

1 BEFORE THE
2 ILLINOIS COMMERCE COMMISSION

3 BENCH SESSION
4 (PUBLIC UTILITY)

5
6
7 Springfield, Illinois
8 Wednesday, May 18, 2011

9 Met, pursuant to notice, at 10:30 a.m. in
10 the Audiovisual Conference Room, Second Floor, Leland
11 Building, 527 East Capitol Avenue, Springfield,
12 Illinois.

13
14 PRESENT:

15 MR. DOUGLAS P. SCOTT, Chairman

16 MS. LULA M. FORD, Commissioner
 (Via teleconference)

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

19 MR. SHERMAN J. ELLIOTT, Commissioner

20 MR. JOHN T. COLGAN, Acting Commissioner

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

PROCEEDINGS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

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 Commissioner Elliott and Acting Commissioner Colgan. With us in Chicago are Commissioners Ford and O'Connell-Diaz. I am Chairman Scott. We have a quorum.

Before moving into the agenda, according to Section 1700.10 of the Illinois 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 Bench Session. According to the Chief Clerk's Office, we have no requests to speak at today's session.

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

1 transcript.)

2 CHAIRMAN SCOTT: Turning now to the Public
3 Utility agenda, we will start with the Electric
4 portion of today's agenda. Item E-1 (11-0434)
5 concerns a Staff report and a proposed Initiating
6 Order for a tariff investigation of the recently
7 approved Rate GAP concerning municipal aggregation.
8 Staff recommends that the Commission enter an
9 Initiating Order to begin the Rate GAP investigation.

10 Is there any discussion?

11 (No response.)

12 Is there a motion to enter the
13 Initiating Order?

14 COMMISSIONER ELLIOTT: So moved.

15 CHAIRMAN SCOTT: Is there a second?

16 ACTING COMMISSIONER COLGAN: 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 Initiating Order is entered.

2 We will use this five to nothing vote
3 for the remainder of the Public Utilities agenda,
4 unless otherwise noted.

5 Item E-2 concerns proposed ComEd
6 tariffs to revise --

7 COMMISSIONER FORD: I am sorry, Chairman. I
8 misread something. We can go back to MC-3. I just
9 read something. We can go back to it. I am okay
10 with it.

11 CHAIRMAN SCOTT: Do we need to get Mr. Matrisch
12 back?

13 JUDGE WALLACE: It depends.

14 CHAIRMAN SCOTT: We will see.

15 COMMISSIONER FORD: I am okay with it.

16 COMMISSIONER O'CONNELL-DIAZ: I don't think she
17 has any questions.

18 COMMISSIONER FORD: No, I don't have any
19 questions.

20 CHAIRMAN SCOTT: We will go back to it.

21 (Further Transportation
22 proceedings were held at this

1 time and are contained in the
2 separate Transportation
3 transcript.)

4 CHAIRMAN SCOTT: Where did we leave off? E-2.

5 Item E-2 concerns proposed ComEd
6 tariffs to revise its compensation rates under its
7 Rider POG for co-generation facilities. Staff
8 recommends that the Commission allow the Company's
9 proposal by not suspending the filing.

10 Is there any discussion?

11 (No response.)

12 Any objections?

13 (No response.)

14 Hearing none, the filing will not be
15 suspended.

16 Item E-3 (11-0435) concerns proposed
17 tariff language filed by ComEd related to the
18 purchase of uncollectible receivables and for
19 establishing Rider POU. In order to determine the
20 reasonableness of the proposed language, Staff
21 recommends the filing be suspended and set for
22 hearing through entry of a Suspension Order.

1 Is there any discussion?

2 (No response.)

3 Any objections?

4 (No response.)

5 Hearing none, the Suspension Order is
6 entered.

7 Item E-4 is Docket Number 08-0401.

8 This is Malibu Condominium Association's complaint as
9 to alleged overcharges against ComEd. The parties
10 have apparently settled their differences and brought
11 a Joint Motion to Dismiss which ALJ Sainsot
12 recommends that we grant.

13 Is there any discussion?

14 (No response.)

15 Any objections?

16 (No response.)

17 Hearing none, the Joint Motion to
18 Dismiss is granted.

19 Items E-5 and E-6 (10-0646, 11-0274)
20 can be taken together. These items are complaints as
21 to billing and/or charges by Earl James and Ricardo
22 and Venus Munoz against ComEd. In each case the

1 parties have apparently settled their differences and
2 brought a Joint Motion to Dismiss which the ALJ
3 recommends we grant.

