



1                   CHAIRMAN SCOTT: Pursuant to the  
2 provisions of the Open Meetings Act, I now convene  
3 a regularly scheduled Bench Session of the  
4 Illinois Commerce Commission. With me in Chicago  
5 are Commissioner Ford, Commissioner  
6 O'Connell-Diaz, and Commissioner McCabe. With us  
7 in Springfield via videoconference is Commissioner  
8 Colgan. I am Chairman Scott. We have a quorum.

9                   Before moving into the agenda,  
10 according to Section 1700.10 of Title 2 of the  
11 Administrative Code, this is the time we allow  
12 members of the public to address the Commission.  
13 Members of the public wishing to address the  
14 Commission must notify the Chief Clerk's office at  
15 least 24 hours prior to Commission meetings.  
16 According to the Chief Clerk's office, we have no  
17 requests to speak at today's Bench Session.

18                   CHAIRMAN SCOTT: Moving now to the  
19 Public Utility agenda, we'll begin with the  
20 approval of minutes from our November 8th Bench  
21 Session. I understand amendments have been  
22 forwarded. Is there a motion to amend the

1 minutes.

2 COMMISSIONER FORD: So moved.

3 CHAIRMAN SCOTT: Is there a second?

4 COMMISSIONER O'CONNELLY-DIAZ:

5 Second.

6 CHAIRMAN SCOTT: It's been moved and  
7 seconded. All in favor say aye.

8 COMMISSIONER MCCABE: Aye.

9 COMMISSIONER COLGAN: Aye.

10 COMMISSIONER FORD: Aye.

11 COMMISSIONER O'CONNELLY-DIAZ: Aye.

12 CHAIRMAN SCOTT: Aye. Any opposed?

13 The vote is 5-0 and the amendments to the minutes  
14 are adopted. Is there a motion to approve the  
15 minutes as amended?

16 COMMISSIONER MCCABE: So moved.

17 CHAIRMAN SCOTT: Is there a second?

18 COMMISSIONER FORD: Second.

19 CHAIRMAN SCOTT: It's been moved and  
20 seconded. All in favor say aye.

21 COMMISSIONER MCCABE: Aye.

22 COMMISSIONER COLGAN: Aye.

1 COMMISSIONER FORD: Aye.

2 COMMISSIONER O'CONNELLY-DIAZ: Aye.

3 CHAIRMAN SCOTT: Aye. Any opposed?

4 The vote is 5-0 and the minutes to our November  
5 8th Bench Session, as amended, are adopted.

6 Up next is the approval of minutes  
7 from our November 8th Gas Policy Committee  
8 Meeting. I understand amendments have been  
9 forwarded. Is there a motion to amend the  
10 minutes.

11 COMMISSIONER O'CONNELLY-DIAZ: So  
12 moved.

13 CHAIRMAN SCOTT: Is there a second?

14 COMMISSIONER FORD: Second.

15 CHAIRMAN SCOTT: It's been moved and  
16 seconded. All in favor say aye.

17 COMMISSIONER MCCABE: Aye.

18 COMMISSIONER COLGAN: Aye.

19 COMMISSIONER FORD: Aye.

20 COMMISSIONER O'CONNELLY-DIAZ: Aye.

21 CHAIRMAN SCOTT: Aye. Any opposed?

22 The vote is 5-0 and the amendment to the minutes

1 are adopted. Is there motion to approve the  
2 minutes as amended?

3 COMMISSIONER MCCABE: So moved.

4 CHAIRMAN SCOTT: Is there a second?

5 COMMISSIONER O'CONNELLY-DIAZ:

6 Second.

7 CHAIRMAN SCOTT: It's been moved and  
8 seconded. All in favor say aye.

9 COMMISSIONER MCCABE: Aye.

10 COMMISSIONER COLGAN: Aye.

11 COMMISSIONER FORD: Aye.

12 COMMISSIONER O'CONNELLY-DIAZ: Aye.

13 CHAIRMAN SCOTT: Aye. Any opposed?

14 The vote is 5-0 and the minutes to our November  
15 8th Gas Policy Committee meeting as amended are  
16 adopted.

17 Turning to the Electric portion of  
18 our agenda, Item E-1 concerns initiating  
19 reconciliation proceedings for MidAmerican Energy  
20 Company and Mt. Carmel Public Utility Company for  
21 revenues collected under the fuel adjustment  
22 clauses in 2012. Staff recommends entry of an

1 Initiating Order commencing the reconciliation  
2 proceedings. Is there any discussion? Is there a  
3 motion to enter the Order?

