

1 agenda. We have minutes to approve from the October
2 7, 2009, bench session. Is there a motion to approve
3 the minutes?

4 COMMISSIONER ELLIOTT: So moved.

5 CHAIRMAN BOX: Is there a second?

6 COMMISSIONER O'CONNELL-DIAZ: Second.

7 CHAIRMAN BOX: It's been moved and seconded.

8 All in favor say aye.

9 COMMISSIONERS: Aye.

10 CHAIRMAN BOX: Any opposed?

11 The vote is 5-0 approving the minutes.

12 Starting with the Railroad agenda,

13 Items RR-1 through RR-4 (T09-0051, T09-0095,

14 T09-0113, T09-0120) will be taken together. These

15 are petitions to make safety upgrades at various

16 railroad crossings around the state. No Grade

17 Crossing Protection Funds will be used.

18 Administrative Law Judges Jackson and

19 Kirkland-Montaque recommend entering the orders

20 granting the petitions. Is there a motion to enter

21 the orders?

22 COMMISSIONER O'CONNELL-DIAZ: So moved.

1 CHAIRMAN BOX: Is there a second?

2 COMMISSIONER ELLIOTT: Second.

3 CHAIRMAN BOX: It's been moved and seconded.

4 All in favor say aye.

5 COMMISSIONERS: Aye.

6 CHAIRMAN BOX: Opposed?

7 The vote is 5-0. The orders are
8 entered.

9 We will use this 5-0 roll call vote
10 for the remainder of the Transportation agenda,
11 unless otherwise noted.

12 Items RR-5 and RR-6 (T09-0127,
13 T09-0128) will be taken together. These are
14 stipulated agreements for upgrades at two railroad
15 crossings. \$434,908 in Grade Crossing Protection
16 Funds will be used. Staff recommends entering the
17 orders approving the stipulated agreements. Is there
18 any discussion? Any objections? Hearing none, the
19 orders are entered.

20 Item RR-7 is Docket T04-0084
21 Supplemental. This is a request for extension of
22 time by the Coffeen and Western Railroad Company to

1 complete improvements at at-grade crossings in
2 Montgomery County. Administrative Law Judge Jackson
3 recommends entering the supplemental order approving
4 the extension of time to September 13, 2010. Is
5 there any discussion? Any objections? Hearing none,
6 the supplemental order is entered.

7 Item RR-8 is Docket T08-0026, Second
8 Supplemental. Petitioners are requesting that the
9 Commission vacate the order authorizing this project.
10 Administrative Law Judge Jackson recommends entering
11 the second supplemental order granting the motion to
12 vacate the order of August 16, 2006. Is there any
13 discussion? Any objections? Hearing none, the
14 second supplemental order is entered.

15 That concludes the Railroad portion of
16 today's agenda.

17 Turning to the Motor Carriers, Items
18 MC-1 through MC-22 (08-0864, 08-0950, 08-1014,
19 08-1163, 08-1247, 08-1311, 08-1517, 09-0461, 09-0465,
20 09-0513, 09-0595, 09-0673, 09-0683, 09-0706, 09-0769,
21 09-0901, 09-0980, 09-0872, 09-0924, 09-1040, 09-1048,
22 09-1084) will be taken together. These are

1 stipulated settlement agreements with for-hire motor
2 carriers operating without Commission authority or
3 with revoked, suspended or otherwise insufficient
4 Commission authority. Staff recommends accepting the
5 stipulated settlement agreements. Is there any
6 discussion? Any objections? Hearing none, the
7 stipulated agreements are accepted.

8 Item MC-23 is Docket 158051 MC. This
9 is an application by New City Moving, Inc., for a
10 certificate to operate as a mover of household goods.
11 Administrative Law Judge Kirkland-Montague recommends
12 entering the order granting the application. Is
13 there any discussion? Any objections? Hearing none,
14 the order is entered.

15 Item MC-24 is Docket 145059 MC, et al.
16 This is a petition for an employment permit to
17 operate as a dispatcher. The sponsoring employer has
18 notified the administrative law judge that the
19 petitioner no longer works at the company.
20 Administrative Law Judge Jackson recommends entering
21 the order dismissing the application, without
22 prejudice. Is there any discussion? Any objections?

