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BEFORE THE
ILLINOIS COMMERCE COMMISSION
BENCH SESSION
(PUBLIC UTILITIES)
Springfield, Illinois
Wednesday, December 19, 2012
Met, Pursuant to notice, at 10:30 a.m.
in the Audiovisual Conference Room, Second Floor,
Leland Building, 527 East Capitol Avenue,
Springfield, Illinois.

PRESENT:

MR. DOUGLAS P. SCOTT, Chairman

MS. LULA M. FORD, Commissioner
(Via audiovisual conference)

MS. ERIN M. O'CONNELL-DIAZ, Commissioner
(Via audiovisual conference)

MR. JOHN T. COGAN, Commissioner

MS. ANN McCABE, Commissioner

L.A. COURT REPORTERS, LLC.
BY: Lori Ann Asauskas
CSR: #084-002890

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P R O C E E D I N G S

CHAIRMAN SCOTT: 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 Springfield are Commissioner Colgan and Commissioner McGabe. With us in Chicago are Commissioner Ford and Commissioner O'Connell-Diaz. 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 will 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 now to Public Utility agenda we will begin with the approval of minutes from our November 20th Regular Open Meeting. I understand amendments have been forwarded.

1 Is there a motion to amend the
2 minutes?

3 COMMISSIONER COLGAN: So moved.

4 CHAIRMAN SCOTT: Is there a second?

5 COMMISSIONER O'CONNELL-DIAZ: Second.

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

8 COMMISSIONERS: Aye.

9 CHAIRMAN SCOTT: Any opposed?

10 (No response.)

11 CHAIRMAN SCOTT: The vote is five to nothing
12 and the minutes for our November 20th Regular Open
13 Meeting, as amended, are approved.

14 Up next is the approval of minutes
15 from our November 28th Bench Session. I understand
16 amendments have been forwarded. Is there a motion to
17 amend the minutes?

18 COMMISSIONER COLGAN: So moved.

19 CHAIRMAN SCOTT: Is there a second?

20 COMMISSIONER McCABE: Second.

21 CHAIRMAN SCOTT: It's been moved and
22 seconded. All in favor, say aye.

1 COMMISSIONERS: Aye.

2 CHAIRMAN SCOTT: Any opposed?

3 (No response.)

4 The vote is five to nothing and the
5 amendments to the minutes are adopted. Is there now
6 a motion to approve the minutes as amended?

7 COMMISSIONER McCABE: So moved.

8 CHAIRMAN SCOTT: Is there a second?

9 COMMISSIONER O'CONNELL-DIAZ: Second.

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

12 COMMISSIONERS: Aye.

13 CHAIRMAN SCOTT: Any opposed?

14 (No response.)

15 The vote is five to nothing and
16 the minutes for our November 28th Bench Session,
17 as amended, are approved.

18 Turning to the electric portion of
19 our agenda, Items E-1 and E-2 concern the adoption of
20 2010 Reliability Reports for MidAmerican and ComEd.
21 In each case, Staff recommends entry of an Order
22 adopting the Report.

1 Is there any discussion?

2 (No response.)

3 Is there a motion to enter the
4 Orders?

5 COMMISSIONER COLGAN: So moved.

6 CHAIRMAN SCOTT: Is there a second?

7 MS. McCABE: Second.

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

10 COMMISSIONERS: Aye.

11 CHAIRMAN SCOTT: Any opposed?

12 (No response.)

13 CHAIRMAN SCOTT: The vote is five to nothing
14 and the Orders are entered. We will use this five to
15 nothing vote for the remainder of the Public Utility
16 agenda unless otherwise noted.

17 Item E-3 concerns a filing by
18 MidAmerican seeking permission for changes to the
19 form of its bills. Staff recommends granting the
20 company's request by not suspending the filing.

21 Is there any discussion?

22 (No response.)

1 Are there any objections?

2 (No response.)

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

5 Item E-4 is Docket No. 12-0017.

6 This is a petition by Ameren Transmission Company
7 seeking approval to enter into a long-term borrowing
8 agreement with its parent company. The Commission
9 entered its Order in this matter on December 5th and
10 before us today is an Amendatory Order attaching an
11 appendix to the original Order.

