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BEFORE THE
ILLINOIS COMMERCE COMMISSION

REGULAR OPEN MEETING

Chicago, Illinois
Tuesday, November 24, 2009

Met, pursuant to notice, at 10:30 a.m. in
Room N801, Eighth Floor, 160 North LaSalle Street,
Chicago, Illinois.

PRESENT:

- MS. LULA M. FORD, Commissioner
- MS. ERIN M. O'CONNELL-DIAZ, Commissioner
- MR. SHERMAN J. ELLIOTT, Commissioner
via videoconference
- MR. JOHN T. COLGAN, Commissioner
via videoconference

SULLIVAN REPORTING COMPANY, by
Alisa A. Sawka, CSR
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1 COMMISSIONER FORD: Pursuant to the provisions
2 of the Illinois Open Meeting Act, I now convene a
3 regularly scheduled opening meeting of the Illinois
4 Commerce Commission. With me in Chicago is
5 Commissioner O'Connell-Diaz. Joining us from
6 Springfield via videoconference are Commissioners
7 Elliott and Colgan. I am Commissioner Ford.

8 We have a quorum.

9 I first want to take this opportunity
10 to welcome Commissioner Colgan on his first official
11 act as Commissioner. I trust you will find being a
12 Commissioner both challenging and rewarding as the
13 industries we regulate navigate these difficult
14 times.

15 And you must always remember what the
16 Public Utility Act says. It says that we must make
17 sure that our ratepayers get reliable uninterrupted
18 services at a reasonable cost and that the investors
19 get a reasonable rate of return on their investment.
20 And those are the waters we must navigate.

21 Before moving into the agenda, this is
22 the time we allow members of the public to address the

1 Commission. Members of the public wishing to address
2 the Commission must notify the Chief Clerk's Office
3 at least 24 hours prior to the bench session.
4 According to the Chief Clerk's Office, there are no
5 requests to speak.

6 We will now turn to the public utility
7 agenda.

8 Turning first to electricity, Items
9 E-1 through E-3 will be taken together. These are
10 petitions from Commonwealth Edison Company to enter
11 arrangements resulting in 1.06 billion in debt
12 refinancing. ALJ Wallace recommends granting this
13 petition to reopen.

14 Is there a motion to enter the order?

15 COMMISSIONER O'CONNELL-DIAZ: So moved.

16 COMMISSIONER ELLIOTT: So moved.

17 COMMISSIONER FORD: Is there a second?

18 COMMISSIONER O'CONNELL-DIAZ: Second.

19 COMMISSIONER ELLIOT: Second.

20 COMMISSIONER FORD: It's been moved and
21 seconded.

22 All in favor say "aye."

1 (Chorus of ayes.)

2 COMMISSIONER FORD: Any opposed?

3 (No response.)

4 COMMISSIONER FORD: The vote is 4-0. The
5 petitions are granted. We will use this 4-0 rollcall
6 vote for the remainder of the public utilities
7 agenda, unless otherwise noted.

8 Item E-4 is Docket 08-0618. This is a
9 fuel adjustment clause reconciliation for Mt. Carmel
10 Public Utility Company. ALJ Yoder recommends
11 entering the order approving the reconciliation.

12 Is there any discussion?

13 (No response.)

14 COMMISSIONER FORD: Any objections?

15 (No response.)

16 COMMISSIONER FORD: Hearing none, the order is
17 entered.

18 Item E-5 is Docket No. 09-0388. The
19 three Ameren Illinois utilities have filed a joint
20 petition to amend joint capacity agreements removing
21 the daily capacity requirements. These bring the
22 agreements into conformity with revised FERC and NERC

1 standards. ALJ Yoder recommends entering the order
2 approving the addendum.

3 Is there any discussion?

4 (No response.)

5 COMMISSIONER FORD: Any objections?

6 (No response.)

7 COMMISSIONER FORD: Hearing none, the order is
8 entered.

9 Items E-6 and E-7 will be taken
10 together. These are applications by Lower Electric,
11 LLC, and Your Choice Energy, LLC, for licenses to
12 operate as agents, brokers and consultants under the
13 Commission's new ABC regulations. ALJ Yoder
14 recommends entering the order granting the
15 certificates.

16 Is there any discussion?

17 (No response.)

18 COMMISSIONER FORD: Any objections?

19 (No response.)

20 COMMISSIONER FORD: Hearing none, the orders
21 are entered.

22 Turning now to natural gas. Item G-1

1 is Docket 07-0618. This is a complaint by Lisa
2 Bailey against Peoples Gas Light and Coke Company.
3 The order finds that the complainant failed to appear
4 at the hearings or otherwise notified the ALJ of her
5 status. ALJ Haloulos recommends entering the order
6 dismissing the docket without prejudice for want of
7 prosecution.

8 Is there any discussion?

9 (No response.)

10 COMMISSIONER FORD: Any objections?

11 (No response.)

12 COMMISSIONER FORD: Hearing none, the order
13 is -- the docket is dismissed without prejudice.

14 Item G-2 is 08-0629. This is a
15 purchased gas adjustment proceeding involving Mt.
16 Carmel Public Utility Company. ALJ Yoder recommends
17 entering the order approving the reconciliation.

