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BEFORE THE  
ILLINOIS COMMERCE COMMISSION

BENCH SESSION  
(PUBLIC UTILITY)

Tuesday, December 4, 2013  
Chicago, Illinois

Met, pursuant to notice at 10:30 a.m. at  
160 North LaSalle Street, Chicago, Illinois.

PRESENT:

- MR. DOUGLAS P. SCOTT, Chairman
- MR. JOHN T. COLGAN, Commissioner
- MS. ANN McCABE, Commissioner
- MR. MIGUEL DEL VALLE, Commissioner
- MS. SHERNA E. MAYE, Commissioner

ERIN D. MITORAJ  
CSR No. 084-003582  
Appearing on behalf of Midwest Litigation services

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PROCEEDINGS

CHAIRMAN SCOTT: Is everything ready in Springfield?

JUDGE WALLACE: Yes, it is.

CHAIRMAN SCOTT: Very good. Pursuant to the provisions of the Open Meetings Act, I now convene a Regularly Scheduled Bench Session of the Illinois Commerce Commission. With me in Chicago are Commissioner Colgan, Commissioner McCabe, Commissioner del Valle, and Commissioner Maye. I'm Chairman Scott. We have a quorum.

Before moving into the agenda, according to Section 1700.10 of Title 2 of the Administrative Code, this is the time we allow members of the public to address the Commission. Members of the public wishing to address the Commission must notify the Chief Clerk's office at least 24 hours prior to Commission meetings. According to the Chief Clerk's office, we have no requests to speak at today's bench session.

Moving on to the Public Utility Agenda, we'll begin with the approval of minutes from our November 6th Bench Session. I understand the amendments have been forwarded.

Is there a motion to amend the minutes?

1 COMMISSIONER McCABE: So moved.

2 COMMISSIONER DEL VALLE: So moved.

3 CHAIRMAN SCOTT: Moved by Commissioner  
4 McCabe. Seconded by Commissioner Del Valle.

5 All in favor say aye.

6 (Ayes heard.)

7 CHAIRMAN SCOTT: Any opposed?

8 (No response.)

9 CHAIRMAN SCOTT: The vote is five to  
10 nothing, and the amendments are adopted.

11 Is there now a motion to approve the minutes  
12 as amended?

13 COMMISSIONER COLGAN: So moved.

14 CHAIRMAN SCOTT: Moved by Commissioner  
15 Colgan.

16 COMMISSIONER MAYE: Second.

17 CHAIRMAN SCOTT: Seconded by Commissioner  
18 Maye.

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  
24 nothing, and the minutes from our November 6th Bench

1 Session as amended are approved.

2 Next we'll address the minutes from our  
3 November 13th Regular Open Meeting. I understand  
4 amendments have been forwarded.

5 Is there a motion to amend the minutes?

6 COMMISSIONER COLGAN: So moved.

7 CHAIRMAN SCOTT: Moved by Commissioner  
8 Colgan. Seconded by Commissioner --

9 COMMISSIONER DEL VALLE: Second.

10 CHAIRMAN SCOTT: -- Del Valle.

11 All in favor say aye.

12 (Ayes heard.)

13 CHAIRMAN SCOTT: Any opposed?

14 (No response.)

15 CHAIRMAN SCOTT: The vote is five to  
16 nothing, and the amendments are adopted.

17 Is there now a motion to approve the minutes  
18 as amended?

19 COMMISSIONER McCABE: So moved.

20 CHAIRMAN SCOTT: Moved by Commissioner  
21 McCabe.

22 COMMISSIONER MAYE: Second.

23 CHAIRMAN SCOTT: Seconded by Commissioner  
24 Maye.

1 All in favor say aye.

2 (Ayes heard.)

3 CHAIRMAN SCOTT: Any opposed?

4 (No response.)

5 CHAIRMAN SCOTT: The vote is five to  
6 nothing, and the minutes from our November 13th  
7 Regular Open Meeting as amended are approved.

8 Turning now to the electric portion of  
9 today's agenda, Item E-1 is Docket No. 12-0649. This  
10 is our reconciliation of revenues collected under  
11 Mt. Carmel's fuel adjustment charges with actual costs  
12 prudently incurred. ALJ Jones recommends entry of an  
13 Order approving the reconciliation.

14 Is there any discussion?

15 (No response.)

16 CHAIRMAN SCOTT: Is there a motion to enter  
17 the Order?

18 COMMISSIONER McCABE: So moved.

19 CHAIRMAN SCOTT: Moved by Commissioner  
20 McCabe. Is there a second?

21 COMMISSIONER MAYE: Second.

22 CHAIRMAN SCOTT: Second by Commissioner  
23 Maye.

24 All in favor say aye.

1 (Ayes heard.)

2 CHAIRMAN SCOTT: Any opposed?

3 (No response.)

