

1 PROCEEDINGS

2 ACTING CHAIRMAN FLORES: Pursuant to the
3 provisions of the Illinois Open Meetings Act, I now
4 convene a regularly scheduled Bench Session of the
5 Illinois Commerce Commission. With us in Springfield
6 are Commissioners Ford, O'Connell-Diaz, Elliot and
7 Commissioner Colgan. Here in Chicago I am Chairman
8 Flores. We have a quorum.

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

18 JUDGE WALLACE: Mr. Chairman?

19 ACTING CHAIRMAN FLORES: Yes, sir.

20 JUDGE WALLACE: The four Commissioners in
21 Springfield will need to vote to allow you to
22 participate by telephone before you proceed any

1 further.

2 ACTING CHAIRMAN FLORES: I am not on the phone
3 right now. I am actually sitting in the Chicago
4 chamber.

5 JUDGE WALLACE: But you are not in Springfield,
6 sir.

7 ACTING CHAIRMAN FLORES: That's fine.

8 COMMISSIONER ELLIOTT: I would make a motion.

9 ACTING CHAIRMAN FLORES: I must tell you I was
10 informed otherwise. That's why I didn't ask for the
11 vote. So we will take care of that right now. Is
12 there a motion?

13 COMMISSIONER ELLIOTT: So move.

14 ACTING CHAIRMAN FLORES: Is there a second?

15 COMMISSIONER FORD: Second.

16 ACTING CHAIRMAN FLORES: Very good.

17 COMMISSIONER ELLIOTT: All those in favor?

18 COMMISSIONERS: Aye.

19 COMMISSIONER ELLIOTT: Opposed?

20 (No response.)

21 Motion carried.

22 ACTING CHAIRMAN FLORES: Thank you for letting

1 me back into the loop.

2 So as I was saying before, again, we
3 have no requests to speak at today's Bench Session.

4 (The Transportation
5 portion of the proceedings
6 was held at this time and
7 is contained in a separate
8 transcript.)

9 ACTING CHAIRMAN FLORES: Now turning to the
10 Public Utility agenda, we will start with the
11 approval of minutes from the November 23 Open
12 Meeting. I understand amendments have been
13 forwarded.

14 I will make a motion to amend the
15 minutes. Is there a second?

16 ACTING COMMISSIONER COLGAN: Second.

17 ACTING CHAIRMAN FLORES: It's been moved and
18 seconded. All in favor say aye.

19 COMMISSIONERS: Aye.

20 ACTING CHAIRMAN FLORES: Any opposed?

21 (No response.)

22 The vote is 5-0 and the amendments are

1 approved.

2 I will make a motion to approve the
3 minutes as amended. Is there a second?

4 COMMISSIONER ELLIOTT: Second.

5 ACTING CHAIRMAN FLORES: It's been moved and
6 seconded. All in favor say aye.

7 COMMISSIONERS: Aye.

8 ACTING CHAIRMAN FLORES: Any opposed?

9 (No response.)

10 The vote is 5-0 approving the minutes
11 for November 23 as amended.

12 We will begin with the Electric agenda
13 Item E-1, Docket Numbers 08-0685 and 09-0131
14 Consolidated. This item concerns petitions for the
15 confidential treatment of transfer documents and a
16 petition for the approval of transfer and assignment
17 agreements by AmerenCILCO. Administrative Law Judge
18 Tapia recommends that the Commission enter an Order
19 granting the requested relief.

20 I will make a motion to enter the
21 Order. Is there a second?

22 ACTING COMMISSIONER COLGAN: Second.

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

3 COMMISSIONERS: Aye.

4 ACTING CHAIRMAN FLORES: Any opposed? The vote
5 is 5-0. The Order is entered. We will use this 5-0
6 vote for the remainder of the Public Utility agenda
7 unless otherwise noted.

8 Item E-2 is Docket Numbers 09-0077,
9 09-0078 and 09-0079 Consolidated. This item is a
10 reconciliation proceeding for the Ameren Illinois
11 electric utilities and concerns revenues collected
12 under power procurement riders reconciled with actual
13 procurement expenditures. Administrative Law Judge
14 Jones recommends that the Commission enter an Order
15 approving the reconciliation.

16 Is there any discussion? Any
17 objections?

18 (No response.)

19 Hearing none, the Order is entered.

20 Items E-3 through E-5 (10-0131,
21 10-0132, 10-0134) can be taken together. Each docket
22 concerns a reconciliation proceeding initiated by the

1 Commission concerning coal tar rider charges
2 reconciled with the actual clean-up expenditures for
3 the Ameren Illinois electric utilities. In each case
4 Administrative Law Judge Tapia recommends that the
5 Commission enter an Order approving the
6 reconciliation.

