





1                                   Welcome, Chairman.

2                   ACTING CHAIRMAN FLORES: Thank you,  
3 Commissioner Ford, and good morning, everyone.

4                   COMMISSIONER FORD: Before moving into the  
5 agenda, according to Section 1700.10 of the Illinois  
6 Administrative Code this is the time we allow the  
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 meeting of the  
11 Commission. According to the Chief Clerk's Office,  
12 we have no requests to speak for today's 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                   COMMISSIONER FORD: Turning now to the Public  
19 Utilities Agenda, we have minutes to approve from the  
20 July 28 Bench Session. I understand amendments have  
21 been forwarded. Is there a motion to amend the  
22 minutes?

1 COMMISSIONER O'CONNELL-DIAZ: So move.

2 COMMISSIONER FORD: Is there a second?

3 ACTING COMMISSIONER COLGAN: Second.

4 COMMISSIONER FORD: It's been moved and  
5 seconded. All in favor say aye.

6 COMMISSIONERS: Aye.

7 COMMISSIONER FORD: Any opposed?

8 The vote is 5-0 amending the minutes.

9 Is there a motion to approve the  
10 minutes as amended?

11 ACTING COMMISSIONER COLGAN: So move.

12 COMMISSIONER FORD: Is there a second?

13 COMMISSIONER O'CONNELL-DIAZ: Second.

14 COMMISSIONER FORD: It's been moved and  
15 seconded. All in favor say aye.

16 COMMISSIONERS: Aye.

17 COMMISSIONER FORD: Any opposed?

18 The vote is 5-0 approving the amended  
19 minutes.

20 We will begin with the Electric  
21 section of today's agenda. Items E-1 through E-3  
22 will be taken together. These items are filings by

1 Central Illinois Light Company, Central Illinois  
2 Public Service Company and Illinois Power Company  
3 establishing a Percent of Income Payment Plan Phase 1  
4 Extension Program. Staff recommends that the  
5 Commission allow the proposal by not suspending the  
6 tariffs.

7 Is there any discussion? Commissioner  
8 Colgan, I believe you --

9 ACTING COMMISSIONER COLGAN: Yes, Madam  
10 Chairperson. I am going to recuse myself on the vote  
11 on these three Orders because I was at the table with  
12 this, negotiating this legislation that created it.  
13 I am really proud of the fact that we have put that  
14 in place. And to avoid any appearance of impropriety  
15 on my part, I am just going to recuse myself from  
16 this vote.

17 COMMISSIONER FORD: Thank you. And you did a  
18 fine job doing that job, Commissioner Colgan.

19 ACTING COMMISSIONER COLGAN: Thank you.

20 COMMISSIONER FORD: Is there a motion to not  
21 suspend the filings?

22 COMMISSIONER ELLIOTT: So move.

1 COMMISSIONER FORD: Is there a second?

2 COMMISSIONER O'CONNELL-DIAZ: Second.

3 COMMISSIONER FORD: It's been moved and  
4 seconded. All in favor say aye.

5 COMMISSIONERS: Aye.

6 COMMISSIONER FORD: Any opposed?

7 The vote is 4-0 and the filings will  
8 not be suspended.

9 We will be holding Item E-4 (08-0264).

10 Items E-5 (09-0343) and E-6 (10-0097)  
11 will be taken together. These are complaints  
12 regarding billings or charges against AmerenIP and  
13 AmerenCILCO, respectfully. ALJ Tapia recommends  
14 dismissing the complaints with prejudice.

15 Is there any discussion? Is there a  
16 motion to dismiss the complaints with prejudice?

17 COMMISSIONER ELLIOTT: So move.

18 COMMISSIONER FORD: It's been moved and  
19 seconded. All in favor say aye.

20 COMMISSIONERS: Aye.

21 COMMISSIONER FORD: The vote is 5-0; the  
22 complaints are dismissed with prejudice.

1                   We will use this 5-0 vote for the rest  
2 of the Public Utilities Agenda, unless otherwise  
3 noted.

