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BEFORE THE
ILLINOIS COMMERCE COMMISSION
REGULAR OPEN MEETING
(PUBLIC UTILITY)
Tuesday, November 25, 2014
Chicago, Illinois

Met, pursuant to notice, at 10:30 A.M.,
at 160 North La Salle Street, Chicago, Illinois.

- PRESENT:
- DOUGLAS P. SCOTT, Chairman
 - JOHN T. COLGAN, Commissioner (by video)
 - ANN MCCABE, Commissioner
 - SHERINA E. MAYE, Commissioner
 - MIGUEL DEL VALLE, Commissioner

SULLIVAN REPORTING COMPANY, by
PATRICIA WESLEY
CSR NO. 084-002170

1 CHAIRMAN SCOTT: Good morning, Commissioner
2 Colgan.

3 COMMISSIONER COLGAN: Good morning, Chairman.
4 How are you doing?

5 CHAIRMAN SCOTT: Good. And yourself?

6 COMMISSIONER COLGAN: Not bad.

7 CHAIRMAN SCOTT: Everything ready in Springfield,
8 Commissioner?

9 COMMISSIONER COLGAN: We are ready to go here.

10 CHAIRMAN SCOTT: Pursuant to the provisions of
11 the Open Meetings Act, I now convene a Regular Open
12 Meeting of the Illinois Commerce Commission. With
13 us in Chicago are Commissioner McCabe, Commissioner
14 del Valle and Commissioner Maye. With us in
15 Springfield is Commissioner Colgan. I am Chairman
16 Scott. We have a quorum.

17 Before moving into the agenda,
18 according to Section 1700.10 of Title 2 of the
19 Administrative Code, this is the time we allow
20 members of the public to address the Commission.
21 Members of the public wishing to address the
22 Commission must notify the Chief Clerk's office at

1 least 24 hours prior to Commission meetings.
2 According to the Chief Clerk's office, we have no
3 requests to speak at today's meeting.

4 The first and second items of business
5 on today's agenda can be taken together. These
6 items concern the approval of the transcript from
7 our November 6th 2014 111(d) Policy Session 3 and
8 the minutes from our November 6th Regular Open
9 Meeting.

10 I understand amendments have been
11 forwarded. Is there a motion to approve the
12 amendments?

13 COMMISSIONER McCABE: So move.

14 CHAIRMAN SCOTT: Is there a second?

15 COMMISSIONER MAYE: Second.

16 CHAIRMAN SCOTT: It's been moved by Commissioner
17 McCabe and seconded by Commissioner Maye.

18 All in favor, say aye.

19 (Chorus of ayes.)

20 Any opposed?

21 (No response.)

22 The vote is 5 to nothing and the

1 amendments to our November 6th 2014 111(d) Policy
2 Session No. 3 transcript and November 6th Regular
3 Open Meeting minutes are approved.

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

6 COMMISSIONER del VALLE: So move.

7 CHAIRMAN SCOTT: Is there a second?

8 COMMISSIONER McCABE: Second.

9 CHAIRMAN SCOTT: It's been moved by Commissioner
10 del Valle and seconded by Commissioner McCabe.

11 All in favor, say aye.

12 (Chorus of ayes.)

13 Any opposed?

14 (No response.)

15 The vote is 5 to nothing and the
16 November 6, 2014 111(d) Policy Session No. 3
17 transcript and November 6th Regular Open Meeting
18 minutes as amended are approved.

19 Item 3 is our investigation of
20 standard terms for customer authorization of access
21 to interval usage data for non-billing purposes.
22 Staff recommends entry of an Order initiating the

1 proceeding to determine appropriate language for the
2 release of the information at issue.

3 Are there any comments? Commissioner
4 McCabe.

5 COMMISSIONER McCABE: This proceeding will
6 address customer authorization of access to their
7 electricity usage data for non-billing purposes.
8 Staff has proposed language by which customers can
9 authorize access to their electricity usage info and
10 recommends an expedited proceeding.

