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BEFORE THE
ILLINOIS COMMERCE COMMISSION
BENCH SESSION
(PUBLIC UTILITIES)
Chicago, Illinois
Wednesday, April 3, 2013

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

- PRESENT:
- MR. DOUGLAS P. SCOTT, Chairman
 - MR. JOHN T. COLGAN, Commissioner (by videoconference)
 - MS. ANN McCABE, Commissioner (by phone)
 - MR. MIGUEL del VALLE, Acting Commissioner
 - MS. SHERINA E. MAYE, Acting Commissioner
- L.A. COURT REPORTERS by
Kari Wiedenhaupt, Reporter
- CSR# 084-004725

1 CHAIRMAN SCOTT: Is everything ready in
2 Springfield?

3 COMMISSIONER COLGAN: I believe we are ready to
4 go.

5 CHAIRMAN SCOTT: Thanks. Very good. Pursuant
6 to the provisions of the Open Meetings Act, I now
7 convene a regularly scheduled Bench Session of the
8 Illinois Commerce Commission. With me in Chicago are
9 Acting Commissioner del Valle and Acting Commissioner
10 Maye. With us in Springfield is Commissioner Colgan.
11 I am Chairman Scott. We have a quorum.

12 We should also have Commissioner
13 McCabe available on the phone. Are you there,
14 Commissioner?

15 COMMISSIONER MCCABE: Yes, I am.

16 CHAIRMAN SCOTT: Very good. Under the
17 Commission's rules we will have to vote to allow
18 Commissioner McCabe to participate by phone.

19 I move to allow Commissioner McCabe's
20 participation by phone. Is there a second?

21 ACTING COMMISSIONER DEL VALLE: Second.

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

1 All in favor, say aye.

2 (Chorus of ayes.)

3 CHAIRMAN SCOTT: Any opposed?

4 (No response.)

5 CHAIRMAN SCOTT: The vote is four to nothing
6 and Commissioner McCabe may participate in today's
7 meeting by phone.

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

17 (Whereupon, the Commission
18 proceeded with the
19 Transportation Agenda, the
20 proceedings of which are
21 enclosed in a separate
22 transcript.)

1 CHAIRMAN SCOTT: Moving on to the Public
2 Utility agenda, we will begin with the approval of
3 minutes from our March 20th Bench Session. I
4 understand amendments have been forwarded.

5 Is there a motion to amend the
6 minutes?

7 ACTING COMMISSIONER DEL VALLE: So moved.

8 CHAIRMAN SCOTT: Is there a second?

9 ACTING COMMISSIONER MAYE: Second.

10 CHAIRMAN SCOTT: It's been moved and seconded.
11 All in favor, say aye.

12 (Chorus of ayes.)

13 CHAIRMAN SCOTT: Any opposed?

14 (No response.)

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

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

19 ACTING COMMISSIONER MAYE: So moved.

20 CHAIRMAN SCOTT: Is there a second?

21 ACTING COMMISSIONER DEL VALLE: Second.

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

1 All in favor, say aye.

2 (Chorus of ayes.)

3 CHAIRMAN SCOTT: Any opposed?

4 (No response.)

5 CHAIRMAN SCOTT: The vote is five to nothing,
6 and the minutes from our March 20th Bench Session as
7 amended are approved.

8 On to the Public Utility agenda. We
9 will begin with the Electric portion. Item E-1
10 concerns a filing by Ameren to amend its Riders HSS,
11 RTP and Customer Terms and Conditions to accommodate
12 recent changes in MISO capacity procurement
13 administration. Staff recommends granting the
14 company's request by not suspending the filing.

15 Is there any discussion?

16 (No response.)

17 CHAIRMAN SCOTT: Is there a motion to not
18 suspend the filing?

19 ACTING COMMISSIONER MAYE: So moved.

20 CHAIRMAN SCOTT: Is there a second?

21 ACTING COMMISSIONER DEL VALLE: Second.

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

1 All in favor, say aye.

2 (Chorus of ayes.)

3 CHAIRMAN SCOTT: Any opposed?

4 (No response.)

5 CHAIRMAN SCOTT: The vote is five to nothing
6 and the filing will not be suspended. We will use
7 this five to nothing vote for the remainder of the
8 Public Utility Agenda unless otherwise noted.

