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BEFORE THE  
ILLINOIS COMMERCE COMMISSION  
REGULAR OPEN MEETING  
(PUBLIC UTILITY)  
Chicago, Illinois  
Thursday, February 14, 2013

Met, pursuant to notice, at 10:30 a.m. in the  
Main Conference Room, 160 North LaSalle Street,  
Chicago, Illinois.

PRESENT:

- MR. DOUGLAS P. SCOTT, Chairman
  - MS. ERIN M. O'CONNELL-DIAZ, Commissioner
  - MR. JOHN T. COLGAN, Commissioner
  - MS. ANN McCABE, Commissioner
  - MR. MIGUEL del VALLE, Commissioner
- L.A. COURT REPORTERS by  
Kari Wiedenhaupt, Reporter, CSR# 084-004725

1           CHAIRMAN SCOTT: Is everything ready in  
2 Springfield?

3           JUDGE WALLACE: Yes, it is.

4           CHAIRMAN SCOTT: Thank you. Pursuant to the  
5 provisions of the Open Meetings Act, I now convene a  
6 Regular Open Meeting of the Illinois Commerce  
7 Commission. With me in Chicago are Commissioner  
8 O'Connell-Diaz, Commissioner Colgan, Commissioner  
9 McCabe and Acting Commissioner del Valle. We have a  
10 quorum, and on behalf of all the Commissioners, I  
11 would like to welcome Commissioner del Valle to the  
12 Commission. Most of you know him. He has a long and  
13 dedicated career of public service as a State Senator  
14 where I got to know him when I was in the House in  
15 the Legislature and as the Clerk for the City of  
16 Chicago and also a long career working on educational  
17 issues as well. So we are pleased to have you here.  
18 Welcome here, Commissioner and we look forward to  
19 working with you.

20           COMMISSIONER del VALLE: Thank you very much.

21           CHAIRMAN SCOTT: Before moving into the agenda,  
22 according to Section 1700.10 of Title 2 of the

1 Administrative Code, this is the time we allow  
2 members of the public to address the Commission.  
3 Members of the public wishing to address the  
4 Commission must notify the Chief Clerk's office at  
5 least 24 hours prior to Commission meetings.  
6 According to the Chief Clerk's office, we have one  
7 timely-received request to speak at today's meeting.

8           Our request to speak today comes from  
9 Michael Hayes. Mr. Hayes, you can grab the  
10 microphone there. As you know, you will have three  
11 minutes to speak, and we won't respond to you or  
12 anything like that. So just in case that seems  
13 strange to you, I just wanted to let you know that  
14 ahead of time. So you have three minutes and begin  
15 when you are ready.

16           MR. HAYES: Well, a lot of things seem strange  
17 about this particular matter, but we will live with  
18 it. Thank you very much and thanks for the  
19 opportunity to speak to you. Good morning, Mr.  
20 Chairman and members of the Commission. My name is  
21 Michael Hayes. We represent Securus Technology, the  
22 winning bidder and now contract partner to the

1 Illinois Department of Corrections to provide inmate  
2 only telephone communications services at its  
3 correctional facilities throughout the state.

4 Consolidated, the petitioner in item  
5 No. 20 on the agenda submitted it's losing bid to  
6 the -- for the IDOC contract. Its petition in  
7 essence asks -- filed this petition after submitting  
8 its losing bid -- the Commission to reject nearly  
9 30 years of the Commission's own authority, that  
10 inmate only pay phones do not fall under Section 770  
11 of the Administrative Rules.

12 This is a last ditch effort to divert  
13 attention from the fact that for 30 years they have  
14 misread the statutes and the law in Illinois, and the  
15 Commerce Commission rules and regs and divert  
16 attention away from that mistake in order to get a  
17 second chance at winning the bid. You are the  
18 fifth -- excuse me -- fourth forum, and this is their  
19 fifth effort, fifth appellate effort to try and  
20 overturn the bid award. They lost in court already.  
21 They lost twice before the chief procurement officer,  
22 and they are losing in front of the procurement

1 policy board.

2 We think you should not let them play  
3 you for their failure to recognize that their bid had  
4 certain limits to it. Consolidated's position  
5 requests that the Commission declare for the first  
6 time providers of inmate only telephone services in a  
7 correctional institution are operator service  
8 providers subject to 770 of Title 83. There are a  
9 number of problems with this interpretation that  
10 Securus could mention and go through today, but in  
11 three minutes I can't do it. So I am going to limit  
12 myself to really just two of them.

13 Part 770, which contains the rate caps  
14 that Consolidated wants to apply to the bid process  
15 that was undertaken by DOC sets out requirements that  
16 operator service providers allow customers to use  
17 their choice of carriers. For example, can you  
18 imagine the havoc in the correctional institutions if  
19 these calls, which are highly monitored,  
20 scientifically recorded and limited to reach as to  
21 who can get calls, who can make calls, were now --  
22 users were allowed to say I want mine carried on

1 Sprint or some other carrier of their choice. It  
2 would be a detriment and will be a detriment to the  
3 security in the institutions.

4 Now, Consolidated's response to that  
5 kind of argument, which we have presented in other  
6 forums and in this forum before the Administrative  
7 Law Judge is that we only want Section 770 to apply  
8 to the rate cap part. All the other parts of 770 --  
9 and there is five other parts -- don't apply. We  
10 think that's something that you should not get  
11 involved with, and we don't think that's the way the  
12 rules and regulations are applied. You are either  
13 under the reg or you are not. You can't pick and  
14 choose parts of it.