11 I hope that all relevant parties are
12 involved including municipalities or their
13 representatives. As the initiating Order and staff
14 report point out, the related 13-0506 workshops
15 included CUB, Elevate Energy, ICEA, Retail
16 suppliers, utilities, the AG and the City of
17 Chicago. Thank you.

18 CHAIRMAN SCOTT: Thank you, Commissioner.

19 Any other comments?

20 (No response.)

21 Is there a motion to enter the Order?

22 COMMISSIONER MAYE: So move.

1 CHAIRMAN SCOTT: Second?

2 COMMISSIONER McCABE: Second.

3 CHAIRMAN SCOTT: It's been moved by Commissioner
4 Maye and seconded by Commissioner McCabe.

5 Any discussion?

6 (No response.)

7 All in favor, say aye.

8 (Chorus of ayes.)

9 Any opposed?

10 (No response.)

11 The vote is 5 to nothing and the Order
12 is entered.

13 We will use this 5 to nothing vote for
14 the remainder of today's Regular Opening Meeting
15 agenda unless otherwise noted.

16 Item 4 is Docket No. 11-0592. This is
17 our investigation into Ameren's compliance with the
18 efficiency standard requirement of Section 8-103 of
19 the Public Utilities Act. ALJ Sainsot recommends
20 entry of an Order finding Ameren achieved its Energy
21 Savings Goal and Peak Demand Response Reduction Goal
22 for its Plan Year Three.

1 Is there any discussion?

2 (No response.)

3 Any objections?

4 (No response.)

5 Hearing none, the Order is entered.

6 Item 5 is Docket No. 12-0560. This is
7 Rock Island Clean Line's Petition for an Order
8 authorizing a Certificate of Public Convenience and
9 Necessity pursuant to Section 8-406 of the Public
10 Utilities Act as a Transmission Public Utility and
11 to Construct, Operate and Maintain an Electric
12 Transmission Line and Authorizing and Directing Rock
13 Island pursuant to Section 8-503 of the Public
14 Utilities Act to Construct an Electric Transmission
15 Line. ALJ Jones recommends entry of an Order
16 granting the certificate, subject to conditions.

17 I have several edits I would like to
18 propose. First, I would like to thank Commissioners
19 McCabe and del Valle's offices for their assistance
20 in putting these together. These edits do not
21 change the conclusion to grant Rock Island the
22 Certificate of Public Convenience and Necessity, but

1 instead further clarify the Commission's position on
2 a few of the contested issues.

3 (1) The first set of edits can be
4 found on Pages 26-29 and address the concept of
5 "public use" within the context of a Section 8-406
6 proceeding. ComEd and others raise the argument
7 that Rock Island Clean Line is not building the
8 project for "public use" but for the private use of
9 the parties who are contracting to utilize the line.
10 These edits further define public use as it is
11 defined in case law and bolster the conclusion that
12 the line is indeed for public use, given that all
13 parties will have an equal opportunity to purchase
14 transmission on the project.

15 The edits further support the
16 conclusion that if Rock Island is obligated to
17 expand its transmission service because the line
18 becomes over-subscribed, this CPCN will not cover
19 that expansion and they will be required to come
20 back and request additional approvals from the
21 Commission.

22 (2) The second set of edits can be

1 found on Pages 115-122. These edits address the
2 least cost issue and set out some of the case law
3 related to the public convenience and necessity
4 assessment that the Commission utilized in other
5 similar 8-406 proceedings.

6 In addition, the edits make a finding
7 on the "least cost" issue, which the Order
8 previously did not directly address. The edits make
9 clear that if Rock Island is short of funds for the
10 project and goes to FERC to recover the remainder of
11 the cost of construction from ratepayers, that their
12 certificate is no longer valid and that they will
13 need to come back to the Commission for additional
14 authority on that basis.

