

1 PROCEEDINGS

2 ACTING CHAIRMAN FLORES: Pursuant to the
3 provisions of the Illinois Open Meetings Act, I now
4 convene a regularly scheduled bench session of the
5 Illinois Commerce Commission. With me in Springfield
6 are Commissioner Elliot and Acting Commissioner
7 Colgan. With us in Chicago is Commissioner
8 O'Connell-Diaz, and I am Acting Chairman Flores.

9 Before we begin any further, I just at
10 this point would like to call for a brief recess. My
11 understanding is that Commissioner Ford is on her way
12 and I wanted to give her an opportunity to join us.
13 So I am hoping that we will be able to reconvene at
14 around 11:00. But at this time we are going to take
15 a recess. So thanks, Commissioner.

16 (Whereupon the meeting was in a
17 short recess.)

18 ACTING CHAIRMAN FLORES: Let the record reflect
19 that we have returned from a brief recess. We are
20 reconvening the regularly scheduled bench session of
21 the Illinois Commerce Commission. With us, again for
22 the record, are Commissioner O'Connell-Diaz in

1 Chicago, Commissioner Elliott and Commissioner Colgan
2 in Springfield and I am Acting Chairman Flores here
3 in Springfield. We have a quorum.

4 Before moving into the agenda,
5 according to Section 1700.10 of the Illinois
6 Administrative Code this is the time we allow for
7 members of the public to address the Commission.
8 Members of the public wishing to address the
9 Commission must notify the Chief Clerk's Office at
10 least 24 hours prior to the bench session. According
11 to the Chief Clerk's Office, we have no requests to
12 speak at today's bench session.

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

18 ACTING CHAIRMAN FLORES: Turning now to the
19 Public Utilities agenda, there are two sets of
20 minutes to approve. With respect to minutes for the
21 May 24 Special Open Meeting is there a motion to
22 approve the minutes?

1 COMMISSIONER ELLIOTT: So move.

2 ACTING CHAIRMAN FLORES: Is there a second?

3 ACTING COMMISSIONER COLGAN: Second.

4 ACTING CHAIRMAN FLORES: It's been moved and
5 seconded. All in favor say aye.

6 COMMISSIONERS: Aye.

7 ACTING CHAIRMAN FLORES: Any opposed? The vote
8 is 5-0 approving the minutes from May 24, 2010.

9 We also have minutes to approve from
10 the May 25 Regular Open Meeting. I understand that
11 amendments have been forwarded. Is there a motion to
12 amend the minutes?

13 COMMISSIONER ELLIOTT: So move.

14 ACTING CHAIRMAN FLORES: Is there a second?

15 ACTING COMMISSIONER COLGAN: Second.

16 ACTING CHAIRMAN FLORES: It's been moved and
17 seconded. All in favor say aye.

18 COMMISSIONERS: Aye.

19 ACTING CHAIRMAN FLORES: Any opposed? The vote
20 is 5-0 amending the minutes.

21 Is there a motion to approve the
22 minutes as amended?

1 ACTING COMMISSIONER COLGAN: I will so move.

2 ACTING CHAIRMAN FLORES: Okay. I will second
3 it. It's been moved and seconded. All in favor say
4 aye.

5 COMMISSIONERS: Aye.

6 ACTING CHAIRMAN FLORES: Any opposed? The vote
7 is 5-0 approving the minutes for the May 25 Regular
8 Open Meeting as amended.

9 We will begin with the Electric
10 agenda. Items E-1 through E-3 (10-0395, 10-0396,
11 10-0397) can be taken together. These items concern
12 2008 reports on the reliability of AmerenCILCO,
13 AmerenCIPS and ComEd. With each, Staff recommends
14 entry of an Order adopting the reliability report.
15 Is there any discussion on these items?

16 Do we have Staff available? Could you
17 please identify yourself for the record?

18 MR. ROCKROHR: My name is Greg Rockrohr,
19 electrical engineer in the Energy Division.

20 MR. STUTSMAN: John Stutsman in the Energy
21 Division.

22 ACTING CHAIRMAN FLORES: I did have a question.

1 As I read the reports, there were a number of
2 recommendations and findings in terms of the
3 reliability issues that were of concern to Staff. So
4 I guess my question is, given that there were a
5 number of issues raised for both Ameren and ComEd, at
6 this point what will be the follow-up by Staff to
7 insure that these issues are addressed and that they
8 are addressed in a timely fashion to insure that the
9 reliability is maintained?

10 MR. ROCKROHR: The next step that would take
11 place would be that the utilities would respond to
12 these assessments and provide explanations or planned
13 actions in that response. And then following that,
14 Staff would work with the utilities through the
15 coming months to work through each of these
16 recommendations or discuss them, if there are
17 disagreements with those recommendations.

18 ACTING CHAIRMAN FLORES: And what is the time
19 frame in terms of the follow-up with these issues?

20 MR. ROCKROHR: Well, not to sound vague, but
21 some of these issues have developed over multiple
22 years and, therefore, the corrections of those issues

1 can take several years to implement. So some of
2 those issues, such as a new procedure, can be
3 followed up with in a matter of weeks or months,
4 whereas, for example, completion of correction of all
5 NOC violations may take several years.