4 CHAIRMAN SCOTT: The vote is five to  
5 nothing, and the Order is entered. We'll use this  
6 five-to-nothing vote for the remainder of today's  
7 Public Utility Agenda unless otherwise noted.

8 Item E-2 is Docket No. 13-0301. This is  
9 Ameren's Rate MAP-P, Modernization Action  
10 Plan-Pricing, annual update filing. This item will be  
11 held for disposition at a future Commission  
12 proceeding.

13 Item E-3 is Docket No. 13-0476. This is  
14 Ameren's filing for revenue-neutral tariff changes  
15 related to rate design. The Commission's  
16 investigation in this matter has not yet concluded,  
17 and it is necessary, therefore, to suspend the period  
18 of suspension for the remainder of the 240 days, per  
19 Section 16-108.5 sub (e) of the Public Utilities Act,  
20 to March 19, 2014.

21 Is there any discussion?

22 (No response.)

23 CHAIRMAN SCOTT: Are there any objections to  
24 resuspension of the filing?

1 (No response.)

2 CHAIRMAN SCOTT: Hearing none, the filing is  
3 resuspended.

4 Item E-4 is Docket No. 13-0546. This is the  
5 Illinois Power Agency's petition for approval of the  
6 2014 IPA Procurement Plan. The Illinois Competitive  
7 Energy Association has filed a request for oral  
8 argument in this proceeding, which ALJ Yoder  
9 recommends we deny.

10 Is there any discussion?

11 (No response.)

12 CHAIRMAN SCOTT: Are there any objections to  
13 denying the request for oral argument?

14 (No response.)

15 CHAIRMAN SCOTT: Hearing none, the request  
16 for oral argument is denied.

17 Items E-5 through E-7 can be taken together.  
18 These items are applications for licensure as an  
19 agent, broker, and consultant under Section 16-115C of  
20 the Public Utilities Act. In each case, ALJ Kimbrel  
21 recommends entry of an Order granting the requested  
22 certificate.

23 Is there any discussion?

24 (No response.)

1                   CHAIRMAN SCOTT: Are there any objections?

2                                   (No response.)

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

5                   Item E-8 is Docket No. 13-0586. This is  
6 MidAmerican's request pursuant to Section 6-102 of the  
7 Public Utilities Act for an order authorizing the  
8 issuance and sale of \$350 million aggregate principal  
9 amount of the long-term debt. ALJ Teague-Kingsley  
10 recommends entry of an Order approving the proposed  
11 financing.

12                   Is there any discussion?

13                                   (No response.)

14                   CHAIRMAN SCOTT: Are there any objections?

15                                   (No response.)

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

18                   Item E-9 is Docket No. 13-0633. This is  
19 Ameren's request pursuant to Section 6-102(d) of  
20 the Public Utilities Act to incur certain indebtedness  
21 on up to \$400 million principal amount of senior  
22 secured notes for the purpose of refunding, redeeming,  
23 and/or refinancing outstanding evidences of  
24 indebtedness. ALJ Wallace recommends entry of an



1 Order approving the request.

2 Is there any discussion?

3 (No response.)

4 CHAIRMAN SCOTT: Are there any objections?

5 (No response.)

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

8 Item E-10 is Docket No. 13-0635. This is  
9 ComEd's Petition for Special Permission and approval  
10 on less than 45 days' notice and without suspension of  
11 tariffs authorizing a residential meter usage data  
12 sharing pilot tariff. Staff recommends that the  
13 Commission approve ComEd's request for special  
14 permission and allow the company to file a tariff on  
15 less than 45 days' notice.

16 Is there any discussion?

17 (No response.)

18 CHAIRMAN SCOTT: Are there any objections to  
19 granting the request for special permission?

20 (No response.)

21 CHAIRMAN SCOTT: Hearing none, the request  
22 for special permission is granted.

23 Item E-11 is Docket No. 11-0644. This is  
24 Maneri-Agraz's request to cancel its Certificate to

1 Operate as an ABC in Illinois. ALJ Riley recommends  
2 entry of an Order granting the requested relief.

3 Is there any discussion?

4 (No response.)

5 CHAIRMAN SCOTT: Are there any objections?

6 (No response.)

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

9 Turning now to natural gas, Item G-1 is  
10 Docket No. 06-0741. This is our reconciliation of  
11 revenues collected by Atmos Energy under its gas  
12 adjustment charges with actual costs prudently  
13 incurred. ALJ Yoder recommends entry of an Order  
14 approving the reconciliation.

15 I have some proposed edits to the Order  
16 which do not alter the conclusion, but the additional  
17 edits that we would include would admonish the company  
18 that in the future, the Commission will look  
19 critically at their decisions. I would encourage  
20 Atmos to establish practices that both maximize the  
21 number of potential bidders and best protect the  
22 ratepayers.

