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I N D E X

	<u>FROM</u>	<u>PAGES</u>	<u>TO</u>
<u>TRANSPORTATION CASES</u>			
RR-1 T09-0042	5		6
RR-2 T09-0067	6		8
RR-3 T09-0111	8		
RR-4 T09-0116	8		
RR-5 T09-0117	8		
RR-6 T09-0122	8		
RR-7 T08-0115 Supp.	8		9
RR-8 T07-0027 6th Supp.	8		9
MC-1 9932 MC Sub 15	9		10
AM-1	10		
	<u>FROM</u>	<u>PAGES</u>	<u>TO</u>
<u>FORMAL CASES</u>			
E-1 09-0534	11		12
E-2 09-0535	11		12
E-3 09-0165	12		17
E-4 09-0185	17		18
E-5 09-0189	18		19

1	E-6 09-0363	19	
2	E-7 09-0364	19	
3	E-8 09-0373	19	
4	E-9 09-0422	19	20
5	G-1 09-0536-09-0546	20	
6	G-2 08-0576	20	24
7	G-3 08-0648	24	
8	G-4 09-0204	24	25
9	G-5 09-0299	24	25
10	G-6 09-0332	24	25
11	G-7 09-0405	24	25
12	G-8 09-0347	24	25
13	T-1 TRM #536	25	
14	T-2 09-0274	25	26
15	T-3 09-0391	25	26
16	T-4 09-0413	25	26
17	T-5 09-0424	25	26
18	T-6 09-0366	26	
19	T-7 09-0404	26	27
20	T-8 08-0668	27	
21	T-9 09-0430	27	28
22	T-10 09-0425	28	

1	T-11 09-0387	28	29
2	T-12 09-0396	28	29
3	T-13 09-0397	28	29
4	T-14 09-0398	28	29
5	T-15 09-0410	28	29
6	T-16 09-0421	28	29
7	T-17 09-0547	29	
8	T-18 09-0300	29	30
9	T-19 09-0352	30	31
10	W-1 SRM #012	31	
11	W-2 09-0548	31	32
12	W-3 09-0549	32	
13	W-4 08-0335	32	33
14	W-5 09-0427	33	
15	Closed Session	40	46
16			
17			
18			
19			
20			
21			
22			

1           CHAIRMAN BOX: Pursuant to the provisions of  
2 the Illinois Open Meetings Act, I now convene a  
3 special open meeting of the Illinois Commerce  
4 Commission. With me in Chicago our Commissioners  
5 Ford, O'Connell-Diaz and Elliot. My name is Chairman  
6 Box, and we have a quorum.

7                   I'd like to first wish and acknowledge  
8 and congratulate our new Commissioner John Colgan.  
9 The Commission looks forward to working with him. I  
10 think he starts next week and I think the meeting on  
11 the 24th will be his first Commission meeting.

12                   Before moving into the agenda this is  
13 the time we allow the members of the public to  
14 address the Commission. Members of the public  
15 wishing to address the Commission must notify the  
16 Chief Clerk's Office at least 24 hours prior to the  
17 bench session.

18                   According to the Chief Clerk's Office,  
19 there have been no requests to speak.

20                   Under the Transportation portion of  
21 the agenda Item RR-1 is Docket T09-0042. Tri-City  
22 Regional Port District requests authorization to

1       construct two new at-grade crossings at Bissell  
2       Street. No Grade Crossing Protection Funds will be  
3       used. Administrative Law Judge Kirkland-Montague  
4       recommends entering the order granting the petition.

5                       Is there a motion to enter the order?

6               COMMISSIONER O'CONNELL-DIAZ: So moved.

7               CHAIRMAN BOX: Is there a second?

8               COMMISSIONER ELLIOT: Second.

9               CHAIRMAN BOX: It's been moved and seconded.

10                      All in favor say "aye."

11                                      (Chorus of ayes.)

12               CHAIRMAN BOX: Any opposed?

13                                      (No response.)

14               CHAIRMAN BOX: The vote is 4-0. The order is  
15       entered. We will use this roll-call vote for the  
16       remainder of the Transportation agenda unless  
17       otherwise noted.

18                                      Item RR-2 is Docket T09-0067. This is  
19       a citation order requiring Keokuk Junction Railway  
20       Company to reconstruct two crossings to meet code  
21       requirements. The Railroad also failed to appear at  
22       the hearing or otherwise respond to the citation.

1 Administrative Law Judge O'Brien recommends entering  
2 the order directing that repairs to the crossings be  
3 made in the interests of public safety.

