

1 BEFORE THE
2 ILLINOIS COMMERCE COMMISSION

3 BENCH SESSION
4 (PUBLIC UTILITY)

5
6 Springfield, Illinois

7 Wednesday, December 21, 2011

8
9 Met, pursuant to notice, at 10:30 a.m.

10 in the Audiovisual Conference Room, Second Floor,
11 Ieland Building, 527 East Capitol Avenue,
12 Springfield, Illinois.

13 PRESENT:

14 MR. DOUGLAS P. SCOTT, Chairman

15 MS. LULA M. FORD, Commissioner
 (Via audiovisual teleconference)

16 MS. ERIN M. O'CONNELL-DIAZ, Commissioner
17 (Via audiovisual teleconference)

18 MR. SHERMAN J. ELLIOTT, Commissioner

19 MR. JOHN T. COLGAN, Acting Commissioner

20
21 SULLIVAN REPORTING COMPANY, by
 Carla J. Boehl, Reporter
22 CSR #084-002710

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

PROCEEDINGS

CHAIRMAN SCOTT: Pursuant to the provisions of the Illinois Open Meetings Act, I now convene a regularly scheduled Bench Session of the Illinois Commerce Commission. With me in Springfield are Commissioner Elliott and Acting Commissioner Colgan. With us in Chicago are Commissioners Ford and O'Connell-Diaz. I am Chairman Scott. We have a quorum.

Before moving into the agenda, according to Section 1700.10 of Title II of the Administrative Code, this is the time we 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 the Bench Session. According to the Chief Clerk's Office, we have no requests to speak at today's session.

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

1 CHAIRMAN SCOTT: Moving on to the Public
2 Utility Agenda, we will begin today with approval of
3 minutes from prior Commission meetings. Up first are
4 minutes from our November 22 Regular Open Meeting. I
5 understand amendments have been forwarded. Is there
6 a motion to amend the minutes?

7 ACTING COMMISSIONER COLGAN: So moved.

8 CHAIRMAN SCOTT: Is there a second?

9 COMMISSIONER ELLIOTT: Second.

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

11 All in favor say aye.

12 COMMISSIONERS: Aye.

13 CHAIRMAN SCOTT: The vote is five to nothing,
14 and the amendments to the November 22 ROM minutes are
15 adopted.

16 Is there a motion to approve the
17 minutes as amended?

18 COMMISSIONER ELLIOTT: So moved.

19 CHAIRMAN SCOTT: Is there a second?

20 ACTING COMMISSIONER COLGAN: Second.

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

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 November 22 Regular Open Meeting minutes as amended
6 are approved.

7 Turning next to the Electric portion
8 of today's agenda, Item E-1 concerns a filing by
9 MidAmerican seeking modification of its tariffs
10 governing disconnection of electric service for
11 nonpayment for veterans and active military personnel
12 Staff recommends granting the company's request by
13 not suspending the filing.

14 Is there any discussion?

15 (No response.)

16 Is there a motion to not suspend the
17 filing?

18 ACTING COMMISSIONER COLGAN: So moved.

19 CHAIRMAN SCOTT: Is there a second?

20 COMMISSIONER ELLIOTT: Second.

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

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 filing will not be suspended.

6 We will use this five to nothing vote
7 for the remainder of today's Public Utility agenda,
8 unless otherwise noted.

9 Item E-2 concerns a filing by ComEd,
10 its Rate RDS and Rate RESS tariffs related to any
11 changes in a non-residential customer's federal tax
12 ID number. Staff recommends granting the company's
13 request by not suspending the filing.

14 Is there any discussion?

15 (No response.)

16 Any objections?

17 (No response.)

18 Hearing none, the filing will not be
19 suspended.

20 Item E-3 is Docket Number 07-0566.

21 This is ComEd's 2007 rate case on remand from the
22 appellate court. We will be holding this item for

1 disposition at a future Commission meeting.

2 Item E-4 is Docket Number 10-0275.

3 This is ComEd's 2008/2009 power procurement
4 expenditure reconciliation case. ALJ Jones
5 recommends entry of an Order approving the
6 reconciliation.

7 Is there any discussion?

8 (No response.)

9 Any objections?

10 (No response.)

11 Hearing none, the Order is entered.

12 Item E-5 is Docket Numbers 11-0279 and
13 11-0282 Consolidated. This is Ameren's rate case for
14 its electric and gas operations. Before us is a
15 motion by the company to sever and dismiss its
16 electric case, and we will hold disposition of this
17 motion for a future Commission meeting.

18 With respect to oral argument, we plan
19 on holding oral argument in this matter at 1:00
20 o'clock p.m. on January 5 at the Commission's
21 Springfield offices. We will not enter a Final Order
22 in this case until our January 10 Regular Open

1 Meeting, so entry of an Order regarding the requested
2 rate increase will be held until then.

3 E-6 is Docket Number 11-0118. This is
4 Nicor's reconciliation case for 2010 expenditures
5 made for coal tar cleanup. ALJ Kimbrel recommends
6 entry of an Order approving the reconciliation.

7 Is there any discussion?

8 (No response.)

9 Any objections?

10 (No response.)

11 Hearing none, the Order is entered.

12 Items E-7 and E-8 (11-0702, 11-0715)
13 can be taken together. These are applications by
14 Trinity Energy Services and SourceOne for licensure
15 as an Agent, Broker and Consultant under Section
16 16-115C of the Public Utilities Act. In each case
17 ALJ Albers recommends entry of an Order granting the
18 requested Certificate.

19 Is there any discussion?

20 (No response.)

21 Any objections?

22 (No response.)

1 Hearing none, the Orders are entered,
2 and the Certificates are granted.

3 Items E-9 through E-12 (11-0179,
4 11-0431, 11-0454, 11-0485) can also be taken
5 together. These are customer complaints against
6 ComEd. In each case the parties have apparently
7 settled their differences and brought a Joint Motion
8 to Dismiss which the ALJ recommends we grant.

9 Is there any discussion?

10 (No response.)

11 Any objections?

12 (No response.)

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

15 Item E-13 is Docket Number 11-0660.
16 This is the Illinois Power Agency's petition for
17 approval of its 2012 Procurement Plan. ALJ Wallace
18 recommends entry of an Order approving the plan.

