

1                                   BEFORE THE  
2                                   ILLINOIS COMMERCE COMMISSION

3                                   REGULAR OPEN MEETING

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6  
7                                   Chicago, Illinois  
8                                   December 21, 2010

9                                   Met, pursuant to notice, at 10:30 a.m.

10                                  BEFORE:

11                                  MR. MANUEL FLORES, Acting Chairman

12                                  MS. LULA M. FORD, Commissioner

13                                  MS. ERIN M. O'CONNELL-DIAZ, Commissioner

14                                  MR. SHERMAN J. ELLIOTT, Commissioner via  
15                                  videoconference

16                                  MR. JOHN T. COLGAN, Acting Commissioner via  
17                                  videoconference

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21                                  SULLIVAN REPORTING COMPANY, by  
22                                  Auhdikiam Carney, CSR  
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1           ACTING CHAIRMAN FLORES: Are we ready to go in  
2 Springfield?

3           COMMISSIONER ELLIOTT: We're all set.

4           ACTING CHAIRMAN FLORES: Good morning  
5 everybody. Pursuant to the provisions of the  
6 Illinois Open Meetings Act, I now convene a Regular  
7 Open Meeting of the Illinois Commerce Commission.

8                         With me in Chicago are Commissioner  
9 Ford, and Commissioner O'Connell-Diaz. With us in  
10 Springfield are Commissioners Elliott and Colgan, I  
11 am Chairman Flores.

12                        We have a quorum.

13                        Before moving into the agenda,  
14 according Part 1700.10 of Title II of the Illinois  
15 Administrative Code, this is the time we allow for  
16 members of the public to address the Commission.  
17 Members of the public wishing to address the  
18 Commission must notify the Chief Clerk's Office at  
19 least 24 hours prior to the Commission's meeting.  
20 According to the Chief Clerk's Office, we have no  
21 requests to speak at today's Regular Open Meeting.

22                        Moving into today's agenda, we will

1 start with minutes from previous Commission meetings.

2 Item 1, today is the approval of  
3 minutes from our December 2nd Bench session. I  
4 understand that amendments have been forward.

5 I will make a motion to amend the  
6 minutes.

7 Is there a second?

8 COMMISSIONER FORD: Second.

9 ACTING CHAIRMAN FLORES: Its been moved and  
10 seconded.

11 All in favor say "aye."

12 (Chorus of ayes.)

13 Any opposed?

14 (No response.)

15 The vote is 5-0 amending the minutes.

16 I will make a motion to approve the  
17 minutes.

18 Is there a second?

19 COMMISSIONER O'CONNELL-DIAZ: Second.

20 ACTING CHAIRMAN FLORES: It's been moved and  
21 seconded.

22 All in favor say "aye."

1 (Chorus of ayes.)

2 Any opposed?

3 (No response.)

4 The vote is 5-0 approving the minutes  
5 from December 2nd as amended.

6 Item 2 addresses the Proposed  
7 Amendments of Part 454 of Title 83 of the  
8 Administrative Code. This section concerns the  
9 licensing of Agents, Brokers, and Consultants engaged  
10 in the procurement or sale of retail electricity  
11 supply for third parties. Staff recommends that the  
12 Commission enter an Order initiating a Rulemaking  
13 Proceeding and Authorizing the submission of the  
14 First Notice of Proposed Amendments to the Secretary  
15 of State.

16 I will make a motion to enter the  
17 Order.

18 Is there a second?

19 COMMISSIONER FORD: Second.

20 ACTING CHAIRMAN FLORES: Its been moved and  
21 seconded.

22 All in favor say "aye."

1 (Chorus of ayes.)

2 Any opposed?

3 (No response.)

4 The vote is 5-0 and the Order is  
5 entered. We will use this 5-0 vote for the remainder  
6 of today's open meeting unless otherwise noted.

7 Items E-3 and E-4 concern Initiating  
8 Proceedings for evaluating ComEd and Ameren's  
9 Residential Realtime Pricing Program. These items  
10 will be held for disposition at a future meeting.

11 Item 5 for today is Docket  
12 No. 08-0178. This is Strategic Energy's Petition for  
13 confidential and proprietary treatment for portions  
14 of its Kilowatt-hour Report. ALJ Baker recommends  
15 that the Commission enter an Order granting the  
16 requested relief for a period of two years.

