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BEFORE THE
ILLINOIS COMMERCE COMMISSION

BENCH SESSION
Chicago, Illinois
Thursday, November 8, 2012

Met, pursuant to notice, at 10:30 a.m.
in Main Hearing Room, 8th Floor, Michael A. Bilandic
Building, 160 North LaSalle Street, Chicago,
Illinois.

- PRESENT:
- MR. DOUGLAS P. SCOTT, Chairman
 - MS. ANN MCCABE, Commissioner
 - MR. JOHN T. COLGAN, Commissioner
 - MS. LULA M. FORD, Commissioner
 - MS. ERIN M. O'CONNELL-DIAZ, Commissioner

L.A. COURT REPORTERS
Steven J. Brickey
License No. 084-004675

1 CHAIRMAN SCOTT: Pursuant to the provisions of
2 the Open Meetings Act, I now convene a regularly
3 scheduled Bench session of the Illinois Commerce
4 Commission. With me in Chicago is Commissioner Ford,
5 Commissioner O'Connell-Diaz, Commissioner Colgan and
6 Commissioner McCabe. I'm Chairman Scott. We have a
7 quorum. Before moving into the agenda, according to
8 Section 1700.10 of Title 2 of the Administrative
9 Code, this is the time we allow members of the public
10 to address the Commission.

11 Members of the public wishing to
12 address the Commission must notify the Chief Clerk's
13 office 24 hours prior to the Commission meeting.
14 According to the Chief Clerk's office, we have no
15 requests for today's Bench session.

16 Turning now to the public utility
17 agenda. When we get to the approval of minutes from
18 our October 17th Bench session, I understand
19 amendments have been forwarded. Is there a motion to
20 amend the minutes.

21 COMMISSIONER COLGAN: So moved.

22 CHAIRMAN SCOTT: Is there a second?

1 COMMISSIONER O'CONNELL-DIAZ: Second.

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

3 All in favor say aye.

4 COMMISSIONER MCCABE: Aye.

5 COMMISSIONER COLGAN: Aye.

6 CHAIRMAN SCOTT: Aye.

7 COMMISSIONER FORD: Aye.

8 COMMISSIONER O'CONNELL-DIAZ: Aye.

9 CHAIRMAN SCOTT: Any opposed? The vote is 5-0
10 and the amendments are adopted. Is there a motion to
11 approve the minutes as amended?

12 COMMISSIONER FORD: So moved.

13 CHAIRMAN SCOTT: Is there a second.

14 COMMISSIONER MCCABE: Second.

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

16 All in favor say aye.

17 COMMISSIONER MCCABE: Aye.

18 COMMISSIONER COLGAN: Aye.

19 CHAIRMAN SCOTT: Aye.

20 COMMISSIONER FORD: Aye.

21 COMMISSIONER O'CONNELL-DIAZ: Aye.

22 CHAIRMAN SCOTT: Any opposed? The vote is 5-0

1 and the October 17th Bench session minutes as amended
2 are approved.

3 Moving into the electric portion of
4 today's agenda. Item E-1 concerns a filing by
5 MidAmerican to update capacity and access charges
6 under its Rider 17. Staff recommends allowing the
7 company's request by not suspending the filing. Is
8 there any discussion? Is there a motion to not
9 suspend the filing?

10 COMMISSIONER COLGAN: So moved.

11 CHAIRMAN SCOTT: Is there a second.

12 COMMISSIONER O'CONNELL-DIAZ:

13 Second.

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

15 All in favor say aye.

16 COMMISSIONER MCCABE: Aye.

17 COMMISSIONER COLGAN: Aye.

18 CHAIRMAN SCOTT: Aye.

19 COMMISSIONER FORD: Aye.

20 COMMISSIONER O'CONNELL-DIAZ: Aye.

21 CHAIRMAN SCOTT: Any opposed? The vote is 5-0

22 and the file will not be suspended. We will use this

1 5-0 vote for the remainder of the public utilities
2 agenda unless otherwise noted.

3 Items E-2 and E-3 can be taken
4 together. These are reconciliation cases for Ameren
5 affiliates concerning revenues collected through coal
6 tar riders in 2010. In each case, ALJ Jones
7 recommends entry of an Order approving the
8 reconciliation. Is there any discussion? Any
9 objections? Hearing none, the Order is entered.

