

1                                   BEFORE THE  
2                                   ILLINOIS COMMERCE COMMISSION

3                                   BENCH SESSION  
4                                   (PUBLIC UTILITY)

5  
6  
7                                   Springfield, Illinois  
8                                   Wednesday, August 17, 2011

9  
10                                 Met, pursuant to notice, at 10:30 a.m. in  
11                                 Hearing Room A, First Floor, Leland Building, 527  
12                                 East Capitol Avenue, 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. SHERMAN J. ELLIOTT, Commissioner

19                                 MR. JOHN T. COLGAN, Acting Commissioner

20  
21                                 SULLIVAN REPORTING COMPANY, by  
22                                 Carla J. Boehl, Reporter  
                                  CSR #084-002710

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PROCEEDINGS

CHAIRMAN SCOTT: Pursuant to provisions of the Illinois Open Meetings Act, I now convene a regularly scheduled Bench Session of the Illinois Commerce Commission. With me in Springfield are Commissioners Ford, O'Connell-Diaz, Acting Commissioner Colgan and Commissioner Elliott. 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 Bench Session. According to the Chief Clerk's Office we have no requests to speak at today's 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 first turn to the Electric  
3 portion.

4                   Item E-1 concerns a filing by Ameren  
5 Illinois to revise its tariffs for the provision of  
6 electric service including modifications to Riders  
7 EUA and RDC concerning uncollectibles and reserve  
8 distribution capacity. Staff recommends that the  
9 Commission allow the company's request by not  
10 suspending the filing.

11                   Is there any discussion?

12                           (No response.)

13                   Is there a motion to not suspend the  
14 filing?

15           COMMISSIONER ELLIOTT: So moved.

16           CHAIRMAN SCOTT: Is there a second?

17           ACTING COMMISSIONER COLGAN: Second.

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

19                   All in favor say aye.

20           COMMISSIONERS: Aye.

21           CHAIRMAN SCOTT: Any opposed?

22                   (No response.)

1                   The vote is five to nothing, and the  
2 filing will not be suspended.

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

6                   Item E-2 is Docket Number 10-0138.  
7 This is ComEd's proposal to create and establish  
8 Rider PORCB and to revise other related tariffs.  
9 This matter has been on rehearing the past few months  
10 and before us today is an Order on Rehearing. ALJ  
11 Sainsot recommends that the Commission enter an Order  
12 on Rehearing which leaves the conclusions unchanged  
13 from those initially entered in the docket.

14                   Is there any discussion?

15                   (No response.)

16                   Are there any objections to entering  
17 the Order on Rehearing?

18                   (No response.)

19                   Hearing none, the Order on Rehearing  
20 is entered.

21                   Items E-3 and E-4 (10-0643, 11-0048)  
22 can be taken together. These items are customer

1 complaints brought by Chris Oberheide and Anita  
2 Sanders against ComEd. In each case the ALJ  
3 recommends entry of an Order dismissing the complaint  
4 without prejudice for want of prosecution.

5 Is there any discussion?

6 (No response.)

7 Any objections?

8 (No response.)

9 Hearing none, the Orders are entered  
10 and the complaints are dismissed.

11 Items E-5 through E-12 (11-0359,  
12 11-0363, 10-0656, 11-0294, 11-0446, 11-0447, 11-0457,  
13 11-0470) can be taken together. These items are each  
14 customer complaints as to billing and/or charges  
15 against ComEd. In each case the parties have  
16 apparently settled their differences and brought a  
17 Joint Motion to Dismiss which the ALJ recommends that  
18 we grant.

19 Is there any discussion?

20 (No response.)

21 Any objections?

22 (No response.)

1                   Hearing none, the Joint Motions to  
2 Dismiss are granted.

3                   Item E-13 is Docket Number 11-0076.  
4 This is a petition by the Illinois Department of  
5 Transportation seeking eminent domain authority to  
6 acquire property in Kane County for roadway  
7 improvement. ALJ Hilliard recommends that the  
8 Commission enter an Order approving the petition.

9                   Is there any discussion?

10                   (No response.)

11                   Any objections?

12                   (No response.)