9 Item E-2 is Docket No. 12-0211. This
10 concerns a reconciliation of revenues collected under
11 Ameren's Hazardous Materials Adjustment Clause Rider
12 in 2011 with actual and prudent associated costs.
13 ALJ Von Qualen recommends entry of an Order approving
14 the reconciliation.

15 Is there any discussion?

16 (No response.)

17 CHAIRMAN SCOTT: Any objections?

18 (No response.)

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

21 Items E-3 and E-4 can be taken
22 together. These are customer complaints against

1 ComEd. In each case ALJ Benn recommends the entry of
2 an Order dismissing the proceeding for want of
3 prosecution without prejudice.

4 Is there any discussion?

5 (No response.)

6 CHAIRMAN SCOTT: Any objections?

7 (No response.)

8 CHAIRMAN SCOTT: Hearing none, the Orders are
9 entered.

10 Item E-5 is Docket No. 12-0343. This
11 is a customer complaint by Heartland Recycling, LLC.
12 ALJ Riley recommends entry of an Order granting
13 ComEd's motion and dismissing the proceeding without
14 prejudice.

15 Is there any discussion?

16 (No response.)

17 CHAIRMAN SCOTT: Any objections?

18 (No response.)

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

21 Items E-6 through E-8 can be taken
22 together. These are customer complaints against

1 ComEd. In each case, the parties have apparently
2 settled their differences and have brought a Joint
3 Motion to Dismiss, which the ALJ in each case
4 recommends we grant.

5 Is there any discussion?

6 (No response.)

7 CHAIRMAN SCOTT: Any objections?

8 (No response.)

9 CHAIRMAN SCOTT: Hearing none, the Joint
10 Motions to Dismiss are granted.

11 Item E-9 is AEP Energy's petition for
12 the confidential treatment of its 2012 annual answer
13 time/abandon call report, which it later requested to
14 withdraw. ALJ Von Qualen recommends entry of an
15 Order granting petitioner's request and dismissing
16 the petition.

17 Is there any discussion?

18 (No response.)

19 CHAIRMAN SCOTT: Any objections?

20 (No response.)

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

1 Items E-10 and E-11 can be taken
2 together. These are citations for a failure to file
3 a Compliance Recertification Report as is required
4 for an agent, broker and consultant pursuant to Part
5 454 of the Illinois Administrative Code. In each
6 case ALJ Von Qualen recommends entering an Order
7 revoking the certificate of service to operate as an
8 ABC.

9 Is there any discussion?

10 (No response.)

11 CHAIRMAN SCOTT: Any objections?

12 (No response.)

13 CHAIRMAN SCOTT: Hearing none, the Orders are
14 entered.

15 Item E-12 is Docket No. 13-0160. This
16 is Ameren and MJM Electric Cooperative's Joint
17 Petition for Approval of an Agreement Amending the
18 Service Area Agreement between the parties pursuant
19 to Sections 2 and 6 of the Electric Supplier Act.
20 ALJ Von Qualen recommends entry of an Order granting
21 the requested relief.

22 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-13 and E-14 can be taken
7 together. These items are petitions for the
8 confidential and/or proprietary treatment of
9 petitioners' reports. In each case, ALJ Riley
10 recommends entry of an Order granting the requested
11 protective treatment.

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 Turning now to Natural Gas. Item G-1
19 Docket No. 13-0144. This is Peoples Gas' petition
20 seeking authority to issue long-term debt, pursuant
21 to Section 6-102(b) of the Public Utilities Act. ALJ
22 Jorgenson recommends entry of an Order granting the

1 requested authority.

2 Is there any discussion?

3 (No response.)

4 CHAIRMAN SCOTT: Any objections?

5 (No response.)

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

8 Moving on to telecommunication. Item
9 T-1 is Docket No. 12-0644. This is NMG Telecom LLC's
10 application for certificates of service authority to
11 provide facilities based and resold interexchange
12 telecommunication services in Illinois. The
13 Commission entered an Order granting the certificates
14 of authority on February 21st, 2013. ALJ Benn
15 recommends entering an Amendatory Order to correct a
16 scrivener's error in the February 21st Order.

17 Is there any discussion?

18 (No response.)

19 CHAIRMAN SCOTT: Any objections?

20 (No response.)