19 Is there any discussion?

20 I would like to make just a few
21 comments if I could about this. I am going to vote
22 for the Order today.

1 First with respect to the arguments
2 that were made regarding the need for long-term
3 contracts and renewables, I am sympathetic to some of
4 those arguments. When I was at the EPA, I was in
5 charge of the Illinois Climate Change Advisory Group
6 which was tasked with developing a set of policy
7 solutions to reduce carbon emissions in Illinois and
8 help lay the groundwork for the renewable portfolio
9 standard that we have in the state today.

10 And I fully understand that our
11 long-term strategy can't simply be to think about
12 compliance purely on an annual basis and only in
13 terms of the lowest possible compliance cost.
14 Because, if we do that, we will eventually find
15 ourselves in the situation where the development of
16 renewables is constrained by transmission or other
17 barriers, and we will end up paying more REC
18 procurement than if we take a longer term vision.

19 And I also understand that the RPS, at
20 least as it was envisioned I think legislatively, in
21 addition by the Climate Change Advisory Group, is
22 about developing low carbon generation resources and

1 not simply recognizing that they exist, and that does
2 require some certainty for the developers to actually
3 develop those low carbon generation resources.

4 So I do see some of the appeal to
5 those arguments. But having said that, I don't think
6 this is the right time to move forward with those
7 long-term projects as part of our Procurement Plan
8 for a couple of reasons.

9 First, we really don't know what our
10 renewable energy resource budget will look like one
11 year from now, let alone three to five years from
12 now. But given what we know about the current growth
13 of the electric retail electricity space, we will
14 have a much better handle on that variable by this
15 time next year. So as long as that budget amount
16 remains a little bit of a mystery, it would be
17 irresponsible of us to lock up too much of that
18 budget in long-term contracts.

19 And, second, given the current low
20 prices of renewable energy credits, it is tough to
21 say this is the right time to increase the proportion
22 of the budget that's devoted to long-term deals.

1 Illinois ratepayers are benefitting from a glut of
2 supply on the renewable side, specifically with wind,
3 and that's showing up in the REC prices. We do know
4 that those prices will rise eventually, but I don't
5 think we are at the point in the curve where we need
6 to turn to those long-term solutions quite yet.

7 So while I am ultimately sympathetic
8 that we can't always think short-term, I don't
9 believe we are at the place yet where we need to jump
10 into the long-term area.

11 I am looking forward to discussing
12 these issues with the parties in the upcoming months.
13 I think it is really important for us to play an
14 important role in these discussions, much as it is
15 for us to play a role in some of the other
16 discussions we have had about the EPA and some of the
17 regs and other issues that are important to us and to
18 the ratepayers. So in coming months I look forward
19 to some discussions surrounding the issues of this
20 one and hopefully getting a better sense of where
21 everybody is coming from on that.

22 One other thing I would just like to

1 touch on briefly, and that's the procurement of solar
2 powered distributed generation. I am very happy that
3 our Order calls for workshops on the issue, and I
4 believe those will be very useful in understanding
5 how we can think through properly matching our
6 procurement process, which can be very technical and
7 difficult to access for smaller parties, matching
8 that to the procurement distributed renewable
9 resources. I think that's a challenge for us, and I
10 am really looking forward to that challenge in the
11 future.

12 Are there any other comments?

13 COMMISSIONER ELLIOTT: Yeah.

14 CHAIRMAN SCOTT: Commissioner Elliott?

15 COMMISSIONER ELLIOTT: Yeah, I agree that the
16 situation was fairly well defined regarding long-term
17 contracts, and I think I have been on record in past
18 IPA Orders regarding long-term contracts and customer
19 migration risk which was somewhat discussed in the
20 Order, and acknowledged that there are a lot of
21 municipal aggregation proposals that are out there.
22 I think this is an issue that most likely will

1 continue to grow and expand. As more communities get
2 involved, I think more communities may take this up
3 through political means in their communities which
4 takes some time, as you well know.

5 But we have also got a fledgling
6 residential commercial market now which is growing.
7 We have seen significant increases a year, month on
8 month, certainly year on year. And I think all of
9 those things sort of gravitate to taking a very
10 conservative view with regard to long-term
11 contracting for what could potentially be a very
12 diminishing pool of potential KEs.

13 So as I said in my opinion, dissenting
14 opinion in the Order, I think it was, a couple years
15 ago with regard to long-term contracting, I still
16 think there is a significant lack of discussion with
17 regard to customer migration risk and contracted
18 positions over longer periods. I would like to see
19 more of that developed in future records, if this is
20 to be considered as we go forward. As we gain more
21 experience in customer migration and municipal
22 aggregation, I think we will be able to see what the

1 trend is going to be. But I do believe it is going
2 to be increasing. I don't think anyone disavowed
3 that in this case.

4 So with that, I am happy with the
5 Order as it stands as well.

6 ACTING COMMISSIONER COLGAN: Yeah.

7 CHAIRMAN SCOTT: Commissioner Colgan?

8 ACTING COMMISSIONER COLGAN: I pretty much
9 agree with both comments that have already been made.
10 I share a lot of your sentiments, Chairman, and I
11 understand your point of view, Commissioner.

12 I think we are faced with some really
13 serious dilemmas in policy goals here. We have the
14 25 by 25 Policy that we need to take seriously. We
15 have the low cost issue that is argued very, I think,
16 effectively in this Procurement Plan by the parties.
17 I think there is a lot of issues that kind of bump
18 into each other in the midst of all of that
19 discussion.

20 I have a little bit of a concern as to
21 how we get to the 25 by 25 if we don't put some of
22 these renewables in place. You know, the thing where

1 we -- I just discovered recently Oak Park went to the
2 aggregation and 100 percent of their energy is going
3 to be RECs and they are saving a lot of money through
4 that. If a number of communities were to pick up
5 that similar kind of option, I am not sure that they
6 will, but if they did, you know, we would start
7 bumping up against capacity on being able to meet
8 that, and I know that creates all kinds of
9 complications on transmission policies that need to
10 be thought through thoroughly.

11 And so, you know, I spent a lot of
12 time with this Order and I think that I agree with
13 its conclusions. A lot of good work, a lot of hard
14 work, went into putting this together, and so I am
15 going to vote for it. But, you know, I share a
16 number of concerns that have already been expressed.