15 There is two cases, two Orders the  
16 Commission entered, inmate services and impunity  
17 networks, that are cited in our materials that we  
18 think amply show that the law has been and continues  
19 to be that inmate cell phone -- inmate only pay  
20 phones in the institutions are not covered by the  
21 tariffs and the rate caps under the Commerce  
22 Commission. Your own rules and regs recognize that

1 when they expressly -- same rule and reg, Section  
2 770, excludes the application of the rule to mental  
3 institution phones, phones that service the patients  
4 in mental institutions and No. 2, it's all  
5 correctional institutions within the state. That's  
6 your own rules that do that.

7                   The second main area -- so the  
8 disruption -- the first main area is the disruption  
9 to the Department of Corrections. The second main  
10 area is that during this process we have asked for a  
11 hearing. This petition was filed as a -- a request  
12 for a declaratory ruling. We intervened, were given  
13 permission to intervene, have asked for a hearing a  
14 number of times in the process on the way up. Each  
15 time it's been denied. There is -- our belief is  
16 that this is a contested case under the  
17 Administrative Procedure Act, or it should be in  
18 rulemaking where the actual rule could be changed or  
19 edited.

20                   But this is a contested case. We have  
21 an absolute right to a hearing. We have been denied  
22 that hearing, and we have a pending request that this

1 matter be heard and so that we can put on a case to  
2 show the hearing -- the Administrative Law Judge that  
3 she was incorrect. Securus has never waived its  
4 right to a hearing and, in fact, continue and I  
5 hereby request the hearing.

6           So I thank you for the time for  
7 considering this. For those reasons that I have  
8 mentioned and the ones in our briefs that we filed,  
9 Securus would ask the Commission to deny this attempt  
10 to get into the Department of Corrections and start  
11 regulating the phone system. It is a secure system  
12 necessary for the Department of Corrections to  
13 fulfill its correctional mission, so to speak.

14           So we ask you that you would deny it  
15 outright, and if you don't, we would ask you to  
16 remand it back to the Administrative Law Judge so  
17 that she can conduct the appropriate hearings and let  
18 us prove to this Commission and to the Administrative  
19 Law Judge that this is not a matter that should be  
20 subject to Section 770. Thank you very much.

21           CHAIRMAN SCOTT: Thank you, Mr. Hayes.

22           Moving on to the agenda for today,



1 Item 1 is the approval of the minutes from our  
2 January 24th Bench Session. I understand amendments  
3 have been forwarded.

4 Is there a motion to amend the  
5 minutes?

6 COMMISSIONER McCABE: So moved.

7 CHAIRMAN SCOTT: Is there a second?

8 COMMISSIONER COLGAN: Second.

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

10 All in favor, say aye.

11 (Chorus of ayes.)

12 CHAIRMAN SCOTT: Any opposed?

13 (No response.)

14 CHAIRMAN SCOTT: The vote is five to nothing,  
15 and the amendments are adopted. Is there a motion to  
16 approve the minutes as amended?

17 COMMISSIONER COLGAN: So moved.

18 CHAIRMAN SCOTT: Is there a second?

19 COMMISSIONER McCABE: Second.

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

21 All in favor, say aye.

22

1 (Chorus of ayes.)

2 CHAIRMAN SCOTT: Any opposed?

3 (No response.)

4 CHAIRMAN SCOTT: The vote is five to nothing  
5 and the January 24th minutes as amended are approved.  
6 We will use this five to nothing vote for the  
7 remainder of today's Regular Open Meeting unless  
8 otherwise noted.

9 Item 2 concerns determining the price  
10 index for setting the dollar amounts of any  
11 unconditional guarantee, payment bond or letter of  
12 credit pursuant to Title 83, Part 451 of the  
13 Administrative Code. Staff recommends entry of an  
14 Order setting the price index using PJM's locational  
15 marginal prices for the Northern Illinois Hub.

16 Is there any discussion on this  
17 matter?

18 (No response.)

19 CHAIRMAN SCOTT: Are there any objections to  
20 entering the Order?

21 (No response.)

22 CHAIRMAN SCOTT: Hearing none, the Order is

1 entered.

2                   Item 3 is Docket No. 09-0263. This  
3 is ComEd's 2009 petition concerning its advanced  
4 metering pilot program. This matter had previously  
5 been before the appellate court, which reversed our  
6 decision on the use of riders as a cost-recovery  
7 mechanism for the program. CUB and the AG now seek  
8 to reopen this matter through initiating a remand  
9 proceeding, and have also filed a motion to  
10 consolidate this proceeding with two others.

11                   We also have a motion from ComEd to  
12 submit documents on this matter. ALJs Sainsot and  
13 Kimbrel recommend denying these motions, but state  
14 that the Commission could potentially open an  
15 investigation under Section 9-250 of the Public  
16 Utilities Act to address these concerns.

17                   Is there any discussion on this  
18 matter?

19   (No response.)

20                   CHAIRMAN SCOTT: Commissioner del Valle, I  
21 understand you wish to abstain from this matter?

22                   COMMISSIONER del VALLE: Yes.

1 CHAIRMAN SCOTT: I will make a motion that we  
2 deny the motions before us, but request that Staff  
3 put together an Order initiating an investigation  
4 under Section 9-250 of the Public Utilities Act.

5 Is there a second for this motion?

6 COMMISSIONER COLGAN: Second.

7 CHAIRMAN SCOTT: It's been moved and seconded.  
8 Is there further discussion?

9 (No response.)