4 Is there any discussion?

5 (No response.)

6 Any objections?

7 (No response.)

8 Hearing none, the Joint Motions to
9 Dismiss are granted.

10 Items E-7 and E-8 (10-0359, 10-0667)
11 can be taken together. These items are complaints as
12 to billing and/or charges by Sara Delatorre and
13 Patricia Tillman against ComEd. In each case the ALJ
14 recommends dismissing the proceeding without
15 prejudice for want of prosecution.

16 Is there any discussion?

17 (No response.)

18 Any objections?

19 (No response.)

20 Hearing none, the matters are
21 dismissed.

22 Item E-9 is Docket Number 11-0261.

1 This is Wrightwood Energy Service's application for
2 licensure as an Agent, Broker and Consultant under
3 Section 16-115C of the Public Utilities Act. ALJ
4 Yoder recommends that the Commission enter an Order
5 granting the requested certificate.

6 Is there any discussion?

7 (No response.)

8 Any objections?

9 (No response.)

10 Hearing none, the Order is entered and
11 the certificate is granted.

12 Item E-10 is Docket Number 11-0348.

13 This is Viridian Energy PA's application for a
14 Certificate of Service Authority to operate as an
15 alternative retail electric supplier in Illinois.
16 ALJ Tapia recommends that the Commission enter an
17 Order granting the requested certificate.

18 Is there any discussion?

19 (No response.)

20 Any objections?

21 (No response.)

22 Hearing none, the Order is entered and

1 the certificate is granted.

2 Item E-11 is Docket Number 11-0326.

3 This is Green Mountain Energy's application for a
4 Certificate of Service Authority to operate as an
5 alternative retail electric supplier in Illinois.

6 ALJ Tapia recommends that the Commission enter an
7 Order granting the requested certificate but denying
8 their request for confidential treatment.

9 Is there any discussion?

10 (No response.)

11 Any objections?

12 (No response.)

13 Hearing none, the Order is entered.

14 The certificate is granted and the request for
15 confidential treatment is denied.

16 Item E-12 is Docket Number 11-0337.

17 This is Clearview Electric's application for a
18 Certificate of Service Authority to operate as an
19 alternative retail electric supplier in Illinois.

20 The applicant has filed a Motion to Withdraw its
21 petition which ALJ Tapia recommends that we grant.

22 Is there any discussion?

1 (No response.)

2 Any objections?

3 (No response.)

4 Hearing none, the Motion to Withdraw
5 is granted.

6 Items E-13 through E-23 (11-0303,
7 11-0311, 11-0324, 11-0327, 11-0336, 11-0352, 11-0353,
8 11-0374, 11-0378, 11-0380, 11-0387) can be taken
9 together. These items concern petitions to protect
10 against the disclosure of confidential and/or
11 proprietary information in the petitioners' reports
12 filed with the Commission. In each case ALJ Albers
13 recommends entry of an Order granting the requested
14 relief.

15 Is there any discussion?

16 (No response.)

17 Any objections?

18 (No response.)

19 Hearing none, the Orders are entered.

20 Item E-24 is Docket Number 11-0344.

21 This is the Power Group's petition to protect against
22 the disclosure of confidential and/or proprietary

1 information in its annual Agent, Broker and
2 Consultant Report. ALJ Albers recommends entry of an
3 Order granting the requested protective relief, but
4 only for a period of two years and not for the
5 five-year period requested by the petitioner.

6 Is there any discussion?

7 (No response.)

8 Any objections?

9 (No response.)

10 Hearing none, the Order is entered.

11 Item E-25 is Docket Number 10-0527.

12 This is ComEd's alternative regulation proposal under
13 Section 9-244 of the Public Utilities Act. The
14 Commission plans to enter an Order in this docket at
15 its May 24 Regular Open Meeting, so this item will be
16 held today.

17 Is ALJ Haines available in Chicago?

18 JUDGE HAINES: I am.

19 CHAIRMAN SCOTT: Are there any questions for
20 ALJ Haines?

21 COMMISSIONER O'CONNELL-DIAZ: You have left us
22 speechless.

1 CHAIRMAN SCOTT: Seeing none, thank you.

2 Item E-26 is Docket Number 10-0467.

3 This is ComEd's proposed general increase in electric
4 rates. The Commission plans to enter an Order in
5 this docket at its May 24 Regular Open Meeting, so
6 this item will be held as well today.

7 Are the ALJs available in Chicago?

8 JUDGE DOLAN: We are.

9 CHAIRMAN SCOTT: Are there any questions for
10 the ALJ's on this matter?

11 (No response.)

