

1 According to the Chief Clerk's Office, we have no
2 requests to speak at today's Regular Open Meeting.

3 Moving on to our agenda for today,
4 Item 1 is Docket Number 11-0721. This is ComEd's
5 formula rate proceeding. We will be holding this
6 item for today's session, but we will have oral
7 argument on this matter later today at 1:30 p.m. from
8 the Commission's Springfield offices.

9 JUDGE SAINSOT: Mr. Chairman, this is Judge
10 Sainsot in the Chicago office.

11 CHAIRMAN SCOTT: Yes, Judge.

12 JUDGE SAINSOT: I am required by law to tell
13 you the number of comments.

14 CHAIRMAN SCOTT: Oh, please do. I am sorry.
15 Go ahead.

16 JUDGE SAINSOT: As of approximately 9:00 this
17 morning, there were 2,196 comments, letters and other
18 paper form of comments on the rates.

19 CHAIRMAN SCOTT: Very good. Thank you, Judge.

20 Item 2 is Docket Number 12-0089. This
21 is Ameren's petition for approval of its Multi-year
22 Performance Metrics. We will also be holding this

1 item for disposition at a future Commission
2 proceeding.

3 Item 3 is Docket Number 12-0244. This
4 is Ameren's petition for approval of its AMI
5 Deployment Plan. We will be holding this item and we
6 will have oral argument on this matter today at 11:00
7 o'clock a.m. from the Commission's Springfield
8 offices.

9 Item 4 is Docket Number 11-0629. This
10 is a rulemaking proceeding for Title 83, Part 793 of
11 the Administrative Code concerning the reporting of
12 competition data. ALJ Sainsot recommends entry of an
13 Order authorizing submission of the proposed rules to
14 JCAR.

15 Is there any discussion?

16 (No response.)

17 Is there a motion to enter the Order?

18 COMMISSIONER COLGAN: So moved.

19 CHAIRMAN SCOTT: Is there a second?

20 COMMISSIONER McCABE: Second.

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

22 All in favor say aye.

1 COMMISSIONERS: Aye.

2 CHAIRMAN SCOTT:. Any opposed?

3 (No response.)

4 The vote is five to nothing, and the
5 Order is entered.

6 Item 5 is Docket Number 12-0327. This
7 concerns a petition filed by a set of Frontier
8 affiliates seeking a waiver from Title 83, Section
9 735.180(a)(1) and (d) of the Administrative Code made
10 pursuant to Section 13-513 of the Public Utilities
11 Act. ALJ Riley recommends that the Commission
12 authorize an investigation of the petition on its own
13 motion.

14 Is there any discussion?

15 (No response.)

16 Is there a motion to authorize
17 investigation of the petition?

18 COMMISSIONER McCABE: So moved.

19 CHAIRMAN SCOTT: Is there a second?

20 COMMISSIONER COLGAN: Second.

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

22 All in favor say aye.

1 COMMISSIONERS: Aye.

2 CHAIRMAN SCOTT: Any opposed?

3 (No response.)

4 The vote is five to nothing, and the
5 investigation is authorized.

6 Item 6 is Docket Numbers 11-0561
7 through 11-0566 Consolidated. This is the rate case
8 proceeding for Charmar Water Company, Cherry Hill
9 Water Company, Clarendon Water Company, Killarney
10 Water Company, Ferson Creek Utilities Company and
11 Harbor Ridge Utilities Company. The Commission held
12 oral argument on this matter on May 7, and ALJ Dolan
13 recommends entry of an Order approving rate increases
14 for these companies.

15 We have two sets of revisions on this
16 matter. We'll start first with some revisions I have
17 to the rate case expenses section of the Order.
18 These three revisions disallow recovery under Section
19 9-229 of the Act for the companies' SFIO Consulting
20 expenses and the companies' internal water service
21 company labor expenses. The basis for these
22 revisions is articulated in the revisions themselves,

1 the lack of documentation and detail regarding the
2 work alleged as having been done in connection with
3 the case such that the Commission can make an
4 informed determination regarding whether these costs
5 are sufficiently just and reasonable to recover from
6 ratepayers.