6 But in terms of each specific
7 recommendation that are listed in each assessment
8 report, there is usually some dialogue between the
9 utilities and Staff regarding their plan. And then
10 if Staff is uncomfortable with the utilities'
11 proposals, we would either follow up with the utility
12 directly or make the Commission aware of that issue.

13 ACTING CHAIRMAN FLORES: Well, given that you
14 just indicated that some of these issues may have
15 been developed over a period of years, I would hope
16 that the parties work on these issues collaboratively
17 but in an expeditious manner, given that obviously
18 reliability is one of our top priorities under the
19 PUA.

20 Is there any other comments or
21 questions?

22 COMMISSIONER ELLIOTT: Well, I would agree with

1 the comments that you just made and that, if there is
2 issues that you want to bring before the Commission
3 that you don't see being resolved, please do and, as
4 the Chairman says, do it as expeditiously as
5 possible.

6 ACTING CHAIRMAN FLORES: Very good. Any other
7 comments? Very well. Is there a motion to adopt the
8 reliability reports?

9 COMMISSIONER ELLIOTT: So move.

10 ACTING CHAIRMAN FLORES: I will second it.
11 It's been moved and seconded. All in favor say aye.

12 COMMISSIONERS: Aye.

13 ACTING CHAIRMAN FLORES: Any opposed? The vote
14 is 5-0 and the reliability reports are adopted.

15 We will use this 5-0 vote for the
16 remainder of the Public Utility agenda, unless
17 otherwise noted.

18 Items E-4 through E-6 (ERM#116,
19 ERM#118, ERM#120) will be taken together. These
20 items concern tariffs filed for revisions of the
21 Ameren Illinois Utilities Rider TS. For each, Staff
22 recommends that the Commission allows the Company's

1 proposal by not suspending or further investigating
2 the filing.

3 Is there any discussion? Any
4 objections? Hearing none, the filings will not be
5 suspended.

6 Item E-7 is Docket 06-0706. This item
7 concerns a petition for a Certificate of Public
8 Convenience and Necessity pursuant to Section 8-406
9 of the Illinois Public Utilities Act to construct --
10 yes, sir.

11 JUDGE ALBERS: Mr. Chairman, I have to report
12 on some comments we got on e-Docket.

13 ACTING CHAIRMAN FLORES: Very well. If you
14 could just allow me to --

15 JUDGE ALBERS: Please.

16 ACTING CHAIRMAN FLORES: Pursuant to Section
17 8-406 of the Illinois Public Utilities Act to
18 construct, operate and maintain new 138,000 volt
19 electric lines in LaSalle County, Illinois,
20 Administrative Law Judge Albers recommends the entry
21 of an Order on Reopening approving a transmission
22 line route between Ottawa and Wedron, Illinois, that

1 runs along Route 71.

2 My understanding is that we have
3 Administrative Law Judge Albers. Judge?

4 JUDGE ALBERS: I just want to report on the
5 fact that we received seven comments on e-Docket
6 since this case was reopened. Four of them appear to
7 have been filed inadvertently in this case since they
8 complain about higher rates, and that's not an issue
9 in this case at all. One of them, from the IDR
10 director, supports the State Route 71 route.
11 Comments from the Illinois River Coordinating Council
12 headed by the Governor urges the Commission to
13 consider the impact of all the alternatives, and one
14 just simply asks for some decision as soon as
15 possible.

16 Thank you.

17 ACTING CHAIRMAN FLORES: Thank you, Your Honor.
18 Is there any discussion? Any objections? Hearing
19 none, the Order is approved to allow the transmission
20 line route between Ottawa and Wedron, Illinois,
21 running along Route 71.

22 Item E-8 is Docket 08-0371. This item

1 initially concerned a complaint for exclusive service
2 rights pursuant to the Electric Supplier Act. The
3 dispute was between AmerenCIPS and the Southern
4 Illinois Electric Cooperative. It appears that
5 AmerenCIPS and the Southern Illinois Electric
6 Cooperative have resolved their differences, and
7 Administrative Law Judge Jones recommends entry of an
8 Order allowing SIEC to serve the property in question
9 as recommended in a stipulation filed by the parties.

10 Is there any discussion? Any
11 objections? Hearing none, the Order is entered.

12 Items E-9 through E-14 (09-0482,
13 09-0572, 10-0059, 10-0072, 10-0087, 10-0105) can be
14 taken together. These items each concern complaints
15 brought by customers against utilities. In each case
16 the differences now appear to be resolved and
17 agreements have been reached. In each case the
18 administrative law judge recommends granting the
19 parties' Joint Motions to Dismiss, in some case with
20 a stipulation.

21 Is there any discussion? Any
22 objections? Hearing none, the Joint Motions to

1 Dismiss as proposed are granted.

2 Item E-15 is Docket Number 10-0108.

3 This item concerns a rulemaking initiated by the
4 Commission for the purpose of revising Section 451 of
5 Chapter 83 of the Illinois Administrative Code, the
6 section which concerns certification of alternative
7 retail electric suppliers. Administrative Law Judge
8 Moran recommends entry of an Order approving certain
9 changes to the Code recommended by CUB, RESA and
10 Staff, while denying others.

