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BEFORE THE
ILLINOIS COMMERCE COMMISSION
REGULAR OPEN MEETING
PUBLIC UTILITY
Tuesday, August 24, 2016
Chicago, Illinois

Met, pursuant to notice, at 10:30 A.M.,
at 160 North La Salle Street, Chicago, Illinois.

- PRESENT:
- BRIEN J. SHEAHAN, Chairman
 - ANN MCCABE, Commissioner
 - SHERINA E. MAYE EDWARDS, Commissioner
 - MIGUEL DEL VALLE, Commissioner
 - JOHN R. ROSALES, Commissioner
- SULLIVAN REPORTING COMPANY, by
PATRICIA WESLEY
CSR NO. 084-002170

1 CHAIRMAN SHEAHAN: Good morning. Is everybody
2 ready in Springfield?

3 COMMISSIONER MCCABE: Yes.

4 CHAIRMAN SHEAHAN: Pursuant to the Open Meeting
5 Act, I call the August 24, 2016 Regular Open Meeting
6 to order.

7 Commissioners del Valle, Edwards, and
8 Rosales are present with me in Chicago.
9 Commissioner McCabe is present in Springfield. We
10 have a quorum. There's no public comments.

11 Moving on to the Public Utilities
12 Agenda, there are edits to the Minutes of our
13 July 21, 2016 Policy Session. There are no edits to
14 the Minutes of the August 3rd Regular Open Meeting.
15 There are edits to the Minutes of our August 9, 2016
16 Regular Open Meeting.

17 Are there any objections to approving
18 the Minutes?

19 (No response .)

20 Hearing none, the Minutes are
21 approved.

22 Items E-1 through E-3 concern various

1 consumer complaints against ComEd.

2 Are there any objections to
3 considering these items together and approving the
4 proposed Orders?

5 (No response.)

6 Hearing none, the Orders are approved.

7 Items E-4 through 9 concern
8 Certificates to Install, Maintain or Repair Electric
9 Charging Facilities.

10 Are there any objections to
11 considering these items together and approving the
12 proposed Orders?

13 (No response .)

14 Hearing none, the Orders are approved.

15 Items E-5 through 7 concern
16 Certificates for Certification as an Installer of
17 Distributed Generation Facilities.

18 Are there any objections to
19 considering these items together and approving the
20 proposed Orders?

21 (No response.)

22 Hearing none, the Orders are approved.

1 Item E-8 concerns RPA Energy's
2 Application for a Certificate of Service Authority.

3 Is there any objection to approving
4 the proposed Order?

5 (No response.)

6 Hearing none, the proposed Order is
7 approved.

8 COMMISSIONER MAYE EDWARDS: My apologies. My
9 apologies Mr. Chairman, I may be confused. I think
10 we did E-4 through 9 together. We didn't do the
11 ones that were in-between that.

12 CHAIRMAN SHEAHAN: We did 5 through 7 and then 8.

13 COMMISSIONER MAYE EDWARDS: Actually you did E-9
14 earlier. My apologies.

15 CHAIRMAN SHEAHAN: Items E-10 through 11 concern
16 Petitions for Confidential Treatment of certain
17 reports.

18 Are there any objections to
19 considering these items together and approving the
20 proposed Orders?

21 (No response.)

22 Hearing none, the Orders are approved.

1 Item E-12 concerns a Petition for
2 Interlocutory Review regarding Ameren's Pricing
3 Annual Update Filing.

4 Is there a motion to deny the
5 petition?

6 (No response.)

7 COMMISSIONER ROSALES: So moved.

8 CHAIRMAN SHEAHAN: Is there a second?

9 COMMISSIONER MAYE EDWARDS: Seconded.

10 CHAIRMAN SHEAHAN: Any discussion?

11 Commissioner del Valle.

12 COMMISSIONER del VALLE: Thank you, Mr. Chairman.

13 Last year, in Docket No. 15-0305, the
14 Commission approved increases in Ameren's revenue
15 requirements based on the sale of Ameren's
16 generation units.

17 In this year's rate case, CUB and IIEC
18 presented testimony that reexamined that sale of
19 generation units and how it affects this year's
20 revenue requirement.

21 Ameren suggests that this testimony
22 engages in an impermissible collateral attack.

1 To be a collateral attack, however, the testimony
2 would have to challenge the validity of the revenue
3 requirement of Docket 15-0305 and suggest a refund.
4 None of the stricken testimony does that.

5 The motion seeks to strike all
6 testimony which suggests the Commission reconsider
7 an issue -- that is, the sale of Ameren's generation
8 units that caused an increase in last year's rates
9 -- and how that affects the prudence and
10 reasonableness of this year's revenue requirement.

11 Indeed, the two schedules, which were
12 also stricken, only concern the revenue requirement
13 for this docket and its test year and do not affect
14 or challenge the revenue requirement approved in
15 Docket 15-0305.

16 The fact that Ameren motions to strike
17 all testimony concerning the issue suggests that
18 Ameren is arguing that the Commission is precluded
19 from considering how an issue affects the current
20 test year's revenue requirement when that issue was
21 considered in the previous rate case.

22 Substantial case law, however, is

1 clear in establishing that issue preclusion does not
2 apply in Commission rate cases.

3 Because the stricken testimony clearly
4 does not meet the definition of a collateral attack
5 and the doctrine of issue preclusion does not apply,
6 the ALJ's ruling should be reversed and the
7 testimony should be restored in the record.

8 For that reason, I will be voting no.

9 CHAIRMAN SHEAHAN: Thank you.

10 Is there any further discussion?

11 Commissioner McCabe.

12 COMMISSIONER McCABE: Thank you.

13 I agree with CUB and IIEC that the
14 Commission has the authority to review costs for
15 prudence. Information on costs from prior years may
16 even be helpful in such a review.