15 Finally, a portion of these edits
16 which are proposed jointly with Commissioner
17 del Valle's office, incorporate evidence in support
18 of the Project's stated goal to bring high capacity
19 wind from the Resource Area into Illinois.

20 (3) The third set of edits can be
21 found on Pages 154-155. These edits attempt to
22 better address the financing condition and whether

1 Rock Island has satisfied its requirement. The
2 edits incorporate the argument that Staff raised in
3 its RBOE regarding ComEd, ILA and IAA's failure to
4 read the statutory language of the financing
5 requirement as a whole, essentially ignoring the
6 fact that whether Rock Island has proven it has the
7 capability to finance the Project is to be taken in
8 the context of avoiding harm to the utility or its
9 customers.

10 Additionally, they address the
11 Commission's desire to apply the statutory
12 requirements in such a way as to not preclude
13 merchant projects from being considered on the basis
14 of their unique business model, which is by nature
15 different from that of an IOU.

16 Finally, these edits change the filing
17 requirement from Rock Island from a petition to a
18 compliance filing. A petition is an unnecessary
19 burden on the Petitioner, as well as Staff and the
20 other parties while a compliance filing satisfies
21 the Commission and ComEd's desire for a formal
22 review of the financing documents to be submitted by

1 Rock Island without causing undue delay.

2 (4) The final set of edits can be
3 found in the section on Landowner Concerns about
4 Impacts of Construction and appear primarily on
5 Pages 205-211. These edits relocate the Commission
6 conclusions which were scattered throughout the
7 summaries of parties' positions and also make
8 changes to be consistent with some points made in
9 Rock Island's BOE.

10 With that, I will move for adoption of
11 these edits. Is there a second?

12 COMMISSIONER del VALLE: Second.

13 CHAIRMAN SCOTT: It's been seconded by
14 Commissioner del Valle.

15 Is there any discussion on the edits?

16 (No response.)

17 All in favor, say aye.

18 (Chorus of ayes.)

19 Any opposed?

20 (No response.)

21 The vote is 5 to nothing and the edits
22 are adopted.

1 Is there now a motion to enter the
2 Order as amended?

3 COMMISSIONER del VALLE: So move.

4 CHAIRMAN SCOTT: Is there a second?

5 COMMISSIONER MAYE: Second.

6 COMMISSIONER SCOTT: Moved by Commissioner
7 del Valle and seconded by Commissioner Maye.

8 Any further discussion?

9 Commissioner McCabe.

10 COMMISSIONER McCABE: Rock Island Clean Line is a
11 merchant DC transmission line. It is a first for
12 the ICC. As the record attests, there's debate
13 about whether Rock Island should be a Public Utility
14 given the possibility of eminent domain authority
15 debate about its cost-effectiveness, whether it's
16 "needful and useful" and whether it promotes an
17 effectively competitive market.

18 With the Chairman's edits and staff
19 recommendations, this Order puts in place
20 requirements and safeguards that will insure (1)
21 that the line is built with secured financing and
22 (2) that investors, not ratepayers, bear the

1 financing costs and that Rock Island must return to
2 the Commission to make any changes.

3 The Order also requires that Rock
4 Island go to great lengths to offset impacts on
5 landowners, especially farmers. With that, I
6 support the Order.

7 CHAIRMAN SCOTT: Commissioners, are there any
8 further comments or discussion?

9 (No response.)

10 All in favor of the Order as amended,
11 say aye.

12 (Chorus of ayes.)

13 Any opposed?

14 (No response.)

15 The vote is 5 to nothing and the Order
16 as amended is entered.

17 And thanks to Judge Jones on the case
18 law work on this particular case. I'm very grateful
19 for that.

20 Item 6 is Docket No. 13-0476. This is
21 Ameren's filing for revenue neutral tariff changes
22 related to its rate design. A final Order was

1 entered in this proceeding on March 19, 2014,
2 however, the Attorney General subsequently filed a
3 motion for clarification identifying errors in the
4 description of its position. ALJ Von Qualen
5 recommends entry of an Amendatory Order correcting
6 the identified errors.