4 Is there any discussion?

5 Mr. Stead, are you available in  
6 Springfield?

7 MR. STEAD: Yes.

8 CHAIRMAN BOX: Can you go into what kind of  
9 enforcement powers we have. In reading the record I  
10 think this company ignored four letters we sent to  
11 them and still have not really cooperated. And it's  
12 been going on for quite a few years. What  
13 enforcement powers do we have?

14 MR. STEAD: Well, to be honest with you,  
15 Mr. Chairman, we've never faced this situation  
16 before. We're kind of entering into a new territory  
17 here. But our intention -- at least my intention, my  
18 recommendation would be if they failed to follow the  
19 order that -- if you pass it, if it's approved today,  
20 we would -- given them time to complete the work, we  
21 find they have not completed it, we would recommend  
22 that the Railroad be compelled to return and meet

1 with the Administrative Law Judge and discuss  
2 possible sanctions against the Railroad.

3 CHAIRMAN BOX: Thank you.

4 Any further discussions.

5 (No response.)

6 CHAIRMAN BOX: Any objections?

7 (No response.)

8 CHAIRMAN BOX: Hearing none, the order is  
9 entered.

10 Items RR-3 through RR-6 will be taken  
11 together. These stipulated agreements provide for  
12 safety improvements to various railway crossings.  
13 Over a million dollars in Grade Crossing Protection  
14 Funds will be used. Staff recommends entering the  
15 orders approving the stipulated agreement.

16 Is there any discussion?

17 (No response.)

18 CHAIRMAN BOX: Any objections?

19 (No response.)

20 CHAIRMAN BOX: Hearing none, the orders are  
21 entered.

22 Items RR-7 and RR-8 will be taken



1 together. Petitions request -- Petitioners -- I'm  
2 sorry -- request extensions of time to complete rail  
3 safety projects. Staff recommends entering the  
4 orders granting the first supplemental and the sixth  
5 supplemental petitions.

6 Is there any discussion?

7 (No response.)

8 CHAIRMAN BOX: Any objections?

9 (No response.)

10 CHAIRMAN BOX: Hearing none, the orders are  
11 entered.

12 This concludes the Railroad portion of  
13 today's agenda.

14 Under the Motor Carrier's Provision  
15 Item MC-1 is a transfer of a Public Carrier  
16 Certificate and a Certificate of Public Convenience  
17 and Necessity from Dalton Transfer, Inc., to Paul M.  
18 Brown & Associates, Inc. There are no objections or  
19 intervenors. Administrative Law Judge O'Brien  
20 recommends entering the order granting the  
21 application.

22 Is there any discussion?

1 (No response.)

2 CHAIRMAN BOX: Any objections?

3 (No response.)

4 CHAIRMAN BOX: Hearing none, the order is  
5 entered.

6 We have one administrative matter.  
7 Item AM-1 is a resolution to transfer regulatory  
8 authority over personal property warehouses to the  
9 Commission. Staff recommends adopting the  
10 resolution. And I think part of that resolution  
11 includes emergency rules to be implemented.

12 Is there any discussion?

13 (No response.)

14 CHAIRMAN BOX: Any objections?

15 (No response.)

16 CHAIRMAN BOX: Hearing none, the resolution is  
17 adopted.

18 Miss Kelley, anything else to come  
19 before us today?

20 MS. KELLEY: That's all today. Thank you.

21 CHAIRMAN BOX: Thank you.

22 (Whereupon the meeting

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concluded matters pertaining to  
Transportation.)

1 (Whereupon the meeting  
2 turned to Public Utility  
3 matters.)

4 CHAIRMAN BOX: Moving on to the Public Utility  
5 agenda. Beginning with the Electric portion of the  
6 agenda we have minutes to approve from the  
7 September 29th regular open meeting.

8 Is there a motion to approve the  
9 minutes?

10 COMMISSIONER O'CONNELL-DIAZ: So moved.

11 CHAIRMAN BOX: Is there a second?

12 COMMISSIONER ELLIOT: Second.

13 CHAIRMAN BOX: It's been moved and seconded.

14 All a favor say "aye."

15 (Chorus of ayes.)

16 CHAIRMAN BOX: Any opposed?

17 (No response.)

18 CHAIRMAN BOX: The vote is 4-0. The minutes  
19 are approved.

20 Items E-1 and E-2 will be taken  
21 together. These are orders commencing the  
22 reconciliation proceedings for Mount Carmel's fuel

1 adjustment charges and the three Illinois Ameren  
2 Utilities' Rider EDR and Rider GER. Staff recommends  
3 entering the orders commencing the reconciliation  
4 proceedings.

5 Is there a motion to enter the orders?

6 COMMISSIONER O'CONNELL-DIAZ: So moved.

7 CHAIRMAN BOX: Is there a second?

8 COMMISSIONER FORD: Second.

9 COMMISSIONER ELLIOT: Second.

10 CHAIRMAN BOX: It's been moved and seconded.

11 All in favor say "aye."

12 (Chorus of ayes.)

