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BEFORE THE
ILLINOIS COMMERCE COMMISSION
REGULAR OPEN MEETING
PUBLIC UTILITY
Wednesday, February 10, 2016
Chicago, Illinois

Met, pursuant to notice, at 10:30 A.M.,
at 160 North La Salle Street, Chicago, Illinois.

- PRESENT:
- BRIEN J. SHEAHAN, Chairman
 - ANN MCCABE, Commissioner
 - SHERINA E. MAYE EDWARDS, Commissioner
 - MIGUEL DEL VALLE, Commissioner
 - JOHN R. ROSALES, Commissioner

SULLIVAN REPORTING COMPANY, by
PATRICIA WESLEY
CSR NO. 084-002170

1 CHAIRMAN SHEAHAN: All right. Are we ready to
2 go in Springfield?

3 (No response.)

4 You can't hear us. How about now?

5 MR. HINES-SHAH: You are on.

6 CHAIRMAN SHEAHAN: Okay. All right. We have
7 kind of a strange setup this morning. We are
8 accommodating workshops going on next door regarding
9 Peoples, so forgive the inconvenience.

10 Pursuant to the Open Meetings Act, I
11 call the February 10, 2016 Regular Open Meeting of
12 the Illinois Commerce Commission to order.

13 Commissioners McCabe, del Valle,
14 Edwards and Rosales are present with me in Chicago.
15 We have a quorum.

16 We have no requests to speak.

17 Moving on to our Public Utility
18 agenda, there are edits to the Minutes of our
19 January 5th and 13th meetings.

20 There are no edits to the Minutes of
21 our January 20th Regular Open Meeting Minutes.

22 Is there any objection to approving
23 those minutes?

24 (No response.)

1 Items E-3 through 5 concern various
2 customer complaints.

3 Are there any objections to
4 considering these items together and approving the
5 ALJ's recommendations?

6 (No response.)

7 Hearing none, the ALJ's
8 recommendations are approved.

9 Items E-6 through 7 concern various
10 Joint Petitions for Approval of Residential Customer
11 Releases.

12 Are there any objections to
13 considering these items together and approving the
14 proposed Orders?

15 (No response.)

16 Hearing none, the Orders are approved.

17 Item E-9 concerns ComEd's Petition for
18 a Conditional Exemption from the Requirements of
19 Section 280.5 of the Commission's Rules.

20 Are there any objections to approving
21 the proposed Order?

22 (No response.)

23 Hearing none, the Order is approved.

24 Item E-10.

1 COMMISSIONER del VALLE: Mr. Chairman --

2 CHAIRMAN SHEAHAN: Commissioner del Valle.

3 COMMISSIONER del VALLE: -- I have a couple of
4 questions.

5 CHAIRMAN SHEAHAN: Okay.

6 COMMISSIONER del VALLE: This is the Order that
7 provides an exemption for ComEd, an exemption to the
8 requirements that ComEd supply in each one of its
9 bills definitions or explanations of any
10 abbreviations of the technical words used on the
11 bill.

12 CHAIRMAN SHEAHAN: Judge Dolan.

13 JUDGE DOLAN: Yes.

14 COMMISSIONER del VALLE: Do we provide the same
15 exemption to Ameren?

16 JUDGE DOLAN: I'm sorry. That one I'm not sure.

17 COMMISSIONER del VALLE: You can get back to me.

18 JUDGE DOLAN: I will. I will check.

19 COMMISSIONER del VALLE: Thank you.

20 Then I have a quick comment, and this
21 is directed to ComEd. I don't know if they're here.
22 I appreciate the fact that this exemption still
23 requires that this information get out, but it's
24 going to get out in a different manner. It's not

1 going to be required as an explanation on each bill,
2 right?

3 JUDGE DOLAN: That's correct.

4 COMMISSIONER del VALLE: And the reason for the
5 exemption is ComEd argues that the cost for adding a
6 second page to the bill is high. I was shocked at
7 the amount.

8 JUDGE DOLAN: I was too.

9 COMMISSIONER del VALLE: I didn't know that
10 adding a second page would cost \$3.28 million
11 annually, but that's the figure --

12 JUDGE DOLAN: That was presented.

13 COMMISSIONER del VALLE: -- that's been given.

14 JUDGE DOLAN: Yes. Yes.

15 COMMISSIONER del VALLE: And I appreciate the
16 fact that all the bill inserts, and this is the
17 first time I see a figure, allowed for collection of
18 \$275,000 in revenue that is used to offset costs, so
19 that's good for the ratepayers.

20 JUDGE DOLAN: That's correct.

21 COMMISSIONER del VALLE: But my concern is that
22 it is important for people to understand their bills
23 and what they committed to is including an
24 explanation I guess once a year along with other

1 bill inserts.

