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BEFORE THE
ILLINOIS COMMERCE COMMISSION

REGULAR OPEN MEETING AGENDA

Chicago, Illinois
Tuesday, August 10, 2010

Met, pursuant to notice, at 10:30 a.m. in
N808, Eighth Floor, 160 North LaSalle Street,
Chicago, Illinois.

PRESENT:

MANUEL FLORES, Acting Chairman

LULA M. FORD, Commissioner, via teleconference

ERIN M. O'CONNELL-DIAZ, Commissioner

SHERMAN J. ELLIOTT, Commissioner,
via videoconference

JOHN T. COLGAN, Acting Commissioner,
via videoconference

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2 ACTING CHAIRMAN FLORES: Pursuant to the
3 provisions of the Illinois Open Meetings Act, I now
4 convene a Regularly Scheduled Open Meeting of the
5 Illinois Commerce Commission. With me in Chicago is
6 Commissioner O'Connell-Diaz, and with us in
7 Springfield are Commissioners Elliott and Acting
8 Commissioner Colgan. I am acting Chairman Flores.
9 We have a quorum.

10 I believe Commissioner Ford is
11 available by phone in Chicago.

12 COMMISSIONER FORD: Yes.

13 ACTING CHAIRMAN FLORES: Commissioner, good
14 morning.

15 COMMISSIONER FORD: Good morning. How are you?

16 ACTING CHAIRMAN FLORES: We're doing well.

17 Per the Commission's rules we must
18 vote to allow Commissioner Ford to participate by
19 phone.

20 I make a motion that we allow
21 Commissioner Ford to join us by phone.

22 Is there a second?

1 COMMISSIONER O'CONNELL-DIAZ: Second.

2 ACTING CHAIRMAN FLORES: It's been moved and
3 seconded.

4 All in favor say "aye."

5 (Chorus of ayes.)

6 ACTING CHAIRMAN FLORES: Any opposed?

7 (No response.)

8 ACTING CHAIRMAN FLORES: The vote is 4-0 to
9 allow Commissioner Ford to participate by phone.

10 Before we begin with the remainder of
11 the agenda, I would just like to welcome a special
12 group -- a delegation, friends of ours from Kosovo.
13 This is a partnership that we have forged with the
14 Kosovo Energy Regulatory Office and we have the
15 Chairman of the office as well as some Commissioners
16 and some Staff.

17 I wanted to thank NARUC for their
18 leadership and making this partnership possible.
19 These partnerships are important for the purposes of
20 our states and our country to be able to engage in an
21 international partnership and to discuss best
22 practices in the area of energy regulatory law and

1 economics.

2 So I'm very grateful. The ICC's very
3 grateful for this partnership and want to again thank
4 NARUC for their leadership.

5 I want to turn it over to Commissioner
6 O'Connell-Diaz who has been also one of the long-time
7 advocates from the ICC in making this partnership
8 work. And, obviously, we all know of her leadership
9 at NARUC and the good work that she is doing.

10 Commissioner O'Connell-Diaz, would you
11 brief us on this partnership and what we are doing
12 here today.

13 JUDGE DOLAN: Chairman, before you go any
14 further, I think we may have lost Springfield.

15 ACTING CHAIRMAN FLORES: Thank you.

16 (Whereupon, a recess was taken.)

17 ACTING CHAIRMAN FLORES: We are now back in
18 session from our short recess.

19 We were -- before we were -- before
20 our break I had made some remarks -- some welcoming
21 remarks for our friends from Kosovo. I was hoping
22 that Commissioner O'Connell-Diaz would also make the

1 introduction and just give a brief explanation about
2 the partnership between the ICC and the Kosovo Energy
3 Regulatory Office.

4 Commissioner O'Connell-Diaz.

5 COMMISSIONER O'CONNELL-DIAZ: Thank you,
6 Chairman.

7 And I'd like to welcome, again, our
8 guests that are here this week, our partners, our
9 friends from Kosovo. Dr. Hamiti, Commissioners
10 Theranda, Astrit, Gani and Hysniji. And they are
11 participating in the kind of last leg of our
12 partnership that we have been having with the Kosovo
13 Energy Office for the last two years. We have had
14 the wonderful opportunity to visit them twice in
15 Kosovo and share with them and they share with us
16 their regulatory experiences.

17 We find that while we live in very
18 different parts of the world, we have very similar
19 issues. And we have, I think, helped each other in
20 understanding and figuring out plans for our
21 regulatory policies that we put forward on a
22 going-forward basis.

1 Martina Schwartz who is here with the
2 International Programs for NARUC, these programs
3 would not be possible without NARUC and USAID. So
4 we're very thankful for these programs. And, again,
5 they are just extremely beneficial to us as citizens
6 of Illinois and as of citizens of the United States
7 and, indeed, citizens of the world.

8 So we are really pleased to host you
9 and I know you're having a good time and you're going
10 to go down to our Springfield office and have a
11 couple more days with us and we look forward to
12 having great experiences for you as well as you
13 meeting many of our Staff and enjoying the expertise
14 that we can share with you.