13 CHAIRMAN BOX: Any opposed?

14 (No response.)

15 CHAIRMAN BOX: The vote is 4-0. The orders are  
16 entered commencing the reconciliation proceedings.  
17 We will use this 4-0 roll-call vote for the remainder  
18 of the agenda unless otherwise noted.

19 Item E-3 is Docket 09-0165. Integrys  
20 Energy Services, Inc., petitions for a declaratory  
21 ruling on whether a certain electricity pricing  
22 arrangement is prohibited under Subsection

1 16-115A(e)(i) of the Act or Section 2EE of the CFA.  
2 Secondly, on whether Section 16-115C of the Act  
3 applies to an electricity marketing arrangement  
4 between IES and the New Illinois Cooperative Energy,  
5 a not-for-profit subsidiary of the Southwestern  
6 Electric Cooperative. Administrative Law Judge  
7 Gilbert recommends entering the attached order  
8 granting declaratory relief in part and denying it in  
9 part.

10 Judge Gilbert, would you like to brief  
11 us on this matter?

12 JUDGE GILBERT: I'll try to provide the overall  
13 architecture of the case and then I'll try to point  
14 you to what seem to me is the principal policy  
15 question the case presents. And if at any point I'm  
16 going over ground you don't want me to cover anymore,  
17 just, please, let me know.

18 The nominal petitioner is Integrys or  
19 IES. They request a declaratory ruling to  
20 essentially test the legality of a plan for supplying  
21 and marketing gas supply -- retail gas supply to  
22 residential and small business customers. The

1 customers would be members of what's called NICE,  
2 which is actually the New Illinois -- it's called New  
3 Illinois Cooperative Energy or NICE. NICE would do  
4 the marketing of this proposed -- of this proposal.  
5 IES approves the marketing materials, and then IES  
6 would actually provide the gas service and they would  
7 contact -- contract, I should say, directly with NICE  
8 members who want this service.

9 I think, as the chairman said, there's  
10 three statutes involved, 16-115A applies to ARES.  
11 16-115C applies to agents, brokers and consultants or  
12 ABCs. And Section 2EE of the Consumer Fraud Act  
13 applies to electric service providers, which include  
14 Integrys.

15 The order finds that the proposed  
16 marketing arrangement does not comply with  
17 Section 16-115A. It makes no ruling with respect to  
18 the Consumer Fraud Act. In other words, declines to  
19 issue a declaratory ruling on the ground that there's  
20 no real record from which such a ruling can emanate.  
21 And it's -- the order finds that Section 115- --  
22 16-115C is not applicable to the Petitioner Integrys

1 because that section applies only to ABCs. It does  
2 not apply to ARES. And we can't make a ruling with  
3 respect to how that section would apply to NICE  
4 because NICE is not a petitioner in the case. And  
5 our declaratory rulings can only address the  
6 petitioning party, and NICE is not a petitioning  
7 party.

8                   There are several procedural  
9 deficiencies, in my view, in the petition. I think  
10 the petition could have been denied and, therefore,  
11 declaratory ruling could have been denied simply on  
12 the basis of those procedural deficiencies.

13                   That said, I did go ahead and look at  
14 what I thought were the substantive issues framed up  
15 for you. And to the extent that I thought the record  
16 justified that, recommended a declaratory ruling.  
17 And that's principally with respect to 16-115A,  
18 having to do with the marketing requirements for an  
19 ARES.

20                   And I think this points you to the  
21 principal policy question in the case. The proposed  
22 price for the retail gas service would be simply



1     this:  A variable rate.  That's all that the contract  
2     with customers would provide.  And it's the only  
3     information provided to customers, and it's the only  
4     information alluded to in the marketing -- the sample  
5     marketing materials that were presented.

6                   I see a range of possibilities.  One  
7     of which is to say that pricing as something as  
8     general and unquantified as a variable rate cannot be  
9     successfully -- or, I should say, lawfully marketed  
10    under 16-115A.

11                   There's sort of a middle position,  
12    which I did adopt in the order, which is to say that  
13    the Company -- the Petitioner needs to go back and  
14    try to provide some indicators, some indicia of how  
15    the price would be arrived at so the customer has  
16    some sense of what it is he or she is purchasing.

17                   The third option, as I see it, is to  
18    simply find that a variable rate is a sufficient  
19    description of price to meet the statutory standard.  
20    My own recommendation is not to do that, but that's  
21    the policy question presented for you.