2 JUDGE DOLAN: That's correct.

3 COMMISSIONER del VALLE: And so I know that when
4 I see that bill, and it's thick, it's loaded with a
5 bunch of paper, additional paper, but those are the
6 added inserts that are put in. Sometimes it's as
7 many as five or six, you know, selling things,
8 selling products.

9 JUDGE DOLAN: Yes.

10 COMMISSIONER del VALLE: Those get put aside and
11 thrown in the garbage many times. I know that's
12 what happens in my household. We don't look at
13 them.

14 So my concern is that this explanation
15 that is sent out annually will get lost and buried
16 in that large pile of bill inserts, and I just want
17 that feedback to be conveyed, because it kind of
18 defeats the purpose in part of making sure that
19 consumers are educated about what their bill says,
20 and what it means, and what the breakdown of the
21 bill categories -- the technical categories.

22 JUDGE DOLAN: Well, it did say that any time a
23 customer contacts ComEd they'll provide any
24 information, even in Spanish, and also they can go

1 on their website.

2 COMMISSIONER del VALLE: That's true, but the
3 customer -- but the purpose of the original law was
4 to make sure that they saw it on a monthly basis.

5 JUDGE DOLAN: Yes.

6 COMMISSIONER del VALLE: This puts the
7 obligation -- the responsibility on the customer,
8 and I can understand that, but I just think that,
9 for example, if this were a separate insert and the
10 only insert, then maybe people will pay more
11 attention to it, so it's feedback that I want to
12 pass on.

13 JUDGE DOLAN: Okay.

14 COMMISSIONER del VALLE: Thank you.

15 COMMISSIONER McCABE: What percentage of
16 customers get E-bills versus paper?

17 JUDGE DOLAN: I don't know that. I can find that
18 one out for you.

19 COMMISSIONER del VALLE: Sure. I'm sure it's a
20 growing percentage.

21 JUDGE DOLAN: Okay. I can find that one out for
22 you, too, Commissioner.

23 CHAIRMAN SHEAHAN: Any other questions?

24 (No response.)

1 (No response.)

2 Hearing none, the Orders are approved.

3 Items 14 through 16 involve

4 Applications for Licensure of Agents, Brokers and

5 Consultants under the Public Utilities Act.

6 Are there any objections to

7 considering these items together and approving the

8 proposed Orders?

9 (No response.)

10 Hearing none, the Orders are approved.

11 Item E-17 concerns Solar Plus'

12 Application requesting Certificate of Service

13 Authority to operate as an Installer of Distributed

14 Generation Facilities.

15 Are there any objections to approving

16 the proposed Order?

17 (No response.)

18 Hearing none, the Order is approved.

19 Moving on to our Gas agenda, Item G-1

20 concerns Reconciliation of Revenues Collected under

21 Nicor's Energy Efficiency Rider.

22 Are there any objections to approving

23 the proposed Order?

24 (No response.)

1 Hearing none, the Order is approved.

2 Item G-2 concerns Ameren's
3 Reconciliation of Revenues Collected under its
4 Purchase Gas Adjustment Charges.

5 Are there any objections to approving
6 the proposed Order?

7 (No response.)

8 Hearing none, the Order is approved.

9 Item G-3 concerns Mt. Carmel Public
10 Utility's Reconciliation of Revenues Collected under
11 its Purchase Gas Adjustment Charges.

12 Are there any objections to approving
13 the proposed Order?

14 (No response.)

15 Hearing none, the Order is approved.

16 Item G-4 concerns a customer complaint
17 filed against Peoples Gas.

18 Are there any objections to approving
19 the proposed Order dismissing the complaint?

20 (No response.)

21 Hearing none, the Order is approved.

22 Item G-5 concerns HIKO Energy's
23 Petition for the Confidential Treatment of the 2015
24 Compliance Report.

1 Are there any objections to approving
2 the proposed Order?

3 (No response.)

4 Hearing none, the Order is approved.

5 Item G-6 concerns Natural Gas &
6 Electric's Application requesting Certificate of
7 Service Authority to operate as an Alternative Gas
8 Supplier.

9 Are there any objections to approving
10 the proposed Order?

11 (No response.)

12 Hearing none, the Order is approved.

13 Item T-1 concerns CenturyTel and
14 Gallatin River's Joint Application requesting relief
15 from previously imposed merger conditions.

16 Are there any objections to granting
17 the proposed Order terminating the previously
18 imposed merger conditions?

19 (No response.)

