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BEFORE THE
ILLINOIS COMMERCE COMMISSION

BENCH SESSION
(PUBLIC UTILITY)

Wednesday, November 6, 2013

Chicago, Illinois

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

APPEARANCES:

- MR. DOUGLAS P. SCOTT, Chairman
- MS. ANN McCABE, Commissioner
- MR. MIGUEL del VALLE, Commissioner
- MS. SHERINA E. MAYE, Commissioner
- MR. JOHN T. COLGAN, Commissioner
(Via teleconference.)

MIDWEST LITIGATION by
APRIL METZLER
CSR No. 084-004394

1 CHAIRMAN SCOTT: Is everything ready in
2 Springfield?

3 COMMISSIONER COLGAN: Yes, it is, Chairman.

4 CHAIRMAN SCOTT: Thank you.

5 Pursuant to the provision of the Open Meetings
6 Act, I now convene a regularly scheduled bench session
7 of the Illinois Commerce Commission. With me, in
8 Chicago, are Commissioner McCabe, Commissioner Maye, and
9 Commissioner del Valle. I'm Chairman Scott.

10 We have a quorum.

11 Commissioner Colgan is available by the
12 telephone.

13 Are you there, Commissioner?

14 COMMISSIONER COLGAN: (Indecipherable.)

15 Chairman, I'm here.

16 CHAIRMAN SCOTT: Under the Commission's rules,
17 we'll have to vote to allow Commissioner Colgan to
18 participate by phone.

19 I move to allow Commissioner Colgan's
20 participation by phone.

21 Is there a second?

22 COMMISSIONER McCABE: Second.

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

24 All of those in favor say aye.

25 (Ayes heard.)

1 CHAIRMAN SCOTT: Any opposed?

2 (No response.)

3 CHAIRMAN SCOTT: The vote is four to nothing.

4 Commissioner Colgan may participate by phone.

5 Before moving into the agenda, according to
6 Section 1700.10 of Title 2 of the Administrative Code,
7 this is the time we allow members of the public to
8 address the Commission.

9 Members of the public wishing to address the
10 Commission must notify the Chief Clerk's office at least
11 24 hours prior to Commission meeting. According to the
12 Chief's Clerk office, we have no requests to speak at
13 today's bench session.

14 CHAIRMAN SCOTT: Thank you.

15 Moving on to the public utility agenda, we'll
16 begin with the approval of minutes from our October 2nd
17 Bench session. I understand the amendments have been
18 forwarded.

19 Is there a motion to amend the minutes?

20 COMMISSIONER DEL VALLE: So moved.

21 COMMISSIONER MAYE: So moved.

22 CHAIRMAN SCOTT: Is there a second?

23 COMMISSIONER McCABE: Second.

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

25 All in favor say aye.

1 (Ayes heard.)

2 CHAIRMAN SCOTT: Any opposed?

3 (No response.)

4 CHAIRMAN SCOTT: The vote is five to nothing. The
5 amendments are adopted.

6 Is there a motion to approve the minutes, as
7 amended?

8 COMMISSIONER MAYE: So moved.

9 CHAIRMAN SCOTT: Is there a second?

10 COMMISSIONER McCABE: Second.

11 CHAIRMAN SCOTT: Moved and seconded.

12 All those in favor say aye.

13 (Ayes heard.)

14 CHAIRMAN SCOTT: Any opposed?

15 (No response.)

16 CHAIRMAN SCOTT: The vote is five to nothing. The
17 minutes from our October 2nd Bench session, as amended,
18 are approved.

19 Turning now to the electric portion of today's
20 agenda.

21 Item E-1 is MidAmerican's filing to update
22 access and capacity charges, under its Rider 17,
23 non-residential realtime pricing tariff.

24 Staff recommends that we accept the update by
25 not suspending the filing.

1 Is there any discussion?

2 (No response.)

3 CHAIRMAN SCOTT: Is there a motion to approve the
4 update by not suspending the filing?

5 COMMISSIONER McCABE: So moved.

6 CHAIRMAN SCOTT: Is there a second?

7 COMMISSIONER DEL VALLE: Second.

8 CHAIRMAN SCOTT: It has been moved and seconded.

9 All in favor say aye.

10 (Ayes heard.)

11 CHAIRMAN SCOTT: Any opposed?

12 (No response.)

13 CHAIRMAN SCOTT: The vote is five to nothing, and
14 the filing is not suspended. We will use this
15 five-to-nothing vote for the remainder of today's public
16 utility agenda, unless otherwise noted.

17 Item E-2, is Ameren's filings to modify
18 customer terms and conditions pertaining to the
19 assessment of late payment charges, to deferred payment
20 agreement balances for electric and gas customers.