22                   So I'll stop there.

1 CHAIRMAN BOX: Any questions for the Judge?  
2 (No response.)  
3 CHAIRMAN BOX: Commissioner O'Connell-Diaz.  
4 COMMISSIONER O'CONNELL-DIAZ: So, Judge  
5 Gilbert, your finding under 16-115A(e) is with regard  
6 to the -- whether, in fact, the variable rate is  
7 adequately disclosed as the price to the consumer,  
8 that's kind of the linchpin of your determination?  
9 JUDGE GILBERT: Yes.  
10 COMMISSIONER O'CONNELL-DIAZ: Okay.  
11 JUDGE GILBERT: Yes. Exactly.  
12 CHAIRMAN BOX: Is there a motion to enter the  
13 order?  
14 COMMISSIONER ELLIOT: So moved.  
15 CHAIRMAN BOX: Is there a second?  
16 COMMISSIONER O'CONNELL-DIAZ: Second.  
17 CHAIRMAN BOX: It's been moved and seconded.  
18 All in the favor say "aye."  
19 (Chorus of ayes.)  
20 CHAIRMAN BOX: Any opposed?  
21 (No response.)  
22 CHAIRMAN BOX: The vote is 4-0. The order is

1 entered. Thank you, Judge.

2 Item E-4 is Docket 09-0185.

3 Constellation New Energy, Inc., seeks protection of  
4 portions of its annual net metering report for not  
5 less than five years. The order grants the request,  
6 but only for two years. Administrative Law Judge  
7 Albers recommends entering the order granting the  
8 petition in part.

9 Is there any discussion?

10 (No response.)

11 CHAIRMAN BOX: Any objections?

12 (No response.)

13 CHAIRMAN BOX: Hearing none, the order is  
14 entered.

15 E-5 is Docket 09-0189. Integry's  
16 Energy Services, Inc., requests confidential and  
17 proprietary treatment of various aspects of its  
18 annual net metering report for two years. The order  
19 finds that the applicant failed to justify its entire  
20 request and only grants priority treatment of its  
21 total peak demand for 2008. Administrative Law Judge  
22 Albers recommends entering the order granting the

1 petition in part.

2 Is there any discussion?

3 (No response.)

4 CHAIRMAN BOX: Any objections?

5 (No response.)

6 CHAIRMAN BOX: Hearing none, the order is  
7 entered.

8 Item E-6 and E-7 will be taken  
9 together. They are complaints involving Commonwealth  
10 Edison Company that have settled. The Administrative  
11 Law Judges recommend granting the stipulations and  
12 motions to dismiss.

13 Is there any discussion?

14 (No response.)

15 CHAIRMAN BOX: Any objections?

16 (No response.)

17 CHAIRMAN BOX: Hearing none, the motions and  
18 stipulations are granted.

19 We'll be holding Item E-8, which is  
20 Docket 09-0373.

21 Item E-9 is Docket 09-0422. The three  
22 Illinois Ameren Utility Companies and Commonwealth

1 Edison jointly petition for approval of a partial  
2 service agreement. Administrative Law Judge Benn  
3 recommends entering the order approving the partial  
4 service agreement.

5 Is there any discussion?

6 (No response.)

7 CHAIRMAN BOX: Any objections?

8 (No response.)

9 CHAIRMAN BOX: Hearing none, the order is  
10 entered.

11 That concludes the Electric portion of  
12 the agenda.

13 Under Natural Gas Item G-1 is an order  
14 commencing purchased gas reconciliations for various  
15 utilities. Staff recommends entering the order  
16 commencing the reconciliation proceedings.

17 Is there any discussion?

18 (No response.)

19 CHAIRMAN BOX: Any objections?

20 (No response.)

21 CHAIRMAN BOX: Hearing none, the order is  
22 entered.

1                   Item G-2 is Docket 08-0576. John  
2 Wichert filed a complaint against Peoples Gas Light  
3 and Coke Company regarding a billing dispute.  
4 Administrative Law Judge Benn recommends entering the  
5 order granting the complaint.

6                   Commissioner O'Connell-Diaz, you  
7 circulated some amendments?

8                   COMMISSIONER O'CONNELL-DIAZ: Yes, I have,  
9 Chairman.

10                   With all due respect to Judge Benn as  
11 I look through this complaint and looked at the  
12 record and the information in the complaint as well  
13 as the testimony, I believe that this is a situation  
14 where we have a landlord who has not had the -- he  
15 was the customer of record for all periods of time  
16 during the relevant period of the complaint.

17                   I think I would find it hard to not  
18 employ our rules which state that the customer of  
19 record is the one that is responsible for the  
20 billing. Again, this is a landlord situation. He  
21 had a month-to-month lease with the tenants. He  
22 never took his name off of the account, which is what

1 he should have done when he sold the property. And  
2 to find otherwise would require our companies to have  
3 to be aware of every property transaction that  
4 occurred on a forward-looking basis. I don't think  
5 those are the -- that's the intent of our rules.