15 Dr. Hamiti.

16 CHAIRMAN HAMITI: Thank you. Honorable
17 Chairman Flores, Honorable Commissioner
18 O'Connell-Diaz, ladies and gentlemen who are here in
19 ICC and in Springfield, I want just to thank you that
20 you make possible our participation in this very
21 interesting meeting and being part of meeting -- open
22 meeting that is quite similar to ours, but we don't

1 need to have conference and connections because our
2 Commission is located just in Pristina. All
3 Commissioners are there. Everything happens in
4 this -- the same location.

5 We are very delighted that we are part
6 of this meeting today, but especially we are
7 delighted that we are allowing and part of a very
8 interesting schedule for this fourth partnership
9 program.

10 My Colleague Diaz said everything
11 about our program. I don't want to repeat it. I
12 agree fully, which is very interesting partnership.
13 This is absolutely very valuable for us to help us
14 civility and to learn from you -- from your very --
15 almost 100 year's experience in regulations. We are
16 very new. We just have four, five years from our
17 establishment. And now we are very glad that we can
18 learn really right things from right people in the
19 field of regulations.

20 So thank you very much, indeed, for
21 your hospitality and for your commitment to help us
22 and to share the last -- all success and problems you

1 faced but are sometimes very similar even ours may
2 looks smaller. So thank you, indeed. Thank you very
3 much.

4 COMMISSIONER O'CONNELL-DIAZ: Thank you,
5 Dr. Hamiti.

6 ACTING CHAIRMAN FLORES: Thank you, Chairman
7 Hamiti.

8 I also want to thank Brandy and
9 Ambika. They've done a great job in coordinating all
10 the logistics and making sure that the stay for our
11 friends here is a pleasant one. So thank you to
12 Commissioner O'Connell as well as for spearheading
13 this effort and all of the other ICC Staff.

14 So we will now be moving forward.
15 According to Section 1700.10 of the Illinois
16 Administrative Code, this is the time that we allow
17 for members of the public to address the Commission.

18 Members of the public wishing to
19 address the Commission must notify the Chief Clerk's
20 Office at least 24 hours prior to the Commission's
21 meeting. According to the Chief Clerk's Office we
22 have no requests to speak at today's open meeting.

1 First up we have minutes to approve
2 from the July 14th Bench session. I believe
3 amendments have been circulated.

4 Is there a motion to amend the July
5 14th minutes?

6 COMMISSIONER O'CONNELL-DIAZ: So moved.

7 ACTING CHAIRMAN FLORES: I will second it.
8 It's been moved and seconded.

9 All in favor say "aye."

10 (Chorus of ayes.)

11 ACTING CHAIRMAN FLORES: Any opposed?

12 (No response.)

13 COMMISSIONER FORD: The vote is 5-0 and the
14 July 14th minutes are amended.

15 I will make a motion to approve the
16 July 14th minutes, as amended.

17 Is there a second?

18 COMMISSIONER O'CONNELL-DIAZ: Second.

19 ACTING CHAIRMAN FLORES: It's been moved and
20 seconded.

21 All in favor say "aye."

22 (Chorus of ayes.)

1 to -- are there any motions either way on this
2 petition?

3 COMMISSIONER O'CONNELL-DIAZ: Chairman, I would
4 move to grant the Ameren Illinois Utility's Petition
5 for Interlocutory Review.

6 ACTING CHAIRMAN FLORES: Is there a second?

7 COMMISSIONER FORD: Second.

8 ACTING CHAIRMAN FLORES: It's been moved and
9 seconded.

10 All in favor say "aye."

11 (Chorus of ayes.)

12 ACTING CHAIRMAN FLORES: Any opposed?

13 COMMISSIONER ELLIOTT: No.

14 ACTING CHAIRMAN FLORES: You're not opposed, or
15 you are opposed?

16 COMMISSIONER ELLIOTT: I am opposed.

17 ACTING CHAIRMAN FLORES: Okay. The vote is
18 4-1, and the Petition to allow admission of this --
19 the actuarially report is granted.

20 Our fourth item is Docket No. 10-0103.
21 This concerns a complaint as to billing and charges
22 brought by Daniel Hansen against ComEd.

1 Administrative Law Judge Sainsot recommends
2 dismissing the complaint without prejudice.

3 Is there a motion to dismiss the
4 complaint?

5 ACTING COMMISSIONER COLGAN: So moved.

6 ACTING CHAIRMAN FLORES: I will second it.

7 It's been moved and seconded.

8 All in favor say "aye."

9 (Chorus of ayes.)

10 ACTING CHAIRMAN FLORES: Any opposed?

11 (No response.)

12 ACTING CHAIRMAN FLORES: The vote is 5-0 and
13 the complaint is dismissed.

14 We will use this 5-0 vote for the
15 remainder of the agenda unless otherwise noted.

16 Our 5th and 6th items today can be
17 taken together. These concern customer complaints
18 against ComEd and Ameren in which parties have
19 resolved their differences and filed a Joint Motion
20 to Dismiss, which the Administrative Law Judges
21 recommend we grant.

