

1 **BEFORE THE**
 ILLINOIS COMMERCE COMMISSION

2
3 **REGULAR OPEN MEETING**

4 **(PUBLIC UTILITY)**

5
6 **Springfield, Illinois**

7 **Tuesday, July 31, 2012**

8
9 **Met, pursuant to notice, at 10:30 a.m.**

10 **in the Audiovisual Conference Room, Second Floor,**

11 **Ieland Building, 527 East Capitol Avenue,**

12 **Springfield, Illinois.**

13
14 **PRESENT:**

15 **MR. DOUGLAS P. SCOTT, Chairman**

16 **MS. LULA M. FORD, Commissioner**

17 **MS. ERIN M. O'CONNELL-DIAZ, Commissioner**

18 **MR. JOHN T. COLGAN, Commissioner**

19 **MS. ANN McCABE, Commissioner**

20
21 **SULLIVAN REPORTING COMPANY, by**

Carla J. Boehl, Reporter

22 **CSR #084-002710**

1 PROCEEDINGS

2 CHAIRMAN SCOTT: Pursuant to the provisions of
3 the Illinois Open Meetings Act, I now convene a
4 Regular Open Meeting of the Illinois Commerce
5 Commission. With me in Springfield is Commissioner
6 Colgan, and with us in Chicago are Commissioners
7 Ford, O'Connell-Diaz and McCabe. I am Chairman
8 Scott. We have a quorum.

9 Before moving into the agenda,
10 according to Section 1700.10 of Title II of the
11 Administrative Code, this is the time we allow
12 members of the public to address the Commission.
13 Members of the public wishing to address the
14 Commission must notify the Chief Clerk's Office at
15 least 24 hours prior to Commission meetings.
16 According to the Chief Clerk's Office, we have no
17 requests to speak at today's meeting.

18 Moving on to the agenda for today, we
19 will begin with approval of minutes from our June 27
20 Bench Session. I understand amendments have been
21 forwarded.

22 Is there a motion to amend the

1 minutes?

2 COMMISSIONER COLGAN: So moved.

3 CHAIRMAN SCOTT: Is there a second?

4 COMMISSIONER McCABE: Second.

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

6 All in favor say aye.

7 COMMISSIONERS: Aye.

8 CHAIRMAN SCOTT: Any opposed?

9 (No response.)

10 The vote is five to nothing, and the
11 amendments are adopted.

12 Is there a motion to approve the June
13 27 minutes as amended?

14 COMMISSIONER COLGAN: So moved.

15 CHAIRMAN SCOTT: Is there a second?

16 COMMISSIONER O'CONNELL-DIAZ: 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 June 27 Bench Session minutes as amended are
2 approved.

3 Next up is approval of minutes from
4 our July 11 Bench Session. I understand amendments
5 have been forwarded.

6 Is there a motion to amend the
7 minutes?

8 COMMISSIONER COLGAN: So moved.

9 CHAIRMAN SCOTT: Is there a second?

10 COMMISSIONER McCABE: Second.

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

12 All in favor say aye.

13 COMMISSIONERS: Aye.

14 CHAIRMAN SCOTT: Any opposed?

15 (No response.)

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

18 Is there a motion to approve the July
19 11 minutes as amended?

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: The vote is five to nothing,
5 and the July 11 Bench Session minutes as amended are
6 approved.

7 Turning to the Electric portion of
8 today's agenda, Items E-1 (12-0456) and E-2 (12-0457)
9 can be taken together. These items concern the
10 development and adoption of rules on municipal
11 aggregation in light of our Order in Docket Number
12 11-0434 and rules concerning rate case treatment of
13 charitable contributions in light of our Order in
14 Docket Number 11-0721. For each item Staff
15 recommends entry of an Initiating Order to start the
16 rulemaking proceeding.

17 Is there any discussion?

18 (No response.)

19 Is there a motion to enter the
20 Initiating Orders?

21 COMMISSIONER COLGAN: So moved.

22 CHAIRMAN SCOTT: Is there a second?

1 COMMISSIONER McCABE: Second.

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

3 All in favor say aye.

4 COMMISSIONERS: Aye.

5 CHAIRMAN SCOTT: Any opposed?

6 (No response.)

