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PROCEEDINGS

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

Before moving into the agenda, according to Section 1700.10 of Title II of the Administrative Code, this is the time we allow members of the public to address the Commission. Members of the public wishing to address the Commission must notify the Chief Clerk's Office at least 24 hours prior to the Commission meeting. According to the Chief Clerk's Office, we have no requests to speak at today's Bench Session.

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

1 CHAIRMAN SCOTT: Moving on to the Public
2 Utility agenda, we will begin with approval of the
3 minutes from our March 21 Bench Session. I
4 understand amendments have been forwarded.

5 Is there a motion to amend the
6 minutes?

7 COMMISSIONER O'CONNELL-DIAZ: So moved.

8 CHAIRMAN SCOTT: Is there a second?

9 COMMISSIONER COLGAN: Second.

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

11 All in favor say aye.

12 COMMISSIONERS: Aye.

13 CHAIRMAN SCOTT: Any opposed?

14 (No response.)

15 The vote is five to nothing, and the
16 amendments are adopted.

17 Is there a motion to approve the March
18 21 minutes as amended?

19 COMMISSIONER FORD: So moved.

20 CHAIRMAN SCOTT: Is there a second?

21 COMMISSIONER O'CONNELL-DIAZ: Second.

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

1 All in favor say aye.

2 COMMISSIONERS: Aye.

3 CHAIRMAN SCOTT: Any opposed?

4 (No response.)

5 The vote is five to nothing, and the
6 March 21 minutes, as amended, are approved.

7 Turning to the Electric portion of
8 today's agenda, Item E-1 concerns a filing by
9 MidAmerican to reinstate its Fuel Adjustment Clause.
10 Staff recommends granting the company's request by
11 not suspending the filing.

12 Is there any discussion?

13 (No response.)

14 Is there a motion to not suspend the
15 filing?

16 COMMISSIONER O'CONNELL-DIAZ: So moved.

17 CHAIRMAN SCOTT: Is there a second?

18 COMMISSIONER COLGAN: Second.

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

20 All in favor say aye.

21 COMMISSIONERS: Aye.

22 CHAIRMAN SCOTT: Any opposed?

1 (No response.)

2 The vote is five to nothing; the
3 filing will not be suspended.

4 We will use this five to nothing vote
5 for the remainder of the Public Utility agenda unless
6 otherwise noted.

7 Item E-2 is Docket Number 10-0711.
8 This is Southern Illinois Power Cooperative's
9 petition for eminent domain authority in connection
10 with the construction of a new transmission line.
11 Before us today is a Petition for Interlocutory
12 Review brought by Fredric and Connie Beasley
13 regarding an evidentiary ruling made by ALJ Albers in
14 connection with further discovery.

15 Is there any discussion on this
16 petition?

17 (No response.)

18 Are there any objections to denying
19 the Petition for Interlocutory Review?

20 (No response.)

21 Hearing none, the Petition for
22 Interlocutory Review is denied.

1 Item E-3 is Docket Number 11-0498.
2 This is an investigation of ComEd's supply rate
3 design and non-coincidental peak demand for
4 distribution among its rate classes. ALJ Sainsot
5 recommends entry of an Order addressing these issues.

6 Is there any discussion?

7 COMMISSIONER O'CONNELL-DIAZ: Mr. Chairman, I
8 just have one question for Judge Sainsot. Is she
9 there?

10 CHICAGO: Yes, she is.

11 COMMISSIONER O'CONNELL-DIAZ: Judge Sainsot, on
12 page 3 of the Order under "Supply Related Issues" you
13 state the "dust to dawn lighting customers." Is the
14 subsidy amount, 57.4 million, with regard to the dust
15 to dawn lighting customers?

16 JUDGE SAINSOT: Let me just look. Dust to
17 dawn.

18 COMMISSIONER O'CONNELL-DIAZ: Or is it --

19 JUDGE SAINSOT: No, I think the dust to dawn is
20 the 7.2.

21 COMMISSIONER O'CONNELL-DIAZ: The 7.2. And, of
22 course, we are not addressing that in this

1 proceeding, correct?

2 JUDGE SAINSOT: Right.

3 COMMISSIONER O'CONNELL-DIAZ: Okay. I just
4 wanted to clarify that. Thank you.

5 CHAIRMAN SCOTT: Thank you, Judge.

6 Is there any further discussion?

7 (No response.)

8 Are there any objections to the Order?

9 (No response.)

10 Hearing none, the Order is entered.

11 Item E-4 is Docket Number 11-0655.

12 This is Jonathon Myalls' complaint against ComEd.

13 The parties have apparently settled their differences

14 and brought a Joint Motion to Dismiss which ALJ

15 Teague recommends we grant.

16 Is there any discussion?

17 (No response.)

