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BEFORE THE
ILLINOIS COMMERCE COMMISSION
BENCH SESSION
(PUBLIC UTILITIES)
Springfield, Illinois
Wednesday, May 15, 2013

Met, pursuant to notice, at 10:30 a.m. at 527
East Capitol Avenue, Springfield, Illinois.

PRESENT:

MR. DOUGLAS P. SCOTT, Chairman

MR. JOHN T. COLGAN, Commissioner

MS. ANN McCABE, Commissioner (by videoconference)

MR. MIGUEL del VALLE, Acting Commissioner

MS. SHERINA E. MAYE, Acting Commissioner (by phone)

L.A. COURT REPORTERS by

Kari Wiedenhaupt, Reporter

CSR# 084-004725

1 CHAIRMAN SCOTT: Is everything ready in
2 Chicago?

3 COMMISSIONER MCCABE: Yes.

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

12 Are you there, Commissioner?

13 ACTING COMMISSIONER MAYE: I am here.

14 CHAIRMAN SCOTT: Very good. Under the
15 Commission's rules, we will have to vote to allow
16 Commissioner Maye to participate by phone.

17 I move to allow Commissioner Maye's
18 participation by phone. Is there a second?

19 COMMISSIONER COLGAN: Second.

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

22

1 (Chorus of ayes.)

2 CHAIRMAN SCOTT: Any opposed?

3 (No response.)

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

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

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

22 CHAIRMAN SCOTT: Moving on to the Public

1 Utility Agenda. We will begin with the approval of
2 minutes from our April 17th and May 1st Bench
3 Sessions. I understand amendments have been
4 forwarded for both sets of minutes. Is there a
5 motion to amend the minutes?

6 COMMISSIONER COLGAN: So moved.

7 CHAIRMAN SCOTT: Is there a second?

8 ACTING COMMISSIONER DEL VALLE: Second.

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

10 All in favor, say aye.

11 (Chorus of ayes.)

12 CHAIRMAN SCOTT: Any opposed?

13 (No response.)

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

17 ACTING COMMISSIONER DEL VALLE: So moved.

18 CHAIRMAN SCOTT: Is there a second?

19 COMMISSIONER COLGAN: Second.

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

21 All in favor, say aye.

22

1 (Chorus of ayes.)

2 CHAIRMAN SCOTT: Any opposed?

3 (No response.)

4 CHAIRMAN SCOTT: The vote is five to nothing,
5 and the minutes from our April 17th and May 1st Bench
6 Sessions as amended are approved.

7 Turning now to the Electric portion of
8 today's agenda. Item E-1 concerns a filing by ComEd
9 to revise its Rider POG to modify compensation paid
10 to customers served under this Rider. Staff
11 recommends granting the company's request by not
12 suspending the filing.

13 Is there any discussion?

14 (No response.)

15 CHAIRMAN SCOTT: Is there a motion to not
16 suspend the filing?

17 ACTING COMMISSIONER DEL VALLE: So moved.

18 CHAIRMAN SCOTT: Is there a second?

19 COMMISSIONER COLGAN: Second.

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

21 All in favor, say aye.

22

1 (Chorus of ayes.)

2 CHAIRMAN SCOTT: Any opposed?

3 (No response.)

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

8 Item E-2 is Docket No. 11-0689. This
9 is our proceeding to determine the standard
10 evaluation criteria and methodology of ComEd, Peoples
11 Gas, North Shore, Ameren and Nicor's On-Bill
12 Financing programs. ALJ Haynes recommends entry of
13 an Order approving the evaluation plan as modified by
14 the parties.

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 E3 through E9 can be taken
22 together. These items are customer complaints

1 against ComEd and Ameren. In each case the parties
2 have apparently settled their differences and have
3 brought a Joint Motion to Dismiss, which the ALJ
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-10 is Docket No. 12-0372. This
12 is Patrick Dillon's complaint against ComEd regarding
13 the removal of a pole on complainant's property.
14 This matter will be held for disposition at a future
15 Commission meeting.

16 Items E-11 through E-13 can be taken
17 together. These items are applications for
18 certificates of service authority to operate as an
19 ARES in Illinois pursuant to Section 16-115 of the
20 Public Utilities Act or to operate as an agent,
21 broker or consultant pursuant to Section 16-115C of
22 the Act. In each case the ALJ recommends entry of an

1 Order granting the certificate.

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 Items E-14 through E-18 can be taken
9 together. These items are petitions for the
10 confidential and/or proprietary treatment of annual
11 and/or compliance reports. In each case the ALJ
12 recommends entry of an Order granting the requested
13 relief.