11 Is there any discussion? Any
12 objections? Hearing none, the Order is entered.

13 COMMISSIONER O'CONNELL-DIAZ: Chairman, if I
14 might?

15 ACTING CHAIRMAN FLORES: Yes, ma'am.

16 COMMISSIONER O'CONNELL-DIAZ: I would just like
17 to commend Judge Moran. Throughout this proceeding
18 there has been -- she has been instrumental in having
19 the parties really get together and work through
20 differences. And it shows the importance of the
21 Proposed Order when a Proposed Order comes out and
22 people can go back to the negotiating table. And

1 Judge Moran fostered that type of activity in this
2 proceeding. So what we have at the conclusion is I
3 think some rules that have been worked through under
4 her guidance and in the spirit of our procedures. So
5 I would just like to thank her for utilizing the
6 tools that we have in our administrative pouch to get
7 to the conclusion that they have reached on this
8 second notice.

9 So thank you.

10 ACTING CHAIRMAN FLORES: Thank you very much,
11 Commissioner.

12 Item E-16 is Docket Number 10-0123.
13 This item concerns Energy Edge Consulting's
14 application for licensure as an agent, broker and
15 consultant under Section 16-115C of the Public
16 Utilities Act. The administrative law judge
17 recommends entry of an Order granting the
18 certification.

19 Is there any discussion? Any
20 objections? Hearing none, the Order is entered and
21 the certificate is granted.

22 Item E-17 is Docket Number 10-0213.

1 This item concerns a customer complaint as to billing
2 charges against AmerenIP. The matter is now
3 apparently resolved, and Administrative Law Judge
4 Tapia recommends granting the parties' Joint Motion
5 to Dismiss.

6 Is there any discussion? Any
7 objections? Hearing none, the Joint Motion to
8 Dismiss is granted.

9 Item E-18 is Docket Number 10-0219.
10 This item concerns Endurant Energy's application for
11 licensure as an agent, broker and consultant under
12 Section 16-115C of the Public Utilities Act. The
13 administrative law judge recommends entry of an Order
14 granting the certification.

15 Is there any discussion? Any
16 objections? Hearing none, the Order is entered and
17 the certificate is granted.

18 Items E-19 and E-20 will be taken
19 together. These items constitute petitions for the
20 protection of confidential and/or proprietary
21 information. In each case the administrative law
22 judge recommends entry of an Order granting the

1 petition.

2 Is there any discussion? Any
3 objections? Hearing none, the Orders are entered and
4 the petitions are granted.

5 Item E-21 is Docket Number 10-0287.
6 This item concerns Dominion Retail Incorporated's
7 assumed name and the company seeking to change its
8 name. According to Administrative Law Judge Albers,
9 this type of matter can be handled without a docketed
10 proceeding and does not require a Commission Order.
11 So he recommends that the Commission dismiss this
12 docket through an appropriate docket entry.

13 Is there any discussion? Any
14 objections? Hearing none, the docket is dismissed.

15 Item E-22 is Docket Number 10-0295.
16 This item concerns a complaint as to billing and
17 charges brought by Washington Park Condominium
18 against ComEd. The parties have filed a
19 jointly-executed stipulation and Motion to Dismiss
20 which Administrative Law Judge Sainsot recommends
21 that the Commission grant.

22 Is there any discussion? Any

1 objections? Hearing none, the Motion to Dismiss is
2 granted.

3 Items E-23 through E-26 (10-0313,
4 10-0316, 10-0320, 10-0329) can be taken together.
5 These items constitute petitions for the protection
6 of confidential and/or proprietary information. In
7 each case the administrative law judge recommends
8 entry of an Order granting the petition.

9 Is there any discussion? Any
10 objections? Hearing none, the Orders are entered and
11 the petitions are granted.

12 Moving on to Natural Gas, Item G-1
13 (10-0398) concerns complaints brought by Citizens
14 Utility Board, AARP and Citizen Action Illinois
15 against Just Energy, an alternative gas supplier, and
16 the audit process resulting from the Commission's
17 Order in Docket Number 08-0175, the docket which
18 addressed those complaints. Before us today is an
19 Order initiating the Company's management audit.
20 This Order authorizes Staff to move forward with
21 selecting an auditor through the state procurement
22 process and sets forth parameters for the

1 implementation of the audit.

2 I believe we have Mr. Randy Nehrt
3 available from Staff to answer any questions we may
4 have on this.

5 Mr. Nehrt, how are you, sir?

6 MR. NEHRT: Good.

7 ACTING CHAIRMAN FLORES: Any discussion? Any
8 questions? Very well. I will make a motion to enter
9 the Initiating Order. Is there a second?