4 COMMISSIONER FORD: So moved.

5 CHAIRMAN SCOTT: Is there a second?

6 COMMISSIONER MCCABE: Second.

7 CHAIRMAN SCOTT: It's been moved and  
8 seconded. All in favor say aye.

9 COMMISSIONER MCCABE: Aye.

10 COMMISSIONER COLGAN: Aye.

11 COMMISSIONER FORD: Aye.

12 COMMISSIONER O'CONNELLY-DIAZ: Aye.

13 CHAIRMAN SCOTT: Aye. Any opposed?

14 The vote is 5-0. The Order is entered. We'll use  
15 this 5-0 vote for the remainder of the public  
16 utility agenda unless otherwise noted.

17 Items E-2 and E-3 can be taken  
18 together; these items concern proposed tariff  
19 changes by Ameren and ComEd. In each case, Staff  
20 recommends granting the company's request by not  
21 suspending the filing. Is there any discussion?  
22 Any objections? Hearing none, the filings will

1 not be suspended.

2                   Item E-4 is Docket No. 09-0592; this  
3 is our rulemaking proceeding for Title 83, Parts  
4 412 and 453 of the Administrative Code. Before us  
5 today is an Order for adopting modified proposed  
6 rules for Part 412 of the Code, and ALJ Benn  
7 recommends entry of an Order adopting the rules  
8 with an effective date of January 1st, 2013. Is  
9 there any discussion? Any objections? Hearing  
10 none, the Order is entered.

11                   I want to thank Judge Benn  
12 for all her work on this, as this has obviously  
13 been a very long process with a lot of  
14 modifications to the rules and I really appreciate  
15 all the work that's gone into this so thank you.

16                   Item E-5 is Docket No. 11-0706; this  
17 is a petition filed by the Illinois Department of  
18 Transportation seeking eminent domain authority in  
19 connection with a highway improvement project in  
20 Cook County. ALJ Hilliard recommends entry of an  
21 Order granting the petition. Is there any  
22 discussion? Any objections? Hearing none, the

1 Order is entered.

2 Item E-6 is Docket No. 11-0754; this  
3 is Mt. Carmel's reconciliation case for revenues  
4 collected under fuel adjustment charges in 2011.  
5 ALJ Jones recommends entry of an Order approving  
6 the reconciliation. Is there any discussion? Any  
7 objections? Hearing none, the Order is entered.

8 Item E-7 is Docket No. 12-0293; this  
9 is Ameren's annual update formula rate case filing  
10 under Section 16-108.5(d) of the Public Utilities  
11 Act. ALJ's Albers and Yoder recommend entry of an  
12 Order setting new rates in accordance with the  
13 formula rate statute.

14 I have some revisions to offer in  
15 this matter; they concern the rate case expense  
16 and charitable contributions sections of the  
17 Order. For the rate case expense, my revisions  
18 maintain the conclusion that Ameren should not be  
19 allowed to recover its expenses for its Docket No.  
20 11-0279 rate case, but provide that recovery of  
21 these costs is statutorily barred under Section  
22 16-108.5(c) of the Act. My revisions also



1 indicate that even if not barred, it would not be  
2 just and reasonable for ratepayers to bear these  
3 costs under application of Section 9-229 of the  
4 Act.

5 For charitable contributions, my  
6 revisions likewise maintain the conclusion in the  
7 Proposed Order, and indicate that care should be  
8 taken in analyzing Ameren's charitable  
9 contributions assigned to the electric utility  
10 since their electric service territory is not the  
11 same as that of its gas utility, and thus some  
12 contributions we've seen may primarily benefit  
13 those outside Ameren's electric service territory,  
14 which I believe is a concern if they're being  
15 recovered from Ameren's electric ratepayers under  
16 Section 9-227 of the Act. My revisions simply  
17 note that this concern should be addressed in the  
18 rulemaking docket on charitable expenses and its  
19 associated workshops.

20 I would appreciate your support for  
21 these revisions, and I move for their adoption.  
22 Is there any discussion? Is there a second?