10 CHAIRMAN SCOTT: All in favor, say aye.

11 (Chorus of ayes.)

12 CHAIRMAN SCOTT: Any opposed?

13 (No response.)

14 CHAIRMAN SCOTT: The vote is four to nothing  
15 with one abstention, and the two motions are denied  
16 and the initiating Order for investigation will be  
17 prepared consistent with the procedure described by  
18 our ALJs.

19 Item 4 is Docket No. 12-0213. This is  
20 our rulemaking proceeding for Title 83, Part 468 of  
21 the Administrative Code concerning the certification  
22 process for installers of distributed generation

1 systems. We have a request for oral argument from  
2 IBEW to consider, and ALJ Albers recommends both  
3 denying that oral argument request and entering a  
4 Second Notice Order authorizing submission of the  
5 proposed rule to JCAR.

6 We'll take the oral argument request  
7 first. Is there any discussion on this request?

8 Commissioner del Valle, I understand  
9 you wish to abstain from this matter as well?

10 COMMISSIONER del VALLE: I will abstain.

11 CHAIRMAN SCOTT: Any further discussion on the  
12 oral argument request?

13 (No response.)

14 CHAIRMAN SCOTT: Are there any objections to  
15 denying this request?

16 (No response.)

17 CHAIRMAN SCOTT: Hearing none, the request for  
18 oral argument is denied with Commissioner del Valle  
19 abstaining.

20 On the Second Notice Order is there  
21 any discussion?

22

1 (No response.)

2 CHAIRMAN SCOTT: Are there any objections to  
3 entering the Second Notice Order?

4 (No response.)

5 CHAIRMAN SCOTT: Hearing none, the Second  
6 Notice Order is entered with Commissioner del Valle  
7 abstaining.

8 COMMISSIONER del VALLE: Item 5 is Docket No.  
9 12-0913. This is Ted Wrobel's complaint against  
10 ComEd. ALJ Baker recommends entry of an Order  
11 dismissing the complaint without prejudice for want  
12 of prosecution.

13 Is there any discussion?

14 (No response.)

15 COMMISSIONER O'CONNELL-DIAZ: Mr. Chairman, is  
16 Judge Baker here?

17 JUDGE DOLAN: She is in the office today, so if  
18 you want me to go get her --

19 COMMISSIONER O'CONNELL-DIAZ: No. It's just  
20 that I recognize this name, and it appears that this  
21 gentleman has been at the Commission before and is  
22 well-advised of our procedures and, you know, didn't

1 follow our procedures with regard to attending to the  
2 case that he filed here. So I just wanted to chat  
3 with her about that, but that's okay. I don't need  
4 to hold it.

5 JUDGE DOLAN: All right. Thanks.

6 CHAIRMAN SCOTT: Further discussion?

7 (No response.)

8 CHAIRMAN SCOTT: Are there any objections?

9 (No response.)

10 CHAIRMAN SCOTT: Hearing none, the Order is  
11 entered.

12 Item 6 is Docket No. 12-0321. This is  
13 ComEd's formula rate update filing under Section  
14 16.108.5 of the Public Utilities Act. Before us  
15 today is an Amendatory Order updating numerical  
16 figures in a schedule accompanying the Order, and  
17 ALJs Sainsot, Kimbrel and Jorgenson recommend entry  
18 of that Amendatory Order.

19 Is there any discussion? Does  
20 Commissioner del Valle wish to abstain from this  
21 matter?

22 COMMISSIONER del VALLE: Yes.

1 CHAIRMAN SCOTT: Any further discussion?

2 (No response.)

3 CHAIRMAN SCOTT: Are there any objections?

4 (No response.)

5 CHAIRMAN SCOTT: Hearing none, the Amendatory  
6 Order is entered with Commissioner del Valle  
7 abstaining.

8 Item 7 is Docket No. 12-0442. This is  
9 Sunrise Continuing Care's complaint against ComEd.  
10 The complainant has moved to dismiss its complaint,  
11 which ALJ Hilliard recommends we grant.

12 Is there any discussion?

13 (No response.)

14 CHAIRMAN SCOTT: Are there any objections?

15 (No response.)

16 CHAIRMAN SCOTT: Hearing none, the matter is  
17 dismissed.

18 Item 8 is Docket No. 12-0475. This  
19 is Victoria Glenn's complaint against ComEd. ALJ  
20 Jorgenson recommends entry of an Order dismissing  
21 this matter without prejudice for want of  
22 prosecution.



1 Is there any discussion?

2 (No response.)

3 CHAIRMAN SCOTT: Any objections?

4 (No response.)

5 CHAIRMAN SCOTT: Hearing none, the Order is  
6 entered.

7 Item 9 is Docket No. 12-0484. This is  
8 ComEd's filing for the approval of tariffs for  
9 implementing its Peak Time Rebate Program. We will  
10 hold this item for disposition at a future Commission  
11 proceeding.

12 Item 10 is Docket No. 12-0584. This  
13 is Pizza World USA's complaint against Ameren. The  
14 parties have apparently settled their differences and  
15 have brought a Joint Motion to Dismiss, which ALJ  
16 Yoder recommends we grant.

17 Is there any discussion?

18 (No response.)

19 CHAIRMAN SCOTT: Are there any objections?

20 (No response.)

