

1 PROCEEDINGS

2 CHAIRMAN SCOTT: Pursuant to the provisions of
3 the Illinois Open Meetings Act, I now convene a
4 Regular Open Meeting of the Illinois Commerce
5 Commission. With me in Springfield are Commissioner
6 Elliott and Acting Commissioner Colgan. With us in
7 Chicago are Commissioners Ford and O'Connell-Diaz. I
8 am Chairman Scott. We have a quorum.

9 Before moving into the agenda,
10 according to Section 1700.10 of Title II of the
11 Administrative Code, this is the time we allow
12 members of the public to address the Commission.
13 Members of the public wishing to address the
14 Commission must notify the Chief Clerk's Office at
15 least 24 hours prior to the Bench Session. According
16 to the Chief Clerks's Office we have no requests to
17 speak at today's session.

18 Moving into our agenda, Item 1 is the
19 approval of minutes from our October 25 Regular Open
20 Meeting. I understand amendments have been
21 forwarded. Is there a motion to amend the minutes?

22 COMMISSIONER ELLIOTT: So moved.

1 CHAIRMAN SCOTT: Is there a second?

2 ACTING COMMISSIONER COLGAN: Second.

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

4 All in favor say aye.

5 COMMISSIONERS: Aye.

6 CHAIRMAN SCOTT: Any opposed?

7 (No response.)

8 The vote is five to nothing, and the
9 amendments to the October 25 minutes are adopted.

10 Is there a motion to approve the
11 minutes as amended?

12 COMMISSIONER ELLIOTT: So moved.

13 CHAIRMAN SCOTT: Is there a second?

14 ACTING COMMISSIONER COLGAN: Second.

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

16 All in favor say aye.

17 COMMISSIONERS: Aye.

18 CHAIRMAN SCOTT: Any opposed?

19 (No response.)

20 The vote is five to nothing, and our
21 October 25 Regular Open Meeting minutes as amended
22 are approved.

1 Item 2 is the approval of the Public
2 Utility minutes from our November 2 Bench Session. I
3 understand amendments have been forwarded. Is there
4 a motion to amend the minutes?

5 COMMISSIONER O'CONNELL-DIAZ: So moved.

6 CHAIRMAN SCOTT: Is there a second?

7 ACTING COMMISSIONER COLGAN: Second.

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

9 All in favor say aye.

10 COMMISSIONERS: Aye.

11 CHAIRMAN SCOTT: Any opposed?

12 (No response.)

13 The vote is five to nothing, and the
14 amendments to the November 2 minutes are adopted.

15 Is there a motion to approve the
16 minutes as amended?

17 COMMISSIONER ELLIOTT: So moved.

18 CHAIRMAN SCOTT: Is there a second?

19 ACTING COMMISSIONER COLGAN: Second.

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

21 All in favor say aye.

22 COMMISSIONERS: Aye.

1 CHAIRMAN SCOTT: Any opposed?

2 (No response.)

3 The vote is five to nothing, and our
4 November 2 Public Utility Bench Session minutes as
5 amended are approved.

6 We will use this five to nothing vote
7 for the remainder of today's Regular Open Meeting,
8 unless otherwise noted.

9 Item 3 is Docket Number 09-0592. This
10 is a rulemaking proceeding for Parts 412 and 453 of
11 Title 83 of the Administrative Code concerning
12 activities of the retail electric suppliers. ALJ
13 Benn recommends entry of an Order authorizing
14 submission of the proposed amendments to the Joint
15 Committee on Administrative Rules.

16 Is there any discussion?

17 (No response.)

18 Any objections to entering the Order?

19 (No response.)

20 Hearing none, the Order is entered.

21 Item 4 is Docket Number 10-0681. This
22 is Mt. Carmel Public Utility Company's reconciliation

1 case concerning revenues collected under fuel
2 adjustment charges. ALJ Jones recommends entry of an
3 Order approving the reconciliation.