17 Any discussion?

18 (No response.)

19 Any objections?

20 (No response.)

21 Hearing none, the Order is entered and  
22 the requested relief is granted for two years.

1                   Item 6 is Docket No. 10-0157. This  
2 also will be held.

3                   Items 7 and 8 can be taken together.  
4 These items concern complaints as to billing and/or  
5 charges brought by Constance Carter and Ted  
6 Limberopoulos against ComEd. In each case the  
7 parties have apparently settled their difference and  
8 brought a Joint Motion to Dismiss, which the ALJ  
9 recommends that we grant.

10                   Any discussion.

11                   (No response.)

12                   Any objections.

13                   (No response.)

14                   Hearing none, the Joint Motions to  
15 Dismiss are granted.

16                   Item 9 is Docket No. 10-0563. This is  
17 the Illinois Power Agency's Petition for Approval of  
18 its Procurement Plan. ALJ Albers recommends that the  
19 Commission enter an Order Approving the Plan as  
20 modified post exceptions. I believe we have some  
21 revisions.

22                   Commissioner Elliott.

1 COMMISSIONER ELLIOTT: Thank you, Mr. Chairman.

2 I had several revisions, two essentially  
3 non-substantive and the third more of a substantive  
4 requirement removing the procurement long term and  
5 meeting the obligations through the one year RECs,  
6 and I would move that language.

7 COMMISSIONER FORD: Second.

8 ACTING CHAIRMAN FLORES: Its been moved and  
9 seconded.

10 All in favor say "aye."

11 (Chorus of ayes.)

12 Any opposed?

13 I'm opposed, for the record. So we  
14 have to take a roll call vote, please.

15 Commissioner Ford.

16 COMMISSIONER FORD: Aye.

17 ACTING CHAIRMAN FLORES: Commissioner  
18 O'Connell-Diaz.

19 COMMISSIONER O'CONNELL-DIAZ: Aye.

20 ACTING CHAIRMAN FLORES: Commissioner Elliott.

21 COMMISSIONER ELLIOTT: Aye.

22 ACTING CHAIRMAN FLORES: Commissioner Colgan.

1           ACTING COMMISSIONER COLGAN:   Aye.

2           ACTING CHAIRMAN FLORES:   Chairman Flores votes  
3   no.

4                           Any further discussion on the Order?

5           ACTING COMMISSIONER COLGAN:   Well, I just  
6   wanted to make a quick comment.  I thought that there  
7   was a reason to support five-year contracts on  
8   renewables for 10 to 15 percent of the total  
9   renewable budget, but there wasn't enough support for  
10   that, so I'm not going to offer it.

11          ACTING CHAIRMAN FLORES:   Very well.

12                           Any other further comments or  
13   statements?

14                           (No response.)

15                           I would just first of all like to say  
16   that I want to commend the work that the -- done to  
17   develop the 2011 Illinois IPA Procurement Plan.  As  
18   my vote has already indicated, I'm unable to support  
19   the Final Order.  In their initial filing, the IPA  
20   proposed a process by which they would procure energy  
21   efficiency as an alternative resource.

22                           This proposal would have supplemented



1 our energy efficiency portfolio standard and would  
2 have reduced the load forecast of the utilities and  
3 therefore the amount of energy that needs to be  
4 procured. This proposal would have only procured  
5 energy efficiency resources if the cost per  
6 kilowatt-hour was lower than that of the energy  
7 procured and had the potential to provided real  
8 benefits to the consumers and to the environment.

9 While I will note that the IPA perhaps  
10 did not fully explain the mechanics and structure of  
11 how this would be accomplished, I believe that the  
12 Commission has the authority to approve such a  
13 procurement and that the failure of the Commission to  
14 adopt this portion the IPA Procurement plan is, in my  
15 view, an error.

16 Now, is there a motion to adopt the  
17 IPA Order as amended?

18 COMMISSIONER FORD: So moved.

19 ACTING CHAIRMAN FLORES: Is there a second?

20 COMMISSIONER O'CONNELL-DIAZ: Second.

21 ACTING CHAIRMAN FLORES: It's been moved and  
22 seconded.

1 All in favor say "aye."

2 (Chorus of ayes.)