17 CHAIRMAN SCOTT: Further discussion?

18 COMMISSIONER ELLIOTT: All right. I would just
19 like to add that, you know, you mentioned
20 transmission policy and that is in a serious state of
21 flux, both regional and national, with regard to
22 renewables, with regard to cost allocation. I think

1 that the status quo doesn't lend itself, I think, to
2 long-term views. It's -- until a number of issues
3 are settled, I think both on the state level and
4 regional and a national level, it's going to be quite
5 disconcerting and difficult to take a long-term view.
6 These things just agitate against this until they are
7 resolved.

8 And so I think you made an excellent
9 point about transmission policy, which goes well
10 beyond our borders but has significant implications
11 on our purchases going forward.

12 CHAIRMAN SCOTT: I think all these comments are
13 very well made. I think they all point out the need
14 to have some further discussion with lots of parties
15 and lots of players that are involved in this, rather
16 than just kind of a silo kind of approach to it, as
17 we all, for good reasons, but we all fall into that
18 from time to time.

19 Further comments?

20 COMMISSIONER O'CONNELL-DIAZ: I just agree with
21 the comments that have been made so far. I think
22 what we need to always keep in mind is that this is a

1 developing situation that we see. And, I mean, who
2 would think that -- I think today riding down on the
3 train, I think I read of probably five different
4 referendums that are going on with regard to
5 municipal aggregation. This Commission has been a
6 champion of development of a competitive market. We
7 are now finally, finally, seeing some of the benefits
8 that come from that. But with the benefits come our
9 responsibility to plug in that knowledge and that
10 reality as we move forward.

11 And I guess my concern always is what
12 does it mean to the ratepayer. What does it mean --
13 are we picking winners and losers, and that bottom
14 line price, and are we subsidizing something that may
15 not be in the best interest of our state or folks
16 that are paying for this.

17 So I think we continually have to put
18 the glasses on and look at it and, as the Chairman
19 suggested, have open dialogue with regard to how do
20 we do this.

21 And I thought the Order was extremely
22 well written. It covered, you know, all of the

1 various positions that are kind of out there. And,
2 you know, if we look at that Order next year, it may
3 not be -- I can guarantee it won't be the same facts
4 that we should be looking at. So, again, this is a
5 continually changing place that we find ourselves in
6 with Interstate and also given the fact that we are
7 in a national marketplace.

8 So we just have to continue to be
9 knowledgeable and try to make our best judgments
10 based on what the current information is, and it does
11 change. And, you know, I just think that's what
12 developing appropriate policy is. And I know many
13 other states are looking at the amounts of renewable
14 procurement that their legislatures have required for
15 their states, and those were all set a couple years
16 ago. So things are different than they were a couple
17 years ago when we set those so we have to be able to
18 re-look at things and make the best call.

19 So I look forward to the continuing
20 improvement of our marketplace, and IPA will be there
21 to bring us those Procurement Plans, and we will have
22 to keep looking at it. So I appreciate all the

1 parties' efforts in this and also I think Judge
2 Wallace gave us an excellent Order here to move
3 forward with.

4 Thank you.

5 CHAIRMAN SCOTT: Thank you.

6 Further discussion?

7 (No response.)

8 Are there any objections to entering
9 the Order approving the plan?

10 Oh, sorry, Judge.

11 JUDGE WALLACE: I do want to acknowledge the
12 herculean effort of Steve Hickey in helping me with
13 this Order.

14 CHAIRMAN SCOTT: Very good. I appreciate you
15 doing that. Thank you.

16 So are there any objections to
17 entering the Order approving the plan?

18 (No response.)

19 Hearing none, the Order is entered.

20 Turning now to Natural Gas, Items G-1
21 and G-2 can be taken together. These items concern
22 proposed modifications by Peoples and North Shore Gas

1 to change the audit due date in the Rider EEP
2 tariffs. Staff recommends granting the companies'
3 request by not suspending the filing.

4 Is there any discussion?

5 (No response.)

6 Any objections?

7 (No response.)

8 Hearing none, the filings will not be
9 suspended.

10 Item G-3 concerns a filing by
11 MidAmerican seeking modification of its tariffs
12 covering disconnection of gas service for non-payment
13 for veterans and active military personnel. Staff
14 recommends granting the company's request by not
15 suspending the filing.

16 Is there any discussion?

17 (No response.)

18 Any objections?

19 (No response.)

20 Hearing none, the filing will not be
21 suspended.

22 Item G-4 is Docket Number 11-0082.

1 This is Cassandra Rodriguez's complaint against Just
2 Energy. ALJ Benn recommends entry of an Order
3 dismissing this matter for want of prosecution.

4 Is there any discussion?

5 I actually will make a motion to deny
6 the Motion to Dismiss in just a moment. In looking
7 at this case, the complainant had actually filed a
8 Brief on Exceptions. It is clear that, not only
9 taking that extra step, but wants to continue with
10 the prosecution of the case. The tenor of the
11 company's response also in their brief talked about
12 the likelihood of prevailing on the merits and seemed
13 to advance an argument that said, because the
14 contract said what it did, it really didn't matter
15 any of the other communications that were involved,
16 which I don't really subscribe to that argument. I
17 believe there is at least one that needs to be
18 fleshed out a little bit more.

19 So I think that this case, because
20 even though it was without prejudice and the
21 complainant could refile, since it's already been
22 filed and it is already on the record, I think it

1 would be better in this case if the motion were
2 denied and the case just moved forward.

3 So I would move to deny the Motion to
4 Dismiss. Is there a second?

5 ACTING COMMISSIONER COLGAN: I will second.

6 COMMISSIONER O'CONNELL-DIAZ: Chairman?

7 CHAIRMAN SCOTT: Yes. Commissioner
8 O'Connell-Diaz?

9 COMMISSIONER O'CONNELL-DIAZ: Yeah, I too
10 have -- I saw your position on this and looked at all
11 of the relevant filings in this case. And I am
12 usually not someone that takes lightly the amount of
13 time that our Commission and our Staff spends on a
14 case once it is filed here. When parties bring their
15 cases to the Commission, it is incumbent upon them to
16 prosecute that case. But I do understand that things
17 happen in people's lives and it seems that the
18 complainant herein had some extraordinary
19 difficulties during the pendency of this case, and so
20 I would be in agreement with your proposal to allow
21 the case to proceed.

