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BEFORE THE  
ILLINOIS COMMERCE COMMISSION  
REGULAR OPEN MEETING  
(PUBLIC UTILITIES)  
Chicago, Illinois  
Tuesday, June 18, 2013

Met, Pursuant to notice, at 10:30 a.m.  
in the Audiovisual Conference Room, 8th Floor,  
160 North LaSalle Street, Suite C-800, Chicago,  
Illinois.

PRESENT:

MR. DOUGLAS P. SCOTT, Chairman

MR. JOHN T. COLGAN, Commissioner  
(Via audiovisual conference)

MR. MIGUEL del VALLE, Acting Commissioner

MS. SHERINA E. MAYE, Acting Commissioner

MS. ANN McCABE, Commissioner

L.A. COURT REPORTERS, LLC.

BY: Lori Ann Asauskas

CSR: #084-002890

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P R O C E E D I N G S

CHAIRMAN SCOTT: Good morning, John.

COMMISSIONER COLGAN: Good morning,  
Chairman.

CHAIRMAN SCOTT: Okay. Everything ready  
in Springfield?

COMMISSIONER COLGAN: We're all set to  
go here.

CHAIRMAN SCOTT: Very good. Ready?

Pursuant to the provisions of the  
Open Meetings Act, I now convene a Regular Open  
Meeting of the Illinois Commerce Commission. With  
us here in Springfield is Commissioner Colgan.  
With me in Chicago is Commissioner McCabe, Acting  
Commissioner del Valle and Acting Commissioner Maye.  
We have a quorum.

Before moving into the agenda,  
according to Section 1700.10 of Title 2 of the  
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

1 at least 24 hours prior to Commission meetings.  
2 According to the Chief Clerk's office, we have  
3 no request to speak at today's meeting.

4 The first item of business on  
5 today's agenda is the approval of minutes from  
6 our June 4th Electric Policy Committee Meeting.  
7 I understand amendments have been forwarded.

8 Is there a motion to amend the  
9 minutes?

10 COMMISSIONER McCABE: So moved.

11 CHAIRMAN SCOTT: Was there a second?

12 ACTING COMMISSIONER MAYE: Second.

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

15 COMMISSIONER COLGAN: Aye.

16 ACTING COMMISSIONER del VALLE: Aye.

17 CHAIRMAN SCOTT: Aye.

18 ACTING COMMISSIONER MAYE: Aye.

19 COMMISSIONER McCABE: Aye.

20 CHAIRMAN SCOTT: Any opposed? The vote  
21 is five to nothing and the amendments are adopted.

22 Is there now a motion to approve

1 the minutes as amended?

2 ACTING COMMISSIONER del VALLE: So  
3 moved.

4 CHAIRMAN SCOTT: Is there a second?

5 ACTING COMMISSIONER MAYE: Second.

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

8 COMMISSIONER COLGAN: Aye.

9 ACTING COMMISSIONER del VALLE: Aye.

10 CHAIRMAN SCOTT: Aye.

11 ACTING COMMISSIONER MAYE: Aye.

12 COMMISSIONER McCABE: Aye.

13 CHAIRMAN SCOTT: Any opposed? The vote  
14 is five to nothing and the June 4th electric policy  
15 committee meeting minutes, as amended, are approved.

16 The next item of today's agenda  
17 is the approval of minutes from our June 5th bench  
18 session. I understand amendments have been  
19 forwarded.

20 Is there a motion to amend the  
21 minutes?

22 COMMISSIONER McCABE: So moved.

1 CHAIRMAN SCOTT: Is there a second?

2 ACTING COMMISSIONER MAYE: Second.

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

5 COMMISSIONER COLGAN: Aye.

6 ACTING COMMISSIONER del VALLE: Aye.

7 CHAIRMAN SCOTT: Aye.

8 ACTING COMMISSIONER MAYE: Aye.

9 COMMISSIONER McCABE: Aye.

10 CHAIRMAN SCOTT: Any opposed? The vote  
11 is five to nothing and the amendments are adopted.  
12 Is there now a motion to approve the amendments as  
13 amended?