18 Any objections?

19 (No response.)

20 Hearing none, the Joint Motion to

21 Dismiss is granted.

22 Item E-5 is Docket Number 11-0773.

1 This is John Hummel Insurance Agency's complaint
2 against RealGY. We will hold this item for
3 disposition at a future Commission proceeding.

4 Items E-6 through E-8 (12-0100,
5 12-0029, 12-0157) can be taken together. These items
6 concern customer complaints against ComEd. In each
7 case the parties have apparently settled their
8 differences and brought a Joint Motion to Dismiss
9 which the ALJ recommends we grant.

10 Is there any discussion?

11 (No response.)

12 Any objections?

13 (No response.)

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

16 Item E-9 is Docket Number 12-0044.

17 This is One Energy's application for licensure as an
18 Agent, Broker and Consultant under Section 16-115C of
19 the Public Utilities Act. ALJ Albers recommends
20 entry of an Order denying the certificate without
21 prejudice as the company is not yet authorized to do
22 business in Illinois.

1 Is there any discussion?

2 (No response.)

3 Any objections?

4 (No response.)

5 Hearing none, the Order is entered and
6 the certificate is denied.

7 Item E-10 is Docket Number 12-0167.

8 This is Public Power's application for a certificate
9 to operate as an alternative retail supplier in
10 Illinois. ALJ Albers recommends entry of an Order
11 granting the certificate. I believe Commissioners
12 O'Connell-Diaz and Colgan have some joint edits on
13 the matter.

14 Commissioner Colgan, did you want to
15 speak to it first?

16 COMMISSIONER COLGAN: Well, just briefly to say
17 that we worked together on this, Commissioner
18 O'Connell-Diaz and myself, and the original
19 application that this company filed seemed to be
20 lacking some documents which we asked for and we got
21 those documents, some documents, and it still looked
22 like there were documents missing. We asked for

1 those and we got those. And we have taken a really
2 close look at this and we think that they have met
3 the standards of the Public Utilities Act to get this
4 certificate.

5 But I think just in general it is good
6 to remind everybody that, as we allow people to come
7 into this competitive market, that we expect good
8 players coming in and we are going to be taking a
9 close look at those, all of those, as they apply for
10 entry into the competitive market here in Illinois so
11 that we have a good and healthy marketplace.

12 CHAIRMAN SCOTT: Commissioner O'Connell-Diaz?

13 COMMISSIONER O'CONNELL-DIAZ: Just with regard
14 to the edits that we provided to our colleagues and
15 for the Order, basically it states that the
16 Commission is mindful of the short time frame that we
17 have due to the statutory deadline, so that it
18 therefore is very important that companies that wish
19 to participate in our marketplace really kind of
20 front load the information that they provide to the
21 Commission.

22 In this instance the Commission had to

1 go on a, I think I was calling it, an Easter egg hunt
2 for Easter, and here we are after it and we finally
3 have the information. But it is incumbent upon the
4 applicants to provide the relevant information so
5 that the Commission has a complete record.

6 So the language really is a conscious
7 labeling of that for others that are coming into our
8 marketplace, just as Commissioner Colgan related,
9 that we want to have good players in the market. And
10 part of that is giving the Commission the appropriate
11 information upfront so that we can do our analysis
12 and review and insure that our ratepayers are
13 protected due to the complete information in all of
14 the filings.

15 So we look to our fellow colleagues
16 for support of those edits.

17 CHAIRMAN SCOTT: Further discussion on these
18 revisions?

19 (No response.)

20 Is there a motion to adopt the
21 revisions?

22 COMMISSIONER FORD: So moved.

1 CHAIRMAN SCOTT: Is there a second?

2 ACTING COMMISSIONER McCABE: Second.

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

4 All in favor say aye.

5 COMMISSIONERS: Aye.

6 CHAIRMAN SCOTT: Any opposed?

7 (No response.)

8 The vote is five to nothing, and the
9 revisions proposed by Commissioners O'Connell-Diaz
10 and Colgan are adopted.

11 Is there any further discussion on the
12 matter?

13 (No response.)

14 Is there a motion to adopt the Order
15 as revised?

16 COMMISSIONER COLGAN: So moved.

17 CHAIRMAN SCOTT: Is there a second?

18 COMMISSIONER O'CONNELL-DIAZ: Second.

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

20 All in favor say aye.

21 COMMISSIONERS: Aye.

22 CHAIRMAN SCOTT: Any opposed?

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(No response.)

The vote is five to nothing, and the Order as revised is adopted and the certificate is granted.

Item E-11 is Docket Number 12-0203.

This is RealGY's application for an amendment to its Certificate of Service Authority in order to expand its retail electric supplier operations in Illinois. ALJ Albers recommends entry of an Order granting the requested certificate.