1 COMMISSIONER O'CONNELLY-DIAZ:

2 Second.

3 CHAIRMAN SCOTT: It's been moved and  
4 seconded. Any discussion? All in favor say aye.

5 COMMISSIONER MCCABE: Aye.

6 COMMISSIONER COLGAN: Aye.

7 COMMISSIONER FORD: Aye.

8 COMMISSIONER O'CONNELLY-DIAZ: Aye.

9 CHAIRMAN SCOTT: Aye. Any opposed.

10 The vote is 5-0 and the revisions are adopted. Is  
11 there any further discussion on this matter? I  
12 move for entry of the Order as revised. Is there  
13 a second?

14 COMMISSIONER FORD: Second.

15 CHAIRMAN SCOTT: It's been moved and  
16 second. All in favor say aye.

17 COMMISSIONER MCCABE: Aye.

18 COMMISSIONER COLGAN: Aye.

19 COMMISSIONER FORD: Aye.

20 CHAIRMAN SCOTT: Aye. Any opposed?

21 COMMISSIONER O'CONNELLY-DIAZ: No.

22 CHAIRMAN SCOTT: The vote is 4-1 and

1 the Order as revised is entered.

2 Item E-8 is Docket No. 12-0298; this  
3 is ComEd's petition seeking approval of its AMI  
4 deployment plan pursuant to Section 16-108.6 of  
5 the Public Utilities Act. This matter is on  
6 rehearing before the Commission, and ALJ Haynes  
7 recommends entry of an Order on rehearing  
8 modifying the deployment plan to reflect Staff's  
9 alternative deployment schedule proposal.

10 I have some revisions to offer here  
11 as well; my revisions adopt the third proposed  
12 alternative described in Staff's initial brief on  
13 rehearing. This proposal by Staff calls for  
14 allowing ComEd to proceed for now under its  
15 proposed AMI deployment schedule on rehearing, and  
16 defers the decision on how to achieve accelerated  
17 AMI deployment to ComEd's April 1st, 2013,  
18 progress report filing.

19 These revisions also call for the  
20 company to describe any accelerated deployment  
21 proposals it considered and rejected as part of  
22 its filing, and also to show how it improved its

1 deployment schedule between now and April. My  
2 hope with these revisions is that we've  
3 appropriately balanced what the company claims it  
4 can achieve in AMI deployment with the interests  
5 of ratepayers who both pay for AMI deployment and  
6 stand to benefit from advanced meters.

7 I move for the adoption of these  
8 revisions, and I would appreciate your support.  
9 Is there any discussion? I move for the adoption  
10 of my revisions. Is there a second?

11 COMMISSIONER FORD: Second.

12 CHAIRMAN SCOTT: It's been moved and  
13 seconded. All in favor say aye.

14 COMMISSIONER MCCABE: Aye.

15 COMMISSIONER COLGAN: Aye.

16 COMMISSIONER FORD: Aye.

17 CHAIRMAN SCOTT: Any opposed? The  
18 vote is 5-0 and the revisions are adopted. Is  
19 there any further discussion on this matter?

20 COMMISSIONER O'CONNELLY-DIAZ:

21 Mr. Chairman, I would just concur with what you  
22 have recommended. I will suggest that this

1 Order -- this matter actually, you know, which had  
2 a lot of windy turns to it and -- but, you know, I  
3 go back to the decision that we made in some other  
4 cases that I believe are going to impact as we  
5 move forward with this modernization of our  
6 electric grid and so I think the adjustments to  
7 this Order give a way forward so that Illinois  
8 residents can begin to enjoy and take part in the  
9 benefits of a more modernized grid. So for those  
10 reasons, I support the changes to the Order and  
11 look forward to a more modernized grid in our  
12 state however we may go about it.

13 CHAIRMAN SCOTT: It's been moved and  
14 seconded. Is there further discussion on the  
15 Order as revised? All in favor say aye.