14 ACTING COMMISSIONER MAYE: So moved.

15 CHAIRMAN SCOTT: Is there a second?

16 ACTING COMMISSIONER del VALLE: Second.

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

19 COMMISSIONER COLGAN: Aye.

20 ACTING COMMISSIONER del VALLE: Aye.

21 CHAIRMAN SCOTT: Aye.

22 ACTING COMMISSIONER MAYE: Aye.

1 COMMISSIONER McCABE: Aye.

2 CHAIRMAN SCOTT: Any opposed? The  
3 vote is five to nothing and the June 5th minutes  
4 as amended are approved.

5 Turning now to the electric portion  
6 of today's agenda, Items E-1 and E-2 can be taken  
7 together. These are complaints against ComEd as to  
8 refunds and/or billing charges. In both cases, the  
9 parties have apparently settled their differences  
10 and have brought a Joint Motion to Dismiss, which  
11 ALJ Sainsot recommends we grant.

12 Is there a motion to approve the  
13 joint motions to dismiss?

14 COMMISSIONER McCABE: So moved.

15 ACTING COMMISSIONER del VALLE: So  
16 moved.

17 CHAIRMAN SCOTT: Is there a second?

18 COMMISSIONER MAYE: Second.

19 CHAIRMAN SCOTT: Very good. Any  
20 discussion? All in favor say aye.

21 COMMISSIONER COLGAN: Aye.

22 ACTING COMMISSIONER del VALLE: Aye.

1 CHAIRMAN SCOTT: Aye.

2 ACTING COMMISSIONER MAYE: Aye.

3 COMMISSIONER McCABE: Aye.

4 CHAIRMAN SCOTT: Any opposed? The  
5 vote is five to nothing and the joint motions to  
6 dismiss are granted. We will use this five to  
7 nothing vote for the remainder of today's Regular  
8 Open Meeting unless otherwise noted.

9 Item E-3 is Docket No. 13-0034.  
10 This is "Phase 2" of the FutureGen clean coal  
11 project and sourcing agreement arising out of the  
12 Commission's Order in the recent power procurement  
13 plan proceeding. This item will be held for  
14 disposition at a future Commission proceeding.

15 Items E-4 through E-7 can be  
16 taken together. These items are petitions for the  
17 confidential and/or proprietary treatment of various  
18 annual reports. In each case, ALJ Yoder recommends  
19 entry of an Order granting the requested relief.

20 Is there any discussion? Are there  
21 any objections? Hearing none, the Orders are  
22 entered.

1                   Items E-8 through E-13 can be  
2 taken together. These items concern applications  
3 for licensure as an agent, broker, and consultant  
4 under Section 16-115C of the Public Utilities Act.  
5 In each case, ALJ Kimbrel recommends entry of an  
6 Order granting the certificate.

7                   Is there any discussion? Are  
8 there any objections? Hearing none, the Orders  
9 are entered.

10                   Turning now to natural gas, Item  
11 G-1 is Docket Nos. 12-0511 and 12-0512 consolidated.  
12 This is North Shore Gas Company and The Peoples Gas  
13 Light and Coke Company's proposed general rate  
14 increase for gas distribution services. ALJs Dolan  
15 and Teague recommend entry of an Order approving  
16 the increase.

17                   I understand edits have been  
18 forwarded. Commissioner del Valle?

19                   ACTING COMMISSIONER del VALLE: I have  
20 one edit, Mr. Chairman. This revision directs the  
21 Commission Staff to exercise their authority under  
22 Section 8-102 of the Public Utilities Act to conduct



1 a two-phase investigation of Peoples Accelerated  
2 Main Replacement Program.

3 CHAIRMAN SCOTT: Okay. Are you moving  
4 that for adoption of the revision?

5 ACTING COMMISSIONER del VALLE: I am  
6 moving that for adoption.

7 CHAIRMAN SCOTT: Is there a second?

8 COMMISSIONER McCABE: Second.

9 CHAIRMAN SCOTT: It's been moved and  
10 seconded. Any discussion on that matter?

11 ACTING COMMISSIONER MAYE: I do have  
12 a comment, Chairman.

13 CHAIRMAN SCOTT: Commissioner Maye.

14 ACTING COMMISSIONER MAYE: While I do  
15 agree that an investigation here is warranted, my  
16 biggest concern obviously is this would delay or  
17 impede the progress of the -- the progress and  
18 completion of the AMRP program. So while we  
19 were -- while Commissioner del Valle is recommending  
20 an investigation, I would hope that the five  
21 Commissioners do get to stay in close proximity to  
22 the information that's going on here so that we can

1 ensure that this is not timely or -- that this  
2 is timely, rather, and it's cost efficient for  
3 the progress of the AMRP program.

4 CHAIRMAN SCOTT: Okay. Commissioner  
5 del Valle.

6 ACTING COMMISSIONER del VALLE: Yes.  
7 I certainly agree, but I do want to point out  
8 that when the order -- CUB and City argued that  
9 PGL's evidence of an alleged adverse affect of a  
10 Commission investigation was not persuasive. And  
11 so the AGA has strongly recommended this  
12 investigation.