12 Is there any discussion?

13 (No response.)

14 Are there any objections?

15 (No response.)

16 Hearing none, the Amendatory Order
17 is entered.

18 Item E-5 is Docket No. 12-0089.

19 This is Ameren's multi-year performance metrics case
20 currently on reopening and we will hold this matter
21 for disposition at a future Commission meeting.

22 Item E-6 is Docket No. 12-0102.

1 This is Lydia Mahr's complaint against Ameren. ALJ
2 Von Qualen recommends entry of an Order granting the
3 complaint.

4 Is there any discussion?

5 (No response.)

6 Are there any objections?

7 (No response.)

8 Hearing none, the Order is entered.

9 Item E-7 is Docket No. 12-0296.

10 This is Steve and Linda Perry's complaint against
11 Ameren. ALJ Von Qualen recommends entry of an Order
12 denying the complaint.

13 Is there any discussion?

14 (No response.)

15 Are there any objections?

16 (No response.)

17 Hearing none, the Order is entered.

18 Item E-8 is Docket No. 12-0437.

19 This is Matthew Wolgast's complaint against ComEd.
20 The parties have apparently settled their differences
21 and have brought a Joint Motion to Dismiss, which ALJ
22 Teague recommends we grant.

1 Is there any discussion?

2 (No response.)

3 Are there any objections?

4 (No response.)

5 Hearing none, the Joint Motion to
6 Dismiss is granted.

7 E-9 is Docket No. 12-0321. This
8 is ComEd's formula rate update filing under Section
9 16-108.5 of the Public Utilities Act. ALJs Sainsot,
10 Kimbrel and Jorgenson recommend entry of an Order
11 granting a rate increase, but denying ComEd's pending
12 motion to supplement the record with respect to its
13 rate case expenses.

14 We'll address the motion to
15 supplement the record first. Is there any discussion
16 on that motion? I would move to deny that motion.
17 Is there a second?

18 COMMISSIONER COLGAN: Second.

19 CHAIRMAN SCOTT: Moved and seconded. Is
20 there any discussion on the motion?

21 (No response.)

22 All in favor of denying that motion

1 say aye.

2 COMMISSIONERS: Aye.

3 CHAIRMAN SCOTT: Opposed? The vote is five
4 to nothing and the motion is denied.

5 Now, turning to the Order itself,
6 we've had some revisions proposed and we will begin
7 with Commissioner Colgan.

8 COMMISSIONER COLGAN: Yes. Thank you,
9 Chairman. I am proposing amendments today to the
10 "Accumulated Deferred Income Taxes" section of the
11 Order. My amendments are offered for the purpose
12 of clarifying the issue in this proceeding regarding
13 the appropriate balance on which ADIT should be
14 calculated.

15 My edits do not change the
16 conclusion, but explain that the record in this case
17 lacks the clarity and robustness that is necessary
18 for the Commission to make the adjustment recommended
19 by CUB and AG/AARP. I further suggest that in the
20 future, the parties make arguments that are clear and
21 concise and that they fully engage in issues even if
22 they are new or complicated issues.

1 With that, Mr. Chairman, I request
2 your support of these edits and move that they be
3 approved.

4 CHAIRMAN SCOTT: It's been moved. Is there a
5 second?

6 COMMISSIONER McCABE: Second.

7 CHAIRMAN SCOTT: It's been moved and
8 seconded. Any discussion on these proposed
9 revisions?

10 (No response.)

11 All in favor, say aye.

12 COMMISSIONERS: Aye.

13 CHAIRMAN SCOTT: Any opposed?

14 (No response.)

15 The vote is five to nothing and
16 these revisions are adopted.

17 Next up, I have one set of two
18 minor revisions to offer. My first revision is to
19 the charitable contributions section of the Order,
20 and my revisions maintain the existing conclusion
21 of this section and simply point out that the
22 additional information regarding the purpose of

1 donations that Ameren has provided in recent cases
2 and how that information has been useful to the
3 Commission, as well as adding some additional
4 language on transparency.