1 Hearing none, the order is entered.

2 Item MC-25 is Docket RTV-A-49. This
3 is a petition to increase tow and storage rates. In
4 response to the Commissions' actions in another
5 docket effectively superseding this case, the
6 petitioner has moved to withdraw the request.
7 Administrative Law Judge Jackson recommends entering
8 the order granting the motion to withdraw, without
9 prejudice. Is there any discussion? Any objections?

10 Hearing none, the order is entered.

11 Item MC-26 is Docket 206 RTV-R, et al.
12 This is a petition for renewal of a commercial
13 relocater's license that has expired. Administrative
14 Law Judge Jackson recommends entering the order
15 granting their renewal. Is there any discussion?
16 Any objections? Hearing none, the order is entered.

17 Items MC-27 through MC-30 (149 RTV-R,
18 213 RTV-R, 120 RTV-R, 156 RTV-R) will be taken
19 together. These are petitions to renew commercial
20 relocation licenses. Staff recommends granting the
21 renewals. Is there any discussion? Any objections?
22 Hearing none, the renewal requests are granted.

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That concludes the Transportation agenda. Ms. Kelly, anything else to come before us today?

MS. KELLY: That's all. Thank you.

CHAIRMAN BOX: Thank you. Changing of the guard.

(Whereupon the meeting concluded matters pertaining to Transportation.)

1 (Whereupon the meeting
2 turned to Public Utility
3 matters.)

4 Under the Public Utility agenda we
5 have minutes to approve from the October 6, 2009,
6 Pre-bench, the October 7, 2009, Bench Session and the
7 October 14, 2009, Special Open Meeting. We also have
8 to approve the transcript of the October 6, 2009, Gas
9 Policy Meeting.

10 I have one correction to the October
11 7, 2009, Public Utility minutes. We have
12 circulated -- I think the transcript indicated there
13 was an RFP -- I am sorry, an RFD and it should have
14 been an RFP. Some people think that's substantive
15 enough for us to make that correction.

16 COMMISSIONER FORD: Very substantive.

17 CHAIRMAN BOX: Yeah, we won't talk about that.

18 Is there a motion to amend the October 7, 2009,
19 minutes to reflect that it should read RFP?

20 COMMISSIONER ELLIOTT: So moved.

21 CHAIRMAN BOX: Is there a second?

22 COMMISSIONER FORD: Second.

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

2 All in favor say aye.

3 COMMISSIONERS: Aye.

4 CHAIRMAN BOX: Any opposed?

5 The amendment is passed 5-0.

6 Is there a motion to adopt the minutes
7 as amended?

8 COMMISSIONER ELLIOTT: So moved.

9 CHAIRMAN BOX: Is there a second?

10 COMMISSIONER O'CONNELL-DIAZ: Second.

11 CHAIRMAN BOX: It's been moved and seconded.

12 All in favor say aye.

13 COMMISSIONERS: Aye.

14 CHAIRMAN BOX: Opposed?

15 The vote is 5-0. The minutes are
16 approved as amended.

17 Beginning with the Electric agenda,
18 Item E-1 (09-0592) is a rulemaking governing consumer
19 protections for customers of ARES and of electric
20 utilities serving customers outside of their service
21 territories. Staff recommends entering the order
22 establishing the first notice period. Is there a

1 motion to enter the order?

2 COMMISSIONER O'CONNELL-DIAZ: So moved.

3 CHAIRMAN BOX: Is there a second?

4 COMMISSIONER ELLIOTT: Second.

5 CHAIRMAN BOX: It's been moved and second. All
6 in favor say aye.

7 COMMISSIONERS: Aye.

8 CHAIRMAN BOX: Opposed?

9 The vote is 5-0. The order is
10 entered.

11 We will use this 5-0 roll call vote
12 for the remainder of the Public Utilities agenda,
13 unless otherwise noted.

14 Item E-2 is Docket 08-0389. This is a
15 complaint by Geraldine Davenport against Commonwealth
16 Edison Company. The complainant has informed the
17 administrative law judge that she no longer intends
18 to pursue her complaint. Administrative Law Judge
19 Moran recommends entering the order dismissing the
20 complaint, with prejudice. Is there any discussion?
21 Any objections? Hearing none, the order is entered.

