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BEFORE THE
ILLINOIS COMMERCE COMMISSION

BENCH SESSION
(PUBLIC UTILITY)

Springfield, Illinois
Wednesday, March 20, 2013

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
- MS. ANN McCABE, Commissioner
- MR. MIGUEL DEL VALLE, Acting Commissioner
- MS. SHERINA MAYE, Acting Commissioner

L.A. COURT REPORTING
By Carla J. Boehl, Reporter
CSR #084-002710

1 PROCEEDINGS

2 CHAIRMAN SCOTT: Pursuant to the provisions of
3 the Illinois Open Meetings Act, I now convene a
4 regularly scheduled Bench Session of the Illinois
5 Commerce Commission. With me in Springfield are
6 Commissioner Colgan, Commissioner McCabe, Acting
7 Commissioner Del Valle, and Acting Commissioner Maye.
8 I am Chairman Scott. We have a quorum.

9 Starting, on behalf of all the
10 Commissioners, we would like to welcome Commissioner
11 Maye to the Illinois Commerce Commission. We look
12 forward to working with you. So congratulations.

13 ACTING COMMISSIONER MAYE: Thank you, Chairman
14 Scott. I so wished to have this opportunity.

15 CHAIRMAN SCOTT: Before moving into the agenda,
16 according to Section 1700.10 of Title II of the
17 Administrative Code, this is the time we allow
18 members of the public to address the Commission.
19 Members of the public wishing to address the
20 Commission must notify the Chief Clerk's Office at
21 least 24 hours prior to Commission meetings.

22 We have one request to speak that's

1 been granted for today's Bench Session. Just a
2 reminder that under the Commission's rules you will
3 have three minutes for public comment. Our public
4 comment today comes from Mr. Owen MacBride.

5 Mr. MacBride, you want to come up to
6 the microphone right there? Whenever you are ready,
7 you will have about three minutes.

8 MR. MacBRIDE: Thank you, Chairman Scott,
9 Commissioners. My name is Owen MacBride and I
10 represent Consolidated Communications in Docket
11 12-0413 which is a petition for a declaratory ruling
12 we filed on July 3, 2012.

13 Our petition is based on the process
14 by which the provider Inmate Calling Services from
15 Illinois corrections facilities calls -- completes
16 calls to members of the public and charges them for
17 those calls. We requested a declaratory ruling that
18 this service is an operator service under the
19 Commission regulation Part 770 and that two specific
20 provisions of Part 770 apply to this service. Those
21 are Section 770.40, which establishes maximum rates
22 for operator services, and 770.20(a), specifying

1 information to be provided to a person who will pay
2 for the call. These are the provisions that pertain
3 to the charges to the public for these calls.

4 The underlying dispute arose because
5 Consolidated, the incumbent provider, proposed to
6 continue to charge customers only the rate allowed by
7 your regulation, while Securus proposed a rate of 23
8 percent above the cap. At two previous meetings,
9 representatives of Securus have argued that, if the
10 petition is granted, the provider Inmate Calling
11 Services will be required to allow inmates to access
12 other providers of operator services, thereby
13 enabling inmates to choose providers who do not meet
14 IDOC's, Department of Corrections, requirements for
15 security controls.

16 The petition does not request a ruling
17 on those provisions of the regulation which are
18 Section 770.20(c) and (d) and 770.30 because none was
19 needed.

20 Section 770.50 provides that the
21 requirements in 770.20 and .30 for unblocking access
22 to other operator service providers does not apply to

1 telephones located in areas of corrections facilities
2 that are not accessible to the public, which is the
3 case with the phones that are installed in prisons
4 for inmates' use. In fact, Staff has specifically
5 pointed this out in its response to our petition.

6 While Consolidated saw no need to ask
7 for a ruling on these provisions, since a question
8 has arisen, you can, of course, if you see a need to
9 do so, state in your Order that you are not ruling
10 that the provider Inmate Calling Services has to
11 provide access to other operator service providers.

12 Finally, with respect to Securus'
13 request for a hearing in this matter, Securus
14 participated in the scheduling discussion before
15 Judge Von Qualen at the prehearing conference where
16 it was established that no testimony or hearing,
17 evidentiary hearing, would be required and the case
18 would be conducted through written filings which, of
19 course, per your regulation, could cite matters of
20 fact supported by affidavit or verification, and that
21 this would be followed by an ALJ Proposed Order.

22 Further, Securus did not actually

1 request a hearing in this matter until its Brief on
2 Exceptions. That is, Securus waited to see how the
3 Proposed Order turned out before deciding to request
4 a hearing.

5 All of the issues Securus has raised
6 in its recent filings and its remarks at your open
7 meetings, including the points raised in its latest
8 motion filed yesterday, which is essentially an
9 attack on Judge Von Qualen, have been raised in its
10 Brief on Exceptions which was filed four months ago
11 and are all briefed and ready for decision.