22 With that said, I would stress to the

1 complainant that she is getting another bite at the
2 apple for full hearing and she needs to, you know,
3 follow the notices that go out from our Clerk's
4 office as well as, if she is unable to make a date,
5 then she should contact the appropriate offices to,
6 you know, set another date over as opposed to people
7 coming here and not having anyone show up. It costs
8 the State a lot of money. That's what we are here
9 for, but when they set dates, they should mean
10 something.

11 So with that caveat I would be in
12 agreement to support your position.

13 CHAIRMAN SCOTT: Is there further discussion?

14 (No response.)

15 It's been moved and seconded to deny
16 the Motion to Dismiss.

17 All in favor say aye.

18 COMMISSIONERS: Aye.

19 CHAIRMAN SCOTT: Any opposed?

20 (No response.)

21 The vote is five to nothing, and the
22 Motion to Dismiss is denied.

1 Item G-5 is Docket Number 11-0252.
2 This is Nicor's application for a waiver of 49 CFR
3 Sections 192.53(c), 192.92, 192.123 and 192.619(a)
4 related to the installation of reinforced thermal
5 plastic pipeline for a project near Ottawa, Illinois.
6 ALJ Kimbrel recommends entry of an Order approving
7 the amended application and granting the waiver.

8 Is there any discussion?

9 (No response.)

10 Any objections?

11 (No response.)

12 Hearing none, the Order is entered.

13 Item G-6 is Docket Numbers 11-0280 and
14 11-0281 Consolidated. This is North Shore Gas and
15 Peoples Gas rate case. We will be entering the Final
16 Order on this matter at a later date, so we will hold
17 this matter for disposition to a future Commission
18 proceeding.

19 Item G-7 is Docket Numbers 11-0301 and
20 11-0302 Consolidated. This matter is the North Shore
21 Gas and Peoples Gas' reconciliation case related to
22 charges collected under the utilities' Rider VBA in

1 2010. ALJ Benn recommends entry of an Order
2 approving the reconciliation.

3 Is there any discussion?

4 (No response.)

5 Any objections?

6 (No response.)

7 Hearing none, the Order is entered.

8 Item G-8 is Docket Number 11-0734.

9 This is Vista Energy Marketing's application for a
10 Certificate to Operate as an Alternative Gas
11 Supplier. ALJ Wallace recommends entry of an Order
12 granting the requested Certificate.

13 Is there any discussion?

14 (No response.)

15 Any objections?

16 (No response.)

17 Hearing none, the Order is entered,
18 and the Certificate is granted.

19 Moving now to Telecommunications, Item
20 T-1 is Docket Number 11-0586. This is
21 Skybeam-Essex's application for a Certificate of
22 Local and Interexchange Authority to operate as a

1 reseller and facilities-based carrier in Illinois.
2 The company has moved to withdraw its application,
3 and ALJ Benn recommends granting the withdrawal.

4 Is there any discussion?

5 (No response.)

6 Any objections?

7 (No response.)

8 Hearing none, the application is
9 withdrawn.

10 Item T-2 is Docket Number 11-0612.

11 This is Covad Communication's application for
12 Certificates of Service Authority to provide
13 facilities-based interexchange services, resold,
14 local and interexchange services and facilities-based
15 local exchange services in Illinois. ALJ Benn
16 recommends entry of an Order granting the requested
17 Certificates.

18 Is there any discussion?

19 (No response.)

20 Any objections?

21 (No response.)

22 Hearing none, the Order is entered,

1 and the Certificates are granted.

2 Item T-3 is Docket Number 11-0647.

3 This is First Cellular of Southern Illinois' petition
4 for cancellation of its Certificate of Service
5 Authority previously granted in Docket Number
6 90-0373. ALJ Benn recommends entry of an Order
7 granting the cancellation.

8 Is there any discussion?

9 (No response.)

10 Any objections?

11 (No response.)

12 Hearing none, the Order is entered,
13 and the Certificate is cancelled.

14 Item T-4 is Docket Number 10-0695.

15 This is a citation proceeding against CMC Telecom
16 concerning whether the company possesses the
17 requisite managerial resources and whether penalties
18 should be assessed for its failure to comply with
19 reporting requirements. ALJ Benn recommends entry of
20 an Order fining the company \$2500 and revoking its
21 Certificate of Service Authority.

22 Is there any discussion?

1 (No response.)

2 Any objections?

3 (No response.)

4 Hearing none, the Order is entered,
5 and the company's Certificate is revoked.

6 Under Miscellaneous items we have got
7 resolutions expressing support and appreciation for
8 David Gilbert and John Hendrickson. We will address
9 those in just a couple of moments at the conclusion
10 of the Open Session.

11 Moving on, Item M-3 (11-0793), this
12 concerns the rate of interest to be paid by utilities
13 and telecommunication carriers on customer deposits
14 under Title 83 Sections 280.70 and 735.120 of the
15 Administrative Code. Staff recommends entry of an
16 Order setting the interest rate in accordance with
17 the governing rules.

18 Is there any discussion?

19 (No response.)

20 Any objections?

21 (No response.)

22 Hearing none, the Order is entered.

1 We have one Petition for Rehearing
2 today. Item PR-1 is Docket Numbers 11-0059, 11-0141
3 and 11-0142 Consolidated. This is the rate case for
4 Great Northern Utilities, Camelot Utilities and Lake
5 Holiday Utilities Corporation. We have received
6 Petitions for Rehearing in this case from the Camelot
7 Homeowners Association and from the Attorney General,
8 and ALJ Teague recommends denying all requests for
9 rehearing.

10 I have some topics I would like to
11 propose for rehearing, but I know Commissioner Colgan
12 --

13 COMMISSIONER O'CONNELL-DIAZ: Mr. Chairman,
14 before you go there could we have a briefing by Judge
15 Teague relative to the memo she has presented to the
16 Commission?

17 CHAIRMAN SCOTT: Sure.

18 JUDGE TEAGUE: Sure. Two Petitions for
19 Rehearing were filed, one by Camelot Homeowners
20 Association and the other by the Attorney General.
21 The deadline for Commission action is December 27 for
22 the Association's petition and December 28 for the

1 Attorney General's.

2 With respect to the Association's
3 application for rehearing, they present essentially
4 three arguments for rehearing. The first is that
5 there has been a recent announcement stating that the
6 parent -- the owners of the parent for the company
7 Utilities, Inc., is exploring the possibility of
8 selling Utilities, Inc., and so the Association's
9 argument is that this announcement demonstrates the
10 company filed its rate case when it did officially as
11 part of a marketing strategy to increase the price
12 for the potential buyers of the company.