4 Is there any discussion?

5 (No response.)

6 Any objections?

7 (No response.)

8 Hearing none, the Order is entered.

9 Item 5 is Docket Number 11-0279. This
10 is Ameren's rate case involving its electric utility
11 operations. Ameren has brought a motion to sever
12 this proceeding from its gas rate case and dismiss
13 the electric rate case, and that motion is before us
14 for consideration.

15 ALJ Albers, you have an update for us
16 on this?

17 JUDGE ALBERS: Yes, I do.

18 CHAIRMAN SCOTT: Thank you.

19 JUDGE ALBERS: Since receiving that motion -- I
20 am sorry, since preparing that memo to you, we have
21 received four responses to the motion, one from The
22 Commercial Group who opposes the motion, arguing that

1 it would be locking in the rate design from the 2009
2 rate case for the next few years. AG/CUB also
3 opposes the motion. They argue nothing currently
4 prevents the Commission from carrying through with
5 the electric rate case, and basically its belief that
6 it is premature given that House Bill HB -- given
7 that HB 3036 is not effective yet. IIEC had
8 expressed some concern about combined billing for
9 accounts with multiple meters but now appears to no
10 longer object to the motion, and IBEW supports the
11 motion. Monday we received AIC's reply in support of
12 their motion.

13 Setting aside entirely for the moment
14 the Proposed Order's revenue requirement, Judge Yoder
15 and I, you know, do have -- do share some of the
16 concerns raised by some of the parties in their
17 responses relating to the impact that dismissal of
18 the electric case may have on some of the electric
19 conclusions regarding rate design. We would just
20 suggest the Commission might want to consider how
21 that would affect rate design issues since some of
22 the conclusions currently address the reduction or

1 elimination of some subsidies among the classes of
2 customers. So it would delay any movement toward
3 more cost-based rates, if you will.

4 Under the Section 16-108.5(e) of the
5 new legislation, the Commission would eventually be
6 able to look at rate design issues on a revenue
7 neutral basis. But I believe, as I understand it,
8 the earliest you could do that would be sometime in
9 the spring of 2013. So to the extent the subsidies
10 currently exist, it would just be prolonging those if
11 the case were dismissed without there being a
12 requirement that it be dismissed.

13 COMMISSIONER ELLIOTT: Following that logic and
14 just hypothetically assuming that the bill is signed
15 and passed, is it -- can we do a revenue neutral --
16 can we keep the rate design in the Order, remove the
17 revenue requirement issues and go forward with that
18 in your opinion, or is there anything in the law that
19 precludes us from doing a revenue neutral rate
20 design?

21 JUDGE ALBERS: I think in looking at the
22 legislation this morning, if I understood it again

1 right, it reads as if the first Order in the
2 performance-based rates would need to be entered and
3 then a year would pass before the Commission or the
4 Company could come in to look at revenue neutral rate
5 design. So I don't think we could do that, but --

6 CHAIRMAN SCOTT: Further discussion?

7 Just so I have got an understanding of
8 it, under 3036, once that -- assume it is signed at
9 some point, if that were to get signed and then under
10 1652 the Company would file a new tariff under the
11 new law, at that point they would have to file a
12 Motion to Dismiss and at that point we would have to
13 grant it at that point.

14 Is that your understanding of it?

15 JUDGE ALBERS: I believe so. I think you could
16 probably maybe just delay action on the pending one,
17 and then if HB 3036 does become effective before this
18 case is completed, then we would have to go ahead and
19 honor that motion and dismiss the case.

20 COMMISSIONER FORD: Can we get counsel from our
21 general counsel before we make some decisions on
22 this? I would like for OGC to involve themselves in

1 this. Because we are not voting on it today.

2 COMMISSIONER ELLIOTT: I think that would be a
3 good idea because it seems to me that there is a
4 couple of conditions present that aren't ripe for
5 decision. So I would like that if we can do that.