22 Item E-3 is Docket 08-0401. This is a

1 complaint by Malibu Condominium Association against
2 Commonwealth Edison Company. The order on rehearing
3 provides greater justification for the conclusion
4 that a formal complaint tolls the clock, not an
5 informal complaint. Administrative Law Judge Moran
6 recommends entering the order on rehearing. Is there
7 any discussion?

8 COMMISSIONER COLGAN: Mr. Chairman, on this
9 order I intend to vote present because it's been
10 going on for awhile and I am not clear on all the
11 positions in light of the controversial points of
12 view.

13 CHAIRMAN BOX: Any other discussion? Any
14 objections? Hearing none, the order on rehearing is
15 entered, and the record will reflect that
16 Commissioner Colgan abstained.

17 Item E-4 is Docket 09-0373. This is
18 the 2010 electricity procurement filed by the
19 Illinois Power Agency. The Commission will not be
20 voting on this today, but I would like to ask
21 Administrative Law Judge Jones to explain the order
22 very briefly. I think this is due by the end of

1 year, and we will talk about this probably later in
2 the meeting when we discuss our meeting schedule.
3 Right now we are scheduled to meet on the 15th, 16th
4 and the 22nd. There had been some thought of
5 potentially cancelling some of those meetings, but
6 because of this item and others, we might need all
7 those dates. But we will talk about that.

8 COMMISSIONER FORD: The 22nd I won't be here.
9 I won't be in the city the 22nd.

10 CHAIRMAN BOX: Okay, that's why we talk about
11 them ahead of time.

12 Judge Jones, will you just brief us on
13 this matter?

14 JUDGE JONES: Thank you, Mr. Chairman, and
15 Steve Hickey is here, too, as you can see.

16 This, of course, is the Illinois Power
17 Agency's second annual procurement plan filing. In
18 that filing they outline a procurement strategy for
19 obtaining electric supply and related services for
20 the eligible retail customers of ComEd and the Ameren
21 Illinois Utilities, the again proposed use of an RFP
22 bid process to meet residual load requirements, those

1 being ones not already under prior contract. The
2 time period covered is a five-year horizon, with the
3 first or planned period being June 2010 through May
4 2011. The eligible customers are those who are under
5 a fixed-price bundled electric service other than
6 ones who have been declared competitive by statute or
7 otherwise. The IPA again proposes to use a laddered
8 approach to procurement where some contracts would be
9 two years out, one year out and then about the
10 remaining third in the procurement year.

11 In terms of party participation in the
12 process, statutorily parties had the opportunity to
13 file objections to the filed plan, which some did.
14 After that, by ruling there were responses to
15 objections filed and then replies to responses.
16 Through that process there were a fairly large number
17 of contested issues. The most contested of the
18 issues was the proposed procurement of long term
19 renewable resources.

20 In an effort to eliminate some of
21 those concerns and provide some clarification for the
22 proposal, the IPA at that point filed a motion to

1 submit supplemental recommendations for the plan on
2 the long term renewable issue. That was intended to
3 address and resolve the issues raised by the
4 utilities, the Attorney General, and the Commission
5 staff. It contained more detail than previously and
6 also specified a number of terms pertaining to the
7 length of the contracts, the bundling of renewable
8 energy and associated RECs, renewable energy credits,
9 use of an RFP process. It spelled out the benchmark
10 process and also contained some terms for supplier
11 credit requirements.

12 After that, parties were given a
13 chance to file responses and replies. ComEd, Ameren
14 Illinois Utilities and the AG filed responses all
15 supporting approval of those recommendations
16 submitted by the IPA. The Commission staff made a
17 filing that indicated it did not object to them,
18 although it raised concerns on a couple of points
19 relating to supplier credit requirements. A number
20 of other parties do not support the proposal, as
21 indicated in the filings that were made.