13 And the memo essentially says this
14 argument is irrelevant. As the Order finds, the
15 company -- the record supports the fact that the
16 companies could not recover their costs of service
17 under the current rates and that the rates that were
18 approved were necessary for the companies to recover
19 their costs.

20 The Association also argues that, in
21 light of this new information, the Commission should
22 reconsider the decision regarding rate shock and

1 gradualism. Again, they basically state the same
2 arguments that they stated before. They didn't
3 really present anything new. And they argue the same
4 issues regarding water quality. They don't present
5 any new evidence about water quality.

6 The Attorney General's application for
7 rehearing, they present arguments for rehearing based
8 on rate shock, rate of return, rate -- the rate base
9 and allocation factor corrections. All of these
10 arguments are the same arguments they presented in
11 the initial case. They don't present any new
12 evidence on those topics. And then they also include
13 an argument regarding the possible sale of Utilities,
14 Inc., stating that, given this new information, the
15 Commission should grant rehearing to investigate the
16 effects of the potential sale on the investments made
17 by the companies and the rates requested.

18 The memo also -- you know, I state
19 that this argument lacks merit because the evidence
20 supports the approved rates for the reasons stated
21 above for the Association and the record also
22 supports the capital investments that were made.

1 COMMISSIONER O'CONNELL-DIAZ: Thank you.

2 CHAIRMAN SCOTT: Commissioner Colgan?

3 ACTING COMMISSIONER COLGAN: Yes, thank you,
4 Mr. Chairman.

5 I hear those arguments and I pretty
6 much agree with it, if there is no new evidence. But
7 as I discussed and I think all of us discussed during
8 this as we entered this Final Order, we talked about
9 how the company had waited so long, I believe it was
10 18 years, to file a rate case and they didn't take
11 advantage of the simplified rate case procedures that
12 they might have in one of these cases and I think
13 that resulted in extremely high rate increases for
14 the ratepayers. And all of the parties in this
15 proceeding acknowledged either that there were very
16 large rate increases or rate shock was going to
17 result from these large increases.

18 So I remain concerned that, despite
19 the acknowledgment of rate shock in this proceeding,
20 no party suggested any solution whatsoever to
21 mitigate the effect of these enormous bill increases.
22 And as a result, I am going to recommend that we

1 grant rehearing in this proceeding on the issue of
2 rate shock mitigation. I think in this way the
3 Commission can be provided with record evidence that
4 we can use to base a decision regarding whether or
5 not the affected consumers should be spared the
6 immediate huge increases.

7 Also, I want to say that I am in no
8 way suggesting that rates previously approved by the
9 Commission be reopened or re-examined. I am only
10 suggesting that the parties provide the Commission
11 with viable options with which to alleviate the
12 resulting rate shock.

13 So with that, Mr. Chairman and Fellow
14 Commissioners, I recommend that the Commission grant
15 rehearing on this issue of rate shock mitigation, and
16 I ask for your support.

17 COMMISSIONER FORD: I certainly agree with
18 that, John. Because after listening to the testimony
19 and realizing that there were no new evidence, I
20 understand the fact that I did hear from -- look at
21 the record that said that it was because it would
22 have been so costly if they had come in earlier. But

1 I can certainly agree with you on the rate mitigation
2 piece.

3 COMMISSIONER O'CONNELL-DIAZ: If I might, I
4 think in our initial discussions about this, when we
5 were entering the Order the Commission entered, rate
6 mitigation was an item I think I might have brought
7 up.

8 With that said, you know, the
9 Commission, I don't think, has the authority to order
10 a company to come in with a rate mitigation plan.
11 But since the issue has come up in the rehearing
12 request and additionally this was danced around a
13 little bit, I think, in the record of the case itself
14 and I thought it should have been explored more
15 thoroughly by the parties and, you know, getting the
16 company to, you know, file something in the case in
17 chief, which we did not see. So our record is bereft
18 of any information relative to what a rate mitigation
19 plan might look like.

20 Obviously, there are costs involved
21 with that. The Order stands as it is, and there is a
22 rate increase that is going to occur. The question

1 is how will that be achieved on a going-forward
2 basis. And there is nothing in the record for us to
3 look at with regard to that.

4 So as Commissioner Colgan has
5 succinctly stated, it is appropriate for us to look
6 at that and, you know, figure out potentially a
7 manner that this rate increase could be smoothed so
8 the pocketbooks of the ratepayers are -- they will be
9 damaged, but at a less astounding speed.

10 So I look forward to seeing what has
11 been filed in the rehearing process and in support of
12 Commissioner Colgan's request for this.

13 COMMISSIONER ELLIOTT: Yeah, and I will chime
14 in as well. I think we all spent a great deal of
15 time in the oral argument in this case searching for
16 something with regard to record evidence and
17 mitigation strategies to try and deal with this. So
18 I would also support the rehearing on this issue.

19 CHAIRMAN SCOTT: You made that in the form of a
20 motion?

21 ACTING COMMISSIONER COLGAN: It's a motion.

22 COMMISSIONER ELLIOTT: I will second that

1 motion.

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

3 Is there any further discussion on
4 this topic?

5 (No response.)

6 All in favor say aye.

7 COMMISSIONERS: Aye.

8 CHAIRMAN SCOTT: Any opposed?

9 (No response.)

10 The vote is five to nothing, and
11 rehearing will be had in this matter on mitigation
12 strategies to alleviate rate shock as a result of the
13 adopted rates.

14 I also had, and it goes along with the
15 theme that Commissioner O'Connell-Diaz talked about
16 and Commissioner Colgan talked about as well, this
17 idea that there are issues that were not fully
18 developed in the case. And we also spent a lot of
19 time at oral argument talking about the water quality
20 issue, for example, and made a request of the
21 Illinois EPA to follow up on the issue of whether or
22 not they met the drinking water standards that are

1 available to us.

2 But the issue of water quality
3 actually went far beyond that, and I liken it to an
4 electric utility because the affidavits and the
5 testimony that we had in the case were that they
6 could only use the water that was being provided for
7 a small number of the services for which people
8 traditionally purchase water and that they were
9 purchasing water. They could not drink it. They
10 could not give it to their pets. They couldn't wash
11 clothes in it, which to me kind of gets at the heart
12 of what we are doing as a Commission and what a
13 public utility service is supposed to be. It is kind
14 of like if you had electric service but it only
15 powered, you know, five of the things in your home
16 and didn't provide heat or whatever else it was
17 supposed to provide. And I think there is
18 specifically under Section 8-102 of the Public
19 Utilities Act, I think that the responsibility to
20 provide that service puts that squarely in our lap.