13 CUB and the City feel that it would  
14 not impede because if it did impede, I -- I'd also  
15 be concerned. We want to get this done on time. It  
16 is a 20-year project and I think this is the right  
17 time to conduct this investigation rather than going  
18 with the original recommendation, which was to wait  
19 and see what happens.

20 Now is the time. It's a matter of  
21 public safety. It's a matter of making sure that  
22 we give people an opportunity to save money down

1 the road as they have more efficient appliances  
2 and -- and to make sure that this project gets  
3 done on time. Twenty years is a long time and  
4 there have already been lots of delays and we  
5 want to make sure that it gets on track in this  
6 investigation. Based on Staff testimony, I think  
7 we will help get it on track.

8 CHAIRMAN SCOTT: Further discussion?

9 COMMISSIONER COLGAN: Yes.

10 CHAIRMAN SCOTT: Commissioner Colgan.

11 COMMISSIONER COLGAN: As a Commissioner  
12 who was here when the last rate case was decided,  
13 I -- I remember these very same issues were debated  
14 at that time and since then, the progress on the  
15 replacement project has really lagged behind.

16 So I -- I very much support this  
17 and -- and just encourage the Company to move forward  
18 on this project with all due haste and to make sure  
19 that we're not jeopardizing public safety in the  
20 interim period of time. So I -- I definitely support  
21 this amendment to the Order.

22 CHAIRMAN SCOTT: Further discussion?

1                   ACTING COMMISSIONER MAYE: I do think  
2 that if during the investigation or at the conclusion  
3 of the investigation we do find that there are some  
4 things that really should not be going on or that  
5 there is undue delay, then perhaps we should at that  
6 time consider reporting the amendments to the  
7 Commission because it's obviously something that  
8 needs to be done and public safety is our number one  
9 priority, of course.

10                   CHAIRMAN SCOTT: Yes. I would agree  
11 with that. I mean, I think -- I think if -- if --  
12 if -- I mean, the investigation is going to find  
13 what it finds.

14                   If it were to find that there were  
15 some measures to be made, I think it behooves all of  
16 us to state as clearly as we possibly can and to lay  
17 out exactly what the Company is going to have to do  
18 from that point forward. I think that's fairest to  
19 the Company and certainly to the rate payers as well.

20                   ACTING COMMISSIONER del VALLE: Yes,  
21 absolutely.

22                   CHAIRMAN SCOTT: It's been moved and

1 seconded on Commissioner del Valle's revisions. All  
2 in favor say aye.

3 COMMISSIONER COLGAN: Aye.

4 ACTING COMMISSIONER del VALLE: Aye.

5 CHAIRMAN SCOTT: Aye.

6 ACTING COMMISSIONER MAYE: Aye.

7 COMMISSIONER McCABE: Aye.

8 CHAIRMAN SCOTT: Any opposed? The vote  
9 is five to nothing. The edits are approved. And  
10 now is there a motion to enter the order as amended?

11 JUDGE DOLAN: Just --

12 CHAIRMAN SCOTT: Yes?

13 JUDGE DOLAN: I meant to tell you there  
14 are no public comments. Okay.

15 CHAIRMAN SCOTT: Oh, thank you. I  
16 appreciate that. Thanks, Judge.

17 JUDGE DOLAN: Uh-huh.

18 CHAIRMAN SCOTT: Is there now a motion  
19 to enter the order as amended?

20 COMMISSIONER McCABE: So moved.

21 CHAIRMAN SCOTT: Is there a second?

22 COMMISSIONER MAYE: Second.

1                   CHAIRMAN SCOTT:  It's been moved  
2   and seconded to enter the order as amended.  Any  
3   discussion?  All in favor say aye.

4                   COMMISSIONER COLGAN:  Aye.

5                   ACTING COMMISSIONER del VALLE:  Aye.

6                   CHAIRMAN SCOTT:  Aye.

7                   ACTING COMMISSIONER MAYE:  Aye.

8                   COMMISSIONER McCABE:  Aye.

9                   CHAIRMAN SCOTT:  Any opposed?  The  
10  vote is five to nothing and the order as amended  
11  is entered and thank you, Judge Dolan and to Judge  
12  Teague, for all of your work done on this case.  
13  These take a long time and they're a lot of work.  
14  So we really, really appreciate it.  So thank you  
15  very much.

