

1   BEFORE THE  
2   ILLINOIS COMMERCE COMMISSION

3   BENCH SESSION  
4   (PUBLIC UTILITY)

5  
6   Springfield, Illinois

7   Wednesday, May 16, 2012

8  
9   Met, pursuant to notice, at 10:30 a.m.

10    in Hearing Room A, First Floor, Leland Building, 527

11    East Capitol Avenue, Springfield, Illinois.

12  
13    PRESENT:

14    MR. DOUGLAS P. SCOTT, Chairman

15    MS. LULA M. FORD, Commissioner  
  (Via audiovisual conference)

16    MS. ERIN M. O'CONNELL-DIAZ, Commissioner  
17    (Via teleconference)

18    MR. JOHN T. COLGAN, Commissioner

19    MS. ANN McCABE, Acting Commissioner  
  (Via audiovisual conference)

20  
21    SULLIVAN REPORTING COMPANY, by  
  Carla J. Boehl, Reporter  
22    CSR #084-002710

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PROCEEDINGS

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

We also have Commissioner O'Connell-Diaz available by phone. Per our rules, we will have to vote to allow Commissioner O'Connell-Diaz to participate by phone. Is there a motion to allow Commissioner O'Connell-Diaz to participate by phone?

COMMISSIONER COLGAN: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER FORD: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

All in favor say aye.

COMMISSIONERS: Aye.

CHAIRMAN SCOTT: Any opposed?

(No response.)

1                   The vote is four to nothing, and  
2 Commissioner O'Connell-Diaz may participate by phone.

3                   COMMISSIONER O'CONNELL-DIAZ: Thank you.

4                   CHAIRMAN SCOTT: Thank you.

5                   Before moving into the agenda,  
6 according to Section 1700.10 of Title II of the  
7 Administrative Code, this is the time we allow  
8 members of the public to address the Commission.  
9 Members of the public wishing to address the  
10 Commission must notify the Chief Clerk's Office at  
11 least 24 hours prior to the Commission meeting.

12                   According to the Chief Clerk's Office  
13 we have one request to speak at today's Bench  
14 Session. A request to speak today comes from Allison  
15 Fisher and Robert Garcia. Just as a reminder, you  
16 will have three minutes for your presentation today.

17                   I believe they are in Chicago?

18                   COMMISSIONER FORD: Yes.

19                   CHAIRMAN SCOTT: Okay. So if you want to maybe  
20 take one of the seats by the -- so that we can hear  
21 you?

22                   MS. FISHER: Is it possible to wait for Robert?

1 He is on his way. He just got a little bit lost  
2 coming off of the train.

3 (Pause.)

4 CHAIRMAN SCOTT: He is here, okay. That was  
5 good timing. So take a seat up at the table.

6 MR. GARCIA: Thank you. Am I on?

7 COMMISSIONER FORD: Yes.

8 MR. GARCIA: Good afternoon, ladies and  
9 gentlemen. I apologize about the delay. You know,  
10 with all the NATO stuff going on, I guess traffic is  
11 a bit crazy out there. I hope you guys are doing  
12 very good today.

13 My name is Robert Garcia and I am a  
14 resident of the southeast side of Chicago. I was  
15 asked to come today to speak to you on behalf of the  
16 Environmental Justice Alliance of the Greater  
17 Southeast Side of Chicago and thousands of Illinois  
18 residents who will be directly impacted by your  
19 decisions on the proposed Leucadia, a/k/a Chicago  
20 Clean Energy Gasification Plant.

21 I want to stress the name Leucadia to  
22 you because ultimately you are being asked to make a

1 decision that will force Illinois consumers to foot  
2 the bill for increased profits for this company's  
3 executives and shareholders. A newly released report  
4 suggests this bill will cost each Illinois resident  
5 over a thousand dollars a year and the State of  
6 Illinois billions of dollars over a single decade.

7 We have gotten over 6,000 comments  
8 against this proposal from my fellow southeast side  
9 residents, along with customers of Nicor and Ameren  
10 across the State of Illinois, that I am submitting to  
11 you today for the record at this time.