7 Is there any discussion?

8 (No response.)

9 Any objections?

10 (No response.)

11 Hearing none, the Amendatory Order is
12 entered.

13 Item 7 is Docket No. 14-0312. This is
14 ComEd's annual formula rate update and revenue
15 requirement reconciliation under Section 16-108.5 of
16 the Public Utilities Act. ALJ Haynes and
17 Teague-Kingsley recommend entry of an Order
18 approving the reconciliation and delivery service
19 rate increase.

20 This item is being held for
21 disposition at a future Commission proceeding.

22 Do we need an update on public

1 comments?

2 JUDGE WALLACE: We can do that at the end,
3 Chairman.

4 CHAIRMAN SCOTT: Okay. Thank you.

5 Item 8 is Docket No. 14-0317. This
6 is Ameren's Rate MAP-P Modernization Action
7 Plan - Pricing Annual Update Filing. ALJs Albers
8 and Von Qualen recommend entry of an Order approving
9 the reconciliation and delivery service rate
10 increase.

11 This item is also being held for
12 disposition at a future Commission proceeding.

13 Item 9 is Docket No. 14-0605. This is
14 Dorothy Appiah, DKY Developers' complaint against
15 ComEd as to billing/charges in Chicago. It appears
16 the parties have settled their differences and filed
17 a Joint Stipulation and Motion to Dismiss. ALJ
18 Kimbrel recommends that we dismiss the docket with
19 prejudice.

20 Is there any discussion?

21 (No response.)

22 Any objections?

1 (No response.)

2 Hearing none, the Order is entered.

3 Item 10 is Docket No. 14-0070. This
4 is our reconciliation of revenues collected under
5 ComEd's coal tar riders with prudent costs
6 associated with coal tar cleanup expenditures.
7 ALJ Teague-Kingsley recommends entry of an Order
8 approving the reconciliation.

9 Is there any discussion?

10 (No response.)

11 Any objections?

12 (No response.)

13 Hearing none, the Order is entered.

14 Item 11 is Docket No. 14-0223. This
15 is our proceeding to amend 83 Ill. Adm. Code 415,
16 "Uniform System of Accounts for Electric Utilities."
17 ALJ Teague-Kingsley recommend entry of an Order
18 adopting the proposed amendment and making the
19 amendment effective upon filing with the Secretary
20 of State.

21 Is there any discussion?

22 (No response.)

1 Any objections?

2 (No response.)

3 Hearing none, the Order is entered.

4 Item 12 is Docket No. 14-0669. This
5 is BETM Solutions LLC's Petition to surrender BETM
6 Solutions f/k/a Edison Mission Solutions Certificate
7 of Service Authority to provide alternative retail
8 electric services in Illinois. ALJ Riley recommends
9 entry of an Order cancelling the Certificate of
10 Service Authority.

11 Is there any discussion?

12 (No response.)

13 Any objections?

14 (No response.)

15 Hearing none, the Order is entered.

16 Items 13 through 15 can be taken
17 together. These items are Applications for
18 Certification to Install, Maintain or Repair
19 Electric Vehicle Charging Station Facilities under
20 Section 16-128A of the Public Utilities Act. In
21 each case ALJ Benn recommends entry of an Order
22 granting the requested certificate.

1 Is there any discussion?

2 (No response.)

3 Any objections?

4 (No response.)

5 Hearing none, the Orders are entered.

6 Item 16 is Docket No. 14-0316. This
7 is ComEd's Petition to Make Housekeeping Revisions
8 and a Compliance Change to filed Rate Formula.
9 ALJ Hayes and Teague-Kingsley recommend entry of an
10 Order defining "formula rate structure" and
11 requiring the use of ComEd's updated depreciation
12 study.

13 Is there any discussion?

14 (No response.)

