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BEFORE THE
ILLINOIS COMMERCE COMMISSION
REGULAR OPEN MEETING
PUBLIC UTILITY
Tuesday, December 6, 2016
Chicago, Illinois

Met, pursuant to notice, at 10:30 A.M.,
at 160 North La Salle Street, Chicago, Illinois.

- PRESENT:
- BRIEN J. SHEAHAN, Chairman
 - ANN MCCABE, Commissioner
 - SHERINA E. MAYE EDWARDS, Commissioner
 - MIGUEL DEL VALLE, Commissioner
 - JOHN R. ROSALES, Commissioner

SULLIVAN REPORTING COMPANY, by
PATRICIA WESLEY
CSR NO. 084-002170

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CHAIRMAN SHEAHAN: Good morning. Are we ready to proceed in Springfield?

CHIEF CLERK: Yes, we are, Chairman.

CHAIRMAN SHEAHAN: Pursuant to the Open Meetings Act, I call the December 6, 2016 Special Open Meeting to order.

Commissioners McCabe, del Valle, Edwards, and Rosales are present with me in Chicago. We have a quorum.

We have no requests to speak and will, therefore, move on to our regular agenda.

There are edits to the Minutes of our November 9th and November 22, 2016 meetings.

Are there any objections to approving the Minutes as edited?

(No response.)

Hearing none, the Minutes are approved.

Moving on to our Public Utilities Agenda, Item E-1 concerns Ameren's PIPP program.

Are there any objections to not

1 suspending the filing?

2 (No response.)

3 Hearing none, the filing is not
4 suspended.

5 Item E-2 concerns Ameren's filings to
6 update the definition for "Residential Customer."

7 Are there any objections to not
8 suspending the filing?

9 (No response.)

10 Hearing none, the filings are not
11 suspended.

12 Item E-3 concerns Hecate Energy's
13 Application for Certification as an Installer of
14 Distributed Generation Facilities.

15 Are there any objections to approving
16 the proposed Order denying the application?

17 (No response.)

18 Hearing none, the Order is approved.

19 Item E-4 concerns Super Electric
20 Construction's Application for Certification to
21 Install, Maintain or Repair EV Charging Stations.

22 Are there any objections to approving

1 the proposed Order denying the application?

2 (No response.)

3 Hearing none, the Order is approved.

4 Item E-5 concerns ComEd's Annual

5 Formula Rate Update and Revenue Requirement

6 Reconciliation.

7 There are substantive and

8 non-substantive edits to the proposed Order.

9 Is there a motion to approve the
10 proposed edits?

11 COMMISSIONER ROSALES: So moved.

12 CHAIRMAN SHEAHAN: Is there a second?

13 COMMISSIONER MAYE EDWARDS: Seconded.

14 CHAIRMAN SHEAHAN: Any discussion?

15 Commissioner McCabe.

16 COMMISSIONER McCABE: The Commission shares the

17 AG office's concerns regarding the future costs of

18 the Voltage Optimization Validation Study, and

19 business intelligence and data analytics.

20 The Commission will need a sufficient

21 level of detail and justification in its prudence

22 review of ComEd's actual costs.

1 These edits direct ComEd to provide a
2 detailed explanation of its Voltage Optimization
3 Validation Studies, including costs and benefits, in
4 its 2017 Formula Rate Filing.

5 The edits also require ComEd to
6 provide a long-term business intelligence and data
7 analytics development strategy as a part of its next
8 Formula Rate Update.

9 The Commission expects ComEd to show
10 how its strategy will maximize the customer benefits
11 of smart grid and grid modernization investments at
12 a reasonable cost. Thank you.

13 CHAIRMAN SHEAHAN: Any other discussion?

14 (No response.)

15 All those in favor of adopting the
16 edits, say aye.

17 (Chorus of ayes.)

18 Opposed, say nay.

19 (No response.)

20 The ayes have it, and the edits are
21 adopted.

22 Is there a motion to approve the

1 proposed Order as edited approving the
2 reconciliation and delivery services?

3 COMMISSIONER ROSALES: So moved.

4 CHAIRMAN SHEAHAN: Is there a second?

5 COMMISSIONER MAYE EDWARDS: Seconded.

6 CHAIRMAN SHEAHAN: Any discussion?

7 (No response.)

8 All those in favor, say aye.

9 (Chorus of ayes.)

10 Opposed, say nay.

11 (No response.)