7 The vote is five to nothing, and the
8 Orders are entered.

9 We will use this five to nothing vote
10 for the remainder of the Public Utility agenda,
11 unless otherwise noted.

12 Item E-3 concerns the filing made by
13 MidAmerican Energy Company making revisions to its
14 cogeneration rates. Staff recommends granting the
15 company's request by not suspending the filing.

16 Is there any discussion?

17 (No response.)

18 Are there any objections?

19 (No response.)

20 Hearing none, the filing will not be
21 suspended.

22 Item E-4 is Docket Number 09-0592.

1 This is the rulemaking proceeding for Parts 412 and
2 453 of the Administrative Code. Before us today is
3 an Amendatory Order making minor corrections to the
4 changes we recently approved for Part 453. ALJ Benn
5 recommends entry of this Amendatory Order.

6 Is there any discussion?

7 (No response.)

8 Are there any objections?

9 (No response.)

10 Hearing none, the Amendatory Order is
11 entered.

12 Items E-5 through E-9 (11-0525,
13 11-0683, 12-0004, 12-0037, 12-0272) can be taken
14 together. These are customer complaints against
15 ComEd. In each case the parties have apparently
16 settled their differences and brought a Joint Motion
17 to Dismiss which the ALJ recommends we grant.

18 Is there any discussion?

19 (No response.)

20 Are there any objections?

21 (No response.)

22 Hearing none, the Joint Motions to

1 Dismiss are granted.

2 Item E-10 is Docket Number 10-0258.

3 This is Joan Marek's compliant against ComEd. Before
4 us today is an Amendatory Order making a minor change
5 to the Order we previously entered dismissing the
6 complaint. ALJ Riley recommends entry of this
7 Amendatory Order.

8 Is there any discussion?

9 (No response.)

10 Are there any objections?

11 (No response.)

12 Hearing none, the Amendatory Order is
13 entered.

14 Item E-11 is Docket Number 12-0221.

15 This is Agentis' petition to withdraw its Certificate
16 of Service Authority previously issued under Section
17 16-115C of the Public Utilities Act. ALJ Baker
18 recommends entry of an Order cancelling the
19 certificate.

20 Is there any discussion?

21 (No response.)

22 Are there any objections?

1 (No response.)

2 Hearing none, the Order is entered.

3 Items E-12 through E-14 (12-0168,
4 12-0199, 12-0235) can be taken together. These are
5 petitions for the confidential and/or proprietary
6 treatment of petitioners' reports. In each case the
7 ALJ recommends entry of an Order granting the
8 requested protective treatment.

9 Is there any discussion?

10 (No response.)

11 Are there any objections?

12 (No response.)

13 Hearing none, the Orders are entered.

14 Item E-15 is Docket Number 12-0295.

15 This is Ameren's petition seeking approval for the
16 transfer of certain property and customers to the
17 municipality of Princeton, Illinois. ALJ Von Qualen
18 recommends entry of an Order granting the requested
19 relief.

20 Is there any discussion?

21 (No response.)

22 Are there any objections?

1 (No response.)

2 Hearing none, the Order is entered.

3 Items E-16 through E-18 (12-0386,
4 12-0394, 12-0402) can be taken together. These are
5 applications for licensure as an Agent, Broker and
6 Consultant under Section 16-115C of the Public
7 Utilities Act. In each case ALJ Albers recommends
8 entry of an Order granting the requested certificate.

9 Is there any discussion?

10 (No response.)

11 Are there any objections?

12 (No response.)

13 Hearing none, the Orders are entered.

14 Item E-19 is Docket Number 12-0400.

15 This is an application for licensure as an
16 Alternative Retail Electric Supplier by Trademark
17 Merchant Energy. ALJ Yoder recommends entry of an
18 Order granting the requested certificate.

19 Is there any discussion?

20 (No response.)

21 Are there any objections?

22 (No response.)

1 Hearing none, the Order is entered.

2 Item E-20 is Docket Number 12-0407.

3 This is an application for Licensure as an
4 Alternative Retail Electric Supplier by Santanna
5 Natural Gas Corporation. We will hold this item for
6 disposition at a future Commission meeting.

7 Turning now to Natural Gas, Item G-1
8 is Docket Number 09-0541. This is AmerenIP's
9 reconciliation case for revenues collected under gas
10 adjustment charges in 2009. ALJ Albers recommends
11 entry of an Order approving the reconciliation.

12 Is there any discussion?

13 (No response.)

14 Are there any objections?

15 (No response.)

