

**In The Matter Of:**  
*Illinois Commerce Commission*  
*Bench Session*

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*Public Utility*  
*March 19, 2014*

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*Marzullo Reporting Agency*  
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BEFORE THE  
ILLINOIS COMMERCE COMMISSION

BENCH SESSION  
(PUBLIC UTILITY )

Chicago, Illinois  
Wednesday, March 19th, 2014,

Met, pursuant to notice, at 10:30 a.m in Hearing  
Room A, First Floor, Leland Building, 527 East Capitol  
Avenue, Springfield, Illinois.

PRESENT:

MR. DOUGLAS P. SCOTT, Chairman

MR. JOHN T. COLGAN, Commissioner, via teleconference

MS. ANN McCABE, Commissioner, via teleconference

MR. MIGUEL DEL VALLE, Commissioner

MS. SHERINA MAYE, Commissioner

MARZULLO REPORTING AGENCY, by  
PAMELA A. MARZULLO, Reporter  
CSR #084-001624

1 CHAIRMAN SCOTT: Ready to go again, everybody?

2 COMMISSIONER MAYE: Yep.

3 CHAIRMAN SCOTT: Pursuant to the provisions of  
4 the Open Meetings Act, I now convene a  
5 regularly-scheduled Bench session of the Illinois  
6 Commercial Commission.

7 With us in Springfield are Commissioner  
8 Colgan, Commissioner McCabe and Commissioner Maye.  
9 With me in Chicago is Commissioner Del Valle. I'm  
10 Chairman Scott. We have a quorum.

11 Before moving into the agenda, according  
12 to Section 1700.10 of Title 2 of the Administrative  
13 Code, this is the time we allow members of the  
14 public to address the Commission. Members of the  
15 public wishing to address the Commission must notify  
16 the Chief Clerk's office at least 24 hours before  
17 the Commission meeting. According to the Chief  
18 Clerk's office, we have no requests to speak at  
19 today's Bench session.

20 Moving on to the Public Utility agenda,  
21 we'll begin with the approval of minutes from our  
22 February 20th Bench session. I understand  
23 amendments have been forwarded.

24 Is there a motion to amend the minutes?

1 COMMISSIONER DEL VALLE: So moved.

2 CHAIRMAN SCOTT: Moved by Commissioner Del  
3 Valle. Second?

4 COMMISSIONER McCABE: Second.

5 CHAIRMAN SCOTT: Seconded by Commissioner  
6 McCabe. All in favor, say aye.

7 (A chorus of ayes.)

8 CHAIRMAN SCOTT: Any opposed?

9 (No response.)

10 CHAIRMAN SCOTT: The vote is 5 to nothing, and  
11 the amendments are adopted.

12 Is there now a motion to approve the  
13 minutes as amended?

14 COMMISSIONER COLGAN: So moved.

15 CHAIRMAN SCOTT: Moved by Commissioner Colgan.  
16 Second?

17 COMMISSIONER MAYE: Second.

18 CHAIRMAN SCOTT: Seconded by Commissioner Maye.  
19 All in favor, say aye.

20 (A chorus of ayes.)

21 CHAIRMAN SCOTT: Any opposed?

22 (No response.)

23 CHAIRMAN SCOTT: The vote is 5 to nothing, and  
24 the minutes from our February 20th Bench session as

1 amended are approved.

2 On to the electric portion of today's  
3 agenda. Item E-1 concerns filings by Ameren to  
4 clarify and make housekeeping tariff changes to its  
5 Customer Terms and Conditions and to its Rider  
6 Modernization Action Plan Metrics. Staff recommends  
7 and we approve the changes by not suspending the  
8 filings.

9 Is there any discussion?

10 (No response.)

11 CHAIRMAN SCOTT: Is there a motion to not  
12 suspend the filings?

13 COMMISSIONER COLGAN: So moved.

14 CHAIRMAN SCOTT: Moved by Commissioner Colgan.

15 COMMISSIONER McCABE: Second.

16 CHAIRMAN SCOTT: Seconded by Commissioner  
17 McCabe. Is there any discussion?

18 (No response.)

19 CHAIRMAN SCOTT: All in favor, say aye.

20 (A chorus of ayes.)

21 CHAIRMAN SCOTT: Any opposed?

22 (No response.)

23 CHAIRMAN SCOTT: The vote is 5 to nothing, and  
24 the filings are not suspended. We will use this 5

1 to nothing vote for the remainder of today's public  
2 utility agenda, unless otherwise noted.

3 Item E-2 concerns the submission of a  
4 notice of proposed rulemaking to the Secretary of  
5 State for Part 415, which is the Uniform System of  
6 Accounts for Electric Utilities.

7 This rulemaking would amend the current  
8 Rule to reflect FERC's addition of new plan accounts  
9 and new operating and maintenance expense accounts  
10 for electric utilities. Staff recommends entry of  
11 an Order initiating the rulemaking procedure.

12 Is there any discussion?

13 (No response.)

14 CHAIRMAN SCOTT: Any objections?

15 (No response.)

16 CHAIRMAN SCOTT: Hearing none, the Order is  
17 entered, and the rulemaking proceeding is initiated.

18 Item E-3 is Docket No. 14-0135. This is  
19 CUB and ELPC's petition to initiate a rulemaking  
20 with notice and comment for approval of amendments  
21 to the Illinois Administrative Code Parts 466 and  
22 467 concerning interconnection standards for  
23 distributed generation.

24 These amendments are intended to align

1 Illinois' rules with best practices across the  
2 country and the recent Small Generation  
3 Interconnection Procedures updates by the Federal  
4 Energy Regulatory Commission. ALJ Haynes recommends  
5 the Commission direct the ALJ to commence the  
6 rulemaking process.

7 Is there any discuss?

8 (No response.)

9 CHAIRMAN SCOTT: Are there any objections?

10 (No response.)

11 CHAIRMAN SCOTT: Is there a motion to direct  
12 the ALJ to commence the rulemaking process?

13 COMMISSIONER COLGAN: So moved.

14 CHAIRMAN SCOTT: Is there a second?

15 COMMISSIONER MAYE: Second.

16 CHAIRMAN SCOTT: Moved by Commissioner Colgan,  
17 seconded by Commissioner Maye.

18 All in favor, say aye.

19 (A chorus of ayes.)

20 CHAIRMAN SCOTT: Any opposed?

21 (No response.)

22 CHAIRMAN SCOTT: The vote is 5 to nothing and  
23 the ALJ is directed to commence the rulemaking  
24 process.

1           Item E-4 is Docket No. 13-0324. This is  
2 our reconciliation of Ameren's Rider TS,  
3 Transmission Services, for the period of  
4 January 1st, 2012, through December 31st, 2012. ALJ  
5 Von Qualen recommends entry of an Order approving  
6 the reconciliation.

7           Is there any discussion?

8                           (No response.)

9           CHAIRMAN SCOTT: Any objections?

10                           (No response.)

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

13           Items E-5 is Docket No. 13-0552. This is  
14 ComEd's submission of Rider NAM or non-AMI metering.  
15 ALJ Haynes recommends entry of a Amendatory Order to  
16 clarify certain issues related to the Smart Meter  
17 Refusal Charge line item on a customer's bill.

18           Is there any discussion? Commissioner Del  
19 Valle?

20           COMMISSIONER DEL VALLE: Thank you, Mr.  
21 Chairman. I would like to make a quick statement  
22 for the record.