3 Any opposed?

4 Nay.

5 The vote is 4-1. Again, just so the  
6 record is clear we'll take a roll call vote, please.

7 Commissioner Ford.

8 COMMISSIONER FORD: Aye.

9 ACTING CHAIRMAN FLORES: Commissioner  
10 O'Connell-Diaz.

11 COMMISSIONER O'CONNELL-DIAZ: Aye.

12 ACTING CHAIRMAN FLORES: Commissioner Elliott.

13 COMMISSIONER ELLIOTT: Aye.

14 ACTING CHAIRMAN FLORES: Commissioner Colgan.

15 ACTING COMMISSIONER COLGAN: Aye.

16 ACTING CHAIRMAN FLORES: Chairman Flores votes  
17 no.

18 Item 10 is Docket No. 10-0568. This  
19 is Ameren's filing regarding Approval of its  
20 Integrated Gas and Electricity Energy Efficiency  
21 Plan. ALJ Yoder recommends that the Commission enter  
22 an Order Granting Conditional Approval to the plan

1 and requiring the Utility to make a compliance filing  
2 within 30 days of the Order. I have some revisions  
3 for this Order that I would like to offer. The  
4 revisions that I'm proposing today have three parts.

5           The first concerns the net to gross  
6 framework adopted to measure Ameren's programs. A  
7 revision calls for the adoption of the framework  
8 developed with input from all stakeholders. I feel  
9 that the collaboratively developed framework best  
10 balances the interest of evaluation risks, accuracy,  
11 and efficiency.

12           The second concerns a development of a  
13 technical resource manual for Illinois utilities to  
14 help define savings parameters for the program. My  
15 revisions advise that the TRM be developed  
16 collaboratively with stakeholder input through the  
17 Stakeholder Advisory Group processed at a statewide  
18 level and not by the individual utilities. I believe  
19 working toward the development of a uniformed  
20 statewide TRM with input from all stakeholders would  
21 produce a better product that will aid the Commission  
22 and compare results between the utilities programs on

1 an apples-to-apples basis.

2                   The third concerns the expansion of  
3 Ameren's behavioral programs. The Proposed Order  
4 noting that Ameren falls well short of the statutory  
5 savings targets requires a compliance filing within a  
6 month from the date of our decision with hopes that  
7 incorporating the Orders directly will increase the  
8 projected savings of the programs. However, I feel  
9 that more accurate ideas are needed for Ameren to  
10 achieve that end. So through this revision I adopt  
11 CUB's suggestions regarding the expansion of Ameren's  
12 behavioral modification program to the level of  
13 ComEd's and the development of an RFP process for new  
14 ideas and innovative ways for further savings.

15                   Is there any other discussions or  
16 comments on these revisions?

17                   (No response.)

18                   Very well. I'd like to make a motion  
19 to adopt these revisions.

20                   Is there a second?

21                   COMMISSIONER ELLIOTT: Second.

22                   ACTING CHAIRMAN FLORES: Its been moved and

1 seconded.

2 All in favor say "aye."

3 ACTING COMMISSIONER FLORES: Aye.

4 COMMISSIONER ELLIOTT: Aye.

5 COMMISSIONER COLGAN: Aye.

6 ACTING CHAIRMAN FLORES: Any opposed?

7 COMMISSIONER O'CONNELL-DIAZ: I abstain.

8 COMMISSIONER FORD: I abstain.

9 ACTING CHAIRMAN FLORES: Very well. Let the  
10 record reflect that there are three ayes and two  
11 abstentions. Just so the record is clear, we will  
12 take a role call vote.

13 Commissioner Ford.

14 COMMISSIONER FORD: Abstain.

15 ACTING CHAIRMAN FLORES: Commissioner

16 O'Connell-Diaz.

17 COMMISSIONER O'CONNELL-DIAZ: Abstain.

18 ACTING CHAIRMAN FLORES: Commissioner Elliott.

19 COMMISSIONER ELLIOTT: Aye.

20 ACTING CHAIRMAN FLORES: Commissioner Colgan.

21 ACTING COMMISSIONER COLGAN: Aye, and I just  
22 want to add to this a little bit. I understand that

1 these are big issues and we only got copies of the  
2 Orders late last week, so I understand that there is  
3 some serious time issue constraints here. But when  
4 we can, I would like to have more advance notice of  
5 these so that I can give full consideration to the  
6 proposed changes. I feel like I have done that, but  
7 the timeliness of it is an issue.