16 COMMISSIONER MCCABE: Aye.

17 COMMISSIONER COLGAN: Aye.

18 COMMISSIONER FORD: Aye.

19 COMMISSIONER O'CONNELLY-DIAZ: Aye.

20 CHAIRMAN SCOTT: Aye. Any opposed?

21 The vote is 5-0. The Order as revised is entered.

22 First, I'd like to thank Judge Haynes for all her

1 work on this, as this was a very unusual case  
2 featuring -- as Commissioner O'Connell-Diaz  
3 pointed out some pretty unorthodox motions and  
4 filings. That would have been correct, but it  
5 isn't anymore, but pretty unorthodox motions and  
6 filings so I really appreciate all the work that  
7 you did in trying to sort through all that and  
8 trying to give us a very good roadmap in a very  
9 difficult case.

10           Having said that, there is one thing  
11 that I would like to say. The narrative  
12 surrounding this case has been pretty  
13 disappointing to me and it's just a narrative  
14 because there has been more than that. I think  
15 the Judge did a very good job of laying out in the  
16 Order which we just passed. So I won't hash it in  
17 detail, but we see things like testimony  
18 introduced and then asked to be pulled through an  
19 errata document which obviously is highly unusual  
20 to say the least saying that the testimony could  
21 have been misinterpreted and then telling us  
22 essentially that none of this is about the money

1 and we can't even consider the money in this case  
2 when the narrative outside of this room is that  
3 it's all about the money in this case.

4           And then we see the \$100 million  
5 figure that we've seen outside of here come back  
6 into play in rebuttal testimony with, as the Order  
7 points out, very little to support that and that's  
8 the same dollar figure we've heard for a long time  
9 which strangely didn't change after we essentially  
10 put back in the pension asset, which in the  
11 reconciliation cases estimated to be about \$70  
12 million and that number hasn't changed. That is  
13 much larger than the number which is  
14 confidentially kept in the testimony in this case,  
15 which is also troubling and as the Order I think  
16 really points out a lot of this, a lot of what is  
17 being challenged and a lot of what is being  
18 challenged in court and we will ultimately get  
19 decisions on that from the court doesn't have  
20 anything to do with that and that's certainly  
21 different from the narrative that is out there  
22 and, again, an entirely different narrative is

1 going on on Wall Street that really  
2 underemphasizes what has been happening each year.

3                   So it would be my hope that this  
4 Order as Commissioner O'Connell-Diaz said  
5 provides a way forward that we can find a path and  
6 do what all of us up here and in Springfield want  
7 to do and that is to have smart grid happen and to  
8 do it in a way that is in the best interest of the  
9 company with the interest of the ratepayers.

10                   So hopefully this will be a way  
11 forward and we will be able to have a narrative  
12 that best fits that way forward. So thanks.

13                   COMMISSIONER COLGAN: I'd just like  
14 to say I'm not going to try to add to your  
15 comments, Chairman, because I think you very well  
16 covered the same issues that I had with this Order  
17 and I support everything you said.

18                   CHAIRMAN SCOTT: Further discussion?  
19 Again, Judge, thank you very much for all your  
20 work on this.

21                   COMMISSIONER MCCABE: I would just  
22 add those that found the Crain's article



1 interesting should also read the Order and staff  
2 brief.

3 COMMISSIONER FORD: They won't.

4 CHAIRMAN SCOTT: Item --

5 COMMISSIONER O'CONNELLY-DIAZ: I  
6 would just add everybody has different ways of  
7 working it, the issues. Again, I think if -- I'm  
8 going to use a cooking analogy. If we're making a  
9 loaf of bread, you have to add the right  
10 ingredients and I think the effect of the initial  
11 cases that kind of gave rise to this were I think  
12 where we can see problems going forward. With  
13 that said, I think in this particular Order, in  
14 this particular instance, we have figured out a  
15 way forward and actually I think the company  
16 agrees with it based on what is represented in the  
17 briefs, but there were certain features that I  
18 think were -- maybe there was an assumption that  
19 they were a certain way and then they weren't.

20 So -- and, you know, I'm just  
21 focusing on what this case represents and  
22 certainly this will require the company to move

1 forward and I agree that in this instance the dots  
2 are connected in the way we would like to see them  
3 and to Commissioner McCabe's recommendation to the  
4 Commission's Order versus Crain's I do think that  
5 will be a good thing and highly recommend it.

6           However, I don't have faith that that  
7 will occur and we must go forward as regulators  
8 and do our job as we see fit in implementing the  
9 law that we have before us. Thank you.