10 Item E-4 is Docket No. 11-0547. This
11 matter concerns the Commission's evaluation of
12 Ameren's residential real-time pricing program. ALJ
13 Albers recommends entry of an Order determining that
14 Ameren's realtime pricing program is beneficial to
15 customers and recommends its continuation. Is there
16 any discussion? Are there any objections? Hearing
17 none, the Order is entered.

18 Item E-5 is Docket No. 11-0692. This
19 is ComEd's application for authorization to
20 construct, operate and maintain new underground
21 transmission lines in Cook County. ALJ Kimbrel
22 recommends entry of an Order granting the

1 application. Is there any discussion?

2 COMMISSIONER O'CONNELL-DIAZ: Mr. Chairman, I
3 just would like to thank ALJ Kimbrel for moving this
4 as quickly as he did. This is a line that serves the
5 central business section of the City of Chicago's
6 most critical economic lifeline for our businesses
7 and, in fact, given the international business
8 transacted in our city this will serve that purpose
9 of insuring that Illinois is number one with regard
10 to having reliable service to our business area.

11 COMMISSIONER FORD: I certainly want to echo
12 that especially with 26th Street because that goes
13 deep where I am also. So I'm always interested in
14 that area and it's really conducive to underground
15 because there are a lot of schools on that 26th
16 Street. So I was pleased with that. Thank you, Mr.
17 Kimbrel.

18 CHAIRMAN SCOTT: Any further discussion? Any
19 objections? Hearing none, the Order is entered.

20 Item E-6 is Docket No. 12-0096. This
21 is RMI Consulting's application for licensure as an
22 agent, broker and consultant under Section 16-115C of

1 the Public Utilities Act. RMI has since been
2 absorbed into FCStone, LLC, and will apparently
3 operate under that entity going forward. Given this
4 reorganization, ALJ Albers recommends reopening this
5 matter on the Commission's own motion and entering an
6 Order on Reopening changing the name on the
7 applicant's certificate of service authority. Is
8 there any discussion? We'll deal with reopening this
9 matter first. Is there any discussion on the
10 reopening? Are there any objections to reopening the
11 matter? Hearing none, the matter is reopened. Is
12 there any discussion regarding the Order on
13 Reopening?

14 JUDGE ALBERS: Mr. Chairman, this is Judge
15 Albers. I would say I agree with the Order this
16 morning that it references on the first page the date
17 of October 24th is the date that the Commission
18 reopened the matter and that was the date the Order
19 was first before the Commission. So there would need
20 to be leave to today's date as the date the Order was
21 reopened.

22 CHAIRMAN SCOTT: Just for the sake of the

1 record, that is Judge Albers who is speaking, is that
2 correct?

3 JUDGE ALBERS: Correct.

4 THE COURT REPORTER: I didn't get the end of
5 that.

6 CHAIRMAN SCOTT: The date the Order was
7 reopened would need to be changed.

8 JUDGE ALBERS: Right. Just that first -- in
9 that second paragraph, on the first page, the October
10 24th and the date it reopened because that was the
11 date this Order was first entered by the Commission
12 and we just need to change that to today's date.

13 CHAIRMAN SCOTT: We're just doing that --
14 Judge, we're just doing that for the court reporter.
15 He had a difficult time hearing part of the
16 explanation.

17 JUDGE ALBERS: I apologize.

18 CHAIRMAN SCOTT: It's okay. So with that one
19 caveat in the change, is there any further discussion
20 on the Order of Reopening?

21 COMMISSIONER O'CONNELL-DIAZ: Mr. Chairman, I
22 would just like to thank Judge Albers. Initially,

1 when I reviewed this, I had some concerns because as
2 we looked at different corporate structures I think
3 it's really important that we keep things in a
4 separate box that they need to be in and, in fact, we
5 did have general counsel's office look at this and
6 concurred with what Judge Albers had done and as we
7 move along with the amount of alternative suppliers
8 and changes, we need to be ever vigilant with that
9 that we are keeping them in the right corporate boxes
10 when we are transferring titles and names and things
11 of that nature and certainly in this instance Judge
12 Albers made the correct call and thank you for this
13 Order.