10 COMMISSIONER ELLIOTT: Second.

11 ACTING CHAIRMAN FLORES: It's been moved and
12 seconded. All in favor say aye.

13 COMMISSIONERS: Aye.

14 ACTING CHAIRMAN FLORES: Any opposed? The vote
15 is 5-0 and the Initiating Order is entered.

16 Items G-2 through G-4 (10-0399,
17 10-0400, 10-0401) can be taken together. These items
18 concern the initiation of citation proceedings
19 against the Ameren Illinois Utilities for alleged
20 violations of the Commission's rules regarding fusion
21 processes as outlined in Staff's May 24 report.
22 Staff recommends the entry of Orders initiating

1 citation proceedings, and Darin Burk is available for
2 any questions on these matters.

3 Is there any discussion? Any
4 objections? Hearing none, the Orders are entered and
5 the proceedings are initiated.

6 Item G-5 is Docket Number 08-0175.
7 Because we have approved the Initiating Order in Item
8 G-1, this item is rendered moot.

9 Judge Wallace?

10 JUDGE WALLACE: That's correct.

11 ACTING CHAIRMAN FLORES: Thank you very much
12 for the confirmation.

13 Items G-6 and G-7 (09-0114, 09-0115)
14 will be taken together. These items concern
15 reconciliation of revenues collected under coal tar
16 riders for Peoples and North Shore Gas.
17 Administrative Law Judge Benn recommends entering
18 Orders approving the schedules set forth by
19 Commission Staff.

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

22 Item G-8 is Docket Number 09-0553.

1 This concerns Donald Woods' complaint as to billing
2 and charges against Nicor. Nicor has made a Motion
3 to Dismiss the complaint, and Administrative Law
4 Judge Haynes recommends that this matter be dismissed
5 without prejudice.

6 Is there any discussion? Any
7 objections? Hearing none, the Motion to Dismiss is
8 granted.

9 Items G-9 and G-10 (10-0117, 10-0144)
10 concern complaints as to billing and charges against
11 Nicor and Peoples. In each case the parties have
12 apparently reached a settlement and have brought a
13 Joint Motion to Dismiss which the administrative law
14 judge recommends that we grant.

15 Is there any discussion? Any
16 objections? Hearing none, the Joint Motions to
17 Dismiss are granted.

18 Item G-11 is Docket Number 10-0319.
19 This item concerns a petition for approval to amend
20 the Ameren Illinois Utilities' service agreement.
21 Administrative Law Judge Tapia recommends that the
22 Commission enter an Order approving the amendment to

1 the service agreement.

2 Is there any discussion? Any
3 objections? Hearing none, the Order is entered.

4 Items G-12 and G-13 (10-0349, 10-0350)
5 can be taken together. These items concern
6 informational statements from Peoples and North Shore
7 Gas in connection with the issuance and sale of bonds
8 and notes. For each utility, Administrative Law
9 Judge Sainsot recommends entry of an Order granting
10 the company's request to conduct the refinancing
11 transactions.

12 Is there any discussion? Any
13 objections? Hearing none, the Orders are granted.

14 Excuse me, strike that. Hearing none,
15 the Orders are entered.

16 Items G-14 and G-15 (10-0371, 10-0372)
17 can be taken together. These items concern requests
18 for special permission by North Shore and Peoples Gas
19 for authority to make changes to their rate schedules
20 on less than 45 days notice. Staff recommends that
21 the Commission grant the request for special
22 permission.

1 Is there any discussion? Any
2 objections? Hearing none, the requests for special
3 permission are granted.

4 COMMISSIONER ELLIOTT: Mr. Chairman, I think
5 Staff's recommendation was to deny, if I am not
6 mistaken. Oh, I am sorry, G-16 and G-17. I am ahead
7 of myself.

8 ACTING CHAIRMAN FLORES: Items G-16 and G-17
9 (10-0376, 10-0377) can likewise be taken together.
10 These items concern requests for special permission
11 by North Shore and Peoples Gas for authority to make
12 revisions to Rider EEP, specifically seeking to
13 rollover funds targeted for energy efficiency between
14 program years. Staff recommended that the Commission
15 deny the request for special permission. However, I
16 would like to make a motion at this time that special
17 permission be granted and that the rollover of energy
18 efficiency funding be permitted.

19 Is there a second to my motion?

20 COMMISSIONER FORD: Second.

21 ACTING CHAIRMAN FLORES: All in favor say aye.

22 COMMISSIONERS: Aye.

1 ACTING CHAIRMAN FLORES: Any opposed? Hearing
2 no objections, the motion passes 5-0 providing
3 special permission to allow the rollover of energy
4 efficiency funds.

5 ACTING COMMISSIONER COLGAN: Mr. Chairman, I
6 had a question.

7 ACTING CHAIRMAN FLORES: Yes, sir.

8 ACTING COMMISSIONER COLGAN: Is Judge Gilbert
9 available or Judge Moran?

10 JUDGE WALLACE: Do you have a question? These
11 aren't necessarily -- these aren't assigned to them
12 at this point.

13 ACTING COMMISSIONER COLGAN: Okay. A staff
14 question, okay. I just had a question about the
15 company -- because of the rider, the company collects
16 the fee from the customers and in this case the
17 company hasn't spent the money that's collected from
18 the customers. And my question is, what happens to
19 any possible interest that's earned off the fees that
20 are collected?