18 Is there any discussion?

19 (No response.)

20 COMMISSIONER FORD: Any objections?

21 (No response.)

22 COMMISSIONER FORD: Hearing none, the order is

1 entered.

2 Items G-3 through G-8 will be taken
3 together. The three Ameren Illinois utilities,
4 Peoples Gas, North Shore Gas and Nicor Gas, have
5 petitioned for special permission to put in place
6 tariffs on less than 45 days' notice. These tariffs
7 implement the new legislation establishing Percentage
8 of Income Payment Plans for low-income customers.
9 Staff recommends granting the special permission.

10 And I'd like to note that Commissioner
11 Colgan will be recusing himself from these cases.

12 Is there any discussion?

13 COMMISSIONER O'CONNELL-DIAZ: Commissioner
14 Ford, I'd just like to note that I'm really happy to
15 see that we finally do have a PIPP Program. I know
16 that -- I think the first occasion that I had the
17 pleasure to meet our new Commissioner Colgan was at
18 discussions that we had back in, I think, 2004 where
19 we were trying to get a PIPP Program up and running.

20 Commissioner Ford and I were engaged
21 in meetings, and actually I thought we were going to
22 have the plane take off at that point in time. But

1 it's taken a while, and it's really good to see
2 Commissioner Colgan here now serving with us. But
3 it's really excellent to see that our consumers that
4 really need these PIPP Programs will be able to take
5 advantage of them and it has become law in our state.

6 And so I'm very happy that we finally
7 have this so that our customers that really need this
8 will be able to take advantage of it.

9 COMMISSIONER FORD: So I'll take that as a
10 motion to grant the special permission request?

11 COMMISSIONER O'CONNELL-DIAZ: Yes, ma'am.

12 COMMISSIONER FORD: Is there a second?

13 COMMISSIONER ELLIOT: Second.

14 COMMISSIONER FORD: It's been moved and
15 seconded.

16 All in favor say "aye."

17 (Chorus of ayes.)

18 COMMISSIONER O'CONNELL-DIAZ: Any opposed?

19 (No response.)

20 COMMISSIONER FORD: The vote is 3-0. Special
21 permission is granted.

22 Telecommunications. Item T-1 is

1 Docket 09-0431. Total Call Mobile, Inc., has
2 petitioned for authority to operate as a reseller of
3 wireless services. ALJ Riley recommends entering the
4 order granting the certificate.

5 Is there any discussion?

6 (No response.)

7 COMMISSIONER FORD: Any objections?

8 (No response.)

9 COMMISSIONER FORD: Hearing none, the order is
10 entered.

11 Item T-2 is Docket 09-0261. This is
12 an amendatory order correcting the name of the
13 applicant throughout the order. ALJ Haloulos
14 recommends entering the amendatory order.

15 Is there any discussion?

16 (No response.)

17 COMMISSIONER FORD: Any objections?

18 (No response.)

19 COMMISSIONER FORD: Hearing none, the order is
20 entered.

21 Items T-3 through T-7 will be taken
22 together. These are interconnection agreements or

1 amendments to interconnection agreements. ALJs
2 Haloulos and Riley recommend entering the orders
3 approving the agreements and/or amendments to the
4 agreements.

5 Is there any discussion?

6 (No response.)

7 COMMISSIONER FORD: Any objections?

8 (No response.)

9 COMMISSIONER FORD: Hearing none, the order is
10 entered.

11 Item T-8 is a resolution consolidating
12 the reporting requirements for telecommunications
13 providers. Staff recommends entering the resolution
14 which adopts the revised Form 23A and discontinues
15 the use of Form 23.

16 Is there any discussion?

17 (No response.)

18 COMMISSIONER FORD: I'd just like to say that I
19 did preview those forms and I think this really
20 simplifies everything that we need to see. So I'd
21 like to thank staff for that.

22 Any objections?

1 (No response.)

2 COMMISSIONER FORD: Hearing none, the
3 resolution is adopted.

4 Items T-9 through T-11 -- and I'm
5 sorry -- T-9, T-11 and T-14 will be taken together.
6 These are applications by various entities for
7 designation as eligible telecommunications carriers
8 enabling them to receive federal universal service
9 support. ALJ Riley recommends entering the orders
10 granting the applications.

11 Is there any discussions?

12 (No response.)

13 COMMISSIONER FORD: Any objections?

14 (No response.)

15 COMMISSIONER FORD: Hearing none, the orders
16 are entered.

17 Item T-10 is Docket 09-0318. This is
18 a citation proceeding against Camarato Distributing,
19 Inc., which failed to appear or otherwise respond to
20 the citation. The order finds that the respondent is
21 in violation of statute and Commission rules. ALJ
22 Riley recommends entering the order revoking their

1 certificates.