23           CHAIRMAN SCOTT: Sure.

24           COMMISSIONER DEL VALLE: I support the



1 clarifying Order in the manner that ComEd is  
2 proposing. The purpose of my edit in part was and  
3 remains to insure that customers are given clear and  
4 direct notice in their bill as to the reason for the  
5 charge and will more likely be incentivized to  
6 accept a AMI meter.

7 It is my belief that the way to accomplish  
8 this is with a bill line item titled "Smart Meter  
9 Refusal Charge." Thank you.

10 CHAIRMAN SCOTT: Thank you, Commissioner.  
11 Further discussion?

12 (No response.)

13 CHAIRMAN SCOTT: Are there any objections?

14 (No response.)

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

17 Item E-6 is Docket No. 13-0476. This is  
18 Ameren's filing to make revenue-neutral changes to  
19 tariff related to rate design. ALJ Von Qualen  
20 recommends entry of a Post Exceptions Order.

21 Commissioner Maye, I believe you had some  
22 joint edits with our office and Commissioner  
23 McCabe's office to propose.

24 COMMISSIONER MAYE: I do. Thank you, Chairman

1 Scott. I am proposing joint edits with Chairman  
2 Scott. As you mentioned, also in collaboration from  
3 Commissioner McCabe to the residential rate design  
4 section of the PEPO, which specifically is regarding  
5 the SFV rate design for DS-1 customer charge.

6 The PEPO abandoned the SFV rate design and  
7 adopts the AG's proposed rate design. I appreciate  
8 the people's concerns regarding the issue and  
9 acknowledge the merits of the AG's proposal,  
10 including the impact on low-use customers. I am not  
11 confident that the merits of the AG's proposal  
12 outweigh the negative effect on electric  
13 space-heating customers.

14 The magnitude of the shift the AG's  
15 proposal would create is made larger due to the fact  
16 that Ameren's next formula rate update case will  
17 likely reflect a rate increase due to new  
18 investments related to smart credit deployment.

19 In addition, the rate design will go into  
20 effect with the January 2015 billing cycle when  
21 usage for space-heating customers is at its highest.  
22 These factors combined have the potential to create  
23 rate shock for a significant number of electric  
24 space-heating customers, an effect the Commission

1 should make an effort to avoid.

2           Therefore, the edits we have circulated  
3 direct AIC to maintain the current percentage of  
4 fixed-cost recovery for fixed charges at  
5 44.8 percent, with the expectation that this issue  
6 will be revisited in AIC's next electric rate design  
7 proceeding.

8           While as a policy matter, I believe the  
9 Commission should strive to maintain consistency in  
10 its proceeding. These edits also recognize the  
11 distinction between this case and Docket  
12 No. 13-0387, the ComEd rate design.

13           With that, I move that these edits be  
14 adopted.

15           CHAIRMAN SCOTT: Is there second?

16           COMMISSIONER McCABE: Second.

17           CHAIRMAN SCOTT: Seconded by Commissioner  
18 McCabe. Further discussion? Commissioner Del  
19 Valle?

20           COMMISSIONER DEL VALLE: Yes, Mr. Chairman. I  
21 have questions for Judge Von Qualen?

22           JUDGE VON QUALEN: Good morning.

23           CHAIRMAN SCOTT: Good morning.

24           COMMISSIONER DEL VALLE: Good morning. Judge

1 Von Qualen, looking at the record, it seems a little  
2 unclear as to how many customers are affected, and  
3 in what way was the record a little challenging in  
4 this regard?

5 JUDGE VON QUALEN: Yes, it was. The record did  
6 not contain the type of information that I would  
7 have liked to see about this. That shortcoming  
8 really did not appear until Ameren and also staff  
9 filed their Briefs on Exception.

10 In Ameren's Brief on Exception, it focused  
11 almost exclusively on the adoption of the AG's rate  
12 design and the rejection of its straight fixed  
13 variable and the rate shock.

14 It raised the rate shock issue at that  
15 time. It was only at that time that the  
16 shortcomings in the record became a concern.

17 COMMISSIONER DEL VALLE: Do we know how many  
18 customers will see an increase in their bill under  
19 the AG's proposal, and do we know how many customers  
20 will see a decrease?

21 JUDGE VON QUALEN: No, we don't. Almost all of  
22 the data provided by the AG compares the rates in  
23 2007 to the rates under its proposed rate design in  
24 2013. The same is true for Ameren's rate proposal

1 design. We do not have that kind of information  
2 from them.

3 COMMISSIONER DEL VALLE: Do we know what the  
4 percentage of a total bill at the 60,000-kilowatt  
5 hours would be made up of the delivery and service  
6 or charges?

7 JUDGE VON QUALEN: No, we do not. We don't  
8 have much information regarding total bills.  
9 Parties focused on the delivery service rate.

10 COMMISSIONER DEL VALLE: Does the record  
11 address the dollar amount which would shift from  
12 lower-use customers to larger-use customers, whether  
13 space heating or not, in the hypothetical 25 percent  
14 increase Ameren submits as Exhibit 7.1? Do we have  
15 any idea what the number might be?

16 JUDGE VON QUALEN: We do have some idea about  
17 that from Ameren Exhibit 7.1. If you look at it,  
18 you can see the increase for the largest non-space  
19 heat customers would be in the range of about 114 to  
20 \$139 per year, which is about a 14- to 15-percent  
21 change.

22 In the non-space heat customers, with  
23 typical usage, would see a difference in their  
24 annual bill of less than \$2, which is less than

1 1 percent annual change. The increase for the  
2 larger space-heating customers would be in the range  
3 of about 251 to 359, or 20 to 25 percent per year,  
4 depending on the rate zone.

5 And for the space-heating customers with a  
6 typical or average usage, they would see an increase  
7 in the range of about 32 to 54, or 5.5 to 7.6 per  
8 year. It does not speak to the monthly changes.

9 COMMISSIONER DEL VALLE: Thank you.

10 CHAIRMAN SCOTT: Further discussion?  
11 Commissioner Colgan?

12 COMMISSIONER COLGAN: Yes, I support the PEPO  
13 in this case. I think the straight fixed variable  
14 issue is going to keep coming up.

15 The edits that have been proposed flip  
16 that decision away from the AG's proposal, citing  
17 the issue of rate shock, yet there is no evidence in  
18 the record that can show us what the rate shock  
19 would be on this issue; and the AG argued their case  
20 in the record, and other parties had every  
21 opportunity to provide ComEd's for the record  
22 contrary to that position, and they decided to not  
23 do that.

24 So, if we are concerned about rate shock

1 in this issue, and there may very well be some rate  
2 shock here, I feel that the recommendation that we  
3 had from ALJ Von Qualen would be to approve the PEPO  
4 as it is, and then mention that maybe we could take  
5 this issue up on rehearing where we could actually  
6 put evidence in the record, in terms of what that  
7 rate shock might be.

8 So, that's the position I have on this. I  
9 think the straight fixed variable issue I understand  
10 why this is an important issue that will continue to  
11 come before us. I understand the dynamics of why  
12 that plays a role, but until I see some protection  
13 in there for low-use customers, this is not a good  
14 proposal for low-use customers.

15 I think that impact would have to be  
16 mitigated for me to support that point of view. So,  
17 with that, I'll just conclude and say that I will  
18 not support the edits.

19 CHAIRMAN SCOTT: Thank you, Commissioner. Is  
20 there further discussion?

21 (No response.)

22 CHAIRMAN SCOTT: The motion is on the proposed  
23 edits. All in favor, say aye.

24 (A chorus of ayes.)