21 The staff recommends we approve the revision
22 by not suspending the filing.

23 Is there any discussion?

24 (No response.)

25 CHAIRMAN SCOTT: Any objection?

1 (No response.)

2 CHAIRMAN SCOTT: Hearing none, the filing is not
3 suspended.

4 Item E-3, is docket number 13-0079. This is
5 Mt. Carmel's proposed general rate increase for gas
6 service and electric rate design revision.

7 ALJ Von Qualen recommends entry of an
8 Order approving the rate increase.

9 I understand Commissioner Colgan would like to
10 propose some evidence. Commissioner?

11 COMMISSIONER COLGAN: Well, thank you, Chairman.

12 I am proposing to ...

13 CHAIRMAN SCOTT: Commissioner, can you get a little
14 bit closer to the phone? We're having difficulty
15 hearing you.

16 COMMISSIONER COLGAN: Can you hear me now better?

17 CHAIRMAN SCOTT: That's much better. Thank you.

18 COMMISSIONER COLGAN: Well, thank you.

19 I'm proposing amendments today to the
20 Commission's conclusion in the rate design section of
21 the Mt. Carmel rate case Order.

22 The contested rate design issue concerns the
23 manner in which the gas rate increase should be
24 allocated between the customer and the usage charges.

25 In this proceeding, Mt. Carmel recommended

1 allocating a greater portion of the increase to the
2 usage charge, in order to allow its customers to
3 mitigate an increase by reducing or controlling their
4 gas consumption. On the other hand, staff recommended
5 allocating the increase across-the-board.

6 The proposed order neither adopts the staff's
7 approach nor increases the customer usage charges to the
8 extent requested by Mt. Carmel, instead adopting a
9 compromise -- a compromise position.

10 My proposed edits approve Mt. Carmel's rate
11 design, because I believe it properly balances the
12 competing objectives of establishing cost-based rates,
13 rate continuity, conservation of resources, attainment
14 of social goals, and avoidance of rate shock. Approval
15 of these edits will provide Mt. Carmel's customers the
16 opportunity to attempt to control their gas consumption,
17 in order to minimize the increase in their bills.

18 Mr. Chairman and fellow Commissioners, I
19 request your support for these edits and move that they
20 be approved.

21 CHAIRMAN SCOTT: The Amendments has been moved.

22 Is there a second?

23 COMMISSIONER DEL VALLE: Second.

24 CHAIRMAN SCOTT: Okay. Discussion?

25 Commissioner McCabe?

1 COMMISSIONER McCABE: Yes. I support staff --

2 JUDGE WALLACE: Mr. Chairman?

3 CHAIRMAN SCOTT: Yes.

4 JUDGE WALLACE: I'm sorry to interrupt. We
5 can't hear the seconds down here.

6 CHAIRMAN SCOTT: Oh, I'm sorry. The second was by
7 Commissioner del Valle.

8 JUDGE WALLACE: Thank you.

9 COMMISSIONER McCABE: I support staff's proposed
10 rate design, which would maintain the cost-based rate
11 design approved from the Commission from the last rate
12 case, to be consistent with Commission precedent, and
13 provide stability in gradual gradualism for
14 customers in both the short- and long-term.

15 We are a bit handicapped in this case, given
16 the lack of a cost of service study. Staff applies
17 approximately even increases to the customer charge and
18 usage charge for each class. They propose residential
19 going up by 45 percent -- that's a rounded number -- and
20 commercial going up by 51.4 percent.

21 Mt. Carmel and Commissioner Colgan would
22 weight the rate increase towards usage charge and away
23 from fixed charge.

24 CHAIRMAN SCOTT: Is there further discussion?

25 (No response.)

1 CHAIRMAN SCOTT: It's been moved and seconded to
2 adopt the revisions.

3 All in favor say aye.

4 (Ayes heard.)

5 CHAIRMAN SCOTT: Opposed?

6 COMMISSIONER McCABE: No.

7 CHAIRMAN SCOTT: The vote is four to one, and the
8 amendments are adopted.

9 Is there now a motion to enter the Order as
10 amended?

11 COMMISSIONER MAYE: So moved.

12 CHAIRMAN SCOTT: Is there a second?

13 COMMISSIONER DEL VALLE: Second.

14 CHAIRMAN SCOTT: That was moved by Commissioner
15 Maye, seconded by Commissioner del Valle.

16 Any discussion?

17 (No response.)

18 CHAIRMAN SCOTT: All in favor say aye.

19 (Ayes heard.)

20 CHAIRMAN SCOTT: Any opposed?

21 (No response.)