7 Any discussion? Any objections?

8 (No response.)

9 Hearing none, the Orders are entered.

10 Item E-6 is Docket Number 10-0138.

11 This item concerns ComEd's proposal to establish its
12 Rider PORCB and to revise related tariffs. Judge
13 Sainsot recommends that the Commission enter an Order
14 approving the rider with certain specified changes,
15 and I believe the Commissioners have a few revisions
16 with this Order. I would like to begin with
17 revisions submitted by both Commissioners Ford and
18 O'Connell-Diaz.

19 Commissioners?

20 COMMISSIONER FORD: Thank you, Chairman.

21 Because this Commission values the collaborative
22 efforts by the parties in the workshop process and

1 related discussions, we cannot ignore the fact that
2 multiple parties with different interests all support
3 the fixed charges proposal. So we would like to
4 conclude that ComEd's preferred 50 cents per bill
5 fixed charge is in accord with the General Assembly's
6 articulated purpose.

7 We also are of the opinion that it
8 will promote the development of a competitive and
9 fair electric market. And I would like for my fellow
10 Commissioners to support us on these changes.

11 ACTING CHAIRMAN FLORES: Commissioner
12 O'Connell-Diaz?

13 COMMISSIONER O'CONNELL-DIAZ: Commissioner Ford
14 succinctly stated what the revisions are. Again, we
15 would note it was the product of a collaborative
16 effort, and I also believe that it is more closely
17 tied to the record evidence in this matter than the
18 alternative. So I certainly support the changes and
19 look to all the Commissioners for that support, too.

20 ACTING CHAIRMAN FLORES: I also want to add
21 that the oral argument you have heard from the
22 various parties, Intervenors, that there was quite a

1 bit of consensus on this issue and, as Commissioner
2 Ford indicated, is one of the reasons for this
3 revision.

4 Any further comments or discussion?

5 COMMISSIONER ELLIOTT: Yes, Mr. Chairman. I
6 will support this. In my review of this I think what
7 weighed most heavily on my mind was, again, the
8 Memorandum of Understanding and Agreement between the
9 parties. However, I did struggle with the difference
10 between the way this was done and the Ameren PORCB.
11 But in this case I think that the weight of the
12 evidence supports the modifications.

13 I would, however, just on a related
14 issue of the Ameren PORCB, just note that that's been
15 in place for approximately a year now, and we have
16 seen little customer switching that I think was
17 heavily promised by a lot of parties about the PORCB
18 being sort of a ticket to increasing customer
19 switching to the residential classes.

20 So to the extent that we could have
21 the Office of Retail Market Development take a look
22 at that situation at Ameren and perhaps report back

1 to the Commission in a couple of months to just let
2 us know what the status of that is and whether, you
3 know, the structure of the PORCB in Ameren is
4 appropriate or if there are other issues, structural
5 market issues. Perhaps the Federal Energy Programs
6 Division can take a look at whether there is anything
7 regarding the various RTOs that may be impediments to
8 developing competition in these markets.

9 I am just concerned from my
10 perspective that, as we are developing these business
11 rules for ComEd in Chicago, that we are not
12 neglecting downstate and that we are doing everything
13 we can to incent competitive actions in that market.

14 So with that being said, I would hope
15 that my fellow Commissioners would support that
16 request to the ORMD and I will be supporting the
17 fixed charge.

18 ACTING COMMISSIONER COLGAN: Yeah, I am in a
19 really similar position as Commissioner Elliott just
20 articulated. I am not going to go back through it
21 again. But I think there is something to be said
22 about consistency in this issue. There are similar

1 players, if not really the exact same players, and I
2 think the more standardized we can get this, the
3 better it would be.

4 And I do have some questions and
5 concerns about why the switching has been, you know,
6 really slow, and if we could look into that to see,
7 you know, to get some information about it so that we
8 could take that under consideration and get this
9 thing fine-tuned in a way that we can see a more
10 robust -- a residential small commercial market
11 starting to develop. We have that in the C&I side
12 and I don't see a reason why we can't get it there.
13 It seems like something is holding it up and I would
14 like for us to figure out what that is. But I am
15 going to support your amendment.

16 ACTING CHAIRMAN FLORES: Very well.

17 COMMISSIONER O'CONNELL-DIAZ: Just to be clear,
18 we are not putting anything in this Order directing
19 the energy situation. This is like a data
20 information --

21 COMMISSIONER ELLIOTT: No, just asking the
22 Office of Retail Market Development to take a look

1 and report back to us in, let's say, February or
2 something, in a couple months.