10           CHAIRMAN SCOTT: I agree with  
11 everything you said. I just like the rhetoric on  
12 the other side of what has been put before us.  
13 I'm not sure that --

14           COMMISSIONER O'CONNELLY-DIAZ: You  
15 can go to Disney World for that.

16           CHAIRMAN SCOTT: You may be right.  
17 We can always hope.

18           Item E-9 is Docket No. 12-0244; this  
19 is Ameren's petition for the approval of its AMI  
20 deployment plan pursuant to Section 16-108.6 of  
21 the Public Utilities Act. This matter is on  
22 rehearing after the Commission initially entered

1 an Order rejecting Ameren's plan, ALJs Yoder and  
2 Von Qualen recommend entry of an Order approving  
3 Ameren's revised AMI deployment plan. We have  
4 three different sets of revisions here, none of  
5 which alter the conclusion of approving the  
6 revised AMI plan.

7 I'll start my revisions simply to  
8 encourage Ameren to honor their commitment to work  
9 with stakeholders on additional tracking measures,  
10 and also to participate in the dialogue on time of  
11 use and dynamic pricing that the Commission also  
12 asked ComEd to undertake and I appreciate the  
13 couple suggestions that have been offered from  
14 Commissioner O'Connell-Diaz on this. I move for  
15 the adoption of these revisions and I appreciate  
16 your support. Is there any discussion on these  
17 revisions? Is there a second?

18 COMMISSIONER FORD: Second.

19 CHAIRMAN SCOTT: It's been moved and  
20 seconded. All in favor say aye.

21 COMMISSIONER MCCABE: Aye.

22 COMMISSIONER COLGAN: Aye.

1 COMMISSIONER FORD: Aye.

2 COMMISSIONER O'CONNELLY-DIAZ: Aye.

3 CHAIRMAN SCOTT: Aye. Any opposed?

4 The vote is 5-0 and these revisions are adopted.

5 Commissioner Colgan, do you have a revision in  
6 this matter?

7 COMMISSIONER COLGAN: Yes, sir.

8 Thank you, Chairman. I'm proposing amendments to  
9 the Commission's conclusion section of the Order.  
10 These amendments offer -- are offered for the  
11 purpose of strengthening the position of the  
12 Commission -- Commission's rules regarding the  
13 visit to the premises prior to disconnection is  
14 important to consumer protection. It's dangerous  
15 to health and safety due to the loss of essential  
16 electricity service. The language is consistent  
17 with the Commission's determination and ComEd's  
18 AMI pilot program, Ameren's multiyear performance  
19 metric and ComEd's AMI deployment plan.

20 With that, Mr. Chairman and  
21 Commissioners, I request your support and move  
22 that the amendment be approved.

1 CHAIRMAN SCOTT: It's been moved.

2 Is there a second?

3 COMMISSIONER MCCABE: Second.

4 CHAIRMAN SCOTT: Is there further  
5 discussion on the proposed revisions? All in  
6 favor of the proposed revisions say aye.

7 COMMISSIONER MCCABE: Aye.

8 COMMISSIONER COLGAN: Aye.

9 COMMISSIONER FORD: Aye.

10 COMMISSIONER O'CONNELLY-DIAZ: Aye.

11 CHAIRMAN SCOTT: Aye. Any opposed?

12 The vote is 5-0 and these revisions are adopted.

13 Now, turning to Commissioner McCabe.

14 COMMISSIONER MCCABE: This amendment  
15 makes several changes on pages 24 to 25 to be  
16 consistent with the ComEd AMI Order 12-0298. This  
17 section finds that the discount rate used was  
18 inappropriate as it used government bond rate as a  
19 proxy. In the ComEd AMI proceeding, the  
20 Commission also found the company's use of a  
21 government proxy for the discount rate was  
22 inappropriate. The proxy based on the 20-year

1 treasury bond rate is more appropriate yet find  
2 the plan to be cost beneficial despite the  
3 improper discount rate, several much higher  
4 discount rates still prove the plan to be cost  
5 beneficial. As the Chairman said, it doesn't  
6 change the conclusion of the Order. Thank you.

7 CHAIRMAN SCOTT: Are you moving?

8 COMMISSIONER MCCABE: Yes.

9 CHAIRMAN SCOTT: Is there a second?

10 COMMISSIONER FORD: Second.

11 CHAIRMAN SCOTT: It's been moved and  
12 seconded. Any discussion on the proposed  
13 revision? All in favor say aye.