21 DR. KENNEDY: I think they go towards the money
22 that's available to spend.

1 ACTING COMMISSIONER COLGAN: It goes back into
2 the energy efficiency fund?

3 DR. KENNEDY: I believe so.

4 ACTING COMMISSIONER COLGAN: I dug back
5 through, my assistant Linda Wagner helped me go back
6 through, and it looked like the past report was that
7 the interest fee was one percent. Is that still in
8 force? Is that how it is handled or do you know?

9 DR. KENNEDY: You would have to ask the
10 accountants about that. I am not sure exactly.
11 There are rules about how that interest rate is
12 determined. But exactly what they specify, I am not
13 sure.

14 ACTING COMMISSIONER COLGAN: But the interest
15 earned as a result of those rules to your knowledge
16 goes back into the fund that goes towards the energy
17 efficiency?

18 DR. KENNEDY: That's my understanding.

19 ACTING COMMISSIONER COLGAN: Okay. All right.
20 Well, that's my question, and I voted yes on your
21 motion based on that understanding, but I wanted to
22 be sure of that.

1 ACTING CHAIRMAN FLORES: Any other questions or
2 discussion on this matter? Very well. Thank you,
3 Mr. Kennedy.

4 Moving now to Telecommunications, Item
5 T-1 and T-2 can be taken together. These items
6 concern Illinois Bell Telephone Company's filings to
7 amend its business local calling plan and to
8 grandfather the Custom BizSaver and Custom BizSaver
9 Winback unlimited local messages local usage options.
10 Staff recommends that we do not suspend or
11 investigate the filings.

12 Is there any discussion? Any
13 objections? Hearing none, the filing will not be
14 suspended or investigated.

15 Items T-3 through T-5 can be taken
16 together. These items concern filings by the
17 Illinois Bell Telephone Company and Gallatin River
18 Communications concerning Staff tariff revision
19 filings. In each case Staff recommends that we do
20 not suspend the filings.

21 Is there any discussion? Any
22 objections? Hearing none, the filings will not be

1 suspended.

2 Items T-6 through T-8 (10-0049,
3 10-0180, 10-0271) will be taken together. These
4 items concern petitions for Certificates of Service
5 Authority to provide telecommunication services in
6 Illinois. In each case the administrative law judge
7 recommends that the Commission enter an Order
8 granting the certificate.

9 Is there any discussion? Any
10 objections? Hearing none, the Orders are entered and
11 the certificates are granted.

12 Item T-9 is Docket Number 10-0208.
13 This item concerns LDMI Communications' petition to
14 withdraw its Certificate of Local Authority to
15 operate as a carrier of telecommunication services.
16 Administrative Law Judge Baker recommends entry of an
17 Order granting the petition to withdraw the
18 certificate.

19 Is there any discussion? Any
20 objections? Hearing none, the Order is entered and
21 the certificate is withdrawn.

22 Item T-10 is Docket 03 -- excuse me,

1 strike that. Item T-10 is Docket Number 10-0353.
2 This concerns the Village of Calumet Park's petition
3 to modify its existing 9-1-1 emergency telephone
4 system by allowing Blue Island to handle its 9-1-1
5 emergency dispatch services. Administrative Law
6 Judge Haynes recommends entry of an Order approving
7 the petition.

8 Is there any discussion? Any
9 objections? Hearing none, the Order is entered and
10 the petition is granted.

11 Item T-11 is Docket 10-0354. This
12 concerns the Village of Blue Island's petition to
13 modify its 9-1-1 system to handle Calumet Park's
14 services and the need for a new backup public safety
15 answering point and an agreement with the Southwest
16 Central Dispatch Center to serve as the backup.
17 Administrative Law Judge Haynes recommends entry of
18 an Order approving the Village's petition.

19 Is there any discussion? Any
20 objections? Hearing none, the Order is entered and
21 the petition is granted.

22 Items T-12 and T-13 (10-0402, 10-0403)

1 can be taken together. These items concern the
2 initiation of proceedings against Nu-Way
3 Communications and U.S. South regarding their alleged
4 failure to maintain their corporate status. Staff
5 recommends entry of Orders initiating the citation
6 proceedings.

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

9 Item T-14 is Docket Number 09-0547.
10 This concerns the proceedings to revoke GEH
11 Technologies' Certificate of Service Authority for
12 failure to maintain its corporate status.
13 Administrative Law Judge Baker recommends entry of an
14 Order revoking the Company's Certificate of Service
15 Authority.

16 Is there any discussion? Any
17 objections? Hearing none, the Order is entered and
18 the certificate is revoked.

19 Item T-15 is Docket Number 10-0261.
20 This item concerns Illinois Bell Telephone Company's
21 annual rate filings for its non-competitive services.
22 Administrative Law Judge Gilbert recommends entry of

1 an Order approving reduced rates for the company's
2 non-competitive services.