22 CHAIRMAN SCOTT: The vote is five to nothing, and
23 the Order, as amended, is entered.

24 Item E-4, is docket number 12-0110. This is
25 4011 [sic] Wabash Avenue Hotel Condo Association's

1 complaint against ComEd, as to billing and charges in
2 Chicago.

3 It appears the parties have settled their
4 differences and filed a Joint Motion to Dismiss, which
5 ALJ Kimbrel recommends we grant.

6 Any discussion?

7 (No response.)

8 CHAIRMAN SCOTT: Any objections?

9 (No response.)

10 CHAIRMAN SCOTT: Hearing none, the motion is
11 granted and the complaint dismissed.

12 Item E-5, is docket number 13-0391. This is
13 Tood Tokarz's complaint against ComEd, as to
14 reimbursement for damages to central air conditioning
15 equipment in Gurnee.

16 It appears the parties have settled their
17 differences and have filed a Stipulation and Joint
18 Motion to Dismiss.

19 ALJ Riley recommends we grant.

20 Is there any discussion?

21 (No response.)

22 CHAIRMAN SCOTT: Any objections?

23 (No response.)

24 CHAIRMAN SCOTT: Hearing none, the motion is
25 granted and the complaint is dismissed.

1 Item E-6, is docket number 12-0456. This is
2 our ruling making proceeding to develop and
3 adopt rules concerning municipal aggregation.

4 ALJ Haynes recommends entry of a
5 First Notice Order and Appendix.

6 I have two sets of edits to propose to both
7 the Order and the Appendix. We'll take them separately.

8 First, on Section 470.220, sub-B, the opt-out
9 time frame, the first of the edits would allow consumers
10 21 days, or three weeks, to opt out of their aggregation
11 program.

12 I believe that this extended time frame will
13 give the people some flexibility and account for the
14 possibility of various intervening events that could
15 impact a customer's ability to reply to the opt-out
16 disclosure in a timely manner.

17 And with that, I would -- and understand that
18 in the proposed order, it was at -- there was a
19 discussion between 14 and 21 days, and a move to make
20 18. It makes more sense, to me, to have it in weekly
21 increments. And so that's the reason for going with the
22 21 days and erring on the side of the person who might
23 want to opt out.

24 So with that, I would move for the adoption of
25 this revision.

1 Is there a second?

2 COMMISSIONER DEL VALLE: Second.

3 CHAIRMAN SCOTT: Seconded by Commissioner del
4 Valle.

5 Discussion?

6 Commissioner McCabe?

7 COMMISSIONER McCABE: I supported the 18 days
8 recommended by staff and the ALJ and proposed First
9 Notice Order.

10 Staff notes that both utilities have a lengthy
11 enrollment period that allows suppliers and retail
12 customers to rescind their enrollment, before the actual
13 switch takes place.

14 Parties should weigh in on this issue and
15 comments before second notice.

16 In addition to hearing how UBI (phonetic) gets
17 going, it would be helpful to the Commission to have
18 more data on the opt-outs, i.e., what is the average
19 opt-out response time and how many consumers opt-out
20 after the first billing.

21 The proposed order references Part 412, which
22 allows customers to exit the aggregation program, after
23 the first billing, within 10 business days. It's
24 unclear how many consumers are aware of this option or
25 whether mechanisms exist to help consumers become more

1 aware of the option.

2 Thank you.

3 CHAIRMAN SCOTT: Thank you.

4 Is there further discussion?

5 (No response.)

6 CHAIRMAN SCOTT: On the revisions, so all in favor
7 say aye.

8 (Ayes heard.)

9 CHAIRMAN SCOTT: Any opposed?

10 COMMISSIONER McCABE: No.

11 CHAIRMAN SCOTT: The vote is four to one and the
12 edits are adopted.

13 The second set of edits is on Section 470.240.
14 This would mandate the existing RES
15 customers, non-aggregation RES customers, also receive
16 notice of aggregation programs that are currently
17 underway in their area.

18 It's my opinion that to rule otherwise would
19 unfairly prejudice those customers from the early entry
20 into the competitive energy supply market.

21 Existing RES customers should be given the
22 same opportunity to make an informed decision, electric
23 supply choice, as a customer's non-utility default
24 service.

25 Notice would be different from that which is

1 sent to customers on utility default service, similar to
2 the notice which is sent to customers on utility hourly
3 service.

4 Additionally, while the Commission, through
5 these items, would acknowledge that it does not have
6 regulatory control over the governmental aggregators, it
7 would strongly recommend that the governmental
8 aggregators and not the aggregation suppliers send the
9 disclosures to the RES customers.

10 This course of action would help to alleviate
11 any potential customer confusion regarding their current
12 supply status and would eliminate the need for RES
13 customer information to be shared with the aggregation
14 supplier.