3 COMMISSIONER O'CONNELL-DIAZ: And with that
4 caveat, if there is any kind of notice or anything
5 that the Office of General Counsel believes that we
6 have like totally tread on today, that they would let
7 us know that. And if we have to do something more
8 formal, which I don't really think that we probably
9 do, but I certainly will leave that to our General
10 Counsel's office to figure that out. And if the
11 Office of Retail Market Development needs any
12 clarification as to what exactly we are looking for,
13 we would provide that to them so that they are not
14 shooting in the dark as to what we are thinking of
15 and what we want and not really knowing. So I
16 obviously support that, too.

17 COMMISSIONER FORD: Certainly.

18 ACTING CHAIRMAN FLORES: Very well. Any other
19 further comments or discussion?

20 (No response.)

21 So I will make a motion to adopt that
22 first set of revisions. Is there a second?

1 COMMISSIONER ELLIOTT: Second.

2 ACTING CHAIRMAN FLORES: It's been moved and
3 seconded. All in favor say aye.

4 COMMISSIONERS: Aye.

5 ACTING CHAIRMAN FLORES: Any opposed?

6 (No response.)

7 The vote is 5-0 and the revisions
8 introduced by Commissioners Ford and O'Connell-Diaz
9 are adopted.

10 Next, Commissioner Elliott also
11 submitted some revisions. Commissioner Elliott,
12 would you like to offer an explanation?

13 COMMISSIONER ELLIOTT: Sure. Thank you,
14 Mr. Chairman.

15 I made some revisions to the
16 conclusions on page 38 and 39 of the HEPO, and this
17 was essentially to stay consistent with the Ameren
18 PORCB decision and it doesn't change -- has no
19 substantive change to any outcomes, but it does align
20 the language with our decision in that case, and I
21 would recommend that language.

22 ACTING CHAIRMAN FLORES: Very well. Any

1 further discussion or comments on Commissioner
2 Elliott's revisions?

3 (No response.)

4 So be it. I will make a motion to
5 adopt these revisions. Is there a second?

6 ACTING COMMISSIONER COLGAN: Second.

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

9 COMMISSIONERS: Aye.

10 ACTING CHAIRMAN FLORES: Any opposed?

11 (No response.)

12 The vote is 5-0 and Commissioner
13 Elliott's revisions are adopted.

14 COMMISSIONER O'CONNELL-DIAZ: I vote no on
15 that, I am sorry.

16 ACTING CHAIRMAN FLORES: Okay. Let's do a roll
17 call.

18 Commissioner Ford?

19 COMMISSIONER FORD: Aye.

20 ACTING CHAIRMAN FLORES: Commissioner
21 O'Connell-Diaz?

22 COMMISSIONER O'CONNELL-DIAZ: No.

1 ACTING CHAIRMAN FLORES: Commissioner Elliott?

2 COMMISSIONER ELLIOTT: Aye.

3 ACTING CHAIRMAN FLORES: Commissioner Colgan?

4 ACTING COMMISSIONER COLGAN: Aye.

5 ACTING CHAIRMAN FLORES: Chairman Flores votes
6 aye.

7 Let the record reflect the roll call
8 vote is 4 to 1 to adopt Commissioner Elliott's
9 revisions.

10 Lastly, I also introduced some
11 revisions. These revisions constituted a new section
12 at the end of the Order with three paragraphs of new
13 language intended to strongly encourage that our
14 Office of Retail Market Development receive feedback
15 from all of the stakeholders going forward of the
16 effectiveness of the PORCB mechanisms and that this
17 feedback be shared with the Commissioners. The
18 intent of these revisions is to insure that the
19 Commission continues to work to insure that these
20 mechanisms aren't simply available to retail electric
21 suppliers, but that they are truly effective in
22 promoting meaningful retail competition in Illinois.

1 And this really goes in line with some
2 of the comments that were made earlier as part of
3 what Commissioner Colgan, some of the statements he
4 made, as well as some of the statements that
5 Commissioner Elliott made regarding another case
6 involving Ameren and what has happened during that
7 time frame.

8 And while this will not affect the
9 Ameren Order, I think it certainly lays a pathway or
10 at least a framework that we could possibly adopt in
11 evaluating that particular case. Nonetheless, this
12 set of revisions obviously only applies to the case
13 in chief.

14 I want to thank all of the
15 Commissioners because all of the Commissioners and
16 Staff have worked on these other revisions of
17 providing feedback. So I would like to open this set
18 of revisions to any additional comments or discussion
19 other Commissioners would like to make.

