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BEFORE THE
ILLINOIS COMMERCE COMMISSION
PUBLIC UTILITY REGULAR OPEN MEETING
Thursday, November 4, 2021
Springfield, Illinois

Met, pursuant to notice, at 11:30 a.m.

BEFORE:

- CARRIE ZALEWSKI, Chairperson
- D. ETHAN KIMBREL, Commissioner
- MARIA S. BOCANEGRA, Commissioner
(Via audiovisual conference)
- MICHAEL T. CARRIGAN, Commissioner

Reported by:
Carla J. Boehl
CSR #084-002710

1 PROCEEDINGS

2 CHAIRMAN ZALEWSKI: Good morning. Under the
3 Open Meetings Act, I call the November 4, 2021,
4 Regular Open Meeting to order. Commissioner
5 Bocanegra is in Chicago and Commissioners Carrigan
6 and Kimbrel are with me in Springfield, so we have a
7 quorum. We have no requests to speak.

8 We're going to move on to our Public
9 Utilities agenda.

10 There are edits to the September 30
11 Regular Open Meeting minutes. There are no edits to
12 the October 14 Regular Open Meeting minutes.

13 Are there any objections to approving
14 the minutes as edited?

15 (No response.)

16 Hearing none, the minutes are
17 approved.

18 Under our Electric items, E-1 concerns
19 ComEd filing to make housekeeping changes to its
20 Table of Contents, Rider Zero Emission Adjustment (or
21 Rider ZEA), Rider Municipal and State Tax Additions
22 (or Rider TAX), and Rider Uncollectible Factors (or

1 Rider UF). Commission Staff reviewed the filing and
2 recommended not suspending it.

3 Are there any objections to not
4 suspending the filing?

5 (No response.)

6 Hearing none, the filing is not
7 suspended.

8 Items E-2 through E-17 concern
9 citations against alternative electric suppliers for
10 failure to comply with annual and quarterly filing
11 requirements. The Orders initiate proceedings to
12 impose penalties for the failure to file the reports.

13 Are there any objections to
14 considering these items together and approving the
15 Orders?

16 (No response.)

17 Hearing none, the Orders are
18 approved.

19 Moving on to Item E-18, E-18 concerns
20 a complaint against ComEd as to damage to equipment.
21 The parties filed a Joint Motion to Dismiss
22 stipulating that all matters in dispute have been

1 resolved and requesting that the Commission dismiss
2 the proceeding with prejudice.

3 Are there any objections to granting
4 the motion and dismissing the docket?

5 (No response.)

6 Hearing none, the motion is granted.

7 Item E-19 concerns Environmental Law &
8 Policy Center's complaint against CleanChoice Energy
9 as to violations of Part 412 of the Commission rules.
10 On October 8 of 2021 CleanChoice filed a Petition for
11 Interlocutory Review of the ALJ's September 29, 2021,
12 ruling to deny CleanChoice's Motion to Dismiss. In
13 its Petition for Interlocutory Review, CleanChoice
14 argues that the ALJ should have dismissed ELPC's
15 amended Counts 30 through 40 because the Commission
16 lacks authority to adjudicate claims under the
17 Consumer Fraud and Deceptive Business Practices Act
18 except in circumstances specifically set forth in
19 that Act that do not apply to this case. The ALJ's
20 ruling denies -- excuse me. The ALJ in denying the
21 CleanChoice's Motion to Dismiss notes that the Motion
22 to Dismiss repeats several arguments already decided

1 by the Commission's denial of CleanChoice's previous
2 Petition for Interlocutory Review. The ALJ's ruling
3 notes that, first, the ALJ and the Commission agreed
4 that ELPC has standing to bring a complaint under
5 Section 10-108, alleging violations of the
6 Commission's rules and the Public Utilities Act.
7 ELPC need not allege direct injury to the
8 organization or its members. Further, the Commission
9 requires complaints to be compliant with Part
10 200.170, and the ALJ found that ELPC's complaint met
11 that standard.

12 The ALJ also found that the complaint
13 was brought under Section 10-101 of the Act, not
14 under the Consumer Fraud and Deceptive Business
15 Practices Act, but can allege violations of that Act.
16 The outstanding issue, therefore, is whether the
17 amended complaint sufficiently set out details for
18 each count or claim consistent with the ALJ's
19 February 25, 2021, ruling and March 29, 2021,
20 clarification, and the ALJ finds that it does. The
21 Commission agrees with the ALJ and, therefore, denies
22 the interlocutory review.