16 Hearing none, the Order is entered.

17 Item G-2 is Docket Number 12-0348.

18 This is a rulemaking proceeding for Title 83, Part
19 595 of the Administrative Code concerning the
20 definition of pipeline accidents. ALJ Benn
21 recommends entry of a Second Notice Order authorizing
22 submission of the proposed amendments to JCAR.

1 Is there any discussion?

2 (No response.)

3 Are there any objections?

4 (No response.)

5 Hearing none, the Order is entered.

6 Item G-3 is Docket Number 12-0395.

7 This is an application for licensure as an
8 Alternative Gas Supplier by Palmco Energy Illinois.
9 This item will be held for disposition at a later
10 date. The deadline for a decision in this matter is
11 August 2. However, Section 19-110(f) of the Public
12 Utilities Act states that the time for considering an
13 Alternative Gas Supplier Certificate can be extended
14 by up to 90 days, and we will do so in this case.

15 I understand, Commissioner Colgan, you
16 had requested extra time.

17 COMMISSIONER COLGAN: Right. As I went through
18 this Order, I just noticed that there were complaints
19 that had been filed on affiliated organizations with
20 Palmco Energy, and I would just like to have more
21 time to take a closer look at this.

22 CHAIRMAN SCOTT: Very good. We will hold this

1 for disposition at a future Commission meeting.

2 Item E-4 is Docket Number 12-0401.

3 This is an application for licensure as an
4 Alternative Gas Supplier by TERM Power and Gas. ALJ
5 Von Qualen 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 Moving on to Telecommunications, Item
13 T-1 is Docket Number 11-0688. This is a rulemaking
14 proceeding for Title 83, Part 735 of the
15 Administrative Code. ALJ Riley recommends entry of a
16 Second Amendatory Second Notice Order making minor
17 changes to the Order we previously entered.

18 Is there any discussion?

19 (No response.)

20 Are there any objections?

21 (No resposne.)

22 Hearing none, the Amendatory Order is

1 entered.

2 Item T-2 is Docket Number 12-0335.
3 This is an application for Certificates of Service
4 Authority brought by American Broadband and
5 Telecommunications Company. We have entered an Order
6 granting the company's certificates in our July 11
7 Bench Session. Before us today is an Amendatory
8 Order granting the company an additional certificate
9 for resold wireless telephone service. ALJ Benn
10 recommends entry of that Amendatory Order.

11 Is there any discussion?

12 (No response.)

13 Are there any objections?

14 (No response.)

15 Hearing none, the Amendatory Order is
16 entered.

17 Items T-3 through T-7 (11-0271,
18 11-0557, 12-0153, 12-0185, 12-0245) can be taken
19 together. These items are petitions for the
20 confidential and/or proprietary treatment of the
21 petitioners' reports. In each case ALJ Baker
22 recommends entry of an Order granting the requested

1 relief for a period of two years.

2 Is there any discussion?

3 (No response.)

4 Are there any objections?

5 (No response.)

6 Hearing none, the Orders are entered.

7 Item T-8 is Docket Number 12-0328.

8 This is a Joint Petition for approval of a
9 collocation agreement between CenturyLink and NTS
10 Services. ALJ Baker recommends entry of an Order
11 granting the petition and approving the agreement.

12 Is there any discussion?

13 (No response.)

14 Are there any objections?

15 (No response.)

16 Hearing none, the Order is entered.

17 Items T-9 through T-14 (12-0049,
18 12-0104, 12-0281, 12-0345, 12-0361, 12-0362) can be
19 taken together. These items are petitions by
20 telecommunications companies seeking to withdraw and
21 cancel Certificates of Service Authority previously
22 granted by the Commission. In each case ALJ Baker

1 recommends entry of an Order granting the petition
2 and cancelling the Certificates.

3 Is there any discussion?

4 (No response.)

5 Are there any objections?

6 (No response.)

7 Hearing none, the Orders are entered.

8 We have one Water and Sewer item for
9 consideration today. Item W-1 is Docket Number
10 09-0151. This is Illinois-American Water Company's
11 reconciliation proceeding concerning its purchased
12 water and sewer treatment surcharges for 2008. ALJ
13 Jones recommends entry of an Order approving the
14 reconciliation with adjustments.

15 Is there any discussion?

16 (No response.)

17 Are there any objections?

18 (No response.)