I have some revisions on this matter.

My revisions change the conclusion to denying the certificate without prejudice, based not only on the existing complaint cases against the company, but also the way in which the company has handled itself in those cases.

In one matter, facing an allegation of slamming, which is obviously a very serious allegation, switching a customer over to RealGY's services without the customer's consent, something the Commission takes very seriously, obviously the company did not bother to make an appearance at the

1 initial hearing.

2 Then the second complaint case against
3 them, the company only appeared by phone from out of
4 state and was unfamiliar and hostile to the process
5 of Commission proceedings, and then hesitantly agreed
6 to retain counsel after being admonished by the ALJ.

7 These sorts of allegations are not to
8 be taken lightly, and we expect, as Commissioner
9 Colgan and O'Connell-Diaz pointed out in the last
10 case, companies who seek authority to operate here
11 and, in this case, the expansion of existing
12 authority, we expect them to be very serious and
13 diligent in response to such allegations.

14 I believe that gets right to the heart
15 of what's considered sufficient managerial resources
16 and abilities as recognized by Section 16-115(B) of
17 the Public Utilities Act. That concern is especially
18 strong here with the company now seeking to market to
19 residential customers.

20 By its conduct, it is clear to me that
21 RealGY has not met that standard and, given the
22 extremely fast growth that we are experiencing in our

1 retail electric markets in Illinois, we must be
2 really cautious about insuring that the companies
3 that come in do not poison the well and prevent all
4 customers from seeing the benefits of competition.

5 So my revisions are fairly straight
6 forward. They are to deny the expansion of the
7 company's operations without prejudice at this time.
8 Given the allegations against the company and the
9 manner in which the company has chosen to respond to
10 them, I don't believe granting the expansion would be
11 appropriate.

12 If the existing complaints are
13 properly addressed and if RealGY demonstrates a
14 general change in attitude and approach, I would
15 certainly be open to reconsideration. But at this
16 time, based on the conduct of the company, at this
17 point I believe denial is the correct approach.

18 Is there any discussion on my proposed
19 revisions?

20 COMMISSIONER COLGAN: Well, I am going to
21 support your revisions to this Order for reasons that
22 I just cited in the previous application for entry

1 into the competitive market. I think it is really
2 important, and this is the place where we need to
3 exercise our authority, to make sure that as people
4 enter that market that they are coming in and that
5 they do have the managerial resources to perform well
6 in that marketplace.

7 So it is without prejudice, and if
8 these complaints are adequately dealt with, they can
9 come back and apply, and then we will take another
10 look at their application. But I support your edits.

11 CHAIRMAN SCOTT: Further discussion?

12 COMMISSIONER O'CONNELL-DIAZ: I totally agree
13 with the revisions.

14 Additionally, it is mindful that, you
15 know, it is a privilege to operate in our state and
16 provide the service to the customers in our state.
17 It is not a right. And it is incumbent upon those
18 that choose to petition this Commission to follow the
19 rules that are on our books. Every state has their
20 respective rules, but we have our rules.

21 And the conduct of the company
22 relative to our rules, and actually I think kind of

1 the disrespect that was clear through the
2 transcripts, it really just doesn't have a place in
3 our portfolio of good players.

4 So, again, this is a message to other
5 companies that are seeking to provide services within
6 our state. The Commission will be looking at every
7 aspect of their application and following through.
8 And their conduct is very important and what they are
9 doing in other states, and we will be looking at that
10 to insure that our consumers are protected.

11 Thank you.

12 CHAIRMAN SCOTT: Further discussion?

13 COMMISSIONER FORD: Certainly, I won't beat a
14 dead horse. And since it is without prejudice, they
15 will have another chance to come back before us.

16 CHAIRMAN SCOTT: I would move for the adoption
17 of these revisions.

18 Is there a second?

19 COMMISSIONER COLGAN: Second.

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

21 All in favor say aye.

22 COMMISSIONERS: Aye.

1 can be taken together. These are petitions for
2 confidential and/or proprietary treatment of
3 petitioners' reports. In each case the ALJ
4 recommends entry of an Order granting the requested
5 protective relief.

6 Is there any discussion?

7 (No response.)

8 Any objections?

9 (No response.)

10 Hearing none, the Orders are entered.

11 Turning now to Natural Gas, Items G-1
12 through G-4 can be taken together. These items are
13 filings by North Shore, Peoples, Ameren, Atmos Energy
14 Corporation seeking tariff changes. In each case
15 Staff recommends granting the company's request by
16 not suspending the filing.

17 Is there any discussion?

18 (No response.)

19 Any objections?

20 (No response.)