14 Is there any discussion?

15 (No response.)

16 CHAIRMAN SCOTT: Any objections?

17 (No response.)

18 CHAIRMAN SCOTT: Hearing none, the Orders are
19 entered.

20 Turning now to Natural Gas, Items G-1
21 and G-2 can be taken together. These items are North
22 Shore and Peoples' petitions to initiate

1 reconciliation proceedings to determine the accuracy
2 of their Rider UEA Reconciliation Statements. In
3 both cases, ALJ Jorgenson recommends entry of an
4 Order approving the reconciliation.

5 Is there any discussion?

6 (No response.)

7 CHAIRMAN SCOTT: Any objections?

8 (No response.)

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

11 Item G-3 is Docket No. 13-0190. This
12 is Ambit Illinois' petition for the confidential
13 and/or proprietary treatment of its 2012 Dekatherm
14 report. ALJ Haynes recommends entry of an Order
15 granting the company's request.

16 Is there any discussion?

17 (No response.)

18 CHAIRMAN SCOTT: Any objections?

19 (No response.)

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

22 Item G-4 is Docket No. 13-0146. This

1 is our rulemaking proceeding for Title 83, Part 590
2 of the Administrative Code for adopting
3 federally-mandated pipeline safety standards. Staff
4 recommends entry of a Second Notice Order submitting
5 proposed amendments to JCAR.

6 Is there any discussion?

7 (No response.)

8 CHAIRMAN SCOTT: Any objections?

9 (No response.)

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

12 Item G-5 is Docket No. 13-0192. This
13 is Ameren's petition for a general increase in gas
14 rates. The Commission previously suspended the
15 proposed general increase in gas rates to and
16 including June 23rd, 2013. However, the Commission's
17 investigation in this matter is not concluded and it
18 is necessary to enter a re-suspension Order extending
19 the period for an additional six months.

20 Is there any discussion?

21 (No response.)

22 CHAIRMAN SCOTT: Any objections?

1 (No response.)

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

4 Moving on to Telecommunications. Item
5 T-1 is Docket No. 13-0231. This is Norstar's
6 application for a certificate of service authority
7 pursuant to Section 13-404 of the Public Utilities
8 Act. ALJ Riley recommends entry of an Order granting
9 the requested certificate.

10 Is there any discussion?

11 (No response.)

12 CHAIRMAN SCOTT: Any objections?

13 (No response.)

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

16 Item T-2 is Docket No. 12-0550. This
17 is Sprint's Petition for Arbitration of an
18 interconnection agreement with AT&T. Sprint has
19 requested oral argument in this case, which ALJs
20 Haynes and Jorgenson recommend we deny.

21 Is there any discussion?

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1 (No response.)

2 CHAIRMAN SCOTT: Any objections?

3 (No response.)

4 CHAIRMAN SCOTT: Hearing none, the request is
5 denied.

6 Item T-3 is Docket No. 13-0189. This
7 is Gallatin River and Qwest Communications' joint
8 petition for approval of a Traffic Exchange
9 Agreement. The parties have filed a Request for
10 Leave to Withdraw the petition. ALJ Jorgenson
11 recommends we grant that request and dismiss the
12 proceeding without prejudice.

13 Is there any discussion?

14 (No response.)

15 CHAIRMAN SCOTT: Any objections?

16 (No response.)

17 CHAIRMAN SCOTT: Hearing none, the Request for
18 Leave to Withdraw is granted, and the proceeding is
19 dismissed without prejudice.

20 Items T-4 through T-6 can be taken
21 together. These items are joint petitions for the
22 approval of amendments to interconnection agreements.

1 In each case the ALJ recommends entry of an Order
2 approving the amendment to the agreement.

3 Is there any discussion?

4 (No response.)

5 CHAIRMAN SCOTT: Any objections?

6 (No response.)

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

9 Items T-7 and T-8 can be taken
10 together. These are petitions seeking confidential
11 and/or proprietary treatment of 2012 annual reports.
12 In both cases the ALJ recommends entry of an Order
13 granting the requested relief.

14 Is there any discussion?

15 (No response.)

16 CHAIRMAN SCOTT: Any objections?

17 (No response.)