5 My other revision concerns what
6 schedules should be attached to our Order in this
7 docket. This revision changes the Order's conclusion
8 to instead conclude that only the traditional
9 schedules should be included, and that the formula
10 rate will be included as part of ComEd's compliance
11 filing.

12 I would move for the adoption of
13 these revisions, and I would appreciate your support
14 on them.

15 Is there any discussion on these
16 revisions?

17 (No response.)

18 Is there a second?

19 COMMISSIONER COLGAN: Second.

20 CHAIRMAN SCOTT: Any discussion?

21 (No Response.)

22 All in favor say aye.

1 COMMISSIONERS: Aye.

2 CHAIRMAN SCOTT: Any opposed?

3 (No response.)

4 The vote is five to nothing and the
5 revisions are adopted.

6 Those are the revisions that have
7 been circulated. Is there any further discussion on
8 this Order itself?

9 JUDGE SAINCOT: Mr. Chairman, I'm required by
10 law to tell you how many comments there are.

11 CHAIRMAN SCOTT: Yes, please, Judge.

12 JUDGE SAINCOT: In this case, there are zero,
13 but I am still required to tell you this.

14 CHAIRMAN SCOTT: We appreciate that. Thank
15 you, Judge.

16 Any further discussion on this
17 Order as revised?

18 (No response.)

19 I would move to enter the Order as
20 revised. Is there a second?

21 COMMISSIONER COLGAN: Second.

22 CHAIRMAN SCOTT: It's been moved and

1 seconded. All in favor say aye.

2 COMMISSIONERS: Aye.

3 CHAIRMAN SCOTT: Any opposed?

4 COMMISSIONER O'CONNELL-DIAZ: No.

5 CHAIRMAN SCOTT: The vote is four to one and
6 the Order as revised is entered.

7 Item E-10 is Docket 12-0544. This
8 is the Illinois Power Agency's petition for the
9 approval of its 2012 procurement plan. ALJ Jones
10 recommends entry of an Order approving the plan as
11 modified through the Order. We have had some
12 revisions to consider here as well and I'll start
13 with Commissioner Colgan. Commissioner?

14 COMMISSIONER COLGAN: Thank you, Chairman.
15 I am proposing amendments today to the Commission's
16 Conclusion in the Clean Coal section of the IPA
17 Order. My edits change the Commission's
18 determination from denying to approving the
19 retrofitted clean coal facility known as FutureGen
20 2.0 as a part of the IPA's 2013 Procurement Plan.

21 My edits do the following:

22 Demonstrate that the Commission has the authority as

1 shown by the legislative intent in both the IPA Act
2 and Public Utilities Act to include FutureGen in this
3 Plan; demonstrate that the Commission has the
4 authority to require both utilities and ARES to enter
5 into a Sourcing Agreement with FutureGen; the edits
6 approve a 20-year term for the Sourcing Agreement as
7 proposed by FutureGen; it approves a 55/45 debt
8 equity capital structure at a rate of return on
9 equity of ten percent; it demonstrates that
10 FutureGen's expected increase in customer rates is
11 estimated to be below the statutory caps; the edits
12 approved a two-phase process for approval of the
13 FutureGen project; they demonstrate that the
14 Commission must determine that the Plan as a whole,
15 not be individual components, must meet the criteria
16 in the Public Utilities Act Section 16-111.5(d)(4);
17 they approve FutureGen's updated Sourcing Agreement
18 as they are presented in Exhibit B of their brief on
19 exceptions; and they approved Staff's alternative
20 proposal that FutureGen contract only with ComEd and
21 Ameren, who in turn would be permitted to recover the
22 costs of the FutureGen purchases, including ARES on

1 a pro rata basis, through a new or modification of an
2 existing tariff from all of their retail customers
3 through a competitively neutral charge.

4 So Mr. Chairman and Commissioners,
5 I request your support of these edits and move that
6 they be approved.

7 CHAIRMAN SCOTT: Thank you, Commissioner
8 Colgan. I will second your motion. Is there any
9 discussion on this matter?

10 COMMISSIONER O'CONNELL-DIAZ: Mr. Chairman?

11 CHAIRMAN SCOTT: Commissioner O'Connell-Diaz?

12 COMMISSIONER O'CONNELL-DIAZ: I appreciate
13 Commissioner Colgan's work on this and this is -- you
14 know, this is a situation the Commission finds itself
15 in with regard to a timeframe that we're looking at
16 and important legislation relative to a type of
17 facility that will improve many things, not just for
18 our state, but on a nationwide level.