6           So I've circulated language, which,  
7 you know, sets this out and shows that the  
8 complainant in this instance was the customer of  
9 record, remained the customer of record, and what he  
10 failed to do was he failed to contact the company to  
11 advise them that he no longer was the customer of  
12 record until, I think, some two years after he had  
13 sold the property. So his cause of action really is  
14 against the current owners of the building, which I  
15 believe are the family that lived there when he had  
16 the tenancy relationship.

17           And I think important in this -- and  
18 as we look at it, important in this is that if we  
19 were to decide otherwise, other ratepayers would be  
20 paying for this landlord to not have paid his  
21 responsibility. So I think it's important that we  
22 follow the rules and that all landlords follow the

1 rules. And so I have circulated language that would  
2 deny the complaint for the reasons that I have stated  
3 and would entertain any comments or questions from my  
4 colleagues.

5 CHAIRMAN BOX: Questions or comments?

6 (No response.)

7 CHAIRMAN BOX: Is there a motion to adopt the  
8 Commissioner O'Connell-Diaz's amendment?

9 COMMISSIONER FORD: Second.

10 COMMISSIONER ELLIOT: So moved.

11 CHAIRMAN BOX: It's been moved and seconded.

12 Any further discussion?

13 (No response.)

14 CHAIRMAN BOX: All in favor say "aye."

15 (Chorus of ayes.)

16 CHAIRMAN BOX: Opposed?

17 (No response.)

18 CHAIRMAN BOX: The vote is 4-0. The amendment  
19 is adopted. I'm sorry. The amendment is adopted.

20 Is there a motion to enter the order  
21 as amended?

22 COMMISSIONER ELLIOT: So moved.



1 CHAIRMAN BOX: Second? Is there a second?

2 COMMISSIONER FORD: Second.

3 CHAIRMAN BOX: Moved and seconded.

4 All in favor say "aye."

5 (Chorus of ayes.)

6 CHAIRMAN BOX: Opposed?

7 (No response.)

8 CHAIRMAN BOX: The vote is 4-0. The order as  
9 amended is adopted and entered.

10 Item G-3 is Docket 08-0648. Maurice  
11 Perkins filed a complaint against Peoples Gas Light  
12 and Coke Company regarding a billing dispute. The  
13 order finds that Mr. Perkins failed to meet his  
14 evidentiary burden. Administrative Law Judge  
15 Hilliard recommends entering the order dismissing the  
16 complaint.

17 Is there any discussion?

18 (No response.)

19 CHAIRMAN BOX: Any objections?

20 (No response.)

21 CHAIRMAN BOX: Hearing none, the order is  
22 entered.

1                   Item G-4 through G-8 will be taken  
2 together. These are joint motions to dismiss billing  
3 disputes. The parties have resolved their  
4 differences. Administrative Law Judges Benn and  
5 Gilbert recommend granting the joint motions to  
6 dismiss, with prejudice.

7                   Is there any discussion?

8                                   (No response.)

9           CHAIRMAN BOX: Any objections?

10                                   (No response.)

11           CHAIRMAN BOX: Hearing none, the motions are  
12 granted.

13                   Turning to Telecommunications, Item  
14 T-1 is a filing by Illinois Bell Telephone Company  
15 amending the wholesale CompleteLink 2.0 optional  
16 access and usage volume discount plan. Staff  
17 recommends not suspending the filing.

18                   Is there any discussion?

19                                   (No response.)

20           CHAIRMAN BOX: Any objections?

21                                   (No response.)

22           CHAIRMAN BOX: Hearing none, the filing will

1 not be suspended.

2                   Items T-2 through T-5 will be taken  
3 together. These are applications for certificates to  
4 provide various telecommunications services. The  
5 Administrative Law Judges recommend entering the  
6 orders.

7                   Is there any discussion?

8                                   (No response.)

9           CHAIRMAN BOX: Any objections?

10                                   (No response.)

11           CHAIRMAN BOX: Hearing none, the orders are  
12 entered granting the applications.

13                   Item T-6 is Docket 09-0366. This is  
14 an amendatory order correcting the applicant's name  
15 throughout the order. Administrative Law Judge  
16 Haloulos recommends entering the amendatory order.

17                   Is there any discussion?

18                                   (No response.)

19           CHAIRMAN BOX: Any objections?

20                                   (No response.)

21           CHAIRMAN BOX: Hearing none, the amendatory  
22 order is entered.

1                   Item T-7 is Docket 09-0404.   SNG  
2   Communications, LLC, petitions to cancel  
3   certificates.   Administrative Law Judge Benn  
4   recommends entering the order granting the petition.

