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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 are Commissioners Colgan and McCabe and 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 Title II 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 at least 24 hours prior to the Commission meeting. According to the Chief Clerk's Office, we have no requests to speak at today's Bench Session.

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

1 CHAIRMAN SCOTT: Moving on to the Public
2 Utility agenda, we will begin with approval of
3 minutes from our June 6 Bench Session. I understand
4 amendments have been forwarded.

5 Is there a motion to amend the
6 minutes?

7 COMMISSIONER COLGAN: So moved.

8 CHAIRMAN SCOTT: Is there a second?

9 COMMISSIONER McCABE: Second.

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

11 All in favor say aye.

12 COMMISSIONERS: Aye.

13 CHAIRMAN SCOTT: Any opposed?

14 (No response.)

15 The vote is five to nothing, and the
16 amendments are adopted.

17 Is there a motion to approve the June
18 6 minutes as amended?

19 COMMISSIONER COLGAN: So moved.

20 CHAIRMAN SCOTT: Is there a second?

21 COMMISSIONER McCABE: Second.

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

1 All in favor say aye.

2 COMMISSIONERS: Aye.

3 CHAIRMAN SCOTT: Any opposed?

4 (No response.)

5 The vote is five to nothing, and the
6 June 6 Bench Session minutes as amended are approved.

7 Turning to the Electric portion of
8 today's agenda, Item E-1 (12-0403) concerns
9 initiating a rulemaking proceeding for Title 83, Part
10 300 of the Administrative Code in light of recent
11 statutory changes. Staff recommends entry of an
12 Order initiating the rulemaking proceeding.

13 Is there any discussion?

14 (No response.)

15 Is there a motion to enter the
16 Initiating Order?

17 COMMISSIONER McCABE: So moved.

18 CHAIRMAN SCOTT: Is there a second?

19 COMMISSIONER COLGAN: Second.

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

21 All in favor say aye.

22 COMMISSIONERS: Aye.

1 CHAIRMAN SCOTT: Any opposed?

2 (No response.)

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

5 We will use this five to nothing vote
6 for the remainder of the Public Utility agenda,
7 unless otherwise noted.

8 Item E-2 (12-0404) concerns initiating
9 a reconciliation proceeding for MidAmerican regarding
10 revenues collected for its energy efficiency
11 programs. Staff recommends entry of an Order
12 initiating the reconciliation proceeding.

13 Is there any discussion?

14 (No response.)

15 Any objections?

16 (No response.)

17 Hearing none, the Order is entered.

18 Item E-3 concerns the filing made by
19 Mt. Carmel seeking to modify the per kilowatt hour
20 rate for its Parallel Generation Service Rider.
21 Staff recommends granting the Company's request by
22 not suspending the filing.

1 Is there any discussion?

2 (No response.)

3 Any objections?

4 (No response.)

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

7 Item E-4 is Docket Number 10-0711.

8 This is an eminent domain petition filed by Southern
9 Illinois Power Cooperative in connection with a
10 transmission line construction project. We have an
11 oral argument request from Fredric and Connie
12 Beasley, and ALJ Albers recommends denying that oral
13 argument request and enter an Order granting eminent
14 domain authority.

15 We will take the oral argument request
16 first. Is there any discussion on the oral argument
17 request?

18 (No response.)

19 Are there any objections to denying
20 the oral argument request?

21 (No response.)

22 Hearing none, the oral argument

1 request is denied.

2 Next up is the Order on the merits of
3 this matter. Is there any discussion on the Order?

4 (No response.)

5 Are there any objections to entering
6 the Order granting the eminent domain petition?

7 (No response.)

8 Hearing none, the Order is entered.

9 Items E-5 through E-12 (11-0532,
10 11-0674, 11-0695, 12-0222, 12-0291, 11-0670, 11-0744,
11 12-0084) can be taken together. These items are
12 customer complaints against ComEd and Realgy. In
13 each case the parties have apparently settled their
14 differences and have brought a Joint Motion to
15 Dismiss which the ALJ recommends we grant.

16 Is there any discussion?

17 (No response.)

18 Any objections?

19 (No response.)

20 Hearing none, the Joint Motions to
21 Dismiss are granted.

22 Item E-13 is Docket Number 11-0657.

1 This is Tara Goossens' complaint against ComEd. ALJ
2 Sainsot recommends entering an Order dismissing this
3 matter without prejudice for want of prosecution.

4 Is there any discussion?

5 (No response.)

6 Any objections?

7 (No response.)

8 Hearing none, the Order is entered,
9 and the matter is dismissed.

10 Item E-14 is Docket Number 12-0005.

11 This is Thomas Harding's complaint against Ameren.
12 The complainant has filed a motion to dismiss this
13 matter, and ALJ Yoder recommends entry of an Order
14 dismissing this case without prejudice.