1 CHAIRMAN SCOTT: Opposed?

2 COMMISSIONER DEL VALLE: No.

3 COMMISSIONER COLGAN: No.

4 CHAIRMAN SCOTT: The vote is 3 to 2 and the  
5 edits are adopted.

6 Are there other discussion or other  
7 comments?

8 (No response.)

9 CHAIRMAN SCOTT: Is there now a motion to enter  
10 the Order as amended?

11 COMMISSIONER MAYE: So moved.

12 CHAIRMAN SCOTT: Moved by Commissioner Maye.

13 COMMISSIONER McCABE: Second.

14 CHAIRMAN SCOTT: Seconded by Commissioner  
15 McCabe. Is any further discussion?

16 (No response.)

17 CHAIRMAN SCOTT: All in favor, say aye.

18 (A chorus of ayes.)

19 CHAIRMAN SCOTT: Any opposed?

20 COMMISSIONER COLGAN: No.

21 COMMISSIONER DEL VALLE: No.

22 CHAIRMAN SCOTT: The vote is 3 to 2, and the  
23 Order as amended is entered.

24 Items E-7 is Docket No. 11-0033. This is



1 Amcor Flexible's complaint against ComEd as to  
2 billing and request for oral argument.  
3 ALJ Teague-Kingsley recommends the Commission deny  
4 Amcor's request for oral argument and recommends  
5 entry of an Order denying Amcor's complaint. This  
6 item will be held for disposition in a future  
7 Commission proceeding.

8           Items E-8 is Docket No. 12-0529. This is  
9 James and Linda Dorn's complaint against ComEd as to  
10 billing and/or charges in Rockton. ALJ Haynes  
11 recommends entry of an Order dismissing the  
12 complaint without prejudice.

13           Is there any discussion?

14                           (No response.)

15           CHAIRMAN SCOTT: Any objections?

16                           (No response.)

17           CHAIRMAN SCOTT: Hearing none, the Order is  
18 entered.

19           Item E-9 is Docket No. 13-0240. This is  
20 Cornelius Crane's complaint against Ameren as to  
21 billing and/or charges in Makanda. ALJ Yoder  
22 recommends entry of an Order dismissing the  
23 complaint.

24           Is there any discussion?

1 (No response.)

2 CHAIRMAN SCOTT: Any objections?

3 (No response.)

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

6 Item E-10 is Docket No. 13-0360. This is  
7 Pamela McElligot's complaint against ComEd as to  
8 billing and/or charges in Monee.

9 It appears the parties have settled their  
10 differences and filed a Stipulation and Joint Motion  
11 to Dismiss, which ALJ Sainsot recommends we grant.

12 Is there any discussion?

13 (No response.)

14 CHAIRMAN SCOTT: Any objections?

15 (No response.)

16 CHAIRMAN SCOTT: Hearing none, the Motion to  
17 Dismiss is granted.

18 Item E-11 is Docket No. 13-0450. This is  
19 the Village of East Dundee's complaints against  
20 ComEd as to easement issues in East Dundee. ALJ  
21 Riley recommends entry of an Order dismissing the  
22 complaint with prejudice. This item will be held  
23 for disposition at a future Commission proceeding.

24 Item E-12 is Docket No. 13-0488. This is

1 Garfield Plaza Apartment's complaint against ComEd  
2 as to billing and/or charges. Complainant has filed  
3 a Motion to Dismiss pursuant to a Cook County  
4 Circuit Court Agreed Order. ALJ Jorgenson  
5 recommends we grant the Motion and Dismiss the  
6 proceeding with prejudice.

7 Is there any discussion?

8 (No response.)

9 CHAIRMAN SCOTT: Any objections?

10 (No response.)

11 CHAIRMAN SCOTT: Hearing none, the motion is  
12 granted and the complaint is dismissed.

13 Item E-13 is Docket No. 13-0704. This is  
14 Emissions Consult, LLC's, application seeking  
15 authority to operate as an agent, broker or  
16 consultant engaged in assisting end users to procure  
17 electricity and power in the State of Illinois,  
18 pursuant to Section 16-115C of the Public Utilities  
19 Act. ALJ Kimbrel recommends entry of an Order  
20 granting the requested Certificate.

21 Is there any discussion?

22 (No response.)

23 CHAIRMAN SCOTT: Any objections?

24 (No response.)

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

3 Item E14 is Docket No. 14-0111. This is  
4 MP2 Energy NE's application for a Certificate of  
5 Service Authority to operate as an alternative  
6 retail electric in the State of Illinois, pursuant  
7 to Section 16-115 of the Public Utilities Act. ALJ  
8 Von Qualen recommends entry of an Order granting the  
9 requested certificate.

10 Is there any discussion?

11 (No response.)

12 CHAIRMAN SCOTT: Any objections?

13 (No response.)

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

16 Items E-15 through E-19 can be taken  
17 together. These are Applications for certification  
18 as an installer at DG facilities, pursuant to  
19 Section 16-128A of the Public Utilities Act. In  
20 each case, ALJ Baker recommends entry of an Order  
21 granting the requested relief.

22 Is there any discussion?

23 (No response.)

24 CHAIRMAN SCOTT: Any objections?

1 (No response.)

2 CHAIRMAN SCOTT: Hearing none, the Orders are  
3 entered.

4 Item E-20 is Docket No. 13-0060, this is  
5 WRPV, XI Seneca Chicago's Petition for Waiver to  
6 allow redistribution of electricity for a  
7 multi-family building. Petitioner has filed a  
8 Motion to Dismiss, which ALJ Kimbrel recommends we  
9 grant.

10 Is there any discussion?

11 (No response.)

12 COMMISSIONER MAYE: Any objections?

13 (No response.)

14 COMMISSIONER MAYE: Hearing none, the  
15 proceeding is dismissed.

16 Item E-21 is Docket No. 13-0313. This is  
17 ComEd, People's/North Shore, Ameren and Nicor's  
18 Petition for a Declaratory Ruling that leases  
19 entered into by the utilities and other public  
20 utilities do not constitute evidences of  
21 indebtedness within the meaning of the Public  
22 Utilities Act. ALJ Jorgenson recommends entry of an  
23 Order granting the petition.

24 Is there any discussion?

1 (No response.)

2 CHAIRMAN SCOTT: Any objections?

3 (No response.)

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

6 Items E-22 through E-26 can be taken  
7 together. These items are petitions for the  
8 confidential and/or proprietary treatment of  
9 petitioner's various compliance reports. The ALJ in  
10 each case recommends entry of an Order granting the  
11 requested relief.

12 Is there any discussion?

13 (No response.)

14 CHAIRMAN SCOTT: Any objections?

15 (No response.)

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

18 Items E-27 is Docket No. 14-0155. This is  
19 Southwestern Electric Cooperative and Ameren's Joint  
20 Petition for Approval of a Residential Customer  
21 Release. ALJ Albers recommends entry of an Order  
22 granting the requested relief.

23 Is there any discussion?

24 (No response.)

1 CHAIRMAN SCOTT: Any objections?

2 (No response.)

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

5 Turning now to natural gas Items G-1 and  
6 G-2 can be taken together. These items are North  
7 Shore Gas Company and the People's Gas, Light and  
8 Coke Company's request for a general increase in gas  
9 rates. Staff recommends that both filings be  
10 suspended and the matter set for hearing.

11 Is there any discussion?

12 (No response.)

13 CHAIRMAN SCOTT: Any objections?

14 (No response.)