21 CHAIRMAN SCOTT: Hearing none, the Amendatory
22 Order is entered. Items T-2 through T-4 can be taken

1 together. These items are applications for
2 certificates of service authority to provide
3 telecommunication services in Illinois. In each
4 case, the ALJ recommends entry of an Order granting
5 the requested authority.

6 Is there any discussion?

7 (No response.)

8 CHAIRMAN SCOTT: Any objections?

9 (No response.)

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

12 Item T-5 is Docket No. 13-0195. This
13 is XO Communications' petition to cancel and reissue
14 certificates of service authority previously granted
15 to reflect a change in its corporate form. ALJ Riley
16 recommends entry of an Order granting the requested
17 relief.

18 Is there any discussion?

19 (No response.)

20 CHAIRMAN SCOTT: Any objections?

21 (No response.)

22 CHAIRMAN SCOTT: Hearing none, the Order is

1 entered.

2 Items T-6 and T-7 can be taken
3 together. These items are citation proceedings for a
4 company's failure to maintain its corporate status.
5 In each case, ALJ Von Qualen recommends entry of an
6 Order revoking the company's certificate of service
7 authority.

8 Is there any discussion?

9 (No response.)

10 CHAIRMAN SCOTT: Are there any objections?

11 (No response.)

12 CHAIRMAN SCOTT: Hearing none, the Orders are
13 entered.

14 Item T-8 is Docket No. 13-0167. This
15 is the City of Marseilles' petition to modify its
16 existing 9-1-1 emergency telephone number system.
17 ALJ Haynes recommends entry of an Order approving the
18 modification.

19 Is there any discussion?

20 (No response.)

21 CHAIRMAN SCOTT: Any objections?

22

1 (No response.)

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

4 Items T-9 and T-10 can be taken
5 together. These items are Joint Petitions for the
6 approval of an interconnection agreement between
7 telecommunication carriers. In each case, the ALJ
8 recommends entry of an Order approving the agreement.

9 Is there any discussion?

10 (No response.)

11 CHAIRMAN SCOTT: Any objections?

12 (No response.)

13 CHAIRMAN SCOTT: Hearing none, the Orders are
14 entered.

15 Item T-11 through T-17 can be taken
16 together. These items are Joint Petitions for the
17 approval of amendments to interconnection agreements
18 between telecommunication carriers. In each case,
19 the ALJ recommends entry of an Order approving the
20 amendment.

21 Is there any discussion?

22

1 (No response.)

2 CHAIRMAN SCOTT: Any objections?

3 (No response.)

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

6 Item T-18 is Docket No. 11-0361. This
7 is Nexus Communication's Motion to Withdraw its
8 application to increase its eligible
9 telecommunication carrier service area. ALJ Riley
10 recommends granting the company's Motion to Withdraw
11 the application without prejudice.

12 Is there any discussion?

13 (No response.)

14 CHAIRMAN SCOTT: Any objections?

15 (No response.)

16 CHAIRMAN SCOTT: Hearing none, the motion is
17 granted.

18 Items T-19 through T-22 can be taken
19 together. These items are petitions for the
20 confidential and/or proprietary treatment of the
21 petitioners' annual reports. In each case, the ALJ
22 recommends entry of an Order granting the requested

1 protective treatment.

2 Is there any discussion?

3 (No response.)

4 CHAIRMAN SCOTT: Any objections?

5 (No response.)

6 CHAIRMAN SCOTT: Hearing none, the Orders are
7 entered.

8 Last, but certainly not least, we have
9 one other matter before us today, which is a
10 Resolution honoring Commissioner Erin O'Connell-Diaz.
11 I have the Resolution here. The fancy one will be
12 mailed to your home. So you will get that there. I
13 would like to read this. It's a little bit lengthy,
14 but Commissioner O'Connell-Diaz served the Commission
15 for a very long time, so we tried to capture as much
16 as we possibly could in the Resolution.