12 The ayes have it, and the Order is
13 approved.

14 Item E-6 concerns Ameren's Annual Rate
15 Filing Update.

16 There are non-substantive edits to the
17 proposed Order.

18 Is there a motion to approve the
19 proposed edits?

20 COMMISSIONER ROSALES: So moved.

21 CHAIRMAN SHEAHAN: Is there a second?

22 COMMISSIONER MAYE EDWARDS: Seconded.

1 CHAIRMAN SHEAHAN: Any discussion?

2 (No response.)

3 All those in favor, say aye.

4 (Chorus of ayes.)

5 Opposed, say nay.

6 (No response.)

7 The ayes have it, and the edits are
8 adopted.

9 Is there a motion to approve the
10 proposed Order as edited?

11 COMMISSIONER ROSALES: So moved.

12 CHAIRMAN SHEAHAN: Is there a second?

13 COMMISSIONER MAYE EDWARDS: Seconded.

14 CHAIRMAN SHEAHAN: In there any discussion?

15 Commissioner del Valle.

16 COMMISSIONER del VALLE: Thank you, Mr. Chairman.

17 I will be voting "no" on this Order,
18 because I believe that the record is incomplete and
19 I cannot conclude that these rates are "just and
20 reasonable."

21 The Commission, back in August of this
22 year, sustained the ALJ's ruling striking portions

1 of CUB and IIEC's testimony suggesting the
2 Commission reconsider an issue -- that is, the sale
3 of Ameren's generation units that caused an increase
4 in last year's rates -- and how that issue affects
5 the prudence and reasonableness of this year's
6 revenue requirement.

7 That testimony did not suggest or
8 argue for a refund of rates approved in the 2015
9 Formula Rate Update -- as that is clearly prohibited
10 by the Act as a collateral attack on last year's
11 approved rates -- rather that testimony argued that
12 the rates under consideration in this proceeding
13 should be adjusted after reconsidering the effects
14 of the issue of the sale of generation units on this
15 year's rates.

16 Ameren, in seeking to strike this
17 evidence, claimed that the testimony engaged in an
18 impermissible collateral attack and proceeded to
19 argue that the Commission was precluded from
20 reconsidering the issue.

21 As I noted back in August, the
22 testimony stricken does not engage in a collateral

1 attack but merely asks the Commission to reconsider
2 an issue, and substantial case law has established
3 that issue preclusion does not apply in rate cases.

4 I believe that striking this testimony
5 ran contrary to case law and was an abuse of
6 discretion and that the record is incomplete as a
7 result. I will, therefore, be voting no. Thank
8 you.

9 CHAIRMAN SHEAHAN: Any other discussions?

10 (No response.)

11 This is the vote on the motion to
12 approve the proposed Order as edited.

13 All those in favor, say aye.

14 Aye.

15 COMMISSIONER ROSALES: Aye.

16 COMMISSIONER McCABE: Aye.

17 COMMISSIONER MAYE EDWARDS: Aye.

18 CHAIRMAN SHEAHAN: Opposed, say nay.

19 COMMISSIONER del VALLE: Nay.

20 CHAIRMAN SHEAHAN: The ayes have it, and the vote
21 is 4 to 1.

22 Items E-7, 8, and 9 concern consumer

1 complaints.

2 Are there any objections to
3 considering these items together granting the Joint
4 Motions to Dismiss?

5 (No response.)

6 Hearing none, the motions are granted.

7 Item E-10 concern Ameren
8 Transmission's Petition for Use of Eminent Domain.

9 Are there any objections to granting
10 the petition?

11 (No response.)

12 Hearing none, the petition is granted.

13 Items E-11 and 12 concern Applications
14 for ABC licenses.

15 Are there any objections to
16 considering these items together approving the
17 proposed Orders granting the Certificates?

18 (No response.)

19 Hearing none, the Orders are approved.

20 Item E-13 concerns Starion Energy's
21 Application for a Certificate of Service Authority.

22 This item will be held for disposition at a future

1 date.

2 Item E-14 concerns Bmark Energy's
3 Petition to Cancel its Certificate of Authority.

4 Are there any objections to approving
5 the proposed Order canceling the certificate?

6 (No response.)

7 Hearing none, the Order is approved.

8 Item G-1 concerns Liberty Utilities'
9 Reconciliation of Revenues.

10 Are there any objections to approving
11 the proposed Order approving the PGA Reconciliation?

12 (No response.)