21 Hearing none, the filings will not be
22 suspended.

1 Item G-5 is Docket Number 11-0415.
2 This is John W. Franko's complaint against Nicor.
3 ALJ Kimbrel recommends entry of an Order denying the
4 complaint.

5 Is there any discussion?

6 (No response.)

7 Any objections?

8 (No response.)

9 Hearing none, the Order is entered and
10 the complaint is denied.

11 Items G-6 and G-7 (11-0741, 12-0026)
12 can be taken together. These are customer complaints
13 against Peoples Gas and Nicor. In each case the
14 parties have apparently settled their difference and
15 brought a Joint Motion to Dismiss which the ALJ
16 recommends we grant.

17 Is there any discussion?

18 (No response.)

19 Any objections?

20 (No response.)

21 Hearing none, the Joint Motions to
22 Dismiss are granted.

1 Item G-8 is Docket Number 12-0145.
2 This is RealGY's application to operate as an
3 alternative gas supplier under Section 19-110 of the
4 Public Utilities Act. ALJ Yoder recommends entry of
5 an Order granting the requested certificate.

6 I have some changes on this item as
7 well which have been circulated. My revisions here
8 largely mirror the changes from E-11 today, the prior
9 RealGY matter, and they are driven by the same
10 rationale. So I will keep those very brief.

11 Based on the nature of the complaints
12 against the company, based on the company's conduct
13 in addressing these complaints, I do not believe that
14 we should be granting this company expansion of its
15 authority. Therefore, my revisions call for denying
16 the certificate without prejudice. Section 19-110(E)
17 of the Public Utilities Act calls for an inquiry of
18 potential gas suppliers that is very similar to
19 Section 16-115(B). So the grounds on which we
20 previously found the company's managerial resources
21 are insufficient are the same grounds for denial
22 here.

1 Is there any discussion on these
2 revisions?

3 (No response.)

4 I would move to adopt these revisions.

5 Is there a second?

6 COMMISSIONER O'CONNELL-DIAZ: Second.

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

8 All in favor say aye.

9 COMMISSIONERS: Aye.

10 CHAIRMAN SCOTT: Any opposed?

11 (No response.)

12 The vote is five to nothing, and the
13 revisions are adopted.

14 Is there further discussion on this
15 matter?

16 (No response.)

17 I would move the adoption of the Order
18 as revised.

19 Is there a second?

20 COMMISSIONER O'CONNELL-DIAZ: Second.

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

22 All in favor say aye.

1 COMMISSIONERS: Aye.

2 CHAIRMAN SCOTT: Any opposed?

3 (No response.)

4 The vote is five to nothing, and the
5 Order as revised is entered and the alternative gas
6 supplier certificate sought by RealGY is denied
7 without prejudice.

8 Item G-9 is Docket Number 12-0149.
9 This is Nicor Advanced Energy's petition for
10 confidential and/or proprietary treatment of its 2011
11 Dekatherm Report. ALJ Sainsot recommends entry of an
12 Order granting the requested relief.

13 Is there any discussion?

14 (No response.)

15 Any objections?

16 (No response.)

17 Hearing none, the Order is entered.

18 Item G-10 was Docket Number 12-0162,
19 but that item has been withdrawn.

20 Moving to Telecommunications, Items
21 T-1 and T-2 can be taken together. These items are
22 filings for tariff changes brought by Frontier

1 affiliates. In each case Staff recommends granting
2 the company's request by not suspending the filing.

3 Is there any discussion?

4 (No response.)

5 Any objections?

6 (No response.)

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

9 Item T-3 is Docket Number 12-0131.

10 This is NTI Talk's application for a Certificate of
11 Prepaid Calling Service Provider Authority. ALJ
12 Riley recommends entry of an Order granting the
13 requested certificate.

14 Is there any discussion?

15 (No response.)

16 Any objections?

17 (No response.)

18 Hearing none, the Order is entered.

19 Items T-4 and T-5 (12-0209, 12-0210)

20 can be taken together. These items are petitions by
21 the City of Elgin System Board and QuadCom 911 Joint
22 Emergency Telephone System Board seeking

1 authorization to modify their 9-1-1 systems. In each
2 case ALJ Haynes recommends entry of an Order granting
3 the requested modification.

4 Is there any discussion?

5 (No response.)

6 Any objections?

7 (No response.)

8 Hearing none, the Orders are entered.

9 Item T-6 is Docket Number 12-0069.

10 This is a joint petition for the approval of an
11 amendment to an Interconnection Agreement brought by
12 Illinois Bell and Zayo Group. ALJ Baker recommends
13 entry of an Order approving the amendment.

14 Is there any discussion?

15 (No response.)

16 Any objections?

17 (No response.)