19 However, I think that the
20 legislation that's before us provides that there
21 needs to be certain things in order for the
22 Commission to be able to make that review to give

1 them the key in the door. And I just struggle with
2 what this record has provided for us and in
3 particular, the Sourcing Agreement.

4 I believe that ALJ Jones'
5 conclusion on this was correct. The condition that
6 is contained in the IPA Plan that the Sourcing
7 Agreement be approved once agreed upon by all
8 affected parties has obviously not been met.

9 To the contrary, there are many
10 issues that appeared that have not been resolved.
11 Such critical issues as application of Benchmark's
12 annual rate cap tests, calculation and review of
13 costs, changes in contract price, length of contract,
14 and mandatory applicability of utilities in ARES.

15 These missing parts were identified
16 by, I think, every other party except for FutureGen
17 and IPA. And this is the -- this lack of
18 completeness, I think, it makes it impossible for the
19 Commission to do the analyses that we would need
20 to do to, in fact, comply with the ability to look
21 at this Sourcing Agreement and ensure that it is
22 consistent with the statutory mandate of the lowest

1 total cost over time.

2 You know, as I read through all of
3 these things, and I really read through the work that
4 Commissioner Colgan did, and I appreciate it, it's
5 just that this Sourcing Agreement is just not ready
6 for prime time and I don't think that the legislature
7 had in mind a unilateral imposition of terms in the
8 Sourcing Agreement and that's what is before us right
9 now.

10 So I just cannot see clear to --
11 in my mind, giving the key to the door and, in fact,
12 kind of like a blank check on this important part of
13 the process that for this Clean Coal facility, but
14 again, you know, I -- it's a sticky wicket, to say
15 the least, and I appreciate the work that
16 Commissioner Colgan has done.

17 Hopefully, we'll have rehearing on
18 this and maybe some more agreement will be hoisted
19 through that process, but at this juncture, I just --
20 I cannot find my way to that part in the road.

21 COMMISSIONER FORD: Mr. Chairman?

22 CHAIRMAN SCOTT: Commissioner Ford?

1 COMMISSIONER FORD: I appreciate John's work
2 and I am certainly in agreement with it because the
3 federal government is giving us \$1 billion and any
4 money that we can get from the federal government to
5 aid our clean coal facility, it's certainly needed
6 and with the jobs that's going to go to that area of
7 our great state of Illinois, I certainly appreciate
8 it and I thank you, John, for your work. We were the
9 lone two rangers last time and I certainly hope we
10 have a third ranger this time. So thank you for your
11 work.

12 COMMISSIONER COLGAN: Oh, you're very
13 welcome.

14 CHAIRMAN SCOTT: Commissioner McCabe?

15 COMMISSIONER McCABE: While I respect the
16 opinions of my colleagues on this issue, I will be
17 voting against the edits to include the FutureGen
18 Sourcing Agreement in the IPA plan. I agree that we
19 need to continue to find ways to make our generation
20 mix diverse, cleaner and more reliable and to utilize
21 Illinois coal, but the question before us whether we
22 should place a burden on Illinois utilities, retail

1 suppliers and ultimately ratepayers to finance this
2 project.

3 The recommended proceeding
4 demonstrates that Illinois businesses and consumers
5 should not be required to pay for a project that does
6 not contribute toward reliable, affordable or at
7 least cost energy. For this reason, I will be
8 respectfully voting no. Thank you.

9 CHAIRMAN SCOTT: I'm going to support the
10 revisions and support Commissioner Colgan's work
11 on this project. I agree with what has been said
12 by -- really by all of the Commissioners about the
13 importance of this particular project.

14 However, in looking at all of the
15 facts that are before us and in applying the statutes
16 to the record, clearly there is an intent that this
17 project -- from the legislature that this project
18 should move forward. And I find on balance that
19 Commissioner Colgan's edits have struck the
20 appropriate balance and found the places in the
21 record that would support these revisions.