20 (No response.)

21 Hearing none --

22 COMMISSIONER O'CONNELL-DIAZ: I think there is

1 comments, but we are just looking at each other down
2 here. If you want to just hold on.

3 COMMISSIONER ELLIOTT: I think it's an
4 excellent amendment in addition to the Order, and I
5 would support it. I think that to the extent we can
6 get more reporting on customer switching and how
7 these business practices and rules that we are now
8 setting up are helping or hindering, that's important
9 to me.

10 COMMISSIONER FORD: I don't know what we are
11 voting on.

12 COMMISSIONER O'CONNELL-DIAZ: There are several
13 versions going around.

14 COMMISSIONER ELLIOTT: I think it is the one we
15 all collaborated on.

16 ACTING COMMISSIONER COLGAN: Yeah, I think the
17 version is the one that --

18 ACTING CHAIRMAN FLORES: It's the version where
19 there was 100 percent consensus among all of the
20 Staff, as I indicated in my remarks. All of the
21 Staff did a great job, and all of the Commissioners,
22 in making sure there was 100 percent collaboration

1 and 100 percent consensus.

2 And I do recognize that there were
3 multiple revisions sent, but there is the set of
4 revisions that the Commission Staff, Commission or
5 Staff, agreed upon to insure that all of the concerns
6 shared by all of the Commissioners were addressed.

7 I can't stress this enough, and this
8 was raised in the oral argument. We are very
9 interested in seeing more enhanced competition, and
10 we want to make sure that we are implementing the
11 various incentives and initiatives that the General
12 Assembly is mandating to help facilitate the retail
13 competition, growth of retail competition, that we
14 indeed track the progress of how these mechanisms are
15 being utilized.

16 So I want to thank all of the
17 Commissioners and their Staff for their help in
18 working on this in a very collaborative and 100
19 percent consensus.

20 COMMISSIONER O'CONNOR-DIAZ: I just want to
21 clarify for the record, Mr. Chairman, there were
22 edits that came out of your office late yesterday

1 afternoon. That is not the version we are looking at
2 that you are offering, is it?

3 ACTING CHAIRMAN FLORES: No, it is not.

4 COMMISSIONER FORD: The only suggestion that I
5 would like to make to my fellow Commissioners is that
6 we don't send anything out the night before we go on
7 the Bench the next day. Because I think it confuses
8 everyone and it does not do a service to the people
9 of this great State of Illinois.

10 ACTING CHAIRMAN FLORES: I agree. And,
11 unfortunately, in this particular situation there was
12 just an issue of timing. If you wish, we could hold
13 this.

14 COMMISSIONER FORD: No, no. Everybody agreed,
15 so I will not --

16 ACTING CHAIRMAN FLORES: Very well. Then I
17 will make a motion. Is there a second?

18 COMMISSIONER ELLIOTT: Second.

19 ACTING CHAIRMAN FLORES: All in favor say aye.

20 COMMISSIONERS: Aye.

21 ACTING CHAIRMAN FLORES: The vote is 5-0 and
22 the revisions are adopted.

1 I will make a motion then to enter the
2 Order in this docket as revised. Is there a second?

3 ACTING COMMISSIONER COLGAN: Second.

4 ACTING CHAIRMAN FLORES: Very well. It's been
5 moved and seconded. All in favor say aye.

6 COMMISSIONERS: Aye.

7 ACTING CHAIRMAN FLORES: Any opposed?

8 (No response.)

9 Very well. The vote is 5-0 and the
10 Order as revised is entered.

11 Item E-7 is Docket Number 10-0157 and
12 this item will be held for disposition at a future
13 proceeding.

14 Item E-8 is Docket Number 10-0439.
15 This is Seven-Utility Management Consultants'
16 application for licensure as an Agent, Broker and
17 Consultant under Section 16-115C of the Public
18 Utilities Act. Administrative Law Judge Yoder
19 recommends that the Commissioner enter an Order
20 granting the requested certificate.

21 Is there any discussion? Any
22 objections?

1 (No response.)

2 Hearing none, the Order is entered and
3 the certificate is granted.

4 COMMISSIONER O'CONNELL-DIAZ: Mr. Chairman, E-7
5 was held, is that correct?

6 ACTING CHAIRMAN FLORES: Yes, ma'am.

7 Item E-9 is Docket Number 10-0563.
8 This is the IPA Procurement Plan docket, and we will
9 be holding this item for disposition at our meeting
10 on December 21. We do have a request for oral
11 argument made by one of the parties in this case and
12 I would like to make a motion to deny that request.

