are joint petitions by telecommunications

1 providers for the approval of amendments to  
2 interconnection agreements. In each case the ALJ  
3 recommends entry of an Order approving the amendment.

4 Is there any discussion?

5 (No response.)

6 CHAIRMAN SCOTT: Are there any objections?

7 (No response.)

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

10 Item 26 is Docket No. 12-0554. This  
11 is a joint petition for the approval of an  
12 interconnection agreement between Illinois Bell and  
13 New Horizon Communications. ALJ Riley recommends  
14 entry of an Order approving the agreement.

15 Is there any discussion?

16 (No response.)

17 CHAIRMAN SCOTT: Are there any objections?

18 (No response.)

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

21 Item 27 is Docket Nos. 12-0576 and  
22 12-0577. This is a request by Illinois-American

1 Water Company seeking permission to allow it to enter  
2 into an affiliated interest transaction with American  
3 Water Capital Corporation. ALJ Riley recommends  
4 entry of an Order granting the requested relief.

5 Is there any discussion?

6 (No response.)

7 CHAIRMAN SCOTT: Are there any objections?

8 (No response.)

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

11 Item 28 is Docket No. 12-0424. This  
12 is an application by Enterprise TE Products Pipeline  
13 Company seeking a certificate under Section 15-401 of  
14 the Public Utilities Act and the cancellation of a  
15 prior certificate. ALJ Teague recommends entry of an  
16 Order granting the requested relief.

17 Is there any discussion?

18 (No response.)

19 CHAIRMAN SCOTT: Are there any objections?

20 (No response.)

21 CHAIRMAN SCOTT: Hearing none, the Order is  
22 entered.

1                   Item 29 is Docket No. 09-0592. This  
2 is the rulemaking proceeding for Title 83, Parts 412  
3 and 453 of the Administrative Code. Dominion has  
4 filed an Application for Rehearing concerning some  
5 consistency issues with Section 412.110. ALJ Benn  
6 recommends denying the rehearing application.

7                   Is there any discussion?

8   (No response.)

9           CHAIRMAN SCOTT: Are there any objections to  
10 denying rehearing?

11   (No response.)

12           CHAIRMAN SCOTT: Hearing none, Dominion's  
13 Application for Rehearing is denied.

14                   Item 30 is Docket No. 12-0499. This  
15 is HIKO Energy's application for a certificate to  
16 operate as an alternative retail electric supplier.  
17 The company has filed an Application for Rehearing in  
18 this matter and ALJ Von Qualen recommends granting  
19 the rehearing application.

20                   Is there any discussion?

21   (No response.)

22           CHAIRMAN SCOTT: Are there any objections to

1 granting rehearing?

2 (No response.)

3 CHAIRMAN SCOTT: Hearing none, the application  
4 for rehearing is granted.

5 Judge Wallace, are there any other  
6 matters to come before the Commission today?

7 JUDGE WALLACE: I hate to bother you, but under  
8 Item 27, did we vote on both Orders?

9 CHAIRMAN SCOTT: Yes. We --

10 JUDGE WALLACE: They are not really  
11 consolidated, but they were put on together, and I  
12 probably misheard. I didn't know if --

13 CHAIRMAN SCOTT: We voted on the permission to  
14 allow it to enter into an affiliated interest  
15 transaction with American Water Capital Corporation.

16 JUDGE WALLACE: And then we have -- we have an  
17 information statement, and that needs a vote, too, I  
18 believe.

19 CHAIRMAN SCOTT: An informational statement  
20 that --

21 JUDGE WALLACE: Allowing the loan or the debt.

22 CHAIRMAN SCOTT: Okay.



1           COMMISSIONER O'CONNELL-DIAZ: Judge Wallace,  
2 these on the docket sheet, these are consolidated.

3           CHAIRMAN SCOTT: Consolidated cases.

4           JUDGE WALLACE: My mistake then. I didn't --

5           CHAIRMAN SCOTT: I think the Order covers them.

6           COMMISSIONER O'CONNELL-DIAZ: The Chairman is  
7 right.

8           JUDGE WALLACE: Well, that's good. We are  
9 okay.

10          CHAIRMAN SCOTT: Very good. And given that, is  
11 there anything else to come before the Commission  
12 today?

13          JUDGE WALLACE: No. I think I am going to stop  
14 there.

15          CHAIRMAN SCOTT: Thank you, Judge.

16                       Hearing nothing, this meeting is  
17 adjourned.

18                               (END OF PROCEEDINGS.)

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