22 I appreciate all of the work

1 that went into this. It's not an easy case and I
2 appreciate you sorting through all of the different
3 portions of the record that were necessary to
4 actually -- to get to the revisions that you did
5 because it's not a simple, you know, one change or
6 anything like that. There were a lot of things that
7 had to go into that, but I think that not only is
8 this project important, having said that, I voted
9 against projects I found were important before
10 because I didn't find the statutory language to
11 back them up.

12 In this case, though,
13 distinguishing it from projects like Chicago Clean
14 Energy, I found the statutory provisions here and
15 the way that you have explained that in your
16 revisions support this particular facility. And
17 so for those reasons, not only am I going to vote
18 for this project, but again, thank you for all the
19 work that you put into this. It's not an easy thing
20 to -- as it wasn't for Judge Jones -- negotiate all
21 of the different issues. Further discussion?

22 COMMISSIONER COLGAN: Well, I --

1 CHAIRMAN SCOTT: Commissioner Colgan?

2 COMMISSIONER COLGAN: I thank everybody for
3 their serious consideration of this project. I think
4 we all perceive that it's an important project and,
5 you know, there are a couple of Commissioners that
6 brought up concerns that are going to keep them from
7 supporting this, but I think that the concerns that
8 people have expressed have actually been dealt with
9 in the revisions that have been made. And so I thank
10 you, Chairman, and Commissioner Ford for your support
11 and I would be remiss to not mention that I had a lot
12 of help from my legal and policy advisor, Linda
13 Wagner. Linda and I have had our heads in this
14 proceeding for several weeks now. And so with that,
15 I thank you for your support.

16 CHAIRMAN SCOTT: Commissioner Colgan has
17 moved, and I have seconded the revision. Is there
18 further discussion?

19 (No response.)

20 All in favor of the revisions say
21 aye.

22 COMMISSIONERS: Aye.

1 CHAIRMAN SCOTT: Opposed?

2 COMMISSIONER McCABE: No.

3 COMMISSIONER O'CONNELL-DIAZ: No.

4 CHAIRMAN SCOTT: The vote is three to two and
5 Commissioner Colgan's revisions are adopted.

6 Next, I've got a set of revisions
7 to offer. These revisions are to three different
8 sections of the Order. None changes the conclusions
9 to that particular section.

10 First, with respect to load
11 forecasting, my revisions simply set out that while
12 we appreciate that other parties may want to
13 participate in a docketed proceeding for the approval
14 of load forecasts in March, given that contract
15 curtailments are at issue here, I don't believe that
16 would be a fruitful process. So these revisions just
17 state that the energy spent trying to fix the RPS
18 would be better spent on some of the other ongoing
19 processes and decline to create a new process around
20 load forecast updates. Again, that doesn't change
21 the conclusion to that section.

22 Second, with respect to the

1 renewable energy resources fund, my revisions state
2 that while interpreting and enforcing Section 1-56 of
3 the IPA Act is the responsibility of the IPA. We
4 don't necessarily agree with the interpretation
5 they've given to that section and 1-56(c) in
6 particular.

7 The IPA's proposed interpretation
8 would preclude it from conducting new REC procurement
9 events using alternative compliance payments
10 collected in that fund, and I simply cannot imagine
11 that this is what the General Assembly envisioned in
12 creating that fund and the alternative compliance
13 payment mechanism. I can't believe that they would
14 have wanted several million dollars to be sitting in
15 that fund not being utilized.

16 And third, with respect to C3's
17 energy efficiency program proposal, my revisions
18 indicate while we're not adopting that proposal in
19 this proceeding, we do acknowledge that their program
20 has both technological and behavioral components and
21 may well have a measure life beyond one year. So
22 we'd look forward to considering that program in the

1 future with updated information.

2 I would move for adoption of these
3 revisions and would appreciate your support. Is
4 there a second.

5 COMMISSIONER FORD: Second.

6 CHAIRMAN SCOTT: Thank you. Is there any
7 discussion on these revisions?

8 (No response.)