6 MARY STEPHENSON SCHROEDER: Okay. We will find
7 somebody to do that, and we will make that filing.

8 COMMISSIONER FORD: She is here. General
9 counsel.

10 CHAIRMAN SCOTT: Thank you.

11 Anything else for Judge Albers?

12 (No response.)

13 Thank you. Thank you very much. We
14 will hold this for consideration at our next meeting.
15 Thanks, Judge.

16 Item 6 is Docket Number 11-0383. This
17 is Ameren's reconciliation case concerning revenues
18 collected under Rider TS for transmission service.
19 ALJ Yoder recommends entry of an Order approving the
20 reconciliation.

21 Is there any discussion?

22 (No response.)

1 Any objections?

2 (No response.)

3 Hearing none, the Order is entered.

4 Item 7 is Docket Number 11-0501. This
5 is Anthony Dargus' customer complaint against ComEd.
6 The parties have apparently settled their differences
7 and brought a Joint Motion to Dismiss which ALJ
8 Gilbert recommends we grant.

9 Is there any discussion?

10 (No response.)

11 Any objections?

12 (No response.)

13 Hearing none, the Joint Motion to
14 Dismiss is granted.

15 Item 8 is Docket Number 10-0716. This
16 item is a citation proceeding against Peoples Gas for
17 alleged failure to comply with federal safety rules
18 in connection with a pipeline testing accident.
19 Before us today is a Stipulation entered into between
20 Staff and Peoples Gas. The Stipulation includes
21 construction measures for enhanced safety and
22 assesses the maximum financial penalty authorized by

1 Commission rules. ALJ Gilbert recommends entry of an
2 Order approving the Stipulation.

3 Is there any discussion?

4 (No response.)

5 Are there any objections to entering
6 the Order?

7 (No response.)

8 Hearing none, the Order is entered.

9 COMMISSIONER FORD: Mr. Chairman?

10 CHAIRMAN SCOTT: Yes, Commissioner Ford?

11 COMMISSIONER FORD: I would just like to
12 commend Darin Burk and his staff for doing a nice job
13 on this. Darin is the new vice president of one of
14 our Pipeline -- are you going to read it later?

15 CHAIRMAN SCOTT: No, no, go ahead.

16 COMMISSIONER FORD: I would just like to
17 commend them for the fine work that they are doing.

18 CHAIRMAN SCOTT: Thanks, Commissioner.

19 Any further discussion on that?

20 (No response.)

21 Okay. Hearing none, the Order is
22 entered.

1 Item 9 is Docket Number 11-0644. This
2 is Dish Network Phone and Internet's application for
3 Certificates of Local and Interexchange Authority to
4 operate as a resold and facilities-based carrier of
5 telecommunications services throughout Illinois. ALJ
6 Riley recommends entry of an Order granting the
7 requested certificate.

8 Is there any discussion?

9 (No response.)

10 Any objections?

11 (No response.)

12 Hearing none, the Order is entered.

13 Item 10 is Docket Number 11-0654.

14 This is Raytel Communication's application for a
15 Certificate of Prepaid Calling Service Provider
16 Authority. ALJ Riley recommends entry of an Order
17 granting the requested certificate.

18 Is there any discussion?

19 (No response.)

20 Any objections?

21 (No response.)

22 Hearing none, the Order is entered.

1 Item 11 is Docket Number 11-0693.
2 This is North Chicago Emergency Telephone System
3 Board's petition seeking approval of a modification
4 to its approved 9-1-1 emergency telephone number
5 system boundaries. ALJ Haynes recommends entry of an
6 Order granting the petition.

7 Is there any discussion?

8 (No response.)

9 Any objections?

10 (No response.)

11 Hearing none, the Order is entered.

12 Item 12 is Docket Number 10-0481.

13 This is Illinois-American Water Company's petition
14 for approval of an agreement with affiliated entity
15 American Lake Water Company. ALJ Jones recommends
16 entry of an Order approving the agreement as revised
17 to address objections from the Attorney General's
18 Office and from Staff.