3 Is there any discussion? Any
4 objections? Hearing none, the Order is entered.

5 Items T-16 and T-17 (10-0277, 10-0278)
6 will be taken together. These items concern
7 certificate revocation proceedings against
8 1-800-RECONEX and Loop Telecom. In each case
9 Administrative Law Judge Riley recommends entry of an
10 Order revoking the company's Certificate of Service
11 Authority and authorizing other penalties.

12 Is there any discussion? Any
13 objections? Hearing none, the Orders are entered.

14 Items T-18 through T-26 (10-0235,
15 10-0236, 10-0331, 10-0332, 10-0344, 10-0345, 10-0361,
16 10-0362, 10-0363) can be taken together. These items
17 are petitions for the approval of interconnection
18 agreements pursuant to 47 U.S.C. Section 252. In
19 each case the administrative law judge recommends
20 entry of an Order approving the interconnection
21 agreement or approving an amendment to the agreement.

22 Is there any discussion? Any

1 objections? Hearing none, the Order is entered and
2 the interconnection agreements are approved.

3 We now move to the Water and Sewer
4 portion of today's agenda. Item W-1 is Docket Number
5 09-0519. This concerns Susan Michael's complaint
6 against Illinois-American Water Company. The parties
7 have apparently resolved their differences and
8 brought a Joint Motion to Dismiss which
9 Administrative Law Judge Sainsot recommends we grant.

10 Is there any discussion? Any
11 objections? Hearing none, the Joint Motion to
12 Dismiss is granted.

13 Item W-2 is Docket Number 10-0194.
14 This concerns Aqua Illinois' proposal general
15 increase in water rates for the Kankakee Water
16 Division. Administrative Law Judges Hilliard and
17 Benn recommend entry of a Resuspension Order to
18 resuspend the filings as the rate case proceeds.

19 Is there any discussion? Any
20 objections? Hearing none, the Resuspension Order is
21 entered.

22 We have a resolution today as a

1 miscellaneous item. This is a resolution concerning
2 Carmen Fosco, a valued member of our Office of
3 General Counsel who began at the Commission in 1992.

4 I won't say what I was doing in
5 1992 -- I guess I could tell you. I was a sophomore
6 in college.

7 COMMISSIONER FORD: A baby.

8 ACTING CHAIRMAN FLORES: And so, but in all
9 seriousness we wanted to bring this resolution as
10 just one of our, you know, expressions, so to speak,
11 to show gratitude, Carmen, for your outstanding work
12 here at the Commission.

13 I want to leave it open. I know many
14 other folks here have had an opportunity to work with
15 Carmen, and I wanted to give all the Commissioners
16 and anyone else who wanted to make a few statements
17 on the record in expressing their thanks to Carmen
18 for his outstanding service to the ICC.

19 Commissioner Ford?

20 COMMISSIONER FORD: Thank you, Chairman. I
21 would like to thank Carmen for his years of service
22 with this Commission, and he has certainly done a

1 fine job. And any reports that we get from Carmen, I
2 am assured that they are the right way to go.

3 So, Carmen, I wish you the best of
4 luck in all of your future endeavors where ever you
5 may go. God bless you.

6 ACTING CHAIRMAN FLORES: Commissioner
7 O'Connell-Diaz?

8 COMMISSIONER O'CONNELL-DIAZ: Thank you,
9 Chairman. Well, Carmen and I go way back. I think
10 he started a year after I did at the Commission, so
11 we are -- I don't want to use the word "antiques" but
12 old, somewhere beaten around the head many a time.
13 But I had the opportunity to have Carmen as counsel
14 in many, many proceedings when I was on the ALJ side,
15 and he always did an excellent job and represented
16 his client in a really fabulous way.

17 Also, as I came on as Commissioner and
18 he would be assigned to special projects that he
19 would be reporting to the Commission, I was always
20 really glad to see him on that side of the table
21 because I knew we were getting really sound advice.

22 And I just know that whoever grabs him

1 when he gets out of here is going to really get a
2 very large benefit because Carmen is not only a nice
3 guy but he is smart. And I am just real excited to
4 see where your next chapter is because I am sure it
5 will be an interesting one. And I hope I see you
6 again in the practice.

7 So thank you very much. You have been
8 a great public servant and have done a great job for
9 the Commission.

10 ACTING CHAIRMAN FLORES: Commissioner Elliott?

11 COMMISSIONER ELLIOTT: Thank you, Mr. Chairman.
12 Let's see, in 1990 is when I first showed up here so
13 I know you have been around for awhile. As
14 Commissioner O'Connell-Diaz noted, those years of
15 service and the regulatory knowledge and legal
16 knowledge you have acquired over that period of time
17 is extraordinary in terms of what's gone on in
18 Illinois with the deregulation and other changes in
19 the regulatory environment, and so I know that you
20 have acquired an awful lot.

21 And you are going to take those
22 knowledge and that base of knowledge and use it in

1 your future endeavors, and I wish you great success
2 in doing that. I am sure continued success will
3 follow you. Good luck.

4 ACTING CHAIRMAN FLORES: Commissioner Colgan?

5 ACTING CHAIRMAN COLGAN: Well, in 1990 I had
6 been out of college for 21 years, under grad, anyway.

7 And so, but in terms of Carmen and I,
8 you know, I haven't really worked that closely with
9 Carmen. I met him a couple of times. And I would
10 just like to wish him the best and ditto on many of
11 the comments that the other Commissioners have made.