16                                 Item G-3 is Docket No. 13-0165.  
17  This is Prairie Point Energy's petition for the  
18  confidential and/or proprietary treatment of its  
19  2012 dekatherm report.  ALJ Yoder recommends entry  
20  of an Order granting the requested relief.

21                                 Is there any discussion?  Are there  
22  any objections?  Hearing none, the Order is entered.

1                   Item G-3 is Docket No. 13-0340.

2       This is CenterPoint Energy's application for a  
3       Certificate in Good Standing as a common carrier  
4       by pipeline pursuant to the Illinois Common Carrier  
5       by Pineline Law and for an Interim Order granting  
6       temporary authority. ALJ Yoder recommends entry  
7       of an Interim Order granting the requested relief.

8                   Is there any discussion? Are there  
9       any objections? Hearing none, the Interim Order is  
10      entered.

11                   Moving on to telecommunications,  
12      Item T-1, is Docket No. 12-0049. This is the  
13      Counties of Southern Illinois' petition for authority  
14      to operate as a Regional Next Generation 9-1-1 Pilot  
15      Project System. The Counties have filed a Motion  
16      to Withdraw their petition, which ALJs Albers and  
17      Von Qualen recommend we grant.

18                   Is there any discussion? Are there  
19      any objections to granting the motion? Hearing none,  
20      the Motion to Withdraw is granted.

21                   Item T-2 is Docket No. 12-0550.  
22      This is Sprint's Petition for Arbitration pursuant

1 to Section 252(b) of the Telecommunications Act.

2 This item will be held for disposition to a future  
3 Commission proceeding.

4 Items T-3 through T-7 can be taken  
5 together. These items are joint petitions for  
6 approval of interconnection agreements or amendments  
7 to existing interconnection agreements. In each  
8 case, ALJ Baker recommends entry of an Order  
9 approving the agreement.

10 Is there any discussion? Are  
11 there any objections? Hearing none, the Orders  
12 are entered.

13 Item T-8 is Docket No. 13-0309.  
14 This is Gallatin River and Century Link's joint  
15 petition for approval of a negotiated collocation  
16 agreement. ALJ Riley recommends entry of an Order  
17 approving the agreement.

18 Is there any discussion? Are  
19 there any objections? Hearing none, the Order  
20 is entered.

21 Item T-9 is Docket 12-0327. This  
22 is Citizen's Telecommunications Company of Illinois,



1 et al.'s petition requesting waiver of the  
2 directory distribution requirements of 83 Illinois  
3 Administrative Code Sections 735.180(a)(1) and (d).  
4 ALJ Riley recommends entry of an Order denying the  
5 petition.

6 Is there any discussion? Are  
7 there any objections? Hearing none, the Order is  
8 entered and the petition is denied.

9 Item T-10 is Docket No. 12-0349.  
10 This is our rulemaking proceeding initiated to  
11 adopt new rules for Standards of Service Applicable  
12 to 9-1-1 Emergency Systems, revising 83 Illinois  
13 Administrative Code Section 725. ALJ Haynes  
14 recommends entry of an Order repealing the current  
15 rules and adopting new rules, effective July 1,  
16 2013.

17 Is there any discussion? Are  
18 there any objections? Hearing none, the Order  
19 is entered, the current rules are repealed and  
20 the new rules are adopted.

21 Item T-11 is Docket No. 12-0414.  
22 This is IDOT's petition for eminent domain authority

1 for the taking of certain properties in Kendall  
2 County. IDOT has filed a Motion to Dismiss,  
3 which ALJ Hilliard recommends we grant.

4 Is there any discussion? Are there  
5 any objections? Hearing none, the motion is granted  
6 and the proceeding is dismissed.

7 Items T-12 through T-20 can be  
8 taken together. These items are petitions for the  
9 confidential and/or proprietary treatment of  
10 petitioners' annual reports. In each case, the ALJ  
11 recommends entry of an Order granting the requested  
12 treatment.

13 Is there any discussion? Are  
14 there any objections? Hearing none, the Orders  
15 are entered.

16 There is one item of other business  
17 today, which concerns Commission's approval of  
18 Benchmarks for the FutureGen 2.0 clean coal facility.  
19 This item will be held for disposition at a future  
20 Commission proceeding.

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

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JUDGE WALLACE: No. That's all,

Mr. Chairman.

CHAIRMAN SCOTT: Thank you, sir.

Hearing none, this meeting stands adjourned. Thank  
you everyone.

(Whereupon, no further proceedings  
were had at the Regular Open  
Meeting.)