18 Hearing none, the Order is entered.

19 Item T-7 is Docket Number 12-0087.

20 This is a joint petition for the approval of an
21 Interconnection Agreement brought by Frontier North
22 and Cygnus Telecommunications Corporation. ALJ Baker

1 recommends entry of an Order approving the agreement.

2 Is there any discussion?

3 (No response.)

4 Any objections?

5 (No response.)

6 Hearing none, the Order is entered.

7 Item T-8 is Docket Number 12-0169.

8 This is a joint petition brought by CenturyLink and
9 QuantumShift Communications seeking approval of a
10 resale agreement. ALJ Riley recommends entry of an
11 Order approving the agreement.

12 Is there any discussion?

13 (No response.)

14 Any objections?

15 (No response.)

16 Hearing none, the Order is entered.

17 Item T-9 is Docket Number 12-0071.

18 This is Illinois Bell's petition under Section 7-102
19 of the Public Utilities Act for the approval of a
20 revolving credit note for making loans to its
21 affiliate AT&T. ALJ Von Qualen recommends entry of
22 an Order granting the petition.

1 Is there any discussion?

2 (No response.)

3 Any objections?

4 (No response.)

5 Hearing none, the Order is entered.

6 Items T-10 and T-11 (12-0247, 12-0253)
7 can be taken together. These items concern petitions
8 for confidential and/or proprietary treatment of the
9 petitioners' Annual Reports. In each case the ALJ
10 recommends entry of an Order granting the requested
11 protective relief.

12 Is there any discussion?

13 (No response.)

14 Any objections?

15 (No response.)

16 Hearing none, the Orders are entered.

17 We have one Water and Sewer item up
18 for consideration today. Item W-1 concerns a filing
19 by Aqua Illinois to consolidate its Kankakee Division
20 into its new tariffs pursuant to the directives in
21 Docket Number 11-0436. Staff recommends allowing the
22 company's request by not suspending the filing.

1 Is there any discussion?

2 (No response.)

3 Any objections?

4 (No response.)

5 Hearing none, the filing will not be
6 suspended.

7 We have two miscellaneous items today
8 and they are both Resolutions. Item M-1 (12-0286)
9 concerns a Resolution acknowledging and expressing
10 our great appreciation for Bonnie Cook's many years
11 of public service here at the Illinois Commerce
12 Commission. No one has served longer at the ICC than
13 Bonnie has. So while we are very sad to see her go,
14 we are also honored by the opportunity to express our
15 public admiration for her many years of service.

16 I am told that there is a friendly
17 rivalry going on between the third and eighth floors
18 for who has the number one employee in terms of years
19 of service at the ICC. Bonnie is currently number
20 one, and the ALJ division is chomping at the bit to
21 be number one at the end of April when Larry Jones
22 will take over the title. In fact, there is a big

1 sign on the door that says, "Accounting is number one
2 for eight more days." I think there are daily
3 updates on that sign.

4 I have a Resolution that I would like
5 to read in and then would like to get comments from
6 other Commissioners.

7 "WHEREAS, Bonnie Cook joined the
8 Illinois Commerce Commission on October 21, 1969, as
9 an assistant in the Motor Carrier Division's Docket
10 Section; and,

11 "WHEREAS, Bonnie worked many long
12 hours processing transportation decals the old
13 fashioned way -- by hand; and,

14 "WHEREAS, her second Commission
15 assignment was in the mailroom where she mastered all
16 of the machines for processing the Commission's
17 paperwork and where, on at least one occasion, was
18 responsible for filling an order for 100 copies of a
19 certain railroad map large enough to require it be
20 copied in sections and manually taped together; and,

21 "WHEREAS, Bonnie demonstrated extreme
22 patience and empathy in each of her Commission roles,

1 but especially when she worked in the Consumer
2 Services Division, answering questions and referring
3 troubled consumers with utility problems to
4 counselors for help; and,

5 "WHEREAS, Bonnie singlehandedly
6 provided assistance as the administrative assistant
7 to the entire Financial Analysis Division for 12
8 years, where she is best known for her calm and
9 professional approach to her work and for being a
10 good friend to many, many people at the ICC; and,

11 "WHEREAS, Bonnie has earned the deep
12 respect of her co-workers during her long career at
13 the Commission;

14 "THEREFORE, BE IT RESOLVED that the
15 Illinois Commerce Commission, on this day, April 18,
16 2012, commends Bonnie Cook for her dedication to the
17 work of the Commission, extends sincere appreciation
18 for nearly 43 years of service to the people of
19 Illinois, and offers best wishes for a long and happy
20 retirement."

21 Comments, Commissioner?

22 COMMISSIONER COLGAN: Well, I just would like

1 to say to Bonnie that I am sure you are going to be
2 missed here. Somebody that has been here that long
3 and has performed all those different functions in
4 this organization, I am sure you are such a valuable
5 asset and treasure to this agency that I am sure that
6 in your absence we will be scrambling to figure out
7 how to cover.