4                   Item E-7 is Docket 10-0177. This is a  
5 Complaint by Sean Davis against Commonwealth Edison  
6 Company regarding billing overcharges. ALJ Riley  
7 recommends entering an Order denying the complaint.

8                   Is there any discussion? Any  
9 objections? Hearing none, the Order is entered  
10 denying the Complaint.

11                   Item E-8 is Docket 10-0325. This  
12 concerns an Application by Energy Choice Center for a  
13 license as an Agent, Broker and Consultant. ALJ  
14 Yoder recommends denying the requested Certificate of  
15 Service Authority.

16                   Is there any discussion? Any  
17 objections? Hearing none, the Certificate is denied.

18                   Items E-9 through E-14 (10-0388,  
19 10-0425, 10-0430, 10-0432 10-0449, 10-0459) will be  
20 taken together. These items concern Applications for  
21 licenses as an Agent, Broker and Consultant. ALJ  
22 Yoder recommends entering Orders granting the

1 Certificates of Service Authority.

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

4 Item E-15 is Docket 10-0405. This is  
5 a Petition by Rock River Energy Services Company for  
6 confidential treatment of its 2009 Recertification  
7 Report. ALJ Albers recommends entering an Order  
8 granting the requested relief for a period of two  
9 years.

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

12 Item E-16 is Docket 10-0456. This  
13 item concerns a misfiling of a petition for  
14 confidential treatment of a 2009 Recertification  
15 Report. Rock River Energy Services Company already  
16 had a docket regarding this petition when a second  
17 duplicative docket was created. ALJ Albers  
18 recommends dismissal of Docket 10-0456 in light of  
19 the existence of Docket 10-0405.

20 Is there any discussion? Any  
21 objections? Hearing none, Docket 10-0456 is  
22 dismissed.



1                   Moving on to the Gas Section of  
2   today's agenda, Items G-1 through G-5 will be taken  
3   together. These are filings revising Percent of  
4   Income Payment Plans for low income residential  
5   customers. Staff recommends the Commission allow the  
6   proposals by not suspending the filings.

7                   Is there any discussion?

8                   ACTING COMMISSIONER COLGAN: I apologize again.  
9   I recuse myself. I was a legislative advocate for  
10  the creation of this program, and I feel that I need  
11  to recuse myself from the vote.

12                  COMMISSIONER FORD: Thank you, Commissioner.

13                  All in favor say aye.

14                  COMMISSIONERS: Aye.

15                  COMMISSIONER FORD: Any opposed?

16                  The vote is 4-0, and the filings will  
17  not be suspended.

18                  Item G-6 (10-0450) concerns a filing  
19  by Northern Illinois Gas Company to revise its  
20  Percent of Income Payment Plan for low income  
21  residential customers on less than required notice.  
22  Staff recommends the Commission allow the proposal by

1 granting the request for special permission.

2 Is there any discussion? All in favor  
3 say aye.

4 COMMISSONERS: Aye.

5 COMMISSIONER FORD: Any opposed?

6 The vote is 4-0 and the request --  
7 5-0, I'm sorry, you can vote on that one, sorry. And  
8 the request for special permission is granted.

9 Item E-7 is Docket 08-0139. This  
10 matter concerns a petition by Consumers Gas Company  
11 seeking to enter into a gas storage contract and a  
12 gas sales agreement with Egyptian Gas Storage  
13 Corporation. ALJ Albers recommends entering an Order  
14 approving the gas storage contract but denying the  
15 gas sales agreement.

16 Is there any discussion?

17 COMMISSIONER O'CONNELL-DIAZ: If we might have  
18 Judge Albers kind of step us through? Because this  
19 is a partial grant and I think it would make it real  
20 clear for the record why he recommended -- why he  
21 gave his recommendation.

22 JUDGE ALBERS: On the gas storage agreement,

1 Egyptian and Staff were both in agreement with one or  
2 two conditions as to what would be appropriate for  
3 that agreement and that was really not disputed.