17 Resolution

18 By the Commission:

19 Whereas, Commissioner Erin O'Connell-Diaz
20 dutifully served with vigor and passion as
21 Commissioner on the Illinois Commerce Commission from
22 2003 until 2013; and

1 Whereas, Commissioner O'Connell-Diaz worked
2 diligently throughout her life and was appointed as
3 Administrative Law Judge at the Commission and later
4 as Assistant Director of Administrative Law Division;
5 and

6 Whereas, prior to joining the ICC Commissioner
7 O'Connell-Diaz served as an Assistant Attorney
8 General; and

9 Whereas, Commissioner O'Connell-Diaz has
10 represented the interests of Illinois while being an
11 active member of NARUC. She has served as a member
12 on its Board of Directors, Utility Marketplace
13 Access, Critical Infrastructure, International
14 Relations, Water and most notably as Chairperson of
15 the Electric Committee; and

16 Whereas, Commissioner O'Connell-Diaz has
17 additionally lent her talents to the EPRI Advisory
18 Council, New Mexico Rate School Faculty and Harvard
19 Electric Policy Group; and

20 Whereas, Commissioner O'Connell-Diaz has
21 championed competitive electric markets in our state
22 to the benefit of many and co-chaired the ICC's

1 initiative on plug-in electric vehicles; and

2 Whereas, Commissioner O'Connell-Diaz has earned
3 the respect of many colleagues by always examining
4 every issue before her position is made known and is
5 also known for not being a "shrinking violet" and for
6 "taking it to the mattresses" on occasion; and

7 Whereas, Commissioner O'Connell-Diaz has served
8 as a chair of the Chicago Bar Association's Public
9 Utility Division; and

10 Whereas, Commissioner O'Connell-Diaz is a
11 lifetime member of the Naval Reserve Association; and

12 Whereas, Commissioner O'Connell-Diaz has always
13 made room in her heart and in her life for dogs and
14 animals in need; and

15 Whereas, Commissioner O'Connell-Diaz earned a
16 bachelor's degree Cum Laude from the College of St.
17 Mary Notre Dame and a law degree from Loyola
18 University of Chicago.

19 Now, therefore, be it resolved that the
20 Illinois Commerce Commission hereby gratefully
21 acknowledges Commissioner O'Connell-Diaz's years of
22 exemplary public service during her employment with

1 the Illinois Commerce Commission and expresses its
2 deep appreciation for her public service and
3 dedication on the occasion of her departure.
4 Congratulations.

5 COMMISSIONER O'CONNELL-DIAZ: I guess I should
6 go up there.

7 CHAIRMAN SCOTT: You can sit. You can stand.
8 Whatever you would like to do.

9 COMMISSIONER O'CONNELL-DIAZ: I have my script.

10 COMMISSIONER COLGAN: Before she makes her
11 comments, I had a couple of comments.

12 CHAIRMAN SCOTT: Sure.

13 COMMISSIONER COLGAN: A couple of times,
14 Chairman, I was tempted to interrupt and ask if the
15 two ladies in the back row there wanted to share with
16 everybody the little whispering that was going on.

17 CHAIRMAN SCOTT: Commissioner Ford voted on 17
18 different items today.

19 COMMISSIONER O'CONNELL-DIAZ: Yes, she tried to
20 vote, and I told her she was going to get us kicked
21 out.

22 COMMISSIONER COLGAN: I am sure it was a very

1 good use of sarcasm back and forth.

2 But I feel we would like to take a
3 moment to acknowledge, Erin, your service and your
4 exemplary public service and to express my
5 appreciation for the service that you have done and
6 how it's been good to serve with you for the last
7 three years. You have been a hard worker and very
8 dedicated, and that is very much appreciated.

9 I am reminded today that we didn't
10 always agree on everything, but I'm also reminded
11 that we did agree on many more things than we
12 disagreed on. And I will always appreciate how you
13 welcomed me when I first came to the Commission and
14 helped me to learn the ropes. And that also goes for
15 Lula and Sherman and Charles who were all very good
16 and welcoming to me.

17 So today as you are moving on -- and I
18 say moving on much more than leaving, because I know
19 that you are moving on to good things. You are --
20 you will be missed here. As the Resolution says, you
21 will not be remembered as a "shrinking violet," and
22 one thing I will miss, and there are many more of

1 them that we can share with each other back and forth
2 over a friendly cocktail at some point, but one thing
3 that I am going to be -- miss is being able to look
4 down -- lean forward and look down to my left to the
5 end of the bench and watch your body gestures and
6 facial expressions. I could always tell when the
7 discussions were about to leave the track.

8 So while I think you have a great
9 future -- I know that you have a great future in
10 front of you, it's probably not as a poker player,
11 because you have way too many tells. But as you move
12 on, you know, the one thing that I think you and I
13 held in common is a joyful sense of pride in our
14 Irish heritage and the use of sarcasm, sense of humor
15 and the gift of gab.