12 You know, this proposal would be  
13 laughably absurd if it wasn't for the millions of  
14 dollars poured into marketing that has caused some  
15 lawmakers into agreeing to it. How in the world can  
16 someone ask you with a straight face to pay to build  
17 a facility for them so they can charge you a high  
18 fixed rate for a product whose price is falling on  
19 the open market? How can you rationally trust a  
20 volatile company whose main holdings are in  
21 telecommunications, timber, plastics and casinos to  
22 make us subsidize a new energy venture for them? How

1 can you allow us to take the risk their shareholders  
2 refuse to take -- excuse me, refuse to take, and pay  
3 more at a time when the State is cutting funding to  
4 utility assistance programs? How can you believe  
5 their coal, with all the scientific evidence showing  
6 otherwise, is somehow now a clean energy source?

7 Friends and members of the ICC, these  
8 questions are what these professional con artists are  
9 asking you to blind yourself to, just like they are  
10 trying to blind you to the impact that more coal in  
11 our community will have.

12 I am submitting a collection of photos  
13 to you, which are right here, from our community that  
14 show what we see and breathe on a daily basis. At a  
15 time when our community is making strides towards  
16 reinvigorating itself with work as a site of Illinois  
17 Millennium Reserve, more dirty energy threatens this,  
18 along with other permanent jobs and opportunities  
19 that a clean environment will create. New housing  
20 developments, area tourism, along with local green  
21 entrepreneurship will not succeed with growing coal  
22 piles, trucks, traffic and increased health concerns.

1                   You will be making a decision on this  
2     proposal that not only will affect the health and  
3     lives of people of Chicago's southeast side  
4     residents, but the cost that your children and their  
5     children, along with the State of Illinois, will have  
6     to pay for a very long time to come.

7                   Having spent five years working with  
8     hundreds of people who are many struggling to pay  
9     their utility bills, I urge you to reject this  
10    proposal. Temporary jobs at the cost of degrading  
11    the Millennium Reserve and all the opportunities this  
12    presents to our community, along with growing health  
13    risks and, most of all, the increased costs that our  
14    fellow Illinois residents will have to pay will not  
15    work.

16                  Neither utility companies, the State  
17    of Illinois nor any of our friends or family should  
18    have to pay a bill that shareholders of the company  
19    that is profiting from it refuse to risk themselves.

20                  Ladies and gentlemen, please listen to  
21    your hearts, your minds and your reason and not the  
22    made-up economic models by a company that has never

1 done this before. There is more to the cost of a  
2 project than projections of rising gas prices which,  
3 according to gas price indices over the past years,  
4 are still falling.

5 I thank you very much for your time.

6 CHAIRMAN SCOTT: Thank you, Mr. Garcia. Thank  
7 you, Ms. Fisher.

8 MR. GARCIA: We appreciate very much the  
9 opportunity to speak to you.

10 CHAIRMAN SCOTT: Thank you. That concludes the  
11 public presentation portion of today's Bench Session,  
12 and we will move to the Transportation agenda.

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

18 CHAIRMAN SCOTT: We will move on to the Public  
19 Utility agenda and begin with approval of minutes  
20 from our April 18 Bench Session. I understand  
21 amendments have been forwarded.

22 Is there a motion to amend the



1 minutes?

2 COMMISSIONER COLGAN: So moved.

3 CHAIRMAN SCOTT: Is there a second?

4 ACTING COMMISSIONER McCABE: Second.

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

6 All in favor say aye.

7 COMMISSIONERS: Aye.

8 CHAIRMAN SCOTT: Any opposed?

9 (No response.)

10 The vote is five to nothing, and the  
11 amendments are adopted.

12 Is there a motion to approve the April  
13 18 minutes as amended?

14 COMMISSIONER COLGAN: So moved.

15 CHAIRMAN SCOTT: Is there a second?

16 ACTING COMMISSIONER McCABE: Second.

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

18 All in favor say aye.

19 COMMISSIONERS: Aye.

20 CHAIRMAN SCOTT: Any opposed?

21 (No response.)

22 The vote is five to nothing, and the

1 April 18 Bench Session minutes as amended are  
2 approved.

3 Turning to the Electric portion of  
4 today's agenda, Items E-1 and E-2 can be taken  
5 together. These items concern proposed tariff  
6 changes by Ameren and ComEd. In each case Staff  
7 recommends the Commission grant the company's request  
8 by not suspending the filing.

9 Is there any discussion?

10 (No response.)

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

13 COMMISSIONER COLGAN: So moved.

14 CHAIRMAN SCOTT: Is there a second?

15 COMMISSIONER FORD: Second.

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

17 All in favor say aye.

18 COMMISSIONERS: Aye.

19 CHAIRMAN SCOTT: Any opposed?

20 (No response.)