23 I would move for adoption of these edits.

24 Is there a second?

1 COMMISSIONER MAYE: Second.

2 CHAIRMAN SCOTT: Seconded by Commissioner  
3 Maye.

4 Is there any discussion on the edits?  
5 (No response.)

6 CHAIRMAN SCOTT: All in favor of the edits  
7 say aye.

8 (Ayes heard.)

9 CHAIRMAN SCOTT: Any opposed?  
10 (No response.)

11 CHAIRMAN SCOTT: The vote is five to  
12 nothing, and the edits are adopted. Is there any  
13 other discussion on this matter?  
14 (No response.)

15 CHAIRMAN SCOTT: Is there a motion to enter  
16 the Order as amended?

17 COMMISSIONER COLGAN: So moved.

18 CHAIRMAN SCOTT: Moved by Commissioner  
19 Colgan. Is there a second?

20 COMMISSIONER DEL VALLE: Second.

21 CHAIRMAN SCOTT: Seconded by Commissioner  
22 Del Valle. It's been moved and seconded.  
23 All in favor say aye.  
24 (Ayes heard.)

1                   CHAIRMAN SCOTT: Any opposed?

2                                   (No response.)

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

5                   On to telecommunications, Items T-1 and T-2  
6 can be taken together. These items are citation  
7 proceedings against CSP Telecom and Illinois Telephone  
8 Corporation for failure to maintain or meet certain  
9 obligations required under the Public Utilities Act.  
10 In both cases, staff recommends entry of an Order  
11 initiating the citation proceeding.

12                   Is there any discussion?

13                                   (No response.)

14                   CHAIRMAN SCOTT: Are there any objections?

15                                   (No response.)

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

18                   Item T-3 is the Commission's own proceeding  
19 to set the maximum rates and charges for 2014 for  
20 operator service providers pursuant to 83 Illinois  
21 Administrative Code Section 770.40(e). Staff  
22 recommends entry of an Order setting the appropriate  
23 rates.

24                   Is there any discussion?

1 (No response.)

2 CHAIRMAN SCOTT: Are there any objections?

3 (No response.)

4 CHAIRMAN SCOTT: Hearing none, the Order is  
5 entered.

6 Item T-4 is Docket No. 13-0628. This is  
7 Crosslink Long Distance Company's petition for  
8 emergency relief for the confidential and/or  
9 proprietary treatment of their annual report for not  
10 less than two years. ALJ Riley recommends entry of an  
11 Order granting the petition.

12 Is there any discussion?

13 (No response.)

14 CHAIRMAN SCOTT: Are there any objections?

15 (No response.)

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

18 On to water and sewer, Item W-1 is Docket  
19 No. WRM 13-007. This is Powers Water Company's filing  
20 to implement increased water rates pursuant to the  
21 simplified rate case procedure. Staff recommends that  
22 we approve the company's request by not suspending the  
23 filing and by not holding a public forum.

24 I just have a few comments with regard to

1 the company's filing in this matter that we've  
2 discussed in previous cases before, and that involves  
3 the water quality issue which was brought up by the  
4 customers. I think that's an important issue for us  
5 to continue to monitor, and I know our staff does that  
6 as well. And it's an issue that's been raised by the  
7 customers in this case. And I think in the past when  
8 we have seen that the water usage wasn't -- the water  
9 in the case wasn't available to be used for most of  
10 the services that one would want to use water for,  
11 that we have ordered further investigation.

12 In this matter, given that we're really  
13 dealing with an iron content issue here and that it  
14 does meet all of the EPA regulations, I don't feel  
15 that there's a need to do that at this time. But I  
16 still think it's an important issue, and obviously, we  
17 need to be protective of the customers and make sure  
18 that the product they're buying is something that can  
19 be used for the purposes for which it's intended.

20 So I just wanted to say that. I didn't know  
21 if there was any other discussion. Commissioner  
22 McCabe?

23 COMMISSIONER McCABE: No. As you know, I  
24 asked some questions about this case, and I just want

1 to commend staff for all their work on trying to  
2 resolve the issues and for the public forum.

3 CHAIRMAN SCOTT: Further discussion?

4 (No response.)

5 CHAIRMAN SCOTT: Are there any objections to  
6 not suspending the filing?

7 Hearing none, the filing is not suspended.

8 Judge Wallace, are there any other matters  
9 to come before the Commission today?

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

11 CHAIRMAN SCOTT: Thank you, sir. You said that  
12 very foreboding, like there will be in the future.

13 JUDGE WALLACE: Yes. Monday will be a nice  
14 meeting, I'm sure.

15 CHAIRMAN SCOTT: Hearing nothing further that  
16 comes before the Commission, this meeting stands  
17 adjourned. Thank you, everyone.

18 END OF PUBLIC UTILITY AGENDA

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