1 I will call a roll on this vote. So,
2 if you are in favor of denying the interlocutory
3 review, please say "Aye". And if you are opposed and
4 you want to grant it, please say "Nay". Starting
5 with Commissioner Bocanegra.

6 COMMISSIONER BOCANEGRA: Nay.

7 CHAIRMAN ZALEWSKI: Commissioner Carrigan?

8 COMMISSIONER CARRIGAN: Aye.

9 CHAIRMAN ZALEWSKI: Commissioner Kimbrel?

10 COMMISSIONER KIMBREL: Aye.

11 CHAIRMAN ZALEWSKI: I vote aye as well. So,
12 the three Ayes have it, and the interlocutory review
13 is denied and the ALJ's ruling stands.

14 Item E-20 concerns a complaint against
15 ComEd as to billing. The parties filed a Joint
16 Motion to Dismiss stipulating that all matters in
17 dispute have been resolved and requesting that the
18 Commission dismiss the proceeding with prejudice.

19 Are there any objections to granting
20 the Motion to Dismiss?

21 (No response.)

22 Hearing none, the motion is granted.

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(No response.)

Hearing none, the Orders are approved.

Item E-28 concerns MidAmerican's request to reconcile revenues under its Electric Rider TERM (or Tax Expense Revision) for 12 months from April 1 of 2020 through March 31 of 2021. The Order approves the reconciliation as set in the appendix to the Order, finding that the costs during the reconciliation period were prudently incurred.

Are there any objections to approving the Order?

(No response.)

Hearing none, the Order is approved.

Item E-29 concerns Ameren Illinois' request to reconcile revenues under its Rider TS (or Transmission Service) for the 2020 calendar year. The Order approves the reconciliation as set in the appendix to the Order, finding that the costs during the reconciliation period were prudently incurred.

Are there any objections to approving the Order?

(No response.)

1 Hearing none, the Order is approved.

2 Items E-30 through E-32 concern
3 applications for certifications to install
4 distributed generation facilities in Illinois. The
5 Orders grant the certificates, finding that the
6 applicants meet the requirements.

7 Are there any objections to
8 considering these items together and approving the
9 Orders?

10 (No response.)

11 Hearing none, the Orders are approved.

12 Item E-33 concerns an application for
13 certification to install, maintain or repair electric
14 vehicle charging station facilities in Illinois. The
15 Order grants the certificate, finding that the
16 applicant meets the requirements.

17 Are there any objections to approving
18 the Order?

19 (No response.)

20 Hearing none, the Order is approved.

21 Item E-34 concerns approval of the
22 2022 IPA's Electricity Procurement Plan. No

1 objections were filed to the plan. The Order
2 approves the base load forecasts and finds that the
3 2022 Plan would insure adequate, reliable,
4 affordable, efficient, and environmentally
5 sustainable electric service at the lowest total cost
6 over time, taking into account any benefits of price
7 stability, as required by the Public Utilities Act.

8 Are there any objections to approving
9 the Order?

10 (No response.)

11 Hearing none, the Order is approved.

12 Items E-35 through E-40 concern
13 applications for certifications to install energy
14 efficiency measures in Illinois. The Orders grant
15 the certificates, finding that the applicants meet
16 the requirements. Are there any objections to
17 considering these items together and approving the
18 Orders?

19 (No response.)

20 Hearing none, the Orders are approved.

21 On to our Gas items, Items G-1 and G-2
22 concern North Shore and Peoples Gas filings to revise

1 their Riders Invested Capital Tax Adjustment (or
2 Rider ICTA) by making minor housekeeping changes.
3 Commission Staff has reviewed the filings and
4 recommends not suspending them.

5 Are there any objections to
6 considering these items together and not suspending
7 the filings?

8 (No response.)

9 Hearing none, the filings are not
10 suspended.

11 Item G-3 concerns MidAmerican's
12 request to reconcile revenues under its Gas Rider
13 TERM (or Tax Expense Revision Mechanism) for the 12
14 months of April 1 of 2020 through March 31 of 2021.
15 The Order approves the reconciliation as set in the
16 appendix to the Order, finding that the costs during
17 the reconciliation period were prudently incurred.

