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BEFORE THE
ILLINOIS COMMERCE COMMISSION

Regular Open Meeting
(PUBLIC UTILITY)

Chicago, Illinois
Tuesday, December 13, 2011

Met, pursuant to notice, at 10:30 a.m. in
N901, Eighth Floor, 160 North LaSalle Street,
Chicago, Illinois.

PRESENT:

- DOUGLAS P. SCOTT, Chairman
- LULA M. FORD, Commissioner
- ERIN M. O'CONNELL-DIAZ, Commissioner
- SHERMAN J. ELLIOTT, Commissioner
via teleconference
- JOHN T. COLGAN, Acting Commissioner

SULLIVAN REPORTING COMPANY, by
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PROCEEDINGS

CHAIRMAN SCOTT: Pursuant to the provisions of the Illinois Open Meetings Act I now convene a Regular Open Meeting of the Illinois Commerce Commission. With me in Chicago are Commissioner Ford, Commissioner O'Connell-Diaz and Acting Commissioner Colgan. I'm Chairman Scott. We have a quorum. I believe we have Commissioner Elliott available by phone.

Are you there, Commissioner Elliott?

COMMISSIONER ELLIOTT: I am, Mr. Chairman.

CHAIRMAN SCOTT: Very good. By rule we'll have to take a vote to allow Commissioner Elliott to participate by phone.

I move to allow Commissioner Elliott to participate by phone.

Is there a second?

COMMISSIONER O'CONNELL-DIAZ: Second.

COMMISSIONER FORD: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

All in favor say, Aye.

(Chorus of ayes.)

1 CHAIRMAN SCOTT: Any opposed?

2 (No response.)

3 CHAIRMAN SCOTT: The vote is 4 to nothing and
4 Commissioner Elliott may participate by phone.

5 Welcome, Commissioner. We do -- all
6 of us here want to offer you our condolences.
7 Commissioner Elliott's brother-in-law passed away and
8 Commissioner Elliott is away attending -- with his
9 family. And we really want to offer you our
10 condolences. It's very difficult at any time, but
11 especially at this time of year. So we want you to
12 know that our thoughts and prayers are with you and
13 your sister and your family.

14 COMMISSIONER ELLIOTT: Thank you very much,
15 Mr. Chairman. I appreciate it. And all of you,
16 thanks.

17 CHAIRMAN SCOTT: Before moving into the Agenda,
18 according to Section 1700.10 of Title II of the
19 Administrative Code this is the time we allow members
20 of the public to address the Commission. Members of
21 the public wishing to address the Commission must
22 notify the Chief Clerk's Office at least 24 hours

1 prior to our Commission meeting. According to the
2 Chief Clerk's Office we have no requests to speak at
3 today's Regular Open Meeting.

4 Moving into our Agenda, Item 1 is
5 Docket Nos. 11-0279 and 11-0282 consolidated. This
6 is the Ameren Illinois Utility's rate case. Before
7 us today is a motion to sever the electric docket
8 from the gas docket and dismiss the electric case.
9 We'll hold this motion for disposition at a future
10 Commission proceeding. Additionally, we've received
11 a request for oral argument in this matter and we
12 will send notice of the oral argument to parties in
13 the near future.

14 Item 2 is Docket No. 11-0469. This is
15 Ameren's Petition for authorization to use eminent
16 domain for building a transmission line in LaSalle
17 County. ALJ Albers recommends entry of an Order
18 granting the requested relief.

19 Is there any discussion?

20 (No response.)

21 CHAIRMAN SCOTT: Is there a motion to enter the
22 Order?

1 COMMISSIONER O'CONNELL-DIAZ: So moved.

2 CHAIRMAN SCOTT: Is there a second?

3 COMMISSIONER FORD: Second.

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

5 All in favor say, Aye.

6 (Chorus of ayes.)

7 CHAIRMAN SCOTT: Any opposed?

8 (No response.)

9 CHAIRMAN SCOTT: The vote is 5 to nothing and
10 the Order is entered.

11 We will use this 5 to nothing vote for
12 the remainder of today's meeting unless otherwise
13 noted.

14 Item 3 is Docket No. 11-0660. This is
15 the Illinois Power Agency's Petition for approval of
16 its procurement plan. Before us today is a request
17 for oral argument made by Comverge, which ALJ Wallace
18 recommends we deny.

19 Is there any discussion?

20 (No response.)

21 CHAIRMAN SCOTT: Are there any objections to
22 denying the oral argument request?

1 (No response.)

2 CHAIRMAN SCOTT: Hearing none, the request for
3 oral argument is denied.

4 We'll be entering an Order in this
5 matter at our December 21st Bench Session. So we
6 will hold final disposition of the IPA Procurement
7 Order until then.