16 So I have a couple Irish blessings for
17 you. One, which I think you will probably
18 appreciate: May those who love us, love us and those
19 who don't love us, may God turn their hearts, and if
20 he doesn't turn their hearts, may he turn their
21 ankles so we will know them by their limping.

22 And then probably the more appropriate

1 one is that: May the road rise up to meet you, and
2 may the wind always be at your back. May the sun
3 shine warm upon your face and the rains fall soft
4 upon your fields, and until we meet again, may God
5 hold you in the palm of his hand.

6 So I wish you the very best as you
7 move forward in your career, and I'm sorry I couldn't
8 be there today. I didn't know we were going to do
9 this, and I made plans that -- so I couldn't be there
10 today, but I did send you a card to your home
11 address, and eat some cake and drink some punch for
12 me.

13 CHAIRMAN SCOTT: Thank you very much,
14 Commissioner Colgan.

15 COMMISSIONER COLGAN: You're welcome.

16 COMMISSIONER O'CONNELL-DIAZ: It's very, very
17 nice, and I have a list for those that should be
18 limping as they go through life. I will share that
19 with you privately.

20 CHAIRMAN SCOTT: Yeah. Let me go around the
21 room. Let me ask first Commissioner McCabe who is on
22 the phone if you had anything to add.

1 COMMISSIONER MCCABE: Yes. I just want to
2 second other comments and thank Commissioner
3 O'Connell-Diaz for her vigor, passion and dedication,
4 and I, too, am sorry I couldn't be there. And I
5 don't have quite the Irish gift of gab as
6 Commissioner Colgan, but I did give her an Irish
7 necklace of sorts in commemoration of that shared
8 heritage and look forward to crossing paths in the
9 future.

10 COMMISSIONER O'CONNELL-DIAZ: Thank you,
11 Commissioner McCabe, and I did wear that on St.
12 Patrick's Day.

13 COMMISSIONER MCCABE: Very good.

14 CHAIRMAN SCOTT: Commissioner del Valle?

15 ACTING COMMISSIONER DEL VALLE: Yeah. I want
16 to tell John, now I understand why I keep running
17 into people who are limping. I just didn't know
18 that.

19 COMMISSIONER COLGAN: That's where my limp
20 comes from.

21 ACTING COMMISSIONER DEL VALLE: In reading the
22 Resolution, Erin, I thought of the many resolutions I

1 have seen over the years, and the thing about
2 resolutions is that as hard as Staff and those who
3 write resolutions try, you just can't capture
4 everything, and that is definitely the case for you.

5 I -- the first thing that impressed me
6 about this, and the first thing I thought of was all
7 this institutional knowledge that we are losing.
8 It's just an incredible amount, but I agree with
9 John, and the reason you just can't hide what you are
10 feeling and what you are thinking at times is because
11 you are passionate.

12 COMMISSIONER O'CONNELL-DIAZ: And I'm a bad
13 poker player.

14 ACTING COMMISSIONER DEL VALLE: You are
15 definitely passionate. Stay away from poker.

16 But I want to say as one of the new
17 guys on the block here, thank you for your service to
18 the People of the State of Illinois, not just as a
19 Commissioner, but before that as an Administrative
20 Law Judge and with the Attorney General's office, and
21 I know you are going to be doing a whole lot of other
22 things, but man, that is a really long, impressive

1 list of accomplishments, and I am sure your husband
2 is very proud of you.

3 COMMISSIONER O'CONNELL-DIAZ: Thank you very
4 much.

5 CHAIRMAN SCOTT: Commissioner Maye?

6 ACTING COMMISSIONER MAYE: Commissioner
7 O'Connell-Diaz, I wanted to congratulate you on your
8 service at the Illinois Commerce Commission. I,
9 unlike my colleagues, did not have the opportunity to
10 work with you. But I should thank you for leaving
11 very large shoes for me to fill, and I hope that at
12 the end of my term you will be as proud of me and the
13 job that I did in your seat as everyone is of you.