12 Consolidated respectfully requests the
13 Commission promptly issue a Final Order adopting the
14 ALJ's Proposed Order. Thank you for your attention.

15 CHAIRMAN SCOTT: Thank you, Mr. MacBride. That
16 concludes the public comment portion of today's
17 agenda.

18 Moving now to the Transportation
19 Agenda, we will begin with the approval of minutes
20 from our March 6 Bench Session.

21 I do want to state at the outset that
22 Commissioner Maye will be abstaining on all votes

1 today, which is perfectly understandable; she just
2 started Monday. So Commissioner Maye will not be
3 voting on any of the proposals today.

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

9 CHAIRMAN SCOTT: Moving on to the Public
10 Utility agenda, we will begin with the approval of
11 minutes from our February 21 Bench Session. I
12 understand amendments have been forwarded.

13 Is there a motion to amendment the
14 minutes?

15 COMMISSIONER COLGAN: So moved.

16 CHAIRMAN SCOTT: Is there a second?

17 COMMISSIONER McCABE: Second.

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

19 All in favor say aye.

20 COMMISSIONERS: Aye.

21 CHAIRMAN SCOTT: Any opposed?

22 (No response.)

1 The vote is four to nothing, and the
2 amendments are approved.

3 Is there a motion to approve the
4 minutes as amended?

5 COMMISSIONER McCABE: So moved.

6 CHAIRMAN SCOTT: Is there a second?

7 COMMISSIONER COLGAN: Second.

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

9 All in favor say aye.

10 COMMISSIONERS: Aye.

11 CHAIRMAN SCOTT: Any opposed?

12 (No response.)

13 The vote is four to nothing, and the
14 minutes from our February 21 Bench Session as amended
15 are approved.

16 Turning now to the Electric portion of
17 today's agenda, Item E-1 concerns a filing by Ameren
18 to revise its energy efficiency cost recovery rider
19 to account for energy efficiency programs approved in
20 the Illinois Power Agency's Procurement Plan. Staff
21 recommends granting the company's request by not
22 suspending the filing.

1 Is there any discussion?

2 (No response.)

3 Is there a motion to not suspend the
4 filing?

5 COMMISSIONER COLGAN: So moved.

6 CHAIRMAN SCOTT: Is there a second?

7 COMMISSIONER McCABE: Second.

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

9 All in favor say aye.

10 COMMISSIONERS: Aye.

11 CHAIRMAN SCOTT: Any opposed?

12 (No response.)

13 The vote is four to nothing, and the
14 filing will not be suspended.

15 We will use this four to nothing vote
16 for the remainder of the Public Utility agenda,
17 unless otherwise noted.

18 Items E-2 and E-3 (11-0588, 11-0662)
19 are ComEd's storm damage liability cases concerning
20 damage from weather events in 2011. These items will
21 be held for disposition at a future Commission
22 proceeding.

1 We also have oral argument requests
2 from the Attorney General in these cases. Is there
3 any discussion on those requests?

4 I would like to make a motion to grant
5 oral argument in these two matters. Is there a
6 second?

7 COMMISSIONER McCABE: Second.

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

9 All in favor say aye.

10 COMMISSIONERS: Aye.

11 CHAIRMAN SCOTT: Any opposed?

12 (No response.)

13 The vote is four to nothing, and the
14 oral argument requests are approved.

15 Just a quick note to the parties, we
16 have not yet set a timetable for scheduling oral
17 argument in these matters, but we would probably look
18 to combine the common issues between the two dockets
19 into a single oral argument. As we look to what that
20 might look at from a process standpoint, we will have
21 more information to provide to the parties at a
22 future time.

1 Items E-4 through E-7 (11-0357,
2 12-0060, 12-0061, 12-0062) can be taken together.
3 These items are reconciliation cases for ComEd and
4 Ameren concerning revenues collected under coal tar
5 clean-up expense riders. In each case the ALJ
6 recommends entry of an Order approving the
7 reconciliation.

8 Is there any discussion?

9 (No response.)

10 Any objections?

11 (No response.)

12 Hearing none, the Orders are entered.

13 Items E-8 and E-9 (12-0163, 12-0667)
14 can be taken together. These items are customer
15 complaints against ComEd. In each case the parties
16 have apparently settled their differences and brought
17 a Joint Motion to Dismiss which the ALJ recommends we
18 grant.

19 Is there any discussion?

20 (No response.)

21 Any objections?

22 (No response.)

1 Hearing none, the Joint Motions to
2 Dismiss are granted.

3 Items E-10 through E-15 (13-0108,
4 13-0158, 13-0161, 13-0170, 13-0180, 13-0139) can be
5 taken together. These items are petitions for the
6 confidential and/or proprietary treatment of
7 petitioners' reports. In each case the ALJ
8 recommends entry of an Order granting the requested
9 protective treatment.