8 ACTING CHAIRMAN FLORES: Thank you,  
9 Commissioner.

10 And then Chairman Flores votes Aye.

11 The vote is then three ayes and two  
12 abstentions, and the revisions are adopted.

13 Any further discussion on the Order?

14 COMMISSIONER O'CONNELL-DIAZ: I would just like  
15 to follow up with what Commissioner Colgan just cited  
16 to and that is the reason for my abstention. I am a  
17 quick reader, however, I got these revisions  
18 yesterday afternoon at about 3:00 o'clock. I  
19 dutifully tried to go through them. There is a lot  
20 in these revisions and connecting the dots became an  
21 overwhelmingly not understandable task for me. I  
22 realized what I was looking at were the wrong pages,

1 so I really did not feel that -- I believe I don't  
2 support what was contained in the revisions because  
3 they increase costs for consumers. I think the third  
4 one Mr. Thomas even testified to that. So putting  
5 another layer of cost on the consumers is not  
6 something that I'm in favor of.

7 I looked at my ComEd Bill and got  
8 \$3.23 last month for energy efficiency. So these are  
9 serious numbers and when we look at what we grant in  
10 rate cases and how the Commission is decided for  
11 that, when I see a \$3.23 charge on my bill for energy  
12 efficiency, I believe that these costs that we are  
13 loading into these plans are something that bottom  
14 line end up coming out of ratepayers pocket. So that  
15 gave me pause, and as I dialed back and I went to  
16 some other arguments that are there with regard to  
17 stipulations that are not even in this docket and  
18 opponents of those argument I can recall in other  
19 docket was all over the Commission for even looking  
20 at a stipulation. So that made it hard for me to  
21 come to any kind of reasonable place.

22 I think our ALJ did a wonderful job in

1 balancing the interest. This is an ongoing process.  
2 This is a building process, but these additional  
3 items that have been approved by this Commission  
4 today, I believe, are not in the best interest of the  
5 public. They are not in the best interest of the  
6 consumer and so that is the reason for my abstention  
7 because I just did not feel that I had really fully  
8 vetted everything and connected the dots. I would  
9 imagine and I look forward to rehearing from any  
10 parties that seek that because I think that we need  
11 to look closer at this and additionally have more  
12 time with such severe edits as we have seen.

13 ACTING CHAIRMAN FLORES: Very well.

14 COMMISSIONER FORD: I won't do a pile on. I  
15 will simply say I'm not a fast reader.

16 ACTING CHAIRMAN FLORES: And let me just add  
17 that this was a truncated time frame unfortunately,  
18 so I think everyone did the best they could in moving  
19 forward.

20 So I will make a motion to adopt the  
21 Order as revised.

22 Is there a second?



1 COMMISSIONER ELLIOTT: Second.

2 ACTING CHAIRMAN FLORES: Its been moved and  
3 seconded.

4 All in favor say "aye."

5 COMMISSIONER ELLIOTT: Aye.

6 ACTING CHAIRMAN FLORES: Aye.

7 ACTING COMMISSIONER COLGAN: Aye.

8 ACTING CHAIRMAN FLORES: Any opposed?

9 COMMISSIONER O'CONNELL-DIAZ: Abstain.

10 ACTING CHAIRMAN FLORES: Let's do a roll call  
11 vote so the record is clear.

12 Commissioner Ford.

13 COMMISSIONER FORD: Abstain.

14 ACTING CHAIRMAN FLORES: Commissioner  
15 O'Connell-Diaz.

16 COMMISSIONER O'CONNELL-DIAZ: Abstain.

17 ACTING CHAIRMAN FLORES: Commissioner Elliott.

18 COMMISSIONER ELLIOTT: Aye.

19 ACTING CHAIRMAN FLORES: Commissioner Colgan.

20 ACTING COMMISSIONER COLGAN: Aye.

21 ACTING CHAIRMAN FLORES: Chairman Flores votes  
22 Aye.

1                   The vote is three yeses and two  
2                   abstentions. The Order as revised is adopted.

3                   Again, I want to thank everyone for  
4                   their patience and the work put into this with this  
5                   truncated schedule.