15 CHAIRMAN SCOTT: Hearing none, the filings are  
16 suspended and the matters are set for hearing.

17 Item G-3 is Docket No. 13-0398. This is  
18 Consumers Gas Company's Petition, pursuant to  
19 Section 7-101 of the Public Utilities Act to enter  
20 into a gas storage contract. ALJ Yoder recommends  
21 entry of an Order granting the requested relief.

22 Is there any discussion?

23 (No response.)

24 CHAIRMAN SCOTT: Any objections?

1 (No response.)

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

4 Item G-4 Docket No. 14-0115. This is  
5 Integrys Energy Service Natural Gas' Application for  
6 a Certificate of Service Authority to operate as an  
7 alternative gas supplier to residential and small  
8 commercial customers, pursuant to Section 19-110 of  
9 the Public Utilities Act. ALJ Sainsot recommends  
10 entry of an Order granting the requested  
11 certificate.

12 Is there any discussion? Commissioner  
13 Colgan?

14 COMMISSIONER COLGAN: Yes. In looking at this  
15 case, it is an application for an AGS' certificate.  
16 I didn't find in the Order any mention of complaints  
17 that would be pending or problems that customers  
18 have encountered with this company.

19 As I look back into this a little deeper,  
20 I saw and noticed that in their application, they  
21 mentioned that they didn't have any pending lawsuits  
22 or formal complaints with any regulatory agency, but  
23 it's not in the Order.

24 And I guess the question would be to the



1 ALJ is do we know anything about informal complaints  
2 of this company?

3 JUDGE SAINCOT: Good morning. To begin with,  
4 Joan Howard is usually assigned to these cases, and  
5 she was assigned to this particular case, and she  
6 does investigations.

7 So, if she had an issue, she would bring  
8 it to my attention, and she would bring it to  
9 Integrys' attention, so that they would have an  
10 opportunity to address that issue.

11 But keep in mind that Integrys is an  
12 Illinois company. So, we would have access to the  
13 records regarding, and Joan Howard certainly would  
14 have access to the records, regarding the informal  
15 complaints at the ICC, which increases the  
16 likelihood there's no issue.

17 Finally, I would point out that she would  
18 know the bad actors. She knows the bad actors in  
19 Illinois, because that's her job.

20 COMMISSIONER COLGAN: Okay. I understand that,  
21 but this is an issue that's come up for several  
22 years now. I would like to see it in the Order that  
23 we have followed up with, especially on AGS. We've  
24 had some really serious problems with AGS in

1 Illinois.

2 I don't want to be in a position to assume  
3 that a company is a good player. I understand your  
4 position and your comments, and I agree with all of  
5 that. Joan Howard would be the person in the know  
6 about that.

7 I would just like to see it documented in  
8 the record that we have looked into this effort; and  
9 if for no other reason, everybody, all the players  
10 in this market, should understand that there's a  
11 very clear focus on this issue by the Commission.

12 And, so, if we could have that documented  
13 in the Order. I look for it every time I see an AGS  
14 or an ARES application, I look for the issue of the  
15 complaints, the nature of the complaints, if there  
16 are some, the seriousness of those complaints.

17 You know, we're approving these people,  
18 these companies, to go out into the community and  
19 solicit business, and we need -- I'm not saying we  
20 don't know about this company, and I did notice  
21 their comment in their application.

22 I'm going to support the Order, but in the  
23 future --

24 JUDGE WALLACE: I will clarify that to everyone

1 that we will put a line in all the Orders concerning  
2 their complaints.

3 JUDGE SAINSOT: One thing I would just add is  
4 generally when I do the ALJ ruling that comes out,  
5 because there's usually not enough evidence attached  
6 to the initial application, I always just use the  
7 word "complaint." I don't use formal or informal.

8 I can't remember specifically if I did it  
9 in this case, but I usually do it; and the reason I  
10 do it is because the term "formal complaint" is not  
11 a legal term.

12 So, I'm a little afraid that whomever is  
13 doing it or filling out the application wouldn't  
14 really understand what a formal complaint is or an  
15 informal complaint. So, I just ask for all of them,  
16 but that also addresses your concern.

17 COMMISSIONER COLGAN: I think a formal  
18 complaint in our process is when there's a  
19 complaint, and it can't be resolved at the first  
20 step, and it goes into a deeper book. I think that  
21 is where in our process it becomes a formal  
22 complaint.

23 JUDGE SAINSOT: I totally understand that. I'm  
24 sorry, I didn't mean to interrupt. I'm not sure

1 that the person filling out the application  
2 understands it, and I want to be as clear as I can.

3 COMMISSIONER COLGAN: Well, the people filling  
4 out the application need to understand what our  
5 process is, and there's no excuse for them to not  
6 know what that is. So, anyway, I'm going to vote in  
7 favor of this Order; but in the future, I just want  
8 to see it. Thank you.

9 CHAIRMAN SCOTT: Thanks, Judge. Any further  
10 discussion?

11 (No response.)

12 CHAIRMAN SCOTT: Any objections to the order?

13 (No response.)

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

16 Items G-5 through G-7 can be taken  
17 together. These items are Petitions for the  
18 confidential and/or proprietary treatment of  
19 petitioner's various compliance reports. In reach  
20 case the ALJ recommends entry of an Order granting  
21 the requested relief.

22 Is there any discussion?

23 (No response.)

24 CHAIRMAN SCOTT: Any objections?

1 (No response.)

2 CHAIRMAN SCOTT: Hearing none, the Orders are  
3 entered.

4 Items G-8 is Docket No. 13-0447. This is  
5 Tony McKenzie's complaint against People's Gas as to  
6 billing and/or charges. ALJ Sainsot recommends  
7 entry of an Order dismissing the proceeding without  
8 prejudice.

9 Is there any discussion?

10 (No response.)

11 CHAIRMAN SCOTT: Any objections?

12 (No response.)

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

15 Items G-9 is Docket No. 13-0554. This is  
16 our citation proceeding against Ameren for alleged  
17 violations of Federal Rules incorporated by the ICC  
18 regarding its Leak Classification Guidelines in its  
19 Operation and Maintenance Plan. ALJ Von Qualen  
20 recommends entry of an Order adopting the  
21 stipulation between Ameren and staff.

22 Is there any discussion? I would just  
23 like to say in light of some of the recent events  
24 that have happened around the country, I know how

1 hard our staff works on pipeline safety issues, and  
2 I know how important this is not just in Illinois  
3 but around the country as well.

4 I think as you will see in the Order, the  
5 Order notes the violations alleged here are serious  
6 ones. While the amount that is proposed is a  
7 compromise for cases of this nature, \$35,000 is a  
8 fairly hefty sum to pay in fines.

9 So, I want to congratulate, thank  
10 actually, our staff for their work on this issue as  
11 well. I obviously ask them to continue to be as  
12 diligent as they have been, and I know they will  
13 continue to be, because obviously this is an issue  
14 of the utmost importance throughout the country.

15 And I know all of us -- I think all of us  
16 feel that same way. We've taken a lot of steps here  
17 to do some things with pipeline replacement that are  
18 very costly, but very necessary items here in the  
19 state, and this is just one more part of protection  
20 of the public. So, I appreciate the work that was  
21 done on this and on other matters as well.

22 Any further discussion? Commissioner  
23 Colgan?

24 COMMISSIONER COLGAN: I ditto your comments. I

1 think in light of when you look at an issue like  
2 this in retrospect, like they are in New York City  
3 these days, you know, the seriousness of pipeline  
4 safety is high.

5           It should be really high on our level and  
6 I think it is. Our staff is on this case. Our  
7 staff member, Darin Burk, who is the national  
8 president of NIMSA Board these days and does a great  
9 job.