13                   Hearing none, the Order is entered and  
14 the eminent domain petition is approved.

15                   Item E-14 (11-0460) is Energy  
16 Enablement's application for licensure as an Agent,  
17 Broker and Consultant under Section 16-115C of the  
18 Public Utilities Act. ALJ Yoder recommends that the  
19 Commission enter an Order granting the requested  
20 certificate.

21                   Is there any discussion?

22                   (No response.)

1 Any objections?

2 (No response.)

3 Hearing none, the Order is entered,  
4 and the certificate is granted.

5 Items E-15 through E-17 (11-0489,  
6 11-0511, 11-0535) will be held for disposition at a  
7 future Commission proceeding.

8 Item E-18 is Docket Number 11-0530.  
9 This is Public Power of Illinois' application for a  
10 Certificate of Service Authority to operate as an  
11 alternative retail electric supplier. The company  
12 has filed a Motion to Withdraw its application  
13 dismissing this docket without prejudice, and ALJ  
14 Wallace recommends granting the Motion to Withdraw.

15 Is there any discussion?

16 (No response.)

17 Any objections?

18 (No response.)

19 Hearing none, the Motion to Withdraw  
20 is granted.

21 Item E-19 is Docket Number 11-0538.

22 This is Energy Connection's application for licensure

1 as an Agent, Broker and Consultant under Section  
2 16-115C of the Public Utilities Act. The applicant  
3 currently has a parallel docket open to amend its  
4 prior application, thus rendering this docket moot.  
5 ALJ Albers recommends dismissal of this docket.

6 Is there any discussion?

7 (No response.)

8 Any objections?

9 (No response.)

10 Hearing none, the docket is dismissed.

11 Turning now to Natural Gas, Items G-1  
12 and G-2 can be taken together. These items are  
13 filings by North Shore and Peoples Gas seeking to  
14 establish Rider PIPP for the companies' payment by  
15 percentage of low income customers assistance  
16 program. With each filing Staff recommends that the  
17 Commission allow the companies' request by not  
18 suspending the filing.

19 Is there any discussion?

20 ACTING COMMISSIONER COLGAN: Mr. Chairman?

21 CHAIRMAN SCOTT: Yes, Mr. Colgan.

22 ACTING COMMISSIONER COLGAN: Yes. To just



1 maintain consistency and to avoid any appearance of  
2 impropriety on my part, I am going to recuse myself  
3 for a vote on this because I was involved with the  
4 establishment of this legislation.

5 CHAIRMAN SCOTT: Very good. Are there any  
6 objections to not suspending the filings?

7 (No response.)

8 Hearing none, the filings will not be  
9 suspended, and that vote will be four to nothing.

10 Item G-3 is a filing by Ameren  
11 Illinois modifying its Rider GC established for  
12 government compliant-related adjustment. Staff  
13 recommends that the Commission allow the company's  
14 request by not suspending the filing.

15 Is there any discussion?

16 (No response.)

17 Any objections?

18 (No response.)

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

21 Item G-4 is a filing by Ameren  
22 Illinois revising its Seasonal Gas Delivery Service

1     Tariff to add a new temperature zone and modifying  
2     its Uncollectible Adjustment Rider to comply with the  
3     Commission's Order in Docket Number 10-0517. Staff  
4     recommends that the Commission allow the company's  
5     request by not suspending the filing.

6                     Is there any discussion?

7                     (No response.)

8                     Any objections?

9                     (No response.)

10                    Hearing none, the filing will not be  
11     suspended.

12                    Item G-5 (11-0545) is a filing by  
13     Nicor for special permission to revise tariffs on  
14     less than 45-days notice to modify its Rider 28  
15     concerning its Payment by Percentage of Income  
16     Program. Staff recommends that the Commission grant  
17     the company's request for tariff modifications  
18     through granting special permission.

19                    Is there any discussion?

20                    ACTING COMMISSIONER COLGAN: For the same  
21     reasons as G-1 and G-2 I recuse myself from this  
22     vote.

1           CHAIRMAN SCOTT: Very good. Thank you,  
2 Commissioner Colgan.

3                   Any objections?

4                   (No response.)