15 Any objections?

16 (No response.)

17 Hearing none, the non-substantive
18 edits proposed by Commissioner McCabe are entered.

19 Item 17 is Docket No. 13-0197. This
20 is Caterpillar's Application for a Certificate of
21 Service Authority under Section 16-115 of the
22 Public Utilities Act. The Commission granted

1 this certificate on April 9, 2013, however, it
2 appears that applicant did not address the method
3 by which it will demonstrate that it continues to
4 supply electricity primarily for facilities
5 exempt from Section 16-115D(h) for each compliance
6 period as required by Section 455.140(d)(3).
7 ALJ Von Qualen recommends that we reopen the
8 proceeding to allow Caterpillar to propose a method
9 by which it will demonstrate that it complies with
10 Section 16-115D(h) for each compliance period.

11 Is there any discussion?

12 (No response.)

13 Any objections?

14 (No response.)

15 Hearing none, the proceeding is
16 reopened.

17 Items 18 through 21 can be taken
18 together. These items are applications for
19 licensure of Agents, Brokers, and Consultants under
20 Section 16-115C of the Public Utilities Act. In
21 each case ALJ Kimbrel recommends entry of an Order
22 granting the requested relief.

1 Is there any discussion?

2 (No response.)

3 Any objections?

4 (No response.)

5 Hearing none, the Orders are entered.

6 Item 22 is Docket No. 14-0412. This
7 is Dominic's Villa Rosa Pizzeria's complaint against
8 Nordic Energy Services as to a contract agreement in
9 Schaumburg. ALJ Riley recommends entry of an Order
10 granting Nordic's motion to dismiss.

11 This item will be held for disposition
12 at a future Commission proceeding.

13 Item 23 is Docket No. 14-0627. This
14 is Mansfield Power and Gas' Application for a
15 Certificate of Service Authority under Section
16 19-110 of the Public Utilities Act. ALJ Sainsot
17 recommends entry of an Order granting the requested
18 relief.

19 Is there any discussion?

20 (No response.)

21 Any objections?

22 (No response.)

1 Hearing none, the Order is entered.

2 Item 24 is Docket No. 14-0415. This
3 is 1-800 Collect Inc., d/b/a Simple Billing
4 Solutions Application for a Certificate of Prepaid
5 Calling Service Provider Authority throughout the
6 State of Illinois. ALJ Benn recommends entry of an
7 Order granting the requested certificate.

8 This item will be held for disposition
9 at a future Commission proceeding.

10 Item 25 is Docket No. 14-0511. This
11 is CCG Communications LLC d/b/a Lighttower Fiber
12 Networks' Petition for Withdrawal of its
13 Certificates of Service Authority. ALJ Baker
14 recommends entry of an Order granting the requested
15 relief.

16 Is there any discussion?

17 (No response.)

18 Any objections?

19 (No response.)

20 Hearing none, the Order is entered.

21 Item 26 is Docket No. 14-0541. This
22 is Frontier North Inc., Frontier Communications of

1 the Carolinas LLC, and HTC Communications Company's
2 Joint Petition for Approval of an Agreement for
3 Local Interconnection pursuant to 47 U.S.C.
4 Section 252.

5 This item has been withdrawn from
6 today's agenda.

7 Items 27 through 34 can be taken
8 together. These items are Joint Petitions for
9 Approval of Agreements or Amendments to Agreements
10 for Local Interconnection pursuant to 47 U.S.C.
11 Section 252. In each case the ALJ recommends entry
12 of an Order approving the agreement or amendment to
13 the agreement.

14 Is there any discussion?

15 (No response.)

16 Any objections?

17 (No response.)

18 Hearing none, the Orders are entered.

19 Item 35 is Docket No. 14-0563. This
20 is Frontier North Inc, Frontier Communications of
21 the Carolinas LLC and T-Mobile Central's Joint
22 Petition for Approval of an Attached Amendment No. 3

1 to an Agreement for Local Interconnection pursuant
2 to 47 U.S.C. Section 252. The parties have filed a
3 joint motion to dismiss their joint petition,
4 without prejudice, which ALJ Riley recommends we
5 grant.

