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BEFORE THE  
ILLINOIS COMMERCE COMMISSION

Regular Open Meeting

Chicago, Illinois

August 20, 2013

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

COMMISSION MEMBERS:

MR. DOUG SCOTT  
Chairman

MS. ANN McCABE  
Commissioner

MR. MIGUEL DEL VALLE  
Acting Commissioner

MS. SHERINA E. MAYE  
Acting Commissioner

\*\*\*\*\*

Reported by:  
Karen K. Keim  
CRR, CSR-IL, CCR-MO, RPR  
Midwest Litigation Services  
711 N. 11th street  
St. Louis, MO 63101

1                   CHAIRMAN SCOTT: Pursuant to the provisions of  
2 the Open Meetings Act, I now convene a Regular Open Meeting  
3 of the Illinois Commerce Commission. With me in Chicago is  
4 Commissioner McCabe and Acting Commissioner Del Valle and  
5 Acting Commissioner Maye. I am Chairman Scott. We have a  
6 quorum.

7                   Before moving into the agenda, according to Section  
8 1700.10 of Title 2 of the Administrative Code, this is the  
9 time we allow members of the public to address the  
10 Commission. Members of the public wishing to address the  
11 Commission must notify the Chief Clerk's office at least 24  
12 hours prior to Commission meetings. According to the Chief  
13 Clerk's office, we have no requests to speak at today's  
14 meeting.

15                   The first item of business on today's agenda is the  
16 approval of minutes from our July 29 Special Open Meeting.  
17 Is there a motion to approve the minutes?

18                   ACTING COMMISSIONER MAYE: 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".

23   ("Ayes" heard)

24                   CHAIRMAN SCOTT: Any opposed?

25   (No response)

1           CHAIRMAN SCOTT: The vote is 4 to nothing, and  
2 the July 29th Special Open Meeting minutes are approved.

3           Item 2 on today's agenda is the approval of minutes  
4 from our July 31st Bench Session. I understand amendments  
5 have been forwarded. Is there a motion to amend the  
6 minutes?

7           COMMISSIONER McCABE: So moved.

8           CHAIRMAN SCOTT: Is there a second?

9           ACTING COMMISSIONER MAYE: Second.

10          CHAIRMAN SCOTT: It's been moved and seconded.  
11 All in favor, say "aye".

12                               ("Ayes" heard)

13          CHAIRMAN SCOTT: Any opposed?

14                               (No response)

15          CHAIRMAN SCOTT: The vote is 4 to nothing, and  
16 the amendments are adopted. Is there now a motion to  
17 approve the minutes as amended?

18          COMMISSIONER McCABE: So moved.

19          CHAIRMAN SCOTT: Is there a second?

20          ACTING COMMISSIONER MAYE: Second.

21          CHAIRMAN SCOTT: It's been moved and seconded.  
22 All in favor, say "aye".

23                               ("Ayes" heard)

24          CHAIRMAN SCOTT: Any opposed?

25                               (No response)

1                   CHAIRMAN SCOTT: The vote is 4 to nothing, and  
2 the July 31st minutes, as amended, are approved.

3                   Item 3 concerns the approval of the transcript from  
4 our July 31st Joint Electric and Gas Policy Committee  
5 Meeting. I understand amendments have been forwarded. Is  
6 there a motion to amend the transcript?

7                   ACTING COMMISSIONER MAYE: So moved.

8                   CHAIRMAN SCOTT: Is there a second?

9                   ACTING COMMISSIONER DEL VALLE: Second.

10                  CHAIRMAN SCOTT: It's been moved and seconded.  
11 All in favor, say "aye".

12   ("Ayes" heard)

13                  CHAIRMAN SCOTT: Any opposed?

14   (No response)

15                  CHAIRMAN SCOTT: The vote is 4 to nothing and the  
16 amendments are adopted. Is there now a motion to approve  
17 the transcript as amended?

18                  COMMISSIONER McCABE: So moved.

19                  CHAIRMAN SCOTT: Is there a second?

20                  ACTING COMMISSIONER DEL VALLE: Second

21                  CHAIRMAN SCOTT: It's been moved and seconded.  
22 All in favor, say "aye".

23   ("Ayes" heard)

24                  CHAIRMAN SCOTT: Any opposed?

25   (No response)



1 proceeding, initiated to develop and adopt rules concerning  
2 rate case expense. There are a few items associated with  
3 this proceeding, and we will address them each in turn.

4 First, Ameren has filed a motion seeking leave to  
5 withdraw one of its exceptions and to file an amended reply  
6 brief, which ALJ Sainsot recommends we grant. Is there any  
7 discussion?