21 CHAIRMAN SCOTT: Hearing none, the Joint Motion  
22 to Dismiss is granted.

1                   Item 11 is 12-0645. This is  
2 MidAmerican Company's petition for a waiver  
3 concerning the energy efficiency programs it offers  
4 under Section 8-408(c) of the Public Utilities Act.  
5 ALJ Jorgenson recommends entry of an Order granting  
6 that petition. We have some revisions from  
7 Commissioner McCabe. Would you like to describe  
8 those, Commissioner?

9                   COMMISSIONER McCABE: I propose changes to the  
10 MidAmerican Order given information from the docket  
11 that the room air conditioner measure was actually  
12 cost-effective. These changes modify the waiver to  
13 put the room air conditioner measure back into the  
14 efficiency program. Our last Order in Docket No.  
15 12-0132 indicated that MidAmerican should file a  
16 waiver requesting that it be permitted to not offer  
17 cost-ineffective measures. While staff has pointed  
18 out that the room air conditioner measure is not as  
19 strong as we would like, and MidAmerican has  
20 indicated that they plan to propose a stronger  
21 measure in their July 1st filing, the current room  
22 air conditioner measure is still cost-effective and

1 should not be eliminated. We hope that in future  
2 dockets, companies and Staff will pursue important  
3 energy efficiency approaches -- efficiency can be the  
4 cheapest new energy -- and help avoid the need for  
5 new generation, especially as older generators go  
6 offline.

7 CHAIRMAN SCOTT: Are you moving for the  
8 adoption of that revision?

9 COMMISSIONER McCABE: Yes.

10 CHAIRMAN SCOTT: Is there a second?

11 COMMISSIONER COLGAN: Second.

12 CHAIRMAN SCOTT: It's been moved and seconded.  
13 Is there further discussion on the revisions? All in  
14 favor, say aye.

15 (Chorus of ayes.)

16 CHAIRMAN SCOTT: Any opposed?

17 (No response.)

18 CHAIRMAN SCOTT: The revisions are adopted.  
19 Commissioner -- excuse me. Is there any further  
20 discussion on the matter? I move for adoption of the  
21 Order as revised.

22 Is there a second?

1 COMMISSIONER O'CONNELL-DIAZ: Second.

2 CHAIRMAN SCOTT: Further discussion?

3 (No response.)

4 CHAIRMAN SCOTT: All in favor, say aye.

5 (Chorus of ayes.)

6 CHAIRMAN SCOTT: Any opposed?

7 (No response.)

8 CHAIRMAN SCOTT: The vote is five to nothing,  
9 and the Order as revised as adopted, and the vote was  
10 five to nothing as well on the revisions themselves.  
11 I forgot to mention that. I appreciate the timely  
12 responses to the written inquiries that were given  
13 out in that case, both from staff and the company.  
14 We really appreciate the speed with which they put  
15 those together. So thank you.

16 Items 12 through 14 can be taken  
17 together. These items concern applications for  
18 licensure as an agent, broker and consultant under  
19 Section 16-115C of the Public Utilities Act. In each  
20 case, ALJ Albers recommends entry of an Order  
21 granting the certificate.

22 Is there any discussion?

1 (No response.)

2 CHAIRMAN SCOTT: Are there any objections?

3 (No response.)

4 CHAIRMAN SCOTT: Hearing none, the Orders are  
5 entered.

6 Item 15 is Docket No. 13-0066. This  
7 is a Joint Petition for the approval of a customer  
8 release between Ameren Illinois and Illinois Rural  
9 Electric Cooperative. ALJ Yoder recommends entry of  
10 an Order granting the requested customer release.

11 Is there any discussion?

12 (No response.)

13 CHAIRMAN SCOTT: Are there any objections?

14 (No response.)

15 CHAIRMAN SCOTT: Hearing none, the Order is  
16 entered.

17 Item 16 is Docket No. 10-0398. This  
18 is the Just Energy audit matter, and this item will  
19 be held for disposition at a future Commission  
20 proceeding.

21 Item 17 is Docket No. 12-0347. This  
22 is Enbridge's application for the approval of a

1 pipeline construction project spanning from Pontiac  
2 to Quincy and for eminent domain authority in  
3 connection with the pipeline route. ALJ Hilliard  
4 recommends entry of an Order granting the  
5 application.

6 Is there any discussion?

7 (No response.)

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

9 CHAIRMAN SCOTT: Commissioner.

10 COMMISSIONER O'CONNELL-DIAZ: Well, first of  
11 all, I would like to thank Judge Hilliard for an  
12 excellent Order in this matter. Obviously, there is  
13 a great need for reinforcement of our natural oil  
14 supply, and that is what this pipeline will achieve.  
15 So when we look at these matters, we look at, you  
16 know, the company's request that has to show the  
17 need, and I don't have an argument with what is  
18 presented here. I think then I get into the fitness  
19 of the company, and I think that the record is clear,  
20 and there was much investigation by our Staff member,  
21 Staff witness Maple with regard to Enbridge's safety  
22 issues that -- we are all aware of the Michigan

1 disaster. Just last week at the NARUC conference I  
2 had an opportunity to hear a report about that. It's  
3 certainly not in this record. So I don't want to  
4 offend Commissioner Ford, because, you know, she  
5 always has to tell me everything has to be in the  
6 record, but Debbie Hersman talked about the lack of  
7 training, lack of understanding of the mechanisms in  
8 Wheelhouse of where this disaster occurred. My  
9 husband and I happened to be up in that area of  
10 Michigan the day that this occurred. People were  
11 being evacuated from their homes.