13 Is there a second?

14 COMMISSIONER ELLIOTT: Second.

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

17 COMMISSIONERS: Aye.

18 ACTING CHAIRMAN FLORES: Any opposed?

19 (No response.)

20 The vote is 5-0 and oral argument is
21 denied.

22 Item E-10 is Docket Number 10-0638.

1 This is Gulf Pacific Natural Gas' application for
2 licensure as an Agent, Broker and Consultant under
3 Section 16-511C of the Public Utilities Act.
4 Administrative Law Judge Yoder recommends that the
5 Commissioner enter an Order granting the requested
6 certificate.

7 Is there any discussion? Any
8 objections?

9 (No response.)

10 Hearing none, the Order is entered and
11 the certificate is granted.

12 Turning to Gas, Item G-1 (10-0716)
13 concerns a citation proceeding against Peoples Gas
14 with respect to an incident that occurred on March 3,
15 2010, and Staff conducted an investigation. At issue
16 is whether Peoples Gas has failed to comply with the
17 requirements of the Code of Federal Regulations
18 adopted by the Commission as required by Section 3 of
19 the Illinois Gas Pipeline Safety Act and determining
20 whether civil penalties should be imposed pursuant to
21 Section 7 of the Act. Staff recommends entry of a
22 Citation Order initiating the proceeding.

1 Is there any discussion? Any
2 objections?

3 (No response.)

4 Hearing none, the Order is entered and
5 the proceeding is initiated.

6 Item G-2 is Docket Number 09-0540.
7 This item is Illinois Gas Company's reconciliation
8 proceeding for gas adjustment charges collected
9 reconciled with actual costs prudently incurred.
10 Administrative Law Judge Albers recommends that the
11 Commission enter an Order approving the
12 reconciliation.

13 Is there any discussion? Any
14 objections?

15 (No response.)

16 Hearing none, the Order is entered.

17 Item G-3 is Docket Number 10-0408.
18 This is Peoples Gas and North Shore Gas' petition for
19 approving an agreement for the provisions of
20 facilities and services and the transfer of assets
21 between affiliates pursuant to Sections 7-101, 7-102
22 and 7-204A(b) of the Public Utilities Act.

1 Administrative Law Judge Kimbrell recommends that the
2 Commission enter an Order granting the petition.

3 Is there any discussion? Any
4 objections?

5 (No response.)

6 Hearing none, the Order is entered.

7 Item G-4 is Docket Number 10-0476.

8 This is the Ameren Illinois gas utilities' petition
9 for an Order allowing certain changes on how some of
10 its forms are filed in light of the Ameren merger.

11 Administrative Law Judge Albers recommends that the
12 Commissioner enter an Order granting the requested
13 relief.

14 Is there any discussion? Any
15 objections?

16 (No response.)

17 Hearing none, the Order is entered.

18 Item G-5 is Docket Number 10-0544.

19 This is Thurston Perkins' complaint as to billing
20 and/or charges against Nicor. The parties have
21 apparently settled their differences and brought a
22 Joint Motion to Dismiss which Administrative Law

1 Judge Hilliard recommends that we grant.

2 Is there any discussion? Any
3 objections?

4 (No response.)

5 Hearing none, the docket is dismissed.

6 Item G-6 is Docket Number 10-0611.

7 This is Consumers Gas Company's petition to allow for
8 the company to lease office space from an affiliated
9 interest. Administrative Law Judge Tapia recommends
10 that the Commission enter an Order granting the
11 approval of the company's lease.

12 Is there any discussion? Any
13 objections?

14 (No response.)

15 Hearing none, the Order is entered.

16 Item G-7 is Docket Number 10-0628.

17 This is Vanguard Energy Services' Application for a
18 Certificate of Service Authority to operate as an
19 alternative gas supplier pursuant to Section 19-110
20 of the Public Utilities Act. Administrative Law
21 Judge Riley recommends that the Commission enter an
22 Order granting the requested certificate.

1 Is there any discussion? Any
2 objections?

3 (No response.)

4 Hearing none, the Order is entered.

5 Item G-8 is Docket Number 10-0648.

6 This item is Clara Reed's complaint against Peoples
7 Gas regarding a security deposit. The parties have
8 apparently settled their differences and filed a
9 Joint Motion to Dismiss which Administrative Law
10 Judge Kimbrell recommends that we grant.

11 Is there any discussion? Any
12 objections?

13 (No response.)

14 Hearing none, the docket is dismissed.

15 Moving to the Telecommunications
16 section, Items T-1 and T-2 (TRM#484, TRM#485) will be
17 taken together. These items concern filings by
18 Frontier surrounding increases in rates for
19 additional telephone directories. In each case Staff
20 recommends that the Commission grant the company's
21 request by not suspending the filings.