8 (No response)

9 CHAIRMAN SCOTT: Are there any objections?

10 (No response)

11 CHAIRMAN SCOTT: Hearing none, the motion is  
12 granted.

13 Next, Ameren, MidAmerican and People Gas/North Shore  
14 have filed requests for oral argument, which ALJ Sainsot  
15 recommends we grant. Is there any discussion?

16 (No response)

17 CHAIRMAN SCOTT: Are there any objections?

18 (No response)

19 CHAIRMAN SCOTT: Hearing none, the requests for  
20 oral argument are granted. The parties will receive  
21 separate notice of the topics, time and location of oral  
22 arguments.

23 Last, ALJ Sainsot recommends entry of a  
24 Post-Exceptions First Notice Order. This item will be held  
25 for disposition at a future Commission proceeding. I know

1 there is a lot more work to do, but, Judge, thank you very  
2 much, Judge Sainsot, for all of the work you've put in this  
3 already, and look forward to continuing on with the  
4 process.

5 Item 6 is Docket No. 12-0598. This is Ameren  
6 Transmission Company of Illinois' Petition for a  
7 Certificate of Public Convenience and Necessity, pursuant  
8 to Section 8-406.1 of the Illinois Public Utilities Act,  
9 and an Order pursuant to Section 8-503 of the Public  
10 Utilities Act, to Construct, Operate and Maintain a New  
11 High Voltage Electric Service Line and Related Facilities  
12 in Counties throughout central Illinois. ALJ's Albers and  
13 Yoder recommend entry of a Post-Exceptions Order.

14 My office has some proposed edits. They come in four  
15 pieces. The first set of edits emphasize that this is the  
16 first time that we are interpreting such an 8-406.1 and  
17 that we are fully aware of the tremendous scope of this  
18 project and the fact that Section 8-406.1 seems an  
19 inappropriate vehicle for approval of a project of this  
20 type.

21 The second set of edits is under Section 6,  
22 Least-Costs and Proposed Line Routes. These edits further  
23 flesh out the criteria that this Commission has used in the  
24 past 8-604 proceedings to determine whether a particular  
25 part of a project is least-cost.

1                   The third set appears on page 125 regarding  
2 the Kansas to the Indiana State Line. Commission  
3 conclusion: These items do not change the previous  
4 conclusion to decline to grant ATXI's request to build a  
5 new substation, but they do state that the Commission  
6 declines to grant those requests because utilizing the  
7 existing substation appears to be the least-cost action to  
8 achieve the project's objective.

9                   And the fourth set appears on page 134 under  
10 the Sidney - Ricing Commission decision, and these edits  
11 are almost identical to those in the previous discussion I  
12 discussed, for the same reasons.

13                   With that, is there a motion to adopt the  
14 revisions?

15                   ACTING COMMISSIONER DEL VALLE: So moved.

16                   CHAIRMAN SCOTT: Is there a second?

17                   COMMISSIONER McCABE: Second.

18                   CHAIRMAN SCOTT: It's been moved and  
19 seconded. Any discussion on the revisions themselves?

20   (No response)

21                   CHAIRMAN SCOTT: All in favor of the  
22 revisions, say "aye".

23   ("Ayes" heard)

24                   CHAIRMAN SCOTT: Any opposed?

25   (No response)



1                   CHAIRMAN SCOTT: The "ayes" have it on a  
2 vote of 4 to nothing, and the edits are adopted.

3                   Is there now a motion to enter the Order as  
4 amended?

5                   ACTING COMMISSIONER MAYE: So moved.

6                   CHAIRMAN SCOTT: Is there a second?

7                   COMMISSIONER McCABE: Second.

8                   CHAIRMAN SCOTT: Moved and seconded. Is  
9 there any discussion?

10                  ALJ ALBERS (by phone): Mr. Chairman?

11                  CHAIRMAN SCOTT: Yes.

12                  ALJ ALBERS: Mr. Chairman, would you like an  
13 update on comments?

14                  CHAIRMAN SCOTT: Please. Thank you, Judge.

15                  ALJ ALBERS: This is Judge Albers. As of this  
16 morning, there were 285 comments on the docket.

17                  CHAIRMAN SCOTT: Thank you.

18                  Commissioner Del Valle?

19                  ACTING COMMISSIONER DEL VALLE: I have to say,  
20 too, I'm not pleased with this process, but it's a process  
21 that was imposed on the Commission by the Illinois General  
22 Assembly when House Bill 4649 was approved. I think under  
23 the circumstances, the Commission Staff, the Administrative  
24 Law Judges have done a fantastic job of ensuring proper  
25 analysis and providing opportunities for all parties to

1 chime in. But upon questioning, we know that in the last  
2 session, the Administrative Law Judges indicated they  
3 wished they would have had more time, and so I think that  
4 while there is consensus around the need for this  
5 project -- and I concur with that -- the process itself, I  
6 think, has left a lot to be desired.