4           On the gas sales agreement, however,  
5 Staff raised some concerns about the fact that  
6 Egyptian and Consumers -- I am sorry, I misspoke  
7 earlier, Consumers was in the gas storage agreement.  
8 On the gas sales agreement Staff raised some concerns  
9 about Consumers being an affiliate of Egyptian. The  
10 same individual makes decisions for both Egyptian and  
11 Consumers, particularly with regard to gas purchases  
12 by the two, and there was concern that this  
13 individual wouldn't always have the ratepayers'  
14 interest at heart when it made decisions.

15           And I felt there was sufficient  
16 examples shown or reasons given that perhaps it is  
17 not in the public interest to allow Consumers and  
18 Egyptian to have this gas sales agreement in place.

19           I can proffer some examples, if you  
20 would like.

21           COMMISSIONER FORD: Will they be able to come  
22 back to you again and did you give them reasons that

1 they could correct?

2 JUDGE ALBERS: Well, it is more in the nature  
3 of the fact that, as long as that same individual is  
4 making decisions for both companies, it is going to  
5 be difficult to see where a conflict of interest is  
6 being avoided.

7 COMMISSIONER ELLIOTT: It probably needs a  
8 third-party arrangement, is what you are suggesting.

9 JUDGE ALBERS: If they brought in a third  
10 party, yes.

11 COMMISSIONER ELLIOTT: An arms length.

12 COMMISSIONER O'CONNELL-DIAZ: So there are  
13 options for them to recalibrate that request and  
14 bring it back to the Commission for a review that  
15 would give us a new picture that doesn't have those  
16 inherent conflicts that you have noted in the Order  
17 that you presented to us.

18 JUDGE ALBERS: Yes.

19 COMMISSIONER FORD: Thank you. All in favor?

20 COMMISSIONERS: Aye.

21 COMMISSIONER FORD: Any opposed?

22 The vote is 5-0. The Order is entered

1 granting the petition in part.

2                   Again, we will use this 5-0 vote for  
3 the remainder of the agenda, unless other noted.

4                   Moving on to the Telecommunications  
5 section of today's agenda, Item T-1 is Docket  
6 10-0368. This item concerns an Application by IQ  
7 Telecom Incorporated for a Certificate of Prepaid  
8 Calling Service Provider Authority. ALJ Teague  
9 recommends granting Applicant's Motion to Withdraw  
10 without prejudice.

11                   Is there any discussion? Any  
12 objections? Hearing none, the Motion to Withdraw is  
13 granted without prejudice.

14                   Items T-2 through T-5 (10-0230,  
15 10-0367, 10-0393, 10-0454) will be taken together.  
16 This matter concerns applications to provide  
17 telecommunication services in Illinois. ALJ Riley  
18 recommends entering Orders granting the Certificates  
19 of Service Authority.

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

22                   Items T-6 through T-8 (10-0263,

1 10-0348, 10-0443) will be taken together. These  
2 matters concern Petitions to cancel or withdraw  
3 Certificates of Service Authority. ALJ Teague  
4 recommends entering Orders granting the Petitions.

5 Is there any discussion? Any  
6 objections? Hearing none, the Orders are entered.

7 Item T-9 is Docket 10-0300. This is a  
8 Complaint by Kurt Dunklau against AT&T alleging  
9 deceptive business practices with respect to O'Hare  
10 and Midway Limo Service. ALJ Haines recommends  
11 entering an Order dismissing the complaint without  
12 prejudice.

13 Is there any discussion? Any  
14 objections? Hearing none, the Order is entered.

15 Item T-10 is Docket 10-0389. This  
16 item concerns a Petition for arbitration by Illinois  
17 Bell Telephone. Petitioners filed an unopposed  
18 Motion to Dismiss. ALJ Tapia recommends entering an  
19 Order granting the Motion to Dismiss.