22 Is there any discussion? Any

1 objections?

2 (No response.)

3 Hearing none, the filings will not be
4 suspended.

5 Items T-3 and T-4 (09-0082, 10-0503)
6 will be taken together. These items are petitions by
7 TelCentris Communications and Metro Communications
8 Company for a Certificate of Local and Interexchange
9 Authority to operate as a reseller and/or
10 facilities-based carrier of telecommunication
11 services throughout the State of Illinois. In each
12 case Administrative Law Judge Tapia recommends that
13 the Commission enter an Order granting the requested
14 certificate.

15 Any discussion? Any objections?

16 (No response.)

17 Hearing none, the Orders are entered
18 and the certificates are granted.

19 Item T-5 is Docket Number 10-0528.

20 Hang on, hang on, I want to make sure I get this
21 right.

22 Again, T-5 is Docket Number 10-0582.

1 This is Easton Telecom Services' Application for a
2 Certificate of Service Authority to operate as a
3 reseller of wireless communication services
4 throughout the State of Illinois. Administrative Law
5 Judge Riley recommends that the Commission enter an
6 Order granting the certificate.

7 Is there any discussion? Any
8 objections?

9 (No response.)

10 Hearing none, the Order is entered and
11 the certificate is granted.

12 T-6 is Docket Number 10-0595. This is
13 Telco Experts' Application for a Certificate of Local
14 and Interexchange Authority to operate as a reseller
15 of telecommunication services in LATAs 358, 366, 368,
16 370, 374 and 376 in the State of Illinois.

17 Administrative Law Judge Teague recommends that the
18 Commission enter an Order granting the certificate.

19 Any discussion? Any objections?

20 (No response.)

21 Hearing none, the Order is entered and
22 the certificate is granted.

1 Item T-7 is Docket Number 10-0669.

2 This is ATX Licensing's Petition for Withdrawal of
3 its Certificate of Interexchange Service Authority
4 and Certificate of Service Authority previously
5 issued in Docket 04-0470. Administrative Law Judge
6 Teague recommends that the Commission enter an Order
7 granting the withdrawal.

8 Any discussion? Any objections?

9 (No response.)

10 Hearing none, the Order is entered and
11 the withdrawal is granted.

12 T-8 is Docket Number 10-0580. This is
13 Sage Spectrum's Petition for Cancellation of
14 Certificate of Service Authority to operate as a
15 reseller of telecommunication services previously
16 issued in Docket Number 08-0520. Administrative Law
17 Judge Tapia recommends that the Commission enter an
18 Order granting the cancellation.

19 Any discussion? Any objections?

20 (No response.)

21 Hearing none, the Order is entered and
22 the cancellation is granted.

1 Items T-9 through T-10 (10-0550,
2 10-0551) can be taken together. These items concern
3 joint petitions surrounding resale and
4 interconnection agreements under 47 U.S.C. 252. In
5 each docket the Administrative Law Judge recommends
6 entering an Order approving a new agreement or
7 amending an existing agreement.

8 Any discussion? Any objection?

9 (No response.)

10 Hearing none, the Orders are entered.

11 Item T-20 (10-0717) concerns setting
12 new maximum rates and charges for operator service
13 providers due to annual inflation pursuant to --

14 JUDGE WALLACE: Mr. Chairman?

15 ACTING CHAIRMAN FLORES: Yes, sir.

16 JUDGE WALLACE: Could you back up a minute? I
17 think that you didn't -- you mentioned T-9 and T-10
18 instead of maybe through T-19.

19 ACTING CHAIRMAN FLORES: Yes, thank you. Items
20 T-9 through T-10 -- excuse me. Pardon me.

21 JUDGE WALLACE: Too many Ts there.

22 ACTING CHAIRMAN FLORES: Yeah, Items T-9

1 through T-19 (10-0550, 10-0551, 10-0552, 10-0553,
2 10-0575, 10-0576, 10-0577, 10-0604, 10-0605, 10-0619,
3 10-0620) can be taken together. All of these items
4 concern joint petitions concerning resale and
5 interconnection agreements under 47 U.S.C. Section
6 252. In each docket the Administrative Law Judge
7 recommends entry of an Order approving a new
8 agreement or amending an existing agreement.

9 Any discussion? Any objections?

10 (No response.)