7 These revisions are informed by the
8 Appellate Court decision in the Illinois-American
9 Water Company case which was issued in December
10 regarding the standard by which the Commission should
11 apply the rate case expenses under Section 9-229 of
12 the Act and reference that case accordingly.

13 Is there any discussion on the
14 proposed rate case expense revisions?

15 (No response.)

16 I will move for adoption of these
17 revisions. Is there a second?

18 COMMISSIONER COLGAN: Second.

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

20 Any further discussion?

21 (No response.)

22 All in favor say aye.

1 COMMISSIONERS: Aye.

2 CHAIRMAN SCOTT: Any opposed?

3 (No response.)

4 The vote is five to nothing, and these
5 revisions are adopted.

6 COMMISSIONER O'CONNELL-DIAZ: Mr. Chairman, if
7 I might?

8 CHAIRMAN SCOTT: Yes.

9 COMMISSIONER O'CONNELL-DIAZ: With regard to
10 these revisions, obviously they are based on the
11 record in this matter. But just to be clear, I
12 believe it is important that we have clear and
13 concise rules which all parties are guided by. And
14 we have a rulemaking going on relative to the issue
15 of rate case expense. I am not a fan of construction
16 of rules that are not clear and concise and out there
17 for everyone to understand, and it should be done on
18 a case-by-case basis.

19 So I look forward to the rulemaking
20 that will address and incorporate these standards
21 that have been provided to the Commission pursuant to
22 the Appellate Court opinion. And, again, this is --

1 I think as we look at these issues, they must be done
2 on a case-by-case basis, and the Commission must be
3 consistent and concise and clear when we have rules
4 and regulations upon which all parties operate.

5 Thank you.

6 CHAIRMAN SCOTT: Further discussions?

7 (No response.)

8 Next up are some revisions to the
9 Order regarding the Rate Impact Mitigation Phase-in
10 Plan.

11 Commissioner Colgan?

12 COMMISSIONER COLGAN: Thank you, Chairman.

13 As you are aware, after the oral
14 argument in this case, the Commission issued a
15 post-record data request on May 8 regarding rate
16 mitigation. Staff filed a response to the data
17 request and the companies and the Attorney General
18 filed replies.

19 Based on those filings and along with
20 the assistance from all of the Commissioner's
21 offices -- I think you all munched on that -- I am
22 proposing amendments today to the Rate Shock

1 Mitigation portion of the Order. These amendments
2 reflect Staff's post-record data request response and
3 contain the main features of the voluntary phase-in
4 plan adopted by the Commission in the most recent
5 Utilities Incorporated case.

6 The edits that I am offering on the
7 voluntary rate phase-in plan is necessary to address
8 the potential rate shock for customers served by
9 Charmar, Clarendon, Killarney and Ferson Creek.
10 Mr. Chairman and Commissioners, I request your
11 support in revising the Commission's Orders in an
12 effort to minimize the extreme rate shock effect that
13 they have otherwise incurred. So I will offer that
14 as a motion.

15 CHAIRMAN SCOTT: It's been moved. Is there a
16 second?

17 COMMISSIONER McCABE: Second.

18 CHAIRMAN SCOTT: Moved and seconded.

19 Any discussion?

20 (No response.)

21 All in favor of the revisions say aye.

22 COMMISSIONERS: Aye.

1 Certainly not saying that companies should be coming
2 in here every year, but certainly when we see
3 companies staying out, especially small water
4 companies -- we do understand that there is an
5 expense issue there -- but staying out for a number
6 of years does result in these situations where rate
7 mitigation plans are really the only way around the
8 increase that in some of these instances is quite
9 large.