8 I see that you are planning on
9 spending time with your daughter and your grandson.
10 I like the idea that you are planning on relaxing. I
11 am definitely glad to hear that. And I hope you find
12 a lot of happiness in your retirement and you find
13 some activities and maybe some volunteer work to do
14 out there that I am sure you can help out a lot with.

15 So congratulations on your retirement
16 and good luck to you. Don't forget where you came
17 from. You can come back here any time.

18 COMMISSIONER FORD: John, you sound like you
19 are trying to give her some additional
20 responsibilities.

21 I have seen your name so many times,
22 Bonnie. I am so happy that you are leaving in good

1 health, and I wish you the best, and enjoy your
2 grandson.

3 COMMISSIONER O'CONNELL-DIAZ: Forty-three
4 years, my goodness. It is just amazing. We do keep
5 people here that do good work for a long, long time.
6 And I know especially in Springfield it is a family
7 atmosphere that is part of the halls that you walk
8 here, and it seems like you probably know where all
9 the bodies are buried. Maybe you will be writing a
10 screen play or something.

11 But wishing you the best, and it
12 sounds like you are just going to go out and have a
13 lot more time to do those special things. But I am
14 sure you will still keep in contact with the ICC
15 family because especially in Springfield it is part
16 of your life.

17 So congratulations and thank you so
18 much for all your years of service. You have made
19 the Commission tick like a clock with your work that
20 you have done, and thank you very much.

21 COMMISSIONER McCABE: I'll just thank you for
22 your years of service and congratulations and best

1 wishes.

2 CHAIRMAN SCOTT: Bonnie, would you like to come
3 forward, please?

4 MS. COOK: This is very hard for me, but I have
5 some people I need to thank. And I want to thank
6 Gene for directing me to come to the third floor and
7 for Joy accepting me in that position and for Mary
8 Selvaggio giving me a goal that I wanted to achieve,
9 and that was an administrative assistant. I want to
10 thank the Accounting Department. They are very much
11 my family. And then along the lines my family grew
12 to the whole fifth floor, and I am going to miss
13 everyone.

14 I want to thank you all for giving me
15 a challenge, for bringing me love and support
16 throughout my years here at the Commission. But now
17 it is time for me to go to another journey. I will
18 miss you all. But I have a recliner and it is
19 calling my name.

20 Thank you very much.

21 CHAIRMAN SCOTT: I move to adopt the
22 resolution. Is there a second?

1 COMMISSIONER FORD: Second.

2 CHAIRMAN SCOTT: All in favor say aye.

3 COMMISSIONERS: Aye.

4 CHAIRMAN SCOTT: The resolution is adopted five
5 to nothing.

6 Bonnie, thank you again and good luck
7 to you and best wishes.

8 MS. COOK: Thank you, all.

9 CHAIRMAN SCOTT: And enjoy that recliner, too.

10 Next up is Item M-2 (12-0287),
11 acknowledging and expressing our appreciation for
12 Commissioner Sherman Elliot's many years here at the
13 ICC, both as a member of Staff and recently as a
14 Commissioner.

15 And I know a lot of people have a lot
16 of things to say about Sherman, so I will keep mine
17 brief. But I really -- I want to thank you, Sherman,
18 very much. Because when I came on last year,
19 interesting times at the Commission, and I really
20 appreciated all the time that you spent with me,
21 talking about, not only the issues as they were
22 coming up in front of us, but some of the bigger

1 picture issues, some of the market issues, some of
2 the things that are for an old EPA guy with a little
3 more esoteric to try to understand. But you were
4 very patient and spent a lot of time talking to me
5 about those issues.

6 And the more I got to know you, the
7 more I really thought that they should have done a
8 beer commercial about you as the most interesting man
9 in the world, given not only all of your work as an
10 economist and your work on the Commission, but also
11 had the great opportunity, as did all of us, to see
12 you play in the blues band and play very extremely
13 well. I know it is a lot of fun to watch, and also
14 to know about your other pursuits as well.

15 And you are just the kind of a person
16 that I am sure we all are better for having gotten to
17 know, other than the fact that you are a Cardinal
18 fan. But we could agree to disagree with that one as
19 well. And I look forward in the time to come to
20 continue to talk to you about these issues that I
21 know you care about very much, as do I, and also to
22 just have a good time doing it.

1 So, again, thank you very much for
2 everything that you did and I will let everybody else
3 speak and then I will read the Resolution that we
4 have for you.