12 ACTING CHAIRMAN FLORES: Very well. Mary, I
13 know that you want to say a few words, so step up to
14 the mic, Mary. We need to have that.

15 MS. STEPHENSON-SCHROEDER: Well, I know I speak
16 for all of OGC as well as the Commission when I say
17 you are truly going to be missed. I also think I
18 speak for the late night cleaning staff who will miss
19 you terribly because there were many nights when they
20 were here and Carmen was here keeping company,
21 working late hours on many briefs, testimony and all
22 those things. So I know they will miss you, too.

1 You are such a hard working and honest
2 person, and I know you will do well with whatever you
3 do and I wish you all the best.

4 MR. FOSCO: Thank you.

5 ACTING CHAIRMAN FLORES: Tim?

6 MR. ANDERSON: Well, it's going to start to
7 sound repetitive, but I have spoken to Carmen
8 privately and told him what a privilege it was to
9 work with him on numerous issues and whoever gets you
10 next will be very fortunate. So thank you for all
11 you have done here, Carmen.

12 ACTING CHAIRMAN FLORES: Any other remarks?

13 All right. Very well.

14 Well, Carmen, again on behalf of the
15 ICC, on behalf of the State of Illinois, thank you
16 very much for your service. Thank you very much for
17 your dedication to the office, and certainly you have
18 had an impact on many folks. So we really appreciate
19 the work that you have done.

20 I am going to ask that a copy of the
21 resolution be attached as opposed to just reading the
22 whole thing. Otherwise, we have a very long

1 resolution and, frankly, I wanted everyone else, you
2 know, for you to hear the personal words of your
3 peers here and your colleagues because I think the
4 resolution captures that. But, Carmen, did you want
5 to -- I'm sorry.

6 MR. FOSCO: Yes, I did. I want to say thank
7 you for all these kind remarks. I really appreciate
8 it. I think it is no surprise that I loved working
9 here. I think this is very interesting work. We are
10 challenged every day. Issues are always changing,
11 whether it was telecom or energy. It is always
12 something new tomorrow from what we are dealing with
13 today.

14 I want to especially thank Staff
15 because I think as lawyers we are blessed to have
16 sort of off-the-shelf experts and they really help us
17 to be better lawyers. And OGC is just fantastic.
18 The ability to just walk down the hall and confer is
19 unparalleled with anywhere else I have ever been.
20 And I really appreciate the Commissioners and
21 everyone else. Everyone has always taken the issues
22 seriously and tried to do what's right and what's

1 best, and I really appreciate at that. Again, thank
2 you for all the kind remarks.

3 ACTING CHAIRMAN FLORES: Very well. Then I
4 would like to make a motion to adopt the resolution.

5 COMMISSIONER ELLIOTT: So move.

6 ACTING CHAIRMAN FLORES: Is there a second?

7 ACTING COMMISSIONER COLGAN: Second.

8 ACTING CHAIRMAN FLORES: It's been moved and
9 seconded. All in favor say aye.

10 COMMISSIONERS: Aye.

11 ACTING CHAIRMAN FLORES: The vote is 5-0 and
12 the resolution concerning Carmen Fosco is adopted.
13 As I indicated earlier on the record, I will submit a
14 copy of the resolution to the court reporter so that
15 it could be attached and made part of the official
16 record.

17 We have a pair of FERC matters which
18 requires us to go into closed section. Is there a
19 motion --

20 COMMISSIONER O'CONNELL-DIAZ: Chairman?

21 ACTING CHAIRMAN FLORES: Yes, ma'am.

22 COMMISSIONER O'CONNELL-DIAZ: Chairman, if I

1 might, I just want to also note, since we are talking
2 about really great people that work at the
3 Commission, Commissioner Ford obviously was detained
4 this morning, and the reason she was detained was
5 because she was being given an award by the Chicago
6 Board of Education. And I just want to kind of read
7 what it says because I think people are used to
8 seeing the Commissioners up at these benches and they
9 think that that's what we do. And many of us
10 volunteer our time because we are not allowed to work
11 anywhere else, so volunteer our time.

12 And Commissioner Ford, I don't know
13 how she packs everything into a 24-hour day because
14 she really should have a 48-hour day seven days a
15 week. But she was awarded a commendation from the
16 Chicago Board of Education and they recognize
17 Commissioner Lula Ford for her outstanding dedication
18 and commitment to serving Chicago Public School
19 students and her contribution to the Chicago Public
20 Schools Safety and Security Strategy. And it is
21 signed by the president, Mary Richardson-Lowry, of
22 the Chicago Board of Education and Ron Huberman, the

1 CEO of the Chicago Public Schools. And I am sure she
2 will be displaying this in her office, but she wasn't
3 going to say anything, I am sure. So I am
4 embarrassing her, but Commissioner Ford is always out
5 there doing things so I just felt the need to give
6 her a kudo here.