12                   We do not want to have a situation  
13 like that in our state. So I am very thankful that  
14 with regard to that part of our oversight authority  
15 that we have done due diligence here, that there are  
16 measures that are going to be conditioned for this  
17 approval, and that we will be ongoing in our  
18 oversight of this company, and that they have  
19 properly trained personnel. That was the problem  
20 with this. They -- nobody turned -- they saw the  
21 warnings and they let the pipe keep on flowing, and  
22 so, you know, these are our territories, and

1 certainly we must look at the fitness and that goes  
2 to the fitness. So our jurisdiction does carry here,  
3 but given the fact that Staff has done a great job  
4 here in ensuring that we will keep that oversight, I  
5 will be voting in favor of this petition and the  
6 grant of the approval that is requested by Enbridge,  
7 with the caveat that our Staff will be looking over  
8 their shoulder and requiring those quarterly reports,  
9 and also I really want to have a good atmosphere in  
10 our state and protect the lands that we have here.  
11 Thank you.

12 CHAIRMAN SCOTT: Other comments? Commissioner  
13 McCabe.

14 COMMISSIONER McCABE: I will just add that in  
15 response to the Marshall, Michigan incident which had  
16 great financial and PR impacts for the company and in  
17 response to NTSB report, Enbridge is changing a  
18 number of their policies and procedures relating to  
19 pipeline integrity, leak protection and pipeline  
20 control and operations and after providing additional  
21 and detailed information that Staff requested, Staff  
22 witness, Mark Maple, who is also the case manager



1 found that Enbridge demonstrated a public need for  
2 the pipeline and the services it will provide. The  
3 Order also rightly calls for Enbridge to implement  
4 all the upgrades and changes listed on Pages 18 to 20  
5 of the Order before operating the pipeline and  
6 requires the company to file quarterly reports  
7 throughout construction to the ICC's Director of  
8 Safety and Reliability on the project's status and  
9 related action items. Having worked in the petroleum  
10 sector for over 10 years, I know the importance of  
11 Canadian crude to Midwest refineries, all of which  
12 have retooled to increase their use of this crude and  
13 I also note that Enbridge is the largest crude oil  
14 and liquid pipeline company in the U.S. and Canada,  
15 and Canada is our No. 1 source of crude and natural  
16 gas, and that this pipeline will be co-located, to a  
17 large extent, with the Spearhead Pipeline, an  
18 existing pipeline, which will help minimize the  
19 impacts and the footprint of the pipeline.

20 CHAIRMAN SCOTT: Further discussion?

21 (No response.)

22 CHAIRMAN SCOTT: Are there any objections to

1 entering the Order? Commissioner del Valle, you wish  
2 to abstain on this vote as well?

3 COMMISSIONER del VALLE: Yes.

4 CHAIRMAN SCOTT: Are there any objections to  
5 entering the Order?

6 (No response.)

7 CHAIRMAN SCOTT: Hearing none, the Order is  
8 entered with Commissioner del Valle abstaining.

9 Item 18 is Docket No. 12-0531. This  
10 is Brent Christensen's complaint against Nicor.  
11 Nicor has moved to dismiss this matter on the grounds  
12 it is barred by the statute of limitations. ALJ  
13 Jorgenson recommends entry of an Order dismissing the  
14 complaint.

15 Is there any discussion?

16 (No response.)

17 CHAIRMAN SCOTT: Are there any objections?

18 (No response.)

19 CHAIRMAN SCOTT: Hearing none, the Order is  
20 entered.

21 Item 19 is Docket No. 13-0092. This  
22 is Integrys Energy Services' petition for the

1 confidential and/or proprietary treatment of portions  
2 of its alternative gas supplier report. ALJ Riley  
3 recommends entry of an Order granting the requested  
4 treatment.

5 Is there any discussion?

6 (No response.)

7 CHAIRMAN SCOTT: Are there any objections?

8 (No response.)

9 CHAIRMAN SCOTT: Hearing none, the Order is  
10 entered.

11 Item 20 is Docket No. 12-0413. This  
12 is Consolidated Communications' seeking a declaratory  
13 ruling concerning Section 13-901 of the Public  
14 Utilities Act and Title 83, Part 770 of the  
15 Administrative Code. ALJ Von Qualen recommends entry  
16 of an Order providing a declaratory ruling that the  
17 inmate calling services at issue are "operator  
18 services" under the law.

19 Is there any discussion?

20 COMMISSIONER O'CONNELL-DIAZ: Mr. Chairman, I  
21 see this did not have a deadline. I would request  
22 that it be held.

1 CHAIRMAN SCOTT: That would be fine. Thank  
2 you.

3 Item 21 is Docket No. 12-0422. This  
4 is a citation proceeding against Pay Phone Company  
5 for failure to maintain its corporate status. ALJ  
6 Jorgenson recommends entry of an Order revoking the  
7 company's certificate of service authority.

8 Is there any discussion?

9 (No response.)

10 CHAIRMAN SCOTT: Are there any objections?

11 (No response.)

12 CHAIRMAN SCOTT: Hearing none, the Order is  
13 entered.

14 Item 22 is Docket No. 12-0547. This  
15 is INdigital telecom's application for a certificate  
16 to operate as a 9-1-1 system provider. ALJ Von  
17 Qualen recommends entry of an Order granting the  
18 requested authority.

19 Is there any discussion?

20 (No response.)

21 CHAIRMAN SCOTT: Are there any objections?

22

1 (No response.)