7           So, while I've been supporting the project, I  
8 would hope that at some point someone would want to look at  
9 this expedited process. I don't know that they envisioned,  
10 when they decided to support an expedited process, a  
11 project this large, and, again, I think that while we may  
12 not see another project this large in the near future,  
13 there will be other projects that will come before us, and  
14 I would hope that we would find a way of encouraging the  
15 General Assembly to make a change here.

16           I want the record to show that when this bill  
17 was up for consideration, the Commission did put together a  
18 position paper in opposition to the bill, and in that  
19 paper, the Staff indicated that in their analysis, a period  
20 so short will almost certainly hinder local governments and  
21 property owners from forming effective intervention groups,  
22 in devising strategies, forming them, to provide testimony  
23 on the growing new transmission lines.

24           Now, there will almost always be people who,  
25 no matter what, will not want transmission lines on their

1 property, "not in my back yard". That's a given, and  
2 that's why I think Staff has done a fabulous job. The  
3 Commission, I think, considered everything in coming up  
4 with this order, and I commend them for that. But I wish  
5 they would have had more time to be even more thorough than  
6 they have been.

7 Thank you.

8 CHAIRMAN SCOTT: Further discussion?

9 (No response)

10 CHAIRMAN SCOTT: I've got a few things to say.  
11 And while I agree with -- I think I agree with everything  
12 Commissioner Del Valle said, we may reach a different  
13 conclusion here. We both have a lot of the same concerns,  
14 and this is an incredibly difficult case, made more so, as  
15 Commissioner Del Valle had pointed out, by a statute that  
16 truncates the time to decide. An expedited schedule for a  
17 project this huge, which encompasses the number of property  
18 owners that are involved here, the multiple proposals, the  
19 huge costs and the long distance involved, it's really  
20 difficult, as the Commissioner said, to think that this is  
21 a type of project that the General Assembly envisioned when  
22 they passed the law allowing for an expedited process on  
23 transmission lines.

24 I agree with virtually everyone in this case,  
25 and as Commissioner Del Valle said, this project is

1 necessary for both short and long-term transmission needs  
2 in the state, and I also think the Judges did a remarkable  
3 job in trying to make sense of all of this in the time that  
4 they had, and I don't believe that they got as much help as  
5 they needed from the Petitioner in this case either. While  
6 I understand the need to tell the Petitioner to come back  
7 and fill in some blanks, I can't support the Order, as it  
8 leaves a hole in the line that is supposedly necessary, in  
9 its entirety, and I'm just uncomfortable in saying that all  
10 of this project is necessary, which I believe I said, and  
11 then leaving a piece to be decided later, and that  
12 virtually necessitates rehearing just to complete the line.

13 I appreciate all of the work that everyone  
14 did, Staff, Judges, fellow Commissioners, all of the time  
15 that everyone has put in on this case, and I know it's been  
16 difficult for everyone. I would hope in the future that  
17 Petitioners contemplate whether to use the expedited  
18 procedure and take note that if they use the expedited  
19 statute but lose time, as in this case because the original  
20 notices were messed up, or if they come to the point where  
21 they need to continue to provide evidence after the order  
22 and the rehearing procedure, then they really haven't saved  
23 any time at all.

24 So, is there further discussion?

25 (Pause)

1                   CHAIRMAN SCOTT: The motion and the second is  
2 to enter the Order as amended. All in favor say "aye".

3                                 ("Ayes" heard)

4                   CHAIRMAN SCOTT: Opposed?

5                   CHAIRMAN SCOTT: No.

6                   The vote is 3 to 1, and the Order is entered  
7 is amended.

8                   Judges Albers and Yoder, I think all of us  
9 can't say enough how much we appreciate all of the work you  
10 put in on this project, and we really appreciate that.  
11 Gentlemen, thank you very much.

12                   Item 7 is Docket No. 13-0289. This is Exelon  
13 Energy Company's Petition for Leave to File its 2012 Annual  
14 Kilowatt-hour Report Out of Time and for confidential  
15 treatment of that report. ALJ Yoder recommends entry of an  
16 Order granting a two-year period of confidential treatment.