15 Regardless of whether the governmental
16 aggregators choose to send the notice to the Commission,
17 we'd like to emphasize, through these edits, that
18 existing RES customers must still be directly informed
19 pending their aggregation program.

20 And with that, I would move for the adoption
21 of these revisions.

22 Is there a second?

23 COMMISSIONER DEL VALLE: Second.

24 CHAIRMAN SCOTT: It's been seconded by
25 Commissioner del Valle.

1 Discussion?

2 Commissioner Maye?

3 COMMISSIONER MAYE: Thank you, Chairman Scott.

4 I respectfully dissent (indecipherable) the
5 proposed amendments.

6 Although these proposed amendments do deal
7 with the RES customers, I believe that these amendments
8 aim to achieve fairness for all consumers, but I'm
9 concerned that allowing the aggregation supplier to send
10 notice of the aggregation program to these customers
11 receiving or pending to receive non-aggregation RES
12 service unfairly influences competition.

13 Therefore, I agree with the people's finding
14 that the aggregation supplier shall be prohibited from
15 sending notice, as it is not appropriate for the
16 Commission to facilitate the marketing efforts of a
17 supplier, just because they happen to have been selected
18 as the aggregation supplier.

19 So I, therefore, dissent and disagree with the
20 amendment.

21 CHAIRMAN SCOTT: Okay. Further discussion?

22 (No response.)

23 CHAIRMAN SCOTT: It's been moved and seconded for
24 adoption of these revisions.

25 All in favor say aye.

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(Ayes heard.)

CHAIRMAN SCOTT: Any opposed?

COMMISSIONER MAYE: No.

CHAIRMAN SCOTT: The vote is four to one, and the edits are adopted.

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

COMMISSIONER DEL VALLE: So moved.

CHAIRMAN SCOTT: Moved by Commissioner del Valle.

Seconded by?

COMMISSIONER McCABE: I'll second.

CHAIRMAN SCOTT: Commissioner McCabe.

Any further discussion?

COMMISSIONER McCABE: Yes.

CHAIRMAN SCOTT: Commissioner McCabe?

COMMISSIONER McCABE: This rulemaking was initiated July 31st, 2012. In April of this year, the parties responded to data requests submitting their thoughts on municipal aggregation. Over 670 municipalities have implemented an opt-out muni-AG (phonetic) program at this time.

The experience of those programs and the data generated by them should be used to run (phonetic) this rulemaking.

This rule should maintain competitive

1 neutrality between retail AG suppliers who favor
2 government aggregation and those who direct marketing
3 channels, while also assuring all consumers receive
4 marketing information to help them make informed
5 decisions.

6 The rule should leave substantial discretion
7 to the government entities on how they craft their plan
8 of operation in governments.

9 If the first notice rule falls short in these
10 areas, the parties should let us know.

11 Thank you.

12 CHAIRMAN SCOTT: Very good.

13 Further discussion?

14 (No response.)

15 CHAIRMAN SCOTT: It's been moved and seconded to
16 enter the Order as amended.

17 All in favor say aye.

18 (Ayes heard.)

19 CHAIRMAN SCOTT: Any opposed?

20 (No response.)

21 CHAIRMAN SCOTT: The vote is five to nothing, and
22 the Order, as amended, is entered.

23 Items E-7 and E-8 can be taken together.
24 These are North American Power and Gas and Santanna
25 Energy Services' petitions for emergency relief to

1 protect proprietary and confidential information.

2 In both cases ALJ Jorgenson
3 recommends entering an Order granting the requested
4 relief.

5 Is there any discussion?

6 (No response.)

7 CHAIRMAN SCOTT: Any objections?

8 (No response.)

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

11 Item E-9, is docket number 13-0561, which is
12 American Power Partners' application for a certificate
13 of service authority to operate in an area under
14 Section 16-115 of the Public Utilities Act.

15 ALJ Jorgensen recommends entry of an Order
16 granting the certificate.

17 Is there any discussion?

18 (No response.)

19 CHAIRMAN SCOTT: Any objections?

20 (No response.)

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

23 Item E-10, is docket number 13-0437. This is
24 our motion to approve the updated Illinois Statewide
25 Technical Reference Manual for Energy Efficiency.

1 ALJ Jorgensen recommends entering an Order
2 approving the TRM.

3 Is there any discussion?

4 (No response.)

5 CHAIRMAN SCOTT: Any objections?

6 (No response.)

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

9 Item E-11, is docket number 13-0449. This is
10 ComEd's petition for consent to and approval of the use
11 on an online version of the Applications for
12 Interconnection of Distributed Generation Facilities,
13 pursuant to Part 466 of the Illinois Administrative
14 Code, Title 83.