14 CHAIRMAN SCOTT: I had a similar concern as you
15 did, Commissioner, and I appreciate the Judge's work
16 on that as well as the opinion from OGC and I think
17 what they ended up doing was doing something that
18 allowed both Commission staff, ALJ and the company
19 not to have to go through a lot of extra work and
20 found a way to do it in this situation, and I agree
21 with you in the future, we still have to be vigilant,
22 but I appreciate the work that's been here. I think

1 it saved everybody a lot of time and effort, too. So
2 thank you. Further discussion? Is there any
3 objection to entering the Order on Reopening?
4 Hearing none, the Order on Reopening is entered with
5 the date changes as was noted by Judge Albers.

6 Item E-7 is Docket No. 12-0212. This
7 is a rulemaking proceeding for Title 83 Part 469 of
8 the Administrative Code concerning certification
9 requirements for vendors installing electric vehicle
10 charging stations. ALJ Albers recommends entry of a
11 First Notice Order for submission of the draft rule
12 to the Secretary of State and for start of the first
13 notice period. Is there any discussion?
14 Commissioner McCabe?

15 COMMISSIONER MCCABE: Judge Albers, I was
16 wonder regarding certification was addressed, how the
17 draft rule compares to requirements in Section
18 16-128(a)?

19 JUDGE ALBERS: 128(a), that is the general
20 requirement pertaining to utility workers basically
21 if I'm not mistaken.

22 COMMISSIONER MCCABE: Installers, yes.

1 JUDGE ALBERS: Installers, yes. I believe that
2 the parties involved in this they need to meet those
3 standards. I do not believe they exceed those
4 standards.

5 THE COURT REPORTER: Could you move the speaker
6 this way?

7 COMMISSIONER MCCABE: Judge Albers, could you
8 elaborate on the standards in the statute?

9 JUDGE ALBERS: I said I believe given the
10 variety of the parties involved that the standards in
11 the rule meet those standards of the statute. I do
12 not believe they exceed the standards in the statute,
13 though. If there's a particular area you want me to
14 take a look at, I can do so and get back to you.

15 COMMISSIONER MCCABE: Okay. I just in general
16 I'm glad to see the evolution of the rules especially
17 in regards to the application fee for certification,
18 which is now \$50. The rule needs to balance the need
19 for qualified installers, i.e., properly licensed and
20 registered electrical contractors as well as the
21 homeowners to install EV charging stations relatively
22 affordably. The parties involved in the related

1 workshops estimate the residential EV charging
2 installations will range from \$500 to \$4,000 by one
3 estimate and \$750 to \$6,400 on another estimate.

4 Several commented on the high annual
5 certification fee could be a factor limiting the
6 number of installers. The cost would be passed to
7 homeowners. I also note that the parties have
8 requested leave for a DOL approved apprenticeship
9 program given other training and certification
10 programs and they question the need for annual
11 certification.

12 CHAIRMAN SCOTT: Further discussion. Is there
13 objections to the Order? Hearing none, the Order is
14 entered.

15 Items E-8 and E-9 can be taken
16 together. These are customer complaints against
17 Liberty Power Holdings and Ameren. In each case, the
18 parties have apparently settled their differences and
19 have brought a Joint Motion to Dismiss, which ALJ Von
20 Qualen recommends we grant.

21 Is there any discussion? Any
22 objections? Hearing none, the Joint Motions to

1 Dismiss are granted.

2 Item E-10 is Docket No. 12-0438. This
3 is Verde Energy's USA's petition for confidential
4 and/or proprietary treatment of its net metering
5 report. ALJ Jorgenson recommends entry of an Order
6 granting the requested protective treatment. Is
7 there any discussion? Any objections? Hearing none,
8 the Order is entered. Turning now to natural gas.