17 In their opposition, Ameren argues
18 that the Formula Rate cases exist to verify the
19 prudence of actual costs. I agree.

20 It's my understanding that the ALJ's
21 Order striking portions of CUB Witness Gorman's
22 testimony does not set a floor on Ameren Service

1 Company costs.

2 The costs of Shared Services Companies
3 of Illinois utilities has been an issue in the past
4 sometimes resulting in audits. The Commission
5 should ensure that Shared Services entities are
6 achieving their intended economies and providing
7 services cost-effectively and efficiently. Shared
8 Services costs have increased significantly.

9 I encourage the parties to thoroughly
10 examine these costs and others in the record of this
11 docket, and I will go along with the Commission.

12 CHAIRMAN SHEAHAN: Thank you,
13 Commissioner del Valle.

14 Anything further?

15 (No response.)

16 All those in favor of denying the
17 petition, say aye.

18 (Chorus of ayes.)

19 Opposed, say nay.

20 COMMISSIONER McCABE: Nay.

21 COMMISSIONER del VALLE: Nay.

22 CHAIRMAN SHEAHAN: The vote is 3 to 2 and the

1 Motion to Deny passes.

2 Item E-13 concerns Fortis Inc., and
3 ITC Midwest Reorganization's Application.

4 Are there any objections to approving
5 the proposed Orders?

6 (No response.)

7 Hearing none, the Orders are approved.

8 Item G-1 concerns --

9 JUDGE KIMBREL: Mr. Chairman, I'm sorry. I think
10 Item 4 the proposed Order denied the application and
11 I just want to make sure that was correct.

12 CHAIRMAN SHEAHAN: E-4?

13 JUDGE KIMBREL: Right.

14 CHAIRMAN SHEAHAN: Item 16-0049, EMF Electric
15 Company's Application?

16 COMMISSIONER MAYE EDWARDS: I think that's what I
17 was asking you about earlier.

18 CHAIRMAN SHEAHAN: Right, and the motion was to
19 accept the proposed Order.

20 JUDGE KIMBREL: Okay.

21 CHAIRMAN SHEAHAN: Right.

22 COMMISSIONER MAYE EDWARDS: I think we should

1 probably do them separately because it's not the
2 same motion.

3 CHAIRMAN SHEAHAN: Rather than -- oh, I'm sorry.
4 Okay.

5 Is there a motion to approve the
6 proposed Order regarding E-4?

7 COMMISSIONER MAYE EDWARDS: So moved.

8 COMMISSIONER ROSALES: Seconded.

9 CHAIRMAN SHEAHAN: Any discussion?

10 (No response.)

11 All those in favor, say aye.

12 (Chorus of ayes.)

13 Opposed, say nay.

14 (No response.)

15 Thank you for pointing that out.

16 We are back to G-1 concerning Liberty
17 Utilities' filing for a general increase in gas
18 rates.

19 Is there any objection to approving
20 the proposed Order?

21 (No response.)

22 Hearing none, the Order is approved.

1 Items G-2 and 3 concern Reconciliation
2 of Revenues under Nicor Gas Adjustment Charges with
3 actual costs prudently incurred.

4 Are there any objections to
5 considering these items together and approving the
6 proposed Orders?

7 (No response.)

8 Hearing none, the Orders are approved.

9 Item G-4 and 5 concern consumer
10 complaints.

11 Are there any objections to
12 considering these items together and approving the
13 proposed Orders?

14 (No response.)

15 Hearing none, the Orders are approved.

16 Item G-6 concerns repeal of Part 500
17 and Revision of Part 501 of the Administrative Code.

18 Are there any objections to approving
19 the proposed Orders?

20 (No response.)

21 Hearing none, the Orders are approved.

22 Item G-7 concerns MidAmerican Energy's

1 Request for Approval of a Bond Issuance.

2 Are there any objections to approving
3 the proposed Order?

4 (No response.)

5 Hearing none, the Order is approved.

6 Item T-1 concerns ACN Communication
7 Services' Petition for the Confidential Treatment of
8 financial information.

9 Are there any objections to approving
10 the proposed Order?

11 (No response.)

12 Hearing none, the Order is approved.

13 Item T-2 concerns CereTel's
14 Application for a Certificate of Prepaid Calling
15 Service Provider Authority.

16 Any objections to approving the
17 proposed Order?

18 (No response.)

19 Hearing none, the Order is approved.

20 Moving on to Item W-1, Water and Sewer
21 agenda, Item W-1 concerns Aqua Illinois' Petition
22 for Use of Eminent Domain Authority.

1 Are there any objections to approving
2 the proposed Order?

3 (No response.)

4 Hearing none, the Order is approved.

5 That concludes our Regular Agenda.

6 We have no Miscellaneous, Petitions
7 for Rehearing, or other business.

8 Judge Kimbrel, do you have any other
9 matters for us this morning?

10 JUDGE KIMBREL: No.

11 COMMISSIONER SHEAHAN: Any other matters to be
12 raised before the Commissioners?

13 COMMISSIONER ROSALES: I do, Mr. Chairman. If I
14 may, I would like to welcome Vanessa Gracia to the
15 Illinois Commerce Commission team. Vanessa hails
16 from DePaul University. I want to welcome her.

17 CHAIRMAN SHEAHAN: Very good.

18 Any other announcements or issues?

19 (No response.)

20 All right. Hearing none, we stand
21 adjourned. Thank you.

22 (Whereupon, the above

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matter was adjourned.)