21 The vote is five to nothing, and the  
22 filings will not be suspended.

1                   We will use this five to nothing vote  
2     for the remainder of today's Public Utility agenda,  
3     unless otherwise noted.

4                   Item E-3 is Docket Number 11-0546.  
5     This concerns the evaluation of ComEd's experimental  
6     residential realtime pricing program. The parties  
7     have entered into a Joint Stipulation in this matter,  
8     and ALJ Albers recommends entry of an Order directing  
9     the continuation of the programs as set forth in the  
10    stipulation.

11                   Is there any discussion?

12                   COMMISSIONER O'CONNELL-DIAZ: Mr. Chairman?

13                   CHAIRMAN SCOTT: Yes.

14                   COMMISSIONER O'CONNELL-DIAZ: Mr. Chairman, I  
15    am sorry.

16                   CHAIRMAN SCOTT: No, go ahead.

17                   COMMISSIONER O'CONNELL-DIAZ: Could we hold  
18    this until next week? I just wanted to look at it a  
19    little more closely. I had a few questions and I  
20    would benefit from the extra time.

21                   CHAIRMAN SCOTT: Sure. I don't believe there  
22    is a deadline issue with it.

1 COMMISSIONER O'CONNELL-DIAZ: No.

2 CHAIRMAN SCOTT: That will be fine. Then Item  
3 E-3 will be held for further Commission meeting.

4 Item E-4 is Docket Number 11-0692.

5 This is ComEd's application for an amendment to a  
6 certificate granted to it regarding the construction,  
7 operation and maintenance of transmission lines in  
8 Cook County. ALJ Kimbrel recommends entry of an  
9 Interim Order allowing the company to move forward  
10 with a portion of its proposed transmission work.

11 Is there any discussion?

12 (No response.)

13 Any objections?

14 (No response.)

15 Hearing none, the Interim Order is  
16 entered.

17 Item E-5 is Docket Number 12-0244.

18 This is Ameren's petition for the approval of its  
19 Advanced Metering Infrastructure Deployment Plan. Up  
20 for consideration today is whether to hold an oral  
21 argument in this docket. I know we have received a  
22 request from Ameren for oral argument and we may

1 receive other requests later today.

2                   Should we choose to grant oral  
3 argument in this matter, we would be looking at  
4 holding oral argument at 11:00 a.m. on May 22 at the  
5 Commission's Springfield offices, and as today is May  
6 16 and we would be holding oral argument on less than  
7 seven days notice, we need to vote to waive the  
8 seven-day notice requirement present in Section  
9 200.850(a) of Title 83 of the Administrative Code.  
10 That waiver would be made under Section 200.30 of the  
11 Code and would be based on a majority vote.

12                   I think the rationale for granting  
13 that, should you choose to do that, would be that the  
14 60-day time frame for the docket is incredibly small,  
15 and just receiving the request for oral argument, in  
16 order to give it, the oral argument, proper weight,  
17 you would need to do that fairly quickly so that it  
18 could be incorporated into any findings that might be  
19 made then and help us in our deliberation.

20                   So the question is whether or not to  
21 have oral argument. I am going to move to grant oral  
22 argument in this matter and also move to waive the

1 seven-day requirement for notice of oral argument for  
2 the reasons I just stated. In terms of why I would  
3 move to grant oral argument, I think what's at issue  
4 here is inherently a legal argument, whether the plan  
5 as submitted by Ameren comports to the statute or  
6 not. And also, since it is a band new statute, oral  
7 argument I think could be beneficial to the  
8 Commission in sorting through the various legal  
9 issues that have been proposed there.

10 So I am going to move to grant oral  
11 argument and also at the same time to waive the  
12 seven-day notice requirement.

13 Is there a second?

14 COMMISSIONER O'CONNELL-DIAZ: Second.

15 CHAIRMAN SCOTT: Is there further discussion on  
16 the motion?

17 (No response.)

18 All in favor of the motion say aye.

19 COMMISSIONERS: Aye.

20 CHAIRMAN SCOTT: Any opposed?

21 (No response.)

22 The vote is five to nothing. The

1 motion for oral argument is granted, and the motion  
2 to waive the seven-day notice requirement is granted.  
3 Oral argument will take place at 11:00 a.m. on May 22  
4 at the Commission offices in Springfield.

5 Item E-6 is Docket Number 10-0520.  
6 This is our investigation into whether ComEd has  
7 complied with Section 8-103 of the Public Utilities  
8 Act regarding meeting energy saving pools through its  
9 energy efficiency programs. ALJ Haynes recommends  
10 entry of an Order finding compliance and allowing  
11 ComEd to bank 39,369 megawatt hours of savings for  
12 compliance with the future years' goals.