15 ALJ Baker recommends entering an
16 Order granting the petition.

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.

23 Items E-12 and E-13 can be taken together.
24 These items concern AGR Group and AGR Group Nevada's
25 Application for Licensure of Agents, Brokers, and

1 Consultants, under Section 16-115C of the Public
2 Utilities Act.

3 In both cases, ALJ Kimbrel recommends entry
4 of an Order granting the requested certificate.

5 Is there any discussion?

6 (No response.)

7 CHAIRMAN SCOTT: Any objections?

8 (No response.)

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

11 Item E-14, is docket number 13-0579. This is
12 Options Consulting Services' Petition for Leave to File
13 Annual ABC Recertification Report Instantly and to
14 protect portions of that report from public disclosure.

15 ALJ Riley recommends entry of an
16 Order granting the request for leave and exempting the
17 specified portions of the report.

18 Is there any discussion?

19 (No response.)

20 CHAIRMAN SCOTT: Is there any objections?

21 (No response.)

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

24 Turning now to natural gas. Items G-1 and G-2
25 can be taken together. These items concern North Shore

1 Gas Company and Peoples Gas Light and Coke Company
2 filings to make editorial changes to their gas service
3 tariffs.

4 In both cases, staff recommends approving
5 changes by not suspending the filings.

6 Is there anything discussion?

7 (No response.)

8 CHAIRMAN SCOTT: Any objections?

9 (No response.)

10 CHAIRMAN SCOTT: Hearing none, the filings are not
11 suspended.

12 Items G-3 and G-4 can be taken together.
13 These are our motions to commence proceedings for NICOR
14 and North Shore Gas Company for reconciliation of
15 revenues collected under Rider 30 and Rider EOA,
16 respectively, with the actual costs associated with
17 energy efficiency and on-bill financing programs.

18 Is there anything discussion?

19 (No response.)

20 CHAIRMAN SCOTT: Is there any objections?

21 (No response.)

22 CHAIRMAN SCOTT: Hearing none, the Orders are
23 entered.

24 Item G-5 is our motion to initiate an
25 investigation into interactions between North Shore Gas

1 Company, the Peoples Gas Light and Coke Company, and
2 their affiliates.

3 Investigation was recommended by staff in the
4 October 8th report.

5 Is there any discussion?

6 (No response.)

7 CHAIRMAN SCOTT: Are there any objections?

8 (No response.)

9 CHAIRMAN SCOTT: Hearing none, an Order commencing
10 investigation is adopted.

11 Under telecommunications, item T-1, is our
12 motion to adopt Form AR-13 and Form
13 23A, which are Annual Report Forms used by certain
14 telecommunication carriers.

15 The Resolution is supported by staff report,
16 from the financial analysis division, dated October 8th,
17 2013.

18 Is there any discussion?

19 (No response.)

20 CHAIRMAN SCOTT: Any objections?

21 (No response.)

22 CHAIRMAN SCOTT: Hearing none, the Resolution is
23 adopted.

24 Item T-2, is docket number 13-0430. This is
25 Eastern Missouri Cellular Limited Partnership's petition

1 for cancellation of its certificate of service
2 authority.

3 ALJ Baker recommends entry of an Order
4 granting withdrawal of the certificate.

5 Is there any discussion?

6 (No response.)

7 CHAIRMAN SCOTT: Is there any objections?

8 (No response.)

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

11 Item T-3, is docket number 13-0518. This is
12 Jolt Mobile and Expo Mobile's Application for a
13 certificate to become a telecommunications carrier.

14 ALJ Riley recommends entering an Order
15 granting the certificate.

16 Is there any discussion?

17 (No response.)

18 CHAIRMAN SCOTT: Any objections?

19 (No response.)

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

22 Item T-4, is docket number 13-0580. This is
23 the Village of Westchester's Petition for Modification
24 of a 9-1-1 Emergency Telephone Number System.

25 ALJ Haynes recommends entry of an Order

1 approving modification.

2 Is there any discussion?

3 (No response.)

4 CHAIRMAN SCOTT: Any objections?

5 (No response.)

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

8 On to water and sewer. Item W-1, is docket
9 number 13-0206. This is Aqua Illinois' Petition for
10 Initiation of a Reconciliation Hearing.

11 ALJ Hilliard recommends entry of an Order
12 approving reconciliation.

13 Is there any discussion?

14 (No response.)

15 CHAIRMAN SCOTT: Any objection?

16 (No response.)