15 Is there any discussion?

16 (No response.)

17 Any objections?

18 (No response.)

19 Hearing none, the Order is entered,
20 and the matter is dismissed.

21 Item E-15 is Docket Number 12-0088.

22 This is Robert Kulasik's complaint against ComEd.

1 ALJ Haynes recommends entry of an Order dismissing
2 this matter with prejudice as the complainant appears
3 to have been made whole.

4 Is there any discussion?

5 (No response.)

6 Any objections?

7 (No response.)

8 Hearing none, the Order is entered,
9 and the matter is dismissed.

10 Item E-16 is Docket Number 11-0750.

11 This is Winfield Garnett's complaint against ComEd.

12 ALJ Haynes recommends entry of an Order denying the
13 billing complaint on the merits.

14 Is there any discussion?

15 (No response.)

16 Any objections?

17 (No response.)

18 Hearing none, the Order is entered,
19 and the complaint is denied.

20 Item E-17 is Docket Number 12-0178.

21 This is Xtreme Environment Solutions' application for
22 licensure as an Agent, Broker and Consultant under

1 Section 16-115C of the Public Utilities Act. ALJ
2 Albers recommends entry of an Amendatory Order making
3 a change to the name on the applicant's certificate.

4 Is there any discussion?

5 (No response.)

6 Any objections?

7 (No response.)

8 Hearing none, the Amendatory Order is
9 entered.

10 Items E-18 through E-21 (12-0270,
11 12-0358, 12-0364, 12-0366) can be taken together.
12 These are applications for licensure as an Agent,
13 Broker and Consultant under Section 16-115C of the
14 Public Utilities Act. In each case ALJ Albers
15 recommends entry of an Order granting the
16 certificate.

17 Is there any discussion?

18 (No response.)

19 Any objections?

20 (No response.)

21 Hearing none, the Orders are entered.

22 Item E-22 is Docket Number 12-0363.

1 This is Realgy's application for a Certificate to
2 Operate as an Alternative Retail Electric Supplier
3 for all residential and non-residential customers in
4 the service territories of ComEd, Ameren and
5 MidAmerican. ALJ Yoder recommends entry of an Order
6 granting the requested certificate.

7 Is there any discussion?

8 (No response.)

9 Are there any objections to entering
10 the Order?

11 (No response.)

12 Hearing none, the Order is entered.

13 Items E-23 through E-26 (12-0234,
14 12-0309, 12-0316, 12-0319) can be taken together.
15 These items are petitions for the confidential and/or
16 proprietary treatment of petitioner's reports and for
17 associated relief. In each case the ALJ recommends
18 entry of an Order granting the petition.

19 Is there any discussion?

20 (No response.)

21 Any objections?

22 (No response.)

1 Hearing none, the Orders are entered.

2 Turning now to Natural Gas, Item G-1

3 is Docket Number 09-0166 and -0167 Consolidated.

4 This is the Peoples and North Shore Gas rate case

5 from 2009, and before us today is an Order

6 authorizing the refund to customers in light of the

7 Appellate Court's ruling on Rider ICR. ALJ Haynes

8 recommends entry of an Order approving the Peoples

9 Gas refund proposal.

10 Is there any discussion?

11 (No response.)

12 Any objections?

13 (No response.)

14 Hearing none, the Order is entered.

15 Item G-2 is Docket Number 10-0668.

16 This is a citation proceeding against Bushnell,

17 Illinois, in connection with an accident in November

18 of 2009. ALJ Wallace recommends entry of an Order

19 approving the stipulation reached in a proceeding

20 between Bushnell and Staff.

21 Is there any discussion?

22 (No response.)

1 Any objections?

2 (No response.)

3 Hearing none, the Order is entered,
4 and the stipulation is approved.

5 Item G-3 is Docket Number 11-0559.

6 This is an application for the approval of a proposed
7 merger between Atmos Energy Corporation and Liberty
8 Energy (Midstates) Corporation. ALJ Yoder recommends
9 entry of an Order approving the proposed
10 reorganization subject to certain conditions within
11 the Order. I understand there have been some
12 revisions circulated.

13 Commissioner McCabe?

14 COMMISSIONER McCABE: Yes, minor edit
15 revisions.

16 CHAIRMAN SCOTT: Some minor edit revisions are
17 suggested. Is there any discussion on the revisions?

18 COMMISSIONER O'CONNELL-DIAZ: Mr. Chairman, I
19 haven't seen any revisions to this Order.

20 COMMISSIONER FORD: What is it?

21 COMMISSIONER McCABE: They were circulated, I
22 think, this morning about 8:00 a.m. They are minor,

1 but we can -- they aren't essential.