10 Is there any discussion?

11 (No response.)

12 Any objections?

13 (No response.)

14 Hearing none, the Orders are entered.

15 Items E-16 and E-17 (13-0162, 13-0163)
16 can be taken together. These items are petitions
17 filed by agents, brokers and consultants currently
18 certified under Section 16-115C of the Public
19 Utilities Act who are seeking to surrender their
20 Certificates of Service Authority. In each case ALJ
21 Albers recommends entry of an Order granting the
22 petition to cancel their certificate.

1 Is there any discussion?

2 (No response.)

3 Any objections?

4 (No response.)

5 Hearing none, the Orders are entered.

6 Items E-18 through E-21 (13-0081,
7 13-0098, 13-0107, 13-0117) can be taken together.
8 These items are petitions for certification as an
9 agent, broker and consultant under Section 16-115C of
10 the Public Utilities Act. In each case ALJ Kimbrel
11 recommends entry of an Order granting the
12 certificate.

13 Is there any discussion?

14 (No response.)

15 Any objections?

16 (No response.)

17 Hearing none, the Orders are entered.

18 Turning now to Natural Gas, Item G-1
19 is Docket Number 11-0704. This is a customer
20 complaint against North Shore Gas. The parties have
21 apparently settled their differences and brought a
22 Joint Motion to Dismiss which ALJ Haynes recommends

1 we grant.

2 Is there any discussion?

3 (No response.)

4 Any objections?

5 (No response.)

6 Hearing none, the Joint Motion to
7 Dismiss is granted.

8 Item G-2 is Docket Number 11-0717.
9 This is Prairie Farms' billing complaint against
10 Ameren. ALJ Jones recommends entry of an Order
11 denying the complaint.

12 Is there any discussion?

13 (No response.)

14 Any objections?

15 (No response.)

16 Hearing none, the Order is entered.

17 Items G-3 and G-4 (13-0169, 13-0140)
18 can be taken together. These items are petitions for
19 the confidential and/or proprietary treatment of
20 petitioners' reports. In each case the ALJ
21 recommends entry of an Order granting the requested
22 protective treatment.

1 Is there any discussion?

2 (No response.)

3 Any objections?

4 (No response.)

5 Hearing none, the Orders are entered.

6 Moving on to Telecommunications, Item
7 T-1 is Docket Number 12-0354. This is IBC Telecom's
8 application for a Certificate of Local and
9 Interexchange Service Authority. The company has
10 moved to withdraw its application, and ALJ Teague
11 recommends granting the withdrawal and dismissing
12 this docket without prejudice.

13 Is there any discussion?

14 (No response.)

15 Any objections?

16 (No response.)

17 Hearing none, the motion is granted
18 and the matter is dismissed.

19 Items T-2 through T-4 (12-0613,
20 13-0086, 13-0153) can be taken together. These items
21 are petitions by telecommunications carriers seeking
22 to cancel Certificates of Service Authority

1 previously issued by the Commission under Title 13 of
2 the Public Utilities Act. In each case ALJ Baker
3 recommends entry of an Order cancelling the
4 certificate.

5 Is there any discussion?

6 (No response.)

7 Any objections?

8 (No response.)

9 Hearing none, the Orders are entered.

10 Items T-5 through T-12 (13-0068,
11 13-0085, 13-0019, 13-0020, 13-0055, 13-0056, 13-0065,
12 13-0084) can be taken together. These items are
13 joint petitions by telecommunications carriers
14 seeking approval of an Interconnection Agreement or
15 amendments to existing Interconnection Agreements.
16 In each case the ALJ recommends entry of an Order
17 approving the agreement or the amendment.

18 Is there any discussion?

19 (No response.)

20 Any objections?

21 (No response.)

22 Hearing none, the Orders are entered.

1 Item T-13 is Docket Number 12-0413.
2 This is Consolidated Communication's petition seeking
3 a declaratory ruling concerning Section 13-901 of the
4 Public Utilities Act, Title 83, Part 777 of the
5 Administrative Code. This item will be held for
6 disposition at a future Commission proceeding.

7 Item T-14 is Docket Number 12-0423.
8 This is Budget Phones' application for designation as
9 an eligible telecommunications carrier. The company
10 has moved to withdraw its application, and ALJ Riley
11 recommends granting that Motion to Withdraw.

12 Is there any discussion?

13 (No response.)

14 Any objections?

15 (No response.)

16 Hearing none, the Motion to Withdraw
17 is granted.

18 Item T-15 is Docket Number 12-0685.
19 This is our rulemaking proceeding for Title 83, Part
20 735 of the Administrative Code. ALJ Wallace
21 recommends entry of a Second Notice Order authorizing
22 submission of the proposed amendments to JCAR.

1 Is there any discussion?

2 (No response.)