14 COMMISSIONER MCCABE: Aye.

15 COMMISSIONER COLGAN: Aye.

16 COMMISSIONER FORD: Aye.

17 COMMISSIONER O'CONNELLY-DIAZ: Aye.

18 CHAIRMAN SCOTT: Aye. The vote is  
19 5-0 and the revisions are adopted. Is there any  
20 further discussion on this matter?

21 COMMISSIONER COLGAN: Chairman, I'd  
22 like to just make a couple of comments.

1 CHAIRMAN SCOTT: Sure.

2 COMMISSIONER COLGAN: You know I'm  
3 going to support this Order because I believe the  
4 company has made their case, but I was somewhat  
5 taken by the testimony, provided the direct  
6 testimony by the AG witness Hornby where he  
7 outlined the financial risks that customers are  
8 being asked to take in this situation and that the  
9 societal benefits that are put forth are based on  
10 some pretty optimistic projections. I think there  
11 is huge technological investment in this project  
12 and the projected benefits that will be realized  
13 by the project are to be realized somewhere way  
14 down the road in the future.

15 I think as these types of programs  
16 have been rolled out in other parts of the country  
17 and as we start to see the outcomes and analysis  
18 of some of the initial cost savings, I'm struck  
19 that there is still -- that the public's financial  
20 cost savings are pretty slim. So some of the  
21 societal benefits such as the reductions in carbon  
22 emissions and the savings from switching to

1 electric vehicles seem to be based on some very  
2 optimistic projections, projections that I know  
3 that all of us hope will be -- will be realized.  
4 They are all issues that we've all very carefully  
5 looked at and studied and we know that those  
6 benefits are possibilities, but that's what they  
7 are.

8                   They are possibilities and I think  
9 that measuring these benefits as we go down the  
10 road will be -- will be challenging as this  
11 project rolls itself out and I think that -- you  
12 know, I'm somewhat amazed by the criticisms that  
13 the Commission has received for taking a cautious  
14 approach when it's clear that the outcomes from  
15 these projected benefits are anything, but  
16 certain, but with that said, I still -- I want to  
17 congratulate the company for having revised this  
18 plan and put it in a shape that clearly makes a  
19 case for the cost benefit analysis being in the  
20 positive column for the customers and with that  
21 I'm concluding my comments and support the Order.

22                   CHAIRMAN SCOTT: Further discussion?



1 Commission O'Connelly-Diaz?

2 COMMISSIONER O'CONNELLY-DIAZ:

3 Mr. Chairman, I support Commissioner Colgan's  
4 discussion relative to this Order. I think any  
5 time that the Commission is asked to do something  
6 that we have -- a program that we have not done  
7 before those concerns are always ever present.  
8 Energy efficiency, lots of dollars went into that.

9 That was pursuant to legislation and  
10 obviously the Commission has been busy  
11 implementing those programs. When we started out  
12 on those journeys, there was always a discussion  
13 as to were we going to get the bang for the buck  
14 because the ratepayers were paying for that.

15 So I would suggest that feeling, that  
16 notion is always attendant to these new programs.  
17 I look at it from a standpoint of the benefits  
18 from a modernized grid and what that means for  
19 outage situations and I know -- I believe it was  
20 Encore did a presentation relative to what  
21 currently Texas consumers are enjoying with regard  
22 to those types of features that the deployment of

1 smart grid does afford their citizens in outage  
2 situations.

3                   So those benefits as I look at those  
4 programs are really quite astounding and very,  
5 very good. With that said, I think it's important  
6 for the Commission to be looking at all aspects of  
7 any type of new program that we rollout and  
8 certainly that is what we continue to do. That is  
9 our job. We don't set it on autopilot. That's  
10 what we have our professional staff for and, you  
11 know, there will be bumps in the road. There will  
12 be mistakes in the road, but to stay and do  
13 nothing I think that is not the will of the  
14 Commission. It's certainly not what the operative  
15 law is in the State of Illinois. So we will  
16 collaborate together to move forward to make sure  
17 that these benefits are realized for our state and  
18 our consumers.

19                   CHAIRMAN SCOTT: Further discussion?  
20 I would move for the adoption of this Order as  
21 revised. Is there a second?