2 COMMISSIONER O'CONNELL-DIAZ: Well, I just
3 haven't seen them, so I don't know what they are.

4 CHAIRMAN SCOTT: What's your pleasure,
5 Commissioner McCabe?

6 COMMISSIONER McCABE: I don't want to hold it
7 up.

8 COMMISSIONER O'CONNELL-DIAZ: Is there a
9 deadline on this?

10 CHAIRMAN SCOTT: Yes, there is. And
11 Commissioner McCabe just indicated she wouldn't
12 pursue the revisions then.

13 Is there further discussion on this
14 matter then?

15 (No response.)

16 Are there any objections to the Order
17 approving the reorganization?

18 (No response.)

19 Hearing none, the Order is entered.

20 Item G-4 is Docket Number 11-0710, and
21 this item will be held for disposition at a future
22 Commission proceeding.

1 Item G-5 is Docket Number 12-0339.
2 This is Peoples Gas' petition for authority for the
3 issuance and sale of up to \$100 million of long-term
4 debt in connection with financing the company's
5 accelerated main replacement program. ALJ Hilliard
6 recommends entry of an Order granting the requested
7 authority.

8 Is there any discussion?

9 (No response.)

10 Are there any objections?

11 (No response.)

12 Hearing none, the Order is entered.

13 Item G-6 is Docket Number 12-0356.

14 This is Realgy's application for a Certificate to
15 Operate as an Alternative Gas Supplier in Illinois.
16 ALJ Yoder recommends entry of an Order granting the
17 requested certificate.

18 Is there any discussion?

19 (No response.)

20 Any objections to entering the Order?

21 (No response.)

22 Hearing none, the Order is entered.

1 Moving on to Telecommunications, Item
2 T-1 is Docket Number 12-0337. This is Vox Group
3 International's application for a Certificate of
4 Prepaid Calling Service Provider Authority. ALJ
5 Riley recommends entry of an Order granting the
6 requested certificate.

7 Is there any discussion?

8 (No response.)

9 Are there any objections?

10 (No response.)

11 Hearing none, the Order is entered.

12 Item T-2 is Docket Number 12-0275.

13 This is Baird & Warner's complaint against Illinois
14 Bell. The parties have apparently settled their
15 differences and brought a Joint Motion to Dismiss
16 which ALJ Riley recommends we grant.

17 Is there any discussion?

18 (No response.)

19 Any objections?

20 (No response.)

21 Hearing none, the Joint Motion to

22 Dismiss is granted.

1 Item T-3 is Docket Number 12-0333.
2 This is a Joint Petition brought by Illinois Bell and
3 Grafton Technologies for the approval of a Negotiated
4 Interconnection Agreement. ALJ Riley recommends
5 entry of an Order approving the agreement.

6 Is there any discussion?

7 (No response.)

8 Any objections?

9 (No response.)

10 Hearing none, the Order is entered.

11 Item T-4 (12-0405) concerns the
12 initiation of a citation proceeding against Allcom
13 Telink for failure to maintain its corporate status.
14 Staff recommends entry of an initiating Order to
15 initiate the citation proceeding.

16 Is there any discussion?

17 (No response.)

18 Are there any objections?

19 (No response.)

20 Hearing none, the Initiating Order is
21 entered.

22 Item T-5 is Docket Number 11-0688.

1 This item concerns a rulemaking for Title 83, Part
2 735 of the Administrative Code. ALJ Riley recommends
3 entry of an Amendatory Order attaching a corrected
4 appendix and making other minor changes to the Second
5 Notice Order.

6 Is there any discussion?

7 (No response.)

8 Any objections?

9 (No response.)

10 Hearing none, the Amendatory Order is
11 entered.

12 Item T-6 is Docket Number 12-0021.

13 This is a Commission investigation under Section
14 10-101 of the Public Utilities Act to determine
15 whether Midwestern Telecommunications, Inc., doing
16 business as MTI, had failed to comply with the
17 requirements for eligible telecommunication carriers
18 and whether its ETC designation should be rescinded.
19 ALJ Riley recommends entry of an Order cancelling
20 respondent's certificates previously issued in
21 Dockets 97-0132, 01-0830 and 02-0691.

22 Is there any discussion?

1 (No response.)

2 Any objections?

3 (No response.)

4 Hearing none, the Order is entered.

5 Items T-7 and T-8 (12-0181, 12-0248)

6 can be taken together. These items are petitions for

7 the confidential and/or proprietary treatment of

8 petitioner's reports. In each case the ALJ

9 recommends entry of an Order granting the petition.

10 Is there any discussion?

11 (No response.)

12 Any objections?

13 (No response.)

14 Hearing none, the Orders are entered.

15 On to Water and Sewer, Item W-1

16 concerns a filing made by Nunda Utility Company

17 seeking to increase its water rates using the

18 Simplified Rate Case Procedure. Staff recommends

19 granting the requested relief by not suspending the

20 filing.