17 CHAIRMAN SCOTT: Hearing none, the Order is
18 entered.

19 We have to two miscellaneous items on today's
20 agenda. Item M-1 is docket number 06-0703. This is our
21 rulemaking revising 83 Illinois Administrative Code 280,
22 procedures for gas, electric, water, and sanitary sewer
23 utilities governing eligibility for service deposits,
24 payment practices, and discontinuation of services.

25 ALJ Hilliard recommends entry of a First

1 Notice Order and proposed rule.

2 And this item will be held for disposition at
3 a future Commission proceeding. I know all the offices
4 have been working diligently on this rulemaking and have
5 proposed edits within their offices.

6 I'd like to take this opportunity, though, to
7 see if any Commissioners had questions that they wanted
8 to ask Judge Hilliard.

9 Before I do that, first, Commissioner Colgan,
10 did you want to make a brief statement on this?

11 COMMISSIONER COLGAN: Yes, I would.

12 I'd like to say, for the record, that I'm
13 going to recuse myself on the discussion of this
14 rulemaking. And, in fact, as I have in the past, I've
15 recused myself from voting or participating in the
16 discussion. And also, for the record, my office is not
17 working diligently on this rulemaking.

18 CHAIRMAN SCOTT: Correct. Very good.

19 Thank you, sir.

20 COMMISSIONER COLGAN: Yeah.

21 CHAIRMAN SCOTT: Any questions for ALJ Hilliard?

22 Commissioner McCabe?

23 COMMISSIONER McCABE: According to the PEPO,
24 the utilities will be implementing the new
25 280 requirement as soon as practicable, but no later

1 than 18 months from the effective date.

2 Is there any Commission oversight over how
3 they prioritize the implementation?

4 ALJ HILLIARD: The short answer is no. The --
5 according to the utilities, they'll -- the difficulty
6 right now, it is possible it is going to take a little
7 longer.

8 I mean, essentially, some of these tasks are
9 more labor-intensive, depending on how many employees
10 they have that need to be retrained. There are computer
11 systems, there are all sorts of things. And it -- no
12 one really suggested that it was a good idea for the
13 Commission to prioritize what happened first, but, you
14 know, that's certainly subject to your review and
15 oversight.

16 COMMISSIONER McCABE: Thanks.

17 CHAIRMAN SCOTT: Commissioner del Valle?

18 COMMISSIONER DEL VALLE: I have a question
19 regarding the time for reconnection and the method of
20 payment.

21 If an individual --

22 ALJ HILLIARD: Is your mic on?

23 COMMISSIONER DEL VALLE: Yes. Can you hear me?

24 ALJ HILLIARD: Yeah.

25 COMMISSIONER DEL VALLE: If an individual makes a

1 payment, in order to get reconnected, by way of a
2 currency exchange, on a Saturday night or a Sunday, is
3 there a difference in the amount of time that it would
4 take to reconnect between the individuals who paid by
5 credit card, for example, and those that pay through a
6 third-party?

7 ALJ HILLIARD: The issue regarding the
8 third-party vendors was in regard to who should pay for
9 the service charge.

10 In terms of whether it would take longer or
11 not, you know, there were low-income advocacy groups
12 that were part of the proceeding, and they, to my
13 recollection, had no problem with this language.

14 I think, you know, the rules provide that
15 disconnections don't happen between, like, 3:00 or
16 4:00 p.m. on a Friday or until a Monday.

17 There are also other rules -- you know, they
18 don't turn the utilities off in cold weather. They
19 don't turn things off in hot weather.

20 I think we have to take into account that
21 these people are existing customers of the utility, and
22 they're probably aware, if there is a time-lag, what the
23 time-lag is. But there was no evidence in the record
24 regarding whether or not there was a time-lag for these
25 types of payments.

1 I don't think that specifically they were -- I
2 think that we're talking about on telephone or online
3 third-party vendors, as opposed to currency exchanges.
4 Currency exchanges you're going to get a physical
5 document that you're going to have to -- I mean, at
6 least the way I understand it -- that you might have to
7 send to the utility. Maybe they can do it
8 electronically too. But the time period really wasn't a
9 matter that was discussed by anyone.

10 COMMISSIONER DEL VALLE: Okay. I'm concerned about
11 that time frame.

12 ALJ HILLIARD: Sure.

13 COMMISSIONER DEL VALLE: So can they look into that
14 for the --

15 ALJ HILLIARD: You know, it's the kind of thing
16 that if you wanted to reopen the record and maybe get
17 some -- ask the utilities what their experience has
18 been, you know, I would imagine we can supplement the
19 record with that.

20 COMMISSIONER DEL VALLE: All right. Thank you.

21 On the fines for missing, reconnection time
22 frames are -- or original connection time frames. These
23 fines, are they based off of the customer charge only?