9 It's been moved and seconded. All
10 in favor say aye.

11 COMMISSIONERS: Aye.

12 CHAIRMAN SCOTT: Any opposed?

13 COMMISSIONER O'CONNELL-DIAZ: No.

14 CHAIRMAN SCOTT: The vote is -- go ahead.

15 COMMISSIONER O'CONNELL-DIAZ: Just consistent
16 with my vote overall.

17 CHAIRMAN SCOTT: Okay. The vote is four to
18 one and the revisions are adopted. Those are all the
19 revisions that have been circulated.

20 Is there any further discussion on
21 the Order itself?

22 (No response.)

1 Is there a motion to enter the
2 Order as revised?

3 COMMISSIONER COLGAN: So moved.

4 COMMISSIONER FORD: So moved.

5 CHAIRMAN SCOTT: Is there a second?

6 COMMISSIONER COLGAN: Second.

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

9 Any further discussion?

10 (No response.)

11 Moved and seconded. All in favor
12 say aye.

13 COMMISSIONERS: Aye.

14 CHAIRMAN SCOTT: Opposed?

15 COMMISSIONER McCABE: No.

16 COMMISSIONER O'CONNELL-DIAZ: No.

17 CHAIRMAN SCOTT: The vote is three to two and
18 the Order approving the plan as revised is entered.

19 And again, we thanked a number of people. I
20 mentioned ALJ Jones, but I really want to thank
21 him. I saw him earlier today. I know he's here
22 somewhere. There he is in the back.

1 Thank you very much as this was a
2 huge order to put together in only three months time
3 featuring input from many different parties. I
4 really appreciate all of the work they put in on
5 that. So, Judge, thank you very much.

6 Item E-11 is Docket No. 12-0567.
7 This is a petition by MidAmerican seeking
8 authorization for the proposed issuance of
9 \$1.5 billion in long-term debt. ALJ Hilliard
10 recommends entry of an Order approving MidAmerican's
11 application.

12 Is there any discussion?

13 (No response.)

14 Are there any objections?

15 (No response.)

16 Hearing none, the Order is entered.

17 Item E-12 is Docket No. 12-0540.

18 This is Todd Malcolm's application to be licensed as
19 an agent, broker and consultant under Section 16-115C
20 of the Public Utilities Act. The applicant has moved
21 to withdraw his application and ALJ Albers recommends
22 granting that motion and dismissing this proceeding.

1 Is there any discussion?

2 (No response.)

3 Any objections?

4 (No response.)

5 Hearing none, the matter is
6 dismissed.

7 Items E-13 through E-16 can be
8 taken together. These items are applications for
9 licensure as an agent, broker and consultant under
10 Section 16-115C of the Public Utilities Act. In
11 each case, ALJ Albers recommends entry of an Order
12 granting the certificate.

13 Is there any discussion?

14 (No response.)

15 Any objections?

16 (No response.)

17 Hearing none, the Orders are
18 entered.

19 Items E-17 and E-18 can be taken
20 together. These items are joint petitioners for a
21 customer release brought by Ameren and Southern
22 Illinois Electric Cooperative and Ameren and Southern

1 Illinois Power Cooperative. In each case, ALJ Jones
2 recommends entry of an Order granting the release.

3 Is there any discussion?

4 (No response.)

5 Any objections?

6 (No response.)

7 Hearing none, the Orders are
8 entered.

9 Turning now to Natural Gas, Item
10 G-1, Docket Nos. 01-0705, 02-0067, 02-0725
11 consolidated. This is Nicor's gas storage case, and
12 we'll hold disposition of this matter for a future
13 Commission meeting. We do want to rule on the oral
14 argument requests we have received though, and I move
15 that we grant oral argument in this matter. Is there
16 a second?

17 COMMISSIONER COLGAN: Second.

18 COMMISSIONER McCABE: Second.

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

21 COMMISSIONERS: Aye.

22 CHAIRMAN SCOTT: Any opposed?

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(No response.)

The vote is five to nothing and oral argument is granted. We are still in the process of determining the date, time and scope of oral argument however, so we will have a notice out to the parties when we've made that determination and that notice will be issued consistent with our seven-day notice requirement.