17                   Is there any discussion?

18                                 (No response)

19                   CHAIRMAN SCOTT: Are there any objections?

20                                 (No response)

21                   CHAIRMAN SCOTT: Hearing none, the Order is  
22 entered.

23                   Items 8 and 9 can be taken together. These items  
24 are petitions for confidential and/or proprietary treatment  
25 of various annual reports. In each case, ALJ Yoder

1 recommends entry of an Order granting proprietary treatment  
2 for a period of two years from the date of submission.

3 Is there any discussion?

4 (No response)

5 CHAIRMAN SCOTT: Are there any objections?

6 (No response)

7 CHAIRMAN SCOTT: Hearing none, the Orders  
8 are entered.

9 Items 10 through 12 can be taken together. These  
10 items concern applications for licensure as an agent,  
11 broker, and consultant under Section 16-115C of the Public  
12 Utilities Act. In each case, ALJ Kimbrel recommends entry  
13 of an Order granting the requested certificate.

14 Is there any discussion?

15 (No response)

16 CHAIRMAN SCOTT: Are there any objections?

17 (No response)

18 CHAIRMAN SCOTT: Hearing none, the Orders  
19 are entered.

20 Item 13 is Docket No. 13-0435. This is IDOT's  
21 Petition for approval of the taking or damaging of certain  
22 properties owned by ComEd in DuPage County, by exercising  
23 the right of eminent domain. ALJ Riley recommends entry of  
24 an Order granting the requested relief.

25 Is there any discussion?

1 (No response)

2 CHAIRMAN SCOTT: Are there any objections?

3 (No response)

4 CHAIRMAN SCOTT: Hearing none, the Order is  
5 entered.

6 Item 14 is Docket No. 13-0475. This is ComEd's  
7 Petition to Revise its Tariffs Relating to Meter  
8 Installation on less than 45 days notice. Staff recommends  
9 that ComEd's request be granted.

10 Is there any discussion?

11 (No response)

12 CHAIRMAN SCOTT: Just very briefly, I  
13 appreciate the work that goes behind this, as advance  
14 meters begin to be rolled out here in the very near future.  
15 This will help with not only repairs of a lot of the meters  
16 going in, but it's done so in a way that is not intrusive  
17 to the customers, either in terms of time or in terms of  
18 payment, and, in fact, the customers don't pay for this at  
19 all. So we will obviously be looking at additional issues  
20 in the future as it relates to advance meters, but I think  
21 this helps a lot. So, I appreciate the work behind this  
22 particular item.

23 Further discussion?

24 (No response)

25 CHAIRMAN SCOTT: Are there any objections?

1 (No response)

2 CHAIRMAN SCOTT: Hearing none, special  
3 permission is granted.

4 Item 15 is Docket No. 13-0372. This is Midwest  
5 Foot Care's complaint against ComEd as to billing and/or  
6 charges. The Complainant has filed a Motion to Withdraw,  
7 which ALJ Riley recommends we grant.

8 Is there any discussion?

9 (No response)

10 CHAIRMAN SCOTT: Are there any objections?

11 (No response)

12 CHAIRMAN SCOTT: Hearing none, the motion is  
13 granted.

14 Item 16 is Docket No. 11-0780. This is James  
15 McGrath's complaint against ComEd as to service in  
16 Bloomingdale, Illinois. It appears that the parties have  
17 settled their differences and have filed a Stipulation and  
18 Joint Motion to Dismiss, which ALJ Riley recommends we  
19 grant.

20 Is there any discussion?

21 (No response)

22 CHAIRMAN SCOTT: Are there any objections?

23 (No response)

24 CHAIRMAN SCOTT: Hearing none, the motion is  
25 granted and the Complaint is dismissed.



1                   Item 17 is Docket No. 12-0656. This is our  
2 proceeding initiated pursuant to Second 9-220, conducting a  
3 reconciliation of MidAmerican's revenues collected under  
4 its purchased gas adjustment clause with actual costs  
5 prudently incurred. ALJ Hilliard recommends entry of an  
6 order approving the reconciliation.

7                   Is there any discussion?

8   (No response)

9                   CHAIRMAN SCOTT: Are there any objections?

10   (No response)

11                   CHAIRMAN SCOTT: Hearing none, the Order is  
12 entered.

13                   Item 18 is Docket No. 13-0394. This is Nicor's  
14 Petition for Waiver of a provision of the Final Order in  
15 Docket No. 08-0363 requiring a Supplemental Schedule to  
16 Form 21, reporting on Affiliate Transactions between Nicor  
17 Gas Company and its affiliated companies. ALJ Baker  
18 recommends entry of an Order granting the requested relief.