22 After that, a proposed order was

1 issued and DOEs were filed by seven parties, although
2 not all on taking issue with substantive matters.
3 The post-exceptions order which is before the
4 Commission at this time was an issue. The proposed
5 order and the post-exceptions order would approve the
6 proposal for long term renewable acquisition as
7 presented by the IPA in its supplemental
8 recommendations and supported by several other
9 parties.

10 Another issue that continues to be in
11 dispute relates to demand response. Although I
12 believe any disagreements over the applicable
13 statutory tests have been resolved at this point,
14 there is still disagreement over whether the IPA
15 should be permitted to pursue and go forward with a
16 supplemental demand response acquisition beyond that
17 currently acquired for ComEd through the PJM, RPM
18 auction process. If allowed, the IPA's efforts would
19 be directed more specifically at ComEd's eligible
20 retail customers. But the proposal remains one that
21 is contested. As drafted, the proposed order would
22 permit the IPA to pursue that, subject to certain

1 requirements and conditions.

2 One other issue that remains in
3 dispute, at least between a couple of the parties,
4 relates to hedging in peak periods, also known as
5 over subscription, during the July and August peak
6 periods. It is proposed at a level of ten percent,
7 which is the same as was approved by the Commission
8 last year as well as the year before, but at this
9 time that issue remains in dispute.

10 By and large the other issues were
11 either resolved through the filing processes or by
12 the lack of any objections or exceptions stated in
13 the BOEs following issuance of the proposed order.
14 As the Chairman noted, the deadline for this matter
15 is December 29 and that is the date, of course, by
16 which the Commission will either confirm or modify
17 the procurement plan.

18 Thank you.

19 CHAIRMAN BOX: Thank you, Judge. As indicated,
20 we just got this order, I think, yesterday. So
21 hopefully this will be on the pre-bench schedule for
22 the 15th. Hopefully, the Commission is going to have

1 their questions and any other thoughts either
2 communicated before that time or at that particular
3 hearing.

4 And we can also talk about the meeting
5 on the 22nd with the schedule. Commissioner Ford has
6 indicated she will not be available. I don't know
7 about the other commissioners. Commissioner Elliott
8 and I started talking about this yesterday. So we
9 will know at least by the 15th or 16th what our
10 meeting schedule will be to meet the deadline of the
11 29th.

12 Any questions for the Judge or
13 Mr. Hickey at this point? Okay. Thank you very
14 much, Judge.

15 JUDGE JONES: Thank you, Mr. Chairman.

16 CHAIRMAN BOX: Item E-5 is Docket 09-0467.

17 Eagle Industrial Power Services, LLC, seeks a
18 certificate to serve non-residential customers with
19 consumption greater than 15,000 kilowatts.

20 Petitioner also seeks single billing authority.

21 Administrative Law Judge Yoder recommends entering

22 the order granting the certificate with single

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

3 Items E-6 through E-10 (09-0470,
4 09-0471, 09-0474, 09-0476, 09-0477) will be taken
5 together. These are applications by the various
6 parties for ABC licenses. Administrative Law Judge
7 Yoder recommends entering the order granting the
8 applications. Is there any discussion? Any
9 objections? Hearing none, the orders are entered.

10 That concludes the Electric portion of
11 today's agenda.

12 Turning now to Natural Gas, Items G-1
13 and G-2 (09-0246, 09-0393) will be taken together.
14 These are complaints that have settled.
15 Administrative Law Judge Kimbrel recommends
16 dismissing these dockets, with prejudice. Is there
17 any discussion? Any objections? Hearing none, the
18 dockets are dismissed, with prejudice.

19 That concludes the Natural Gas portion
20 of today's agenda.

21 Turning to Telecommunications, Items
22 T-1 through T-3 (TRM #516, TRM #582, TRM #584) will

1 be taken together. These filings by Illinois Bell
2 Telephone Company modify competitive retail and
3 noncompetitive wholesale services and to reclassify a
4 service from noncompetitive to competitive. Staff
5 recommends that these filings not be investigated
6 and/or suspended. Is there any discussion? Any
7 objections? Hearing none, the filings will not be
8 investigated or suspended.