21 So I have three things I would like to
22 propose. First is the water quality issue for

1 Camelot Utility residents only. That's where it was
2 raised in the case for rehearing. And hope that the
3 rehearing would flesh out some of the, to me,
4 disturbing issues that we only received a small
5 window into through customer affidavits in the case.

6 Additionally, I would also like to see
7 rehearing issues on the 100,000 gallon storage tank
8 for Camelot and its inclusion in the rate base and
9 the Camelot Estates water system study and its
10 inclusion as an operating expense. I think in both
11 those issues I don't believe the record was very
12 close regarding whether cost recovery should have
13 been borne by Camelot Utility ratepayers.

14 And hopefully through rehearing we can
15 get a much better sense of whether there is a
16 sufficient level of certainty surrounding both the
17 cost and the fate of that storage tank because at the
18 time, if you recall, the evidence was at the time
19 that they had not received a permit from the Illinois
20 EPA to construct it and also that the study which
21 attributed -- while the testimony attributed certain
22 benefits to doing this study which was done initially

1 to bring on another subdivision into the water
2 service. But when that didn't happen, other benefits
3 were attributed to that and the customers were left
4 paying for the entire cost of that study. I think
5 they were addressed in passing in the case and I
6 believe rehearing would allow us to make a much more
7 informed decision on them.

8 And so for all three of those issues,
9 the water quality and the inclusion of the 100,000
10 gallon storage tank in the rate base and the water
11 system study in its operating expense, I would make a
12 motion that we grant rehearing on those topics as
13 well.

14 Is there a second?

15 (No response.)

16 Seeing no second, the motion dies.

17 Additionally, we have one other issue
18 that we need to take up then because we have granted
19 rehearing on Commissioner Colgan's motion. We should
20 probably formally deny the remainder of the topics
21 that were proposed in the parties' Petitions for
22 Rehearing.

1 Any objections to denying the
2 remainder of the Association's and the Attorney
3 General's issues on Petition for Rehearing?

4 (No response.)

5 Hearing none, insofar as those
6 petitions are inconsistent with the topic on which we
7 have already granted rehearing, those Petitions for
8 Rehearing are denied.

9 We will address one other item of
10 business before moving on to the two remaining
11 resolutions that we have. This item concerns
12 solicitation of public comment on a plan to foster
13 coordination of energy efficiency activities between
14 our electric and gas utilities. Staff has put
15 together a plan for coordination and recommends
16 approving making this plan available for public
17 comment through March 30, 2012.

18 Is there any discussion?

19 (No response.)

20 Any objections?

21 (No response.)

22 Hearing none, the plan will be made

1 available for the public comment period.

2 And with that we will now move on to
3 our resolutions. We will start with what was noticed
4 as Item M-1 (11-0791) on our public utility agenda, a
5 resolution acknowledging and expressing our
6 appreciation for Judge David Gilbert, given his
7 upcoming retirement.

8 Is Judge Gilbert there?

9 COMMISSIONER FORD: Yes, he is.

10 COMMISSIONER ELLIOTT: Where is he? Get him on
11 camera.

12 CHAIRMAN SCOTT: You have got to get into
13 camera view there.

14 JUDGE GILBERT: I am waiting for my close-up.

15 CHAIRMAN SCOTT: I am not sure how to work this
16 thing, so I don't know if we could zoom in that
17 close.

18 I have a resolution that I would like
19 to read, Judge. It reads:

20 "WHEREAS, on August 3, 1998, David G. Gilbert
21 began his career at the Illinois Commerce Commission
22 in the Administrative Law Judge Division and

1 continued to serve for 13 years;

2 WHEREAS, throughout Judge Gilbert's years with
3 the Commission he has been an invaluable member of
4 the Administrative Law Judge Division providing
5 leadership, experience and an example of
6 professionalism for others to emulate, Judge Gilbert
7 has remained on course throughout his years of
8 service undeterred and true to his objective to
9 represent the Commission; and

10 WHEREAS, Judge Gilbert has served the utility
11 customers of Illinois well and has in the course of
12 doing so earned the respect and admiration of his
13 colleagues at the Commission, the utility
14 representatives and consumer advocates based upon his
15 skill, diligence and good natured professional
16 courtesy; and

17 WHEREAS, it is well known in the Administrative
18 Law Judge Division and throughout the Illinois
19 Commerce Commission that Judge Gilbert possesses
20 excellent writing skills and superb analytical
21 ability;

22 THEREFORE BE IT RESOLVED that the Illinois

1 Commerce Commission hereby acknowledges David J.
2 Gilbert's 13 years of public service during his
3 employment with the Illinois Commerce Commission and
4 expresses its deep appreciation for his public
5 service and dedication upon his retirement."

6 Commissioners, any further comments?
7 Start in Chicago this time

8 COMMISSIONER FORD: Certainly. I have only
9 known Dave since 2003 but he has certainly been an
10 astute ALJ. I am not sure I comprehended all of your
11 Order.

12 JUDGE GILBERT: I am not sure I did, either.

13 COMMISSIONER FORD: But it has certainly been a
14 delight working with you, Mr. Gilbert, and I look
15 forward to hearing from you in the future at the
16 Commission.

17 COMMISSIONER O'CONNELL-DIAZ: Well, I have
18 known Dave since he came to the Commission. We had
19 the opportunity to work together. And I was aware of
20 your former life, not the movie part but the other
21 work that you did for the State, so I knew he came in
22 knowing a lot about public utility regulation and was

1 certainly not disappointed in that knowledge base.

2 I will say that you have been the
3 person that reviewed all the Orders that went out of
4 the ALJ Division. Judge Gilbert's Orders were always
5 -- they were excellent, lots of footnotes, thoroughly
6 gone through, worried about. I would see Dave pacing
7 back trying to figure out a difficult issue, but
8 always were a credit to the ALJ Division and the
9 Commission in general.

10 So I continue looking at your Orders
11 every time they are up and we will miss your
12 professionalism, and I just can't believe you are
13 retiring.