22                   COMMISSIONER MCCABE: Second.

1 CHAIRMAN SCOTT: It's been moved and  
2 seconded. All in favor say aye.

3 COMMISSIONER MCCABE: Aye.

4 COMMISSIONER COLGAN: Aye.

5 COMMISSIONER FORD: Aye.

6 COMMISSIONER O'CONNELLY-DIAZ: Aye.

7 CHAIRMAN SCOTT: Aye. Any opposed?

8 The vote is 5-0 and the Order as revised is  
9 adopted.

10 Turning now to Natural Gas, Item G-1  
11 concerns the initiation of purchased gas  
12 adjustment clause reconciliation proceedings over  
13 revenues collected in 2012 for a host of gas  
14 utilities. Staff recommends entry of an Order  
15 initiating the reconciliation proceedings. Is  
16 there any discussion? Any objections? Hearing  
17 none, the Order is entered.

18 Item G-2 is Docket No. 11-0760; this  
19 is Illinois Gas Company's reconciliation  
20 proceeding for revenues collected under gas  
21 adjustment charges in 2011. ALJ Yoder recommends  
22 entry of an Order approving the reconciliation.

1 Is there any discussion? Any objections? Hearing  
2 none, the Order is entered.

3 Item G-3 is Docket No. 12-0017; this  
4 is a petition by Ameren Transmission Company of  
5 Illinois seeking approval to enter into a  
6 long-term borrowing agreement with its parent  
7 company, Ameren Corporation. ALJ Yoder recommends  
8 entry of an Order granting the requested  
9 authority. Is there any discussion? Any  
10 objections? Hearing none, the Order is entered.

11 Item G-4 is Docket No. 12-0322; this  
12 is a citation proceeding against the Village of  
13 Tamms concerning alleged violations of federal  
14 pipeline safety rules. ALJ Von Qualen recommends  
15 entry of an Order approving a settlement in this  
16 matter and calling for a penalty of \$4,000. Is  
17 there any discussion?

18 COMMISSIONER O'CONNELLY-DIAZ:  
19 Mr. Chairman, I would just -- I'm not sure. This  
20 is more Commissioner Ford's area with regard to  
21 pipeline safety, but obviously in this situation  
22 there was a safety issue, our staff appropriately

1 addressed it and that's why we have this  
2 resolution before us, but these are critical,  
3 critical issues when we have safety issues in our  
4 municipalities that have these types of operations  
5 and I would just like to thank staff for making  
6 sure that they follow through in the manner that  
7 they did to ensure that the people that live in  
8 the Village of Tamms and the surrounding areas do  
9 not have the unfortunate situation occurring from  
10 violations of these very important safety rules.  
11 So thank you to our gas pipeline safety folks.

12 COMMISSIONER FORD: I certainly  
13 concur with Commissioner O'Connelly-Diaz to her  
14 statement and these are federal rules that we are  
15 in compliance with and I was glad to see it was a  
16 settlement with the company and they realized the  
17 severity of their act.

18 COMMISSIONER COLGAN: I'm in  
19 agreement with those comments. I do think that  
20 this is a very important issue. I've actually  
21 been to the Village of Tamms and this is -- it's a  
22 wide spot in the road so to speak. So I'm sure a

1 \$4,000 penalty might not look like much to many  
2 people, but I'm sure to the Village of Tamms that  
3 is a considerable penalty that they're paying for  
4 this -- for these violations and I just hope that  
5 other operators around the state take note of the  
6 fact that this is a very serious issue and we need  
7 to be vigilant in terms of providing the kind of  
8 safety, especially as we start to roll out the  
9 shale gas in more and bigger and bigger quantities  
10 all over the country. This will become an  
11 increasingly big issue for the aging  
12 infrastructure that we have and the need to build  
13 out additional infrastructure and that it be done  
14 in a very safe and reliable way.

15 CHAIRMAN SCOTT: Further discussion?  
16 Is there any objections to the Order? Hearing  
17 none, the Order is entered.

18 Moving on to Telecommunications, Item  
19 T-1 is Docket No. 12-0563; this is a petition by  
20 Boomerang Wireless seeking a certificate to  
21 provide resold commercial mobile radio service in  
22 Illinois. ALJ Riley recommends entry of an Order

1 granting the certificate. Is there any  
2 discussion? Any objections? Hearing none, the  
3 Order is entered.