18 Are there any objections to approving
19 the Order?

20 (No response.)

21 Hearing none, the Order is approved.

22 Under our Telecommunications items,

1 Item T-1 concerns Cable One's application for
2 designation as an eligible telecommunications carrier
3 to receive Federal Lifeline support. The applicant
4 motioned to withdraw its application, noting that it
5 no longer seeks ETC designation at this time and is
6 currently focused on providing service pursuant to
7 the Emergency Broadband Benefit Program administered
8 by the Federal Communications Commission.

9 Are there any objections to granting
10 the motion to withdraw?

11 (No response.)

12 Hearing none, the motion is granted.

13 Item W-1 concerns Illinois-American
14 Water's request for a Modified Certificate of Public
15 Convenience and Necessity in Jersey County to
16 encompass additional customers served by the
17 Jerseyville water and wastewater systems. Staff
18 agrees with the company's assertion that customers
19 were inadvertently omitted from the certificate area
20 granted earlier and recommends granting the modified
21 certificate. The Order approves the modification.

22 Are there any objections to approving

1 the Order?

2 (No response.)

3 Hearing none, the Order is approved.

4 Item W-2 concerns Illinois-American
5 Water's application for a Certificate of Public
6 Convenience and Necessity to expand its service area
7 in Cook County to serve a customer which is outside
8 the company's current certificated area. Staff
9 recommends approving the certificate. The Order
10 grants the certificate.

11 Are there any objections to approving
12 the Order?

13 (No response.)

14 Hearing none, the Order is approved.

15 Item O-1 concerns approval of Batches,
16 Contracts and Confirmations under the Illinois
17 Adjustable Block Program. Are there any objections
18 to approving the program administrator's submissions?

19 (No response.)

20 Hearing none, the submissions are
21 approved.

22 Item O-2 concerns an item necessary to

1 comply with the requirements of Public Act 102-0662
2 regarding programs, mechanisms, and policies that
3 could support the deployment of energy storage
4 solutions in Illinois. The Act requires the
5 Commission, in consultation with the Illinois Power
6 Agency, to initiate a proceeding to consider the
7 specific programs, mechanisms, and policies that
8 support the deployment of energy storage systems.
9 Staff recommends the Commission direct Staff to
10 conduct a series of information sessions with
11 stakeholders prior to initiating that proceeding, to
12 inform the proceeding. These sessions will provide a
13 forum for educational presentations and discussions
14 on energy storage and enabling interested
15 stakeholders to learn about various storage options
16 as well as the legislative and regulatory framework
17 by which energy storage policy might be implemented.

18 At the conclusion of those sessions,
19 Staff recommends it to be directed to file a Staff
20 report summarizing the information garnered and
21 requesting that the Commission initiate a docketed
22 proceeding for the development of recommendations for

1 additional legislative, regulatory, or executive
2 actions. The proceeding will include a schedule for
3 the filing of comments by stakeholders on the draft
4 report and will conclude in a final report which must
5 be filed with the General Assembly and Governor by
6 May 31 of 2022.

7 Are there any objections to approving
8 these Staff directions?

9 (No response.)

10 Hearing none, the directions are
11 approved.

12 Item 0-3 concerns approval of the
13 Commission calendar for the year of 2022. Are there
14 any objections to approving the calendar?

15 (No response.)

16 Hearing none, the calendar is
17 approved.

18 This concludes our Public Utilities
19 agenda. Judge Teague Kingsley, do we have other
20 matters to come before the Commission today?

21 JUDGE TEAGUE KINGSLEY: No, Madam Chairman.

22 CHAIRMAN ZALEWSKI: Do other Commissioners have

1 anything to discuss?

2 (No response.)

3 I just wanted to take a second to
4 welcome our new intern, Noah Berman, and Noah is a
5 second-year Master of Public Policy student at the
6 University of Chicago Harris School of Public Policy.
7 And Noah comes with an excellent resume', and we are
8 excited for him to join our team. There is no
9 shortage of exciting issues to work on, so we are
10 glad to have him here. Welcome, Noah.

11 And hearing nothing else and without
12 objection, the meeting is now adjourned. Thank you.

13 MEETING ADJOURNED AT 11:49 A.M.

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