2 CHAIRMAN SCOTT: Hearing none, the Order is  
3 entered.

4 Item 23 is Docket No. 12-0642. This  
5 is Birch Communications' petition for designation as  
6 an eligible communications carrier for lifeline  
7 service. The company has moved to withdraw its  
8 petition, and ALJ Riley recommends granting that  
9 Motion to Withdraw.

10 Is there any discussion?

11 (No response.)

12 CHAIRMAN SCOTT: Are there any objections?

13 (No response.)

14 CHAIRMAN SCOTT: Hearing none, the Motion to  
15 Withdraw is granted.

16 Item 24 is Docket No. 12-0676. This  
17 is a Joint Petition for the approval of an  
18 interconnection agreement and an amendment to that  
19 agreement between telecommunications carriers. ALJ  
20 Riley recommends entry of an Order granting the  
21 requested relief.

22 Is there any discussion?

1 (No response.)

2 CHAIRMAN SCOTT: Are there any objections?

3 (No response.)

4 CHAIRMAN SCOTT: Hearing none, the Order is  
5 entered.

6 Items 25 through 35 can be taken  
7 together. These items are petitions by  
8 telecommunications carriers seeking the confidential  
9 and/or proprietary treatment of their annual reports.  
10 In each case, the ALJ recommends entry of an Order  
11 granting the requested relief.

12 Is there any discussion?

13 (No response.)

14 CHAIRMAN SCOTT: Are there any objections?

15 (No response.)

16 CHAIRMAN SCOTT: Hearing none, the Orders are  
17 entered.

18 Item 36 is Docket No. 12-0290. This  
19 is a joint application for approval of the  
20 reorganization between Forestview Utilities  
21 Corporation, North Forestview Properties and Central  
22 Illinois Land Incorporated. Staff has requested that

1 the deadline in this proceeding be extended an  
2 additional five months, and ALJ Von Qualen recommends  
3 granting that request.

4 Is there any discussion?

5 (No response.)

6 CHAIRMAN SCOTT: Are there any objections?

7 (No response.)

8 CHAIRMAN SCOTT: Hearing none, the deadline is  
9 extended.

10 Item 37 is Docket No. 12-0570. This  
11 is our investigation of Nunda Utilities Company under  
12 Section 8-102 of the Public Utilities Act, and this  
13 item has been withdrawn.

14 And last, but certainly not least,  
15 Item 38 is a Resolution honoring Commissioner Lula  
16 Ford. As we welcome Commissioner del Valle today, it  
17 is unfortunate that we have to say goodbye to  
18 somebody and that's Commissioner Ford. I have a  
19 Resolution that I would like to read. I know we will  
20 have some comments, and then afterwards we will ask  
21 Commissioner Ford to come forward and address the  
22 Commission, which is probably something she has been

1 dying to do for a while.

2 Resolution

3 By the Commission:

4 Whereas, Commissioner Lula M. Ford dutifully  
5 served with dignity and compassion on the Illinois  
6 Commerce Commission from 2003 until 2013; and

7 Whereas, Commissioner Ford worked diligently  
8 throughout her life and was appointed as the first  
9 African American woman to serve on the ICC in its  
10 95-year history; she has been a leader, champion and  
11 beacon for legions of women and most notably for her  
12 daughter, Charisse, as evidenced by Charisse's  
13 stellar success as one of America's nationally and  
14 internationally recognized corporate leaders; and

15 Whereas, prior to joining the ICC, Commissioner  
16 Ford served as an elementary schoolteacher,  
17 administrator and principal in the Chicago School  
18 System for nearly 35 years; and

19 Whereas, Commissioner Ford received the  
20 Principal of Excellence Award and Principal of the  
21 Year Award and has won accolades from President  
22 Clinton and Chicago Mayor Richard Daley for her



1 excellent job performance and contribution to  
2 Chicago's inner city schools; and

3       Whereas, Commissioner Ford consistently  
4 established and maintained strong working  
5 relationships with her ICC colleagues, with consumers  
6 and industry representatives; and

7       Whereas, Commissioner Ford has earned the  
8 unqualified respect of her colleagues at the ICC and  
9 has been held in high regard by numerous  
10 organizations on the national stage; and

11       Whereas, Commissioner Ford has always displayed  
12 an upbeat, collegial, positive outlook and pleasant  
13 manner even under the most trying circumstances; and

14       Whereas, during her tenure at the ICC,  
15 Commissioner Ford served as chair of the ICC's Gas  
16 Policy Committee; and

17       Whereas, Commissioner Ford has served on the  
18 U.S. Department of Transportation's Technical  
19 Pipeline Safety Standards Committee; and

20       Whereas, Commissioner Ford was one of the  
21 original signatories to the documents creating the  
22 Organization of PJM States and is the last of the

1 founding Board members to leave the organization; and

2           Whereas, Commissioner Ford served as President  
3 of the Organization of PJM States from January 2008  
4 through December 2008 and represented the state of  
5 Illinois throughout her tenure at the ICC; and

6           Whereas, Commissioner Ford earned a bachelor's  
7 degree from the University of Arkansas at Pine Bluff,  
8 a master's degree in urban studies from Northeastern  
9 Illinois University and a master's degree in career  
10 education from the University of Illinois;

11           Now, therefore, be it resolved, that  
12 the Illinois Commerce Commission hereby gratefully  
13 acknowledges Lula Ford's years of exemplary public  
14 service during her ten years of employment with the  
15 Illinois Commerce Commission and expresses its deep  
16 appreciation for her public service and dedication on  
17 the occasion of her departure.