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

22 Items T-11 through T-20 (10-0374,

1 10-0384, 10-0416, 10-0418, 10-0419, 10-0420, 10-0437,  
2 10-0444, 10-0375, 10-0436) will be taken together.  
3 These matters concern Petitions for Interconnection  
4 Agreements or Amendments to Interconnection  
5 Agreements. The Administrative Law Judges recommend  
6 approving the Interconnection Agreements and  
7 Amendments to Interconnection Agreements.

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

10 Items T-21 through T-24 (10-0504,  
11 10-0505, 10-0506, 10-0507) will be taken together.  
12 These items concern initiating citation proceedings  
13 against the companies for failure to file a 2009  
14 Annual Report. Staff recommends entering the Orders  
15 initiating citation proceedings.

16 Is there any discussion? Any  
17 objections? Hearing none, the Orders are entered.

18 Items T-25 through T-27 (10-0193,  
19 10-0402, 10-0403) will be taken together. These  
20 items concern Citations for failure to maintain  
21 corporate status. ALJ Teague recommends dismissing  
22 the Citation proceedings.

1                   Is there any discussion? Any  
2 objections? Hearing none, the Citation proceedings  
3 are dismissed.

4                   Item T-28 is Docket 10-0417. This  
5 matter concerns a Petition by the Universal Telephone  
6 Assistance Corporation requesting that the Commission  
7 determine the amount and form of supplemental  
8 assistance to be provided by Illinois local exchange  
9 carriers to each eligible new subscriber under the  
10 new Universal Telephone Service Assistance Program.  
11 ALJ Albers recommends entering an Order granting the  
12 requested relief. Please note that the  
13 recommendation is to grant the Petition in its  
14 entirety and not in part, as written on the agenda  
15 for today.

16                   Is there any discussion? Any  
17 objections? Hearing none, the Order is entered  
18 granting the requested relief.

19                   Turning now to Water and Sewer, Item  
20 W-1 is Docket 09-0556. This is a Petition by Aqua  
21 Illinois for approval of a Bulk Water Supply and  
22 Sales Agreement with Lake County. ALJ Benn



1 recommends entering an Order approving the Agreement.

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

4 Item W-2 is Docket 10-0289. This is  
5 the Complaint by Renaldo Williams, Sr., against  
6 Illinois-American Water Company. ALJ Tapia  
7 recommends entering an Order dismissing the Complaint  
8 for lack of prosecution.

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

11 Item W-3 is Docket 10-0342. This item  
12 concerns a Petition by County Line Water Company to  
13 cancel and annul a Certificate of Convenience and  
14 Necessity. ALJ Teague recommends entering an Order  
15 granting the Petition.

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

18 We have two other items of business on  
19 today's agenda. First, we have the Liberty  
20 Consulting Group's Sixth Quarterly Report for the  
21 investigation of Peoples Gas Pipeline Safety Program.  
22 I believe Darin Burk is available to brief us on



1 the sixth quarter. Item II-7, working with digger to  
2 resolve bogus emergency locate requests was closed in  
3 the sixth quarter, as well as Item V-11, develop a  
4 structure process for long-term planning.

5 The three remaining items that they  
6 identify as difficult to close are Item II-8, develop  
7 and implement communication and training protocol  
8 with the City of Chicago work force; Item II-18,  
9 improve timeliness of corrosion control actions; and  
10 Item II-20, testing casings to insure electrical  
11 isolation of the carrier pipe. That involves the  
12 corrosion control.

13 Pipeline Safety accompanied Liberty on  
14 two weeks of follow-ups in the sixth quarter. The  
15 Staff obtained more direct knowledge of the issues  
16 and the actions that will be required by Pipeline  
17 Safety to stay on top of the issues beyond the  
18 contract with Liberty.

19 Liberty issues identified requiring  
20 our follow up will be Item I-1, improve management  
21 level organization. Our primary focus will be on the  
22 field supervisors, making sure that they are out in

1 the field actually supervising the crews. Liberty  
2 had identified that they were spending too much time  
3 on administrative work and the crews were left alone  
4 in the field. Although we do not have a code  
5 requirement for this, we feel that we can encourage  
6 Peoples to continue this by very strict enforcement  
7 of adherence to the procedures.