12 No, okay. Thank you very much.

13 JUDGE DOLAN: Chairman, we just wanted to point
14 out the 275 comments on e-Docket.

15 JUDGE SAINCOT: We have five letters opposing
16 the rate increase that were filed through the
17 Attorney General's Office, 2,038 filed through the
18 Citizens Utility Board, 30 letters also opposing the
19 rate increase, 30 letters generally opposing the rate
20 increase, and one petition with 74 signatures
21 opposing the rate increase.

22 CHAIRMAN SCOTT: Thank you.

1 Turning to Gas, Item G-1 is Docket
2 Number 05-0738. This is Atmos Energy's 2005
3 reconciliation case concerning revenues collected
4 under gas adjustment charges. ALJ Yoder recommends
5 that the Commission enter an Order approving the
6 reconciliation.

7 Is there any discussion?

8 (No response.)

9 Any objections?

10 (No response.)

11 Hearing none, the Order is entered.

12 Item G-2 is Docket Number 11-0121.

13 This item concerns proposed amendments to Title 83
14 Part 590 of the Illinois Administrative Code
15 regarding gas pipeline safety. The Commission can
16 now submit the Second Notice of the Proposed
17 Amendments to the Joint Committee on Administrative
18 Rules, and ALJ Albers recommends entry of a Second
19 Notice Order authorizing this submission.

20 Is there any discussion?

21 (No response.)

22 Any objections?

1 (No response.)

2 Hearing none, the Second Notice Order
3 is entered and the proposed amendments will be sent
4 to JCAR.

5 Item G-3 is Docket Number 11-0217.
6 This is MidAmerican Energy's petition for authority
7 to place into effect revised depreciation rates
8 applicable to gas plant in service. ALJ Gilbert
9 recommends that the Commission enter an Order
10 granting the Company's requested revision to its
11 depreciation calculation.

12 Is there any discussion?

13 (No response.)

14 Any objections?

15 (No response.)

16 Hearing none, the Order is entered.

17 Item G-4 is Docket Number 11-0372.

18 This is Integrys Energy Service's petition to protect
19 against the disclosure of confidential and/or
20 proprietary information in its Alternative Gas
21 Supplier Certification Report. ALJ Albers recommends
22 entry of an Order granting the requested protective

1 relief.

2 Is there any discussion?

3 (No response.)

4 Any objections?

5 (No response.)

6 Hearing none, the Order is entered.

7 Moving now to Telecommunications, Item
8 T-1 is Docket Number 10-0304. This is MAXSIP
9 Telecom's application for a Certificate of Local and
10 Interexchange Authority to operate as a reseller and
11 facilities-based carrier of telecommunication
12 services. The Applicant has filed a Motion to
13 Withdraw its application, and ALJ Kimbrel recommends
14 granting the withdrawal.

15 Is there any discussion?

16 (No response.)

17 Any objections?

18 (No response.)

19 Hearing none, the Motion to Withdraw
20 is granted.

21 Item T-2 is Docket Number 11-0201.

22 This item concerns a Joint Petition filed by Illinois

1 Valley Cellular RSA 2-I Partnership and RSA -- 2-1
2 Partnership, I should say, and RSA 2-II Partnership
3 requesting that we allow the petitioners to continue
4 submitting Annual Reports and plan information to the
5 director of the Telecommunications Division in the
6 same manner as ordered in Docket Numbers 04-0450,
7 04-0455 and 04-0456. ALJ Riley recommends that the
8 Commission enter an Order granting the requested
9 relief.

10 Is there any discussion?

11 (No response.)

12 Any objections?

13 (No response.)

14 Hearing none, the Order is entered.

15 Item T-3 is Docket Number 11-0219.

16 This is Megatel International's application for a

17 Certificate of Prepaid Calling Service Authority.

18 ALJ Riley recommends that the Commission enter an

19 Order granting the requested certificate.

20 Is there any discussion?

21 (No response.)

22 Any objections?

1 (No response.)

2 Hearing none, the Order is entered and
3 the certificate is granted.

4 Item T-4 is Docket Number 11-0259.
5 This is Conectado's application for a Certificate of
6 Interexchange Authority to operate as a reseller of
7 telecommunication services throughout Illinois. ALJ
8 Teague recommends that the Commission enter an Order
9 granting the requested certificate.

10 Is there any discussion?

11 (No response.)

12 Any objections?

13 (No response.)