21 I know Bill Marr is here to answer any

22 questions for us today as well, should we have them.

1 I would start the discussion off here, as Bill is
2 making his way to the table.

3 While I believe everyone's best
4 interests are served by not suspending the filing,
5 there was some disconcerting things revealed during
6 the process associated with the filing, particularly
7 in the report we see from our Customer Services
8 Department which noted 39 comments on the case over
9 about a two-months period in 2011, with all 39
10 opposing the increase. According to the CSD, quote,
11 in 29 of those cases customers also expressed
12 dissatisfaction with the quality of service,
13 including poor water quality, need to purchase
14 drinking water, no or low pressure, service
15 interruptions, frequent boil orders, lack of meter
16 reading, billing inaccuracy and poor customer
17 service, including can't reach the company by phone.
18 In one case the customer included a picture of a
19 bathtub being filled with orange water. In three
20 cases billing was cited as an issue as well, unquote.

21 I believe these concerns need to be
22 addressed, and with that in mind I would like to

1 request that Staff develop an Initiating Order for an
2 investigation under Section 8-102 of the Public
3 Utilities Act so that we can start looking at some of
4 these very serious service issues. We would then
5 vote on the Initiating Order at a future Commission
6 meeting, so this approach doesn't require a vote
7 today. But I thought it was necessary to bring these
8 issues to light and that we absolutely need to
9 investigate the significant service issues raised in
10 this matter.

11 Further discussion?

12 COMMISSIONER O'CONNELL-DIAZ: Mr. Chairman, I
13 too noted the memo that was attached to this, and it
14 raised a level of concern, and I do note that the
15 date on it is 2011 and this is the first I have seen
16 this and I am sure all the other Commissioners have
17 seen this report of issues that customers in this
18 company have.

19 So I guess I would look to someone
20 from Staff to give us an explanation as to, you know,
21 what's been going on since this was brought to their
22 attention. I would imagine that would be in a report

1 that would be submitted to us. That also struck me,
2 so I concur in your evaluation.

3 CHAIRMAN SCOTT: Commissioners, further
4 discussion? Commissioner Colgan?

5 COMMISSIONER COLGAN: I don't really have
6 anything to offer, anything further to offer, but I
7 agree that I would like to see the initiation of some
8 investigation into this issue and deal with it at a
9 later date. I agree with that.

10 CHAIRMAN SCOTT: Further discussion?

11 (No response.)

12 Okay, thank you. In terms of what we
13 have to address today, are there any objections to
14 not suspending the filing?

15 (No response.)

16 With that, the filing will not be
17 suspended. Thank you, Bill.

18 Item W-2 is Docket Number 09-0151.
19 This item will be held for disposition at a future
20 Commission meeting.

21 We have one item of Other Business to
22 take up today. This concerns our Annual Report on

1 Cable and Video Service Deployment and voting to have
2 this report sent over to the General Assembly. Do we
3 have somebody from Staff who is available to brief us
4 on the report?

5 Jim Zolnierrek? Step right up. Go
6 ahead.

7 MR. ZOLNIERREK: The Cable and Video Services
8 Competition Law of 2007 permits cable or video
9 service providers to obtain from this Commission
10 state-issued authorization to offer to provide
11 cable/video service. Every year those with the
12 state-issued authorization are required by April 1 to
13 report to us certain statistics on their deployment,
14 number of houses passed in the area, number of low
15 income houses passed, and then we are required to
16 turn that around to the General Assembly by July 1 of
17 each year, and that's what we did with this report.

18 At the end of year-end 2011 there were
19 three providers with Commission authorization:
20 Illinois Bell Telephone Company that received
21 authorization in 2007; Wide Open West or WOW who
22 received authorization in 2010; and Highland

1 Communication Services who received authorization in
2 2011. All three provided us reports, and the reports
3 are pretty standard. There is not too much of
4 terrible excitement in the reports, other than just
5 sort of reporting the numbers.

6 The one key hurdle, I think, in the
7 report is that by October 23 of 2012 AT&T is required
8 to deploy 50 percent of the households in the
9 telecommunications service area. At year-end 2011
10 they were at 48 percent, so it looks like they are on
11 track to meet that hurdle.

12 And just as an FYI, the Cable and
13 Video Services Deployment Act expires October of
14 2013. So we may see some rewrite action on that as
15 far as that.

16 I am here to take questions if you
17 have any questions regarding the report.

18 CHAIRMAN SCOTT: Discussion on the report?

19 (No response.)

20 Are there any objections to approving
21 the report and having it sent to the General
22 Assembly?

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(No response.)

Hearing none, the report is approved,
and it will be sent along to the General Assembly.

Thanks, Jim.

MR. ZOLNIEREK: Thank you.

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

JUDGE WALLACE: No, that's all there is.

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

BENCH SESSION CONCLUDED