5 Commissioner?

6 COMMISSIONER FORD: Thank you. I came to the
7 Commission in 2003, and Sherman was Mary Frances'
8 assistant. So he knew that I was green behind the
9 ears and he offered always to assist in anything that
10 I needed. And it has been a joy.

11 And oftentimes when I come down, Mary
12 Fran, Sherman and I would go to Steak & Shake because
13 there are no Steak & Shakes near me, and then Mary
14 Fran and I would go to TJ Maxx. Marshall -- is it TJ
15 Maxx or Marshall? TJ Maxx.

16 And I also enjoyed the Mojo Cats when
17 we come to the State Fair and dance around. So I am
18 looking forward to coming again, Sherman, and my
19 Resolution should be coming soon.

20 Have a good time and I know I will see
21 you often.

22 CHAIRMAN SCOTT: Commissioner O'Connell-Diaz?

1 COMMISSIONER O'CONNELL-DIAZ: Sherman and I go
2 way back. As an ALJ, were you on Staff when I first
3 met you? Probably. Then you came up and were a
4 Commissioner's assistant. Then you went to MISO.
5 Then you came back. And so Sherman has always been
6 like in the tableau of usual suspects that one deals
7 with at the Commission. And, of course, as a
8 Commissioner was right next to my office in Chicago
9 and next to my office in Springfield. And it's been
10 great working with you all those years on really
11 pivotal issues, going through the wars, getting our
12 marketplace up and running.

13 And just as Commissioner Ford noted,
14 the fun times we have had out at the fair. I had
15 never heard your band play, so we went out there and
16 you just could not sit down because you would have to
17 get up and move around to that great sound that you
18 make. I say to everyone that asks me about your
19 band, I am like, well, I think they should be playing
20 on Lincoln Avenue in Chicago. That's how good they
21 are. They are not like some garage band. They are
22 really excellent mojo, Mojo Cats.

1 And also your poker ability. I did
2 not know anything about that until one time we were
3 at a Harvard electric policy group meeting and he was
4 talking about how he was going to the big poker stuff
5 out in Las Vegas. That really takes a lot of skill
6 to be able to do that.

7 So I know you will be going on to
8 other things in our area. You will still be a usual
9 suspect, and wish you the best and thank you very
10 much for all your service to the State. You have
11 been very helpful to making our regulatory picture a
12 positive one.

13 Thank you.

14 COMMISSIONER COLGAN: I don't have words. We
15 are just going to miss you so much, man, like, ooh!

16 Although, you know, over the time that
17 I have been around and there has been a couple of
18 years spent with you that, in addition to being
19 colleagues, we have become friends. So I know where
20 you live and I know that the Mojo Cats are playing
21 this weekend. So there is no chance that we are
22 going to miss each other all that much. We are going

1 to continue with that friendship.

2 But, you know, I thought about doing
3 like a litany of things with quotes from famous blues
4 songs, but I think I will just say what's done is
5 done. I am going to tell you, you had yourself way
6 too much fun, but I think there is still a lot of fun
7 that you can still have. I echo a number of things
8 that the Chairman said about how when I came here how
9 you worked with me and in a lot of ways mentored me.
10 We didn't always agree on everything, even the issue
11 of who your baseball team is. But you are an
12 agreeable person and it was fun to debate and discuss
13 things with you.

14 If you are going to do a beer
15 commercial, I have never seen you drink, though, but
16 I have seen you drink Stella, so there might be an
17 opportunity for you there.

18 So as you move into your future life
19 and career, and I know you have a lot of good years
20 left in you, so then to use kind of a poker analogy,
21 you wait until your deal comes around and don't let
22 your deal go down.

1 So best wishes to you and I know you
2 are going to be doing fine, and I look forward to
3 continuing our friendship.

4 CHAIRMAN SCOTT: Commission McCabe?

5 COMMISSIONER McCABE: Best wishes. You leave
6 some big shoes for me to fill, and I hopefully have
7 the large feet you have.

8 CHAIRMAN SCOTT: Very good. I also want to
9 thank -- this is the kind of thing that goes
10 unnoticed a little bit. We have been talking a lot
11 about how all the different areas in the energy world
12 are kind of siloed, and the energy people and the
13 regulators don't talk to the environmental people and
14 vice a versa, and that's all true.

15 But there, back when I was at EPA, in
16 fact just a few months before I came here when
17 neither one of us knew that I was going to end up
18 here, Sherman had sent over the NARUC resolutions
19 that had to do with the EPA regulations and said,
20 "What do you think about these? I know you are doing
21 a lot of work on them; what do you think about them?"
22 And we talked about them and suggested some

1 alterations which eventually got them adopted.

2 I can't tell you how much I appreciate
3 that and how much more of that needs to go on. So
4 that's the kind of thing that, all kidding aside,
5 just from a business and a work standpoint, how good
6 and how valuable Sherman's service was here.