9 Items T-4 through T-6 (09-0242,
10 09-0465, 09-0466) will be taken together. These are
11 petitions for certificates of authority to provide
12 various telecommunication services. Administrative
13 Law Judges Tapia and Riley recommend entering the
14 orders granting the certificates. Is there any
15 discussion? Any objections? Hearing none, the
16 orders are entered.

17 Item T-7 is Docket 09-0518.
18 Telecommunications Systems Corporation of Maryland
19 seeks to cancel its certificate of service authority.
20 Administrative Law Judge Benn recommends entering the
21 order granting the petition. Is there any
22 discussion? Any objections? Hearing none, the order

1 is entered.

2 Item T-8 is Docket 06-0761. Apps
3 Communications, Inc., filed a complaint against
4 Illinois Bell Telephone Company. The order finds
5 that complainant failed to state a cause of action in
6 which relief can be granted under the Public
7 Utilities Act. Administrative Law Judge Dolan
8 recommends entering the order dismissing the
9 complaint, with prejudice. Is there any discussion?
10 Any objections? Hearing none, the order is entered
11 dismissing the complaint, with prejudice.

12 Item T-9 is Docket 06-0814. The
13 Village of Bellwood petitions for eminent domain for
14 property owned by Illinois Bell Telephone Company for
15 public purposes. Due to unforeseen circumstances,
16 Bellwood has delayed the project and thus has moved
17 to dismiss this case. Administrative Law Judge
18 Sainsot recommends granting the motion and dismissing
19 this docket, without prejudice. Is there any
20 discussion? Any objections? Hearing none, the
21 motion is granted and the case is dismissed, without
22 prejudice.

1 Item T-10 (09-0593) is a resolution
2 adopting the annual report form for
3 telecommunications carriers that only offer
4 competitive services. Staff recommends entering the
5 resolution adopting the report form. Is there any
6 discussion? Any objections? Hearing none, the
7 resolution is entered.

8 Item T-11 is Docket 09-0316. This is
9 a citation proceeding against Nexus Communications,
10 Inc., to determine whether its intrastate access
11 rates are just and reasonable. Several parties
12 intervened. After an exchange of data with Staff,
13 Nexus filed a new tariff with lower access rates and
14 petitioned to dismiss this proceeding. Staff and the
15 intervenors do not object. Administrative Law Judge
16 Benn recommends granting the motion to dismiss the
17 proceedings, without prejudice. Is there any
18 discussion? Any objections? Hearing none, the
19 proceeding is dismissed, without prejudice.

20 Item T-12 is Docket 09-0353. Illinois
21 Valley Cellular RSA 2-I Partnership and various
22 affiliates petitioned that the Commission acknowledge

1 the merger among two of the affiliates and take steps
2 in recognition of this fact. Administrative Law
3 Judge Riley recommends entering the order granting
4 the requested relief. Is there any discussion? Any
5 objections? Hearing none, the order is entered.

6 Item T-13 is Docket 09-0511. This is
7 a petition by the Illinois Attorney General to
8 initiate a rulemaking modifying Section 200.520 of
9 the Commission regulations governing the process for
10 interlocutory reviews. The rule modification is the
11 product of negotiations among various parties.
12 Administrative Law Judge Riley recommends entering
13 the interim order granting the petition and
14 establishing a rulemaking. Is there any discussion?
15 Any objections? Hearing none, the order is entered.

16 Items T-14 through T-17 (09-0444,
17 09-0445, 09-0446, 09-0510) will be taken together.
18 These are interconnection agreements or amendments to
19 interconnection agreements. The administrative law
20 judges recommend entering the orders approving the
21 agreements and the amendments to the agreements. Is
22 there any discussion? Any objections? Hearing none,

1 the orders are entered.

2 That concludes the Telecommunications
3 portion of today's agenda.

4 Turning to the Water and Waste Water,
5 Item W-1 (WRM #028) is a filing by the
6 Illinois-American Water Company to establish fire
7 protection rates for the City of South Beloit. Staff
8 recommends not suspending the filing. Is there any
9 discussion?