6 Is there any discussion?

7 (No response.)

8 Any objections?

9 (No response.)

10 Hearing none, the Order is granted and
11 the proceeding dismissed without prejudice.

12 Item 36 is Docket No. 14-0646. This
13 is dPi Teleconnect LLC's Petition to Cancel its
14 Certificate of Service Authority issued under
15 Section 13-404 of the Act to provide resold
16 interexchange service in Illinois, and its
17 Certificate of Service Authority issued under
18 Section 13-405 of the Act to provide
19 facilities-based local service. ALJ Riley
20 recommends entry of an Order granting the requested
21 relief and cancelling Petitioner's tariff.

22 Is there any discussion?

1 (No response.)

2 Any objections?

3 (No response.)

4 Hearing none, the Order is entered.

5 Item 37 is Docket No. 14-0213. This
6 is Aqua Illinois' petition for approval of its QIP
7 surcharge reconciliation for 2013. ALJ
8 Teague-Kingsley recommends entry of an Order
9 approving the reconciliation.

10 Is there any discussion?

11 (No response.)

12 Any objections?

13 (No response.)

14 Hearing none, the Order is entered.

15 Item 38 is Docket No. 13-0657. This
16 is ComEd's Application for a Certificate of Public
17 Convenience and Necessity, pursuant to
18 Section 8-406.1 and an Order pursuant to Section
19 8-503 to Construct, Operate and Maintain a new 345
20 kilovolt transmission line in Ogle, DeKalb, Kane and
21 DuPage Counties, Illinois. Two Petitions for
22 Rehearing have been filed in this proceeding and we

1 will take them in the Order they were filed.

2 (1) The Forest Preserve District of
3 Kane County has filed a Motion for Rehearing and/or
4 to correct the Record Regarding the Direct Testimony
5 of Monica Meyers. ALJs Hilliard and Jorgenson
6 recommend we deny the motion for rehearing but
7 provide an Amendatory Order to include a belated
8 description of the Forest Preserve's position if the
9 Commission chooses to enter it.

10 I would move to deny the motion for
11 rehearing and would also move not to enter the
12 Amendatory Order.

13 Is there a second to that motion?

14 COMMISSIONER del VALLE: Second.

15 CHAIRMAN SCOTT: Seconded by Commissioner
16 del Valle.

17 Is there any discussion?

18 (No response.)

19 All in favor, say aye.

20 (Chorus of ayes.)

21 Any opposed?

22 (No response.)

1 The vote is 5 to nothing and the
2 Motion for Rehearing is denied and the Amendatory
3 Order is not entered.

4 (2) Wayne Muirhead, Dean Muirhead,
5 Dennis Muirhead John Cash, Mary Lewis and Arlene
6 Watermann (jointly referred to as "Owners") have
7 filed a Motion for Rehearing and/or to Correct the
8 Record Regarding the FPDKC Adjustment. ALJs
9 Hilliard and Jorgenson recommend we grant the Motion
10 for Rehearing. I would move to grant the Motion for
11 Rehearing.

12 Is there a second?

13 COMMISSIONER MAYE: Second.

14 CHAIRMAN SCOTT: Seconded by Commissioner Maye.

15 Any discussion?

16 (No response.)

17 All those in favor, say aye.

18 (Chorus of ayes.)

19 The vote is 5 to nothing and the
20 Motion for Rehearing on this portion of the route is
21 granted.

22 Judge Wallace, are there any other

1 matters to come before the Commission today?

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

3 CHAIRMAN SCOTT: Thank you, sir.

4 Hearing none, this meeting stands
5 adjourned, and happy Thanksgiving everyone.

6 (Whereupon, the above matter
7 was adjourned.)

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