7 So, again, thank you very much. And I
8 am going to read this because it is actually pretty
9 good. A lot of work went into this.

10 "WHEREAS, Sherman J. Elliot on January
11 1, 2008, began a noteworthy tenure as Commissioner of
12 the Illinois Commerce Commission; and,

13 "WHEREAS, throughout Commissioner
14 Elliott's years with the Commission, he remained on
15 course, undeterred and true in his objective to
16 strike an even balance between the utilities and the
17 ratepayers, and strived to achieve legally
18 sustainable Orders and was not afraid to dissent when
19 he thought the Commission strayed from that
20 course..."

21 COMMISSIONER FORD: Which he did often.

22 CHAIRMAN SCOTT: "And, WHEREAS, Commissioner

1 Elliott's academic training as an economist has led
2 him to be well known as an expert in energy markets,
3 and as a result he is never afraid of sharing his
4 views at length with anyone at any time or anyplace;
5 and,

6 "WHEREAS, Commissioner Elliott served
7 as the Commissioner representative for the
8 Organization of MISO States, the Eastern
9 Interconnection States Planning Council, the National
10 Association of Regulatory Utility Commissioners
11 Energy Resources and the Environment Committee, the
12 Joint National Association of Regulatory Utility
13 Commissioners/Federal Energy Regulatory Commission's
14 Smart Response Collaborative, and also served as an
15 Advisory Board Member of the Financial Research
16 Institute; and,

17 "WHEREAS, Commissioner Elliott was
18 named one of the Top 100 Movers and Shakers of the
19 Smart Grid by Greentech Media; and,

20 "WHEREAS, Sherman J. Elliott, a former
21 Manager of Regulatory Affairs for the Midwest ISO, a
22 Senior Energy Policy Advisor to Commissioners Mary

1 Frances Squires, Brent Bohlen and Chairman Edward
2 Hurley; and Senior Economist at the Illinois Commerce
3 Commission, has utilized his diverse knowledge base
4 in serving the People of the State of Illinois in his
5 capacity as Commissioner; and,

6 "WHEREAS, his skills at the poker
7 table took him to the World Series of Poker; and,

8 "WHEREAS, Sherman J. Elliott
9 entertained audiences at the Illinois State Fair and
10 elsewhere as a pianist with the Mojo Cats;

11 "NOW, THEREFORE BE IT RESOLVED, that
12 the Illinois Commerce Commission hereby acknowledges
13 Sherman J. Elliott's years of public service during
14 his employment with the ICC and expresses its deep
15 appreciation for his public service and dedication on
16 the occasion of his departure."

17 And I would move the adoption of that
18 resolution.

19 COMMISSIONER COLGAN: Second.

20 CHAIRMAN SCOTT: It is moved and seconded.

21 All in favor say aye.

22 COMMISSIONERS: Aye.

1 (No response.)

2 Is there a motion to adopt the
3 procurement administrator's proposed benchmarks?

4 COMMISSIONER FORD: So moved.

5 CHAIRMAN SCOTT: Is there a second?

6 COMMISSIONER O'CONNELL-DIAZ: Second.

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

8 All in favor say aye.

9 COMMISSIONERS: Aye.

10 CHAIRMAN SCOTT: Any opposed?

11 (No response.)

12 The vote is five to nothing, and the
13 benchmarks are adopted.

14 The last item today concerns pending
15 litigation, so we will address it in Closed Session.

16 Is there a motion to go into Closed Session?

17 COMMISSIONER O'CONNELL-DIAZ: So moved.

18 CHAIRMAN SCOTT: Is there a second?

19 COMMISSIONER FORD: Second.

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

21 All in favor say aye.

22 COMMISSIONERS: Aye.

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CHAIRMAN SCOTT: Any opposed?

(No response.)

The vote is five to nothing; the Commission will now go into Closed Session. Please let me know when the room is ready in Chicago.

(Whereupon at this point pages 47 - 54 of the proceedings are contained in a separate closed transcript.)

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CONTINUATION OF PROCEEDINGS

CHAIRMAN SCOTT: In Closed Session the Commission discussed authorizing action with respect to the ongoing appeal of our Order in Docket 09-0263.

Is there a motion to authorize the action in this matter as described in Closed Session?

COMMISSIONER FORD: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER O'CONNELL-DIAZ: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

All in favor say aye.

COMMISSIONERS: Aye.

CHAIRMAN SCOTT: Any opposed?

(No response.)

The vote is five to nothing, and the authorization is granted.

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

JUDGE WALLACE: No, that's it.

CHAIRMAN SCOTT: Thank you, sir. Hearing nothing more, this meeting stands adjourned.

BENCH SESSION ADJOURNED