19                   Is there any discussion?

20   (No response)

21                   CHAIRMAN SCOTT: Are there any objections?

22   (No response)

23                   CHAIRMAN SCOTT: Hearing none, the Order is  
24 entered.

25                   Item 19 is Docket No. 13-0440. This is

1 CenterPoint Energy Services' application for a Certificate  
2 of Service Authority to operate as an AGS in Illinois. ALJ  
3 Von Qualen recommends entry of an Order granting the  
4 requested certificate.

5 Is there any discussion?

6 (No response)

7 CHAIRMAN SCOTT: Are there any objections?

8 (No response)

9 CHAIRMAN SCOTT: Hearing none, the Order is  
10 entered.

11 Item 20 is Docket No. 13-0125. This is Maria  
12 Sroka's complaint against AT&T as to work done on her  
13 property in Chicago Ridge. The Petitioner brought a Motion  
14 to Dismiss her Complaint, which ALJ Sainsot recommends we  
15 grant.

16 Is there any discussion?

17 (No response)

18 CHAIRMAN SCOTT: Are there any objections?

19 (No response)

20 CHAIRMAN SCOTT: Hearing none, the motion is  
21 granted and the proceeding is dismissed.

22 Item 21 is Docket No. 13-0381. This is Gallatin  
23 River Communications and Verizon Wireless' Joint Petition  
24 for Approval of a first amendment to its Interconnection  
25 Agreement and Reciprocal Compensation Agreement. ALJ Baker

1 recommends entry of an Order approving the amended  
2 agreement.

3 Is there any discussion?

4 (No response)

5 CHAIRMAN SCOTT: Any objections?

6 (No response)

7 CHAIRMAN SCOTT: Hearing none, the Order is  
8 entered.

9 Item 22 is Docket No. 13-0396. This is AT&T and  
10 Access One's Joint Petition for Approval of a Sixth  
11 Amendment to its Interconnection Agreement. ALJ Baker  
12 recommends entry of an Order approving the amended  
13 agreement.

14 Is there any discussion?

15 (No response)

16 CHAIRMAN SCOTT: Any objections?

17 (No response)

18 CHAIRMAN SCOTT: Hearing none, the Order is  
19 entered.

20 Item 23 is Docket No. 12-0552. This is Steve  
21 James' complaint against Aqua Illinois as to billing and/or  
22 charges. ALJ Yoder recommends entry of an Order dismissing  
23 the proceeding.

24 Is there any discussion?

25 (No response)

1 CHAIRMAN SCOTT: Are there any objections?

2 (No response)

3 CHAIRMAN SCOTT: Hearing none, the Order is  
4 entered and the proceeding is dismissed.

5 Items 24 and 25 are FERC matters concerning  
6 pending litigation, so we'll go into closed session to  
7 address them. Is there a motion to go into closed session?

8 ACTING COMMISSIONER MAYE: So moved.

9 CHAIRMAN SCOTT: Is there a second?

10 COMMISSIONER McCABE: Second.

11 CHAIRMAN SCOTT: Moved and seconded. All in  
12 favor, say "aye".

13 ("Ayes" heard)

14 CHAIRMAN SCOTT: Any opposed?

15 (No response)

16 CHAIRMAN SCOTT: Vote is 4 to nothing, and  
17 the Commission will now go into closed session.

18 Please let me know when the room is ready in  
19 Springfield.

20

21 (Proceedings held in closed session.)

22

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25

1 THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN SESSION:

2 CHAIRMAN SCOTT: In closed session, the  
3 Commission discussed OMS's comments on MISO's Order No.  
4 1000 Regional Compliance Filing and the ICC's comments on  
5 MISO's Order 1000 Regional Compliance Filing. Is there a  
6 motion to support the filing of these comments with FERC?

7 COMMISSIONER McCABE: So moved.

8 CHAIRMAN SCOTT: Is there a second?

9 ACTING COMMISSIONER MAYE: Second.

10 CHAIRMAN SCOTT: Been moved and seconded. All  
11 in favor, say "aye".

12 ("Ayes" heard)

13 CHAIRMAN SCOTT: Any opposed?

14 (No response)

15 CHAIRMAN SCOTT: Vote is 4 to nothing, and the  
16 filings will be made with FERC.

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

19 ALJ WALLACE: No, that's all, Mr. Chairman.

20 CHAIRMAN SCOTT: We have just one quick  
21 matter. We need to wish a belated birthday to Commissioner  
22 Del Valle and a one-day belated birthday to Commissioner  
23 Maye. So, happy birthday.

24 Hearing nothing more to come before the body,  
25 the meeting stands adjourned. Thanks everyone.