6                   Item 11 is Docket No. 10-0570. This  
7                   is ComEd's filing regarding approval of its  
8                   Electricity Energy Efficiency Plan. ALJ Haynes  
9                   recommends that the Commission enter an Order  
10                  approving the plans for ComEd and DCO. Consistent  
11                  with the revisions proposed in the Ameren case, I  
12                  also have some revisions here. This language just  
13                  states that consistent with what we have proposed for  
14                  the Ameren Order, we'd like to see a statewide  
15                  technical resource manual developed by the utilities  
16                  collaboratively with stakeholder input, and these  
17                  revisions exist also to create consistency between  
18                  the Ameren and ComEd Orders on this point.

19                  Any discussion on these revisions?

20                  COMMISSIONER O'CONNELL-DIAZ: Is your language  
21                  to direct the companies that they are required or  
22                  that the Commission wishes to have similarities where

1 we can? What exactly are you --

2 ACTING CHAIRMAN FLORES: It's the same one that  
3 we included for the Ameren Order.

4 COMMISSIONER O'CONNELL-DIAZ: Which is what?

5 ACTING CHAIRMAN FLORES: I don't have the  
6 specific language on me.

7 Can you please get me the --

8 COMMISSIONER O'CONNELL-DIAZ: Is it a mandate  
9 or is it requiring the company or is it that we would  
10 like to see best practices and commonality where we  
11 can?

12 ACTING CHAIRMAN FLORES: It's asking the  
13 parties to work collaboratively to develop this. So  
14 it's not intended to --

15 COMMISSIONER O'CONNELL-DIAZ: Is it directing  
16 them? What's the language?

17 ACTING CHAIRMAN FLORES: It's directing them --

18 COMMISSIONER O'CONNELL-DIAZ: So it's a mandate  
19 then; right?

20 ACTING CHAIRMAN FLORES: But it's directing  
21 them to work in a collaborative fashion. It's not  
22 directing them what specifics to include on there.

1 It's something that they are intended to work in the  
2 stakeholder process to develop the standards.

3 COMMISSIONER FORD: Can we request -- the only  
4 reason I have a problem with the direction is I don't  
5 believe in one size fits all because each of them  
6 have different territories. I would prefer that we  
7 ask them to work collaboratively together.

8 ACTING CHAIRMAN FLORES: And that's what I'm  
9 asking here that the utilities collaboratively work  
10 with stakeholder input and that these revisions exist  
11 to create the consistency between the Ameren and  
12 ComEd Orders. So what we're trying to do is just  
13 making sure to develop a consistent framework so  
14 that, again, it's --

15 COMMISSIONER FORD: But it does not have to be  
16 consistent for each territory, that's the only thing  
17 I'm saying. The territory is so different that one  
18 size might not fit all.

19 ACTING CHAIRMAN FLORES: That's right. And we  
20 believe that this framework would actually facilitate  
21 that.

22 COMMISSIONER O'CONNELL-DIAZ: Is there an

1 ordering paragraph that reflects --

2 ACTING CHAIRMAN FLORES: Commissioner, we're  
3 getting that language right now for you. Why don't  
4 we move forward. We will hold this piece and then we  
5 will come back to Item 11.

6 Items 12 through 16 can be taken  
7 together. These items concern Applications for a  
8 Certificate of Service Authority to operate as an  
9 Agent, Broker, and Consultant under Section 16-115C  
10 of the Public Utilities Act. In each case ALJ Yoder  
11 recommends that the Commission enter an Order  
12 granting the requested Certificate.

13 Any discussion?

14 (No response.)

15 Any objections?

16 (No response.)

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

19 Item 17 is Docket No. 10-0631. This  
20 is Noble Americas Energy Solution's Application for  
21 an amended Certificate of Service Authority to  
22 operate as an alternative retail electric supplier in

1 Illinois. ALJ Yoder recommends that the Commission  
2 enter an Order revoking the Certificate granted to  
3 Sempra Energy Solutions in Docket No. 08-0571 and  
4 issuing a new Certificate to Noble Americas.