14 COMMISSIONER FORD: Such a young man.

15 COMMISSIONER O'CONNELL-DIAZ: Yes. And I know
16 that you have a lot of activities with your play
17 writing and cinematography and all the things that
18 you do that are really interesting and your two young
19 boys that are probably the most interesting things.
20 So we really wish you well and I am sure we will see
21 you around and give you the best of fortune in the
22 future.

1 JUDGE GILBERT: Thank you.

2 CHAIRMAN SCOTT: Commissioner Elliott?

3 COMMISSIONER ELLIOTT: Well, Dave, I just want
4 to wish you the best of luck, continued success, I
5 know, with your photography and writing. And I am
6 sure I will see you at the poker table as time goes
7 on. I look forward to that. And just best wishes
8 and good luck.

9 JUDGE GILBERT: Thank you, Commissioner, and I
10 look forward to going all in against you some day.

11 COMMISSIONER ELLIOTT: There you go.

12 ACTING COMMISSIONER COLGAN: Well, I won't try
13 to elaborate further on some things that have already
14 been said. I have appreciated you in the Orders that
15 I have seen come by with your name on them, and I
16 just want to wish you the very best in retirement and
17 I hope you are looking forward to that and that there
18 is something you are going to there that you are
19 going to be able to enjoy those years with. So best
20 of wishes to you.

21 JUDGE GILBERT: Thank you, Commissioner.

22 CHAIRMAN SCOTT: And, Judge, the only thing I

1 will add, just in the short time I have been here I
2 have gotten to know you, and enjoyed that and enjoyed
3 the couple of longer conversations we have had and
4 hopefully we will have a chance to do that again in
5 the future.

6 And just pass on to you that, in
7 talking to other people about you, the words that
8 came up all the time were courtesy, professional and
9 thorough, all of which I think all of us appreciate
10 very much and I know the people that come before the
11 Commission appreciate that very much.

12 So I will add my best wishes and good
13 luck to you in whatever you choose to do in the
14 future. And please, if you would, say a couple
15 words.

16 JUDGE GILBERT: I will thank you, Mr. Chairman,
17 first of all for those comments.

18 I thought about what might be worth
19 hearing from me and I kind of drew a blank. I guess
20 the only thing I would say is that, you know, never
21 has someone done so much for so many for so long.
22 Other than that I have nothing to say about myself.

1 COMMISSIONER ELLIOTT: It's good to be humble.

2 JUDGE GILBERT: As you probably know, I will be
3 going down to Guantanamo and doing some military
4 tribunals which I always hoped to be doing as a kid.

5 No.

6 COMMISSIONER O'CONNELL-DIAZ: It's good you
7 have your Army greatcoat.

8 JUDGE GILBERT: Yes, I do. I have the Army
9 coat, yes.

10 Actually, I could use some advice from
11 folks. Let me go with that. I was talking to a
12 friend over the weekend and saying, now that I have
13 all this time available, and I really will have all
14 this time available. I am not hiding any balls, I am
15 not being coy here. I really want to do the things
16 that some of the Commissioners have mentioned. I
17 really want to advance with the photography and
18 hopefully the theatrical work.

19 Do you go wide with your time or do
20 you go deep? Do you go to the bucket list and try to
21 do all of those things you said someday I am going to
22 try at least once or do you sort of plunge down into

1 one or two things that you really like to get good
2 at. I am not sure yet. Haven't worked that out. So
3 if anyone has any advice, please, an e-mail or a
4 phone call; I would love to hear from you.

5 Certainly a lot of people in this room
6 I have known for a long time, in some cases over 20
7 years. I will miss a lot of folks and I hope this
8 will not be the last time that I will get to talk to
9 you or hear from you.

10 So thanks very much.

11 CHAIRMAN SCOTT: Thanks, Judge.

12 We also have what was noticed as M-2
13 (11-0792) on today's Public Utility agenda. This is
14 a resolution acknowledging and expressing our
15 appreciation for John Hendrickson of our Rates
16 Department in light of his upcoming retirement.

17 You get the hot seat there, John.

18 The benefit of going last is you know
19 the pattern now. So you know I get to read a
20 resolution first here. It reads:

21 "By the Commission:

22 WHEREAS, John Hendrickson joined the Illinois

1 Commerce Commission on October 1, 1998, as a rate
2 analyst in the Rates Department; and

3 WHEREAS, John brings to the ICC years of
4 experience in regulatory rate issues from the
5 electric utility side; and

6 WHEREAS, John's broad experience and considerable
7 educational credentials made him an expert witness
8 who provided valuable testimony recommendations to
9 the Commission in scores of rate cases; and

10 WHEREAS, John's ability to lead people was
11 recognized almost immediately by his supervisors and
12 he was appointed to the position of manager of the
13 ICC's Rates Department in January 1, 2000; and

14 WHEREAS, John provided technical leadership on
15 rate design, cost of service studies and myriad
16 tariff issues both for the Rates Department and his
17 colleagues in the agency; and

18 WHEREAS, John worked superbly with others in
19 identifying solutions to often difficult regulatory
20 issues and used excellent judgment to develop
21 practical recommendations for the Commission; and

22 WHEREAS, John always demonstrated extreme

1 patience in explaining complex ratemaking issues to
2 Commissioners, Executive Directors, Administrative
3 Law Judges and Staff; and

4 WHEREAS, John's regulatory expertise was shared
5 during trips to Kazakhstan on behalf of the National
6 Association of Regulatory Utility Commissioners and
7 the U.S. Agency for International Development in
8 August 2000 and February 2002;

9 THEREFORE BE IT RESOLVED that the Illinois
10 Commerce Commission commends John Hendrickson for a
11 job well done, extends its sincere appreciation for
12 his regulatory efforts on behalf of the people of
13 Illinois, and offers its best wishes for the future."

14 Congratulations.

15 Commissioner?

16 COMMISSIONER ELLIOTT: Well, John, I have known
17 you since you got there. You have done a terrific
18 job. I know we have had our arguments over issues
19 and policies, but you have demonstrated extreme
20 patience and great knowledge. And it's a difficult
21 task trying to slice the pie. It's one of the
22 hottest issues time after time in rate cases as we go

1 forward. And to have your patience and years of
2 experience has been an enormous benefit, and
3 appreciated.

4 MR. HENDRICKSON: Thank you.

5 ACTING COMMISSIONER COLGAN: I echo that. You
6 come with a depth of experience and I am sure there's
7 going to be a lot that it is going to be hard to
8 replace as you depart. But as I have said to the
9 other people, you know, I am hoping that you are
10 going to something more than away from something.