10 So I think our Order reflects that
11 goal of the Commission. We cannot order our
12 companies in, but certainly it is something that we
13 encourage our companies to look at their books every
14 year and see how this impact of increased costs will
15 affect the ratepayers in their districts and to act
16 accordingly and to take advantage of the small water
17 company opportunities that we have at the Commission.
18 We have great staff that can help our small water
19 companies through these rate cases with hopefully
20 minimal expense.

21 Thank you.

22 CHAIRMAN SCOTT: Thank you. Further discussion

1 on this matter?

2 (No response.)

3 Is there a motion to enter the Order
4 as revised?

5 JUDGE DOLAN: Chairman?

6 CHAIRMAN SCOTT: Yes.

7 JUDGE DOLAN: I am sorry, but I just have to
8 give you the numbers again.

9 CHAIRMAN SCOTT: You know, I keep forgetting
10 that. I am sorry. Go right ahead.

11 JUDGE DOLAN: Okay. With Charmar Water Company
12 we have 17 online comments and we received one
13 letter; Cherry Hill, 11, no letters; Clarendon Water
14 Company, 17 comments online and one letter;
15 Killarney, 66 online comments and one letter; Ferson
16 Creek, 22 online comments and one letter; and then
17 Harbor Ridge, one comment online.

18 CHAIRMAN SCOTT: Thank you very much.

19 JUDGE DOLGAN: You are welcome.

20 CHAIRMAN SCOTT: Is there a motion to enter the
21 Order as revised?

22 COMMISSIONER FORD: So moved.

1 CHAIRMAN SCOTT: Is there a second?

2 COMMISSIONER COLGAN: Second.

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

4 All in favor say aye.

5 COMMISSIONERS: Aye.

6 CHAIRMAN SCOTT: Any opposed?

7 (No response.)

8 The vote is five to nothing, and the
9 Order as revised is adopted.

10 Item 7 (12-0355) concerns entering
11 into an agreement to allow the Commission to share
12 information with the Illinois Department of Revenue
13 for facilitating the collection of taxes imposed by
14 the Prepaid Wireless 9-1-1 Surcharge Act. Staff
15 recommends entry of an Order authorizing the
16 agreement.

17 Is there any discussion?

18 (No response.)

19 Is there a motion to enter the Order?

20 COMMISSIONER COLGAN: So moved.

21 CHAIRMAN SCOTT: Is there a second?

22 COMMISSIONER McCABE: Second.

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

2 All in favor say aye.

3 COMMISSIONERS: Aye.

4 CHAIRMAN SCOTT: Any opposed?

5 (No response.)

6 The vote is five to nothing, and the
7 Order is entered.

8 Item 8 is a FERC item which concerns
9 pending litigation, so we will go into Closed Session
10 to address it. Is there a motion to go into Closed
11 Session?

12 COMMISSIONER COLGAN: So moved.

13 CHAIRMAN SCOTT: Is there a second?

14 COMMISSIONER McCABE: Second.

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

16 All in favor say aye.

17 COMMISSIONERS: Aye.

18 CHAIRMAN SCOTT: Any opposed?

19 (No response.)

20 The vote is five to nothing, and we
21 will now go into Closed Session. Please let me know
22 when we are ready in Chicago.

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

(Whereupon at this point
pages 17 - 23 of the
proceedings are
contained in a separate
closed transcript.)

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

CONTINUATION OF PROCEEDINGS

CHAIRMAN SCOTT: In Closed Session the Commission discussed filing comments in FERC Docket Number ER12-1700. Is there a motion to file our comments with FERC?

COMMISSIONER FORD: So moved.

CHAIRMAN SCOTT: Is there a second?

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 with FERC.

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

JUDGE WALLACE: No. Impeccable timing, five minutes.

CHAIRMAN SCOTT: How about that? Thank you.

This meeting stands adjourned, and we will start up with our oral argument in the Ameren

1 AMI dockets in about five minutes.

2 BENCH SESSION CONCLUDED

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22