5 Is there any discussion?

6 (No response.)

7 Any objections?

8 (No response.)

9 Hearing none, the Order is entered.

10 Item 18 is Docket No. 10-0658. This  
11 is Clearview Electric's Application for Certificate  
12 of Service Authority pursuant to Section 16-115 of  
13 the Public Utilities Act. The applicant has brought  
14 a Motion to Withdraw its Petition and ALJ Tapia  
15 recommends that the Commission grant the Company's  
16 withdraw request.

17 Is there any discussion?

18 (No response.)

19 Any objections?

20 (No response.)

21 Hearing none, the Motion to Withdraw  
22 is granted.

1                   Item 19 is Docket No. 10-0434. This  
2 is Keith Carlson's complaint as to billing and/or  
3 charges against Peoples Gas. The parties have  
4 apparently settled their differences and brought a  
5 Joint Motion to Dismiss, which ALJ Hilliard recommend  
6 that we grant.

7                   Is there any discussion?

8                   (No response.)

9                   Any objections?

10                  (No response.)

11                  Hearing none, the Motion to Dismiss is  
12 granted.

13                  Item 20 is Docket No. 08-0008. This  
14 is McNabb Long Distance's Petition for Confidential  
15 and/or Proprietary Treatment of its 2007 Annual  
16 Report. ALY Baker recommends that the Commission  
17 enter an Order granting the requested relief for a  
18 period of two years.

19                  Any discussion?

20                  (No response.)

21                  Any objections?

22                  (No response.)

1                   Hearing none, the Order is entered and  
2 the requested relief is granted for two years.

3                   Items 21 and 22 can be taken together.  
4 These items concern Citation proceedings against  
5 Andiamo Telecom and Sound Utilities failure to file  
6 their 2009 Annual Reports. In each case ALJ Benn  
7 recommends that the Commission enter an Order  
8 canceling and revoking the companies' Certificate of  
9 Service Authority for failure to file its report with  
10 the Commission .

11                   Any discussion?

12                   (No response.)

13                   Any objections?

14                   (No response.)

15                   Hearing none, the Orders are entered  
16 and the Certificates are canceled and revoked.

17                   Items 23 and 24 can be taken together.  
18 These items each involve Joint Petitions surrounding  
19 Interconnection Agreements under 47 U.S.C.  
20 Section 252 concerning Illinois Bell and Century  
21 Wholesale and Illinois Bell and Eastern Telecom  
22 Services. In each docket ALJ Baker recommends



1 entering and Order amending the existing agreement.

2 Any discussion?

3 (No response.)

4 Any objections?

5 (No response.)

6 Hearing none, the Orders are entered.

7 Item 25 is Docket No. 10-0641. This  
8 is McKerracher and Associates' Petition to Cancel  
9 Certificate of Interexchange Authority granted in  
10 Docket No. 03-0722. ALJ Baker recommends that the  
11 Commission enter an Order granting the request and  
12 canceling the Certificate.

13 Any discussion?

14 (No response.)

15 Any objections?

16 (No response.)

17 Hearing none, the Order is entered.

18 Item 26 is Docket No. 09-0306 through  
19 on 09-0311 consolidated. This is the Ameren Illinois  
20 Utilities rate case filed in 2009. And before us  
21 today is an Application for Rehearing by the Illinois  
22 Industrial Energy Consumers concerning the

1 Commission's Order on Rehearing, specifically  
2 regarding the PURA tax issue. ALJ Yoder recommends  
3 that the Commission deny the request for Rehearing.

4 Any discussion?

5 (No response.)

6 I will make a motion to deny the  
7 Motion for Rehearing?

8 Is there a second?

9 COMMISSIONER O'CONNELL-DIAZ: Second.

10 ACTING CHAIRMAN FLORES: Its been moved and  
11 seconded.

12 All in favor say "aye."

13 (Chorus of ayes.)

14 Any opposed?

15 (No response.)