19 Is there any discussion?

20 (No response.)

21 Any objections?

22 (No response.)

1 Hearing none, the Order is entered.

2 Items 13 through 15 (11-0254, 11-0255,
3 11-0256) can be taken together. These items are
4 reconciliation proceedings for three water and/or
5 sewer utilities concerning revenues collected under a
6 purchased water or sewage surcharge. In each case
7 ALJ Riley recommends entry of an Order approving the
8 reconciliation consistent with Staff's recommended
9 adjustments.

10 Is there any discussion?

11 (No response.)

12 Any objections?

13 (No response.)

14 Hearing none, the Orders are is
15 entered.

16 Items 16 through 18 are FERC items
17 which involve pending litigation and we will be
18 addressing those in closed session. We will save
19 them for right now and move to Item 19 and then come
20 back to 16 through 18.

21 Item 19 is Docket Number 11-0046.

22 This is the Nicor/AGL merger case. We are holding

1 this item for disposition at another Commission
2 meeting, but in the meantime are there any questions
3 for ALJ Gilbert on this matter?

4 COMMISSIONER O'CONNELL-DIAZ: Umm --

5 CHAIRMAN SCOTT: Yes.

6 COMMISSIONER O'CONNELL-DIAZ: David, just the
7 deadline for this is the 13th, is that correct?

8 JUDGE GILBERT: The 18th.

9 COMMISSIONER FORD: So then the next meeting.

10 CHAIRMAN SCOTT: So we have the 7th and the
11 13th and the 21st next month.

12 COMMISSIONER O'CONNELL-DIAZ: Well, the
13 deadline is the 19th, so. I thought it was the 13th.

14 JUDGE GILBERT: The 16th, I am sorry. It is on
15 the 16th.

16 COMMISSIONER O'CONNELL-DIAZ: Our last day
17 would be the 13th, as I understand.

18 COMMISSIONER FORD: So what is the last date?

19 COMMISSIONER O'CONNELL-DIAZ: The 13th.

20 CHAIRMAN SCOTT: It would be the 13th would be
21 our last meeting before the deadline.

22 Are there any further questions for

1 Judge Gilbert?

2 (No response.)

3 Thank you, Judge.

4 Turning back to Items 16 through 18,
5 these are FERC matters which we will address in
6 Closed Session. Is there a motion to go into Closed
7 Session?

8 COMMISSIONER ELLIOTT: So moved.

9 CHAIRMAN SCOTT: Is there a second?

10 ACTING COMMISSIONER COLGAN: Second.

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

12 All in favor say aye.

13 COMMISSIONERS: Aye.

14 CHAIRMAN SCOTT: Any opposed?

15 (No response.)

16 The vote is five to nothing, and the
17 Commission will now go into Closed Session. Please
18 let me know when you are ready in Chicago.

19 (Whereupon at this point
20 pages 18 - 24 of the
21 proceedings are
22 contained in a separate
closed transcript.)

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CONTINUATION OF PROCEEDINGS

CHAIRMAN SCOTT: I should note that Commissioner Colgan left the meeting during the Closed Session. We still have a quorum. I just wanted to point that out; there are only four of us now here.

In Closed Session the Commission discussed making filings in FERC Docket Numbers ER12-242, ER12-269 and ER12-310. Is there a motion to make the filings with FERC?

COMMISSIONER ELLIOTT: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER FORD: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

All in favor say aye.

COMMISSIONERS: Aye.

CHAIRMAN SCOTT: Any opposed?

(No response.)

The vote is four to nothing, and the discussed filings will be made.

Judge Wallace, any other matters to come before the Commission today?

1 JUDGE WALLACE: No, that's all for today, sir.

2 CHAIRMAN SCOTT: Anything else?

3 (No response.)

4 Hearing nothing, the meeting stands
5 adjourned. Thanks, everyone.

6 MEETING ADJOURNED

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