14 COMMISSIONER O'CONNELL-DIAZ: Thank you very
15 much. And are you in my old office?

16 ACTING COMMISSIONER MAYE: Yes, I am.

17 COMMISSIONER O'CONNELL-DIAZ: Good. That's a
18 good office, good karma. And it's got the 4 O'clock
19 chairs.

20 CHAIRMAN SCOTT: Well, and, Erin, everybody has
21 said everything so far. So I don't have too much to
22 add, but I just -- I was thinking back on all the

1 changes that you have seen in all of the things that
2 we do during the time that you have been working on
3 these issues, tremendous changes, and you were right
4 in the middle of all of them and everything that we
5 are dealing with now from pipeline replacement to
6 smart grid to electric vehicles, all of the different
7 things that you not just worked on, but were
8 instrumental here at the Commission in helping to
9 move forward.

10 And I certainly appreciate that, and I
11 know that the citizens of Illinois do as well, and as
12 Commissioner del Valle said, the great many years of
13 public service is something that I appreciate. I
14 know the commitment that that takes and the other
15 things that you forego to continue a career of public
16 service, and so I very much appreciate that.

17 I had written down poker player, but
18 I'm not going to say it now. But obviously, your
19 passion for the issues -- not just passion for the
20 issues and the things that we do here and working
21 with and around the folks that we are here with, but
22 your passion for the institution, too. You believe

1 in the ICC and what the ICC is designed to do, and I
2 certainly appreciated that.

3 And again, I know as folks say --
4 actually, vous revoir is probably better, because we
5 know we will see you again, and we look forward to
6 seeing you in the future and all of the things that
7 you will be working on going forward. I know I will
8 see you around NARUC and other places as well.

9 COMMISSIONER O'CONNELL-DIAZ: Thank you very
10 much, Mr. Chairman.

11 CHAIRMAN SCOTT: Congratulations and we look
12 forward to seeing you in the future.

13 COMMISSIONER O'CONNELL-DIAZ: I appreciate
14 that. Thank you very, very much.

15 I have this big, long script. I think
16 I was writing it at 2:00 in the morning. But first
17 of all, thanks everyone for this. I know there were
18 a lot of people that worked on this Resolution. I
19 probably ran out of toner, because it's a really
20 small script, and -- but it captures so much of my
21 life and my time here that I believe has been well
22 spent and something that I have been very fortunate

1 to experience in my lifetime.

2 I just want to thank you for such a
3 thoughtful resolution. It will have a place of
4 prominence on my office wall at home or wherever else
5 that might be. When I gaze at it, I will scan
6 through the kaleidoscope of memories of my 22 years
7 at this Commission. When I started here, there were
8 seven Commissioners. Imagine that. We were across
9 the street. There was this big bank of chairs. They
10 were just winding up on some of the large cases
11 regarding nuclear power plants that had been built in
12 Illinois; contentious to say the least.

13 I do recall hearing about people in
14 chicken costumes charging the Bench, all sorts of fun
15 goings on. Then we went down to five Commissioners
16 and the telecom boom hit us, and Illinois was a
17 leader in the development of telecommunications
18 marketplace. MCI, Quest, Sage -- I was trying to
19 remember the names of the big companies that came in
20 at that time. They were the giants. None of them
21 are here today. I mean, they don't exist as
22 companies, not here physically.

1 Alternative regulation for Illinois
2 Bell was the order of the day. I think that case
3 went on for four years. Then we had the issue,
4 really big issue, 11-digit dialing. That held us in
5 consternation for years. Oh, and don't let me forget
6 the dreaded area code cases. Were we going to run
7 out? Were we going to exhaust? They were in 10,000
8 blocks. There is probably vaults of numbers
9 someplace that still exist with regard to those
10 certain area codes. The North American Numbering
11 Plan, I don't know how many sessions I sat through on
12 that.

13 In those days the ALJs sat for days,
14 morning and afternoon, in the very chairs in the main
15 hearing room responding to questions from
16 Commissioners. We would go in the morning. We would
17 start at the Bench Session. We would go into the --
18 take a lunch break. We'd go into the afternoon.
19 Maybe you'd get out of there about 3:30, start up the
20 next day. It was a very different type of a
21 situation than what we have today. I'm not
22 suggesting it's better or worse, but it was just --

1 it was different. Many challenging cases, but at
2 that time the politicians let the Commission do its
3 important work and understood the need for an
4 independent decision-maker.