16 The vote is 5-0 and the Motion for  
17 Rehearing is denied.

18 Item 27 is Docket No. 10-0467. This  
19 docket is ComEd's rate case filed in 2010. Before us  
20 today is the React Coalition's Motion for  
21 Reconsideration on the Commission's decision denying  
22 its previous Motion to Dismiss. ALJs Dolan and

1 Sainsot recommend that the Commission deny the  
2 Coalition's Request for Reconsideration.

3 Any discussion?

4 I will make a motion to deny the  
5 Request for Reconsideration.

6 Is there a second?

7 COMMISSIONER FORD: Second.

8 ACTING CHAIRMAN FLORES: It's been moved and  
9 second.

10 All in favor say "aye."

11 (Chorus of ayes.)

12 Any opposed?

13 (No response.)

14 The vote is 5-0 and the Request for  
15 Reconsideration is denied.

16 Item 28 is a FERC matter that concerns  
17 pending litigation. So we will make a motion to go  
18 into closed session to address the matter.

19 I will make a motion to go into closed  
20 session.

21 Is there a second?

22 COMMISSIONER FORD: Second.

1           ACTING CHAIRMAN FLORES: All in favor say  
2     "aye."  
3                           (Chorus of ayes.)  
4                           Any opposed?  
5                           (No response.)  
6                           The vote is 5-0 to go into closed  
7     session.  
8                           Springfield will you let me know when  
9     we're ready to go.  
10                           (Whereupon, at this point the  
11                           following pages 29 - 34 of the  
12                           proceedings are contained in a  
13                           separate closed transcript.)  
14  
15  
16  
17  
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22

1 (Whereupon, at this point the  
2 following pages 35 - 42 of the  
3 proceedings are contained in  
4 this open session.)

5 COMMISSIONER ELLIOTT: We're ready.

6 ACTING CHAIRMAN FLORES: In closed session the  
7 Commission discussed making filings with FERC in FERC  
8 Docket No. 11-2288-000.

9 I will make a motion to file Comments  
10 with FERC.

11 Is there a second?

12 COMMISSIONER FORD: Second.

13 ACTING CHAIRMAN FLORES: Its been moved and  
14 seconded.

15 All in favor say "aye."

16 (Chorus of ayes.)

17 Any opposed?

18 (No response.)

19 The vote is 5-0 and the Comments will  
20 be filed with FERC.

21 I'm going to go back to Item No. 11.

22 There is a question in terms of the technical

1 resource manual developed by the utilities. Again,  
2 as I indicated on the record, it is language that is  
3 consistent with the Ameren Order where the Ameren  
4 Order does read that it instructs Ameren to develop  
5 the TRM in working in a collaborative fashion with  
6 the stakeholders, so it is the same language. There  
7 is no difference other than in the ComEd, there is  
8 actually a stipulation where it's part of that  
9 particular --

10 COMMISSIONER O'CONNELL-DIAZ: But it's one  
11 uniform manual for the whole State of Illinois is the  
12 gist of what you're suggesting?

13 ACTING CHAIRMAN FLORES: That is correct.

14 COMMISSIONER O'CONNELL-DIAZ: So one size fits  
15 all?

16 ACTING CHAIRMAN FLORES: No, it's not one size  
17 fits all. What it does is it allows for measurements  
18 to be consistent so if you are measuring to making  
19 sure that you have consistency with a measurement.

20 COMMISSIONER O'CONNELL-DIAZ: But that's not  
21 what that language says, that's the problem.

22 ACTING CHAIRMAN FLORES: I disagree.

1           COMMISSIONER O'CONNELL-DIAZ: It should say  
2 where appropriate if that's the case. The way that  
3 this reads in the Ameren case does not get us to that  
4 place. And that -- I believe Commissioner Ford  
5 commented on it -- that is problematic and this is  
6 part of a stipulation that is now imported into  
7 another docket.

8           ACTING CHAIRMAN FLORES: Very well. So I'm  
9 going to make a motion that we adopt the revisions.

10                           Is there a second?

11           COMMISSIONER FORD: Second.

12           ACTING CHAIRMAN FLORES: Its been moved and  
13 seconded.

14                           All in favor say "aye."

15                           (Chorus of ayes.)