13 Hearing none, the Order is approved.

14 Item G-2 concerns a complaint against
15 Peoples Gas.

16 Are there any objections to approving
17 the proposed Order dismissing the proceeding?

18 (No response.)

19 Hearing none, the Order is approved.

20 Item G-3 concerns Repeal and Revision
21 of certain provisions of the Illinois Administrative
22 Code.

1 Are there any objections to approving
2 the proposed Order adopting the rules?

3 (No response.)

4 Hearing none, the Order's approved.

5 Items G-4 and 5 concern consumer complaints
6 against Peoples Gas.

7 Are there any objections to
8 considering these items together and granting the
9 Joint Motions to Dismiss?

10 (No response.)

11 Hearing none, the motions are granted.

12 Item G-6 concern Liberty Utilities'
13 proposed general increase in gas rates.

14 Are there any objections to approving
15 the Resuspension Order?

16 (No response.)

17 Hearing none, the Order is approved.

18 Item G-7 concern Nicor's Energy
19 Efficiency Plan.

20 Are there any objections to approving
21 the proposed Order approving the Energy Efficiency
22 Plan?

1 (No response.)

2 Hearing none, the Order is approved.

3 Item G-8 concern MidAmerican's
4 Petition for Authority to Revised Depreciation
5 Rates.

6 Are there any objections to approving
7 the proposed Order granting the petition?

8 (No response.)

9 Hearing none, the Order is approved.

10 Moving on to our Telecommunications
11 Agenda, Items T-1, 2, and 3 concern amendments to
12 various parts of the Illinois Administrative Code.

13 Are there any objections to
14 considering these items together and approving the
15 proposed Orders authorizing the Second Notice
16 Period?

17 (No response.)

18 Hearing none, the Orders are approved.

19 Items T-4 and 5 concern Petitions to
20 Cancel Certificates of Service Authority.

21 Are there any objections to
22 considering these items together and approving the

1 proposed Orders canceling the certificates and
2 tariffs?

3 (No response.)

4 Hearing none, the Orders are approved.

5 Items T-6 through 11 concern petitions
6 for the confidentiality of certain information.

7 Are there any objections to
8 considering these items together and approving the
9 proposed Orders granting the petitions?

10 (No response.)

11 Hearing none, the Orders are approved.

12 Moving on to our Water and Sewer
13 Agenda, Item W-1 concerns IAWC's Petition for
14 Reconciliation.

15 Are there any objections to approving
16 the proposed Order approving the reconciliation?

17 (No response.)

18 Hearing none, the Order's approved.

19 Item W-2 concerns Aqua's Petition for
20 Reconciliation of the Purchased Water Surcharge.

21 Are there any objections to approving
22 the proposed Order approving the reconciliation?

1 (No response.)

2 Hearing none, the Order is approved.

3 Under the Miscellaneous Agenda,
4 Item M-1 concerns Amendments to Part 286 of the
5 Illinois Administrative Code.

6 Are there any objections to approving
7 the proposed Order adopting the amendments?

8 (No response.)

9 Hearing none, the Order is approved.

10 Item M-2 concerns CUB's motion for
11 approval of an enclosure.

12 Are there any objections to approving
13 the proposed Order granting the application?

14 (No response.)

15 Hearing none, the Order is approved.

16 On to other business, Commissioner
17 Rosales, I believe you have a statement.

18 COMMISSIONER ROSALES: Thank you, Mr. Chairman.

19 I would like to take this moment to
20 introduce our new Legal and Policy Advisor, Tanya
21 Gutierrez, whose first day at the Commission was
22 December 1st. Tanya has a Bachelor of

1 Administration in Accounting from Loyola University
2 in Chicago and graduated from John Marshall Law
3 School. She has worked in private practice at
4 Sheats & Kellogg and subsequently in the public
5 sector for the Chicago Legal Clinic. She's a
6 Chicago native and a licensed attorney since 2012.

7 For those here, please feel free to
8 introduce yourselves. Thank you.

9 CHAIRMAN SHEAHAN: Thank you, Commissioner.

10 Judge Kimbrel, do you have any other
11 matters to come before the Commission this morning?

12 JUDGE KIMBREL: No, Mr. Chairman.

13 CHAIRMAN SHEAHAN: Commissioners, do any of you
14 have any other business you would like to bring
15 before the Commission this morning?

16 (No response.)

17 Seeing nothing and without objection,
18 we stand adjourned. Thank you.

19 (Whereupon, the above
20 matter was adjourned.)

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