5 In fact, the Commission was just such
6 a different state agency than I had ever encountered.
7 It operated in its own sphere, and the notion that
8 influence, be it political or by a regulated entity,
9 would be part of any of our process was a foreign
10 concept to me. In my years of being an ALJ, I never
11 had anybody come to me, tell me to decide a case a
12 certain way, and if they had, I probably would have
13 given them a black eye.

14 But how times have changed in the
15 first years of this 21st Century. In 2003 or 2004
16 particular folks found that the utility sector
17 allowed them the opportunity to comment on five or
18 six essential services that served a voter's home
19 base. The Commission was an easy mark due to the
20 fact that once a case was started, we could not talk
21 to the public.

22 So various interest groups grabbed

1 certain headlines that were easy, suggesting that the
2 Commission was a hotbed of corruption and had turned
3 a deaf ear to the needs of the consumers. The course
4 was set. These individuals collaborated with our
5 advocacy groups and the war escalated. Throughout it
6 all, the Commission was just doing what our law
7 prescribes; balancing the interests of the consumers,
8 shareholders and the companies we regulate, as well
9 as implementing the laws that those very politicians
10 had put in place.

11 The witch hunt was on and we were the
12 targets. Letters from a now disgraced and imprisoned
13 ex-governor threatened to fire us if we did not vote
14 the way he wanted. It was headline news. Commentary
15 from the lieutenant governor and others maligning the
16 Commissioners as anti-consumer, labels are such an
17 easy thing. Unenforceable and illegal subpoenas from
18 our state's top legal officers, specious
19 investigations by the state's inspector general who
20 worked for the disgraced governor. Philanderous and
21 false stories in the press that sought to impugn our
22 professional reputations, not to mention our family

1 names. Those were the orders of the day.

2 Shame on all who were part of that
3 nonsense, and shame on all those who made our state
4 look like a circus on the national and international
5 stage. Most importantly, I knew that Illinois could
6 do better when we go to the voting booth to select
7 our leaders. We can do better. We should do better,
8 and we must do better. But as I look back on those
9 times of trouble as I call it, I am thankful to have
10 been tested in that manner. It allowed me to
11 understand the base level that people can sink to in
12 order to advance their own agendas.

13 More importantly, I had to face the
14 situation head on and to dig deep into my soul and
15 call upon reserves of courage I did not know I
16 possessed and informed bad actors to go pound sand.
17 And that if I -- and if need be, I and my lawyer,
18 which I paid for, unlike a short-term Commissioner
19 that had the taxpayers finance his quest for legal
20 counsel, would be talking to a certain man down the
21 street by the name of Fitzgerald in the federal
22 building.

1 I was lucky to have a good family and
2 friends, a strong colleague in Commissioner Ford and
3 Chairman Box, as the support network that I depended
4 on during those -- that very rough stretch of time.
5 Most importantly, we were all just doing these tough
6 jobs of making these unpopular decisions in cases
7 that are brought before our Commission. That's what
8 we do. That's what our job is.

9 I do hope that none of my successors
10 have to go through any of that kind of experience.
11 It does cause strife in your home life and in your --
12 just your whole being, but hopefully those days are
13 behind us. But despite all those attempted political
14 incursions, the ICC staunchly maintained an
15 independence and blazed the trail in the development
16 of successful gas, electric and as mentioned earlier,
17 telecom competitive markets with appropriate consumer
18 protections.

19 Launching the first ever consumer
20 outreach programs with Commissioner Ford; broadband
21 deployment came to many unserved Illinoisans who were
22 on the wrong side of the digital divide.

1 Launching the electric vehicle
2 initiative, implementation of renewable energy and
3 energy efficiency standards, and least we forget, the
4 PEERS stellar safety programs that our transportation
5 sector runs. It is the envy of the nation. We
6 should be so very proud, and keep safe on the tracks.

7 And last, but not least, the smart
8 grid collaborative working group, the first ever in
9 the country to tackle the -- head-on the issues
10 involved with grid modernization planning. I among
11 many and am waiting for the realization of the Energy
12 Modernization Act passed by our General Assembly
13 two years ago. It is time for Illinois to regain its
14 footing as a leader instead of lagging behind 47
15 other states.