24 ALJ HILLIARD: Can you give me a section?

25 COMMISSIONER DEL VALLE: I don't have a section

1 before me.

2 THE ALJ HILLIARD: All right. Let me see if I can
3 find it. I thought --

4 COMMISSIONER DEL VALLE: The questions are all
5 proposed findings based only on the customer charge.

6 THE ALJ HILLIARD: There's two things. If they
7 miss the deadline, they -- there's no charge for the
8 reconnection. And if they miss it by two more calendar
9 days, then the -- what happens is they're supposed to
10 issue a credit equal to the monthly customer charge.

11 All right. And I think part of your question
12 was whether the customer charged for usage utility to
13 utility and it does.

14 It's a part of the -- what the charge is as
15 part of the rate-making process, and it's not a great
16 deal of money.

17 The initial proposal by the utilities in
18 regard to, at least some of these things, where the
19 compensation is customer charges, they wanted to prorate
20 the customer charge, and that rule was amended to make
21 it a whole customer charge. But it's not a great deal
22 of money.

23 The -- I happen to be involved with a ComEd
24 case right now and for a multi-family, no heat customer.
25 The customer charge is \$6.71 a month. Plus, I would

1 imagine, there's some lessening of taxes, if you don't
2 pay the customer charge. It might come out to \$7 or
3 something.

4 COMMISSIONER DEL VALLE: Okay. Thank you.

5 CHAIRMAN SCOTT: Commissioner Maye?

6 COMMISSIONER MAYE: Thank you.

7 Good morning, Judge. How are you?

8 ALJ HILLIARD: Fine. How are you?

9 COMMISSIONER MAYE: Phenomenal. Thank you.

10 Section 280.140 regarding the disconnection
11 for lack of access to multimeter premises, that section
12 totally gives me pause.

13 And my question to you is, how often the
14 utility actually disconnects a multimeter premises under
15 the circumstances under this section.

16 ALJ HILLIARD: The rule now doesn't provide for
17 disconnection for nonpayment. The rule for multi-family
18 provides that for failure to allow a safety inspection
19 or for failure to allow access after four estimated
20 bills, that they can -- they can do that.

21 The -- I think the utility's point is they
22 don't want to disconnect anybody, but that under certain
23 circumstances they want to have the threat to being able
24 to do it. And they want to be able to provide people
25 with a notice telling them that within a certain amount

1 of time, if somebody doesn't give us access, this is
2 what they want to do.

3 I -- as to what happens now in those
4 circumstances regarding safety and estimated bills, it's
5 really a long time since I was involved with this
6 record, but it's my recollection that it doesn't happen
7 very often.

8 COMMISSIONER MAYE: So just to make sure -- as
9 follow-up, excuse me, just to make sure that I fully
10 understand it.

11 If there's a condo building with 200 units and
12 four of them have not been given access, they can't get
13 access to four of those units for three months, then
14 under this rule all 200 would be disconnected?

15 ALJ HILLIARD: Well, I think there's that
16 possibility. I think that utilities can see the forest
17 from the trees and disconnecting 196 people for four
18 people probably isn't what they want to do, but I -- you
19 know, the --

20 COMMISSIONER MAYE: Is the rule just a safety
21 measure like -- I mean, I just ...

22 THE ALJ HILLIARD: Well, I think it's -- it's an
23 extreme measure. It's one, I suspect, that they don't
24 want to implement. But they want to be able to tell
25 people that if somebody doesn't give us access to these

1 meters, you could lose your power, you could lose
2 whatever, and I -- everybody seems to agree that's an
3 extreme measure. And I can't speak, you know, for any
4 party in this proceeding, but I don't think that it's
5 something that would happen often.

6 COMMISSIONER MAYE: Okay.

7 ALJ HILLIARD: But certainly your -- the
8 scenario you propose sounds like it's covered by the
9 rule.

10 COMMISSIONER MAYE: It does.

11 Thank you.

12 CHAIRMAN SCOTT: Commissioner del Valle?

13 COMMISSIONER DEL VALLE: Yeah, a follow-up question
14 on the same issue.

15 If the lack of access to meters, regardless of
16 the number of meters, is not the customer's fault, does
17 the utility -- is it required that the utility contact
18 the management of the building that is responsible for
19 providing that access, prior to taking the drastic
20 measures?

21 ALJ HILLIARD: The rule provides that all the
22 customers will get notice, and, I believe, it's at least
23 10 days' notice. And if the -- if management is a
24 customer, then management's going to get a notice. You
25 know, I can -- I would imagine almost every building has

1 got a common area account, and that's going to go to
2 management. So that management's going to get the
3 notice, all the customers that aren't part of management
4 get a notice also.