5                   Hearing none, special permission is  
6 granted, and again on a vote of four to nothing.

7                   Item G-6 is Docket Number 11-0087.  
8 This is a petition by Integrys Energy Services  
9 seeking to withdraw its Certificate of Service  
10 Authority previously issued in Docket 05-0868. ALJ  
11 Baker recommends that the Commission enter an Order  
12 granting the withdrawal.

13                   Is there any discussion?

14                   (No response.)

15                   Any objections?

16                   (No response.)

17                   Hearing none, the Order is entered,  
18 and the Certificate is withdrawn.

19                   Moving now to Telecommunications,  
20 Items T-1 through T-5 (11-0030, 11-0070, 11-0365,  
21 11-0405, 11-0406) can be taken together. These items  
22 concern petitions by telecommunication carriers to

1 withdraw its Certificates of Service Authority  
2 previously issued by the Commission. In each case  
3 ALJ Baker recommends entry of an Order approving the  
4 petition and granting the withdrawal.

5 Is there any discussion?

6 (No response.)

7 Any objections?

8 (No response.)

9 Hearing none, the Orders are entered  
10 and the Certificates are withdrawn.

11 Item T-6 (11-0418) will be held for  
12 disposition at a future Commission proceeding.

13 Item T-7 (11-0458) concerns a petition  
14 by Hudson Fiber Network for a Certificate of Service  
15 Authority to provide telecommunication service in  
16 Illinois under Sections 13-403, 13-404, and 13-405 of  
17 the Public Utilities Act. ALJ Teague recommends  
18 entry of an Order granting the requested Certificate  
19 and associated relief.

20 Is there any discussion?

21 (No response.)

22 Any objections?

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(No response.)

Hearing none, the Order is entered.

Item T-8 will be held for disposition at a future Commission proceeding.

Item T-9 is Docket Number 11-0533.

This is a petition requesting authorization for transfer or reissuance of Certificates of Service Authority from Zone Telecom, Inc., to Zone Telecom, LLC. ALJ Riley recommends entry of an Order cancelling the Certificates issued to Zone Telecom, Inc., and reissuing the same Certificates to Zone Telecom, LLC.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Items T-10 through T-13 (08-0009, 10-0012, 11-0002, 11-0342) can be taken together. These items concern petitions by telecommunication carriers to protect against the disclosure of confidential and/or proprietary information. In each

1 case ALJ Baker recommends entry of an Order granting  
2 the requested protective relief for a period of two  
3 years.

4 Is there any discussion?

5 (No response.)

6 Any objections?

7 (No response.)

8 Hearing none, the Orders are entered.

9 Item T-14 is Docket 11-0239. This is  
10 a citation proceeding against Tele-Connect for  
11 failure to file its 2009 Annual Report with the  
12 Commission. ALJ Benn recommends entry of an Order  
13 cancelling and revoking the company's Certificate of  
14 Service Authority for its failure to file.

15 Is there any discussion?

16 (No response.)

17 Any objections?

18 (No response.)

19 Hearing none, the Order is entered,  
20 and the Certificates are revoked.

21 Item T-15 is Docket Number 11-0490.

22 This is TracFone Wireless' Petition for Clarification

1 surrounding its Lifeline support status tiers. The  
2 company has filed a Motion to Withdraw its petition,  
3 and ALJ Riley recommends granting this motion.

4 Is there any discussion?

5 (No response.)

6 Any objections?

7 (No response.)

8 Hearing none, the Motion to Withdraw  
9 is granted.

10 Moving on to Water and Sewer, Item W-1  
11 is Docket Number 11-0436. This is Aqua Illinois'  
12 proposed general increase in water and sewer rates.  
13 Before us today is a Resuspension Order extending the  
14 period of suspension for another six months to allow  
15 the rate case to continue.

16 Is there any discussion?

17 (No response.)

18 Any objections?

19 (No response.)

20 Hearing none, the Resuspension Order  
21 is entered.

22 Lastly, we have a few items of Other

1 Business for today. First up is a Commission Report  
2 to the General Assembly regarding future  
3 technological and financial needs of 9-1-1 systems.  
4 Is there someone from Staff who is here to brief us  
5 or answer any questions?