18           Discussion? Commissioner Colgan?

19           COMMISSIONER O'CONNELL-DIAZ: I am going to  
20 save mine for rebuttal.

21           COMMISSIONER COLGAN: Well, I just ditto  
22 everything that just got said there. I wrote some of

1 it, but, you know, I -- Lula, I just want to thank  
2 you for your life service to the people of Illinois  
3 and to the thousands of children whose lives you have  
4 touched and have provided a strong example for others  
5 as they move into their adult lives and pursue  
6 careers. I thank you for your pleasant attitude and  
7 your ability to work with other people and to  
8 disagree with me without being disagreeable, which  
9 happened not so many times, but there have been some  
10 times when we have had to work under a lot of  
11 pressure, and I have always appreciated your ability  
12 to keep your head and to make sound decisions with  
13 resolve.

14                   So I wish you the very best for your  
15 future and thank you again for your service.

16           CHAIRMAN SCOTT: Commissioner McCabe or  
17 Commissioner O'Connell-Diaz?

18           COMMISSIONER McCABE: I want to thank  
19 Commissioner Ford also. Thank you for your  
20 collegiality, for being a mentor to assistants, Staff  
21 and many others and for helping guide me in my first  
22 11 months on the Bench.

1           CHAIRMAN SCOTT: I will just add in addition to  
2 everything that I read that everybody had a hand in  
3 this Resolution, because everybody thinks the world  
4 of you and wanted to include some things that they  
5 knew about you and ways that you had helped them or  
6 influenced them on the Commission.

7                       I obviously agree with everything  
8 that's in the Resolution, but also with what's been  
9 said, and I think part of the -- you can tell part of  
10 the impact that you have had by the number of folks  
11 who showed up today. I'm guessing they didn't show  
12 up, you know, for some of the Orders that we had here  
13 earlier. I think they showed up for you, and I think  
14 that's a testament to you. And as John said, there  
15 are thousands of people whose lives you touched that  
16 aren't here today, whose lives you have made either  
17 through education or through the Commission process,  
18 and I appreciate working with you and being able to  
19 work with you for the last two years and the help you  
20 gave me when I came in as well, for always having a  
21 smile on your face, and it's not there yet, but as  
22 soon as we vote on this, as Commissioner

1 O'Connell-Diaz said, this will be in the record. So  
2 you can refer to it after that.

3 Commissioner del Valle?

4 COMMISSIONER del VALLE: Lula. I have known  
5 Lula for many, many, many years, and I very much  
6 respect the work she did in education. She was a  
7 tough leader, an effective leader in our schools and  
8 to this day is talked about as one of the most  
9 successful principals in the City of Chicago in the  
10 history of the Chicago Public Schools. I have some  
11 big shoes to fill here, and I wish you were here to  
12 help me out, but I wish you the best, and it's really  
13 an honor now to serve on this Commission having  
14 known -- knowing that while you were here you did a  
15 tremendous job, and I do have your old office. So  
16 maybe some of that luck will rub off on me. Thank  
17 you.

18 CHAIRMAN SCOTT: Commissioner O'Connell-Diaz?

19 COMMISSIONER O'CONNELL-DIAZ: I don't know  
20 where to start. I remember the first day that Lula  
21 came on the Bench. I did not know her. I did notice  
22 that she was very well dressed. I immediately went

1 back to my office and called my mother and said, "She  
2 has a Missoni jacket on." It's a very fancy Italian  
3 designer, but I do know that she came on the Bench,  
4 and we had a -- I think it was an Illinois Bell case.  
5 I'm not really quite sure, but she voted correctly,  
6 and that won me over right away, because she did the  
7 right thing. It was the difficult thing, but she did  
8 the right thing.

9                   As many of you know, we have served  
10 side by side. You know, as the line from the  
11 Godfather goes, we had to go to the mattresses a lot,  
12 and I can't count on how many times we had to go to  
13 those mattresses; you know, letters from governors  
14 that were going to fire us, cartoons that were not  
15 complimentary to us, headline news. We were on the  
16 front page of the Tribune I don't know how many weeks  
17 in a row.

18                   I, too, am going to be departing here.  
19 So I was busy cleaning my office out and I came up in  
20 my office the other day with a list of state senators  
21 and state representative with regard to the  
22 Fumigation Act, because many of our folks at the

1 Commission were on the list of potentially being  
2 fired under that drafted legislation. So she and I  
3 spent the weekend of Memorial Day on the phone to  
4 those people pleading the case for -- I think we had  
5 about 95 employees that were on that list.

6           So that's the kind of person she was,  
7 and there was not a lot of recognition that was going  
8 on behind the scenes, but it was about protecting the  
9 people that were here at the Commission, and that is  
10 something that she has always done, and whatever  
11 group she is in, she is always willing to, you know,  
12 pull in the troops and make things happen.

13           One funny story I can recall is we  
14 were doing -- as many of you know, we started a  
15 consumer outreach program, and we were -- we would be  
16 riding in the backseat of the ICC police going down  
17 to kind of a rough neighborhood at night to do  
18 consumer outreach to folks that were challenged with  
19 regard to their natural gas bills, and we had just  
20 revoked a certificate of a moving company like that  
21 week, and here we come up next door to this truck,  
22 and I can see the cop on the phone, and he is talking

1 into the microphone, and I look over and I said,  
2 "Didn't we take that guy's certificate away?" And he  
3 was calling into base, and he didn't know what to do,  
4 because he had these two Commissioners in the  
5 backseat, and we were like, "Book him, Dan-o." So  
6 she and I sat in the back seat of the squad while he  
7 pulled over and someone else came, and sure enough,  
8 the guy was doing an illegal move.