16                           Any opposed?

17           COMMISSIONER O'CONNELL-DIAZ: Nay.

18           ACTING CHAIRMAN FLORES: Very well. Let's do a  
19 roll call vote.

20                           Commissioner Ford.

21           COMMISSIONER FORD: Aye

22           COMMISSIONER O'CONNELL-DIAZ: You abstained

1 from this one.

2 ACTING CHAIRMAN FLORES: Did you want to abstain  
3 on this?

4 COMMISSIONER FORD: Yes.

5 ACTING CHAIRMAN FLORES: Commissioner Ford  
6 abstains.

7 Commissioner O'Connell-Diaz.

8 COMMISSIONER O'CONNELL-DIAZ: On the ComEd, I  
9 vote no.

10 ACTING CHAIRMAN FLORES: Commissioner Elliott.

11 COMMISSIONER ELLIOTT: Aye.

12 ACTING CHAIRMAN FLORES: Commissioner Colgan.

13 ACTING COMMISSIONER COLGAN: Aye.

14 ACTING CHAIRMAN FLORES: Chairman Flores votes  
15 Aye. Let the record reflect that there are three  
16 yeses, one abstention, and one no.

17 Any further discussion on the Order?

18 JUDGE DOLAN: Chairman, I think this is where  
19 the Judge Haynes wanted to make a comment.

20 JUDGE HAYNES: I just wanted to respond to  
21 earlier Commissioner O'Connell-Diaz had said that she  
22 was concerned if there needed to be a finding of the



1 Order in the paragraph that was consistent with  
2 change. But I think that there was a generic one at  
3 the end that would cover anything in the Order.

4 ACTING CHAIRMAN FLORES: Thank you.

5 So I will make a motion to adopt the  
6 Order as revised.

7 Is there a second?

8 ACTING COMMISSIONER COLGAN: Second.

9 ACTING CHAIRMAN FLORES: Its been moved and  
10 seconded.

11 All in favor say "aye."

12 COMMISSIONER ELLIOTT: Aye.

13 ACTING COMMISSIONER COLGAN: Aye.

14 ACTING CHAIRMAN FLORES: Aye.

15 Any opposed?

16 (No response.)

17 I didn't hear any nos.

18 COMMISSIONER O'CONNELL-DIAZ: I'm opposed.

19 ACTING CHAIRMAN FLORES: Very well. Let's do a  
20 roll call vote.

21 COMMISSIONER FORD: Aye. I'm voting for the  
22 Order.

1           ACTING CHAIRMAN FLORES:  Commissioner Ford  
2 votes Aye for the Order.

3                           Commissioner O'Connell-Diaz.

4           COMMISSIONER O'CONNELL-DIAZ:  I'll vote for the  
5 Order, but I did not vote for that change.

6           ACTING CHAIRMAN FLORES:  Very well.

7                           Commissioner Elliott.

8           COMMISSIONER ELLIOTT:  Aye.

9                           Commissioner Colgan.

10          ACTING COMMISSIONER COLGAN:  Aye.

11          ACTING CHAIRMAN FLORES:  Chairman Flores votes  
12 Aye.  Let the record reflect that the vote is 5-0 and  
13 the Order as revised is adopted.

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

16          JUDGE WALLACE:  Mr. Chairman, since we're  
17 coming up on a holiday and time off, it would be very  
18 helpful to get these changes as quickly as possible  
19 so we can get the Order served before we leave for  
20 holiday.

21          ACTING CHAIRMAN FLORES:  Yes, your Honor.

22          JUDGE WALLACE:  Other than that, there is

1 nothing further and we're done for the year, I guess.

2 ACTING CHAIRMAN FLORES: We are. I just want  
3 to wish everyone a very happy holiday season. And  
4 again, I want to thank the Staff for outstanding  
5 work. It's amazing how fast time goes by and we've  
6 completed another year. I don't know if any of the  
7 other Commissioners wish to say anything.

8 COMMISSIONER FORD: I certainly want to wish  
9 everybody a Merry Christmas and a happy new year.

10 ACTING COMMISSIONER COLGAN: That says it all  
11 for me. Happy holidays to all.

12 ACTING CHAIRMAN FLORES: Very well. Okay  
13 folks. Happy holidays. Take care.

14 (And those were all the  
15 proceedings had.)

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