20 Hearing none, the Order is approved.

21 Item T-2 concerns Midway
22 Broadcasting's complaint against Illinois Bell
23 Telephone Company for failure to provide proper
24 credits to account in Chicago.

1 Are there any objections to approving
2 the proposed Order granting the parties Joint Motion
3 to Dismiss?

4 (No response.)

5 Hearing none, the Order is approved.

6 Item T-3 concerns the Illinois Public
7 Telecommunications Association's petition seeking an
8 Order of relief against the LEC.

9 Are there any objections to approving
10 the proposed Order?

11 (No response.)

12 Hearing none, the Order is approved.

13 Item T-4 concerns Televergence
14 Solutions' Application for a Certificate of
15 Interexchange Authority to Operate as a Reseller of
16 Telecommunications Services.

17 Are there any objections to approving
18 the proposed Order?

19 (No response.)

20 Hearing none, the Order is approved.

21 Item T-5 concerns X5 OpCo's
22 Application for a Certificate of Interexchange
23 Authority to Operate as a Facilities-Based Carrier
24 of Telecommunications Services.

1 Is there any objection to approving
2 X5's application?

3 (No response.)

4 Hearing none, the application is
5 approved.

6 Items T-6 through 21 involve various
7 petitions for confidential treatment of certain
8 reports.

9 Are there any objections to
10 considering these items together and approving the
11 proposed Orders?

12 (No response.)

13 Hearing none, the Orders are approved.

14 Moving on to our Water and Sewer
15 agenda, Item W-1 concerns Illinois-American Water's
16 Petition Seeking Approval of its Qualifying
17 Infrastructure Plant Surcharge Reconciliation for
18 the Period of January 1 through December 31, of
19 2013.

20 Are there any objections to approving
21 the proposed Order?

22 (No response.)

23 Hearing none, the Order is approved.

24 Item W-2 concerns Utility Services'

1 Motion to Withdraw a Request for Special Permission
2 to Change Tariffs with Less Than 45 Days' Notice.

3 Are there any objections to granting
4 the Motion to Withdraw?

5 (No response.)

6 Hearing none, the Motion to Withdraw
7 is granted.

8 On our Miscellaneous agenda today, we
9 have M-1 which concerns our own motion to Initiate a
10 Notice of Inquiry regarding the Regulatory Treatment
11 of Cloud-Based Solutions.

12 I move to initiate this Notice of
13 Inquiry. Is there a second?

14 COMMISSIONER ROSALES: Seconded.

15 CHAIRMAN SHEAHAN: Thank you.

16 The purpose of this notice is to
17 gather more information on a topic that we held a
18 Policy Session on. I believe that we will be the
19 first Commission in the country to take a detailed
20 look at this topic.

21 For the record, I want to make it very
22 clear that it's our intention to get a complete, and
23 thorough, unbiased view of this issue from all
24 perspectives, including from business, academia and

1 from the consumer standpoint and that the final
2 report will reflect a very unbiased, neutral view of
3 the topic, and I ask for your support.

4 Is there any other discussion?

5 (No response.)

6 Hearing none, all those in favor, say
7 aye.

8 (Chorus of ayes.)

9 Opposed, say nay.

10 (No response.)

11 The ayes have it and the NOI is
12 approved. Thank you.

13 Moving on to other business, we have
14 two items of other business, one will require our
15 entering into closed session, and so --

16 COMMISSIONER MAYE EDWARDS: Mr. Chairman --

17 CHAIRMAN SHEAHAN: I'm getting to it.

18 The second item is an item that
19 Commissioner Edwards would like to address, and we
20 will handle that one first, and then we will go to
21 closed session for a discussion of potential
22 litigation, so, Commissioner.

23 COMMISSIONER MAYE EDWARDS: Thank you,

24 Mr. Chairman. Good morning to all. Just a brief

1 quick comment here today.

2 One hundred and fifty years ago our
3 own state great emancipator, Abraham Lincoln, called
4 for the end of slavery, and while many great men and
5 women have continued to carry freedom's torch for
6 all Americans, I would like to take a moment to
7 recognize February as Black History Month.

8 Black History Month honors the
9 contributions of African Americans to the United
10 States history, and from our very first African
11 American State Legislator, John W. E. Thomas, in
12 1876, to our first African American President of the
13 United States, Barack Obama, Illinois has been a
14 trailblazer in equality for all.

15 Speaking of trailblazing, I would be
16 totally remiss if I did not acknowledge this great
17 agency's advancements as it relates to African
18 Americans.

19 In the last year we have achieved two
20 very big firsts. We hired our first African
21 American Chief Administrative Law Judge, Mr. Ethan
22 Kimbrel, as well as our first African American
23 Bureau Chief of External Affairs Felicia Hall. It
24 is a privilege to work for an organization that

1 understands the importance of diversity and
2 leadership.