14 Hearing none, the Order is entered,
15 and the certificate is granted.

16 Item T-5 is Docket Number 11-0299.
17 This is Assist Wireless' application for a
18 Certificate of Wireless Authority to operate as a
19 reseller of telecommunication services throughout
20 Illinois. ALJ Riley recommends that the Commission
21 enter an Order granting the requested certificate.

22 Is there any discussion?

1 (No response.)

2 Any objections?

3 (No response.)

4 Hearing none, the Order is entered,
5 and the certificate is granted.

6 Item T-6 is Docket Number 11-0078.

7 This is Woodstock School District 200's complaint as
8 to billing and/or charges against Illinois Bell
9 Telephone Company. The school district has brought a
10 motion to voluntarily dismiss its complaint, and ALJ
11 Sainsot recommends that the Commission grant this
12 Motion to Dismiss.

13 Is there any discussion?

14 (No response.)

15 Any objections?

16 (No response.)

17 Hearing none, the matter is dismissed.

18 Items T-7 and T-8 (11-0346, 11-0347)

19 can be taken together. These items concern Joint
20 Petitions by Illinois Bell Telephone Company and XO
21 Communications Services seeking approval of the 22nd
22 and 23rd Amendments to their Interconnection

1 Agreement dated April 11, 2011. ALJ Tapia recommends
2 that the Commission enter Orders approving amendments
3 to the Interconnection Agreement.

4 Is there any discussion?

5 (No response.)

6 Any objections?

7 (No response.)

8 Hearing none, the Orders are entered.

9 Items T-9 and T-10 (11-0235, 11-236)
10 can be taken together. These items concern citation
11 proceedings against MAKE-A-CALL and Metro Payphone
12 Services regarding each company's failure to submit
13 its 2009 Annual Report. In each case ALJ Riley
14 recommends entry of an Order cancelling and revoking
15 the companies' certificates.

16 Is there any discussion?

17 (No response.)

18 Any objections?

19 (No response.)

20 Hearing none, the Orders are entered,
21 and the certificates are cancelled and revoked.

22 Moving on to Water and Sewer, Item W-1

1 (11-0436) concerns a general increase in water and
2 sewer rates filed by Aqua Illinois. In order to
3 determine the reasonableness of the proposed
4 increase, Staff recommends that the filing be
5 suspended and set for hearing through entry of a
6 Suspension Order.

7 Is there any discussion?

8 (No response.)

9 Any objection?

10 (No response.)

11 Hearing none, the Suspension Order is
12 entered.

13 Items W-2 and W-3 (11-0141, 11-0142)
14 can be taken together. These are proposed general
15 increases in water rates filed by Camelot Utilities
16 and Lake Holiday Utilities. Tariffs were filed in
17 this matter on December 30, 2010, and we need to
18 enter Resuspension Orders to continue these rate
19 cases for another six months time.

20 Is there any discussion?

21 (No response.)

22 Any objections?

1 (No response.)

2 Hearing none, the Resuspension Orders
3 are entered.

4 We have one miscellaneous item posted
5 for today. This item is Docket Number 10-0281, and
6 it concerns a proposed amendment to Title 83, Part
7 300 of the --

8 JUDGE WALLACE: Let's hold that. We don't have
9 any --

10 CHAIRMAN SCOTT: I was just going to get to
11 that. We are on the right page. I was just going to
12 get to that.

13 A proposed amendment to Title 83, Part
14 300 of the Administrative Code that we will have to
15 hold this item and address at our next Commission
16 meeting.

17 Lastly, we have one item of other
18 business for today. This item is Commission
19 consideration of the ComEd's standard products RFP
20 results.

21 Is there any discussion?

22 (No response.)

1 Is there a motion to approve the
2 results?

3 COMMISSIONER ELLIOTT: So moved.

4 CHAIRMAN SCOTT: Is there a second?

5 ACTING COMMISSIONER COLGAN: Second.

6 CHAIRMAN SCOTT: It's been moved and seconded.
7 All in favor say aye.

8 COMMISSIONERS: Aye.

9 CHAIRMAN SCOTT: Any opposed?

10 (No response.)

11 The vote is five to nothing, and the
12 results from the ComEd's standard products RFP are
13 approved.

14 Judge Wallace, are there any other
15 matters to come before the Commission today?

16 JUDGE WALLACE: No, that's all.

17 CHAIRMAN SCOTT: Thank you, sir. Hearing none,
18 this meeting stands adjourned.

19 MEETING ADJOURNED

20

21

22