5                   Is there any discussion?

6                                   (No response.)

7           CHAIRMAN BOX:   Any objections?

8                                   (No response.)

9           CHAIRMAN BOX:   Hearing none, the order is  
10   entered.

11                   Item T-8 is Docket 08-0668.   Illinois  
12   Bell Telephone Company moved to dismiss Ron J.  
13   Krush's complaint due to want of prosecution.   The  
14   order finds that Mr. Krush refused to show up for a  
15   continuance.   Administrative Law Judge Haynes  
16   recommends entering the order granting the motion to  
17   dismiss, without prejudice.

18                   Is there any discussion?

19                                   (No response.)

20           CHAIRMAN BOX:   Any objections?

21                                   (No response.)

22           CHAIRMAN BOX:   Hearing none, the order is

1 entered.

2 Item T-9 is Docket 09-0430. This is a  
3 complaint by Carlos Reyes against Illinois Bell  
4 Telephone Company that has been resolved.  
5 Administrative Law Judge Riley recommends dismissing  
6 the complaint, with prejudice.

7 Is there any discussion?

8 (No response.)

9 CHAIRMAN BOX: Any objections?

10 (No response.)

11 CHAIRMAN BOX: Hearing none, the complaint is  
12 dismissed with prejudice.

13 Item T-10 is Docket 09-0425. White  
14 County petitions for approval to modify its 911  
15 emergency telephone number system. Administrative  
16 Law Judge Benn recommends entering the order granting  
17 the petition.

18 Is there any discussion?

19 (No response.)

20 CHAIRMAN BOX: Any objections?

21 (No response.)

22 CHAIRMAN BOX: Hearing none, the order is

1 entered.

2                   Items T-11 through T-16 will be taken  
3 together. These are interconnection agreements or  
4 amendments to interconnection agreements. The  
5 Administrative Law Judges recommend entering the  
6 orders approving the agreements or the amendments to  
7 the agreements.

8                   Is there any discussion?

9                                   (No response.)

10                   CHAIRMAN BOX: Any objections?

11                                   (No response.)

12                   CHAIRMAN BOX: Hearing none, the orders are  
13 entered.

14                   Item T-17 initiates a citation  
15 proceeding against GEH Technologies, LLC. The  
16 Illinois Secretary of State has revoked the Company's  
17 admission to conduct business in the State. Staff  
18 recommends entering the order initiating a citation  
19 proceeding.

20                   Is there any discussion?

21                                   (No response.)

22                   CHAIRMAN BOX: Any objections?

1 (No response.)

2 CHAIRMAN BOX: Hearing none, the order is  
3 entered.

4 Item T-18 is Docket 09-0300. Illinois  
5 Bell Telephone Company petitions for a waiver of  
6 deposit requirement regulation that requires an  
7 Applicant with unsatisfactory credit history to  
8 proffer a deposit to AT&T. Administrative Law Judge  
9 Sainsot recommends entering the order granting the  
10 waiver.

11 Is there any discussion?

12 (No response.)

13 CHAIRMAN BOX: Any objections?

14 (No response.)

15 CHAIRMAN BOX: Hearing none, the order is  
16 entered.

17 Item T-19 is Docket 09-0352.  
18 Petitioners seek protection of their Annual Report  
19 for 2006, 2007, 2008 and 2009. Administrative Law  
20 Judge Riley recommends entering the order granting  
21 the requested relief.

22 JUDGE WALLACE: Mr. Chairman?

1 CHAIRMAN BOX: Yes.

2 JUDGE WALLACE: This is Judge Wallace. Could  
3 we pull this off, please?

4 CHAIRMAN BOX: T-19?

5 JUDGE WALLACE: Yes, sir.

6 CHAIRMAN BOX: Just hold it?

7 JUDGE WALLACE: Yes.

8 CHAIRMAN BOX: Okay. Once again, Item T-19 is  
9 Docket 09-0352, and we will hold that as requested by  
10 Chief Judge.

11 That concludes the Telecommunications  
12 portion of the agenda.

13 Under Water and Wastewater Item W-1 is  
14 a tariff filing by Illinois-American Water Company.  
15 The Company wants to revise certain rules,  
16 regulations and conditions of service. Staff  
17 recommends not suspending the filing.

18 Is there any discussion?

19 (No response.)

20 CHAIRMAN BOX: Any objections?

21 (No response.)

22 CHAIRMAN BOX: Hearing none, the filing will



1 not be suspended.

2 Item W-2 is Apple Canyon Utility  
3 Company's proposed general rate case. Staff  
4 recommends entering the order suspending the filing.

5 Is there any discussion?

6 (No response.)

7 CHAIRMAN BOX: Any objections?

8 (No response.)