11 COMMISSIONER ELLIOTT: A golf course.

12 ACTING COMMISSIONER COLGAN: And I hope that
13 you enjoy yourself out there, and you have certainly
14 earned the right to have a good long retirement.

15 So best wishes to you.

16 MR. HENDRICKSON: Thank you.

17 CHAIRMAN SCOTT: Commissioners?

18 COMMISSIONER O'CONNELL-DIAZ: Well, you know, I
19 have had John in hearings. I have read his
20 testimony. You know, I have seen him maneuver
21 through cases, and I say that in an appropriate way,
22 and also on the Commissioner side, you know,

1 assisting the Commissioners as a Staff expert for us.
2 So it is hard when you have somebody that has that
3 vast amount of knowledge that we can depend on and,
4 you know, we want to keep you here. But we know that
5 you have bigger things to do outside of the
6 Commission.

7 But I can say that you are very
8 fortunate being in our Springfield office because I
9 know that there is a collegiality in that office. I
10 mean, not that we don't have that in Chicago, but it
11 just seems to be more magnified down there. And that
12 once you are there and you leave and go do something
13 else, there is different social events, there is golf
14 outings, all different things that I know former
15 colleagues of mine that were at the Commission still
16 participate in and see their friends from their
17 Commission days on a regular basis. So I am sure you
18 will be able to find your way to that group and so it
19 really probably is not going to be so horrible. You
20 won't have to be doing rate cases and all those nasty
21 things we do at the Commission.

22 But I wish you the best and thank you

1 so much for your years of service and your
2 dependability in the important work that you have
3 done at the Commission and for the state of Illinois
4 and all the ratepayers here. So thank you very much,
5 John, and I wish you the best.

6 MR. HENDRICKSON: Thank you.

7 COMMISSIONER FORD: I would like to echo what
8 my fellow Commissioners have said, John, about you.
9 And there is life after retirement; I plan to follow
10 you very soon.

11 MR. HENDRICKSON: Thank you.

12 COMMISSIONER FORD: Thank you. Have a great
13 one.

14 CHAIRMAN SCOTT: John, would you like to --

15 MR. HENDRICKSON: Yeah, I would like to say
16 that I have been in this seat when it truly was hot.
17 It is not hot today. Thank you for those kind words.
18 I would like to express appreciation to everybody for
19 their support over the years, especially from the
20 people in the Financial Analysis Division. I have
21 worked with them on a daily basis. They have always
22 been good to me and support and help in trying to

1 resolve issues and get things done.

2 Other than that, I don't have any
3 particular plans at this point for my retirement. I
4 think we probably all look at at least two things,
5 one how is our health and is it time to enjoy that.
6 My wife and I both have our health. The second thing
7 you look at is will you have enough money. All you
8 can do is hope.

9 CHAIRMAN SCOTT: Don't get in Sherman's poker
10 game.

11 MR. HENDRICKSON: I won't. But I thank for
12 everything. It's been an enjoyable 13 plus years, 25
13 before that at the utility, so 38 years career. Kind
14 of by accident getting into the utility business, but
15 it's been good. I have enjoyed it. These 13 years
16 have gone faster than I ever expected, but I am
17 looking forward to moving to the next chapter.

18 Thank you.

19 CHAIRMAN SCOTT: Thank you.

20 I think it says a lot about how many
21 people wanted to be down here and wish you the best.
22 And I wish we had a bigger room; we needed it. But

1 that speaks a lot of you and how well you are thought
2 of around -- not just outside the building but inside
3 the building as well.

4 MR. HENDRICKSON: Thank you. A lot of good
5 friendships.

6 CHAIRMAN SCOTT: Thank you.

7 COMMISSIONER ELLIOTT: Thanks, John.

8 CHAIRMAN SCOTT: We don't get to vote on
9 whether or not to accept their retirements because
10 that vote would probably turn out very differently.
11 But we do need a motion to adopt all three of the
12 resolutions that we have awarded today.

13 ACTING COMMISSIONER COLGAN: So moved.

14 CHAIRMAN SCOTT: Is there a second?

15 COMMISSIONER ELLIOTT: Second.

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

17 All in favor of the resolutions say
18 aye.

19 COMMISSIONERS: Aye.

20 CHAIRMAN SCOTT: Any opposed?

21 (No response.)

22 The vote is five to nothing; the

1 resolutions are adopted and again --

2 COMMISSIONER ELLIOTT: Just a note of the
3 tremendous resource lost. I think we have got more
4 of this than we do less, and I know that there are
5 Staff that are going to step in and do the work. But
6 it is something to acknowledge the thinning of the
7 work force and there is still a lot of work to do.

8 JUDGE WALLACE: Darn it.

9 CHAIRMAN SCOTT: Not to say we are very happy
10 for the individual involved, but a tremendous loss
11 for us. But we certainly wish them all the best and
12 thanks mostly.

13 Last up is one additional matter of
14 other business and that's a FERC item which we will
15 take in Closed Session.

16 Is there a motion to go into Closed
17 Session?

18 ACTING COMMISSIONER COLGAN: So moved.

19 CHAIRMAN SCOTT: Is there a second?

20 COMMISSIONER ELLIOTT: Second.

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

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 we
5 will head into Closed Session. Please let me know
6 when you are ready in Chicago.

7 (Whereupon at this point
8 pages 58 - 72 of the
9 proceedings are
10 contained in a separate
11 closed transcript.)

12

13

14

15

16

17

18

19

20

21

22

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

CONTINUATION OF PROCEEDINGS

CHAIRMAN SCOTT: In Closed Session the Commission discussed filing comments in FERC Docket Number ER12-480-000.

Is there a motion to file the Comments with FERC?

ACTING COMMISSIONER COLGAN: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER ELLIOTT: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

All in favor say aye.

COMMISSIONERS: Aye.

CHAIRMAN SCOTT: Any opposed?

(No response.)

The vote is five to nothing, and the Comments will be filed with FERC.

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

JUDGE WALLACE: No, I believe that's it, Mr. Chairman.

CHAIRMAN SCOTT: Thanks.

Everybody have safe and very happy

1 holidays, and we will see you soon.

2 This meeting stands adjourned.

3 BENCH SESSION ADJOURNED

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22