4 Items T-2 and T-3 can be taken  
5 together; these are joint petitions for the  
6 approval of interconnection agreements between  
7 telecommunications carriers. In each case, the  
8 ALJ recommends entry of an Order approving the  
9 interconnection agreement. Is there any  
10 discussion? Any objections? Hearing none, the  
11 Orders are entered.

12 Item T-4 is Docket No. 12-0574; this  
13 is a joint petition by telecommunications carriers  
14 seeking the approval of an amendment to an  
15 interconnection agreement. ALJ Riley recommends  
16 entry of an Order approving the amendment. Is  
17 there any discussion? Any objections? Hearing  
18 none, the Order is entered.

19 Item T-5 concerns setting the  
20 maximum rates to be charged by operator service  
21 providers pursuant to Title 83, Part 770 of the  
22 Administrative Code. Staff recommends entry of an

1 Order setting the new maximum rates and charges  
2 for usage charges and for operator surcharges. Is  
3 there any discussion? Any objections? Hearing  
4 none, the Order is entered.

5 On to Water & Sewer, Item W-1  
6 concerns a filing by Aqua Illinois seeking  
7 permission to revise its water and sewer bills.  
8 Staff recommends granting the company's request by  
9 not suspending the filing. Is there any  
10 discussion? Any objections? Hearing none, the  
11 filing will not be suspended.

12 Item W-2 is Docket No. 12-0545; this  
13 is Delisha James's complaint against Aqua  
14 Illinois. The parties have apparently settled  
15 their differences and have brought a joint motion  
16 to dismiss, which ALJ Von Qualen recommends we  
17 grant. Is there any discussion? Any objections?  
18 Hearing none, the joint motion to dismiss is  
19 granted.

20 We have one miscellaneous item for  
21 consideration today; Item M-1 is Docket No.  
22 06-0703, and this concerns the adoption of rules



1 under Title 83, Part 280 of the Administrative  
2 Code. We will hold this item for disposition at a  
3 future Commission proceeding.

4 We have five items of other business  
5 today; as these concern FERC matters, we'll go  
6 into Closed Session to address them. Is there a  
7 motion to go into Closed Session?

8 COMMISSIONER O'CONNELLY-DIAZ: So  
9 moved.

10 CHAIRMAN SCOTT: Is there a second?

11 COMMISSIONER FORD: Second.

12 CHAIRMAN SCOTT: It's been moved and  
13 seconded. All in favor say aye.

14 COMMISSIONER MCCABE: Aye.

15 COMMISSIONER COLGAN: Aye.

16 COMMISSIONER FORD: Aye.

17 COMMISSIONER O'CONNELLY-DIAZ: Aye.

18 CHAIRMAN SCOTT: Aye. Any opposed?

19 The vote is 5-0. We will now go into Closed  
20 Session. Please let me know when the room is  
21 ready in Springfield.

22 (Whereupon, the Commission went into Closed Session.)

1 CHAIRMAN SCOTT: In Closed Session,  
2 the Commission discussed making filings in FERC  
3 Docket Nos. ER13-186, ER13-198, ER13-90, ER13-195,  
4 and ER13-187. Is there a motion to make the  
5 filings with FERC?

6 COMMISSIONER O'CONNELLY-DIAZ: So  
7 moved.

8 CHAIRMAN SCOTT: Is there a second?

9 COMMISSIONER FORD: Second.

10 CHAIRMAN SCOTT: It's been moved and  
11 seconded. All in favor say aye.

12 COMMISSIONER MCCABE: Aye.

13 COMMISSIONER COLGAN: Aye.

14 COMMISSIONER FORD: Aye.

15 COMMISSIONER O'CONNELLY-DIAZ: Aye.

16 CHAIRMAN SCOTT: Aye. Any opposed?

17 The vote is 5-0 and the filings will be made with  
18 FERC.

19 Judge Wallace, are there any  
20 other matters to come before the Commission today?

21 JUDGE WALLACE: No, that's all,

22 Mr. Chairman.

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CHAIRMAN SCOTT: Thank you, sir.  
Hearing none, this meeting stands adjourned.  
We'll be back here again at 1:00 p.m. for oral  
argument in Docket No. 12-0321, ComEd's annual  
update formula rate case.