9 COMMISSIONER O'CONNELL-DIAZ: Mr. Chairman,
10 this is just kind of out of order, but given the
11 events of the last week with regard to the storm, I
12 just wanted to note that in the electricity portion
13 because this has to do with some of our companies
14 that are in our jurisdiction and I would like to
15 thank you, Mr. Michael Ferron from the IPA who
16 stopped me in the hall the other day and tendered
17 this e-mail that he had sent to the Illinois offices
18 of the Illinois Power Agency and it was in response
19 to the crews that came from ComEd and Ameren going
20 out and being part of that first responders group and
21 a woman by the name of Mary Isaacs who lives in Long
22 Island wrote, and I think this is indicative of the

1 mutual aid that many, many states have participated
2 in, but I do know speaking to some of my colleagues
3 in New Jersey that ComEd and Ameren were some of the
4 first ones in the area after the storm hit and Ms.
5 Isaacs congratulates our state by saying "I am
6 writing to extend my heartfelt thanks to the Illinois
7 electrical crewmen that traveled to my area on Long
8 Island, New York to help restore our power after the
9 devastating storm that left most Long Islander's
10 without power.

11 We went without power for eight days
12 since the storm and it took your amazing talented men
13 to put us and our neighbors back in line with power.
14 Our power source, Long Island Power Authority, should
15 take note and learn something from your hardworking,
16 dedicated workers that traveled a long way to help us
17 and worked around the clock to restore as many homes
18 as they can. I am deeply grateful for all your
19 people have done for us. Thank you. Sincere
20 regards, Mary Isaacs." And a lot of the times we
21 focus on kind of the negative things and this is just
22 one woman's interpretation of the response that came

1 from our state to the devastated seaboard and I would
2 like to thank our workers that were there and also
3 the companies efforts to get part of America hooked
4 back up and working again. So I just thought I'd
5 mention that.

6 CHAIRMAN SCOTT: You mentioned the great
7 service that the mutual aid does and we've been on
8 the receiving end of that at times as well and it
9 really is a great system that helps out and people
10 really do travel great distances to go work in other
11 parts of the country and it's nice to see folks here
12 give recognition from Long Island?

13 COMMISSIONER O'CONNELL-DIAZ: Long Island.

14 CHAIRMAN SCOTT: Thanks, Commissioner. Turning
15 now to natural gas. Items G-1, G-2 can be taken
16 together. These items concern the initiation of
17 reconciliation cases for Nicor, North Shore Gas,
18 Peoples Gas concerning revenues collected under the
19 energy efficiency riders. In each case, staff
20 recommends entry of an Order initiating the
21 reconciliation proceeding. Is there any discussion?
22 Any objections? Hearing none, the Order is entered.

1 Item G-3 is Docket No. 12-0396. This
2 is FTR Energy Services applications for certification
3 as an alternative gas supplier. ALJ Von Qualen
4 recommends entry of an Order granting the
5 certificate. Is there any discussion?

6 COMMISSIONER COLGAN: Yes, Mr. Chairman.

7 CHAIRMAN SCOTT: Commissioner Colgan?

8 COMMISSIONER COLGAN: I held this a couple of
9 times because I wanted to look into the Maryland
10 record that this company -- actually, affiliates this
11 company were found to be in violation of their rules
12 for how its affiliates operate. And it was pretty
13 serious violations of misrepresenting the facts and
14 their brochures and a newspaper article and so,
15 anyway, I looked at it and the Maryland Commission
16 fined this company \$60,000 for this violation and it
17 made recommendations for how they needed to improve
18 their operations and I'm satisfied that they have
19 made those changes, but these companies come into
20 this competitive marketplace I think it's good for us
21 to be really careful in terms of who we let in and we
22 keep a close eye on how they operate. So that's my

1 comment.

2 CHAIRMAN SCOTT: Very good. Any further
3 discussion? Is there any objections to the Order?
4 Hearing none, the Order is entered.

5 Item G-4 is Docket No. 12-0551. This
6 is Stand Energy Corporation's application for
7 certification as an alternative gas supplier. ALJ
8 Von Qualen recommends entry of an Order granting this
9 certificate. Is there any discussion? Any
10 objections? Hearing none, the Order is entered.

11 Moving onto telecommunications. Items
12 T-1 and T-2 can be taken together. These items are
13 petitions by Verizon affiliates seeking to cancel
14 certificates of service authority. In each case, ALJ
15 Jorgenson recommends entry of an Order cancelling the
16 certificate. Is there any discussion? Are there any
17 objections? Hearing none, the Orders are entered.