19 Hearing none, the Order is entered.

20 We have one Miscellaneous item to take
21 up today. Item M-1 is Docket Number 12-0378, and it
22 concerns amendments to Title II, Section 1700.20 of

1 the Administrative Code over the nature of public
2 comments posted on the Commission's website. Before
3 us today is an Amendatory Order changing the
4 effective date of the amendments, and Staff
5 recommends entry of that Amendatory Order.

6 Is there any discussion?

7 (No response.)

8 Are there any objections?

9 (No response.)

10 Hearing none, the Amendatory Order is
11 entered.

12 We have three additional items of
13 other business to take up today. These are FERC
14 items, and we will need to go into Closed Session to
15 address them.

16 Is there a motion to go into Closed
17 Session?

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: The vote is five to nothing,
3 and the Commission will now go into Closed Session.
4 Please let me know when the room is ready in Chicago.

5 (Whereupon at this point
6 pages 19 - of the
7 proceedings are
8 contained in a separate
9 closed transcript.)

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CONTINUATION OF PROCEEDINGS

CHAIRMAN SCOTT: Okay. In Closed Session the Commission discussed the ICC's response to a request for Comments on Proposed Order 100 Regional Transmission Cost Allocation Principles developed by the PJM Transmission Owners. Is there a motion to file the requested response?

COMMISSIONER COLGAN: 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.

In Closed Session the Commission also discussed making a filing in FERC Docket ER11-0481-002. Is there a motion to file the comments with FERC?

COMMISSIONER McCABE: So moved.

1 CHAIRMAN SCOTT: Is there a second?

2 COMMISSIONER COLGAN: Second.

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

4 Any discussion?

5 (No response.)

6 All in favor say aye.

7 COMMISSIONERS: Aye.

8 CHAIRMAN SCOTT: Any opposed?

9 (No response.)

10 The vote is five to nothing, and the

11 comments will be filed with FERC.

12 Finally, in Closed Session the

13 Commission discussed the PJM state agency's motion

14 for adoption of the Joint Stipulation Agreement in

15 FERC Docket Number IN12-07.

16 Is there a motion to join the

17 Stipulation Agreement?

18 COMMISSIONER COLGAN: So moved.

19 CHAIRMAN SCOTT: Is there a second?

20 COMMISSIONER O'CONNELL-DIAZ: Second.

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

22 Is there any discussion?

1 (No response.)

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 motion -- or the stipulation will be entered into.

8 I just have one thing that I do want
9 to bring up today before we adjourn, and that's to
10 welcome Jonathan Feipel who is here next to Judge
11 Wallace at the table as our new Executive Director.
12 Jonathan started July 18, I believe. He most
13 recently served as Deputy Director of DCEO in
14 overseeing the energy office there. And for those of
15 you who have been around longer than I have, you will
16 know that he worked at the ICC previously from 1999
17 to 2006 in a variety of positions, concluding with
18 Assistant Director to the Telecommunications Division
19 before going on to DCEO.

20 So, Jonathan, we are very excited to
21 have you here. It is a very interesting and exciting
22 time for the Commission, and we very much look

1 forward to working with you and we know you are going
2 to do a tremendous job. So welcome to the
3 Commission.

4 MR. FEIPEL: Thank you.

5 CHAIRMAN SCOTT: And while we are welcoming
6 Jonathan, we also want to thank Randy Nehrt who
7 served as the Interim Executive Director for six
8 months, a very difficult job to do at a very
9 difficult and busy time for the Commission.

10 So as we welcome Jonathan, we also
11 want to thank Randy for his outstanding service both
12 before that time and during that time and look
13 forward to continuing to work with Randy in the
14 future as well. Thanks.

15 Anything else from the Commissioners?

16 Commissioner Ford.

17 COMMISSIONER FORD: Yes. I wanted to welcome
18 Jonathan and look forward to working with you for the
19 next several months.

20 MR. FEIPEL: Absolutely.

21 CHAIRMAN SCOTT: Well, we will leave any
22 interpretation.

1 Judge Wallace, anything further to
2 come before the Commission today?

3 JUDGE WALLACE: No, that's all, Mr. Chairman.

4 CHAIRMAN SCOTT: Thank you. Hearing nothing
5 else, this meeting stands adjourned.

6 Thanks, everyone. Have a good day.

7 MEETING ADJOURNED AT 11:19 A.M.

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