8 Item II-8, upgrade the training  
9 program for locators, Pipeline Safety has met with  
10 the management and issued a Notice of Amendment  
11 requesting that Peoples Gas include more specific  
12 locating procedures in their operation and  
13 maintenance plan. Our field investigations  
14 determined that the locators were not necessarily  
15 following the procedures as prescribed by Peoples Gas  
16 because they didn't have a very good understanding of  
17 what the procedures required. So we are going to ask  
18 them to revise the procedures.

19 Item II-19, evaluate the atmospheric  
20 corrosion monitoring practices, Staff will continue  
21 to work with Liberty and Peoples Gas on this issue to  
22 identify the processes that need to be implemented.

1                   Item II-20, testing casings to insure  
2 electric isolation from the carrier pipe. In the  
3 past there has not been real good guidance on how to  
4 perform that activity, and the industry has developed  
5 guidance that's been shared with Peoples Gas and our  
6 Staff, and we will be working with them to insure  
7 that they implement the best practices.

8                   Reduce the year-end backlog of leaks,  
9 the cast iron replacement program should help with  
10 this issue and that has been scheduled.

11                  V-8, improve the quality assurance  
12 quality control program, Liberty is concerned about  
13 the level of expertise of the new quality assurance  
14 quality control staff. Pipeline Safety will monitor  
15 the training and performance of these inspectors.  
16 They ran into an issue of just simply having enough  
17 qualified staff to promote into these positions, and  
18 we have been monitoring their assessments in the  
19 field and trying to determine if they have adequate  
20 knowledge to perform the task. We have also worked  
21 with their training facility to revise the training  
22 for quality assessors to improve their level of

1 expertise.

2                   Item V-9 provides a means and requires  
3 that general supervisors spend more time in the field  
4 on job sites. Again, staff at Liberty have  
5 determined that there is a culture at Peoples Gas  
6 where they fail to follow the company procedures. We  
7 don't understand what the issue is, but the only way  
8 that we feel that we can get this through to the work  
9 force is to monitor them closely and issue violations  
10 whenever the operator or personnel fails to follow  
11 the company procedure.

12                   Item V-10, upgrade the Legacy computer  
13 system, the Work Assets Management System, also known  
14 as WAM has been brought online. Liberty and Staff  
15 have identified a few errors and omissions in the  
16 report data provided by the program. Staff will  
17 continually monitor the progress during the annual  
18 record and focused audits to verify that all of the  
19 issues and inconsistencies have been worked out of  
20 the program. But otherwise we feel that this is a  
21 vast improvement over the Legacy systems that they  
22 had prior to the implementation.

1                   And that completes my update. Are  
2 there any questions for me?

3           COMMISSIONER FORD: Are there any questions for  
4 Mr. Burk?

5           COMMISSIONER O'CONNELL-DIAZ: Mr. Burk, you  
6 noted the main replacement program, obviously, that  
7 the Commission voted for, and we are really happy to  
8 see that program in place. And you also noted that  
9 there were some issues of dealing with the City of  
10 Chicago. Do you think that by virtue of the fact  
11 that we now have this really large program that is  
12 going to be going on, will there be, because of that,  
13 need to coordinate with the City? And their getting  
14 a new system put in pursuant to our Order, do you  
15 think there will be an upgrade in the issue of  
16 dealing with the City and being responsive in the way  
17 that we would like them to be?

18           MR. BURK: It will require a lot of  
19 communication, give and take, between the City and  
20 Peoples Gas. They are going to need to keep the City  
21 informed of where they are going to be working and  
22 the issues that are going to be involved with traffic

1 control, interference with other utilities, so on and  
2 so forth. My understanding is that Peoples Gas is  
3 aware of this and they do plan to communicate with  
4 the City and meet with the City administrators to  
5 make sure that this goes smoothly.