11 Hearing none, the Orders are entered.
12 Thank you very much, Judge, for catching that.

13 Item T-20 (10-0717) concerns setting
14 new maximum rates and charges for operator service
15 providers due to annual inflation. Pursuant to Part
16 770.40(e) of the Administrative Code, Staff
17 recommends entering an Order setting the new maximum
18 rates and charges for usage charges and for operator
19 surcharges.

20 Any discussion? Any objections?

21 (No response.)

22 Hearing none, the Order is entered.

1 Item T-21 (10-0718) concerns the
2 adoption of a resolution to adopt the revised Form
3 23A as the Annual Report Form for telecommunication
4 carriers that are not required to file reports with
5 the FCC on an Illinois jurisdictional basis. Staff
6 recommends that the resolution be adopted.

7 Any discussion? Any objections?

8 (No response.)

9 Hearing none, the resolution is
10 adopted.

11 We now move to the Water and Sewer
12 portion of today's agenda. Item W-1 is Docket Number
13 10-0220. This is the Harbor Ridge Utilities'
14 petition for issuance of a Certificate of Public
15 Convenience and Necessity to provide water service
16 and sanitary sewer collection and disposal service to
17 a parcel in Unincorporated Lake County.

18 Administrative Law Judge Kimbrell recommends that the
19 Commission enter an Order granting the certificate.

20 Any discussion? Any objections?

21 (No response.)

22 Hearing none, the Order is entered and

1 the certificate is granted.

2 Item W-2 is Docket Number 10-0224.

3 This is the Lake Wildwood Utilities Corporation's
4 Petition for a Certificate of Public Convenience and
5 Necessity to provide water service to parcels of land
6 in Unincorporated Marshall County. Administrative
7 Law Judge Kimbrell recommends that the Commission
8 enter an Order granting the certificate.

9 Any discussion? Any objections?

10 (No response.)

11 Hearing none, the Order is entered and
12 the certificate is granted.

13 Item W-3 is Docket Number 10-0280.

14 This is the Galena Territory Utilities' petition for
15 an increase in water and sewer rates. Administrative
16 Law Judge Benn recommends that the Commission enter
17 an Order reflecting an increase in the company's
18 water and sewer service rates.

19 Any discussion? Any objections?

20 (No response.)

21 Hearing none, the Order is entered.

22 We have two miscellaneous matters for

1 today. Item M-1 (10-0719) concerns setting the
2 interest rate that public utilities and
3 telecommunication carriers must pay on deposit that
4 customers have placed with these entities. Staff
5 recommends entry of an Order adopting a rate of .05
6 percent on these deposits.

7 Any discussion? Any objections?

8 (No response.)

9 Hearing none, the Order is entered and
10 that rate is adopted.

11 Item M-2 (10-0720) concerns a
12 Resolution surrounding the forms for annual report
13 filings by public utilities. The Financial Analysis
14 Division has made some minor changes to the report,
15 and Staff recommends that the Commission adopt a
16 Resolution adopting these new forms.

17 Any discussion? Any objections?

18 (No response.)

19 Hearing none, the Resolution is
20 adopted.

21 We have three additional items on
22 today's agenda. The first concerns recent ComEd and

1 Ameren Long-Term Renewable Energy RFPs. I will make
2 a motion to accept the results of the Long-Term
3 Renewable RFPs. Is there a second?

4 ACTING COMMISSIONER COLGAN: Second.

5 ACTING CHAIRMAN FLORES: It's been moved and
6 seconded. All in favor say aye.

7 COMMISSIONERS: Aye.

8 ACTING CHAIRMAN FLORES: Any opposed?

9 COMMISSIONER ELLIOTT: No. Chairman, this is
10 Commissioner Elliott. Just to be consistent with my
11 decision in the original procurement case, I will
12 vote no.

13 ACTING CHAIRMAN FLORES: Let's just take a roll
14 call vote. Commissioner Ford?

15 COMMISSIONER FORD: Aye.

16 ACTING CHAIRMAN FLORES: Commissioner
17 O'Connell-Diaz?

18 COMMISSIONER O'CONNELL-DIAZ: Aye.

19 ACTING CHAIRMAN FLORES: Commissioner Elliott?

20 COMMISSIONER ELLIOTT: No.

21 ACTING CHAIRMAN FLORES: Commissioner Colgan?

22 ACTING COMMISSIONER COLGAN: Aye.

1 ACTING CHAIRMAN FLORES: Chairman Flores votes
2 aye. The vote is 4 to 1 and the results are
3 accepted.

4 I would also like to thank all our
5 Staff for all their work throughout this process.
6 Based off of a previous schedule they were probably
7 expecting to be done with this back in September. So
8 we recognize the overtime that they have put into
9 this and we really appreciate all their hard work.