3 Any objections?

4 (No response.)

5 Hearing none, the Order is entered.

6 Items T-16 through T-23 (13-0014,
7 13-0015, 13-0047, 13-0048, 13-0096, 13-0097, 13-0121,
8 13-0128) can be taken together. These items are
9 petitions for the confidential and/or proprietary
10 treatment of petitioners' reports. In each case the
11 ALJ recommends entry of an Order granting the
12 requested protective treatment.

13 Is there any discussion?

14 (No response.)

15 Any objections?

16 (No response.)

17 Hearing none, the Orders are entered.

18 Moving on to Water and Sewer, Item W-1
19 is Docket Number 12-0480. This is Samantha Oliver's
20 complaint against Aqua Illinois. ALJ Riley
21 recommends entry of an Order dismissing this
22 complaint without prejudice.

1 Is there any discussion?

2 (No response.)

3 Any objections?

4 (No response.)

5 Hearing none, the Order is entered.

6 Item W-2 is Docket Number 12-0483.

7 This is John Oleson's complaint against Aqua
8 Illinois. ALJ Riley recommends entry of an Order
9 denying the complaint.

10 Is there any discussion?

11 (No response.)

12 Any objections?

13 (No response.)

14 Hearing none, the Order is entered.

15 We have one miscellaneous item today.

16 Item M-1 is Docket Number 06-0703. This is our
17 rulemaking proceeding for Title 83, Part 280 of the
18 Administrative Code. This item will be held for
19 disposition at a future Commission proceeding.

20 We have one petition for rehearing for
21 consideration today. Item PR-1 is Docket Number
22 12-0544. This is our approval of Illinois Power

1 Agency's 2013 Procurement Plan. We have recently
2 entered an Amendatory Order in this matter and have
3 received a Joint Petition for Rehearing on that Order
4 from the Illinois Competitive Energy Association and
5 the Illinois Industrial Energy Consumers.

6 Is there any discussion?

7 I would make a motion to deny the
8 rehearing application. Is there a second?

9 COMMISSIONER COLGAN: Second.

10 CHAIRMAN SCOTT: Is there further discussion on
11 the motion?

12 (No response.)

13 All in favor of the motion to deny
14 rehearing say aye.

15 COMMISSIONERS: Aye.

16 CHAIRMAN SCOTT: Any opposed?

17 COMMISSIONER McCABE: No.

18 CHAIRMAN SCOTT: Motion carries three to one,
19 and the rehearing application is denied.

20 We have one item of other business
21 today. This item is a resolution in support of March
22 18 through 24th as Fix-A-Leak Week as designated by

1 the U.S. Environmental Protection Agency as part of
2 its WaterSense initiative. I will read the
3 resolution.

4 "WHEREAS, water is a vital public
5 resource and essential to healthy lives and the
6 environment; and

7 WHEREAS, the U.S. Environmental
8 Protection Agency estimates that 10 percent of homes
9 have leaks that waste 90 gallons of water or more per
10 day; and

11 WHEREAS, the average household's leaks
12 can account for more than 10,000 gallons of water
13 every year, enough water to wash nearly ten months'
14 of laundry; and

15 WHEREAS, the Illinois Commerce
16 Commission is uniquely situated to encourage the
17 adoption of programs and offering of products that
18 will promote water efficiency and conservation; and

19 WHEREAS, the U.S. EPA launched the
20 WaterSense initiative to make it easy for American
21 consumers and businesses to save water and protect
22 the environment by establishing water efficiency

1 standards; and

2 WHEREAS, the EPA's WaterSense program
3 announced its fifth annual water efficiency
4 initiative Fix-a-Leak Week, March 18 through 24th,
5 2013; and

6 WHEREAS, fixing easily corrected
7 household water leaks can save homeowners more than
8 10 percent of their water bills;.

9 NOW, THEREFORE, BE IT RESOLVED, that
10 the Illinois Commerce Commission supports the week of
11 March 18 through the 24th, 2013, as Fix-a-Leak Week
12 and encourages all consumers and businesses to check
13 their plumbing and irrigation systems annually to
14 reduce unnecessary water leakage."

15 I would move to adopt the resolution.
16 Is there a second?

17 COMMISSIONER McCABE: Second.

18 CHAIRMAN SCOTT: It's moved and seconded. Is
19 there any discussion?

20 (No response.)

21 All in favor say aye.

22 COMMISSIONERS: Aye.

1 CHAIRMAN SCOTT: The vote is four to nothing,
2 and the resolution is adopted.

3 Judge Wallace, is there any other
4 matters to come before the Commission today?

5 JUDGE WALLACE: That's it, Mr. Chairman.

6 CHAIRMAN SCOTT: Thank you, sir. Hearing none,
7 this meeting stands adjourned.

8 BENCH SESSION CONCLUDED

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