10           On the issue of the fine, my thought was a  
11 little different than yours, Chairman. I wondered  
12 if \$35,000 was enough of a fine, especially when you  
13 look at some of the fines that we've seen come down  
14 for violations that result in explosions.

15           You know, I think the seriousness of the  
16 issue, and it's going to be more and more all the  
17 time as we move further into the issue of natural  
18 gas. Our staff is doing a great job. As a matter  
19 of fact, I saw our staff was very prominently quoted  
20 in a national article, was it the New York Times  
21 about the incident that happened in New York? So,  
22 we're doing good work here.

23           I think all the gas companies are aware  
24 and need to be continually be aware that these are

1 ongoing and potentially very dangerous, serious  
2 issues.

3 COMMISSIONER MAYE: I have a comment.

4 CHAIRMAN SCOTT: Commissioner Maye, sure.

5 COMMISSIONER MAYE: I was conferring with both  
6 you and Commissioner Colgan, and this has been  
7 something in recent weeks I had a conversation with  
8 Gene Beyer and pipeline safety and Jonathan Feipel,  
9 but I just wanted to take this moment to go on  
10 record and state that as you mentioned, it is not  
11 just a national issue.

12 We've been charged by our president of  
13 NARUC, Colette Honorable, her theme of this year is  
14 pipeline safety. We ask Commissioners and state  
15 regulators to not only go back and make sure it's  
16 known throughout our state that we are paying  
17 attention and aware of pipeline safety issues, but  
18 that would make a resounding effect that not just  
19 our staff are out there but we are backing them.

20 I had to take this moment and say I think  
21 that every single utility in our state ought to be  
22 on notice that we are all paying very close  
23 attention, and we take this very seriously, not just  
24 because what happened in New York, but we want to



1 prevent any issues that can happen in this state,  
2 particularly in the great State of Illinois.

3 So, we are on notice, and we are paying  
4 close attention to it, and hopefully that will serve  
5 as a wake-up call to anybody who is not, you know,  
6 in any form compliant.

7 CHAIRMAN SCOTT: I think in discussion with  
8 Director Feipel, I think we may want to ask Darin,  
9 who also has a national leadership role on this  
10 particular issue as well, maybe if you could come in  
11 maybe at our next -- I think we have a ROM next  
12 week.

13 If Darin can come in and just make a brief  
14 presentation to us about some of the efforts that  
15 are going on; and then perhaps somewhere a little  
16 bit down the road, we could bring the companies in  
17 to talk about the efforts that they are making right  
18 now, just so we've got the most up-to-date  
19 information that we can have as well.

20 I think Director Feipel, I think that was  
21 something you mentioned that you thought Darin would  
22 be glad to so. So, I think that is something we  
23 would all like to see.

24 DIRECTOR FEIPEL: Absolutely.

1 CHAIRMAN SCOTT: Any further discussion?

2 (No response.)

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

5 (No response.)

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

8 On to telecommunications. Item T-1 is  
9 Docket No. 14-0092. This is Wide Voice's  
10 application for a Certificate of Service Authority  
11 to operate as a reseller and facilities-based  
12 carrier of local exchange and interchange,  
13 long-distance telecommunications services in the  
14 State of Illinois. ALJ Riley recommends entry of an  
15 Order granting the requested relief.

16 Is there any discussion?

17 (No response.)

18 CHAIRMAN SCOTT: Are there any objections?

19 (No response.)

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

22 Item T-2 is Docket No. 13-0708. This is  
23 Entrix Telecom's Petition for Cancellation of its  
24 Service Authority, Certificate of Service Authority,

1 and Certificate of Prepaid Calling Service Provider  
2 Authority.

3 ALJ Riley recommends entry of a Amendatory  
4 Order to correct errors in the previous Order, which  
5 failed to cancel all the relevant certificates at  
6 issue.

7 Is there any discussion?

8 (No response.)

9 CHAIRMAN SCOTT: Are there any objections?

10 (No response.)

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

13 Item T-3 is Docket No. 14-0144. This is  
14 the Bureau County Emergency Telecommunications of  
15 Princeton Illinois' Petition for Modification of a  
16 911 emergency telephone number system. ALJ Haynes  
17 recommends entry of an Order approving the Petition.

18 Is there any discussion?

19 (No response.)

20 CHAIRMAN SCOTT: Any objections?

21 (No response.)

22 CHAIRMAN SCOTT: Hearing none, the Order is  
23 entered.

24 Items T-4 through T-13 can be taken

1 together. These items are Petitions for Emergency  
2 Relief for the confidential and/or proprietary  
3 treatment of each petitioner's 2013 Annual Report.  
4 In each case, the ALJ recommends entry of an Order  
5 granting the requested relief.

6 Is there any discuss?

7 (No response.)

8 CHAIRMAN SCOTT: Any objections?

9 (No response.)

10 CHAIRMAN SCOTT: Hearing none, the Orders are  
11 entered.

12 Item T-14 is Docket No. 13-0591. This is  
13 our amendment to 83 Illinois Administrative Code  
14 730, which implements recent legislative changes to  
15 the telecommunications provision of the Public  
16 Utilities Act that provide that with respect to  
17 service quality, retail telecommunication services  
18 provided by competitive local exchange carriers are  
19 now regulated in the same manner and to the same  
20 extent as the competitive retail telecommunication  
21 services provide by electing providers.

22 ALJ Yoder recommends entry of an Order  
23 authorizing the submission of the second notice of  
24 proposed amendments notice to JCAR.

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                   On to water and sewer. Item W-1 is Docket  
8 No. 13-0564. This is Galena Territories Utilities'  
9 Petition for Approval of a Certificate of Public  
10 Convenience and Necessity, as well as approval of  
11 accounting entries to record the transaction,  
12 approval of rates and regulations for providing  
13 water and sewer service in the Oakwood service  
14 areas, and approval of an asset purchase agreement  
15 for the purchase of substantially all of the water  
16 and sewer system assets of the Village of Oakwood.  
17 ALJ Yoder recommends an Order granting the requested  
18 relief.

19                   Is there any discussion?

20                                   (No response.)

21           CHAIRMAN SCOTT: Are there any objections?

22                                   (No response.)

23           CHAIRMAN SCOTT: Hearing none, the order is  
24 entered.

1           We have two miscellaneous items on the  
2 agenda today. Item M-1 is Docket No. 13-0389. This  
3 is our proceedings to develop an administrative rule  
4 which establishes requirements for parties to  
5 receive a Certificate of Authority to construct and  
6 operate a carbon dioxide pipeline, which may be  
7 granted by the Commission, and also sets out certain  
8 notice requirements as required by the Carbon  
9 Dioxide Transportation and Sequestration Act 220  
10 ILCS 72/20(e).

11           ALJ Haynes recommends entry of an Order  
12 adopting these rules as 83 Illinois Administrative  
13 Code 302.

14           Is there any discussion?

15                           (No response.)

16           CHAIRMAN SCOTT: Any objections?

17                           (No response.)

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

20           Item M-2 is Docket No. 13-0420. This is  
21 our proceeding to adopt amendments to 83 Illinois  
22 Administrative Code 285, Standard Information  
23 Requirements for Public Utilities and  
24 Telecommunication Carriers in filing for an increase

1 in rates. The second notice period has ended and  
2 ALJ Jorgenson recommends entry of an Order adopting  
3 the amendments.

4 Is there any discussion?

5 (No response.)

6 CHAIRMAN SCOTT: Any objections?

7 (No response.)

