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BEFORE THE
ILLINOIS COMMERCE COMMISSION

BENCH SESSION
(TRANSPORTATION)

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.)

* * * * *

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 Moving to the transportation agenda, we'll
15 begin with the approval of minutes from our October 2nd
16 bench session. I understand minutes have been
17 forwarded.

18 Is there a motion to amend the minutes?

19 COMMISSIONER McCABE: So moved.

20 CHAIRMAN SCOTT: Is there a second?

21 COMMISSIONER MAYE: Second.

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

23 All in favor say aye.

24 (Ayes heard.)

25 CHAIRMAN SCOTT: Any opposed?

1 (No response.)

2 CHAIRMAN SCOTT: Vote -- amendments are adopted.

3 Is there now a motion to approve the minutes
4 as amended?

5 COMMISSIONER MAYE: So moved.

6 CHAIRMAN SCOTT: Is there a second?

7 COMMISSIONER DEL VALLE: Second.

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

9 All in favor say aye.

10 (Ayes heard.)

11 CHAIRMAN SCOTT: Any opposed?

12 (No response.)

13 CHAIRMAN SCOTT: Vote is five to nothing that the
14 minutes from our October 2nd bench session, as amended,
15 are approved.

16 We also have to approve minutes from the
17 October 23rd bench session.

18 Is there a motion to approve the minutes?

19 COMMISSIONER McCABE: So moved.

20 CHAIRMAN SCOTT: Is there a second?

21 COMMISSIONER MAYE: Second.

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

23 All in favor say aye.

24 (Ayes heard.)

25 CHAIRMAN SCOTT: Any opposed?

1 (No response.)

2 CHAIRMAN SCOTT: The vote is five to nothing. The
3 minutes are approved.

4 Now, on to the railroad portion of today's
5 agenda. Items RR-1 and RR-2 can be taken together.
6 These items concern authorization for -- safety
7 improvements and which parties have filed petitions
8 requesting additional time.

9 Both cases ALJ (indecipherable) -- a
10 supplemental order granting the requested relief.

11 Is there any discussion?

12 (No response.)

13 CHAIRMAN SCOTT: Is there a motion to enter the
14 supplemental orders?

15 COMMISSIONER DEL VALLE: So moved.

16 CHAIRMAN SCOTT: Is there a second?

17 COMMISSIONER MAYE: Second.

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

19 All in favor say aye.

20 (Ayes heard.)

21 CHAIRMAN SCOTT: Any opposed?

22 (No response.)

23 CHAIRMAN SCOTT: The vote is five to nothing. The
24 supplemental orders are entered.

25 We will use this five-to-nothing vote for the

1 remainder of the transportation agenda, unless otherwise
2 noted.

3 Item RR-3, is docket number T12-0167. It's
4 the Union Pacific Railroad Company decision seeking
5 authority in construction of safety improvements in
6 DuPage County.

7 (Indecipherable) have requested assistance
8 from -- pension fund. They allocated (indecipherable)
9 supplemental order granting the requested relief.

10 Is there any discussion?

11 (No response.)

12 CHAIRMAN SCOTT: Any objection?

13 (No response.)

14 CHAIRMAN SCOTT: Agreed on the supplemental order
15 is entered.

16 Items RR-4 and RR-5 can be taken together.
17 These items are stipulated agreements for public safety
18 improvements at highway railroad crossings in Stark and
19 Shelby County.

20 Petitioners -- petitions have been filed
21 requesting additional time for funding. In both cases,
22 our transportation counsel recommends entry of a
23 supplemental order granting the requested relief.

24 Is there any discussion?

25 (No response.)

1 CHAIRMAN SCOTT: Any objections?

2 (No response.)

3 CHAIRMAN SCOTT: Hearing none, the supplemental
4 orders are entered.

5 Items RR-6 and RR-7 can be taken together.
6 These are the City of Galva and CSX Transportation
7 stipulated agreements for public safety improvements at
8 highway railroad crossings in Henry and Effingham
9 County.

10 In both cases, staff recommends entry of an
11 order approving the stipulated agreements.

12 Is there any discussion?

13 (No response.)

14 CHAIRMAN SCOTT: Any objections?

15 (No response.)

16 CHAIRMAN SCOTT: Hearing none, the orders are
17 entered.

18 We have one administrative article for
19 consideration today. Item AM-1 concerns the City of
20 Urbana, the City of Champaign, and the County of
21 Champaign, joint petition seeking authorization to
22 construct a highway bridge in Champaign County.
23 Intervenor, Preserve Olympian Farmland, has filed a
24 petition for interlocutory review of a hearing of the
25 examiner's ruling.

1 Although this item will be held for
2 disposition at a future Commission proceeding, I would
3 note that the petition concerns evidentiary issues,
4 which may impact parties' presentation of their cases
5 and witness testimony and cross-examination.

6 Thus, I would urge the ALJ to stay any pending
7 hearings, including today's, until such time as the
8 Commission has had a full opportunity to review the
9 petition involved and evidence and issue its decision.

10 Any further comments on that matter?

11 (No response.)

12 CHAIRMAN SCOTT: Is there any further
13 transportation business to come before the Commission
14 today?

15 COMMISSIONER MAYE: No.

16 COMMISSIONER COLGAN: No, Chairman.

17 CHAIRMAN SCOTT: Okay. Hearing none, that
18 concludes today's transportation agenda.

19 UNIDENTIFIED SPEAKER: Thank you.

20 END OF TRANSPORTATION AGENDA

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

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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.

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APRIL M. METZLER, CSR, RPR, CRR

19

CSR No. 084-004394

20

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

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NOTARY PUBLIC