10 COMMISSIONER O'CONNELL-DIAZ: Chairman, I just
11 have a question. Is there somebody from the Staff
12 that can answer a question? Sorry I didn't notice
13 this beforehand.

14 As I read this now, currently the City
15 of Beloit, there is an annual charge of the City of
16 Beloit to cover the use of the mains and hydrants.
17 So does the company receive payment from the City of
18 Beloit and now it is going to be transferred to
19 individual ratepayers accounts?

20 MR. HENDRICKSON: Yes, that's correct.

21 COMMISSIONER O'CONNELL-DIAZ: And so is the
22 city communicating this to the citizens of the area,

1 that this is no longer going to be something that the
2 city is paying for, that it's going to show up on
3 their individual bills that they receive every month?

4 MR. HENDRICKSON: I believe that's correct,
5 yes. Plus, as far as the city is concerned, it's
6 part of an ordinance. So it would be public
7 information from the city.

8 COMMISSIONER O'CONNELL-DIAZ: Well, I just
9 think it should be clear that the city is also out
10 there communicating to its residents that this
11 charge, which I don't know how they were collecting
12 it, but it may not be clear to residents and now they
13 are going to be seeing this on their bills. So since
14 they have the agreement with the company to have this
15 charge now assessed to the individual ratepayers, I
16 think that the city should, you know, kind of give us
17 some information with regard to what they are doing
18 about communicating that to their residents.

19 As I see it, people are going to be
20 getting their bills and now they are going to see
21 this additional charge that they weren't seeing
22 before and it is going to be pursuant to our actions

1 here today. So since this is an agreement between
2 the city and the company, I think it should be clear
3 and out there. I am not clear as to what a public
4 notice is. Is it something that is buried in the
5 back of the newspapers?

6 MR. HENDRICKSON: Typically that's the notice
7 or they post it in their offices.

8 COMMISSIONER FORD: The ordinance was voted on
9 by the city council, wasn't it?

10 MR. HENDRICKSON: Yes.

11 COMMISSIONER O'CONNELL-DIAZ: I just think the
12 city should make it clear to their residents, as
13 opposed to that it is our Commission order that has
14 now changed how people are going to be billed for
15 this fire protection service that obviously they
16 need, that it is going to be a different billing
17 methodology.

18 MR. HENDRICKSON: I can talk to the company
19 about that. I don't know how much authority we have
20 over the city and how much they have to notify the
21 citizens.

22 COMMISSIONER O'CONNELL-DIAZ: Well, they have

1 executed an agreement with the City of Beloit, and I
2 think it is important that the residents understand
3 how their fire protection services are going to be
4 paid for and that it is now going to be appearing on
5 their bill. And getting something buried in the back
6 of the newspaper is not -- I don't find that to be
7 sufficient, but that's just my opinion.

8 COMMISSIONER FORD: So maybe, Tim, maybe you
9 can get a news something out on -- is it Randy Nehrt?
10 Randy Nehrt could get something out on a press
11 release...

12 MR. ANDERSON: We can do that.

13 COMMISSIONER FORD: ..explaining the
14 intricacies of this new ordinance and explaining how
15 we are responding to it, because it was an ordinance
16 agreed to by the city of Beloit.

17 MR. ANDERSON: Yeah, we can make it clear that
18 the City acted first.

19 COMMISSIONER FORD: This is not the Commission
20 doing this ungodly deed.

21 CHAIRMAN BOX: It shouldn't be that difficult,
22 either. South Beloit is not that large.

1 COMMISSIONER ELLIOTT: Isn't it up by
2 Wisconsin?

3 CHAIRMAN BOX: Yes, near Wisconsin, yeah, right
4 across the border from Beloit.

5 MR. ANDERSON: South.

6 CHAIRMAN BOX: Yeah, south, right, way to go,
7 Tim.

8 Any further discussion?

9 COMMISSIONER O'CONNELL-DIAZ: Thank you.

10 CHAIRMAN BOX: Thank you. Any objections?
11 Hearing none, the order -- I am sorry, staff
12 recommends not suspending the filing. Is there any
13 discussion? Any objections? Hearing none, the
14 filing will not be suspended.