2 Is there any discussion?

3 COMMISSIONER O'CONNELL-DIAZ: Commissioner, I
4 just have a question.

5 Judge Riley, I notice that we have a
6 \$5,000 penalty. Do we know if this company is still
7 in existence?

8 JUDGE RILEY: We have absolutely no information
9 at all. They responded to nothing. They responded
10 to none of the Staff notices and none of my notices.
11 They're completely off the radar screen.

12 COMMISSIONER O'CONNELL-DIAZ: And they have a
13 2007 puff taxes still owed, too. So --

14 JUDGE RILEY: They're still delinquent, right.

15 COMMISSIONER O'CONNELL-DIAZ: So other than
16 this citation order, I would imagine that the
17 Department of Revenue will be seeking to collect
18 those --

19 JUDGE RILEY: It's entirely possible, right.

20 But as to where they are and what
21 their status is --

22 COMMISSIONER FORD: So they don't know where to

1 go to find them.

2 COMMISSIONER O'CONNELL-DIAZ: Let's hope we get
3 that penalty money.

4 Thank you.

5 COMMISSIONER FORD: Any objections?

6 (No response.)

7 COMMISSIONER FORD: Hearing none, the order is
8 entered.

9 Item T-13 is Docket 09-0384. This is
10 a rulemaking amending regulations governing the
11 establishment of credit, billing, deposits,
12 termination of service and issuance of telephone
13 directories for local exchange telecommunications
14 carriers. ALJ Dolan recommends entering the order
15 authorizing the second notice period and sending the
16 amendment to the Joint Committee on Administrative
17 Rules.

18 Is there any discussion?

19 (No response.)

20 COMMISSIONER FORD: Any objections?

21 (No response.)

22 COMMISSIONER FORD: Hearing none, the order is

1 entered.

2 Water and wastewater.

3 COMMISSIONER ELLIOT: Madam Chairman.

4 COMMISSIONER FORD: Yes.

5 COMMISSIONER ELLIOTT: I think we overlooked
6 T-12.

7 COMMISSIONER FORD: Oh, I'm sorry.

8 E-12? T-12. I'm sorry. You-all
9 confused me.

10 Item T-12 is Docket 09-0352. Illinois
11 Valley Cellular RSA 2-1 Partnership and several
12 affiliates have petitioned for confidential and
13 proprietary treatment of Petitioner's Annual Report
14 for five years. In keeping with recent Commission
15 precedent, the order grants the request; but only for
16 two years. ALJ Riley recommends entering the order.

17 Thank you, Mr. Elliott.

18 Any objections -- is there any
19 discussion? I'm sorry.

20 (No response.)

21 COMMISSIONER FORD: Any objections?

22 (No response.)

1 COMMISSIONER FORD: Hearing none, the order is
2 entered.

3 Again, thank you, Commissioner
4 Elliott. You are so attentive.

5 COMMISSIONER ELLIOT: You're welcome.

6 COMMISSIONER FORD: Turning now to water and
7 wastewater.

8 Item W-1 is Docket 09-0450. This is
9 an application by Illinois American Water Company for
10 a certificate to serve a new elementary school in
11 Homer Glen. Petitioner requests a temporary
12 certificate as the school will be opening prior to
13 the completion of the case. ALJ Riley recommends
14 entering the interim order granting the temporary
15 certificate.

16 Is there any discussion?

17 (No response.)

18 COMMISSIONER FORD: Any objections?

19 (No response.)

20 COMMISSIONER FORD: Hearing none, the order is
21 entered.

22 Other business, this is a FERC item on

1 the agenda requiring that we go into closed session.

2 Is there a motion to go into closed
3 session?

4 COMMISSIONER O'CONNELL-DIAZ: So moved.

5 COMMISSIONER FORD: Is there a second?

6 COMMISSIONER ELLIOT: Second.

7 COMMISSIONER FORD: It's been moved and
8 seconded.

9 All in favor say "aye."

10 (Chorus of ayes.)

11 COMMISSIONER FORD: Any opposed?

12 (No response.)

13 COMMISSIONER FORD: The vote is 4-0. We will
14 go into closed session.

15 (Whereupon, the following
16 proceedings were had in closed
17 session.)

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1 (Whereupon, the following
2 proceedings were had in open
3 session.)

4 COMMISSIONER FORD: In closed session we
5 discussed proposed comments to FERC Docket
6 AD09-8-000.

7 Is there a motion to file the comments
8 with FERC?

9 COMMISSIONER O'CONNELL-DIAZ: So moved.

10 COMMISSIONER ELLIOT: So moved.

11 COMMISSIONER FORD: Is there a second?

12 It's been moved and seconded.

13 All in favor say "aye."

14 (Chorus of ayes.)

15 COMMISSIONER FORD: Any opposed?

16 (No response.)

17 COMMISSIONER FORD: The vote is 4-0. The
18 comments will be filed with FERC.

19 This concludes today's agenda.

20 Chief ALJ Wallace or Dolan, is there
21 anything else to come before the Commission today?

22 JUDGE DOLAN: No, ma'am.

1 JUDGE WALLACE: No, there's not.

2 THE COURT: Hearing none, this meeting stands
3 adjourned.

4 (And those were all the
5 proceedings had.)

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