10 Our next item concerns a letter from
11 OPSI to PJM stating that OPSI supports the Public
12 Utilities of Ohio's, PUCO, letter expressing PUCO's
13 support of improvements in PJM's electricity markets
14 to better insure reasonable prices consistent with
15 maintaining system reliability, and reasonable and
16 cost-effective revisions to PJM market rules and
17 tariffs to allow the integration of price-responsive
18 demand into PJM markets.

19 Commissioner Ford, is there anything
20 you would like to say here?

21 COMMISSIONER FORD: Well, the only thing that I
22 did read or saw and Randy can -- Members of the

1 Committee, didn't we get something from Whitehead
2 that said that that did not come out, the response to
3 this letter on the price response? Am I mixing them
4 up? You sent so many letters out.

5 MR. RISMILLER: This is Randy Rismiller. The
6 status of this issue is that within the PJM
7 stakeholder process, PJM had developed a PRD
8 proposal. It went through some of the voting,
9 committees at PJM, and did not receive the threshold
10 number of votes that that process would require to
11 enable PJM to make a stakeholder-approved filing at
12 FERC.

13 So PJM has stated that they plan to
14 work on the issue within their staff with an
15 expectation of taking a proposal to the PJM Board of
16 Directors at their February meeting and making a FERC
17 filing in February with PJM's proposal for price
18 responsive demand. This would be a slightly,
19 somewhat unusual, procedure that PJM does not
20 generally use but will be using in this case because
21 of the vote at the stakeholders' session.

22 COMMISSIONER FORD: And I think they are trying

1 to be collaborative with the OPSI vote on that issue.

2 MR. RISMILLER: Yes, I think PJM staff is
3 willing to hear from the state commissions and from
4 OPSI as a collective on the elements of the package
5 that they expect to file at FERC in February.

6 COMMISSIONER FORD: Thank you.

7 ACTING CHAIRMAN FLORES: Any further
8 discussion? Comments?

9 (No response.)

10 Commissioner Ford, would you like to
11 make a motion?

12 COMMISSIONER FORD: I would like to move this
13 letter to the OPSI Board.

14 COMMISSIONER ELLIOTT: Second.

15 ACTING CHAIRMAN FLORES: I am sorry, I was
16 going to second that.

17 COMMISSIONER ELLIOTT: I did it before you.

18 ACTING CHAIRMAN FLORES: I will make a third.
19 It's been moved and seconded and thirded. All in
20 favor say aye.

21 COMMISSIONERS: Aye.

22 ACTING CHAIRMAN FLORES: Any opposed?

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(No response.)

The vote is 5-0 and the letter from OPSI has the Illinois Commerce Commission's support. Thank you very much, Commissioner Ford, on that.

The final item today is a FERC matter that concerns pending litigation so we will go into closed session to address it. I will make a motion to go into closed session. Is there a second?

COMMISSIONER O'CONNELL-DIAZ: Second.

COMMISSIONER FORD: Second.

ACTING CHAIRMAN FLORES: Very well. It's been moved and seconded. All in favor say aye.

COMMISSIONERS: Aye.

ACTING CHAIRMAN FLORES: Any opposed?

(No response.)

The vote is 5-0 to go into closed session. If you will just please let me know when we are ready to go down there in Springfield.

(Whereupon at this point pages 40- 57 of the proceedings are contained in a separate closed transcript.)

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CONTINUATION OF PROCEEDINGS

COMMISSIONER O'CONNELL-DIAZ: We are ready.

ACTING CHAIRMAN FLORES: Very well. In closed session the Commission discussed filing comments with FERC in FERC Docket Number ER11-2140-000 regarding Transmission Cost Allocation. I will make a motion to file the Comments with FERC. Is there a second?

ACTING COMMISSIONER COLGAN: Second.

ACTING CHAIRMAN FLORES: It's been moved and seconded. All in favor say aye.

COMMISSIONERS: Aye.

ACTING CHAIRMAN FLORES: Any opposed?

(No response.)

The vote is 5-0. The Comments will be filed with FERC.

Judge Wallace, are there any other matters?

JUDGE WALLACE: Nothing further. Next week is our last regularly scheduled meeting of the year.

ACTING CHAIRMAN FLORES: Very well, very well. I do want to say to everyone down there, unfortunately I was not able to make it to

1 Springfield, but I certainly want to wish everyone a
2 happy holiday season. I know that there is a little
3 event that I am missing so, please, again I regret
4 not being there to share the celebration with you.
5 But I want to thank the entire Staff and we will see
6 each other next week. Thank you.

7 MEETING ADJOURNED

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