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

10 On to Petitions for Rehearing. Item PR-1  
11 is Docket No. 13-0495. This is ComEd's Petition for  
12 Approval of its Energy Efficiency and Demand  
13 Response Plan, pursuant to Section 8-103(f) of the  
14 Public Utilities Act.

15 The AG, CUB and ELPC jointly and IIEC  
16 separately have filed Applications for Rehearing,  
17 and ComEd has filed a Motion to Clarify and Correct;  
18 or in the Alternative, an Application for Rehearing.

19 ALJ Haynes recommends we deny AG, CUB,  
20 ELPC's Joint Petition and IIEC's Petition for  
21 Rehearing and grant ComEd's Motion for  
22 Clarification. ALJ Haynes also recommends entry of  
23 an Amendatory Order addressing Com Ed's motion.

24 A few comments to make with respect to

1 this. The AG, CUB, ELPC Petition for Rehearing  
2 brings up an important issue concerning the  
3 net-to-gross evaluation procedures and weight given  
4 to Shareholder Advisory Group input.

5 In the case of Ameren, the Commission  
6 adopted a procedure in which the independent  
7 evaluator is required to present its proposed  
8 net-to-gross values for each program to the  
9 Shareholder Advisory Group, and then to take that  
10 feedback into consideration when making the final  
11 determination of values to be used in the upcoming  
12 year.

13 In the instant ComEd case, however, the  
14 Commission's conclusion states that if no consensus  
15 is reached, the evaluator's last evaluation result  
16 becomes the default NTG value.

17 This could lead to an absurd result where  
18 knowing the evaluator's NTG value, the utility has  
19 no incentive to reach consensus on any NTG value  
20 that is less favorable for the company, regardless  
21 of how reasonable it might be, and whether all  
22 parties, and even the evaluators, themselves, agree,  
23 a different number is more appropriate.

24 In order to insure that future NTG



1 discussions incorporate SAG input and insure that  
2 the evaluator's selected NTG values incorporate the  
3 best, most up-to-date information, and reflect their  
4 best judgment of likely future actual NTG outcomes  
5 and are consistent with the framework established in  
6 the Ameren proceeding, I would move to grant  
7 rehearing on this issue only.

8 To be clear, rehearing would only address  
9 whether it is appropriate for the Commission to  
10 adopt the procedure adopted in the Ameren  
11 proceeding, as opposed to the method adopted in the  
12 Final Order, and would not address any other  
13 proposed procedure for review of NTG values.

14 Again, I would move to grant the request  
15 for rehearing in part only on the topic as I have  
16 outlined.

17 Is there a second?

18 COMMISSIONER DEL VALLE: Second.

19 CHAIRMAN SCOTT: Seconded by Commissioner Del  
20 Valle.

21 Is there any discussion on this particular  
22 motion?

23 (No response.)

24 CHAIRMAN SCOTT: All in favor, say aye.

1 (A chorus of ayes.)

2 CHAIRMAN SCOTT: Any opposed?

3 (No response.)

4 CHAIRMAN SCOTT: Vote is 5 to nothing, and the  
5 Petition for Rehearing on the topic outlined is  
6 granted.

7 Next I would move to deny the remaining  
8 Petitions for Rehearing. Are there comments on  
9 this?

10 (No response.)

11 CHAIRMAN SCOTT: Is there a second?

12 COMMISSIONER MAYE: Second.

13 CHAIRMAN SCOTT: Seconded by Commissioner Maye.  
14 It's been moved and seconded. All in favor, say  
15 aye.

16 (A chorus of ayes.)

17 CHAIRMAN SCOTT: Any opposed?

18 (No response.)

19 CHAIRMAN SCOTT: The vote is 5 to nothing, and  
20 the remaining Petition for Rehearing is denied.

21 Next I would move to grants ComEd's Motion  
22 for Clarification on the topic of the CFL carryover  
23 conclusion; and in conjunction, I would also move to  
24 enter the Amendatory Order reflecting this

1 clarification.

2 First, are there any comments on this  
3 item?

4 (No response.)

5 CHAIRMAN SCOTT: I'm making the motion? Is  
6 there a second?

7 COMMISSIONER McCABE: Second.

8 CHAIRMAN SCOTT: Seconded by Commissioner  
9 McCabe. Any discussion?

10 (No response.)

11 CHAIRMAN SCOTT: Again, the motion is to grant  
12 ComEd's Motion for Clarification, and to enter the  
13 Amendatory Order reflecting the clarification.

14 All in favor, say aye.

15 (A chorus of ayes.)

16 CHAIRMAN SCOTT: Any opposed?

17 (No response.)

18 CHAIRMAN SCOTT: The vote is 5 to nothing. The  
19 Motion for Clarification is granted, and the  
20 Amendatory Order is entered.

21 Item PR-2 is Docket No. 13-0498. This is  
22 Ameren's Petition for Approval of their Energy  
23 Efficiency and Demand Response Plan, pursuant to  
24 Sections 8-103 and 8-104 of the Public Utilities

1 Act.

2 Ameren has filed a Motion for  
3 Clarification and/or Correction; or in the  
4 Alternative, an Application for Rehearing. The AG,  
5 CUB, ELPC have jointly filed a Petition for  
6 Rehearing, and ELPC and CUB have jointly filed an  
7 additional separate Petition for Rehearing.

8 ALJ Yoder recommends we deny the Motion  
9 for Clarification, as well as all of the Petitions  
10 for Rehearing.

11 I have a few comments on this as well. In  
12 the Final Order in this proceeding, we determined  
13 that it was necessary to allow Ameren some  
14 flexibility in administering its Energy Efficiency  
15 Portfolio, but that it was necessary to impose some  
16 limitations on that flexibility to protect rate  
17 payors.

18 We adopted the event-based limitations  
19 proposed by staff. In the ComEd proceeding, we  
20 documented the AG's proposal, which requires that  
21 any modifications that required a 20-percent budget  
22 shift be brought to the SAG and reported to the  
23 Commission.

24 The AG, CUB and the ELPC point out that it

1 may be more desirable to document the same  
2 methodology in the ComEd and Ameren proceedings to  
3 insure consistent program practices; and more  
4 importantly, to incorporate SAG stakeholder input.

5           These are both important goals and in my  
6 estimation worth giving a closer look. In addition,  
7 after reviewing the parties' petitions, motions and  
8 replies to motions, I am concerned that our adoption  
9 of staff's event-based limitations may have given  
10 the parties the mistaken belief that cost  
11 effectiveness is evaluated on a measure basis as  
12 opposed to a portfolio basis.

13           Adoption of the AG's proposal instead  
14 would also serve to avoid any confusion on this  
15 issue. Thus, at this time I would move to grant in  
16 part the AG, CUB and ELPC's request for rehearing,  
17 specifically on the topic of whether it is  
18 appropriate for the Commission to adopt the same  
19 portfolio flexibility procedure adopted in the  
20 Ameren proceeding in the current proceeding.

21           Is there a second to that motion?

22           COMMISSIONER DEL VALLE: Second.

23           CHAIRMAN SCOTT: Seconded by Commissioner Del  
24 Valle. Any discussion on the motion?

1 (No response.)

2 CHAIRMAN SCOTT: All in favor, say aye.

3 (A chorus of ayes.)

4 CHAIRMAN SCOTT: Any opposed?

5 (No response.)

6 CHAIRMAN SCOTT: The vote is 5 to nothing, and  
7 the Petition for Rehearing on the topic outlined is  
8 granted.

9 Next I would move to deny the remaining  
10 Petition for Rehearing. Is there a second?

11 COMMISSIONER COLGAN: Second.

12 CHAIRMAN SCOTT: Second by Commissioner Colgan.  
13 All in favor, say aye.

14 (A chorus of ayes.)