9 CHAIRMAN BOX: Hearing none, the suspension  
10 order is entered.

11 Item W-3 is a Lake Wildwood Utilities  
12 Corporation proposed general rate case. Staff  
13 recommends entering the order suspending the filing.

14 Is there any discussion?

15 (No response.)

16 CHAIRMAN BOX: Any objections?

17 (No response.)

18 CHAIRMAN BOX: Hearing none, the suspension  
19 order is entered.

20 Item W-4 is Docket 08-0335. This is  
21 an amendatory order that corrects the date from 2008  
22 to 2009. Administrative Law Judge Haloulos -- I'm

1       sorry.   Administrative Law Judge Hilliard recommends  
2       entering the amendatory order.

3                       Is there any discussion?

4                                       (No response.)

5               CHAIRMAN BOX:   Any objections?

6                                       (No response.)

7               CHAIRMAN BOX:   Hearing none, the amendatory  
8       order is entered.

9                       Item W-5 is Docket 09-0427.

10       Illinois-American Water Company petitions to issue  
11       \$39 million of long-term debt to an affiliated  
12       interest.   Administrative Law Judge Hilliard  
13       recommends entering the order approving the petition.

14                       Is there any discussion?

15                                       (No response.)

16               CHAIRMAN BOX:   Any objections?

17                                       (No response.)

18               CHAIRMAN BOX:   Hearing none, the order is  
19       entered.

20                       And that concludes the Water and  
21       Wastewater portion of the agenda.

22                       There are several miscellaneous items.

1 First is the Fourth Triennial Report on Retail and  
2 Wholesale Competition in the Illinois Electric  
3 Utility.

4 Commissioner Elliot has circulated  
5 some revisions to the report.

6 COMMISSIONER ELLIOT: Yes, I did. Thank you,  
7 Mr. Chairman.

8 Most of the revisions were related to,  
9 I think, better explaining the history of the  
10 Customer Choice Act and where we've come from since  
11 1996, particularly with the --

12 COMMISSIONER O'CONNELL-DIAZ: I think that  
13 could be a movie.

14 COMMISSIONER ELLIOT: If you weren't there --  
15 you had to be there.

16 In addition, I made some changes to  
17 some of the legislative recommendations, and I have a  
18 lot of work with the assistants.

19 And I would move the amendments to the  
20 Triennial Report for your approval.

21 CHAIRMAN BOX: Is there a second?

22 COMMISSIONER FORD: Second.

1 CHAIRMAN BOX: It's been moved and seconded.

2 All in favor say "aye."

3 (Chorus of ayes.)

4 CHAIRMAN BOX: Any opposed?

5 (No response.)

6 CHAIRMAN BOX: The vote is 4-0. The amendments  
7 are adopted.

8 Is there a motion to accept the  
9 Triennial Report as amended and submit it to the  
10 General Assembly?

11 COMMISSIONER FORD: So moved.

12 CHAIRMAN BOX: Is there a second?

13 COMMISSIONER O'CONNELL-DIAZ: Second.

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

15 All in favor say "aye."

16 (Chorus of ayes.)

17 CHAIRMAN BOX: Opposed?

18 (No response.)

19 CHAIRMAN BOX: The vote is 4-0. The Triennial  
20 Report as amended is adopted and will be submitted to  
21 the Illinois General Assembly.

22 Next we have Liberty Consulting's

1 Third Quarter Report on the verification of the  
2 Peoples Gas' implementation of recommendations.  
3 Staff recommends adopting the report.

4 COMMISSIONER FORD: I had a --

5 CHAIRMAN BOX: Commissioner Ford.

6 COMMISSIONER FORD: I think Mr. Burk is -- was  
7 it Burk who gave us the review? Darin Burk, or was  
8 that with the pipeline? I think it was Burk. Is he  
9 available to go through this with us?

10 MR. BURK: Yes, I'm here in Springfield,  
11 Commissioner Ford.

12 COMMISSIONER FORD: Thank you. Would you just  
13 walk us through this for me.

14 MR. BURK: Yes. This would be the Third  
15 Quarter Report ending in August of 2009. Liberty  
16 verification has been completed for 11  
17 recommendations. That's up from 3 the last quarter.  
18 Liberty has checked progress toward implementation of  
19 36 recommendations, up from 22 last quarter. Liberty  
20 has determined unacceptable progress toward  
21 implementation of 5 recommendations. That is up from  
22 3 last quarter. Liberty has not determined progress

1 toward implementation of 30 recommendations, which is  
2 down from 38.

3 I discussed this issue with Ed Doerk  
4 of Peoples Gas Vice President of Operations. He  
5 considers 44 recommendations per completed, which is  
6 up from 29. Liberty has left several of the  
7 recommendations open for further review and  
8 follow-up, and that accounts for the discrepancy in  
9 the completed numbers.