13 Is there any discussion?

14 (No response.)

15 I just briefly wanted to say that I  
16 thought this was extremely well done in terms of  
17 setting out the issues and working through them by  
18 Judge Haynes in this matter, a very complicated area,  
19 and I just thought it was very well done and very  
20 well laid out for us.

21 Further discussion?

22 COMMISSIONER COLGAN: I will ditto your

1 comment. You and I both briefly discussed this  
2 yesterday. I thought it was well-written and  
3 informative and clear and easy to understand, so.

4 JUDGE HAYNES: Thank you.

5 CHAIRMAN SCOTT: Thank you.

6 Further discussion?

7 (No response.)

8 Are there any objections?

9 COMMISSIONER O'CONNELL-DIAZ: Made her job  
10 easier.

11 CHAIRMAN SCOTT: Are there any objections?

12 (No response.)

13 Hearing none, the Order is entered.

14 Item E-7 is Docket Number 11-0787.

15 This is Shauna Breckenridge's complaint against ComEd  
16 regarding low hanging wires and the replacement of  
17 utility poles. ALJ Haynes recommends entry of an  
18 Order denying the complaint but requiring the company  
19 to put up a new pole to maintain clearance over the  
20 adjoining road.

21 Is there any discussion?

22 (No response.)



1 Any objections?

2 (No response.)

3 Hearing none, the Order is entered.

4 Items E-8 through E-11 (11-0645,  
5 11-0720, 11-0769, 12-0188) can be taken together.

6 These items are customer complaints against ComEd and  
7 Ameren. In each case the parties have apparently  
8 settled their differences and have brought a Joint  
9 Motion to Dismiss 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-12 is Docket Number 12-0166.

17 This is Power2Switch's application for the  
18 cancellation of its existing Certificate of Service  
19 Authority to Operate as an Agent, Broker and  
20 Consultant and for the approval of a new certificate.  
21 ALJ Albers recommends entry of an Order granting the  
22 new certificate and cancelling the prior certificate.

1                   Is there any discussion?

2                               (No response.)

3                   Any objections?

4                               (No response.)

5                   Hearing none, the Order is entered.

6                               Items E-13 and E-14 (12-0237, 12-0318)

7                   can be taken together. These are applications for  
8                   licensure as an Agent, Broker and Consultant under  
9                   Section 16-115C of the Public Utilities Act. In each  
10                  case ALJ Albers recommends entry of an Order granting  
11                  the requested certificate.

12                   Is there any discussion?

13                               (No response.)

14                   Any objections?

15                               (No response.)

16                   Hearing none, the Orders are entered.

17                               Items E-15 and E-16 (12-0308, 12-0317)

18                  can be taken together. These items are petitions for  
19                  confidential and/or proprietary treatment of the  
20                  petitioners' compliance reports. In each case the  
21                  ALJ recommends entry of an Order granting the  
22                  requested treatment.

1 Is there any discussion?

2 (No response.)

3 Any objections?

4 (No response.)

5 Hearing none, the Orders are entered.

6 Turning now to Natural Gas, Item G-1  
7 (12-0348) concerns initiating a rulemaking proceeding  
8 for Title 83, Part 595 of the Administrative Code  
9 concerning gas pipeline safety and accident  
10 reporting. Staff recommends entry of an Order  
11 re-initiating the rulemaking.

12 Is there any discussion?

13 (No response.)

14 Any objections?

15 (No response.)

16 Hearing none, the Initiating Order is  
17 entered.

18 Items G-2 and G-3 can be taken  
19 together. These items concern proposed tariff  
20 changes filed by Mt. Carmel Public Utility Company.  
21 For each item Staff recommends allowing the company's  
22 request by not suspending the filing.

1 Is there any discussion?

2 (No response.)

3 Any objections?

4 (No response.)

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

7 Item G-4 is Docket Number 10-0565 and  
8 10-0566 Consolidated. This is the Peoples/North  
9 Shore reconciliation proceeding concerning revenues  
10 collected under Rider EEP and expenditures made on  
11 the companies' energy efficiency programs. ALJ  
12 Haynes recommends entry of an Order approving the  
13 reconciliation as adjusted by Staff.

14 Is there any discussion?

15 (No response.)

16 Any objections?

17 (No response.)