15 CHAIRMAN SCOTT: Any opposed?

16 (No response.)

17 CHAIRMAN SCOTT: The vote is 5 to nothing. The  
18 remainder of the petitions for rehearing are denied.

19 On the topic of Ameren's motion for  
20 clarification, Ameren is requesting that the  
21 Commission make a number of clarifications to its  
22 Final Order, and I find two of these clarifications  
23 to be appropriate and believe they should be handled  
24 in the Amendatory Order.

1           First the Final Order should be corrected  
2 to reflect that the funding levels for the OBF  
3 program discussed in the Order were maximum, not  
4 minimum funding levels; and second, the Final Order,  
5 when referring to AIC's portion of the approved gas  
6 spending limits instead reflects the total gas  
7 budget, which is inclusive of both AIC and DCEO's  
8 gas spending limits.

9           The Final Order should be corrected to  
10 reflect the correct gas spending limit for AIC only.  
11 I believe Commissioner McCabe also has a further  
12 clarification.

13           COMMISSIONER McCABE: Yes. The Commission's  
14 Final Order in this docket directed AIC to implement  
15 ELPC's Smart Devices Program. In its motion, AIC  
16 seeks to have the Commission clarify whether or not  
17 they should use the gas portion of the emergent  
18 technologies budget with the electric portion.

19           Looking at the record, ELPC's witness  
20 testified that the proposed program, quote, can lead  
21 to savings of both gas and electricity, end quote.

22           Smart thermostats in particular have great  
23 potential for savings and can be used to offset gas  
24 heating system costs. I propose that the Commission

1 clarify through an Amendatory Order that the intent  
2 was to use both electric and gas emerging technology  
3 funds.

4 CHAIRMAN SCOTT: Further discussion on these  
5 issues?

6 (No response.)

7 CHAIRMAN SCOTT: At this time I would move to  
8 grant Ameren's Motion for Clarification in part, and  
9 direct the ALJ to provide the Commission with an  
10 Amendatory Order at the next Commission meeting to  
11 address the changes discussed by both myself and  
12 Commissioner McCabe.

13 Is there a second to that motion?

14 COMMISSIONER DEL VALLE: Second.

15 CHAIRMAN SCOTT: Seconded by Commissioner Del  
16 Valle. Any discussion?

17 (No response.)

18 CHAIRMAN SCOTT: All in favor? Yes, go ahead.

19 COMMISSIONER COLGAN: We're approving the  
20 Motion for Clarification in the Amendatory Order on  
21 the three issues that we just discussed?

22 CHAIRMAN SCOTT: Correct.

23 COMMISSIONER COLGAN: Okay. All right.

24 CHAIRMAN SCOTT: Any further questions or



1 discussion?

2 (No response.)

3 CHAIRMAN SCOTT: All in favor, say aye.

4 (A chorus of ayes.)

5 CHAIRMAN SCOTT: Any opposed?

6 (No response.)

7 CHAIRMAN SCOTT: The vote is 5 to nothing. The  
8 Motion for Clarification is granted in part, and the  
9 ALJ is directed to provide the Commission with the  
10 Amendatory Order at the next Commission meeting.

11 Item PR-3 is Docket No. 13-0506. This is  
12 the Commission's investigation of the applicability  
13 of Section 16-122 and 16-108.6 of the Public  
14 Utilities Act.

15 CUB has filed a Motion for Clarification,  
16 and ComEd has filed a Petition for Rehearing.  
17 ALJ Teague-Kingsley recommends that we grant in part  
18 and deny in part CUB's Motion for Clarification and  
19 ComEd's Application for Rehearing.

20 In addition, the ALJ Teague-Kingsley  
21 recommends entry of an Amendatory Order addressing  
22 CUB's Motion for Clarification.

23 With respect to these motions, I believe  
24 there was a significant amount of confusion

1 regarding the parties' positions as to whether  
2 Section 16-122 permitted the release of anonymous  
3 data to third parties, including, but exclusively  
4 RESs.

5 In fact, it appears the term "third  
6 parties" was defined differently by different  
7 parties throughout the proceeding. In any case, I  
8 believe it's necessary for the Commission to provide  
9 clarification on this issue.

10 The Commission understands that sharing  
11 the synonymous aggregated data can have significant  
12 benefits to program administrators in designing  
13 customer programs, as well as significant benefits  
14 to research institutions on topics related to energy  
15 use.

16 However, the issue of customer privacy is  
17 also one which remains extremely important to the  
18 Commission. Thus, I believe it's very important for  
19 us to address the threshold question of whether or  
20 not Section 16-122 of the Public Utilities Act  
21 permits the release of anonymous data to third  
22 parties not otherwise enumerated in the Act.

23 It would be beneficial for the Commission  
24 to see legal briefs on this topic on which to base a

1 decision. Accordingly, I would move at this time to  
2 grant ComEd's Application for Rehearing in part on  
3 the issue as I've outlined.

4 Is there a second to that motion?

5 COMMISSIONER DEL VALLE: Second.

6 CHAIRMAN SCOTT: Seconded by Commissioner Del  
7 Valle. Any discussion on that motion?

8 (No response.)

9 CHAIRMAN SCOTT: All in favor, say aye.

10 (A chorus of ayes.)

11 CHAIRMAN SCOTT: Any opposed?

12 (No response.)

13 CHAIRMAN SCOTT: The vote is 5 to nothing, and  
14 ComEd's Petition for Rehearing is granted in part  
15 and denied in part.

16 On the topic of CUB's Motion for  
17 Clarification, I would move to grant it in part on  
18 the topic of CUB's 15/15 rule and deny it in part.

19 Is there a second to that motion?

20 COMMISSIONER McCABE: Second.

21 CHAIRMAN SCOTT: Moved and seconded. Any  
22 discussion?

23 (No response.)

24 CHAIRMAN SCOTT: All in favor, say aye.

1 (A chorus of ayes.)

2 CHAIRMAN SCOTT: Any opposed?

3 (No response.)

4 CHAIRMAN SCOTT: The vote is 5 to nothing, and  
5 CUB's Petition for Clarification is granted in part  
6 and denied in part.

7 Last I would move to enter the Amendatory  
8 Order which clarifies that the anonymous data  
9 protocol is designed to be applied to customers  
10 within one customer class and which removes language  
11 which appeared to broaden the scope of the customer  
12 authorization requirements to parties other than  
13 RESs.

14 Any comments to this?

15 (No response.)

16 CHAIRMAN SCOTT: Is there a second to the  
17 motion?

18 COMMISSIONER McCABE: Second.

19 CHAIRMAN SCOTT: Seconded by Commissioner  
20 McCabe. Any discussion?

21 (No response.)

22 CHAIRMAN SCOTT: All in favor, say aye.

23 (A chorus of ayes.)

24 CHAIRMAN SCOTT: Any opposed?

1 (No response.)

2 CHAIRMAN SCOTT: The vote is 5 to nothing on  
3 the Amendatory Order as entered.

4 We have three items of other business to  
5 consider today. First is the Commission's  
6 Resolutions supporting the week of March 17th to  
7 March 23rd, 2014 as Fix-the-Leak Week.

8 Commissioner Maye or McCabe, would you  
9 have comments on this?

10 COMMISSIONER MAYE: Yes. Thank you, Chairman  
11 Scott. Commissioner McCabe and I propose a  
12 Resolution providing Fix-a-Leak Week. Fix-a-Leak  
13 Week seeks to explain the benefits Illinois rate  
14 payors can gain by checking in homes or apartments  
15 for leaks.