5 Another thing you might want to be aware of is
6 that like Peoples Gas, many of their meters are now
7 remotely read, and this doesn't come up at all. And
8 with the smart meter, we are in the process of
9 implementing for some other utilities, it's not going to
10 happen either.

11 But, you know, this --

12 COMMISSIONER DEL VALLE: -- proposed --

13 ALJ HILLIARD: This is a proposed rule.

14 COMMISSIONER DEL VALLE: Right.

15 ALJ HILLIARD: And the consensus was this was
16 something that was not inappropriate.

17 COMMISSIONER DEL VALLE: All right.

18 Thank you.

19 CHAIRMAN SCOTT: Just to follow up on a couple more
20 pieces of that.

21 So was there testimony as to the -- something
22 new that's coming in, was there testimony about the
23 frequency of this and, therefore, why there's a need for
24 it? Because if the other ones don't happen that often,
25 the safety and the other rationale for it, is -- you

1 know, to add something to the rule, I'm guessing, that
2 there was some kind of evidence put forward --

3 ALJ HILLIARD: Yeah, I don't recall.

4 CHAIRMAN SCOTT: Okay. Okay.

5 ALJ HILLIARD: I -- I think that the idea is
6 that there are situations that arise from time to time
7 that don't leave the utility with any options.

8 And what they would like to do is have a
9 hammer that they don't have to hit anything with, but
10 that's my impression of the evidence, rather than my
11 actual recollection of what it was.

12 CHAIRMAN SCOTT: So -- so just to take pieces of
13 the questions that both Commissioner Maye and
14 Commissioner del Valle, and go back to Commissioner
15 Maye's example, the 196 people, if none of them have
16 access to allow the person that -- A, that doesn't
17 factor into how the rule is read and that it would still
18 apply to them in this case --

19 ALJ HILLIARD: Theoretically, it would. But I
20 really have trouble believing that ComEd or somebody
21 like ComEd is going to go to war with 196 people paying
22 their bills, because they've got four delinquent
23 customers.

24 They have other options --

25 CHAIRMAN SCOTT: Right.

1 ALJ HILLIARD: -- which are collection actions
2 and things like that.

3 But this all came across my desk a long time
4 ago, and I can't tell you how often it's going to come
5 up --

6 CHAIRMAN SCOTT: Right.

7 ALJ HILLIARD: -- or whether or not what -- you
8 know, what they would do with each scenario.

9 CHAIRMAN SCOTT: Well, we'd almost be relying on
10 the 196 to all call their -- all call the property owner
11 and say, Look, you've got to provide access, because --

12 ALJ HILLIARD: And that's what the utility
13 wants them to do.

14 CHAIRMAN SCOTT: Yeah. Okay.

15 Okay. Thanks.

16 Any further questions?

17 (No response.)

18 CHAIRMAN SCOTT: Thank you very much, Judge.

19 ALJ HILLIARD: Sure.

20 CHAIRMAN SCOTT: Appreciate it.

21 With that, we will hold this for
22 disposition at a future Commission proceeding, unless
23 there's any more comment, before we go on.

24 (No response.)

25 CHAIRMAN SCOTT: And, finally, item M-2, is docket

1 number 13-0420, which concerns our amendment of 83
2 Illinois Administrative Code, Section 285.

3 ALJ Jorgensen recommends entry of an
4 Order authorizing the Second Notice Period, and the
5 Commission of the proposed amendments to JCAR.

6 Is there any discussion?

7 (No response.)

8 CHAIRMAN SCOTT: Any objections?

9 (No response.)

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

12 Judge Wallace, are there any other matters to
13 come before the Commission today?

14 Judge Wallace: No,
15 that's all, Mr. Chairman.

16 CHAIRMAN SCOTT: Okay. Hearing none, the meeting
17 stands adjourned.

18 Thanks everyone.

19 MEETING ADJOURNED

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1 STATE OF ILLINOIS)
2) SS.
3 COUNTY OF COOK)
4

5 April M. Metzler, being first duly sworn, on
6 oath says that she is a Certified Shorthand Reporter,
7 Registered Professional Reporter, and Certified Realtime
8 Reporter, and Notary Public, doing business in the City
9 of Chicago, County of Cook and the State of Illinois;

10 That she reported in shorthand the proceedings
11 had at the foregoing Meeting;

12 And that the foregoing is a true and correct
13 transcript of her shorthand notes so taken as aforesaid
14 and contains all the proceedings had at the said
15 Meeting.

16

17

APRIL M. METZLER, CSR, RPR, CRR

18

CSR No. 084-004394

19

20 SUBSCRIBED AND SWORN TO
before me this 14th day of
November, A.D., 2013.

21

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NOTARY PUBLIC

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