16 So as you can see, there is enough
17 history that I have experienced at the Commission to
18 write four screenplays. I have even left out some of
19 the more juicier tidbits. But seriously, it's great
20 to be moving on to a new chapter. I look forward to
21 continuing my national and international work in the
22 regulatory sector as long as I don't violate any

1 rules that my experience in the leadership column of
2 NARUC has afforded me. I am very grateful for those
3 opportunities that the Commission has given me to be
4 able to be in that leadership column at NARUC.

5 So I thank many of you for being part
6 of my career life, and some that have even become
7 friends through the years. Thanks to OGC, Mary
8 Stephenson, Nora Naughton and that group upstairs
9 that continues to give the Commission sound legal
10 advice.

11 I would also like to express my
12 gratitude to my assistants through the years; Shauna
13 Kelly, Torsten Clausen, Ambika Dalal, our new mother
14 down here. She didn't bring the baby today. And
15 certainly our very, very special gal, Brandy
16 Bush-Brown.

17 To all the Commissioners, to all the
18 Staff, to my ALJ area, with whom I have served, I
19 want to thank you and I want to wish you the best of
20 success and progress in the future, especially to my
21 good friend, my sister that I didn't meet until many
22 years later in my life, Commissioner Ford. I know

1 she is going to go on to do --

2 COMMISSIONER FORD: Nothing.

3 COMMISSIONER O'CONNELL-DIAZ: -- a lot more
4 things. She is going to go on to do a lot more
5 things -- she is lying -- because we need her type of
6 expertise. We need her to be able to go to the
7 mattresses, if necessary, on pivotal issues, and I
8 think she is going to be looking to do more things in
9 her area of expertise in the educational sector, and
10 our state needs it, our city needs it, and she needs
11 to be part of that dialogue.

12 Mr. Chairman, Commissioner Colgan,
13 Commissioner del Valle, Commissioner Maye, I wish you
14 great success. Maintain your independence. Strike
15 that correct balance where you balance all the
16 stakeholders' interests, and don't let anybody tell
17 you to do anything else but that.

18 I always use the loaf of bread
19 analogy. If you give everybody a little piece of the
20 loaf of bread, then you have probably done a good job
21 balancing those interests. If you make everybody a
22 little unhappy, you have done your job.

1 Coming from a family where public
2 service was expected, I know what public service --
3 that public service is the rent we pay for being and
4 a role that is expected of all of us. It allows us
5 to share in the great gifts that this great country
6 gives us. It is the purpose of life, not something
7 you do in your spare time. The Commission has
8 fulfilled that space for me, and I am a lucky gal to
9 have been able to be a part of such a vital state
10 agency for so many years.

11 Good luck. God speed, and God bless
12 our state, its people and this great country we call
13 home. As my mother always said, ever the optimist,
14 upward and onward. There is much work to be done.
15 So thank you everybody. I look forward to seeing you
16 in this new chapter of my life. I had to go through
17 the security this morning. I have never done that
18 before, but thank you from the bottom of my heart,
19 and I look forward to working and collaborating with
20 you in the future. Thank you.

21 CHAIRMAN SCOTT: I move the adoption of the
22 Resolution honoring Commissioner O'Connell-Diaz.

1 Is there a second?

2 ACTING COMMISSIONER MAYE: Second.

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

4 All in favor, say aye.

5 (Chorus of ayes.)

6 CHAIRMAN SCOTT: Any opposed?

7 COMMISSIONER O'CONNELL-DIAZ: Commissioner Ford
8 might be. I don't know.

9 CHAIRMAN SCOTT: She is abstaining. The vote
10 is five to nothing, and the Resolution honoring
11 Commissioner O'Connell-Diaz is adopted. Commissioner
12 O'Connell-Diaz mentioned Ambika Dalal who is with us.
13 And we wanted to thank her for her service to the
14 Commission as well.

15 MS. DALAL: Thank you.

16 CHAIRMAN SCOTT: And also congratulate her on
17 being a new mother. I saw a great picture today.

18 MS. DALAL: Thank you. Thanks everybody.

19 Thanks.

20 CHAIRMAN SCOTT: We appreciate your service
21 here to the Commission.

22 Judge Wallace, are there any other

1 matters to come before the Commission today?

2 JUDGE WALLACE: No. That's all, Mr. Chairman.

3 CHAIRMAN SCOTT: Thank you, sir. Hearing none,
4 this meeting stands adjourned.

5 (END OF PROCEEDINGS.)

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