22 Is there any discussion?

1 (No response.)

2 ACTING CHAIRMAN FLORES: Any objections?

3 (No response.)

4 ACTING CHAIRMAN FLORES: Hearing none, these
5 dockets are dismissed.

6 Items 7 and 8 on today's agenda can
7 likewise be taken together. These concern petitions
8 by the State Department of Transportation for
9 approval of the taking of certain properties owned by
10 ComEd via eminent domain. This is in connection with
11 the reconstruction of U.S. Route 30 in Will Country.
12 In each case Administrative Law Judge Hilliard
13 recommends entry of an Order granting the petition
14 for approval to take property.

15 Is there any discussion?

16 (No response.)

17 ACTING CHAIRMAN FLORES: Any objections?

18 (No response.)

19 ACTING CHAIRMAN FLORES: Hearing none, the
20 Orders are entered and the petitions are approved.

21 Item 9 is Docket No. 08-0521. This
22 concerns a complaint brought by Henry Graham against

1 Santana Energy Services regarding the switching of
2 his service.

3 This matter will be held for
4 disposition at a future proceeding.

5 Item 10 is Docket No. 10-0129. This
6 docket concerns an application for a Certificate of
7 Service Authority from Integrys Energy Services. In
8 this matter Staff and Integrys appear to have
9 resolved any differences and have jointly petitioned
10 the Commission for approval of their settlement. And
11 Administrative Law Judge Sainsot recommends that we
12 enter the Settlement Order here today.

13 Is there any discussion?

14 (No response.)

15 ACTING CHAIRMAN FLORES: Any objections?

16 (No response.)

17 ACTING CHAIRMAN FLORES: Hearing none, the
18 Settlement Order is entered.

19 Item 11 is Docket No. 09-0418. This
20 concerns an application by Lifeconnex Telecom for a
21 Certificate of Service Authority to operate as a
22 resale and facilities-based carrier of

1 telecommunication services in Illinois.

2 Administrative Law Judge Baker recommends that we
3 enter on order granting the certificate.

4 Is there any discussion?

5 (No response.)

6 ACTING CHAIRMAN FLORES: Any objections?

7 (No response.)

8 ACTING CHAIRMAN FLORES: Hearing none, the
9 Order is entered.

10 Items 12 and 13 can be taken together.
11 These concern petitions for confidential and/or
12 proprietary treatment of annual reports. In both
13 cases Administrative Law Judge Baker recommends entry
14 of an Order granting the requested relief.

15 Is there any discussion?

16 (No response.)

17 ACTING CHAIRMAN FLORES: Any objections?

18 (No response.)

19 ACTING CHAIRMAN FLORES: Hearing none, the
20 Orders are entered.

21 Items 14 and 15 can be taken together.

22 These items concern petitions for the approval of

1 Interconnection Agreements pursuant to 47 U.S.C.
2 Section 252. In each case Administrative Law Judge
3 Baker recommends entry of an Order approving the
4 Interconnection Agreement.

5 Is there any discussion?

6 (No response.)

7 ACTING CHAIRMAN FLORES: Any objections?

8 (No response.)

9 ACTING CHAIRMAN FLORES: Hearing none, the
10 Orders are entered and the Interconnection Agreements
11 are approved.

12 Item 16 is Docket No. 10-0448. This
13 concerns a petition from Montgomery County regarding
14 the modification to its 911 emergency response system
15 specifically shifting responsibility for those
16 emergency response services to the Montgomery County
17 Sheriff's Office. Administrative Law Judge Jones
18 recommends entry of an Order granting the County's
19 petition.

20 Is there any discussion?

21 (No response.)

22 ACTING CHAIRMAN FLORES: Any objections?

1 (No response.)

2 ACTING CHAIRMAN FLORES: Hearing none, the
3 Order is entered and the petition is granted.

4 The final item today is Item 17. This
5 concerns a ComEd rate case currently on appeal and
6 the Commission may go into closed session to consider
7 this matter.

8 I will make a motion to go into closed
9 session.

10 Is there a second?

11 COMMISSIONER O'CONNELL-DIAZ: Second.

12 ACTING CHAIRMAN FLORES: It's been moved and
13 seconded.

14 All in favor say "aye."

15 (Chorus of ayes.)

16 ACTING CHAIRMAN FLORES: The vote is 5-0, and
17 we will now go into closed session. Please let me
18 know when we are ready to go in Springfield.

19 (Whereupon, at this point Pages
20 18-53 of the proceedings are
21 contained in a separate closed
22 transcript.)

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CONTINUATION OF PROCEEDINGS

ACTING CHAIRMAN FLORES: For the record, in closed session the Commission discussed the Appellate Case in ICC Docket No. 07-0566, which was a rate case ComEd filed in 2007.

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

JUDGE WALLACE: No, there's not, Mr. Chairman.

ACTING CHAIRMAN FLORES: Thank you, sir. I look forward to seeing you all in Springfield in a couple days. Hearing none, this meeting stands adjourned. Thank you.

MEETING ADJOURNED