18 Items T-3 through T-8 can be taken
19 together. These items are joint petitions for the
20 approval of amendment to interconnection agreements.
21 In each case, the petitioners seek to withdraw their
22 petition due to clerical errors and ALJ Jorgenson

1 recommends granting withdrawal. Is there any
2 discussion? Are there any objections? Hearing none,
3 the petitions are withdrawn.

4 Item T-9 is Docket No. 11-0668. This
5 is Dex One's petition for a variance from the
6 requirement of Section 735.180 of the administrative
7 code and this item will be held for disposition at a
8 future Commission proceeding.

9 Item T-10 is Docket No. 11-0688. This
10 is a rulemaking proceeding for Title 83 Part 735 of
11 the Administrative Rules to implement recent
12 statutory changes. ALJ Riley recommends entry of an
13 Order adopting the proposed rule amendments with an
14 effective date of November 15th, 2012. Is there any
15 discussion? Are there any objections? Hearing none,
16 the Order is entered.

17 Items T-11 and T-12 can be taken
18 together. These are petitions for the confidential
19 and/or proprietary treatment of the petitioner's
20 annual reports. In each case, ALJ Jones recommends
21 entry of an Order granting the requested protective
22 treatment. Is there any discussion? Any objections?

1 Hearing none, the Orders are entered.

2 Item T-13 is Docket No. 12-0485. This
3 is Ernest Communications' petition to withdraw its
4 commercial mobile radio service resale certificate of
5 service authority. ALJ Jorgenson recommends entry of
6 an Order granting the petition to withdraw. Is there
7 any discussion? Are there any objections? Hearing
8 none, the Orders are entered.

9 Water and sewer. Items W-1 and W-2
10 can be taken together. These are filings for
11 proposed rate increases by Apple Canyon and Lake
12 Wildwood Utilities. In each case, staff recommends
13 entry of a Suspension Order suspending the filing and
14 setting it for a hearing. Is there any discussion?
15 Any objections? Hearing none, the Suspension Orders
16 are entered.

17 Moving onto miscellaneous items. Item
18 M-1 concerns a Resolution for adopting our Form 22
19 ILCC Annual Report forms. Staff recommends the
20 adoption of a resolution adopting revised versions of
21 these forms. Is there any discussion? Any
22 objections? Hearing none, the Resolution is adopted.

1 Item M-2 is Docket No. 12-0403. This
2 is a rulemaking proceeding for Title 83 Part 300 of
3 the Administrative Code concerning the property
4 rights acquisition procedure under 8-406.1 of the
5 Public Utilities Act. ALJ Jorgenson recommends entry
6 of a Second Notice Order authorizing submission of
7 the proposed amendments to JCAR. Is there any
8 discussion? Any objections? Hearing none, the Order
9 is entered.

10 We have two Petitions for Rehearing to
11 consider today. Item PR-1 is Docket No. 11-0767.
12 This is Illinois-American Water Company's recent rate
13 case. The company has filed a petition seeking
14 rehearing on three issues in this matter and for each
15 issue ALJ Jones recommends that rehearing be denied.
16 Is there any discussion? Are there objections to
17 denying the petition? Hearing none, the Petition for
18 Rehearing is denied.

19 Item PR-2 is Docket No. 12-0001. This
20 is Ameren's initial formula rate case under Section
21 16.108.5 of the Public Utilities Act. The Attorney
22 General has filed a petition seeking rehearing on

1 three issues of this matter and for each issue ALJ
2 Albers and Yoder recommend that rehearing be denied.

3 Is there any discussion?

4 COMMISSIONER O'CONNELL-DIAZ: Mr. Chairman,
5 with regard to the request for application for
6 rehearing, the issues cited by the Attorney General I
7 agree with the ALJ with regard to that.

8 However, since I voted in toto of the
9 Order I would object we have a hearing on the old
10 Order. So I just wanted to verify that I do not
11 support what has been put forth in the petition for
12 rehearing and I agree with the ALJ's recommendations
13 here.

14 CHAIRMAN SCOTT: Further discussion. Is there
15 objections to denying the petition? Hearing none,
16 the Petition for Rehearing is denied.

17 Judge Wallace, are there any other
18 matters to come before the Commission today?

19 MR. WALLACE: Mr. Chairman, that's all we have
20 today.

21 CHAIRMAN SCOTT: Hearing none, this meeting
22 stands adjourned.