16 One essential element of water  
17 conservation is raising public awareness about the  
18 value of water, and the ways that water can be used  
19 more efficiently. The U.S. EPA estimates the amount  
20 of water leaks from U.S. homes exceed more than one  
21 trillion gallons per year.

22 A few more facts from the EPA that shed  
23 light on how much water leaks out of our homes are  
24 that leaks can account for an average of

1 10,000 gallons of water wasted in the home every  
2 year.

3 Ten percent of the homes have leaks that  
4 waste 90 gallons or more per day, and the most  
5 common types of household leaks are easily  
6 correctable, like dripping faucet, leaking fluid  
7 flappers and leaking shower heads.

8 With that said, I would like to present  
9 the Resolution.

10 CHAIRMAN SCOTT: Commissioner Maye moves for  
11 adoption of the Resolution. Is there a second?

12 COMMISIONER McCABE: Second.

13 CHAIRMAN SCOTT: Seconded by Commissioner  
14 McCabe. A very original issue, one that used to  
15 trouble me in my former job, and as we spent a lot  
16 of money trying to get lots of leaks fixed because  
17 the amount of water that's wasted is incredible; and  
18 the numbers can be very staggering, as much as  
19 sometimes 70 our 80 percent of water going through a  
20 system ends up leaking out and never gets to its  
21 intended user.

22 So, obviously as this becomes more of an  
23 issue, not just here, but across the nation,  
24 something that's very, very important as well. So,

1 I applaud the Commissioners for working on this  
2 Resolution as well.

3 Further discussion?

4 (No response.)

5 CHAIRMAN SCOTT: All in favor of the  
6 Resolution, say aye.

7 (A chorus of ayes.)

8 CHAIRMAN SCOTT: Opposed?

9 (No response.)

10 CHAIRMAN SCOTT: The vote is 5 to nothing on  
11 the Resolution as adopted. Thank you, Commissioner.

12 The second and third items of other  
13 business can be taken together. These items both  
14 concern ComEd's Smart Grid Advanced Metering  
15 Infrastructure Plan and the deployment of Smart  
16 Meters in ComEd service territory.

17 ComEd has indicated it now has the ability  
18 to implement an accelerated AMI deployment plan,  
19 which would be deployed to customers under a  
20 schedule that concludes in December 2018.

21 Neither Section 16-108.5, nor 16-108.6,  
22 provide for ComEd to petition the Commission to  
23 modify the already-approved schedule, the practical  
24 effect of which would be a modification of the

1 approved AMI Plan.

2           However, in its staff report, our  
3 Commission staff notes that it would be in the  
4 public interest for the Commission to investigate  
5 and consider ComEd's request.

6           Thus, staff recommends the Commission:  
7 One, reopen Docket Nos. 12-0298 and 13-0285 to  
8 consider the specific request made in ComEd's  
9 petition in Docket No. 14-0212, the scope of such  
10 reopenings to be limited by the petition; and two,  
11 consolidate all three dockets so that the  
12 consolidated Docket Nos. 14-0212, 13-0258 and  
13 12-0298 consolidated are limited to ComEd's petition  
14 and its proposed accelerated schedule.

15           Is there any discussion?

16                           (No response.)

17           CHAIRMAN SCOTT: I think it is important that  
18 the company has come to us. I think its good that  
19 they've come to us with the idea of speeding up the  
20 docket. It will likely benefit ratepayers who may  
21 be able to take advantage of the different  
22 operations that are available through the AMI.

23           We'll see the benefits of Smart Meters in  
24 the Smart Grid sooner than they otherwise would



1 under the previous deployment schedule. So, I  
2 obviously think that this is a good thing that they  
3 brought to us, and that our staff is recommending  
4 that we adopt.

5 Is there a motion to reopen docket  
6 numbers, Commissioners?

7 COMMISSIONER DEL VALLE: Mr. Chairman, I would  
8 also like, and I agree what you just indicated, but  
9 I would hope this also means that they're doing the  
10 acceleration of the consumer education that needs to  
11 take place so that people could take full advantage  
12 of this modernized system.

13 I would like to see ComEd share with us  
14 the information on how they plan to do that.

15 CHAIRMAN SCOTT: That's a good comment. Thank  
16 you. Further discussion?

17 (No response.)

18 CHAIRMAN SCOTT: Is there a motion to reopen  
19 Docket Nos. 12-0298 and 13-0285 to consider the  
20 specific request made in ComEd's petition in Docket  
21 No. 14-0212, the scope of such reopenings to be  
22 limited by the petition; and two, to consolidate all  
23 three dockets so that consolidated Dockets Nos.  
24 14-0212, 13-0285 and 12-0298 consolidated are

1 limited to ComEd's petition and its proposed  
2 accelerated schedule?

3 Is there a motion to that effect?

4 COMMISSIONER MAYE: So moved.

5 COMMISSIONER McCABE: Second.

6 CHAIRMAN SCOTT: So moved by Commissioner Maye,  
7 seconded by Commissioner McCabe.

8 Further discussion?

9 (No response.)

10 CHAIRMAN SCOTT: All in favor, say aye.

11 (A chorus of ayes.)

12 CHAIRMAN SCOTT: Any opposed?

13 (No response.)

14 CHAIRMAN SCOTT: The vote is 5 to nothing, and  
15 Docket Nos. 12-0298 and 13-0285 will be reopened to  
16 consider the request made in Docket No. 14-0212, and  
17 all three dockets will be consolidated.

18 Judge Wallace, we're all hoping you say  
19 no, but are there other matters to come before the  
20 Commission today?

21 JUDGE WALLACE: No, I think you've had enough.

22 CHAIRMAN SCOTT: Thank you, sir. Hearing none,  
23 this meeting stands adjourned. Thank you, everyone.

24 (WHICH WERE ALL THE PROCEEDINGS HAD.)

1 STATE OF ILLINOIS )  
2 ) SS:  
3 COUNTY OF C O O K )

4 PAMELA A. MARZULLO, C.S.R., being first duly sworn,  
5 says that she is a court reporter doing business in the city  
6 of Chicago; that she reported in shorthand the proceedings  
7 had at the Proceedings of said cause; that the foregoing is  
8 a true and correct transcript of her shorthand notes, so  
9 taken as aforesaid, and contains all the proceedings of said  
10 hearing.

11 \_\_\_\_\_  
12 PAMELA A. MARZULLO  
13 License No. 084-001624

14 SUBSCRIBED AND SWORN TO  
15 before me this \_\_\_\_\_ day  
16 of \_\_\_\_\_ 2014.

17 \_\_\_\_\_  
18 Notary Public

19 BEFORE THE  
20 ILLINOIS COMMERCE COMMISSION

21  
22 BENCH SESSION  
23 (PUBLIC UTILITY )  
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Chicago, Illinois

Wednesday, March 19th, 2014,

Met, pursuant to notice, at 10:30 a.m in Hearing  
Room A, First Floor, Leland Building, 527 East Capitol  
Avenue, Springfield, Illinois.

PRESENT:

MR. DOUGLAS P. SCOTT, Chairman

MR. JOHN T. COLGAN, Commissioner, via teleconference

MS. ANN McCABE, Commissioner, via teleconference

MR. MIGUEL DEL VALLE, Commissioner

MS. SHERINA MAYE, Commissioner

MARZULLO REPORTING AGENCY, by  
PAMELA A. MARZULLO, Reporter  
CSR #084-001624