18 Hearing none, the Order is entered.

19 Item G-5 is Docket Numbers 11-0280 and  
20 11-0281 Consolidated. This is the Peoples/North  
21 Shore rate case from 2011, and before us today is  
22 another Amendatory Order in connection with motions

1 for clarification we received from the utilities and  
2 from the Attorney General. ALJs Hilliard and Kimbrel  
3 recommend entry of a Revised Amendatory Order  
4 addressing issues surrounding the utilities' duties  
5 with respect to Rider VBA.

6 Is there any discussion?

7 (No response.)

8 Are there any objections to entering  
9 the Amendatory Order?

10 (No response.)

11 Hearing none, the Amendatory Order is  
12 entered.

13 Item G-6 is Docket Number 11-0771.

14 This is Dale Martin's complaint against Nicor. The  
15 parties have apparently settled their differences and  
16 have brought a Joint Motion to Dismiss, which ALJ  
17 Riley recommends we grant.

18 Is there any discussion?

19 (No response.)

20 Any objections?

21 (No response.)

22 Hearing none, the Joint Motion to

1 Dismiss is granted.

2 Item G-7 is Docket Number 11-0710.

3 This is a proceeding surrounding approval of the  
4 Chicago Clean Energy Project sourcing agreement, and  
5 this matter is currently on rehearing. We will hold  
6 disposition of this matter on rehearing until a  
7 future Commission proceeding. For today we have a  
8 request for oral argument brought by CCE which ALJ  
9 Wallace recommends we deny.

10 Is there any discussion on the request  
11 for oral argument?

12 (No response.)

13 Are there any objections to denying  
14 CCE's request for oral argument?

15 (No response.)

16 Hearing none, CCE's request for oral  
17 argument is denied.

18 Item G-8 is Docket Number 12-0227.

19 This is Vanguard Energy Services' application for an  
20 expansion of its authority to operate as an  
21 alternative gas supplier. ALJ Yoder recommends entry  
22 of an Order granting the amended certificate.

1                   Is there any discussion?

2                                 (No response.)

3                   Any objections?

4                                 (No response.)

5                   Hearing none, the Order is entered.

6                   Item G-9 is Docket Number 12-0285.

7       This concerns a filing made by Peoples Gas seeking  
8       authorization to issue up to \$50 million of bonds or  
9       notes to provide funds for capital expenditures and  
10      other general corporate utility purposes. ALJ Haynes  
11      recommends entry of an Order approving the request.

12                   Is there any discussion?

13                                 (No response.)

14                   Any objections?

15                                 (No response.)

16                   Hearing none, the Order is entered.

17                   Moving on to Telecommunications, Item  
18      T-1 is Docket Number 11-0225. This is a citation  
19      proceeding against Metrotel Communications regarding  
20      failure to file its 2009 Annual Report. ALJ Baker  
21      recommends entry of an Order cancelling and revoking  
22      the company's certificate.

1                   Is there any discussion?

2                                 (No response.)

3                   Any objections?

4                                 (No response.)

5                   Hearing none, the Order is entered,  
6 and the company's certificate is revoked.

7                   Items T-2 and T-3 (12-0101, 12-0187)  
8 can be taken together. These items concern  
9 applications by telecommunication carriers seeking a  
10 cancellation or withdrawal of Certificates of Service  
11 Authority previously granted by the Commission. In  
12 each case ALJ Baker recommends entry of an Order  
13 granting the certificate cancellation.

14                   Is there any discussion?

15                                 (No response.)

16                   Any objections?

17                                 (No response.)

18                   Hearing none, the Orders are entered,  
19 and the certificates are cancelled.

20                   Item T-4 is Docket Number 12-0107.

21 This is James Paul Miller's complaint against  
22 Consolidated Communications. Parties have agreed to



1 dismiss this matter, and ALJ Von Qualen recommends  
2 granting dismissal.

3 Is there any discussion?

4 (No response.)

5 Any objections?

6 (No response.)

7 Hearing none, the Motion to Dismiss is  
8 granted.

9 Item T-5 is Docket Number 12-0265.

10 This is Union County's petition to modify its 9-1-1  
11 emergency telephone system through opting out some  
12 customers and rerouting them to Alexander County.

13 ALJ Haynes recommends entry of an Order granting the  
14 petition.

15 Is there any discussion?

16 (No response.)

17 Any objections?

18 (No response.)

19 Hearing none, the Order is entered.

20 Item T-6 (12-0349) concerns initiating  
21 a rulemaking proceeding for Title 83, Part 725 of the  
22 Administrative Code for implementing an Emergency

1 Telephone System Act. Staff recommends entry of an  
2 Order initiating the rulemaking proceeding.

3 Is there any discussion?

4 (No response.)