15 Items W-2 and W-3 (08-0269, 09-0181)
16 will be taken together. Rockwell Utilities have
17 petitioned for confidential and proprietary treatment
18 of its 2008 and 2009 annual reports. Rockwell has
19 now moved to withdraw their requests. Administrative
20 Law Judge Benn recommends dismissing their
21 proceedings without prejudice. Is there any
22 discussion? Any objections? Hearing none, these

1 proceedings are dismissed without prejudice.

2 That concludes the Water and Waste
3 Water portion of today's agenda.

4 There is a petition for rehearing on
5 today's agenda. Item PR-1 is Docket 09-0263. The
6 Village of Oak Park petitioned for late intervention
7 and for the rehearing of the Commission's October 14,
8 2009, order and the Attorney General has also
9 petitioned for rehearing of that order.

10 Administrative Law Judges Sainsot and
11 Kimbrel, are you available? And if you could, could
12 you just explain the concerns of Oak Park? We will
13 start with them first.

14 JUDGE SAINSOT: Oak Park intervened a little
15 bit less than a month after this Commission issued
16 the final order in this docket. Oak Park is one of
17 the participants, one of the -- let me rephrase that,
18 one of the municipalities that will be tested
19 pursuant to this AMI program.

20 And apparently the meters that are
21 going to be installed have these little chips in
22 there called "Zigbee Chips." And the Zigbee Chips

1 transmit the information that's necessary -- well, I
2 shouldn't say necessary -- but useful in the demand
3 response aspect. It's the real time pricing of the
4 electricity.

5 And I think it is important to step
6 back, this program doesn't supply -- is not a one
7 size fits all kind of program. It is testing various
8 different types of demand response kinds of things on
9 different people. So some of these program
10 participants would not be in the Zigbee Chip
11 activated group.

12 And what Oak Park wants is an order
13 from this Commission requiring ComEd to activate the
14 Zigbee Chips for the Oak Park residents that have the
15 equipment on their end to use that, the Zigbee Chip.

16 Now, having said that, ComEd seems
17 perfectly willing to do that. It's just that ComEd
18 needs a little time to figure out how best to do
19 that. And as the memo points out to you, this is an
20 experimental program. This is not -- Oak Park
21 doesn't have a right to ask for certain kinds of
22 equipment or use of the equipment. So that's pretty

1 much it.

2 COMMISSIONER O'CONNELL-DIAZ: Judge Sainsot,
3 just as a preliminary matter, when this case was
4 first filed at the Commission, there was notice sent
5 to all the municipalities that were served by
6 Commonwealth Edison, and Oak Park would have been one
7 of those municipalities that would have been served a
8 notice of the proceedings that we had when we adopted
9 this order, correct?

10 JUDGE SAINSOT: Right. And also it is pretty
11 clear that Oak Park knew about this.

12 COMMISSIONER O'CONNELL-DIAZ: Well, I mean,
13 they had official notice from our Clerk's office?

14 JUDGE SAINSOT: Right.

15 COMMISSIONER FORD: So from reading this, even
16 if we were to grant rehearing, some of the issues
17 would not be resolved.

18 JUDGE SAINSOT: Right. It is really a question
19 with Oak Park of ComEd exploring what technology
20 works best with these residents. Granting rehearing
21 isn't going to change that.

22 COMMISSIONER FORD: And, granted, this is a

1 pilot program.

2 JUDGE SAINSOT: Right.

3 COMMISSIONER FORD: We don't have to.

4 JUDGE SAINSOT: Right.

5 CHAIRMAN BOX: Any further questions for the
6 judge? Is there a motion to deny the Village of Oak
7 Park's petition for rehearing?