3 I am so very grateful to our Governor,
4 Bruce Rauner, for his vision and support of
5 diversity. I am extremely appreciative for
6 the Chairman, Brien Sheahan, for the changes in
7 every sense of the word, and I'm extremely humble in
8 gratitude to my colleagues and our executive
9 director for their support.

10 What we have done here is the ICC has
11 done more than make Black history a month. We have
12 made it a reality, and I truly thank you for that.
13 I'm honored and privileged to work for an agency
14 that understands diversity and leadership. It's
15 phenomenal.

16 This month I encourage you to take the
17 time to examine the many examples of the fight for
18 freedom and the struggle for equality that lies
19 within American history, the heroes who fought and
20 risked their lives for fair treatment under the law,
21 such heroes as Dr. Martin Luther King, Jr., who spoke
22 of his dream on the steps of the Lincoln Memorial.

23 As Dr. King famously said, "Life's
24 most persistent and urgent question is, what are you

1 doing for others." Thus, I encourage you to
2 consider the ways that you can help your communities
3 and those around you.

4 To that end, the ICC will be planning
5 and hosting a community service event in the coming
6 months in which we will invite you to attend. There
7 will be more information in the coming months, so
8 please attend. Thank you, Mr. Chairman.

9 CHAIRMAN SHEAHAN: Thank you.

10 You know -- let me also note that, you
11 know, we've created an office of supplier diversity
12 for the first time in this agency's history, and,
13 you know, this is something that you talked about at
14 my very first meeting. Commissioners Edwards and
15 del Valle have a presentation.

16 I want to thank all of the
17 Commissioners for their support and help in real
18 leadership on this issue. We are doing things at
19 this agency that had never been done, and we should
20 be proud of it, and there is a lot more work left to
21 be done, and so we'll continue down this path.
22 Thank you.

23 With that, the next item we have to
24 consider is PJM's cost allocation in FERC Dockets

1 ER16-736-000, ER15-1344-001, ER15-1344-002,
2 ER15-1387-001, and EL05-121-009. A discussion of
3 these items involve potential litigation, and so we
4 will move into closed session for discussion.

5 Is there a motion to enter into closed
6 session?

7 COMMISSIONER ROSALES: So moved.

8 CHAIRMAN SHEAHAN: Is there a second?

9 COMMISSIONER McCABE: Seconded.

10 CHAIRMAN SHEAHAN: All those in favor, say aye.

11 (Chorus of ayes.)

12 The ayes have it. We will clear the
13 rooms here in Chicago and in Springfield.

14 (Closed Session

15 Pages 21 to 33)

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1 CHAIRMAN SHEAHAN: Is there a second?

2 COMMISSIONER McCABE: Seconded.

3 CHAIRMAN SHEAHAN: Any discussion?

4 (No response.)

5 All those in favor, say aye.

6 (Chorus of ayes.)

7 Opposed, say nay.

8 (No response.)

9 The ayes have it and the closed
10 meeting transcript memorandum is approved.

11 There was some discussion about
12 whether we had approved E-8. I believe that we have
13 handled Items E-6 through 8 various joint petitions
14 for approval of residential customer leases by
15 unanimous consent and the record should reflect that
16 those items were approved by unanimous consent. I
17 believe that is all we have.

18 Judge Kimbrel, are there any other
19 items?

20 JUDGE KIMBREL: No other items.

21 CHAIRMAN SHEAHAN: Commissioners, any other
22 business to consider?

23 COMMISSIONER del VALLE: Mr. Commissioner, thank
24 you.

1 Peter Muntaner was in the room
2 earlier, and I guess he stepped back out, but I
3 wanted to thank him for his service at the ICC and I
4 think he's been here seven years, and I can tell you
5 that I have put him to work soon after my arrival
6 here and still get calls from customers on utility
7 issues, and his staff has always been very
8 responsive, particularly with the Spanish-speaking
9 individuals needing to talk to someone who can walk
10 them through issues and advocate on their behalf and
11 deal with the utilities, so I want to thank him for
12 his use of service here and say that he will be
13 greatly missed.

14 CHAIRMAN SHEAHAN: I would second that. I had
15 occasion on a couple of occasions that asked Pete to
16 help to go above and beyond the call of duty to help
17 a couple of folks that came before us, and he did
18 that very successfully and professionally, so a
19 great guy and he'll definitely be moving on to
20 bigger and better things.

21 Any other items of other business?

22 (No response.)

23 Hearing none, we stand adjourned.

24 Thank you.

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(Whereupon, the above
matter was adjourned.)