10 I would be able to ask -- answer any  
11 questions the Commission may have at this time.

12 CHAIRMAN BOX: Any questions?

13 COMMISSIONER FORD: Thank you, Mr. Burke.

14 MR. BURK: Thank you.

15 CHAIRMAN BOX: Is there a motion to accept the  
16 Liberty's Third Quarter Report?

17 COMMISSIONER ELLIOT: So moved.

18 CHAIRMAN BOX: Is there a second?

19 COMMISSIONER O'CONNELL-DIAZ: Second.

20 CHAIRMAN BOX: It's been moved and seconded.

21 All in favor say "aye."

22 (Chorus of ayes.)

1 CHAIRMAN BOX: Any opposed?

2 (No response.)

3 CHAIRMAN BOX: The vote is 4-0. The Liberty's  
4 Third Quarter Report is adopted.

5 And we have three FERC items on the  
6 agenda requiring the Commission to go into closed  
7 session.

8 But before I do, I'd just like to  
9 acknowledge some people who spent a lot of time down  
10 here who decided to come back and visit us. We have  
11 former Commissioner -- what's his name --  
12 Commissioner Stanley Ryan -- he hasn't been gone that  
13 long. And also we have another member of the  
14 Staff -- former member of the Staff and a former  
15 assistant to Commissioner Lieberman, we have Sean who  
16 joined us again today. We appreciate it.

17 Is there a motion to go into closed  
18 session?

19 COMMISSIONER FORD: So moved.

20 COMMISSIONER ELLIOT: So moved.

21 CHAIRMAN BOX: Is there a second?

22 COMMISSIONER O'CONNELL-DIAZ: Second.

1           CHAIRMAN BOX:  It's been moved and seconded to  
2 go into closed session.

3                   All in favor say "aye."

4                           (Chorus of ayes.)

5           CHAIRMAN BOX:  Any opposed?

6                           (No response.)

7           CHAIRMAN BOX:  The vote is 4-0.  We will go  
8 into closed session.

9                           (Whereupon, the following  
10                           proceedings were had in closed  
11                           session.)

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1 (Whereupon, the following  
2 proceedings were had in open  
3 session.)

4 CHAIRMAN BOX: In the closed session we  
5 discussed three items. The first was FERC Docket  
6 EL10-6-000 ICC Comments on FirstEnergy Company's  
7 October 19th, 2009 complaint.

8 Is there a motion to file comments  
9 with the FERC today?

10 COMMISSIONER ELLIOT: So moved.

11 CHAIRMAN BOX: Is there a second?

12 COMMISSIONER O'CONNELL-DIAZ: Second.

13 CHAIRMAN BOX: It's been moved and seconded.

14 All in favor say "aye."

15 (Chorus of ayes.)

16 CHAIRMAN BOX: Opposed?

17 (No response.)

18 CHAIRMAN BOX: The vote is 4-0. The comments  
19 will be filed with the FERC today.

20 The second item is FERC Docket  
21 EL05-121-000 ICC Answer to Exelon's October 29th,  
22 2009 motion.

1                   Is there a motion to submit an answer  
2 to the FERC?

3           COMMISSIONER ELLIOT:   So moved.

4           CHAIRMAN BOX:   Is there a second?

5           COMMISSIONER O'CONNELL-DIAZ:   Second.

6           CHAIRMAN BOX:   It's been moved and seconded.

7                   All in favor say "aye."

8                           (Chorus of ayes.)

9           CHAIRMAN BOX:   Opposed?

10                           (No response.)

11           CHAIRMAN BOX:   The vote is 4-0.   The answer  
12 will be submitted to the FERC.

13                   The last item is FERC Docket  
14 AD09-8-000 Comments to the FERC on Commission  
15 Planning Processes under Order No. 890.   And Staff is  
16 not requesting any action at this time.

17                   Judge Wallace, anything else to come  
18 before the Commission today?

19           JUDGE WALLACE:   No, Mr. Chairman, not today.

20           CHAIRMAN BOX:   Okay.   Just to once again remind  
21 everyone that the NARUC Annual Meeting starts here in  
22 Chicago next Saturday for some and then Sunday

1 through Wednesday.

2                   Hopefully we'll have -- my  
3 understanding is we'll have a great number of people  
4 there. I think people are really looking forward to  
5 coming to the City of Chicago and really -- not only  
6 learning a lot but also enjoying themselves. So I'll  
7 have my police scanner working. Tell them to have a  
8 good time, but not too good a time.

9                   Anything further?

10                                           (No response.)

11                   CHAIRMAN BOX: This meeting stands adjourned.

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