8 COMMISSIONER FORD: So moved.

9 CHAIRMAN BOX: Is there a second?

10 COMMISSIONER ELLIOTT: Second.

11 CHAIRMAN BOX: It's been moved and seconded.

12 All in favor say aye.

13 COMMISSIONERS: Aye.

14 CHAIRMAN BOX: Opposed?

15 COMMISSIONER COLGAN: Mr. Chairman?

16 CHAIRMAN BOX: Yes.

17 COMMISSIONER COLGAN: I am just a new
18 commissioner that's trying to get my feet on the
19 ground here. I saw a number of objections being
20 raised in this, not just by the City of Oak Park but
21 by the Attorney General. And I talked with you
22 briefly about it and separately I talked with

1 Commissioner Elliott a little bit about it.

2 My concerns don't add up to a no vote,
3 but I think I don't sufficiently understand all the
4 issues at play here. So I think I would like to vote
5 present on this.

6 CHAIRMAN BOX: The vote is 4-0 and one. I like
7 the way he phrased that; he talked to me and then
8 independently of that you talked to Commissioner
9 Elliott. See, he's learned the rules of the Open
10 Meetings law already.

11 COMMISSIONER ELLIOTT: It's nice to be able to
12 talk to fellow commissioners.

13 CHAIRMAN BOX: That's right. Two of you can
14 talk one on one but not the three of us together.

15 COMMISSIONER FORD: I see he didn't talk to me.

16 CHAIRMAN BOX: Next, Judge Sainsot and Kimbrel,
17 could you explain the Attorney General's position on
18 this same item?

19 JUDGE SAINSOT: Well, the Attorney General has
20 raised several legal issues that all have to do with
21 imposing the charge, the cost of this program, on
22 ComEd's ratepayers. And the Attorney General's

1 position really is that ComEd should not impose this
2 charge, that ComEd should pay for it out of its own
3 pocket and not impose this charge on the ratepayers.
4 And that is really the thread of the single issue
5 ratemaking issue, the retroactive ratemaking issue
6 and the test year rule issue in the Attorney
7 General's petition for rehearing.

8 There are a couple of things. I guess
9 the main point is that this charge will be, I think,
10 imposed over three years or approximately three
11 years. And it is pretty minimal. So if ComEd were
12 to file a rate case, it could not receive all of the
13 expenses back. It would just have to absorb whatever
14 expenses were not covered in the test year for the
15 rate case.

16 And, you know, the final order in this
17 case specifically states, and I think this is
18 important to keep in mind, that if you make a utility
19 absorb the cost of a program that's really designed
20 to help consumers, you are not providing that utility
21 with any incentive to try new ways to cut costs for
22 consumers.

1 CHAIRMAN BOX: Any questions for the judge?

2 Is there a motion to deny the Attorney
3 General's petition for rehearing?

4 COMMISSIONER ELLIOTT: So moved.

5 CHAIRMAN BOX: Second?

6 COMMISSIONER FORD: Second.

7 CHAIRMAN BOX: It's been moved and seconded.

8 All in favor say aye.

9 COMMISSIONERS: Aye.

10 CHAIRMAN BOX: Any opposed?

11 COMMISSIONER COLGAN: I abstain.

12 CHAIRMAN BOX: The vote is 4-0 and 1. The
13 Attorney General's petition for rehearing is denied.

14 Judge Wallace, anything else to come
15 before us today?

16 JUDGE WALLACE: Well, actually nothing to come
17 forward. Could we clarify, Commissioner Colgan, are
18 you voting present or abstaining?

19 COMMISSIONER COLGAN: I am just voting present.

20 JUDGE WALLACE: And on E-1 also -- or E-3?

21 COMMISSIONER COLGAN: Correct.

22 JUDGE WALLACE: Thank you. There is nothing

1 further, Mr. Chairman.

2 CHAIRMAN BOX: At pre-bench on the 15th we will
3 have the Illinois Power Agency's matter hopefully,
4 and at that time we can decide what our meeting
5 schedule should be for the rest of the year. And
6 hopefully, all the Commissioners and their assistants
7 will get together and they will know the schedules,
8 and we can make sure we get this done by the end of
9 the year, at the same time accommodating the holiday
10 schedule for as many people as we can. Because I
11 think the OGC and the ALJ party is the 15th. So we
12 have to work around that, of course. Absolutely
13 required.

14 Anything further? Meeting is
15 adjourned.

MEETING ADJOURNED

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