Item G-2 is Docket No. 10-0398.

This is our audit of Just Energy initiated in 2010 after the Commission made a series of adverse findings about the company's marketing practices, issued significant fines to the company, and called for this audit. Before us today is an Order dismissing this audit proceeding and we'll hold disposition of this item for consideration at a future Commission meeting.

Item G-3 is Docket No. 12-0348.

This is a rulemaking proceeding for Title 83, Part 595 of the Administrative Code concerning gas pipeline accident reporting. ALJ Benn recommends entry of an Order adopting the proposed amendments

1 with an effective date of January 1, 2013.

2 Is there any discussion?

3 (No response.)

4 Any objections?

5 (No response.)

6 Hearing none, the Order is entered.

7 Item G-4 is Docket No. 12-0350.

8 This is Sommatra Jackson's complaint against Nicor.

9 ALJ Teague recommends entry of an Order dismissing
10 this matter without prejudice for want of
11 prosecution.

12 Is there any discussion?

13 (No response.)

14 Any objections?

15 (No response.)

16 Hearing none, the Order is entered.

17 Items G-5 and G-6 can be taken

18 together. This is the rate case for North Shore Gas
19 and Peoples Gas, and before us today are Resuspension
20 Orders suspending the filings of an additional six
21 months for further investigation.

22 Is there any discussion?

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(No response.)

Any objections?

(No response.)

Hearing none, the Orders are entered.

Item G-7, is Docket No. 12-0588.

This is Nicor's petition seeking various forms of relief in connection with providing energy support services to United States government agencies. ALJ Jorgenson recommends entry of an Order granting the requested relief.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Moving on to telecommunications,

Item T-1 is Docket No. 11-0680. This is Residential Long Distance's application for a certificate of interexchange authority. The company has moved to withdraw its application and ALJ Teague recommends granting that motion to withdraw.

1 Is there any discussion?

2 (No response.)

3 Any objections?

4 (No response.)

5 Hearing none, the motion to

6 withdraw is granted.

7 Item T-2 is Docket No. 12-0520.

8 This is ALEC's petition to change the corporate
9 form on its certificates of service authority. ALJ
10 Riley recommends entry of an Order cancelling the
11 certificates issued to ALEC, Inc. and granting those
12 same certificates to ALEC, LLC.

13 Is there any discussion?

14 (No response.)

15 Any objections?

16 (No response.)

17 Hearing none, the Order is entered.

18 Items T-3 through T-5 can be taken
19 together. These are petitions by telecommunications
20 providers seeking certificates of service authority
21 under Title XIII of the Public Utilities Act. In
22 each case, ALJ Benn recommends entry of an Order

1 granting the certificates.

2 Is there any discussion?

3 (No response.)

4 Any objections?

5 (No response.)

6 Hearing none, the orders are
7 entered.

8 Items T-6 through T-7 can be
9 taken together. These are petitions by
10 telecommunications providers seeking the cancellation
11 of previously-issued certificates of service
12 authority. In each case, the ALJ recommends entry
13 of an Order cancelling the certificates.

14 Is there any discussion?

15 (No response.)

16 Any objections?

17 (No response.)

18 Hearing none, the Joint Motion to
19 Dismiss is granted.

20 Item T-8 is Docket No. 12-0557.

21 This is a joint petition for the approval of
22 amendments to interconnection agreements between

1 telecommunications carriers. The parties have made
2 a Joint Motion to Dismiss this proceeding, and ALJ
3 Jorgenson recommends granting that Joint Motion to
4 Dismiss.

5 Is there any discussion?

6 (No response.)

7 Any objections?

8 (No response.)

9 Hearing none, the Joint Motion to
10 Dismiss is granted.

11 Items T-9 through T-13 can be taken
12 together. These items are joint petitions by
13 telecommunications carriers seeking the approval of
14 amendments to interconnection agreements. In each
15 case, the ALJ recommends entry of an Order approving
16 the amendment.

17 Is there any discussion?

18 (No response.)

19 Any objections?

20 (No response.)