5 Any objections?

6 (No response.)

7 Hearing none, the Initiating Order is  
8 entered.

9 Item T-7 is Docket Number 11-0688.

10 This is a rulemaking proceeding for Title 83, Part  
11 735 of the Administrative Code. ALJ Riley recommends  
12 entry of an Order authorizing submission of proposed  
13 amendments to the Joint Committee on Administrative  
14 Rules.

15 Is there any discussion?

16 (No response.)

17 Any objections?

18 (No response.)

19 Hearing none, the Order is entered.

20 Items T-8 through T-11 (11-0325,  
21 12-0173, 12-0294, 12-0297) can be taken together.  
22 These items are petitions for confidential and/or

1 proprietary treatment of the petitioners' reports.  
2 In each case the ALJ recommends entry of an Order  
3 granting the requested treatment for a period of two  
4 years.

5 Is there any discussion?

6 (No response.)

7 Any objections?

8 (No response.)

9 Hearing none, the Orders are entered.

10 Moving on to Water and Sewer, Item W-1  
11 is Docket Numbers 11-0561 through 11-0566  
12 Consolidated. We will hold this item for disposition  
13 at a future Commission meeting. But before we do, I  
14 know, Judge Dolan, you have to update us on comments  
15 we have received.

16 JUDGE DOLAN: Yes, Chairman. We have -- I will  
17 go through each docket. In 11-0561 we have 17  
18 comments. 11-0562 we have -- I am sorry, we have 17  
19 on the first one, 11 on the second one. 11-0563 we  
20 also have 17. 11-0564 we have 66 comments. 11-0565  
21 we have 22 comments. And 11-0566 we have one  
22 comment.

1           CHAIRMAN SCOTT:   Okay.   Thank you, Judge.

2                            Again, that item will be held for  
3 disposition at a future Commission proceeding.

4                            We have one Petition for Rehearing  
5 today.   Item PR-1 is Docket Number 11-0434, and this  
6 is the investigation of ComEd's Rate GAP pursuant to  
7 Section 9-250 of the Public Utilities Act. The Retail  
8 Energy Supply Association and Interstate Gas Supply  
9 have requested rehearing concerning the definition of  
10 the term "retail customer." ALJ Baker recommends  
11 denying the Petitions for Rehearing.

12                            Is there any discussion?

13   (No response.)

14                            Are there any objections to denying  
15 the Petitions for Rehearing?

16   (No response.)

17                            Hearing none, the Petitions for  
18 Rehearing are denied.

19                            We have two procurement related items  
20 to discuss today.   These concern the acceptance of  
21 the Procurement Administrator's selection of winning  
22 bids in the recent Ameren and ComEd renewable energy

1 credit RFPs.

2 Is there any discussion?

3 (No response.)

4 Are there any objections to approving  
5 the procurement results?

6 (No response.)

7 Hearing none, the procurement results  
8 are approved.

9 We have three FERC items up for  
10 consideration today. As those concern pending  
11 litigation, we will address them in Closed Session.

12 Is there a motion to go into Closed  
13 Session?

14 COMMISSIONER COLGAN: So moved.

15 CHAIRMAN SCOTT: Is there a second?

16 COMMISSIONER FORD: Second.

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

18 All in favor say.

19 COMMISSIONERS: Aye.

20 CHAIRMAN SCOTT: Any opposed?

21 (No response.)

22 The vote is five to nothing, and the

1 Commission will now go into Closed Session. Please  
2 let me know when we are ready in Chicago.

3 (Whereupon at this point  
4 pages 31 - 41 of the  
5 proceedings are  
6 contained in a separate  
7 closed transcript.)

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CONTINUATION OF PROCEEDINGS

CHAIRMAN SCOTT: In Closed Session the Commission discussed filing comments in FERC Docket Numbers ER12-1564, ER12-1577 and ER12-1593. Is there a motion to file comments in these three matters with FERC?

COMMISSIONER COLGAN: So moved.

CHAIRMAN SCOTT: Is there a second?

ACTING COMMISSIONER McCABE: 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 comments will be filed in these three matters with FERC.

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

JUDGE WALLACE: No, Mr. Chairman.

CHAIRMAN SCOTT: Thank you, sir. Hearing none, the meeting stands adjourned. Thanks, everyone.

BENCH SESSION CONCLUDED