8 Items 4 through 11 can be taken
9 together. These items are Applications for Licensure
10 as Agents, Brokers and Consultants under
11 Section 16-115C of the Public Utilities Act. In each
12 case the ALJ recommends entry of an Order granting
13 the requested Certificate.

14 Is there any discussion?

15 (No response.)

16 CHAIRMAN SCOTT: Any objections?

17 (No response.)

18 CHAIRMAN SCOTT: Hearing none, the Orders are
19 entered.

20 Items 12 and 13 can also be taken
21 together. These are Petitions for Certificates of
22 Service Authority brought by XOOM Energy Illinois to

1 operate as an alternative retail electric supplier
2 and as an alternative gas supplier. In each case ALJ
3 Wallace recommends entry of an Order granting the
4 requested Certificate.

5 Is there any discussion?

6 (No response.)

7 CHAIRMAN SCOTT: Any objections?

8 (No response.)

9 CHAIRMAN SCOTT: Hearing none, the Orders are
10 entered.

11 Item 14 is Docket No. 11-0634. This
12 is Netrix's Application for Certificates of Service
13 Authority to provide resold and facilities-based
14 local and interexchange telecommunications in
15 Illinois. ALJ Teague recommends entry of an Order
16 granting the requested Certificates.

17 Is there any discussion?

18 (No response.)

19 CHAIRMAN SCOTT: Any objections?

20 (No response.)

21 CHAIRMAN SCOTT: Hearing none, the Order is
22 entered.

1 Item 15 is Docket No. 11-0644. This
2 item concerns DISH Network Phone & Internet's
3 Application for Certificates to provide resold local
4 and interexchange and facilities-based local exchange
5 telecommunications services in Illinois. Before us
6 today is an Amendatory Order correcting the
7 Applicant's name and ALJ Riley recommends entry of
8 this Amendatory Order.

9 Is there any discussion?

10 (No response.)

11 CHAIRMAN SCOTT: Any objections?

12 (No response.)

13 CHAIRMAN SCOTT: Hearing none, the Amendatory
14 Order is entered.

15 Item 16 is a FERC matter which we'll
16 address in closed session.

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

19 ACTING COMMISSIONER COLGAN: So moved.

20 COMMISSIONER O'CONNELL-DIAZ: So moved.

21 CHAIRMAN SCOTT: Is there a second?

22 ACTING COMMISSIONER COLGAN: Second.

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

2 All in favor say, Aye.

3 (Chorus of ayes.)

4 CHAIRMAN SCOTT: Any opposed?

5 (No response.)

6 CHAIRMAN SCOTT: The vote is 5 to nothing to go
7 into closed session.

8 (Whereupon, at this point Pages
9 10-13 of the proceeding are
10 contained in a separate closed
11 transcript.)

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CONTINUATION OF PROCEEDINGS

CHAIRMAN SCOTT: In closed session the Commission discussed filing Comments in FERC Docket No. ER-12-445-000.

Is there a motion to file the Comments with FERC?

ACTING COMMISSIONER COLGAN: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER O'CONNELL-DIAZ: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

All in favor say, Aye.

(Chorus of ayes.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is 5 to nothing and the Comments will be filed with FERC.

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

JUDGE WALLACE: I was just going to inquire if you had a time for the oral argument in Ameren yet?

CHAIRMAN SCOTT: No, we don't yet.

JUDGE WALLACE: We do need to send the notice

1 out today.

2 CHAIRMAN SCOTT: Well, we may change the day.
3 So that's why we didn't make an announcement on that.

4 JUDGE WALLACE: The day or the time, sir?

5 CHAIRMAN SCOTT: The day.

6 JUDGE WALLACE: Okay. All right.

7 That's all there is at this meeting.

8 CHAIRMAN SCOTT: Okay. I think I have two
9 quick -- quick announcements. One is we'll be back
10 at 1:15 for oral argument on consolidated Docket Nos.
11 11-0280 and 11-0281.

12 I also want to congratulate
13 Commissioner O'Connell-Diaz on being the new Chair of
14 the NARUC Electricity Committee. So congratulations.
15 Very good for you and very good for Illinois.

16 COMMISSIONER O'CONNELL-DIAZ: Thank you. I'm
17 really honored to have been chosen, and I'm really
18 glad that it is good news for our state and -- we
19 need a lot of good news. So I'm very, very happy to
20 continue to serve and thank you very much, Chairman.

21 COMMISSIONER FORD: It was a great appointment.
22 You've worked hard to -- on that election day.

1 COMMISSIONER O'CONNELL-DIAZ: Who would have
2 thought.

3 CHAIRMAN SCOTT: Anything else?

4 COMMISSIONER ELLIOTT: Congratulations.

5 COMMISSIONER O'CONNELL-DIAZ: Thank you,
6 Commissioners.

7 CHAIRMAN SCOTT: Hearing nothing, the meeting
8 stands adjourned.

9 MEETING ADJOURNED

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