21 Hearing none, the orders are
22 entered.

1 Items T-14 through T-15 can be
2 taken together. These items concern initiating
3 citation proceedings against telecommunications
4 carriers for failure to maintain their corporate
5 status. In each case, Staff recommends entry of
6 an Order initiating citation proceedings.

7 Is there any discussion?

8 (No response.)

9 Any objections?

10 (No response.)

11 Hearing none, the Order is entered.

12 Item T-16 concerns initiating a
13 rulemaking proceeding for Title 83, Part 735 of the
14 Administrative Code. The Commission had previously
15 addressed this section of the Code in Docket No.
16 11-0688, but because over one year passed before JCAR
17 could approve these amendments, Staff recommends
18 entry of an Order initiating another rulemaking
19 proceeding.

20 Is there any discussion?

21 (No response.)

22 Any objections?

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(No response.)

Hearing none, the Order is entered.

Item T-17 is Docket No. 12-0349.

This is a rulemaking proceeding for Title 83, Part 725 of the Administrative Code concerning standards for 911 emergency systems. ALJ Haynes recommends entry of a Second Notice Order authorizing submission of the proposed amendments to JCAR.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item 18 is Docket No. 12-0413.

This is Consolidated Communications' petition for a declaratory ruling concerning the applicability of certain regulations to inmate calling services. Before us today is a Petition for Interlocutory Review filed by Securus Technologies concerning a discovery ruling made by the ALJ.

Is there any discussion?

(No response.)

1 Any objections?

2 (No response.)

3 Hearing none, the Petition for
4 Interlocutory Review is denied.

5 Items T-19 through T-22 can be
6 taken together. These items are petitions for the
7 approval of corporate reorganizations brought by
8 telephone companies under Section 7-204 of the Public
9 Utilities Act. In each case, ALJ Yoder recommends
10 entry of an Order approving the reorganization.

11 Is there any discussion?

12 (No response.)

13 Any objections?

14 (No response.)

15 Hearing none, the Order is entered.

16 Items T-23 through T-25 can also be
17 taken together. These items are petitions for the
18 confidential and/or proprietary treatment of the
19 petitioners' annual reports. In each case, the ALJ
20 recommends an entry of an Order granting the
21 requested treatment.

22 Is there any discussion?

1 (No response.)

2 Any objections?

3 (No response.)

4 Hearing none, the Orders are
5 entered.

6 On to water and sewer, Item W-1
7 is Docket No. 12-0194. This is Aqua Illinois'
8 reconciliation case for revenues collected under
9 its qualifying infrastructure plant surcharge. ALJ
10 Hilliard recommends entry of an Order approving the
11 reconciliation.

12 Is there any discussion?

13 (No response.)

14 Any objections?

15 (No response.)

16 Hearing none, the Order is
17 approved.

18 We have one miscellaneous item for
19 consideration today. Item M-1 concerns the rate of
20 interest to be pay on utility customer deposits for
21 2013. Our rules require that rate to be based on the
22 one-year treasury bill rates, rounded to the nearest

1 half percent. That rate is currently 0.18 percent,
2 Staff recommends entry of an Order setting the
3 customer deposit rate for 2013 at zero.

4 Is there any discussion?

5 (No response.)

6 Any objections?

7 (No response.)

8 Hearing none, the Order is entered.

9 Just one brief comment on that, in
10 this day and age where everything is done and set by
11 computer, it seems a little archaic that we actually
12 round to the nearest half. And so maybe at some
13 point in the future, that may be something that's
14 right for a rulemaking. It seems to me computers can
15 do that sort of a thing fairly easily these days. So
16 that's just something to think about for the future.

17 We have one Petition for Rehearing
18 today. Item PR-1 is Docket No. 11-0685. This is
19 that Jamal Shehadeh's complaint against Consolidated
20 Communications. The complainant has filed an
21 application for rehearing in this matter and ALJ
22 Yoder recommends denying that application.

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Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Petition for Rehearing is denied.

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

JUDGE WALLACE: I think we are done for the year.

CHAIRMAN SCOTT: Thank you, sir. Hearing none, this meeting stands adjourned. Thank you, everyone, and everyone have a very safe and happy holiday season. See you next year.

(Whereupon, no further proceedings were had at the Commission Bench Session.)