6 We do think that overall that it will  
7 be beneficial because it will be less disruptive. In  
8 this situation, they will go in and take out blocks  
9 of main at one time, rather than just hit and miss  
10 and make repairs, and I think the coordination is  
11 going to be there. They have a plan to make it work.

12 COMMISSIONER FORD: Thank you, Mr. Burk.

13 Is there a motion to have the report  
14 posted on the website?

15 COMMISSIONER ELLIOTT: So move.

16 COMMISSIONER FORD: All in favor?

17 COMMISSIONERS: Aye.

18 COMMISSIONER FORD: Any opposed?

19 The vote is 5-0 and the report will be  
20 posted on the ICC website.

21 Next we have the Lifeline Awareness  
22 Week Resolution. Commissioner Colgan, would you like



1 to introduce the resolution?

2 ACTING COMMISSIONER COLGAN: Yes, thank you.

3 I reported to you a couple of weeks  
4 ago that I have been huddling up with Staff of  
5 various departments, IT, Telecom, Consumer Services,  
6 External Affairs, Public Affairs, trying to put  
7 together a plan, a comprehensive way to promote  
8 Lifeline and Link-up. And NARUC, as all of you know,  
9 has declared September 12 through the 18th to be  
10 Lifeline Awareness Week. We have secured a  
11 proclamation from Governor Quinn declaring that as a  
12 Lifeline Awareness Week in Illinois.

13 We have secured the cooperation and  
14 participation of DCEO, the Department of Human  
15 Services. The Governor's Office is definitely on  
16 board. We are reaching out also to get the State  
17 Board of Education, due to the free meals automatic  
18 qualification to participate. And, in addition, we  
19 have reached out to AARP, to CUB and the Illinois  
20 Association of Community Action Agencies. They are  
21 all willing to participate.

22 We have updated all of the providers,

1 telecom providers, that offer this service in  
2 Illinois. We have put together hot links for our  
3 website for any interested eligible consumer to click  
4 on and go to and get immediate information about how  
5 to call and talk to any of these providers to sign up  
6 for this important and vital service.

7           So with that, I am just promoting this  
8 and asking for your support of this resolution that  
9 you have in front of you that would on our own motion  
10 resolve that this would be Lifeline Awareness Week at  
11 the Illinois Commerce Commission.

12           So with that, I mean, I would be happy  
13 to read it, but I am not sure that that's necessary.  
14 I think you have all had a chance to look at it. So  
15 with that, I would be glad to answer any questions  
16 and I ask for your support.

17           COMMISSIONER FORD: Thank you, Commissioner  
18 Colgan. There is a motion to adopt the Lifeline  
19 Awareness Week Resolution. Is there a second?

20           COMMISSIONER ELLIOTT: Second.

21           COMMISSIONER FORD: All in favor?

22           COMMISSIONERS: Aye.

1           COMMISSIONER FORD: Any opposed?

2                           The vote is 5-0 and the Lifeline  
3 Awareness Week Resolution is adopted.

4           ACTING CHAIRMAN FLORES: Commissioner Ford, may  
5 I just make a few remarks?

6           COMMISSIONER FORD: Sure.

7           ACTING CHAIRMAN FLORES: I wanted to commend  
8 Commissioner Colgan for his leadership in this  
9 effort. I think this is a wonderful way for the  
10 Illinois Commerce Commission to interface with other  
11 agencies as well as the general public about the  
12 various initiatives and programs that are available  
13 to Illinois consumers. And, again, I just want to  
14 commend Commissioner Colgan and the rest of the ICC  
15 Staff for their efforts in this endeavor.

16           ACTING COMMISSIONER COLGAN: Thank you for that  
17 and, yes, I want to extend, too, my gratitude to  
18 Staff that's graciously worked on this project, put a  
19 lot of time into it. Thank you.

20           COMMISSIONER FORD: Judge Albers, are there any  
21 other matters for us today?

22           JUDGE ALBERS: No, Commissioner, there are not.

1           COMMISSIONER FORD: Thank you. There are none;  
2 this meeting is adjourned.

3                           MEETING ADJOURNED

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