6 MR. HARVEY: Matt Harvey from OGC in Chicago.

7 CHAIRMAN SCOTT: Very good, Matt. Did you have  
8 anything you wanted to say about the report?

9 MR. HARVEY: Apart from the fact that it is my  
10 understanding that the Commissioners and assistants  
11 have had an opportunity to review drafts of the  
12 Report and submit matters of concern, which Staff has  
13 conveyed to our outside independent consultant, and,  
14 you know, the fact that in my opinion the Report is  
15 markedly improved from prior drafts, I really have  
16 nothing to add from, you know, previous discussions.  
17 But if the Commissioners have questions, I would be  
18 glad to field them at this time.

19 CHAIRMAN SCOTT: Appreciate that, and I just  
20 want to thank the Staff because I know they put in a  
21 lot of work on this, and the Report is markedly  
22 different and markedly improved from prior drafts.



1 So we really appreciate the amount of time and effort  
2 that everyone on staff put in on this effort. And,  
3 again, I think we have got a good Report going to the  
4 General Assembly then.

5 Any other discussion on the Report?

6 (No response.)

7 Any objections to having the Report  
8 sent to the General Assembly?

9 (No response.)

10 Hearing none, the Report is approved  
11 for distribution to the General Assembly.

12 We have also got a number of FERC  
13 items today. And as those involve pending  
14 litigation, we will go into Closed Session to address  
15 them.

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

18 COMMISSIONER FORD: 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 All in favor say aye.

1 COMMISSIONERS: Aye.

2 CHAIRMAN SCOTT: Any opposed?

3 (No response.)

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

7 CHICAGO: We are ready, Chairman.

8 (Whereupon at this point  
9 pages 19 - 37 of the  
10 proceedings are  
11 contained in a separate  
12 closed transcript.)

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CONTINUATION OF PROCEEDINGS

CHAIRMAN SCOTT: During Closed Session the Commission discussed making filings in three FERC matters. No action will be taken in FERC Docket Number RM11-26-000.

For the purpose of authorizing Commission action we will take the remaining three FERC items together. The Commission discussed making a filing in FERC Docket Number ER11-2875-001, ER11-2875-002 and EL11-20-001, also in FERC Docket Number RM10-23-000 and in FERC Docket Numbers ER11-4069-000 and ER11-4070-000.

Is there a motion to make these filings with FERC?

ACTING COMMISSIONER COLGAN: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER O'CONNELL-DIAZ: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

All in favor say aye.

COMMISSIONERS: Aye.

CHAIRMAN SCOTT: Any opposed?

(No response.)

1                   The vote is five to nothing, and the  
2 filings will be made with FERC.

3                   Judge Wallace, anything further to  
4 come before the Commission today?

5                   COMMISSIONER O'CONNELL-DIAZ: Chairman, if I  
6 might, I just would like to thank our FERC staff for  
7 doing really grueling work on these. I know the  
8 Staff turnaround. I can't talk about what it  
9 contained, but I believe they have really given us a  
10 great work product for the filings that will be made.

11                  COMMISSIONER ELLIOTT: I think the report was  
12 650 pages.

13                  COMMISSIONER O'CONNELL-DIAZ: Yeah, I mean, it  
14 is huge.

15                  COMMISSIONER ELLIOTT: I know what you have  
16 been going through.

17                  CHAIRMAN SCOTT: We appreciate it. Thank you  
18 very much.

19                  Judge Wallace, anything further?

20                  JUDGE WALLACE: No, that's all.

21                  CHAIRMAN SCOTT: Thank you very much, sir. We  
22 do want to acknowledge the virtuoso performance of

1 Commissioner Elliott and the Mojo Cats last night at  
2 the Illinois State Fair. Those of you who missed it,  
3 you missed a tremendous performance and a lot of fun.  
4 So thank you very much.

5 COMMISSIONER ELLIOTT: Thank you. I will pass  
6 it on to the men.

7 CHAIRMAN SCOTT: Hearing nothing further to  
8 come before the Commission, this meeting stands  
9 adjourned.

10 MEETING ADJOURNED

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