7 COMMISSIONER FORD: Thank you.

8 ACTING COMMISSIONER COLGAN: Congratulations.

9 ACTING CHAIRMAN FLORES: Thank you for bringing
10 that up, raising that, bringing that to our
11 attention, Commissioner O'Connell-Diaz.

12 Briefly, you know, Commissioner Ford
13 has a reputation of being an outstanding mentor, an
14 educator and a mentor. And, Commissioner Ford, thank
15 you so much for everything that you have done for the
16 children.

17 COMMISSIONER FORD: Thank you.

18 ACTING CHAIRMAN FLORES: And as you know, I
19 know many of the folks that you have mentored.

20 COMMISSIONER FORD: Right.

21 ACTING CHAIRMAN FLORES: And now I tell them
22 that I get the opportunity to be mentored by you as

1 well.

2 COMMISSIONER FORD: Thank you. I saw you
3 today.

4 ACTING CHAIRMAN FLORES: Very well. We do have
5 a pair of FERC matters which, as I indicated earlier,
6 do require us to go into closed session. I am going
7 to make a motion that we go into closed session. Is
8 there a second?

9 COMMISSIONER O'CONNELL-DIAZ: Second.

10 ACTING CHAIRMAN FLORES: Very well. All in
11 favor say aye.

12 COMMISSIONERS: Aye.

13 ACTING CHAIRMAN FLORES: The vote is 5-0 to go
14 into closed session. Please let us know when the
15 room is cleared up in Chicago.

16 (Whereupon at this point
17 pages 40 - 52 of the
18 proceedings are
19 contained in a separate
20 closed transcript.)

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CONTINUATION OF PROCEEDINGS

ACTING CHAIRMAN FLORES: In closed session the Commission discussed filing comments in a pair of FERC dockets. In FERC Docket Number EL05-121-006 Staff has proposed filing reply comments to FERC regarding transmission cost allocation policy for new PJM transmission projects at 500 kV and above.

And in FERC Docket Number ER10-1361-000, Staff has proposed filing comments on the Midwest ISO's May 28 filing to change the method for allocating costs of procuring operating reserves.

Is there a motion to file the two sets of comments with FERC?

COMMISSIONER ELLIOTT: So move.

ACTING CHAIRMAN FLORES: I will second it. It's been moved and seconded. All in favor say aye.

COMMISSIONERS: Aye.

ACTING CHAIRMAN FLORES: Any opposed? The vote is 5-0. The comments will be filed with the FERC.

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

JUDGE WALLACE: No, Mr. Chairman.

1 ACTING CHAIRMAN FLORES: Thank you. Hearing
2 none, this matter stands adjourned. Thank you so
3 much, everybody, and I will see you ladies shortly.

4 MEETING ADJOURNED

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STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission :
On its own motion :
 :
Acknowledging and Expressing :
Appreciation for Carmen Fosco's :
Public Service on the Occasion of his :
Separation Of Service From the :
Commission :

RESOLUTION

By the Commission:

WHEREAS, Carmen Fosco on February 3, 1992 began his career at the Illinois Commerce Commission, Office of the General Counsel, and then, after five years of service, left the Commission to enter legal practice in the state of Texas, returning to the Commission on September 4, 2001; and

WHEREAS, throughout Carmen Fosco's years with the Commission, he has been an invaluable member of the OGC team, providing leadership, experience and an example of professionalism for others to emulate. Carmen, using his excellent litigation skills, coupled with his work ethic, has remained on course throughout his years of service, undeterred and true to his objective to represent the Commission; and

WHEREAS, Carmen Fosco has represented the Commission Staff in numerous matters and has, in the course of doing so, earned the respect and friendship of his colleagues at the Illinois Commerce Commission and the Illinois Public Utilities Bar, based upon his skill, diligence and good natured professional courtesy; and

WHEREAS, it is well known in the Office of the General Counsel that Carmen Fosco's dedication to excellence often led him to work late into the night; and

WHEREAS, it is also well known in the Office of General Counsel, that Carmen Fosco's dedication to excellence could, without much effort, be interrupted by an argument over an obscure point of law or politics; particularly when Carmen was working late at night; and

WHEREAS, Carmen Fosco's interest in information technology issues, evidenced by a complex and seemingly infinite electronic file database, and coupled with his unwillingness to delete anything, provided a valuable source of information to his colleagues and an unending source of frustration to IT; and

WHEREAS, it is also well known in the Office of General Counsel that Carmen Fosco could be relied upon to research all things thoroughly, no matter whether an obscure point of law or the purchase of a camera, computer or telecom package and consequently, Carmen was a "go to" person for matters of law and life; and

WHEREAS, like the boomerang, Carmen Fosco has previously left the Commission only to return and, with this history as our guide, his colleagues harbor the hope that, once Carmen's children are out of college, the boomerang will circle back once again;

NOW, THEREFORE BE IT RESOLVED, that the Illinois Commerce Commission hereby acknowledges Carmen L. Fosco's years of public service during his employment with the Illinois Commerce Commission and expresses its deep appreciation for his public service and dedication on the occasion of this, his latest departure.

Chairman