9           So we have had a really great time,  
10 and despite what was going on in Illinois, what has  
11 always been a caveat of Commissioner Ford and myself  
12 is to make it look good like Illinois is always doing  
13 great things, and we really have done great things  
14 despite having almost both hands tied behind our back  
15 on many an occasion, and in the regulatory community,  
16 Illinois is still known as a leader, and part of that  
17 is due to the leadership of Commissioner Ford for  
18 these ten years that she has been here.

19           What I didn't know then is that this  
20 woman would become the second sister that I didn't  
21 know I had, but I had to wait up until later in life  
22 to meet up with her. So I will just close real



1 quickly with a quote from Eleanor Roosevelt. "Many  
2 people will walk in and out of your life, but only  
3 true friends will leave footprints in your heart."

4 And she has got a lot of footprints in  
5 my heart. So I wish her well. I know we will  
6 continue our friendship, and we will be on the task  
7 of something else and charging -- maybe we will have  
8 to go to the mattresses again. I don't know, Lula.  
9 But I wish you very, very good fortune.

10 COMMISSIONER FORD: Thank you. Good morning,  
11 everyone. It is indeed an honor and a privilege to  
12 have served on this Commission, and Senator del  
13 Valle, I have worked with you and you had some words  
14 for me sometimes to set me on the right path when we  
15 were in education, but I am pleased to see that the  
16 governor appointed a person of your stature.

17 And to all of you in the audience, it  
18 has certainly been an honor and a privilege to look  
19 out and see so many faces who are servants of this  
20 great state of Illinois. And I have been a servant  
21 for this great state for 47 years. So it's time for  
22 me to go, and I think I have had six Chairmen, Scott

1 and all of them except one have been Democrats. Who  
2 was the Republican? Kevin? And everyone has been  
3 wonderful to work with, such bright people, and this  
4 is certainly a learning curve. It was a learning  
5 curve for me, Senator del Valle, and I don't know if  
6 I ever got up to the top of it, but I tried.

7           And I am just so happy to be leaving  
8 here, not in the manner -- it's just time to go.  
9 It's time for me to go and to let younger people come  
10 on like Ann and Doug and John and you, del Valle. So  
11 you young people, keep on working, and Erin, I  
12 want -- Erin and I have sat side-by-side for 10  
13 years, and I call her the green-eyed Irishman --  
14 Irish lady and her mother, Peg, was just dear to me,  
15 with that red hair. And our Erin has her temper, I  
16 think. I won't tell you some of the cartoons she has  
17 drawn, and I have had to sit there with a straight  
18 face and look at them, but it has certainly been a  
19 privilege.

20           And I see another one of our former  
21 Commissioners in the audience, Sherman Elliott.  
22 Sherman was a staffer when I came on, and he was very

1 helpful to me. So everyone in this Commission are  
2 very professional people, Senator. So you will have  
3 an excellent staff to work with, and your Chairman,  
4 as you know, is a very bright former legislature. So  
5 you will have good people to work with.

6 And I do thank all of you for coming  
7 out today, and I certainly, certainly -- what is the  
8 song from -- "It's So Hard to Say Goodbye to  
9 Yesterday," but I am saying goodbye. So have a good  
10 day, everyone, and I look forward to seeing you all  
11 in another light. Erin, I know we will be somewhere  
12 having a good time soon. Thank you. Thank you.

13 CHAIRMAN SCOTT: Commissioner O'Connell-Diaz,  
14 would you like to move the adoption of the  
15 Resolution?

16 COMMISSIONER O'CONNELL-DIAZ: Yes, sir. I move  
17 for the adoption of the Resolution regarding my good  
18 friend and colleague, Commissioner Lula Ford.

19 COMMISSIONER COLGAN: I will second that  
20 motion.

21 CHAIRMAN SCOTT: Very good. All those in  
22 favor, say aye.

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(Chorus of ayes.)

CHAIRMAN SCOTT: I'm assuming nobody is opposed. The vote is five to nothing, and the Resolution honoring Commissioner Ford is adopted.

Commissioner, we have a paper copy of it for you, and then we will get you the more formal one a little bit later on.

I do have to also make a couple of other announcements of folks that are leaving us here. Chris Vaughn, a policy advisor for Commissioner Ford is here. Chris, good to see you. He is moving into the private sector, and we really enjoyed working with you and look forward to seeing you again in the future. So thank you for all of your service as well. Thanks, Chris.

And Anthony Star is hiding in the back, one of my policy advisors. He is leaving the Commission as of Monday. He will take a new job heading up the Illinois Power Agency, and so we want to wish Anthony good luck. We are sure he is going to need it in that position, and we know we are going to see Anthony again and look forward to working with

1       them.  It's been a pleasure to work with you,  
2       Anthony, as well.  So thank you for all of your  
3       service.

4                         Judge Wallace, any other matters to  
5       come before the Commission today?

6                 JUDGE WALLACE:  No, Mr. Chairman.

7                 CHAIRMAN SCOTT:  Very good.  Thank you, sir.

8       Hearing none, this meeting stands adjourned.

9                         (END OF PROCEEDINGS.)

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