18 CHAIRMAN SCOTT: Hearing none, the Orders are
19 entered.

20 Item T-9 is Docket No. 13-0288. This
21 is ExteNet's System's petition seeking the
22 confidential and/or proprietary treatment of its 2012

1 annual report. This item has been withdrawn from
2 today's agenda.

3 Item T-10 is Docket No. 13-0256. This
4 is Time Warner Cable's petition seeking the
5 confidential and/or proprietary treatment of its 2012
6 annual report. Time Warner has since filed a Motion
7 to Withdraw its petition, which ALJ Yoder recommends
8 we grant.

9 Is there any discussion?

10 (No response.)

11 CHAIRMAN SCOTT: Any objections?

12 (No response.)

13 CHAIRMAN SCOTT: Hearing none, the motion is
14 granted.

15 On to Water and Sewer. Item W-1 is
16 Docket No. 09-0319. This is Illinois American's
17 proposed general increase in water and sewer rates,
18 which has returned to us on remand from the Appellate
19 Court with direction to specifically address legal
20 and expert fees as is required under Section 9-229 of
21 the Public Utilities Act. ALJ Jones recommends entry
22 of an Order on Remand.

1 Is there any discussion?

2 (No response.)

3 CHAIRMAN SCOTT: Any objections?

4 (No response.)

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

7 Item W-2 is Docket No. 12-0690. This
8 is a customer complaint by Jeannine Greene against
9 Illinois American as to an inaccurate meter. The
10 parties have apparently settled their differences and
11 have brought a Joint Motion to Dismiss, which ALJ
12 Von Qualen recommends we grant.

13 Is there any discussion?

14 (No response.)

15 CHAIRMAN SCOTT: Any objections?

16 (No response.)

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

19 We have two Petitions for Rehearing to
20 consider today. Item PR-1 is Docket No. 11-0696.
21 This is Cbeyond's Petition for Rehearing in its
22 complaint proceeding against AT&T. ALJ Sainsot

1 recommends entry of an Order denying the request for
2 hearing in its entirety.

3 Is there any discussion?

4 (No response.)

5 CHAIRMAN SCOTT: Is there any objection to
6 denying the request?

7 (No response.)

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

10 Item PR-2 is Docket No. 13-0077. This
11 is our proceeding initiated to adopt policies
12 concerning the Illinois Statewide Technical Reference
13 Manual for Energy Efficiency. The petitioners, the
14 Attorney General and CUB have all filed motions for
15 rehearing which ALJ Kimbrel recommends we grant in
16 their entirety.

17 Is there any discussion?

18 (No response.)

19 CHAIRMAN SCOTT: Are there any objections?

20 (No response.)

21 CHAIRMAN SCOTT: Hearing none, the requests for
22 rehearing are granted.

1 The Commission will now go into closed session.

2 Please let me know when the room is ready in Chicago.

3 COMMISSIONER MCCABE: We are ready --

4 CHAIRMAN SCOTT: Very good.

5 COMMISSIONER MCCABE: -- in Chicago.

6 MS. ROLANDO: I'm sorry. Hearing Room A here
7 in Springfield is not completely cleared yet.

8 MR. WALLACE: It's another hearing, the
9 Illinois Rivers Transmission hearing.

10 MS. ROLANDO: We are clear in A. Thank you.

11 (Whereupon, the meeting went
12 into closed session.)

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1 CHAIRMAN SCOTT: In closed session the
2 Commission discussed the ICC's request for rehearing
3 of FERC's May 2nd, 2013 Order regarding PJM's Minimum
4 Offer Price Rule revisions.

5 Is there a motion to file the request
6 for rehearing with FERC?

7 COMMISSIONER COLGAN: So moved.

8 CHAIRMAN SCOTT: Is there a second?

9 ACTING COMMISSIONER DEL VALLE: 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 filing will be made with FERC. Thanks very
17 much, Mark. I appreciate it.

18 Judge Wallace, are there any other
19 matters to come before the Commission today?

20 JUDGE WALLACE: Well, you can go down and have
21 cheesecake in a little bit, but that's probably not
22 official business.

1 CHAIRMAN SCOTT: Explain more.

2 COMMISSIONER MCCABE: Did Judge Wallace make
3 the cheesecake?

4 JUDGE WALLACE: I did, yes.

5 CHAIRMAN SCOTT: If there is nothing else to
6 come before the body, this meeting stands adjourned.
7 Thanks, everyone.

8 (END OF PROCEEDINGS.)

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